UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS
SECOND SESSION

VOLUME 128—PART 2

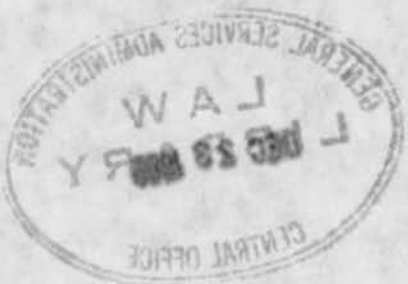
FEBRUARY 10, 1982 TO MARCH 1, 1982
(PAGES 1401 TO 2695)

GENERAL SERVICES ADMINISTRATION
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1982

89-059 O-85-1 (Pt. 2)

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO



For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, February 10, 1982*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us the awareness, O God, to open our lives to the beauty and wonder of Your created world. May we not focus only on the problems and pains of the day, but see also the glory and majesty of Your gifts to us and note with appreciation those about us who are busy in good works and righteous acts of compassion. We are thankful for the friendships that enrich our lives and nourish our faith and we sing praises for all dedicated people whose lives radiate the power and the glory of Your presence. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

NATIONAL GUARD UNIT FOR AMERICAN SAMOA

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, today, I am introducing legislation to authorize the establishment of a U.S. National Guard unit in the territory of American Samoa.

As is true everywhere else in this great Nation of ours, the establishment of a National Guard unit in American Samoa would provide an additional unit to aid the rapid expansion of the Active Forces if required. It would provide a force immediately available to the Governor of the territory if required for public protection. The people do have the right to expect and receive this measure of protection from their government. Furthermore, it would provide the opportunity for the people of our lone territory in the south seas, to serve their community and their nation as others do in all parts of our country.

All the flag territories, except American Samoa, have operating units of the National Guard. We are 2,600 miles away from the closest National Guard unit. Should an emergency arise requiring National Guard response, the distance would make such response far less effective than it would have been had there been a local unit.

The U.S. Army is today the leading employer of our people. We enjoy the opportunity and the privilege of serving in the defense of our country. Many have made the supreme sacrifice. I have always cited with pride the fact we have more men and women in the Armed Forces of our Nation than any other community of equal size.

There are many others who for many good reasons choose to remain in the territory. They would welcome the opportunity to serve their community and nation as members of the National Guard.

Unlike other territories, Mr. Speaker, there is no military presence in American Samoa, outside of the Army recruiting officers and the junior ROTC instructors. Our Governor cannot request assistance from the military for the protection of people and property, should the need arise.

In the normal process of this matter, our friends at the Military Establishment as well as the National Association of National Guards and other interested persons will undoubtedly share with us their views. I am hopeful that those views will be supportive.

Finally, Mr. Speaker, may I take this opportunity to express my appreciation and to commend our colleagues who have kindly consented to join me in sponsorship of this measure: the Honorable DANNY AKAKA, of Hawaii, the Honorable CEC HEFTEL, of Hawaii, the Honorable ANTONIO WON PAT, of Guam, and the Honorable RONALD DE LUGO of the Virgin Islands.

CHILDHOOD IMMUNIZATION PROGRAM GRANTS SHOULD NOT BE CUT BACK

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, I rise today on a matter which has great personal meaning to me.

Thirty-four years ago, on my honeymoon, I contracted polio. Luckily, I was able to put my life back together through therapy at Warm Springs, Ga. There, I saw firsthand the personal pain, family suffering, and disruption this terrible disease caused in the lives of others.

Fortunately for my four children, and millions of other youngsters, the development of an effective vaccine and an aggressive policy of childhood immunization has virtually eliminated the terror and fear we experienced at the mere mention of polio.

But, the Reagan administration now wishes to turn back the clock by implementing a drastic 10-percent reduction in the childhood immunization program grants to States to control not only polio, but also rubella, measles, mumps, tetanus, diphtheria, and whooping cough.

This is an unbelievably shortsighted policy that would use the health of our children as fodder for some paltry savings barely visible on this year's OMB budget chart.

We have clear evidence as to the long-range effect such a cutback will have in what can be called dollars and commonsense. In 1969, Congress briefly halted Federal participation in the measles control program, which prompted many States—including New York—to do likewise. The result was a 30-percent drop in the number of immunizations at New York public clinics. The very next year, the incidence of measles among New Yorkers tripled.

The fiscal foolishness is also obvious. Immunizing a pregnant woman against rubella costs between $2 and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

$3. If no immunization occurs and the child contracts rubella, the cost of treating that child over its lifetime for serious and irremediable mental retardation amounts to $30,000 to $40,000 per year, or more than $1 million.

When this administration talks about the kind of health programs to which it is committed, it talks of health promotion, disease prevention, and cost effectiveness.

Few Federal health programs more clearly meet those lofty qualifications than the childhood immunization grant program.

PRESIDENT REAGAN DOES FAVOR THE WEALTHY

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, yesterday on his swing through the Midwest to promote his budget, the President of the United States tried to convince the American people that his budget was not designed to protect the wealthy of this country and hurt the needy. But, let us compare the benefits of this budget. This is a budget that is designed to eliminate the summer feeding program, a program which helped some 2 million poor children in this country last year who had no other source of good nutrition during the summer months. He would eliminate that program in this budget.

This is a budget which would repeal the WIC supplemental feeding program for women, infants and children. By providing high protein food to women during pregnancy, and to those mothers who are at high nutritional risk and are at the poverty line, WIC has been proven to prevent birth of infants with birth defects, mental retardation, or physically handicapping conditions. That program would be repealed, and merged into a block grant with other programs. But the block grant to help women, infants, and children would be slashed by some $300 million.

Yet, we have not heard a word by this President about the $3.5 billion the Treasury will lose as his wealthy friends continue to deduct their three-martini lunches this summer. The three-martini lunch will thrive, and the treasury will lose $3.5 billion. The taxpayers of this country will fully subsidize those lunches, no matter whether they buy imported wine, champagne and no matter what the meals cost.

But this summer the President wants to eliminate the summer feeding program for poor children. This summer, the President will try to repeal the cost-effective nutrition program for women, infants, and children. And in our school lunch program, where he says no child will be hurt, more than 20 percent of the children have already dropped out of that program, many of them poor children below the poverty line.

When you compare the benefits and the damages in this budget, it is very clear that the damages are all borne by the poor of this country. The public should keep that fundamental inequity in mind while we debate the President's unfair budget proposal.

A DEFENSE OF THE CONGRESSIONAL BUDGET PROCESS

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise today in defense of the congressional budget process. I believe it is a process that has served us reasonably well over the years despite problems we are all aware of. Without it, things would have been much worse.

The budget process requires that we all work together to come up with a financial plan for the year that is acceptable to all segments of our society and achieves growth without runaway inflation. It implies the give and take that is vital for civil politics.

That is why I was disturbed by press reports that the President has told us—quote "to put up or shut up" in response to his budget proposal. That does not sound like the remark of someone who is interested in consensus instead of confrontation. What it does remind me of is a cowboy who is just itching for a shootout at the OK corral.

I frankly do not know who would win in such a confrontation. It is possible that the President, whose own political colleagues refer to him as a riverboat gambler, could prevail. It is also quite possible that, given the shifting political mood, his opponents would prevail.

But the country would lose regardless of the outcome. That is why I was disturbed by the challenge. Our country faces some serious economic problems. Some of us believe the White House is causing rather than curing them. But I believe all of us here have a willingness to try to reach a consensus to face our economic problems. Continued irresponsible rhetoric could cripple the budget process. If that happens, we will all be losers.

TRANSFER OF FEDERAL PROGRAM RESPONSIBILITY IS UNFAIR

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, President Reagan in his "Beverly Hills budget" has proposed a major transfer of Federal program responsibility. I am alarmed at the unfair nature of the proposal at face value. However upon reading an article in today's Washington Post, I am even more alarmed. The article points out that the American Public Welfare Association concludes that the Reagan administration changes in the program of aid to families with dependent children will save the Federal Government only $434 million in fiscal 1982, instead of the $1.026 billion it expected.

It appears David Stockman's Trojan Horse is still the main event in the administration's budget roundup. The Reagan administration mirrors have failed to answer basic questions regarding its New Federalism. Under what logic are the needy elderly the natural responsibility of the Federal Government while needy children and families are the responsibility of States? What evidence is there that States are more responsive to the people than the Federal Government? How will low-income people, including the working poor, be assured of at least minimal health care if AFDC eligibility is determined by each State and medicaid eligibility by the Federal Government?

Until these and many more fundamental policy questions can be answered, the Reagan budget will remain exactly what it is; a circus side show.

PRESIDENT'S ADVICE TO "PUT UP OR SHUT UP" MISDIRECTED

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAWKINS. Mr. Speaker, yesterday, Tuesday, February 9, the House by a vote of 398 to 3, and after only a few minutes of discussion, approved $1.9 billion to maintain unemployment compensation payments and other services related thereto in this fiscal year.

While this is made necessary to alleviate hardship because of misguided policies that have created widespread joblessness, we should not rely upon this method of patching up the faltering economy.

The President, at the same time, is proposing in his budget to reduce total funds for employment and training from the $8.4 billion which was available in fiscal 1981 to a mere $2.4 billion in 1983, much of which will not even be expended in this next fiscal year. Apparently, the President still resists spending money to create jobs, but is being forced to spend when people become unemployed.

Currently pending in the Congress are three training and employment proposals; two by the House Subcommittee on Employment Opportunities

that I chair; a third by Senator QUAYLE of Indiana that is very similar and would authorize $4 billion as opposed to the $5 billion in my proposal. All three bills are carefully structured and widely supported.

The President continues to criticize those who differ with his programs of not having alternatives. Apparently he is totally ignorant of or ill advised as to constructive proposals that present better approaches than his willingness to spend money on unemployment compensation, but not to providing employment opportunities.

His advice to his critics: "put up or shut up" seems misdirected.

Mr. Speaker, I want to state emphatically that alternative policies have been proposed and are now moving through the Congress. The proposals that I have described are not a panacea for our current economic crisis, but they offer constructive programs for aiding the jobless and improving the skills of the work force.

All three proposals emphasize training for jobs in the private sector and bring in business as an active partner in public employment policy. All three recognize the critical importance of investment in human capital as essential to a sound economy.

However, in response to the record level of joblessness and the alarming decline in our industrial competitiveness, the President has proposed a substantial reduction of funds for job training and has offered no program beyond a vague proposal to turn job training over to the States.

The President's 1983 budget reduces total funds for employment and training from the $8.4 billion available in fiscal 1981 to $2.4 billion in 1983. Of the $1.8 billion proposed for grants to States for employment and training activities, only $900 million would actually be expended in 1983. Job Corps funds would be cut by one-third to $387 million, with enrollment dropping from 40,000 presently to approximately 22,000 by the end of 1983. The President's proposal would lump national employment and training programs currently serving Indians, migrants, and other target groups with programs for older Americans now served by older Americans community service employment programs under a meager request of only $200 million. In 1981, these groups combined received $582 million in funding.

The proposal provides no funds for summer youth employment and no funds for welfare recipients under the WIN program. If, as the administration has indicated, its employment and training priorities will be targeted to youth and welfare recipients, it is indeed puzzling to note the destruction of these vital programs.

I would turn the President's exhortation around: Congress has a constructive bipartisan initiative to aid the jobless. What do you have? Either give the American people a better alternative or join with us.

□ 1115

THE DEMOCRATS' BUDGET ALTERNATIVES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and to include extraneous matter.)

THE FORGOTTEN ALTERNATIVE

Mr. ALEXANDER. Mr. Speaker, yesterday while President Reagan was in Indianapolis, he challenged those who have criticized his budget to "put up or shut up," stating further that no alternative had been offered. While the current budget deficit estimates are alarming, during the weeks ahead independent budget analysts will reveal to the American people that the Reagan deficit for fiscal 1983 will approximate $130 to $160 billion, depending upon which set of assumptions are used. Every discerning American is concerned about the economic future of our Nation.

Last year alternative budget and tax proposals were offered, and rejected. I would reply to the President today with the same response that I stated last year in voting for that alternative:

First. The alternative produced a substantially lower deficit, estimated to be $25.6 billion—nearly four times less than the deficit that the President now tells us his policy will produce this year.

Second. The alternative was more favorable to small businesses. The administration bill favored large corporations.

Third. The alternative favored average income taxpayers and therefore provided a substantially larger tax cut to taxpayers in the First Congressional District of Arkansas, while the administration plan favors large corporations and higher tax-bracketed citizens living in other regions of the Nation.

The National Home Builders Association summarized the differences between the alternative and the administration policy in this manner:

"It is a simple choice between Main Street and Wall Street."

Mr. President, while an alternative was presented last year which has now gone unnoticed, I agree that it is time to present another.

A REMINDER OF THE PLIGHT OF LITHUANIA

(Mrs. FENWICK asked and was given permission to address the House of 1 minute.)

Mrs. FENWICK. Mr. Speaker, the House will not be in session on February 16, and so I would like to bring to the attention of the House and place in the RECORD a reminder about the country of Lithuania.

Seven hundred and thirty-one years ago this country was independent, and sixty-four years ago its independence, which had been lost in the interval, was reinstated. Then again independence was taken away from Lithuania by agreement between two dictators, Stalin and Hitler.

We have watched from this side of the Atlantic the suffering of these people under the Stalinists and now under the present regime. But perhaps we can say, to paraphrase the poet, that "no empire lasts forever, and even the weariest river winds somewhere safe to sea."

What will that sea be? The sea of justice and independence, the right to practice one's religion and to speak freely. Those rights have been denied to the Lithuanian people, even though they were again affirmed in the constitution of the Soviet Union and in the pact signed by the Soviet Union and the United States and 33 other nations at Helsinki in 1975.

Yes, Mr. Speaker, no empire lasts forever. We look forward to the independence of the Lithuanian people.

A TRIBUTE TO THE LATE MICKEY SENKO

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it was a very sad moment when I learned of the death of Mickey Senko on February 5. Mickey has been a part of the Capitol Hill scene for so long, it is difficult to imagine the Halls of Congress without him. Although he formally retired from his duties as a photographer with the Republican Congressional Committee just 2 years ago, his free-lance activities brought his familiar, smiling face around the Hill since that time.

I do not need to remind any of you how well liked Mickey was on both sides of the aisle. His pleasant, easy-going manner endeared him to all. His low-key style belied the imaginative flair with which he took countless pictures of Congressmen and their constituents.

Mickey was dependable, pleasant, and nice to have around. I am glad I had the opportunity to share so many special moments with him over the years.

Betty joins me in expressing heartfelt sympathy to Mickey's wife, Mary, and to all the members of his family.

LAW OF THE SEA

(Mr. FIELDS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, we are now, as a Nation, almost totally dependent upon foreign countries, most of them unstable, for the minerals so vital to our economy and national defense.

For example, America imports 93 percent of the cobalt we use. Cobalt is necessary for making jet engines and is imported mostly from Zaire and Zambia, two strife-torn African nations. The United States imports 98 percent of its maganese and 91 percent of its chrome supply—vital components in stainless steel, jet and tank engines, and ball bearings—from mostly the Soviet Union and South Africa, both unrelible long-term sources.

The national security and the economic survival of the United States depend upon our capacity to secure and uninterrupted flow of these and other critical and strategic minerals from politically unstable Third World nations.

The deep seabed offers us a final opportunity to convert vast resources, discovered and produced by American technology, into a reserve of critical and strategic minerals, free of foreign dependence and domination.

Mr. Speaker, the proposed Law of the Sea Treaty removes from our grasp forever that opportunity for minerals independence; and instead, subjects this Nation and the West to the same type of stranglehold now enjoyed by OPEC in hydrocarbons.

This is just another of the many sound reasons that the proposed Law of the Sea Treaty should be rejected.

MYTHMAKING IN BUDGETARY MATTERS

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, with regard to the budget process now underway and the comments on the President's budget thus far, it appears as though the critics of the President's budget have taken the position that if the facts are not on your side, you simply create a myth. For example, they are creating a myth that somehow the President is making draconian cuts in those areas of the budget that relate to the poor.

The poor, in the budget last submitted by Jimmy Carter in fiscal 1981, only 2 years ago, were receiving in services—things like medicare and other health programs, public assistance, food stamps and other aid, education, manpower, and social services—$140.3 million. In this budget they will be getting $142.1 million. Now, that means they are getting more, not less than they were in the last Carter budget, which was generally thought to be running completely out of control.

So this particular President is not cutting back on the poor, and I think to say so is a myth.

There is also another myth, that somehow we are taking away by cutting tax dollars the ability of the Federal Government to operate. In fact, we are going to be collecting more tax dollars this year than we did last year or we did in 1981 by almost $60 billion. We will be collecting more in individual taxes than we were in 1981 by some several billion dollars.

So we are hearing myths about this budget, Mr. Speaker, and I think that the American people need to ask the question: Does mythmaking substitute for policymaking?

A TIME FOR WORKING TOGETHER, NOT BLAMING OTHERS

(Mr. ROEMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, obviously there are a number of Members of Congress who cannot abide a 1983 deficit of anywhere from $95 to $120 billion. The effects of that kind of deficit on ever higher interest rates, on decreasing economic activity, and on rising unemployment are certain—they are disastrous.

What should we do? Panic? That never solves anything.

Or should we become totally partisan in our rhetoric, blaming either the left for lack of fiscal discipline or the right for lack of compassion for anything except local projects? Or should we blame the Democrats' populistic excesses or the Republicans' corporate mentalities?

It is this fingerpointing partisanship that got us here. That will not deliver us from this burden.

I and others are working on alternatives that emphasize economic sanity and human equity. We welcome all those who put national interest before personal political gain.

Mr. Speaker, the time is now. The opportunity is ours. As Robert Frost once wrote, "You come, too." We need you now.

NATIONAL YEAR OF DISABLED PERSONS

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 134) to designate 1982 as the "National Year of Disabled Persons," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection to the request of the gentleman from New York?

Mr. WINN. Mr. Speaker, reserving the right to object, and I shall not object. First, I would like to thank the chairman of the subcommittee for bringing this bill to the House. As the prime cosponsor of the bill, I have worked hard to bring this to the attention of the Members of this House in House Joint Resolution 354.

□ 1130

I am very pleased with the support that we have gotten from the House and the Post Office and Civil Service Committee, and thank them for bringing out this bill which designates 1982 as the National Year of Disabled Persons, which is being considered today, even though legally we are referring, as the chairman said, to the version adopted in the last session of Congress by the other body.

Mr. Speaker, this will help continue the momentum that was begun in 1981 during the International Year of Disabled Persons. This commendable movement owes its strength to self-help and private sector initiatives, and I believe that this resolution will enhance the themes of partnership and community-based grassroots efforts of 35 million Americans with disabilities. It has been my pleasure to be the prime sponsor of this bill, and I am glad to see that the Post Office and Civil Service Committee agrees.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 134

Whereas the designation by the United Nations of 1981 as the International Year of Disabled Persons has stimulated new progress toward achieving the full participation in national and community life of the thirty-five million Americans who have disabilities;

Whereas such progress has depended upon the initiative and resources of individuals and organizations in all sectors of American society who have worked in partnership with disabled persons;

Whereas such partnership has contributed substantially toward improving the lives of disabled Americans;

Whereas further additional action is required to increase public understanding of the unfulfilled needs and potential contributions of disabled persons; and

Whereas further progress should be made in the United States toward achieving the following long-term goals of and for disabled persons promoted during the International Year of Disabled Persons: (1) expanded educational opportunity; (2) improved access to housing, buildings, and transportation; (3) expanded employment opportunity; (4) expanded participation in recreational, social, and cultural activities; (5) expanded and strengthened rehabilitation programs

and facilities; (6) purposeful application of biomedical research aimed at conquering major disabling conditions; (7) reduction in the incidence of disablity by expanded accident and disease prevention; (8) expanded application of technology to minimize the effects of disability; and (9) expanded international exchange of information and experience to benefit all disabled persons; and

Whereas the United Nations is building upon the International Year of Disabled Persons momentum and is considering long-term initiatives to improve the lives of the world's one-half billion disabled persons: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That 1982 hereby is designated the "National Year of Disabled Persons", and the President of the United States is authorized and requested to issue a proclamation calling upon the elected officials and people of the United States to observe such year through activities in support of the long-term goals for disabled persons promoted during the International Year of Disabled Persons.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CONSTRUCTION INDUSTRY WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 122) to authorize and request the President to designate the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week", and calling upon all Government agencies and people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL INVENTORS' DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 304) designating February 11, 1982, "National Inventors' Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 304

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in honor of the important role played by inventors in promoting progress in the useful arts and in recognition of the invaluable contribution of inventors to the welfare of our people, February 11, 1982, is hereby designated "National Inventors' Day". The President is authorized and requested is issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL PEACH MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 91) to designate July 1981 as "National Peach Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 91

Whereas peaches are recognizd as the number one summer fruit;

Whereas peaches are harvested in our Nation from May until October, with peak supplies occurring nationally in July;

Whereas public awareness of the need for a well-balanced diet is becoming increasingly evident;

Whereas medical authorities believe that proper nutrition can be a factor in preventing and relieving diseases such as cancer, cardiovascular diseases, and other illnesses; and

Whereas peaches, which contain only thirty-eight calories each, are an important source of vitamin A, protein, and minerals, such as calcium and iron, and can be a nutritious parts of any well-balanced diet: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate July 1981 as "National Peach Month", to call upon the people of the United States to incorporate nutrituous peaches into their diets when they are in season, and to call upon interested groups to celebrate this month with appropriate programs and activities that will make the benefits of this succulent fruit and of a well-balanced diet known to the consumers of America.

● Mr. BENEDICT. Mr. Speaker, I would like to congratulate my colleagues in the House of Representatives for passing today a bill that designates July 1982 as National Peach Month. I had the privilege of sponsoring this bill in the House, joining my distinguished colleague in the Senate, Mr. THURMOND of South Carolina.

By designating July of this year as National Peach Month, this measure allows an important agricultural commodity grown in West Virginia, South Carolina, and 31 other States of the Union to receive proper attention and recognition. As the third largest noncitrus fruit crop in the United States in both production and value, peaches are an important commodity in the mix of our agricultural economy. Because peaches are highly nutritious and low in calories, they are a welcome component of a balanced diet.

I would like to thank the more than 218 of my colleagues who cosponsored this resolution, as well as those groups outside Congress who were instrumental in its passage.●

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: On page 2, line 2, strike "1981," and insert in lieu thereof, "1982".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GARCIA).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title to read, to designate July 1982 as "National Peach Month".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

NATIONAL PTA MEMBERSHIP MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 105) to designate October 1981 as "National PTA Membership Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. LEACH of Iowa. Mr. Speaker, I reserve the right to object.

Mr. Mr. Speaker, I do not intend to object. I rise in support of this resolution designating National PTA Month which I have introduced with more than half the House as cosponsors. In so doing, I would like particularly to extend my thanks to the chairman of the subcommittee of jurisdiction, Mr. GARCIA of New York, for his support and leadership on this issue.

The National Congress of Parents and Teachers has for 85 years been an advocate for children and youth. Today, the National Parent-Teachers' Association represents over 29,000 State and local units and has over 6 million active members. This volunteer organization has as its noble objective the improvement of educational opportunities and the quality of life for all children and youth. In addition to being concerned with the basics of student education and school-life, the PTA seeks to raise the standards of home life for disadvantaged students and to secure for all children and youth the highest advantage in physical, mental, social and spiritual education.

Mr. Speaker, in this time of economic turmoil and continuing prospects of further budgetary cuts in the all-important area of education, it is important that the Congress of the United States clearly state its strong support for the Parent-Teachers' Association. Last September Senator PAUL LAXALT introduced similar legislation in the Senate where it passed overwhelmingly.

Education is at the heart of all efforts to build a strong economy, a strong nation, and a productive people. As such, our educational institutions and organizations, such as the Parent-Teachers' Association, deserve national recognition. I urge my colleagues to support passage of this symbolic bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 105

Whereas the National Congress of Parents and Teachers was founded in 1897 as an advocate for children and youth; and

Whereas the National Parent Teacher Association represents over twenty-nine thousand State and local units with over six million active members and is a volunteer organization concerned with improving the educational opportunities and quality of life for all children and youth; and

Whereas the Parent Teacher Association seeks to raise the standards of home life and to secure for all children and youth the highest advantages in physical, mental, social, and spiritual education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1981 is designated "National P.T.A. Membership Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: On page two, line 3, strike "1981" and insert in lieu thereof, "1982".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. GARCIA).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: Amend the title to read, to designate October 1982 as "National P.T.A. Membership Month".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JUSTICE ASSISTANCE ACT OF 1981

Mr. ZEFERETTI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 289

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4481) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. ZEFERETTI) is recognized for 1 hour.

Mr. ZEFERETTI. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 289 provides for the consideration of H.R. 4481, the Justice Assistance Act of 1981. The Rules Committee has granted an open rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order a committee amendment in the nature of a substitute as an original bill for the purpose of amendment, stipulating that said substitute shall be read for amendment by titles instead of by sections with each title considered as having been read.

At the conclusion of the amendment process the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4481 establishes a $170 million a year Federal grant program for State, local, and private initiatives against crime through 1983. The bill reserves 80 percent for a scaled down formula grant program based on population and crime rates, and provides the remaining 20 percent be earmarked for discretionary grants.

Programs eligible for funding under this legislation include community-police anticrime programs, arson control, sting operations, treatment for drug-dependent offenders, and programs for the alleviation of prison overcrowding.

This bill does not represent another LEAA. Instead, H.R. 4481 builds on the experience of the Law Enforcement Assistance Administration while abolishing the Federal bureaucratic burdens that have been imposed on

State and local governments in the past. The passage of this bill will eliminate both LEAA and the Office of Justice Assistance, Research, and Statistics within the Department of Justice. Both of these will be replaced with a new Office of Justice Assistance.

In addition, the LEAA grant program and the LEAA requirement of State criminal justice planning councils for States will be eliminated.

Mr. Speaker, there should be no higher priority then making our streets safe again. Obviously throwing money alone at the crime problem will not provide any solution. But crime is a national problem and our States and local entities need some Federal assistance. I believe the modest sum contained in this legislation will further the cause of effective law enforcement and urge my colleagues to support this rule so we can debate this important measure, H.R. 4481, the Justice Assistance Act of 1981.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule is a completely open rule, and I see nothing wrong with the rule but I see a lot wrong with the bill.

Here is another case where the administration is attempting to cut back on the budget and return to the States some of the functions that are rightly theirs. As a consequence, the administration strongly opposes the enactment of H.R. 4481, because: First, State and local governments should be primarily responsible for improving their own criminal justice programs; second, the Federal Government already provides some technical research and informational assistance to State and local governments; and third, the funds the bill would authorize to be appropriated for grants to State and local governments are inconsistent with the President's budget.

So what we are saying is that this bill is over the budget. It is not in the budget. As a matter of fact, there will be statements made here that you have got to pass this legislation because if you do not, you are not going to have safe streets, and so forth. Well, as a matter of fact, the existing authorization for fiscal year 1983 is $775 million, and this bill would reduce that to $191 million.

So if it is such a good program, why not $775 million, or double that?

Well, the program has been an absolute failure, other than the fact that you have been tossing taxpayers' money at purely local problems.

Under this program they buy various things that the local governments should be buying for themselves. And the same way with State governments. We have a lot of State governments that are operating in the black. Everybody around this place knows that this place is operating in the red. So we are going to turn back to the States money that they do not need for a program that should be theirs and theirs alone.

I think that when the proper time comes this bill should be defeated. We ought to stay within the budget and go forward to try to cut back on some of these expenditures which must be made.

Mr. ZEFERETTI. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HUGHES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4481) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union on the consideration of the bill, H.R. 4481, with Mr. ROEMER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. HUGHES) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

□ 1145

Mr. HUGHES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am proud to bring before the House the first legislation of this Congress to provide for a major Federal initiative in the fight against crime. This bill, H.R. 4481, authorizes the expenditure of a modest amount of Federal funds to assist State and local governments in the struggle against crime in the streets.

Unlike existing law, this bill does not provide authority and money to build a huge self-sustaining bureaucracy with Federal money. It does not represent that we can cure the crime problems of America by the infusion of Federal money, and it does not permit the money to be spent for any and all undertakings that fall within the criminal justice system. Instead, the small amount of money is targeted at specific critical crime problems, such as career criminals, arson, jail, and prison overcrowding, and increasing serious crimes being committed by juveniles. It is targeted at real crime problems, and the Federal money is matched dollar for dollar with local funds in most cases, to assure that the users believe in the programs, and are not just spending free Federal dollars. While a very small percentage of the money authorized can be used for testing new ideas, the vast majority of the dollars will go into programs that have been thoroughly tested, and have been shown to work.

The bill also creates for the first time in Federal law a requirement that the Attorney General coordinate the Federal law enforcement response to crime emergencies such as those experienced in south Florida.

We all know the sad, and often, troubling history of the Law Enforcement Assistance Administration. LEAA was designed to meet a legitimate need, but unfortunately it got caught up in a swirl of conflicting goals and ineffective administration. Despite its generally negative image, however, LEAA did produce some impressive results. Without LEAA we would not have developed programs like the career criminal, sting operations, treatment alternatives to street crime, and many other law enforcement programs. None of us wishes to return to the LEAA of days gone by, but I would hope that most of us would be able to support legislation that takes the best of the LEAA experience. We on the Judiciary Committee believe that H.R. 4481 does just that.

The major feature of the Justice Assistance Act of 1981 is a block grant program for criminal justice funds. Under the bill, the modest block grant pool of about $150 million will be distributed to the States on the basis of population and crime rate. The bill would abolish the bureaucratic nightmare of LEAA and replace it with a lean and scaled-down operation that would not impose Federal bureaucratic requirements on State and local recipients.

The major features of the legislation include a requirement that the States provide a 50-percent match before they receive any Federal funds; the elimination of the federally required State planning agencies and councils, and a narrower focus for the grants.

The proposed Office of Justice Assistance (OJA) would have limited discretion under the bill; 80 percent of the money would be distributed directly to the States, with each State getting a minimum amount of $250,000 with the remainder to be distributed one-half on the basis of population and one-half based on the State's crime rate.

The Justice Assistance Act of 1981 provides 13 permissible categories of criminal justice programs which can

be funded under this legislation. The 13 programmatic areas generally reflect those projects that have a proven record of effectiveness. The permissible categories include:

First, community and police anticrime programs;

Second, sting operations;

Third, arson programs;

Fourth, white collar crime and organized crime programs;

Fifth, career criminal programs;

Sixth, victim/witness programs;

Seventh, treatment alternatives to street crime (TASC); and

Eighth, prosecutor and police management information systems.

These program categories were chosen by the committee because they have been positively evaluated and had the support of the law enforcement community. In addition, a State may use up to 10 percent of its criminal justice grant for innovative or new criminal justice programs which address critical crime issues.

In addition to the block grant programs which are provided for in section 401 of the legislation, 20 percent of the funds are reserved for discretionary grants at the Federal level. Under the bill, the committee recognized that in order to move some new and worthwhile programs from the research to the implementation stage that some Federal money had to be made available for new programs. Under the bill, 10 percent of the total appropriation is authorized to be expended for innovative programs. Also under this section the Director of the Office of Justice Assistance is authorized to spend up to 10 percent of the appropriated funds for either: First, programs of the type which are fundable at the State level, but which are national or multistate in scope; or second, programs which are designed to provide technical assistance or training to criminal justice personnel.

The bill also provides for emergency grants to States and units of local government experiencing criminal justice crisis conditions. A recent example of the need for such law enforcement assistance, similar to Federal assistance in natural disasters, is the investigation of the Atlanta child murders. When President Reagan determined that Federal funds should be made available to help with the cost of the investigation, he had to order the use of HUD money for this criminal investigation, since there were no law enforcement assistance funds available.

In closing, I wish to take this opportunity to thank my colleagues on the committee for the work they have put in on this bill. I wish particularly to thank the ranking minority member of the subcommittee, HAL SAWYER, for his support and his valuable contributions. Many of the improvements made to the bill along the way were the result of the HAL SAWYER's insight into the workings of the law enforcement community. Finally, I would like to articulate my appreciation for the support given to this bill by Chairman RODINO and the ranking minority member, BOB MCCLORY. Without the many years of groundwork and advocacy in the area of Federal criminal justice programs by these two gentlemen this initiative would not have been possible.

Before closing let me take a moment to comment on the position of the administration on this bill. According to a letter from David Stockman dated December 8, 1981, the administration is strongly opposed to the enactment of this or any other anticrime bill of this type. The administration claims that State and local governments should exclusively fund criminal justice programs. In taking this position the administration rejected the recommendations of the Attorney General's own task force which said:

> We are in unanimous agreement that the Federal Government has a unique responsibility to conduct research on criminal justice issues, to develop creative programs based on research findings, to test and evaluate these programs vigorously, and to demonstrate them in several jurisdictions with varying characteristics to be sure that the programs would be successful if implemented in other jurisdictions.

The administration also ignored the recommendations of virtually all the major criminal justice professional organizations. H.R. 4481 has the strong support of the National District Attorneys Association, the National Association of Attorneys General, the International Association of Chiefs of Police, the Police Foundation, the American Bar Association, and the American Correctional Association.

As my Republican colleagues HAL SAWYER and BOB MCCLORY have both said to the Department of Justice the administration is wrong on this issue. We cannot afford to treat the crime problem—the problem of domestic security—any differently than we treat our national defense. We must provide Federal leadership in the battle against crime. This bill is an essential part of that Federal leadership role. The administration's focus on national defense and the social safety net do not justify their hands-off on the crime issue.

In conclusion, I urge my colleagues to respond in a positive and constructive way to the concerns of their constitutents about crime. This bill represents a strong bipartisan effort at defining the appropriate role for the Federal Government in the fight against crime. I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SAWYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am getting into a familiar area for me here—law enforcement. Like my colleague, the chairman of the subcommittee, the gentleman from New Jersey (Mr. HUGHES), I, too, have been an urban prosecutor and have had experience working with law enforcement and, unfortunately, necessarily with crime.

The Federal Government has taken the view that it can provide financial assistance in the areas of sewage facilities for cities, counties and States, water purification, food stamps, medicaid, aid to dependent children, and in many, many other areas. But, apparently, there is some opposition on the part of the administration and some Members to aiding law enforcement.

If the Federal Government wants to be useful in law enforcement, it almost has to do it through assistance to local and State law enforcement agencies since over 90 percent of criminal activity falls within their purview.

I am a firm believer in a statement often attributed to Lincoln that government ought to do for the people that which people are unable to do for themselves.

Two areas that come to mind instantly in that area are defense against foreign force or threats and equally domestic threats to the peace and safety of the community.

We obviously cannot have vigilantes roaming our streets or kangaroo courts any more than we can have paramilitaries purporting to offer us defense against foreign threats.

We are not proposing a new Federal bureaucracy of any kind or any big assistance program. This is a $170 million program.

Now $170 million is a dignified amount of money, but when you compare it with other Federal expenditures, such as the proposed $44 billion addition to an already huge defense budget, $170 million is a very modest amount to pay for defense of our people against internal and domestic threats.

Our chairman, the gentleman from New Jersey (Mr. HUGHES) has often said, that the city of Atlantic City, which he represents, has yet to lose its first citizen to the Soviet Union, but they are losing them to criminals on the streets every day. The same is true of my city of Grand Rapids, Mich. It seems to me that this program does not authorize any great experiments. If authorizes primarily fourteen programs which proved effective under the LEAA. The LEAA has been both a very successful and a very disastrous program. It established a big bureaucracy that threw a lot of money at many problems. The money went away, but the problems did not. Nevertheless, during its history, it developed some very successful programs.

One of them of which I am sure my colleagues are aware is the sting program that has been used all over the country, apprehending thieves and burglars. Another successful program is the career criminal program, through which the career criminal is identified and given special and expedited prosecutorial treatment. There are a number of other programs which enjoyed equal degrees of success. These are the kinds of programs, the selective ones, that have worked, and for which assistance is proposed to be continued under H.R. 4481.

We have also avoided what has been one of the great problems of LEAA: free Federal money. When money is spent locally it is "our" money. When it is spent on a State level, it is "their" money. When it is spent on the Federal level, it is "nobody's" money. It is just money.

Like everyone else, the States were interested in getting free money. That was one of the pitfalls of the LEAA.

This stops that. In order to get even a penny of formula grant money, it must be matched by the local authorities that want to use it penny-for-penny with their own money, which gives some insurance that these funds will be well spent. The program will do the job it was designed to do.

Another improvement in this bill is that it limits the amount of time during which Federal funds are available. In 4 years, the States must pick up the check for each formula grant program. In addition, they must finance 50 percent of the cost for the 4 years.

I think we will see more dollar value of security delivered to the people in the cities and the communities of this country with this money than we will see with respect to the billions we are spending on defense, although I for one am a supporter of defense spending. But here our citizens will get their money's worth. This is insured by a 50-percent match and a 4-year limit on formula grant programs so that any program undertaken is going to have to be continued in the future at the locality's own expense.

This program has been scrutinized by, endorsed, and thoroughly supported by, the people who are out on the firing line against crime in our localities and our States: The National District Attorneys' Association, the Association of Attorneys General, and the International Association of Chiefs of Police, all of which are dealing with crime. In addition, the American Bar Association is very aware of this problem and is supportive of this modest program.

There will be an amendment offered to divert some of the funds authorized under this bill to prison construction. The Attorney General's Task Force on Violent Crime recommended that we devote $2 billion over 4 years to this purpose. This change in the bill would not build a cell in every jail in the country. It would just use this small amount of money that can be used more effectively elsewhere. If we are going to address jail or prison construction, let us do it on its own in a separate bill.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I would like to endorse everything the gentleman from Michigan (Mr. SAWYER) has said very eloquently. I would like to congratulate the chairman of the subcommittee, the gentleman from New Jersey (Mr. HUGHES) and the gentleman from Michigan (Mr. SAWYER) for their work on this important bill.

Mr. Chairman, as a member of the Subcommittee on Crime, I want to join my colleagues in strongly urging this body to give its approval to H.R. 4481, the Justice Assistance Act of 1981. While I have been a strong supporter of Federal criminal justice aid in the past, I believe that the bill before us contains some vast improvements that will render it even more effective. In my view, this body acted improvidently in 1980 when it voted to terminate appropriations for this kind of assistance, but it is not too late to remedy that mistake. The passage of H.R. 4481 will send a strong signal to the States and localities that the Federal Government will not abandon them during this period of mounting crime.

Mr. Chairman, one of the aims of H.R. 4481 is to continue funding for LEAA programs of proven effectiveness which have a fairly direct impact on anticrime efforts. Thus, we have continued funding for such laudable programs as sting, TASC, and projects to combat arson and career criminals. During our hearings, I repeatedly asked witnesses whether they felt that the programs listed in section 401 of the bill were worthy of continued Federal aid. Without exception, they responded with acclamations for those programs, based on their own local experiences. Consistently, the programs were described as cost efficient and highly useful. Our witnesses were unanimous in their feeling that the cessation of Federal funding has terminated existing worthwhile programs in some jurisdictions and has impeded their initiation in others.

While all of these programs are praiseworthy, I would like to draw my colleagues' attention to one in particular. As the President has observed, perhaps the most tragic figure in this country's criminal justice system is the forgotten victim of crime. While the media alerts us to events involving crime, the spotlight rarely falls on the sorrowful aftermath of the event. One of LEAA's greatest achievements has been facilitating the establishment of victim/witness assistance programs throughout the country. By coordinating the efforts of various organizations and government agencies, LEAA programs have lessened the horrible trauma suffered by crime victims and have reminded them that society is as concerned about their problems and rights as it is about those of the criminal element. Moreover, victim/witness projects have achieved substantial savings for communities in terms of reduced witness expenses.

Mr. Chairman, there is no doubt in my mind that the continuation of Federal criminal justice support is crucial to our national anticrime program. This assistance act is an appropriate exercise of Federal jurisdiction in that it authorizes the use of funds for a broad range or programs, while deferring to the wisdom of State and local governments with respect to priorities. I believe that my colleagues should not hesitate to vote in favor of H.R. 4481.

□ 1200

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The match that the gentleman referred to, does that have to be a cash match, or are localities permitted under this to give in-kind contributions as a part of their match? That seems to me to be one of the abuses that has been in several of these programs of this type where we require a match, but then we allow in-kind contributions.

Is this a specific cash match, as the gentleman described it, or would in-kind contributions also be included?

Mr. SAWYER. In the circumstances you described, it is a cash match. However, not all of the Federal assistance under this bill is in cash. Some of it is assistance in the form of advice, cooperation, and so forth.

Mr. WALKER. Mr. Chairman, if the gentleman will yield further, I understand the gentleman to be saying then that in all instances where the local government is coming up with a match for this program, that they would have to come up with actual dollars.

Mr. SAWYER. Yes. I am well aware of the problem to which the gentleman alludes. That is eliminated in this bill. This is a cash contribution.

Mr. WALKER. I thank the gentleman.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

I was seeking the gentleman's response and observations on one aspect of this whole consideration.

I want to commend the gentleman and the chairman of the subcommittee for the hard work they have done in bringing this bill to the floor.

In my discussions with constituents at town hall meetings or at other occasions, I find that the issue of crime is one of the most paramount concerns that they express to me. They want to see something done about crime.

As I explained to them, and as I am sure our colleagues do, that most criminal enforcement matters are local and State issues. They are not Federal issues. We do not have a Federal police force in that sense to handle the type of crime people are concerned about on the streets or in their homes. Therefore, they feel frustrated that, well, is there not something that the Federal Government can do to help out with this problem of crime that people around the country are facing?

I wonder if the gentleman could enlighten me and other Members of this body as to whether or not this legislation is one of the major examples in which Congress and the Federal Government is able to deal with the types of violent crime and other crimes that people are suffering from across the country, and in the absence of a response of this sort there is very little that the Federal Government can do directly to help prevent crime and bring those who are offending the law to justice.

Mr. SAWYER. The gentleman is correct. This is the obvious way for direct participation through State and local authorities, by the Federal Government in curbing violent crime.

I might say that the Federal Government is not merely a bystander in this area. The Federal Government has a major contributory role in the growth of crime, in that we are, according to the latest figures, only interdicting about 15 percent of the drugs coming into this country from overseas. That, of course, is a Federal mission. The State cannot cope with that, as we saw in hearings we held down in Miami. According to local authorities there, with 8,000 miles of coastline, a scattered few Coast Guard vessels to protect it, and 300 abandoned air strips throughout the State, Florida is a natural incoming place for these drugs. Of course, as anyone in law enforcement knows, drug trafficking and addiction contribute to a high, high percentage of all crimes, including burglary, robbery, and murder. The Federal Government's failure to do its job in that respect has led to a large part of this increase. As a result, this bill does not just help somebody else with a problem that they created. It helps with a problem for which we have a big responsibility, too.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Illinois.

Mr. HYDE. I want to salute the gentleman in the well and the gentleman from New Jersey (Mr. HUGHES) as two of the most thoughtful Members of this body in addressing one of the most serious, pervasive problems we have—crime. Now, having said that, I want to regretfully say that I have serious concerns with this band-aid on a major problem. One hundred seventy million dollars is truly a drop in the bucket and I think it gives the form of action, without the substance. It, indeed, might even fool people into thinking we are seriously addressing the pervasive problem of crime.

I would take more seriously a Federal criminal justice assistance program if I thought the States, the court system, and society in general were serious about the problem of crime.

What about penal reform? What about building jails so that judges will not be sending criminals out on the street because prisoners are confined two and three to a cell?

What about hiring guards who are not part of the problem; that is, criminals themselves, that assist in the raping of inmates?

What about hiring psychiatrists and psychologists to see that the true criminals, the habitual criminals, are not brought in with the first-time offenders? These are the real problems in my view.

What about judges that will give the community at least half as much consideration as they give the accused?

What about modifying the exclusionary rule which turns a trial into a test of whether the constable blundered, rather than whether the accused is a major heroin dealer?

While all these things are going on, we pretend that we are going to make a grant here and a grant there to buy some hardware for local police and solve the problem. We are not solving it.

So I suggest that we do something serious. Let us take another look at the kinds of judges sitting on the bench and the environment in which they are adjudicating the line between liberty and order.

We are not serious about crime and it is going to get worse before it gets better.

Mr. SAWYER. I sympathize with much of what the gentleman says and I will look for the gentleman's support on a number of our other bills which are aimed exactly in these directions he described when they come to the floor. However, we can only do one thing at a time.

Granted, this is only a small step. Therefore, the gentleman probably will find no problem in giving it his support: But, I cannot agree that unless we do everything at once, we ought to abandon our efforts because we do not have good judges or because we have a poor parole system and so forth. We cannot just stop everything. We must attack this problem methodically. We can only do it one step at a time.

I realize that, despite this modest request, this small amount, we are going to have some opposition. We are going to have opposition from well informed Members, maybe on both sides of the aisle, who are going to oppose this and say that we are throwing money away. You will be shocked by some of the people that will be saying this.

And yet, I agree with the gentleman to a certain extent. This is a modest step. I wish to heaven it could be much larger.

Mr. HYDE. Mr. Chairman, would my friend yield briefly?

Mr. SAWYER. Certainly.

Mr. HYDE. I would just suggest that I have been around here 8 years. I have watched this problem grow. I have watched the same solution applied over and over—more money, more grants, more commissions, and committees that get Federal money to study the problem and file reports. I have watched the courts get worse. I have watched the prison system get worse. What do we have to do to——

Mr. SAWYER. If I may recapture my time.

Mr. HYDE. I would like to finish my sentence.

Mr. SAWYER. As the gentleman said, this is a very minuscule amount.

We are not creating any new bureaucracy or doing any of these other horrible things that the gentleman mentioned. We cannot err in both directions at the same time. We cannot make it too big and too modest at the same time. We have erred in the degree of modesty, I agree. On that, I am sure the gentleman will not find it difficult to give us his support.

Mr. HYDE. Mr. Chairman, as a former member of the Subcommittee on Crime, I am familiar with LEAA's achievements and failures. In that capacity, I worked with many of the proponents of H.R. 4481, to bring about the major changes for which the fourth revision of LEAA—the Justice System Improvement Act of 1979—has been heralded. In view of this background, it is with some reluctance that I oppose the fifth revision of LEAA, H.R. 4481.

Let me begin by commending my very hard-working colleagues, including the gentlemen from New Jersey (Mr. HUGHES) and Michigan (Mr. SAWYER) who sit on the subcommittee and my distinguished friend from Illinois (Mr. MCCLORY) whose contributions in this area are legendary. H.R. 4481, I acknowledge, includes some vast improvements over earlier efforts,

such as substantial matching requirements, elimination of both Federal and State administrative monsters, and mandated time limits on grants.

In the best of all possible worlds, Mr. Chairman, I might continue to support this type of assistance which, unquestionably, many law enforcement witnesses have applauded. But, as we are all too painfully aware, we are not in that world. Instead, we face a rising crime rate that has many innocent Americans frightened out of their wits, coupled with a desperate need to diminish ever-mounting budget deficits.

In the world in which we find ourselves, Mr. Chairman, we are called upon to reevaluate every funding program which we have endorsed in the past. The program continued under this bill has been in existence in some form for almost 15 years. We have returned to the States, for various forms of law enforcement programs, billions of tax dollars which we previously took from them. I know that some opponents have lamented this cost when contrasted with the rising crime rate. However, it would not be realistic to expect a direct reduction in crime since those dollars represented a miniscule portion of criminal justice funding in this country. Frankly, I feel that the LEAA did achieve in great measure many of its original goals by stimulating innovation in all levels of the criminal justice system. Unfortunately, we must recognize that it did so at great expense, sometimes with a sense of the ridiculous, and, all to frequently with suffocating redtape. These problems led to its demise in the budgets for fiscal years 1981 and 1982.

Mr. Chairman, it was just 2 weeks ago that a blast of invigorating fresh air swept through this Chamber. Our President presented a long-term view of Federal-State relations by calling for the return to State and local governments of Federal grant programs affecting matters more properly within their jurisdictions. In 1980, the executive and legislative branches concurred in a decision to cease appropriations for LEAA grants and to return these responsibilities to the States. We retained the research and statistics functions at the national level since these are functions to which the States and localities are less suited. In spite of the improvements contained in H.R. 4481, to reverse this decision now would fly in the face of the great vision recently announced by the President. Mr. Chairman, we have a difficult task ahead of us in restoring to the States their proper functions. That difficulty will only be compounded if we create Federal Government programs like criminal justice assistance, which have already been returned to the States.

Mr. Chairman, again, I reluctantly part company with my distinguished friends on the Judiciary Committee on this matter. However, I believe that our budget deficit problems simply do not afford us the luxury of resurrecting a Federal program which we terminated 2 years ago. I therefore will vote "no" on H.R. 4481.

Mr. SAWYER. Mr. Chairman, I reserve the balance of my time.

Mr. HUGHES. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding. I would like to engage the chairman of the committee in a colloquy.

In the State of Oregon, we have documented that an aggressive State office can make substantial improvement in the law enforcement system by stimulating the transfer of advanced techniques and new technology among agencies. This is particularly important to smaller jurisdictions that cannot afford a special resource staff on their own.

As an example, under a grant from the LEAA, the Multnomah County District Attorney's office set up something called a Promis System—a prosecutors' management information system. This was the only Promis system established with Federal funds in the State of Oregon, and it has proved especially successful in ranking cases according to the seriousness of offensives, a defendant's criminal record, the strength of the evidence, and various other items.

Based on the success of Promis in Multnomah County, the Oregon State Law Enforcement Council has seen the potential for transferring Promis to smaller jurisdictions, as a way of helping research the problems of screening and prosecuting criminal cases. The systems, skills, and techniques have already been transferred to Baker County, Oreg., and I want the record to clearly reflect that this kind of activity will continue to be permissible under section 406 of this bill, and I am wondering if the chairman would agree with that interpretation.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. AuCOIN. I would be pleased to yield.

Mr. HUGHES. Well, first let me commend our colleague, the gentleman from Washington, because technology transfer really is one of the centerpieces of this legislation.

I would say to the gentleman that under the bill technology transfer and technical assistance are appropriate functions of a State office, which administers the Federal funds. Compared to existing law, much more discretion would be given to the States in determining just how much they choose to involve their State offices in such activity. Under this bill, the State office does, however, clearly have the authority to carry out technology transfer and technical assistance.

Mr. AuCOIN. I appreciate the gentleman's comments.

I would also want the record to show that the bill envisions a State office with the responsibility to serve as an effective broker for the dissemination of the results of studies and state-of-the-art techniques to the operational criminal justice agencies.

In this way, it seems to me, the State office can insure the timely availability of research, training, and technical assistance, and to help translate such knowledge into action at the State and local levels, and it seems to me it can also insure that the benefits of sensible programs, such as work-release centers, regional crime laws, group homes for children, and the integrated criminal apprehension programs, can be adjusted thereby to fit the needs of local law enforcement agencies.

I wonder if the chairman would agree to that interpretation as also true?

Mr. HUGHES. Would the gentleman yield to me again?

Mr. AuCOIN. I would be pleased to yield to the chairman.

Mr. HUGHES. Again, the gentleman is precisely correct. It is at the heart of the legislation. We do, indeed, desire to address that type of discretion and authority at the State office, and it is our hope that we can accomplish the type of transfer, as I indicated, is the centerpiece of the legislation.

Mr. AuCOIN. Well, I appreciate the chairman's remarks. I want to compliment the gentleman from New Jersey for the excellent leadership he has shown on this subcommittee in bringing forward what I consider to be a commendable bill to the full body.

Mr. SAWYER. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. I thank the gentleman for yielding.

First, Mr. Chairman, I want to commend the gentleman from New Jersey, the chairman of the subcommittee, and my distinguished colleague, the gentleman from Michigan (Mr. Sawyer) on their leadership in developing this legislation which I had the privilege to testify in support of before the subcommittee.

It is with genuine enthusiasm that I rise in strong support of H.R. 4481, the Justice Assistance Act of 1981. I was present at the creation, not only when Congress passed the original Omnibus Crime Control and Safe Streets Act of 1968, but also when the Subcommittee on Crime began its herculean effort to revise the Federal programs authorized by that act. In 1979, I managed the Justice System Improvement Act on this side of the aisle. At that time,

we made many constructive improvements in the LEAA and created the National Institute of Justice and the Bureau of Justice Statistics to focus Federal criminal justice research and statistical efforts.

Unfortunately, Mr. Chairman, I also witnessed the starvation of the LEAA. Only a few months after President Carter signed the JSIA into law, he eliminated funding for the LEAA in his revised fiscal year 1981 budget request. My efforts to preserve a mere $100 million for these programs met with defeat. Like many of my colleagues, I have been a strong supporter of the President's effort to reduce Federal Government spending. I believe that, with few exceptions, all Federal programs must bear their share of the burden to achieve the ultimate goal. However, it is still unclear to me why the Carter administration singled out those effective parts of the LEAA to make the ultimate sacrifice.

Mr. Chairman, H.R. 4481, with an eye toward our fiscal concerns, does what this body ought to have done instead in 1980. It authorizes appropriations in a very modest amount for the grant programs. While many of us may wish the authorization could be greater, we must be realistic.

I want to commend my colleagues on the subcommittee for their industrious efforts in this regard. Not only were exhaustive hearings held in Washington, but the gentleman from New Jersey (Mr. HUGHES) and the gentleman from Michigan (Mr. SAWYER) traveled to Atlanta and Miami to take testimony on the role that the Federal Government could play in helping State and local law enforcement agencies to cope with unique and overwhelming crime crises. In response, H.R. 4481 contains a creative and much-needed addition to Federal criminal justice assistance—a form of disaster aid. Without binding the executive branch in fashioning ingenious responses to crime emergencies, it provides a foundation to facilitate prompt and effective Federal responses. Many of us remember, with a shudder, the chaotic and sporadic attempts by the Carter administration to provide help to the city of Atlanta in its time of frightening need. Had title II of H.R. 4481 been in effect, an organized, speedy, and sufficiently financed response could have developed. Similarly, had title II been in effect last year, the Reagan administration's creative response would have been well supplemented.

Mr. Chairman, let me stress that H.R. 4481 has enjoyed strong bipartisan support in the Committee on the Judiciary. The original bill reflects the subcommittee chairman's ingenuity and dedication. However, some of the significant changes made, with his support, were Republican initiatives. Many were based on recommendations made by the Attorney General's Task Force on Violent Crime, such as amendments offered by the gentleman from Michigan (Mr. SAWYER) to place a 4-year limit on funds for individual programs and a requirement that the effectiveness of programs be demonstrated empirically, whenever possible, before funding is authorized. H.R. 4481 also contains amendments which I offered in the full committee to make support services more cost-effective and to put this Congress on record that no grant funds should be reprogramed for other purposes. As many of us who have been LEAA observers are painfully aware, the reprograming device has been used in the past to discredit and to undermine the program.

Mr. Chairman, the best evidence of the broad range of bipartisan support for H.R. 4481 may be found in recommendations of the Attorney General's Task Force on Violent Crime. That panel of distinguished law enforcement personnel, which included the Governor of my own State of Illinois, Jim Thompson, recommended limited Federal assistance, including emergency aid, for which appropriate language is found in H.R. 4481. The task force based this recommendation on the constructive contribution to State and local criminal justice activities made by the LEAA, which it applauded.

My colleagues who sit on the subcommittee have well described the provisions of H.R. 4481. However, I would like to single out one particularly commendable section for comment.

Although a separate Office for Community Anti-Crime Programs is eliminated, H.R. 4481 permits the use of formula grant funds for "community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime." This, in my estimation, has been the hallmark of Federal criminal justice assistance. The Federal Government has been able to fulfill a crucial coordinating role in bringing together various elements of the community in the fight against crime, including individual citizens, civic and church groups, local business, and law enforcement representatives. Crime must be met with this kind of determined cooperative effort. I know that in my own neighborhood and elsewhere in the Nation these programs have been effective.

Mr. Chairman, let me close by expressing my confidence that this body will pass H.R. 4481 today in recognition of the substantial Federal contributions made in the past, and the urgent need for the continuation of those valuable programs during this period of rising crime. I hope that the other body will similarly give its approval so that we can eventually reinstate appropriations for these programs with confidence that our funds will be used to the best advantage of the Nation.

□ 1215

Mr. HUGHES. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I urge this body to approve resoundingly H.R. 4481, the Justice Assistance Act of 1981.

This legislation was reported by the Committee on the Judiciary with broad bipartisan backing. It is the product of months of hearings and hard work by the members and staff of the Subcommittee on Crime, under the leadership of our colleague from New Jersey, BILL HUGHES. Testimony was taken from representatives of all sectors of the criminal justice system: Police, prosecutors, judges, corrections officials. This bill has their overwhelming support.

The legislation is completely in line with a recommendation of the Attorney General's Task Force on Violent Crime, a recommendation the administration chose not to accept. While suggesting no precise dollar amount, the final report of the task force urges that:

> Federal funds should be made available to State and local governments to implement those programs that have been demonstrated and proven to be effective through rigorous independent evaluation.

It also suggests that receiving jurisdictions be required to demonstrate their commitment to these programs.

H.R. 4481 is in line with—in fact, it anticipated—the task force's good counsel. This measure would authorize a simplified, scaled down grant program totaling $170 million, a sum that would be no match for even a modest Pentagon cost overrun; 80 percent of this money would go for State and local initiatives against crime—on a 50–50 matching basis—in statutorily designated areas in which anticrime efforts have a proven track record—as the task force urged. These areas include the swift prosecution of career criminals, community anticrime programs, Sting operations, arson, victim-witness programs, and alternatives to jail; 20 percent of the funds would be for discretionary support of research, training and technical assistance, and aid for States and localities that face emergency crime situations. For this, there is no matching requirement.

In addition, another $20 million is authorized to support Federal agencies that might have to take on emergency law-enforcement assignments.

This legislation is a responsible and reasonable approach to assisting our beleaguered communities. It builds on our experience with the Law Enforcement Assistance Administration, an

agency that sponsored some very effective programs, along with its well-publicized mistakes. It preserves those effective programs, while abolishing the Federal bureaucratic burdens that have been imposed on State and local recipients of LEAA dollars.

I do not claim this legislation will solve our crime problem. We do not overpromise. But enactment of H.R. 4481 is one step we can and must take to let State and local law enforcement know that we have not abandoned them in their struggle to combat violent crime and to make the homes and neighborhoods of all our citizens more secure.

This administration has rightly called the crime problem one of our greatest domestic concerns. And it is correct when it reiterates that the Federal role is limited. Our local law enforcement officers need not be told again that the burden of enforcing the law and administering justice rests largely with them. They also know that philosophies are at odds and that times are tough. They know that there is fierce competition for scarce resources at all levels of Government.

But they cannot and should not bear alone the burden of controlling crime. Crime is a national problem. It cuts across State lines. It requires Federal dollars.

Federal money, modest in sum and carefully targeted, can be a useful weapon in our crime-fighting arsenal. It is a Federal obligation to help our States and cities put proved programs in place, to provide research by the best minds of America so that we might better understand the elements that contribute to crimes of violence, and to help train those officers who battle criminals daily.

To do these things will cost Federal dollars, and we are kidding the public if we say otherwise. Not to do these things will risk causing further distrust of and disillusionment with our criminal justice system.

The Federal Government must provide this assistance, because it alone has the resources and the responsibility to attack that problem of national crime. Peripheral attacks on the fringes of the problem are no substitute. Neither are the decimation and abandonment of Federal agencies that are a necessary link in our federalist network of law enforcement.

We must meet our obligations. To that end, I urge passage of H.R. 4481.

Mr. HUGHES. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DIXON).

Mr. DIXON. Mr. Chairman, I rise in strong support of H.R. 4481, the Justice Assistance Act of 1981.

The program initiatives outlined in this bill are those effective programs formerly administered by the Law Enforcement Assistance Agency. As you know, this agency was wiped out by the administration last year, as ineffective and wasteful. That act was one of the many that could be described as "throwing out the baby with the bath water."

There are still those of us who believe that the Federal Government should be a help to State and local governments, and therefore ultimately to the citizens of the country. That the Federal Government should and can offer programs, funding and support to those local entities without apologizing for that relationship. Nowhere is this more important and best understood than in the area of crime.

The Federal Government, as a whole, can do very little directly about crime. Therefore, when we have the opportunity, we must provide all the assistance and funding that we can. Because crime is best dealt with at the local level, that does not mean that we consider it "their" problem rather than "ours", and one that we should not become involved in.

While H.R. 4481 provides for the continuation of many worthwhile programs, I would like to address myself to one in particular, and I use it as an example.

Community anticrime programs. They are cost effective, run at the local level, and they work. Therefore, I am particularly pleased that community anticrime programs are encouraged first among eligible activities for States receiving grants. The Judiciary Committee adopted this program initiative from my earlier legislation, H.R. 4385, seeking to restore Federal aid for community crime prevention.

Since its inception, community anticrime programs have proven that citizen involvement in crime prevention is very effective in reducing crime throughout the Nation. While serious crime has skyrocketed in the past year, neighborhoods which operated community anticrime programs realized crime increases far below the 9 percent national average. In Los Angeles this program has been credited for helping reduce violent crimes from their dramatic increase in 1980 to a decreasing curve in 1981.

Unfortunately, but not surprisingly, this bipartisan bill is opposed by the Reagan administration. Ironically, the administration claims that this legislation is not in line with Mr. Reagan's concept of New Federalism. Further, the administration believes that the Federal Government should not provide increased aid to State and local law enforcement agencies because it already provides sufficient technical, research, and informational assistance. Last, they claim that funds which would be authorized in this bill would not be in line with the dictates of its 1982 and 1983 budget requests.

I differ strongly with the administration on this bill. I also believe our national crime problem is a direct result of high unemployment and drastic reductions in Federal social programs by the Reagan administration. The overall unemployment rate stands at a staggering 8.9 percent, youth unemployment at 21 percent, and minority youth unemployment at an intolerable 40 percent. When people are unable to earn a decent living and the Government takes away from them what little assistance they had counted on, they will seek whatever avenue necessary to live. Thus, the Federal Government cannot escape partial responsibility for the worsening crime problem. By cutting funds for job training and programs which assist local law enforcement and community organizations, we, as the Federal Representatives of those communities, have not put our money where our rhetoric is.

This bill authorizes $170 million for fiscal years 1982 and 1983. It requires States to provide matching funds, but they are not required to pass the matching funds requirement on to units of local government which choose to participate in the program, thus offering discretion by the States on how to administer the grants.

My constitutents are deeply troubled by the double talk they have heard from this administration. While the President continues to talk about law and order, he has yet to offer a viable plan of action to combat crime.

The justice assistance package is such a plan of action. It was devised at a reasonable cost to our taxpayers, and can be administered at a reasonable cost, with benefits beyond what we get from most Federal programs.

I urge my colleagues to support this legislation. I encourage my colleagues on the Appropriations Committee to provide full funding for this legislation. Our citizens are tired of living in a state of siege, without any hope of seeing it reduced, let alone come to an end. By supporting H.R. 4481, you will not only say you understand and care, but that some help is on the way.

Mr. HUGHES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, I thank the gentleman for yielding.

I would like to commend those who have already been commended for the work that they have done on this measure, H.R. 4481. I would also like to discuss briefly what I think is the role of the Federal Government dealing with crime in the United States.

First, it can attempt to mount an effective and efficient response to the crimes which are exclusively or primarily Federal.

Second, it can maintain adequately funded Federal law enforcement agencies so as to provide competent backup

or ancillary assistance to the States when they are not capable of responding.

Finally, the Federal Government can provide leadership to the States by creating and funding model programs, conducting research, and compiling criminal justice statistics.

This bill would authorize $170 million in fiscal year 1982, $190 million in fiscal year 1983, and $20 million thereafter. It would repeal existing authorizations of $775 million each in fiscal year 1982, and fiscal year 1983.

The CBO estimates outlay savings of $80 million in fiscal year 1982, $327 million in fiscal year 1983, over $500 million in fiscal year 1984, and $200 million or plus in fiscal year 1985.

I think that this bill cuts back on the excessive expenditures possibly used in LEAA funding for many years back. I think it also is restrictive in what it attempts to do, but allows the States, using a proper formula, to use this money, without creating an undue burden on the Federal Government.

Mr. Chairman, I urge the passage of this measure.

Mr. SAWYER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, if my colleagues are overwhelmed today by a sense of déjà vu, I am not surprised. H.R. 4481, the Justice Assistance Act of 1981, is the fifth attempt to overhaul the LEAA in a decade and a half. The last attempt, the Justice System Improvement Act of 1979, gave us the great crime-fighting weapon of OJARS, which, reportedly, has had criminals quivering with fear since its inception. The executive branch and this Congress were so moved by the so-called improvements in the JSIA that they agreed, only months after enactment, to disembowel it by terminating appropriations. In further evidence of the fact that the sleeping dogs among Federal assistance programs are never left to lie, the LEAA has arisen again. By a master stroke of public relations, it has a new name in this bill—the Office of Justice Assistance.

Mr. Chairman, I will not quibble with the proponents of this bill about the worthiness of career criminal, Sting, arson and victim/witness programs. I have heard the same litany of praise for these programs from recipients of Federal financing. While I do not mean to dismiss offhand the testimony of these experts, I really would not expect them to bite the hand that fed them gourmet luxuries for so many years.

The essence of my opposition to this bill lies in my view of the Federal Government's appropriate role in the criminal justice system. Under our Constitution, the role of the Federal Government in the war against crime is highly circumscribed. I share with my colleagues a feeling of great frustration that we cannot do more to protect the innocent citizen from crime in the streets. However, our system of federalism confines this function to the States and localities. It is primarily their responsibility to establish and finance local victims, arson, career criminal, and Sting programs. The Federal Government can, of course, provide models for such programs and the research and statistics necessary for their development. After more than a decade of Federal assistance, the responsibilities of the States and localities are clearer than ever.

While H.R. 4481 offers some improvement over the existing law, particularly since it dismantles OJARS, it is fundamentally at odds with the trend toward returning to the States programs relating to matters within their jurisdiction. The bill's internal changes to increase State and local discretion simply do not make up for the fact that it completely revives a program that this Congress and the previous Congress voted to terminate. Lest my colleagues think that this approach to criminal justice is unique to a Republican administration with its emphasis on the New Federalism, let me remind them of the Carter administration's position. Acknowledging the inevitable redtape, poor targeting of funds, and insufficient recipient control over expenditures, Jimmy Carter spearheaded the movement to kill the LEAA.

Mr. Chairman, during this debate, much has been made of the fact that H.R. 4481 substantially reduces the funds authorized for Federal law enforcement assistance. While this is true, and, of course, highly commendable, we must not lose sight of the fact that we are placing our imprimatur on additional Federal spending of almost $200 million. Unless the proponents of H.R. 4481 plan to add further millions to our already unacceptable budget deficit, they ought also to be proposing cuts in other programs to offset this additional spending. I wonder if any of the subcommittee's witnesses who testified in such glowing support of H.R. 4481 made any recommendations of that nature.

If we are going to have Federal criminal justice assistance, it should be in the area where there is urgent need for assistance—the construction and improvement of prison facilities. The cochairmen of the Attorney General's Task Force on Violent Crime testified to the Subcommittee on Crime that the task force's recommendation for Federal assistance for prison construction was its most important. Similarly, the criminal justice committee of the National Governors Association called for such assistance as the No. 1 criminal justice priority. Unfortunately, H.R. 4481 does not authorize the use of funds for this purpose, despite the fact that Federal court orders in more than half of our States have exacerbated the crisis. I plan to offer an amendment to H.R. 4481 to permit the use of grant funds for prison construction purposes. If the States choose to use their assistance funds for prison construction rather than Sting programs, for instance, that should be their prerogative. Washington should not dictate their choices.

I am well aware of the urgent need for prompt and effective measures by all levels of government to combat the rising crime rate. When the Reagan administration took office last January, the increase in crime, like the inflation and interest rates, was expressed in double digits. While we all may be in agreement on the need for action, I must part company with the proponents of H.R. 4481 with respect to whether this constitutes an appropriate response. The American people would be better served if we concentrated our efforts on reinstituting the death penalty, fighting organized crime and drug trafficking, and reforming the Criminal Code. This bill, as usual, has chosen to throw money at the problem instead.

Mr. HUGHES. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Chairman, first of all, as a former member of the Committee on the Judiciary, I would like to commend the gentleman from New Jersey and, of course, the gentleman from Michigan, for their fine shepherding of this bill through the committee and also on the floor of the House of Representatives.

I would like to ask the floor manager of this bill about a potential use of grants under two of its sections.

The national headquarters of Mothers Against Drunk Drivers is located in Sacramento, Calif. Theirs is a cause about which I feel strongly. Recently, 300 of us in the House and Senate, including my colleague from New Jersey, wrote to the President requesting the establishment of a blue ribbon commission on drunk driving. We hope that that commission will be named in the near future.

This is a problem whose solution is long overdue. Twenty-six thousand Americans are killed each year by drunk drivers. The public outrage is reaching deafening levels. It is a crime and one for which strong punishment has been proven an effective deterrent. Tough laws in California which went into effect only last month reduced the holiday death toll on the highways to half of the expected number.

Recently, in California and Virginia, drunk drivers in fatal collisions have been indicted for second-degree murder.

This is a problem that is not merely some minor traffic infraction or safety situation but is in fact a serious crime and being treated more and more so by the handful of States which have strengthened their laws. One of the obstacles they encounter is the shortage of funds. I would like to ask the gentlemen if the States would be allowed to apply for assistance for drunk driving enforcement programs under sections 13 and 14 of this crime bill.

Mr. HUGHES. Mr. Chairman, if the gentleman will yield, I share the gentleman's concern about the drunk driving issue. I know from 10 years of firsthand experience as a prosecutor the horrendous toll drunk driving takes every year. I am sure that the gentleman would also agree that the primary responsibility for combating drunk driving—indeed almost all street crime—lies with State and local law enforcement. Drunk driving is a national problem, but one that calls for a carefully limited Federal response. We should, of course, provide States and local governments with the best available information and research on this menace. In this context, I believe H.R. 4481 addresses this issue.

Under the provisions of the bill, States are required to submit an application to block grant funds. In this application States are required to set forth which programs they intend to fund with the money. The bill limits the expenditure of funds to a narrow range of eligible programs. Most of the eligible programs were chosen because they have a long history of effectiveness in combating crime. In addition, however, the bill provides States with a limited opportunity to experiment with innovative new programs. Under category 13 of proposed section 401 of the act, States may fund programs aimed at meeting critical crime issues. Thus, if a State determined that drunk driving was a critical crime problem in their jurisdiction, or for a unit of local government, they would submit an application that included such programs.

I should note that the committee was concerned that open-ended authority to test new ideas in criminal justice programing could lead to the same kinds of abuses that gave LEAA its bad name. Therefore, the committee has limited to 10 percent of the total State grant as to the amount of money that can be expended on such innovative programs.

Mr. MATSUI. I thank the gentleman for his clarification. I think the intent of Congress should now be clear to the Office of Justice Assistance that drunk driving is to be considered not only as a traffic safety problem but also as a violent crime. I am hopeful that the agency will pursue agressively applications to fund solid innovative programs to combat drunk driving. I also hope that my own State of California will take full advantage of these programs in the Crime Control and Safe Streets Act. In closing, I would encourage all of my colleagues to support the passage of this legislation.

□ 1230

Mr. HUGHES. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The Chair will state that the gentleman from New Jersey (Mr. HUGHES) has 11 minutes remaining and the gentleman from Michigan (Mr. SAWYER) has 6 minutes remaining.

Mr. HUGHES. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, I thank the gentleman from New Jersey (Mr. HUGHES), and I thank the gentlemen on both sides for their consideration.

I was going to stand here and commend the Members, as others have done, but unfortunately, Mr. Chairman, I do not have a great deal of time, so I would just say "ditto" to all the comments and commendations that have preceded me.

Mr. Chairman, sometimes I think we talk about an idea whose time has come, and in dealing with this subject I think we have one of those situations. Unfortunately, this is an idea whose time has come and gone.

LEAA was instituted with all the best intentions and all the sincerity in the world. Unfortunately, we have tried to tailor it, we have tried to massage it, and we have tried to take care of some of its problems, and still we do not seem to be able to get the scaled-down, very directed program that some would support if we thought it possible. That is my first point.

The second point is that we are in a period of austerity. That should not surprise anybody here; we have talked about it every day. We have a situation in which many of us on both sides of the aisle, in private conversations with the administration as well as in our public statements, have voiced our concern about the level of funding for the FBI, about the level of funding for the DEA, the level of funding for the INS, the level of funding for Customs, and the level of funding for the Coast Guard. Those are the agencies of the Federal Government that must do the job if we are going to interdict drug traffic into this country.

Frankly, I think we ought to sit down and say to ourselves that if we are having difficulty in getting funding for the purely Federal level programs, ought we dissipate our effort by continuing with the idea that somehow, through the use of grants to selected communities around the country, we are going to have a major impact on crime in this country? I do not think we can do it.

I do applaud the gentleman from New Jersey (Mr. HUGHES), as well as the ranking minority member of this subcommittee, on the fact that they have taken what was LEAA and have made it a little better, but unfortunately I think it is inevitably flawed.

Here we are in the second month of the second year of this Congress dealing with the "son" or "grandson" of LEAA. Yet I stand before the Members and tell them that we have not even done the first thing that is necessary to get ourselves a comprehensive criminal code reform bill. We have tried in Congress after Congress, in Republican administrations, and in Democratic administrations, and the Federal Criminal Code is still in a sorry mess.

Here we are saying that we are going to give some aid to the local jurisdictions and tell them how they can better run their criminal justice operations. Yet we have not taken the first step toward putting our own house in order; we have not done anything about essential bail reform; we have not done anything in bringing that to this floor. We have not done anything about the question of capital punishment.

It might surprise people that under our present Federal code, if you skyjack an airplane and during the course of that crime a death results, you could get the death penalty. Yet if you successfully assassinate the President or Vice President of the United States, you cannot get the death penalty under the Federal system.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I do not have much time, but since the gentleman gave me this time, I will yield, and I am sure he will give me more time if I need it.

Mr. HUGHES. Mr. Chairman, the gentleman will agree that we have had a very busy subcommittee, and we have reported out pretrial services, contract services, and we are working on a forfeiture bill. We reported out H.R. 4481. If in fact we had jurisdiction over bail reform, we would have that reported out.

My colleague and I both have measures that are very closely akin to what the gentleman described. So we have got to take one step at a time, as the ranking minority Member has said. It is not a question of not making these other efforts. The gentleman supports them, and we welcome his support of those measures.

The CHAIRMAN. The time of the gentleman from California (Mr. LUNGREN) has expired.

Mr. LUNGREN. Mr. Chairman, may I inquire, does the gentleman have any additional time that he could yield to me?

The CHAIRMAN. The Chair will state, in terms of accounting for the time, that the gentleman from New Jersey (Mr. HUGHES) has 7 minutes remaining, and the gentleman from Michigan (Mr. SAWYER) has 6 minutes remaining.

Mr. SAWYER. Mr. Chairman, I yield 1 additional minute to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, in response to the gentleman from New Jersey (Mr. HUGHES), I would only say that we are talking about a question of priorities. If we have a limited amount of funds, we ought to target those funds where we can best do the job.

I do not think anyone would say that we have funded the FBI at its proper levels, I do not think we have funded the DEA at its proper levels, I do not think we have funded the INS at its proper levels, and we have not funded the Coast Guard at its proper levels. I think we should fund those agencies to the levels we think necessary; yet in light of those shortcomings, we are going to create a program in which we say we are going to give out $170 million a year to local jurisdictions.

I think we all know that we are not going to give them $170 million a year. I do not think we could get on this floor a vote on the budget that is going to fund this program. That being the case, it seems to me we ought to try to focus our attention on the FBI, on the DEA, and on those programs on the Federal level that we all agree are having funding problems.

Otherwise what we do is what we have done in every other program; we take on more than we can assume and we do not do a good job on those things that have a truly Federal function. We cannot take on the funding of programs for local and community jurisdictions, and yet we are doing that while not funding Federal programs properly.

Mr. HUGHES. Mr. Chairman. I yield 1 minute to the gentleman from New York (Mr. ZEFERETTI).

Mr. ZEFERETTI. Mr. Chairman, I thank the gentleman for yielding me this time.

I agree with what the gentleman from California (Mr. LUNGREN) said, that the Federal agencies that have been cut back and that have the jurisdictional responsibility of fighting crime in this country should be helped. But I think that is the very heart of the question that this bill brings to our attention, and the fact that local governments also have the responsibility to fight crime and to do those things that make them, if you would, a form of auxiliary for those very same Federal agencies that have been founded to act in that capacity.

I think if we go out into the localities, we will find that need. As chairman of the Select Committee on Drugs, I can say that when we talked to local governments, they told us about the imput they have made against crime, against drug smuggling, and against drug trafficking in their communities, and they need that kind of assistance. Local governments today need that kind of assistance if in fact we are going to make an impact on crime.

Mr. Chairman, it is everybody's responsibility, not just the responsibility of local governments.

Mr. Chairman, as a cosponsor, I rise in support of H.R. 4481, the Justice Assistance Act of 1981. As chairman of the Select Committee on Narcotics Abuse and Control and as an ex-correction officer, I am keenly aware of the need to provide State and local governments funding assistance and initiative in combating crime.

One of the most hard-pressed areas is in the area of controlling drug trafficking. With Federal drug agencies being cut back both in funding and personnel, local governments are repeatedly being called upon to assist Federal drug officers in their efforts to stop drug movement on the street. Local agencies are having to foot the bill from their own minimal budgets. Obtaining buy money is a severe problem for local officials. Without it, agents cannot get into the system. The system grows, almost carte blanche, while Federal and local efforts are hampered because of a lack of funding and direction. Who can they then turn to? No one. State and local governments are in desperate need of assistance and leadership from the Federal Government. That is where H.R. 4481 plays a vital role.

The bill, as you know, will not set up another LEAA—where funding was thinly spread throughout the country. Instead, H.R. 4481 builds on past experience while abolishing the Federal bureaucratic burdens that have been imposed on State and local governments by the LEAA. H.R. 4481 targets needed funds to areas of high crime. It establishes initiatives against crime. It will eliminate the bureaucratic mess and place all functions in one new Office of Justice Assistance within the Department of Justice.

Mr. Chairman, as a member from a metropolitan district where crime rates continue to increase, I wholeheartedly support the intent and provisions of H.R. 4481. The Federal Government cannot hope to have much of a direct, tangible impact on the crime rate unless we, the Congress, can provide State and local authorities with the impetus and initiative to effectively combat crime.

Crime is a national problem and our State and local entities need leadership and assistance from Federal Government. I firmly believe the modest sum contained in H.R. 4481 will further the cause of effective law enforcement and urge my colleagues to support this vital and necessary legislation.

Mr. SAWYER. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, we are all aware that while some of LEAA's past funds were clearly well spent, it is equally obvious that some were not well spent. H.R. 4481 further improves it by extracting and continuing the best of its programs, while financing some innovative programs which will no doubt prove equally successful. I urge my colleagues to vote in favor or H.R. 4481.

As a member of the Judiciary Committee, I have been involved in the forging of Federal criminal justice assistance since its beginning in 1968. I am therefore pleased to voice my support for H.R. 4481, the Justice Assistance Act of 1981.

In my own State of Illinois, substantial improvements in State and local law enforcement were made with LEAA funds. Without the seed money that it provided, many of these programs in all likelihood would not have been initiated. A fine example of the innovative programs originated by LEAA in my State is TASC, an organization that provided treatment alternatives to street crimes for drug-dependent offenders. As ranking minority member of the Select Committee on Narcotics Abuse and Control, a recent study by Temple University has come to my attention which provides strong evidence of what we have always suspected—that drug addiction fuels crime, particularly property crime. The Temple University finding that drug-dependent offenders commit literally thousands of crimes during periods of addiction demonstrates the direct impact that a program like TASC can have on the incidence of crime. I therefore want to commend the sponsors of H.R. 4481 for including "programs which identify and meet the needs of drug-dependent offenders" in the list of programs eligible for formula grant funding.

Mr. Chairman, in addition to my work in fashioning a cost-effective and less bureaucratic LEAA program, I have lent my strong support to various efforts designed to recognize and meet the needs of juvenile offenders. I have been most distressed by recent budget actions aimed at dismantling our national juvenile justice program, and I am most hopeful that we will be able to preserve some minimal funding for its valuable projects. I am disappointed, of course, that the Justice System Improvement Act provision setting aside approximately 19 percent of appropriated funds for juvenile justice programs has been deleted from this bill. However, considering the modest funding which it authorizes, I can well

understand why this would be necessary.

However, I am happy to point out to my colleagues that juvenile justice programs will continue to be funded under H.R. 4481. Pursuant to the suggestions of several witnesses before the subcommittee, funding is authorized for programs which address the problem of serious offenses committed by juveniles and programs which identify and process within the criminal justice system juvenile offenders with a history of serious criminal conduct. I have consistently felt that such career criminal programs are among the most important efforts undertaken by the LEAA. In light of the advent of youth gangs and their involvement in serious crimes, particularly violent crime and drug trafficking, the need for programs of this sort cannot be disputed. In addition, H.R. 4481 will authorize assistance for the establishment of innovative programs designed to address critical problems of crime. Certainly juvenile crime is one of those.

I understand that my colleague on the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), plans to offer an amendment to permit the use of funds authorized under H.R. 4481 for prison construction and renovation. When the committee considered the 1979 reauthorization of LEAA, I offered a similar amendment which, unfortunately, did not become part of the Justice System Improvement Act. I strongly support my colleague's amendment, which embodies at least the spirit of the recommendation made by the Attorney General's Task Force on Violent Crime.

As Illinois Gov. Jim Thompson, the cochairman of the Task Force, pointed out in testimony before the Subcommittee on Crime, In view of the State and local corrections crisis that exists today, this is perhaps the most important recommendation made by the task force. Certainly the amount of money involved is not in the same ball park as that recommended by the task force. However, I do believe that the States should be given the option of using their grant funds for this important purpose, particular insofar as advanced techniques or practices are used in the design of detention facilities.

Mr. Chairman, when this body considered the original Omnibus Crime Control and Safe Streets Act, I joined with a former member of our committee, the gentleman from New Jersey (Mr. Cahill) successfully establishing State planning agencies within the framework of LEAA. Because it creates a scaled-down version of Federal assistance, H.R. 4481 does not mandate the continuation of these agencies. However, nothing in the bill precludes a State from designing the existing planning agency as the office which will prepare grant application and administer the program. This, then, gives us the best of all possible world: States having successful experiences with planning agencies may maintain them and may apply funds available for administrative expenses for that purpose. States which do not choose to do so may establish an entirely new mechanism or may designate another existing office to fulfill the administrative role. Mr. Chairman, I believe that H.R. 4481 provides an imaginative and workable approach to State administrative mechanisms within the purview of this new Federal assistance program it authorizes.

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I rise in support of H.R. 4481, and I would say this: History has taught us many times over that economic chaos has brought down nations, but we should remember, too, that history, even current history, has taught us that civil disorder and violence is another prime reason for nations and societies to disintegrate. I think this bill takes that into consideration.

The question was asked: Why do we come up with these new ideas? It is not a matter of wanting to come up with new ideas; it is responding to a need, an urgent need.

People will request and demand radical changes in their societies when crime statistics reach radical proportions. Eighty percent of this money is focused in the community anticrime program—sting operations, victim and witness and juror assistance programs, career criminal indentification programs, combating arson, and all the other areas that are touching people's lives daily.

Mr. Chairman, it demands a response, and it needs a response.

□ 1245

Mr. HUGHES. Mr. Chairman, I have no more requests for time on this side and reserve the balance of my time.

Mr. SAWYER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I would like to compliment and commend the speakers that have spoken on both sides of this bill. I think perhaps we have been hearing the same message over and over again, but perhaps with a different view toward this bill.

I am rising in vigorous support of H.R. 4481. I signed on originally as a cosponsor of this bill. It has particular significance to me as far as my own State of Florida. The gentleman from New Jersey (Mr. HUGHES) and the gentleman from Michigan (Mr. SAWYER) have been in Florida on several occasions listening to some of the big problems we have.

I believe in the concept of the New Federalism. However, anybody who says that the Florida problem is a local problem in crime has not been listening. Anybody that can say that 120,000 or 130,000 immigrants coming from Cuba during the boatlift, most of whom have stayed in south Florida, is a local problem simply is not listening or paying attention. Anybody that can say that the parallel increase in crime that we have seen in my State of Florida is a local problem is not listening.

I could agree with the gentleman from Illinois (Mr. HYDE) my good friend, who I think very eloquently expressed his frustration with regard to doing more in the area of crime. But just because we want to do more, just because we want more money for DEA, the FBI, the Coast Guard, as the gentleman from California (Mr. LUNGREN) so aptly put it, is not good reason for us to turn back the benefits that are present in this bill that is before us today.

This is a significant step forward. Whether one calls it a tourniquet or whether one calls it a Band-Aid, it is a very valuable program and it is one that is worthwhile and worth our vigorous support.

I would urge the passage of this bill and yield back the balance of my time.

● Mr. LEHMAN. Mr. Chairman, I wish to express my strong support for H.R. 4481, the Justice Assistance Act of 1981. Crime has reached alarming proportions in America and especially in the Miami area. Many, if not most, citizens now take precautions, such as installing alarm systems and avoiding large areas of our community. I am especially dismayed by the climate of fear that has developed in south Florida.

The increase in violence which escalated after Miami's 1980 refugee influx has created a siege mentality. The result has been a severe change in the character of Miami. Needless to say, the economy suffers when businessmen and skilled laborers are afraid to move to Miami, or when tourists are afraid to vacation in Miami Beach due to our high-crime rate.

Crime has always been primarily a matter of State and local jurisdiction, but the higher crime rate in Miami is the result of Federal immigration policy and the inability of Federal agencies to control illegal drug traffic in and through south Florida. The Federal Government, therefore, does have a special responsibility to our people. Every component of the criminal justice system must respond quickly to criminal activity if violent criminal behavior is to be combated effectively. We in Congress have a responsibility to the American people to pass the Justice Assistance Act of 1981. This legislation will aid the States in their intensified efforts to combat violent crime.

We have the duty to respond to the needs of law enforcement agencies and help them in their fight against crime. We can no longer sit back and ignore the problem of violent crime in our society. It is time we face and resolve this crisis which has developed over many years.●

● Mr. SOLARZ. Mr. Chairman, I rise in the House today in support of the passage of Congressman HUGHES' bill H.R. 4481, the Justice Assistance Act, which I am proud to have cosponsored.

I strongly urge enactment of this bill, which is similar to legislation I introduced last year, because there is an overwhelming need for Federal participation in the local fight against crime. The increasing level of crime affects each and every one of us, yet the Federal response to date has been insufficient. While State and local governments are primarily responsible for our criminal justice systems, the Federal Government too has a crucial responsibility.

Crime is a national problem. An effective fight against crime requires national support. Figures for the first 6 months of 1981 show a 3-percent increase in offenses. In 1980 the level of violent crime increased by 9 percent over that in 1979. Without Federal cooperation, programs to combat this high and constantly rising number of offenses will fail for want of sufficient funding. Congressman HUGHES' bill will permit the initiation and continuation of numerous innovative projects at the State and local level that are vital to our protection and safety.

H.R. 4481 allows States and localities to adopt a flexible approach to crime. It authorizes $170 million for the improvement and expansion of our criminal justice systems. While this may lead some of my colleagues to fear that Federal funds will be sent on less-than-effective programs, a careful look at H.R. 4481 will allay these concerns.

The bill requires funds to be matched by recipients and an equitable distribution by States to local governments. It provides that 80 percent of the grant funds be disbursed to the States, 50 percent will be on the basis of population and 50 percent on the basis of relative crime rate. Moneys are to be used by the States and localities for anticrime efforts in designated program areas including: Community citizen-police anticrime; sting operations; arson; white collar, organized crime and public corruption; career criminal identification and prosecution; victim, witness, and juror assistance; alternatives to jail and prisons for nondangerous persons; treatment for drug-dependent offenders; prison overcrowding; personnel training and management assistance; planning; prosecutor management and information systems; serious crime by juvenile offenders; and for other innovative programs.

H.R. 4481 would not only make possible the implementation of new responses to crime, but it would also provide funds for the restructuring and revitalization of existing criminal justice offices and procedures. Moneys could be used to expedite the investigatory, trial and sentencing phases. An article in the New York Daily News last December calculated that it cost $176,000 to arrest, try and imprison a man who committed a felonious assault. Our police and court process must be refined to reduce delays and where possible lower court costs. This, together with the continuation of effective community anticrime programs, will hopefully provide the needed boost to out State and local efforts to reduce crime and increase citizen involvement and awareness in fighting crime.

Crime is no longer something we can avoid at the Federal level. We cannot sit back and wait for it to wane on its own. Congressman HUGHES and the Judiciary Committee have presented an excellent first step to a more concerted Federal campaign against crime. With it we can implement the creative and innovative programs that might make a difference to the people back home. The possibilities are endless, but without this legislation, the situation can only worsen. I therefore urge you to give this bill your strongest support.

Mr. Chairman, I would like to submit as part of the RECORD the attached statement from Speaker of the Assembly Stanley Fink and Assemblyman Melvin Miller, chairman of the New York State Assembly Codes Committee indicating their strong support for enactment of H.R. 4481.

STATEMENT OF STANLEY FINK

We urge you to support the Justice Assistance Act (H.R. 4481) when it comes to a floor vote next week. This measure will provide formula grants to state and local criminal justice programs which have proven successful in deterring crime or which show particular promise as innovative approaches to our growing crime problem.

New York State's recent legislative record in the criminal justice area reveals a clear and unrelenting commitment to allocated the resources necessary to successfully implement the sweeping substantive reforms that have so dramatically strengthened the hand of law enforcement. Two months ago, this policy was extended when we outlined a comprehensive criminal justice funding package for 1982 that includes provisions for extra police, expansion of major offense prosecution, additional court parts and prison expansion. Consistently, New York State's legislators have been called upon to face up to the difficult decisions regarding criminal justice funding, and consistently they have made significant efforts toward providing necessary resources.

Available statistical data indicates that our programs are having a positive impact at the arrest and prosecution levels. However, the loss of LEAA funding has impaired numerous programs, including many targeted for the elderly and handicapped. Similarly, innovative crime prevention, alternative sentencing, and victim services programs are now endangered.

The passage of H.R. 4481 could mean an additional $9 million for New York to spend on programs to reduce crime and assist its victims. We urge you to vote yes on H.R. 4481 and form a partnership with the state in an effort to reduce crime.

● Mr. EDGAR. Mr. Chairman, the Justice Assistance Act of 1981 we are considering today is a compromise to the President where we have given a great deal and he may give nothing. The House has reduced its commitment in this area of anticrime assistance from $775 million to $170 million while the President promotes zero assistance this year and next.

No matter how much more targeted and efficient this $170 million anticrime program is over those run previously under the Law Enforcement Assistance Administration, it will be effete unless we refuse to compromise on the President's budget. This budget is increasing the socioeconomic factors of crime quicker than any response can be mounted.

Just today the Philadelphia Inquirer reported that the cupboards of the Roman Catholic Archdiocese Community Food Distribution Service for the five county Philadelphia metropolitan area are bare. Before the President's economic program went into effect one of the archdiocese church distribution centers reported serving 69 families during the month of January 1981; in January 1982, 424 families were served. How many of those turned away now will be resorting to crime just to eat?

Last week unemployment in my State, Pennsylvania, hit 11.2 percent, the second highest in the Nation. Unlike the No. 1 State in unemployment, Michigan, our unemployment can be pinned on overall economic conditions, not on a fading prime employer. How much will family violence and general crime grow with the pressures on millions of heads of households out of work?

Can the States and local governments pick up the economic and protection slack. In my corner of the Nation the answer is clearly no. I now represent the second most distressed city in the Nation, Chester City. Chester had a tax base for needed services deficiency even before the President cut the economic development programs that had brought it some recent good news and the welfare programs that kept the city's structurally poor from turning to violence en masse. Chester's current economic situation—which seems doomed to get worse before better—already has fostered one of the highest crime rates in the State. Yet, the city has had to cut back its police force. The mayor now

places officers where they will be the most visable in much the same way as people by "Beware Vicious Dog" signs when no such canine exists.

The police in Chester will tell you they need community anticrime support and that they are too understaffed to foster such programs themselves. In March one of the LEAA's grant programs for training community leaders in the creation of effective citizen anticrime initiatives—run by the National Center for Community Anti-Crime Programs in Norfolk, Va.—will start in Chester, and then despite national success, end forever. H.R. 4481 would continue seed money for community support programs like this and skim other cream programs off the top of LEAA initiatives. However, Presidential disfavor has made the existence of even this small assistance unlikely.

Without Federal help States will continue to run police departments and prisons, but more and more financial burdens will curtail efforts to structure citizen anticrime programs.

A little seed money and an umbrella overview of national crime causes can foster inexpensive effective private citizen anticrime programs at the local level. As testimony that even the most eager, determined, and imaginative of private sectors initiatives cannot go it alone, I offer another example from my corner of the Nation.

A Mr. Matt Peskin of Havertown has initiated the National Town Watch Association. Mr. Peskin's program gives support and information exchange in the initiation of Town Watches across the country. NTWA is the epitomy of the example the President sets in his stories of private citizens helping each other instead of the big, bad, Federal Government. Nevertheless, for all his determination Mr. Peskin has stated that private fundraising has not yet proved to be enough to provide adequate stimulus and support to Town Watches across the country.

Mr. Peskin approves of continued Federal involvement in community anticrime initiates and supports Representatives HUGHES' Justice Assistance Act before us today. He has the firsthand local knowledge that the private sector and State governments can provide just so much support. He would rather be spending the bulk of his associations' volunteer time educating new organizations and learning from existing Town Watches and similar citizen anticrime efforts across the country, rather than constantly scrounging for scarce financial assistance.

We can learn from existing private sector initiatives such as Mr. Peskin's and distressed communities such as Chester, that if we let the market rule us, sometimes the market calls for a centralized support program. We must remember the "united" in United States as we deal with crime, with unemployment, and the budget in general. I do not feel we should be a test case for social Darwinism, letting the fittest of States survive. We are wrong in throwing money at problems, but we are cruel in throwing problems at States.

Again, let me state that the compromise we are voting on today will only yield an effective anticrime program if we stem the socioeconomic growth of crime by not compromising on needed programs cut in the President's fiscal year 1983 budget.●

● Mrs. SCHNEIDER. Mr. Chairman, when H.R. 4481, the Justice Assistance Act of 1981, is brought to the floor today, I intend to strongly support this entirely reasonable effort at bringing greater flexibility to Federal-State cooperation in the control of violent crime.

At a time when violent crime is plaguing our country, and average citizens are becoming more and more fearful of victimization, we must not fail to bring the resources of the Federal Government to bear on the problem. Though funds authorized by the bill are modest, the committee has made a genuine effort to tailor crime programs to best suit problems in each State and locality. We must not forsake our responsibility for the personal safety of the citizens of this country.

Further, I intend to support amendments which will add greater flexibility to the bill. The Sensenbrenner amendment will permit the use of formula grant funds for prison construction and improvement—a critical problem being addressed by the courts in many States. The Porter amendment will also provide further flexibility in our ongoing war against violent crime. By permitting cost sharing to aggregate all programs rather requiring a 50–50 split by category, localities will be able to better suit Federal assistance to specific needs.

Finally, I must oppose the Butler amendment, which would prohibit the use of authorized funds for dispute resolution programs. These programs, which help alleviate court delays and the high cost of litigation by settling disputes before trial, ought to be an option available to States. Certainly, dispute resolution is not appropriate in many cases, but it ought not be ruled out entirely.●

● Mr. EVANS of Delaware. Mr. Chairman, I rise in support of H.R. 4481, the Justice Assistance Act. The Justice Department Task Force on Violent Crime has correctly identified crime as one of the top priorities for government at all levels.

Although we must deal with many problems, it is clear to even the most casual reader of history that a society will collapse from within if the problems of civil disorder and violence are not met.

While the answers to our crime problems do not lie altogether in this bill, it is an essential first step. The programs of local law enforcement assistance have been redesigned in H.R. 4481 to do a better job of assisting States and local communities. Eighty percent of this bill is for community anticrime initiatives, such as the identification of career criminals, victim assistance, and local sting operations.

As every local law enforcement official knows, crime is a national problem. States and localities need and welcome real support from Washington. We do not want more studies, more task forces, or more paper, which many people often feel is the only product coming from the Federal Government. I agree with those at the local level who feel we need more action and more results. The problem of crime, wearing the many faces of drug dealing and smuggling, vandalism, rape, muggings, and on and on, color our lives with fear and make many of our towns and cities depositories of danger.

We have a great deal more to do at every level. The Federal Government must move ahead with the revision of the Federal Criminal Code, to straighten out the problems that arise because of inconsistent sentences, the chaos of our bail system, our overcrowded prisons which serve primarily as hot houses for more crime rather than a reform of criminal behavior, and an examination of the use of the exclusionary rule. We have a great deal to do, especially to stamp out the profit and international terrorism being spawned by the $66 billion a year generated by the illegal drug markets.

Crime prevention is an issue of pressing need. The Federal Government has a key responsibility to work with States and local governments to liberate America from the specter of random violence and criminality.●

● Mr. CORRADA. Mr. Chairman, I rise in strong support of H.R. 4481, a bill aimed at using a modest sum of moneys to help States and localities win their war against the increasing menace of crime in our Nation.

This bill calls for the creation of an Office of Justice Assistance (OJA), based in the Justice Department, to substitute the now-defunct Law Enforcement Assistance Administration. The OJA would administer a grant program with an authorization of $170 million per year for 2 years providing 50 percent matching funds for some kinds of State and local anticrime efforts and a 75 to 25 percent match for innovative programs. This legislation also authorizes a discretionary program of 20 percent of the grant funds with no match requirement for train-

ing and technical assistance, for national and regional initiatives and for emergency law enforcement assistance.

Mr. Chairman, we can do no less than support this crime fighting bill. Notwithstanding my personal view that this bill does not go far enough to aid State and local governments in a meaningful way, I believe it is a positive step toward forging a new partnership, which I believe is much needed, between the States and the Federal Government in the area of criminal justice.

The alarming increase in all types of crime which is sweeping our Nation demands our careful consideration of new initiatives and forceful commitments. This plague threatens to destroy our peace. It is ironic that criminals freely roam the streets of our Nation while honest and decent people fear for their lives and personal property even while staying at home. Crime will continue to be on the increase until we decide to face efficiently the challenge and put more resources at the disposal of the States.

Puerto Rico, for instance, started a crusade against crime a few years ago. With the help of LEAA's funding and increased layouts for crime prevention, Puerto Rico which in 1973 was ranked 8th in the Nation in violent crime, dropped to 11th place in 1975 and to 22d in 1979. Nevertheless, we are far from safeguarding our streets. Criminal elements frighten our citizens on a day-to-day basis to an unbearable degree. Time is ripe for an increase in funding to overwhelm these vicious acts, not for a decrease which will only lead to crippling our efforts and do away with our hopes of controlling this menace.

The Federal Government has to come through and join efforts with the States to put an end to this overgrown octopus. We cannot sacrifice another year of bloodshed and unjustified suffering by our people in exchange of a few dollars savings.

The time to act in behalf of our past and future victims of crimes is long overdue. Let us not eternize this agony; let us free our Nation from crime so that our children can enjoy the America our ancestors enjoyed.●

Mr. HUGHES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan, (Mr. SAWYER).

Mr. SAWYER. I thank the gentleman from New Jersey. I just want to sum up what we said before. This is a modest bill.

As I predicted, there were even critics of this modest sum of money. The fact that it does not cure or address all of the crime-related problems should not cause opposition. I am aware that it does not, nor does it purport to, because it chooses only very selective programs and is a very modest bill.

Given time, our subcommittee, under the guidance of our chairman, the gentleman from New Jersey (Mr. HUGHES), has been addressing, and will address, many, many issues. We have been one of the busiest subcommittees and we have, I think, one of the most serious problems to deal with in the whole Nation. We have been dealing with it regularly. We have bills pending in subcommittee, as the chairman said, before the full committee, and we have them in gestation.

This is a nonpartisan or bipartisan subcommittee. There is no partisanship on the crime issue. Democrats and Republicans alike can join forces 100 percent against crime and we have. We will get these bills moved to the floor and we will ask for assistance on them from the complainers about the modesty of this one.

Mr. HUGHES. Mr. Chairman, I yield myself such time as I may consume.

Just in closing, I think it is important to make a couple of observations. First of all, nobody on the floor today has criticized any of these categories. Nobody has suggested, to my knowledge, that the Sting operation, Career Criminal, Promis, TASC, and a whole host of other categories we have singled out, have not been effective in fighting crime. Instead, the argument has been that LEAA did not work. This bill repeals LEAA. The argument has been made that one cannot throw moneys at crime problems. On this score, this bill has been criticized because it is too modest by the critics.

One additional point. As part of the reconciliation process, the Congress and the administration did acknowledge that there is a role for programs like this. We funded under reconciliation the treatment alternatives to the street crime program (TASC). That is not a way to craft changes in our criminal justice programs. We ought to be doing it as we are doing in committee, after hearing testimony and deciding how we can best direct these resources.

One additional point I think has been lost sight of. We have the National Institute of Justice that is developing research in new programs aimed at the crime problem. We have no vehicle other than this to take that research and test it in the marketplace. I think that is one of the reasons why the Attorney General's own Task Force on Violent Crime thought it was so important to have this type of a Federal leadership role.

To those critics that say we should be funding law enforcement more than we have, that is what we should be directing our activities to, I could not agree with them more. We need twice as many drug enforcement agents in southern Florida right now than we have. We do not have in place in the Coast Guard operation sufficient personnel to do a decent job.

I was in the district of the gentleman from Florida, CLAY SHAW, just a couple of days ago. We heard the Coast Guard testify that they can only occupy the four choke points, the four passages, 18 percent of the time effectively. That means that 82 percent of the time the Coast Guard is doing little to try to intercept the flow of drugs into mostly southern Florida. The drug situation in southern Florida is out of hand.

What we have to do is commit more resources to the law enforcement community but that must be another day. Today we are talking about programs that have worked, such as career criminal and TASC. It is important to say to other jurisdictions around this country who are up to their eyeballs in the crime problem, "Hey, this program has worked in another part of the country. Try it. We think it will help you, too."

That is what this program, in effect, says. I urge my colleagues to support H.R. 4481. It is a modest effort, but it is an important one. As the ranking minority member has said, this is going to go down as one program that has made a difference. I think it will stack up against any other programs we have in the crime area.

So I urge my colleagues to support H.R. 4481. I yield back the balance of my time.

● Mr. DIXON. Mr. Speaker, I rise in strong support of H.R. 4481, the Justice Assistance Act of 1981.

Poll after poll identifies crime as one of the major concerns of the American public, following closely behind the economy, inflation, and high interest rates. This concern is not unfounded. In 1980 crime increased 9.4 percent over the 1979 level. Violent crime grew more than 11 percent and property crime grew more than 9 percent. As the Justice Department pointed out, the crime index has not shown such an increase since 1975. In my hometown of Los Angeles, major crimes were up 13 percent in 1980, with murders increasing at an alarming 28 percent. Local law enforcement officials believe that LA's dramatic increase in crime can be attributed to decreased police personnel as well as a lack of Federal assistance to combat crime.

There are still those of us who believe that the Federal Government should be a help to State and local governments, and therefore ultimately to the citizens of the country. That the Federal Government should and can offer programs, funding, and support to those local entities without apologizing for that relationship. Nowhere is this more important and Federal Government, as a whole, can do very little directly about crime. Therefore, when we have the opportunity, we must provide all the assistance and funding that we can. Because crime is best dealt with at the local level, that does not mean that we consider it

"their" problem rather than "our," and one that we should not become involved in.

The program initiatives outlined in H.R. 4481, are those Law Enforcement Assistance Administration programs which have proven to be both effective and efficient in reducing crime. I am particularly pleased that community anticrime programs are encouraged first among eligible activities for States receiving grants, and I am pleased that the Judiciary Committee adopted this program initiative from my earlier legislation H.R. 4385, which seeks to restore Federal aid for community crime prevention.

Since its inception, community anticrime programs throughout the Nation have demonstrated that citizen involvement in crime prevention is very effective in reducing crime. While serious crime has skyrocketed in the past year, neighborhoods which operated community anticrime programs realized crime increases below the 9-percent national average.

H.R. 4481 authorizes $170 million for fiscal years 1982 and 1983 or only 22 percent of LEAA's original authorization of $775 million. The bill also required States to provide matching funds; however, they are not required to pass the matching funds requirement on to units of local government which choose to participate in the program. The Justice assistance is a plan of action, devised at a reasonable cost to our taxpayers. It can be administered at a reasonable cost, with benefits beyond what we get from most Federal programs.

I urge my colleagues to support this legislation. I encourage my colleagues of the Appropriations Committee to provide full funding for this legislation. Our citizens are tired of living in a state of siege, without any hope of seeing it reduced, let alone come to an end. By supporting H.R. 4481, you will not only say you understand and care, but that some help is on the way.●

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the reported bill shall be considered by titles as an original bill for the purpose of amendment, and each title shall be considered as having been read.

The Clerk will designate title I.

Title I reads as follows:

H.R. 4481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SHORT TITLE

SEC. 101. This Act may be cited as the "Justice Assistance Act of 1981".

OFFICE OF JUSTICE ASSISTANCE

SEC. 102. (a) Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711-3713) is amended in the heading to such part by striking out "LAW ENFORCEMENT ASSISTANCE ADMINISTRATION" and inserting in lieu thereof "OFFICE OF JUSTICE ASSISTANCE".

(b) Section 101 of part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended—

(1) in the heading of such section by striking out "LAW ENFORCEMENT ASSISTANCE ADMINISTRATION" and inserting in lieu thereof "OFFICE OF JUSTICE ASSISTANCE",

(2) by striking out "Law Enforcement Assistance Administration (hereinafter referred to in this title as the 'Administration')" and inserting in lieu thereof "Office of Justice Assistance (hereinafter referred to as the 'Office')",

(3) by striking out "Administration" each place it appears and inserting in lieu thereof "Office",

(4) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director", and

(5) by striking out "Deputy Administrators" and inserting in lieu thereof "Deputy Directors".

(c) Section 102 of part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended—

(1) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director",

(2) in paragraph (1) by striking out "and units of local government",

(3) by amending paragraph (2) to read as follows:

"(2) establish national priorities for programs in accordance with part E, inform States, units of local government, and private nonprofit organizations of such priorities, and award and allocate funds and technical assistance to such organizations according to the criteria and on the terms and conditions determined by the Director to be consistent with part E;".

(4) in paragraph (4) by striking out "Administration" and inserting in lieu thereof "Office", and

(5) in the heading for such section by striking out "ADMINISTRATOR" and inserting in lieu thereof "DIRECTOR".

(d) Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711-3713) is amended by striking out section 103.

NATIONAL INSTITUTE OF JUSTICE

SEC. 103. (a) Section 202 of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A) by striking out ", including programs authorized by section 103 of this title", and

(B) in paragraph (10)—

(i) by striking out "national priority grants under part E and", and

(ii) by striking out "part F" and inserting in lieu thereof "part E", and

(2) in subsection (d)(5) by striking out "part H" and inserting in lieu thereof "part G".

(b) Section 204(a) of part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3724(a)) is amended by striking out "The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention," and inserting in lieu thereof "The Director of the Office of Justice Assistance,".

BUREAU OF JUSTICE STATISTICS

SEC. 104. Section 304(a) of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3734(a)) is amended by striking out "The Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention," and inserting in lieu thereof "The Director of the Office of Justice Assistance,".

FORMULA GRANTS

SEC. 105. (a) Section 401 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741) is amended—

(1) in subsection (a)—

(A) by striking out "innovative programs" and all that follows through "success, or" and insert in lieu thereof "programs",

(B) by striking out "and units of local government" the second place it appears,

(C) by striking out "Administration" and inserting in lieu thereof "Office", and

(D) by amending paragraphs (1) through (23) to read as follows:

"(1) providing community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime;

"(2) disrupting illicit commerce in stolen goods and property;

"(3) combating arson;

"(4) effectively investigating and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government;

"(5) identifying and processing within the criminal justice system persons (including juvenile offenders) with a history of serious criminal conduct;

"(6) developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes;

"(7) providing alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community;

"(8) providing programs which identify and meet the needs of drug-dependent offenders;

"(9) providing programs which alleviate prison and jail overcrowding;

"(10) providing training, management, and technical assistance to criminal justice personnel;

"(11) administering programs receiving assistance under this part and coordinating the activities of components of the criminal justice system;

"(12) providing management information systems for criminal justice agencies;

"(13) programs which are innovative and address critical problems of crime;

"(14) programs of the same types as programs for which financial assistance was provided under paragraph (13) or section 501(5) and which were certified by the Director, primarily on the basis of any available objective, empirical, or statistical information or evaluation, as having proved a success; and

"(15) programs which address the problem of serious offenses committed by juveniles.".

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) For any fiscal year ending after September 30, 1981, the Federal portion of any grant made under this part shall be 50 per centum of the cost of each program or project specified in the application for such grant, except that—

"(A) in the case of funds distributed for a program or project described in subsection (a)(13), the Federal portion shall be 75 per centum of such cost; and

"(B) in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any program or project described in subsection (a), the Federal portion shall be 100 per centum of such cost.",

(B) in paragraph (2)—

(i) by striking out "(2)(A)" and inserting in lieu thereof "(2)", and

(ii) by striking out subparagraph (B),

(3) by striking out subsection (c), and

(4) by amending subsection (b)(3) to read as follows:

"(c) A grant recipient shall assume the cost of a current program or project funded under this part after a four-year period (including any period occurring before the effective date of this subsection) of Federal assistance.".

(b) Section 402 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3742) is amended to read as follows:

"ELIGIBILITY

"SEC. 402. The Office is authorized to make financial assistance under this part available to a State to enable it to carry out all or a substantial part of a program or project submitted and approved in accordance with the provisions of this part.".

(c) Section 403 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3743) is amended—

(1) in subsection (a)—

(A) by striking out "Administration" each place it appears and inserting in lieu thereof "Office",

(B) by striking out "three-year" and inserting in lieu thereof "two-year",

(C) in the first sentence by inserting ", designates which objective specified in section 401(a) each such program is intended to achieve, and identifies the State agency or unit of local government which will implement each such program" before the period,

(D) in paragraph (3) by striking out ", and to the council where the applicant is a State agency, the judicial coordinating committees, a nongovernmental grantee, or a unit or combination of units of local government",

(E) in paragraph (6)—

(i) by striking out "a provision for" and inserting in lieu thereof "an assurance that", and

(ii) by inserting "will be provided" after "prescribe",

(F) in paragraph (7)—

(i) by striking out "a provision for the maintenance of" and inserting in lieu thereof "an assurance that the State will maintain", and

(ii) by striking out "for the submission of" and inserting in lieu thereof "submit",

(G) in paragraph (8)—

(i) by striking out "officer" the first place it appears, and

(ii) by striking out "and" at the end thereof,

(H) in paragraph (9) by striking out the period and inserting in lieu thereof a semicolon,

(I) by striking out paragraphs (1), (2), and (5),

(J) by redesignating paragraphs (3), (4), (6), (7), (8), and (9) as paragraphs (1), (2), (3), (4), (5), and (6), respectively, and

(K) by adding at the end thereof the following new paragraphs:

"(7) an assurance that not more than 10 per centum of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the objective specified in section 401(a)(13); and

"(8) an assurance that not more than 5 per centum of the aggregate amount of funds received by a State under this part for a fiscal year will be distributed for programs and projects designated as intended to achieve the objective specified in section 401(a)(11).", and

(2) by amending subsection (b) to read as follows:

"(b) The executive officer of a State shall submit the application described in subsection (a), and any amendment to such application, to the State legislature while in session, or to a body designated to act in behalf of the State legislature if the State legislature is not then in session, for review. For purposes of section 404, such application or amendment shall be deemed to be reviewed if the State legislature or such body does not review such application or amendment within the ninety-day period beginning on the day it is so submitted.".

(d) Section 404 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3744) is amended—

(1) in subsection (a)—

(A) in paragraph (2) by striking out "and" at the end thereof,

(B) in paragraph (3) by striking out the period and inserting in lieu thereof "; and",

(C) by inserting after paragraph (3) the following new paragraph:

"(4) prior to the approval of the application or amendment thereof the Office has made an affirmative finding in writing that the program or project has been reviewed in accordance with section 403(b).", and

(D) by inserting before the period at the end thereof "or the application or amendment has not been reviewed in accordance with section 403(b)",

(2) in subsection (b) by striking out "section 802(b)" each place it appears and inserting in lieu thereof "section 701(b)",

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) the purchase of equipment or hardware, or the payment of personnel costs, unless the cost of such purchases and payments is incurred as an incidental and necessary part of a program under section 401(a);", and

(B) in paragraph (4) by striking out "Law Enforcement Assistance Administration," and inserting in lieu thereof "Office of Justice Assistance,",

(4) in subsection (d)—

(A) by striking out "Administrator" and inserting in lieu thereof "Director", and

(B) by striking out "section 803" and inserting in lieu thereof "section 702", and

(5) by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(e) Section 405 of part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3745) is amended to read as follows:

"ALLOCATION AND DISTRIBUTION OF FUNDS

"SEC. 405. (a) Of the total amount appropriated for this part and part E (other than any amount appropriated under section 901(b)) in any fiscal year, 80 per centum shall be set aside for this part and allocated to States as follows:

"(1) One-fourth of 1 per centum of the amount set aside for this part, but not to exceed $250,000, shall be allocated to each of the participating States.

"(2)(A) Of 50 per centum of any funds remaining after the allocation under paragraph (1) is made, there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of such State bears to the population of all the States.

"(B) Of 50 per centum of any funds remaining after the allocation under paragraph (1) is made, there shall be allocated to each State an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the number of part I offenses, in the Uniform Crime Reports, reported to the Federal Bureau of Investigation by such State in the preceding fiscal year bears to the aggregate number of part I offenses, in the Uniform Crime Reports, reported to the Federal Bureau of Investigation in such preceding fiscal year by all the States.

"(b)(1) Each State which receives funds under subsection (a) in a fiscal year shall distribute among units of local government, or combinations of units of local government, in such State for the purposes specified in section 401(a) that portion of such funds which bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for law enforcement in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in such State for law enforcement in such preceding fiscal year.

"(2) Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State involved.

"(3) For purposes of determining the distribution of funds under paragraph (1), the most accurate and complete data available for the fiscal year involved shall be used. If data for such fiscal year are not available, then the most accurate and complete data available for the most recent fiscal year preceding such fiscal year shall be used.

"(c) No funds allocated to a State under subsection (a) or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(d) If the Office determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required or that a State will be unable to qualify or receive funds under this part, then such portion shall be reallocated to the other participating States.".

(f) Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3741–3745) is amended by adding at the end thereof the following new section:

"STATE OFFICE

"SEC. 406. (a) Each participating State shall establish or designate by statute a State office for purposes of—

"(1) preparing an application to obtain funds under this part; and

"(2) administering funds received from the Office of Justice Assistance and its predecessor agency, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, auditing, and fund disbursements.

"(b) An office or agency performing other functions within the executive branch of a State may be designated to carry out the functions specified in subsection (a).".

NATIONAL PRIORITY GRANTS

SEC. 106. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended by striking out part E.

DISCRETIONARY GRANTS

SEC. 107. (a) Sections 601 and 602 of part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761-3762) are amended to read as follows:

"PURPOSE

"SEC. 501. The purpose of this part is to provide additional Federal financial assistance to States, units of local government, combinations of such units, and private nonprofit organizations for purposes of—

"(1) undertaking educational and training programs for criminal justice personnel;

"(2) providing technical assistance to States and local units of governments that have received financial assistance under part D;

"(3) undertaking projects which are national or multi-State in scope, which address the purposes specified in section 401, and which have not received sufficient funds under part D;

"(4) providing emergency law enforcement assistance to States or units of local government in circumstances in which States or units of local government cannot otherwise provide adequate law enforcement; and

"(5) providing financial assistance to States and units of local government for demonstration programs which, in view of previous research or experience, are likely to be a success in more than one jurisdiction and are not likely to be funded with moneys from other sources.

"PERCENTAGE OF APPROPRIATION FOR DISCRETIONARY GRANT PROGRAM

"SEC. 502. Of the total amount appropriated for part D and this part (other than any amount appropriated under section 901(b)) in any fiscal year—

"(1) 10 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Office in making grants to carry out the purposes specified in paragraphs (1), (2), (3), and (4) of section 501; and

"(2) 10 per centum shall be reserved and set aside for this part in a special discretionary fund for use by the Office in making grants to carry out the purpose specified in paragraph (5) of section 501.

The Director shall ensure that the primary recipients of grants to carry out the purposes specified in paragraphs (1), (2), and (3) of section 501 are private nonprofit organizations. Grants under this part may be made for amounts up to 100 per centum of the costs of the programs or projects contained in the approved application.".

(b) Section 603 of part F of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763) is amended—

(1) in subsection (a)—

(A) by striking out "The Director of the Office of Justice, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "The Director of the Office of Justice Assistance", and

(B) by striking out "and jointly", and

(2) in subsection (b)—

(A) by striking out "and such Administrator" each place it appears,

(B) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance",

(C) by striking out "jointly have" and inserting in lieu thereof "has", and

(D) by striking out "jointly" each place it appears.

(c) Section 604 of part F of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3764) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(d) Section 605 of part F of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765) is amended—

(1) by striking out "Administration" each place it appears and inserting in lieu thereof "Office",

(2) by striking out "section 603" and inserting in lieu thereof "section 503",

(3) by striking out the third sentence, and

(4) by striking out "type of section 402 eligible jurisdiction" and inserting in lieu thereof "State".

(e) Section 606 of part F of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3766) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(f) The heading for part F of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761-3766) is amended by striking out "PART F" and inserting in lieu thereof "PART E".

(g) Part E, as so redesignated, is amended by redesignating sections 603, 604, 605, and 606 as sections 503, 504, 505, and 506, respectively.

TRAINING AND MANPOWER DEVELOPMENT

SEC. 108. (a) Part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3775) is amended—

(1) by striking out sections 701, 702, and 703,

(2) in section 705 by striking out "Administration" each place it appears and inserting in lieu thereof "Office", and

(3) by redesignating sections 704 and 705 as sections 601 and 602, respectively.

(b) The heading for part G of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771-3775) is amended by striking out "PART G" and inserting in lieu thereof "PART F".

ADMINISTRATIVE PROVISIONS

SEC. 109. (a) Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781 et seq.) is amended by striking out section 801.

(b) Section 802 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3782) is amended—

(1) in subsection (a) by striking out "The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration," and inserting in lieu thereof "The Office of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention,", and

(2) in subsection (b)—

(A) by striking out "Law Enforcement Assistance Administration" and "Law Enforcement Assistance Administration" each place they appear and inserting in lieu thereof "Office of Justice Assistance",

(B) by inserting "the Office of Juvenile Justice and Delinquency Prevention," after "Bureau of Justice Statistics,",

(C) by striking out "parts D, E, and F" and inserting in lieu thereof "parts D and E",

(D) by striking out the second sentence,

(E) by amending the third sentence to read as follows: "In conducting evaluations described in this subsection, the Office of Justice Assistance shall, when practical, compare the effectiveness of programs conducted by similar applicants and different applicants.", and

(F) by striking out "administration" and inserting in lieu thereof "Office".

(c) Section 803 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783) is amended—

(1) by striking out "Law Enforcement Assistance Administration" each place it appears and inserting in lieu thereof "Office of Justice Assistance",

(2) by inserting "the Office of Juvenile Justice and Delinquency Prevention," after "Bureau of Justice Statistics," each place it appears, and

(3) in subsection (c) by striking out "Administration," and inserting in lieu thereof "Office,".

(d) Section 804 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3784) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(e) Section 805 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3785) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration," each place it appears and inserting in lieu thereof "Office of Justice Assistance,",

(2) by inserting "the Office of Juvenile Justice and Delinquency Prevention," before "or the National Institute of Justice" each place it appears,

(3) in subsection (a) by striking out "section 803, 804, or 815(c)(2)(G)" and inserting in lieu thereof "section 702, 703, or 712(c)(2)(G)", and

(4) in subsection (b) by inserting "the Office of Juvenile Justice and Delinquency Prevention" before "or the Bureau of Justice Statistics".

(f) Sections 806 and 807 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3786-3787) are each amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics,", and

(2) by striking out ", and the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance".

(g) Sections 810 and 811 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3788-3789) are amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics," each place it appears,

(2) by striking out ", and the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, and the Office of Justice Assistance".

(h) Section 812 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789a) is amended by striking out "Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," and inserting in lieu thereof "Director of the Office of Justice Assistance, the Administrator of the Office of Juvenile Justice and Delinquency Prevention,".

(i) Section 813 of part H of the Omnibus Crime Control and Safe Streets Act of 1968

(42 U.S.C. 3789b) is amended in subsections (a) and (b)—

(1) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention", and

(2) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(j) Section 814 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789c) is amended—

(1) in subsections (a) and (b)—

(A) by striking out "Office of Justice Assistance, Research, and Statistics," and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention,", and

(B) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(2) in subsection (c) by striking out "Administration" and inserting in lieu thereof "Office".

(k) Section 815 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789d) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance", and

(2) in subsection (b) by striking out "or the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Office of Juvenile Justice and Delinquency Prevention, or the Office of Justice Assistance".

(l) Section 816 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789e) is amended to read as follows:

"REPORT TO PRESIDENT AND CONGRESS

"SEC. 816. Not later than April 1 of each year, the Director of the Office of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice shall each submit a report to the President and to the Speaker of the House of Representatives and the President of the Senate, on their activities under this title during the fiscal year next preceding such date.".

(m) Section 817 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789f) is amended—

(1) by striking out "Office of Justice, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance",

(2) in subsection (d) by striking out "section 815(c)" each place it appears and inserting in lieu thereof "section 712(c)", and

(3) in subsection (f)—

(A) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(B) by striking out "Administrator" each place it appears and inserting in lieu thereof "Director".

(n) Section 818 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789g) is amended by striking out "Office of Justice Assistance, Research, and Statistics" each place it appears and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance".

(o) Section 819 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789h) is amended—

(1) by striking out "Office of Justice Assistance, Research, and Statistics," and inserting in lieu thereof "Office of Juvenile Justice and Delinquency Prevention,", and

(2) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(p) Section 820(a) of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789i(a)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(q) Section 823 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789l) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(r) Section 826 of part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3789o) is amended—

(1) by striking out "council" each place it appears,

(2) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(3) by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(s) The heading for part H of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by striking out "PART H" and inserting in lieu thereof "PART G".

(t) Part G, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by redesignating sections 802, 803, 804, 805, 806, 807, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, and 826 as sections 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, and 723, respectively.

(u) Part G, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by striking out sections 808, 809, and 827.

(v) Part G, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3781-3789o) is amended by adding at the end thereof the following new section:

"STAFF SUPPORT; COORDINATION OF ACTIVITIES

"SEC. 724. The Office of Justice Assistance may directly provide staff support to, and assist in coordinating the activities of, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention.".

DEFINITIONS

SEC. 110. (a) Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(b) Section 901(a)(4) of part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(4)) is amended—

(1) by inserting "renovation, repairs, remodeling," after "acquisition,", and

(2) by striking out ", but does not include renovation, repairs, or remodeling".

(c) The heading for part I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by striking out "PART I" and inserting in lieu thereof "PART H".

(d) Part H, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended by redesignating section 901 as section 801.

FUNDING

SEC. 111. (a) Section 1001 of part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) by inserting "(a)" after "SEC. 1001",

(2) in the third sentence—

(A) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance",

(B) by striking out "$750,000,000" each place it appears and inserting in lieu thereof "$170,000,000", and

(C) by striking out "parts D, E, F, G, H, and J" and inserting in lieu thereof "parts D, E, F, and G",

(3) by striking out "part L" each place it appears and inserting in lieu thereof "part K", and

(4) by adding at the end thereof the following new subsections:

"(b) In addition to amounts authorized under subsection (a), for each fiscal year ending after September 30, 1982, there are authorized to be appropriated such sums as may be necessary to carry out the purpose specified in section 501(4) of part E.

"(c) Notwithstanding any other provision of law, no funds appropriated under this section for parts D and E of this title may be transferred or reprogramed for carrying out any activity which is not authorized under such parts.".

(b) Part J of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793-3793b) is amended by striking out sections 1002 and 1003.

(c) The heading for part J of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793-3793b) is amended by striking out "PART J" and inserting in lieu thereof "PART I".

(d) Part I, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793-3793b) is amended by redesignating section 1001 as section 901.

CRIMINAL PENALTIES

SEC. 112. (a) Section 1101 of part K of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(b) Section 1103 of part K of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance".

(c) The heading for part K of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by striking out "PART K" and inserting in lieu thereof "PART H".

(d) Part H, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3795-3795b) is amended by redesignating sections 1101, 1102, and 1103 as 1001, 1002, and 1003, respectively.

PUBLIC SAFETY OFFICERS' DEATH BENEFITS

SEC. 113. (a) Sections 1201 and 1204 of part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797-3797c) are amended by striking out "Administration" each place it appears and inserting in lieu thereof "Office".

(b) The heading for part L of the Omnibus Crime Control and Safe Streets Act of

1968 (42 U.S.C. 3797-3797c) is amended by striking out "PART L" and inserting in lieu thereof "PART K".

(c) Part K, as so redesignated, of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797-3797c) is amended by redesignating sections 1201, 1202, 1203, and 1204 as 1101, 1102, 1103, and 1104, respectively.

TRANSITION

SEC. 114. (a) Section 1301 of part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799(a)) is amended—

(1) in subsection (a)—

(A) by striking out "the Office of Justice Assistance, Research, and Statistics or",

(B) by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "Office of Justice Assistance", and

(C) by striking out "or the Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "the Administrator of the Office of Juvenile Justice and Delinquency Prevention, or the Director of the Office of Justice Assistance", and

(2) by striking out subsection (j), and

(3) by redesignating subsection (k) as subsection (j).

(b) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799) is amended by striking out "PART M" and inserting in lieu thereof "PART L".

(c) Part L, as so redesignated, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3799) is amended by redesignating section 1301 as section 1201.

TABLE OF CONTENTS

SEC. 115. The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701-3799) is amended—

(1) by amending the item relating to part A to read as follows:

"PART A—OFFICE OF JUSTICE ASSISTANCE"

(2) by striking out the item relating to section 103,

(3) by adding at the end of the items relating to part D the following new item:

"Sec. 406. State office.".

and

(4) by amending the items relating to parts E, F, G, H, I, J, L, and M, to read as follows:

"PART E—DISCRETIONARY GRANTS

"Sec. 501. Purpose.
"Sec. 502. Percentage of appropriation for discretionary grant program.
"Sec. 503. Procedure for establishing discretionary programs.
"Sec. 504. Application requirements.
"Sec. 505. Criteria for award.
"Sec. 506. Period for award.

"PART F—TRAINING AND MANPOWER DEVELOPMENT

"Sec. 601. Federal Bureau of Investigation training of State and local criminal justice personnel.
"Sec. 602. Criminal justice education program.

"PART G—ADMINISTRATIVE PROVISIONS

"Sec. 701. Consultation; establishment of rules and regulations.
"Sec. 702. Notice and hearing on denial or termination of grant.
"Sec. 703. Finality of determinations.
"Sec. 704. Appellate court review.
"Sec. 705. Delegation of functions.
"Sec. 706. Subpena power; authority to hold hearings.
"Sec. 707. Employment of hearing officers.
"Sec. 708. Authority to use available services.
"Sec. 709. Consultation with other Federal, State, and local officials.
"Sec. 710. Reimbursement authority.
"Sec. 711. Services of experts and consultants; advisory committees.
"Sec. 712. Prohibition of Federal control over State and local criminal justice agencies.
"Sec. 713. Report to President and Congress.
"Sec. 714. Recordkeeping requirement.
"Sec. 715. Confidentiality of information.
"Sec. 716. Authority to accept voluntary services.
"Sec. 717. Administration of juvenile delinquency programs.
"Sec. 718. Prohibition on land acquisition.
"Sec. 719. Prohibition on use of CIA services.
"Sec. 720. Indian liability waiver.
"Sec. 721. District of Columbia matching fund source.
"Sec. 722. Limitation on civil justice matters.
"Sec. 723. Reimbursement for unused equipment.
"Sec. 724. Staff support; coordination of activities.

"PART H—DEFINITIONS

"Sec. 801. Definitions.

"PART I—FUNDING

"Sec. 901. Authorization of appropriations.

"PART J—CRIMINAL PENALTIES

"Sec. 1001. Misuse of Federal assistance.
"Sec. 1002. Falsification or concealment of facts.
"Sec. 1003. Conspiracy to commit offense against United States.

"PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

"Sec. 1101. Payments.
"Sec. 1102. Limitations.
"Sec. 1103. Definitions.
"Sec. 1104. Administrative provisions.

"PART L—TRANSITION—EFFECTIVE DATE—REPEALER

"Sec. 1201. Continuation of rules, authorities, and proceedings.".

REFERENCES IN OTHER LAWS

SEC. 116. (a) Any reference to the Law Enforcement Assistance Administration, or to the Administrator of the Law Enforcement Assistance Administration, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Office of Justice Assistance shall be deemed to be a reference to the Office of Justice Assistance, or to the Director of the Office of Justice Assistance, as the case may be.

(b) Any reference to the Office of Justice Assistance, Research, and Statistics, or to the Director of the Office of Justice Assistance, Research, and Statistics, in any law other than this Act and the Omnibus Crime Control and Safe Streets Act of 1968, applicable to activities, functions, powers, and duties that after the date of the enactment of this Act are carried out by the Bureau of Justice Statistics, the National Institute of Justice, or the Office of Juvenile Justice Delinquency Prevention shall be deemed to be a reference to the Bureau of Justice Statistics, National Institute of Justice, or Office of Juvenile Justice Delinquency Prevention, or to the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, or the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as the case may be.

TECHNICAL AMENDMENTS TO OTHER LAWS

SEC. 117. (a) Section 5314 of title 5, United States Code is amended by striking out "Director, Office of Justice Assistance, Research, and Statistics.".

(b) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Administrator of Law Enforcement Assistance.", and

(2) by adding at the end thereof the following new item:

"Director, Office of Justice Assistance.".

(c) Section 1761(c) of title 18, United States Code, is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Director of the Office of Justice Assistance".

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 7, line 2, insert "and programs for the construction of prisons, jails, and other detention facilities" before the semicolon.

Page 13, line 7, strike out "and".

Page 13, after line 7, insert the following new subparagraph:

(B) in paragraph (3) by inserting ", other than construction projects involving prisons, jails, and other detention facilities" before the semicolon, and

Page 13, line 8, strike out "(B)" and insert in lieu thereof "(C)".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, this amendment removes the restrictions in the present law against using the funds authorized in this act for prison construction.

When the LEAA reauthorization was considered by the Congress in 1979, there was a specific prohibition against using the LEAA funds for prison construction. That is carried forward in this particular piece of legislation.

The amendment which I am offering today does not mandate the spending of one dime of authorized funds for prison construction. It merely gives the States the discretion on whether to apply for funds for prison construction or whether to apply for funds for some other purpose than is authorized under the act.

The arguments in behalf of this amendment are twofold. First of all there is a demonstrated need. The Attorney General's Task Force on Violent Crime report stated that a Feder-

al role in providing funds for State and local prison construction was the No. 1 criminal justice priority. Former Attorney General Griffin Bell, who served in the Carter administration, as well as Illinois Gov. James Thompson, a Republican, have testified before the Congress that they concur that if there is just one recommendation of that report that should be enacted into law, this is it.

Unless this amendment is adopted we will have turned our back on that recommendation as a body.

Second, the National Governors' Conference Criminal Justice Subcommittee has strongly recommended that their No. 1 priority is a Federal financial role in prison construction.

Finally, the adoption of this amendment improves the concept of federalism. It permits the States to determine their own priorities of what should the LEAA funds be used for, whether they should be used for prisons, whether they should be used for improvement in electronic equipment, whether they should be used for studies, whether they should be used for better computerization of clerks of courts or prosecutors' offices and the like. I think that is what it should be.

We should not have bureaucrats here in Washington or in Congress as a body saying that the No. 1 priority in southern New Jersey is this and the No. 1 priority in southern Florida is that. We ought to let the local officials who are on the firing line on a day-to-day basis determine their own priorities.

By opening up the authorization to use the funds that this Congress is earmarking under this bill for prison construction, we will have given those local government officials and State officials a far greater discretion in determining their priorities than if the door remained shut. I strongly call for the adoption of this amendment.

Mr. SAWYER. Mr. Chairman, I rise in opposition to the amendment.

I have to say that I am sympathetic with the recommendation of the Attorney General's task force to which the gentleman referred. Incidentally, that task force was chaired by a nationally outstanding Republican, the Governor of Illinois, and a nationally outstanding Democrat, the former Attorney General of the United States, Griffin Bell. Both Jim Thompson of Illinois and former Attorney General Bell have had extensive law enforcement experience. One of their major recommendations, in addition to the type of program that we have authorized in this bill, was a block grant to the States of $500,000 for each of 4 years, or $2 billion, to assist in jail and prison construction. I am totally in accord with that.

As a matter of fact, I have introduced a bill which is pending in our committee now that would do just that. However, this bill authorizes a very modest program of $170 million as opposed to $2 billion. To make this money available for prison construction would be like adopting a bill for home insulation assistance, but using it for apartment house mortgages. It just would chew up all the funding without even touching the basic aims of this bill.

In other words, if we intend any such use for the funds authorized in this bill, we would have to be talking instead about $1,700,000,000, $2 billion, or $2,500,000,000; certainly not $170 million.

Authorizing the use of funds for these horrendously big expenditures would do nothing to alleviate that problem substantially. We would be lucky if we could build one cell onto every jail in the country, let alone touch the prisons with this amount.

Yet, this is, we think, an adequate amount to correctly address, and really do some good in, the areas in which it is focused. There will be another day, I believe, when we will have a bill through our committee and on the floor which deals with the question of prison construction. Perhaps it will be precisely in accord with the recommendation of the Attorney General's Task Force on Violent Crime.

However, this very modest amount of funding is not designed to, nor could it in any way, make even an appreciable or noticeable dent in the need for prison construction, improvement or modernization.

I say we should keep this in focus and not try to put other worthy programs in this bill. I am also in favor of some additional money for the Coast Guard, which has had now to reduce its force by 1,000 men. It has 47 vessels tied up because of the lack of funds. Yet they are still only interdicting 15 percent of the drugs coming into the country. The FBI is being reduced and the DEA is being reduced at a time when we have the biggest upswing in our national history in drugs. But we cannot address everything in this one little bill.

This is a modest bill for specific purposes. I would strongly oppose diverting its funds to anything other than the programs for which it was intended.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Would the gentleman from Michigan agree that one of the reasons that many judges do not sentence people who have been convicted of crime is because of their concern for prison overcrowding and the fact that there is just no place to put these people who have been convicted by a jury of their peers?

□ 1300

Mr. SAWYER. I do not know whether the gentleman has had any experience in law enforcement, but I have. I have never been aware of a situation where a judge did not sentence someone to prison because of his concern for the lack of prison space. I have seen judges, when presented with a specific petition that prisons are overcrowded or some such thing on a broader basis, issue orders requiring in some cases early release, or something similar, but I have never seen—and I do not know of anyone in law enforcement who has seen—a judge who did not sentence a specific criminal to prison for a specific crime because he thought the prison was overcrowded.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment.

I must say, Mr. Chairman, I am a little bit puzzled about my colleague's introduction of the amendment, because I know he is vehemently opposed to the legislation. One of the arguments he makes about LEAA, about which I happen to agree with—the old LEAA program—is that it was too open ended and could get away from us. We have tried to make this a very focused, targeted program.

I do not know how my colleague feels about prison construction, but I would welcome him to join with the gentleman from Michigan (Mr. SAWYER) and me, in trying to develop legislation that would in fact provide for prison construction. I am not so sure my colleague supports a $2 billion construction program. Would he want to respond on that? Because that in fact is what has been proposed by the Attorney General's Task Force on Violent Crime.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I certainly think that $2 billion over a 4-year period of time is a lot more than this country or this Congress can afford to pay. But I would point out that, even for relatively modest sums of money, there can be a tremendous increase in the capacity of correctional facilities.

The Attorney General's task force, on page 76, pointed out that for the expenditure of $150 million between July of 1979 and July of 1980, 7,100 new bed spaces in either new construction or remodeling of existing facilities were created in the correctional facilities around this country.

That is not an insignificant number.

Mr. HUGHES. I would welcome our colleague's support when we develop a modest bill that would provide for prison overcrowding.

I might say to my colleague and others that in this legislation we have

provided for programs that would, first of all, divert nonviolent criminals in other directions, through restitution and work programs, among others to keep nonviolent criminals, who really do not belong in jail, out of jail, and also to provide for a better screening of prisoners in our jails. We have done a very poor job of screening prisoners in and out. We have people in jail today who do not belong there, and we have people who are not in jail because of overcrowding who belong in jail.

So we can do a much better job of screening prisoners. In fact, "Pretrial Services," which, as my colleague knows, is hung up in the Rules Committee right now, enables us to do a better job of tracking individuals through the entire criminal justice procedure. Right now we often do not have enough information before the court to decide whether a defendant should go out on bail, and we can make better decisions early on in the process by tracking that individual through the process.

So we are doing a lot of things like pretrial services. Those programs can be funded through this particular bill, H.R. 4481, to help with prison and jail overcrowding.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Illinois.

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I think there is a related subject here which is called to our attention by the amendment, and that is that we tend to provide funds for maximum security correctional facilities to take care of all types of criminals. The gentleman from New Jersey has pinpointed a very important element in connection with corrections, and that is that the nonviolent type of criminal does not require the maximum security facilities to house him. I think we should give our attention, not in connection with this amendment, but at an appropriate time, to the great variety of types of facilities that can be provided for the various types of criminals.

I think the President has made reference to the fact that some Federal facilities might be suitable for housing the less violent, the less dangerous type of criminal, and that there might be some existing facilities available for that. We should give attention to that, plus the whole gamut of services or facilities that might be available for handling the entire cross-section of corrections and criminals of various types.

Mr. HUGHES. The gentleman makes a very valuable contribution, and I might just suggest that the Bureau of Prisons just recently decided to cut back on the halfway houses. We have used the halfway houses, which are really the transition back to community life, as a way of providing for the overflow of our prisons. So the halfway houses, which cost much less to house prisoners than the prisons, are being used for the overflow. We are pushing them out into the community, often before they are ready to go out into the community. Unfortunately, we are destroying a system which has worked, by overloading and pressuring halfway houses.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HUGHES) has expired.

(By unanimous consent, Mr. HUGHES was allowed to proceed for 1 additional minute.)

Mr. HUGHES. So what we are endeavoring to do, in legislation such as this, is to offer the innovative approaches to encourage States to use systems and programs that other law enforcement agencies have found successful.

I urge my colleagues to reject this amendment. It would just provide so much excess baggage. We are talking about a measure that I am sympathetic to, providing for prison construction, but it does not belong in this legislation. I urge my colleagues to defeat the amendment.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to this amendment. I take the time to speak on it because some of the arguments of others who are against the amendment I think lead us in the wrong direction.

It seems to me that those of us who believe that you have to take a hard-nosed position on crime—and that seems to be the consensus in the Congress—ought to recognize that those elected officials at the State and local level who share that feeling have got to get the courage, the conviction, the gumption to say to their own constituents, that if they believe that prisons are a proper place to put convicts, particularly those who are violent prisoners, then they are going to have to pay for those prisons. For us to suggest that somehow those prisons and those jails are necessary, as I think they are, at the local and State level, but there is not the ability to build them because they do not have the money at the local and State jurisdictions, puts us in the same cycle we have been in for the last 20 years. Here we are saying, "Well, we are from Washington, we can identify the problems, but our constituents do not have enough sense or the courage of their convictions to vote those convictions at the local level and pay for those jails and pay for those prisons."

I think sometimes that if you are going to have people act responsibly you have got to give them some responsibility. The bottom line ought to be, as far as jails and prisons are concerned, is that they should be built for the local systems, by the local taxpayers. That is why I am concerned that we would use the amendment that the gentleman from Wisconsin suggests to use funds from this program for the local and State jurisdictions' prisons and jails.

I have commended the gentleman from New Jersey before, because I think he has done a good job in taking care of some of the excesses of LEAA. I think that is to be recognized. If we are going to have a program, this program is certainly acceptable over the old LEAA program. I just point out, however, that the administration is not funding LEAA after this year, so in effect we are resurrecting the whole concept of the program.

One of the things I think we ought to reject out of the task force report is the idea that somehow at the Federal level we have the ability to spend $2 billion out of our tax dollars on a yearly basis to help local jurisdictions do a better job with their prison systems. We can do what the administration is already attempting to do; we can take a survey of excess Federal properties and try to work with local jurisdictions in turning those properties over to those local jurisdictions so they might use them. That, I think, makes sense. But to somehow come here and say that we are going to be able to support a bill that is going to give $2 billion or $1.7 billion on an annual basis to State and local jurisdictions to pay for these programs is wrong. Under the circumstances, you have got to ask the question: Why is it cheaper to tax somebody in my hometown of Long Beach or one of the nearby communities, Hawaiian Gardens, on the Federal tax rolls, send the money here to Washington, have us filter it through our system, then send the money back so they can build a jail in Long Beach, Calif., or Hawaiian Gardens or Huntington Beach?

Now, logic has to show you that some of that money is lost. And what we have got to do is sort out the programs that ought to be taken care of on the national level and those that ought to be taken care of at the local and State level. And if State and local jurisdictions are not willing to take the responsibility for local law enforcement, then what good are State and local jurisdictions? It is the most fundamental thing they can do for their citizenry.

Therefore, I rise in opposition to this amendment, as I would rise in opposition to any bill that would say that the Federal Government is going to spend $2 billion a year helping local and State jurisdictions build their prison systems.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak against the amendment, and I do so reluctantly, because there is no way we can reach the problem, in my judgment, in this bill, and we might want to give serious consideration to some other kind of legislation.

The gentleman who just spoke raises a very good point about local responsibility. While not denying that, I would rise immediately to say that we cannot ignore the Federal responsibility either. We do have difficult times with our budget problems right now. Some would seem to stagger the imagination and the ability of both the Congress and the administration to resolve. Nevertheless, the Federal responsibility does not go away.

For example, we do not have enough prisons to detain the Federal prisoners. We have had an arrangement in my district, at least, whereby the overflow of Federal prisoners was kept in local jails. That is a nice arrangement, except that there is a problem. We are under a Federal court order that the local jails cannot take any more prisoners because they are overcrowded. That raises the question: Well, then, why do you not build more jails? And the answer is: We do not have the money.

With real estate as the sole tax base upon which to finance both the city and the county—I am sure that is a problem all over the country—you run up against the wall as to what you can do, what you are able to do.

Then you run into an additional problem, and that is, as in south Florida, as my distinguished colleague, the gentleman from Florida, mentioned, you get an impact which is beyond local capability.

Yes, there is a responsibility at the local level with respect to drug enforcement. However, the drug enforcement and the drug problem is international in scope, as well as certainly interstate and intrastate. My goodness, if this bill could reach just one small part of this major national difficulty, notwithstanding the fact that it impacts tremendously on south Florida and is beginning to impact heavily on other jurisdictions, we will have made tremendous strides, even though, in terms of dollars, what we are trying to do is insignificant.

I supported LEAA at first, but I voted against it ultimately because it was not doing the job. I think we have to face that problem in the Congress. We have to be able to adopt new programs and reject old ones, and we have to keep trying. I do not have any simple solution, but I rise in strong support of this bill. I think it is a step that is absolutely essential. The ultimate responsibility for Federal problems rests here and in the administration. We have to be able to fund them and we have to have the policy and the execution and the implementation. Without that, you can lay all of the burdens on the States and local communities you want to, and they will struggle and they will do the best they can, but without this kind of input it ultimately will result in disaster. The circle that we are dealing with is so aggravating, has persisted so long and has been ignored for so long, I am not sure that we can solve it all. But at least we can say at the Federal level that we are trying to measure up to our responsibility within the amount of money we have got available.

□ 1315

I hate to rise against this amendment. We need the jails. We need Federal jails. We need State jails. We need municipal and county jails. But at least let us take this first step without adding this burden to this bill. Give us a chance to get some kind of Federal responsibility to assist local law enforcement.

Mr. Chairman, I rise in strong support of H.R. 4481, the Justice Assistance Act, and urge our colleagues to carefully consider the importance of this legislation to our local communities. It is essential to recognize that we must have a unified Federal law enforcement program to assist local communities at times when outside support is temporarily required.

We can no longer afford to wait until crises befall us before preparing a well-considered, effective plan to deal with emergency situations. For too long we have been put in the position of slapping together a program under pressure and time constraints in order to meet real and urgent needs of our communities. This is unacceptable. The Federal Government has to be ready to offer assistance and support as soon as a community crisis takes shape and it is clear outside help is needed and requested.

This bill offers law enforcement grants to State and local governments for community anticrime programs, programs for drug-dependent offenders, training for criminal justice personnel, and coordinating activities among law enforcement agencies. In particular, title II addresses the problem of getting assistance to local law enforcement authorities in a quick, organized, and effective manner.

Yet, in meeting these urgent needs, H.R. 4481 recognizes that State and local governments have the primary responsibility for combating crime within their own jurisdictions. This bill simply provides the means whereby, in special situations such as the Mariel boatlift in 1980, the continuing influx of illegal aliens in south Florida and the escalating criminal activities due to increased drug trafficking, these authorities may apply to the Federal law enforcement community to step in quickly with assistance that augments, but does not override, the local efforts.

In the past, there have been successful efforts to obtain additional funds from the Federal Government to assist with extraordinary expenses incurred by local police agencies as a result of the refugee influx. However, such support came sparingly and with too much obfuscation and delay.

H.R. 4481 facilitates this entire process by permitting application to be made in one step directly to the Justice Department.

We in south Florida know only too well the price we pay for a lack of coordinated efforts and assistance from the Federal level. I say it is time we stop asking one small group of citizens to cope with crime, bear the burden of the refugees and hold the front line against drug smuggling.

We must attack crime on every front with strong, effective tools. This bill not only represents an important step toward streamlining the process of getting needed assistance to deserving local communities, but also helps provide those necessary tools. I urge your support of this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER.)

The amendment was rejected.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 32, line 8, insert "may be expended for programs or projects involving the resolution of civil disputes or" after "title".

Mr. HYDE. Mr. Chairman, I am offering this amendment on behalf of the gentleman from Virginia (Mr. BUTLER) who could not be here today. This amendment simply spells out what may be in the law already and removes any possibility of ambiguity. It spells out that none of the funds authorized for the formula and discretionary grant programs may be used to fund the resolution of civil disputes.

Irrespective of the merits that program might have, we do not feel that a bill that is addressed to grants for fighting crime activity should be encumbered with funding for the resolution of civil disputes.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New Jersey.

Mr. HUGHES, I thank the gentleman for yielding.

Mr. Chairman, the amendment offered by my distinguished colleague from Illinois, I think on behalf of our colleague from Virginia (Mr. BUTLER), is acceptable to this side. It was never

our intent to cover in any way civil disputes.

Mr. HYDE. I thank my friend.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 7, line 17, strike out "and".

Page 7, line 19, strike out the close quotation marks and the two periods, and insert in lieu thereof "; and".

Page 7, after line 19, insert the following new paragraph:

"(16) providing programs which address the increase in the incidence of offenses committed against the elderly and which address the stress and fear among the elderly caused by such offenses.".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I think the amendment that I am offering is a fairly self-explanatory amendment. What it does is put an additional section into the functions that can be considered under these programs and adds a function to help fight the crimes that are being committed against the elderly in this country.

I must admit in going through the bill I found myself very sympathetic with what this bill is trying to do, but I was shocked when I read through the various things that the formula grants could go for and saw no mention at all about the crime that is being committed against elderly citizens in this country.

What worried me was that we may have succumbed in this legislation to a recent report that came out of the Justice Department dealing with the incidents of crime against the elderly which indicated that somehow the elderly were more fearful of the problem than they were victims of the problem.

I am concerned about that because I think the most recent statistics belie that particular report. I think that if we look at the statistics over a short period of time, the most recent period of time, rather than over the longer period of time, that that report covered, we will find that indeed the elderly not only deserved to be fearful about crime, they are being victimized to a very great extent by the amount of crime that is facing them today.

The crime against the elderly is increasing at frightening rates at the present time and it is increasing in most categories of crime, particularly violent crime.

Let me cite a few examples. But first, so there can be no distortion resulting from population increases, we must remember that the number of elderly has increased by 17.9 percent since 1973, while the general population has increased by 7.3 percent.

Since 1979, the number of elderly has increased by 2.2 percent, while the general population has increased by 2.3 percent.

So for all intents and purposes, we are dealing with a statistically reliable and stable age group over a period of 1979–80. This period is the focus of my remarks here and what my amendment addresses is the crime that we have seen in that short period of time.

For the entire category of violent crime, defined as murder, rape, robbery, aggravated assault, the increase for the entire population has been 49 percent since 1973. Since then the percentage rate of violent crime increase for elderly has actually declined by 4.6 percent and that is what supports the report's main contention that somehow that the elderly are far more fearful about crime than really victims of crime. However, since 1979, violent crime against the elderly has increased by 18.7 percent and only 11 percent for the general population. In other words, in that shorter period of time, the most recent period of time, there was a very, very substantial increase of crimes directed against the elderly in our society.

More specifically, in the category of aggravated assault, the percentage increase for the general population has been 56 percent since 1973 and the rate for the elderly has been a little lower, 43 percent. Both of those are alarming figures. However, since 1979, the increase of aggravated assault against the elderly has escalated dramatically, 23 percent, while the increase for the general population was approximately one-quarter of that, 6.6 percent.

In the category of forcible rape, the increase for the whole population has been 59 percent since 1973 and 8 percent since 1979. But for the elderly, the trends have been almost the opposite, 8.3 percent since 1973 and 189 percent since 1979.

I have a lot of other figures that all say the same thing. In the most recent time period crime against the elderly has become a very, very considerable problem. They have reasons to be fearful.

There is also one other thing I think we need to address concerning crime against the elderly. The fact that many of them have become virtual shut-ins because of their fear about crime. They have found themselves locked in their homes fearful of what is going on around them in the streets. Maybe that also results in some of those lower statistics since 1973. But I think it is important to recognize that this is a fact of life, that we have made many of the elderly our prisoners in this country, prisoners not of their own accord, but prisoners because of the crime occurring in the streets.

I think it is entirely appropriate as we pass a bill of this type, a bill that addresses State and community needs in crime, but that we should focus on one particular element of that; namely, crimes being committed against some of the most vulnerable of our citizens, the elderly, and I would ask adoption of the amendment.

Mr. HUGHES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment. I want to say to my colleague from Pennsylvania (Mr. WALKER) that he advances one of the more serious problems that confronts law enforcement at the local level, how to cope with assaults and offenses committed against the elderly. But I want to say to my colleague that he would add another separate category to the list of programs that have actually been tested in the marketplace and found effective.

The whole thrust of H.R. 4481 is to provide resources on a matching basis to local and State units of government to encourage them to try programs that have been tested and found to be effective in other parts of the country.

Programs, such as programs aimed at the elderly, are being tested by the National Institute of Justice and others, and it is conceivable that they will be, once the research has been completed and a program developed, tested as an innovative program in the marketplace. But we have no program right now except as it might touch some of the other categories.

For instance, in some jurisdictions, perhaps in Pennsylvania and in some areas where we have a particular problem with assaults upon the elderly, a victim/witness program might make sense or it may be possible that in some areas of the country that a white collar crime program to combat crime directed at the elderly is one that would be suitable for funding under this particular legislation.

So while I think that the gentleman makes an excellent point and I share his concern over offenses directed to the elderly, I think that the best way to approach it, as we have done here, is through the National Institute of Justice and other nonprofit organizations where programs that are directed at offenses committed against the elderly might be developed.

The beauty of this legislation I think is that by and large the categories have all been tested and found to be extremely successful and we want to say to the country, to other communities, look, we have tried this pro-

gram in these situations and it works and we would like you to try it.

So for that reason, I am going to have to oppose this amendment.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too rise in reluctant opposition to the amendment. I think the concept is a good idea. Since we are authorizing some innovative programs in this legislation, I think it would be appropriate for some of them to address the problem of crime and the elderly. I would have no objection to including such programs in that way and would therefore ask for their inclusion in some other program that is oriented to experimenting with new programs.

I think the chairman, our subcommittee, and I tried very definitely to limit the formula grant program to project with absolutely proven track records. So we are not asking any of the Members and/or the localities or the States to buy a "pig in a poke." That is why we felt totally at liberty in requiring a 50-percent match on these programs. We knew we could probably get that kind of support for these programs because the States know they will work. We were very selective. Because this program has not been tried or developed a track record, and for that reason and that reason only, I just think its inclusion in the formula grant program would be in effect adding an apple to a dozen oranges. Again, I think it might be very appropriate for another program, but not for this one. On that basis, I, too, reluctantly oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 8, line 1, strike out "each program or project" and insert in lieu thereof "programs and projects".

Mr. PORTER. Mr. Chairman, the bill in its present form provides for a 50/50 match by the States in the formula grants section and this match must be present for each project that is funded.

The amendment that I am offering would allow the States to provide a greater or lesser matching share for each project while at the same time keeping the aggregate 50/50 match.

It would allow the States, for example, to enter into agreements with units of local government to provide a lesser or greater share, and it is clear I think to all of us that many localities need help more than others. Furthermore, within a State as complex as my own State of Illinois, the ability of local government to provide matching shares varies greatly. The amendment would provide the States flexibility to deal with this problem, and there would be no additional cost to the Federal Government.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

I want to commend the gentleman. This particular amendment was also recommended by the Department of Justice and it is acceptable to this side. Rather than a project-by-project match, the Federal share would not be increased, but greater flexibility would be given to State and local jurisdictions. I think that that is a positive contribution to the bill. So this side would accept the amendment.

Mr. PORTER. I thank the gentleman.

□ 1330

Mr. SAWYER. Mr. Chairman, will the gentleman yield to me?

Mr. PORTER. I yield to the gentleman from Michigan.

Mr. SAWYER. I would say that I think it is an improvement. I think the gentleman does a service by offering the amendment and we will accept it.

Mr. PORTER. I thank the gentleman from Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PORTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCLORY: Page 17, beginning on line 13, strike out "that have received financial assistance under part D".

Mr. McCLORY. Mr. Chairman, this is a relatively simple amendment to H.R. 4481 that has been proposed by the administration.

Under section 501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by H.R. 4481, discretionary grants may be used to provide technical assistance to the States and units of government that have received formula grants. Under this bill, in order to receive formula grant funds, the States must provide 50 percent matching funds.

Mr. Chairman, it is conceivable that some jurisdictions may not choose to make the investment necessary for participation in the formula grant program. However, I do not believe that these jurisdictions should be precluded from receiving technical assistance for this reason. My amendment would therefore remove the requirement of participation in the formula grant program to make all States eligible for technical assistance.

Mr. Chairman, as I mentioned at the outset, this amendment was recommended by the administration. I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. SAWYER: Page 7, line 14, strike out "section 501(5)" and insert in lieu thereof "section 501(4)".

Beginning on page 13, line 24, strike out "(other than any amount appropriated under section 901(b))".

Page 17, line 18, insert "and" at the end thereof.

Page 17, strike out line 19 and all that follows through line 23.

Page 17, line 24, strike out "(5)" and insert in lieu thereof "(4)".

Page 18, beginning on line 8, strike out "(other than any amount appropriated under section 901(d))".

Page 18, line 13, strike out "(3), and (4)" and insert in lieu thereof ", and (3)".

Page 18, line 18, strike out "paragraph (5)" and insert in lieu thereof "paragraph (4)".

Page 31, line 22, strike out "subsections" and insert in lieu thereof "subsection".

Page 32, strike out line 1 and all that follows through line 5.

Page 32, line 6, strike out "(c)" and insert in lieu thereof "(b)".

Page 39, line 6, strike out "or other appropriate unit of government" and insert in lieu thereof "(on behalf of itself or another appropriate unit of government)".

Page 39, line 13, insert "the Director of the Office of Justice Assistance and appropriate" after "with".

Page 39, line 17, strike out "in meritorious cases" and insert in lieu thereof "if such assistance is necessary to provide an adequate response to a crime problem described in subsection (a)".

Page 40, line 2, strike out "and".

Page 40, line 5, strike out the period and insert in lieu thereof ", and".

Page 40, after line 5, insert the following new paragraph:

(6) any assistance which the State or other appropriate unit of government has received, or could receive, under any provision of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

Page 40, line 9, insert "funds," after "means".

Page 41, line 14, insert "(a)" after "Sec. 203.".

Page 41, after line 17, insert the following:

(b) Nothing in this title shall be construed to authorize the Attorney General or the Federal law enforcement community to exercise any direction, supervision, or control over any police force or other criminal justice agency of an applicant for Federal law enforcement assistance.

(c) Nothing in this title shall be construed to authorize the Attorney General or the Federal law enforcement community—

(1) to condition the availability or amount of Federal law enforcement assistance upon the adoption by an applicant for such assistance of, or

(2) to deny or discontinue such assistance upon the failure of such applicant to adopt,

a percentage ratio, quota system, or other program to achieve racial balance in any criminal justice agency of such applicant.

(d) No funds provided under this title may be used to supplant State or local funds that would otherwise be made available for such purposes.

(e) Nothing in this title shall be construed to limit any authority to provide emergency assistance otherwise provided by law.

PROHIBITION OF DISCRIMINATION

SEC. 204. (a) No person in any State shall, on the ground of race, color, religion, national origin, or sex, be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with any activity for which Federal law enforcement assistance is provided under this title.

(b) Paragraph (3) and paragraph (4) of section 712(c) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as so redesignated by section 109 of this Act) shall apply with respect to a violation of subsection (a), except that the terms "this section" and "paragraph (1)", as such terms appear in such paragraphs, shall be deemed to be references to subsection (a) of this section, and a reference to the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance in such paragraphs shall be deemed to be a reference to the Attorney General.

CONFIDENTIALITY OF INFORMATION

SEC. 205. Section 715 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (as so redesignated by section 109 of this Act) shall apply with respect to—

(1) information furnished under this title,

(2) criminal history information collected, stored, or disseminated with the support of Federal law enforcement assistance provided under this title, and

(3) criminal intelligence systems operating with the support of Federal law enforcement assistance provided under this title,

except that the terms "this title" and "this section", as such terms appear in such section 715, shall be deemed to be references to this title and this section, respectively, of this Act, and a reference to the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance in such section 715 shall be deemed to be a reference to the Attorney General.

PROHIBITION OF LAND ACQUISITION

SEC. 206. No funds provided under this title shall be used for land acquisition.

REPAYMENT

SEC. 207. (a) If Federal law enforcement assistance provided under this title is used by the recipient of such assistance in violation of section 204 or for any purpose other than the purpose for which it is provided, then such recipient shall promptly repay to the Attorney General an amount equal to the value of such assistance.

(b) The Attorney General may bring a civil action in an appropriate United States district court to recover any amount required to be repaid under subsection (a).

RECORDKEEPING REQUIREMENT

SEC. 208. (a) Each recipient of Federal law enforcement assistance provided under this title shall keep such records as the Attorney General may prescribe to facilitate an effective audit.

(b) The Attorney General and the Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, and records of recipients of Federal law enforcement assistance provided under this title which, in the opinion of the Attorney General or the Comptroller General, are related to the receipt or use of such assistance.

REPORT TO CONGRESS

SEC. 209. Not later than April 1 of each year, the Attorney General shall submit to the President, to the Speaker of the House of Representatives, and to the President of the Senate a report describing Federal law enforcement assistance provided under this title during the calendar year preceding the date such report is made.

OFFICE OF JUSTICE ASSISTANCE

SEC. 210. The Director of the Office of Justice Assistance may assist the Attorney General in providing Federal law enforcement assistance under this title and in coordinating the activities authorized under this title.

LIMITATION ON CIVIL JUSTICE MATTERS

SEC. 211. Federal law enforcement assistance provided under this title may not be used with respect to civil justice matters except to the extent that such civil justice matters bear directly and substantially upon criminal justice matters or are inextricably intertwined with criminal justice matters.

ISSUANCE OF RULES

SEC. 212. The Attorney General, after consultation with appropriate members of the law enforcement community and with State and local officials, shall issue rules to carry out this title.

Page 41, line 19, strike out "Sec. 204." and insert in lieu thereof "Sec. 213. (a)".

Page 41, line 21, strike out "for the purpose of carrying out this title" and insert in lieu thereof "to provide under this title Federal law enforcement assistance other than funds".

Page 41, after line 21, insert the following new subsection:

(b) There are authorized to be appropriated for each fiscal year ending after September 30, 1982, such sums as may be necessary to provide under this title Federal law enforcement assistance in the form of funds.

Mr. SAWYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Chair would state that part of the amendments go to title II. Does the gentleman ask unanimous consent that they be considered en bloc?

Mr. SAWYER. Yes; Mr. Chairman, I ask unanimous consent the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SAWYER. Mr. Chairman, these amendments are offered in part at the suggestion of the administration. They are somewhat technical in nature. They move the discretionary grant authority for emergency assistance in title I of the bill to title II. This would consolidate all emergency authority under the Attorney General in title II to avoid a split in authority. My amendment also includes some other technical amendments that I do not think affect significantly the substance of the act and probably should have been done in the original processing of the bill.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. SAWYER. Surely, I yield.

Mr. HUGHES. I want to commend the ranking minority Member. If we had picked it up in committee, we would have made the change in the committee, I think, and it belongs in title II, so I would urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Michigan (Mr. SAWYER).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. HUGHES

Mr. HUGHES. Mr. Chairman, I offer certain technical amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. HUGHES:

Page 7, line 10, insert "providing" before "programs".

Page 7, line 12, insert "providing" before "programs" the first place it appears.

Page 7, line 18, insert "providing" before "programs".

Page 19, line 1, insert "of title I" after "part F".

Page 19, line 22, insert "of title I" after "part F".

Page 20, line 1, insert "of title I" after "part F".

Page 20, line 11, insert "of title I" after "part F".

Page 20, line 15, insert "of title I" after "part F".

Page 20, line 19, insert "of title I" after "part E".

Page 21, line 7, insert "of title I" after "part G".

Page 21, line 15, insert "of title I" after "part H".

Page 22, line 20, insert "of title I" after "part H".

Page 23, line 6, insert "of title I" after "part H".

Page 23, line 11, insert "of title I" after "part H".

Page 24, line 4, insert "of title I" after "part H".

Page 24, line 13, insert "of title I" after "part H".

Page 24, line 22, insert "of title I" after "part H".

Page 25, line 5, insert "of title I" after "part H".

Page 25, line 15, insert "of title I" after "part H".

Page 26, line 3, insert "of title I" after "part H".
Page 26, line 17, insert "part H of title I" after "Section 816".
Page 27, line 3, insert "of title I" after "part H".
Page 27, line 22, insert "of title I" after "part H".
Page 28, line 4, insert "of title I" after "part H".
Page 28, line 14, insert "of title I" after "part H".
Page 28, line 18, insert "of title I" after "part H".
Page 28, line 22, insert "of title I" after "part H".
Page 29, line 8, insert "of title I" after "part H".
Page 29, line 12, insert "of title I" after "redesignated,".
Page 29, line 20, insert "of title I" after "redesignated,".
Page 30, line 10, insert "of title I" after "Section 901".
Page 30, line 21, insert "of title I" after "part I".
Page 31, line 1, insert "of title I" after "redesignated,".
Page 31, line 8, strike out "Sec. 1001" and insert in lieu thereof "Sec. 1001.".
Page 32, line 10, insert "of title I" after "part J".
Page 32, line 13, insert "of title I" after "part J".
Page 32, line 17, insert "of title I" after "redesignated,".
Page 33, line 3, insert "of title I" after "part K".
Page 33, line 8, insert "of title I" after "part K".
Page 33, line 12, insert "of title I" after "redesignated,".
Page 33, line 22, insert "of title I" after "part L".
Page 34, line 1, insert "of title I" after "redesignated,".

Mr. HUGHES (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Chairman, I furnished the minority with a copy of the technical amendments. I believe that the minority is in accord with the amendments.

I urge my colleagues to support the amendments.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I would be happy to yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Chairman, we accept the amendments that are offered.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey (Mr. HUGHES).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 31, line 15, strike out "and".

On page 31, insert the following after line 15:

(C) by striking out "and" following "1982;" and inserting the following between "1983" and the period: "; and $170,000,000 for the fiscal year ending September 30, 1984", and

On page 31, line 16, strike out "(C)" and insert in lieu thereof "(D)".

On page 38, insert the following after line 21:

EFFECTIVE DATE

SEC. 118. This title shall take effect on October 1, 1982.

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. McCLORY. Mr. Chairman, this amendment merely delays the effective date of title I of the bill and extends the authorization for 1 year. We intended to bring this legislation up earlier in fiscal year 1982. Time is going by. I think it would be better to begin the authorization in fiscal year 1983 and then extending through fiscal year 1984. That is all this amendment does.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. McCLORY. I yield to the gentleman from New Jersey.

Mr. HUGHES. I thank the gentleman for yielding.

I believe the gentleman offered the amendment in the full committee. We have lost some additional valuable time.

I rise in support of the amendment and urge my colleagues to support it.

Mr. McCLORY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The amendment was agreed to.

Mr. HUGHES. Mr. Chairman, I move to strike the last word.

I believe that is all the amendments, at least that have been noticed.

I just want to take this opportunity to commend our colleague, BOB McCLORY, who is the ranking minority member of the full committee. Just recently, our colleague announced that he is going to retire. We are sad about that, because he is one of the most distinguished members of the Judiciary Committee. I think it is appropriate that at this time we single out his work, because if anybody is the father of law enforcement programs in the Congress, BOB McCLORY has been for a number of years; so we want to wish him well and thank him for all the services he provided, not only to his district, but to this country, in improving the criminal justice system.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

APPLICATION

SEC. 201. (a) In the event that a crime problem of serious and epidemic proportions exists throughout a State or a part of a State, a State or other appropriate unit of government may submit an application under this section for Federal law enforcement assistance.

(b) An application for assistance under this section shall be submitted in writing by the chief executive officer of a State to the Attorney General, in a form prescribed by rules issued by the Attorney General. The Attorney General shall, after consultation with members of the Federal law enforcement community, approve or disapprove such application not later than ten days after receiving such application.

(c) Federal law enforcement assistance may be provided in meritorious cases. In determining whether to approve or disapprove an application for assistance under this section, the Attorney General shall consider—

(1) the nature and extent of the crime problem throughout a State or in any part of a State,

(2) the emergency or extraordinary circumstances which produced the problem,

(3) the availability of State and local criminal justice resources to resolve the problem,

(4) the cost associated with the increased Federal presence, and

(5) the need to avoid unnecessary Federal involvement and intervention in matters primarily of State and local concern.

DEFINITIONS

SEC. 202. For purposes of this title—

(1) the term "Federal law enforcement assistance" means equipment, training, intelligence information, and personnel,

(2) the term "Federal law enforcement community" means the heads of the following departments or agencies:

(A) the Federal Bureau of Investigation,

(B) the Drug Enforcement Administration,

(C) the Criminal Division of the Department of Justice,

(D) the Internal Revenue Service,

(E) the Customs Service,

(F) the Immigration and Naturalization Service,

(G) the United States Marshals Service,

(H) the National Park Service,

(I) the United States Postal Service,

(J) the Secret Service,

(K) the Coast Guard,

(L) the Bureau of Alcohol, Tobacco, and Firearms, and

(M) other federal agencies with specific statutory authority to investigate violations of Federal criminal laws, and

(3) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Commonwealth of the Northern Mariana Islands.

LIMITATION ON AUTHORITY

SEC. 203. Nothing in this title authorizes the use of Federal law enforcement personnel to investigate violations of criminal law other then violations with respect to which

investigation is authorized by other provisions of law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. There is authorized to be appropriated $20,000,000 for each fiscal year ending after September 30, 1982, for the purpose of carrying out this title.

The CHAIRMAN. Are there amendments to title II? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. YATES) having assumed the chair, Mr. ROEMER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4481) to amend the Omnibus Crime Control and Safe Streets Acts of 1968, and for other purposes, pursuant to House Resolution 289, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill, H.R. 4481, to the Committee on the Judiciary.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HUGHES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 289, nays 73, not voting 72, as follows:

[Roll No. 7]

YEAS—289

Addabbo	Erlenborn	Luken
Akaka	Ertel	Lundine
Albosta	Evans (DE)	Madigan
Alexander	Evans (GA)	Markey
Anderson	Evans (IA)	Marriott
Andrews	Fary	Martin (IL)
Annunzio	Fascell	Martin (NC)
Anthony	Fazio	Martin (NY)
Applegate	Fenwick	Matsui
Bafalis	Ferraro	Mattox
Bailey (PA)	Fiedler	McClory
Barnard	Findley	McCollum
Barnes	Fithian	McDade
Bedell	Florio	McEwen
Beilenson	Foglietta	McHugh
Benedict	Ford (TN)	Mica
Benjamin	Forsythe	Mikulski
Bennett	Fountain	Miller (CA)
Bevill	Fowler	Miller (OH)
Bingham	Frank	Mineta
Blanchard	Frost	Minish
Boggs	Fuqua	Mitchell (MD)
Boland	Garcia	Moffett
Bonior	Gaydos	Molinari
Bonker	Gejdenson	Mollohan
Bouquard	Gephardt	Montgomery
Bowen	Gilman	Moore
Breaux	Gingrich	Morrison
Brodhead	Ginn	Mottl
Brooks	Glickman	Murphy
Broomfield	Gonzalez	Natcher
Brown (CA)	Goodling	Neal
Burgener	Gore	Nelligan
Burton, John	Gradison	Nelson
Burton, Phillip	Gray	Nichols
Byron	Gregg	Nowak
Chappell	Guarini	Oakar
Chappie	Gunderson	Oberstar
Chisholm	Hall (OH)	Obey
Clausen	Hall, Ralph	Ottinger
Clay	Hall, Sam	Oxley
Clinger	Hamilton	Panetta
Coelho	Hance	Parris
Coleman	Hartnett	Patterson
Collins (IL)	Hatcher	Pease
Conte	Hawkins	Pepper
Conyers	Heckler	Perkins
Coughlin	Hefner	Pickle
Courter	Hertel	Porter
Coyne, James	Hillis	Price
Coyne, William	Holland	Pritchard
Crockett	Hollenbeck	Quillen
D'Amours	Hopkins	Rahall
Danielson	Howard	Rangel
Daub	Hoyer	Ratchford
Davis	Huckaby	Reuss
de la Garza	Hughes	Rhodes
Deckard	Hutto	Richmond
Dellums	Ireland	Rinaldo
DeNardis	Jenkins	Ritter
Derrick	Jones (NC)	Roberts (KS)
Dickinson	Jones (TN)	Rodino
Dicks	Kastenmeier	Roe
Dingell	Kazen	Roemer
Dixon	Kennelly	Rogers
Donnelly	Kildee	Rosenthal
Dougherty	Kogovsek	Roth
Dowdy	LaFalce	Roukema
Downey	Lantos	Russo
Dreier	Leach	Sabo
Duncan	Leath	Savage
Dunn	Lehman	Sawyer
Dwyer	Leland	Scheuer
Dyson	Levitas	Schneider
Eckart	Livingston	Schroeder
Edgar	Long (LA)	Schumer
Edwards (CA)	Long (MD)	Seiberling
Emerson	Lowry (WA)	Shamansky
Erdahl	Lujan	Shannon
Sharp	Studds	Williams (MT)
Shaw	Swift	Williams (OH)
Simon	Traxler	Wilson
Smith (IA)	Trible	Winn
Smith (NE)	Udall	Wirth
Smith (NJ)	Vander Jagt	Wolf
Smith (PA)	Vento	Wolpe
Snowe	Volkmer	Wortley
Solarz	Walgren	Wright
Solomon	Walker	Wyden
Spence	Washington	Yates
Stangeland	Waxman	Yatron
Stanton	Weiss	Young (AK)
Stark	White	Young (FL)
Staton	Whitehurst	Zablocki
Stenholm	Whitley	Zeferetti
Stokes	Whittaker	
Stratton	Whitten	

NAYS—73

Archer	Grisham	Paul
Atkinson	Hagedorn	Petri
Bailey (MO)	Hammerschmidt	Roberts (SD)
Bereuter	Hansen (ID)	Robinson
Bethune	Hansen (UT)	Rousselot
Bliley	Hiler	Rudd
Brown (CO)	Holt	Schulze
Broyhill	Hunter	Sensenbrenner
Campbell	Hyde	Shelby
Carney	Johnston	Shumway
Cheney	Jones (OK)	Siljander
Coats	Kemp	Skeen
Collins (TX)	Lagomarsino	Smith (AL)
Conable	Latta	Smith (OR)
Corcoran	Lee	Snyder
Craig	Lewis	Stump
Crane, Philip	Loeffler	Synar
Daniel, R. W.	Lott	Taylor
Dannemeyer	Lowery (CA)	Thomas
Dorgan	Lungren	Watkins
Edwards (OK)	McCurdy	Weber (MN)
English	McDonald	Weber (OH)
Fields	Michel	Wylie
Frenzel	Moorhead	
Gramm	Pashayan	

NOT VOTING—72

Ashbrook	Foley	McKinney
Aspin	Ford (MI)	Mitchell (NY)
AuCoin	Gibbons	Moakley
Badham	Goldwater	Murtha
Beard	Green	Myers
Biaggi	Harkin	Napier
Bolling	Heftel	O'Brien
Boner	Hendon	Patman
Brinkley	Hightower	Peyser
Brown (OH)	Horton	Pursell
Butler	Hubbard	Railsback
Carman	Jacobs	Regula
Crane, Daniel	Jeffords	Rose
Daniel, Dan	Jeffries	Rostenkowski
Daschle	Kindness	Roybal
Derwinski	Kramer	Santini
Dornan	LeBoutillier	Shuster
Dymally	Lent	Skelton
Early	Marks	St Germain
Edwards (AL)	Marlenee	Tauke
Emery	Mavroules	Tauzin
Evans (IN)	Mazzoli	Wampler
Fish	McCloskey	Weaver
Flippo	McGrath	Young (MO)

□ 1345

The Clerk announced the following pairs:

Mr. Young of Missouri with Mr. Edwards of Alabama.
Mr. Santini with Mr. Regula.
Mr. Patman with Mr. Railsback.
Mr. Peyser with Mr. Derwinski.
Mr. Weaver with Mr. Pursell.
Mr. Jacobs with Mr. McKinney.
Mr. AuCoin with Mr. Shuster.
Mr. Brinkley with Mr. Tauke.
Mr. Mavroules with Mr. Kindness.
Mr. Rose with Mr. Mitchell of New York.
Mr. St Germain with Mr. Carman.
Mr. Rostenkowski with Mr. Fish.
Mr. Tauzin with Mr. Beard.
Mr. Moakley with Mr. Horton.
Mr. Dan Daniel with Mr. O'Brien.
Mr. Hightower with Mr. Ashbrook.

Mr. Biaggi with Mr. Napier.
Mr. Skelton with Mr. Emery.
Mr. Dymally with Mr. Green.
Mr. Boner of Tennessee with Mr. Goldwater.
Mr. Aspin with Mr. Lent.
Mr. Early with Mr. Brown of Ohio.
Mr. Flippo with Mr. Hendon.
Mr. Ford of Michigan with Mr. Kramer.
Mr. Foley with Mr. Wampler.
Mr. Roybal with Mr. Marlenee.
Mr. Evans of Indiana with Mr. Myers.
Mr. Hubbard with Mr. Dornan of California.
Mr. Mazzoli with Mr. Daniel B. Crane.
Mr. Harkin with Mr. Butler.
Mr. Heftel with Mr. LeBoutillier.
Mr. Daschle with Mr. McCloskey.
Mr. Jeffries with Mr. Badham.
Mr. McGrath with Mr. Jeffords.

Messrs. SNYDER, McCURDY, and KEMP changed their votes from "yea" to "nay."

Mr. MOFFETT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

□ 1400

WHO PLANNED THE ACTIONS IN THE SALVADORAN MURDERS OF AMERICANS?

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, I note with interest, and I think my colleagues should also note, that today in El Salvador six individuals were charged with the murders of our four missionaries, two of whom were constituents of mine. As a Member of Congress who has also served as a liaison to the missionaries' families, I think before we concur that the El Salvadoran Government is to be applauded in this matter, we ought to ask the following questions. I know, Mr. Speaker, that the members of the families want these questions answered also.

Who planned the murders?

Is there a connection between the murders of the missionaries, the murders of the labor leaders, and the missing American journalist?

Who is Ernesto Cortez, and was he the chauffeur of the murderers, as he allegedly has said he was?

Have the State Department and the FBI sought information of or from this individual, who allegedly has been in the United States?

Were there any high-ranking Salvadoran military involved in planning, permitting or encouraging the murders?

Were any U.S. military personnel involved in any aspect of the murders?

Who are the two new suspects, one of whom has allegedly confessed to his involvement in the murders?

Were any of the Salvadoran oligarchy—in El Salvador or in the United States—involved in any way in the murders?

Have the State Department and the FBI investigated all the threats reportedly received by the missionaries prior to the murders?

Why did guardsmen question a companion of the missionaries on an earlier flight at the airport on the day of the murders?

Has the ownership of the red pickup truck seen leaving the site of the burning van—belonging to the missionaries—been established?

In short, Mr. Speaker, these and other questions deserve an answer. The American people, let alone the families of the missionaries, do not merely want to know who pulled the trigger. We have a right to know who planned or encouraged this atrocity, and why.

PERSONAL EXPLANATION

Mr. DeNARDIS. Mr. Speaker, yesterday I was unavoidably detained and did not vote on the rollcalls that were recorded. Had I been present, I would have voted as follows:

On rollcall No. 2—yes;
On rollcall No. 3—no;
On rollcall No. 4—yes;
On rollcall No. 5—yes; and
On rollcall No. 6—yes.

FEDERAL GUIDELINES ESSENTIAL TO EQUITABLE TO CONGRESSIONAL REDISTRICTING

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, the subject of congressional redistricting, which confronts the legislatures of our 50 States following each decennial census, is of the utmost national concern. A congressional redistricting plan, which provides unequal representation in terms of numbers of people or in disregard of racial, ethnic, or other interests in which there may be a community of interests aspiring to representation—and entitled to such representation—can and does frustrate the constitutionally guaranteed right to vote.

Recently, when I announced that I would withdraw from the Illinois Republican primary election in March and thereby effect my own retirement from this body, I criticized a blatantly political decision of a Federal court in Chicago which effectively undermined my congressional district centered in Lake, Kane, and McHenry Counties, Ill. I called attention to the fragmenting of counties, townships, and communities in the Illinois congressional redistricting plan and criticized the Federal judges who established a so-called political fairness doctrine in which two members of the three-judge panel undertook to dictate the political makeup of the Illinois congressional delegation in future political elections.

Mr. Speaker, the injustice being visited upon the people of Illinois under the court-ordered congressional redistricting plan occurs basically because the State legislature—the Illinois General Assembly—failed to work out legislation to establish a congressional redistricting map under which the Illinois Members of this body might be elected in 1982.

What has occurred in Illinois is not unique in our Nation. Indeed, State after State is experiencing frustration, dissatisfaction, disappointment and—yes—a deprivation of representation in this body as a result of partisan and other undemocratic considerations.

The subject of congressional redistricting is, as I have said, basically a legislative prerogative. Yet, the Congress has failed to set forth the guidelines which should be followed by our State legislative bodies. Following the 1970 census, the Federal court in Chicago adopted a congressional redistricting plan which had been approved by one branch of the Illinois General Assembly, notwithstanding that the other branch had not approved the plan. In 1981, the Illinois House of Representatives again passed legislation establishing a congressional redistricting plan which, however, was not acted upon by the Illinois State Senate. The Federal court subsequently declined to respect the action of the Illinois House, even though that action was constitutional, and instead the judges substituted their own version of congressional redistricting for Illinois.

Mr. Speaker, the various State legislatures should exercise their legitimate prerogatives and not abdicate this authority to either State or Federal courts. Furthermore, the Congress should establish the national

and controlling guidelines which can facilitate such State legislative action.

Mr. Speaker, I am today introducing legislation, entitled, "The Redistricting Standards Act of 1982," in the hope that this measure may serve as the catalyst for future effective congressional redistricting consistent with the one person-one vote doctrine—and in fairness to all of the people of the Nation.

While my departure from this body at the end of the 97th Congress may appropriately be attributed to an abuse of judicial authority and to a misapplication of the one person-one vote principle first enunciated in the case of Baker against Carr, if enactment of useful legislation—such as the measure which I am introducing today—is the result, then there may, indeed, be benefits to compensate for the injustice which that decision would otherwise import.

Mr. Speaker, the legislation which I am introducing today builds upon the legislation introduced by our distinguished and thoughtful colleague from Iowa, Mr. LEACH. Both bills would set guidelines for State legislatures in drawing congressional districts. The States would, of course, be obligated to fashion equipopulous districts but, in addition, would be obligated to fashion districts which are contiguous and compact and which coincide, to the extent practicable, with the boundaries of local political subdivisions. Moreover, racial and political gerrymandering would be absolutely prohibited.

However, unlike the bill introduced by my colleague, my bill would apply these guidelines to redistricting plans drawn by the courts. If, for example, political gerrymandering is wrong for State legislatures, it would seem even more egregious for the courts. Thus my bill would prohibit a court from deciding what the political makeup of a State delegation to Congress should be and then drafting a plan to achieve that end—just as happened in my case.

Moreover, while the courts would retain full authority to order redistricting where the State legislature has failed to meet its constitutional obligation, the courts would not be free to disregard the actions of the State legislature which fell short of completion. If either house of a State legislature enacted a redistricting plan, the court would first have to apply the norms of my bill to see if the plan passes muster. If it does not, then the court is required to make the minimum changes necessary to bring the plan into compliance. In making such changes the court is instructed to give due consideration to the public record made before the State legislature on the subject.

The guidelines imposed by this legislation will go a long way to curb the activist tendencies of the judiciary. The equal representation doctrine is a cherished constitutional principle, not a license for courts or even legislative bodies to achieve substantive political ends of their own choosing.

Mr. Speaker, I hope that many of my colleagues will join as cosponsors and that the House Judiciary Committee can take speedy action to provide hearings with the result that action on this measure might be completed by this body before the 97th Congress adjourns.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

The Chair is currently giving recognition to Members for 1-minute speeches, after which we will give recognition for special orders.

The Chair desires to inform the House, however, that there may be additional business following the recognition for those purposes.

The Chair thinks the Members should be advised of that.

PERSONAL EXPLANATION

Mr. FORD of Michigan. Mr. Speaker, on rollcall No. 7 I was unavoidably detained in attempting to return to the Chamber to cast my vote.

Had I been present, I would have voted "aye."

RESERVATIONS EXPRESSED ON ECONOMIC WISDOM OF CUTTING NASA FUNDS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, on February 2, 1982, my colleague, Mr. FUQUA, expressed his reservations on the economic wisdom of slashing not only NASA's program of planetary exploration, but funding for research and development in general. I share my colleague's contention that cutting many basic nondefense research programs is not conducive to a program of true economic recovery. In fact, I would carry the argument one step further: not only do continued cutbacks in Federal R. & D. programs represent a denial of investment in people—not only do such cuts cripple our long-term research potential as a nation, we run the risk of being a fourth- or fifth-rate nation with respect to our technological capability. It is crystal clear that technological weakness breeds economic weakness.

The budget submitted by this administration for Federal R. & D. for fiscal year 1983 reflects some very disturbing trends. While the overall budget for Federal R. & D. actually went up in both real dollars and constant 1972 dollars, the nondefense component actually declined. When you compare the decline in civilian R. & D. to the increase in defense-related R. & D., the facts are even more disturbing. From 1980 to 1983, Federal spending for defense-related R. & D. in constant 1972 dollars has increased by a whopping 38.2 percent; Federal spending in the civilian component has actually decreased by 19.8 percent, following a remarkably constant downward trend. In current dollars, Federal R. & D. spending in defense-related activities increased by 170 percent from fiscal year 1975 to fiscal year 1983. The enclosed table demonstrates this disturbing trend.

FEDERAL R. & D. SPENDING IN OBLIGATIONS IN BILLIONS

[Fiscal years]

	Defense related R. & D.	All other	Total
1975 current dollars	9.7	9.3	19.0
1975 (constant 1972 dollars)	(7.88)	(7.55)	(15.43)
1980 current dollars	15.1	16.6	31.7
1980 (constant 1972 dollars)	(8.5)	(9.39)	(17.94)
1981 current dollars	17.8	17.2	35.0
1981 (constant 1972 dollars)	(9.19)	(8.88)	(18.08)
1982 current dollars	22.1	16.8	38.8
1982 (constant 1972 dollars)	(10.56)	(8.03)	(18.5)
1983 current dollars	26.2	16.8	43.0
1983 (constant 1972 dollars)	(11.75)	(7.53)	(19.29)

Economic growth is the direct result of technological innovation and change. The annals of history bear witness to the fact that technological innovation and change do not happen without basic research.

Although it is sometimes difficult to find a direct link between dollars invested in basic research and the overall health of our economy, if we are to maintain our tradition of technological innovation and the economic growth that has corresponded to it, we need to accept as an article of faith that a vigorous and on-going national science establishment is a national imperative. The view adopted by the current administration on the science budget is potentially shortsighted. The economic growth we need to restore America's economic strength 5 to 10 to 15 years from now will not happen without a continuing substantial investment in America's science and the basic research it needs to thrive.

In 1980, the Aerospace Industries Association released a report called "Research and Development: A Foundation for Innovation and Economic Growth." I include a section of that report in the RECORD immediately following my remarks and labeled part I:

RESEARCH AND DEVELOPMENT—A FOUNDATION FOR INNOVATION AND ECONOMIC GROWTH

INTRODUCTION

The last one hundred years or so might well have been called the American Century, a recent magazine article pointed out, if

only for the amazing number of American-born innovations that changed the world and the way people live. The import of the article, however, was not glowing; instead, it was bleak. The American Century will not be repeated, the author prophesied, for clearly, innovation in the United States is on the decline.

The evidence presented is by now familiar to those in industry, and is becoming so even to the general public, thanks to a spate of articles on the demise of "Yankee" ingenuity. Capital investment in technological progress is down; U.S. funding of R & D is lower than a decade ago with no substantial growth in sight; the number of scientists and engineers as a proportion of the population is down; so, too, are the number of patents issued to U.S. citizens. Other important indicators confirm the trend: A drop in the productivity growth rate, an overall negative balance of trade. Even the one bright spot in the U.S. trade picture is dimming. High-technology industries have consistently made positive contributions to the balance of trade but, even in technology intensive products, the U.S. now has an overall negative trade balance with Japan, primarily because of Japanese commercial success in the consumer electronics field. At the same time, the nation is lacking technological solutions to pressing energy, environmental, transportation, and other social problems.

While the U.S. falls behind in areas in which it has always been out in front, other countries are consistently moving ahead. From the beginning of the Industrial Revolution, the U.S. made tremendous strides in industrial innovation. Today, locked in, in some instances, to older investments in plant and technology, the U.S. makes relatively small, incremental steps in technological advance while other countries—starting from ground zero after World War II with new facilities and new technology—leap-frog ahead. While the United States has led in some new technologies such as aircraft, electronics and computers, the national commitment to innovation has not been sufficient to forestall enormous market inroads by other nations.

Abroad, many countries are making substantial capital investments in innovation. R&D investment as a proportion of gross domestic product has been increasing in many nations—not declining as in the U.S.—and so has the number of patents issued: Japan and West Germany have outstripped the U.S. in this respect. Foreign governments have put considerable financial muscle behind industrial development in order to be competitive in world markets, with considerable success. The British and French, for example, have achieved significant technological advances in aerospace which have been reflected in overseas markets success. The Japanese have penetrated certain high-technology markets—electrical machinery products, professional and scientific instruments and non-electrical machinery—in which the U.S. has excelled. The faltering American steel industry has been surpassed in inventiveness by Belgium and Austria and the Germans and Swiss are ahead in textiles.

And other nations are committing themselves to future advances in high-technology fields. Roy Jenkins, president of the European Economic Community Commission, has called on the Common Market to "accelerate and coordinate" activities in high technology, especially by promoting R&D programs through the European community. The West Germans have streamlined their patent systems to encourage small-scale innovation. For years, the Japanese have awarded research subsidies to companies in selected industries, such as the computer industry in the 1970s. Smaller nations are making their own commitments to innovation. As 1979 came to a close, Israel discussed plans for government infusions of risk capital and a transfer of scientists from academia to the private sector. As exports of R&D-based industrial products move ahead of agricultural exports, Israel sees its economic future in "exporting sophisticated industry."

Concern over the American lag in innovation is more than a matter of national pride. In 1971, the U.S. experienced the first negative balance of trade since 1888 and has had a negative balance since then except in 1973 and 1975. A pernicious cycle has been established: The balance of payments deficit and the weak American dollar are fueling an inflation that, in turn, discourages new innovation, and new jobs. The high-technology industries that, along with agriculture, make positive contributions to our trade balance depend on an increasing U.S. commitment to innovation—or they, too, may see their export balances move into the red.

As foreign competition strengthens, the U.S. must look even more to its own large domestic market. Frank Press, science advisor to President Carter and director of the Office of Science and Technology, believes "There are a number of reasons why we must be innovation leaders . . . there is substantial evidence to support the argument that the health of the U.S. economy is essential to a sound global economy . . . Because of the character of our consumer-oriented society and our advanced technological state, any products and services that are going to create major new markets here must now be fundamentally different. It is such innovation that will stimulate substantial new investments and open up new economic opportunity here. The effects will not only ripple throughout our domestic economy, but will be felt around the world."

Surely, there will be yet another American Century of technological achievement. Other countries are making enormous strides, however, and it may be that the best any nation can hope for, in the long run, is technological parity, not superiority.

At any rate, it is clear the United States can no longer take its competitive success for granted. It is also clear the well-being of the nation depends on a resurgence of technological initiative and leadership. If the nation can focus on that goal, there is no reason it cannot be accomplished.

EXECUTIVE SUMMARY

Innovation underlies the health and future development of the American economy and the nation's ability to attain important national goals. It is important in efforts to turn inflation around, improve the United States' world and domestic market situation and create jobs; it plays a central role in building economic strength. The current decline in innovation, then has serious implications.

Is the decline in innovation inevitable? Can the trend be reversed? A search for answers leads, of course, to the source of the problem—and the reasons for the U.S. technological slump are not hard to pin down.

Today's high rate of inflation works against the long-term, high-risk investment associated with innovation. Venture capital is no longer readily available due to a persistent low rate of capital formation. The lack of capital has also affected U.S. investment in manufacturing—now falling behind that of most other industrial nations as a proportion of gross domestic product of manufacturing companies. The U.S. rate of investment has averaged about one-half the rate for France and West Germany and about one-third the rate for Japan. This decline seriously affects employment opportunities as well as investment in innovation. In recent years, government regulations have also slowed down the innovative process and, increasingly, corporate R&D is "defensive"—geared to compliance with regulations or toward avoiding future regulatory problems. Regulation has lengthened, too, the time required for product development and approval. Regulation-caused uncertainty, combined with tight and insufficient capital, has resulted in corporate reliance on investment with short-term, conservative payoff rather than long-term, high-risk reward.

Robert Anderson, Chairman and Chief Executive Officer of Rockwell International, has said that: "Total U.S. spending for R&D in 1979 is estimated at $52 billion—and we're spending almost twice that amount to comply with government regulations."

"A large share of the money that is being spent on R&D," Anderson said, "is for research to meet new Federal regulations, not for better products or technical innovations . . . today's manufacturer must keep in mind the possible punishments, as well as the potential rewards, that may be reaped from a product innovation."

There are other factors creating barriers to industrial innovation: lack of support for basic and applied research and development; an inflexible and deficient federal patent policy plus federal ownership and nonexclusive licensing of patents arising from government-funded R&D; tax policies and accounting practices that increase immediate risks of R&D losses or prevent spreading risks over many years; over-specification of federal procurements; and antitrust actions that may affect joint R&D ventures or punish innovative firms that succeed in capturing a large share of the market.

The lack of capital for innovative ventures is particularly serious and the outlook for both large and small businesses seeking to finance long-term and risk investments is not promising. The current lack of tax incentives for innovation and the failure to permit depreciation at replacement costs rather than original purchase costs inhibits financing, as do investment regulations that hinder backing of risky, new ventures. Inflation, and a serious lack of saving—as the national debt climbs—compound the situation.

While the decline in innovation is frequently charged to corporate short-sightedness, the general economic climate certainly offers some rationale for defensive planning. In an uncertain domestic economic and political environment and an unstable world situation, a prudent businessman is forced to invest cautiously; that undoubtedly means a trend toward short-term investments for greater low-risk profits—and a de-emphasis on basic and exploratory research.

If the root causes of the lack of inventiveness and innovation are known, what is holding the U.S. back?

Unfortunately, the nation has no long-range policy for R&D, innovation and technology and such a policy is critical. The nation must define a strategy to create a healthy and vigorous economy capable of generating sufficient capital and market

demand for U.S. products, both domestically and internationally. There is a need to provide guidance and coordination for innovative policies and programs. Any such policy must embrace national goals and the concept of a partnership between government and industry. It must also call for and encourage consistent and adequate levels of private sector R&D.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-123)

The SPEAKER pro tempore. (Mr. OBEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

(For message, see proceedings of the Senate of today, February 10, 1982.)

INTENSE RIVALRY IN ARMED FORCES COSTS TAXPAYERS

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the Akron Beacon Journal for January 31, 1982, contained an outstanding article by Frank Greve of Knight-Ridder Newspapers outlining how rivalry among the armed services costs the Nation many billions of dollars annually and often proves detrimental to national security. With the shocking increases in the President's requested budget for the Defense Department—a total of $263 billion in budget authority in fiscal year 1983—which comes at a time when practically every other Government program is being drastically cut or even abolished, it is high time the Congress take a really hard look at the Defense budget. It is time that we insist that the Pentagon, the armed services, and the industrial establishment that supports them, cease their costly practices. On the basis of past experience, however, it is too much to expect them to do this voluntarily. The only solution may be for Congress to freeze the Defense budget at the level of last year, which in itself was exorbitantly high, and let the Pentagon sort out how to implement the necessary economies.

In any event, with the Reagan budget deficit soaring to over $100 billion, the bloated Defense budget can no longer be treated as though it was sacroscanct.

The full text of the article follows these remarks:

[From the Akron Beacon Journal, Jan. 31, 1982]

INTENSE RIVALRY IN ARMED FORCES COSTS TAXPAYERS

(By Frank Greve)

WASHINGTON.—Rivalries among the armed services cost the nation many billions of dollars annually and often prove detrimental to national security.

So say many military experts, uniformed and civilian. They point to needless duplication of weapons systems, odd and extravagant priorities set by pride, and dangerous gaps in preparedeness.

Rivalries involving the Army, Navy, Air Force and Marines have, for example, "seriously retarded" development of the Rapid Deployment Force (RDF), according to retired Army Gen. Volney F. Warner, former head of the U.S. Readiness Command.

Warner, 55, until last summer supervised the RDF effort to handle crises in Southwest Asia. He said he quit the Army after concluding that neither the individual armed services nor the Joint Chiefs of Staff could control squabbling over who would do what in the new mission.

The root cause of such rivalry, according to retired Marine Gen. Victor H. "Brute" Krulak, is money. "A mission is a due bill: a ticket to the bank," he said. "If you're in the act, you have a logical call on Uncle Sam for appropriations."

Retired Army Gen. Maxwell D. Taylor, former chairman of the Joint Chiefs of Staff, put it this way in an interview: "The payoff battlefield, today, is the budget. We are so far away from the austerity, efficiency and cooperation which warfare requires, that we've forgotten these virtues. We are paying the price of peace."

The price is high. Robert M. Sherman, legislative director for Rep. Thomas J. Downey, D-N.Y., and a respected defense analyst, estimates that needless rivalries among the services account for "at least 10 percent of the ($200 billion) defense budget."

Robert W. Komer, chief civilian policy analyst at the Defense Department during the Carter administration, put the figure as high as $50 billion.

"I found $8 billion (in the 1982 budget) without much trouble" said a senior Pentagon analyst.

Accurate totals are impossible because rivalries among and within the services are typically just one element of a costly decision.

Moreover, some rivalries are actually highly productive. Numerous improvements in guided missiles, for example, have come about because, one Capitol Hill analyst said, "if the Navy gets a missile that goes 50 miles, the Air Force wants one that goes 100 miles."

Also, some duplication that in peacetime appears wasteful might prove, in wartime, life-saving and ingenious.

Consider one mission that the Army, Air Force and Marines each performs differently with different equipment. That's attacking enemy tanks, bunkers, artillery and troops from the air in support of friendly ground forces, a mission called "close air support."

The Army does it using a $13 million helicopter called the AH-64A. The Air Force does it with a stubby-winged $7.2 million aircraft called the A-10. The Marines support their troops with an exotic, tiny, $26.8 million vertical take-off jet called the AV-8B Harrier.

How and why each service developed a different aircraft for the same purpose is an intricate interservice rivalry story in itself. It appears that neither Army nor Marine troops trust the Air Force to give them adequate support.

The different close air support systems may in wartime give the enemy more threats to defeat. But meanwhile, the Army will spend $5.9 billion buying 446 AH-64As, the Air Force $5.3 billion on 737 A-10s and the Marines $9.1 billion on 342 Harriers.

Each aircraft would be far cheaper if produced in larger volume. Furthermore, asked congressional defense analyst Sherman: "Why do they need their own air forces to have rapport with? Why can't they have rapport with the U.S. Air Force?"

The Reagan administration thus far has taken a hands-off attitude on such squabbling. Indeed, one of Frank C. Carlucci's first moves as deputy defense secretary was to "decentralize" budget planning and procurement. In effect, he took from civilians in the Defense Department and gave to the individual services the job of policing those functions.

This helped mute interservice rivalries, as did Reagan's better than $28 billion increase in defense spending and his promise of a $1.5 trillion buildup over five years. Fierce rivalries will resume, however, if the President moves to reduce defense spending or, as seems likely, the services overspend their bank account.

Projections by the department's Defense Resources Board reportedly show the services exceeding the five-year projection by up to $750 billion.

Actually, Reagan's moves don't reduce Pentagon rivalries; they just give them some slack. How intense are they? "They're the heart of the whole process and problem of defense," said an undersecretary from the Carter administration. "Just balancing the interests was a full-time job," said another source.

Both persons asked anonymity because they still deal with Pentagon officials. Also, like virtually all sources in this story, they no longer work in the Defense Department. Persons on active duty there refused to talk for attribution about the rivalries they live with.

There appear to be seven different kinds of rivalries producing seven different effects. In what follows, they are identified along with two examples of each.

Aviation rivalries are probably the most common because all four services have aviation components. Navy-Air Force aviation rivalries are the most extravagant and intense.

For 20 years the two services have resisted the consolidation of basic pilot training for fixed-wing and helicopter pilots, for example. They cannot even agree on a single basic training aircraft because the Navy demands a turbo-prop while the Air Force insists on a jet.

"At bottom, the Air Force just doesn't want to use a Navy plane," explained a congressional analyst.

Sherman pointed to another Navy-Air Force aircraft rivalry, this one with national defense implications.

"The best interceptor for protecting the U.S. continent is the F-14," he contended. "But that's a Navy plane and the Air Force has the mission. So it uses Air Force F-15s which have one-seventh the radar volume of the F-14 and one-tenth the missile range.

"The F-15 also can attack only one target at a time while the F-14 can attack six. You

ask the Air Force why they don't use the F-14 and the answer they give is that they don't have maintenance facilities for F-14s."

A second form of costly rivalry occurs when services ignore one another's needs.

For example, only one 70-ton X-M1 tank at a time can be transported by the Air Force's biggest transport, the C-5A. For that matter, the Army's M-2 infantry fighting vehicle is too wide to fit in the cargo bay of its most likely air transport, the Air Force C-141.

Adm. Thomas B. Hayward, chief of naval operations, uncovered another example at a recent air show in Seattle. The Coast Guard's Dolphin rescue helicopters, Hayward noted with astonishment, were quite comparable to the Navy's SH-2F anti-submarine helicopters. He scowled when he compared the price tags. Dolphins cost $2.4 million apiece. The Navy pays $13 million a copy for its similar choppers.

The third form of rivalry produces unnecessary duplications or foulups when two or more services deliberately take different approaches to the same task. Close air support for ground troops is one example.

In another example, differing approaches have stymied the Army and Marines as they seek to develop a light armored vehicle that both services can use.

The Marines demand a relatively light, highly mobile 14-to-16 ton vehicle capable of being lifted by their CH-53 helicopter and transported two at a time by C-130 transport planes. The Army insists on a more heavily armored 20-to-25 ton vehicle that could not be carried by helicopter.

A fourth kind of rivalry, one of the most common and costly, is found among different commands within the same service.

In the Air Force, for example, as a former top civilian official there explained, "The in-fighting is tremendous. The Strategic Air Command wants bombers, the Tactical Air Command wants F-15s, the space people want more support for the shuttle, and the Military Airlift Command generals say that's Year 2000 stuff, what we need are spare tires, now."

Generally, the SAC manned bomber constituency prevails. One costly result, according to a former top Air Force civilian is the $220 million B-1B bomber. In fiscal 1982 the Air Force will buy 20 of them.

"The B-1 keeps SAC's wings on," he explained. "If you sat down and examined the case for and against the B-1 without that factor, you'd probably decide against it. In terms of effectiveness, missiles are where it's at when it comes to deep-penetration bombing. Another logical alternative would be a stand-off, wide-bodied cruise missile carrier. But the Air Force wants a manned bomber, period."

Similar dominance of the Navy by Navy aviators helps explain its enthusiasm for big, Nimitz-class nuclear-powered aircraft carriers, according to former Pentagon adviser Robert Komer and others. The Navy this year will lay keels for two such carriers. They eventually will be the hubs of two new carrier task forces costing, in total, $16 billion each.

This occurs despite substantial resistance among defense thinkers to the concept of big carriers. "We're putting too many valuable eggs into too few baskets," argued former joint chiefs chairman Taylor.

A fifth and related rivalry leads the services to slightly less glamorous but vital tasks as they spend heavily on their favorite missions. The Navy, for example, will construct only one oiler next year while building two nuclear subs, three missile cruisers, three guided missile frigates, starting on two nuclear carriers and modernizing two battleships.

As former Navy Secretary W. Graham Clayton Jr., saw it: "Fighting men prefer fighting machines to support machines." This same attitude leads services to underspend on spare parts and maintenance.

A sixth form of rivalry develops when one service must perform a role that benefits, primarily, a competing service. Thus, the Navy has retained amphibious landing ships adequate for only one Marine division while the nation has paid to train three amphibious divisions of Marines.

The final form of rivalry involves missions the services would rather do badly themselves than cede to others. For the same reasons they sometimes cling to outmoded tasks.

For example, the Navy has little ability at long-range naval bombing or long-range reconnaissance. That takes land-based aircraft. The Air Force could perform those missions with B-52s or F-111s.

"But that will never come about," reckoned Sherman, "because the Navy doesn't want the Air Force horning in on its mission and the Air Force doesn't want the Navy to get the airplanes."

Similarly, some defense analysts wonder whether a need still exists for the Air Force's landbased intercontinental ballistic missiles when other weapons, such as Navy submarine missiles or Army warheads in Europe could do the same job.

"But if you question this," said Gen. Taylor, "you are told, first, of the glory of the triad."

The triad is the three-legged system of anti-Soviet nuclear warhead delivery provided by submarines, B-52s and ICBMs.

"Well, I never read about the triad on Moses' tablets," Taylor continued, "so I'm not certain we need three systems.

"Then they told me it would make the Air Force very unhappy to lose the mission. And they said we mustn't break the morale of the Air Force. I say we never worried about the morale of the cavalrymen when we took away their horses."

MILITARY AID TO EL SALVADOR SHOULD BE SUSPENDED

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the tragic situation in El Salvador continues on the front pages as the violence increases and the Reagan administration seems to be throwing its weight behind a military solution.

Last year I was urged by many of my constituents, especially leaders and members of a variety of Catholic organizations, to support an immediate cutoff of military aid to El Salvador. During an extensive review and several hearings by the Foreign Affairs Committee at which former Ambassador Robert White among others testified, I came to share his view that our best course was to try to strengthen the civilian government of President Duarte in its efforts at political and economic reforms and at gaining control over the military. So long as military aid was used to further these goals, I was willing to support it.

Accordingly, I worked with my colleague, the Honorable STEPHEN SOLARZ, to develop a set of conditions for the continuation of military aid. These now familiar conditions called for the Government of El Salvador to control the military and rightwing killer squads that have been responsible for a substantial part—most observers say a majority—of the thousands of murders of noncombatants; to implement essential political and economic reforms, including land reform; to make efforts to begin discussions about a political solution to the conflict with all major political factions so as to make possible meaningful elections; and to make good-faith efforts to bring to justice the killers of six U.S. citizens in El Salvador. These conditions were carefully drawn up during markup of the fiscal year 1982 foreign aid bill by the Foreign Affairs Committee and their final form was painstakingly negotiated in the House-Senate conference on the bill. They were then enacted into law with the approval of the President.

On January 28, President Reagan filed the required certification that these conditions have been met. While his findings are perhaps arguable in some respects, I feel that, as to at least some of the conditions, the certification is a fraud, pure and simple. Especially is it not true that the Duarte government "is achieving effective control over the security forces." Somewhere between 6,500 and 12,000 people, most of them noncombatants, were killed in El Salvador last year, depending on whose estimates you believe. The Reagan administration's estimates are on the low end, and all other sources put the casualties at a much higher level. One thousand soldiers have supposedly been drummed out of the armed forces, but none, so far as we know, have been court-martialed, and thousands of summary executions are not even being investigated. Amnesty International has called this "a systematic and brutal policy of government-sponsored intimidation and repression."

When Congress enacted into law conditions of the continuation of military aid, we decided against a policy of continuing military aid no matter how hideous the human rights situation in El Salvador became. The Congress should not now abandon this position; we should insist that the President's certification be something more than an automatic formality, regardless of the facts. We should not allow the Reagan administration to swear a duck is an eagle in order to support repression in the name of anticommunism in El Salvador.

I have therefore introduced House Joint Resolution 402 which would sus-

pend further military assistance to El Salvador. Such a suspension now will, in Ambassador White's view, give President Duarte additional leverage to bring the security forces into line. If Congress meekly accepts the President's certification that all is as well as can be expected in El Salvador, President Duarte and the Christian Democrats in the coalition government are unlikely to be able to pressure the military partners in the coalition into seeking any accommodation with the leftist guerrillas. The signal will then be: Go to it boys, the lid is off. If Congress adopts something like the legislation I have introduced—which is virtually the same as the bill already introduced by my colleague Mr. STUDDS and almost 80 cosponsors—we can avoid sending that signal. Our bills would only allow aid to resume if Congress finds that the essential conditions already written into law have been met.

AMENDMENTS TO DEFENSE PRODUCTION ACT INTRODUCED TO STRENGTHEN AMERICAN INDUSTRIAL BASE

(Mr. BLANCHARD asked and was given permission to address the House for 1 minute.)

Mr. BLANCHARD. Mr. Speaker, what this country really needs is a Marshall plan. Yes, a Marshall plan to rebuild American industry.

But that would take a lot of time and a lot of money. There is an old saying, "Given enough time and money, you can solve any problem." That may be true, but we do not have either.

Meanwhile, American industry is growing old. Our industrial base is literally antiquated, obsolete, and, in many cases, bankrupt. Hurt the most are small- and medium-sized businesses, those companies that provide most of the jobs in America—the very same companies which form the hardcore or heart of if you will—something we call the U.S. defense industrial base.

Our machine tools, for example, are typically 25 to 27 years old. How can we expect to compete with the West Germans, whose machine tools average 15 years in age, and probably more importantly with the Japanese, whose machine tools are only 10 years or less? Even in our high growth, high technology industries we are being vigorously challenged.

The result of this is a higher cost for the myriad of items from very sophisticated components right down to the simple nuts and bolts. Sole sources are becoming distressingly commonplace.

Many items are simply not being made in America any more. The U.S. dependency on foreign sources for fasteners, castings, forgings, optical equipment and other basic parts is nothing less than shocking.

The situation I am describing has been documented in detail as part of 27 days of hearings, involving more than 125 witnesses, before the House Subcommittee on Economic Stabilization. I have the honor to be chairman of that subcommittee. The situation also has been examined in many hearings before the House Committee on Armed Services, the Joint Economic Committee and other congressional units.

The Subcommittee on Economic Stabilization has a responsibility—indeed a duty—to do something to help remedy the problem. That responsibility is vested in our exclusive legislative jurisdiction over the Defense Production Act of 1950.

Therefore, today, I am introducing a series of major amendments to the Defense Production Act to strengthen the domestic capability and capacity of the industrial base. This is a totally bipartisan action. Joining me as the chief cosponsor is the gentleman from Connecticut, Mr. MCKINNEY. The legislation was jointly drafted by Democratic and Republican staff. This is an all-American problem needing an all-American solution.

The bill, entitled "The Defense Industrial Base Revitalization Act," attacks the problem on three key fronts.

First, the modernization of equipment and plant. Here we intend to help not the big corporations who serve as prime contractors. Instead, the assistance under the bill would be targeted to high-priority subcontractors and suppliers—businesses that do not have tax advantages or cannot use them. These are mostly small- and medium-sized businesses, who run their financial affairs much in the same way most American families do. That is, they go out and borrow money—from their neighborhood banker. They depend on credit to purchase new equipment. They compete for that credit with highly profitable service industries such as fast-food outlets and retailers selling blue jeans. In many cases, it is not a difficult choice for the banker to decide between financial statements showing a constant booming market and the small machine shop or foundry with lots of ups and downs and the lack of a clearly-defined near-term market. This market. This legislation will enable these businesses, through financial incentives such as loan guarantees, direct loans, price guarantees and purchase agreements, to get the capital they need.

Clearly, there is not enough money to help everybody. Therefore, this would be, in a sense, a competition. The administration is currently developing a priority ranking of industries most important to defense, including the most problem-ridden in terms of capability and capacity.

The legislation requires a constant priority assessment of those industries which are necessary to the manufacture or supply of national defense materials required for national security, or are likely to be required in time of emergency or war.

Within those priority categories, our legislation would mandate special preference to those companies that come up with plans showing unusual promise in boosting productivity, improving quality, developing new processes, and reducing our reliance on foreign imports. This would not be dependent on whether or not they are currently performing defense contracts. The winners would be those companies willing to accept the full challenges and risks of industrial modernization.

Mr. Speaker, a second major objective of this bill is to help provide the skilled labor and professionals to cope with existing and anticipated manpower shortages in our defense industrial base.

The legislation would direct the President to launch programs to fill these needs in high-priority industries. The Defense Department already has identified 73 of these critical skills.

In regard to skilled labor, we would propose a cost-sharing program with State vocational education boards working closely with industry, labor and with educational institutions of the States.

The emphasis would be on training, retraining and upgrading skills to operate new equipment and plant in high-priority industries of the defense industrial base. In this program, the idea would be to fill existing vacancies and to meet projected critical skill manpower needs.

This is not a social program. We simply must provide the means to train people for the critical skills needed in any defense buildup. For example, the typical age of a skilled machinist today is 58, and in a few years more than half of these people will retire.

In many of our industrial centers today, you will see columns of help wanted ads seeking highly skilled labor. Although there are plenty of people seeking jobs, they do not have the necessary skills.

Yet, we have thousands of men and women currently out of work in depressed industries. Many of these people could be retrained or have their existing skills upgraded for job opportunities available right now and those that will be available in the near future.

On the professional side, there are serious shortages of scientific and technical personnel in the fields of engineering, computer sciences, and many other disciplines. Our colleges and universities are hard pressed to retain younger faculty members to

teach and they find it difficult to encourage students to continue their studies for higher degrees in light of high salaries from industry.

One of the major problems for our colleges and universities is the purchase of modern laboratory and other equipment to train these students and provide them with the means to do research. Much of the equipment is out-of-date—literally 15 years or more behind the times in a number of cases. So, we are frequently producing professionals who are ill equipped to match the competition we are receiving from Japan, West Germany and other industrialized nations. This situation must be remedied.

What we propose to help this effort is a program of assistance in the form of matching grants for new and modern equipment in university schools of engineering and other scientific and technical disciplines needed for high-priority tasks in our defense industrial base.

The legislation introduced today has a third major objective. It would direct the President to develop greater domestic capability and capacity to produce critical and strategic materials, especially where U.S. dependence is large and overseas sources are unstable or even unfriendly.

The proposed program also would emphasize recycling scrap, improving extraction and processing, and the development of substitutes and other advanced materials technologies. The objective would be greater independence or insurance from possible cutoffs, shortages and cartel-like price increases. These are all threats within the realm of real possibility.

Experts in both the last and current administrations have emphasized the need to develop domestic sources for such key materials as cobalt, titanium, alunimum, natural rubber and a number of other strategic and critical materials. If you can believe it, the Soviet Union is one of the primary sources for certain key minerals needed by the U.S. defense effort, especially military aircraft.

There is serious concern regarding this Nation's minerals import dependency. Our industrial health is dependent upon an uninterrupted supply of a variety of materials. Some of the most vital of these materials are imported in excess of 86 percent annually, according to the Bureau of Mines data for 1980.

For example, we are 100 percent import dependent on our supply of columbium, an essential element in superalloys used in jet and turbine engines. In the case of bauxite and alumina, the raw materials needed to make aluminum, which is of particular importance to the transportation industry, the U.S. imports 94 percent of its needed supply. We rely on imports for 97 percent of our manganese, whose deoxidizing, desulfurizing, and conditioning properties are critical for the steel industry; 93 percent of our cobalt, which has several uses, most attractive of which is cobalt's ability to withstand high temperatures; and 91 percent of our chromium which is used as an alloy to increase hardness and impact strength in steel as well as making steel more versatile. The platinum group metals, palladium, rhodium, iridium, ruthenium, and osmium, and tantalum are also included in the list of critical materials upon which we are import dependent, 87 percent and 97 percent, respectively.

We need to develop more domestic sources and substitutes, conserve more in their use, recycle where possible and thus keep additional dollars at home while creating new jobs and saving energy.

Mr. Speaker, we have a record defense budget. This legislation allows us to spend those dollars more productively and efficiently. By addressing the problems of our defense infrastructure—aging tools and machinery and critical manpower shortages—the bill seeks to eliminate greater defense expenditure and waste.

A strong America must be prepared to respond to any challenges. We have learned the hard way that a modern strong industrial production base is absolutely essential. The only way we won World War II was that America was able to produce weapons faster than the enemy could destroy them.

The lesson here is that weapons mean nothing unless you can manufacture their components, spare parts, and replace them. This absolutely requires a vigorous industrial base with a good supply of the right materials, and perhaps most important of all, highly skilled men and women who can outproduce any people in the world.

I know the sum and substance of what I have said here is a fact. It is also an enormous challenge. What is needed is action to meet that challenge—action, now.

We believe the program we propose will not only strengthen our defense industrial base but all of U.S. industry, because they are virtually one and the same. Older industrial States which would have to make a major contribution to defense preparedness, could not only reinvest in unused industrial capacity, but expand capability to diversify their economies.

Let us put people back to work. Improving their productivity, making better quality products and regaining our competitive position in world trade.

In this case, Government can help to create a market. The same industries modernized under this legislation and the same workers trained for highly skilled jobs will produce not only needed defense items but also those for a vibrant peaceful economy.

WHO'S KIDDING WHO?

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, whenever I hear the Soviet's charge the United States with dragging its feet on arms control, I have to ask: "Who's kidding who?"

It is Soviet—not American—SS-20 nuclear warheads that are already in place and aimed at Western Europe.

It is President Reagan—not Brezhnev—who has proposed the withdrawal of all United States and Soviet intermediate nuclear weapons from Europe.

It is the Soviets who have invaded Afganistan, directed the military takeover in Poland, and who supply the chemical and biological weapons being used in Southeast Asia.

And, it was the Soviets whose nuclear and whiskey-class submarine got hung up on the rocks in neutral Swedish waters while they simultaneously were advocating a nuclear free zone for Scandanavia.

Mr. Speaker, very simply; who's kidding who?

Time and again, the press is duped into carrying the Soviet propaganda line that the United States is preparing to fight and win a limited nuclear war in Europe. I believe we must set the record straight on this crucial subject.

It was the Soviet Union, not the United States and its NATO partners, that introduced new intermediate nuclear missiles in the European theater. Their SS-20 missiles represent a potential force for intimidation, not to mention massive destruction. The West still has no comparable counterweight to these Soviet weapons. The NATO decision, at Western European insistence, to place Pershing II and Cruise missiles in Western Europe reflected agreement in the West that it is necessary to offset the Soviet advantage caused by their deployment of the SS-20 missile. This counterweight will serve as a bridge between NATO's tactical/short-range nuclear forces and the U.S. strategic nuclear missile force.

Regarding the possible use of nuclear weapons, or conventional weapons for that matter, NATO doctrine is absolutely clear. NATO weaponry will only be used defensively. NATO is a deterrent organization. Since NATO's founding, its purpose has been to prevent a Soviet attack, and failing that, to inflict damage upon the attacking Soviet forces with the purpose of repulsing them from Western European soil. Soviet propaganda would have

people think otherwise. They stress the aggressive nature of NATO's weapons policy. Such accusations are ridiculous. It is Soviet literature that for more than a decade has been filled with limited nuclear war fighting scenarios. It is also the Soviet Union and its Warsaw Pact forces that have many times the number of tanks, planes, soldiers, and artillery pieces as does NATO. It was the Soviet Union, not NATO, that developed a new series of bombers during the last few years, including the nuclear capable Backfire bomber which can strike any target in Europe and attack the sealanes between the United States and our allies worldwide. It has been the Soviet Navy that has rapidly expanded to pose a threat to NATO's reduced naval forces worldwide.

In evaluating the Soviet threat to the West, we need not restrict ourselves to an assessment of potential Soviet military actions. The brutal Soviet invasion of Afghanistan, as well as previous invasions in Czechoslovakia and Hungary clearly indicate the lack of Soviet inhibitions in using military force whenever they believe the West will not retaliate in some fashion. As further evidence of Soviet disregard for international treaties, we are witnessing today the use of Soviet-supplied chemical and biological weapons in Southeast Asia. Moreover, the Soviet-directed crackdown on Solidarity in Poland violates Soviet obligations under the Helsinki accord.

Yet, despite all this evidence of Soviet aggressive intentions and behavior, it is often the United States that is accused, in propaganda, of foot dragging on negotiating a limit on nuclear weapons. No, it is precisely the other way around. President Reagan has offered to eliminate all intermediate nuclear weapons in Europe. The United States would forgo deployment of all its Pershing II and cruise missiles in Europe in exchange for Soviet removal of their SS-20 missiles. This is not foot dragging. This is a genuine offer of arms reduction, not just arms limitation. And what has been the Soviet response? They propose to freeze present deployment levels while we talk about it. That is not much of a deal. It would leave the Soviets with hundreds of intermediate range nuclear warheads aimed at Western Europe while NATO would have zero weapons of the same type. Soviet negotiating tactics remind me of the old saying, "what's mine is mine, and what's yours is negotiable."

Furthermore, the Soviets outrageously demand that the independent British and French nuclear forces, as well as U.S. strategic submarines and aircraft be counted in the negotiations. This, the Soviets say, makes the balance of intermediate nuclear forces in Europe equal. This is preposterous. The Geneva talks are bilateral, not multilateral negotiations. Therefore, the British and French forces are not relevant to the calculations. In fact, France is not even a full member of NATO. Concerning U.S. submarine forces, these are strategic and are the subject of discussions under the SALT process. We cannot allow them to be double counted. Regarding the Soviet point on nuclear capable aircraft, I need only mention that the Soviets have deviously failed to include their own air force with nuclear capabilities which are many times the number of U.S. airplanes based in Europe or on carriers. Again, we must get back to the basic problem. The Soviets have augmented their intermediate range nuclear missile force in Europe. This gives them an unmatched advantage and they are trying to diffuse criticism by bringing red herrings into the debate.

It is time for everyone to realize if we are to achieve meaningful arms control and avoid eventual world destruction, the Soviet Union must be held accountable for its activities and continually be pressed for reductions in their nuclear forces. The Soviets only respect strength and the willpower of other nations to stand up to aggression. They rarely negotiate in good faith and even less so in such crucial areas as arms control. One need only witness the Soviet violations of the SALT I agreement and our bilateral understandings deriving from the Cuban missile crisis to appreciate Soviet intentions. In the former, the Soviets have encoded missile test telemetry signals in violation of the treaty. In the latter, they are supplying offensive weapons and aircraft to the Communist regime in Cuba. Such aircraft can be modified to carry nuclear weapons.

It is the Soviets that should be charged with foot dragging over arms control. They are the ones who have invaded their neighbors in the postwar era, they are the ones who have launched a new round of nuclear weapons deployment, and they are the ones whose basic philosophy preaches world revolution and Communist domination. It is not NATO that is against arms control and peace, NATO is the world peace movement.

NORTHERN VIRGINIANS FAVOR DULLES, 2 TO 1

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my colleagues a telephone poll taken by the Fairfax Journal newspaper in which 69 percent of northern Virginians said they would use Dulles Airport over National Airport if it were possible to take the same flights from both airports. I believe that this 2 to 1 margin favoring Dulles makes it more important now than ever before that we make every effort to transfer flights from the overcrowded and congested National Airport to the underused Dulles Airport. I include at this point the Journal article of February 8, 1982, reporting on this poll:

IF FLIGHTS WERE EQUAL: NORTHERN VIRGINIANS FAVOR DULLES, 2 TO 1

(By Tom Wuriu)

A whopping 69 percent of Northern Virginia residents would prefer to use Dulles International Airport rather than close-in National Airport, if the same flights were available at each facility.

That's the startling result of a poll by telephone completed late last week.

The Journal phoned 350 residents of Fairfax and Arlington counties, Alexandria, Falls Church, Fairfax City, Vienna, Burke, Herndon, Reston, Clifton and Fort Belvoir.

Major airlines have long maintained they would gladly shift flights from seriously overcrowded National if the public would use Dulles. In the past, they maintain, few travelers wanted to make the trip to the Fairfax County terminal.

The results of the Journal poll appear to cast doubt on that conclusion—at least insofar as it concerns the million people living in Northern Virginia.

Those called were asked:

If it were possible to take the same flights from both Dulles and National airports, which terminal would you use?

Poll results were: Dulles, 241—69 precent; National, 109—31 percent.

The most surprising result of The Journal poll was the fact that citizens from nearly all parts of the Northern Virginia area said they would be willing to use Dulles if more flights were available there.

It was expected that respondents in western and northern Fairfax County would vote for Dulles, but so did people living in Falls Church and Arlington.

In only two areas, Alexandria and Mount Vernon-Lee, did the poll show a definite preference for National.

The polling was completed in one evening, with respondents asked which airport they would use if flight availability were the same.

They also were asked where they lived.

The random sampling was sufficient to insure accuracy within a five percent plus or minus range.

Carrington Williams, chairman of the Dulles Policy Task Force, termed the poll results "of great interest."

The information will be passed on to airlines on Feb. 16, Williams said, when representatives of the commercial carriers meet to consider possible shifts of business from National to Dulles.

That meeting, sponsored by the Department of Transportation, will include officials from various area groups fighting to boost flights at Dulles.

Even if the airlines are able to work out a plan to shift some traffic to Dulles, they still must obtain the approval of the Civil Aeronautics Board. The CAB has approved the Feb. 16 session.

I also include the following article by Judy Mann on National Airport in today's Washington Post, as follows:

NATIONAL

National airport has been under indictment for years. There has been widespread agreement that it is overcrowded and overused, and now there is an even more widespread perception that its takeoff and landing patterns are dangerous, that its runways are too short for the big jets that use it, that a jet in trouble will end up in the Potomac River. Whatever public confidence existed because of National's safety record has been badly shaken. The verdict is in.

The cause of the Air Florida crash is still unknown, but one conclusion appears inescapable: Whether it was ice, slush, engine failure, or a combination of human error and the elements, the airport was not up to providing the maximum backstop for disaster. The doomed voices of the pilots of Air Florida Flight 90, eerily chatting about the snow and the slush on the ground, have left a chilling record on their perilous takeoff, their inability to even see, and raised major questions about the effectiveness of the deicing procedures at National. The single jet runway at National, 6,870 feet long, is so short that any pilot would have to think twice before aborting a takeoff on it in icy conditions. While experts point out that under normal conditions a 737 needs only a third of the runway National provided, the accident have nevertheless focused attention on the adequacy of the runway for other jets. And it has provided sharp contrast to the three runways at Dulles, the shortest of which is 10,000 feet.

Given all the difficulties of flying in and out of National that the public has become so painfully aware of since the crash, it is something of a miracle that no disasters had occurred since 1949. Traffic at the airport has steadily increased with the growth of carrier size from 6.7 million passengers in 1965 to an estimated 14 million last year, with the PATCO strike. The number of carriers using the airport has nearly doubled to 18 since Congress deregulated airlines in 1978. The facility has changed little.

National's problems are probably more complex than any other airport's in the country. It is subject to jurisdictional pressures from Maryland, D.C. and Virginia, the Federal Aviation Administration, which runs it, and Congress. And Congress traditionally has played a pivotal role in maintaining the status quo. It has been loath to cut back on flights in and out of an airport that is 15 minutes from the Hill. National is convenient not only to the members of Congress and their staffs, but to their important constituents—to the mayors and the big businessmen who want to come to Washington for a day to do business with the government. For them, the underused luxury of Dulles doesn't hold a candle to the convenience of National.

Congress, with the exception of oversight hearings last week, has not exactly rushed in to hold more substantive hearings on the Air Florida crash and safety at National Airport. The National Transportation Safety Board report on the causes of the crash will not be out for at least four months. The suspicion here is that the forces of lethargy are gathering and that the safety problems at National highlighted by the crash will remain very much the same. The NTSB does not have the power that Congress has to reduce the flights and therefore reduce the risks of flying out of National, which politically is probably the most obtainable goal. Transportation Secretary Drew Lewis has taken some steps to shift traffic from National to Dulles, but it is going to take an act of Congress—namely, setting its own narrow interests aside in favor of public safety—to meaningfully alter the pressures on National.

Airline safety, airport closing policies, who decides when to fly and when not to fly in bad weather, are fundamentally economic questions that are not unique to National Airport. In Boston, for example, World Airways, a marginal carrier, continued to fly in a snowstorm and its plane ended up in the water. Two other carriers decided not to fly. Airline safety in an economically deregulated system are clearly questions Congress needs to examine, and National Airport—with its proved inability to provide a margin for failure, coupled with its inability to provide instrument landing system approaches from the north—is clearly the place to start. Congress has no business endangering the rest of us, merely for its own convenience.

THAT CONVENIENT SCAPEGOAT, THE FED

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANNEMEYER. Mr. Speaker, as deficits mount, interest rates rise, and the election draws near, it is tempting to blame the Federal Reserve for our economic woes.

While the Fed is far from free of constructive criticism, we cannot place all of the responsibility at its doorstep.

Monday's Washington Post carried an excellent commentary in which the authors, Robert Dunn, Jr., and Neil McMullen, wrote:

Most of the blame actually lies with Congress and with current and past administrations that have been unwilling to control expenditures or to levy sufficient taxes to pay for them. The politicians who created most of the mess are trying to unload the responsibility for their mistakes at 21st and Constitution Avenue, and they should not be allowed to get away with it.

Mr. Speaker, I will insert the article at this point in the RECORD:

THAT CONVENIENT SCAPEGOAT, THE FED

(By Robert M. Dunn, Jr., and Neil J. McMullen)

In recent weeks the growth of the U.S. money supply has surprised one and all, almost certainly including the Federal Reserve.

Treasury Secretary Donald Regan has responded by publicly accusing the Federal Reserve of running an unstable monetary policy. This accusation assumes a degree of Federal Reserve control over the money supply that does not exist. Contrary to widespread opinion in the administration and elsewhere, the Fed cannot directly control the money supply, and consequently cannot be blamed for unexpected short-term changes in the money statistics.

The Federal Reserve can rather precisely control the level of bank reserves, which consist of cash banks keep in their vaults and accounts they maintain with the Federal Reserve. The problem is that the relationship between the level of bank reserves and the money supply the banking system can create is subject to unpredictable short-run changes.

Beginning economics students are often taught that this relationship is simple because banks must hold a constant share of their checking accounts as reserves. A reserve requirement of 20 percent, for example, means that $5 in reserves will support $25 in checking account money. If all money were held in the form of such checking accounts with the same reserve requirement, a simple and relatively precise relationship between reserves and money would exist. Unfortunately, this is not the case.

Not all commercial banks are members of the Federal Reserve System, and those banks that are members are required to maintain higher reserve percentages than those that are not. This means that if funds shift from member to non-member banks, the amount of money that can be supported by a constant amount of reserves will increase whether the Fed wants it to or not.

Far more important, the current definition of money (M1) includes different types of deposits for which quite different reserve requirements exist. In addition to currency and checking accounts, M1 now includes Negotiated Order of Withdrawal (NOW) accounts, Automatic Transfer to Saving (ATS) accounts, and credit union share balances. Reserve requirements for traditional checking accounts at commercial banks are higher than requirements for NOW, ATS and credit union balances. This means that when money shifts among these types of deposits, a constant level of bank reserves can support quite different money supply results, irrespective of what the Fed may wish. If funds move from checking accounts to ATS accounts, for example, the money supply can increase without any growth in bank reserves. The Fed can control the volume of bank reserves, but clearly that does not imply precise control of the money supply.

Federal tax flows are another factor complicating the Federal Reserve's control over the money supply. Large payments to the Internal Revenue Service drain reserves and money out of the banking system, and the Fed tries to offset this impact by increasing the availability of reserves to the commercial banks when tax payments are due. The Fed's goal is to stabilize the money supply when tax dates occur. The success of this effort depends on the Fed's ability to accurately estimate how much Americans will be paying to the IRS on a particular payment date. These estimates are normally based on past tax payments, and there is strong reason to believe that such estimates have been wide of the mark during recent weeks.

The July 1981 tax law provided a small tax cut in 1981 and a larger cut in 1982, thus creating a strong incentive for ingenious taxpayers to shift deductions forward into 1981 and income back into 1982. All over America, business expenses, medical bills and other deductible items were being prepaid on Dec. 31, while arriving income was being deferred until Jan. 1. The result was that fourth-quarter tax liabilities and estimated payments to the IRS were almost certainly less than anticipated. If the Federal Reserve added reserves to the banking system to offset normal or historical levels of tax payments, excessive reserves would have resulted. In this case the American taxpayer, whose ingenuity in reducing taxes is well known, may have outfoxed the Federal Reserve, as well as the IRS.

The public impression that the Fed has erratically managed the money supply has been greatly increased by the manner in which the data is commonly reported. The

Wall Street Journal, for example, recently noted that during the last four weeks the money supply rose at an annual rate of 16½ percent, which sounds awful. The actual change in the money supply was 1¼ percent, which is hardly huge. If this growth went on for a full year the result would be a 16½ percent growth, but the Fed will obviously not allow that to happen. The use of annual growth rates for very brief periods makes instability of the money supply seem much worse than it is.

The important point, however, is that the short-term management of the money supply is not as easy or simple as casual critics of the Fed suggest. The Federal Reserve never could precisely control the money supply over short periods, and the recent development of NOW and ATS accounts, which are included in the money supply, has greatly complicated its efforts.

In light of these realities, the real surprise is that the Fed has come as close to its monetary targets as it has during recent years.

The problems in U.S. economic policy do not originate with the Federal Reserve, but are instead the result of continuing irresponsibility in fiscal policy. Federal budget deficits have been excessive since the mid-1960s. Most recently, the 1981 tax cut and the inability of the government to control Social Security or military costs, which together dominate federal expenditures, have added to the problem. As the economic slump has deepened, politicians at both ends of Pennsylvania Avenue have been looking for a scapegoat, and Chairman Paul Volcker is a handy target. Most of the blame actually lies with Congress and with current and past administrations that have been unwilling to control expenditures or to levy sufficient taxes to pay for them. The politicians who created most of the mess are trying to unload the responsibility for their mistakes at 21st and Constitution Avenue, and they should not be allowed to get away with it.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will call the first special order but wishes to again announce that there still may be official business before the House today, and Members are encouraged not to leave.

THE ECONOMY AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 60 minutes.

Mr. RHODES. Mr. Speaker, it has been a year and a few days since the results of the 1980 election were implemented by the installation in Washington of a new Government headed by President Ronald Reagan. This is a good time for all of us to look back upon the accomplishments and failures of that year, in order to evaluate what has been done, and perhaps to guide us in the paths we need to follow in the next year and in the years to come.

First, let me review some of the accomplishments of the last year. In my opinion, the first session of this Congress was indeed a watershed session. The Reconciliation Act was a legislative miracle. It accomplished objectives which, if addressed in the traditional manner, would have taken at least 5 years. It set the feet of the Government on a path toward becoming smaller and less all-pervasive in the lives of the people. Hopefully, it will also be less expensive as the years go by. This reverses a trend which had been constant since the early 1930's and, and my opinion, moves in exactly the direction that the American people directed its Government to move in the election of 1980.

I give great credit for the reconciliation bill to the President and to his Budget Director and our former colleague, Dave Stockman. As I said during the debate on the reconciliation bill, it was a draconian act done only because of the absolute necessity of making the changes which were made, and making them as rapidly as possible. As a member of the study committee which brought about the legislative budget process, I had never dreamed that reconciliation would be implemented as a part of the first budget resolution. We thought that it would come only as a part of the second budget resolution, after the appropriations process had taken place. Nevertheless, the necessity of rapid movement dictated that this departure from the original intent of the Budget Committee be undertaken, and it was. I particularly salute the President, his incomparable legislative liaison team headed by Max Friedersdorf, the Republican leadership of the House headed by my long-time friend and colleague, BOB MICHEL, and my equally good friend, the majority leader of the Senate, the Honorable HOWARD BAKER. There are many others who deserve recognition—especially the Honorable DELBERT LATTA of Ohio, and the senior Senator from New Mexico, the Honorable PETE DOMENICI.

The second portion of the Reagan economic game plan was encompassed in the Tax Act. The thrust of this act was not just to cut personal income taxes. It also promoted expansion of the private sector by encouraging savings and investment, and by accelerating capital recovery from investments already made.

In my opinion, the most beneficial portion of this act was the liberalization of the individual retirement account, so that all persons could take advantage of this tax break. I am confident that the result will be increased savings and investment on the part of all Americans, and a resulting increase in the supply side of our economy. I have been advocating this move for years.

The American people, in 1980, opted for supply-side economics. The prices being paid for consumer goods made it clear to the people of the country that there was a dangerous demand-pull inflation rampant in our economy. The best way to combat this ailment is to produce more of the goods which people want to consume. The IRA, the increased Keogh allowances, and, to a lesser degree, the all-savers certificate, by encouraging savings and investment, move in this direction.

I am not mentioning specifically the measures taken to enhance capital recovery. They are well known to all of us and I believe that they meet with the approval of practically all of us as well as the great majority of American people. They will lead to a greatly enhanced competitive position for American product, if wage rates can be held in line.

In the conduct of foreign affairs, the Congress has shown remarkable restraint in leaving foreign affairs up to the Executive in a larger measure than had been true in previous years. The action of both bodies on the AWACS matter was interesting. Naturally, I tend to believe that the Republican-dominated Senate was correct in approving the AWACS sale and the Democrat-dominated House was in error in turning it down.

The successes of the administration in matters related to foreign affairs have made it possible for the United States to strengthen our ties abroad in many ways. Certainly, the image of the country is more positive in the area of standing firmly behind our friends and not aiding present or potential enemies. The most beneficial change from the policy of the previous administration was the reinstitution of the concept of linkage. The U.S.S.R. had been led to believe that it could get by with all sorts of aggressive acts in certain areas of the world and still maintain negotiations with the United States on bilateral matters, including certain types of disarmament negotiations. I feel that this administration has made it quite apparent to the Russians that aggression in any part of the world can result in damage to the totality of relations between our two countries. Counteractions can be, and have been, taken which act to the detriment of the Russian economy. Further action has been promised, if required.

The Reagan administration has signaled to our allies and our potential enemies that we will obtain and retain the physical force necessary to defend ourselves and the free world against aggression. The best way to deter aggression is to be ready to meet it, and we intend to provide the physical force necessary to accomplish that objective.

We have many problems associated with the defense of our country, not the least of which is the availability of highly skilled manpower to operate the increasingly sophisticated weapons systems which we can and have developed. I am pleased that the President has asked for continuation of registration for the draft, but I am equally pleased that we have not drafted people. In my opinion, the draft at the present time would not satisfy the needs of the armed services for highly skilled manpower. Certainly, draftees who would be in the service for relatively short periods of time cannot be expected to absorb the kind of skills which are necessary to operate and maintain our highly complex weapons systems. We need to rethink the pay structure of the armed services, to make positions which are comparable in skill requirements to civilian positions at least equal to those positions in pay and benefits. Much of the armed services must become increasingly professional. Otherwise, we will see the ruinous skills drain continue to hamper our defense structure.

I am certainly not downplaying or downgrading the importance of the infantry soldier, the tank driver, the artilleryman, or any of the members of our armed services who serve in the more traditional roles. Nevertheless, the hard facts are that the traditional soldier can be obtained, trained, and maintained at lower pay levels and lower benefit levels than can those whose skills are readily marketable in the civilian world. Our pay scales must be adjusted in accordance with this fact.

There are many other accomplishments of this administration and this Congress which I could certainly praise. The members of the Democratic Party whose votes helped pass much of the key legislation the Reagan administration advocated deserve credit. I think we all understand how difficult it is for any member to take positions distasteful to his own party leadership.

Now, let us talk about our economy. It is in recession. In my opinion, the causes of this recession were present long before Ronald Reagan became President of the United States. Simply stated, we overestimated the ability of the American economy to support the governmental and social structure which was evolving in our country.

Profit has been made a bad word. We have increased taxes to the point that not enough margin was left in the private economy to provide for reinvestment. The result has been a deterioration in our ability to produce goods which are competitive in both price and quality.

Capital undernourishment, accompanied by the power of organized labor to demand and obtain wage increases without relationship to increases in productivity, resulted in lowering of the rate of increase of economic activity, almost to the point of disappearance. Our growth rate has been flat for almost 4 years.

Another way of expressing this situation is to say, "We have been eating our seed corn." Too many people have had the idea that utopia had arrived, and that they should "get theirs" right now, while the getting is good.

The result has been that we have not only seen much of our foreign markets disappear, but we have also seen other nations with better rates of savings and investment, more up-to-date industrial plants, and workers whose pay was more commensurate with their production, invade our domestic markets. Now from all sides we are getting importunities to place tariff or nontariff barriers against importation of foreign products. I hope we will not do this. Too often, such barriers are put in place only to cover over our own economic mistakes. We have certainly made them. Let us face up to them, correct them, and rebuild our economy on a solid basis. Again, in my opinion, that is exactly what the American people were telling us to do in the election of 1980.

I have already said that I agreed with practically everything that was done in the reconciliation bill and much that was done in the tax bill. However, I think we have made some mistakes in the tax bill which must be corrected.

In the first place, I think we followed the path of reasoning of the man who took 4 tablespoons of medicine thinking that if 1 tablespoon of medicine was good, 4 would be that much better. In other words, I think the personal income tax cut was much too much.

I am well aware of the arguments that much of the money saved by individuals in the personal income tax cut will go into investments. However, I would still bet that more of those savings will go into the consumer side of the economy than into the investment side. If this is so, then the demand-pull inflation would be exacerbated. The tax cut would, therefore, be inflationary, and the goals of supply-side economists would be made more difficult to attain.

I hope we will rescind the last 10 percent of the tax cut. Since it has not become effective, rescission would not hurt either the taxpayer or the economy. It would be a firm signal of our intent to obtain a balanced budget as soon as possible.

The worst mistake that was made in the tax bill was to provide for the indexing of income tax rates beginning in 1985. Certainly I am aware of the strong equitable arguments which can be made in favor of indexing. First, our tax structure is such that the Federal Government actually benefits in times of inflation. Second, the increased number of dollars a person hopefully will earn in times of inflation pushes him into a higher tax bracket and results in a most unfair increase in his total tax bill. I do not condone either of these results, and I hope that sometime we can do something about them.

However, the first priority, after providing for the national defense, must be to stop inflation. To do this, we must balance the budget. By the very nature of indexing, a further gap will appear between the total outlays that the Government must assume and the revenues which it will collect. Undoubtedly this will make it even more difficult, if not impossible, to obtain a balanced budget.

Furthermore, it seems to me that the psychology of indexing is all wrong. If inflation were nonexistent, or at least manageable, indexing would not be necessary. Therefore, it seems that indexing taxes is practically institutionalizing inflation, and saying in effect, "There is nothing we can do about it, so we'll just have to learn to live with it." I hope America never adopts that viewpoint.

I believe everyone agrees that real recovery from the present recession depends upon the lowering of interest rates. I have been told by experts in the financial markets that the portions of the tax bill which I have just dealt with were very discouraging to the financial markets. It was felt that they would result in higher and higher deficits. There is a large fear component in the present-day interest rate. That fear reflects the horror with which persons who manage money approach the prospect of entering a rising money market with a lot of cheap paper on hand. The prospect that the Federal Reserve System will continue its tight money policy, or perhaps even squeeze it tighter, plus the prospect of increasing Federal deficits, has stretched that fear component to a point beyond rationality.

It is my very strong opinion that that portion of the interest rate which was conceived and created by the fear of the money merchants will not be removed until actions similar to those I have outlined above are taken.

It has been said that there is very little difference in whether the individual is allowed to spend his own money, or whether it goes through the public sector. I can understand this feeling and, philosophically, I am in sympathy with it. But, at this particular time in our history, a personal income tax reduction is, first, quite likely to exacerbate the demand-pull inflation, and second, the resulting loss in revenue to the Government meaning higher deficits works against our efforts to lower the interest rate.

I know that there are many Members of this body who felt that it was not just and not politically palatable to cut taxes merely to stimulate investment and production, when the American people are paying such high taxes from their own earnings. Strangely, however, the polls have indicated from the very first that a majority of Americans would forego a personal income tax cut if, indeed, the result would be lower inflation and lower prices. Our people are ready to make sacrifices. We have not called upon them to do so. We should, and we must.

Unless we look to our revenue system, we will find ourselves with a terrible dilemma. We will have the choice among, first, continuing horrendous deficits, second, making cuts in the Government structure which are politically and socially difficult, if not impossible, or third, in providing revenue from new sources of taxation. The value added tax has reared its ugly head several times in the past few months. I cannot imagine that anyone would really want such a regressive and I think, in the long run, destructive tax. Still, there will be a great temptation to go to the value added tax, because it certainly raises a lot of revenue and does it in a hurry. In my opinion, the revenue loss inevitable from indexing puts us on a path which leads inexorably to something like the value added tax.

The last several months have shown us something which we should have already known. Our social and governmental structure has grown faster than has the ability of our economy to support it. I happen to believe that nearly all of the cuts which we have made in this Government are constructive, and that further cuts will be made. However, how does one get from a $100 billion deficit to a balanced budget, while increasing defense spending and massively cutting taxes? Furthermore, how does this occur when there are certain areas of the social structure which are becoming more and more expensive, and which probably cannot be cut? Social security and Government pensions will continue to increase in total outlay, and many of the other so-called entitlement programs, which possibly can be cut but probably not eliminated, will also increase.

I think that President Reagan's suggestion that some programs be returned to the States, is a good one. However, I am not at all sure that the States can muster the financial strength to undertake these programs and continue them on the basis that the American people demand.

It seems to me that there is only one light at the end of the tunnel. The American economy, which has had its hands tied behind its back for too long, can be unleashed, stimulated, and can, in the end, produce an economy which can support both our social structure, our Governmental structure, and our defense needs. But it needs time and tender loving care to acquire the strength it needs to perform such a task.

That is what those portions of the tax bill of which I approve are aiming toward. The best present we can give American people is the promise of an economy which, in the future, can provide them with: First, the jobs which they need; second, a desirable standard of living; and third, the capability to defend our way of life. All of the other aims and ambitions which encompass the bold actions we have taken in the past and will be called upon to take in the future are picayune compared to these overriding desires of our people.

□ 1430

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Michigan.

Mr. DUNN. I find there is much I agree with in what the gentleman has to say. Nevertheless, I have to voice some differences of opinion in one particular area, and that is in the gentleman's proposal to roll back on the individual tax cuts and the gentleman's proposal to roll back on indexing.

The gentleman is aware that indexing will not even take place until 1985. So I fail to see how revising this law is going to affect the current problem which the gentleman and I both agree on, that being the $100 billion deficit.

If the gentleman will continue to yield further, let me make the case that he and I both voted for Reagan economics, supply side economics, whatever you want to call it. If we take a look at what was wrong with our economy 10 years ago or 5 years ago and what is still wrong with it, we have to come to the conclusion that the lack of capitalization, the lack of productivity, the lack of the ability to save, are the impediments. We removed some of these impediments, but we did not remove one big impediment, that impediment being what the gentleman so correctly addressed: interest rates.

There are some on both sides of the aisle who suggest that we should hold business' feet to the fire and somehow this is a magic formula to make them go out and use those tools. The simple point is that they cannot use the tools when we are looking at a $100 billion deficit and that is the problem. Talking about indexing or rolling back on personal income tax in so many years down the road is not the solution.

If we can get rid of that $100 billion deficit, I talked to the Chairman of the Federal Reserve and I asked him the theoretical question: "If we had a zero deficit this year alone, what would it mean in terms of interest rates?" It would mean 5, 6, 7, or 8 points would come off immediately. That is the crux of the problem.

I agree with the gentleman in the well. Nevertheless, we are still talking about long-range problems.

I think we have to talk about problems this year. I think we do have to talk about tax increases. I think we do have to talk about a rollback in social programs. I think we do have to talk about a rollback in defense spending to solve the problems now.

Mr. RHODES. Of course, let me speak first to the point the gentleman made about the fact, and it is a fact, that indexing does not occur until 1985. That is true. But the people who are most worried about the interest rate, and really the people who set the interest rates, as the gentleman is well aware, the Fed really is only one component in setting the interest rate. It is mainly set in the halls of Wall Street or in Chicago or the other financial centers of the country. But they are looking ahead and looking to see whether there is a balanced budget in the offing. They tell me that indexing does bother them, looking ahead, and trying to equate the picture that they see with the value of long-range bonds.

□ 1445

The picture that they see is not a good one, which is one reason, I think, that the bond market is still in the doldrums.

Mr. DUNN. Let me make one more point on that. The gentleman has been here a lot more years than I have, so the gentleman is well aware that, as we were sending more and more taxes to this place because of the bracket creep phenomena, we were never getting any closer to a balanced budget.

Let me suggest an alternative to the gentleman for a tax increase. Rather than a rollback on indexing would be a special tax, a tax that has worked for this Government to reduce deficits, a tax geared to, if you will, a trust fund set up for debt retirement.

Now, it is a procedure that this Government used to establish a highway network in the 1950's. It is a successful tool. We have established a National Trust Fund. That trust fund has been there and it has done its job. Why not a special tax for a 1-, 2-, 3-, or 4-year period at 1, 2, 3, or 4 percent geared toward retiring this national debt? Why would not that be a more immediately recognizable signal to Wall Street—and to Mr. Volcker, by the way—that this Government is finally serious about reducing the national debt?

Mr. RHODES. One, two, three, or four percent of what?

Mr. DUNN. Suppose we did it on a national sales tax, geared to the GNP which this year is projected to be somewhere under $3 trillion. If it was 1 percent, we would be talking about a $30 billion inflow into the Government this year.

Mr. RHODES. Of course, that is almost the same, in effect, as the value-added tax.

Mr. DUNN. Yes.

Mr. RHODES. Which, frankly, I do not think this country is ready for. I do not think this body is ready for it. It can be a very regressive, a very destructive tax. I respect the gentleman's opinion and him as an individual, but I cannot agree that that is a better approach than the approach of rolling back something which has not occurred. It is not going to hurt anybody. All it does is cause the people who are looking at the crystal ball to see a different picture than the one that they now see. Which, in my opinion, will have the effect of reducing the interest rate.

The gentleman has mentioned the interest rate. It is certainly important, but it is a symptom. It is not a cause. The interest rate is the result of the actions of the economy, the Government, and not only our economy and our Government, but the worldwide economy. And the interest rate, therefore, being a product of a lot of other things, we have to attack the root cause. Well, the root cause of high interest rates is a lack of confidence in the ability of this Government to get out of the money market. I think it is that simple. If we can prove to the people who have most to do with setting the interest rates that we really are going to get out of the money market, but the existence of these two taxes, the cut in the personal income tax—which, incidentally, our people did not want. Every poll that I saw, and I saw a lot of them, indicated that the people would much rather have a cut in inflation than a cut in income taxes. But we gave them a cut in income taxes anyway. You know, if we think it is good for them, it is good for them.

Also, indexing. I admit the appeal to it. You know, it has a great appeal, intellectually, except that at a time like this, when we are trying to cut down a $91 billion deficit, it will not fly.

Mr. DUNN. If I may make one more point, we agree. We are only talking about timeframe differences. What happened last week, with the prime rate going up, when the announcement of the $91 billion deficit came out, is a prime example. We both agree where interest rates are coming from. They are coming from the large deficits. The only difference is, I think the gentleman's solution would lead to a solution 3 or 4 years down the road. I am talking about something immediate. The immediate problem of business and consumers is today. That is the point I am trying to make.

Mr. RHODES. Well, you are not going to get an immediate solution unless you get a change in the psychology of the people who have the most to do—and a lot of the interest rate is psychology. As we pointed out before, there is a terrible large fear component, and all of these people are money managers and their career depends upon their not getting caught in a rising money market with a lot of cheap paper. Until we can take that fear away from them, I do not imagine that they are going to opt very strongly toward reduction very much in the interest rates.

Mr. DUNN. I thank the gentleman for yielding to me.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for this opportunity of joining in a small way in this special order and commend him for drawing attention to a very severe problem.

The suggested solutions by the gentleman from Arizona are perhaps a little different than what I would propose. He has drawn attention to the necessity of rethinking the lowering of taxes as a means of dealing with the deficit, and this gentleman from California prefers, in my assessment of the problems of the country today at our national level, to talk about reducing spending.

Mr. RHODES. I agree with the gentleman.

Mr. DANNEMEYER. I think it takes both to really achieve our objective of balancing the budget.

Mr. RHODES. Certainly.

Mr. DANNEMEYER. You know, last December a member of the President's Council on Economic Advisers, Mr. Niskanen, was quoted in an appearance that he made before the American Enterprise Institute, in which he said:

> There is no direct or indirect relationship between deficit spending and inflation.

I wrote a letter to the President the next day and had it delivered to the White House, and in the letter I said to the President:

> If the gentleman has been quoted correctly, and if he believes what he says, fire him, because, in my judgment, there is a direct relationship between deficits and inflation.

Indeed, I want to quote a short statement by Beryl Sprinkel, Under Secretary of the Treasury for Monetary Affairs, who said, as follows:

> A policy of monetizing the debt designed to alleviate upward pressures or rises in interest rates ignores the fact that increased money growth must accompany Federal Reserve purchases of government debt. Such money growth generates inflation and inflationary expectations. The Reagan Administration recognizes the connection among monetization of the deficit, money growth and inflation.

I think in 1979 the Nation had a very marked change in policy, when the Federal Reserve Board changed its method of dealing with the management of the Nation's money supply from one of attempting to adjust interest rates to one of controlling money growth. As a result of that change in policy, we have seen a marked decline in inflation since 1979. The figures on 1981 are around an annualized rate of, say 8 percent. I believe the figure for 1982 will be close to 6 percent. But what does that cost? We are moving down on inflation, but we have exacerbated our problem because we have continued Federal spending at an ever-increasing rate and, as a result, the Federal demand for credit is today absolutely awesome. The figures that I have seen here indicate that in 1981 the Federal demand of credit, direct, indirect and guaranteed loans, totaled 78.8 percent of available credit in our money system of the Nation. That is an increase of 30 percentage points.

What is the answer? I think that we in this Congress could balance the budget of this country in 60 days by reducing spending, not increasing taxes, or, as the gentleman in the well suggests, he, I think, would prefer to increase some taxes, perhaps. My response would be to decrease spending. But perhaps the combination of the two could achieve the result we all hope and work for; namely, balancing the budget by reducing the Federal demand for credit. As the gentleman from Michigan pointed out a few minutes ago, if we would do this, we would see a marked decline in the interest rate, the prime rate the banks set for all of us, Government and private sources combined, of 4 to 6 points, I think the gentleman said. He did not say the period of time, but what I have heard, within 90 days we could experience a decline in the prime rate of up to 6 points if we would balance the budget.

What would that do? That would make first trust deed money of 10 or 11 percent available. People could buy cars at an interest rate of maybe 13 or 14 percent at their bank, and that would revitalize those two industries and lay the foundation for economic recovery. I just hope that this institution has the courage to make the necessary adjustments because, as the gentleman from Arizona has pointed out, the people in this country are prepared to make the adjustments to bring this result about.

I thank the gentleman for the opportunity to participate in his special order.

Mr. RHODES. I thank the gentleman from California for his contribution. The gentleman from California

has been one of the most active Members of the House in doing what we can to reduce the size and the cost of this Government. I assure the gentleman that if I felt that we could accomplish this whole task by reducing expenses, I would be on the side of doing that. My point is that I think in this first session of Congress we have done a very good job of reducing what is readily available, and perhaps right now it is not possible to do the whole job without some increase in the prospective revenue of the future. It is not raising taxes today but it is raising expectations of revenue for the future, which I feel certain will have a good effect on the psychological side of the interest rate.

So the gentleman and I are working for the same end, and I again thank him not only for his contribution but for the work he has done.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Virginia.

Mr. PARRIS. I just want to take a few seconds here to extend my congratulations to the gentleman from Arizona for his extremely thoughtful statement. I have heard it said that if two people agree on everything, one of them is not thinking. And I am not sure that I would agree totally with the observations of the gentleman, but I just want to suggest and to submit that we cherish his friendship, we cherish his leadership, and his presence in this body will be sincerely missed in the next Congress.

Mr. RHODES. I thank the gentleman from Virginia for that thought. As the gentleman knows, I am sure I will miss this Chamber and all of the friends I have; but, nevertheless, I am looking forward with some great pleasure to doing some other things that maybe my wife and I want to do, instead of doing what we feel we must.

● Mrs. HOLT. Mr. Speaker, I share the concern of those who express alarm at annual budget deficits reaching the $100 billion level. Nobody should try to justify deficits of that magnitude. They are clearly dangerous.

However, it is difficult to take seriously the loud complaints about the deficit emanating from those who voted to increase Federal spending by an enormous 17 percent in 1980 and 14 percent in 1981. Many of them participated enthusiastically in the extraordinary growth of Federal spending throughout the period 1970 to 1980, when the budget almost tripled.

It is an odd sensation today to hear those same Members complaining about the size of the budget deficit. It is even stranger to hear them blaming President Reagan for the current recession.

We have been through years in which Government claimed larger and larger shares of national product and national income. Inflation ratcheted upward because of extravagant fiscal policy and loose monetary policy. The per capita tax burden increased 150 percent from 1970 to 1980.

It should not be a mystery to anybody why there has been no real growth in our economy in the past 2 years. It should not be surprising that we are experiencing another recession.

The Reagan administration and this Congress have been doing the things that are necessary to bring the Federal budget under control and revive the American economy.

We have slowed the growth rate of Federal spending. We have cut taxes substantially. The inflation rate is dropping. These elements form a great foundation for economic growth, if interest rates decline.

Some economists predict that interest rates will decline because inflation is coming down and there will be a large increase in both personal and corporate savings generated by our new tax law.

But we face the risk that saving will not increase enough to accommodate the anticipated Federal borrowing and the growth of private credit demand when the recession ends.

That is why it is so necessary that we concentrate our efforts on reducing the Federal budget deficit. If we fail to reduce the Federal Government's drain on the capital markets, we might see economic conditions in our country go from bad to terrible.

I am encouraged that the other body appears at this point to be approaching the problem with a bipartisan consideration of budget proposals, and I hope that the same spirit will prevail in our House.●

● Mr. QUILLEN. Mr. Speaker, over the past few days, since the President sent us his budget proposal for the 1983 fiscal year, I have been amazed at the short memories in evidence in this body.

My hair is no grayer than that of many of my colleagues who have been standing in this well, moaning about the budget and the size of the projected deficit. Many of you have been here just as many years as I have, and you have seen just as many budgets come and go. You have seen budget after budget grow and expand, because in the past there were not enough of us here to stop it. Where were you then?

Do you not remember the way we were?

Do you not remember the inflation rate of the Carter years? Do you not remember increases in some months that would have put us at an annual inflation rate of 18 percent? Do you not remember feeling relieved at the end of the Carter Presidency that the yearly average was only 12 percent?

Now, go back a few more years. Not 20, or 30, or 40 years to a different era completely. Just remember back 5 years.

Remember that, by comparison, President Ford was able to leave office with his head held high, because he had held the inflation rate down to the 5-percent level.

Do you not remember the way we were?

Do you not remember the good old days, just 5 years ago, when the prime interest rate was little more than 6 percent?

Do you not remember that after just 4 years of Jimmy Carter and brother Billy, the prime rate was more than 21 percent?

My friends, when you criticize this President, and this budget proposal, and this economy, I have to wonder—do you not remember the way we were?

Of course, we have not seen inflation return to those golden Ford-era rates.

Of course, we have not seen the prime rate fall below double digits.

But, my friends, we only have been making this effort a little over a year now. As our colleagues from the farm States can tell you, it takes a lot longer to grow a healthy crop than to harvest it.

The seeds have been sown for economic recovery. Just because our seeds have not sprouted overnight does not mean we just dig them up and throw them out and start over. Then we would never have a harvest.

Please, my friends, take a moment to stop and remember. Remember how frightening the economy of the Carter years was. Remember, just 5 years earlier, how surely the economy reacted to a strong President, who was willing to take on the spenders of this Congress and hold the line.

Remember, my friends. Let us not have earned these gray hairs for nothing. Remember how good it can be, it we have the courage to make it so.

Then let us join together, once again, and give this President the support he needs.

Our harvest will be all the sweeter for it.●

● Ms. FIEDLER. Mr. Speaker, I join with my good friend from Arizona in today's special order because I believe that the American people must see the hypocrisy that is being spread across the land by those who would wish to return to the days of spend and spend, tax and tax.

We have heard in the past week cries and wails from the special interests who are nothing more than junkies looking for their next Federal fix. They do not want the economy to improve. They do not want unemployment to go down. They want to win a political victory for their own narrow self-interest rather than winning an economic victory for the people of this country.

For the first time in four decades, we have started to rein in the massive spending of our Government. The program has been in place less than 5 months. The inflation rate is down, interest rates are down, and we are charting a course to long-term economic security.

Yet, when these Federal fix junkies start to have a few withdrawal pains, they cry out that the program is not working. They have been addicted to the Federal fix for 40 years. They will not get over their addiction in 4 months. We who are responsible to the people of this country must not let the junkies get their Federal fix and send us back on the same old liberal addiction.

Every major sampling of public opinion says that the American people want this program to work and are willing to give it the time to do so. How, then, can any Member of this House deny the wishes of the people they were sent here to represent.●

● Mr. CARMAN. Mr. Speaker, President Reagan has proposed a courageous budget designed to keep control over Federal Government spending. While there are individual items I would change, and while I would like to see a reduced deficit, I was dumbfounded by the Democrats response. In summary, they seem to say, "The deficit is too high and spending is cut too much." Even when they suggest cuts in defense spending, their figures still do not add up. The cuts are not enough to cover the domestic spending increases that they want, let alone the deficit reduction.

President Reagan took office with inflation at 13 percent, interest rates at 20 percent, and unemployment at 7.4 percent. The philosophy of tax, tax, tax and spend, spend, spend was well on its way to bringing on an inflation so rampant as to destroy the dollar and throw the economy into chaos.

But despite all this spending, our defenses had, under the Democrats, declined to the point where American weakness would soon invite war. And the recent events in Poland show that the basic threat posed by the Soviet Union certainly has not diminished.

In just 1 year President Reagan has made a start toward correcting these two major problems. At the same time, the program of tax cuts has restored some hope to the average American that taxes will not forever rise. Before President Reagan took office a young person entering the work force could not realistically expect to take home, during his lifetime, more than half of his total earnings. Such expectations destroys incentive.

Other tax cuts will provide businesses with the incentive over the next few years to create the type of jobs and training which will lead to permanent employment and will bring the unemployment rate down and keep it down over time.

The Democrats, having created a mess, now complain at any serious efforts to bring the economy out of the problems they created. They want instead a quick fix consisting of more spending, more taxes, and a slashed defense budget. All this would simply add up to even more serious problems next year. In short, the Democrats do not really mind the deficit, but they want it to be caused by excessive Government spending rather than by a concerted plan aimed at correcting the ills of our economy.

In response to the charge that the budget has no room in it for the cuts that have been made, I recommend the following article by Donald Lambro in Barron's which discusses many potential areas which still remain uncut:

[From Barron's, Feb. 8, 1982]

MEMO TO THE PRESIDENT—HERE'S HOW TO CUT GOVERNMENT DOWN TO SIZE

(By Donald Lambro)

We were saying our goodbyes after a rather wide-ranging discussion about the budget and the difficulties of the Presidency when Ronald Reagan suddenly looked up and asked, "You haven't any suggestions, have you, of more places that we can find to cut the budget?"

The President had read my book, "Fat City: How Washington Wastes Your Taxes," which listed 100 unnecessary, ineffective or unaffordable agencies and expenditures that should be abolished.

"Well," I replied, a little sheepishly, "those 100 programs and agencies I discussed . . . are still there. That's a good place to start. You've gotten rid of one or two of them, but the rest are still there."

"Yes," Reagan said, rather noncommitally, pausing to think a bit. "You know, just between us, one of the hardest things in a government this size is . . . to know that down there, underneath, is that permanent structure that is resisting everything you're doing."

He wasn't voicing an unusual Presidential complaint. John F. Kennedy groused that it was easier talking about what one wanted the government to do than to get the government to do it. There were, he learned, two governments: one that is temporary and elected and one that is permanent and implacable—the bureaucracy. To hear the screams of the bureaucrats and the special interests over the past 12 months, one would think Reagan had killed Big Government. In truth, he merely slowed its growth.

As the budget demonstrates, the spending totals for the current fiscal year are $100 billion higher than Jimmy Carter's original figures. Spending continues to skyrocket at an astounding rate—largely because of entitlement programs. Fueled by an inflation-fed Consumer Price Index, this gargantuan share of the budget accounts for close to three-fourths of all spending programs, including Social Security, disability payments, Medicare and Medicaid, food stamps, unemployment compensation and aid to dependent children. To significantly dent the budget—which is pushing rapidly toward $800 billion—Reagan must restrain entitlement growth, even though he is being told that further cuts aren't politically feasible. The economic and budgetary arguments against many of these discretionary programs are terribly persuasive. A few examples:

Revenue-sharing tops the list of wasteful programs. Congress has repealed revenue-sharing to the states. It thus saved $2 billion, part of which was being pumped into state capitals that enjoyed hefty revenue surpluses or, at the very least, balanced budgets, while Washington was deeply in debt.

Yet $4.5 billion a year in revenue-sharing funds continues to be distributed to more than 38,000 localities, which can spend the money on whatever they wish—from pool tables to tennis courts. Why should rich communities like Palm Springs and Beverly Hills, which have received revenue checks of $668,000 and $284,000, respectively, get such aid?

Equally unnecessary are the Department of Housing and Urban Development's Community Development Block Grant and the Urban Development Action Grant programs, with combined spending of nearly $4 billion a year.

The community development program is throwing money around without regard for need. Originally, the grants were intended to aid poor communities, but the eligibility criteria have been so liberalized that virtually any area can qualify. The money has been used to build plazas and fountains and to refurbish middle-class homes.

The urban development program was begun under Jimmy Carter, also to help the poor. In truth, however, its grants, totaling nearly $500 million a year, are benefiting big businesses and upper-class constituencies. The intent was to provide leverage money that would encourage businesses to develop in depressed inner cities. Again, the formula was so liberalized that more than 50% of the nation's big cities became eligible. Where's the money going? In many cases, to build luxury hotels. Indeed, many commercial developments that got other development grants would have been built without them.

The Administration wants to combine these two programs and reduce them slightly, but both should be eliminated.

Then there's the Small Business Administration, a $619-million agency infested with fraud, political favoritism and abuse that helps less than 2% of America's 14 million small businesses. Its chief beneficiaries have been relatively large companies and wealthy businessmen. The classic example: the $345,000 loan guarantee sought by Tom Brokaw, then the highly paid host of NBC's "Today Show," to buy a South Dakota radio station.

With a budget of nearly $200 billion a year, the Pentagon is obviously a place where substantial savings can be achieved—without cutting military muscle. Government auditors report that the Defense Department spends nearly $3 billion a year on consultant studies, a large percentage of which apparently are worthless. Many contracts for these studies go to former Pentagon employes. Potential savings: at least $1 billion. (Cuts in other government studies could generate similar savings.)

Foreign aid also offers a good place to save several billion dollars, at least until the American economy revives. The most obviously expendable program—as Budget Director David Stockman has noted—is the World Bank's International Development Association. Through it, billions of dollars in loans have gone to Third World borrowers who have 50 years to pay them back in-

terest-free, with a 10-year grace period to boot. To loosely quote what Vito Corleone, the patriarch in the "The Godfather," said under somewhat different circumstances: "It's an offer you can't refuse."

The fact is that the loans don't seem to be helping the neediest nations. Audits have found the money going to build extravagantly designed projects of little help to the poor. And some recipients even have reloaned the money to other nations at prevailing interest rates.

Closer to home, between now and 1986 more than $13 billion will be shelled out to build dams that will flood millions of acres of farmland and destroy precious wilderness habitats, often largely to create lakes for boating, fishing, water skiing and lake-area residential property developments. These schemes should be terminated, while other projects concerned primarily with an area's water resources needs and flood control, should be postponed. That isn't what's happening. The $1.5-billion project to pump water from the Colorado River to Salt Lake City, thanks to the support of anti-big spending critic, Sen. Orrin Hatch (R., Utah), is alive and well. And the Columbia Dam in Tennessee, which will cost an estimated $153 million and which will destroy 440 farms and 54 miles of a wild and scenic river, is still on track, all due credit to Senate Majority Leader Howard Baker (R., Tenn.).

Among big spenders and budget-cutters alike, it is difficult—if not impossible—to find a program or project that is not being championed by someone powerful in Congress or by some influential Administration policymaker. Despite some laudable cuts in program and agency budgets by the Reagan Administration, the fact remains that few agencies or programs of any size or significance have been eliminated.

At the year-end White House party for the press, I waited in the receiving line to shake the President's hand and wish him a merry Christmas. After the usual seasonal exchanges, he swung his hands back and forth in a pantomine of a gardener trimming an overgrown bush. "How are we doing with our cutting?" he asked. I thought it hardly was the appropriate time for criticism, so I gave him the okay sign and urged him to "keep at it."

But if the President were to ask me that same question today, I would have to say he's moving in the right direction, but that the government is still grotesquely overgrown. The tips of the branches have been trimmed, but Reagan still must cut deeply down to the limbs.

THE HIT LIST CONTINUED

Here are other areas where Donald Lambro believes the budget can be cut:

(1) Maritime Administration. More than 45 years of subsidies have failed to reverse the shipping industry's decay. American commerce would benefit more from the removal of regulations and laws prohibiting the use of cheap foreign vessels and crews. Annual savings: $83.4 million.

(2) Economic Development Administration. Its attempt to revive economically depressed areas has been an utter failure. Instead of targeting its limited resources in areas of severe need, it has spread its funds over more than 80% of the country. Savings: $285.5 million.

(3) Agency for International Development. Studies show this $2-billion foreign aid program has achieved few measurable results.

(4) U.S. Savings Bond Division. Hard to believe, but we are spending $14 million a year so that 200 salesmen can promote savings bonds. People who wish to buy them will do so anyway.

(5) Interstate Commerce Commission. If this $70-million regulatory agency vanished tomorrow, no one would notice. Its elimination would allow small, rate-cutting trucking companies into the interstate market, benefiting business and every consumer.

(6) Bureau of Indian Affairs. One of the most scandal-ridden government agencies, it unnecessarily duplicates existing welfare, labor, education and health programs. Savings: $1 billion.

(7) Bilingual Education. Virtually every government study shows this does more harm than good, locking primarily Spanish-speaking children out of the economic mainstream. Savings: $144 million.

(8) Federal Trade Commission. This $68.8-million agency has outlived its usefulness. Its antitrust program should be turned over to the Justice Department. Its consumer programs, often dealing with aspirins, mouthwash, breakfast cereals and used cars, should be junked.

(9) U.S. Extension Service. Despite a dwindling farm population, this agriculture program is thriving in every U.S. county. Among its activities: providing non-farm residential homeowners with lawn, garden, hobby and home economic advice and counsel. Savings: $315.7 million.

(10) Rural Electrification Administration. Created in 1935, when only 11% of America's farms had electricity, the REA has done its job. Now, more than 99% of farms have electricity. Its $1 billion in new loans to electric and telephone utilities should end.

(11) Commerce Department Export and Business Programs. There is more than $650 million in various trade and industrial assistance programs here that could be terminated. Big business can take care of itself.

(12) Export-Import Bank. Ex-Im provides credit to a handful of big corporations. In 1980, its average interest rate for direct loans to business was 8.5%, about two-thirds the rate other U.S. corporations had to pay.

(13) Cotton, Grain and Tobacco Inspections. Last year, taxpayers coughed up $49 million to subsidize these. Let the industries pay.

(14) National Endowments for the Arts and Humanities. These agencies are still spending more than $200 million a year. The arts can survive without them.

(15) Boards and Commissions. Criticized by almost everybody, they still exist—from the Tea Tasters to the Board for the Promotion of Rifle Practice. Savings: $80 million.

(16) Military Commissaries. With newly enacted pay raises and other substantial benefits, there is no need to provide active or retired military people with cut-rate food. Savings: $600 million.

(17) Building Acquisitions. Indefinitely postpone more than $226 million in building costs, repairs and alterations by the General Services Administration.

(18) Disability Payments. Audits reveal nearly 600,000 people receive payments even though they are no longer disabled. Removing them from the rolls would save up to $1 billion.

(19) Subsidies for Tobacco Growers. Indefensible. Savings: $600 million.

(20) Public Relations. The government spends about $1 billion for press, promotion and public relations activities. This could easily be cut in half.

(21) Consumer Product Safety Commission. Its accomplishments are few and far between. Savings: $33 million.

(22) Legal Services Corp. This agency has done little to help the poor. But it has helped to absorb excess law school graduates and finance class action suits against state and local governments by lawyers more interested in legislative lobbying and social advocacy than the common poor. Savings: $241 million.

(23) Davis-Bacon Act. The General Accounting Office repeatedly has called for repeal of this law, which needlessly drives up federal building and service contracts by mandating that the government pay the "prevailing wage" in local areas. This usually means paying union wage scales. The cost is borne by taxpayers. Savings: nearly $2 billion.●

● Mr. SMITH of Oregon. Mr. Speaker, yesterday, I held a press conference to discuss the huge deficits confronting us in 1982, 1983, 1984, 2001, unless we change our direction and level spending with speed. I do not know the reasons why many of you chose to run for Congress, but I do know that my primary purpose in coming here was to attempt to make a difference in our spending policies of the past and hope for a brighter economic picture in the future.

The American people were, and still are, ready for a change in past Government policies. A balanced budget is my primary goal. Without a healthy economy, other issues have little importance.

I am urging President Reagan to freeze spending levels at the approved fiscal year 1982 spending level for all programs until this budget is balanced. This simple approach could be taken when President Reagan submits an amended fiscal 1983 budget later this year.

High interest rates impact all Americans, and no relief is in sight as long as the Federal Government continues to increase its portion of the available credit. An unstable monetary market has devastated my home State of Oregon, where we are dependent upon timber-related industries. Even though I commend President Reagan for his efforts, I believe we are moving at a snail's pace toward a balanced budget. The Northwest will not survive a slow economic recovery.

The answer, it appears to me, that is most politically and economically sound and quick is to freeze spending. Hold all programs including entitlements at the fiscal year 1982 spending level and we could achieve a balanced budget by 1984. If you look back, you will find that we could have had an $8.9 billion surplus in fiscal year 1983 if spending had been leveled at the fiscal year 1981 figures. What could be more fair than asking everyone to accept the same amount this year and next—and even longer, if necessary—to get this job done. We have the sup-

port of Americans and lack only congressional courage.

I urge my colleagues to join me in this effort to make the difference between learning to live with deficits and meeting the challenge to do away with them. This was a principal issue during my campaign, and I will do everything possible to balance the Federal budget and bring interest rates down to affordable levels. The Americans who sent me here expect nothing less.

What about your Americans?●

● Mr. RUDD. Mr. Speaker, I wish to commend the gentleman from Arizona (Mr. RHODES) for taking this special order. I know of none in Congress more qualified or capable to discuss the subject at hand. His long service to the people of this Nation, here in this august body, has provided him with the wisdom and legislative acumen to discourse on the state of our economy.

One does not have to look very far these days to find examples of searing attacks on the President's budget and his economic package as a whole. The really sad part about all the derogatory rhetoric we are hearing is that those same sources that are freely offering their criticism can only suggest the same policies that created the economic crisis in which we find ourselves as an alternative.

Here are some little-quoted facts about the economy which you will not find in the headlines, but are true, and bear witness to the fact that the President's policies are working and are putting us back on the road to a sound economy:

Since President Reagan was elected, over a million jobs have been created;

The annual rate of inflation is below 9 percent, and the dollar is 18 percent stronger than under President Carter; and

Authorities project that the national savings pool will increase by $40 billion in 1982 due to IRA savings, and early reports indicate that as much as one-fourth of the money going into all-savers certificates is "new" money.

These indicators show a definite turn-around in our economy, and I believe that Congress should recognize this and push ahead toward full implementation of the President's budget and economic package.●

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

● Mr. ADDABBO. Mr. Speaker, the fiscal 1983 budget presented to this Congress by the President clearly shows the rigidity of this administration in pursuing a course of preconceived action, regardless of the consequences. The projected $91.5 billion deficit is so alarming that even the members of the Republican Party are said to be looking for an alternate plan. Certainly the statements before the House Appropriations Committee yesterday by Budget Director Stockman, Secretary Regan and Chief Economic Adviser Weidenbaum were not inclined to give credibility to the President's budget proposal.

Is clear the administration did not take the time to assess the impact of the actions of last year before producing this budget. The results of last year brought us a budget deficit of $99 billion in fiscal 1982, if not more, and we now have 9 million people unemployed as a result of administration policies with more jobs destined to be lost. It raises the question of why this Nation should continue to follow an economic pathway when the results thus far have been drastic and are almost certain to get worse.

Mayor Edward Koch of New York City has said that the Nation's largest city sustained Federal cuts of $460 million in 1981 and the new round of proposed cuts is expected to be as much in 1982. The mayor described these cuts as "A war on the cities," and nothing that the administration says can explain away what the meaning is for those people in this single city who feel these cuts the most. That suffering is multiplied throughout all the major cities of this country and to a lesser degree in every community and hamlet in this country.

What Mayor Koch describes as a war on the cities is seen easily in a few extracts from the President's budget. Take, for example, the proposal to phase in full State and city responsibility for error rates in medicaid, food stamps and AFDC programs. Error rates for existing programs have always been accepted as part of the normal operating process even when the programs were stable and unchanging. Now, at a time when the programs are being drastically changed and Federal support is being reduced greatly, we tell the States and cities that they are totally responsible for errors. It is a judgment that discriminates greatly against the cities and States who must try as best they can to pick up the responsibility for the withdrawal of Federal involvement in social programs.

Let us take a look at the proposal that energy assistance payments—payments which are made to people so poor that they cannot afford to purchase fuel for their homes—will be counted as income by the Federal Government. It is likely that some of these poor people will lose household eligibility and benefit levels through the receipt of energy assistance. We are given the choice, if we adopt the administration's proposal, that we tell these people to choose either warmth or food for we will not allow them both. In my mind this is outrageous. It is bad enough that the administration seeks to take money away from the working class and give it to the rich; this proposal would take food and warmth away from those who cannot take care of themselves.

I am not pleased with several new programs that are contained in this budget proposal. These would fold existing programs into single block grants, including a child welfare block grant, a rental rehabilitation, training and employment, combined welfare administration, vocational and adult education, education for the handicapped, and rehabilitation services. Funding levels proposed for these block grants are not even adequate to maintain the individual programs at the reduced levels of last year.

The administration proposes that the new Federalism concept would be a good bargain for State and local governments. But how can you come to this conclusion when there are no guarantees that the Federal Government—or the States themselves—will not cut back these programs or reduce eligibility benefits after the program is in place? It is possible that implementation of the New Federalism concept could in fact result in the resumption of the full-scale migration of the poor to the industrial cities similar to that which took place in the 1960's. Those cities were able to handle that migration fairly well then; today, the cities are ill-prepared to accept responsibility for any major influx of new people, especially those who are not able to care for themselves.

In making his comments on the proposed budget, Mayor Koch noted that New York City's analysis indicated a net loss to the city of $26 million in addition to the $18 million loss scheduled for fiscal 1983, which was already imposed by last year's Omnibus Reconciliation Act. That cut alone is likely to result in the closing of 34 senior citizen centers and 60 day-care centers.

I think that the mayor's statement is fascinating reading for it details the agonizing choices that we seek to impose on the mayors of this country and other community officials if we pass these budget proposals unchallenged. We have to find a way to allow the mayors an opportunity to cope with the problems they face on their streets rather than in the accounting halls of the office of OMB. Where do they find the money to maintain vital programs? What alternatives do they have?

What advice does the administration offer to our needy citizens except a jocular suggestion that they move to the Sunbelt States? Our British friends who are experiencing failure in seeking to impose similar budget restrictions on their citizens, show us by their failure that we are heading down

the wrong road. I believe that the statement which I will ask unanimous consent to insert into the RECORD, and which illustrates that the problems of Mayor Koch are symptomatic to mayors everywhere, provides a lesson that we had better look before we leap into this new Federalism concept.

STATEMENT BY MAYOR EDWARD I. KOCH

The only conclusion that can be drawn from President Reagan's proposed budget is that he has declared war on the cities.

Under the President's proposed budget, expenditures go up by 4.6 percent. However, the "mix" of proposed budget reductions, like those already enacted, comes down hard on domestic social programs while providing for unprecedented increases in defense spending. In the midst of the worst recession since World War II, the President is cutting an additional $25 billion from the programs that provide relief for the unemployed and the poor, programs that were already reduced by nearly $40 billion for this fiscal year.

Altogether, funding for social programs is being cut by 2.6 percent. Defense spending, on the other hand, is increased by 18 percent, and its budget authority is increased by 21 percent. Defense outlays in 1986 will reach almost $325 billion, and the net increase in interest costs will require an additional $12.5 billion.

The President proposes only minor changes in the tax program. He marches forward with a tax program oriented toward the wealthy. Maybe it's "no time to retreat," but rather time to advance in a different direction.

It is well known that one major reason for the City's present 1983 budget gap forecast of $854 million is the nearly $500 million in federal aid reductions and $100 million in tax revenue losses from the effect of the Accelerated Cost Recovery System and lease changes for corporations. The city has already applied $174 million of its limited resources to protect the most basic services for the poor, the young and senior citizens. We cannot do more. There is no doubt in my mind that if these cuts are enacted into law, we will have to start to dismantle even the most vital programs.

More time is needed to do an in-depth analysis of these revisions. However, today we are offering a preliminary analysis of how the new budget proposals would affect New York City. In addition to the initiatives described below, the city is also reviewing two initiatives, the impact of which is unclear. These are the consolidation and reduction in funding of child welfare services and the $500 million reduction in low-income energy assistance.

SOCIAL SERVICES BLOCK GRANT (TITLE XX)

The Administration's proposals to reduce Title XX funds by 18 percent will result in a loss to New York City of $26 million. This is in addition to the $18 million loss in federal fiscal year 1983 already imposed by last year's Omnibus Reconciliation Act. This cut could result in the closing of 34 senior citizens' centers and 60 day-care centers.

MEDICAID AND MEDICARE

Changes in Medicaid and Medicare will shift substantial costs to the City through reductions in the federal share of Medicaid, shifts in Medicare costs to Medicaid, and reduced revenues to the City's municipal hospital system.

The largest impact on the city will result from:

Reductions of $78 million in the federal Medicaid share for optional services, family planning, and Medicare premiums.

Cuts in Medicare fees paid to the city's municipal hospital system, amounting to at least $5 million.

Increases in patient contributions in these programs, which will cause severe hardships for recipients, and will dramatically increase the bad debt of the municipal hospital system.

PUBLIC ASSISTANCE

The Administration's proposals would result in deep cuts in benefits to recipients of Aid to Families with Dependent Children (AFDC) and significant shifts in costs to the city and the state. Eliminating emergency assistance (which includes $13 million in federal funds), tightening the Supplemental Security Income (SSI) disability criteria and withdrawing eligibility for parents with children over age 16 will shift thousands of recipients on to the Home Relief Program, which is funded entirely by the city and the state. In addition, the Administration is proposing a mandatory work-fare program without providing the administrative funds that such a program would require.

WELFARE ADMINISTRATION BLOCK GRANT

The President proposes to consolidate funds for administering AFDC, Medicaid and food stamps into a block grant, funded at 95 percent of the 1982 levels, which because of higher base costs would amount to a $21 million loss in 1983. Cutting back funds for administration while simultaneously mandating complex eligibility changes and lowered error rates will place localities in an impossible bind.

ZERO ERROR RATE TOLERANCE

While the city supports the concept of setting tough targets for reducing errors, the Administration's proposal of zero error rate tolerance is unachievable and in bad faith. As it is impossible to eliminate totally error in such programs, this proposal clearly has no purpose other than to permit the federal government to reduce its costs at the expense of the states.

FOOD STAMPS

The Administration proposes to cut an additional $2.3 billion from the Food Stamp program. This will reduce badly needed supplementation of low incomes, making purchase of minimally adequate diets almost impossible. As a result, these individuals will live closer to the margin and it could be a powerful incentive for them to quit their jobs and become completely dependent on welfare.

EDUCATION AID

The Administration's proposed rescissions would impose an additional $25 million loss on New York City in 1983, increasing the total loss in federal aid to education to $107 million. These reductions mean the additional loss of 750 teachers. The proposal to eliminate the Summer Feeding Program in fiscal year 1984 will deprive many needy youngsters of the guarantee that they will receive at least one nutritious meal per day during the summer. In fiscal year 1984, the city would sustain an additional loss of $30 million, bringing the total federal aid lost to $137 million.

COMMUNITY SERVICES ADMINISTRATION BLOCK GRANT

The President's proposal to reduce this program from the current national funding level of $348 million to $100 million will all but eliminate the city's Community Action programs. Added to the reductions imposed last year, this additional loss of $13 million in federal funds represents a 77 percent loss to a program that currently serves more that 250,000 recipients in almost 300 delegate agencies.

HOUSING

Section 8.—The Administration proposes to reduce substantially the Section 8 program, and to introduce a new program of housing vouchers.

The 1981 funding level for Section 8 provided New York City with about 8,000 units. The fiscal year 1982 Reconciliation Act reduced this to about 5,400 units. Now proposed rescissions will reduce this level even further, to about 2,200 units. The actions in 1982 will virtually eliminate all new construction and rehabilitation projects.

In addition the drastic reduction in the number of units, the voucher concept itself is deficient in several important respects:

Vouchers presumably could not be used to leverage private capital for rehabilitation.

Actual voucher payments will not be sufficient to meet actual New York City housing costs.

The working poor would be excluded from the program by limiting eligibility to people who earn below 50 percent of an area's median income.

Tenant Contributions.—New tenants would be required to increase their participation in the rent from 25 to 30 percent of their income, and the rent calculation would include the value of food stamps. This obviously will place a greater hardship on tenants.

Operating Assistance.—Nationally, operating subsidies to local housing authorities will be reduced from $1.3 billion to $1.1 billion. Under the standard formula, this means a loss to the New York City Housing Authority of $47 million in calendar year 1982.

In addition, the Administration has planned to curtail the construction of any further public housing units, which previously had increased by an average of 2,000 per year in New York City. The average waiting list for public housing in New York City is 18 years.

OTHER PROGRAMS

Mass Transit.—The President's proposal would cut mass transit operating assistance by 38 percent in fiscal year 1983 and eliminate it by the end of federal fiscal year 1984. Last year, this was one of the city's highest priorities. The assistance is essential to New York City's economic well-being. The Transit Authority's share of the reduction would be $44 million, out of its current federal operating assistance allocation of $106 million. It would also lose between $10 and $12 million in federal capital assistance funds.

United Nations Police Protection.—New York City has a unique national responsibility in protecting the diplomatic community of the United Nations. Increased terrorist activities have required us, at the request of the State Department, to increase our protective services. Our costs have grown to between $6 million and $8 million annually. In spite of this, the Administration seeks to reduce the already inadequate funding for this program from $3.5 million to $1 million.

CETA.—The Administration's proposal to combine the remaining programs into a block grant with reduced levels of funding will result in a 50 percent reduction in our programs—to $57 million. At a time of high unemployment, this is insupportable.●

DAIRY SITUATION IN THE NORTHEAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 5 minutes.

● Mr. JEFFORDS. Mr. Speaker, less than 1 week ago, the president of the Farm Credit Banks of Springfield, Mass., Mr. Howell Hughes, and his staff briefed me on the dairy situation and outlook in the Northeast. The information they presented to me clearly shows that the Northeast dairy industry is already in the midst of a recession that will last into the mid-1980's. According to President Hughes, around 20 percent of the banks' borrowers appear to be quite vulnerable to financial stress and will have trouble in meeting their commitments in 1982 and 1983.

The information which follows was given to me by President Hughes on February 5, 1982:

RECESSION OR DEPRESSION IN THE NORTHEAST DAIRY INDUSTRY, 1982 AND 1983?

It is now clear that 1981 was a turning point for the national dairy industry. With major changes in the government support program during 1981 and mandated changes for 1982 through 1985 in the new 1981 Farm Bill, it is clear that the climate for dairy profitability will be much different in the next five years from what it was in the previous five. Dairy farming will be less profitable in the 1982-1985 period—the crucial question is whether the decline in profitability will be moderate as in a recession, or whether it will be so sharp that it will be equivalent to a depression for dairymen, their suppliers, and their lenders.

Our conclusion is that the Northeast dairy industry is already in the midst of a recession that will last into the mid-1980's. The outstanding profit levels of 1979 will stand out as the peak for many years to come. However, our analysis concludes that while net cash income per cow will decline, especially after adjustment for inflation, the decline will not be severe. The remainder of this report will outline how and why we have arrived at this conclusion.

From the beginning of 1981 it was apparent that the Reagan Administration was determined to bring dairy support program expenditures under control and to eventually reduce federal expenditures for this program. The first Administration move was to eliminate the scheduled April 1 adjustment to the support price, and Congress eventually went along. The Administration's position on the 1981 Farm Bill called for very limited future milk support price increases until program costs were brought back under control. While the House and eventually a House-Senate Conference Committee proposed more generous dairy support provisions, the Administration did not waiver from its position and the final Farm Bill passed and signed was very close to its original request.

The dairy provisions of the 1981 Farm Bill are unprecedented in that the minimum support prices are now contained in the law itself, rather than being tied to the parity concept as they always were in the past. There are two trigger levels based on dairy support program purchases that would raise the support price above the specified minimums to either 70 or 75 percent parity. However, it appears very unlikely that either of these trigger levels will be reached in the next several years. In fact, most dairy experts currently project dairy support purchases to increase in the current (1981-82) marketing year to around 15 billion pounds milk equivalent costing approximately $2.5 billion. Thus it appears highly likely that the Farm Bill's specified minimum support prices will effectively set milk prices through 1985.

During 1976-80, the government support price increased at a compound annual rate of 11.2 percent. Not all of this was passed through to the Minnesota-Wisconsin (M-W) manufacturing price and ultimately to Northeast order blend prices, but the M-W did increase at a strong rate of 8.8 percent compounded annually during the same five-year period. There has already been a substantial slowing of these increases during 1981 and this slowing will persist through 1985. The Farm Bill's minimum support prices increased at a 2.7 percent compound annual rate during the 1981-85 period, in contrast to the 11.2 percent rate during the 1976-80 period.

The slowing down of increases in the blend price is obvious, including a small decline forecast for 1982. This small decline is the first one since 1977 and the last decline before that was in 1962. Milk production per cow has been on a long-term upward trend for Northeast dairy farms in general and this increasing productivity will be more important than ever in the next several years. Of course not all farms are sharing in this increase. Cull cow prices have been having their own "recession" in 1980 and 1981 and no significant relief is expected in 1982. A substantial increase in cull cow prices is forecast for 1983, but this will only recover some of the ground lost since 1979. One of the brightest factors in the 1982 dairy outlook is that dairy feed prices are expected to be relatively flat due to last fall's bin-busting U.S. grain crop.

During the 1976-80 period, net cash income per cow increased at a compound annual rate of 6.7 percent, not quite as fast as either gross cash income or total cash expenses. This was capped by an outstanding year in 1979. Since then net cash income per cow has been gradually declining. Based on our estimates, this decline continued in 1981 and is forecast to continue in 1982. However, by 1983 there may be some rebound in the level of net cash income.

It should be noted that the three principal uses of net cash income—family living, debt principal repayment, and capital purchases—have all been affected by inflation. Thus a dollar of net cash income in 1981 did not go as far as a dollar of net income in 1979. Real net cash income in 1982 and 1983 is forecast to reach levels lower than at any other time in the 1972-1983 period. The 1981-1983 period can be regarded as a truly recessionary period in the Northeast dairy industry.

Until now, the analysis has been in terms of a hypothetical "average" farm which rarely exists in the real world. In order to analyze the impact of this outlook on different dairy farm situations, we have categorized the 391 dairy farms contained in the "1980 Dairy Farm Summary" into nine different groups based on their ability to generate cash flow and their debt service requirements. It is interesting to note that most First District Farm Credit Associations had some farms in each of the nine categories.

This report shall analyze only three selected categories of farms:

1. Low Cash, High Debt Service. This group of farms is the most vulnerable to economic adversity and would normally be the first to encounter credit difficulties. In fact, they had credit repayment problems in 1980, a relatively profitable year. They have a relatively low net farm income per cow and a relatively high debt level and debt service requirement.

2. Medium Cash, Medium Debt Service. This can be thought of as the average or most typical dairy farm. Nearly a quarter of the "Dairy Farm Summary" farms fell in this category and all dairy Associations had farms in this category. In 1980, this group had a modest "Excess Cash After Family Living and Debt Service" (Excess).

3. High Cash, High Debt Service. This group might be thought of as being typical of the successful young farmer because of its high profitability and high debt service requirement. However, the actual data includes dairymen of all ages. Even with their high debt service requirement, this group had a substantial Excess in 1980.

Based on our estimates of operating results for 1981 and our forecasts for 1982 and 1983, shows what is likely to happen to each of the three group's Excess funds after family living and debt service. For all three groups, there is a significant downward trend in the Excess figure through 1981, 1982, and 1983. For the "Low Cash, High Debt Service" group, which was already in serious financial difficulty during 1980, the shortage of cash flow becomes increasingly acute in each succeeding year. The "Medium Cash, Medium Debt Service" group had a fairly comfortable Excess in 1980, but this is estimated to have delclined substantially in 1981. By 1983, this group's Excess may develop into a rather small Deficit. Overall, this group of rather typical Northeast dairy farms appears to be in a relatively good position to weather the current recession in the Norhteast dairy industry. However, this group also appears to be quite financially vulnerable to any substantial increase in farm debt not accompanied by a strong increase in productivity/profitability, e.g. from nonessential new equipment purchases, new structures, etc.

Finally, the "High Cash, High Debt Service" group appears to have a very good chance of riding out the current dairy recession without serious financial stress. While their Excess figure does diminish, it remains positive through 1983. This is a result of this group's strength in generating net cash income.

In a general way, the potential financial vulnerability of the nine groups of farms might be categorized as follows:

1. Low Cash, High Debt Service; Low Cash, Medium Debt Service; and Medium Cash, High Debt Service. These three groups account for 35 percent of the farms in the "1980 Dairy Farm Summary" and these farms appear quite vulnerably to financial stress in the current dairy recession.

2. Medium Cash, Medium Debt Service and Low Cash, Low Debt Service. These two groups account for 28 percent of the farms in the "Summary". Their vulnerability to financial stress will increase through 1983, but they do not appear to be in serious or unavoidable trouble.

3. High Cash, Low Debt Service; High Cash, Medium Debt Service; High Cash, High Debt Service; and Medium Cash, Low Debt Service. These remaining four groups account for 37 percent of the "Summary"

farms. These farms appear to be in good shape to ride out the current dairy recession.

Of course individual farms within any of these groups may be more or less vulnerable depending on other individual farm factors.

In summary, our conclusions are:

1. The dairy industry is in the midst of a recession that will probably last into at least the mid-1980's.

2. Milk prices will be nearly level in 1982, but will then slowly rise in 1983, 1984, and 1985. These increases will be much smaller than those to which we have become accustomed in recent years.

3. There will be some slowing of the rate of milk production cost inflation in 1982 and 1983.

4. Net cash income per cow has been moderately falling since 1979. After adjustment for inflation, the decline through 1983 amounts to a 30 percent decline in purchasing power.

5. Debt repayment for the average dairy farm will be increasingly tight, but many farms will still have a positive Excess after family living and debt service in 1982 and 1983. Farm businesses that had repayment problems in 1980 and 1981 will have even more trouble in meeting their commitments in 1982 and 1983.●

CHEMICAL WEAPONS: THE NEED FOR ARMS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, I would like to bring to the attention of my colleagues two important events that have taken place this week in the chemical weapons field. In a speech at the opening of the U.N. Committee on Disarmament in Geneva on February 9, Arms Control and Disarmament Agency Director Eugene Rostow, pointed to strong evidence of the use of biochemical weapons by Communist forces in Indochina and Afghanistan and stated the administration's intention to exert every effort to achieve a complete and verifiable ban on the development, production, and stockpiling of chemical weapons. On the previous day, the President formally notified the Congress of his intention to proceed with the production of a new generation of chemical weaponry, the so-called binary weapon. This would be the first addition to the U.S. chemical arsenal since 1969.

Both of these initiatives reflect long-overdue recognition by the administration that clear-cut evidence of Soviet capability and willingness to use biochemical weapons requires the United States to address the issue squarely.

However, the administration's decision to respond to the Soviet use of chemical weapons by embarking upon a new program of its own, raises the possibility that without new international sanctions, another enormously expensive and awesomely dangerous arms race may be in the making, this time in a field where the superpowers may have even less control over proliferation than they have with regard to nuclear weapons. If legitimized through production, stockpiling, and use, biochemical weapons could all too easily become the poor man's weapons of mass destruction. Nuclear arms are beyond the financial and technical capabilities of most nations. However, countries which are unable or unwilling to produce nuclear weapons can easily produce or obtain some types of deadly biochemical weapons. Originally employed with terrifying consequence in the trenches of Western Europe during World War I, biochemcial weapons could well prove to be lethal additions to the modern arsenals of guerrilla movements and used in so-called wars of national liberation against legitimate governments in the Third World.

From the Soviet Union's perspective, there is real question whether the proliferation of biochemical agents may not carry more long-term liabilities than advantages. As long as the Soviet Union is on the side of the forces which exclusively have such weapons at their command, the advantages are obvious. But if smaller countries and insurgency groups unsympathetic to Soviet interests obtain these weapons, overwhelming Soviet military power may be offset. In the event of a nationalist rebellion, in Eastern Europe for instance, anti-Soviet forces possessing chemical weapons could provide a devastating disincentive to Soviet intervention.

Our mutual interest in preventing the proliferation of weapons of mass destruction should, thus, provide ample common ground between the United States and the Soviet Union for the negotiation of a verifiable chemical weapons convention. It would seem to be sheer folly to embark upon a major new weapons program without first exploring this common ground and making a serious effort at arms control.

In addition to the problem of proliferation, a U.S. decision to produce a new generation of chemical weapons has numerous disadvantages. First, the cost would be staggering. Although the administration is proposing a relatively modest amount—$30 million—for the offensive chemical weapons program in fiscal year 1983, the long-term cost of destroying our existing stock of nerve gasses and replacing them with the new binary weapons will be in the billions. Can we really afford to embark upon a program of this magnitude given current and foreseeable budgetary circumstances? A strong defensive program coupled with a real effort at arms control would be a far more cost-effective approach to the problem.

An even more important consideration is the effect on international opinion of a decision to produce chemical weapons. At a time when we are seeking to rally world opinion against the Soviet Union's use of weapons long banned by international law and convention, a decision to follow the Soviet lead and develop a new generation of chemical weapons would have the effect of associating the United States with Soviet transgressions. At the same time, such a decision would bear the seeds of further divisions between the United States and our European allies. New chemical weapons would seem of very little use as a deterrent unless they are deployed in Europe. However, with significant elements of European publics already aroused against the planned deployment of intermediate-range nuclear weapons, it is difficult to imagine that our allies will accept the deployment of more sophisticated chemical weapons on their territory without long and tortuous negotiations.

Faced with the certainty that biochemical weapons are now being used in violation of the Geneva Protocol of 1925 and the Biological Weapons Convention of 1972, the United States clearly must choose one of two alternatives. National security requires that we either upgrade significantly our own chemical arsenal or launch negotiations aimed at definitively eliminating biochemical intruments of warfare. In my view, both strategic and humanitarian considerations make arms control vastly preferable to a costly new arms race that in the long run no one can win.

Accordingly, I urge the administration to follow through on Mr. Rostow's initiative and give top priority to the negotiation to a new chemical warfare convention with reliable verification provisions. These negotiations should be given a serious chance to succeed before proceeding with the development of new chemical weapons of our own.

The use of poison gas is one of the most inhumane acts of the modern world. If the international community does not join together to outlaw such weapons, civilized society could cease. We are the first generation in the history of the world capable of destroying ourselves through misuse of weapons of mass destruction. The leadership of restraint has never been more required in international politics. Man's fate will be determined by the forthrightness with which we learn to control the awesome weapons wrought by twentieth century science.

THE DEFENSE INDUSTRIAL BASE REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 10 minutes.

● Mr. MCKINNEY. Mr. Speaker, today, I am proud to join the chair-

man of the Economic Stabilization Subcommittee JIM BLANCHARD and 17 of my committee colleagues in introducing the Defense Industrial Base Revitalization Act. This legislation is the result of an extensive set of hearings conducted by our subcommittee into the condition of our Nation's defense industrial base and the availability of critical and strategic materials necessary for us to maintain national security.

As the ranking Republican on the Economic Stabilization Subcommittee I want to impress upon all Members of the House the bipartisan nature of this proposal. We are addressing the problems of national security—the ability of the United States to react to military challenges. Unless immediate action is taken to revitalize the domestic industrial base, we will find ourselves totally dependent on foreign sources for the most basic elements for our Nation's defense.

There will be skeptics who might claim that I am painting a "worst case" scenario. If I were talking only about our total reliance on imported binoculars for the military, that might be a valid criticism. However, this country is more than 50 percent dependent on foreign sources for 23 of the 40 critical materials used in our defense industry. To put that in perspective, of the eight strategic metals used in a jet engine we must import 100 percent of two metals and more than 90 percent of six metals. In contrast, the Soviet Union is totally independent of foreign sources for all but 5 of those 40 critical materials and in none of the 5 are they more than 50 percent dependent.

In his testimony to our subcommittee Gen. Alton D. Slay, former commander of the Air Force Systems Command, outlined the magnitude of the problems facing us. His alarmingly frank presentation touched on a number of serious weaknesses in our ability to "surge," to respond to crises, as this colloquy with Representative WORTLEY illustrates:

General SLAY. [W]e have essentially no capability to surge our defense. I define "surge" as more end items to use in a combat situation—aircraft sitting on the ramp ready to fly, tanks sitting on the road ready to roll—and I also put a time limit on "surge"—under 2 years. Now obviously if you increase the defense budget, say for tanks, you say "I want to double my tank production." You are leadtime away. You get your place in the queue, and using the defense priority system and the defense materiel system, you can protect that place in the queue, and eventually you will double the production for those tanks or those aircraft.

It is a matter of time, but it will be 4 or 4½ years before you see those aircraft flying. That is the problem due to these leadtimes. So we have, due to the leadtimes, no capability to surge.

We are currently at 15 F-16's per month, but we are dropping fast from that peak due to stretching out of the program. We were headed to 8 per month, and now we are going to go back up to 10 per month. But leadtime has slipped away from us, and we can't use that excess capacity within the 24-month period simply because the leadtime for the parts to go into those airplanes is too long.

Mr. WORTLEY. General, that leadtime, is that strictly because of the supply of the raw materials, or does skilled manpower and inadequate capitalization play a role?

General SLAY. All of the above. Every one of those things has a part to play. We could use 60,000 extra machinists, skilled machinists, today if we had them. We don't have them . . . But basically the big problem is the leadtimes that it takes to get the raw materials, to process the raw materials into a useful form of ingot or sponge or sheet or plate, then into forgings and castings, and then and only then does capacity of the prime contractor, like General Dynamics, come into play.

The big problem is the leadtime up to that point.

General Slay went on to say that a 200-percent increase in leadtime existed in certain areas due to lack of capacity at the second, third, and fourth tier of suppliers.

Surge capability is just one of the major problems confronting us. In some instances it is only a question of how to increase production. But in many cases the question is more fundamental: How do we begin production. Since 1978 we have seen the closing of 51 major foundries and since 1975 10 major forging and casting houses have closed.

To those who argue for a strong defense establishment and an economy free of Government meddling let me inform you that the United States now depends on three large forging plants for landing gear, turbine wheels, and such items. These plants are owned by the Air Force and are run with presses that are 27 years old.

I am convinced that we have two options. Congress and the executive branch can act now with indirect forms of assistance to our defense industrial base or we can react at a later date with direct involvement. The latter choice carries with it a much higher risk of failure, however, since no degree of Federal intervention can overcome the problem of leadtime. Even if we had the raw materials available, there would be the problems of existing processing facilities and if we had the facilities, we lack the trained personnel to operate them.

I am dismayed at the situation. In every area in which our subcommittee looked we found serious shortcomings, whether in our ability to meet manufacturing progress, the ability to get parts and materials, or the availability of skilled personnel. We know the seriousness of our condition.

The bill we introduced today strengthens the domestic capability and capacity of the Nation's defense industrial base by providing financial assistance for the modernization of U.S. industries which are necessary, or may be necessary in the event of emergency or war, to the manufacture or supply of national defense materials. The financial assistance would be in the form of purchase agreements, price guarantees, loan guarantees or loans to small- and medium-sized businesses as defined by the Department of Commerce. Larger entities may become eligible for this assistance only if the President notifies Congress that such an exception is in the national interest.

I would like to point out that these forms of assistance are the same Defense Production Act vehicles that were used successfully during the Korean war to spur production and overcome shortages in critical areas. If the track record of that period can be repeated, the benefits to the country will be substantial, but with reasonable cost to the taxpayer.

Under this new proposal an industry must be designated by the Secretary of Defense in consultation with the Secretary of Commerce as a priority industry for financial assistance. The designation should specify the type and extent of financial assistance for each priority industry and should indicate which businesses within the priority industries should be given preference because their modernization proposals offer the greatest prospects for productivity and quality improvement and for a reduction of our reliance on imported materials. In addition the same types of financial assistance are made available to expand domestic production or processing of strategic minerals, metals, and materials, including developing technologies as well as existing production and processing techniques. To emphasize the urgency of this modernization program the President is directed to issue public solicitations within 90 days of enactment.

The bill authorizes $1 billion per year for each of 5 years for these purposes. In this economic environment the total of $5 billion may not seem sufficient to have a significant impact. The key, however, is how the money is used. In the section-by-section analysis which follows my statement the concept of leveraging and ultimate net cost are explained. Depending on the form of assistance used, previous experience under the Defense Production Act showed that the bang for the buck could be as much as $40 billion.

Obviously there must be people to work in these priority industries we are attempting to revitalize. To meet the manpower shortages the legislation provides for annual grants to be made on a shared cost basis to State boards of vocational education. To qualify a State must submit a 5-year plan certified by the Governor and approved by the President, for carrying

out a skills training program. The State's share of the cost may come from public or private sources, including in kind contributions of equipment, facilities, personnel or services, but in any event it increases from 10 percent of the total cost in the first year to 50 percent by the fifth year. The amount authorized for this program is $250 million for each of 5 years.

The third step in the proposal is to provide grants to institutions of higher education to obtain and install modern equipment to train professional, technical, and scientific personnel needed in the designated industries. A grant may not cover more than half the cost of the equipment involved and is subject to certification requirements. The total authorized for this grant program is $100 million for each of 5 years. A buy American provision covers equipment or plant financed under any part of this bill.

The last major element of our proposal consists of a number of amendments to the Defense Production Act. Several of these changes have been requested by the administration and various agencies involved in Defense Production Act activities. The declaration of policy is updated by calling on the executive branch to continuously assess the capability of the defense industrial base to satisfy near term as well as increased mobilization production requirements in light of present-day national defense and national security needs.

We shortened the period for congressional review of loan guarantees and direct loans from 60 days to 30 days of continuous session and also provide for expedited approval through a concurrent resolution of both Houses. The threshold for loan guarantee review is increased from $38 million to a more realistic $50 million as well.

A major amendment is the extension of the Defense Production Act for 5 years. Previously it has never been extended beyond 2 years at any time and most often for shorter periods. This has caused a costly degree of uncertainty and instability in the defense community which we hope to reverse by providing this longer period.

This bill is our attempt to give to the President the tools he needs to reverse the critical condition of our defense industrial base without creating unneeded and unwanted bureaucracy and governmental intrusion in the private economy. The need for this legislation has been clearly demonstrated by our hearings. My personal conversations with members of the business community have sent me a ringing message. Either we act now to restore economic vitality to those industries necessary to our national security or we should recognize the inevitability and the futility of spending hundreds of billions of dollars to maintain a defense establishment that will be totally dependent on foreign sources.

The fact of the matter is you cannot be the leader of the free world, you cannot have a defense establishment, you cannot protect yourself and you cannot fight a limited war unless you have a defense industrial base. The defense industrial base of this Nation is intrinsically tied to the civilian industrual base. We do not have a single basic industry that is not in serious trouble. And with that in mind I would suggest that we will have a serious problem in turning to the American people and saying that by voting for a defense budget we vote for security, because without a defense industrial base, there is no security in this country.

To strengthen our defenses by strenghtening our industrial capability: That is why I am proud to introduce the Defense Industrial Base Revitalization Act.

Mr. Speaker, I include at this point the section-by-section summary.

SECTION-BY-SECTION SUMMARY

Sec. 1 states the title of the bill to be the "Defense Industrial Base Revitalization Act."

Sec. 2 amends Title III of the Defense Production Act of 1950 by adding a new section 303A.

Subsection (a) specifies the purpose of new section 303A to be the strengthening of domestic capability and capacity of the nation's defense industrial base.

Subsection (b) directs the President to act immediately to provide financial assistance for the modernization of United States industries which are necessary, or may be necessary in the event of emergency or war, to the manufacture or supply of national defense materials. Such assistance may be in the form of loan guarantees, direct loans, purchase agreements or price guarantees. The subsection limits such assistance to small and medium-sized businesses as defined by the Department of Commerce. Larger entities may receive assistance only if the President formally notifies Congress that the national interest requires such an exception to the limitation.

Subsection (c) directs the Secretary of Defense, in consultation with the Secretary of Commerce, to specify immediately which industries should be given priority for financial assistance, and to update the list of priority industries every six months. In addition, the Secretary of Defense is required, in consultation with the Secretary of Commerce, to specify the type and extent of financial assistance for each priority industry, and to indicate which businesses within the priority industries should be given preference because their modernization proposals offer the greatest prospects for productivity and quality improvement, and for a reduction in import reliance for materials.

Subsection (d) directs the President to provide financial assistance in the form of loan guarantees, loans, purchase agreements or price guarantees, for the expansion of the domestic capability and capacity to produce or process strategic minerals, metals, and materials.

In addition to existing production and processing techniques, this expansion is to include methods and techniques for conservation and recycling of, and substitution for, strategic minerals, metals and materials, as well as processes which will lead to a lessening or elimination of the need for traditional forms of strategic minerals, metals and materials.

This subsection requires that the Secretaries of Defense, Commerce, and Interior, and the Director of the Federal Emergency Management Agency, be consulted in carrying out the strategic minerals, metals and materials expansion program.

Subsection (e) requires that financial assistance for the defense industrial base priority industries program of subsection (b) and the strategic and critical minerals, metals and materials program of subsection (d) be provided on the basis of proposals submitted in response to public solicitations. The first such solicitation must be issued within 90 days of the enactment of new section 303A.

Subsection (f) establishes the price guarantee financial assistance mechanism available under subsections (b) and (d) in connection with purchase agreements. It requires that purchase agreements must include the Government's right to refuse delivery of the materials ordered, and if the market price of the materials, as determined by the Secretary of Commerce, is lower than the contract price, the Government must pay the price difference.

Subsection (g) authorizes the appropriation of $1,000,000,000 per year for each of fiscal years 1983, 1984, 1985, 1986 and 1987, with appropriated funds to remain available until expended, for carrying out the priority industries and strategic minerals, metals, and materials expansion programs of section 303A. This subsection authorizes contingent liability financial incentives (loans, loan guarantees and price guarantees) to be leveraged through use of Treasury borrowing authority, and based on estimated ultimate net costs of contracts to the Government. The estimated ultimate net costs may not exceed amounts appropriated by Congress. Ultimate net costs are to be estimated on the basis of experience of actual costs of these forms of financial incentives which have been utilized under the Defense Production Act. If the total estimated ultimate net costs do exceed appropriations, the necessary additional sums are authorized to be made available from unobligated funds appropriated to the Department of Defense or from Congressionally approved rescissions of Department of Defense appropriations.

Subsection (h) directs the President to establish and implement a five-year national program to train workers in skills which are necessary in the priority industries identified in subsections (b) and (c) and in the strategic and critical minerals, metals, and materials expansion program of subsection (d), and for which skills there is, or is anticipated to be, a shortage.

Financial assistance for the program is in the form of annual grants, provided on a shared cost basis to State boards of vocational education. A grant may be extended to a State board only after the State involved has submitted a five-year plan, certified by the Governor of the State and approved by the President, for carrying out a skills training program. In addition, in each year of the plan the State is required to provide a share of the cost for that year, on the following schedule: In the first year, 10 percent of that year's cost, with 90 percent provided by the Government; in the second year, 20 percent from the State, 80 percent

from the Government; in the third year, 30 percent from the State, 70 percent from the Government; in the fourth year, 40 percent from the State, 60 percent from the Government; and in the fifth year, 50 percent each from the State and the Government. The State's share may come from public or private sources, and may include "in kind" contributions of equipment, facilities, personnel or services.

Other requirements of a State's skills training plan are that it be developed in consultation with workers and management of involved industries and with the State's educational institutions, that it include in addition to skills training, upgrading skills of already trained workers, and retraining in the necessary skills of workers in industries which are depressed. A plan must also include programs of training in workplaces.

The subsection requires that the President take on a State plan, based on recommendations of the Secretaries of Defense, Labor and Education, within 90 days of receipt of the plan.

The subsection permits the Federal grant assistance to be used for purchase and installation of equipment for training purposes, but requires that such equipment be purchased through competitive bids. Authority to install Government-owned equipment in private "industrial facilities" contained in section 303(e) of the Defense Production Act is extended to vocational schools and other worker training locations which are part of this program.

Funds authorized to be appropriated to carry out the subsection (h) skills training program are $250,000,000 in each of fiscal years 1983 through 1987, and are authorized to remain available until expended.

Subsection (i) directs the President to begin immediately to develop and implement a program of grants to institutions of higher education for obtaining and installing modern equipment for training professional, scientific, and technical personnel needed in the priority industries identified under subsections (b) and (c), and in the strategic and critical minerals, metals and materials expansion program of subsection (d). A grant under this subsection may cover not more than half of the cost of obtaining and installing the equipment involved, and is to be awarded on the basis of an application submitted by the institution of higher education which certifies the cost of the purchase and installation of the equipment. Such equipment must be purchased by competitive bid. Section 303(e) Defense Production Act authority to install Government-owned equipment in private facilities is extended to include colleges, universities and other institutions of higher education.

Funds authorized to be appropriated for the subsection (i) program are $100,000,000 in each of fiscal years 1983 through 1987, and are to remain available until expended.

Subsection (j) requires that equipment or plant financed through any of the programs of Section 303A must be of United States origin. The only exception to this requirement is when the Secretary of Commerce determines, in writing, that the U.S. origin plant or equipment is unavailable and not practicable to obtain.

Subsection (k) requires the Comptroller General of the United States to monitor and audit the programs of Section 303A, and to report his findings to the Congress each year at the beginning of a session of Congress.

Subsection (l) contains definitions of terms used in Section 303A. The terms "State" and "United States" each include, in addition to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Section 2 amends various sections of the Defense Production Act of 1950, as follows:

Subsection (a) amends the language of the Declaration of Policy to bring the purpose of the Act in keeping with present-day national defense and national security needs. In particular, the amendment calls upon executive agencies and departments to assess continuously the capability of the defense industrial base to satisfy both near-term and increased mobilization production requirements.

Subsection (b) amends the loan guarantee authorizing section of the Defense Production Act (section 301) by increasing the threshold amount beyond which individual loan guarantee amounts must be submitted to Congress from $38,000,000 to $50,000,000. The subsection also amends the Congressional review procedure for loan guarantees beyond the threshold amount by shortening the review period from 60 to 30 days of continuous session, and provides for an expedited approval for such loan guarantees through a concurrent resoluton of both Houses of Congress.

Subsection (c) amends the direct loan section of the Defense Production Act (section 302) by reducing the Congressional review period for loans over the threshold amount from 60 days to 30 days of continuous session, and provides for an expedited approval for such loans through a concurrent resolution of both Houses of Congress.

Subsection (d) would extend the termination date of the authorities of the Defense Production Act from September 30, 1982, to September 30, 1987.

Subsection (e) would repeal section 720 of the Defense Production Act, the National Commission on Supplies and Shortages, the authority for which was terminated in 1977.●

NATIVE AMERICAN INDIAN LAND CLAIMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LEE) is recognized for 5 minutes.

● Mr. LEE. Mr. Speaker, I was pleased to join yesterday together with Senators THURMOND and D'AMATO, and Congressmen HOLLAND and WORTLEY in the introduction of H.R. 5494, legislation addressing a problem of overwhelming proportions in our States, and one which shows every promise of spreading to additional areas of our Eastern United States: Native American Indian land claims.

Passage of this bill could lift an enormous burden from the shoulders of property owners in New York and South Carolina, those States first addressed. The following is an analysis of the first three sections of the bill.

SECTION-BY-SECTION EXPLANATION OF H.R. 5494

SECTION 1. SHORT TITLE

This section provides that the Act may be cited as the "Ancient Indian Land Claims Settlement Act of 1982."

SECTION 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

This section sets forth certain findings that describe the background and nature of the claims that have been asserted in several States in the eastern United States challenging the validity of land transfers made generations ago by certain Indian tribes, the immense difficulties involved in attempting to resolve these claims through litigation against hundreds of thousands of innocent private landowners, and the reasons why such claims must be resolved by federal legislation that would remove any possible question about the validity of these transfers and provide affected Indian tribes with a means of obtaining fair and reasonable compensation from the United States.

Subsection 2(a)(1) describes the nature of the problem addressed by the bill: the existence of claims raised by a number of Indian tribes in the eastern United States (including groups claiming to represent the Oneida, Cayuga, St. Regis Mohawk, and Shinnecock Tribes in New York, the Catawba Tribe in South Carolina) seeking recovery of millions of acres of land and billions of dollars in trespass damages on the ground that the original transfers of the land by Indian tribes in the eighteenth and nineteenth centuries were invalid because the federal government never explicitly ratified or approved those transfers. While the basic claim raised by these Indian groups is that these transfers were invalid because the United States failed to approve these transfers in accordance with the Nonintercourse Act provision of the Indian Trade and Intercourse Act (first enacted in 1790 and now codified at 25 U.S.C. §177), the transfers have also been challenged under various other legal theories, including theories involving provisions of the Constitution and the Articles of Confederation (with regard to transfers that took place after the effective date of the Articles of Confederation but before the adoption of the Constitution and the Indian Trade and Intercourse Act). Regardless of the theory under which the transfers are challenged, the essential element of these claims remains the allegation that the failure of the United States explicitly to approve the transfers renders the transfers invalid.

Several important factors must be taken into account in considering the problems posed by the eastern Indian land claims. First, until the last decade or so, there have been very few court decisions clarifying the scope, meaning, and applicability of the Nonintercourse Act. In decisions such as *Oneida Indian Nation of New York State* v. *County of Oneida*, 414 U.S. 661 (1974) (in which the Supreme Court indicated that federal consent was required for the extinguishment of Indian title in all states, including the original 13 states) and *Joint Tribal Council of the Passamaquoddy Tribe* v. *Morton*, 528 F.2d 370 (1st Cir. 1975) (in which the United States Court of Appeals for the First Circuit held that the Nonintercourse Act imposed certain fiduciary duties on the federal government with regard to Indian tribes that had never been federally recognized), the courts have begun to construe the Nonintercourse Act provision of the Indian Trade and Intercourse Act of

1790. While these judicial decisions may provide guidance for future transactions involving Indian lands in the eastern United States, the unfairness of utilizing such decisions to judge the validity of transactions that took place almost two centuries before the decisions were rendered is obvious.

Second, these claims are being raised in lawsuits filed almost two centuries after the transfers in question took place and are being asserted for the recovery of billions of dollars in property and billions of dollars in damage judgments against totally innocent present-day landowners and communities.

Third, the gravamen of these claims does not depend on any alleged unfairness in the compensation received by the Indian tribes at the time of the transfer. Rather, the claims are grounded on the theory that no federal legislation ever specifically ratified or approved the transfers in question and that in the absence of such federal approval the transfers were invalid. Thus, even if a tribe received full and fair value for its land—of even five times the fair value of the land—under the theories being asserted in these cases the transfers would still be invalid if no specific federal action was taken to approve them.

Subsection 2(a)(2) describes one of the primary reasons why the problems arising from these ancient Indian land transfers have not been resolved in the past. Until quite recently, it has consistently been the view of those federal officials responsible for Indian matters that the United States had no fiduciary responsiblities to those tribes in the eastern United States that had never obtained federal recognition of their tribal status. Responsibility for these tribes had traditionally been left to the states. The views of United States officials in this regard are represented in the following letter (typical of many others) sent by the Bureau of Indian Affairs in response to a request by the Narragansett Tribe for federal assistance:

"The Narragansett Indians are and have been under the jurisdiction of the different states of New England. The Federal Government has never had any jurisdiction over these Indians and Congress has never provided any authority for the various Departments of the Federal Government to exercise the jurisdiction which is necessary to manage their affairs.

"There is, therefore, no possible way in which this office can furnish you with any assistance and all communications in regard to your affairs should be taken up with the proper state officials." (Letter of R. B. Meritt, Assistant Commissioner of the Bureau of Indian Affairs, to John Noka, May 5, 1927, BIA Central Files 1907-1939, Record Group No. 75, National Archives, Washington, D.C.)

Even with regard to those eastern Indian tribes that had received federal recognition and where the United States was aware that such tribes had transferred land to non-Indians in the eighteenth and nineteenth centuries, neither Congress nor, until recently, the Executive Branch took any action that would demonstrate that the United States government believed that the transfers were invalid. Indeed, as discussed below, all of the actions taken by the federal government were consistent with the view that the original transfers by these Indian tribes were valid.

Subsection 2(a)(3) describes how the United States, through its failure to take any action since the original transfers by the Indian tribes (some of which took place almost two centuries ago) that would clarify the rights of these Indian tribes and through its countless actions in dealing with the land during this period as if it were validly owned by the non-Indian landowners, has provided de facto approval of the validity of the transfers. This course of conduct by the United States has resulted in the justifiable reliance by generations of landowners, and by the affected communities and states, in the integrity of present day land titles, founded on the belief that the United States had fulfilled whatever fiduciary responsibility it may have had to these tribes with regard to their land transfers.

The actions of the United States constitute far more than mere passive acquescense in the validity of the transfers. Over the years the United States has acquired land in the claims areas for a multitude of federal purposes (e.g., post offices, court houses and military facilities) and has treated the non-Indian landowners as the rightful owners of the property. It has granted federal funds to state and local agencies for various projects that involve the utilization of this land. It has provided millions of dollars in financial assistance, under the auspices of the Department of Housing and Urban Development, the Farmers Home Administration and the Small Business Administration, to non-Indian individuals and corporations to use, develop and improve the lands claimed. Despite the federal government's extensive involvement in the land in the claims areas, it has never suggested that the non/Indian landowners did not have rightful title to the land because of the purported rights of the Indian tribes that are currently laying claim to the land.

The subsection also emphasizes that generations of landowners, and local and state governments, in justifiable reliance on the validity of the original transfers and the claims of title emanating therefrom, have made billions of dollars in investments in and improvements upon the lands that are now being claimed by Indian tribes. In considering the need for a federal legislative resolution of these claims, it is important to note that challenges to the titles of present landowners based on ancient defects of title could never be maintained if the claimants were non-Indians, since such claims would be cut off by statutes of limitation and doctrines of adverse possession, laches and other legal and equitable principles of repose. With respect to Nonintercourse Act claims, however, the courts have thus far held that such defenses are not available, either on the theory that Indian tribes are entitled to the immunity from such defenses that the United States enjoys with regard to claims involving land owned by the United States or on the theory that defenses based on state law are not available to defeat claims based on federal law. (See, e.g., *Schaghticoke Tribe of Indians* v. *Kent School Corporation*, 423 F. Supp. 780 (D Conn. 1976)). Thus, current landowners are under a severe handicap in defending against these land claims—a handicap that does not exist in any other type of litigation involving challenges to titles of land. This is one of the many reasons why it is inappropriate and inequitable to attempt to resolve these Indian land claims through lawsuits against current landowners.

Subsection 2(a)(4) makes reference to the catastrophic, economic, social, political and public policy problems that would result from a judicial determination that these ancient Indian land transfers were invalid and that current landowners do not have good title to millions of acres of land in the eastern United States and are liable for trespass damages of astronomic proportions. Restoring the claimants to possession of the lands claimed would have a calamitous effect on thousands of homeowners, businesses and municipal facilities; public services and state and local taxation programs would be cast into disarray, with adverse consequences that would extend far beyond the borders of the states involved. The financial consequences would be disastrous and widespread, and security for personel, business and governmental obligations would be fatally impaired or destroyed. The practical and political problems inherrent in attempting to restore these Indian tribes to possession of the claimed lands would be of an unprecedented dimension, involving judicial supervision of the creation of massive new areas of Indian sovereignty in the eastern states affected.

Subsection 2(a)(5) expresses Congress' agreement with the statements of judges and Executive Branch officials who, after examining the nature and consequences of these claims, have expressed the view that these ancient claims should be resolved by Congress rather than through litigation against current landowners. The following are typical of the views that have been expressed by various courts and governmental officials on these issues:

"United States District Judge Port, in discussing the lawsuit filed by the Oneida Indian Nation:

"The greater part of the disruptiuon and individual hardships caused by litigation such as this could be avoided by seeking solutions through other available vehicles. * * * [I]t is within the power of Congress to dispose of the matter under the constitutional delegation of power.

"The aptness of what was recently said by Chief Judge Kaufman is striking. 'As in so many cases in which a political solution is preferable, the parties find themselves in a court of law.'" *(Oneida Indian Nation of New York* v. *County of Oneida*, 434 F. Supp. 529, 531-32 (N.D.N.Y. 1977).)

"United States District Judge McCurn, in discussing another lawsuit filed by the Oneida Indian Nation:

"There is no question but that these cases present claims which should long ago have been resolved in a legislative forum rather than in a court of law." *(Oneida Indian Nation* v. *New York*, 520 F. Supp. 1278, 1296 (N.D.N.Y. 1981).)

United States District Judge Theis, in discussing the claims of the heirs of certain Kansas Indians seeking recovery of land transferred in the nineteenth century:

"Nothing in this opinion should be read to indicate that the court is unsympathetic toward the plaintiffs and their position. The Court believes that a great injustice was probably done to some of the Kansas half-breeds in allowing forcible entries and inequitable or fraudulent conveyances to stand, an injustice all too typical of the general treatment of those American nations upon whom the white man chose to impose a conqueror's terms. Justice would not be served, however, by wresting those lands away, more than a century later, from equally innocent landowners. To exact retribution on the current landowners for the sins of their great-grandfathers would merely add to injustice, not right it." *(Dennison* v. *Topeka Chambers Industrial Development Corporation*, Civil Action No. 79-1668 (D. Kan. November 2, 1981), at 27.)

Retired Georgia Supreme Court Justice William B. Gunter, Special Adviser to President Carter on the Maine Indian claims, in recommending a legislative resolution to the Indian land claims in Maine:

"The pending court actions based on these tribal claims have the unfortunate effect of causing economic stagnation within the claims area. They create a cloud on the validity of real property titles; and the result is a slow-down or cessation of economic activity because property cannot be sold, mortgages cannot be acquired, title insurance becomes unavailable, and bond issues are placed in jeopardy. . . . I have concluded that this problem cannot await judicial determination, and it is proper and necessary for you to recommend some action to the Congress that will eliminate the adverse economic consequences that have developed to date and that will increase with intensity in the near future.

"I have concluded that the Federal Government is primarily responsible for the creation of the problem. Prior to 1975 the Federal Government did not acknowledge any responsibility for these two tribes. Interior and Justice took the position that these two tribes were not entitled to federal recognition but were "State Indians." In 1975 two federal court decisions, one at the trial level and another at the appellate level, declared that the Constitution adopted in 1789 and a Congressional enactment of 1790 created a trust relationship between the Federal Government and these two tribes. . . .

"The problem is complex and does not lend itself to a simple solution because it is old and large. The factual situation giving birth to the problem goes back to colonial times and the early years of our life as a nation under the Constitution. Adding to the complexity is the fact that the problem is social, economic, political and legal."

(Recommendations to President Carter from William B. Gunter re: Passamaquoddy and Penobscot Tribal Claims-Maine, July 15, 1977.)

Attorney General Griffin B. Bell, in explaining to the Secretary of the Interior the reasons why the Department of Justice had decided not to bring Indian land claim suits against landowners in several eastern states:

"After careful thought, I have decided that I will not bring suit against the landowners in the New York, South Carolina, or Louisiana claim areas. I have a number of questions about the legal and factual issues in these suits and question whether they can be won. Furthermore, the fact that the landowners are completely innocent of any wrongdoing weighs heavily against suing them. Finally, the Administration's policy decision to relieve small landowners in Maine from suit through a legislative settlement recommends the same relief to others similarly situated.

"This is not to say that the tribes involved do not have some equitable complaint, using that term in the broadest sense. Other tribes have been compensated over the years for the ancient takings which occurred as a result of the western movement and settlement of the nation. However, it is completely within the power of Congress to remedy the tribal claims by the process of ratifying the ancient tribal agreements with the states. Such ratification could be accompanied by payments to the tribes in appropriate amounts. In the alternative, the tribes could be given a cause of action against the United States in the Court of Claims." (Letter dated June 30, 1978, from Attorney General Griffin B. Bell to Secretary of the Interior Cecil D. Andrus, reprinted at pp. 34-36 of the Hearings on Statute of Limitations Extension before the Senate Select Committee on Indian Affairs, 96th Cong., 1st Sess. (1979).)

In considering the reasons why a fair and equitable solution to these claims cannot be derived through the litigation process, the views expressed by District Judge Urbom is his opinion in the *Consolidated Wounded Knee Cases* (although not a case involving land claims) are strikingly appropriate:

"How much of the sins of our forefathers must we rightly bear? What precisely do we do now? Shall we pretend that history never was? Can we restore the disemboweled or push the waters of the river upstream to where they used to be?

"Who is to decide? White Americans? The Native Americans? All, together? A federal judge?

"Who speaks for the Sioux? Those traditional people who testified here? Those Sioux of a different mind who did not testify? The officials elected by the Sioux on the eight reservations?

"Feeling what was wrong does not describe what is right. Anguish about yesterday does not alone make wise answers for tomorrow. Somehow, all the achings of the soul must coalesce and with the wisdom of the mind develop a single national policy for governmental action.

"I feel no shirking of duty in saying that formulation of such a national policy should not be make by a federal judge or the handful who may review his decision on appeal." (*United States* v. *Consolidated Wounded Knee Cases*, 389 F. Supp. 235, 238-239 (D. South Dakota, 1975).)

Subsection 2(a)(6) states that the purpose of the Nonintercourse Act—which was to ensure fairness in the transactions by which Indian lands were transferred—can now be secured by providing monetary compensation to those tribes that may have transferred their lands to non-Indians without federal approval and at less than fair consideration. The purpose of the Nonintercourse Act has been articulated by the Court of Claims in *Seneca Nation of Indians* v. *United States*, 173 CT.Cl. 917, 925 (1965) as follows:

"In the light of its language, contemporaneous construction, and history, we hold that the Trade and Intercourse Act created a special relationship between the Federal Government and those Indians covered by the legislation, with respect to the disposition of their lands, and that the United States assumed a special responsibility to protect and guard against unfair treatment in such transactions."

Subsection 2(a)(7) states that to the extent the conduct of the United States over the decades and centuries since the original Indian tribal transfers has not constituted whatever federal approval is necessary to validate them, it is the intent of Congress in this Act to settle once and for all whether such approval and validation has been given. The subsection also states that it is the intent of Congress to provide affected Indian tribes with a monetary remedy against the United States, as provided in the Act, which is to be the sole and exclusive remedy for the satisfaction of any claim such a tribe may have against the United States, any state or local government, or any other person or entity by virtue of the transfers in question.

Subsection 2(b) sets forth the three major purposes of the Act and states that in achieving these purposes Congress intends to exercise the full extent of its authority under the Constitution. The major purposes of the Act are:

(1) to remove the clouds on titles in land located in New York and South Carolina as a result of claims by Indian tribes that transfers of such land made prior to January 1, 1912, were in violation of the Constitution, the Articles of Confederation, any law of the United States, including the Nonintercourse Act, or any other legal requirement;

(2) to approve, validate, and ratify such transfers with the same effect as if such approval, validation, and ratification had been given at the time of the transfers; and

(3) to provide Indian tribes whose transfers have been approved by this Act with a means of obtaining fair and equitable compensation for their claims, including a cause of action for monetary compensation against the United States in the Court of Claims.

SECTION 3. DEFINITIONS

Section 3 contains definitions of certain key terms used in the Act.

Subsection 3(a) defines the term "Indian tribe" to include any Indian nation, tribe of Indians, or any other body of Indians of the same or similar race, united in community under one leadership or government, and inhabiting a particular or sometimes ill-defined territory. This definition is intended to embrace all possible Indian entities whose land transfers may have been subject to federal approval under the Nonintercourse Act provision of the Trade and Intercourse Act of 1790, the Constitution, or any other law or treaty of the United States.

Subsection 3(b) defines the term "land or natural resources" to include any real property or natural resources or any interest in real property or natural resources.

Subsection 3(c) defines the term "laws of the United States" in a broad and comprehensive manner to include the Articles of Confederation and all possible federal, state or colonial statutes, treaties, proclamations, executive agreements, orders, regulations and common law principles, and all judicial interpretations thereof. The purpose of this broad definition is to ensure that upon enactment of the Act there remains no legal theory upon which any claims against current landowners could be asserted as a result of the ancient Indian land transfers that are validated by the Act.

Subsection 3(d) defines the term "Nonintercourse Act provision of the Trade and Intercourse Act of 1790."

Subsection 3(e) defines the term "Secretary" to mean the Secretary of the Interior or his designate.

Subsection 3(f) defines the term "transfer." It is intended to have a comprehensive meaning and to cover all conceivable types of transactions and events by which title, possession, dominion or control over land or natural resources may have passed from Indian tribes to non-Indians.●

INTRODUCTION OF JOINT RESOLUTION URGING A NEGOTIATED SETTLEMENT IN EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARNES) is recognized for 15 minutes.

● Mr. BARNES. Mr. Speaker, on behalf of myself and Mr. SOLARZ, I am

today introducing a joint resolution declaring that it is the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador. An identical resolution is being introduced in the Senate by Senators DODD and TSONGAS.

The administration persists in presenting us with the Hobson's choice between continued escalation of the conflict in El Salvador, and withdrawing and letting the extreme left takeover. It is clear to me from the comments I hear my colleagues making that they are not comfortable with that choice. They are seeking another alternative.

Mr. Speaker, there is another alternative, which the administration steadfastly refuses to acknowledge, and that is to work for a political solution to the conflict. Furthermore, this is the only alternative with any hope of producing anything like a centrist government in El Salvador. If we do not pursue that alternative, we will face the prospect of either seeing the defeat of the Salvadoran Government or sending in U.S. troops. I do not think that is a choice any of us want to face.

The Subcommittee on Inter-American Affairs, which I have the honor to chair, will complete its hearings on El Salvador on February 23 and 25. After that, we will take up this and other measures pertaining to the conflict in El Salvador that have been referred to the subcommittee.

I believe the measure we are introducing today can and will command broad support on both sides of the aisle. It does not confront the President. It does not cut off aid or reduce the President's flexibility. It does offer the alternative the Members are seeking, and it urges the President to adopt that alternative.

Mr. Speaker, we have nothing to lose and everything to gain by talking. I urge all my colleagues to support this resolution as an expression of what Congress thinks should be U.S. policy for ending the war on terms that are favorable to our interests.

I include at this point the text of the resolution, and a joint statement of the sponsors:

H.J. RES. 405

Joint resolution declaring that it should be the policy of the United States Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador

Whereas the conflict in El Salvador has inflicted on the people of that country a tragic toll in lives and property;

Whereas the conflict appears to be a stalemate with no end in sight;

Whereas the continuation of the conflict will further polarize the political climate in El Salvador and place in jeopardy the peace and security of the Central American region;

Whereas the Government of El Salvador has demonstrated its commitment to the holding of elections;

Whereas the combined political and military leadership of the insurgent opposition has declared its willingness to engage in negotiations without preconditions to end the conflict;

Whereas other groups and nations in Central America and Europe have announced their willingness to facilitate such negotiations; and

Whereas the present opportunity to pursue such negotiations is a unique moment in the history of the conflict and may not be repeated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That with respect to the conflict in El Salvador, it should be the policy of the United States Government to encourage all parties to the conflict—

(1) to begin unconditional negotiations for the purpose of achieving a cease-fire arrangement under international supervision, and

(2) to pursue these negotiations for the purpose of reaching an overall political settlement to the conflict, one element of which would be open and free elections under international supervision.

STATEMENT BY SENATOR CHRISTOPHER J. DODD, SENATOR PAUL E. TSONGAS, REPRESENTATIVE MICHAEL D. BARNES, AND REPRESENTATIVE STEPHEN J. SOLARZ, FEBRUARY 10, 1982

Today, we will introduce a Joint Resolution calling upon this Administration to pursue a negotiated political solution to the conflict in El Salvador.

The situation in El Salvador continues to go from bad to worse. Despite the substantial escalation of U.S. involvement during the past year, the war is at best at a stalemate. The political and military situation of the Government of El Salvador is not getting better. It may be getting worse. In response to this situation, the Administration offers only more of the same—increased escalation and increased involvement.

It is a tragic fact that the Administration does not have a policy for resolving the Salvadoran conflict in a manner compatible with United States interests. The policy of escalation and the pursuit of military victory can only strengthen the extremes at the expense of the center and continue the process of radicalization and polarization of political forces.

The Administration has presented Congress and the American people with the false alternatives of either supporting endless escalation of the conflict or acquiescing in a victory by the extreme left. Neither alternative serves our interests. However, there is a third course—the only one that serves to protect U.S. interests—and that is the path of a negotiated settlement to the conflict.

Sooner or later there will have to be a political solution to the conflict in El Salvador. The time to seek it is now, while both the Christian Democrats and the Democratic Revolutionary Front are prepared to sit down at the negotiating table, and before the Salvadoran polity, economy, and society are further ripped apart by violence.

But the Salvadoran military, backed by the Reagan Administration, opposes such a settlement. This is a serious mistake that can only lead to the further deterioration of our position not only in El Salvador but in the larger context of Central America as a whole.

We believe our colleagues in the Senate and House will adopt this resolution as a statement of United States policy. And we urge the President to accept it as the wisest course for the United States. There is still time to salvage the situation in El Salvador. The only way to make failure inevitable is to continue on the present course.●

THE REALITY OF REAGANOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

● Mr. ALEXANDER. Mr. Speaker, yesterday Treasury Secretary Donald Regan, Murray L. Weidenbaum, Chairman of the President's Council of Economic Advisers, and David Stockman, Director of the Office of Management and Budget, testified before the House Appropriations Committee in support of the administration's fiscal year 1983 budget.

They insisted that Reaganomics will work. They again told us that the President's tax cut will induce savings which will be used for capital investment to revive the economy.

The Reaganomics policy is in place. We must hope that this policy—which Senator HOWARD BAKER once characterized as a "riverboat gamble"—will work.

While some Republicans persist in saying that no Democratic alternative to the present administration economic policy was offered—the facts prove that a Democratic alternative was offered for fiscal year 1982.

That Democratic alternative was first embodied in House Concurrent Resolution 115, as reported by the House Budget Committee on April 16, 1981, and the accompanying House Report 97-23, the alternative—when it was offered last April before Reaganomics pushed the Nation's economy into recession—projected a fiscal year 1982 budget deficit of $25.6 billion—nearly four times less than the deficit that the President now tells us his policy will produce this year.

The spokesmen for the administration are all saying the right words.

They are talking about efforts by the administration to stimulate the private sector, to create employment, to eliminate wasteful spending, and to reduce the size and cost of the Federal Government.

And, while these words produce a responsive chord among most Americans—the fact remains that the administration is in error in at least some of their representations in the budget. Take, for example, this statement from page M-9 of the President's budget message:

Dozens of ineffective or counter-productive programs have been eliminated or reduced * * * The ineffective $700 million Economic Development Administration is being phased out.

The citizen who does not know the record of EDA might be supportive of this budget message rhetoric. But, the record on EDA's performance clearly demonstrates that EDA has produced private sector jobs for Americans.

EDA's investments in Arkansas through 1980 alone totaled $127 million. They produced or maintained 67,000 jobs for Arkansans with an annual payroll of about $500 million and annual tax payments of $107 million.

Nationally EDA invested about $5 billion during its first 16 years of operation. These investments generated or maintained 1.4 million private sector jobs for Americans and leveraged another $9 billion in private sector investments. Equally important, the evidence shows that the total EDA investment has been more than repayed annually by the $6.5 billion in local, State and Federal taxes paid by holders of those jobs.

The administration's rhetoric is more like theology than economic policy. And, while it appeals to the perception among Americans that Government is too big and needs to be reduced in size, scope, and cost, this attack on EDA is one example of how the administration is acting in a manner which is counterproductive to its stated objectives.

While the concept of supply-side economics is appealing, the practical effect has produced what we saw reported on the business pages of the newspapers yesterday morning. Record Federal Government borrowing predicted. The prime rate for interest expected to top 18 percent in the second quarter of this year. And, on the same business pages: Treasury bill interest rates increase for the 15th week. Stock and bond prices falling. The Dow Jones industrial average dropping 17.6 points on the stock market's first day of operation after the President's fiscal year 1983 budget becomes public.

It is interesting to note that these headlines are on the business and finance pages deep inside the paper while the front page stories concentrate on barbs traded by the Speaker and the President over the food stamp program's operation.

I fear that the administration, as represented by its spokesmen before the House Committee on Appropriations yesterday, has made a serious mistake in judgment because it appears to me that the effects of high interest rates have more than offset any private sector gains made through tax reductions.

That is to say that the tax cut is going to pay for the high interest rate policy. Therefore, the big bankers are profiting through the tax cut, not the American people through a revitalization of the economy.

It was also reported yesterday that the President, in a speech in Iowa, referred to Washington as the "puzzle palace on the Potomac." In this instance, I would agree with Mr. Reagan, explaining, however, that it is the President's economic policy that is confusing to the American people.

In my home State of Arkansas, unemployment is reported to have reached a record postdepression level of 12.1 statewide with one county, Poinsett, reporting more than 22-percent unemployment.

While it is good that President Reagan has had an opportunity to make good on his economic promises to the American people, the pains caused by that policy are excruciating to those who are unemployed, and I believe that it is now time to begin again the debate on the formulation of an alternative economic policy to extricate our Nation from further harm caused by supply-side economics.●

NINTH ANNUAL NATIONAL SALUTE TO HOSPITALIZED VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 15 minutes.

● Mr. MONTGOMERY. Mr. Speaker, this Sunday on Valentine's Day, sports and entertainment stars, along with community and government leaders, will gather in VA medical centers around the country for the ninth annual salute to hospitalized veterans.

Special events for the day are being planned also by veterans, civic, religious, and youth groups. Festivities will include talent shows, celebrity visits, musical programs, and VA benefits workshops at most of VA's 172 medical centers, 226 outpatients clinics, 96 nursing homes, and 16 domiciliaries.

The program will be coordinated at each medical center by VA's Voluntary Service, that exemplary organization which oversees services to some 78,000 hospital volunteers who nationally contribute more than 10 million hours to VA patients every year.

Conducted each year since 1974, the salute is intended to show hospitalized veterans how much their fellow citizens appreciate and remember their service and the sacrifices they made for our country.

An enormous amount of support and enthusiasm for the occasion has come from many diverse groups of people. The USO is arranging for Miss America and Miss Black America contestants to visit several medical centers. Professional baseball, basketball, football, and hockey players, National Football League cheerleaders, Shriner clowns, airline pilots, stewardesses, and ground personnel also will be among the celebrity visitors. Camp Fire, Inc., is the official youth group for the event, but many scout troops and school classes will be participating as well.

Mr. Speaker, veterans have played an essential and praiseworthy role in the history of our Nation, and veterans hospitals continue to occupy an increasingly important role in providing for their health and well-being.

During the last decade, VA's Department of Medicine and Surgery has made great strides toward enhancing medical care for veterans. Since 1970, six new VA hospitals have been built. The overall staff-patient ratio has grown from 1.28 staffers to 1 patient in 1970 to 2.21 in 1982. The number of outpatient clinics has increased from 209 to 226 over the last 5 years. The health care staff has grown by 57,000 to 186,287 FTEE. VA is now operating with 90,000 hospital and nursing home beds; treating approximately 1.3 million inpatients annually; and handling an excess of 15 million staff outpatient visits per year, in addition to almost 2 million fee-basis outpatient visits.

Contributions from VA's clinical research laboratories are legion. Invention of the cardiac pacemaker and the laser cane for the blind are two from a list of many. Clinical trials within the VA helped to conquer tuberculosis, to perfect kidney transplants, and to make a less restrictive life possible for psychiatric patients through the development of psychotropic drugs. The two Nobel laureates, Dr. Rosalyn S. Yalow and Dr. Andrew V. Schally, speak eloquently for the overall excellence of the VA research program.

Mr. Speaker, the Veterans' Administration independent system of comprehensive medical care is necessary to insure that all veterans, should the need arise, are afforded the quality of care they so deserve. I know my colleagues join me in expressing a very heartfelt salute to those veterans in hospitals around the country. Should any of them know of individuals or groups interested in participating in the events this Sunday, I would appreciate them conveying the message to contact the voluntary service at a nearby VA medical center.●

ANNOUNCEMENT OF SUBCOMMITTEE HEARING ON WORKMAN'S COMPENSATION INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I wish to announce that the General Oversight Subcommittee of the House Small Business Committee, which I chair, will conduct 2 days of hearings on February 17 and 18 to investigate

certain worker compensation ratemaking practices which may be severely discriminating against our Nation's small businesses.

The two primary issues before the subcommittee will be: First, why worker compensation rates in the vast majority of States do not reflect the billions of dollars of investment income earned annually by worker compensation insurers; and second, why worker compensation insurers have steadfastly resisted any attempt to alter the present cartel-dominated fixed-rate system to one permitting open competitive rating.

The hearings will take place in the Small Business Committee hearing room, 2359A Rayburn. The hearing on February 17 will begin at 10:30 a.m. and the hearing on February 18 will begin at 9 a.m.

Appearing as witnesses on the morning of Wednesday, February 17, will be Michael Markman, Minnesota Commissioner of Insurance; Spencer Kimball, executive director, American Bar Foundation; and Robert Hunter, director, National Insurance Consumers Organization.

Appearing on the morning of Thursday, February 18 will be Philip R. O'Connor, Illinois insurance commissioner; Lewis Roberts, Woodward & Foudiller, consulting actuaries; and William Johnston, chairman, Ohio Industrial Commission.●

THE BUDGET AND THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROUSSELOT) is recognized for 5 minutes.

Mr. ROUSSELOT. Mr. Speaker, I commend several of my colleagues for sponsoring various special orders today to address those issues that remain at the top of our congressional agenda; namely, the budget and the economy.

As the first step in the congressional budget process, the President submitted to the Congress his budget recommendations. I was happy to see that the President decided to reaffirm his economic recovery program and did not change it to increase taxes as some advisers were urging him to do. I still firmly support many of the components of the President's package. However, several of us find the budget deficit projections, that are in excess of $90 billion, to be completely unacceptable. Many here in this House firmly believe that the Congress must do a better job in reducing what soon could amount to a triple-digit deficit.

As a Member who has already offered 11 amendments to the budget process that were designed to balance the budget, I will continue my diligence to reduce these unacceptable deficit figures during this session of the 97th Congress. After all, Government spending is as controllable as Congress so chooses.

The Founding Fathers would turn over in their graves if they knew of the over $1 trillion debt the Congress has allowed our Nation to accumulate. Thomas Jefferson wrote:

> The public debt is the greatest of dangers to be feared by a republican government.

And it was President Andrew Jackson that observed:

> We should look at the national debt, as just as it is, not as a national blessing but as a heavy burden on the industry of the country to be discharged without unnecessary delay.

As discussion focuses during the next couple of weeks on the size of the national debt, the deficit and the budget, I believe there is one point that must not be overlooked. That is, quite simply that even with the Reagan budget and tax reductions that were enacted last year, the U.S. Government will still spend more and tax more in fiscal year 1982 than any other year in history. Even though we are slowing the increases in expenditures, the budget continues to run out of control. In fact, payment of interest on the national debt for fiscal year 1983 will be $99 billion. More will be spent paying interest on this debt than the U.S. Government spent or collected in taxes in fiscal year 1961. It is incredible to think that while it took nearly 200 years for the national debt to reach roughly $400 billion, that during the past 10 years alone the Government has allowed the debt to increase an additional $600 billion.

With deficit estimates of $98.6 billion for fiscal year 1982 and $91.5 billion for fiscal year 1983, there is much work to be done. Members of Congress must take note. Americans will not stand for such a deficit.

It is ironic that it took us 50 years to discard the higher spending, higher taxing policies of the past administration, while some Members are ready to pass instant judgment on the entire program for economic recovery after only a few months trial. Such criticism comes even before many key elements of the President's program have taken effect. For instance, the citizens of our Nation have realized only a 5-percent tax reduction of a total 25-percent tax reduction which has yet to become effective. These tax reductions were drafted in recognition of the fact that U.S. citizens, rather that the Federal Government, know how best to spend their hard-earned money.

Recent public opinion polls show that the American people are willing to give the administration more time in order for the positive effects of the economic program to be able to take effect. They realize that the President came into office inheriting a huge economic mess. For instance:

In December 1980, the prime rate was at an all-time record high of 21.5 percent, compared with 16.5 percent today.

In December 1980, the 90-day T-bill rate was 15.7 percent; today, at 14 percent, it is slowly coming down.

From April 1980 to April 1981, the money supply, as measured by M_{1B}, increased at a rate of over 10 percent. This is the highest growth for any 12-month period since World War II.

During the previous administration from 1977 to 1981, Federal spending increased 61 percent.

The President came into office after the first back-to-back years of double-digit inflation since World War I (12.4 percent in 1979 and 13.3 percent in 1980). As my colleagues know, a great turn around has been made on the inflation front, as the Consumer Price Index snapped the double-digit levels and came down to 8.9 percent during President Reagan's first year of office.

These facts show quite clearly that the Reagan administration inherited the "economic mess" from the previous administration. Unfortunately, we are still suffering from an economic hangover as a result of the liberal economic policies that prevailed during the previous years. The economic slowdown was an inevitable consequence of the past policies of high taxes, higher spending, and fast money growth. The economic trend was well in place far before the Reagan administration arrived in Washington. It was this "worst economic mess" in half a century that significantly contributed to the large deficit projections we have today.

Consequently, this administration was faced with a hard choice: It could have easily continued the old policies of tax, and spend, or it could choose to enact a new program designed to snap the inflationary cycle and to lay the foundation for a strong economy for many years to come.

I am not alone in stating here today that the President's program for economic recovery has established a much-needed foundation for economic growth. It is a comprehensive four-part plan to restrain the rate of growth in Federal spending, to reduce personal tax rates and business taxes, to reduce the burden of Federal regulation, and to adopt a stable monetary policy. Unemployment, interest rates, and inflation are still at unacceptable high levels. However, once the Reagan program takes full affect, these figures too will come down and should stay down.

We can be certain of one thing. There are no economic miracles, or quick fixes, or instant solutions. We have already enacted a program ". . . based on sound economic theory, not on political expediency." It is important that we hold firm and steady

to that course. To turn back now to the business-as-usual policies of the past would be to forsake many of the economic gains we have already made.

Of course the task that we have before us as Members of Congress will not be easy. However, the only other alternative would be simply to return to those feeble and shortsighted economic policies of the past which got us in this mess in the first place.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of agriculture.

□ 1500

MAKING IN ORDER ON TODAY OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 389, URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF AGRICULTURE, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it shall be in order today or any day thereafter, any rule of the House to the contrary notwithstanding, to consider a motion in the House to take from the Speaker's table the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1982, with the Senate amendment thereto, and to concur in said Senate amendment, and that the previous question shall be considered as ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FRENZEL. Reserving the right to object, Mr. Speaker, if the distinguished majority leader would answer a question.

As I understand the Senate amendment to House Joint Resolution 389, it is in fact the low-income energy assistance bill as that bill was reported out of the House Appropriations Committee before the Broyhill amendment was adopted in this body; is that correct?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

I believe that is essentially correct. I do know that the amendment to this Commodity Credit Corporation bill is the low-income fuel assistance bill which we passed in the House as separate legislation.

Mr. FRENZEL. I thank the gentleman for his comments.

Further reserving the right to object, Mr. Speaker, I do have a strong objection to the low-income energy assistance bill. I think it is a bad thing that it has been attached to House Joint Resolution 389 which in my judgment is absolutely essential.

Because the majority has accepted the suggestion to make the unanimous-consent agreement one for consideration rather than immediate approval and the House will therefore have the opportunity to express its objection, at least as many of those in the House who wish to do so will have that right, I have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I ask for this time for the purpose of getting the schedule for next week.

Mr. Speaker, I would be happy to yield to the distinguished majority leader so that he could take this time to give us the schedule for next week as we understand it.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

Among other things, the schedule for next week would presuppose the waiving of the Calendar Wednesday provisions.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WRIGHT. Mr. Speaker, beyond that, as the gentleman from Mississippi, the acting Republican leader, may be aware, the House will be in the last days of the Lincoln and Washington Birthday home district work period on Monday and Tuesday, February 15 and 16, and, therefore, not in session.

The House on Wednesday, February 17, would meet at noon and at the present moment there is no legislative business scheduled or contemplated for that Wednesday.

On Thursday and Friday, February 18 and 19, the House would meet at 11 a.m.

There is one piece of legislation which has been brought to my attention which would be considered one of the matters we might take up on one or another of those 2 days.

The SPEAKER. In the conversation that the Chair had with the minority leader just a moment ago, in view of the fact that the legislation was not of a serious nature and because of the fact that we had already passed a resolution too late to pass another, when we came back on Wednesday, I thought, and the Chair addresses this to the majority leader, that it was agreed we would have an informal session and then again have an informal session on Friday and we would skip the legislation. The Chair thought that was an agreement with the minority leader.

Mr. WRIGHT. Mr. Speaker, I do recall such an agreement and I am sure that the Papago Indians have been waiting settlement of these claims for quite some time and they can, without real injury to themselves, forego consideration of that bill on either Thursday or Friday.

Mr. LOTT. If I could address a question to the majority leader so I will understand clearly what is being said, I assume that means just a pro forma session on Wednesday and on Friday, but is the gentleman saying we would not take up the Papago Indian claims bill on Thursday?

Mr. WRIGHT. That is precisely what we had concluded in a conversation with the distinguished minority leader.

The SPEAKER. The House would not meet on Thursday.

Mr. LOTT. The House will not meet on Thursday and have a pro forma session on Wednesday and Friday.

Let me ask a further question.

Do we have any idea whan the EPA water sewer grant supplemental appropriation might come up? Do we have a schedule on that?

Mr. WRIGHT. I am not sure that it has a rule yet.

Mr. LOTT. It does not.

Mr. WRIGHT. I do not believe it has a rule yet. The rule would have to be offered and adopted prior to our consideration of it. It is not contemplated that it would come on the week of February 15. There will be no legislation the week of February 15.

Mr. LOTT. All right.

Mr. WRIGHT. Probably the following week.

Mr. LOTT. It is anticipated, but it is important to make it clear for all our Members to understand, the supplemental appropriation that we just had the unanimous-consent request on will be brought up momentarily or will be brought up this afternoon, not to

exceed 1 hour of debate and action will be taken on that supplemental appropriation at that time; is that correct?

Mr. WRIGHT. That is exactly correct. That is the remaining business for the day and for the week.

Mr. LOTT. Well, in that connection, we would not have acted on the adjournment resolution. The Senate has not acted I believe. So that issue would have to be finally disposed of also this afternoon, would it not?

Mr. WRIGHT. The gentleman is absolutely correct and it would seem likely to me that the Senate would act upon that resolution subsequent to our taking action upon the motion to recede and concur in the Senate amendment to the House joint resolution providing supplemental appropriations.

Mr. LOTT. I thank the gentleman for that bit of information.

□ 1510

URGENT SUPPLEMENTAL APPROPRIATION FOR DEPARTMENT OF AGRICULTURE, 1982

Mr. WHITTEN. Mr. Speaker, pursuant to the unanimous-consent request just granted, I move to take from the Speaker's table the joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 1, after line 12, insert:

SEC. 2. (a) The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

LOW INCOME ENERGY ASSISTANCE

For an additional amount for "Low Income Energy Assistance", $123,000,000.

(b) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of section 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981.

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Massachusetts (Mr. CONTE) for debate only, pending which I yield myself such time as I may require.

GENERAL LEAVE

Mr. Speaker, I ask unamimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, this resolution contains two items, that for the Commodity Credit Corporation to restore capital impairment, which passed the House yesterday, and that for the low income energy assistance appropriation which we also passed in the House yesterday.

I call attention to the fact that both of these bills, separate bills, passed by this House by an overwhelming majority. Both of these bills had the approval of the vast majority of the Members. While it would be an accommodation to the Congress, of course, to get these bills through as we now have them, what is of greater importance is that we carry out our commitments to many thousands of Americans at a time when these funds are badly needed and when the need is acute.

In adopting this resolution with the two parts, we will be doing that which is needed. We will be doing that which we promised.

URGENT COMMODITY CREDIT CORPORATION SUPPLEMENTAL

Mr. Speaker, as I pointed out yesterday when the House considered and passed my bill we have here a real acute emergency. We have a law which requires the Commodity Credit Corporation to make certain payments in connection with agricultural commodities. The price for agricultural commodities in the marketplace is so low that practically all of the agricultural producers have turned to CCC loans because the loan rates for some commodities are higher than the price they might receive in the marketplace.

As of today we have 233,000 agricultural producers who are entitled to payments at a time when they should start farming. These payments cannot be made unless this bill passes.

If CCC makes these payments, that is in violation of the law. If they fail to make the payments, that is also in violation of the law. So they are in trouble either way we wish to take it.

Mr. Speaker, this is an acute situation, the request to our committee was for an appropriation to increase borrowing authority by $5 billion. The Bureau of the Budget and the President sent down a request for $5 billion in supplemental appropriations. If we had gone along with that approach, this bill would have been open to any number of amendments. On the other side of the Capitol the number of amendments would have been unlimited because the temptation is there to have it end up as a Christmas tree. That could well delay greatly the payment of these moneys that are now due to these 233,000 agricultural producers.

So what we did, Mr. Speaker, in an effort to prevent the accumulation of a whole lot of amendments, which in turn might have prevented the payments that are due, we elected to restore $5 billion of capital impairment. The bill which I recommended and which passed yesterday only restored capital impairment.

PRIOR YEAR LOSSES

Our bill restores $252.6 million in unreimbursed fiscal year 1980 losses; $3,530.6 million in unreimbursed fiscal year 1981 losses; and losses for the first quarter and fiscal year 1982, $1,216.8 million; for a total of $5 billion.

So may I repeat again that we have the Commodity Credit Corporation charged on the one hand with making payments, and if they do not, they are in violation of the law, but if they make payments without the money, they are also in violation of the law. Therefore, their supplemental is absolutely urgent.

So I would say to the Members that it does nothing except provide $5 billion for restoration of capital impairment. It does not increase the authority of the Corporation in any way. It does not in any way affect, or is it affected by, the Poland situation, which is the subject of some media controversy. That problem is not even touched by this bill, neither top nor bottom.

So, Mr. Speaker, I say that in many cases where farming is ready to get going, where the need is acute, and where the law says they are entitled to it and the Corporation wants to pay it, we owe it to ourselves to restore the capital impairment now and not let this go any longer.

Therefore, I am pleased that the Senate accepted my resolution to restore the Commodity Credit funds without change. They did, however, couple the energy assistance bill, which we passed yesterday, with this resolution.

The action taken in the other body has simply combined into one bill the funds which the House approved yesterday in separate bills for the Commodity Credit Corporation and for low income energy assistance. With this year's extremely cold weather, there is an acute shortage of funds for assistance to many people in the major cities and elsewhere in the country. In response to this pressing need, both the House and the other body have moved rapidly to make additional funds available. This legislation will be described in greater detail in a few moments by the gentleman from Kentucky (Mr. NATCHER), chairman of the subcommittee which handles this bill, and by my good friend from Massachusetts (Mr. CONTE), the ranking minority member of both the full Appropriations Committee and the subcommittee which handles this bill.

89-059 O-85-3 (Pt. 2)

UNEMPLOYMENT COMPENSATION

Mr. Speaker, in addition to the action which has been taken today with regard to the Commodity Credit Corporation and low income energy assistance, I would also like to express my appreciation for the timely action which has just been completed in the Senate which accepts my resolution, passed by the House yesterday, providing urgently needed resources for unemployment compensation and employment services.

Mr. Speaker, I would hope that it might proceed to a vote without further debate, since it was debated fully, each of them, on yesterday.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur with my good friend, the chairman of the Appropriations Committee, the gentleman from Mississippi JAMIE WHITTEN, in regards to the urgency of this measure.

The one change in the CCC is that they have tacked on the $123 million supplemental which we passed yesterday on the emergency low income fuel that I so strongly support.

I do want to point out in all fairness to the House of Representatives that the House adopted the so-called Broyhill amendment yesterday and that was modified in the Senate. They allowed the part of the Broyhill amendment which prevents any transfers from the $123 million to other block grants and they also provided the provision in the Broyhill amendment which provides for no carrying on to fiscal year 1983 of low income fuel assistance money; however, they did remove the May 31 prohibition, thereby allowing HHS to obligate funds to States after May 31. That is the current law, Mr. Speaker. It merely brings this back down to where the current law is. We will watch it very closely as we pursue it in the ensuing months.

I urge all my colleagues to strongly support this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, in my discussions under my reservation to object to the unanimous-consent request, I misdescribed the Senate amendment to the bill. That amendment has now been correctly described by the distinguished gentleman from Massachusetts.

I am still very disappointed that we have not been able to preserve the data limitation of the Broyhill amendment.

In addition, Mr. Speaker, it is a matter of record from my remarks on yesterday that I do not support the low income energy assistance bill at all.

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I think it is well to point out that yesterday basically we had two bad bills. they have now been brought back to us as one bad bill that has some even worse provisions in it than the bill that we passed out of here in terms of low income energy assistance yesterday; so that people who were disturbed yesterday when we were passing bills that did not seem to speak to our problem of our banks financing the military government in Poland, and we are also concerned about $123 million worth of spending which the administration says it does not need, that the States have not asked for. I think that they have every reason to oppose this particular bill because it simply makes a bad situation worse.

Mr. CONTE. I want to thank the gentleman. Of course, everyone has the right to their own opinion; but 342 Members of this House yesterday thought that this low-income fuel assistance was a good bill and a needy bill and there are a lot of cold people out there waiting very anxiously today for the House to pass this on.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for his generosity.

Mr. Speaker, I spoke on this matter yesterday. I think the record is rather complete. It is my personal feeling, based on the facts as they were presented to the committee by the representatives of the Department of HHS that this additional $123 million is not needed, that we have one billion, seven hundred and some odd million dollars which has been appropriated to meet the needs of the poor people who are having trouble with their home heating.

This additional money actually could be obtained by any States that are finding a shortage of their supplies by transferring from other block grants, community services or whatever, social services, they could get money up to $200 million from those other block grants and fund their needs for the rest of this year in this area.

Unfortunately, or fortunately, they have not seen fit to do that. They have not seen fit to indicate to the Department of HHS that they need that money. In fact, there has been no request as of 4 or 5 days ago, no request to the Department of HHS for these additional funds.

I would simply point out to the membership here that we are in the state of a burgeoning economy. The demands, the needs of the Federal Government, are almost out of control. The politics of the day chastise the President and the administration for spending too much where it is not needed and not spending enough where it is. Here we have a positive situation where States have indicated they are not in need of these funds and yet we are throwing money at them.

□ 1520

I think that we make a mistake by providing funds where they are simply not needed. Seventeen States have actually transferred funds out of this particular account into other service areas. Those States include South Dakota and North Dakota, New York, areas which have been hardest hit by the cold weather this year.

If those States say they do not need the money, if no other States indicated they do need extra funds, why in the world are we supplying the additional $123 million that we are doing here today? We do not have the Broyhill amendment, which was tacked onto our version of the bill yesterday.

The SPEAKER. The time of the gentleman has expired.

Mr. CONTE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Louisiana.

The SPEAKER. The gentleman from Louisiana is recognized for 2 additional minutes.

Mr. LIVINGSTON. I thank the Speaker, and I thank the gentleman from Massachusetts, my distinguished leader in my committee.

We do not have the Broyhill amendment, which attempted to restrict the methods by which this money would be expended, and prohibit it from being expended unnecessarily. The Broyhill amendment was not complete in that effect. As was pointed out in the RECORD yesterday, and on the floor, it did not cover every angle, but it at least was a step in the right direction.

With this bill, we are unable to amend this particular provision that has come to us from the Senate. I think without the Broyhill amendment, this entire bill becomes even more defective.

Mr. Speaker, I would be happy to yield back.

Mr. CONTE. Mr. Speaker, I yield 3 additional minutes to the gentleman from Louisiana. I want to make a couple of points.

The gentleman mentioned 17 States have transferred money. That is not so. When the reconciliation bill was passed, there were 17 States, including New York, who put in their application that they would have the right of transferrability, but since then, as I said yesterday on the floor, and I do not want to repeat this whole debate, it has been the coldest winter of our century. There are 9 million people unemployed. The price of oil has gone

up by 12.7 percent. The price of gas has gone up by 20 percent.

Last year we appropriated about $1,850 million, and that is all we are doing. We are going back to last year's figure, compounded with all these problems, more unemployment, higher costs for oil, and a critically cold winter. Now the Broyhill amendment stays intact, except one provision, and that is the May 31 provision. They have taken out the May 31 provision, but the rest of the Broyhill provisions apply.

Mr. LIVINGSTON. Do I understand the provision of the Broyhill amendment which would restrict the ability of States to transfer this $123 million to other funds is still in this particular provision?

Mr. CONTE. Exactly right. I want to be very fair with the gentleman. It only applies to this $123 million, because that is all we are talking about. That provision still applies. The other provision that no carrying funds to the fiscal year 1983.

Mr. LIVINGSTON. I thank the gentleman.

Of course, in the colloquy between myself and the gentleman from North Carolina yesterday it was indicated that if a State should choose to transfer funds out of its current appropriations to other grants and then accept their portion of this $123 million they would be able to do that, and that was, of course, one of the reasons why I felt the Broyhill amendment was not restrictive enough.

But the gentleman is correct. No States, to the best of my knowledge, have already transferred funds from this block grant to other block grants, although 17 of them have indicated a desire they might do so.

In sum, the gentleman has made some valid points about the coldness of the winter. I simply reiterate what was told to us by representatives of the Department of HHS in committee, and has been verified by representatives of the Weather Service: that despite the fact we have had some extremely cold days, the number of cold days this year is only about 0.4 percent greater in number than they were last year, so the number of heating days has not been that excessive this year than it was last year.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I would be happy to yield to the gentleman from California.

Mr. ROUSSELOT. Do I understand by removing the date, this funding could be eligible for air-conditioning?

Mr. LIVINGSTON. It certainly would cause this money——

Mr. ROUSSELOT. Was that the original purpose of this program, for air-conditioning?

Mr. LIVINGSTON. I could not talk to the original purpose.

Mr. CONTE. Mr. Speaker, will the gentleman yield on that point?

Mr. LIVINGSTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I fought air-conditioning here on the floor. I remember 2 years ago we were home when I got a call from our counsel—BILL NATCHER will remember this—that they had a heat spell down in Texas. They wanted to transfer some money over to pay for some air-conditioning because the people were dying like flies down there because of the high humidity and the heat, and they wanted to be able to pay some of this for air-conditioning.

Mr. ROUSSELOT. So it is for air-conditioning.

Mr. CONTE. It could be used for that.

Mr. ROUSSELOT. Was that the original intention of this program?

□ 1527

Mr. CONTE. I just told the gentleman about the Texas situation.

Mr. JOHNSTON. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from North Carolina.

Mr. JOHNSTON. Mr. Speaker, I wonder if we are spending any time in looking into what the States are doing about spending this money wisely. I know that Mr. BROYHILL and I discovered that the State of North Carolina had written its regulations in such a manner that people living in dormitories were entitled to supplement fuel assistance. I have examined the dormitory returns for a number of colleges and universities, which the taxpayers of North Carolina are already subsidizing. It does not appear to me that there is any provision where the students of the various universities add any money to their dormitory rental because of the unusually cold winter.

But, oversight does not seem to be a matter of particular concern, whether the money is wisely spent. It is only money.

Mr. CONTE. Well, the gentleman from North Carolina is right, and I agree with him. We did correct that, and it did happen. He is absolutely right.

I just remembered again to point out to my good friend from California—he is my good friend—Mr. ROUSSELOT, that in 1981 we only spent $39 million on air-conditioning, and the emergency air-conditioning for the ill, the elderly, the nursing homes, was put into the reconciliation bill.

Mr. LIVINGSTON. I just have two additional points.

One is, of course, that this program in 1978, the total appropriation was $300 million. It has now arisen to approximately $1.8 billion. That is a significant increase, but in addition to that, I simply point out to the gentleman, this is another $123 million we are putting in this very expensive program, giving the States the opportunity to transfer in some capacity or another to other programs in hopes that they might circumvent the process of last year's budget. I think this is a dangerous precedent.

Mr. JOHNSTON. Mr. Speaker, I would also like to point out that the State of North Carolina is solvent and operates on a balanced budget. To my knowledge, this institution is not equally in the same shape.

Mr. CONTE. Mr. Speaker, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. NATCHER), chairman of the HHS Subcommittee, which conducted hearings on these items and reported them to the committee.

Mr. NATCHER. Mr. Speaker, the resolution currently before the House, House Joint Resolution 389, includes urgently needed funds for the Commodity Credit Corporation at the Department of Agriculture. These funds are important to farmers throughout this country. The speed with which our chairman, the gentleman from Mississippi, has moved this matter through the Congress is testimony both to the critical nature of this problem and to his legislative skills. The Senate has agreed with this need and passed House Joint Resolution 389 in its entirety. They have, however, added to it the funds approved yesterday by the House for low-income energy assistance in House Joint Resolution 392. This bill passed by a vote of 342 to 62. The $123 million included is identical to the amount provided by the House. The Senate amendment does, however, modify the so-called Broyhill amendment which limits the use of these funds.

Mr. Speaker, the only difference in the action of the other body and the action that we took yesterday on the Broyhill amendment is the date. The distinguished gentleman from Massachusetts (Mr. CONTE), the ranking minority member on our subcommittee, and I, together with the other members of the committee, agreed yesterday on the Broyhill amendment. The date of May 31 was dropped out by the Senate. That is the only change which they made this afternoon. As far as block grant transfers, it is in the Senate bill in the same form as passed the House. The other body has also agreed that this money cannot carry over until 1983 as provided by the House in the Broyhill amendment.

Mr. Speaker, every Member of this House knows that we are going through the most severe winter that we have experienced in the 20th century. Mr. Speaker, the gentleman from Louisiana (Mr. LIVINGSTON), has suggested that these funds are not necessary. Last year, the States used all but

$29 million of the $1,850 million available for energy assistance. The winter last year does not compare with the winter through which we are now passing I repeat. We had $1,850,000,000 in the bill last year; only $29 million of that money was carried over.

Mr. Speaker, we do not believe that one dime of the $1,875,000,000 which we are proposing for this year will be carried over at the conclusion of this fiscal year. We believe that on our subcommittee, on this side. Not one dime will be carried over. This $123 million is absolutely necessary and it is essential in all of the States that have experienced the severe winter we have had.

Mr. Speaker, this is one of the most important matters that have been brought before this House this year. The resolution as amended by the Senate should be approved.

Mr. WHITTEN. Mr. Speaker, I have no further requests for time.

Mr. CONTE. Mr. Speaker, I have no further requests for time.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 264, nays 62, not voting 108, as follows:

[Roll No. 8]

YEAS—264

Akaka	Chisholm	Dwyer
Alexander	Clausen	Dyson
Anderson	Clay	Eckart
Andrews	Clinger	Edgar
Anthony	Coats	Edwards (CA)
Applegate	Coelho	Edwards (OK)
Aspin	Coleman	Emerson
Atkinson	Collins (IL)	Emery
AuCoin	Conte	English
Bailey (PA)	Conyers	Erdahl
Barnes	Corcoran	Ertel
Bedell	Coughlin	Evans (DE)
Beilenson	Courter	Evans (GA)
Benedict	Coyne, James	Evans (IA)
Benjamin	Coyne, William	Fary
Bereuter	Crockett	Fascell
Bethune	D'Amours	Fazio
Bevill	Danielson	Fenwick
Bingham	Daub	Ferraro
Blanchard	de la Garza	Findley
Boggs	Deckard	Fithian
Boland	Dellums	Florio
Bonior	DeNardis	Foglietta
Bonker	Derrick	Ford (MI)
Bouquard	Dicks	Ford (TN)
Bowen	Dingell	Forsythe
Breaux	Dixon	Fountain
Brooks	Donnelly	Fowler
Brown (CA)	Dorgan	Frank
Burton, Phillip	Dougherty	Frost
Byron	Dowdy	Garcia
Carney	Downey	Gaydos
Chappie	Dunn	Gejdenson
Gephardt	Madigan	Rosenthal
Gilman	Marriott	Sawyer
Ginn	Martin (IL)	Scheuer
Glickman	Martin (NC)	Schneider
Gonzalez	Martin (NY)	Schroeder
Goodling	Matsui	Schumer
Gore	Mattox	Seiberling
Gray	McClory	Sensenbrenner
Green	McCurdy	Shamansky
Gregg	McDade	Shannon
Guarini	McHugh	Sharp
Gunderson	Mica	Simon
Hall, Ralph	Mikulski	Smith (IA)
Hall, Sam	Miller (CA)	Smith (NE)
Hamilton	Mineta	Smith (NJ)
Hance	Minish	Smith (PA)
Harkin	Mitchell (MD)	Snowe
Hatcher	Molinari	Solarz
Hawkins	Montgomery	Stangeland
Heckler	Moore	Stanton
Hefner	Morrison	Stark
Hertel	Murphy	Staton
Hightower	Natcher	Stenholm
Hiler	Neal	Stokes
Holland	Nelligan	Stratton
Hollenbeck	Nichols	Studds
Holt	Nowak	Synar
Hopkins	Oakar	Traxler
Howard	Oberstar	Trible
Hoyer	Obey	Udall
Huckaby	Ottinger	Vander Jagt
Hughes	Oxley	Vento
Hyde	Panetta	Volkmer
Jones (OK)	Parris	Washington
Jones (TN)	Pashayan	Watkins
Kastenmeier	Patman	Weber (MN)
Kazen	Patterson	Weiss
Kemp	Pease	White
Kennelly	Pepper	Whitley
Kildee	Perkins	Whittaker
Kindness	Petri	Whitten
Kogovsek	Peyser	Williams (OH)
LaFalce	Porter	Wilson
Lantos	Price	Winn
Leach	Pritchard	Wirth
Leath	Rahall	Wolf
Lee	Rangel	Wolpe
Lehman	Ratchford	Wortley
Levitas	Reuss	Wright
Long (LA)	Rhodes	Wyden
Long (MD)	Rinaldo	Yates
Lowry (WA)	Roberts (KS)	Young (AK)
Lujan	Roberts (SD)	Young (FL)
Luken	Rodino	Zablocki
Lundine	Roe	Zeferetti

NAYS—62

Archer	Gingrich	Moorhead
Bafalis	Gradison	Nelson
Bailey (MO)	Gramm	Paul
Bennett	Hammerschmidt	Ritter
Bliley	Hansen (ID)	Robinson
Brodhead	Hansen (UT)	Roemer
Brown (CO)	Hartnett	Roth
Broyhill	Hunter	Rousselot
Campbell	Ireland	Schulze
Chappell	Jenkins	Shaw
Cheney	Johnston	Shelby
Collins (TX)	Lagomarsino	Shumway
Conable	Lewis	Siljander
Crane, Philip	Livingston	Skeen
Daniel, R. W.	Loeffler	Smith (OR)
Dannemeyer	Lott	Snyder
Dreier	Lowery (CA)	Stump
Fiedler	Lungren	Taylor
Fields	McCollum	Thomas
Frenzel	Michel	Walker
Fuqua	Miller (OH)	

NOT VOTING—108

Addabbo	Butler	Evans (IN)
Albosta	Carman	Fish
Annunzio	Craig	Flippo
Ashbrook	Crane, Daniel	Foley
Badham	Daniel, Dan	Gibbons
Barnard	Daschle	Goldwater
Beard	Davis	Grisham
Biaggi	Derwinski	Hagedorn
Bolling	Dickinson	Hall (OH)
Boner	Dornan	Heftel
Brinkley	Duncan	Hendon
Broomfield	Dymally	Hillis
Brown (OH)	Early	Horton
Burgener	Edwards (AL)	Hubbard
Burton, John	Erlenborn	Hutto
Jacobs	Moffett	Santini
Jeffords	Mollohan	Savage
Jeffries	Mottl	Shuster
Jones (NC)	Murtha	Skelton
Kramer	Myers	Smith (AL)
Latta	Napier	Solomon
LeBoutillier	O'Brien	Spence
Leland	Pickle	St Germain
Lent	Pursell	Swift
Markey	Quillen	Tauke
Marks	Railsback	Tauzin
Marlenee	Regula	Walgren
Mavroules	Richmond	Wampler
Mazzoli	Rogers	Waxman
McCloskey	Rose	Weaver
McDonald	Rostenkowski	Weber (OH)
McEwen	Roukema	Whitehurst
McGrath	Roybal	Williams (MT)
McKinney	Rudd	Wylie
Mitchell (NY)	Russo	Yatron
Moakley	Sabo	Young (MO)

□ 1550

Mr. BAILEY of Missouri changed his vote from "yea" to "nay."

Mr. PARRIS changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that he is awaiting a message from the Senate and will take unanimous-consent requests.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for the purpose of inquiring of the acting majority leader the program for the balance of this day and what might be in prospect as we reconvene following the traditional Lincoln Day recess.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from California.

Mr. DANIELSON. As the distinguished minority leader knows, at the conclusion of our pending business the House will adjourn for the rest of this week. There is no further legislative work during this week.

We did pass an adjournment resolution earlier to adjourn following today and come back on Tuesday next. In the other body, in the wisdom of their consultations, they have decided that we should continue over until the Monday of the week after next, which I believe is the 22d day of February.

Mr. MICHEL. I thank the distinguished gentleman. I think for those Members who are not listening, they ought to be well advised that they have several other days now in this

recess period, whether they were listening or not. Monday the 22d is the day on which we will reconvene.

Having said that, officially for the House, I think for the protection of other Members whose committees do meet, and I am thinking particularly of the Budget Committee, there may very well be other committees that will be meeting next week, that those committees obviously will be pursuing their regular course of action but officially, so far as official meetings of this body, we will not have to be back until the 22d.

Mr. DANIELSON. I thank the gentleman for those comments. What he is saying is, of course, well known. That is, the bulk of the work of the Congress is done in committees which meet diligently at all times. There will be no floor sessions next week.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to my friend from Ohio.

Mr. SEIBERLING. I regret very much this decision was made without apparently any notice or consultation with the various committee chairmen who have scheduled hearings on the budget and other matters. We all know the realities are such that if the House is not going to be in session it is going to be very difficult to get many Members to come back for the last 2 or 3 days of next week to attend committee hearings. Yet, if they do not we are going to be in a real bind in terms of scheduling for the next week following. The budget deadlines have a habit of creeping up on us and I think this is a very unfortunate development for that reason.

Mr. MICHEL. If I might respond to the gentleman, the Speaker advised me earlier in the day, during one of our conversations, that there was no official business scheduled for consideration of the House; in view of that, would I, so far as my responsibility was concerned, be amenable to taking the action that has just been pursued. I said so far as I was concerned I was agreeable but, naturally, there would be those committees that would be meeting. I do not suspect that they would be canceling those committee sessions.

Mr. SEIBERLING. I realize the gentleman from Illinois cannot be deemed responsible for this result. I merely am putting on the record what I consider to be a problem that it will give rise to. I thank the gentleman.

Mr. DANIELSON. I thank the gentleman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 10, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is to inform you that I have made the necessary determinations pursuant to paragraph 3 of House Rule L (50) of the Rules of the House in connection with a subpoena served upon an employee in my office, notification of which was laid before the House on February 8, 1982.

It is my determination that compliance is consistent with the requirements of Rule L (50).

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

THE EXIMBANK AND GOVERNMENT IN THE SUNSHINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 10 minutes.

● Mr. NEAL. Mr. Speaker, on September 30, 1981, the Washington Post printed an article on the Sunshine Act. The Sunshine Act "requires some (but not all) of those who govern to do so in public." There are 10 reasons that an agency may use to close its meetings, including trade secrets and discussion of "currencies, securities, commodities or financial institutions."

Common Cause did a study on how well agencies complied with the Sunshine Act. The Export-Import Bank ranked at the bottom of the list of 26 agencies, with no open meetings of its Board of Directors.

As chairman of the Subcommittee on International Trade, Investment and Monetary Policy, which has jurisdiction over the Export-Import Bank, I have requested the Export-Import Bank to explain why it closes its Board meetings. My letter and Exim's response follow:

WASHINGTON, D.C.,
October 19, 1981.

Mr. WILLIAM H. DRAPER III,
Chairman, Board of Directors, The Export-Import Bank, Washington, D.C.

DEAR MR. CHAIRMAN: The Washington Post, in its "Federal Report" of September 30, 1981, printed an article on the Sunshine Act. This article discussed the rules and regulations which govern the openness of Federal Agency meetings. Good arguments were presented for both open and closed sessions.

I realize that discussion of pending applications for export credit financing may raise sensitive issues, and that exporters have a legitimate concern for the confidentiality of the information they provide. However, I was surprised to note that Exim ranked at the bottom with no open meetings whatsoever. The Subcommittee would appreciate a letter from Exim's Board clarifying its reasons for closing all its meetings.

Sincerely,

STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., November 9, 1981.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In your letter of October 19, you have requested an explanation of why Eximbank has not opened meetings of the Board of Directors to the public.

As you know, Eximbank is headed by a collegial body—the Board of Directors—and the Government in the Sunshine Act (the Act) provides for meetings of such bodies to be open to the public unless the information to be discussed at them falls within certain exemptions. The exemption which is most relevant to the meetings of the Board is Section (c)(4) which permits an agency to close its meetings when the items to be discussed at them relate to "trade secrets and commercial or financial information obtained from a person and privileged or confidential." In addition, if a majority of an agency's meetings will be closed because the information disclosed will fall within that category, the agency may be able to close all of the meetings of its collegial body by regulation and use an expedited procedure for giving notice. This is, in fact, what Eximbank has done in its regulations which are published in the Code of Federal Regulations (12 C.F.R. Part 407).

Other exemptions which are relevant to meetings of the Board of Directors include those relating to classified materials, personnel matters, reports from agencies regulating financial institutions, materials which if disclosed would be likely to significantly frustrate implementation of an agency action and materials arising in connection with litigation.

I would like to explain briefly the use Eximbank makes of information submitted to us, why we believe that such information falls within the scope of the exemption set forth in Section (c)(4) and other exemptions of the Act and why the public remains adequately informed despite the fact that Board meetings are closed to the public.

USE OF INFORMATION SUBMITTED TO EXIMBANK

As you know, Eximbank's basic statutory responsibility is "to aid in financing and to facilitate exports and imports and the exchange of commodities. . . ." This mandate is implemented by the Board of Directors which considers individual export transactions at its meetings. Any financial assistance to be provided by the Bank must be ". . . for specific purposes"—i.e., for individual transactions involving the export of U.S. goods and services. Additional statutory provisions require that every transaction shall "in the judgment of the Board of Directors, offer reasonable assurance of repayment" and that "in authorizing any loan or guarantee, the Board of Directors . . . take into account any serious adverse effect of such loan or guarantee on the competitive position of United States industry, the availability of materials which are in short supply in the United States, and employment in the United States. . . ."

During the Board meetings, the staff makes an oral presentation regarding each transaction. In addition, the members of the Board and the staff have before them a memorandum for each item on the agenda being considered by the Board. Both the data and the conclusions contained in them

are discussed by Board and staff members. Additional data are often revealed by staff in response to questions by Board members on the proposed transaction.

Board memoranda are prepared by the Eximbank staff of loan officers, engineers, economists and lawyers. In doing so, the Eximbank staff draws upon data supplied by U.S. manufacturers, exporters, service organizations, engineering firms, financial institutions, foreign borrowers and guarantors, and foreign central banks and ministries. This information is set forth in the memoranda along with the staff's analysis of the creditworthiness of the project, the borrower, the guarantor and the country in which the project is located.

INFORMATION DISCUSSED AT BOARD MEETINGS FALLS WITHIN THE SCOPE OF SECTION (C)(4) OF THE GOVERNMENT IN THE SUNSHINE ACT

The wording of this section is the same as that of Exemption 4 of the Freedom of Information Act, (5 U.S.C. 552(b)(4) (the FOIA). The Conference Report to the Act indicates that Section (c)(4) is intended to be read in the same way as Exemption 4 of the FOIA. See Senate Report No. 94-1178, 94th Cong. 2d Sess., August 27, 1976 at p. 15.

The leading decision interpreting the scope of Exemption 4 of the FOIA is *National Parks and Conservation Association* v. *Morton*, 498 F.2d 765 (D.C. Cir. 1974) which establishes the following tests for determining whether information is within the exemption and therefore is not required to be disclosed. The information has to be of the type that its disclosure would either (1) impair the Government's ability to obtain necessary information in the future or (2) cause substantial harm to the competitive position of the person from whom the information was obtained.

Another test is set forth in *Comstock International (U.S.A.) Inc.* v. *Export-Import Bank of the United States*, 464 F. Supp. 804 (D.D.C. February 7, 1979) in which the court stated that information may be withheld if disclosure of the information would impair the effectiveness of the agency's programs.

At the Board meetings, the Board and staff discuss business and financial information which has been submitted in confidence to Eximbank and is not customarily made public by commercial banking institutions. This information includes detailed finanoial data on the foreign borrower, which is frequently a private company, as well as on the foreign guarantor, which is often a commercial bank or private company; credit information obtained from third-party sources; financial and economic data on the country in which the borrower and the project are located; and technical data drawn from feasibility studies and other documents furnished by the applicant on the project itself.

Disclosure of much of the information discussed at Board meetings on individual transactions could clearly cause substantial injury to private borrowers and guarantors. The data submitted by them on their financial condition in support of applications for Eximbank financing are not available to the public and if disclosed during Board meetings, would be used by competitors to the detriment of the entities supplying the data.

Eximbank closely monitors the economic and financial condition of foreign countries to determine their creditworthiness in order to protect Eximbank's current and potential exposure in each country. Information on the foreign country's balance of payments, trade account, capital account, reserve account and budget allocations is disclosed at Board meetings. Such information is obtained from officials of central banks and ministries of finance of foreign countries on the understanding that it not be disseminated outside Eximbank. This information is often of a preliminary unpublished nature but is significant in determining the creditworthiness of individual countries. If this type of data were to be revealed by Eximbank, such foreign governments would not make similar data available to Eximbank in the future. Moreover, since other export credit instrumentalities receive such data, failure to obtain them would significantly impair Eximbank's ability to compete with these other export credit agencies and thus, impair the effectiveness of Eximbank's programs.

The Board and staff discuss information relating to the financial aspects of a new project or new procurement for an existing project. This information often includes pricing data, projected cash flows, capital costs breakdown and the like, the disclosure of which would be valuable to competitors and thus adversely affect the competitive position of the suppliers of such information. Discussions also focus on data pertaining to the technical feasibility of such projects. These data include the construction schedule, technical process description, availability of raw materials and petroleum and mineral reserve data, which if disclosed to a competitor would result in serious business injury to the borrower.

THE PUBLIC REMAINS INFORMED

In compliance with the Act, a notice announcing the time, date, place and agenda of each meeting is posted in the Office of the Secretary at the earliest practicable time, normally three business days prior to the meeting. Notices of rescheduled meetings, special meetings or additions or deletions to the agenda are posted as soon as practicable following the decision to have the meeting or make the change. The certification of the General Counsel that a meeting may properly be closed to the public, and citing the exemption for this determination, is posted along with the notice of meeting. Tape recordings are made of the complete proceedings of each meeting. If a written request for access to such tapes is received, Eximbank will promptly review the tapes and release the non-exempt portions. Furthermore, minutes are kept of every Board meeting and are available for public inspection.

Sincerely,

WILLIAM H. DRAPER III.●

H.R. 5511 TO AMEND THE DEFENSE APPROPRIATIONS "BUY AMERICAN" PROVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. COLLINS) is recognized for 5 minutes.

● Mrs. COLLINS of Illinois. Mr. Speaker, today, I introduced H.R. 5511, to close a growing loophole in the "buy American" provision of the 1982 Defense Appropriations Act. As a result of this loophole, thousands of U.S. jobs are being jeopardized in the food packaging industry.

The Department of Defense (DOD) is in the process of replacing traditional canned food "C" rations used by our armed services with a new form of combat field ration contained in a lightweight, flexible, "retort" pouch. Consistent with the "buy American" provisions of the DOD Appropriations Act which have been in effect since 1939, DOD has traditionally restricted all phases of combat rations procurement to firms operating in the United States or its possessions. Recently, however, DOD has overruled its own Defense Personnel Support Center and permitted the subcontracting of retort packaging to a foreign company. DOD takes the position that the language of the "buy American" provision applies only to food "grown" and "processed" in the United States but does not specifically apply to "packaging." The General Accounting Office has reviewed the legislative history of this provision and finds it inconclusive with respect to this issue.

I believe that there are compelling national security as well as economic reasons for clarifying the "buy American" provision of the DOD Appropriations Act to include food packaging. In the event of a military mobilization, DOD estimates that it would require approximately 18.9 million cases of combat rations for the first 6 months and 5.4 million cases per month thereafter. A shortfall in combat rations could leave the military in a critical situation if forced to mobilize. It should be obvious that it is in the national interest to develop and maintain facilities for all phases of combat ration production on U.S. soil.●

PUERTO RICO CENSUS CANCELLATION IS WRONG

(Mr. GARCIA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GARCIA. Mr. Speaker, last fall, the administration proposed eliminating the census of agriculture for the Nation including Puerto Rico and outlying areas.

At the time, I feared the administration's real target was the census of agriculture in Puerto Rico, which the Bureau of Census characterized in budget documents submitted to the Commerce Department and OMB as the sole source of agriculture data for the island.

Well, Mr. Speaker, it seems my initial fears were well founded because the administration has dropped this census from its fiscal year 1983 budget. The administration's actions ignore the fact that this census has been taken in Puerto Rico since 1910. Moreover, they fail to understand the utility of this data to Puerto Rico's business and agricultural community.

Fortunately, Mr. Speaker, this compelling need for the data is documented in hearings the Subcommittee on Census and Population, which I chair, held in Puerto Rico in December fol-

lowing 3 full days of meetings with Commonwealth officials and agriculture producers.

The subcommittee obtained a cross-section of views from inside and outside of Government on the usefulness of the data.

As a result of these meetings and on the basis of the testimony presented at the hearing, I believe the administration has grievously erred in canceling this census for Puerto Rico.

Accordingly, I urge my colleagues to restore funding for this important data series.

A MARSHALL PLAN FOR AMERICAN INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BLANCHARD) is recognized for 5 minutes.

Mr. BLANCHARD. Mr. Speaker, what this country really needs is a Marshall plan. Yes, a Marshall plan to rebuild American industry.

But that would take a lot of time and a lot of money. There is an old saying, "Given enough time and money, you can solve any problem." That may be true, but we do not have either.

Meanwhile, American industry is growing old. Our industrial base is literally antiquated, obsolete, and, in many cases, bankrupt. Hurt the most are small- and medium-sized businesses, those companies that provide most of the jobs in America—the very same companies which form the hard core or heart of if you will—something we call the U.S. defense industrial base.

Our machine tools, for example, are typically 25 to 27 years old. How can we expect to compete with the West Germans, whose machine tools average 15 years in age, and probably more importantly with the Japanese, whose machine tools are only 10 years or less? Even in our high-growth, high-technology industries we are being vigorously challenged.

The result of this is a higher cost for the myriad of items from very sophisticated components right down to the simple nuts and bolts. Sole sources are becoming distressingly commonplace.

Many items are simply not being made in America any more. The U.S. dependency on foreign sources for fasteners, castings, forgings, optical equipment, and other basic parts is nothing less than shocking.

The situation I am describing has been documented in detail as part of 27 days of hearings, involving more than 125 witnesses, before the House Subcommittee on Economic Stabilization. I have the honor to be chairman of that subcommittee. The situation also has been examined in many hearings before the House Committee on Armed Services, the Joint Economic Committee and other congressional units.

The Subcommittee on Economic Stabilization has a responsibility—indeed a duty—to do something to help remedy the problem. That responsibility is vested in our exclusive legislative jurisdiction over the Defense Production Act of 1950.

Therefore, today, I am introducing a series of major amendments to the Defense Production Act to strengthen the domestic capability and capacity of the industrial base. This is a totally bipartisan action. Joining me as the chief cosponsor is the gentleman from Connecticut (Mr. MCKINNEY). The legislation was jointly drafted by Democratic and Republican staff. This is an all-American problem needing an all-American solution.

The bill, entitled "The Defense Industrial Base Revitalization Act," attacks the problem on three key fronts.

First, the modernization of equipment and plant. Here we intend to help not the big corporations who serve as prime contractors. Instead, the assistance under the bill would be targeted to high-priority subcontractors and suppliers—businesses that do not have tax advantages or cannot use them. These are mostly small- and medium-sized businesses, who run their financial affairs much in the same way most American families do. That is, they go out and borrow money—from their neighborhood banker. They depend on credit to purchase new equipment. They compete for that credit with highly profitable service industries such as fast-food outlets and retailers selling blue jeans. In many cases, it is not a difficult choice for the banker to decide between financial statements showing a constant booming market and the small machine shop or foundry with lots of ups and downs and the lack of a clearly defined near-term market. This legislation will enable these businesses, through financial incentives such as loan guarantees, direct loans, price guarantees, and purchase agreements, to get the capital they need.

Clearly, there is not enough money to help everybody. Therefore, this would be, in a sense, a competition. The administration is currently developing a priority ranking of industries most important to defense, including the most problem ridden in terms of capability and capacity.

The legislation requires a constant priority assessment of those industries which are necessary to the manufacture or supply of national defense materials required for national security, or are likely to be required in time of emergency or war.

Within those priority categories, our legislation would mandate special preference to those companies that come up with plans showing unusual promise in boosting productivity, improving quality, developing new processes, and reducing our reliance on foreign imports. This would not be dependent on whether or not they are currently performing defense contracts. The winners would be those companies willing to accept the full challenges and risks of industrial modernization.

Mr. Speaker, a second major objective of this bill is to help provide the skilled labor and professionals to cope with existing and anticipated manpower shortages in our defense industrial base.

The legislation would direct the President to launch programs to fill these needs in high priority industries. The Defense Department already has identified 73 of these critical skills.

In regard to skilled labor, we would propose a cost-sharing program with State vocational education boards working closely with industry, labor, and with educational institutions of the States.

The emphasis would be on training, retraining, and upgrading skills to operate new equipment and plant in high-priority industries of the defense industrial base. In this program, the idea would be to fill existing vacancies and to meet projected critical skill manpower needs.

This is not a social program. We simply must provide the means to train people for the critical skills needed in any defense buildup. For example, the typical age of a skilled machinist today is 58, and in a few years more than half of these people will retire.

In many of our industrial centers today, you will see columns of help wanted ads seeking highly skilled labor. Although there are plenty of people seeking jobs, they do not have the necessary skills.

Yet we have thousands of men and women currently out of work in depressed industries. Many of these people could be retrained or have their existing skills upgraded for job opportunities available right now and those that will be available in the near future.

On the professional side, there are serious shortages of scientific and technical personnel in the fields of engineering, computer sciences, and many other disciplines. Our colleges and universities are hard pressed to retain younger faculty members to teach and they find it difficult to encourage students to continue their studies for higher degrees in light of high salaries from industry.

One of the major problems for our colleges and universities is the purchase of modern laboratory and other equipment to train these students and provide them with the means to do research. Much of the equipment is out of date—literally 15 years or more behind the times in a number of cases. So we are frequently producing professionals who are ill equipped to match

the competition we are receiving from Japan, West Germany, and other industrialized nations. This situation must be remedied.

What we propose to help this effort is a program of assistance in the form of matching grants for new and modern equipment in university schools of engineering and other scientific and technical disciplines needed for high-priority tasks in our defense industrial base.

The legislation introduced today has a third major objective. It would direct the President to develop greater domestic capability and capacity to produce critical and strategic materials, especially where U.S. dependence is large and overseas sources are unstable or even unfriendly.

The proposed program also would emphasize recycling scrap, improving extraction and processing, and the development of substitutes and other advanced materials technologies. The objective would be greater independence or insurance from possible cutoffs, shortages, and cartel-like price increases. These are all threats within the realm of real possibility.

Experts in both the last and current administrations have emphasized the need to develop domestic sources for such key materials as cobalt, titanium, aluminum, natural rubber, and a number of other strategic and critical materials. If you can believe it, the Soviet Union is one of the primary sources for certain key minerals needed by the U.S. defense effort, especially military aircraft.

There is serious concern regarding this Nation's minerals import dependency. Our industrial health is dependent upon an uninterrupted supply of a variety of materials. Some of the most vital of these materials are imported in excess of 86 percent annually, according to the Bureau of Mines data for 1980.

For example, we are 100 percent import dependent on our supply of columbium, an essential element in superalloys used in jet and turbine engines. In the case of bauxite and alumina, the raw materials needed to make aluminum, which is of particular importance to the transportation industry, the U.S. imports 94 percent of its needed supply. We rely on imports for 97 percent of our manganese, whose deoxidizing, desulfurizing, and conditioning properties are critical for the steel industry; 93 percent of our cobalt, which has several uses, most attractive of which is cobalt's ability to withstand high temperatures; and 91 percent of our chromium which is used as an alloy to increase hardness and impact strength in steel as well as making steel more versatile. The platinum group metals, palladium, rhodium, iridium, ruthenium, and osmium, and tantalum are also included in the list of critical materials upon which we are import dependent, 87 percent and 97 percent, respectively.

We need to develop more domestic sources and substitutes, conserve more in their use, recycle where possible and thus keep additional dollars at home while creating new jobs and saving energy.

Mr. Speaker, we have a record defense budget. This legislation allows us to spend those dollars more productively and efficiently. By addressing the problems of our defense infrastructure—aging tools and machinery and critical manpower shortages—the bill seeks to eliminate greater defense expenditures and waste.

A strong America must be prepared to respond to any challenges. We have learned the hard way that a modern strong industrial production base is absolutely essential. The only way we won World War II was that America was able to produce weapons faster than the enemy could destroy them.

The lesson here is that weapons mean nothing unless you can manufacture their components, spare parts, and replace them. This absolutely requires a vigorous industrial base with a good supply of the right materials, and perhaps most important of all, highly skilled men and women who can out produce any people in the world.

I know the sum and substance of what I have said here is a fact. It is also an enormous challenge. What is needed is action to meet that challenge—action, now.

We believe the program we propose will not only strengthen our defense industrial base but all of U.S. industry, because they are virtually one and the same. Older industrial States which would have to make a major contribution to defense preparedness, could not only reinvest in unused industrial capacity, but expand capability to diversify their economies.

Let us put people back to work—improving their productivity, making better quality products and regaining our competitive position in world trade.

In this case, Government can help to create a market. The same industries mondernized under this legislation and the same workers trained for highly skilled jobs will produce not only needed defense items but also those for a vibrant peaceful economy.

The section-by-section summary of the bill follows:

SECTION-BY-SECTION SUMMARY

Sec. 1 states the title of the bill to be the "Defense Industrial Base Revitalization Act."

Sec. 2 amends Title III of the Defense Production Act of 1950 by adding a new section 303A.

Subsection (a) specifies the purpose of new section 303A to be the strengthening of domestic capability and capacity of the nation's defense industrial base.

Subsection (b) directs the President to act immediately to provide financial assistance for the modernization of United States industries which are necessary, or may be necessary in the event of emergency or war, to the manufacture or supply of national defense materials. Such assistance may be in the form of loan guarantees, direct loans, purchase agreements or price guarantees. The subsection limits such assistance to small- and medium-sized businesses as defined by the Department of Commerce. Larger entities may receive assistance only if the President formally notifies Congress that the national interest requires such an exception to the limitation.

Subsection (c) directs the Secretary of Defense, in consultation with the Secretary of Commerce, to specify immediately which industries should be given priority for financial assistance, and to update the list of priority industries every six months. In addition, the Secretary of Defense is required, in consultation with the Secretary of Commerce, to specify the type and extent of financial assistance for each priority industry, and to indicate which businesses within the priority industries should be given preference because their modernization proposals offer the greatest prospects for productivity and quality improvement, and for a reduction in import reliance for materials.

Subsection (d) directs the President to provide financial assistance in the form of loan guarantees, loans, purchase agreements or price guarantees, for the expansion of the domestic capability and capacity to produce or process strategic minerals, metals, and materials.

In addition to existing production and processing techniques, this expansion is to include methods and techniques for conservation and recycling of, and substitution for, strategic minerals, metals and materials, as well as processes which will lead to a lessening or elimination of the need for traditional forms of strategic minerals, metals and materials.

This subsection requires that the Secretaries of Defense, Commerce, and Interior, and the Director of the Federal Emergency Management Agency, be consulted in carrying out the strategic minerals, metals and materials expansion program.

Subsection (e) requires that financial assistance for the defense industrial base priority industries program of subsection (b) and the strategic and critical minerals, metals and materials program of subsection (d) be provided on the basis of proposals submitted in response to public solicitations. The first such solicitation must be issued within 90 days of the enactment of new section 303A.

Subsection (f) establishes the price guarantee financial assistance mechanism available under subsections (b) and (d) in connection with purchase agreements. It requires that purchase agreements must include the Government's right to refuse delivery of the materials ordered, and if the market price of the materials, as determined by the Secretary of Commerce, is lower than the contract price, the Government must pay the price difference.

Subsection (g) authorizes the appropriation of $1,000,000,000 per year for each of fiscal years 1983, 1984, 1985, 1986 and 1987, with appropriated funds to remain available until expended, for carrying out the priority industries and strategic minerals, metals, and materials expansion programs of section 303A. This subsection authorizes contingent liability financial incentives (loans,

loan guarantees and price guarantees) to be leveraged through use of Treasury borrowing authority, and based on estimated ultimate net costs of contracts to the Government. The estimated ultimate net costs may not exceed amounts appropriated by Congress. Ultimate net costs are to be estimated on the basis of experience of actual costs of these forms of financial incentives which have been utilized under the Defense Production Act. If the total estimated ultimate net costs do exceed appropriations, the necessary additional sums are authorized to be made available from unobligated funds appropriated to the Department of Defense or from Congressionally approved rescissions of Department of Defense appropriations.

Subsection (h) directs the President to establish and implement a five-year national program to train workers in skills which are necessary in the priority industries identified in subsections (b) and (c) and in the strategic and critical minerals, metals, and materials expansion program of subsection (d), and for which skills there is, or is anticipated to be, a shortage.

Financial assistance for the program is in the form of annual grants, provided on a shared cost basis to State boards of vocational education. A grant may be extended to a State board only after the State involved has submitted a five-year plan, certified by the Governor of the State and approved by the President, for carrying out a skills training program. In addition, in each year of the plan the State is required to provide a share of the cost for that year, on the following schedule: In the first year, 10 percent of that year's cost, with 90 percent provided by the Government; in the second year, 20 percent from the State, 80 percent for the Government; in the third year, 30 percent from the State, 70 percent from the Government; in the fourth year, 40 percent from the State, 60 percent from the Govenment; and in the fifth year, 50 percent each from the State and the Government. The State's share may come from public or private sources, and may include "in kind" contributions of equipment, facilities, personnel or services.

Other requirements of a State's skills training plan are that it be developed in consultation with workers and managment of involved industries and with the State's educational institutions, that it include in addition to skills training, upgrading skills of already trained workers, and retraining in the necessary skills of workers in industries which are depressed. A plan must also include programs of training in workplaces.

The subsection requires that the President take action on a State plan, based on recommendations of the Secretaries of Defense, Labor and Education, within 90 days of receipt of the plan.

The subsection permits the Federal grant assistance to be used for purchase and installation of equipment for training purposes, but requires that such equipment be purchased through competitive bids. Authority to install Government-owned equipment in private "industrial facilities" contained in section 303(e) of the Defense Production Act is extended to vocational schools and other worker training locations which are part of this program.

Funds authorized to be appropriated to carry out the subsection (h) skills training program are $250,000,000 in each of fiscal years 1983 through 1987, and are authorized to remain available until expended.

Subsection (i) directs the President to begin immediately to develop and implement a program of grants to institutions of higher education for obtaining and installing modern equipment for training professional, scientific, and technical personnel needed in the priority industries identified under subsections (b) and (c), and in the strategic and critical minerals, metals and materials expansion program of subsection (d). A grant under this subsection may cover not more than half of the cost of obtaining and installing the equipment involved, and is to be awarded on the basis of an application submitted by the institution of higher education which certifies the cost of the purchase and installation of the equipment. Such equipment must be purchased by competitive bid. Section 303(e) Defense Production Act authority to install Government-owned equipment in private facilities is extended to include colleges, universities and other institutions of higher education.

Funds authorized to be appropriated for the subsection (i) program are $100,000,000 in each of fiscal years 1983 through 1987, and are to remain available until expended.

Subsection (j) requires that equipment or plant financed through any of the programs of Section 303A must be of United States origin. The only exception to this requirement is when the Secretary of Commerce determines, in writing, that the U.S. origin-plant or equipment is unavailable and not practicable to obtain.

Subsection (k) requires the Comptroller General of the United States to monitor and audit the programs of Section 303A, and to report his findings to the Congress each year at the beginning of a session of Congress.

Subsection (l) contains definitions of terms used in Section 303A. The terms "State" and "United States" each include, in addition to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

Section 2 amends various sections of the Defense Production Act of 1950, as follows:

Subsection (a) amends the language of the Declaration of Policy to bring the purpose of the Act in keeping with present-day national defense and national security needs. In particular, the amendment calls upon executive agencies and departments to assess continuously the capability of the defense industrial base to satisfy both near-term and increased mobilization production requirements.

Subsection (b) amends the loan guarantee authorizing section of the Defense Production Act (section 301) by increasing the threshold amount beyond which individual loan guarantee amounts must be submitted to Congress from $38,000,000 to $50,000,000. The subsection also amends the Congressional review procedure for loan guarantees beyond the threshold amount by shortening the review period from 60 to 30 days of continuous session, and provides for an expedited approval for such loan guarantees through a concurrent resolution of both Houses of Congress.

Subsection (c) amends the direct loan section of the Defense Production Act (section 302) by reducing the Congressional review period for loans over the threshold amount from 60 days to 30 days of continuous session, and provides for an expedited approval for such loans through a concurrent resolution of both Houses of Congress.

Subsection (d) would extend the termination date of the authorities of the Defense Production Act from September 30, 1982, to September 30, 1987.

Subsection (e) would repeal section 720 of the Defense Production Act, the National Commission on Supplies and Shortages, the authority for which was terminated in 1977.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 268. Concurrent resolution providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 64. Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States.

□ 1610

MESSAGE FROM THE SENATE

The SPEAKER pro tempore (Mr. OBEY). The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 268) entitled "Concurrent resolution providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982," do pass with the following amendments:

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "Wednesday, February 17, 1982," and insert "Monday, February 22, 1982,".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from February 10 to February 22, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982.".

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. BLANCHARD. Mr Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, February 22, 1982, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAILSBACK (at the request of Mr. MICHEL), for today, after 1:30 p.m., on account of official business.

Mr. JACOBS, for today, on account of district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARTIN of New York) to revise and extend their remarks and include extraneous material:)

Mr. JEFFORDS, for 5 minutes, today.

Mr. LEACH, for 30 minutes, today.

Mr. MCCLORY, for 20 minutes, today.

Mr. MCKINNEY, for 10 minutes, today.

Mr. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. BARNES, for 15 minutes, today.

Mr. ALEXANDER, for 15 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. BLANCHARD, for 5 minutes, today.

(The following Members (at the request of Mrs. BOGGS) and to include extraneous matter:)

Mr. NEAL, for 10 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mr. LOWERY of California.

Mr. GILMAN in two instances.

Mr. MCCLORY.

Mr. DORNAN of California.

Mr. DENARDIS.

Mr. EVANS of Iowa.

Mr. WHITTAKER.

Mr. HOLLENBECK.

Mr. LAGOMARSINO in two instances.

Mr. LEE.

Mr. KEMP.

Mr. NELLIGAN.

Mr. EVANS of Delaware in two instances.

Mr. MARTIN of North Carolina.

Mr. FIELDS.

Mr. WOLF.

Mr. MICHEL.

Mr. LIVINGSTON in two instances.

Mr. STANGELAND.

Mr. PHILIP M. CRANE.

Mr. TRIBLE.

Mr. RINALDO.

Mr. SMITH of New Jersey.

Mr. DOUGHERTY in two instances.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. BARNES.

Mr. OTTINGER in four instances.

Mr. SWIFT.

Mr. LEVITAS.

Mr. STARK.

Mr. MARKEY.

Mr. DYSON in 10 instances.

Mr. STOKES in four instances.

Mr. HAMILTON.

Mr. SKELTON in two instances.

Mr. MAVROULES.

Mr. ZABLOCKI.

Mr. BAILEY of Pennsylvania.

Mr. BEDELL.

Mr. GEJDENSON.

Mr. HALL of Ohio.

Mr. MAZZOLI.

Mr. PERKINS.

Mr. FOGLIETTA.

Mr. AUCOIN.

Mr. MURPHY.

Mr. FLORIO.

Mr. AKAKA.

Ms. OAKAR.

Mr. WEISS.

Mr. SOLARZ in two instances.

Mr. APPLEGATE.

Mr. FOLEY.

Mr. STUDDS.

Mr. MCDONALD in five instances.

Mr. EDGAR.

Mr. NATCHER.

Mr. GAYDOS.

Mr. GARCIA.

Ms. FERRARO.

Mr. SIMON in two instances.

Mr. IRELAND.

Mr. WASHINGTON.

Mr. SANTINI.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 64. Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States; to the Committee on Public Works.

ADJOURNMENT TO MONDAY, FEBRUARY 22, 1982

Mr. BAILEY of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 268 of the 97th Congress, the House stands adjourned until 12 o'clock meridian, Monday, February 22, 1982.

Thereupon (at 4 o'clock and 10 minutes p.m.), pursuant to House Concurrent Resolution 268, the House adjourned until Monday, February 22, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3048. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation; to the Committee on Banking, Finance and Urban Affairs.

3049. A letter from the Secretary of Education, transmitting proposed regulations to implement chapters 1 and 2 of the Education Consolidation and Improvement Act of 1981, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3050. A letter from the Director of ACTION, transmitting a draft of proposed legislation to amend the Domestic Volunteer Service Act of 1973; to the Committee on Education and Labor.

3051. A letter from the Administrator, Agency for International Development, transmitting the annual report of the Inspector General of the Agency for International Development, covering fiscal year 1981, pursuant to section 634(g) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3052. A letter from the Assistant Secretary of the Interior for Territorial and International Affairs, transmitting the annual report of the U.S. Government Comptroller on the financial condition of the Trust Territory of the Pacific Islands for fiscal year 1980, pursuant to section 2 of Public Law 93-111; to the Committee on Interior and Insular Affairs.

3053. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and pro-

gram management, and for other purposes; to the Committee on Science and Technology.

3054. A letter from the Chairman, U.S. International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1983; to the Committee on Ways and Means.

3055. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's monetary policy report, pursuant to section 2A of the Federal Reserve Act, as amended (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

3056. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting the Corporation's statement of administrative expenses for fiscal year 1983; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALBOSTA:

H.R. 5507. A bill to amend title II of the Social Security Act to provide procedures for crediting the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund with the amounts of social security checks which have not been negotiated within 12 months; to the Committee on Ways and Means.

By Mr. ANTHONY (for himself, Mr. WEAVER, Mr. JEFFORDS, Mr. DASCHLE, Mr. STANGELAND, Mr. BEDELL, Mr. COELHO, and Mr. EVANS of Iowa):

H.R. 5508. A bill to amend the Energy Security Act to consolidate in the Department of Agriculture authority to provide financial assistance for energy projects which use wood and wood wastes and residues as feedstocks, and for other purposes; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Energy and Commerce, and Science and Technology.

By Mr. BRODHEAD:

H.R. 5509. A bill to amend title XVI of the Social Security Act to limit the rate at which overpayments of SSI benefits may be recovered through adjustments in future benefits, where the overpayments involved were not the fault of the recipients; to the Committee on Ways and Means.

By Mr. BROWN of Colorado (for himself, Mr. BENEDICT, Mr. DYSON, Mr. FAUNTROY, Mr. FORSYTHE, Mr. FRANK, Mr. GINGRICH, Mr. KOGOVSEK, Mr. SMITH of Pennsylvania, Mr. WILSON, and Mr. WHITEHURST):

H.R. 5510. A bill to amend title 10, United States Code, to provide benefits under the survivor benefit plan to the spouses and dependent children of members of the reserve components of the uniformed services who die after completing service requirements for participation in the plan but before being afforded the opportunity to elect participation in the plan, and for other purposes; to the Committee on Armed Services.

By Mrs. COLLINS of Illinois:

H.R. 5511. A bill to amend the Department of Defense Appropriation Act, 1982, to require the procurement of certain articles packaged in the United States or its possessions; to the Committee on Appropriations.

By Mr. PHILIP M. CRANE:

H.R. 5512. A bill to provide for annual observances of certain legal public holidays on their traditional dates; to the Committee on Post Office and Civil Service.

By Mr. PHILIP M. CRANE (for himself and Mr. DANIEL B. CRANE):

H.R. 5513. A bill to amend the Internal Revenue Code of 1954 to provide that a 10-percent income tax rate shall apply to all individuals, and to repeal all deductions, credits, and exclusions for individuals other than a $2,000 deduction for each personal exemption; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5514. A bill to require the President to take certain actions in response to nontariff trade barriers imposed against the United States by foreign countries; to the Committee on Ways and Means.

H.R. 5515. A bill to impose a moratorium on the establishment of markets in futures and options based on stock indices; jointly to the Committees on Agriculture, Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. DUNN:

H.R. 5516. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for expenditures to remove architectural and transportation barriers to the handicapped and elderly; to the Committee on Ways and Means.

By Mr. EVANS of Iowa:

H.R. 5517. A bill to amend the Internal Revenue Code of 1954 to deny the deduction for interest on indebtedness incurred to acquire corporations if the President determines that use of debt for corporate acquisitions should be discouraged; to the Committee on Ways and Means.

H.R. 5518. A bill to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies; to the Committee on Ways and Means.

By Mr. FLORIO (for himself and Mr. DINGELL):

H.R. 5519. A bill to give trade negotiating priority to service sector issues, to expand and clarify existing laws governing interstate and foreign commerce to better deal with service trade problems, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce, and Foreign Affairs.

By Mr. FOWLER:

H.R. 5520. A bill to amend the Internal Revenue Code of 1954 to allow certain heat pumps to be treated as renewable energy source property for purposes of the residential energy credit; to the Committee on Ways and Means.

H.R. 5521. A bill to amend the Internal Revenue Code of 1954 to allow lessors the residential energy credit; to the Committee on Ways and Means.

H.R. 5522. A bill to amend the Internal Revenue Code of 1954 to provide specific criteria for the allowance of the residential energy credit for passive solar energy systems; to the Committee on Ways and Means.

By Mrs. HECKLER:

H.R. 5523. A bill to provide in cooperation with the States benefits to individuals who are totally disabled due to employment-related byssinosis and to surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their death; to the Committee on Education and Labor.

By Mr. HEFTEL (for himself and Mr. AKAKA):

H.R. 5524. A bill to authorize the Secretary of Transportation to transfer to the State of Hawaii the U.S. Navy ship (USNS) *Chepachet*; to the Committee on Merchant Marine and Fisheries.

By Mr. HOPKINS:

H.R. 5525. A bill to repeal the income tax benefits enacted during 1981 with respect to the living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. JENKINS (for himself and Mr. EVANS of Georgia):

H.R. 5526. A bill to amend title 28, United States Code, to make changes in judicial divisions in the northern district of Georgia; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. GARCIA, and Mr. GRAY):

H.R. 5527. A bill to provide private sector training and placement opportunities for residents of enterprise zones, emphasizing the use of community-based organizations and the involvement of small business concerns, and for other purposes; to the Committee on Education and Labor.

By Mr. LENT:

H.R. 5528. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 5529. A bill to impose certain objective requirements on State legislatures and Federal courts with respect to the establishment of congressional districts on the basis of the most recent decennial census, and for other purposes; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 5530. A bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. MOLINARI (for himself, Mr. MARKS, Mr. STOKES, Mr. DAVIS, Mr. SCHEUER, Mr. ANNUNZIO, Mrs. CHISHOLM, Mr. LOTT, Mr. HOWARD, Mr. STANGELAND, Mr. MURPHY, Mr. CORRADA, Mr. CORCORAN, Mr. GINGRICH, Mr. MINETA, Mr. NAPIER, Mr. COATS, Mr. RAILSBACK, Mr. BENEDICT, Mr. FISH, Mr. FOGLIETTA, Mr. SANTINI, and Mr. EMERSON):

H.R. 5531. A bill to amend the Public Health Service Act to encourage the establishment of home health programs; to amend the Social Security Act to provide expanded coverage of home health services under the medicare and medicaid programs, and to amend the Internal Revenue Code of 1954 to provide a credit for households with certain qualified disabled dependents; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. PARRIS:

H.R. 5532. A bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules;

to the Committee on Post Office and Civil Services.

By Mr. PETRI (for himself and Mr. ASPIN):

H.R. 5533. A bill to provide for a job training program, and for other purposes; to the Committee on Education and Labor.

By Mr. SAVAGE:

H.R. 5534. A bill to prohibit the foreclosure of certain mortgages insured under title II of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING:

H.R. 5535. A bill to repeal the provision which permits Members of Congress a deduction for living expenses without meeting the normal substantiation requirements, and to place certain limitations on the deduction for living expenses by Members of Congress; to the Committee on Ways and Means.

By Mrs. SMITH of Nebraska (for herself, Mr. BEREUTER, and Mr. DAUB):

H.R. 5536. A bill to authorize the Secretary of the Interior to engage in feasibility studies of water resource development and for other purposes in the Central Platte Valley Nebr.; to the Committee on Interior and Insular Affairs.

By Mr. SUNIA (for himself, Mr. WON PAT, Mr. DE LUGO, Mr. HEFTEL, and Mr. AKAKA):

H.R. 5537. A bill to amend title 32 and title 37 of the United States Code to authorize the establishment of a National Guard in and for American Samoa; to the Committee on Armed Services.

By Mr. TRIBLE:

H.R. 5538. A bill to allow emergency action to be taken under fishery management plans to ameliorate economic or social emergencies affecting U.S. fishermen and fish processors; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. LUJAN, Mr. KAZEN, Mr. CLAUSEN, Mr. PATTERSON, Mr. PASHAYAN, Mr. COELHO, and Mr. HANSEN of Utah):

H.R. 5539. A bill to amend and supplement the Federal reclamation laws, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BLANCHARD (for himself, Mr. MCKINNEY, Mr. ANNUNZIO, Mr. BEREUTER, Mr. JAMES K. COYNE, Mr. WILLIAM J. COYNE, Mr. EVANS of Indiana, Mr. FAUNTROY, Mr. GARCIA, Mr. LEACH of Iowa, Mr. LUNDINE, Mr. MINISH, Ms. OAKAR, Mrs. ROUKEMA, Mr. SCHUMER, Mr. ST GERMAIN, Mr. VENTO, Mr. WORTLEY, and Mr. WYLIE):

H.R. 5540. A bill to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States; jointly, to the Committee on Banking, Finance and Urban Affairs and to the Committee on Education and Labor for a period ending not later than May 15, 1982.

By Mr. BARNES (for himself and Mr. SOLARZ):

H.J. Res. 405. Joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador; to the Committee on Foreign Affairs.

By Mr. MYERS (for himself and Mr. MARRIOTT):

H.J. Res. 406. Joint resolution to authorize the President to issue a proclamation designating the week beginning on November 21, 1982, as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. MARKEY (for himself, Mr. CONTE, Mr. LOWRY of Washington, Mr. MOFFETT, Mr. KASTENMEIER, Mr. BEILENSON, Mrs. CHISHOLM, Mr. WAXMAN, Mr. SEIBERLING, Mr. OTTINGER, Mr. COELHO, Mrs. SCHROEDER, Mr. EDGAR, Mr. CONYERS, Mr. HARKIN, Mr. FOGLIETTA, Mr. FAUNTROY, Mr. EDWARDS of California, Mr. MAVROULES, Mr. SHANNON, Mr. AUCOIN, Mr. RAHALL, Mrs. COLLINS of Illinois, Mr. DONNELLY, Mr. AKAKA, Mr. DELLUMS, Mr. ROE, Mr. RODINO, and Mr. BARNES):

H. Con. Res. 270. Concurrent resolution expressing the sense of the Congress that action must be taken to freeze the nuclear arms race; to the Committee on Foreign Affairs.

By Mr. DUNN:

H. Res. 362. Resolution limiting the amount provided in expense resolutions for committees of the House of Representatives for the 2d session of the 97th Congress to the amount actually spent under such resolutions for the 1st session of the 97th Congress; to the Committee on House Administration.

By Mr. HAWKINS:

H. Res. 363. Resolution providing for expenses of activities of House Information Systems in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. HOPKINS:

H. Res. 364. Resolution amending the Rules of the House of Representatives to reduce the amounts of outside earned income which a Member may accept; to the Committee on Rules.

By Mr. RODINO:

H. Res. 365. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on the Judiciary in the 2d session of the 97th Congress; to the Committee on House Administration.

By Mr. ZEFERETTI (for himself and Mr. RAILSBACK):

H. Res. 366. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Select Committee on Narcotics Abuse and Control in the 2d session of the 97th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

260. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to weed control; to the Committee on Agriculture.

261. Also, memorial of the Legislature of the State of Minnesota, relative to persons missing in action in Southeast Asia; to the Committee on Foreign Affairs.

262. Also, memorial of the House of Representatives of the State of Illinois, relative to peace through strength; jointly, to the Committees on Foreign Affairs and Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY:

H.R. 5541. A bill for the relief of Capt. Donald E. Grigg, U.S. Army, retired; to the Committee on the Armed Services.

By Mr. ROSENTHAL:

H.R. 5542. A bill for the relief of Dr. and Mrs. Bartolo Caldentey; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. ROSE, Mr. SUNIA, Mr. WILLIAM J. COYNE, Mr. JONES, of Oklahoma, Mr. HAWKINS, Mr. SKELTON, Mr. BIAGGI, Mr. MCDADE, Mr. YATRON, Mr. BEVILL, Mr. GOLDWATER, Mr. SHUMWAY, and Mr. GILMAN.

H.R. 185: Mr. BRODHEAD.

H.R. 186: Mr. BRODHEAD.

H.R. 380: Mr. LUJAN.

H.R. 808: Mr. HENDON, Mr. STANGELAND, and Mr. HAGEDORN.

H.R. 1055: Mr. LUNGREN.

H.R. 1508: Mr. BUTLER, Mr. WHITEHURST, and Mr. MILLER of Ohio.

H.R. 1598: Mr. YOUNG of Florida, Mr. LEHMAN, and Mr. DE LUGO.

H.R. 1660: Mr. MADIGAN.

H.R. 2488: Mr. COURTER, Mr. NEAL, Mr. MAVROULES, Mr. LEACH of Iowa, and Mr. PEASE.

H.R. 2523: Mr. KOGOVSEK and Mr. KILDEE.

H.R. 2597: Mr. GINN, Mr. BEARD, Mr. BOLAND, Mr. OXLEY, Mr. FORSYTHE, Mr. DUNN, Mr. EMERY, Mr. WHITEHURST, Mr. JOHNSTON, Mr. RINALDO, Mr. HANSEN of Utah, Mr. DWYER, Mr. HILLIS, Mrs. BOUQUARD, Mr. KINDNESS, Mr. BONIOR of Michigan, Mr. AKAKA, Mr. GLICKMAN, Mr. PANETTA, Mr. BLILEY, Mr. ANTHONY, Mr. DAN DANIEL, Mr. FORD of Michigan, Mr. GRISHAM, Mr. WEBER of Ohio, Mr. MINISH, Mr. FROST, Mr. WYDEN, Mr. DE LUGO, Mr. LUNGREN, Mr. MCCLORY, Mr. WORTLEY, Mr. CHENEY, Mr. FAZIO, Mr. HUTTO, Mr. LONG of Louisiana, Mr. REGULA, Mr. RATCHFORD, Mr. FRENZEL, and Mr. SIMON.

H.R. 3281: Mr. STOKES.

H.R. 3474: Mr. BROYHILL.

H.R. 3575: Mr. BINGHAM, Mr. BLANCHARD, Mr. LOWRY of Washington, Mr. STENHOLM, Mr. THOMAS, Mr. ZEFERETTI, and Mr. HANCE.

H.R. 3600: Mr. KEMP.

H.R. 3607: Mr. DYMALLY, Mr. ERTEL, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK, Mr. HAGEDORN, Mr. HOWARD, Mr. MOFFETT, Mr. SHANNON, and Mr. YOUNG of Alaska.

H.R. 3984: Mr. HAGEDORN.

H.R. 4061: Mr. ALBOSTA.

H.R. 4070: Mr. GILMAN and Ms. FERRARO.

H.R. 4105: Mr. BEILENSON, Mr. DWYER, Mr. FAUNTROY, Mr. FROST, Mr. HARKIN, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MURPHY, Mr. NEAL, Mr. PORTER, Mr. RANGEL, Mr. SAVAGE, Mr. SMITH of Pennsylvania, and Mr. WON PAT.

H.R. 4326: Mr. RANGEL.

H.R. 4443: Mr. EVANS of Indiana.

H.R. 4454: Mr. BOWEN, Mr. EDWARDS of Oklahoma, Mr. CORRADA, Mr. HEFTEL, Mr. GRAY, Mr. HORTON, Mr. WILLIAMS of Ohio, Mr. CONTE, Mr. CHENEY, Mr. MCCOLLUM, Mr. GARCIA, Mr. SOLOMON, and Mr. MARTIN of New York.

H.R. 4467: Mr. ADDABBO.

H.R. 4709: Mr. FASCELL, Mr. JOHN L. BURTON, Mr. MOFFETT, Mr. SYNAR, Mr. FRANK, Mr. WILLIAMS of Ohio, Mr. CLINGER, Mr. MCGRATH, Mr. ALBOSTA, Mr. BARNES, Mr. BEDELL, Mr. BEVILL, Mr. COELHO, Mr. DAN DANIEL, Mr. DWYER, Mr. EDGAR, Mr. EVANS of Georgia, Mr. FARY, Mr. FOGLIETTA, Mr. SAM B. HALL, JR., Mr. HATCHER, Mr. HERTEL, Mr. KOGOVSEK, Mr. LUNDINE, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. MONTGOMERY, Mr. NOWAK, Mr. PANETTA, Mr. PEPPER, Mr. RATCHFORD, Mr. ROE, Mr. ROEMER, Mr. SMITH of Pennsylvania, Mr. TRAXLER, Mr. WALGREN, Mr. WHITLEY, Mr. WYDEN, Mr. DERWINSKI, Mr. DUNCAN, Ms. FIEDLER, Mr. FORSYTHE, Mr. FRENZEL, Mr. GINGRICH, Mr. GOODLING, Mr. HOLLENBECK, Mr. LAGOMARSINO, Mr. LOWERY of California, Mr. MCDADE, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. ROTH, Mr. SAWYER, Mrs. SNOWE, Mr. TAUKE, Mr. VANDER JAGT, Mr. WHITEHURST, Mr. WINN, and Mr. WORTLEY.

H.R. 4807: Mr. GOODLING, Mrs. BOUQUARD, Mr. SAM B. HALL, JR., Mr. EMERY, Mr. ECKART, Mr. STENHOLM, Mr. MARTIN of North Carolina, Mr. GINGRICH, Mr. JEFFRIES, Mr. WOLF, Mr. FROST, and Mr. HILER.

H.R. 4829: Mr. MOAKLEY and Mr. OTTINGER.

H.R. 4830: Mr. LEACH of Iowa, Mr. BAILEY of Missouri, Mr. FISH, Mr. BROWN of California, Mr. GIBBONS, Mr. HORTON, Mr. EDGAR, Mr. ADDABBO, Mr. HUGHES, Mr. MITCHELL of Maryland, Mr. MOLINARI, Mr. MITCHELL of New York, Mr. COURTER, Mr. JAMES K. COYNE, Mr. MINETA, Mr. ROE, Mr. KEMP, Mr. HARKIN, Mr. GUNDERSON, and Mrs. HECKLER.

H.R. 4833: Mr. SILJANDER, Mr. LIVINGSTON, Mr. SOLOMON, and Mr. LEWIS.

H.R. 4912: Mr. DOWDY, Mr. ALBOSTA, Mr. WYDEN, Mr. D'AMOURS, and Mrs. COLLINS of Illinois.

H.R. 4953: Mr. KINDNESS, Mr. EVANS of Georgia, Mr. ROGERS, Mr. YATRON, Mr. MARTIN of Illinois, and Mr. TAUKE.

H.R. 4977: Mr. ATKINSON.

H.R. 5026: Mr. PHILLIP BURTON, Mr. CLAUSEN, Mr. BEREUTER, and Mr. DE LUGO.

H.R. 5076: Mr. EMERSON.

H.R. 5088: Mr. RATCHFORD and Mr. HOWARD.

H.R. 5117: Mr. DYMALLY and Mr. DIXON.

H.R. 5176: Mr. FORD of Tennessee, Mr. SMITH of Pennsylvania, Mr. WASHINGTON, Mr. MITCHELL of Maryland, Mr. SCHEUER, Ms. MIKULSKI, Mr. PANETTA, Mr. DASCHLE, Mr. CAMPBELL, Mr. WEBER of Ohio, Mr. MCHUGH, Mr. DOUGHERTY, Mr. SIMON, Mr. BEDELL, Mr. EDGAR, Mr. FROST, Mr. OBERSTAR, Mr. RATCHFORD, Mr. BONKER, Mr. ROE, Mr. GEJDENSON, Mr. LOWRY of Washington, Mr. DERRICK, Mr. APPLEGATE, Mr. FAZIO, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. MORRISON, Mr. STOKES, Mr. WYLIE, and Mr. KILDEE.

H.R. 5180: Mr. WOLF, Mr. MATSUI, Mr. OBERSTAR, Mr. DUNCAN, Mr. WALGREN, Mr. PETRI, Mr. WIRTH, Mr. LEHMAN, Mr. ADDABBO, Mr. BRODHEAD, Mr. GEJDENSON, Mr. FAZIO, Mr. CORRADA, Mr. EMERSON, Mr. DYSON, Mr. BONER of Tennessee, Mr. ROBERTS of South Dakota, Mr. GUARINI, Mr. DAVIS, Mr. CLINGER, Mr. FAUNTROY, Mr. RAILSBACK, Mr. MARKEY, Mr. SABO, Mr. STRATTON, Mr. MOLLOHAN, Mr. REGULA, Ms. MIKULSKI, Mr. COURTER, Mr. OTTINGER, Mr. WHITEHURST, Mr. MCCLOSKEY, Mrs. SCHNEIDER, Mr. FASCELL, Mrs. BOUQUARD, Mr. BAFALIS, Mr. WILLIAMS of Montana, Mr. ROE, Mr. BUTLER, Mr. BINGHAM, Mr. WOLPE, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. FARY, Mr. MCDADE, Mr. FORSYTHE, Mr. RHODES, Mr. DUNN, Mr. DIXON, and Mr. SHAMANSKY.

H.R. 5214: Mr. FORSYTHE, Mr. GRAMM, Mr. LAGOMARSINO, Mr. STANTON of Ohio, Mr. SUNIA, and Mr. WON PAT.

H.R. 5252: Mr. ROBERT W. DANIEL, Jr., Mr. MYERS, Mr. ASHBROOK, Mr. KEMP, Mr. ROBINSON, Mr. LOTT, Mr. EVANS of Georgia, Mr. COLLINS of Texas, Mr. TAYLOR, and Mr. MICHEL.

H.R. 5282: Mr. BONKER.

H.R. 5308: Mr. SMITH of Iowa, Mr. MOTTL, Mr. DWYER, Mr. DOUGHERTY, Mr. AKAKA, Mr. HARTNETT, Mr. PEPPER, Mr. MARRIOTT, Mr. WILSON, Mr. MILLER of California, Mr. SCHEUER, Mr. PATTERSON, Mr. COELHO, Mr. MILLER of Ohio, Mr. BEVILL, Mr. EVANS of Georgia, Mr. RATCHFORD, Mr. HEFTEL, and Mr. DICKS.

H.R. 5324: Mr. MARRIOTT and Mr. WYLIE.

H.R. 5331: Mrs. COLLINS of Illinois and Mrs. BOUQUARD.

H.R. 5338: Mr. BARNES, Mr. WIRTH, Ms. OAKAR, and Mr. TRAXLER.

H.R. 5342: Mr. JENKINS.

H.R. 5343: Mr. SIMON.

H.R. 5346: Mr. GUARINI, Mr. MOAKLEY, Mr. DONNELLY, Mr. DANNEMEYER, Mr. FROST, Mr. COELHO, and Mr. PARRIS.

H.R. 5368: Mr. WEAVER and Mr. KILDEE.

H.R. 5404: Mr. JAMES K. COYNE, Mr. JOHNSTON, Mr. HENDON, Mr. BLILEY, and Mr. COLLINS of Texas.

H.R. 5423: Mrs. FENWICK, Mr. MITCHELL of Maryland, and Mr. WON PAT.

H.R. 5441: Mr. ROE.

H.R. 5448: Mr. SHAW.

H.R. 5500: Mr. MCDONALD.

H.R. 5501: Mr. BLANCHARD, Mr. KILDEE, Mr. WOLPE, and Mr. ALBOSTA.

H.J. Res. 294: Mr. EVANS of Delaware, Mr. WATKINS, Mr. MARRIOTT, Mr. SYNAR, and Mr. STANTON of Ohio.

H.J. Res. 344: Mr. GOODLING, Mrs. BOUQUARD, Mr. SAM B. HALL, Jr., Mr. MARTIN of North Carolina, Mr. GINGRICH, Mr. JEFFRIES, Mr. WOLF, Mr. FROST, and Mr. MILLER of Ohio.

H.J. Res. 350. Mr. MOORHEAD, Mr. DORNAN of California, Mr. DAN DANIEL, Mr. JONES of North Carolina, Mr. OXLEY, Mrs. SNOWE, Mr. RAILSBACK, Mr. MADIGAN, Mr. YOUNG of Florida, Mr. SNYDER, Mr. COURTER, Mr. WEBER of Minnesota, and Mr. DERRICK.

H.J. Res. 380: Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. DAUB, Mr. SILJANDER, and Mr. ASHBROOK.

H.J. Res. 399: Mr. FAZIO, Mr. CROCKETT, Mr. WASHINGTON, Mr. LES AUCOIN, Mr. FORD of Michigan, Mr. MILLER of California, Mr. BEILENSON, Mr. DELLUMS, Mr. EDWARDS of California, Mr. VENTO, Ms. OAKAR, Mr. COELHO, Mr. TRAXLER, Mr. MAVROULES, Mr. ECKART, Mr. RAHALL, Mr. MAZZOLI, Mr. MATSUI, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. ROYBAL, Mr. OTTINGER, Mr. GRAY, Mr. PHILLIP BURTON, Mr. SEIBERLING, Mr. HOWARD, Mr. MITCHELL of Maryland, Mr. JOHN L. BURTON, Mr. GARCIA, Mr. FRANK, Mr. REUSS, Mr. DYMALLY, Mr. WALGREN, Mr. LUNDINE, Mr. SAVAGE, Mr. WIRTH, Mr. MOAKLEY, Mr. LONG of Maryland, Mr. KILDEE, Mr. FOGLIETTA, Mr. UDALL, Mr. DOWNEY, Mr. YATES, Mr. DORGAN of North Dakota, Mr. STOKES, Mr. DASCHLE, Mr. FITHIAN, and Mr. SABO.

H. Con. Res. 236: Mr. FLORIO, Mr. FAUNTROY, Mr. QUILLEN, Mr. MOTTL, Mr. FRENZEL, Mr. GREEN, Mr. WILSON, Mr. HUGHES, Mr. FARY, Mr. DASCHLE, Mr. WIRTH, Mr. UDALL, Mrs. SCHNEIDER, Mr. MCHUGH, Mr. MOLLOHAN, Mr. MCCOLLUM, Mr. NEAL, and Mr. CARMAN.

H. Con. Res. 248: Mr. CHAPPELL, Mr. SILJANDER, Mr. PICKLE, Mr. RUDD, Mr. PARRIS, Mr. RINALDO, Mr. DAUB, Mr. CARMAN, Mr. DREIER, Mr. BLILEY, Mr. SMITH of New Jersey, Mr. HIGHTOWER, Mr. SANTINI, Mr. DOUGHERTY, Mr. STUMP, Mr. LEWIS, Mr. OXLEY, and Mrs. BOUQUARD.

H. Res. 309: Mr. DYMALLY, Mr. HOYER, Mr. CONYERS, Mr. EVANS of Indiana, Mr. JOHN L. BURTON, Mr. OBERSTAR, Mr. CLAY, Mr. WOLPE, Mr. EDWARDS of California, Mr. LAFALCE, Mr. BAILEY of Pennsylvania, Mr. HUGHES, Ms. FERRARO, and Mr. APPLEGATE.

H. Res. 314: Mr. FUQUA, Mr. STUDDS, Mr. DONNELLY, Mr. YATRON, Mr. EARLY, Mr. RICHMOND, Mr. RINALDO, Mr. DENARDIS, Mr. BONKER, Mr. BROOKS, Mr. ROE, Mr. DWYER, Mrs. COLLINS of Illinois, Mr. ANNUNZIO, Mr. SHARP, Mr. GINGRICH, Mr. GRISHAM, Mr. PURSELL, Mr. PAUL, Mr. PEPPER, Mr. WILLIAMS of Ohio, Mr. WON PAT, and Mr. BEDELL.

H. Res. 332: Mr. PANETTA, Mr. MARKEY, Mr. EVANS of Georgia, Mr. RAHALL, Mr. LEACH of Iowa, Mr. YOUNG of Missouri, Mr. ROE, Mr. MOAKLEY, Mr. DWYER, Mr. FISH, Mr. PERKINS, Mr. CLAY, Mr. JONES of North Carolina, Mr. LAFALCE, Mr. LOWERY of California, Mr. SUNIA, Mr. DYMALLY, Mr. WORTLEY, Mr. DE LUGO, Mr. MITCHELL of Maryland, Mr. FRANK, Mr. BARNES, Mr. BIAGGI, Mr. FAUNTROY, Mr. FAZIO, Mr. WEAVER, Mr. SCHUMER, Mr. MOTTL, Mr. FROST, Mr. EDGAR, Mrs. CHISHOLM, Mr. ERDAHL, Mr. DIXON, Mr. ECKART, Mr. FORD of Tennessee, Mrs. COLLINS of Illinois, Mr. RICHMOND, Mr. BROWN of California, Mr. SOLARZ, and Mr. WEISS.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

344. The SPEAKER presented a petition of Capt. Bobby C. McGlown, USAF, APO San Francisco, and others, relative to American-Asian children; which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, February 10, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Almighty God, we humans have a penchant for refusing to hear Thy voice until it is too late. We are, as Jesus said, able to discern the weather by the signs in the sky, but we *"cannot discern the signs of the times."* (Matthew 16: 3) In our human conceit, impressed with our technological and scientific achievement, we are like the people of Babel who said, *"* * * let us build ourselves a city and a tower with its top in the heavens, and let us make a name for ourselves."* (Genesis 11: 4, R.S.V.) We behave as though we are invincible, as though we have no need for Thee, as though we are too big, too smart, too strong for God. As though we are gods! Even massive problems with the economy, social evils increasing epidemically, growing international tensions and our powerlessness to resolve them fail to humble us.

Dear God, help us to listen to Thee before it is too late. Deliver us from pride and hardness of heart, the stubborn willfulness which made the prophet Isaiah inquire of Thee, *"How long will it be, O Lord, until the people listen to Thee?"* and Thou didst answer, *"Until their cities lie in waste without inhabitant, and houses without men, and the land is utterly desolate."* (Isaiah 6: 11)

Dear God, quicken our ears to hear, our eyes to see, our hearts to believe and our wills to obey Thee before it is too late! We pray in the name of the Judge of all the Earth. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order and the special orders entered for today, there be a period for the transaction of routine morning business not to extend beyond 20 minutes, in which Senators may speak therein for not to exceed 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, it is my understanding there are two special orders today. I yield the leadership time on this side to the distinguished Senator from Missouri, Senator DANFORTH, to be added to his special order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 2 minutes on the minority leader's time and the remainder of the time be reserved for the minority leader, Senator ROBERT C. BYRD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, under those circumstances, I desire now to change that unanimous-consent request. I yield such time to the Senator from Missouri as he may use from the leadership time on this side, but I would like to reserve the remainder of any time that he does not use from the leadership time on this side for the use of the distinguished majority leader at his discretion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER ASSASSINATION OF A TURKISH NATIONAL

Mr. PROXMIRE. Mr. President, as reported by the New York Times on January 29, the "Justice Commandos of the Armenian Genocide" claimed responsibility for the killing of the Turkish consul general in Los Angeles on January 28.

The slain diplomat, Kemal Arikan, was alone in his car at the time of the assassination. Friends later explained "he did not normally use the men assigned to him because he feared for their lives."

The commandos is only one of several Armenian terrorist groups seeking revenge for the 1915 Turkish massacre of 1.5 million Armenians. In the past 10 years, according to the U.S. State Department, 20 Turkish diplomats have been killed in this country and abroad. Since October 1980, Turks have been attacked in Denmark, Italy, Australia, and elsewhere.

Mr. President, these assassinations and these acts cannot be condoned. They are the result of individuals taking the law into their own hands. Armenian terrorist groups claiming responsibility for previous barbarous acts against Turks have stated that they were avenging the 1915 massacre.

These deplorable assassinations remind us of the necessity of ratifying the Genocide Treaty. If the Senate were to ratify the treaty, future acts of genocide could be declared punishable as international acts of crime. Article IV of the treaty clearly states:

> Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

I respectfully request that my colleagues ratify this treaty.

I yield the floor.

SENATOR PERCY'S TRIP TO THE MIDDLE EAST

Mr. BAKER. Mr. President, the distinguished Senator from Illinois (Mr. PERCY) and the chairman of the Foreign Relations Committee traveled during the recent recess of the Senate to many of the countries of the Middle East. On Monday of this week he spoke of the impressions gained during the trip to the National Press Club. Senator PERCY is extraordinarily knowledgeable about the region and the dangers to peace that have remained there for so long unresolved. The insights and the perceptions that he shared with the National Press Club speak well of his knowledge of and sensitivity to the region. I ask unanimous consent that Senator PERCY's remarks be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR CHARLES H. PERCY

The Middle East, of all the regions of the world, has the greatest potential for disaster. Even in times of relative calm, the

clouds of war can be seen. Old antagonisms, and more recent ones, are destabilizing. Angry propaganda, surprise raids, random rocketing, massing of weaponry, vindictive UN resolutions, fears and anxiety contribute to an atmosphere of expectancy, expectancy of ultimate disaster. It was against this background that I returned to the Middle East on a study trip during the Senate recess. I visited the leaders of 14 nations including Israel and two thirds of the Arab states, comprising 75 per cent of the population of the Arab world.

I chose to devote so much time and effort to this region because I believe that American foreign policy will face some of its most serious challenges and be offered some of its greatest opportunities in this area during the 1980's. How we formulate our Middle Eastern foreign policy will, to a great extent, determine our ability to maintain our standing as not only the world's most powerful political, economic and moral force for freedom, but as a great nation that uses its power wisely, effectively, and with compassion.

The policies we choose will have a lasting impact on our relations with the Israelis, the Arabs, the Soviets and our allies. The policies we choose will have a lasting impact on whether the Free World continues to look to the United States for leadership that is forceful and fair. If we do not adopt a forward looking policy toward this region, the mounting crescendo of events will jeopardize world peace and global economic stability, will undermine relations with our Middle Eastern friends and will open the door for further extension of Soviet influence in this vital region of the world.

I have urged my friends in the Arab world to try to understand that the United States' relationships in the Middle East are premised on a strong bond of friendship with Israel. American-Israeli friendship is founded in a broad range of common interests, values, and heritage. Close cooperation can benefit both our nations. As the only Western-style democracy in the Middle East, Israel and the United States share a system of government and political expression which gives us special understanding of the political processes critical to each other's security. We are also bound by close links between our peoples.

Israel is a country that has sparked the imagination of the American people. The struggle for the formation of the State of Israel in the wake of the holocaust in Europe has had a major influence upon the lives of millions of Americans. And what the Israeli people have accomplished in a few short decades is truly impressive. From the Galilee in the north to the Negev in the south, available land is put to maximum use. I was more struck on this trip than ever before when it appeared as though nearly every house in Israel uses solar energy. The Israeli nation has produced some of the world's foremost medical researchers, scientists, scholars, farmers, and irrigationists who are more than willing to share their experiences to benefit mankind. One of the great dividends of peace would be their sharing scientific and technical knowledge with other nations and people in the region.

Despite all that binds us together, recent years have been marked by a growing number of serious differences between our two nations. At times—and I view this as very unfortunate—our disagreements have tended to diminish all that holds us together. For this reason, during my discussion in Israel, Prime Minister Begin, Defense Minister Sharon and other leading Israelis agreed to reduce the level of critical rhetoric between friends and to settle our differences through quiet, serious discussions among ourselves. This informal agreement has been faithfully observed by both sides since midnight December 29. We also began defining the term "defensive use" of American weapons under the 1952 agreement.

Real differences, however, remain, and are of great concern. The issues involve no less than the questions of how the security of Israel can best be assured and what kind of Israeli policy the United States is being asked to support. The premise on which the United States has operated since the 1967 war is that Israel would essentially withdraw from territory occupied in that war in exchange for a genuine negotiated peace, secure borders, and normal relations with its neighbors, especially including recognition of their right to exist.

Many Israeli policies today—continued settlement in occupied territories and the quasi annexation of those territories—raise questions about whether Israeli policy is based on the same premise. A genuine peace and assurance of Israeli security would be consistent with American, Israeli and Arab interests. Prolonged conflict is not. Many Israeli acts seriously harm our relations with Israel's neighbors, yet a strong American position throughout the Middle East is in Israel's interest as well.

The United States is the leader of the free world. We have global interests and responsibilities. Those interests include the security of Israel. Israel has seen U.S. willingness to fully support them against overwhelming opposition when we believe they are right. But Israel cannot expect the United States to continue isolating itself from the world community to defend questionable or objectionable actions and policies. The Israelis must stop "surprising" the international community and the United States with preemptive acts that are viewed by the community of nations as violations of international norms, harmful to U.S. interests and damaging to the peace process that must now proceed in the Middle East.

The Israelis, for their part, have been honestly surprised by the harsh response to some of these actions. They did not understand why they were being "punished," as Israelis termed it, for the application of Israeli law to the Golan Heights by the decision not to implement the U.S.-Israeli memorandum of understanding on strategic cooperation. Prime Minister Begin forthrightly said to me that this should have been no surprise because this action was called for in his party's program discussion in an open session of the Knesset in August 1981.

Nevertheless, the action taken by the Israelis and the U.S. response were a surprise and a shock to both sides.

We must improve communication between our two governments. We are often talking to each other, but we are not hearing each other. We are not talking directly and clearly about what our basic premises and objectives are. The Israelis should have been aware in advance to what extent the U.S. would react and we should have been aware of the imminence of Israeli intention to apply their law to the Golan Heights.

We must realize that the Israelis will act and should act in their own national interest. The Israelis must realize the United States, in turn, will and must act in our own national interest, consistent with our broader responsibilities. We must understand the extent to which our interests overlap and the extent to which they diverge.

For many reasons, further progress in the process of achieving peace between Israel and its neighbors is critical. The only way progress will be made is for the United States Government to take an increasingly active leadership role. Steady progress toward peace in the Middle East is the surest way of preserving the long-term U.S.-Israeli relationship and the relationship between the United States and key Arab states. During the past twenty years the well-being, stability and security of these states have become a vital national interest of the United States. It is also important to Israel to live among responsible neighbors able to maintain peace on Israel's borders and to conduct normal relations once peace is achieved. While all the Arab nations want a Palestinian state, none of the nations that I visited in the region wants a radical Palestinian state under Soviet influence and a threat to peace and stability.

No group of nations in the world has experienced as rapid a transformation as have the Arab nations. These changes are based on the dominant position the Gulf states have assumed in the supply of energy to the industrialized world and the resulting wealth that has flowed to them and their fellow Arabs.

The earlier and wealthier oil-producing states are entering a second phase in modernization. The accumulation of wealth has occurred at such a rapid pace that income from foreign investments sometimes approaches the revenue realized from oil exports. For example, Kuwait's per capita income from foreign investments last year nearly equalled that from the sale of petroleum. Huge government owned foreign assets have made these states significant partners in the global financial system. The United States and our European allies, therefore, find ourselves not only closely tied to the Arab Gulf states for our energy needs, but also for stability in our financial markets. Our interdependence will become even greater during the next decade.

I am deeply concerned that this region which is so important for us may also be the area in which the Soviet Union and its allies have the opportunity to make significant advances during the 1980's. Along the entire border of the Soviet Union from Europe in the west to Japan and Korea in the east, the Middle East is the principal area where Soviet and American interests come into direct contact and where the limits of acceptable superpower action have not been determined. With the Soviet invasion of Afghanistan, the collapse of Iran, and the end of CENTO, the nature of the American response and that of our allies to Soviet action has become uncertain—uncertain in our minds, uncertain in Soviet minds and uncertain in the minds of the people of the region. This uncertainty can lead to serious miscalculations, and it is generally miscalculations which lead to war.

The Soviet Union presents a dual threat. The first is a direct military thrust such as the invasion of Afghanistan. The second is through expanded political influence and internal subversion. The former can never be ruled out; the latter is clearly the more immediate danger.

In recent years, the Soviets have made significant advances by establishing alliances with Syria, Iraq, Libya, Ethiopia and South Yemen, and have made inroads in Iran. Of even greater concern is that many nations in the region may not be as adamant as they

once were in their rejection of enticing and seductive Soviet overtures.

American efforts to form a strategic consensus against Soviet actions have met a lukewarm response from most of the states of the region. This is not because moderate leaders do not appreciate the dangers posed by the Soviets. They certainly do. But they are even more concerned about the negative reaction of their own citizenry if they form too close an association with the United States. Anti-regime elements have had considerable success in promoting criticism of the leadership by tying their governments closely to the United States. Moderate leaders are, therefore, faced with the dilemma of either distancing themselves from the United States, or risking domestic support.

The single issue which creates the greatest strain in our bilateral relations and which is allowing the Soviets to make advances in this region is the widely held perception in the Arab world that the United States government is not committed to a just and equitable settlement of the Arab-Israel dispute, including a settlement of those grievances of the Palestinians that are reasonable and just. The United States' special relationship with Israel is increasingly exploited by radical and anti-American elements through the Arab world and by the USSR.

Other issues also create bilateral problems for the U.S. and the Arab states and threaten our regional interest. Most prominent among these is the Iraq-Iran war. This conflict threatens to spill over to the oil producing states of the Arabian peninsula and is offering the Soviet Union the opportunity to expand its influence. Furthermore, a billion dollars a month is being squandered. This money could more usefully be spent to improve the well-being of the less wealthy states in the region including Sudan, the Yemen Arab Republic, Tunisia, Egypt, Jordan, Morocco and others.

Nevertheless, in virtually every substantive conversation I held in fourteen Arab countries from Morocco to Oman to Kuwait to Lebanon, I heard the same refrain. "The United States does not have a balanced Middle East policy. Until that occurs we cannot be too closely associated with you."

The level of Arab concern has been increased in the past year by the continued Israeli policy of placing and expanding settlements on the West Bank, Israeli raids on Beirut and Baghdad, the application of Israeli law to the Golan Heights, and provocative overflights of Arab states. The failure of the United States to meaningfully oppose these measures has served to increase the false, but nonetheless generally held, Arab view that the United States supports, or at least tolerates, these actions.

I believe the time is now propitious for the United States to press ahead with a broadening of the peace process. The great step toward peace taken at Camp David by Presidents Carter and Sadat and Prime Minister Begin will not be erased from the pages of history. That achievement and the Peace Treaty which followed have changed the face of the Middle East in important ways. But the work so significantly advanced there is not done.

The April 25th withdrawal from the Sinai will be a major milestone in completing the first phase of the Camp David process. Both Prime Minister Begin and President Mubarak have committed themselves and their governments to Camp David. The further normalization of relations between Egypt and Israel will continue to grow without interruption beyond that date. But even those historic steps will not fulfill the promise of Camp David. The vision of Camp David was a comprehensive peace—peace between Israel and each of its neighbors who are prepared to negotiate peace. The vision of Camp David was the resolution of the Palestinian problem in all its aspects. This work has only barely begun.

A failure to press ahead to fulfill the vision of Camp David—ratified by the parliaments of Egypt and Israel and welcomed by the Congress of the United States—will create a never-ending series of crises in the Middle East and weaken the position of the United States as a world power.

Peace in the Middle East is vital to the basic national interest of the United States. For the process to continue progress must be made on the Eastern front as well as further strengthening of the Egyptian-Israeli partnership without preventing reentry of Egypt into the councils of the Arab world that I feel is inevitable. Complacency on our part, or a failure to make an all-out effort to achieve progress in the peace process, will have serious consequences.

In the past, progress in Middle East peace efforts has had two components. The first is an American vision of peace. The second is initiative coming from Middle Eastern leaders. We should determine for ourselves, with our allies and friends, in which direction the process should proceed. The United States does not and should not be expected to have all the answers. Nevertheless, we must have a clear course to follow.

Whatever path we follow, certain key premises are basic:

Commitment to a negotiated peace is essential. This requires acceptance of UN Security Council Resolutions 242 and 338 and the recognition of the right of all nations in the region to exist behind accepted and secure borders. Too many Arab states have been far too slow in recognizing this fact of life. The Arab states must explicitly—and publicly, not just privately—accept Israel and agree to reach out in an effort to establish normal relations in the context of a just peace.

Commitment to a just peace requires understanding that peace will only evolve from negotiations based on an exchange of land taken in 1967 for peace, security and recognition.

Commitment to a comprehensive peace requires that the legitimate rights of the Palestinian people must be addressed, and that the Palestinians must participate in determining their own destiny. A solution cannot be imposed on them.

Commitment to a just and comprehensive peace would also help to deal with some of the underlying causes of the agony of Lebanon. No American can remain indifferent to the tragedy that has befallen our good friends in democratic Lebanon.

The second component, when progress has been made in the Middle East, is to have initiatives coming from Middle Eastern leaders. Camp David found its roots in the initiatives of President Sadat and Prime Minister Begin. New ones must be developed. No other partner will ever be drawn into the peace process if we refuse to even consider or build upon their initiatives. The vision of Camp David was a peace involving all of Israel's neighbors. In the period beyond April 25, a major objective of our diplomacy must be to involve Israel's key eastern neighbors in negotiations.

This most recent trip to the Middle East was both encouraging and discouraging. Never before have I witnessed in the Arab States such a willingness to recognize Israel's right to exist behind secure and recognized borders. Point seven of the Fahd plan was generally interpreted to mean this. All of the "confrontation states" accept the premise that the Arab-Israeli dispute must be settled on the basis of negotiations based on UN Resolutions 242 and 338. Even Syria did so formally in 1974 when it accepted UN Resolution 338 which encompasses 242. Assad told me he accepts this interpretation today.

Despite these changes in Arab views, most Arabs believe peace is further away today than ever before. The perception is universal that Israel is not interested in peace if peace is based on the premise that land should be exchanged for recognition, a peace treaty and normalized relations. The continued settlement of the West Bank is widely perceived as a demonstration of Israel's intention never to allow the people of these territories to determine their own future nor address the broader question of the Palestinians. The Israelis state that their actions do not preclude any solution to their differences with their neighbors. They say they are willing to negotiate with any Arab state if Israeli existence is recognized.

The time will come for the United States and Israel to recognize that a basis must be found for listening directly to and discussing directly with representatives of three and a half million Palestinians. Their understandable desire for a homeland must be met on a mutually developed negotiated basis reasonably satisfactory to all involved parties.

The time has come for the key Arab parties to the conflict to state simply and unequivocally their readiness to negotiate peace with Israel. If they believe Israel is not willing to negotiate a just peace, let them challenge Israel to negotiation. Willingness to negotiate is a sign of confidence—not of weakness.

In conclusion, let me say that the situation in the Middle East will get worse, not better, if we do not apply our best energies, talents and determination to the search for peace. A failure of the United States to become an active full partner in the peace process could seriously harm our relations with the Israelis and the Arabs and also allow the Soviets to make further inroads in the region.

THE ADMINISTRATION'S BUDGET

Mr. ROBERT C. BYRD. Mr. President, the administration's recently submitted budget has once again touched off a debate in this city and across the land.

The budget debate used to be a fairly dry process, a debate by experts over such arcane subjects as "functions" and "crosswalks." It has become, in addition, a policy debate, taking up in the process much of the Senate's schedule. Without going into the reasons for this development, I should say that this year will be no exception to the new rule.

The 1983 budget is the administration's blueprint for shoring up our economy, for balancing the benefits and hardships of governmental policies as they impact on our families and

communities. It is not a blueprint that I trust to accurately reflect reality. It describes a world of data that, once again, has been carefully tailored to appear to be something it is not. In short, what we have here are more phony numbers.

The economic assumptions contained in this budget are overly optimistic. The estimated savings from potential cuts are politically unrealistic. The result is that the debate which follows will be nothing more than a futile exercise, unless we replace these estimates with working numbers that reflect accurately the budget picture as it is.

The administration projects a deficit of $91.5 billion for 1983. Less than a year ago, looking at the same year, it estimated a deficit of $22.8 billion. The Congressional Budget Office estimates that the deficit for 1983 will be $157 billion.

The assumptions in this budget for real economic growth, inflation, and interest rates for the years 1983 through 1987 are likely to prove equally erroneous and result in discrepancies as great, if not greater.

For example, the CBO forecasts 4.4 percent real economic growth for 1983. Private forecasts, on the average, target real growth at 3.9 percent. The administration's real growth projection, however, is much higher—5.2 percent.

Projections on interest rates also vary widely, but the administration's estimate is the lowest for 1983—10.5 percent. The average of private forecasters is 11.9 percent, and CBO's is 13.2 percent.

The administration estimates the unemployment rate for 1983 at 7.9 percent. CBO estimates 8 percent, and 8.4 percent is predicated by the private forecasters.

The administration is estimating an inflation rate (CPI) of 6.9 percent, and the average of private forecasters is 7.4 percent.

In each instance, the administration's estimate is considerably rosier than that of objective analysts.

Overly optimistic economic assumptions, however, are only half the reason for the credibility gap we are once again facing. The other is a reliance on projected cuts which, in fact, do not stand a chance in all likelihood, of being passed.

None of us at this point has had time enough to assess the extent of the spending cuts proposed in this budget. Obviously, I cannot approve of further deep cuts in veterans programs, fossil fuel research, and job training programs, to name just a few that have been gutted in this proposal. The administration's priorities continue unfairly to burden the most vulnerable, continue to shift resources from the middle class to the wealthy, and continue to underinvest in the human capital, the people, of this country.

Turning away for the moment, however, from a discussion of the merits of some of the proposed cuts contained in this budget, the question for those of us having to evaluate it remains whether the cuts assumed are likely to happen.

I do not believe that medicare is going to be cut substantially; I do not believe that all the "revenue enhancers," many of which have been tried before and failed, are going to pass; and I do not believe that Congress is going to buy more of the "magic asterisk" budgeting technique, now called "management initiatives," and approve more huge unspecified savings without knowing what the cuts contain. Assuming that half their requested cuts are passed; which is a very generous assumption, they are still going to lose $28 billion from their so-called savings package.

Combining the shortfall due to rosy economic forecasts with the shortfall due to unrealistic political assumptions, it becomes clear that the predictions of many independent forecasters that the deficit for 1983 will be around $140 billion could well be accurate. I believe that this number is one most Senators will have in mind as they attempt to shape this year's budget.

By transmitting to Congress another budget based on highly questionable economic and political assumptions, the administration is clearly throwing back to Congress the job of solving the problems caused by the failure of its economic program.

These frightening deficits spring from an ill-conceived mix of tight monetary policy and loose fiscal policy driven by the radical Kemp/Roth tax package.

This is why I have found it a little surprising to read of the shock, dismay, and disbelief of some of my colleagues on the other side of the aisle over the size of the deficits in this budget.

My response to this uneasiness over this budget is that, "when you buy bologna at the supermarket, you shouldn't expect to get home and find roast beef."

The administration should not have expected to enact an economic program where tax cuts greatly exceeded spending cuts, with accompanying large increases in defense spending, and not expected astronomical deficits. As the deficit grows, pressure on the already impossibly high interest rates will continue, further shutting off any recovery. An honest reading of objective figures a year ago would have led to this conclusion. We should not now be surprised at what was totally predictable.

Now for the final point I should like to make today. It is not the mistakes of the last administration that are to blame for these deficits. It is not the mistakes of the last 20 years, the last 30 years, or whatever period of years that is the current scapegoat for economic mismanagement.

This program belongs to this administration, and so do the results. These policies have self-destructed, because they contain internal contradictions that doomed them from the start.

For example, the administration predicted this year's deficit would be $41.7 billion. It is now estimated by the administration itself to be $98.6 billion. The gap is $56.9 billion.

If one looks closely at that figure and breaks it down, it becomes evident where the shortfall comes from: $31 billion lost on the revenue side, $1.5 billion lost to inflation, $7.9 billion lost to unemployment, and $16.6 billion lost to high interest rates. The reason the deficit is so high has not so much to do with historic failures as it does with the failure of the current experiment in economic policy.

No budget can be balanced this way. No amount of wishful thinking will stop the budget from hemorrhaging further. As a first step, we need a realistic budget. Hopefully, it will become the basis for economic policies which do not work at cross purposes.

I would prefer to think the administration has not surrendered in its efforts to achieve a better balance between fiscal and monetary policy: has not thrown in the towel in its efforts to achieve a program based on the possible and not the impossible; has not decided to throw back to Congress the job of balancing the budget, putting people back to work, and getting the economy growing again. This is a very tall order.

This is a time when we need real leadership. This is a time when passing the hot political potato back and forth will not suffice. If the newspaper reports on the comments of my Republican friends are accurate, many of them have reached the same conclusions as I have reached. Hopefully, this will develop into a Senate bipartisan effort and to bipartisan efforts between Congress and the administration to accurately assess the economic realities and make budget decisions based on those realities. That is the job before us.

RECOGNITION OF SENATOR DANFORTH

The PRESIDING OFFICER (Mr. SYMMS). The Senator from Missouri is recognized.

S. 2094—RECIPROCAL TRADE AND INVESTMENT ACT OF 1982

(Introduced by Mr. DANFORTH, for himself, and Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. MOYNIHAN, Mr. WALLOP,

Mr. SYMMS, Mr. MITCHELL, Mr. GRASSLEY, Mr. COHEN, Mr. SIMPSON, and Mr. PRESSLER.)

Mr. DANFORTH. Mr. President, today, I am joined by a number of my colleagues in introducing the Reciprocal Trade and Investment Act of 1982. The purpose of this bill is to establish firmly the concept of reciprocity of market access as a key objective for U.S. trade policy where American products are competitive. The bill requires the executive branch to pursue this objective, but without violating existing trade agreements. It provides the executive branch additional negotiating leverage and authority. Finally, the bill explicitly recognizes that the traditional concept of trade—trade in goods—must be expanded to include trade in services and investment.

Since the last round of multilateral trade negotiations and the passage of the Trade Agreements Act of 1979, American trade policy has largely consisted of reacting to a flood of imports. I do not denigrate the importance of this effort, yet, in the process, attempts to expand market access for American-produced goods have proceeded in an ad hoc manner at best.

It is time for us to embark on a comprehensive effort to assure fair treatment for American exports in foreign markets. The Reciprocal Trade and Investment Act is designed to do just that.

The U.S. balance of trade in merchandise went into deficit in 1971 for the first time in more than three-quarters of a century. Last year that deficit reached close to $40 billion, including significant bilateral deficits with a number of our major trading partners.

These deficits, in and of themselves, are not the problem. The problem is the extent to which these deficits result from inequitable market access between the United States and its trading partners rather than the market forces of comparative advantage and exchange rates.

Through the GATT system, the industrialized world has benefited from over 30 years of relative peace in international trade, along with the gradual reduction of traditional tariff and nontariff barriers to imports. The two fundamental principles of the GATT—the mutual extension of national and most-favored-nation treatment—remain essential elements in the GATT's formula for success.

The United States has, since the inception of the GATT, taken the leadership role in lowering international barriers to trade. Pushing and cajoling our trading partners into accepting each new liberalizing guideline, America has taken pains to employ the GATT's dispute settlement provisions. We have been in the forefront of any negotiations aimed at the reduction of tariff and nontariff barriers.

This leadership role has prompted the United States to set domestic policies relating to trade that are in conformity with GATT and to hope for similar action from our trading partners. The result is an American market with comparatively few import barriers while foreign markets are protected by a wide variety of restrictions. This has put us in a weak position to bargain for mutual concessions by other countries, for there are few American import restrictions left to "trade away" for market access abroad.

Of our major developed trading partners, Japan retains the most severe barriers to competitive American exports. Protection of the Japanese market is maintained in a variety of ways—some clearly illegal, some not. But regardless of whether these impediments are formal or informal, legal or illegal, the fact is they work. Moreover, it is clear even to the casual observer of American driving, viewing and listening habits that Japan has ample access to our market in areas where Japanese firms are competitive.

Our largest single trading partner, Canada, continues to focus its attention on the investment and service areas for its "Canadianization" efforts. Although not traditionally considered under the general GATT framework, these barriers are not only harmful in and of themselves, but also have a significant impact on trade in goods. Investment restrictions imposed by the Foreign Investment Review Agency (FIRA), discriminatory tax practices and similar government policies have already begun to impede our access to their market.

Finally, the European Communities give one the impression that they are ever on the lookout for new ways of closing their markets. These efforts have been directed at Japan for some time and may well affect our exports in the future.

The problems we face with respect to market access abroad are equally, if not more, severe in the case of developing nations. Many of these nations continue to benefit from developed country MFN concessions over the past 30 years without being accountable in GATT for reducing their own barriers. Of particular concern are barriers to trade and investment maintained by the newly industrialized countries (NIC's), such as Mexico (not even a GATT member), and Korea and Brazil, which have no desire to "graduate" from their LDC status in GATT terms.

It cannot be surprising then, that many believe the GATT, however essential it is, is not alone sufficient to provide the basis of truly free international trade. It has become clear that national and MFN treatment are inadequate in some circumstances to provide the benefits of the system to the United States, when our market access is so disproportionately greater than others.

Further, while the GATT may work well to combat many traditional barriers to merchandise trade, it still fails to address some of the more sophisticated impediments found in the world today.

For example, the GATT offers no guidance whatever with regard to the free flow of investment and services—an integral part of international trade in today's world. Barriers in these sectors, such as performance requirements, continue to grow abroad in the absence of any firm international guidelines.

Therefore, while the GATT may be necessary to maintain equilibrium in the international trading system, it is by no means sufficient to achieve equitable access for U.S. trade and investment.

Mr. President, the bill I introduce today is designed to set the course for American trade policy that will accomplish our market access objectives by building upon and expanding the international trading system as we know it. It is designed to move beyond the limited confines of the GATT and extend coverage to trade in services and trade-distorting investment practices.

To achieve this goal, the United States must be prepared to force the issue. What is required is a clear mandate for the administration to seek equitable market access abroad for competitive American products, services and investments, backed up by a credible threat to redress restrictions on American exports through the imposition of offsetting measures.

In recent weeks, I have noted that "reciprocity" has become something of a code word which has been decried for its protectionist connotations. My copy of Webster's Dictionary merely refers to reciprocity as a mutual exchange of privileges. That is not protectionism. I do not think it is inappropriate to expect the same market access privileges abroad in sectors where we are competitive as we accord other countries in sectors where they are competitive. Reciprocity need not mean rigid sector-by-sector, product-by-product equality. It does mean that America insists that other countries play by the same rules we observe.

To this end, I offer the Reciprocal Trade and Investment Act of 1982. Building on current law designed to combat unfair trade practices, the bill sets up a two-track approach to achieve our objective.

First, it amends section 301 of the Trade Act of 1974 to require that the administration identify and measure the trade-distorting impact of foreign barriers to U.S. exports and investments. This process of identification

would extend to foreign trade barriers whether or not expressly prohibited by GATT. In addition, the President would be required to propose such actions as are necessary to offset these barriers if the executive branch fails to obtain their elimination.

The President would be encouraged to pursue remedies under current internationally agreed dispute settlement procedures. Failing that, he would have the authority to act against the imports, investment or services of the offending country. This bill enhances the broad retaliatory authority that already exists under section 301 of the Trade Act to include investment options as well.

This approach is important for a number of reasons: It requires a positive effort by the executive to identify the most significant barriers to U.S. trade and investment—an effort not undertaken by the Government since the early 1970's. Providing for the identification of trade barriers without waiting for individual complaints to be brought in meets the problem of producers who are afraid to complain about unfair practices for fear of reprisals by foreign governments.

In addition, the bill provides the Ways and Means and Finance Committees with authority to initiate action under section 301 for the purpose of eliminating foreign barriers to America's exports.

The bill also draws on the thinking of Senator HEINZ by requiring the President to make public a list of options he is considering should the GATT dispute settlement process fail to eliminate unfair trade practices.

Finally, recognizing the importance of the free flow of investment in our economy as well as abroad, the bill explicitly authorizes the President to undertake negotiations under the Trade Act of 1974 aimed at reducing trade-distorting restrictions on investment.

I will be the first to admit that this act is not a panacea for all of our economic woes. It does, however, fill a gap in our trade policy. If enacted, it will focus our Government's attention on those "generic" barriers to U.S. trade and investment that place limits on our full export potential. The bill strengthens the administration's hand without forcing it, and offers an opportunity for us to move forward in the search for innovative solutions to expand markets for U.S. exports. Moreover, it not only reaffirms, but also seeks to extend existing rules governing international trade.

Mr. President, I ask unanimous consent that the text of the bill, together with a summary of its provisions, be printed in the RECORD at this point.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reciprocal Trade and Investment Act of 1982".

SEC. 2. STATEMENT OF PURPOSES.

The purposes of this Act are—

(1) to foster the economic growth of, and full employment in, the United States through the expansion of competitive United States exports;

(2) to achieve access to foreign markets for United States trade and investment substantially equivalent to that accorded by the United States;

(3) to provide for fairness and equity with respect to commercial activities not adequately provided in existing bilateral and mulitlateral agreements; and

(4) to enhance transparency in our international commercial relations through the identification of barriers to United States trade and investment.

SEC. 3. STUDY OF BARRIERS TO MARKET ACCESS.

(a) IN GENERAL.—Chapter 1 of title III of the Trade Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 307. BARRIERS TO MARKET ACCESS.

"(a) STUDY OF BARRIERS.—On or before the date which is 1 year after the date of the enactment of the Reciprocal Trade and Investment Act of 1982 and each year thereafter, the United States Trade Representative shall, for each designated major trading country, complete and submit to the President a study of any act, policy, or practice of each such major trading country that—

"(1) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or

"(2) with respect to products or commercial activities of the United States which, as determined by the United States Trade Representative, are internationally competitive, denies to the United States commercial opportunities substantially equivalent to those offered by the United States.

"(b) ACTION BY PRESIDENT.—Within 30 days after a study is submitted to the President under subsection (a), the President shall—

"(1) make public and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives such study, together with an estimate of the trade distorting impact on United States commerce of any acts, policies, or practices identified in such study, and

"(2) propose such actions as may be necessary to redress any imbalance resulting from such acts, policies, or practices if efforts to obtain their elimination fail.

"(c) ASSISTANCE OF OTHER AGENCIES.—

"(1) FURNISHING OF INFORMATION.—Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the United States Trade Representative, upon request, such data, reports, and other information as the United States Trade Representative deems necessary to carry out its functions under this section.

"(2) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the United States Trade Representative may request to assist it in carrying out its functions.

"(d) DEFINITIONS.—FOR PURPOSES OF THIS SECTION—

"(1) DESIGNATED MAJOR TRADING COUNTRY.—The term 'designated major trading country' means any major trading country which the United States Trade Representative, after consultation with the Committee on Finance of the Senate and Committee on Ways and Means of the House of Representatives, designates as a country with respect to which the study under subsection (a) is necessary and appropriate.

"(2) MAJOR TRADING COUNTRY.—The term 'major trading country' means—

"(A) any major industrial country within the meaning of section 126, and

"(B) any other foreign country or instrumentality designated by the United States Trade Representative for purposes of this paragraph.

"(3) COMMERCE AND COMMERCIAL OPPORTUNITIES.—The terms 'commerce' and 'commercial opportunities' have the same meaning given such terms by section 301(d)(2).".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 306 the following new item:

"Sec. 307. Barriers to market access.".

SEC. 4. AMENDMENTS TO THE TRADE ACT OF 1974.

(a) ADDITIONAL DETERMINATIONS REQUIRING ACTION.—Section 301(a) of the Trade Act of 1974 (19 U.S.C. 2411(a)) is amended—

(1) by striking out "or" at the end of paragraph (2)(A);

(2) by inserting "or" at the end of paragraph (2)(B);

(3) by inserting immediately after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) denies to the United States commercial opportunities substantially equivalent to those offered by the United States;";

(4) by inserting "(or to redress any imbalance resulting from)" after "elimination of"; and

(5) by striking out the last sentence thereof and inserting in lieu thereof the following new sentence: "Action under this section may be taken on a nondiscriminatory basis or solely against the products, investments, or services of the foreign country or instrumentality involved, and need not be limited to the equivalent product, investment, or service sector of the offending act, policy, or practice.".

(b) OTHER ACTION.—Section 301(b)(2) of the Trade Act of 1974 (19 U.S.C. 2411(b)(2)) is amended by inserting "or investments" after "services".

(c) DEFINITIONS AND SPECIAL RULES.—

(1) IN GENERAL.—So much of section 301(d) of the Trade Act of 1974 (19 U.S.C. 2411(d)) as precedes paragraph (2) thereof is amended to read as follows:

"(d) SPECIAL PROVISIONS.—For purposes of this section—

"(1) CERTAIN OBLIGATIONS TO BE TAKEN INTO ACCOUNT.—The President, in determining whether the taking of any action under subsection (a) or (b) is appropriate, shall take into account the obligations of the United States under any trade agreement.

"(2) COMMERCE AND COMMERCIAL OPPORTUNITIES DEFINED.—The terms 'commerce' and 'commercial opportunities' include, but are not limited to, services associated with international trade (whether or not such services are related to specific products) and foreign

direct investment by citizens or nationals of the United States.".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 301(d) of the Trade Act of 1974 is redesignated as paragraph (3).

(d) Resolutions of Congress.—

(1) FILING OF RESOLUTIONS BY COMMITTEES OF CONGRESS.—Section 302(a) of the Trade Act of 1974 (19 U.S.C. 2412(a)) is amended by inserting ", or the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate may file with the Trade Representative a resolution," before "requesting".

(2) Conforming amendments.—

(A) Section 301(c) of the Trade Act of 1974 (19 U.S.C. 2411(c)) is amended by inserting "or resolution" after "petition" each place it appears in the text and heading thereof.

(B) Section 302 of the Trade Act of 1974 (19 U.S.C. 2412) is amended—

(i) by inserting "or resolution" after "petition" each place it appears in the last sentence of subsection (a), subsection (b), and the heading for subsection (a),

(ii) by inserting "or Committee" after "petitioner" each place it appears, and

(iii) by inserting "or resolutions" after "petitions" in the section heading and the heading for subsection (b).

(C) The table of sections for chapter 1 of the table of contents of the Trade Act of 1974 is amended by inserting "or resolutions" after "Petitions" in the item relating to section 302.

(D) Section 303 of the Trade Act of 1974 (19 U.S.C. 2413) is amended—

(i) by inserting "or resolution" after "petition" each place it appears; and

(ii) by inserting ", the appropriate committee of Congress," after "petitioner".

(E) Section 304 of the Trade Act of 1974 (19 U.S.C. 2414) is amended by inserting "or resolution" after "petition" the first place it appears in subsection (a)(1) thereof.

(e) ASSESSMENT OF IMPACT.—Paragraph (3) of section 304(b) of the Trade Act of 1974 (19 U.S.C. 2414(b)) is amended to read as follows:

"(3) shall request the views of the International Trade Commission regarding the impact on the economy of the United States (including employment) of—

"(A) the identified acts, policies, or practices with respect to which an investigation was initiated under section 302(b); and

"(B) any options proposed under subsection (a)(4).".

(f) LEGISLATIVE RECOMMENDATIONS OF PRESIDENT.—Section 304(a) of the Trade Act of 1974 (19 U.S.C. 2414(a)) is amended by adding at the end thereof the following new paragraph:

"(4) LEGISLATIVE RECOMMENDATIONS OF PRESIDENT.—Notwithstanding any other provision of this chapter, the United States Trade Representative shall within 180 days after an affirmative determination is made under section 302(b) with respect to a petition or resolution or a decision by the President to take action under section 301(c), make preliminary recommendations to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate with respect to what options the President is considering under this chapter to the extent that any consultation or dispute settlement procedure provided under this chapter does not result, in his judgment, in the enforcement of such rights as the United States may have under any trade agreement or an adequate response to any act, policy, or practice described in section 301(a)(2). Notice of such options shall be published in the Federal Register.".

SEC. 5. NEGOTIATIONS ON FOREIGN DIRECT INVESTMENT.

(a) CONDUCT OF NEGOTIATIONS.—The President, in consultation with the United States Trade Representative, shall seek to negotiate bilateral or multilateral agreements to eliminate restrictions on foreign direct investment, with particular emphasis on trade-distorting investment restrictions.

(b) DIRECT FOREIGN INVESTMENT.—The first sentence of section 102(b) of the Trade Act of 1974 (19 U.S.C. 2112(b)) is amended by inserting "(including any restrictions on foreign direct investment)" after "United States" the first place it appears.

THE RECIPROCAL TRADE AND INVESTMENT ACT OF 1982—A SUMMARY

Purpose: To achieve the same degree of access to foreign markets for competitive U.S. exports, services and investment that we accord other countries.

How it Works: The Act would establish, for the first time, the concept of reciprocity of market access based on fair competition as a key principle of U.S. trade policy and trade law. This would be accomplished in two ways: On a broad scale by requiring positive Administration efforts to identify and obtain the elimination of barriers maintained by our major trading partners, and by strengthening the provisions of the Trade Act of 1974 that provide remedies against individual foreign unfair trade practices. The Act also applies these trade liberalizing objectives to trade in services and investment, not currently covered by existing international trade agreements.

Identification/Elimination of Barriers to Market Access: This is an entirely new provision of law which requires the Administration to report to Congress on an annual basis regarding barriers to U.S. trade (including services) and investment maintained by our major trading partners and action to counteract them. Specifically, the Administration must:

(1) Identify and estimate the trade-distorting impact of any practices of our major trading partners (such as Canada, the European Communities, Japan and various advanced developing countries) that:

Are inconsistent with or deny benefits to the United States under the GATT; or

Deny to the U.S. commercial opportunities substantially equivalent to those offered by the U.S. (i.e. market access for U.S. exports of manufacturers and agricultural commodities, services and investment).

(It is worth noting that such comprehensive lists of barriers have not been compiled since the beginning of MTN—almost a decade ago.)

(2) Propose actions that would have to be taken to offset the effects of these barriers on U.S. commerce should efforts to negotiate their elimination fail.

This reporting requirement is nothing short of a broad mandate to identify, on an ongoing basis, the barriers that most severely restrict our market access abroad and to get them eliminated.

Should the Administration's actions resulting from this Section be considered insufficient, the Congress would be able to request a formal investigation and action under the newly strengthened provisions of Section 301 of the Trade Act.

Amendments to section 301 of the Trade Act of 1974

Section 301 of the Trade Act, as currently written, pertains to unfair trade practices by foreign countries. It provides a procedure whereby individuals, or the President on his own initiative, may seek to enforce U.S. rights under existing trade agreements or obtain the elimination of certain unfair trade practices.

As defined by Section 301, such unfair trade practices include acts, policies or practices by foreign countries that either violate GATT rules or are "unjustifiable, unreasonable, or discriminatory and burden or restrict U.S. commerce."

The 301 process currently provides for the filing of petitions with the U.S. Trade Representative, which the USTR must accept or reject within 45 days. If accepted, the USTR begins an investigation and requests consultations under the GATT with the offending country. Should the consultations not result in a resolution of the problem, and if the foreign practice is covered by the GATT, the USTR then initiates formal GATT dispute settlement proceedings. Depending on the case, this may take from six months to more than a year.

At the end of the dispute settlement process, the USTR must make a recommendation for action to the President, who then has 21 days to make a decision as to what action to take, if any.

Under Section 301, the President has broad authority to enforce U.S. rights and obtain the elimination of the foreign unfair trade practices. He may use authority explicitly granted under Section 301, including the removal of previously granted trade concessions, imposition of duties, fees or other import restrictions on the products or services of that country. He may also use any other means already available to him under law.

The Act would strengthen the provisions of Section 301 in a number of ways:

With regard to the list of foreign practices that would be considered as unfair under this law, practices that deny to the U.S. commercial opportunities substantially equivalent to those offered by the U.S. would be added.

New authority to retaliate through the use of restrictions of foreign investment would be granted.

Procedurally, Section 301 would be amended to provide for requests by the Congress to have the USTR initiate formal 301 action. Estimates by the International Trade Commission of the impact on the U.S. economy of the barriers under investigation and of actions being considered for purposes of retaliation would also be required for the first time. Finally, 180 days after initiating the 301 case, the President would be required to indicate which alternatives for retaliatory action he would consider using if efforts to eliminate the foreign barrier fail.

These changes in Section 301 not only broaden its scope and enhance the President's negotiating leverage to enforce U.S rights under the GATT, but also ensure that unfair foreign practices in areas not covered by the GATT, such as restrictions on investment and services, are also counteracted.

Negotiations on foreign direct investment

The final section of the Act instructs the President to seek to negotiate bilateral or miltilateral agreements aimed at eliminating restrictions on investment. The Act explicitly recognizes that inward investment

benefits the U.S. economy and that foreign restrictions on investments—such as performance requirements with minimum export levels or equity ownership limits—distort international trade.

Mr. COHEN. I am pleased to cosponsor the legislation being introduced today by Senator DANFORTH to protect the principle of reciprocity—a principle which is the foundation of our world trading system.

Historically, the United States has served as an exemplary free trading nation, allowing relatively unrestricted access to our markets. The U.S. marketplace absorbs tremendous levels of automobile and textile imports.

In fact, there are product areas where the United States has the most open market in the world. During the consideration of the escape clause filed by the nonrubber footwear industry, the International Trade Commission found that "the United States is and has been the most open large market for footwear in the world despite recent restrictions."

Yet, in return, many of our trading partners have consistently maintained or even increased their barriers to U.S. exports.

U.S. businesses have long complained to U.S. trade officials and the Congress about the difficulty of competing in Japanese markets. To date, many barriers still exist, from agricultural products such as beef and citrus to high technology exports such as semiconductors and data-processing equipment.

While Japan has recently announced some concessions, they are not expected to make up for the tremendous bilateral deficit that the United States has with Japan, which is expected to reach $18 to $20 billion this year.

When the Governmental Affairs Committee considered the government procurement code during implementation of the multilateral trade negotiations (MTN's), I was very concerned about the adamant attitude of the Japanese during these negotiations toward any reasonable concessions.

Recently, I have read that Nippon Telegraph and Telephone Public Corp. (NTT) has finally opened its bids to foreigners, but now the inspection procedures are so rigorous that they have become another barrier to market access.

On November 17, 1981, the Subcommittee on Oversight of Government Management, of which I am chairman, held hearings on the impact of subsidized Canadian competition on small U.S. border State industries. I listened to testimony from witnesses representing the wood products, fishing, potato, and maple sirup industries discussing the extensive subsidy programs available to the Canadian industries.

The Maine potato industry is faced with competition from Canadian farmers who have government assistance in every aspect of their operation, from machinery and interest subsidies to advance payments for crop storage.

The Canadian fishing industry is one of the most heavily subsidized in that country. A 1981 official Prince Edward Island report states that total payments based on 1978 figures exceed one-half the value of landed fish. The report concludes that:

If fishermen and processors were to bear the full costs of these services, they would not be able to catch or process fish.

I recognize that the MTN represented a milestone in nations working to eliminate unfair trade barriers. The examples of unfair trade practices which I outline here are meant to illustrate the frustrations that are felt—particularly in small industries where trying to compete with unfair trade is a matter of survival.

I believe this legislation, by providing authority to the President to offset the effect of unfair trade acts, will improve the options available to industries seeking relief from unfair trade practices.

In addition, by allowing the President to take action in product areas beyond those involved in the unfair trade, much more effective actions are possible. This bill would clarify the authority of the President to recommend action in areas that would be much more effective in encouraging countries to adhere to fair trade practices.

I commend Senator DANFORTH, the distinguished chairman of the International Trade Subcommittee, for his initiative, and I look forward to working with him on vital trade issues. I believe his legislation will help develop the attitudinal change that is necessary for our trading partners to realize that the United States will demand its free trade rights that are sanctioned under our international trading system.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the following statement by Senator WILLIAM ROTH in support of the principle of reciprocity in international trade be printed in the RECORD at the appropriate point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT SENATOR WILLIAM V. ROTH, JR.

It is a pleasure to see our trade spokesmen here today. They are appearing before this committee none too soon, as we are facing some important and pivotal decisions in the international trade arena.

The United States has long been the most open major market in the world. Merchandise from around the globe fills our stores and homes; foreign suppliers enjoy the same opportunities to operate and to sell their services within our borders as U.S. producers. The flow of foreign investment and capital remains relatively unfettered by Government regulation or restrictions.

The same is not true elsewhere. In fact, it has never been true, even though the United States has operated on the philosophy that, by setting the example of free trade for the rest of the world, we will benefit as others follow our lead. Instead, we find ourselves in the position of the general who rode bravely into battle only to find his troops had marched off in another direction.

It was the United States that initiated successive rounds of multilateral trade negotiations under GATT aimed at reducing trade barriers and developing internationally agreed upon rules of trade conduct. The most recent round of these negotiations would have derailed in 1978 if our special trade representative, Robert Strauss, had not been able to pull the pieces together again.

Thanks largely to U.S. prodding, 99 countries in the international trading community concluded tariff agreements and codes on a wide range of nontariff measures, including subsidies, discriminatory Government purchasing practices and trade-distorting import licensing procedures. I enthusiastically supported these agreements in the belief that they would further open worldwide trade.

The United States has signed these codes and cut its import duties, urging its trading partners to do likewise. Some did—and some did not. Once again, we took a major step toward opening markets; and, once again, others failed to follow our lead.

For years, the international trading system has been based on the principle that no country should be accorded less favorable treatment than that given our "most favored" trading partner. While I have been a strong supporter of the most-favored-nation principle, I have found that, with each round of negotiations, the MFN treatment accorded by the United States is far more favorable than that granted by our trading partners.

While we have opened the lucrative U.S. Government purchasing market to foreign suppliers, overseas governments continue to buy national. While we have assiduously avoided the use of agricultural export subsidies, the European Community has embraced them as a centerpiece of the common agricultural policy.

While we have rejected the widespread use of import quotas, the Japanese maintain numerous quantitative barriers on a wide range of farm products. In services and investment as well, the United States has kept its markets open, while U.S. exporters and investors face mounting and increasingly complex discriminatory actions overseas.

I believe strongly in free trade. Freedom in the international marketplace means lower prices, greater choice, and the opportunity to increase production. The resulting economies of scale enable us to supply a global, not just a domestic, market. But we cannot carry the free trade banner by ourselves.

Open markets in the United States, coupled with closed markets overseas, have had damaging side effects for U.S. producers. Faced with increasing foreign competition, U.S. carbon steel manufacturers have scaled back production to 55 percent of their industry's capacity. Our auto producers are in dire straits and have been forced to lay off workers from coast to coast. In my own State of Delaware, Chrysler and General Motors, faced with mounting inventories and growing competition, have had to close down some production lines.

In short, U.S. workers and firms are suffering because our trading partners refuse to play fair.

In recent days, this inequity has produced a good deal of discussion about reciprocity. Whether the term reciprocity is taken to mean fairness, or equivalent market access on a sector-by-sector basis, or equity, or overall trade-in-balance, I believe the time has come for serious consideration of this principle.

This consideration need not mean that we contemplate the overthrow of the international trading system. It need not mean the end of most-favored-nation treatment. It need not mean protectionism. It need not mean closing our markets in response to closed markets overseas.

Rather, when I speak of reciprocity, or include the concept of fairness as a basis for making decisions on trade in U.S. services—as I have done in my Trade In Services Act of 1982 (S. 2058)—I mean a new approach to trade that will encourage others to open their markets as ours have been open for years.

It is time, then, for a fresh look at the rules of the international trading game. The United States will continue to benefit from free trade only if we can convince our trading partners to ease their barriers and restrictions as well. Reciprocity may seem to be a drastic approach, but nothing less drastic has worked so far.

(By request of Mr. DANFORTH the following statement was ordered to be printed in the RECORD:)

● Mr. GLENN. Mr. President, I join with Senator DANFORTH today in cosponsoring the Reciprocal Trade and Investment Act. The purpose of this act is to establish the principle of equal market access in international trade. The bill directs the administration to identify and act to remove barriers to competitive U.S. exports of goods and services.

The bill amends section 301 of the Trade Act of 1974 to provide a procedure whereby individual petitioners or the President may seek to obtain the elimination of foreign unfair trade practices. It explicitly authorizes the President to offset offending foreign acts and expands the President's retaliatory authority to include restrictions on inward investment. It empowers the President to offset offending acts by taking action in sectors and product lines beyond those involved in the unfair trade practice in question and enables the Finance and Ways and Means Committees to formally request 301 action. The bill requires the ITC to estimate the distorting effects of the trade barriers involved, as well as the impact of the options considered to address those barriers. It directs the President to take into account U.S. obligations under our trade agreements when considering what action to take and instructs him to negotiate agreements to eliminate restrictions on foreign direct investment.

Our competitive position in the world economy has deteriorated in recent years because we failed to develop a foreign trade policy responsive to the changing context of international trade. Last year, in an effort to rectify that situation, Congress acted on a number of proposals to improve America's competitiveness. In the Economic Recovery Act, we voted a number of tax proposals to improve capital formation, encourage research and development, and facilitate the operation of American firms in overseas markets. In addition, the Senate approved, and the House of Representatives is currently considering, legislation to encourage joint ventures in the formation of export trading companies. More recently, congressional committees have turned long-overdue attention to export disincentives in service trade. These efforts to improve American export competitiveness will prove futile, however, unless American firms are guaranteed the same access to foreign markets that we provide to our trading partners.

Just as our actions to promote exports underscore our realization that the conditions of world trade have changed, so must our trading partners recognize that the global economy is dramatically different from what it was 35 years ago. At that time the dominance of American industry was unchallenged and America led—and in large measure financed—the free world's recovery from World War II. By way of generous economic assistance, special preferences for developing nations and repeated tariff reductions, we led the development of the free world market. Since then the economies of Western Europe and Japan have risen from the ashes of war to positions of leadership in industrial production. South Korea, Taiwan, Mexico, and Brazil have made impressive strides on the road to economic development and challenge American producers in many sectors of our domestic market.

The trade policies that underlie these successful development programs stand in stark contrast to the American model and their implementation has altered the evolution of world trade. While we have worked to advance the goals of fair trade and open markets, many of our trading partners have subsidized exports and established barriers to competitive American imports. As a result, many American businessmen and workers are losing confidence in the good faith of our trading partners and in the authority of GATT. It is time now to adjust the practices of foreign trade to the new realities of the global market.

The procedures proposed in this bill are a step in that direction. They tell our trading partners that our markets will not be fair game until the game is fair. Just as our Federal Government has a commitment to insure that competition among firms in our domestic market is fair, so does it have a responsibility to insure that American firms are not unfairly disadvantaged in world markets as a result of their commitment to free enterprise. Just as we can no longer afford to be the world's policeman, neither can we afford to be its only willing customer for goods and services. The successful modernization of our basic industries, the employment of skilled American workers and the full expression of our service sector's creativity can no longer await the cessation of unfair foreign trade practices and the realization of fair and equal trade and investment opportunities. In short, we can no longer afford to pursue the ideal of free trade unless our trading partners are willing to reciprocate.

This bill provides procedures to insure that the spirit of trade liberalization is matched by actual results in world markets. It outlines clearly to our trading partners that countries which expect to embrace trade and investment opportunities in the United States must be prepared to meet us with equally open arms. I urge my colleagues to join us in support of this measure.

RECOGNITION OF SENATOR DURENBERGER

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for not more than 15 minutes.

BALANCE THE BUDGET BY CHANGING THE ROLE OF GOVERNMENT

Mr. DURENBERGER. Mr. President, 6 years ago, a former one-term Governor from Georgia was campaigning for the Presidency on two promises: that he would change the role of the National Government and the lives of the people of this country, and that he would balance the Federal budget.

Two years ago, a former two-term Governor from California was campaigning for the Presidency on two promises: that he would change the role of the National Government and the lives of the people of this country, and that he would balance the Federal budget.

That first Governor, Jimmy Carter, failed. In the 4 years of his Presidency, the national budget grew to record heights and, despite a doubling of tax collections, annual deficits became shockingly large. Following on the heels of this uncontrolled spending came disastrous inflation and interest rates.

Many in this country, and many in this Congress, are beginning to wonder if the second Governor elected to the Presidency on the platform of the same promises will suffer the same fate.

Instead of a balanced budget by 1984, we are now told that maybe—maybe, if everything goes right—we can balance the budget by 1987. Instead of budget surpluses we are faced with record deficits. Instead of continuing on the path of tax reform, the call for tax increases is growing louder.

The country is asking their politicians one simple question: What went wrong?

The answer is just as simple: We started to go wrong when we started to believe that the two promises of balancing the budget and changing the role of Government were not directly interrelated.

In fact, they are intimately tied. We will never balance the national budget until we change the role Government plays in the lives of the people of this country. We will never balance the budget unless we get to the underlying, fundamental policies that drive the budget numbers higher and higher despite our historic efforts last year to slow the rate of growth in Government spending.

We cannot afford to stay on that course. We must balance the budget by changing the role of Government.

And why should we care if the budget is balanced? The desire to balance the budget is the desire to change the role of the Federal Government. Until we do, public tolerance of Government will not improve.

Last year's historic changes in spending and taxation were long overdue. But, we cannot afford to spend another 12 months focusing only on budget numbers while ignoring budget policy.

I am prepared to make the tough decisions that will lead us to a balanced budget. I am prepared to work with my President to reduce the growth in Government spending. But I am not prepared to spend this year focusing only on the 15 percent of the budget that funds the so-called discretionary social programs.

If the theme of the 1980's is to do more, more efficiently, with less, that is the theme that has to apply to every area of Government activity—including the military, including the public works projects that Members of Congress prize so dearly, and including the energy heavy construction projects like the Clinch River breeder reactor. It is a theme that has to apply to every area of Government activity. I cannot support a 50-percent cutback in Federal support for higher education, particularly when other, less damaging options are available. I would much rather build one less destroyer, or defer the construction of two more dams. I would rather defer some heavy construction projects whose benefits are decades away, than cut deeply into programs that have an immediate and irreplaceable impact on human needs. I am convinced that the great majority of the people in this country share those feelings.

It would be a serious mistake to misinterpret these comments—or the President's proposals, for that matter—as a retreat from the basic Republican commitment to a balanced Federal budget. With Federal borrowing stealing 30 cents out of every dollar saved by the American people, a balanced budget is an economic necessity. But in a larger sense, balancing the Federal budget is an issue of trust between elected officials and the people they represent. It is a symbol of the political accountability that every voter has a right to demand. I care deeply about the fiscal crisis we have built toward for the past 20 years, and I am prepared to make whatever short-run sacrifices are necessary to restore long-term economic stability. The issue is not one of goals, but of means.

All of this just serves to highlight how essential it is to grasp the real message of budget deficits. The American people have been using elections and referendums for several years to tell elected officials to find better ways to meet the needs of America. Their message has been simple. "Find a better way—this one costs too much and produces too little."

The problems created by the hundred-fifty-billion-dollar deficit are far too severe to be solved with just another series of cuts, caps, and blocks. No one believes we can eliminate a $150 billion deficit by beating on a $90 billion Federal pipeline. My sense is that Republicans in the Senate will be chary about going along with that strategy again this year. We are not going to do anything like the reconciliation exercise that we engaged in a year ago. That could mean we will spend a whole year arguing about the specifics of the President's budget message, without getting much accomplished.

I hope that will not be the outcome, because that can only mean that we are one year further away from balancing spending with the revenues generated by new tax policies that are approaching fundamental sensibility. The President is absolutely right when he stresses the need to accomplish something this year, so I have a suggestion.

Rather than focus on the whole budget again, I think we should concentrate on two or three areas of Federal activity. In those areas we ought to examine thoroughly the structure of Federal policy and make some decisions about the long-range future. We ought to revamp our policy and the role of the Federal Government in implementing it so that when we are done with this year, we will have made some important contribution to balancing the budget in the long run, even if only in a few areas. We did that with tax policy last year, so we know how much revenue to expect. We could do it with two or three big-ticket items this year and be much closer to the balanced budget than we would be if we just look at cutting, capping, and blocking for the next 8 months.

The areas I would go into in depth are health, defense, and assistance to State and local governments. Taking the last one first, the Federal Government currently provides about $90 billion worth of grants to State and local governments. In his state of the Union message the President announced a major new federalism initiative that would restructure that entire series of programs. We ought not to lose the new federalism in the debate on budget cuts. We would accomplish a lot more if we forgot about the cuts and pushed ahead with the new federalism initiative.

Second, in the area of health care, today, the Federal Government spends $76 billion on health care for American citizens, who spend an additional $250 billion. It is the domestic program with the largest rate of growth, in the neighborhood of 20 to 25 percent a year. It is the second largest industry in the United States and if we do not do something to reform the way we finance the provision of health care in this country, even the Federal Government, with a $100 billion deficit, will not be able to afford it.

Third is defense. The President has a flat commitment to increase defense spending by at least 7 percent per year for the foreseeable future. We simply cannot afford to make blanket commitments like that, and Congress will not go along with the kind of buildup that is reflected in the budget. We have to have a full-fledged debate on the future defense policy and program for the United States. We have to bring Congress and the President into agreement on where we are heading for the long term. We ought to have that debate, in depth, this year. It ought to decide MX, B-1, and the other issues once and for all.

Focusing on these three areas means that other areas will not receive as much attention. We ought to set as a goal doing three more next year. I would suggest income security policy, much of the so-called safety net of entitlement programs, which have been put off for a variety of reasons until next year anyway. I would suggest also housing—shelter—and the civil service system.

Let me say one final thing about the budget and the budget process. Some people, I think, suspect that the President intends to largely abolish the Federal Government with the exception of defense and social security. That is a lot of abolishing because the

Federal Government is currently involved in thousands of programs. Some of them we really do not have any business doing and they ought to be eliminated. But there are important national roles beyond defense and social security. I think of environmental research. How do we know what substances are toxic to man? Consumers cannot find that out for themselves and 50 environmental research programs run by the States are duplicative and wasteful.

I think of higher education. Higher education has been a Federal role since the Morrill Act in 1862 that established land grant colleges in Abraham Lincoln's administration. Higher education is a necessary underpinning for the success of our Nation's economy.

I think of the Federal role in supporting refugees until they find a place in our society. The Federal role in preserving wilderness, or in supporting museums that preserve our cultural heritage.

There are Federal roles beyond defense and social security.

I fear that we are about to enter a big battle over these budget numbers that will do the Nation little long-term good. In the end, we will have come no closer to balancing the budget, because we will have made no progress in reshaping basic policy. And all the interest groups will spend a whole year fighting the administration of these issues whether the specfic cuts are reasonable or not. It would be far better if Congress spent the year working on two or three issues and the interest groups spent the year focusing on the few narrow purposes that are truly Federal in preparation for other basic debates that will come in the future.

If we are to make rational public policy, we must approach policymaking in a more rational manner. Above all we need to focus, to recognize that the task of changing Government's role in the host of social areas it touches is too great a task to be accomplished in a single year.

The 1981 tax debate is an example of how the process should work. The fundamental changes embodied in the estate tax reform, the IRA's, depreciation changes, child care credits, and other sections of the tax bill are the foundation on which the property of the next generation of Americans rests. The policy changes involved included lowering the rewards for consumption and the penalties for saving and investment; the elimination of the national tax on inflation—by indexing—and on death—estate tax reform—and the accomplishment of the first phase of social security reform through the protection from tax provided that portion of earnings committed to voluntary pension contributions and individual retirement accounts and Keogh plans.

The process that produced that bill worked because Congress focused its efforts on a single area, resisted short-term remedies and addressed the fundamental issues underlying national tax policies.

We now need to apply the same discipline in the Government spending policy. When we have succeeded in reassessing Government's role in the essential areas of health, defense, income security, housing, civil service, and in the assistance through State and local governments we can look again to the Federal tax system.

Starting in the 1983-84 biennium we can complete our efforts to reform the nonproductive portions of the tax policy. Then by the 1985-86 biennium we address the tax system as a revenue raiser—we make a final judgment on the levels of revenue needed to support the levels of public services we have deemed essential.

If the President were to commit himself to support a constitutional amendment to require the Federal Government to balance its budget this would not be a bad year to start the process of presenting the amendment if the amendment were to be effective for fiscal year 1987, it would be a challenge to the last session of the 99th Congress. By no special coincidence this would also be the year that 16 Republican Senators, elected with President Ronald Reagan, to the first Republican Senate majority in 26 years return to the electorate to determine whether or not the real message of the elections and referendums of the last 6 years really mean what I believe, that is "Find a better way."

President Reagan will earn his place in history for a variety of reasons. But the most important of those reasons is likely to be his role in beginning this process of policy reevaluation. The process is a partnership between the President, the Congress and the people of this country—an affirmation of the basic pluralism that forms the strength of American society. The President has done his part, and the challenge is now in our hands.

On the subject of the Federal role in providing assistance to State and local government, I ask unanimous consent to have printed in the RECORD the letter that I addressed to the President, dated February 4, and the attachment, which is my contribution to a joint effort on behalf of the President's Federal initiatives engaged in by Members of this Congress, Governors, county commissioners, State legislators, mayors, and local government officials, entitled "Basic Principles for a New Federalism"; also, a third document, entitled "Two Proposals for a New Federalism," in which I describe the New Federalism initiative proposed by the administration and offer an alternative based on selective changes in specific aspects of the administration's program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, D.C., February 4, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In response to your request at our meeting last Monday, I am respectfully submitting two documents which outline my views on the New Federalism. The first is a short list of principles that might guide the design of the final package. The second is a detailed proposal that I offer as an amplification of the basic elements that you presented to the nation in your State of the Union Message.

I am sure that I speak for public officials all across the country by expressing my sincere appreciation for the leadership you have provided in making this proposal and for the spirit of open consultation in which the details are being established. I look forward to working for your program when it reaches the Congress and offer any further effort that may be of assistance.

Respectfully,

DAVE DURENBERGER,
U.S. Senate.

Enclosures.

BASIC PRINCIPLES FOR A NEW FEDERALISM

1. Federal assistance to state and local governments should be provided through general purpose resource return programs rather than categorical grants.

2. The federal government should guarantee the income security of all Americans which includes economic access to a range of services that provide a minimum standard of living. To the extent that income security programs are administered by state and local governments, the federal government should provide resources adequate to fulfill this responsibility and require a minimum standard of support based on individual need rather than aggregate spending levels.

3. In providing general purpose fiscal assistance to state and local governments, the federal government should seek to equalize the fiscal capacity of places.

4. As a corollary to principles 2 and 3, the federal government should establish a permanent program of general purpose fiscal assistance to state and local governments financed by dedicating a percentage of the federal income tax to the new federalism trust fund.

5. Transition from the current system of categorical grants to general purpose fiscal assistance should assure adequate time and resources for state and local governments to adjust their program and tax systems to the principles of the new federalism.

6. State governments as partners in a new federalism should make a commitment to more tax and program autonomy for local governments.

TWO PROPOSALS FOR A NEW FEDERALISM

(By Senator DAVE DURENBERGER)

This paper briefly describes the "New Federalism" initiative proposed by the Administration and offers an alternative based on selective changes in specific aspects of that program.

I. THE PRESIDENT'S NEW FEDERALISM INITIATIVE

1. The Swap. The Administration has proposed a "swap" that would realign responsibilities in the federal system. Beginning in 1984 the federal government would take full responsibility for the Medicaid program. At the same time state governments would take full responsibility for Aid to Families with Dependent Children (AFDC) and the food stamp program. Food stamps is currently a federal program, while Medicaid and AFDC are shared—both the federal and state governments pay part of the cost.

Under current law, states would contribute about $19 billion to the cost of Medicaid in 1984, so they will realize a $19 billion savings, if the federal government assumes full responsibility for Medicaid. On the other hand the federal government would have been spending $16.4 billion on AFDC and food stamps—costs which the states would assume as a result of the swap. These dollar figures are for 1984 and assume some changes in the programs in 1983 budget legislation.

2. Program Turnbacks. Beginning in 1984 the federal government would make participation in some 43 categorical and block grant programs optional and would offer "super" revenue sharing to the states in place of the grants. Planned federal expenditures for these 43 grant programs in 1984, assuming some budget reductions to be made in 1983, are $30.2 billion. The grant programs fall in the areas of transportation, community development, education, social services and general assistance.

The optional structure for the 43 grant programs would be terminated in 1988. From that point forward the programs would be entirely up to the states.

3. The Trust Fund. Beginning in 1984, $28 billion would be set aside in a "New Federealism Trust Fund" to finance "super" revenue sharing or at the states' option, continued participation in the grant programs that are scheduled to be phased out. The trust fund would be financed by dedicating $16.7 billion from the windfall profits tax and $11.3 billion from existing federal excise taxes on gasoline, alcohol, tobacco and telephone services. The $28 billion level would be constant for four years, after which the trust fund would be gradually phased out.

4. Allocation of the Trust Fund. For four years beginning in 1984, each state would be allocated a constant dollar amount from the trust fund to assure that no state would have less or more federal assistance that was received prior to enactment of the new federalism program. This hold harmless provision (no winners, no losers) includes an adjustment to reflect the impact of the swap of Medicaid for AFDC and food stamps.

The first step in allocating trust fund dollars is to determine how much each state would have received from the 43 categorical and block grant turnback programs. The next step is to adjust the turnback amount to reflect the impact of the Medicaid/Welfare swap. Some states will be losers in the swap. They will be taking on more AFDC and food stamp costs than the relief they will realize when the federal government takes Medicaid. Whatever the amount of the "loss," that amount will be added on to the funds allocated to the states in place of the turnback programs. To the extent that a state is a winner in the swap, its turnback allocation will be reduced by the amount of the benefit realized through the swap. Thus, for the first four years there are no winners and losers when the program is viewed as a whole.

5. Optional Grants. The states may take the entire allocation from the trust fund as super revenue sharing with no strings attached. At its option, however, a state might also use the dollars from the trust fund to "buy" continued participation in some or all of the grant programs. For each dollar of grants "purchased" by a state, that state's trust fund allocation would be reduced by a dollar.

6. Trust Fund Phaseout. Beginning in 1988, the trust fund will be phased out. Each year the dollar amount of the trust fund will be reduced by one-quarter or $7 billion. The allocation to each state will also be reduced by one-quarter each year.

7. Excise Tax Repeal. Phase out of the trust fund will be accompanied by gradual repeal of the excise taxes on gasoline, tobacco, alcohol and telephone services. Each year the federal excise taxes in these areas will be reduced by one-quarter. Only two cents of the federal gasoline tax is dedicated to the trust fund and only two cents will be repealed—one-half cent in each of the four years beginning in 1988.

This phase out will not affect the scheduled expiration of the windfall profits tax, although the amounts from WPT collections dedicated to the trust fund will be reduced by one-quarter each year. The windfall profits tax is scheduled to phase out in 1991 or when $227 billion has been raised. This phase out is in current law and will not be changed by the new federalism program.

8. Maintenance of Effort. During the first four years of the new federalism (1984–1987), state governments will be required to maintain a level of effort for income security programs. Although the Administration proposal is not specific it appears that the states would be required to spend at least as much on income security as was spent on the AFDC and food stamp programs in 1983. A continuation of the AFDC and food stamp programs as currently designed will not be required.

9. Pass Through. To the extent that a state decides to discontinue participation in the grant programs on the turnback list and to the extent that grant programs discontinued are currently direct federal-local grants (UMTA, CDBG, UDAG, GRS), the states will be required to pass through the super revenue sharing funds to local governments. The amount passed through for direct federal-local grants will be 100 percent of the value of that grant, if it had been taken as a grant in 1984.

To the extent that states opt out of other grant programs (where local governments are not direct recepients) states will be required to share 15 percent of the super revenue sharing funds with local governments. These funds will be allocated according to the current general revenue sharing formula.

These pass through requirements only apply to the first four years, Phase One, of the new federalism program.

10. 1983 Budget Reductions. The dollar amounts on which the new federalism program is based are dollar amounts for 1984 and assume substantial reductions in funding levels for the underlying grants as a part of the budget process in 1983. If the Congress should fail to adopt some or all of the budget proposals, the dollar calculations in the new federalism initiative will be adjusted upward to reflect larger swaps and resource returns beginning in 1984.

II. ALTERNATIVE PROPOSALS FOR A NEW FEDERALISM

1. 1983 Budget Reductions. Officials from state and local governments are understandably reluctant to endorse the Administration initiative, if budget reductions in 1983 have a significant negative impact on their capacity to take over these responsibilities. They might reasonably ask that the swap and turnback proposals hold them harmless at current funding levels (1982 authorizations), rather than at funding levels subsequent to the 1983 budget decisions.

In the Durenberger alternative, this issue would be resolved by creating a special revenue sharing fund—quite apart from the new federalism initiative—to phase in the 1983 budget cuts. Assuming that Congress does agree to some cuts from 1982 spending levels, an amount equal to 70 percent of the cuts would be put into the special fund and distributed to the states as revenue sharing. Consider a categorical grant program that was funded at the $200 million level in 1982. If in 1983 Congress decides to cut the funding to $100 million, then $70 million would go into the special fund and would be distributed to the states as revenue sharing.

In 1984 the dollar amount of the special fund would be reduced to 50 percent of the 1983 cuts. It would be further reduced to 30 percent of the cuts in 1985 and to 10 percent in 1986. In 1987 there would be no special compensation for the cuts proposed and enacted.

Acceptance of this alternative does not obligate state and local officials to support any or all of the cuts that the Administration will propose for 1983.

2. The Swap. Although Senator Durenberger shares the view that income security is a federal responsibility, there are some conditions under which the proposed swap of Medicaid for food stamps and AFDC would be acceptable. These conditions include a permanent commitment by the federal government to share resources from the individual income tax with states in an amount sufficient to meet any income security responsibilities returned and an assurance that the income needs of all Americans will be met through a combination of state and federal programs. The alternative outlined here assumes that the swap proposed by the Administration is enacted as a basic foundation.

3. Program Turnbacks. This alternative also accepts the proposal to return responsibility for a large number of categorical and block grants to the states. Although there might be some variation in the final list, it would be substantially the same as that outlined in the January 27 memorandum on the New Federalism Initiative Issued by the White House.

4. The Trust Fund. The Durenberger alternative also uses a trust fund to finance the new federalism initiative. It would be of the approximate size as that proposed by the Administration. However, it would be financed by a combination of revenues from the federal individual income tax and the existing excise taxes, rather than the windfall profits tax as proposed in the President's plan. The contribution from the excise taxes would be precisely the same, $11.3 billion. The $16.7 billion to be contributed by the windfall profits tax in the Administration plan would, in 1984, be replaced by $16.7 billion from the individual income tax.

The Durenberger plan replaces WPT dollars with income tax dollars for two reasons.

First, the new federalism is based on a reallocation of responsibilities that leaves a substantial income security role with state governments. Although it might be appropriate to administer needs tested income security programs at the state level, all income security programs should be financed from federal taxes. State taxation systems are not sufficiently "progressive" to carry substantial income security burdens.

Second, phase out of the windfall profits tax creates no "tax room" for the states that do not have oil production. In fact, at the end of the Administration's eight year program, states are short $17 billion as a result of the swap and turnback.

The Durenberger plan is based on a permanent trust fund, one that would not phase out after all of the swaps and turnbacks are in place. In 1984, $16.7 billion from individual income tax collections will be dedicated to the trust fund. That is approximately 6 percent of the revenue that is expected to be raised through the income tax in 1984. Every year from 1984 onward the federal government would contribute 6 percent (whatever the dollar amount) of its individual income tax collections to the trust fund. As income tax revenues grow, the amount going into the trust fund would also grow. The income tax portion of the trust fund would become a permanent feature of the federal system.

5. Allocation of the Trust Fund. In 1984 the entire trust fund would be allocated to the states on a hold harmless basis (no winners, no losers) according to the same methodology as that used in the Administration's proposal. That portion of the trust fund financed by the excise taxes would continue to be allocated on a hold harmless basis, until the excise taxes are repealed. However, the allocation of that portion of the trust fund which is financed by the income tax would be changed beginning in 1985. The distribution of these funds would be moved gradually toward an allocation designed to equalize the fiscal capacity of the states. Under the Durenberger plan and as described above, the portion of the trust fund financed by the income tax is permanent. After five years all of the dollars in this permanent trust fund would be allocated by a formula that reflects the varying fiscal capacity of the states.

The change from "hold harmless" to "fiscal capacity" allocations would be gradual. Specifically, in 1985 80 percent of the income tax trust fund would be allocated by the hold harmless methodology and 20 percent by the fiscal capacity formula. In 1986 the percentages would be 60 percent hold harmless and 40 percent fiscal capacity. (1987: 40 percent hold harmless—60 percent fiscal capacity; 1988: 20 percent hold harmless and 80 percent fiscal capacity). In 1989 and for every year thereafter, dollars flowing into the trust fund from the dedicated percentage of the income tax collections would be allocated to the states according to a formula that is designed to equalize fiscal capacity.

6. A Fiscal Capacity Formula. Fiscal capacity varies greatly across the fifty states. One informed estimate indicates that Alaska has three times more tax raising capacity than Mississippi. And the disparities in fiscal capacity appear to be increasing each year.

What is fiscal capacity? Suppose that every state in the Union had precisely the same tax system—the same income tax, the same property tax, the same sales and excise taxes. Under these conditions, some states would raise more dollars per person—many more dollars—than other states. This occurs because some states have a larger tax base—taxable wealth—than others. Incomes are higher. Property is used more intensively. Mineral wealth creates the opportunity for severance tax revenues. So even if all states had the same tax system, some states would collect much more revenue per capita than others.

Large disparities in tax capacity create wasteful tensions in a federal system. Economic relocation, driven by the individual desire to avoid high taxes in low capacity states, contributes to an inefficient allocation of social resources. Disparities of this type cause disinvestment in built up places and boomtown demand for new infrastructure in unsettled low tax regions.

The Advisory Commission on Intergovernmental Relations has studied tax capacity periodically over the past twenty years. They begin their research by designing an average state tax system. This is a composite of all the tax codes for the fifty states. The next step is to apply this tax system to the taxable wealth of each of the fifty states to determine how much revenue each state could raise, if it imposed the average national tax. Dividing these revenues by the population in each of the states produces the per capita tax capacity for each state.

The Durenberger alternative proposes to allocate that portion of the trust fund financed by the income tax so as to equalize fiscal capacity. Complete equalization is beyond the reach of federal resources. However, some movement in that direction can and should be accomplished in the allocation of the new federalism trust fund.

7. Repeal of the Excise Taxes. Although the Durenberger alternative would establish a permanent trust fund for fiscal equalization, that portion of the initial trust fund financed by the excise taxes would be phased out. Under the Administration proposal, one-quarter of the trust fund is phased out each year beginning in 1988. In each of the next four years, each of the excise taxes (gasoline, alcohol, tobacco, telephone services) imposed by the federal government is reduced by one-quarter. This seems an overly-complicated and cumbersome approach. In the alternative, one of the four taxes might be entirely repealed each year. The following schedule is suggested: 1988, repeal two cents of the gasoline tax; 1989, repeal the tobacco tax; 1990, repeal the alcohol tax; 1991, repeal the excise tax on telephone services. In each of these years the dollar value of the trust fund would be decreased to reflect repeal of a tax.

8. Maintenance of Effort. Under the Administration's proposal responsibility for AFDC and food stamps would be returned to the states. This promises to be the most controversial aspect of the new federalism initiative. Governors, state legislators and ACIR advocate that all income security responsibilities should be transferred to the federal government.

The Durenberger alternative would achieve federal financial responsibility for income security by permanently returning a percentage of the federal individual income tax collections to the states. In 1984 the additional dollars that states would be required to spend to continue the AFDC and food stamp programs are almost precisely the same as the dollars from income tax collections that would be returned to the states under the Durenberger plan. Since a permanent percentage rather than a dollar amount is dedicated under this alternative, resources going to the states will increase each year.

However, this does not resolve the basic objection made by many that the Administration proposal allows the states to ignore the basic needs of the very poor. Resolving this issue requires a shift of focus from the aggregate spending levels contained in the Administration's maintenance of effort provision to the actual economic access of individuals and households to a minimum standard of living.

Under the Durenberger alternative, the federal government would define an income level that would assure a minimum standard of living. This amount would be variable according to family size and area of residence. States would be expected, through programs they design, to assure that all citizens had access to earnings or assistance income (whether cash or in kind) sufficient to meet the federally defined minimum standard.

The structure of the new income security programs would be left entirely up to the states. However, there would also be a federal guarantee for individuals, if for some reason the state was unable to provide adequate support. If for any two consecutive years, more than three percent of the population in a state did not attain the federally defined subsistence income, in the following year that state would lose its allocation from the federalism trust fund. If more than three percent of the population remained below the federal subsistence level for three consecutive years, a federal cash assistance program would be operated in that state. A state's share of the trust fund would only be restored, once lost, if the state could meet the three percent test for two consecutive years.

9. Pass Through. During the initial four years of the new federalism program, pass through provisions in the Durenberger plan would be precisely the same as those contained in the Administration's proposal.

However, since this alternative creates a permanent trust fund, a permanent pass through provision would also be included. The following methodology would be used to determine the pass through amount. In 1988 when the excise taxes begin to phase out, pass through amounts calculated in dollars would be 10% less than the dollar amount of the pass through in 1987, the last year of Phase One. In each succeeding year the pass through requirement would be reduced by another ten percent of the 1987 dollar amount.

It is perhaps too early in the era of a new federalism to determine the future relationship between the federal government and the nation's cities. The new federalism is necessarily a two part process. In part one, the federal government is attempting to reshape its relationship to the states. We do this with the expectation that a new federalism cannot be entirely successful until the states, acting through their legislatures, create a new partnership with local government. Beyond the pass through provisions outlined above, the final structure of the new federalism awaits the response of the states to this challenge. The form of part two in the process will be determined by the willingness of the states to make local government an equal partner in the federal system.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. PROXMIRE. Mr. President, I inquire whether we are in morning business.

The PRESIDING OFFICER. The Senator from Wisconsin is correct. The next order is for morning business.

Mr. PROXMIRE. Mr. President, it is my understanding that the Senator from South Carolina will permit me to proceed for a few moments in morning business. Then I will yield the remainder of my morning business time to the Senator from South Carolina, if that is all right.

The PRESIDING OFFICER. The Senator from Wisconsin.

BUDGET AND GNP FORECASTS

Mr. PROXMIRE. Mr. President, it is rare that any of us public officials rise above partisanship to criticize policies of the party we support. When public officials do this, and when the criticism comes from widely respected and highly competent experts, we ought to note it carefully. Yesterday, three of the most distinguished American economists sharply criticized the budget proposed by President Reagan and predicted it would worsen both inflation and interest rates. All three of these economists served in previous Republican—I repeat Republican—administrations.

What they said yesterday was that President Reagan's budget and economic growth forecasts are not consistent either with current Federal Reserve monetary policy or a continued decline in inflation.

William Fellner, a member of President Ford's Council of Economic Advisers, said the administration is projecting about a 10-percent annual increase in gross national product for several years. He said:

> We have never had a period of such increases that was not inflationary.

The question marks and riddles of the budget and economic forecast leave the public in doubt about what policy course the President ultimately will choose, Fellner warned.

He said heightened uncertainty is damaging the Nation's economic prospects.

Herbert Stein, an eminent economist and the Council of Economic Advisers chairman under President Nixon, another member of the panel speaking at a luncheon sponsored by the American Enterprise Institute, echoed Fellner's complaint about the budget inconsistencies, as did Rudy Penner, chief budget economist in the Ford administration.

Stein said the President relied on the high projected rate of economic growth in order to show the deficit declining from $98.6 billion this year to $53.2 billion in 1987. "Under a constant, instead of a rising, economy, you would have rising deficits," he noted.

Mr. President, this is such an astonishing criticism from eminent Republican officials that I think it should be included in the RECORD. I ask unanimous consent that an article by John Berry, which provides the story in detail, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 9, 1982]

FORMER GOP ADVISERS HIT BUDGET, GNP FORECASTS

(By John M. Berry)

A panel of economists who served in previous Republican administrations said yesterday that President Reagan's budget and economic growth forecasts are not consistent either with current Federal Reserve monetary policy or a continued decline in inflation.

William Fellner, a member of President Ford's Council of Economic Advisers, said the administration is projecting about a 10 percent annual increase in gross national product for several years. "We have never had a period of such increases that was not inflationary," Fellner declared.

Moreover, such large increases in "nominal" GNP—which includes real growth in output and inflation—"are not consistent" with the Federal Reserve's policy of restraining growth of the money supply, Fellner continued.

The "question marks and riddles" of the budget and economic forecast leave the public in doubt about what policy course the president ultimately will choose, Fellner warned. He said heightened uncertainty is damaging the nation's economic prospects.

Herbert Stein, CEA chairman under President Nixon and another member of the panel speaking at a luncheon sponsored by the American Enterprise Institute, echoed Fellner's complaints about the budget inconsistencies, as did Rudy Penner, chief budget economist in the Ford administration.

All three men urged the administration to lower its sights for GNP, though Stein acknowledged that would mean unemployment would come down only very slowly in the years ahead.

Stein said the president relied on the high projected rate of economic growth in order to show the deficit declining from $98.6 billion this year to $53.2 billion in 1987. "Under a constant, instead of a rising, economy, you would have rising deficits," he noted.

In fact, Stein said, "The best guess is that, for political and economic reasons, the deficits will be larger than projected in the budget."

The trio also took exception to claims by administration officials that financing the continuing budget deficits will not be a burden for the economy.

Fellner said that the $83 billion deficit forecast for 1984, for instance, would absorb nearly 30 percent of the approximately $280 billion worth of net new savings that year by individuals, corporation, and state and local governments. Such a high percentage was reached only once so far into an economic expansion—in 1978—he said. The administration has cited that year as part of a period of fiscal policy excesses that contributed to the country's current economic difficulties.

Fellner went on to say that if the administration did not get all of the spending cuts and tax increases it is seeking in the budget, then the proportion of net savings being used to finance deficits in 1983 and beyond would be higher than during any previous expansion.

The three men agreed that in such a case interest rates could rise to new highs relative to inflation.

The increased use of savings to finance budget deficits would "crowd out" private-sector investments that otherwise would be paid for with those funds. Stein said the large deficits were inconsistent with the administration's goals of fostering a rapid increase in private investment, one of the principal reasons for last year's business tax cuts.

Stein rejected claims by Treasury Secretary Donald T. Regan that borrowing to cover deficits placed less of a burden on the private economy than do taxes. If that is the case, he snapped, "It would be interesting to have somebody on his side explain why we have taxes at all."

Penner said the "worst of all worlds" would be one in which financial markets expect the Federal Reserve to ease its current tight money policy to accommodate the budget deficits and achieve the administration's nominal GNP targets, but in which the Fed does not ease. In that case, real interest rates would reach new highs, he said.

The size of the deficits are one reason why interest rates are so high now, Penner said. And he pointed out that a 2-percentage-point rise in long-term interest rates—about what has occurred since the end of November—is enough to wash out the entire effect of the increase in depreciation allowances that was the centerpiece of the business tax cuts passed last year.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, both the minority leader and I have approximately 8 minutes remaining of our time under the standing order. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. I have conferred with the representatives of the minority leader who indicate that he would wish to reserve his time as do I.

Therefore, I ask unanimous consent that the time remaining under the standing order allocated to the two leaders may be reserved back until after the expiration of morning business and just prior to the resumption of the consideration of the urgent supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BUDGET ALTERNATIVE

Mr. HOLLINGS. Mr. President, the President has submitted his budget and now we are in real trouble. His budget presents a $50 billion solution to a $150 billion problem, and the failure to bite the bullet now makes us have to swallow it later. Reaganomics is well conceived. But in its implementation last year, we attempted too much too soon. The supply-side stimulus for business was sound. But rather than waiting for it to take effect and then blending in individual tax cuts 2 years later—as we did successfully in the 1960's—we called for all of it to take place at once. And the economy got indigestion. The President realized this last September when he appeared on national television and suggested spending cuts and tax increases. But that was too little—and also confusing—for the administration was beseeching us at the same time that it was not necessary. The supply-side provision of Reaganomics took effect on January 1, 1981. But the administration was saying, "Give it time; it does not even take effect until October 1." Finally, in November, the President told us to wait until next year. We knew the problem demanded a complete and a comprehensive solution. And we knew politically that unless the sacrifice was shared by all sectors, there was no chance for success. We have waited, and now we have the President's proposal. It does not share the sacrifice. The President's plan is incomplete. Instead of a balanced budget, we are told that if you have seen one deficit, you have seen them all. And the President has taken off to sell federalism.

Truly, the ox is in the ditch. Republicans, Democrats, Congressmen, Senators, all, as participants in government have to pull together—not to get it partially out—but out. My friend Bill Jordan some years back gave me a sign that stands displayed in my office. A dollar bill is framed with the wording: "Every dollar spent by this government comes from the pocket of a working American. Our challenge is to act as if it were our own." What are working Americans doing? They realize that business is running out of money because of the high interest rates and the recession. So in order to keep the doors open, workers are willingly freezing their benefits. This is the approach of the autoworkers, the meatpackers, the teamsters, and—yes—airline workers are taking a 10-percent cut. What is the matter with government?

Better put, What is the matter with Washington Government? On the State level, every Governor is facing the same budget problem that faces us, and he stands in tougher shoes. Instead of laying back on a tax cut given last year, two-thirds of the Governors had to increase taxes last year. Some, like South Carolina's Governor, have foreseen the difficulty and cut their budgets by 4 percent. Iowa has cut its budget 4.6 percent. Wisconsin has made sizable spending cuts. Missouri cut its budget 10 percent. And the Senate Finance Committee in Virginia has voted to increase corporate taxes by $96.2 million. Now what are they doing with their budgets? Trying to freeze them in place so as to avoid any further cuts or tax increases. All across the country, the private sector and the States have come to grips with reality. Now is the time to talk sense in Washington. Ten States have just reenacted for fiscal year 1983 the 1982 budgets. On a bipartisan basis, we should use the same approach. Before we got into this economic crisis, many in the Congress were suggesting that we move to a biennial budget. We need not decide that now, but we can give the idea a good try by freezing in place the major portions of the 1982 budget.

Instead of cutting spending or increasing taxes, we could:

First. Defer the increase in defense proposed in the new Reagan budget for fiscal year 1983, and allow for 3 percent real growth thereafter. This would achieve real savings of $19 billion in fiscal year 1983, $30 billion in fiscal year 1984, and $34 billion in fiscal year 1985. Some would look at the $33.6 billion increase recommended for 1983 in the Reagan budget and say: Why not save it all? We have. Perhaps contractual authority and commonsense will require that not quite all can be saved. But the $5 billion for Government employee pay raise and the $19 billion for defense spending freeze appearing on the chart is a $24 billion CBO amount that is the same as the $33.6 billion Reagan amount. You see, Mr. President, we must use the CBO figures if we want to have truth-in-budgeting this year. The CBO estimate of $24 billion is the same as the $33.6 billion administration request. Others would say that our defenses would be denuded without the Reagan add-on. If there is any denuding, it has been of our conventional forces. Overprepared for nuclear war, we are underprepared for conventional war. The $31 billion that we added on this present fiscal year must be phased in over a 2-year period, making certain the freeze does not penalize readiness. This will give us time to develop deliberately the 5-year defense plan which we have yet to receive from this administration.

Second. Defer cost-of-living adjustments (COLA) under the entitlement programs. We are all friends of social security and social security beneficiaries are all friends of government. They will do their part, but they must be assured that in so doing they are solving the problem. They must also be assured that social security continues to be treated as a trust and not as a burden on the general revenues. They see through that cry of "We are not going to balance the budget on the backs of the taxpayers." They realize there are no other backs. What the administration is saying is that it is not going to balance the budget on the backs of the taxpayers now, but later—on the next generation. Social security recipients have children and grandchildren, too, and they know that when you are forced to run $100 billion deficits, this adds another $14.5 billion to interest costs, forever. Social security recipients do not want to be a part of causing $100 billion deficits. We did not increase social security in the New Frontier. The last time we balanced the budget under Lyndon Johnson and the Great Society, in 1968-69, we did not increase social security. We did not increase social security in 1973. The automatic formula cost-of-living increase was not even put into operation until 1975. We have to take if off automatic pilot for this year in order to save the fund and help save the Government.

I might say if you consult now with CBO—although it is not my purpose now to get into a social security argument—you will find that the trust fund might not have sufficient balances to meet its obligations as soon as October of 1983. This freeze saves $24 billion in fiscal year 1983. We are in serious trouble. The cost-of-living increases in entitlement programs must be held fast for a year, and reformed, and we do have a reform program as a part of the joint effort to turn our economy around these next few months.

Third. Defer the individual Kemp-Roth tax spending of $40 billion. I say tax spending rather than tax cut because it amounts to sending out money we really do not have. The Kemp-Roth notion of massive tax reductions has caused all of Ronald Reagan's good intentions to come undone by burgeoning deficits which he had pledged to erase. The tax cut requires the Government to go into the market and borrow $40 billion at 14.5 percent and mail it out to the taxpayers. We had better sober up. The cost of interest rates is far greater than the benefit of any tax cut—and it reaches all persons, not just taxpayers.

We need to do some other things as well.

Mr. President, I ask unanimous consent that a table detailing all my deficit reduction measures, along with other savings, be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

HOLLINGS BUDGET PLAN

[Fiscal years; in billions of dollars]

	1983	1984	1985
Baseline revenues [1]	652	701	763
Baseline outlays [1]	809	889	971
Baseline deficits	157	188	208
Deficit reduction measures:			
Revenue changes:			
Forego July 1982 10 percent tax cut	40	44	47
Reduce July 1983 10 percent tax cut to 5 percent	4	18	20
Repeal indexing			12
Repeal leasing	4	4	5
Total revenue changes	48	66	84
Spending changes:			
Cost-of-living adjustment (COLA) freeze, 1 yr.—and reform [2]	24	31	35
Forego 1983 Government employee pay raise	5	6	7
Defense spending freeze, 1983—3 percent real growth in 1984–85	19	30	34
Management savings—half of administration proposals	10	12	12
Interest savings from lower deficits and interest rates	9	24	40
Total spending changes	67	103	128
Total deficit reduction	115	169	212
Deficit/surplus	−42	−19	+4

[1] Based on CBO economic forecasts.
[2] Cap social security COLA at CPI—3 percent. Cap military and civil service retirement COLA at lower of social security COLA or Federal pay raise.

Mr. HOLLINGS. With these steps, we save $115 billion in fiscal 1983 and reduce the deficit to $42 billion. We achieve a balanced budget by fiscal 1985. All of this can be done without raising taxes or cutting spending. This includes $9 billion in interest that we will neither have to raise nor pay. We can save $106 billion without increasing taxes and without cutting any spending.

This is the kind of honest alternative we must develop immediately—before Members of Congress lock themselves into other commitments. If we follow the path I have outlined, we can effect a dramatic turnaround in the economy. Deficits will be eliminated; interest rates will go down; and everyone can go back to work. This will give us time to develop a solution to social security financing without resort to general revenues, and time to work out a comprehensive, 5-year plan for defense.

The economy is in a shambles—racked by crippling interest rates and stricken by the bloated deficits caused by an exorbitant tax cut. The business community hedges its bets rather than plunge forward with the renewal and expansion the President's program promises. Yet the President has proposed a $55.9 billion solution to the $157 billion deficit problem projected by the CBO. Study his budget carefully and it is clear it contains proposals which were rejected two or three times during last year's debate. In fact, looking for solutions, I find that only one-fifth of the President's proposals, about $10 billion, are realistically obtainable from this Congress. We have just been through a wringing-out period the last of 1981. The new President of 1981 has lost his consensus in 1982. The Cabinet has balked at further spending cuts. The Republican leadership has balked at further spending cuts. The mayors are in disarray. And the Republican Chairman of the National Governors Conference has characterized Reaganomics as "an economic Bay of Pigs." Even if the President's package is accepted in its entirety, it leaves in its wake a $100 billion deficit.

Perhaps many will say my proposal is, realistically, unobtainable. But if the private sector was in charge here in the Congress, it would not hesitate over a plan like this. It would jump to support it. If a Governor had this problem whereby he could not print money, the Governor would not hesitate. What the President asks us to do is increase Federal spending by $100 billion in 1983. We are being asked to go out and borrow another $100 billion—thereby to further crowd out private borrowing; to run up the interest rates and stymie the economy; to block the Federal Reserve from ever easing the money supply. Our industrial plant is now running at 71-percent capacity. We are out of work. To say this approach is realistically unobtainable is to say: "Let's shut down the economy entirely." But money is out there. People are ready to invest. Employers are ready to hire. The problem is they cannot move until Washington removes the roadblock of high deficits and high interest rates.

We are in a catch-22 situation. We cannot stimulate the economy without increasing the deficit, and we cannot increase the dificit without stimulating even higher interest rates. For those who think that we can wait until after the election, let me suggest that the best politics now is no politics. For those who think that this is too tough a problem for this Congress to solve, let me suggest that not solving it will be tougher. This is not the time to "scatter and gather like fish under a bridge." We need a bipartisan coalition to start lining up to solve the problem now. This approach retains flexibility. I would welcome any and all alternative plans. But the key is to let the people know that we here in Washington can control ourselves so that the economy can get moving again.

(During Mr. HOLLINGS' remarks the following occurred:)

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. Mr. President, I ask unanimous consent—I understand that the provision for Senators not to speak for more than 5 minutes each was in the previous order?

The PRESIDING OFFICER. That is correct.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent that morning business be extended until 11:30 during which time Senators may speak for not more than 15 minutes each.

Mr. HOLLINGS. I thank the distinguished majority leader.

(Mr. DURENBERGER assumed the chair.)

Mr. BAKER. Mr. President, may I take this opportunity to say to my friend from South Carolina, the distinguished ranking member of the Budget Committee, that I have listened to every word of his speech.

Mr. President, I have to say, in all fairness to our colleagues, that I have seldom heard a speech with greater substance as it relates to the basic issues that confront the country and the Senate at this time, nor one more filled with controversy and conflict, as brave and courageous statements often are. The Senator from South Carolina knows that I support the President, I support his budget, I support his tax policy and I believe they will succeed. But I want him to know, as well, that I respect his point of view and I find his proposals both interesting and worthwhile.

It is in the nature of things, Mr. President, that only the President of the United States submits a single budget document to the Congress. But it is refreshing, in the nature of things, to find comprehensive proposals to address the same subject as that which we have just heard from the Senator from South Carolina.

There are many elements within the Senator's speech that will strike sparks of controversy, not only in this Chamber but throughout the country, in terms of our treatment of social security, of other entitlement programs, including Federal retirement programs outside the scope of the social security fund, our commitment to the rejuvenation of the defense capability of this country, and our policy on taxation, among others.

I have often spoken, Mr. President, of restoring the nature of this Senate to the quality of a national forum. I believe there is in this issue an opportunity to do that and to discuss freely and frankly, without rancor and in honest, straightforward and genuine debate, the merits of the President's proposals and the merits of this proposal, and no doubt others as they will be presented in the course of the budget debate.

So, Mr. President, I commend the Senator from South Carolina. I do not agree with everything he said, nor do I reject it. I rather suggest that within the proposals of the President are many good, courageous, brave, and meritorious proposals. The Senator from South Carolina has suggested a number of alternatives and it is our bound and constitutional duty to examine them, which I pledge to my friend I will do.

Mr. HOLLINGS. Mr. President, obviously I am flattered. The Senator from Tennessee has been most generous.

Let me say that he struck a chord that I searched for, and that is one of bipartisanship. No single Senator has any special genius. Only the President can lead us out of a fiscal situation of this magnitude.

But without a solution emanating from the White House now, it will be men of good will on both sides of the aisles and in both Houses of Congress that will have to develop the economic answers this country needs. It requires bipartisanship. I do not think that any Republican solution can be adopted or any Democratic solution can be adopted.

I have listened judiciously to my Democratic colleagues, and they have some good ideas. On the Republican side, the distinguished Senator from Washington, who now is on the floor, Senator GORTON, has a similar plan, and I would be glad to join with him. I have no pride of authorship; we must work together.

And we must deal with a complete, comprehensive plan. With the devastating effects of high unemployment and the stagnation of the economy, we must face up to the whole problem and not deal with it in pieces and not by halves and not just fiddle around the edges.

We have to recognize how we got into this situation. Democrats supported an exorbitant tax cut. I happen to have been in the minority on that one, but that is water under the bridge. Democrats and Republicans, by a majority, supported Reaganomics. We know they do not want to have to admit that is the cause of the problem. We are not asking that. In fact, we are not asking to do away with the better part of Reaganomics; namely, the supply side for business or the 5 percent tax cut of last year. But when you heap on the defense increases, along with the enormous tax cut and the losses in revenue, you just lock the economy into a situation when nothing can move. We are getting nothing but TV appearances and a lot of good talk, but no solutions whatever.

I hope we can follow the leadership of the Senator from Tennessee, the majority leader, and I am sure the leadership of our distinguished leader, the Senator West Virginia, and see if we cannot go forward together to work out some kind of budget plan.

The Budget Committee is going to be meeting when we get back after the Lincoln's Birthday break. After a few witnesses, and we will all have a little fun jumping on Stockman, then we will have to get down to the job. As we get down to that job of workings up the budget resolution, we are going to need everybody's contribution and assistance.

Mr. President, I yield to the Senator from Louisiana and then to the Senator from Delaware.

Mr. JOHNSTON. Mr. President, it has been very interesting to watch the transmogrification of Democrats since the election of President Reagan. First there was a deep, deep depression, as Democrats realized they were in the minority, were not in control of things any more and could not lead the country. Then that deep depression gave way by bits and pieces to, first, sly smiles and smirks and then almost downright laughter as the Democrats began to realize that the Republican plans were not working.

But, alas, Mr. President, Democrats are again in deep, deep depression because we see that the shape of the country is so deadly serious that it is no time for either party to take the pleasure to poke political fingers of blame at the other.

This country is in exceedingly serious shape. In my judgment, the only way we are going to come out of this very difficult problem is through, as the Senator from South Carolina suggests, some kind of bipartisan effort.

Mr. President, I hasten to say that there is—I think the Senator from Tennessee put it well—much that I agree with, some which I reserve the right to disagree with, but which I may eventually embrace and go along with enthusiastically, in the plan of the Senator from South Carolina.

There is one thing about it, Mr. President. It is a big enough and it is an ambitious enough plan to really do some good. It is not just nibbling around the edges of this $100 billion growing deficit problem. It attacks it head on in the three areas where there are some real bucks—military, entitlements, and taxes. And unless you are willing to deal with those three areas, you can forget trying to reduce the size of the deficit.

The President's budget does it in two ways that, obviously, will not work. First, they extend these unrealistic assumptions. I mean, who really believes you are going to have 4.7 percent real GNP growth in fiscal year 1983? That is preposterous. Nobody believes that. Nobody believes you can cut these social programs which are already down to the bone. You cannot saw the bone off now. And you certainly cannot put on nuisance taxes and raise big bucks. You have to do it through these three areas. And the Senator from South Carolina does it. As I say, I reserve the right to disagree with him, maybe.

What we have to see, Mr. President, is what the administration will do, and therein lies the disadvantage of this plan. It is going to take some Presidential leadership. That is all there is to it. Because somebody sort of mumbled the words social security under his breath when speaking about the plan of the Senator from South Carolina, and that may cause a prairie fire out there of opposition to the whole plan.

The last time when the Senate tried to do something about it, the President pulled the rug from under the plan, passed by the Budget Committee and passed by this Senate, which would have reduced the rate of increase in entitlements.

So it is either going to take Presidential leadership or it is going to take this Senate on a bipartisan basis repudiating the administration. I do not know whether either one of those things will take place. I do know that if we do not get together on both sides of this aisle and take some very serious action, that it may be our economy as Americans that goes down the drain, not just the Republican economy or the Democrat economy. It is much too serious not to take that bipartisan action. Unless we do, we are in deep trouble. I congratulate the Senator from South Carolina at least for coming up with an ambitious plan.

Mr. HOLLINGS. I thank my colleague from Louisiana. I would like to reply, but first I will yield to my friend from Delaware.

Mr. BIDEN. Mr. President, in the 10 years I have been in this body there have not been 10 times that I have left a committee hearing and come to the Chamber to hear a Senator speak in morning business.

I did not know what the Senator was going to say, but I am delighted I came. I have flatout reservations about the social security side of his proposal because I think the recipients of social security are already in such bad shape I am not sure we can hold them.

But let me say that the fact of the matter is that the Senator has had the courage to propose a plan that has the depth and the breadth to deal with the scope of the problem. The problem is immense.

The Senator's plan is unlike the President's fooling around with the social security system. There was not anything very fair about that. The President in the past, when he put up the trial balloon, was saying that, "we are going to hold social security but there are other segments of the economy we are not going to hold, if there is any way in which we are going to deal with the social security problem."

If there is a need as the Senator suggested indirectly, when he suggested that CBO could confirm that the system is in trouble—though I am under the impression that is incorrect—obviously it has to be addressed. If it is going to be addressed, the only way it can be addressed is by letting the recipients of the entitlement programs know that every single section of the economy, without exception, is in for the same medicine. I compli-

ment him on that and point out the difference in the approach.

I would like to make one last comment.

In listening to this speech and proposal for the first time, the one thing that strikes me, which has not been present in any proposal emanating from the Congress in the last year, from the White House in the last year, or in anything I have heard from anyone who came before the Budget Committee to testify, or anyone else, is that it speaks to and mentions one of the unspoken things that everyone knows. That is, the reason why business is not investing. There is a lot of money out there; they have the money to invest.

The reason they are not investing, the reason why we are not moving forward in a comprehensive way in our defense plans as to where we are going to be 5 and 10 years from now, is that all of those generals in the Pentagon, all those admirals in the Pentagon, all those chief executive officers in the board rooms around this country know what we pretend we do not know.

They know that the Congress is going to have to do something about the deficits in the next several years. They know we are going to have to. We cannot possibly continue along the road the President is outlining for us.

The problem is it creates incredible uncertainty. They do not know whether or not we are going to do something about the deficit at their expense. That defense contractor out there, who is happy right now, who has all the prospects of making all the money in the world, still is not going out and extend himself to build new plants, purchase equipment, and hire new people because he is afraid that tomorrow, once the realization sets in on how bad things are, someone on the floor is going to stand up and say, "One of the things we have to do is get rid of that defense system, that program."

All of a sudden, that businessman, who now has every other reason to invest, every other reason to be happy, is out of business, because we picked on his particular item.

I have had an admiral, a high ranking official of the Pentagon, come up to me after a hearing and say, "Senator, I am worried." I said, "What are you worried about? We have given you everything."

He said, "I am worried because I know you will not keep giving it to us. There will be a backlash. What will happen is that the programs we badly need will be cut."

The point I make is that I believe the biggest single impediment to economic recovery is uncertainty. There is uncertainty in the economy now. Businessmen do not believe that they can chart anything beyond 6 months, even though they have the money, even though the law is in place, even though we have said they can count on it for the next 2, 3, 5, 10 years.

They know it is not true because they know that even we in this Chamber, we who engage in Alice-in-Wonderland tactics, even we are going to have to wake up and say, "You can not have a $150 billion deficit this year and possibly a $300 billion deficit in 1987. You cannot do that."

Consequently, they are not going to invest.

This is the only plan I have seen submitted by anybody anywhere in either party that speaks to the question of certainty and smacks of just commonsense. I compliment the Senator.

Mr. HOLLINGS. I thank my distinguished colleague and my good friend.

I yield to the Senator from Washington.

Mr. GORTON. Mr. President, one of the great privileges which I have had in the course of just over a year as a Member of this body and as a member of the Senate Budget Committee, has been to get to know better the distinguished Senator from South Carolina, both on the floor of the Senate and in the deliberations of that committee.

He takes positions based on what is best for this country and for its future. His suggestion here today is certainly in that tradition of his career and may very well be, as the Senator from Delaware has said, one of the most important statements made in this body in a number of years.

It is both statesmanlike and courageous, and probably would have appeared to be even more so had the Senator from South Carolina actually stated to the Members here on the floor and to those in the galleries the numbers which appear on the back page of his written speech and which will, of course, be printed in the RECORD. It is only by examination of those numbers that we can gain any knowledge and understanding of the depth and breadth of the fiscal problem which faces this Nation at the present time.

It is particularly significant that the Senator from South Carolina has made these suggestions, suggestions which others have made, Congressman DANNY SMITH from Oregon being one. But this is the first time that such a proposal has been made here on the floor of the Senate.

First, of course, the Senator from South Carolina has, I believe wisely, used as projections the figures provided to us by our own Congressional Budget Office. At this point, perhaps to illustrate the seriousness of the challenges we face, I should like to indicate one set of those numbers.

These are the figures projected for the deficits by the Congressional Budget Office, assuming that we do nothing to change directions, either in spending policies or in tax policies, during the course of the next 3 years.

Under those circumstances, the CBO estimates a deficit of $157 billion for 1983, $188 billion for 1984, and $208 billion for 1985.

I believe, as the Senator from South Carolina does, that it is essential for us in examining this problem not to gild the lily, but to accept the CBO figures, and to work on the problem from that point. I think that I may well share the views of the Senator from South Carolina when I say that if I believed that we could have 5 percent real growth in the economy of the United States, if I believed that we could have 5 or 6 percent inflation, if I believed that we could have a prime interest rate of 7 or 8 percent and $100 billion-plus deficits all at the same time, those deficits would not cause me to have any particular concern.

But the Senator from South Carolina knows, and I know and all of us know, that those are simply not consistent conditions. We will not have that kind of economic recovery; we will not have that kind of economy if we are faced with the deficits which are implicit in the administration's budget and very explicit in the CBO projections.

The only way to lower interest rates to a reasonable level is to see to it that those deficits are reduced and eliminated. The only way to continue to lower and keep down the rate of inflation is to see to it that those deficits are sharply cut and then eliminated. The only way to a growing and a booming economy is to see to it that those deficits are lowered and then eliminated.

The only road to high employment in this country is to lower and then to eliminate those deficits. In this, the Senator from South Carolina is absolutely, 100-percent correct.

Obviously, Mr. President, as each of the other speakers has said, there will be disagreement over the way in which we reach this particular goal, but reach it we must, and take very drastic steps we must.

Whether we can afford to cut back on the increase in the growth of national defense is certainly a question which will be seriously debated and debated at length, here and in committee. Whether we can and should raise the revenues necessary to balance the budget primarily by deferring and eliminating significant portions of personal income tax cuts, as opposed to dealing with various of the business taxes and with tax preferences which have been in the code for many, many years, is a matter on which we may differ and which certainly should be subject to debate.

Nevertheless, without making changes of the magnitude which have been outlined by the Senator from

South Carolina, we cannot reach the only goal which I believe to be consistent with economic recovery in this country. So any individual, any Member who feels that some of the proposals made by the Senator from South Carolina are unacceptable had better come up with alternative proposals which are equal in their impact on the economy.

The great virtue of this proposal and of certain other proposals which have been put forth, which have the same kind of balance between reduced spending, reduced growth in spending, and increased revenues, is that they ask all of the people of the United States to sacrifice toward making the economy well again and toward recreating growth. They do not impose an unfair burden on one element of the society. When we freeze everything for which the Government pays, the beneficiaries, of course, will be asked to sacrifice. When we say that it is necessary to find more revenues, we shall ask to sacrifice those people who are not the beneficiaries of Government programs so much as they are its financiers. But, given the nature of the situation which we face today, we must be perceived to be fair, and we must be fair.

We must also be effective. The willingness and the courage of the Senator from South Carolina to begin this discussion is most commendable and I, for one, as a member of the Senate Budget Committee, believe that it is a first step toward a real solution to real progress.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BAKER. Mr. President, I take this opportunity to extend my appreciation to the Senator from Washington for his remarks and for his suggestions. As I indicated earlier in colloquy with the Senator from South Carolina, the President of the United States is the only one charged with the responsibility of presenting a unified budget and sending up proposals for our consideration. It is gratifying to me to see suggestions such as those made by the Senator from Washington and those made earlier by the Senator from South Carolina, because they provide the framework in which these proposals can be discussed and out of the heat of the colloquy can come the best policy to serve this country.

I say parenthetically what I have said on the floor earlier, that before the Senator from Washington came to this Chamber, I identified him as one of the promising young lights of the American political scene. I believe his performance today, his remarks and his insights, have vindicated that judgment. I expect a continuing contribution from him through his ideas in this and other fields.

Mr. HOLLINGS. Mr. President, I echo the sentiments of the distinguished majority leader toward our colleague from Washington. It is a real pleasure to have Senator GORTON on the Budget Committee. Democrats and Republicans alike are not only pleased to serve with him but respect his judgment and intellect. Although he sits at the end of the table, his quiet voice bespeaks a man with very forceful and powerful judgment. We listen. So I appreciate very much his comments.

As to the figures, I think it should be emphasized that, as the Senator from Washington said, I have used CBO figures and they do not stretch reality. You notice under my plan that in 1984, there is a projected deficit of $19 billion; in 1985, a balanced budget or surplus of $4 billion. If I wanted to start playing games and get into controversial areas, I could balance the budget in 1984 by deregulating natural gas with a windfall tax and by including the administration's withholding tax on interest and dividends. However, I did not want to start controversy, I did not want to start problems. I want to try to solve a problem.

Similarly, there is fair support for a minimum tax on individuals and corporations. I could have included that and said, "Whoopee, we have a balanced budget for 1984 instead of having to wait until 1985." I would, perhaps, accept that amendment, but I am trying to be honest and realistic. There is a saying by the Mafia, "give them an offer they cannot refuse." No Governor is refusing these steps and no workingman is refusing them either. What is the matter with the Representatives and the Senators?

The truth is our economic machine has been thrown into reverse. The Senator from Delaware referred to the military contracts we started a year ago in February to increase our defense budget. Now, we are having to get rational, objective treatment of this defense budget. That is why I called for the freeze in fiscal year 1983 and the 3-percent increase thereafter. I am afraid, from what I am hearing around, even worse could happen.

Neither is the Reagan plan attractive to small business. With these high interest rates, small business is taking its money and putting it into money market certificates, where they guarantee 15 percent. That is better than trying to make 30 percent or more with the investment and having to bother with a payroll and trucks and equipment, insurance costs, and everything else. So we are forcing out not only the major businesses of the country, such as automobiles and steel, but the small businesses of the country as well, throwing many of them into bankruptcy. My point is that even small businesses with money cannot afford our present economic situation.

I hope we will go forward. I am very grateful to my colleagues.

Mr. President, I shall be glad to yield to the Senator from Wisconsin if he wants to ask a question or make comments.

Mr. KASTEN. Mr. President, I thank the Senator from South Carolina for yielding, and I compliment the Senator on his courageous statement. I want to join with the Senator from Washington and other Republicans in saying that this can truly be a bipartisan effort. A year ago, some of us supported an effort by the Senator from South Carolina for some entitlement changes. I wish that we had had more of our colleagues on that day. We might not be in the trouble that we are in today had more people gone along with his guidance 1 year ago, when he asked for a bipartisan effort.

I think that the bipartisan feeling that is being established here can cure the ill. We have an atmosphere in this country, as a couple of Senators who spoke this morning mentioned, in which, people are willing to make the kinds of sacrifices that the Senator from South Carolina has outlined in his plan, especially in the area of entitlements.

We cannot seriously reduce our large deficits by attacking only nondefense discretionary programs. These programs make up 16.5 percent of the budget in fiscal year 1982 compared to 23 percent in fiscal year 1964.

Over the same period, entitlement programs have grown from over 33.6 percent of the budget in 1964 to 57 percent in 1982.

Defense expenditures have declined from the 1964 level of 43.4 percent to 26.5 percent in 1982.

The boom in Government spending from $118.6 billion in 1964 to $704 billion this year comes from the growth in entitlement programs. This growth is due primarily to the large automatic cost-of-living adjustments for these programs that occur each year. In most cases, the adjustments have exceeded the wage adjustments that workers receive each year.

Business and labor leaders throughout the country are taking action against the problems of low productivity and high unemployment that are part of the recession. Labor unions have shown that they are willing to accept wages that are in line with economic productivity. No doubt the unions feel that this is necessary in order to save their jobs. I feel that it is an act of leadership, which we should follow.

For example:

Unified Food and Commercial Workers International Union has accepted a contract that freezes all wages and cost-of-living adjustments through 1985.

The United Steelworkers union has agreed to forgo $20 million in previously agreed to wage and benefit increases.

The Teamsters union has begun negotiations which are expected to include a minimum increase in straight wages.

Unionized airline employees at Western Airlines have accepted 10 percent less in wages. The Airline Pilots Association has also conceeded wages and benefits of $16.8 million a year.

The United Auto Workers began early contract negotiations in an effort to help automakers. It is expected that they will eventually agree to less costly wages and benefits.

The ever growing deficits that concern us are the direct result of lower revenues and higher recession-related transfer payments. According to the Congressional Budget Office, a 1-percent decrease in the gross national product increases the deficit by $60 billion; a 1-percent increase in the unemployment rate increases the deficit by $25 billion. Over the past few months, the declining economy alone has inflated deficit estimates for the next 3 years by approximately $230 billion.

Though I commend Senator HOLLINGS for his spending reduction proposals, I must disagree with his reduction of the personal tax cuts. These are essential in bringing about the economic recovery which will end the recession and help us balance the budget. I would recommend instead, my proposal to accelerate the tax cuts from July to January in 1982 and 1983.

I look forward to working with the good Senator from South Carolina in the months ahead. In our Budget Committee deliberations, we will examine all our proposals, including President Reagan's, and arrive at a workable budget plan for the future.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

URGENT COMMODITY CREDIT CORPORATION SUPPLEMENTAL APPROPRIATION

The PRESIDING OFFICER. The clerk will state House Joint Resolution 389.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 389) making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agricluture.

The Senate resumed consideration of the joint resolution.

AMENDMENT NO. 1268

(Purpose: To declare Poland to be in default of its debts.)

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, we have reached an understanding as to how we are to proceed with respect to the amendment offered yesterday by the Senator from Wisconsin and myself. We would like to present a modification of the amendment, which is cosponsored by Mr. PROXMIRE, Mr. MURKOWSKI, Mr. QUAYLE, and Mr. MATTINGLY as well.

It will be a moment before the principals involved can be gathered in the Chamber. I will take that moment, with the Chair's kind indulgence, to add just a few additional remarks to this general subject of Poland's unpaid and unpayable debt to the West and what the United States will do about it in light of the suppression of Solidarity.

The first thing I would like to say is that after our debate last evening I went to some length to ascertain from persons knowledgeable about the international banking community, and these particular loans, their judgment of the consequence of a default being declared with respect to Poland. It was their unanimous judgment that it would be of no particular consequence at all.

Default is simply giving to a lender the option to accelerate payments, or to attach assets if that option might be available. This was the case in the situation of Iran 2 years ago. In the case of Poland today, this option is available, though it is not a very attractive option there not being very many Polish assets available. The lenders would simply make the best of their situation. Default would not lead to any great collapse of any banking system. Such talk is alarmist, perhaps deliberately so, in pursuit of objectives other than financial stability.

Second, I am aware of the letter to Senator BAKER which has been placed on Senators' desks this morning. It is from the distinguished Acting Secretary of the Department, Ambassador Stoessel, from whom I have the highest personal regard and a long personal experience.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader of the Senate.

DEAR SENATOR BAKER: The Department of State is concerned that legislation may be offered to the Supplemental Appropriations Bill (H.J. Res. 389) for the Commodity Credit Corporation (CCC), which could have the effect of requiring American banks to declare formal defaults against the Government of Poland.

Such a requirement carries a significant risk of private bank declarations of default and would weaken the ability of the U.S. to respond to military repression in Poland.

As you know, we and our allies have implemented common measures against Poland, and are considering others. The U.S. has taken additional unilateral measures against Poland and the Soviet Union; our allies have taken or will take measures which parallel and support ours. Any unilateral and/or uncoordinated default would undermine our efforts to work with our allies.

In this context, our assessment is that, for the present, the best way of keeping maximum pressure on the Polish Government—and indirectly on the Soviets—is to insist it service its debt to the West. As Secretary Haig testified before the Senate Foreign Relations Committee recently, we believe this approach represents a "tougher" stance toward Poland.

Our allies are firmly in accord with this assessment; among the measures taken jointly is to suspend consideration of negotiations on a 1982 debt re-scheduling. This allows Western creditors to pursue the collection of these debts. Clearly, declaring an official default remains an option that can be used if circumstances warrant. However, our assessment is that an uncoordinated declaration of default might be used by the Polish Government to relieve itself of its obligation to make repayments.

The Administration decision that CCC should honor its obligations toward U.S. banks which have payments coming due under CCC guaranteed credits to Poland in a fashion similar to 1981 is fully consistent with our policy. As in 1981, CCC has offered to purchase the rights to payments owed the banks, as the payments come due. This preserves default as an option, rather than threatening to foreclose it. It does not bail out the banks, but rather allows the CCC to honor legal U.S. Government obligations to the banks in a way supportive of present policy. It in no way frees the Poles from their responsibilities; their obligations are owed to the U.S. Government instead of the banks, and we will do everything possible to collect.

The Polish situation is a complex and sensitive issue. It is important that the President and the Secretary of State have the maximum flexibility necessary to conduct foreign policy. A default at this time would restrict their policy options.

Sincerely,

WALTER J. STOESSEL, Jr.,
Acting Secretary.

Mr. MOYNIHAN. Mr. President, I wish to take issue, respectfully, with the Ambassador. He writes:

However, our assessment is that an uncoordinated declaration of default might be used by the Polish Government to relieve itself of its obligation to make repayments.

Mr. President, during last night's debate on this issue, I tried to make as clear as I could that there is no unilateral right of a government "to relieve itself of its obligation to make repayments." Such payments are an obligation of the state, not simply the government, and they endure until discharged by agreement with creditor nations.

This is an elemental principle of international law, and I think this is understood in the Department of State. I hope it is.

I dare to say that the nature of international law is not accurately represented in this letter from the Department of State, although in no sense do I suggest there was a deliberate misrepresentation.

Third, as the State Department has taken the trouble to write our distinguished majority leader, and has had the kindness to have a senior official call me this morning, I would like to invite the Department further into our deliberations. A decent and straightforward argument has been made against the proposal Senator KASTEN and I have made, and I believe that a decent understanding has been reached that the Senator from Wisconsin and I share a view of this matter that differs from the view of the Department.

But the Department, not to pursue the argument but to interrupt our proceedings last night, when it was very clear that we were about to settle this matter. Suddenly lobbyists from the Department swarmed all over this building and then we were abruptly adjourned until 10 o'clock the next morning, so that a serious lobbying campaign could be launched against our amendment.

Very well. They have now made their case, outside the Chamber. We have postponed our proceedings. That is a courtesy we can show the Department. One hopes they will show us a courtesy in return.

Mr. President, I put this question: In April 1981, Poland's debts were rescheduled. As my distinguished and learned friend from Wisconsin noted last night, there was a "tank clause" in the agreement among the Western countries which held that, should there be Soviet interference with the Polish State, these loans would go into default, would be "called", as the banking term puts it.

I have been informed, not officially but authoritatively, that in the course of those discussions the United States unilaterally asserted a condition of its own. It stated that, should the Polish State use its power to suppress the organization we know of as Solidarity, in violation of the Final Act of Helsinki, the United States would unilaterally consider itself free to call the loans or place them in default if, in fact, they were in default when the suppression occurred.

It would be well for the Department of State to be open with us on this matter. Did American officials, or did they not, add this special and unilateral assertion to the agreements of last April?

It seems to me those agreements in any circumstance should be public. These are public moneys, and nothing does less service to the purposes of this kind of diplomacy than to fail to disclose one's intentions. The only thing that does a greater disservice is, having disclosed one's intentions, having said what one's country will do and will not do, to step back and fail to follow through. And that, also, is what is happening here.

I repeat for my fellow Senators that nothing is more dangerous than to invite the contempt of an armed totalitarian adversary, and nothing is more sure to do just that than for the United States to quickly change policy in order not to apply pressure on the Soviets. Even yesterday, as we were debating, at Madrid, where the Conference of Security and Cooperation in Europe has been reviewing the implementation of the Helsinki accords our Secretary of State was saying, "We will not proceed further until we take up the issue of Poland and the destruction of the rights of the Polish people as guaranteed by the Helsinki Final Act." Just as our Secretary of State had been in Chicago pronouncing "solidarnose" on the very night this loan repayment deal was made in the White House.

There is our Secretary of State saying, "We will not put up with the repression in Poland", whilst our acting Secretary of State is writing a letter to the majority leader saying, "But don't cause any difficulties." Surely do not interfere with credits; surely do exactly what Lenin said the West would do.

Confirming the prophecies of the totalitarians is not a way to get them to change their ways.

I would like to know, and I think the Department owes us an answer, in comity and in its own interest: Did they in April declare that the United States would feel free to declare default if the Polish State used force against the Polish people, which clearly it has since done?

Mr. President, we come to a fateful judgment here. I remind Senators that the Senator from Wisconsin and I do not impose an arbitrary, fixed requirement upon the executive branch. The amendment states that, if the President judges that the national security interests of the United States will be served by continuing payments for overdue Polish loans, without the declaration of default, he has only to so state to Congress and he is free to act. He would not need our permission. But he would have to explain his policy. It cannot be carried out in secret, only to be found not by William Safire, and only then made known to Congress and the public.

What is more, Mr. President, my amendment would insure that the administration policy will not be carried out illegally. We have good legal advice that Commodity Credit Corporation rules regarding the disbursement of their moneys require, in writing, a statement that the loans are in default. If this was no longer to be required, then such a change need only to have been published in the Federal Register. This was not done. This seems to have been in contravention of the law.

I know the administration is strongly averse to publishing anything in the Federal Register. But I think we can agree that this could have been done in a very few lines. There are, after all, occasions when exceptions have to be made, despite the general policy.

The U.S. Government should not be breaking the law. If the President, if the administration, wants to change administrative policy it has only to announce its intentions. Indeed, there is implied in the amendment before the Senate an invitation to the President to tell us if he wants to change policy. Some of us would wish him to do so and some of us would wish him not to do so. Inevitably, but we should be governing in the sunshine and not issuing decrees at midnight which, thanks only to Mr. Safire's informants, did we only learn about several days after the fact.

That is not a procedure becoming to a democracy embarked on an effort to make statements of principle about democracy.

The distinguished chairman of the Budget Committee said last evening that he realized we had to add some money to the CCC, the farmers being urgently in need. I made the rather weak comment "some sum," the amount being $5 billion, and said I wished we could obtain such urgency if the urban mass transit fund were endangered. But I acknowledge that this body represents territory more than it does population, and that is the way it should be, and I have no objection.

Mr. President, if we are going to make the rape of Poland by the Polish Army an issue of principle, an issue of international law and agreement, as the Secretary of State is very properly seeking to do in Madrid this week, and which he is doing with the support and cooperation of the allies, well then, why not support him on the floor?

Why not let him say to his fellow Foreign Ministers in Madrid: "Let me tell you how the U.S. Senate feels about this matter; that there are

things we will not do to bail out the military dictatorship of Poland imposed at the behest of the Soviet Union."

We are dealing here with the Soviet Union, once removed. The plans to break the free trade union Solidarity were theirs. The plans were drawn up and they were put into effect at the direction of the Soviet Union. The decrees in Polish published on Monday following the declaration of martial law were printed in the Soviet Union. No Polish printer could be entrusted with such a document. And they were printed some time in advance.

The lists of persons arrested turned out, in fact, to have been lists of persons to have been arrested. Some of them happily were outside Poland at that moment.

So, Mr. President, we are faced here with a question of the honor of the United States. We diminish ourselves and our cause if, whilst making large pronouncements, we are seen to prefer at some level commercial interests to political and moral principles.

I see my friend from Wisconsin has risen. I hope he might want to comment as well on this matter, and I am happy to yield to him.

Mr. KASTEN. Mr. President, I thank the Senator for yielding.

I would like to make an inquiry of the Chair. Is the amendment before the Senate at this time the original Moynihan-Kasten amendment or is it the modified Moynihan-Kasten amendment, the change we were seeking to make toward the end of the day yesterday?

The PRESIDING OFFICER. It is the original amendment, without modification.

Mr. KASTEN. Mr. President, I yield to my colleague from New York to possibly make that modification at this time.

Mr. MOYNIHAN. Mr. President, it had been my thought that we would await the managers of the bill, their presence, before we do so. I see the distinguished Senator from Mississippi is present. It would be our desire that no one appear to not have been consulted.

Mr. COCHRAN. Mr. President, if the Senator would yield, I think the Senator from Wisconsin (Mr. PROXMIRE), who is assisting in the management of this bill for the minority, is on his way to the Chamber. It would probably be appropriate to delay that request until he arrives.

Mr. MOYNIHAN. If I may say to the Senator from Mississippi and the Senator from Wisconson, it is our understanding that the senior Senator from Wisconsin has left the Rules Committee, where he had to be, and it can only be a moment before he will arrive in the Chamber.

Mr. KASTEN. Mr. President, I would like to point out that we had hoped that the modification of the amendment would be agreed to because it relieves two concerns which were expressed yesterday by the Senator from Mississippi, Senator PROXMIRE, and the Senator from New Mexico, Senator DOMENICI.

First of all, the modification would affect only the CCC money which has a direct relationship to the Polish loans; that is, funding under this resolution would not be held up pending a declaration of default but only payment to the specific Polish loan guarantees and to the Polish loan credits.

The secondary effect of this modification, would be to relieve Senator DOMENICI's concerns that we hit our target directly so as not to confuse or to cloud the issue by having a possible adverse effect on unrelated matters.

Mr. President, a final point relating to the statement just made by the Senator from New York. Yesterday some statements were made that everything we are trying to do would have a disastrous effect on the alliance. Those statements simply do not hold water. All we are doing is suggesting that we follow through on the sanctions we said we would apply and our allies agreed we would apply in the April meeting of last year. That meeting was a meeting to discuss the rescheduling of Poland's debt. At that meeting, we decided that if certain exceptional circumstances took place, the so-called tank clause, then we, as a group of allies, would act in a certain manner. All we are asking is that we act in the manner that we have agreed to.

Yesterday, in our hearing, we asked this question of a number of the witnesses who appeared before us. Let me just read a part of the answer of the representative from the Department of Defense, Dr. Fred Ikle. He said:

> Specifically on the default question, the option has, of course, been discussed with the allies last year and, as you said, we had an agreement reached in connection with the rescheduling last year of the Polish loans, that they could be called up under exceptional circumstances. The definition of "exceptional circumstances," of course, does fit the present repression in Poland. So the allies and we have a solid agreement. And I think it is, therefore, possible to avoid major differences among the allies, which is an important objective, as Secretary Haig has properly emphasized recently.

We do want to avoid differences among the allies, but I believe we have an agreement which was reached in April. So there is no reason to continue to act as if we are going to be destructive upon our allies. We have that solid agreement.

One other point that was made in the testimony yesterday that I think is important is that we discussed at that April meeting, and our witnesses pointed out, that, yes, that was an agonizing decision. The credit rating of Poland was very low and in the end the decision was made to go ahead with some new financing for agricultural exports because it was decided by us and our allies that, in the larger political context of last April, we would not want to deny aid to the progressive groups in Poland.

That was last April. But since last April, the exceptional circumstances have occurred. We have over 5,000 people detained without account. Clearly, we have the problem which would trigger the so-called exceptional circumstances clause.

So this is not a surprise. We are simply doing what we said we would do. I am hopeful that the amendment, as modified, would be agreed to. The senior Senator from Wisconsin is here and we can discuss the modifications that were made at his suggestion yesterday. The amendment, as modified, ought to be agreed to.

I also wish to make one other point. Yesterday it was not clear whether the House of Representatives would have an opportunity to act on this issue if we were to, in fact, attach an amendment on the CCC emergency bill. It is now clear that the House of Representatives is in session for legislative business. If we attach this amendment, it will be sent over to the House and voted on, and I am sure that it would be agreed to and we would not hold up the process at all.

So I am hopeful that we can modify the amendment and that the amendment, as modified, will be agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I may be permitted to modify the amendment at the desk and in this case add as cosponsors the senior Senator from Wisconsin (Mr. PROXMIRE), Mr. MURKOWSKI, Mr. QUAYLE, and Mr. MATTINGLY.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, reserving the right to object, and I do not intend to object, but I have just been advised that the Senator from Maryland (Mr. MATHIAS), who had objected to the modification of this amendment, has not yet been contacted and advised that this modification is being offered at this time. I request the indulgence of the Senator for just a few minutes until that contact can be made. I am hopeful that there will be no objection made by any Senator to this modification.

Mr. MOYNIHAN. Mr. President, on behalf of the Senator from Wisconsin and myself, we are more than happy to indulge the manager of the legislation. We remain prepared to bring this issue to a vote. We were ready to vote at 5:30 last night, 6 o'clock, 6:30, 7, and 7:30. We went home at 8 and we were

willing to vote at 10 o'clock this morning, 10:15, 10:30, noon, and now afternoon. We are conscious of the time passing.

But I will take this opportunity to call to the attention of my colleagues a floor statement on my amendment by a distinguished Member of this body, the Senator from Iowa (Mr. JEPSEN.)

The PRESIDING OFFICER. Is the Senator from New York withdrawing his request?

Mr. MOYNIHAN. Mr. President, I withdraw the request, pending further information from the Senator from Maryland.

The PRESIDING OFFICER. The request is withdrawn.

Mr. MOYNIHAN. Mr. President, last evening the Senator from Iowa observed about our proposal, that:

> We are asking the American taxpayer to bail out the New York bankers and bankrupt Communist dictators on a carte blanche basis.

Now, that is quite a combination of wrongdoing or presumptive wrongdoing.

> We are asking the American taxpayer to bail out the New York bankers and bankrupt Communist dictators on a carte blanche basis.

I assume that one who shares this judgment of what it means to be paying off these loans without declaring default would vote for our amendment.

This would be a vote to prevent bailing out the New York bankers and the bankrupt Communist dictators. Or so it would seem to me, as one having no disagreement with New York bankers, as such, but willing to indulge the Senator from Iowa in a certain amount of hyperbole on the occasion.

Mr. President, I repeat that the honor of the U.S. Government is involved here. This is an opportunity to send a message to Madrid, to Secretary Haig, saying we are with him and we are with him not just in words but in substance and that we are going to have our Government playing a double game here or allow the appearance of a double game.

It does not matter how well intentioned and how well reasoned the judgments in the Departments are going to be. The conclusion in capitals all over the world, not least the capital in the Soviet Union, is that we will say things publicly and try secretly to do the opposite.

There cannot be a more painful example of the putative duplicity of free market economies and their governments, in my experience. I do not suggest there is any duplicity, but it will be seen as that. It will be seen as hypocrisy. It will also be seen as exactly what Lenin predicted.

I will take this opportunity to read once again the words of Lenin, written in 1923 when he was thinking that the Soviets would be helped out by the West as the last outlet for the surplus product of European and American factories. He wrote as follows, and you could not pay too much heed to this:

> The capitalists of the whole world and their governments in their rush to conquer the Soviet market will close their eyes to the activity of the various Soviet subterfuges elsewhere, and they will thereby be turned into blind, deaf mutes. They will furnish credits which will serve us for the support of the Communist Party in their countries, and by supplying us materials and technical equipment which we lack will restore our military industry necessary for future attacks against our suppliers. To put it in other words, they will work on the preparation of their own suicide.

UP AMENDMENT NO. 1268, AS MODIFIED

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that I be permitted to modify my amendment, and I send the modification to the desk.

Mr. COCHRAN. Reserving the right to object, and I do not intend to object, I would simply like to state on the record at this point that the understanding we have on the amendment as it will be modified with the modification which has been sent to the desk by the Senator from New York is that we will move to an up-or-down vote on the amendment, as modified, with no further debate.

Does the Senator from Wisconsin have further need for debate?

Mr. KASTEN. There is no need for further debate. As I understand, if we have agreement on the amendment, there will be——

Mr. COCHRAN. That there will be no further amendments offered by the Senators, nor a sense of the Senate resolution on the issue of credit to Poland.

Mr. KASTEN. That is right. There will be no further efforts made on this issue so long as there is this up-or-down vote on the amendment, as modified.

Mr. PERCY. May I inquire of the floor manager about what time we will get to the vote?

Mr. COCHRAN. That means we will vote in about 2 minutes.

Mr. PERCY. I would like very much to make a few comments.

Mr. MOYNIHAN. Will the Senator allow me to confirm the statements of the distinguished manager of this legislation.

Mr. COCHRAN. I thank the Senator.

Is there objection to the Senator from Illinois, the chairman of the Foreign Relations Committee, to have 2 minutes to debate? The problem is moving to a vote because the House may very well adjourn this afternoon. If the amendment should be adopted, which we, of course, hope it would not be——

The PRESIDING OFFICER. Is there objection to the modification?

Mr. COCHRAN. This Senator continues to reserve the right to object, Mr. President.

Would that time limitation be satisfactory to the Senator from Illinois?

Mr. PERCY. That would be satisfactory.

Mr. COCHRAN. There will be no further debate beyond that point.

Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, proposed by Mr. MOYNIHAN, for himself, Mr. KASTEN, Mr. PROXMIRE, Mr. MURKOWSKI, Mr. QUAYLE, Mr. MATTINGLY, and Mr. PRESSLER, is as follows:

On page 2, line 7, after the numeral "5,000,000,000", insert the following:
": *Provided*, That none of the funds appropriated heretofore to the Commodity Credit Corporation or by this resolution may be used for the payment of loan guarantee or credit assurance agreements with respect to loans made or credits extended to Poland in the absence of a declaration of default unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national security interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreements with respect to loans made or credits extended to Poland in the absence of a declaration of default.

Mr. PERCY. Mr. President, I have asked that copies of the letter addressed to Senator BAKER from the acting Secretary of State, Walter Stoessel, be placed on every desk. It is on every Senator's desk now.

I ask unanimous consent that the full contents of the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader of the Senate.

DEAR SENATOR BAKER: The Department of State is concerned that legislation may be offered to the Supplemental Appropriations Bill (H.J. Res. 389) for the Commodity Credit Corporation (CCC), which could have the effect of requiring American banks to declare formal defaults against the Government of Poland.

Such a requirement carries a significant risk of private bank declarations of default and would weaken the ability of the U.S. to respond to military repression in Poland.

As you know, we and our allies have implemented common measures against Poland, and are considering others. The U.S. has taken additional unilateral measures against Poland and the Soviet Union; our allies have taken or will take measures which parallel and support ours. Any unilateral and/or uncoordinated default would undermine our efforts to work with our allies.

In this context, our assessment is that, for the present, the best way of keeping maxi-

mum pressure on the Polish Government—and indirectly on the Soviets—is to insist it service its debt to the West. As Secretary Haig testified before the Senate Foreign Relations Committee recently, we believe this approach represents a "tougher" stance toward Poland.

Our allies are firmly in accord with this assessment; among the measures taken jointly is to suspend consideration of negotiations on a 1982 debt re-scheduling. This allows Western creditors to pursue the collection of these debts. Clearly, declaring an official default remains an option that can be used if circumstances warrant. However, our assessment is that an uncoordinated declaration of default might be used by the Polish Government to relieve itself of its obligation to make repayments.

The Administration decision that CCC should honor its obligations toward U.S. banks which have payments coming due under CCC guaranteed credits to Poland in a fashion similar to 1981 is fully consistent with our policy. As in 1981, CCC has offered to purchase the rights to payments owed the banks, as the payments come due. This preserves default as an option, rather than threatening to foreclose it. It does not bail out the banks, but rather allows the CCC to honor legal U.S. Government obligations to the banks in a way supportive of present policy. It in no way frees the Poles from their responsibilities; their obligations are owed to the U.S. Government instead of the banks, and we will do everything possible to collect.

The Polish situation is a complex and sensitive issue. It is important that the President and the Secretary of State have the maximum flexibility necessary to conduct foreign policy. A default at this time would restrict their policy options.

Sincerely,

WALTER J. STOESSEL, JR.,
Acting Secretary.

Mr. PERCY. I will read just one paragraph.

Such a requirement carries a significant risk of private bank declarations of default and would weaken the ability of the U.S. to military repression in Poland.

Obviously, the modification has helped in that regard but it places us in serious jeopardy because every single month a report must be there. Now what we are doing is really taking action which might cause Poland to not continue to honor its debts. We are continuing to receive payments and we expect to receive payments. It creates a tremendous amount of uncertainty.

Much of what I said yesterday, and what George Ball has said, is still applicable. I feel that this amendment should be rejected.

There have been no hearings on this issue in the Foreign Relations Committee adequate for the members of the committee much less the Members of the Senate to fully understand this issue, and no hearings in the Banking Committee adequate for the members of that committee and for the Senate to form a judgment. This is too important an issue to settle in this way.

Poland has an external hard currency debt of approximately $26 billion; government and government-guaranteed debt is some $17 billion; private unguaranteed debt is some $9 billion.

Of this amount, roughly $20 billion is due to 16 Western countries.

Polish debt to the United States totals some $3.15 billion, which is 14 percent of the total $26 billion.

The breakdown of this figure is:

	Billion
Nonguaranteed loans from private creditors (primarily commercial banks)	1.300
Direct credits and guarantees by Commodity Credit Corporation	1.600
Export-Import Bank loan	.244
AID loan	.006

Governments of 16 Western countries including United States, United Kingdom, France, West Germany, Japan, Canada, Switzerland, the Netherlands, signed a multilateral agreement in April 1981 to reschedule 90 percent of the principal and interest falling due from May 1981 to December 1981. The U.S. share of this was $380 million. The official rescheduling totaled $2.3 billion.

Repayment terms provided for 4 years grace and 4 years repayment, the later commencing in 1986.

These terms are generally comparable to those of other countries who have found it necessary to reschedule their debts.

In response to the Polish repression in December, the official creditors recently agreed to hold negotiations with the Poles on their 1982 debt service in abeyance pending a normalization of the situation. They also decided that in any event they would continue to adhere to their longstanding understanding that they will not discuss the 1982 debt until Poland signs a rescheduling agreement on its 1981 debt with the commercial banks.

The commercial banks of the 16 Western countries have been negotiating a debt rescheduling agreement with Poland.

The terms of this agreement—providing for rescheduing 95 percent of principal only, $2.3 billion—appear to be comparable to those provided by Poland's official creditors.

The Government of Poland must presumably pay all interest due to the commercial banks prior to signing of that agreement.

This amount is now on the order of $250 million. No one is in a position to comment one way or another as to whether the Poles will meet this payment.

Total debt outstanding to all banks is around $15 to $16 billion; about $14½ billion was recorded as of June 1981 for those banks in the reporting system of the Bank for International Settlements. However, much of this would be guaranteed by creditor governments. After allowance for guarantees, the commercial bank debt is thought to be around $9 billion.

The precise amount of banks' guarantee-adjusted exposure in individual countries is reported regularly only for United States and United Kingdom banks—exposure in Poland of $1.3 billion and $1 billion, respectively, as of mid-1981. Around 60 U.S. banks account for the $1.3 billion, most of which report amounts equal to less than 5 percent of their capital, broadly defined.

Continental banks have a relatively greater exposure in Poland. The degree of exposure varies among individual banks. Some figures have appeared in the press, but we cannot attest to their authenticity.

As for 1982 maturities, it is estimated that Poland's debt service obligations to official and private creditors for 1982 total roughly $10.4 billion—$6.8 billion in principal, $2.8 billion in interest, and $0.8 billion interest due on the rescheduled 1981 debt.

Mr. COCHRAN. Mr. President, as I explained in my statements during last evening's debate, this is an urgent supplemental appropriation to reimburse the Commodity Credit Corporation for $5 billion in net realized losses sustained over the last 2 years.

The House-passed joint resolution before us is clean, without any amendments. I strongly urge its adoption by this body without amendment. We are facing a House recess this afternoon, as well as the distinct possibility that the House Appropriations Committee will have to seek a new rule on which to proceed, should we amend this resolution.

We should address the domestic issue of restoring funds to CCC, and refrain from making decisions on an important foreign policy matter in the context of this urgent supplemental.

I am informed this morning that CCC officials are desperate and that they are keeping the corporation open on faith alone. We must act quickly to insure the continuation of this Nation's commodity programs.

Mr. DOLE. Mr. President, I would like to comment on the amendment offered by the distinguished Senator from New York, and to suggest a somewhat different approach to the issue of repayment of the Polish debt.

No one in this Chamber feels more strongly on this question than the Senator from Kansas. I have been on record for weeks in favor of requiring repayment of these outstanding loans and credits if and when the President decides to expand the existing limited sanctions against Poland and the Soviet Union.

I do not subscribe to the theory that such repayment, and the default that it may trigger, would bring down the Western Alliance. If some European banks have overextended themselves in making shaky loans to Poland, they have indulged in a form of economic

dependence that should be corrected before it gets worse.

The question facing Congress and the administration today, as it has for nearly 2 months, is to define the challenge which the repression in Poland represents to the free world and to respond effectively to it.

I think that most Senators are in agreement that Soviet complicity in the December 13 crackdown by the Polish authorities was a brutal and reprehensible denial of basic human liberties in that country.

President Reagan has repeatedly indicated that the United States will not sit idly by and watch the light of freedom be extinguished in Poland.

With this assurance, I am not prepared to join the Senator from New York in categorically stating that vital national security interests of the United States are being threatened by developments in Poland since the imposition of martial law.

We may recall that this same assertion was advanced and invoked by President Carter after the Soviet invasion of Afghanistan in December 1979 when he imposed the partial embargo on agricultural exports.

I did not at that time nor do I now agree with that assessment of the threat or with the solution proposed—a solution that has brought immeasurable hardship to our agricultural community.

In the case of the Polish loans and credit guarantees, these forms of financial assistance were extended for the purpose of fostering economic cooperation and to hopefully bring our two nations closer together.

These same goals have been pursued by American administrations since the early 1950's in the hope that Eastern European countries will eventually reduce their economic dependence on the Soviet Union.

Maybe we are at the point, after over 25 years, of rejecting this approach. If we are, I would hope that Congress will give the administration sufficient flexibility in redrafting foreign policy guidelines and choosing the appropriate time to implement them.

Unless and until this Senator is convinced that developments in Poland have gone beyond the province of economic and foreign policy and are threatening our vital national security interests, I cannot advocate congressional dictation of how the President should handle the Polish debt question.

Mr. MATHIAS. Mr. President, I ask each Senator to consider how little we know about the facts as well as the implications of declaring defaults on international credits. We do not know what the precedents are for declaring or not declaring defaults. We do not know what a "formal declaration of default," as the Wall Street Journal calls it, looks like. How is it worded? Who does the declaring? What are the legal consequences of such a declaration?

Must the declarer also attempt to attach whatever assets the defaulting debtor has, wherever they can be reached? How have the courts handled any similar claims in the past? Are there, in fact, any legal precedents?

We are told that requiring banks to declare loans in default "might trigger the cross-default provisions in other loan agreements"—I quote the Wall Street Journal again because it has expounded on the subject so emphatically. Are there "cross-default provisions" in the loan contracts covered by CCC guarantees? Has any Senator seen and studied these loan contracts? How do "cross-default provisions" in CCC-guaranteed loans, if they exist, compare with, and tie into cross-default clauses in other loans to Poland or other borrowers?

I am told that cross-default provisions vary widely—some may be easily "triggered"; others cannot be invoked except by majority vote of a syndicate of lenders. But I emphasize that I do not know exactly what cross-default provisions apply to Polish loans nor how they might be triggered. Does any Senator?

We could be launching the economic equivalent of a nuclear first strike or firing a blank. We do not know.

We are told that upon a declaration of default "Polish trade would probably come to a standstill." I thought Polish trade with the West was already pretty much at a standstill. What is currently happening to Polish trade? What trade is there that would probably come to a standstill, and would it, in fact, come to a standstill?

What effect would a default have on the efforts of private relief organizations such as CARE and Catholic Relief to feed hungry Poles? If all Polish trade and payments cease, how will relief supplies be transported and transferred, at whose expense?

What effect would a formal declaration of default have on lending to the Soviet Union and other Eastern European states? Would they be unaffected? Would they be forced to repudiate their foreign loans? Would the Soviet Union, as some have suggested, emerge as the only creditworthy borrower in the bloc? Is there any lending taking place now to the U.S.S.R. and bloc countries?

What effect would a formal declaration of default have on Western banks and Western economies? Have we studied the distribution of the debt? Have we considered what arrangements might be needed to avoid severe international financial repercussions? I would not wish to raise any false alarms; I hope there are no "Credit Anstalt" situations lurking behind this amendment, but I would like to be absolutely certain before we precipitate a sequence of actions which could prove difficult to control.

What are the implications for the host of developing country borrowers whose debts to the West far exceed those of the Soviet bloc countries? The amendment mentions only Poland, but is it a precedent for how other debtors will be treated? Can we, in fact, treat Polish debts differently from other international debts? That is not a question which should be answered in a brief debate on a Senate floor amendment to an appropriations bill, but the outcome could easily be prejudiced by the vote we take here today.

I hope that the Senate will see the wisdom in postponing a final decision on the issues posed by the amendment. We need more facts and time to study them. There will be ample opportunities to legislate on this subject in coming weeks. Polish debts will continue to come due, and the option to declare them in default will continue to exist. No good will be done by acting in haste and in the dark. Let us use the next few weeks to conduct a thorough study of the matter. Several committees have relevant expertise: the Foreign Relations Committee, the Banking Committee, the Agriculture Committee. Let us learn what we can before we act, instead of learning too late what we have done.

Mr. MITCHELL. Mr. President, I rise in strong support of the Moynihan amendment requiring the Commodity Credit Corporation to abide by the existing law which requires it to declare Poland in default of its legal loan obligations before the Federal Government assumes the responsibility for those obligations to the private banks which made the loans.

Despite its tough talk about the repression of human freedom now underway in Poland, this administration has taken the unprecedented step of ignoring the clear intent of the law and requiring the CCC to repay defaulted loan amounts of $73 million without declaring the lender in default.

This action has been defended on the specious ground that by bailing out the Polish military government, we are, in some way, increasing pressure on Poland. The reverse is clearly the case. Poland is not a private corporation which can declare bankruptcy or which has limited liability. Poland is a country whose credit standing in the world financial community depends entirely on its willingness to discharge its legal indebtedness.

And most importantly for American foreign policy purposes, Poland's leaders are imposing severe restrictions on freedom in that nation in response to direct and clear pressure from the Soviet Union. At a time like this, it

makes no sense to bail out Poland—and by extension, the Soviet Union—by permitting the repayment of debts which Poland is clearly not going to make. To ask American taxpayers to underwrite the repression in Poland today is to make a mockery of the entire American position on that tragic situation.

To relieve the Soviet Union's Government of its obligations in the event of a Polish default is to simply hand a major financial victory to a nation which helped instigate the repression in the first place.

And to deny ourselves the use of a major foreign-policy tool—the credit the Western world has to offer, which the Communist world desperately needs—is to deny ourselves a truly meaningful lever in West-East relations. Easy Western credit helps prop up the failing economies of the Eastern bloc nations. Easy Western credit helps the Soviet Union finance its huge military machine—a machine we are now trying to match, if not surpass. Easy Western credit simply undermines all our tough rhetoric, for no gain whatever.

The exposure of U.S. banks in Poland's indebtedness is $1.6 billion total. Those financial institutions which made the loans have been well aware for many months of the need to build up reserves to protect themselves against possible default. The Federal Government will honor its loan guarantee commitments, as it always has.

But there is no basis whatever in this situation for our Nation to permit the fiction to go unchallenged that Poland is not in default. And there is no reason to ignore or circumvent our own laws regarding the repayment of guaranteed CCC loans.

On the contrary, declaring Poland in default now would not only signal our NATO allies, with their outstanding credits, that we mean business. It would have the salutary effect of forcing both the Soviet Union and Poland's military leadership to seriously face the economic realities that Poland confronts.

To continue the fiction that Poland is not in default is to give aid and comfort to those elements which are pleased to see the reforms of Solidarity ground under, and which value "stability" at the price of human freedom and dignity.

I do not believe we should endorse the administration's faulty reasoning in this instance. A declaration of default is not a major financial hardship for this country, it could well prove one for the Polish military government and its Soviet sponsors. A declaration of default will not undermine our opposition to martial law in Poland. It will enhance it. And a declaration of default will be true to both our Nation's principles and to the freedoms for which Solidarity fought so desperately.

Mr. MELCHER. This business of linking trade with political considerations makes the United States look like a fourth-class banana republic that won't sell its bananas.

Just last week, Secretary of Agriculture Block sat before members of the Senate Agriculture Committee and told the members how much he hated embargoes. He told the members how much embargoes damaged American credibility as a world-trading partner. But as far as I am concerned, we have what amounts to an embargo right now against sending food to Russia and Poland.

This amendment would only send word to the world that the Congress intends to compound the present "soft" embargo with official sanctions.

For several years, I have heard much about the importance of the free market for agriculture and I want to say that that free market on foreign sales of U.S. agriculture products is a myth. I will say it, and say it anew and over again that there is no free market in agriculture when our own Government, and the governments of other nations become the most dominant factor in the marketplace. Even without U.S Government interference, American agriculture must produce and sell in competition to foreign governments of all other countries that subsidize their agriculture sales and place trade barriers on our products.

While one President after another tells us about how we must not support fair prices for farmers and ranchers because we must rely on the marketplace to set prices, these Presidents have then turned around and shown a total disrespect for the principles of this policy by slapping on politically motivated embargoes.

Who are we trying to impress here? Has any nation indicated that it will join us in placing sanctions on the Poles? No; not one.

President Carter made the noble gesture of slapping on an embargo in 1980 for what were said to be national security and foreign policy reasons. At least Mr. Carter had some agreements from other trading nations that they would not ship grain to the Russians.

What did the Russians do? They went into the world market to find grain wherever they could, at whatever price they could. Of the 5.7 million tons of grain that our farmers and ranchers were forbidden to sell the Soviet Union, 68 percent was purchased by the Russians from countries that had agreed to cooperate with Mr. Carter's grain embargo.

That makes us the sucker of the Western World as far as I am concerned.

Now that President Reagan has informally suspended grain trade because of the Polish crisis, we have seen wheat market prices melt. The price of U.S. wheat was above $4; it hovers at near $4 now and that is far below the cost of production.

What good does it do farmers to hear the President tell them that any future embargo will be "total," and not just apply to farm commodities? That is hokum, because nearly 80 percent of American trade with Russia is agriculture. Selling food to Russia, Poland, or other Iron Curtain countries is a tremendous testimony to the success of American agriculture versus their failure to feed their people. Their system fails in the most basic of needs of people—food.

No sector of the economy would be hurt more than agriculture, and agriculture is already wounded. It is bleeding more with low prices and high production costs.

Prior to his confirmation as Secretary of Agriculture, Mr. Block said he wanted to use American food as a weapon. Well it is a very dangerous weapon—a sword that has a point at each end. While we are thrusting it at our enemies, we are also thrusting it into the heart of the food security system that is the envy of the world. Farmers producing wheat or other grains are damaged, main street of the grain belt is hurt, and the loss of sales increases the losses of the United States in balance of payments bleeding our entire economy.

If we continue to cut off supplies of food to Poland and Russia, we know that there will be alternate suppliers who cannot pass up the chance to seize these markets, making our embargo a silly gesture; that is, a useless gesture.

The United States now holds 27 percent more wheat in its inventories than it did 2 years ago, when sales to the Soviet Union were last embargoed, and market prices are below the depressed level of that time.

How much more is the American farmer expected to pay for the foreign policy gestures of the State Department?

Mr. President, this amendment does not make economic sense. This amendment does not make political sense. It will only serve to further cripple an already wounded American agriculture.

● Mr. GRASSLEY. Mr. President, I must reluctantly cast my vote against the amendment offered by the Senator from New York. I say reluctantly because I believe that the amendment, considered on its merits, ought to be adopted. I have seen little justification for the United States, as a guarantor of loans, to pay these loans off without first a declaration of default. Frankly, if the United States wants to pressure the Soviet Union and Poland to behave, exposing the weakness of their economic and government systems by allowing Poland to default

would seem like a very effective foreign policy tool. Therefore, I hope that Congress will take this matter up as soon as possible after we return from the Lincoln Day work period.

But because our farmers are suffering from severe economic times, and because it appears as if Congress could not act quickly enough before the recess to resolve this matter, thus closing the operations of the Commodity Credit Corporation, I am opposing this amendment. This amendment jeopardizes the well-being of many of our Nation's farmers. Therefore, the amendment relating to loans to Poland must remain separate.●

Mr. PRESSLER. Mr. President, having recently returned from a trip to Poland, I was very concerned when our Government decided to pay part of Poland's debt to keep it from going into default. This basically benefited the big international banks. Our farmers have been asked to cut off credit agricultural sales to Poland during this period of time. Indeed, we canceled a $760 million credit sale to Poland as part of the economic sanctions. If we are to have economic sanctions against the repressive military regime in Poland, it should be across the board. I do not support our Government's paying $71 million of the Polish debt to keep them from going into default. The Russians should come up with the money.

The basic question here is consistency of U.S. policy. Once again, we are asking our farmers to stop selling grain as part of an economic sanction but we are not asking the big international banks to take any risk. So what if Poland goes into default? The Russians are propping up this repressive military regime and they would be forced to come up with the $71 million to pay the Polish debts. Poland will face the same situation again this year and next year when its debts come due. If Solidarity were in control or if the Polish Government were moving toward a democratic system I would take quite a different view.

We are told that the administration's position is to pay the Polish debts. I am told that there is a great division of opinion in the administration; for example, that Secretary Weinberger strongly opposed paying the Polish debts. I am also told that this was a very close decision in the administration and that it was made without consulting the President. I am very concerned that the President was not consulted before this decision was made. Also, let me say a word or two about the repressive military government in Poland. There are soldiers on street corners and tanks in the streets, and when one makes a telephone call in Poland a tape recording comes on that says that the conversation is being recorded. There are many other examples of the repressive nature of the Polish regime. I saw them first hand. Therefore, I strongly oppose this particular measure and I am voting against it. I hope there are sufficient votes to defeat the motion, and I am a cosponsor of the Moynihan-Kasten-Pressler motion to reverse the decision of the administration. Even if we do not have enough votes, we will at least send a message that if we are going to have economic sanctions, they should be across the board. If farmers are asked not to engage in trade or sales, then the banks should be in the same boat. Let's have a consistent policy. I have often said I would support embargoes if they are across the board but this one treats farmers different than it does international bankers. I suppose that I could form a committee calling for the treatment of farmers the same as international bankers. The international bankers appear to have more clout in Washington than do the farmers.

Mr. President, however, I strongly support the urgent supplemental appropriation to enable the Commodity Credit Corporation to continue its vital lending programs to farmers.

Presently, the agricultural economy is in its poorest condition since the thirties. The January parity index for farm prices was 56 percent, which is the lowest level since the thirties. Farm prices remain depressed as a result of last year's record crops and the speculation of another Soviet grain embargo while farmers' production costs continue to rise. One alternative farmers have to selling their product at these low prices is the farmer-held reserve program and other Commodity Credit loan programs. These programs allow farmers to make plans for the next growing season without selling their products.

This year farmers are participating in these programs in record numbers. These large numbers and record grain crops have depleted the CCC lending authority. If the supplemental appropriations bill is not passed, the CCC programs and the loan programs would be disrupted for several weeks. The hard-pressed American farmer cannot afford to suffer a delay in receiving credit. This resolution would allow the CCC to continue present operations to aid farmers and I urge my colleagues to support final passage of the resolution.

Mr. MOYNIHAN. Mr. President, the yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment, as modified.

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), and the Senator from Florida (Mrs. HAWKINS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 55, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—39

Armstrong	Helms	Nickles
Bentsen	Hollings	Nunn
Bradley	Humphrey	Packwood
Cannon	Inouye	Pressler
Chiles	Jackson	Proxmire
Cohen	Johnston	Quayle
D'Amato	Kasten	Randolph
DeConcini	Kennedy	Riegle
Eagleton	Levin	Sarbanes
East	Mattingly	Sasser
Hatch	Mitchell	Specter
Heflin	Moynihan	Symms
Heinz	Murkowski	Weicker

NAYS—55

Abdnor	Durenberger	Melcher
Andrews	Exon	Metzenbaum
Baker	Ford	Pell
Baucus	Garn	Percy
Biden	Goldwater	Pryor
Boren	Gorton	Roth
Boschwitz	Grassley	Rudman
Bumpers	Hart	Schmitt
Burdick	Hayakawa	Simpson
Byrd, Harry F., Jr.	Huddleston	Stafford
	Jepsen	Stennis
Byrd, Robert C.	Kassebaum	Stevens
Chafee	Laxalt	Thurmond
Cochran	Leahy	Tower
Cranston	Long	Tsongas
Danforth	Lugar	Wallop
Dixon	Mathias	Warner
Dole	Matsunaga	Zorinsky
Domenici	McClure	

NOT VOTING—6

Denton	Glenn	Hawkins
Dodd	Hatfield	Williams

So Mr. MOYNIHAN's amendment (No. 1268), as modified, was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 820

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, Mr. EAGLETON, Mr. WEICKER, Mr. RUDMAN, and other cosponsors, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. EAGLETON, Mr. WEICKER, Mr. RUDMAN, Mr. TSONGAS, Mr. PELL, Mr. RIEGLE, Mr. CANNON, and Mr. MITCHELL, proposes an unprinted amendment numbered 820.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution, add the following section:

SEC. ——. (a) The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SOCIAL SECURITY ADMINISTRATION

LOW INCOME ENERGY ASSISTANCE

For an additional amount for "Low Income Energy Assistance", $123,000,000.

(b) Funds appropriated under this joint resolution shall remain available only until May 31, 1982.

(c) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of sections 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981; or for the purpose of making supplemental payments after May 31, 1982 to households or home heating suppliers for reimbursement of heating costs.

Mr. KENNEDY. Mr. President, I want to indicate to my colleagues that I do not think we will delay the Senate for very long on this issue.

The amendment I am offering provides an additional $123 million appropriations for emergency fuel assistance.

This would effectively restore the funding level to what was agreed to in reconciliation but was later cut in the continuing resolution.

This amendment is identical to the measure the House passed yesterday. It passed the House of Representatives by a vote of 342 to 62.

I believe that there are three essential reasons why this amendment should be favorably acted on at this particular time.

First of all, we have had the coldest winter in this century, and it has affected all regions of this country.

Second, we are facing the serious forces of recession and increasing unemployment that have compounded the problem of families trying to heat their homes. In some 46 States we have had the bitterest winter in 80 years, and the demand for heat in January has gone up significantly, in excess of 11 percent nationwide.

Third, fuel costs are up from last year. Natural gas has increased 20 percent. Fuel oil has gone up 12.7 percent.

Mr. President, this measure is essential for the millions of Americans and it is essential that we take action now because there will be 25 States that will run out of money by the end of March.

We know that 21 million families are eligible for the program. Only 8½ million can be helped because of inadequate funds.

The House of Representatives is very much aware of our efforts and I am confident that if we send this measure to them they will accept it.

Mr. President, I ask unanimous consent to have printed in the RECORD the list of the 25 States that will be out of money for the low-income energy assistance by the end of February and the additional 7 States which will be out of funding by the end of March.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TWENTY-FIVE STATES OUT BY END OF FEBRUARY

Oregon, Idaho, Maine, New Hampshire, Rhode Island, Colorado, Arkansas, Kentucky, Indiana, Wyoming, South Dakota, Georgia, Missouri.

Vermont, New York, South Carolina, Nevada, Iowa, Oklahoma, Alabama, Delaware, Tennessee, West Virginia, Utah, North Carolina.

SEVEN OUT BY END OF MARCH

Connecticut, Massachusetts, District of Columbia, Montana, Pennsylvania, Mississippi, Illinois.

Mr. KENNEDY. Mr. President, this will really be the last opportunity that we will have to meet this extremely important and emergency situtation.

This amendment, as I have said, will provide that kind of immediate relief to those States, communities, and homes. It is essential that we meet our responsibility to these individuals who, by and large, are elderly. I hope that the Senate will accept this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

LOW-INCOME ENERGY ASSISTANCE

Mr. EAGLETON. Mr. President, the amendment before us is an absolutely essential remedy to a perilous situation that exists for many Americans, particularly our senior citizens, this winter by increasing funds under the low-income energy assistance program.

It has been clear that the dramatic increases in the cost of energy over the past few years have imposed a disproportionately large burden on the poor. That is why the 1980 windfall profit tax legislation made a commitment to make available $2.4 billion for emergency fuel assistance to provide some relief for poor people who were hit hardest by decontrol of oil prices.

We have never lived up to that commitment. Last year, $1.85 billion was appropriated for this program, and 50 million people were served. This year, in the continuing resolution, we have $1.75 billion, $123 million short of what was available last year.

The amendment before the Senate restores that $123 million, bringing the program up to the full authorization level set in reconciliation last summer, and maintaining level funding with fiscal year 1981.

There is no question that need exists for this additional assistance.

The winter of 1981–82 is the coldest winter of this century. Forty-six States have experienced a harsher winter than any time in the last 80 years;

Fuel utility prices have increased 20 percent over the last year. From October 1980 to October 1981, natural gas prices are up 22 percent; fuel oil is up 21 percent; electric heat is up 16 percent;

The Department of Commerce has estimated that during the most recent reporting period, January 10–24, demand for heating energy is 11 percent above normal;

The Department of Health and Human Services estimates that there are 21 million households in this country that are eligible and in need of assistance under this program. It is further estimated by the Department that fewer than 8.5 million households will actually be served due to insufficient funds.

Unemployment is at 8.8 percent, meaning that more than 9 million Americans are out of work. Those 9 million Americans have an extra burden to face this winter.

Simply put, energy use is up, prices are up, the number of people who need assistance is up, yet we have less money.

Even with the funds provided in this amendment, the low-income energy assistance program is going to fall far short of aiding the full number of eligible low-income households that are burdened with disproportionately high energy costs.

The Department of Health and Human Services has testified before the House Appropriations Committee that the States have drawn down only 25 to 30 percent of the funds already appropriated, but even the Department had to admit that the information it had was not a decent indication of need in the States.

At my request, the National Consumer Law Center, Inc., conducted a telephone poll of each State energy assistance office on January 29, 31, and February 1. That survey indicates that 25 States will be out of funds by the end of this month, and that another 7 States will be out of funds by April. This is even more significant considering that most programs did not start until December, and that the effect of extraordinarily high January heating bills had not yet been felt.

It is also significant that many States which have not fully obligated their funds under this program have

not done so because they have lowered benefit levels substantially this year. In some States, applications were taken up to a certain time, and then available funds were simply divided among them.

Mr. President, it has been suggested by those who would oppose this amendment that States can take money out of their other block grants for social services and community services to pay for additional fuel assistance if they truly need it. Those who advocate a transfer of funds from some other acitivity seem to lose sight of the fact that the programs consolidated under those block grants were cut from $2.9 billion last year to $2.4 billion this year. It is unconscionable that they would ask the States to further reduce food programs for children, nutrition programs for the elderly, child abuse and neglect programs.

To be sure, all Americans are feeling the effects of decontrol and the OPEC price hikes; they are paying more for fuel, gasoline, and goods such as plastics and prescription drugs that are derived from petroleum. But the poor and the elderly on fixed incomes are particularly hard hit. Although their energy consumption is lower than average, their expenditures for fuel and utilities represent a considerably larger than average share of their income.

Furthermore, low-income families and the elderly have little flexibility to adjust their budgets for higher fuel prices and remain able to pay for food, shelter, clothing, and other necessities. Keep in mind that while over the last 10 years there has been a 100-percent increase in the CPI, there has been a 1,600-percent increase in energy costs. That 15 plus multiple of energy costs over the Cost of Living index is ravaging those least able to meet higher costs.

The situation already is critical, and their are no indications it will abate. Indeed, there is every likelihood that its gravity will increase in light of the administration's announced intention of accelerated decontrol of natural gas, which is estimated to double the average family's gas bill immediately upon adoption.

If we do not adopt this amendment for the low-income energy assistance program, the elderly and the poor in this country will be forced to make cruel budgetary choices between heating and eating. That is a choice no American should have to make.

Mr. President, I ask unanimous consent that the National Consumer Center survey be printed in the RECORD at this point.

Their being no objection, the survey was ordered to be printed in the RECORD, as follows:

SURVEY SUMMARY

Arizona, program not started, primarily cooling, benefits lower.

Oregon, need dollars now, out mid-February; $7 million obligated as of January 22; benefits lower.

Idaho, need dollars now, benefits $100 lower this year, out in March, over three-fourths of dollars obligated.

Connecticut, $5 million plus obligated; will be out by April 15.

Massachusetts, out by mid-March, $46 million obligated, December 31, 1981.

Maine, out, $21,000 over-expended; benefits lower.

New Hampshire, out by February 1.

Rhode Island, $5 million obligated; must have additional 20 percent of allocation in hand before end of February.

Vermont, will be out by end of February, $5.6 million of $8.3 million obligated.

District of Columbia, two-thirds of funds obligated. Need dollars now or will be out by end of March/first of April.

Texas, program consists of payments in March and July, funds obligated.

New Jersey, $34 million obligated. Not running out early.

New York, benefits reduced. Total amount obligated due to program design through counties and NYC.

South Carolina, benefits reduced from $330 last year to $100 this year. Applications stopped December 31, 1981. All funds obligated.

Nevada, freezing applications February 1, 1982, be afraid overexpending. $1.4 million benefits processed. Huge backlog. Lower benefits and eligibility.

Ohio, benefits reduced; $27 million obligated as of February 1, 1982. Probably won't run out early.

Minnesota, $20 million obligated; probably won't run out early. Benefits lower.

Wisconsin, benefits lower, $7.2 million spent as of February 1, 1982. Do massive payment to categoricals end of month. Probably won't run out early.

Nebraska, benefits reduced; probably won't run out bc. not responding to needs and are being very conservative, bc. don't know how much money they will have!!

Kansas, benefits lower. Playing conservative; prob. won't run out. Need to know allocation.

Iowa, benefits lower. Out, requesting info. on how to tell people they have no funds. Record no. applications.

Oklahoma, out by Feb. 20, 1982.

New Mexico, benefits increased. Out by May 1. Supplemented by state funding.

Colorado, benefits lower. All obligated but not expended bc. have 2 payments. Big crisis problem.

Montana, benefits lower. Out in March.

Arkansas, all obligated.

Alabama, obligated, will go out in one payment end Feb. Benefits lower. Heavy emergency situation.

Kentucky, benefits lower. Out end Feb. Out in Jan. 7 of state (15 cos.) now.

Delaware, benefits lower. 75 percent obligated. Out end of Feb.

Indiana, $25 million obligated. Out end of Feb. Lower benefits.

Tennessee, $5 million plus obligated. Out by end of month. Benefits lower.

Michigan, probably won't run out early; benefits lower.

Louisiana, program just started. Probably won't run out bc. are acting very conservative. Restricted eligibility. Benefits about the same as last year.

Wyoming, doing no outreach bc. application flow so much heavier than last year. Paying only 75 percent of what certified households eligible for, $1.5 million obligated. Will run out. People desperate.

West Virginia, nearly all obligated. Out by mid-Feb. Expect rush in emergencies. Higher response to program.

South Dakota, out at least by end Feb. Need dollars now. Desperate situation.

North Dakota, $5 million obligated as of Jan. 1, 1982. Need addt'l 20 percent. Applications running ahead of last year. Can make it with release of 20 percent they think.

Washington, reduced benefits. Many agencies have obligated over one-half of funds. $9 million plus at state level they know. Nos. undertain bc. agencies have huge backlog.

Utah, out by end of Feb. Applications coming in much faster than last year. Benefits reduced. Need more dollars.

Virginia, 70 percent is obligated. Benefits reduced by $90. Will stop taking applications shortly unless more dollars come.

Pennsylvania, huge run of emergencies. $30 million plus actually spent. Small drawdown since spent state money, then seek federal reimbursement. Out by end of March, if not before. Applications 30 percent higher in many places than last year.

Georgia, program started January 1, 50 percent counties out in first week. Have backlog of certified applicants can't serve. Out.

North Carolina, send payments out end of Feb., will exhaust all funds. Need more dollars.

Mississippi, need money now. 95 percent of funds have been allocated to CAP's; money going extremely fast. Out before March 15.

Florida, will have all dollars obligated, but in one-time payment in May program doesn't begin until March. Benefits reduced.

Maryland, $16.5 million of $28.1 million obligated. Benefit reduced to $245 from $383 last year. Expect 10,000 more households to be served bc of increased demand. Weatherization program won't run if can't get additional funds for energy assistance (want to use some LIEAP for conservation).

Missouri, will be out before end of February. Benefits are currently 30 percent less than those received last year.

Illinois, program began Feb. 1; inquiries up about one-third over 1981; all money will be spent by April.

Mr. MITCHELL. Mr. President, I join the Senators from Massachusetts and Missouri in urging adoption of this amendment.

When the windfall profit tax was enacted it reflected a recognition by Congress that the decontrol of oil would result in much higher oil prices, and that this would have an adverse effect upon those in our society least able to accommodate to those high prices.

Unfortunately, that commitment has long since been forgotten and the administration is persisting in its efforts to reduce this valuable and necessary program.

Yesterday, the President warned the American people to not listen to these horror stories of people thrown out in the snow, suggesting that they are the figment of the imagination of those who oppose his programs.

I want to say, Mr. President, that such horror stories do exist, and they exist all across this country.

Before I entered the Senate I had the privilege of serving as a Federal

judge, and one of the cases that came before me was a case involving the home assistance energy programs. Witnesses testified under oath in court of the cruel choices they faced between buying oil and buying food. Young mothers with very young children daily confronted that choice.

This is a very real problem. This is not the figment of someone's imagination. It is a direct result of the dramatic increase in the price of home heating oil and other related products in the past few years.

Millions of Americans need this help. They are confronted with a very, very serious situation, as the Senator from Massachusetts pointed out, in this, the coldest winter of this century.

So I urge the Members of the Snate to approve this as important and necessary legislation.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, aside from the matters cited by those in support of this amendment, it should be brought to the attention of the Senate that by adopting an amendment of this kind, we would be circumventing our appropriations process completely.

We have been sent a budget, a request by the President for funds, for an across-a-broad spectrum of Government responsibility, and that is under review.

The Budget Committee will meet; the Appropriations Committee and its subcommittees will have hearings on all of these programs and try to determine the appropriate allocation of resources to meet the needs we have under the various programs. So I would hope the Senate would recognize that this would be circumventing that process.

No hearings have been held. I understand the Senator from New Mexico (Mr. SCHMITT), as chairman of the subcommittee that has jurisdiction over this area of the budget, advises that there has been no opportunity at this point to review a request of this kind. As a matter of fact, the administration has made no request for an urgent appropriation from Congress for this purpose.

We all know that we probably legislate better and appropriate funds more wisely when we do it in an orderly way and through an orderly process of reviewing the program needs and looking to the resources that are available for all Federal programs.

Another objection that I have to voice, Mr. President, is that if this amendment is adopted, it is going to require that the bill be sent back to the House. The House is probably going to adjourn this afternoon. While the House did adopt a bill appropriating these funds, it was a separate measure. With a Senate amendment, the House would have to go to the Rules Committee to get a rule. House action, therefore, is uncertain as to whether or not it could be completed today.

This, in effect, would jeopardize and put at risk the payments that have to be made by the Commodity Credit Corporation under obligations mandated by law. Earlier yesterday we outlined some of those obligations.

We hope the Senate will not put at risk those benefits, those reimbursements, those payments, that are going to be made by the Commodity Credit Corporation with these funds when this bill is passed.

We had hoped the bill would be passed last night, so we are getting perilously close to shutting down the Commodity Credit Corporation, and I do not think anybody wants to see that happen.

If the House had wanted this to be a part of the CCC bill, they would have combined the two bills.

The point is that it is a separate item. We should have an opportunity to look at it in an orderly process here.

Mr. President, I am advised that the Senator from New Mexico (Mr. SCHMITT) would like to be heard on this amendment, and if there are no other Senators who desire to speak at this time, I am going to put in a request for quorum call.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, responding to my good friend from Mississippi, when he makes the point about the orderly processes of the Senate, I make the point that the figure we are adding here was actually the amount that was reported out of the Appropriations Committee, so they have had an opportunity to consider the totality of the figure that would be allocated for low-income fuel assistance should this amendment be accepted. It was reduced as a result of the 4-percent, across-the-board cut adopted in the continuing resolution.

Second, we are effectively circumventing some of the orderly processes of the Senate even on the measure we are considering today with respect to the Commodity Credit Corporation. That bill was sent over by the House, it was held at the desk, and it was called up from the desk. That is a process that can be used in the Senate and used by the leadership, and we are all very much aware of it. But, as I understand the reason for that, it is because it is an emergency situation. I say the emergency situation to which this amendment is addressed is no less compelling than the one which has brought the Commodity Credit Corporation matter to the attention of the Senate today.

Mr. SCHMITT addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I think we should congratulate the Senator from Massachusetts for continuing to bring to the Senate's attention this issue, as he did last year in the consideration of the continuing resolution.

The subcommittee that I chair, the Labor, Health, and Human Services and Education Appropriations Subcommittee, the committee with jurisdiction on this issue, is certainly well aware of the potential difficulties which States and individuals face as a result of this unusually cold and severe winter.

However, the amendment is unusual in that in our research on this, in preparation for this supplemental request, which the House, I am told, has passed and which has been referred to the committee in the Senate, is not considered to be as urgent as the Commodity Credit Corporation supplemental. In fact, the States have not requested these funds. They have not requested action at this time.

We have looked into this and we find that the States still have adequte resources to handle the situation with which they are faced, although they may not be able to move through the entire winter.

I think it is important where we do not have an emergency situation that we allow the processes of the Senate and of the Congress to work. So I would strongly suggest that we go ahead with the ordinary process, certainly with the commitment that this will be considered very quickly by the committee.

I believe we are planning a hearing right after the recess. We would report it to the full committee, and I am sure then subsequently to the Senate, with whatever modifications appear to be necessary, at an early time and well before there is an emergency need of any kind out in the States.

There is no doubt they will be able to use some additional funds. They can, in fact, use any Federal dollars they receive. The question is whether the States have a pressing need for this money, and we certainly have not yet found any clear documentation that this is the case.

My staff conducted an informal survey of 10 States. It appears all the States have budgeted to make it through the winter of 1982 with the $1.752 billion Congress has provided for this program. It does not mean that the unusually severe winter does not alter that situation, and that is basically what the subcommittee must address right after the upcoming recess.

It is my understanding that a number of States, Mr. President, have transferred money from the low-income energy block to other block grants. I hasten to add that in this re-

spect the States have every right to do this.

I merely maintain the facts argue against the "pressing need" for additional funds.

My colleagues should be aware that as recently as fiscal 1979, in the heyday of the Carter administration, this program received a total of $200 million in contrast to the almost $1.8 billion which has been approved for this year.

The matter before us, in summary, Mr. President, is one which we will look at in an expedited way within the committee. But I urge the Senate at this time not to attach an amendment to the pending bill, not only for the reasons given but for the reason that then we may have to go to conference. It may be difficult to convene that conference before the recess. I do not know the details of that, but I expect it to be difficult, and it means that the emergency matters before Congress and as requested by the administration as emergency matters may well be delayed.

So I would hope the Senator from Massachusetts would not press the Senate on this issue at this time, but would join with us in making sure that there is a timely and expedited review of the total situation by the committees so that we can make sure that we are doing what is really necessary in order to assist the States through this very, very cold winter.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise to join with the distinguished Senator from Massachusetts in offering this amendment. Let me say that there is nothing extraordinary about the figures being presented to this body at this time. A year ago, indeed over a year ago, these figures were presented to this body and to the Committee on Appropriations and to the administration.

Now in order to achieve some bottom-line figure that was in line with the administration's budget, we disregarded the valid figures which had been placed before the Senate and before the Appropriations Committee, and reduce the low-income energy assistance amounts. All this does is come up to the figure previously negotiated with the administration during consideration of the Budget Reconciliation Act. And even that figure was lower than that which was expected to be necessary in order to fulfill the needs of those eligible for low-income energy assistance.

I do not want anybody to call foul or surprise or say that this is something new. It is nothing new at all. It is very old. The additional moneys requested here bring us to the total which has been agreed to, $1.875 billion. And to wait and study and have it go through the committee process—we might get around to it sometime in July or August. The fact is, that this is February and those in need of it need it now. They do not need it 4 or 5 or 6 months from now.

Mr. SCHMITT. Will the Senator yield on that point?

Mr. WEICKER. Let me finish and then I will be glad to yield to the Senator.

The Senator knows—he and I have argued this point—he of all people should know that what we are trying to achieve here is what was agreed on a year ago. Now, because some other people had some other changes in plans and we tried to make up the difference in this program. That is not valid. That has no bearing on whether the need is there. And the need is there.

I voted for decontrol and deregulation, but that was on the supposition that we would also take care of those who could not meet the additional financial costs imposed by the free market. Now we are cutting back on food assistance, we are cutting back on fuel assistance, and we are expecting people to make choices as to whether they are going to starve to death or whether they are going to freeze to death.

Quite frankly, I find the entire outlook, the economic outlook, the entire social outlook of this administration to be brutal. If, indeed, the cold of winter is brutal, the economics are even more so.

There is no question that the money is needed. I have heard all these arguments on the floor before. I remember the distinguished Senator from New Mexico, now that he jogs my memory about it, saying how the program was mismanaged and how the money was not used correctly, and he cited some examples in California and some such place. Believe me, it is used and well used in my State and in New England. Believe me, the figure that we arrived at, the $1.875 billion that we agreed upon with the administration, was far below what many of us thought was necessary.

Now, let me also say that this administration is not the only one that has been ill prepared on this subject. I remember when we had to carry the ball here on the floor of the U.S. Senate when President Carter was in office. He had no figure at all. Senator EAGLETON and Senator KENNEDY and myself and others, we had to devise the figure on the floor while that administration stumbled along. Finally they joined with us at the tail end. So there has been no credit going to any administration on the subject of low-income energy assistance. The initiative has had to come from the House of Representatives and the U.S. Senate.

I have been opposed in the past, as a member of the Appropriations Committee, to new matters just being raised at the spur of the moment on the floor of the U.S. Senate. But in this particular instance, this is an old figure that we are trying to achieve and, I might add, an agreed-upon figure. It was only changed as people were scrambling about trying to meet the demands of the administration in the course of formulating the budget for fiscal year 1982.

I am glad to yield to my distinguished colleague, the Senator from New Mexico, for any question that he has on this issue.

Mr. SCHMITT. Mr. President, I say to the Senator that I am sorry he has implied by his remarks that it would be the intent of the subcommittee or the full committee to in any way delay the provision of necessary funds for low-income energy. In fact, the subcommittee, with the Senate's concurrence, has continually added money in this area, and the Senator has been a leader in persuading the subcommittee to do that. It is, I think, more a question now of the urgency in this matter.

Believe me, we have looked at this issue. We understand the problems that people may have. But there is not an urgent need for these funds. It does not give the Senate an opportunity to work through a normal process. It is not going to take 5 or 6 months. It is ludicrous to suggest that. It is not the will of the Senate. It is not the will of the subcommittee, its chairman, or anyone else that I know of, in any way to fail to provide for the real needs in this area for the people of the Northeast or any other part of the country. That will be done.

Mr. WEICKER. Will the Senator yield?

Mr. SCHMITT. Yes.

Mr. WEICKER. How is that going to be done?

Mr. SCHMITT. It is going to be done with a hearing, First, for the administration to understand the need and, second, soon after the recess and that hearing, it will be right back out here, and you all can speak as much as you want about the need for it, and the final supplemental will very probably be at the level which is requested here in this amendment.

Mr. WEICKER. Mr. President, I ask the Senator if he was present in the majority leader's office over a year ago when the $1.875 billion figure was agreed on with the administration as being a hard figure?

Mr. SCHMITT. I was not present there. But, as the Senator well knows, that was an agreed-on figure with respect to authorization levels. The appropriations process is another process in which we try to adjust and fine tune and come up with a set of priorities that meets all of the needs of the country and meets the other political contingencies that exist within the

Congress. We have done that and we are doing it again.

As a matter of fact, the supplemental to which this amendment would be attached, if it were passed, would have to go back to the House and it would take unanimous consent for the House to consider it. So, instead of solving the problem that you are saying you want to solve, you are more than likely going to create another problem. You are not going to solve this one and you are going to cause a problem because this other bill is going to have trouble getting passed.

Mr. WEICKER. First of all, the Senator is correct, he was not at that meeting. The Senator is also correct when he says that the context was authorization.

Nevertheless, the expectation was that the administration had committed itself to $1.875 billion for low-income energy assistance. And I ought to know, because this was a very complex package that was being argued out. It involved not only low-income energy assistance, it involved education, it involved legal services, it involved assistance to the retarded and disabled, and it was a very complex package. But clearly a part of that package was $1.875 billion for low-income energy assistance.

And it was not just words. It was an agreed-upon amount which was going to be available.

Then we go through this Mickey Mouse routine of the continuing resolution and the reconciliations. Somehow these procedures give an excuse to the administration to back off its word. The bottom line is that the agreement that I thought was arrived at, in terms of delivering dollars to those in need, was broken. And it was broken up to this moment.

All we are trying to do is to say, regardless of the semantics or the procedures, let us live up to what was agreed upon.

I will be the first one to say to the Senator that he was not in that negotiating session, so in no way do I mean to imply any lack of good faith on his part. I want to make that a part of the record. But I certainly do hold the administration to its word for $1.875 billion.

Mr. SCHMITT. If the Senator will yield further, I hope he will realize that my whole effort, and the effort of the subcommittee for the majority in dealing with these matters under our jurisdiction, has been to insure that the need was being met. The Senator has my commitment that that will continue to be our effort. At the same time, to try to make sure that we do not overfund the need that may be there. That can be done also.

In this case, all I would ask is that the Senator and the distinguished Senator from Massachusetts, and others who are cosponsoring this effort, would let us have 2 or 3 weeks in which we can go through the normal process to find the need. It may be that the States need less than this amount, or even possibly, more. But Congress would be able to move forward to understand this problem, recognizing that right now the States have the resources they need to meet whatever problems they face. We will, in the course of the next 2 or 3 weeks, make sure that there are adequate resources. I was not a party to whatever agreement may have been made. Nevertheless, I feel, to the degree that it is politically possible to do so, we ought to move forward to whatever level is required in order to meet those needs. I will tell the Senator that we are running a great risk of not only not getting what the Senator wants on this bill, but not getting this bill at all until after the recess.

Mr. WEICKER. To respond, the Senator from New Mexico has always been restrained in the sense that he felt obligated to work only within the budget of the subcommittee which he chairs in appropriations. Some of us on the Appropriations Committee have felt all along that that should not be the case; indeed, that there were other agencies of Government which could give up some to the extent that it would add to those areas of need under the jurisdiction of the Senator.

The Senator has been absolutely consistent, that he felt that that should not be the case. I have argued the opposite point with him.

I do not feel that I am going to balance the budget within the committee of the Senator. I have never tried to say that it would be done within his committee, which, admittedly, handles a very large portion of the budget.

I have to repeat that the amounts which are sought to be met in this legislation were clearly established as being valid. Indeed, if anything, they fell short of the real need. The figures were agreed upon. Now all we are trying to do is to assure the fact that the money will be available for those in need.

I would hope this body would make it clear that energy assistance is a priority of this Government and that we are not going to wait.

The Senator and I have come to grips in the past on how long we can wait in various instances. I cited one program, if the Senator will recall, during the committee hearings when the Senator admitted it was a good program, the early intervention program, but that it had to wait in line until times were better in an economic sense. I turned to the Senator and indicated that the unavailability of early intervention at this point was not something that could be caught up later down the line, but rather, would permanently impair the future of many retarded children.

I say the same thing now. These people cannot wait until next week and next month. These matters have to be addressed now.

Believe me, I respect the commitment of the Senator to fiscal responsibility and to the balanced budget, which, of course, has gone out the window.

But what I am not going to do is to see all of that achieved at the expense of humanity in this country. People are freezing now. The winter is now. It is known that not all the States have the resources to which the Senator has referred. They do not have the resources. The fact is that children cannot wait, in other words, for a year or two until the times are better when they can avail themselves of those programs which the Senator will assist. We have to address ourselves now to the problems of this country.

Insofar as this particular problem is concerned, this particular group of our citizens, this does so. I feel it certainly is an emergency and it certainly does deserve our attention now. It cannot wait until the recess, until the hearings are held, until after the other matters, such as social matters that we have out here, the Williams matter, and all the rest.

I say to my good friend from New Mexico, I will be glad to take him to lunch or wherever if this matter that we speak of is resolved before the spring.

It will not be resolved before the spring and the Senator knows it.

Mr. SCHMITT. If the Senator will yield further, I do not know that, and I also do not recall anything about saying that they would have to wait in line. What I did say was that we would have to balance compassion, which Americans are noted for far more than any other nation, with the needs to preserve an economy in which those Americans can thrive.

The cruelest tax that we face is the tax of inflation. At the very least we have made some progress on that in this last year.

What we must do, however, is look at what the Senator from Connecticut, the Senator from Massachusetts, and others, are requesting, and whether they can achieve what they are requesting by this process. I say to the Senator we have a lot more chance to get it done through a normal process such as I have described than the Senator will have in getting it done before the recess. It is the way the system works. The House has to get unanimous consent to take up this bill if it has anything added to it, and I do not think they are going to get it.

Let us work together to get this thing done so the Senator can take me to lunch. It will get done before the

spring, knowing that the States do have the resources, that they have directly or that they can divert to make up any deficiencies that may exist at the present time or before we finish. Let us just press on and do it right. There is no reason we cannot do that.

This business of getting out on the floor and trying to make the world think that somehow or other you are doing the right thing when actually you may be doing the wrong thing may delay the process. You may particularly delay an emergency supplemental, such as the Commodity Credit supplemental.

Mr. WEICKER. I agree with the Senator from Massachusetts that while we have this attention it is better to address these issues. Promises have a way of never coming to pass.

When we talk about letting the States divert their moneys, I think this: Is anybody lacking any funds whatsoever in the Defense Department? Everybody is spending funds like water, with no thought of any moneys running out at all.

I understand as of this time Alabama has used up 80 percent of its moneys, in Delaware the moneys will be gone by the end of February, and in Idaho there is a 75-percent cut.

None of these statistics apply to the moneys in the Defense Department, none of them. They have all they want.

I am not one to go ahead and demagog against the Department of Defense all the time, and I have not done so during the course of my senatorial career. But this scenario with the budget for 1982 and what has just been proposed is just plain disgusting. It is brutal, it is disgusting, and it is wrong.

This flesh and blood is a damn sight more important than a hand grenade, an M-1, an airplane, or anything, a damn sight more important. I would like to see us address this subject with the urgency and the priority that this administration, a majority of this Senate and a majority of the House, has given the weapons systems of the United States of America.

In the final analysis, believe you me, if we do not have people who are housed and fed, warm in the winter, educated, and have the opportunities for jobs, we are in plenty bad shape when it comes to the defense of the United States. Even on that basis I would say the money is well spent.

In any event, I do know this: This is nothing unusual. It was all agreed upon. Yes, I am going to cast my vote in favor of this amendment because I believe when people give each other their word they keep their word.

This is doing no more than what the administration promised, and I am not going to let the administration off the hook by virtue of some questionable fiscal procedures that we have utilized here in the Senate during the course of the last several months.

Mr. MITCHELL. Will the Senator yield?

Mr. SCHMITT. I will yield in just a moment. I want to make it clear to the Senator from Connecticut that if this amendment is attached to the supplemental bill before us, he may have actually defeated his purpose. At least he will have delayed the process of getting an urgent supplemental, as well as this particular measure, through the Congress.

All I am arguing is, let us work together in order to make this process move quickly over the recess period and soon after. The eloquent speech the Senator just made is going to have to be repeated in the House in order to get unanimous consent to consider the measure that he would like to have passed.

Mr. WEICKER. I shall be glad to do this: Here it is February 10, we are starting down this road. Obviously, we are not starting down a road we think is going to take longer than that which the Senator from New Mexico suggests. As I understand it, he is going to start down his road probably somewhere around the 20th of February or thereabouts. Let us see who gets to the finish line first.

I hope he does get there ahead of me, but I think in this instance, two arrows in a quiver are better than one.

Mr. SCHMITT. In this case, Mr. President, the Senator may have put two arrows in the quiver but he has broken 15 in the process. That is the supplemental we are considering, that the Senate very much has to act upon.

That is my point. We really need this urgent supplemental to go through. There is going to be another one, I presume later in the day, on unemployment benefits that we are going to get through this body and that will be acted on by the Government as a whole. There are going to be other supplementals and if the Senator does not like the way this process is going, the normal process through the subcommittee and the full committee, which I think will move quite quickly because of the obvious need for what the Senator is proposing, then he can attach it to one of the other proposals.

It is going to be very difficult to move this amendment on the urgent commodities measure, if not impossible, through the House.

Mr. MITCHELL. Will the Senator yield for a question?

Mr. SCHMITT. Mr. President, I shall be happy to take the question of the Senator from Maine.

Mr. MITCHELL. Mr. President, the Senator from New Mexico has used the phrase "urgent" with respect to CCC supplemental appropriations on several occasions during the course of this debate. He suggested, if I understood him correctly, that the amendment proposed by the Senator from Massachusetts does not have the same urgency and it is for that reason that it ought not to be considered today. Am I correct in that?

Mr. SCHMITT. Mr. President, the Senator is not correct. I am not judging one way or another the urgency of the low-income energy amendment. This supplemental appropriation has not been requested by the administration, and it is not an urgent supplemental. It may sound procedural, but it potentially can have an impact on a lot of people and the affairs of this country. That is, if this amendment is attached to the supplemental before the body today, we are going to have trouble getting both of them out of the House simply because of the procedural situation that will exist over there when this arises. It is going to take unanimous consent to consider it with the amendment of the Senator from Massachusetts added. That is my concern.

In lieu of that, I have indicated the process that is already underway and we can recognize it in the subcommittee and we are going to move the House-passed supplemental as rapidly as it is possible to do so. I imagine that will be quite rapid, because this obviously is an issue that has the attention of the Congress and of the public, if only because of the publicity that the issue has gotten this year.

Mr. MITCHELL. Mr. President, does that supplemental include funds to bail out the Government of Poland?

Mr. SCHMITT. I yield to the Senator from Mississippi to respond to that.

Mr. COCHRAN. Mr. President, the bill does not contain funds to bail out the Government of Poland. It contains funds to reimburse the CCC for net realized losses. There have been no realized losses in the case of any guaranteed loans or credit extension to the Government of Poland.

Mr. MITCHELL. Do I understand correctly that the Senator is saying there is no possibility that any of the funds included in this urgent supplemental appropriation for the CCC will be used in any manner related to the Polish default?

Mr. COCHRAN. I can say the purpose of this appropriation is to reimburse the Commodity Credit Corporation for net realized losses. This does not look to any prospective losses that may accrue as a result of the operation of the Corporation. That issue has been fully discussed by the Senators from Wisconsin and New York who had offered the earlier amendment that we have disposed of now on the Polish credit question.

Mr. MITCHELL. That is correct. It is my understanding that is based on

the assumption or the expectation that a portion of the funds in this urgent appropriation would be used in connection with the Polish situation. I gather what the Senator is saying is that is not correct.

Mr. COCHRAN. That is my understanding. It is to reimburse the Credit Corporation for net realized losses that have already occurred.

Mr. MITCHELL. Therefore, Mr. President, it is unrelated to the Polish situation.

Mr. COCHRAN. That is my understanding, yes.

Mr. MITCHELL. I thank the Senator.

Mr. KENNEDY. Mr. President, I think it is very important for the Senate to understand the parliamentary situation over in the House of Representatives, since the Senator from New Mexico, might have left the impression among some of the Members of the Senate that if this amendment is accepted, the CCC would be stymied and not acted on. That is not so. I have received assurances from the Speaker of the House of Representatives that if the Senate acts on this measure favorably at an early hour this afternoon, the House of Representatives will remain in session until they get an opportunity to vote on the bill. They are not asking us to delay action, they are welcoming action by the Senate of the United States. The overwhelming vote in the House of Representatives ought to be a very clear signal about the desire of the membership of that body.

As I understand it, the Rules Committee is available to grant the ruling if there is going to be an individual objection in the House of Representatives to bringing this matter up. I want the Senate to understand that and for Members not to be trying to put Members of this body in the fear that there will not be action on Commodity Credit if this amendment is accepted. That is not so. This particular amendment was offered by the Speaker of the House of Representatives, and the House overwhelmingly accepted it, for the reasons that have been spelled out here earlier during the course of the debate. We are prepared to see that the House takes action as early as possible this afternoon.

Mr. SCHMITT. Will the Senator yield?

Mr. KENNEDY. Not just yet, Mr. President.

Second, it is amazing to me where the Senator from New Mexico gets his figures and statistics about what the emergency situation is or is not in several States of this country. When he indicates that, from his own surveys and own studies, there does not appear to be an emergency, I wonder where those studies come from. There is no such study that has been done by OMB and there has been no such study done by HHS. But there has been telephone contact, which has been made to every one of the State officers on January 28 and 29 of this year.

Those reports are very clear and they reconfirm what is happening in my own State of Massachusetts. We do not need a lot of studies to find out what is happening in my State and it is replicated in just about every other State, whether it is the State of the Senator from Maine—where there is not 1 cent left for emergency assistance for elderly people, not 1 cent left. In my own State, 50,000 fewer households are being served this year than last. Last year we had an extremely mild winter, and we have had one of the cruelest winters ever this year. The amounts that have been given to recipients has been reduced from $700 to $500.

I do not know whom the Senator from New Mexico is talking about, but I have the list right here of all 50 States. These facts do not tell what the Senator from New Mexico has pointed out.

This survey spells out the very real emergency that exists now.

Let us take the action today. Let us pass this measure. Let us respond to the critical needs. Let us respond to the 25 States that are going to be out of assistance by the end of February.

I am going to read them into the RECORD: Oregon, Idaho, Maine, New Hampshire, Rhode Island, Colorado, Arkansas, Kentucky, Indiana, Wyoming, South Dakota, Georgia, Missouri, Vermont, New York, South Carolina, Nevada, Iowa, Oklahoma, Alabama, Delaware, Tennessee, West Virginia, Utah, and North Carolina.

The seven States that will be out by the end of March are Connecticut, Massachusetts, the District of Columbia, Montana, Pennsylvania, Mississippi, and Illinois.

That happens to be the situation, Mr. President, and we are talking only about a relatively small percentage of individuals who are receiving any of the help and assistance in the first place, as compared to those who would be eligible.

The fact is that there is an emergency. I ask any of the Senators who represent those States to call their own State offices. Most of them have heard already. Maybe the Senator from New Mexico has not heard because his State is not one of those that is listed here. But the other States are running out, and individuals are being hurt.

We have an opportunity to take action. The time to take action is now.

I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, first of all, I appreciate the Senator yielding.

Whatever the Speaker may have said, it is still my understanding that for the supplemental bill before the Senate to be considered in the House, if amended today, it would require unanimous consent or a rule change which would require today a two-thirds vote or, at any subsequent time, a rule to consider it.

This is informal information, obviously, about House procedures. It is something that they would have to rule on over there. But I just caution the Senator that whatever the Speaker may have said, he presumably is still bound by the rules of his house, and that is our understanding of the rules.

Mr. KENNEDY. Mr. President, I think I still have the floor. The Senator may ask a question.

I think the Speaker of the House of Representatives understands the rules of the House of Representatives as well as any Member of the Senate. When he has indicated that he is prepared to take the steps to permit the House to take action today. I do not question that he has that ability or has that kind of communication from the Rules Committee. I think, quite frankly, the Senator from New Mexico is raising a red herring.

My former colleague Sam Ervin used to say when arguing law cases, "If you have the law, you argue the law. If you have the facts, you argue the facts. If you do not have the law or the facts, you argue the procedure or you pound the table."

I say that the law is on the side of the proponents of this amendment, the facts are on the side of the proponents of this amendment, the needs are on the side of this amendment. I do not think that we should be persuaded by procedures and red herrings about what can and cannot be done in the House of Representatives. I am convinced from my own contact with the Speaker that they will take action if the Senate acts favorably on this amendment.

Mr. President, before yielding the floor, I ask unanimous consent that the names of the following Senators be added as cosponsors of this amendment: Senators BUMPERS, CHAFEE, BRADLEY, WILLIAMS, MELCHER, DURENBERGER, RANDOLPH, MATHIAS, STAFFORD, and DANFORTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 821

(Purpose: To strike the prohibition on expenditure of funds after May 31, 1982)

Mr. BENTSEN. Mr. President, I have an amendment which I send to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. BENTSEN) proposes an unprinted amendment num-

bered 821: strike out subsection B and C, and the subsection designation "(a)".

Mr. BENTSEN. Mr. President, my amendment would strike out that part of the Kennedy amendment that would preclude any spending of these funds after May 31, 1982.

I took the floor of the Senate on just this type of situation almost 2 years ago to offer emergency legislation that would repeal an appropriations rider very similar to this one. The difference is that it was in the middle of the summer. At the time, thousands of elderly and poor Americans were dying from a heat wave that claimed more lives than freezing to death has claimed in the entire history of the United States. It was a tragedy of enormous proportions. We were lucky that Congress had not adjourned for the national party conventions, so that the emergency bill could be considered in time to save the lives of many elderly and poor Americans who were then battling the killer heat wave.

I had thought at the time that Congress had learned an important lesson that death by heat is just as tragic, just as unneeded in this land of plenty, as death by cold. The authorizing committees have looked into this, and they have determined that heat stroke and dehydration are just as serious a threat to the elderly as hypothermia. I think this is the reason that this kind of appropriations rider has not been considered since that 1980 tragedy.

Mr. President, the problems experienced by those who cannot pay their utility bills because of the cold are the same problems experienced by those who cannot pay their bills because of the heat. Why should this appropriation be limited to fight only heating problems, instead of spreading this aid, as the authorizing committees have done, to address the entire problem? Mr. President, if the summer of 1982 is anything close to the summer of 1980, we can be sure that this issue will be back again. But, as usual, we will be addressing it too late, and we will already have lost many of the elderly because of the heat wave. The time to address this problem is now. We want to see that equity is once more restored on this particular issue.

I realize, of course, that this is winter and that Congress normally thinks of the moment, but it is time to project to next summer. I know it is difficult for my colleagues to understand what difficulties the summer will bring. I cannot condense the problems of heat as eloquently as those who claim that the choice presented the poor and the elderly in the cold is to heat or eat.

I know that a temperature of 110° is not nearly as dramatic on the television screen as a snowbank or icicles coming off a roof or someone trying to clean his walk so that he can have access to the outside. But the problems faced by the poor and the elderly are much the same whether the problem is heat or cold.

I emphasize, just as I did in 1980, that I am not talking about spending this money for air-conditioners, any more than this bill is talking about putting in furnaces with this money for the elderly or the poor. We are talking about help with the higher costs of cooling for those who are unable to pay their utility bills.

I say to my friends from the North that the utility bills we are paying in Texas today, based on natural gas, are higher than the utility bills we are paying in the District of Columbia.

I think we can all agree that heat kills just as surely as cold. We can all agree that there are Americans in need, in need of assurances that they can heat or cool their homes without fear of bankruptcy. Let us toss aside the regional conflicts that have characterized the debate over low-income energy assistance and work toward a solution that addresses the needs of all regions of this great country of ours.

Mr. MELCHER. Mr. President, I believe the additional funds provided in the amendment offered by Senator KENNEDY and others—and I am pleased to join the Senator in sponsoring the amendment—are absolutely essential so far as our State is concerned.

I visited a senior citizens center a few weeks ago in Billings, where the people present were describing what it meant to them with an 88-percent increase in their utility bills for natural gas that had become effective the preceding month.

To face that type of an increase in the utility bill for heat is a staggering amount of money for anyone on a fixed income.

Particularly, many of the elderly have no opportunity to make up the additional funds that are necessary to provide them a chance to keep up with their utility bills unless there is some assistance.

Our State projects that they would likely run out of their share of fuel assistance funds that have already been allocated during March. But I am afraid that the situation is so bad now with the increase in natural gas prices that the number that will be qualified for and need fuel assistance will jump dramatically.

Last year we were fortunate in that the winter we experienced in Montana was mild and fuel assistance funds reached, indeed there was some money left over at the end of the winter. But this particular winter is the usual winter, perhaps a little more harsh than usual and with the increase in the natural gas prices, and I have to remind my colleagues that the natural gas is a predominant source of heat in our State, with those increases in rates it is absolutely essential that we provide the opportunity for those who cannot pay their utility bill to be able to have adequate heat.

I am afraid that our State will run out of the funds much quicker than they have projected, much quicker than early March, because of the change in the utility bills.

An 88-percent increase is a high increase, and it is absolutely impossible in many instances for those on fixed incomes to make up the difference without some assistance.

March 1 is not the end of the winter in Montana. Frequently March is one of our coldest months, and our winter can extend on into April and often does.

It will be unconscionable for us to ignore that very serious need. This is an emergency of great magnitude. I hope the Senate will concur in the pending amendment for the increase in fuel assistance.

Mr. KENNEDY and Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts seek recognition?

Mr. KENNEDY. Yes.

Mr. President, although the Senator from Texas and I have talked about this matter a number of different times, I quite frankly at this time underline that this measure was brought up at this time to respond to a very particular emergency which we are facing in the colder tier States and quite frankly those include States that are even in the southern part of our country, which have been severely and adversely affected.

When I first listened to the Senator from Texas, I thought it would be better that we defer action on his amendment until later in the year when we ill be able to make a proposal that would be responsive to the special needs which he speaks to and I welcome the opportunity to cosponsor that amendment.

We are going to be tied under the authorizing ceiling in any event even if we take a review of that later in the year, and as I understand what his amendment would permit the States to do is to make adjustments as to whether they are going to allocate those resources which they receive either for meeting the fuel bills as a result of the winter cold or the situation which he describes in his amendment. A decision will be made in some States, maybe in Maine or Massachusetts, which would be different in Texas, and I have no objection to that, and so I would hope that the Senator's amendment, if I understand it correctly, would be accepted as part of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

Mr. BENTSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be listed as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President,

I strongly support this proposal to provide an emergency $123 million for the low-income fuel assistance program. The funding that my own State has received so far will only last a few more weeks. Yet the unescapable reality of winter in Vermont means that snow and below-freezing temperatures will continue through at least March, if not April.

Vermont may be a winter wonderland for some, but for far too many, it is a time of fear and uncertainty. The rising costs of oil, gas, and now even wood, are eating up the scant resources that elderly and low-income families may have. When fuel bills for 1 month can reach almost $300, is it any wonder that a supplemental security income (SSI) recipient worries how his or her check of $279 can possibly pay for fuel, let alone food, medicine, phone, or other essentials?

This year Vermont has been forced to turn away people who had been eligible for fuel assistance in previous years. Despite this unpleasant action, my State is still nearing the end of its funds. The additional money provided by this amendment will allow Vermont and other States to continue providing this urgent assistance for the duration of the cold and snowy weather.

Mr. President, I would like to tell some of my colleagues who are debating how they might vote on this amendment that I would be happy today, or tomorrow, or any time during the next week or so to invite them to come with me to the State of Vermont. It is a beautiful State, I might add, but I can show them a lot of people living in homes of substandard nature and substandard insulation. The temperatures will drop down to 25 or 30° below zero sometimes for days on end, maybe weeks on end. There are people who are barely living who almost wait each day to see the Sun come up and almost wonder that they are still alive, quite literally—people who are terrified to go to sleep at night, worried about what their condition might be, especially if they have either very young or very old people in the home.

I hope that the Senator from Massachusetts and the others who have proposed this amendment will be supported in the Senate as they were in the House of Representatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask unanimous consent that it be considered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. COCHRAN. I reserve the right to object.

Mr. KENNEDY. The purpose of this amendment is to modify my amendment to include the Bentsen amendment.

Mr. COCHRAN. I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, under those circumstances I withdraw my amendment in the second degree if it has been agreed to.

The PRESIDING OFFICER. Is the Senator from Massachusetts offering a modified version of his original amendment?

Mr. KENNEDY. The Chair is correct, to incorporate the amendment of the Senator from Texas. We can either do it this way or the Senator can withdraw his amendment and then we can withdraw mine and resubmit it. It just seems to me to shorten the time process.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts' original amendment will be modified according to the request submitted to the clerk.

Mr. KENNEDY. I thank the Chair.

The amendment, as modified, is as follows:

At the appropriate place in the resolution, and the following section:

SEC. . (a) The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1982, namely:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Low Income Energy Assistance

For an additional amount for "low Income Energy Assistance", $123,000,000.

(b) None of the funds appropriated under this joint resolution shall be used, obligated, or expended for the purposes of sections 2604(f), 2605(k), 2607(b)(1), or 2607(b)(2) of the Omnibus Budget Reconciliation Act of 1981.

Mr. KENNEDY. Effectively, Mr. President, and I would ask the attention of the Senator from Texas, this maintains the funding level that we described earlier, but what it will do is it will permit the State of Massachusetts to allocate its resources and its allocation to meet the particular needs as it sees fit, and it permits the State of Texas to make a judgment with regard to its particular needs.

What it does also include is the fact that the moneys which will be allocated under this program will all be used for energy assistance. They cannot be diverted for other purposes.

Mr. BENTSEN. Mr. President, if the Senator will yield, I think that accomplishes the objective which I would seek in seeing that it does what he wants it to do because in 1980 we had over 2,000 people dying in this country from heat generally, the elderly, the infirm, and the sick. It was not just Texas. I think we had more who actually died in Missouri that summer than in Texas. We had over 34 days of temperatures of over 100° in Dallas that summer.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Texas has withdrawn his amendment.

The question then recurs on agreeing to the amendment, as modified, of the Senator from Massachusetts.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I would like to propound a question to the sponsors of this bill or anyone else on the floor that can answer some questions.

Normally I would be in support of the amendment offered by the Senator from Massachusetts. I recognize the dire need that people right now across America are suffering with regard to ever-increasing utility prices. And I would be sympathetic to that, as I suppose most of my colleagues on both sides of the aisles would be.

But we have a parliamentary dilemma here, it seems to me. We should all understand that the thrust of this bill is to provide for a $5 billion increase in the Commodity Credit Corporation loan program which, if it is not passed, the Commodity Credit Corporation will run out of money while we are home on a recess.

I would hope that both the House and the Senate leadership would agree that it would be unwise indeed for us

to recess if we have not taken care of such important matters as the continuation of Commodity Credit funding, plus the needs of those who are suffering today from less than appropriate temperatures in their home.

My question, then, comes down to this: My fear is that if we accept the Kennedy amendment—and possibily my fear is not well founded—and if it goes to the House of Representatives and if they do or do not take action that we therefore would be in a situation to where not only would we fail those in need with regard to keeping the gas turned on but we also would be failing those in need of the Commodity Credit Corporation loans.

I would like to ask if there is some possible understanding or agreement that could be reached between the majority leader and the minority leader and the Speaker of the House of Representatives and the ranking Republican on that side of the Hill that if the Kennedy amendment is adopted and if it then goes to the House of Representatives and it is passed today, then we solve both problems. On the other hand, could it be agreed that, if that action is not taken on the other side of the Hill, there would be an agreement that they would remain in session at least for such a time so that the Commodity Credit Corporation portion of the measure before us could be returned here for proper action? I pose that question. I am hopeful that someone can hopefully enlighten me.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER, (Mr. NICKLES). The Senator from Mississippi.

Mr. COCHRAN. I do not know whether this Senator can enlighten the Senator from Nebraska or not, but I can at least assure him that an effort is being made to satisfy the Senate about the procedural problems that might occur in the House if this bill is sent back to the House with the Kennedy amendment attached to it.

We were advised that, under House procedure, in order to bring the bill, as modified, from the desk to the floor of the House unanimous consent would have to be obtained. Yesterday when the bill was passed, which is the Kennedy amendment here, there were some 62 House Members who voted against final passage. So we can be assured that there are sufficient Congressmen, Members of the other body there, to assure that someone would interpose an objection to the consideration of the bill. That would require, as we understand it, their taking the matter to the Rules Committee for a rule.

We assume that the Speaker's assurances to the Senator from Massachusetts that the House would be kept in session until they dealt with this matter would include the fact that he feels that he could get the Rules Committee to act favorably on a rule to permit the consideration in absence of unanimous consent. But there are other problems, such as germaneness, which could be raised on a point of order under House rules of procedure. And if that point of order were sustained, then the bill could not be considered.

The House is scheduled to go out this afternoon. The Members were advised, we are told, that after the vote on the matter that they have just concluded a vote on that they would have no more votes. This was communicated earlier to House Members. So there is a problem possibly of assembling a quorum in the House later today.

These are some of the problems that I bring to the Senator's attention in preface to this statement: The majority leader has gone over to the House. We understand that there is a conference occurring now on what the procedural situation in the House would be if the Kennedy amendment is attached.

I think the Senator makes a good point that we need to be sure beyond everything that the urgent appropriations for the Commodity Credit Corporation do get approved in the Senate today and sent to the desk of the President today. Because that corporation is going to cease functioning and millions of dollars in reimbursements and benefits and payments which are mandated by law will not be made. This would be a very serious situation if we permitted that to occur. So every effort is being made now, I am told, to work out the procedural difficulties that may result in this situation and we hope to have a report to the Senate in the next several minutes.

Mr. EXON. Mr. President, I thank my distinguished friend from Mississippi. I see that during his tutoring period in the House of Representatives he learned the rules very well over there. I am so new here I do not even pretend to fully understand the rules here, but I know it is even more difficult on that side.

Let me pose this question to the Senator from Mississippi: Would it be possible, since I think we all agree that this is a very serious matter, that could we get agreement, as I suggested in my earlier question, from the leadership in the Senate and the leadership in the House, that indeed we would not leave on a recess until we have disposed of the matters presently before us? In that regard, would it be possible for the majority leader to propound some kind of unanimous-consent agreement to limit debate on this matter so that we could at least proceed in an intelligent and expeditious manner?

Mr. COCHRAN. Mr. President, I am sure the majority leader would be very friendly to the suggestion made by the Senator from Nebraska about disposing of this legislation in an expeditious manner as quickly as possible. He, of course, is supporting the passage of the appropriation without amendment, as the manager of the bill on the floor is.

I think we can assure the Senator from Nebraska that every effort will be made, whether through agreement or through dealing with the amendment that is pending before this body, to secure the passage of the supplemental emergency appropriation for the CCC and to get that done in a way—whether an amendment is involved and it has to go back to the House or not—that it does not cause the closing of the Corporation's doors and that it can continue to do business. I can assure you as far as this Senator is concerned that an effort will be made to obtain the kind of agreement that the Senator refers to. I thank the Senator very much for those observations.

Mr. EXON. I thank my friend from Mississippi.

Mr. COHEN. Mr. President, I rise in support of the Kennedy amendment to the urgent supplemental appropriation bill now pending before the Senate for consideration that would add $123 million for the low-income energy assistance program. While I am fully cognizant of the fiscal context within which we will consider this amendment today, I would emphasize that the elderly and low-income residents of Northern States, such as Maine, view this program with immediate concern.

The continuing resolution for fiscal year 1982 provides $1,752 billion for the low-income home energy assistance program which is $98 million less than available in 1982 and $123 million less than the amount authorized by the Omnibus Reconciliation Act of 1982. Since the continuing resolution was signed into law, circumstances have changed dramatically which, I believe, merit the attention of the Senate today.

There is no question that this winter has been, and continues to be, one of the coldest this Nation has experienced in quite some time. In fact, January 1982 is expected to be the coldest January of this century. Throughout most of the country, temperatures have hovered well below zero for weeks at a time. The average temperature in northern Maine for the month of January was 4° F. During many of those days the wind chill factor created temperatures as low as 30° and 40° below zero. This severe, unanticipated, winter weather has placed an increased burden on poor and elderly residents of every State to pay their rising heating bills.

In recognition of the desperate plight of many elderly and low-income

Americans, Congress last year appropriated $1.85 billion to assist these individuals in meeting their energy costs. This funding provided assistance to 52,000 households in Maine last year. Although it is too early to determine with a certainty, it appears that the number of Maine applicants this year will increase dramatically. This surge in the number of applicants for energy assistance can be attributed to both the severity of the winter weather and the high level of unemployment in several areas of the State.

With the reduction in funding for the energy assistance program provided in the continuing resolution, the State will be unable to assist many more families this year than last, and for those families fortunate enough to receive aid, the benefit levels will be greatly reduced.

The average energy expenditure for Maine households severed by the home energy assistance program last year was $1,773. Although a maximum benefit level of $600 was set for recipients last year, the average payment was $454. This contrasts sharply to this year's benefit levels with a maximum of $350 and an average payment of $300. With a greater need of home heating fuel to relieve the chill of this exceptionally cruel winter, the energy expenditures for Maine households will—by necessity—increase significantly. Yet, at the same time, the energy assistance benefits to help ease the burden of rising fuel costs will be decreasing. I am particularly concerned about the poor and elderly citizens who have not yet sought energy assistance. The severity of this winter is likely to force many people to ask for assistance who have never asked for any before. If they wait until they are in deperate straits—the end of February or March—they may be told that the funds have been depleted. Should these people be deprived of the same assistance that their fellow Americans receive simply because they tried to make it on their own?

Enactment of a supplemental appropriation of $123 million will certainly not provide energy assistance sufficient to help all those families suffering from this exceptionally harsh winter. It will, however, provide some measure of relief to those families receiving assistance and it will insure that this assistance will be available for the duration of the winter.

There is no question that energy assistance is a crisis program. I ask my colleagues to consider this amendment in that context, and not solely in the context of national austerity.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have just returned from the Hall of the House of Representatives where I conferred with the Speaker, the majority leader, and the minority leader on what action the House would contemplate on this bill, the Commodity Credit Corporation urgent supplemental, in the event the Senate were to agree to an amendment such as the Kennedy amendment that was not included in the House bill, and given the fact that the House is scheduled this afternoon. The Speaker has indicated to me that he is prepared to take the bill up this afternoon, either by unanimous consent or by rule, depending on the circumstances. The minority leader has indicated to me that he is agreeable to taking the matter up this afternoon.

There is always, of course, the possibility of an objection to a unanimous-consent request to do so.

It would appear to me, Mr. President, that it is entirely feasible for the Senate to go ahead and work its will on this amendment and on the bill, as amended, if it is amended, and to send the bill back to the House of Representatives with a fair expectation that legislative action would be completed on the measure yet this afternoon.

I wish to announce, Mr. President, that I will support the amendment, I will support the bill, and I urge its early passage.

Mr. COCHRAN. Let us vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Florida (Mrs. HAWKINS) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Florida (Mrs. HAWKINS).

If present and voting, the Senator from Oregon would vote "nay" and the Senator from Florida would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. WILLIAMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—85

Abdnor	Ford	Murkowski
Andrews	Garn	Nunn
Baker	Gorton	Packwood
Baucus	Grassley	Pell
Bentsen	Hart	Percy
Biden	Hatch	Pressler
Boren	Hayakawa	Pryor
Boschwitz	Heinz	Quayle
Bradley	Hollings	Randolph
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd, Robert C.	Inouye	Rudman
Cannon	Jackson	Sarbanes
Chafee	Jepsen	Sasser
Chiles	Johnston	Schmitt
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Denton	Long	Tower
Dixon	Lugar	Tsongas
Dole	Mathias	Wallop
Domenici	Matsunaga	Warner
Durenberger	Melcher	Weicker
Eagleton	Metzenbaum	Zorinsky
East	Mitchell	
Exon	Moynihan	

NAYS—10

Armstrong	Heflin	Nickles
Byrd, Harry F., Jr.	Helms	Proxmire
Goldwater	Mattingly	Symms
	McClure	

NOT VOTING—5

Dodd	Hatfield	Williams
Glenn	Hawkins	

So Mr. KENNEDY's amendment (UP No. 820), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I know of no other amendments, nor do I have any request on this side for a rollcall vote. If there are no other amendments, I hope the Chair might put third reading.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I inquire whether the urgent supplemental for the Department of Labor, House Joint Resolution 391, is here at the desk and available.

The PRESIDING OFFICER. The Senator is correct. It is at the desk.

Mr. BAKER. Mr. President, am I not correct in saying that this is one of the bills that was identified, when the majority leader was authorized, after consulting with the minority leader, to temporarily lay aside the Department of Justice authorization bill, for the purpose of its immediate consideration?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I will consult with the minority leader in a moment. I had thought he was on the floor, but I do not see him at this particular instant. I intend to do that shortly, but, for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR

Mr. BAKER. Mr. President, I have now consulted with the distinguished minority leader on the matter of calling up the urgent supplemental unemployment compensation appropriation bill. The minority leader has not indicated an objection to that.

Therefore, in accordance with the provisions of the order previously entered, I ask the Senate to now turn to the consideration of House Joint Resolution 391.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 391) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

The PRESIDING OFFICER. The joint resolution will be deemed to have been read twice by title and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the joint resolution (H.J. Res. 391).

● Mr. HATFIELD. Mr. President, I urge the Senate to adopt without amendment House Joint Resolution 391, the urgent supplemental for unemployment benefits and employment services.

The total amount of the House-passed bill is $2,293,490,000, nearly identical to the $2,290,490,000 requested by the President on February 1, 1982. Two appropriation accounts are involved:

No. 1. $1,950,000,000 for mandatory Federal-fund advances to the unemployment trust fund; and

No. 2. $343,490,000 for grants to States for unemployment insurance and employment services.

The Federal fund advances are needed by mid-March for two purposes:

To prevent disruption of unemployment checks to recipients in States that will need loans; and

To pay the Federal share of extended benefits.

My own State of Oregon is one of 14 States now paying extending benefits, but 48 States are now expected to be paying these additional 13 weeks of benefits during the balance of fiscal year 1982.

Of the $343,490,000 for the grants to States appropriation, $133,000,000 is needed for the mandatory cost of staff to process a higher level of unemployment claims. The remaining $210,490,000 is needed to retain Employment Service staff at the level of the President's March budget request. This will support 24,800 staff nationally, and should prevent massive layoffs that are imminent in many States.

Mr. President, it is essential that the Senate agree with the House-passed joint resolution without amendment, so it can be sent to the President for signature this week. This will not only prevent the loss of thousands of jobs of Employment Service workers that might otherwise occur during the upcoming congressional recess, but will guarantee continuation of essential benefits and services to hundreds of thousands of the Nation's unemployed.

Let me point out that the President, on Monday, requested four additional Labor Department supplementals that appear to require timely action by Congress. Although we cannot risk delaying enactment of this urgently needed supplemental by the addition of items not yet considered by the House, I hope the Appropriations Committee will be able to act promptly on these additional requests to avoid possible reduction in staff and services.●

Mr. SCHMITT. Mr. President, I support passage of House Joint Resolution 391, the pending supplemental appropriations bill.

Of the $2.3 billion included in this House-passed bill, $2.1 billion relates to mandatory unemployment benefits and associated administrative costs; that is, benefits to which individuals in this country are entitled by law; the remaining amount is for State employment service administrative costs.

There are three components to the $2.1 billion needed for costs directly related to unemployment: $1,450,000,000 for loans to States exhausting their unemployment trust fund reserves; $500,000,000 for the Federal share of extended benefit payments; and $133,000,000 for additional staff to process a higher volume of unemployment claims. These estimates are based on the projection—shared by both OMB and the Congressional Budget Office—that unemployment will average 8.9 percent in fiscal 1982, instead of the 7.5-percent level upon which existing appropriations are based.

I might add parenthetically, Mr. President, that that 8.9-percent average unemployment rate is still not obviously going to be realized. We will just have to wait for additional statistics. The last monthly rate reported was 8.5 percent, and it may be that the recession, in fact, is turning around. However, that does not in any way undercut the importance of this supplemental which is designed to pay benefits and meet costs already incurred or which obviously will be incurred.

Most of the concern in recent weeks has been on funding of State employment service offices. Last November, the Senate Appropriations Committee recommended that our regular Labor-HHS-Education bill provide the President's March 1981 budget request level of 24,800 staff for these employment offices. In mid-December, at the urging of the administration, the continuing resolution reduced funding to the level of the September budget request, supporting only 21,800 staff. Contrary to congressional intent, the Labor Department then began further curtailing Employment Service staff to 17,500, far below the President's request and below that supported by Congress. To avoid widespread layoffs and office closings, the administration is now seeking a return to the President's March budget request level for Employment Services. This supplemental will not only avoid an undue cutback of Employment Service staff, but it is expected to result in an estimated 700,000 additional job placements of unemployed persons by a more fully staffed Employment Service.

Mr. President, I will say that members of the subcommittee, including its chairman, the Senator from New Mexico, did question very closely the administration's plans as put forward in December. We expressed strong reservations that we would have to do, in fact, what we are doing today, and that is to provide these supplemental funds. I am glad to see, and happy to report, that the administration has now revised their estimates and is asking for what is obviously required in this period of recessionary economy.

Mr. President, I have a table that details the components of this request, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In thousands of dollars]

	Fiscal year 1982		
	Presently available	Revised	Supplemental
Advances to the unemployment trust fund and other funds:			
Extended unemployment compensation account		500,000	+500,000
Federal unemployment account (loan account)	1,853,000	3,303,000	+1,450,000
Federal employees' compensation account	280,000	280,000	
Black lung disability trust fund	235,000	235,000	
Federal unemployment benefits and allowances			
Total advances	2,368,000	4,318,000	+1,950,000
Grants to States for unemployment insurance and employment services:			
Employment service	524,533	735,023	+210,490
Unemployment insurance service	1,408,123	1,541,123	+133,000
Total grants to States	1,932,656	2,276,146	+343,490

Mr. SCHMITT. Mr. President, let me review the chronology of events in more detail. Last November, the Senate Appropriations Committee approved, in the regular fiscal 1982 Labor-HHS bill, sufficient money for 24,800 employment service staff—the level now being requested in the urgent supplemental.

In December, after the President vetoed the continuing resolution, OMB suggested cuts in the employment service budget as one of the reductions essential to get a signed continuing resolution—cutting staff back to 21,800.

In Senate floor debate at the time this continuing resolution was approved, I expressed my concerns about the wisdom of this cut, and warned that we might have to put the money back in a supplemental.

At my request, Secretary Donovan gave me a letter committing the administration to seeking a supplemental, should it be necessary due to changed economic conditions.

When it became apparent after enactment of the continuing resolution that the Labor Department intended to cut employment services below even the President's September budget request level, Senator HATFIELD and I sent a joint letter to Secretary Donovan on December 16, 1981, in an attempt to prevent further cutbacks.

It was not until February 1, 1982, that OMB reversed its field, and agreed to support a supplemental to support employment service staff at the same level recommended by the Appropriations Committee last fall.

Of the $400 million we were forced to cut as the price for a signed continuing resolution in December, we are now restoring $343 million on this supplemental. Added to the $49 million in supplementals being requested for social security and health care financing administrative costs, OMB has now asked for restoration of $392 million of the $400 million cut demanded in December.

Mr. President, the Senate should be aware that the President has also submitted four other Labor Department program supplementals that appear to be of more than a routine nature. I do not recommend they be included on this bill, to avoid delaying the enactment of this urgent supplemental. However, I will be examining them closely, as will the subcommittee, to see if they need to be included in another appropriations vehicle so that adequate funding is made available on a timely basis.

In the meantime, the Labor Department should avoid any precipitate reduction in force or furlough actions, until Congress can work its will on these requests. The four program supplemental requests, totaling $19,781,000, are: Employment and Training Administration, $8,742,000; Labor-Management Services Administration, $1,157,000; Employment Standards Administration, $4,259,000; and Bureau of Labor Statistics, $5,623,000.

Mr. President, the Senate should adopt House Joint Resolution 391, without amendment, so that it can be sent to the President for signature without delay and so that the necessary benefits and services can be provided to those currently unemployed.

Mr. BUMPERS. Mr. President, I want to express my strong support for this emergency supplemental appropriations bill for the Department of Labor. I am particularly interested in the supplemental of $343 million for grants to States for unemployment insurance and employment services. In December of last year during the floor debate on the continuing resolution, an amendment was offered to restore $120 million for unemployment insurance services. The amendment was defeated, but those of us who voted for it were confident that the virtually unprecedented rates of unemployment we are experiencing would force the administration to seek a supplemental appropriation this year.

Studies performed by several groups and the experience of many States including Arkansas have shown that these programs are cost-effective and essential to the placement of unemployed workers in new jobs.

The $1,932,000,000 contained in the continuing resolution we passed last December has proven to be grossly inadequate to meet the needs of the unemployed who are searching for new jobs. With the unemployment rates already in the 9-percent range nationally, and a staggering record level of 12.1 percent in Arkansas, we need to be spending more money in an effort to find people jobs and train them for gainful employment. The administration's supplemental request recognizes the effectiveness of these job-placement programs and restores the funding to slightly above the original budget request. Even though the approval of the emergency supplemental appropriation will help, I am afraid that considerable damage has already been done.

In Arkansas, the cut in job-service funds passed last year amounted to almost 60 percent and, based on past experience in the program, it is likely that 3,400 fewer persons will be placed in jobs each month. A Department of Labor memo prepared last year concluded that each $1 cut in funds for unemployment insurance services costs the Federal Government $7 in the long run. Equally distressing is the fact that many AFDC recipients will no longer receive any assistance in finding jobs through the work incentive program (WIN) even though this program has had a proven cost-effective benefit ratio of 3 to 1.

Mr. President, restoration of these funds is the only responsible thing to do. Over 9 million Americans are out of work and most of them are desperate for help. The least we can do is provide the funds necessary to assist them in finding other work and in applying for unemployment insurance. I urge the immediate passage of this supplemental appropriations bill.

Mr. President, it is my understanding there are no amendments. If there are none, I suggest we go to third reading.

Mr. SCHMITT. Mr. President, will the Senator withhold on that request?

Mr. BUMPERS. Mr. President, I withhold that request, I yield to the Senator from Illinois (Mr. DIXON).

The PRESIDING OFFICER. The Senator from Illinois.

WORK INCENTIVE PROGRAM

Mr. DIXON. I thank my distinguished friend, the Senator from Arkansas, for yielding. I want to voice my strong support for this legislation.

Mr. President, I would like to take a moment to discuss another effective employment program that is being seriously curtailed by the cuts in the budget, that being the work incentive program, or WIN. The WIN program was created in the 1967 amendments to the Social Security Act and became operational in July of 1968. WIN provides employment services to recipients of public assistance, making them taxpayers rather than tax consumers.

The program is extremely effective, and it would be pennywise but pound foolish to eliminate it. In my home State of Illinois, the State Department of Labor, which administers the pro-

gram along with the Illinois Department of Public Aid, provided me with the following impressive results of the program for fiscal year 1981.

Fifteen thousand job placements were made at an annualized savings of $40 million in AFDC payments. Assuming that these people worked a full year at $4.28 per hour, which is the average wage of those placed, a total of $106 million was added in taxable income to the State of Illinois, while costing only $13.1 million.

Eleven offices will close without our help, and 300 of the 420 staff will join those they once tried to assist, in seeking employment. These 300 laid-off employees will cost nearly $1 million in unemployment payments.

Nationally, this program is equally impressive. In fiscal year 1981, 277,000 job placements were made with an annualized reduction of $632 million in AFDC payments, at a cost of $365 million, according to the Assistant Secretary for Human Development Services in the March 1981 Congressional Budget Justification.

Bradley R. Schiller, a member of the economics department faculty of American University, conducted a nationwide study of the WIN program and found it to be cost-effective, recommending that it be retained. He found it particularly helpful for those with little or no employment experience.

Mr. President, I did not offer an amendment to House Joint Resolution 391 for a supplemental appropriation for the WIN program, because I do not wish to delay the implementation of the supplemental for employment services, which is so desperately needed.

I am certainly gratified to know that the administration agrees with the necessity for employment services in these times of high unemployment.

I intend to follow the issue closely, and urge my colleagues to do the same. A supplemental of approximately $100 million would restore the WIN program for this fiscal year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I rise simply to join with those who are supporting this urgent supplemental appropriation for the Department of Labor. I think it is not ordinary that we find on our desks an appropriation matter described in the title as "Urgent Supplemental Appropriation." And indeed it is. It makes grants to the States' unemployment insurance and unemployment services in consequence of the worst post-war recession that we have experienced in this time.

Before the second quarter of 1982 is out, we are more than likely to reach a 10-percent unemployment rate. We, in any event, have reached a rate of unemployment higher than any recorded since 1945, which technically will be the highest ever recorded in American history. There was once in 1941 an experimental survey by the Bureau of Labor Statistics which recorded a still high 9.4-percent rate of unemployment and the rearmament had just begun. But prior to 1947 unemployment rates were taken only once every 10 years in the census. The census in the spring of 1930 did not show anything very notable and in the spring of 1940, again, nothing very notable, the Great Depression having come and gone without being recorded in our national data.

The unemployment rates we are going to see in the next 6 months will be the highest in the history of the series. And it is certainly curious that such seems to have been the amnesia about economic policies that have descended on this Chamber and this city in the last year that, as we enter the worst part of this recession, there are voices on this floor raised today talking about a still further contraction of Government programs in job training, Government programs in public works, Government programs of the kind which we have learned with fair success over 40 years to modulate business cycles and to keep a gross national product high and growing for the last 40 years.

We have heard a very great deal about the disastrous performance of our economy in recent years. Would it be offensive or would it be out of place to note that the American gross national product in real terms doubled between 1965 and 1980, a fact of extraordinary consequence, a fact which can be seen in any part of our land? Whether we will continue to do so in the face of the dismantling of the Federal fisc which took place last year in the prospect of half a trillion dollars of deficits in the next 3 years, experimenting in a wholly unproved and, indeed, unprovable economic theory, remains to be seen.

For the moment it is our task to look to the machinery of Government as we have created it since the great depression in 1935 brought about the response known as the New Deal.

Unemployment insurance is title II of the Social Security Act. It is one of the ironies that even as we propose to extend it and use it in this recession, we have before us a budget which, for practical purposes, proposes to abolish title IV, which is the aid to dependent children and the aid to orphans and to foster children, a measure which, in part, passed this body this past spring, saved in the final conference with the House Representatives.

It is certainly the fact that if in the face of the present recession, an unnecessary recession, one brought about by a combination of interest rates and contractionary monetary policy, which meant that there was only a four-quarter expansion from the period of the last quarter with a decline in the GNP to the next quarter with a decline in the GNP, the recovery of last year lasted 12 months.

That is the shortest period of recovery in the history of the 20th century, or at least to my knowledge it is the shortest period since 1919, a year of great dislocation in the economy when the First World War had come to an end. There was a great steel strike and great difficulties one after another.

We have to go back to 1919 to find an economic policy as narrow in its expansionary period as ours has been under the present managed economy.

Now to hear talk of further contraction, now to hear talk of raising this, cutting that, chopping away, that is precisely what the Federal Reserve Board, some will recall, did in 1930. That is precisely the response that the pre-depression mentality brought to the business cycle and was one of the reasons the business cycle has been the abiding problem of modern industrial economics.

We are evidently, as in so many things, back beyond the last half century in our thinking, and if we continue we shall be back beyond the last half century in our experience.

Do not doubt for a moment, we are in an economic recession which could become a crash. It is to a very large degree the product of Government policy, a Government policy at war with itself, a fiscal policy at war with a monetary policy. When you have war with yourself, you are the one who will lose.

We are in a period very much like that which followed the Wall Street crash of 1929 in which the response of the Federal Reserve managers was to sharply contract the monetary supply. The response of the fiscal policy managers was sharply to adjust the expenditure side, and the result was a depression that brought this country to a crisis of the kind never known in economic terms, and in one sense or another brought the world to the edge of ruin.

It can happen again, and it will happen, if persons decide to abandon reason and abandon analysis and abandon experience in the name of a superficial plausibility.

On the very day that we are dealing with an urgent measure on unemployment compensation, to deal with what will soon be the highest rate of unemployment in the modern history of the

United States, here we are listening to calls for a sharp contraction in public expenditure, a sharp restriction in monetary growth.

Those are precisely formulas that brought us, thank God, the New Deal, but a new deal which never did more than to cope with a Government-created crisis.

We are already hearing about the gold standard. We are hearing all the stigmata that led to the Depression of the 1930's. They are about, and they seem very little to be resisted on this floor. I hope they will be resisted in the Nation, or, if nothing else, we will come to our senses as we hear from our constituents.

I see my distinguished friend from New Mexico is on the floor.

Mr. SCHMITT. I thank the Senator from New York for his comments and for his crystal ball. We will all see how things turn out.

Mr. President, I ask for the yeas and nays on this measure.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, I am pleased that the Senate is expeditously considering an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. This appropriation is desperately needed because of the spiraling jobless rate confronting our country today.

During this time when millions of Americans are unemployed, it is absolutely essential that employment services be restored to an adequate level to help people locate jobs.

My home State of Alabama has experienced tremendous hardship as a result of the economic decline of several industries. The decline of the automobile and automobile-related industries, the steel industry, and the housing industry, just to name a few, has resulted in a 12.1-percent jobless rate as recorded this past December. In one Alabama town, as many as one out of every six employees was out of work at the end of 1981.

This is an unemployment rate in excess of 17 percent. The reduction in funding for employment services in the State of Alabama has resulted in staff reductions of 441 persons, or a 47.6-percent reduction, since midsummer of 1981 and the scheduled closing of some 25 employment service offices throughout the State. This is an unwise reduction during a time of spiraling unemployment.

In view of the magnitude of the unemployment rate plaguing our Nation today, I urge my colleagues to support this direly needed supplemental appropriation for the Department of Labor to restore adequate funding for the employment service program.

Mr. PROXMIRE. Mr. President, the emergency supplemental bill now before the Senate will provide $1,947,000,000 in advances to the unemployment trust fund. Unemployed compensation benefits are normally paid from the trust fund with the revenues derived from employer payroll taxes. Each State determines its own level of benefits and eligibility rules. When there is insufficient money in a State's fund to pay all estimated claims, the State is permitted to borrow the difference from the Federal Government. Because of higher unemployment, the States are expected to step up their borrowing over the next several months. In fact, some States may have exhausted their funds by March if the Congress does not act in a timely fashion. The additional $1.9 billion in the emergency supplemental will allow the Federal Government to meet all anticipated borrowing requirements for the remainder of the fiscal year.

In addition, the emergency supplemental contains $343,490,000 to pay for the administrative expenses of the State employment service offices and the unemployment insurance service offices. Of this amount, $210 million is for the employment service and $133 million for the unemployment insurance service. These funds will reverse the 12 percent reduction proposed by the President last September and restore these programs to the level of the March budget request.

Mr. President, I think the Senate has no alternative but to approve this requested supplemental. At the same time, the record should reflect that the need for these funds could have been and should have been anticipated last December when Congress passed the continuing resolution.

As a matter of fact, the continuing resolution passed by the Congress in November contained an additional $220 million for the employment service offices and the unemployment insurance offices. This bill was vetoed by the President with great public fanfare because it exceeded his spending limits. The Republican leadership in the House and Senate drafted an alternative resolution satisfactory to the President. Among other things, this alternative resolution imposed an additional $220-million cut on the employment service and unemployment insurance offices. This was a cut of about 10 percent below the level that Congress provided in November.

At the same time, the Office of Management and Budget had access to the most recent unemployment data and the projections for substantially higher unemployment in 1982, and yet they remained silent so as not to tarnish the President's great victory over the big-spending Congress. We now learn that it was all a game—that the funds were needed after all. The President scored a great public relations victory in December while quietly reversing his position in February. In the meantime, the essential work of the Government will continue.

JOB SERVICE FUNDS MUST BE RESTORED

Mr. SASSER. Mr. President, I would like to announce my support for House Joint Resolution 391, providing emergency supplemental appropriations for unemployment services. Specifically this bill will address two very serious problems now facing our economy. One is a staggering unemployment rate of well over 8 percent—which translates into more than 9 million unemployed American men and women. Another problem is the poorly conceived attempt to cut back employment services funding in the face of the highest unemployment in 24 years.

The effects are particularly disturbing in my own State of Tennessee where unemployment has reached the shocking level of 10.4 percent. More than 214,700 Tennesseans are without jobs today. At the same time, the job service program is being gutted. Some job service offices have already been closed. Job service employees have been laid off. And the State's ability to handle the unemployment crisis has been crippled.

If we fail to pass this urgent supplemental appropriation 21 employment services offices in Tennessee will be closed; and 235 employment services employees will join the ranks of the unemployed. Those people who are already without jobs, will have lost a major and effective means of finding new jobs.

I know that the job services program in Tennessee has done a good job finding employment for Tennesseans. Their placement rate is high. And for every unemployed worker they help to find a job, it saves thousands of taxpayers' dollars.

So I am glad that the Congress is taking this action. We all can see the incongruity of closing down job service offices—leaving behind a trail of unemployed workers. We keep expecting a recovery in an economy with staggering interest rates, record bankruptcies, and outrageous levels of unemployment. And we will not provide the minimal support needed to help place unemployed workers in the remaining jobs available.

The effects of these cuts have been described from all parts of the country. And the complaints have not just come from the job service employees—who feel that they are losing their jobs without justfication. Nor have all the complaints come from the unemployed—who are waiting longer to have their claims processed. But the complaints are coming from the private sector. They are coming from businesses who have come to rely

upon the assistance they have received from the job service program.

Therefore, Mr. President, I applaud the action we are taking here today. And I hope that we are acting soon enough to correct this regretful situation.

I submit a letter from just such an employer to be printed in the RECORD.

The letter follows:

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SLUMBER PRODUCTS CORP.,
Memphis, Tenn., Feb. 5, 1982.

Hon. JAMES R. SASSER,
405 Russell Senate Building,
Washington, D.C.

DEAR SENATOR SASSER: We certainly understand the need for reduced federal spending. This is long overdue. However, we feel that priorities have not been considered in some cases.

Job Service funding has been drastically reduced to the point that local office layoffs and decreased services by those offices are placing a hardship on the businesses such as ours which use them. We use the Job Service offices as our prime source for hiring people. Now, obviously, if the Job Service cannot function efficiently, we will lose valuable time and production while trying to fill openings. By the same token, those people who are diligently seeking work will certainly be placed at a slower rate or maybe miss being placed period.

We urgently request that you lend your full support to restoring Job Service funds.

Yours truly,

JIM MORRIS,
Personnel Manager.

Mr. MITCHELL. It is a relief that the administration has, belatedly, reversed itself on the funding level that is desirable for the jobs service.

It is evident that at a time when 9 million Americans are out of work and another 1 million or more are classified as "discouraged workers" because they have exhausted their regular unemployment benefits, we ought to be doing everything possible to help get people back to work, not cutting down on a service that places workers.

The job service has proven itself in my State of Maine, and the level of congressional support for the service that became evident over the past several weeks indicates that it has performed equally well in other States around the Nation. It was a particularly foolish and shortsighted budget saving to reduce this service by 40 percent in the effort to find budget savings.

Indeed, such savings as we would have achieved by virtually eliminating the jobs service—the $210 million—would have been overshadowed by the twin costs of higher unemployment benefits paid and lower tax revenues received. It would have been a false economy of the worst kind.

In Maine, fully two-thirds of the State's offices would have been forced to close down, 64 jobs service workers would have joined the unemployment rolls themselves. And thousands of Maine citizens would have been denied the help they need to find work.

At a recessionary time in the economy, when the outlook for a strong recovery is being clouded by high deficits and uncertainties surrounding interest rate levels, such an outcome would have left us with the worst of all possible worlds.

We all hope the strong, sustained recovery that is promised for spring eventuates. But, just as the current recession was unforeseen, so also we cannot pretend to predict with certainty when the recovery will come and how strong it will be. We need to maintain operations such as the jobs service intact and functioning to make certain that if unemployment continues at high levels, the unemployed will not spend needless time in individual job searches that could have been shortened.

I hope that this experience with shortsighted cuts will temper the willingness of the Congress to accept the assurances of the administration that services can be provided with less money. The 80 percent cut that the administration demanded, and got, in the December continuing resolution did not, as it is evident, permit jobs service offices to function unimpaired. That cut would have gutted the entire program, in fact. So that "saving" was not saving at all. Indeed, the added confusion and demoralization of the service while its status was under a cloud contributed neither to Government efficiency nor to improved service of the public.

Last year Congress enacted a wide variety of cuts in programs because of assurances that program administration and services would not be substantially cut, but that waste would be reduced.

Let us hope that those cost-cutting chickens will not come home to roost this year. But let us, at the very least, take care not to be stampeded or cajoled into unwise, shortsighted, and ultimately wasteful cuts of this sort again. For it is wasteful to cut a program by 40 percent in December and then to turn around and replace the 40 percent in February, as we are now doing. How much more wise to have refrained from such drastic reductions in December, instead.

Mr. LEVIN. Mr. President, it is with mixed emotions that I rise in support of this bill. I am, of course, pleased that the administration has finally decided to acknowledge reality and recognize the fact that unemployment has exceeded their projections. I am also pleased by their decision to reverse course and allocate some funds to maintain employment service offices to assist the unemployed in their search for work. But I am not pleased by the level of unemployment which makes this supplemental necessary. Nor am I pleased with the national policy which makes that level of unemployment inevitable.

Just a few weeks ago, the Acting White House Press Secretary said that unemployment is the price we have to pay for ultimate economic recovery. Of course, during the campaign we were told that with just a few tricks of supply-side economic magic we could get economic recovery, balanced budget, and full employment at the same time. And when the Congress accepted the President's plan last year we were told that its passage virtually guaranteed an immediate economic upturn for all our citizens. There was no talk then, as there was in the budget documents released last week, about temporary dislocations and the pressures that must inevitably accompany a return to more profitable and productive days. The very existence of this supplemental is, in my view, proof that the President's program has not met the goals he set forth when he sought the public's mandate over a year ago or congressional support last year.

Not only does this supplemental demonstrate that the economic program now in place has failed, it also demonstrates that the changes we made in the unemployment program last year—in an effort to support that program—were unwise and unacceptable.

I would call the attention of the Senate, Mr. President, to several flaws in the system which this bill fails to address.

First, during consideration of the reconciliation bill, changes which I opposed were made in the way we calculate eligibility for extended unemployment benefits. The practical impact of those changes was to institutionalize formulas which do not accurately measure the degree of need for extended benefits in any given State. As an example, consider my own State of Michigan. Once again we lead the Nation, as we have month after depressing month, with a 16 percent unemployment rate. But even with that 16 percent rate, Michigan does not qualify for extended benefits—the State with longest and largest history of unemployment does not qualify for extended benefits. As a result, 60 percent of the unemployed Michigan citizens have exhausted their benefits and many are being denied the extended benefits that they deserve and are legitimately entitled to and which this bill funds.

Second, while this legislation provides urgently needed funds for specific individuals and programs, it does nothing to correct basic problems in the system. Under the pressure of the reconciliation bill, we made changes in the nature of that system—changes which will inevitably mean that my State and at least 13 others will be

subject to interest payments on the loans they take out of the unemployment insurance trust fund.

Under the present law, when a State is experiencing the kind of substantial unemployment which makes it impossible for it to meet its obligations from its own resources, the Federal Government will help out but only for a price. That price, in the form of interest owed on any borrowing to pay unemployment claims, simply adds to the economic woes a State is experiencing. It makes it more difficult for the State to continue its efforts to meet the legitimate and pressing needs of its citizens. Mr. President, when we adopt a national policy which inherently results in increased levels of unemployment, it just makes no sense to add to the burden that certain States particularly, and historically, have to shoulder as they try to deal with the residue that national policy creates.

Third, I would suggest that our problem goes beyond just a simple failure to cover all the people who ought to be covered or the decision to charge a State for meeting its legal and moral obligations to the unemployed. In this era of cost cutting, we have also decided that if a State falls behind in its payments on its debt to the national unemployment trust fund, then the Federal Government ought to impose a penalty tax on that State and direct that all funds generated by the tax go directly to the trust fund. Now some may see that as a simple act of fiscal prudence on the part of the Federal Government, but in reality it is a shortsighted and counterproductive policy. In a State suffering from unemployment and depressed levels of economic activity, adding to the tax burden of business is precisely what one ought not do if there is to be any hope for recovery. Yet that is precisely what appears likely to happen in Michigan and 12 other States in the near future.

There is, however, still time to correct that error and the others I have identified before their full impact is felt. Senator RIEGLE has introduced legislation, which I am proud to cosponsor, designed to do just that. I urge the chairman of the Finance Committee and the leadership of the Senate to look at those bills carefully. I do not intend to offer that legislation as an amendment to this bill because I just cannot justify doing anything which would delay the implementation of this vitally needed but inadequate bill. But I do want to inform my colleagues that I will seek an appropriate vehicle to guarantee that these issues come to the floor. And I will be prepared to debate them fully and extensively when that time comes.

Mr. President, my State and my region are bleeding. Michigan has a 16-percent unemployment rate and our people cannot qualify for extended unemployment benefits. We have a State which has had to reduce expenditures by 15 percent in real terms of over the past 2 years and now the Federal Government wants us to pay interest on the money we must borrow in order to provide essential services. We get back less than two-thirds of every tax dollar we send to Washington, less than any other State, and now Washington wants to impose a penalty tax on us for drawing too heavily on the unemployment trust fund. We have a national policy which accepts and uses unemployment as a cure for our economic woes and Michigan and States in similar positions are being asked to carry the burden for the Nation.

That makes no sense Mr. President. And it makes no sense for me to accept it.

So while I will vote for this bill, I want to inform my colleagues that I will be seeking a more appropriate time and legislative vehicle to secure the basic equity that my State deserves and requires.

Mr. BENTSEN. Mr. President, statistics recently released by the Department of Labor document the fact that we are experiencing a period of record unemployment. With almost 10 million Americans out of work, it makes little sense to scale back our commitment to employment service programs.

Mr. President, I believe one of our highest and most pressing national priorities must be to reverse the current trend by putting people back to work in productive, private sector jobs. That is why I intend to support the President's request for a supplemental appropriation.

I want to emphasize, however, that my vote for this measure is predicated on the expectation that the Secretary of Labor will exercise his discretionary authority to allow each State maximum flexibility in allocating its share of funds to placement services. While I commend the administration for its preliminary efforts to allow such flexibility, I would like to see even greater reliance on the judgment of State employment program officials to tailor their administration to the needs of their respective populations. In Texas, for example, the State employment commission has a proven record of successful performance in finding jobs.

In expending its Federal share of administrative funds, the U.S. Department of Labor standard of 80 percent funding to unemployment benefits administration, 20 percent funding to job placement may inhibit the commission's ability to adjust to local circumstances. I understand that some alteration of this formula is possible at the regional office level or by obtaining a waiver from the Washington DOL headquarters, but changing those standards can be a cumbersome process—involving time delays we simply cannot afford.

Mr. President, reductions in funding for employment services have already cost us dearly. In my home State, a 29-percent funding cut has resulted in staff layoffs, imminent closure of 72 of the 117 employment commission offices, and significant reduction in job placements made. To allow this situation to deteriorate further would be a tragedy. The Texas Employment Commission is one of the largest in the country. It ranks first in the number of individuals served and second in job placements. In carrying out its responsibilities, the TEC is especially helpful to small businesses and to those unemployed workers for whom finding a job can be difficult.

During 1981, for example, TEC placed some 47,000 veterans, more than 100,000 youth, close to 29,000 older workers, more than 12,000 food stamp recipients, and over 14,000 disabled or handicapped individuals. Equally important, TEC records show that Texans drawing unemployment benefits remain on the rolls an average of 12.7 weeks as compared to a nationwide average of 14.6 weeks. Clearly the TEC has demonstrated it can reduce the drain on our unemployment trust fund by putting people back to work. As we cast our votes for this measure, let us also encourage the administration to take the steps necessary to diminish restrictions on the use of these funds so that agencies such as the TEC may make the most efficient and effective use of available resources.

Mr. JACKSON. Mr. President, the recession now ravaging most of the country is having an even more devastating effect on the economy of Washington State.

There unemployment exceeds 11 percent, with some counties above 27 percent. The forest products industry—which is the lifeblood of the regional economy—as well as the housing industry, are dead in their tracks. Those industries are in a depression and there is no hope on the horizon for improvement. Unemployment among the building and construction trades is above 50 percent in many areas of Washington State.

Unemployment continues to grow at an alarming rate.

Mr. President, the State of Washington lacks the financial resources even to maintain employment service offices—let alone pay benefits to those who are unemployed.

One year ago there were 39 fully operational State job service offices located throughout Washington State. Today there are fewer than half that many. More than 1,000 State employment office employees have been laid off because of budget cuts.

Today, just 2,244 employees of the State employment security department are trying to serve more than 200,000 persons who are out of work.

Mr. President, the Reagan administration budget offers little hope to the unemployed. We cannot refuse this meager attempt to provide some relief to unemployed workers of this country.

I believe the emergency supplemental request, House Joint Resolution 391, will provide the necessary relief facing the unemployed in Washington State and elsewhere. In Washington State, many of the 369 employment security department employees laid off just 2 weeks ago could be rehired and 14 of the regional offices reopened.

Passage, Mr. President, of this legislation is essential in this time of economic distress. I am pleased to have this opportunity to express my wholehearted support for this vital emergency legislation.

Mr. METZENBAUM. Mr. President, I rise in support of this emergency supplemental appropriations request which provides desperately needed funds for unemployment compensation benefits and employment services.

In Ohio, the need for additional funds is great. The State is currently suffering from an unemployment rate of near 12 percent, the second highest in the country. And while thousands and thousands of unemployed Ohioans are applying for assistance, either benefits or job placement, the State is currently planning to close 38 employment service offices.

The State of Ohio has no desire to play a cruel joke on the unemployed. This tragedy is taking place because the Reagan administration recommended and Congress went along with wholly unwarranted budget reductions on the basis of Alice-in-Wonderland economic projections. I applaud the administration for reversing itself and requesting additional funds. And I urge the Senate to act promptly to provide to millions of unemployed Americans the services they need and to which they are fully entitled.

Mr. RIEGLE. Mr. President, I rise to express my strong support for the urgent supplemental appropriations bill before us today, which would restore $210 million cut by the continuing resolution from the U.S. Employment Service and $133 million for the administrative costs associated with the unemployment insurance program.

At the time these cuts were being considered last December, I cosponsored an amendment offered by Senator KENNEDY to restore a portion of these funds. Our amendment, which would have put back $120 million for these vital services, was defeated and as a result, these devastating cuts were allowed to become law.

The ill-conceived and hastily devised cuts in the employment service budget which were included in the third continuing resolution have resulted in the closing of between 800 and 1,000 job service offices across the country. In my own State of Michigan, the employment security commission has announced the closure of 42 offices and the complete shutdown of the entire work incentive program. Over 750 persons faced layoffs. According to the director of Michigan's employment security commission, Mr. Martin Taylor, these budget cuts would result in the elimination of all job placement services to over half of those seeking work through MESC. Last year, by contract, Michigan's job service placed more than 93,100 Michigan workers in employment. I ask unanimous consent that the January 13 statement of Mr. Taylor on the impact of these cuts be placed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MESC ANNOUNCES BRANCH CLOSINGS, LAYOFFS, PROGRAM SHUTDOWNS

A second round of federal budget cuts is forcing the Michigan Employment Security Commission (MESC) to close 42 offices, shut down its entire Work Incentive (WIN) program, and layoff over 750 additional employees, MESC Director S. Martin Taylor said today.

Speaking before a special meeting of the Michigan Employment Security Commissioners in Lansing, Taylor said that a continuing resolution enacted by Congress at the request of the Reagan administration imposes retroactive budget cuts that "are far more devastating than anyone may have realized."

The additional budget cuts will result in:

Closing 19 regular MESC offices throughout the state. The offices are located in Detroit (see list), Grand Rapids, Ann Arbor, Midland, Grand Haven, Three Rivers, Clare, Cheboygan, Dowagiac, Hillsdale, Hartford, Sparta, Standish, Rogers City, and Ontonagon. Since MESC had already closed 18 offices during the first round of federal cuts, this will leave 61 offices to serve Michigan's 313,600 active unemployment claimants. Those offices named today for closing serve 27,000 claimants (approximately 8.5 percent of the claims load), who will now have to report to other MESC offices, an average of 39 more miles away round trip.

(In the case of the Ontonagon office, a round trip of 94 miles is required.) The average round trip transportation costs to be borne by all affected claimants will be approximately $185,703 more every two weeks.

Total elimination of the Work Incentive (WIN) Program and the closing of all 23 MESC-WIN offices in the state. WIN currently aids 140,430 AFDC recipients in finding employment. Michigan's WIN program, with a budget of $15.3 million, found jobs for 19,335 people in the last fiscal year, resulting in welfare savings of over $68 million. The net loss to Michigan taxpayers will amount to over $4 million for each month that the WIN program remains closed.

The immediate layoff of over 750 more MESC employees. With last September's layoff of 1,000 employees, MESC has reduced its work force by over 1,750.

Taylor said that the latest budget cuts will eliminate job placement service to over half of those now seeking work through MESC. Michigan's Job Service, which placed 93,133 Michigan workers in the past year, will now be unable to assist any job seekers other than those receiving unemployment benefits.

"Claimants were always our first priority in Job Service", Taylor stated. "But with severely limited resources they must now become our only priority. For the first time in history, Michigan's public employment service will be forced to turn away unemployed job seekers who have exhausted their unemployment benefits as well as those who are not eligible for benefits. This means turning our back on the disadvantaged, the minorities, the handicapped, the older workers, the female heads-of-households, the youth of the state, and the many other groups who have always looked to us for the special help they need in finding jobs. The only exception to "claimant only" service will be a few federally mandated programs that are specially funded," Taylor added. At the end of September, he said, 399,594 job seekers were registered for work with the MESC. Under the new system, only 46% of those would be eligible for service.

MESC's Job Bank, a computerized system of statewide job listings, will be completely eliminated. This also cuts Michigan out of the nationwide network of Job Service offices that allows employers to post job openings in other states and job seekers in Michigan to learn of jobs in other states.

"There are two ways to add up what's happened to Michigan's unemployed under the administration's budget cuts," Taylor said. "One way is to announce MESC's most recent 12 percent cut which is retroactive to October 1, making it an effective 18 percent cut. Add to that the 22 percent cut we already took in October, mix in the fact that WIN has been cut 100 percent and cap it off with a 30 percent cut in our budget for leases, utilities and other 'housekeeping' items. That adds up to an astounding budget cut for MESC. But that is really just a string of numbers. What we must ask ourselves is what effect these cuts have on the more than 600,000 people in Michigan who are without a job, people who in many cases have nowhere else to turn but the MESC. We must then add in the effect this will have on new and expanding employers in Michigan who pay for our services through payroll taxes, but are now denied the testing, counseling and screening of job applicants that formerly enabled them to find and hire a skilled labor force. I sincerely believe that the sum of the administration's budget cuts adds up to disaster for Michigan."

MESC OFFICE CLOSINGS

1st Round Closings, fall 1981: Benton Harbor, Calumet, Detroit (150 Griswold), (1200 Sixth), Flint (Carmen Plaza), Garden City Day Labor, Grand Rapids Day Labor, Ishpeming.

Kalamazoo Day Labor (231 E. Ransom), Lansing (505 Frandor), Muskegon Day Labor (1481 Apple), Saginaw Day Labor (517 E. Genesee), St. Clair Shores (Day Labor), Sterling Heights (26417 Hoover), Suttons Bay, Westland, Wyoming (East Brook Mall), Ypsilanti.

2nd Round Closings: Ann Arbor, Cheboygan, Clare, Detroit (10351 Woodward (Domestic)), (4620 Cass (Day Labor)), 4321 E. McNichols), (2770 Park), (20211 Greenfield), Dowagiac, Grand Haven, Grand Rapids,

Hartford, Hillsdale, Midland, Ontonagon, Rogers City, Sparta, Standish, Three Rivers.

WIN Project Closings: Allegan, Alpena, Bay City, Benton Harbor, Big Rapids, Centreville, Detroit (8126 Greenfield), (17101 John R.), (220 Bagley), (11206 Conner), (76 Adams), (19411 W. McNichols), Flint, Grayling, Hartford, Howell, Highland Park, Ionia, Lincoln Park, Monroe, Mt. Pleasant, Petoskey, Warren.

Plus all WIN office operations formerly located within MESC and DDS offices.

Mr. RIEGLE. Mr. President, at a time when national unemployment has reached 8.3 percent it makes little sense to enact deep cuts in the very programs which offer hope to jobless workers of finding new employment.

I strongly support the enactment of this urgent supplemental appropriations, which will correct this terrible mistake made by the third continuing resolution.

Mr. MOYNIHAN. Mr. President, I rise today with the confidence that the Senate will accept the emergency supplemental appropriations requested by the President for the continued payment of unemployment insurance and the restoration of vital staff positions in the State employment agencies. But I am not without misgivings about the aborted attempt by this administration to dismantle the U.S. Employment Service.

It is a cruel paradox that at a time when we face record levels of unemployment, the administration would have proposed to cut the most effective program our Government provides to help unemployed workers get back to work. I have already taken time in this Chamber on a previous occasion to explain in some detail the history of these events. And, to be sure, it is an unsettling story. Although the passage of this supplemental bill will avert this crisis for the moment, we are still left with the haunting insensitivity that was shown by this administration to the plight of the unemployed. All the more troubling is the administration's posture on the Government's role in helping unemployed workers get jobs when we notice as well as the administration has cut back funding for the Comprehensive Employment Training Administration by 61 percent, for Trade Adjustment Assistance by 83 percent, for the Work Incentive Program by 33 percent, and the list goes on.

While I commend this body for the actions it will take today to insure the fiscal soundness of the unemployment insurance system and the U.S. Employment Service, I look to this body to hold strong to this Nation's longstanding commitment to full employment as we consider the administration's proposals for the fiscal year 1983 budget. I trust this body will continue to give the Service its steadfast support.

Mr. ROBERT C. BYRD. Mr. President, there are 9.3 million Americans out of work! The bureaucrats tell us that this translates into an 8.5-percent unemployment rate but that does not tell the true story. We will hear claims that the unemployment rate dropped by three-tenths of 1 percentage point from December, but even those who would make that claim do so with their heads hung down.

It is factual that the unemployment rate fell slightly from the December rate—but fell from what—9.3 million people unemployed instead of 9.6 million people. That is no solace to the worker standing in an unemployment line for hours desperately hoping for some job, any job at all, just some work.

Statistics are no help to unemployed workers fighting to find some way to keep up with the mortgage payments, to keep food on the table, to keep their children in school.

To make this ugly picture even worse, the fact that the percentages moved slightly downward is most likely a result of workers giving up. The technical term is "discouraged workers." These are people who have been looking for work so long and not finding it—they have given up. In the last quarter of 1981, according to official estimates, there were 1.2 million "discouraged workers." Can this great country really tolerate better than 9 million people out of work and 1 million or more workers so discouraged that they are forced to give up?

The title of this bill tells us the story of what is facing us—urgent supplemental appropriation—urgent, that is the word. This is not a normal or regular appropriations matter and it is not the result of some natural disaster. This is the result of an economy that is going out of this administration's control.

Last year, I took the floor time and time again to warn that the ultimate costs of phony economic assumptions would be really harmful to American people. Now we are seeing in human terms the results of "magic asterisks" and "unidentified" cuts.

Just 4 months after the start of the fiscal year, there is an urgent need for $1.9 billion to pay unemployment benefits. The administration asked the people last year to believe unemployment would be 7.3 percent for fiscal year 1982, and that was the base for the appropriations request. Only a few days ago, when the President submitted his fiscal year 1983 budget, he adjusted his unemployment projection upward to 8.9 percent—a leap of 1.6 percent which roughly translates into 1.7 million people.

The second component of this urgent supplemental is funding for the Employment Service. The Employment Service provides State assistance to people looking for work. The State offices are much closer to the job situation in each State, and are better able to help people find jobs and assist in placement and other services. It is preposterous to think that at a time when unemployment is skyrocketing, it would make any sense at all to cut assistance to people looking for work.

The phony economic assumptions and disregard for the real effects of indiscriminate budget-slashing demonstrate, once again, that this administration's overall economic recovery plan is unworkable and is steeped in an unfair distribution of the burden.

Mr. SCHMITT. Mr. President, could we have the third reading?

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the joint resolution.

The joint resolution was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD) and the Senator from Florida (Mrs. HAWKINS) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Florida (Mrs. HAWKINS) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. WILLIAMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—95

Abdnor	Cochran	Grassley
Andrews	Cohen	Hart
Armstrong	Cranston	Hatch
Baker	D'Amato	Hayakawa
Baucus	Danforth	Heflin
Bentsen	DeConcini	Heinz
Biden	Denton	Helms
Boren	Dixon	Hollings
Boschwitz	Dole	Huddleston
Bradley	Domenici	Humphrey
Bumpers	Durenberger	Inouye
Burdick	Eagleton	Jackson
Byrd, Harry F., Jr.	East	Jepsen
	Exon	Johnston
Byrd, Robert C.	Ford	Kassebaum
Cannon	Garn	Kasten
Chafee	Goldwater	Kennedy
Chiles	Gorton	Laxalt

Leahy	Nunn	Schmitt
Levin	Packwood	Simpson
Long	Pell	Specter
Lugar	Percy	Stafford
Mathias	Pressler	Stennis
Matsunaga	Proxmire	Stevens
Mattingly	Pryor	Symms
McClure	Quayle	Thurmond
Melcher	Randolph	Tower
Metzenbaum	Riegle	Tsongas
Mitchell	Roth	Wallop
Moynihan	Rudman	Warner
Murkowski	Sarbanes	Weicker
Nickles	Sasser	Zorinsky

NOT VOTING—5

Dodd	Hatfield	Williams
Glenn	Hawkins	

So the joint resolution (H.J. Res. 391) was passed.

ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. BAKER. Mr. President, there is an adjournment resolution at the desk, and I ask unanimous consent for its immediate consideration at this point.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A House concurrent resolution (H. Con. Res. 268) providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. BAKER. Mr. President, I may say that I will shortly send an amendment to the desk, but before I do so, I am advised that both the resolution and the amendment are cleared by the distinguished minority leader.

UP AMENDMENT NO. 822

Mr. BAKER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an unprinted amendment numbered 822.

On page 1, line 4 strike "Wednesday, February 17, 1982," and insert: "Monday, February 22, 1982,".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP no. 822) was agreed to.

The concurrent resolution (H. Con. Res. 268), as amended, was agreed to, as follows:

H. CON. RES. 268

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, February 10, 1982, it stand adjourned until 12 o'clock meridian on Monday, February 22, 1982, and that when the Senate adjourns on Thursday, February 11, 1982, or on Friday, February 12, 1982, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, February 22, 1982.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

Mr. BAKER. Mr. President, I inquire of the Chair, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is to resume consideration of S. 951, the Department of Justice authorizations, 1982, which the clerk will state by title.

The bill clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAKER. Mr. President, it is the intention of the leadership to ask the Senate to stay in session for a full day today, which means approximately 6 p.m.

I hope that a significant amount of debate can occur on the measure. All Senators will recall, I am sure, that the bill is now subject to the provisions of rule XXII for post-cloture procedure under the limitations of time associated therewith.

Mr. President, I do not see the distinguished manager in opposition to the passage of the bill on the floor at this time.

I am prepared to yield the floor if any Senator wishes to speak or am prepared to suggest the absence of a quorum with the time charged against the 100 hours.

Mr. JOHNSTON. Mr. President, if the distinguished majority leader really thinks the presence of the opposition is essential I will, of course, go along, I say this only in a joking way. Of course, I think the appropriate thing is to call for a quorum.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. HELMS. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is a motion to reconsider the vote by which the first committee amendment was laid on the table.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. Mr. President, as I understand it, the pending business is the motion of the Senator from North Carolina to reconsider the vote on the first committee amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WEICKER. I move to table the motion to reconsider. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider the vote by which the first committee amendment was laid on the table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), and the Senator from Pennsylvania (Mr. HEINZ) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 30, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—60

Abdnor	Goldwater	Percy
Andrews	Gorton	Pressler
Armstrong	Grassley	Proxmire
Baker	Hatch	Pryor
Bentsen	Hayakawa	Quayle
Biden	Helms	Randolph
Boren	Hollings	Riegle
Byrd, Harry F., Jr.	Huddleston	Roth
	Jepsen	Sasser
Byrd, Robert C.	Johnston	Schmitt
Cannon	Kassebaum	Simpson
Chiles	Kasten	Stennis
Danforth	Laxalt	Stevens
DeConcini	Long	Symms
Denton	Lugar	Thurmond
Domenici	Mattingly	Tower
Durenberger	McClure	Wallop
East	Melcher	Warner
Exon	Murkowski	Zorinsky
Ford	Nickles	
Garn	Nunn	

NAYS—30

Baucus	Hart	Mitchell
Boschwitz	Heflin	Moynihan
Bradley	Humphrey	Packwood
Bumpers	Inouye	Pell
Burdick	Jackson	Rudman
Chafee	Kennedy	Sarbanes
Cohen	Leahy	Specter
Cranston	Levin	Stafford
Dixon	Mathias	Tsongas
Eagleton	Matsunaga	Weicker

NOT VOTING—10

Cochran	Glenn	Metzenbaum
D'Amato	Hatfield	Williams
Dodd	Hawkins	
Dole	Heinz	

So the motion to table the motion to reconsider the vote by which the first committee amendment was laid on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr President, what is the pending business?

The PRESIDING OFFICER. The pending business is the second committee amendment.

The second committee amendment is as follows:

On page 3, line 19, strike "$176,702,000" and insert "$127,136,000."

AMENDMENT NO. 167

(Purpose: To restore $1,000,000 to Criminal Division.)

Mr. WEICKER. Mr. President, I call up my amendment numbered 167 and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 167:

On page 3, line 20, strike "$127,136,000" and insert in lieu thereof "$128,136,000".

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I move to lay on the table the second committee amendment. Is this the second committee amendment? Point of order, Mr. President, is the second committee amendment germane?

The PRESIDING OFFICER. The second committee amendment changes the figure in the bill and, therefore, it is germane.

Mr. JOHNSTON. Mr. President, I move to table the second committee amendment.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, am I correct when I state that the business before the Senate now is the amendment of the Senator from Connecticut numbered 167 to the second committee amendment?

The PRESIDING OFFICER. The amendment by the Senator from Connecticut has been proposed as an amendment to the committee amendment. However, a motion to table the underlying committee amendment is in order at this time and has been made.

Mr. WEICKER. Then the question, Mr. President, would be, What is now the pending business?

The PRESIDING OFFICER. The pending question is a motion to table the second committee amendment.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. QUAYLE). Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Louisiana (Mr. JOHNSTON) to table the second committee amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), and the Senator from Pennsylvania (Mr. HEINZ), are necessarily absent.

I further announce that the Senator from Mississippi (Mr. COCHRAN) is absent because of illness.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Ohio (Mr. METZENBAUM), are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN), is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 27, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—63

Abdnor	Gorton	Nunn
Andrews	Grassley	Percy
Armstrong	Hatch	Pressler
Baker	Hayakawa	Proxmire
Bentsen	Heflin	Pryor
Boren	Helms	Quayle
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Roth
	Jepsen	Sasser
Byrd, Robert C.	Johnston	Schmitt
Cannon	Kassebaum	Simpson
Chiles	Kasten	Stennis
Danforth	Laxalt	Stevens
DeConcini	Levin	Symms
Denton	Long	Thurmond
Dixon	Lugar	Tower
Domenici	Mattingly	Wallop
East	McClure	Warner
Exon	Melcher	Weicker
Ford	Moynihan	Zorinsky
Garn	Murkowski	
Goldwater	Nickles	

NAYS—27

Baucus	Eagleton	Mitchell
Biden	Hart	Packwood
Boschwitz	Humphrey	Pell
Bradley	Inouye	Riegle
Bumpers	Jackson	Rudman
Chafee	Kennedy	Sarbanes
Cohen	Leahy	Specter
Cranston	Mathias	Stafford
Durenberger	Matsunaga	Tsongas

NOT VOTING—10

Cochran	Glenn	Metzenbaum
D'Amato	Hatfield	Williams
Dodd	Hawkins	
Dole	Heinz	

So the motion to lay on the table the committee amendment on page 3, lines 19 and 20, was agreed to.

The PRESIDING OFFICER. The motion to lay on the table is agreed to, and the second committee amendment and the pending second degree amendment thereto are laid on the table.

Mr. WEICKER. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Louisiana will state his point of order.

Mr. JOHNSTON. Mr. President, the point of order is that the motion to reconsider is dilatory.

I cite page 249 of "Senate Procedure," which states as follows:

Under post cloture proceedings, a motion to reconsider has been ruled dilatory and out of order under different circumstances as follows: (1) on a vote of 64 yeas to 24 nays on tabling an appeal, (2) on a vote of 60 yeas to 31 nays sustaining a ruling of the Chair, (3) on a vote of 78 yeas to 8 nays to table a motion to postpone indefinitely . . .

It has others as well.

This vote was 63 to 27, which is a stronger vote than those on which the rulings had been made.

The PRESIDING OFFICER. Does the Senator from Connecticut desire to be heard?

Mr. WEICKER. Mr. President, what was the vote?

The PRESIDING OFFICER. Without objection, the Senator fom Connecticut can be heard, because the point of order is not debatable. Is there objection? The Chair hears none.

The Senator from Connecticut.

Mr. WEICKER. What was the vote on the motion by the Senator from North Carolina to reconsider, which was the last motion just voted on by the Senate?

The PRESIDING OFFICER. The last vote we had was on a motion to table the motion to reconsider.

Mr. WEICKER. That is right. What was the vote?

The PRESIDING OFFICER. By a vote of 60 to 30, the motion to table was carried.

Does the Senator from Connecticut desire——

Mr. WEICKER. Mr. President, I do not desire to be heard on the matter, except that we have just entered into the debate on this matter, and certainly no pattern has been established. This is the first time the Senator from Connecticut has made a motion to reconsider, and I do not believe there is anything in the record which would establish an intent to be dilatory at this point.

Mr. BAKER. Mr. President, may I be recognized?

The PRESIDING OFFICER. Without objection, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, the Senator from Louisiana is entirely within his rights to make the point he just made. Without any prejudice to that point or any prejudice to the position asserted by the Senator from Connecticut, I represent to my colleagues in the Senate that I had discussed informally with the Senator from Connecticut and others that this was the last vote tonight, the one just completed, and a motion to reconsider the previous vote would be the pending question when we resume consideration of this matter tomorrow.

That does not cut any ice so far as the procedural issue is concerned, but it causes me some grief, because that is the way I had represented it to the Senator from Connecticut.

So, just out of consideration of that—which may or may not have been a wise representation to make and carries no weight other than a simple statement—I wonder whether the Senator from Louisiana will consider leaving the situation in status quo, and perhaps he may wish to make his point of order again tomorrow, or perhaps we could proceed with the motion to reconsider if he does not. But I would prefer not to try to face the point of order or a ruling by the Chair on that point of order at this hour in the evening.

Mr. JOHNSTON. Mr. President, I know that the Chair, after thinking about this matter overnight, will rule in my direction, and I will accede to the wish of the majority leader and leave the matter in status quo.

Mr. BAKER. I thank the Senator from Louisiana.

Mr. President, in view of that, I state that there will be no more rollcall votes this evening.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, to extend not past 6 p.m., in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE F-16 SALE TO VENEZUELA: A QUESTIONABLE BREAK WITH TRADITION

Mr. PELL. Mr. President, this week—little noticed by the public, the media, or indeed by this body—a major new U.S. policy will go into effect in Latin America. In the past, and here I refer to the entire period since World War II, successive U.S. administrations have, with congressional support, sought to limit the introduction into this region of the highest technology weaponry. This Friday, however, expiration of a 30-day congressional veto period will set the stage for the sale to Venezuela of some of the most advanced fighter-bombers in the U.S. arsenal. A longstanding and largely successful policy of American restraint thus comes to an end.

Although administration testimony in support of this sale has left unaltered my conviction that Congress would be wise to exercise its power of veto, I recognize as reality that Congress seems little inclined to oppose the administration. I have therefore refrained from the futile gesture of introducing the appropriate concurrent resolution of disapproval, and shall instead confine myself to stating serious reservations that I fear will be vindicated with the passage of time.

The postwar American policy of discouraging the transfer of highly sophisticated aircraft to Latin American countries has aimed toward two goals. The first has been to maintain a sound regional defense capability as a guard against external aggression. The second—and generally compatible—goal has been to avoid an arms race within the hemisphere. Accordingly, the United States has sought to assist its Latin American neighbors in developing a level of adequate military strength which did not depend, at any point, on the most advanced possible technology.

Inevitably, from time to time, this policy has produced a degree of tension with governments which wished to equip their armed forces with the most modern conventional arms, particularly high performance combat aircraft. As a result, beginning in the 1960's, Latin American nations sometimes turned to the British, French, West German, and Canadians for major weapons purchases. The United States nonetheless held to a policy of restraint, refusing to sell its own most advanced aircraft in Latin America—a policy which continued throughout the decade of the 1970's.

While seeking to perpetuate longstanding U.S. policy the Carter administration did, however, initiate an effort to bridge what some developing nations perceived as a growing gap between their legitimate security needs and our willingness, or lack thereof, to make available topline American fighter aircraft. As conceived, this bridge would be the FX, a more highly capable supersonic fighter than the United States had ever before sold in Latin America, though one possessing something slightly less than the full measure of technological sophistication embodied in the highest performance U.S. fighters. Given the leadtimes required for aircraft development, the FX is just now about to become available for export sale—in the form of either the F-5G or the F-16/79.

Unfortunately, just as the FX concept might have been implemented, the Reagan administration has dealt it a severe blow by offering to sell to Venezuela 24 F-16's, which are among the most advanced of American fighters. In justification, administration officials have argued that as "the key to stability in the Caribbean area," Venezuela deserves to receive our best aircraft—particularly since Cuba has now been equipped with Soviet Mig-23's. Unless we accede to Venezuela's request, so the argument runs, its Government will turn elsewhere to purchase the high-performance aircraft needed to insure Venezuelan security

and to protect the adjacent Caribbean sealanes.

Regrettably, this rationale is more facile than persuasive. Venezuela is, to be sure, an important U.S. ally—both as an oil supplier and as a stable and prospering Latin American democracy. But the case has simply not been made that Venezuela's quite legitimate security needs could not be effectively met by the FX. It remains in fact quite unclear just what the threat is to which the F-16 is being sent as a response. Although frequently cited, the Mig-23's located in Cuba are no more capable than the F-5G and their use against Venezuela or its adjacent sealanes is implausible in the extreme. Indeed, what conceivable act of overt Cuban aggression would not be met with a full U.S. military response, and from bases which are essentially as close to the region as are Cuba's?

Meanwhile, in contrast to a Cuban threat which is almost wholly hypothetical, the F-16 sale will itself produce a danger which is real: the possibility of a regional arms race. Having supplied the F-16 to Venezuela, the United States will now be hard-pressed to explain to other Latin American governments—such as Brazil, Argentina, Chile, Peru, or Equador—why they should purchase aircraft of lesser capability. As a result, the very concept of the FX is imperiled, and the prospects for future restraint wane.

As this now occurs, one is reminded of a U.S. choice made over a decade ago in the nuclear realm—the decision to deploy MIRV'ed warheads on American intercontinental ballistic missiles. At the time, this action was justified as one which enhanced U.S. security by taking advantage of our technological lead. Some in this body argued that since this lead was only temporary and the Soviets would soon emulate U.S. actions, we should seize the opportunity to negotiate a ban on MIRV's. But we were ignored. The result was a proliferation of MIRV'ed warheads in both the American and Soviet arsenals which has rendered the United States less secure than before.

As the consequences of the F-16 sale to Venezuela now begin to reverberate slowly through Latin America, I fear that those advocating restraint will again be proven correct. Unfortunately, such proof arrives only when a mistake is too old to retrieve. We must thus await history's verdict as to whether once more, in seeking to strengthen American security, we have acted with expediency but to our long-term detriment.

NATIONAL SECURITY

Mr. WARNER. Mr. President, recently George F. Murphy, Jr., the director of the Senate National Security Office spoke on the issue of national security at a seminar conducted by the Behavioral Research Center in Dallas, Tex.

I have read the speech carefully, and I believe it points out certain inadequacies in our defense posture and clearly illustrates Soviet activities in the field of subversion and destabilization.

I commend this speech to my colleagues as a valued reference piece, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY GEORGE F. MURPHY, JR.

INTRODUCTION

I am extremely pleased to address this seminar on the subject of national security.

The safeguarding of our Nation depends on a number of interrelated factors including: a sound economy (with a stable flow of energy to keep the wheels of industry turning), a solid and resilient political system and a military capability second to none.

As representatives of major energy companies, you are well aware of our dependence on foreign sources of energy, but the American people did not understand or fully comprehend this dependency until we all waited in gas lines in 1973 and again in 1979. We saw energy prices skyrocket, but what hit home was the plain fact that we ran out of gas. The No Gas Today sign revealed an unexpected vulnerability.

There are many complex reasons for this vulnerability, and certainly one was the slowing down of the orderly development of the United States civilian nuclear power program.

Today, we are in a period when there are no gas lines, when prices have dropped, however slightly, and when only last month Newsweek had an article entitled, "The Oil Glut Won't Go Away." There is nothing like healthy competition to keep the price down. But, from the long range point of view, the problem remains unsolved.

Government and industry must come up with a coherent program to insure—to use an overworked phrase—energy independence. All of you are aware of the many and varied programs and proposals to reach this goal, and I do not propose to rehash these before this august group. Rather, I want to address the larger external threat that we face, and I want to point out where we have been and what twists and turns in our strategy have placed us in a position of military insufficiency in a world fraught with danger.

The direction of American foreign policy

In the 1943 movie Casablanca, Humphrey Bogart's piano-playing friend sang a now famous song which includes the words, "The fundamental things apply as time goes by." Since 1945, we seem to have forgotten some of the fundamental geopolitical facts of life. We have moved—sometimes imperceptibly, sometimes dramatically—from a position of unsurpassed military, economic and political strength to what has been described by some of our leaders in the recent past as "essential equivalence" or "relative parity" in our military relationship with the only potential adversary on the horizon—the Soviet Union.

What happened to bring our Nation from victory in World War II to the scarred sands and burned wreckage of our failed rescue mission in the Iranian desert? As Al Smith once said, "Let's look at the record."

Post World War II

The United States emerged from World War II as the strongest military power on earth. The Soviet Union, although weakened by the wartime fighting, was probably number two. Britain, France and other allies had suffered considerable losses in terms of men and material. Our industrial base was untouched. We lent an economic hand to friend and foe alike. We reduced our armed services and we paid scant attention to Prime Minister Churchill's warning of danger from the East.

The benchmarks of post World War II change are fairly easy to identify.

The Berlin Blockade—1948.—Although the Soviet Union did not have a single atomic bomb at that time, they blockaded Berlin. We responded with an airlift, to fly food and coal to Berlin. In the face of the spirit of the people of Berlin as well as in response to world-wide pressure, the Soviets and East Germany lifted the blockade—they had to wait until 1961 to again isolate Berlin by building what became known as the Wall of Shame.

The Korean Conflict—1950.—The North Koreans, with Soviet backing, launched an attack on South Korea. We came to the defense of South Korea, and three years later settled for a tie at the 38th parallel.

Hungary—1956.—In October, 1956, Hungarian secret police and Soviet military elements fired on a crowd of unarmed Hungarian students, killing and wounding many. Outraged, the people rose against the Government. For a short time the Soviets negotiated with the Government of Imre Nagy while they brought in troops from the Soviet Ukraine. During the night of November 3-4, the Soviets surrounded Budapest, cut it off, and sent tanks in to attack the freedom fighters. The battle of Budapest ended within days.

On November 4, the Soviets vetoed a U.S. resolution proposing the UN Security Council censure of the Russian military attack on Hungary.

The Bay of Pigs—1961.—In April, 1961, a fundamental blunder, which was to have international ramifications and whet the Soviet appetite for expansion, occurred with the failure at the Bay of Pigs.

Whatever the reasons, no matter where the blame should be placed, the bottom line was that the United States could not successfully carry out an operation against a Marxist regime run by Fidel Castro.

The Berlin Wall—1961.—On Sunday, August 13, 1961, perhaps testing another weak spot, the Soviets, working through their East German allies, began construction of the Berlin Wall.

From the communist point of view, the wall was an absolute necessity because, given the choice of life behind the Iron Curtain or freedom in Western Europe, a mass exodus of East German refugees was taking place through West Berlin. From August 1 to August 13, more than 16,000 East Germans had registered at West Berlin centers after having escaped from communist East Germany. More than 4,100 people had registered at West Berlin in the last 24 hours that the border was open.

The United States and our NATO allies vigorously protested the violation of the Four-Power Agreement on the Status of Berlin, but again, the bottom line was and still is that the United States and its NATO

allies did not stop the construction of the Berlin Wall.

The Cuban Missile Crisis—1962.—Perhaps emboldened by the success of the Berlin Wall episode, the Soviets decided to place offensive nuclear missiles in Cuba. Because we still had strategic nuclear weapons superiority and because Soviet lines of communications could not supply or support Cuba in the event of conventional hostilities, the Russians withdrew the missiles following the direct confrontation between the U.S. and the USSR in October of that year.

At the conclusion of the Cuban missile crisis, Soviet Deputy Foreign Minister Kuznetsov told John McCloy: "You Americans will never be able to do this to us again."

Czechoslovakia, August 1968.—During the night of August 20-21, 1968, the armed forces of the Soviet Union, East Germany, Poland, Hungary and Bulgaria invaded Czechoslovakia.

Prague was seized in an air-borne operation. Military transport planes, backed by MIG jet fighters, began landing troops in great numbers beginning shortly after 1 a.m., August 21. Among the first units to land at previously secured airports around Prague were detachments of the KGB.

The Vietnam Conflict—1960-1975.—It is difficult to give an exact date for the beginning of the Vietnam entanglement, but it is easy to remember the end—when U.S. helicopters were evacuating Americans and South Vietnamese from the roof of the U.S. Embassy in Saigon.

A Soviet Opportunity.—While America was attempting to extricate itself from the morass of Vietnam and while we were occupied with Watergate and its aftermath, the Soviets began expanding their influence in Africa, using Cuban and East German surrogates to solidify their position particularly in Angola and Ethiopia.

Today, according to Aviation Week, there are 1,000 Soviets and 20,000 Cubans in Angola. It has been suggested that the Soviets are playing a passive role, but I am sure you remember that last September, the New York Times reported that two Soviet lieutenant colonels were killed, and the South Africans captured a Soviet sergeant major during a military strike against guerrilla bases in southern Angola.

It has also been estimated in the press that there are 18,000 Cubans and 4,000 Soviets in Ethiopia and 40 Soviet aircraft, 200 tanks and 5,000 Soviet advisors in Tanzania. There are Soviet advisors in several other countries in Africa.

Detente and the SALT Process—the 1970s.—You are all aware of the Strategic Arms Limitation Talks. SALT I began in 1969 and ended in 1972 with the signing of the Antiballistic Missile Treaty and the Interim Agreement for the Limitation of Strategic Offensive Arms.

SALT negotiations continued into 1979, and ended with the signing of the Treaty on the Limitation of Strategic Offensive Arms and Protocol Thereto (SALT II). It is not my intention to discuss these treaties in detail here, but I would like to point out an example in each of them where it would appear that the Soviet Union ended up in an advantageous position.

The Protocol to the Interim Agreement states:

"The U.S. may have . . . no more than 44 modern ballistic missile submarines. The Soviet Union may have . . . no more than 62 modern ballistic missile submarines."

Not only did the Soviets obtain a 62-44 advantage, but because the key word in the text is "modern" nuclear submarines, the Soviets did not have to count the subs equipped with ballistic missiles which are not technically classified as "modern." Therefore, the ratio goes to over 90 vs. 44.

The SALT II Treaty was signed on June 18, 1979. There is sophisticated language which allows the Soviets to keep their 308 heavy ICBMs but does not allow the U.S. to build any "heavy" ICBMs.

Senator Howard H. Baker, now the Majority Leader of the Senate, in a press conference on June 27, 1979, announced his opposition to the Treaty. He pointed out the discrepancy of allowing the Soviets 308 heavy missiles and 0 for the U.S. He also said:

"For example, the 308 heavy missiles allowed to the Soviet Union under this treaty have firepower equal to all of our strategic ballistic missile systems put together."

Senator Jackson commenting on the same issue, said on the Senate floor:

"Why, for example, should we sign a SALT Treaty that will permit the Russians to have more than 300 large, modern intercontinental missiles while we are allowed none?"

President Carter signed the Treaty, but later because of the Afghan invasion, he asked the Senate to delay consideration of it.

U.S. vs. Soviet, the Changing Military Balance Favoring the Soviet Union

Very few remember that in 1961—20 years ago—the Russians detonated the largest nuclear weapon ever set off in the atmosphere (55-60 megatons).

In 1962, the Soviets miscalculated the American response to Russian nuclear weapons in Cuba and, given the relative balance of nuclear weapons power at that time which still favored the U.S., had to back down. This miscalculation probably cost Khrushchev his job.

It seems clear that following this confirmation the Soviets began a determined, long-range military buildup aimed at obtaining clear superiority over the United States. Let me give a few comparisons to support this contention.

ICBMs.—The new and improved Soviet ICBMs (SS-17, 18, and 19) which became operational about 1974 are more up-to-date than our ICBMs. One version of the SS-18 has a warhead yield of about 24 megatons according to Aviation Week. This yield is, of course, significantly larger than any U.S. ICBM. The operational SS-18 is about twice the size of the proposed U.S. MX according to Secretary of Defense Weinberger.

The Titan II, the largest U.S. ICBM, became operational in 1963. A nearly 20-year-old missile, it has been plagued with fuel leaks and mechanical problems. There were 54 Titan silos, but two are out of commission as a result of accidents. The remaining 52 silos have been the subject of repeated calls for closing them down because of the questionable reliability of the missiles.

The U.S. has 1,000 Minuteman II and III missiles. They are 10 to 15 years old and vulnerable to a Soviet first strike.

Bombers.—The Soviet Backfire B bomber became operational in 1974. This bomber has the capability of reaching the U.S. on a one-way mission. The Backfire is roughly comparable to the U.S. B-1 bomber. The difference between the two is that the Soviets have more than 150 Backfires in operation. The U.S. has no B-1s in operation.

The B-52s, the backbone of our bomber force, are all more than 20 years old, and by FAA standards, if they were civilian aircraft, they could be classified as antiques.

Nuclear Subs.—The United States led the world in the development of nuclear powered submarines beginning with the launching of the Nautilus in 1954. The Polaris and Poseidon ballistic missile submarines, and our nuclear-powered attack submarines gave the U.S. primacy on the high seas for more than two decades.

This is no longer the case. A document entitled "Soviet Military Power," by Secretary of Defense Weinberger, says that the Soviet nuclear-powered attack submarine designated ALFA is "believed to be the fastest submarine in service today in any Navy."

Not only in ballistic missile and attack submarines, but in all types of submarines our lead has disappeared.

In testimony before the Senate Armed Services Committee, Chief of Naval Operations Admiral Hayward said: "In 1980 the Soviets delivered 12 submarines to their operating forces. We delivered one."

In comparing the latest U.S. and Soviet ballistic missile submarines, Admiral Hayward said:

"Typhoon is the largest submarine ever constructed, displacing about 25,000 tons submerged—almost 50 percent more than our Ohio class (Trident) ballistic missile submarines. . . ."

The Turn of the Screw

In the mid-1970s, as the capability and effectiveness of the Soviet long-range nuclear weapons increased to equal and then surpass the United States, it became obvious to the free world that U.S. strategic striking power could not be counted on to hold back Soviet expansion outward from what Mackinder and Haushofer referred to as the World Island.

At about this time the Soviets began to intensify their use of surrogates and clandestine activities to expand their global influence.

Subversion, Destabilization and Expansion

I have already mentioned arenas where these political and military penetrations were and are still taking place: Angola and Ethiopia. Of course, the area most crucial to our energy needs—the Middle East—is still the most sensitive and critical target.

It is axiomatic that nations conducting covert and subversive activities, design their operations so as to prevent disclosure and allow for plausible denial. It is rare that we find "the smoking gun." To illustrate this point, let me briefly outline some interesting coincidences that took place in the Middle East in 1979. There is no "smoking gun," but perhaps the sequence of these events may give some insight into the grey area of international intrigue.

Prelude to Afghanistan

On Tuesday morning, February 14, 1979, two incidents tool place that may have been coordinated. At 8:45 a.m., local time, the U.S. Ambassador to Afghanistan "Spike" Dubs was kidnapped. Four hours later he was shot to death in a Kabul hotel.

According to an unclassified State Department report, Soviet officials took an operational role just prior and during the assault on the hotel room where Ambassador Dubs was held prisoner.

The unclassified State Department report says in part:

"One Soviet was observed assisting an Afghan security official with the loading of a weapon; another Soviet was observed providing an Afghan official with what appeared to be a small projectile, and two Soviets were observed positioning snipers on

balconies across the street from the hotel room. The latter same Soviets were also observed later motioning the snipers to cease fire following 40 seconds of intensive gunfire into the hotel room."

On the same day (February 14) and at almost the same hour that Ambassador Dubs was kidnapped, the U.S. Embassy in Teheran was invaded by Marxist guerrillas who held Ambassador William Sullivan and his staff against their will. An eye witness report in the Washington Post, February 15, 1979, states in part:

" 'One attacker called himself a communist. Others said they were left-wing Fedayeen guerrillas . . .' "

The following day (February 15), according to the New York Times:

"The United States accused the Soviet Union today of efforts to help foment anti-American actions in Iran . . ."

Nine months later, on November 4, 1979, the U.S. Embassy in Iran was completely overrun and 50 hostages were taken and held for over a year.

On November 12, 1979, the Soviet clandestine radio in Baku beamed to Iran the following:

"The relentless and national battle of our fighting people against the mad and blood thirsty U.S. imperialism has justly opened a new golden page in the history of the anti-imperialist struggles of awakened nations. The ugly visage of U.S. imperialism has been revealed more than ever around the world."

On November 18, 1979, the Washington Star carried the following item:

"After repeated American protests the Soviet Union abruptly turned off a series of inflammatory anti-American broadcasts aimed at Iran . . ."

On November 20, 1979, the Mosque at Mecca was seized by several hundred well-armed individuals. Almost immediately, the false word reached Pakistan that the U.S. was somehow involved.

On November 21, 1979, the U.S. Embassy in Islamabad was attacked and burned by an anti-American mob. Two military men were killed, and as many as 100 Americans escaped by going through a steel hatch onto the roof of the Embassy. As a side note, Reuters later reported that as the embers smoldered, Soviet security men were caught and ejected from inside the U.S. Embassy compound. The headline read, "Soviet Attempt Reported to Rifle Pakistan Ruins."

On December 2, 1979, the U.S. Embassy in Tripoli, Libya, was sacked by an anti-American mob of students. In an interview published nine days later in the New York Times Colonel Qadhafi is quoted as saying:

"That he believed the attacks on Americans in Iran and his own country were only the beginning of an international revolution against the United States."

During December, the tempo of Soviet military intervention increased and finally after the Russians had repeatly denied military involvement, on Christmas Eve, the Soviet Union began its massive invasion of Afghanistan.

Was it coincidental that the American Ambassador in Afghanistan had been killed in a Soviet-guided shootout within hours of the seizing of the American Ambassador to Iran by a Marxist mob?

Was it coincidental that just prior to and during the attack on the U.S. Embassy in November, the Russian-based clandestine radio beamed at Teheran was heaping abuses on the U.S.—so much so that the U.S. protested to the Soviet Union?

Was it coincidental that on the other side of Afghanistan, an anti-U.S. mob was somehow led to believe that the Americans were involved in the Grand Mosque attack and thus they sacked and burned the U.S. Embassy in Islamabad—just weeks before Soviet tanks, trucks and troops rolled into Kabul, Afghanistan?

It is difficult to pin down but this gives an indication of the instability and difficulties our Nation faces in this troubled world.

The Threat to Central America

Over the years, the Soviets have built up the Cuban military capability. Again, the Cubans, acting as Soviet surrogates, provided help to the guerrillas who overthrew the government of Nicaragua, and they are currently supporting guerrilla attacks against the government of El Salvador.

In this connection, on February 23, 1981, Secretary of State Haig published a report entitled "Communist Interference in El Salvador." This report presents evidence of the clandestine military support given by the Soviet Union, Cuba and their communist allies to Marxist/Leninist guerrillas waiting to overthrow the established government of El Salvador.

Terrorism

Terrorism is as old as history. Who are these present day fanatics? Who do they represent? Where are they trained? Again, it is fundamental to look at the record.

They name themselves—the Red Army Faction, the Red Brigade, the Japan Red Army.

Who are their leaders? People like "Carlos" Ilich Ramirez Sanchez, a dedicated communist terrorist, trained in Cuba under KGB Colonel Simenov and educated in Moscow and violently against the institutions of the free world; the man who engineered the assault on OPEC Headquarters in Vienna.

What do they say? A Red Brigade communique, following their kidnapping of Brigadier General Dozier, states in part:

"Construct the anti-imperialist fighting front for a new internationalism, fight together and united to win with all communists and with all the populations who fight against imperialism."

Where are they trained? In the Soviet Union, Czechoslovakia and South Yemen, the only Marxist state in the Middle East, to name a few.

High Technology—Trading with the Soviet Union

Lenin is quoted as saying in essence "the capitalists will sell us the rope with which we will hang them."

Providing the Soviet Union with technology which will increase their military as well as their economic capabilities seems to go far in support of Lenin's thesis.

A couple of weeks ago, I began listing high technology equipment that the United States was selling to the Soviet Union. Items such as bits for drilling oil, advanced computers, equipment to build the pipeline between West Germany and the Soviet Union.

It seemed to me that such equipment should not be sent to a country that has a record of acting against the interest of the United States.

My comments were overtaken by events. President Reagan, as you know, has announced a suspension of licenses for the export of high technology equipment and material to the Soviet Union. I can only add that this move makes eminent sense.

Summary

I have tried to show that the military balance of power has slowly shifted toward the Soviet Union. I have also pointed out that the Soviets and their surrogates have greatly increased their efforts in subversion and covert activities.

The attack on the free world and more specifically, on the United States is many faceted. I have not touched on the vast espionage activities of the Soviets in the United States which FBI Director Webster referred to on TV a couple of weeks ago. I have not taken time to list the penetrations of U.S. and allied intelligence services.

There are those who have chosen to ignore this growing imbalance and increased hegemony and brutal expansion by the Soviet Union.

We have been through a period of detente which appears to only have strengthened the Soviet Union at our expense. We have used words—rhetoric—rationalizations—to explain the constant encroachment of the Soviet Union. These rationalizations and downplaying of the potential threat reminds me of the Hans Christian Andersen fable of the king who was surrounded by courtiers who kept telling the king how beautiful his robes were. It took a young child, unsophisticated in the ways of the court, to exclaim that the emperor had no clothes on.

I think that we are beginning to understand what the Soviets are up to and hopefully, we will apply fundamental logic and rebuild our defenses so that our Nation again will become second to none.

A NEWSPAPERMAN'S NEWSMAN

Mr. MATHIAS. Mr. President, anyone who has served even a short time in public life realizes very quickly that much of our activity involves a close working relationship with the press no matter what office we hold. Over the years that I have served in public life, first as a State legislator, then as a Member of the House of Representatives and as U.S. Senator, I have had the good fortune to get to know and work with hundreds of newsmen and newswomen. In the State of Maryland every officeholder, whether at the National, State, or local level, sooner or later crossed paths with the Baltimore Sun's peerless political reporter, Charles G. Whiteford, who died recently.

Charlie Whiteford was a newspaperman's newsman. He had the intelligence of a German shepherd, the scrappiness of a bulldog and the tenacity of a bloodhound. As a matter of fact, Charlie's stories always had a bite to them. He got the news first, fast, and accurately and trained a generation of young reporters in the skills of the journalist's craft. He was one of a kind; the last of the breed of newsmen out of the Hildy Johnson school. Newspapering in Maryland will not be the same without him. I ask unanimous consent that the Baltimore Sun's editorial tribute to Charlie be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHARLES G. WHITEFORD

For young reporters at The Sun in the mid-Fifties, Charles G. Whiteford was a city room legend—an embodiment of all the Ben Hecht and Damon Runyon fantasies that got them into the newspaper business in the first place. His shirt tail hanging out, his nose mashed into his face, a cigarette clamped in his big paws, his voice growling at a hapless politician on the other end of the line, he fairly reveled in the good luck that had put him on the staff of a newspaper he adored.

His love for his work, and his undoubted talent for it, was infectious. When a reporter's ego was bruised by a rewrite man demanding the complete genealogy of a drunk found dead under a viaduct, or if he had encountered the patrician wrath of the late Charles H. (Buck) Dorsey, Jr., then managing editor, Charlie Whiteford was always there—not just with comfort but with advice.

In those days, The Sun was building up its network of foreign bureaus. A parade of reporters went off to be foreign correspondents. but Charlie remained a constant figure in the city room, putting together state political stories his competitors didn't know existed and jumping in whenever there was a big fire or murder. He regularly ran *The Sun's* coverage of the General Assembly and on election nights he alone could spot the trends with his list of bellwether precincts. Every politician knew him—and knew he had to know him.

One relatively quiet afternoon, the chief political reporter of The Sun got a note from his managing editor. It went something like this:

"You may wonder why I don't send you to Washington or overseas. The simple reason is that I need you right here. Love, Buck."

Charlie Whiteford treasured that note, but it wasn't quite exact. While his primary interest was the political scene in his native Maryland, he was one of the best reporters in the country in covering the South during the civil rights revolution of the late Fifties and Sixties. He was in Cambridge, Md., when it blew up and on the campus of Old Miss. during its night of riot and tear gas, He covered George Wallace campaigns, then went on to organize Sun operations at the national conventions. During his last years on the job, he gave up writing and reporting to be national editor.

How is a newspaper, which is a very human institution, to say goodbye to such a newspaperman? Let's try a cliche, because that would make Charlie Whiteford snort wherever he is in that city room in the sky. Let's just say he was a newspaperman's newspaperman—the best of all accolades, and one we bestow with love.

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. DIXON. Mr. President, it is a privilege to join in the commemoration of the 64th anniversary of Lithuanian independence.

On February 16, 1918, the proud Lithuanian people entered into a quarter century of liberty as an independent republic. In 1922, that nation adopted a constitution which guaranteed those liberties that all people cherish—freedom of speech, assembly, and religion.

We recall with extreme sadness the events of 1940 which led to Soviet imposition of a harsh and crude government on the Lithuanian people, a form of tyranny which exists to this day.

With equal hope, we note that the Lithuanian people have not given up their struggle for freedom. With equal pride, we remember that the United States "Does not recognize the illegal incorporation by force of arms of the states of Latvia, Lithuania, and Estonia by the Soviet Union," to quote a U.S. delegate to the Madrid conference.

The Lithuanian people leave us with an enduring example of courage. I am proud to join Lithuanian-Americans and freedom-loving people everywhere in commemorating this important occasion.

MEDIA COVERAGE OF U.S. POLICY IN LATIN AMERICA

Mr. HELMS. Mr. President, the attention given by the major media of this country to the events in Latin America during the past month has been abundant. On one day four major Washington news media devoted no less or no fewer than five stories to El Salvador, just coincidentally on the day before the Subcommittee on the Western Hemisphere of the Committee on Foreign Relations conducted hearings on that subject.

Mr. President, all this attention has been abundant, but the content has been lacking. All too often those who assured us day after day, 2, or 3, or 4 years ago, that the Sandinistas would bring us democratic pluralism in Nicaragua, or that Castro would bring true "agrarian reform" in Cuba, are today silent as totalitarianism raises its ugly but predictable specter after the victory of the leftist revolution.

Often these self-proclaimed "foes of dictatorships" do not even seem surprised, much less apologetic, when the very revolutionaries they have trumpeted to glory turn their bloodthirsty side to the public view. Even now, as millions die in Southeast Asia under the heavy hammer of Communist domination, we see virtually nothing about it in the columns of those who constantly decry the weak and threatened governments under attack by terrorists in Central America today.

Mr. President, the point is this, in today's Wall Street Journal there was an editorial, which I commend to the attention of all citizens interested in the way the media of this country are handling the problems confronting U.S. policy in Central America. The editorial is entitled "The Media's War."

Mr. President, I ask unanimous consent to have printed in the RECORD that Wall Street Journal editorial.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MEDIA'S WAR

A crucial debate on whether the U.S. will step up its aid to the government of El Salvador or leave that government to the tender mercies of Fidel Castro is shaping up in Congress. Central in the debate are public perceptions of what has been going on in El Salvador, and it is quite evident that those perceptions are badly confused. No small part of the problem, it seems to us, is the way the struggle is being covered by the U.S. press.

The El Salvador story is complex. The killing that has been under way there for a decade has reflected a society trying to wrench itself out of Latin-style feudalism. Extremists of the right and left do most of their murder in the dark of the night. Some of both factions are soldiers, but both have also learned long ago the trick of dressing in military uniforms to confuse their victims. Both sides wage propaganda, aimed mainly at the U.S. and Europe. In such a whirlpool the truth is hard to discern.

Take the recent controversy over charges of a "massacre" by an elite battalion of the El Salvador army. On January 27, Raymond Bonner of the New York Times and Alma Guillermoprieto of the Washington Post simultaneously reported on a visit to rebel territory, repeating interviews in which they were told that hundreds of civilians were killed in the village of Mozote in December. Thomas O. Enders, assistant secretary of state for inter-American affairs, later cast doubt on the reports. There had been a military operation but no systematic killing of civilians, he said, and anyway the population of the village was only 300 before the attack in which 926 people supposedly died.

When a correspondent is offered a chance to tour rebel territory, he certainly ought to accept, and to report what he sees and hears. But there is such a thing as being overly credulous. Mr. Bonner reported "it is clear" the massacre happened, while Miss Guillermoprieto took pains to say that reporters had been "taken to tour" the site by guerrillas with the purpose of showing their control and providing evidence of the massacre. In other words, whatever the mixture of truth or fabrication, this was a propaganda exercise.

Realistically, neither the press nor the State Department has the power to establish conclusively what happened at Mozote in December, and we're sure the sophisticated editors of the Times recognize as much. Yet as an institution their paper has closed ranks behind a reporter out on a limb, waging a little campaign to bolster his position by impugning his critics. A "news analysis" charged the government of sowing confusion by questioning press reports "without presenting detailed evidence to support its position." The analysis posed the question of "how American diplomats gather information abroad," but not the same question about American reporters.

Further, Times columnist Sydney H. Schanberg launched a personal attack on Mr. Enders. In a column entitled "The Can-Do Bombardier," Mr. Schanberg pointed out that the assistant secretary had been a briefing officer in the Phnom Penh embassy in 1973. Mr. Schanberg suggested Mr. Enders was not to be believed then about American bombing in Cambodia. The un-

stated implication was that Mr. Enders is lying about El Salvador today.

The issue of government credibility of course came to dominate press coverage of Vietnam, but we wonder whether the press is prudent to start this kind of battle just now. The experience of "Jimmy's World" and the Carter Blair House tapes may account for the greater caution displayed in the Washington Post's version of the Mozote story. But the Times has not been without its own experience. Most pointedly, its columnists Anthony Lewis and Flora Lewis were taken in last year by a spurious "dissent paper" purporting to show strong objections within the State Department to U.S. Salvadoran policy.

Mr. Schanberg's own experience in Cambodia is instructive in a broader way. He won a well-deserved Pulitzer Prize for heroically staying behind at the fall of Phnom Penh and writing dramatic dispatches describing the start of Khmer Rouge butchery. But this development came as a surprise to him. The month before the topic he chose for "news analysis" was "the credibility gap" occasioned by "contradictions and inconsistencies" in U.S. government statements on precisely when the Lon Nol government would run out of money and ammunition.

"If the other side took over, they would kill all the educated people, the teachers, the artists, the intellectuals and that would be a step backward toward barbarism," an American embassy official warned Mr. Schanberg. After reporting this quote he went on to write that an insurgent victory would mean execution or exile "for Marshal Lon Nol and his corrupt entourage at the Presidential palace." But, he added, "unlike Administration officials in Washington and embassy officials here, the Cambodians . . . do not talk much about barbarism or bloodbaths. The average peasant is achingly wearied by the war. . . . He only desires its end. . . . 'When they come' said one businessman of the insurgents 'the war will be over.' "

If Mr. Schanberg had been less preoccupied with Washington's credibility, he and the rest of us might have learned earlier of the tragedy that was to ensue. It turned out that U.S. government duplicity was not the big story in Cambodia.

Now, we have no special desire to pick on the New York Times, a paper we hold in the highest esteem and whose editors we admire. But while the Bonner-Enders dispute is the most dramatic case, the essential points apply far more broadly. R. Bruce McColm, Central American specialist at Freedom House, has written an excellent monograph titled "El Salvador: Peaceful Revolution or Armed Struggle?" His remarks on the press are worth attention.

"Political bias, ideology, poor sources and deliberate misinformation" are among the sins he charges. Why, he asks, was there almost no reporting of lengthy press conferences with a former guerrilla commander and two captured Nicaraguan pilots that revealed Cuban and Nicaraguan support for the guerrillas? He reports that the Latin press performed far better than the American press.

When it became clear that El Salvador might be another Vietnam, Mr. McColm notes, a host of journalistic adventurers descended on the place. "Noticeably missing, especially among the television press, were people who spoke Spanish, had experience in Central or Latin America, knew anything about El Salvador's history or had battle experience." Much of the American media, it would seem, was dominated by a style of reporting that grew out of Vietnam—in which Communist sources were given greater credence than either the U.S. government or the government it was supporting.

As any viewer of Warren Beatty in "Reds" will appreciate, journalistic romanticizing of revolutionaries is anything but new. But you would think that after being burned enough times serious editors would start to appreciate how such stories tend to end. John Reed's 1917 love affair with the Russian Bolsheviks, currently getting a rerun in "Reds," had no room for any fear that a Stalin might emerge from among his heroes. Theodore H. White has the honesty to admit he never imagined what his Chinese Communists would become (though without admitting that on this crucial point his home-office editor, Henry Luce, was right all along). An even more penetrating memoir of disillusionment came after the Spanish Civil War by the incomparably honest George Orwell; his "Homage to Catalonia" ought to be required reading for any young correspondent headed for a guerrilla battle.

More recently, Herbert Matthews' glorification of Fidel Castro in the 1950s became a permanent embarrassment to the New York Times. David Halberstam and successors played a key role in ridding Vietnam of the supposedly repressive Diem regime, only to help usher in an even bloodier future. Iran is now free of the Shah's secret police and Nicaragua of Somoza; instead we have Khomeini killing the infidel and the Sandinists closing La Prensa and imprisoning business leaders for "antirevolutionary" utterrances.

Are we going to have to watch this script replayed again in El Salvador, or can we in the press succeed in bringing some perspective to the story? By now we ought to realize the atrocities, some of them well-documented, have been committed by both sides. We ought to recognize the exceeding improbability of a guerrilla success leading to anything but a Cuban-dominated regime. We ought, especially, to recognize that the incumbent government, for all its problems with right-wing terror, has followed such policies as attempting land reform and nationalizing the banks of the oligarchs, and that it is trying to hold elections. The press will have failed if, in the whirlpool of confusion, these realities are lost.

Mr. HELMS. I thank the Chair.

I yield the floor.

DEATH OF HAROLD W. CHASE

Mr. DURENBERGER. Mr. President, the obituary was short and dry, as they always are. But what a contrast to the man: Big, booming, confident, vigorous, and deeply committed to making his community and his Nation a better place.

The list of accomplishments which accompanied the news items on the death of Harold W. Chase was impressive. He was a leading constitutional scholar, a prominent political scientist, the acting vice president of a major university, a public official, an author, and—as he always reminded everybody—a Marine.

But this list of accomplishments only hints at the essence of the man. I first met Hal Chase a number of years ago, when we served together on the Minnesota State Ethical Practices Board. We both shared a conviction that State and local elections were vital to the political health of our community. From this common concern, we developed a friendship which spanned nearly a decade, and which ranged across the entire breadth of Hal's interests and passions.

He was a complex man, one who belied the kind of one-dimensional analysis which so many people in public life seem to attract. He was a passionate liberal, but he volunteered for service in Vietnam at an age when most people are looking forward to building up a nest egg and planning for eventual retirement. He was an impeccably objective scholar, but a man deeply involved in the public issues of the day. He promoted the study of comparative politics, recognizing that all nations have much about them that is good, but he was an unabashed patriot in the best and highest sense of the word.

In many respects, Hal Chase was an anachronism—bigger than the age in which he lived. He was fully alive and fully involved. He celebrated the worth of the individual, and held that it was the highest duty of people to involve themselves in their society. Everything he did drew the fullest measure of his energy and commitment. His proportions were almost mythic. He came, he cared, and he made a difference.

Hal Chase demonstrated to everybody who met him that one person who cares deeply enough can do more than many people who simply get by. He knew the difference between surviving and living. His service as a volunteer in the Marine Corps Reserve demonstrates this as readily as anything else I know.

Hal was a truly civilized person who abominated war. He had seen too much of it to ever believe in its glory. But he deeply believed that the only way to prevent it was to insure that our Nation was strong enough to avoid it.

Before graduating from Princeton, he enlisted as a young officer in the Marine Corps Reserve, and he served in combat throughout World War II in the horrible fighting in the Pacific. When the war was over, he returned to scholarship, his first love, enrolling in graduate studies at Princeton. But he retained his affiliation with the Marine Corps, and went back on active duty for the Korean war, believing that his duty overrode the temptation to let someone else take a turn on the front lines. After Korea, Hal returned to Princeton to complete his doctorate, and subsequently began his remarkable academic career.

As Hal used to remark, "There's no such thing as an ex-Marine."

Throughout the rest of his life, until forced to retire in order to join the Defense Department, he remained in the Reserves. He climbed through the military ranks as quickly and steadily as he did everything else. He was eventually promoted to major general in a service characterized by relatively officers above the rank of colonel. He retired from the Marine Corps Reserve in 1977 in order to serve his country once again as Deputy Secretary of Defense for Reserve Affairs.

We have come to recognize the crucial importance of our Reserves and National Guard. Man for man, they provide more defense than any other form of military organization. They are volunteers in the truest sense of the word, and they continue an American tradition which dates back to the Minutemen at Concord and Lexington.

We are just beginning to appreciate the tremendous work that Hal Chase did at the Pentagon in turning around a severe decline in our Reserve and Guard force levels. The Nation is stronger today because Hal Chase cared. But what perhaps few of us recognize is that Hal Chase undertook this task knowing that it would be at considerable risk to his health. Even after suffering a heart attack that would have weakened the spirit as well as the physique of other people, Hal returned to work and served out his full term.

Hal left the Pentagon in December 1980 to return to the University of Minnesota. His retirement dinner at Bolling Air Force Base was a testament to force of his personality. As I recall, about 500 people attended, many of them coming from as far away as California. It was a mixed crowd that showed up that night: Soldiers, Government officials, politicians, academics, students, friends, and families. Most people did not know each other. It could have been stultified, but Hal Chase was there. It was, if I can use the word, raucous. It was marked by cheers, jokes—most of them Hal's and most of them vivid—and laughter.

Harold W. Chase died on January 12, 1982, while strolling across the campus of the University of California at San Diego, where he had just begun a 4-month term of service. On January 19, he was given a Marine's funeral and burial at Arlington Cemetery. He came, he cared, and he made a difference.

DEATH OF DR. GARY P. GROSS

Mr. DURENBERGER. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Litchfield Independent Review, dated December 17, 1981, which describes the contributions of this young man, who was a classmate of mine in college, a vital member of the community in Litchfield, Minn., who left family, community, and our friendship very quickly in an automobile accident in December.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOKIN' AROUND LITCH

(By Stan Roeser)

"Civic leader," is a term often cast about meaninglessly in a small town.

It's a tag hung on the fellow who is usually involved in the local service club's pet project, or his church's fund drive or the community's annual Watercade-type celebration.

I'll admit, occasionally, to a certain cynicism, born perhaps of too many years in the newspaper business, about the business or professional man who wraps himself around every civic enterprise that comes along.

Too often, this is done not from honest convictions, but with an eye on the almighty buck—the person so involved sees it as an avenue to increased patronage for his business or practice.

Few people in this community were more active in various civic enterprises than the late Dr. Gary P. Gross, whose tragic death Wednesday evening sent waves of genuine shock, and regret through this community.

Yet here was a man who was anything but the stereotype of main street boosterism.

After you were around Gary Gross for awhile—and I came in contact with him often in the course of my work here—it was obvious that his intense community involvement stemmed from two sources.

First of all, as an extremely warm, and outgoing person, he plain and simply enjoyed that type of activity; secondly, there was in him an honest feeling that a citizen with the talent, inclination and time, had some obligations toward the community in which he made his living.

His close friend of many years, Bob Everts, noted in conversation the other day, that Gary Gross brought some strong convictions to his various involvements in civic affairs.

"He'd argue with anyone if he felt he was right, and the other person was wrong on a public issue—but after it was over you were still his friend—he had his own opinions—he also had a deep-seated respect for what the other fellow thought," Everts added.

No sense in going into a long recitation of the many aspects of his community involvement.

But I'd like to recall a few incidents that stand out in my mind as I think about Gary Gross.

I still remember quite vividly that late spring day—it's over twenty years ago now—when he walked into this office with that typically warm grin spread across his face—introduced himself, said he had bought out Dr. Mostue's practice, and intended to open an optometrist's office here.

I remember too how hard he and another fine citizen who left us prematurely—the late Joe Duncomb—labored to get that Litchfield United Charities idea off the ground back in the early sixties.

Their enthusiasm was infectious and helped what was then an unfamiliar concept, catch on to the benefit of the entire community.

I knew Gary Gross well enough to appreciate the personal hurt he felt back in 1970 when he was defeated for re-election to the school board.

I always regarded Gary as the most effective chairman the school board had during the years I've covered its activities.

His defeat was spawned somewhat by the short sighted posturing of the Meeker County real estate taxpayer's group—this was not one of their most shining achievements and I recall writing after that election that the voters of this district really owed this man "who had worked like Hercules as board chairman, something better at the polls."

Lesser men have withdrawn from public involvement after a defeat like this, but it was typical of Gary Gross that he didn't take time for resentment—the library board, his church, the Knights of Columbus, the golf club, the public utilities—he found time for all of these organizations following his school board service.

The pattern at the last public meeting Dr. Gary Gross attended the night before his death was somewhat typical, I think, of the way he operated.

Anyone who has been around this town for any length of time knows that the Public Utilities has always been pretty conscientious about protecting its turf and retaining its right to operate the utilities department independently.

At Tuesday's meeting a touchy situation developed as a proposal was brought forth to consider the possible merger of the water department with the wastewater treatment system with the implication being that jurisdiction over the water department would no longer remain with the public utilities.

Well, at least one long-time member of the public utilities commission took offense before the proposal was even outlined—and the table was set for the type of confrontation which never serves the public interest.

Gary Gross, as chairman of the public utilities commission quietly and quickly defused this situation.

"Let's listen to this proposal objectively—in the spirit that it's been presented," Gross commented.

The fragility of our existence in this life came home to me emphatically with the realization that by the time this quote from Tuesday's meeting appeared in the paper which came out Thursday morning, this genuinely good and decent man was no longer with us.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 112

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Joint Economic Committee:

To the Congress of the United States:

In the year just ended, the first decisive steps were taken toward a fundamental reorientation of the role of the Federal Government in our economy—a reorientation that will mean more jobs, more opportunity, and more freedom for all Americans. This long overdue redirection is designed to foster the energy, creativity, and ambition of the American people so that they can create better lives for themselves, their families, and the communities in which they live. Equally important, this redirection puts the economy on the path of less inflationary but more rapid economic growth.

My economic program is based on the fundamental precept that government must respect, protect, and enhance the freedom and integrity of the individual. Economic policy must seek to create a climate that encourages the development of private institutions conducive to individual responsibility and initiative. People should be encouraged to go about their daily lives with the right and the responsibility for determining their own activities, status, and achievements.

This *Report* reviews the condition of the American economy as it was inherited by this Administration. It describes the policies which have been adopted to reverse the debilitating trends of the past, and which will lead to recovery in 1982 and sustained, noninflationary growth in the years to follow. And, finally, this *Report* explains the impact these policies will have on the economic well-being of all Americans in the years to come.

THE LEGACY OF THE PAST

For several decades, an ever-larger role for the Federal Government and, more recently, inflation have sapped the economic vitality of the Nation.

In the 1960s Federal spending averaged 19.5 percent of the Nation's output. In the 1970s it rose to 20.9 percent, and in 1980 it reached 22.5 percent. The burden of tax revenues showed a similar pattern, with increasingly high tax rates stifling individual initiative and distorting the flow of saving and investment.

The substantially expanded role of the Federal Government has been far deeper and broader than even the growing burden of spending and taxing would suggest. Over the past decade the Government has spun a vast web of regulations that intrude into almost every aspect of every American's working day. This regulatory web adversely affects the productivity of our Nation's businesses, farms educational institutions, State and local governments, and the operations of the Federal Government itself. That lessened productivity growth, in turn, increases the costs of the goods and services we buy from each other. And those regulations raise the cost of government at all levels and the taxes we pay to support it.

Consider also the tragic record of inflation—that unlegislated tax on everyone's income—which causes high interest rates and discourages saving and investment. During the 1960s, the average yearly increase in the consumer price index was 2.3 percent. In the 1970s the rate more than doubled to 7.1 percent; and in the first year of the 1980s it soared to 13.5 percent. We simply cannot blame crop failures and oil price increases for our basic inflation problem. The continuous, underlying cause was poor Government policy.

The combination of these two factors—ever higher rates of inflation and ever greater intrusion by the Federal Government into the Nation's economic life—have played a major part in a fundamental deterioration in the performance of our economy. In the 1960s productivity in the American economy grew at an annual rate of 2.9 percent; in the 1970s productivity growth slowed by nearly one-half, to 1.5 percent. Real gross national product per capita grew at an annual rate of 2.8 percent in the 1960s compared to 2.1 percent in the 1970s. This deterioration in our economic performance has been accompanied by inadequate growth in employment opportunities for our Nation's growing work force.

Reversing the trends of the past is not an easy task. I never thought or stated it would be. The damage that has been inflicted on our economy was done by imprudent and inappropriate policies over a period of many years; we cannot realistically expect to undo it all in a few short months. But during the past year we have made a substantial beginning.

POLICIES FOR THE 1980S

Upon coming into office, my Administration set out to design and carry out a long-run economic program that would decisively reverse the trends of the past, and make growth and prosperity the norm, rather than the exception for the American economy. To that end, my first and foremost objective has been to improve the performance of the economy by reducing the role of the Federal Government in all its many dimensions. This involves a commitment to reduce Federal spending and taxing as a share of gross national product. It means a commitment to reduce progressively the size of the Federal deficit. It involves a substantial reform of Federal regulation, eliminating it where possible and simplifying it where appropriate. It means eschewing the stop-and-go economic policies of the past which, with their short-term focus, only added to our long-run economic ills.

A reduced role for the Federal Government means an enhanced role for State and local governments. A wide range of Federal activities can be more appropriately and efficiently carried out by the States. I am proposing in my *Budget Message* a major shift in this direction. This shift will eliminate the "freight charge" imposed by the Federal Government on the taxpayers' money when it is sent to Washington and then doled out again. It will permit a substantial reduction in Federal employment involved in administering these programs. Transfers of programs will permit public sector activities to be more closely tailored to the needs and desires of the electorate, bringing taxing and spending decisions closer to the people. Furthermore, as a result of last year's Economic Recovery Tax Act, Federal taxation as a share of national income will be substantially reduced, providing States and localities with an expanded tax base so that they can finance those transferred programs they wish to continue. That tax base will be further increased later in this decade, as Federal excise taxes are phased out.

These initiatives follow some common sense approaches to making government more efficient and responsive:

—We should leave to private initiative all the functions that individuals can perform privately.

—We should use the level of government closest to the community involved for all the public functions it can handle. This principle includes encouraging intergovernmental arrangements among the State and local communities.

—Federal Government action should be reserved for those needed functions that only the national government can undertake.

The accompanying report from my Council of Economic Advisers develops the basis for these guidelines more fully.

To carry out these policies for the 1980s, my Administration has put into place a series of fundamental and far-reaching changes in Federal Government spending, taxing, and regulatory policy, and we have made clear our support for a monetary policy that will steadily bring down inflation.

SLOWING THE GROWTH OF GOVERNMENT SPENDING

Last February I promised to bring a halt to the rapid growth of Federal spending. To that end, I made budget control the cutting edge of my program for economic recovery. Thanks to the cooperation of the Congress and

the American people, we have taken a major step forward in accomplishing this objective, although much more remains to be done.

The Congress approved rescissions in the fiscal 1981 budget of $12.1 billion, by far the largest amount ever cut from the budget through this procedure. Spending for fiscal 1982 was subsequently reduced by another $35 billion. The Omnibus Budget Reconciliation Act of 1981 also cut $95 billion from the next 2 fiscal years, measured against previous spending trends. Many of these cuts in so-called "uncontrollable" programs were carried out by substantive changes in authorizing legislation, demonstrating that we can bring government spending under control—if only we have the will. These spending cuts have been made without damaging the programs that many of our truly needy Americans depend upon. Indeed, my program will continue to increase the funds, before and after allowing for inflation, that such programs receive in the future.

In this undertaking to bring spending under control, I have made a conscious effort to ensure that the Federal Government fully discharges its duty to provide all Americans with the needed services and protections that only a national government can provide. Chief among these is a strong national defense, a vital function which had been allowed to deteriorate dangerously in previous years.

As a result of my program, Federal Government spending growth has been cut drastically—from nearly 14 percent annually in the 3 fiscal years ending last September to an estimated 7 percent over the next 3 years—at the same time that we are rebuilding our national defense capabilities.

We must redouble our efforts to control the growth in spending. We face high, continuing, and troublesome deficits. Although these deficits are undesirably high, they will not jeopardize the economic recovery. We must understand the reasons behind the deficits now facing us: recession, lower inflation, and higher interest rates than anticipated. Although my original timetable for a balanced budget is no longer achievable, the factors which have postponed it do not mean we are abandoning the goal of living within our means. The appropriate ways to reducing the deficit will be working in our favor in 1982 and beyond: economic growth, lower interest rates, and spending control.

REDUCING TAX BURDENS

We often hear it said that we work the first few months of the year for the government and then we start to work for ourselves. But that is backwards. In fact, the first part of the year we work for ourselves. We begin working for the government only when our income reaches taxable levels. After that, the more we earn, the more we work for the government, until rising tax rates on each dollar of extra income discourage many people from further work effort or from further saving and investment.

As a result of passage of the historic Economic Recovery Tax Act of 1981, we have set in place a fundamental reorientation of our tax laws. Rather than using the tax system to redistribute existing income, we have significantly restructured it to encourage people to work, save, and invest more. Across-the-board cuts in individual income tax rates phased-in over 3 years and the indexing of tax brackets in subsequent years will help put an end to making inflation profitable for the Federal Government. The reduction in marginal rates for all taxpayers, making Individual Retirement Accounts available to all workers, cutting the top tax bracket from 70 percent to 50 percent, and reduction of the "marriage penalty" will have a powerful impact on the incentives for all Americans to work, save, and invest.

These changes are moving us away from a tax system which has encouraged individuals to borrow and spend to one in which saving and investment will be more fully rewarded.

To spur further business investment and productivity growth, the new tax law provides faster write-offs for capital investment and a restructured investment tax credit. Research and development expenditures are encouraged with a new tax credit. Small business tax rates have been reduced.

REGULATORY REFORM

My commitment to regulatory reform was made clear in one of my very first acts in office, when I accelerated the decontrol of crude oil prices and eliminated the cumbersome crude oil entitlements system. Only skeptics of the free market system are surprised by the results. For the first time in 10 years, crude oil production in the continental United States has begun to rise. Prices and availability are now determined by the forces of the market, not dictated by Washington. And, helped by world supply and demand developments, oil and gasoline prices have been falling, rather than rising.

I have established, by Executive order, a process whereby all executive agency regulatory activity is subject to close and sensitive monitoring by the Executive Office of the President. During the first year of my Administration, 2,893 regulations have been subjected to Executive Office review. The number of pages in the *Federal Register*, the daily publication that contains a record of the Federal Government's official regulatory actions, has fallen by over one-quarter after increasing steadily for a decade.

But the full impact of this program cannot be found in easy-to-measure actions by the Federal Government. It is taking place outside of Washington, in large and small businesses, in State and local governments, and in our schools and hospitals where the full benefits of regulatory reform are being felt. The redirection of work and effort away from trying to cope with or anticipate Federal regulation toward more productive pursuits is how regulatory reform will make its greatest impact in raising productivity and reducing costs.

CONTROLLING MONEY GROWTH

Monetary policy is carried out by the independent Federal Reserve System. I have made clear my support for a policy of gradual and less volatile reduction in the growth of the money supply. Such a policy will ensure that inflationary pressures will continue to decline without impairing the operation of our financial markets as they mobilize savings and direct them to their most productive uses. It will also ensure that high interest rates, with their large inflation premiums, will no longer pose a threat to the well-being of our housing and motor vehicle industries, to small business and farmers, and to all who rely upon the use of credit in their daily activities. In addition, reduced monetary volatility will strengthen confidence in monetary policy and help lower interest rates.

THE INTERNATIONAL ASPECTS OF THE PROGRAM

The poor performance of the American economy over the past decade and more has had its impact on our position in the world economy. Concern about the dollar was evidenced by a prolonged period of decline in its value on foreign exchange markets. A decline in our competitiveness in many world markets reflected, in part, problems of productivity at home.

A strengthened domestic economy will mean a faster growing market for our trading partners and greater competitiveness for American exports abroad. At the same time it will mean that the dollar should increase in its attractiveness as the primary international trading currency, and thus provide more stability to world trade and finance.

I see an expansion of the international trading system as the chief instrument of economic growth in many of the less developed countries as well as an important factor in our own future and that of the world's other major industrial nations. To this end, I reaffirm my Administration's commitment to free trade. International cooperation is particularly vital, however, in confronting the challenge of increased protectionism both at home and abroad. My Administration will work closely with other nations toward reducing trade barriers on an even-handed basis.

I am sensitive to the fact that American domestic economic policies can have significant impacts on our trading partners and on the entire system of world trade and finance. But it is important for all concerned that the United States pursue economic policies that focus on our long-run problems, and lead to sustained and vigorous growth at home. In this way the United States will continue to be a constructive force in the world economy.

1981: BUILDING FOR THE FUTURE

In 1981 not only were the far-reaching policies needed for the remainder of the 1980s developed and put into place, their first positive results also began to be felt.

The most significant result was the contribution these policies made to a substantial reduction in inflation, bringing badly needed relief from inflationary pressures to every American. For example, in 1980 the consumer price index rose 13.5 percent for the year as a whole; in 1981 that rate of increase was reduced substantially, to 10.4 percent. This moderation in the rate of price increases meant that inflation, "the cruelest tax," was taking less away from individual savings and taking less out of every working American's paycheck.

There are other, more indirect but equally important benefits that flow from a reduction in inflation. The historically high level of interest rates of recent years was a direct reflection of high rates of actual and expected inflation. As the events of this past year suggested, only a reduction in inflationary pressures will lead to substantial, lasting reductions in interest rates.

In the 6 months preceding this Administration's taking office, interest rates had risen rapidly, reflecting excessively fast monetary growth. Since late last summer, however, short- and long-term interest rates have, on average, moved down somewhat in response to anti-inflationary economic policies.

Unfortunately, the high and volatile money growth of the past, and the high inflation and high interest rates which accompanied it, were instrumental in bringing about the poor and highly uneven economic performance of 1980 and 1981, culminating in a sharp fall in output and a rise in unemployment in the latter months of 1981.

This Administration views the current recession with concern. I am convinced that our policies, now that they are in place, are the appropriate response to our current difficulties and will provide the basis for a vigorous economic recovery this year. It is of the greatest importance that we avoid a return to the stop-and-go policies of the past. The private sector works best when the Federal Government intervenes least. The Federal Government's task is to construct a sound, stable, long-term framework in which the private sector is the key engine to growth, employment, and rising living standards.

The policies of the past have failed. They failed because they did not provide the environment in which American energy, entrepreneurship, and talent can best be put to work. Instead of being a successful promoter of economic growth and individual freedom, government became the enemy of growth and an intruder on individual initiative and freedom. My program—a careful combination of reducing incentive-stifling taxes, slowing the growth of Federal spending and regulations, and a gradually slowing expansion of the money supply—seeks to create a new environment in which the strengths of America can be put to work for the benefit of us all. That environment will be an America in which honest work is no longer discouraged by ever-rising prices and tax rates, a country that looks forward to the future not with uncertainty but with the confidence that infused our forefathers.

RONALD REAGAN.

FEBRUARY 10, 1982.

MESSAGE FROM THE HOUSE

At 5:37 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 122. Joint resolution to authorize and request the President to designate the week of February 28, 1982 through March 6, 1982, as "National Construction Industry Week"; and

S.J. Res. 134. Joint resolution to designate 1982 as the "National Year of Disabled Persons."

The message also announced that the House agrees to the amendments of the Senate to the following joint resolution:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982 for the Department of Agriculture.

The message further announced that the House agrees to the amendments of the Senate to the following concurrent resolution:

H. Con. Res. 268. Concurrent resolution providing for an adjournment of the House from February 10 to February 17, 1982, and an adjournment of the Senate from February 11 or February 12 to February 22, 1982.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 304. Joint resolution designating February 11, 1982, as "National Inventor's Day".

HOUSE JOINT RESOLUTION REFERRED

The following joint resolution was read twice by unanimous consent, and referred as indicated:

H.J. Res. 304. Joint resolution designating February 11, 1982, as "National Inventor's Day"; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2642. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a waiver of regulations relative to certain technology innovation functions; to the Committee on Commerce, Science, and Transportation.

EC-2643. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, notice of the proposed development of a new lightweight structure for the solid rocket booster of the Space Shuttle; to the Committee on Commerce, Science, and Transportation.

EC-2644. A communication from the Director of the United States Arms Control and Disarmament Agency, transmitting, pursuant to law, the fiscal year 1983 arms control impact statements; to the Committee on Foreign Relations.

EC-2645. A communication from the Acting Deputy Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report containing an analysis and description of services performed by full-time USG personnel as of September 30, 1981 for which reimbursement was provided; to the Committee on Foreign Relations.

EC-2646. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report on the Minority Recruitment Program of the International Development Cooperation Agency; to the Committee on Foreign Relations.

EC-2647. A communication from the Acting Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to February 2, 1982; to the Committee on Foreign Relations.

EC-2648. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to extend the terms of members of the National Park Service Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2649. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $3,165,000 for capital improvement projects on Guam for fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-2650. A communication from the Commissioner of the Bureau of Reclamation,

Department of the Interior, transmitting, pursuant to law, a report on modifications to Deerfield Dam, Rapid Valley project, S. Dak.; to the Committee on Energy and Natural Resources.

EC-2651. A communication from the Acting Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

EC-2652. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Treasury Combined Statement of Receipts, Expenditures and Balances of the United States Government for the Fiscal Year Ended September 30, 1981; to the Committee on Finance.

EC-2653. A communication from the Postal Rate Commission, transmitting, pursuant to law, an order fixing date for a prehearing conference, establishing procedures, granting Postal Service's motion for waiver of certain provisions of the rules of practice and conditionally granting its motion for waiver of rule 54(j); to the Committee on Governmental Affairs.

EC-2654. A communication from the Postmaster General, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2655. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report on 15 positions (grades 16, 17, and 18) allocated by statute to the Administrative Office of the U.S. Courts; to the Committee on the Judiciary.

EC-2656. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report of the Center for fiscal year 1981; to the Committee on the Judiciary.

EC-2657. A communication from the Director of the ACTION Agency, transmitting, pursuant to law, a copy of a final regulation entitled "Denial of Application for Refunding"; to the Committee on Labor and Human Resources.

EC-2658. A communication from the Assistant Secretary for Special Education and Rehabilitative Services of the Department of Education, transmitting, pursuant to law, a notice on the Rehabilitation Act Report for fiscal year 1981; to the Committee on Labor and Human Resources.

EC-2659. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the First Annual Report of the Director, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases for Fiscal Year 1981; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself, Mr. DOLE, Mr. GLENN, Mr. MOYNIHAN, Mr. WALLOP, Mr. SYMMS, Mr. MITCHELL, Mr. GRASSLEY, Mr. COHEN, Mr. PRESSLER, Mr. ROTH, and Mr. SIMPSON):

S. 2094. A bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI:

S. 2095. A bill directing the Secretary of the Interior to issue a certain oil and gas lease to the Ballard E. Spencer Trust, Inc., New Mexico; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2096. A bill to authorize the Secretary of Transportation to transfer to the State of Hawaii the U.S.N.S. *Chepachet*; to the Committee on Commerce, Science, and Transportation.

By Mr. MATSUNAGA:

S. 2097. A bill for the relief of Keiko Ota; to the Committee on the Judiciary.

By Mr. McCLURE (by request):

S. 2098. A bill to extend the terms of members of the National Park System Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TSONGAS (for Mr. DODD (for himself, Mr. KENNEDY, and Mr. TSONGAS)):

S.J. Res. 144. A joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself, Mr. PELL, Mr. WARNER, Mr. HUMPHREY, Mr. ABDNOR, Mr. ROTH, Mr. HATFIELD, Mr. SPECTER, Mr. CHILES, Mr. EAGLETON, Mr. CANNON, Mr. SASSER, Mr. GLENN, Mr. SCHMITT, Mr. HEFLIN, Mr. WEICKER, Mr. BURDICK, Mr. BENTSEN, Mr. GORTON, Mr. HARRY F. BYRD, JR., Mr. DECONCINI, Mr. WILLIAMS, Mr. DURENBERGER, Mr. GARN, Mr. GOLDWATER, Mr. DANFORTH, and Mr. D'AMATO):

S.J. Res. 145. A joint resolution authorizing and requesting the President to proclaim "National Orchestra Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. CANNON:

S. Res. 316. A resolution to salute the achievements of Jaqueline Cochran in advancing the spirit of aviation through 40 years as a pioneer in flight; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. SARBANES, Mr. D'AMATO, Mr. INOUYE, Mr. HEFLIN, Mr. MELCHER, Mr. ROTH, Mr. HOLLINGS, Mr. BAUCUS, Mr. GOLDWATER, Mr. GLENN, Mr. JACKSON, Mr. BURDICK, Mr. ZORINSKY, Mr. ANDREWS, Mr. HEINZ, Mr. RANDOLPH, Mr. GRASSLEY, Mr. RIEGLE, Mr. MOYNIHAN, and Mr. GORTON):

S. Res. 317. Resolution urging an Interstate Commerce Commission moratorium on new grants of authority to foreign carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. TSONGAS (for himself, Mr. MITCHELL, Mr. PELL, Mr. RANDOLPH, Mr. RIEGLE, Mr. FORD, Mr. LEVIN, Mr. BAUCUS, Mr. DODD, Mr. SASSER, Mr. KENNEDY, Mr. WEICKER, Mr. JACKSON, Mr. LEAHY, Mr. HUDDLESTON, Mr. INOUYE, Mr. BIDEN, Mr. CRANSTON, and Mr. BRADLEY):

S. Res. 318. Resolution expressing the sense of the Senate concerning guaranteed student loans for graduate and professional students; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. DOLE, Mr. GLENN, Mr. ROTH, Mr. MOYNIHAN, Mr. WALLOP, Mr. SYMMS, Mr. MITCHELL, Mr. GRASSLEY, Mr. COHEN, and Mr. PRESSLER):

S. 2094. A bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes; to the Committee on Finance.

(The remarks of Mr. DANFORTH on this legislation appear earlier in today's RECORD.)

By Mr. DOMENICI:

S. 2095. A bill directing the Secretary of the Interior to issue a certain oil and gas lease to the Ballard E. Spencer Trust, Inc., New Mexico; to the Committee on Energy and Natural Resources.

ISSUANCE OF AN OIL AND GAS LEASE

● Mr. DOMENICI. Mr. President, today I am introducing a private bill for the relief of a fellow New Mexican, Mr. J. A. Fairey. I would like to share with my colleagues Mr. Fairey's incredible experience with one of the segments of our Federal bureaucracy. I am thoroughly convinced that it is through experiences such as that encountered by Mr. Fairey that Americans lose confidence in their Government. I find the situation almost unbelievable and, in my opinion, clearly unconscionable. Accordingly, I believe that the Congress has a duty to come to the relief of Mr. Fairey. I am hopeful that the Senate will give prompt attention to this matter.

On February 19, 1974, the Bureau of Land Management published a Notice of Lands Available for Oil and Gas Filings covering 35 parcels of land in New Mexico. The notice invited simultaneous filings of oil and gas lease offers according to the noncompetitive leasing provisions of the Mineral Leasing Act, 30 U.S.C. 226(c) and 43 CFR 3110 et. seq. Under the noncompetitive system, an interested party may make an offer to lease a particular parcel by filing an entry card with the Bureau of Land Management State office.

Priority of filing is determined by a public drawing from the entry cards on each parcel and a lease is issued to the first drawee—of three—qualified to receive a lease, 43 CFR 3112.2-1, 3112.4-1. A drawee is qualified as a leasee if the entry card is complete in listing the information required by the regulations; for example, right to hold interests, parties to the offer, 43 CFR

3102. In particular, the entry card submitted by a corporation, such as Mr. Fairey's company, Ballard E. Spencer Trust (BEST), must comply with 43 CFR 3102.4-1; that is, the offer must be accompanied by a statement showing corporate information or must list the serial number of such previously filed information.

At a drawing on March 6, 1974, conducted by the Bureau of Land Management, New Mexico office, BEST's entry card on parcel 19 in Eddy County was drawn first. The offer was subsequently rejected as unqualified by a decision of Raul E. Martinez, Chief of the Minerals Section, Bureau of Land Management, on May 13, 1974. Although BEST represented that it was a corporation, it had failed to accompany its entry card with a statement of corporate qualifications or a reference to such statement already on file, as required by 43 CFR 3102.4-1. Prior to this offer—in September 1961—BEST had submitted its statement of corporate qualifications to hold Federal oil and gas leases issued on the public domain. Such statement was filed under number NM0558400 in the U.S. Bureau of Land Management Office, Santa Fe, N. Mex., but BEST failed to state this corporate qualification number on the entry card. The entry card BEST used was form 3112-1 which was the official and proper card in use at that time.

After the adverse Bureau of Land Management decision, BEST appealed to the Interior Board of Land Appeals. The Board upheld the State office's rejection of BEST's offer for failure to include information required by regulation 18 IBLA 25. Compliance at the time of filing a noncompetitive offer was held to be a reasonable requirement and one consistently enforced by the Secretary in noncompetitive drawings.

BEST then appealed to the U.S. District Court for the District of New Mexico. The parties submitted briefs in support of each one's motion for summary judgment, and that court, after review of those briefs, granted the Government's motion without opinion. The U.S. Court of Appeals for the 10th Circuit affirmed. The 10th circuit limited the scope of its review to an examination of the administrative record to determine whether the Federal agency's actions were arbitrary, capricious, or an abuse of discretion. After reviewing previous agency rulings regarding this and similar regulations, it concluded that the Secretary was acting within his discretion and his decision was not arbitrary or capricious.

I think it important to note that the entry card involved in this case did not provide a designated space for corporate information or a corporate serial number. According to the individual who completed the entry card for BEST, he prepared that card just as he did for all other corporations. He has stated that he did not put the BEST number on the card as there was no space for it and because he "did not think it necessary as all corporations filing in the office of Bureau of Land Management in Santa Fe have the same qualifying number." It is curious to note that the form of the entry card has been substantially changed. The card in use at the time of this case merely stated: "Note: Compliance must be made with the provisions of 43 CFR 3102." The entry card now in use states "compliance must also be made with the provisions of 43 CFR 3102. If qualifications of association or corporation have been filed previously, identify serial record involved."

Mr. President, I do not question the interpretation of the law by the courts involved here. Without a doubt, their reasoning is fully supported by the strict legal precedent and reasoning. Aside from the legal technicalities being satisfied, I do not believe, however, that the courts have adequately addressed the true equities involved in this case. I think that any reasonable person addressing this case, strictly on a fairness basis, would conclude that Mr. Fairey should not be made to suffer such a tremendous financial loss because of mistakes and poor procedures on the part of the Government.

I do not make these allegations lightly. I am convinced that the card used by BEST was faulty for the purpose of supplying all information required by the regulations. Consequently, the omission of such information was the fault of the Government for designing and supplying a misleading card. Under such circumstances, Mr. Fairey should not have to bear the tremendous financial loss he has sustained because he was not awarded the lease I feel he was entitled to.

For these reasons, Mr. President, I strongly urge my distinguished colleagues to consider this tragic case at the earliest possible date.●

By Mr. INOUYE (for himself and Mr. MATSUNAGA):

S. 2096. A bill to authorize the Secretary of Transportation to transfer to the State of Hawaii the U.S. Navy ship U.S.N.S. *Chepachet*; to the Committee on Commerce, Science, and Transportation.

U.S. NAVY SHIP "CHEPACHET"

● Mr. INOUYE. Mr. President, the bill I am introducing today would authorize and direct the Secretary of Transportation to transfer to the State of Hawaii, without consideration, all right, title, and interest of the United States in and to the U.S. Navy ship *Chepachet*. The *Chepachet* is more familiarly known as OTEC-1.

OTEC-1 is a sea-based test facility which has played an important role in the ocean thermal energy conversion research and development effort. The OTEC-1 plant ship was used primarily to test and evaluate the performance of large heat exchangers and to determine the effectiveness of biofouling countermeasures. The technical objectives of the tests in Hawaii were successfully accomplished.

Because of prevailing severe budgetary constraints, which have had a particularly harsh impact on alternative energy programs, the operating costs of OTEC-1 are no longer affordable. It is my understanding that given the extensive modifications which were made to the *Chepachet* in coverting it to an ocean-based test platform, it cannot feasibly be used for any purpose other than to be sold as scrap.

Mr. President, the transfer of ownership of the OTEC-1 plant ship to the State of Hawaii will help to meet a commitment the Federal Government made but has only partially fulfilled. Federal funding for the seacoast test facility in Hawaii, which has the potential to become the preeminent shore-based ocean thermal energy conversion and marine science research facility in the world, has not been forthcoming in the amounts originally anticipated. The State of Hawaii has made a substantial investment in the seacoast test facility on the understanding that the Federal Government would be providing greater support than has actually materialized. The proceeds that the State of Hawaii will realize from the sale of the OTEC-1 vessel for scrap will help to narrow the shortfall.

It is my hope that at a time when crucial alternative energy programs, which the Congress has vigorously supported in the past, are being threatened by drastic reductions in funding and personnel, we will do everything possible to insure the continued viability of these programs. This bill is one small step in that effort.●

By Mr. McCLURE (by request):

S. 2098. A bill to extend the terms of members of the National Park System Advisory Board, and for other purposes; to the Committee on Energy and Natural Resources.

TERMS OF SERVICE OF NATIONAL PARK SYSTEM ADVISORY BOARD

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to extend the terms of members of the National Park System Advisory Board.

Mr. President, this draft legislation was submitted by the Department of the Interior, and I ask unanimous consent that the bill, the executive communication which accompanied the proposal from the Secretary, and the

charter of the National Park System Advisory Board be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 3 of the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (49 Stat. 666, 667), as amended, is amended by striking out "for a term not to exceed four years.", and inserting in lieu thereof, "for a term not to exceed six years.".

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 5, 1982.

Hon. GEORGE BUSH,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To extend the terms of members of the National Park Service Advisory Board, and for other purposes."

We recommend that the draft bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted.

The National Park System Advisory Board, originally established as the "Advisory Board on National Parks, Historic Sites, Buildings and Monuments" by section 3 of the Act of August 21, 1935 (49 Stat. 666, 667, 16 U.S.C. 463), advises the Secretary of the Interior on matters relating to national parks generally, and to the administration of other provisions of the 1935 Act. No term for Board members was specified in that Act, so terms of not to exceed six years were established administratively. In 1976, the Congress amended section 3 of the 1935 Act, renaming the Board, and setting a term for members of not to exceed four years (section 2 of the Act approved October 7, 1976 (90 Stat. 1939, 1940)).

At its 84th meeting held April 6-8, 1981, the Board requested that the Secretary of the Interior seek legislation authorizing appointment of members to terms not to exceed six years, as was the case before the 1976 amendment. The Board believes that providing the Secretary with flexibility to appoint some members to six-year terms will enhance continuity, and will allow some Board members an opportunity for additional experience, resulting in increased expertise. We concur in the request of the Board, and therefore recommend enactment of the enclosed draft bill.

Enclosed for the information of the Congress is a copy of the charter of the National Park System Advisory Board.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JAMES G. WATT,
Secretary.

Enclosure.

CHARTER—NATIONAL PARK SYSTEM ADVISORY BOARD

1. The official designation of the committee is the National Park System Advisory Board.

2. The purpose of the Board is to advise the Secretary of the Interior on matters relating to the National Park System, to other related areas, and to the administration of the Historic Sites Act of 1935. Pursuant to provisions of the National Trails System Act, as amended, the Board makes recommendations to the Secretary as to the national historical significance of proposed national historic trails based on the criterias developed under the Historic Sites Act of 1935.

To effectuate these purposes, the Board may form itself into committees, subcommittees, and ad hoc committees as may be necessary. Membership on all committees shall be determined by the Chairman.

Regular meetings of the Board will generally be held in April and October of each year, but may be scheduled at such other times as the Board may approve. Regular meetings shall be not less than 3 days in duration except as may be approved by the Director of the National Park Service. Meetings may be held at such places as are approved by the Director of the National Park Service.

Formal field visits of the Board will generally be scheduled to take place between regular April and October meetings. Participants on such field visits shall consist of the members of the Board.

Meetings of all committees, as well as meetings of the Board, shall be subject to the provisions of the Federal Advisory Committee Act as are appropriate under the circumstances.

3. The statutory life of the Board will extend through December 31, 1989. In view of the goals and purposes of the Board, considering ongoing matters of the National Park System, it will be reviewed sometime prior to December 31, 1989, to determine whether or not further legislative or administrative extension is appropriate. The Board will, however, be reviewed biennially as required by Section 14 of Public Law 92-463.

4. The Board reports to the Secretary of the Interior, Washington, D.C.

5. Support for the Board is provided by the National Park Service, Department of the Interior.

6. The duties of the Board are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of the Board is $60,000 which includes approximately 2 man-years of staff support.

8. The Board meets approximately two times a year on a regular basis and at such other times as the Secretary of the Interior or the Director of the National Park Service may direct. Committees of the Board meet as necessary.

9. The Board will terminate on December 31, 1989, unless prior to that date, legislation has been enacted extending the life of the Board, or administrative action is taken by the Secretary pursuant to Public Law 91-383 to establish a National Park System Advisory Board.

10. In accordance with Section 3 of the Act of August 21, 1935 (39 Stat. 667) as amended, the Board is composed of not more than twelve persons, citizens of the United States, to include representatives competent in the fields of history, archeology, architecture, and natural science. In selecting members for the Board, other than those having the disciplines required by law, the Secretary of the Interior shall make every effort to select only those individuals who have demonstrated an interest in the National Park System or who, by virtue of their vocation or avocation, will bring to the Advisory Board other interests and points of view representative of aspects of National Park Service involvement in the operation of the National Park System.

Members are appointed by the Secretary of the Interior for a term not to exceed four years. Vacancies occurring by reason of removal, resignation, or death shall be filled for the balance of the remaining period of eligibility.

All former members of the Board shall, upon the expiration of their terms, be appointed as members of the Council of the Board. The duties, obligations, and privileges of said Council and its members are set forth in a separate charter for the purpose of explaining and clarifying the interrelationship between the Board and Council, and to insure the appropriate support for and control of the Council and its members, and coordination with the Board.

The Chairman is elected annually by the members of the Board.

11. The Board was established by Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463), as amended. The Board is necessary in connection with the performance of duties imposed on the Department of the Interior by law, by the Act of August 25, 1916 (16 U.S.C. 1, et seq.), as amended and supplemented, the Act of August 21, 1935 (16 U.S.C. 461, et seq.), and other statutes relating to the administration of the National Park System.●

By Mr. TSONGAS (for Mr. DODD, for himself, Mr. TSONGAS, and Mr. KENNEDY):

S.J. Res. 144. Joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador; to the Committee on Foreign Relations.

NEGOTIATED SETTLEMENT IN EL SALVADOR

Mr. DODD. Mr. President, today I am introducing for myself, Senators TSONGAS and KENNEDY, a joint resolution calling upon this administration to pursue a negotiated political solution to the conflict in El Salvador. Senator TSONGAS and Congressmen SOLARZ, and BARNES assisted me in the drafting of this legislation, which will be introduced in the House of Representatives by Representative BARNES.

The situation in El Salvador continues to go from bad to worse. Despite the substantial escalation of U.S. involvement during the past year, the war is at best at a stalemate. The political and military situation of the Government of El Salvador is not getting better. It may be getting worse. In response to this situation, the administration offers only more of the same—increased escalation and increased involvement.

This is the military solution. It means a long term, open-ended American commitment. Unfortunately, as

the war goes on in El Salvador, the political extremes gain strength at the expense of the center. This relentless process of radicalization and polarization will decimate the remaining moderates of that country and bring to power either the extreme right or the extreme left.

The administration has presented Congress and the American people with the narrow alternatives of either supporting endless escalation of the conflict or acquiescing in a victory by the left. Neither alternative serves our interests. There is, however, a third course—the only one that serves to protect U.S. interests—and that is the path of a negotiated settlement to the conflict.

Sooner or later there will have to be a political solution to the conflict in El Salvador. The time to seek it is now, while both the Christian Democrats and the Democratic Revolutionary Front are prepared to sit down at the negotiating table, and before the Salvadoran policy, economy, and society are further ripped apart by violence and war.

But the Salvadoran military, backed by American assistance, opposes such a settlement. This is a serious mistake that can only lead to the further deterioration of our position not only in El Salvador but in the larger context of Central America as a whole.

Mr. President, we do not act as adversaries of the administration on this issue. We have purposely chosen a nonbinding resolution as the appropriate vehicle to express our concern. We wish to communicate to the President, not dictate, our views that a negotiated settlement is a viable policy option with our longstanding and long-term interests in the region.

Mr. TSONGAS. Mr. President, I am pleased to join my able colleague from Connecticut as a cosponsor of this resolution.

The issue in El Salvador is not, as some would have it, a choice between involvement or noninvolvement, between joining the fight or running away. That sort of logic belongs to a strictly military approach to the problem. The purpose of our resolution is to communicate to the administration that there is another option, a better option, which can both end the conflict and serve our interests. That option is a negotiated settlement.

At this particular stage of the war in El Salvador, history is presenting us with a rare opportunity. Most of the key parties in that tragic war want to negotiate an end to the fighting and a political settlement. A number of other nations and groups in Central America and Europe are interested in facilitating such negotiations. This window will not stay open for long, in my opinion. The time to act is now.

There is a precendent for a successful negotiated settlement. Most guerrilla wars have ended with a military victory for the guerrillas or for the government. In at least one case, however, the war was ended by an all-parties peace conference which agreed on a ceasefire and ultimately a political settlement. That case was Zimbabwe in 1980.

Elections were held under British supervision and a popularly elected government was installed. Zimbabwe is a practicing democracy. The extremist forces of that guerrilla war have been either excluded from power or absorbed by moderate forces. Zimbabwe is not without its problems, but it does stand as a dramatic example of how best to end a longstanding, festering guerrilla war.

I believe that we should pursue that example. To let this war lurch forward to its sad conclusion will cost thousands of lives and threaten the entire region with instability and conflict. The administration must seize the opportunity and move forward vigorously toward a negotiated settlement of this war in El Salvador.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor, with Senators DODD and TSONGAS, this joint resolution which makes clear our strong support for a ceasefire and negotiations leading to a political solution of the tragic conflict in El Salvador.

I strongly oppose the administration's decision to escalate its military presence in El Salvador by allocating an additional $55 million in military assistance to the Duarte government. In making that decision, the President seems committed to a military solution to the conflict while rejecting an alternative negotiated settlement that is clearly more in the long-term interest of our Nation, of El Salvador, and of this hemisphere. He has continued military assistance by providing a Presidential certification that specific conditions have been met. Most informed observers in fact believe that conditions in El Salvador do not merit that certification. The evidence produced in numerous reports by human rights, labor, government, and religious groups—including Amnesty International and the U.N. demonstrate clearly that internationally recognized standards of human rights have not improved and in fact have gravely worsened due to the ongoing civil strife.

In considering the complexities of the situation in El Salvador, I share the concern of my distinguished colleagues over the challenges and implications of Soviet and Cuban policies regarding our vital interests in Latin America. We must strongly oppose and prevent any further supplies of arms to the combatants in El Salvador, regardless of the source. Beyond the Soviet and Cuban activity in that volatile region, however, there is unchallengeable evidence that the elements so critical to insuring peace and democracy for the Salvadoran people—support of human rights, and social and economic reform—are being subverted by military and paramilitary forces connected with the junta.

It was in the spirit of mutual concern that I joined my colleagues during the 1st session of the 97th Congress in a concerted effort to consider alternatives to a military solution. These actions culminated in the December foreign assistance bill which laid out the conditions and sense of the Congress toward the situation in El Salvador. Sadly, the President has chosen to ignore them.

The objective of our efforts has been to end the violence and begin a process leading to a condition of peace, respect for human rights, and economic and political reform. Given existing conditions in El Salvador, peace can only be attained through a negotiated political settlement that includes all the warring factions and guarantees fair treatment of both the junta and the opposition. Thus far the administration has not heeded, and in fact has completely rejected, the sense of Congress with regard to mediated negotiations.

The opposition forces have repeatedly agreed to unconditional mediated negotiations, but the governments of both El Salvador and the United States have refused to support a negotiated settlement to that tragic conflict. In may 1981, a major international effort by the Social Democratic Parties of Western Europe to bring El Salvador's warring factions to the bargaining table failed when the Salvadoran Vice President and commander-in-chief of the armed forces, Jaime Abdul Guitierrez, refused an offer of outside mediation. Again in August, the French-Mexican initiative called for internationally monitored negotiations that included all the warring parties. That, too, was rejected. Finally in December 1981, the U.N. General Assembly adopted a resolution that condemned U.S. military assistance to El Salvador and called for a negotiated political solution. But once again the Government of El Salvador refused. The evidence clearly indicates that there is not only widespread condemnation of a futile search for a military solution, but international support for a peaceful solution through mediated negotiations. All of these proposals were accepted by the political opposition, including both its militant and moderate elements, and rejected by the Government in El Salvador and belittled or ignored by the administration here in Washington.

I strongly urge the President to seriously pursue a negotiated settlement to the conflict in El Salvador. It could be along the lines of the Lancaster House model, which succeeded in achieving a negotiated solution to the

civil war in Zimbabwe through involvement of all parties. But it is critical that the United States use its good offices and influence before it is too late to bring a truly lasting peace to Salvador.

Today, once again the Congress is attempting to warn the President of the dangerous consequences of his present policy and to press for a negotiated political solution of this conflict. I hope the President and the administration will seriously consider this sense of the Congress and alter their fundamentally misguided course.

By Mr. HEINZ (for himself, Mr. PELL, Mr. WARNER, Mr. HUMPHREY, Mr. ABDNOR, Mr. ROTH, Mr. HATFIELD, Mr. SPECTER, Mr. CHILES, Mr. EAGLETON, Mr. CANNON, Mr. SASSER, Mr. GLENN, Mr. SCHMITT, Mr. HEFLIN, Mr. WEICKER, Mr. BURDICK, Mr. BENTSEN, Mr. GORTON, Mr. HARRY F. BYRD, JR., Mr. DECONCINI, Mr. WILLIAMS, Mr. DURENBERGER, Mr. GARN, Mr. GOLDWATER, Mr. DANFORTH, and Mr. D'AMATO):

S.J. Res. 145. Joint resolution authorizing and requesting the President to proclaim "National Orchestra Week"; to the Committee on the Judiciary.

NATIONAL ORCHESTRA WEEK

● Mr. HEINZ. Mr. President, today I am introducing a joint resolution for myself and Senator PELL and others to designate the week of June 13–19, 1982 as National Orchestra Week.

I am proud to have this opportunity to acclaim the work of America's 1,572 symphony orchestras. Through live performances, recordings, and television and radio broadcasts, symphony music reaches nearly 100 million Americans every year. These orchestras are certainly one of our Nation's most treasured cultural resources.

Mr. President, my home State of Pennsylvania is especially fortunate to have two world-class orchestras in the Philadelphia Orchestra, under the direction of Riccardo Muti, and the Pittsburgh Symphony Orchestra, under the direction of Andre Previn. But these two renowned orchestras are only the best known of more than 40 orchestras statewide. Pennsylvania's orchestras are largely responsible for my State's continuing role as a national leader in the arts.

This joint resolution is strongly supported by the American Symphony Orchestra League, the national, professional service organization, chartered by Congress, for America's orchestras. The league was initially formed in 1942 to provide an opportunity for managers of orchestras to share ideas about symphony orchestra management. The league has now evolved to carry on the important work of advocating many national issues for orchestras, conducting training programs, making research grants, organizing workshops, supporting the formation of symphony orchestra associations at State and National levels, and furthering the cooperative ties between orchestras and corporations and foundations.

Next year, the league will celebrate its 40th anniversary. It is my understanding that the orchestra delegates to the convention will gather for their annual conference here in Washington, D.C., during our proposed National Orchestra Week, further calling attention to the significant contributions that our Nation's orchestras have made to our cultural life.

More importantly, Mr. President, this joint resolution will celebrate the close ties that have grown between orchestras and their patrons. In the last few years, Americans have supported symphony orchestras in ever-increasing numbers. This explosion of support for the arts is largely due to the phenomenal increase in arts patrons, whether they attend concerts, listen to them on the radio, or watch them on television. Americans can and should be proud of their avid support for such cultural institutions. We truly are undergoing a cultural awakening.

As my good friend John Williams, conductor of the Boston Pops, has pointed out, "For many decades, America was considered a provincial outpost for European culture. Today, the United States has taken a leadership position in the performing arts. Our arts institutions are the envy of every nation on Earth. American symphony orchestras rank equal to the world's finest, and may well be our best ambassadors. When the Boston Symphony Orchestra traveled to China for a groundbreaking tour, the musicians spoke no Chinese. Yet, they communicated with more people and created more goodwill than did years of diplomatic efforts."

Mr. President, adoption of the National Orchestra Week resolution would be a fitting tribute to the years of enjoyment and service that our Nation's symphony orchestras have provided. I ask that my colleagues join with me in sponsoring this joint resolution and applauding an international treasure.●

ADDITIONAL COSPONSORS

S. 613

At the request of Mr. THURMOND, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 613, a bill to amend section 1951 of the United States Code, and for other purposes.

S. 1246

At the request of Mr. THURMOND, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1246, a bill to amend title 21 of the United States Code to increase the penalties for the trafficking in illegal drugs, and for other purposes.

S. 1595

At the request of Mr. INOUYE, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1958

At the request of Mr. DOLE, the Senator from Wyoming (Mr. WALLOP), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2027

At the request of Mr. ROBERT C. BYRD, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

S. 2056

At the request of Mr. TSONGAS, the Senator from Maryland (Mr. MATHIAS), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2056, a bill to amend the Fair Labor Standards Act of 1938 to provide that blind persons may not be employed at less than the applicable minimum wage under that Act.

At the request of Mr. TSONGAS, the Senator from Florida (Mr. CHILES) was withdrawn as a cosponsor of S. 2056, supra.

S. 2059

At the request of Mr. COHEN, the Senator from New Hampshire (Mr. RUDMAN) was added as a cosponsor of S. 2059, a bill to change the coverage of officials and the standards for the appointment of a special prosecutor in the special prosecutor provisions of the Ethics in Government Act of 1978, and for other purposes.

SENATE JOINT RESOLUTION 138

At the request of Mr. ROBERT C. BYRD, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week".

SENATE JOINT RESOLUTION 140

At the request of Mr. MATHIAS, the Senator from Utah (Mr. HATCH), and the the Senator from Vermont (Mr. LEAHY) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating February 11, 1982, as "National Inventors' Day".

SENATE RESOLUTION 266

At the request of Mr. WEICKER, the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. SARBANES), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Wisconsin (Mr. KASTEN), the Senator from Michigan (Mr. RIEGLE), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Montana (Mr. BAUCUS), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Georgia (Mr. NUNN), the Senator from Arkansas (Mr. PRYOR), the Senator from Arizona (Mr. DECONCINI), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. MELCHER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Delaware (Mr. ROTH), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Resolution 266, a resolution to declare March 1, 1982, as "National Day of the Seal".

AMENDMENT NO. 1268

At the request of Mr. PRESSLER, his name was added as a cosponsor of amendment No. 1268 proposed to House Joint Resolution 389, a joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.

SENATE RESOLUTION 316—HONORING JACQUELINE COCHRAN

Mr. CANNON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 316

Whereas, Jacqueline Cochran devoted four decades for her life between 1932 and 1972 to the advancement of the art, the science and most of all the spirit of aviation; and

Whereas, during that period she held more speed, altitude and distance records than any pilot, male or female, in the history of Aviation, being also the first female to speed through the sound barrier into the domain of supersonic flight; and

Whereas, her sustained altitude record of 56,072 feet achieved in 1961 epitomizes her self-propelled rise from childhood poverty and parental abandonment to world acclaim; and

Whereas, her life, which ended in 1980, reminds all who may doubt or forget, that in this land of the free and home of the brave, every person's achievement, male or female is limited primarily by his or her will, ability and spirit; and

Whereas, the National Air and Space Museum of the Smithsonian Institution has cosponsored with the Lockheed Corporation a reception marking the opening of an exhibit on "Jacqueline Cochran—World Record Holder" the tenth of February 1982: Now, therefore, be it

Resolved, That the Senate notes with pride the achievements of this gallant aviatrix, and commends the joint sponsors of this reception for commemorating the achievements and most of all the spirit of Jacqueline Cochran.

SENATE RESOLUTION 317—RESOLUTION RELATIVE TO GRANTS OF AUTHORITY TO FOREIGN CARRIERS

Mr. CANNON (for himself, Mr. SARBANES, Mr. D'AMATO, Mr. INOUYE, Mr. HEFLIN, Mr. MELCHER, Mr. ROTH, Mr. HOLLINGS, Mr. BAUCUS, Mr. GOLDWATER, Mr. GLENN, Mr. JACKSON, Mr. BURDICK, Mr. ZORINSKY, Mr. ANDREWS, Mr. HEINZ, Mr. RANDOLPH, Mr. GRASSLEY, Mr. RIEGLE, Mr. MOYNIHAN, and Mr. GORTON) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 317

Whereas, the Motor Carrier Act of 1980 established eased entry standards for motor carriers to operate within the United States; and

Whereas, entry requirements of certain neighboring countries or their political subdivisions for motor carriers to operate within their jurisdictions have not been changed and remain more restrictive than current United States policy; and

Whereas, U.S. motor carriers have been and continue to be denied operating authority by such countries and political subdivisions; and

Whereas, many foreign carriers have applied to the Interstate Commerce Commission for authority to provide motor carrier service within the United States in interstate operations and between the U.S. and such countries in foreign commerce; and

Whereas, the Interstate Commerce Commission has granted a very large portion of the foreign carrier applications and has many more pending; and

Whereas, as a result of the difference in regulatory policies U.S. carriers may be denied opportunities offered to foreign carriers; now, therefore, be it

Resolved, That it is the sense of the Senate that the Interstate Commerce Commission should temporarily refrain from granting applications for motor carrier operating authority filed by companies domiciled in a foreign country or owned or controlled by foreign nationals until both Houses of Congress have had an opportunity to review the situation and express its will through enactment of appropriate legislation.

GRANTS OF AUTHORITY TO FOREIGN CARRIERS

● Mr. CANNON. Mr. President, in behalf of myself and a host of cosponsors, I am submitting a resolution today that addresses a problem of urgent concern to the Nation's trucking industry and which has major significance to the problems of our declining balance of trade and growing unemployment. Specifically, it calls upon the Interstate Commerce Commission to delay granting applications filed by foreign motor carriers for new authority to engage in interstate and foreign transportation.

We are asking for this temporary moratorium in order to provide some breathing room to consider all the implications of the issues involved. Without such breathing room, Congress may be pushed too quickly into a solution that will ultimately not be in the best interests of the Nation.

This resolution is being offered in response to widespread allegations that the current vastly different regulatory policies of the United States and our neighboring countries are causing U.S. firms to lose substantial business to foreign firms. This is an inadvertent result of the passage of the Motor Carrier Act of 1980. In that legislation, the ability of trucking firms to obtain new authority to operate in the United States was greatly liberlized. Since there has never been a distinction in the laws concerning motor carrier entry between domestic and foreign carriers, the new reforms were applied across the board. As a result, both Canadian and Mexican carriers have taken advantage of the new law in order to seek and obtain operating authority in the United States.

The granting of new authority to foreign carriers is not in and of itself a serious problem. The problem is that U.S. carriers are denied the same rights by Canada and Mexico that nationals of those countries enjoy in the United States. In short, the opportunities are not at all equal.

In the past, a substantial amount of the transborder traffic has been conducted on an interline basis. Typically, a U.S. carrier would pick up a load of goods in the United States and deliver it to a point on the border of Canada or Mexico. At that point, a foreign carrier would take the load and deliver it to its ultimate destination in the other country.

In contrast, today the Canadian and Mexican carriers are being granted authority by the ICC to transport the goods all the way through without having to deal with U.S. carriers. The problem is that the Canadian and Mexican authorities apparently are not granting similar authority to U.S. carriers. We have changed our restrictive entry policy, but our neighboring countries have not. The motor carriers that I have spoken with are not complaining about the new U.S. entry policy, but rather about their inability to receive equal opportunities in Canada and Mexico.

While there is conflicting information concerning whether Canada actually discriminates against U.S. trucking firms in favor of its own carriers (there is no debate about Mexico—it discriminates as a matter of law), the fact remains that both Canadian and Mexican carriers now are able to perform far more service than their U.S. counterparts. The result is a loss of traffic by U.S. carriers and claims of

significant loss of revenues and employee layoffs.

Various solutions to the problem have been proposed, but in the meantime, the Interstate Commerce Commission continues to process foreign applications. I am not suggesting that the ICC is oblivious to the problem, because it isn't. The fact is that there are strict procedural deadlines built into the Motor Carrier Act and there is no specific policy language with respect to foreign carriers or considerations of reciprocity and comity. In the absence of specific congressional direction, such as this resolution, the Commission has no legislative guidance.

I hope that the ICC will assist Congress by honoring our request for a delay and by itself begining an investigation of the many issues that have been raised. Any information that the Commission could gather on the charges of discrimination, lack of reciprocity, and conflicting regulatory policies, would be most helpful to our own inquiry.

The cosponsors of this resolution are not making any judgments as to what the final resolution of the question will be. We simply want to be assured that significant damage is not done while we are considering the problem. It may be that after hearings and debate we will find no significant problem. But if we do indeed discover serious flaws in the current regulatory scheme for foreign transportation, the enactment of this resolution will prevent any worsening of the current situation.

One can readily see from the eclectic group of cosponsors of this resolution that the concern is widespread. All parties, geographic regions, political ideologies, and views on deregulation are represented. That fact is a powerful statement of concern.

As a result, I hope that the leadership of the Commerce Committee will schedule early hearings on this issue and focus on legislative proposals already before us. This issue should be resolved at the earliest possible occassion.●

SENATE RESOLUTION 318—OPPOSING THE ELIMINATION OF CERTAIN STUDENTS FROM THE GSL PROGRAM

Mr. TSONGAS (or himself, Mr. MITCHELL, Mr. PELL, Mr. RANDOLPH, Mr. RIEGLE, Mr. FORD, Mr. LEVIN, Mr. BAUCUS, Mr. DODD, Mr. SASSER, Mr. KENNEDY, Mr. WEICKER, Mr. JACKSON, Mr. LEAHY, Mr. HUDDLESTON, Mr. INOUYE, Mr. BIDEN, Mr. CRANSTON, and Mr. BRADLEY) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 318

Whereas graduate and professional students are eligible for loans under the Guaranteed Student Loan Program authorized by part B of title IV of the Higher Education Act of 1965;

Whereas elimination of that eligibility will cause graduate and professional students great financial hardship and lead to possible termination of their educational careers; and

Whereas the Nation will suffer from the failure to provide opportunities to develop fully the mental resources and technical skills of young men and women of the Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that graduate and professional students remain eligible for guaranteed student loans under part B of title IV of the Higher Education Act of 1965.

● Mr. TSONGAS. Mr. President, today I am submitting a Sense of the Senate resolution opposing the administration's proposal to end guaranteed student loans for graduate and professional students.

The administration's plan would deny an advanced education to many low and middle income students. It would undercut progress in opening professional careers to minorities. President Reagan is willing to let the fields of medicine, law, engineering, and the sciences be limited to students from wealthy families. That prospect is unjust and totally unacceptable.

Let us take a look at the victims of this proposal. Many students whose families are not wealthy have to struggle financially to get through college. If they aspire to careers that require additional schooling—and see that goal put out of reach—some of them may not even feel motivated to pursue an undergraduate education.

Many graduate and professional students are older Americans with families and financial obligations. Many are women who want and need to reenter the workforce. They should have a chance to improve their career options. They deserve the opportunity to pursue the American Dream.

This proposal marks a clear retreat from our national commitment to equal opportunity in education. I hope that the Senate and the House will not bend from our longstanding support of this principle.

MAKING EQUALITY A REALITY

Mr. President, graduate and professional students were made eligible for guaranteed student loans by part B of title IV of the Higher Education Act of 1965. These students were included to insure that the highest levels of education are open to talented individuals—no matter what their family's income level. This opened up careers that offer high responsibility and high salaries. Now, after a generation of progress, the Reagan administration is ready to deny today's students their chance.

There are over 1.5 million graduate and professional student in the United States. About half of them depend on the guaranteed student loan program to help pay for their education. These students are ineligible for Pell grants and supplemental educational opportunity grants. As we see in the new budget, the national direct student loan program and the college work study program are targeted for drastic cuts.

Therefore, closing the door on the GSL program will just about end any chance of graduate education for many students. Our Nation will be the ultimate loser.

The administration is suggesting the auxiliary loans to assist students (ALAS) program as a substitute. Imagine that—a student loan program with the acronym "alas". Perhaps the originators of this program were aware of its will-fated future from the beginning. This substitution is unworkable.

The ALAS program was developed last summer to expand the parents loan for undergraduate students (PLUS) program, which lets the parents of undergraduates borrow money at 14 percent for college expenses. There is very little difference between a PLUS loan and a consumer loan.

Many lenders are satisfied with the quality of PLUS loans. But in Massachusetts, only 125 lenders joined the program—compared with 384 lenders participating in GSL. And no lenders in my State were willing to participate in the new ALAS program. In many States the program is not even available to lenders.

Even where the program is offered, it is not a realistic aid to graduate students who are financing their own education. Recipients have to begin repaying interest on the loans 60 days after the loan disbursement. Many full-time students simply do not have the resources to do this. How many medical students will be able to pay 14-percent interest on student loans over a 4-year period?

CLOSING DOORS AND CLOSING EYES

In reality, President Reagan wants to close the door to professions, and close his eyes to that fact. This would be more than an unjust handicap for the individual students. It would be a self-inflicted weakness for the Nation as a whole. Particularly in areas of advanced technology and the sciences, we must invest seriously in human resources. We cannot afford to cut the quality and quantity of our professional work force.

The administration's proposal is especially troubling to me. I am one of many Americans who might not have been able to attend a professional school without the guaranteed student loan program. I am deeply committed to its continuation.

Mr. President, I will fight this proposal at every opportunity. At the appropriate time, I will introduce legisla-

tion to this end. But this resolution is a beginning—a concrete signal that we will not back away from equal opportunity education. I hope my colleagues will support it to oppose the administration's planned retreat from a basic principle.●

AMENDMENTS SUBMITTED FOR PRINTING

CRIMINAL CODE REFORM ACT

AMENDMENT NOS. 1269 THROUGH 1284

(Ordered to be printed and to lie on the table.)

Mr. DENTON submitted 16 amendments intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SECURITY AND TERRORISM

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Security and Terrorism, of the Judiciary Committee, be authorized to hold an FBI closed oversight hearing during the session of the Senate at 2 p.m., on Thursday, February 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 11, at 10 a.m., to consider S. 835, S. 1501, S. 1519, H.R. 1528, H.R. 1543, S. 1242 (H.R. 2820), S. 982, S. 1546, S. 1767, S. 706, H.R. 2863, and H.R. 2475, various public land conveyances, exchanged and private relief bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, February 12, at 9 a.m., to hold a hearing to consider S. 698, a bill to assist the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association, S. 933, a bill to authorize the rehabilitation of the Belle Fourche irrigation project in South Dakota; S. 1409, a bill to authorize the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming; and S. 1628, a bill to amend the Emergency Fund Act of 1948.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INCOME TAX CHECKLIST

● Mr. INOUYE. Mr. President, the preparation of annual Federal income tax returns is an essential duty of all Americans.

To assist citizens in this task, the Senate Special Committee on Aging has prepared a checklist of itemized deductions. While originally intended for the elderly, this list is handy for all taxpayers, because most tax provisions apply equally to all age groups.

Several changes are reflected in the 1981 tax returns. A 5-percent across-the-board cut in individual tax rates took effect last October 1; the traditional dividend exclusion has been increased and expanded to include interest income; and the age 55 exclusion of capital gains from the sale of a home was increased. Also, the income requirements for filing 1982 estimated tax returns have been changed.

This checklist is not intended to be an all-inclusive guide covering every possible circumstance, but it does help to insure that taxpayers claim every legitimate deduction, exemption and credit to which they are entitled.

I ask to have an excerpt from the Special Committee on Aging's publication printed in the RECORD.

The material follows:

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES (A REVISED CHECKLIST OF ITEMIZED DEDUCTIONS FOR USE IN TAXABLE YEAR 1981)

IRS ASSISTANCE IS AVAILABLE TO HELP YOU

How to find help: If you have questions or need assistance on any Federal tax matter, help is available at the IRS. The toll-free telephone number for your area is listed in your telephone directory under "United States Government, Internal Revenue Service," and in your tax forms instruction booklet. The majority of inquiries can be handled efficiently by telephone. However if you feel that you need to visit an IRS office, call first to get the location and hours of service of the office nearest you.

Publications to assist you: The IRS prepares many free publications which will help answer your tax questions. In addition to the general Publication 17, "Your Federal Income Tax," there are publications available on specific topics, such as "Tax Benefits for Older Americans" (Publication 554), "Highlights of 1981 Changes" (Publication 553), "Credit for the Elderly" (Publication 524), and "Estimated Tax and Withholding" (Publication 505). Single copies of publications can be ordered by mail using the order form in your tax package or by calling the forms/tax information number listed in the white pages of your telephone directory under "United States Government, Internal Revenue Service."

Other special IRS programs offering free assistance: Through the tax counseling for the elderly (TCE) programs, IRS-trained volunteers assist individuals age 60 and over with their tax returns at neighborhood locations in many areas. In addition, certain volunteer income tax assistance (VITA) volunteers have been trained to help older Americans with their tax returns. Your local IRS office will be able to tell you where and when you can find TCE or VITA assistance in your area.

WHO MUST FILE A FEDERAL TAX RETURN IS GENERALLY DETERMINED BY YOUR INCOME AND YOUR FILING STATUS

You must file a return for 1981, even if you owe no tax:	*And your income was at least:*
1. If you were single, divorced, or married with a dependent child and living apart from your spouse for all of 1981 and were:	
Under age 65	$3,300
Age 65 or over	$4,300
2. If you were married filing a joint return and were living with your spouse at the end of 1981 or on the date your spouse died and:	
Both were under age 65	$5,400
One was age 65 or over	$6,400
Both were 65 or over	$7,400
3. If you were married filing a separate return or married but you did not share the same household at the end of 1981	$1,000
4. If you were a qualifying widow(er) with a dependent child and:	
Under age 65	$4,400
Age 65 or over	$5,400
5. If you received any advance earned income credit (EIC) payments from your employer(s) during 1981.	
6. If you were self-employed and your net earnings from this work were at least $400, you must file a return to pay self-employment tax. You are self-employed if you carry on a trade or business as a sole proprietor, a member of a partnership, and independent contractor, or are otherwise in business for yourself. This includes certain part-time work that you do at home or in addition to your regular job. This rule applies regardless of your age; whether or not you are receiving social security benefits; and even if you are otherwise not required to file a Federal tax return.	
7. If income tax was withheld from your pay, you should file a return so that you can get a refund of the tax withheld, even if you are not required to file a return.	

ESTIMATED TAX PAYMENTS

Many newly retired people do not realize that they are often required to make estimated tax payments.

The pay-as-you-go feature of the Federal income tax system requires your employer to withhold income tax on compensation such as salaries, wages, and tips.

The same feature applies to your income that is not subject to withholding, or income from which not enough tax is being withheld. This includes income from self-employment, alimony, pensions, annuities, interest, dividends, rents, capital gains, and other income from which Federal income tax is not withheld. For these items of income, you must file a declaration of estimated tax, Form 1040-ES, and pay the income tax and any self-employment tax estimated to be due.

Your estimated tax is the total of your expected income tax and self-employment tax minus your expected withholding and cred-

its. Form 1040-ES provides a worksheet for making this computation.

If your estimated tax for 1982 is $200 or more and your estimated gross income not subject to withholding includes more than $500 of taxable income, you must file Form 1040-ES. Installment payments are due quarterly: April 15, June 15, September 15, and January 15.

You may be charged a penalty if you do not pay enough estimated tax. However, the penalty will not apply if you make each payment on time and:

(1) The payment is at least 80 percent of the amount of estimated tax due based on the tax shown on your return, or

(2) The payment is based on one of four exceptions shown on Form 2210, Underpayment of Estimated Tax by Individuals.

In order to avoid a penalty or paying estimated tax, you may have income tax withheld from your pension or annuity. You must fill out Form W-4P, "Pension, Annuity, or Sick Pay Recipient's Request for Federal Income Tax Withholding," and give it to the payer of your pension or annuity.

TAX TABLE AND EXEMPTIONS

Tax table

The tax table has been developed to make it easier for you to find your tax if your taxable income (line 12, Form 1040A; line 34, Form 1040) is less than $50,000. You must use this table unless you compute your tax using Form 4726 (maximum tax), Schedule D (alternative tax), or Schedule G (income averaging). In those cases, you must use the tax rate schedules. The tax table is designed to be used by individuals (other than those cases above) whether or not they itemize their deductions. This is possible because of an adjustment made on the Schedule A and an amount built into the tax table known as the "zero bracket amount." This flat amount based on your filing status provides a minimum deduction for all individuals. If you are married filing jointly or a qualifying widow or widower, your zero bracket amount is $3,400. If you are single or a head of household, your zero bracket amount is $2,300. If you are married filing separately, it is $1,700.

Exemptions

You are allowed a $1,000 deduction for each exemption shown on your tax return (line 6, Form 1040A; line 6e, Form 1040). You and your spouse are allowed an additional $1,000 exemption if either or both of you are age 65 or older on the last day of the tax year.

In addition, you or your spouse may be able to claim a $1,000 exemption for blindness (refer to your tax instruction booklet for more details on this exemption). Age and blindness are determined on the last day of your tax year. This is December 31 for most taxpayers. You are considered age 65 on the day before your 65th birthday. Thus, if your 65th birthday was on January 1, 1982, you can take the extra exemption for age for 1981. The $1,000 exemption is claimed on line 33, Form 1040 and on line 11, Form 1040A.

MULTIPLE SUPPORT AGREEMENTS

In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return.

The support requirement is that the person claiming the exemption must have contributed more than one-half of the individual's total living expenses. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $1,000 dependency exemption if all of the following requirements for multiple support are met:

(1) Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

(2) Any one of those who individually contribute more than 10 percent of the mutual dependent's support, but only one of them, may claim the dependency deduction.

(3) Each of the others must file a written statement that he or she will not claim the dependency exemption for that year. The statement must be filed with the income tax return of the person who claims the dependency exemption. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Note: You may include with your medical expenses those medical expenses you paid for a person for whom you meet the support test under a multiple support agreement, even if you may not claim the person as a dependent because he or she had gross income of $1,000 or more.

PRESIDENTIAL ELECTION CAMPAIGN FUND

You may voluntarily request that $1 of your taxes ($2 on a joint return) be paid into this fund to help pay for Presidential election campaigns. Checking "Yes" will not change the amount of tax you pay or the amount of refund you will receive.

POLITICAL CONTRIBUTIONS

You may take a credit (line 38, Form 1040; or line 13A, Form 1040A) for campaign contributions to candidates for Federal, State, or local office, to newsletter funds and to political committees of candidates and elected public officials. The amount of the tax credit is limited to one-half of the political contribution, with a $50 ceiling ($100 for couples filing a joint return). You must have a written receipt to prove your contribution. Cancelled checks will, in most cases, meet the requirements for a written receipt.

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

Medical and dental expenses

Medical and dental expenses are payments you make for the diagnosis, cure, relief, treatment, or prevention of disease. They also include payments for treatment affecting any part or function of the body. Expenses for transportation for needed medical care are included in medical expenses. Payments for insurance that provides medical care for you, your spouse, and dependents are included in medical expenses. Unreimbursed expenses are deductible to the extent they are more than 3 percent of your adjusted gross income (line 31, Form 1040). Expenses may be deducted only in the year you paid them. If you charge medical expenses on your credit card, the expenses are deducted in the year the charge is made regardless of when the bill is paid.

Insurance premiums.—One-half of medical, hospital, or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted subject to the 3 percent rule.

Drugs and medicines.—Medicines and drugs legally obtained and generally recognized as medicines and drugs are deductible. They do not have to be prescribed. These items are included in medical expenses (subject to the 3 percent rule) but only to the extent they exceed 1 percent of adjusted gross income (line 31, Form 1040).

Examples of unreimbursed medical and dental expenses. You can deduct the costs of:

Medicine, drugs, vaccines, and vitamins your doctor recommends.

Doctors, surgeons, dentists, eye doctors, gynecologists, chiropractors, osteopaths, podiatrists, chiropodists, psychiatrists, psychologists, physical therapists, acupuncturists, Christian Science practitioners, and psychoanalysts.

Medical examination, X-rays and laboratory services, insulin treatments, and whirlpool baths the doctor orders.

Nursing help. However, if you pay someone to do both nursing and housework, you can deduct only the cost of the nursing help.

Hospital care (including meals and lodging), clinic costs, lab fees.

Medical treatment at a center for drug addicts or alcoholics.

Medical aids such as hearing aids (and batteries), false teeth, eyeglasses, contact lenses, braces, orthopedic shoes, crutches, wheelchairs, guide dogs and the cost of maintaining them if you are blind or deaf. Ambulance service and other travel costs to get medical care. If you used your own car, you can claim what you spent for gas and oil to go to and from the place you received medical care, or you can claim 9 cents a mile. Add parking fees and tolls to the amount you claim under either method.

Cosmetic surgery.

Cost and repair of special telephone equipment for the deaf.

Capital expenditures for medical purposes, such as air conditioning or elevators. If these expenses are for permanent improvements that increase the value of the property, you may include them as medical expense only to the extent that they are more than the increase in the value of the property.

Cost of a nursing home (including meals and lodging) if the availability of medical care is a principal reason for being in the nursing home.

Medical care included in the "life-care fee" or "founders fee" of a retirement home which is paid monthly or as a lump sum under an agreement with the home. The deductible amount must be set apart for medical care.

Cost of special equipment, such as a motorized wheelchair or autoette, special hand controls and other special equipment installed in a car specifically for the use of a physically handicapped person.

Taxes

Real estate; State, local, or foreign income. General sales; Personal property.

If the sales tax tables are used in arriving at your deduction, generally the only additional sales taxes you may add to the table amount are those you paid to purchase the following items: Automobiles, trucks, motorcycles, airplanes, boats, mobile homes, and material used to build a new home if the sales tax on the materials is imposed on you.

When using the sales tax tables, add to your adjusted gross income any nontaxable income such as social security, veterans and railroad retirement benefits, workmen's compensation, untaxed part of long-term capital gains, interest and dividend untaxed under the exclusion, interest on municipal

bonds, untaxed part of unemployment compensation and public assistance.

Interest

Personal loan; Loans on life insurance. Home mortgage; Installment purchases. Auto loan.

Bank and other general purposes credit cards.—Deduct the finance charge added to your monthly statement if no part of the charge was for investigation fees, membership fees, loan fees, service charge, or similar charges.

Points.—When buying a residence, "points" are interest paid in advance. You may deduct the amount you pay as points in the year of the payment—if the loan is used to buy or improve your principal residence and is secured by that residence. In addition, the payment of points must be an established business practice in the area where the loan was made, and the points must not exceed the number generally charged in this area.

If the residence you purchase is not your principal residence, you may not deduct the full amount for points in the year paid. Instead, the prepaid interest paid as points must be spread over the life of the mortgage, and it is considered "paid" and is deductible over that period.

Points are not deductible if they represent charges for services rendered by the lending institution (e.g., VA or FHA points are not deductible as interest). Also, points are not deductible if paid by the seller. These are selling expenses that reduce the amount realized.

Penalty for prepayment of a mortgage.—This is deductible as interest.

Revolving charge accounts.—These finance charges may be deducted if separately stated on your bill.

Contribution

In general, contributions to religious, charitable, educational, scientific, or literary organizations may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). Contributions to certain private nonoperating foundations, veterans organizations, fraternal societies, or nonprofit cemetery companies are limited to 20 percent of adjusted gross income (line 31, Form 1040). There is a limit of 30 percent of adjusted gross income for contributions of certain capital gain property. Special rules also apply to contributions of appreciated property. To deduct your contributions, you must make them in cash or other property before the close of your tax year. Other property (clothing, books, furniture, etc.) is deducted at the fair market value. You may deduct contributions you charge to your bank credit card in the year the charge is made.

Examples of other charitable contributions include:

The cost and upkeep of uniforms that you must wear while performing charitable activities.

Out-of-pocket expenses (postage, phone calls, stationery) while providing services without pay to a charitable organization.

Payment of more than the fair market value to an organization for goods, merchandise, services, banquets, shows, sporting events, etc.

You may also deduct unreimbursed out-of-pocket expenses directly related to services you give to a charitable organization, such as gas and oil for your car. If you do not want to deduct actual expenses, you may use a standard rate of 9 cents a mile. In either case you may deduct parking fees and tolls.

Casualty or theft losses

You may deduct casualty losses, such as tornado, flood, storm, fire, auto accident (provided not caused by a willful act or willful negligence), or theft losses. The amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. Report your casualty or theft loss on Schedule A. If more than one item was involved in a single casualty or theft, or if you had more than one casualty or theft during the year, use Form 4684 for computing your personal casualty loss.

Miscellaneous deductions

In addition to the other itemized deductions, you may deduct certain miscellaneous expenses on Schedule A, Form 1040. A list of the most common expenses follows. For more information, see Publication 529, Miscellaneous Deductions.

Educational expenses.—Amounts you paid for education that is: (1) Required by your employer to maintain your position, or (2) for maintaining or improving skills you must have in your present position.

Business use of your home.—You can deduct expenses for business use of part of your home only if you use that part exclusively and continuously in your work and for the convenience of your employer.

Employee expenses.—Examples of expenses you can deduct if you were not reimbursed for them are:

Union dues.

Safety equipment, small tools, and supplies you need for your job.

Protective clothing, such as hard hats and safety shoes.

Uniforms required by your employer which you cannot usually wear away from work.

Maintenance of uniforms required by your employer.

Costs of bond, if required for employment.

Physical examinations required by your employer.

Dues to professional organizations and chambers of commerce.

Fees to employment agencies and other costs to get a new job in your present trade or profession.

Expenses of producing income.—You can deduct what you paid to produce or collect taxable income or to manage or protect property held for producing income.

Examples of these expenses are:

Tax return preparation fees.

Safe deposit box rental.

Custodial (e.g., trust accounts) fees.

Fees paid to investment counselors.

Fees to collect interest or dividends.

Gambling losses, but not more than gambling winnings.

CREDITS

Tax credits are used to reduce the amount of tax you owe. All credits must be taken on Form 1040, with the exception of the credit for contributions to candidates for public office and the earned income credit.

The most common credits are:

Credit for the elderly

You may be able to claim this credit and reduce taxes by as much as $375 (if single) or $562.50 (if married filing jointly) if you are: (1) Age 65 or over, or (2) under age 65 and retired under a public retirement system. For more information see the instructions for Schedule R & RP.

Earned income credit

If you have a dependent child who shares your principal residence in the United States, you may be entitled to a special payment or credit of up to $500. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if you reported earned income and has adjusted gross income (line 32a, Form 1040 or line 10, Form 1040A) of less than $10,000, you may be able to claim the credit.

Earned income means wages, salaries, tips, strike benefits, other employee compensation, disability pensions, and net earnings from self-employment (generally the amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

Credit for child and dependent care expenses

A portion of certain payments made for child and dependent care may be claimed as a credit against tax.

If you maintained a household that included your dependent under age 15 or a dependent or spouse incapable of self-care, you may be allowed a 20 percent credit for employment related child and dependent care expenses. These expenses must have been paid during the taxable year in order to enable you to work either full or part time.

The maximum amount of the credit is $400 for one qualifying individual and $800 for two or more qualifying individuals.

See Form 2441 for more information, including a special rule for divorced or separated taxpayers.

RESIDENTIAL ENERGY CREDIT

The residential energy credit was designed to encourage energy saving and the development of renewable energy sources. There are two energy credits, each with its own conditions and limits. These credits are based on: (1) Costs for home energy conservation, and (2) costs for renewable energy source property.

A credit of up to $300 may be claimed for expenditures for energy conservation property installed in or on your principal residence, whether you own or rent it. The residence must have been substantially completed by April 20, 1977. Items eligible for the credit are limited to the following: Insulation (fiberglas, cellulose, etc.) for ceilings, walls, floors, roofs, water heaters, etc.; exterior storm (or thermal) windows or doors; calking or weatherstripping for exterior windows or doors; a furnace replacement burner that reduces the amount of fuel used; a device to make fuel openings (for a heating system) more efficient; and electrical or mechanical furnace ignition system that replaces a gas pilot light; an automatic energy-saving setback thermostat; and a meter that displays the cost of energy usage.

For years beginning after 1979, the maximum credit for renewable energy source property is $4,000. Equipment used in the production or distribution of heat or electricity from solar, geothermal, or wind energy sources for residential heating, cooling, or other purposes may qualify for this credit.

Examples of items which do not qualify for energy credit are the following: Carpeting, drapes, awnings, shades, wood paneling, fire screens, new or replacement walls (except for insulation inside the walls), exterior siding, heat pump, wood or peat burning stoves, fluorescent lights, hydrogen fueled residential equipment, equipment using wind energy for transportation, expenditures for a swimming pool used as an energy storage medium, and greenhouses.

For further information, consult the instructions for Form 5695, "Residential Energy Credits," and IRS Publication 903, Energy Credits for Individuals.

SALE OF YOUR PERSONAL RESIDENCE

You may exclude from your gross income some or all of your gain from the sale or exchange of your principal residence, if you meet certain age, ownership, and occupancy requirements at the time of the sale or exchange. If you were age 55 or older on the date of sale or exchange you may elect to exclude up to $100,000 of gain provided you owned and occupied the residence for 3 of 5 years ending on the date of the sale (or 5 of 8 years if you were 65 or older on the date of sale or exchange and the sale took place before July 26, 1981). For sales or exchanges after July 20, 1981, the excludable amount is increased to $125,000.

In addition, payment of the tax on the gain from the sale or exchange of your personal residence in excess of the excluded amount will be deferred if, within 18 months before or 18 months after the sale or exchange, you buy and occupy another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. For sales or exchanges after July 20, 1981 the replacement period is extended to 2 years before and after the sale. This 2-year period also applies to sales and exchanges of principal residences before July 20, 1981, if the replacement period expires after that date.

Taxable gains from the sale of your residence should be reported on Schedule D, line 2a or 9a. Losses from such a sale are not deductible. Form 2119, Sale or Exchange of Principal Residence, is used to report the sale of your principal residence whether or not you bought another one.

Publication 523, Tax Information on Selling Your Home, is available at most IRS offices.

HIGHLIGHTS FOR NEXT YEAR'S TAXES

The Economic Recovery Tax Act of 1981 made many important changes in tax law. Some of these changes were effective for tax year 1981, and are reflected in this publication. Other changes are effective for tax years 1982 and later. For a more complete discussion of the highlights of the recent tax changes, you should refer to IRS Publication 553, Highlights of 1981 Tax Changes, and your Form 1040 or 1040A Instructions.

Charitable contributions

For tax years beginning after 1981, individuals who do not itemize their personal deductions will be allowed to deduct 25 percent of the first $100 of contributions ($50 for a married person filing a separate return). These deductible amounts will increase until 1986. This provision does not apply to contributions made after 1986.

Deductions for two-earner married couples

In tax years beginning after 1981, two-earner married couples filing jointly will be allowed a deduction based upon the earnings of the spouse with the least income. The 1982 maximum deduction will be $1,500.

Child and dependent care credit

For tax years beginning after 1981, the percentage will change for some taxpayers and the maximum amount of employment related expenses to which the credit can be applied is increased. In addition, expenditures for out-of-home, noninstitutional care of disabled spouse or dependent, who regularly spends at least 8 hours a day in the taxpayer's home, are eligible for the credit. These dependent care centers must be in compliance with all State and local regulations for the taxpayer to count such expenditures toward qualified expenses.

Savings incentives

All-savers certificate.—An exclusion of up to $1,000 or $2,000 for a joint return is provided for interest on qualified savings certificates. These "all-savers" certificates must be issued after September 30, 1981, and before January 1, 1983, and must have a yield equal to 70 percent of the yield on 1-year Treasury bills.

Dividend exclusion.—Beginning in 1982, the allowable deduction will be $100 on a separate return and $200 on a joint return. There will no longer be any exclusion of dividends and interest.

Exclusion of reinvested stock dividends from public utilities.—Beginning in 1982, shareholders in a domestic public utility corporation who choose to receive their dividends in the form of common stock may exclude up to $750 ($1,500 for a joint return) from taxable income.

Individual retirement accounts.—For tax years after December 31, 1981, the limit on contributions will be increased to the lesser of 100 percent of compensation or $2,000. In addition, workers covered by a company or government pension may participate in an IRA. The new law has also increased the limit on spousal IRA and eliminated the provisions that contributions be equally divided. See Publication 590, Tax Information on Individual Retirement Arrangement, for more information.

Keogh plans.—For tax years beginning after December 31, 1981, important changes were made to the rules on self-employment (H.R. 10/Keogh) retirement plans. Some of the changes include: (1) An increased limit on the deductible amount an employer can pay to a plan on behalf of a self-employed individual, (2) the new right of a participant in an H.R. 10 plan to make payments to an individual retirement arrangement (IRA), (3) an increased limit on each employee's compensation that may be taken into account in figuring contributions or benefits under the plan, and (4) the new right to make a tax-free withdrawal of excess payments. For more information, see Publication 560, Tax Information on Self-Employed Retirement Plans.●

THE BUDGET PROCESS

● Mr. QUAYLE. Mr. President, Congressman LEE H. HAMILTON of Indiana has written a thoughtful "Washington Report" to his constituents discussing the problems facing the current congressional budget process. He notes the need to achieve a simpler, longer term process, and discusses his reasons for favoring a 2-year process. I submit Mr. HAMILTON's "Washington Report" for the RECORD.

THE BUDGET PROCESS

The eight-year-old congressional budget process is in danger of collapsing. The fiscal year is three months old, and there is still no final budget resolution which sets the amount of money Congress can spend. Several appropriations bills have not been passed by Congress nor sent to the President for his signature. The huge deficits expected during the next few years have darkened the fiscal outlook.

The principal purpose of the Congressional Budget and Impoundment Control Act of 1974 was to force Congress to take responsibility for the budget as a whole. It aimed to substitute a unified budget process for the piecemeal approach to taxing and spending which had been followed in previous years. As a result, Congress' fiscal plans and deliberations would be more orderly and exact. Several factors lay behind Congress' willingness to support the Act. From 1921 to 1974, the President dominated budget-making through his control of the sources of information. In the 1970's, the economy was not performing well; a large, growing, and seemingly uncontrollable budget was deeply distressing to members of Congress, who were inclined to blame it for the economy's poor performance. Congress was finally convinced that it was not doing all it should to exercise its constitutional power of the purse responsibly and effectively. The Act was the answer.

A new dimension of the Act was discovered in 1981 when President Reagan employed the budget process to push Congress into making sweeping changes in economic and governmental policies. By debating "omnibus" packages of bills and avoiding votes on particular issues, members of Congress were free to vote for frugality in government and then to claim that they had had no opportunity to protect popular programs such as student loans. The strategy gave the President a decisive victory. The procedure dictated the result.

Today, the budget process is in trouble for several reasons. First, Congress is trying to use it to do too much. In 1981, nearly all major legislative decisions were made on a few votes. Important budget bills contained so many provisions that members of Congress often did not know what they were voting for or against. They were aware of the total budget cut which the bills proposed, but little more. The dangers inherent in this manner of doing business should be apparent. Second, the budget process has become too cumbersome. Congress passes a first, a second, and frequently a third budget resolution, more than a dozen appropriations bills, fifty or more authorizing bills, reconciliation bills, and tax bills. At each stage, significant budget decisions are reached. The budget process must be simplified or it will not continue to serve its principal purpose. Third, as the budget committees have begun to wield more influence, tensions have increased between those committees and the authorizing and appropriating committees. Jurisdictional struggles spill over into deliberations on policy and make it harder to find consensus. Finally, the budget process is being used to divide up a smaller pie in a stagnant economy. This task is far more difficult than that of distributing the revenues produced by an expanding economy.

My view is that the budget process needs to be reformed and strengthened. I am not confident that Congress will be able to do much reforming this year, but it can start by trying to come to a better understanding of what the budget process is and what it means. We should not have exaggerated ideas of what the budget process can accom-

plish. It will not yield magical results which satisfy all people. It does not ordain larger or smaller budgets or deficits. It will not necessarily get us balanced budgets or surpluses in government accounts. It merely helps Congress be a responsible decisionmaker and user of information. The budget process is neutral; it is intended to produce the outcome favored by the majority. Also, we should think seriously about economic escapism in the budget process. Congress and the President try to avoid the dilemmas of budgeting by maintaining (despite evidence to the contrary) that the economy will surge forward, that employment will be high, that inflation and interest rates will fall, that revenues will rise, that outlays will hold firm, and that a balanced budget is just a year or two away. This wishful thinking produces fleeting political benefits, but it dooms the budget process to unreality.

As to changes in the substance of the budget process itself, I have several suggestions:

We need a simpler process: As things now stand, there are too many figures and stages. The blizzard of numbers obscures the decisions which must be made. Perhaps we should begin to use a single, binding budget resolution in place of the current non-binding resolution which only sets goals to be refined later. I have even concluded that we should probably consider eliminating the split between authorization and appropriation and should rely instead on single committees to perform both functions. In any case, the budget committees or a task force should propose simplifications.

We need a more comprehensive process: Everything should be brought together in the budget process so that Congress can see it in one place. For example, the credit budget should be included because it has a very important impact on fiscal policy.

We need a process whose focus is longer-term: Congress ought to be concerned about its activities over several years. As a step in that direction. I favor a two-year budget resolution. The first year would be used to dispose of significant questions of policy; during the second year, Congress would concentrate on the more detailed provisions.

We need a process which uses valid economic assumptions. Both Congress and the President must get away from the game of using unrealistic economic assumptions to produce favorable budget figures.

Despite the problems, the present budget process had made Congress better. Legislators have more data on the budget and more opportunity to act intelligently on budget issues. They have a stronger appreciation of the relation between the economy and the budget. They have a greater awareness of the long-term financial commitment created by the votes they cast. Reform of the budget process can preserve these benefits as it provides new ones.●

SCHOOL LUNCH

● Mr. HART. Mr. President, today I am making available statistics just compiled by Dan Wisotzkey, director of Child Nutrition in Colorado, and released to my staff. These statistics make clear the devastating impact of the Reagan administration's assault on the national school lunch program. In a recent survey of State child nutrition directors around the country, Mr. Wisotzkey discovered the following disturbing facts:

1,078 public and private schools have withdrawn from the national school lunch program since last year. This figure has more than doubled since last October.

386,000 children have been disenfranchised from the school lunch program as a result of their schools' no longer participating. Many of these children are from families whose annual income is below $10,990, thereby qualifying them for free school meals.

A reduced Federal commitment to child nutrition has hurt some States much more than others. In New Jersey, for example, 186 schools have dropped their school lunch programs. Altogether, over 40,000 students in that State are no longer assured of one nutritionally balanced meal a day. In other States, such as Florida and Maine, all schools have remained in the program only because State mandates require them to do so.

These new and disturbing figures on the withdrawal rate from the school lunch program come at a time when this administration is taking even further steps to dismantle our Nation's historical commitment to the health and welfare of our children. Under the new budget proposals for fiscal year 1983, the special milk and summer feeding programs would be eliminated. The existing maternal and child care health block grants for services to low-income persons would be further reduced. The highly successful women, infants and children supplemental feeding program (WIC) would be cut by one-third and merged into that block grant. Despite the hundreds of thousands of poor children who have shown reading and mathematics achievement gains as a result of the title I program, that, too, would be substantially reduced.

Mr. President, our children represent our greatest natural resource. Without a continuing commitment to promote and protect their education and health, we threaten to undermine the productivity of coming generations and to spend many more dollars on remediation. As President Kennedy said in a message to Congress in 1963:

The future promise of any nation can be directly measured by the present prospects of its youth. This nation—facing increasingly complex economic, social and international challenges—is increasingly dependent on the opportunities, capabilities, and vitality of those who are soon to bear its chief responsibilities.

Mr. President, as we begin to consider the new budget proposals submitted by President Reagan, we would be well advised to consider cuts already enacted by this Congress. I ask that a table prepared by my staff illustrating the impact of school lunch cuts in each State be printed in the RECORD at this point.

The table referred to follows:

IMPACT OF FEDERAL BUDGET CUTS ON NATIONAL SCHOOL LUNCH PROGRAM—SCHOOLS WITHDRAWN FROM NSLP AS OF JAN. 1, 1982 [1]

State	Public schools	Private schools	Private school tuition over $1,500	Number of children affected
Alabama				
Alaska	2			665
Arizona	7			24,976
Arkansas	15			14,076
California	7	40		7,890
Colorado	5			300
Connecticut	31		35	16,982
Delaware				
Florida				
Georgia			7	3,200
Hawaii				
Idaho		1		128
Illinois	63	13		44,000
Indiana		3		1,047
Iowa				
Kansas	2	6		672
Kentucky	2			715
Louisiana		3		NA
Maine				
Maryland	35			NA
Massachusetts		43	10	13,000
Michigan	37			16,800
Minnesota	13	12	10	10,501
Mississippi		3	2	1,261
Missouri	30	10	11	7,743
Montana	4			400
Nebraska	14			882
Nevada	2			1,933
New Hampshire	7			4,060
New Jersey	117	41	28	40,542
New Mexico		3		NA
New York	2	30		12,900
North Carolina	1			NA
North Dakota	2			NA
Ohio		45		NA
Oklahoma				
Oregon	44		3	18,405
Pennsylvania	14	15	25	23,299
Rhode Island				
South Carolina				
South Dakota				
Tennessee	6			4,657
Texas	57			58,542
Utah		1	1	250
Vermont	6	1	9	2,000
Virginia	8			10,294
Washington	60			23,251
West Virginia		7		1,000
Wisconsin	17	24	8	15,352
Wyoming	4	1		518
District of Columbia		5	10	4,428
Total	614	305	160	386,871

[1] Data complied by State Child Nutrition Directors Association.
NA in these States, figures on number of children affected were not available.

Mr. HART. These statistics underscore the need for Congress to approve legislation I have introduced which would restore complete funding to the school lunch program by reducing the tax deduction for business meals and entertainment from 100 to 70 percent, and earmarking the savings for the school lunch program. This legislation, S. 1655, would have no impact on the Federal budget. It would simply reassign national priorities with respect to federally subsidized meals.

The Senate defeated this proposal last September when I offered it as an amendment to legislation extending the debt limit. At that time, only 71 schools had withdrawn from the school lunch program. With that figure now well over 1,000, the case for S. 1655 is stronger than ever. I intend to bring this legislation before the Senate again in the near future and urge my colleagues to support it in light of these new and disturbing facts.●

EUROPE SHORT-CHANGES DEFENSE AND INCREASES THE RELIANCE ON NUCLEAR WEAPONS

● Mr. GARN. Mr. President, as the United States-Soviet negotiations over theater nuclear arms continue in Geneva, and the media struggles to emphasize the "great mass" of public opinion throughout Western Europe opposed to the modernization of NATO's long-range theater nuclear weapons, I find a certain irony associated with the entire European situation. We in the United States, who never intended that these nuclear weapons be used as substitutes for conventional strength, now find ourselves defending their existence, almost alone, precisely because this is the manner in which our allies have applied them.

A recent article by Robert W. Komer examines this paradox in detail. From the analysis, one theme emerges clear: Because our NATO allies have continually given rhetoric to defense but resources to détente, the Western deterrent is now more dependent upon nuclear weapons than anyone desires.

I would like to use this opportunity to point out that the current administration is making bold efforts to strengthen our military commitment to U.S. interests throughout the world. Along with the strategic force modernization program, full procurement and modernization of conventional forces is receiving priority emphasis. Increases in allied commitment to conventional defense is required to assure a complete deterrent, however.

I ask that the Komer article be included in the RECORD, and I urge my colleagues to examine this commentary.

The article follows:

[From the Boston Globe, Jan. 1, 1982]

EUROPEANS MISSING THE IRONY IN WEAPONS DISPUTE

(By R. W. Komer)

The irony of Europeans criticizing Americans for NATO's over-reliance on nuclear weapons is apparent from a look at the facts. Indeed, former Secretary of Defense James Schlesinger has been stressing recently that the United States ought to shift even further in the opposite direction abandoning primary reliance on nuclear deterrence, less and less credible at a time of nuclear stalemate, in favor of relying primarily on conventional deterrent strength.

He sees this as the logical culmination of a long-standing trend in US strategic thinking going back at least to the start of the 1960s. The Eisenhower Administration had capitalized on our great nuclear superiority by adopting the strategic doctrine of "massive retaliation," threatening that any Soviet aggression would be met with US nuclear might.

Also behind this doctrine was the realization that nuclear capabilities permitted defense-on-the-cheap; even in those days they cost less than 15 percent of the US defense budget. Largely because it was such a cheap defense, and one paid for mostly by US dollars, our European allies were happy to shelter under our nuclear umbrella and eagerly adopted massive retaliation as NATO's strategy too.

But US decision-makers came to realize that our nuclear superiority was a transitory phenomenon, since the Soviets would sooner or later catch up. In fact, they were bending every effort to do so. Hence the Kennedy Administration, spurred by Robert McNamara, shifted to a strategy doctrine of "flexible response." It called for building up our conventional forces to permit an initial non-nuclear defense for as long as possible, thereby raising the nuclear threshold (incidentally, making it more credible).

As early as 1962 we began trying to sell this revised strategy to NATO too, but ran into strong European resistance to the costly conventional buildups entailed. Our allies still preferred nuclear defense on the cheap, especially since the U.S. still footed most of the bills.

Not until late 1967 did NATO officially adopt the flexible-response strategy, and then only in a deliberately ambiguous formulation. This permitted them to interpret it as calling for but a brief conventional "pause" requiring only a modestly strengthened tripwire to trigger nuclear escalation, whereas the United States sought to build toward an indefinite conventional defense.

In 1973–75, after our long Vietnam imbroglio, Schlesinger returned to the attack. However, he found our allies almost as reluctant as ever to pay the price of what he called a more "stalwart" conventional defense. Then the Carter Administration picked up the cudgels. Its 1978 Long Term Defense Program and other initiatives were aimed at co-opting our NATO allies into a sustained non-nuclear defense buildup, to be funded by at least 3 percent real annual growth in defense spending. As so often, our allies embraced the goals but fell far short on performance.

We simultaneously responded to growing European concern over the adverse "Euro-strategic balance" (Helmut Schmidt's phrase) being created by Soviet SS-20 and Backfire bomber deployment at a time of strategic nuclear stalemate. But the long-range theater nuclear force modernization we proposed was not the centerpiece of our NATO initiatives. Rather it was an add-on designed to reassure our European friends that no "gap" in the deterrent spectrum would be allowed to develop while we all focused on strengthening our conventional shield. Meanwhile we even withdrew 1,000 tactical nuclear weapons from Europe in 1980–81.

Nor was the United States ever enthusiastic about the buildup of French and British nuclear forces. We regarded them as superfluous, potentially destabilizing (Could we rely on the French not to pull the nuclear trigger?) and almost inevitably funded at the expense of UK and French conventional contributions.

In short, it is Americans who have been trying over 20 years to get our allies to move away from dangerous over-reliance on nuclear weapons, and the Europeans who have clung to primarily nuclear deterrence because of reluctance to pay for adequate conventional forces. Notwithstanding its bellicose rhetoric, the Reagan Administration too is focusing primarily on a conventional buildup—its $180 billion nuclear modernization program would absorb only about 15 percent of its proposed 1982–86 defense spending.

Thus it is ironic to find a large segment of European opinion accusing the United States of wanting to fight a theater nuclear war at Europe's expense when it is European parliaments and electorates who are unwilling to incur the costs entailed in the conventional alternative strategy we propose. Even 572 Pershing 2s and GLCMs (throw in a few thousand battlefield neutron weapons) would not provide NATO with a militarily adequate escalatory option. Instead, they would serve primarily to prevent the USSR from holding Europe a nuclear hostage, which still leaves NATO Europe facing the same expensive need we've posed it for 20 years—joining to build a credible conventional defense.

When will the Europeans start facing up to this fact of life, instead of compelling us to cling to decreasingly credible—hence increasingly risky—threat of nuclear escalation as the chief element of our declaratory strategy? If they don't, we Americans will soon be asking ourselves why we should keep 300,000 US forces in Europe (and plan to reinforce them rapidly in wartime) when our allies remain unwilling to chip in what is necessary to make this costly investment worthwhile.●

DR. VICTOR LI'S NEW ROLE AS PRESIDENT OF EAST-WEST CENTER

● Mr. INOUYE. Mr. President, as we prepare to grapple with major foreign policy and budget issues, I would like to recognize an esteemed individual who has just completed his first 100 days as president of the East-West Center in Honolulu, Hawaii.

I am speaking of Victor Hao Li, a distinguished scholar who came to this challenging post from the Stanford University Law School, where he served with distinction for 9 years—6 of them as the Lewis Talbot and Nadine Hearne Shelton Professor of International Studies.

Dr. Li is internationally known for his research and writing on China's legal system and foreign trade practices. Born in China in 1941, his parents brought him to the United States, where he became a naturalized citizen in 1957. In recent years, Dr. Li has served as a consultant for the Senate Foreign Relations Committee and, in 1979, produced studies for the Committee on United States-China Relations.

His background suits him well for the task of leading the East-West Center in the years ahead. The Center has contributed greatly to this Nation and the cause of international understanding since its creation by Congress in 1960. In recent years its programs have focused on policy-oriented research and graduate study in the areas of communication, culture, environment, and natural resources. Some 30,000 men and women—two from Asia and the Pacific for every one from the United States—have benefited from the Center's multicultural setting.

The East-West Center's programs are cooperative, bringing together people from different countries, cul-

tures, and professions to seek solutions to the problems facing our world. It provides a focus around which people from East and West can study, exchanging ideas, and engaging in constructive dialog.

Through its programs, the Center helps to educate people on how to reconcile their differences, clarify misunderstandings, and avoid conflict. In today's troubled world, it is a task of immense importance, and one crucial on the area of international understanding.

Now, under Victor Li's leadership, the Center will surely move ahead to new levels of achievement. Dr. Li has taken office at a time of strained resources, when economizing and increasing efficiency are more important than ever. Already he has streamlined the Center's staff and reorganized many of its programs.

Mr. President, I am sure that my colleagues will join me in wishing Dr. Li every success in his new role as president of the East-West Center.●

LITHUANIAN INDEPENDENCE DAY

● Mr. WEICKER. Mr. President, February 16 marks the 64th anniversary of the reestablishment of an independent state of Lithuania and the 731st anniversary of the founding of the Lithuanian state in 1251. Lithuania is a proud nation that has had a long and difficult history. Independence days in some countries, such as the United States, are joyous occasions, full of fireworks and parades. But in Lithuania, like in other nations that border on the Baltic, they are only a grim remembrance of a time when her land was as free and strong as the sea that crashes against her shore.

In 1940, the Soviet Union occupied the nation and stole it from the free world. The illegal and brutal annexation of Lithuania has never been recognized by the United States, nor will it ever be as long as we hold to the principles of freedom and self-determination upon which our Nation was founded.

Mr. President, the International Covenant on Civil and Political Rights states that all peoples have the right to self-determination. It further states that minorities shall not be denied the right to enjoy their own culture, profess and practice their own religion, and use their own language. Today, the Soviet Union, which has already trampled on the heart of the Lithuanian people, is now transgressing on their soul. The Soviets have taken Lithuania's freedom and now they want her past.

The Soviet Union has begun an intense russification of the Lithuanian culture. By pressuring the Lithuanians to learn Russian in their schools and to use this foreign tongue in their public lives; and by distorting the Lithuanians' national history, the Soviets are attempting to sever the Lithuanian people from their treasured heritage. They are trying to denationalize the Lithuanians and turn them into Russians. It is a terrible thing the Soviets are doing—this cultural genocide.

The Lithuanian poet, Salomeja Neris, wrote lines, which echo the suppressed song of her nation:

> Above the waves a seagull soars, the icy Baltic angrily roars: "I remember and I sing your haunting songs and legends, I speak in your forgotten language."

Mr. President, try as the Soviets will to tear the people of Lithuania from their past, they cannot. Though the Lithuanians lack the force to overthrow their oppressors, the spirit that wells inside them is like that of the Baltic—angry, strong, and never forgetting. On February 16, the free world joins the Lithuanians in remembrance, in thought and in prayer. The will for independence is strong. The voices of Lithuania will be heard.●

SENIOR CITIZENS HOME SAFETY ADVISERS PROGRAM

● Mr. CHILES. Mr. President, I would like to call my colleagues' attention to a program sponsored by the city of Miami Fire Department in conjunction with the senior community service employment program (SCSEP) and the Senior Centers of Dade County, Inc. During this era of limited resources and budget constraints, the city of Miami has created a useful community service program which also provides meaningful and productive employment for older persons. A description of this program is worthy of sharing as an example to other communities—of the resources inherent in our elderly population and of the creative use of Federal and local funds.

The senior citizens home safety advisers program was established in 1978 with funds provided from the senior community service employment program (SCSEP), title V of the Older Americans Act. The goal of the Miami program is to prevent fires by employing senior citizens as home safety advisers in a fire safety educational program. To become eligible for the program, applicants must be 55 years of age or older and a resident of the city of Miami.

Presently there are 36 senior citizens participating in the program. These participants, with a job title of "Surveyor" work 20 hours per week for an hourly wage of $3.70 to $4.27. All surveyors receive 80 hours of fire safety and techniques of interviewing training. Then working in teams of two, the surveyors are responsible for door-to-door residential fire safety surveys. They discuss with local residents the importance of early warning devices, examine possible fire hazards and make recommendations for fire safety. When requested, the surveyors assist in the installation of fire detectors smoke alarms. All fire safety information is available in both English and Spanish.

The statistics for this program indicate a decrease in residential fires within the city of Miami between 1978 and 1980. Even more encouraging is the positive image of the participants and the good will generated throughout the community. Mr. Rogelio Alonso, one of the surveyors from the Senior Centers of Dade County poignantly described his experience with the program:

> I feel proud that I am one of the Senior Fire Prevention Surveyors because we help the elderly when they are in danger and bring some sunshine into their lives to make them feel good and wanted. In addition, we feel respected by adding a few more dollars to our sometimes meager incomes.

POLAND

● Mr. MURKOWSKI. Mr. President, as an American of Polish descent, I have followed events in Poland with great interest and concern. Now that the true situation in Poland is clearer, I would like to take this opportunity to comment on the crisis there.

It is quite tragic and ironic that the Marxist regime in Poland took steps to crush solidarity, for workers are the very strata of society that is supposed to form the foundation of a Communist government. The repression of freedom and other basic human rights solely for the purpose of keeping an unpopular government in power is reprehensible and totally unjustifiable. The crackdown in Poland clearly reveals the bankruptcy of Soviet-style communism as a viable, popular form of government in Poland.

I am pleased that the members of NATO have jointly condemned the U.S.S.R. as the primary instigator of the crackdown in Poland. Although it is fortunate that a Soviet invasion and massive bloodshed have been avoided so far, the Soviets cannot escape the fact that they have once again usurped Polish freedom. No Pole can forget the "Non-Aggression Pact" made between Stalin and Nazi Germany in 1939 that allowed those two nations to split Polish territory between themselves. Neither can the Polish people forget how their nation was gradually absorbed into Russia via partition during the 18th century.

General Jaruzelski claims that Poland's desperate economic situation forced the Government to declare martial law. However, this ignores the fact that much of Poland's economic woes have been caused by the inefficient, inflexible economic system the Soviets imposed on the Poles some 40 years ago. The unwillingness of Po-

land's Central Government to implement any meaningful reforms also was an important factor in creating a stalemate there. Furthermore, Soviet manipulation of the flow of goods in and out of Poland in 1981 made conditions even worse. Throughout the past 18 months, the Polish people have patiently endured endless hardships, revealing the importance they placed on the greater liberties and polictical independence they secured directly as a result of solidarity's reform movement.

It now seems clear that by late November 1981, the regime had decided in favor of a policy of procrastination until the army could be prepared to effectively wipe out all basic freedoms. The Government appeased Solidarity's political participation demands by convening negotiations on a "National Front Government." These talks were offered as a alternative to the "emergency powers" legislation that the regime had previously demanded. Too late, Walesa realized that the negotiations were a Trojan horse. While hundreds of thousands in Western Europe were protesting American plans to bolster European security, Jaruzelski's government used negotiations as a protective umbrella under which he readied moves to quelch the wishes of his countrymen.

The Government's plans became more evident in the first week of December when they announced that economic reforms scheduled to be initiated in January were being postponed indefinitely. Walesa and church leaders then publically speculated that they have been misled about the Government's true intentions. Without any form of communication or weapons, Solidarity was easy prey for Jaruselski's special forces on December 13.

I believe that President Reagan's sanctions on trade with the U.S.S.R. and Poland will have a significant effect on the economies of those nations. I am also pleased that the administration is paying increasing attention to one of the most important levers the United States has—that of East Europe's indebtedness to the West. The Soviet bloc currently owes the West $70 billion. Recognizing the importance of this debt as a political tool, NATO recently suspended consideration of Poland's request to reschedule repayment of nearly $3 billion in 1982 debt. This effectively bars any Western consideration of further Polish financing requests. The West must continue to use this lever to encourage abandonment of martial law in Poland and a return to effective economic reform.

What the future holds for Poland is difficult to foresee. As a recent Solidarity leaflet stated, their "only weapon against the tank is the snail," or intentional low productivity in the factories. Whether or not this effort will aid in lightening Government oppression remains to be seen. It is my hope that the Soviets will recognize that their strategic interests in Poland have little to do with social and political change in that country. Moscow's failure to make their brand of communism work in Eastern Europe after 40 years should make it clear to the Soviets that they must divorce these two questions.

Finally, the Soviets must realize that regardless of their perceived strategic needs, they cannot afford large-scale disruptions in Eastern Europe every 5 to 10 years.

The challenge of reforming Poland's economy can only be met if Communist parties in both Warsaw and Moscow allow all elements of Polish society to participate equally in formulating new, bold solutions to the complex economic problems facing the Polish nation.

THE SHAME OF THE LIBERALS

● Mr. GARN. Mr. President, as a stalwart supporter of President Reagan's economic recovery program and New Federalism proposals, I am disturbed by the disproportionate amount of publicity being received by the outrageous allegations by those who disagree with him.

Last week's Washington Post contained an insightful column by R. Emmett Tyrrell, Jr., in which he effectively exposes such misrepresentations for the gossip and soap opera that they are. Interestingly, the only alternatives the President's critics are able to offer are the hope that this program fails, and a return to the policies and programs that have already exploded in the face of the taxpayer, the investor, and the worker.

There are apparently those who believe the President to be hostile to the good society simply because he noticed that welfare entitlements are rising faster than our capacity to pay for them. To this Tyrrell accurately responds that—

Between 1970 and 1980 real spending per individual poverty client grew 82 percent, not counting increases in Social Security, Medicare, and federal employee retirement programs. . . . The critics are not satisfied with this growth. They believe the good society goes on and on raising government subsidies, coaxing more and more people at the lower rungs of the economic ladder off . . . and into the government trough. Even when the economy is flat on its back the sacred process must continue. Through the 1970's welfare programs grew 2½ times as fast as the gross national product and three times as fast as wages.

To those who suggest that "Reagan's budget cutters are laying into income maintenance programs with horrifying fury," Tyrrell responds that this administration will spend more on them this year than ever before. "How many workers are to be added to the welfare rolls before the President's critics are satisfied that they have created the good society?" he asks.

According to OMB, it is estimated that the Reagan budget will spend the following on human resources: In 1982, about $364 billion; in 1983, $391 billion; in 1984, $417 billion; in 1985, $446 billion; in 1986, $472 billion—a total of about $2.4 trillion on human services. These figures indisputably argue against the allegation that there is nothing in the Reagan budget for the poor and elderly.

Mr. President, Mr. Tyrrell's column is certainly appropriate to the current budget discussion. I highly recommend it to my colleagues, and ask that it be printed in the RECORD.

The column follows:

THE SHAME OF THE LIBERALS

As he pops jelly beans midst the finery and pomp of his august digs, does Ronald Reagan or does he not feel the pain of the poor? Dan Rather, CBS's millionaire television personality, is not sure. Edward M. Kennedy, Massachusetts' multimillionaire senator, doubts it violently. So for that matter do most of the famous senator's well-fed allies, and bear in mind that these people have made the pain of the poor their especial interest. One might say, their vested interest.

Apparently the condition of Ronald Reagan's heart is to be the focal point for the debate over his economic program and over his "new federalism." His critics are moving in the right direction. Certainly it will be more profitable for them to conduct their campaign against these programs at the level of gossip and soap opera than at the level of economic analysis and substantive policy.

After all, they have no economic alternatives that have not already exploded in the face of the taxpayer, the investor and the worker. Listening to their caterwauling last week put me in mind of a maxim deserving wider circulation, to wit: those who believe patriotism to be the last refuge of the scoundrel have underestimated compassion.

Blaming the past year's economic problems on Ronald Reagan's tax cuts and budget deficits is an essay in economic illiteracy. As Alan Reynolds points out in the forthcoming issue of The American Spectator, those who do so must argue either that the prospect of future tax cuts caused a recession or that investors would have financed more long-term loans at lower interest rates if only the Fed had flooded the republic with more money.

As practically every economist knows, the present recession has no connection with the Reagan economic program. It began last July, resulting from rising long-term interest rates due to growing doubts that the Fed had any sense of what it was doing.

The consequence was mile-high interest rates that sent the economy into decline. Were Jimmy Carter in the White House today, or any of his fellow economic conjurors, present conditions would be no better and probably worse. Government spending would be higher and the Fed would be acting just as ambiguously.

Now that we have heard the Democrats' sad wails over Ronald Reagan's State of the Union Message, and now that the media

have introduced us to all the starving masses, what will the critics have us do? On this they are somewhat coy. Apparently they would have us take the blowzy and disorganized federal government that they have given us and fatten it up all the more.

Then, too, they would like to increase the money supply, so that our dollars would buy still less. Finally they would raise your taxes—on that all the critics agree. Nothing more shiningly illuminates the desperate straits in which the liberals now find themselves than this last piece of quackery. Imagine, the disciples of Lord Keynes prescribing an end to recession through higher taxes. It is the counsel of either the brainless or the shameless.

Last week we heard much solemn tosh about the good society, the caring society. Ronald Reagan is reputed to be hostile to the good society because he noticed that welfare entitlements were rising faster than our society's capacity to pay for them and decided that this growth rate had to be slowed. Remember, Reagan has not cut entitlements back; he is merely attempting to slow the colossal swelling. Between 1970 and 1980 real spending per individual poverty client grew 82 percent not counting increases in Social Security, Medicare and federal employee retirement programs. In 10 years, Medicare and Medicaid costs have ballooned from $11.2 billion to almost $60 billion.

The critics are not satisfied with this growth. They believe the good society goes on and on raising government subsidies, coaxing more and more people at the lower rungs of the economic ladder off that ladder and into the government trough. Even when the economy is flat on its back the sacred process must continue. Through the 1970s welfare programs grew 2½ times as fast as the gross national product and three times as fast as wages. Still, the liberals want to whack the taxpayer for more swag.

Ronald Reagan's budget cutters are laying into income maintenance programs with horrifying fury, we are told. Yet his administration will spend more on them this year than last. How many workers are to be added to the welfare rolls before the president's critics are satisfied that they have created the good society?

Next year's deficit is an unpleasant prospect, but those liberals who cringe at it now are not very convincing. Deficits never worried them in the past. "We only owe it to ourselves," they were wont to say. If they really have grown so moderate in the present squeeze, let them prove themselves. Let them cut into the extravagant cost of government, and let them return some responsibility to the states.●

PRODUCTION OF BINARY CHEMICAL WEAPONS

● Mr. HART. Mr. President, on February 8, 1982, I introduced legislation to prohibit the expenditure of any funds from the fiscal year 1983 Department of Defense appropriation to produce lethal chemical binary weapons. As you know, the President communicated to the Congress on February 8 his decision to resume production of chemical weapons. I oppose the administration's action because it will not enhance our national security. Renewed production of chemical weapons would in fact undermine efforts to restore our military capability by diverting important defense resources to a nonessential program.

The administration justifies its decision by citing the need to update and modernize our chemical weapons retaliatory capability in order to deter Soviet first use in the event of war. No serious analyst of this issue disputes that the Soviets have acquired an impressive arsenal of chemical weapons. Soviet forces are outfitted with sophisticated protective and defensive gear to minimize the effects of a chemical attack; they are well-trained to conduct military operations in a contaminated environment. The critical issue is whether U.S. production of binary chemical weapons represents the best and most effective response to this Soviet program. In my judgment, the answer is "No." I oppose the administration's decision for four reasons.

First, we already possess a large and usable stockpile of chemical weapons, both here and abroad, deployed or deployable on appropriate delivery vehicles. A new arsenal of binary weapons would only duplicate existing holdings. We do not need the added increment. We have enough to deter Soviet first use. Soviet leaders would have to anticipate a vigorous retaliatory strike were they to initiate a chemical weapons assault.

Second, in all likelihood, binary weapons would be stored in this country far from the critical military theaters. Our NATO allies will not accept new chemical weapons deployments on their soil, given domestic political hostility to the introduction of any new American weapons system. In times of crisis, binary chemical weapons would have to be airlifted to the appropriate locale, thus competing for space with other, more important kinds of military equipment.

Third, binary chemical weapons have never been tested in the field. American combat forces should not be asked to stake their lives on untested munitions. Nor should we expect the Soviets to be as deterred by an untested weapon as they would be by our existing stocks.

Fourth, the production of binary weapons will be expensive. Cost estimates run as high as $2 to $3 billion over the coming decade. In light of budgetary constraints, we must make every effort to insure that all defense expenditures can be justified as necessary and essential to the national defense. Chemical weapons satisfy neither requirement. Surely, we can find other, more effective ways to spend our defense dollars.

The Soviet program in chemical warfare represents a serious threat to our forces, and to the forces of our allies, because we are so ill-prepared to deal with a chemical weapons attack on the battlefield and to conduct military operations in a contaminated environment. Our forces constitute a very inviting target in the field. As a consequence, our highest priority in meeting the Soviet challenge must be to complete the acquisition of American capabilities to protect our forces against the effects of chemical weapons. This requires special defensive equipment for our troops and the placement of advanced warning devices on our fighting vehicles to warn of an attack. Testimony before the Senate Armed Services Committee makes it clear that we still have not done this. I was disturbed to learn that the fiscal year 1983 Department of Defense request for procurement of defensive equipment is actually more than $50 million below last year's appropriation. We should and can do more in this vital area of defense.

Chemical warfare has become a deeply emotional issue because of the apparent use of chemical toxins by the Soviet Union in Afghanistan and by Vietnam in Southeast Asia. These allegations warrant our closest attention and, if confirmed, our vigorous condemnation. But let us not confuse the issues. American production of binary chemical weapons will not restrain the Soviet use of chemical agents against the Afghani resistence forces. The Soviets will continue to employ these methods, regardless of American action on binary weapons.

Because we have not engaged in the manufacture of chemical weapons for 12 years, we are in a position to draw the sharpest of distinctions between American restraint and Soviet excesses. We should not surrender that moral advantage by embarking on a course of action that is ill-conceived and unnecessary.

I support practical and effective steps to counter the Soviet threat in chemical warfare; I support the maintenance of an adequate retaliatory capability. I oppose the needless and costly expansion of the U.S. arsenal of lethal chemical agents.

I urge my colleagues in the Senate to vote against appropriations for the procurement of binary weapons.●

EDUCATION FUNDS

● Mr. HART. Mr. President, in the February 9, 1982, Washington Post, Mr. Peter Edelman has thoughtfully outlined the harsh realities of replacing lost Federal education funds in the District of Columbia. The consequences of budget cuts in public education are now being felt in every region of the United States. Mr. Edelman's frank discussion of the unfortunate tradeoffs that must be made between further teaching staff reductions, long delayed repairs, compliance with court ordered special education reforms, and other important priorities, reflects the difficult decisions

being made by city councils and school boards around the country.

I urge my colleagues to read Mr. Edelman's illustrative article and to carefully consider an important question it raises: At what point do immediate dollar savings in education lead to long-term losses in opportunities for our Nation's youth?

I submit for the RECORD Mr. Edelman's article.

The article follows:

[From the Washington Post, Feb. 9, 1982]

DON'T CUT THE SCHOOLS

(By Peter B. Edelman)

Good things and bad are happening to the District schools. On the plus side, voters turned out in unexpected numbers in November to trounce a private school tuition tax credit initiative, and public officials greeted the result with expressions of renewed commitment to public education. An impressive new superintendent is taking hold, and the election has brought three new faces to the school board. Student test scores have been rising, and the school system has made a strong commitment to end social promotions and intensify its focus on basic educational skills.

But there is reason for deep concern as well. Public confidence in the schools is still very much in doubt. The latest figures do not reflect any return of middle-class children to the public school system. The new promotional requirements are causing severe academic problems for many children who need special help and can't get it at current budget levels. And the teaching staff reductions this fall caused by declining enrollment brought another disruptive wave of teacher shifts.

We can hardly afford yet a third wave of teacher displacement and another exodus of children. So the current budget process, leading to funding for the schools for next fall is not only an opportunity to test the positive tone created by recent events, but is also a process that many parents are looking at warily. The fortunate few have one eye focused on alternate arrangements. The vast majority have no choice.

The budget process began on a sour note. As against the board's request of $289.5 million, the mayor flirted with a mark of $249.5 million, which would have necessitated a new round of damaging layoffs, and then emerged with a figure of $263.8 million that is more constructive. The city council's education committee has now raised that substantially.

So much for the good news. There are essentially two problems with the $263.8 million figure. One, it makes almost no allowance for replacing funds lost due to federal budget cuts. Two, the steady-state situation that $263.8 million would maintain is at the low level imposed by the severe budget situation of two years ago.

Were the resources available, a budget request of $350 million could be justified. Parents United for Full Public School Funding recently released an updated comparison of D.C. schools with those of Montgomery county, which showed that the gap between the two systems has widened in the past year. We can be justly proud of the District's record of social welfare concern, but this record has been historically skewed, relatively speaking, toward picking up the pieces after the damage is done, as opposed to investing in the "preventive medicine" of public education.

Replacing lost federal aid, allowing for considerable belt-tightening, would cost something like $10 million (actual aid losses will be in the area of $12 million). This means that a break-even budget is really about $274 million. Further, funds to make the student progress plan and the intensive junior high school program more than a paper war on social promotions are absolutely essential. When these are added in, the rock-bottom total rises to $277 million. And this figure assumes a vigorous school-closing policy and savings from declining enrollment. If the mayor's promise not to reduce teaching staffs at all is to be kept, the figure is $280 million. All of this is exclusive of pay increases.

Then there are the funds needed to begin building back the system for the long pull, by reducing pupil/teacher ratios to the levels available before the drastic budget cuts, adding enough teachers' aides to assist with key tasks, making long-delayed building repairs, updating equipment, supplies and school libraries, complying with court-ordered special education reforms and adding security personnel. These initiatives would cost approximately $20 million.

Even this list contains no new funds for badly needed vocational training initiatives, summer school remedial work, expanded street academy programs for dropouts and students with academic or discipline problems or better programs for the gifted and talented.

Offsetting cuts must of course be made wherever possible. For example, expenditures on custodial services need examination, and there are still issues of central administration, regional administration, and the payment of rent for downtown office space, although it should be emphasized that the total available savings in all of these items are probably less than $2 million.

Fixing on a total dollar request in light of all the legitimate competing demands for resources is not easy. By the above analysis, $289 million, the council education committee's recommended figure exclusive of pay increases, would allow at least a down payment on a limited agenda of new initiatives that could appropriately have been far larger.

Parents United believe we have brought some credibility to the numbers game that has gone on in the past on budget issues, and we are following the current union negotiations closely, with an eye toward improving accountability and productivity. We also believe that credible advocacy means pursuing the school board and the school administration on issues of waste and quality. We will do our part on that but there is a tradeoff: adequate funding.●

THE FIFTH ANNIVERSARY OF THE ARREST OF YURI ORLOV

● Mr. DOLE. Mr. President, the 10th of February this year will mark the 5th anniversary of the arrest of Dr. Yuri Orlov, the renowned Soviet physicist, human rights activist, and founder of the Moscow Helsinki Monitoring Group. As most of my esteemed colleagues are aware, Yuri Orlov was sentenced in May 1977 to 7 years incarceration in a Soviet "strict regime" labor camp, to be followed by 5 years internal exile within the Soviet Union. And for what crime was this sentence handed down? For allegedly violating article 70 of the Soviet Criminal Code—"conducting anti-Soviet agitation and propaganda."

Although the conditions in Soviet labor camps are in themselves most repugnant, we have now received word that prisoner of conscience Orlov has been subjected to even harsher conditions, including solitary confinement, and is in extremely poor physical condition. Even if he were set free, Dr. Orlov's health would be characterized as fragile: He suffers from dizzy spells and headaches, kidney and prostate inflammation, low blood pressure, rheumatism, and of course vitamin deficiency due to poor camp diet. At the moment he is being held in an internal prison cell at Perm Labor Camp No. 37, where this brilliant physicist is required to exculpate himself for his "sins" before the Soviet State by sewing potato sacks.

A DEATH SENTENCE?

According to his wife, Irina Orlov, Yuri Orlov has already been told that he will never leave the camp, and under the circumstances, it is not difficult to believe that the Soviet Government intends to carry out this threat. In addition, the authorities have taken every possible measure to prevent Dr. Orlov from continuing his scientific research, even during his limited free time, and have reportedly told him to "forget about being a scientist." This, to a respected academician who has been invited to speak and lecture at many of the most prestigious scientific institutions in the United States and Western Europe; to a gentleman whose only crime was to question the status of basic human rights in his country, a country which, having signed the Helsinki accords, had agreed to extend to its citizens those most elementary civil and political rights that we here in the United States, and throughout most of the free world, so frequently take for granted.

Mr. President, I would also remind my esteemed colleagues that of the original 16 members of the Moscow Helsinki Group, only 3—Elena Bonner, Naum Meiman, and Sofya Kalistratova—are presently at liberty in the Soviet Union, and a most tenuous liberty at that. Indeed, I have only recently been informed that Fedor Kizelov, an attorney and member of the Moscow branch of Amnesty International, and Oleg Popov, a mathematician and human rights activist, have been called in for questioning in connection with a case apparently being concocted against Sofya Kalistratova. As for the other members of the Moscow Helsinki Group, they have either been imprisoned or forced into exile. In addition, there are numerous other Helsinki Group monitors, throughout the Soviet Union and

Eastern bloc nations, who have been imprisoned by their governments.

The anniversary of Yuri Orlov's arrest coincides with the opening of the next session of the Madrid review conference on security and cooperation in Europe. If the Helsinki accords are to remain in force, if they are to mean anything in the eyes of world opinion and international diplomacy, our Nation and the nations of the free world must insist upon justice for prisoners of conscience such as Yuri Orlov, and for all those imprisoned or persecuted for their efforts to transform the Helsinki accords into reality for themselves and for their countrymen. We have not forgotten them.●

THE ECONOMY AND THE FEDERAL BUDGET

● Mr. BAUCUS. Mr. President, in catching up on some reading during the last recess, I came across an address by Representative JAMES R. JONES, chairman of the House Budget Committee, that reflects many of my own views on the American economy and the Federal budget. In his remarks, Representative JONES notes that "it is essential that we now develop a means of judging the administration's success or failure." He goes on to state that if an alternative economic program is required, we all must ask not whether the alternative economic program is good for a political party, but whether it is good for America.

Mr. President, I heartily commend Representative JONES' remarks to my colleagues and I ask that they be reprinted in the RECORD.

The address follows:

ADDRESS OF REPRESENTATIVE JAMES R. JONES

Ladies and Gentlemen: You and I—and the American economy—have embarked on as nearly pure a test of economic theory as we are ever likely to see.

For a political scientist or an economist these must be fascinating times. But for the rest of us, it is a time of some doubt and danger. All of us hope that the Reagan program will achieve the goals we all share for America. But some among us are not yet convinced. Does the path chosen by the Reagan Administration lead out of the wilderness or into it?

The next few months will provide important evidence as to the curative powers of the Reagan prescription of large tax cuts, massive increases in defense spending, cutbacks in Federal aid to individuals and state and local governments, and very tight restraint on the money supply.

Until that evidence comes in, it is too early to propose an alternative economic path. But it is essential that we now develop a means of judging the Administration's success or failure.

February 18, 1981, seems long ago, but that is the not-so-distant day Ronald Reagan presented his budget to the Congress. To an extent few people then believed possible, that Reagan plan has been put in place. The few changes which were made have been initiated or endorsed by the White House.

The best example is the Kemp-Roth tax proposal which originally called for a ten percent cut in individual rates in each of three years. In the spring, most experts still scoffed at the chances of Kemp-Roth ever being enacted.

But the Administration modified it from 10-10-10 to 5-10-10; the Administration cut some deals with special interests; the President went to the people and, lo and behold, we now have Kemp-Roth for 1982, 83 and 84 with indexing to follow in 1985 and thereafter.

On the spending side, the Administration endorsed the budget developed by the Republican majority in the Senate and wrote the budget passed by the House—the so-called Gramm-Latta I budget.

The Republican budget called for a $35 billion cut in Federal spending. The House committees actually reported cuts of more than $37 billion to the floor, but the Administration did not approve of the location of some of those reductions.

Instead, the Administration at the last minute wrote Gramm-Latta II. It rejected the decisions of the House committees and made the cuts precisely as the Administration wanted. As a result, on October 1, the Reagan Administration's program went into full effect, just as they asked for it.

Not only did the Administration win exactly the spending levels and tax levels it sought, it also has had exactly the tight money policy it asked for from the Federal Reserve Board.

We have witnessed what can only be described as an extraordinary political victory by this Administration as it overwhelmed all opposition to its economic programs. That opposition was not to the Administration's stated goals but to some of its specific methods.

There was, however, one insufficiently noted side effect. What should have been the most important economic debate since the Depression became a totally partisan political dispute.

The Congress, the business community and the American people were led by the administration to consider only one question: Are you for the President or are you against the President?

The real question, the question which should have been asked, was: What economic policy will create real growth and reduce inflation?

We at the House Budget Committee proposed an alternative to the President's program. I believe that had we adopted the basic tenents of our plan, we would today have had far healthier economic prospects than now lie ahead.

We proposed spending cuts of the same magnitude as the Administration, but we spread the impact of those reductions across a broader spectrum of our society.

We designed a program which would avoid the serious danger and potential disaster of creating class division in a society which has been relatively classless training, and investment in the essential infrastructure of our nation. We knew that short-term savings could be made in these areas, but we were convinced that such savings would prove to be short-sighted and counter-productive.

The future health of our economy, our ability to increase productivity and compete with challenges from abroad will be determined by technological innovation, a high quality work force, and the maintenance of effective systems of transportation and communications.

Let me say bluntly that the Federal government does have a role to play in a world as complex and competitive as the one in which we exist. The trite phrase "government is the problem" is simplistic at best and dangerously misleading. Good, efficient Federal government is essential to the health and well being of our nation and the world. The question, again, should have been: What are the proper functions of government? not, Are you for or against government?

Our proposed tax policy also was very different from the Administration's. We recommended a permanent tax cut aimed primarily at increasing incentives for savings and investment by both individuals and businesses, and we avoided the hazard of cutting revenue in advance of cutting spending.

Let me read from the Committee report of April 16, 1981:

"While the Committee recognizes the need for tax cuts, it feels it should not reduce taxes so much as to cause excessive deficits or inflationary pressures from excess demand. While some members argue that supply-side benefits from large multi-year tax cuts may offset revenue losses, the historical record does not indicate that the economy will grow rapidly enough to avoid the risk of excessive deficits in the next several years.

"Instead, the Committee would proceed with caution, enact a single somewhat smaller tax cut, see how the economy responds and then re-examine the issue of further tax cuts next year. In the last several years substantial upward revisions of budget outlays have resulted in larger deficits than planned. The Committee believes that the Administration's tax proposal runs that risk. By recommending a more modest proposal for one year the Committee hopes to reduce the potential for huge Federal borrowing if the economy is slow to respond."

In addition, we used the most accurate, hard-nosed economic assumptions we could develop. We did not use magic and mirrors to create an artifically low deficit which would explode as projections gave way to reality.

Our program would have produced solid growth and reasonable interest rates. With deficits of $26 billion in 1982 and $1 billion in 1983, we would have relieved the pressure of vast Federal borrowing on our credit markets.

We had serious doubts that the tight monetary-loose fiscal policy mix of the Reagan Administration would achieve the goals set out by the White House. Like the business community in particular and Americans in general, we hoped Reaganomics would succeed. But we had grave doubts and, though it was politically difficult, we expressed those doubts.

Now those doubts have grown. The testing time has come for Reagan economics. Let me describe the potential magnitude of the problems we would face.

The Administration—in its third set of budget proposals this year—projects a $43 billion deficit in the current fiscal year, declining to $23 billion in 1983 and a balanced budget in 1984.

Unfortunately, those projections are based upon a set of economic assumptions that virtually all economists, of whatever political persuasion, find wildly unrealistic. Indeed, some of the country's most conservative economists said the assumptions were internally inconsistent when the President first presented his budget last March. In addition, some of the spending estimates, such as the rate of defense spending from obli-

gated funds, appear much lower than the Congressional Budget Office believes they will be.

Making a more realistic projection of the President's budget based on economic assumptions close to the consensus forecast suggests a deficit of about $70 billion in 1982 and deficits remaining in the $60-$70 billion range in 1983 and 1984. Note that this is not based on a pessimistic economic forecast. It does not assume a recession—merely that the economy experiences slow to moderate growth in line with announced monetary policy targets. Obviously, if we really are in a recession—as the President says we are—the 1982 deficit will be far higher—in the $80-$100 billion range.

These projections also assume that the President gets all of his additional tax increases and spending cuts proposed—but mostly not yet specified—last month and still another $35 billion of unspecified cuts in 1983 and 1984. That would be a three-year deficit accumulation of about $200 billion.

Since the Republicans cannot reach any agreement about these new cuts and tax increases, prudent budget planning suggests we not count these savings before they are hatched. If we do not, the budget deficit—again without recession—grows from $85 billion in 1982 to $110 billion in 1983 and $120 billion in 1984. The three-year deficit would exceed $300 billion.

I'm sure that you can now appreciate my concern about the direction of economic policy. I hardly need tell anyone in this room that the outcome of continuing $100 billion-plus budget deficits colliding with restrained monetary policy will be very high interest rates, continued economic stagnation, and the further ruin of farmers, builders, auto producers and small businessmen.

Furthermore, the Administration's very expansive fiscal policy puts all the burden for fighting inflation onto tight monetary policy and high interest rates. This Administration has not merely followed a policy of monetary restraint. It has effectively forced a policy of draconian monetary restraint upon the Fed by abandoning any semblance of restraint in fiscal policy.

I must say, in all candor, that I have great concern about the path we've taken, for just these reasons. However, it is too early yet to resolve conclusively whether the Reagan program will succeed or fail.

President Reagan likes to say his program only began on October 1. I think that most of those who follow our government would agree that his policies began to take effect much earlier. In fairness, though, we probably don't have enough evidence at this time to justify abandoning the program.

But no one can doubt that the Administration program is producing very different results than those projected by the Administration.

We were told that, after a brief transition, we could expect rapid economic recovery—and jobs for the unemployed and those whose jobs and training programs were eliminated by the Administration's budget. Instead, according to the President and his chief economic adviser just several days ago, we are in a recession and can expect rising unemployment in coming months.

We were told that interest rates would decline rapidly, even before the program was in place. In March the Administration projected interest rates on three-month Treasury bills to fall to about ten percent at the end of this year; instead we've had rates averaging 400 to 500 basis points above that and, even with the recent modest decline, likely to stay far higher—13 to 14 percent—next year unless we have a much weaker economy than the Administration projects.

The interest rate issue is critical to responsible budget planning. By projecting unrealistic interest rates, the Administration has consistently underestimated its budget. They raised interest-related outlays by $10.3 billion in July as their estimates were overtaken by reality; they raised them by another $5.6 billion in September. They are probably still several billion dollars too low for 1982, and many billions of dollars too low for 1983 and 1984, for which they estimate three-month Treasury bills will yield 6½ to 7½ percent.

So while it is too early to declare Reaganomics a failure, it is certainly time to monitor it and measure the results very carefully. What benchmarks should we use to judge its success or failure?

Perhaps the fairest standard would be the targets set by the Administration itself.

For 1982, they have forecast real growth at 5.2 percent; unemployment at 7.3 percent; inflation at 6.2 percent as measured by the Consumer Price Index; interest rates at 12.5 percent; and a deficit of $43.1 billion.

For 1983, the Administration projects real growth of 5 percent; unemployment of 6.6 percent; inflation of 5.7 percent; interest rates of 7.5 percent; and a deficit of $22.9 billion.

For 1984, the Administration forecasts real growth at 4.5 percent; unemployment at 6.2 percent; inflation at 5.2 percent; interest rates at 6.8 percent; and a balanced budget.

If early next year, we see the economy moving away from, rather than toward, the Administration's projections, we will know that there is something seriously wrong with Reaganomics.

The point here, of course, is not that the program won't achieve any of its goals. Clearly, with consistently severe monetary restraint we can reduce inflation—and we have observed some real progress on prices this year, although more from good fortune in the energy and food sectors than from deceleration of fundamental trends in costs. But we will be badly misled—and are just setting the stage for disillusionment—if we pretend we can have a substantial deceleration of inflation from monetary restraint and, at the same time, rapid economic growth and falling interest rates.

Reaganomics is unlikely to work simply because the theory behind it is wrong. The Administration believes that it is possible to use strict control of the money supply to knock down inflation and at the same time use very large tax cuts to trigger a supply-side expansion.

That has never been tried before. The reason it has not been tried before is that old-fashioned, conventional, conservative economic theory says it won't work. That theory says that highly expansive fiscal policy and tight monetary policy leads to high interest rates, stagnation and less, rather than more, investment. It says that housing, autos, small business and farmers are likely to suffer; that exports will be weak and the trade balance will suffer. It says that productivity growth will be reduced rather than increased, and that living standards will be lower than they would be under a more balanced policy which imposed good old-fashioned budgetary restraint and thus allowed the Fed to ease up slightly without making the policy as a whole inflationary.

But we can monitor these developments over the next few months, and we should be able to determine if the theory behind the Administration's actions is sound. Then we'll know which school of economists should start looking for a new line of work!

If the Reagan program is not working, all of us will face immensely difficult decisions in the months ahead. If there ever were such things as "easy" spending cuts, they already have been made.

There are very few "revenue enhancements"—what used to be called higher taxes—which do not have some ardent foe. Everyone favors a cut in his own taxes but no one ever believes that an increase should apply to himself.

As Russell Long likes to rhyme, "Don't tax you, don't tax me, tax that fellow behind the tree." The same problem must be faced with spending cuts.

When the House Budget Committee last spring proposed a $14 billion-over-three-years reduction in the Administration's military increases, we were roundly attacked by the Administration for endangering national security. Now the Administration wants a $13 billion cut and the Republican Senate seems to be talking of doubling that slice.

Fortunately, right now we do not hear accusations that the Republican Senate is risking our nation's security.

But the debate over defense spending clearly demonstrates two principles. One is that all the decisions left to be made are tough. The second is that with a Republican White House, a Republican Senate and a narrowly balanced House, correction of the Reagan economic program, if necessary, will require bipartisan action and a new cooperative attitude on the part of the White House.

Many of the issues which must be faced are so politically explosive that they cannot be resolved without bipartisan agreement.

The single greatest failure of this Administration to date has been its unwillingness to seek consultation and compromise. It has operated with high success along fiercely partisan lines. It has taken no counsel except its own.

Now it finds its latest spending and tax proposals in difficulty among Republican senators and GOP moderates in the House who were willing to rubber stamp White House programs last spring.

If the Administration program fails to meet the goals it has set for itself, it will have two alternatives.

First, it can ignore its failure and plunge ahead with its program as if it is working. The cost to the American people of such a policy will be incalculable.

Second, it can admit its failures and go back to the drawing board.

As Chairman of the House Budget Committee, my primary concern is for the American people and the American economy. Our Committee stands ready to support the President's program if it meets its own goals.

If the Administration fails to meet those goals, we stand ready to work with the White House in developing a sound economic program to meet the challenges ahead. If the Administration fails to meet those goals and yet refuses to admit its mistakes and plunges the nation toward an economic abyss, this House Budget Committee Chairman pledges here today to develop an effective alternative to the present economic strategy.

That alternative economic program—if it is required—will be presented to the Con-

gress and the American people early next year. Should that be necessary, the American people must look carefully, even harshly at the choices before the Congress. The question must not be: Is it good for a political party? The question must be: Is it good for America?●

TRAVEL COSTS CONTINUE TO INCREASE

● Mr. SASSER. Mr. President, the fiscal year 1983 budget which has just been submitted, provides for a substantial real reduction in domestic spending. For instance, in fiscal year 1983 the administration seeks $20 billion less than fiscal year 1982 for domestic programs funded through the nine domestic appropriation bills.

Despite these significant domestic spending reductions, the budget deficit is projected to be over $90 billion.

In presenting the budget to the Congress, the administration indicated that new initiatives are reducing waste and inefficiency which exist in many programs. I am pleased that the administration has embraced a number of policies many of us in the Congress have advocated for some years, policies aimed at reducing the overhead cost of Government.

But in at least one area, the administration's rhetoric seems to be better than its performance. The cost of Government travel continues to increase.

During the weekend, as I reviewed the budget document, I paid particular attention to the travel requests of the Cabinet departments. I reviewed the travel requests in 230 appropriation accounts in every Government Cabinet-level department, except the Department of Defense. Certainly Defense travel is expected to rise with the large defense spending increase. But as the domestic budget is reduced, one would expect that domestic Government travel costs would be reduced as well.

However, in 57 percent of travel accounts in the nine domestic departments, the cost of travel will actually be increased. Travel budgets are being cut by the administration in less than one-fourth of the accounts, with the remaining travel budgets being held at current fiscal year 1982 levels. In the 230 accounts of the nine domestic departments, travel costs will exceed $849 million, an increase of $86 million over the current year.

Mr. President, the administration has failed to hold the line on growing travel costs. A closer look at some of the travel accounts raises considerable doubt that the administration is as dedicated to cutting out wasteful travel as the rhetoric would indicate.

I paid close attention to the travel accounts under the direct supervision of the Cabinet Secretaries. Six of the Secretaries' travel accounts increased an average of 46 percent since the beginning of the Reagan administration. Only three travel accounts administered directly by a Cabinet officer declined since fiscal year 1981; departmental management travel in the Department of Health and Human Services decreased 2 percent. This would be expected because substantial cuts have been made in the discretionary programs administered by Health and Human Services. Travel in the management and administration account of the Department of Housing and Urban Development declined 6 percent reflecting a similar 7-percent reduction in the Department's total budget. Travel in the Office of Secretary of the Department of Interior will decline $17,000 from $967,000 in fiscal year 1981. However, the total Department of Interior budget has declined 52 percent during the same period.

As I indicated, most of the accounts I reviewed registered a substantial increase in travel. Total spending at the Department of Agriculture will decline 10 percent between fiscal year 1981 and fiscal year 1983. But the travel budget for the Office of Secretary of Agriculture increased 102 percent. The average travel cost per employee skyrocketed from $1,398 annually to $2,879, one of the largest Government travel allowances.

Departmental Management in the Department of Labor is budgeting $2,945 per employee for travel in fiscal year 1983; like the Secretary of Agriculture this is one of the largest travel allowances in the entire Federal Government. In fiscal year 1981 only $1,865 per employee was provided for travel. Overall travel in this account has increased 56 percent although the Department's total budget has declined 12 percent since fiscal year 1981.

Travel in the Office of the Secretary of Transportation increased 70 percent since the new administration took office. The cost of travel per employee increased from $667 to $1,230, an increase of 84 percent. During the same period the total Department budget declined 16 percent.

The travel budget for general administration of the Department of Justice increased 61 percent since 1981 although overall spending at Justice has slightly declined during the period.

Travel in the Office of the Secretary of the Treasury will increase 27 percent. The Department's total budget will increase 33 percent over the period, primarily due to increased interest costs on the national debt.

Departmentwide, spending in the Department of Commerce will decline 14 percent from 1981 to 1983. But travel in the general administration account will increase 12 percent and the cost per employee will increase 21 percent from $1,350 to $1,630.

In addition to making a review of the nine domestic departments, I also reviewed travel budgets at the Department of State and the Executive Office of the President. The pattern remains the same; travel costs are increasing.

In the State Department administration of foreign affairs account, travel will increase almost $18 million in just 2 years—a 43-percent increase. Overall funding at the Department of State has increased 29 percent during the period. Average cost for travel per employee at the State Department will be $2,754 in 1983.

Travel expenses allocated to the White House also continue to increase. The Office of Science and Technology Policy is budgeting a record $8,182 per employee; $7,195 per employee is budgeted for travel in the President's Office of the U.S. Trade Representative. The National Security Council in the White House is budgeting a 217-percent increase for travel per employee. NSC travel will cost $4,967 per employee in 1983 compared to $1,567 per employee in 1981. The Domestic Policy staff will provide $2,000 per employee in 1983, a 59-percent increase from 1981. The travel budget for the Office of Administration in the White House has increased 94 percent in 2 years from $17,000 to $33,000.

Mr. President, I wanted to bring these facts before the Senate today because the popular perception is that the administration is cutting the travel budgets of the Federal departments and agencies. But the record does not support that perception. Travel costs, particularly those under the direct supervision of Presidential appointees, continue to increase, even though, in many instances, departmentwide budgets have been reduced.

Mr. President, it is important that the administration cut the fraud and waste and inefficiency in Government before cutting programs which benefit many of our people. The administration must cut the cost of Government overhead, particularly high cost items like Government travel if it is to continue to receive the support of the Congress for further reductions in Government programs.●

JOHN D. CAEMMERER

● Mr. D'AMATO. Mr. President, it is with a deep sense of personal loss and sorrow that I note the passing on Sunday of State Senator John D. Caemmerer, one of New York's leading public officials.

Senator Caemmerer was a vocal proponent of highway safety and improved public transportation. He was a dear, personal friend, whose firm imprint on our State will be sorely missed.

I ask that I may insert today's New York Times article on Senator Caemmerer into the RECORD.

The article follows:

STATE SENATOR JOHN D. CAEMMERER, HEAD OF TRANSIT PANEL, DIES AT 54

John D. Caemmerer, chairman of the State Senate's Transportation Committee and one of the Senate's most influential and outspoken members, died of cancer yesterday. He was 54 years old and lived in East Williston, L.I.

The Republican Senator, who was first elected to the Senate in 1965 from his Nassau Country district, compiled an extensive record of legislation in the area of transportation, highway safety and environmental protection.

But he was better remembered for his extraordinary debating style on such social issues as the death penalty, which he strongly favored, and abortion, which he bitterly opposed. In a bellow that made his microphone superfluous, the Senator would debate these issues and shout diatribes at his opponents, earning himself the nickname of "the snorting bull."

Governor Carey has the authority to call for a special election to fill Mr. Caemmerer's Senate seat, and he is expected to do so since the Senator's death came so early in the current legislative session.

COMMUTED TO HIGH SCHOOL

Mr. Caemmerer, who was born in Brooklyn, grew up in suburban East Williston. It was there, the burly Mr. Caemmerer once said, that he came to appreciate mass-transit needs as a student commuting to Xavier High School in Manhatten.

He graduated from the University of Notre Dame and received his law degree from St. John's University. Eventually he practiced law as a partner in the law firm of Farrell, Fritz, Caemmerer & Cleary.

He spend his early public years as Village Attorney for Williston Park. He also served as deputy attorney for both Nassau County and the Town of North Hempstead before seeking state office in 1965.

As a Senator, he displayed an early interest in transportation, sponsoring bills to tighten the state's drunken-driving regulations and looking into the operations of New York City's Parking Violations Bureau. He played a major role in passage of a law requiring that all auto repair shops be registered with the state.

As he became increasingly active in Nassau Republican politics, he succeeded his friend, Edward J. Speno, as the Senate's Transportation Committee chairman.

In that position, he plunged into the problems of improving and financing public transportation. "When I started to call for operating subsidies in 1968, I was looked on almost as a socialist in my own party," he once said. "But anywhere you looked it was obvious that there was no way to support a mass transit system solely from the fare box."

These views were not well received by some of the Senate's upstate members who resented New York City's constant pleas for money from Albany.

"Some of them are coming around," Mr. Caemmerer said in 1975. "I really think so. Every one of the upstate authorities is in trouble just like the M.T.A. How can a guy from Buffalo, or Syracuse, or Rochester, or Albany vote against transit aid?"

Although Senator Caemmerer's hopes of saving the 35-cent New York City subway fare with statewide or regional taxes were dashed, he was in the thick of the last legislative session's debate over state taxes to save the 75-cent fare—even though by this time his illness had confined him to his home.

This time the effort succeeded and several kinds of state and regional transit taxes were passed by the Legislature.

PLEDGED TO CONTINUE DUTIES

Last January, in a letter to Senator Warren M. Anderson, the majority leader, Mr. Caemmerer pledged to continue his Senate duties from "hospital, home or district office," and he did. He reviewed issues, wrote legislation and sent out blistering press releases throughout the debate over new state taxes to help shore up the Metropolitan Transportation Authority's deficit. He also influenced key legislators by telephone.

During debates over Medicaid-financed abortions that routinely held up passage of the state budget, Mr. Caemmerer was widely acknowledged to be the moral force behind the Senate's antiabortion contingent. He had argued heatedly to end public financing of abortions, even directly criticizing the Senate majority leader, Mr. Anderson, for trying to lay aside the issue in the interests of adopting a budget.

Mr. Caemmerer is survived by his wife, Joan; three daughters, two sons and a sister, Ruth H. Sauvigne.

A funeral mass is planned Wednesday at 11 A.M. at St. Aidan's Church in Williston Park.●

FOREIGN CORRUPT PRACTICES ACT

● Mr. HEINZ. Mr. President, a few weeks ago I spoke at some length on the need to pass the Foreign Corrupt Practices Act amendments (S. 708), citing a number of specific examples of business lost by the uncertainties in the act. Recently I have received additional supporting evidence in the form of a letter from Peter Johnson, senior vice president of O'Brien & Gere, a consulting engineering firm. Mr. Johnson is one of many who wrote in response to my comments last December, but his experience is particularly relevant to what we have been trying to do with S. 708. Mr. President, I ask that Mr. Johnson's letter be printed at this point in the RECORD.

The letter follows:

O'BRIEN & GERE,
January 22, 1982.

Re amendments to the Foreign Corrupt Practices Act (S. 708).

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: We received your letter dated January 8, 1982 and the attached Congressional Record dated December 15, 1981, which address your efforts to amend the Foreign Corrupt Practices Act (S. 708). We commend you for managing the S. 708 amendments. There is no doubt that the American law needs clarification, in order to determine clearly whether American businesses are engaging in corrupt practices. It is difficult to document violations when the intent of the law is not clearly explained.

We have a representative on the International Engineering Committee of the American Consulting Engineers Council, an association of 3700 member firms which represent some 110,000 employees. This committee actively supports legislation which will enhance exports of American goods and services, not just to improve the competitive climate for our consulting services overseas, but also to benefit American business by creating more jobs to furnish such goods and services.

As a firm, we do not condone illegal operations which are clearly corrupt practices. For example, we were successfully completing a contract for engineering services in Pakistan when we indicated our interest in obtaining another similar contract. Our services were wanted by the client and we were approached by a representative of the client to donate a two-year-old American car to the Project Manager in order to clinch the deal. This we refused to do. Consequently, we did not get the second contract. Instead, it went to a firm from Yugoslavia.

It is true that American laws do not recognize the different climate of operations in foreign countries. In some countries, it is customary and legal to work through a local national distributor, or agent. It is not a payoff, but represents the cost of doing business by compensating the person who can arrange the proper business contacts with local officials (without using the fee for illegal kickbacks).

In many countries, small tips, or "bakshish", are customary in order to hasten otherwise never-ending and time-consuming paperwork. For example, in Iran, in order to clear an employee's household goods through local customs, it was customary to pass a few rials (10 to 25 cents) to as many as ten officials in order to get the proper documentation for clearance. The company would not make this payment, but we did advise our employees, that if they did not cooperate with the local officials, there was no telling how long it would take to clear customs. Perhaps, as a matter of degree, this is a small offense. Are we wrong to recognize the needs of a foreign country's economy? If we don't agree to such minor tips, Americans are looked down upon, because we do not participate in the way they are used to doing business.

Again, we do not condone corrupt practices. But the present law has vague standards and your efforts to eliminate misunderstandings through clarifying amendments to the Foreign Corrupt Practices Act, are certainly worthwhile, particularly in trying to improve the competitive position of American business overseas, which eventually benefits the American economy.

Very truly yours,
PETER C. JOHNSON, P.E.,
Senior Vice President,
O'Brien & Gere Engineers, Inc.●

UTICA'S 150TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I rise to recognize the 150th anniversary of one of New York's finest cities. This city is located along the scenic Mohawk River and is rich in political history giving this country many outstanding public servants.

Utica is known for its dedication to excellence in both public and private education, offering the State and the country many fine universities. The city is currently constructing a new school of technology which will augment its already high standard of education excellence. Utica also has many fine medical facilities which are used to serve the needs of all people.

The city of Utica ranks among the top cities in the country in the quality of life for the citizens in areas such as civic, cultural, and economic development.

Utica serves as the base for many important corporations including General Electric and the Bendix Corp. These corporations help keep the citizens of both Utica and surrounding areas working and contributing to the growth of the American economy. It is these corporations which contribute to Utica's low unemployment rate which is well below the national average.

I wish to congratulate Utica on this memorable occasion and with it every success in the future. Both the city and its citizens have been an asset to the State of New York and to the country. I am confident that in the fullness of time Utica will be known as one of America's finest and most productive cities. Again, my deepest congratulations to this fine city.●

PROBLEMS AND POSSIBILITIES FACING AGRICULTURE DURING THE 1980'S

● Mr. GRASSLEY. Mr. President, I would like to take this opportunity to share with my colleagues an excellent speech written and delivered by Mr. John W. Megown, president of Megown & Associates of Marion, Iowa. This speech, entitled "Problems and Possibilities Facing Agriculture During the 1980's," was presented at the 1981 Convention of Iowa Dairy Associations held in Des Moines, Iowa. I hope that everyone will take the opportunity to read this speech. Mr. Megown's past experiences, including his work as past chairman of the Iowa Agriculture Promotion Board of the Iowa Development Commission, have helped him develop considerable insight into agricultural matters. I am certain that you will find his comments interesting and useful. The following are the contents of his speech:

PROBLEMS AND POSSIBILITIES FACING AGRICULTURE DURING THE 1980'S

(By John W. Megown)

It's a pleasure being here at the 1981 Iowa Dairy Convention. I want to thank you for inviting me and giving me this opportunity of providing you with some food for thought.

Normally at this point in my speeches, I extend my best wishes for a successful meeting in my capacity as chairman of the Iowa Agriculture Promotion Board. Since I retired from that position a little over a month ago, I am now pleased to do this as a private citizen.

When Joan Stock asked me to give this speech, I was delighted, because for the first time in many years I would be speaking in a capacity other than as either a State official or as a radio commentator.

Speaking of being a radio commentator, I have to tell you about how that strange odyssey began.

Many of you probably know Mark Oppold, formerly the farm editor with WMT-Radio and TV in Cedar Rapids.

Early in 1978, Mark got the bright idea that I should do a weekly radio commentary about agriculture and food issues. I declined the invitation, but by April, he had talked me into trying it. So, at 7:25 a.m. one Sunday morning, I went on the air on WMT-Radio with a commentary entitled, "Bureaucrats are Listening."

Little did either of us realize what we were starting. By the summer of 1980, the "Food for Thought" show was being broadcast by over 700 stations in the United States and Canada. The coverage area was from western Montana to the Atlantic coast, and from the Mexican border up into Canada—with millions of listeners.

Because of doing this syndicated radio show, for 2 months I had a unique vantage point to observe what was happening to America's farmers—the good and the bad.

I was able to observe very closely all of the events and the key people affecting our Nation's largest and most productive industry—agriculture.

I was able to interview many of those people, like AG Secretary Bob Bergland, other top USDA officials, many Members of Congress, leading scientists, farm leaders, and even some consumer activists. I am sorry to say that I never was able to interview Carol Tucker Foreman, because she seemed to deftly avoid such an encounter.

With each broadcast, I tried to set the record straight about a current agricultural or food issue. During those turbulent times, I zeroed in on a host of controversial topics, like: The many problems being casued by overregulation of agriculture; the attempts to ban antibiotics and drugs in feeds, as well as agricultural chemicals; the decline in agricultural production research; problems involving agricultural financing; inheritance taxes; the future of the family farms; the banning of whole milk in the school lunch program; and the one I talked about the most—the great nitrite boondoggle.

Those 32 months, when we were doing the radio shows, were some of the most turbulent and topsy-turvy times for America's farmers.

It was a rare experience and a privilege to be able to observe firsthand the events and people of this era, and to be able to comment on that unique period in our Nation's history.

Some of the problems that I commented on are no longer burning issues, like overregulation and the nitrite issue, but some are still lurking around, and others are appearing, as we move deeper into the 1980's.

Speaking of the nitrite issue, this should be remembered as a classic case of some Federal bureaucrats becoming completely carried away with their authority, and hurting American agriculture unnecessarily.

The USDA's ridiculous regulation on the use of nitrite in bacon cost the livestock industry over $5 million. The direct cost to taxpayers for USDA enforcement of the 1978 regulation has been almost $1 million.

The positive effect of the nitrite fiasco is that America's farmers learned how to defend themselves against unreasonable regulations. They learned to work together and to communicate the facts to Congress and the public. If they had not done this, the pork industry would have been virtually annihilated.

As we move further into the decade of the 1980's, some other problem areas are becoming more evident, like these: The erosion of our soil; the energy cost-supply situation; the negative effects of high interest rates; higher and higher production costs; the lack of sufficient cash flow for many farmers; the decline in total number of farms; the declining proportion of the medium-size family farms; the great difficulties faced by young people trying to get into farming; the constant attacks by social and dietary activities—the worst of these being the farm animal welfare issue, or as some call it, the animal rights issue.

All of these problems will constitute development threats to the traditional American farm family on the American family farm.

The 1980's will definitely be a time of unparalleled challenge—even peril—for America's farmers.

A young lady from near Iowa City by the name of Mary Wall won the 1981 Iowa Farm Bureau essay contest. Here's what Mary Wall had to say about the present decade: "The 1980's are a decade of challenges, challenges to find alternative energy sources, fight inflation and obtain world peace. The 1980's present noteworthy challenges for agriculture. We must feed the increasing population, make a profit and yet not lose or destroy the soil for future generations."

In that single paragraph Mary spelled out very clearly what the 1980's are all about for America's farmers.

The total number of farms will decline significantly by the year 1990, from 2.48 million in 1978 to only 2.09 million in 1990. There will be a large proportion of small farms, an ever-increasing proportion of large farms, and a declining proportion of medium-size farms.

It was on the medium-size farm—the family farm—that this country was built.

For your information, the medium-size farm has a gross income in the range of $20,000 to $99,999.

Apparently not everyone feels that an ever-increasing proportion of large farms and a declining proportion of medium-size farms is bad.

The Chicago Tribune Magazine of May 17, 1981, contained a cover story about AG Secretary John Block. Here's a paragraph from that story: "Block wants more big farms, more exports, more (Government-financed) research for more technological development that will allow (fewer) farmers to produce more food and fiber and sell them at higher prices."

By the way, did you know that the USDA now predicts that almost two-thirds of agriculture production will come from the largest 50,000 farms by the year 2000? Just think about that for a moment!

Yes, things are changing rapidly down on the family farm, and many of the changes are making it harder for farmers to prosper and even to survive—and much harder for younger people to get started in farming.

A USDA study says that "the number of new farmers under 35 years of age will shrink from 475,000 from 1964–74 down to 284,000 from 1994–2004, a 40 percent drop in numbers."

Earlier this year, Vernie Glasson, director of national affairs, American Farm Bureau Federation, told a House subcommittee that "The backbone of U.S. agriculture—the farms that depend solely on income from sales of commodities—is now substantially threatened by inflation and failure of national monetary and fiscal policies."

Mary Wall, in her essay, had this to say about the survival of the family farm, "preserving the family farm is a problem that has been getting more and more attention. Higher production costs are driving some of the family farms out. Family farms are

what this country was brought up on and their importance shouldn't be overlooked * * *."

It would now appear that survival will be the overriding challenge of the 1980's. All other issues and problems will relate directly to the farmer's ability to survive.

Production costs will continue their escalating spiral. Prices paid for gasoline, diesel fuel, fertilizer, agricultural chemicals and other input items will keep on going higher and higher.

The price of fuel has doubled in 2 years. Fertilizer is up 7.4 percent since 1980. Cost of growing corn in eastern Iowa was up 17 percent over the last year.

Warren Melles, a Northrup King vice president, recently looked back over the last 7 years at what has been happening in agriculture. Here's what he found:

The wholesale price of diesel fuel rose 370 percent. A $1,500 fuel bill 7 years ago now runs $5,500.

Country bankers charged about 12 percent interest on production borrowing in January of 1974. Seven years later it was about 17 percent—a 42 percent jump.

If a farmer needed $25,000 in working capital to plant in 1974, he needed at least $50,000 this year. So besides needing twice as much money farmers had to pay 42 percent more for it.

Corn sold for $2.62 per bushel in January 1974. The price was only $3.25 7 years later. Soybeans rose from $5.92 per bushel to $7.29. Just for those two crops, prices increased by a meager 23 percent.

Here's a footnote to this: In December of 1981, corn is selling at only about $2.50 per bushel and soybeans are about $6.30 per bushel.

American industry averages a return of about 16 percent on investment. But the average U.S. farmer ekes out a living with an average return of about 3.6 percent.

Iowa net farm income in 1980 was at the lowest level in 39 years, according to Iowa AG Secretary Lounsberry. Net farm income was only $4,659 per farm. He said, "—inflation and the cost of production have hurt us badly."

The 1980 income figure compares with $15,831 in 1978 and $19,068 per farm in 1973.

There can be no doubt that farmers must implement production practices that will help to moderate cost increases.

Minimum tillage and no-till practices represent possible solutions, and, at the same time, help to slow down soil erosion.

The use of alternative energy resources, like alcohol made from grain, should help to reduce costs—and also reduce dependence on the profit-hungry oil companies.

Another key part of survival, and hopefully prosperity, will relate to how a farmer does business.

I heard a speaker the other day say, "No longer can farmers afford to buy everything retail and sell almost everything wholesale."

There's sure a lot of food for thought in that statement!

Outside forces have long had, and still have, a great influence on how the individual farmer operates and how successful he will be.

During the 1980's, farmers are going to have to find ways to gain more control of their individual operations, and become much less dependent on outside business and governmental involvement.

They are going to have to become much more marketing and promotion oriented.

Farmers will need to find new ways of generating a more constant positive cash flow.

New and innovative methods for financing farm improvements and production costs must be developed, and soon!

Hopefully, the needed changes will come and will help to sustain many of the medium-size farm operations.

I feel that American agriculture is at a turning point. I also feel that America's farmers are going to be able to develop their own creative solutions to many of the problems that exist, without excessive interference from the Federal Government.

My final radio commentary, broadcast the last week of 1980, was entitled, "An Era of Great Possibilities."

I talked about how I felt there would be less governmental interference from Washington during the 1980's, and that despite the many challenges, America's farmers will be able to turn their problems into possibilities, and that they will take full advantage of these possibilities.

Dr. Robert Schuller says that every problem is another opportunity, and that every adversity hides a possibility. He also says, "Today's accomplishments were yesterday's impossibilities."

Since there is no shortage of problems, there will be many possibilities and opportunities during the 1980's.

Time doesn't allow me to go into detail about each and every one of the various problem areas.

One that I was specifically asked to discuss is the farm animal welfare issue. So, that I will do.

I first heard of this in October of 1980, and did a radio commentary about it in December of 1980.

In about a year's time, this issue has moved off the back burner and is one of the hottest and most sensitive issues of this decade. It has already built up a full head of steam.

Professional "social activists" have merged themselves into the farm animal welfare movement, and under the banner of animal rights are attacking almost every ill they can think of and attributing them to today's modern agriculture. Experienced operatives from the civil rights, peace, feminist and other progressive movements are providing training for the welfarists.

James Mason, the author of "Animal Factories," in an article in Vegetarian Times, said that more and more kinds of direct action—"Glimmerings of guerrilla warfare"—are going to be seen on behalf of animals.

Dr. Stan Curtis of the University of Illinois says, "The people involved in this movement are undoubtedly well-intentioned people. But these people are utterly naive about modern animal protection. They've already taken to recommending revolts."

Here are some of the things the farm animal welfare groups are protesting: The way market animals are transported and slaughtered: The way sows are confined to farrowing crates; caging and debeaking of chickens in egg laying and broiler production; tail docking; castration; clipping needle teeth; dehorning; ear notching; "souped-up" cattle rations; the lack of adequate veterinary care for sick animals by farmers; routine drug use; confinement on full concrete slatted floors; rearing of dairy replacements in narrow pens, etc.

The most vigorous protests have been aired over veal production by dairymen.

Some farmers and agri-businessmen might find it more comfortable to ignore this issue, in hopes it will go away. I can assure you that it will definitely not go away!

Here are some examples of what's been happening:

The Humane Society of the United States has been distributing a curriculum guide, which is said to be heavily oriented toward vegetarianism and teaches that farm animals have "inalienable rights." The guide is being used in classrooms in the United States and Canada at the preschool and kindergarten level, and continuing through the sixth grade.

A nationwide telethon via cable to raise funds for animal welfare and wildlife preservation is now being planned for early 1982. This is to be a 36-hour marathon production involving cable systems servicing 20 million households.

The USDA plans to spend $380,000 to determine if confinement conditions lead to stress in farm animals.

Ohio Congressman Ron Mottl introduced a piece of legislation in Congress calling for a "farm animal advisory council" to look into intensive livestock practices. The other part of the bill is said to require labeling of food indicating whether it came from animals raised humanely.

The ABC Television Network has twice broadcast its 20/20 segment on animal rights.

U.S. News & World Report carried a story entitled, "Now It's Civil Rights for Animals."

It is easy to see that it is high time that people involved in agriculture begin to get ready for handling the animal welfare issue.

If the welfarists have their way it will prove to be very costly for both farmers and food buyers.

It is up to each of us aggies to become better informed about this issue, and for all of us to work together to keep the welfarists honest as to the scientific basis for their concerns, much as we did with the over-zealous USDA bureaucrats with the nitrite problem.

That's enough about that problem! Let's move on to another big one—the farm energy situation. This is one that seems to offer some good possibilities and opportunities.

You will remember a few minutes ago when I quoted Warren Melles about the price of diesel fuel going up a whopping 370 percent in just seven years.

Farmers all over the midwest are starting to produce some of their own fuel requirements in the form of alcohol made from grain.

In addition to the development of on-farm stills, existing industrial stills are being expanded and upgraded, and new ones are being built. Several are in the planning stage to be built in Iowa in 1982. Some of them will be owned by groups of farmers.

Woah there! I'm getting ahead of myself with this story.

Just about a year ago, while attending a reception in Washington, D.C., I met a Midwesterner involved with on-farm alternative energy production.

This chance encounter led me to become deeply involved in this new industry as a marketing/nutrition/financial consultant.

As chairman of the Iowa Agriculture Promotion Board, I had previously been involved in designing and conducting the Nation's first gasohol marketing research project back in 1978.

In June of 1978, the agricultural division of the IDC and the Iowa Corn Promotion

Board launched a 3-month study to evaluate if people would buy gasohol, and if so, why.

For your information, gasohol is a mixture of 10 percent 200-proof ethyl alcohol and 90 percent unleaded gasoline.

Some of us Iowa Aggies felt that, in addition to reducing our reliance on gasoline and diesel fuel, the production of alcohol from grain and using it as a fuel extender would provide an additional market for our crops here in Iowa.

We had a difficult time finding five service stations in Iowa that were willing to be the first to offer gasohol.

Questionnaires were used to determine why people bought gasohol, and more importantly, why they continued to purchase it. Telephone interviews were also used.

The buyer reactions were extremely positive. Most users made some reference to improved mileage. They also mentioned less ping and less dieseling, and also easier starting. This wasn't a surprise, since alcohol is an octane booster—as the oil companies know, so well.

The study was completed on September 15, 1978, and the final report was issued on October 16 by Governor Bob Ray.

The final results were highly favorable, and quickly attracted the attention of oil companies, gasoline distributors and service station operators.

By mid-January of 1979, the original five stations had been joined by almost 200 others. Today, about half of Iowa's stations offer gasohol, more, by far, than any other State. Iowa has one-third of all gasohol sales in the country.

This has been good for Iowa's agricultural-based economy. In October of this year, gasohol sales in Iowa reached an all-time high of 17 million gallons, a 10 percent increase over a year earlier.

Since the gasohol program started in Iowa in 1978, 361 million gallons have been sold, using 14 million bushels of corn.

One good reason for all of us supporting the use of alcohol as a fuel extender is that it can reduce our imports of crude oil. Eliot Janeway, the economist, pointed out "That just 4 billion gallons of alcohol would displace 28 billion, or 667 million barrels, of crude oil per year." At $35 per barrel, a 28-billion gallon reduction would knock $23.3 billion off our Nation's oil import bill, which in 1979 reached over $60 billion, or $270 per person.

I pointed out in an editorial in the Waterloo Courier on August 25, 1981, that "The marketing of gasohol is just the first small step in the process of developing the infant U.S. alcohol fuel industry—an industry that is only about 3 years old."

I pointed out that all-alcohol cars are being imported into this country from Brazil and that Ford Motor Company is testing an all-alcohol car. The U.S. Postal Service is also testing all-alcohol delivery vehicles.

A service station in Wisconsin and one in Arkansas now offer only alcohol, and the Nation's first auto dealership selling only all-alcohol cars is opening in Wisconsin.

At the same time, individual farmers, large trucking companies and some industrial firms have been installing conversion kits in diesel units to use 100- or 120-proof alcohol simultaneously with diesel fuel. This reduces costs and increases power.

Conversion kits are also available for gasoline-powered passenger cars and trucks, which allow them to run on 50 percent gasoline and 50 percent 100-proof alcohol—injected separately.

Here are the present alcohol-usage alternatives: Gasohol containing 10 percent 200-proof alcohol; or all-alcohol cars using 160-proof alcohol; or conversion kits utilizing 100- or 120-proof alcohol.

I think that it's great that all of this is finally happening!

Back in 1929, Henry Ford predicted no shortage of fuel for the internal combustion engines of the future. "We can get fuel from fruit," Ford said, "From sumac by the roadside, or apples, weeds, sawdust, almost anything. There is fuel in every bit of vegetable matter that can be fermented. There is enough alcohol in 1 year's yield of an acre of potatoes to drive the machinery necessary to cultivate that field for a hundred years."

I personally, would rather see America's farmers controlling our energy supplies than those people who have done so for so long.

A famous American said, "Gasoline was never much higher. But here you have a business that is in the hands of a few men, and they see that the price is kept up. It's not regulated by supply and demand. It's regulated by manipulation."

Will Rogers said that early in the 1930's. Things sure don't change much when it comes to energy, do they?

Ladies and gentlemen, I believe that the use of U.S.-produced alcohol as a replacement for a significant portion of our Nation's petroleum requirements offers one of the best agricultural possibilities of the 1980's.

We Aggies cannot afford to let this opportunity be sidetracked by some vested interests, as it was in the early 1930's.

Today, America's farmers stand at a precipice. It has taken them over 200 years to reach this precipice, but I believe that they are now prepared to fly, winging the Nation up with them as they meet the challenges of the 1980's.

I hope that this has provided each of you with some food for thought. Thank you for listening.●

CRITIQUE OF THE NEW FEDERALISM

● Mr. SASSER. Mr. President, President Reagan's call for a "New Federalism" has prompted a wide range of commentary and analyses on the part of public officials, scholars, and journalists.

Few have captured the potential meaning of this possible change in the nature of American federalism as has Rochelle L. Stanfield, who writes regularly on the subject for the National Journal.

In the February 6, 1982, edition of the Journal she succinctly describes and comments on, the problems and the promise of this new initiative.

I commend the article to my colleagues and ask that it be printed in the RECORD.

The article follows:

A SHAKY FOUNDATION

(By Rochelle L. Stanfield)

Regardless of the over-all merits of President Reagan's bold stroke to sort our federal and state responsibilities, his New Federalism edifice has a very shaky foundation—federal excise taxes.

The nub of the President's proposal—the "dream" he has talked about for years—is the turning over to state and local governments of federal programs and the revenue sources to pay for them. Even supposing the first part of that proposition would work, the second part has significant problems under Reagan's approach because of the nature of excise taxes.

Reagan would give the states four years to assume (or decide not to assume) about 40 federal programs that the Administration figures would cost about $30 billion a year. During each of those four years, the federal government would provide the states with funds to pay for those programs. The money would come from a $28 billion trust fund financed by federal excise taxes on alcohol, tobacco and telephones, half of the gasoline excise tax and part of the "windfall profits" tax on oil. The trust fund and the excise taxes that support it would be phased out over the next four years, during which the states would adopt these same taxes to carry on the programs in the future. The taxpayers would pay the same amount, but to a different tax collector.

As part of the same proposal, which Reagan described in his State of the Union message, the federal government would take over full financial responsibility for medicaid in return for unloading food stamps and aid to families with dependent children on the states. Nationally, the swap was designed to come out about even financially. Trust fund payments to the states would be adjusted up or down to compensate for deficits or surpluses in individual states as the result of the swap.

The trust fund would pay out $28 billion a year initially, but that would not take into account the impact of inflation on the costs of the programs the states would be expected to assume.

Administration officials, referring to a plea by the National Governors' Association last year to put a moratorium on further federal aid cuts while the states learn to adjust to last year's reductions, say they are only giving the states what they have asked for. But in fact, Reagan's proposal entails another round of substantial program cuts in fiscal 1983, before the programs are turned over to the states.

Now look at the components of the $28 billion pot. Nearly 60 per cent of it, or $16.7 billion, is to come from the windfall profits tax on oil producers. But only a handful of states have oil producers, and the rest could not simply pick up the tax as it is phased out at the federal level.

Administration officials respond that states without oil producers could simply increase their excise taxes on oil products. The windfall profits tax has the effect of driving up retail prices, they argue; from the consumer's point of view, increased excise taxes would look no different.

But to the states, that line of reasoning doesn't wash. Politically, state legislatures might find it possible to replace 2 cents of the federal gasoline tax with their own tax. But enacting an increase in excise taxes to replace the windfall profits tax would require far more political courage. State officials figure that to pick up part of the federal gasoline tax plus all of the windfall profits tax would require an increase of 11 cents a gallon in state gasoline taxes. In the average state, that would more than double the current tax.

The excise taxes have two other drawbacks they are small and they are stable. Because they are levied on the amount of goods consumed, not on their price, they do not grow with inflation. Recently, as gaso-

line consumption has fallen, so have gasoline excise tax revenues.

Between 1970 and 1981, the highway trust fund (financed only partly from the federal gasoline tax) rose only $1.6 billion, from $5.3 billion to $6.9 billion. Similarly, the federal tax on alcohol slid upward from $4.6 billion to $5.6 billion and the tobacco levy from $2.1 billion to $2.7 billion. During the same period, the federal income tax shot up from $90.4 billion to $284 billion.

While the Administration has argued that it does not want federal support for these programs to rise, it has not said that support from other sources should not go up. But if the states take the Administration at its word that the taxes to be turned back are designed to cover the cost of the programs, they would not be able to expand the programs even to meet inflation, far less to enhance their coverage.

There is an even more fundamental problem with excise taxes, regardless of which level of government pays the bill. They are not only non-productive (they don't rise with inflation) but they are also regressive; they hit the poor proportionately harder than the rich. Poor persons pay a greater share of their income to enjoy a beer than wealthy persons to sip a martini. While it can be argued that both should bear the financial consequences of their habits, it can also be argued that the burden should be equitable. Furthermore, with the gasoline tax, no "sin" is involved. The poor have as much need to go from place to place as the rich.

Currently, the federal aid programs that would be turned over to the states are supported by the progressive and productive federal income tax. The Administration says the states are able to take over these programs because they have made a great deal of progress in modernizing their administrative structures and fiscal systems over the past 20 years. A large part of that progress has come from a switch from heavy dependence on excise and property taxes to income and sales taxes, which are more progressive and productive. The Reagan proposal seems to ask the states to take a giant set backward while the federal government takes a step forward by getting rid of its regressive excise taxes.

Of course, the states would not have to assume the excise taxes the federal government gave up. They could make up the difference by raising their more progressive income and sales taxes. But who honestly believes they would?●

QUESTIONS ON THE NEW FEDERALISM

● Mr. BAUCUS. Mr. President, many questions have been raised since President Reagan announced his proposal for a new federalism in his state of the Union message. Undoubtably, many more questions will be raised and addressed as Congress considers the President's proposal. In the meantime, I would like to point my colleagues to a recent article in the New York Times, dated January 27, that raises some of the more fundamental questions that will have to be addressed with regard to the New Federalism.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

QUESTIONS ON PRESIDENT'S PROPOSALS ON SHARING STATE AND U.S. PROGRAMS

(By Robert Pear)

WASHINGTON, January 27.—President Reagan left many questions unanswered when he proposed a comprehensive reshuffling of Federal and state responsibilities for domestic social programs.

Federal officials, in interviews and briefings today, provided additional details, making it possible to give preliminary answers to some of the questions. However, it is clear that some of the more important questions have yet to be answered by the Reagan Administration.

Following are some of the key questions raised by Mr. Reagan's "federalism initiative," together with the answers available today:

Q. Why does President Reagan want the Federal Government to assume full responsibility for the cost of Medicaid, the health care program for the poor, that is now shared with the states?

A. The President has not given a theoretical justification or rationale. In general, he maintains that welfare programs are "less costly and more responsive to genuine need" when they are administered at the local level. But officials say transferring state Medicaid costs to the Federal Government would make sense as part of a large-scale "sorting out" of Federal and state responsibilities. The President has to relieve the states of some financial burdens as an inducement for them to accept the many new responsibilities that he wants them to take.

Some state officials welcomed the proposal because they saw the costs of Medicaid increasing steadily as elderly people account for a larger percentage of the population.

Q. Will Medicaid recipients still receive all the benefits and services they now receive if the Federal Government takes control of the program?

A. There is no guarantee that the program would be continued in its present form. Actually, there is considerable variation in Medicaid among the 50 states. At present, each state makes its own decisions about eligibility and the scope of benefits, subject to Federal guidelines.

Edwin L. Dale Jr., a spokesman for the Office of Management and Budget, said the Administration had not decided whether to introduce a uniform national eligibility standard or to honor the various state standards. Likewise, officials said they had not decided whether the Federal Government would pay for coverage of the "medically needy," now provided in 30 states, or for "optional" services such as dental care, eyeglasses and prescription drugs. The Federal Government does not currently require the states to provide such optional services, but it does pay part of their costs if states elect to offer them.

It seems unlikely that the Federal Government would tolerate wide variations in a program financed entirely with Federal money. Some lawyers say that such disparities might be challenged as a violation of the 14th Amendment to the Constitution, which insures "equal protection of the laws" to all people.

If the Federal Government paid for the same basic medical services in all parts of the country, states could provide additional benefits at their own expense. States such as New York and California could incur substantial new costs if they continued providing Medicaid benefits at the current, comparatively generous levels.

Q. Food stamp and welfare programs would be transferred to the states under President Reagan's proposal. Could the states terminate those programs?

A. Edwin Meese 3d, counselor to President Reagan, and David A. Stockman, the budget director, said they envisioned some requirement for states to maintain benefits at or near current levels for a transition period of perhaps eight years. However, they had no specific legislative proposal and were uncertain of the details.

States could apparently incorporate food stamps into their cash assistance programs. Mr. Stockman said that the "combined standard" for food stamps and welfare should stay near its present level "for a pretty good period of time."

Q. What is the schedule for action on President Reagan's proposals?

A. First, committees of Congress will hold hearings on the proposals. State, local and Federal officials will testify.

If Congress approves the plan, it would be put into effect in three stages. Starting in the fiscal year 1984, the Federal Government would take control of the Medicaid program, and states would take responsibility for food stamps and the cash assistance program, Aid to Families with Dependent Children.

Also in 1984, the Federal Government would start transferring more than 40 education, transportation, community development and social service programs to the states. The Federal Government would put $28 billion a year into a trust fund to help the states pay for these programs. But states could also use the money for other purposes that they considered more important.

From 1984 to 1987, states could either withdraw from or continue to participate in the programs, subject to the Federal rules. If they stayed in the programs, they would have to use the trust fund money they received to reimburse the Federal Government for program expenses. Starting in 1988, the programs turned over to the states would cease to exist as Federal programs. Such programs could then be run entirely by the states and financed with payments from the trust fund, which would end in 1991.

In the fiscal year 1988, under the President's proposal, Federal grants for the various programs would be terminated. Trust fund payments would be reduced 25 percent a year, until 1991. Starting in 1984, the states would be free to continue or drop Federal programs as they chose.

Q. Who gains and who loses from the President's proposals?

A. It is impossible to say for sure. The President has not given enough details. In his State of the Union Message, Mr. Reagan said the proposed exchange of Medicaid for welfare and food stamps was designed to be a "financially equal swap." A White House statement said that the transfer of more than 40 Federal programs to the states contemplated "no net financial gain or loss to the states."

Some states believe they would gain more from Federal assumption of Medicaid costs than they would lose from state assumption of food stamp and welfare responsibilities. Medicaid is a particularly heavy burden to older industrial states of the Northeast and Middle West.

But such calculations fail to take account of two factors. The proposed trust fund is designed to "equalize gains and losses among states." In addition, no state can be

sure whether it would gain or lose until it knows the eligibility criteria and benefit levels for the new Federal Medicaid program.

Q. Where did President Reagan get the idea for transferring so many Federal programs to the states?

A. Mr. Reagan came to Washington determined to reduce the size, scope and "intrusiveness" of the Federal Government in American life. Two Governors, Lamar Alexander of Tennessee, a Republican, and Bruce Babbitt of Arizona, a Democrat, proposed last August that the Federal Government take over the entire Medicaid program in exchange for the states' assuming all education costs.

Last November several governors warned that they would oppose further reductions in Federal aid unless there was a domestic summit conference to "sort out" Federal and state responsibilities. Mr. Reagan took up and expanded the governor's proposal. However, many governors say the Federal Government should be responsible for all income security programs, including not only Medicaid but also cash assistance, or welfare.

Q. Where would the Federal Government get money for the "federalism trust fund"?

A. The Federal Government would set aside existing excise taxes on alcohol, tobacco and telephone service, as well as half of the revenue from the Federal tax on gasoline, which is now 4 cents a gallon. Some proceeds of the windfall profits tax on oil would also go into the trust fund.

From the fiscal year 1988 to 1991, Federal excise taxes would decline by 25 percent a year. States would be free to impose similar taxes of their own if they wanted to continue financing programs given up by the Federal Government.

Q. Doesn't the Federal Government need those gasoline tax revenues to help build and maintain highways, primarily the Interstate System?

A. Yes, it does. The Federal Highway Trust Fund, which is used to build and maintain interstate highways and other major roads, has incurred deficits in the last two years. Transportation Secretary Drew Lewis proposed increasing the gasoline tax to 9 cents a gallon from 4 cents, but President Reagan rejected the idea, at least for now.

Q. Could states favor rural areas over cities in distributing money from the "federalism trust fund"?

A. Administration officials say there would be a "mandatory pass-through procedure" requiring states to give cities and counties approximately as much money as they now receive for urban programs such as mass transit and community development.●

VENUE FOR JUDICIAL REVIEW OF FEDERAL AGENCY ACTIONS

● Mr. DECONCINI. Mr. President, yesterday I introduced printed amendment No. 1267 to S. 1080, the regulatory reform bill. The amendment would revise several provisions of the law concerning the proper judicial forum in which to bring actions against the Government. I am gratified by the generally positive response to the proposal, but I have also been made aware that misperceptions exist as to its effect. In an effort to clarify the scope of the amendment or the reasons behind it, I have prepared a detailed explanatory statement on the amendment.

Another source of information for those interested in this subject is the monograph about to be published by the National Legal Center for the Public Interest entitled "Venue at the Crossroads," advance copies of which were distributed to all Senate offices earlier this week. I commend all of the authors for their scholarship and the insight their articles have given to the complicated issue of venue reform.

I ask that the explanation of printed amendment No. 1267 be printed in the RECORD.

The material follows:

AMENDMENTS CONCERNING VENUE FOR JUDICIAL REVIEW OF FEDERAL AGENCY ACTIONS

I. VENUE FOR DISTRICT COURT SUITS AGAINST AGENCIES

(Amendment to Section 1391(e) of Title 28, United States Code)

The amendment to Section 1391(e) of Title 28 of the United States Code is intended to ensure that litigation over a federal agency action that would have its greatest impact on specific areas of the Nation will be resolved by the federal courts for those areas. The amendment would direct those suits to the areas in which the residents will be substantially affected.

Section 1391(e) is the venue provision for the federal district courts which applies only when the United States or some subordinate officer or agency is the defendant in a suit. This amendment grows out of S. 3028 which was reported last Congress from the Committee on the Judiciary but which was never considered by the full Senate.

A. Purpose of the amendment

This amendment fulfills the goals of the Mandamus and Venue Act of 1962, Pub. L. 87-748; 76 Stat. 744 (1962), which was intended to reverse the requirement that citizens go to Washington, D.C., to pursue litigation against the federal government, its officials and its agencies.

Before 1962, civil actions against the Federal Government generally were restricted to the United States District Court for the District of Columbia in part because the doctrine of "indispensable parties" limited such actions to the official "residence" of the indispensable agency. In its commentary on the 1962 Act, the Senate Judiciary Committee noted that as a result of this "historic accident," citizens seeking "lawful treatment from their Government" were subjected to an "unfair imposition." S. Rep. 1992, 87th Cong., 2d Sess., August 31, 1962. Any citizen of any state who desired to challenge agency action generally was required to take his case to the federal district court in Washington, D.C.

Placing such a burden on aggrieved citizens was contrary to a basic tenet of our judicial system—i.e., that individuals should have convenient and ready access to the court system, particularly when they are at odds with the federal government. By enacting the 1962 Mandamus and Venue Act, the 87th Congress sought to broaden the venue options available to citizens. Subsequent developments, however, have served to redirect localized litigation to the District of Columbia. This amendment is designed to correct that situation and place localized litigation in a more appropriate forum—a federal district court which sits where the actual impact of an agency decision will be felt.

B. Background

Presently, 28 U.S.C. §1391(e) provides that a civil action in which the United States or some subordinate agency or officer is a party may be brought in any judicial district in which (1) the defendant resides, (2) the cause of action arose, (3) any real property involved in the action is located and, (4) if no real property is involved, the plaintiff resides.

Unfortunately, although the 1962 Mandamus and Venue Act removed technical obstacles to suit in local federal courts, Congress did not contemplate the potential for the litigation of "local" issues in non-local district courts because of the broad interpretation given to such concepts as standing to sue.[1] The Act sought to achieve "prompt administration of justice by making it possible to sue the Federal Government in courts throughout the country," but is did not adequately lighten the burden of having to litigate cases in Washington, a requirement which the Senate Judiciary Committee described as "contrary to the sound and equitable administration of justice." S. Rep. 1992, *supra*.

For example, the courts have concluded generally that the residence of the federal government and its various subordinate agencies is the District of Columbia.[2] Therefore, a suit against the federal government may always be brought in Washington under the first clause of Section 1391(e).

Because ownership, title or the leasing of real property rarely is involved in civil actions against the government, the real property provision does not come into play very often.

Thus, despite the fact that real property may be substantially affected, this provision cannot be relied upon to guarantee a local hearing for matters of local concern.[3]

The clause which allows the court of the plaintiff's residence to hear the case also presents problems. Corporations, for example, are deemed to reside in their state of incorporation.[4]

Thus an Arizona corporation which sought to protect its economic interest in a Texas factory would be foreclosed from suing in the federal district courts in Texas because it is not a legal resident of Texas.

Moreover, private citizens who desire to intervene in cases which have a substantial effect on their locality often find that decisions which affect their livelihood, as well as the environment of a specific region, are being made in the federal courts of the District of Columbia.

This occurs because the primary suit is often between the federal government and a giant, Washington-based special interest group which resides for venue purposes in the District of Columbia. Since both the plaintiff and defendant reside in the District of Columbia, suit may properly be brought there.

As a result, important cases affecting the social and economic well-being of diverse communities are decided in Washington, D.C., far away from the places where the most substantial impact of those decisions will be felt.

Finally, the clause which provides for venue where "the cause of action arose" has been interpreted so narrowly by the courts as to provide little relief for those seeking to litigate over agency action in the areas most affected. In cases involving federal agencies and officers, the courts generally have

found that a claim arises where the complained of administrative action took place.[5]

This means, of course, that in most suits over agency actions, the cause of action arises in the District of Columbia. That interpretation of the 1962 Act turns the intent of Congress on its head and only serves to further impede bringing those suits in local federal courts.

C. Shortcomings of the present system

These obstacles to challenging agency actions in local federal courts offend our traditional notions of equity and federalism. Because they exist, aggrieved parties are forced to bear the burden of suing in a distant forum. Actions against the federal government are defended by the Department of Justice which maintains field offices, staffed by U.S. attorneys, around the country. Indeed, often the decision in question has been made or effectuated by a field officer of the challenged agency. It would seem then that requiring the government to defend itself and its officials and agencies in local federal courts would not appear to be a burdensome imposition.

In contrast, a private citizen who is significantly affected by a government action, may live thousands of miles from Washington, D.C. and may have precious few assets to use in protecting his interests. Requiring him to bring suit in the District of Columbia is to tilt the judicial scale in the government's favor rather than to facilitate the securing of judicial remedies for the citizen who is aggrieved by the actions of government. S. Rept. 1992, *supra.*

This amendment also will restore to our judicial system the ideal envisioned by the framers and ratifiers of the Constitution when they designed the federal judiciary in 1789. For example, James Madison expressed concern about the inconvenience of "obliging the parties to bring up their witnesses, tho ever so distant from the seat of the [Supreme] Court," and saw "inferior tribunals . . . dispersed throughout the Republic with *final* jurisdiction in *many* cases" as the answer.[6] Madison and the other framers recognized that this plan for local federal courts would provide the necessary protection for the new government's legislative enactments while preserving ready access to the federal courts.

The Judiciary Act of 1789 implemented this compromise by providing for two sets of inferior courts (district courts and circuit courts of appeal). When the full Senate considered the bill, it added additional locations at which the district court should be held, to further assure the convenience of the federal court system. Thus, the notion that localized litigation should be conducted in localized federal courts was at the very foundation of our federal judicial system.

The concerns of the Founding Fathers and the objectives of the 1962 Act are well-placed. The need to have federal courts located throughout the country where they are readily accessible and locally oriented is clear. The present system, however, has been subject to significant abuse. A case concerning the use of the Ruby Lake in Nevada illustrates the problems inherent in having agency action litigated in Washington rather than in the areas where the residents are substantially affected.

Nevadans began to use Ruby Lake for recreational purposes in 1963. Subsequently, Ruby Lake became a Wildlife Refuge and, pursuant to the Refuge Recreation Act, the Director of the Fish and Wildlife Service signed a special regulation which would allow certain recreational boating activities to continue.

The Defenders of Wildlife challenged that action by filing suit in the District of Columbia. That action resulted in a ban on the use of Ruby Lake just prior to the July 4th holiday in 1978. *Defenders of Wildlife* v. *Andrus,* Civil Action No. 78-1210 (D.D.C. 1978). The Director issued new regulations and the Defenders of Wildlife sued again.

This second action sought to prohibit *all* boating within the Ruby Lake Refuge. Despite the fact that local citizens had used and enjoyed the lake for 15 years and despite the fact that it was the only publicly-owned boating recreational area within 125 miles of the northeast population centers of Nevada, a judge more than 2,000 miles away in the U.S. District Court for the District of Columbia entered an order which ended recreational boating at Ruby Lake. *Defenders of Wildlife* v. *Andrus,* 455 F. Supp. 446 (1978).

Another example is provided by the case of *National Wildlife Federation* v. *Andrus,* Civil Action No. 78-1522 (D.D.C. 1978). In that instance, a national lobby delayed a Denver water treatment project, the Foothills Project, for two years on National Environmental Policy Act grounds.

This was allowed to happen despite the fact that community leaders had concluded that the Foothills Project was necessary, that a bond issue to finance this facility was passed by a wide margin and that a related suit was already underway in Colorado. Moreover, the District of Columbia court refused to transfer the case to Colorado.

Although the project eventually was approved, the community expended two years worth of resources in that long-distance court battle.

These examples demonstrate the abuses permissible under the present system. Repeatedly, the federal district court in Washington, D.C., has heard and decided cases involving problems which are recurrent but peculiar to certain areas. Local judges, more familiar with the practical effect of their decisions, could have resolved these questions more effectively.

D. Explanation of the amendment

The purpose and effect of this amendment to Section 1391(e) is to provide that disputes with a greater impact in particular areas of the Nation will be heard in courts which are attuned to the needs and desires of the affected areas as well as to the requirements of law. It does not create new liabilities or new causes of action against the U.S. Government.

When a court is called upon to balance a number of social and economic factors, however, this amendment will ensure that local considerations receive the treatment they deserve.

By adding the word "only," the amendment guarantees that, except as provided in other special venue statutes, Section 1391(e) will govern all actions brought against the government, its agencies or officers acting in their official capacity or under color of legal authority.

Such exclusive application of Section 1391(e) is necessary to prevent circumvention of the amendment's goals through reliance on other provisions of the general venue statute. The amendment provides explicitly, however, that venue in civil rights actions will not be affected. That venue will continue generally to be governed by Section 1391(b), as it has in the past.

The operative language of this amendment provides that no action against the federal government may be brought in a judicial district which is the residence of the defendant or plaintiff unless the agency action or failure to act that is the subject of the lawsuit would substantially affect the residents of that judicial district.

As used in the amendment, the phrase "substantially affected" means more than a modicum of interest in the outcome of the litigation. The agency action must have a direct effect on the residents and they must be among the group most affected by the regulation or action in question.

It will not be sufficient that they be affected equally with all citizens, taxpayers or consumers, unless there is no group that will be more substantially affected by the agency action.

For example, under this amendment, a Federal Maritime Commission regulation which adversely affected the profitability of all offshore fishing, could not be challenged in a land-locked federal court simply because the regulation would increase the price of seafood there. Nor could such a suit be brought in the District of Columbia.

Even though the Federal Maritime Commission, as a governmental agency, resides in Washington, D.C., and even if the plaintiff was a national fishing lobby located in Washington, D.C., the suit would have to be heard in a federal district court where affected fishermen lived and worked.

The amendment further provides that a cause of action shall be deemed to arise where residents are substantially affected by the relevant agency action. This sentence rectifies the irrational situation which has a cause of action arising where the complained of administrative decision is made. As interpreted in the past, the "cause of action" language of the statute has mechanically placed venue in the District of Columbia. Instead, the amendment provides for the logical and just placement of venue in the district where the actual impact of agency action will be felt.

It should be noted that this standard does not require that courts determine which judicial district is the *most* substantially affected. For venue purposes, it is sufficient that the district where suit is filed be one of several districts where suit could have been brought. In the fishing example above, no district court would have to conduct a detailed factual inquiry to determine whether California's tuna fisherman or New England's cod fishermen were more substantially affected than others.

All that would be necessary to meet the venue requirements would be a showing that the forum fulfills the threshold requirements of sitting where residents are substantially affected.

Our judicial system has always required that plaintiffs seeking redress in the courts demonstrate a distinct and palpable injury to themselves. *Warth* v. *Seldin,* 422 U.S. 490 (1975). Thus taxpayers, for example, must demonstrate more than philosophical or hypothetical harm when seeking to challenge government action. *Valley Forge Christian College* v. *Americans United for Separation of Church and State,* 50 U.S.L.W. 4103 (January 12, 1982) (taxpayer suing in that capacity did not demonstrate sufficient injury to challenge grant of land to church-run educational institution on establishment clause grounds).

Likewise, the amendment will require that cases challenging agency action be heard where real and substantial impact is felt.

In the Ruby Lake case discussed above, *Defenders of Wildlife* v. *Andrus,* a federal

judge for the District of Columbia prohibited all boating on a Nevada lake. In that case the plaintiff, Defenders of Wildlife, was headquartered in Washington, D.C. The defendant, Secretary of the Interior, Cecil Andrus, also was for venue purposes, a resident of Washington, D.C.

The regulations regarding boating were formulated and promulgated in Washington, as well. Under the present venue statute, therefore, the case was properly heard in the District of Columbia.

In contrast, this amendment would require that such a suit be heard in the U.S. District Court for the District of Nevada because the relevant action substantially affected only the residents of that district. Similarly, in the Foothills Water Project Case, *National Wildlife Federation* v. *Andrus*, only the U.S. District Court for District of Colorado would have met the "substantially affected" requirements of the amendment.

It is emphasized, however, that this amendment does not preclude venue in the District of Columbia. Nor will it come into operation in all cases against federal officials, or agencies. It is addressed only to those cases where the impact of regulation will be significantly greater in certain areas of the Nation.

Moreover, this amendment will not affect venue in those instances where administrative action has a roughly equal impact throughout the country. In such cases, the plaintiffs' choice of forum generally should be respected, unless the interests of justice require otherwise.

If most judicial districts contain residents who are substantially affected, then venue will lie where the plaintiff resides or where the defendant resides if no real property is involved.

Quite simply, this amendment achieves what the 1962 Act intended, but failed, to do. It will promote judicial efficiency by its requirement that challenges to agency actions which have a greater impact on specific areas of the Nation be decided by federal courts in those areas. Under this amendment, when a private corporation challenges the effect of federal regulations on the operation of a plant which provides jobs, it will be able to sue in the judicial district where the plant itself is located.

Issues of a uniquely local nature will no longer be decided in a distant forum in a contest between large national lobbies and the Federal government. This Amendment will invest local courts with the authority to hear and decide such cases. Consequently, local interests will be more completely protected. Such a result is consistent with our basic concepts of federalism and justice and is necessary if federal district courts are to continue to be accessible to the people rather than so far removed as to be insensitive to local concerns.

II. TRANSFER OF VENUE IN ACTIONS FOR JUDICIAL REVIEW OF AGENCY RULES

(Amendments to Sections 2112 and 1404 of Title 28, United States Code)

The amendments to sections 2112(b)(3) and 1404 of Title 28, United States Code, will provide further guidance to the federal courts concerning the appropriate venue in which to resolve cases that challenge, or seek to compel, action by federal administrative agencies.

These provisions would direct federal district courts (or circuit courts of appeals for cases first instituted in those courts) to transfer a case to a different district (or circuit) in which the agency action in question would have a substantially greater impact.

Both provisions seek to ensure that litigation involving the government is heard by courts in the areas where the impact of the challenged governmental action will fall.

A. Purpose of the amendment

This amendment rests on the premise that the most appropriate forum to hear disputes between citizens and the federal government is one of the federal courts located in the area on areas of the Nation in which the controversy has the greater impact. This is particularly important where the courts review federal administrative action that has a significantly greater impact in particular localities.

Under current section 2112, multiple petitions for review of administrative actions are consolidated in the court in which the first petition was filed. This has led to an unseemly race to the courthouse by litigants seeking to file first in order to select the forum for judicial review.

In particular, litigants often race to file in a particular court because they believe it will apply the law in a manner particularly favorable to their narrow interests. The circuit in which the chosen court sits may have little connection with the controversy, and may be far from the persons most directly affected by the challenged agency action. These races can be costly, and the forum-shopping they engender creates an unflattering image of our legal system.

The random selection provision that S. 1080 would add to section 2112 solves certain aspects of the race-to-the-courthouse problem by ensuring that no party can select the forum for judicial review of administrative action simply by racing to file the first petition for review. Nevertheless, a random selection system without more leaves other flaws of the current system unresolved, and may further exacerbate these flaws.

In particular, it creates an incentive for litigants seeking to avoid suit in one particular forum to file multiple petitions in many circuits to reduce the chance that the lottery will assign the case to the undesired court.

The amendment to Section 2112(b)(3) will deter that kind of conduct by giving the courts a rational basis for transfer when the lottery places the case in a court that bears little relationship to the controversy. This is one important reason for the amendment.

Equally important, this amendment is intended to countermand an alarming forum-shopping trend that has resulted in the resolution in far-distant courts of legal controversies that are of particular importance to specific localities. A number of these cases affecting local areas have been litigated in the federal courts for Washington, D.C.

Litigation of local issues in federal courts at the seat of the national government runs contrary to the principle underlying the creation of our federal judiciary system that people of this country should not be compelled to litigate in centralized federal courts.

This principle was reemphasized in 1962 when Congress attempted to correct provisions that effectively confined litigation over federal agency action almost exclusively to the United States District Court for the District of Columbia.

The rationale for this decentralization is not that one court will necessarily apply the law differently than another court. Rather, it is a recognition that when a case is decided by a court located in the region of those most affected by the controversy, this fosters a sense of community participation and an understanding and acceptance of the resulting decision. As the Supreme Court noted in *Gulf Oil Corp.* v. *Gilbert*, 330 U.S. 501, 509 (1947), a decision involving the doctrine of forum non conveniens:

"In cases which touch the affairs of many persons, there is reason for holding the trial in their view and reach rather than in remote parts of the country where they can learn of it by report only. There is a local interest in having localized controversies decided at home."

For similar reasons, it is important to allow a local federal court the opportunity to review administrative decisions affecting its district or circuit.

This decentralization serves another important function by allowing difficult issues to mature through consideration by various federal courts rather than channelling them through one court such as the U.S. Court of Appeals for the District of Columbia Circuit. The amendment thereby recognizes the wisdom of providing the Supreme Court with the opportunity to evaluate different approaches to the same issue before making a national decision. The Supreme Court may benefit from the opportunity to examine how different appellate circuits have resolved difficult issues under particular statutes.

Additionally, conflicts between the legal interpretations of different circuits can serve a valuable purpose in signalling to the Supreme Court which issues are particularly worthy of its attention. *See* McGarity, *Multi-Party Forum Shopping for Appellate Review of Administrative Action*, 129 U. Pa. L. Rev. 302, 318–19 (1980).

In short, this amendment seeks to serve our deeply rooted public policy preference for resolving in local federal courts the federal issues whose principal impact falls on certain areas while simultaneously promoting efficient judicial administration and protecting the legitimate interests of the litigants.

B. Background

These provisions have their roots in longstanding objectives and in earlier bills proposing changes in the federal venue statutes. The 96th Congress held hearings to consider legislative proposals designed to update the Mandamus and Venue Act of 1962.

During the hearings, case histories substantiated the inadequacies of the federal venue statutes particularly with respect to environmental matters by demonstrating the use of federal district courts outside the local area of impact. The Subcommittee's bill proposed, among other measures, a presumption that a district court should transfer environmental cases in which the impact is primarily local to a court in the affected district.

Subsequently, the Committee on the Judiciary reported and recommended passage of S. 3028, a bill virtually identical to the original subcommittee bill. S. 3028 would have amended 28 U.S.C. § 1404, respecting transfer of venue between district courts, to state explicitly that the primarily local or regional impact of an action is one factor that a court should consider in deciding whether to transfer an action to another district or division.

It would have mandated transfer of environmental cases in which the government was the defendant to a judicial district in which the action primarily affected local or

regional interests unless such transfer would create substantial hardship or injustice or the impact of the action was national rather than local in effect or scope.

Finally, S. 3028 would have amended the provisions of 28 U.S.C. § 2112, respecting transfer of venue between courts of appeals in the review of administrative orders, to specify the primarily local or regional impact of the proceedings as a factor for the court to consider in deciding whether to transfer a case. In the 97th Congress, I introduced S. 50, a bill identical to S. 3028.

These bills, based on carefully considered hearings and testimony, reflect the wisdom of amending the statutory provisions governing transfer of venue in the district court and courts of appeals to ensure that suits seeking to challenge or compel federal administrative actions are heard in the districts or circuits in which those actions have a substantial impact. The amendment to S. 1080 that I now introduce satisfies these objectives.

C. Explanation of the amendment

The proposed amendment would alter the statutory provisions governing transfer of venue from one district court to another and, for cases first instituted in the circuit courts of appeals, from one circuit to another with respect to suits in which the defendant is a federal agency or officer.

The amendment to 28 U.S.C. § 2112, regarding transfer of venue between appellate circuits in cases involving the review or enforcement of agency orders, would supplement S. 1080's lottery provision [Section 6(a)] by specifying that any circuit court in which a proceeding with respect to any agency action is pending, including any court selected pursuant to the lottery provisions where multiple petitions have been filed in different circuits, shall transfer the proceeding, upon the motion of one of the parties, to the court of appeals for a circuit in which the action under review would have a substantially greater impact.

Similarly, the proposed amendment to 28 U.S.C. § 1404 would direct the district courts to transfer disputes with federal agencies and officials to a district in which the action would have a substantially greater impact. I stress that these amendments do not alter the current practice under § 1404(a) with respect to suits between private litigants.

To illustrate the intended effect of this amendment, we can consider how the Ruby Lake case and the Foothills Project water treatment plant case would be handled under the statute as amended. These examples relate to district court litigation that would be governed by section 1404(e), but they also illuminate the basic approach that the amendment to section 2112 mandates for the courts of appeals.

In the Ruby Lake case, the federal district judge in Washington, D.C. entered orders preventing recreational boating on Ruby Lake even though the local citizens had for years enjoyed recreation on this lake and even though there was no other publicly owned recreational area within 125 miles of northeast Nevada's primary population centers. *Defenders of Wildlife* v. *Andrus*, 455 F. Supp. 446 (D.D.C. 1978).

Under the proposed amendment, the District of Columbia court would have transferred the Ruby Lake case to the district court for the District of Nevada, a region in which the challenged administrative action had a substantially greater impact.

National Wildlife Federation v. *Andrus*, Civil Action No. 78-1522 (D.D.C. 1978), involved the City of Denver's decision to construct a new water treatment facility, the Foothills Project, and its issuance of bonds to finance the project.

Although a related lawsuit was under way in Colorado, the plaintiff filed its NEPA challenge in the District of Columbia. The district court in the District of Columbia denied a motion to transfer the case to Colorado. Under the proposed amendment, the District of Columbia court would have transferred venue to district court for the District of Colorado, a district in which the action would have a significantly greater impact.

These examples illustrate the basic manner in which the amendments would operate. Some additional comments are appropriate to clarify how the provisions of the amendment are intended to function in specific situations under sections 1404 and 2112.

Questions are likely to arise respecting what is meant by a substantially greater impact and how the court is to apply this standard. The "impact" comprehended by the amendment may be physical, economic, environmental, or of some other nature that reasonably should be considered.

It must be stressed that by mandating transfer to an area of substantially greater impact, the amendment does not intend to mire the courts in preliminary litigation over fine distinctions between the degree of impact in one area as opposed to another.

Usually, the area of greatest impact will be apparent from the face of the pleadings and the nature of the controversy, as was certainly the case in the Ruby Lake controversy. If the suit concerns a final rule or agency action, the record before the agency should provide all or most of the information necessary to resolve this question, though some supplementation through affidavit may be appropriate.

It is not contemplated that courts would ever be required to hold an evidentiary hearing on this question, though hearings are not precluded.

Where meaningful distinctions cannot readily be drawn between the impact on several areas, the court may appropriately transfer to any one of those areas. Sections 1404(e) and 2112(b)(3) will not require a court to make fine distinctions to identify the district in which the most substantial impact will occur in cases involving agency action that would substantially affect more than one district.

In deciding between courts for areas of substantial, yet similar impact, the initial court should consider the interests of justice including the interest in protecting a plaintiff's initial choice of forum. If the initial court is itself in one of the areas of substantial impact, or if the impact is fairly uniform nationwide rather than localized or substantially greater in specific areas, the initial court may properly retain the case.

Similarly, if a regulation has its greatest impact on an activity concentrated in several areas of the country, the court may properly transfer the case to a court in any one of those areas.

Moreover, the amendment does not intend that a court to which a case is transferred pursuant to the amendment's requirements should entertain further arguments that some other court, not it, is actually in the area *most* substantially affected.

In all but the rarest of cases, the first transfer decision based on the criteria set forth in the amendment should settle the issue of which forum is appropriate.

Again, the amendment by no means intends to foster repetitive and debilitating preliminary litigation over transfer decisions.

Allowing litigation over transfer questions to continue after the initial decision would almost always be contrary to the interests of justice.

Although both amendments facilitate transfer to courts in which a substantially greater impact would occur, it should be emphasized that neither amendment is intended to preclude venue in the District of Columbia for actions against federal officials or agencies. Indeed, the District of Columbia courts may be particularly appropriate for review in cases involving agency action that have a generally uniform impact throughout the Nation.

It is the intention of the amendment to section 2112 that where petitions for transfer have been filed in more than one court, no court would entertain a transfer motion before the petitions were consolidated in one court through the random selection lottery process. There are several reasons for this.

First, the lottery may place the proceedings in one of the circuits in which the greatest impact occurs. This would obviate further action.

Second, consideration of such motions prior to the lottery process might require more than one court to address the transfer jurisprudence and would oblige the court to give predominant emphasis to the desirability of local consideration.

One factor stressed by courts of appeals interpreting the "interest of justice" standard under current section 2112 is the desirability of conserving judicial resources by consolidating related cases.

This is a legitimate concern, and should remain relevant under the amendments. The courts have not agreed, however, how closely related two proceedings must be to justify transfer on this basis under the current statute.

The correct approach is that adopted by the District of Columbia Circuit in *Public Service Commission* v. *FPC*, 472 F.2d 1270 (D.C. Cir. 1972), and *American Public Gas Association* v. *FPC*, 555 F.2d 852 (D.C. Cir. 1976). Those cases explained that transfer of a case is appropriate on the "related proceeding" rationale if the case is a follow-on phase of an inter-related proceeding previously reviewed in another circuit, where continuance of the same appellate tribunal is necessary to retain continuity in the total proceeding. *American Telephone & Telegraph Co.* v. *FCC*, 519 F.2d 322 (2d Cir. 1975), is an example of a justifiable transfer.

AT&T sought to review in the Second Circuit an FCC order that has rejected proposed AT&T rate increases on the ground that they were barred by an earlier Commission order prescribing AT&T's rate of return. The Second Circuit transferred the proceeding to the District of Columbia, where review of the earlier order was pending, noting that resolution of the litigation over the earlier order could in effect moot the proceeding respecting the later order. The court also noted certain seemingly inconsistent arguments advanced by the same parties in the two proceedings.[7]

A broader view of "related proceedings" that focuses on the mere relationship of certain issues in separate proceedings, adopted by such cases as *United Steelworkers* v. *Marshall*, 592 F.2d 693 (3d Cir. 1979), is not proper.

In *United Steelworkers*, one party had petitioned in the Third Circuit for review of

OSHA's standard respecting employee exposure to lead.

The other party had filed simultaneously in the Fifth Circuit. The Steelworkers had 15,000 members working in plants in the Third Circuit that would be covered by the standard.

A large number of employers whose facilities would be covered by the standard had plants in the Fifth Circuit. The Fifth Circuit permitted the Third Circuit to decide which court should hear the case.

Astoundingly, the Third Circuit transferred the proceedings to the District of Columbia Circuit, a court in which no party had filed for review, on the basis that the D.C. Circuit was considering the EPA's national ambient air quality standard for lead, which involved an altogether different administrative record and differing statutory criteria.

This type of relationship between cases simply does not justify transfer from one circuit to another.

The decisions have uniformly and correctly recognized that a particular court's general familiarity with the legal issues involved in a case is not a factor that should influence retention or transfer. The theory of our federal courts is not one of specialization of tribunals or of particular judges. *See ITT World Communications* v. *FCC*, 621 F.2d 1201, 1208 (2d Cir. 1980); *United Steelworkers* v. *Marshall*, 592 F.2d at 697; *American Public Gas Association* v. *FPC*, 555 F.2d at 857-58; *Public Service Commission* v. *FPC*, 472 F.2d at 1272. *Cf. American Telephone & Telegraph Co.* v. *FCC*, 519 F.2d at 327 (finding transfer in that case consistent with disapproval of specialization of tribunals).

Similar principles should govern district courts' transfer of administrative appeals on a "related case" rationale under 1404(e). Under current 1404(a), district courts often transfer cases for consolidation of related proceedings arising from the same transaction. It would be difficult to conceive of a situation in which suits challenging the same regulation or agency action (as opposed to suits challenging similar or parallel agency actions) should not be transferred for consolidation.

Other factors relevant under current interpretations of section 1404 could remain relevant in unusual situations. Such factors include the benefit of transferring a case to a court familiar by reason of its location with peculiarly difficult issues of state law. The amendment intends neither to encourage nor to preclude consideration of such factors.

All factors, however, would have to be measured against other arguments for or against transfer, with particular attention to the amendment's predominant concern for ensuring that cases are heard in one of the localities most substantially affected.

The amendments do not intend, however, to endorse all factors presently considered by the courts in deciding whether to transfer or retain cases "in the interest of justice."

Notably, the amendment deliberately refrains from stating as a factor the "convenience of the parties," the one factor explicitly spelled out by current section 2112, or the "convenience of parties and witnesses," the one factor spelled out by current section 1404.

The consideration of the convenience of the parties might easily lead to an overly deferential regard for the convenience of the federal government in litigating in Washington, D.C.

A Senate Committee Report respecting the Mandamus and Venue Act of 1962 aptly noted that "[r]equiring the Government to defend Government officials and agencies in places other than Washington would not appear to be a burdensome imposition" because there are U.S. attorneys in every district, and that requiring citizens from distant states to bring an action in Washington, where the cause of action arose elsewhere, "is to tailor our judicial processes to the convenience of the Government rather than to provide readily available, inexpensive remedies for the citizen who is aggrieved by the workings of Government." S. Rep. 1992, 87th Cong., 2d Sess., *reprinted in* 1962 U.S. Code Cong. & Ad. News 2784, 2786.

While the quoted comments were addressed to former provisions that had the effect of providing for venue exclusively in the D.C. Circuit, similar considerations weigh against giving undue weight under broader venue provisions to the government's convenience in litigating in a D.C. forum. The broad "interests of justice" standard is flexible enough to permit consideration of the convenience of non-federal parties or witnesses.

It must also be stated that mere convenience of counsel should not be a significant factor under the "interests of justice" standard. While no case under current law bases a transfer decision on that ground alone, at least one circuit court has considered the presence in its circuit of a specialized oil and gas bar as a factor in favor of retaining jurisdiction. *American Public Gas Association* v. *Federal Power Commission*, 555 F. 2d 852, 857 (D.C. Cir. 1976). Convenience of counsel, however, deserves little, if any, weight if other factors point elsewhere, because air travel and modern communications technology minimize the inconvenience to counsel of representing a client before a distant court.

One final question that is likely to arise under the amendment is whether an intervenor in an action is a "party" who can move for transfer in accordance with the amendment's provisions. It is the intent of this amendment that an intervenor with a substantial interest in the controversy be considered a party who may move for transfer.

For example, the State of Nevada, or persons who used Ruby Lake for recreational purposes could have intervened in the Ruby Lake case and moved for transfer to the District of Nevada. The court should favor such a motion, however, only if the intervenor becomes involved and moves for transfer at an early stage in the proceeding.

After the initial court has invested substantial time and effort in a proceeding, concern for judicial economy would counsel denial of such a late-coming transfer motion "in the interests of justice." Similar principles logically would govern belated transfer motions by the original parties.

III. NATIONWIDE REVIEWABILITY OF FEDERAL AGENCY RULES

(Amendment to Section 2112 of Title 28, United States Code)

New Section 2112(b)(4) is designed to ensure further that agency rules reviewable directly in the courts of appeals may be reviewed in the circuits in which the rules would have a substantial impact. The provision is intended to facilitate the operation of section 2112(b)(3) by ensuring that agency rules are subject to review in any of the circuit courts of appeals so that review may be lodged in the appropriate circuit.

This provision would make no change in the vast majority of existing provisions for judicial review. Indeed, most jurisdictional or venue provisions for judicial review of agency rules already permit review in the circuit where the petitioner resides or has its principal place of business.[8]

The amendment, however, would supercede various provisions which now require petitioners to seek review of some rules solely in the District of Columbia Circuit.[9] One underlying premise for this revision is that the judges in each of the circuits are equally competent to resolve the legal and statutory questions relating to agency rules even when those questions have broad, nationwide ramifications.

And the judges in the individual circuits will be especially well qualified when the cases involve rules the impact of which is most substantial within their own circuit.

Under the amendment, petitioners still would have the option of seeking review in the District of Columbia Circuit as permitted by existing law. In addition, however, they could seek review in the circuits where they reside or have their principal places of business.

In addition, because the amendment applies only to review of agency "rules" as defined in section 551(4) of Title 5, United States Code, it will not affect the provisions for exclusive review in the District of Columbia Circuit of agency "orders" or other actions under a number of statutes that involve the adjudication of individual rights rather than rulemaking.

For example, the Communications Act Amendments of 1952, 47 U.S.C. § 402(b), provides for exclusive review in the District of Columbia Circuit of FCC actions such as the denial of an application for a construction permit or a station license. These actions involve adjudication rather than rulemaking. Similarly, the provisions for exclusive review in the District of Columbia Circuit in the International Claims Settlement Act of 1949, 22 U.S.C. § 1631f(b), and in the Merchant Marine Act of 1936, 46 U.S.C. 1181(b), involve adjudications of individual rights rather than rulemaking.

The amendment would have no effect on exclusive review in the District of Columbia Circuit under these provisions, nor would it affect review in any other cases involving adjudications or orders affecting individual rights rather than rulemaking. *See, e.g.*, Energy Policy Conservation Act, 42 U.S.C. § 6384(b).

The reason for this amendment is not only to make judicial review more convenient for members of the public who do not have a substantial presence in the District of Columbia, but, even more importantly, to inspire sorely needed public confidence in the regulatory process. The public has become deeply disillusioned with federal regulation, and I believe that a major cause of this disenchantment is the belief that regulations formulated in Washington do not account for the needs or wishes of the public.

This perception is made worse by the requirement that members of the public come to Washington to seek judicial review of federal regulations.

In short, many citizens view the District of Columbia Circuit as merely an extension of the federal regulatory apparatus, and they believe that they are being forced to play against a stacked deck when they are required to seek judicial review in Washington.

The public would be more willing to accept necessary regulations if they had confidence in the administrative and judicial process by which the regulations are promulgated and reviewed. This amendment would increase confidence in the regulatory and judicial process by making it more convenient for the public to participate in judicial review, and by requiring the regulatory agencies to go out and defend their rules in the judicial circuits where the rules will be applied.

Such a decentralized system has been the hallmark of the federal judiciary since it was established in 1789 [10], and this amendment would strengthen that system.

If there ever were sound reasons to place exclusive review of agency rules in the D.C. Circuit, those reasons no longer exist. During the past decade, several of the courts of appeals became seriously overworked and suffered from extensive backlogs that delayed the resolution of cases for years. These problems were especially acute in the Fifth and Ninth Circuits. Congress addressed these problems in 1978 by enacting Pub. Law 95-486, which directed the President to appoint 35 new circuit judges. With these new judges, the circuit courts have been resolving their case back-logs. There is no longer any reason to divert administrative cases to the D.C. Circuit to ensure speedy decision.[11]

There is also no longer any reason to provide exclusive D.C. Circuit jurisdiction simply to prevent the "race to the courthouse" that can result from multi-circuit filings. Section 6 of S. 1080 will provide a mechanism for random selection of venue in such cases to replace the "first filing" rule now embodied in Section 2112 of Title 28 of the United States Code. With the imminent demise of the race to the courthouse, there is even less reason to prevent petitioners from seeking judicial review where they reside or have their principal places of business.

A variety of other arguments have been made in support of exclusive review of agency rules in the D.C. Circuit, but those arguments do not withstand analysis. Some would argue that judges in the D.C. Circuit have become "experts" on regulatory matters, and therefore that those judges are better qualified than other judges to review rulemakings.

In the first place, no circuit judge in fact could become an "expert" on even a handful of the countless matters subject to federal regulation. Second, the number of federal regulations has mushroomed so much in the past decade and a half that whatever truth suggestion may have had in the past has vanished; virtually all federal judges have been required to review federal regulation of one type or another.

Finally, we would not need or want "expert" judges on regulatory matters even if they were available.

Furthermore, the argument for "expert" judges reflects a misunderstanding of the function of judicial review of agency rulemaking and the role of reviewing judges. On judicial review of a rulemaking, a judge is to determine whether an agency properly has applied the law and whether the agency's factual and policy conclusions are adequately supported by the record.

See 5 U.S.C. § 706. The judge is not to sit as a technical, yet ill-trained, "expert" to decide what he would have done if he had been the regulatory officer. The late Judge Leventhal noted in *International Harvester Co.* v. *Ruckelshaus*, 478 F.2d 615, 641 (D.C. Cir. 1973), that "ours is a judicial review, and not a technical or policy redetermination."

Accordingly, we do not need "expert" judges to review regulatory cases. Instead, we need judges with a general perspective, experienced in practical matters, and capable of bringing common sense to bear on complicated problems. Such judges can be found on all of the circuit courts of appeals.

Some would argue that exclusive jurisdiction in the D.C. Circuit is necessary to prevent conflicting decisions that could paralyze national regulatory programs. Taken to its logical conclusion, this argument would lead to the absurd result that all regulatory cases be subject to review in only one circuit, because otherwise there always would be a risk of conflict between the circuits. A substantial proportion of regulatory cases have long been reviewable in any of the circuits, with no evidence of debilitating conflict between the circuits. When important conflicts arise, the Supreme Court exists to resolve them.[12]

A number of distinguished judges and commentators have observed that multi-circuit review is desirable because it permits issues to be reviewed from different perspectives, and indeed because it will illuminate views that can assist the Supreme Court in resolving the issues.[13] Under this view, there is little to lose and much to gain from permitting petitioners to seek judicial review in the circuits where they reside or conduct business.

IV. RESPONSES TO CONCERNS EXPRESSED ABOUT THE VENUE AMENDMENT

A number of individuals and groups have voiced concerns about the effects which this venue amendment will have on certain types of cases and the judicial system in general. As the following responses indicate, this amendment will not affect the majority of cases; nor will it increase judicial burdens.

This amendment will not affect all cases. It will come into play only when cases are filed in districts or circuits in which the residents would not be substantially affected by the agency action under review or in cases where the agency action would have a substantially greater impact in a different area of the Nation. Of course, the limited reach of this amendment does not argue against its adoption. This amendment will cure the abuses that occur under the present system.

Furthermore, this amendment still allows cases to be retained or transferred to another court when the interests of justice so require. Thus, if it should appear that the provisions of the amendment would somehow work an injustice, the district court may remedy it by simply retaining or transferring the case as the interests of justice require.

Civil Rights Actions

Concern

The venue amendment will prevent the bringing of civil rights suits in the District of Columbia.

Response

The venue amendment will not affect civil rights suits, and the amendment expressly so provides. Civil rights actions brought under 42 U.S.C. § 1981 *et seq.*, the Civil Rights Act, are dependent on Section 1391(b) for venue.

Section 1391(e) does not apply, even if some of the defendants are officers of the federal government. *See Jones* v. *Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd without opinion*, 480 F. 2d 805 (5th Cir. 1973). Section 1391(e) only covers suits against federal officials who are acting lawfully and in an official capacity as agents of the government.

Indeed, in *Stafford* v. *Briggs*, 444 U.S. 527 (1980), the Supreme Court held that any suit against a federal officer which sought monetary damages was not covered by Section 1391(e). The court reasoned that Section 1391(e) was designed to provide venue in suits which are, in reality, suits against the federal government.

Conversely, civil rights actions are not suits against the federal government, but suits against individuals who are acting under color of law. Therefore, they are regular civil suits and hence, governed by Section 1391(b).

Section 1391(b) provides that a civil action not founded solely on diversity of citizenship may be brought only in the judicial district where all defendants reside or in which the claim arose. No other law is applicable with regard to venue under these sections. *Jimenez* v. *Pierce*, 315 F. Supp. 365 (1970). Thus, venue for civil rights actions would not be affected by the amendment.

Suits brought under Title VII, the Equal Employment Opportunity Act, also will be unaffected by the amendment. Title VII contains its own venue provision, which allows an action to be brought where the unlawful employment practice is alleged to have been committed, where relevant employment records are kept or where the aggrieved person would have worked but for the alleged employment practice. 42 U.S.C. § 2000e-5(f)(3). Because these special venue provisions must govern in Title VII actions, *Stebbins* v. *State Farm Mutual*, 413 F.2d 1100 (D.C. Cir. 1969), Section 1391(e) has no application to such suits.

The amendment to Section 1404(e) providing for transfer of district court actions also is inapplicable to civil rights actions because the language of the amendments limits it to actions of the type in which venue is governed by section 1391(e). Because subsection 1391(e) is inapplicable to civil rights suits, the same would be true of new subsection 1404(e).

Finally, the amendment to section 2112(b)(3) providing for the transfer of suits in the Courts of Appeals also is inapplicable. That provision applies only to those cases involving rules and regulations which the enacting statute requires to be reviewed directly by the Courts of Appeals. 28 U.S.C. § 2112. Since civil rights actions are heard in the federal district courts, 28 U.S.C. § 1343, they will remain unaffected.

Concern

The amendment will allow suit to be filed against the TVA in a greater number of judicial districts than is currently allowed.

Response

Section 1391(e) does not apply to cases involving the Tennessee Valley Authority. *Natural Resources Defense Council, Inc.* v. *TVA*, 459 F.2d 255 (2d Cir. 1972). Instead, the TVA is treated as a private corporation which may be sued in a district where it is incorporated or where it is doing business. 28 U.S.C. § 1391(c). Therefore, the proposed amendment to Section 1391(e) will not affect venue in TVA cases.

Furthermore, the proposed amendment to section 1404(e) dealing with the transfer of district court cases, only applies to actions against the government or its officials as described in section 1391(e). Because that Section does not apply to the TVA, new Section 1404(e) also would be inapplicable.

The amendment providing for the transfer of suits in the Courts of Appeals also is inapplicable. It only applies to those cases involving rules and regulations which the enacting statute requires be reviewed directly by the Courts of Appeals. 28 U.S.C § 2112. Since no such special statutory mandate applies to the TVA, it will remain unaffected.

The Need for an Impartial and Experienced Forum

Concern

The venue amendment will rob litigants of the opportunity to sue in the impartial forum of the District of Columbia. Moreover, the D.C. courts are experienced and expert in many administrative matters which are only rarely brought before other courts.

Response

It is a basic tenet of our federal judicial system that each U.S. District Court judge is both impartial and competent to hear any case. The district court of Washington, D.C. is not meant to be and should not be considered a "supercourt" which offers a higher degree of impartiality or competence. If D.C. judges are more experienced in administrative matters, it is because past and current venue statutes have forced many administrative cases into the District of Columbia federal courts. Once this amendment channels local cases back to local federal courts, they too will become familiar with those cases.

Furthermore, whatever truth there may have been in these statements concerning lack of experience has been largely dissipated by the tremendous growth in federal regulations over the past decade and a half. Federal regulations increasingly have affected all of our lives, and the courts have felt the impact as well. Federal judges in all parts of the Nation have been called upon to review federal agency regulations, and all federal judges have become increasing familiar with these actions.

The judges who serve on federal district courts throughout the nation are appointed by the President with the advice and consent of the Senate. The men and women selected are fair, conscientious individuals who are equally capable of handling any case which will be brought or transferred to their court by this amendment.

Inconvenience to the Parties

Concern

Because decisions are made and administrators are located in the District of Columbia, it is more convenient to try cases there. Additionally, the D.C. courts provide the only federal forum where plaintiffs from different judicial districts can join in one lawsuit, thus avoiding the need for duplicative litigation or complicated class actions.

Response

The Federal Rules of Civil Procedure allow litigants to seek relevant information nationwide. Thus, a party to a case being tried in the Central District of California may depose witnesses, subpoena documents and make other discovery demands on the federal government in Washington, D.C. Moreover, when the federal government is a party to a lawsuit, it is defended by U.S. attorneys. These attorneys are located in field offices throughout the country. Thus, there is no inconvenience to the government.

Furthermore, the convenience of the forum to the federal government should not be a consideration. The Judiciary Act of 1789 and the Mandamus and Venue Act of 1962 were premised on the belief that federal courts should be located throughout the Nation where they can be readily available to individuals seeking redress against the government.

Indeed, the purpose of these two acts was to provide local federal courts where local issues could be resolved. The amendment introduced today helps to achieve this goal by requiring that suits be brought in, or transferred to, a judicial district where residents are substantially affected.

The amendment does nothing to prohibit the consolidation of similar suits in a single judicial district. Rather it makes such consolidation easier by providing that all plaintiffs may sue where the substantial impact of agency action would occur. Furthermore, the courts will have available the new transfer provisions as well as such previous mechanisms as transfers in the interests of justice and the Multi District Panel to guard against unwarranted duplicative litigation.

There is no legal or logical reason why the District of Columbia should be the only district where all parties can get together. Where suit in Washington is equally appropriate, such as when the District of Columbia is substantially affected or when the impact of agency action is uniform throughout the Nation, venue in Washington would not be precluded and, where it is the plaintiffs' choice, should generally be retained.

Increased Burdens on the Courts

Concern

Every federal district court will have to hold evidentiary hearings to determine which judicial district is the most substantially affected by the litigation. The amendment also will overburden already crowded courts.

Response

The amendment does not require that a court determine in which district residents will be *most* substantially affected. Fine distinctions need not be made. A number of districts may meet the requirement of the amendment and suit may be brought in, or transferred to, any one of them.

This amendment does not create any new causes of action against the government. Thus, there will be no increase in the number of suits. If the forum where residents are substantially affected is so overcrowded so as to prevent a hearing within a reasonable time, even on an expedited basis, the court may consider that factor when determining whether to transfer the case to another district in the interests of justice.

FOOTNOTES

[1] A plaintiff may sue an administrative agency or officer if his complaint arguably falls within the "zone of interests" to be protected or regulated by the statute or constitutional guarantee in question. *Data Processing Service* v. *Camp*, 397 U.S. 150 (1969). In practice this means that any plaintiff who can demonstrate some "injury in fact" or any group who can demonstrate that its members will suffer similar injury may challenge administrative agency action. *Sierra Club* v. *Morton*, 405 U.S. 727 (1972). Thus standing may be predicated on non-economic interests, *e.g.*, *United States* v. *SCRAP*, 412 U.S. 669 (1973), so long as the injury is likely to be redressed by a favorable decision, *Simon* v. *Eastern Kentucky Welfare Rights Org.*, 426 U.S. 26 (1976).

This expanded concept of standing has increased greatly the pool of potential plaintiffs who may avail themselves of the court system. Special interest groups or large, national lobbies may challenge agency action so long as at least some of their members are injured in fact. This requirement is easily met by proper pleading before the court. Often these groups prefer to bring their lawsuits in the District of Columbia. As a result, the goal of the Mandamus and Venue Act of 1962 remains unfulfilled.

[2] *E.g.*, *Reuben H. Donnelley Corp.* v. *Federal Trade Comm'n*, 580 F.2d 264 (7th Cir. 1978) (residence of federal agency limited to the District of Columbia). *Hartke* v. *Federal Aviation Admin.*, 369 F. Supp. 741 (S.D.N.Y. 1973) (official residence of FAA Administrator is in the District of Columbia).

[3] For example, in *Natural Resources Defense Council, Inc.* v. *Tennessee Valley Authority*, 340 F. Supp. 400 (S.D.N.Y. 1971), *rev'd on other gds*, 459 F.2d 255 (2d Cir. 1972), it was held that, for purposes of venue determination, an action challenging the strip mining of coal on National Environmental Policy Act grounds, was not an action involving real property.

[4] *Tenneco Oil Co.* v. *Environmental Protection Agency*, 592 F.2d 897 (5th Cir. 1979); *National Distillers and Chemical Corp.* v. *Dept. of Energy*, 487 F. Supp. 34 (D. Del. 1980).

[5] In interpreting a similar subsection of the venue statute, the Supreme Court in *Leroy* v. *Great Western United Corp.*, 443 U.S. 173 (1979) found that a claim arises where the challenged administrative decision was made. The same analysis was applied to Section 1391(e), in *Reuben H. Donnelley Corp.* v. *Federal Trade Comm'n*, 580 F.2d 264 (7th Cir. 1978).

[6] The Records of the Federal Convention of 1787, at 124 (M. arrand ed. 1937) (Madison's report of his remarks of June 5, 1787).

[7] This is not to express any opinion on whether *Public Service Commission*, *American Public Gas Association*, or *AT&T* would or would not have been transferred elsewhere under the amendment's local impact criterion.

[8] See, *e.g.*, 28 U.S.C. § 2343 (review of various actions of the Federal Communications Commission, the Federal Maritime Commission, the Interstate Commerce Commission, the Department of Energy, and the Secretary of Agriculture), 29 U.S.C. § 655(f) (review of occupational safety and health standards), 7 U.S.C. § 136n(b) (review of EPA actions concerning pesticides), 15 U.S.C. § 45(c) (review of orders of the Federal Trade Commission), 33 U.S.C. § 1369(b)(I) (review of EPA actions concerning water pollution), and 15 U.S.C. § 2618(a)(I)(A) (review of EPA regulations concerning toxic substances).

[9] *See, e.g.*, 24 U.S.C. § 7607(b) (review of actions under the Clean Air Act), 42 U.S.C. § 4915 (review of actions under the Noise Control Act), 15 U.S.C. § 766 (review of rules issued under the Federal Energy Administration Act), 43 U.S.C. § 1349(c)(1) (review of leasing decisions under the Outer Continental Shelf Leasing Program), 42 U.S.C. § 6976(a) (review of regulations issued under the Resource Conservation and Recovery Act), and 42 U.S.C. § 300j-7(a) (review of regulations issued under the Safe Drinking Water Act).

[10] Indeed, the Judiciary Act of 1789 provided that each of the original circuit courts were to be composed of two Supreme Court justices and a district judge from the circuit, sitting at specified times and locations for the convenience of the public. Act of September 24, 1789, §§ 4, 5, 1 Stat. 74-75.

[11] Indeed, the D. C. Circuit experiences substantial delays in deciding important regulatory cases. For example, in American Petroleum Institute v. Costle (79-1104), involving petitions for review of EPA's ambient air quality standards for ozone, the case was filed in January, 1979, and was not decided until September, 1981, more than 18 months after the court heard oral argument.

[12] Indeed, one of the primary criteria used by the Supreme Court in deciding whether to grant *certiorari* is whether a decision has created a conflict among the courts of appeals. Supreme Court Rule 17.1(a).

[13] The late Judge Leventhal wrote that "[t]here are advantages of multiple judicial input on issues. This is a concept of feedback, of a simmering or percolating effect." Leventhal, "A Modest Proposal for a Multi-Circuit Court of Appeals," 24 Am. U.L. Rev. 881, 908 (1975). See also Currie & Goodman, "Judicial Review of Federal Administrative Action: Quest for the Optimum Forum," 75 Colum. L. Rev. 1, 68-70 (1975).●

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that tomorrow, after the recognition of the two leaders under the standing order, the following Senators be recognized on special orders, for not to exceed 15 minutes each, in this order: the Senator from Indiana (Mr. QUAYLE), the Senator from Washington (Mr. JACKSON), and the Senator from Arkansas (Mr. PRYOR).

Mr. JOHNSTON. Mr. President, reserving the right to object—and I do not think I will object—are these orders to come in and get started after 10 o'clock?

Mr. BAKER. Yes.

Mr. JOHNSTON. Today, special orders ran until virtually 12 o'clock. I know the majority leader is not cranking into high gear yet on stopping the filibuster, but to come in at 10 a.m. with special orders which may last past 11 o'clock is no way to run down a filibuster.

I do not want to say no to my colleagues, but is it possible to have that time count against the 100 hours?

Mr. BAKER. Mr. President, I would prefer not to do that. As the Senator from Louisiana knows, I am a supporter of his amendment and of the passage of this bill; and I have announced previously that I intend to pursue this measure until we complete it. We are going to pass the Department of Justice authorizations bill.

I think that in all fairness, however, it is not the better part of management judgment to try to complete that business or even to accelerate the pace before we go out tomorrow afternoon for the Lincoln Day recess.

Ten o'clock is an hour earlier than we have been convening, and 2 hours earlier on some days.

I think we will transact some business tomorrow on this measure and it will be worthwhile. I think if we move it back before 10 o'clock on tomorrow it will work an inconvenience on some Members who had not planned without previous warning to be involved in floor debate prior to that hour.

There will be the recognition of the two leaders under the standing order. That may take as much as 20 minutes, but I doubt it.

There is not yet a provision for the transaction of routine morning business. That may be provided for, but I will say to my friend from Louisiana it will be very brief if it is. There are three 15-minute special orders which may or may not be fully utilized. But we should be on this measure by 11 a.m.

I do not know how other Senators feel about this, but I think I can hear about all I can stand on this measure between 11 a.m. and some time tomorrow afternoon.

So I hope that the Senator will permit me to exercise the usual and ordinary leadership prerogative, none of which is more basic than the idea of setting the time for the convening of the Senate and determining the hours that we recess over until the following day.

Mr. JOHNSTON. Mr. President, I do not intend to object. I guess what I am saying is that when the time comes, and I hope that time will soon be here, we will put it in high gear and run this thing into the ground where it deserves to be, this thing being the filibuster, and, of course, I am not going to interfere with the leadership prerogatives. The leader has been very good in this matter. But I would serve—I do not guess the word is notice—I would implore the majority leader, should I say, that very soon we get serious on the matter.

Mr. BAKER. The Senator from Tennessee, as the majority leader, has a high regard for the Senator from Louisiana and a great respect for his words and wishes. I will take kindly to that suggestion because I share in his ambition in seeing that this matter is disposed of properly.

Mr. President, have the orders been granted in respect to the convening of the Senate and the recognition of Senators under the special order?

The PRESIDING OFFICER. They have not yet been granted.

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I now wish to consult with the minority leader or his representative.

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I observe that a number of nominations on today's Executive Calendar have been cleared for action on this side, especially I identify for my friend, the minority leader, all of those nominations beginning on page 2 under the heading "Air Force" and continuing through pages 3, 4, 5, 6, 7, 8, 9, and 10, including the nominations placed on the Secretary's desk in the Air Force, Army, and Navy, and inquire of the minority leader if he is in a position at this time to consider all or any part of those nominations by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, the nominations that have been mentioned by the distinguished majority leader running from pages 2 through 10, inclusive, have been cleared on this side of the aisle, and we are ready to proceed.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

To be major general

Brig. Gen. Richard D. Anderegg, [redacted].
Brig. Gen. William A. Anders, [redacted].
Brig. Gen. Sloan R. Gill, [redacted].
Brig. Gen. Thomas J. Gregory, [redacted].
Brig. Gen. Donald M. Jenkins, [redacted].
Brig. Gen. Donald J. Licker, [redacted].
Brig. Gen. Vincent P. Luchsinger, Jr., [redacted].
Brig. Gen. Patrick J. Marckesano, [redacted].
Brig. Gen. James W. Taylor, [redacted].

To be brigadier general

Col. Donald G. Aten, [redacted].
Col. Howard L. Brainin, [redacted].
Col. Charles R. Cargill, [redacted].
Col. Herman J. Carpenter, [redacted].
Col. William L. Harper, [redacted].
Col. Leonard W. Hegland, [redacted].
Col. Arthur H. Hutton, [redacted].
Col. Herbert H. Kaiser, Jr., [redacted].
Col. Charles A. Kelly, [redacted].
Col. Marc M. McClelland, [redacted].
Col. William B. McDaniel, [redacted].
Col. Byron E. Mills, Jr., [redacted].
Col. Robert G. Mortensen, [redacted].
Col. Richard A. Northrup, [redacted].
Col. Charles R. Parrott, [redacted].
Col. Walter L. Saur, [redacted].
Col. Roger P. Scheer, [redacted].

U.S. AIR FORCE

The following officers for appointment in the United States Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

To be brigadier general

Col. Joseph A. Ahearn, [redacted].
Col. Thomas A. Baker, [redacted].
Col. Thomas P. Ball, [redacted].
Col. Richard S. Beyea, Jr., [redacted].
Col. Robert C. Beyer, Jr., [redacted].
Col. Anthony J. Burshnick, [redacted].
Col. Henry D. Canterbury, [redacted].
Col. Vernon Chong, [redacted].
Col. Donald L. Cromer, [redacted].
Col. James L. Crouch, [redacted].

Col. Alexander K. Davidson, xxx-xx-xxxx
Col. James B. Davis, xxx-xx-xxxx
Col. Lee A. Denson, Jr., xxx-xx-xxxx
Col. Larry D. Dillingham, xxx-xx-xxxx
Col. Robert D. Eaglet, xxx-xx-xxxx
Col. George E. Ellis, xxx-xx-xxxx
Col. Jack K. Farris, xxx-xx-xxxx
Col. Eugene H. Fischer, xxx-xx-xxxx
Col. Gordon E. Fornell, xxx-xx-xxxx
Col. Wilfred L. Goodson, xxx-xx-xxxx
Col. Lee V. Greer, xxx-xx-xxxx
Col. Albert C. Guidotti, xxx-xx-xxxx
Col. Ralph E. Havens, xxx-xx-xxxx
Col. Donald W. Henderson, xxx-xx-xxxx
Col. Jerry D. Holmes, xxx-xx-xxxx
Col. Charles A. Horner, xxx-xx-xxxx
Col. Bradley C. Hosmer, xxx-xx-xxxx
Col. Wayne O. Jefferson, Jr., xxx-xx-xxxx
Col. Kenneth R. Johnson, xxx-xx-xxxx
Col. Robert L. Kirtley, xxx-xx-xxxx
Col. Donald J. Kutyna, xxx-xx-xxxx
Col. Wayne W. Lambert, xxx-xx-xxxx
Col. Thomas A. LaPlante, xxx-xx-xxxx
Col. Mary A. Marsh, xxx-xx-xxxx
Col. Paul H. Martin, xxx-xx-xxxx
Col. Monte D. Montgomery, xxx-xx-xxxx
Col. Donald L. Moore, xxx-xx-xxxx
Col. Stanton R. Musser, xxx-xx-xxxx
Col. Robert A. Norman, xxx-xx-xxxx
Col. Robert W. Norris, xxx-xx-xxxx
Col. Kenneth W. North, xxx-xx-xxxx
Col. Richard M. Pascoe, xxx-xx-xxxx
Col. Richard A. Pierson, xxx-xx-xxxx
Col. Albert L. Pruden, Jr., xxx-xx-xxxx
Col. Clifford H. Rees, Jr., xxx-xx-xxxx
Col. Robert L. Rutherford, xxx-xx-xxxx
Col. Paul N. Scheidel, xxx-xx-xxxx
Col. John C. Scheidt, Jr., xxx-xx-xxxx
Col. Alexander M. Sloan, xxx-xx-xxxx
Col. Donald C. Smith, xxx-xx-xxxx
Col. Leo W. Smith, II, xxx-xx-xxxx
Col. Ralph E. Spraker, xxx-xx-xxxx
Col. Samuel H. Swart, Jr., xxx-xx-xxxx
Col. John H. Voorhees, xxx-xx-xxxx
Col. Claudius E. Watts, III, xxx-xx-xxxx
Col. David H. Williams, Jr., xxx-xx-xxxx

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be general

Lt. Gen. Richard Edward Cavazos, xxx-xx-xxxx

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Anthony H. Conrad, Jr., xxx-xx-xxxx
Brig. Gen. Robert G. Ownby, xxx-xx-xxxx
Brig. Gen. Manila G. Shaver, xxx-xx-xxxx

To be brigadier general

Col. Randall W. Bell, xxx-xx-xxxx
Col. David M. Burner, Jr., xxx-xx-xxxx
Col. Joseph M. Cannon, xxx-xx-xxxx
Col. Murray E. Cantrall, xxx-xx-xxxx
Col. Keith L. Hargrove, xxx-xx-xxxx
Col. Roy L. Nelson, xxx-xx-xxxx
Col. Elvin J. Schofield, xxx-xx-xxxx
Col. Charles J. Whisnant, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Glenn H. Kothmann, xxx-x...

Brig. Gen. James Q. Simmons, III, xxx-xx-x...

To be brigadier general

Col. Lawrence P. Flynn, xxx-xx-xxxx
Col. Walter H. Grimes, xxx-xx-xxxx
Col. Robert J. Irvin, xxx-xx-xxxx
Col. William A. Jackson, xxx-xx-xxxx
Col. Jerome M. Shinaver, Jr., xxx-xx-xxxx
Col. Leah W. Stalling, xxx-xx-xxxx
Col. Donald E. Stone, xxx-xx-xxxx
Col. Gilbert J. Sullivan, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for appointment:

To be major general

Brig. Gen. Charles M. Kiefner, xxx-x...

Brig. Gen. Robert M. Morgan, xxx-...

To be brigadier general

Col. Guillermo H. Barbosa, xxx-xx-xxxx
Col. Darden J. Bourne, xxx-xx-xxxx
Col. Richard I. Braund, xxx-xx-xxxx
Col. Forrest W. Brice, xxx-xx-xxxx
Col. Lawrence B. Campbell, xxx-xx-xxxx
Col. William P. Cody, xxx-xx-xxxx

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE NAVY

The following-named captains of the Navy for promotion to the permanent grade of commodore in the staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

MEDICAL CORPS

Joseph S. Cassells.

SUPPLY CORPS

Carl R. Webb, Jr.
John H. Ruehlin.
Stuart F. Platt.

CIVIL ENGINEERS CORPS

John C. Fraser, Jr.

DENTAL CORPS

Richard G. Shaffer.

MEDICAL SERVICE CORPS

Lewis E. Angelo.

The following-named captains of the line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Unrestricted line officers

Robert E. Klee.
James M. G. Seely.
Richard F. Donnelly.
Don G. Primeau.
Roger O. Simon.
Harry K. Fiske.
James M. Gleim.
Diego E. Hernandez.
Daniel J. Wolkensdorfer.
John R. Wilson, Jr.
"E" Inman Carmichael.
John S. Disher.
Frank W. Butterworth III.
James F. Dorsey, Jr.
William D. Zirbel.
Robert S. Owens.
William M. Fogarty.
Henry F. Boyle, Jr.
Stewart A. Ring.
Burnham C. McCaffree, Jr.
Dudley L. Carlson.
Leon A. Edney.
Gerald L. Riendeau.
David W. Cockfield.
Hugh L. Webster.
Robert H. Shumaker.
Oakley E. Osborn.
Richard C. Ustick.
Jack N. Darby.
David E. Jeremiah.
Theodore E. Lewin.
Ronald M. Eytchison.
Dennis M. Brooks.

Engineering duty officers

David P. Donohue.
Myron V. Ricketts.

Aeronautical engineering duty officers

William J. Finneran.
John C. Weaver.

Special duty officer (public affairs)

Jack A. Garrow.

Capt. William M. Narva, U.S. Navy, for permanent promotion to the grade of rear admiral in the U.S. Navy, in accordance with article II, section 2, of the Constitution.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Lawrence S. Eagleburger, of Florida, a Career Member of the Senior Foreign Service, class of Career Minister, to be Under Secretary of State for Political Affairs, vice Walter J. Stoessel, Jr., resigned.

Michael Hayden Armacost, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Fred J. Eckert, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary

and Plenipotentiary of the United States of America to the Republic of Kiribati, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Fred M. Zeder II, of Hawaii, for the rank of Ambassador during the tenure of his service as Personal Representative of the President to conduct negotiations on the future political status of the Trust Territory of the Pacific Islands.

ACTION AGENCY

The legislative clerk read the nomination of Reynaldo Philip Maduro, of Maryland, to be an Assistant Director of the ACTION Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy, placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 10 a.m. After the recognition of the two leaders under the standing order, three Senators will be recognized on special orders of not to exceed 15 minutes each. After the execution of the special orders and perhaps after the expiration of the time, a brief time for the transaction of routine morning business, if the same should be ordered on tomorrow, the Senate will resume consideration of S. 951, the Department of Justice authorizations bill, at which time the pending question will be the motion to reconsider the previous vote made by the distinguished Senator from Connecticut or a point of order against that motion if the same is renewed on tomorrow by the Senator from Louisiana.

Mr. President, it is expected that the Senate will continue to debate and consider the Department of Justice authorizations bill during the course of the day tomorrow.

I expect that there will be rollcalls throughout the day on tomorrow and quorum calls as well.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I would say to my friend, the minority leader, that I have no further business that I wish to ask the Senate to consider this evening, and I inquire if he has any other matter to address to the Senate.

Mr. ROBERT C. BYRD. I thank the distinguished majority leader. I have not.

Mr. BAKER. I thank the minority leader.

AUTHORIZATION FOR CERTAIN ACTION DURING RECESS OF THE SENATE UNTIL TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that during the recess of the Senate over until tomorrow, the Secretary of the Senate be authorized to receive messages from the House, and that the Vice President or the President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, if there be no further business to come before the Senate I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m., on tomorrow.

The motion was agreed to; and at 5:50 p.m., the Senate recessed until Thursday, February 11, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, February 10, 1982:

DEPARTMENT OF JUSTICE

J. Alan Johnson, of Pennsylvania, to be U.S. attorney for the western district of Pennsylvania for the term of 4 years vice Robert J. Cindrich, resigned.

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Calvin G. Franklin, [redacted]

To be brigadier general

Col. Donald E. Edwards, [redacted]
Col. Ernest R. Morgan, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate, February 10, 1982:

DEPARTMENT OF STATE

Lawrence S. Eagleburger, of Florida, a Career Member of the Senior Foreign Service, class of Career Minister, to be Under Secretary of State for Political Affairs.

Michael Hayden Armacost, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Fred J. Eckert, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiare of the United States of America to the Republic of Kiribati, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, and Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu.

Fred M. Zeder II, of Hawaii, for the rank of Ambassador during the tenure of his service as Personal Representative of the President to conduct negotiations on the future political status of the Trust Territory of the Pacific Islands.

ACTION AGENCY

Reynaldo Philip Maduro, of Maryland, to be an Assistant Director of the ACTION Agency.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

To be major general

Brig. Gen. Richard D. Anderegg, [redacted] FV, Air Force Reserve.
Brig. Gen. William A. Anders, [redacted] FV, Air Force Reserve.
Brig. Gen. Sloan R. Gill, [redacted] FV, Air Force Reserve.
Brig. Gen. Thomas J. Gregory, [redacted] FV, Air Force Reserve.
Brig. Gen. Donald M. Jenkins, [redacted] FV, Air Force Reserve.
Brig. Gen. Donald J. Licker, [redacted] FV, Air Force Reserve.
Brig. Gen. Vincent P. Luchsinger, Jr., [redacted] FV, Air Force Reserve.
Brig. Gen. Patrick J. Marckesano, [redacted] FV, Air Force Reserve.
Brig. Gen. James W. Taylor, [redacted] FV, Air Force Reserve.

To be brigadier general

Col. Donald G. Aten, [redacted] FV, Air Force Reserve.
Col. Howard L. Brainin, [redacted] FV, Air Force Reserve.
Col. Charles R. Cargill, [redacted] FV, Air Force Reserve.
Col. Herman J. Carpenter, [redacted] FV, Air Force Reserve.

Col. William L. Harper, xxx-xx-xxxx FV, Air Force Reserve.
Col. Leonard W. Hegland, xxx-xx-xxxx FV, Air Force Reserve.
Col. Arthur H. Hutton, xxx-xx-xxxx FV, Air Force Reserve.
Col. Herbert H. Kaiser, Jr., xxx-xx-... FV, Air Force Reserve.
Col. Charles A. Kelly, xxx-xx-xxxx FV, Air Force Reserve.
Col. Marc M. McClelland, xxx-xx-xxxx FV, Air Force Reserve.
Col. William B. McDaniel, xxx-xx-xxxx FV, Air Force Reserve.
Col. Byron E. Mills, Jr, xxx-xx-xxxx FV, Air Force Reserve.
Col. Robert G. Mortensen, xxx-xx-xxxx FV, Air Force Reserve.
Col. Richard A. Northrup, xxx-xx-xxxx FV, Air Force Reserve.
Col. Charles R. Parrott, xxx-xx-xxxx FV, Air Force Reserve.
Col. Walter L. Saur, xxx-xx-xxxx FV, Air Force Reserve.
Col. Roger P. Scheer, xxx-xx-xxxx FV, Air Force Reserve.

The following officers for appointment in the United States Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

To be brigadier general

Col. Joseph A. Ahearn, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas A. Baker, xxx-xx-xxxx FR, Regular Air Force.
Col. Thomas P. Ball, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Richard S. Beyea, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Robert C. Beyer, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Anthony J. Burshnick, xxx-xx-... xxx-... FR, Regular Air Force.
Col. Henry D. Canterbury, xxx-xx-... xxx-... FR, Regular Air Force.
Col. Vernon Chong, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Donald L. Cromer, xxx-xx-xxxx FR, Regular Air Force.
Col. James L. Crouch, xxx-xx-xxxx FR, Regular Air Force.
Col. Alexander K. Davidson, xxx-x... FR, Regular Air Force.
Col. James B. Davis, xxx-xx-xxxx FR, Regular Air Force.
Col. Lee A. Denson, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Larry D. Dillingham, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert D. Eaglet, xxx-xx-xxxx FR, Regular Air Force.
Col. George E. Ellis, xxx-xx-xxxx FR, Regular Air Force.
Col. Jack K. Farris, xxx-xx-xxxx FR, Regular Air Force.
Col. Eugene H. Fischer, xxx-xx-xxxx FR, Regular Air Force.
Col. Gordon E. Fornell, xxx-xx-xxxx FR, Regular Air Force.
Col. Wilfred L. Goodson, xxx-xx-xxxx FR, Regular Air Force.
Col. Lee V. Greer, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert C. Guidotti, xxx-xx-xxxx FR, Regular Air Force.
Col. Ralph E. Havens, xxx-xx-xxxx FR, Regular Air Force.
Col. Donald W. Henderson, xxx-xx-... xxx-... FR, Regular Air Force.
Col. Jerry D. Holmes, xxx-xx-xxxx FR, Regular Air Force.
Col. Charles A. Horner, xxx-xx-xxxx FR, Regular Air Force.
Col. Bradley C. Hosmer, xxx-xx-... FR, Regular Air Force.
Col. Wayne O. Jefferson, Jr., xx... FR, Regular Air Force.
Col. Kenneth R. Johnson, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert L. Kirtley, xxx-xx-xxxx FR, Regular Air Force.
Col. Donald J. Kutyna, xxx-xx-xxxx FR, Regular Air Force.
Col. Wayne W. Lambert, xxx-x... FR, Regular Air Force.
Col. Thomas A. LaPlante, xxx-xx-xxxx FR, Regular Air Force.
Col. Mary A. Marsh, xxx-xx-xxxx FR, Regular Air Force.
Col. Paul H. Martin, xxx-xx-xxxx FR, Regular Air Force.
Col. Monte D. Montgomery, xxx-xx-x... xxx-... FR, Regular Air Force.
Col. Donald L. Moore, xxx-xx-xxxx FR, Regular Air Force.
Col. Stanton R. Musser, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert A. Norman, xxx-xx-xxxx FR, Regular Air Force.
Col. Robert W. Norris, xxx-xx-xxxx FR, Regular Air Force, Judge Advocate.
Col. Kenneth W. North, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard M. Pascoe, xxx-xx-xxxx FR, Regular Air Force.
Col. Richard A. Pierson, xxx-xx-xxxx FR, Regular Air Force.
Col. Albert L. Pruden, Jr., xxx-xx... FR, Regular Air Force.
Col. Clifford H. Rees, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Robert L. Rutherford, xxx-xx-... xxx-... FR, Regular Air Force.
Col. Paul N. Scheidel, xxx-xx-xxxx FR, Regular Air Force.
Col. John C. Scheidt, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. Alexander M. Sloan, xxx-xx-xxxx FR, Regular Air Force, Medical.
Col. Donald C. Smith, xxx-xx-xxxx FR, Regular Air Force.
Col. Leo W. Smith II, xxx-xx-... FR, Regular Air Force.
Col. Ralph E. Spraker, xxx-xx-xxxx FR, Regular Air Force.
Col. Samuel H. Swart, Jr., xxx-xx-xxxx FR, Regular Air Force.
Col. John H. Voorhees, xxx-xx-xxxx FR, Regular Air Force.
Col. Claudius E. Watt III, xxx-xx-xxxx FR, Regular Air Force.
Col. David H. Williams, Jr., xxx-x... xxx-x... FR, Regular Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be general

Lt. Gen. Richard Edward Cavazos, xxx-xx-x... xxx-..., Army of the United States (major general, U.S. Army).

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Anthony H. Conrad, Jr., xxx-... xxx-xx-x...
Brig. Gen. Robert G. Ownby, xxx-xx-xxxx
Brig. Gen. Manila G. Shaver, xxx-xx-xxxx

To be brigadier general

Col. Randall W. Bell, xxx-xx-xxxx.
Col. David M. Burner, Jr., xxx-xx-xxxx.
Col. Joseph M. Cannon, xxx-xx-xxxx.
Col. Murray E. Cantrall, xxx-xx-xxxx.
Col. Keith L. Hargrove, xxx-xx-x...
Col. Roy L. Nelson, xxx-xx-xxxx.
Col. Elvin J. Schofield, xxx-xx-xxxx.
Col. Charles J. Whisnant, xxx-xx-xxxx.

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Glenn H. Kothmann, xxx-xx-x... xxx-...
Brig. Gen. James Q. Simmons III, xxx-xx-... xxx-...

To be brigadier general

Col. Lawrence P. Flynn, xxx-xx-xxxx.
Col. Walter H. Grimes, xxx-xx-xxxx.
Col. Robert J. Irvin, xxx-xx-xxxx.
Col. William A. Jackson, xxx-xx-xxxx.
Col. Jerome M. Shinaver, Jr., xxx-xx-xxxx.
Col. Leah W. Stallings, xxx-xx-xxxx.
Col. Donald E. Stone, xxx-xx-xxxx.
Col. Gilbert J. Sullivan, xxx-xx-xxxx.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. Charles M. Kiefner, xxx-xx-... x.
Brig. Gen. Robert M. Morgan, xxx-xx-x... xxx-...

To be brigadier general

Col. Guillermo H. Barbosa, xxx-xx-xxxx
Col. Darden J. Bourne, xxx-xx-xxxx
Col. Richard I. Braund, xxx-xx-xxxx.
Col. Forrest W. Brice, xxx-xx-xxxx.
Col. Lawrence B. Campbell, xxx-xx-xxxx
Col. William P. Cody, xxx-xx-xxxx.

IN THE NAVY

The following-named captains of the Navy for promotion to the permanent grade of commodore in the staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

MEDICAL CORPS

Joseph S. Cassells

SUPPLY CORPS

Carl R. Webb, Jr.
John H. Ruehlin
Stuart F. Platt

CIVIL ENGINEERS CORPS

John C. Fraser, Jr.

DENTAL CORPS

Richard G. Shaffer

MEDICAL SERVICE CORPS

Lewis E. Angelo

The following-named captains of the line of the Navy for promotion to the permanent grade of commodore, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Unrestricted line officers

Robert E. Klee
James M. G. Seely
Richard F. Donnelly
Don G. Primeau
Roger O. Simon
Harry K. Fiske
James M. Gleim
Diego E. Hernandez
Daniel J. Wolkensdorfer
John R. Wilson, Jr.
"E" Inman Carmichael
John S. Disher
Frank W. Butterworth III
James F. Dorsey, Jr.
William D. Zirbel
Robert S. Owens
William M. Fogarty

Henry F. Boyle, Jr.
Stewart A. Ring
Burnham C. McCaffree, Jr.
Dudley L. Carlson
Leon A. Edney
Gerald L. Riendeau
David W. Cockfield
Hugh L. Webster
Robert H. Shumaker
Oakley E. Osborn
Richard C. Ustick
Jack N. Darby
David E. Jeremiah
Theodore E. Lewin
Ronald M. Eytchison
Dennis M. Brooks

Engineering duty officers

David P. Donohue
Myron V. Ricketts

Aeronautical engineering duty officers

William J. Finneran
John C. Weaver

Special duty officer (Public Affairs)

Jack A. Garrow

Capt. William M. Narva, U.S. Navy, for permanent promotion to the grade of rear admiral in the U.S. Navy, in accordance with article II, section 2, of the Constitution.

IN THE AIR FORCE

Air Force nominations beginning Jack C. Aarestad, to be Colonel, and ending Douglas K. Laipple, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Air Force nominations beginning John H. Andrews, to be lieutenant colonel, and ending Madhu Thakker, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Air Force nominations beginning Curtis C. Andrews, rank to be determined, and ending Benjamin E. Plummer, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

IN THE ARMY

Army nominations beginning Alvin D. Aaron, to be major, and ending Jill Zimmermann, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

IN THE NAVY

Navy nominations beginning Roy Vernon Aasen, to be lieutenant commander, and ending Anna Jane West, to be lieutenant commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Navy nominations beginning Robert M. Alston, to be captain, and ending Judith S. Stagg, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Navy nominations beginning Raymond E. Chop, to be captain, and ending John R. Wheeler, to be captain, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Navy nominations beginning Bruce L. Bosworth, to be commander, and ending Edwin R. Linz, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Navy nominations beginning James R. Nichols, to be commander, and ending Alicia M. Wities, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

Navy nominations beginning James B. Cumbie, to be commander, and ending Robert R. Saltsman, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 28, 1982.

EXTENSIONS OF REMARKS

MINING THE SEAS FOR A BRAVE NEW WORLD

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. FIELDS. Mr. Speaker, Walter Berns, a resident scholar at the American Enterprise Institute, has recently published an article in Regulation magazine which should be of interest to all of my colleagues, particularly those that have an interest in the Law of the Sea Treaty.

Mr. Berns does a service to this body and this Nation by providing another discussion of theoretical assumptions and underpinnings of this so-called treaty, particularly the concept of a "common heritage of mankind."

I strongly commend the article to my colleagues.

[From Regulation, November/December 1981]

VIEWPOINT: MINING THE SEAS FOR A BRAVE NEW WORLD

(By Walter Berns)

Under established international law, we are entitled to mine the seas even as we might fish them. Elliot Richardson himself, who was President Carter's special representative for the UN Law of the Sea Conference until October 1, 1980, acknowledges that deep seabed resources may be recovered by any state or its nationals in "an exercise of a traditional high-seas freedom." Thus, as matters now stand, without the Law of the Sea Treaty, "nations can license their own nationals to mine the deep seabed and can reciprocally agree to respect the licenses granted by other nations." Nevertheless, last year the United States came to the very brink of approving the treaty and agreeing to relinquish this right to the international entity the treaty would create.

That poses an obvious question. Why should the United States, possessed of both the legal right to mine the seas and the technological and financial capabilities needed to do so, cede that right to an authority that will be governed by others? What is striking is how Richardson answers this question. He explains that other countries, and especially the so-called developing or third-world countries, are not happy with the current international law on this subject, and that we must therefore acquiesce in their demand that it be superseded by the new treaty. After all, in this one world, they outnumber us.

What is also striking to me is that such one-world sentiment continues to exist among us. At a meeting earlier this year, attended by representatives of various organizations that make it their business to follow United Nations affairs, I found—much to my surprise—people who continue to promote the cause of world government. I was surprised not so much by their presence as by the fact of their continued existence. For some reason—with hindsight I now see that it was merely because I had myself long since ceased to pay any attention to the issue—I had assumed that the world government enthusiasts had become discouraged by their evident lack of success and had turned to other good causes (such as saving Planet Earth or Newfoundland's baby seals).

I had done my best to discourage them. Back in the 1950s, I had argued that, whatever its constitution or nominal form and regardless of its organizing principle (fear of atomic annihilation or some statement of the brotherhood of man), any world government would almost certainly be a worldwide tyranny. I said it was folly to assume, as the proponents did, that a world government would be a liberal democracy, a judgment supported by the fact that even then there were relatively few liberal democracies in the world. Free government, I wrote, is difficult to establish even under the most propitious circumstances, and without mutual trust, literate populations and, to cite one other condition, a tradition of obedience to the rule of law, it would be impossible to maintain. This was the argument and I thought it persuasive. But, as an antecedent of subsequent events, it was probably not so persuasive as one episode in the life of what was then the largest of the world-government organizations, the United World Federalists.

According to the published account in the "Journal of Politics," the Federalists were indeed united on the need for a "global government able to enforce law (in the sense of 'domestic law') on individual violators," as well as in the opinion that, "given a certain amount of good will and political education," such a global government was possible. They also agreed that the "only practicable form for such a world government was the federal form." Unfortunately (for them at least), they could not agree as to "how such a world federation was to be brought about, which of the present states should be founding members, and what powers should be constitutionally delegated to it." In the course of trying to resolve their differences on these secondary issues, the members became "enraged," accusing each other of "political immaturity" and demanding that the charters of affiliated groups be revoked. The upshot was a series of schisms that left the parent organization with only half its membership.

This ought to have been a sobering experience, especially for those directly involved in it (and it ought to have provided a valuable lesson for anyone involved today in "global negotiations"). Setting out to unite the people of the entire world under a single government, they quickly learned that they could not even unite themselves. Yet, despite the example of the no-longer United World Federalists, there are still people—world federalists, planet-earthers, or whatever—who hope to bring about a genuine government of the world, if only by stages, by establishing regulatory regimes over this or that piece of the world and this or that aspect of international commerce. And all this despite the evidence of what the United Nations has become.

What it has become is "a dangerous place" for the likes of the United States. In 1955, it comprised some fifty nations and, on the whole, its dominant spirit was that of the liberal democracies; now it comprises more than three times fifty nations and the liberal democracies are a beleaguered and, by the standards that govern it, a despised or ridiculed minority. It is to such a league of disparate nations that the proposed Law of the Sea Treaty would have us yield the significant sovereign rights we now possess and are fully capable of exercising. The Seabed Authority would be dominated by nations contemptuous of our institutions and liberties, yet envious of our wealth.

Having nothing to lose and, in theory at least, everything to gain, these ascendant and developing nations began the seabed negotiations by demanding too much, even for our acquiescent negotiators. But the treaty as amended is a compromise, it is said, and one we can accept. It is a compromise between the demands of the developing countries, which look upon the resources of the high seas as part of "the common heritage of mankind" and, as such, to be reserved for an international equivalent of a government monopoly, and the position of the industrialized countries, which seek to guarantee the right of equal access through "a licensing system for all qualified seabed miners, whether private corporations or state entities."

Enough has been written in this journal to enable readers to judge for themselves whether the seabed provisions of the treaty represent a fair compromise between the parties. (See "One OPEC Is Enough" by Northcutt Ely in this issue and "A Global Straitjacket" by Richard Berryman and Richard Schifter in the previous issue.) I wish to address the theoretical assumptions and underpinnings of the treaty. By advocating ratification, Richardson would have us accept the developing nations' understanding of "the common heritage of mankind" as well as the legal consequences that flow from it. That understanding is the principle embodied in the treaty, and even the particular terms of the compromise reflect it. It is a pernicious principle.

My colleague, Robert A. Goldwin, has demonstrated that properly understood a resource that is part of mankind's common heritage is a resource that is owned not by everybody but by nobody ("Locke and the Law of the Sea," Commentary, June 1981). It is nobody's property because nobody has appropriated it, which is to say, nobody has made it his own; and until somebody has made it his own it is worthless, worthless to mankind in general and to men in particular. But, by accepting this so-called compromise, Richardson acknowledges a property right in mankind and, what is more, agrees that mankind has, or should have, a juridical personality through which that right may be exercised. The Seabed Authority would be a kind of mini-world government.

It is puzzling that nobody seems to have understood that by ratifying the Law of the Sea Treaty, we the people of the United States would be doing, formally at least, nothing essentially dissimilar to what we did in 1787-88. On that celebrated occasion

---

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

we ordained and established the Constitution of the United States, ceding to the United States our individual natural rights to govern ourselves; that is, we relinquished the legislative, executive, and judicial powers each of us possessed in the state of nature and by natural right. We did so because, as we acknowledged in the Declaration of Independence, we knew that the natural rights with which we were equally endowed could not be enjoyed or secured in our natural condition. ("To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.") Precisely in order to secure our rights, we yielded them (but not all of them) to the government we constituted in 1787-88 and under which we have lived for almost 200 years.

So, too, it is now proposed that we relinquish our our natural and internationally recognized right to appropriate unowned minerals by ceding it to another government that we, in the company of the rest of mankind, are constituting. But who are the "we" constituting the government over seabed mining, and who were the "we" who constituted the government of the United States?

The "we" constituting the International Seabed Authority are (or would be), in principle, all the world's states, comprising, in the words of the Book of Common Prayer, "all sorts and conditions of men" and, more to the point, all sorts and conditions of governments: tyrannies, despotisms (both benign and malign, and most of them unfriendly to the United States), and a pitiful handful of liberal democracies. It was a different sort of "we" who constituted the government of the United States.

In the course of the 1787 constitutional debates when various delegates suggested that we were thirteen peoples, James Wilson of Pennsylvania insisted that, with the meeting of the First Continental Congress, Pennsylvanians were no more, Virginians were no more, et cetera. "We are now," he said, "one nation of brethren." This may have been something of an exaggeration; yet, as Tocqueville was to point out shortly thereafter, the Americans were a homogeneous people on the whole; as he put it, the citizens of Maine and Georgia, separated by a thousand miles, had more in common than those of Normandy and Brittany, "separated only by a brook." Even so, what is significant is that, despite their common language, their common memories, their common heritage, and their common aspirations, the Americans of 1787 constituted a government that is characterized by distrust.

Men are not angels, Madison said in Federalist 51, and although popular and regular elections should be the primary control on the government, "experience has taught mankind the necessity of auxiliary precautions." These precautions took the form of the various institutions built into the very structure of government and families to everyone who has had so much as a high school civics course: a complex system of representation, checks and balances separation of powers and, for one more example, and independent judiciary. Together, these institutional devices were designed to prevent government by simple majorities of the people. The Americans of 1787 did not trust even themselves—though they had, in 1776, declared themselves "one people."

Against this background, the willingness of some of their descendants to accept the structure that would be established under the seabed treaty cries out for an explanation. There would be an Assembly in which the United States (along with all signatory countries) would be represented and, if the UN General Assembly can serve as a guide, regularly outvoted. There would be a thirty-six-member Council, similar to the UN's Security Council (but without a veto provision), which would take some decisions by consensus, some by a three-fourths vote, others by a two-thirds vote, and still others by a vote of a simple majority—and on which the United States might or might not be represented. (The Soviet bloc, on the other hand, would be guaranteed at least three seats.) And there would be a Seabed Disputes Chamber consisting of eleven members selected from among the members of the International Tribunal for Law of the Sea—on which, again, the United States might or might not be represented. One provison, however, is very clear: since nations would contribute funds to the Seabed Authority in proportion to their UN assessments, some 25 percent of the money would come from the United States. On that point the world was indeed united.

Speaking before the American Mining Congress in September 1980, Elliott Richardson made much of the fact that the "rules, regulations, and procedures of the Authority will have been developed by the Preparatory Commission before the treaty enters into force. . . ." This would be more reassuring if the views of the United States with respect to the "rules, regulations, and procedures" were guaranteed a fair hearing during the meetings of this commission. Richardson assured the Mining Congress that the commission would proceed carefully and that "experts will have more influence in [it] than in the Law of the Sea Conference itself." That is an interesting admission. But what he does not say, because he cannot honestly say it, is that our "experts" would have an influence commensurate with their expertise or, indeed, that they would be our experts, not only by nationality but by inclination. We cannot know the answers to these questions until after the treaty is ratified. What is even more disquieting is that these "rules, regulations, and procedures" can be changed by consensus in the Council (on which the United States might or might not be represented), and as Northcutt Ely points out, the judicial tribunal of the Seabed Authority would be forbidden to declare such changes ultra vires. In short, this quasi-government would have a judiciary, but this judiciary would not have the sort of review power on which we have come to depend for protection from official misconduct.

One can understand why the Soviet Union supports the treaty. One can understand why the third-world countries support it. One can even understand why Canadian Prime Minister Trudeau supports it enthusiastically: There are provisions in it protecting Canadian minerals from having to compete in the world market with those that might be scooped from the seabeds. Besides, Trudeau seems to be eager to become a leader of the third world—what better platform from which to shake an admonitory finger at the United States?—and to do whatever is required, by way of national economic policy to make Canada eligible for membership in that group. But is passeth all understanding why an American should support it.

As Gary Knight of Louisiana State University has pointed out, the treaty is seen by its friends as the first step in the campaign to implement the New International Economic Order, that "grandiose plan for massive redistribution of political and economic power from the north to the south." With the treaty, the principle for this redistribution would be in place and its implementation would follow as circumstances permit: we are part of one world called mankind; wealth is the "common heritage of mankind"; the United Nations or the Seabed Authority or some other broad international entity speaks for mankind; and, with the cooperation of the Soviet Union, the third world controls these organizations. (In the actual event, of course, the power and wealth would go not to the third-world countries but, rather, to the self-selected third-world elites.)

This brave new world is not what the United World Federalists had in mind. They wanted a government similar to the one they already enjoyed, a government that secured the rights of man even as it guaranteed the peace. They too readily assumed that the rest of mankind shared these goals, but, as anyone familiar with the UN knows, the spokesmen for the rest of mankind—by which I mean the mankind living outside the liberal democracies—have an inflated idea of rights (or, at least, their rights) and a parochial idea of peace (a war of national liberation does not breach the peace).

Fortunately, with the new mood in Washington, there is little danger that the United States will sign the present treaty and, if the administration does sign it, scarcely any possibility that it will be approved by the constitutionally required two-thirds vote of the Senate. We can thank an earlier and wiser generation of Americans for that auxiliary precaution.●

THE 72D ANNIVERSARY OF THE BOY SCOUTS

HON. AL SWIFT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SWIFT. Mr. Speaker, the largest and oldest youth organization to be chartered by Congress is celebrating its 72d anniversary and, after the welcome opportunity to meet this past week with a young man from my district, it is clear that the Boy Scouts continue to do the excellent job they have always done preparing our Nation's youth. Mr. Shawn Hart, a 17-year-old Boy Scout from Arlington, Wash., was selected to represent Boy Scouts from all over the Nation in presenting to Congress the 1981 Report to the Nation for the Boy Scouts of America. He asked that I share this Scouting report with you by placing it in the RECORD where it will be available to all Members and others interested in Scouting.

BOY SCOUTS OF AMERICA, 1981 REPORT TO THE NATION

For the second year in a row, the Boy Scouts of America showed gains in membership and total units. At the end of 1981, 3,244,815 Cub Scouts, Boy Scouts, and Explorers were benefiting from Scouting experiences in 130,587 packs, troops, and posts.

The highlight of the year was "Scouting's Reunion With History"—the 1981 National Scout Jamboree held July 29 through August 4 at Fort A. P. Hill, Va. More than 30,000 boys and adult leaders from every part of the United States and 22 other countries pitched a colorful tent city and engaged in Scouting activities on the grassy knolls of the Piedmont near historic Fredericksburg, Va.

The objectives of our 10th national Scout jamboree were met—to bring a clear understanding and a deeper sense of commitment to the ideals of Scouting to our members; to show America and the world the atmosphere of a huge gathering conducted by a great youth movement in a free society; to emphasize the important need for physical fitness and for the conservation of natural resources in today's world; and finally, to establish and promulgate Scouting activities and methods into the regular program of Boy Scout troops across the nation.

Meanwhile, back at the Philmont Scout Ranch in New Mexico, 10,058 other campers and leaders participated in Scouting's high-adventure program last summer while 5,459 members attended one of the four other high-adventure bases in Minnesota, Florida, Maine, and Wisconsin. Moreover, nearly 100 local councils last year conducted high-adventure programs of their own for older Scouts and Explorers.

Outdoor activity is the most appealing aspect of the Scouting program. Youth are drawn to it because it offers opportunities for fun in hiking, camping, swimming, boating, canoeing, and touring. This appeal is woven into the program from Cub Scouting through Boy Scouting and Exploring. More than 600 local council camps were open last summer to accommodate 442,892 Boy Scouts from 32,098 troops in long-term camping experiences. Nearly 400 councils conducted day camps for 275,245 Cub Scouts.

Membership in the Order of the Arrow, a brotherhood of honor campers, reached 143,807 last year. In August, 3,337 members attended the 1981 National Order of the Arrow Conference at the University of Texas at Austin.

Additional national events conducted in 1981 were the 11th national Explorer Congress, May 12-16, in Indianapolis, Ind.; the National Invitational White River Canoe Race, Little Rock, Ark.; National Explorer Sailing Championships, Los Angeles, Calif., sanctioned by the United States Yacht Racing Union; National Explorer Air Rifle Championships at the United States Naval Academy, sponsored by the Crosman Airguns Company; National Invitational Surfing Conference, Honolulu, Hawaii; National Explorer Winter Games, Duluth, Minn.; and the Reader's Digest Association-Boy Scouts of America National Public Speaking Contest. The national finals for the public speaking contest were held in Dallas in February. Educational scholarships worth $11,500 were awarded to the 12 finalists.

More than 3,000 Boy Scouts and leaders represented the BSA in official contingents to jamborees and Scouting events in Switzerland, Scotland, Denmark, and Canada. More than 2,388 Scouts and leaders from other countries visited the United States. There were also many patrol and troop exchanges with brother Scouts in Canada and Mexico. The International Camp Staff Program resulted in having 104 Scouters from other countries working in 85 local council camps. Last year enrollment in the Direct Service Council, which administers BSA units overseas, totaled 3,293 youth members in 116 packs, troops, and posts.

Merit badges in some 120 subjects gave Boy Scouts an opportunity to learn about hobbies, careers, and advanced Scoutcraft. In 1981, Scouts earned more than 2 million merit badges. In addition, 25,981 youth members achieved the rank of Eagle Scout and 23 Sea Explorers earned the Quartermaster Award. The National Eagle Scout Association gained 5,413 new members, bringing its membership of 61,325 Scouts and former Scouts who have earned this coveted award.

Also last year 63,930 Cub Scouts, Boy Scouts, and Explorers earned their respective religious emblems while 4,140 adult volunteers were recognized by the various religious advisory committees to the BSA for outstanding service to youth. The George Meany Award for outstanding service through Scouting in the union movement was presented to 81 volunteers. The Whitney M. Young, Jr., Service Award went to 37 community leaders who did outstanding work in expanding Scouting's outreach in low-income areas.

The National Court of Honor recognized three person for unusual heroism in saving or attempting to save life with the Honor Medal With Crossed Palms. Twenty-two Honor Medals were presented for heroism in saving lives at the risk of their own, 51 Certificates for Heroism were awarded for heroic acts that resulted in the saving of life, and 137 Medals of Merit were given for outstanding acts of service of exceptional character. The six regions presented 44 Silver Antelope Awards, and local councils recognized 2,060 Scouters with the Silver Beaver Award for outstanding service to youth.

A new Official Scoutmaster Handbook was released last year, written in concert with recently published handbooks for boys and patrol leaders. These three new books complete the trilogy of the basic literature of Boy Scouting, now revitalized and current.

The Boy Scouts of America is extremely proud of its legion of volunteers—more than a million committed Americans. Indeed, only through them can Scouting instill habits of good citizenship in its more than 3.2 million youth members. As our nation makes the transition from "government doing for us that which we can do for ourselves," the Boy Scouts of America pledges to redouble its efforts to produce citizens who are imbued with Scouting's traditional values of self-reliance and service to others.

THOMAS C. MACAVOY,
President.

J. L. TARR,
Chief Scout Executive.●

CONSTRUCTION WEEK TO RECOGNIZE ESSENTIAL ROLE OF CONSTRUCTION INDUSTRY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. WOLF. Mr. Speaker, I rise today to thank my colleagues for their passage of Senate Joint Resolution 122 which provides for the designation of the week of February 28, 1982, as "National Construction Industry Week." This date coincides with the National Construction Industry Legislative Conference to be held here in Washington, D.C.

I am sure my distinguished colleagues are aware that the Federal Government is by far the largest purchaser of construction industry goods and services. Literally billions of dollars are spent to build our Nation's roads, bridges, dams, sewer and wastewater treatment facilities, and for housing.

Almost every public agency—Federal State, or local—is involved in construction programs of various kinds in the furtherance of the public good. Construction output provides our homes, facilities for transportation, health, education, and recreation, and our place of daily employment. The impact of American's construction affects each and every citizen and the health of the industry is critically important to the overall health of our national economy.

It is thus fitting that the Congress recognize the essential role played by the construction industry in our daily lives and its significant contributions to our Nation's economy and quality of life. I was pleased to offer this resolution and I am grateful to the over 218 of my colleagues who joined with me to call attention to the vital contribution of the construction industry to our society.●

NORTH CAROLINIANS HONOR CONGRESSMAN BROYHILL'S SECOND DECADE

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MARTIN of North Carolina. Mr. Speaker, our friend and colleague, JIM BROYHILL, is in his 20th year of service in this body, and has risen into the seniority stratosphere. During these two decades, he has served during six presidencies and, perhaps more importantly for a North Carolinian, enough redistrictings to have represented 18 out of our State's 100 counties.

The citizens and the County of Alexander will be honoring JIM and Louise BROYHILL later this month and commissioners there have adopted the following resolution in advance of their festivities on February 20.

RESOLUTION HONORING CONGRESSMAN JAMES T. BROYHILL

Whereas James T. Broyhill, Congressman, Tenth Congressional District, North Carolina, has been an outstanding representative for this area for 20 years; and

Whereas Congressman Broyhill has provided citizens an easy way of access to their government and has insisted that his district offices serve as "Citizen Centers"; and

Whereas Congressman Broyhill has been an avid supporter of programs that serve

the needs of individuals and our Country; and

Whereas Congressman Broyhill's wife, Louise, has served beautifully and admirably as our district "First Lady": Now, therefore, let it be.

Resolved, That Alexander County, North Carolina desires that it be known nationally of their appreciation of Congressman and Mrs. James T. Broyhill;

And have planned festivities February 20, 1982, formally called Jim Broyhill Appreciation Day Celebration in Taylorsville, North Carolina;

And does hereby request that this resolution be inserted in the Congressional Record;

And does extend an invitation to the Members of this Great Body to join with us and Congressman Broyhill in celebration February 20, 1982.●

REAGAN'S ASSAULT ON THE ENVIRONMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. OTTINGER. Mr. Speaker, in the New York Times of February 2, the Friends of the Earth organization placed a full-page ad calling upon Americans who believe that we owe a healthy world to those who follow us to take action now.

It is a remarkable compilation and distillation of the facts of the Reagan administration's assault on our environment. I offer it to my colleagues as food for thought as we prepare to review the newly submitted fiscal year 1983 budget:

RONALD REAGAN, THE HEALTH OF HUMANS AND THE NATURAL WORLD

Environmentalists were reluctant to criticize the President during his first year. We concentrated instead on Interior Secretary James Watt. But, let's face it, Mr. Reagan is the real James Watt. It's time to say so. Our President is taking apart nearly every institution that protects planetary and human health. His actions and his rhetoric are consistent: Destructive, disdainful and uncomprehending of environmental values. We've got a sad and serious problem. You can help turn it around.

The ecology movement began during the 1950s at the first signs of environmental breakdown: Pesticides in human tissue, dangerous levels of air pollution, strontium 90 in milk, sharp growth of cancer rates, loss of animal species, and the rapid depletion of wilderness.

For the first time, Americans sensed that the interdependence between humans and the natural world had to be taken seriously. We were not above the laws of nature. Despoiling our nest, we would eventually kill ourselves. Meanwhile, life itself would lose joy and meaning.

Presidents Kennedy, Johnson, Nixon, Ford and Carter were all, in varying degrees, responsive. New institutions emerged that had promise for preserving the health of the planet, of human beings, of future generations, and of the land, air and water.

A year ago, all that abruptly changed.

During his campaign, Mr. Reagan equated environmentalism with "extremism." We shook it off, but he has since repeated that word. By now it's obvious that Mr. Reagan sees environmentalists as some kind of enemy. From a President, this is something new and tragic. It comes at a moment when increased human passion toward the natural world might be the one thing that could save it, and us.

I. MR. REAGAN'S APPOINTEES

The new Assistant Secretary of Agriculture, John Crowell, used to work for Louisiana Pacific, the largest buyer of federal timber. He wants our national forests cut at three times the present rate.

Dr. John Todhunter used to fight pesticide regulations. Now he's supposed to regulate pesticides.

William A. Sullivan, Jr., was a lobbyist for the steel industry. Now he oversees enforcement of environmental law. "If I were an environmental activist," he said of his own appointment, "I'd be scared to death."

James Edwards, Energy Secretary, says ecologists are being "used by subversives." We think he means the Russians. He's fired a third of the solar energy staff. He plans a 93 percent cut in solar and conservation. Meanwhile, 100 percent of the nuclear budget remains.

James Watt used to sue the government for mining and energy companies. He is still carrying towels for them. His zeal has led more than one million Americans to sign petitions to fire him. Mr. Reagan's response? Watt is his "favorite" cabinet member.

The new head of the Environmental Protection Agency is Anne Gorsuch. Of her first 19 appointees, 15 were business executives. No environmentalists.

When the people think "environment" their images run to oil, minerals, lumber. To them, the environment is something you dig up, cut down, take apart or pave. "The regulated have captured the regulators," said William Butler of the National Audubon Society.

II. INDUSTRIALIZING WILDERNESS

Is Mr. Reagan a friend of nature? That's the image he's created, as he owns a ranch, rides horses and chops wood on national television. But back at the office. . .

He has urged more corporate leasing in and around our national parks, wilderness and forests—strip mines, oil drilling, logging. Among recently threatened areas: the Bob Marshall Wilderness, Bryce Canyon National Park, Alaska's fragile coasts and, incredibly, Big Sur.

Mr. Reagan fights to block additions to the national park system, even where Congress has okayed the funds. The President prefers to leave the land with private interests who want to develop it. Dozens of our national parks may be affected. If prior presidents had this attitude, there'd now be dams and lakes in Grand Canyon and stumps intead of redwoods.

Mr. Reagan has stopped additions to the Endangered Species List, a first step in their protection. He's in favor of poisoning wild coyotes with a deadly bait that kills scores of other animals. He wants more powerboats on wild rivers, more snowmobiles in national parks. And he's for the most massive offshore oil and gas drilling in history. Included are the rich Georges Bank fishing grounds, and east coast shores from Long Island to Cape Hatteras. Oil rigs 20 stories tall looming off the beach, with the prospect of gooey sands. On the west coast, only a huge outcry stopped oil drilling off Northern California. Pt. Reyes. Mendocino. Some of the most beautiful coast in the world. So there's your rancher President. In favor of nature? Mainly for those who own some.

III. DISMANTLING ENVIRONMENTAL INSTITUTIONS

In 1980, the President's Council on Environmental Quality (CEQ) released "The Global 2000 Report to the President," following three years' work. It's a listing of the dangers awaiting humanity by 2000 AD if governments do not face some facts—Loss of forests, expanding deserts, water shortages, deterioration of soil, depletion of fuels and minerals, increased carbon dioxide in the atmosphere, increased radioactivity, loss of animal habitats. The report asked for urgent conservation efforts and emphasis on renewable resources.

Mr. Reagan responded by cutting the budget of CEQ by 64 percent, and firing the staff that produced the report.

The Crippling of the EPA.—The main agency charged with protecting the quality of our lakes, rivers and air, as well as protecting human beings, is the EPA. This agency once led in efforts to make business obey the law. Apparently, this is no longer desirable.

Toxic waste enforcement is down by 48 percent. Expect more Love Canals. Air pollution enforcement is down by 48 percent. Clean water enforcement, down by 55 percent. In fact, the Office of Enforcement itself has been dismantled and the activities disbursed. All this is done in the name of "efficiency" but the actual purpose is clear. Under Nixon, Ford and Carter the average number of violations referred to prosecution was 150-200 per year. Under Reagan it's 66. So much for law and order.

EPA's research into toxic substances is being cut by 30 percent. Research into asbestos is eliminated. Same for the health effects of synfuels and diesel fuel. (When research teams and experiments are dismantled, it takes years to restart them. Meanwhile, the cancer rates soar.)

Overall, the EPA budget will be cut by 50-60 percent in real dollars by 1983. If Mr. Reagan has his way, the EPA will no longer be functional.

Occupational Health and Safety (OSHA).—Some of the most poisonous environments in the world are factories where millions of Americans work. Mr. Reagan's OSHA has reversed its role, from protecting workers to protecting management. It is planning to ease controls on cotton dust and lead inhalation, and labeling of dangerous products. And, amazingly, OSHA has cut workers' access to their own medical records, making it harder for them to know if their job is making them sick.

Others.—The Coastal Zone Management Program may soon by gone. The U.S. contribution to the UN Environmental Fund, cut by 29 percent. The Office of Surface Mining, and the entire Interior Dept. have been reoriented toward favoring the industry view. Hundreds of professioal staff—people who have been preparing programs for years—have been driven from their jobs. The "institutional memory" is being destroyed. Three more years of this and the whole apparatus for protecting our children's future will have been wiped out.

The rationale for this performance is Mr. Reagan's "economic recovery" goal. He says he has a "mandate" to do what he's doing. But what "mandate" can he possibly mean? Did you vote for more logging, mining and drilling in America's magnificent wilder-

ness? Did you vote to trade your children's heritage for poisonous air and water and a growing cancer rate? Did you vote to overfeed the Pentagon and starve public health, transportation, education and housing? In fact, only 28 percent of eligible voters cast their vote for Mr. Reagan. Humility would serve him well.

The President has a "theory" that by giving the largest corporations more of the public resource, they will become richer, with a little left over to "trickle down" to us. Do you believe this theory works? Has anything trickled to you? Is 9 percent unemployment (and growing) some kind of great achievement?

Anyway, a recent CBS/NY Times poll found that 67 percent of Americans were against any relaxation of environmental laws. And a Harris poll found that 80 percent want clean air laws as tough or tougher than they are now. That is the President's mandate.

Enough is enough. It's time we informed Mr. Reagan he may not trade away America's future; that this generation demands a healthy, untrammeled natural world as living testimony of our love for those who follow. You can begin by using the coupons, writing letters, getting active. Thank you.●

FUSION MAGNET PASSES TEST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STARK. Mr. Speaker, February 4 was a significant day in the area of magnetic fusion research and development. Last Thursday the Lawrence Livermore National Laboratory, one of the leaders in magnetic fusion research, tested their giant "Yin-Yang" magnet for the first time. The testing of the giant magnet, which will be one of two in the huge MFTF-B—magnetic fusion test facility—project at the Livermore Lab, was a giant step toward the realization of the goal of a 1985 completion date.

Magnetic fusion can be the energy of the 21st century. Because of the elements used to produce it, it will provide an inexhaustible supply of electricity for our future needs. The superior performance of the giant magnet on February 4 at LLNL brought us that much closer to the realization of fusion energy as a viable energy alternative.

The road has been rocky for fusion energy, and it was not until 1980, with the passage of the Magnetic Fusion Engineering Act, that magnetic fusion became a real hope of our energy future. Now fusion energy again faces difficulties. In the fiscal year 1983 budget just submitted to Congress, the President has decreased funding for continued research. Successes, like the one experienced last Thursday, may be for naught if we do not recognize our energy problems and deal intelligently and creatively with our alternatives. I am looking forward to many more successes in the area of fusion energy, and I hope they will be realized.●

U.S. CONGRESS AND THE EUROPEAN PARLIAMENT MEET

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. ZABLOCKI. Mr. Speaker, the 19th meeting between Members of Congress and members of the European Parliament recently convened in the Hague, from January 6 to 10. The delegation was led by my distinguished colleagues from the Foreign Affairs Committee, the Honorable TOM LANTOS and the Honorable LARRY WINN, Jr., whom I would like to commend for doing a fine job in representing the U.S. Congress at these meetings.

Because the attention of the world is riveted on Poland, I believe my colleagues will find the summarized report of the European Parliament meetings to be very useful since the subject of Poland dominated the meetings. These meetings, in the midst of the Polish crisis, provided an opportunity for frank and open discussions on this topic with our European allies. At times, strong disagreement was expressed between our European allies and the U.S. delegation over the effectiveness of economic sanctions against the Soviet Union and the appropriate governmental actions toward Poland. However, the U.S. congressional delegation represented strong bipartisan support for President Reagan's position on Poland and encouraged more vocal and concrete European governmental support for the United States position on Poland.

I am sure my colleagues will agree, that these biannual exchanges are important and provide a regularized opportunity to meet with our European friends for an open exchange of views. Dialog and communication are critical to the cohesion of the alliance, and to that end these biannual exchanges make a valuable contribution.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., February 2, 1982.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to report to you on the nineteenth meeting between Members of Congress and Members of the European Parliament. This most recent meeting was held in The Hague, Netherlands from January 6 to January 10, 1982. Mrs. Eva Gredal of Denmark chaired the European delegation. It was fitting that the Netherlands serve as the site for the meeting this year since 1982 marks the 200th anniversary of U.S.-Dutch diplomatic relations. We were welcomed to the Netherlands by Queen Beatrix and were also able to meet with members of the Parliament of the Netherlands.

Prior to our meetings with the European Parliamentarians in The Hague, we met in Brussels, Belgium with the President of the European Community's Council of Ministers, Leo Tindemans, with Commissioners of the Community, and with the Honorable George Vest, U.S. Ambassador to the European Communities and with other embassy officials. We concluded our visit to Europe with meetings at GATT, the ILO, and the U.N. Human Rights Commission in Geneva. In each country we were briefed by the U.S. Ambassador and other embassy officials and in Geneva we also met with Ambassador Geoffrey Swaebe, at the U.S. Mission to the European Office of the U.N. and other international organizations, and the Honorable Paul Nitze, U.S. Ambassador for the U.S. Delegation to the Intermediate Range Theatre Nuclear Force Negotiations.

These January 1982 U.S. Congressional meetings with the European Parliament delegation were extremely useful and important. Coming in the midst of the Polish crisis, they provided the opportunity for parliamentarians from the Atlantic democracies to discuss a situation which has both united and divided the Western world.

Poland, in fact, dominated our discussions and meetings in Europe. In a lengthy exchange of views between the U.S. and the European delegations, the Americans demonstrated strong bipartisan support for President Reagan's position on Poland. Our delegation actively encouraged more vocal and concrete European government support for the U.S. position on Poland. This was a theme we also stressed in interviews with the European press and media, and in discussions with European national government and international organization officials.

In our session with the European parliamentarians, there was little transatlantic disagreement over the nature of the situation in Poland or the Soviet role in the imposition of martial law. There were strong feelings and general condemnation of the Polish military government and the Soviet Union for its actions toward Poland.

Discussion focused on several official statements which had been made on Poland in Europe and which were considered helpful and promising in terms of possible future actions. Statements by the European Parliament, European Confederation of Free Trade Unions and the European Community's Council of Ministers all stressed that martial law should be lifted, all detainees released, previous labor-government agreements respected, and negotiations reopened before normal relations could resume with Poland. In addition, the Council of Ministers statement stressed that the Helsinki meetings in Madrid should call for a special ministerial level meeting as soon as possible to consider steps to be taken to correct the violations of the agreement which Poland and the Soviet Union signed. The Americans and Europeans agreed that such a high-level meeting in the Helsinki context could serve as a very useful forum in which to pressure Poland and the Soviet Union for a reversal of martial law and adherence to principles that they agreed to respect by signing the Helsinki Accords.

The greatest differences between the European and the American delegations and also within the European delegation itself arose over the effectiveness of economic sanctions against the Soviet Union. Europe-

ans across the political spectrum argued that economic sanctions against the U.S.S.R. posed a greater hardship for Europe than for the United States because of the higher level of their non-agricultural trade with the Soviets. They hestitated to embrace sanctions that would increase domestic unemployment. And some Europeans added that detente and continuing East-West economic ties could act as a restraint on the Soviet Union and favorably influence Soviet behavior. The U.S. delegates countered that there were also costs in not reacting to the Soviet actions in Poland and repeatedly stressed to the Europeans the need to go beyond words in reacting to the Polish crisis. "Business as usual" with the Soviets was not acceptable given the events in Poland. The American delegates pointed to the European Council of Ministers Communique of January 5, 1982 which had committed the Community to do nothing to undercut U.S. sanctions, noting that we had also discussed this matter with President Tindemans. In concluding the exchange on Poland, both delegations emphasized that there would be further discussions among our governments on additional measures to influence Soviet behavior and the situation in Poland. There was agreement to try to fashion cooperative steps vis-a-vis the Soviet Union that would strengthen the Western Alliance.

In the session on East-West relations and U.S.-EC relations with Eastern Europe, the discussion encompassed such topics as the large demonstrations in Europe in opposition to theater nuclear arms modernization, Afghanistan, the CSCE conference in Madrid, the importance of arms control talks, the huge expansion of trade links between East and West including the European purchase of Soviet gas and financing of the Yamal pipeline, and East-West competition in the Middle East.

The third session concentrated on international economic issues and covered a wide range of issues in U.S.-EC economic relations, particularly agricultural trade: the impact of EC agricultural products from the new Mediterranean members and the prospective members of the Community; U.S. agricultural exports to the EC; penetration of the Japanese market; the impact of European and American protectionist initiatives; steel; U.S. interest rates; GATT talks and their future. In general, the participants felt that although there were serious problems pending in U.S.-EC trade, cooperation between the EC and the U.S. in resolving difficult trade issues had improved.

Mr. Chairman, we are optimistic about the positive results of our meetings in Europe and we are pleased with the fine working relationship which has developed with our colleagues in the European Parliament. We want to stress to you the importance we and our European friends attach to these biannual meetings. These regular meetings provide a useful forum for an open exchange of views which deepens the mutual understanding which is such a vital element of U.S.-European relations. Participants are always impressed with the diversity of the strength and durability of our shared Western democratic ideals. Even meetings held in stressful times such as these leave the participants with positive and optimistic feelings regarding the future and immediate potential of European-American cooperation in all fields.

We look forward to the 20th meeting between the members of the U.S. Congress and the delegation from the European Parliament which will be held this coming June in Washington, D.C.

Sincerely yours,

TOM LANTOS,
Chairman, U.S. Delegation.
LARRY WINN, Jr.,
Co-Chairman, U.S. Delegation.

For the U.S. Congressional Delegation: Dante B. Fascell, Guy Vander Jagt, William Frenzel, Norman F. Lent, Floyd J. Fithian, James M. Jeffords, Donald J. Pease, Arlan Stangeland, William Thomas, and William Clinger.●

A TAXPAYER'S DISGUST

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MAVROULES. Mr. Speaker, it is a rare moment indeed when we can allow an American taxpayer the highest rostrum in the land, this august Chamber, to vent his spleen at his Government, growth too big, cumbersome, and wasteful.

I would now like to grant such a moment, and share with you the complaint of one of my own constituents, Mr. Roger N. Letourneau, of Salem, Mass., who, during this time when we are asking all Americans to tighten their belts and absorb deep budget cuts, would ask of Congress to do the same.

Mr. Letourneau's disapproval of our burgeoning committee system, the resulting duplication of effort, and the jurisdictional overlap is fully in order. For more than 10 years, there has been a steady, unabated rise in the number of committees and subcommittees. Committee staff has increased threefold. Almost every standing committee handles some energy-related issue. And footing the bill, getting little in return for their hard-earned dollars, is the American taxpayer who voted us into this office of public trust.

Mr. Speaker, I know most of my colleagues to be honorable men and women genuinely concerned with putting our own House in order. I know also that a number of us have introduced legislation toward that end, streamlining Congress into a powerful, effective machine of public interest. By sharing Mr. Letourneau's complaint with you, I hope that we can give this issue the attention and speedy action it deserves.

To the EDITOR: An open letter to Hon. Nicholas Mavroules.

This is about the high costs of Congress. Consider:

1. Congress is the fastest growing bureaucracy in Washington. Ten years ago, it took 703 employees to staff the committees of the House. Today it takes 2,073. In the Senate, committee staffs grew from 635 to 1,217. The total direct staff supporting Congress grew from 10,273 to 17,229! (Not counting officers or housekeeping.)

2. Since 1970, the cost of Congress has increased 260 percent, almost three times more than inflation! It now costs $1.4 billion per year to run Congress. It only cost $54 million in 1946.

3. The huge congressional staff has created a tremendous increase in red-tape (bureaucracy feeds on itself). But the number of bills enacted has actually decreased. In 1948, 3,400 bills were passed; in 1978, only 1,100 were passed. In other words, more staff produced less end product (less productivity).

Much has been said recently by our elected officials in Washington about the need to cut the budget even further. But not a peep has been heard about Congress taking steps to cut its inflationary ways. The silence is deafening. Don't you think it is time for Congress to become less hypocritical? Is it not time to show good faith by setting an example from the top?

President Reagan has cut the cabinet administrative overhead costs by $325 million in 1982. Can Congress do less?

Sir, please remember, and also remind your colleagues once again, that when you spend federal funds, you are not spending what is just available. You are spending our hard-earned money, taking it right out of our pockets.

Your reply, through the media, as to what you propose to do to eliminate execessive congressional costs will be greatly appreciated.

ROGER N. LETOURNEAU.

Mr. Speaker, it is indeed high time that we, in Mr. Letourneau's words, "show good faith," and put our House in order.●

ARLAND WILLIAMS: PROFILE IN COURAGE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DORNAN of California. Mr. Speaker, the darkest tragedies that befall us often afford the greatest opportunity to exhibit what Abraham Lincoln so aptly referred to as "the better angels of our nature." The tragedy which befell the city of Washington last month with the crash of the Air Florida jetliner also provided the world with a shining example of heroism. When the jet smashed into the dark, icy waters of the Potomac, only a handful of survivors managed to struggle to the surface. A rescue helicopter whirled frantically overhead extending a rescue ladder and a life-preserver to the hapless victims below. Time after time, Arland Williams refused the life-preserver for himself and selflessly offered it to the other victims flailing about in the water.

Mr. Speaker, the Holy Scriptures tell us that "Greater love hath no man than this, that a man lay down his life for his friends" (John 15:13). There is a great deal of emphasis on self these days: self-fulfillment, self-awareness, self-indulgence, even a magazine called

"Self." But for Arland Williams, "self" was not the highest value in life. He took to heart the prayer of St. Frances of Assisi which reminds us that "it is in giving that we receive and it is in dying that we are born to eternal life."

Arland Williams denied self for others and gave the most precious gift he could offer—his very life so that others might live.●

AGAINST DECONTROL OF NATURAL GAS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SKELTON. Mr. Speaker, the people in the Fourth District of Missouri are upset. And from all that I have seen, they have every right to be. Their natural gas heating bills are up 100 to 200 percent. In light of these extremely high fuel bills, I find the administration's talk of natural gas decontrol unbelievable. The complexities of the Natural Gas Policy Act (NGPA), passed in 1978 with my support, should not be casually dismissed under the guise of "free enterprise." The NGPA was created to increase new gas supplies and to regulate inequities in the distribution of the pricing of natural gas in the United States. Because of the NGPA, there is a large supply of natural gas today, and gas-producing States are no longer encouraged to sell their product solely within their own State. Without the NGPA, gas prices would almost certainly be higher and supplies would be no larger—perhaps even smaller.

The OPEC countries have us locked in to a very vulnerable reliance on their high-priced oil. To try to end this dependence, the United States is working on less costly alternatives to oil, including unconventional forms of natural gas. The present law keeps old gas prices regulated, but allows a free market price for hard-to-get gas. This combination results in lower overall prices to consumers, which makes gas preferred to oil. Total decontrol would let gas prices climb and could add to our dependency on foreign oil. As a member of the Armed Services Committee, the safety of our Nation from any kind of foreign threat is a vitally important concern to me.

In the past, high gas prices have resulted in lower consumption and in many cases, an increased use of oil. Curtailments in gas supplies before 1978 proved that to be true—many industrial gas users switched to oil when gas prices jumped.

The American consumer is already shouldering a disproportionate share of our efforts to fix the economy. We should not add to their expenses when it is not necessary. The NGPA is not a perfect law, but this is not the time to repeal it.●

THE DESTRUCTION OF THE EPA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. OTTINGER. Mr. Speaker, last week's Washington Post contained an article by Russell E. Train, former Administrator of the Environmental Protection Agency under Presidents Nixon and Ford. I think his comments are particularly timely in light of the further cutbacks in enforcement and programs proposed for the EPA in the recently submitted fiscal year 1983 budget.

Russell Train points out, quite astutely I think, that over the long run, our free enterprise system can only prosper and grow within the context of adequately protected public health and environment. The changes in the EPA being implemented by President Reagan will cripple the EPA for years to come. I commend this article to my colleagues' attention:

THE DESTRUCTION OF EPA

(By Russell E. Train)

The Environmental Protection Agency is rapidly being destroyed as an effective institution in the federal government. Current and planned budget and personnel cuts, if continued, will inevitably reduce the agency to a state of ineffectualness and demoralization from which it is unlikely to recover for at least 10 years, if ever. While some may greet this situation with enthusiasm, I am convinced that the business community, among others, has very little to gain and a great deal to lose.

I see EPA's mission as a critically important one. I am convinced that, in the long run, our free enterprise system can only prosper and grow within the context of adequately protected public health and environment. I am also convinced that responsible business leadership knows this and asks only that regulatory requirements be reasonable, cost-effective, have an adequate scientific basis, and be fairly and uniformly enforced.

Corrected for inflation since 1981, President Reagan's expected 1983 budget request for EPA will represent a reduction of approximately 45 percent. Administrator Anne Gorsuch has reportedly been working on 1984 numbers of $700 million, or a cut of 61 percent. EPA's research branch would be cut by two-thirds, far more than any other basic research program.

In the personnel area, the cuts are equally drastic. If Gorsuch is allowed to carry out plans that have been circulating within the agency for some time, by this coming June—one year and four months after the Reagan administration took office—80 percent of EPA's headquarters staff will have quit or been fired, demoted or downgraded.

It is hard to imagine any business manager consciously undertaking such a personnel policy unless its purpose was to destroy the enterprise. Predictably, the result at EPA has been and will continue to be demoralization and institutional paralysis. Attrition within the agency is running at an extraordinary 2.7 percent per month or 32 percent a year.

From an administration that quite rightly emphasizes the need for good management, what we are seeing at EPA is its very antithesis. Permits that businesses need do not get issued. Required rules and regulations do not get promulgated. Enforcement has ground practically to a halt. The most competent, technically proficient, professional staff have either already left or are looking for jobs. If one believes that effective environmental protection is essential it is tragic. If one is not necessarily an environmentalist but believes that our environmental programs need to be managed efficiently, scientifically and less burdensomely, the current situation is equally disastrous.

Congress and the courts will effectively impede the ability of the administrator to bring about substantial change by administrative action alone. But they will provoke an upsurge in lawsuits and more decisionmaking by confrontation. While adversarial approaches to conflict resolution seem to be deeply ingrained in American society, there have been encouraging signs lately of growing appreciation of economic realities within the environmental community and a greater environmental sensitivity on the part of the business community. A return to the early days of polarization benefits no one.

Many of EPA's difficulties over the years can be traced to the fact that Congress loaded the agency with far more statutory responsibilities within a brief period of time than perhaps any agency could effectively perform. Surely, those problems can only be compounded by drastically reducing its resources while its responsibilities remain the same or grow. When EPA came into being in 1970, it took over the air pollution, water pollution, solid waste, pesticide and radiation programs scattered around the federal government. Since then those programs have been broadened and improved, and Congress has added major new responsibilities—including the Toxic Substances Act, the Safe Drinking Water Act, the Noise Control Act, the hazardous waste control program, and Superfund. These are not hangovers from the concerns of prior generations. EPA has been on the frontier of today's concerns, and there is every indication in the polls that environmental protection remains high on the public agenda.

Environmental protection needs are not going to lessen if EPA becomes ineffectual. The kepone problems and the Love Canals will continue to crop up from time to time. Unless the public has reasonable confidence in the public institutions charged with responsibility for handling such problems, there is real danger of a backlash developing against business. The pendulum will swing once more and in even more violent oscillations. EPA will be forced to react and will do so without adequate staffing and with a reduced research base. Business needs greater stability and predictability of policy, and for that it needs a credible EPA. The tendency of our political system to ignore the need for reasonable continuity in institutions and policies is one of its most serious failings.

As one who served two Republican administrations from 1969 to 1977 and who voted for President Reagan, I must record my profound concern over what is happening at EPA today. The budget and personnel cuts, unless reversed, will destroy the agency as an effective institution for many years to

come. Environmental protection statutes may remain in full force on the books, but the agency charged with their implementation will be a paper tiger.●

LITHUANIAN INDEPENDENCE DAY

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DeNARDIS. Mr. Speaker, February 16, 1982, marks the 64th anniversary of Lithuanian Independence Day, and the 731st anniversary of the founding of the Lithuanian State. I join with Members of the House in commemorating this great day.

The situation in Eastern Europe today is characterized by fear and anger. The Polish people, a hard-working people, are trying to attain the most basic of rights for themselves. But they are faced with the oppressive and ruthless Government of the Soviet Union.

We would be wrong to suppose that the present situation in Poland is unique. The Soviet Union began expanding at its birth and has continued to do so. In 1917 Georgia, Armenia, and Ukraine were taken over by the Soviets against the will of those people. In 1940 the Baltic States fell to Soviet expansionism. After World War II it was the countries of Eastern Europe which were the targets for the Soviets. Recently, the Soviets invaded Afghanistan. Is there anyone who doubts that the Soviet intention in Poland is to repress any freedom?

The Lithuanian people have undergone great trials. They emerged in 1918 after more than a century of Russian domination, and a few years of German occupation, as a free and independent nation. Today Lithuania is neither free nor independent. Twenty-two years ago, in 1940, the Soviet Union invaded Lithuania. They did so despite having signed a peace treaty in 1920 which recognized the sovereignty of Lithuania without any reserve.

Lithuania today is a prison camp. Use of the Lithuanian language in publication is forbidden. Religious instructions, rites, and ceremonies are prohibited. Religious leaders are persecuted. Travel to and from Lithuania is severly restricted. The Soviet Union is trying to suffocate the culture of the Lithuanian people and those who oppose these evil policies face imprisonment, torture, exile, and other such harsh measures. But the Soviets have not stifled Lithuanian culture or nationalism.

The Lithuanian people are struggling. It is our duty as Americans to join with our Lithuanian-American brethren in supporting the fight for freedom. We must speak out for those who cannot.

Though we commemorate today the anniversary of an independence lost, we are not without hope. For, in the future lies the hope for all oppressed people.●

DANGER OF NUCLEAR TRANSPORTATION ACCIDENT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MARKEY. Mr. Speaker, the prospect of a major nuclear transportation accident on our highways is something no one likes to think about. Yet with hundreds of trucks carrying radioactive shipments traveling each day through our cities and neighborhoods, it is important that we keep in mind the potential for danger and work to develop the safest routes and procedures for carrying nuclear materials.

This article, published in the New York Times on February 9, makes a convincing argument that additional safeguards are needed for the transportation of nuclear fuel, which is being shipped with alarming frequency as utilities scramble to find storage space for spent nuclear components.

I ask that the article be reprinted in the RECORD.

BROADWAY AT 57TH: HIROSHIMA

(By Marvin Resnikoff and Claire Krich Hooton)

Picture Three Mile Island at 57th Street and Broadway.

Unless restrained by a district court order tomorrow in a suit brought by New York City, the Federal Department of Transportation is to issue new regulations Thursday that override New York restrictions and direct that highly radioactive nuclear fuel be shipped by truck on interstate highways. Since 1977, the city has banned such shipments from its streets. More than 200 local governments followed suit. The department, in pre-empting ordinances to standardize a patchwork quilt of local regulations, is increasing the hazard to people across America.

The end product of the fission process, irradiated fuel, is rapidly building up at 75 reactors across America. There is no more storage space at some of the oldest facilities. Seven reactors in the Northeast will be obliged to shut unless spent fuel is moved to temporary storage sites.

The nuclear industry's quality-control program and the Nuclear Regulatory Commission's inspection program are inadequate. Although the 23-ton shipping casks (one to a truck) that carry the fuel look virtually indestructible, they are not designed to withstand all highway accidents. The casks are "tested" for a crash at 30 miles per hour, but 70 percent of all truck accidents occur at speeds greater than 32 m.p.h. No casks of the types moving on highways or rails have been physically tested; only computer simulation tests have been performed. Economics is to blame: Each cask costs more than $1 million and cannot be reused after a test. Cask welds were not tested for failure during construction, and nuclear contamination prevents inspection later. The Transportation Department and the N.R.C. have no special requirements for trucks and drivers, and examine neither.

A cask is a pressure cooker on wheels. A low-speed accident could loosen a valve or damage a seal, releasing radioactive steam into the environment. The same jolt could crack the brittle metal tubing containing the fuel, exposing radioactivity to the coolant. Once loosened, a pressure relief valve may fail to fall back into place—this happened to the pressurizer valves at Three Mile Island, and recently at the Ontario, N.Y., reactor—but, in this case, vaporizing all coolant and releasing the more volatile radionuclides such as cesium, one of the most dangerous components of radiation at Hiroshima.

Imagine that a truck leaves the Long Island Lighting Company's plant at Shoreham, crosses Manhattan westward on 57th Street, headed for the George Washington Bridge. If it crashed at Broadway, and if radioactive gases escaped under calm weather conditions, people within five blocks would immediately die of burned-out lungs. A slight wind would carry the radionuclides in a narrow cigar-shaped pattern the entire width of Manhattan Island, from Lincoln Center to the East River. Everyone in that area would be susceptible to delayed cancer. Because cesium would cling to cement and pavement, an area of one square mile or more, which includes the Central Park Zoo, St. Patrick's Cathedral and Rockefeller Center, Grand Central Station, and the United Nations would be off-limits for several hundred years. Of course, local emergency personnel are not prepared to handle emergencies of this magnitude. Without radiation detectors and workers trained to use them, communities are defenseless against a shipping accident.

In 1980, 108 nuclear-fuel shipments rolled across America. The number would rise dramatically after the regulations took effect. Extrapolating from data on truck accidents, we can project that nuclear-transport accidents might rise to 17 per year by the turn of the century—three-quarters of them in metropolitan areas.

The lethal radioactive material has to be moved. But there is no need to move it by this ill-conceived method. A reasonable plan that embodies minimal risk and exposure should be developed. It should include longer storage at reactor sites, which would allow the fuel to cool to safer levels of radioactivity. Alternative means of transport, such as barges, should be investigated. Casks now in use should be removed from service until their safety is assured; no additional ones should be certified until new testing requirements are available. Since an accident could cost billions of dollars, $1 million spent on testing existing casks is excellent insurance. Congress should require shippers to pay for a program to train and equip local emergency workers. Emergency personnel in municipalities should be given advance notice of shipments.

Instead of meeting local concern with increased safety, the Transportation Department proposes to do with force what it has not done with reason.●

THE NEW FEDERALISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 10, 1982, into the CONGRESSIONAL RECORD:

THE NEW FEDERALISM

President Reagan has proposed a "new federalism"—a massive "sorting out" of the functions of government. The President wants to redistribute and rationalize functions among the various levels of government. What he is really putting forward is a basic framework for the reordering of the federal system. By the end of the decade, states would have responsibility for funding and running almost all major domestic programs, except those for the elderly. This bold and innovative proposal would reverse the trend toward centralization of power in the federal government. The effort to sort out governmental functions is both meritorious in itself and essential to the future health of the country.

In the first stage of Mr. Reagan's program, the federal government would assume the states' share of medicaid while the states would take over welfare and food stamps. In the second stage, a new federal trust fund of $28 billion per year would be created out of excise taxes and taxes on the windfall profits of oil companies. The fund would be used to finance 43 existing programs of federal aid. Between 1987 and 1991, however, the federal taxes would be phased out, the trust fund would shrink to zero, and the states would have to raise their own revenues for any programs they wished to continue.

Federal programs which would lapse under the President's plan include: aid for airports, local mass transit, non-interstate highways, sewage and water treatment, child nutrition, vocational education, and home heating; urban development action grants, general revenue sharing for the cities, and block grants for community development, education, training and employment, social services, and community services. The federal government would be left with social security, medicare, medicaid, housing and other programs for the elderly. It would also retain many programs of national significance, such as Headstart, compensatory education, aid for higher education and education of the handicapped, and aid for interstate highways.

There will be a strong political reaction to Mr. Reagan's new federalism. Some critics will claim that is simply a diversion to get people's minds off the problems of the economy. The economy should and will remain the central issue before Congress, but this criticism is quite unfair to Mr. Reagan. For some time, he has made it clear that he desires a dramatic change in Washington's relationship with state and local governments. Thus, his plan is entitled to serious, thoughtful consideration among the legislators in Congress and all other elected officials. We must begin to develop a consensus on the programs to be controlled by Washington and those to be run by states and cities. That consensus, I believe, would assume that advances in civil rights, as well as other hard-won gains, would be preserved.

In my assessment of the new federalism, I begin with the view that a change is needed in federal-state relations. There are hundreds of federal programs, touching the lives of millions of people, which have grown helter-skelter over the past several decades. As a portion of the federal budget, grants to states have nearly doubled in twenty years, so has the percentage of state and local expenditures financed by the federal government. The President has given us the opportunity to step back, study matters carefully, and try to put the federal system in order. We should welcome the opportunity. It is apparent to me that federal-state relations have become tangled and confused. A consolidation of programs and a reordering of responsibilities are timely.

Several important questions about the proposal must be discussed: What is the rationale behind the reordering of responsibilities? Would cities and suburbs be favored at the expense of rural areas? Would certain regions of the nation benefit far more than others? How would states pay for the 43 extra programs they would have? How much variation should we have in the basic standards under which the programs would be run? How far should the federal government go to equalize conditions among the states? Would truly needy people be protected if welfare and food stamps were administered solely by the states? Those of us who represent Indiana must also ask how the proposal would affect out state.

The failure of many state and local governments to meet the economic and social needs of their citizens was one reason why the federal government established its domestic programs in the first place. Many experts now believe that state and local governments would not foresake disadvantage people. If these experts are right, one of the primary arguments for federal control of welfare and other programs may be out of date. State and local governments have become more responsive and sophisticated.

The new federalism must, of course, be considered by Congress, but the proposal is still in the early stages of development. Indications are that it may be several months before Mr. Reagan sends specific legislation to Congress. The delay virtually assures that the proposal could not be enacted this year, and even the long-term outlook is doubtful. To help move things along, the President has pledged that he will be flexible in formulating the details of his proposal. Consultation with those who would be affected by the proposal is imperative. In large measure, the President's success in securing approval of his plan will depend on his powers of persuasion with governors, state legislatures, mayors, and city councils. If they are supportive, Congress is much more likely to be supportive.

The focus of the debate on the plan may soon shift from the lofty principles of federalism to a more mundane concern: money. Mr. Reagan argues that there would be no winners or losers because the proposal would have a balanced effect in every state. There is a difference of opinion on that point, however, so until more information is gathered and analyzed it will be impossible to say for sure who would win and who would lose if the new federalism were adopted.●

NATIONAL DEFENSE PRODUCTION ACT AMENDMENTS OF 1982

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. WORTLEY. Mr. Speaker, with the passage of the 1982 budget resolution, this Congress agreed with the President's thesis that more of our financial resources should be allocated for defense. In his recent budget message to the American people, the President once again demonstrated that he is committed to the course of a massive infusion of capital to the defense function.

As the debate continues over how these funds should be spent, we must not lose sight of the indisputable fact that the Nation's defense-industrial base needs immediate attention if it is to meet the challenges thrust upon it.

It has been said that we won World War II with World War I technology. Since that time, neither the Government nor the private sector has done much to improve our national capability to keep up with defense-industrial needs. If defense is big business, it is so only because there are more than 50,000 defense-related subcontractors and suppliers who play major roles in insuring the timely delivery of quality items that go into major weapons systems, aircraft, and ships.

After an extensive set of hearings conducted by the Economic Stabilization Subcommittee of the House Banking, Finance and Urban Affairs Committee, where every aspect of the defense-industrial base was examined, a bill has been drafted which will help bring this vital sector of our economy up to speed.

Using the Defense Production Act of 1950 as the vehicle for change, we have come up with a plan of loan guarantees, direct loans, purchase commitments, and price guarantees designed to aid companies either now engaged or those that could be engaged in meeting our defense needs. Not every subcontractor will be eligible to participate in this innovative program.

Our bill is not a bailout for failing industries. Rather, it is a realistic and modest approach to encourage defense-related industries to develop new and better ways to improve and produce their products in a timely and cost-effective manner. The bill calls for $1 billion per year for the next 5 years to accomplish this goal. The use of the devices I have mentioned will be leveraged so that we can expect at least a fivefold return on our initial investment.

In addition, the bill addresses the manpower drain confronting the de-

fense-industrial sector. With the retirement of many skilled workers and the lack of replacement of such personnel, there is and there will continue to be a shortage of workers to take their places. To counter this undesirable state of affairs, our bill directs the President to establish a national training program funded by grants to State boards of education that want to participate in such a program. This will be accomplished on a shared State-Federal basis. States that want to participate must agree to a 5-year commitment and their share of funds from the Federal Government will increase by 10 percent each year of participation in the program. There are also incentives to encourage scientists and engineers to participate in the defense-industrial program. Our bill earmarks funds for training and equipment modernization at the college and university level.

It is a good bill that merits the support of all Members of Congress who are concerned about our ability to meet the enormous challenge of rebuilding our defense-industrial base. Without this legislation, we will end up with an overreliance on foreign sources for our critical needs, undermining everything we are attempting to do by bringing our defense capabilities into the 21st century.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. NELLIGAN. Mr. Speaker, since the House will not be in session next Tuesday, I wish to acknowledge the commemoration of Lithuanian Independence Day at this time.

On February 16, we commemorate the 64th anniversary of the Lithuanian declaration of independence. On that day, we proudly salute the Lithuanian people for their heroic effort to attain national autonomy and establish a peaceful home rule.

Subjugation to ruthless Soviet oppression dates from the late 18th century. Lithuanians consistently resisted Russian attempts to impose both cultural and political domination. World War I offered a new opportunity to shed the burdensome yoke of foreign domination. Unfortunately, that period of home rule, dating from February 16, 1918, lasted little more than two decades.

Lithuania was declared a constituent Republic of the Soviet Union in 1940 following occupation by the Red army. A German attack on the Soviet Union less than a year later made Lithuania the pawn of Nazi Germany, until, in 1944, Lithuania was reoccupied by the Soviets. Since that time, Lithuania has remained the victim of ruthless Soviet tyranny.

I join with Americans of Lithuanian descent in the 11th Congressional District of Pennsylvania, which I am privileged to represent, in commending the perseverance with which the Lithuanian people have so bravely endured Soviet domination. In commending their courage, we proudly salute their vigilance in bravely awaiting the day when Lithuania will again enjoy the privilege of a peaceful home rule.●

GREEDONOMICS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. OTTINGER. Mr. Speaker, there appeared in last week's New York Times an extraordinary piece written by Charles W. Bailey of the Minneapolis Tribune on what President Reagan is asking of poor and rich Americans.

Increasingly, those individuals in our Nation who are least equipped to handle it are being forced to live with the vicious fiscal year 1982 budget cutbacks and now will be required to endure even more hardship according to Mr. Reagan's newly proposed fiscal year 1983 budget.

If there is anything that our country historically is not about, it is the Government making it easier for the rich to get richer while making it harder for the poor to get less poor. As Mr. Bailey correctly states, "The trouble with this administration is that it smells of greed. That is not an appropriate aroma for this kind of country."

I offer the article for the review of my colleagues:

GREEDONOMICS

(By Charles W. Bailey)

MINNEAPOLIS.—The Reagan Administration continues to propose the dismantling of Federal programs designed to help poor people. It also continues to resist proposals to reduce tax breaks that benefit mostly rich people. Meanwhile, any reasonably observant adult can see what is going on in the economy: things are fine at the top, but rough below.

That doesn't seem to bother Ronald Reagan much.

Sometimes you have to believe that he and his Administration have forgotten many things about this country.

They have forgotten where we came from, and why.

We (or our forebears) came from places where life was hard and most people were poor, and where the chances of things improving much ranged from slim to nonexistent.

People came to this country, and still come, because they believed that in some way that matters to them—politically, spiritually, materially—it was a place where one could make a better life.

That is why the Pilgrims came, and the Irish, and Germans and Jews and Chinese and the rest.

It is why the Hungarians came after 1956, and the Vietnamese after 1975, and why more Poles will come after 1981–82.

It is not simply a matter of freedom of religion or speech or politics, though of course those drew many to this country and will draw many more. There also was—and is—an economic ideal: the idea that here everyone can earn a decent share of the world's goods without harming those below him on the ladder.

In fact, this Administration seems to have forgotten that in economic terms the redistribution of wealth is what this country is all about.

That may sound radical, but it has happened throughout American history and it hasn't hurt the rich. They have continued to do well, and usually better; the poor have usually had at least a chance to escape from poverty; and those in between have generally been able to better their lot.

Some people think that's a thing of the past, and certainly it's a lot tougher now to get a foothold than it was when my grandfather got off the boat from Europe at the turn of the century.

But it is not yet an impossible dream.

A holiday card arrived recently from a Vietnamese friend who came to Minneapolis in 1975 when Saigon fell. Later, he moved to California. It took time to find a job there, and things have not been easy for the family.

He wrote: "As I count my blessings during this holiday season, I think of you and I want to extend to you my best wishes for a merry Christmas and successful New Year. I am doing fine . . . and bringing home enough to pay my bills and buy some treats for the kids now and then."

If that kind of experience and that kind of attitude mean anything at all, one thing is sure: What this country is not all about is making it easier for the rich to get richer while making it harder for the poor to get less poor.

The publisher Joseph Pulitzer's exhortation to his editors to "comfort the afflicted and afflict the comfortable" may not be an ideal guide for public policy. But certainly public policy should not be designed to comfort the comfortable and afflict the afflicted—and too many Reagan Administration policies seem to do just that.●

MERGER FINANCING

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. EVANS of Iowa. Mr. Speaker, much of the news in the business and financial world in recent months has involved the merger of large corporations. These mergers have required billions of dollars in financing. First it was DuPont taking over Conoco, then United States Steel and Mobil Oil fought for the right to merge with Marathon Oil, now Coca-Cola is acquiring Columbia Pictures. It seems that there is no end in sight.

To finance these mergers, the corporations doing the buying must borrow billions of dollars at high interest rates. This type of borrowing is largely unproductive since borrowing for a merger produces little that is useful. In fact it actually increases competition for the limited amount of money available in the lending markets and tends to keep all interest rates high.

When a large corporation borrows billions to buy another company, nothing new is created. The company simply buys an existing operation. It invests billions in borrowed money for something that neither creates new jobs nor increases productivity.

The goal of President Reagan's economic program is to lower interest rates and to provide capital for plant expansion and to create more job opportunities. Borrowing to finance mergers runs counter to this program and its goals.

The Federal Government's tax policy also contributes to the problem. Interest paid on funds borrowed to finance mergers is deductible from income taxes. That means there is just as much incentive for a large corporation to borrow for a merger as there is to borrow for plant expansion or modernization. Borrowing to finance mergers runs counter to this program and its goals.

United States Steel should be borrowing to refurnish its plants and to increase productivity. Other corporations should be borrowing for new equipment and expansion to create new jobs. Mergers yield none of these benefits, but rather they contribute to the contribution of high interest rates that are causing so many problems for consumers, farmers, and small businesses.

We need to change our Federal tax policy to stop encouraging and subsidizing mergers of giant corporations. We need more jobs and more efficient industry, not more conglomerates. To help achieve this, I am introducing legislation which would end, for a temporary period of time, the tax deductibility of interest on loans made to finance large corporate mergers.

My bill would allow the President to declare a moratorium on the deductibility of interest from a period of no longer than 2 years. This moratorium could be lifted at any time during the 2 years if the President determined that it was no longer required.

During the moratorium period, corporations would not be able to deduct interest payments on indebtedness incurred to acquire other corporate stock or assets. While this would not prevent mergers, it would eliminate one important feature of our tax laws which serves to encourage this activity.

The other important feature of my bill is that it would not affect mergers where less than $5 million is borrowed. This figure is already in the Tax Code as the result of previous legislation and I believe that it should be retained in order to allow the merger or acquisition of small distressed, businesses without penalty.

I believe this type of legislation is urgently needed if we are to make any progress in reducing interest rates and bringing this Nation out of the recession.●

PLIGHT OF YURI FEDEROV

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. ZEFERETTI. Mr. Speaker, I would like to bring to your and my colleagues' attention the plight of Yuri Federov, a 39-year-old Jewish student and the last remaining defendant in the Leningrad trials.

Mr. Federov was first convicted and sentenced when he was only 19 years old for anti-Soviet views and was imprisoned for 3 years in a Soviet labor camp. After his release, he was continually hounded by the KGB. He decided to escape persecution and leave the Soviet Union.

In June 1970, he joined a group of Soviet Jews who planned to seize a plane and escape from the U.S.S.R. by air. This attempt failed and Yuri Federov was sentenced to 15 years in a strict regime labor camp for treason, anti-Soviet agitation and propaganda, anti-Soviet organization, and stealing state property. In April 1979, the two leaders of the alleged hijacking group, who had been sentenced to death, were freed. Four other codefendants from the first Leningrad trial were also freed. Last year, Iosif Mendelevich, another codefendant in which I and many of my colleagues expressed an interest in obtaining his release, was allowed free emigration. Mr. Federov, however, is still in prison. Why? Simply because he insists on observing his religious beliefs. His punishment has even gone to the severe extreme of being further harassed for becoming a practicing Christian-Orthodox and insisting on wearing a cross.

Mr. Federov suffers from chronic bronchitis, from severe kidney illness, and other diseases. In 1976, he was hospitalized four times in camp hospitals. In 1977, he was hospitalized for breathing problems.

His wife, Natasha, was granted permission to spend a few days with her husband in the prison camp; this was in 1971. Nine months later, their daughter, Masha, was born. Natasha and Masha Federov now live in the United States.

I would also like to bring to the attention of the chairman an excerpt from Yuri Federov's testimony during the first Leningrad trial:

> Pondering what we have done, I have become convinced that we had but one goal—to leave the U.S.S.R. No one had any intention to harm the U.S.S.R. I believe we took every measure to insure the safety of the pilots. I plead guilty only to the attempt to violate the border of the U.S.S.R. and I am ready to bear the responsibility for this, but I do not feel guilty as a matter of conscience—I have done nothing.

Mr. Speaker, I agree with Mr. Federov wholeheartedly—he has done nothing. He was not trying to harm or endanger the Government of the Soviet Union. He was simply trying to be free from religious persecution, a sentiment which is the foundation of this country. It is my sincere hope that Yuri Federov can be released from his confinement and be reunited with his wife and 10-year-old daughter here in the United States.●

CARE: 35 YEARS OF HELPING OTHERS HELP THEMSELVES

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. WHITTAKER. Mr. Speaker, in May of last year I was honored to serve as the vice chairman of the 35th anniversary committee commemorating the founding of the Cooperative for American Relief Everywhere—better known to most Americans as CARE.

For the past 35 years this organization has strived to bring needed relief in the form of food and medicine to hundreds of thousands around the world. The organization of CARE has battled hunger in countless nations, answered the call for relief in war-torn nations since World War II, and today engages in such self-help development programs as food production and storage, nutrition education, construction of water systems and farm-to-market roads.

Recently CARE issued its 35th annual report. The record of accomplishments by this organization cannot be measured just in the numbers reflected in this report. When a group of cooperative leaders got together in 1945 to form a relief organization, including religious, labor, and other relief representatives, they had not anticipated the impact that their efforts would make upon so many people.

Many people in the United States view CARE as a relief organization concerned only with feeding hungry people. But CARE today is much more than feeding programs—CARE not only provides food to over 30 million people each day, but they accompany that feeding with instruments for self-

support, development, and independence. Many malnourished nations lack the education in farming and effective distribution of those foodstuffs once they are harvested.

In many instances, this is where CARE comes in with development programs. CARE provides the agricultural tools, equipment, seeds for planting, and people to teach techniques for that particular area of the world.

The CARE package that is so familiar has actually not been distributed since 1967. However, in 1981 CARE began distribution of the CARE food package again—this time it was for Poland.

Just to give you and my colleagues an update on CARE's activities in Poland, at the present time CARE is distributing 50,000 packages a month in Poland to the elderly and preschool children of that nation. Recently the Executive Director of CARE, Dr. Phil Johnston returned from Poland after reviewing the CARE efforts and completing agreements with the Government of Poland to continue those efforts.

Upon his return Dr. Johnston conveyed a message from the Polish Government officials to President Reagan, requesting that the relief efforts through CARE and Catholic Relief Services (CRS) be allowed to continue with assistance of our Public Law 480 program. It is anticipated that CARE will distribute approximately 500,000 packages over the next 10 months in Poland, with 65 tons of Public Law 480 commodities (vegoil and flour) and 60 tons of surplus butter and cheese to be included in these packages. CARE expects to reach almost 2 million Polish people through this effort.

Throughout the 35-year history of CARE the contribution of the private citizen has been the catalyst—the base of support—for all of CARE's efforts. Over 46 million contributions have come into the CARE organization from private citizens through the years. The response to CARE's effort to help the food shortage of Poland alone is only one example of such support.

In putting these contributions to use, CARE can attest to being one of the most highly organized and coordinated organizations in the world. For each dollar contributed to CARE, CARE in food and development efforts delivers in excess of $5 worth of aid.

The following is a portion of the 1981 annual report of the Cooperative for American Relief Everywhere (CARE) in the summary of their programs and highlights of CARE's 35-year history. I trust my colleagues here in the House will review the activities of this organization and look forward to 1982 in which CARE again will help others help themselves.

Mr. Speaker, I ask that the following excerpts from the 1981 annual report of CARE be printed in the RECORD.

The excerpts follow:

A MESSAGE TO THE SUPPORTERS OF CARE

CARE's 35th year was a time to celebrate the fulfillment of its purpose. It was equally a time of great new challenges.

In Somalia, in the Horn of Africa, CARE became a partner of the United Nations High Commissioner for Refugees by providing logistical assistance to other private voluntary organizations serving hundreds of thousands of refugees. In Thailand and Kampuchea (Cambodia), CARE began winding down its assistance as Cambodians were helping themselves back to a better existence. In Poland, CARE returned after many years to help during the food crisis with packages for the elderly, infants, pregnant women and nursing mothers. These services are in addition to CARE's ongoing vital work in self-help development, food distribution and health care throughout Africa, Asia, Latin America and the Middle East.

To enhance this continuing service, CARE USA, CARE Canada, CARE Deutschland and CARE Norge were discussing intensively, as the new year began, the creation of a CARE International through which additional resources, human and financial, can be mobilized to help more people in impoverished areas of the world help themselves.

In Peru, the Dominican Republic, Liberia, Honduras, Nepal and Bangladesh, MEDICO, a service of CARE, continued to provide much-needed medical and surgical treatment as well as training through Visiting Volunteer Specialists and contract medical personnel who are developing long-term health programs.

This year we saw the successful results of CARE's disaster relief efforts for Kampucheans in Thailand. Hundreds of thousands of people who reached the border desperately weak and malnourished have gained the strength to help themselves. Many have returned to their homeland while those remaining in refugee camps are able to carry on daily activities. Children who are no longer hungry are again at play and attend school. Adults cook, plant and tend vegetable gardens, and work on camp projects. Inside Kampuchea, CARE is providing rice seed and fertilizer, equipment for sugar palm production and educational materials.

In Somalia, at the request of the UNHCR, CARE is managing the massive logistics involved in the humanitarian effort of delivering food and basic supplies to the refugees. Meanwhile in Uganda, CARE is providing food for approximately 400,000 undernourished people each month as well as helping rebuild school classrooms. Refugees from Afghanistan who fled to Pakistan also received emergency aid.

CARE RETURNS TO POLAND

On June 12, CARE signed an agreement in Warsaw and in July began distributing packages to the elderly in Poland. Our goal for the duration of the emergency is to provide 50,000 food packages a month to the elderly, to children and to pregnant and nursing women, plus 60 million pounds of bulk food for preschool children at day care centers. Executive Director Dr. Philip Johnston personally distributed the first packages in Katowice.

Our assistance to Poland and CARE's 35th anniversary, being observed throughout this calendar year, were widely reported by the media. This included all the television network news shows, ABC's "Good Morning America," NBC's "Today Show," AP and UPI wire services, The New York Times syndicated news service, The Wall Street Journal, Forbes and Time magazines, local broadcast media, as well as daily and weekly newspapers across the country. We are deeply grateful for their coverage.

Our U.S. regional offices are holding special celebrations marking the 35th anniversary of CARE, which has provided aid valued at more than $2.8 billion in almost 80 countries since its founding. Many governors, mayors and legislatures proclaimed CARE days and CARE weeks. Particularly successful fundraising events were held in New York City and Washington, D.C.

BOARD CHANGES

We want to thank our board members for their splendid, dedicated service in reviewing and directing the affairs of our far-flung organization, reporting on CARE activities and, both personally and through the organizations they represent, supporting CARE's work. They bring their individual and collective wisdom and judgment to the resolution of matters central to the functioning of CARE as it grows and meets changing and demanding needs. We are pleased to welcome Leonard C. Crewe Jr., former Chairman of the CARE Committee of Greater Baltimore, as a new public member. Dr. Henry Bockus, a longtime public member and former Chairman of the MEDICO Advisory Board, was named an honorary public member of the CARE board in recognition of his years of devoted service.

We also want to convey our gratitude to volunteers in North America and Western Europe who work tirelessly at vital tasks ranging from stuffing envelopes to chairing major benefits. Our appreciation goes as well to companies that donate products for CARE and MEDICO programs.

We extend our sincere appreciation to Dr. Johnston and his executive staff, as well as all headquarters staff in New York, field staff throughout the U.S., Canada and Europe—and the front line staff overseas in 38 countries for the impressive quality and dynamism of their dedicated performance.

Throughout CARE's history our contributors' compassionate response to the urgent needs of destitute people around the world has made CARE aid and development programs possible. The generous donations from our friends in the U.S., Canada, Europe and elsewhere, including U.S. Government employees through the Combined Federal Campaign here and abroad, have touched the lives of millions of people each year. While the number of people aided is vast, all were helped one at a time and given the opportunity to build a better future for themselves and their families. On their behalf, we thank you.●

ADVERSE ACTIONS BY FARMER'S HOME ADMINISTRATION

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to call the attention of my colleagues to an extremely disturbing policy which I have just recently had confirmed to me by the

President's 1983 budget message, which was delivered to us earlier this week.

As many of you know, I serve as chairman of the House Agriculture Committee's Subcommittee on Conservation, Credit, and Rural Development. In that capacity, I have recently conducted a series of oversight hearings here in Washington to look into our Nation's general agricultural credit conditions, and specifically at the lending policies of the U.S. Department of Agriculture's Farmers Home Administration.

My subcommittee had already heard over 15 hours of testimony from over 30 witnesses, and we will be hearing more in the days to come. Without a doubt, the single most talked about concern among farmers and agribusinessmen who testified is the perception out in the country that the Farmers Home Administration is on a course of massive foreclosures, liquidations, denials of operating credit, and other somewhat less painful "adverse actions."

On the other hand, Agriculture Department officials have testified over and over that there is no such policy underway or being contemplated. In fact, they tell us that there is no reason for undue concern, and that their borrowers are continuing to be serviced without significant trouble.

I have my own opinions, and I suspect the truth lies somewhere in between these two characterizations of the Farmers Home Administration's lending policies. I have been gravely worried for some time that what we have been hearing from administration witnesses here in Washington is not in fact what is happening at the county office level.

It appears to me that this question about the Farmers Home Administration's loan servicing policies was answered for us this week in the President's budget message. I want to quote verbatim from it:

The President's program is the first concentrated effort to improve Federal debt collection. The budget impact alone will be significant. The 1983 Budget includes as much as $4 billion in annual collections resulting from the measures being taken by the agencies. These collections will generally be achieved within existing agency resources.

Debt collection activities include the following:

By the end of 1983, the number of delinquent borrowers in Agriculture's Farmers Home Administration (FmHA) programs will be reduced by 70,000, a 20 percent reduction, through more aggressive collection action and faster resolution of delinquent accounts.

The only question remaining in my mind is the means by which Farmers Home achieves a resolution to its delinquent accounts. I believe many of our Nation's farmers are telling us every day how this reduction is being accomplished, but the story doesn't seem to be reaching the officials who can do something about it from inside the program. Perhaps Congress may be forced to do something if no one else will.●

STEVE KIRK, A WING ORIGINAL, AT 50

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. HALL of Ohio. Mr. Speaker, on February 10, 1840, Queen Victoria of England married Prince Albert of Saxe-Coburg-Gotha. On February 10, 1942, the first singing telegram was sung. And on February 10, 1932, Steve Kirk was born in Holyoke, Mass.

As every schoolchild knows, all three events were pivitol in the chronicle of Western civilization. Prince Albert went on to invent the tobacco tin. The singing telegram provided the training ground for a generation of opera greats. And Steve Kirk has entertained perhaps dozens who have listened to him faithfully since he began his morning show in 1966 on Dayton's radio station WING.

From humble beginnings, Steve progressed rapidly through the ranks of the Ohio radio world, beginning in Bellaire in the mid-1950's and progressing through Columbus and Cincinnati before he landed in Dayton.

At WING, Steve quickly established himself as the master of the put-on—the art of making anonymous calls under a ridiculous pretense. For example, once he called a Government bureaucrat to request the Washington Monument be shipped back to Dayton on a flatbed truck. A collection of his put-ons was collected on an album and sold in the Dayton area.

Steve, who calls himself "Kirky" on the air, is the master of the zany, the offbeat, and the original. His format is never planned. No one—least of all Steve—knows what is going to happen during his morning show.

His outrageous antics have never ceased to amaze his listeners. There was the time he bragged he would fight with his bare hands a lion brought up from the Cincinnati Zoo on display at the studio. And there was the time when it was 15 degrees below zero and he offered a prize to the first woman who came into the studio wearing a bikini. And there was the time * * *

Always witty, always ready with a wisecrack, Steve and his humor have been welcome at public benefits, teen record hops, parties, and even wedding receptions—nearly 5,000 personal appearances in all. In fact, Steve has appeared in public so often he is probably one of the most recognized faces on radio.

Happy 50th birthday, Steve Kirk.●

HERE IS WHY YOU LOST YOUR JOB

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. OTTINGER. Mr. Speaker, in the New York Times of February 7, there appeared an insightful treatise in the form of a letter to a fictional unemployed individual giving some reasons why the person was out of work.

Barbara Bergman, a professor of economics at the University of Maryland, and a regular contributor to the Times, uses an artful style to make some very salient points concerning President Reagan's trickle-down economic philosophy.

I think that my colleagues would find this interesting reading:

HERE IS WHY YOU LOST YOUR JOB

Dear Joe: I was sorry to hear that you had lost your job. If it is any comfort you may think of yourself as a foot soldier, wounded in our country's battle against inflation.

The administration and the Federal Reserve, whose tight money policy helped to put you where you are, are counting on your plight to serve as a scary example to business and to labor so that they will go easy in raising wages and prices.

Furthermore, the Fed knows that in your present situation you are going to spend less in the stores, and that will also put the screws to the business community. It may also increase the number of people laid off.

I am afraid that I cannot refrain from reminding you that you were pretty loud in your complaints against inflation in the last few years. In fact, it was loud complaints like yours that nerved up the Fed to reduce the money supply growth and bring on the recession.

Of course, everybody was complaining against inflation, you may well say. Well, I am sure that it has struck you by now that the solution to the inflation problem we have backed into does not spread the misery at all evenly. You are suffering for the benefit of the rest of us.

The Reagan Administration is taking credit for the reduction in the rate of inflation. On the other hand, the President's State of the Union address had remarkably little about you unemployed people, and he certainly didn't mention that your sacrifices are bringing inflation down for all of us.

To add insult to injury, the President has even implied that much of the unemployment is caused by your bad behavior and low qualifications.

Exhibit A in this regard is the want ad section of the daily newspaper, which the President brought up in his last news conference. This section of the paper appears every day, even in Detroit, so it is always available as a good prop.

The existence of this section is supposed to show first of all that there are plenty of jobs, and second, that the unemployed are too lazy or too unskilled or too demanding to take advantage of all those vacant jobs.

Brandishing the want ad section to show that there are plenty of jobs amounts to confusing the total number of jobs in the country with the flow into and out of jobs, which is called labor turnover.

Even in periods when the number of jobs is low and falling, people are hired to replace employees who quit or retire or die or have been fired for unsatisfactory performance. It is these jobs that evidence themselves in the ever-present want ads.

The data on labor turnover for manufacturing industries show that new hires run about 2 percent of total employment per month. If turnover in manufacturing is at all typical of turnover in the rest of American industry, it means that in a typical year there are about 25 million new hires.

You may take some comfort from that figure, but not too much. A 2 percent monthly turnover rate combined with a 9 percent unemployment rate works out to an average of four and a half months out of work for the people who lose their jobs.

Incidentally, Joe, information on turnover will no longer be available. You guessed it: The Bureau of Labor Statistics has had its budget cut.

Taking the fact that some businesses are hiring as evidence of the existence of an adequate number of jobs is the same thing as confusing the flow of water in and out of a swimming pool with the level of the water in the pool. We may see the water coming into the pool at a brisk rate, but if the flow in is matched by a flow out, and the level stays knee-deep, the swimming is not going to be very good.

After the President had brandished the want ads he proceeded on schedule to the denigration of the employability of the unemployed, particularly the black unemployed, who now amount to 17 percent of the black labor force. The simple fact is, of course, that the majority of these people were actually employed a few weeks ago.

Moveover, the black unemployment rate always recedes more rapidly than the white unemployment rate whenever the economic climate improves. Certainly some of the employed could benefit from job training. However, running down their qualifications is done with poor grace by a President who has just slashed job training programs to the bone.

Let me close by assuring you that what has happened to you was by no means inevitable. We could have chosen to live with the inflation somewhat longer, and wind it down more slowly, at a much lower cost in lost jobs and lost output. Or else we could have chosen to fight inflation by means that shared the burden more widely, by imposing wage controls, for example.

If the recession deepens significantly or lasts beyond next summer, the country may force the Administration to turn in that direction. In the meantime, you can expect to spend a lot of time in your local unemployment office. The lines will be longer and the service worse than usual because the staff has been cut. But there is a cheerful side. You'll meet some great people down there, just like yourself.

Very truly yours.●

AEROSPACE INDUSTRIES ASSOCIATION RESOLUTION TO SUPPORT NASA

HON. HAROLD C. HOLLENBECK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. HOLLENBECK. Mr. Speaker, the board of governors for the Aerospace Industries Association of America, Inc. (AIA), met on November 21, 1981, and adopted a resolution in support of the National Aeronautics and Space Administration. This is another organization that recognizes the very visible return we see from NASA research and development. I would like to have this resolution published in the RECORD for the benefit of all Members:

Whereas, the capabilities of the United States in both space and aeronautical technologies represent a precious and hard-earned national asset, and

Whereas, the foundation upon which these capabilities are based is largely the product of years of proven research, testing and actual operations by the scientific and technical teams of the National Aeronautics and Space Administration, and

Whereas, the results of these efforts represent a symbol of American attitudes about the future for the world to see, and

Whereas, present projections indicate an inevitable and serious erosion in the pace, force and direction of NASA's ongoing and future programs, and

Whereas, such diminution of the national aeronautical and space efforts will have a withering effect upon the nation's future capabilities in these critical areas, and

Whereas, once squandered, this vital asset, practically speaking, can never be reconstituted,

Be it resolved that the Board of Governors of the Aerospace Industries Association of America does hereby urge a reassessment of the share of the nation's resources to be allocated to the preservation and expansion of the irreplaceable asset represented by the National Aeronautics and Space Administration before irreparable damage has occurred.

I commend the AIA for the recognition of NASA's worthy research accomplishments.●

AMERICAN INSTITUTE FOR FREE LABOR DEVELOPMENT

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LAGOMARSINO. Mr. Speaker, the American Institute for Free Labor Development has circulated in recent days a document from a group representing the rural inhabitants of El Salvador who support the land reform process. Although the U.S. press gave attention to the problems which the group had with the land reform process, the media did not make clear that group's continued support for the land reform program in El Salvador. I believe the following report offers a balanced understanding of the situation in El Salvador and deserves the attention of my colleagues.

LAND REFORM PROGRAM

During the past several days, a "situation report" prepared by the Union Comunal Salvadoreña (UCS) for presentation to President Duarte of El Salvador has created substantial interest in the U.S. press. This document, dated December 10th, 1981, addressed problems of the UCS in the implementation of the Land Reform program.

Since the matters of land reform and elections are of continuing importance to Salvadoran peasants and to the American public, the AIFLD has received the permission of the UCS to release to the press, a copy of their letter dated January 25, 1982 which discusses that program and also the general situation in El Salvador.

UNIÓN COMUNAL SALVADOREÑA,
Santa Tecla, January 25, 1982.

Mr. WILLIAM C. DOHERTY, Jr.,
Executive Director, AIFLD,
Washington, D.C.

DEAR BROTHER DOHERTY: The UCS supports the Land Reform Process. At this very time when the Land Reform Process, as well as the process of Social Reforms in general is being more than ever attacked and boycotted by extreme right sectors who are intent upon setting it back and liquidating it, as well as by those sectors who insist upon pursuing the violent road of bloodshed and economic exhaustion of the people, the UCS wants to declare its strong and total support and approval of Land Reform and its continuation.

The UCS understands that the path that was taken, beginning on March 6, 1980, with the basic land reform law and pursued on April 28, 1980, with Decree 207, which is the law for appropriation and transfer of farmland for the benefit of those who cultivate it directly, has not been an easy one, and that the enemies coming from the radical sectors who oppose the establishment of social justice and peace, have made it even more difficult. Nonetheless, the UCS and other democratic peoples' organizations have not given up, nor have they ever surrendered in their support of Land Reform. Today we reaffirm that support.

NEW EXPECTATIONS

When the Land Reform Process was first initiated in El Salvador with Bro. José Rodolfo Viera in the presidency of ISTA, we had the support of the ruling party and the Armed Forces, and the cooperation and participation of most of the Salvadoran peasants. The UCS was aware that for the first time there was an opening that would make it possible to overcome misery and attain the standard of living that is the patrimony of every campesino as a human being and as a productive member of society, without involvement in the violence practiced by the guerrilla factions; and the UCS, being more a victim of the opposing forces than anything else, has never abandoned its position on behalf of the Land Reform Process.

Now, with Brother Viera, together with many others assassinated for believing just that, the UCS notices certain positive attitudes on the part of the Government which, were they to be translated into deeds, might consolidate the process and contribute to a democratic way out of the Salvadoran crisis.

As an example of such attitudes we can point out in a general way the following:

a. The words of the President of the Ruling Junta in his presentation before the National Radio and Television Network on the night of January 20, 1982, when he referred to the Land Reform Process in a very serious, determined and specific fashion.

b. The assertions of the present Minister of Planning, Lic. Atilio Vieytez, and other high government officials at the political meeting that took place between the UCS and the PDC on January 14, of this year. On that occasion, Lic. Vieytez asserted that the Land Reform Process is a priority program of the government and that they will never cease to support it.

REGARDING THE FIRST STAGE

a. The restructuring of the major institutions involved in the process in order to make them more efficient with the aim of consolidating the process.

b. The beginning of a weeding out of those corrupt officials and technicians who oppose the process and obstruct it.

c. Prosecution by the Attorney General's office of those persons responsible for crimes of bribery and collusion, particularly in regards to payments for the expropriated property.

d. The initiation of responsible scheduling in the issuance of land titles on behalf of cooperatives of those lands expropriated in the First State and,

e. A closer attention to the process by the General Coordinator, particularly in anything for which he has responsibility as president of ISTA.

REGARDING DECREE 207

a. Postponement of the one year term so that the campesinos' beneficiaries may claim their land.

b. The promise of FINATA's president to work throughout 1982 in order to achieve a considerable increase in the filing of applications and issuance of provisional and final titles, with the cooperation of the UCS and other campesino organizations endowed with mobile units and equipment to work not only at the canton level, but also within the land parcels themselves, with massive concentration in those areas where there is a great number of beneficiaries. Details of this project are being finalized.

c. The establishment of a payment system that will allow each brother to make partial payment for his land. This system is already in operation.

d. The initiation of indemnity payments to former landlords, beginning this month.

e. The development of a program, in cooperation with the UCS, for the purpose of filling applications and granting titles in the 200 or more refugee and displaced persons centers.

f. Likewise, the implementation on a short term basis of the program of cooperatives for beneficiaries of Decree 207 in cooperation with the UCS.

g. As for the agrarian document that was presented in an updated form to President Duarte by the UCS in December, 1981, which dealt with the implementation of Decree 207, we note that many of the suggestions therein have been taken into account by the government, and if the problems pointed out are overcome, the process will be intensified. This document was presented without any intention of giving ammunition to the enemies of the Land Reform Process, but rather more as a presentation of a critical attitude that will point out certain mistakes that are necessary to correct, since this process reflects the continued expectations for a better future for the Salvadoran campesinos and can never be arrested.

We know that our enemies will take advantage of any opportunity to set back the advance of the Land Reform Process, but the UCS, we assure you Bro. Bill, will always be watchful and in a fighting spirit, ready to endure the worst so that our dream will never be a failure.

THE PROBLEM OF VIOLENCE

a. From December 1, 1981, the system of liaison between the Armed Forces and the UCS began to function and now we can rely on a high ranking and responsible person who has a direct connection with the Ministry of Defense, and,

b. The Ministry of Defense has approved a program of visits to military camps all over the country to insure that the liaison system not only be operational at the national level, but also at the departmental, sectional and cantonal levels as well.

Regarding this, Bro. Bill, we will let you know the results periodically, particularly in reference to the problems of evictions where there is a whole lot to be done.

Bro. Bill, you may be sure that our support for the land reform process will not slacken and that we will continue to pressure for its implementation with support from all the members of the UCS, from the friends of the process, and from the democratic countries who believe in it.

This does not mean that we are going to relinquish our right to criticize the process, but it will be a constructive criticism for the improvement of the Land Reform Process, which is also our own personal improvement. We reject the ill-intentioned criticism which says that the only thing that it will accomplish will be to take us back to the past of misery and slavery or to the blind violence which is destroying our people.

POLITICAL SITUATION

We cannot deny that the political consciousness of the Salvadoran campesinos has changed substantially, brought about by the agrarian changes that have taken place lately.

The top leadership of the Union Comunal Salvadorena knows how to make the best of the agrarian situation, and that is precisely the reason for being certain that our people will massively participate in the election process. We understand that the vote is the weapon of democracy and at this time the elections will mean for us the definitive bond cementing our land tenure.

Fraternally,

GUILLERMO BLANCO,
Secretary General,
SAMUEL MALDORA,
Organizing Secretary,
National Executive Committee.●

BOY SCOUTS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. NATCHER. Mr. Speaker, the Boy Scouts of America are now celebrating Scouting Anniversary Week, and I would like to take this opportunity to salute these fine young men and their leaders. This week marks the 72d anniversary of the Boy Scouts of America, which has involved more than 60 million people over the years. They operate under a charter from the U.S. Congress, which calls for the organization to promote the ability of boys to do things for themselves, and to teach them patriotism, courage, and self-reliance.

The theme for this year is "Scouting—The Better Life." Along with the traditional areas of camping and wilderness skills, Boy Scouts are now being challenged with projects in oceanography, space exploration, and architecture. Twelve regional winners will compete in this year's national public speaking contest, and $11,500 will be awarded in college scholarships.

The Boy Scouts have long been known for their service to others. This year, the Scouts are doing a good deed for all of us by participating in Project SOAR, to save our American resources. Cub Scouts, Boy Scouts, and Explorers all over our Nation want us to know how interested they are in the conservation of our wildlands, rivers, and forests. Certainly they deserve praise for their efforts to preserve our beautiful country for future generations.

Scouting has continued to grow in my home State of Kentucky. In the Second Congressional District, which I have the privilege to represent, attendance at summer camp has increased, and Boy Scouts have donated their time and energies on behalf of the United Way. Already, 41 boys have achieved the rank of Eagle Scout in western Kentucky.

It is my firm belief that Scouting is a valuable experience that should not be missed by any young person. Scouting has something for everyone, and each individual is valued for the contribution that he can make to his family, his community, and his country. During this special week, I am honored to pay tribute to the Boy Scouts of America, and I would like to thank every Scout and every leader for his endeavors to make America a better place to live.●

REAGAN DECISION ON TAX EXEMPTIONS FOR SCHOOLS THAT DISCRIMINATE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. WEISS. Mr. Speaker, I am disturbed by the implications of the Reagan administration's decision to exempt private schools that practice racial discrimination from payment of Federal taxes. By reversing the 11-year-old IRS policy that prohibited

such exemptions, the administration has demonstrated to all Americans that it cares little for the principle of racial equality. That the White House was surprised by the strong public reaction against this action is further evidence of the low priority assigned to civil rights in this administration. The President's bill to deny tax subsidies to these institutions is an afterthought—a token presented to pacify the public.

At this stage in our civil rights' progress, we should not have to ask Congress to pass a law against Government subsidies in the form of tax relief to racially segregated institutions. Nor should we have to fight to defend a policy that was based on the Civil Rights Act of 1964 and upheld by the Federal courts. Tax policy is used in this country to promote our economic goals and can also be used to further our social justice goals. While the President's proposal wends its way through Congress, the institutions that discriminate against students whose skin they judge to be the wrong color would be profiting from the exemption. And all taxpayers would be indirectly helping to support these schools.

We do not need this proposed legislation. What we need is a renewed commitment to upholding the principle of equal opportunity for all citizens, regardless of race, creed, or color. I urge my colleagues and all citizens to speak out in favor of a return to the original policy prohibiting exemptions for racially segregated schools. We must be vigilant and aggressive to prevent any further erosion of the progress we have made in the laws, policies and institutions that strive to make this a more just society.●

OUTSTANDING SOCIAL SECURITY CHECKS

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. ALBOSTA. Mr. Speaker, every year $20 million in uncashed social security checks is put into the U.S. Treasury's general fund rather than recredited to the social security trust fund where it was originally withdrawn. Twenty million dollars a year.

At this time, when there is concern about the financial stability of the social security system, I find it ironic that outstanding social security checks are being credited to the general fund and not to the trust fund where it rightfully belongs.

When payment is made to an eligible social security recipient, a voucher is submitted by the Social Security Administration to the Treasury Department for the amount of the benefit. This amount is then withdrawn from the social security trust fund and the payment is sent to the beneficiary. For a variety of reasons some benefit checks may not be cashed. For example, they may be lost, stolen, burned, or saved for a rainy day. Under present procedures, regardless of why the check is not cashed, the money has technically been spent by social security. The Treasury Department holds these funds until the checks are cashed.

If the check is never negotiated, this money is added to the Treasury's general fund. According to the Social Security Administration, this total is now up to an estimated $255 million. The social security trust funds not only lose the initial amount, but also the moneys obtainable by proper investment of the trust funds. At current interest rates, the use of these millions of dollars could be adding hundreds of thousands to the trust fund. Over the long term, this $20 million annually could make a substantial contribution toward preserving the solvency of the social security system for all retirees.

For the past 2 years, the Social Security Administration has been negotiating with the Treasury Department to arrange for a change in the administrative procedure used in handling these outstanding checks, but to no avail. In response to this need for a legislative remedy, I have introduced a bill which provides procedures for crediting the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund with the amounts of social security checks which have not been negotiated within 12 months.

By saving social security $20 million a year, I feel we not only will help strengthen the system, but also will reassure the American people that Congress is serious about maintaining the solvency of social security.●

SEVENTY-FIVE YEARS OF EXCELLENCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BROWN of California. Mr. Speaker, this Sunday, February 14, 1982, marks the 75th anniversary of the Citrus Research Center—Agricultural Experiment Station, associated with the University of California at Riverside. This research and teaching facility is internationally known as a center of excellence in citrus research, pest control, and a number of other agricultural research fields. It has contributed greatly to our understanding of agricultural issues over the years. It has flourished as it has caused agriculture in southern California to flourish. And it will undoubtedly continue to produce excellent research in the years ahead.

The original Citrus Experiment Station was founded on February 14, 1907, after citrus growers had convinced the University of California regents of the need for a research program focused on citrus problems. The station originally consisted of 23 acres and a two-person staff.

The citrus industry in southern California at the turn of the century was plagued by a number of problems which required the attention of plant breeders and entomologists. The researchers at Riverside were kept busy and, a few years after the freeze of 1913, the station was expanded to a 471-acre tract near the present University of California campus. The researchers dealt with a number of insect and microbiological pests and began to attract a number of premier researchers to the Citrus Experiment Station.

I point with pride to the work in insect pest control done at the station in these early years, work which continues today. Much of the basic work on biological pest control was done at Riverside and this facility remains a central focal point for the development of integrated pest management (IPM) strategies.

As early as 1887, southern California growers worked to get Congress to approve sending an entomologist to Australia to look for natural enemies of a plant pest that was causing them problems. Fiscal restraint being what it was, Congress declined, but the growers finessed the problem by having the entomologist sent to Australia as part of a State Department delegation. In this era before many of our modern chemical pest control substances, much work was done on biological control and much of this took place at Riverside.

In 1923, Harry S. Smith, the head of one of the Nation's first beneficial insect rearing facilities, was transferred to the Riverside Citrus Experiment Station. Smith, with a team of international scouts, headed the Department of Biological Control and helped develop the theories and practices of biological control.

The Citrus Experiment Station grew in size and stature, expanding its research into a number of areas. In 1954, the College of Letters and Science joined the Experiment Station in Riverside, forming the core of the present University of California campus there. By 1961, the Experiment Station had outgrown its name and was redesignated as the Cirtus Research Center—Agricultural Experiment Station.

Today, the Experiment Station employs 846 faculty and staff and has nearly 2,000 acres of land available for

research. It has the largest collection of citrus varieties in the world, with 1,200 on hand. It has a large library and provides information to researchers around the world. And the enrollment in the natural and agricultural sciences is currently at 1,750 undergraduate and 600 graduate students. It is, by every measure, a tremendous success.

This facility has succeeded because it is a model of what we seek in establishing good research programs. It was established to meet a need that the growers could not accomplish by themselves. It succeeded in overcoming obstacles to expanded production posed by pests, climate, and other factors. The research done at the Citrus Research Center-Agricultural Experiment Station spans the spectrum from basic to applied and involves a number of scientific disciplines.

We should all take special note of this event. It is not the marking of time for a facility which has survived over the years. It is a celebration for a vibrant institution which has done all that was asked of it and much, much more.●

NO MISTAKE

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MURPHY. Mr. Speaker, as my colleagues examine the proposals of the administration which would substantially reduce funding for Public Law 94-142, the Education for All Handicapped Children Act, in fiscal year 1982 and repeal the existing statute by placing this program in a block grant in fiscal year 1983, I urge you to take note of the following letter which appeared in the Washington Post on February 4, 1982. The letter clearly described the success of the act which provides each handicapped child with a free and appropriate public education. By maintaining the effective Federal State, and local partnership that presently exists, we can insure the continued success of the act and thus guarantee that our Nation's handicapped children will continue to receive the necessary educational services they so rightfully deserve.

NO MISTAKE

Each time President Reagan castigates "the mistakes of the past 50 years," I think of my 15-year-old son, who attends public school and has been taught to read, write, do arithmetic (albeit simple) and will someday hold a job. His right to this education is mandated under *federal* law (PL 94-142.)

In the pre-"mistakes of the past 50 years" era that the president harkens to, children like my son were labeled "Mongoloid Idiots" and their futures almost always awaited them at some "Home for the Feeble-minded"—administered under state and local auspices, of course.

MARILYN TRAINER,
Silver Spring.●

TRIBUTE TO GEORGE AND RICHARD MANSFIELD

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DYSON. Mr. Speaker, I would like to call to the attention of my colleagues two patriotic Americans from the First Congressional District of Maryland, George and Richard Mansfield. Father and son, they are proud to have served their Nation for many years as members of the Marine Corps.

George Mansfield fought with the First Marine Division in World War II and was wounded in the battle for Okinawa Island. He was decorated with the Purple Heart and went on to serve in the Army during the Korean conflict before receiving an honorable discharge.

More than 20 years later, his son made the Marines a family tradition by joining the service for 6 years, spending an additional year in the Army National Guard. He, too, was honorably discharged.

Mr. Speaker, the Mansfields are a family that has taken pride in continuing devotion to the Nation. For two generations George and Richard fought selflessly for their beliefs in America and freedom as part of a great family tradition. I have asked that flags be flown over the Capitol in their honor.●

ENGLISH SPEAKING TRIBES VICTIMS OF SANDINISTA RAIDS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. McDONALD. Mr. Speaker, while the Sandinista rulers of Nicaragua have been complaining loudly about supposed raids and threats from without Nicaragua, they are strangely silent about their incursions into Honduras after the Miskito Tribes who have fled the blessings of their brand of Marxism. Since the Miskito tribesmen are opposed to communism, the Sandinista Government feels compelled to punish them. The story from the Daily Telegraph of London for January 29, 1982 follows:

ENGLISH-SPEAKING TRIBES VICTIMS OF SANDINISTA RAIDS

(By Ian Ball)

A campaign of repression is being conducted by the Sandinista government along the inaccessible and largely English-speaking eastern coast of Nicaragua, according to American intelligence reports.

Many inhabitants denounced as "agitators and collaborators" had been killed or executed this month, claims an Honduran Foreign Ministry protest note delivered in Managua.

It said Nicaraguan troops had crossed its border in the Mosquitia region and killed 200 of an estimated 3,000 English-speaking people of the Miskito tribe who had sought refuge in Honduras.

An American official monitoring the situation said: "We do not know the full extent of the measures being carried out by the Sandinista Government.

"Counter-revolutionary activity has been increasing in that area and the aim clearly is to subjugate an independent people who don't want to be subjugated.

He said that the repressive measures began with moves to isolate the 120,000 Miskito people from their own leaders and to isolate the Atlantic coastal region of Nicaragua from the rest of the country.

RADIO STATIONS CLOSED

Travel to the region has been restricted for all Nicaraguan citizens. Local radio stations which broadcast in English and the Miskito language have been closed.

The Managua Government has taken steps to prevent La Prensa, the only independent newspaper still publishing in Managua, from circulating along the eastern coast.

In the capital itself, La Prensa has been appearing sporadically recently. It has been closed five times for publishing articles critical of the ruling junta.

It was reported last week that British embassies in Central America have been receiving disturbing reports of mass flight from their home communities of Miskito tribespeople—many of them the mixed-breed descendants of English pirates who settled along the Caribbean coast of Nicaragua in the 17th and 18th centuries.

The pirates took concubines among the Indian women and several generations of their descendants have intermarried with blacks who arrived in Nicaragua as slaves and with the indigenous Indians.

ENGLISH CONNECTION

English, however, has survived over the centuries as a common language, usually larded with Creole words, and the "English connection" has produced some bizarre and touching local traditions and festivals.

The language has also served to isolate the communities along the Caribbean coast from the rest of Spanish-speaking Nicaragua.

American intelligence is paying particularly close attention to the situation developing along Nicaragua's eastern coast which is strategically important.

The ports of Bluefields and El Bluff in the south and Puerto Cabezas, or Bragman's Bluff, in the north are the terminals for any Cuban or Russian cargoes moved to Nicaragua by sea.

There is a strong Cuban presence in all three towns, as well as Soviet and Eastern-bloc "advisers" and technicians.

A large group of Cuban teachers has been moved to other areas of Nicaragua, but 12 Cuban doctors remain in Bluefields. They occupy the residence vacated by the British Consul in 1965—a pleasant tropical villa which now has photographs of Dr. Fidel Castro on the walls or resting on delicate rosewood china cabinets.

LIKELY BASES

The airfield at Bluefields is used almost exclusively for Nicaraguan military traffic. The airfield at Puerto Cabezas, a short flight from the Honduras border, is being extended.

American officials say that both airfields could prove useful if Nicaragua were to expand its role as a supply base and way station for the export of revolution to El Salvador and Honduras to the north and Costa Rica to the south. Cuban pilots have been seen at both airfields recently.

For Russia as well as Cuba, the good harbours at Bluefields and Puerto Cabezas could also be developed for naval purposes.

Although there have been some desirable changes in the area since the Sandinistas came to power in the summer of 1979—the Cuban doctors, for example, have improved the quality of medical care—Nicaraguans on the Atlantic coast feel betrayed by the revolution .

Many are devout church-goers with a built-in antipathy toward Communism.●

MARTIN LUTHER KING'S BIRTHDAY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. FOGLIETTA. Mr. Speaker, Martin Luther King had a dream. His dream was of an America free from the affliction of racial prejudice; an America in which every child was given the opportunity to develop their abilities and make a contribution to society.

In celebrating his birthday we are not only honoring a great man, but we are also renewing our commitment to make his vision a reality.

Here in Philadelphia, city and State offices, as well as many private businesses and agencies, will be closed to observe Dr. King's birthday.

In Washington, however, it is business as usual. The Reagan administration is hard at work unraveling the fabric of our national commitment to civil rights and equal opportunity.

President Reagan has his own dream. He calls it the "New Federalism." Actually, it represents a return to things as they were before the civil rights movement.

The recent Justice Department decision to grant tax-exempt status to private schools which discriminate on the basis of race is just the tip of the iceberg. This administration has taken every opportunity to undermine civil rights legislation and its enforcement.

The Reagan budget cuts have done even more to halt the progress toward equal opportunity. President Reagan has said that he will maintain the "social safety net" for the needy. In spite of this promise, major reductions have been made in Federal support for essential social services.

But the greatest cuts have been made in those programs which are designed to assist the disadvantaged in playing a productive role in our economy; including employment programs, job training, and aid to education. In effect, President Reagan has taken away the ladder which leads out of the "safety net."

The money saved through these cuts in going to provide tax reductions for the wealthy, and to increase our military expenditures. This, President Reagan tells us, is the road to economic prosperity. I disagree.

Dr. King came to national attention in the Montgomery bus boycott, in which blacks used their power as consumers to confront the injustice of racial segregation. As a leader of the civil rights movement, he also associated himself with the cause of oppressed workers, and spoke out against the war in Vietnam.

Dr. King gave voice to the highest aspirations of the black community, and appealed to our conscience as a nation. He also appealed to our self-interest.

He taught that we pay a price for prejudice and oppression. A society which oppresses part of its people denies itself the productivity of that group.

History has proven his point. The great social, political, and economic strides of the "New South" demonstrate the benefits to be reaped when people put aside old prejudices and work together.

I am cosponsoring legislation which would make Martin Luther King's birthday a national holiday. The issue, as I see it, is not whether Dr. King deserves this recognition. Clearly he does. But we, as a nation, also have much to gain by focusing our attention on his message.

This is a critical time for our economy. President Reagan has taken the easy approach of writing off the difficult problems. By capitulation in the war against poverty, and turning a deaf ear to the problems of our cities, he is freeing up resources to focus on his personal priorities, the wealthy and the military.

This strategy, if he can pursue it without creating astronomical deficits, will benefit some sectors of the economy in the short run. But this short-term benefit will be bought at the price of an increase in hardcore unemployment and decreasing productivity in the economy as a whole.

A more difficult but wiser course of action would be to continue to strive for a society in which every individual is given the education, training, and the opportunity to perform fulfilling work and make a contribution in accordance with his or her ability. This is the design for a productive society, as it is the design for a just society. It is the design for the America which Dr. King saw in his dream.

Although a majority of Congress has not as yet seen fit to declare Martin Luther King's birthday a national holiday, my office will be closed on January 15 in commemoration of Dr. King and his dream, which we all must work together to fulfill.●

BESS TRUMAN TO CELEBRATE 97TH BIRTHDAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SKELTON. Mr. Speaker, on Saturday, February 13, 1982, a truly remarkable woman will celebrate her 97th birthday. I am speaking, of course, of the former First Lady, Mrs. Bess Truman. I slight no one when I say that Mrs. Truman is truly the "First Citizen" of her hometown of Independence, of the Fourth Congressional District, and the State of Missouri.

As the wife of our 33d President, Harry S. Truman, Bess Truman brought grace and a quiet dignity to the White House. Never one to seek publicity or attention, she remains today as she was then; indeed, as she was in the years before her husband attained the Nation's highest office: intelligent, warm, and completely natural and unaffected.

Mr. Speaker, I know that all of the Members of the House will wish to join me in sending best wishes to Mrs. Bess Truman on the occasion of her 97th birthday.●

HOW SECURE IS SOCIAL SECURITY? AN INTERVIEW WITH SOCIAL SECURITY COMMISSIONER JOHN A. SVAHN

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LOWERY of California. Mr. Speaker, all of us are painfully aware that our social security system is experiencing serious financial difficulties. The basic problem is really quite simple: The system currently spends more than it takes in and the trust funds are running out of money.

Obviously, something must be done to bring the system back into balance. The President's recently appointed Social Security Task Force has been mandated to come up with realistic, long-term reforms to put the system back on sound financial footing.

Furthermore, they have been instructed to forge a working bipartisan consensus so that necessary reforms will be passed into law. That is quite an assignment. While there are numerous options for resolving the sys-

tem's financial problems, none of them are easy and all are unpopular.

In a recent U.S. News & World Report interview, Social Security Commissioner John A. Svahn, a fellow San Diegan, tells why the system is in trouble and outlines possible solutions. I feel that Commissioner Savhn's analysis is both insightful and comprehensive, and therefore would like to take this opportunity to bring the article to the attention of my colleagues.

The article follows:

WILL SOCIAL SECURITY GO BROKE SOON?

Q. Mr. Svahn, is the Social Security system going broke, as experts warn, putting the monthly checks of retirees and other beneficiaries in jeopardy?

A. Broke may be the wrong word. But the administration has consistently said that if nothing was done, the fund from which most pensions are paid—the Old Age and Survivors Insurance trust fund—would run out of money, or its ability to pay benefits, in late 1982.

We have a brief grace period, however. Congress, at our request, authorized interfund borrowing until Dec. 31, 1982. That is, the old-age fund now has the ability to borrow from the smaller Hospital Insurance and Disability Insurance trust funds during this year. So we will change our estimate based on pessimistic assumptions and say that, absent further congressional action, the old-age fund will be depleted in January, 1983. Furthermore, if nothing more is done, we're talking about running out of money in all three trust funds in late '84.

Q. Realistically, though, will that happen?

A. No. I know—and I think most Americans know—that the Congress of the United States and the President of the United States are not going to let the trust funds run out. We've had Social Security around for 47 years now. It's a program that directly affects about 150 million Americans, either on the taxpaying side or on the benefit side. And we're not going to let that program go down the drain.

Q. How are you going to prevent it? Isn't the system in pretty bad shape financially?

A. Right now, in 1981 dollars, we're facing about a 1.5-trillion-dollar imbalance in Social Security over the next 75 years. We're spending $12,400 a minute more than we're collecting in payroll taxes.

Q. Why?

A. A real-term growth in the benefit structure coupled with high inflation has produced a very rapid increase in benefits. For the first 30 years of benefit payments—from 1940 through 1970—the trust funds always had at least a 100 percent reserve ratio. That is, they could always pay a full year's benefits, even without any new income.

But then Congress decided to raise benefits by a large amount in the 1969-72 period. Congress also indexed the system, increasing benefits annually by at first double the percentage rise in the consumer price index and currently at an equal rate. As a result, the trust funds have been losing money since 1974. We have been living on a dwindling savings account, and now we're down to where we have only 1½ or two months of reserve funds.

And inflation isn't the only problem. A sluggish economy causes job layoffs. Every time the unemployment rate rises 1 percentage point—or approximately 1.1 million people—it costs us about 2 billion dollars a year in lost payroll-tax revenues.

Q. What sort of rescue actions are you considering?

A. There are more options than you can shake a stick at—the problem is that they're all unpopular. Basically, Social Security is a very simple system. You've got money coming in and money going out. All you've got to do is make sure you've got enough money coming in to pay the bills next month. Right now, it's out of balance—we spend more than we take in. To change that, you have got to either raise revenues or reduce expenditures.

Q. On the spending side, what steps do you favor?

A. One thing we could do is to gradually lower the level of real benefit from where it is now.

Q. What do you mean by "real benefit"?

A. It's the benefit you receive in relationship to the wage that you were making prior to your retirement. We call it the wage-replacement ratio.

From 1940 through 1970, that ratio ran between 30 and 34 percent. From 1970 to 1980, we jumped it from 34 percent to 54.6 percent of income earned in those years. On average under the formula, we were replacing about 54 percent of a worker's preretirement earnings.

Q. So what would be an appropriate level to keep the system sound in the long term?

A. Interestingly enough, Congress cut long-range benefits in 1977. Many members of Congress don't realized that they did that. But, on average, they reduced benefits by about 25 percent over the years—from a wage-replacement ratio of 56.4 percent, which it was scheduled to reach this year, to 42 percent. It's on the way down now. What we have said is that you've got to bring it down another 2 to 3 percent in order to put the system into balance over the long range.

Q. Some members of Congress favor a rise in the age for receiving full retirment benefits to above 65 years. Where does the Administration stand on that?

A. As a personal opinion, given the demographics of the country, a gradual increase of the retirement age could probably be warranted. However, it would have to be phased in so that people could plan for it. We—the adminstration—have not proposed this, however. We will await the deliberation of the National Commission on Social Security Reform on this issue.

Q. Could you be more specific?

A. I don't know whether the age should be 68 or 67 or 66 years and six months. It depends on where you want to be in terms of trust-fund balances. For example, if you were to raise it gradually to 68 beginning in the year 1990, that would increase Social Security tax revenues by about 1.3 percent of payroll annually over the long range. The deficit right now is about 1.5 percent of payroll. So that step would almost put the system in balance.

Q. Wouldn't it be a dirty trick to raise the age for people who have already paid into the system for a considerable time?

A. In a way, yes. If there is any kind of contract between the government and working persons about Social Security, it has always been that you could retire at age 65 with full benefits. That was the original deal when it was set up. So maybe we should consider raising the retirement age starting with those, say, a generation back from those working in the system today. Or, better yet, there should be some incentives for people to work longer, rather than requiring them to do so. People are living a lot longer than they did at the time Social Security was set up in the '30s. They're in much better health, and they're much more productive.

Q. What about changing the formula for cost-of-living increases? Now benefits go up each year at the average rate of increase in the governments's cost-of-living index during the previous year?

A. As I said before, the cost-of-living adjustment is expensive, and it's been one of our biggest problems in the past couple of years. There has been substantial pressure from within and without the administration to change it. But the President feels—and rightfully so—that it's the only protection the elderly in this country have against inflation. To take away that protection would not be what he wanted to do.

Q. Is there any chance that the President will try again to discourage early retirement through benefit cuts? He proposed last April to do that by reducing the share of maximum benefits that a person retiring at 62 to 64 would get—

A. That's no longer under consideration. Out of all of our original proposals, that's the one that took the most heat. It became a very emotional issue. I personally got quite an earful from my 62-year-old father. People misunderstood the proposal and the concept behind it. Nevertheless, we have withdrawn all proposals and are relying on the National Commission on Social Security Reform to recommend a bipartisan solution.

Q. What about the idea of bringing federal workers under the system?

A. There's no real reason that federal employes aren't covered under the system—other than politics. We didn't propose universal coverage for federal employes, because, in the long run, you don't really gain a whole lot. The federal employes' retirement system has a large unfunded liability, which would have to be picked up. And they would retire and collect Social Security, too.

Q. Social Security payroll taxes just rose to 6.7 percent of the first $32,400 of pay on January 1 and are scheduled under law to rise to as high as 7.65 percent for workers and employers by 1990. Has there been any thought given to raising these taxes even higher?

A. Absolutely not, to this date. Well, I shouldn't say it hasn't been considered because it was—but the Congress thought they saved the system in 1977 by raising taxes. They didn't. They won't be fooled again.

Raising taxes isn't the way to solve the problem—either over the short or the long run. More and more Americans are paying more in Social Security tax than they are in income tax. The payroll tax is already the largest tax that a small businessman pays.

Q. Another suggestion is that Social Security borrow from the U.S. Treasury's general fund. Is that an option?

A. I have quipped at times that there is no general fund to borrow from. When we've got a trillion-dollar debt and we're looking at substantial yearly deficits, there's no place to borrow. What you're really talking about is deficit financing.

Moreover, once you break the discipline of the Social Security trust fund—if you start to fund it out of general revenues—it would become too easy to boost benefits or whatever is politically expedient at the time. The next step would be to put a welfare "needs" test on the program, and I think that would be a terrible breach of faith.

Q. The President has impaneled a 15-member commission, headed by economist Alan Greenspan, to suggest changes in Social Security by year-end. How fast can Americans expect some type of action?

A. We will not be proposing changes in Social Security until the commission report is completed. The President has asked for it by December 31. Personally, I don't see any great "new" solution coming from the work of the commission. I don't believe there will be any long, drawn-out debate, discussion or hearings on the issue. Everyone knows the problems, and many past studies have proffered options for reform. I believe the commission's toughest task will be to review the known options and forge a bipartisan compromise.

I could see a commission report coming out before the end of 1982 and resulting in quick action by a lame-duck session of Congress.

Q. Will the administration support whatever the Greenspan panel comes up with?

A. Well, it is the President's idea, and I certainly think that, assuming they meet their charge, that we would welcome the bipartisan compromise. But that choice will ultimately be the President's nearly a year from now.

Q. For an individual, do you think that Social Security is a good investment?

A. I believe so. The first beneficiary of Social Security paid $22 and got it all back in the first check. That lady lived for 35 years. Now, she had one heck of an investment, collecting $20,000 out of the system.

A person who turned 65 in 1981 and paid the maximum tax into the system throughout his or her work history paid $14,700. If that individual has a spouse, he's going to get his investment back in about a year.

The person who turns 20 years old today is going to pay $335,000 to $350,000 into the system. And who knows what kind of benefit he or she is going to get out of it? Another factor, usually overlooked, is that you get survivors-and-disability insurance.

Q. With all of these problems with the system, are Americans losing faith in Social Security?

A. We're facing right now a situation where anywhere from two thirds to three quarters of the population does not believe Social Security will be there when they retire.

As long as the United States government keeps pointing out that we've got a potential 1.5-trillion-dollar deficit in 1981 dollars over the next 75 years and people walk around saying, "I don't know how we're going to solve this," there's no reason for them to believe that it's going to be there, other than good faith.

So it's a responsibility of the government to bring the system back into balance.●

ENTERPRISE ZONES AND JOB TRAINING

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GARCIA. Mr. Speaker, today I am introducing along with JACK KEMP and BILL GRAY a bill complementary to our Urban Jobs and Enterprise Zone Act. This new bill, entitled the Private Sector Opportunities Act, reauthorizes title VII of the Comprehensive Employment and Training Act. Its purpose is to provide private sector training and placement opportunities for residents of enterprise zones or CETA-eligible-type individuals from the immediate area of an enterprise zone. The linkage between new businesses within enterprise zones and unemployed or underemployed individuals will be provided by community based organizations.

These community based organizations can include the likes of opportunities industrialized centers, the National Urban League, SER-Jobs for Progress, or neighborhood self-help groups, community development corporations and vocational rehabilitation organizations.

I have long stated that for an enterprise zone to be successful, it needs the support of other urban programs such as CETA, loan guarantees, action grants, and CDBG. This continues my commitment to this philosophy. The Private Sector Opportunities Act instructs the Secretary of Labor to provide financial assistance to a prime sponsor or a community based group within an enterprise zone in order to provide training to enterprise zone residents or enterprise zone employees. This bill does not in any way limit title VII just to enterprise zones, rather it indicates my desire to see some job training component within the zones.

The prime sponsors or community groups receiving assistance can accomplish the following: Arrange on-the-job training with small business concerns; conduct, with the cooperation of the community, special retraining sessions for employees who will be hired by new zone businesses; coordinate programs of jobs, training, and education which will allow for the individual to continue his or her education while working; develop a small business intern program; relieve that administrative burden of linking CETA-eligible applicants to the businesses which operate within the zone; or disseminate information to private employers of the individuals and their skills who reside in the area.

Private industry councils will be able to continue their work under this bill. More importantly, community organizations will be able to continue their successful efforts of linking the community to the business sector and coordinating job opportunities with unemployed individuals.

The Public Sector Opportunities Act shows my commitment to: One, providing job training for enterprise zone residents; two, increasing the involvement of neighborhood groups; and three, my firm commitment to the viability of the CETA program. This act will be a vital ingredient to the success of an enterprise zone.●

CBO AND SYNFUELS

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BROWN of Colorado. Mr. Speaker, the Congressional Budget Office (CBO) Friday issued a volume entitled, "Reducing the Federal Deficit: Strategies and Options." Among the options explored by CBO for reducing the national debt was the possible elimination of the Synthetic Fuels Corporation.

CBO points out that between now and 1987, the Synthetic Fuels Corporation is likely to have only a small impact on on-budget Federal outlays, perhaps less than $200 million. That is because the purchase guarantees and loan guarantees made by the Corporation will not really impact outlays until the synthetic fuel plants involved are completed or near completion, from 8 to 10 years from now. At that point, Federal outlays could involve billions of dollars. As a recent Congressional Research Service analysis points out, synthetic fuel subsidies made this year by the Corporation will impact Federal budgets for at least the next 10 years.

It also is important to keep in mind that the $12.2 billion appropriated by Congress for the Corporation, while legally off-budget, does count toward the national debt. Borrowing in the private financial markets to pay interest on the debt puts tremendous pressures on interest rates and keeps them at a burdensome level. Federal borrowing in the credit markets will rise to record levels in the next 12 months, with financial analysts projecting that this will force the prime interest rate over 18 percent.

I am sure my colleagues will agree with me that it is vital to take steps to take pressure off the financial markets to help reduce the interest rates which are crippling our economy. That is why I ask you to join with me in sponsoring H.R. 5404, which would repeal the Synthetic Fuels Corporation.

In the interest of better understanding the issues involved, I am reprinting below the CBO analysis of the short-term impacts of repealing the synthetic Fuels Corporation. I urge my colleagues to read it.

CUT SUBSIDIES FOR SYNTHETIC FUELS

[In millions of dollars]

Savings from CBO baseline	Annual savings					Cumulative 5-yr savings
	1983	1984	1985	1986	1987	
Budget authority	0	0	0	0	0	0
Outlays	34	36	37	39	40	186

Synthetic fuels, which are substitutes for oil and gas products, are produced by processing plentiful resources such as coal and oil shale. The Synthetic Fuels Corporation (SFC), an independent federal entity, was created in 1980 to assist the private sector to develop a number of commercial-sized synthetic fuel plants. The SFC, with $12.2 billion in budget authority granted before 1983, functions primarily as an investment bank. It is authorized to provide loan guarantees, price guarantees, purchase agreements, and direct loans. In exceptional circumstances, the SFC may participate in joint ventures with private firms.

If the Congress decided to abolish the SFC, the potential outlay savings would probably amount to only $186 million during 1983-1987. Because it concentrates on financial arrangements that require little or no outlays unless projects fail, the short-term outlays should be relatively low, although the government would remain exposed to potential high costs. Since synfuel projects require a number of years to build, large budget outlays caused by project failure or default are not likely to occur until after 1987. The exact impact cannot be calculated, since there is no basis on which to predict how the SFC will allocate financial assistance among the available options and what the failure and default rates might be.

The purpose of the additional production from SFC-assisted synthetic fuel plants is to make the U.S. economy less vulnerable to potential interruptions of imported oil and to assist the U.S. transition to alternative fuels to offset declining domestic oil and gas reserves. The SFC was first suggested during a period when domestic oil prices were controlled at below market value. Controlled crude oil prices limited the market's ability to give correct signals about the potential competitiveness of synthetic fuels, thus reducing the incentives for developers to proceed. With the recent decontrol of oil prices and the scheduled deregulation of natural gas prices by 1985, market forces rather than government regulation will probably determine investment decisions about commercial development of synthetic fuels. Under these circumstances, the SFC might no longer be needed.

On the other hand, since the SFC fosters synthetic fuel development, it might provide some additional insurance against the effects of a future interruption in foreign oil supplies. SFC proponents contend that such insurance outweighs the possible inefficiencies that might result from SFC subsidies. They also argue that the United States will have to make the transition to synthetic fuels eventually, and therefore, the experience provided by early plants will be helpful in choosing the appropriate technologies.●

F. D. R.—A REMARKABLE MAN IN EVERY WAY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. PERKINS. Mr. Speaker, one of the renowned journalists of Kentucky is Mrs. Martha Comer of the Maysville Ledger-Independent, and, fortunately for the newspaper's readers, Mrs. Comer wrote a remembrance of what things were like back in the days just before Franklin D. Roosevelt became President, the days and weeks afterward, and she also makes some comparisons to today. She recalls 3-cent-a-pound tobacco, the "war against depression," the destructive floods of the pre-dam era, and she has an interesting lesson for all of us.

I would like to share the article with the Members of the House:

[From the Ledger-Independent, Jan. 30, 1982]

F. D. R.—A REMARKABLE MAN IN EVERY WAY

(By Martha Comer)

On the rare occasions when the nation has encountered real danger, a great leader has always come forward in the time of need to see the United States through its peril. Franklin Delano Roosevelt is one of the proofs of this surprising rule.

Today marks the centennial of the birth of the 32nd President of the nation and men such as Joseph Alsop and George F. Will have remarked upon the splendid legacy of FDR. Alsop's reference to leadership appears in his book, "A Centenary Remembrance." George Will, writing in Newsweek, says FDR lacked the capacity to imagine that things might end up badly. His life supports the idea that all history is biography. Will adds:

"To tell his story is to tell the story of the nation while he lived . . . And his life shows why biography is the form of nonfiction that can come closest to high literature. The great themes of literature are love and disappointment. Those are the keys to the mystery of character formation. FDR was formed late, not in childhood, but by an unfulfilling marriage, an unfulfilled love and a devastating disease.

"Perhaps the fierce pain of polio gave FDR his gift of empathy."

Franklin Roosevelt is and was my hero. Perhaps my generation needed to believe in the untarnished goodness of its heroes, whereas Americans today have become cynical about theirs. But if as history has proved, FDR was both sinner and saint, what matters now to those who loved and heeded him was that his greatness overshadows his humanity.

Think for a moment about March 4, 1933, the inaugural day of President Roosevelt. Governor Ruby Laffoon of Kentucky earlier had declared several bank holidays in the Commonwealth because so many banks had gone bankrupt. And within 24 hours of his inauguration the new President declared a national holiday which lasted 15 days. Imagine life today without money in your pocket—but that was how it was then. Or consider the farm foreclosures: tobacco was selling at less than 3 cents a pound; a farm was withdrawn from sale because the high bid was $97.50 per acre; The White Manor Hotel offered one free meal for a guest if the customer would pay 65 cents. But persons with 65 cents in their pockets were the lucky one. In fact, relief work in Mason County started as early as March 10. The pay for men working to repair the streets and roads was $1.50 per day.

History has recorded Roosevelt's first 100 days in office. Within days after his inauguration, the United States went off the gold standard and inflation began. Maysville put beer on sale April 7 after repeal of the Volstead Act—the first time it had been available here since Dec. 31, 1915. A farm bill was passed requiring acreage planting to be reduced by 30 percent to qualify for a loan.

The "War Against Depression" had commenced. Old files of this newspaper organization tells of nearly $2 million being allocated to Kentucky for creating forest lands—millions of trees—and to give employment to 13,300 men. Thus began the alphabet era. Today's generation will not remember what these terms stood for: CCC, TVA, WPA, FDIC, PWA, REA, NRA—to be followed in coming months by agencies such as Social Security and unemployment benefits. What began then was a series of "safety net" provisions for the country's neediest citizens.

A SAVIOUR

Government today under Ronald Reagan is viewed as a problem but back in the 1930s and up until World War II (when the Depression was put to an end) the view of government was that of a saviour.

The reasons are obvious in 1932 family relief allowances dropped to $2.39 in big cities such as New York. Here in Maysville, those who could put food on the table shared it with their neighbors. Often those neighbors were "hoboes"—just tramps passing through town on a freight and knocking on the kitchen door for a handout. And they got it.

The year 1933 was doubly difficult for the Maysville area. The newspaper record reports on March 20 of that year that the worst flood since 1913 had overflowed the Ohio River to spill into the river cities in the valley. Some residents were kept too busy sweeping out mud and water from their homes to take note of the fact that March 23 of that year brought word of Adolph Hitler becoming dictator of Germany—or of something so trivial as that the Cincinnati Union Terminal was to open.

But persons here were aware that organizations such as the Mason County Taxpayers League had sprung up to protest the cost of development. And the newspaper was able to state that the Maysville-Aberdeen Bridge, which had opened on Thanksgiving Day of 1931 now was averaging $248 per day.

Even early in that year persons were mindful that life in a small town went on in some fashion and often happily. That was the year I edited a short history of Maysville in anticipation of the September, 1933, observance of a four-day celebration marking the incorporation of Maysville as a city. The newspaper tells of high school class plays, Commencement exercises, persons being born, being wed and of dying. We had the radio, the movies; we had basketball under Earle Jones. There were diapers to wash by hand and meals to cook and bills to pay. Farm women still were cleaning wicks for lamplight, drawing water from the well, carrying slop water to the pig lot and going to an outdoor privy. Gardens were planted and the produce canned. Yes, life went on.

Does any of this suggest that Mason Countians were too preoccupied not to be listening to what had become the first evidence of mass communication? Not so. Radio made FDR America's first intimate public figure, one who was always popping up in everyone's living room. FDR was a phrasemaker, as Will points out. Not one of us would have missed any of his "fireside chats." Franklin Roosevelt was talking to me personally when he said we had nothing to fear but fear itself; that happy days are here again; that we had a "rendezvous with destiny" or on Dec. 7, 1941, when he spoke of a "day that will live in infamy."

89-059 O-85-7 (Pt. 2)

REMEMBERING

The most remarkable aspect of Franklin Roosevelt's character, his voice, his personality (call it what you will), is that none of us remembered that he was a cripple, a man who in the privacy of the White House moved about in a wheel chair. If we gave thought to it at all, it was only to remark upon the remarkable strength of a remarkable man to ignore physical pain to meet a greater need.

What some of us did remember of course was the stockmarket crash of 1929 under Hoover. A lot of us had been buying stock on margin and there was a widespread feeling that the crash had been an act of God. The hearings between 1932 and 1934 were a revelation: they showed shenanigans that stock sales had been fraudulent and had carried thousands of investors into bankruptcy. The result of this was the enactment of Roosevelt's Truth-in-Securities Act of 1933 which required every new stock issue to be registered with the Federal Trade Commission. The Securities Exchange Act of 1934 extended these rules to all stocks.

Perhaps the most hated term that has come into existence, and one which President Reagan seeks to vanish, is the New Deal. Obviously, Roosevelt's New Deal changed American life substantially, changed it permanently, and people are still arguing whether it changed it for the better. Time magazine this week says Roosevelt represented three innovations in the public philosophy. One is that the Constitution's pledge to "promote the general welfare" gives the Federal Government both the right and duty to intervene in all substantive aspects of economic life. The second is that Government intervention should provide security against the age-old risks of bankruptcy, hunger, destitution. The third is that the Government has a duty to promote a reasonably fair distribution not only of wealth but of power and status and what Roosevelt called "the good things of life."

Despite the racial segregation of armed forces in World War II, the New Deal nonetheless represented the first real recognition of the right of Jews, blacks and other minorities to take part in government. Joseph Alsop writes in his book: "On a very wide front and in the truest possible sense, Franklin Delano Roosevelt included the excluded."

IT WAS HOPE

The purpose of this remembrance of Franklin Roosevelt is not to dwell upon his faults but upon his virtues. None can deny that he was too ill to serve an unprecedented fourth term in the White House. Historians will be arguing for generations whether he bowed to Stalin's will at Yalta—or whether what he did was an acknowledgement that Russia had lost 20 million of its men and women in World War II.

Franklin Roosevelt was, simply, a man among men—and there hasn't been one like him before or since.

As Time said:

". . . The President restored a sense of confidence and morale and hope—hope being the greatest of all."

And what remains of FDR's New Deal could well be the United States itself.

I write as I do today because it is my conviction that he did what he had to do because the times demanded it of him. I hold him up as an example of greatness in the hope that these troubled times of 1982 make demands upon us for another great leader to emerge—to do as was repeatedly done in the book of Judges, to call upon a leader to arise. If that leader should be Ronald Reagan, it will give proof to the statement that another man has come forward to see us through our peril.

May our 40th president do as well.●

THE SERVICE INDUSTRIES COMMERCE DEVELOPMENT ACT OF 1982

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. FLORIO. Mr. Speaker, I am introducing legislation today, the Service Industries Commerce Development Act of 1982, which is designed to promote fairness in commercial regulations between the United States and foreign countries with respect to service industries.

Service industries, such as insurance, transportation, and communication, banking, accounting, real estate, construction and engineering, and advertising, in recent years have become a more and more important part of both the U.S. economy and world export trade. Despite the rapid growth and achievements of the U.S. service sector, the prospects for the future health of this part of our economy depends greatly on halting a disturbing trend on the part of foreign countries toward the erection of barriers to free trade in services.

The simple fact is that export trade in services has not been a high priority of either U.S. trade policy or national policy. It is now time to address the undeniable problems of U.S. service industries head on.

Mr. Speaker, more than 20 years ago, our country joined with the other industrialized nations of the world and began negotiations to remove costly, inefficient protectionist barriers to free trade in goods. It was not until 2 years ago, however, that a trade agreement was finally reached. This agreement dealt exclusively with the removal of quotas, tariffs, and other barriers to trade in goods.

When these negotiations began, the United States was largely a goods-based economy. The production of goods accounted for more than 50 percent of the GNP in 1960; whereas, services represented a much smaller share of our economic output, and international trade in services was very limited.

A lot has changed in the 20 years since these negotiations began. Today, the United States is, to a much greater extent, a service-based economy. The Department of Commerce estimates that the service sector now represents almost 50 percent of the GNP and employs about 70 percent of the work force.

In my State of New Jersey, employment in the service sector increased 62 percent between 1969 and 1979, according to Census Bureau figures. During that same period, manufacturing employment actually declined.

In 1969, Census Bureau figures show that 27 percent of New Jersey's work force was employed in the service sector. In 1979, this figure had grown to 39 percent.

Likewise, services have become a larger and larger part of total world trade. In 1979, international trade in services grew 24.2 percent. In 1980, U.S. businesses alone earned $128.2 billion in income from trade in services, about 50 percent more than they had earned just 3 years earlier. Export trade in services also added $35 billion to the U.S. balance of payments in 1980, helping to provide the first overall surplus since 1976.

In the time it took to achieve an international agreement on the removal of barriers to trade in goods, the U.S. economy has, therefore, undergone a fundamental transformation. Services, not goods, now account for the largest share of our economic outputs.

While our service industries are competitive and strong, we need to make sure they have every opportunity to compete on an equal footing in trade in services. As a result, I believe we have to recognize that international negotiations alone may not either be adequate or timely enough to deal with the real world barriers and disincentives to trade in services that U.S. firms face.

It makes no sense whatsoever for our Nation to be operating under principles of free trade when many foreign countries are erecting barriers at every turn in order to protect what they consider to be their vulnerable service industries.

Free trade, unfortunately, is not fair trade unless all countries are willing to play by the same rules. Likewise, 20 years is simply too long to await an agreement on how international trade in services should be conducted.

For these reasons, I believe the effort to eliminate barriers to trade in services through international negotiations must be supplemented with direct action now. In recent years, country after country has taken actions which make it more and more difficult for U.S. firms to export services. Thus, the opportunity for trade expansion, which is so essential to the future strength of our economy's service sector, is seriously being threatened.

Consider the following:

U.S. insurance companies have been effectively prohibited from doing business in countries like Korea; in others, operating licenses have been difficult

to get or waiting periods up to several years have been required.

U.S. banks have not been able to establish operations in some countries, for example Australia, and in other countries, for example Canada, foreign bank operations have been restricted.

U.S. air carriers have not only to compete with subsidized foreign carriers, they must also contend with exorbitant landing fees, for example in England, less favorable ground handling systems and discriminatory restrictions on airport use, for example in Italy, and denial of access to airline reservation system, for example in France and Germany.

Mexican law prohibits the operations of U.S. motor carriers in Mexico, at the same time as recent changes in U.S. law make it easy for Mexican carriers to apply for operating licenses in the United States.

Various foreign governments forbid certain data processing beyond their borders.

I do not favor unilateral, punitive trade restrictions being imposed by the United States anymore than I approve of them being imposed by other countries. But, what I am suggesting is that equal treatment, or reciprocity, in international trade promotes fair trade. Furthermore, if we make it clear that we can place the same restrictions on foreign service firms as foreign countries place on U.S. firms, I sincerely believe that the value and benefit of free trade becomes all the more clear to everyone.

The greatest obstacle to the successful negotiation of international trade agreements is unquestionably a country's perception that it has no stake in the outcome of such a negotiation. As long as the United States treats foreign service firms on a more favorable basis than foreign countries treat U.S. firms, we are denying foreign countries any possible incentive to remove barriers and to negotiate agreements.

The main provisions of the legislation I am introducing today are designed to equalize commercial relations between the United States and foreign countries with respect to services. It does this in four important ways:

First, the bill requires all foreign service firms to register with the Department of Commerce before they shall be considered eligible to apply to a Federal agency for a license, permit, order, or other authorization to do business in the U.S. service market. As part of this requirement, the Secretary of Commerce is required to issue an advisory opinion stating the extent to which granting the foreign firm access to the U.S. market is, or is not, consistent with the way U.S. service firms are treated by the foreign country involved. This advisory opinion can then be used by Federal agencies for purposes of deciding whether a foreign firm's access to the U.S. market should be restricted on the same basis as U.S. firms.

Second, whenever a Federal agency is considering a rule or regulation that affects foreign access to the U.S. service market, the bill requires the Secretary of Commerce to make recommendations to the agency based on the access U.S. firms have to foreign markets. In this process, the Secretary of Commerce is responsible for identifying for Federal agencies policies which would grant foreign service firms the same access to the U.S. market as U.S. service firms have abroad.

Third, the bill requires the Department of Commerce to greatly increase its collection of information on U.S. and foreign service activities. There is a terrible scarcity of information about trade in services. For example, in 1980, the actual volume of U.S. service exports has been estimated to be $60 billion—nearly twice as much as official estimates show. In addition, the official information contains very little detail, and, therefore, it is not very useful from a public policy standpoint. As an example, there are about 10,000 different classifications for reporting imports and exports in goods whereas there are only 6 different classifications for reporting service transactions.

In addition to data gathering, the bill requires the Secretary of Commerce to report to Congress by next April with a proposal for a comprehensive national policy on trade in services. Some service industries like insurance are regulated at the State rather than the Federal level while others like banking may be regulated at either, or both. As a result, the Secretary's report is required to contain recommendations on how regulation of foreign service firms can be coordinated effectively at the local, State, and Federal level.

Fourth, the bill establishes the elimination of barriers to trade in services as a principal objective of the United States for negotiation under the auspices of the General Agreement on Tariffs and Trade (GATT). The U.S. Trade Representative is instructed to bring services to the attention of the GATT ministers and to report to Congress on the progress of his efforts in negotiating an international agreement covering services. In this way, high priority is given to services at the international level as well as the domestic regulatory level.

Mr. Speaker, I have great confidence in the ability of American business and the strength of our economy. But, ability and strength will not enable U.S. businesses to be successful for the long term if they must continually confront discriminatory trade practices.

For this reason, I hope my colleagues will join with me in the fight for fair trade in services.

Mr. Speaker, at this time I would like to insert the text of my bill in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Service Industries Commerce Development Act of 1982.

FINDINGS

SEC. 2. The Congress finds that—

(1) United States service industries engaged in interstate and foreign commerce account for a substantial part of the labor force and the gross national product of the United States economy;

(2) many service industries require highly skilled and trained workers and employ advanced technology that enhances the international competitiveness of the United States economy;

(3) productivity in the service sector increased by 20 percent from 1967 to 1979, and in 1980, according to official United States balance of payments statistics, the United States earned a surplus of more than $34,000,000,000 in the services account;

(4) the United States is the world's largest provider of foreign commerce in services, accounting for approximately 20 percent of the world total in 1980;

(5) barriers to and other distortions of the international trade in services, including barriers to the establishment and operation of United States companies in foreign markets, have had a serious and negative impact on the growth of United States services exports;

(6) such barriers are likely to continue to harm the United States service economy unless prompt action to negotiate their reduction or elimination is taken and effective and rational international rules governing trade in services are implemented; and

(7) the trade in services is an important issue for international negotiations and deserves priority in the attention of governments, international agencies, negotiators, and the private sector.

PURPOSES

SEC. 3. The purposes of this Act are—

(1) to encourage the expansion of international trade in services through the negotiation of agreements, both bilateral and multilateral, that reduce or eliminate barriers to, and other distortions of, international trade in services (including barriers to the right of establishment and operation of service enterprises in foreign markets) and that strengthen the international rules governing trade in services;

(2) to promote reciprocity in trading relations between the United States and foreign countries in service sectors;

(3) to require governmental organizations to improve their assistance to American service industries by studying and collecting appropriate information, focusing attention on the industries' problems and assisting in the resolution of such problems, and developing service-related policies which promote the national interest;

(4) to require the Department of Commerce, in coordination with other appropriate agencies, to take lead responsibility in the executive branch for developing and implementing policies to enhance the competi-

tiveness of American service industries and for achieving the objectives of this Act;

(5) to require the Department of Commerce to promote foreign commerce in services and to develop for other Federal agencies policies which promote equality in commercial relations between the United States and foreign countries;

(6) to integrate fully service sector trade issues into overall United States economic and trade policy;

(7) to provide for effective coordination of services sector trade policy within the Federal Government;

(8) to encourage consultation and cooperation among the agencies of the Federal Government, between the Federal Government and State and local governments, and between the Federal Government and the private sector;

(9) to clarify the application of provisions of United States trade laws to trade in services.

NEGOTIATION OF INTERNATIONAL AGREEMENTS CONCERNING TRADE IN SERVICES

SEC. 4. (a) A principal United States negotiating objective under section 102 of the Trade Act of 1974 shall be to develop agreements, under auspices of the General Agreement or Tariffs and Trade, which—

(1) reduce or eliminate barriers to United States service sector trade in foreign markets, including the right of establishment and operation in such markets;

(2) modify or eliminate practices which distort international trade in services; and

(3) develop of internationally agreed rules, including dispute settlement procedures, that are consistent with the commercial policies of the United States and that will help ensure open international trade in services.

(b)(1) In any negotiation under section 102 of the Trade Act of 1974 concerning barriers to, or other distortions of, international trade in services, the United States Trade Representative (USTR) shall pay particular attention to the interests that the States may have in such a negotiation.

(2) The USTR shall not enter into any negotiation involving a service sector over which the States have regulatory responsibility unless he has developed negotiation objectives for such negotiation in consultation with representatives of State governments: *Provided further,* That during the course of any negotiation, the USTR shall consult regularly with representatives of State governments concerning negotiation developments and the manner in which any agreement reached may be implemented.

(c) The USTR shall inform the service sector advisory committees established under subsections 135(b) and 135(c) of the Trade Act of 1974 of prospective trade negotiations under section 102 of the Trade Act of 1974 and, prior to entering into such negotiations, shall, in consultation with the appropriate service sector committees, develop negotiating objectives concerning trade in services: *Provided further,* That during the course of any such negotiations the USTR shall consult with the committees concerning negotiating developments.

(d)(1) The USTR shall consult with the Senate Finance Committee, the Ways and Means Committee of the House of Representatives, and other interested committees of the Congress concerning efforts to promote international negotiations on trade in services, the strategies and specific negotiating objectives of the United States in such negotiations, developments in the course of such negotiations, and the manner in which any agreements concluded are to be implemented.

(2) No later than forty-five days after this bill is enacted into law, the USTR shall present to the Senate Finance Committee, the Ways and Means Committee of the House of Representatives, and other interested committees of the Congress—

(A) a proposed work program concerning international negotiations on services for the following twelve-month period; and

(B) a detailed analysis of the negotiating interests of the United States in specific service sectors.

SERVICE INDUSTRIES DEVELOPMENT PROGRAM AND REPORTS

SEC. 5. (a) The Secretary of Commerce (hereinafter in this Act referred to as the "Secretary") shall establish in the Department of Commerce a service industries development program designed to—

(1) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(2) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(3) develop a data base for policymaking pertaining to services;

(4) collect and analyze information pertaining to the international operations and competitiveness of United States service industries;

(5) analyze United States regulation and taxation of service industries, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(6) collect such statistical information on the domestic service sectors as may be necessary for the development of governmental policies toward these sectors;

(7) conduct sectoral studies of domestic service industries, including assessments of their present and future capital needs and their ability to compete in interstate and foreign commerce with foreign service industries;

(8) collect comparative international information on service industries and policies of foreign governments toward services;

(9) develop policies to strengthen the competitiveness of domestic service industries relative to foreign firms;

(10) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(11) provide statistical, analytical, and policy information to State and local governments and service industries.

(b) The United States Trade Representative and the Secretary shall provide to State and local governments, upon their request, advice, assistance, and (except as may be otherwise prohibited by law) information concerning United States policies on international trade in services.

(c) The Secretary shall prepare, and submit to Congress, not later than April 1, 1983, a recommended comprehensive national policy, applicable at all levels of government and to all aspects of interstate commerce, to promote equality in commercial relations between the United States and foreign countries with respect to services. Such policy shall be accompanied by—

(1) an analysis of the activities of foreign suppliers within the various service sectors in the United States;

(2) an analysis of Federal, State, and local regulation of such foreign suppliers and recommendations as to how such regulation can be modified, coordinated, and implemented in order to promote such equality;

(3) an analysis of the activities of United States suppliers of services in foreign countries, including the types of services provided, the value of investment made in such services, and the income resulting from their provision; and

(4) an analysis of foreign treatment (including, but not limited to, the use of barriers to trade) of United States firms engaged in trade in services abroad.

(d) No foreign person may engage in the provision of services within the United States unless that person registers with the Secretary as provided in this subsection; except that any foreign person engaging in the provision of services within the United States on the day before the date of the enactment of this Act may continue to engage in providing services if such person so registers with the Secretary before the close of the 180th day after such date of enactment. Registration shall be made in such manner, and contain such information, as shall be required by the Secretary including, but not limited to—

(1) the identification and location of the parent of, and each subsidiary, if any, of, the foreign supplier;

(2) the business or other activities engaged in by the parent and subsidiaries, if any, and the revenues accruing therefrom;

(3) actual or expected income deriving from the provision of the services concerned in the United States; and

(4) the location within the United States where such services will be, or are being, provided.

SUBSIDIZATION AND UNFAIR PRICING

SEC. 6. Chapter 1 of title III of the Trade Act of 1974 (19 U.S.C. 2411) is amended by adding at the end thereof the following new section:

"SEC. 307. SUBSIDIZATION AND UNFAIR PRICING INVOLVING SERVICE SECTOR INDUSTRIES.

"(a) SUBSIDIZATION AND UNFAIR PRICING TO PROVIDE A BASIS FOR ACTION UNDER SECTION 301.—Whenever the United States Trade Representative (USTR) determines, after an investigation initiated under this section, that—

"(1) services sold by a foreign supplier to the United States market benefit from a subsidy provided, directly or indirectly, to the supplier by a foreign government or instrumentality, or are sold at prices that are below cost or are otherwise unfair, and

"(2) a competing service sector industry in the United States is injured or threatened with injury by reason of such sales.

such subsidization or unfair pricing shall, for purposes of section 301, be considered an unreasonable practice which burdens United States Commerce and the President shall take appropriate action under section 301(b) with regard to the products, services, or suppliers of services of foreign countries or instrumentalities involved.

"(b) FILING OF PETITION WITH THE UNITED STATES TRADE REPRESENTATIVE.—Any interested person may file a petition with the United States Trade Representative (USTR) requesting the President to initiate an investigation into subsidization or unfair prices of services setting forth facts upon which the allegations of subsidization or unfair pricing, and allegations of injury to a competing domestic service sector industry, are based. The USTR shall review the request and, not later than forty-five days after the date on which he received the petition, shall

determine whether to initiate an investigation.

"(c) DETERMINATION REGARDING PETITIONS.—

"(1) DECISION NOT TO INITIATE.—If the USTR determines not to initiate an investigation, he shall inform the petitioner of his reasons therefor and shall publish notice of the determination, together with a summary of such reasons, in the Federal Register.

"(2) DECISION TO INITIATE.—If the USTR determines to initiate an investigation regarding the issues raised, he shall publish the text of the petition in the Federal Register and shall, as soon as possible, provide an opportunity for the presentation of views concerning the issues, including a public hearing.

"(d) DETERMINATION OF SUBSIDY OR UNFAIR PRICING: TERMINATION/SUSPENSION OF INVESTIGATIONS.—

"(1) In each investigation initiated under this subsection, the USTR shall, no later than six months after the date on which the investigation was initiated, determine whether—

"(i) the services in question are benefiting from a subsidy provided, directly or indirectly, to the supplier by a foreign government or instrumentality or are being sold at prices that are below cost or are otherwise unfair; and

"(ii) a competing service sector industry in the United States is being injured, or is threatened with injury, by reason of such sales:

Provided, however, That an investigation may be terminated or suspended at any time, in whole or in part, upon withdrawal of the petition, or conclusion of a termination or suspension agreement with any foreign country or instrumentality or the foreign supplier involved in the investigation.

"(2) Whenever an investigation is terminated or suspended, the USTR shall publish in the Federal Register a notice of termination or suspension, which shall include a full statement of reasons for the action taken.".

UNFAIR TRADE PRACTICES IN SERVICE SECTOR TRADE

SEC. 7. (a) Section 301(b) of the Trade Act of 1974 is amended by adding after the word "services" the phrase "or suppliers of services".

(b) Before the President takes action under section 301(b) of the Trade Act of 1974 involving the imposition of fees or other restrictions on the services, or on suppliers of services, of a foreign country, the USTR shall, if the services involved are subject to regulation by any agency of the Federal Government or of any State, consult with the head of the agency concerned.

(c) Fees or restrictions imposed under section 301(b) of the Trade Act of 1974 on the services, or suppliers of services, of a foreign country may be in any amount or of any kind determined by the President to be appropriate, including full or partial exclusion of a foreign supplier from the United States market, or the imposition of any condition upon the access of a foreign supplier to the United States market, and may be implemented through Executive order.

CONSIDERATION BY UNITED STATES REGULATORY AUTHORITIES OF MARKET ACCESS ACCORDED BY FOREIGN COUNTRIES TO UNITED STATES SERVICE SECTOR INDUSTRIES

SEC. 8. (a) It is the sense of the Congress that, in developing their policies concerning access of foreign suppliers to the United States market, regulatory authorities in United States with responsibility for regulation of a service sector should, in consultation with the Secretary of Commerce, take into account the extent to which United States suppliers are accorded access to foreign markets in such service sector.

(b)(1) For purposes of this section, the term "service sector access authorization" means any license, permit, order, or other authorization, issued under the authority of Federal law, that allows a foreign supplier access to the United States market in a service sector.

(2) At least 60 days before a foreign supplier applies to any Federal agency for a service sector access authorization, the supplier must request the Secretary to issue an advisory opinion on the extent to which United States suppliers are accorded access to the service sector in the supplier's home country and to which such authorization, if granted, would promote equality in foreign commerce within such service sector. The foreign supplier must, on a timely basis, provide the Secretary with such information as the Secretary may require for purposes of formulating the advisory opinion. The Secretary shall issue an advisory opinion within 60 days after receiving a request therefor.

(3) No foreign supplier may make application to a Federal agency for a service sector access authorization before the Secretary issues the advisory opinion required under paragraph (2) with respect to the application.

(c) Whenever any Federal agency that is required to regulate a service sector undertakes to promulgate or amend a rule or regulation, or to consider any decision, that may affect the access of any foreign supplier to the United States market in that sector, the Secretary shall—

(1) provide any interested party opportunity to provide information to the Secretary regarding the probable effect of the rule, regulation, or decision on the market access that United States suppliers of such services to both the domestic market and the foreign market concerned; and

(2) make appropriate representations, including recommended restrictions, to the Federal agency if the Secretary, on the basis of information acquired under paragraph (1), considers that foreign suppliers of the services concerned should be restricted in order to promote equality in foreign commerce in such services.

(d) The Secretary shall report annually to the Congress on its implementation of subsections (a) and (b). The report shall—

(1) specify those rules and regulations made, and other administrative actions taken, by Federal agencies which the Secretary considers not to promote equality in foreign commerce in the service sectors;

(2) contains a summary of the advisory opinions prepared by the Secretary under subsection (a) and the extent to which such opinions were taken into account by, or otherwise affected, Federal agency action on applications for service sector access authorizations; and

(3) identify the problems that the Secretary has encountered in implementing this section.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated $20,000,000 to carry out the activities authorized by this Act.

DEFINITIONS

SEC. 10. (a) "Services" means economic outputs which are not tangible goods or structures, including, but not limited to, transportation, communications, retail and wholesale trade, advertising, construction, design and engineering, utilities, finance, insurance, real estate, professional services, entertainment, and tourism, and overseas investments which are necessary for the export and sale of such services.

(b) Barriers to, or other distortions of, international trade in service includes—

(1) barriers to the right of establishment in foreign markets, and

(2) restrictions on the operation of enterprises in foreign markets, including direct or indirect restrictions on the transfer of information into, or out of, the country or instrumentality concerned and restrictions on the use of data processing facilities within or outside of such country or instrumentality.●

COSTA RICA: THE TRIUMPH OF THE BALLOT OVER THE BULLET

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BARNES. Mr. Speaker, on Sunday, February 7, Central America's long-time democracy held an election. Unlike its neighbors, Costa Rica has a long tradition of choosing its leaders on the basis of regular, fair, free and open elections—and Sunday was no exception. The voter turnout was near 80 percent and the results produced an overwhelming victory for opposition candidate Luis Alberto Monge. Mr. Monge and his National Liberation Party outpolled his five presidential opponents with 58 percent of the vote, and also won 33 of the 57 seats in the national legislature.

Both Costa Rica and Mr. Monge deserve our congratulations and our good wishes. However, that is not enough. As Mr. Monge prepares to take over the Presidency, Costa Rica faces a growing economic crisis. Costa Rica is being caught in a squeeze between high oil prices and high world interest rates, and low prices being paid for the country's exports—coffee, meat, sugar, and bananas. They must also face up to a debt which totals $4 billion—$2.6 billion in public debt and $1.4 billion in private debt. To make matters worse, Costa Rica is surrounded by political instability and violence.

It is in the national interest of the United States to do all that we can to assist Costa Rica in dealing with this crisis. It would be a great tragedy if we ignored Costa Rica until the situation reaches the point of no return. Costa Rica is not there yet, but the economic crisis is beginning to produce both social unrest and a rise in terrorist acts. Last year, my colleagues and I on the Subcommittee on Inter-American Affairs met with then-candidate Monge and he was the first to tell us that the United States cannot solve Costa Rica's problems for them. But our strong support can make an enor-

mous difference in their ability to chart a course which will allow the continuation of their democratic ways and traditional friendship with the United States. As we congratulate Costa Rica, I hope my colleagues on both sides of the aisle will join me in voicing our support for Costa Rica and standing side-by-side with them as they work to overcome the current economic crisis.●

THE HAWKS OF SALVADOR

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STUDDS. Mr. Speaker, the Boston Globe's editorial of February 7, 1982, presents what I believe to be one of the most insightful analyses of U.S. policy toward El Salvador. I would like to include the editorial in the RECORD now for the benefit of all of my colleagues.

[From the Boston Sunday Globe, Feb. 7, 1982]

THE HAWKS OF SALVADOR

Graver than the battle for El Salvador is the battle developing in Washington to redirect Reagan Administration foreign policy toward that bleeding nation. The outcome will directly affect El Salvador's Central American neighbors, and will probably set the pattern for years to come for U.S. relations with Latin America. If the trends of the past 12 months continue, America will be in deep trouble.

A group of ideologues and can-do implementers on the sixth and seventh floors of the State Department is leading the United States into a deepening military effort that could commit American forces and leave Central America in flames and frustration.

Chief ideologue is Secretary of State Alexander Haig. Chief implementer is Asst. Secretary of State for Inter-American Affairs Thomas O. Enders. These and a few others are the hawks of Salvador.

Like many other members of President Reagan's Central America squad, Haig and Enders have virtually no background in the area. Haig is a desk general, a professional bureaucrat, with strong credentials in European affairs and an abiding interest in the grand strategy of bipolar confrontation with the Soviet Union.

Enders, too, has a background in European matters, especially economics. He is smooth and smart, and experienced in remote-control battle. Enders was deeply involved in the Nixon Administration's secret bombing of Cambodia.

As detailed by William Shawcross in his history "Sideshow," Enders targeted the B-52 strikes from 1971 to 1973 while he was deputy chief of the Phnom Penh mission. This operation was carried out on the sly for President Nixon's national security adviser, Henry Kissinger. Enders tried to conceal his role from congressional investigators in the spring of 1973, and until his prevarications unraveled, not even then-Secretary of State William Rogers knew what he was up to.

The temperament and career paths of these men help explain the Administration's profoundly flawed approach toward Central America. As their public utterances suggest, they simply have no interest in the unruly politics of marginal countries. These hawks fly wider skies.

The turmoil in countries such as Nicaragua, El Salvador and Guatemala is no more formented by the Soviet Union than the turmoil in Poland is by the United States. In Central America, a repressive and unjust status quo—repeatedly backed by the United States at critical moments during the past 50 years—has met with forces of social and political change that will not be denied. Where evolution is blocked, revolution follows.

An Administration that saw clearly the politics of Central America would try to understand and befriend the revolutionary forces in these countries, to ameliorate the violence and to interpret their struggles, hopes, and failures and successes to the U.S. public. It would not be perversely pushing them into the arms of Fidel Castro.

Haig took office a year ago intent on portraying himself as tough on the Soviets, but well aware that it would be hard to throw weight around in Poland or Afghanistan. So Haig defined Central America as the new arena of East-West struggle. Here was an opportunity to flex muscle and display strident anti-Sovietism in a neighborly setting with little risk.

The developing tragedy of Central America stems directly from that decision. "We will do whatever is necessary to contain the threat," said Haig on Wednesday. Thus the reputation of the Secretary of State, the President, and the country itself has been foolishly committed on the wrong side of history.

Enders went to Capitol Hill last week to announce that $55 million in military aid will be rushed to El Salvador, with another $100 million to come later, under a provision that allows action without congressional approval when US "national security" is at stake.

"The decisive battle for Central America is now underway. . ." he said, sketching a stark choice between accepting the Duarte regime "warts and all" or a "one-party state of a highly repressive and militaristic character." That is a crudely false analysis, based on history to date. But as Reagan Administration policy destroys the political middle-ground, drives the left further left and militarizes the country, it may be a self-fulfilling prophecy.

Enders did not justify the aid by referring to the specific realities of the Salvadoran situation. Rather he invoked the loose nonsequiturs and apocalyptic jargon of the professional bipolarist.

"If, after Nicaragua, El Salvador is captured by a violent minority, who in Central America would not live in fear?" said Enders. "How long would it be before major strategic United States interests—the Panama Canal, sea lanes, oil supplies—were at risk?"

A more realistic and scarier prospect lies closer at hand. American foreign policy toward Central America could fall even deeper into the grip of the ideologues and the can-do implementers who work for them.

If this happens, their ignorance of developing countries, their ritualistic anticommunism and reliance on military force will make the United States the frustrated, and increasingly violent, enemy of inevitable change.●

WELCOME TO OUR NEWLY NATURALIZED AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the Orange, Rockland, and Ulster County residents of New York's 26th Congressional District who have recently chosen to become citizens of the United States, with all of the privileges, freedoms, and responsibilities that American citizenship entails.

Our Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Fernando Abaya, Nathan Uryah Adler, Maria Gloria Aguirre, Marlene Fernancez Alexis, Alil Alili, Rafael Foz Almonte, Marie Carida Alphonse, Jean Rene Dominique Ameris, Paul Ameris, Kankashan Ansari, and Elvira Aponte.

Paul Avrelion, Sheela Rajkumar Bajaj, Govindan R. Balasurbramanian, Angelo Barucco, Isabel Battiata, Rolande Benedict, Antal Bercze, Rosarios Salgado Bermisa, Jayashree Bhattacharyya, Hanna Kiat Blatt, Drsula Borowski, and Charles Changmin Sou.

Pinchas Brach, Ernst Louis Breton, Mrs. Mike Brooks, Carmine Bruno, Peter James Brutto, Rafael Augusto Bueno, Ralph Emilic Cabrera, Roberto Reyes Calingo, Etheline Agatha Cameron, Angelina Candela, Francisca Javiela Candelario, and Raquel Cartamil.

Pasquale Cascio, Estella Lopez Castro, Jean Roger Cesar, Haftali Chacham, Cicily Kizhakekattil Chacko, Isabel Chaparro, Michael Leon Charash, Wilner Chardonet, Anne Luce Rita Charles, Tapan Kumar Chatterjee, William Lorver Chavez, and Nilda Altagracia Chavez.

José Antonio Abad Chavez, Hae Dan Chong, Kum Oi Chu Chow, Salma Bany Chowdhury, Eleftheria Chrisis, Gaida Cockson, Eliyahu Cohen, Mireille Colin, Henry Noel Crawley, Connie Crupi, and Cresencia Concepcion Cruz.

Astacia Antonia Cruz, Pauline Aletta Cummins, Hazel Cunningham, M. Davodian, Alfredo Pasia DeCastro, Roger Desamour, Marie Ange Desamour, Marie Denise Despinasse, Margarita Diaz, Charles Diperna, and Madhubala Manekchand Dodhta.

Maria Salome Dominguez, Sophie Ellen Donatelli, Joseph Hugues Dragon, Peter Du, Jaime Duemas, Ronil Dufrene, David Ekstein, Anna Margartet Enghard, Nieves Catungal Espejo, Rosemarie Catungal Espejo, and Pedro Galsim Estrada.

Hinda Rachel Falkowitz, Raymond Charles Faussone, Louis Hermann Fede, Anna Teresa Fertile, Jeanne Fetus, John Robeson Figaro, Ileana Fili, Petrina Fishman, Courtney Leo Rhynie Forrest, Arthur Joseph Francis, Yuda Freiman, and Guy Mollet Fremont.

Marie Carolle Gabriel, José Luis Gaitan, Anastasios Gallos, Marilyn Joyce Gayle, Cora Maria Gonzalez Glaskow, Miland

Godsay, Jorge Manuel Gomez, Yvonne Agatha Gordon, Ernest John Green, Rita Gregg, and Mahendra Prakash Gupta.

Steven Ankoo Han, Joan Marie Harris, Cassandra Charmaine Hendricks, Batoul Thabit Herbert, David Chen-Tse Hu, Simon Sroo-Rann Hu, Magda Hylfelt, Kingsley Lloyd Issacs, Nereida Anacaona Jackson, Chacko Jacob, and Gulshan Lal Jaggi.

Closette Jean-Charles, Calixte Jean-Francois, Carmen Meranda Jean-Louis, Audrey Jean Johnston, Marie Michele Belizair Julien, Lea Kaplan, Franz Ernst Kaupp, Patricia Marilyn Keenan, Anastasios Kentimenos, Muzaffar Mohammad Khan, Dina Kis, and Ettel Kivelevich.

Eleonora Knarr, Vimala Konduru, Kalyana Konduru, Jesaje Jitchok Kornhauser, Chaya Kornhauser, Elsamma Koppara Koshy, Jerry Kossifos, Haralambos Kostopoulos, Edward Dady Lafleur, Marvin Lafleur, Frantz Lafleur, and José Escuro Lagrimas.

Reynold Laguerre, Jean Schiler Lamarre, Irene Laureano, Nyung Sook Lee, Judith Lefkowitz, Shang Ping Lin, Judith Lee Lin, Susie Wei Lin, Yadira Yolanda Liranzo, Yeshayahu Jacob Livne, Yolande Oriol Lolagne, and Jules Gaudry Loubeau.

Paul Alcindor Louis, Purandar Kallianpur Mallya, Zvi Margalit, Lina Marsillo, Tindaro Marta, Pedro Santana Martinez, Franco Martinez, Irene Victoria Martinez, Lucia Martinez, Juan Antonio Martinez, Herra Massim, and Foula Mastrogiannis.

Andrew Howard Dale McArthur, Doreem McDonough, Pallavi Prakash Mehta, Henry Claude Menard, Winston Arlington Merricks, Anne Marie Miller, Eddie Minstant, Judith Miranda, Ignacio Francisco Molina, Jorge Manuel Molina, Selina Moore, and Alicia Bautista Moreno.

Moon Ching Moy, Moshe Muller, Marco Hector Munoz, William Martin Murphy, Jagadamma Nair, Fahimie Joseph Najac, Junichi Nakashima, Benedetta Napolitano, Marie Therese Innocent Navaire, Benigno Dagno Navarro, Joseph Nemeth, and Mary Therese Nguyen.

Roberto Nunez, José Figuero Opulencia, Ok Cha Pak, Isabel Eulalia Pantoja, Anil Gordhandas Parikh, Saraswwatibem Patel-Shrivastava, Jean Claude Paul, Honesimo Rolle Peji, Lidia Mercedes Pena, Manuel Peralta, Ana Cecelia Perez, and Petra Helga Pfister.

André Pierre, Yvrande Pierre, Robert Raymond Pinart, Courtney Pindling, Eugenie Prevot, Catulle Patrick Princivil, Gilma Libertad Quinonez, Antonio Villar Rebuquiao, Ponciana Moises Rebuquiao, Maureen Elizabeth Reid, Josef Franz Renggli, and Dulce Maria Reyes.

Antonio Rodriguez, Pedro Maria Rodriguez, Oneyda Amada Rodriguez, Jocelyn Rogers, Jean Robertson Rogers, Micheline Romain, Claude Marie Pierre Romain, Asja Emanuel Rudnik, Joseph Rosanna Ruffin, Marie Berthilde Ruffin, Myriam Cecilia Sabogal, and Shabnam Saeed.

Yash Pal Saggarwal, Rita Sahai, Alex Saint-Victor, Vioda Sybil Samuel, Cruz Melida Santacoloma, Anca Natalia Schapira, Mehrangiz Nikou Sexton, John Siena, Sydney Marcus Silva, Raymondo Siojo Sison, Jascinth Cynthia Smallwood, and Fay Angeline Smith.

Kyu Sook Sohn, Alexander Stepantschenko, Jr., Rikke Linde Stone, José Rolando Tavarez, Gracy Thomas, Mathew Kanjirathumootil Thomas, Vaso Todoric, Perla Neri Tojino, Nora Perez Tolentino, Stavros Traitses, Mihail Triantafillou, and Margery Trotts.

Rita Maefin Tullock, Akin Uner, Anna Ungaro, Mihail Ursuleac, Michel Valcourt, Amelia Cuano Vargas, Amelia Mercedes Vargas, Annamma Varghese, Miriam Altagracia Vasquez, Nelda Vega, Rufino Vega, and Roberto Tandiama Victoria.

Louis Lesly Vincent, Moshe Viznitzer, Mechthild Elizabeth Wagner, Rachel Wagschal, Margaret Julia Walsh, Joanna Ustane Wannamaker, Joseph Weissmandl, Enrique Loniel West, William Yan, Lois Claudia Young, Paul Peter Zubritski, Dalia Zuckerman, and Susana Edith Zusman.●

R. & D.: A FOUNDATION FOR INNOVATION AND ECONOMIC GROWTH

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. AKAKA. Mr. Speaker, on February 2, 1982, my colleague, Mr. FUQUA, expressed his reservations on the economic wisdom of slashing not only NASA's program of planetary exploration, but funding for research and development in general. I share my colleague's contention that cutting many basic nondefense research programs is not conducive to a program of true economic recovery. In fact, I would carry the argument one step further: Not only do continued cutbacks in Federal R. & D. programs represent a denial of investment in people * * * not only do such cuts cripple our long-term research potential as a nation, we run the risk of being a fourth or fifth-rate nation with respect to our technological capability. It is crystal clear that technological weakness breeds economic weakness.

The budget submitted by this administration for Federal R. & D. for fiscal year 1983 reflects some very disturbing trends. While the overall budget for Federal R. & D. actually went up in both real dollars and constant 1972 dollars, the nondefense component actually declined. When you compare the decline in civilian R. & D. to the increase in defense-related R. & D., the facts are even more disturbing. From 1980 to 1983, Federal spending for defense-related R. & D. in constant 1972 dollars has increased by a whopping 38.2 percent; Federal spending in the civilian component has actually decreased by 19.8 percent, following a remarkably constant downward trend. In current dollars, Federal R. & D. spending in defense-related activities increased by 170 percent from fiscal year 1975 to fiscal year 1983. The enclosed table demonstrates this disturbing trend.

FEDERAL R. & D. SPENDING IN OBLIGATIONS IN BILLIONS

	Defense related R. & D.	All other	Total
Fiscal year:			
1975 [1]	9.7	9.3	19.0
1975 [2]	(7.88)	(7.55)	(15.43)
1980 [1]	15.1	16.6	31.7
1980 [2]	(8.5)	9.39	17.94
1981 [1]	17.8	17.2	35.0
1981 [2]	(9.19)	(8.88)	(18.08)
1982 [1]	22.1	16.8	38.8
1982 [2]	(10.56)	(8.03)	(18.5)
1983 [1]	26.2	16.8	43.0
1983 [2]	(11.75)	(7.53)	(19.29)

[1] Current dollars.
[2] Constant 1972 dollars.

Economic growth is the direct result of technological innovation and change. The annals of history bear witness to the fact that technological innovation and change do not happen without basic research.

Although it is sometimes difficult to find a direct link between dollars invested in basic research and the overall health of our economy, if we are to maintain our tradition of technological innovation and the economic growth that has corresponded to it, we need to accept as an article of faith that a vigorous and on-going national science establishment is a national imperative. The view adopted by the current administration on the science budget is potentially shortsighted. The economic growth we need to restore America's economic strength 5 to 10 to 15 years from now will not happen without a continuing substantial investment in America's science and the basic research it needs to thrive.

In 1980, the Aerospace Industries Association released a report called "Research and Development: A Foundation for Innovation and Economic Growth." I ask that a section of that report be inserted into the RECORD immediately following my remarks and labeled "part I."

RESEARCH AND DEVELOPMENT: A FOUNDATION FOR INNOVATION AND ECONOMIC GROWTH

PART I.—INTRODUCTION

The last one hundred years or so might well have been called the American Century, a recent magazine article pointed out, if only for the amazing number of American-born innovations that changed the world and the way people live. The import of the article, however, was not glowing; instead, it was bleak. The American Century will not be repeated, the author prophesied, for, clearly, innovation in the United States is on the decline.

The evidence presented is by now familiar to those in industry, and is becoming so even to the general public, thanks to a spate of articles on the demise of "Yankee" ingenuity. Capital investment in technological progress is down; U.S. funding of R&D is lower than a decade ago with no substantial growth in sight; the number of scientists and engineers as a proportion of the population is down; so, too, are the number of patents issued to U.S. citizens. Other important indicators confirm the trend: A drop in the productivity growth rate, an overall nega-

tive balance of trade. Even the one bright spot in the U.S. trade picture is dimming. High-technology industries have consistently made positive contributions to the balance of trade but, even in technology intensive products, the U.S. now has an overall negative trade balance with Japan, primarily because of Japanese commercial success in the consumer electronics field. At the same time, the nation is lacking technological solutions to pressing energy, environmental, transportation, and other social problems.

While the U.S. falls behind in areas in which it has always been out in front, other countries are consistently moving ahead. From the beginning of the Industrial Revolution, the U.S. made tremendous strides in industrial innovation. Today, locked in, in some instances, to older investments in plant and technology, the U.S. makes relatively small, incremental steps in technological advance while other countries—starting from ground zero after World War II with new facilities and new technology—leap-frog ahead. While the United States has led in some new technologies such as aircraft, electronics and computers, the national commitment to innovation has not been sufficient to forestall enormous market inroads by other nations.

Abroad, many countries are making substantial capital investments in innovation. R&D investment as a proportion of gross domestic product has been increasing in many nations—not declining as in the U.S.—and so has the number of patents issued: Japan and West Germany have outstripped the U.S. in this respect. Foreign governments have put considerable financial muscle behind industrial development in order to be competitive in world markets, with considerable success. The British and France, for example, have achieved significant technological advances in aerospace which have been reflected in overseas market success. The Japanese have penetrated certain high-technology markets—electrical machinery products, professional and scientific instruments and non-electrical machinery—in which the U.S. has excelled. The faltering American steel industry has been surpassed in inventiveness by Belgium and Austria and the Germans and Swiss are ahead in textiles.

And other nations are committing themselves to future advances in high-technology fields. Roy Jenkins, president of the European Economic Community Commission, has called on the Common Market to "accelerate and coordinate" activities in high technology, especially by promoting R&D programs through the European community. The West Germans have streamlined their patent systems to encourage small-scale innovation. For years, the Japanese have awarded research subsidies to companies in selected industries, such as the computer industry in the 1970s. Smaller nations are making their own commitments to innovations. As 1979 came to a close, Israel discussed plans for government infusions of risk capital and a transfer of scientists from academia to the private sector. As exports of R&D-based industrial products move ahead of agricultural exports, Israel sees its economic future in "exporting sophisticated industry."

Concern over the American lag in innovation is more than a matter of national pride. In 1971, the U.S. experienced the first negative balance of trade since 1888 and has had a negative balance since then except in 1973 and 1975. A pernicious cycle has been established: The balance of payments deficit and the weak American dollar are fueling an inflation that, in turn, discourages new innovation, and new jobs. The high-technology industries that, along with agriculture, make positive contributions to our trade balance depend on an increasing U.S. commitment to innovation—or they, too, may see their export balances move into the red.

As foreign competition strengthens, the U.S. must look even more to its own large domestic market. Frank Press, science advisor to President Carter and director of the Office of Science and Technology, believes "There are a number of reasons why we must be innovation leaders . . . there is substantial evidence to support the argument that the health of the U.S. economy is essential to a sound global economy . . . Because of the character of our consumer-oriented society and our advanced technological state, any products and services that are going to create major new markets here must now be fundamentally different. It is such innovation that will stimulate substantial new investments and open up new economic opportunity here. The effects will not only ripple throughout our domestic economy, but will be felt around the world."

Surely, there will be yet another American Century of technological achievement. Other countries are making enormous strides, however, and it may be that the best any nation can hope for, in the long run, is technological parity, not superiority.

At any rate, it is clear the United States can no longer take its competitive success for granted. It is also clear the well-being of the nation depends on a resurgence of technological initiative and leadership. If the nation can focus on that goal, there is no reason it cannot be accomplished.

EXECUTIVE SUMMARY

Innovation underlies the health and future development of the American economy and the nation's ability to attain important national goals. It is important in efforts to turn inflation around, improve the United States' world and domestic market situation and create jobs; it plays a central role in building economic strength. The current decline in innovation, then, has serious implications.

Is the decline in innovation inevitable? Can the trend be reversed? A search for answers leads, of course, to the source of the problem—and the reasons for the U.S. technological slump are not hard to pin down.

Today's high rate of inflation works against the long-term, high-risk investment associated with innovation. Venture capital is no longer readily available due to a persistent low rate of capital formation. The lack of capital has also affected U.S. investment in manufacturing—now falling behind that of most other industrial nations as a proportion of gross domestic product of manufacturing companies. The U.S. rate of investment has averaged about one-half the rate for France and West Germany and about one-third the rate for Japan. This decline seriously affects employment opportunities as well as investment in innovation. In recent years, government regulations have also slowed down the innovative process and, increasingly, corporate R&D is "defensive"—geared to compliance with regulations or toward avoiding future regulatory problems. Regulation has lengthened, too, the time required for product development and approval. Regulation-caused uncertainty, combined with tight and insufficient capital, has resulted in corporate reliance on investment with short-term, conservative payoff rather than long-time, high-risk reward.

Robert Anderson, Chairman and Chief Executive Officer of Rockwell International, has said that: "Total U.S. spending for R&D in 1979 is estimated at $52 billion—and we're spending almost twice that amount to comply with government regulations."

"A large share of the money that is being spent on R&D," Anderson said, "is for research to meet new Federal regulations, not for better products or technical innovations . . . today's manufacturer must keep in mind the possible punishments, as well as the potential rewards, that may be reaped from a product innovation."

There are other factors creating barriers to industrial innovation: lack of support for basic and applied research and development; an inflexible and deficient federal patent policy plus federal ownership and nonexclusive licensing of patents arising from government-funded R&D; tax policies and accounting practices that increase immediate risks of R&D losses or prevent spreading risks over many years; over-specification of federal procurements; and antitrust actions that may affect joint R&D ventures or punish innovative firms that succeed in capturing a large share of the market.

The lack of capital for innovative ventures is particularly serious and the outlook for both large and small businesses seeking to finance long-term and risky investments is not promising. The current lack of tax incentives for innovation and the failure to permit depreciation at replacement costs rather than original purchase costs inhibits financing, as do investment regulations that hinder backing of risky, new ventures. Inflation, and a serious lack of saving—as the national debt climbs—compound the situation.

While the decline in innovation is frequently charged to corporate short-sightedness, the general economic climate certainly offers some rationale of defensive planning. In an uncertain domestic economic and political environment and an unstable world situation, a prudent businessman is forced to invest cautiously; that undoubtedly means a trend toward short-term investments for greater low-risk profits—and a de-emphasis on basic and exploratory research.

If the root causes of the lack of inventiveness and innovation are known, what is holding the U.S. back?

Unfortunately, the nation has no long-range policy for R&D, innovation and technology and such a policy is critical. The nation must define a strategy to create a healthy and vigorous economy capable of generating sufficient capital and market demand for U.S. products, both domestically and internationally. There is a need to provide guidance and coordination for innovative policies and programs. Any such policy must embrace national goals and the concept of a partnership between government and industry. It must also call for and encourage consistent and adequate levels of private sector R&D.●

THE PRIVATE SECTOR OPPORTUNITIES ACT: INTRODUCTORY REMARKS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. KEMP. Mr. Speaker, in the year and a half since BOB GARCIA and I first introduced the Urban Jobs and Enterprise Zone Act the support for this new idea has grown tremendously. Our bill now has 80 cosponsors from both parties. Civil rights leaders, mayors, and businessmen across the country have endorsed the concept. Several States have enacted enterprise zone laws of their own, and President Reagan just announced in his state of the Union address that he will seek a Federal law in this session of Congress.

In my talks with enterprise zone supporters, however, one important question keeps coming up. What about job training, to insure that inner-city residents can take advantage of new opportunities in enterprise zones?

My answer has always been that I believe in job training, and I believe that job training is a crucial element in enterprise zones. I also think that job training is most effective when it is closely tied to specific job opportunities in the private sector—ideally to specific jobs. This means close cooperation between the businesses that provide new jobs, especially small businesses, and community-based organizations that know how to reach the people who need new opportunities.

Many community-based organizations have developed superb track records of bringing jobs and people together. The bill I am introducing today mentions several of these by name: Opportunities Industrialization Centers, the National Urban League, SER-Jobs for Progress, United Way of America, Mainstream, and the National Puerto Rican Forum. I want to pay special tribute to OIC, as its founder and chairman, my very good friend Rev. Leon Sullivan, is in town meeting with Members of Congress this week. I have had a chance to see firsthand just what he and OIC have accomplished in bringing together jobs and the people who need them most.

The Private Sector Opportunities Act reauthorizes title VII of the Comprehensive Employment and Training Act until 1985. This is the CETA title which established private industry councils to coordinate job training with actual job opportunities in the private sector. My bill will enable PIC's to continue their good work, and it also makes what I believe are three important improvements in the private industry council CETA program.

First, the legislation provides that in cities where enterprise zones have been established the PIC's should make a special effort to identify private sector opportunities in these zones, and to provide employment training opportunities for enterprise zone residents and employees or potential employees.

Second, the Private Sector Opportunities Act would put greater emphasis on the role of community-based organizations in the delivery and coordination of employment training services.

Finally, because virtually all the new jobs created in the inner city come from small businesses, whenever possible at least one-half of the business representatives on the private industry councils are to come from small businesses.

The essence of enterprise zones has always been human capital—the capital which exists in the hands, minds, and hopes of the people of our inner cities. Job training is a vital part of human capital investment, and should be a part of enterprise zones.●

HOUSING INDUSTRY'S CONTINUED SLUMP

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. AuCOIN. Mr. Speaker, last week, the administration announced that it would unveil a plan to help bring down interest rates to aid the housing industry. Shortly after that announcement, we were told that Edwin Meese III, counselor to the President, was only talking about a plan and that there was no specific plan to bring interest rates down. When asked what Mr. Meese was referring to, HUD Secretary Pierce replied, "You've got me."

Well, you've got me, too—got me worried about the administration's lack of a purposeful commitment to a national housing policy. With the construction industry near collapse, related businesses facing bankruptcy and unemployment, and the American dream of homeownership in jeopardy, we cannot afford to abandon the Government's close partnership with the private sector in serving the housing needs of our Nation. We cannot afford to forsake Government policies that have enabled millions of Americans to buy their own homes and have created millions of jobs in the construction industry.

When the housing industry loses so does the American people. The following article from the Wall Street Journal points up the plight of the housing industry and what it means to the economy and homeowners across the country. More than wishful supply-side thinking will be required to rejuvenate the housing industry. What we need is a renewed commitment by this administration and Congress to a housing policy that recognizes the vital role housing plays in the economic and social fabric of our Nation.

HOME BUILDERS EXPECT A PERSISTENT SLUMP WITH A SLOW RECOVERY, SHRINKING INDUSTRY

(By G. Christian Hill)

LAS VEGAS.—If home builders are in bad shape now, things could get worse.

And they probably will.

When the hardened survivors of the two-year housing slump recently gathered here for the National Association of Home Builders' convention, they exuded fear and loathing: fear of a future that has never looked bleaker and loathing for the regulators and politicians they blame for the industry's collapse. Without a sharp and fast upturn in the housing market, many more builders will go out of business. Somewhere between 40 percent and 70 percent of the NAHB's members recently surveyed said they were losing money and, on average, could last only seven to nine months. Builder and subcontractor bankruptcies jumped to about 3,700 last year, up 56 percent from 1980 and 62 percent from 1975, the nadir of the previous housing recession.

A mounting federal deficit and the Federal Reserve Board's apparent inability to hold down growth in the money supply have sent mortgage rates back up to the 17-percent-to-18-percent level in eight weeks, aborting a nascent spurt upward in home sales. Sales are expected to sink further in the first half, and most builders think any recovery over the next two to three years will be sluggish.

Last year, housing production hit a post-World War II low of 1,086,000 starts. Barbara Alexander, a housing analyst for Smith Barney Harris Upham & Co., forecasts as others do that starts in 1982 will range between 1.2 million and 1.4 million, depending on mortgage loan rates. After 1982, she sees only a gradual rise to about 1.5 million starts in 1984 and average yearly starts of 1.3 million for the first half of the decade.

"That doesn't compare to the average of 1.75 million a year in the 1970s," Miss Alexander says. "The market isn't going to be what it used to be, I'm afraid."

Allen Sinai agrees that the near- and medium-term outlook is dismal. Mr. Sinai is an economist and senior vice president of Data Resources Inc., Lexington, Mass. "The usual argument is that underlying demand is so strong that housing must recover, but conditions change," he says. "I don't think there will be a big rebound in housing at any time in the next few years. You will see a smaller-scale industry and a change in the notion of what a standard house is.

A persistent housing slump would harm others besides builders. Housing has accounted for about 4 percent of the gross national product, or total output of goods and services, and the industry's troubles could deflate the economic recovery expected by spring or summer. Losses and layoffs already have hit related businesses, such as lumber and the home-appliance industry. About 15 of every 100 unemployed Americans, the NAHB figures, had worked in construction or related business.

So grim appear the consequences of continued housing depression that a minority of experts are perversely optimistic on the ground that things can't be allowed to get worse. "Something has to give," says Guy

Odom, chairman of the U.S. Home Corp., the country's biggest builder. "I don't believe this administration will let this country get into a depression." Political pressures, he predicts, will force deficit cuts and lower interest rates.

"I absolutely believe rates will decline because inflation is way down, the economy is much sicker, and politicians won't allow a runup in interest rates," says Michael Sumichrast, the usually pessimistic chief economist for the NAHB.

Mortgage lenders say they must see an immediate and steady decline in the money supply over many weeks to justify lower loan rates. Even so, it's doubtful that the main housing lenders—savings and loan associations and mutual savings banks—would get enough new money to support much more mortgage lending. Long before the thrift institutions start handing out money generously, thousands of quietly desperate small builders expect to fold. "I'm in the same boat every small builder is in," says Jim Stokes, St. Charles, Mo. "In the next 60 to 90 days, I have to seriously consider going bankrupt to buy time to go on the next cycle."

In 1979 Mr. Stokes built 43 homes outside St. Louis, in 1980, 16, and in 1981, four, For 1982, he says, "I have absolutely no plans to put a hole in the ground." Meanwhile he is paying interest on loans on three unsold homes and 26 subdivision lots.

Robert Werbel, Monterey Park, Calif., has built 50 to 100 homes a year for 20 years. "We will start absolutely nothing," he says, in 1982. "I had problems in other recessions, but never before did I have to totally halt."

Mr. Sumichrast guesses that about 60 percent of the country's builders have quit single-family construction. The biggest builders are still building, but most are building less than they did in 1981, and that wasn't much.

Builders have worked hard to liquidate what they have built, even at a loss, and sales picked up toward the end of last year. The builders are also trying to sell off raw land and finished lots, of which there are an estimated 2.1 million in the U.S., sitting vacant and costing owners $3.4 billion a year in financing payments.

To sell, the owners are cutting prices, and that's part of an incipient deflation in housing, some economists believe. If interest rates remain high, the value of single-family homes could fall by 25 percent between 1981 and 1983, says Jack Carlson, an economist for the National Association of Realtors. That would hardly bring cheer to hundreds of thousands of recent home buyers, who would have difficulty refinancing their short-term "balloon" mortgages.●

DR. HARRY G. PARS: SMALL BUSINESS SUPPORTS INNOVATION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BEDELL. Mr. Speaker, I wish to call the attention of the House to Dr. Harry G. Pars, an innovative small businessman who is concerned about restoring America's position of preeminence in the world economy.

After graduating from Harvard University in 1953, Dr. Pars received his Ph. D. in organic chemistry from the University of Michigan in 1957. In 1970, following 13 years in basic science research and development at Arthur D. Little, Inc. of Cambridge, Mass. Dr. Pars cofounded SISA Pharmaceutical Laboratories, a small business in the drug R. & D. field. He is the co-author of 35 articles and is the co-inventor of 45 U.S. Patents.

Dr. Pars is an example of the resourcefulness and creativity small businesses inject into our economy. However, as Dr. Pars and countless other small business people have told me, the Federal Government is doing precious little to support the creative talents of other would-be entrepreneurs.

High interest rates have severely restricted the availability of startup capital for entrepreneurs who seek to bring new products and processes to the marketplace. Recent changes in the Tax Code primarily benefit companies that are making enough profits to use these new tax credits.

In addition, innovative small firms are virtually excluded from Federal research and development activities. Small businesses currently receive about 3.5 percent of the prime R. & D. contract and grant awards of Federal agencies. In the life science areas, small firms have an even thinner slice of the pie. For example, only 1 percent of the prime contract and grant activity at NIH is done by small businesses.

Recently, the House Small Business Committee unanimously passes the Small Business Innovation Research Act, H.R. 4326. This bill would require Federal agencies to set aside a modest portion, 3 percent, of their research and development budget to fund a small business innovation program. The Senate passed a similar bill with a 1-percent set-aside by a vote of 90–0 late last year.

Dr. Pars, in addition to running his business, is also the founder and chairman of the National Council for Industrial Innovation, an association of businessmen, small and large, who are committed to strengthening the capacity of individuals and innovative enterprises to create new products that will stimulate America's economy. In September, Dr. Pars testified before the Small Business Committee in support of H.R. 4326. After citing several studies on the overwhelming role that small high-technology companies play in stimulating the U.S. economy, Dr. Pars told the committee:

It is clear that the creation of new jobs and enterprises in the U.S. economy has traditionally come from entrepreneurial inventors, innovators, and risktakers in the small business community.

What is new and exciting for the country is the prospect of forging a pioneering partnership between Government and technology-oriented businessmen for the purpose of stimulating this "other economy" and specifically encouraging these entrepreneurs to convert their basic science ideas into tomorrow's jobs, today.

The Small Business Innovation Research Act of 1981 is not an ordinary program, nor is it an experiment. It has been carried out on a pilot scale by the National Science Foundation under the able leadership of Dr. Roland Tibbetts and, it has produced results.

For these reasons I strongly support the passage of this landmark legislation.●

BALTIMORE GAS & ELECTRIC LEADS THE WAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DYSON. Mr. Speaker, the extensive subfreezing weather this Nation has been experiencing over the last month increases our awareness of those who find it difficult to cope with these severe conditions. In today's economic climate of recession, the number of Americans who are unable to pay their heating bills is on the rise. The increase in nonpayments shock not only those utilities that must share the burden, but this Congress. I am certain that we will hear a great deal more about the essential needs of those unfortunate Americans who are caught in this dilemma.

With this in mind, I would like to recommend to my colleagues a recent "Letter to the Editor" from the chairman of Baltimore Gas & Electric Co., which appeared in the January 16, 1982 edition of the Morning Sun. Through the exceptional guidance of Bernie Trueschler, Baltimore Gas & Electric's chairman, the disadvantaged in Baltimore will not have to make the choice of heating or eating. The progressive leadership of Bernie Trueschler has given birth to a variety of programs designed to assist those in need, and to be certain that no one freezes this winter, while protecting the other ratepayers, and the stockholders of Baltimore Gas & Electric. His company contributes heavily to these programs, both in talent and financial backing, which accounts, in part, for their high success rate. He led the way for a weatherization program which employs former CETA workers, exactly in line with President Reagan's call for the private sector to become more actively involved in areas that were formerly the exclusivity of the Federal Government. In fact, Baltimore Gas & Electric's various and innovative programs are the subject of focus for other utilities throught the country and with the Departments of Energy, Health and Human Services, and Housing and Urban Development.

Mr. Speaker, I commend the article to my colleagues as one positive private sector approach to a growing national problem. I ask that the article be inserted at the end of my remarks.

[From the Morning Sun, Jan. 16, 1982]

ENERGY FOR THE POOR

EDITOR: How many times lately has that phrase or a similar one appeared in the news, the final echo of a cry against the cost of electricity or other heating source? It is often on the lips of community leaders, politicians, activists and concerned citizens. Many earnestly believe such a grim choice faces the poor with winter. While those making these claims frequently are earnest, well-intentioned people, they are mistaken in their belief. No one need make such a choice.

Some say that electric bills are taking an unprecedented bite of family income. In truth, the monthly electric bill represents less than two percent of the mean family income in the Baltimore area, a figure that has remained constant over five years. Electric prices in this area are among the lowest of all major cities on the East Coast, and have risen no faster than average income. Natural gas prices are also comparably low in this area.

Some allege that those on Social Security, public assistance or other fixed income pay 20, 30 or even 40 percent of their income for gas and electricity. While there probably are such cases, the majority of fixed-income customers pay considerably less. A more realistic figure is likely to be 10 to 15 percent. Based on available information, the average Social Security benefit for a retired couple aged 62 or older, both of whom are eligible for Social Security, is about $7,800 a year. That couple, if they heat with gas, can expect to pay roughly $1,200 a year for gas and electricity. This is about 15 per cent of total Social Security income. For those receiving the maximum Social Security benefits and having no other income, the utility bill would amount to roughly nine percent of income.

A public assistance family, while perhaps receiving less cash income, also receives numerous income supplements such as Medicaid, food stamps, rent subsidies and help from various grants and charitable funds. The utility bill falls within that same 10 to 15 per cent of income in many cases.

Some say that any increase in electric prices will deprive the needy of heat. The majority of needy families do not heat with electricity. Most needy homes in the Baltimore area are heated with oil. Electric heat is more prevalent in the suburbs, where builders long have looked to electricity for home heating and where great care has been taken to weatherize the homes.

Finally comes the most frustrating and troubling complaint of all—"There is nowhere to turn for help with my heating bill." Here is the very heart and essence of the problem. Many needy families in the Baltimore area are not aware of the degree to which energy assistance is available to help defray their heating costs.

Most energy assistance programs are available not only to BG&E's heating customers, but to oil customers as well. This is most important in view of the fact that the heating problems of most needy Baltimore families involve oil heat. Nearly 70 per cent of all low-income homes in Baltimore have oil furnaces. Nearly half of all Marylanders who receive state energy grants last winter used that money to buy oil.

We at BG&E are not authorities on programs to assist with oil heat, but we are well aware of programs that can assist our own heating customers. We long have supported those programs. In fact, BG&E has developed many of its own assistance programs that are considered first of a kind in the nation. Combined, these many forms of energy assistance can and do ensure that impoverished families need not face such a dreadful choice as "heat or eat."

Consider that among BG&E's 323,000 gas heating customers, the total annual gas bill averages about $550. Under the Maryland Energy Assistance Program, a needy family can qualify for an outright grant of up to $257 this winter to help defray heating costs. As much as $28 million will be available to Marylanders this winter through the state program.

This is a substantial increase over last year's grant program, and it mirrors a general increase in the availability of energy assistance. In 1977 the Baltimore area had available for heating aid from all sources as far as we could determine only $50,000. The figure this winter approaches $30 million in government and private programs, an increase of 600-fold since 1977. Energy assistance funds now exceed the entire amount of money collected by the United Way of Central Maryland for the many charities that organization supports.

While the state grant program is the backbone of energy aid, additional help is available from various state and local social services agencies. Up to $130 a year, for instance, may be provided to those receiving Aid to Families with Dependent Children, as a means of defraying energy costs.

Nor is government the sole contributor to heating assistance. A number of privately-funded programs also stand ready to intervene. One of the most innovative and effective is the Fuel Fund.

Begun in 1979 in Baltimore city with a $10,000 seed grant from BG&E and the utility's pledge of matching bill credits, the fund now has expanded to several surrounding counties. To date, some 6,600 families have received help. BG&E's total contribution is nearing half a million dollars, about 39 percent of the total Fuel Fund assistance.

Money is not the sole form of energy aid. Weatherization aid for the needy also exists. Weatherization is particularly vital to those who must decrease their energy usage in order to decrease their heating bills. There are a number of programs to which the needy may turn for help in weatherizing their homes. Among them is the Baltimore Energy Alliance Program, a joint effort of BG&E, the city and state. The utility's contribution employs former CETA workers to insulate low-income Baltimore homes. Associated Catholic Charities' Home Weatherization Assistance Plan, to which BG&E contributes supplies and volunteer services, provides a similar service. And there are others.

Help does not stop with money and conservation aid. Perhaps the most important program for BG&E's customers is the utility's Winter Protection Plan. Collection action is suspended for up to the entire winter for low-income, elderly, handicapped and seriously ill customers, as well as for families with pre-school aged children. To participate, one need only provide evidence of the qualifying condition and agree to pay at least 10 per cent of the monthly balance of the bill each month for the winter. BG&E also works out special arrangements for paying off over-due bills. Last winter, protection was provided to 25,000 needy families, and extended payment plans were arranged for more than 14,000.

There are other plans, both within and outside BG&E, to afford the needy the protection they must have. Space does not permit a complete list. Suffice it to say that these many programs have but a single purpose: to provide basic energy needs for the poor. These programs are doing the job and doing it well. Detractors still will claim otherwise. Activists still erroneously will state that electric prices are spiraling ahead of income. Some critics still will insist on free gas and electricity for the poor. We must admit that we cannot provide free gas and electricity. What we can hope to do is help ensure that no one need choose between heating and eating.

BERNARD C. TRUESCHLER.

Baltimore.●

THE UNFORTUNATE CONSISTENCIES OF MR. REAGAN'S BUDGET

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LaFALCE. Mr. Speaker, two outstanding observers of the political landscape delivered outstanding commentaries in this morning's Washington Post. Their messages on Mr. Reagans budget deserve to be read and analyzed.

Although Mr. Schlessinger and Mr. Broder approach the budget from different perspectives, there is a strong thread which runs through both of their arguments. To wit, they see Mr. Reagan's budget as a continuation of last year's budget cuts—both in form and substance.

Mr. Schlessinger's discerning analysis of the Reagan budget and its statistical bases proves that the White House and the Office of Management and Budget are back to their same old tricks. In last year's famous Atlantic Monthly article, OMB Director David Stockman admitted that he and his OMB staff had manipulated the OMB computer models to achieve the numbers so vital to the legislative success of the economic recovery program. As William Grieder wrote:

None of us really understand what's going on with all these numbers, Stockman confessed at one point. People are getting from A to B and it's not clear how they are getting there. It's not clear how we got there.

What was clear from Mr. Stockman's confessions was that outrageously incorrect assumptions on the economy and the budget's fixed expenditures were used to sell the first round of budget cuts. Now the administration is using the same dishonest methodology to sell its new budget package. As Mr. Schlessinger notes:

The President's late decision to eschew tax increases and the subsequent determina-

tion that budget deficits could not be shown as exceeding $100 billion and were to be seen as declining made inevitable a degree of phoneying-up of budget projects unmatched in recent decades (if ever) including the Vietnam War period. Rather than a plan reflecting the programs and spending of the federal government, the budget has undergone a transformation into an instrument of idealogical hectoring.

Mr. Broder's article approaches the consistency of Mr. Reagan's budget policies from the standpoint of priorities. In sum, he says that last year's deep budget cuts were just the beginning; this year's cuts follow the same pattern. The premise for this consistency is the ill-founded belief that dramatically increased defense budgets and the poorly conceived tax cut package are sacrosanct. The administration faces an economic disaster and yet it remains fast to the gospels of its right-wing supply-side prophets.

Consistency is often viewed as a virtue. It connotes strength of will and self-discipline. But when it is in defense of a economic theory that is leading our Nation to three-figure Federal deficits and a massive recession, "foolish consistency," as Emerson once noted, does become the "hobgobblin of little minds adored by little statesmen and philosophers and divines."

The articles follow:

[From the Washington Post, Feb. 10, 1982]

THE BUDGET: BOTH DISHONEST. . .

(By James R. Schlesinger)

It was said of the augurs of ancient Rome that they could not pass each other in the streets—without either bursting out laughing or covering their faces in shame. With the 1983 budget, these twin responses seem peculiarly appropriate at the OMB—respectively for its political appointees and its unfortunate professionals. This budget's numbers require the same care in interpretation as reading the entrails of a goose.

With the Stockman confessions in the Atlantic, the "leaking" of accurate deficit projections in December, and the sub-presidential consensus within the administration that taxes would have to be raised for the out-years, it had for a time appeared that a sense of reality would be restored in the budget process—and the hopes and hallucinations initially associated with Reaganomics tempered.

Such apparently is not to be the case. Instead, we have an ill-disguised attempt to obscure the wreckage of the nation's fiscal structure inflicted by last summer's tax legislation. The president's late decision to eschew tax increases and the subsequent determination that budget deficits could not be shown as exceeding $100 billion and were to be seen as declining made inevitable a degree of phoneying-up of budget projections unmatched in recent decades (if ever) including the Vietnam War period. Rather than a plan reflecting the programs and spending of the federal government, the budget has undergone a transformation into an instrument of ideological hectoring.

Central to such distortion is the target ceiling concept, first unveiled in last February's "A Program for Economic Recovery." Nothing is inherently wrong with the target concept, so long as the ceilings are related to plausible limitations on spending. These ceilings are not.

For fiscal year 1982 the initial ceiling was $695 billion. The administration now concedes that 1982 spending will be over $725 billion—exceeding the ceiling by $30 billion. Most outside observers believe it will run to $735-740 billion, thus exceeding the ceiling by over $40 billion.

The supposed ceiling for fiscal year 1983 was $732 billion. Thus, fiscal year 1982 spending already will exceed the fiscal year 1983 ceiling. Moreover, a realistic projection of 1983 spending ($805-810 billion) drastically exceeds the $771 billion original ceiling for fiscal year 1984. Such overruns accumulate increasingly in the out-years. Indeed, fiscal year 1984 spending itself will likely exceed the 1984 ceiling by $110 billion or more (There is no easier way on paper to curtail projected spending than just to drop out a year or more of expenditure growth.)

The new budget now projects fiscal year 1983 spending at $757 billion—a growth of $32 billion above the (understated) fiscal year 1982 figure. Could anyone honestly suggest that non-defense outlays will actually shrink next year by several billion dollars—despite continuing inflation and rising payments for Social Security, interest, retired pay, agricultural subsidies, and the like? Yet that precisely is the bald thesis hidden in this budget's numbers. It implies shrinkage overall of real domestic expenditures by 7 percent, much higher for unsheltered programs. One doubts there are many administration stalwarts on the Hill so suicidally inclined as to walk that plank.

For fiscal year 1984, the budget projects a further increase in spending of $38 billion to roughly $806 billion—including a nominal growth of non-defense outlays of $16 billion. (This surprisingly generous outcome reflects the end of a miraculous surge in receipts from the outer continental shelf, expected in 1983 but not further augmented in 1984. How is this dramatic understatement of 1984 outlays achieved? Two of the more egregious examples may suffice. Social Security payments under existing law are estimated to rise by but $4 billion or just over 2 percent (demographic factors should account for more than that, leaving aside cost-of-living increases!). Interest payments, moreover—through the interlocking fictions of drastically understated deficits and the proposition that interest rates will fall sharply as the economy expands by 5 percent in real terms—are understated by $25 billion or so.

Enough of spending projections that embarrassingly stretch credulity.

Regrettably the revenue reductions in the lamentable Economic Recovery Tax Act of 1981 (which substantially destroyed the nation's fiscal structure) were tied to the fancies of the original target ceilings. The effect on further deficits remains calamitous. For example, in fiscal year 1984, expenditures will likely run at least $880 billion, but revenues are unlikely to be much over $700 billion—a deficit probably exceeding $180 billion. How does the administration conceal that extra $100 billion or so in the deficit—and thus rationalize its refusal to propose tax increases? Partly by the disingenuous understatement of outlays already outlined, but also by playing around with the revenue calculations. Despite the drastic cuts in the corporate income tax in the 1981 legislation—through transfer of tax credits, etc.—which in the absence of a minimum tax means many corporations will have no corporate tax liability, the budget projects revenues from corporate income doubling between 1982 and 1984, almost to the level projected last year in the Carter budget.

What public purpose does all of this serve—a set of budget projections that knowledgeable people can only regard as preposterous? One hardly knows whether to laugh or to weep. No one from Wall Street can believe these projections; no one from Main Street should believe them.

All this represents a serious blow to the credibility of the budget process within the executive branch. The OMB, unloved but broadly respected for its integrity, has long been a governmental pillar. Its debauchment represents the needless wastage of social capital. The Congressional Budget Office may well enjoy the satisfaction of providing the only credible official estimates in town. Yet, the budget committees will now be faced with the dismaying choice either of acquiescing in dissembling or of watching the congressional budget process come apart.

One scarcely knows what this budget does for waste—but it does seem to have left intact generalized fraud and abuse.

. . . AND TOO HONEST

(By David S. Broder)

It is a measure of the cynicism in which Washington abounds that President Reagan's budget message has been greeted with widespread doubt. No one seems to think that the man means what he says.

I am not referring now to the questions about the economic assumptions underlying the budget or the wisdom of his policies, both of which are surely open to debate. The undeserved cynicism is the belief that Reagan and budget director David A. Stockman must know their proposed spending cuts are unrealistic and are just setting up Congress to be the fall guy when deficits soar well beyond the already astronomical levels they are projecting.

I think Reagan means to do exactly what he says, and that if he succeeds this year, he will have recast the American government in a form that would have been unthinkable before 1980.

In 25 years of budget-reading, I have been through more than my share of documents designed to camouflage the true character of the policy choices the president has made. This Reagan-Stockman budget, far from disguising the choices, slaps you in the face with them.

In the plainest language yet put forward, this budget says that the clear, concerted and forcefully applied strategy of this administration is to grind down the domestic side of the national government between the millstones of a rising defense budget and a declining tax base.

It is what Reagan himself calls "a long-overdue reordering of priorities," and what many others will see as an abandonment of national responsibilities. In the slightly bureaucratic language of the budget, "the structural changes" Reagan is proposing "will result in radically asymmetrical patterns of budget growth in the years ahead." It means that defense, Social Security and medical programs will continue to grow and virtually everything else will shrink.

And not by a little bit either. If Reagan has his way, those domestic programs—for agriculture, energy, transportation, education, environment, housing, manpower and the rest—will shrink in absolute terms every year for the next five years.

No more of the 1981 rhetoric about "cutting the growth rate." He is talking about fewer dollars—and much less purchasing power—every year than the year before: one-third less in 1987 than this year, if the president has his way.

The biggest whack will come this year, as Reagan tries to shrink these domestic programs before he hands them back to the states under his federalism initiative. He proposes to cut non-defense and non-entitlement net spending by 25 percent in one year—and a recession year, at that, when most family, community and state budgets are already strained.

The list of the programs that would be slashed extends all across the domestic side of government. The cries of pain make the 1981 budget fight seem a tame affair.

You can pick your own cause and file your own complaint. I find it shameful that in a $750 billion budget, Reagan would propose the total elimination of the legal service program that, in my experience, is the first and only guarantee many people have found for securing the law's protection against those who chisel and prey on the poor and helpless.

The $150 million cost of that program is the price of 10 of the newest armored attack helicopters—or the amount a handful of corporations saved by buying other companies' tax credits.

Cutting another $400 million from aid to schools teaching the educationally disadvantaged—on top of the $600 million cut last year—is robbing us of our future. This program was pronounced a rousing success last month by Reagan's own secretary of education as a way to bring children of deprived backgrounds into the mainstream of their schools. If you believe that public education is the building block of this democracy, that cut is unconscionable.

But the Reagan budget, in its candor, makes it very clear why he thinks it necessary. There is a lock between his determination to reduce tax rates and his insistence on pushing up defense spending at an unprecedented pace. As the budget shows, 97 cents of every dollar of added revenues the economy generates this year will—on Reagan's plan—go to the Defense Department. Next year, it will be 89 cents, and so on.

The message to Congress could not be clearer; unless it is prepared to roll back Reagan's tax cuts or reduce his plans for the Pentagon, there is no way to finance the domestic budget of the national government. The only argument remaining is the pace at which it is dismantled.

Reagan has put the challenge in the clearest, least cynical terms for all to see. Now it is up to Congress and the country to say if that is what we want.●

STOCK-INDEX FUTURES AND OPTIONS MORATORIUM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DINGELL. Mr. Speaker, today I am introducing a House joint resolution of utmost importance to the securities markets of the Nation.

Recently, the New York Futures Exchange, a unit of the New York Stock Exchange, filed an application with the Securities and Exchange Commission for permission to list puts and calls on its composite index of 1530 stocks and four subindexes—transportation, utilities, industrial, and financial. On February 16, the Commodity Futures Trading Commission is scheduled to act on the first of the filings before it for stock-index futures, namely, the Kansas City Board of Trade's application to list futures on the value line index. There are pending contracts based on the Standard & Poor's 500 and the Chicago Board of Trade has applied to list 10 contracts, each of them linked to five stocks within a single industry, as well as a contract linked to all of them. Meanwhile, the CBT has sued the Chicago Board Option Exchange in the seventh circuit to derail the CBOE options on Government National Mortgage Association securities until the CBT can clear its futures contract through the CFTC.

I find these developments disturbing and so should all Members who know what the mighty forces of speculative fever, fed by fantasies of instant wealth, did to the market of the twenties and the scar it left on Wall Street, the banking sector, and the economy as a whole. With minimum margin set at 6 percent of the contract's value, versus 50 percent for buying stock, these stock-index contracts bear the potential of attracting so many speculators that the Federal Reserve Board stock market controls would be undermined. Actual shares will not be traded, settlement will be in cash, and capital will not be invested in corporations at a time when it is needed most. More pointedly, the volatility of the futures market may spill over into stock trading, creating sharp runups or drops in stock prices, increasing the costs of equity financing, particularly if someone were to manipulate future prices by spreading market-moving forecasts. Recent history amply demonstrates the sensitivity of stock prices to futures trading. We can all well remember 1980 when prices plummeted and we careened on the verge of disaster as the Hunt brothers of Dallas manipulated the silver market. Respected securities lawyers are warning us that the stock-index futures contract is mere gambling.

The Energy and Commerce Committee, which has jurisdiction over interstate and foreign commerce generally, and securities and exchanges specifically, has a strong concern with respect to the trading of any derivative instrument on securities which may affect the capital formation process, or the integrity and orderliness of the secondary markets for equity, debt, and other instruments. Serious questions have been raised about the deleterious effects of stock-index futures, notwithstanding certain potential positive hedging and pricing functions. The current CFTC Chairman has made repeated public statements that regulatory agencies should not look at these issues on the theory that economic purposes review holds up the contracts. Stated Mr. Johnson recently: "My philosophy is that regulatory agencies must no longer require the marketplace to justify the economic need of a new investment or speculative vehicle * * *." I strongly disagree. These issues deserve careful and full consideration and I am prepared to hold hearings for that purpose, as is my colleague from Colorado, Representative TIMOTHY E. WIRTH, chairman of the Subcommittee on Telecommunications, Consumer Protection, and Finance.

Accordingly, this concurrent resolution would impose a moratorium on the establishment of markets in futures and options based on stock indexes to enable Congress to resolve the economic purpose of the proposed contracts, the risks to investor protection, the margin-setting authority of the Federal Reserve Board, coordination of surveillance and oversight mechanisms, legitimate State enforcement interests, the potentially adverse impact on the underlying equity markets, the effects of unequal regulation, suitability and know your customer rules, and the jurisdiction issues posed by the trading of stock-index futures.

A hearing schedule will be announced shortly. I encourage all Members with views on this resolution and the issues covered therein to submit written testimony. Requests to testify at the hearings will also be entertained.

Mr. Speaker, I insert four editorials and columns critiquing stock-index futures referred to be printed in the RECORD following my remarks.

[From the Legal Times of Washington, Monday, Jan. 18, 1982]

MUST CFTC BECOME FEDERAL GAMBLING COMMISSION?

(By Michael R. Klein)

Life is a gamble. From the planes we catch to the mates we marry, from the careers we pursue to the investments we make. It's all at risk, all the time. But gambling denominated as such, whether betting on football or numbers, generally is unlawful.

Now any lawyer worth his or her salt can see in all this the potential for playing the great game of the law. You can almost hear the professor challenge the students: When is a gamble a gamble?

No less a jurist than Oliver Wendell Holmes had occasion to answer that question when, in 1905, the Chicago Board of Trade was before the Supreme Court as a petitioner. Before examining here the antique pearls he cast at the pork belly traders of his day, it may be well to state more clearly why such an exercise has import now.

Last month, the new free marketeering chairmen of the Commodity Futures Trading Commission and the Securities and Exchange Commission held a clandestine summit conference. Their primary purpose

apparently was to resolve jurisdictional disputes. Principal among the subjects of the agreements they later announced was gambling. That's right, gambling. While food stamps are disappearing and a $100-billion-plus federal budget deficit looms, these two public servants huddled to decide how, rather than whether, to spend increasingly scarce federal tax revenues to legitimize trading a variety of so-called "futures contracts" that call upon no party to deliver anything, "futures contracts" that appear to be little more than naked bets, "futures contracts" in which the only "obligation to deliver" arises when the player who bets wrong about future levels of the stock market indices, such as the Dow Jones average, must ante up and deliver the payoff to the player who bets right or vice (certainly vice seems the right phrase) versa.

Back now to Justice Holmes and his views on the subject. You can read them yourself in *Board of Trade v. Christie Grain & Stock Co.*, 198 U.S. 236 (1905). The Board of Trade was then before the Court attempting to protect an alleged property interest in its trading quotations against unauthorized use and publication of that information by an alleged bucket shop. The defendant countered that the Board of Trade was itself "the greatest of bucket shops."

Oh, the clarity of attack in the good old days!

These mellifluous cross-characterizations were felt to raise a legal issue. This was whether a "market" was a lawful trading pit or an unlawful den of iniquity if the players who assumed contract obligations to deliver or take delivery of commodities did so at least two-thirds of the time with the clear intent not to make or take delivery.

Holmes felt that was a fair question. But he thoughtfully said that it was properly answered in the negative because—and this is the key point—at the core of all such trades, there was an actual obligation to deliver or take delivery of the commodity that was the subject of the contract. It was this feature of underlying substance that distinguished, to Holmes' satisfaction, "sales in the pits . . . not pretended" from those assumedly unlawful activities about which that might not be said.

Well then, three-quarters of a century have passed, and in the intervening years public morality has waxed and waned. But waxing morality and greasing the federal skids for naked gambling may not amount to the same thing. Even if they may, the upcoming hearings on the proposed reauthorization of the CFTC appear to provide an opportunity for the Moral Majority and even more modest advocates of government frugality to ask CFTC Chairman Philip McBride Johnson a thing or two about the prudent and lawful expenditure of federal resources. Where are you, Jerry Falwell?

[From the Wall Street Journal]

TAKING A CHANCE ON STOCK-INDEX FUTURES

(By Richard L. Hudson)

WASHINGTON.—Drop those dice, tear up those football-betting cards. A new gambling game is coming: the stock-index future.

After five years of twisting arms, the futures industry is about to extract the government's go-ahead to conduct betting on the stock market. By buying and selling these new contracts, traders will be able to lay money on whether such stock-market indexes as the Standard & Poor's 500 are headed up or down. The idea for the contract was first floated unsuccessfully in 1977. But now—barring complaints from Congress—it seems a safe bet that the Commodity Futures Trading Commission will approve the notion within the next few months.

This was made possible by last November's truce between the CFTC and its regulatory rival, the Securities and Exchange Commission. For years the two agencies were too busy squabbling over regulation of these and other new financial instruments to consider the industry's stock-index proposal. But the Reagan appointees ended the tussle by dividing jurisdiction as children might divvy up marbles; the stock-market contract was one of the cats-eyes that went rolling into the CFTC's bag.

The problem is that the contract remains a bad idea. Without stiffer anti-fraud safeguards, the contract could lure many neophyte futures traders into the snares of unscrupulous brokers. The contract could harm the economy by increasing the volatility of stock prices and thereby boosting the risk and expense of equity financing. And, though touted as an investment, the contract is basically a fancy way to gamble.

HOW IT WOULD WORK

The contracts "could become . . . a popular means for the uninformed to 'bet' on the future course of stock prices," a Carter Treasury official, Deputy Secretary Robert Carswell, warned in 1980.

For those who haven't consulted their bookies on the subject, a few words of explanation are in order. The stock-index contract, like its brethren wheat, gold or Treasury bill futures, would be traded on licensed futures exchanges. Like other futures, the stock contract would be used to speculate on or protect against future trends in the underlying market—in this case, stock. Under the Kansas City Board of Trade's proposal, the first of five exchange applications to be considered by the CFTC, the contract's value would be $500 times whatever the futures traders think Arnold Bernhard & Co.'s Value Line index of the stock market will read several months in the future.

But the stock-index contract is an abstraction of traditional futures trading—sort of what Picasso might have dreamed up if let loose in a futures pit. Traditional futures are pledges to deliver or receive a commodity or security at a fixed price on a specified future date—say 5,000 bushels of wheat next December at $4.35 a bushel. Futures traders seldom see the wheat, as most close their positions before delivery is due. But the stock-index contract does away with delivery altogether; only money changes hands.

Thus, if an investor foresees rising stock prices, he could "go along" and buy, say, a June 1982 Value Line contract with $4,000, or 6 percent, up front ($2,000 in special cases). As futures traders got bullish about stocks and bid up the price of the contracts, the investor's own contract would gain value and his account would be credited a profit after each day's trading. As traders got bearish, his contract would lose value and his account would be charged losses daily. When he has had enough, the could cash in his chips. Conversely, if the investor predicts a market slump, he could tell his broker to open a sell position (go short) at a fixed price, and profit daily as futures-exchange prices fall and his own, higher-priced contract gains value.

Sound like gambling? Not a whit, say the contract's boosters. They note, for instance, part of the peril of purchasing stock is that, however sound the issue, a bear market could lower its price. An investor holding stock could reduce that risk, or "hedge," by going short on a futures contract. As stock prices dropped, his stock losses would be partly offset by futures gains. Clearly, reducing the risk of buying stock is good for the economy, says Neil Weiner, an economist for the Kansas City exchange.

Prof. Rihard Zeckhauser of Harvard and Victor Niederhoffer, in a 1980 article, suggest several variations of the hedge. Pension fund managers or underwriters also could protect against market slumps by going short. A company-gobbling conglomerate, plotting a takeover, could go long and hedge against a market rise increasing, the cost of the acquisition. "Ephraim Middleguy," they write in describing an example, "caught the market just right and made a small killing." Taking his profits now would cost plenty in taxes. With a short futures position, Mr. Middleguy could hold the stock and guard against a bear market devouring his winnings.

Wonderful. But seriously, now, how much real hedging will there be? An unscientific sampling yields mixed results: Chase Investors Management Corp. is intrigued; Girard Bank's trust department isn't, as yet. Dean Witter Reynolds and Merrill Lynch, Pierce, Fenner & Smith are dubious. "It would be very difficult to really do a true hedge" with index futures because individual stocks seldom match broad index movements, says a Merrill-Lynch official.

The more likely motive for trading the new contracts will be plain and simple speculation. With the minimum margin, or up front money, set at 6% of the contract's value (versus 50% for buying stock), the Kansas City future becomes "a cheap way to speculate," says Laura Homer, a Federal Reserve Board margin regulator.

That isn't bad in itself; "Speculation often drives prices toward their equilibrium level," says a Fed economist. But, he says, the Fed frets that the stock-index contract will attract so many speculators that the Fed's stock-market controls could be undermined. The board has notified the CFTC that it may order the margin raised which could prompt a court fight.

One problem, says the Fed economist, is that the volatility of the futures market may spill over into stock-trading, creating "sharp runups or drops in (stock) prices" and increasing the cost of equity financing. That's especially true if someone was trying to manipulate futures prices by spreading, market-moving forecasts. The sensitivity of stock prices to futures trading was amply demonstrated in 1980, when prices plummeted as the Hunt brothers of Dallas were bombing in the silver market. Mr. Weiner and CFTC officals pooh-pooh such concerns, saying futures trading generally hasn't made grain or Treasury bill prices more volatile.

TREACHEROUS TRADING

Still another concern is for the many small stockholders who may enter the futures market and get hurt. Futures trading is more treacherous than the stock market, and exchange and government safeguards against fraud or investor ignorance are less comprehensive. "The CFTC has no perception of what protections have to be provided to the public; if you want a long-range living [in stocks], you've got to protect the customer," says Macon Brewer, senior vice president of Dean Witte Reynolds and chairman of the Securities Industry Association's options committee.

"People who are unsophisticated are going to take substantial risks" in this new stock-index market, concurs Irving Pollack, a former SEC commissioner. The government, he says, must make certain they are warned it isn't necessarily "the Easy Street to retirement." Otherwise, they could find it the highway to the poorhouse.

[From the New York Times, Sunday, Dec. 20, 1981]

HOW TO BET ON A STOCK INDEX

(By William M. Reddig)

The seers of trends in the stock market aren't much better than the weatherman, and if there's a seer who disagrees with that, he will soon be able to test his forecasts against his money. The vehicle is the latest wrinkle in the old commodities contract—the stock index future. It is to be traded on the floor of the Kansas City Board of Trade, which at the moment deals only in red winter wheat, the variety most often used in bread, but is bidding for a share of the burgeoning financial futures business.

Trading in contracts tied to the Value Line composite index is scheduled to start in late February. Other commodity exchanges, among them the Chicago Board of Trade, are expected to move in on the new vehicle with dispatch, if they can get approval from government regulators.

But this is a novel business—not for everyone, the trade stresses.

The usual futures contract involves an underlying good, deliverable at a set price at a predetermined date. Very few deliveries are actually made; in the vast majority of cases, profits and losses are taken before the contract expires. The theory is that whoever holds the goods can use the futures markets to protect himself from the short-term price variations, in a market greased by the cash of speculators. Still, there is the underlying good—be it copper, pork bellies, wheat or Treasury bills.

There is nothing whatever to take a possession of in a stock index future, except of course, a trading profit if you're one of the prescient, or lucky, ones. "It's like betting the Kansas City Chiefs," said a commodities broker for A.G. Edwards & Sons who requested anonymity. "You're guessing that a certain number is going to turn up over the weekend."

Federal regulators have been a bit skittish about allowing such a departure in commodities trading. In fact, it has taken the Commodity Futures Trading Commission four years to approve the Kansas City Board of Trade plan, and permission was granted only after a series of summit sessions with the Securities and Exchange committee.

"We wanted to start it early in 1979," said Walter N. Vernon 3d, executive vice president of the board, "but stupid, stupid problems plagued us." An early agreement to use the Dow Jones 30-stock industrial average came apart over a combination of concern that a narrowly based index could be manipulated and a reluctance by Dow Jones & Company to participate, Mr. Vernon said.

"At least our index can't be manipulated," said J. Frank Baumgartner, a Kansas City board member, referring to the breadth of the Value Line index. That index, compiled by Arnold Bernhard & Company, now lists 1,691 stocks, the majority of them New York Stock Exchange issues with others from the American Stock Exchange and the over-the-counter market. A third party, yet to be named, is to be given the chore of compiling its value, now calculated weekly, so that traders can get quotas at five-minute intervals.

For investors with spines of steel, here is how stock futures index trading might work, in its simplest form.

Arbitrarily, the Kansas City board has put a value of $500 on each point of the Value Line index. At the recent index level of 140, then, a contract would carry a nominal worth of $70,000. The settlement date is the last trading day of each calendar quarter (i.e., at the end of March, June, September and December).

Say trading begins in February with the index at 137, and you believe the market is headed up. You ask your broker to buy you a June 1982 Kansas City contract quoted at 140. (You're not the only one expecting the market to rise and the quote reflects that.) That is, you are betting that by the end of June 1982, the Value Line index will be higher than 140. On the other side of the contract is someone out there selling, betting the index will fall.

To stake your bet in this game, your broker will probably ask you to put up $4,000 (although that will vary with individual financial positions and trading histories). If the index, and thus the quote, do rise, you may wish to sell—say when the contract has hit 143 and your $4,000 has earned $1,500 (the three points from 140 to 143, times $500 a point). Or you may hold on until the settlement date in the hope that more gains are ahead. If the index and quote are then at 145, for example, you would collect $2,500 plus the $4,000 margin. In both cases, commissions, running about $100 to $150 per transaction, would be deducted from the profit.

Beware, though. The downside risk can be devastating.

Suppose the index, and thus the contract value, drops. At 135, the $4,000 investment would have shrunk by $2,500—five lost points times $500 each. With a 10-point drop, to 130, you've lost your $4,000 at settlement time and owe another $1,000, plus commissions. Every cent is due at the close of trading June 30.

And that's not all.

During the drop, your broker will be calling to ask you to cover a developing loss with what's called a maintenance margin.

Another potential problem is market liquidity. That is, if you want to get out of a contract, there must be enough interest on the other side for you to get out quickly and at a reasonable price. This is a particular danger in any new market and brokers advise that it may be worth waiting until a market picks up steam, then plunge if you wish.

As in other commodity markets, the idea is not to feed speculative fervor but to serve an overall market purpose. The Kansas City board based its "economic justification" case for stock index futures on the use of its contract as a hedging tool by institutional portfolio managers.

In hedging, and the theory applies to individuals as well, the idea is to protect holdings from adverse short-term market conditions. For example, suppose one is holding a stock portfolio valued at $70,000 on Feb. 28 and the market looks as though it might drop. The problem: Your stocks may do better than the market on average, but are likely to be dragged down to some extent by the market drift.

To hedge, you sell a June 1982 stock index futures contract, or several of them. If the market does drop, the losses on the portfolio are offset to some extent by the profits on the futures contract. If it rises, losses on the futures contract would be offset by the rise in the portfolio. (The margin demanded by a broker in such a case will be more like $2,000 than the $4,000 needed for a "naked" contract, with no stock holdings to back it up.) "To the degree you've offset your risk," Mr. Vernon says, "you wouldn't have to outguess stock moves and the market."

"I see our new contract especially as a financing tool for a portfolio manager who wants to fine tune his risk," Mr. Baumgartner said. By hedging his market or "systemmatic" risk, a portfolio manager, Mr. Baumgartner argues, could also take a chance on more risky and perhaps better performing stocks.

But, Mr. Vernon admits, speculators taking a roll on their latest stock market predictions probably will be the first big users of the contract.

For one thing, many institutions are barred under current bylaws from investing in even such "normal" financial futures as Treasury bills. Changes in those bylaws, adopted to protect investors from risky ventures, are made with extreme caution.

For another, a new route to potential riches always brings out a rash of risk-takers. In this context, it might be well to remember a hard reality of the futures market: Not more than one person in three—and many say even that is optimistic—don't understand the mechanics or the risks here, they sure shouldn't be in this market."

[From the Wall Street Journal, Friday, Dec. 4, 1981]

STOCK-INDEX FUTURES ARE LIKELY TO BEGIN TRADING IN FEW MONTHS, CFTC CHIEF SAYS

(By Roger Lowenstein)

Trading in stock-index futures will probably begin in the first half of 1982, Phillip F. Johnson, chairman of the Commodity Futures Trading Commission, said.

Stock-index futures, long-delayed by regulators, would enable traders to profit, or lose, from the price movements of groups of stocks just as they now trade in copper or wheat futures.

However, they won't be identical to conventional futures contracts, which enable traders to buy and take physical delivery of commodities at a later date. Traders of stock-index futures will make cash settlements when contracts expire.

Critics have likened the cash settlement arrangement to leverage gambling. In stock-index futures, as in others, traders will be able to control contracts by putting up only a small initial deposit.

CFTC CHAIRMAN'S VIEW

In an interview, Mr. Johnson said, "We're working on stock-index futures, and they should be completed next month." The Reagan appointee said the CFTC probably will consider individual applications early next year. Actual trading "quite possibly" will begin in the first quarter and is "likely" to start in the first half, he said.

"These are going to be big fast," said Clayton Yeutter, president of the Chicago Mercantile Exchange, one of five commodity markets that applied to trade the instruments.

"The speculative appeal is obvious, because everybody has an opinion on which way the stock market is going," Mr. Yeutter said. "They also will appeal to the huge institutional market for hedging purposes."

The contracts will be pegged to various stock indexes rather than to individual stocks. The Kansas City Board of Trade, which is expected by industry officials to be designated first, pegged its contract to the Value Line composite index. The Chicago Mercantile Exchange and the New York Commodity Exchange contracts are based on the Standard & Poor's 500.

The New York Futures Exchange, a unit of the New York Stock Exchange, hopes to offer a contract linked to the Big Board's composite index, as well as to indexes of financial, utility and transportation stocks. Finally, the Chicago Board of Trade has applied to list 10 contracts, each of them linked to five stocks within a single industry, as well as a contract indexed to all of them.

Dow Jones & Co., publisher of The Wall Street Journal, refused to let the Kansas City exchange trade a futures contract tied to the Dow Jones industrial average. "We don't license our name to anyone," a Dow Jones lawyer said. He said Dow Jones was especially reluctant to associate its name with a trading vehicle.

Dorothy Berry, president of Arnold Bernhard & Co., which publishes the Value Line index, said, "We think the Kansas City Board of Trade is a reputable group and will use the concept well."

NEW WRINKLE

Although the futures industry already does a big business in Treasury bond and bill futures, trading instruments tied to equities would be new to most people in the commodities business. Asked if his proposal would succeed, an exchange chairman replied, "I'm not a securities man, I really don't know."

First proposed by the Kansas City mart in 1977, stock-index futures ran into a bureaucratic stall because the Securities and Exchange Commission and the CFTC each wanted to regulate them. Also, some critics asserted that because actual shares won't be traded and capital won't be invested in corporations, stock-index futures won't serve any economic purpose.

Others, including Mr. Johnson, said that such futures will enable portfolio managers to hedge their stocks less expensively than through the options markets. They said that a portfolio manager who fears a general market tumble but is reluctant to sell large stock holdings—perhaps for tax reasons—could protect himself by selling stock-index futures.

"A portfolio manager who thinks a certain stock will outperform the market could buy the stock and sell an equivalent amount of stock-index futures," Frank Jones, senior vice president of the New York Futures Exchange, said.

Portfolio managers call the concept intriguing. "I don't see any reason why they wouldn't be a useful tool," said Dean LeBaron, president of Batterymarch Financial Management, Boston. "If the contracts were cheap enough and had enough liquidity, they could change the risk-return characteristics of portfolios."

Since taking office in June, Mr. Johnson has held five meetings with John Shad, chairman of the SEC, to iron out the two agencies' jursidictional differences. Both men have reported "good progress" on the talks, but they haven't been more specific on stock-index futures.

A CFTC official said, however, that he thinks the commodities agency will be able to approve most of the stock-index futures without opposition from the SEC. But the Chicago Board indexes related to specific industry groupings might face more opposition, because some regulators fear that an index based on only a few stocks could be subject to manipulation or affect the price of the underlying securities, CFTC and industry officials said.

Mr. Yeutter said he expects the Chicago Mercantile Exchange's contract to be approved 30 days or so after the Kansas City proposal. If so, the Merc might be able to develop an edge in the new contracts, as it already has a booming financial futures business. The Kansas City markets prinicipal contract is wheat.

"I would pick Chicago" as the place to trade, a New York commodities analyst said. "That's where the wheels are turning."●

MSGR. JOSEPH F. DOOLEY, KNIGHTS OF COLUMBUS COUNCIL

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to recognize the Msgr. Joseph F. Dooley, Knights of Columbus Council—4361 of Mingo Junction, Ohio, for its outstanding achievements. This council is celebrating its 25 years as a chartered member of the Knights of Columbus during this 100th year celebration of the founding of the National Knights of Columbus.

The Mingo Junction K. of C. was chartered in 1957 with 45 members and has grown now to 580 members. During the past 25 years it has established itself as an outstanding council and significantly contributed to the support of numerous organizations. Through this council's fund-raising activities, it has supported St. Agnes Elementary School, St. John Villa Children's Home, Hill 'n' Dale Volunteer Fire Department, Mingo Junction Volunteer Fire Department and Emergency Squad, the Upper Ohio Valley Kidney Foundation, Catholic Central High School and Catholic Central High School Band, and the Mingo Junction Senior Citizens. The council also sponsors annual dinners for all sports teams of St. Agnes School, Mingo Junction High School, and the Mingo Junction Senior Citizens. The Columbian Squires—a youth organization for boys 12 to 18, is solely sponsored and funded by the Mingo Junction K. of C.

The council has been recognized nationally, as well as State and locally for its achievements. For the past 8 years it has won the National Star Council Award as an outstanding chapter. For 3 consecutive years it has won the National Columbian Award for outstanding membership activities. On a State level the council has been consistently ranked high for its fund-raising and membership activities and locally, for the past 10 years, it has been named the No. 1 K. of C. Council in the Diocese of Steubenville for outstanding membership activities.

The Msgr. Joseph F. Dooley, Knights of Columbus—4361 of Mingo Junction has certainly earned its reputation for significant contributions to the community and I am pleased to congratulate them on its 25th anniversary and extend to each member my sincere appreciation and warm wishes for continued success.●

NUCLEAR WEAPONS FREEZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MARKEY. Mr. Speaker, day by day, the world edges closer and closer to the brink of nuclear disaster. The arms race is getting out of control with the United States, the Soviet Union, and other nuclear weapons states now possessing more than 50,000 nuclear warheads. These warheads have a total explosive power of 1 million Hiroshima bombs. Yet in the face of this frightening capacity for destruction, the United States and the Soviet Union, between themselves, plan to construct 20,000 additional warheads in the next decade. It also appears likely that other nations will choose to join the nuclear club. Already, at least 30 countries have the technical capability to produce nuclear weapons. And at the moment, the United States and the Soviet Union cannot expect other nations to renounce nuclear weapons while the superpowers make no effort to curb their own voracious appetite for these arms.

The time has come to halt this unrestrained arms race. The superpowers' nuclear weapons programs today are at the point where new weapons systems will only "make the rubble bounce," as some commentators have noted. For example, it would take only several hundred of the more than 50,000 nuclear weapons that presently exist to effectively destroy both the United States and the Soviet Union. Just one Poseidon submarine has enough independently targetable warheads to cause 30 million fatalities in the Soviet Union.

I, therefore, am introducing today, along with 28 cosponsors, a resolution calling for the six weapons states—the United States, U.S.S.R., France, Great Britain, China, and India—to begin negotiations to adopt a freeze on nuclear weapons. Specifically, the resolution calls for the United States, in negotiations with the Soviet Union and the other nuclear weapons states, to propose halting all further testing, pro-

duction, and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons.

Thomas J. Watson, Jr., former U.S. Ambassador to the Soviet Union, made a very perceptive statement about the utility of nuclear arms in an address to the Arms Control Association last December. "Thermonuclear weapons," he said, "are good for two things—for deterrence or for suicide."

The sad fact is that while the superpowers' stated policies have been to deter nuclear war, the weapons systems they have developed have brought the world closer to the second option—suicide. Rather than ease tension and achieve stability, the superpowers have allowed themselves to be caught up in a nuclear weapons spiral that has increased the pressure on both sides to use their nuclear arms in a crisis. And the next generation of United States and Soviet weapons, which promise to increase both sides' war-fighting capabilities in a limited nuclear exchange, will further fuel the arms race.

As a starting point, a nuclear freeze would halt the nuclear arms buildup in its tracks, while the weapons states begin meaningful negotiations for eventual reductions.

All across the country, grassroots organizations—made up of businessmen, ministers, doctors, lawyers, and community leaders, to name a few—have sprung up demanding a nuclear freeze. From Oregon to California to Texas to Vermont to Massachusetts, State legislatures, town meetings and religious conferences have called for a freeze on these weapons of mass destruction. Their message is clear. Enough is enough. The nuclear arms buildup the past quarter century has bought the superpowers and the rest of the world less, not more, security.

It is now time for the Congress to convey that message to the White House, the Nation, and the rest of the world.●

TRIBLE MAGNUSON ACT AMENDMENT

HON. PAUL S. TRIBLE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. TRIBLE. Mr. Speaker, today I introduced legislation to permit the Secretary of Commerce to take emergency action under the Magnuson Fishery Conservation Management Act to address economic and social emergencies affecting U.S. fishermen and fish processors.

The Magnuson Act was enacted to "conserve and manage" the fishery resources found off the coast of the United States. Another purpose was "to take into account the social and economic needs of the States." Despite these dual purposes for the act, emergency regulations are permitted only for "an emergency involving any fishery resource." This permits emergency regulations when quick action is needed to conserve and manage the resource, but not when the emergency is of a social or economic nature. As the act is written, a social or economic emergency can continue for months before permanent regulations can be approved.

The Magnuson Act is to conserve and manage the resource and to take into account the social and economic needs of the States. The emergency powers of the Secretary of Commerce should reflect each of these purposes. My bill accomplishes this by extending this power to include social and economic emergencies that affect American fishermen and fish processors.

My constituents in Virginia who fish for a living and fishermen throughout the Atlantic States are examples of the urgent need for this legislation. Strict Federal catch limits and spiralling fuel costs are combining to cause these people great economic hardship.

A solution to this economic emergency is proposed in a new Atlantic groundfish management plan which would both conserve the fishery resource and allow fishermen to make a profit. This new plan has been approved and enthusiastically endorsed by the National Oceanic and Atmospheric Administration. However, since the plan addresses an economic emergency, it may not be put into effect on an emergency basis before it receives final approval from the Department of Commerce, the Office of Management and Budget, and the Council on Environmental Quality. Such approval can take months, an intolerable length of time for someone who is on the brink of economic disaster.

The needs of the American fishing industry and the sluggish pace of the Federal regulatory approval process require that the Secretary of Commerce have the authority to act quickly in cases of social and economic emergency.●

A TRIBUTE TO JOHN BYSICK

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, we here in Congress seldom get an opportunity to praise public officials, especially at the local level, for the years of service dedicated to the community at large. But today I have the privilege of publicly acknowledging and thanking John Bysick, who for over 24 years has served as tax collector in Mount Pleasant Township, Pa., which happens to be part of my congressional district.

I personally have known John Bysick for many years now and can testify to his dedication, skill, hard work, and unshakable commitment to the public interest. Indeed, seldom in this modern time do we find people who are willing and capable of making the personal sacrifices necessary to do the kind of first-class job that John's work truly was.

Of course, he was an elected public official, and stood for election to six straight 4-year terms and, incidentally, was overwhelmingly chosen each time. While he may no longer be the Mount Pleasant tax collector, his legacy surely lives on; and though I am sure that capable, skilled people will rise to take his place, I do know that his services will be sincerely missed, and that a grateful municipality will long remember the thorough, thoughtful example of his administration.

A TRIBUTE TO ROBERT FETTEROLF

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DOUGHERTY. Mr. Speaker, on February 15, 1982, a distinguished educator will retire after 28 years as a teacher at Abraham Lincoln High School, Philadelphia; many years as a teacher and administrative assistant in Standard Evening High School; and a total of 34 years of service in the school district of Philadelphia.

Mr. Robert Fetterolf began his teaching career instructing veterans at Bok High School. In 1954 he went to Lincoln High School where he demonstrated expertise in teaching every business education subject. At Lincoln he served as grade chairman, school treasurer, and soccer coach.

During his many years at Standard Evening High School in the school district of Philadelphia, he has been a respected teacher and an administrative assistant.

From his first day of teaching in 1948 at Bok High School, throughout his many positions and responsibilities within the Philadelphia schools until his retirement from Lincoln High School, he has made many friends among his colleagues. Most of all, he has helped his students realize their full career potentials. He truly epitomizes the phrase, "A teacher effects eternity * * *."●

THE FEDERAL BUDGET AND THE O'NEILL UNIT

HON. BERKLEY BEDELL
OF IOWA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BEDELL. Mr. Speaker, this week the President sent his budget to the Congress for our consideration, deliberation, and ultimately our approval. Like many of my colleagues, I am deeply disturbed about many of the administration's priorities. Aside from the many cuts proposed, I am shocked and distressed over the failure to make some very justified cuts.

I am speaking about the Interior Department's decision to continue funding for the O'Neill Unit. The O'Neill Unit, sometimes known as Norden Dam, is an irrigation project in north central Nebraska which the Bureau of Reclamation is proposing for construction.

According to the Bureau's latest figures, the cost of the project has jumped more than $30 million since last year. The total cost, to irrigate a fraction of 1 percent of Nebraska's farms and farmlands, is now slated to be $368 million. The Bureau also reveals in its current budget documents that the current "irrigation investment per acre" is now a staggering $4,535 per acre. The Bureau still faces another 12 years of construction and these numbers will continue to rise on an annual basis.

If built, this project may well cost the Federal Government as much as $1,000,000,000. To spend 1 billion Federal tax dollars during this period of economic strain is wholly unjustified.

Ten years ago, the House and Senate debated the reauthorization. Senator Henry Bellmon addressed the other Chamber and questioned this very project along with several others. The distinguished Senator said:

> These projects . . . meet all existing criteria and requirements. Yet, if the real benefits which some of them produced are compared with the true costs to the Federal Government—not in the form of complex economic analyses, but in simple descriptive terms—they would make little sense, and I doubt that a majority of Members of the Senate would support them.
>
> The body of law and policy which establishes criteria and repayment requirements of reclamation projects has evolved over many decades. Incremental changes have been made which did not consider the relationship among the many functions of a large, complex, multi-purpose project, and did not consider other Federal programs. The result is an incredibly complex set of rules which are devoid of logic, which distort planning and which obscure the decisions which Congress must finally make. True costs and benefits are impossible to ascertain because of the complexities of feasibility criteria and because of claimed project benefits which are both difficult to justify and impossible to prove.

The Senator went on to predict that O'Neill in particular would cost more than $600 million, which would represent a Federal investment of almost $8,000 for each and every one of the 77,000 acres in the project.

This clearly represents distorted priorities on the part of the Department of the Interior. Moreover, the major purpose of the project is to produce corn. The fiscal year 1983 budget documents tell us that the project will produce more corn than previously thought.

It appears that this administration wants to place us back on the contradictory seesaw of having commodity programs from the USDA providing various benefits to farmers not to produce crops while the Interior Department spends Federal funds to increase production of the same commodity. This contradiction was very real in the very late part of the 1960's and early part of the 1970's. We are returning to that policy.

In the last days of January, the Secretary of Agriculture, John Block, asked for a 10-percent voluntary reduction in corn planting. Within days, the Department of the Interior advises the Congress that the cost of O'Neill is increasing at least $30 million—so we can produce more corn.

The O'Neill Unit is a project with a variety of environmental and economic problems. Last year, one of our colleagues, Mr. BEREUTER, issued a scathing report on the project's economics. Every economic aspect of the project was reviewed and each was found to have problems.

The report noted that the project now exceeded its cost ceiling and that in order to proceed with construction, the project would require reauthorization by the Congress.

The Bureau's documents justifying the budget request agree and affirm that fact. According to the Bureau, the project now exceeds its cost ceiling by more than $35 million. Notwithstanding that, the Interior seeks continued construction funding for the project and fails to request reauthorization, indicating that it is not needed at this time.

Moreover, it has been about 8 months since the Bereuter report on O'Neill was formally submitted to the Secretary of the Interior. No response has been forthcoming.

In the meantime, I have been given a copy of what I understand is the Bureau's draft response. My interpretation of this response is that the Solicitor of the Department of the Interior, in answering Mr. BERUETER's questions, basically agrees that the project is not properly authorized and indicates that "Reclamation's authority to index the costs of the O'Neill Unit is questionable and should be clarified."

The Bureau's draft response goes on to say that if a study on alternatives determines going forward with the authorized project, then "we will seek clarifying legislation to specifically authorize cost indexing."

It is now apparent that the Bureau intends to move forward with the project, but is disregarding its indication to seek the necessary clarifying legislation. The budget documents provide a clear desire to move forward. This little problem, the ability to index, is extremely important. The Bureau has added a quarter of a billion dollars to the project on the assumption that indexing is authorized. It would appear that the legislation does not authorize indexing, but Interior wants to move forward anyway.

It is a sad day for farmers throughout the Midwest when these kinds of projects continue to distort our farm economy.

Mr. Speaker, I insert the portion of what I am told is the Bureau's pending response in the RECORD at this point:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF RECLAMATION,
Washington, D.C.

Hon. DOUGLAS BEREUTER,
House of Representatives,
Washington, D.C.

DEAR MR. BEREUTER: Enclosed are our responses to the nine major issues identified in your June 8 report on the O'Neill Unit in Nebraska. In addition, we are proceeding with the 120-day study of alternatives which we have scheduled for completion by October 10.

Please feel free to let us know if you have any questions concerning our responses on the 120-day study.

Sincerely yours,
ROBERT N. BROADBENT,
Commissioner.

Enclosure.

1. Bureau of Reclamation has questionable authority to escalate costs for the O'Neill project from $113 million to $335 million and beyond.

Response: The claim is that the Congress, in authorizing the O'Neill Unit, purposely deleted critical language that would have provided authority to index the costs of the O'Neill Unit as the Bureau of Reclamation (Reclamation) has done since the project was authorized in 1972.

Section 406 (Section 5 of the bill just for the O'Neill Unit) of Title IV of the Act of October 20, 1972 (86 Stat. 964) provides:

"There is hereby authorized to be appropriated for construction of the O'Neill Unit as authorized in this Act the sum of $113,300,000 (based upon January 1972 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction* involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit."

It is clear from the language contained in the act and underlined above, that there is authority to change the costs of the O'Neill Unit ($113,300,000) by adding or subtracting such amounts, if any, as may be justified by reason of ordinary fluctuations in construction involved herein. Therefore, Reclamation clearly has the authority to change the costs based on ordinary fluctuations in contruction. The question then becomes, by

what means should Reclamation add to or subtract from the costs within the authority granted?

In the same act were authorizations for four other projects. Each contained the same language as set forth above except after the asterisk and before the word "involved" was the following:

". . . costs as indicated by engineering costs indexes applicable to the types of construction . . ."

In addition, numerous other project authorizing acts contain the same phrase.

It should be noted that the legislative history is silent upon this omission. The legislative history shows that at hearings on H.R. 868 held in Washington, D.C., on March 20, 1972, in front of the Subcommittee on Irrigation and Reclamation, and on S. 353 on March 21, 1972, before the Senate Subcommittee on the Bureau of Reclamation, the original bills as presented and read into the record did not contain the indexing language. By letters to the House and Senate Committee Chairmen, dated January 25, 1972 and February 2, 1972, the Assistant Secretary of the Interior suggested, among other things, that a specific amount, plus the indexing language be substituted for the general appropriation language contained in the original bills as introduced.

When the Chairman of the House Subcommittee asked for Mr. Martin the sponsor of H.R. 868, on the Department's proposal and his response was that he was not in complete agreement with the suggested amendment to Section 2. He was then asked if that was the only one of major concern. His response was:

"That is right; Section 5 on the next page, I have no objection to."

Senate Report No. 92-1121, dated September 12, 1972, indicates clearly that the Senate Committee on Interior and Insular Affairs adopted the amended indexing language and the Congressional Record reported on September 14, 1972, that S. 353 passed, as amended. However, as H.R. 858 and S. 353 were combined into S. 520, the Congressional Record of October 5, 1972, reports that the only difference between H.R. 868 and S. 353, passed by the Senate on September 14, 1972, relative to Sec. 5 is that the House bill had ". . . updated the amount of appropriations authorized for construction of the unit to reflect current price levels." However, the printing of S. 520 in the October 5, 1972 Congressional Record is the first unexplained omission of the cost indexing phrase. There is no further mention of this section in the legislative history. S. 520 then was passed, but the indexing phrase is missing from the act providing authorization for the O'Neill Unit. It is in the authorizing language for the other four projects authorized by this act.

With this background and a careful reading of the act, it is fairly clear that when the act was being typed, an inadvertent error was made. The typist may have typed the word "construction" and started typing again after the second "construction" in that sentence and thereby left out the indexing language.

Without the indexing language in the act, Congress authorized Reclamation to build this project for $113,300,000 based on 1972 prices "plus or minus such amounts, if any, as may be justified for reason of ordinary fluctuations in construction." It authorizes Reclamation to construct the project with $113,300,000 plus any additional amounts of money it may need to do so if the need for such additional amounts are caused by ordinary fluctuations in construction costs. This would appear to be the only logical meaning of the words. The method by which the change is to be accomplished is not specified by the act.

If Congress wished to preclude Reclamation from spending more than $113,300,000 on the O'Neill Unit, it most likely would not have left the underlined language in Section 406. In addition, there normally is some discussion or mention in the legislative history stating that a project is limited to a given amount. It is reasonable to expect that there also would have been some discussion of the missing indexing language too, if Congress had meant to leave out this language on purpose.

Since it appeared that Interior's requested amendment had been adopted and neither the authorizing legislation nor its legislative history contain any language that expressly prohibits cost indexing, Reclamation assumed that it could index the costs and did so in its subsequent appropriations justifications documents. However, the Solicitor informs us that because the law itself is silent on the matter, Reclamation's authority to index the costs of the O'Neill Unit is questionable and should be clarified. Therefore, if the outcome of the 120-day study we are conducting justifies continuing with the O'Neill Unit as authorized by Public Law 92-514, we will seek clarifying legislation to specifically authorize cost indexing.●

A SALUTE TO ANNA V. BROWN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STOKES. Mr. Speaker, it is a great pleasure for me at this juncture to salute the accomplishments of the leading activist for the elderly in Cleveland—Mrs. Anna V. Brown. Mrs. Brown is the energetic and seemingly tireless director of Cleveland's Department on Aging.

Mr. Speaker, I know of few people who can boast of such an impressive record and accomplishments on behalf of this Nation's senior citizens as Mrs. Anna V. Brown.

To the elderly in Cleveland, my good friend, Anna Brown, is the chief advocate and spokesperson. For many years, she has been the fearless warrior fighting the battles for the often forgotten senior citizens in the city of Cleveland. Her enthusiasm for working on behalf of our golden agers is infectious.

Mr. Speaker, when Anna V. Brown assumed the directorship of the Office on Aging, the position was elevated to a cabinet-level post. Seemingly, at the same time, the problems of the elderly were elevated to a higher place on the city's agenda. I cannot help but believe that Anna V. Brown's work had a lot to do with that.

Anna V. Brown's name is synonymous with help and quality existence for the elderly in Cleveland and Ohio. In many respects she is the guardian and reminder of the concerns of the elderly in Ohio just like our own Congressman CLAUDE PEPPER serves in that capacity here in the Congress. For legislators and policymakers, Anna V. Brown is a fountain of information and new ideas about programs for the elderly.

Mr. Speaker, Anna V. Brown has also helped average citizens. Mrs. Brown has dispelled the myths about the elderly while asserting their rights as active citizens in this Nation.

The yeoman's job she has performed has earned her national recognition and the respect of people from across this Nation. Mr. Speaker, when you ask about the problems of the elderly in Ohio, Mrs. Brown's name almost always is included in the answer. When you attend an aging conference, Mrs. Anna V. Brown and her accomplishments are usually noted.

The elderly in Cleveland and people throughout this Nation are better off because of Mrs. Anna V. Brown. I think that it would be appropriate if my colleagues paused and saluted this dynamic American—Mrs. Anna V. Brown.

At this time, Mr. Speaker, I would like to insert in the RECORD an article which appeared in the Cleveland Plain Dealer on Mrs. Anna V. Brown:

ANNA BROWN LEADS WAY FOR THE AGED IN CLEVELAND

(By Judy Pennebaker)

The V in Anna Brown's middle name should stand for vitality.

Instead, it is for Vivian—the West Virginia coal-mining village where, in 1914, she was born, the only child of Dr. Joseph E. and Hattie Brown.

At 67, the activist director of Cleveland's Department on Aging is a powerhouse of energy and drive, serving as a role model for the city's over-65 citizens, while she spearheads their continuing push for dignity and equality.

Brown's interest in politics and people was fashioned early. As a child, she watched her father—"a complete and absolute physician"—conduct a rugged practice in Appalachia, before the family moved to Cleveland in 1941.

"He would spoon-feed a cancer patient who had lost her appetite through chemotherapy. He would ride horseback to reach homes where there weren't roads, or ford streams in his car. He would flag down a train to transport a stretcher to the nearest hospital," she recalled.

At 85, in his 61st year of medical practice, Dr. Brown became a distinguished fellow of the Cleveland Clinic.

After attending prep school at Northfield School for Girls in East Northfield, Mass., Anna V. Brown went to Oberlin College—chosen because of the "freedom of expression" she found there. She received a bachelor's degree in sociology.

At New York University in Manhattan, she majored in race relations and politics—further preparing herself to be an activist, long before it was a popular role.

Childless and widowed, Brown has worked all her adult life, as secretary and manager of her father's office and in the federal General Accounting Office.

Brown has been involved in Cleveland's efforts to help the aging from the beginning, during Carl B. Stokes' administration. She prides herself on the accomplishments of the succeeding years, including Community Responsive Transit and the geriatric outreach, home maintenance and vial of life programs.

Under the latter program, 100,000 vials containing a mini-medcal history of the recipient are being distributed to Cleveland's senior citizens.

"The initial thrust was to increase and coordinate services to the elderly in the community," Brown explained. The city's Commission on Aging was raised to department status in the George V. Voinovich administration. It has received national attention, as has Brown.

Now her business takes her to Washington several days each month. She holds offices, including president of the Ohio chapter of the Caucus on the Black Aged, board member of the National Council on Aging, vice president for administration of the National Center of Black Aged and president of the Urban Elderly Coalition (with a 100-city membership).

Recently, she was invited to join a consumer committee investigating the high cost of dying and burial.

Brown has opted to pay her own travel expenses to assure reimbursement for her 11 geriatric outreach workers.

"Our office has the greatest reservoir of information on aging in the country," Brown said proudly. "Special interest groups use it to prepare position papers to influence action at a congressional level."

Government inquiries have come to her from as far away as France.

The New Federalism and its emphasis on the private sector do not scare Brown, she said: "For years I have said to senior citizens groups, 'Get your house in order. The time will come when the federal government quits handing out big bags of money.' And it has."

President Reagan's seeming insensitivity to the elderly is typical, Brown said, of an older person who started with little, but amassed wealth.

"They forget how it was," she lamented.

One misconception that disturbs her is that the elderly are necessarily frail, and that their way of life should be altered.

Speaking of the over-75 group—still ambulatory, still lucid—she said, "They are far from frail. They are the toughest of the lot. They are the survivors."

And, she added, others should respect these people's life-styles: "When someone tells me a 90-year-old man isn't eating right and his diet should be changed, I balk. He had to get there some way. If it ain't broke, don't fix it."

Brown lives in the Glenville area with her 92-year-old mother, who moved in with her daughter after her house was burglarized and she was beaten—another major problem for the elderly, Brown pointed out.

Brown's husband, another Brown named Elmer, died of cancer at 61. An artist for American Greetings Corp. at the time, he earlier was responsible for the large freedom mural in the City Club. His black-and-white wood print of an elderly woman is the focal point of Brown's no-nonsense City Hall office.

Today, Brown concentrates strictly on her work.

"I'm a true workaholic," she acknowledged from her cluttered desk. Her days sometimes stretch to 14 hours and spill over to the weekends.

"I speak weekends, handle workshops and do the polka with my seniors at St. Stanislaus Church on Sundays," she said.

Her own retirement? There may be no such thing. If she leaves politics, the ageless woman plans to open a consulting firm "to help other people look down the pike."

"People are outliving their resources, and inflation keeps plowing into savings," she said.

For now, she fulfills her idealism in office, where her aims for Cleveland's elderly are:

"To meet needs as seniors perceive them, to make them comfortable and happy with living and not to be judgmental about how they do it."●

PRESIDENT REAGAN AND COUNTRY CLUBS

HON. HAROLD WASHINGTON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. WASHINGTON. Mr. Speaker, I note with interest that the great debate over the administration's proposed budget has begun with an exchange between the President and the Speaker over country club affiliations. According to newspaper reports, President Reagan claims that it is unfair to characterize the budget he has submitted to the Congress as a "country club budget" that ignores the needs of the poor.

As one who has long been interested in the privileged status given country clubs and other private clubs under our tax structure, I know a way that President Reagan can back up his words with action. Under current law, country clubs enjoy tax exemptions as private corporations. Yet, the vast majority of these private clubs, including those in the National Capital area, practice de facto discrimination against minorities and sometimes women applicants in their membership policies. Many individuals and companies are permitted to deduct substantial amounts for membership fees and three-martini lunches. Fees for these clubs in the Washington area range up to $20,000 per year, plus monthly dues and meal costs. IRS allows up to a total writeoff for expenses.

After prodding from the Congress, the OFCCP issued a regulation prohibiting Federal contractors from paying membership fees for their employees in racially segregated private clubs. The agency's reasoning was that if employers justify such payments on grounds that they provide a business opportunity for employees, then as Federal contractors, they have an obligation not to support clubs which do so on a segregated basis. Even that regulation is under attack from the Reagan administration.

I believe the time is long overdue for the Treasury Department and the Internal Revenue Service to review their own policy regarding the privileged tax status given country clubs and other private social organizations that enjoy such status while engaging in discriminatory practices, in violation of the spirit of the law.●

HOSPICE PROGRAM AND MEDICARE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, facing a terminal disease can be physically, emotionally, and financially straining. For the past decade, the hospice program has been helping patients through this ordeal. I feel this program is essential and should be covered by the medicare program. That is why I am a sponsor of H.R. 5180, the Hospice Care Reimbursement Act.

Hospices are an alternative to traditional methods of caring for the terminally ill. They help the patient live a normal life by rejoining the work force, the community, and the family. Hospices, which were started a little over a decade ago, are presently found in every State. These programs serve both the patient and the families of patients.

Found in many hospitals, the hospices are professionally staffed. Along with physicians and nurses, the staff usually consists of clergy, social workers, psychiatrists, psychologists, and trained volunteers. From the conception of the program, the hospices have been funded by the National Cancer Institute, and by other groups and individuals who have seen the need to help the dying in their last days.

Mr. Speaker, the hospice program is not new to the Government. Many Government offices, including the General Accounting Office, the Health Care Financing Administration, and the U.S. Department of Health and Human Services, have studied the program. The Department of Health, Education, and Welfare set up a hospice task force to study the methods of reimbursement, quality control mechanisms, and cost of care.

Hospice care includes nursing care, physical therapy, occupational therapy, short-term inpatient care, counseling, and medical supplies. As of now, Mr. Speaker, people in the hospice program do not have reimbursement for the necessary care. This bill would give them relief from this financial burden.

I think the time has come, Mr. Speaker, for the Federal Government to provide funding for this program. I urge my fellow Members of Congress to support this legislation which is of

utmost importance to so many Americans.●

OSHA AND THE GIFT OF ECONOMIC AWARENESS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GAYDOS. Mr. Speaker, in the year since the administration put the Occupational Safety and Health Administration under new management a certain economic awareness has emerged.

"Economic awareness" is not my phrase, Mr. Speaker.

Like the equally skillful revenue enhancement it comes from the administration and wraps a gift of some kind.

As far as I can tell, credit for the phrase goes to Christopher DeMuth, an official of the Office of Management and Budget, who oversees matters of regulation and deregulation for the administration.

Mr. DeMuth coined it late last year, shortly after he took up duties as chief of regulatory affairs. He told U.S. Chamber of Commerce interviewers that the administration's goal is to implant in regulatory procedure at agencies like OSHA a certain sophistication and economic awareness that eventually may find its way into law.

OSHA demonstrated a high degree of sophistication and economic awareness in the closing months of last year when the new management recovered from the first shock of the U.S. Supreme Court's ruling on its cotton dust standard.

Specifically, OSHA has been aware of and concerned about the capital costs imposed on business and industry by the requirements of protecting worker health.

Currently under review and apparently due for modification are two important health questions: One is the agency's carcinogen policy and the other is its standing practice of requiring installation of engineering controls to protect worker health.

Engineering controls is an awkward term, but it is well illustrated by explaining that OSHA chose in the past to require better ventilation and circulation in workplaces with bad air rather than requiring workers to wear masks or respirators.

So this reconsideration faintly echoes the comment of Mr. DeMuth's predecessor at OMB who won the Marie-Antoinette-Let-Them-Eat-Cake Award for 1981 with a remark on personal protection devices like respirators.

What did Mr. DeMuth's predecessor say? He said, "It is not the Occupational Safety, Health, and Comfort Administration."

The man was less sophisticated than Mr. DeMuth, but his level of economic awareness was about the same, I suspect.

Nevertheless, there are layers of wrapping beneath economic awareness that must be peeled away before Members interested in worker safety and health can see the gift, which might not be as pretty as the giver would represent.

In other changes during 1981, the new management at OSHA has:

Reduced Federal inspection and plans to reduce them further, according to the proposed 1983 budget.

Eliminated the prospect of inspection for most employers to concentrate on those with above-average injury rates.

Dramatically limited use of general duty citations while softening enforcement and penalty provisions of violations in general.

Embarked on a plan of trying to further worker safety and health through cooperation, voluntary compliance, and training inspectors in salesmanship.

Meanwhile, the U.S. Chamber of Commerce's regulatory experts have published the view that OSHA is becoming performance-oriented and cost-effective.

Cost-effective is a term that has been used frequently by Thorne Auchter, the Assistant Secretary of Labor for Occupational Safety and Health.

In fact, cost-effectiveness is one of the major considerations in the current administrative review of OSHA's carcinogen policy.

We are almost through the layers of wrappings, Mr. Speaker, beyond sophistication and economic awareness, cooperation, and voluntary compliance; we are down to the gift.

Others have looked and drawn conclusions.

For example, AFL-CIO Legislative Director Ray Denison watched the implantation process at OSHA and called it, with characteristic incisiveness, strangulation in the closet.

This is understandable because in 1980—the year before the new managers and economic awareness took over—the Nation saw its first simultaneous drop in 5 years in worker deaths, injuries, and illnesses. Progress of this sort was the goal of Congress in passing the act.

On the subject of the act, the Supreme Court said in the cotton dust ruling that Congress intended no consideration to carry more weight in OSHA regulation than considerations of worker safety and health.

In that ruling, the Court specifically said the act does not require Mr. Auchter to use the tool of cost-benefit analysis, which was a method that administration strategists above Mr. DeMuth's level wanted to apply. The core of the concept seemed to be: Unless it saves significantly more than it costs, do not do it. It carried with it a certain economic awareness.

And now we are down to the gift, Mr. Speaker.

It has the look of something shopworn and discredited. It looks like cost-benefit analysis papered over and reintroduced, and it comes no closer to satisfying the intent of Congress than it did when it went by its real name.●

PERSONAL EXPLANATION

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. COATS. Mr. Speaker, on Tuesday, February 9, I was detained outside the city on official business and missed several votes on the floor. If I had been present, I would have voted as follows:

On rollcall No. 2, a resolution providing for the consideration of House Joint Resolution 389, a resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, I would have voted "aye";

On rollcall No. 3, a motion to recommit the joint resolution to the Committee on Appropriations with instructions to report it back forthwith containing an amendment to prohibit use of funds for payment on guaranteed loans to Poland, I would have voted "nay";

On rollcall No. 4, a resolution making an urgent supplemental appropriation to the Commodity Credit Corporation, I would have voted "aye."●

PRESENT COAL POLICIES DO NOT MAKE SENSE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SIMON. Mr. Speaker, one of the leaders of southern Illinois who has provided civic and political leadership and is one of the great assets, not only to our region but to the Nation, is Einar Dyhrkopp.

One of the things he does is to keep me on top of what is happening in the field of coal and sometimes the magazines and information he sends me pile up, and the other day I had a chance to go through an article that appeared in Coal Mining & Processing magazine of July 1981.

In it is an article by Mack H. Shumate titled "It Does Not Make Sense." Mr. Shumate is a resident of Lincolnwood, Ill., and is a mining engineer.

He speaks about the folly of our present policy of transporting coal from the West to the Midwest and how it is completely illogical.

My concern, Mr. Speaker and my colleagues of the House, is that we are following policies that will aggravate that very process, because we are cutting back on coal research and cutting back on the things that will encourage the development of midwestern coal.

I urge my colleagues in the House and Senate to read this article by Mr. Shumate.

IT DOES NOT MAKE SENSE

(By Mack H. Shumate)

Illinois has an abundance of dirty high-sulfur coal, said a young public-relations employee for an Illinois utility at the Engineering Open House, University of Illinois, Urbana campus, on March 7, 1981.

The theme of the meeting, "Building on Dreams," reflects fully Illinois' utilities attitude towards our most valuable resource. Illinois has more coal reserves than any other state in this country, and 50 percent of the nation's industries are located within a five-hundred-mile radius.

Unfortunately, cost of a kilowatt hour (kwh) has skyrocketed 186 to 196 percent during the past eight to ten years. Large industrial users who qualify for favorable rates (such as coal mines) were paying 1.44 cents per kwh in 1972, and the cost has risen steadily to 4.12 cents per kwh in 1981. Fig. 1 indicates a ten-year history of power cost for an actual coal mine operation and a homeowner. The individual homeowner's cost has gone up 196 percent.

By their actions during the past decade, Illinois utilities have demonstrated a complete disregard for the state—and defaulted on their responsibility to provide customers with electricity at the lowest possible cost. Air quality standards that became effective in April of 1972 provided the vehicle for utilities to turn their backs on Illinois coal, ultimately resulting in a severe blow to the state's economy. Eight years ago utilities and manufacturers said that since sulfur removal would cost one to two dollars per ton, they were not positive about the high degree of efficiency required by EPA. Incentives to face the challenge were minimized because other coal was available and the policy of the Public Utilities Commission allowed the additional cost of transportation to be passed on to the customers.

Government regulations administered by various agencies continue to curtail the use of Illinois coal in certain areas in Illinois. On the other hand, a government agency (TVA) buys Illinois reserves and plans to mine and use the coal in government plants outside of the state.

FALSE ECONOMICS

Transporting Western coal to Illinois is a travesty of economics and common sense because of misallocation and misuse of vital resources and equipment. Unit trains, for example, consume 1,700,000 barrels of diesel fuel annually and require 4,000 railroad cars to transport the product to Illinois.

Freight rates, based on the delivery of 1 to 2-million tpy of coal to power plants in Illinois, from the western states and southern Illinois to Chicago area are indicated in Fig. 2 (figures not reproduced). Information compiled has been published by the rail carriers involved in transporting coal from mines to various locations in the Chicago area.

Massive movement of western coal to the east started in 1970, when 750,000 tons were transported to Illinois. Annual shipment and consumption increased rapidly (6.5 million in 1972) and continued to increase approximately 2 million tons per year, totaling 18 million by 1980 with an estimated 19 million tons for 1981.

IMPACT ON ILLINOIS

The use of western coal in Illinois by years is shown on Fig. 3. The graph also indicates what has happened or could have happened to the local coal industry.

Utilities have burned approximately 124,000,000 tons of western coal in Illinois during the past ten years. This represents two full years of production for our state. Loss in gross revenues is estimated at $2.8 billion.

Why should the citizens of Illinois pay for the inadequacy of management's planning? Although "high-sulfur coal can be burned environmentally safe," are utilities willing to accept the challenge, or are they happy with the present arrangement eliminating the necessity for them to roll up their sleeves and go to work and give the citizens what they are entitled to?

Utilities have exerted every effort to insure performance of western coal. Some have added oil to the coal to improve its heat value enabling the plants to work efficiently. (Incidentally, the heating value of 1 ton of coal equals 4 barrels of oil.) One utility adds sulfur trioxide to low-sulfur Wyoming coal to make the power plant precipitator work—as required by EPA regulations.

Massive expansion of western coal has played havoc with small isolated communities in the west. They need schools, roads, water, sewage, housing and a host of other services connected with building a community to service an industry. This requires considerable government aid.

Illinois had all the ingredients and could have handled existing and future growth production. The "exodus" of business caused mine closings and retarded expansion plans especially at a time when they were needed to meet the 1974 fuel shortage. The state, after suffering loss of revenue and higher unemployment, had to increase taxes to finance a greater government dole for unemployment and food stamps. Illinois to date is hard pressed to find the revenues for the support of public education, transportation and highway systems.

Coal mining is hard work and it has a place in our state's economy. The big switch of coal supply costs us dearly. Illinois coal industry has the ability to provide the additional 18,000,000 tons imported per year. Think what the challenge would do for our state! New mines to provide the production would require $1.4 billion in a new capital, and they would generate about $575 million in revenue per year. The new operations would employ 7,300 miners, not counting additional employees for construction and those connected with various services for the mines.

THE BOTTOM LINE

Actual costs of coal purchased in the west and delivered to Illinois utility plants ranges from $31.70 to $53.88 per ton.

Existing up-to-date contracts for Illinois coal delivered to Illinois utilities range from $27.29 to $36.46 per ton.

Actual figures have been tabulated reflecting the following difference in cost of coal delivered to Illinois plants: Eight plants receiving western coal average $40.35 per ton (heating value is 18 percent less than Illinois coal); Eight plants, not including mine mouth plants, receiving Illinois coal in Illinois average $32.91 per ton.

Thus, based on equivalent heat value delivered to utility plants, Illinois coal has a 45.5 percent cost advantage over western coal. The difference in delivered costs represents one of the best reasons why the utility industry should undertake the task of converting to Illinois coal with proper environmental procedures. How much money does it take to remove the sulfur? The differential exists, and surely prudent management demands it and the customers are entitled to it! Government has a responsibility through its executive, administrative and legislative departments to see that public utilities provide economical service to their customers. During 1979, our utilities burned more western than Illinois coal. Should the "Rule of Reason" apply to the use of Illinois coal? It does not make sense why coal mined in Illinois should not be burned in Illinois.●

A SALUTE TO CONGRESSMAN RICHARD BOLLING

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 28, 1982

● Mr. STOKES. Mr. Speaker, I take this opportunity to join with my colleague, the gentleman from Missouri, Mr. GEPHARDT and my colleagues on both sides of the aisle in saluting probably the premiere gentleman, legislator, and conscience of this body—my good friend, Congressman RICHARD BOLLING. After 34 years of outstanding service in the House of Representatives, Congressman DICK BOLLING has decided to retire.

Mr. Speaker, understandably, I have read many articles including statements from the Members of the Missouri delegation about how they will miss DICK BOLLING, the "dean" of that delegation. I think that it is appropriate to note that as DICK leaves this body, there will be a void not only in the delegation but also in the entire Congress. I am not sure that anyone will be able to fill the awesome shoes of DICK BOLLING.

Mr. Speaker, during his tenure, DICK BOLLING has unceasingly demonstrated the courage of his convictions by being the legislator, the strategist, the voice and the conscience of this body at critical times. Because of those notable qualities, I will especially miss this great American.

Mr. Speaker, I have some very special reasons as to why I have such a great respect for DICK BOLLING. At this time, I would like to share them with my colleagues.

I first developed a profound sense of admiration for DICK BOLLING long before I actually met him or was elected to Congress. Before my election, I was introduced to him through his

books, "Out of Order" and "Power in the House."

Mr. Speaker, DICK's writing style, his candor, and the courageous criticism about the politics in the Congress captured my attention and respect. Those books proved to me that DICK BOLLING was a powerful communicator and a man of high principle.

Mr. Speaker, the respect that was developed through the book, blossomed when I was elected to Congress and watched Mr. BOLLING in action. I realized that he was a master of parliamentary procedure and oratory. Initially, I wondered whether he was a lawyer because of his exceptional analytical skills and power of persuasion. I found later that he was not a lawyer but rather a man committed to making the system function well for the public good without manipulation or constraint.

Mr. Speaker, I found then and it is still true, that Congressman BOLLING is a Democrat committed to serving the people not merely through rhetoric but through carefully planned action in the House. That seemingly, has been his No. 1 priority.

Mr. Speaker, it is no doubt that because of his convictions, his conscience, his propensity for planning good strategy and movement to reform this body that Members on both sides of the aisle have come to respect and admire him.

The most complimentary and appropriate thing that I can say about DICK BOLLING is that he possesses power not merely because of his seniority. DICK BOLLING's power comes from the courageous actions he has taken; the monumental reforms he advocated; and his abilities as a legislator.

Mr. Speaker, we are all aware of DICK BOLLING's committee assignments especially his chairmanship of the House Rules Committee.

As the former chairman of the House Select Committee on Assassinations, I had to go before Chairman BOLLING's Rules Committee on business pertaining to my committee. I remember vividly some sound advice that DICK BOLLING gave me on one of those occasions.

DICK said that he had fought many battles before committees and on the House floor during his years in Congress. He continued by saying that he had won some battles and lost some. However, he felt that even if the vote did not go in his favor, if he was fighting because of principle, he never really lost.

Mr. Speaker, I never forgot the advice of DICK BOLLING and the stature of that great man.

Today, Mr. Speaker, I am proud to say that my office is the same one DICK BOLLING used for 16 years. I consider that an honor.

In closing, I join my colleagues in noting that we will all miss DICK BOLLING's wit, his analytical skills and his conscience. He is and has been a pillar of strength and a man of the highest principles. At this time, I join in the salute to my distinguished colleague—Congressman RICHARD BOLLING.●

ROMANTIC WILLIMANTIC

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GEJDENSON. Mr. Speaker, In an effort to revive the spirit of romanticism and fun in America, a small city in eastern Connecticut has decided to declare itself the Valentine capital of the world, "Romantic Willimantic."

About a year ago, T-shirts proclaiming Romantic Willimantic, with a logo of a moonlit train crossing a bridge over the Willimantic River, were distributed around the State. February 14, 1982, marks the first Romantic Willimantic Valentine's Day.

Gov. William O'Neill will present a proclamation to the mayor of the city, John Lescoe, designating February 14 as Romantic Willimantic Day.

To celebrate this occasion a number of contests are being sponsored by the city and local organizations, including ones for poetry, posters, and banners. The winners will receive prizes such as flowers, candy, and even an all-expense-paid weekend in Romantic Willimantic.

Since love and marriage seem to go together, free marriage licenses are available this week, along with free blood tests from the Windham Community Memorial Hospital. The hospital has erected a large electric heart and arrow on the roof to let people know that they are in the land of love and romance.●

TAX CREDITS FOR REMOVAL OF BARRIERS TO THE HANDICAPPED

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DUNN. Mr. Speaker, I am pleased today to be introducing legislation which will provide increased tax incentives for the removal of architectural and transportation barriers to the handicapped and elderly.

It has long been recognized that handicappers are entitled to free and equal access, but it was not until 1976 that Congress enacted legislation which created incentives to the private sector for removal of these barriers.

Briefly, section 190 of the Internal Revenue Code now allows a taxpayer to treat qualifying architectural and transportation barrier removal expenses as an itemized deduction.

The legislation I am now introducing will: (1) allow an 80 percent tax credit for qualified architectural and transportation barrier removal expenses, and (2) increase the qualified expense ceiling to $50,000. What is now a mere deduction from taxable income will be expanded to a direct tax writeoff. All Americans with taxable income, individual homeowners, small single-location businessmen, and large multilocation corporations, will have an added financial incentive to improve the accessibility of their buildings and facilities. The Federal Government will no longer be allowing a financial excuse for inaccessibility.

Clearly, existing legislation has not provided enough of an incentive for barrier free design construction. Handicappers are continually deprived of housing, employment, transportation, recreation, and other opportunities due to widespread inaccessibility.

I have had a firsthand opportunity to witness the obstacles handicappers face. Last year, I hired two handicappers—one a full-time staffer in a wheelchair, and one a consultant who lost a leg. Whenever I go to a restaurant with these staffers, I am struck by the failure of many public places to provide ramps, wide doorways and aisles, and other relatively simple modifications that would allow accessibility.

As anyone who has worked with handicappers know, we will all benefit from a barrier-free environment. The greatest advantage will come, of course, from the increased independence of the handicapped. Accessibility means jobs, housing, and transportation that enable the disabled person to be self-sufficient and earn his own way in society.

In 1981, nations throughout the world observed the International Year of the Disabled Person (IYDP) to attract public attention to the concerns of the disabled. Renewed efforts were made to achieve full participation in national and community life for the handicapped. Over 200 of my colleagues have joined me in cosponsoring a resolution to designate 1982 as the National Year of Disabled Persons (NYDP) to maintain and build upon the achievements of 1981. One of the long-term goals of the NYDP will be to improve access to housing, buildings, and transportation.

The legislation I am proposing today offers the Congress a real opportunity to improve the quality of life for the 35 million Americans with disabilities. In the spirit of the IYDP and as a demonstration of your support for the National Year of the Disabled, I urge all of my colleagues to cosponsor this important measure to increase tax in-

centives to the private sector to remove architectural and transportation barriers.●

TRIBUTE TO ARTS CHAIRMAN, LIVINGSTON BIDDLE

HON. PAUL SIMON
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SIMON. Mr. Speaker, Livingston Biddle left the chairmanship of the National Endowment for the Arts last November, having served his 4-year term, which saw NEA grow in both budget and outreach programs. I commend Chairman Biddle for the innovations and balance in NEA programs during his term of office and would like to share with my colleagues some of the accomplishments of NEA under the direction of the National Council on the Arts and Chairman Biddle.

Support for arts organizations in lower income, ethnic, urban and rural communities grew through both specific program grants and challenge grants, which strengthened the institutional base of these organizations, who historically have not had easy access to private philanthropy. In addition, the expansion arts program recently instituted major revisions in its funding categories to more effectively support minority arts organizations and to facilitate better interaction with other endowment discipline programs. Some of the most renowned organizations originally supported by expansion arts include Teatro Campesino, the East West Players, and the Dance Theater of Harlem.

Outreach by NEA went beyond support for small, regional, and minority companies. Larger, well-known performing organizations were funded for touring to provide access to the arts nationwide. In the 1979-80 season, for example, 110 dance companies toured for a total of 1,625 weeks reaching over 400 communities. Touring was increased with NEA support for orchestras, opera-musical theater companies, folk art organizations, and theater companies to come to communities where access to professional performances was, at best, limited. Support was also significantly increased for museum exhibitions, which ranged from the blockbuster Picasso exhibit of 1980 to the smaller exhibition of Indian botanical paintings at the Carnegie-Mellon University in Pittsburgh.

Funding for media programs increased, providing access to the arts to approximately 83 percent of the Nation's population through public broadcasting. Longstanding successes such as "Dance in America" and "Live from Lincoln Center" continue to appeal to both critics and the viewing public, and a number of other series were added to NEA's current successes. "The Land Where Blues Began," produced in association with Mississippi Public Television, received a blue ribbon at the 1981 American Film Festival and "American Patchwork" which is a five part series on folk performance styles, is currently in production. Pilot projects and series in production for public television show the diversity of NEA support. They include programs on jazz, architecture and design, dramatizations of Isaac Bashevis Singer's short stories set in America, Diaghilev and Russian ballet, a miniseries on Igor Stravinsky, and "Whitman," a pilot on American poetry.

In 1978, a new program for opera-musical theater was created. It encompasses increased touring, media presentations, and the development and production of new works for the musical stage. Besides production of musical theater and folk opera for public television, this NEA program helps produce televised musicals and folk operas by regional musical theater companies to highlight the American experience and reflect the character and variety of culture in our Nation.

NEA has played a leadership role over the past 4 years in encouraging other Federal agencies to initiate or expand arts activities within their jurisdictions. Interagency agreements in the arts include participating agencies from the Bureau of Prisons to the Small Business Administration. One example is the Veterans' Administration, which has placed practicing artists in residence in a number of the VA's major medical centers.

The list of accomplishments of the Endowment could take page after page and would represent the best in programs and individual artists and writers in America today. Support for the arts has proven a good investment, both in terms of economics and the cultural well-being of this Nation. Chairman Biddle has shown himself well able to expand endowment programs to reach a large number of citizens, while continuing support for the treasures of American culture such as the Metropolitan Museum, the Joffrey Ballet, and the San Francisco Opera.

As chairman of the subcommitte with jurisdiction over NEA, I can personally commend Liv Biddle as a sensitive and reasoned public servant guiding the Arts Endowment in the direction of preserving the best, providing access to our cultural wealth, and encouraging new artists and writers to sustain and expand our tradition of excellence. I hope his contributions to the arts will continue in years to come.●

TONY SESTRIC: AN AMERICAN

HON. RICHARD A. GEPHARDT
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GEPHARDT. Mr. Speaker, at a time when Federal, State, and local budgets strain to provide necessary services to all of our citizens, the call for voluntary, community help has been answered by many. This week in St. Louis, the Legal Services of Eastern Missouri will honor Anthony J. Sestric for his untiring efforts in behalf of the people of St. Louis, and, in particular, his actions to assist the poor in obtaining equal justice under the law.

My knowledge of Tony Sestric's spirit of voluntarism is firsthand; he has been a friend, adviser, and an inspiration. His devotion of time and energy to innumerable projects and causes has been tireless. His willingness to stand up for a principle—no matter how unpopular or difficult it may be—has won him the admiration of his supporters as well as his adversaries; his dedication to the precept that equal protection before the law only has meaning with equal representation has earned him the respect of his colleagues in the legal profession.

In many ways, Tony Sestric's life embodies the selfless American spirit that has been the foundation of its communities. A dedicated father and husband, Tony views the people of St. Louis as his family. I am proud to join the Legal Services of Eastern Missouri in honoring him.●

TAXPAYER RELIEF FOR POLISH LOANS

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, the announcement that the taxpayer will pay $71 million to U.S. banks in lieu of interest payments Poland owes on U.S. guaranteed loans has produced predictable and justifiable confusion and outcry.

William Safire's article on the matter, reprinted below, illuminates the events surrounding the administration's decision. The incident is representative of the serious shortcomings in the President's foreign policy team. It is discouraging that President Reagan's philosophy is not reflected in Department of State decisions such as this.

It is with dismay that I note such actions—at odds with the view Ronald Reagan stands for—continue to occur.

This Nation and this administration have a moral obligation to the people of Poland, and to people everywhere who look to the United States for leadership and encouragement in the name of freedom. It is essential that the President's view in foreign policy not be diluted and corrupted. Those views are shared by a majority of Americans.

[From the Los Angeles Herald Examiner, Feb. 1, 1982]

POLAND'S PAYOFF FOR REPRESSION—IT WAS ALL STATE'S DEFAULT

(By William Safire)

The U.S. government last week decided, in secret, to pay $70 million a month to American banks unable to collect loans to Poland, despite rules of the Commodity Credit Corp. that require the debtor first be declared in default.

Here are some documents—passed along by officials in defiance of lie-detector threats—that show how a craven State Department recommendation, rubber-stamped by national security adviser William Clark, takes the financial pressure off the Polish military junta by interfering with the CCC's normal guarantee requirements.

On Jan. 8, acting Secretary of Agriculture Richard E. Lyng wrote to then deputy NSC adviser James Nance, pointing out that loans from U.S. banks to Poland, which had been guaranteed by the CCC, were coming due along with direct loans in the amount of $70 million per month. ("We're like co-signers on a note," explains Lyng, "and when the debtor can't pay, the creditor comes to us.")

However, the CCC requires the banks to aggressively seek payment from the borrower before the government makes good on a bad debt. Was it OK, asked Lyng, to stick to the rules: to demand a declaration of default from Poland before paying the American banks?

On Jan. 16, three low-level officials at State sent to the White House a draft of an answer for the new national security adviser. "There is complete agreement," the memo states, despite disagreement by some defense officials, "that the USG should not take any action which increases the risk that Poland could be declared in default . . . it is imperative that USDA take all possible steps to avoid any inducement for banks with claims on CCC to call default. . . ."

Among these "all possible steps" were extraordinary means to get around the rules: "We therefore urge that you explore all possible methods under the CCC charter to authorize payments by the CCC in the absence of a declaration of default," and three such methods were suggested: "Through interpretation of the regulations, the issuance of a temporary and emergency amendment to the CCC regulations, or through the direct repurchase of CCC guarantees on other outstanding obligations covering credits to Poland."

That favored treatment to avoid pressuring Poland's oppressors had to be disguised, the memo indicated, because the administration had agreed with NATO allies two days before to withhold any rescheduling of the Polish debt: "While minimizing any increase in the risk of default, this interim method of settlement should also avoid being construed as a rescheduling of Poland's CCC debt."

In plain words, the appeasement crowd at State (with the acquiescence of Treasury) not only recommended that we subvert the financial pressures on Poland agreed to at NATO two days before, but that we turn the charter of the CCC upside down to do it—and then in such a secret way as to deceive the U.S. public.

Incredibly, the White House—in the person of William P. Clark, hero of hopeful hardliners—signed the memo, including the "complete agreement" canard. In its final form, sent to USDA 10 days ago, the White House order directs that American private banks who made risky loans to Poland be repayed with taxpayer dollars without requiring the usual pursuit of the debtor into default. The CCC will then send Poland a bill, to be payed when and if. Without the fact of default, that is de facto rescheduling.

Of course, Agriculture complied with the White House order. An emergency regulation was secretly promulgated. However, it was felt that the arrangement had such a reek to it that the seven members of the board of the Commodity Credit Corp., with a quorum available in Washington, D.C., could not be trusted to vote on this rape of the rules without objection or leak. So the no-default decision was made by departmental fiat, to be ratified later by the CCC board.

Lyng, a longtime California Reaganite, avoids all questions on this extraordinary regulation as "a national security matter," which it is not. He cannot deny that he received an order from the White House to authorize CCC payment without the normal demand of default.

Meanwhile, President Reagan—who has probably not been briefed on this, because his NSC briefer may not yet comprehend the import of the decision—blithely sails along, assuring one and all that more stringent methods are on the way unless Poland's junta eases off.

Just the opposite is taking place, the secret regulation giving the junta extraordinarily lenient treatment makes a mockery of pretensions of pressure.

In an eyeball-to-eyeball confrontation, the Reagan administration has just blinked. Poland's rulers can afford to dismiss the Reagan rhetoric because they have seen that the United States is ready to do regulatory nip-ups to save them from default.●

ASSASSINATION OF THE TURKISH CONSUL GENERAL AT LOS ANGELES

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LIVINGSTON. Mr. Speaker, several of my colleagues are denouncing the dastardly killing of Mr. Kemal Arikan, the Turkish consul general at Los Angeles on January 28, 1982, and I would like to join them in condemning the Armenian terrorist acts in the United States, Western Europe, and Australia.

The killings started originally in 1973 at Los Angeles where the Turkish consul general, the predecessor to Mr. Arikan, and the Turkish consul were assassinated by a gunman who had lured them to a motel room professing to give them information. However, since that incident no violence had occurred in the United States by the ASALA (Armenian Secret Army for the Liberation of Armenia) or the newer Justice Commandos of Armenian Genocide in the United States. It is true that some bombings did occur last fall in Los Angeles, but they caused no deaths or injuries.

This is indeed a deeply disturbing development, bringing foreign vendettas to the American shores as part of international terrorism.

The violence is also committed against diplomats in violation of the most elementary principles of international law: The sanctity of the person and property of the diplomats and against representatives of a nation who were our staunch and loyal allies ever since 1946.

May I express my sense of moral outrage and offer my condolences to the family of Mr. Arikan and the Turkish Government and ask for Federal investigation of these two terrorist groups so that their violence does not spread further in the United States.●

MINER DEATHS FORCE MSHA RELIEF, MORE NEEDED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. GAYDOS. Mr. Speaker, the administration has announced in the wake of an alarming surge in coalminer deaths that the Mine Safety and Health Administration will get a partial exemption from supply-side austerity, but still more thought should be given the agency's future.

The present problems may well be linked to fewer inspectors making fewer inspections, or less stringent inspections, but greater long-range problems could be in store.

MSHA is one of the agencies caught up in the administration's deregulation offensive, and in that campaign a chief goal is to superimpose economic considerations atop everything that is done.

Thus the emphasis at MSHA could change eventually from reducing deaths and injury to one of trading off an "acceptable" level of death and injury for increased production.

I do not suggest that this is the intent of the administration or anyone in the administration or of those who would greatly rewrite the law instead of fine-tuning it, but an increase in deaths and injuries is a foreseeable consequence of meddling with what has been effective.

The Assistant Secretary of Labor for Mine Safety and Health, Ford B. Ford, has not been on the job long.

And it is too early to judge whether his public comments around the time he was confirmed indicate that the deregulations signalcallers mean to attempt full application of "cost benefit" and "cost effectiveness" considerations to MSHA.

For the record, Mr. Ford's statements included these remarks:

The challenge is to avoid being an unnecessary impediment to production while providing for safety and health;

And, while enforcement is an important tool for attaining safety and health, it is by no means the only tool or the overriding tool.

Nevertheless, the administration's decision to restore 412 coal mine inspectors, and support staff, for what remains of fiscal 1982 and all of 1983 is welcome and necessary.

It means somebody recognized that a coal mine is a very dangerous place and that their theories did not take that danger into account.

But it should not have taken what the press reports as 50 miner deaths over the past 2 months to make them realize it.

Also for the record, so a similar realization will not dawn in another area after deaths increase, all mining is dangerous, whether of coal, metal or nonmetal, underground or surface.

And it is best to take the danger into account now rather than later. The agency should be judged, funded and allowed to function on the basis of what it is required to do—provide miner safety and health—rather than on economic theory.

It is, after all, the Mine Safety and Health Administration and there are no bills pending before Congress to rename it the Mine Safety, Health and Production Administration.●

PERSONAL EXPLANATION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Ms. FERRARO. Mr. Speaker, because of a personal family matter I was unable to be present in the House Chamber for the votes on House Joint Resolution 391, making urgent supplemental appropriations for low-income energy assistance, and House Joint Resolution 392, making urgent supplemental appropriations for unemployment compensation. Had I been present I would have voted "yea" on both House Joint Resolution 391 and House Joint Resolution 392.●

BETTER CHANCE AT EXPORT TRADE FOR SMALL FIRMS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BONKER. Mr. Speaker, during the recent district work period, I conducted a series of forums in the Third District of Washington State on H.R. 1799—legislation which I have sponsored to foster the creation of export trading companies (ETC's). These forums were sponsored in cooperation with the Washington Public Ports Association.

This legislation is vitally needed in the Northwest, which is suffering one of the most severe economic downturns since the Great Depression. In southwest Washington particularly, we are tremendously dependent on the wood products and housing industries for our economic health. The recent collapse of the housing market has had a double impact—and has resulted in double-digit unemployment for most of the Third District.

We must find ways of ending our undue dependence on the domestic economy, with its inevitable boom and bust cycles. One sure way is to look to the export market as a means of expanding and diversifying our economic base.

Export trading companies could provide a needed service and expertise to the many small lumber mills and other domestic manufacturers who lack the skill and know-how to export their products.

An expansion into the export market of the Pacific Rim for small and medium-sized businesses could be greatly facilitated by passage of H.R. 1799. The tremendous potential of ETC's was noted in two editorials in Washington State, in the Seattle Times and the Daily World in Aberdeen. I recommend these editorials to the attention of my colleagues.

[From the Seattle Times]

BETTER CHANCE AT EXPORT TRADE FOR SMALL FIRMS

(By Dwiglat Shear)

The Mount-Rainier-like presence of the Beoing and Weyerhaeuser Companies may have given many residents of the Puget Sound area an impression that exports are a game for giants only.

Not so. Numerous small American businesses live on exports. And thousands of additional small firms could take advantage of world markets if legislation principally sponsored by this state's 3rd District congressman, Don Bonker, is passed by the House.

The legislation would allow the creation and operation of export-trading companies (E.T.C.s).

Bonker has spent the last few days of the prolonged congressional holiday recess beating the drums for the E.T.C. bill in his home territory of Southwest Washington, where the woes of the forest-products industry have made talk of a recession passe. Depression is the word for it now. Oldtimers in the stagnating mill towns are reliving the 1930s.

Bonker sees the proposed Export Trading Company Act not as a cure-all, but certainly as good medicine for the economic ills of his district and of the state as a whole, given Washington's excellent port facilities and 24-to-36-hour advantage over California on Far East shipping routes.

"As we work toward economic recovery," Bonker says, "It may be a good time for local communities to reassess their economic bases and explore new ways to improve and expand their business opportunities. A good start is to reduce our traditional dependence upon the domestic economy, with its inevitable boom-and-bust cycles. We need to consider the great potential of foreign markets as a means of expanding and diversifying our economic base."

"Unique" is a much-abused word, but Bonker may be making proper use of it when he describes his export-trading-company bill as a unique opportunity to enable small and medium-sized firms to take advantage of the export trade.

"Export-trading companies," he says, "could provide a needed service to the many small lumber mills and other domestic manufacturers who lack the expertise to export their products.

"To these small enterprises, the barriers to foreign trade are immense—customs rules, different licensing standards and languages, unfamiliar marketing practices, and financing difficulties. To date, most small companies have found foreign marketing alien and confusing, and therefore have avoided it."

Of course, there are any number of consultants available to help small companies cut through those barriers. But there are two big obstacles to doing business overseas that even the most expert consultants often cannot breach—lack of financing and the uncertainties imposed by U.S. antitrust laws.

Those big barriers are the principal targets of the export-trading-company bill. It would deal with the capital problem by providing for limited bank investment in export-trading companies. And it would provide for limited antitrust immunity.

In acting favorably on the bill last year, the Senate Banking Committee rightly noted that banks—traditionally barred from most commercial activity—"appear to be the best intermediary between the potential U.S. exporter and the foreign buyer, because they already have offices at both ends of the chain and are already communicating with business people on both ends."

Another way of putting it is that the bill would allow U.S. banks to play a role that long has been part of the operation of many foreign banks.

The chilling effect on U.S. foreign trade of antitrust legislation, often of ancient vintage and passed with purely domestic considerations in mind, is a long, sad tale of Uncle Sam perpetually shooting himself in the foot.

As envisioned, the foreign-trading companies could provide small businesses with a wide range of services, from the most limited—just giving advice—to the most advanced, which would involve simply buying the product at home and reselling it abroad, assuming all the risk and responsibility.

Bonker is out in front on the bill in his capacity as chairman of the House Export

Task Force, a bipartisan caucus of some 100 congressmen interested in promoting export trade.

If there are hidden pitfalls in the proposal, the Senate was unable to find any. It passed the bill last spring, 93–0.

Since such unanimity would seem to put the measure in the "motherhood" category, what has held it up in the House? The answer is that since it deals in banking and antitrust activities, the Banking and Judiciary Committees, as well as the Foreign Affairs Committee, are involved. There was a certain amount of turf to be protected.

One hopes that the sensitivities of all concerned committee and subcommittee chairmen have now been assuaged, and that the House will act quickly to give the battered small-business sector of the national economy a tool it needs to compete more effectively on world markets.

[From the Aberdeen (Wash.) Daily World]

BONKER'S BILL A POSITIVE STEP

Congressman Don Bonker brought his trade export road show to Grays Harbor last week, trying to foster some interest in one of the most positive ideas to come along in quite a while for boosting the withered local economy.

Bonker's presentation was built around a bill he has introduced in Congress, H.R. 1799, that would allow banks and businesses to become partners in trading companies. These companies would be used to promote local products in lucrative overseas markets—most likely along the Pacific Rim.

The measure would change a law that now prohibits banks from investing in businesses that export and it would give the export companies protection from anti-trust suits once they were formed. This bill, if it becomes law, will offer a tremendous opportunity for Grays Harbor to stabilize and expand its economy. For example, says Bonker, small and medium-sized sawmills could form export companies that would market overseas the finished lumber that presently is so difficult to sell at home. When the domestic market improves, the mills would then be in a position to expand in order to meet the new demand or adjust overseas sales to match their capacities.

If current interest in diversifying the Harbor's industry bears fruit, new products could be planned with an eye to exports as well.

Of course, as usual, there's a catch of sorts in all this.

While H.R. 1799 would provide incentives for building up export trade, it would still take local initiative to get the job done.

If the turnout at Bonker's meeting last week—only about a dozen local businesses were represented, none of them banks—is any indication, that initiative may be a crucial factor.

In our business we often hear people complain that there's no "good news" any more. Here's an opportunity to drum some up.

God helps those who help themselves.

The passage of Bonker's bill wouldn't just free up export trading for Grays Harbor, it would do the same for competing areas as well. Failure to capitalize on this new opportunity might waste it if other communities beat us to the punch.

Bonker says his bill offers a key opportunity for Grays Harbor to create a market for its lumber in mainland China. The world's most populous nation burned up its timber for firewood centuries ago.

If we can establish ourselves as suppliers of finished lumber before the Chinese emulate the Japanese and get an extensive sawmill industry of their own in place, that would create a potentially boundless market and in turn steady jobs on the Harbor.

Another factor Bonker didn't mention was the possible effect of politics on export trading companies—and vice versa.

On the one hand, recent events in Poland and the resultant trade sanctions imposed by the president against the Soviet Union give a hint of problems the trading companies could face if relations between the U.S. and trading partners like China were to deteriorate.

On the other hand, the trade links created by H.R. 1799 would be an added incentive for national leaders to work even harder for stable relations and world peace.

Bonker's bill may not turn the Harbor's economy around by itself, much less achieve world peace, but it's a positive step in the right direction.

H.R. 1799 rates a longer look by Harborites than it got last week.●

A SALUTE TO CHURCH'S FRIED CHICKEN, INC.

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STOKES. Mr. Speaker, I take this opportunity to salute one of the most successful corporate giants in this Nation—Church's Fried Chicken, Inc., of San Antonio, Tex.

Mr. Speaker, when I use the business jargon, "corporate giant," it is to describe not only the sales record of Church's Fried Chicken but also the company's activism in the community. The combination of corporate sales success and social responsibility is indeed rare.

I am pleased to report today, Mr. Speaker, that Church's Fried Chicken, Inc., under the leadership of its president and chairman of the board, Mr. Roger Harvin are committed to serving equal portions of good fried chicken and corporate responsibility to the community.

Consequently, Church's Fried Chicken's presence in the 21st Congressional District community events has been evidence of their commitment to their patrons and intent on being a viable entity in the community.

Mr. Speaker, of particular note is the support that the company has provided to the 21st Congressional District caucus in its effort to meet the needs of the disadvantaged and the forgotten in the city of Cleveland. The actions of Church's Fried Chicken under the guidance of the district manager, Mr. Arnold Whitmore, are commendable.

The social concerns and actions of the company also have extended to other facets of the community. For example, the company donated 200 turkeys for Christmas baskets for the needy in Cleveland in 1981 and donated foods for other civic events.

These actions, Mr. Speaker, were undertaken with no expectation of reward or award from the community. However, these actions have not gone unnoticed in the community.

This sense of responsibility of Church's Fried Chicken to the community is based on a simple yet important premise. The people at Church's Fried Chicken are committed to being a part of the Cleveland community. Moreover, since their livelihood depends on the community, they know they have a responsibility to support the patrons that support them.

In a time of skyrocketing profits by big businesses, it is encouraging to note a company of rising social conscience like Church's Fried Chicken. Mr. Speaker, if Church's Fried Chicken's founder, Mr. George W. Church, Sr., were alive today, I am sure he would be pleased at the growth of the company both in sales and social commitment since its founding some 30 years ago.

I realize that no salute to the company would be complete without the appropriate background information on the history of the business. At this time, I would like to share that history with my colleagues.

At the time of the death of Mr. George W. Church, Sr., there were four Church's Fried Chicken stores open in the San Antonio area. Other members of the Church family continued the legacy and dreams set forth by Mr. Church and by 1962, the chain had grown to eight stores in San Antonio.

By 1962, Mr. George W. Church, Jr. came into the business and assumed chief operation responsibility. By 1967, the company established the first stores outside of the State of Texas.

Mr. Speaker, Church's Fried Chicken became a publicly held company in 1969. By the end of 1969, over 100 Church's stores were in operation in seven States. By the end of 1974, Church's was operating 487 stores in 22 States.

In 1976, Mr. Speaker, Church's Fried Chicken was noted by Financial World magazine as being the No. 1 growth company in America. The company was recognized again in 1977. This was the first time in the magazine's history that the same company was recognized 2 consecutive years.

Mr. Speaker, Church's Fried Chicken should be applauded for its efforts. Under the leadership of President Roger Harvin and guidance of Mr. Arnold Whitmore, it is no wonder that Church's Fried Chicken is a winner in the fried chicken market and leader of conscience in the corporate community.

With those thoughts in mind, Mr. Speaker, I ask my colleagues to join me in a salute to one of the corporate

giants in this country—Church's Fried Chicken, Inc.●

FLIGHT FOR LIFE

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. SANTINI. Mr. Speaker, Las Vegas, Nev., is fortunate in having available to its community a unique rescue team known as Flight for Life. This emergency medical team is one of a growing number across the Nation which utilizes jet-powered helicopters to race to accident scenes and affect rescue of persons in life-threatening situations.

Flight for Life in its 2-year existence has compiled an impressive record in Las Vegas. To date it has flown 1,009 missions covering 113,284 miles and rescued 1,094 persons. Each flight mission is equipped with the most advanced medical equipment and carries two registered nurses. The flight team maintains constant contact with hospital personnel throughout the flight giving the injured parties the best chance for survival.

The celebration of Flight for Life's second anniversary will culminate in a grand ceremony next week, but today, on the date of its opening in Las Vegas 2 years ago, I would like to offer this proclamation:

Whereas Flight for Life has provided rapid transportation to medical facilities for critically ill and injured persons via helicopter;

Whereas nearly 1,100 patients from four different States have been serviced by Flight for Life in the 2 years of its existence;

Whereas Flight for Life connects the staffs and facilities of 20 urban and community hospitals as well as numerous emergency medical service providers to foster vital cooperation among these providers;

Whereas other communities should be encouraged to adopt services similar to Flight for Life, and;

Whereas February 10, 1982, marks the second anniversary of Flight for Life in Las Vegas, Nev.: Now, therefore, be it

Recognized, That the Nation owes a debt of gratitude to Flight for Life for its contribution to life savings operations across the country. It is sincerely hoped that Flight for Life will flourish and expand to bring its rescue operations to more and more communities making emergency medical attention a dependable source of aid in times of crisis.●

ST. LUCIA: NEW CRISIS IN THE CARIBBEAN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LIVINGSTON. Mr. Speaker, there is still time for the United States to exercise its considerable moral suasion on behalf of democratic, pro-American factions in St. Lucia, a small but significant Caribbean nation which has been the object of intense interest on the part of such luminaries as Guyana, Libya, Grenada, and—is it possible?—Cuba. In the belief that "an ounce of prevention is worth a pound of Nicaragua," I commend to my colleagues the following article prepared by the Council for Inter-American Security Educational Institute. The article raises serious questions about St. Lucia's upcoming elections, in that the campaign of the Castroesque candidate of the Progressive Labor Party, George Odlum, is likely being funded by the same people whose idea of a good public works project is a Cuban airfield in neighboring Grenada.

ST. LUCIA: NEW CRISIS IN THE CARIBBEAN

The tiny Caribbean island-nation of St. Lucia is experiencing a political crisis that could lead to the installation of a pro-Cuban regime.

The Prime Minister resigned on January 16, an interim government was appointed, and the Parliament will be dissolved on February 6. There will be new elections this spring.

One of the two leading candidates for Prime Minister is a radical leftist who admires Fidel Castro and the People's Revolutionary Government in nearby Grenada. He is reported to be receiving money for his campaign from abroad, and it is suspected that the sources include Cuba.

The crisis in St. Lucia began last month, when the government of Prime Minister Winston Cenac proposed a bill to allow Members of Parliament to receive fees for drawing up contracts and rendering other "professional services." The bill would also have extended the deadline within which Members of Parliament must account for the subsistence allowance they are paid.

The proposed legislation caused an uproar. The two opposition parties protested that the changes, which would have been backdated to 1979, were aimed at saving the parliamentary seats of Members of the government party who had broken the law regarding conflicts of interest and prompt accounting for expenses.

Four major labor unions demanded the immediate withdrawal of the bill, which they called an endorsement of corruption. The Chamber of Commerce and the Small Business Association called on businesses to close their doors in protest.

Commercial establishments and government offices were shut down for almost a week, as the business and labor communities called for the resignation of the government over its alleged corruption and mishandling of the economy. Police had to move in with machine guns and batons to protect government leaders from hundreds of opposition supporters who marched on Parliament.

Finally, Prime Minister Cenac resigned. He agreed to an eight-member interim administration, which includes a representative from each of the political parties: Cenac's St. Lucia Labor Party, the United Workers Party (UWP), and the left-of-center Progressive Labor Party (PLP).

The Prime Minister of the interim government is the PLP representative, Michael Pilgrim. Pilgrim was sworn in on January 17.

The PLP was born last year when a leftist faction within the St. Lucia Labor Party broke away and formed a new political party. The PLP's leader is George Odlum, a former Foreign Minister and Minister of Information.

The PLP has three members in the lame-duck Parliament, and the UWP five members. This gives the St. Lucia Labor Party, with its nine Members of Parliament, a slender majority of one.

But the political landscape has dramatically changed. Cenac's St. Lucia Labor Party is widely discredited and is given little chance of winning a majority in the new Parliament. The elections will most likely be won by the PLP or the UWP.

The UWP, led by former Prime Minister John Compton, is generally Western-oriented and supports close ties with the United Kingdom, Canada, and the United States.

On the other hand, the PLP is clearly left-wing. Party leader George Odlum employs populist rhetoric and campaigns in an army cap and fatigues in the style of Fidel Castro. In a recent interview with Radio Free Grenada, Odlum complained about "international threats and coercion" in the eastern Caribbean, clearly referring to U.S. criticism of Grenada, a pro-Cuban dictatorship about 100 miles from St. Lucia.

Odlum, a charismatic figure and a skilled public speaker, is reported to be in the strongest position to win the coming election and become St. Lucia's next Prime Minister. Aside from his popular appeal, Odlum's fortunes are boosted by the fact that the interim Prime Minister is a PLP representative. Moreover, the PLP is said to be receiving financial support from outside the country.

"Everyone knows they are getting money from outside," says a St. Lucian who asked to remain anonymous. Odlum is widely believed to have received a quarter of a million dollars in March 1981 through a bank in Martinique. The sources of this financial aid are suspected to have included Cuba.

A wild card in the St. Lucian deck is Peter Josey, the Foreign Minister in the Cenac government until last Fall. Josey, who has close ties with Guyana's Forbes Burnham, went to Libya last year. After his return, he launched a new newspaper, Etoile.

The newspaper has apparently experienced no financial problems, not even when getting started, and has even offered to run ads for free. This is quite unusual in St. Lucia and has raised the eyebrows of observers who question the source of the newspaper's finances. Josey is alleged to have received funding from Guyana and Libya.

What will Josey do now? It is rumored that he may start his own party. Or he could throw in with Odlum. There are also reports that he has been selected as the new leader of the St. Lucia Labor Party.

In any case, St. Lucia is fertile ground for left-wing demagogy. The economy revolves around bananas and tourism, and at least 30-35 percent of the population is unemployed.

What would happen if Odlum wins the uncoming elections? At the very least, St.

Lucia could be expected to move closer to Cuba and Grenada, where basic freedoms are suppressed in the name of revolution. An ominous portent of what Odlum might do as Prime Minister lies in the fact that, as Minister of Information, he once shut down a radio station that criticized him.

But the consequences of an Odlum victory would not be limited to St. Lucia. There are already rumblings on the nearby islands of St. Vincent and Barbados, where the governments could well be toppled if St. Lucia joined Grenada as another left-wing regime in the eastern Caribbean.

All these islands are extremely important strategically. 52 percent of all imported U.S. oil passes through the deep water channel alongside them, and the oil fields of Venezuela lie not far away.

The Cubans have been quick to recognize this. They are building on Grenada an air field with a 9,100-foot runway that "will allow operations of every aircraft in the Soviet/Cuban inventory," according to a recent State Department report entitled "Cuba's Renewed Support for Violence in Latin America." "The airport will give Cuba a guaranteed, Cuban-controlled point for military flights to Africa," the report says.

The case of St. Lucia should be viewed within the framework of the larger subject of subversion and revolutionary change in the Caribbean. Some observers fear that St. Lucia could be the next in a series of planned takeovers supported by Cuba and other Soviet allies.●

AID TO SMALL BUSINESS EXPORTERS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. IRELAND. Mr. Speaker, today I had the pleasure of participating in a press conference to announce the release of a new publication to aid small business exporters. The Department of Commerce's International Trade Administration has compiled the publication entitled "A Basic Guide to Exporting." William Morris, Assistant Secretary for Trade Development, Senator RUDY BOSCHWITZ, chairman of the Senate Subcommittee on Export Promotion and Market Development and Mike McKevitt, director of Federal legislation for the National Federation of Independent Business, joined with me in presenting this publication to the public.

As chairman of the Small Business Subcommittee on Export Opportunities and Special Small Business Problems, I am well aware that small- and medium-sized businesses constitute an untapped pool of export potential. Many U.S. companies could export successfully, but do not. Small business, with its very limited resources and access to information, just cannot possibly know the market conditions that exist around the world. They are often reluctant to explore foreign markets as a source of additional sales. Their reluctance stems from them not knowing where to find out which countries want to buy the things that they produce. They fear the mechanics of selling, shipping, and particularly getting paid in the foreign markets. Until now, they just have not known how to go about getting assistance or consolidating the vast amount of information that is available.

Now there is a new hope for the potential exporter. With the use of this guide, small businessmen may be more willing to broaden their marketing base outside of the United States—and we can all benefit from this. The rewards for investing the time and money into export expansion can be very substantial. The substantial growth of the U.S. economy can be assured, more jobs will be created to offset rising unemployment, the vital small business sector will be stimulated, and the sagging dollar will be enhanced.●

THE AGONIES OF IRELAND

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. FOLEY. Mr. Speaker, I would like to draw attention to the following articles in the series "The Agonies of Ireland" published by the Philadelphia Inquirer, which I believe will be of continuing interest to my colleagues.

[From the Philadelphia Inquirer, Dec. 14, 1981]

THE AGONIES OF IRELAND: THE PROTESTANTS

(By Michael Pakenham)

George Washington, one of at least 11 U.S. Presidents of predominantly Ulster Protestant stock once declared: "If defeated everywhere, I will take my last stand for liberty among the Scotch-Irish of my native Virginia."

There are many people on the island of Ireland today, and perhaps more in Britain, who wish Washington's forebears had been joined in their immigration to America by all of Ulster's Protestants, leaving the island predominantly—or, better yet, entirely—Catholic. The inescapable truth of the matter is that enough remained to leave more than one million of them there today.

Most are, if anything, more determined to remain in their land of 10 generations and more, and to protect what they see as the irreducible core of their rights and liberty, than were their ancestors—and George Washington—at the time of the American Revolution. They are of the root stock not only of Washington's fellow Virginians, but of more than two centuries of conquest of the American frontier.

Who are they today? They are Presbyterians, 406,000 of those—but hardly homogeneous, with breaks and schisms, theological, traditional and political among them. They are Church of Ireland, 334,000 members of the Anglican Communion, like American Episcopalians, but with the bond beyond that of being part of the spiritual body which is the Church of England and of which the British sovereign is the eternal and constitutional defender. They are Methodists, Baptists, Congregationalists and Unitarians and evangelicals who put bumper stickers on their cars declaring special chumminess with Jesus and are fond of quoting the more extreme statements of America's Moral Majority.

They are drawn together simply and solely by not being Roman Catholic, as are 478,000 of their fellow Northern Irish. The Roman is important to some. Northern Ireland is the only country left on earth in which the word popery is still used, without hesitation or shame, in otherwise polite conversation.

They are hardy people, from Scotland and England more centuries ago than allows them to feel even wistfully at home when they visit there. They are people who came to Ireland, as many later came to America, to meet and to conquer a challenge, with hard work, a clear eye on material security and a willingness to fight for all that.

The Protestants of Northern Ireland also are, in the astronomical sense, a black hole in the history of Ireland, and of Britain—and of their attendant woes.

Among British politicians, there is a sense of pained burden about the "Irish problem," which sometimes breaks out as impatience, and thus as foolishness. But by and large leaders not only of the Conservative Party but of the Labor, Liberal and nascent Social Democratic Parties as well, in private interviews and in usually guarded public statements, seem to share one anxiety about it. It might perhaps be best expressed as "Who will rid me of these pestilential Presbyterians?"

Throughout two centuries and more of history, the Protestants of the North have been ignored by British politicians—until it has been too late to deal with their fears and their force.

Politicians of both major parties in the Irish Republic, and those of the splinters as well, in varying degrees share that unresolvable anxiety. Thus, they traditionally have been reluctant to take on—or, finally, really seriously to consider—the problem of the Protestants of the North.

They call themselves Ulstermen from the ancient province of Ireland in which they live, though they are unwelcomed neighbors, at best, to other Irishmen.

They call themselves Unionists, although their union with Britain, of which they constitute no more than 2 percent of the total population, is a nagging annoyance to most other Britons.

They call themselves Loyalists, although the United Kingdom and crown to whom that loyalty is appended would be happier, and better off—economically, politically and certainly in Irish and world opinion—without them.

They speak with often wounded pride of their contributions to the defense of Britain, and the Allies, in World Wars I and II, when the South was neutral, and thus strategically threatening. And yet they are aware that British troops, after a dozen years of the present "Troubles," are very much present, primarily to prevent the Protestants from reasserting full policing power and with it savaging Catholics in a far more brutal manner than is the present case—and that is bad.

Today, by preserving their relative advantages over their Catholic neighbors, they dominate the local industry and trade. Even in a severely depressed economy—as is the rest of Britain but exacerbated by the chill-

ing effects of violence—they are, on average, far better off than their Catholic neighbors, with higher incomes, less unemployment, more local land and property ownership and an insuperable voting majority.

So the Protestants of Northern Ireland, now as for generations, are ignored or patronized, at best, and at worst reviled or feared by virtually everybody but themselves. Although it seems astonishing to the outsider, many of them—perhaps most—really don't give a damn. They know where they are, and that is where they belong. And from their beginnings there, they have been advantaged, at least in contrast to their Catholic neighbors.

Many are decent, intelligent, solid, rational, humane people—as their American cousins would expect. Others, in large, potent and dangerous numbers, are obsessed by a single concern. Unlike their compatriots who went to America and elsewhere, they feel they have no place to go.

Their obsession is to see the Irish Republic, in the words of R. L. McCartney, an exceptionally sensitive, well-established senior Belfast lawyer who at considerable risk has made overtures of reconciliation to the politicians of Dublin, as an "irredentist and theocratic chrysalis."

They feel themselves unloved and unwanted by Britain, which anyway is hardly a compelling magnet for immigration.

Where to go, if they wanted to go? Africa? Australia? America? Hardly, or they would have gone a century, or three, ago, when the going was good. And if they did want to leave, who is there to sell out to? Northern Ireland land, homes and businesses are not in a seller's market, if there's any market at all.

So they stay. Though they are the overwhelming majority in Northern Ireland, they behave as a chronically endangered minority, with survival in jeopardy, ready to do battle.

Their politics are dominated by the survival theme: shifting, volatile, with parties and splinters rising and falling quickly, all explosively susceptible to demagoguery by the ugliest of tribal fears. The merest hints of reconciliation with their Catholic neighbors tend to be punished, on the stump and at the polls and extremism is rewarded.

Outsiders, especially Americans, tend to look, if they look at Ulster's Protestants at all, more at the violent and demagogic extremes than at the vastly greater numbers of skeptical, taciturn moderates. But extreme or moderate or even courageously progressive, the Protestants are not going to disappear. And one of the most important lessons of the last two centuries and more of Irish history is that if their anxieties are not faced head on, the greatest likelihood is that they will take their "last stand for liberty" in violence.

[From the Philadelphia Inquirer, Dec. 16, 1981]

THE AGONIES OF IRELAND: THE PROTESTANTS' FUTURE?

Anyone who has hope that peace will prevail on the island of Ireland, whether that be in ultimate political unification or in some form of reconciliation short of that, must give serious attention to the Protestants of Northern Ireland. To neglect that, tempting as it has been through two centuries and more of troubled history, is to foredoom any effort on behalf of peace.

That imperative is as important to Americans of good will—private citizens and government officials alike—as it is for the Irish or for the British. American impact on the future of Ireland has vast potential for good. Misplaced, it has an equal potential for contributing to greater disaster than is tormenting Ireland today.

Underlying the political oratory of the Protestants there is the never forgotten potential for survivalist insurrection. They are acutely aware that time and again survival has led them to take up arms, often against the law, the established order and even the crown. Would they do so again? Few would question that.

The terrorists of the Protestant community have matched the blood-thirstiness of the IRA—and sometimes more. They have butchered Catholics and Protestants alike—the former ostensibly for retribution, their own for the sake of internal discipline in their paramilitary ranks.

Could they effectively raise that level of violence to civil war?

By conservative government estimates, there are approximately 110,000 legally owned guns held by private citizens in Northern Ireland today. More than 7,000 of them are pistols, about 74,000 shotguns and the rest rifles. Most of the shotguns and rifles are held by farmers and sportsmen, in a very rural country.

No one will estimate the number of weapons or the quantity of ammunition held illegally by the paramilitary forces based in the Catholic and Protestant communities, but they are openly assumed to be large. There is no statistical breakdown of the legally held guns in terms of Protestant or Catholic ownership. It is an accepted fact, however, that Protestants have far more weapons than Catholics, and enough, if a civil war were to break out, to arm a paramilitary drive of proportions which could wipe out entire sections of Belfast and other Catholic areas.

The most politically evident Ulster Protestant is the Rev. Ian R. K. Paisley, minister of the offshoot Free Presbyterian Church and a member of the British Parliament. A huge, eloquent man, he affects the title Dr. along with his others, based on an honorary degree from Bob Jones University, the ultraconservative Protestant institution in Greensboro, N.C.

Mr. Paisley does not need to affect his power among Northern Ireland's Protestants. He is one of those rare, long personal forces to whom the word "charismatic" is not misapplied. Among more moderate Unionists, who probably constitute a majority, and among virtually everybody else involved, in Ireland, Britain and elsewhere, he is the most pestilential of all the Protestant extreme.

He does not separate his political role—head of the Democratic Unionist Party—from his preaching one. He leads demonstrations, marches and rallies at the faintest drop of a British or Irish slight. He adamantly disavows violence, insisting, however, that "I'm amazed the Protestant population has been so law-abiding. . . . It's amazing that there hasn't been more dreadful retaliation" against the IRA and Catholics generally. After the IRA's murder of the Rev. Robert Bradford, a Methodist minister and member of Parliament, Mr. Paisley said: "We will have men on the streets. The British government has decided that the war on the IRA is not to be won. But they can't govern Northern Ireland without us."

He is an absolutist about many things—outspokenly a Puritan, anachronistic as that sounds to American ears. "The English have a feeling of guilt with regard to Ireland," he tells an interviewer. "They feel they didn't treat Ireland too well in the past. So get rid of those Protestants, they feel. . . . We're Puritans. We'll just not do it [be gotten rid of]. The Ulster Protestant is a Puritan, yes, and a stubborn man. He's not going to be kicked around by anybody."

He's categorical about democracy too, insisting on the supremacy of the ballot box—which in his printed statements and emphatically in conversation is capitalized: "Ballot Box." He'll stand with the voting majority in Northern Ireland, he says, knowing that's two-thirds non-Catholic. And he'll go on insisting on unalloyed majority rule—with, at the very most, a "bill of rights" for the minority.

Is that Puritan, he's asked? What is Puritan?

"Surely you know, you Americans."

He's told the story of H. L. Mencken being asked the same question after a lecture on American political thought, and of Mencken's answer, paraphrased: Madam, the only answer you need is to remember that the Puritans of the Massachusetts colony outlawed bear-baiting not because of the pain it gave the bear, but because of the pleasure it gave the spectators." Ian Paisley sits silent for a long moment. He does not smile. Finally, he speaks: "You understand."

Mr. Paisley is an unequivocal man. The most unequivocal of all his positions: "There can be no role whatsoever for the Irish Republic in the future of Northern Ireland."

In that, Ian Paisley is not alone. His absolutism does not necessarily speak for the ultimate majority. Some argue, however, that given any real threat even of the beginnings of integration with the Irish Republic, the majority of Protestants will gather around Mr. Paisley—or be drawn to his absolutism, with other leaders following.

Not every Protestant agrees, though there is relatively little outspoken public expression of the opposing view. "Someday, there will be unification" a Belfast Protestant cab driver says, "if the world lasts that long. If only the politicians would stay out of it, we'd all be better off."

And a senior Northern Ireland civil servant, a Protestant, purportedly a "target" for IRA assassination, speaking off the record, says: "The Protestants of Northern Ireland are going to have to establish an identity. They're half British and half Irish. They're unaccepted by the British and unaccepting of the Irish. Once they've determined what they are, they must establish a course. That inevitably must be that they will become Irish. It will be a process of education, in which Paisley et al. are the greatest obstacle."

There can be no question—there is none—that virtually everyone in Ireland today would be better off without violence, fear, sectarian polarization, demagoguery and the grim prospect of more, and worse, of the same.

There also can be no question that the sole significant obstacle to the end of all that is the unwillingness, or the inability, of the Protestants of Northern Ireland to accept any substantive steps toward unification with the Irish Republic. The IRA and other terrrorists would have no base and only wisps of support if it were not for that.

The question, then, is not what should occur, but if it is possible.

Garret FitzGerald, whose father was a southern Catholic and whose mother was an Ulster Protestant, is prime minister of the Irish Republic. He has undertaken a "cru-

sade," in his words, to "re-unite my family." How? It is complex, and at best the work of many years. But, as Mr. FitzGerald said in the Parliament in Dublin on Oct. 9: "It is our job in the south to create those circumstances where the minority among the Unionists [who today consciously favor unification] grow, and whereby the people of Northern Ireland may ultimately give their consent to a new and peaceful arrangement in Ireland."

The Protestants of Ulster are listening. Their immediate responses range from scornful rejection to the wan hope of moderates who've watched their efforts smashed time and again by the extreme. To that, Mr. FitzGerald says—and every rational Irish man and woman, North and South, agrees—the republic must be the suitor.

The Protestants of Ulster remain a cold, self-reliant, frightened and difficult tribe, with as little enthusiasm for flirtation, much less for wooing, as any Puritan spinster ever had.

If they are to warm to that wooing, and thus enter the long, slow but vitally important process of drawing together in common interests with the rest of the population of the island, they will need support and encouragement—and understanding. In that, Americans, and America, have important roles to play.●

1982 CATHOLIC SCHOOLS WEEK

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DOUGHERTY. Mr. Speaker, all last week, throughout the Archdiocese of Philadelphia, there was a celebration of Catholic Schools Week. And it was a joyous one, because it is part of our great American tradition of love of our children, their education, and their well-being.

Parents who willingly support the public school system make additional financial sacrifices to send their children to Catholic schools; dedicated administrators and teachers work with limited resources to provide an education for these children which combines sound academic education with doctrinal instruction.

Ours is a land dedicated to religious freedom, a land committed to education as a way to insure that our role in the world is one marked by intelligence and compassion. To quote Pope John Paul II, "Part of our Catholic education is to learn to see the needs of others, to have the courage to practice what we believe in."

I offer my own personal congratulations to the Catholic schools in the Archdiocese of Philadelphia for a vital job being very well done indeed. I know my colleagues in the House join me in wishing my fellow Philadelphians continued success in their work.●

A SALUTE TO ESTELLE L. BASKIN, JAMES R. DONAHUE, ARTHUR W. FISKE, RICHARD A. GALLITTO, AND MARY P. GOODLEY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STOKES. Mr. Speaker, the effectiveness and worth of our public servants cannot be minimized. These are the individuals who work, seemingly tirelessly, so that essential and quality service can be delivered to our citizens.

With those thoughts in mind, it is a pleasure to join with the Cuyahoga County Bar Association in saluting five outstanding public servants who collectively have served the public for over 160 years.

The exemplary work of the honorees has provided the framework for the orderly and efficient operation of the court system in Cuyahoga County.

Speaking on behalf of all the residents of the 21st Congressional District, I applaud the work and contributions of these public servants. I also salute the Cuyahoga County Bar Association for taking the time to provide the accolades and appreciation luncheon that these individuals so justly deserve.

Mr. Speaker, at this time, I would like to enter some important information on each of the persons to be honored at the 36th Annual Public Servants Merit Awards Luncheon on February 17, 1982.

ARTHUR W. FISKE

Mr. Speaker, Mr. Arthur W. Fiske, with the Cleveland Law Library for 47 years, heads the list of the five public servants to be honored by the Cuyahoga County Bar Association.

He is a 1933 graduate of Western Reserve University Law School and joined the Cleveland Law Library in 1935. He has also served as a member of the Ohio House of Representatives, foreman of a county grand jury, an instructor of law, and president of the Cuyahoga County Public Library.

ESTELLE L. BASKIN

Our second honoree is Ms. Estelle L. Baskin. This exceptional public servant is a graduate of Heights High School and became a public servant as a typist with the county clerk's office in 1952. Six years later, she was employed in the Torrens land division of the county recorder's office. Since 1963, she has served as the secretary-receptionist in the recorder's office.

JAMES R. DONAHUE

Mr. James R. Donahue, recently promoted to the post of chief deputy and administrator of probate court, is another honoree.

Mr. Donahue is an alumnus of Kent State University and graduated from the Western Reserve Law School in 1957. After 6 years as a law clerk and partner in the private law firm of Gorman, Arthur & Scholfield, Donahue was appointed as a referee in 1961 in the land sale unit of the probate court.

From 1965–79, he served as a referee supervisor of that department. Donahue is a part-time instructor in real estate law at Community College. During the Korean war, 1950–52, Donahue earned a Bronze Star as a first sergeant in the Medical Corps of the 7th Infantry Division of the U.S. Army.

RICHARD A. GALLITTO

Mr. Speaker, Mr. Gallitto was awarded a B.S. degree from Western Reserve University in 1951 and immediately was conscripted as a cryptographer in the U.S. Army Signal Corps.

He was attached to the Atomic Energy Commission Joint Task Force at Eniwetok, Marshall Islands Atomic Recovery Grounds.

After joining the juvenile court in 1953, he did graduate work at Cleveland State University in urban studies. He also received special training in statistics and research at the National Center for Juvenile Justice in Pittsburgh and at the Juvenile Court Management Bureau of the National College of Juvenile Justice at Reno, Nev.

Mr. Gallitto is currently serving as the court's statistician with the responsibility of assigning probation officers for every unruly and delinquent child registered there.

MARY P. GOODLEY

Ms. Goodley joined the county clerk's office in 1952. She has remained with the clerk's office for 30 years and ultimately achieved on July 3, 1978, her present post, manager of the clerk's Southgate branch auto title office in Maple Heights. During her three decades of employment, Ms. Goodley has been an index clerk, an oath counter person, a title cashier, and finally, branch manager.

County Clerk Gerald E. Fuerst says:

Ms. Goodley runs her office effectively, courteously serves the general public and faithfully accounts for and secures all documents and moneys entrusted to her.

Mr. Speaker, the committee arranging the 36th annual luncheon is comprised of Franklin Polk, Hon. Harry Auslander, Harold Seiman, David Arnold, Jucien Karlovec, Jr., Fred Mandel, Irvin M. Milner, Nelson Moss, Bernard Nosan, Martin Lentz, Ranelle Gamble, and Arthur T. Wincek.

At this time, Mr. Speaker, I would like the Members of the House to join me and the Cuyahoga County Bar Association in saluting this year's recipients of the Public Servants Merit Awards. Indeed, they stand as a shin-

ing symbol of excellence and a challenge to us all.●

TIME TO SET COMMITTEE SPENDING LEVELS

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. DUNN. Mr. Speaker, the time is almost upon us to set the spending levels for the committees of this House. Already proposals are circulating to increase this spending, what is getting to be a routine practice. Increasing our own spending while important social programs are being cut, and while unprecedented deficits and interest rates continue to threaten our economy, is the height of irresponsibility.

Last year I introduced a resolution, House Resolution 98, to cut back the spending of our committees. Within just a few days, 85 Members signed on to this resolution, including all 52 freshmen Republicans.

I ask these colleagues, and all other responsible Members, to join in sponsorship of a similar resolution which I have introduced today. This legislation simply refuses to allow total committee funding authorization levels for the second session of this Congress to exceed such money spent last year. This ceiling is the least we should expect from a House concerned with current economic realities and a population suffering therefrom.

I cannot, in good faith and without embarrassment, return to my district and ask my constituents to cut back, knowing that we have approved an increase in committees' funding over last year.

I urge the House to set an example and cut its own budget first.●

REAGAN FOULUPS—WHO IS IN CHARGE HERE ANYWAY?

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Ms. FERRARO. Mr. Speaker, the President's fiscal year 1983 budget and New Federalism program present some very basic issues regarding the economy, our system of government, and how the two fit together.

If we are to deal with these issues successfully, it is extremely important that we have an accurate and thorough knowledge of what the problems are and what is going on in the "real world."

If any of my colleagues have qualms about the firm and steady hand guiding our ship of state, I would refer them to the February 1 issue of Time magazine, where there appears an assortment of misstatements, errors, blunders, and inaccuracies uttered by the Great Communicator during his latest press conference.

As the article makes clear, the President seems to have some difficulty remembering how many people are out of work, where they can look for jobs, exactly what the law is on tax exemptions for segregated schools, what his mail says, what the laws he signed as Governor did, and how his budget cuts are affecting delivery of services to the elderly.

The President has a program, he tells us. That's good, but it would be better if he seemed to know what it is and what it's doing.

The Time magazine piece follows:

THERE HE GOES AGAIN . . .

(To the chagrin and embarrassment of his aides, Ronald Reagan over the years has displayed an uncanny, if unintentional, knack for misstating, misusing, or just plain missing the facts. In his press conference last week, the Great Communicator may have set a personal record in miscommunication. The most conspicuous gaffes:)

UNEMPLOYMENT

When asked about the nation's 8.9 percent unemployment rate, Reagan claimed that, "comparing this to the beginning of our term, there are a million more people working than there were in 1980." Well, that's not quite the point. Besides, the latest monthly statistics indicate that about 100,000 fewer people were working last December than were on the job twelve months earlier. The next day, the President tried to explain to some government officials what he really meant. He said that his staff had averaged the monthly employment figures for 1980 and 1981, instead of simply comparing the statistics for the two Decembers. Thus he claimed there were on the average 97,270,000 people employed in 1980 compared to 98,318,000 in 1981, "which is 148,000 more working in 1981 [than in] 1980." A comparison was still apples and oranges, and the President missed by a million again. He should have said there were 1,048,000 more people working in 1981 than 1980.

HELP WANTED

Asked about the unemployment rate of blacks, now at 17 percent, Reagan referred job seekers to the previous Sunday's Washington Post. "There were 24 full pages of classified ads,"he said. "What we need is to make more people qualified to go and apply for those jobs." Yet many jobs listed on those 26 (not 24) pages—cellular immunologists, computer operators, psychiatric nurses—demanded skills far beyond those of most unemployed workers. And the Administration scuttled about one-third of federal job-training programs in last year's round of budget cuts.

SEGREGATION

In defending his decision to revoke an Internal Revenue Service rule barring tax-exempt status for racially segregated schools, Reagan claimed that "what we were trying to correct was a procedure that we thought had no basis in law." The thought was wrong. The U.S. Supreme Court in 1971 upheld a lower court ruling that the IRS had not exceeded its legal authority in prohibiting exemptions to schools that practice discrimination.

THE POPE

Answering a question about the U.S. sanctions against the Soviet Union after the crackdown in Poland, Reagan said that he had received a letter from Pope John Paul II and that the Pontiff "approves what we've done so far." The papal message did not mention the sanctions, and the Vatican issued a statement insisting that the Pope had only praised Reagan for supporting "the aspiration of [Polish] people for liberty."

ABORTION

Asked whether he would allow one of his daughters to have an abortion if she had become pregnant after having been raped, Reagan shied away from a direct answer. But he sadly observed that, as governor of California, he signed an abortion law in 1967 that "literally led to abortion on demand on the plea of rape." Not exactly. The rape provision in the California law accounted for only a small percentage of abortions; most of the operations were performed under another section that protected the "physical or mental health of the mother."

PIMA COUNTY

As an example of how local programs can be run more efficiently, Reagan lauded a federally funded hot meal program for the elderly in Pima County, Ariz. He claimed that the project once cost "fifty-some thousand dollars," but that only $3,000 was spent on food while the rest of the funds paid for staff and overhead. Today, Reagan said, volunteers run the program, $6,000 is budgeted for food, and the other costs have been scrapped. Not true. According to Frances Freeman, the project's director, $5,000 was spent on food last year and administrative costs still totaled $50,000.●

THE BUDGET DEFICIT

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. EDGAR. Mr. Speaker, this is the week to be reminded of budget numbers and projections of deepening deficits. For the record let us look at the facts of deepening fiscal concern: The budget deficit—

DEEPENING DEFICITS

[In billions of dollars]

	Fiscal years (as projected)		
	1982	1983	1984
Carter budget, January 1981	−$27.50	−$8.00	$32.00
Reagan budget, March 1981	−45.00	−22.80	0.50
First budget resolution, May 1981	−37.65	−19.05	1.05
OMB midyear revisions, July 1981	−42.50	−22.90	0.50
CBO estimates, September 1981 [1]	−65.00	−55.00	−50.00
OMB estimates, December 1981 [2]	−109.10	−152.30	−162.00
Reagan budget, February 1982		−91.50	−82.90

[1] Midpoints of CBO projections.
[2] Preliminary estimates without further spending cuts or tax increases.

Source: Congressional Quarterly.●

THE MEDIA'S WAR IN EL SALVADOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. MICHEL. Mr. Speaker, the editorials in the Wall Street Journal are justly admired for their clarity, their accuracy, and their ability to get to the heart of the matter. These qualities are all evident in "The Media's War," an editorial in which the Journal brings up serious questions about the kind of reporting that is now being done about the El Salvador situation. I urge all our colleagues to read it—and I hope it is read in the editorial offices of every major newspaper in this country. This is journalism at its best.

At this point I insert in the RECORD, "The Media's War" from the Wall Street Journal, February 10, 1982.

The editorial follows:

THE MEDIA'S WAR

A crucial debate on whether the U.S. will step up its aid to the government of El Salvador or leave that government to the tender mercies of Fidel Castro is shaping up in Congress. Central to the debate are public perceptions of what has been going on in El Salvador, and it is quite evident that those perceptions are badly confused. No small part of the problem, it seems to us, is the way the struggle is being covered by the U.S. press.

The El Salvador story is complex. The killing that has been under way there for a decade has reflected a society trying to wrench itself out of Latin-style feudalism. Extremists of the right and left do most of their murder in the dark of night. Some of both factions are soldiers, but both have also learned long ago the trick of dressing in military uniforms to confuse their victims. Both sides wage propaganda, aimed mainly at the U.S. and Europe. In such a whirlpool the truth is hard to discern.

Take the recent controversy over charges of a "massacre" by an elite battalion of the El Salvadoran army. On January 27, Raymond Bonner of the New York Times and Alma Guillermoprieto of the Washington Post simultaneously reported on a visit to rebel territory, repeating interviews in which they were told that hundreds of civilians were killed in the village of Mozote in December. Thomas O. Enders, assistant secretary of state for Inter-American affairs, later cast doubt on the reports. There had been a military operation but no systematic killing of civilians, he said, and anyway the population of the village was only 300 before the attack in which 926 people supposedly died.

When a correspondent is offered a chance to tour rebel territory, he certainly ought to accept, and to report what he sees and hears. But there is such a thing as being overly credulous. Mr. Bonner reported "it is clear" the massacre happened, while Miss Guillermoprieto took pains to say that reporters had been "taken to tour" the site by guerrillas with the purpose of showing their control and providing evidence of the massacre. In other words, whatever the mixture of truth or fabrication, this was a propaganda exercise.

Realistically, neither the press nor the State Department has the power to establish conclusively what happened at Mozote in December, and we're sure the sophisticated editors of the Times recognize as much. Yet as an institution their paper has closed ranks behind a reporter out on a limb, waging a little campaign to bolster his position by impugning his critics. A "news analysis" charged the government of sowing confusion by questioning press reports "without presenting detailed evidence to support its position." The analysis posed the question of "how American diplomats gather information abroad," but not the same question about American reporters.

Further, Times columnist Sydney H. Schanberg launched a personal attack on Mr. Enders. In a column entitled "The Can-Do Bombardier," Mr. Schanberg pointed out that the assistant secretary had been a briefing officer in the Phnom Penh embassy in 1973. Mr. Schanberg suggested Mr. Enders was not to be believed then about American bombing in Cambodia. The unstated implication was that Mr. Enders is lying about El Salvador today.

The issue of government credibility of course came to dominate press coverage of Vietnam, but we wonder whether the press is prudent to start this kind of battle just now. The experience of "Jimmy's World" and the Carter Blair House tapes may account for the greater caution displayed in the Washington Post's version of the Mozote story. But the Times has not been without its own experience. Most pointedly, its columnists Anthony Lewis and Flora Lewis were taken in last year by a spurious "dissent paper" purporting to show strong objections within the State Department to U.S. Salvadoran policy.

Mr. Schanberg's own experience in Cambodia is instructive in a broader way. He won a well-deserved Pulitzer Prize for heroically staying behind at the fall of Phnom Pehn and writing dramatic dispatches describing the start of Khmer Rouge butchery. But this development came as a surprise to him. The month before the topic he chose for "news analysis" was "the credibility gap" occasioned by "contradictions and inconsistencies" in U.S. government statements on precisely when the Lon Nol government would run out of money and ammunition.

"If the other side took over, they would kill all the educated people, the teachers, the artists, the intellectuals and that would be a step backward toward barbarism," an American embassy official warned Mr. Schanberg. After reporting this quote he went on to write that an insurgent victory would mean execution or exile "for Marshal Lon Nol and his corrupt entourage at the Presidential palace." But, he added, "unlike Administration officials in Washington and embassy officials here, the Cambodians . . . do not talk much about barbarism or bloodbaths. The average peasant is achingly wearied by the war. . . . He only desires its end. . . . 'When they come' said one businessman of the insurgents 'the war will be over.'"

If Mr. Schanberg had been less preoccupied with Washington's credibility, he and the rest of us might have learned earlier of the tragedy that was to ensue. It turned out that U.S. government duplicity was not the big story in Cambodia.

Now, we have no special desire to pick on the New York Times, a paper we hold in the highest esteem and whose editors we admire. But while the Bonner-Enders dispute is the most dramatic case, the essential points apply far more broadly. R. Bruce McColm, Central American specialist at Freedom House, has written an excellent monograph titled "El Salvador: Peaceful Revolution or Armed Struggle?" His remarks on the press are worth attention.

"Political bias, ideology, poor sources and deliberate misinformation" are among the sins he charges. Why, he asks, was there almost no reporting of lengthy press conferences with a former guerrilla commander and two captured Nicaraguan pilots that revealed Cuban and Nicaraguan support for the guerrillas? He reports that the Latin press performed far better than the American press.

When it became clear that El Salvador might be another Vietnam, Mr. McColm notes, a host of journalistic adventurers descended on the place. "Noticeably missing, especially among the television press, were people who spoke Spanish, had experience in Central or Latin America, knew anything about El Salvador's history or had battle experience." Much of the American media, it would seem, was dominated by a style of reporting that grew out of Vietnam—in which Communist sources were given greater credence than either the U.S. government or the government it was supporting.

As any viewer of Warren Beatty in "Reds" will appreciate, journalistic romanticizing of revolutionaries is anything but new. But you would think that after being burned enough times serious editors would start to appreciate how such stories tend to end. John Reed's 1917 love affair with the Russian Bolsheviks, currently getting a rerun in "Reds," had no room for any fear that a Stalin might emerge from among his heroes. Theodore H. White has the honesty to admit he never imagined what his Chinese Communists would become (though without admitting that on this crucial point his home-office editor, Henry Luce, was right all along). An even more penetrating memoir of disillusionment came after the Spanish Civil war by the incomparably honest George Orwell; his "Homage to Catalonia" ought to be required reading for any young correspondent headed for a guerrilla battle.

More recently, Herbert Matthews's glorification of Fidel Castro in the 1950s became a permanent embarrassment to the New York Times. David Halberstam and successors played a key role in ridding Vietnam of the supposedly repressive Diem regime, only to help usher in an even bloodier future. Iran is now free of the Shah's secret police and Nicaragua of Somoza; instead we have Khomeini killing the infidel and the Sandinists closing La Prensa and imprisoning business leaders for "antirevolutionary" utterances.

Are we going to have to watch this script replayed again in El Salvador, or can we in the press succeed in bringing some perspective to the story? By now we ought to realize that atrocities, some of them well-documented, have been committed by both sides. We ought to recognize the exceeding improbability of a guerrilla success leading to anything but a Cuban-dominated regime. We ought, especially, to recognize that the incumbent government, for all its problems with right-wing terror, has followed such policies as attempting land reform and nationalizing the banks of the oligarchs, and that it is trying to hold elections. The press will have failed if, in the whirlpool of confusion, these realities are lost.●

89-059 O-85-8 (Pt. 2)

MARSHALL J. DODGE III

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mrs. SNOWE. Mr. Speaker, the people of Maine have lost a friend. The rest of the Nation has lost a unique link with the spirit and culture of Maine and New England.

At age 46, Marshall J. Dodge III is dead; the victim of a tragic accident while bicycling in Hawaii. For 25 years, Marshall Dodge had provided listeners with laughter and love as he spun tales of Downeast Maine in the classic "Bert and I" collection of recordings and skits.

Although not a native of our State, Marshall Dodge became an adopted son both in spirit and in reality. Long before he moved to Maine in 1974 to seek a more simple and esthetic existence, Mr. Dodge captured the essence of the Pine Tree State with his tales of the Downeast lobsterman or farmer who, as Calvin Trillen described it in a 1977 article in The New Yorker, "finds modern life a bit too complicated but somehow manages to sound wiser than those who do not." Mr. Dodge's characters, created beginning in 1957 with the collaboration of the Reverend Robert Bryan, were typically, as Mr. Trillen put it, "the farmer whose response to the Texas rancher's boast about requiring 2 days to drive from one boundary of his ranch to another is 'Yep, I had a car like that once myself'," or "the native by the side of the road who, having been called stupid by the summer person exasperated at his inability to provide directions to Portland, says, 'Mebbee, but at least I ain't lost'."

The first "Bert and I" album created by Mr. Dodge and Mr. Bryan came out in 1957, when Mr. Dodge was a senior at Yale. At the time, he told friends that his uncanny ability to re-create the accents and the attitudes of everyday Mainers came despite the fact that he had spent only a week in the State. He later spent countless hours interviewing old-timers in the woods and along the coast to gleen material and stories for other projects. When he moved to Maine, he was the driving force behind the establishment of the Maine Festival, an annual summer celebration of the arts held on the campus of Bowdoin College in Brunswick.

Mr. Dodge himself once compared the reaction of Mainers to the "Bert and I" series with the response of a person who has been caricatured by a cartoonist.

He might think the nose is a bit too long—
Mr. Dodge said—
but he's awfully pleased at the attention.

In his time, he became a bona fide folk hero to Mainers as he told his tales in his unerring Downeast accent and yellow slicker.

Mr. Dodge will be missed by all of us who realize the great value in being able to laugh at ourselves. His was a special talent that will live on in the hearts and minds of Mainers.●

TRIBUTE TO HAROLD BERNARD ROSEMAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. LANTOS. Mr. Speaker, when Harold Bernard "Rosey" Roseman passed away on June 30, 1982, workers and their cause everywhere lost a true and valued friend.

Born in Coalinga, Calif., on June 16, 1910, Rosey came to San Francisco in the early 1920's, where he settled for most of his adult years. He immediately became active in organizing working people in San Francisco during his early years in that city. Employed by the International Association of Machinists for 34 years, Rosey worked diligently for the cause of working people around the Nation, pausing only to serve his country in the U.S. Army Air Corps from 1942 through 1946.

Following his retirement from the IAM, Rosey worked full time with local 1781, and was instrumental in organizing their new headquarters. As a result of his tireless and devoted service, he was given the Committee on Political Education Award in 1980.

Rosey will be missed by all who knew him. He was an athlete, a lover of children and animals, an avid fisherman, a gentleman, and in every sense a friend.●

AMERICAN FUR RESOURCES INSTITUTE

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. BREAUX. Mr. Speaker, one of the oldest commercial enterprises in North America is the trapping industry. History records show that as early as 1607, 25,000 furs were shipped from Canada to France. The fur trade between the Colonies and Great Britain was initiated on the return voyage of the *Mayflower* in 1621.

The trapping excesses of the 19th century have been permanently halted and today, through the concepts of professional wildlife management, our Nation has stable and healthy furbearer populations.

Wildlife management requires the utilization of many techniques. Trapping has long been recognized as an effective tool in achieving wildlife management objectives which permits man to utilize the resulting surplus. The conservation byproduct of fur pelts in my own State of Louisiana brings an approximate annual income to trappers of $15 million from over 2 million pelts. On a national level, the revenues from trapping is approximately $350 to $500 million per year. The total U.S. fur trade—which enjoys a favorable balance of payments—is a billion dollar business.

This viable industry, however all begins with the half million or more men and women of all ages who are trappers.

The American Fur Resources Institute (AFRI) has recently been organized for the purposes of "obtaining Federal and State legislation and regulation that supports scientific and professional wildlife management concepts recognizing the role of the trapper in that context."

As Chairman of the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, I welcome the participation and assistance of AFRI on legislative issues concerning wildlife in general, and trapping in particular. Having worked in the past with many of the people involved with AFRI, I know that a valuable contribution can be made by this organization on behalf of sound wildlife management. I commend the purposes and objectives of the American Fur Resources Institute to my colleagues.●

PORTNOY ASSOCIATION HONORS LESLIE J. HEIMALL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. RINALDO. Mr. Speaker, the contributions of successful American businessmen in communities all across this country are one of the reasons for the remarkable strength of this Nation. They not only provide jobs and investment, and take all the risks that these imply, but they work in many other ways to help their communities.

One such businessman is Leslie J. Heimall, vice president of Tuscan Dairy Farms of Union, N.J. During the 45 years he has been with the company, Mr. Heimall has built a remarkable record of unselfishly contributing to many community activities and providing opportunities for the youth of Union Township.

As a former president of the Galloping Hill Estates, Mr. Heimall was instrumental in the orderly development

of this fine community. He has provided guidance, stability, and commonsense in the careful evolution of the Galloping Hill area into a strong, viable neighborhood in which residents care about one another and their town.

In other ways, Les Heimall has enabled business in Union to grow strong economically through his service as president of the Kiwanis Club and director of the Union Chamber of Commerce. He is also a director of the Boys' and Girls' Club of Union, which provides a great many opportunities for young people in recreation, social life, and education.

The police officers of Union Township recognized Les Heimall's service and compassion for others when the Union Police Department selected him for its "Good Guy Award."

He has been a benefactor of many community programs, such as the Veterans of Foreign Wars' Teener League and Union Little League. Thousands of boys and girls have participated in the programs as a result of Les Heimall's sponsorship and interest.

Hospitalized veterans also have been benefited by Les Heimall's thoughtfulness. He has raised funds for the programs of the American Legion Post 35 of Union to aid our veterans, and contributed to their programs at Lyons Veterans Hospital.

The Phil Portnoy Association is honoring Les Heimall with its Humanitarian Award on February 27. I am delighted to join my fellow townspeople in paying tribute to this compassionate and generous citizen of our town. He exemplifies the good citizen and the businessman who cares deeply about his community.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Ms. MIKULSKI. Mr. Speaker, during the past months, the specter of repression by the Soviet Union has been constantly in the hearts and minds of the American people. In this time of concern, it is fitting that we stop for a moment to acknowledge the 64th anniversary of the restoration of the Republic of Lithuania, declared on February 16, 1918, and brutally violated by the Soviet Union.

Lithuania is an ancient nation with a proud people. It has been by choice an independent state since the 13th century. It has been in bondage since its occupation by the Soviet Union in 1940. In that year, disregarding the peace treaty of 1920 in which Moscow had guaranteed Lithuanian independence forever, and disregarding the nonagression pact of 1926, the Soviet Union callously absorbed the nation of Lithuania and inflicted untold hardship on her people.

Under Soviet occupation, the Lithuanian people have had to suffer mass deportations, liquidation of their leaders, and persecution of their beloved church. All religious freedom is repressed.

Lithuania's freedom, declared in 1918, did not come easily. It was wrenched from the stranglehold of 123 years of czarist occupation. But it allowed Lithuania to make great cultural and economic progress as one of the free European countries.

It is a sad thing to see such a country held captive. It is a sad commentary on the power of freedom and of free people to help their brothers and sisters.

On this Lithuanian Independence Day the right of self-determination which the United States has supported in Lithuania since the 1940 takeover must be renewed and supported by all free citizens in every country.●

PLANNING FOR A SUSTAINABLE, PROFITABLE, AND PRODUCTIVE FARM FUTURE

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1982

● Mr. STANGELAND. Mr. Speaker, world population projections show there is going to be an explosive growth in the number of mouths to feed by the turn of the century. Over 2 billion more people will inhabit the planet by the year 2000—that is a 50-percent increase in the number of people living now. For the more than 700 million malnourished people already in this world, almost half of which are children, it will mean even more hunger, disease, and death than is being experienced now. For the American farmer, it represents a challenge to produce more food for the growing number of people who will need it.

American agricultural technology feeds the world. In the last 30 years, U.S. farmers have steadily increased their productivity by an incredible 50 percent. Yet to meet the rising demands of world hunger, world food production will have to demonstrate an enormous 100-percent increase in the next 30 to 40 years. This challenge is further complicated by declining trends in our domestic productivity growth rate, a diminishing agricultural land base, the alarming erosion of our Nation's topsoil, and the steady depletion and deterioration of limited water supplies. Without immediate preparation and planning to coordinate our agricultural research efforts and make them a national priority, I truly fear that we will continue moving toward a crisis situation in this country much faster than most Americans realize or even think possible.

THE PROBLEMS

DECLINING PRODUCTIVITY

While it may be easy to get complacent about farm productivity in times of record crops and declining commodity prices as a result of this overproduction, progress in American agricultural productivity has clearly reached a plateau in recent years. In the past 20 years, agricultural productivity has dropped from an average increase of about 2 percent per year to around 1 percent. In other words, the incredible rates of growth experienced by our farm sector in the past are now leveling off and the gains that have made American agriculture the most efficient and prolific food system in the world are now coming at a decreasing rate. Without major technological breakthroughs, the future crop yield growth rate could be as low or even lower than that of the 1970's. This is considerably less than what is needed to meet future domestic and export demands.

DIMINISHING FARMLAND

Because of the uncertain prospects for improved yields on croplands currently under cultivation, it might be expected that farmers would look toward increased acreage as a means of meeting skyrocketing food demands in the next 20 years. However, recent studies by the Soil Conservation Service show there are only 135 million acres of potential cropland remaining in the United States and a mere 22 million acres of this total constitutes prime farmland.

Only 346 million acres of the more than 2.4 billion land mass in the United States is considered prime farmland, of which 230 million acres are cropped. Each year, 3 million acres of agricultural lands are permanently lost to highways, urban development, or other nonfarm uses. Of the 3 million acres annually lost, 1 million represents prime farmland that will never again be available for future food production.

While the conversion of small parcels of prime land may appear to be insignificant when compared to our Nation's vast agricultural resources, the effects of these conversions are cumulative and contribute over time to sizable reductions in our agricultural potential. We are growing increasingly dependent upon a steadily shrinking land base to enable the United States to help feed a hungry world while at the same time, preventing the depletion of our natural resources.

TOPSOIL EROSION

It is difficult to overstate the importance of topsoil to American agricul-

ture and to our national standard of living. The topsoil on our Nation's farmland is responsible for producing not only our food, but also most of the raw materials needed for manufacturing our clothing and shelter. Yet we are now in the process of allowing this lifeblood of American agriculture to steadily be lost at such an alarming rate that, if current erosion rates continue, yields in the Midwest could fall as much as 30 percent in the next 50 years.

It is not as though the need to conserve our soil has been totally ignored over the years. The Soil Conservation Service was created as a permanent agency in 1935. Still after nearly a half century of national soil conservation efforts, we are losing topsoil at a faster rate today than at anytime in our Nation's history, including the Dust Bowl era.

An acre of farmland can generally lose 5 tons of topsoil to erosion each year without sustaining long-term damage. However, in the Great Plains, wind erosion alone currently exceeds 5 tons per acre on 13 percent of the cropland and the amount of Great Plains land damaged by wind eroision in 1980 was almost double that of 1979. In addition, almost 23 percent of all U.S. cropland currently has annual water eroision rates that also exceed 5 tons per acre.

At current eroision rates, eastern Washington will have no topsoil left in 10 years. Iowa will be left without any topsoil in 40 to 50 years. In all, it is estimated that over 10 percent of America's croplands are annually eroding at more than 14 tons of soil per acre and our national average erosion figure is now dangerously approaching this 5-ton limit.

WATER DEPLETION

Declining water supplies and decreased water efficiency are sure to adversely affect the future productive capacity of America's farmlands, particularly in the 17 Western States that depend most heavily on irrigation. Among the major water problems already affecting agriculture are: inadequate surface water supplies, overdrafts on underground water supplies, erosion and sedimentation, and pollution. Because much of today's agricultural production depends as much on available water supplies as it does on fertile soils, declining quality and future shortages in our Nation's water supplies will seriously limit our ability to produce food and fiber in this country.

While many people naturally assume that water is a never ending resource, it must be understood that we are capable of using water at a faster rate than nature can provide. In some regions of our county we have overestimated what tomorrow's water supply will be and that is why we see many rivers in the West, such as the Colorado River, where more water is being taken than the normal flow of the river will allow. Then in years with below average precipitation, there is not enough water to satisfy everyone's needs.

America's groundwater reservoirs—water from underground pools—are now being pumped for irrigation purposes at a much faster rate than they can be replenished. Once these groundwater supplies have been pumped dry, the resource base that has contributed to significantly higher yields through irrigation will no longer be available to our farmers.

Groundwater use for agricultural purposes has now reached the point where it comprises nearly 40 percent of all U.S. irrigation water withdrawals. The current trends in groundwater use and their potential ramifications are becoming increasingly clear. Lowering water tables are already resulting in abandoned farmland in parts of Arizona and Texas. Moreover, a State plan was recently developed in Colorado that would result in half the water in the vast Ogallala aquifer being depleted in the next 40 years.

THE CHALLENGE

Although some contend that agricultural exports to food-deficit nations have helped aggravate our long-term productivity problems, there is little likelihood that foreign demand for our farm products will diminish or that our farmers will stop looking to foreign countries as potential markets for surplus domestic production. By the year 2000, USDA projects export demand for our farm products to increase by 60 to 85 percent over the 1980 level. However, it should be noted that, in the past, U.S. farm export growth has far exceeded expectations. This is evidenced by the fact that USDA predictions in 1979 for the year 2000 have already been surpassed by our 1981 export volume. If this trend continues, growth in export demand for our agricultural production will rapidly eclipse even the most optimistic estimates of U.S. production capabilities.

Already the harvest from 1 in every 3 acres of cropland in the United States is exported abroad. These exports play a key role in our international balance of payments and provided a positive trade balance of more than $24 billion in fiscal year 1981. This export volume helps offset the enormous outflow of dollars that results from our purchases of foreign oil.

Furthermore, there is a strong feeling in this country among farmers and nonfarmers alike that the United States has a humanitarian interest in trying to alleviate world hunger conditions. While, traditionally, most U.S. agricultural exports have gone to the more advanced countries of the world, experts agree that the developing countries are going to be the biggest market for food in the future. Of the projected 50-percent increase in the number of people living by the turn of the century, most of that increase—about 90 percent—will take place in the developing countries of Asia, Latin America, and Africa. It is our responsibility to see that America's farmers are equipped with the technologies necessary to prevent a future food crisis in a potentially unstable world.

Nevertheless, setting our goal to feed all of the world's hungry, while it may be laudable, is certainly unrealistic. Experts who have testified at world hunger hearings before Congress unanimously agree that the problem will only be resolved once the lesser developed countries of the world attain a higher level of self-sufficiency in food production. Therefore, we must not only sell more food, but also help them discover agricultural technologies that are tailored to their specific climate, soil, and economic conditions.

Some might argue that helping developing countries increase their own ability to produce food would hurt U.S. farmers who would lose another market. The fact is that many of these lesser developed countries are not markets now because they are so poor they do not have the money to pay for American farm products. Typically, 70 to 90 percent of their population live on small subsistence farms with each family trying to eke out a living using primitive technologies on mostly worn out land. Promoting agricultural development in these countries would help them build up industry in areas where they have a raw material base and allow them to prosper to the point where they would be able to trade for our farm products.

Already our top developing country export markets are showing rapid growth—particularly those in Asia, Latin America, and Africa where most of the world population boom is supposed to occur. For example, from 1977 to 1980, U.S. agricultural sales to our top developing country markets in Asia increased almost 30 percent, in Africa nearly 100 percent, and in Latin America an astounding 200 percent.

Possibly the biggest challenge of all lies in improving the economic environment currently being experienced by our farmers. There is no question that we are facing an economic crisis in agriculture today of enormous proportions. Farm debt in America is now over $160 billion—an average of $69,000 for every farm in the country. In 1980, net farm income plunged 29 percent and there appears to be little hope for improvement in the foreseeable future. Constantly inflating land values are the only thing standing between many farmers and bankruptcy. For these reasons and more, it is absolutely essential that current agricul-

tural research must emphasize as its highest priority discovering new technologies that will increase the net income of the individual producer.

It does not do anyone any good to merely strive for increased food production while at the same time proportionately increasing farmers' input costs and further depleting our soil and water resource base. Current research efforts must be committed to discovering cost-effective technologies that will increase per-acre yields without a corresponding hike in input costs or further soil and water degradation.

Furthermore, it must be emphasized that any effort to focus attention on our long-term productivity problems would not, and could not, double domestic food production in a couple years. Typically, agricultural technology requires a 20- to 30-year leadtime in order to evolve to the point where a farmer can use it. That is why we need to act now in laying the groundwork so that our agricultural industry will have the technology available to meet future food demands and progress on productive, sustainable, and profitable basis.

A CALL FOR ACTION

As previously noted, agricultural experts everywhere are projecting substantial declines in our productivity rate, cropland availability, soil quality, and water supplies. These factors, combined with the fact that world food demands will more than double in the next 30 to 40 years, means that even greater scientific and technological advances will be necessary in the future to enable the United States to help feed a hungry world, maintain its leadership in world agricultural trade, and prevent the depletion of our natural resources.

With these thoughts in mind, I began organizing a series of meetings involving my farm-State colleagues in the House and Senate, along with agricultural leaders representing major farm groups, agribusiness organizations, and the USDA, to solicit their views on the future of U.S. agricultural productivity and what role each of us might play in assuring adequate productivity gains in the future.

My major motivation in holding these meetings was twofold. First, I hoped to be able to generate similar interest in this issue among other Members of Congress and leaders of the various farm interest groups. In addition, I hoped to get their ideas on what might be the best and most practical approach toward focusing national attention on our long-term productivity problems. These meetings were initiated following several substantive and stimulating discussions with Nick Reding, executive vice president of Monsanto and chairman of the National Agricultural Chemicals Association. Mr. Reding is recognized as a leading expert in the area of agricultural productivity.

Early on, I was convinced that USDA support was critical in order to sustain the long-term attention and effort needed to pursue research and technology goals that would take many years to achieve. But I also knew that even if massive USDA funds were available—which they are not—for productivity research, it would take far more than simply additional Federal dollars to develop the technology necessary to meet future food needs. Possibly even more important than money is the need to focus national attention on the importance of an intense and coordinated commitment to productivity research that will help build a more profitable and sustainably productive farm sector.

Mr. Reding suggested that any attempt to turn around our declining rates of productivity growth and prepare our farmers for the explosive growth projected in world food demand would require a combined, synergistic effort by the USDA, Congress, and agricultural leaders in the private sector and academia. This made a great deal of sense because even though many studies have been made and books written on various issues relating to agricultural productivity, I could not recall any definitive analyses which looked at all of the serious problems facing agriculture, along with the potential areas of technological breakthrough, and exhaustively assessed how each of these factors currently interact with each other and how they will impact upon the future productivity of our Nation's farm sector.

Because of the many diverse subparts of the entire farm productivity picture, an eclectic effort by experts in such areas as plant genetics, livestock production, soil nutrients, photosynthetic efficiency, water depletion, conservation techniques, farmland availability, and world hunger, to name a few, is not only appropriate but is absolutely necessary in order to properly determine what directions must be taken in agricultural research.

We also agreed that the last thing agriculture needs is just another study, but there clearly needs to be some credible assessment made to show where we are today in terms of U.S. farm productivity, where we need to be 10, 20, and 30 years into the future to meet projected domestic and export demands, and what specifically needs to be done to get us from where we are now to where we want to be in the coming decades.

IMMEDIATE PLANNING

We must immediately begin our planning and preparation efforts now in order to allow ourselves the leadtime necessary to meet the future food and resource demands that will be made upon our domestic farm sector. I believe the following seven-point plan will lay the groundwork needed to focus national attention on the importance of a sustainable productivity growth rate, and also provide for the long-term planning and monitoring activities necessary to insure that adequate progress is being made.

First, obtain USDA support and their commitment to serve as the lead agency in spearheading a long-term commitment toward increasing U.S. agricultural productivity. USDA would be responsible for seeing that adequate resources are directed toward farm production technology and resource conservation.

Second, obtain further consensus among various legislators, Federal agencies, commodity groups, trade associations, and individual farmers that current projections on future agricultural productivity are not sufficient to meet future domestic and world food needs.

Third, working together, representatives of the USDA, Congress, academia, and the farming community would appoint a blue ribbon committee of agricultural experts to comprehensively evaluate the problem. They would be charged with preparing a proposed future plan of action.

Fourth, the blue ribbon committee would hold a 1- or 2-day seminar on the topic of "Future Agricultural Productivity in the United States and the World." Participation and input would be solicited from a wide-ranging panel of experts.

Fifth, the blue ribbon committee would then form several working groups to address specific areas of concern brought out by the presentations at the seminar.

Sixth, the committee would then present their recommendations to Congress, the USDA, other government agencies, academia, and the agricultural industry. Here we would expect a strong effort made to establish agricultural productivity as a national priority and put into effect long-range plans that would allow us to meet our future productivity goals.

Seventh, the blue ribbon committee would continue to meet periodically over the next 15 years or more to insure that our rates of productivity growth are progressing in line with the goals established.

CURRENT STATUS

A growing number of farm-State Congressmen and Senators are recognizing the need to address our long-range food production problems. Among those who have been active in early discussions on this complex thicket of challenges are Senator JOHN DANFORTH, Republican of Missouri; Representative PAT ROBERTS, Republican of Kansas; Representative DAN GLICKMAN, Democrat of Kansas; Representative JERRY HUCKABY, Democrat

of Louisiana; and Representative WILLIAM THOMAS, Republican of California.

Those of us in Congress, along with the leaders of several farm interest organizations who had expressed strong interest and support at the previous meetings held on Capitol Hill finally decided to bring our case directly to USDA Secretary John Block. In our meeting with the Secretary, he expressed his interest in many of the ideas being discussed and agreed that USDA should be providing some answers in these areas. Although Secretary Block did not offer an immediate commitment of USDA support for our proposal, he did promise to pursue our thoughts further with other USDA and Reagan administration officials.

I am optimistic we can generate enough grassroots support among individual farmers and nonfarmers alike to persuade the USDA to support our effort to make profitable and sustainable agricultural productivity a national priority. I have been especially impressed so far by the interest and enthusiasm that has been shown in Washington because the long-term goals and objectives do not necessarily have immediate political appeal. Nevertheless, as a lifelong farmer, I know that any effort to address the multitude of serious problems currently facing agriculture is doomed to failure unless it has the support of the individual producer.

I believe our farmers want those responsible for farm policy in this country to look at the total picture that exists today and develop a comprehensive approach toward addressing the troubling long-range problems in U.S. agriculture. Without trying to sound too presumptious, I am convinced that what is needed now are men and women of vision and foresight who are willing to seriously face up to our long-term productivity problems and recognize the consequences of doing nothing. We need to immediately determine the steps that must be taken now to prevent what one former Secretary of Agriculture described as a "collision course with disaster."

The inevitable outcome of current trends is clear—declining amounts of available American farmland, irreversible loss of precious topsoil, inadequate water supplies, ever-poorer crop yields, and a crippled farm and national economy. All of these during a time when there will be an unprecedented worldwide increase in the demand for food.

This article has outlined a series of challenges facing the American farming community in the coming decades. On each point, many objections could be raised. But the handwriting is on the wall. If we want to reverse our declining productivity growth rate, halt the depletion and degradation of our agricultural resource base, and spur the development of cost-effective technologies that will increase net income for the individual producer, then we must act now or face an otherwise inevitable disaster 20 or 30 years down the road.

The future of agricultural productivity in the United States is clearly becoming an issue of increasing concern to many individual farmers and farm leaders across the Nation. If we can stimulate and coordinate the types of research that are needed now to provide for significant productivity increases in the future, our farmers, our Nation, and the hungry of the world will all benefit.

I urge my colleagues to join in this important effort to make profitable and sustainable agricultural productivity a national priority.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 11, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 698, assisting the Yuma County Water Users' Association, Arizona, to relocate the headquarters of such association; S. 933, authorizing the rehabilitation of the Belle Fourche irrigation project in South Dakota, S. 1409, authorizing the enlargement of the Buffalo Bill Dam and Reservoir in Wyoming, S. 1628, providing that the Emergency Fund Act of 1948 be available for all projects governed by Federal reclamation acts, and S. 1553, providing for the development of the WEB rural water development project, to provide for the study of South Dakota, and for other related matters.
3110 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To resume hearings on S. 1720, authorizing bank holding companies to establish securities affiliates which could underwrite municipal and revenue bonds, and operate, advise, and sell shares in mutual funds.
5302 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

11:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Mediation and Conciliation Service, National Labor Relations Board, National Mediation Board, OSHA Review Commission, and the Mine Safety and Health Review Commission.
1114 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed authorizations for the National Telecommunications and Information Administration, Department of Commerce.
235 Russell Building

9:30 a.m.
Appropriations
Treasury, U.S. Postal Service and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, and its proposed transfer of functions to the U.S. Secret Service and U.S. Customs Service.
1114 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320 and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Water Research and Technology of the Department of the Interior, Commission on Fine Arts, and the National Gallery of Art.
1224 Dirksen Building

*Environment and Public Works
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

1:30 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Treasury, U.S. Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, and its proposed transfer of functions to the U.S. Secret Service and U.S. Customs Service.
1114 Dirksen Building

Judiciary
To hold hearings on S. 1937, extending until June 30, 1985, the expirations date of section 252, which provides a limited antitrust defense for U.S. oil companies participating in the international energy program, of the Energy Policy and Conservation Act.
2228 Dirksen Building

FEBRUARY 23

9:00 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
Room to be announced

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, Department of Health and Human Services.
1318 Dirksen Building

Appropriations
Treasury, U.S. Postal Service and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, and its proposed transfer of functions to the U.S. Secret Service and U.S. Customs Service.
1114 Dirksen Building

Energy and Natural Resources
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Department of Energy.
3110 Dirksen Building

Labor and Human Resources
To hold oversight hearings on the Southern Nevada culinary workers' pension fund.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

11:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Veterans Affairs
To hold hearings to receive the Disabled American Veterans' legislative recommendations for fiscal year 1983.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the National Institutes of Health, and to review activities of the Office of the Director, Department of Health and Human Services.
1318 Dirksen Building

Judiciary
To hold closed oversight hearings on the Public Integrity Section of the Criminal Division, Department of Justice.
2228 Dirksen Building

FEBRUARY 24

9:30 a.m.
Appropriations
To hold hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Labor and Human Resources
To continue oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to examine the presence of Cuban intelligence operations within the United States.
357 Russell Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
6226 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

Judiciary
To continue closed oversight hearings on the Public Integrity Section of the Criminal Division, Department of Justice.
2228 Dirksen Building

FEBRUARY 25

8:30 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain Indian programs.
1318 Dirksen Building

9:00 a.m.
Governmental Affairs
To hold hearings on S. Res. 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.
3110 Dirksen Building

Labor and Human Resources
*Employment and Productivity Subcommittee
To resume joint hearings with the House Subcommittee on Employment Opportunities of the Committee on

Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To resume hearings on the conduct of monetary policy.
5302 Dirksen Building
Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To continue hearings on the economic impact of tourism.
235 Russell Building
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building
*Small Business
To hold hearings on encouraging small business investment in free enterprise in nationally distressed areas.
424 Russell Building

10:00 a.m.
Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building
Judiciary
Juvenile Justice Subcommittee
To hold hearings on legal matters involving abused children.
5110 Dirksen Building

2:00 p.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 1847, establishing a congressional process for authorizing funds to Federal courts, and limiting certain pay increases for Federal judges.
2228 Dirksen Building

FEBRUARY 26

9:00 a.m.
*Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Commerce, Science, and Transportation
To hold hearings on the nomination of J. J. Simmons III, of New Jersey, to be a Member of the Interstate Commerce Commission.
235 Russell Building
Select on Indian Affairs
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on Indian programs of the Departments of Education, Labor, Health and Human Services, and Housing and Urban Development.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building
Judiciary
Security and Terrorism Subcommittee
To resume hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

11:00 a.m.
Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1982, and to promulgate regulations to implement the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building
Select on Indian Affairs
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
6226 Dirksen Building

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Finance
International Trade Subcommittee
To hold hearings to review Administration plans and the approach of the United States to the meeting in November 1982 of trade ministers of countries that adhere to the General Agreement on Tariffs and Trade.
2221 Dirksen Building
Select on Indian Affairs
To hold hearings on S. 1858, declaring that the United States holds in trust certain lands in Nevada for the Washoe Tribe of Nevada and California, and to provide for the transfer of certain other lands in Nevada to the U.S. Forest Service, and H.R. 4364, declaring that the United States holds in trust certain land in Pima County, Ariz., for the Pascua Yaqui Tribe of Arizona.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building
Select on Indian Affairs
To hold hearings on the Department of the Interior's proposed plan for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Clams.
4232 Dirksen Building

MARCH 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal fear 1983 for the Office of the Secretary of Energy, Office of the Secretary of the Interior, and Office of the Solicitor.
1224 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural, Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers for Disease Control, Department of Health and Human Services.
1114 Dirksen Building
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the Strategic Petroleum Reserve.
3110 Dirksen Building

10:00 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive the Blinded Veterans Association, Paralyzed Veterans of America, and World War I veterans' legislative recommendations for fiscal year 1983.
318 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

MARCH 3

9:00 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for non-Indian programs.
1318 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of American payment systems.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

Veterans' Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings to review the capacity, distribution, and status of the strategic petroleum reserve.
3110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army cemeterial expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
4200 Dirksen Building

Small Business
To hold hearings on S. 1947, improving small businesses access to Federal procurement information.
424 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building

MARCH 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

Select on Indian affairs
To hold hearings to review the report of the Commission on Fiscal Accountability of the Department of the Interior on national energy resources.
6226 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3363, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

MARCH 9

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultual, Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within 1 year after appropriation, and to resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
424 Russell Building

10:30 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 12

9:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, proposed Radiation Exposure Compensation Act of 1981.
4232 Dirksen Building
Labor and Human Resources
To hold joint hearings with the Subcommittee on Agency Administration of the Committee on the Judiciary on S. 1483, proposed Radiation Exposure Compensation Act of 1981.
4232 Dirksen Building

9:30 a.m.
*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
6226 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad financial assistance program, Department of Transportation.
235 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

MARCH 16

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.
1114 Dirksen Building
Select on Indian Affairs
To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.
424 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the implementation of public contracting with private counsel provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Post-secondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Select on Indian Affairs
To hold hearings on the statute of limitations relating to Indian affairs.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Safety program, Department of Transportation.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 30

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

APRIL 1

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-determination and Education Assistance Act (P.L. 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 18

10:00 a.m.
Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

2:00 pm.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of Title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Adminis-

tration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Department of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

FEBRUARY 11

9:30 a.m.
Commerce, Science, and Transporation
Business meeting, to consider pending calendar business.
235 Russell Building

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
235 Russell Building

SENATE—*Thursday, February 11, 1982*

(Legislative day of Monday, January 25, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Lord God of Heaven, Sovereign Ruler of history and the nations, we thank Thee for the memory of two great Presidents for whom God was a reality and in whose providence they placed their trust. We thank Thee for their faith which anchored their lives and hopes in the Rock of Ages. We hear the father of our country testify: "* * * of all the dispositions * * * which lead to political prosperity, religion and morality are indispensable * * * a necessary spring of popular government."

We hear the Great Emancipator as he called the people to a day of national humiliation and prayer: "* * * Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. We have grown in numbers, wealth, and power as no other nation has grown but we have forgotten God. We have forgotten the gracious hand that preserved us in peace, and multiplied and enriched and strengthened us * * *. We have vainly imagined that all these blessings were produced by some superior virtue and wisdom of our own. It behooves us, then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

As we celebrate the memory of these two extraordinary leaders, may we emulate their humility and faith. So help us God. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, is there an order for morning business following the special orders of Senators QUAYLE, JACKSON, and PRYOR?

The PRESIDENT pro tempore. It has not been ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the special orders for those three Senators, there be a period for the transaction of routine morning business not to extend beyond 20 minutes in length, with Senators being permitted to speak therein for not to exceed 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE ON MONDAY, FEBRUARY 22, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate reconvenes on Monday, February 22, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with and, following the time allotted for the two leaders under the standing order, Washington's Farewell Address be read to the Senate, and that immediately thereafter the Senate stand in recess until the hour of 11:30 a.m. on Tuesday, February 23.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I do not believe that request has been cleared on this side, I say most respectfully to my friend.

Mr. STEVENS. Mr. President, I temporarily withdraw that request.

(Later the following occurred:)

Mr. STEVENS. Mr. President, I now renew my request and ask unanimous consent that when the Senate reconvenes on Monday, February 22, 1982, that the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the calendar be dispensed with, and following the time allotted to the two leaders under the standing order, that Washington's Farewell Address be read to the Senate, and that immediately thereafter the Senate stand in recess until 11:30 a.m. on Tuesday, February 23.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared with Mr. JOHNSTON, who is on the floor and can therefore speak for himself. I therefore remove my earlier reservation of objection, and I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CERTAIN ACTION DURING THE ADJOURNMENT OF THE SENATE

Mr. STEVENS. Mr. President, I ask unanimous consent that, during the adjournment of the Senate until February 22, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred, and that the Vice President, President pro tempore, and the Acting President pro tempore be authorized to sign duly-enrolled bills and joint resolutions.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO FILE REPORTS ON FEBRUARY 17, 1982

Mr. STEVENS. Mr. President, I ask unanimous consent that, on Wednesday, February 17, from 9 a.m. until 3 p.m., committees be authorized to file reports with the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I reserve the remainder of our time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

REQUEST THAT THE PRESIDENT WITHDRAW 1983 BUDGET AND RESUBMIT REALISTIC PROPOSAL

Mr. ROBERT C. BYRD. Mr. President, yesterday I took the very serious step of writing the President to request that he withdraw the administration's 1983 budget proposal and resubmit one with lower deficits, more accurate forecasts—I am talking about lower real deficits—fairer domestic spending cuts, and more temperate defense spending increases.

This is not the first time I have taken such action. Once before, in 1980, I advised a President of my own

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

party, at a time when I was the majority leader, that his budget had to be significantly revised. In both cases I acted because the budget as originally submitted was so unacceptable to Members of Congress of both parties and to the financial community that it had little chance of passage in its original form and, in fact, because of the lack of confidence it generated, it represented a serious threat to the economic well-being of our Nation.

The budget is the economic blueprint of our Nation. If we are to have economic stability and confidence the budget must be a reasonable, responsible, fair and credible document. This administration's 1983 budget fails every single one of these tests. Many of my Republican colleagues are saying the same thing. So are Wall Street financial analysts.

The financial analysts have told the Wall Street Journal that the deficit for 1983 is likely to be $120 to $130 billion instead of the $91 billion projected by the administration.

Where do we go from here? We are presented with a budget that is not believable nor enactable. The administration's posture has been to resort to rhetoric and tell the Congress of the United States to "put up or shut up." We must not draw lines in the dirt. Clearly, serious and responsible action is needed on the part of the Congress and the administration.

Mr. President, I submit that two actions must be taken if we are to avoid a dangerous impasse.

First, as I requested yesterday, the President should rework and resubmit his 1983 budget.

He should reconsider his total commitment to the unwise Kemp-Roth plan, reduce the increase in Pentagon spending—it would seem to me that there is certainly appropriate reasons to believe that there can be found waste and mismanagement in the spending at the Pentagon, and so I think it is not an unreasonable request to suggest that the increase in Pentagon spending be carefully scrutinized futher—reduce some of the more unfair and unwise domestic spending cuts, revise the unrealistic economic forecasts, and bring the deficit down—bring the real deficit down—to more acceptable levels.

The deficit set forth in the budget is shockingly high, yet it is an understatement of what the real deficit is going to be in fiscal year 1983. I do not say this lightly nor in a partisan vein. It is the most appropriate and best way out of the difficult and dangerous situation in which we and our Nation now find ourselves.

Second, whether or not the President is willing to rework his budget, we in the Congress, Democrats and Republicans, must begin to come forward with workable and sensible alternatives to this budget.

Senator FRITZ HOLLINGS' proposal for example, is a very thoughtful and provocative one, and it has added to the serious dialog over the budget problem.

Yesterday I revealed publicly for the first time that I have been working closely with 17 members of my party in a committee that will develop initiatives to spur economic recovery. These and other efforts—on both sides of the aisle—must continue and be expedited.

Perhaps most importantly, we must proceed in a bipartisan fashion. The economy is an American economy—not a Democratic or Republican economy. The problems are American problems. The out-of-work autoworker does not care if he get a job because of a Democratic plan or a Republican plan. He is not interested in seeing his national leaders telling one another to "put up or shut up." He wants a job. Period.

It is time for the administration and the Congress to have a dialog. It is not a matter of put up or shut up. It is a matter of having a dialog about the problems, and it is time for us all to take action to see that the American worker who is out of a job gets one, and the economy gets moving again.

Mr. President, I ask unanimous consent that my letter to the President, dated February 10, 1982, be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., February 10, 1982.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to you with a most sobering request. I believe you should withdraw the Administration's proposed fiscal 1983 budget, and re-submit a budget that provides for much lower deficits, and makes use of more realistic assumptions.

There has been bipartisan concern in Congress, and among state officials, about the size of the deficits projected in your budget. Economists of all political stripes believe that it contains economic assumptions which are overly optimistic.

The lesson of last year's budget and tax bills should be clear. Inaccurate economic forecasts do not help the nation. In fact, the ability of investors to trust government predictions is crucial to the economic recovery we all earnestly desire.

Mr. President, I am looking for a document we in Congress can work with; one based on realistic assumptions; one which shows a much clearer trend toward a balanced budget. In 1980, under similar circumstances, President Carter took the bold step of substantially revising his fiscal year 1981 budget.

It is my hope you will take the same kind of courageous step, as a necessary start to true economic recovery.

Sincerely,

ROBERT C. BYRD.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I yield my 5 remaining minutes to Senator STENNIS, who will follow Senator JACKSON.

Mr. STENNIS. I thank the distinguished minority leader.

The PRESIDING OFFICER. The Senator from Indiana (Mr. QUAYLE) is to be recognized at this time for not to exceed 15 minutes.

Mr. STEVENS. Mr. President, there is no objection to recognizing the Senator from Washington (Mr. JACKSON) ahead of the Senator from Indiana under the present circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR JACKSON

The PRESIDING OFFICER. Under the previous order, the Senator from Washington (Mr. JACKSON) is recognized for not to exceed 15 minutes.

TECHNOLOGY TRANSFER POLICY—THE HIGH STAKES

Mr. JACKSON. Mr. President, as my colleagues are aware, my concern for the flow of security-sensitive technology to the Soviet Union and its allies is of long standing. For several years, the Senate Permanent Subcommittee on Investigations, which I chaired, demonstrated through its studies and hearings that our policies in this area have been seriously flawed. Moscow and its associates have acquired the West's latest technology and thereby significantly enhanced their military-industrial capabilities. I and several others have repeatedly pressed for tighter controls on technology transfer.

NEED FOR A CLEAR, COHERENT POLICY

On November 14, 1980, I wrote President-elect Reagan calling his attention to this problem and suggesting several measures that merited his prompt consideration. I noted the lack of a clear and comprehensive policy regarding technology transfers which had led to inadequate technical analysis, weaknesses in export controls, serious imbalances in East-West exchange programs, inconsistent governmental decisions, uncertainty for U.S. exporters, and a weakening of Cocom. I urged that he act quickly to strengthen the Government's work on critical technologies, foreign availability assessments, national security safeguards in exchange programs, cooperation with allies, and enforcement.

In the 15 months since that letter was sent, events have reinforced my earlier conclusion: There is much we

can do, if only we will. But we have a long way to go.

There is no longer doubt that our technology has materially aided Soviet expansion. It has improved Soviet weapons, intelligence devices, and economic leverage. We are still much too far away from a vigorous program to effectively meet the danger.

MOSCOW'S GAS PIPELINE TO EUROPE

As proof, Mr. President, we need only consider the administration's handling of the Siberian gas pipeline project.

In my November 14, 1980, letter to President-elect Reagan, and my enclosed letter of October 1, 1980, to Secretary of Defense Harold Brown, I questioned the policy of excluding the oil and gas industry from the list of strategic defense industries, and the policy of presuming that licenses would be granted for the export of oil and gas equipment. I urged the new administration to reassess this position as part of an overall national security assessment of the world energy situation.

Yet the administration started off by approving a first shipment of Caterpillar pipelayers to the Soviet Union. It is claimed that these pipelayers will not be used on the West Siberian pipeline, a generous supposition given Soviet practice of violating end-use representations. More importantly, in licensing this equipment, the administration sent the signal that in principle the export of technology and products relating to oil and gas production and shipment are not considered strategic items.

President Reagan at Ottawa made known U.S. concerns with the West Siberian pipeline, but the administration did not get itself together for an effective followup. It took the crackdown in Poland to energize the Government. And even now high officials are talking about the decision regarding U.S. technology and the pipeline in terms of "weighing the damage to the Soviet Union against the damage to the alliance."

What accounts for the confusion and the footdragging?

Because this pipeline project is supposed to be a strictly economic arrangement? Nonsense. If it is, why have the Germans so steadfastly rejected serious consideration of any alternatives to dealing with the Soviets? The United States has offered some alternatives, and a pipeline to exploit Norwegian gas was also proposed. The price of Siberian gas promises to be quite high. Furthermore, the deal requires an enoromous amount of Western credit, at a time when the German Government is joining many others in complaining about the price of money.

Only on the surface is this deal an economic one, whereby the Western Allies provide funding and technology in exchange for Soviet natural gas. Both sides, in fact, are fully aware of the significant political relationships involved. The pipeline deal will provide Moscow with a substantially increased flow of hard currency and political leverage for years to come, and we would be reckless to gamble that these resources will not be used against us and our European allies. For one thing, Moscow's revenues from the pipeline will facilitate acquisition in the West of sophisticated technology useful in stengthening the Soviet military. Even without direct Soviet action, the project creates the possibility that significant portions of allied economies and societies could fundamentally shift away from the West toward the Soviet Union. There would be massive diversion of energy-related capital, talent, and effort away from Western economic development.

What we should be doing is quite plain.

First, we should recognize the strategic importance of energy supplies and treat technologies and end-products related to them accordingly. Procedurally, this means giving the Secretary of Defense the same review over exports of oil and gas equipment that he now has over strictly military exports.

Second, we should recognize that in talking about energy self-sufficiency for the industrialized West we are talking about protecting the alliance, not damaging it. The administration should immediately prohibit the use of any American technology in connection with the pipeline. It should promptly convene meetings at the highest allied level to develop alternatives for Western European energy. It should provide substantial assistance in developing such alternatives, including technological and financial measures. And it should provide strong incentives for our allies to develop Western energy supplies rather than Soviet ones.

RECENT IMPROVEMENTS

Mr. President, certain developments of the past months encourage me to hope that some effective steps will be taken, both on the Siberian pipeline and for broader issues of technology transfer.

Most importantly, key assumptions about the importance of trade to détente are now critically questioned. During the past decade, three administrations acted on the assumption that increasing economic ties with the Soviet Union would moderate Soviet behavior in ways that would improve our security and build a peaceful world order. With this assumption came a consistent effort to relax controls on strategic trade with the East and to define quite narrowly what we meant by strategic trade.

Today, we can view those years as a costly experiment. The results included an increasingly adverse military balance, both strategic and conventional; renewed Soviet military expansionism; increased Soviet subversion in the Third World; a sharp escalation in the anti-U.S. Soviet political offensive around the globe; and a dramatic increase in Soviet espionage and clandestine operations against the West. Our technology, acquired and exploited by Moscow, contributed to each of these developments. There is now a growing awareness that our technology in Soviet hands is a threat to our security.

Also of importance, there is a broader appreciation that the Kremlin is determined to try to get our technology by any means available. The public press, as well as Government reports and defense estimates, have reported how Western developments in design, materials, components, and production have been acquired by our adversaries. The techniques have included classical espionage as well as the evasion of export controls through diversion, retransfer, and the use of foreign-owned but U.S.-chartered front corporations. The result has been weapons aimed at us that are higher in quality, greater in quantity, more lethal in effect, and quicker in the field than would likely have been the case if Moscow had to rely solely on its own technical/industrial base.

The present administration has begun some remedial action. The Department of Defense is taking the export control problem more seriously than before and is beginning to improve its ability to evaluate and control critical technologies. There seems to be more awareness in licensing decisions about the need to safeguard national security as well as to advance commercial interests abroad. And the intelligence community has sharpened its awareness of this threat and has begun implementing new procedures to monitor, evaluate, and report on technology transfers and developments.

CONTINUING SHORTCOMINGS

Mr. President, these new beginnings are a fragmentary start. What is needed is a clear, comprehensive Government-wide policy that frontally addresses the hard, central issues of technology transfer and loss. To date, the administration has lacked the top-level conviction and participation needed to shape such an overall policy.

TIME PERSPECTIVE

For one, it is not yet clear that the administration's efforts have deeper roots than a concern to impose sanctions. They should. Technology trans-

fers involve vital long-term issues of our national security, and they should not be turned on and off for foreign policy considerations of the moment. It may be appropriate to use normal commercial exchanges of butter and grain to reward and punish Soviet behavior. But national security concerns must be protected in times of cooperation as well as strain, and judgments about the wisdom of transferring certain technologies should be separate from the prevailing winds of foreign policy advantage. I am not sure that we yet have a firm national conviction on this matter, and I am worried that our recent efforts will not outlast the current sanctions resulting from events in Poland.

NATIONAL SECURITY PERSPECTIVE

In this regard, it is important to emphasize that national security involves more than strictly military considerations. The notion of strategic trade needs a much broader interpretation than it received in the past 10 years.

The Siberian gas pipeline is a salient example.

Even purely civilian/commercial transfers can indirectly help increase the Soviet threat to our security. By acquiring and exploiting Western technology, Moscow has been able to fill selectively gaps in its industrial base and to profit from the modernizing effects of, for example, Western microelectronic and computer technologies. It has been able to concentrate funding and manpower on other priority projects, and to alleviate consumer dissatisfaction. By taking Western proven designs as road maps, Soviet research and development activities have saved funds and important developmental time.

The point is not that all trade should be stopped on national security grounds. Many of our exchanges with the Soviets are only remotely linked with security threats, and the level and quality of such exchanges are the appropriate province of commercial and foreign policy considerations. But the fact that a particular exchange involves nominally commercial/civilian technologies does not ipso facto mean that national security is unaffected. The key here is informed judgment—the United States needs to examine carefully the possible effects of each proposed transfer.

DUAL-USE TECHNOLOGIES

This is particularly true for transfers involving dual-use technologies, items proposed for sale for civilian/economic purposes but which could readily find military applications as well. There is now a clear pattern of such diversions once Western technologies are in Moscow's hands. The U.S. Government allowed American business to build the Soviets a truck plant at Kama River, somehow assuming that only civilian trucks would be built there. As we all know, that plant builds military vehicles as well some of which carried Red Army units into Afghanistan.

Our experience with several other cases is similar. For example, American bearing grinders licensed for sale to the Soviet Union contributed greatly to various Soviet military programs. In other cases, we have seen that there is no real control over the use to which a computer is put once it is under Kremlin control; that another truck plant supported by American technology produces missile launchers; and that Soviet plants to produce farm machinery also produce weapons.

But requests for U.S. export licenses are still processed under a system that is biased against protecting national security. The political pressure exerted by commercial interests together with our Government's structure and system for processing such licenses effectively create a presumption of license approval. The onus of disapproval then falls on small, underfunded governmental units that are asked in effect to prove that such transfers will be diverted to military ends—definitive proof that is often only available once our security has in fact been breached. Experience suggests reversing this approach—the risks of diversion are high, and great caution is necessary.

ALLIED COOPERATION

I am also concerned that we have not achieved more progress toward effective controls with our allies in Cocom. Recent discussions led to several agreements in principle which appear to promise more vigorous cooperation in the future. But it is particularly true of these matters that the Devil is in the details. Alliance-level mechanisms for oversight and harmonization of national efforts on technology transfers are still inadequate. National-level procedures are also still quite weak; among our allies, only France has a national approach to export licensing similar to ours in providing formally for military advice and review.

At the same time, the inadequacy of Cocom measures has helped corrupt our national control systems. Arguments based on the foreign availability of even dual-use technologies are repeatedly and successfully pressed within our Government to permit transfers. There is little sense in permitting transfers that could threaten our security merely because the items could be obtained elsewhere; logic like this would have parents supplying heroin to their children. A punitive unilateral approach, however, risks creating a system of penalties that would have the effect of driving high-technology firms abroad. Dealing effectively with this type of problem requires strong allied cooperation, which the administration should do much more to encourage.

OTHER MEASURES

Furthermore, there is too little recognition of the fact that problems of technology transfer and loss require more than effective export controls. Moscow's campaign to acquire our technology is sophisticated, diverse, and well-coordinated. Opportunities are fully exploited: Visits and exchanges, exploratory contract discussions, academic meetings and programs, public information services, and applications under the Freedom of Information Act. Covert and clandestine methods, however, have virtually become the method of preference for the Kremlin, apparently because they are so effective. A host of espionage techniques are involved, including intercepting communications, suborning or otherwise recruiting personnel, and theft and black-market operations. And all of these techniques are in addition to the methods I noted earlier to avoid and evade our export controls—illegal diversions, front and dummy corporations, and foreign retransfers.

ACTION NEEDED

Specifically, Mr. President, I urge the following improvements and innovations in Government programs:

First. The role of the Defense Department needs to be considerably strengthened. Responsibility for defense concerns with technology transfer should be centralized in a policy level office with adequate resources to discharge DOD's responsibilities regarding license applications as well as intelligence monitoring and cooperation with our allies. In previous years, DOD failed to fund its technology transfer offices adequately to perform its statutory role. Congress should consider this need specifically in reviewing the fiscal year 1983 budget and earmark funds for it, preferably by establishing a separate line item.

Second. The role of the intelligence community should also be strengthened. The Senate Select Committee on Intelligence, of which I am a member, has been particularly interested in problems of technology transfer and loss. Initiatives to improve our intelligence process in this area have recently been undertaken by the administration, and we will look carefully at their budget requests and performance. Here again, earmarked funds might prove helpful. Particularly important is the structuring of the policy process so that coordinated, current intelligence from the community as a whole

can be brought to bear on policy judgments about technology transfer and loss. Sound information and analysis cannot alone insure prudent policy decisions, but it will help considerably.

Third. All United States-Soviet exchanges and agreements need to be carefully reviewed for full reciprocity—not just on paper, but in practice. Academic exchanges, for example, should involve people of comparable professional level and interests as well as simply equal numbers. It is particularly important that we keep in mind the difficulties posed by such exchanges and agreements for our foreign counterintelligence programs, and that we strive to reduce the exploitation of our political freedoms by hostile intelligence services. Here, too, Congress should investigate how legislation could help to accomplish genuine reciprocity in our dealings with the Soviet Union and its allies. An important part of full reciprocity would be requiring the disclosure of ownership for Communist-owned U.S.-chartered commercial entities.

Fourth. More far-reaching public awareness programs need to be implemented. The FBI and Defense Department have begun awareness programs of the hostile intelligence threat for U.S. defense contractors, and various concerned officials have been cooperating with the press in bringing this story to the public. Much more needs to be done, however, particularly to make the academic community aware of the threat from hostile intelligence agencies. Information and awareness are more secure safeguards than censorship.

Fifth. Consistent and determined U.S. leadership is required to forge an effective consensus on these matters within Cocom. Sustained evidence of a serious U.S. conviction to control transfer and losses is the key to effective allied cooperation. Both our Government and the governments of our allies can be victims of union-busting pressure from large commercial interests. Congress should undertake hearings and investigations aimed at reducing this and other obstacles to improving Cocom's effectiveness.

Sixth. Strategic trade policy should include credit controls. The Soviet lack of hard currency means that a great deal of the hemorrhage of our technology might be restricted if the Soviets and their allies had to pay for their acquisitions in cash at time of purchase. Today the debt of the Warsaw Pact countries to the West is about $80 billion. Poland is unable to service its $26 billion share of that debt, and there are increasing signs that Moscow's hard currency shortages are mounting. The export of Western capital through extensions of credit permits the Soviets to fortify their military-industrial system every bit as much as the transfer of technology. The United States, in concert with its allies, should begin now to develop a multilateral approach to comprehensive controls on credit to the Soviet Union and its allies. This might be done under the aegis of Cocom.

Seventh. Technology transfer control considerations should be incorporated into the design and production of sensitive advanced products. For years, the U.S. Government and others have struggled with the problems of controlling loss of selected technologies by political and diplomatic means. Many of these problems could be obviated at the engineering stage. Semiconductors and integrated circuits, for example, could be coated with commercially available substances that would preclude reverse engineering of the products, thereby improving both national and proprietary security. Counterintelligence considerations should be incorporated more systematically at the earliest stages of product development.

Eighth. The contribution of business to effective export controls should be strengthened. The export business community has long played an important role in the formulation of export control policy. Their advice is sought on technological advances and types of controls. In the course of the critical technologies studies conducted by the Department of Defense, representatives of our Nation's leading aerospace, electronics, and other high technology have made a substantial contribution.

In at least two other ways, business can make a broader contribution.

One is in the area of foreign availability. I urge business to aid our Government's efforts in developing effective allied controls. In effect, I am inviting American businessmen to "blow the whistle" on companies that put greed above Western security.

Second, I urge exporters to develop voluntary procedures to further the aim of national export controls. Recent Soviet practices in this country make it especially desirable now that American businesses know their customers and the ultimate use and destination of their products. Perhaps Congress can help here by legislation requiring some form of identity and end-use certification for purchasing agents of foreign nations.

Mr. President, what I said on April 30, 1980, about the post-Afghan strategic trade policy of the Carter administration is still applicable:

> The flaws in our export controls are due to an absence of conviction, not of resources; it is within our capacity and that of our allies to remedy them. It is still possible to improve our export controls. But the time is long overdue to translate rhetoric about our tough new policy into effective action.

I ask unanimous consent that the text of my November 14, 1980, letter to President-elect Reagan, and my enclosed letter of October 1, 1980, to Secretary of Defense Harold Brown, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON GOVERNMENTAL AFFAIRS, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., November 14, 1980.

Hon. RONALD REAGAN,
President-elect of the United States,
Arlington, Va.

DEAR MR. REAGAN: For several years now, the Senate Permanent Subcommittee on Investigations has been concerned with the transfer of technology, directly and through third parties, to the Soviet Union and other Warsaw Pact members. Evidence adduced in the Subcommittee's studies and hearings has demonstrated that our policies in this area have been seriously flawed and have enabled the Soviets and their allies to acquire technology which has contributed significantly to their military-industrial capabilities.

The protection of our technological lead times is crucial to the maintenance of strategic parity with the Soviets. To achieve this objective it is necessary that the U.S. develop a coherent, consistent and effective policy to prevent the transfer of security-sensitive technology to our adversaries.

During the past two years, some steps have been taken in the right direction. In 1979, Congress adopted certain amendments to the Export Administration Act which are designed to strengthen national security controls. Also, subsequent to the Soviet invasion of Afghanistan, the Carter Administration took some long overdue actions to restrict exports of high technology to the Soviets. However, these efforts are only in their early stages. Much work remains to be done before years of mismanagement and neglect can be corrected. In the following I have outlined my major concerns.

1. A CLEAR AND COMPREHENSIVE POLICY

During the past decade, our strategic trade policy has been made on an ad hoc, license-by-license basis, generally at a fairly low level in government. Top level policy guidance has consisted largely of short-sighted notions of détente or trade promotion which were not grounded in a thorough national security assessment of technologies and their relative importance in the military balance between the U.S. and the Soviet Union and other adversary nations. Indeed, the government has lacked an adequate ongoing assessment capability. As a consequence, evaluations of technical criteria such as the military significance of the technology and foreign availability were shaded in order to justify license approvals or were otherwise inaccurate. The quality of analysis has also suffered due to chronic shortages of qualified personnel who must process over 70,000 license applications annually within statutory deadlines.

The lack of a clear and effective policy has resulted in other problems such as U.S. government agencies working at cross-purposes, inconsistent decisions, uncertainty for U.S. exporters, and the weakening of Cocom as an effective multilateral control mechanism.

Deficiencies in controls on technology transfer have not been limited to the export licensing area. The U.S. has engaged in educational and other technical exchange programs in which the benefits have flowed almost exclusively to the Soviets and their East European allies. Moreover, there has been inadequate official review or control over the nature and extent of technology transfer in these arrangements.

In addition, the U.S. has not had an adequate program to enforce our export control laws, despite aggressive Soviet efforts to acquire controlled and classified technology through clandestine and illegal means both in the U.S. and abroad. For example, the Defense Intelligence Agency recently told the Senate Committee on Governmental Affairs that the Soviets and some of their allies have acquired interests in or have established businesses in the U.S. in order to acquire restricted technical data and equipment.

An important task for your Administration will be to develop a clear export control policy based upon a comprehensive technological assessment and to communicate that policy downward to the officials charged with its implementation. My views as to additional elements of this policy are discussed below.

2. THE CRITICAL TECHNOLOGIES APPROACH AND THE DEPARTMENT OF DEFENSE

In response to the foregoing problems, a bi-partisan group of Senators co-sponsored my amendments to the Export Administration Act of 1979 which gave the Secretary of Defense the primary responsibility for identifying militarily critical technologies and goods and formulating controls to prevent their transfer to our adversaries. The critical technologies approach is intended to lead to tightened controls on know-how and to the relaxation or modification of controls on products which do not transfer technology or have significant intrinsic military capability. On October 1, 1980, the Department of Defense published its initial version of a critical technology list. On the same day, the Department of Energy separately published its significant input to the list. Significant additional technical analysis and regulatory work is necessary before the critical technology list can be fully integrated into the export control system, as contemplated by Congress.

This work should be completed on an expeditious basis so that we can have the kind of assessment capability necessary for an effective policy. To do so, DoD will require adequate funding and staffing as well as the active support of the Energy Department and other governmental agencies and the business community. In its fiscal year 1981 budget request, DoD asked for $2.5 million to continue support work on this project. I am concerned by reports that DoD is planning to allocate only half the funds requested. I am also concerned by the failure of DoD to adequately staff its export control activity. In view of DoD's significant responsibilities in the strategic trade area, I believe it would be helpful if DoD established a separate budget line item for this activity.

My views concerning the critical technologies project are discussed in more detail in my letter of October 1, 1980, to the Secretary of Defense, a copy of which is enclosed.

3. FOREIGN AVAILABILITY

An important factor in determining whether to export an item to an adversary nation is whether the item would be available from foreign sources in sufficient quantity and quality that denial of export would be ineffective. My 1979 amendment to the Export Administration Act requires that any determination of foreign availability which is a basis of a decision to approve a license or remove a control on the export of a good or technology shall be made in writing and be supported by reliable evidence. This provision should be stringently enforced.

At the time of enactment, the Export Adminstration Act in September 1979, neither the Commerce Department nor any other agency of government had an adequate foreign availability assessment capability. Unfortunately, this continues to be the case today. Although the Commerce Department is assigned the primary responsibility for coordinating the collection and monitoring of information on foreign technology, this responsibility of necessity must be shared by DoD, the intelligence community, and other agencies with export responsibilities. In order to carry out Congress' mandate, the agencies need to be mobilized and adequately staffed and budgeted (including provision for travel funds to investigate allegedly competitive technology).

When a good or technology which would make a significant contribution to the military potential of an adversary is determined to be available from foreign sources, this should not lead to automatic approval of the export as has been the case too often in the past. Instead, negotiations to secure cooperation in restricting availability should be initiated immediately.

If the United States resumes its position of leadership, I believe that our allies and friends will be inclined to cooperate in multilateral control efforts. Should a nation refuse to cooperate with the United States in denying alternative sources it hardly enhances U.S. credibility to compete to sell the very item we had argued would be contrary to our security interests for the other nation to sell. If you determine that you need additional authority to encourage other nations to cooperate in multilateral controls, I would be happy to support appropriate legislation.

4. EXCHANGE PROGRAMS

Since the invasion of Afghanistan, the Carter Administration has imposed more stringent control on a number of government-to-government technical exchange programs with the Soviet Union. There currently is an informal interagency body which reviews some aspects of certain exchange programs. The scope of the body's responsibilities needs to be expanded to assure that Soviets and other adversaries are not gaining access to critical technologies in private and commercial exchange programs, as well as in governmental arrangements. To achieve this objective, I believe the new Administration should formulate a policy to guide the decision-making of the review body. In this regard, the Soviet Union and other adversaries should be denied technologies, if the Secretary of Defense determines that such access would adversely affect national security, subject, of course, to the final decision of the President. This is consistent with the intent of Congress in the Export Administration Act which gives the Secretary of Defense such a veto in the licensing and control list area.

5. ENFORCEMENT

During the past several months, the Carter Administration has been conducting various interagency studies of problems in the enforcement of export control and other laws which protect controlled and classified technologies. Recently, the Department of Commerce announced that it has stepped up its enforcement of the Export Administration Act. However, that Department still does not have an adequate investigative and support staff to enable it to carry out an effective program. A thorough assessment of our government-wide enforcement program is required, including the adequacy of (a) resources, (b) coordination of the U.S. agencies internally and with foreign governments, and (c) existing legislation.

6. POST-AFGHANISTAN DEVELOPMENTS IN EXPORT POLICY TOWARD THE SOVIET UNION

Since the invasion of Afghanistan, there have been a number of changes in U.S. strategic trade policy toward the Soviet Union. These changes are generally steps in the right direction, but I have had some reservations. One of my broader concerns is that the Carter Administration has suggested that these steps are intended as a short-term response to the invasion, rather than as part of the development of tighter control policy for the long-term. For example, President Carter stated that he hoped that, if the Soviets withdraw from Afghanistan, we can restore normal trade relationship with the Soviets.

A firm and consistent policy is essential if we want our friends and allis to take us seriously when we ask for their cooperation. The reluctance of our Cocom allies to give specific or formal support to some of the recent U.S. proposals may be attributable in important part to questions about the seriousness and steadiness of U.S. intentions. I think it would be helpful to the successful implementation of the new policy, if you would tell our allies that these new policy directions represent a longterm strengthening of U.S. controls on the transfer of security-sensitive technology.

I also have a number of concerns about the substance and implementation of the new policy.

(a) The Administration has stated that it will not approve exports to the Soviets of items which are under Cocom control and which require formal Cocom permission prior to export. But the policy provides for possible exceptions on a case-by-case basis for spare parts for computers and other previously exported items. A large number of spare parts cases have been held in abeyance. I see no persuasive basis for granting exceptions for spare parts for items which we would not presently export.

(b) The new policy provides for tightening criteria used in reviewing applications for the export of technology, including process know-how for plants in militarily relevant industrial sectors (e.g., trucks, aircraft, metallurgy). A large number of significant technology cases have not been decided because of delays in formulating specific criteria. Development of interim criteria should proceed as quickly as possible so that these cases can be decided. Long-term criteria should be developed in the critical technologies project.

(c) The new policy provides for careful review of proposed exports to Eastern European countries to assess the risk of diversion to the Soviet Union. The implementation of this policy should be carefully examined.

(d) The Carter Administration has established a presumption of denial for exports of technology for manufacturing oil and gas production and exploration equipment. However, I understand that no effort has been made to enlist the support of our allies for this policy. Although the U.S. has dominance in certain oil and gas technologies, a multilateral approach would make the policy more effective.

The Administration has also continued its policy of presuming approval of exports of oil and gas equipment. I believe that the equipment policy should be reassessed by your Administration as part of an overall national security assessment of the world energy situation.

I am gratified by your letter of October 24, 1980, expressing support for the Jackson-Vanik Amendment. I very much hope that you also share my basic point of view concerning our strategic trade policy and that your new Administration will accord this matter a high priority.

Sincerely yours,

HENRY M. JACKSON,
Vice Chairman.

COMMITTEE ON GOVERNMENTAL AFFAIRS, SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, D.C., October 1, 1980.

Hon. HAROLD BROWN,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, I sponsored a number of amendments to the Export Administration Act of 1979 which gave the Department of Defense primary responsibility for identifying military critical technologies, and for assuring that these items are adequately controlled. (See in particular, Sections 5(a) (3), 5 (c) (2), and 5 (d).) I also initiated efforts which led to the earmarking of $2.5 million of research and development funds to the critical technologies project.

The initial version of the critical technologies list was published in the Federal Register on October 1, 1980. This was a major undertaking and I commend the Department for its efforts. However, I believe that the work accomplished thus far falls short of what was contemplated by these amendments. For example, the Department has not yet completed:

(1) The identification of the mechanisms through which critical technologies may be effectively transferred;

(2) The formulation of specific revisions to the Commodity Control List and the particular forms of control which should apply to such goods and technologies and transfer mechanisms;

(3) The identification of critical technologies and goods in the nuclear area;

(4) An evaluation of several industry segments to obtain an understanding of technology elements and flows within an industry's infrastructure;

(5) The identification of end-items of intrinsic military utility;

(6) An analysis of items on the Munitions List to determine which critical dual-use technology may be employed to produce such items; and

(7) An indentification of specific process know-how areas that could contribute to key industries which support the Soviet military.

It is important that these tasks be completed as soon as possible if the critical technologies approach is to achieve its full promise.

Moreover, a major part of this work is important to the successful implementation of the Administration's more restrictive strategic trade policy toward the Soviet Union. In this regard, I wish to commend the Department for its role in helping to formulate this new policy. I was gratified by Under Secretary Perry's recent testimony that the Department views this new policy as an effort to improve our controls on a long-term basis. But the new policy must be long-term in its objective and execution—not in the process of its development.

A major commitment of DoD manpower and other resources will be required to complete the aforementioned tasks, as well as to review 4,000 license applications annually and to prepare technical justifications for U.S. positions in COCOM. At present the Office of Technology Trade which carries out the Deparment's responsibilities under the Export Administration Act has only four full-time professionals. I recognize that the Office of Technology Trade may draw upon the expertise of the services; however, adequate full-time staff is required to marshall these resources and assure continuity, coordination and compliance with applicable law and policy. Four professionals are clearly inadequate by any measure.

I urge that you establish as a high priority securing an increase in the permanent staff and support personnel of the Office of Technology Trade and any additional funds that will be required to carry out DoD responsibilities under the Export Administration Act. I will count on you to advise me what actions you will take. I also ask that you submit a specific timetable for completing the additional analytical and regulatory work necessary for full implementation of the critical technologies approach.

I further urge that the Department take immediate steps to impose adequate controls on the transfer of technical data identified on the critical technologies list. Present export regulations do not require a validated license for the export of many of these critical technologies to most non-Communist destinations. As a consequence, it is impossible to track, much less effectively control, these technologies. Most foreign nations, including several of our COCOM allies, do not have adequate license controls on exports of technical data or adequate enforcement of those controls. This loophole in our controls creates significant opportunities for leakage of this sensitive data to our adversaries.

I believe that the Department should use its existing authority to designate appropriate critical technologies as defense articles and place them under Munitions List license controls or, at least, seek adequate license controls under the Export Administration Act. I will appreciate being advised what action the Department will take.

Thus far, the critical technologies project has focused on technologies employed in weapons related systems and items on the Commodity Control List. I endorse the DoD and the Administration's view that process know-how can also enhance the Soviet military capabilities through contributions to key military support industries. I understand that the industries are: motor vehicular (trucks and diesel engines), chemicals, machine tool, computers, ship building, aerospace, and metallurgy. I do not understand why the oil and gas industry is not included in this list of strategic defense industries, despite the fact that the Administration's new policy establishes a presumption of denial for exports to the Soviets of technical data for the manufacture of oil and gas equipment. I ask the DoD to submit a report detailing its views on the advisability of including the oil and gas industry as a key military support industry for the purpose of the process know-how policy.

I have enclosed a copy of a letter Senator Nunn and I wrote to President Carter on March 12 and my speech of April 30. The letter and speech summarize a number of my concerns on export control issues in addition to those discussed in this letter.

Sincerely yours,

HENRY M. JACKSON,
Vice Chairman.

STANDING WITH SOLIDARITY

Mr. JACKSON. Mr. President, I want to call the attention of my colleagues to Pope John Paul II's increased pressure on Poland's military junta to fully restore the nation's independent trade union, Solidarity.

Addressing 30 trade union leaders at the Vatican, including six Solidarity members in exile, the Pope said on February 9 that:

The restoration of an effective and complete respect for the rights of working men, and especially their right to a union which has already been established and legalized, is the only way out of this difficult situation.

The Pope further said that the harsh measures applied by the Polish Government "cannot force us to forget that this union acquired, and still possesses, the character of an authentic workers' organization, recognized and confirmed by the organs of the state."

Solidarity, the Pope said, "is and remains an autonomous and independent union, faithful to its initial aspirations, rejecting violence even in the difficult situation it faces today, and still hoping to be a constructive force for the nation."

Mr. President, I am encouraged at the Pope's firm position regarding the tragic developments in his native land.

In my own remarks at the International Solidarity Day rally in Washington, D.C. on January 30, 1982, I emphasized that "no solution to Poland's problems is possible without the full participation of Solidarity."

In this connection, I ask unanimous consent that the full text of my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL SOLIDARITY DAY RALLY

We are here to protest. We are also here to pay tribute to a brave people whose struggle for freedom will be remembered throughout the world long after their puppet government has passed from the scene.

I am proud to be here among so many distinguished clergymen. The church in Poland is living proof that an institution which embodies the spiritual values, the historic roots, and the national aspirations of a people cannot be destroyed, even by the so-

phisticated weapons of the totalitarian state.

Though its leaders may be harassed, its activities restricted, its access to the media curtailed, the church endures, with quiet courage. It endures because for Poles, as for all people, there is a part of the human personality which will not surrender itself to the state. It is an inextinguishable force, a permanent threat to any communist system, and to all systems that identify society with the state.

I am proud to be here among so many trade unionists, whose counterparts in Poland created the magnificent movement of workers, which quickly became the vehicle for the expression, not only of workers' rights, but of human rights for all.

In the most difficult circumstances, a workers' movement arose, almost out of nowhere, to project the highest values of the trade union mission.

How appropriate that our activities today should begin in a house of worship and conclude in the house of labor, underscoring the role of the two most important people's institutions in Poland—the Catholic Church and the Solidarity trade union movement.

Poland offers a lesson that can be applied to other countries where basic human rights are violated. It is not enough to denounce such violations. Our goal must be to encourage and support the growth of free institutions, without which other rights are not likely to be secured or protected.

I want to commend Lane Kirkland and the AFL-CIO for all they have done, in so many practical ways, to assist and sustain Solidarity.

I am often asked whether Americans should encourage the Polish people to resist their Soviet-imposed government. Look at what we didn't do in Hungary, some people say.

They miss the point. The Poles are resisting—with or without our encouragement. They are resisting nonviolently. The question is: do we let them know, by means of demonstrations like this one, that we stand with them, or do we abandon them?

Make no mistake about it. There are people who propose that we turn our backs on the Poles. They don't use those words; instead, they say:

Solidarity went too far. Imagine, it asked for the right to associate. And why not? Can it be condemned for that? After all, it is only taking seriously the famous admonition of Lenin: "Workers of the World Unite!" Solidarity did just that!

And Solidarity asked for the right to strike, and to vote in genuine elections. What extremism!

Or we are told: the Jaruzelski junta is the best we could hope for. It is the only alternative to a Soviet invasion. We should view it as a force for moderation.

But let's be clear about the junta: what it represents, in fact, is the Soviet Union. It is the product of a Soviet invasion in a specific form, a Soviet putsch by proxy, the purpose of which is to destroy Solidarity as an independent institutional force and to secure the hold of the Kremlin on the Polish state.

To welcome the puppet junta, whatever the rationale, is to abandon the Polish people. It is to betray the thousands of Solidarity members interned in detention camps under harsh conditions. It is to betray the cause of internationally recognized human rights.

Meanwhile, the Jaruzelski regime is in deep trouble.

They have not succeeded in crushing Solidarity, nor in silencing the church. They have not succeeded in stopping the disintegration of the Communist Party. They have not succeeded in restoring production in the factories, the offices, the farms.

They have not offered a program to solve the serious social and economic problems of Poland—because they cannot. No solution to Poland's problems is possible without the full participation of Solidarity.

This is what we are asking:

Release Lech Walesa;

Free all other detainees;

Lift martial law altogether; and

Resume negotiations between Solidarity and the government.

Poland poses a crucial test for the Atlantic Alliance.

We should spare no effort to persuade our allies to join us in strong pressures on the Soviet Union. But the United States has a role of leadership, and we do not meet our responsibility by reducing our response to the lowest common denominator acceptable to confused European opinion.

The President has told us that he is prepared to take stronger steps if the situation in Poland does not improve. It is not improving; it is getting worse. It is time for the President to act.

I urge the following immediate moves:

One. Call in a significant portion of the balance of the Polish government's debt to the West, thus requiring Moscow to assume more of the burden of bailing out the Polish economy.

Two. Ensure that any future transactions with the military junta in Warsaw be on a strictly cash basis, and that credits are no longer extended.

Three. Suspend all American participation in the Siberian Gas Pipeline, including the suspension of the export licenses of all American companies.

Four. Press for the strongest denunciations of the repressions in Poland in all available international forums.

Five. Step up private humanitarian relief to the Polish people, and enhance western radio transmission into Poland to offset the information and communication blackout.

One final word: Solidarity is not dead. It is the Polish junta whose days are numbered if it refuses to come to terms with Solidarity. It is the Kremlin that has more on its hands than it can handle.

My friends, our duty is to intensify the pressure—and to stand with Solidarity.

PRESIDENT REAGAN'S PROPOSED ENERGY BUDGET AND ORGANIZATION

Mr. JACKSON. Mr. President, the Congress was presented with President Reagan's budget on Monday. Most of the press attention so far has been paid to the plans for the New Federalism, holes in the "social safety net," and the awesome deficit projections. I wish to concentrate today on what the Reagan program means for this Nation's energy policy and energy security.

Taking a look at just four policy issues shows vividly why I believe we are in danger of losing what coherence and what progress we have made since the early 1970's in this Nation's energy policy. Those four issues are: First, dismantling the Department of Energy; second, our vulnerability to an oil supply interruption; third, the strategic petroleum reserve program; and fourth, the budget for energy conservation programs.

Dismantling the Department of Energy became a "cause"—particularly in conservative circles—when the oil price control and allocation programs were in effect. Deciding to get rid of DOE because of oil controls ignores what DOE does. The entire Federal energy programs budget for this fiscal year 1982, includes $88 million for regulatory programs. Energy regulation represents less than seven-tenths of 1 percent of the Federal energy programs budget, even according to the President's own numbers.

Ninety-two and a half percent of the energy programs budget for fiscal year 1982 goes for energy research, the strategic petroleum reserve, and for the nuclear weapons program and defense activities. DOE includes the national labs at Sandia, Los Alamos, and Livermore that are very important to the security of this country. No one disputes that these programs are of vital importance to this Nation's energy security, yet the very proposal to disperse them into cubbyholes in other departments will make them more cumbersome and less effective at best. One can just imagine the impact on staff morale and productivity of being assigned to four different agencies in 8 years.

Does anyone in this Chamber know who the Assistant Secretary of Commerce for Trade Administration is? I doubt it. I had to look it up. In the current Congressional Directory, the position is listed as "vacant." A phone call to that office revealed that Lawrence J. Brady is in charge. The Assistant Secretary of Commerce rank is the one that will be accorded the person in our Government who will be responsible for international energy issues under the latest "leaked" draft of the proposed Department of Commerce. Frankly, I doubt that the Saudis will be terribly impressed with the prospect of dealing with anyone of that rank.

Throwing international energy issues in with international trade issues at the Department of Commerce means that the energy issues will get short shrift. The Department of Commerce trade promotion program is a darling of the business community. It is inevitable that the trade issues will be the focus of the Department's attention. As a practical matter, the change in responsibility will mean that low-ranking officials at the Department of State will conduct the day-to-day business of our international energy policy. In my years of experience in Washington, having the State Department represent us on issues of this importance and complexity has not been very satisfactory.

In my view, abolishing the Department—and leaving this Nation without a Cabinet-level energy policymaker—will send the wrong signal at the wrong time to our allies, to our adversaries, and indeed to the entire world.

That gets to the next issue—our vulnerability to an oil supply interruption.

Few would dispute that the Middle East is still a cauldron of instability. I watch these things pretty closely as a member of the Energy Committee and as a member of the Intelligence Committee. I do not want to go into details right now, but I am particularly concerned about what is happening right now in Egypt. To me, Egypt is the key among the Arab States. They have welcomed the Russians back in with open arms. I have said publicly that I can see all sorts of opportunities for what we call mischief in Egypt, as well as in other areas of the Middle East.

Even though our own dependence on Persian Gulf oil is declining—due to conservation and the recession—our economy and those of our closest allies will for the foreseeable future be very much tied to Middle Eastern oil. Currently the United States alone is importing 3 million barrels per day from OPEC and about 2 million barrels per day of that is from Arab members of OPEC.

What does the administration want to do about this? Nothing. In fact, they want to do worse than that. The administration is opposing enactment of any type of energy emergency legislation. We have a bill now in conference—supported by a bipartisan majority in both the Senate and the House—to give the President authority to allocate oil to essential sectors of the economy in times of an emergency. And I have heard rumors that the President might veto it.

Adherence to a free market philosophy is laudable, but blind adherence—to the point of not providing the country with basic protection in time of a crisis—is shortsighted. That brings us to a third issue—the strategic petroleum reserve.

I applauded the Reagan administration's efforts on SPR for the first year they were in office. They averaged an SPR fill rate of 292,000 barrels per day in fiscal year 1981, a commendable achievement. Now I am concerned about what appears to be a change in direction.

All indications are that after a laudable acceleration of the strategic petroleum reserve program in the past year, the administration intends to throttle back substantially. Simply put, there is no more important energy security program than the rapid creation of a large strategic petroleum reserve.

The fiscal year 1983 budget request for oil procurement to fill the strategic petroleum reserve will be $1.6 billion less than last year's appropriation, a 44-percent cut. The budget request for storage facilities construction will be less than half what DOE wanted from OMB. Moreover, the administration wants to defer spending 28 percent of what was appropriated for facilities construction in fiscal year 1982. The result is that the administration concedes that completion of the SPR will slip 1 entire year. This rationale is akin to delaying production of B-1 bombers because of a lack of hanger space. The General Accouting Office just issued a report that criticizes the DOE for failing to examine temporary storage options which would permit continuing high procurement rates of oil for the reserve.

Equally important, the administration is proposing to dismantle the relatively balanced array of research programs aimed at new energy conservation technologies and alternative energy sources, including fossil fuels, which would reduce our dependence on imported oil. The new budget represents a 97-percent cut in funding energy conservation programs and an 89-percent cut in fossil energy research and construction funds. Those numbers compare the fiscal year 1983 request with fiscal year 1981 funding.

In 1980, budget authority for energy conservation programs was $1 billion. Now President Reagan proposes to spend just $18 million in fiscal year 1983. I think that is wrong.

Mr. President, energy analysis have recently noted that U.S. oil savings between 1979 and 1980 accounted for over half of the free world's reduction in oil consumption during those years. In fact, our oil savings in that period were as much as the total oil consumption in many industrialized nations in Western Europe and Asia.

No other oil importing nation can maintain that world oil glut as well as the United States, simply because of the magnitude of our oil imports and our potential for energy conservation.

What signal are we sending abroad if we phase out our programs to weatherize our buildings; and to perform research on more efficient furnaces, water heaters and appliances?

Notably, the Research and Development Panel of the Energy Research Advisory Board has just released its "Report on Federal Energy R. & D. Priorities," a report prepared at the Administration's request, which concludes that the budget cuts in energy conservation research are not warranted because the private sector will not do the research that is needed.

While I have supported nuclear power, I disagree with the administration's efforts to put all our Federal eggs into the nuclear basket. The Federal Government should be pursuing a balanced array of energy options.

In any event, I hope that in the coming debate over the dismantlement of DOE and the energy budget, we do not lose sight of the real issue, whether we are maintaining a sufficient Federal effort in promoting our energy security. In my view, the proposals before us do not do so.

Mr. President, I yield the remainder of my allotted time to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator from Washington. I listened to what he was saying, and I certainly shall followup in the context of the rest of his speech.

AGRICULTURE: PROBLEMS AND PROSPECTS

Mr. STENNIS. Mr. President, in 1981, we were repeatedly reminded of the plight of America's farmers as we struggled throughout the session to pass a farm bill which would be fair to farmers without causing an even greater deficit in our Federal budget. Before we adjourned in December, we passed a bill that we hope will accomplish this task. Although it appears that we have succeeded in being fair to farmers without increasing our deficit, it is obvious that the 1981 farm bill, by itself, will not bring the farmers of America out of the economic depression they are now experiencing.

The Department of Agriculture has reported that the estimated net farm income in America for 1980 was $19.9 billion, a decrease from the $32.7 billion net income of 1979. The estimated net income for 1981 ranges from $20 to $24 billion, still much less than 1979. In my own State of Mississippi, net farm income decreased from $695.4 million in 1979 to $271.4 million in 1980, a decrease of 61 percent, and the lowest net farm income in Mississippi since 1962.

In 1980, severe drought in the South caused farm income to be reduced drastically. This was compounded by President Carter's embargo of certain agricultural goods to the Soviet Union. In 1981, farmers produced record crops in almost every commodity, causing an oversupply and bringing prices way down. In 1980, Mississippi farmers received an average price of $7.75 per bushel for their soybeans. In December of 1981, they were receiving only $6.08 per bushel. Cotton farmers received almost 77 cents per pound in 1980, as compared to just over 51 cents per pound in December of 1981.

While the prices for soybeans, cotton, and almost every other commodity have been dropping, the cost of producing the commodities has continued to rise. The price of fertilizer is up 7.4 percent in 2 years and the price of fuel has doubled in that time. The price of diesel fuel alone has risen 370 percent since 1975.

In addition to these increases, dramatic increases in interest rates have placed extra stress upon the farmers. The cost of credit obtained at commercial lending institutions has risen as much for farmers as for any other business, making it almost impossible for farmers to borrow commercially. Interest rates charged by Federal land banks in the Fifth Farm Credit District, which comprises the States of Mississippi, Alabama, and Louisiana, increased from 8.5 percent in December 1975 to 11.75 percent in December 1981. As recently as 1978, Farmers Home Administration was charging 8 percent interest on their standard operating loans to farmers. Currently, this figure is 14 percent. Interest on their emergency production loans has increased from 8 percent in 1977 to the 16 percent now being charged. The Commodity Credit Corporation has increased the interest on its crop loans from 6 percent in 1970, to a current rate of 14 percent.

These and other factors over the past few years have caused the debt incurred by farmers to grow immensely. Total farm debt grew by an estimated $20 billion during 1981, to $194.5 billion, an increase of 11 percent for the year. This figure is astronomical when we consider that in 1976, the total debt was less than half of this amount, at $90 billion.

I realize that I have painted a very grim picture thus far of the farming situation. I never like to dwell on negative thoughts but, in all truthfulness, the picture is grim for farmers at this time. In order to find the solution to the distress our farmers are experiencing, I felt it was necessary first to discuss the problems.

There are solutions to these problems I have mentioned and I am pleased that we have already taken some steps toward improvement. Because of the record crop production in 1981 and an oversupply of stock commodities, I, along with our Members of Congress and the farming community, urged Agriculture Secretary John Block to consider implementing some type of acreage reduction program. On January 29, 1982, Secretary Block announced such a program, calling for 10 to 15 percent reductions in the 1982 cotton, rice, wheat, and feed grain crops. Hopefully, this move will decrease our oversupply of these commodities, thus improving the market situation for farmers.

Another step to increase the demand for commodities and improve the market for farm productions is expanding our export markets. I have asked Secretary Block and U.S. Trade Representative Bill Brock to use every means available to them to increase our shipments of agricultural products to other countries. Already, agriculture sets a shining example among all exports of the United States, with a 1980 trade balance of plus $24 billion. However, we are all well aware that there are still many countries with great needs for our farm products. By making more of our products available to them, or by making them more available to our products, we can help them and our farmers.

Of all the steps that could be taken to help this Nation's farmers, none would be more effective than making credit more available and making it available at lower interest rates. In 1981, I introduced legislation which would establish a national commission to study this problem and make recommendations for actions that Congress can take to provide stability in this area. Through the joint efforts of this commission, the President of the United States, and Congress, I know we can find an eventual solution to this grave problem.

These lower interest rates will take time to achieve, however, and our farmers need credit now, even at the higher rates they are having to pay. The Federal Government can continue to help sound farmers avoid bankruptcy by serving as a lender of last resort, through the Farmers Home Administration. However, there is a limit as to the amount of help the Farmers Home Administration can provide. At some point, it becomes the responsibility of the private sector to help provide credit for these farmers who are experiencing temporary difficulties.

I do not intend to say that lending institutions should make or extend loans for farmers who show no signs of ever improving their situation. However, those farmers who have done well in the past and continue to practice good farming techniques should not be abandoned because they have 1 or 2 poor years. It is especially important that the insititutions of the Cooperative Farm Credit System, which have a long and proud history of service to farmers in Mississippi and throughout the Nation, bear with these farmers. I trust these institutions will continue to take a stand for helping farmers in even the roughest of times. It is my hope that these cooperative lending institutions, and all other commercial lenders, will use all the tools available to assist farmers who are experiencing temporary difficulties.

There are serious problems now facing America's farmers, but there are also solutions to the problems. Unfortunately, the solutions may not appear too pleasant, such as the acreage reduction program, which, in effect, cuts back on production in order to improve market conditions. However, to cure the economic ills of our farmers, we must take our medicine, regardless of how bad it tastes.

We cannot expect the farmers alone to bear up to these problems. Farming is still the "heartbeat of America" and when farmers have problems, we all have problems. Let us start now to remedy this national concern.

Mr. President, we had a good debate yesterday with reference to the Commodity Credit Corporation, and the $5 billion for the benefit of agricultural loans. I did not want to crowd in on the time yesterday to make these remarks that I have this morning.

Mr. President, I have recently completed a tour, a county-to-county, a courthouse-to-courthouse tour, of my State. I visited over 90 percent of the counties and came in contact with every segment of the economy, including the agricultural producers of the State. This is not a poor-mouth speech, it is not a poor-mouth plea from these people. I was looking for the facts. I refer now to our agricultural picture in the United States as a whole, but, of course, I know more about it in my own State.

In 1980, Mr. President, in our export-import balance of trade, agricultural products contributed a plus figure of $24 billion—$24 billion in favor of our side of this export-import problem balancing our foreign trade. That, within itself, just on the sheer merits, shows what an important, highly essential factor farming is with reference to our world trade, without which our economy would be drastically reduced in this country.

In my own State, Mr. President, we have had hard years recently, very difficult years out on the production line. I am amazed to see how the figures really do turn out. In my own State of Mississippi with reference to farm income, this was not due to any inaction on their part. They were not dilatory in any way. It was due to weather and other circumstances beyond their control. Investments were made in the way of labor and fertilizer and other expenses, expenses for machinery and other things that go to pay the cost of a normal crop.

Those are devastating facts, Mr. President, that show that this essential major segment of our entire economy must have some sustaining way of carrying on in the face of these adverse conditions. On top of that, we all are familiar with the load that they have to carry along with everyone else with reference to these excessive interest rates that are now climbing back up again.

I am not laying blame or trying to, but it is a condition of life where they are having to carry the extra load that comes along on top of all these other conditions with which they are faced. No wonder that we had almost a unanimous vote yesterday, as I recall—I do not have the figures in mind this morning—with reference to the Commodity Credit Corporation. I believe the Government will get all of its money back with reference to these

loans, but no wonder we had a near unanimous vote once the membership was apprised of the facts in reference to that rather limited field of financing that the resolution contained yesterday.

Mr. President, the lending institutions now in the agricultural world must give lenience for the time being to this delicate problem of high interest rates, and the willingness of the Federal Government to meet the situation and span the tide could not be more clearly spelled out than with the mere statement of these facts and figures. I know of my personal knowledge that a great many of these producers of farm products have already carried the load. They have already exhausted their own resources, their reserves, many of them their own reserves, their own life savings, you might say.

These savings have gradually been absorbed in these lean years by the terrific costs of planning and going through the processes of producing a buck, whether you produce one or not, whether the growth year is good or not. These lean years have gradually eliminated the savings, the reserves, the backlog of many of these farmers and agricultural producers. The security that they offer is still good to a great measure; their potential for future years is still there. Whatever is loaned to them or time allowed on the debts they already have is certainly not to be considered a loss now to the Governmet. Adjustments will be made in the future.

I am not just talking through my hat, Mr. President. I have seen these things come and go for decades. I live in a rural county. I live close to the land and the farmer. I know the problems they have. I have practiced law, I was a State representative, so I know how these thing work and the job that the farmers are doing.

I am delighted at the chance to bring to the attention of my colleagues these facts. I was assisted in preparation of these remarks by one of the finest friends and advisers that I have in the State, who has been a monumental success in the field of agriculture, not just growing products, but being head of a nitrogenous fertilizer company that has been modern and pioneering and contributed so much, a very fine man of judgment. I know that he knows the problems and he has poured his heart and soul, in addition to his knowledge, into helping in the preparation of this statement. It is a privilege for me to give his name—Owen Cooper of Yazoo City, Miss. He is a lifelong associate and friend of mine, although not in a business way.

Mr. President, I will take advantage of other opportunities, in the Agriculture Committee and elsewhere, to present to the Senate the true facts in connection with this problem. I have contributed what I can toward the solution of our problem with respect to fiscal affairs.

We must find our way back to a sound position in those affairs, where the outgo is more nearly the same as our income. We must stop the deficits that have overwhelmed us more and more in the last several years. I have been here during those years, and I have observed this as we have gone along. My vote has been somewhat in line with what would have been a nearly balanced budget, anyway.

There is nothing new about this problem. Any free government such as ours is going to have these problems. The only way to avoid them is to go to an autocratic government of some kind, which we do not want as a system.

So we will stay with these problems. We will live with them, and we will pull through. We will work them out.

Time is short. We made fine headway last year. We must make that gap a little closer this year, if at all possible, in balancing the budget. But we cannot avoid these special problems, one of which I have outlined.

I thank the Chair for the additional time, and I yield the floor.

RECOGNITION OF SENATOR PRYOR

The PRESIDING OFFICER. The Senator from Arkansas is recognized, under the previous order, for not to exceed 15 minutes.

CHEMICAL WARFARE

Mr. PRYOR. Mr. President, on January 22, I wrote a letter to the President of the United States urging him not to certify to Congress the need for this country to go back into the production of nerve gas and other chemical weapons.

This week I received my answer from the President relative to this administration's position on this critical issue.

That answer appeared in the Washington Post and New York Times and throughout the news media. The President responded by saying that this administration had made a decision to embark on a course of such magnitude that it could affect the entire future of this country and the world as greatly as the nuclear era.

The President of the United States has certified this week to Congress that the production of lethal binary chemical munitions is essential to the national interest and the Defense Department has requested budget authority to spend at least $705 million next year to go back into the chemical weapons race.

We recall that just a few months ago, Mr. President, there was a great debate in the U.S. Senate over this issue of whether or not to expend, as some said, "just a few million dollars" to construct a facility to produce nerve gas.

I remember well the argument espoused by some of the proponents of chemical weapons. During the course of that debate, one of the basic thrusts of their argument was, "Let's go ahead and appropriate this relatively small amount of money, $23 million or $26 million"—whatever the case was at that particular time—"to construct the facility."

That did not mean that this country was committing itself to the reversal of a 13-year-old policy of opposition to the production of chemical warfare. Basically, the proponents of nerve gas said, "Let us construct the facility and then, at the appropriate time, we will make a decision, based upon the President's certification or lack of certification, whether to go back into production of nerve gas and chemical weapons."

Once again, I express my opposition to this administration's reversal of a policy maintained by three Presidents for more than a decade.

As I indicated to the President in my January 22 letter, I oppose the beginning of a new multibillion dollar competition with the Soviet Union in chemical weapons, in which no one can win, for the following reasons:

First, this country today has an enormous existing stockpile of chemical weapons. Contrary to what some would have us believe, there is not a serious deterioration of this existing supply of chemical weapons and nerve gas that we have stored in 11 sites in this country and in other places around the world.

So, the question is, what are we going to do other than add to the stockpiles that we already have?

The second reason I oppose the production of nerve gas and entering once again into this chaotic and catastrophic arena of chemical warfare production is that only unprotected people, the civilian population, will be vulnerable to the use of chemical weapons, since the Soviet and the U.S. troops are today equipped with protective clothing.

In other words, nerve gas does not kill soldiers, Mr. President. It kills civilians. It kills unprotected men, women, and children who do not have the luxury of a gas mask or protective clothing.

The third reason why I oppose the production of nerve gas is very clear. I have stated it on several occasions on the floor of the Senate and in other places. We face the fact today that our European allies refuse to deploy, to store, new binary nerve gas or chemical weapons on their soil. They have stated this proposition in no uncertain terms. Therefore, where will we store

additional nerve gas and other chemical weapons other than on our own soil? That would be too far away from the specific battle zone in a chemical warfare environment.

Fourth, I oppose the production of chemical weapons because this program as outlined by the President, and supported by the Army and the Pentagon, diverts resources—vital resources, critical resources, precious resources—which could be better used to improve our conventional defense system.

I am concerned, further, about the possibility that this departure from previous policy will be approved by Congress without a full, open, and careful hearing on this issue.

If we look back the last 2 years and review the debate on this floor about the decision to go back into the production of chemical weapons, we will see that only on one and possibly two occasions have we had committee hearings. Those have been executive hearings on the issue of whether or not to reverse this 13-year-old policy of staying out of chemical weapons production.

I am also concerned that at a time of a $100 billion deficit America is again committing itself to a multibillion dollar chemical weapons program of with very little attention to how it fits into our overall defense plan.

The problems we face when decisions of this magnitude are made on an ad hoc basis are well illustrated by this morning's Washington Post article. This describes the newest turnaround on the question of how and where to base the MX missile.

I contend that our lack of defense planning, not necessarily our lack of weaponry, is our real window of vulnerability. We may have a 5-year plan to spend defense dollars but today what we lack is a 5-year plan for protecting this Nation, a 5-year plan for our national defense.

During the last 2 years, and with little discussion this Senate has authorized, as I have mentioned previously, $23 million for the preliminary phase of a chemical weapons program.

Before we go any further, before we commit any more money, before we make this drastic mistake, I believe that we owe it to this country and to the people of the United States to hold detailed, public hearings on the appropriate role chemical weaponry should play in our national defense posture.

I have today written the distinguished chairman of the Appropriations Committee to request such hearings of the full Committee on Appropriations of the Senate. I have made this request of Senator HATFIELD, the chairman of the distinguished Committee on Appropriations. I am very hopeful that Senator HATFIELD will hold full hearings of that committee on this issue before we plunge our country into this unwinnable situation.

In conclusion, I know that the President is sincere in wanting our national defense posture to be as strong as possible. All of us in the Senate and in the Congress and across this country want a strong defense. But when we look at this decision in the full light of day, I think there is a distinct possibility the President and the Pentagon could well reverse themselves even after we have committed a multibillion dollar expenditure.

The MX missile is on our minds this morning because of the Washington Post article. There is a similarity between the MX and the production of nerve gas, and that similarity is this: Here is the MX missile system where we have spent from $4 billion to $5 billion and maybe even more in study, planning, and preparation; still we have no MX missile, and still, if it is produced, we do not know what to do with it. We do not know where to put it, we do not know whether to put it in existing silos or whether to put the MX missile in a place that will be a deceptive mode of deployment.

In the nerve gas situation there is a similarity to the MX because here we are appropriating $23 million to construct a site to make it, another $30 million or $40 million to complete and equip that facility. Then, finally, we are considering $700 million to $800 million, in this appropriation and another billion dollars next year, and then another couple of billion dollars the year after to get into full-scale production of nerve gas. Still we have not defined the mission for chemical warfare, we have not defined the role for nerve gas, and we do not know what we will do with it once it is actually produced.

So, Mr. President, we find ourselves today embarking, I think, on a long road of insanity in a war that we cannot win, and the Soviets cannot win. It is one where we would find ourselves continuing to spend on the road to oblivion, spending ourselves into bankruptcy and trying to purchase the illusion of strength. We are committing dollars to a problem and we know in restrospect that the decisions we have made in the past, have been made in the wrong way because we have attempted to throw dollars at problems. I have a great fear that this is what we are doing once again.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the Honorable MARK HATFIELD, chairman of the Appropriations Committee, asking that the full Committee on Appropriations hold open hearings and give us the opportunity to examine thoroughly this decision before it is finally made by the Congress.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C. February 11, 1982.

Hon. MARK HATFIELD,
Chairman, Senate Appropriations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to request that the full Senate Appropriations Committee schedule early and extensive hearings on the President's request to fund the production of binary chemical weapons. This decision, reversing a policy maintained for more than a decade by three Presidents, has an importance that warrants full discussion by the Congress.

In a time of budget deficits, expansion of national defense expenditures, and sensitive discussions with our allies about defense and foreign policy commitments, I believe it is essential for Congress to make its decision about funding production of new nerve gas weapons only after full, open and careful consideration.

As you know, I have actively opposed our country's re-entering the nerve gas race. On January 22 I wrote the President urging him not to certify production of nerve gas as necessary to our national defense. This letter cites four specific areas which I believe must be addressed before a decision of this magnitude is made. A copy of this letter is enclosed.

Mr. Chairman, I would certainly welcome the opportunity to participate in these full committee hearings and share my concerns with the Committee.

Thank you for your consideration of this request.

Sincerely,

DAVID PRYOR.

ORDER VITIATING ORDER FOR THE RECOGNITION OF SENATOR QUAYLE

Mr. STEVENS. Mr. President, the special order for Senator QUAYLE will not be needed. I ask unanimous consent that the order setting aside 15 minutes for his use be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now yield back the remainder of our leadership time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

CENTER FOR NATIONAL POLICY STUDIES ON MILITARY POLICY PROVIDE THOUGHTFUL ALTERNATIVES

Mr. CRANSTON. Mr. President, two thoughtful papers presented by specialists of the Center for National Policy provide important arguments for revising U.S. strategic nuclear weapons policy.

These papers were authored by Paul Warnke, former Director of the Arms Control and Disarmament Agency and

chief U.S. negotiator for SALT II and James Woolsey, former Undersecretary of the Navy. The papers were specially commissioned by the Center for National Policy, a nonprofit public policy research organization committed to stimulating ideas and new approaches to the vital issues of the eighties. This is but one of a continuing series of thoughtful presentations made by the center; I wish to commend the center for this valuable work.

Because of the great importance of these issues, I recommend these insightful presentations to my colleagues and ask unanimous consent that they be printed in the RECORD following the conclusion of my remarks. I call particular attention to the concerns expressed by Mr. Warnke regarding the proposal to deploy sea-launched cruise missiles on general purpose submarines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A STRATEGIC NUCLEAR WEAPONS POLICY FOR THE 1980'S

(By Paul C. Warnke)

Formal decisions by the Reagan Administration and remarks by some of its officials over the past several months have stimulated renewed debate about America's strategic nuclear weapons policy. Despite the plethora of announcements and comments, however, there is reason to doubt whether there is, in fact, an American policy on strategic nuclear weapons.

The Reagan Strategic Program announced on October 2, 1981 did little to dispel this doubt. Although wisely abandoning the costly, cumbersome and unworkable proposal by the Carter Administration to shuttle MX missiles among multiple shelters, the announcement continued to refer to a "window of vulnerability" which is said to render our land-based intercontinental ballistic missiles (ICBMs) subject to destruction by a Soviet preemptive attack. But if it must be assumed that the "window" is indeed open, the decision to place the MX missiles in existing ICBM silos would do nothing to close it, whatever degree of hardening might be undertaken. And other features of the program, notably the deployment of hundreds of strategic-range cruise missiles on general purpose submarines, would serve largely to move the nuclear arms competition between the United States and the Soviet Union into a new and more dangerous area. The program as a whole reflects no coherent strategy.

United States and Soviet negotiators began meeting in Geneva on November 30, 1981 to discuss limitations on the intermediate-range nuclear forces that can strike European targets from the Soviet Union and, after the NATO deployment planned for late 1983, could hit the Russian homeland from American launchers in West Germany, the United Kingdom, Italy, and perhaps the Netherlands and Belgium. There have been preliminary discussions about the resumption of the Strategic Arms Limitation Talks (SALT), tentatively re-named START (for Strategic Arms Reduction Talks).

The relationship between the two sets of negotiations, if understood, is unexplained. They are of pivotal importance to world peace and survival. But if there is to be a genuine chance of significant progress toward controlling nuclear arms, it is important that there be an underlying and rational strategic doctrine.

THE PURPOSES OF NUCLEAR WEAPONS

One threshold question must be asked. What purposes can strategic nuclear weapons serve in promoting national objectives? It is doubtful that a uniform answer would be given today or that officials in previous administrations would have found themselves in complete agreement. The differences in view even extend to the definition of strategic weaponry.

No clear line of demarcation can be drawn between strategic and tactical nuclear weapons. Even limited battlefield use carries a grave potential of escalation to an all-out strategic exchange. For purposes of analysis, however, it is helpful to classify as strategic nuclear weapons only those American warheads targetted against the Soviet Union and Warsaw Pact countries and those Soviet warheads that can strike the territory of the United States and its allies.

Tactical battlefield nuclear weapons are intended for use against enemy troops and armor. They would explode on friendly territory and any collateral damage would, in all likelihood, be incurred by West European countries. The decision to use them to ward off a Soviet conventional attack would be difficult and dangerous. But there is, at least in theory, a fire break.

For example, the so-called neutron bomb, more accurately described as an enhanced-radiation warhead, has provoked much controversy and has given the Soviet Union a chance to play on popular West European aversion to nuclear arms. But neither it nor the older tactical battlefield nuclear weapons can threaten the security and survival of the Soviet Union. These shells and short-range missiles can only destroy Soviet soldiers and tanks operating in Western Europe. The Soviets have a sure defense against battlefield nuclear weapons: all they need to do is stay home and not invade.

Strategic nuclear weapons, by contrast, can devastate even a non-aggressor with little warning. They are unrelated to any battlefield and they are indiscriminate in their toll on human lives and property.

The notion that these weapons can be used in a relatively clean counterforce strike to destroy enemy ICBM silos may fit in a war game but not in the real world. The nuclear war-fighting concept reflected in reports of Presidential Directive 59—finalized in the campaign heat of the summer of 1980—glosses over the numbers and destructive power of the warheads that would be needed to stand any chance of attriting even the land-based segment of the thousands of strategic nuclear warheads deployed by each side. The response to an attack that would leave millions dead and more millions dying could not be expected to be cool and calculated. Nor would the resulting war be a protracted exchange of limited strikes.

Because of the expense of nuclear arms and the enormous new dimension they give to destructive capacity, strategists have struggled since the dawn of the atomic age to find some way in which they might be used flexibly to achieve foreign policy objectives. At a time when we had a virtual nuclear monopoly, we could indulge such concepts as massive retaliation, whereby we could threaten nuclear catastrophe to an opponent who challenged American interests by the use of conventional military forces. Even today, when there is rough equality in strategic nuclear striking power between the United States and the Soviet Union, there are voices urging the West to "devise ways in which it can employ strategic forces coercively, while minimizing the potentially paralyzing impact of self-deterrence." This argument, put forth perhaps most starkly in an article by Colin S. Gray and Keith Payne in the Summer 1980 issue of Foreign Policy, continues; "If American nuclear power is to support U.S. foreign policy objectives, the United States must possess the ability to wage nuclear war rationally."

The current Director of the U.S. Arms Control and Disarmament Agency (ACDA), Eugene D. Rostow, told the Council on Foreign Relations on October 20, 1981 that the United States must "be capable of responding with nuclear weapons if its vital interests are imperilled by attack from nuclear or conventional forces." The concept of extended deterrence, whereby the threat to use our strategic nuclear weapons may prevent or stop Soviet aggression or mischief anywhere in the world, seems still to be accorded intellectual respectability. There is a note of nostalgia, if not reproach, in comments such as that of George Will in the Washington Post of December 20, 1981: "The end of U.S. strategic nuclear superiority has meant an end to the ability to use threats of general war to enforce regional security." That ability, it should be noted, ended while we still had impressive quantitative and qualitative margins, but when the Soviets had acquired forces adequate for nuclear retaliation. Nothing we could have done, or can now do, would restore it.

Soviet invervention in unstable regional situations, even of an overt nature, won't be stopped by the brandishing of our nuclear arsenal. The prospect of reciprocal nuclear immolation commands credence only in the context of a nuclear threat from the other side. And the actual use of strategic nuclear weapons in response to conventional aggression would set in train an escalation for which nothing in history provides any experience on how it could be controlled or how it could be stopped.

Strategic nuclear weapons can serve only one rational purpose: They can prevent the Soviet Union from using its own strategic nuclear weapons or making a plausible threat of such use against the United States or its allies. They cannot be used as a substitute for conventional military capability or to shape a world order to our liking. They are not susceptible of being tamed to provide a flexible response or a sound strategy of nuclear war-fighting. A threat to nuke the Kremlin if the Soviet leaders don't behave would lack any credibility and would evoke comparable apocalyptic bluster.

Nor is it any longer credible, if indeed it ever were, that the United States would strike the Soviet Union with nuclear missiles and bombs if the Soviets were to march into Western Europe. We cannot be expected, by friend or by foe, deliberately to convert a conventional conflict into a strategic exchange that would mean our own nuclear obliteration, whether the American warheads come from the continental United States, from ballistic-missile submarines, or from launchers in Western Europe. It remains doctrine that, in case of Warsaw Pact attack, NATO has the option of utilizing some of its approximately 6,000 tactical battlefield weapons. Such use would present obvious problems, particularly for our allies in whose homelands these weapons would explode. But Soviet planners must recognize

the real risk that a massive conventional attack could elicit a battlefield nuclear response, not involving strikes on targets in the Soviet Union. Where this would lead in nuclear escalation can only be speculated.

To some degree, therefore, the existence of strategic nuclear weapons may inhibit the exercise of conventional force that could lead to U.S./U.S.S.R conflict. This is, however, inherent serendipity and requires no tinkering with nuclear weaponry or with strategic doctrine.

The sole reasonable and legitimate purpose of our strategic nuclear arsenal remains that of deterring Soviet nuclear attacks on the United States and its allies. Our strategic nuclear weapons policy, both declaratory and operational, should therefore be one of no-first-use. Our military planners should be told, in unmistakable terms, to abandon any contingency plans that involve a preemptive strike against targets in the Soviet Union, whether military, industrial or urban.

The planned effect of this policy would be to restrict Soviet nuclear missiles and bombs to the same role, *i.e.*, deterring U.S. first use. If the Soviet leadership knows that its facilities and people are safe from nuclear destruction only so long as its strategic arsenal is unused, our own security is strengthened.

The policy constitutes, of course, an endorsement of the doctrine of deterrence of nuclear war by Mutual Assured Destruction (MAD). Some argue that the doctrine is discredited and must be discarded because the Soviets have never accepted it. Such critics argue for a more sophisticated, more complex approach to deterrence through acquisition of a greater nuclear war-fighting capability.

These arguments are demonstrably defective in at least two respects. First, there is no substantial evidence that the Soviet leaders believe that they can fight, survive and win a nuclear war with the United States. Some theorists on both sides of the oceans have, admittedly, advanced this proposition.

The usual Soviet references are to the superior cohesion of its socialist system which is said to create "objective possibilities" of coming out better than the United States. But bravado should not be misinterpreted as belief. The Soviet leaders are practical, experienced men who recognize that their uneasy empire could not survive if nuclear warheads start dropping on Moscow.

The other fallacy in the argument against MAD is that this is a theory that can be discarded and replaced. But Mutual Assured Destruction is not just theory. It is a fact of life and death. A strategic nuclear exchange between the two superpowers would mean their mutual destruction. Conceivably, we might come out of a nuclear war marginally better off than the Soviet Union, but we would be appreciably worse off than Bangladesh.

Rational debate is thus not possible on the question whether we should now move beyond deterrence as a nuclear strategy. No sci-fi scenarios about the application of nuclear forces for political purposes or about excalation dominance offer a respectable refinement leading to greater security.

SHORING-UP DETERRENCE

Rational debate can, however, take place on how best to shore up deterrence. Does this mean, as stated by some of the proponents of Presidential Directive 59, that the United States must have the capacity to fight a limited and protracted nuclear war? Is the risk of nuclear conflict lessened if we develop a highly refined nuclear war-fighting capability? Will we be safer if, in response to the theoretical vulnerability of our ICBM silos attributable to growing accuracy of Soviet strategic warheads, we deploy a new American intercontinental ballistic missile (still known as the MX, for Missile Experimental) with the potential ability to destroy Soviet ICBM silos and command, control and communications (C^3)? Should we instead try to preserve Soviet C^3 so that Soviet leadership has a means of stopping a war? Or does none of this matter because of the fundamental unlikelihood that the war could ever be kept limited?

Recognition that a strategy of no-first-use of nuclear weapons best serves our national security makes these questions for the most part academic. It avoids the futility of structuring strategic nuclear forces for any purpose other than the assured survival of a retaliatory capability that would devastate the attacker. By contrast, if forces are designed for the purpose of fighting and winning a limited and protracted nuclear war, the present situation of mutual deterrence could erode.

In explaining Presidential Directive 59, the then-Secretary of Defense, Harold Brown, said that he did not believe, and that President Carter did not believe, that limited nuclear war was possible. But, he continued, we cannot be sure that the Soviets recognize this fact, and thus prudence requires that we adapt our strategy accordingly.

To the extent that we do so, however, we should take account of the likelihood that the Soviet leaders may impute similar irrationality to us. Moreover, to the extent that the respective nuclear forces are optimized for counterforce potential, the perceived fragility of the retaliatory deterrent may push both sides toward a doctrine of launch on warning, and thus exponentially increase the risk that nuclear war may start from desperation and panic.

Instead, we should declare that under no circumstances will we be the first to use strategic nuclear weapons. We should make clear that we regard the entire concept of a protracted nuclear war in which both sides, at various intervals, lob a few missiles into the other's heartland as completely inconsistent with the facts of nuclear destructiveness and the impact that even a few hundred nuclear warheads would have on the functioning of society—its abililty to heal the sick, bury the dead and meet the minimal needs of the unhappy survivors.

References to a surgical counterforce strike ignore the numbers of targets that must be destroyed and the numbers of warheads that, at a minimum, must be launched for that purpose. Today we have 1,052 hardened ICBM silos. A Soviet military planner intent on their incapacitation would, according to most calculations, have to deliver two Soviet Warheads to each ICBM site. The minimum attack, with no margin for error and directed just at the land-based segment of our strategic nuclear triad, would be in excess of 2,000 Soviet warheads.

Moreover, because the purpose of preemption is to prevent retaliation, at least hundreds more Soviet warheads would be directed at our strategic bomber bases, at our in-port ballistic missile submarines and, under the Soviet counterpart of Presidential Directive 59, at our command, control and communication facilities. The consequences for the United States would be neither neat nor surgical. Our medical experts warn of the inability of our health care system to deal with the countless victims of burns and radiation—whether millions or tens of millions. Even if much of the population could be sheltered, they would emerge to a devastated land of radioactivity and epidemic. Our response would in all likelihood be intended to inflict the greatest possible damage to the perpetrator of the crime and to cripple his ability to do it again. The sensible strategy of flexible response thus loses its meaning once the strategic nuclear threshold is crossed.

Soviet President Leonid Brezhnev has strongly implied a willingness to declare a no-first-use policy. But whether or not the Soviet Union does so, and whether or not its statements can be believed, we can and must make sure that no Soviet first strike can rationally be contemplated. Just as clear as our policy against first use should be our determination to retaliate for any nuclear strikes on the United States or on the countries with which it is allied. The use of the Soviet intermediate-range SS-20 missile against Western Europe, in itself and as a portent of things to come, would produce an immediate nuclear response against Soviet targets. We would have to treat it as an act of criminal insanity. Even if our own society had been destroyed, nuclear retaliation would not be a mindless act of vengeance. The interests of the survivors, and our moral commitment, would require that the leaders who had perpetrated this enormity not be allowed to inherit the earth and bend its people to their will.

The greatest possible strategic stability and the lowest risk of nuclear war thus exist when the strategic nuclear weapons on both sides are the most survivable and the least provocative—those that are the most difficult to destroy and present the least potential for counterforce preemption. With such forces, neither side can expect to gain by initiating a nuclear strike, and neither can be panicked into striking first for fear that it may have been deprived of its ability to retaliate.

THE REAGAN STRATEGIC PROGRAM

It is against these criteria that the strategic weapons program announced by President Reagan on October 2, 1981 should be evaluated. It is against these criteria that we and our NATO allies should determine the positions to be taken in the current negotiations about intermediate-range missiles. It is to maximize survivability and minimize counterforce potential that we ought to pursue the expansion of effective measures of arms control.

The Reagan Administration's strategic modernization program is, in many respects, better than might have been expected given earlier comments about the therapeutic value of a nuclear arms race and the "fatally flawed" nature of the SALT II treaty. Some of the elements would increase the survivability of the deterrent triad. Moreover, nothing in the program goes beyond the restrictions of SALT I and SALT II, although the SALT I provisions limiting offensive nuclear arms expired four years earlier and SALT II has not been ratified by the U.S. Senate. The destabilizing systems included in the program require no irrevocable actions for a period of years. Accordingly, the arms control options remain open and the Geneva talks on intermediate-range nuclear missiles have not been undercut before they could get well underway.

The decisions announced in October involve all three elements of our present nuclear deterrent triad—land-based ICBMs, ballistic missile submarines and strategic bomber forces, as described below. In addition, the program stated an intent to utilize some general purpose submarines for new sea-launched cruise missiles and to improve our command, control and communications systems (C^3). Some unsurprising, though a bit vague, proposals were also advanced for modernization of strategic defense.

Perhaps the most controversial of recent weapons systems is the MX intercontinental ballistic missile. The kind of MX system proposed by President Carter—200 missiles based on mobile launchers, each of which would move among 23 multiple protective shelters—ran into strong opposition from strategists, environmentalists, taxpayers and even the Mormon Church. The Reagan Administration has proposed a more modest force of 100 MX missiles, 30 of which would be deployed initially in existing ICBM silos.

It can be hoped that this decision (more accurately, a deferral of decision) is the beginning of the end of MX.

Neither the Carter Administration's elaborate shell game deployment nor the placing of MX missiles in superhardened silos can actually solve the inherent, though highly theoretical, vulnerability of land-based missile launchers. Recognition of this problem years ago inspired the ballistic missile submarine program which, because of the survivability of SLBMs, made attack on ICBMs reckless and unproductive.

The multiple protective shelter program would mean only more and softer fixed targets. No matter how profligate the defense budget, the cost of hardening 10 or 20 shelters per missile to withstand the same psi pressures as existing Minuteman silos would be prohibitive. In any event, no degree of hardening could protect against multi-megaton Soviet warheads. And, if the negotiated SALT II constraints on warheads per missile are not observed, further fractionation of the Soviet ICBMs would yield more than enough additional warheads to target any feasible number of additional shelters. Moreover, there is good reason to doubt that we could win for long the game of hide-and-seek with Soviet surveillance techniques.

Nor are the three MX basing options that the Reagan program reserves for decision by 1984 any more appealing. A Continuous Airborne Patrol Aircraft that could launch an MX can only be considered an awkward appendage to the air-based leg of the deterrent. It appears that most ICBMs would continue to be silo-based and any new bomber would be better used for cruise missiles and short range attack missiles. Ballistic Missile Defense of land-based MX missiles is, according to the Department of Defense briefing materials on the Reagan Strategic Program, not now technologically adequate and not a good bet for the future. Deep Underground Basing might protect the missile but interfere with its launch, since the long vertical tunnel could readily be choked by debris generated by nuclear explosions.

What will continue to protect the land-based portion of our nuclear triad are the ineradicable uncertainties that any attack could eliminate almost all of our 1,052 ICBM silos, plus the complete certainty that even successful attack would leave the Soviet Union vulnerable to our submarine-launched ballistic missiles, containing about 50 percent of our strategic nuclear warheads, as well as to the missiles and bombs on our strategic aircraft.

Soviet ICBMs have never been fired with nuclear warheads nor on a North-South trajectory. Effects of magnetic, gravitational and climatic conditions remain untested. The exquisite timing required of an attack on our ICBM fields—to avoid the fraticidal effect of earlier explosions on subsequently arriving warheads, and to prevent launch of the remaining ICBMs unless all are hit at the same time—can never be surely in hand. The Soviet leadership would have to expect that the United States would retain sufficient missiles and bombs in its land, sea and air forces to give the President a variety of options, not just the alternatives of surrender or the initiation of attacks on cities.

In short, under the criteria for strategic stability suggested above, our ICBM force will remain survivable because of the sound decisions taken many years ago to diversify our nuclear retaliatory capability.

From the standpoint of the other desideratum—i.e., nuclear weapons systems that present the minimum provocation—the MX missile is an unwise choice, however it is deployed. According to Secretary of Defense Weinberger's testimony before the Senate Foreign Relations Committee, the MX "will end the Soviet monopoly on prompt hard target kill capability and thus enhance deterrence." This is a contradiction in terms. To the extent that the MX presents a threat to Soviet ICBM silos, which now house over three-quarters of Soviet strategic retalitory capability, it would detract from deterrence. In combination with other new weapons programs, such as American intermediate-range missiles in Europe, the Soviet Union might, at a time of major international crisis, fear itself faced with the desperate choice between using its nuclear missiles or losing them.

We do not need a new ICBM. We should continue to maintain our Minuteman II and Minuteman III missiles as a useful supplement to the sea-and-air based legs of our nuclear deterrent triad. Although these ICBMs may be vulnerable in theory and if alone, a synergism exists among them, the SLBMs and the bombs and missiles on our strategic aircraft that enhances the survivability of all three.

The demonstrated dangers and difficulties of the 52 obsolete, liquid-fueled, hard-to-maintain Titan missiles should lead to their dismantling and destruction. This would leave a land-based force of 1,000 ICBMs. The 52 Titans could be replaced, under the "freedom to mix" principle of the SALT II treaty, by additional launchers on ballistic missile submarines or more strategic bombers. If the SALT process is resumed and further reductions are agreed, the elimination of the 52 Titan silos could be used instead to meet lower ceilings on strategic nuclear delivery vehicles, generally, or on ICBM launchers in particular.

But continuing to struggle with the seemingly intractable problem of guaranteeing land-based ICBM invulnerability is destined to lead to inordinate expense and, if a new more accurate counterforce ICBM is part of the system, to less security.

In a Washington Post article on November 2, 1981, General Maxwell Taylor asked why we seem "committed to preparing for the least probable threats to the neglect of the most probable." The chance of conventional threats to needed resources in the Middle East and elsewhere, for example, should lead to reassessment of our conventional response capability. But a Soviet first strike against our ICBM silos has to rank high among the least probable threats, provided that we maintain and modernize our submarine and bomber-based strategic nuclear forces as planned.

The Reagan Strategic Program includes sound modernization of these other two legs of the triad. In terms of strategic stability, there are both plusses and minuses in the decision to go ahead with the Trident II (or D-5) submarine-launched ballistic missile. The size, range, accuracy and virtual invulnerability of the D-5 to a considerable degree render the MX ICBM program as redundant as it unwise. With it ability to hit Soviet targets from a distance of 6,000 nautical miles, the D-5 enables our submarines to be on station in any ocean in any part of the world. It brilliantly meets the criterion of maximum survivability.

On the negative side, the Department of Defense briefing materials assert that:

The new D-5 missile will also have much better accuracy than current sea-based missiles. This will allow us to use sea-launched missiles to attack any target in the Soviet Union, including their missile silos.

As with any counterforce missile, greater accuracy in an SLBM detracts from the stability of the nuclear balance. Unlike a land-based ICBM, the D-5 will not present a more provocative target in time of crisis because the potential attacker cannot know where to aim. But, unless and until the Soviets can put a larger part of their strategic nuclear force on ballistic missile submarines, the counterforce capability of the D-5 at least incrementally tends to foster Soviet consideration of a launch on warning strategy.

The proposals for one or two new strategic bombers fully accord with criteria for strategic nuclear stability. Bombers are not first strike weapons. They provide a sound and survivable retaliatory deterrent. They can be launched to avoid attack and recalled if the attack fails to materialize.

Accordingly, the issue of whether a variant of the B-1 should now be built as an interim replacement for the B-25, pending development of the Advanced Technology Bomber (Stealth), is solely one of dollars and cents. Given the sound decision to equip our existing B-52s with over 3,000 cruise missiles, and given the need for improved conventional forces, there is a legitimate question whether we need go ahead with a bomber program that, according to Secretary of Defense Caspar Weinberger, may be incapable of penetrating Soviet air defenses for more than a few years at a cost of twenty to thirty billion dollars. Because of their small size and large numbers, the air-launched cruise missiles pose a virtually impossible problem for Soviet anti-aircraft radars.

Also consistent with an effective deterrent is the proposed upgrading of our command, control and communications systems. If our retaliatory forces could not be used after attack, their deterrent value would be lost. Without a survivable command and control network, there would be no alternative to a strategy of launch on warning, and thus a grave increase in the risk of nuclear war arising from desperation or miscalculation.

The suggestion in the Department of Defense briefing materials that a communication and control system can be developed "that would endure for an extended period beyond the first nuclear attack" appears, however, to be in part motivated by the myth that we might be able to fight, survive and win a limited, protracted strategic nu-

clear war. The same illusion is implicit in the justification for additional strategic defense measures. We should not lose sight, or permit our strategic planners to lose sight, of the fact that United States security and survival depend on nuclear war prevention, not nuclear war fighting capability. Nor should our rationale for C^3 improvements be allowed to give Soviet leaders a contrary impression.

Another key question in deciding to deploy new nuclear weapons system is how we in the United States would view Soviet deployment, in response, of similar systems. History shows us that the Soviets are sure to follow suit. When the United States deployed MIRVed missiles in 1969, it exploited a temporary technological advantage. But the matching Soviet action provides what factual basis exists for the highly exaggerated window of vulnerability. If two Soviet ICBMs were required to destroy one American silo, rather than two warheads on a single missile, this window could never have opened, even in theory. Perhaps the Soviets would have MIRVed if we had not. When we did, we guaranteed that they would too. Agreement on mutual abstention was not pursued.

The Reagan Administration's plan to "deploy several hundred nuclear armed sea-launched cruise missiles on the general purpose submarines beginning in 1984" raises a problem comparable to that of MIRV's. If we and the Soviets engage in sea-launched cruise missile development and deployment, it will be virtually impossible for us to know how many they have and on what type of craft they are deployed. At some future time, every Soviet trawler or fishing boat would have to be regarded as a possible strategic nuclear delivery vehicle. A total ban on sea-launched cruise missiles of strategic range poses some verification difficulties, but a reliable system would require extensive testing, and compliance with a zero limit seems capable of measurement.

In addition, the mission envisaged for the cruise missile, which the Department of Defense describes as "highly accurate warheads at sea," has troubling implications of preparations to fight a limited and protracted nuclear war.

It is also difficult to see how these sea-launched cruise missiles can, as advertised, "deter the use of nuclear weapons against our naval forces world-wide." Loaded into general purpose or attack submarines, they will compromise the important conventional missions these vessels are designed to perform. Little room would be left for shorter-range antiship missiles and antisubmarine weapons. Strategic cruise missiles would be pre-programmed instead to strike Soviet military and military industrial facilities, targets already covered redundantly by U.S. strategic nuclear warheads. They thus will degrade rather than improve our ability to defend the fleet and protect the sea lanes. Much further study and debate is required before this dangerous departure in strategic nuclear policy should be undertaken.

NUCLEAR FORCES IN EUROPE

The controversy about what are now called the intermediate-range nuclear forces in the European theatre also should be resolved in a fashion consistent with sound strategic nuclear policy. Instead, most of the current debate has raged around political rather than military considerations.

These weapons systems are, as noted above, involved in the talks that began in Geneva at the end of November, 1981. They include the Soviet SS-20s and the older SS-4s and SS-5s, as well as the ground-launched cruise missiles (GLCMs) and Pershing II ballistic missiles proposed for deployment in Western Europe, but under exclusive American control. In evaluating these weapons, and in deciding on a reasonable negotiated settlement, we should keep our priorities straight.

A key component in our basic security policy since World War II has been the cohesiveness and stability of the North Atlantic Alliance. As against that consideration, the deployment in Europe of 572 additional nuclear warheads aimed at Soviet targets is a goal of monumental triviality. Already we have about 10,000 strategic warheads for that purpose and the number grows every day. The effect on deterrence of the so-called Euro-missiles is marginal, if it exists at all. They are not, as often described, NATO's missiles. They are simply more American strategic warheads with an American finger on the button.

Admittedly, the plan to deploy ground-launched cruise missiles and enhanced range Pershing missiles in Western Europe arose because of European concerns about the Soviet SS-20 missiles and Backfire bombers—theatre systems which were not under negotiation in SALT II. Apprehensions were voiced that without a Euro-strategic balance—missiles in Eastern Europe being offset by missiles in Western Europe—American strategic forces might be decoupled from NATO defense. When our friends are worried, we cannot remain indifferent. But now the deployment of U.S. missiles on NATO soil threatens to become an end in itself.

It has even been suggested by some Americans in and out of government that, if West Europeans decide not to accept these weapons, this refusal will jeopardize our 300,000 troops stationed in Europe and lead to inexorable pressures to bring them back home. Some such sources obviously confuse GLCMs and Pershing IIs with battlefield nuclear weapons.

It is hard to think of a more calamitous consequence of a difference of opinion over a secondary issue. This constitutes a quintessential example of our elevation of weapons systems over genuine strategic policy considerations. The 108 Pershing IIs and 464 ground-launched cruise missiles can't hit a single target not already covered by our ICBMs, SLBMs and strategic bombers. And if American warheads start striking the Soviet Union, Soviet retaliation is not apt to turn on where we launched them. The chance that it might, however—and obliterate our NATO allies—is what fans the anti-nuclear movement in Western Europe, particularly when American officials talk loosely of a limited nuclear war. This in turn gives the Soviets opportunities to sow division in the Western Alliance.

There is one obvious way out of the impasse. That is to make a good faith effort in the current talks to reach a prompt agreement with regard to the European land-based missiles. An acceptable solution obviously would have to come much closer to the so-called zero option approved by the NATO Defense Ministers and announced by President Reagan in his speech on November 18, 1981, than to President Brezhnev's going-in gambit. We should pick up one point of the Brezhnev offer and insist upon a freeze of SS-20 deployments while the talks continue. Indeed, since he started proposing a freeze over two years ago, an immediate roll-back to the number of SS-20s then in place would be appropriate. Inasmuch as no American intermediate-range missile deployments can begin until late 1983 at the earliest, a freeze now would not affect our programs.

But Brezhnev's proposal to deploy some part of the SS-20 force away from the European portion of the Soviet Union is worse than nothing. The missiles are on mobile launchers; a negotiation that adds to the number of SS-20s targetted against Japan and China is hardly a good way of keeping and winning friends; the possibility of redeployment westward during a crisis would be a dangerous new source of instability. The action required of the Soviets is SS-20 destruction, not redeployment.

Throughout the negotiations, it should be made clear to our NATO allies that no agreement will be made on European land-based missiles unless it meets with their approval. At the same time, we should make just as clear that an agreement that is good enough for them will be plenty good enough for us and that our negotiating aim is not to create an impasse and then insist that there is no alternative except to proceed with deployment of the Pershing IIs and ground-launched cruise missiles. That won't work. The December 1979 NATO decision to modernize the longer-range theatre nuclear forces was joined with a decision to pursue control over Soviet intermediate-range missiles as the preferred alternative. Unless we make a good faith try in negotiations, the so-called double decision won't survive.

There is, of course, a chance that the Soviets will be intransigent and refuse to depart much from their present unacceptable proposal. The Soviets may gamble that they can hang tough in the expectation that in no event can American missiles be land-based in Western Europe. If a Soviet refusal to negotiate in good faith becomes clear, however, the political climate in Europe for acceptance of the new American missiles could improve dramatically and rapidly.

It seems clear that the Russians remain very reluctant to see the deployment actually take place. The view that the Soviets are afraid of these missiles is not inconsistent with the contention that they add little if anything to our useful military capability. What the Soviets probably fear, and what we should also fear, is a decrease in nuclear stability. Both countries would be better off if no American and Soviet intermediate-range nuclear missiles were deployed in the European theatre. Each country has a stake in reducing, rather than increasing, the risk of nuclear war.

These weapons flunk the basic criteria for strategic stability. Because of their short flight time—5-10 minutes—along with their great accuracy, the SS-20 and Pershing II warheads are well adapted for surprise attack at a time of crisis. They thus invite preemptive strike. And in the limited geographical area of Western Europe, few such missiles could be expected to survive. Their mobility would probably mean only saturation attack and greater devastation.

But despite the good reasons that can be mustered against new American missiles on NATO territory, the Soviet SS-20s won't stay unanswered. These same reasons should have prevented their deployment. Not uniquely, nuclear weaponeering is being allowed to override genuine security considerations. If the SS-20s are not at least greatly reduced, the Soviet leaders must expect to face GLCMs and Pershing IIs.

Moreover, the Soviets must take into consideration the effect that a breakdown in

the current talks would undoubtedly have on successful resumption of the SALT process. Soviet obduracy in Geneva would mean the advance frustration of new talks on the intercontinental-range systems. With the consequent demise of SALT, the United States could readily increase by many times 572 the number of warheads aimed at the Soviet Union from land, sea and air.

What must be avoided, however, is a confrontation between the United States and its NATO colleagues on the issue of intermediate-range missile deployment in Western Europe—a political issue that we should leave, in the last analysis, to the Europeans. Alliance leadership does not demand that we tell them that we know best what's good for them. Nor can the Soviet challenge to the cohesion of the Western Alliance be met by applying pressures that add to the internal political problems of West European governments.

In stating the intention of the United States to open negotiations on the intermediate-range nuclear missiles, Secretary of State Alexander Haig told the Foreign Policy Association last July that these talks would take place "within the framework of SALT." In early January 1982, after meeting with West German Chancellor Helmut Schmidt, Secretary Haig noted that the arms talks "constitute a very special category of east-west negotiations . . . because there are fundamental advantages to the West as well as the East in the continuation of a dialogue seeking control of nuclear armament." He thus implicitly linked the current talks on intermediate-range nuclear missiles in Europe to the over-all process of strategic arms limitation and explicitly confined the previously espoused linkage of arms control with other Soviet-American issues to only "the most exceptional of circumstances." Regrettably, Administration attitudes toward linkage, in the aftermath of former Secretary of State Kissinger's criticism, have become somewhat uncertain.

NEGOTIATING STRATEGIC ARMS LIMITATIONS

Obviously, negotiations on control of intermediate-range nuclear missiles would be an exercise in futility if the existing SALT framework were to be scrapped and the restrictions already negotiated were to be abandoned. The agreed statement of principles and guidelines negotiated as part of SALT II expressly contemplated that these intermediate-range nuclear systems would be dealt with in the next set of strategic arms limitation talks. Any ICBM and any SLBM can destroy any target covered by Soviet SS-20s or American land-based missiles in Europe. Under the provisions of SALT II, the Soviet Union is limited to 10 warheads on each of its giant SS-18 missiles. Without SALT, the SS-18s could be loaded up with 20 or 30 warheads each. An increase from 10 to 20 would give the Soviet forces more than 3,000 additional warheads to aim at NATO Europe targets. This is many more warheads than would be eliminated by Soviet acceptance of the zero option in intermediate-range nuclear missiles.

This example illustrates the fact that any sound strategic nuclear weapons policy requires energetic pursuit of strategic nuclear arms control. Nothing else will reduce the Soviet threat by as much as one nuclear warhead no matter how many additional strategic nuclear weapons programs are embarked upon and at whatever cost.

Only through arms control can we bring the strategic nuclear stalemate down to lower levels of cost and risk. Only by negotiated, verifiable agreements can we have an accurate measure of the Soviet strategic nuclear arsenal.

Strategic policy considerations therefore mandate that the present talks in Geneva be utilized to revive progress towards control of all types of nuclear weapons that can strike strategic targets in the United States, Western Europe or the Warsaw Pact countries. Obviously, there should be exploration of more comprehensive controls than those embodied in the agreements already negotiated. But if we allow what has thus far been accomplished to lapse, while efforts are made to embody more complex formulae for controlling total megatonnage and more innovative and far-reaching verification techniques, then time again will become our enemy and unrestricted competition in strategic nuclear arms will gravely endanger our basic security.

To preserve the SALT framework within which meaningful progress can be made, the Soviet Union and the United States should formalize their declared intentions to do nothing inconsistent with the SALT II treaty provisions. Separate letters can be issued to that effect, following the precedent of October 1977 when the SALT I interim agreement expired.

A prompt agreement should be reached, in close coordination with other NATO countries, on controlling U.S. and Soviet land-based missiles of intermediate range. The issue of nuclear-capable aircraft in the European theatre should be deferred in the interests of expedition. The fact that these same aircraft have conventional missions will make their control complex and time-consuming. British and French nuclear forces cannot be the subject of U.S.-Soviet negotiations, although their existence won't be ignored.

At the same time, either in the present Geneva forum or in renewed talks on the central, intercontinental-range systems, attention can be given to some updating of the SALT II provisions. A new and early deadline can be set for reduction of strategic nuclear delivery vehicles to the ceiling of 2,250, which would have been achieved by December 31, 1981, if SALT II had been ratified. In addition, to show progress and to fit the Reagan Administration's announced commitment to deeper cuts, the two sides should agree on a schedule of annual reductions of 5 to 10 percent per year over the next several years.

The Protocol to the SALT II treaty expired on December 31, 1981. Primarily, this prevented deployment of ground- and sea-launched cruise missiles, as well as mobile launchers of ICBMs. The termination of the Protocol, however, is of relatively little importance because the Reagan Strategic Program provides ample time for negotiating the issues involved in the Protocol's provisions, provided prompt and serious negotiations are undertaken.

Ground-launched cruise missiles are, of course, one of the subjects of the current Euro-missile talks. No further decisions on the basing of the MX missile will occur before 1984, and thus no mobile deployment of the MX can occur for the next few years. Insofar as the Soviet programs are concerned, the SALT II treaty itself bars further production and deployment of the mobile-capable Soviet SS-16 ICBM.

To create a stable and predictable environment for a further round of negotiations on limiting and reducing strategic nuclear arms, the expiration date of the new treaty, now set for the end of 1985, should be extended through 1990. A commitment by the two sides to give priority attention to significant reductions in intercontinental ballistic missiles with multiple independently targettable reentry vehicles (MIRVs) would take note of legitimate concerns expressed by Reagan officials and American legislators.

Thus supplemented, and given President Reagan's personal stamp and endorsement, the treaty would unquestionably receive prompt Senate ratification. The Republican votes that were unavailable to President Carter during a campaign period in which Republican Presidential candidates took an anti-SALT II stance would now be present in abundance. Democrats who have supported arms control in the past would not now switch positions simply to oppose a President who retains wide popularity.

The Reagan Administration has a unique chance to make a major breakthrough in diminishing the greatest risk that human society has ever faced. This window of opportunity won't remain open very long, nor can it ever be opened as wide again. The arms control package that is now within reach, as described above, is far from perfect. But it is better than any that could ever be obtained at a later date, if the present opportunity is allowed to pass, and would greatly increase American and Allied security.

In the absence of these controls, the strategic nuclear weapons of the Soviet Union and of the United States will become ever more vulnerable and more dangerous. The major differences that must be expected to continue between these two nuclear superpowers can lead to periods of crisis and confrontation. Hair trigger forces, with growing counterforce capability, may precipitate the nuclear war that no one wants and that our modern world cannot survive.

SURVIVABILITY

(R. James Woolsey)

In order for our strategic forces to be able to deter war, even—as they must—during the extreme stress of a nuclear crisis, they must be able beyond any plausible doubt to survive a Soviet first strike.

This survivability is a bed-rock necessity. It may or may not also be sufficient as a standard for our strategic forces, depending upon your views about such matters. You may believe, for example, that it is also important for our strategic forces to be able to attack Soviet military targets, or to execute certain limited nuclear strikes, or to defend cities (if technically possible), or to endure—after a Soviet strike—for a sustained period in order to be able to conduct a longer nuclear war.

During the 1960's and into the 1970's we tended to take the survivability of our strategic forces for granted. Many, if not most, of the debates of those years centered around these other issues—for example, the wisdom, or lack thereof, of having a counterforce capability (i.e. the ability to attack military targets, especially hardened ones such as ICBM silos), or of having the doctrine and the ability to conduct limited nuclear exchanges. The debates on many of these latter topics, although they reflect important policy disagreements, have become abstruse and entangled. Further, time and the march of technology have passed some of them by, although much of the noise of strife still lingers in the air. It is time to focus the debate about our strategic forces on that which is clearly necessary—namely, survivability—and to put it ahead of discussions about those added capabilities.

This suggestion will disappoint most aficionados of, and almost all participants in, the strategic nuclear debate. Like an old married couple with a favorite argument, the origins of which have long since become obscure, the two main schools of strategic theorists have developed a standardized framework for these debates: assured destruction vs. nuclear warfighting. Each side has grown comfortable enbroidering its straw man characterization of the other. The battle of acronyms is rolling along nicely, one side calling the other MAD (Mutual Assured Destruction) and the second, now, calling the first NUTS (Nuclear Utilization Target Selection).[1] All this leads those outside the fraternity both to develop migraines and to suspect that Clemenceau's excellent dictum about war and generals needs a new formulation: planning strategic forces is too important to be left to the strategic theorists.

As the Soviets have persisted in the expansion of their counterforce capability, many of these old debates have become dated and irrelevant. The underlying reality is that, now, after some number of years of haggling with ourselves about sundry matters and failing to check the decline in survivability of our strategic forces, we have a great deal to do in that department.

This significant Soviet deployment of large ICBM's with excellent accuracy (one, the SS-18, considerably larger than the MX) is consistent only with their devoting extreme importance to the mission of attacking American ICBM's in their silos. This has rather reduced the impact of the argument that deployment of accurate American weapons would be provocative. One can make a reasonable case that some ability to attack successfully all portions of that which the Soviets value most—their military structure—is now an important element in our ability to deter war. As former Secretary of Defense Harold Brown has put it, although he would be deterred by the ability of an adversary to destroy cities, we are not trying to deter him, but rather the Soviets, who have given ample evidence of very different values. Also, technology has made accuracy improvements easier, so modernization of any of our forces will bring significant accuracy improvement in its wake. Former Carter Administration Under Secretary of Defense William Perry has said, for example, that technology is converging toward a world of infinite numbers of warheads with infinitely good accuracy. But in any case, although the degree of counterforce capability that we should seek is an important issue and one to which, to some extent, the forms of the old debate are relevant, the big expenditures and the major policy questions surrounding our strategic forces now are driven by the importance of improving their survivability.

We cannot become so single-minded about survivability that we become perpetually mired in a search for the perfectly survivable system. That way lies stasis. A system, of reasonable cost, that forces the Soviets to target it with a very large number of warheads, or that requires them to develop a very costly and complex system in order to be able to attack it, may make a significant contribution to our goal—making the enemy's overall problem of planning a first strike unimaginably hard. But, perfection aside, it still is important for us to concentrate on improving survivability for several reasons.

First of all, the vulnerability of any of the three major current components of our strategic forces—e.g. ICBMs—is a matter of serious concern for a reason that has nothing to do with the plausibility, or lack thereof, of any limited Soviet attack against ICBMs alone. Because of the long lead-times that are necessary in almost all cases to design and deploy new strategic systems, or even to modify old ones, we cannot be confident of being able to provide a "quick fix" for any vulnerability that might unexpectedly appear. It has taken us well over a decade, for example, to design and construct the first Trident submarine and get it to sea. If we have been lax (as we have been) in correcting a vulnerability of one part of the strategic forces (ICBMs) because we are relying on the other parts, and then some vulnerability appears in those other parts of the force as well, we may find ourselves in an extraordinarily serious situation—with no improvement in sight this side of years' worth of effort.

Moreover, such a vulnerability may indeed appear unexpectedly. Though there may be no immediate threat now to the survivability of our fleet of ballistic missile submarines and though we believe that we can keep our bomber force survivable (if we work at it), it would be most imprudent to bet indefinitely that no serious problem will arise with either system—given the massive Soviet investments both in military research and in the deployment of weapons that potentially threaten our strategic forces. In this context it is important to remember that preserving the survivability of our strategic forces, and, for that matter, of any military forces, is very different in character than government's other duties and functions. Einstein reportedly once remarked, "Raffiniert ist der Herrgott, aber boshaft ist Er nicht" (roughly, God is clever, but He's not plain mean). In other words, when we are in a contest with God, or Nature—trying to build a road, develop new energy resources, or fly to the moon—we are not playing against an evil-minded adversary who is trying to make our problem harder. In trying to keep our strategic forces survivable, we do have such an adversary. Indeed the level of Soviet effort in military undertakings that potentially threaten our strategic forces, such as anti-submarine warfare research, is what determines the scope and nature of our problem.

These Soviet efforts have indeed been remarkable over the last two decades. One reason is that, because they impose such low pay levels on their conscripted troops, the Soviets have proportionately a much higher share of their resources available to buy new weapons, including strategic weapons. For example, we spend over half of our defense budget on manpower and have only about a quarter to devote to buying equipment. Central Intelligence Agency estimates indicate that the Soviets spend about a fourth of their defense resources on manpower and thus can spend around half on equipment. Thus, although dollar or ruble cost comparisons between the U.S. and Soviet defense budgets are fraught with well-known problems, especially when manpower costs are involved, it is unsurprising and hardly arguable that the Soviet efforts on strategic weapons have substantially exceeded ours for many years and, particularly in the case of ICBMs, created new vulnerabilities for our strategic forces.

The Soviets, for example, have out-spent us about two-to-one in the last decade on ballistic missile submarine force investment. They have produced 30 ballistic missile submarines in seven years—better than four a year—while we have been producing one annually (and they have recently been laying down new attack submarines, some of them diesel-powered, at the rate of one every five weeks, while we have been laying down one—now two—such nuclear boats a year). Their newest ballistic missile submarine is larger than Trident.

In investment in ICBMs, the difference is even more dramatic. We would have had to spend, in dollars, about four times what we did in the last decade to match their ICBM effort. In the period of just over a decade since we introduced our last ICBM, the Minuteman III, they have introduced four major modified versions of their then-existing family of ICBMs, plus an entirely new generation of three additional ICBMs—one, the SS-18, in four different versions.

These sorts of assessments prove little about vulnerability in and of themselves. But they are ample evidence of the extraordinary level of the Soviet commitment to increase the vulnerability of our strategic forces.

Even judgments of this kind, however, are often countered by warhead bean-counting. The argument frequently runs that—since the United States has thousands of missile warheads and a large number of bomber-carried weapons as well, and since this total is higher than the Soviet's total number of strategic warheads, at least for a short while longer—there is no cause for concern. This large number of American strategic missile warheads and bomber weapons is heavily driven by the large number of comparatively small and inaccurate warheads on our ballistic missile submarines and by the bombs and missiles on our B-52s. The U.S. warhead count has increased substantially over the last decade with the addition of Multiple Independently-targetable Re-entry Vehicles (MIRVs) to submarine-launched missiles, and the addition of new bomber weapons (the Short Range Attack Missile, SRAM, and in the near future, the Air-Launched Cruise Missile, ALCM). Such warhead and bomber weapon totals, however, have nothing to do directly with survivability. They improve the ability of the weapons carried by submarines and bombers to penetrate Soviet defenses once they reach those defenses, but not their ability to survive a Soviet strike. The real question is whether the submarine and bomber forces, whatever the number of warheads and weapons they carry, are so perpetually secure that we need little concern ourselves with vulnerabilities in the land-based missile part of our strategic forces.

These high levels of Soviet effort that have had the effect of increasing the vulnerability of our strategic forces show no sign of slackening. If Soviet military planners feel that our ICBM force has successfully been made highly vulnerable they could be expected to increase yet further their efforts to place the rest of our stategic forces at risk as well—e.g. by redoubling their already significant anti-submarine warfare research.

In addition to denying the Soviets this ability to concentrate on undermining the remaining parts of our deterrent and deterring them from ever being able seriously to consider a first strike, our strategic forces must be able to deter what is more likely, political backmail—strong pressure, for example, on us not to assist a friendly government in the Persian Gulf that might be threatened by invasion or by Soviet-sponsored revolution. It is arguable that if even one of the three major parts of our strategic

deterrent has a serious vulnerability to a Soviet first strike, then such blackmail is relatively more plausible and that therefore the vulnerability must be corrected promptly. For example, as The Economist put it in its last issue of 1981:

It is unlikely that this doomsday scenario will ever be played out. But that does not mean that even a remote possibility of it will not profoundly affect the world during the dangerous years of the open window. The possession of this theoretical first-strike capacity gives Russia a psychological head-start in every confrontation of wills with the West. The Russians will raise their fist—the threat to use ordinary, nonnuclear force—more confidently in any such crisis. The West will be more hesitant to raise a counterfist. And the quicker fist could win the contest of wills.

But the questions about survivability, or any other issue concerning strategic forces, cannot be answered sensibly without first considering what standard or test we are to apply to the facts. For example, in law, in civil cases, a court or jury will normally decide which version of the facts of a case to believe by applying the test of where the "preponderance of the evidence" points it—which version is the more likely of the two to be true. But in criminal cases, to add a measure of protection for the accused, a jury must decide that he is guilty "beyond a reasonable doubt." In other words, if a jury believes the prosecution's version of the relevant facts—but only by such a narrow margin that it still has a reasonable doubt of the accused's guilt—it should vote to acquit. In quantitative terms, being 51 percent certain of a defendant's guilt should not be enough to justify the very important decision of sending him to jail or to his execution. The law consciously biases the test of the evidence toward the defendant in a criminal case because of the importance of his liberty.

Deterring nuclear war is the most important job we do as a nation, and deterring nuclear blackmail comes close. Survivability of our forces is so vital a part of such deterrence that we should be willing to set a standard for assuring it that gives to the protection of our strategic forces' survivability at least as much benefit of the doubt as we give to criminal defendants. Certainly there are other weapons decisions, such as whether to provide a counterforce capability for our strategic forces, where different standards might well apply. But survivability questions particularly deserve to be looked at through glasses highly colored by prudence and caution.

Such a standard, carried to ridiculous extremes, could mean that we would spend so much on strategic forces there would be very little left for other purposes. This would be most unwise. Certainly cost should be an important consideration for strategic a well as any other military forces. One way to help make survivability improvements affordable is to pay particular attention to ways in which some of the expenditures on them could be spread over other defense needs. Some possible survivability improvements, discussed below, have this characteristic.

From these perspective, then, we need to ask how likely it is that the Soviets could succeed, or that they have succeeded, with any part of their effort to put our strategic forces at risk. And, further, we must determine what we must do to ensure, beyond any plausible doubt, that they fail.

COMMAND, CONTROL, AND COMMUNICATIONS

For some time the most serious vulnerability of our strategic forces has been the systems and data links by which we command, control, and communicate with those forces. A related problem has been to ensure that a decision to use nuclear weapons can, in all cases, be made by a constitutionally responsible and legitimate decisionmaker. The strategic communications systems have grown, over the years, with very little central direction. Efforts to improve their survivability have often run afoul of budget pressures (some of the added redundancy and hardness that is needed can be quite expensive) or they have been postponed because the military services have continued to put other priorities higher. The Soviets can today have no confidence, however, that an attack on our strategic communications links would totally disable our strategic forces; they must be concerned that such an attack might have exactly the opposite effect—allowing enough time only for some part of our command structure to launch quickly a massive spasmodic nuclear attack on them in response.

A fragile strategic communications system, however, has more than one potential risk associated with it. As nuclear nonproliferation efforts fail or are undermined and the number of nuclear powers in the world, tragically, expands there is even the prospect that individuals such as the sporty trio of Iraq's Saddam Hussein, Pakistan's Zia, and Libya's Qaddafi will command nuclear weapons. Technology is also making it possible for such weapons to be quite small. Our lack of air defenses and modest level of air surveillance, and the nature of our open society, could leave us open to small or unconventional nuclear attack—e.g. smuggled weapons. We must face the possibility that in a few years the origin of a nuclear weapon detonated, say, in or over Washington, D.C., might not immediately be clear. Indeed, as described below, U.S.-Soviet cooperation to guard against a third-world nuclear power triggering nuclear war between the U.S. and the U.S.S.R. may now be at least as important a field for arms control efforts as the sort of numerical limits and reductions that have traditionally been center-stage.

It has not only been overall budget pressures and military service priorities, however, that have delayed important modernization and improvements in survivability for our strategic communications system. This delay illustrates one of the perverse twists that has been taken by the national debate over strategic weapons in recent years. Strategic communications is a highly technical and complex subject; its relationship to the conduct of something so terrible as nuclear war simultaneously makes it an emotionally charged one. More than once during the last decade or so, prospects for strategic communications improvements have been damaged by stray rounds from other battles.

For example, the debate about whether our missiles should be, or be able to be, launched on a warning given by radars or other sensors of a Soviet attack—even before Soviet weapons start detonating on their targets—has affected the modernization of our strategic communications. (Of course bombers can be, and are, "launched" on warning and recalled.) Some have thought that having a missile launch-on-warning capability and policy would be a handy way to avoid the need to spend the money to make our ICBMs survivable. Others have had such confidence in the technology of possible strategic warning and communication systems, or have so despaired of making our ICBMs survivable, that they have been reluctantly willing to rely on launch-on-warning rather than to exert the effort to try to assure that ICBMs could ride out an attack and then respond.

A more reasonable view of missile launch-on-warning or, as it has come to be called, launch-under-attack, was expressed last November 11 by the Under Secretary of Defense for Research and Engineering, Richard DeLauer:

We are not changing our consistently held view that launch under attack is a good capability . . . but a dangerously destabilizing strategy to depend on. We do not, and we will not depend on it.

In other words, although there may be circumstances (e.g., if the Soviets had already initiated a massive conventional war) in which we would want the President to have the ability to launch missiles on warning—and would want the Soviets to know that he could do so—it would be extremely dangerous to rely on such a policy, day in and day out, to the exclusion of providing our strategic forces with the ability to ride out a surprise attack. The Ballistic Missile Early Warning System (BMEWS), when it was first installed two decades ago, mistook the rising of the moon for a flight of Soviet ICBMs, and today's systems are not wholly free of malfunctions.

Yet adopting a day-to-day missile launch-on-warning policy, as an alternative to investing what is necessary for survivable strategic forces, has continued to have its advocates over the years. To thwart them, some decisionmakers have in the past been motivated not to push hard for improvements to our strategic communications systems in order to avoid it appearing as if the nation were moving to such a policy of relying on launch-on-warning. (Many of the steps to modernize strategic communications that have become necessary would also have the incidental effect of making a launch-on-warning policy technically more feasible—they would by no means make it necessary, however.) Delays in modernizing, and improving the survivability of, strategic communications have thus sometimes perversely occurred to serve another laudable goal—to help ensure that the country continued to press toward making its strategic weapons, particularly its ICBMs, survivable.

These and many problems have plagued strategic communications for years. The Administration's decision in October 1981 to move out smartly to modernize and improve the survivability of our strategic communications is a good beginning cut at these Gordian tangles and deserves full support. It is, in many ways, the most important part of the package of new strategic decisions, but there is much more to be done.

THE BALLISTIC MISSILE SUBMARINE FORCE

The ballistic missile submarine force is becoming the bedrock of our strategic deterrent, primarily because of its survivability. It is crucial that we not let that survivability deteriorate.

Certainly the addition of the long range Trident I missile (and as a result of the October 1981 decision, by the end of the eighties, the Trident II missile as well) improves submarine survivability by permitting patrols anywhere within tens of millions of square miles of ocean. And the new Trident submarine shows excellent quietness, giving it good security against passive acoustic detection—i.e. Soviet listening with acoustic sensors, with no effort on their part to put

sound in the water and listen for echoes. But even these sorts of improvements don't let us take submarine survivability for granted indefinitely, even if we manage to keep the number of submarine-launched missiles from declining. As we replace the 16-inch tube Poseidon submarines in the 1980's and the 1990's with large 24-tube Trident boats, the numbers of ballistic missile submarines at sea will decline. Even with an eventual all-Trident force of 20 submarines (one has been delivered and 9 funded) we would only have a dozen or so ballistic missile boats at sea at any one time. The vigor and scope of Soviet anti-submarine warfare work in recent years is enough to make any cautious planner concerned if the entire survivable ballistic missile force of the nation (assuming, for the moment, that our ICBMs have become vulnerable) should be located in only about a dozen hulls—each having about the displacement of a very large cruiser and as long as the Washington monument.

Certainly, the problem of open-ocean search for submerged submarines remains extraordinarily difficult—especially so if, as would be the case in any strategic attack, an enemy would have to attack the entire force virtually simultaneously. And whatever anti-submarine warfare efforts one might imagine, it is also plausible—as in other fields of warfare—to conceive of countermeasures to them. But against some types of possible anti-submarine warfare sensors, large size is a disadvantage. Planning conservatively for submarine survivability requires us to add to "Run Silent, Run Deep" the additional injunctions, "Be Small, Be Numerous."

The deployment of smaller submarines to supplement the Trident force would not be without its costs, both in dollars and manpower. Retaining crews for this demanding life in the Navy is extremely difficult, and large numbers of submarines mean many crews and complex logistics. Large numbers of small submarines would probably thus mean at least as great, if not greater, and overall cost per missile at sea as Trident—Trident is well-designed to keep its overall costs as low as feasible, even though the procurement cost of each individual submarine has become quite expensive.

The Administration's decision to place nuclear cruise missiles on our attack submarines (i.e. those that do not carry ballistic missiles) usefully adds to the number of U.S. submarines that the Soviets would have to attack. But the cruise missiles carried by the attack boats will be limited in range, and the number of missiles will also be limited because of the attack submarines' other missions—chiefly anti-submarine warfare. The addition of cruise missiles in this way, however, does have the major advantage of being comparatively inexpensive, since existing attack submarines, having another mission, are not themselves a major new cost of the cruise missile program.

The recent decision to deploy a small Extremely Low Frequency (ELF) communications system for the ballistic missile submarines also adds importantly to their survivability. Our ballistic missile submarines must today patrol very near the surface so that they can tow an antenna—a floating wire or buoy—on or just below the ocean's surface in order constantly to receive communications. Since ELF signals can penetrate water to much greater depths than other communication systems, this will now permit the boats to patrol much deeper, and will thus give them important flexibility in evading some types of anti-submarine warfare sensors. It is of little importance—given its job—that the ELF system is only a "bell ringer", i.e. too limited to be able to send the actual message necessary to launch nuclear missiles, or that the ELF system could be knocked out in a nuclear war. Its purpose is the limited but vital one of making it possible for the submarines to "run deep" as part of their normal peacetime patrols and avoid the vulnerability of being tied to the surface. Other systems are available to send wartime messages to be picked up by wire or buoy antennas, but the need to come near the surface in those circumstances is not nearly so troubling as the need to patrol there perpetually.

But even with these improvements, because of the submarine force's importance—and the potential danger of having all our submarine ballistic missile eggs in a very few, very large, Trident baskets—it would be reasonable to begin now to design a smaller submarine to supplement the Trident force. This problem needs further work. The objective may well not be reasonably met by deploying the largest possible missile (e.g. the MX) on the smallest possible submarine based in very limited areas (i.e. near U.S. coasts)—in the manner of the original proposal for a Shallow Underwater Missile (SUM) system. What is needed is flexibility and survivability. It might be that some submarines, smaller than Trident, should carry a large number of long-range cruise missiles rather than, or in addition to, ballistic missiles. Such submarines, whatever missile or missiles they carry, should definitely have the flexibility to patrol in deep ocean areas, and under Polar ice, not merely on the continental shelf. Such a force might be merely an adaptation of a class of existing attack submarines, or newly designed smaller ballistic missile submarines along the line of the current Poseidon boats. But given the long lead-time needed to build submarines, the time to begin to supplement and diversify our submarine missile force is now, before the news of significant Soviet anti-submarine warfare improvements in the 1980's or 1990's follows the news, in the 1970's of their rapid and unexpected deployment of very accurate ICBM warheads.

STRATEGIC BOMBERS

Our strategic bombers have three potential types of vulnerability—before they escape their bases, while they are en route to their targets, and during their effort to penetrate Soviet air space. The third of these vulnerabilities has been significantly lessened by the development of the long-range cruise missile; the question of penetration continues, however, to attract the most attention and debate. The second vulnerability is the least serious, especially as existing or new bombers are shielded against nuclear effects; the job of destroying aircraft in flight, say over the Arctic, by attacking them with a barrage of nuclear weapons or some hypothesized combination of sophisticated sensors and new long-range weapon, remains extremely difficult. It is the bomber's first vulnerability—while they are on the ground or escaping their bases—that is the most serious.

The pre-launch survivability of our bombers would be threatened primarily by Soviet submarines, pulled in relatively close to our coasts, launching missiles at the bomber bases. This vulnerability can be mitigated by placing the bombers at bases far inland or, in a crisis, keeping crews in the cockpits, ready to take off quickly. But—depending on the types of missiles the Soviets might use—the B-52's margin for escape could even so be very thin. For limited amounts of time this vulnerability could be significantly reduced by keeping the bombers continually airborne, as we did in the 1950's and into the 1960's. But, over an extended period of time, the maintenance and fuel requirements of sophisticated bomber aircraft make this a very expensive and cumbersome proposition.

Either the B-1B or the Advanced Technology, Stealth bomber could significantly reduce this problem of pre-launch survivability, by being able to escape faster and being more hardened against nuclear effects than the B-52. The B-1B will be available sooner; whether the extra cost involved in developing both new bombers instead of only one is justified by the quicker availability of a bomber having better pre-launch survivability is a difficult question. Insofar as the Reagan Administration decision to resuscitate the B-1 was grounded on real concern about this threat and on technical problems with the Stealth bomber program, it was reasonably based. Insofar as it was based on the political desirability of reversing the Carter Administration's cancellation of the program, or on the need to send a very expensive signal to the Soviets, it was unwise. The truth probably lies in the highly classified details of the Stealth bomber program and its prospects. Any issue which has so divided eminent scientists and engineers (e.g. former Under Secretary of Defense William Perry on one side, Under Secretary Richard DeLauer on the other); able recent commanders of the Strategic Air Command (e.g. General Richard Ellis on one side, General Bennie Davis on the other); and careful Congressional experts on defense issues (e.g. Senator Sam Nunn on one side, Senator Henry Jackson on the other) is not a simple problem. Those outside the executive branch and Congress who are not fully familiar with the details of the Stealth bomber program would be well advised to be somewhat cautious about the firmness with which they express their views. But unless it ultimately appears that real developmental problems have cropped up during the last year for the Stealth bomber program, the decision to procure the B-1B will probably prove to have been a costly and unnecessary step.

In any case, the Administration can reasonably be asked to ensure that the B-1B does not interfere with higher priority Air Force programs—notably the Stealth bomber, the Air-Launched Cruise Missile, and the Air Force's efforts to improve pre-launch survivability, including obtaining an adequate number of tanker aircraft. Survivability of strategic bombers, for example, is heavily affected by such issues as whether the bombers are dispersed, the number of tankers for the bombers, and the tankers' own ability to survive.

The question whether to develop and procure one or two new bombers to replace the B-52 is one of cost and technological risk, not one of objectives. There is broad agreement in the strategic community, and rightly so, that a bomber force provides an important and flexible addition to our strategic nuclear forces—one that can be used in conventional conflicts as well as to help deter nuclear war, and one whose existence seriously complicates any potential simultaneous Soviet attack on our ICBMs.

Bombers, however, unless they are kept on airborne alert, will always suffer from one serious deficiency: safe escape from their bases depends on their receiving ade-

quate warning. In a hypothetical extended crisis in which, for example, our warning systems were being blinded, jammed, or destroyed—if, for example, our satellites had been attacked—the bombers' pre-launch survivability could be seriously compromised. For this reason there is understandable reluctance to rely solely on them and on submarines for our strategic deterrent.

INTER-CONTINENTAL BALLISTIC MISSILES

There was once a time in which ICBMs in silos, by themselves, met virtually every requirement of our strategic systems. Most importantly, they were virtually invulnerable to attack—because Soviet missiles were not accurate enough to destroy them they were able to ride out any possible attack and still retaliate.

Those days are gone. As noted above, William Perry has described technology as converging toward a world of infinitely good accuracy (and infinite numbers of warheads).

A certain rear-guard action has been fought against this view, to little effect. The theme of the argument is that there are enough uncertainties about whether U.S. ICBMs are vulnerable—practically as well as theoretically—that we can act as if they are secure. The argument has primarily been that Soviet ICBMs must be inaccurate because of differences between what happens in testing and what would happen in an actual attack. For example, it has been asserted that Soviet ICBMs would necessarily be inaccurate in an attack because they would have to fly in untested North-South trajectories. Certainly the coordination of any Soviet attack on our strategic forces—even a partial strike against 1052 ICBM silos alone—would be a highly uncertain proposition. Command, control, and communications would be complex and the famous uncertainties of war—Clausewitz's "friction"—could plague any such effort as they could any large military operation. But, in spite of some disagreement about the pace of accuracy improvements, Perry states the general view of the overwhelming preponderance of the technical, intelligence, and military communities: satellite flights over the poles in North-South orbits for some twenty years, submarine-launched ballistic missile testing in North-South trajectories, and intelligence data on Soviet testing give cold comfort to anyone who would be optimistic about the survivability of undefended silos in a nuclear war. Certainly, the exact accuracy of Soviet ICBMs, in any given year, is a matter of reasonable dispute, hence so is the exact point in the decade when the vulnuerability of our ICBM silos becomes unacceptable—e.g. in the early 80's vs. the mid-80's. But, from the point of view of one doing cautious planning to ensure our strategic forces' survivability, it would be foolhardy to assume that Soviet ICBMs will be perpetually inaccurate, because they must fly in North-South trajectories or for any other reason. It would be especially foolhardy to assume that the Soviets would be so doubtful, in a grave crisis, of their missiles' tested accuracies that they would ignore their test data. We assume that our ICBMs will achieve their tested accuracies in wartime. What counts is less what the actual accuracies would be in a nuclear war—which none of us will ever know—but what the Soviets would expect.

There has been much discussion of the "window of vulnerability" of our ICBM force. If one insists on using that metaphor, particularly given all the freight it now carries, there should at least be a recognition that we cannot really know how wide the window is open at any time—the only reasonable question is whether it is opening or closing. Although some characterizations of this ICBM vulnerability issue can produce rather Strangelovian arguments, and although one should not confuse vulnerability of our ICBMs with vulnerability of our whole strategic forces, there is still a real underlying problem that must be solved. Unless we have some strategic force, other than our submarines, that does not depend on warning (as the bombers do) to survive a Soviet attack, then we are betting very heavily on lack of Soviet progress in anti-submarine warfare. Unless we wish to continue that bet, for a very long time, we had best look hard for some way to base another strategic force in a survivable manner. From the point of view of assuring the long-run survivability of our strategic forces, this is a key issue—and it is also an extraordinarily difficult one.

It may be emotionally satisfying, and provide relief from worrying about the problem, either to affirm such faith in the infallibility of (American) technology that you are willing to rely on launch-on-warning or, alternatively, to become such a skeptic of (Soviet) technology that you are willing to rely on the inaccuracy of their missiles. These extremes of belief and lack thereof in technology might be characterized in an unfriendly fashion, if one were so inclined, as, on the one hand, "American computers can't make mistakes" and, on the other, as "It'll never fly, Ivan." The solution, or solutions, to our ICBM vulnerability problem, however, are likely to be found on the far more difficult territory between these two extreme views of technology: a terrain marked by complex judgments, weighed opinions, partial solutions, and tough calls.

MX IN MULTIPLE PROTECTIVE SHELTERS

One such tough call was made by the Carter Administration when it approved the basing of the new MX ICBM in Multiple Protective Shelters, the famous ICBM "shell game" that was to be located in Utah and Nevada. This basing mode for ICBMs has been characterized by some of its supporters as the only reasonable, and clearly the best, option for preserving ICBM survivability—all others having been thoroughly reviewed and found wanting—and by some of its detractors as a laughable contraption designed by Rube Goldberg.

The truth, as usual, is more complex.

The shell-game basing mode approved by the Carter Administration had several deficiencies, primarily as a result of its tangled bureaucratic history, the attempt to mesh it with the Salt II Treaty, and efforts to limit the amount of land its deployment would affect. But a somewhat amended version of the same basic shell-game idea—possibly with the missile shelters wider apart (to make ABM defense easier), possibly with vertical instead of horizontal shelters, and probably with no effort made to enable the missiles to dash quickly from one shelter to another—could probably have worked, with an important caveat. Over the long run, some way would have had to be found to limit the effect of the Soviets' overwhelming the shell-game system by adding enough accurate warheads to attack it successfully—a program for which they not only have the technology in hand but most of the production lines in operation as well.

Three general answers were given to this problem: that Soviet fear of an American strike against their ICBM's would limit Soviet investment in such large fixed ICBMs as the SS-18 and the smaller, but still MX-sized, SS-19 (these being the weapons best-designed to attack the MX); that the SALT II treaty would, effectively, limit the number of Soviet warheads and thus keep the shell-game system ahead of any threat to it; and that we could, if necessary, offset Soviet warhead increases by building more shelters or deploying anti-ballistic missiles (ABMs) to defend the system.

Each of these three long-run solutions to the shell game's prospective problems of survivability, in turn, faced difficulties. Relying on Soviet fears about the MX threat to their own ICBMs in order to limit their ICBM program struck many as an encouragement to the Soviets (if they needed any such) to continue to add to their ICBM force to threaten the MX in its shell-game basing and then to prepare to launch their own ICBMs on warning if they were attacked.

The SALT II Treaty had its virtues, for its five-year term, as a limitation of Soviet warheads. Directly, it limited only launcher numbers and the number of warheads per missile, although its testing provisions could also have somewhat delayed future Soviet efforts to add further to the number of warheads on each of their ICBMs. But after the five-year term of SALT II, it was asked, how do we convince the Soviets to renew, or even improve, an agreement that we need in order to keep them from putting our whole ICBM force at risk? The best answer was probably that we would have exerted such leverage on them by threatening to deploy an ABM defense of the shell game unless adequate and effective limitations were placed, by agreement, on Soviet warheads for as long as necessary. The Carter Administration stressed that, since the shell-game system alone would have been adequate to provide a reasonable number of surviving MX missiles against an attack by the estimated current number of Soviet hard-target warheads, we might have needed only to keep our threatened ABM system in development, not to deploy it; also we could have kept at the ready an expansion in the number of shelters. (But this latter would not have had nearly as great a degree of leverage against substantial Soviet warhead increases as a potential ABM deployment.)

An ABM defense of, say, 200 MXs secreted among 4600 shelters would have been possible with a far less sophisticated ABM system than would be needed to defend a few hundred silos. If, ex hypothesi, the location of each MX and each ABM system were unknown to the Soviets and each ABM system were capable, by preferentially defending the MX, of causing the Soviets to fire an extra two warheads (i.e. a total of 3 warheads instead of only one)[2] at each of 4600 shelters, then the Soviets would have to launch far more than 4600 warheads at the shelters themselves. The short-range two-shot ABM system defending each MX could force them to launch 9200 additional warheads to exhaust the ABM defenses in order to be relatively certain of destroying almost all of the MXs. (The objective, of course, not being to serve as such a "sponge" for nearly 14,000 Soviet warheads, but to be such an effective sponge that an attack would never be made.) The large number of shelters in the system, in other words, gave great leverage—if all worked as advertised—to an ABM with a comparatively modest task. With a fewer number of shelters, this leverage was significantly diminished. With, say, 200 MX missiles based in only 200 silos, each ABM system would need to destroy nearly seventy Soviet war-

heads before it itself was destroyed in order to exhaust the same nearly 14,000 Soviet warheads.

This was an unimaginable task with the sort of ABM technology most people contemplated—short-range interceptors, plus possibly an "overlay" of exo-atmospheric interceptors. Indeed, with such technology it would probably be extremely difficult to charge a "price" of more than around half a dozen [3] extra Soviet warheads per shelter. Even a sophisticated ABM of this same type, then—say one charging a price of 6 additional warheads per shelter—would have to be defending a shell-game system with around 2,000 shelters in it in order to require the Soviets to use the same approximately 14,000 warheads to destroy the system. Indeed it would take 600–700 shelters (for, say, 100–200 MX missiles), defended by a similarly sophisticated ABM system (i.e. six effective shots per launcher), to require the Soviets to launch the same 4,600 warheads that would have been required for them to attack an undefended system of 4,600 shelters.

By reaching excellent, verifiable arms control agreements with the Soviets and renewing them over the years, we might have—with the full shell game—avoided the need to deploy ABMs to keep the MX survivable. But to reach such agreements, if indeed it was possible, we would have had to manage our technology and our politics in such a way as always to keep an ABM deployment, and an apparent willingness to abrogate the ABM Treaty of 1972, staring the Soviets in the face. For these reasons, (a) the shell game with a large number of shelters, and (b) the readiness to deploy ABM defenses using reasonably available technology, were never alternatives to one another over the long run. They went, and go, together like a horse and carriage.

The Carter Administration's decision to follow this complex road of preserving ICBM survivability—a shellgame MX, arms control agreements effectively limiting Soviet warheads, and the ever-implicit threat of an ABM deployment—was certainly among its most difficult. It was a principled decision and its logic can be defended. But, for the long run, the path that had to be negotiated had so many points of ambush—from the requirements of Western States' water law, to forecasting future Soviet-American relations, to the technology of successfully hiding both mobile 100-ton ICBMs and mobile ABM systems—that there were bound to be searches for alternate routes.

THE CURRENT ICBM SURVIVABILITY PROGRAM

The Reagan Administration's decision on ICBM basing gives up a degree of near-term ICMB survivability—given Soviet ICBM accuracies, the Administration's decision to deploy MX in existing silos, hardened or not, provides little more than a fig leaf, and that, at best, for only a short time.

For long-run survivability of the ICBM force, the Administration is pursuing three options: ABM defense, deep underground basing, and continuous patrol aircraft. In addition, under Congressional pressure, it is continuing to review shell-game systems of one kind or another.

Without some breakthrough in ABM technology, any renewed effort to find a combination of ABMs and shell games will face prospects and problems very similar to those faced by the Carter Administration. Efforts to have only a few shelters in a shell game, for example, will demand that we reach (and our reach may well exceed our grasp) for proportionately more sophisticated ABM systems for defense. Otherwise the few shelters will quickly become vulnerable, if they are not indeed already vulnerable at their time of deployment. (Efforts to keep ICBMs survivable when based in individual silos alone, without any deceptive basing, will require even more sophisticated ABM systems—unachievable without some major breakthrough in ABM technology.) In such a case there is a significant risk that advertised, but not real, ABM technology will grow to fill the gap. It is sometimes amazing what technology can do in the defense world as long as the only test it needs to pass is one posed by a questioner, sitting at a conference table, watching projections of multi-colored view-graphs and an articulate briefer tapping them with a collapsible pointer.

A further problem may develop if there is an effort to deploy MX missiles in a shell game in Minuteman fields in the Northern United States. The logistics problems of moving 100-ton missiles around on roads in those snowy areas were what drove the Air Force toward the nice, flat, warm environs of Las Vegas in the first place. A shell game that doesn't work—because it is too difficult to move the MXs and keep their location secret—would be a financial and strategic disaster.

The other two potential Reagan Administration programs for long-run ICBM survivability deserve particularly careful and fair-minded study. Neither would recreate the old days of an ICBM force with excellent survivability, land-line communications for excellent peacetime command and control, prompt response, and low operating costs. But it may be reasonable, now, to stop trying to achieve all this in a single system and to focus on the key requirement of survivability. If one insists on trying to have all such desirable characteristics in a single ICBM system, today, he is driven back toward a shell game with many shelters and a plausible ability to deploy a comparatively low-risk ABM.

A few, say 50–100, MXs (or for that matter a larger number of smaller ICBMs) based in one or both of these two ways—deep underground or on continuous patrol aircraft—could severely complicate the problem of any Soviet planner. This is, after all, the main objective. As former Secretary of Defense James Schlesinger puts it, we want to assure that any Soviet planner, asked to assess the plausibility of the first strike, will always answer, "Not today, Comrade."

Deep underground basing for ICBMs has a perceptible doomsday flavor to it, even in the doomsday world of strategic nuclear force planning. Nonetheless, it may contain some interesting possibilities to enhance survivability. It may be, for example, that testing will bear out the claim that a missile that has been tunnelled into some types of geographical features, such as mesas, would require such a huge number of nuclear explosions to destroy it that a successful attack would be prohibitively difficult—this would be because the system could not be destroyed by attacking a single entry or exit point, and because some types of soil readily absorb nuclear blast effects. Such a missile would be far from promptly available, of course, but equipment contained with it might permit it to tunnel out via a previously undetermined path and be available in a matter of days. It is certainly not an idea without inherent problems, but it is worth further examination for cost and technical feasibility.

The notion of a specially-designed continuous patrol aircraft is potentially promising. This new concept has not been rigorously examined before because airborne ICBM systems have previously always faced a dilemma. The fuel and operating costs of keeping a reasonable number of conventional aircraft of currently-existing types continuously aloft—as we did with some of our strategic bombers into the early 1960's—was prohibitive. But any system in which almost all of the missile-carrying aircraft could not be kept routinely aloft and the aircraft thus had to stay at airfields had many of the same problems as the bomber force, as described above. If the current generation of jet transports, such as C-5As or 747s, were to carry ICBMs, we would indeed by driven for cost reasons to keep them on bases in a normal day-to-day status; consequently, they would have no better (and probably worse) pre-launch survivability than the B-52s. The use of Short-Take-Off-and-Landing (STOL) aircraft, carrying ICBMs, was considered carefully by the Carter Administration—these were to be kept at normal air bases and then flushed to a large number of more austere bases upon warning of a possible attack; logistics costs at the large number of required bases eventually killed this idea.

The launch of an ICBM by parachuting it from a large aircraft is a relatively simple matter, however, demonstrated some years ago. The accuracy of an ICBM launched in this way would be good enough to destroy unhardened targets, but it could destroy hardened targets only with some sort of external navigation aid to the missile, e.g. position information from satellites such as those in the GPS system. Transmitting such information is feasible; direct navigation fixes from ground features or land-based equipment could also allow good accuracy. If an aircraft could be designed explicitly to fly on patrol over a large area and could be given radically-better fuel efficiency—enough to make the long-run costs of such a system comparable with other reasonable alternatives—this sort of basing for ICBMs may make the short list for serious and careful consideration for the first time. Its survivability would then need a thorough assessment.

Initial indications are that an aircraft properly designed for such a purpose, having a gross take-off weight comparable to a C-5A and capable of carrying an MX (or a larger number of smaller missiles), could have a fuel efficiency in the range of eight to ten times better than modern jet transports and consequently an unrefueled endurance of 5 days or more. Such an aircraft would, in some ways, be a modest-technology system, not a sophisticated one. It would probably be powered, for example, by fuel-efficient turboprop engines, not jets, and have a long glider-like wing for added lift. It would probably use composite materials to lessen its weight significantly. Composite materials are far more extensively used in aviation construction work than they were a few years ago—indeed the commercial executive transport Lear Fan aircraft, now undergoing certification testing, uses composite materials and turboprop engines to achieve an advertised fuel efficiency four times better than executive jets, and it is a swept-wing aircraft designed for speed, not for fuel-efficient patrol.

At an early reading, neither the technology of constructing such an aircraft nor the logistics of operating it (it needs no specially designed airfields, for example) seems pro-

hibitive. Indeed, since an aircraft with this type of range and endurance has a number of other potential uses, its development cost might well be spread over a number of different missions. An order of magnitude reduction in fuel use of this sort—even if the aircraft must fly relatively slowly (150-200 knots) and low (5-10,000 feet) to obtain the best efficiency—opens up many vistas, for military and civilian uses. Some types of ships, such as amphibious ships, are only about ten times more fuel-efficient in moving cargo than today's jet transports. An aircraft that approaches some ships in its fuel efficiency has, to put it mildly, some interesting potential uses. It would clearly be better, for example, to have command and control aircraft that can stay aloft, unrefueled, for nearly a week rather than for merely a matter of hours. Ocean surveillance and anti-submarine warfare patrol aircraft could significantly benefit by a manyfold increase in their range and endurance. So could tankers. Our long-range air transport in the 1973 Israeli-Arab War required six tons of fuel for every ton of payload delivered, and a recent training exercise for a mere dozen fighter aircraft in the Mid-East required the equivalent of 30 C-5As and 32 large tanker aircraft to support it. These sorts of fuel requirements for transport aircraft are a military logistician's nightmare; aircraft that might be used as transports or tankers that are themselves extremely fuel efficient open up many possibilities for rapid support of allies abroad, for example.

Although it may be that such an aircraft would have a number of such potential uses, whether or not it could carry ICBMs is far from clear. Before a continuous-patrol aircraft could be used in such a role there are two sets of problems to deal with, one unworthy and one important.

The unworthy set of questions relates to the unexciting nature of such a strategic system. We are used to our stategic systems being at the cutting edge of our technology: flying higher, farther, and faster—staggering the world with the technological virtuosity, e.g., of the first Polaris submarine. These systems have been the Defense Department's equivalent of NASA's moon program: many of the best engineers and best military officers have developed and operated them. It is a bit of an emotional shock to many in the strategic business to consider designing merely a fuel-efficient cargo plane to fly around randomly over oceans or Southwestern deserts. It would also be difficult to imagine wearing a white silk scarf while lumbering about in a modern version of Howard Hughes's Spruce Goose. But however psychologically and institutionally interesting such reactions may be, they are negligible considerations, at best, if such a system could provide an affordable and survivable addition to our deterrent at a time when ICBM survivability is being seriously eroded.

The important set of questions about such a system relates to its survivability: whether a number of such U.S. aircraft could, at reasonable cost to the Soviets, be simultaneously detected, and tracked, and destroyed. Occasional detection alone would not threaten such a force any more than occasional detection of a submarine would threaten the destruction of the whole submarine force. This survivability issue deserves fair and thorough consideration, with full attention given to the countermeasures that could be used to protect such an aircraft, especially in a crisis—e.g. jamming of Soviet sensors, use of decoys, etc. Flying at low altitudes could be useful to help avoid some types of sensors. Countermeasures might include, for example, not only patrolling over tens of millions of square miles of ocean but, if necessary, over some parts of the United States as well. Soviet systems that might—at some cost—conceivably be designed to detect and even attack such an aircraft when it was patrolling over large ocean areas might have significant problems detecting or attacking it if it shifted, when threatened, to patrolling over land. Thus an aircraft that had the ability to change from being an "above-ground-mobile" system could present quite a range of problems to the Soviets if they set out to threaten it.

SMALL, SINGLE-WARHEAD ICBM'S

Small, single-warhead ICBMs have sometimes been suggested as an alternative to MX because, for an equivalent number of warheads, there would be ten times more missiles than in the case of a ten-warhead MX. Also, being only 10 tons or so in weight rather than 100 tons, there are theoretically more ways to base such a missile. But increasing the number of missiles by a factor of ten, for an equivalent number of warheads, means added cost—buying 2000 expensive guidance systems for ICBMs, for example, costs more than buying 200. Also, if it were deployed in silos or shelters, many more ABM launchers and radars would need to be bought to defend such a system than to defend a smaller number of larger ICBMs.

These added costs would probably not be a sufficient reason for staying with MX rather than shifting to a small ICBM, however, if there were clearly a more survivable way of basing a small ICBM. Both the deep underground and continuous airborne patrol methods, however, are consistent with either large or small ICBMs. Merely spreading small missiles throughout a larger proportion of the shelters of a shell game accomplishes little—2000 small ICBMs in 4600 shelters are not appreciably more survivable (although moving them around is of course easier) than 200 MXs in the same number of shelters; in either case, assuming the Soviets don't know in which shelters the missiles are located, they would have to attack all 4600 shelters. Two thousand small ICBM's in 2000 individual silos are about half as survivable.

Deploying small missiles in a mobile mode—either on trucks, on helicopters, or on Vertical Take-Off and Landing (VTOL) aircraft based at military facilities, as has been proposed—could make some contribution to survivability. If no method of basing the MX appears feasible, these sorts of approaches should probably be examined. But unless such systems are continuously mobile, they would need warning—just as bombers do—to escape their bases. Even if they were dispersed and continuously mobile over a large portion of the country, however, and even if the political problems of their being out among the public could be solved, they might well be vulnerable to a far smaller barrage attack than the sort of attack which would be needed against continuously patrolling aircraft.

The best version of basing for small ICBMs, in terms of quick response to warning, would probably involve the use of a newly developed VTOL aircraft capable of carrying such a small missile; such an aircraft development would not be a simple matter, however, and thousands of reliable pilots would be needed to operate such a system.

ARMS CONTROL

If the job of preserving strategic survivability is so difficult, why not rely on arms control to accomplish it? The Carter Administration approach, described above, did this, in part, in order to limit the number of warheads that might be used against the MX shell game. It is necessary, however, if one is going to rely on arms control agreements with the Soviets to preserve survivability, to have excellent confidence that such agreements can be verified and sustained over a long period of time. This amounts to saying that one needs to have under development programs that are not only technically able to stymie Soviet efforts to endanger our deterrent—if they cheat, abrogate, or deploy quickly upon the agreement's expiration—but our programs must be such that we can reasonably expect to have, over the long haul, the political ability to make credible and sustain the threat to deploy them.

Programs such as ABM, which would require us to abrogate a treaty in order to make a unilateral decision to deploy (and even, in some cases, to test), have deficiencies in this regard. Abrogating the ABM treaty would create a number of problems—the Reagan Administration pointed out at the time of the October 1981 decision, for example, that it must consider "how Soviet ballistic missile defenses—which would almost certainly be deployed in response to any U.S. missile defense system—would affect U.S. and Allied offensive capabilities." But among the problems of ABM treaty abrogation would be that, except in extreme circumstances, abrogation would be unlikely to be an event that would show off our national political unity to its best advantage.

Whether arms control agreements limiting launcher numbers and warheads are called SALT or START they can, at best, only make a partial contribution to the objectives of checkmating Soviet efforts to undermine our deterrent. There is every reason, nevertheless, to pursue such negotiations thoroughly and forthrightly. It would also be sensible to integrate our planning about arms control with our strategic force planning far better than we have done in the past. But we must remember that the chances of success in arms control negotiations are far greater (indeed they may only exist) if we are honestly confident ourselves that we can preserve our strategic forces' survivability even if we find that such agreements cannot be reached, ratified, or renewed—for whatever reason.

In the meantime there are arms control efforts other than SALT/START that may deserve at least as much, or even more urgent, attention. As long as we maintain our own forces adequately and give the Soviets no hope of being able to profit from nuclear threats, it is far less likely that U.S. or Soviet nuclear weapons would be the first ones since 1945 used in war than it is that, say, Iraqi, Pakistani, or Libyan nuclear weapons would be so used.

There are two important arms control consequences of this. First, non-proliferation should be moved back at least into a tie for first place on our arms control agenda. However important it may be that the United States or its allies be able to sell nuclear material and facilities to other countries for peaceful purposes, that consideration should lose in a contest with limiting the proliferation of nuclear weapons. Second, as Senator Sam Nunn has suggest-

ed, we should begin exploring ways, beyond the hot-line, to ensure that we and the Soviets can exchange information quickly and securely in a crisis—even if there is nuclear destruction in one of our capitals. We must be able, together, to make certain that some new nuclear nation, or even a set of terrorists, cannot lead us to engage in a U.S.-Soviet nuclear war.

OTHER CONSIDERATIONS

As Soviet nuclear forces have grown to achieve parity, or better, with ours, many of the earlier debates about nuclear forces have taken on a new cast. A good argument can be made that we need the flexibility to conduct limited nuclear strikes and to attack hardened Soviet targets in order to help deter Soviet leaders who have given ample evidence of the prime value they place on their instruments of military power. Programs devoted exclusively to the objective of having such a counter-force capability, however, should have to pass a more demanding fiscal and philosophical test than survivability improvements. In any case, most of the hard questions on strategic forces today relate to survivability.

We should have enough theatre nuclear forces in Europe and near Japan to match Soviet modernization of their forces of this sort. In no small measure this is to link our fortunes to Europe's and Japan's, heavily for their own benefit, and to ensure that the Soviets do not believe that they could fight a nuclear war limited to one of those regions. Similarly, our theatre and strategic nuclear forces still have some role in helping deter massive, but non-nuclear, Soviet assaults. Survivability is important for these theatre nuclear forces, just as it is for strategic forces.

But to rely exclusively on nuclear weapons to deter, for example, Soviet use of chemical or toxin warfare is foolhardy—especially in light of the Soviets' recent apparent violations of the Geneva Biological Weapons Convention of 1972. The days of that sort of extension of nuclear deterrence are gone. Similarly, we do not now have the option, as we may have had during our days of nuclear superiority in the 1950's to rely heavily on strategic nuclear weapons to deter conventional war. We cannot leave any part of the spectrum of military forces unacceptably weak and plan wholly on the threat of escalation for deterrence. To deter a conventional attack, for example, we cannot heavily rely on theatre or strategic nuclear weapons—we must be able to fight, and fight well, with our conventional weapons.

This is not to say that we should neglect to press our allies—particularly the Germans and Japanese—for greater contributions to the common defense. We definitely should so press them. But the increased importance of our own conventional forces, as Soviet nuclear forces have increased relative to ours, is a matter requiring urgent attention. It will unfortunately be far more expensive—however clearly we do it, and whatever waste in the defense budget we can eliminate—than the improvements in the survivability of our strategic forces discussed above.

History offers some insight about whether we can afford these strategic and conventional military investments or not. The percentage of its gross national product that a nation spends on defense is worthless as a prescriptive number—we should not be trying to spend a fixed share of our national income on defense any more than we should be trying to spend a fixed share of our personal income on insurance. The objective is to be adequately protected, not to pay premiums. But the share of GNP we spend on defense is a reasonably rough measure of the relative burden that defense is placing on us as a society. In the late 1970's we spent between 5 and 5½ percent of GNP on defense—right at the lowest level we have spent since the North Koreans rolled across the 38th parallel in the summer of 1950. During John Kennedy's peacetime Presidency, on the other hand, we spent about 9 percent of GNP on defense. The current Administration has proposed moving from our recent post-Korean War low toward a level (around 6½ to 7 percent of GNP) less than half-way back to John Kennedy's level of commitment. It is our misfortune that we must now correct significant strategic and conventional military imbalances at a time of drastic cuts in domestic programs, high unemployment, and many other needs—from rebuilding the nation's roads to saving the social security system. But disproportionate defense spending cannot fairly be set up as the cause of this fiscal problem. Current and projected defense spending is disproportionate neither to the Soviet effort that makes it necessary nor to our own past levels of commitment to defense. Excessive tax cuts are a far more logical target as the cause of this difficult dilemma.

Much rides on how we handle this problem. In the 1930's, the governments of Britain and France and, to some extent, of the United States as well made World War II more likely by their failure to maintain adequate military forces. The economic problems we face, as a nation and as an alliance of free nations, are far less severe than those during the great depression, and the stakes of failing to be strong enough to deter aggression and war are much higher.

If we do fail, it will be our own fault. And history will not forgive us.

GLOSSARY

ABM: Anti-Ballistic Missile. A system designed to attack incoming nuclear warheads targeted against either civilian or military (e.g. silo) targets.

ALCM: Air-Launched Cruise Missile. Armed with either a nuclear or a High Explosive warhead.

ATB: Advanced Technology Bomber (Stealth). Designed to reduce the risks of detection by Soviet air defenses.

BMEWS: Ballistic Missile Early Warning System (U.S.)

C^3: Command, control, and communications—i.e. the systems for managing nuclear weapons and doctrine.

Counterforce: The ability to strike the enemy's military targets, and especially hardened missile silos.

Decoupling: The theory that, in certain circumstances, the U.S. strategic arsenal would not be employed to retaliate against a Soviet attack on Western Europe, despite NATO doctrine.

Deep Underground Basing: The concept of putting ICBMs in very deep vertical tunnels to reduce the risks of their destruction by nuclear attack.

ELF: Extremely Low Frequency. A (proposed) U.S. system for communicating with submerged submarines.

First-Strike: The first attack in a nuclear exchange. Also disarming first strike, the attempt to cripple the retaliatory capability of the other side.

Flexible Response: The concept that response to attack should be in some way proportionate to the nature of the attack.

Fractionation: The mounting of more than one warhead on a missile, thus dividing its available megatonnage among several targets. See MIRV.

Fratricide: The theory that, should two or more nuclear explosions take place close to one another (in time and space), their blast effects (e.g. against a missile silo) could partially offset one another.

GLCM: Ground-Launched Cruise Missile. Armed with either a nuclear or a High Explosive warhead.

ICBM: Intercontinential Ballistic Missile. For example, the U.S. Titan, Minuteman, and MX; and the Soviet SS-11, SS-17, SS-18, and SS-19.

INF: Intermediate-range Nuclear Forces. See LRTNF.

Launch on Warning: The doctrine of beginning a strategic nuclear response when there is confirmed evidence that any enemy nuclear strike is in progress.

Launch under Attack: The doctrine of beginning a strategic nuclear response as soon as the first enemy nuclear weapons start exploding.

Limited Nuclear War: The theory (plus the doctrine and hardware to support it) that it would be possible, following the beginning of strategic nuclear war, to undertake a series of controlled exchanges, to limit the extent of fighting and to terminate hostilities—all as rational acts of policy.

LRTNF: Long-Range Theater Nuclear Forces. Designed for deployment in Europe, including the U.S. Pershing II ballistic missile and GLCM (for deployment beginning in 1983) and the Soviet SS-4, SS-5, and SS-20. Now called intermediate-range nuclear forces (INF).

MAD: Mutual Assured Destruction. The concept that both the United States and the Soviet Union should be able to sustain a nuclear attack, and still be able to launch a retaliatory strike causing damage out of proportion to the goals sought in the initial attack—i.e. unacceptable damage.

MIRV: Multiple, Independently-Targetable Re-entry Vehicle. Several warheads on a single missile, each of which can be guided to a separate target.

MPS: Multiple Protective Shelter. A U.S. concept for basing the MX missile which would shuttle each missile among many shelters, to reduce the risks of their detection and destruction.

MX: The U.S. Missile-Experimental. ICBM designed to replace or supplement Titan and Minuteman.

SALT: Strategic Arms Limitation Talks. Conducted between the United States and the Soviet Union between 1969 and 1979, and which produced three sets of arms control agreements (SALT I, 1972; ABM Protocol, 1974; SALT II, 1979).

Second-Strike: The nuclear response to a first strike. Also the ability of nuclear forces to survive a nuclear attack and retaliate, causing unacceptable damage.

SLBM: Submarine-Launched Ballistic Missile. For example, the U.S. Polaris, Poseidon, and Trident, and the Soviet SSN-6, SSN-8, and SN-18.

SLCM: Sea-Launched Cruise Missile. Armed with either a nuclear or a High Explosive warhead.

START: Strategic Arms Reduction Talks. The name suggested by the Reagan Administration to replace SALT.

SUM: Shallow Underwater Missile. Designed to be deployed on small, conventionally-powered submarines in U.S. continental waters.

Triad: The combination of U.S. airborne, land-based missile, and submarine-based strategic nuclear weapons.

FOOTNOTES

[1] See Keeny and Panofsky, "MAD Versus NUTS," "Foreign Affairs" (Winter 1981/82).

[2] For purposes of simplification these illustrative figures ignore such matters as the Soviet need to target additional warheads on U.S. shelters to take account of missile unreliability and inaccuracy. A full description of all these factors would shift the warhead numbers some, upward, but at the expense of causing the reader's eyes to glaze totally over.

[3] See Kent, "ABM Revisited," "The Washington Quarterly," Autumn 1981 (price of four or five warheads per shelter is "substantial"; a price of nine is "a formidable challenge technically").

LOW-INCOME ENERGY ASSISTANCE

Mr. GRASSLEY. Mr. President, Wednesday afternoon, under pressure because of the impending recess, the Senate passed an urgent supplemental appropriation of $123 million for low-income energy assistance. Tuesday, it was stated on the floor of the House of Representatives that a number of States, including Iowa, are out of money, or are in danger of being out of money in the near future if we do not pass this supplemental appropriation.

It is my understanding that the House Appropriations Committee received its information from the National Consumer Law Center which was apparently given a contract to obtain this information from each State energy assistance office.

Mr. President, I remain in close touch with the energy assistance program in Iowa. I was perplexed when I heard that Iowa might be running out of money, because as late as Monday of this week my office spoke with Bob Tyson, who directs Iowa's low-income energy assistance program, and he did not raise the point that Iowa's program might be running out of money. So I phoned to inquire about the situation in Iowa. My office spoke with Bob Tyson, and he told us that Iowa is not running out of money. He said, I could quote him—"Iowa is not running out of money."

Mr. President, this incident highlights a serious institutional problem we have in this body. All too often, we are reduced to last-minute, slapdash legislation. We are confronted with this problem most often when we are asked to appropriate millions of dollars of taxpayer money before we can go home for recess. We should also be concerned about more careful accountability for all energy assistance programs in the States, with turnback of all expended funds.

Mr. President, I did vote for the supplemental appropriations because the weight of the evidence convinced me that the harsh winter has presented problems to a number of States in trying to meet the heating needs of their low-income and elderly populations. I do hope, however, that we take pains in the future to examine spending bills more carefully.

SENATE JOINT RESOLUTION 144—NEGOTIATED SETTLEMENT IN EL SALVADOR

Mr. DODD. Mr. President, yesterday, I introduced Senate Joint Resolution 144 for myself and for Senators TSONGAS and KENNEDY.

A complete explanation of the resolution appears in yesterday's RECORD, beginning at page 1536.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 144

Whereas the conflict in El Salvador has inflicted on the people of that country a tragic toll in lives and property;

Whereas the conflict appears to be a stalemate with no end in sight;

Whereas the continuation of the conflict will further polarize the political climate in El Salvador and place in jeopardy the peace and security of the Central American region;

Whereas the government of El Salvador has demonstrated its commitment to the holding of elections;

Whereas the combined political and military leadership of the insurgent opposition has declared its willingness to engage in negotiations without preconditions to end the conflict;

Whereas other groups and nations in Central America and Europe have announced their willingness to facilitate such negotiations; and

Whereas the present opportunity to pursue such negotiations is a unique moment in the history of the conflict and may not be repeated: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That with respect to the conflict in El Salvador, it should be the policy of the United States Government to encourage all parties to the conflict—

(1) to begin unconditional negotiations for the purpose of achieving a cease-fire arrangement under international supervision, and

(2) to pursue these negotiations for the purpose of reaching an overall political settlement to the conflict, one element of which would be open and free elections under international supervision.

EARTHQUAKE THREATS: CALIFORNIA NOT ALONE

Mr. CRANSTON. Mr. President, California has been described as a state of mind, an El Dorado on the Western Slope, a nation unto itself, a place of regeneration and renewal, and a harbinger of things to come. It has also been described, quite accurately, as a place where serious earthquakes have occurred in the past and are likely to occur again.

But California is not alone. In fact, as James Fallows points out in a recent Atlantic Monthly article, at least 10 other States—both east and west—are in zone 3 of seismic risk maps, where "major distributive earthquakes may occur." The most powerful earthquakes this Nation has known occurred not in California, but in Missouri, in the last century.

The implications are clear. Earthquakes are a national problem—not only because they are a virtual certainty for the most populous State in our Nation—with a potential large-scale loss of life and billions of dollars in property loss and drains upon the Treasury—but because California is not the only State threatened by earthquakes.

I commend James Fallows' article to my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIVING ON THE FAULT LINE

(By James Fallows)

Standing in the wash of the Santa Ana River, you can see mountains all around you. The San Gabriel, the San Bernardino, and the San Jacinto mountains form a long, semicircular are to the north and east, pierced by the passes that lead variously to such outposts on the California desert as Barstow, Indio, and Palm Springs. To the south and west are the lower hills that separate the San Bernardino Valley from the booming conurbations of Orange County and from Los Angeles itself, which lies seventy miles due west.

On those days, infrequent during summer, when opaque brown smog has not blown inland to fill the valley and lap over the rim of the mountains, the contours of the ranges are clearly visible from the valley floor. There is no natural obstruction to the view more substantial than the waist-high scrub. The sharp edges and escarpments of the mountains suggest their dramatic origin, as products of the pushes and pulls on the earth's surface that are even now creating mountain ranges in the West. The white gravel in the dry riverbed has been washed down from the mountains during the flash floods that from time to time strike this bone-dry region. The "river" runs with water for only a few days out of every year.

It can seem the bleakest of settings, especially when the Santa Ana winds blow down from the high deserts at temperatures well above 100 degrees. Yet, like many other harsh regions of the Southwest, this has been a scene of phenomenal growth. As people continue to move to southern California, as Los Angeles has filled up, as real estate prices in Orange County have shot to the sky, many people have taken the next step in from the coast and have brought a population explosion to the "Inland Empire." The orange trees that line Interstate Highway 10 are the remnants of groves that were until the past two decades an economic mainstay of the region. They succumbed first to the smog and then to the subdividers. Some 400,000 people lived in the San Bernardino Valley in 1960. More than 700,000 live there now. There are plans for an "instant city" of 200,000 more people, to be built in the hills outside Chino, where the corners of San Bernardino, Orange, and Los Angeles counties touch.

People have moved to this valley seeking cheaper real estate, the good life in the sun, and the opportunities that economic growth creates. They are an hour's drive from the mountains, an hour from the ocean, and far, far away from such northern, urban cares as frost and economic decline. And their search has led them to the area that, according to many scientists, will be the site of the next catastrophic earthquake to strike the continental United States.

Those who live in the vicinity, as I did when I was growing up, are accustomed to earthquakes. Many pride themselves on surviving them, as those on the Gulf Coast might on surviving a hurricane. But the prospect that scientists now suggest is different from anything within living memory in southern California.

"We have known for years that major earthquakes in California are inevitable," says Clarence Allen, a geophysicist at the California Institute of Technology. "The scientific attitudes have not changed as much as the public perception that this is a real problem." But both scientific and public attitudes have been heavily shaped by two scientific developments of the past decade.

The first, which has been widely publicized since the early 1970s, is the evolution of the theory of plate tectonics. This theory postulates that the earth's crust consists of a number of large "plates," floating on a molten mass within the earth. There are seven of the larger plates—one bearing most of Africa and half of the Atlantic and Indian oceans, another holding virtually all of the European and Asian land mass—and a number of small ones. As the plates have drifted apart from, and into, each other, their motions have changed the world's geography. They opened the basin that became the North Atlantic Ocean, when the North American plate slid away from the Eurasian. They created the Himalayas, which mark the region where India was driven northward and collided with southern Asia. They stimulate volcanic action, including the recent eruptions at Mt. St. Helens. (As the small Juan de Fuca plate is pushed beneath the North American plate off the Washington and Oregon coasts, it melts at the tremendous termperatures and pressures of the earth's depths and then flows upward, in molten form, as lava.) The motion of the plates can also cleave regions from one another, as is now taking place in California.

The most famous of the "faults" that are responsible for California's earthquakes is the San Andreas—which, from the perspective of plate tectonics, is not just any fault but the boundary between two great plates. To the east of the fault lies the North American plate, which contains more than 99 percent of the land area of the nation, along with Canada, Mexico, and roughly half of the Atlantic Ocean. To the west of the fault is the Pacific plate, which runs beneath the ocean to the Mariana trench—where it disappears beneath the Philippine plate. The city of San Francisco is on the North American plate. Santa Cruz and Monterey, immediately to the south, are on the Pacific plate. So are Los Angeles, San Diego, and the other population centers of southern California.

Through the millennia, the two plates have been moving past each other along the San Andreas Fault, the Pacific regions slipping north, the North American south. The Baja California peninsula resembles in length and width an indentation on the western coast of Mexico. That is exactly where it came from, geologists say, before it moved north with the rest of the Pacific plate. The motion of these two plates goes on at rates as high as 5 or 6 centimeters a year—very fast, by geologic standards. Rocks on the Pacific side of the fault near Point Arena match those on the North American side at Taft, 350 miles to the south. The two regions abutted one another until the fault motion started about 25 million years ago. Ten million years from now, Los Angeles and San Francisco should lie in the same latitude.

For California, the significance of the tectonic theory was to explain the basic mechanism of earthquakes, not only on the San Andreas Fault but also on the many others that parallel it and the few that run at right angles to it. Year by year, the plates creep past each other; from time to time, rocks must yield. The largest recent earthquake in California, the 1906 "fire" (as civic boosters chose to call it at the time) in San Francisco, could be seen from the perspective of plate motion as the event through which the northern section of the San Andreas Fault released the strain that had been accumulating over the years.

It took a second and more localized scientific development to add the note of certainty to forecasts that a catastrophic earthquake will strike southern California. The man most often identified with this development is Kerry Sieh, a geologist at Caltech. His contribution has been to estimate the schedule on which the rocks along the fault give way.

As the plates move past each other, the strain that accumulates at great depth can be accommodated in different ways. The plates can release some or all of the strain by "creeping" past each other with steady movement, or through numerous small earthquakes that human beings barely feel. Such creeping takes place along a section of the San Andreas Fault in central California, and it leads to novel effects, such as the fissure at a frequently photographed winery in Hollister that is gradually being split by the fault. Much of the tension along a fault line can also be relieved though less frequent quakes of "moderate" power, in the range of 5 or 6 on the Richter scale. Many of the subsidiary faults in California behave this way. Finally, the rocks on a fault line can lock solid. When this happens, there is no gradual distortion of roads, fences, or wineries, nor are the earthquakes frequent. The two sides of the fault remain motionless until the shearing force of the plates' movement overwhelms the strength of the rock itself. The result is a "great" earthquake, which releases enormous accumulated energy all at once and can result in one side of the fault moving as much as twenty feet past the other in the space of a few seconds or minutes. The San Francisco quake of 1906 was such a great earthquake, affecting the northern section of the San Andreas Fault. Another portion of the fault, which runs roughly 200 miles between a small town called Parkfield, in central California, and the San Bernardino Valley, and which is sometimes referred to as the southern section of the San Andreas and sometimes as the south central section, has been locked solid for more than a century. In 1857, during its last great earthquake, the sides of the fault moved past each other by as much as thirty feet. The southernmost section of the fault, which starts near San Bernardino and runs to the Salton Sea, has had no major ruptures during "historic time"—geologists' term for the 200-plus years of written records for the region, as opposed to the eons of the rocks. Scientists' understanding of this portion of the fault is so incomplete that they are not sure whether it should be considered very likely or very unlikely to suffer a major earthquake in the foreseeable future.

Kerry Sieh's approach was to study the layers of earth at several places along the southern San Andreas Fault to see what they revealed about the timing or previous earthquakes. Through a variety of techniques, such as uncovering layers of peat moss that had been deformed by violent earth movements and then determining their age, he concluded that along the portion of the fault that ends north of San Bernardino, there was a pattern of dormant periods followed by strong earthquakes. Working from an early version of Sieh's findings, the Federal Emergency Management Agency issued the following warning last January as part of a report it prepared for the National Security Council on the consequences of a major earthquake in California:

"Geologists can demonstrate that at least eight major earthquakes have occurred [on the southern San Andreas] in the past 1200 years with an average spacing in time of 140 years, plus or minus 30 years. The last such event occurred in 1857. . . . geologists estimate that the probability for the recurrence of a similar earthquake is currently as large as 2 to 5 percent per year and greater than 50 percent in the next 30 years. . . . The aggregate probability for a catastrophic earthquake in the whole of California in the next three decades is well in excess of 50 percent."

Kerry Sieh has recently reworked his estimates, allowing for greater uncertainty about the magnitude of previous quakes and for the imprecision of the carbon 14 dating process. "The best scientific guess would be that the average interval is somewhere between 125 and 225 years, with both of those being extremes," Sieh said recently. "My own intuitive best guess is that it's about 160 years, plus or minus 30. I'd say that there's a 50 percent chance of a great quake in the next four decades." Considering that the last great earthquake in southern California was 124 years ago, Sieh said at the end of one of his papers, "We are almost certainly not 'overdue' for a repeat of the great 1857 earthquake, but we are clearly well along in the process. We are much too far along, in fact, to neglect serious preparations for the eventuality."

The repeated allusion to "great" earthquakes is important, for it refers to a difference in magnitude so enormous as to become a difference in kind. "Great" quakes are generally understood to be those of magnitude 8 or above on the Richter scale. (Sometimes those of 7.75 magnitude are so classified.) The last "great" quake in the continental United States was the one in San Franciso in 1906. Since then, Alaska has experienced a great quake, in 1964, and there have been devastating earthquakes in Chile, China, Japan, Italy, and elsewhere. But in California, the strongest earthquakes in the past seventy-five years have been in the 6 and 7 range on the Richter scale—and most of them have been centered in unpopulated areas. The most damaging of the quakes, though not the strongest in Richter terms, were the 1933 earthquake in Long Beach, magnitude 6.3, and the 1971 San Fernando quake, also a magnitude of 6.3. Within a matter of years, there will be no

one alive in California with personal memory of the effects of a "great" quake there.

Without the testimony of survivors, it may be hard to imagine the consequences of a "great" earthquake. The difference between 6.3 and 8.3 on the Richter scale does not sound fundamental, but it is. Each increase of 1 on the Richter scale signifies an increase of thirty times the energy and ten times the deflection on seismic measuring devices. If the San Andreas Fault should produce an earthquake of magnitude 8.3, as many geologists expect, it would release about 900 times as much energy as did the San Fernando earthquake of 1971. (The greatest quake of modern times, which struck Chile in 1960, had a magnitude of 9.5.)

The effects of major earthquakes are more readily comprehensible when expressed in terms of ground shaking, on the "Modified Mercalli Scale." This is a measure of the effects of ground movement as they are felt in specific regions The scale runs from I to XII. Level I is "Not felt except by a very few under especially favorable circumstances," and II is "Felt only by a few persons at rest, especially on upper floors of buildings." In a "great" quake, large areas may be subjected to the highest intensities of shaking, levels IX through XII:

"Level IX: Damage considerable in specially designed structures; well-designed frame structures thrown out of plumb; great in substantial buildings, with partial collapse. Buildings shifted off foundations. Ground cracked conspicuously. Underground pipes broken.

"Level X: Some well-built wooden structures destroyed; most masonry and frame structures destroyed with foundations; ground badly cracked. Rails bent. Landslides considerable from river banks and steep slopes. Shifted sand and mud. Water splashed (slopped) over banks.

"Level XI: Few, if any, (masonry) structurs remain standing. Bridges destroyed. Broad fissures in ground. Underground pipelines completely out of service. Earth slumps and land slips in soft ground. Rails bent greatly.

"Level XII: Damage total. Waves seen on ground surface. Lines of sight and level are destroyed. Objects thrown into the air."

In most versions of the Mercalli scale, levels IX to XII are grouped under the heading "Panic is general."

During the 1971 San Fernando earthquake, in which highway overpasses collapsed and forty-five people were killed when a Veterans Administration hospital fell down, there were shaking intensities of IX and perhaps even higher in some areas near the epicenter. The California Division of Mines and Geology has produced maps that display the predicted shaking intensities for a great quake on the southern San Andreas Fault. They show bands of IX intensity stretching for more than 100 miles, with levels of X to XII expected in sizable zones.

As the descriptions on the Mercalli scale may suggest, the main threat to human life during an earthquake comes not from the earth's movement itself but from things that fall. When severe quakes have occurred in out-of-the-way places, such as the 1872 earthquake in Owens Valley, they have rearranged the landscape but have taken comparatively few lives. That earthquake, centered in the stark region east of the Sierra Nevada Mountains, was the strongest in California's history—its force was so great that within seconds it added ten to fifteen feet to the height of an escarpment and moved the sides of the fault twenty feet past each other—but only sixty people were killed. Unless people are trapped in the path of a landslide, hit by falling trees or drowned by the large ocean waves, called tsunamis, that earthquakes sometimes produce, they face little danger if they find themselves out in the open when an earthquake strikes.

The danger comes instead from buildings, especially those made of brick and other masonry, that are shaken to pieces during strong earthquakes and, in falling, cause most of the deaths. Some of the unreinforced brownstones of Manhattan, Federal townhouses in the Georgetown section of Washington, D.C., and mansions along Commonwealth Avenue in Boston, all so solidly built, could be converted to rubble in an earthquake, for their style of construction is generally the first to fail during strong quakes. Wood-frame houses, by contrast, are the most stable structures, since they are able to sway and absorb the earth's motion. Only under the most severe shaking intensities do one-story frame houses collapse.

The ability of different buildings to withstand shock is also greatly influenced by the ground on which they stand. The best place to be during a strong earthquake is on solid rock; the worst is on soft ground, mud, landfill, or areas with a high water table. Rock diminishes the intensity of the shaking; soft earth magnifies it. This principle is not limited to California. If a strong earthquake were to hit Boston (which is a less remote possibility than it may seem, since Boston has historically been one of the more seismically active areas in the East), the houses of the Back Bay would be most severely shaken, because they are built on landfill. In 1906, the regions of San Francisco built on reclaimed land near the bay were far more heavily damaged than buildings on top of the city's rocky hills. The ultimate danger in such areas is liquefaction, caused by violent shaking that drives groundwater upward through the soil and thereby transforms it to quicksand. Heavy buildings, especially multistory structures that are not anchored in bedrock, can tip over or sink into soil after it liquefies.

Through most of its southern section, the San Andreas Fault traverses dry plains and rocky canyons, where there are few buildings to destroy. But after it crosses through the San Bernardino Mountains at the Cajon Pass, it enters the inland valley that is now supporting such rapid growth, and it comes at its nearest point within about thirty-five miles of Los Angeles. It is the combination of the increasing probability of a quake, its expected magnitude, and its nearness to such a vast and wealthy human settlement that has created an atmosphere of concern about an earthquake on the southern San Andreas. Two other possible earthquakes are on the list of concerns: a major quake on the northern San Andreas, which is thought to be less likely, since only seventy-five years have passed since the San Francisco earthquake, but which would affect an even more densely populated area and therefore might be more devastating; and a moderate earthquake on the Newport-Inglewood Fault, which runs directly through Los Angeles and was responsible for the Long Beach earthquake of 1933. Statistically, the latter is thought to be a longer shot than either of the others, but because it would affect Los Angeles directly, it might be the most damaging of all.

Shortly after Jimmy Carter took a tour of the landscape of devastation around Mt. St. Helens, he grew concerned about the effects of a catastrophe in California and ordered a federal task force to prepare a report. Based on assumptions about how many people would be killed in different kinds of structures (for instance, 2 to 4 deaths per 10,000 population in wood-frame houses, 5,000 deaths per 10,000 in ordinary masonry buildings), the task force came up with the following estimates of deaths and of injuries serious enough to require hospitalization. Some of the situations it considered were these:

	Location		
	Southern San Andreas	Newport-Inglewood	Northern San Andreas
Richter magnitude	8.3	7.5	8.3
Time:			
2:30 a.m.:			
Dead	3,000	4,000	3,000
Injured	12,000	18,000	12,000
2:00 p.m.:			
Dead	12,000	21,000	10,000
Injured	50,000	83,000	37,000
4:30 p.m.:			
Dead	14,000	23,000	11,000
Injured	55,000	91,000	44,000

In addition, there is, of course, the property damage. A consultant named Karl Steinbrugge, who was responsible for many of the most widely circulated damage estimates, predicted that the property damage could amount to some $17 billion for the southern San Andreas, $38 billion for the northern, and $69 billion for the Newport-Inglewood. Because of the enormous uncertainties about both the quakes and the resistance of structures, Steinbrugge stressed that any of the estimates might be off by a factor of two or three—either high or low.

In 1973, the National Oceanic and Atmospheric Administration, known as NOAA, prepared two thick volumes to enumerate the likely effects of a major earthquake in Los Angeles and of one in San Francisco. The books contain page after page of maps, each one plotting the two major faults in northern and southern California and showing their location in relation to major facilities: hospitals, blood banks, reservoirs, railroads, airports, highways, military bases, aqueducts, natural-gas lines, electric generating stations and transmission lines, oil pipelines, and other facilities. The southern California report says, for example, that a major quake on the San Andreas could kill between 400 and 800 people who are already in hospitals and put 50 percent or more of hospital beds out of commission, at precisely the time that the demand for emergency service would be most intense. It also says that "in the event of an 8.3 magnitude shock on the San Andreas Fault, the failures of Fairmont and Bouquet Canyon dams should be assumed," and that such failures could kill more than 7,500 people and render 111,000 homeless; that all of the aqueducts that serve Los Angeles and San Bernardino cross the San Andreas Fault at least once and one of them crosses it four times, and that the regions may be without its major water supplies for between two weeks and three months after a quake; that transportation, communications, finance, and all other essential services would be interrupted.

After reviewing these and other predictions, the Federal Emergency Management

Agency concluded in its report earlier this year that "the Nation is essentially unprepared for the catastrophic earthquake (with a probability greater than 50 percent) that must be expected in California in the next three decades. Because of the large concentration of population and industry, the impacts of such an earthquake would surpass those of any natural disaster thus far experienced by the Nation. Indeed, the United States has not suffered any disaster of this magnitude on its own territory since the Civil War."

"What must be stressed is that this prospect presents us with an unprecedented problem in the history of the United States," Carl Ledbetter, a young mathematician who was briefly the director of the Southern California Earthquake Preparedness Project, said earlier this year in testimony before a congressional committee. "There has been no other time when the lives of as many as 69,000 people have been threatened at once; there has been no other time when losses on the order of magnitude of $135 billion have been a real consideration; there has been no other time when the productive capacity of a region which generates one dollar in twelve of the country's Gross National Product has been under such a real and unavoidable threat.

"We do not know how to think about threats of this magnitude; they are unreasonable by all our past standards."

Some scientists seem to feel that they do know how to think about such threats. They are concentrating on finding ways to predict when and where earthquakes will occur. From experience in the U.S. and more advanced work in the Soviet Union, Japan, and China, geologists have focused on several signs that usually appear from several months to several hours before large earthquakes occur.

One such sign is a pattern of small "foreshocks" that leads to a major shock. ("The problem is distinguishing between those and other patterns that don't turn out to be foreshocks, because no large earthquake follows them," says Karen McNally, another of Caltech's geophysicists.) The Chinese have associated the period before large earthquakes with changes in the nature and behavior of groundwater. The water level in wells sometimes changes just before a quake, and the water may contain different concentrations of radon gas. Both of these changes are apparently signs of rearrangements in the underground rock layers, which affect the courses through which the water must pass. Other scientists have constructed grids of geodetic markers on the earth's surface near a fault, on which they take repeated measurements to determine how much the earth's accumulating strain has distorted the grid.

There are even attempts under way to make scientific sense of the familiar folkwisdom reports that animals can tell when an earthquake is coming on. In central California, near the San Andreas Fault, one researcher has built a number of burrows for field mice and monitored them to record the animals' activities. He will attempt to establish the normal patterns and the variations from them for seasons and for feeding cycles—and then he will wait for the next big earthquake.

"We need more time—and we need more earthquakes," says Karen McNally. Few phrases are more frequently heard from the geologists and seismologists than "We'll learn a lot from the next big one." Such knowledge may be costly. Clarence Allen, in discussing events of the past year or two, says. "There's been a change in the seismic pattern [in southern California] that makes us more worried than we'd normally be. We know we're in an area and an era where a great earthquake would be no scientific surprise. We see a pattern of low activity for fifteen years or so—and now this change to higher activity, which makes us nervous." There are similar implications from the Palmdale Bulge, an area along the San Andreas Fault north of Los Angeles where the ground has apparently risen about a foot. "On the assumption that the bulge exists, as I would argue it does, it may be significant," Allen says. "Its shape is roughly coincident with the fault, and the very rapid rate of its rise—by geological standards—makes us think it might be trying to tell us something." But just what the bulge—or the changed seismic pattern, or the groundwater, or the animals—may be trying to say will be much clearer after the next big earthquake has confirmed or disproved the hypotheses.

In the meantime, of course, scientists are offering forecasts whose details of time and place may be imprecise but whose general point is hard to miss. But because the day of reckoning is so uncertain, and because the catastrophe is so strongly associated with divine judgment, against which the efforts of mortals are no defense, it has been hard for California and its public officials to decide what to do.

The things that could conceivably be done fall into two categories—mitigation and preparedness. Mitigation means taking steps before an earthquake to minimize the damage; preparedness means being ready to cope with the problems created by the earthquake.

Since earthquakes do most of their damage to buildings, the most obvious mitigating procedure is to strengthen buildings that might otherwise be destroyed. This California has tried to do, by passing new laws and tightening its building codes after each serious earthquake. When the 1933 Long Beach earthquake crushed masonry buildings throughout southern California, including a large number of schools, people realized that if the earthquake had occurred a few hours earlier, when school was in session, thousands of children might have been killed. The result was the Field Act, which set more stringent standards for school construction and, despite some delays in application, has made schools the safest public buildings in the state. During the 1971 San Fernando earthquake, the Van Norman Dam was so severely damaged that, according to most experts, it came within a few seconds' shaking of failing altogether. If it had done so, the death toll from that earthquake might have increased by a factor of 100. Soon afterward, the state undertook a dam inspection program that has—theoretically—made its dams much safer than before. The improvement must so far be considered only theoretical, because neither the dams nor the skyscrapers that have sprung up in Los Angeles since the thirteen-story limit on construction was removed in 1956 have yet been subjected to the test of a major quake. Engineers have often found themselves chagrined by the results of previous quakes. In 1979, a 6.6 magnitude quake struck the Imperial Valley, an earthquake-prone region east of San Diego. The most serious single casualty was the Imperial County Services Building, a new six-story structure that had been advertised as incorporating the latest standards in earthquake-resistance but which was so severely damaged that it had to be demolished.

The major structural peril is the large stock of old (pre-1934), unreinforced masonry buildings. There are about 8,000 of them in the city of Los Angeles alone, and their inevitable destruction is expected to be responsible for 80 percent of the deaths and 75 percent of the injuries in a great earthquake. The buildings are located mainly in the crowded downtown areas of Los Angeles and in the less fashionable sections of San Bernardino and other cities. The population that lives and works in them is largely poor and non-white, which is why earthquakes—though they threaten Porsche and pickup alike when freeway bridges collapse—will probably end up killing a disproportionate number of poor people. The economic forces that have kept the old buildings from being reinforced or renovated during the previous fifty years also make the owners of the buildings unlikely to invest voluntarily in such reconstruction. Early this year, the Los Angeles City Council passed an ordinance requiring that all the old buildings be either greatly strengthened or razed.

While earthquake experts generally praise this step, they point out two catches: the deadline for renovation is a dozen years away and could be stretched out even further through legal maneuvering; and no one has figured out who should pay the bill. One school of thought contends that anyone who bought one of these buildings knew there was a hazard and has no right to complain because the gamble didn't work out. Others argue that strengthening the old buildings and reducing the potential disaster serves the public's interest and therefore deserves public financial support, through either tax incentives or low-cost loans. Still another group claims that trying to repair these structures before a quake will always be too costly to make sense. "You can't talk about a massive program of retrofitting old buildings," says Richard Andrews, the acting director of the Southern California Earthquakes Preparedness Project. "If you're talking about a building still under construction, making it seismically resistant might add 5 to 7 percent to the cost. For those that are already built, it can add 100 percent." Instead of worrying about avoiding property damage, some earthquake authorities conclude, it makes better sense to assume that the scientists will provide some warning, and then to get people away from the buildings and out of harm's way when an earthquake is due.

In a more fundamental sense, mitigation includes not only the buildings but also the places where they are built. From this perspective, the population boom in northern San Bernardino County can be seen as a move in the wrong direction. The northern outskirts of San Bernardino and the surrounding small communities—Del Rosa, Highland, Patton Devore—are dotted with tract homes and new condominium developments. This very region is the southern limit of the 200-mile ground rupture that can be expected if the next great earthquake follows the pattern of the one in 1857. The geological map shows that the San Andreas and several associated faults pass directly through the new developments.

Since 1972, construction near fault zones has been controlled by California's Alquist-Priolo Act, which declares the areas near active faults to be "special study zones" and forbids construction intended for human occupancy within fifty feet of the trace (sur-

face line) of an active fault. I visited one of the largest condominium developments north of San Bernardino, a place with several hundred units—adults-only apartments plus an adjoining mobile-home park. "You may have noticed some wide yards, some extra swaths of grass," Robert Rigney, the county administrative officer for San Bernardino County, later remarked. "Those represent the geologists' best guess about where the fault line runs." When I asked the saleswoman at the development whether there were any earthquake problems in the area, she said, "This is southern California, honey. This is earthquake country. You ever look at a fault map? There's no place you can go that's very far away from them, so my advice is just to forget about it."

Indeed, Robert Rigney says that nearness to the fault, as in the case of this development, could be a source of false alarm. "The fifty-foot limit was designed to protect structures from damage caused by ground ruptures," he says. "Once you've passed that point, proximity doesn't mean much. As for the shaking—well, the whole valley will have that." As Clarence Allen puts it, "In a truly great quake, once you're a few feet away from the rupture it doesn't make much difference whether you're there or five miles away."

Robert Rigney also raises a larger question: Should people be prohibited from doing something—like buying new houses near the fault line—that may well cause them harm? "The zoning laws are designed to protect against injuries and deaths, especially in public buildings. They are not intended to protect property per se. If people choose to live here, that's their choice."

In a sense, he's right. The sociologists whose reports make up a larger and larger fraction of official publications about earthquakes have consistently pointed out that among all the possible responses to warnings of a quake, moving away from southern California is the public's last choice. "The Southern California public's lack of readiness is quite rational," a report from the Policy Research Center at the University of Redlands said early this year. "The threat is too uncertain in its impact and timing to command a high priority with people, especially since they face more pressing life demands which justify higher costs and yield higher immediate benefits. Just as people accept the risk of driving a car in order to gain the freedom it allows, many residents may also consider the earthquake threat an 'acceptable risk' in light of the benefits of living in Southern California."

The only thing wrong with the idea that people have knowingly accepted a risk is that many of them don't have the slightest idea what the risk really is. The most widespread source of misinformation is the notion that, since nearly everyone in California has lived through some earthquakes, they have a rough sense of what a big earthquake would be like. When I moved away from California in the late 1960s, I mocked the fears of my eastern friends about the effects of a quake. I'd been there; I knew what they could do. My confidence was eroded recently, when I discovered that during the period I lived there the strongest earthquake to strike southern California was 4.5 on the Richter scale—about a millionth as strong as the big one that is predicted.

Giving people more of the basic information about faults, earthquakes, and hazards is a principal mission of one of the most hopeful new entries in the earthquake field, the Southern California Earthquake Preparedness Project. The project was launched as a cooperative effort of the federal government and the state. Its major purpose was to bring government officials, industrialists, and scientists together so that they could start figuring out who would do what to repair the damage done by the big earthquake. Who would fly in enough cash to keep the local economy running during the weeks it might take to reconstruct bank records lost when the computers go down? ("They tell us it will take ten days to get restarted for every one day the system's out," says Richard Andrews, of the project.) Who will run the morgues? Who will handle the insurance companies, if there is a prediction of a quake nine months from now and they start refusing to renew earthquake coverage?

The project has been hampered in its early stages by a messy disagreement between Robert Olson, who as director of California's Seismic Safety Commission has administrative jurisdiction over the project, and Carl Ledbetter, the mathematician and academic administrator who, at the age of thirty-one, was hired as the project's first director in January of this year. In July, Ledbetter submitted his resignation after Olson had asked him to do so. Olson claims that the disagreement was purely one of personal tastes and administrative styles. Although Ledbetter himself does not say so, others feel that he had made some officials nervous, even envious, because of his very success in getting the press and the public to begin thinking of earthquakes as a serious threat.

The disagreement about the southern California project may have been largely a clash of personalities, but it rises above that to the extent that it illustrates the internal friction that has characterized many efforts to "do something" about earthquakes. Most of the public bodies that have wrestled with the earthquake problem seem to have proven more successful so far in accommodating their own professional and bureaucratic habits than in doing things that would make a signficant difference if a great earthquake should strike, say, next month. For politicians, those habits include making gestures of concern. Thus, Governor Edmund Brown, Jr., has appointed a special task force to look into earthquakes; its findings are not notably different from the many reports that other task forces have written and filed over the years. For sociologists, earthquakes provide a reason for polls differentiating between "elite" and "mass" views on, for example, the credibility of earthquake warnings delivered through different news media. The "public policy" consultants have seen in earthquakes an opportunity for constructing elaborate flow charts and "decision trees" of phenomenal complexity, much as their professional brethren did fifteen years ago when laying plans for Model Cities and the Job Corps. Meanwhile, new houses spring up near the fault zone and old houses stand waiting to collapse.

There also seems to be a genial agreement among many of the participants that ignorance is bliss. If there is a constant in the political history of earthquakes in California, it is that responsible officials are often eager to promote the idea that it can't happen here. Arnold Meltsner, of the University of California, has pointed out that "the geological map of California published by the California State Mining Bureau in 1916 did not contain any indication of faults, not even the famous San Andreas"—and this ten years after the San Francisco earthquake. Representatives of Palmdale have done their best to have their bulge referred to instead as the "Southern California uplift." When officials of a county in southern California discuss what their role after an earthquake should be, they tend to emphasize what they will be doing to help repair the devastation elsewhere, not what help they themselves will need.

Any non-Californian who is tempted to mock the desire to ignore earthquakes is invited to consider his own situation. While the government's seismic-risk maps show that most of California is in Zone 3, where "major destructive earthquakes may occur," that zone is not confined to California. It also includes parts of Utah and Idaho; the area along the Mississippi where Arkansas, Missouri, Tennessee, and Kentucky meet; the Charleston region in South Carolina; greater Boston; a strip along the Great Lakes; and the St. Lawrence Valley in upstate New York and northern Maine. For several months in the winter of 1811-1812, a powerful sequence of earthquakes occurred in New Madrid, Missouri, In 1886 there was another powerful earthquake in Charleston, South Carolina.

I asked Clarence Allen what caused those earthquakes. He said, "No one knows."

On a smoggy summer day when the temperature was 99 degrees, Carl Ledbetter rode with me through the foothills north of San Bernardino where the San Andreas Fault runs. "If I remember the maps correctly, the fault goes right past this intersection," he said as we stopped at a crossroads. On one corner of the intersection was a mobile-home park.

"Mobile homes are tremendously vulnerable during earthquakes," Ledbetter said. "They suffer about six times as much damage as regular homes. All of these will be thrown off their supports. They'll all be gone." We drove up a steep hillside, where several dozen new single-family homes were ready for occupancy. "You see the grading on the terraces here? That will never hold. There will be landslides all down this hill."

We drove back down the hill, to the floor of the Santa Ana wash. Farther to the east, where the San Andreas Fault began to divide into two roughly parallel zones, there was a narrow, sharply defined ridge, of the sort that is sometimes created by fault action. Several modern, obviously expensive houses sat on top of the ridge. "I've got to bring my camera up here and take 'before' pictures of all these places," Ledbetter remarked. "Then I'll come back for the 'after.'"

"We could do something about it," he said, as we drove through the wash to Redlands. "little things can make a big difference, like strapping down the water heater to ensure you'll have something to drink, or knowing how to turn off the gas lines and prevent a fire. Also big things, like thinking about land-use policies, and being prepared for a big earthquake's impact on the nation's economy and its military security. It's not impossible to protect ourselves. But we'd have to start doing it now."

U.S. POSTAL SERVICE ESTABLISHES E-COM SYSTEM

Mr. STEVENS. Mr. President, recently the U.S. Postal Service established their E-COM system which allows large business mailers to have mail delivered electronically through

the Postal Service. This process reduces the cost to the mailers and the general public. In addition, much needed revenue will accrue to the Postal Service with which to help offset the cuts in public service appropriations to the Postal Service.

I want to remind my friends that this public service appropriation is the only subsidy provided the U.S. Postal Service for general operations. This appropriation now constitutes less than 1 percent of the Postal Service's total budget as compared to 25 percent prior to the Postal Reorganization Act of 1970, and in the 1983 budget there will be no Federal tax dollars appropriated for the basic operation of the Postal Service.

The Postal Service's entry into the computer age has been welcomed by many segments of this country, including private enterprise who must depend on the Postal Service to reach every American regardless of his or her residence. This entry into the computer age was noted recently by the Amarillo Globe-Times in their editorial of January 6. I ask unanimous consent to have this editorial reprinted at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Amarillo (Tex.) Globe-Times, Jan. 6, 1982]

COMPUTERS HELPING U.S. POSTAL SERVICE

The U.S. Postal Service has entered the computer age. We hope the trend will continue.

Post offices nationwide can now use a new electronic mail service, Electronic Computer Originated Mail (E-COM), which will allow large-volume mailers to transmit their messages from one computer to another by telephone . . .

The Postal Service lost almost $126 million from March (when it raised its First-Class postage rate to 18 cents) to November (when it then raised its rate to 20 cents), according to Robert L. Hardesty, chairman of the Postal Service Board. While the cost of postal service has steadily increased (without improving services), the price of computers has decreased, making them even more attractive to big businesses and eventually to us.

We welcome the Postal Service to the computer age.

DEATH OF JOE GLEASON

Mr. STEVENS. Mr. President, I was saddened to learn that a good friend and outstanding labor leader, Joe Gleason, executive vice president of the American Federation of Government Employees, passed away on Sunday. Joe was an excellent example of the leadership that has been consistent with the American Federation of Government Employees.

In 1980, Joe traveled extensively in Alaska to learn firsthand the problems and accomplishments of AFGE members who work in our unique environment. This trip underscored the depth of his commitment to assist Federal employees in their efforts to provide all the services the American public expects of its Federal employees.

We will miss not only Joe's wise counsel but his Irish wit. I know my friends join me in expressing condolences to his lovely wife, Jenny, and their three sons, Daniel, Robert, and Patrick.

TOWARD A PEACEFUL SOLUTION TO THE CIVIL WAR IN EL SALVADOR

Mr. CRANSTON. Mr. President, the conflict in El Salvador continues to destroy the lives, the property and the hopes of the El Salvadoran people each day. And there is no end in sight.

Little progress has been made on the fundamental issues which have sparked this civil war—inequitable land distribution, human rights violations by the military-civilian regime and agitation by Communist guerrillas bearing arms transshipped through Cuba and Nicaragua. Elections may be held next month. But acts of political terrorism perpetrated both by leftists and rightists offer little promise that a meaningful election can be held absent a cease-fire.

The Reagan administration's response to these complex problems is predictable—the solution offered is more weapons and more excuses for rightist violence.

I do not believe this is a satisfactory response. I agree that the United States should use its economic resources to push the El Salvadoran regime on land reform, human rights and controlling its military forces. And I do not believe that in the face of a flow of foreign arms from Soviet proxies the United States should declare a unilateral halt in military aid to the Duarte regime, if that regime is exploring all avenues toward resolving the civil war and advancing the process of democratization.

I cannot, however, support the Reagan administration's end run around Congress to rush yet another $55 million in military aid to El Salvador. Such a major commitment should be debated fully and expressly supported by the representatives of the American people in Congress before it is allowed to go forward.

And as an original cosponsor of the legislation establishing strict human rights and democratic freedoms criteria on any further military aid to El Salvador, I am highly dubious of the administration's recent certification that progress is being made on human rights in that country and that the Duarte regime has demonstrated a willingness to negotiate a cease-fire and a political resolution of issues with the rebels.

It may be that such negotiations would fail, that the leftists in El Salvador are intent upon establishing a totalitarian state which chokes personal and press freedoms like Nicaragua, like Cuba, and like the U.S.S.R. But how can the administration assert that negotiations with the rebels are impossible if they have not left this door open?

I am giving my support and cosponsorship today to the joint resolution introduced by my good friends and colleagues on the Senate Foreign Relations Committee, Senators TSONGAS and DODD, which calls upon the administration to encourage such negotiations. Specifically, the resolution encourages all parties to the El Salvadoran civil war to: "begin unconditional negotiations for the purpose of achieving a cease-fire arrangement under international supervision, and to pursue these negotiations for the purpose of reaching an overall political settlement to the conflict, one element of which would be open and free election under international supervision." Mr. President, an El Salvador policy which seeks progress solely through the force of arms will lead only to more terror for that country. The United States should not be reluctant to use its economic resources to advance the cause of freedom and of human rights. But we should not give unconditional aid to a military regime which perpetrates what the New York Times recently called acts of butchery against its own people. Such a policy is wrong. Such a policy will not be supported by the American people.

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

Mr. STEVENS. Mr. President, what is the pending business?

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The PRESIDING OFFICER. The clerk will state S. 951 by title.

The assistant legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed consideration of the bill.

Mr. STEVENS. Is there a motion pending before the Senate now?

The PRESIDING OFFICER. There is a point of order pending before the Senate that the motion to reconsider was dilatory.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from Mississippi.

Mr. STENNIS. I do not know what the situation is. I have just been requested by the leadership on this side to suggest the absence of a quorum.

Mr. STEVENS. I just wanted to make certain that the Senators listening in their offices know what the pending business was before the Senate and that the pending business was a point of order. The Senator is correct that there should be a quorum call awaiting the arrival of the managers of the bill.

We do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

ORDER FOR THE EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be an additional period of routine morning business for a period of not to exceed 20 minutes, in which Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

THE SOVIET USE OF CHEMICAL WARFARE

Mr. QUAYLE. Mr. President, on the evening of December 21, an ABC special news report entitled "Rain of Terror" was broadcast on nationwide TV. It presented the results of an investigation by ABC into the question of the possible use of chemical and biological weapons in Southeast Asia and Afghanistan.

Convincing information was furnished which strongly suggested that lethal mycotoxins in the form of "yellow rain" and other lethal chemical agents and incapacitants have been used in Laos, Kampuchea, and Afghanistan. The viewer of this broadcast was left with the clear impression that the Soviet Union has been supplying these substances.

ABC is to be commended for its fine investigative efforts in documenting these barbarous crimes against humanity.

On the day following that broadcast I had the opportunity to meet in my offices with the intelligence officers who have responsibility for analyzing reports of the use of such chemical agents. Although the most convincing pieces of this puzzle remain very highly classified, the ABC and intelligence reports present the outlines of a consistent picture.

Taken together, they indicate that there is now compelling evidence that the Soviet Union, directly in Afghanistan and indirectly through proxies in Southeast Asia, has violated internation treaties governing the use of chemical and biological agents. In contravention of the 1972 Treaty on Chemical and Biological Warfare, the Soviets are engaging in flagrant and systematic use of such weapons.

Hundreds of attacks have been made and number of deaths caused by these lethal agents may be in the tens of thousands. It appears that the Soviet Union, as a matter of national policy, has concluded that mycotoxins are an efficient and cost-effective methods of killing civilians in theaters of local conflict.

Images of gas chambers in concentration camps come to mind as, once again, we have a ruthless, totalitarian state callously and wantonly operating on the basis that "The end justifies the means."

I was pleased to learn that an interagency group, comprised of member agencies of the National Foreign Intelligence Board, is now carefully preparing an official "All-source" report on this subject and its implications. I am anxiously awaiting its issuance.

Although only a classified version can contain all the evidence and all the the proof, the conclusions which are to be set out in a planned unclassified version will make it clear that the Soviet Union is conducting chemical warfare.

Evidence that the Soviets are using mycotoxins as a weapon of war is important to the United States and to the world for several reasons:

First, mycotoxins—so-called yellow rain—are weapons which are optimized for the killing of unprotected civilian populations, not military personnel. Ground troops can quickly protect themselves through the use of protective garments. Or they can shoot down the low-flying Soviet-made "crop-duster" type planes which dispense the chemical agents.

The particular horrors of yellow rain were described to me in a letter written by Dr. Richard Harruff, who was a volunteer physician dealing with refugees coming out of Thailand. In his letter he described the symptoms of those who had been victimized by the yellow rain. His words are as follows:

> The most common [complaint] is generalized weakness, especially of the lower extremities, with numbness. Other complaints include loss of appetite, nausea, and weight loss. Males complain of impotence, women report a high rate of spontaneous abortions soon after exposure. Infants born to exposed mothers are often weak and lethargic and die within a few days or months due to apparent respiratory failure.

This is just a brief glimpse at the results of the Soviets' field experiments in chemical warfare.

The type of protective clothing and decontamination equipment necessary to fend off an attack of this type is not commonly found in remote villages of Southeast Asia. Because the effects of the yellow rain are of short duration, an organized policy of genocide can be carried out in these areas with little or no residual direct evidence.

That would be horrible enough. However, in some cases, according to several reports, the remoteness of the areas involved have been chosen to permit medical personnel to administer experimental antidotes to the survivors. Is there a latter-day Dr. Mengele directing the Soviet experiments to determine how best to kill civilians, and how best to protect Soviet troops?

A second reason for concern is the knowledge that because of the command structure and support necessary to carry out these operations, the direction of these "experiments" must come from the upper echelons of the Soviet Government. It is not reasonable to believe that low-level personnel could initiate and coordinate operations on this scale. Nor could they arrange for elaborate coverup operations. The use of deadly chemical agents against unprotected civilians must be on the direct orders of the highest civilian and military authorities in the Soviet Union. It is they who must be held responsible.

A third reason for concern is the evidence that yellow rain is but one part of a massive Soviet effort to equip themselves with chemical and biological weapons. Their annual expenditures in these areas are many times those of the United States, taking into account their investment in personnel, training, and equipment. The overall family of programs include weapons optimized for attacks on NATO and U.S. military personnel. I would remind my colleagues of the Sverdlosk accident where lethal anthrax agents from their biological warfare plant killed hundreds of Soviet citizens. Here again, in contravention of the compliance provisions of the 1972 treaty, the Soviets refused to cooperate in any kind of investigation.

Every Soviet division has a chemical warfare/biological warefare [CW/BW] capability which greatly eclipse Western proficiency in these areas. They are reported to have a 35-to-1 advantage of the United States in the number of chemical warfare support units.

Fourth, the Soviets have violated solemn international treaties. They probably did so because they coldly calculated that they would not be caught in the act, due to the peculiar

nature of yellow rain, principally its lack of persistence and easy deniability.

But they have been caught, and the Soviet response has been to lie. Both the most formal and even informal of U.S. pleas to stop the killing—pleas which have been made outside the glare of publicity to save lives rather than exacerbate East/West tensions—have been rebuffed. How should such a Soviet attitude be factored into the INF and start discussions?

Despite the existence of overwhelming evidence of killings, experimentation on humans, and of treaty violations, the Soviet Union continues to lie and to dare the world to do anything about it.

The fifth, and perhaps most important reason for concern, is the matter of proliferation. If development of chemical and biological weapons is permitted to continue unimpeded, the technology of such weapons will, in short order, become widely known and disseminated throughout the world. Consider for a moment the implications of Colonel Qadhafi having access to a lethal chemical and biological agents, much less the Red Brigades or other terrorist groups.

The time has arrived when this issue should be brought to the forefront of government, press, and public discussion. It has not been a major issue, frankly, because the deaths have occurred in remote portions of Asia, not in Europe or the United States.

The President should condemn the Soviets in the strongest possible terms and indicate that the world cannot tolerate the continued use of these agents. The intelligence agencies should declassify as much of the evidence now on hand as possible so that the light of public knowledge might help stop this cruel and senseless killing.

Third World nations should be fully advised of our latest findings and urged to speak out, because it is against them that these agents are being used and will be used.

Mr. President, Yesterday, a distinguished gentleman from the State of Iowa in the other body, Representative JIM LEACH, outlined his concern on this issue of chemical warfare. I commend Representative LEACH, who has done much to bring this issue before the public presenting his views to the House.

On February 9, Mr. Rostow spoke on this subject in Geneva. I ask unanimous consent that the relevant portions of his speech be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. QUAYLE. Mr. President, this issue is of grave concern to all of us. We shall certainly have a dialog in Congress this year. Nobody likes to discuss the issue, but we are going to have to. What we are going to have to do is begin to outline what our options are, to discuss what, in fact, can be done. I think our first option, the one most reasonably suggested, is to begin an international discussion of what, in fact, has occurred. I am hopeful, I am confident, that we will be able to reveal facts and information that will show beyond any reasonable doubt that what I have said here this morning is true. Then we have to go to work to see what kind of pressure, what kind of forum will make the Soviet Union respond.

The issue will be emotional, it will be intense, but I hope that we will approach this with a deliberate attitude that will show sophistication on the issue and come to grips with the very fundamental problem that is not only confronting us at home but is an international problem as well.

EXHIBIT 1

REMARKS BY EUGENE V. ROSTOW, TO U.N. COMMITTEE ON DISARMAMENT, FEBRUARY 9, 1982

Troubling questions have arisen about Soviet compliance with international agreements concerning chemical and biological warfare. Those questions affect every state in the world community. And they cast a shadow over the possibility of verifying Soviet compliance with treaties on the control of other arms, particularly nuclear arms.

In 1967 the International Red Cross published disturbing evidence about the use of Soviet chemical weapons in the Yemen. Now, initial circumstantial evidence that lethal chemical weapons have been used in Laos, Kampuchea, and Afghanistan has been confirmed by new evidence from Southeast Asia—evidence of the use of prohibited lethal mycotoxins, which are particularly cruel and inhumane weapons of war. The production and use of such weapons raise most serious questions about compliance with existing international constraints on such activities, including the Biological and Toxin Weapons Convention of 1972 and the 1925 Geneva protocol, to both of which the Soviet Union is a party, and demonstrates the necessity of further consideration of the adequacy of applicable verification and compliance provisions.

It is vital that all countries concerned cooperate to the fullest extent with the work of the UN group of experts investigating the matter. It will not suffice simply to call attention to the problems. We deserve answers. The 1979 anthrax outbreak in Sverdlovsk has never been satisfactorily explained. The Soviet Union and its friends and allies have vehemently denied that they are engaged in any way in the use of toxins or other chemical weapons. But they remain altogether unwilling to discuss these matters in detail or to offer the kind of cooperation that might alleviate the legitimate concerns of the world community. Soviet behavior in the face of such inquiries has simply deepened the suspicions and anxiety of all persons of good will. This is a fact of particular importance to the work of this committee.

It is therefore essential that the verification of compliance with arms-control treaties be made a central feature of our work program here. Until the nations agree on the principle of far-reaching international cooperation in monitoring and enforcing compliance with such agreements, arms control and disarmament cannot begin to achieve their full potential as programs of peace.

Mr. QUAYLE. Mr. President, at this time, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WEICKER. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The legislative clerk resumed the call of the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The Senate continued with the consideration of the bill (S. 951).

Mr. JOHNSTON. Mr. President, last evening, I made a point of order. I should like to withdraw that point of order at this time.

The PRESIDING OFFICER. The point of order is withdrawn.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the motion to reconsider the vote by which the second committee amendment was tabled, offered by the Senator from Connecticut.

Mr. JOHNSTON. Mr. President, assuming that that motion is tabled, what would be the next order of business?

The PRESIDING OFFICER. The third committee amendment.

Mr. JOHNSTON. I ask the Chair, is the third committee amendment subject to a point of order as being nongermane?

The PRESIDING OFFICER. The third committee amendment is nongermane on its face and would fall.

Mr. JOHNSTON. Is it in order to make that point of order at this time?

The PRESIDING OFFICER. The amendment is not yet pending. It could be made when it is pending.

Mr. WEICKER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. If the point of order is raised as to nongermaneness at the request of any other Senator, could that then be submitted to the Senate?

The PRESIDING OFFICER. Points of order are submitted to the Senate at the discretion of the Chair, not upon demand of a Senator.

Mr. WEICKER. Let me rephrase my question to the Chair.

If the Chair should rule the third committee amendment to be nongermane, would it then be a right of the Senator to appeal the ruling of the Chair and ask for the yeas and nays?

The PRESIDING OFFICER. That would be a right of the Senator.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that it be in order to move to lay on the table the motion to reconsider and that it also be in order for the Senator from Connecticut to appeal the ruling of the Chair and to seek back-to-back votes on those two matters.

The PRESIDING OFFICER. Those rights are already available, and unanimous consent is not needed.

Mr. JOHNSTON. Very well.

Mr. President, I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO TABLE MOTION TO RECONSIDER VOTE BY WHICH SECOND COMMITTEE AMENDMENT ON PAGE 3, LINES 19 AND 20, WAS TABLED

Mr. JOHNSTON. Mr. President, I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. INOUYE (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Tennessee (Mr. SASSER). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

Mr. WEICKER. Mr. President, regular order.

The PRESIDING OFFICER. Are there Senators in the Chamber who have not voted who wish to vote?

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—59

Abdnor	Exon	Murkowski
Andrews	Ford	Nickles
Armstrong	Garn	Nunn
Baker	Gorton	Percy
Bentsen	Grassley	Pressler
Boren	Hatch	Proxmire
Burdick	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Quayle
	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Schmitt
Chiles	Jepsen	Simpson
Cochran	Johnston	Stennis
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
DeConcini	Laxalt	Thurmond
Denton	Long	Tower
Dixon	Lugar	Wallop
Domenici	Mattingly	Warner
East	Melcher	Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, against

NAYS—30

Baucus	Hart	Moynihan
Boschwitz	Heinz	Packwood
Bradley	Humphrey	Pell
Bumpers	Jackson	Riegle
Chafee	Kennedy	Rudman
Cohen	Leahy	Sarbanes
Cranston	Levin	Specter
Dodd	Mathias	Stafford
Durenberger	Metzenbaum	Tsongas
Eagleton	Mitchell	Weicker

NOT VOTING—10

Biden	Hatfield	Sasser
Dole	Hawkins	Williams
Glenn	Matsunaga	
Goldwater	McClure	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

On page 4, after line 16, insert the following:

"(5) for the Antitrust Division for its activities: $49,566,000";

The PRESIDING OFFICER. Under the precedents, once cloture has been invoked, the Chair is constrained to take the initiative to rule out of order any amendment that on its face is nongermane. The pending amendment adds new matter to the bill and the Chair, therefore, rules it is out of order.

The Senator from Connecticut.

Mr. WEICKER. I appeal the ruling of the Chair and ask for the yeas and nays.

Mr. JOHNSTON. Mr. President, point of order.

The PRESIDING OFFICER. There will be order in the Senate. The Senate will be in order. Is there a sufficient second?

Mr. JOHNSTON. Mr. President, point of order.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, the point of order is: Is the Chair required to rule dilatory an appeal from the ruling of the Chair on the question of germaneness?

The PRESIDING OFFICER. The Chair is not required to make such a ruling.

The question is shall the ruling of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. Mr. President, on this vote I have a live pair with the Senator from Tennessee (Mr. SASSER). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) is absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. ABDNOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 25, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—65

Abdnor	Ford	Melcher
Andrews	Garn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Bentsen	Grassley	Percy
Boren	Hatch	Pressler
Bumpers	Hayakawa	Proxmire
Burdick	Heflin	Pryor
Byrd, Harry F., Jr.	Heinz	Quayle
	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Schmitt
Chiles	Humphrey	Simpson
Cochran	Jepsen	Specter
D'Amato	Johnston	Stennis
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Denton	Kennedy	Thurmond
Dixon	Laxalt	Tower
Domenici	Long	Wallop
East	Lugar	Warner
Exon	Mattingly	Zorinsky

NAYS—25

Baucus	Inouye	Pell
Boschwitz	Jackson	Riegle
Bradley	Leahy	Rudman
Chafee	Levin	Sarbanes
Cohen	Mathias	Stafford
Dodd	Metzenbaum	Tsongas
Durenberger	Mitchell	Weicker
Eagleton	Moynihan	
Hart	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cranston, against

NOT VOTING—9

Biden	Hatfield	McClure
Dole	Hawkins	Sasser
Glenn	Matsunaga	Williams

So the ruling of the Chair was sustained as the judgment of the Senate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CANDIDATE REAGAN'S TAIWAN PLEDGES UNFULFILLED

Mr. GOLDWATER. Mr. President, it is painful for me to do this, but I must call attention to the fact that the President of the United States has not kept his campaign promises regarding Taiwan. Not yet, at least.

Presidential candidate Ronald Reagan pledged to "carry out in its entirety the provisions of the Taiwan Relations Act." Candidate Reagan also said several times early in 1980 that, as President, he would support reestablishment of "official Government relations" with Taiwan, such as a liaison office. Candidate Reagan also declared, in the context of our dealings with Red China, that he would "not accept the interferences of any foreign power in the process of protecting American interests and carrying out the laws of our land."

But, now that he is President, he has not enforced the Taiwan Act. He has failed to sell advanced fighter aircraft to Taiwan. His State Department has even blocked, to date, the coproduction of an advanced aircraft engine.

The really sad part about this is that the President is not following his own instincts. He is bending to Peking's demands.

I know that somewhere, deep in the recesses of the State Department, there is an entrenched group who wants no part of Taiwan. They are completely sold on the idea that Red China is the answer to peace in that part of the world. I have even heard from within the State Department the incredible proposition that "Peking is the Pacific anchor of NATO."

How anyone could feel that a government which has murdered over 50 million of its own people can be a force for peace is beyond my comprehension.

What we as an independent Nation must wake up to is recognition of the fact that Red China is cleverly seeking to manipulate the United States to its own selfish ends. Communist China is practicing the old trick of dictators who make outrageous, excessive demands one day and then claim to show moderation the next day by asking for only part of their demands.

At this moment, Red China is engaged in a campaign to back the United States into agreeing to a limit, a certain final date, for the delivery of any kind of arms sales to Taiwan.

On January 12, Red China's Foreign Ministry strongly protested the modest decision by President Reagan to allow continued coproduction in Taiwan of the F-5E, an aircraft which has been in coproduction since 1969. In late December, Red China "demanded," in the wording of its own press release, that the United States clarify its decision to sell $97 million worth of spare parts for older jets to Taiwan.

Clearly, Red China is trying to dictate American policy. Even after abrogation of the defense treaty with Taiwan and recognition of the Peking regime, our Government never did more than adopt the status quo regarding defense sales to Taiwan.

Red China is attempting to pressure President Reagan into dumping the Taiwan Relations Act and all our commitments to assist in the defense needs of Taiwan. But we have never indicated a willingness to discuss an end to defense sales to Taiwan. The President should declare vocally that the subject is not now, and never will be, up for negotiation. He should renounce any idea of a secret agreement to cut off aid to Taiwan now or later.

The Taiwan Act, passed by Congress and signed by former President Carter after formal diplomatic relations were opened with Red China, unequivocally requires that the United States shall provide Taiwan with defensive arms adequate to maintain its self-defense. The statute, which is part of the binding law of the land, provides that the determination of Taiwan's defense needs shall be "based solely" upon the needs of Taiwan, not upon the dictates of Red China.

Red China is lying when it claims we are committed to ending defensive arms sales to Taiwan. The Communist government is also lying when it describes our position toward Taiwan in the Joint Communique of 1979.

In the English text of that document the United States merely "acknowledges" Chinese claims to Taiwan. In the Chinese text, the same word is translated as "recognize." Yet in translating the identical English word "acknowledge" in 1972, as part of the Shanghai Communique, Red China was at pains to use a Chinese word meaning to "take note of."

What this means is that the present Communist rulers on mainland China are pursuing a stiffer line than the "Gang of Four" they replaced. The current "Gang" in Peking claims the Joint Communique of 1979 had conceded them the right to Taiwan and that the subsequent, and contradicting, Taiwan Act of April, 1979, is invalid.

It is important for the administration and the American people to recognize that the new rulers in Peking are not pacifists. They are asserting a much stronger position than even Mao had. It was Mao, not Deng, who opened contracts with the United States.

In his book, "White House Years," former Secretary of State Henry Kissinger writes this:

> Never once did Mao indicate any impatience over Taiwan, set any time limits, make any threats, or treat it as the touchstone of our relationship.

The new masters in Peking have shortened their waiting period. Vice Premier Deng and his group want all the problems between Peking and Taipei to be solved in the 1980's. Those who think matters may turn worse if Deng is disposed had better look at the facts.

The so-called peaceful reunification proposal of Peking is nothing but a sham. Red China's demand that we end all arms sales to Taiwan by a cer-

tain date makes the reunification offer an empty gesture. The Communists are doing no more than putting on a big show.

Never has Red China renounced the use of force against Taiwan. Even if the dictators on the mainland did swear not to use force, no one could believe it. Some of us remember the Communist slaughter of Tibet.

And what good has our soft stance toward Taiwan done us? The news media report that Assistant Secretary of State Holdridge was dispatched to Peking in part to enlist Red Chinese cooperation in sanctions against the Polish Government for imposing martial law. Not only have the Communist leaders in Red China failed to join in our appeal for sanctions, but Peking has just signed a trade compact with Poland increasing trade by 30 percent this year.

Red China has not condemned the Soviet role in the crackdown in Poland. Clearly, the slavemasters in Peking are reserving for themselves the right to suppress any free labor strife that may erupt on the mainland. This shows their priority remains the continued enslavement of the Chinese people and it exposes their true attitude toward the potential use of force or the threat of force against Taiwan.

Now, Mr. President, let us take a look at the myth we hear so much about, the claim that Red China ties down over 40 Soviet divisions. To say the least, this is a gross exaggeration.

True, 46 divisions are deployed in the Far Eastern frontier. One faces Alaska as much as anywhere. Some analysts call these divisions anachronisms, already in a state of low readiness. Whether the stationing of these divisions reflects an anachronism or Soviet expansionism, it is not because of Soviet fear of an invasion from China.

Finally, Mr. President, I address the question of Taiwan's security needs. Taiwan is facing threats from both the Taiwan Straits and Bashi Channel. Replenishment of weapons must be an integral part of Taiwan's national defense planning.

The purchase of the FX advanced fighter is necessary to the credibility and success of this defense plan. Taiwan's Air Force is much smaller than the air arm of Red China, with a ratio of 1 to 11. Taiwan must have defensive aircraft of advanced quality to stop an attack.

Taiwan possesses about 50 F-100's and 40 F-104G's. These are antiques, obsolete or obsolescent. Some 70 F-5A's and F-5B's are trainers and provide little or no combat capabilities. Taiwan's forces also include about 190 F-5E's, which do not possess all-weather capability.

The jet fighter forces of Red China include nearly 3,600 aircraft, of which 3,000 are Mig-19's and 80 are Mig-21's.

The line-up of Red Chinese fighters and attack bombers on airfields directly opposite Taiwan may be less today than it was a few years ago. But there are 2,000 military aircraft deployed within 500 miles of Taiwan. These forces could strengthen the air bases on the coast within a short time.

Moreover, Red China is currently coproducing Spey engines in cooperation with Rolls-Royce of England. As a result, by the mid-1980's, the Communist air force will possess new high-performance fighters.

In order to counter the numerical superiority and growing high-performance capabilities of Red China's air forces, it is imperative that Taiwan be provided with fighters such as the FX.

The balance of power across the Taiwan Strait in the mid-1980's is at stake now. We are really talking about the years 1986 to 1990. Unless we allow Taiwan to plan for the long leadtime required for the manufacture of a squadron of FX fighters, I fear Taiwan's defense needs will not be met. If President Reagan does not act now to keep faith with his campaign promises, it will be too late.

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STAFFORD. Mr. President, I ask unanimous consent that notwithstanding the cloture situation, I be allowed to proceed on an extraneous matter, with the time to be charged against the hundred hours.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ENVIRONMENTAL ISSUES ARE NONPARTISAN

Mr. STAFFORD. Mr. President, I should like to introduce into the RECORD a letter which greatly disturbs me. I resent what it implies about me personally and about my political party.

This letter is written by Representative MORRIS UDALL on the stationery of the Democratic Congressional Campaign Committee. To whom it has been mailed is unclear. But there is no uncertainty as to its message.

The letter is an appeal for votes and money for Democrats and the Democratic Party on the basis—and I quote—"that Democrats are far more likely than Republicans to vote for environmental measures."

The letter goes on to say that—and again I quote—"the Democratic philosophy is proenvironment; the Republican philosophy is antienvironment."

I am distressed that the statements are made in the first place. They are patently unfair to members of the Republican Party.

Environmental issues have never been partisan matters. I have served in both the Senate and the House of Representatives, and I know from my own experience the ways the issues are treated. And that is not on the basis of whether you are a Republican or Democrat.

For that matter, these issues are not bipartisan either. They are nonpartisan. It makes no difference whether a Senator or Representative is a Republican or a Democrat, just as it makes no difference whether he is from the East or the West, the North or the South.

The dividing line on these issues is whether individuals prefer strong environmental legislation or weak environmental legislation. Democrats disagree with Democrats on that issue and Republicans disagree with Republicans.

It is nonsense to assert that a bill passes some environmental litmus test because it bears the names of Democrats or the names of both Republicans and Democrats.

These kinds of statements carry the danger of becoming self-fulfilling prophecies. Merely because they are made, they can cause people to start alining on issues along party lines, even though party membership has nothing to do with it. To make statements of this sort jeopardizes the laws which all of us—Republicans and Democrats alike—have struggled to enact over the last three decades.

But I resent this statement for another reason. By implication my Republican colleagues and I are depicted as favoring dirty air. In fact, Senator JOHN CHAFEE and I have spent the better part of the last 14 months working on clean air issues, sometimes to the virtual exclusion of other pressing and important matters. We have spent literally thousands of hours attempting to preserve and protect the Clean Air Act and other environmental legislation.

But this letter goes further. It implies not only that I am for dirty air, but that all Democrats are for clean air. To imply this at a time when the author's own Democratic colleagues are the leading proponents of a bill which would cripple the Clean Air Act is misleading and much worse.

I ask unanimous consent that the text of the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. STAFFORD. Senator CHAFEE and I have sought to improve the Clean Air Act. But the Democratic initiative on the House side seeks to virtually repeal it. Practically every important provision in the Clean Air Act would be repealed if H.R. 5252 were to become law.

I believe a simple listing of the major provisions of the Clean Air Act is informative. I know that the alphabet soup will be meaningless to many unfamiliar with the Clean Air Act, but I also believe readers will get the message.

I ask unanimous consent that this listing be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STAFFORD. Of course, Mr. President, the real issue is not whether words are removed from the law, but whether air will be dirtier. One example vividly answers this question.

H.R. 5252 repeals the requirement that major new sources of air pollution install best available control technology when they build in areas where the air is clean. The bill also repeals the increment system, which is designed to limit the growth of pollution in these clean air areas.

Under contract with the Environmental Protection Agency, a consultant recently studied 285 new source permits. One purpose of that study was to determine whether the Clean Air Act requirements make any real difference. The results are summarized in a table from that report which I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. STAFFORD. Mr. President, I am not a mathematician. But as I read this table, for the 285 permits studied, the BACT and increment requirements reduced emissions from these new plants by a total of 344,214 tons per year. Translated to pounds, this is equivalent to 688 million pounds of pollution per year being kept out of the air by the Clean Air Act in its present form.

If the growth were to remain level, the Clean Air Act would filter 3.5 billion pounds of pollution a year out of our air by the turn of the century. Yet, some changes proposed by H.R. 5252 would allow that much additional pollution to saturate our air.

I might add that this view of H.R. 5252 is not mine alone. Yesterday, there was a hearing on this bill at which Senator HART of Colorado testified. He is not only a distinguished member of the Committee on Environment and Public Works, but he is former Chairman of the National Commission on Air Quality. He urged that the bill be rejected. I ask unanimous consent that Senator HART's testimony be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. STAFFORD. Mr. President, there are always differences of opinion on legislation, especially when they are complex. What I would suggest to the Representatives from Arizona is that the explanation for such conflicts lies in differing judgments, not different political parties.

EXHIBIT 1

THE NEXT ENDANGERED SPECIES WILL BE THE ENVIRONMENT ITSELF—UNLESS DEMOCRATS KEEP CONTROL OF THE HOUSE OF REPRESENTATIVES

(By Morris K. Udall)

Dear Fellow Environmentalist: There is more to saving our environment than recycling newspapers and buying returnable bottles.

It's called winning elections.

With anti-environmental Republicans like Strom Thurmond and Jesse Helms in charge of the Senate . . .

With anti-conservationist James Watt running the Interior Department . . . Our environment's last line of defense has become the Democratic majority in the House.

But that majority won't exist for long unless we act now—to win the 1982 Congressional elections.

That's why the Democratic Congressional Campaign Committee has set up an Emergency Environmental Fund—to monitor the actions of James Watt and his cronies, to expose President Reagan's broken campaign promises on the environment, to keep track of and computerize (at a cost of $68,000) the anti-environmental voting records of House Republicans. This effort will help elect men and women to Congress who will work and vote to protect the environment.

Make no mistake: the Reagan/Watt approach to conservation is to throw out the laws and turn the so-called "developers"—really the destroyers—loose.

As Chairman of the House Interior and Insular Affairs Committee, I have been astonished and appalled by Secretary Watt's actions. I believe he is singlemindedly seeking to destroy and distort our nation's basic environmental laws—laws which you and I fought to enact.

Congressman Phil Burton says Watt is waging "unconditional war on our great natural resources."

Those of us who care about the environment must do more than care.

We must fight back. And we must fight back at the polls.

This is no idle call to arms. Who could believe that any responsible person—much less the Secretary of the Interior—would propose:

To cut almost in half all funding for federal environmental programs;

To halt expansion of our national parks system;

To authorize offshore oil drilling along the unique, pristine California coast;

To wipe out the Urban Parks Program, the Noise Pollution Program, the Coastal Zone Management Program;

To weaken regulations on strip mining, disposal of toxic wastes, and drilling and mineral exploration on public lands;

To let Big Business concessions operate national parks.

Today we Democrats in the House are holding the line against radical proposals like these, but it is an embattled line. The huge Right-Wing Republican Campaign Machine, determined to capture control of the House in 1982, is already rolling to cut the Democrats down.

If they succeed, Watt will succeed—and environmentalism as we know it will vanish.

We must win the vital 1982 elections. We must elect Democrats to the House. That is why I am asking you to support the Emergency Environmental Fund.

It is clear that Democrats are far more likely than Republicans to vote for environmental measures—and always have been.

In 1980, according to the League of Conservation Voters, the average pro-environmental rating for a House Democrat was 17 percentage points higher than for a House Republican.

Democrats are considerably more independent of anti-environmental special interest groups; in 1980, for example, the top five recipients of chemical industry campaign funds were all Republicans.

The Democratic philosophy is pro-environment; the Republican philosophy is anti-environment. In their 1980 Platforms, the Democrats called for a strict Clear Air Act, the Republicans attacked it. Hundreds of examples show Democratic sensitivity—and Republican insensitivity—to the environment. It is a simple truth that without the Democrats in Congress there would be no environmental laws at all.

But even some Republicans are concerned about James Watt's excesses. Nathaniel Reed, a GOP stalwart from Florida, believes that "a whole generation of Americans may come to believe that the only people who care about the environment are the Democrats."

But caring won't mean much unless we have the votes to stop Watt.

And the only way to stop him today—the only way—is to protect the Democratic majority in the House.

You can do that by contributing to the Emergency Environmental Fund of the Democratic Congressional Campaign Committee.

The DCCC, the political right arm of House Democrats, helps us plan, organize, and pay for our campaigns.

It provides vital campaign services—polling, research, targeting, technical assistance—which many candidates couldn't otherwise afford.

DCCC is our greatest weapon. Without it many of our candidates would have no chance at all.

So I urge you to contribute today to the Emergency Environmental Fund.

Send $25, $50, $100—whatever you can afford.

There is no better way to help defend our environment against the onslaught of James Watt and the destroyers.

There is no better way to make sure environmental protection does not become the next endangered species.

Help us win the crucial elections so we can win the crucial votes in the House.

Please send your check today!

Sincerely,

MORRIS K. UDALL,

Member, Democratic Congressional Campaign Committee.

EXHIBIT 2

H.R. 5252

STATIONARY SOURCE PERMITTING

Deadlines: Extended to 1993.

Offset Requirement: Repealed.

Percentage Reduction: Repealed for Commercial Boilers.

LAER Requirement: Repealed.

Inspection & Maintenance: Repealed, except for urban areas over 500,000 which exceed standards by more than 50 percent.

Class I Increment: Weakened to permit five violations per year.

Class II Increment: Repealed.

Class III Increment: Repealed.

BACT: Repealed.

Inclusion of Fugitive Emissions: Repealed.

Mandatory Class II Protection for Certain Federal Lands (30 million acres): Repealed.

STATIONARY SOURCE ENFORCEMENT

Mandatory Civil Suits: Repealed.

Criminal Penalty: Repealed.

Noncompliance Penalty: Weakened, tantamount to repeal.

Ban in Major Source Permitting: Repealed.

MOBILE SOURCE REGULATIONS

CO Standard of "3.4" gpm: Repealed (new standard is "seven" (equal to 7.49 gpm or less)).

Nox Standard of "1.0" gpm: Repealed (new standard is "two" (equal to 2.49 gpm or less)).

Requirement that each car meet emission standards: Repealed.

207(a) Warranty: Repealed.

207(a) Parts Certification: Repealed.

207(b) Warranty for emissions "devise or system": Repealed.

5-year/50,000 mile warranty: reduced to 2 years/24,000 miles.

Truck Standards: Delayed.

NEW PROVISIONS

Chlorofluorocarbons: Regulation prohibited until certain requirements are met.

Mobile Sources: Certain studies must be conducted before standards can be changed.

Mobile Sources: Standards must have minimum lead times of 4 years (trucks) or 3 years (cars).

Mobile Sources: Standards for autos must have minimum effective time of 4 years.

EXHIBIT 3

TABLE 5–9.—CUMULATIVE BACT PERMITTED EMISSIONS REDUCTIONS ASSOCIATED WITH PSD

	Pollutant									
	PM	SO_x	NO_x	CO	VOC*	H_2S	Fl	TRS	Acid mist	Vinyl chloride*
Emissions reductions beyond NSPS (tons per year)	7,700	218,700	54,400	2,970	NA	0	240	2	2	0
Non-NSPS emissions reductions associated with proposed versus permitted BACT (tons per year)	5,100	34,200	5,100	3,000	NA	0	0	0	0	0
Total emissions reductions (tons per year)	12,800	252,900	59,500	5,970	NA	0	240	2	2	0
Total BACT-permitted emissions (tons per year)	54,200	761,800	712,400	159,100	13,700	700	300	1,160	180	110
Emissions reductions percent of total BACT-permitted	24	33	8	4	NA	0	80	0.2	1	0

*Similar to all VOC's emissions and emissions reductions are difficult to quantify because of work practice or equipment standard BACT's and NSPS's.

EXHIBIT 4

TESTIMONY BY SENATOR GARY HART ON H.R. 5252 BEFORE THE SUBCOMMITTEE ON HEALTH AND ENVIRONMENT

Mr. Chairman, I welcome the opportunity to appear before you as the opening witness in this hearing on H.R. 5252, the "Clean Air Act Amendments of 1981." introduced last December by Congressmen Luken, Madigan, Traxler, Hillis, Dingell, and Broyhill.

Before addressing the specifics of the bill, I would like to share with the Subcommittee my general thoughts on the principles which should guide Congress in the revision of the Clean Air Act.

Some people believe that because the Clean Air Act has led to major improvements in air quality, it needs no revision. Others believe that as our most far-reaching regulatory program, the Act needs substantial overhaul to reduce the regulatory burdens on industry. But the critical test for the Clean Air Act—as for any government program—is effectiveness in the real world. Our review must be based on three principles:

First, where the Act has worked well, it must be preserved, and even strengthened.

Second, where the Act has created an unnecessarily complex regulatory maze, it must be streamlined and simplified.

And third, where the Act is not addressing major air quality problems, it must be expanded.

The Clean Air Act needs reform to give the American people what they want and deserve both cleaner air and less unproductive government regulation.

Unfortunately, the bill before you today falls far short of this standard. Despite the claim Mrs. Gorsuch will make in a few minutes, this bill does not build upon the strong bipartisan commitment to clean air we have had over the past 12 years. Instead, this bill, and the Administration's endorsement of it, flies in the face of that commitment. It would repeal fundamental parts of the Clean Air Act. And it would not strengthen a single sentence of the law.

That is not how previous Administrations and previous Congresses have addressed our air pollution problems. And we all know that is not how the American people want those problems addressed now.

There are many ways the shortcomings of the bill could be documented. One way is to compare the bill with the recommendations of the National Commission on Air Quality. Even a quick glance at the two shows them any fundamental differences between the balanced approach taken by the Commission and the extreme approach taken in H.R. 5252. On every important issue except one—the standard setting process—the bill is far weaker than the Commission's position. In total, of the 75 recommendations made by the Commission for legislative action which falls within the jurisdiction of this Committee, only 13 are included in the bill.

I'll describe the major differences briefly.

NONATTAINMENT

The bill would weaken drastically the Act's program for cleaning up areas more polluted than the national health-based air quality standards—condemning millions of people to continuation of excessive pollution levels.

The bill would repeal the Federal sanctions which the National Commission found have been responsible for getting states to meet the Act's requirements.

The bill would limit the automobile inspection and maintenance requirement, which the Commission found to be "the most effective method that has been demonstrated to reduce emissions from in-use vehicles," to just two cities.

The bill also includes new deadline provisions which are so open-ended they would let states make unrealistically optimistic projections of meeting the deadlines, to avoid the tough controls which are necessary.

PREVENTION OF SIGNIFICANT DETERIORATION

H.R. 5252 includes three provisions which would greatly undercut the control of pollution in areas cleaner than the national air quality sandards.

First, the bill would allow much more pollution in our national parks and wilderness areas, and would repeal special protection for other important national lands.

Second, the bill completely eliminates the class II increment system. This system is too complex and unproductive to justify its continuation everywhere, but states should have the discretion to continue a simplified Federally-enforceable class II system where they think it is appropriate to do so.

Third, the bill would substantially weaken the simplest and most effective part of the PSD program, the requirement for tough controls on new plants, by replacing state decisions with weaker nationwide standards established by EPA.

MOBILE SOURCES

Perhaps the worst part of H.R. 5252 is its rollback of emission controls on cars and trucks.

The bill would repeal the statutory presumption of strict heavy truck standards—despite the Commission's finding that this change could make a major difference in air quality, and despite the 10 to 4 vote of the Committee on Environment and Public Works to write those strict standards into the law itself.

The bill would relax both the carbon monoxide and nitrogen oxide automobile emission standards—and give EPA discretion to relax these and other standards even further.

The bill would repeal the 1984 requirement that cars in high altitude areas be as clean as at sea level.

Taken as a whole, these changes would reverse the major progress we've been making in cleaning up cars and trucks.

ACID RAIN AND HAZARDOUS POLLUTANTS

Almost as disturbing as what H.R. 5252 would do is what it would not do. The bill does not include a single provision to strengthen the Act.

Acid rain now causes billions of dollars of damage in the Northeast; unless it is controlled, it will cause far more damage throughout the country. Similarly, while especially toxic pollutants may cause great health problems, only four have been regulated thus far.

Mr. Chairman, other witnesses will discuss individual provisions of H.R. 5252 in much greater detail. But the problem with this bill is greater than the sum of its specific shortcomings. The sponsors of H.R. 5252 have suggested the bill would ease regulatory burdens on industry. But we must not overlook the fact that our economy cannot be truly healthy unless our workers—our people—are themselves healthy.

We do not need to follow the path of this extreme legislation to achieve what its sponsors seek.

We have the opportunity to reduce unnecessary complexity in the Act without sacrificing public health. For example, when the Act was last revised, we spent many hours debating whether new plants in heavily polluted areas should meet "lowest achievable emission rate." ("LAER") or "best available control technology" ("BACT") standards. Now that LAER—with all its complexity is in the Act, it's clear that our theoretical argument was relevant only within the Beltway. The people who actually write pollution control permits have essentially required "BACT" everywhere—and our air is getting cleaner.

We have the opportunity to reduce costs associated with air pollution control and still keep our air clean. For example, the NCAQ recommended a package of mobile source controls which would save $30 per car for relaxation of the carbon monoxide standard, and an additional $125 per car for applying the 1984 high altitude requirement only to cars actually sold at high altitudes. Yet, with the other elements of the Commission's package, these cost savings would not cause any unacceptable air quality effects.

But, H.R. 5252 rejects such even-handed, considered approaches, creating the danger that no bill amending the Clean Air Act will pass the Congress this year. And that would serve neither our economy nor our citizens well.

Mr. Chairman, I urge the Subcommittee to reject H.R. 5252, and instead continue on the path of responsible reform.

Mr. DURENBERGER. Mr. President, I should like to express my appreciation to the distinguished Senator from Vermont for bringing this matter to our attention. I also want to take this opportunity to express my thanks to Senator STAFFORD for his dedicated leadership as chairman of the Senate Environment and Public Works Committee to improve the Clean Air Act—not weaken it.

On the issue of air quality, the Democratic House leadership is clearly not in touch with the overwhelming majority of the citizens in this country who have decisively expressed support for a strong, effective act. Even Democratic Members of the House have been strongly critical of H.R. 5252 introduced by Representative DINGELL, Democrat from Michigan, chairman of the House committee that has jurisdiction over the Clean Air Act. Actions of the House do not jibe with Mr. UDALL's assertion that "our environment's last line of defense has become the Democratic majority in the House." On the critical issue of air quality, the Senate Republican leadership has been outstanding in its steadfast commitment to a strong, workable act.

So far as this Senator is concerned, clean air and clean water are not partisan issues—certainly not in my State of Minnesota, where public commitment to a quality environment has not diminished over the years. My constituents tell me the law needs to be strengthened. Of particular concern are the issues of long-range transport and acid deposition which are not covered in H.R. 5252. In fact, based on the data which Senator STAFFORD just shared, it sounds as if the Democrats' bill would actually increase the acid rain problem, not diminish it.

Frankly, that is not acceptable to the people of Minnesota or to this Senator. Acid deposition is the most serious new air pollution problem to emerge since Congress last revision of the Clean Air Act and should be dealt with during this reauthorization of the act.

Although acid deposition was recognized as a serious problem primarily in the Northeastern United States and Canada, continuing research has led to the recognition that my State of Minnesota and other upper Midwestern States face a great environmental, economic, and health loss as a result of acid deposition if the present emissions of sulfur dioxide are not reduced substantially.

Minnesota has demonstrated its concern over air quality by establishing stricter air quality standards than those required by Federal law—only seven States have ambient air standards as strict as those set by the Minnesota Pollution Control Agency. Minnesota's ambient air quality standards are 50 percent more restrictive for SO_2 and ozone than the Federal standards. The average emission rate in Minnesota for SO_2 is 3 pounds per million Btu's—three times lower than some States upwind of Minnesota. There are single powerplants in Kentucky and Ohio that individually emit more SO_2 than the entire State of Minnesota which contributes only 1 percent of the Nation's sulfur dioxide emission.

Minnesota is paying more for air quality control than many States yet the State cannot protect itself from the effect of transboundary transport of acid deposition. Minnesota pollution control agency staff estimates that only 30 percent of acid rain falling in Minnesota is due to emissions in the State. The balance originates elsewhere.

Meteorological studies done under the auspices of the EPA by Dr. Walt Lyons and others have clearly documented the existence of gigantic swirling weather systems that move huge masses of air pollutants in all directions from the major source regions of the Ohio River Valley. It is a mistake to rely on simplified textbook notions of the prevailing westerlies moving air only from west to east.

In addition, a more comprehensive approach to dealing with interstate transports than is presently provided under the provisions of the Clean Air Act is needed to address the concerns of those engaged in the day-to-day administration of the Clean Air Act. The flow of air pollution across State lines creates serious institutional equity and air quality problems for many areas of the country. As the National Commission on Air Quality found, there are significant problems from the long-distance transport of a number of air pollutants, which are not effectively addressed in the Clean Air Act.

I again express my thanks to Senator STAFFORD and his committee for their leadership on the reauthorization of the Clean Air Act—leadership that is responsive to the citizens of this country. Clean air is neither a Republican nor a Democratic issue—but at this time responsible leadership is clearly in the U.S. Senate.

Mr. CHAFEE. Mr. President, I should like to associate myself with the remarks of my distinguished colleague from Minnesota, Mr. DURENBERGER. Not only could H.R. 5252 cripple our efforts to clean up dirty air in areas where tens of millions of people live, but also, it does not even address the serious problem of acid rain.

Over the past several years, an enormous amount of research has been committed to this problem, and the causes and effects of acid rain have been heatedly debated. In light of the evidence presented thus far, it is high time we begin taking steps to curb the devastating effects of acid rain. Not only has the prestigious National Academy of Sciences suggested that drastic reductons of sulfur dioxide—a precursor of acid rain—would be needed if we are going to get this problem under control, the National Commission on Air Quality also recommended that Congress "require a significant reduction by 1990 in the current level of sulfur dioxide emissions in the Eastern United States." Yet, H.R. 5252 would actually increase emissions of the pollutants that cause acid rain.

Inextricably tied to the acid rain problem is the whole issue of interstate transport of pollutants, another issue which H.R. 5252 fails to address. Although the Clean Air Act does con-

tain provisions which in effect say that one State's emissions should not contribute to another State's pollution, these provisions have proven to be unworkable. The end result is that downwind States such as those in the Northeast end up being the dumping grounds for pollutants generated by sources to the west.

Failure to control emissions from States whose pollution ends up in the Northeast has forced Rhode Island and other States to devise stricter and more costly controls which can affect the local economy. Why should Rhode Island or any other State have to pay to clean up the air pollution generated by dirty sources in other States? Is it fair for one to dump his garbage on his neighbor's lawn simply because he does not want to pay to have it disposed of properly? Is this equitable? I, for one, believe it is not and will be working with members of the Senate Environment and Public Works Committee and other Members of the Senate to put teeth into the interstate transport provisions of the Clean Air Act which will require States to curtail their pollution if it interferes with other States' ability to meet air quality standards.

Finally, Mr. President, I would like to point out that Congress has always approached the resolution of environmental problems in a nonpartisan manner. During the environmental decade of the 1970's, Members from both sides of the aisle and in both Houses of Congress worked together to develop such landmark laws as the Clean Air Act, the Endangered Species Act, the Resource Conservation and Recovery Act, the new Superfund program and a plethora of other important environmental programs. Just last December, Members from both parties worked together to reauthorize the Clean Water Act's wastewater treatment program. The end result was a program that will improve our water quality, cut redtape, and save the taxpayers $1 billion a year. This would not have been possible if we did not have the nonpartisan support of Members from both the House and Senate. I hope, as we continue to work on the reauthorization of the Clean Air Act, that all of us come together to develop a strong and equitable clean air program which will continue the national commitment to improving air quality.

Mr. ROTH. Mr. President, I join in the remarks of the Senator from Vermont and the Senator from Rhode Island. I share their sentiments.

I am not a member of the Committee on Environment and Public Works, nor do I pretend to be an expert on environmental legislation. But I do not need to be an expert to know that this country has made tremendous progress over the past 15 years and that this is not the time to turn back.

Speaking as only one Member of Congress, I will say that I am proud of the votes which I have cast in favor of environmental legislation. Those laws have helped clean Delaware's air and water, protect her beaches, and preserve our wetlands. And all of those things are as important to the citizens of my State today as they were in the years past, when these laws were put on the books.

I am not saying that there is no room for change. Of course there is. Times change and laws need to change with them. But the objectives of these statutes enjoy broad popular support and for good reason. They determine not only whether we are to live, but what the quality of that life is to be. Speaking for myself, I will say this is no time for retreat. Certainly, it is no time to massively rewrite laws like the Clean Air Act, which is what the proposal on the House side appears to do.

I shall make one other observation.

When I was first elected to the Senate, I was privileged on many occasions to be the guest of a kind and good colleague, former Senator John Sherman Cooper. At that time Senator Cooper was a member of the Committee on Public Works. He wrote much of the early environmental legislation.

He was succeeded by my good friend, J. Caleb Boggs, who was at that time the senior Senator from my State of Delaware. I remember well the day Senator Boggs and I personally delivered to the House of Representatives the Senate-passed version of the Marine Protection, Research, and Sanctuaries Act, later referred to as the ocean dumping law.

Since Senator Boggs left the Senate in 1972, three other Senators have succeeded to his position. Two of them—Senator BAKER and Senator STAFFORD—are still Members of this body. The third, Senator Buckley of New York, is now an Under Secretary of State charged with responsibility for international environmental matters. During the Senate tenures of these three men, they have helped write much of the environmental legislation now on the books.

These five men and I have two things in common:

First, we are all members of the same political party.

Second, we all support—as do the American people—strong and effective environmental legislation. The inference that this has been a partisan political matter is not only unfair, it is flatly untrue. These issues have always been discussed and voted upon in a nonpartisan way and to state otherwise is a disservice. It is a disservice not only to the members of my party and the American people, but a disservice to the laws themselves. They are too important to become objects of political manipulation.

Mr. WEICKER. Mr. President, I think the Senator from Delaware is exactly correct. These laws are too important to become objects of partisan exploitation. They are also too important to lose.

I think it is only fair to point out that at the same time one Member of the other body is attacking others on a partisan basis, members of his own party are sponsoring legislation that would cripple the Clean Air Act. If there is any doubt about that, the remarks of the Senator from Vermont lay these to rest.

I must say that this issue is of special interest to my State of Connecticut. We have some of the strongest air pollution laws in the United States. We have those laws because we care for our environment and wish to preserve it. But a great deal of our pollution comes from outside the State, not inside. From Connecticut's point of view, the Clean Air Act needs to be strengthened so that these neighboring States can be forced to reduce their pollution. The worst possible outcome from my State's point of view would be to further weaken the law.

As controls on our neighboring States are relaxed, thus increasing the flow of pollution into our State, our citizens are left with two choices:

First, further increasing pollution control which is already the toughest in the Nation, thus driving business into the dirty neighboring States; or,

Second, passively accepting increasing levels of pollution which threaten the health of our children, the quality of our streams and lakes, and the productivity of our croplands.

The Clean Air Act was enacted in large part to prevent forum shopping for dirty air. Now is not the time to cripple the Clean Air Act. It is the time to strengthen it.

A proposal which weakens the law will only set off a round of competitive bidding among the States. The States most willing to weaken their pollution laws would attract industry. Those States unwilling to put the health of their elderly and children on the auction block would lose twice: Once, when business and jobs went elsewhere; twice, when the pollution from those industries flowed back into their borders.

There is only one protection against this kind of marketplace system and that is a strong Federal law. We were smart enough to realize that over a decade ago when we enacted a tough Clean Air Act and I hope we are smart enough to realize that today.

Mr. President, I commend the Senators from Vermont and Rhode Island for their efforts in protecting and maintaining the Clean Air Act and hope their colleagues on the other side—of both political parties—join them.

Mr. EXON. Mr. President, next Tuesday, February 16, marks the 64th anniversary of the reestablishment of the independent state of Lithuania. This marks a special day in the proud, 731-year history of the people of this freedom-loving Baltic nation.

This day will live forever in the hearts and minds of Lithuanian patriots. This is one reason why they will never submit to the Soviet yoke imposed on them during the June days in 1940 that live in infamy for the Lithuanian people as surely as Pearl Harbor does for Americans.

It was during that dark period that Josef Stalin, his lust for conquest heightened by his recent unholy alliance with Adolf Hitler, invaded Lithuania—in violation of an "eternal" treaty of peace the Russians had signed only 20 years earlier.

Since that time, the Soviets have attempted to "Russify" the Lithuanians, to strip them of their deeply held religious beliefs and to deprive them of hope that the promise of independence, symbolized by February 16, would someday be fulfilled.

But the Soviets have failed miserably. The 5 million people of Lithuania, with the unwavering support of their half million relatives and descendants living in the United States, resist—often at risk of imprisonment and their very lives.

The United States has correctly refused to recognize the unlawful Soviet annexation of Lithuania and its sister Baltic states. Our State Department maintains a desk devoted to Lithuania, Latvia, and Estonia. Our top Government officials are forbidden to visit the Baltic states because of their rightful concern that the Soviets would twist such visits into "recognition" of their unlawful acts. Here in Washington, there continues to be posted a charge d'affaires for the free Lithuanian people. Maps issued by U.S. Government offices show Lithuania and its Baltic sisters, not as part of the Russian mass, but as the separate nations they are.

The memory of February 16, 1918, is undimmed in the hearts of those Lithuanian heroes who have defied and are defying the Soviet police state by publishing dissent journals, petitioning the United Nations and insisting that the Soviet honor the Helsinki accords they so casually ignore.

And the memory of that day is undimmed in the United States as we here today hail a brave nation that, though tiny in land area, is huge in courage, pride, and love of freedom.

OUR FOOD PRODUCERS

Mr. EXON. Mr. President, we are all quite aware but probably not fully aware of the grave difficulties facing our food producers today with regard to the squeeze that is going on between the cost of production ever increasing on one hand and generally falling commodity prices on the other.

All of this is complicated by a less than realistic approach to the farm difficulties with the 1981 Farm Act that this Senator has addressed previously.

Mr. President, I shall ask unanimous consent to have printed in the RECORD at this time two most interesting articles that I think highlight the difficulties of the farmer as well as in some instances in the matters printed below indicate possible constructive ways to work our way out of our present economic difficulties in the farm belt.

Mr. President, I ask unanimous consent that immediately following my remarks there be printed in the RECORD first an article from the Le Mars Daily Sentinel of January 21, 1982, with regard to syndicated national columnist Eliot Janeway, and following thereafter an article from the Wall Street Journal of February 1 entitled "Falling Grain Exports Bruise the Farm Belt; Damage Could Spread."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Le Mars (Iowa) Daily Sentinel, Jan 21, 1982]

FOOD SEEN AS WAY OF "ASSERTING U.S. IDEALS, STRENGTH"

(By Jolene Stevens)

One word—"dis-astrous"—sums up today's agricultural picture, says Eliot Janeway, well-known, outspoken and yes, sometimes controversial, economist-author.

The one strong point in the ag scene, as seen by Janeway, is that American agriculture "swings with exports" and, he adds, "export demand for American food products is literally limitless."

Today's agricultural image in world affairs is, however, not a good one, Janeway says. "It's an image seen as Uncle Sucker's feeble-minded prodigal nephew. In the honeymoon euphoria inspired by President Reagan's inauguration, Agricultural Secretary Block's call to use food as the strongest trading weapon within America's reach was greeted with deafening silence.

"The Administration intoxicated itself with the rhetoric of free market forces opening a new promise land to it abroad."

Poland, Janeway says, offers "the opportunity of the hour. The Polish crisis is a food crisis. Russia is strangling Poland because she is also in the throes of a food crisis. Dangling American food in front of the desperate Warsaw and Moscow regimes offers the way to assert America's ideals and strength throughout satellite Europe, without military risk or political provocation."

Janeway sees Catholic relief agencies "the appropriate distribution vehicle with Vatican blessing". At the same time he says the way to reassure Europe that America has no intention of disturbing the peace there is to give the Germans opportunity to pay our farmers for their food.

"The fringe benefit to Germany would," Janeway says, "be the opportunity to use American food to induce the Poles to go back to work in return for free access to food, also enabling Warsaw to make good on its bad debts to the German banks.

"But instead of improvising bold new programs calculated to act on Agriculture Secretary Block's vision of American food as a bargaining lever, the Administration is dithering between doing nothing and doing the wrong thing, which revival of the Nixon-Carter food embargo tactic would be.

"Farm organizations," he continues, "are limiting their role to the negative one of pressing Reagan to keep his promise not to reimpose an embargo."

Janeway is candid in his criticism of the efforts of the ag lobby in Washington, as well as efforts of national farm organizations in bettering the ag situation.

"The ag lobby has wasted most of its expense money cheering Stockman's hypocrisy all the way to the poor house," Janeway says. "Any clout various farm groups have left has been dissipated by their naivete in fighting each other for bigger pieces of a smaller pie.

"All of them are paying dearly for having borne the prospectus of shrinking markets blind, instead of pressing the White House to develop an aggressive food exporting reciprocal trade program based on exploiting the increasingly desperate need of major prospective food export customers for access to the huge U.S. oil import market."

Efforts of farm organizations "would be irrestible" Janeway continues "if only farm organization spokesmen stopped pestering senators and congressmen interested in being helpful to agriculture with aimless and impractical echoes of 19th century theories that didn't work then.

"The urgent need of the day is," he says, "for all farm organizations to take the lead in rallying all industry groups interested in maximizing exports, along with all oil-consuming groups gauged by over-priced imports in developing a unified American foreign trade bartering push and no more nonsense about holding our breath while waiting for Stockman's economic theology to materialize."

Asked about problem areas in exports, Janeway says it's "simple and sad" to summarize: "more volume at lower prices for less take home pay."

There are, Janeway says, four extreme problem areas in agriculture at present. The first, he says, is in what he terms "the antiquated thinking of farm organization spokesmen who persist in the illusion that farm export opportunities are offered by free markets abroad rather than via government negotiation.

"Secondly, there is," he continues, "the out-to-lunch attitude of the Reagan administration, which has no plans for engineering any government to government pipelines for moving burdensome crop surpluses still backing up our demoralized domestic farm markets.

"A third problem is in the dogmatic insistence of spokesmen for the Moral Majority movement that U.S. government policies aimed at activating food as a bargaining lever with unfriendly powers is anti-Christian; though surely any method of bargaining aimed at avoiding the absolutely anti-Christian expedient of nuclear holocaust is genuinely Christian in the deepest meaning of the term."

And finally, Janeway says, there is what he calls "the sinister, systematic and shrewd downward manipulation of crop futures prices by Soviet purchasing agents".

Janeway sees as today's strongest point in the agribusiness picture, the opportunity to process soybeans into sanitized packaged food products. These, he continues, can be

"acceptable equivalents to pork products in the huge Moslem market where the population is exploding, but where sanitation is primitive and where die-hard religious taboos have closed the door both to pork products and fresh foodstuffs." Fresh foodstuffs, he adds, are the weakest segment in the domestic processing and marketing.

What about ag trade-offs with other industries as an effective means of improving the ag picture? "Misery loves company," Janeway says. "The list of sick industries devastated by Stockman is growing faster than the Med-fly population did at the worst of the blight in California.

"The most obvious industries for the farm organizations to make alliances with, fall into two groups: other commodity exporters, i.e. coal and lumber, and other importers of overpriced petroleum products."

None of the country's farming areas, Janeway predicts, will be immune from the current squeeze until "priorities are reversed and domestic economic prospects are evaluated in the light of foreign economic problems and opportunities.

"The best run farm operations of today, however, are those which have been pulling out of livestock raising and have begun concentrating on mechanized intensive cultivation of crop land.

"Land prices are down, for the first time, even in boom farm areas like Georgia. Ownership is shrinking, and 1982's higher costs of borrowing and operating will shrink it still further despite the obvious reluctance of farmer lenders to foreclose.

"Realists in agriculture are welcoming bids from foreign money in search of sanctuary. All foreign buy-outs of American farm and ranch land," he continues, "are grossly overpriced and represent steals by the American sellers."

What about the future of agriculture, developments and trends? "The future," he says "is always an outgrowth of the present. Our present is pregnant with a crisis that is at once manageable and unmanaged.

"Only Washington can manage an international political confrontation exploding into an arms race. But there's no way in the world that the powers-that-be in Washington today will begin to do so until they recognize the burning need of the hour to develop an American counter-offensive against Russia's military posture, and until they activate America's farmers to serve as her shock troops leading the change.

[From the Wall Street Journal, Feb. 1,1972]

SHOCK FOR GROWERS: FALLING GRAIN EXPORTS BRUISE THE FARM BELT; DAMAGE COULD SPREAD

(By Sue Shellenberger)

HAVANA, Ill.—Selling food to foreign countries is big business in this Corn Belt town of 4,400 on the Illinois River. Lately, business hasn't been good. Many nations have cut their purchases of U.S. grain and people in Havana are feeling it in their pocketbooks.

Much road traffic in Havana still consists of trucks rumbling over the town's brick streets with hundreds of millions of dollars in grain to be loaded on barges headed for the port of New Orleans. But corn prices in Havana are down 25 percent from last year, and the volume of grain shipped from all Illinois River ports is down one-fifth.

Havana farmers, who send most of their grain abroad, have cut their spending plans and are signing up for government price supports at a fast clip. Farm-equipment dealers are hurting, and barge operators are feeling the pinch. At Havana National Bank, Chairman Frank Cook Jr. says: "Prices are depressed, and that hurts." What if conditions don't improve? "I'd retire," Mr. Cook says. "Conditions have to change."

Farm exports have fallen sharply nationwide, because of world slumps and tensions and because of competition from other countries. There have been declines before, but this time many of the causes seem unlikely to change soon. "We're dealing with some structural problems that are rooted in either economics or politics, and it will be difficult to turn these things around quickly," says Martin Abel, senior vice president of Schnittker Associates, Washington economic consultants.

END OF AN ERA

Apparently an era of explosive export growth, which brought about large increases in U.S. farm income and productivity, has ended. Although farm exports are likely to pick up from current depressed levels, their average growth through the 1980s won't approach the boom levels of the 1970s, experts say. That may slow food inflation for U.S. consumers, but U.S. farmers and the overall economy may suffer.

"World grain trade essentially doubled during the 1970s. That kind of increase simply can't go on," says D. Gale Johnson, a University of Chicago economics professor. Barring crop failures elsewhere, he says, "there will be two or three fairly painful years" for the farm economy.

Vincent Malanga, the senior economist at A. Gary Shilling & Co., New York economic consultants, predicts average annual growth of 2 percent for U.S. grain exports in the 1980's, down from 8 percent in the 1970s. That suggests, he says, that "the farm economy is going to be a relatively weak link in the general economy in the 1980s."

QUITE A SHOCK

The farm-export slump began in the year that ended last Sept. 30. Volume, falling far below forecasts, dropped by 1 percent. The picture has darkened since: Foreign sales and shipments of U.S. corn, wheat, soybeans and sorghum have been running 11 percent behind a year earlier.

To farmers accustomed to the last decade's soaring trade—spurred by rising world appetites for meat, milk, eggs and bread, plus the opening of huge markets such as the Soviet Union and China—the decline comes as a shock. After all, exports accounted for 85 percent of the growth in consumption of U.S. grains during the 1970s. By 1980, two-fifths of U.S. crops were being sent abroad, providing about 30 cents of each farmer's dollar of cash income. The trade surplus in agriculture grew twentyfold over the decade, to $26.7 billion in 1980.

In fact, the 1970s culminated in a near-shortage in 1980—when drought and three years' steady increase in export demand pushed U.S. grain prices sharply higher—and in fears of a 1981 shortage. Those fears were eradicated by the weather: Crop yields last fall were astonishingly high. But serious problems also arose, so that much of the surplus grain that normally would have flowed into world trade sat in farmers' bins instead. Some of the problems:

Rising interest rates around the world discouraged grain dealers from building inventories.

Food demand slowed in industrialized nations beset by recessions.

Rising debt forced many nations, already burdened by expenditures for imported oil, to devote more cash to debt payments and less to food imports.

The result of all these factors in Eastern Europe, where grain imports jumped at an annual rate of 30 percent or more in the last five years, is a mood of increasing austerity. In Romania, where a food-rationing program is in effect, President Nicolae Ceausescu, in a speech about disappointing harvest results, told Romanians they eat too much bread anyway and are getting too fat. In Yugoslavia, corn meal has been mixed with scarce wheat flour to make bread without raising wheat imports. U.S. grain exports to Eastern Europe are running 15 percent behind last year.

Another significant factor is the rising belief world-wide that the U.S. is willing to use trade embargoes as a political tool. President Ford suspended grain shipments to the Soviet Union for a time in 1975 amid a flap over the sales' effect on U.S. food prices, and in early 1980 President Carter embargoed a large part of U.S. sales to Russia over its invasion of Afghanistan.

Although President Reagan lifted that embargo, the recent Polish crackdown led him to postpone negotiations with Russia on a new grain-sales contract, and he hasn't ruled out further restrictions if the Polish situation worsens. All this makes some nations reluctant to depend heavily on the U.S. for food, and it encourages development of farm production in competing grain-exporting nations.

Since the 1980 U.S. embargo on Soviet grain trade, for example, the Soviets have turned Argentina into a virtual trade colony, and the U.S. share of Russian grain imports has slipped to 40 percent from 75 percent. After the embargo, the Russians more than quadrupled their share of Argentina's wheat and corn exports to 80 percent and 88 percent, respectively.

Elsewhere, self-sufficiency campaigns are cutting into grain imports. Mexico, U.S. farmers' third-biggest customer, is trying to avoid food dependence on "the collossus of the north" and managed last year, with the help of good weather, to grow all the beans and corn it needed for the first time in 10 years.

There are other long-term factors. Whitney MacMillan, the chairman of Cargill Inc. of Minneapolis, the big commodity merchandiser and processor, cites rising competition from grain-exporting nations that, "largely left out of the export growth of the 1970s, are now finally gearing up to serve this demand." Aided by grain price supports and import duties, farmers in the European Economic Community for the first time in many years have become net exporters of grain instead of importers. European grain exports could rise 50 percent by 1985, Mr. MacMillan estimates. Canada, too, plans to increase its grain exports sharply.

Competition already has cut into U.S. trade in some of the hottest world markets. In the Middle East, "there's a strong growth in demand, but competitors are getting a bigger share," says John B. Parker, an Agriculture Department economist. France and Brazil recently have captured much of the growth in food imports by the Saudis.

All told, the U.S. share of world trade in grain and soybeans dropped to 52 percent in the 1980–81 marketing year from 56 percent the year before.

GAINS POSSIBLE

U.S. farm trade could pick up, of course, if crop failures force grain-importing nations to assign food imports a higher priority. An

improvement in the world economy could spur sharp increases in trade with such big potential markets as China. And meat and poultry consumption in most of the world still lags behind the U.S. diet of 240 pounds a year. Czechoslovaks consume about 170 pounds, for example, and Mexicans about 64 pounds.

But the biggest new markets, such as the Soviet Union, are already open, and the potential for a renewed surge in growth is outweighed for now by other factors.

In the U.S. Farm Belt, many farmers are painfully aware of the export slowdown and are puzzled by it. "You bet I think of it," says Havana farmer Doyle Walker. Most of Mr. Walker's crops are usually sold abroad. In December, prices for corn in Havana dropped 15 cents a bushel, roughly 5 percent, instead of rising as they normally do at that time of year. The reason was international tension over the Polish situation: Buyers thought that the U.S. might impose another grain embargo against the Soviet Union; that would depress prices, so the buyers held back, anticipating better deals later.

Lunching at Waterworth's restaurant in downtown Havana, Fred Reeves, the manager of the Havana elevator of Growmark Inc., a farm cooperative based in Bloomington, Ill., muses about such influences. "There's been a tremendous change," he says. "Fifteen years ago, we weren't a world market. We were a domestic market. All of a sudden the farmer has to answer to world demand, to what's happening in Hungary, in Poland, in Argentina. Fifteen years ago, we wouldn't have thought of it."

SQUARE IN THE EYE

Across town, at Melvin Weakly's John Deere farm-equipment dealership, Mr. Weakly and his manager, Delbert Sielschott, spend much time cutting their inventories and talking about sluggish grain demand. In 1981, "a lot of farmers just couldn't generate enough income to buy equipment," says Mr. Weakly, and the year was his worst ever. "We don't see too much of a future, up to the mid-1980s," for grain demand. "We try to look the situation square in the eye," Mr. Weakly says. Concludes Mr. Sielschott: "And it looks pretty bad."

Along the Illinois, as many as 100 idle barges backed up at some ports even before last month's freeze, and barge rates plunged 20% or more. About one-fourth, or "tens of thousands," of U.S. railroads' grain-hauling cars are idle, says the American Association of Railroads.

Taxpayers are starting to pay for the slump, too. The Agriculture Department in December handed out $400 million to wheat farmers to compensate them for low prices. And farmers have put a record 1.16 billion bushels of corn in storage under a government price-support reserve program—an amount worth $2.8 billion at today's prices and equal in volume to the entire Indonesian rice crop.

If the slowdown continues, as many experts say it will, it could affect the whole economy. Food-price inflation, barring crop failures, is likely to be slowed by ample grain supplies and to lag behind the general inflation rate for much of the 1980s, Mr. Malanga of Shilling says. Cheaper feed for livestock will lead to "a more healthy climate" for producing beef, pork and chicken, says the University of Chicago's Mr. Johnson.

But the export boom of the 1970s benefited the economy in other ways. Based on an Agriculture Department calculation that every one million metric tons of U.S. farm exports generates 100 jobs, about 16,000 people last year owed their jobs to these exports. Farm exports also reduce the need for costly government price-support programs and help raise the dollar's value against other currencies by improving the U.S.'s overall trade balance. Besides, those who prosper from exports spend more, spreading their prosperity around.

Mr. EXON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

Mr. JOHNSTON. What is the pending business, Mr. President?

The PRESIDING OFFICER. The fourth committee amendment on page 4, line 19.

Mr. JOHNSTON. Mr. President, is the ruling of the Chair that striking through line 5 and changing the number to 6 on page 4, line 19, constitutes a committee amendment?

The PRESIDING OFFICER. It does constitute a committee amendment.

Mr. JOHNSTON. Is that necessary, since amendment No. 3, which was item No. 5, has now been stricken as being nongermane? I think we have excluded one amendment.

The PRESIDING OFFICER. That is not one amendment. But there is an argument to be made for defeating that amendment. The question is on agreeing to the committee amendment.

Mr. JOHNSTON. I move to lay the committee amendment on the table.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from California (Mr. HAYAKAWA), the Senator from Nevada (Mr. LAXALT), and the Senator from Idaho (Mr. MCCLURE) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Alabama (Mr. HEFLIN), and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN), the Senator from Vermont (Mr. LEAHY), and the Senator from Rhode Island (Mr. PELL), are absent on official business.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

I further announce that, if present and voting, the Senator from Tennessee (Mr. SASSER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 24—as follows:

[Rollcall Vote No. 13 Leg.]

YEAS—63

Abdnor	Exon	Nickles
Andrews	Ford	Nunn
Armstrong	Garn	Percy
Baker	Gorton	Pressler
Bentsen	Grassley	Proxmire
Biden	Hatch	Pryor
Boren	Helms	Quayle
Burdick	Hollings	Randolph
Byrd, Harry F., Jr.	Huddleston	Roth
	Humphrey	Schmitt
Byrd, Robert C.	Inouye	Simpson
Cannon	Jackson	Specter
Chiles	Jepsen	Stennis
Cochran	Johnston	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Long	Tower
Denton	Lugar	Wallop
Dixon	Matsunaga	Warner
Domenici	Mattingly	Zorinsky
Eagleton	Melcher	
East	Murkowski	

NAYS—24

Baucus	Durenberger	Moynihan
Boschwitz	Hart	Packwood
Bradley	Heinz	Riegle
Bumpers	Kennedy	Rudman
Chafee	Levin	Sarbanes
Cohen	Mathias	Stafford
Cranston	Metzenbaum	Tsongas
Dodd	Mitchell	Weicker

NOT VOTING—13

Dole	Hayakawa	Pell
Glenn	Heflin	Sasser
Goldwater	Laxalt	Williams
Hatfield	Leahy	
Hawkins	McClure	

So the motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HOLOCAUST AND THE HISTORIANS

Mr. PROXMIRE. Mr. President, In her most recent study of the Nazi regime, titled "The Holocaust and the Historians," Prof. Lucy Dawidowicz addresses the diverse analyses of the Holocaust by historians. She focuses

on both the neglect and portrayal of the Holocaust.

This book is timely. The subject of the Holocaust has encountered a bizarre twist in recent years. Revisionist historians in countries including France and the United States are publishing articles to the effect that the genocidal Holocaust never occurred.

One example of this perspective in the United States is the newspaper the Spotlight. Last week I received a reprint of an issue headlined "The Great Holocaust Debate." Typical articles are titled "Were Six Million Jews Exterminated?", "Chasing 'War Criminals' For Profit", and "Allies Used Torture To 'Prove' Jews Were Extermination Victims."

No matter how insulting we may find these headlines, the publisher's right to print them is protected by our Constitution. Although these allegations cause relatives of Holocaust victims immeasurable suffering, statements contesting the occurrence of genocide would not be prohibited under the Genocide Treaty.

Indeed, all existing first amendment freedoms would be preserved by the Genocide Treaty. The treaty would make the following acts punishable: genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide.

I therefore urge my colleagues to ratify the long-awaited Genocide Treaty.

CAUTION ON USE OF WINDFALL PROFIT TAX AS AID TO GAS PRICE DECONTROL

Mr. FORD. Mr. President, from time to time, we hear of a windfall profit tax in relation to price decontrol of natural gas. This would be sold to us as a device to lower the Federal deficit, a very good sounding reason.

Deregulation of all wellhead gas prices by January 1, 1983, would mean another $30 to $40 billion to producers annually. But it is argued by some deregulators that this excess could be coupled with a "windfall profit tax."

A tax patterned on the oil windfall profit tax would produce $12 billion in 1983 and 1984. This would shift the argument from "profits" to "help balance the budget." Mr. President, I suggest that this is an illusion. Some might even suggest that it borders on being a fraud to the consumer.

The Congressional Budget Office this week highlighted the $12 million Federal revenue illusion. The CBO finds, because of decontrol's impact on the economy, that:

> Taking all factors into account, the net revenue gain from decontrol and a windfall profit tax could be as low as $1 billion in 1983 and $6 billion in 1984. If the tax was not limited to the period of accelerated decontrol, it could raise large amounts of revenue in the period after.

Mr. President, the CBO report goes on to point out that it would be the consumer who bears the full cost of gas price increases. In the case of the windfall profit tax on oil, producers were forced to absorb the tax because of the competitive price pressure of imports. No such source of competitive gas exists.

Mr. President, I ask unanimous consent the CBO's brief treatment of this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WINDFALL PROFITS OR EXCISE TAXES ON NATURAL GAS

Price controls on most domestic natural gas are due to be lifted on January 1, 1985, under the terms of the Natural Gas Policy Act of 1978 (NGPA). The deregulation of natural gas prices at the wellhead, whenever it occurs, will probably result in a substantial increase in gas prices and producer revenues and profits. In a decontrolled market, natural gas prices would most likely tend toward the heat-equivalent (Btu) price of the major fuels with which gas competes, most notably oil. The NGPA, however, has held prices below this level. For example, industrial and utility boiler fuel sold for approximately $5.50 per million Btu's in the fall of 1981, while natural gas was delivered to these users for $2.98. For residential users, home heating oil sold for $9.00 per million Btu's, while gas was delivered for $4.60 in the same period. These differences suggest that substantial new gas industry profits would follow upon wellhead decontrol. These profits could be the focus of a windfall profits tax on natural gas at the wellhead.

The revenues raised by such a tax, and the duration of the tax, would depend upon the adopted definition of "windfall" income. One option for such a tax would be to allow the deregulation of all wellhead gas prices on January 1, 1983. This option would create a "windfall tax base," that is, new revenues to natural gas producers in excess of those they would have received under NGPA, of up to $30 billion in 1983 and $40 billion in 1984. Applying to this base a windfall profits tax similar to that on oil could produce as much as $12 billion in revenues in each of these years. This figure must be regarded as a maximum, however, since prices might not increase as rapidly as this calculation assumes. In addition, higher profits for natural gas producers might lead to reduced profits and incomes in other sectors of the economy, especially if tight monetary policy holds down overall nominal GNP. These lower incomes would result in offsetting reductions in corporate and individual income taxes in those other sectors. Taking all these factors into account, the net revenue gain from decontrol and a windfall profit tax on natural gas could be as low as $1 billion in 1983 and $6 billion in 1984.

If the tax was not limited to the period of accelerated decontrol, it could raise large amounts of revenue in the period after 1984. For example, an excise tax of $0.60 per thousand cubic feet—unrelated to any windfall—would raise approximately $11 billion per year after 1984.

A windfall profits tax on natural gas would differ from the existing crude oil windfall profits tax in several respects. The most important difference is that, unlike the oil tax, a windfall profits tax on all gas would raise the price of gas to consumers. In the oil case, producers were forced to absorb the tax because of the competitive pressure exerted by large imported supplies that entered the United States at the market price. No such source of competitive gas exists. Domestic gas price increases are checked only by the possibility of long-term switching to other fuels, most probably to oil. Thus, a tax on all gas would be borne by producers and consumers, with a possible inflationary impact over and above that of natural gas decontrol alone.

In the absence of a windfall profits tax on natural gas, decontrol would increase producer revenues substantially, and with them corporate and personal income tax revenues from the natural gas industry. These tax increases could, however, be partly or wholly offset by effects elsewhere in the economy. Corporate profits and personal income outside the gas industry might decrease as the composition of national output changed in response to higher gas prices. Inflation could increase during the adjustment to higher gas prices, possibly also dampening growth. This could reduce federal tax revenues in general, and perhaps also increase those automatic transfer payments that are associated with reduced GNP growth or tied to measures of inflation. Thus, it is not clear that decontrol of natural gas alone—in the absence of a windfall profits or excise tax—would increase total federal tax revenues or reduce the deficit in the short run. In the long run, decontrol would increase economic efficiency, thus increasing both real GNP and federal revenues.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, so that there will be no misunderstanding, we have had our last vote for the day.

I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes. It is the intention of the leadership to wind down the proceedings of the Senate by 3:15.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Senator allow Senators a longer period of time than 2 minutes?

Mr. STEVENS. I will amend that to 5 minutes.

Mr. JOHNSTON. Mr. President, reserving the right to object, is there any reason why we could not have unanimous consent to speak on nongermane matters and thus chew up the time of the 100 hours?

Mr. STEVENS. It would be our feeling that we ought to have a period for routine morning business right now, that the time not be charged to the bill; and that we indicate to Senators we are off the bill. This would be for the purpose of assuring everybody we are not going to have any more proceedings under the bill. Accordingly, that is the reason for the request for routine morning business. But, I do believe the minority leader is correct. A 5-minute time limit I think would suffice. We do have a small amount of just routine business that the minority

leader and I must transact. But there are many Senators who want to make plane flights, and would want to be assured that there is not going to be any more legislative business today. Going into the morning business mode would satisfy that concern.

THE PRESIDING OFFICER. Is there any objection?

Mr. BOREN. Mr. President, reserving the right to object, I am working on some remarks I would like to place in the RECORD today which might take 7 minutes instead of 5, I do not know how long.

Mr. STEVENS. I will be happy to be recognized. As a matter of fact, I seek recognition now, if an order will be entered for routine morning business, and I will yield my time to the Senator from Oklahoma.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. I do yield what time I might have to the Senator in order that he may proceed.

Mr. BOREN. I thank the Senator.

SOME COMMONSENSE AT THE FED

Mr. MELCHER. Mr. President, a few days ago I circulated a "Dear Colleague" to the Members of the Senate indicating that I intended to offer, at the first opportunity on the Senate floor, an amendment requiring the President to begin immediate consultations with the Federal Reserve Board on possible changes in monetary policy to lower real interest rates.

I believe this had to be our first order of business if we were to get this economy back on its feet and have any hope of controlling the budget deficit. The Federal Reserve Board's high interest rate and high unemployment policies of the last year have added 2 million Americans to the unemployment lines, added thousands of businesses to the bankruptcy rolls, and $60 billion to the budget deficit for this year. This policy has to be reversed.

In his testimony yesterday before the House Banking Committee, Federal Reserve Board Chairman Paul Volcker said that the Board feels it will probably loosen up monetary policy to the point where it will not block economic recovery without causing inflation. This is just the medicine I have prescribed for over a year now. Without it, economists predict we could see another million workers out of jobs and another $30 billion added to the already ballooning deficit. Inflation rates are down 3 percent—why not bring interest rates down at least 3 or 4 percent? We can get people back to work, get housing, agriculture, and other small businesses back on their feet, and Congress can concentrate on doing its part to control the budget and the deficit.

Inflation has dropped and real interest rates must now also drop. If Federal Reserve Board Chairman Volcker implements the monetary policy changes he announced yesterday, we can see real interest rates drop.

I know that policy pronouncements do not always end up the same in practice. I believe the Federal Reserve took a step in the right direction yesterday, but I intend to closely monitor the implementation of this monetary policy in the coming months to see that we stick to that path and do not backslide once more to high interest rates, high unemployment policies. I will continue to press for action on my legislation to force interest rates down.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, who is recognized at the present time?

The PRESIDING OFFICER. No Senator has the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMITTING THE ENTRY OF THE STEAMSHIP VESSEL "OCEANIC CONSTITUTION" INTO THE TRADE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3782, documentation of the vessel *Oceanic Constitution,* reported favorably from the Commerce Committee today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3782) to revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel *Oceanic Constitution* into the trade.

The Senate proceeded to consider the bill.

Mr. MATSUNAGA. Mr. President, I rise to express my strong support for H.R. 3782, a bill to revitalize the domestic passenger ship industry. Passage of this legislation would provide hundreds of jobs in U.S. seafaring and related maritime industries. In addition, it will go a long way to strengthen our Nation's military preparedness.

Enactment of this measure will allow the passenger vessel SS *Constitution* to join its sister ship, the SS *Oceanic Independence,* in operation of a weekly cruise service among the Hawaiian Islands. In 1979, this body unanimously adopted similar legislation which allowed the *Independence* to return to U.S.-registry and operate in the coastwise trade. That action has been an unqualified success.

The *Independence* has been operating among the Hawaiian Islands for close to 2 years now. During that time, over 45,000 passengers traveled to my State of Hawaii to enjoy a cruise on this vessel. The *Independence* has not only provided jobs for many seafarers and company employees, it has been a boon for a broad spectrum of related service and tourism industries. The return of the *Constitution* to the coastwise trade will provide hundreds of further employment opportunities and will be an additional boon to the economy as a whole.

It is not often that we have an opportunity to rejuvenate a critical national resource such as U.S.-flag shipping. The return of the SS *Constitution* to U.S.-registry and domestic operation would represent another important step in restoring the U.S. merchant fleet to the status required for our national defense and economic strength, for by law, the SS *Constitution* must be made available to the U.S. Government for purchase or charter as a naval auxiliary in times of emergency.

Mr. President, it is imperative that we enhance American-flag shipping. Our economy demands it and our defense needs require it. Accordingly, I urge all of my colleagues to join me today in supporting passage of H.R. 3782.

Thank you.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Maj. Gen. Walter F. Ulmer, Jr., to be a lieutenant general. This is made at the specific request of the chairman of the Armed Services Committee, which reported this nomination favorably today.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. No objection.

NOMINATION OF MAJ. GEN. WALTER F. ULMER, JR., TO BE LIEUTENANT GENERAL, U.S. ARMY

The legislative clerk read the nomination of Maj. Gen. Walter F. Ulmer, Jr., to be lieutenant general, U.S. Army, reported earlier today.

The PRESIDING OFFICER. The nomination is considered and confirmed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TRANSFERRING TIME OF SENATOR TOWER TO SENATOR BAKER

Mr. STEVENS. Mr. President, I ask unanimous consent that the 1 hour allotted to Senator TOWER under rule XXII postcloture be transferred to the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING TESTIMONY BY JAMES SOURWINE, AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. STEVENS. Mr. President, on behalf of the majority leader, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRESSLER). The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 319) authorizing testimony by James Sourwine, and representation by Senate legal counsel in the case of *David Richardson* v. *Raymond J. Donovan,* Civil Action No. 79-2053.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, this resolution under Senate Rule XI would authorize James Sourwine, a Senate employee, to testify in the case of *David Richardson* v. *Raymond J. Donovan,* Civil Action No. 79-2053, pending in the U.S. District Court for the District of Columbia. Mr. Sourwine's testimony has been requested by the defendant.

The resolution also directs the Office of Senate Legal Counsel to represent Mr. Sourwine in connection with his testimony in this case to protect the privileges of the Senate if the need arises.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 319

Whereas in the case of *David Richardson* v. *Raymond J. Donovan,* Civil Action No. 79-2053, pending in the United States District Court for the District of Columbia, counsel for the defendant has requested the testimony of James Sourwine, an employee of the Senate;

Whereas Title VII of the Ethics in Government Act of 1978, Public Law 95-521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve communications, conversations, and matters related to the official business of the Senate, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That pursuant to section 704(a)(2) of the Act, the Senate Legal Counsel is directed to represent James Sourwine in connection with his testimony in the case of *David Richardson* v. *Raymond J. Donovan,* Civil Action No. 79-2053;

Sec. 2. That James Sourwine is authorized to testify in the case of *David Richardson* v. *Raymond J. Donovan,* Civil Action No. 79-2053, except concerning matters for which the Senate Legal Counsel or his representative determines are privileged from disclosure.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that the RECORD remain open until 4 p.m. today, or until the time the Senate adjourns if it is later than that, for the introduction of bills, resolutions, and statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield to the Senator from Alabama.

EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE ASSASSINATION OF KEMAL ARIKAN, A CONSUL GENERAL OF THE GOVERNMENT OF TURKEY ASSIGNED TO THE UNITED STATES

Mr. DENTON. Mr. President, I rise today to condemn the recent assassination in Los Angeles of the Consul General of Turkey, Kemal Arikan, and to send to the Chair a resolution describing the sense of the Senate in reaction to this tragedy.

As you know, Mr. Arikan was attacked while driving to work on the morning of January 29, 1982. According to witnesses, Mr. Arikan was shot at close range by two young men while he waited at a traffic intersection. Responsibility for the killing was claimed by the Justice Commandos of the Armenian Genocide, a terrorist organization whose avowed purpose is to avenge the alleged terrible injustice visited upon the Armenians by the Ottoman rulers of Turkey 65 years ago.

Mr. President, I send the resolution to the desk and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, the request for immediate consideration has been cleared on this side of the aisle, so I am not going to object to the request.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 320) expressing the sense of the Senate with respect to the assassination of Kemal Arikan, a consul general of the Government of Turkey assigned to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DENTON. Mr. President, this resolution expresses unequivocal condemnation of this and all such brutal and cowardly acts against diplomatic personnel. It extends to the family of Mr. Arikan and the Turkish people the most profound sympathy of the Senate.

This dastardly deed underscores the importance of the hearings held by the Security and Terrorism Subcommittee, which has been investigating the causes, origins, and support of terrorism. Last summer, for example, the subcommittee held a hearing on terrorism in Turkey. It brought to light the fact that the large-scale killing of Turkish diplomats, which continues on the pretext of revenge for past massacres of Armenians, is actually in large part an attempt by the Soviets to destabilize Turkey, a member of

NATO whose territory and welfare is vital to Western security. Mr. President, I ask unanimous consent that an excerpt of the transcript of that June 25, 1981, hearing be included in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DENTON. Findings such as these help improve our understanding of the fundamental purpose of organized terrorism and thus our ability to prevent and to counter further terroristic action. The tragic attack on Mr. Arikan, the kidnaping of General Dozier, the recent murder in Paris of Lieutenant Colonel Ray, all compel us to attend more to the threat organized terrorism presents to our security and welfare.

Mr. President, I welcome additional cosponsors and urge my colleagues to support the resolution.

EXHIBIT 1

TERRORISM: THE TURKISH EXPERIENCE

STATEMENT OF CHAIRMAN JEREMIAH DENTON

Senator DENTON. Good morning. This hearing will come to order.

We welcome you here this morning. A special welcome to my distinguished colleague from North Carolina, Senator John East, whose interest in this subject is manifested by a recent article in Human Events on June 13, entitled: "Is the USSR Really Supporting International Terrorism?"

Senator East is here in spite of pressing commitments elsewhere. As I understand it, Senator East, you will have to leave us reasonably soon?

Senator EAST. In about an hour.

Senator DENTON. Thank you very much for your attendance this morning.

I would like to welcome our two witnesses who have come all the way from Turkey to testify this morning.

Prof. Aydin Yalcin is professor of economics in the faculty of political sciences, University of Ankara, and Prof. Osman Okyar is professor of economics, University of Hacettepe.

Welcome, gentlemen.

I have an opening statement. I have asked Senator East, and he says that he will defer on that point.

After making my statement, I will ask the witnesses to come forward and make their own opening statement.

This Subcommittee on Security and Terrorism has held four hearings apart from oversight hearings. Previous hearings have examined international terrorism in a broad fashion so as to help the subcommittee understand the origins, directions, and interrelationship of various groups involved with terrorism.

We have also examined the sources of support, both direct and indirect, for terrorist activity worldwide.

Special attention has been focused on the Soviet Union and its surrogates, in light of their apparent major commitment to international terrorism as a tool for destabilizing Western governments in an effort to further their ultimate goal of world Communism.

I believe this morning's hearing will be particularly contributory toward that portion of our investigation.

We have also studied the historical antecedents of Soviet terrorism to better understand their involvement with this insidious method for bringing about political change.

At our hearing on June 11, 1981, I made a statement regarding terrorist elements and Marxist influences in the Provisional IRA.

On the following day, June 12, the subcommittee witness, Dr. Stefan Possony, testified that "it is quite clear that there is a strong Marxist-Leninist element in the Provisional arm of the IRA."

Since my comments did not, in my view, fully reflect my understanding of this issue, I should like to state the following in an attempt to clarify my present understanding of this issue.

The official wing of the IRA is a Marxist organization which in the late 1960's rejected terrorism as a solution to the political and economic issues which divided families in Northern Ireland. The Provisional wing of the IRA was a splinter group formed in the late 1960's by a faction of the membership which advocated indiscriminate use of terror as a major tactic to accomplish its political and social goals for an Ireland united under Socialist principles.

The main intent of my comment was to point out that this distinction is not understood by many well-meaning Irish-Americans and others who funnel their hard-earned money to support what they believe to be a legitimate, purely nationalist organization which uses violence reluctantly as a last resort to achieve what cannot be achieved by peaceful means.

During the last 10 years, there have been hundreds of terrorist attacks undertaken by the IRA which resulted in heaping misery on totally unsuspecting and largely innocent victims. This clearly demonstrates the Provisional IRA's total commitment to the most brutal terrorist tactics.

My last point on this issue is this. The main mouthpiece of the Provisional Sinn Fein, which is the legal political arm of the illegal Provisional IRA, is a publication called An Phoblacht, meaning Republican News, which publication adopts an undisguised "left wing/revolutionary tone."

Successive governments of the Irish Republic have been described by An Phoblacht as "fascist" and "neocolonial." The Provisional Sinn Fein speakers have been urged to tell the unemployed "to take to the streets and terrify the ruling class into giving them work."

That is urged by that publication.

The current war, as the publication refers to it, is described as a people's war against imperialism" and "a war of liberation" designed to set up a system of control "returning full power to the people."

I heard those terms hundreds of times when I was in a Communist nation and regard it as the all too familiar rhetoric of Marxist-Leninism. I am sure that those in this audience identify it the same way.

Ruairi O'Bradaigh, IRA man of 30 years and president of the Provisional Sinn Fein, was quoted in L'Europeo, Setember 13, 1979, as saying:

"We do not want a confederation of the south with the north; nor do we want an Independent Ulster. We want a general dismantling of the existing establishment in the Irish Republic and Ulster both."

He went on to explain his views on dismantling both the Irish Republic and Ulster in the publication Il Giornale Nuovo, published in Milan on September 2, 1979.

In my comments, I have not addressed and certainly do not intend to minimize the pervasive economic and social discriminations imposed upon the Catholics of Northern Ireland which have given rise to this violence from the point of view of those looking at it and perhaps misunderstanding its nature.

Nor do I wish to ignore the extraordinary legal procedures employed by the British Government in Northern Ireland.

Those procedures include routine detention for up to 7 days without preferring charges; coercive interrogations sanctioned by law; de facto internment in the form of remands, awaiting trial; and, in some cases, trial without jury pursuant to provisions weighted heavily against the accused, including the placing of the burden of proof on the defendant.

I am sure that the British would say that they are forced into such activities by terrorism.

As chairman of this subcommittee, I am giving full consideration to scheduling a hearing after the summer recess to address the problem of terrorism in Northern Ireland and the roots and infrastructure of U.S. private support for the terrorists.

In recent weeks, the world was shocked by the attempted assissination of Pope John Paul II by a Turkish terrorist with reportedly right-wing ties. Thereafter, we learned of the hijacking of a Turkish airliner to Bulgaria by alleged left-wing Turkish terrorists.

More recently, the 18th Turkish diplomat to be assassinated was killed abroad by reportedly Armenian terrorists.

Moreover, within the last 3 years, Turkey has suffered over 25,000 casualties, killed and wounded, as a consequence of terrorism which has run rampant in that democratic country.

In order to give a proper appreciation for the magnitude of this slaughter, these numbers represent the equivalent of the entire population of Pottstown, Pa.

These alarming events have directed the Western world's attention to the plight of Turkey, a situation which in my view has received too little notice in the American press and media.

For more than 30 years, Turkey has been ruled by a democratic regime. The slogan or maxim "sovereignty belongs unconditionally to the nation" has served as the foundation of this democratic state.

Turkey is one of Islam's last free societies, the sole remining Moslem state to have authentic elections and multiple parties.

You will hear from the witnesses of the remarkable progress, in terms of the rate of change toward democratic institutions and practices within the state.

Turkey is indispensable to her NATO allies for the defense of southern Europe and the eastern Mediterranean and, therefore, a highly visible target for Soviet-engineered destabilization and takeover efforts.

Therefore, I believe it is most appropriate that we take a closer look at the Turkish experience with terrorism.

In my own belief, as far as the United States is concerned, I do not believe we have reached the ideal set down by our Founding Fathers. I do not mean to make a direct comparison between the state of democratic practices in the two countries.

This closer look at Turkish experience with terrorism will be furthered by our witnesses here today, two men who have not only studied this problem in a scholarly fashion but also have lived in its midst.

I will ask you gentlemen, if you will, to come forward and take your places.

Prof. Aydin Yalcin is a professor of economics in the Faculty of Political Science at the University of Ankara.

Prof. Osman Okyar is professor of economics at the University of Hacettepe in Ankara.

Professor Yalcin presently publishes a scientific biweekly called Forum and writes for various Turkish and foreign newspapers and periodicals.

From 1965 to 1973, he was a member of the Turkish Parliament and the National Executive Committee of the Justice Party. He has also authored various books on Communism in Turkey, Fascism, and contemporary doctrinaire movements.

Professor Okyar is the former rector of the University of Ataturk at Erzurum.

He has served in the Turkish Government in several senior posts and as head of the Economics Department and dean of the Faculty of Social Sciences at the University of Hacettepe.

Again, welcome, gentlemen. We look forward to your testimony. We greatly appreciate your presence.

Would you care to make an opening statement?

STATEMENT OF AYDIN YALCIN, PROFESSOR OF ECONOMICS IN THE FACULTY OF POLITICAL SCIENCES, UNIVERSITY OF ANKARA, AND OSMAN OKYAR, PROFESSOR OF ECONOMICS, UNIVERSITY OF HACETTEPE

Dr. YALCIN. Thank you, Mr. Chairman.

It is a great pleasure and privilege for me to share my opinions and my thoughts with you on such a problem as international terrorism which affects the whole free world.

As you emphasized in your opening statement, I am going to talk as a person who was a kind of victim, as I tried to explain in my written statement. I had to carry a bodyguard for a long time.

Fortunately, I feel very free; and we are no more under threat.

To communicate to you our experiences and observations and our concern, not only for our own nation but also for the whole free world, I am going to start with a general observation.

THE REPEAT OF HISTORY

Turkey was under direct threat by Soviet Russia in 1946 when Mr. Molotov asked our Ambassador to cede some part of eastern Turkey to Soviet Russia and to install joint military defense installations on the Dardanelles and the Bosphorus, the straits linking the Black Sea and the Mediterranean.

We felt for the first time that we were under direct threat from Soviet Russia. We decided to resist. We had the sympathy and help of the United States under the Truman doctrine. That was very great moral support for us.

After so many years, we feel and we see that the cycle has moved all the way around. This time, the threat is not direct but indirect. The demand is not direct but by proxy.

The same territorial demands are repeated this time by the Soviet-supported terrorists and most splinter parties who profess to be Marxist-Leninist and allies of Soviet Russia.

I refer to Armenian terrorists, Asala, who said this openly. I also refer in my written statement to some Marxist-Kurdish cessationists who also professed quite openly that they have had Soviet support and they are grateful for it—to the whole Turkish nation on Turkish television.

As this committee is interested to know more about the complete evidence of this grand design, which I tried to describe, I should like to refer you to some of the points I tried to develop in my written statement.

I am not going to read it, but I would just like to summarize some of the points which show very clearly and very undeniably the Soviet and Eastern European involvement and some other surrogates of the Soviets, such as the Marxist factions of the PLO, such as George Habbash's guerrilla groups and also Syria's involvement in training and arming Turkish terrorists.

In my written statement, there is very impressive evidence of this foreign involvement in Turkish terrorism. I gave you some facts and figures about the cost of total armaments captured in Turkey after the 12th of September last year.

The total cost of this enormous armament, which goes up to nearly 650,000 small arms, is calculated by the Turkish authorities as stated by the Turkish head of state, General Evren, in one of his public speeches, is estimated to cost about $250 million.

He said that the security authorities had added up the total amount of internal money obtained through bank robberies and extortions and it was not even one-fiftieth of this total. That means 2 percent of this enormous amount of financial cost.

He asked: Where does it come from? It certainly comes from secret sources and from illegal sources.

Senator DENTON. May I just make sure I heard you correctly there?

First, I would like to welcome the chairman of the Judiciary Committee, Senator Strom Thurmond, who just came in.

Sir, would you care to make a comment?

Senator THURMOND. Please continue. I am in another committee, but I just came in for a little while.

Senator DENTON. All right.

Professor Yalcin I believe just said that the total number of small arms and various types of arms was something like 650,000. It was 633,724 for terrorism in his country. The calculations as to their cost amounted to $250 million.

In looking into the money that bank robberies and extortion by terrorists contributed toward that sum, they found it was roughly 2 percent of the cost of those armaments. Is that correct, sir?

Dr. YALCIN. That is correct.

Senator DENTON. Please proceed.

FOREIGN AID TO TERRORISTS

Dr. YALCIN. This is just the armament part of this infrastructure.

People ask themselves how much it would cost to maintain the whole fighting group, which is armed by nearly 650,000 arms. These figures relate to the 1st of June. Every day new findings are discovered and confiscated from the terrorists.

For financing safe houses, travels, and other expenses, our security people calculate that the total finances required for such an amount of terrorist activity should be around at least three times this $250 million.

In other words, this is a real war; this is not a fantasy of a few amateurs who profess themselves to be fighting for a religious cause. It is a professional thing; it is an army by itself.

I should like to continue with such circumstantial evidence which accumulates every day.

I should like to remind you that we are right at the beginning. We have just scratched the surface. We do not know yet, the full extent of the problem, because the investigations are still continuing. I am sure within a matter of 1 year or 2, Turkey will be able to contribute more because we shall be in a position to know much better through court proceedings and through documents captured by our security authorities.

This is evidence collected just at the beginning of this tremendous operation.

I should like to come to the sources of this armament. Soviet arms figure prominently in these findings. Kalashnikovs have become more or less a part of the household equipment in certain parts of Turkey.

There are two routes which this tremendous number of armaments penetrate into Turkey. It is along the Black Sea coast in the north which has very direct access to Bulgaria.

From time to time in Turkish press, small shipments of arms are captured with dubious destinations.

In 1977, a Greek vessel called *Vasoula* was stopped on the Bosphorous. It was carrying about 67 tons of armaments, allegedly destined for Ethiopia, contrary to the original information given to Istanbul Port authorities.

Another interesting incident occurred 3 years ago when some Argentine-made armaments were captured in the hands of Turkish terrorists. The serial numbers were on them.

The Foreign Ministry contacted the Argentinian Government about how it came to Turkey. They said it was manufactured on an order from a Bulgarian state agency and shipped about 3 weeks ago to Bulgaria.

You can form an idea about the efficiency and speed of how Argentinian-manufactured armaments ended up in the hands of Turkish terrorists.

FOREIGN ORIGINS OF ARMS

In total, security authorities estimate that about 60 percent of armaments captured from the terrorists have Western brands. They make a qualification, saying that most of these arms are fake or counterfeit manufactured.

They gave me just two examples to illustrate what they mean. The French-manufactured Unique pistols and guns were sent to France to the manufacturing firm. They said it was not their manufacturer at all, and the serial number did not tell if it was their manufacturer.

In a second case, certain Berettas—Italian-made guns—were captured from the Turkish terrorists. The foreign office got in touch with the Italian firm, and they were told that this same serial number was still in the hands of the Italian Carabinieri. It was, again, a fake manufacturer. It was manufactured under a Beretta license in Bulgaria.

Senator DENTON. May I make sure I understand you on this, sir?

Reportedly, from your security authorities, 60 percent of the captured arms, and ammunition bear Western countries brand names and serial numbers. In tracing some bona fide Argentine-manufactured firearms, you found that on questioning the Argentine Government, these weapons were ordered and delivered to the Bulgarians.

Dr. YALCIN. Yes.

Senator DENTON. And those weapons were found in the hands of your terrorists in Turkey.

As to the 60 percent of the arms and ammunition bearing brand names and serial numbers from Western countries, your authorities are informing you that most of

them were not manufactured in those countries but bear counterfeit brand imprints.

One example was some French weapons—pistols of the Unique brand—which proved to be imitations of the originals. In the other case, the Italian Berettas not only were imitations but the Italian police had in their possession weapons with the same serial numbers on them, doubly proving the allegation that they were imitations; is that correct, sir?

Dr. YALCIN. That is correct.

Senator DENTON. Thank you. Please go ahead.

Dr. YALCIN. Another interesting example of this obvious involvement in Turkish terrorism is a serial in one of our biggest national dailies, Hurriyet, which published a series of feature articles on the arms smuggling, with quite detailed history as well as quite a number of interesting pictures.

Some of the arms smuggling mafia from Turkey had established a very profitable partnership with certain Bulgarian State agencies of foreign trade.

The target and aim of this partnership was obviously to arm and to smuggle illegally arms into Turkey.

FOREIGN TRAINING OF TERRORISM

Another interesting evidence of this involvement was an open statement on the Turkish radio and the television on the 2d of March by one of the Marxist-Kurdish cessationists who was involved in quite a number of killings in eastern Turkey. He said that he and his friends had training in Palestinian camps, and they had financial and otherwise support from friendly Socialist countries.

This statement was heard by millions of Turkish people.

According to Turkish newspaper information, as well as some information given to me by our officials, the Turkish terrorists are trained mainly in two Palestinian camps, controlled by either George Habash or a Syrian guerrilla movement, Al Saika.

According to what I was told, more than 300 Turkish guerrillas are still in training. The Turks number second to the Arabs trained in these camps.

When this problem is raised with the representative of the PLO in Ankara, he gives very unconvincing answers, saying that they are being trained to combat Zionism. They cannot control them after their training—for what cause they will combat.

Originally, they are being trained to combat Zionism, which is not a very convincing argument.

As I referred in my beginning statement, another guerrilla movement, claiming to represent Armenian people, Asala, is based in Lebanon in the areas controlled by the PLO.

In one of the joint press conferences, communicated by international press agencies, they said that they are fighting to get back their lost land in the eastern provinces of Turkey.

When he was questioned about whether they were also fighting against Soviet Russia, he said: In Soviet Russia, an Armenian fighting against Soviet Russia is out of the question. What we are interested in is to get back our former lands from eastern Turkey.

INDIRECT OR PROXY AGGRESSION

When I referred in my opening statement to a proxy repetition of the same demand, addressed to Turkey in 1946, he made the repetition of the same demand—the same provinces demanded by Soviet Russia in 1946, this time not by Molotov but by Asala, which is a Marxist-Leninist-Armenian terrorist group which claims responsibility for the killings of about 18 Turkish diplomats, as you pointed out.

Senator DENTON. The same provinces that were being demanded by the Soviet Union during the time at which you received the aid of the Truman doctrine are now being demanded by the Marxist-Armenian terrorists; is that correct?

Dr. YALCIN. Yes, Mr. President.

The demand was expressed in 1946. Turkey expressed its resolution to resist against it. We said we were going to fight; we shall never accept the cessation of Turkish territory.

Western states, the Allies of the Second World War, especially the United States, came out with a statement by then-President Truman in April 1947. After seeing the Turkish resolution to defend herself, he said: "We are going to defend countries who defend their freedom and their independence. We shall be by their side. We shall do everything possible to help."

Senator DENTON. This name Habash is a relatively common name. Is this the same George Habash who worked with the nortorious Feltrinelli and is the same George Habash who has come up so many times in this hearing involved with the PFLP camps in Lebanon?

Dr. YALCIN. Yes, Mr. Chairman; that is correct.

In a statement given to the Middle East Review, carried by the Turkish daily Tercuman, on the 20th of June, 1981, an Asala leader of the Armenian terrorist organization said: "We are fighting for the same cause with the Turkish terrorist and the Kurdish terrorists."

This confirms our diagnosis that Armenian terrorists, who claim responsibility for nearly 60 attacks against Turkish targets, as well as the assassination of 18 Turkish diplomats, have been part of a larger picture of international terrorism instigated and heavily supported by the countries of Eastern Europe.

In the cities of evidences, perhaps I should mention particularly the psychological warfare mechanism directed against Turkey through a front organization of international communism, supported very closely by Soviet Russia, such as the World Peace Council, whose president is an Indian Communist. He is a member of the National Executive of the Indian Communist Party.

In one of their recent meetings in northern Europe—in Scandinavia, in Stockholm, I believe—they decided to start a solidarity movement with Turkish Democrats persecuted by the military Fascist regime of the present military commanders which had to intervene to stop the bloodshed in Turkey.

The Turkish Communist Party clandestine radio, which operates from East Berlin, constantly transmits subversive propaganda against Turkey. They have supported very closely internal uprisings tried by certain terrorist groups, as well as a Marxist trade union organization in Turkey. They clashed 2 years ago in Ismir in a big factory.

When this clash between the security authorities and small Marxist groups was going on, this Communist radio instigated very openly—and we have the transcript of their appeals—so it is obvious that this Soviet-supported Eastern Berlin Communist radio is still operating, expressing sympathy and expressing solidarity with Turkish terrorists.

Of course, when we approach the Soviet Government and other Eastern European surrogates, they deny any involvement.

SOVIET DUPLICITY

I would like to illustrate one very interesting conversation which was communicated to me by the former Prime Minister of Turkey, Mr. Demirel. It was in the time of a closer relationship between Soviet Russia and Turkey. We exchanged mutual trips and mutual visits. I, myself, went on one of these trips.

Mr. Kosygin asked Mr. Demirel if there was anything which he could do to improve the mutual relationship. Is there anything which disturbs you in the way of this closer friendship?

Mr. Demirel said: "No, Prime Minister; I have nothing to complain about." And he insisted.

Mr. Demirel, the Prime Minister of Turkey, said: "Mr. Prime Minister, as you insist so much, just one very unimportant thing occurred to me which I do not understand really and I should like to communicate.

"You talk about friendship and close cooperation and noninterference in neighboring countries. We know that a secret radio operating from Eastern Berlin is transmitting every day unspeakable abuse against myself and the Turkish Government and Turkish institutions. That I cannot reconciliate with your statement."

Mr. Kosygin expressed surprise: "I did not know, Mr. Prime Minister. I shall look into it, and I shall communicate with you again."

He communicated after 2 days. He said: "We do not know about the existence of this radio."

This is just the situation in which we find ourselves. When we produce dozens of evidence, they disclaim any responsibility for it. It is up to you and up to the public opinion of the free world to judge by this evidence what they mean.

I do not know whether I have taken too much of your time, but I should like to give another aspect of the question which is how this thing happened; how this accelerated in the last few years.

I think, Mr. President, that there are quite a number of reasons which I can think of in order to explain this bloodshed. One is internal, certainly.

EXPLOITATION OF TURKISH INTERNAL DIFFICULTIES

Foreign powers found suitable ground to operate in Turkish lands among the Turkish people. After all, about 25,000 young people cooperated with an external power against their own country, against their own state, and against the regime in which they live.

Turkey is in a very delicate phase of her social-economic-moral development. It is a rapidly industrializing country. It is a rapidly developing and urbanizing country.

I gave quite a number of facts and figures in my written statement. I do not want to repeat them. However, in order to illustrate the scope of this question, I should perhaps mention that in 1950—30 years ago—about 5 million people were living in urban centers. It is now nearly 25 million people within a matter of one generation who have changed their whole way of life and their whole way of thinking and their professions, and so forth.

This traumatic inner development is one of the destabilizing factors which affects a sizable part of our population.

Another more medium-term development occurred in the economic field. As you

know, Western economies were affected very badly after the oil shock of the mid-1970's. Turkey was growing by about 7 percent per annum—second to Japan in the rate of growth. It was industrializing, and the industrial sector became the leading sector of our economy.

This process slowed down and stopped after 1974. Unemployment, high inflation, foreign exchange crisis, shortages, and undercapacity operation of Turkish industry created a negative atmosphere in which the terrorists and the Marxists tried to exploit, saying: "You see, Turkey is doomed. It cannot recover. It is heading for disaster in this setup."

INTERNATIONAL ENVIRONMENT

Another factor to my mind could be the international environment. I think in the seventies, the Western World was rudderless, as far as we can see. There was no leadership; there were conflicting interests within the family of free nations.

In order to illustrate this point more vividly, I should mention perhaps that the American people imposed an embargo on Turkey, which is an ally within NATO. The feeling of betrayal and the feeling of being let down and the feeling of isolation was an extremely suitable ground for Marxist propaganda, and this has contributed a great deal to today's violence, today's courage, and today's extraordinary truculence when they started.

We feel that the whole atmosphere is changing now. We feel that the international atmosphere is changing and there is more effort on the part of Western nations, especially American people, to offer leadership for the free world. It is a very promising specter for us who are trying to save our freedom in collaboration with NATO.

This is perhaps the gist of what I had in mind, Mr. President. I shall be extremely happy to answer any questions you may direct to me.

Senator DENTON. Thank you.

In view of the chairman's presence, I would defer to him if he cares to ask you any questions and then to Senator East since he will not be able to stay here long.

Senator THURMOND. Thank you very much, Mr. Chairman.

I find the testimony very intriguing. I have no particular questions at this point; I just want to express my appreciation for the presence of these gentlemen this morning.

Senator DENTON. Thank you very much, Mr. Chairman.

Let me acknowledge again the importance of your leadership and, in my opinion, the relevance and the need for the look into terrorism which would not be taking place were it not for your thoughtfulness and initiative before I even arrived in this body and before Senator East did.

I would like to offer, for what it is worth, my own expression of admiration for that.

Senator THURMOND. Thank you very much.

Senator DENTON. Senator East?

Senator EAST. Thank you, Senator Denton.

I believe we have to vote very shortly, but I would like to underscore your remarks about Senator Thurmond's leadership. In particular, I would like to say how appropriate it was to create this subcommittee and appoint you as chairman of it.

You have undertaken a great service on this question of dealing with terrorism and security.

I would hope that you will continue this great work and this great leadership.

It occurs to me, in hearing the testimony this morning, plus the testimony you have earlier taken here, that one can, if one can look at all the evidence, discern a pattern of terrorism in the world—a pattern that is designed clearly and so frequently to promote ideological and national aims. It varies in its scale of intensity from very small, isolated items to massive scales.

It is not an exaggeration to say, I do not think, quite unique to our time and to our century. Totalitarian governments, be they Nazi or Communist, have employed this technique. The 20th century has been dogged with it and will probably continue to be dogged with it for the balance of this century.

I know you and I have talked about it and do feel that the great purpose of this subcommittee can be to bring out the roots of this particular problem to show what sort of threat it represents—not only to the rest of the world, which is very important, but what it can ultimately mean in terms of security and well-being of the United States.

We have an obligation in the U.S. Senate and in the Judiciary Committee in particular to make sure that we understand the nature of this problem and that we have balanced and extensive hearings into the nature of it and that we recommend to the full Senate whatever corrective action is needed in order that we can deal with this in the long run, which could take many shapes, forms, and sizes. We will wait to see what that may be once the evidence is in.

Again, I do commend you. I am honored to be a part of this subcommittee in getting this initial testimony which will establish the patterns, I think. It is clear from testimony today, for example. Then we can move on into these other areas.

I did want to say that. I look forward to continued service with you here on the subcommittee.

Senator THURMOND. Mr. Chairman, could I just ask one or two questions here?

Senator DENTON. Yes, sir.

Senator THURMOND. In your statement you have discussed terrorism in Turkey. You have told how some of these people were trained in Lebanon; you have told of Armenians being involved; and you have given other examples.

Is there any question in your mind that the root of this trouble stems from Soviet policies? In other words, do you feel that the trouble you had in Turkey was exported there from the Soviet Union or that the Soviet Union is attempting to practice terrorism in the various countries of the world?

DEEP ROOTS OF SOVIET DEVELOPMENT

Dr. YALCIN. Yes, Senator.

I think there are quite a number of reasons for it. Turkey's armed forces are second to the United States within the NATO alliance. Turkey is a member of the family of Western nations. We are a founding member of the Council of Europe. We are an associate member of the European Economic Community. We are a member of the Organization of Economic Development [OECD]. We are also a member of the Islamic Nations Conference.

It is very strategic—not only from a real estate point of view but also psychologically and politically. Turkey occupies a very interesting link between the West and the East.

I should also perhaps mention the fact that there is a very sizable population within Soviet Russia that I observed when I accompanied the Turkish Prime Minister in Soviet Russia. They are extremely careful and extremely curious about Turkey—how Turkey is doing; how it is progressing; what kind of political social system it is following.

The Islamic and Turkish population is now 27 percent of the whole Soviet population. It is nearly 72 million people with whom we have historical, cultural, linguistic, and religious links.

Turkey in the eyes of Soviet Russia is an extremely important country—much more important than the strategic geographical position. Psychologically and morally, it is a very important country.

If Turkey becomes a successful model of social development and a free representative domocratic country, it is a bad example for the whole Marxist propaganda throughout the world.

We feel that Turkey is one of the main targets—not only from a military point of view but also from an ideological and social point of view.

Senator THURMOND. The question I am getting at is to what do you attribute terrorism in Turkey? Is the root of it coming from the Soviet Union? Are they the ones inspiring this terrorism in Turkey and other places throughout the world?

Dr. YALCIN. The Soviets are extremely careful not to get caught being involved directly. They do it indirectly through proxies and surrogate states, such as Bulgaria, the PLO, and Syria, with whom the Soviet Union has very close links.

Through them, the Turkish terrorists get financing, technical training, armaments and moral support.

In that sense, I refer to Soviet involvement.

Senator THURMOND. Thank you very much.

I believe we have to go and vote now.

Senator DENTON. Yes, sir. We will have to go vote.

We will recess this hearing until 11 o'clock. We stand in recess. Thank you, gentlemen, for waiting.

[Recess taken.]

IMPRESSIVE TURKISH INTERNAL DEVELOPMENTS

Senator DENTON. We will resume the hearing.

Your statement, Professor Yalcin, is so comprehensive and to the point that we will have fewer than the usual number of questions. You have added to our information in this investigation in an extremely important way.

I want to make several comments on your written, as well as your verbal, statement. You mentioned several examples of the progress of Turkey, which progress has been handicapped by the terrorist influence.

In deference to fairness, I would point out the remarkable fact that between 1950 and 1975, the rate of literacy, as you have indicated in your written remarks, was from 33.6 percent to 62 percent, which I think is most remarkable in any time frame in any part of the world.

It is so tragic that when such progress is being made in a nation, and yours is not the only one making progress, at the very time you are making the progress the terroristic effort is if not controlled by, at least, is supported by and indirectly used by the Soviet Union, as you say partly for the psychological purpose of preventing the exemplary progress from contradicting their theme that one must go Communist to succeed.

I feel a great sense of respect and fellowship with you—not only in NATO but in the sense of trying to proceed with the march of

civilization, as you have done in such admirable fashion in your own nation.

Your Prime Minister's talk with Mr. Kosygin is not one that is difficult for me to interpret. I hope it becomes one which is less difficult for all of our people to interpret.

Indeed, I hope that your testimony, particularly your written testimony, finds its just place in our media; because a rise in public consciousness is necessary to support government policy to cope with terrorism and to prevent within the United States the kneecappings and the slaughter and the chaos which has taken place in Turkey as well as the policies necessary to help our friends, such as you, repell it. That public consiousness, as you know, is an extremely important factor.

I hope that your testimony is handled with the proportion of attention which it so clearly deserves.

Would you care to isolate perhaps the steps which lead you to the conclusion that foreign groups or states, particularly the Soviet Union, supported terrorist groups in Turkey, beginning with the Soviet pressure directly place upon Turkey in the year 1946 and the evolution of that into using terrorism, particularly Armenian terrorism, for the same purposes. Would you give your evaluation of the Degree to which this support for terrorism through surrogates has become a relatively new and major factor in Soviet policy.

TERRORISM AS AN ALTERNATIVE TO DIRECT AGGRESSION

Dr. YALCIN. Mr. Chairman, when one way is blocked, it is a natural instinct to try alternatives. Open aggression against Turkey is out of the question because it brings unforeseen consequences. With Turkey being a NATO ally, it might bring unforeseen consequences for the whole world, including the Soviets.

In military doctrine, and as a former military man you know much better than I, we hear that there are grades of pressure in the classical sense of the strategist Clausewitz.

There are quite a number of alternatives for pressure. War is one of them and internal subversion. Proxy aggression is an alternative. Failing in one way, one is bound to try at least other alternatives.

We feel that this alternative, which is internal subversion, will prove to be a failure. I am sure with better understanding of this problem throughout the world and also the resolution of the Turkish nation to settle this question speedily, effectively, and in an orderly manner, Turkey will transform herself again and restore her free institutions and parliamentary system and multiparty system which we are going to start very soon. I think it will show to adversaries that even these alternatives will not be successful.

I shall feel extremely gratified if we can help in a humble way to arouse world public opinion that this kind of pressure is no solution to any problem, except to kill innocent people and to leave hardship and hatred and suffering. It is not a rational way of doing things.

Mr. President, your committee is doing an extremely important function in educating and informing not only American public opinion but also the world public opinion.

We in Turkey are much better informed of what is at stake. I am afraid that the free world is not yet fully aware of this new danger. I have a feeling that perhaps America is now changing. She has become more aware of the dangers. In Western Europe there is less consciousness of this thing.

Through exchanging our mutual experiences, we can perhaps educate the public opinion of the free world in order to serve as a deterrent, as NATO is a very effective deterrent.

This common stand by the free nations by common diagnosis and by common conclusion about our measures will play a very important role in deterrence for this new kind of aggression which is called in military terms a middle-level conflict and a middle-level indirect aggression.

Your committee is doing, in my humble judgment, an extremely important function to start countervailing power to stop this bloodshed.

THE ROLE OF THE MEDIA

Senator DENTON. Thank you, sir.

The degree to which we can affect public consciousness will depend on the degree to which the testimonies here are imparted through the media.

I not only respect our media, but I consider them as essential to democracy as government. I do have the feeling that there are many who find themselves in the position of trying to keep government honest, as it were. They can sometimes become understandably enthusiastic about challenging efforts made by government to lead toward a higher understanding within the country of things which the government originates.

I am trying, as best I can, to rely upon sources within our own media for some of the leads. Eventually, we will get to some of those.

For example, our media had taken the lead in pointing out the export illegally of technology from the United States, which is to our great security disadvantage. We intend to get around to that sort of thing when we can.

Did you notice in Turkey's traumatic experiences through the 1970's and up until now that the reality and the immediacy of the terrorism in Turkey altered the slant, let's say, that some of the truly conscientious, which are the extreme majority of the media, took within Turkey toward these problems?

Dr. YALCIN. I think our media has done an extremely valuable job of informing Turkish public opinion.

There was very detailed honest reporting of what was going on. The government security authorities supplied any information they needed.

As a former politician, I get around and talk to people like shopkeepers and taxi drivers and peasants. To my surprise, their sound commonsense is much more strong than the urban people—the so-called educated, intellectual people.

Both mass media—Turkish radio as well as Turkish television—and especially the Turkish press, gave very extensive coverage to this question. It has been a very important democratic education of what is going on. Turkish public opinion is much more informed than it was a year or 2 years ago.

I hope that the same thing happens in the free world. I have every confidence that one way or another the prejudices will break down and people will look at things with an open mind.

ELECTORAL IMPOTENCY OF MARXISM

Senator DENTON. I share that hope fervently.

I note the remarkable discrepancy between the influence of Marxist-oriented terrorism in Turkey, in terms of the disturbance and influence they can cause by violence, and the 2.6 percent of the popular vote which went Marxist in Turkey. That seems to be a characteristic internationally. I do not know of any nation which has voted to go Marxist.

Dr. YALCIN. Turkish democracy has given every chance to every kind of opinion to influence public opinion.

I had a very interesting conversation with one of the leading intellectuals of the Marxist groups, who was also a member of Parliament like myself and a colleague of mine and a former professor of economics.

He said that they used mass media more extensively than the Justice Party, which represented the majority party which I represented at that time. Yet they were unable to influence Turkish public opinion.

As an electoral force, Marxism is not a threat to Turkey. However, as an illegal, undercover, and violent underground action, it is a great danger.

Probably, in their frustration of democratic politics, most of the Marxists stray toward violence in their frustration—just like the frustration experienced by Warsaw Pact countries. Finding open aggression not out of the question, they have to resort to some other alternatives. I think the same pattern is duplicated within Turkish internal Marxism.

Mr. Chairman, I should like to give you my long-term estimate. I have had quite a number of former students of mine who happened to be involved in this violence. Most of them repented.

I hope that the young generation which went astray will recover their commonsense and repent the mistakes they have made and the harms they have done, and it will be an educative process. This is my hope and expectation.

Senator DENTON. I have watched my own children undergo that kind of change. Returning to this country in 1973 and finding that calm discourse between some of them and myself was impossible on some of these issues, I simply remained silent; 3 years or so later, I found them through their own experiences—often overseas and often just from their observations within this country—becoming proponents of the same points that I would have propounded in those days had we been able to discourse.

I share your optimism, as well as hope, on that point.

As a man as scholarly rooted as yourself, I humbly would check one of my own impressions on you that following World War II in which we were allies with the Soviet Union, they did not abandon their 1917 expressed ambition for expansion—indeed, world domination. However, where they had large Army forces already located and stationed within Eastern European nations, they held false elections and took those nations over. As you indicate, they are having difficulties in keeping some of them down. Czechoslovakia, Poland, and Hungary having been the main examples—Poland being the principal one at this moment.

They tried at the same time guerrilla-type pressure on Turkey and Greece, which was answered by your own very brave people who are respected by both the free world and the Communist world as among the strongest fighters in the world. I say that as a military man of experience.

The Truman doctrine helped you and helped Greece in that respect. The formation of NATO definitely helped stem the expansion in Western Europe and in Southern Europe. The Eisenhower doctrine was a parallel to the Truman doctrine in the Mideast. Then there was the shift to surrogate mili-

tary conventional aggression in Korea. I think events proved this in Vietnam.

What bothers me is that after those recourses to more subtle forms of expansion, such as subversion and surrogate aggression, after the U.S. experience in Vietnam, we had recourse to direct aggression by a major power—namely, the Soviet Union in Afghanistan—which was a reversal of the trend, in my view, starting in the late 19th century by which the community of nations recognized that there were better means of solving world problems than the enforcement of the rule, "might makes right."

There should be inhibition against overt military aggression and resolution of the problem by recourse to such institutions as The Hague Tribunal and later the League of Nations with its embedded inhibition of economic sanctions against an identified aggressor.

As a scholar of that general subject, I am disappointed in the United States. We are now aware that as weak and incomplete a process as the League represented, although the United States was not a member, historians can point out 72 wars which would have broken out were it not for the League of Nations.

I find it frustrating to be seen as a military-solution type when most regular military officers, including myself—that having been my former profession—are among those most opposed to having to resort to military solutions.

The United Nations came along with additional inhibition against aggression of the imposition of military force by the United Nations. Of course, there is the problem that one major party in the United Nations and one major philosophical group has no interest whatever in the noble aims of the United Nations, in terms of inhibiting aggression.

AFGHANISTAN: A NEW VICTIM OF DIRECT AGGRESSION

It strikes me as very disappointing and ominous that the Afghanistan aggression was met with such weak response, even in terms of the vocal condemnation on the part of the rest of the community of nations. I parallel that increased risk in the chess game from the Soviets' point of view with their increased boldness in the terrorism field.

I would like to compare those observations with your own analysis, sir.

Dr. YALCIN. The experience of Afghanistan awakened some parts of Turkish public opinion because of certain frustrations among which I mentioned American arms embargo, which created a kind of adverse feeling in our nation.

There is a certain amount—very limited though—of tendency toward neutralism.

The example of Afghanistan helped to kill this tendency among certain layers of people in Turkey. The Islamic world feels very strongly, although militarily it cannot be of great help to come to the aid of Afghanistan. Psychologically and morally I think Soviet aggression created a very great impact within the Islamic world, Mr. President. That I can assure you.

A very young and very pleasant Afghan student of mine I asked what he was going to do. He said as soon as he graduated he would go and join the guerrillas. He was a young graduate with a family.

In a very modest way, without any pompous feeling of nationalism, and so forth, he said his plan was to go back to Pakistan and join the resistance.

There is a very strong undercurrent movement among the Islamic people that this adventure on the part of Soviet Russia has become a real and very close threat for the whole region.

RIGHT AND LEFT WINGS IN TERRORISM

Senator DENTON. In your written testimony, you made reference to the relative success being enjoyed recently in Turkey with respect to putting down terrorism. You make some remarks about the present state of right and left wing terrorism. Would you care to expound on that now in your verbal testimony?

Dr. YALCIN. Mr. Chairman, I think the evolution of this rightwing and leftwing terrorism in Turkey went hand in hand as a result of the weakening of governmental authorities throughout the country.

When the people felt the threat of one group, they could not get immediate help from the police or from the administration. The leftwing guerrillas, knowing the situation, approached them. If they were threatened by the rightwing, they approached the person threatened and said: "We shall protect you—join us, contribute money, and get certain duties from us. Wait for our instructions," and so forth.

This rightwing and leftwing violence snowballed. It became a part of the feedback mechanism to accelerate the rate of violence.

Most of the young people, feeling the impotency of the security authorities and the administration, very nearly cooperated with the rightwing groups, although they were conscious of the danger. Once you get yourself involved, you cannot leave it. It is impossible.

Fortunately, when the new government was installed on the 20th of September, the rightwing terrorist groups were disbanded. Most of them who were involved in killings were rounded up. There were about a few thousand rightwing groups. The proportion is 1 to 10—1 rightwing and 10 leftwing terrorists.

The rationale or justification of their existence vanished all of a sudden, so there is no rightwing terrorist attack ever recorded in the Turkish newspaper.

Senator DENTON. Did you notice any difference in the apparent outside support fed to rightwing versus leftwing terrorists?

Dr. YALCIN. I think rightwing terrorists mostly domestic in origin. They were supported financially by the small shopkeepers or by simple people who felt threatened by the leftwing and sympathized. There was a backlash to Turkish nationalism.

The threat of Soviet Russia, as communicated by the leftwing terrorists, created a backlash on the part of all Turkish nationalist feeling.

The question is now to round up and liquidate the remnants of certain underground organizations.

INTERNATIONAL COMPARISON

Senator DENTON. Are you familiar with the book "The Terror Network," by Clarie Sterling?

Dr. YALCIN. Yes, Mr. Chairman. I became aware for the first time when a Turkish newspaper serialized the part dealing with Turkey. That part is extremely accurate. It is very balanced and extremely illuminating.

We learned a few things in a perspective. We could not fit into a pattern some of the points which Claire Sterling's book contributed.

I have not finished it yet, but I have come to the last chapters. It is extremely illuminating.

I have noted certain extraordinary parallels between Turkish terrorist, ETA's, Spanish terrorist, Italian Red Brigades, IRA, and the Baader-Meinhof terrorism.

The doctrine, style, infrastructure, ideology, and the logistics involved are extremely similar to our case.

I think Mrs. Sterling's book is a great contribution to understanding the whole picture. It enabled us to piece together certain gaps which puzzled us in Turkey. It has been a great help.

Senator DENTON. Her characterization in her book of the situation in Turkey was not inaccurate from your perspective?

Dr. YALCIN. No, not at all. It is very accurate.

Senator DENTON. She mentions an extensive and apparently successful disinformation campaign conducted by the Soviet KGB between 1966 and 1970 against the American NATO presence in Turkey. This was acomplished in part, according to her, by the introduction of three forged documents. Would you comment, if you can, on this or any other disinformation operations and their effect on Turkey?

Dr. YALCIN. Mr. Chairman, there are so many. These are just a few examples which came to the attention of Mrs. Sterling.

In Turkey, there are so many that I cannot really enumerate. Fortunately, enjoying a free press in Turkey, some of this disinformation becomes identified easily.

One of the famous disinformation attempts was in connection with a book published by an unelected Senator, an appointed Senator, and a former leftwing military person. He claimed that there existed a CIA, or American Government, document to eliminate certain progressive liberal democratic intellectuals in Turkey. It was so preposterous and it was so artificial that nobody really paid much attention. It became a kind of theme, repeated continuously by leftwing commentators and writers. Everybody knew that it was a tactic, and nobody paid much attention.

There was also another disinformation thing during the Turkish-Greek dispute. In order to intensify the antagonism between Turks and Greeks, quite a bit of fabricated inaccurate information used to be leaked to Turkish press. It was not only to Turkish press. I was told also by the officials that certain unfounded and ungrounded information was supplied by people to create ill feeling between Turkey and Greece.

RIGHTWING TERRORISTS AS COVER

Senator DENTON. The attempted assassination of the Pope involves a man who reportedly has rightwing connections—Mehmet Ali Agca. He seems to have been possessed of a great deal of money without any visible means of earning it and to have survived against the surveillance efforts of many nations, in spite of his having been very well identified by your own authorities.

How would you see the establishment of his credentials, whether they are determinatively rightwing or leftwing. Would you have any comments on what the Turks might care to say about his activities and the nature of his motivations?

Dr. YALCIN. Mr. President, I do not know much about the recent activities of Mehmet Ali Agca who attempted to assassinate the Pope. I can perhaps communicate to you our general impression and observation.

He is an extraordinary character, from the very beginning, when he was involved in the killing of the editor of a newspaper, which is a very respectable newspaper. My wife works there. She is a diplomatic correspondent in Ankara.

His reputation was that he belonged to a rightwing group of the underground world. The killing of a respected and very influential liberal editor of the Istanbul Daily, a national daily, created an image that he was a rightwing fanatic.

From what we heard about his past, his personality, and his background, he was not a fanatic at all. He was not a practicing Moslem. He did not much care about religion. He was a professional killer with the utmost self-control. He was a very premeditated person whom anybody could manipulate easily.

This is the picture one gets from the Turkish press reports after his escape from prison and the death sentence given by the court. We do not know who helped him, but he escaped from prison. I was told that he went to Iran where nobody is governing. I think it is a chaotic situation. I do not know who helped Mehmet Ali Agca in Iran.

He came back to Turkey with a forged passport, and he went to Bulgaria. For a rightwing extremist to go to Bulgaria is suicide.

That struck our attention. It was a very strange phenomenon for a rightwing terrorist to pass through as a transit from Bulgaria. It aroused quite a bit of speculation and suspicion. I do not know who is manipulating whom.

The Pope is a symbol of Polish nationalism. To be assassinated by a Turk might fit into a grand picture or a grand design of anti-Turkish propaganda accusing our people of committing genocide against Christian minorities.

These are my purely speculative thoughts out of the circumstantial evidence. I do not think he is a representative of rightwing terrorists. Rightwing terrorists are rather amateurs. They get caught very easily by the security. They are not as efficient as Mehmet Ali Agca.

Senator DENTON. It was Dr. Stefan Possony at our last hearing who went through a rather long history of the development of Soviet philosophy regarding terrorism. At the point of his conclusion, there were no more press here, understandably, because they have deadlines and so forth.

He made the same point, as I recall. After going through his analysis of this gentleman, he noted too that although he has the rightwing image, it was rather anomalous that he visited Bulgaria. He then developed the qui bono question, and there was not much doubt about the inference which he was drawing.

We will be asking other witnesses the same kinds of questions dealing with the attempted assassination of the Pope.

ASSASSINATION OF TURKISH DIPLOMATS

Have you caught any of the terrorists who killed the 18 Turkish diplomats?

Dr. YALCIN. As far as I know, one assassination took place in this country years ago; I think in 1972 or 1973. He was caught.

The last one occurred in Geneva in Switzerland. He was caught. We are waiting with great curiosity the story behind it.

So far, we really do not know about the culprits or about their background or about their organization. Probably this time we shall hear more.

Senator DENTON. I did note that in one of the cases in which you caught an attempted assassin, he said he had been given the weapon by someone who was not even able to speak Turkish. You have not ascertained where these fellows are coming from or, particularly, by whom they are being supplied any weapons or philosophy. You are still investigating that; is that correct?

Dr. YALCIN. No. That happened years ago.

Senator DENTON. Oh, I know.

Dr. YALCIN. The first assassination of the general commander of the Gendarmerie.

Senator DENTON. Yes; that was the example I referred to.

On these others, the diplomats' assassins, you are still investigating them and have very little to report about them?

Dr. YALCIN. In diplomats' assassinations, we are not involved in the investigation because it concerns other countries. We follow with great interest what will come out.

Unfortunately, most of the investigations were inconclusive, except the last one when the person who attempted the assassination got caught by the police in Switzerland.

DISAPPOINTMENT OF TERRORISTS' EXPECTATIONS

Senator DENTON. In looking at the experience of Turkey and comparing it to the experience in Uruguay with terrorism, it seems you have been able to avoid—I will not beg the question by saying "unfortunate"; it might have been inevitable—but at least the undesirable solution which the Uruguayans imposed; namely, an extremely authoritarian military regime with the loss of many liberties which existed prior to the terroristic activities.

The military in Turkey, in other words, has not responded to the terrorism in the way anticipated and hoped for by the terrorists, either in 1960 or 1971 or 1980, when it became necessary for the military to intervene to restore and maintain order.

The military intervened to rescue the country with a commitment to lift martial law and hold national elections once order was restored and terrorism brought under control, rather than to replace Turkey's democratic order. Terrorists from all factions were arrested and imprisoned and not just those from one persuasion.

Would you comment on what appears to be a notably different response, considering the way some of the South American terroristic events have culminated—the unique response by the Turkish military in response to terrorism?

Dr. YALCIN. Mr. Chairman, the doctrine is quite the same in quite a number of these terrorist strategies. Most of the South American terrorist handbooks are translated into Turkish.

In Marighella's book the aim is expressed to destroy democracy and show to the people the sham aspect of bourgeoisie and so-called freedom and create within the society a distrust and frustration as a result of strong military action. That was the general strategy.

However, in the Turkish case, this did not work. First, our military is not interested in domestic politics. They have proved this point. They intervened in 1960 and withdrew in a matter of a year and a half by constitutional amendments and by rearranging our social and political institutions.

That happened again in 1971, when the military did not intervene directly. They expressed their frustration and protested in such a way that the civilian government had to resign. The Parliament was not dismissed, and the whole democratic structure was operating.

We had a few limited reforms in our legislation as a result of this event. However, this time, the scope of the question was much bigger than in the previous ones; because the killings and the network of terrorist activities became more enlarged. The terrorists learned a lot about their past mistakes, and they did not repeat them this time.

Again, their anticipation did not materialize. First, it was not convincing for either Turkish public opinion or international public opinion that it was a simple sheer military dictatorship—a kind of totalitarian regime to be followed by this military intervention.

Second, the population at large, which is a very important thing for any country facing terrorism, was so furious and so antiterrorist and so hostile to this violent group that even in Eastern Turkey where some of the Marxist terrorists claimed to be representing the feeling of independence of Kurds, and so forth, the Kurdish people followed them and caught them and delivered them to the gendarmerie.

The close cooperation between the security authorizes and the military and the civilian population has been a disappointment for the terrorists.

A PEOPLE'S WAR AGAINST THE TERRORISTS

Turkish people did not just stand aside as passive observers. They participated to defend their state and to defend their freedom and to defend their social, economic, and political system. It was a people's war against the terrorists. The whole tables turned upside down.

The foreign reaction was also not in the way they expected. They expected that the Western democracies would revolt at the destruction by the military of a Turkish civilian regime.

I think the foreign reaction—our allies' reaction—was extremely positive, because they understood immediately that the question was not doing away with the civilian regime but the question was about to deal with the threat to the civilian regime and to the Turkish democracy.

These terrorists were more or less isolated. Only the Soviet fronts cooperate with them in Western Europe. Extreme left wing groups give them any moral support. It gives a feeling of solidarity.

They are also disappointed in their calculation of the worldwide reaction against Turkey.

STRENGTHENING OF TURKISH DEMOCRACY

We feel that the military will decide, which will be very soon, to start with the Constituant Assembly to draw up a new constitution for the Turkish democracy.

I think the wind from the sails of these people, trying to lead psychological warfare against Turkey, will be denied when Turkey prepares herself again with a reformed constitution and with the necessary legislative rearrangement for our future.

We have observed that our previous political system had certain extremely important defects. Probably, you will recall, Mr. President, that the Parliament was unable to elect the President for about 6 months after hundreds of votings. There was obviously a gap in our constitutional system.

We tried to experiment with extreme forms of proportional representation which gave undue force to marginal groups and to small groups to dictate their sectorial interests on the majority.

These kinds of defects became more obvious. Through a new amendment in our constitution, we are hoping that this political reform will enable Turkish democracy to deal with any future attempt of terrorism and any future attempt of disruption of Turkish democracy.

Senator DENTON. You have, as noted, personally lived in the terroristic environment, as well as obviously being an intellectual academic man. You have discussed the polit-

ical evolutions and public opinion evolutions that took place. Could you become more concrete regarding the events in Turkey, the terroristic events? What impact did they have on the personal lives of the citizens? What changes were there in any of your citizens' habits, attitudes, and living patterns that have resulted from this terrible experience?

EFFECTS OF TERRORISM ON PEOPLE'S LIVES

Dr. YALCIN. Mr. President, I think from the observation I had, as well as my friend's observation in his university, that the quality of education dropped considerably. Serious people stopped attending lectures. There was bad feeling among the academic community. They did not communicate with each other.

In outside fields, people stopped going to public places. There was a kind of—not hopelessness—but a sort of pessimism about the future of the country. It was reported in Turkish newspapers that some of the investors just postponed their decisions, because the country was heading for chaos. In a chaotic situation, you cannot make any rational calculations of investment.

Economic goals and economic stability were threatened. There were continuous inflationary demands on the part of the Marxist trade union movement, disrupting the economy, announcing unofficial strikes, occupying industrial plants, and continuous demonstrations, and so forth.

That affected the population very deeply. It did not drive it to hopelessness, but there was a kind of hesitation and a kind of doubt about the future of the country that was being created in the minds of quite a number of people.

On the whole, we felt that the whole thing as so artificial that somehow or another the Turks would deal with the situation and the Army, which has a history of 600 years of dedication and discipline and devotion to the motherland, would intervene. People in general and peasants in villages felt that one way or another the state would prevail. That was the general mood I think.

My colleague here perhaps might add his own assessment and his own observation.

Dr. OKYAR. May I?

Senator DENTON. Yes, sir, by all means, Dr. Okyar.

Dr. OKYAR. I agree with Dr. Yalcin's assessment.

We lived in a very confused kind of world, a confusion which I think was increased by political troubles. Political troubles stemmed from too much animosity between the two leaders of our political parties.

The animosity went to very great extremes, leading to accusations, counteraccusations, charges of one party being closely related to one side on the right and the other party being closely related to the other side, on the left.

This very bad political leadership, I would say, led to confusion in the minds of the people as to the sources of the trouble. They could not know very much what was going on.

It also created a very bad situation in the universities where we were both working, because the students were encouraged in their terrorist actions by this political uncertainty. They said that if this is the way the political system is working and if this is the way the democratic institutions are functioning or are not functioning—because they were not functioning for a year or two—then why not resort to terrorism or to violence.

Senator DENTON. Which is the intended development of actions inscribed in the minimanual for urban guerrilla warfare.

Dr. OKYAR. Yes.

Senator DENTON. That is shared by all those trainees throughout the world who are undertaking this terrorism.

It is a very difficult thing to stem, particularly, I would think, in a smaller country with less psychological solidarity and less determination, if I may say so, than that possessed by the Turkish people.

Dr. OKYAR. Yes.

To have resisted this crisis situation, which in addition was compounded by the inflation and economic difficulties for 2 or 3 years, speaks I think to the capacities and the strengths of the people in Turkey.

The people never realized what was happening. They only realized it after the 12th of September, when night after night on the television we watched with horror every day new groups, new cells, and new gangs being discovered and a fantastic quantity of arms, almost sufficient to equip an army corps—600,000 revolvers and machine guns and 30,000 rifles.

This finally brought down the veil and educated the people as to the source of the trouble.

Senator DENTON. I do not want to let it be derived that I personally believe that the Soviet Union masterminded or originated some of the causes or the friction in Turkey, nor do I believe that to be the case anywhere in the world.

I regret that the first day's hearing resulted in the news item being that I failed to prove that. I was amazed at that finding, because I did not believe that going in because I had read the statements of the four witnesses. I had my own opening statement which indicated that.

I was most disappointed to find that that was the news item, rather than the degree to which those witnesses found the Soviet Union involved and the union of forces and philosophy involved worldwide in terrorism and the modus operandi which is common to them all.

It appears to me that that is the news, and we are trying to develop that in terms of public consciousness.

As I say to you, it takes two to tango on that. First there are those who try to bring out that which is significant in these hearings; then there are those who transmit that through the media. I have not lost hope or optimism that we shall succeed in that.

I do not pretend to be omniscient. I shall make some mistakes, but I am proceeding with the interests of happiness, peace, and justice in this hearing. I believe that applies to the Democrats and the Republicans on this committee as well.

Senator Leahy told me in the elevator that he is involved in other required activities. He spent a good deal of time recently with your highest officials in Turkey and was very much impressed with what they had to say about what you have been speaking this morning. He wished he could have been here with us.

I would like to thank you, again, Professor Yalcin, and you, Professor Okyar, for your most valuable testimony.

I would like to remind you that we will hold the record open for 10 days for the submission of written questions from other Senators or questions which we may raise ourselves which have not been answered, if you would be kind enough to respond to those. At this point we will also insert in the record your full statement, Dr. Yalcin.

We will convene another hearing tomorrow dealing with terrorism and the role of the Soviet Union and what could be called its subcontractors.

Our witness will be the editor of Foreign Report, a publication of the esteemed London Economist. He is the editor of Foreign Report, which is an arm of that.

Articles by him have appeared in the Washington Post, New York Times magazine, and other American publications. He is the author of two nonfiction books, "Urban Guerrillas" and "The Collapse of Democracy." He is also the co-author of "The Spike."

His name is Mr. Robert Moss, and we are looking forward to his testimony tomorrow.

I thank you for your kind attention and participation.

This hearing stands adjourned.

Dr. YALCIN. Thank you.

Dr. OKYAR. Thank you.

[Whereupon, at 12:10 p.m., the hearing recessed, to reconvene the next day at 9:30 a.m.]

[The prepared statement of Professor Yalcin follows:]

PREPARED STATEMENT OF PROF. AYDIN YALCIN—TERRORISM IN TURKEY

It is a pleasure, privilege and honor for me to share my knowledge of and views on terrorism with the representatives of a nation with whom we Turks are resolved to defend our freedoms through mutual common efforts within NATO. I have come here to give my testimony not as a government representative, but as an independent and informed citizen of a terrorism-stricken country which has suffered heavy casualties totalling 5,769 killed and 19,305 wounded since 1977 from terrorist violence. I should like also to point out that I shall speak here as a person who has first-hand experience with living in an atmosphere of constant terror in the last few years. Until September 12, 1980, the year of the Turkish military takeover, I had to have a personal bodyguard and my home was under official protection for a year and a half following several threats by phone and letters. Although I shall try to give an objective and systematic account of these personal and social experiences, it will be, I am sure, quite different from those arrived at by means of indirect reporting or statistical tabulations compiled from a distance.

As an educator and writer, as well as a former legislator, I shall try to convey to you some of the insights I have gained through this long period of agony during which we lost to senseless slaughter hundreds of prominent members of our society, great statesmen, ambassadors, journalists, professors, judges and thousands of young people.

BACKGROUND AND A SHORT HISTORY

In order to put things in a perspective, I should like to draw your attention to a few relevant facts about Turkey.

While possessing her own distinctive historical and cultural background, Turkey also is a sincere and devoted member of the community of nations of the free world. She is a member of the NATO Alliance, a founding member of the Council of Europe, an associate member of the European Economic Community and the Organization of Economic Cooperation and Development (OECD). She is the only country which at once belongs to the family of nations of the Western world as well as Islamic community of nations. She also has cultural, historical, ethnic, religious and linguistic ties with the

ethnic groups which constitute 27 percent of Soviet population according to its last census of 1979.

Through these special features of her national life, Turkey's experiences are quite relevant for a number of nations in the Middle East, the Islamic world and among the developing countries. The hardships, tensions, and dislocations caused by rapid industrialization and urbanization will serve as a test case or social laboratory for a number of nations in the future.

Turkey has been in the midst of rapid social and economic transformation in her recent history. The structure of the economy has changed radically in the last 25 years. Agriculture is no longer the leading sector of the economy and has dropped below the ratio of industry in our gross national product. Industry contributed nearly 25 percent of the GNP in 1978 against 22.7 percent for agriculture in the same year. Parallel with this development, urbanization surged ahead. Fifty percent of our population now lives in urban centers versus 25 percent in 1950. The number of people living in urban centers shot up from 5.2 million in 1950, to 22.5 million in 1980, increasing nearly five times within a period of 30 years. The rate of literacy rose from 33.6 percent in 1950 to 62 percent in 1975. The number of higher education institutions and student population also increased sharply. The number of universities increased from 5 to 20 between 1960 and 1980; and the number of university students rose from 50,000 to nearly 350,000 in the same period.

It may be helpful to bear in mind these summary indices of social transformation as I endeavor to analyze the travails Turkey is going through. These radical changes in our social structure and way of life have created conditions ideally suited to exploitation by forces both within and outside the country.

Marxism, a disease of Western industrial society, is really a disease of childhood rather than of maturity, as some social scientists and philosophers have pointed out. Yet, it has not failed to influence minds in certain sectors of our society. Despite such influence in certain circles, it has proven to be an utter failure in generating strong mass support in our democratic politics. The Marxist Turkish Labour Party obtained the support of 2.9 percent of the vote in 1965 elections and the combined votes of all the Marxist splinter groups and parties failed to attain even this modest score in several subsequent elections.

As a result of this frustrating electoral experience, Marxist groups gradually tended towards political violence. The dwindling number of Marxists who went on trying to gain strength through the democratic process were even accused of betraying the cause of revolutionary ideology.

Student unrest spreading throughout the world in the late sixties had not failed to reach Turkey. It started in university campuses as mild educational reform movements and rapidly changed character. Boycotting of classes, occupation of university buildings and offices, escalated into violent clashes with the police and security forces. It is perhaps appropriate to note that this radicalization and politicization of student movements gained momentum following the Havana Convention of "The Three Continents" in 1966, where the potential of the student force was emphasized.

The student violence spilled over to the labor sector in 1970 when a Marxist trade union (DISK, the Revolutionary Trade Union Confederation) organized a strike in Istanbul which quickly turned into a violent riot and forced the government to proclaim martial law in that province. Political kidnappings and assassinations followed one another in an ever-intensifying cycle of violence. The first Kalashnikov weapon made its debut on the scene of Turkish terrorism when a young student tried to assassinate the commander of the Gendarmery in 1972. The offender, who was captured, immediately confessed to the police that he had obtained this weapon in an apartment in downtown Ankara from somebody who did not even speak Turkish.

The terrorist activities accelerated in the early 1970's. The government, proving to be weak and inefficient, had to resign after an armed forces memorandum in March 1971. A non-partisan independent government was formed by the parliament and the martial law authorities dealt with the question of terror with speed and efficiency. By the 1973 elections, the military had withdrawn to their barracks, leaving the initiative to political parties again. As the People's Republican Party, a left-of-center political force under the leadership of Bulent Ecevit, had come out with relative success in this election, it set up a coalition government which soon proclaimed an amnesty. Most of those convicted of political terror and violence were thus released, and they did not hesitate to get themselves rapidly organized to start their mission from where they had left off.

The regrouping of their cadres took less than two years, and their violent activity started surfacing from 1976 onwards. By gaining moral strength and enjoying the extreme liberal tendencies of the party of Mr. Ecevit, the Marxists managed to penetrate the civil service and even the police force. The People's Republican Party became infested by left-wing penetration after the 1977 general elections, when no single party obtained majority. Weak coalition governments followed one after another.

Law and order came to a point of total breakdown. The excesses of the Communist terror created a backlash from the extreme right. Both leftist and rightist groups were heavily armed and challenged each other in the streets, on the campuses, in the cafes. The formation of so-called "liberated zones" in towns and cities became a key goal for both left and right. A kind of feedback mechanism, or vicious circle, seemed to have been installed in the process of mutual killings of both extremists.

Mutual recrimination and continuous strife among the political parties prevented a common effort to deal effectively with the violence and contributed to the escalation of terror. In fact, the level of violence resembled, and for most practical purposes had become, civil war. People were massacred in the provincial towns of Malatya, Sivas, Corum, Kahraman, Maras and Izmir. On the eve of the 12th of September 1980, the day of military take-over, the daily rate of killing had attained an unbelievable 28 lives. It became obvious to everybody that events went beyond the scope of any conceivable civilian democratic solutions.

THE ROOTS AND SCOPE OF TERRORISM

The process of rapid social transformation of the past three decades, to which I referred earlier, went hand-in-hand with unhindered freedom of expression, association and action provided by the ultra-liberal Constitution of 1961. Democratic liberties were exploited to a degree that made a mockery of the concept of freedom and the necessary self-restraint it implies. Under the pretext of pluralism and university autonomy, the university campuses became the refuge of outlaws and armament depots of urban guerrillas. Freedom of association was interpreted in such a way as to permit organization of a Marxist police association (Pol-Der) which described the present social and economic system as "an exploitation device of the bourgoisie" in their publications. A rival right-wing police association (Plo-Bir) was also organized. These extremist organizations clashed in the streets and shot at each other instead of safeguarding law and order.

Communist propaganda and indoctrination were intensified during the last twenty years. A torrent of Marxist literature with the cheapest price tags became available to all in book stalls and side street vendors. "The Marxist classics" and "the books of the masters," Marx, Engels, Lenin, Kautsky, Luxembourg, Stalin, Trotsky, Mao, Dimitrof, Gramsci, etc., became familiar household names for the new generation of Marxists. Modern interpreters and theoreticians of the creed, such as Politzer, Althusser, P. Baran, P. Sweezy, M. Dobb, E. Mandel, Bettleheim, etc., were translated into Turkish within a short span of time.

According to Soviet sources, the annual number of new Marxist books published in Turkey varied between 50 and 90 in the second half of the sixties. A student of mine made a library research and identified about 760 entries of Marxist literature between 1960 and 1970, which supports the claim of the Soviet source. Marxist propaganda was also spread through 270 periodicals published before the 12th of September 1980. The author has identified 61 Marxist-leftist publishing houses, 8 distribution and marketing firms, several book stores specialized in Marxist literature and many record and tape recording houses of so-called "progressive and revolutionary song, music and poetry readings." Through these elaborate and extensive distribution and marketing systems, Marxist literature, including textbooks for urban and rural guerrillas like those of C. Guevera, Carlos Marigella, Alberto Mayo, General Giap, etc., became available to the public. These are even handbooks and manuals advising militants about tactics and behavior when captured by the police and brought to the court, in order to confuse their investigators and to keep secrets of their organization. (I have elaborated these points in detail in my book, "Some Observations on Turkish Communism," published in Turkish).

Universities and the institutions of higher education, especially teacher training colleges, have become the main targets of Communist penetration, and a sizable group of Marxist intellectuals now occupy the academic staff of our elite institutions.

As an educator and writer, I have given serious thought to the question of the appeal of Marxism to certain of our young intellectuals. Marxism, as a crude interpretation of history and of current affairs of the contemporary world, has proven to be a useful substitute for sound and solid social science training. Modern democracies and the educated classes of the developing world have to meet the challenge posed by Marxism through an intensive effort of sound and high level training in the social sciences. I cannot see any other alternative to combat Marxist ideology and Communism on a moral and intellectual plane. I came to the conclusion that the best remedy to protect free society from the assaults of totalitarian ideologies of both right and left lies in rais-

ing the level of education and following a well-coordinated policy of sound education in the classical tradition of democratic societies.

MECHANICS AND INFRASTRUCTURE OF TURKISH POLITICAL VIOLENCE

Turkey has been accumulating a very costly social experience in her efforts to deal with political violence. There is certainly plenty of circumstantial evidence of outside involvement in Turkish terrorism. But this should not blind us to the fact that about 25,000 of our young people in prisons today have become the target of outside intrigues and voluntary culprits of this bloody instigation. Therefore, the core of the solution resides with us, both Turks and our friends abroad. However, a balanced diagnosis and assessment of outside interference should be made clear and a system of dissuasion should be installed before the situation gets out of control.

As many well-informed analysts have pointed out in their accounts of the problem, (Mrs. Clair Sterling in her book and television interviews makes this point quite clear), outside help and involvment come into the picture because the domestic scene is so well prepared and suitable for such an adventure. An ideal atmosphere had been created for intensifying terrorism in Turkey if we recall what had happened prior to the mid-seventies.

As a result of the oil crisis, Turkey's delicate balance of self-sustained growth came to a halt after 1974. Turkey's impressive rate growth which was running around 7 percent per annum (next to Japan within OECD) dropped to almost nil in the second half of the decade. The foreign exchange reserves accumulated in the previous few years were speedily drained away. Investment stopped and unemployment spread in many sectors. The American arms embargo created a feeling of isolation and resentment against the West. Anti-American, anti-NATO and anti-Western propaganda intensified in the meantime. The Soviets and their stooges in the oulawed Turkish Communist Party declared Turkey, Iran, Pakistan the "weak links in the chain of international imperialism."

Turkey, a NATO ally with the largest land army (around 600,000) next to that of the U.S., became an indirect target of a Soviet offensive. The American arms embargo was interpreted by Warsaw Pact planners as an attitude indicating that Turkey had become dispensable in the eyes of the West and the United States. Furthermore, the arms embargo led the Western banking and financial system to consider Turkey as a high-risk country. The restrictive policies pursued by these institutions toward Turkey, as a result of this evaluation, exacerbated Turkey's economic and social difficulties and made the ground more propitious for the subversive activities undertaken by international Communism.

The Soviets deny vehemently any suggestion of a threat toward Turkey and talk about "friendship, cooperation, good neighborly behavior and non-interference in domestic affairs" and get angry when any Turkish official makes a reference to the Soviet threat, even hypothetically, as did the statement of the Turkish commander of NATO's Southeast Europe headquarters during a recent NATO manuever in Eastern Turkey. Taking into account the Soviet sensitivities on this question, Turkish authorities refrain from pointing a finger at any specific Communist State. On the other hand, there are so many evidences of outside involvement in our terrorist problem that everybody knows now what is meant by the term "outside powers" in offical Turkish statements.

I should like to mention some of the obvious and undeniable signs of Great Power involvement in Turkish terrorism in a logical sequence:

Let us start with the question of logistics and training of Turkish guerrillas. In a recent press conference (on the 6th of June) the Prime Minister disclosed that illegal firearms confiscated by Turkish security forces September 1980 through May 1981 totalled 473,553. Together with 160,170 various types of arms voluntarily delivered by the people, in response to a government decree, the grand total becomes 633,724. General Evren pointed out in his speech in Konya last February that the total value of such a tremendous amount of arms and ammunition runs to 25 billion TL, an equivalent of 250 million dollars. He added that the total amount of money acquired through bank robberies and extortion by the terrorists do not even constitute one fiftieth (2 percent) of the cost of armaments in the hands of terrorists.

"Where does it come from," he asked, "if not from a rich external power?"

The types of arms and equipment are also quite interesting. The breakdown is as follow: pistols—472,114, automatic pistols—3,095, infantry rifles—30,183, automatic rifles—4,361, shotguns for hunting—13,636, and the number of rounds of various ammunition—2,155,036 (the latter figures were provided by a different source and do not necessarily tally with the totals mentioned by the Prime Minister). The number of Kalashnikov automatic rifles has been given as 1,371 as of the 1st of June. There also have been found a large number of Soviet-made anti-tank mines, booby traps, etc. In 1978, the security forces discovered 446 Soviet-made anti-tank rockets hidden in caves near *Mardin*, a southeastern Turkish town on the Syrian Border.

It is a routine news item in Turkish newspapers that small ships from the Bulgarian Black Sea area are loaded with smuggled arms and ammunition earmarked for Turkey. On June 3rd 1977, Turkish police intercepted a Greek cargo vessel, "*Vasoula*," on the *Bosphorous* coming from *Varna*, a port of Bulgaria. The vessel was carrying 67 tons of armaments allegedly destined for Ethiopia (as claimed later at the court trial), contrary to the original information given to Istanbul Port authorities. In 1976, Turkish security authorities captured Argentina-made firearms on some Turkish terrorists. It was learned later that these weapons were originally procured from Argentina by a Bulgarian state agency, shipped via air cargo to Bulgaria, and ended up in the hands of Turkish terrorists in a matter of a few weeks. This incident was reported in the Turkish as well as international press and caused a diplomatic scandal between Turkey and Bulgaria.

According to security authorities, 60 percent of the captured arms and amunition are Western models with brand names and serial numbers. However, the Turkish authorities found later on, through official demarches in respective countries of origin, that most of them were not manufactured in those countries. A case in point was the question of some French weapons captured on terrorists, such as pistols with French brand, "Unique," which proved to be imitations of the orginals. Another example is the Italian "Berettas" captured from the terrorists. When the Turkish government communicated with Italy on this question, it became evident that those captured proved to be manufactured in Bulgaria under a license agreement, as the serial numbers of the same weapons were in the hands of Italian Police stock of arms.

When the Soviet government and other satellite states are approached as a result of such investigations, they deny any complicity and give the standard answer that they cannot control the flow of their manufactured arms, due to a widespread network of arms smuggling in the world. It is indeed true that some of these arms smugglers have established profitable business contacts with some official Bulgarian commercial agencies, as reported by Turkish press and book publishers (Istanbul Daily Jurriyet reported in a serial of such undertakings in November 1980, and also Mr. Ugur Mumcu's book on arms smuggling).

Of the remaining 40 percent, about 30 percent of the captured arms and ammunition carry clear signs of Eastern European origin and the rest (10 percent) are of domestic manufacture. Another route of arms entry into Turkey is via the Syrian border where several crates of newly manufactured Soviet arms and ammunition were discovered recently, including anti-aircraft automatic guns, anti-tank rockets, etc.

A captured Kurdish Marxist terrorist, interviewed by the Turkish television on the 2nd of March 1981, clearly stated that "they had valuable help of money and ammunition from the socialist countries." He also made no secret that he had had eight months of guerrilla training in PLO camps in Lebanon, "like so many others from Turkey." The government sources informed me that Turkish guerrillas are generally trained in either Al Saika camps in Syria or G. Habbash's PFLP camps in Lebanon. They are trained in three-month programs and now Turks are second in number only to the Arabs in those camps. At the moment there are about 300 Turks under training. The captured terrorists told the police that their training instructors were from Cuba, East Germany, and North Korea. One of them had "advanced electronic bombs courses" with the Armenian terrorists specializing in this field.

The Armenian terrorist organization, "Asala," does not deny its Marxist orientation and admits working in close cooperation with the Turkish terrorists in Palestinian camps as well as abroad. In a statement given to the Middle East Review, and carried by the Turkish daily, Tercuman, of the 20th of June 1981, an Asala leader said "we are fighting for the same cause with the Turkish terrorist." This confirms our diagnosis that Armenian terrorism, which claims responsibility for 60 attacks against Turkish targets, as well as the assassinations of 18 Turkish diplomats, has been part of a larger picture of international terrorism instigated and heavily supported by the countries of Eastern Europe. There is, therefore, no reason to treat it as a separate case, a claim for human rights, etc.

At this point, I should like to point out how vitally important it is to disband or break the ring of sympathizers around the terrorists who give them moral and material support. In order to deal with terrorism effectively, the terrorists ought to be isolated from the ring of outside sympathizers around them. Unfortunately, some countries, including some of the Allies in NATO, do not seem to realize the importance of this point. In Paris and Athens, cooperation

among various terrorist groups is protected by responsible authorities. Hundreds of banners, reading "Greeks, Kurds, Armenians fighting for the same cause" have been carried in open-air meetings in Paris, Athens, etc., as a protest against Turkey.

The complicity in Turkish terrorism of Soviet and Eastern European states is so well documented that the press organs of the Turkish terrorists "Dev-Yol," "Dev Sol," etc., have been full of praises for "The great Socialist homeland Soviet State" and for the support expected from "the great Soviet Union."

The Soviet Union still makes extensive use of the Clandestine Radio Broadcasts of the Turkish Communist Party to increase the morale of imprisoned left-wing terrorists. It has actively supported an armed uprising of Marxist guerrillas in Ismir Taris Factory in February of 1980 by these radio broadcasts. On 5 May 1981, they paid tribute to the guerrillas killed in armed clashes with the police in the 1970's. The Soviets use the Turkish Communist Party Broadcasting as their alter ego and to convey messages to the Turkish underground Communist cells and guerrilla formations.

THE PRESENT SCENE

The Turkish military, in the last 9 months, has managed to deal effectively with rampant terrorism. The death toll dropped to less than one a day. Among the 412 people who died in the last 9 months, nearly 80 percent were terrorists who ventured into armed clashes with the security forces. The number of those arrested was 22,632 convicted 1,601, and detained 3,986 as of the 1st of June this year.

There is intensive propaganda carried out by former terrorists who fled abroad, in close cooperation with the Communist parties and extreme leftist groups in Western Europe. There are allegations of torture and violation of human rights. In fact, there are 154 files on torture allegations. About 20 policemen have been prosecuted on torture allegations. The government acknowledges that there have been a few individual cases in such a big operation. However, the head of the state and the government deny any deliberate policy on this question.

Turkey's head of state, General Evren, claimed in one of his recent statements that the government security forces have been about 90 percent successful in dealing with terrorism. Yet there is still a lot to be done to eradicate the disease. There are already signs that those who have gone underground (Newsweek magazine reported that about one-third of the terrorists have been captured, one-third fled abroad and the rest went underground) are far from being utterly demoralized and are waiting for an opportune moment to come to the surface again.

If the outside world is informed about the real nature of terrorism in Turkey, if an international effort is launched to go to the root of the matter with the aim of eradicating alien support for terrorist organizations, Turkey may put her house in order within a reasonably short span of time. Our social system and free institutions will be adequate to meet the challenge of any future adventure on the part of Communist terrorists. As I tried to explain earlier, the right-wing terrorism in Turkey has been a derivative phenomenon. This is confirmed by recent events. While the security authorities have been very successful in dealing with Communist terrorists, right-wing terrorism has vanished from the scene completely. I feel confident and optimistic that with better understanding of the roots of the matter, with moral and material support to our nation from her friends abroad and with effective measures of dissuasion against outside supporters of terrorism, peace, stability and democratic rule can be restored in Turkey sooner than expected.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 320

Whereas Kemal Arikan, the consul general for the mission of the Government of Turkey in Los Angeles, was shot to death on January 28, 1982, in Los Angeles;

Whereas acts of terrorism daily cause suffering and death in the world;

Whereas the gravity of attacks against representatives of foreign governments and the universal abhorrence of such attacks has been expressed repeatedly by the international community; and

Whereas free people should condemn such brutality wherever it appears and should take all lawful steps to prevent it and to bring to justice those who commit such acts of terrorism: Now, therefore, be it

Resolved, That the Senate hereby—

(1) condemns in the strongest terms the vicious and brutal act of assassination of Kemal Arikan, a consul general of the Government of Turkey and a guest of the United States, on January 28, 1982, in Los Angeles;

(2) expresses its deepest sympathy with the family of Kemal Arikan and with the Government of Turkey and the people of Turkey in their time of sorrow; and

(3) calls upon Federal, State, and local law enforcement authorities of the United States to conduct, to the maximum extent practicable, an unceasing investigation of this case, to engage in the prosecution of the offenders to the maximum extent that the law permits, and to take appropriate steps to deter future attacks.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Government of Turkey.

Mr. DENTON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Mr. SYMMS assumed the chair.)

ABRAHAM LINCOLN

Mr. MATHIAS. Mr. President, tomorrow is Abraham Lincoln's birthday, which brings to mind how often Lincoln's advice, given over a century ago, is useful today.

As I have faced various decisions, I have found it helpful to turn to Lincoln for counsel, but seldom have I found anything so appropriate to the moment as these words, which Lincoln penned to Horace Greeley 120 years ago in 1862:

I shall try to correct errors when shown to be errors, and I shall adopt new views so fast as they are shown to be true views. . . .

CONGRESSIONAL RECORD COMPOSED ENTIRELY BY ELECTRONIC PHOTOCOMPOSITION PROCESSES

Mr. MATHIAS. Mr. President, I would like to draw the attention of Senators to the CONGRESSIONAL RECORD of January 25, 1982. Although it may look like past RECORDS, it is, in fact, unique because for the first time, the text of the entire issue was composed at the Government Printing Office using electronic photocomposition production processes.

Electronic photocomposition offers many advantages over the traditional metal-type methods. The RECORD is now captured as a computer data base on electronic terminals equipped with video screens. This data is then used initially to produce the photocomposed pages for printing. The system allows the operators to correct typographical errors more easily and quickly than the previous lead-type methods.

Besides having the ability to store and retrieve information, the text editing system permits that information to serve multiple purposes. For example, on January 25, our distinguished colleague from Hawaii, Mr. INOUYE, introduced a bill, S. 2013, to make heroin available to patients with cancer. S. 2013 was printed in its entirety on page 43 in the CONGRESSIONAL RECORD in the three column page format using the standard RECORD 7-point typeface. The text editing system was then used to extract the bill language of S. 2013 from the RECORD data base and produce the bill pages in the appropriate style and size of type and page format. All this is accomplished electronically by the system, thereby eliminating costly rekeyboarding. Full text data bases containing over 100 million characters of bills submitted each session by the Members of Congress are also maintained at the GPO.

Before the advent of electronic text processing, 19 to 20 thousand galleys of lead type pages representing several sessions of Congress had to be stored at GPO in preparation for printing the permanent RECORD. Whole floors at the GPO were literally filled with the galleys of lead type. These galleys had to be removed from storage and transported to the compositor who would make necessary changes painstakingly by hand. Now all of the updating is done at a video display terminal, and the areas formerly used to store the galleys can be used for other purposes.

I am particularly pleased to note that by using electronic photocomposition processes, $140,000 will be saved in the composition of the RECORD this year.

In addition to the CONGRESSIONAL RECORD and bills, other publications

such as the Federal Register, the Code of Federal Regulations, and the United States Code have existing, massive full text data bases which are updated continuously and used for various information processing purposes. Hundreds of other Federal publications are also processed through the GPO's electronic photocomposition and text editing systems each year.

I welcome the convenience, efficiency, and cost savings which this new technology affords, and I commend the employees of the Production Department at the Government Printing Office for adapting the miracles of modern technology to serve the traditional needs of Congress and the rest of the Federal Government.

THE PRESIDENT'S PROPOSED BUDGET

Mr. BOREN. Mr. President, yesterday the Senate minority leader, Senator ROBERT C. BYRD, called upon the President to withdraw his proposed budget for this year in order to submit a new one which would have lower projected deficits.

I agree completely with the suggestion of the Senator from West Virginia and join him in urging the President to do so. I join in this suggestion not for any partisan reason. The problems facing our Nation are too great for us to play politics with them. I urge the President to withdraw his budget because I am convinced that the huge deficits in it for this year and suggested for future years will have a devastating impact on our economy if they are allowed to develop.

Every Member of this Senate knows that I have tried hard to give this President a chance to succeed. He was elected by the people and I have felt that he deserved a fair chance to put his program in place. I have voted to give him that chance. People were trying to send all elected officials a message in the last election. People were saying to us, "Reduce unnecessary spending and make the Government cost effective."

Above all, the people were saying, "The Government must balance its budget and live within its means."

The popular wisdom is absolutely correct on this score. Yet the administration has abandoned the goal of the balanced budget at an alarming rate. The President is clearly getting bad advice from those who say that budget deficits do not matter. The Secretary of the Treasury has said in recent days that deficits are not as important as is believed. He blandly spoke of his hope of balancing the budget by 1987. David Stockman has said that even that might not be possible under the current budget which we have been sent.

Mr. President, if we wait until 1987 or later to balance the budget, it will likely be far too late to salvage the American economy. We cannot have any economic recovery until interest rates come down. Farmers, small businessmen, couples wanting to buy homes, and many others simply cannot bear the burden of these high interest rates. If they continue, many sectors of the economy will be pushed into virtual bankruptcy and our Nation will sink into an even deeper and more prolonged recession.

Those who have incorrectly advised the President that deficits do not matter have closed their eyes to the fact that the size of the deficit and the anticipated future deficits have a great input on interest rates. The Government will borrow over $100 billion this year just to pay the interest on our $1 trillion national debt.

Mr. President, the amount that we will borrow this year just to pay the interest on the national debt, the over $100 billion, is more than it took us to run the entire Federal Government just 20 years ago when John Kennedy first took the oath of office and the total Federal budget was only $82 billion.

When the Government has to borrow to pay the interest on the national debt, it pushes up the interest rates by increasing the demand for credit.

Fifteen years ago our Government was consuming only about 2 percent of the available credit in the country. This past year the Government has consumed more than 30 percent of all the available credit in the country by borrowing to meet the interest payments on the national debt.

If these huge deficits continue, piling the debt still higher, Government borrowing will increase further, and interest rates are bound to increase.

Under the President's own projections, well over $300 billion would be added to the national debt over the next 4 years under his budget under the most optimistic assumptions.

Under the Congressional Budget Office estimates and other projections, as much as an additional $1 trillion could be added to the national debt under this budget by 1987.

Mr. President, this is a clear path to economic ruin. We can only guess. We are now consuming 30 percent of the credit in this country with a $1 trillion national debt, and interest rates have already been pushed at times as high as 20 percent. Imagine how high interest rates will be pushed if we have to service a $2 trillion national debt.

We can well look back to the days when 20 percent interest rates were considered the good old days.

We must be prepared to do whatever is necessary to get the deficits under control. Congress must make it clear that it will move to balance the budget by 1984 by holding the line on all spending and by holding defense increases to more reasonable levels.

As a last resort, the altering of the schedule of individual tax cuts by spreading them over a longer period of time may well have to be considered, if it is required to balance the budget.

Suggestions like those of Senator HOLLINGS to freeze all spending increases and to slow the schedule of future tax cuts should not be dismissed out of hand. His proposals may need to be modified, but they should at least be considered.

I would add, Mr. President, that I am appalled that the Secretary of the Treasury would dismiss by the sleight of hand with the statement, with one word, "ridiculous," a very serious suggestion by the Senator from South Carolina.

I say there are many of us on this side of the aisle who, in a bipartisan spirit, have tried to help this administration because we believed that they wanted to balance the budget. Let me say that we are less than impressed by that kind of partisan and shameful rhetoric from the Secretary of the Treasury, dismissing the sincere concerns of people on this side of the aisle to try to balance the budget. It is certainly not the kind of spirit that we need to engender in the Nation's Capitol as we try to get together as Americans on a bipartisan basis to deal with this alarming problem of increased deficits.

I commend my colleague from South Carolina for having the courage to come forward with serious suggestions. I commend the minority leader, the Senator from West Virginia, for having the courage and foresight to call upon the President to reconsider his budget. By the same token, I deplore the calloused, partisan attitude that has been reflected by the statements of the Secretary of the Treasury.

For the good of our country, all of us must band together without regard to party and move to get the budget deficits under control. I urge the President to take the first step toward building a true bipartisan approach by withdrawing his present budget so that we can all work together to recommit ourselves to the task of bringing down interest rates and moving to balance the budget by 1984.

Mr. ROBERT C. BYRD. Mr. President, I want to thank the distinguished Senator from Oklahoma (Mr. BOREN) for his kind remarks and his very fine statement.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

ANOTHER VIEW OF THE PRESIDENT'S PROPOSED BUDGET

Mr. MOYNIHAN. Mr. President, I join my colleague from Oklahoma in commending the proposal made yesterday by the distinguished minority leader in a spirit of national unity and responsibility. The minority leader suggests to the President that he withdraw the budget sent us earlier this week, and he asks that the President return to us a document that would make possible serious bipartisan consideration.

Mr. President, it seems to me that the minority leader's case is certainly strengthened by the reports we have of the meeting today at the White House with, as I understand it, certain of the President's principal advisers and congressional supporters. As reported by United Press International, Mr. MICHEL, the minority whip of the House of Representatives, told the President it would be most difficult to get GOP votes for his budget, in its present form.

Our colleague, Senator PAUL LAXALT of Nevada, joined in this statement. Mr. LAXALT is reported as saying that President Reagan is realistic, that the President knows there is going to be give-and-take, and that there is going to be compromise. He said:

> We made the point, Howard and I, that the President and some of his people would have to fight hard for that principle of maintaining the military proposal while leaving only further cuts in social programs as a means of achieving a lower deficit. He realized how difficult, if not impossible, such a course would be.

Mr. President, this raises a question of credibility, one of the most important kind. In the last several sessions of the Budget Committee last year, I outlined the long and sustained record of Democratic committee members throughout 1981, regarding the administration's economic projections. The projections and economic assumptions offered by administration spokesmen, Mr. Stockman being the principal one, we greeted with varying degrees of incomprehension or, indeed, incredulity. I recalled an exchange between Mr. Stockman and I in February in which he presented the administration's estimate of real economic growth in GNP for the year 1982: 4.2 percent. I found myself saying to him:

"How can you seriously suggest to the economic forecasters, the planners, the people of this country, that there is going to be a 4.2 percent increase."

I said, "you are going to be here in 2 years' time, and we are going to say, 'whatever happened to that 4.2 percent real growth?' "

Mr. Stockman, without any apparent compunction, assured us that, no, this growth would surely occur, it would be the case. This was in February. It was not until the years' end and Mr. Greider's article appeared in the Atlantic Monthly, that we were to learn that within days of having been told by us that these projections were sound, he was confessing to Mr. Greider that, clearly, these projections were not sound, and what were we going to do about it?

The administration's assurance that the 1982 budget would produce only a $42.5 billion budget deficit also invited incredulity. On March 15, 1981, I addressed the New York Economic Club and said, "the budget deficit for 1982 will be $60 billion, and probably more." The administration now concedes it will be $98.6 billion; it will probably be higher still.

We are beginning a process which absolutely depends on mutual confidence between the Congress and the executive. I asked, what happens to that process when the executive misrepresents data? The budget process will not work on that basis.

Mr. President, there is a first principle of public discourse which states that everyone is entitled to his own opinion, but not to his own facts. I repeat that, Mr. President: Everyone is entitled to his own opinion, but not to his own facts. Yet all through the last year, we were given significantly wrong facts, so wrong that we must begin to believe they were deliberately wrong.

When I warned about these misrepresentatious, a new recession already was looming, one which came much more rapidly than it would have, in part because of doubts in the financial markets about what the Government was doing to the economy if it so misrepresents self-evident facts. The period of recovery between the last recession and the present one was four quarters. That is the shortest period of economic expansion since 1919—a mere 12 months between contractions; 1919, Mr. President, was the year that the First World War came to an end, and long steel strikes helped spread general dislocation. Not since that time, more than 60 years ago, have we experienced such a short period of expansion.

I am one of the Members on this side of the aisle who opposed the first budget resolution on the grounds that it incorporated erroneous economic assumptions, as we innocently thought at the time. I reiterated those warnings this past November during the Budget Committee debate on the second budget resolution.

Let me review the record here, Mr. President.

First, we were told a real GNP would increase 4.2 percent in 1982, a very large increase on top of an inflation of about 9 percent. That would have involved more than 13 percent of growth in nominal GNP, wholly unlikely. By the time we were considering the second budget resolution, Mr. President, the administration had scaled-down this real growth projection to 3.4 percent. The Republican members of the committee further reduced it to 2.5 percent. It is now projected by the administration, Mr. President, at 0.2—down from 4.2. Roughly speaking, that is a 95-percent cut. And in point of fact, the Congressional Budget Office projects even lower growth for 1982, negative growth of −0.1 percent.

Mr. President, it is the fact that, from within the administration, we learn that these numbers were falsified. Mr. Paul Craig Roberts, until recently Assistant Secretary of the Treasury for Economic Policy, has resigned from the administration. He resigned, and now he has written in Fortune magazine that the inflation assumptions the administration presented to us with such solemnity were deliberately altered.

They were jacked up deliberately, to bring about revenue projections that fit the administration's desires, and in particular, Mr. Roberts tells us, the desires of the Office of Management and Budget to hide the deficit. They tried to reconcile it by proposing a velocity of money that was also unreal and unimaginable.

Mr. President, the Assistant Secretary of the Treasury for Economic Policy resigned from the administration, and now he says the administration was misrepresenting its economics and did so all last year.

I have been on the other side of this exchange. I have served in the Cabinet of the two preceding Republican Presidents. I have served in the Cabinet or sub-Cabinet of four successive Presidents. I have never witnessed such disregard for facts plain to all other economic observers.

In the beginning of this session, as a peace offering if you will, I put the proposition to the Budget Committee that if the President this time would only send us a budget in which the principal economic assumptions corresponded to those of the Congressional Budget Office, or corresponded to those of the principal econometric models run by Wharton Econometrics, Chase Economics, Data Resources, Inc., and so on—we would begin afresh.

This is not a perfect science, in any sense. It is perhaps not a science at all. But it is a legitimate endeavor. Much more is known about forecasting economic activity than was known, and it is carried forward under certain professional standards.

Some propositions are within the range of a mathematical probability; some are not. Responsible and respected econometricians working with various different models produce very close results. They are not always right; but they can explain why they reached their judgments, and fellow

professionals will share those judgments. That is the best that can be done, and it is not bad.

We are, in fact, pretty good at it, compared to the stumbling around in the dark which all economies experienced until at best 30 years ago.

All we asked the President was that he do what every Budget Office has done since the Bureau of the Budget was established under President Harding, which is to send forward the best professional judgment, one which could match ours.

I said in those hearings that if that were to be done, if a new budget comes forward based on assumptions which corresponded to the best professional views, the best expectations of what the economy holds in store, then we have a chance to work together seriously.

I am sorry, Mr. President. Was I speaking under a 5-minute understanding? I was not aware of that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MOYNIHAN. Forgive me. I can conclude in 1 minute.

Mr. ROBERT C. BYRD. Will the Chair recognize me for 5 minutes?

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. I thank the Chair.

I yield to the Senator as much time from my 5 minutes as he may require.

Mr. MOYNIHAN. I thank the minority leader. I speak on behalf of his proposal.

I say again that in January we proposed that, if the President would only send us a credible budget—no matter how difficult the numbers and the task might appear in sum—we would put the misrepresentations of 1981 behind us. There would be no recriminations. There would be no charges that once again we face the same matter and, having been taken in once, we would not cooperate. It was an open offer: "Let us counsel together" on what clearly was going to be a set of very difficult problems, problems created by the loss of revenues which on this side of the aisle, to the very last moment, we were pointing to and pleading to avert.

However, that is not what has happened. We were sent a budget which simply does not correspond to anyone's expectations of the path this economy will take. The projections of real GNP, once again, are widely extravagant.

The administration forecasts and assumes in its budget an average real GNP growth of 4.7 percent from 1982 to 1987.

Mr. President, last year, when the administration assumed 4.2 percent real growth for this year, we said that is clearly not going to be the case. Probably it will be zero or below. Now, consider this. In the postwar period of 1947 to 1981, the average annual real growth rate was 3.5 percent. In percentile terms, these may not seem large, but the dollar consequences for the GNP are enormous; 4.7 percent average annual real growth is not going to happen. We are also not going to have the interest rates they assume. We are also not going to have the inflation rates they assume. And therefore, how can we expect the revenues they promise? How can deficits not be startlingly greater even than those they are now projecting?

No less a person than James Schlesinger, who was Acting Budget Director under one Republican President, Secretary of Defense under another, and Secretary of Energy under a Democratic President—the only man in American history to be a full Cabinet member in three successive administrations—said it cannot happen.

If we have before us a document in which the intangibles are questioned and in which no one accepts whatever the premises, how are we to reason together and come to some acceptable conclusion? We cannot speak together on the basis of distortions and misrepresentations.

It is not as if the President's own people have not acknowledged the misrepresentations of last year. It is not as if people of great stature have not said it—today, Mr. Henry Kaufman, chief economist of Solomon Brothers; yesterday, Mr. Schlesinger, I stand here with some experience in these matters, and I say this budget is not responsible. It jeopardizes the whole budgetary process.

We hear from the other side of the aisle that they are not going to have any budget resolution. The collapse of a carefully and hopefully begun enterprise is threatened, a process designed to instill budgetary discipline, simply to grab this week's headlines. By making things appear bad enough, but not as bad as they are, they would jeopardize the whole congressional effort to make them better.

Mr. President, I say that the minority leader acted responsibly and correctly when he suggested, in the spirit of the national interest, that the President withdraw the budget, redo it along realistic lines, and send it back to us. We can accept it in those terms.

I thank the Chair. I apologize if I proceeded as if I were not under a 5-minute allocation of time, of which I was not aware. I did not think matters were so pressing in the Chamber at the time. Any time my friend from Minnesota rises to speak, it is a pressing matter for me to listen to him.

Mr. BOSCHWITZ. Mr. President, I have listened with care to my colleague from New York, who has spoken eloquently, as he always does, and who speaks eloquently in the Budget Committee, on which I serve with him.

Not so long ago, he told us that we Republicans worship at the shrine of a balanced budget and that he fears that we are giving up that shrine.

Mr. MOYNIHAN. Will the Senator yield to me for a comment? I simply quoted my fellow New Yorker, Mr. KEMP, who said, "We Republicans no longer worship at the shrine of a balanced budget"—a fact that is much in evidence today.

Mr. BOSCHWITZ. This Republican is not exactly a worshiper but believes very strongly in the business of a balanced budget.

I listened with interest to the Senator from New York speak about the projections. I remember well that during the last administration, we Republicans made speeches that were very similar, about the projections that were made by the President at that time. They, too, were often off the mark. Why, we had a balanced budget that eventually became a deficit of nearly $60 billion. It seems that very often, as my friend from New York knows, administrations are optimistic about what they can do, what they can achieve, and what their policies are.

I am a believer in the policies of this administration. However, I also have my own thoughts on the budget, which I am going to discuss. I believe that there will, indeed, be a budget resolution. I have not heard from any of my colleagues on this side of the aisle that we feel there will be no budget resolution, as the Senator has stated.

I think there will be a budget resolution. I think it will be done in a collegial style that we will all have some input into. The President's budget will be the starting point. Perhaps it will be the finishing point. Perhaps I will vote for it.

But at least for the moment I have some additional thoughts, not in contravention to the President but additional thoughts that I wish to put forward today with the idea in mind, as my colleague from South Carolina did yesterday, of adding to the forward motion and to the collegial thought that will go into the business of making a budget for this Nation in the next fiscal year.

If interest rates were lowered to 8 percent, maybe even 10 or 12 percent, within 2 weeks the economy would be humming, optimism restored, and unemployment reduced. So why does not the Government do something about it, and listen, while they are at it, why not reduce interest not to 8 percent but to 6 percent—and inflation at 2 or 3 percent would be a good idea, too.

The truth is Washington cannot turn interest or inflation rates on and off like a faucet. Believe me, if we could we would. In fact, no group would like to reverse the economic pic-

ture more than politicians. If we could quickly lower interest rates and inflation, return optimism and prosperity, we would be hailed as heros, something we in the political game love to be. Our reelections would be assured—now that is a prospect worth thinking about.

So if we could, we would, but we cannot, in the short run, that is. The Government and all economic factors affect the economy only in the long term, so our policies have to be longer range. And just as we cannot switch on lower interest or inflation rates, people have to recognize, and do, that Reaganomics did not switch on the recession—it was a long time in coming.

BUT WHAT ABOUT THE POOR, THE UNEMPLOYED?

Long-term economic planning is find, but as Harry Hopkins, F. D. R.'s right-hand man, noted, the poor eat every day. But today, unlike the 1930's the Government provides a safety net of social programs, and despite what you hear, Reagan has tampered little with basic programs. In 1930 the Government spent just a few cents of every dollar spent in this country. Today Government spends 43 cents of every dollar spent in this country and most of it is for social welfare.

HOW DID WE GET WHERE WE ARE?

An easy money policy? Yes, that is part of it; so is excessive Government spending that leads to deficits, that lead to an easy money policy, that leads to inflation, and inflation is at the root of our problem. In recent years working people's income has risen quite a bit less than inflation. While during the 1950's and 1960's inflation averaged about 2 percent—working people's income grew a good deal faster. Since their wages grew faster than inflation, they could buy more amd more and their standard of living rose. But in the 1970's this reversed. Inflation drove the price of goods up faster than wages and people could buy less, so fewer people were needed in factories to make—plywood, for instance—and all other consumer items. That, of course, caused unemployment.

While we have many economic problems inflation lies at the base of them all.

Few people realize and I am sure that my colleague from New York is aware, being a historian and having a great sense of history, that the inflation of the 1970's is new to the American society. Our country was built in an inflation-free economy. Excluding about 10 war years, for the 138 years ending in 1930 the average rate of inflation in the United States was six-hundredth of 1 percent.

Few people now remember that in 1971 President Nixon imposed wage-and-price controls because inflation was getting out of hand; it has risen to 4.8-percent annually. Today that seems a very acceptable level but it really is not. In 1971 it seemed terribly high.

Interest rates reflect inflation, too. If inflation is 12 percent, can you borrow a dollar at 6 percent? At the end of the year you would give the banker his dollar back plus 6 cents, but the dollar depreciated in value 12 cents. Under those circumstances, would you loan your money out at 6 percent? Of course not. As a rule of thumb interest rates are the inflation rate plus 4 percent.

SO WHAT CAN AND SHOULD WE DO?

There are three basic things the Government should do: First, lower the growth rate of Government spending to eliminate deficits; second, hold a steady but not restrictive course on the expansion of the money supply; and third, give incentives for capital formation, saving, productivity, and work.

Why is there so much emphasis on balancing the budget? In a way balancing our Government's affairs is not much different than your own obligation of fiscal responsibility in your home, business, farm, or school district, or your checkbook. But when the U.S. Government has large deficits, it has greater borrowing abilities than the rest of us. Last year to cover its deficits, the Government borrowed about 40 percent of the new funds available. When one borrower takes 40 percent of all available funds, there is hardly enough for the rest of us. We are crowded out of the ability to borrow, as the economists like to say. Government borrowing creates so great a demand for money that the demand for money exceeds the supply of money and up go interest rates.

How is the budget effectively controlled? By cutting it? No, rather by slowing its growth. The Federal budget has four parts and the percentage of each part and the approximate dollar amount is charted below on the basis of figures of the 1982 budget:

	Defense	Interest	Entitlements	Appropriations	Total
Percent of total	24	11	47	18	100
Approximate dollar amount (in billions)	172	83	34	130	728

I have some proposals on the budget, and I submit them, to say it once again in a collegial way. I think if we are going to get to a budget resolution, it is going to have to be done with the thoughts of very many people. I do not give any thought to any criticism of the President at all. I have supported his tax measures; I have supported his budget. He has gotten us started, and has turned around the escalating rise in budgets. Even if you look at the budget he has presented, despite the deficits, the budgets are growing much more slowly.

There are four parts to my budget plan: defense, interest, entitlements, and appropriations.

DEFENSE

Defense has, prior to this year, been a decreasing part of the Federal budget. During the Vietnamese period defense funds went disproportionately to that conflict. Research, development, and building of military material and equipment were neglected. They do have to be restored and I have supported a real increase in military expenditures. But the President's rate of proposed defense spending increase has to be lowered. As a practical matter we would not get a decrease in the growth of spending in other parts of the budget unless we moderate the growth rate in defense. The President's proposal is for a 16-percent compounded rate of growth. My suggestion would be 12-percent compounded. Since we currently have inflation at lower rates than previously thought, I think perhaps this 12-percent compounded rate of growth will give us the 5-percent real growth the defense budget needs. This is still much faster than entitlements—which on the other hand have grown faster in the past:

BUDGET OUTLAYS

[In billions of dollars] [1]

	1982	1983	1984	1985	1986
Reagan proposal	172	205	235	273	311
Boschwitz' proposal	172	193	216	242	271
Budget savings of Boschwitz' proposal		12	19	31	40

[1] Excludes military retirement benefits which are an entitlement.

ENTITLEMENTS

Entitlement programs are largely the social safety net that make payments directly to people. The 10 largest and the 1982 budget outlays of these 10 are:

	Billions
Social Security	155
Medicare	49
Civil service retirement	20
Unemployment compensation	24
Medicaid	18
Supplemental security income [SSI]	8
Aid to families with dependent children [AFDC]	8
Railroad retirement	5
Veterans pensions	4
Students loans and grants	5

So these 10 amount to $296 billion of the total entitlements of $316 billion. Military retirement, $15 billion, and food stamps, $12 billion, are often treated as entitlements which would raise entitlements to $343 billion—the figure I have used below.

This has been the growth part of the budget in recent years, as much under Republicans as Democrats. The following chart shows the yearly cost of entitlements at the beginning and end of each Presidency:

OUTLAYS

(In billions of dollars)

	Beginning	End	Average dollar growth per year
Kennedy (3 yr)	28	31	1
Johnson (5 yr)	31	58	5
Nixon-Ford (8 yr)	58	195	17
Carter (4 yr)	195	304	27

In 20 years the entitlement programs grew over 1000 percent. This chart is not to suggest that these programs are not needed or unworthy of such growth. But working people's wages have not grown nearly as fast, and wages are what support these programs. Social security cost $11.6 billion in 1960. In 1982 it will be $155 billion. If your wages had kept pace the following would have happened: If your wages were $5,000 in 1960 they would be $67,000 in 1982. Will they be? Yet our wages support social security, and there should be some relationship between how the two rise.

MY PLAN IS NOT TO CUT A SINGLE PROGRAM—JUST SLOW ITS GROWTH

Most of these programs are indexed to inflation, so costs rise with inflation. Also new programs are often started or existing ones expanded in coverage. If for a 4-year period, Congress continues all programs but determines to start no new programs or expand coverage in any existing program, and for 4 years only increases the programs at the rate of 3 percent, the following budget savings would take place:

[In billions of dollars]

	1982	1983	1984	1985	1986
Cost of entitlement programs:					
Current policy budget	343	373	401	433	466
Boschwitz plan—all programs grow at 3 percent a year	343	353	364	375	386
Budget savings of Boschwitz plan		20	37	58	80

Unlike my friend and colleague Senator HOLLINGS, I would say do not cut them off at the pass entirely, but let the entitlement programs grow at 3 percent over the next 4 years.

APPROPRIATED PROGRAMS

The appropriated programs are generally not directed at individuals but rather at policy goals, such as education, good roads, clean air, housing, and so forth. The 11 largest appropriated programs and the 1982 budget outlays of each are:

	Billions
Education	$13
Housing	9
Highways	8
Veterans medical care	7
National Aeronautics and Space	6
Environmental Protection Agency	5
Community development	5
Employment and training	5
National Institute of Health	4
Urban mass transportation	4
Foreign aid	3

These 11 programs total $60 billion. The budgetary action we took last year slowed the growth of appropriated programs already.

The President would have us cut a number of the appropriated programs in a rather broad way. I question whether we are going to be able to pass a budget with those broad cuts in appropriated programs in the House and, perhaps, even in the Senate where we have a majority.

My program is let the actions we took for the 1982 budget impact 1983 as planned, but make no further cuts in programs, and in 1984 through 1986 let all programs grow by 3 percent from an 1983 base year.

	1982	1983	1984	1985	1986
Current policy budget	131	124	135	142	146
Boschwitz plan (3 percent growth on 83 base)	131	124	128	132	136
Budget savings of Boschwitz plan			7	10	10

INTEREST—OR HOW THE RATE GOES DOWN

At the beginning—sorry this has gotten so long—I noted that the Federal Government does not set interest rates. The marketplace for money does. Supply and demand control, plus the rate of inflation—or what the expectation is with regard to the rate of inflation—if the banker expects it to be 12 percent, he will not loan at 6 percent as in my earlier example. If the demand for money is high because the Government is borrowing 40 percent plus of the newly available funds, interest rates will be high. Of course, the Federal Reserve could dramatically increase available funds. That would level out the supply and demand for money. But, then, if the money supply rises too fast, inflationary expectations will rise and that will drive interest rates up.

But if the budgetary path I have outlined here were adopted, the Government would in relatively short order not be borrowing nearly as much, the need for expanding the monetary supply would ease, and the expectation of the inflationary rate would come down very substantially.

The interest savings shown below are, therefore, based on lower rates and less to be borrowed.

	1982	1983	1984	1985	1986
Current policy	83	94	112	121	124
Boschwitz proposal	83	95	97	97	97
Savings of Boschwitz proposal		4	15	24	27

I believe it is a sound way to restore better and stable economic times. It is the way the American dream—for rich, poor, old, and young alike—can be realized.

REVENUE ENHANCEMENT

What a nice term. So much better than "tax increases." But some we must take back if we are to balance our affairs. We should not, however, increase the personal or corporate rate—in fact, hopefully, we can reduce them further in the future. Nor should we change the newly adopted accelerated depreciation rates.

We should, however, do the following: Tighten up the minimum tax—particularly for large corporations; change the recently enacted (1981) law allowing the transfer of depreciation and investment credits (ITC) by loss, and other, corporations; revoke some of the additional advantages given the energy industry in 1981; remove certain advantages pharmaceutical companies have in Puerto Rico; the Government should sell rather than give away export quotas in textiles and other goods—the Government should be a lot firmer with countries that block our exports; over the years ingenious accountants and lawyers have developed tax shelters, loopholes—call them what you wish—and many do not have much bearing to tax equity. We have reduced top rates, now we have to reduce tax avoidance. It is the only fair and sensible thing.

The goal would be to increase revenues by $20 to $25 billion a year, or 3 percent higher than present collections.

My friends on the Finance Committee tell me that although I have put in my projections that this will raise $20 billion, that it will in fact raise probably considerably more. But I have taken a rather conservative viewpoint of the amount of money raised.

IN SUMMARY ON THE BUDGET

So if we slowed the growth of defense and entitlement and appropriated programs, and if we "enhanced" revenues, the following would be a summary of what would happen:

BUDGET SAVINGS OF BOSCHWITZ PROPOSAL

[In billions of dollars]

	1982	1983	1984	1985	1986
Defense—Budget savings		12	19	31	40
Entitlement		20	37	58	80
Appropriated			7	10	10
Interest		4	15	24	27
Total budget savings		36	78	123	157
Plus "enhancements"		20	20	25	25
Total of Boschwitz changes		56	98	148	182
Less budget deficit under current policy (not including Reagan changes)		(146)	(165)	(168)	(175)
Total (deficits) or surplus under Boschwitz proposal		(90)	(67)	(20)	+7

In summary, looking at the budget, looking at the projections of deficits, we would have in 1983 under this plan of slowing the growth of Government a $90 billion deficit; in 1984 a $67 billion deficit; in 1985 a $20 billion deficit. I heard somebody today call a deficit of that amount "de minimis," as it did not amount to anything. $20 billion is a lot of money to me. Nevertheless, we are getting close to a balanced budget in 1986. To continue, in 1986, we would have a $7 billion surplus according to my projections.

I could not agree more with my colleague from New York that projections are projections but, nevertheless, we have to go by something, and if we get onto a budgetary path that indeed is going to bring us into balance, I think many things will happen in our society that will be considered most positive.

CONCLUSION

Some of my Senate colleagues or economists or others may come up with other plans and they may be better.

My plan is reasonable. It is based on these assumptions: First, recognize that the Government has grown faster than the economy and faster than wages for many years; second, do not get into a political fight by making huge cuts in some programs and none in others (as the President proposes); third, for a 4-year period (5 years if necessary) make the Government grow slower than wages and the economy by cutting no programs but the growth rate of all of them; and fourth, recognize that defense has been neglected (not everyone agrees with that to be sure) and let it grow faster than the rest of the budget, but not as fast as the President wants.

It is time we bring some order to Government.

In conclusion, Mr. President, I think I have a good plan. Again, it is not in contravention of the President's plan, but is in supplement to his plan.

You cannot automatically slow the growth of some of these entitlement programs, so it would require making some authorization changes, and I think that is one of the strongest points of this plan. We have to make some changes in entitlement programs, in who is entitled to some of the benefits and the levels of those benefits, if we are going to hold the entitlement programs in check. But I do not believe drastic changes will be needed.

Those kinds of changes can be reasonably made. They are not going to be huge changes that are going to gut the program, not by any means. But they will be authorization changes that will continue for many years to come and, in my judgment, make it possible to keep the budget in balance beyond 1986.

So, Mr. President, I hope that others feed their ideas into this whole business of constructing a budget for our country. I look forward to hearing reactions to my plan. I campaigned in 1978 on the basis of bending the line of budgetary growth as the basis upon which we can indeed bring our Government into check, and it is time that this be done.

I yield the floor.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. I yield.

Mr. STEVENS. Mr. President, this morning as I had conversations with members of the press prior to the convening of the Senate, I mentioned the statement that Senator BOSCHWITZ had made, which I found very interesting.

His proposal merits serious consideration. As I said about the statement and proposition made by the distinguished Senator from South Carolina, this is a proposition which the Senate must consider as we try to reach a consensus on the budget process this year.

I am particularly intrigued, as the chairman of the Defense Appropriations Subcommittee, with the suggestions that Senator BOSCHWITZ has made about slowing the rate of growth in the defense budget. He has balanced that with his approach concerning slowing the rate of growth in the entitlements section of the budget and in other portions of our budget.

Having read in its entirety the release made by the Senator from Minnesota, which I believe is the basis for his statement here today, I was impressed with the analysis that the Senator made of trends in the past and the trends in the future with respect to where we are going in our attempt to eliminate this massive deficit. This defect puts pressure on our money markets. I do believe that it is something that the administration and the Congress must consider because this is another voice of a new Senator, raised not in opposition to the President, but in search of a solution for the same problems that the President's budget addresses. I might add parenthetically that I viewed Senator HOLLINGS' basic proposition in the same way.

We have been committed to reducing the deficits that are projected for this country. Senator BOSCHWITZ has offered, I believe, an alternative, and portions of his alternative must be considered in the final consensus that the Senate reaches this year.

I congratulate him on presenting his statement and for putting his full presentation in the RECORD. I hope that other Members of the Senate, and in particular the administration, will take heed and listen to the advice that is being given concerning the problems we face, not just with the budget this year or next year, but the overall trends of our budget.

As I understand it, the Senator really is directing his attention to the trends of our deficits and what can be done to have that trend line go down rather than constantly up, is not that correct?

Mr. BOSCHWITZ. That is correct.

Mr. STEVENS. I congratulate the Senator for his presentation and thank him for sharing with the Senate the views which he previously shared with the leadership.

Mr. BOSCHWITZ. I thank the Senator.

U.S. POLICY ON THE WEAPONS SALES TO THE GOVERNMENT OF JORDAN

Mr. THURMOND. Mr. President, a news item in the Washington Post today indicates that Secretary Weinberger is attempting to influence the Jordanian Government to change its plans regarding buying an Air Defense System from the Soviet Union. In order to do that, Secretary Weinberger and the Reagan administration are offering to sell Jordan the equipment they need for defensive purposes.

Mr. President, this is an important step toward keeping Jordan in the community of free nations.

The relationship between Jordan and the United States has been cordial and mutually supportive for three decades. Largely due to the efforts of King Hussein, that country has remained a strong voice of anticommunism in the Middle East. Furthermore, King Hussein has maintained a strong posture for peace and moderation during very turbulent times in that area of the world when, frankly, it was rather difficult for him to be moderate.

Previous attempts by Jordan to buy an Air Defense System from the United States were not successful, in part, because of strong congressional opposition. As a result, a frustrated King Hussein turned to the Soviets to obtain such a system. Today, Secretary Weinberger and the President are attempting to thwart the Jordan-Soviet arms deal by making a reasonable offer to sell Jordan the equipment it needs for self-defense.

I support the administration policy in this regard, and I call upon the Senate to do the same. We should, however, get clear and firm assurances from the Jordanians that these systems will absolutely not be used for offensive purposes, but rather will only be used for the necessary defense of that nation.

Mr. President, it is vital to the national interest of the United States to keep Jordan outside the Soviet influence and in the free world, so that it may continue its role of promoting

peace and enhancing moderation in that vital region. Providing Jordan with the defensive equipment it needs will not only enhance the position of the Arab moderates, but it will also be a gesture of evenhandedness in that region.

UNITED NATIONS REPORT ON U.S. TREATMENT OF SALVADORAN REFUGEES

Mr. KENNEDY. Mr. President, for many months I have been concerned, as I know many Americans and Members of Congress have been, over the growing problem of refugees fleeing the escalating violence in El Salvador—especially those Salvadorans who have reached the United States or who are already here.

Despite strong representations from many quarters, including representatives of the U.N. High Commissioner for Refugees, the administration has closed our doors to those Salvadorans who do not want to return to their country during this time of violence and spreading conflict. This administration has willfully ignored past practice and has set about upon a policy to deny asylum or temporary safe haven to any Salvadoran.

The evidence in this regard has been painfully clear for many months—since I wrote to Secretary of State Haig last April 6 and the Department's response during hearings of the Subcommittee on Immigration and Refugee Policy in July. Throughout, the administration has refused to acknowledge the severity of conditions in El Salvador and they have denied claims of asylum or granting of extended voluntary departure.

The latter is contrary to the past practices of both Republican and Democratic administrations. During the worst days of the Lebanese and Nicaraguan conflicts, the United States temporarily adopted a number of special immigration measures to deal with nationals from those countries who were in the United States, or who reached our borders, to grant them safe haven through extended stays of voluntary departure.

To date, Mr. President, the United States has granted only one Salvadoran asylum in the United States out of nearly 2,000 who have applied, and we have refused to grant any extended voluntary departure.

Not surprisingly, this record of indifference toward the plight of Salvadorans has come to the attention of the Office of the U.N. High Commissioner for Refugees. Representatives from the Washington liaison office made an extensive tour last October throughout the Southwest, reviewing the INS treatment of Salvadorans.

Their report became available recently and, quite frankly, it is an extraordinarily discouraging one for those of us who have noted with pride America's uninterrupted tradition of welcoming and assisting refugees.

The UNHCR Mission recommends that—

UNHCR should continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

Mr. President, what I find particularly distressing is that this is the first time in my memory that officials of the UNHCR have ever found it necessary to suggest the United States is failing to fulfill its international obligations toward refugees.

It is unconscionable and without precedent. We have never, ever, under Democratic or Republican administrations, allowed such questions to arise.

Mr. President, I commend the staff of the UNHCR for fulfilling their responsibilities and for bringing the United States to account. I, for one, deeply regret that they found it necessary to do so.

For the information of the Senate, I wish to share the text of their report's findings and recommendations. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES MISSION TO MONITOR INS ASYLUM PROCESSING OF SALVADORAN ILLEGAL ENTRANTS—SEPTEMBER 13-18, 1981

SUMMARY OF FINDINGS

1. Large numbers of Salvadorans continue to enter the U.S. illegally on a regular basis and this was seen to have a direct causal relationship with the internal strife in El Salvador.

2. The physical conditions under which the Salvadorans we saw were being held were, by and large, satisfactory.

3. Though in theory any Salvadoran illegal entrant may apply for asylum, there appears to be a systematic practice designed to secure the return of Salvadorans, irrespective of the merits of their asylum claims. Hence the overwhelming majority of those returning are doing so "voluntarily" without apparently being freely advised of their asylum rights.

4. According to INS Headquarters, during Fiscal Year 1981 (Oct. 80-Sept. 81) only one Salvadoran was granted asylum in the U.S. and none had been allowed to stay temporarily in the country for humanitarian reasons.

5. This would appear to be the result of a deliberate policy established by the U.S. authorities in Washington and not the result of individual INS judgement in the field.

RECOMMENDATION

Recommend that UNHCR should continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

INTEROFFICE MEMORANDUM

To: Mr. M. P. Moussalli, Director of Protection, UNHCR Geneva.
From: K. Kalumiya, Legal Officer, and N. Tamayo, Washington Liaison Office.
Subject: Report on the Situation of Salvadoran refugees in the U.S.

OCTOBER 16, 1981

I. The purpose of this report is to provide the findings of the recent UNHCR mission to California, Arizona and Texas to assess the general situation of Salvadoran asylum seekers and the treatment of those presently being held in various detention facilities in the United States.

II. Introduction:

A. Participants and objectives.—Kallu Kalumiya, Legal Officer of the Washington Liaison Office, and Nina Tamayo, who is fluent in Spanish, represented the Office on this mission. The objectives of our trip were to gather first-hand information about the situation of the Salvadoran asylum seekers who enter illegally into the United States, and to visit the major detention facilities in the western and southwestern states where Salvadorans are being held in order to observe their condition and INS processing of their asylum applications.

Traditionally, large numbers of illegal entrants from Latin America, including El Salvador, have come to the United States seeking either better economic opportunities or in search of refuge from the constant political instability and violence common to many nations in that part of the Western Hemisphere. During the last two years in particular, there has been a remarkable increase in the numbers of Salvadorans entering the United States illegally across the Mexican border.

B. Itinerary.—We visited three of the States with the largest concentrations of Salvadorans in the U.S. i.e. California, Texas and Arizona, all of which, with New Mexico, share a common border with Mexico. We also visited two of the three major INS detention facilities for Salvadorans—El Paso and Harlingen in Texas. Although we did not visit El Centro in southern California—the other principal detention facility for Salvadorans, we saw two smaller detention facilities located in Los Angeles and in its satellite city, Pasadena. (There are two other large INS detention facilities with a few Salvadorans that we did not visit i.e. Krome North near Miami and Brooklyn in New York City). In addition, our visit to Tucson, where there is a major legal aid office that assists many Salvadorans in applying for asylum, enabled us to meet with a number of Salvadorans, some of whom had been held at El Centro, and who provided us with some useful insights into the situation there. A copy of the mission's itinerary is attached for your information (see Annexes A and B).

III. Major sources of information contacted:

During the mission, information concerning the situation of the Salvadorans was sought from three primary sources: (a) officials of the Immigration and Naturalization Service (INS), (b) attorneys and other concerned groups, and (c) the Salvadoran refugees themselves.

A. In Los Angeles, El Paso and Harlingen, where INS has district offices, we met with the respective district directors who, without exception, received us most cordially and provided necessary transportation ar-

rangements to the detention facilities. We had extensive talks with INS officials in those districts and they provided us with the basic information and statistical data concerning Salvadorans under their respective jurisdictions. We also sat-in on some exclusion/deportation and bond-reduction hearings before INS immigration judges in Los Angeles and El Paso.

B. Meetings were also held with interested groups and individuals that are active in the legal defense of refugees, namely "El Rescate" in Los Angeles, the United States Catholic Conference (USSC) in El Paso, private attorneys in Harlingen, and the Manzo Area Council in Tucson, which has been active in getting bond money for Salvadorans held in El Centro. Two private attorneys from San Francisco also arranged to meet with us at the Los Angeles Airport concerning Salvadoran individual cases. In Los Angeles, we had lunch with Mrs. Laurie Becklund, a journalist with the Los Angeles Times, who shared with us some of her extensive knowledge on the subject.

C. At the facilities in Pasadena, El Paso, and Harlingen, we interviewed a number of Salvadorans with a view to determining their principal reasons for leaving their country, the reasons they did not stay in any other Central American country, the basis for their fear of persecution upon return to El Salvador, and why so many of them were opting for "voluntary departure" and so few applying for asylum, in view of the general climate of violence in El Salvador.

IV. Findings:

A. Numbers Entering.—The actual number of Salvadorans entering the U.S. each month is not known. It is estimated by INS that for each one Salvadoran apprehended, four get in undetected. INS officials acknowledged that while there had been a long history of illegal immigration from El Salvador over the years, the numbers of Salvadorans seeking to enter the U.S. has dramatically increased recently. As Mr. Giuni, the INS district director in El Paso, put it "we had no Salvadoran problem in this area two years ago." This view was echoed in both Los Angeles and Harlingen. INS figures of Salvadorans encountered over a four and a half year period in the El Paso district area appear to support this view:

Fiscal year 1977	107
Fiscal year 1978	181
Fiscal year 1979	274
Fiscal year 1980	606
Fiscal year 1981	292

The monthly average number of undocumented Salvadorans apprehended by INS country-wide during 1980 and early 1981 was approximately 1,000, making it a total annual average of about 12,000. Many of the entrants were brought in from Mexico by smugglers who specializes in this business, known as "coyotes".

B. Numbers Detained.—Upon arrest for illegal entry by INS Border Patrol, aliens are transported to the nearest INS detention facility. There they are held pending their deportation or voluntary departure. The number of Salvadorans currently detained in the U.S. is probably between 400-500. As of September 81, following were the numbers being detained at the following centers:

El Centro	159
Pasadena	50
El Paso	75
Harlingen	89

The turn-over rate is quite high as each month several hundreds are returned to El Salvador. The figures of those returned during 1980-81 from some of the major detention facilities are given below on page 16.

The legal basis for detaining undocumented entrants is Sec. 242 (a) of the Immigration & Nationality Act (INA) which provides that "pending a determination of deportability in the case of (illegal) aliens . . . such alien may . . . be arrested and taken into custody".

V. Conditions inside detention facilities:

A. Pasadena and Los Angeles.—The Pasadena detention center is located about 20 miles from Los Angeles and is a two-story building that was formerly a convalescent home. It is located on a major intersection near downtown Pasadena surrounded by palm trees and has no visible signs to indicate it is a detention facility. Presently used by the INS mainly for women and children, it is now a privately operated facility that houses about 40-50 entrants. The cost of operating the facility for the INS is about $40,000 per month. Its general conditions are satisfactory: the living quarters are divided into male and female areas, though there are common areas for recreation, a lounge area with a television set, card tables, and a garden area. The living quarters are clean, spacious and have sufficient light. The detainees are provided with clothes, if necessary, and are given sheets and towels. They have meals three times a day and the menu is varied. The refugees also have access to a pay-telephone where they can place telephone calls though they cannot receive any. Though we heard no major complaints from the refugees about their living conditions, they did express frustration about not being able to receive telephone calls and not being able to receive visits from their family members.

There are approximately 40-50 persons who are processed daily for deportation at the Los Angeles facility. This is a day facility located in the basement of the INS building in downtown Los Angeles. It is generally used for refugees who have been transferred from either Pasedena or El Centro for processing prior to deportation or voluntary departure. The refugees are expected to stay there no more than one day until the immigration officials have completed the paperwork on their cases. A list of free legal services is distributed to the refugees and those who wish to return voluntarily are asked to fill out the "voluntary departure" form, written in Spanish and English, (see Annex C), while those who wish to apply for asylum are advised to consult any of the legal aid offices in the area. There is a pay-telephone available to the refugees, as well as sound-proof booths for consultations with their attorneys.

B. El Paso.—The facility at El Paso is located approximately 10 miles from downtown El Paso adjoining the international airport, close to the Mexican border. It consists of several small buildings that house male illegal entrants of diverse origins, such as Mexico, El Salvador, Guatemala, Colombia, Nicaragua, Bahamas, Cuba, etc. It can accommodate up to 300 persons. According to the INS district director, the largest number of illegal entrants, after Mexicans, are Salvadorans.

The facility is guarded and surrounded by barbed wire though there was no perceptable climate of tension between the immigration authorities and the detainees. The living quarters are spacious and clean, and each room has a color television set and is air conditioned. The INS provides clothing, soap and towels to the detainees. Both the living and shower areas are cleaned daily by a group of detainees who are hired to work for $1 per day. The detainees are required to remain outdoors during the day in an outside courtyard and have few recreation facilities.

C. Harlingen.—The detention facility at Harlingen is located about 50 miles from the town of Harlingen, Texas (pop. 50,000) near the US/Mexican border. About 10 miles from the detention center, there is a thriving tourist resort area on the Mexican Gulf. This is in sharp contrast to the total isolation of the facility itself where only small government-owned houses for the immigration officials stationed at Harlingen surround the area.

The detention center was formerly used as a U.S. Navy facility and was handed over to the INS in the early 60's. It is presently in the process of being rebuilt. A new two-story brick building, recreation grounds and large water treatment plant stand next to the present structure of small concrete buildings. Once completed, Harlingen will become the largest of the three INS facilities.

The facility now houses 236 male detainees. Of these, at mid-September, 89 were Salvadorans. Women are detained in the county jail together with other female inmates, and children are held in juvenile centers. According to the INS district director in Harlingen, the number of Salvadoran women detainees is very small.

The living quarters at Harlingen are crowded with bunk beds and the windows are closed off with wood and fence wire. The bed mattresses are worn and dirty. Ventilation is poor and there is no air conditioning, which is clearly uncomfortable in the hot and torrid summer climate of this region. The living quarters and the dining hall each have a television set which, is turned on in the evening.

The detainees spend their day idling outdoors in a guarded courtyard where there are no recreation facilities. The INS provides some of them with discarded U.S. military uniforms when clothes are needed. The courtyard is surrounded by a barbed wire fence and a uniformed security guard patrols the area from a watch tower.

According to the INS district director, a medical doctor regularly visits the center and a nurse is permanently stationed at the facility. Each detainee is given a medical examination on arrival.

D. El Centro.—Though we did not visit the detention facility at El Centro, we were informed by the INS and private law groups that it is located in a desert about 100 miles from San Diego, California. According to INS, the total number of Salvadorans detained there as of 21 September 1981 was 159. Of these, only 3 had applied for political asylum. Individual groups, i.e. "El Rescate" and Manzo Area Council described the conditions at El Centro as being "substandard". They all pointed out that the facility is isolated and the detainees do not receive adequate legal assistance. They also mentioned a lack of hygiene at the facility and the hot weather which in some cases caused skin and kidney problems. However, the USCC director in El Paso who had recently visited El Centro, mentioned that the facilities' conditions there were substantially the same as those in the El Paso detention facility. That, if correct, would mean that the conditions are basically satisfactory with respect to the living quarters.

E. Level of Bonds.—Art. 242(a) of INA, which provides INS with the statutory basis

for detaining undocumented aliens pending the administrative determination of their deportability, also provides that any such detained alien may instead "be released under bond in the amount of not less than $500. . . " or "alternatively . . . be released on conditional parole". No Salvadoran illegal entrant to our knowledge has been released on conditional parole.

The level of bonds for Salvadoran detainees is very high: it is generally set at US$5,000 country wide. We were given to understand by attorneys of "El Rescate" in Los Angeles that, until a few months ago, bonds for Salvadorans had generally been set at US$1,000 in previous years. For those Salvadorans suspected of having been smuggled into the country, the bonds are set even higher—at US$10,000—because they are usually needed later as material witnesses against the alleged "coyotes". Bonds are set on an individual basis, even for members of one family, including minors. That means for instance that a husband and wife with three young children may be required to produce at least $25,000 before they can be released from custody. Some church groups have been active in raising bond money for Salvadorans. One such group is the Manzo Area Council in Tucson which has been responsible for securing the release of about 130 Salvadorans from the El Centro detention center, even though it is located in a different state. This group has been able in the past few months to raise some $40,000 in cash for premium payment to bondsmen and some $180,000 as collateral.

However, applications for bond reductions can be made to INS immigration judges, and in most cases, are reduced to around US$2,000. In Los Angeles, we had the opportunity to sit in at some of the bond reduction hearings involving Salvadorans.

According to some groups we talked to, even those Salvadorans who voluntarily present themselves to the authorities seeking to apply for asylum have been asked to pay bond or be detained. Naturally this must discourage many others who are illegally present, but would otherwise like to show good cause for their illegal entry.

F. Work authorization.—According to the INS district directors in Los Angeles, El Paso and Harlingen, entrants who file for political asylum and who are released on bond are eligible to apply for work permits and such applications were generally granted for an initial six month period and are renewable, if necessary. The figures provided by the INS in El Paso indicate that to date 100 Salvadorans were given permission to work. However, according to information from attorneys of El Rescate in Los Angeles and the Manzo Area Council in Tucson, asylum applicants are being systematically denied work permits by the INS. A Salvadoran refugee we interviewed in Los Angeles and who had been released on bond from El Centro informed us that he had been denied permission to work. This is a further disincentive to those who have successfully effected illegal entry from seeking asylum.

G. Views of detainees regarding their condition.—

1. Most of the refugees interviewed at the facilites did not express complaints about their living conditions, though some of those interviewed who were free on bond did speak of the harsh living conditions in the centers, particularly at El Centro. One refugee free on bond in Los Angeles told of the extreme heat they had to endure outdoors from 6 a.m. to 7 p.m. in El Centro. He also spoke of a skin disease epidemic and the poor hygienic conditions. Some of the Salvadorans in detention in Harlingen said that they would prefer returning to El Salvador, even if this meant facing death, to being forced to remain in detention in the United States. Many said that they had never experienced detention in their country. Others were anxious about the harsh economic situation in which they had left their families behind in El Salvador, expecting they would get work in the U.S. and be able to send them money.

2. Detention has also meant temporarily breaking up the families of illegal entrants. Families are routinely sparated for dention purposes since males and females have to be held in separate facilities which very often are far removed. It appears that no visitation rights are usually permitted, except where a family member is sick.

H. Asylum Processing.—There were two notable features of asylum processing for Salvadoran entrants in the U.S.: 1) only a tiny proportion of those who made it to the U.S. sought to apply for asylum, and 2) there was not a single reported case where asylum had been granted.

The following figures are illustrative of the situation: During FY 81, the numbers of Salvadorans applying for asylum were are follows:

Los Angeles	[1] 1,439
El Centro	3
El Paso	34
Harlingen	34
Total	1,510

[1]G1 This relatively high figure reflects a number of asylum applications that were transferred to Los Angeles from other INS districts e.g. El Paso, because it is an area most Salvadoran out of detention choose to reside.

Those Salvadorans without U.S. visas applying for asylum at the Mexican-U.S. border are normally required by INS Border Patrol to remain in Mexico pending the outcome of their applications. This again is another disincentive from seeking asylum rather than try to enter illegally.

1. The Border Patrol.—This is the armed police force INS and is the first governmental agency that is normally encountered by Salvadorans coming into the U.S. from Mexico. Its principal function is to enforce U.S. immigration laws by stopping illegal entry. Its mentality, like that of any policing agency, is one of tough and effective law enforcement. According to INS District Directors, we spoke with, the Border Patrol has instructions to assist Salvadoran illegal entrants who seek to apply for asylum by providing then with all the required information in this subject.

However, this would seem to contradict some of the information provided both by the lawyers assisting Salvadoran asylum applicants and what some of the refugees themselves informed us concerning the Border Patrol. According to these sources, the Border Patrol does not explain the detainee's right to seek asylum. A refugee we interviewed in Tucson indicated that he was given no explanation of his right by the Border Patrol and was immediately transported to El Centro for detention.

2. Role of INS District Directors and Immigration Judges.—An alien seeking asylum in the U.S. has two options: he may apply for asylum before the local INS District Director (DD), or he may raise his claim for asylum during a deportation hearing before an INS immigration judge, as a claim for discretionary relief. However, as one federal court judge recently observed, the application to the DD is "the alien's primary means of asylum. It is something he can initiate."

Under normal asylum processing therefore, it is the local INS district director who makes the initial determination, after consulting with State Department, whether or not a particular applicant is eligible for asylum. This way, if granted asylum by the DD, the asylum application will prevent the alien from having to undergo the rigors of deportation proceedings. Those denied asylum then go before an INS immigration judge to "show cause" why they should not be deported. They may then renew their asylum claims before the immigration judge, who must then consider each asylum claim do novo, while deportation is stayed.

For Salvadoran asylum seekers, this procedure has been in many instances abridged, cutting out the entire initial stage in asylum processing, i.e. determination of asylum and eligibility by the INS district director. What is happening is roughly as follows: Salvadoran illegal entrants who get arrested by the Border Patrol are immediately taken into detention and soon thereafter, if they have not opted for "voluntary departure", are brought before an INS immigration judge for deportation proceedings. It is at this stage in the context of deportation proceedings that those who wish to apply for asylum may do so. The immigration judge than requests for advisory opinion from the State Department before making a determination on their eligibility for asylum. It appears that only those Salvadorans who initially entered the U.S. legally i.e. with a visa, and then later ask for asylum, have their cases handled from the start by the district director.

Based on the few hearings we witnessed, our impression is that the proceedings were carried out in a pro forma and perfunctory manner designed to expedite the cases as quickly as possible and that the detainees were not given an effective opportunity to adequately present their cases and show good cause for their illegal entry or presence. However, among the INS immigration judges, Judge Barrett was singled out by "El Rescate" for his fairness in handling Salvadoran asylum applications in El Centro.

This means therefore that all undocumented Salvadorans, like Mexicans, are presumed to be illegal immigrants and therefore deportable, without taking into consideration the political conditions currently occuring in their homeland. Accordingly, they have to undergo deportation proceedings before they are accorded the opportunity to apply for asylum.

3. Access to counsel.—Since most Salvadoran refugees arrive without money, they cannot afford to hire lawyers to advise them as to their rights. The INS gives them a list of legal aid offices in the area which may give them advice as to their rights to apply for political asylum. However, in Los Angeles, the attorneys of "El Rescate" claim that the INS does not explain to the refugees their right to apply for asylum, and they contend that the refugees are given the "voluntary departure" form without due explanation of their rights to counsel. Furthermore, they say that the list of legal aid offices the INS provides in the Los Angeles district is outdated and some offices, like "El Rescate", has been deliberately excluded from the list.

In El Paso, the USCC which has one lawyer handles approximately 50 Salvadoran asylum cases per month. The attorney is called by the INS to counsel the Salvadorans of their right to seek asylum and visits

the detention facility twice a week. USCC's experience with the local INS district office has been good, and they consider that the source of the problem of asylum is principally one of national policy, rather than individual INS officials.

In Harlingen, the USCC is the only agency offering free legal aid. However, it does not take on any Salvadoran cases because its main concern is to handle illegal Mexican cases. The list of legal aid offices that is distributed in Harlingen includes attorneys in major cities in Texas, though none in Harlingen itself. The only group handling Salvadoran asylum claims in Harlingen are private attorneys Brodyaga & Garcia who offer free legal services only to a limited number of Salvadorans. They are currently representing about 25 Salvadoran asylum claims in Harlingen.

VI. Voluntary Departure and Deportations:

A. Over 90% of Salvadoran entrants in the U.S. return "voluntarily". It is estimated that in El Paso, which we thought had some of the more enlightened INS officials that we met on this mission, the rate of voluntary return is about 60%. In Harlingen, Texas, which has one of the highest rates of "voluntary returnees" (over 90%), during FY 81 (Oct. 80–Aug. 81) there was a total of about 2,700 Salvadorans sent back. Of these only 700 were "deportees", the rest being "volunteers". The numbers returned to El Salvador on a monthly basis were as follows:

	Los Angeles	El Paso	Harlingen	El Centro
October 1980	NA	NA	220	NA
November 1980	NA	NA	177	NA
December 1980	NA	NA	113	NA
January 1981	NA	NA	184	177
February 1981	NA	NA	144	69
March 1981	NA	NA	357	102
April 1981	435	NA	448	114
May 1981	366	NA	405	NA
June 1981	309	NA	218	129
July 1981	351	76	210	118
August 1981	351	55	206	NA
September 1981	351	47	NA	NA
Total	1,461	178	2,682	709
Grand Total[1]				5,030

[1] This is under one-half the total number admitted by INS to have returned to El Salvador during this period.

NA = Not available.

B. The reasons for this rather anomalous situation are complex and varied:

1. According to the INS, the majority of illegal Salvadorans decide freely to return voluntarily to their country of origin. Our observation to this statement was that it appeared contradictory for Salvadorans to have made such a long journey and then decide so quickly to return voluntarily once in the United States. One of the INS district directors agreed that this was a paradox. He also added that the duration of detention, from six to eight months, possibly deterred some of them from seeking asylum.

2. For many private attorneys, however, the reasons for large numbers of voluntary departures are quite different. In their experience, they said the refugees are detained at the border and given a "voluntary departure" form to sign without any explanation with respect to their rights to asylum. They allege a lot of psychological pressure is brought to bear on Salvadorans to opt for voluntary departure. They reported that they usually reach the Salvadorans after they have signed the "voluntary departure form" and that, up to this point, the detainees have no knowledge that they can retract from their signed "voluntary departure" statement. For them, the INS' general attitude is to expedite the return of all "illegals" to their countries of origin at a minimum cost to U.S. government, while at the same time to process asylum applications at a slow and deliberate pace. Accordingly at every stage, "illegals" are encouraged to return "voluntarily", and for those who cannot afford an airline ticket, INS pays for them, even though technically they are not deportees.

3. In our view, most Salvadorans entering the U.S. do not seem to know that they have a right to apply for asylum. It also appears that the Border Patrol treats Salvadorans just like other "illegals", e.g. Mexicans, and rarely advises them of the possibility of seeking asylum. However, all illegals are immediately advised by Border Patrol officers of the option of "voluntary departure" and those who want to exercise the option are then asked to sign a voluntary departure form signifying their consent. We understand that such consent may be revoked at any time before embarkation for the return journey, and that many Salvadorans have done precisely that after becoming aware that they may seek asylum. On the other hand, many Salvadorans who we spoke to and who had opted for voluntary departure said they preferred to return home, rather than sit in detention indefinitely while their asylum applications were being considered. As one of them put it, "we would rather go back home and die", or in the words of another, "go back and try entering the U.S. again and with luck make it next time". Our impression is that another reason for voluntary return is that many Salvadoran asylum seekers cannot raise the required bond money to secure their release from detention—especially in view of the new INS policy not to grant work authorization to "illegals."

C. Forcible return of minors.—Private groups in the Los Angeles area reported many cases of forcible return of Salvadoran unaccompanied minors. The attorneys at "El Rescate" alleged that minors were taken into custody and given the same treatment as adults, i.e. INS asks them to sign "voluntary departure" forms or face deportation proceedings. They are presently representing 10 documented unaccompanied minors that are subject to deportation. They are also in the process of filing a complaint that seeks to have INS give every refugee minor the opportunity to meet with an attorney before being returned to El Salvador. According to INS, on the other hand, minors are set free on bond when there are relatives in the U.S. that can claim them. Those without relatives, INS admits, are generally returned to their country.

D. Role of the Mexican Government.—The INS Border Patrol has instructions to return immediately Salvadoran entrants who have valid entry visas to Mexico on encounter, whether or not they seek asylum. However, if entrants have no valid visa for Mexico, they are allowed into the U.S. and are detained. According to "El Rescate" and the Manzo Area Council, there are no guarantees for refugees who are returned to Mexico that they will not be forcibly deported to El Salvador. They expressed concern that there might be a secret agreement between the immigration authorities of both countries to return the Salvadorans to their country of origin. Salvadorans we interviewed, who had spent some time in Mexico, spoke of harassment suffered by them from Mexican immigration officials.

VII. Possible fate upon return to El Salvador:

The INS indicated it had no means of checking on the fate of the Salvadorans who return to El Salvador. They said they depend on State Department's diplomatic channels for their information as to the situation in El Salvador, and it was their understanding that returnees were not being persecuted.

The refugees themselves were not sure of their probable fate upon return to El Salvador, but most of them believed that the fact of having sought refuge abroad made them more vulnerable to persecution and harassment. As INS makes travel arrangements for deportation and voluntary departure in conjunction with the Salvadoran consular authorities in the United States, some refugees expressed fear that since their names are known to the Salvadoran authorities, they may be in danger of persecution by the government on arrival. Though the private agencies could not provide concrete evidence of persecution of returnees, they contended that such persons' lives were in danger not only because of the fact of a civil war situation there, but also because their stay abroad made them suspect to both sides in the civil war. Since our return, we have received a letter mailed in El Salvador from one of the refugees we interviewed before his return there. Although nothing serious seems to have happened to him since getting back, he expressed fear for his safety and requested resettlement in Canada.

VIII. Conclusions:

We would, in conclusion, like to make the following comments:

A. All the INS District Directors and other officials we met were extremely courteous and helpful to us—an indication of the respect they hold for our agency.

B. The influx of Salvadorans into the U.S. continues unabated. It is generally acknowledged by all parties concerned, including INS, that this influx, which became more pronounced during early 1980, has some causal relationship to the intensity of civil strife in El Salvador.

C. INS continues to deport or return hundreds of Salvadorans each month. It is evident that INS' general presumption is that the overwhelming majority of Salvadorans coming to the U.S. left their home for economic rather than political reasons and therefore do not qualify for asylum. That is basically why all undocumented Salvadorans are taken before immigration judges for deportation proceedings without district director's initial determination as to their eligibility or non-eligibility for asylum. This is also why INS has adopted a tough enforcement policy which, in turn, acts as a disincentive for many Salvadorans to seek asylum in the U.S.—a lengthy and expensive process. It is this combination of factors—detention, high bonds, non-work authorization, lengthy wait for asylum claims adjudication, and lack of proper counsel that has led a disproportionately large number of Salvadorans to opt for voluntary return.

D. Many of the Salvadorans we spoke to, on being asked why they had travelled to the U.S., usually responded that they had come in search of job or education opportunities. However, when we inquired further as to whether they would still have come to the U.S. if there were no on-gong civil conflict in their country, all without exception responded that they would obviously have had no cause to leave since there would have been jobs for them at home and universities would have stayed open. Yet some others spoke simply of the climate of vio-

lence and death that had compelled them to flee their homeland.

E. Although INS officials privately recognize that there is a civil war situation in El Salvador, they assert this is not enough to justify grant of asylum on individual basis. Accordingly, not a single Salvadoran case in the INS districts we visited had been granted asylum. We pointed to the district directors we met that, besides asylum, there were other discretionary reliefs under U.S. law designed for this kind of situation e.g. (a) Deferred action—for those cases "where the district director determines that adverse (deportation) action would be unconscionable or result in undue hardship because of the existence of appealing humanitarian factors. . ."—(INS Operations Instructions (OI) 103-1a(ii); (b) Stay of deportation—for those cases where there are "compelling humanitarian factors", (OI, 243.3(a) and (c) Voluntary departure—for cases of "temporary inability to return to (one's country) on account of civil war or catastrophic circumstances" (OI, 242.10f(3)). We then inquired whether any Salvadoran had benefited from any of these reliefs. In all the districts we visited, we were told there was not one single beneficiary. This was because, as one INS director put, "we are following a policy laid for us from the top". It is, therefore, fair to conclude that there is a systematic practice designed to forcibly return Salvadorans, irrespective of the merits of their asylum claims. At the same time, it is equally fair to say the INS does not seem to be practicing a discriminatory program against Salvadorans. The unfortunate situation is that Salvadorans are being treated like all other illegal entrants without taking into account the conditions prevailing in their country.

F. Many Salvadorans we spoke to asked us what UNHCR could do for them in their situation. We informed them that UNHCR was most concerned at the prospect of their deportation back to their homeland, and that we had requested U.S. authorities to adopt more liveral asylum practices towards their group but were not very optimistic that such change was imminent. To those who asked about resettlement possibilities into Canada or other countries, we advised them to contact us directly in Washington. We would appreciate any comments HQs may have concerning the availability of resettlement opportunities anywhere for those deserving Salvadorans in the U.S. who fail to get asylum here and are threatened with expulsion.

G. One of the activist church groups we met with in Tucson was very much concerned about the role of the Mexican authorities and the expulsion of Salvadorans from the U.S. They allege that the U.S. routinely hands back to Mexican authorities many of the Salvadorans arrested at the border and Mexico, in turn, returns them to El Salvador. They also pointed out that the Western Airlines flights from Los Angeles to San Salvador carrying Salvadoran returnees normally stopped overnight in Mexico City. Accordingly, they suspected there was some secret understanding between the U.S. and Mexican authorities to co-operate in the expulsion of Salvadorans. We informed them that UNHCR was not aware that Mexico, acting either individually or in corroboration with the U.S., was itself sending back El Salvadoran asylum seekers—a policy that would seem incompatible with Mexico's well known position regarding the Salvadoran political situation. We promised, however, that our office in Mexico would look into these allegations.

IX. Recommendation:

Recommend that UNHCR continue to express its concern to the U.S. Government that its apparent failure to grant asylum to any significant number of Salvadorans, coupled with continuing large-scale forcible and voluntary return to El Salvador, would appear to represent a negation of its responsibilities assumed upon its adherence to the Protocol.

Mr. KENNEDY. I also ask unanimous consent, Mr. President, that my earlier exchange of correspondence with the Department of State and the Immigration and Naturalization Service be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 6, 1981.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary of State
Washington, D.C.

DEAR AL: As you know, during the worst days of the Lebanese and Nicaraguan conflicts, the United States temporarily adopted a number of special immigration measures to deal with nationals from those countries who were in the United States on non-immigrant visas or outside seeking to visit or find temporary safe-haven here.

Basically, these measures involved the granting of stays of voluntary departure for Lebanese or Nicaraguans—with permission for them to work, if that was necessary under the circumstances—and adopting more flexible visa guidelines for those who had family or other ties in the United States. These special immigration measures helped countless hundreds of families, giving them safe-haven from the violence and conflict within their own countries.

At a hearing of the Subcommittee on Immigration and Refugee Policy last week, I raised this issue with the Acting Commissioner of the Immigration and Naturalization Service relative to El Salvadorans. I was particularly concerned over reports of large-scale deportations of Salvadorans. Given the escalating violence in El Salvador, I believe we must be vigilant that we are not unnecessarily endangering the lives of Salvadorans who understandably do not want to return to their country at this time.

Considering we adopted special immigration measures for the Lebanese in 1975-76, and for Nicaraguans two years ago, why has the Department of State failed to propose such action now relative to Salvadorans? Clearly, the Immigration Service must await a formal recommendation from the Department of State prior to initiating a policy of automatically granting stays of voluntary departure.

I have asked the Immigration and Naturalization Service to provide the Subcommittee with detailed information on the processing and deportation of Salvadorans, especially since January. In the meantime, I would appreciate receiving your views on this issue, and whether the Department is prepared to recommend to INS special immigration measures for Salvadorans in the United States or at our borders.

Sincerely,

EDWARD M. KENNEDY,
Ranking Minority Member, Subcommittee on Immigration and Refugee Policy.

DEPARTMENT OF STATE,
Washington, D.C., April 17, 1981.

Hon. EDWARD M. KENNEDY,
U.S. Senate

DEAR SENATOR KENNEDY: I am replying to your letter of April 6, to the Secretary requesting that the Department of State recommend to the Immigration and Naturalization Service (INS) that Salvadorans in the United States be granted voluntary departure status in lieu of forcible repatriation to El Salvador and work authorization and a more flexible visa policy for those who have relatives in the United States.

Under the United Nations Protocol Relating to the Status of Refugees, the United States is prohibited from undertaking the forced expulsion movement of a refugee to a country or frontier where persecution is likely to occur. In addition, the Refugee Act of 1980 obliges the granting of asylum status to those who establish a well-founded fear of persecution upon return to their country of nationality for reason of race, religion, nationality, membership of a particular social group, or political opinion. The responsibility for establishing a well-founded fear of persecution rests with each applicant. The INS does not classify Salvadorans in the United States as refugees unless they individually establish that their fear of being persecuted is a well-founded one.

While questions regarding exclusions or deportation proceedings are, of course, under the jurisdiction of the INS, the Immigration Service has informed us that no Salvadoran asylum seeker is sent back until a determination has been made that the claimant has not established a well-founded fear of persecution. It is not necessary for Salvadorans to "formally" request asylum. If a positive indication of unwillingness to return to El Salvador is made, and if the unwillingness is based on a fear of being persecuted, that is sufficient to have the case processed through asylum procedures.

Due to the so-called "final offensive" last January by the Farabundo Marti National Liberation Front, the Department believed it prudent to ask the INS to suspend action for 90 days on Salvadoran asylum requests. This 90-day period lapses April 15 at which time the Department intends to resume review of Salvadoran asylum requests. For those who establish a well-founded fear of persecution upon return to El Salvador the Department, in its advisory opinion, will so inform the appropriate INS District Office.

While civil strife and violence in El Salvador continue at distressing levels, conditions there do not, at present, warrant the granting of blanket voluntary departure to Salvadorans in the United States.

While fighting in some areas has been severe, El Salvador has not suffered the same level of wide-spread fighting, destruction and breakdown of public services and order as did for example, Nicaragua, Lebanon or Uganda at the time when voluntary departure was recommended by the Department and granted by INS for nationals of those countries.

Public order and public services, while under a serious attack, are still maintained, especially in El Salvador and the larger cities.

Moreover, Salvadorans now present in the U.S., whose number may be as high as 500,000, who were not involved in political or military activities before their departure, would not face, upon return, any more danger than is faced by their compatriots who never left the country.

We believe that the majority of Salvadorans in the United States did not depart their country solely to seek safehaven in this country.

Most traveled through third countries before entering the United States and many of them entered quite some time ago. Other countries closer to El Salvador, Honduras for example, have been generous in offering safehaven to Savadorans who have fled.

Thus, it is not true that only the United States is a possible refuge. The Department, therefore, at this time, is not in a position to recommend to the INS the blanket granting of voluntary departure status or work authorization for Salvadorans presently in the U.S.

Similar considerations apply to the question of non-immigrant visas for Savadorans outside our borders. As you know, the Immigration and Nationality Act provides that visa applicants must be considered to be intended immigrants until they establish that they qualify for one of the non-immigrant classifications.

Visitors establish eligibility by demonstrating economic, family, or social ties to their homelands which would induce them to depart voluntarily after a visit to the United States.

The extraordinary circumstances exisiting in such nations as Lebanon and Nicaragua, to which visa applicants would obviously not wish to return until circumstances returned to normal, would prevent persons who would otherwise be well qualified, from obtaining visas.

In these circumstances, we advised consular officers to take a "long-term view" of the applicants' ties to their homelands, those attachments which would induce them to return abroad when circumstances returned to normal. This policy obviously cannot assist an applicant who would not qualify for a visitor's visa under any circumstances.

As previously noted, we do not believe that the circumstances in El Salvador reach the same levels as existed in Lebanon or Nicaragua. Furthermore, we are not aware that there are Salvadoran visa applicants who in normal times could expect to receive visas who are now being denied because the current situation created questions about their intentions as tourists.

We will, of course, continue to assess Salvadoran developments closely and will inform the INS should these developments dictate a change in our position regarding voluntary departure status for Salvadorans.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary for Congressional Relations.

COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 6, 1981.

Hon. DAVID CROSLAND,
Acting Commissioner, Immigration and Naturalization Service, Department of Justice, Washington, D.C

DEAR MR. CROSLAND: To follow-up our discussion at last week's hearing of the Subcommittee on Immigration and Refugee Policy relative to special immigration measures for El Salvadorans in the United States, I have written the attached letter to Secretary of State Alexander Haig.

I appreciate that INS must receive a recommendation from the Department of State prior to establishing a policy of granting stays of voluntary departure for Salvadorans who do not wish to return to their country at this time because of the escalating civil strife. However, I am hopeful the Department will soon make such a recommendation, for I believe it is clearly warranted.

Again, I appreciated your testimony before the Subcommittee and I look forward to receiving whatever INS statistics you have on the recent processing and/or deportation of El Salvadoran nationals.

Many thanks for your consideration, and best wishes.

Sincerely,

EDWARD M. KENNEDY,
Ranking Minority Member, Subcommittee on Immigration and Refugee Policy.

U.S. DEPARTMENT OF JUSTICE, IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., May 1, 1981.

Hon. EDWARD M. KENNEDY,
Ranking Minority Member, Subcommittee on Immigration and Refugee Policy, Washington, D.C.

DEAR SENATOR KENNEDY: In response to your letter of April 6, 1981, requesting whatever statistics we have on recent deportation of El Salvadoran nationals, the following information is available at this time: For the year October 1979 through September 1980, 8,868 Salvadorans were expelled. Since October 1980 the following expulsions have taken place, including voluntary repatriation and deportation: October 1980, 825, November 1980, 776, December 1980, 721, January 1981, 894. The statistics are not yet available for February and March.

During your questioning in the hearing you referred to previous instances in which blanket periods of voluntary departure were granted. I have enclosed, for your information, a summary of those instances, beginning with Ethiopia in May 1977.

We have received word from the Department of State that it is not in a position to recommend a blanket granting of voluntary departure for illegal Salvadorans presently in the United States. However, on April 15, 1981, the Department resumed a case by case review of Salvadoran political asylum requests. For those who can establish a well founded fear of persecution upon return to El Salvador, State will inform the appropriate Immigration and Naturalization Service District office.

I appreciate your interest in this matter. Let me know if you wish additional information.

Sincerely,

DAVID CROSLAND,
Acting Commissioner.

ENCLOSURES

Aliens from the following countries have been granted blanket periods of voluntary departure.

Ethiopia—May 1977 to present.
Uganda—April 1978 to present.
Iran—April 1979 to November 1980.
Nicaragua—June 1979 to September 1980.

Similarities:

1. All grants were based upon Department of State recommendations.

2. Department of State was not recommending that any of the involved nationalities be considered as a refugee within the meaning of 203(a)(7). Ugandan and Nicaraguan aliens were ineligible for consideration under 203(a)(7), as stated by Ms. P. Derian in a letter to Commissioner Castillo concerning Ethiopians and Ugandans dated April 7, 1978. "Since Refugees from many countries, including Uganda, are ineligible for refugee status under the proviso to Section 203(a)(7) of the Immigration and Nationality Act (INA) due to geographic criteria imposed by that section, many refugees in the U.S. can only be placed in voluntary departure status." The Iranian and Ethiopians were apparently found ineligible by Department of State for reasons other than the geographic criteria.

3. All initial recommendations were made by the Department of State prior to the Refugee Act of 1980.

Differences: Ethiopians and Ugandans were granted voluntary departure in one year increments.

Nicaraguans and Iranians were granted voluntary departure to specified dates as recommended by Department of State.

LEBANON

Based upon Department of State opinions a policy wire dated July 1, 1976 (attached) was issued stating that Lebanese nationals' requests for extensions of voluntary departure should be viewed sympathetically on a case by case basis (not a blanket grant of voluntary departure).

ETHIOPIA

Per request of Patricia M. Derian, Assistant Secretary of State for Human Rights and Humanitarian Affairs (letter dated May 1977), a policy wire, dated July 12, 1977 (attached) was issued stating that voluntary departure would be granted to Ethiopian nationals in one year increments.

On July 18, 1980, Victor H. Palmieri, United States Coordinator for Refugee Affairs wrote to Commissioner Crosland and requested that INS continue to defer deportation of Ethiopians. There has been no change in policy.

UGANDA

Per request contained in Ms. Derian's letter of April 7, 1978 concerning both Ugandans and Ethiopians, a policy memorandum, dated June 8, 1978 (attached) was issued stating that Uganda Nationals would be granted voluntary departure in one year increments.

In a letter dated June 22, 1979, Ms. Derian advised INS that conditions were too unsettled in Uganda to warrant a change of policy.

IRAN

In a letter to Mr. Michael Egan, Associate Attorney General, dated March 19, 1979, Mr. David Newsom, Under Secretary for Political Affairs, Department of State, requested that Iranians not be forced to return to Iran.

Mr. Egan responded to Mr. Newsom on April 11, 1979 and stated that departure would not be enforced until September 1, 1979.

On April 16, 1979, a policy wire (attached) was issued stating that Iranians would be granted voluntary departure until September 1, 1979. July 20, 1979 a policy wire (attached) was issued clarifying the policy regarding employment authorization. On July 28, 1979, Mr. Newsom wrote to Mr. Egan requesting an extension of the voluntary departure period to March 1, 1980.

Mr. Egan responded to Mr. Newsom on August 2, 1979 advising him that Iranians would be extended until June 1, 1980.

On August 9, 1979, a policy wire (attached) was issued extending the date to June 1, 1980. Clarification wires (attached) were issued on August 10, 1979 and September 20, 1979. On November 23, 1979, a policy wire (attached) was issued concerning the revocation of the voluntary departure period previously granted.

NICARAGUA

In a letter to Commissioner Castillo dated June 26, 1979, Mr. Warren Christopher, Acting Secretary, Department of State, requested that INS place Nicaraguan nationals in a voluntary departure status until December 31, 1979.

A policy wire (attached) dated July 3, 1979 stated that, for Nicaraguans in the U.S. as of June 27, 1979, voluntary departure should be granted until December 31, 1979.

Mr. Christopher requested, in a letter to the Commissioner dated August 17, 1979, that the policy not be limited to Nicaraguans who were in the U.S. as of June 27, 1979. Mr. Christopher wrote again on January 4, 1980 and on June 27, 1980 requesting extensions of voluntary departure to June 30, 1980 and September 28, respectively. Policy wires (attached) were issued to that effect on January 4, 1980; January 8, 1980; and July 1, 1980. Mr. Christopher wrote on October 1, 1980 that further extensions of voluntary departure was not necessary.

A policy wire (attached) was issued on October 16, 1980 stating that Nicaraguan requests for voluntary departure would be handled on a case by case basis (no longer a blanket grant of voluntary departure).

SALVADORAN GOVERNMENT ACTIONS IN THE CASE OF THE FOUR MURDERED AMERICAN CHURCHWOMEN

Mr. KENNEDY. Mr. President, I welcome the reports, which I have seen in recent days, that there is finally some movement in the investigation into the murders more than a year ago of four American churchwomen in El Salvador. These reports say that six former members of the Salvadoran National Guard were turned over to civilian authorities on February 10 as suspects in the murders of the churchwomen.

Since that tragic event I and many concerned Americans have been seriously concerned at the failure of the Government of El Salvador to pursue seriously the investigations into these murders and we have been equally distressed by this administration's apparently relaxed and at times callous attitude on this problem. In legislation last fall, the Congress emphasized our determination that there must be progress in bringing to justice those responsible for the murders if there was to be any bilateral relationship between our two countries.

On the anniversary of the murders last December, the U.S. Senate adopted a resolution which I had introduced expressing deep concern over the failure of the Government of El Salvador to bring to justice those responsible for the murders, urging the Government of El Salvador to use every legal means available to bring about a just and expeditious resolution of these cases, and urging the administration to press for such a resolution

In welcoming the transfer of six suspects to civilian authorities, I caution the administration that this is only a small first step and it has been long in coming. The many religious leaders and other concerned Americans will be watching for continued progress and for tangible evidence that the Government of El Salvador is pursuing this case to its conclusion where those responsible for the murders are brought to justice.

THE 1983 BUDGET OUTLOOK

Mr. CANNON. Mr. President, I am deeply concerned both about the budget outlook and what appears to be a developing confrontation between the administration and Congress. It has not been a happy week for the Nation. On Monday, President Reagan sent us a budget which includes both massive cuts in spending and massive deficits. There are, I must admit, some attractive features to his proposals: The 1982 tax cut for individual taxpayers would remain on schedule and spending for national defense would be increased as the President has promised. But the bottom line is simply unacceptable. Even if Congress were to agree to all the deep cuts proposed for social programs—which of course is extremely unlikely—the deficit would remain so large that interest rates would remain high enough to choke off any prospect of economic recovery.

High interest rates have already flattened the automobile and construction industries and hit other industries hard as well. Everywhere in my State, businessmen, particularly owners of small businesses, fear that they cannot survive a continuation of the interest rates the Nation has experienced. Unfortunately, we cannot count on the Federal Reserve System to bring down interest rates. If they try to increase the money supply to bring down interest rates they may do so for a short time. But increasing the money supply rapidly will bring on more inflation and ultimately higher interest rates. And, in any event, Mr. Volcker and the Fed have made it clear that they intend to adhere to fairly tight monetary policy. Thus, the ball is squarely in the lap of Congress—if interest rates are to come down and economic recovery to proceed, we are going to have to do something about the deficit.

On Tuesday, even as criticism of his budget by his fellow Republicans was beginning to mount, President Reagan began to sound uncharacteristically strident. First he told us he had "drawn a line in the dirt" and dared us to step across it. Then he told us to "put up or shut up."

On Wednesday, just yesterday, my distinguished colleague FRITZ HOLLINGS did put up an alternative proposal. Like the majority leader, I find it intriguing and worthy of further consideration. Senator HOLLINGS' proposal is, in some respects, a mirror image of President Reagan's. While the President's budget contains some attractive items with an absolutely unacceptable bottom line, Senator HOLLINGS has boldly presented us an alternative full of unacceptable items but with an attractive bottom line. I believe few of us would like to freeze defense spending, defer tax cuts we have already enacted, or freeze cost-of-living increases for social security recipients. But the bottom line—smaller deficits, lower interest rates, and the prospect of economic recovery is a goal we have to find some way to attain.

Today we recess for George Washington's birthday. Perhaps the best gift we can give the American people is to go home and think about the grim alternatives before us. For myself, I want to congratulate Senator HOLLINGS on the courage of his alternative. The outline he has presented has a long way to go. I believe, for example, it places a disproportionate burden on individuals. If we were to accept an austerity budget freezing both tax cuts and spending, all segments of society should contribute. Thus, a minimum tax on corporate income or some other similar measure might be added to insure that the burdens are shared by all. But Senator HOLLINGS' proposal is a serious one and I believe it unfortunate that Treasury Secretary Regan has dismissed it out of hand as "absolutely ridiculous." I hope that, over the recess, the members of the Budget Committees in both Houses will be able to develop an acceptable alternative with the administration.

Mr. President, I am concerned not only about the budget outlook but the process by which we in Congress deal with the budget. Last year was not a good year for any of us. While we used to have a "budget season," last year we had a "budget session" and did little else. In the absence of an alternative budget, we will repeat last year all over again. One of the attractive features of Senator HOLLINGS' bold proposal is that he has focused on the big ticket items—defense, entitlements, and taxes. He has not tried to come up with a nickle and dime solution to a hundred billion dollar problem. If we try to, we face the prospect of fighting over the budget line by line all over again all year long.

Mr. President, I again want to congratulate Senator HOLLINGS for the boldness of his wisdom. And Mr. President, I am particularly grateful to the distinguished majority leader and my Republican colleagues for not dismissing such alternatives out of hand as has the administration.

S. 2022—EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE U.S. COAST GUARD

Mr. CANNON. Mr. President, I rise in support of S. 2022, which would provide emergency supplemental appropriations for the U.S. Coast Guard. The $46.3 million in operating expense funding is intended as a stopgap measure to forestall the military personnel cutbacks, facility shutdowns, and vessel decommissionings necessitated by the 4-percent across-the-board cut in December's continuing resolution.

Most of these actions in response to the cut are scheduled to be completed by April 1. Already some 300 military personnel have been separated, with 3,400 more to come unless we enact this special supplemental. Vessel traffic service systems, innovative new approaches to controlling vessel traffic in our busiest ports, will cease in all but three of those ports. Two of the key district headquarters, including the 12th District in Long Beach which serves Nevada citizens, will be closed, along with stations for vessels and aircraft, boating safety detachments, and many other offices throughout the country. Ten more vessels will be decommissioned. Although on the average these vessels were built 37 years ago, the size of the Coast Guard fleet has shrunk to such an extent that these vessels are required for essential services. For example, without the icebreaker *Mackinaw*, commerce on the Great Lakes will be choked by ice a month early, with serious economic consequences for Great Lakes communities. Activities in boating safety, aids to navigation, oceanographic research, equipment maintenance, and training will be curtailed as well. Lives of our mariners could easily be lost because of diminished search and rescue services.

On the Commerce Committee over the past several years we have become very concerned about the consequences of a decade of underfunding for the Coast Guard. This agency has sailed bravely ahead in spite of the impact on services and morale brought about by a failure to recognize its needs.

The present administration, in spite of its fine rhetoric regarding law enforcement and national security, has shown little enlightenment in its budgetary proposals for Coast Guard. You will recall that in pressing for the across-the-board cut at the end of 1981 the administration proposed that defense and law enforcement agencies be exempted from the cut. One would think such a proposal would have exempted the Coast Guard, which is the principal maritime law enforcement agency and serves as part of the Navy in time of war. But no, the administration said the Coast Guard would not be exempted.

Remarkably, it would appear from this that the President does not view the maritime drug interdiction program as a law enforcement activity, even though armed Coast Guard cutters seize $1.6 billion in illegal drugs and 100 vessels at sea every year. The fishery law enforcement program deters cheating by foreign fishermen permitted to fish in our waters. A failure to carry out this enforcement could mean that millions of dollars in U.S. fishery resources will go to other countries without benefits to the U.S. fishing industry or American seafood consumers.

How can the administration say that the Coast Guard is not of vital importance to our Nation's security? This organization has played an active part in all the wars of this century. In World War II, its ships and aircraft participated in convoy escort and antisubmarine warfare and its personnel formed the bulwark of the security for key maritime ports. In the Vietnam war, its units were readily integrated with naval riverine and coastal forces. And today the Navy is recognizing the special expertise of the Coast Guard in shallow water operations and will be relying heavily on it for security of our coastlines and ports, as well as the Gulf of Mexico and Caribbean.

Mr. President, this emergency measure will simply do what should have been done in December. Like other defense and law enforcement agencies the Coast Guard should be freed from the arbitary effect of the across-the-board cuts. It is especially imperative because the Coast Guard—as authoritative study after authoritative study has stated—has no waste to trim away.

I wish this measure would be the only fiscal year 1982 money bill the Coast Guard will need to keep essential services going. But over $100 million more in supplemental appropriations will be needed for pay raises, increases in military benefits, fuel cost increases, and other similar matters. Just as we have supported full supplemental appropriations for the pay raises of the Defense agencies, we should also do so for this important agency when the time comes later in the year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

HOUSE MESSAGE RECEIVED DURING THE RECESS

ENROLLED JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of February 10, 1982, the Secretary of the Senate on February 10, 1982, received the following message from the House of Representatives during the recess of the Senate announcing that the Speaker of the House has signed the following enrolled joint resolutions:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture; and

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

The enrolled joint resolutions were signed by the President pro tempore (Mr. THURMOND) on today, February 11, 1982.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2660. A communication from the Chief, Legislative Division, Office of Legislative Liaison, Office of the Secretary of the Air Force transmitting, pursuant to law, a report on experimental, developmental, and research contracts of $50,000 or more, by company for the period July 1 through December 31, 1981; to the Committee on Armed Services.

EC-2661. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Consolidated Space Operations Center Lacks Adequate DOD Planning"; to the Committee on Armed Services.

EC-2662. A communication from the Secretary of the Army transmitting, pursuant to law, notification that certain defense weapons systems have exceeded their baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-2663. A communication from the Secretary of the Air Force transmitting, pursuant to law, notification that certain defense weapons systems have exceeded their baseline unit cost by more than 15 or 25 percent; to the Committee on Armed Services.

EC-2664. A communication from the Acting Secretary of the Navy transmitting, pursuant to law, notification that certain defense weapons systems have exceeded their baseline unit cost by more than 15 percent; to the Committee on Armed Services.

EC-2665. A communication from the Executive Director of the Neighborhood Reinvestment Corporation transmitting a draft of proposed legislation to authorize appropriations for the Corporation for fiscal year

1983; to the Committee on Banking, Housing, and Urban Affairs.

EC-2666. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for the National Bureau of Standards for fiscal years 1983 and 1984; to the Committee on Commerce, Science, and Transportation.

EC-2667. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a report on the Commission's management controls and contractural arrangements for fiscal year 1981; to the Committee on Commerce, Science, and Transportation.

EC-2668. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal year 1983 budget request; to the Committee on Commerce, Science, and Transportation.

EC-2669. A communication from the Assistant Secretary of the Interior for Territorial and International Affairs transmitting, pursuant to law, the annual report on the Financial Condition of the Trust Territory of the Pacific Islands for the fiscal year ended September 30, 1980; to the Committee on Energy and Natural Resources.

EC-2670. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, notice of the discontinuance of the reports "Market Shares: Report on Sales of Refined Petroleum Products", and "Market Shares: Report on Retail Sales of Motor Gasoline", with the publication of September 1981 data; to the Committee on Energy and Natural Resources.

EC-2671. A communication from the Chairman of the Board of the United States Synthetic Fuels Corporation transmitting, pursuant to law, the Corporation's Statement of Administrative Expenses; to the Committee on Energy and Natural Resources.

EC-2672. A communication from the Inspector General of the Agency for International Development transmitting, pursuant to law, his fiscal year 1981 Annual Report on the Agency; to the Committee on Foreign Relations.

EC-2673. A communication from the Attorney-Adviser, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-2674. A communication from the Acting Assistant Secretary of the Bureau of International Organization Affairs, Department of State, transmitting, pursuant to law, reports of the United Nations Joint Inspection Unit for the last quarter of 1981; to the Committee on Foreign Relations.

EC-2675. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, the annual report on activities respecting the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 3782. An act to revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel *Oceanic Constitution* into the trade.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 864. A bill to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency (with additional views) (Rept. No. 97-312).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 83. Resolution to express the sense of the Senate that the interpretation by the Office of Supreme Commander for the Allied Powers in the purge of Rikizo Hirano, was without basis or justification, improper and in violation of its own rules.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Maj. Gen. Walter F. Ulmer, Jr., U.S. Army, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in the grade of lieutenant general.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

EX. W, 96-1. Treaty of Friendship between the Government of the United States and the Government of Tuvalu, signed at Fanafuti on February 7, 1979 (Ex. Rept. 97-47);

EX. A, 96-2. Treaty between the United States and the Republic of Kiribati, signed at Tarawa on September 20, 1979 (Ex. Rept. 97-48);

EX. P. 96-2. Treaty between the United States and the Cook Islands on Friendship and Delimitation of the Maritime Boundary between the United States and the Cook Islands, signed at Rarotonga on June 11, 1980 (Ex. Rept. 97-49); and

Treaty Doc. 97-5. Treaty Between the United States and New Zealand on the delimitatation of the Maritime Boundary between the United States and Tokelau, signed at Tokelau on December 2, 1980 (Ex. Rept. 97-50).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON:

S. 2099. A bill to amend section 20 of the Federal Meat Inspection Act, to require that imported beef which is capable of use as human food be labeled at all stages of distribution until preparation for ultimate consumption; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY:

S. 2100. A bill to amend the Internal Revenue Code of 1954 to provide that the indexation of the individual income tax rates shall take effect on January 1, 1982; to the Committee on Finance.

By Mr. HAYAKAWA:

S. 2101. A bill for the relief of Jacquelin Ann Kaufman; to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 2102. A bill to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a Center for Eastern Art together with structures for related educational activities in the area south of the original Smithsonian Institution building adjacent to Independence Avenue at 10th Street SW., in the city of Washington.

By Mr. PACKWOOD:

S. 2103. A bill for the relief of Kok Sjen Su and Grace Su, husband and wife; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2104. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to conduct studies and demonstration projects to develop incentives for economy in the administration of the civilian health and medical program of the Uniformed Services while maintaining or improving the quality of health and medical care available under such programs; to the Committee on Armed Services.

By Mr. CHAFEE:

S. 2105. A bill to provide for pension reform for State and local public employee retirement systems, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to promote more efficient and satisfactory management of the functions of the Federal Government relating to employee benefit plans and to more effectively carry out the purposes of such act and such Code relating to such plans, and for other purposes; to the Committee on Finance and the Committee on Labor and Human Resources, jointly, by unanimous consent.

S. 2106. A bill to provide for pension reform for State and local public employee retirement systems, and for other purposes; to the Committee on Finance and the Committee on Labor and Human Resources, jointly, by unanimous consent.

By Mr. LEVIN (for himself, Mr. DODD, Mr. RIEGLE, Mr. WEICKER, and Mr. RANDOLPH):

S. 2107. A bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reasons of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation of 1981 and the provisions of this act; to the Committee on Finance.

By Mr. PRESSLER (for himself and Mr. DANFORTH):

S. 2108. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS (for himself and Mr. LUGAR) (by request):

S. 2109. A bill to extend the Commodity Exchange Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MELCHER:

S. 2110. A bill to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2111. A bill to direct the management of certain lands on the Beaverhead National Forest, Montana, known as the West Pioneers, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2112. A bill to direct the management of certain lands on the Deerlodge and Helena National Forests, Montana, known as the Elkhorns, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2113. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to require substantiation of such living expenses; to the Committee on Finance.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 2114. A bill to provide water to the Papago Tribe of Arizona, to settle Papago Indian water rights claims in portions of the Papago reservations, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. THURMOND:

S. 2115. A bill to authorize the Secretary of the Navy to credit certain officers of the Medical Corps and Dental Corps of the Navy with certain military service performed by such officers before September 11, 1979, or with certain professional experience gained by such officers before such date; to the Committee on Armed Services.

By Mr. RIEGLE (for himself, Mr. DURENBERGER, Mr. SASSER, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. DIXON, Mr. GLENN, Mr. BIDEN, Mr. LEVIN, Mr. BRADLEY, Mr. BAUCUS, Mr. CHILES, Mr. HUDDLESTON, and Mr. BENTSEN):

S.J. Res. 146. A joint resolution to require the Director of the Office of Management and Budget to prepare and transmit to the Congress a report specifying the geographic distribution in the United States of outlays by the Government; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER:

S. Res. 319. A resolution authorizing testimony by James Sourwine, and representation by the Senate Legal Counsel in the case of *David Richardson* v. *Raymond J. Donovan*, Civil Action No. 79-2053; considered and agreed to.

By Mr. DENTON:

S. Res. 320. A resolution expressing the sense of the Senate with respect to the assassination of Kemal Arikan, a consul general of the Government of Turkey assigned to the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON:

S. 2099. A bill to amend section 20 of the Federal Meat Inspection Act, to require that imported beef which is capable of use as human food be labeled at all stages of distribution until preparation for ultimate consumption; to the Committee on Agriculture, Nutrition, and Forestry.

LABELING OF IMPORTED BEEF

● Mr. JOHNSTON. Mr. President, I am today introducing legislation to amend section 20 of the Federal Meat Inspecton Act to require that imported beef and beef food products be labeled at all stages of distribution until preparation for ultimate consumption. The intent of this legislation is to assure that the consumer is fully aware of the source of the beef he is consuming to enable him to make as informed a choice as practical when he makes a purchase. The legislation does not extend the labeling requirement to restaurants; nor does it impose any new restrictions on imports. It simply requires full disclosure of the source of the beef to be purchased prior to preparation for final consumption.

During Senate debate on the Agriculture and Food Act of 1981, the problems encountered with the cleanliness and wholesomeness of imported meat were discussed in detail. The amendment offered by the distinguished senior Senator from Montana, which was adopted, and the subsequent language approved in conference take important steps to make sure that the beef purchased by the American consumer, whatever the source, is clean, wholesome, and free from contaminants. Section 1122 of the conference report provides that all imported carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be subject to the same inspection, sanitary, quality, species verification, and residue standards as are applied to similar produce in the United States. Any imported meat which does not meet these standards will not be allowed to enter the United States. Moreover, significantly improved sampling and testing procedures are to be put into place to implement these provisions.

I support these new procedures, Mr. President, but I remain concerned about the ability of the Department of Agriculture to make certain that imported beef reaching the American market is clean and free from contaminants which have been banned in this country. Abroad, the United States has only a handful of inspectors to supervise over 1,000 foreign meat plants. Given the overall cuts in Federal services which are not taking place, it is unrealistic to expect that this number of inspectors and the amount of testing for pesticides and contaminants can be substantially increased to the level I believe necessary to fully protect both the American consumer and producer. At this point, I believe honesty is the best, if not the only, policy. Tell the buyer whether his beef is imported or domestic—and let him make the choice. A national beef-labeling law will allow consumers to decide if they wish to purchase foreign beef, beef which the USDA has certainly made an effort to certify as wholesome but which has not been subjected to the stringent standards required of beef produced in the United States: systematic inspection of plants and animals, the banning of harmful pesticides and additives, the removal of products from the market and punishment of fraud and abuse.

Acceptance of products is vital to any industry, Mr. President, and the cattle industry is no exception. Beef producers have invested years of hard work and millions of dollars to produce a nutritious, wholesome, reliable product and to promote its consumption. They have succeeded and domestic beef enjoys an unsoiled reputation. Yet, all this work can be undermined by the questionable quality of certain foreign imports, as was the case last year when kangaroo meat and horse meat was found in Australian beef imports.

In my view, the simplest and most effective way of protecting the efforts of the American cattle producer and the interest of the American consumer is to provide information of the source of the meat and allow the consumer to make a choice. An informed consumer is the best judge of his own needs and information is the service this legislation is intended to provide.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 20 of the Federal Meat Inspection Act (21 U.S.C. 620) is amended by adding at the end thereof the following new subsection:

"(g)(1) All carcasses, parts of carcasses, meat, and meat food products of cattle which is capable of use as human food (or the packages or containers thereof) shall be labeled as 'imported', 'imported in part', or 'may contain imported meat', as appropriate. This paragraph shall not apply if the meat or meat product (or its package or container) is marked and labeled to show the country of origin as required under regulations issued under subsection (a).

"(2) If a person cuts any carcass, part of a carcass, meat, or meat food product into pieces (or breaks its package or container), other than to prepare it for ultimate consumption, and the carcass, part of a carcass, meat, or meat food product (or its package or container) is marked or labeled under paragraph (1), the person shall mark or affix a label to each of the pieces (or to each of the packages or containers into

which it is separated) to provide the information which was so provided before it was cut (or broken)."

By Mr. GRASSLEY:

S. 2100. A bill to amend the Internal Revenue Code of 1954 to provide that the indexation of individual income tax rates shall take effect on January 1, 1982; to the Committee on Finance.

ACCELERATED INDEXING

Mr. GRASSLEY. Mr. President, the economy has reached a critical stage, and certain corrective measures should be taken immediately.

The No. 1 problem in this economy is the lack of long-term savings and investment that would improve cash balances and provide capital to stimulate productivity. The current economic slowdown, characterized by high unemployment and business inactivity, has caused projected Federal deficits to swell. As a result, the Federal Government is absorbing all the available credit in the credit markets, leaving none for private expansion.

The combination of large deficits, erratic monetary policy by the Federal Reserve, and widespread uncertainty about the short-term economy has caused interest rates to remain high and economic recovery to remain in question.

Mr. President, it seems to me that the commonsense solution to reversing the course of these swelling deficits is to address the underlying cause. It is current economic slowdown which is responsible for well over half of the projected deficits. Last summer, the fiscal year 1982 deficit was projected at $45 billion. Latest estimates show a probable deficit of close to $100 billion for fiscal year 1982. Unemployment and business inactivity accounted for nearly all of that increase. Clearly, then, the key to reversing the direction of these deficits is to start up the engine of our economy.

Increasing production is certainly the desired immediate goal of this Congress. I am happy to hear this goal being mentioned not only by Republicans but also by Democrats—and Keynesians at that.

Their common solution is to add fuel to the economy to get it moving. It seems to me, Mr. President, that what we need is not fuel, but rather to plug up the hole in the fuel tank.

Today I am introducing a bill that would prevent the Federal Government from cashing in on a windfall through inflation at a time when taxpayers should be given the tax relief voted for them in 1981. I am proposing that the indexing provision of the Economic Recovery Tax Act of 1981 be moved up from January 1, 1985, to January 1, 1982.

Simply put, this bill would prevent an erosion of the tax relief that Congress legislated in the form of a 25 percent rate reduction for individuals. Without this bill, the effects of the legislated tax relief will have been neutralized by the time the full cut has taken place. Already, we have seen an erosion through inflation of that portion of the tax cut covering October 1981, to the present. There is no wonder, then, that personal savings has increased only marginally since October 1981, and that long-term investment and GNP are falling.

This bill would especially help those who are hurt most by inflation—the average worker, the small businessman, the small farmer, and the average saver. The bill would preserve their purchasing power, enabling them to save more real wealth for the future. The accumulation of this real wealth is the key to moving the engine of our economy toward recovery. It would provide the capital necessary to stimulate productivity and thereby reverse the trend of expanding deficits. It would also provide a larger pool of capital available for that shrinking Government debt.

Mr. President, I believe that this bill to accelerate tax indexing is a necessary step to take in order to bring about economic recovery. It is an approach which is justifiable and would have support among the American people. I urge my colleagues to join me in support of this measure to bring about stability in the midst of a troubled economy.

By Mr. GOLDWATER (for himself, Mr. GARN, and Mr. JACKSON):

S. 2102. A bill to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a center for Eastern art together with structures for related educational activities in the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at 10th Street SW., in the city of Washington; to the Committee on Rules and Administration.

AUTHORIZATION FOR CONSTRUCTION OF MUSEUM OF AFRICAN ART AND CENTER FOR EASTERN ART

Mr. GOLDWATER. Mr. President, I am introducing together with Senator GARN and Senator JACKSON, a bill to authorize the Smithsonian Institution to construct a building for the Museum of African Art and a Center for Eastern art together with structures for related educational activities, known as the Quadrangle Project.

This request for authorization was unanimously approved by the Board of Regents of the Smithsonian Institution at its September 1981 meeting. The Office of Management and Budget has approved this request, and has granted a budget allowance in the amount of $36.5 million in the fiscal year 1983 budget in order to allow a construction contract to be awarded.

The Smithsonian has prepared a statement as to the purpose and need relative to the Quadrangle Project. I ask unanimous consent that this statement appear in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF PURPOSE AND NEED

For the past several years the Smithsonian Institution has been developing a plan for the improvement of the 4.2 acre quadrangle located between its original building and Independence Avenue. Major components of the Quadrangle proposal are two pavilions to display the history and culture of that vast arc of the world—Asia and Africa—that contains more than two-thirds of its population. Delicate in proportion and sensitive in style, these pavilions will enhance the historic character of their surroundings and combine with the landscaping to create within the Quadrangle a quiet garden enclave for the public. Located below grade will be approximatley 95 percent of the overall structure, housing major exhibit galleries, an international gallery and conference center, and badly needed space for the Smithsonian's public service and educational outreach activities.

The project represents the single most significant effort to educate Americans about the cultural history of the non-Western world. It will provide a window on the Mall for those nations with whom we have diplomatice relations, but whose opportunities for dialogue with us are severely limited and whose historical background is largely unknown to us. Exhibits based on existing collections and on invaluable donations of African and Eastern art that can be anticipated will be created for display here as well as in other parts of the country.

From the outset the financing of the Quadrangle project has been viewed as a joint enterprise involving both appropriated and non-appropriated funds. If approval to begin construction in fiscal year 1983 is forthcoming, the total cost of the project is estimated at $75 million, $37.5 million of which is to be provided from appropriations and an equal share from non-appropriated sources. This financing concept has been endorsed by the House and Senate Appropriations Committees in their approval of $1 million for planning in fiscal year 1982.

Efforts to raise non-Federal funds have been proceeding for more than three years. The Smithsonian has received substantial gifts from foreign governmments, domestic and foreign corporations, foundations, and individuals, and significant additional contributions are expected in the near future.

In addition, the Institution anticipates setting aside between $1.0 and $2.0 million per year through fiscal year 1985 from the net revenues of its auxiliary activities for the project and applying proceeds from its sale of property currently occupied by the National Museum of African Art to the costs of the construction.

The proposed legislation provides general authorization for the Quadrangle project, as well as authorization for appropriations of $36.5 million, the remainder of the Federal share. Full budget authority in the amount of $36.5 million is required in fiscal year 1983 to allow a construction contract to be awarded. However, consistent with the need to hold down outlays, it should be noted that as construction proceeds these will be phased over three years with an estimated $5 million in fiscal year 1983; $15 million in

fiscal year 1984; and $16.5 million in fiscal year 1985.

By Mr. INOUYE:

S. 2104. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to conduct studies and demonstration projects to develop incentives for economy in the administration of the civilian health and medical program of the uniformed services while maintaining or improving the quality of health and medical care available under such program; to the Committee on Armed Services.

INCENTIVES FOR ECONOMY IN ADMINISTRATION OF CHAMPUS PROGRAM

● Mr. INOUYE. Mr. President, today I am introducing legislation that would provide the civilian health and medical program of the uniformed services (CHAMPUS) with broad legislative authority to conduct appropriate studies and demonstration projects.

For some time now, as a member of the Senate Defense Appropriations Subcommittee, I have been concerned that we have not provided the Department of Defense with sufficient administrative flexibility to develop as comprehensive and as cost-effective a health care program for our military personnel and their dependents as they deserve.

There is no question in my mind that the real strength and, in fact, the very backbone of our Armed Forces is not the sophisticated military hardware that is discussed daily in the national media, but instead is the men and women of our Nation who have chosen to spend precious years of their own lives serving our country in the military.

The CHAMPUS program, in particular, represents a very tangible commitment by the Congress of the United States to the health and well-being of these dedicated citizens.

In the private sector, it would be viewed as a most important "employee benefit." Through CHAMPUS, approximately 7.9 million dependents of retired, active duty, or deceased personnel obtain payment for those health care services that they have received through the private sector.

Over the years it has been my personal observation that in many areas, and especially in mental health, that CHAMPUS has been in the forefront in developing health benefit plans that are reasonable, cost-effective, and truly responsive to beneficiary needs.

Yet, again and again, it has also come to my attention that unlike the private sector, the Department of Defense does not have sufficient administrative flexibility to truly "test out" alternative or innovative health care approaches that eventually might very well turn out to be even more appropriate for our changing times.

For example, in 1979 the then-Surgeon General of the United States issued his report "Healthy People." In this far-reaching document it was expressly stated that of the 10 leading causes of death in our Nation today, at least seven could be substantially reduced if persons at risk would improve just five habits: diet, smoking, lack of exercise, alcohol abuse, and use of antihypertensive medications.

I cannot help but believe that these statistics also have major implications for our Nation's military families, and accordingly, that we would be well served if the Department would consider paying for appropriate "wellness-oriented" programs.

Similarly, I also feel that the time has come for CHAMPUS to begin reimbursing for a limited "biofeedback package"—this innovative approach essentially substitutes patient learning for surgical intervention or drug reliance.

Perhaps, given the nontraditional nature of this approach, CHAMPUS should make this option available at first in only limited geographical regions of our Nation, so that an accurate estimate of its potential cost savings can be developed.

Yet, I understand that the Department simply does not have the legislative authority to conduct such a "phased-in" approach, no matter how logical it may seem.

Everyone of us in the Congress is rapidly becoming aware of the extent to which the basic costs of health care in this Nation have continued to escalate faster than almost any other segment of our economy.

Thus, it should come as no surprise that even in the Defense Department's budget that this has become a major issue.

For example, in fiscal year 1978, the total budget for CHAMPUS was approximately $556.3 million; in fiscal year 1982, we appropriated nearly $1 billion.

Partly in response to these fiscal pressures, our committee has felt that it is now especially important that CHAMPUS take a closer look at possible alternative modes of delivering health care.

For example, during our deliberations on the fiscal year 1981 appropriations bill (Public Law 96-527) our committee decided to direct CHAMPUS to take a careful look at the possibility of making prepaid, health maintenance organizations (HMO's) readily available to their beneficiaries.

We did so, fully aware not only of the expected cost-savings involved, but also of the fact that all other Federal employees, as well as all private sector employees working in firms with 25 employees or more, already have HMO's as a legislatively mandated option.

It is my understanding that the Department is presently conducting a 3-year pilot program and that they will be presenting the Congress with a comprehensive report at the appropriate time.

Similarly, during our deliberations last year on the Department's fiscal year 1982 appropriations bill (Public Law 97-114), our committee again directed CHAMPUS to take a careful look at the possibility of establishing a new benefit; this time, a pilot dental care program.

Unfortunately, we were unable to retain this directive during our House-Senate conference; however, I fully expect that eventually we will be successful.

Yet, if the Department possessed the type of administrative flexibility that I am proposing today, I cannot help but feel that these important decisions would be based on sounder financial- and utilization-oriented data than is possible today.

Simply stated, Mr. President, given our national economy, we simply can no longer afford not to take a closer look at truly cost-effective approaches—whether we are talking about modifications in the delivery system, or the benefit package itself.

At the same time, we must continue to strive to provide our Department of Defense personnel and their dependents with the most comprehensive health care benefit program possible.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section "§ 1090. Studies and demonstration projects relating to the delivery of health and medical care.

"(a) The Secretary of Defense, after consulting with the Secretary of Health and Human Services, shall carry on studies and demonstration projects and develop recommendations to be submitted to Congress from time to time relating to health care services provided under this title. Notwithstanding any other provisions of law, the Secretary of Defense may conduct studies and demonstration projects relating to sections 1079, 1080, and 1086 of this Act. Such studies and demonstration projects may include, but are not limited to: (1) methods of payment for health and medical care services (2) cost-sharing by eligible beneficiaries (3) methods of encouraging efficient and economical delivery of health and medical care services (4) innovative approaches to delivery and financing of health and medical care services (5) alternative approaches to reimbursement for the administrative charges of health care plans and (6) prepayment for medical care services provided to maintain the health of a defined population.

"(b) the Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to devel-

op and conduct studies and demonstration projects under subsection (a).

"(c) the Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources required to conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"1090. Studies and demonstration projects relating to the delivery of health and medical care.".

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1090 of title 10, United States Code, as added by the first section of this Act.

SEC. 3. This Act becomes effective October 1, 1982.●

By Mr. CHAFEE:

S. 2105. A bill to provide for pension reform for State and local public employee retirement systems, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to promote more efficient and satisfactory management of the functions of the Federal Government relating to employee benefit plans and to more effectively carry out the purposes of such act and such code relating to such plans, and for other purposes; by unanimous consent, referred jointly to the Committee on Finance and the Committee on Labor and Human Resources.

S. 2106. A bill to provide for pension reform for State and local public employee retirement systems, and for other purposes; by unanimous consent, referred jointly to the Committee on Finance and the Committee on Labor and Human Resources.

PUBLIC EMPLOYEE RETIREMENT INCOME SECURITY LEGISLATION

● Mr. CHAFEE. Mr. President, today I am introducing S. 2105 and S. 2106, both bills entitled the "Public Employee Retirement Income Security Act of 1982." Identical legislation was introduced last year in the House by Representative JOHN ERLENBORN and Representative PHILLIP BURTON, respectively. This is the first time, however, that PERISA has been sponsored in the Senate.

Both bills have the same objective: To require basic reporting, disclosure and fiduciary standards be met by all public employee pension plans; standards that will protect the rights and benefits of public employees, as well as the interests of the taxpayers who fund our Nation's public pension systems. The reason for introducing two bills, which are similar but differ in several provisions, is to provide the Senate with an opportunity to consider more than one approach to the impending crisis in public pension funding.

As chairman of the Senate Finance Subcommittee on Savings, Pensions, and Investment Policy, as a former Governor, and as a citizen taxpayer, I have been concerned for a long time about the major problems facing State and local government retirement systems. Whether you look to the comprehensive report on public plans issued in 1978 by the House pension task force or to a host of other private and Government studies, it is clear that a crisis now exists in the operation of many State and local government pension plans.

Many plans are dangerously underfunded and have accumulated staggering amounts of unfunded liabilities.

All too frequently, important information on these plans' benefits and financial condition is not regularly disclosed to participants, to public officials, or to the taxpayers.

Fiduciary standards which guide the investment and management practices of many plans are wholly inadequate to safeguard assets; they come nowhere near what is expected, and in fact, required in the private-sector pension community.

As Representative ERLENBORN remarked upon introducing his PERISA bill last November:

Since the time of the publication of the pension task force report, little progress has been made by the States in clarifying or initiating fiduciary standards. Plans maintained at the State level in over half of the States still lack any statutory guidance as to general fiduciary standards. Our bill contains generally recognized standards of fiduciary conduct which will conform public employee retirement systems' administrative and investment practices with the practices expected of other important financial enterprises.

Some pension experts have characterized the public pension situation as a "ticking time bomb." While that may sound dramatic, it is clear we can no longer ignore a major area of national concern. The deteriorating financial condition of many public plans threatens not only the benefits of future retirees, but the pocketbooks of the taxpaying public. Should a major State or municipal plan go broke, it is entirely possible that the Federal Government will be called upon for the bailout. We can avoid this situation if Congress will take steps now to establish the same minimum standards for public plans as it has set for private sector pension funds, in the areas of reporting, disclosure, and fiduciary conduct.

Such action was called for in the report of the President's Commission on Pension Policy, issued 1 year ago:

The Commission recommends that, because State and local government employees deserve the same protection as employees in the private sector, a Public Employee Retirement Income Security Act (PERISA) should be enacted covering the same areas of concern as covered by ERISA.

During hearings my subcommittee held last May on the President's Commission Report, this position was strongly endorsed by the American Federation of State, County and Municipal Employees (AFSCME). Referring to State and local pension plans, AFSCME testified:

They face problems which threaten not only their own fiscal stability and the rights of plan participants and beneficiaries, but the fiscal integrity of the state and local governments as well. The benefit design of many of these plans is ill-conceived, and many are dangerously underfunded. No comprehensive and uniform set of legal principles exists to adequately regulate State and local government plans. Conflict of interest problems are pervasive, and the absence of meaningful reporting, disclosure and fiduciary standards is the order of the day. A coherent Federal regulatory framework which recognizes the unique problems and characteristics of State and local plans has yet to be established.

Mr. President, PERISA offers such a regulatory framework, but it also provides a way for State and local governments to opt out of PERISA's jurisdiction by enacting their own minimum pension standards.

What does PERISA do?

It requires an annual report by each fund disclosing the plan's assets, liabilities, funding policy, changes in such policy, and transactions with any parties in interest.

It requires that pension funds hire an actuary to evaluate the plan at least once every 3 years.

It requires the plan administrator to provide information, on request of plan participants, regarding accumulated benefits and the extent to which benefits are vested.

It establishes fiduciary responsibilities similar to those under private pension plans. Assets would have to be held for the exclusive purpose of providing benefits to plan participants and defraying reasonable administrative costs.

It also establishes prohibited transaction rules similar to those under private plans. Fiduciaries would be prohibited from dealing in self-interest or any other interest but that of the beneficiaries. All investments and transactions must meet an "adequate consideration" test. And plans would be prohibited from investing more than 5 to 10 percent of assets in the employer's securities.

Some of the PERISA issues I expect to be widely discussed by the Senate are laid out in the differences between the two bills I introduce today. One of those is the question of whether a single agency should be created to streamline the regulatory process which is now shared between the In-

ternal Revenue Service and the Labor Department. Another involves the kind of system we should establish for exempting State and local plans from PERISA jurisdiction. Should the States certify their own exemption or should the Labor Department retain that responsibility?

Mr. President, I expect to begin hearings on this highly important legislation in March. Already, the House Labor-Management Subcommittee has conducted 2 days of hearings this session.

PERISA and the goal of restoring health to the Nation's public employee pension funds has been given top priority by such distinguished organizations as the Service Employees International Union, the National Education Association, the AFL-CIO Public Employee Department and, as I have indicated, the American Federation of State, County & Municipal Employees.

The legislation I propose mandates no added financial burdens on State and local governments, such as requiring certain funding levels be met. That is clearly a decision to be made at the local level.

My bill simply requires that the financial condition of these funds be systematically reviewed and the information be made available to the public on a regular basis. It further requires that those who have management or administrative responsibility for public pension funds meet the same, widely accepted standards of conduct currently expected of private pension fiduciaries.

PERISA is not, nor should it be, a partisan issue. It is sponsored in the House by ranking Members on both sides of the aisle. It should be supported by Republicans and Democrats and by conservatives and liberals alike, because it clearly is in the best interest of State and local governments, their employees and the public at large.

I urge my colleagues to join me in seeing this legislation through the Senate this year.●

By Mr. LEVIN (for himself, Mr. DODD, Mr. RIEGLE, Mr. WEICKER, and Mr. RANDOLPH):

S. 2107. A bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act; to the Committee on Finance.

CHILD'S INSURANCE BENEFITS

● Mr. LEVIN. Mr. President, I am today introducing legislation which seeks to redress the injustice that is being done to hundreds of thousands of young social security student beneficiaries, whose education plans have been thwarted due to recent retroactive changes in law and due to the negligence of the Social Security Administration in not informing beneficiaries of changes in the Omnibus Reconciliation Act of 1981. That act contains a provision phasing out the postsecondary educational benefit under the social security program. Those students who would otherwise have been eligibile to participate in the program will not qualify for eligibility unless they are enrolled in and attending classes as full-time students before May 1 of this year. Additionally, benefits are eliminated for any child that had not received a student's benefit by August of 1981, the month the act became law.

The intent of the legislation was to cover seniors in high school during the 1980-81 academic school year who would be entering college in the fall of 1981, excluding all future college entrants. All other recipients of the child's benefit, including those beneficiaries who are currently sophomores, juniors, and seniors in high school, have not been officially notified by the Social Security Administration of the eligibility changes, phase-out and subsequent elimination of benefits under the Reconciliation Act. It is estimated that 200,000 to 300,000 high school seniors are currently beneficiaries of the social security student benefit. An undetermined number of these young people received erroneous information relative to their eligibility for future benefits. In keeping with its practice of inquiring of the educational plans of student beneficiaries 5 months before their 18th birthday, social security "mistakingly" sent out its old brochures, containing previous law guidelines, which indicated beneficiaries would continue to be eligible for benefits upon attending a postsecondary institution. Thousands of incorrect brochures went out from the Social Security Kansas City Regional Office as late as December of this year, covering a broad area of the country, leading high school seniors to believe they were fully eligible for benefits. To date, this error has not been corrected. In fact, social security officials say they have no way of tracking who actually received the erroneous information.

During a February 3, 1982, joint hearing of the Subcommittees on Postsecondary Education and Elementary, Secondary and Vocational Education on the effects of the cutback in social security benefits on the student aid programs, Social Security Associate Commissioner Sandy Crank when questioned on the matter said:

> We did not discover it until after it had gone on for some time. . . . Unfortunately, through an error, the old stock of pamphlets were not destroyed . . . and unfortunately some of the old stock was used in notices to children after August 1981. We have no way of identifying which children received the incorrect pamphlet.

Mr. President, the proper characterization of the following remarks of Mr. Crank in summing up what Social Security Deputy Commissioner Paul Simmons referred to before the House Social Security Subcommittee hearing on the impact of the absence of proper notification upon affected students as a "bureaucractic snafu," I will leave up to my colleagues. And I quote Mr. Crank:

> We have corrected that problem. We have destroyed all that old stock.

Mr. President, indeed, the problem has not been corrected. Thousands of young people made their educational plans based on the Social Security Administration's reassurance that promised benefits would continue to be available to them.

Mr. President, not only did high school seniors receive erroneous information by mail from the Social Security Administration—erroneous information was also given out by numerous social security offices across the country. Social security employees, as recent as a month ago, were answering questions and giving out information based on previous law. This practice was so widespread and complaints were so numerous that on January 14, just a few weeks ago, social security sent out special telegraphic messages to its regional and local offices indicating that the purpose of the communication was to insure that inquiries regarding the student benefit program should be answered correctly, in accordance with the phaseout provisions of the 1981 Omnibus Budget Reconciliation Act.

What I am saying here Mr. President, is that thousands of young people, perhaps as many as 150,000, have been under the impression that promised benefits would be forthcoming, and in fact were told very recently that they would continue to be eligible for benefits this coming fall.

Mr. President, this Government must bear the consequences of its own actions, or the lack thereof. These young people should not have their future education plans disrupted, only

months away, due to no fault of their own.

There is not sufficient time for these young people to investigate and apply for alternative resources. Last year the administration promised that other student aid, particularly Pell grants, guaranteed student loans, and campus-based work study would be available to help students who lost social security benefits. The administration last year obtained cuts in such programs, and in the fiscal year 1983 budget the President calls for the elimination of funding for two campus-based programs and reduced funding in the college work-study program by more than $100 million. There will be little or no Pell grant funds for social security student beneficiaries with the administration urging a cut of more than $1 billion below the amount Congress appropriated in fiscal year 1981.

Mr. President, what we have here is a stituation analogous to the concept in the law of contracts known as promissory estoppel. Under this concept, when an individual is made a promise and relies on that promise, and that reliance subsequently results in that individual incurring a penalty, then the promisor is bound by the promise. That is what has occurred here. The Government sent out notices which in effect made a promise that benefits would be available under certain conditions. The students relied on that information and as a result incurred a penalty in the form of losing benefits. According to the principles underlying the concept of promissory estoppel, the Government should be bound by its original promise in those notices.

Mr. President, most of the young people about whom I speak are from marginal-income families. In 1981, over 60 percent were survivors of deceased workers. A sizable number were from families where both parents are deceased. Over 20 percent were from families where one or both parents are disabled.

Seventy-one percent of the beneficiaries were from families with incomes under $15,000; 53 percent from families with income under $8,000.

Mr. President, last year I argued vigorously against the phasing out of this benefit, particularly in the case of children of workers who are now deceased. Those workers cannot lobby us any more to keep commitments we made to them. The social security student benefit program has been an important means of educational and economic mobility, for this generally disadvantaged group of beneficiaries. The student benefit was intended to provide income security—insuring against the loss of earnings caused by the death of the working parent. The elimination of this benefit cancels the commitment to workers that their children, if orphaned, would be entitled to college benefits. That was a commitment these workers had a right to rely on. It destroys the insurance protection that these children relied on after the death of the working parent.

The student benefit is an entitlement earned by the working parent through contributions paid by himself and his employer during his working years. The arrangement constitutes a compact between the worker and the Federal Government. The Government of the United States has seen fit to break this promise. The student payment is not a "fringe benefit." To the young person approaching his or her 18th birthday, the continuation of benefits to finish college is no more a "fringe benefit" than that of the elderly retiree living out his or her later years in the dignity and security of his or her promised income.

I would like to share with my colleagues the remarks of Mrs. Alice James of Chestertown, Md., the widowed parent of four children affected by the changes in the social security student benefit program. In testimony on February 3 before the Subcommittees on Postsecondary Education and Elementary, Secondary and Vocational Education, her remarks are as follows:

REMARKS OF ALICE JAMES

Mrs. JAMES. Mr. Chairman and members of the subcommittee, I am Alice James.

I appreciate the opportunity to appear before you to discuss the impact of the elimination of survivor benefits for college students. I shall read my testimony.

I teach in Chestertown, Md.—English to the Kent School, and writing at Washington College, and am the widow of a scholar who taught at Washington College for 25 years. But it is not as an educator that I am here today; it is as the parent of four students aged 15 to 21. As a widowed parent I must convey to you the plight of not just my own children, but of thousands like them who may be unjustly deprived of the benefits their dead parents earned for them, the benefits which would enable them to contribute their talents and skills to our society.

Let me explain the impact of the cuts on my own family. My oldest child will graduate from college in May. Until recently she had expected to go on to graduate school, preparing herself for a career in teaching or a related field. As a result of the extraordinary stress the cuts will impose on our family, she is shelving her plans and looking for a job. I pray that she will find one. Her father earned his Ph. D. I have an M.A. You can imagine how I feel about this derailment of her professional goals.

My second child is in her second year of college; she too wants to be a teacher. In the next year her annual income from social security will be reduced 50 percent. This year she received 12 checks for $238. During her junior year she will receive eight checks for $178. Her financial planning was predicated on the continued availability of both social security benefits and guaranteed student loans. She is to lose $1,900 in social security, and perhaps $2,000 in loans. How shall we compensate for the loss of $3,900? Which of the other programs will cover our loss?

When she returned to college after Christmas she thought her funding would only be reduced by 25 percent of her annual total. I am ashamed to admit that although I have talked to her since this document arrived on Wednesday, January 27, I have not told her the enormity of her loss. We talked on her 20th birthday. She told me that she missed her father, that she needed him to give her a hug and say, "Your old man is proud of you." Which of you could have delivered another blow? What do you think I should say to her now?

My son is 17. He would be a senior in high school but for a back injury sustained in the spring of his sophomore year. It was misdiagnosed and mistreated for 4 weeks. Finally, he was hospitalized. After another week of painful testing and anxiety, the doctors discovered that their 15-year-old patient had ruptured a disc in his lower back. Summer study was not possible because of lingering pain and the distracting discomfort of a heavy brace. He needed to repeat his sophomore year. Consequently he is not among the high school seniors scrambling to enroll in college program before May 1.

Extend the deadline. Do all you can to help the multitude of youngsters who cannot help themselves. But even if the deadline is extended to June 1, my boy will be deprived of social security benefits for his college education. On the PSAT he scored in the 94th percentile. Which of you wants to tell him that his education is jeopardized by these cuts?

I must add that his hero is the late David K. E. Bruce, envoy to China, ambassador to many European countries, negotiator at the Paris peace talks. He wants to emulate that distinguished career of service to this country. Which of you wants to tell him that his country does not need his services?

And now my youngest daughter, at 15 an enthusiastic sophomore in a stiff college preparatory program. I worry that she will lose her motivation to excel. On the one hand, she knows that her father and I would want her to work as hard as she could to go on to the best college that would take her; on the other hand, she sees what the financial stress is doing to me. What can I do to assure her that somehow we will find a way for her to pursue a career in architecture?

There are thousands of children like mine around the country. There are students who are asking for the benefits their dead parents earned for them. They are asking for help with their education in order that they may contribute to society, not become a drain on it. I wish their mothers could join me here, for I am a weak spokesman for a group of citizens with so few votes. I wish these students themselves could march on Washington and demonstrate outside your doors. But the administration has picked on a silent minority devoid of political clout.

Must I remind you that the G.I. bill and other educational programs have proved that they are a wise investment that pays dividends through the increased productivity and wage-earning capacity of the recipient?

Must I remind you that responsible parents like my husband took the social security program into consideration when they examined their life insurance coverage? And just as they expected their insurance companies to honor their commitment to a prearranged program, so too they expected the government of their country to honor its commitment. Because my husband and his employer were compelled to contribute to

the social security program, he could not afford the additional life insurance that would otherwise compensate us for the loss of social security coverage.

Congress has robbed these children of the educational opportunities their parents earned for them. It has also robbed them of faith in their government. I beg of you—restore their funding; restore their faith in their country.

Mr. LEVIN. Mr. President, my proposal would provide some relief from the unfair treatment accorded current seniors in high school. The bill sets the enrollment deadline back from May to October 1982. It also delays the phaseout schedule to allow this fall's college entrants to complete 4 years of education with the aid of social security benefits. Their benefits would not be reduced by 25 percent until their sophomore year in college and each succeeding year. Additionally, the bill requires the Social Security Administration to notify all recipients of the child's benefit of the changes proscribed in the omnibus reconciliation of 1981 and the provisions of this bill. It will cover for 1 year at least the injustice we have perpetrated on our citizens.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 2210 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35; 95 Stat. 841) (relating to elimination of child's insurance benefits in the case of children aged 18 through 22 who attend postsecondary schools) is amended—

(1) in paragraph (1)(D), by striking out "May 1982" and inserting in lieu thereof "October 1982";

(2) in the matter in paragraph (1) following subparagraph (D), by striking out "August 1985" and inserting in lieu thereof "August 1986";

(3) in paragraph (3)(A), by striking out "July 1982" and "August 1983" and inserting in lieu thereof "July 1983" and "August 1984", respectively;

(4) in paragraph (3)(B), by striking out "July 1983" and "August 1984" and inserting in lieu thereof "July 1984" and "August 1985", respectively; and

(5) in paragraph (3)(C), by striking out "July 1984" and "August 1985" and inserting in lieu thereof "July 1985" and "August 1986", respectively.

(b) The Secretary of Health and Human Services shall notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this Act is enacted of the changes made in the eligibility for, and amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this Act. The notification shall be made as soon as possible after the date of the enactment of this Act, but not later than 90 days after such date of enactment.●

● Mr. DODD. Mr. President, I rise to cosponsor S. 2107, extending the final date by which the sons and daughters of retired, disabled, or deceased workers must attend college in order to qualify for student benefits before this program is phased out.

Mr. President, the Omnibus Budget Reconciliation Act of 1981 eliminated social security student benefits for new beneficiaries not enrolled in a postsecondary educational institution by May 1982. Those students directly affected by this change in the law, however, were never notified.

The results of the failure of the Secretary of Health and Human Services and the Social Security Administration to notify students in Connecticut and most other States of the deadline date have been disastrous. Thousands of those high school seniors who will receive benefits only if enrolled in colleges by May 1982 have panicked. In order to qualify for such benefits, many of them have already dropped out of high school to attend college classes on a full-time basis. Other have tried to enroll in local colleges, only to be turned away for lack of a high school diploma.

In short, Mr. President, the students affected had to learn of this change in the law on an ad hoc basis, either from reading a newspaper article or from listening to a well-informed guidance counselor. Because these students were not advised in time, many of them are now being forced to make very significant career choices without any chance for reasoned deliberation.

The bill we are introducing, Mr. President, addresses this injustice by extending the deadline date 5 months beyond that called for in the 1981 Reconciliation Act. S. 2107 also requires the Secretary of Health and Human Services to inform all individual students affected within 90 days of the date of its enactment.

We hear a great deal these days about cutting out waste and mismanagment in Government. Yet I can think of no greater mismanagement than wasting the talent of our youth by forcing them to make vital career decisions in an atmosphere of chaos and panic.

I ask unanimous consent that the following Connecticut Newspaper articles so aptly describing the need for this legislation be printed in the RECORD.

Mr. President, I urge the Senate to adopt S. 2107.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Hartford Courant, Jan. 27, 1982]

STUDENTS GO TO COLLEGE EARLY TO BEAT SOCIAL SECURITY CUTS

(By Jan Tomas)

More than 40 Connecticut high school seniors have been rushed into college so they can beat new Social Security rules that cut financial aid for college studies.

Among them are six South Windsor students who enroll today at Manchester Community College, skipping their last months of high school so they can collect monthly benefits Social Security pays to children of deceased, disabled or retired parents.

Congress cut the budget for the program last year and limited the payments severely for students who enroll in college after May 1. The change, which also reduces the amount of the monthly checks and cuts them from 12 to eight a year, can cost Connecticut students up to $6,300 a year each if they're not in college by May 1.

At least five colleges have altered their normal admission procedures so students without high school diplomas may enter college now, although the University of Connecticut has declined to do so, saying it cannot make exceptions for the Social Security recipients, whose benefits are based on family incomes.

College administrators blame all the hair-tearing and frenzied phone calls on the government, saying Washington kept the cuts quiet, and some say the media failed to publicize the changes adequately. All agree solutions had to be found in a hurry.

The Social Security Administration printed 2 million copies of a pamphlet explaining the program change, but an official for the agency's district office in Hartford said too little money was available to mail the pamphlets to school officials.

Whatever the reasons, the situation produced chaos and probably will prove costly.

No one knows how many high school seniors will never get tuition aid because they won't be in college by May 1. Robert Johnston, manage of the Social Security Administration's district office in Hartford, says 10,134 college students in the state are getting aid this year.

The students get $2.5 million each month, an average of $247 per month for each student, Johnston said.

Manchester Community College has accepted about 20 high school seniors so they will be eligible to receive the tuition assistance.

The college accepted the students without diplomas because they were in the top half of their classes academically, their principals stated they are capable of doing college-level work and they are assured of graduation in June, Andrew Paterna, the community college's admissions director, said.

Paterna said Manchester got inquiries on behalf of students from South Windsor, Manchester, Tolland, and Rockville.

Six South Windsor students will register as full-time students at Manchester Community College today, South Windsor School Superintendent Robert Goldman said Tuesday.

The University of Hartford, South Central Community College in New Haven, Quinnipiac College in Hamden and Norwalk Community College also have enrolled high school seniors.

This is not the first time Quinnipiac College has accepted high school students who had completed almost all graduation requirements, but a special effort was made to accommodate Social Security recipients caught in the lurch this year, Admission Director Russell J. Ryan said.

"This was an emergency," Ryan said, although he said he still was uncertain how many high school students had been enrolled for the second semester.

He said courses the sudden freshmen take this semester will be applied to their high school requirements so they can get diplomas in June.

Allan Martin, Norwalk Community College admissions director, said the school has enrolled 15 students who have not received high school diplomas.

"If they can't start this semester, then in many cases, they can't begin at all" because Social Security is the only money they have for college, Martin said.

UConn was called, but decided not to let anyone in early.

Admissions director John Vlandis said UConn will not admit any full-time students without high school diplomas.

"It was a dilemma," he said. "If we did it for Social Security students, how could we deny anyone an early entrance?"

Vlandis also said he was "uncomfortable manipulating entrance requirements to combat federal regulations."

John Shea, registrar at Mattatuck College in Waterbury, called the situation "unfortunate and tragic," but said, "The bottom line is we can't help these people."

"Washington come with the information so late no one had a chance to react. If this had come out in the fall, we could have done something," Shea said.

Whether the dodge is legal apparently is unclear.

Shea said a state law requires a student under age 21 to have received a high school diploma or passed a state high school equivalency test to be granted admission as a full-time student at a state-supported college.

But a spokesman for the office of the Board of Trustees for the Regional Community Colleges said a college president may waive entrance requirements if the action is deemed appropriate.

Timing was also a problem in some cases.

Harry S. Godt, dean of student affairs at Greater Hartford Community College, said the school had received two formal requests for enrollment from students trying to ensure their Social Security benefits. The applications were denied because they arrived too late to permit proper counseling and completion of necessary paper work, he said.

Requirements of at least one high school prevented students from entering college before the May 1 deadline.

Daniel O'Brien, a guidance counselor at Danbury High School, said three Social Security recipients in Danbury could not enroll in college early because they were in full-year—as opposed to one-semester—high school courses that have to be completed before diplomas can be awarded.

U.S. Rep. William Ratchford, D-5th District, a member of the House Education and Labor Committee, criticized the Social Security Administration for not informing school officials and Social Security recipients of the change in the tuition assistance program.

He also charged that the lack of information on cuts in several Social Security programs is a deliberate attempt by the Reagan administration to downplay budget reductions.

At Social Security headquarters in Baltimore, press officer James M. Brown, said he "couldn't believe people haven't heard of" changes in the tuition program.

"I can't believe anyone who's concerned could go to school and not know of this," Brown said. "It was the intent of Congress for these benefits to be phased out."

Brown said 2 million pamphlets explaining revisions in Social Security programs were distributed to the agency's 1,344 regional offices in the country.

Also, information packets including press releases on the changes were mailed to district offices monthly, Brown said.

Under the program, eligible college students receive $82.50 to $525 per month this year, depending on their families' income, Johnston said.

The average monthly payment to a qualifying student who has one retired or disabled parent is $207. An average monthly payment of $311 would be made to a student if one parent has died, Johnston said.

[From the New London Day, Feb. 7, 1982]

NEW FEDERALISM

(By Sondra Liburd-Jordan)

Sherri Lynn Pratt would like to have a chat with President Reagan and tell him how the new Social Security laws are affecting her life.

"I'd tell him how unfair it all is . . . how I need that money for college . . . how some kids had planned to go to college with those checks," she said.

Those checks are monthly benefits that Social Security pays to children of deceased, disabled, or retired parents.

Last year Congress cut the program, limiting payments for those college dependents already receiving benefits, disqualifying many who would have been eligible and putting a May deadline for high school students to enter college face losing their payments.

The group most in jeopardy of losing those benefits are students like Sherri, a 17-year-old St. Bernard High School senior who began receiving payments a year and a half ago when her mother died.

Under the new rules, students between the ages of 18–22 will lose their benefits after May if they are not enrolled fulltime in a college or approved post-secondary school.

"I just heard about it a few days ago and I didn't really get all of the details. It seems as though they waited until the last minute to let us know," said Sherri, who is scheduled now to graduate in June.

One hope for many high school seniors is to enroll in one of the 12 community colleges around the state, which under certain conditions, is allowing seniors in good standing to take courses while completing their high school curriculum or in lieu of it.

Some educators and Social Security officials have expressed doubt about the granting of these admission exceptions because state law requires students under age 21 to have a high school diploma or an equivalent diploma to be admitted to a state school. Nevertheless, Sherri said she wants to enter Mohegan Community College's mid-semester program beginning March 1.

Beginning March 15, as part of its mid-semester offerings, the college is beginning its off-campus program at East Lyme High School. It will offer four 3-credit courses. Mohegan's acting-president, R. Wes Wright has waived the normal entrance requirements to accommodate certain high school students.

Sherri was not a year old in 1965 when Social Security checks were first paid to dependent students between the ages of 18 to 22. There was not an abundance of grants and loans available to students and the thought was that college-age dependents would probably still be reliant on and in need of benefit checks until either they graduated or turned 22.

But the program cuts fall to line with this administration's "New Federalism" proposals that either shift from its hands many of the formerly federally-controlled programs to the states or cut them out all together.

The college-age Social Security checks will be cut, but the cut will be done gradually.

For example, if Sherri becomes eligible by enrolling in Mohegan, her checks this year will be cut by 25 percent starting with the September check. There will be a 50 percent reduction effective from the September 1983 payment, 75 percent reduction the following year, and no more checks after April 1985. Another change taking place this year, but one which won't affect Sherri or dependents like her because she's under 19 and still in high school, is there will be only eight checks issued a year instead of 12. College students will not get checks for the months for May, June, July, and August. According to Social Security officials in the state, this year about 10,250 of the 49,000 children receiving benefits, are college students. Their benefits vary and depend on the wages of their parents, but payments average around $250 a month.

The changes are confusing to many students, some because they say they've received incorrect information, and others because they have heard nothing about them and are simply putting together bits and pieces from listening to others.

Henry J. Allsworth, manager of the New London Social Security office said no notification of the changes are being mailed out to recipients athough there are pamphlets available at offices throughout the state.

"We're relying on newspapers and guidance counselors to let the students know," said Allsworth. He said some students and parents have called or stopped in the New London and Norwich offices to get information on the changes.

Even though some students may try to enroll in college to beat the May deadline, there is yet another qualification they must meet to ensure continuation of payments—a qualification that has eliminated Carla Gigstad's chances. Carla, a 17-year-old senior at Fitch Senior High School in Groton, has been receiving benefits checks since last fall shortly after her father died. But because her father died in October of 1981 she will not be entitled to payments after her graduation in June. A student must have been entitled to a check in August of 1981 to qualify for benefits as a college student.

"It's a disappointment, but that's not going to stop her from going to college," said her mother, whose name is also Carla.

Jacquelyn Moody of Stonington is a 17-year-old senior at St. Bernard High School. She's been getting Social Security payments ever since her father died seven years ago.

The checks, along with part-time jobs, has helped pay for her books and put gasoline in the car she shares with her mother. She is undecided about enrolling in a community college before May in order to protect her benefits.

Elimination of the checks, she says, will not deter her plans to become a corporate lawyer.

"I feel that the benefits should be given to students who are enrolled in college. There are students who really need the money," said Jacquelyn.

A sampling of some colleges around the state showed that some high school students have enrolled and are taking courses.

Manchester Community College officials say they can't take anymore high school students for this semester. The University of New Haven, Connecticut College, and Quinnipiac College in New Haven, have also accepted students.

The University of Connecticut is not accepting high school students without diplomas. One official there said it was because notification of the changes became known too late. But another official in the admissions office said making exceptions for high school students would mean opening the door for people without diplomas as not affected by the Social Security cuts also seeking admission to the school.●

● Mr. WEICKER. Mr. President, I am pleased to join with my distinguished colleague from Michigan, Senator LEVIN, in introducing legislation to postpone the provisions of the recently passed Omnibus Budget bill dealing with social security student benefits. The effect of these provisions, which would eliminate benefits for high school seniors planning on attending college next fall and phase out benefits, beginning August 1982, for those currently in college, would effectively be postponed until the 1983-1984 school year.

Mr. President, in light of the unprecedented increases in the cost of a college education, and equally unprecedented reductions in the availability of student loans, the decision to phase out social security student benefits was, I believe, foolish and shortsighted.

But as troubled as I am by the elimination of these benefits, of more immediate concern to me is the lack of adequate notification for those affected by these changes. Many students eligible for these benefits were not made aware of the new policy governing student benefits until only a few weeks ago. In addition, it has come to my attention that many of those who were notified earlier were given erroneous information.

The net result of this inadequate notification process has been confusion and heartbreak for many high school seniors who were planning to attend college this fall. For those currently in college and receiving student benefits, and who may no longer be able to continue due to the recent changes, the pain may be even more acute.

It is, however, too late to gain anything by assessing blame for the lack of adequate notification of the student benefit changes. Instead I urge my colleagues to support S. 2107. While the bill would not repeal the student benefit provisions of the recent budget bill, it would at least give those affected by these changes a more reasonable length of time during which they would be able to reassess their college plans. Furthermore, the bill contains language calling for an adequate notification procedure to insure that the problems which arose this year do not reoccur.

Mr. President, I urge my colleagues to give their hasty approval to this vital piece of legislation.●

By Mr. PRESSLER (for himself and Mr. DANFORTH):

S. 2108. A bill to amend the Railroad Revitalization and Regulatory Reform Act of 1976; to the Committee on Commerce, Science, and Transportation.

RAIL REVITALIZATION AND IMPROVEMENT PROGRAM

● Mr. PRESSLER. Mr. President, today I am introducing a bill which extends authorization of the section 505 Rail Rehabilitation and Improvement Fund for another 3 years.

Section 505 was originally authorized in the Railroad Revitalization and Regulatory Reform Act of 1976. This authorization expires September 30 of this year. I believe that Congress must carefully consider the continued need for this particular form of rail assistance and the bill I introduce today will be a vehicle for this consideration.

The section 505 program involves funding through the purchase of redeemable preference shares issued by railroads. Last summer I successfully offered an amendment to the Budget Reconciliation Act which prioritizes section 505 assistance for rail lines in bankruptcy which do not have access to private financing but whose continued operation is determined to be in the public interest.

Section 505 funding is used primarily to finance facilities rehabilitation and improvement. It is one of several programs assisting private investors and State governments in solving problems resulting from rail deregulation and subsequent large-scale rail line abandonments. In the wake of widespread abandonments, State governments, regional rail authorities and shipper groups have had to react quickly and creatively in order to provide a continuation of essential rail service. In my home State of South Dakota, rail transportation is a crucial element in the total agricultural transportation picture. Carloadings have increased dramatically over the last 5 years and there are strong indications that grain unit trains will see increased use through the 1980's. Rail transportation is also a critical component in fuel shipments for midwestern powerplants.

Section 505 funding has provided important financial assistance as States like South Dakota address the ongoing rail transportation crisis. Under this program, the State of South Dakota has had access to over $2 million for rail rehabilitation. This amount may seem minor in comparison to other budget figures being discussed these days, but to the farmers and shippers of my State, the money is critically important.

While the administration has indicated that section 505 funding is no longer needed, I believe that it is the duty of Congress to look closely at the benefits of this assistance. Congress did not intend these financial assistance programs to be used as long-range operational subsidies. However, Congress must carefully assess the economic health of America's rail system before agreeing to terminate such a significant Federal program. In the heat of budget battles, we have a responsibility not to shortchange those States and shipper groups who are still struggling to find alternatives to traditional rail operations.

I am pleased that the Senate Surface Transportation Subcommittee has scheduled hearings next month on the 505 funding. I offer my bill today as the initial effort in a discussion of this important program.●

By Mr. HELMS (for himself and Mr. LUGAR) (by request):

S. 2109. A bill to extend the Commodity Exchange Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FUTURES TRADING ACT OF 1982

● Mr. HELMS. Mr. President, on behalf of Senator LUGAR and myself, I introduce, at the request of the Commodity Futures Trading Commission, a bill to extend the Commodity Exchange Act and for other purposes.

I ask unanimous consent that a short summary of the bill, the transmittal letter from Philip Johnson, Chairman of the Commodity Futures Trading Commssion, the bill, a section-by-section analysis, and a joint explanatory statement of the CFTC-SEC Agreement on Jurisdiction be printed in the RECORD at the conclusion of my remarks.

This bill extends the act which regulates commodity futures trading. I would mention at the outset that futures trading has become a very big enterprise. Eleven exchanges in five cities presently offer approximately 90 different types of futures contracts. Commodity trading on these exchanges amounted to more than 100 million contracts in 1981. This business was generated by less than 400 commodity brokerage houses, using approximately 30,000 sales personnel. These sales personnel serviced approximately 150,000 customer accounts—accounts ranging from those of individuals to large accounts held by more than 1,000 commodity mutual funds, or pools. All the orders comprising the 100 million contracts traded were executed on the exchanges by approximately 4,000 floor brokers and were cleared and guaranteed by the exchanges' clearing organizations.

There is every reason to believe that commodity futures trading will continue to grow. New and innovative contracts have recently begun to be traded and should directly benefit the economic sectors from which they are drawn. This industry is without doubt a good example of the free enterprise system in action.

Mr. President, there are many issues in this proposed legislation which we must carefully consider. The Subcom-

mittee on Agricultural Research and General Legislation, chaired by Senator LUGAR, will focus on these issues in hearings scheduled for February 26, March 1 and 2, and March 10 and 11. It is likely that matters not contained in this proposed legislation will also be considered during the course of the hearings. We welcome this and look forward to interesting and informative hearings. The committee is proceeding on a schedule that will enable us to meet our May 15 reporting date for this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Futures Trading Act of 1982."

DEFINITIONS, JURISDICTIONAL ACCORD WITH THE SECURITIES AND EXCHANGE COMMISSION, AND CERTAIN TECHNICAL AMENDMENTS

SEC. 2. (a) Section 2(a) of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) by redesignating subsection 2(a)(1) as subsection 2(a)(1)(A);

(2) by inserting in the third sentence of subsection 2(a)(1)(A), as so redesignated, the words ", except to the extent otherwise provided in subparagraph (a)(1)(B) of this section," after the words "exclusive jurisdiction";

(3) by amending the definition of the term "commodity trading advisor" in subsection 2(a)(1)(A), as so redesignated, to read as follows: "The term 'commodity trading advisor' shall mean any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings or electronic media, as to the value of or the advisability of trading in any contract for future delivery of a commodity made or to be made on or subject to the rules of a contract market, any commodity option authorized under section 4c, or any leverage transaction authorized under section 19, of this Act, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing; but does not include (i) any bank or trust company, (ii) any news reporter, news columnist, or news editor of the print or electronic media, or any lawyer, accountant or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher or producer of any print or electronic data of general and regular dissemination, including its employees, (v) the fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, (vi) any contract market, and (vii) such other persons not within the intent of this definition as the Commission may specify by rule, regulation or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: *And provided further,* That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision."; and

(4) by adding a new subsection 2(a)(1)(B) to read as follows:

"(B) Notwithstanding any other provision of law—

"(i) This Act shall not apply to and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any transaction whereby any party to such transaction acquires any put, call or other option on one or more securities (as defined in Section 2(1) of the Securities Act of 1933 or Section 3(a)(10) of the Securities Exchange Act of 1934 on the effective date of Public Law No.), including any group or index of such securities, or any interest therein or based on the value thereof.

"(ii) This Act shall apply to and the Commission shall have exclusive jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty") and transactions involving, and may designate a board of trade as a contract market in, contracts of sale (or options on such contracts) for future delivery of a group or index of securities (or any interest therein or based upon the value thereof): *Provided, however,* That no board of trade shall be designated as a contract market with respect to any such contracts of sale (or options on such contracts) for future delivery unless the board of trade making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets the following minimum requirements:

"(a) Settlement of or delivery on such contract (or option on such contract) shall be effected in cash or by means other than the transfer or receipt of any security, except an exempted security under Section 3 of the Securities Act of 1933 or Section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the effective date of Public Law No. (other than any municipal security, as defined in Section 3(a)(29) of the Securities Exchange Act of 1934 on the effective date of Public Law No.);

"(b) Trading in such contract (or option on such contract) shall not be readily susceptible to manipulation of the price of such contract (or option on such contract), nor to causing or being used in the manipulation of the price of any underlying security, option on such security or option on a group or index including such securities; and

"(c) Such group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to such measure.

"(iii) Upon application by a board of trade for designation as a contract market with respect to any contract of sale (or option on such contract) for future delivery involving a group or index of securities, the Commission shall provide an opportunity for public comment on whether such contracts (or options on such contracts) meet the minimum requirements set forth in subparagraph (ii) hereof, and shall consult with the Securities and Exchange Commission with respect to such designation. If, within 15 days following the close of the public comment period, the Securities and Exchange Commission shall object to the designation of a board of trade as a contract market in such contract (or option on such contract) on the ground that any minimum requirement of subparagraph (ii) hereof is not met, the Commission shall afford the Securities and Exchange Commission an opportunity for an oral hearing, to be transcribed, before the Commission, and shall give appropriate weight to the views of the Securities and Exchange Commission. Such oral hearing shall be held after the public comment period, prior to Commission action upon such designation, and not less than 30 nor more than 45 days after the close of the public comment period, unless both the Commission and the Securities and Exchange Commission otherwise agree. In the event that such an oral hearing is held and the Securities and Exchange Commission fails to withdraw its objections, and the Commission issues an order designating a board of trade as a contract market with respect to any such contract (or option on such contract), the Securities and Exchange Commission shall have the right of judicial review of such order in accordance with the standards of section 6(b) of this Act. In the event that, pursuant to section 6 of this Act, there is a hearing on the record with respect to such application for designation, the Securities and Exchange Commission shall have the right to participate in that hearing as an interested party.

"(iv) No person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under Section 3 of the Securities Act of 1933 or Section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the effective date of Public Law No. (other than any municipal security as defined in Section 3(a)(29) of the Securities Exchange Act of 1934 on the effective date of Public Law No.); or except as provided in subparagraph (ii) hereof, any group or index of such securities or any interest therein or based on the value thereof.".

(b)(1) by redesignating subsection 2(a)(7)(A) (7 U.S.C. 4a(f)(1)) as subsection 2(a)(7); and

(2) by striking out existing subsection 2(a)(7)(B) (7 U.S.C. 4a(f)(2)).

UNLAWFUL FUTURES TRADING, FOREIGN FUTURES

SEC. 3. Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(a)(1) by redesignating Section 4 as Section 4(a);

(2) by striking out all those words following the word "to" the first time it appears, through and including the words "as hereinafter provided,";

(3) by inserting after the word "to" the first time it appears the following: "offer to enter into, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States or its territories or possessions for the purpose of soliciting or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery (other than a contract which is made on a board of trade, exchange or market located outside the United States, its territories or possessions) unless: (1) such transaction is conducted on or subject to the rules of a board of trade which has been designated by the Commission as a "con-

tract market" for such commodity, (2) such contract is executed or consummated by or through a member of such contract market,"; and

(4) by striking out the word "if" and inserting in lieu thereof "(3)," and by striking out the word "board" after the words "Provided, That" and inserting in lieu thereof the words "contract market".

(b) by adding a new subsection (b) to read as follows:

"(b) In addition to its existing authority, the Commission may adopt rules and regulations governing the offer and sale by any person located in the United States, its territories or possessions, of any contract of sale of a commodity for future delivery which is made or to be made on a board of trade, exchange or market located outside the United States, its territories or possessions.".

SPECULATIVE LIMITS

SEC. 4. Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(a) by striking out the word "order's" in subparagraph (2);

(b) by inserting the words "rule, regulation, or order" before the semi-colon in subparagraph (2);

(c) by adding the words "rule, regulation, or" before the word "order" wherever it occurs;

(d) by striking out the words "within one hundred and eighty days after the effective date of the Commodity Futures Trading Commission Act of 1974" in subparagraph (3); and

(e) by adding a new subparagraph (5) to read as follows:

"(5) Nothing in this section shall prohibit or impair the adoption by any contract market or by any other board of trade licensed or designated by the Commission, of any bylaw, rule, regulation, or resolution fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery traded on or subject to the rules of such contract market, or under options on such contracts or commodities, traded on or subject to the rules of such contract market or such board of trade: *Provided*, That if the Commission shall have fixed limits under this section for any contract or under Section 4c of this Act for any commodity option, the bylaws, rules, regulations, and resolutions adopted by such contract market or such board of trade shall not differ from the limits fixed by the Commission except with the approval of the Commission. It shall be unlawful for any person to violate any bylaw, rule, regulation, or resolution of any contract market or other board of trade licensed or designated by the Commission fixing limits on the amount of trading which may be done or positions which may be held by any person under contracts of sale of any commodity for future delivery or under options on such contracts or commodities, if such bylaw, rule, regulation or resolution has been approved by the Commission.".

OPTIONS ON FOREIGN CURRENCY, ROLE OF SECURITIES AND EXCHANGE COMMISSION

SEC. 5. Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by adding a new subsection (f) to read as follows:

(f) Nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.".

TECHNICAL AMENDMENTS

SEC. 6. Section 4f of the Commodity Exchange Act (7 U.S.C. 6f) is amended—

(a) by striking out the words "and of all correspondents and agents" and by striking out the words "after notice and hearing as prescribed in this Act" in subparagraph (1); and

(b) by adding at the end of subparagraph (1) the words "pursuant to the provisions of this Act".

SEC. 7. Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended—

(a) by striking out everything following the word "person" and including "(2)";

(b) by striking out the words "futures commission merchant registered" and by inserting in lieu thereof the word "registrant";

(c) by striking out the words "such registered futures commission merchant" and inserting in lieu thereof the words "any registrant"; and

(d) by adding the words "representative or" before the word "agent" the second time it appears in existing subparagraph (2).

RECORDKEEPING CONFORMED TO CURRENT SYSTEM

SEC. 8. Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended to read as follows: "It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market (1) if such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Commission, and (2) if such person shall directly or indirectly have or obtain a long or short position in any commodity or any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Commission, unless, such person files or causes to be filed with the properly designated officer of the Commission such reports regarding any transactions or positions within the provisions of (1) and (2) hereof as the Commission may by rule or regulation require and unless, in accordance with rules and regulations of the Commission, such person shall keep books and records of all such transactions and positions and transactions and positions in any such commodity traded on or subject to the rules of any other board of trade, and of cash or spot transactions in, and inventories and purchase and sale commitments of, such commodity. Such books and records shall show complete details concerning all such transactions, positions, inventories and commitments, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the Commission or the United States Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by such person.

REGISTRATION, ASSOCIATED PERSON STATUS

SEC. 9. Section 4k of the Commodity Exchange Act (7 U.S.C. 6k) is amended—

(a) by amending subsection 4k(1) as follows:

(1) by striking out the word "any" and inserting in lieu thereof the word "a" before the words "futures commission merchant" each time they appear;

(2) by inserting the word "been" before the word "revoked" each time it appears;

(3) by striking out the word "nor" and inserting in lieu thereof ",";

(4) by striking out the words "or with any agent of a futures commission merchant", "or any agent of a futures commission merchant", and "or agent";

(5) by striking out the word "or" before the word "employee" and adding the words "or agent" after the word "employee"; and

(6) by adding the word "is" before the word "registered" and the words "is an associated person of such futures commission merchant" after the word "registered";

(b) by redesignating existing subsection 4k(2) as subsection 4k(4);

(c) by adding a new subsection 4k(2) to read as follows:

"(2) It shall be unlawful for any person to be associated with any commodity pool operator as a partner, officer, employee or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of funds, securities, or property for a participation in a commodity pool or (ii) the supervision of any person or persons so engaged, unless such person is registered as an associated person of such commodity pool operator, under this Act, with the Commission and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked, and it shall be unlawful for any commodity pool operator to permit such a person to become or remain associated with him in any such capacity if such commodity pool operator knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or been revoked: *Provided*, That any individual who is registered as a floor broker, futures commission merchant, commodity pool operator, or as an associated person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: *And provided further*, That the Commission may exempt any person or class of persons from having to register under this provision by rule, regulation, or order.";

(d) by deleting existing subsection 4k(3);

(e) by adding a new subsection 4k(3) to read as follows:

"(3) It shall be unlawful for any person to be associated with any commodity trading advisor as a partner, officer, employee or agent (or any person occupying a similar status or performing similar functions), in any capacity which involves (i) the solicitation of a client's or prospective client's discretionary account or (ii) the supervision of any person or persons so engaged, unless such person is registered as an associated person of such commodity trading advisor, under this Act, with the Commission and such registration shall not have expired, been suspended (and the period of suspension has not expired) or been revoked, and it shall be unlawful for any commodity trading advisor to permit such a person to become or remain associated with him in any such capacity if such commodity trading advisor knew or should have known that such person was not so registered or that such registration had expired, been suspended (and the period of suspension has not expired) or been revoked: *Provided*, That any individual who is registered as a floor broker, futures commission merchant, commodity trading advisor or as an associat-

ed person of another category of registrant under this section (and such registration is not suspended or revoked) need not also register under this provision: *And provided further,* That the Commission may exempt any person or class of persons from having to register under this provision by rule, regulation, or order.";

(f) by amending subsection 4k(4) as so redesignated—

(1) by striking out "such" and "other" the first time they appear;

(2) by striking out the words "two years after the effective date thereof or";

(3) by striking out the words ", not less than one year from the date of issuance thereof," and everything after the word "prescribe"; and

(4) by inserting the words "as an associated person of a futures commission merchant, of a commodity pool operator, or of a commodity trading advisor" after the word "registered" the first time it appears; and

(g) by adding a new subsection 4k(5) to read as follows:

"(5) It shall be unlawful for any registrant to permit a person to become or remain an associated person of such registrant, if the registrant knew or should have known, of facts regarding such associated person that are set forth as statutory disqualifications in section 8a(2) of this Act.".

SECURITIES AND EXCHANGE COMMISSION ROLE IN RESPECT TO COMMODITY POOLS

SEC. 10. Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended—

(a) by redesignating existing section 4m as subsection 4m(1); and

(b) by adding a subsection 4m(2) to read as follows:

"4m(2). Nothing in this Act shall relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Securities and Exchange Commission or any private party arising under the Securities Act of 1933 or the Securities Exchange Act of 1934 governing the issuance, offer, purchase or sale of securities of a commodity pool, or of persons engaged in transactions with respect to such securities, or reporting by a commodity pool.".

CONFORMING AMENDMENT

SEC. 11. Section 4n of the Commodity Exchange Act (7 U.S.C. 6n) is amended by striking out subsections 4n(5) and 4n(6) in their entirety.

EXTENSION OF ANTIFRAUD PROVISION

SEC. 12. Section 4o of the Commodity Exchange Act (7 U.S.C. 6o) is amended—

(a) by striking out the word "or" and inserting in lieu thereof the words ", associated person of a commodity trading advisor," after the words "commodity trading advisor" each place such words occur; and

(b) by inserting the words "or associated person of a commodity pool operator," after the words "commodity pool operator" each place such words occur.

EXTENSION OF AUTHORITY REGARDING PROFICIENCY EXAMINATIONS

SEC. 13. Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(a) by striking out the words "futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers" and by inserting in lieu thereof the words "persons registered with the Commission";

(b) by striking out the words "as futures commission merchants, floor brokers, and those persons associated with futures commission merchants or floor brokers";

(c) by striking out the word "the" before the word "customers" and by striking out the words "or futures commission merchants and floor brokers" after the word "customers"; and

(d) by striking out the words ", clients, pool participants or other members of the public with whom such individuals deal" after the word "customers".

CONTRACT MARKET RULES

SEC. 14. Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended as follows:

(a) by amending subsection 5a(8) to read as follows:

"(8) enforce all bylaws, rules, regulations, and resolutions, made or issued by it or by the governing board thereof or any committee, which (1) have been approved by the Commission pursuant to paragraph (12) of section 5a of this Act, (2) have become effective under such paragraph, or (3) must be enforced pursuant to any Commission rule, regulation or order; and revoke and not enforce any bylaw, rule, regulation, or resolution, made, issued, or proposed by it or by the governing board thereof or any committee, which has been disapproved by the Commission;";

(b) by amending subsection 5a(11)—

(1) by striking out the comma before subparagraph (ii) and by striking out subparagraphs (ii) and (iii) in their entirety;

(2) by redesignating subparagraph (iv) as subparagraph (ii); and

(3) by striking out the words "a futures commission merchant or a floor broker" and inserting in lieu thereof the words "another member of the contract market" in subparagraph (ii) as so redesignated;

(c) by amending subsection 5a(12) to read as follows:

"(12) except as otherwise provided in this subsection, submit to the Commission for its prior approval all bylaws, rules, regulations, and resolutions (rules) made or issued by such contract market, or by the governing board thereof or any committee thereof, which are of major economic significance, or which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market, as such terms and conditions are defined by the Commission by rule or regulation, except those rules relating to the setting of levels of margin. Each contract market shall submit to the Commission all other rules (except those relating to the setting of levels of margin) and shall not place such rules into effect if, within ten days of receipt by the Commission of such submission, the contract market requests review and approval thereof by the Commission or the Commission notifies such contract market in writing of its determination to review for approval such rules. At least thirty days before approving any rules of major economic significance, as determined by the Commission, the Commission shall publish in the Federal Register a notice of such rules. The Commission shall give interested persons an opportunity to participate in the approval process through the submission of written data, views, or arguments. The determination by the Commission whether any such rules are of major economic significance shall be final and not subject to judicial review. The Commission shall approve rules, within thirty days of their receipt if Commission approval is required or requested hereunder, within thirty days after the Commission determines to review for approval any other rules, or within sixty days of such determination if the Commission determines them to be of major economic significance, unless the Commission notifies the contract market of its inability to complete such approval or review within such period of time. The Commission shall approve such rules if such rules are determined by the Commission not to be in violation of this Act or the regulations of the Commission and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be in violation of the provisions of the Act or the regulations of the Commission. The Commission shall specify the terms and conditions under which a contract market may, in an emergency as defined by the Commission, make effective a rule on a temporary basis without prior Commission approval, or without compliance with the ten day notice requirement under this subsection, or during any period of review by the Commission. In the event of such an emergency, as defined by the Commission, requiring immediate action, the contract market by a two-thirds vote of its governing board may place into effect immediately a temporary rule dealing with such emergency if it notifies the Commission of such action with a complete explanation of the emergency involved.".

APPEALS

SEC. 15. Section 6(b) of the Commodity Exchange Act (7 U.S.C. 9) is amended by inserting after the words "doing business" the words ", or in the case of an order denying registration, the circuit in which the petitioner's principal place of business listed on petitioner's application for registration is located,".

RESTRAINING ORDERS, INJUNCTIONS, WRITS OF MANDAMUS

SEC. 16. Section 6c of the Commodity Exchange Act (7 U.S.C. 13a-1) is amended by adding after the words "restraining order" in the first proviso, the following words: "(other than a restraining order which prohibits any person from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission from inspecting when and as requested, any books, and records or other documents or which prohibits any person from withdrawing, transferring, removing, dissipating or disposing of any funds, assets or other property)".

CONFIDENTIALITY PROVISIONS—DISCLOSURE

SEC. 17. Section 8 of the Commodity Exchange Act (7 U.S.C. 12) is amended as follows:

(a) by adding the words "or data and information concerning or obtained in connection with any investigation of any person" at the end of subsection (a);

(b) by amending subsection (b) as follows—

(1) by inserting the words "concerning or obtained in connection with any investigation of any person or" after the word "information";

(2) by striking out the word "or" before the words "in an administrative or judicial proceeding"; and

(3) by inserting the words ", in any receivership proceeding involving a receiver appointed in a judicial proceeding brought under this Act, or in any bankruptcy proceeding in which the Commission has intervened or in which the Commission has the right to appear and be heard under the Bankruptcy Code" at the end of that subsection.

(c) by amending subsection (e) as follows—

(1) by striking out the words "of the Executive Branch"; and

(2) by adding the following words at the end of that subsection "Upon the request of any department or agency of any State or any political subdivision thereof, acting within the scope of its jurisdiction or any department or agency of any foreign government or any political subdivision thereof, acting within the scope of its jurisdiction, the Commission may furnish to such department or agency any information in the possession of the Commission obtained in connection with the administration of this Act. Any information furnished to any department or agency of any State or political subdivision thereof shall not be disclosed by such department or agency except in connection with any action or proceeding brought under this Act or the laws of such State or political subdivision to which such State or political subdivision, or any department or agency thereof is a party. The Commission shall not furnish any information to a department or agency of a foreign government or political subdivision thereof unless the Commission is satisfied that the information will not be disclosed by such department or agency except in connection with any action or proceeding brought under the laws of such foreign government or political subdivision to which such foreign government or political subdivision or any department or agency thereof is a party.".

STATUTORY DISQUALIFICATION FROM REGISTRATION

SEC. 18. Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended as follows:

(a) existing subsection 8a(3) is redesignated as new subsection 8a(4) and existing subsection 8a(4) is added to subsection 8a(1);

(b) subsection 8a(1) is amended—

(1) by striking out the words "and persons associated therewith as described in section 4k of this Act";

(2) by inserting the words "associated persons of futures commission merchants," before the words "commodity trading advisors,";

(3) by inserting the words "associated persons of commodity trading advisors," before the words "commodity pool operators,";

(4) by striking out the word "and" after the words "commodity pool operators," and inserting in lieu thereof the words "associated persons of commodity pool operators, and";

(5) by inserting the word "the" before the words "form and manner"; and

(6) by adding a new proviso at the end of that subsection before the semi-colon, as follows: ", and in connection therewith to fix and establish from time to time reasonable fees and charges for registrations and renewals thereof: *Provided,* That notwithstanding any provision of this Act, the Commission may grant a temporary license to any applicant for registration with the Commission pursuant to such rules, regulations, or orders as the Commission may adopt: *And provided further,* That the term of any such temporary license shall not exceed six months from the date of its issuance";

(c) by amending subsection 8a(2) to read as follows:

"(2) upon notice, but without a hearing and pursuant to such rules, regulations, or orders as the Commission may adopt, to refuse to register, to register conditionally, to suspend, or to place restrictions upon the registration of, any person and with such a hearing as may be appropriate, to revoke the registration of any person—

"(A) if a prior registration of such person in any capacity has been suspended (and the period of such suspension has not expired) or has been revoked;

"(B) if registration of such person in any capacity has been refused under the provisions of section 8a(3) of this Act within five years preceding the filing of the application for registration or at any time thereafter;

"(C) if such person is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction (except that registration may not be revoked solely on the basis of such temporary order, judgment or decree), including an order entered pursuant to an agreement of settlement to which the Commission or any federal or state agency or other governmental body is a party, from (i) acting as a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company or affiliated person or employee of any of the foregoing or (ii) engaging in or continuing any activity involving any transaction in or advice concerning contracts of sale of a commodity for future delivery, or concerning activity subject to Commission regulation under Section 4c or 19 of this Act or concerning securities;

"(D) if such person has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any felony which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under Section 4c or 19 of this Act, or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95 or 96 of title 18, United States Code;

"(E) if such person, within ten years preceding the filing of the application or at any time thereafter, has been found by any court of competent jurisdiction, by the Commission or any federal or state agency or other governmental body, or by agreement of settlement to which the Commission or any federal or state agency or other governmental body is a party, (i) to have violated any provision of this Act, the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board where such violation involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (ii) to have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person;

"(F) if such person is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, denying, suspending or revoking such person's membership in any contract market or registered futures association, or barring or suspending such person from being associated with a registrant under this Act or with a member of a contract market or with a member of a registered futures association;

"(G) if, as to any of the matters set forth in paragraphs (A) through (F) of this subsection, such person willfully made any material false or misleading statement or omitted to state any material fact in his application; or

"(H) if refusal, suspension or revocation of the registration of any principal of such person would be warranted because of a statutory disqualification listed in this subsection: *Provided,* That for the purposes of Sections 8a (2) and (3) of this Act, principal shall mean, if the person is a partnership, any general partner or, if the person is a corporation, any officer, director or beneficial owner of at least ten percent of the voting shares of the corporation, and any other person that the Commission by rule, regulation, or order determines has the power, directly or indirectly, through agreement or otherwise, to exercise a controlling influence over the activities of such person which are subject to regulation by the Commission: *Provided,* That such person may appeal from a decision to refuse registration, condition registration, suspend, revoke or to place restrictions upon registration made pursuant to the provisions of this subsection in the manner provided in paragraph (b) of section 6 of this Act; and ";

(d) by adding new subsection 8a(3) to read as follows:

"(3) to refuse to register or to register conditionally any person, if it is found, after opportunity for hearing, that

"(A) such person has been found by the Commission or by any court of competent jurisdiction to have violated or has consented to findings of a violation of, any provision of this Act, or any rule, regulation, or order thereunder (other than a violation set forth in subsection (2) of this section), or to have willfully aided, abetted, counseled, commanded, induced or procured the violation by any other person of any such provision;

"(B) such person has been found by any court of competent jurisdiction or by any federal or state agency or other governmental body, or by agreement of settlement to which any federal or state agency or other governmental body is a party, (i) to have violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Securities Investors Protection Act of 1970, the Foreign Corrupt Practices Act of 1977, or any similar statute of a State or foreign jurisdiction, or any rule, regulation, or order under any such statutes, or the rules of the Municipal Securities Rulemaking Board; or (ii) to have willfully aided, abetted, coun-

seled, commanded, induced or procured such violation by any other person;

"(C) such person failed reasonably to supervise another person, who is subject to such person's supervision, with a view to preventing violations of this Act, or of any of the statutes set forth in paragraph (B) of this subsection, or of any of the rules, regulations, or orders thereunder, and the person subject to supervision committed such a violation: *Provided*, That no person shall be deemed to have failed reasonably to supervise another person, within the meaning of this paragraph if (i) there have been established procedures, and a system for applying such procedures which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (ii) such person has reasonably discharged the duties and obligations incumbent upon that person, as supervisor, by reason of such procedures and system, without reasonable cause to believe that such procedures and system were not being complied with;

"(D) such person was convicted of a felony other than a felony of the type specified in Section 8a(2)(D) of this Act within ten years preceding the filing of the application or at any time thereafter, or was convicted of a felony, including a felony of the type specified in Section 8a(2)(D) of this Act, more than ten years preceding the filing of the application;

"(E) such person was convicted within ten years preceding the filing of any application for registration or at any time thereafter of any misdemeanor which (i) involves any transactions or advice concerning any contract of sale of a commodity for future delivery or any activity subject to Commission regulation under Section 4c or 19 of this Act or concerning a security; or (ii) arises out of the conduct of the business of a futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, associated person of any registrant under this Act, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or an affiliated person or employee of any of the foregoing; or (iii) involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25, 47, 95 or 96 of title 18, United States Code;

"(F) such person was debarred by any agency of the United States from contracting with the United States;

"(G) such person willfully made any material false or misleading statement or willfully omitted to state any material fact in his application or in any report required to be filed with the Commission by this Act or the regulations thereunder, or in any proceeding before the Commission;

"(H) such person has pleaded nolo contendere to criminal charges of felonious conduct, or has been convicted in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction;

"(I) in the case of an applicant for registration in any capacity for which there are minimum financial requirements prescribed under this Act or under the rules or regulations of the Commission, such person has not established that he meets such minimum financial requirements;

"(J) such person is subject to an outstanding order denying, suspending or expelling him from membership in a contract market, a registered futures association, or in any other self-regulatory organization, or barring or suspending him from being associated with any member or members of such contract market, association, or self-regulatory organization;

"(K) such person has been found by any court of competent jurisdiction or by any federal or state agency or other governmental body, or by agreement of settlement to which any federal or state agency or other governmental body is a party, (i) to have violated any statute or any rule, regulation, or order thereunder which involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling; or (ii) to have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person;

"(L) such person has associated with him any person and knows, or in the exercise of reasonable care should know, of facts regarding such other person that are set forth as statutory disqualifications in section 8a(2) of this Act;

"(M) there is other good cause; or

"(N) any principal, as defined in section 8a(2) of this Act, of such person has been or could be refused registration: *Provided*, That pending final determination under this subsection 8a(3), registration shall not be granted: *And provided further*, That such person may appeal from a decision to refuse registration or to condition registration made pursuant to the provisions of this subsection in the manner provided in paragraph (b) of section 6 of this Act; and";

(e) by amending subsection 8a(4), as so redesignated—

(1) by striking out the word "or," before the word "revoke" the first time it appears and inserting in lieu thereof a comma;

(2) by inserting the words ", or to place restrictions upon" after the word "revoke" the first time it appears;

(3) by striking out the words "subparagraph (2) (B) or (C)" and inserting in lieu thereof the words "section 8a(3)"; and

(4) by adding the following proviso at the end thereof: ": *Provided*, That such person may appeal from a decision to suspend, revoke or to place restrictions upon registration made pursuant to the provisions of this subsection in the manner provided in paragraph (b) of section 6 of this Act; and";

(f) by amending subsection 8a(6)—

(1) by inserting the words "registered futures association, or self-regulatory organization as defined in section 3(a)(26) of the Securities Exchange Act of 1934," before the word "notwithstanding";

(2) by striking out the word "and" before the word "consumers"; and

(3) by inserting the following before the semi-colon: "or investors or which is necessary or appropriate to effectuate the purposes of this Act: *Provided, however*, That any information furnished by the Commission under this subsection shall not be disclosed by such contract market, registered futures association or self-regulatory organization except in any self-regulatory action or proceeding";

(g) by striking out the period at the end of subsection 8a(9) and inserting in lieu thereof "; and"; and

(h) by adding a new subsection 8a(10) to read as follows: "(10) to authorize any person to perform any portion of the registration functions under this Act, in accordance with rules approved by the Commission, and subject to the provisions of this Act applicable to registrations granted by the Commission."

CERTAIN PROHIBITED TRANSACTIONS

SEC. 19. Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended as follows:

(a) by amending subsection (a)—

(1) by striking out the words "futures commission merchant" and inserting in lieu thereof the words "person registered or required to be registered under this Act";

(2) by striking out the words "commission merchant" and inserting in lieu thereof "person or any employee or agent thereof";

(3) by striking out the words "of such futures commission merchant"; and

(4) by inserting the words "or which otherwise was received from any customer, client or pool participant in connection with the business of such person" after the word "contracts" the second time it appears;

(b) by amending subsection 9(d)—

(1) by inserting the following after "'decline guaranty'": "or any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract,";

(2) by inserting the following at the end of the first proviso after the words "at least three months": " , nor to any transaction entered into by the trustee of a trust established by such person over which such person exercises no control if such transaction is entered into solely to hedge against adverse price changes in connection with such farming or ranching operations or is a transaction for the lease of oil or gas or other mineral rights or interests owned by such person"; and

(3) by adding a new proviso at the end thereof to read as follows: " : *And, provided further*, That such prohibition against any investment transaction in an actual commodity shall not apply to a transaction in which such person buys or sells, directly or indirectly (except by means of an instrument regulated by the Commission), a United States Government security, a certificate of deposit or similar financial instrument if no non-public information is used by such person in such transaction"; and

(c) by inserting after the words " 'decline guaranty'," in each place they appear in subsection 9(e) the following: "or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract, account, arrangement, scheme, or device that the Commission determines serves the same function or functions as such a standardized contract, or is marketed or managed in substantially the same manner as such a standardized contract".

REAUTHORIZATION; OFF-EXCHANGE JURISDICTION

SEC. 20. Section 12 of the Commodity Exchange Act (7 U.S.C. 16) is amended—

(a) by amending subsection 12(d) to read as follows: "(d) There are hereby authorized to be appropriated to carry out the provi-

sions of this Act such sums as may be required for each of the fiscal years beginning October 1, 1982 and ending September 30, 19—."; and

(b) by adding a new subsection 12(e) to read as follows: "(e) Nothing in this Act shall supersede or preempt: (1) any Federal criminal statute; (2) any Federal or State statute, including any rule or regulation thereunder, that is applicable to any transaction in or involving any commodity, product, right, service or interest which is not conducted on or subject to the rules of a contract market or subject to regulation by the Commission under Section 4c or 19 of this Act; or (3) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation. The Commission is authorized to refer any transaction or matter subject to such other Federal or State statutes to any department or agency administering such statutes for such investigation, action or proceedings as the department or agency shall deem appropriate.

AIDING AND ABETTING

SEC. 21. Section 13 of the Commodity Exchange Act (7 U.S.C. 13c) is amended as follows:

(a) by striking out the words "in administrative proceedings under this Act" in subsection 13(a);

(b) by redesignating existing subsection (b) as subsection (c); and

(c) by adding a new subsection (b) to read as follows: "(b) Any person who, directly or indirectly, controls any person who violates any provision of this Act or any of the rules, regulations, or orders issued pursuant thereto may be held responsible for such violation as a principal, unless the controlling person did not know or, in the exercise of reasonable care, did not have reason to know, of the facts constituting the violation."

REPARATIONS PROCEDURE

SEC. 22. Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended as follows:

(a) by striking out existing subsections (b), (c) and (e);

(b) by redesignating subsections (d) as (c); (f) as (d); (g) as (e); (h) as (f); and (i) as (g);

(c) by amending subsection (a)—

(1) by striking out the words "or required to be registered under section 4d, 4e, 4k or 4m of" and inserting in lieu thereof the word "under" and by striking out everything after the words "to the Commission" before the period;

(2) by inserting at the end thereof the words "for an order awarding actual damages proximately caused by such violation";

(3) by adding a new subsection 14(b) to read as follows: "(b) The Commission may promulgate such rules, regulations and orders as it deems necessary or appropriate for the efficient and expeditious administration of this section. Notwithstanding any other provision of law, such rules, regulations, and orders may prescribe without limitation, the form, filing and service of pleadings or orders; the nature and scope of discovery; counterclaims; motion practice (including the grounds for dismissal of any claim or counterclaim); hearings (including the waiver thereof, which may relate to the amount in controversy); rights of appeal, if any; and all other matters governing proceedings before the Commission under this section.";

(4) by changing the reference in subsection (d), as so redesignated, from "(g)" to "(e)"; and

(5) by amending subsection (f), as so redesignated, to read as follows: "(f) Unless the party against whom a reparation order has been issued shows to the satisfaction of the Commission within fifteen days from the expiration of the period allowed for compliance with such order that either an appeal as herein authorized has been taken or payment of the full amount of the order (or any agreed settlement thereof) has been made, such party shall be prohibited automatically from trading on all contract markets and, if the party is registered with the Commission, such registration shall be suspended automatically at the expiration of such fifteen day period until such party shows to the satisfaction of the Commission that payment of such amount with interest thereon to date of payment has been made: *Provided*, That if on appeal the appellee prevails or if the appeal is dismissed the automatic prohibition against trading and suspension of registration shall become effective at the expiration of thirty days from the date of judgment on the appeal, but if the judgment is stayed by a court of competent jurisdiction the suspension shall become effective ten days after the expiration of such stay, unless prior thereto the judgment of the court has been satisfied."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 23. Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by inserting the words "or market positions" after the word "transactions" in subsection (d).

SEC. 24. Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended as follows:

(a) by amending paragraph (10) of subsection (b) —

(1) by striking out the words "a customer's" and inserting in lieu thereof "customers' ";

(2) by striking out the comma before subparagraph (ii) and by striking out subparagraphs (ii) and (iii) in their entirety;

(3) by redesignating subparagraph (iv) as subparagraph (ii); and

(4) by striking out the words "a futures commission merchant or floor broker" and inserting in lieu thereof the words "another member of the association";

(b) by changing the reference in subsection (h) from subsection (k) to subsection (i);

(c) by striking out the last sentence in subsection (j) and by inserting in lieu thereof the following: "A registered futures association shall submit to the Commission any change in or addition to its rules and shall not place such rules into effect if, within ten days of receipt by the Commission of such submission, the registered futures association request review and approval thereof by the Commission or the Commission notifies such registered futures association in writing of its determination to review for approval such rules. The Commission shall approve such rules, within thirty days of their receipt if Commission approval is requested hereunder or within thirty days after the Commission determines to review for approval any other rules, unless the Commission notifies the registered futures association of its inability to complete such approval or review within such period of time. The Commission shall approve such rules if such rules are determined by the Commission to be consistent with the requirements of this section and not otherwise in violation of this Act or the regulations of the Commission and the Commission shall disapprove, after appropriate notice and opportunity for hearing, any such rule which the Commission determines at any time to be inconsistent with the requirements of this section or in violation of the provisions of the Act or the regulations of the Commission."; and

(d) by adding a new subsection (o) to read as follows:

"(o) The Commission is authorized to require any futures association registered pursuant to this section to perform any portion of the registration functions under this Act with respect to each member of the association other than a contract market and with respect to each associated person of such member, in accordance with rules approved by the Commission, and subject to the provisions of this Act applicable to registrations granted by the Commission."

LEVERAGE TRANSACTIONS

SEC. 25. Section 19 of the Commodity Exchange Act (7 U.S.C. 23) is amended by adding a new subsection (e) to read as follows: "(e) Notwithstanding the provisions of subsections (b), (c), or (d) of this section, no person shall offer to enter into, or confirm the execution of, any transaction subject to the provisions of subsection (b) of this section, who was not engaged in that business on June 1, 1978, and no person shall offer to enter into, or confirm the execution of, any transaction subject to the provisions of subsection (c) of this section, who was not engaged in that business on February 2, 1979: *Provided*, That such prohibitions shall terminate on September 30, 1984: *And provided further*, That within two years following the effective date of this subsection (e), the Commission shall conduct a study of such transactions and shall submit a report of the results of such study to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. Such report shall include the Commission's recommendations concerning whether the national public interest, if any, to be served by such transactions requires that they be federally regulated, whether the national public interest, if any, to be served by such transactions overrides any State interest in their regulation, whether such transactions should be prohibited, whether any such transaction is a contract for future delivery within the meaning of this Act, the appropriate regulatory scheme to govern any such transaction that the Commission determines is not a contract for future delivery within the meaning of this Act, and any proposals for additional legislation that the Commission believes should be enacted with respect to such transactions."

USER FEES; TECHNICAL AMENDMENT

SEC. 26. (a) Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a) is amended by striking out the existing language.

(b) The Commodity Exchange Act is amended by adding a new section 22 to read as follows:

TRANSACTION FEES

"SEC. 22. (a) Each contract market, or other board of trade licensed by the Commission shall remit to the Treasury of the United States, with written verification thereof to the Commission, by March 15 of each year, a fee in the following amounts for each contract for the purchase or sale of a commodity for future delivery and for each commodity option subject to the provisions of section 4c of this Act entered on or

subject to the rules of such contract market or board of trade during the preceding calendar year or portion thereof following the effective date of this section:

"(1) 12 cents for each such contract or option which is made or executed for the account or benefit of a person who is not a member of such contract market or board of trade or of a registered futures association; and

"(2) 6 cents for each such contract or option which is made or executed for the proprietary account (as defined by the Commission) of a person who is a member of such contract market, board of trade or of a registered futures association.

"(b) Each person who grants a commodity option pursuant to section 4c(d) of this Act, or who is engaged in the business of offering any leverage transaction pursuant to section 19 of this Act, shall remit to the Treasury of the United States, with written verification thereof to the Commission, by March 15 of each year, a fee of three dollars for each such option granted or leverage contract entered during the preceding calendar year or portion thereof following the effective date of this section.

"(c) The fees assessed hereunder for any calendar year are intended not to exceed the funds appropriated by the Congress for the Commission's activities for the fiscal year in which remittance of the fees is due. In the event that the total fees remitted to the Treasury of the United States pursuant to this section for any calendar year or portion thereof exceed the funds appropriated for the Commission for the fiscal year in which remittance of the fees is due, the Commission shall, by rule, regulation or order, suspend the assessment of fees in the current calendar year for such period as the Commission determines, to the extent practicable and based on current market volume, would otherwise generate an amount equal to excess fees remitted in the preceding calendar year. No fees shall be required to be remitted for transactions effected during such period of suspension determined by the Commission; provided that at the conclusion of such period, the obligation to assess fees to be remitted under this section shall resume.

"(d) Notwithstanding any other provision of this section, the Commission, after notice and opportunity for hearing, may by rule, regulation or order reduce, suspend, or waive the application to any person or class of persons, of the fees or any portion thereof upon a finding that such action is necessary to present or correct any significant adverse effect upon any market or person occasioned by such fee.

"(e) The Commission shall create, prior to or after the effective date of this section, an advisory committee pursuant to the Federal Advisory Committee Act, comprised of persons materially affected by the operation of this section. Such advisory committee shall remain in existence until June 30, 1985. The advisory committee shall be empowered to advise the Commission with respect to the efficacy of the fee system created by this section, to consult with the Commission with respect to actions taken under subsection (d) hereof, to prepare a report containing its assessment and recommendations with respect to the fee system, and to perform such other duties and functions as the Commission may prescribe. Such report, together with the views and recommendations of the Commission, shall be submitted to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the United States Senate no later than June 30, 1985.".

SUMMARY OF FUTURES TRADING ACT OF 1982

[Prepared by the Staff of the Committee on Agriculture, Nutrition, and Forestry]

The proposals made by the Commodity Futures Trading Commission in the Futures Trading Act of 1982 are summarized as follows. These proposals:

Modify the definition of the term "commodity trading advisor" (1) to include those who utilize electronic media in the transmission of trading advice and (2) to limit the definition to those who give advice as to the advisability of (a) trading in contracts executed on a contract market or (b) entering into any option or leverage transaction authorized under the Act. The modification also permits the Commission to include by regulation other persons within the definition of "commodity trading adviser" if the Commission determines that this will effectuate the purposes of the Act.

Implement the Commodity Exchange Act provisions of the CFTC-SEC agreement on the jurisdiction of the agencies.

Delete the 1-year ban precluding Commissioners and certain CFTC employees from appearing before the agency subsequent to their employment with the Commission.

Explicitly prohibit off-exchange futures and give the Commission authority to make rules regulating the offer and sale, by any person located in the U.S., of commodity futures contracts executed on markets located outside the U.S.

Give the Commission authority to set speculative limits through the promulgation of regulations rather than just by orders.

Give the Commission authority to enforce speculative limits set by contract markets, if such speculative limits have been approved by the Commission.

Make explicit that the Commodity Exchange Act does not apply to transactions in options on foreign currencies traded on a national securities exchange.

Require each agent of a futures commission merchant to register as an associated person of that futures commission merchant.

Make it unlawful for persons to misrepresent their registration or representative status when soliciting or handling customers' orders.

Require large traders to file such reports as the Commission may, by rule or regulation, require.

Require that all persons who are associated with a commodity pool operator (CPO) or a commodity trading advisor (CTA) in any capacity involving the solicitation of funds or other property or the supervision of persons engaged in solicitation be registered as an associated person of the CPO or CTA. This provision does not apply to (1) persons registered with the Commission in some other capacity and (2) persons or classes of persons exempted by the Commission.

Leave the length of the associated person registration period to be established by the Commission through rule, regulation or order.

Clarify that the SEC may regulate the issuance, offer, purchase or sale of the securities of a commodity pool, under the provisions of the Securities Act of 1933 or the Securities Exchange Act of 1934. Any rights of private parties arising under these Acts are not affected by the provisions of the Commodity Exchange Act.

Make associated persons of commodity trading advisers and commodity pool operators subject to the antifraud provisions applicable to CTAs and CPOs.

Extend the Commission's discretionary authority to prescribe standards with respect to training, experience, and other qualifications to all persons registered with the Commission.

Require contract markets to enforce rules (1) which have been approved by the Commission or not disapproved, or (2) which must be enforced pursuant to any Commission rule, regulation or order.

Change exchange arbitration procedures by deleting (1) the present $15,000 ceiling on claims subject to arbitration, and (2) the present provision which bans binding arbitration.

Require contract markets to submit rules which are of major economic significance or which relate to contract terms and conditions to the Commission for its prior approval. All other contract market rules (except those relating to the setting of margin) must also be submitted to the Commission but may be put into effect by the exchange unless (1) the Commission notifies the exchange that it wished to review the rule or (2) the exchange requests that the Commission review the rule.

The Commission shall approve contract market rules (1) within 30 days of their receipt if Commission approval is required or requested, (2) within 30 days after the Commission determines to review other rules for approval, or (3) within 60 days for rules of major economic significance, unless the Commission notifies the contract market of the Commission's inability to complete approval or review within the applicable time period. The Commission shall specify terms and conditions pursuant to which a contract market may make a rule effective on a temporary basis without complying with the 10 day notice provision.

Permit an individual denied registration by the Commission to appeal the decision in the Federal judicial circuit in which the individual's principal place of business, as listed on the registration application, is located.

Permit the Commission to seek ex parte court orders prohibiting persons from (1) destroying books and records, (2) refusing to permit authorized Commission representatives to inspect books and records, or (3) withdrawing, transferring, dissipating or disposing of any funds, assets or other property.

Allow disclosure by the Commission of information obtained in connection with an investigation of any person in (1) proceedings involving receivers appointed under the Act and (2) bankruptcy proceedings in which the Commission has intervened or in which the Commission has authority to appear. The Commission may also disclose any information within its possession to any State or foreign government, or any department, agency, or political division thereof. The requesting entity must be acting within the scope of its jurisdiction and may not disclose the information, except in an action or proceeding brought under the Commodity Exchange Act or the laws of the State or political subdivision which requested the information. The Commission may not furnish any information to a foreign government or political subdivision thereof unless the Commission is satisfied that the information will be disclosed only in connection with an action or proceeding brought under

the laws of the foreign government or the political subdivision thereof.

Permit the Commission to grant temporary registration, not to exceed six months in duration, pursuant to such rules, regulations or orders as the Commission may adopt.

Permit the Commission, without a hearing, to refuse to register, to register conditionally, to suspend, or to place restrictions on the registration of any person; or with a hearing, to revoke the registration of any person; if (1) a prior registration has been suspended and the suspension period has not expired, (2) registration has been refused within the last five years, (3) such person is permanently or temporarily enjoined by any court of competent jurisdiction from performing certain specified functions or engaging in certain specified activities, (4) during the past 10 years, such person has been convicted of a felony specified in the Act, has been convicted of a felony arising out of certain conduct specified in the Act, or has violated the provisions of the Act or certain other enumerated Acts, (5) such person is subject to a Commission order denying trading privileges or denying, suspending, or revoking such person's membership in any contract market or registered futures association, or (6) the refusal, suspension, or revocation of the registration of any principal of such person would be warranted because of a disqualification listed in this provision.

Permit the Commission, after opportunity for hearing, to refuse to register a person or to register said person conditionally if:

(1) Such person has been found to have violated or has consented to a finding of violation of the Act or regulations or has willfully aided or abetted such violation;

(2) Such person has been found to have violated or has agreed to (i) a finding of any violation of a number of listed Federal securities laws or any similar statute enacted by a State or foreign government or (ii) to have willfully aided or abetted such violation;

(3) Such person has failed reasonably to supervise another person subject to his direction with a view toward preventing violation of this Act or any of the securities statutes, and the person subject to supervision has committed a violation. No person shall be deemed to have failed to supervise another if (i) there is a system in place which would reasonably be expected to prevent and detect violations on the part of the person supervised and (ii) such supervisor has reasonably discharged his supervisory responsibilities.

(4) Such person was convicted of a felony other than those for which registration may be refused without hearings;

(5) Such person has been convicted within the past 10 years of any misdemeanor (1) involving commodity futures contracts, option contracts, leverage contracts or securities, (2) involving the conduct of any registrant under this Act of the Securities Acts or (3) involving embezzlement, fraud or fraudulent conversion;

(6) Such person has willfully made false or misleading statements to the Commission; or

(7) Such person has not established that he meets those minimum financial requirements prescribed in the Act or by Commission regulation.

Permit the Commission to disclose information to a registered futures association or self-regulatory organization (as defined in the Securities Exchange Act of 1934) when such disclosure is necessary or appropriate to effectuate the purposes of the Act. Such information shall not be disclosed by the recipient, except in a self-regulatory action or proceeding.

Permit the Commission to authorize any person to perform any portion of the registration functions pursuant to the provisions of the Act, subject to rules approved by the Commission.

Extend the criminal provisions pertaining to embezzlement, theft, or criminal conversion to all persons registered or required to be registered under the Act and to their employees and agents.

Extend the criminal provisions applicable to insider trading and the use of inside information on the part of any Commissioner of the Commission or any Commission agent or employee to leverage transactions, but exempts from these provisions hedging transactions entered into by trustees and certain transactions in U.S. government securities and certificates of deposit.

Extend the authorization of appropriations under the Act.

Provide for shared jurisdiction with other Federal agencies and the States over (1) transactions involving any commodity, product, right, service or interest which is not conducted on or subject to the rules of a contract market, except dealer options and leverage, and (2) over persons who are required to but who do not register under the Act. The Commission is authorized to refer any matter which is subject to other Federal or State statutes to the department or agency enforcing or administering such statutes.

Permits the prosecution as a principal in any variable forum of any person who aids or abets a violation of the Act or regulations.

Permit the prosecution as a principal of any person who, directly or indirectly, controls any person who violates any provision of the Act or regulations, unless the controlling person did not know or, in the exercise of reasonable care, did not have reason to know of the facts constituting the violation.

Restrict the applicability of reparations procedures to persons registered under the Act.

Restrict reparations awards to actual damages proximately caused by violations of the Act.

Deletes the requirement that the Commission investigate reparations complaints and make a determination as to whether the conduct complained of violates the Act or regulations.

Permit the Commission to issue regulations to provide for the expeditious administration of the reparations process.

Delete existing statutory provisions pertaining to the issuance of orders mandating the payment of partial reparations awards when the awards are not contested.

Provide for automatic prohibition of trading and suspension of registration for failure to pay a reparations award.

Prohibit disclosure by the Commission of the market positions of individual traders in market reports.

Permit a registered futures association to provide a forum for compulsory arbitration of customers' claims.

Subject a registered futures association to the same rule review procedures proposed by the Commission for contract markets.

Authorize the Commission to require a registered futures association to perform any portion of the Commission's registration function.

Restrict until September 30, 1984, those leverage firms that are permitted to do business to those that were engaged in the leverage business on June 1, 1978, and provide that the Commission shall conduct a study to determine (1) whether leverage transactions serve a national public interest and if so, (2) the manner in which such transactions should be regulated.

Provide for a system of user fees, pursuant to which each contract market shall remit to the U.S. Treasury, on a yearly basis, fees collected for each commodity futures or commodity option contract entered into on the contract market. The fee shall be:

(a) 12 cents for each such contract entered into for the benefit of a person who is not a member of the contract market or of a registered futures association, and

(b) 6 cents for each such contract entered into for the benefit of a person who is a member of the contract market or of a registered futures association.

Require persons who grant dealer options or offer to enter into leverage contracts to pay to the Treasury, on a yearly basis, fees equal to $3 for each option granted or leverage contract entered into.

Provide that the fees assessed are not intended to exceed the monies appropriated by Congress for the operation of the Commission. If the fees collected exceed the amount of monies appropriated, the Commission is to suspend the collection of fees for such period as would generate an amount equal to the excess fees.

Authorize the Commission to waive or suspend the collection of fees if such action is necessary to correct adverse effects caused by such fees upon any market or person.

Require the Commission to create an advisory committee composed of persons materially affected by user fees to (1) advise the Commission with respect to the fee system, (2) prepare a report containing its assessment of and recommendations on the fee system, and (3) perform such other duties and functions as the Commission may prescribe.

COMMODITY FUTURES
TRADING COMMISSION,
Washington, D.C., February 1, 1982.

Hon. JESSE HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Commodity Futures Trading Commission is pleased to transmit to you proposed legislation which we are recommending to Congress in connection with its consideration of the Commission's reauthorization. We are today transmitting to you three documents: (1) a bill to amend the Commodity Exchange Act, (2) the changes in existing law contemplated by this legislation and (3) the legislation which will implement the jurisdictional agreement between the Commission and the Securities and Exchange Commission, as well as an accompanying joint explanatory statement. Within three days, we will also be transmitting to you a section by section analysis of the bill to amend the Commodity Exchange Act which the Commission is recommending.

The Commission is concurrently transmitting this legislation and materials to the House Committee on Agriculture and the Office of Management and Budget.

Sincerely,

PHILIP MCBRIDE JOHNSON,
Chairman.

SECTION-BY-SECTION ANALYSIS OF THE FUTURES TRADING ACT OF 1982

SECTION 1

Section 1 contains the short title.

SECTION 2

7 U.S.C. 2: Makes certain definitional changes.

Section 2(a)(3) narrows the definition of the term "commodity trading advisor" contained in Section 2(a)(1) of the Act to include only those persons offering advice concerning commodity futures contracts traded on contract markets, commodity options authorized under Section 4c of the Act, and leverage transactions authorized under Section 19 of the Act. The current definition of "commodity trading advisor" includes certain persons who give advice concerning the value of commodities or who issue reports or analyses concerning commodities for compensation or profit and as part of a regular business. Under this amendment, those who confine their advice to the cash market would not be considered to be commodity trading advisors, although the Commission retains the authority to issue regulations which include within this definition any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such action will effectuate the purposes of this provision. This amendment also clarifies that the exemptions from the definition of "commodity trading advisor" include news reporters, columnists, and editors who give advice through the electronic media as well as those who provide advice through publications or writings, provided that, as under current law, the furnishing of such advice is solely incidental to the conduct of their business or profession. Finally, under these amendments, the fiduciary of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974 ("ERISA") who renders commodity trading advice is excluded from the definition of "commodity trading advisor," provided that the furnishing of such advice is solely incidental to the conduct of its business as a fiduciary of such a plan. Because participation by employees in a defined benefit plan is generally compulsory and non-contributory, trading advice is not directly marketed to the participants therein. In addition, a fiduciary of such a plan is subject to extensive regulation under ERISA.

7 U.S.C. 4a: Section 2(b) deletes Section 2(a)(7)(B) of the Act. Section (2)(a)(7)(B), which was added to the Act by the Futures Trading Act of 1978, is a post-government employment restriction applicable to Commissioners and Commission employes classified as GS-16 or above who hold positions excepted from the competitive service by reason of being of a confidential or policy making character. The restriction generally bars representative appearances before the Commission and other communications by such persons for a period of one year after they leave the Commission.

At the time Section 2(a)(7)(B) was under consideration in 1978, the Commission and certain members of Congress opposed its enactment in light of the pendency of government-wide ethics legislation which included a general one-year bar applicable to former senior officials. Subsequently, Congress enacted Title V of the Ethics in Government Act of 1978, which amended 18 U.S.C. § 207, effective July 1, 1979. One of the amendments which then became effective was 18 U.S.C. § 207(c), a one-year post-government employment restriction, with certain narrow exceptions, applicable to former senior government officials. At the Commission, the Commissioners and most Senior Executive Service employees are subject to this one-year bar. With the passage and effectiveness of this government-wide ethics legislation, there is no longer any purpose to be served by Section 2(a)(7)(B) of the Act and therefore, it is proposed to be repealed. Commissioners and senior Commission employees would, of course, remain subject to the one-year bar as set forth in 18 U.S.C. § 207(c).

SECTION 3

7 U.S.C. 6: Section 3(a) amends Section 4 by creating a new Section 4(a) which combines the provisions of existing Section 4 and 4h(1) into a single, simplified provision. Section 4(a) specifies that all transactions in commodity futures contracts in the United States must be effected on boards of trade that have been designated as contract markets through members of such contract markets. As such, no change in existing law is intended. Section 4(a), however, does not prevent non-contract market members from engaging in the business of offering and selling futures contracts traded on foreign exchanges directly to the American public. (By contrast, the language of existing Section 4h(1) may be read to prohibit such activity.) The offer and sale by any person located in the United States, its territories or possessions of futures contracts made on foreign exchanges is the subject of new Section 4(b).

Section 3(b) adds a new Section 4(b) to the Act which concerns the Commission's existing authority to regulate the offer and sale of futures contracts made on foreign exchanges by any person located in the United States, its territories or possessions. The domestic offer and sale of such contracts is affected with a national public interest in that, among other things, such transactions take place and are entered into and executed by persons within the jurisdiction of the United States by the use of the mails and other means and instrumentalities of interstate commerce and occur in such volume as to affect interstate commerce substantially. Under existing Commission regulations, it is illegal for any person to use the channels of interstate commerce to engage in fraudulent activities in connection with transactions in contracts for future delivery traded or executed on any foreign exchange. This provision is not intended to affect those regulations.

SECTION 4

7 U.S.C. 6a: Sections 4(a), (b) and (c) are intended to confirm the Commission's existing authority to adopt speculative position or daily trading limits under Section 4a of the Act by rule or regulation in a rulemaking proceeding, as well as by order.

Section 4(d) deletes a reference to the Commodity Futures Trading Commission Act of 1974 which has become obsolete.

Section 4(e) adds a new Section 4a(5) to the Act. The purpose of this Section is to make clear that contract markets may adopt limits on the amount of speculative trading which may be done or speculative positions which may be held by any person under contracts of sale of any commodity for future delivery traded on or subject to the rules of that contract market. Similar authority is confirmed regarding the adoption of such limits with respect to commodity options traded on contract markets or other boards of trade licensed by the Commission. In cases where the Commission has fixed limits for any futures contract under Section 4a or for any commodity option under Section 4c of the Act, however, limits adopted by contract markets or boards of trade could not differ from any limits fixed by the Commission without the approval of the Commission. Section 4a(5) also provides that it is unlawful for any person to violate the limits adopted by contract markets or boards of trade which have been approved by the Commission. A violation of such a limit would constitute a violation of the Act, and would be actionable as if such limit had been adopted by the Commission.

SECTION 6

7 U.S.C. 6f: Section 6 amends Section 4f(1) of the Act by deleting the word "agents" from this provision, inasmuch as the amendments to Section 4k make clear that all agents who function as associated persons must register as associated persons of futures commission merchants. In this connection, it is intended that any group of associated persons operating together would be a "branch office" for purposes of applying this provision. An applicant for registration as a futures commission merchant must continue to disclose the names and addresses of the managers of all branch offices engaged in soliciting or accepting customers' orders on behalf of such applicant, and thus will be required to disclose the names and addresses of the heads of offices which may formerly have been treated as "agents" rather than branch offices. The word "correspondents" also is deleted because the Commission does not believe it has any need to collect information on the correspondents of a futures commission merchant in connection with such futures commission merchant's application for registration.

This Section also amends Section 4f(1) by deleting the reference to a hearing for a suspension or revocation of a license so as to be consistent with the proposed addition of new Section 8a(2) of the Act which, among other things, provides for refusal, suspension or revocation of the registration of any person because of a statutory disqualification listed in that Section.

SECTION 7

7 U.S.C. 6h: Section 7 amends Section 4h of the Act by deleting paragraph (1) of Section 4h, inasmuch as a prohibition on conducting an office or place of business anywhere in the United States or its territories that is used for dealings in commodities for future delivery unless such dealings are executed or consummated by or through a member of a contract market is now contained in new Section 4(a). The prohibition on false representations contained in existing Section 4h(2) is retained in Section 4h, as proposed to be amended. That Section, however, is broadened to prohibit false representations that a person is registered with the Commission in any capacity, and not only as a futures commission merchant, as under current Section 4h(2).

SECTION 8

7 U.S.C. 6i: Section 8 amends Section 4i of the Act to make clear that the Commission and the Department of Justice retain their authority to inspect the books and records of any trader whose trades or positions in any cash commodity or commodity future equal or exceed the level set by the Commission for contracts in that commodity, regardless of whether the trader is required by the Commission to file reports of his trading activity. In addition, such a trader

continues to be required to keep books and records relating to that trading activity. Of course, the Commission retains the authority to require the filing of reports regarding such transactions or positions. This amendment merely makes the duty of a trader to make and keep books and records available for inspection by appropriate governmental authorities independent of any Commission requirement concerning the filing of trading reports by such a trader. Such large traders are also required to make available for inspection information relating to their activities on any other board of trade.

SECTION 9

7 U.S.C. 6k: Section 9 contains significant amendments to Section 4k of the Act which are intended to accomplish a number of important objectives.

Section 9(a) amends Section 4k(1) of the Act to resolve the existing uncertainty as to the status of agents, by making clear that an agent of a futures commission merchant who functions as an associated person must register as an associated person of such futures commission merchant. This revision recognizes the fact that most agents of futures commission merchants function as associated persons, in that they solicit or accept customers' orders or supervise persons who are so engaged.

Section 9(c) contains new Section 4k(2) of the Act (existing Section 4k(2) would be redesignated as Section 4k(4) of the Act by Section 8(b) of the bill) which extends the provisions for registration of associated persons to include the partners, officers, employees, and agents of commodity pool operators who solicit funds, securities, or property for participations in commodity pools or who supervise persons so engaged. Such persons are required by new Section 4k(2) to register as associated persons of commodity pool operators, both to assure that their activities are supervised by the commodity pool operator with which they are associated, and to prevent unfit persons from engaging in such activities. An associated person of a commodity pool operator may not, however, solicit funds, securities or property to margin, guarantee, or secure the trades of any customer unless he is also registered as an associated person of a futures commission merchant.

Section 9(d) deletes existing Section 4k(3) of the Act which, with certain revisions, is transferred to new Section 8a(10) of the Act by Section 17(h) of the bill.

Section 9(e) adds a new Section 4k(3) of the Act which extends the provisions for registration of associated persons to include the partners, officers, employees, and agents of commodity trading advisors who solicit discretionary accounts. Such persons are required by new Section 4k(3) to register as associated persons of commodity trading advisors, both to assure that their activities are supervised by the commodity trading advisor with which they are associated, and to prevent unfit persons from engaging in such activities. This Section would permit a person who is registered as an associated person of a commodity trading advisor to solicit discretionary accounts, but would not permit such a person to manage such accounts. An associated person of a commodity trading advisor may not solicit funds, securities or property to margin, guarantee, or secure the trades of any customer unless he is also registered as an associated person of a futures commission merchant.

Section 9(f) amends existing Section 4k(2) of the Act which, as previously noted, is redesignated as Section 4k(4). New Section 4k(4) provides, among other things, that the registration of an associated person expires at such time as the Commission may by rule, regulation, or order prescribe. New Section 4k(4) is also made applicable to associated persons of commodity pool operators and commodity trading advisors.

Section 9(g) adds a new Section 4k(5) to the Act which makes it unlawful for any registrant to permit any person to become or remain associated with it as an associated person if the registrant knew or should have known of facts regarding such associated persons that are set forth as statutory disqualifications in new Section 8a(2). A futures commission merchant, commodity pool operator or commodity trading advisor, therefore, is subject to a duty to make reasonable inquiry into the background of any person who becomes or remains associated with it as an associated person. Although "reasonable inquiry" is a concept which depends on particular facts and circumstances, it is intended to include, at a minimum, a check of the person's background with the Commission and with prior employers. Under Section 4k(5), a registrant would jeopardize its own registration by hiring or retaining a person subject to a statutory disqualification and, moreover, under Section 9(c) of the Act, would commit a misdemeanor punishable by a fine of up to $100,000 or imprisonment for up to one year, or both, together with the costs of prosecution. This provision creates a substantial disincentive for a registrant to hire or retain an associated person who is subject to a statutory disqualification. By imposing greater statutory responsibility on employers for the fitness of their employees than currently exists, Section 4k(5) should lead to an upgrading of the level of employees in the industry.

SECTION 11

7 U.S.C. 6n: Section 11 deletes Sections 4n(5) and (6) of the Act, inasmuch as new Sections 8a(2), (3), and (4) of the Act contain the grounds for refusal, suspension or revocation of registration for applicants and for registrants with the Commission in each of the various categories of registration. The bases set forth in Sections 4n(5) and (6) are listed as statutory disqualifications in Section 8a(2) or are grounds for refusal, suspension or revocation of registration under Sections 8a (3) and (4). It is, therefore, not intended that by eliminating a specific reference to operations of a person which tend to disrupt or disrupt orderly market conditions, or cause or tend to cause sudden or unreasonable fluctuations or unwarranted changes in the price of commodities that such activities would not be cause for refusal, suspension or revocation of registration under new Section 8a(3)(M), that is, "other good cause shown."

SECTION 12

7 U.S.C. 6o: Section 12 amends Section 4o of the Act to make the prohibitions on fraud and misrepresentation by commodity trading advisors and commodity pool operators contained in Section 4o applicable as well to associated persons of commodity trading advisors and associated persons of commodity pool operators, two new categories of registrants which would be established by new Sections 4k(2), (3) and (4).

SECTION 13

7 U.S.C. 6p: Section 13 amends Section 4p of the Act by extending the Commission's authority to establish appropriate standards with respect to training, experience and other qualifications as the commission finds necessary or desirable to insure the fitness of all persons registered with the Commission. Currently, section 4p limits the Commission's authority in this area to futures commission merchants, floor brokers, and their respective employees.

SECTION 14

7 U.S.C. 7a: Section 14(a) amends Section 5a(8) of the Act to provide that each contract market is required to enforce all bylaws, rules, regulations, and resolutions, made or issued by it or by the governing board or any committee thereof, which have been approved by the Commission pursuant to Section 5a(12), which have become effective under that provision, or which must be enforced pursuant to any Commission rule, regulation or order. As under current law, each contract market is prohibited from enforcing any bylaw, rule, regulation or resolution which has been disapproved by the Commission. This Section is intended to conform Section 5a(8) with the revisions to Section 5a(12) in Section 13(c) of the bill and to make clear that contract markets must enforce all rules which currently are effective under Commission regulation 1.53.

Section 14(b) amends Section 5a(11) of the Act to continue the obligation of each contract market to provide a fair and equitable procedure through arbitration or otherwise (such as by delegation to a registered futures association having rules providing for such procedures) for the settlement of customers' claims and grievances against any member or employee thereof. This Section, however, makes certain changes and clarifications. Specifically, the $15,000 limit on claims which may be arbitrated in contract market arbitration proceedings is removed, in order to provide an alternative forum for customers' claims in excess of $15,000. Also, the provision requiring an agreement for compulsory payments in Section 5a(11)(iii) is removed. This revision is intended to ensure that arbitration awards on counterclaims are binding upon both parties. Finally, the definition of the term "customer" is broadened by this Section to include any person for or on behalf of whom a member of a contract market effects a transaction on such contract market, except another member of that contract market. Thus, the definition includes futures commission merchants or floor brokers who have a claim based on a customer relationship with such member, provided they are not members of the same contract market.

Section 14(c) amends Section 5a(12) of the Act to reduce the types of contract market rules which require prior approval of the Commission before they may be implemented. Under this revision, only those rules of a contract market which are of major economic significance or which relate to terms and conditions in commodity contracts would require prior Commission approval. All other rules of a contract market (except those relating to the setting of levels of margin) must be submitted to the Commission but may be put into effect ten days after receipt if the Commission determines that review and approval of such rules is not required. However, a contract market could request that any such rule be reviewed and approved by the Commission. To facilitate these changes, the Commission is given authority to define the "terms and conditions" of a contract of sale for future delivery. This new procedure for reviewing contract market rules would eliminate the necessity for the "operational and administrative" category of rules now contained in the Act.

It is intended that the standard to be applied to contract market rules reviewed by the Commission pursuant to this Section would be the same standard already announced by the Commission. See 45 Fed. Reg. 34873 (May 23, 1980). Under that standard, the Commission may disapprove contract market rules which conflict, or are inconsistent, with the policies, purposes and public interests embodied in the Act. Lastly, in cases of "major economic significance," only a notice of the rule (rather than in its entire text) need be published in the Federal Register. The objective of these amendments is to streamline the rule review process by: (1) allowing contract markets to put rules that are neither of major economic significance nor terms and conditions of a contract of sale for future delivery into effect after ten days if the Commission does not believe that it is necessary to review such rules; and (2) removing the confusion associated with the distinction between "other trading requirements" and "operational and administrative" rules.

SECTION 15

7 U.S.C. 9: Section 15 amends Section 6(b) of the Act to provide that a petitioner aggrieved by a Commission order denying registration may appeal that order to the United States Court of Appeals for the circuit in which the petitioner's principal place of business, as set forth in the registration application, is located. Under the present provisions of Section 6(b), appeal is required to the circuit in which the petitioner is "doing business." In certain instances, an applicant who has not previously engaged in business will be denied registration by the Commission. In such circumstances, it might be argued under the present language of Section 6(b) that, since the petitioner is not doing business, no Court of Appeals has venue to review the Commission's order and review therefore should be had in the district court. This amendment will clarify that review of all Commission orders in registration cases will be had in the Courts of Appeals.

SECTION 16

7 U.S.C. 13a-1: Section 16 amends Section 6c of the Act to permit the ex parte issuance, by courts of competent jurisdiction, of restraining orders which prohibit any person from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission from inspecting when and as requested, any books, records or other documents, or which prohibit withdrawals, transfers, removals, dissipations or disposals of funds, assets or other property. Such power is deemed to be necessary to prevent possible removal or destruction of potential evidence or other impediments to legitimate law enforcement activities and to prohibit movement or disposal of funds, assets and other property which may be subject to lawful claims of customers.

SECTION 17

7 U.S.C. 12: Sections 17 (a) and (b)(1) together amend Sections 8 (a) and (b) of the Act to prohibit the Commission from publicly disclosing data or information concerning or obtained in any investigation of any person unless such disclosure is made in connection with a Congressional proceeding, in an administrative or judicial proceeding under the Act or in certain receivership or bankruptcy proceedings in which the Commission may intervene or appear and be heard. The Commission receives many requests, under the Freedom of Information Act ("FOIA") and otherwise, for such information. Often these requests are made by targets of investigations who seek information under the FOIA as an alternative to discovery during litigation. The Commission's staff is compelled to divert its time from the investigation and to expend its already limited resources to examine investigatory files in order to determine what information may be disclosed under the FOIA and under the existing confidentiality provisions of Section 8(a) concerning market positions and other trading data. Once the judicial or administrative proceeding has commenced, the defendants have adequate access to the information through the exercise of existing discovery rights.

It is intended that under this amendment the confidential nature of the Commission's investigatory files and records would continue if the Commission closes the investigation without a judicial or administrative action having been instituted. The FOIA presently exempts from disclosure investigatory records, but generally only if disclosure would adversely affect an ongoing investigation or if an individual's privacy would be implicated. The disclosure of investigatory records serves no meaningful public purpose where no enforcement action has been commenced. Moreover, disclosure of these records in such circumstances could injure the reputation of persons or businesses who, for example, have been investigated but against whom no violations of law have been alleged.

Sections 17(b) (2) and (3) together amend Section 8(b) of the Act to permit the Commission to disclose otherwise confidential information in certain receivership proceedings or in certain bankruptcy proceedings in which the Commission may intervene or appear and be heard. Such disclosure is now expressly authorized only if the judicial proceedings is brought under the Act. On many occasions the Commission has successfully brought proceedings under the Act to enjoin a firm from further violations of law and to have the firm's assets placed in the hands of an equity receiver. In other instances, a firm or its creditors may file a petition under the bankruptcy law and a trustee in bankruptcy will be appointed. Under the present language of Section 8(b), it might be argued that the Commission may not disclose to the receiver or to the trustee in bankruptcy the names of customers or other relevant data since, technically, such disclosure would not be "in a proceeding brought under the Act." The amendment would make clear that the Commission is not prevented from making such disclosures.

Section 17(c)(1) contains a technical amendment to Section 8(e) of the Act which would explicitly authorize the Commission to disclose any information in its possession to any agency or department of the United States, acting within the scope of its jurisdiction. Section 8(e) presently permits such disclosure to "Executive Branch" agencies and departments. This arguably could be read to limit the Commission's ability to share information with, for example, the Securities and Exchange Commission. This presumably was not intended. (Compare Section 2(a)(8)(B) of the Act, 7 U.S.C. § 4a(g)(2), which expressly contemplates the sharing of information with the Securities and Exchange Commission.)

Section 17(c)(2) amends Section 8(e) of the Act to enable the Commission to aid the commodity-related enforcement efforts of State and local officials and foreign governments. Since 1978, the Commission has received numerous requests from State and local law enforcement agencies seeking to establish a cooperative enforcement relationship through the sharing of data and information. Generally, these officials ask the Commission to provide names of customers of particular firms and, to a lesser extent, data concerning business records and market positions. However, Section 8 of the Act provides that, except in certain circumstances, the Commission may not publish data and information that would separately disclose the business transactions or market positions of any person and trade secrets or names of customers. None of the exceptions in Section 8 to this general prohibition on disclosure explicitly apply to the disclosure of this type of information to State or local or foreign government officials.

Nonetheless, the Commission desires to maintain a close, cooperative relationship with other law enforcement agencies and, in most instances, would be amenable to sharing certain of the data and information it has obtained with State, local, and foreign government officials. Accordingly, Section 8(e) of the Act is amended expressly to authorize disclosure by the Commission to State or local and foreign government agencies and departments of any information obtained by the Commission in the administration of the Act. This should enhance the ability of these enforcement officials to ensure fair and honest dealings in commodity-related matters and should also greatly enhance the ability of the States and local officials to bring enforcement proceedings authorized by the Act.

The Commission also believes that, in certain circumstances, joint investigations by the Commission and foreign governmental agencies with regulatory jurisdiction over foreign exchanges are warranted. Since United States citizens may lawfully purchase or sell the futures contracts traded on these foreign exchanges—such as those which exist, for example, in Canada and Great Britain—the Commission has an interest in ensuring that these foreign markets do not become a haven or refuge for those persons or firms who engage in unscrupulous and abusive sales practices. Through a cooperative information-sharing policy, the Commission will be able to provide valuable assistance to the officials of foreign agencies who are seeking to discipline firms that engage in the fraudulent solicitation of United States customers. Moreover, this cooperative policy will facilitate the Commission's ability to prosecute those firms who engage in unlawful practices on both United States and foreign markets.

Under the bill, the decision to disclose information is a matter of Commission discretion. In deciding if disclosure is warranted in a given situation, the Commission will evaluate whether the need to take prompt enforcement action or to conduct an expeditious investigation outweighs the general need to preserve the confidentiality of market information.

The bill also prohibits State and local government agencies and departments from disclosing any confidential information furnished except in any legal action that may be instituted. In this regard, the bill generally parallels the existing provisions of Section 8(e). The bill also limits disclosure of confidential information to foreign government agencies unless the Commission is satisfied that the information will not be disclosed by the foreign government officials, except in connection with any legal action that may be instituted.

SECTION 18

7 U.S.C. 12a: These amendments to existing Sections 8a(1) through 8a(4) constitute a major and much needed revision of the Commission's registration authority.

Section 18(b) (1)–(5) amends Section 8a(1) of the Act to authorize the Commission to register two new categories of commodity professionals: associated persons of commodity pool operators and associated persons of commodity trading advisors, as described in new Sections 4k(2) and 4k(3), respectively. The provisions of existing Section 8a(4) with respect to the charging of fees for registration have also been moved to Section 8a(1).

Section 18(b)(6) amends Section 8a(1) of the Act by adding a new proviso at the end of that subsection which authorizes the Commission to grant a temporary license to an applicant for registration with the Commission. Such a temporary license has a maximum duration of six months from the date of its issuance. This permits an applicant for registration to begin operations during the time in which its application is being considered, thereby facilitating the registration process. The decision to grant a temporary license may be made by the Commission, in accordance with such rules, regulations, or orders as the Commission may issue. New Section 8a(10) of the Act (Section 17(h) of this bill) also permits the Commission to delegate the performance of any portion of its registration functions, including the granting of such temporary licenses, to a registered futures association.

The grant of a temporary license under this provision is not intended to constitute a registration nor to confer any right or create any presumption in favor of registration with the Commission. Thus, if subsequent to the issuance of a temporary license, the Commission determines that the applicant is subject to a statutory disqualification under the Act, as described below, registration will not be granted. Similarly, the refusal of a temporary license does not necessarily mean that registration ultimately will be refused. For example, further investigation of the grounds which led to a refusal of a temporary license may disclose that they are insufficient to refuse registration to the applicant under the Act. Regardless of whether registration is granted, the temporary license is not valid for more than six months. In this connection, certain provisions of the Act specify that registration shall not be granted for less than a certain period of time, e.g., one year from the date of issuance in the case of futures commission merchants and floor brokers. See section 4f(1) of the Act (7 U.S.C. § 6f(1)). Section 8a(1) does not conflict with such provisions, inasmuch as section 8a(1) concerns the grant of a temporary license, and not registration.

It is anticipated that the Commission will adopt regulations to establish standards and procedures for granting a temporary license. For example, such regulations may provide for the grant of a temporary license where the applicant's registration application is complete and does not on its face indicate any statutory disqualification. Such a regulatory framework therefore will enable apparently qualified applicants to commence operations during the sometimes lengthy process of completing a full fitness check, but without conferring any right to continue in business if they are unfit for registration with the Commission.

Section 18(c) amends Section 8a(2) of the Act to establish a system of statutory disqualifications for registration. Under this system, the Commission is authorized without a prior hearing to refuse to register, to register conditionally, to suspend or to place restrictions upon the registration of any person (that is, any applicant or registrant) pursuant to such rules, regulations, orders and procedures as the Commission may adopt, if such person is subject to a statutory disqualification listed in Section 8a(2). The amendment thus expands existing law under which the Commission may deny registration without a hearing if the applicant is subject to an outstanding order of the Commission imposing various sanctions. See Sections 4n(5) and 8a(2)(A). In addition, for such statutory disqualifications, the Commission is authorized to revoke the registration of any person registered with the Commission upon such a hearing as may be appropriate.

There are eight conditions listed as statutory disqualifications in Section 8a(2), each of which will be discussed below. These conditions are modeled after existing provisions of the Act, Commission regulation 1.10e, 17 C.F.R. § 1.10e (1981), the Commission's interpretative statement regarding good cause for denial of registration, 17 C.F.R. Part 1 Appendix A, and certain analogous provisions of the Securities Exchange Act of 1934. Each statutory disqualification is based upon a previous finding or order by the Commission, a court, or another governmental body. The reasons for enumerating several bases for finding applicants or registrants unfit for registration are to permit the Commission to develop an expedited procedure for registration, to provide notice of the most important fitness standards which the Commission will apply, and to promote uniformity of treatment of applicants and registrants. The Commission also retains the discretion, in appropriate cases, to register a person, notwithstanding the existence of a statutory disqualification.

As under current law, the applicant or registrant may obtain judicial review of any Commission action under Section 8a(2) in an appropriate Federal Court of Appeals, pursuant to the provisions of Section 6(b) of the Act. The applicant or registrant, however, generally will be limited to contesting before the Commission the fact of the statutory disqualification. Once the fact of the statutory disqualification is shown, refusal of registration, conditional registration, suspension, revocation or the placing of restrictions upon its registration follows as a matter of law. As a consequence, the Commission may promptly exclude and remove from the industry any person who is subject to a statutory disqualification. Accordingly, Section 8a(2) should result in a substantial savings of Commission resources and in a significant improvement in registration processing. Under this amendment, the absence of a statutory disqualification is a precondition of doing business unless the Commission determines otherwise in its discretion. Of course, it is contemplated that the Commission will develop procedures pursuant to Section 8a(2) which will provide adequate notice to an applicant or registrant that the Commission had information which indicates that he is subject to a statutory disqualification, and which also will afford him an opportunity to reply or explain in writing (e.g., advise the Commission of a clerical error or a case of mistaken identity). Moreover, the Commission can conduct such further proceedings as it deems necessary if, despite a statutory disqualification, it deems it appropriate not to deny the application.

Paragraph (A) makes a person subject to a statutory disqualification if a prior registration of such person with the Commission in any capacity has been suspended (and the period of such suspension has not expired) or has been revoked. This provision makes clear that the disqualification applies if a prior registration with the Commission in any capacity is under suspension or has been revoked, regardless of the category of registration for which application is being made.

Paragraph (B) makes a person subject to a statutory disqualification if an application for registration by such person in any capacity with the Commission has been refused (after opportunity for hearing under Section 8a(3)) within five years preceding the filing of the present application for registration. This amendment eliminates the possibility under current law that a person recently refused registration may immediately reapply to the Commission for registration in the same or another category. Further, if after his registration, registration is refused in another capacity, such refusal would also be a statutory disqualification for continuing the prior registration.

Paragraph (C) makes an applicant for registration subject to a statutory disqualification if such person is permanently or temporarily enjoined by court order, including a court order entered pursuant to an agreement of settlement to which the Commission or any Federal or state agency or other governmental body is a party, from (i) acting as a Commission registrant or as any of certain specified securities professionals, or as an affiliated person or employee of any of the foregoing, or (ii) engaging in or continuing any activity involving transactions or advice concerning commodity interests subject to Commission regulation or concerning securities. This provision, however, does not permit revocation of an existing registration solely on the basis of a temporary order, judgment or decree, such as a temporary restraining order or a preliminary injunction. It would permit revocation of an existing registration based on a permanent injunction which is a decision on the merits.

Paragraph (D) makes a person subject to a statutory disqualification if such person has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of a felony which involves: (i) any transactions or advice concerning any commodity interest subject to Commission regulation or concerning a security, (ii) the conduct of the business of any Commission registrant or specified securities industry professional or an affiliated person or employee of any of the foregoing, (iii) certain enumerated offenses of particular gravity which bear a close relationship to a person's fitness to be registered with the Commission, e.g., bribery, misappropriation of funds, securities or property, or theft, or (iv) the violation of the following provisions of Title 18 of the United States Code: section 152 (concealment of assets in a bankruptcy proceeding, making a false or fraudulent oath in a bankruptcy proceeding, perjury in connection with a bankruptcy proceeding, etc.), sections 1341, 1342, 1343 (mail frauds and swindles, the use of fictitious names and addresses, frauds perpetrated through use of the wires, radio, or television), chapter 25 (counterfeiting and forgery), chapter 47 (fraud and false statements), chapter 95 (racketeering), and chapter 96 (racketeer influenced and corrupt organizations).

Paragraph (E) makes a person subject to a statutory disqualification if such person, within ten years preceding the filing of the application or at any time thereafter, has been found by any court of competent jurisdiction, by the Commission or by any Federal or state agency or other governmental body, or by agreement of settlement to which the Commission or any Federal or state agency or other governmental body is a party, (i) to have violated any provision of the Act, the Federal securities laws, or any similar state or foreign statute, or any rule, regulation or order under any such statutes where the violation involves the same serious offenses as those enumerated in subparagraph (D)(iii), or (ii) to have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person. Violations occurring more than ten years prior to the date of application, however, are not statutory disqualifications, but may be considered in a proceeding conducted under Section 8a(3), discussed later.

Paragraph (F) makes a person subject to a statutory disqualification if such person is subject to an outstanding order of the Commission denying him trading privileges on any contract market, denying, suspending or revoking his membership in any contract market or registered futures association, or barring or suspending him from being associated with a registrant, with a member of a contract market, or with a member of a registered futures association.

Paragraph (G) makes a person subject to a statutory disqualification if such person willfully made any material false or misleading statement or omitted to state any material fact in his application as to any of the matters set forth in paragraphs (A) through (F) of this subsection, that is, as to the existence of the other statutory disqualifications. This provision is consistent with Commission decisions which create a rebuttable presumption that any material inaccuracy with respect to such matters is willful.

Paragraph (H) makes a person subject to a statutory disqualification if refusal, suspension or revocation of the registration of any of its principals would be warranted because of a statutory disqualification listed in this Section. The term "principal" is defined in this paragraph for purposes of both Sections 8a(2) and (3). Specifically, the term "principal" is defined to mean a general partner in the case of a partnership, or an officer, director or beneficial owner of at least ten percent of the voting shares of a corporation, and any other person which the Commission finds to be in a position to exercise actual control of the entity. It is intended that both the Commission and the courts construe the term "principal" flexibly to effectuate the remedial and deterrent purposes of this provision.

Section 18(d) adds a new Section 8a(3), and existing Section 8a(3) has been redesignated as Section 8a(4). This Section authorizes the Commission to refuse to register or to register conditionally any person, after opportunity for hearing, based upon certain conditions, acts or omissions which are enumerated in paragraphs (A) through (N) of Section 8a(3). These factors have the same derivation as the statutory disqualifications listed in Section 8a(2). Unlike each of the statutory disqualifications listed in Section 8a(2), however, the issues of mitigation and rehabilitation may be appropriate for Commission consideration so that the factors listed in Section 8a(3) are not intended to constitute automatic disqualifications to doing business. Under this Section, it is contemplated that the Commission may by regulation establish a denial procedure similar to the procedure that it uses under existing Commission regulation 1.10e (17 C.F.R. § 1.10e). As under current law, an applicant for registration is entitled to a hearing before the Commission and may obtain review of any Commission decision to refuse or to condition registration made under Section 8a(3) in an appropriate Federal Court of Appeals, pursuant to the provisions of Section 6(b) of the Act.

Paragraph (A) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that the person has been found by the Commission or by any court of competent jurisdiction to have violated or has consented to findings of a violation of any provision of the Act, or any rule, regulation, or order thereunder, other than those set forth in Section 8a(2), or to have willfully aided, abetted, counseled, commanded, induced or procured the violation by any other person of such provisions. Unlike Section 8a(2)(E), violations occurring more than ten years prior to the date of application may be considered.

Paragraph (B) parallels paragraph (E) of Section 8a(2), except that there is no ten-year limitation on the use of such violations, no restriction as to the type of securities-related violations involved, and commodities-related violations, which are referred to in paragraph (A), are not included.

Paragraph (C) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person failed reasonably to supervise another person, who is subject to the person's supervision, with a view to preventing violations of the Act, any of the statutes enumerated in paragraph (B), or any of the rules, regulations, or orders thereunder, and the person, subject to supervision committed such a violation. No person, however, is deemed to have failed reasonably to supervise another person, within the meaning of this paragraph, if (i) there have been established procedures, and a system for applying such procedures which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and (ii) such person reasonably discharged the duties and obligations incumbent upon that person, as supervisor, by reason of such procedures and system, without reasonable cause to believe that such procedures and system were not being complied with. This paragraph contains the same standard of supervision as is used in Section 15(b)(4)(E) of the Securities Exchange Act of 1934 (15 U.S.C. § 78o(b)(4)(E)).

Paragraph (D) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person has been convicted of a felony other than a felony enumerated in Section 8a(2)(D) within ten years preceding the filing of the application, or has been convinced of any felony (including those in Section 8a(2)(D)) more than ten years preceding the filing of the application. Moreover, if an applicant is convicted of such a felony after his registration, this also is a basis for suspension or revocation of his existing registration.

Paragraph (E) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person has been convicted within ten years preceding the filing of the application of a misdemeanor of the nature described in the parallel paragraph for felony convictions, that is, paragraph (D) of Section 8a(2).

Paragraph (F) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person has been debarred by any agency of the United States from contracting with the United States. This provision already is contained in current Section 8a(2)(B)(i) of the Act.

Paragraph (G) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person willfully made any material false or misleading statement or willfully omitted to state any material fact in his application (other than a misstatement or omission under Section 8a(2)(G)) or in any report required to be filed with the Commission by the Act or the regulations thereunder, or in any proceeding before the Commission.

Paragraph (H) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person pled nolo contendere to criminal charges of felonious conduct, or has been convicted in a State court or in a foreign court of conduct which would constitute a felony under Federal law if the offense had been committed under Federal jurisdiction. This paragraph is derived from a factor listed in the Commission's interpretative statement regarding good cause for denial of registration.

Paragraph (I) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that an applicant for registration in a capacity for which there are minimum financial requirements prescribed under the Act or under the Commission's rules and regulations has not established that he meets those requirements. This paragraph parallels existing Section 8a(2)(C) which, however, is limited to applicants for registration as futures commission merchants. This amendment is intended to reflect the possibility that the Commission may establish minimum financial requirements for additional categories of registrants in the future.

Paragraph (J) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person is subject to an outstanding order denying, suspending or expelling him from membership in a contract market, a registered futures association, or in any other self-regulatory organization, (e.g., a stock exchange or the National Association of Securities Dealers) or barring or suspending him from being associated with any member or members of such contract market, association, or self-regulatory organization.

Paragraph (K) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person has been expressly found by any court of competent jurisdiction or by any Federal or State agency or other governmental body, or by agreement of settlement to which any Federal or State agency or other governmental body is a party, (i) to have violated any statute or any rule, regulation, or order thereunder where such violation involves the offenses enumerated in subparagraph

(D)(iii) of Section 8a(2); or (ii) to have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person.

This paragraph is designed to make the violation of Federal and state regulatory statutes other than those dealing with commodity futures trading or securities a basis for refusal or registration or conditional registration under the Act. Inasmuch as regulatory schemes and standards for different industries and professions undoubtedly vary, an opportunity for hearing is provided before a determination concerning registration is made by the Commission on this basis.

Paragraph (L) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that such person has associated with him any person and knows, or in the exercise of reasonable care should know, of facts regarding such other person that are set forth as statutory disqualifications in Section 8a(2).

This paragraph, which is modeled after Sections 15(b)(1)(B) and 15(b)(4) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78o(b)(1)(B), 78o(b)(4)), is designed to discourage persons in the commodity industry from hiring (or from permitting to remain employed) unfit persons, since employment of such persons may result in a refusal of registration to their employer under this paragraph, or in the suspension or revocation of such employer's registration under new Section 8a(4). By using a "know or should know" standard, this paragraph imposes a duty of reasonable inquiry on the part of the employer. This provision, in conjunction with new Section 4k(5), should lead to increased responsibility by employers for, and a consequent upgrading of the level of employees in the industry. The term "associated" should be construed broadly in order to effectuate the remedial and deterrent purposes of this paragraph.

As under current law, Paragraph (M) authorizes the Commission to refuse to register or to condition the registration of any person for other good cause shown. This provision is intended to duplicate existing Section 8a(2)(B)(ii) of the Act and confirms that the Commission may continue to seek to refuse or to condition registration upon other reasonable grounds which are not explicitly set forth in the Act.

Paragraph (N) authorizes the Commission to refuse to register or to condition the registration of any person, if it is found, after opportunity for hearing, that any principal of such person has been or could be refused registration under Section 8a(3). It should be noted that this paragraph parallels Paragraph (H) of Section 8a(2) and that the definition of the term "principal" contained in that paragraph applies here as well.

Section 18(e) merely redesignates existing Section 8a(3) as new Section 8a(4), with conforming amendments to refer to new Section 8a(3).

Section 18(h) adds a new Section 8a(10) pursuant to which the Commission may authorize any person (such as a registered futures association) to perform any portion of its registration functions, in accordance with rules approved by the Commission, and subject to the applicable provisions of the Act. It is intended that any decision made with respect to registration by a person so authorized will be reviewable by the Commission. Further, regardless of who performs the registration functions, registrants will continue to be deemed to be registered with the Commission.

SECTION 19

7 U.S.C. 13: Section 19(a) amends Section 9(a) of the Act by expanding it to make it a felony for any person registered or required to be registered under the Act or any employee or agent thereof, to embezzle, steal, purloin or convert with criminal intent money, securities or property having a value of more than $100 which belongs to customers, clients, or pool participants, if such funds were received in connection with that person's business. Currently, Section 9(a) applies only to futures commission merchants and their employees and agents. Since other persons registered or required to be registered under the Act may have access to the money, securities, or property of their customers, clients or pool participants, there should be comparable criminal liability for the unlawful taking of such assets.

Section 19(b) contains three amendments to Section 9(d) of the Act, which was added to the Act as part of the amendments enacted by the Commodity Futures Trading Commission Act of 1974. Section 9(d) currently bars Commission members and employees from engaging in commodity futures and commodity option transactions and further prohibits them from participating in investment transactions in actual commodities, subject to certain exceptions.

Section 19(b)(1) contains the first of these three amendments. Heretofore, Section 9(d) has not prohibited Commission members and employees from engaging in leverage transactions even though such transactions are, like commodity futures and commodity option transactions, subject to the exclusive jurisdiction of the Commission pursuant to Section 2(a)(1) of the Act. The Commission has already barred its members and employees from participating in such transactions under its Code of Conduct (see 17 C.F.R. § 140.735-4(b)(1)) and this amendment would conform the Act to that standard.

Section 19(b)(2) contains the second amendment to Section 9(d) of the Act which will permit trustees of trusts established by Commissioners and Commission employees, over which such Commissioners or employees exercise no control, to engage in (i) hedging transactions in connection with permitted farming and ranching operations and (ii) transactions for the lease of oil and gas and other mineral rights and interests owned by the Commissioner or employee. This amendment will permit the Commission to attract qualified personnel while at the same time avoiding conflicts of interest through the use of independent trustees.

Section 19(b)(3) contains the last amendment to Section 9(d) of the Act, which supplements the existing exception in Section 9(d) which allows Commission members and employees to engage in investment transactions in agricultural commodities or livestock (if the latter is owned at least three months) for use in their own farming or ranching operations, provided that they notify the Commission in accordance with its regulations. At the time that exception was enacted in 1974, futures contracts designated for trading under the Act involved only those domestic agricultural commodities specifically enumerated in Section 2(a)(1). Since 1975, however, boards of trade have been designated to trade futures contracts in financial instruments, including United States Government securities, such as Treasury bills and notes, and bank certificates of deposit. In 1974, Congress did not, therefore, specifically address the question of whether investments by Commission members and employees in United States Government securities, bank certificates of deposit or similar financial instruments, which are generally available to the public, either directly or through vehicles such as money market funds, should be allowed. The Commission believes that such investment transactions by Commission members and employees should be permitted. Under this bill, Commission members and employees will be expressly authorized to invest in such government securities and financial instruments, so long as the investment is effected other than through an instrument regulated by the Commission and if no nonpublic information is used in reaching their investment decisions.

Section 19(c) amends Section 9(e) of the Act which currently forbids Commission members and employees from imparting non-public information which may affect the price of any commodity futures or commodity with the intent to assist another in any transaction in commodity futures, commodity options or actual commodities. That provision also prohibits the acquisition and use by any person of such non-public information in any such transaction. Consistent with the amendment to Section 9(d) to include leverage transactions within the investment prohibitions applicable to Commission members and employees, Section 9(e) is also being amended to include within its prohibitions specific reference to leverage transactions.

SECTION 20

7 U.S.C. 16: Section 20(a) amends Section 12(d) of the Act relating to the authorization of funds to administer the Act. [Text to follow.]

Section 20(b) adds a new section 12(e) to the Act which is designed to permit the application of the Federal and state laws to activities and persons who unlawfully engage in commodity transactions outside the Act's regulatory structure. Under this provision, for example, state law enforcement agencies will be able to proceed under their own laws and through local courts or administrative proceedings against persons who engage in commodity futures transactions other than on or subject to the rules of contract markets designated by the Commission. Similarly, persons engaged in commodity option or leverage transactions not authorized by the Act or Commission regulations will not be able successfully to defend their activities based on the Commission's exclusive jurisdiction over these transactions. In this connection, Section 12(e) expressly permits the application of other laws to persons who operate businesses without obtaining registrations and designations required by the Act and by the Commission's regulations. The Commission would be explicitly authorized to refer any such suspected activity to appropriate Federal and state authorities for investigation or prosecution. This amendment, together with existing Section 6d of the Act, which permits state law enforcement authorities to proceed in Federal court against persons who violate the Act, will enable the Commission to call upon the assistance of other law enforcement bodies in order to foster a coordinated and effective program to detect and prosecute those who engage in unlawful conduct.

SECTION 21

7 U.S.C. 13c: Section 21(a) amends Section 13(a) of the Act by making that subsection apply to all legal proceedings arising under the Act. At present, the provision is applicable only to administrative proceedings

under the Act. It is intended that persons who intentionally aid, abet, counsel, command, induce or procure the commission of violations of the Act or rules, regulations and orders thereunder, irrespective of evil motive or reliance on erroneous advice, or who act with careless disregard of statutory requirements, will be responsible for such violations in both court proceedings and administrative proceedings.

Section 21(c) adds a new Section 13(b) to the Act (Section 20(b) of the bill having redesignated existing Section 13(b) of the Act as new Section 13(c)) which provides that any person who directly or indirectly controls any person who violates any provision of the Act or the rules, regulations, or orders issued thereunder shall be liable as a principal, unless the controlling person did not know, or in the exercise of reasonable care, did not have any reason to know of the fact constituting the violation. This provision is intended to supplement existing principles of liability under the Act and common law, and in no way limits or modifies such principles. The purpose of this provision is to reach situations in which there arguably may be technical legal barriers which might prevent the imposition of liability on persons responsible for violative conduct, by, for example, piercing the corporate veil in appropriate circumstances.

The term "control" as used in this Section is intended to include actual control as well as legally enforceable control. It is well known, for example, that actual control sometimes may be exerted through ownership of less than a majority interest in any entity, either through ownership alone, or in combination with other factors. It would be difficult, if not impossible, to enumerate or to anticipate the many ways actual control may be exerted, since ultimately the existence of control is a factual question which must be determined on a case-by-case basis.

SECTION 22

7 U.S.C. 18: Section 22 contains several amendments to Section 14 of the Act which are designed to enable the Commission to administer its reparations program more efficiently and with a greater assurance that the Congressional purposes underlying reparations will be served. Under the amendments, claims may be entertained in reparations only against those respondents registered by the Commission as required by law. It has been the Commission's experience that many claims have been brought against persons engaged in fraudulent conduct who have failed to seek and obtain registration with the Commission as required by law. Since it is common that these violators default in the reparations proceeding and cannot be located, there is little likelihood that a customer will ever receive payment of a reparations award entered by the Commission in such cases. In these circumstances, the reparation process actually operates as a disservice to those who have already been harmed, by apparently promising recovery, which as a practical matter cannot be had.

Moreover, the efficient administration of the reparations program, to assure speedy results, necessitates that the Commission assign resources to the program as intelligently as possible. Sudden surges in new claims, precipitated by activity of persons or firms previously unknown to the Commission, and on whom the Commission has had no opportunity to impose sound business practices or conduct meaningful surveillance, impede the expeditious resolution of claims generally, including those asserted against Act registrants. The amendment is intended to render the reparations program more manageable than at present.

Another facet of the proposed amendments would delete several procedural provisions in the existing law which the Commission has found to be unduly cumbersome. The amendment will permit the Commission to fashion fair procedures that should facilitate and expedite the handling of claims before the Commission. In this connection, the Commission would not be required to ensure that its procedures conform to those that might ordinarily be required for more typical forms of agency actions by the Administrative Procedure Act. Of course, the Commission would remain subject to the constitutional duty to provide fundamental fairness to all parties to the proceeding.

One technical amendment to Section 14 would provide that the trading privileges of a customer against whom an award was rendered on a respondent's counterclaim could be terminated if payment of the award was not made. Existing law permits trading privileges to be terminated only when the respondent fails to pay an award rendered on the customer's claim.

SECTION 23

7 U.S.C. 20: Section 23 contains a technical amendment to Section 16 of the Act. In 1978, Section 8 of the Act was amended to include express reference to the "market positions" of any person in the general prohibition on separate disclosure of certain information by the Commission. The wording of Section 16(d) of the Act concerning the non-disclosure of confidential information in Commission market reports, which basically tracks the wording of Section 8, was inadvertently not similarly amended at that time. This amendment will conform Section 16(d) to Section 8.

SECTION 24

7 U.S.C. 21: Section 24(a) contains an amendment to Section 17(b)(10) of the Act which conforms this subsection to amended Section 5a(11), the parallel arbitration provision for contract markets. Specifically, the $15,000 limit on claims which may be arbitrated in futures association arbitration proceedings is removed, in order to provide an alternative forum for customers' claims in excess of $15,000. Also, the provision requiring an agreement for compulsory payments in section 17(b)(10)(iii) is removed. This revision is intended to ensure that arbitration awards on counterclaims are binding upon both parties. Finally, the definition of the term "customer" is broadened by this Section to include any person except another member of the association.

Section 24(b) contains a technical amendment to Section 17(h) of the Act which replaces a current incorrect reference to subsection (k) with the correct reference to subsection (i).

Section 24(c) contains an amendment to Section 17(j) of the Act, which principally deals with Commission approval of changes in or additions to the rules of any registered futures association. The amendment conforms Section 17(j) to amended Section 5a(12), a parallel rule review and approval provision for contract markets.

Section 24(d) amends Section 17 of the Act by adding a new Section 17(o) pursuant to which the Commission may require any registered futures association to perform any portion of its registration functions under the Act with respect to each member of the association other than a contract market and with respect to each associated person of any such member. The performance of such functions must be in accordance with rules approved by the Commission, and subject to the provisions of this Act applicable to registrations granted by the commission. It is intended that any decision made regarding registration by a futures association will be appealable to the Commission. Moreover, it is intended, as under the current system, that this amendment not affect the fact that registrants are deemed to be registered with the Commission.

SECTION 25

7 U.S.C. 23: Section 25 amends Section 19* of the Act by adding a new Section 19(e) Congress first addressed the subject of leverage transactions when it enacted Section 217 of the Commodity Futures Trading Commission Act of 1974. That provision was confined to leverage transactions in gold and silver bullion and bulk coins, and, together with Section 2(a)(1) of the Commodity Exchange Act, gave the commission exclusive authority to regulate these types of leverage transactions so as to prevent manipulation or fraud. Section 217 also provided that, if the Commission determined any gold or silver leverage transaction to be a contract for future delivery, the Commission was to regulate the transaction as a futures contract under the Commodity Exchange Act.

In 1978, as part of the Futures Trading Act of 1978, Congress expanded the federal role in the area of the regulation of leverage transactions. In that legislation, Congress repealed Section 217 of the 1974 Act and replaced it with Section 19 of the Commodity Exchange Act. Under Section 19, Congress banned all leverage transactions in the agricultural commodities enumerated in Section 2(a)(1) of the Act. Congress also continued the Commission's existing authority over gold and silver leverage transactions and, with a companion amendment to Section 2(a)(1) of the Act, gave the Commission exclusive regulatory authority to prohibit leverage transactions in all other commodities or to regulate these transactions, either separately or, if the Commission determined any of these transactions to be a contract for future delivery, as futures contracts.

Pursuant to its original authority under Section 217 of the 1974 Act, the Commission in 1975 adopted a broad antifraud rule which generally prohibited any fraudulent or deceptive conduct in or in connection with the offer or sale of gold or silver leverage transactions (17 C.F.R. §30.03 (1976)). After passage of the Futures Trading Act of 1978, the Commission expanded this rule to proscribe fraudulent activity in connection with leverage contracts involving any commodity over which Section 19 vested the Commission with regulatory authority (17 C.F.R. §31.03 (1981)).

In addition, on November 30, 1978, the Commission adopted a temporary moratorium on persons entering the business of offering or selling gold or silver leverage transactions who were not engaged in such a business on June 1, 1978 (17 C.F.R. §31.1 (1981)). Similarly, on September 25, 1979, the Commission adopted a temporary moratorium on the entry of new firms into the business of offering or selling leverage

*This amendment is to the Section 19 which refers to leverage transactions and not to the Section 19 which was added to the Act by Section 302 of the Banktuptcy Reform Act of 1978.

transactions involving commodities other than gold or silver who were not engaged in such a business on February 2, 1979 (17 C.F.R. §31.2 (1981)). The Commission believes that it requires additional time in order to make an informed determination whether any of the leverage transactions that are the subject of Section 19 are futures contracts and, if not, what type of regulatory structure would be appropriate to protect the public. Accordingly, a new Section 19(e) has been added to the Act which would codify, for a two-year period, the Commission's existing moratoria prohibiting new firms from engaging in the leverage business and new products from being the subject of leverage contracts. The amendment also requires the Commission to study leverage transactions and report to Congress within two years on various questions concerning leverage transactions, including whether the national public interest, if any, necessitates federal regulation, either exclusively or concurrently with the states, and whether an appropriate regulatory scheme to govern this activity on a permanent basis should be adopted by the Commission. It is anticipated that during the interim period the Commission will adopt regulations governing the offer and sale of leverage contracts by existing leverage firms.

SECTION 26

7 U.S.C. 16a: A provision for user fees will replace Section 26 of the Futures Trading Act of 1978 which permits the assessment of user fees by the Commission.

COMMODITY FUTURES TRADING COMMISSION—SECURITIES AND EXCHANGE COMMISSION

JOINT EXPLANATORY STATEMENT

As announced on December 7, 1981, the Commodity Futures Trading Commission ("CFTC") and the Securities and Exchange Commission ("SEC") have come to an agreement on a range of issues regarding their respective jurisdictions. In connection with this effort, the agencies have prepared draft legislation which, among other things, would clarify the statutes administered by the two agencies. The CFTC and the SEC are transmitting the draft legislative proposals to their respective Congressional committees, with this Statement, which explains a number of issues relating to the agreement. The two agencies urge that these statutory changes be enacted as promptly as possible.

The desirability of a resolution by the two agencies of the issues between them has become increasingly clear. The growing demand for new products related to securities or financial instruments, either as investments or as price hedging tools, has magnified the importance of removing the jurisdictional confusion that has hampered the development of the markets for such instruments. The confusion is a result essentially of amendments in 1974 to the Commodity Exchange Act (the "CEA") that (1) expanded the definition of "commodity" to embrace not only tangible goods but to reach intangible rights and interests, (2) gave the CFTC "exclusive jurisdiction" over agreements and transactions "involving" futures trading in commodities, and (3) inserted in the CEA a qualified proviso to preserve the SEC's pre-existing authority over securities trading and the securities markets.

SUMMARY

The two agencies have agreed that the SEC will regulate options on securities and on certificates of deposit (and on all groups or indices of securities or certificates of deposit) and the CFTC will regulate futures contracts on exempted securities (other than municipal securities) and on broad-based groups or indices of any securities, as well as options on any such futures contracts. No futures contracts (or options on futures contracts) on individual corporate and municipal securities will be permitted to trade. The SEC may also allow options on foreign currency to trade on national securities exchanges, while the CFTC will have jurisdiction to regulate the trading of options on foreign currency in the commodities markets. The attached legislative proposals would specifically codify the agreement of the two agencies by clarifying current law in certain areas.

OPTIONS ON SECURITIES

Since 1973, national securities exchanges have traded options on securities under the regulatory structure administered by the SEC. The proposals to amend the federal securities laws would relate to the SEC's authority to regulate trading in options on securities. The SEC's authority over such trading on exempted securities has been challenged in the United States Court of Appeals for the Seventh Circuit.[1] Thus, one proposal would clarify the definition of "security" in the federal securities laws to include explicitly any option on a security.[2] In addition, options on foreign currency traded on a national securities exchange and options on certificates of deposit[3] would be included within that definition. Under the proposals, the SEC's authority over the trading of securities options also would be clarified by an amendment to Section 9(f) to establish specifically that the SEC's plenary options authority in Section 9(b) of the Exchange Act extends to options on exempted securities and by the addition of Section 9(g) which confirms the SEC's authority to regulate the trading of options on all securities and on certificates of deposit. The same legislative proposal would provide that only the SEC, and not the CFTC, has authority with respect to options directly on underlying securities and securities groups or indices.

Under a series of proposed amendments to the federal commodity laws, the CEA would not apply to options on securities or securities aggregates, and the CFTC would not be permitted to designate a board of trade as a contract market for the trading of such instruments. Nevertheless, the CFTC would have exclusive jurisdiction over all permissible futures contracts as well as options on those futures contracts, and would regulate options directly on foreign currencies traded in the commodity markets (but not on a national securities exchange).

FUTURES ON INDIVIDUAL CORPORATE OR MUNICIPAL SECURITIES

Pending further review of appropriate regulatory systems for trading in such futures, the legislative proposal would foreclose the trading of futures (and options on futures) on individual corporate or municipal securities, or contracts based on the value of such a security. Nevertheless, the two agencies intend to study further the issues raised by such trading with a view toward a future recommendation to lift this restriction. This temporary foreclosure of trading does not apply to futures (or options on futures) on exempted securities, except municipal securities.

FUTURES ON SECURITIES INDICES

The CFTC would be permitted under proposed amendments to the CEA to designate a board of trade as a contract market for contracts (or options on such contracts) of sale for future delivery of a securities group or index, but only if the contract (or option on such contract) meets certain specific minimum requirements set forth in the draft legislation as well as other requirements currently in the CEA.

With respect to a futures contract on a securities group or index (or option on such contract), settlement must be effected in cash or by means other than a security on which a futures contract could not be authorized. That is, such a contract could be settled by delivery of an exempted security, such as a security issued or guaranteed by the United States government, but could not be settled by the transfer or receipt of a corporate or municipal security.

Separate and apart from the present statutory requirement that any contract market have rules to prevent manipulation, the CFTC also would be required to find that trading in the contract under consideration would not be likely to produce manipulation in the futures markets or in related markets, *i.e.*, those for any underlying security, option on such security, or option on a group or index including such securities.[4]

A securities group or index underlying a futures contract must be predominantly composed of the securities of unaffiliated issuers and, in addition, would be required to be a widely published measure of, and to reflect, the market for all publicly traded equity or debt securities or a substantial segment of such market, or be comparable to such a measure. This standard is intended to provide adequate flexibility for the market to respond to the needs of participants, while assuring that only broad-based securities index futures contracts that are not conducive to manipulation could be authorized.[5]

In view of the SEC's strong regulatory concern with respect to the trading of futures on securities groups and indices, that agency would be provided a specific role in the process of CFTC designation of a contract market for the trading of such instruments.[6] The CFTC would be required to consult with the SEC with respect to designation of any board of trade as a contract market for any futures contract involving a securities group or index. Following a mandatory public comment period, the SEC would be provided with a specific time period during which it could object to the designation on the ground that any minimum requirement was not met. If the SEC objected, the CFTC would, if the SEC requested, afford it an opportunity, after the public comment period, for an oral hearing prior to action upon the designation. After the oral hearing, if the SEC continued to maintain its objections, the CFTC would be required to give appropriate weight to the SEC's views in deciding whether to authorize the contract. If, nonetheless, the CFTC designated a board of trade as a contract market for such a futures contract,[7] the SEC would have the right to judicial review of such order, at which time the court would consider the CFTC's action and the SEC's views. In reviewing the CFTC action, the court would be required to determine, in accordance with the standards of Section 6(b) of the CEA, whether the agency action was supported by the weight of the evidence.

Footnotes at end of article.

COMMODITY POOLS

While the CFTC has adopted extensive regulations governing the activities of commodity pool operators and has exclusive jurisdiction with respect to "accounts * * * involving" futures, the SEC has taken the position that the activities of a commodity pool as a company, *i.e.*, its formation, capital-raising, and continued corporate existence, are subject to the federal securities laws. The draft legislative language would make this result explicit by stating that nothing in the CEA affects the applicability of the Securities Act and the Exchange Act with respect to securities issued by commodity pools and transactions therein. Of course, the proposed language would not affect the exclusive jurisdiction granted by the CEA with respect to state regulation. Moreover, in appropriate circumstances, commodity pools and persons managing them may be subject to the Investment Advisers Act of 1940 and, if a pool conducts not only a commodities business but also acts as an investment company, the Investment Company Act of 1940.

FOOTNOTES

[1] *Board of Trade of the City of Chicago* v. *Securities and Exchange Commission, et al.*, No. 81-1660 (7th Cir., petition for review filed April 24, 1981), (No. 81-2587 (7th Cir., petition for review filed October 5, 1981); and No. 82-1097 (7th Cir., petition for review filed January 21, 1982)).

[2] As a result, an option on an exempted security would expressly be a separate, non-exempted security. Accordingly, a person in the business of effecting transactions in such instruments would, absent an applicable exemption, be required, pursuant to Section 15 of the Securities Exchange Act of 1934 (the "Exchange Act"), to register with the SEC as a broker or dealer. To the extent, however, that such a requirement would impose an unnecessary burden on government securities dealers effecting transactions in options on government securities, the SEC has the authority administratively to provide an exemption from that requirement and currently intends to do so.

[3] Although the status of certificates of deposit as securities under the Securities Act of 1933 (the "Securities Act") and the Exchange Act is not free from doubt, certificates of deposit have consistently been considered "securities" for the purposes of the Investment Company Act of 1940. In order to emphasize that no change in current law is contemplated, the legislative language used in the two circumstances differs. Thus, for investment company purposes, the relevant portion of the definition of security would read "* * * option * * * on any security including a certificate of deposit," while the corresponding language proposed in the Securities and Exchange Act would read "* * * option * * * on any security, or certificate of deposit * * *."

[4] In order to address concerns relating to the general possibility of inter-market manipulation, the agencies have recommended the CEA be amended to authorize the CFTC to provide trade information to securities self-regulatory organizations and to registered futures associations, as well as to contract markets.

[5] In practice, the two agencies believe that these standards will raise few substantial questions with respect to trading futures on established, widely-used indices containing a number of securities sufficient so that the indices will not be subject to manipulation. As one example, an index of most of the securities traded on a major national securities exchange would appear unlikely to present difficulties. Such indices also would seem more likely to be useful to the marketplace, since they would permit persons such as underwriters or portfolio managers to hedge the risk of overall market movements. However, it appears unlikely that indices not now, in existence, based on bonds issued by a group of affiliated companies or on small industry groups, would meet such standards.

[6] Section 2(a)(8) of the CEA provides a procedures for CFTC solicitation of comments from the U.S. Department of the Treasury and the Board of Governors of the Federal Reserve System ("FRB") with respect to futures contracts involving securities issued or guaranteed by the U.S. government. As agencies concerned with the issuance of such securities and with monetary policy and debt management, the Treasury Department and the FRB clearly have an interest in the CFTC's designation of a market for futures on such instruments. Nevertheless, the SEC, as the regulator of trading markets in municipal and corporate securities, has an even more direct interest in the authorization of a related futures market. Thus, the involvement of the SEC in the designation process is intended to go beyond the relatively informal communications procedure established for the Treasury Department and the FRB.

[7] If the CFTC refused to grant the application for designation and, pursuant to the CEA, afforded the board of trade an opportunity for a hearing on the record, the SEC would have the right to participate in that hearing as an interested party. Thus, the SEC would be permitted to present evidence and its views and to challenge the arguments advanced by the board of trade in support of its application.

AMENDMENTS TO COMMODITY EXCHANGE ACT—FEBRUARY 1, 1982

(Submitted by CFTC in connection with its reauthorization.)

COMMODITY EXCHANGE ACT

[New language in italic]

Section 2(a)(1)(A)

* * * The word "commodity" shall mean * * * all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in: Provided, That the Commission shall have exclusive jurisdiction, *except to the extent otherwise provided in subparagraph (a)(1)(B) of this section,* with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty"), and transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market designated pursuant to Section 5 of this Act or any other board of trade, exchange, or market, and transactions subject to regulation by the Commission pursuant to section 19 of this Act: And provided further, That, except as hereinabove provided, nothing contained in this section shall (i) supersede or limit the jurisdiction at any time conferred on the Securities and Exchange Commission or other regulatory authorities under the laws of the United States or of any State, or (ii) restrict the Securities and Exchange Commission and such other authorities from carrying out their duties and responsibilities in accordance with such laws. Nothing in this section shall supersede or limit the jurisdiction conferred on courts of the United States or any State. Nothing in this Act shall be deemed to govern or in any way be applicable to transactions in foreign currency, security warrants, security rights, resales of installment loan contracts, repurchase options, government securities, or mortgages and mortgage purchase commitments, unless such transactions involve the sale thereof for future delivery conducted on a board of trade.

* * * * *

Section 2(a)(1)(B)

Notwithstanding any other provision of law—

(i) *This Act shall not apply to and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any transaction whereby any party to such transaction acquires any put, call or other option on one or more securities (as defined in Section 2(1) of the Securities Act of 1933 or Section 3(a)(10) of the Securities Exchange Act of 1934 on the effective date of Public Law No.), including any group or index of such securities, or any interest therein or based on the value thereof.*

(ii) *This Act shall apply to and the Commission shall have exclusive jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, in "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty," or "decline guaranty") and transactions involving, and may designate a board of trade as a contract market in, contracts of sale (or options on such contracts) for future delivery of a group or index of securities (or any interest therein or based upon the value thereof), provided, however, that no board of trade shall be designated as a contract market with respect to any such contracts of sale (or options on such contracts) for future delivery unless the board of trade making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets the following minimum requirements:*

(a) *Settlement of or delivery on such contract (or option on such contract) shall be effected in cash or by means other than the transfer or receipt of any security, except an exempted security under Section 3 of the Securities Act of 1933 or Section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the effective date of Public Law No. (other than any municipal security, as defined in Section 3(a)(29) of the Securities Exchange Act of 1934 on this effective date of Public Law No.);*

(b) *Trading in such contract (or option on such contract) shall not be readily susceptible to manipulation of the price of such contract (or option on such contract), nor to causing or being used in the manipulation of the price of any underlying security, option on such security or option on a group or index including such securities;*

(c) *Such group or index of securities shall be predominately composed of the securities of unaffiliated issuers and shall be a widely published measure of, and shall reflect, the market for all publicly traded equity or debt securities or a substantial segment thereof, or shall be comparable to such measure.*

(iii) *Upon application by a board of trade for designation as a contract market with respect to any contract of sale (or option on such contract) for future delivery involving a group or index of securities, the Commission shall provide an opportunity for public comment on whether such contracts (or options on such contracts) meet the minimum requirements set forth in subparagraph (ii) hereof, and shall consult with the Securities and Exchange Commission with respect to such designation. If, within 15 days following the close of the public comment period, the Securities and Exchange Commission shall object to the designation of a board of trade as a contract market in such contract (or option on such contract) on the ground that any minimum requirement of subparagraph (ii) hereof is not met, the Commission shall afford the Securities and Exchange Commission an opportunity for an oral hearing, to be transcribed, before the Commission, and shall give appropriate weight to the views of the Securities and Exchange Commission. Such oral hearing shall be held after the public comment period, prior to Commission action upon such designation, and not less than 30 nor more than 45 days after the close of the public comment period, unless both the Commission and the Securi-*

ties and Exchange Commission otherwise agree. In the event that such an oral hearing is held and the Securities and Exchange Commission fails to withdraw its objections, and the Commission issues an order designating a board of trade as a contract market with respect to any such contract (or option on such contract), the Securities and Exchange Commission shall have the right of judicial review of such order in accordance with the standards of Section 6(b) of this Act. In the event that, pursuant to Section 6 of the Act, there is a hearing on the record with respect to such application for designation, the Securities and Exchange Commission shall have the right to participate in that hearing as an interested party.

(iv) *No person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under Section 3 of the Securities Act of 1933 or Section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the effective date of Public Law No. (other than any municipal security as defined in Section 3(a)(29) of the Securities Exchange Act of 1934 on the effective date of Public Law No.); or except as provided in subparagraph (ii) hereof, any group or index of such securities or any interest therein or based on the value thereof.*

Section 4c

Section 4c(f). *Nothing in this Act shall be deemed to govern or in any way be applicable to any transaction in an option on foreign currency traded on a national securities exchange.*

[Current Section 4m renumbered 4m(1).]

Section 4m(2). *Nothing in this Act shall relieve any person of any obligation or duty, or affect the availability of any right or remedy available to the Securities and Exchange Commission or any private party arising under the Securities Act of 1933 or the Securities Exchange Act of 1934 governing the issuance, offer, purchase or sale of securities of a commodity pool, or persons engaged in transactions with respect to such securities, or reporting by a commodity pool.*

Section 8a

The Commission is authorized—

(6) to communicate to the proper committee or officer of any contract market, *registered futures association, or self-regulatory organization as defined in Section 3(a)(26) of the Securities Exchange Act of 1934,* notwithstanding the provisions of Section 8 of this Act, the full facts concerning any transaction or market operation, including the names of parties thereto, which in the judgment of the Commission disrupts or tends to disrupt any market or is otherwise harmful or against the best interests or producers, [and] consumers *or investors or which is necessary or appropriate to effectuate the purposes of this Act: Provided however, any information furnished by the Commission under this subsection shall not be disclosed by such contract market, registered futures association or self-regulatory organization except in any self-regulatory action or proceeding;* and

---

AMENDMENTS TO THE SECURITIES LAWS, FEBRUARY 1, 1982

SECURITIES ACT OF 1933

Section 2

(1) The term "security" means any note, stock treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, *any put, call, straddle, option, or privilege on any security or certificate of deposit or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency,* or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, warrant or right to subscribe to or purchase any of the foregoing.

SECURITIES EXCHANGE ACT OF 1934

Section 3(a)

(10) The term "security" means any note, stock, treasury stock, bond, debenture, certificate of interest or participation in any profit-sharing agreement or in any oil, gas, or other mineral royalty or lease, any collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, *any put, call, straddle, option, or privilege on any security, or certificate of deposit, or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency,* or, in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, warrant or right to subscribe to or purchase any of the foregoing; but shall not include currency or any note, draft, bill of exchange, or banker's acceptance which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

Section 9

(f) The provisions of [this section] *subsection (a)* shall not apply to an exempted security.

(g) *Notwithstanding any other provision of law the Commission shall have the authority to regulate the trading of any option on a security or on a certificate of deposit (but not an option on a contract for future delivery).*

INVESTMENT COMPANY ACT OF 1940

Section 2(a)

(36) "Security" means any note, stock treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, *any put, call, straddle, option, or privilege on any security including a certificate of deposit, or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency,* or, in general, any interest or instrument commonly known as a "security", certificate or interest or participation in, temporary or interim certificate for, receipt for, guarantee of, warrant or right to subscribe to or purchase any of the foregoing.

INVESTMENT ADVISERS ACT OF 1940

Section 202(a)

(19) "Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, *any put, call, straddle, option, or privilege on any security including a certificate of deposit or any put, call, straddle, option, or privilege entered into on a national securities exchange relating to a foreign currency,* or, in general, any interest or instrument commonly known as a "security", certificate or interest or participation in, temporary or interim certificate for, receipt for, guarantee of, warrant or right to subscribe to or purchase any of the foregoing.●

● Mr. LUGAR. Mr. President, today I am pleased to join the chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, Mr. HELMS, in introducing, by request, a bill to reauthorize the Commodity Futures Trading Commission. This proposed legislation addresses many of the key issues in the regulation of this Nation's commodity futures markets.

Today, there are actively traded futures markets in products as diverse as corn, lumber, heating oil, gold, and Treasury bills. It is vital to this Nation's economy that the futures industry continue to receive regulatory oversight from a strong, professional, and independent agency.

Two provisions of this proposed legislation require special mention. First, in accord with the President's budget request, user fees are being proposed to defray regulatory expenses of the CFTC. Second, this proposed legislation contains language which reflects the jurisdictional agreement between the Commodity Futures Trading Commission and the Securities and Exchange Commission. I am certain that these and many other issues will be thoroughly reviewed and considered during the 5 days of hearings which begin at the end of this month.●

By Mr. DECONCINI:

S. 2113. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to required substantiation of such living expenses; to the Committee on Finance.

REPEALING CONGRESSIONAL TAX BREAKS

Mr. DECONCINI. Mr. President, on September 24 of last year, the very date on which the President announced on the national networks his new fall budget for fiscal year 1982 calling for 12.5-percent cuts in most discretionary accounts, the Senate approved two changes to existing law that together substantially augmented the disposable income of every Member of Congress. The first removed the $3,000 limitation on the congressional deduction for away-from-home expenses. The second eliminated the $25,000 cap on outside

earnings insofar as payments for speeches, articles, books, or other forms of intellectual, professional, or cultural expression are concerned. This honorarium income is, let it be clear, in addition to the regular congressional salary which is now $60,200. The consequences of these two changes alone were a substantial increase in Member after-tax income, in effect a real raise on the order of several thousand dollars—depending, of course, on how prolific the Member and his staff are as authors.

I opposed both of these changes, Mr. President, and at that time pointed out the outrageous irony inherent in the Congress voting itself a big increase in effective compensation on the same day the President was proclaiming the need for further sacrifices, especially by the most vulnerable of our fellow citizens—the poor, the sick, the elderly, and the unemployed. I stated then that I would try to kill the provision in the House-Senate conference and that I was "confident that many of those who supported these provisions (would), upon reflection, realize * * * that this is the wrong place to be taking care of our own financial needs, real or imagined."

Subsequent developments have shown this assessment to be somewhat optimistic. Not only did it prove impossible to restore the caps on the business expense deduction and honoraria income, later amendments adopted at the end of last session compounded their effect. The unlimited deduction for congressional away-from-home expenses under the terms of the original amendment would have taken effect in taxable years starting with 1982. The financial advantage was just too tempting, though, and a change of the effective date to January 1, 1981, was attached to the first available vehicle, and what more available vehicle than a measure necessary to the continued operation of a considerable portion of the Federal Government, the third continuing resolution for fiscal year 1982.

There then remained only certain technical and administrative obstacles to reaping the full benefit of these outrageous changes. They were taken care of with amendments to, of all things, the Black-Lung Benefits Revenue Act. The ironic incongruity in tidying up a tax bonanza for Congressmen on a bill relating to black lung benefits was not lost on the public, judging from my mail.

The first problem had to do with the deductibility of housing expenses. Ordinary taxpayers may not take a business deduction for the costs of operating and maintaining a dwelling if it is used "for personal purposes by the taxpayer * * * or by any members of the family * * * of the taxpayer" for more than 14 days during a taxable year (Internal Revenue Code, section 280A(a) (1), (2)). But Members usually bring their wives and children with them when they come to Washington where they reside together as a family unit in the same dwelling, in the typical case for more than 14 days per taxable year. Hence the untoward effect of section 280—only Members living alone could take complete advantage of the now unlimited away-from-home deduction. Such an invidious discrimination could not be tolerated, and the leadership of the Senate majority was quick to propose language exempting Congressmen and Senators from the strictures of section 280A when the black lung benefits bill came to the floor.

The second set of technical-administrative refinements was designed to enhance the convenience and simplicity of the new unlimited congressional deduction. A sort of embarrassment of riches was involved. It was hard to know how much to deduct for expenses. It was even harder to predict IRS audit policy with respect to such claims. The solution, framed and adopted with singular dispatch, was to require the Secretary of the Treasury to publish guidelines prescribing the amounts Members may claim without documentation—and thus fear of IRS audit—for living expenses. Members, of course, would also be allowed to deduct larger sums, but these would have to be substantiated in the usual manner.

The Secretary has recently issued the pertinent regulations. They establish two methods by which Members may calculate the deduction for living expenses without worrying unduly about recordkeeping and a possible audit.

In either case, the value of the tax preference derived is not inconsiderable. A Senator using the first method could claim $12,800 plus interest and taxes for this Washington residence during the last taxable year. Using the second method, the deduction would come to $19,200. And in neither case would a Senator have to concern himself with the possibility of an IRS audit.

It should not go unnoticed, either, that the size of these deductions alone approaches the median income for a family of four in this country. Can anyone be surprised that the American people have reacted with anger and indignation as the details of this bonanza have come to light? Little wonder that the public holds the Congress in such low esteem.

I still find it hard to believe, Mr. President, that a majority of this body and of the other House voted for this back-door pay raise at a time when the specter of unemployment, want, and misery once again stalks the Nation, and further unprecedented cuts in support for education, health, and social services programs are in the offing.

I am, therefore, introducing legislation to repeal this entire mess of self-serving tax provisions and restore the status quo insofar as the tax treatment of congressional away-from-home expenses is concerned. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF LIVING EXPENSES BY MEMBERS OF CONGRESS.

(a) DOLLAR LIMITATION ON DEDUCTION.—The last sentence of section 162(a) of the Internal Revenue Code of 1954 is amended by inserting ", but amounts expended by such Members within each taxable year for living expenses shall not be deductible for income tax purposes in excess of $3,000" after "home".

(b) SUBSTANTIATION OF LIVING EXPENSES.—Paragraph (4) of section 280A of such Code (relating to coordination with section 162(a)(2)) is amended to read as follows:

"(4) COORDINATION WITH SECTION 162(A)(2).—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units).".

(c) CONFORMING AMENDMENT.—Subsection (a) of section 139 of the Act of October 1, 1981 (95 Stat. 967) is hereby repealed.

SEC. 2. EFFECTIVE DATES.

(a) DOLLAR LIMITATION.—The amendment made by section 1 (a) shall apply to taxable years beginning after December 31, 1980.

(b) SUBSTANTIATION.—The amendment made by section 1(b) shall apply to taxable years beginning after December 31, 1975, except that in the case of taxable years beginning after December 31, 1975, and before January 1, 1980, the amendment made by section 1(b) shall apply only to taxable years for which, on the date of the enactment of this Act, the making of a refund, or the assessment of a deficiency, was not barred by law or any rule of law.

By Mr. DECONCINI (for himself and Mr. GOLDWATER):

S. 2114. A bill to provide water to the Papago Tribe of Arizona, to settle Papago Indian water rights claims in portions of the Papago Reservations, and for other purposes; to the Select Committee on Indian Affairs.

SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982

Mr. DECONCINI. Mr. President, I am today introducing legislation, together with my distinguished colleague, the senior Senator from Arizona, Senator GOLDWATER, which has as its objective the settlement of Papago Indian water rights claims in portions

of the Papago Indian Reservation of Arizona.

Mr. President, one of the most difficult and complex problems facing the people of the West, Indians and non-Indians alike, is the question of how much water we have—how much water we really have—and to whom that water belongs. A big part of that question, and a part of its answer, is the principle of how it should be used.

In the case of the Papago Indians, neither the questions nor the answers have been simple ones. But through years of determined effort by a small but intelligent and patient group of individuals, we believe we now have legislation which will avoid the many years of expensive, time-consuming and debilitating litigation that at one time seemed inevitable. This proposal has been hammered out word by word, line by line, by the Pima County Water Resources Coordinating Committee. The committee is comprised of individuals representing the interests of the Papago Tribe, the city of Tucson, Pima County, the agriculture industries, the mining industries, the individual landowners and the Federal Government. These are the people who deserve the credit for believing that a legislative settlement, a negotiated settlement, is possible, and for sticking to that goal through some very hard times. But I must also say, Mr. President, that it has been the leadership and hard work of MORRIS UDALL, the Representative of the Second District, and his dedicated staff, which could be thought of as the glue that has held this effort together. His dedication to a fair and reasonable settlement of the Papago water claims goes back many years. He has introduced legislation in the House of Representatives, H.R. 5118, which is very similar to the legislation we are introducing today and which will soon be considered by that body. There are, however, some differences.

Through the years of discussion and debate on the quality and quantities of the water resources which are now available and which will be made available through the central Arizona project, the word "conservation" is one that makes frequent appearances. However, the truth is that conservation is easier to advocate than it is to achieve, or even define. The heart of every westerner is willing. But the use of water resources is mandated by economic conditions beyond the control of the individual farmer, the individual urban dweller, and to a great extent beyond the control of the region.

Those of us who live in the vast desert areas of the Southwest have a great amount of respect for the characteristics of that region, its resources, its possibilities and its limitations. For that reason, I have introduced S. 1462 which has also been cosponsored by Senator GOLDWATER and by Senator CANNON of Nevada. That bill is currently being considered by the Commerce Committee. I will not take the time to describe S. 1462 now, Mr. President, except to say that it would establish a quasi-Federal corporation which would promote the development of arid land agriculture. Over 80 percent of our water consumption in the Southwest is agricultural. And a substantial conversion to arid land crops, plants native to the desert region, is our single best hope to achieve any dramatic decrease in water consumption—without suffering economic disaster.

Studies have indicated that there is a great potential for arid land agriculture on the Papago Reservation, and I believe we have an opportunity to collectively demonstrate that we are truly serious about water conservation. It is a responsibility we all share—not just the Papagos, not just the people of Pima County, and not just the people of the Southwest.

Under the provisions of the bill, the Papagos have the option of receiving priority assistance from the Arid Lands Corp., pending, of course, its approval and funding by Congress. In exchange for taking the lead on conservation, the Papagos receive some assurances. They receive some guarantees of economic support. They can proceed, if they choose, to develop arid land crops, which will in turn provide thousands of new jobs, and with some assurance of success. I believe this concept has application to the resolution of other Indian water rights claims and is not limited to this situation. Because the mechanism is based on purchase agreements, price guarantees, and loan guarantees, there are small up-front costs for the Federal Government, but at the same time, a promise of economic self-sufficiency for the Indian people. It is the goal of economic self-sufficiency that is all important to the Indian people and the driving force behind the water rights claims. Water represents to them a means, not an end.

I have also included language in the bill, Mr. President, which directs the Secretary to carry out a study to determine the requirements and availability of energy which will result from the enactment of the act. The study would also determine the feasibility of constructing a solar powerplant or perhaps some other alternative energy-producing facility.

Under the terms of this act, the Papago Tribe is guaranteed an annual supply of water from specified sources. To coordinate water resource planning and management with other water users in the area, the Secretary will establish a water management plan for the Papago Tribe that is consistent with State planning and management.

Acquisition and delivery of water to the Papago Tribe is contingent upon the tribe's taking action to petition for dismissal of pending legal action, and releasing claims to water from the Tucson and eastern Pima County area other than water as provided in the act. This settlement will remove the uncertainty title of non-Indian water users and improve regional water resource planning and management.

The San Xavier Papago Reservation and the Schuk-Toak District of the Sells Papago Reservation are located in eastern Pima County, adjacent to the Tucson metropolitan area. The San Xavier Reservation lies primarily within the Upper Santa Cruz Basin, and the Schuk Toak District is located in the Avra-Altar Valley Basin.

The San Xavier Papago Reservation occupies approximately 70,000 acres immediately southwest of the Tucson metropolitan area. The reservation was established by Executive order signed by Ulysses S. Grant on July 1, 1874.

This settlement provided for acquisition and delivery of a firm annual water supply to the Papago Reservations from several specific sources. These sources include the central Arizona project (CAP), a limited amount of groundwater pumping, and reclaimed water acquired from the city of Tucson.

Twenty-seven thousand acre-feet of water will be delivered from the CAP to the southern boundary of the San Xavier Reservation and 10,800 acre-feet of water from the same source will be delivered to the Schuk Toak District.

The CAP is a Federal reclamation project that will deliver Colorado River water from Parker Dam at Lake Havasu to central and southern Arizona. CAP water will be delivered to Indian tribes, agricultural users, and municipal and industrial users.

In 1980, former Secretary of the Interior Cecil Andrus announced allocations of CAP water to 12 Arizona Indian tribes. Pursuant to those allocations, the San Xavier Papago Tribe received an annual allocation of 27,000 acre-feet and the Schuk Toak District received 10,800 acre-feet per year for tribal homeland use.

Contracts for delivery of those amounts were signed in December 1980. The contracts give the Papago CAP water allocations a priority equal to that assigned to municipal and industrial uses. Non-Indian agricultural uses are assigned a lesser priority. In times of shortage non-Indian agricultural uses will be reduced first. When those uses are exhausted, Indian tribal homeland water allocations and allocations for municipal and industrial uses will share shortages on a pro rata basis.

In addition to the water acquired from the CAP and delivered to the tribe, the Secretary shall acquire and deliver 23,000 acre-feet of water suitable for agricultural use to the San Xavier Reservation and 5,200 acre-feet of water of the same quality to the Schuk Toak District.

The Secretary's obligations, to deliver water is contingent upon an agreement being reached by the Secretary, the tribe and the city of Tucson regarding acquisition and delivery of reclaimed water, and action by the tribe to dismiss the pending lawsuits and to waive claims to water other than that provided in the act.

This action by the tribe is required because it is the intent of the sponsors that the settlement by a final resolution of the tribe's claims of water rights in the Santa Cruz River Basin and the Avra/Altar Valley Basin, and remove the cloud to title created by the pending lawsuits.

Mr. President, I ask that the text of the bill be printed in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONGRESSIONAL FINDINGS

SECTION 1. The Congress finds that—

(1) water rights claims of the Papago Tribe with respect to the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation are the subject of existing and prospective lawsuits against numerous parties in southern Arizona, including major mining companies, agricultural interests, and the city of Tucson;

(2) these lawsuits not only will prove expensive and time consuming for all participants, but also could have a profound adverse impact upon the health and development of the Indian and non-Indian economies of southern Arizona;

(3) the parties to the lawsuits and others interested in the settlement of the water rights claims of the Papago Indians within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area have diligently attempted to settle these claims and the Federal Government, by providing the assistance specified in this Act, will make possible the execution and implementation of a permanent settlement agreement;

(4) it is in the long-term interest of the United States, the State of Arizona, its political subdivisions, the Papago Indian Tribe, and the non-Indian community of southern Arizona that the United States Government assist in the implementation of a fair and equitable settlement of the water rights claims of the Papago Indians respecting certain portions of the Papago Reservation; and

(5) the settlement contained in this Act will—

(A) provide the necessary flexibility in the management of water resources and will encourage allocation of those resources to their highest and best uses; and

(B) insure conservation and management of water resources in a manner consistent with the goals and programs of the State of Arizona and the Papago Tribe.

DEFINITIONS

SEC. 2. For purposes of this Act the term—

(1) "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot;

(2) "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 887; 43 U.S.C. 1521, et seq.);

(3) "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476);

(4) "Secretary" means the Secretary of the Interior;

(5) "subjugate" means to prepare land for the growing of crops through irrigation; and

(6) "Tucson Active Management Area" means the area of land corresponding to the area initially designated as the Tucson Active Management Area pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

(7) "December 12, 1980, agreement" means the Central Arizona Project water delivery contract between the United States and the Papago Tribe.

WATER DELIVERIES TO TRIBE FROM CAP; MANAGEMENT PLAN; REPORT ON WATER AVAILABILITY; CONTRACT WITH TRIBE

SEC. 3. (a) As soon as is possible but not later than ten years after the date of the enactment of this Act, if the Papago Tribe has agreed to the conditions set forth in section 6, the Secretary acting through the Bureau of Reclamation, shall—

(1) in the case of the San Xavier Reservation—

(A) deliver annually from the main project works of the Central Arizona Project twenty-seven thousand acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 4(a); and

(B) improve and extend the existing irrigation system on the San Xavier Reservation and design and construct within the reservation such additional canals, laterals, farm ditches, and irrigation works as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(2) in the case of the Schuk Toak District of the Sells Papago Reservation—

(A) deliver annually from the main project works of the Central Arizona Project ten thousand eight hundred acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 4(a); and

(B) design and construct an irrigation system in the Eastern Schuk Toak District of the Sells Papago Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(3) establish a water management plan for the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation which, except as is necessary be to consistent with the provisions of this Act, will have the same effect as any management plan developed under Arizona law.

(b)(1) In order to encourage the Papago Tribe to develop sources of water on the Sells Papago Reservation, the Secretary shall, if so requested by the tribe, carry out a study to determine the availability and suitability of water resources within the Sells Papago Reservation but outside the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area.

(2) The Secretary shall, in cooperation with the Secretary of Energy, or, with the appropriate agency or officials, carry out a study to determine—

(A) the availability of energy and the energy requirements which result from the enactment of the provisions of this Act, and

(B) the feasibility of constructing a solar power plant or other alternative energy producing facility to meet such requirements.

(c) The Papago Tribe shall have the right to withdraw ground water from beneath the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation subject to the limitations of section 6(a).

(d) Nothing contained in this Act shall diminish or abrogate any obligations of the Secretary to the Papago Tribe under the December 12, 1980, agreement.

DELIVERIES UNDER EXISTING CONTRACT; ALTERNATIVE WATER SUPPLIES; OPERATION AND MAINTENANCE

SEC. 4. (a) The water delivered from the main project works of the Central Arizona Project to the San Xavier Reservation and to the Schuk Toak District of the Sells Papago Reservation as provided in section 3(a), shall be delivered in such amounts, and according to such terms and conditions, as are set forth in the December 12, 1980, agreement, except as otherwise provided under this section.

(b) Where the Secretary, pursuant to the terms and conditions of the agreement referred to in subsection (a), is unable, during any year, to deliver from the main project works of the Central Arizona Project any portion of the full amount of water specified in section 3(a)(1)(A) and section 3(a)(2)(A), the Secretary shall acquire and deliver an equivalent quantity of water from the following sources or any combination thereof:

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the subcontractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress;

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area in the State of Arizona:

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands or interest referred to in subparagraph (A) shall be only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(c) Where the Secretary finds he is unable to acquire and deliver quantities of water adequate to fulfill his obligation under subsection (a), he shall pay damages to the tribe in the amount of the actual replacement costs of such quantities of water as are not acquired and delivered.

(d) No land, water, water rights, contract rights or reclaimed water may be acquired under subsection (b) without the consent of the owner thereof. No private lands may be acquired under subsection (b)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water right the use of which is recognized by State law. In acquiring any private lands under subsection (b)(3)(A), the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

(e) To meet the obligation referred to in section 3(a)(1)(A) and section 3(a)(2)(A), the Secretary shall, acting through the Bureau of Reclamation as part of the main project works of the Central Arizona Project—

(1) design, construct, operate, maintain, and replace such facilities as are appropriate including any aqueduct and appurtenant pumping facilities, treatment plants, powerplants, and electric power transmission facilities which may be necessary for such purposes; and

(2) deliver the water to the southern boundary of the San Xavier Reservation, and to the boundary of the Schuk Toak District of the Sells Papago Reservation, at points agreed to by the Secretary and the tribe which are suitable for delivery to the reservation distribution systems.

(f) To facilitate the delivery of water to the San Xavier and the Schuk Toak District of the Sells Papago Reservation under this Act, the Secretary is authorized—

(1) to enter into contracts or agreements for the exchange of water, or for the use of aqueducts, canals, conduits, and other facilities for water delivery, including pumping plants, with the State of Arizona or any of its subdivisions, with any irrigation district or project, or with any authority, corporation, partnership, individual, or other legal entity; and

(2) to use facilities constructed in whole or in part with Federal funds.

RECLAIMED WATER; ALTERNATIVE WATER SUPPLIES

SEC. 5. (a) As soon as possible, but not later than ten years after the date of enactment of this Act, the Secretary shall purchase reclaimed water in accordance with the agreement described in section 7(a)(1) and deliver annually twenty-three thousand acre-feet of water suitable for agricultural use to the San Xavier Reservation and deliver annually five thousand two hundred acre-feet of water suitable for agricultural use to the Schuk Toak District of the Sells Papago Reservation.

(b) The obligation of the Secretary referred to in subsection (a) to deliver water suitable for agricultural use may be fulfilled by any additional treatment, including land filtration, of the reclaimed water acquired by the Secretary as provided herein, by any other means which renders such reclaimed water suitable for agricultural use, or by voluntary exchange of that reclaimed water for any other water suitable for agricultural use. To make available and deliver such water, the Secretary acting through the Bureau of Reclamation shall design, construct, operate, maintain, and replace such facilities as are appropriate.

(c) The Secretary may, as an alternative to, and in satisfaction of the obligation to deliver the quantities of water to be delivered under subsection (a), acquire and deliver pursuant to agreements authorized in section 7(b), an equivalent quantity of water from the following sources or any combination thereof—

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the subcontractor during the period in which the Secretary will acquire the water;

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress;

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area in the State of Arizona and that part of the Upper Santa Cruz Basin not within the area—

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands referred to in subparagraph (A) shall be only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(d) If the Secretary is unable to purchase reclaimed water or to acquire other water provided for herein and deliver the quantities of water suitable for agricultural use as set forth in subsections (a), (b), or (c), he shall pay damages to the tribe in the amount of the actual replacement cost of such quantities of water suitable for agricultural use as are not acquired and delivered.

(e) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (c) without the consent of the owner thereof. No private lands may be acquired under subsection (c)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water the right to the use of which is recognized by State law. In acquiring said private lands, the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group or community.

LIMITATION ON PUMPING FACILITIES FOR WATER DELIVERIES; DISPOSITION OF WATER

SEC. 6. (a) The Secretary shall be required to carry out his obligation under sections 4(b)(C), and (e) and under section 5 only if the Papago Tribe agrees to—

(1) limit pumping of ground water from beneath the San Xavier Reservation to not more than ten thousand acre-feet per year;

(2) limit the quantity of ground water pumped from beneath the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area to those quantities being withdrawn on January 1, 1981; and

(3) comply with the management plan established by the Secretary under section 3(a)(3).

Nothing contained in paragraph (1) shall restrict the tribe from drilling wells and withdrawing ground water therefrom on the San Xavier Reservation if such wells have a capacity of less than thirty-five gallons per minute and are used only for domestic and livestock purposes. Nothing contained in paragraph (2) shall restrict the tribe from drilling wells and withdrawing ground water therefrom in the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area if such wells have a capacity of less than thirty-five gallons per minute and which are used only for domestic and livestock purposes.

(b) The Secretary shall be required to carry out his obligations with respect to distribution systems under section 3(a)(1)(B) and section 3(a)(2)(B) only if the Papago Tribe agrees to—

(1) subjugate the land for which those distribution systems are to be planned, designed, and constructed by the Secretary; and

(2) assume responsibility, through the tribe or its members or an entity designated by the tribe, as appropriate, following completion of those distribution systems and upon delivery of water under this Act, for the operation, maintenance, and replacement of these systems in accordance with sections 1 and 3 of chapter 140 of the Act of April 4, 1910 (36 Stat. 270, 272; 25 U.S.C. 385).

(c) The Papago Tribe shall have the right to devote all water supplies under this Act, whether delivered by the Secretary or pumped by the tribe, to any use, including but not limited to agriculture, municipal, industrial, commercial, mining, and recreational use whether within or outside the Papago Reservation so long as such use is within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within such area. The Papago Tribe may sell, exchange, or temporarily dispose of water, but the tribe may not permanently alienate any water right. In the event the tribe sells, exchanges, or temporarily disposes of water such sale, exchange, or temporary disposition shall be pursuant to a contract which has been accepted and ratified by a resolution of the Papago Tribal Council and approved and executed by the Secretary as agent and trustee for the tribe. Such contract shall specifically provide that an action may be maintained by the contracting party against the United States and the Secretary for the breach thereof.

OBLIGATION OF THE SECRETARY; CONTRACT FOR RECLAIMED WATER; DISMISSAL AND WAIVER OF CLAIMS OF PAPAGO TRIBE AND ALLOTTEES

SEC. 7. (a) The Secretary shall be required to carry out his obligations under section 4 (b), (c), and (e) and under section 5 only if—

(1) before December 31, 1982—

(A) the city of Tucson, the Secretary, and the Papago Tribe agree, after the enactment of this Act, that the city will make available at no profit to the city such quantity of reclaimed water as is adequate to deliver annually, as contemplated in section 5(a), twenty-eight thousand two hundred acre-feet of water;

(B) the Papago Tribe agrees to file with the United States District Court for the Distict of Arizona a stipulation for voluntary dismissal with prejudice, in which the Attorney General is authorized and directed to join on behalf of the United States, and the allottee class representatives petition for dismissal of the class action with prejudice in the United States, the Papago Indian Tribe, and others, civil numbered 75-39 TUC (JAW); and

(C) the Papago Tribe executes a waiver and release in a manner satisfactory to the Secretary of—

(i) any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from time immemorial to the date of the execution by the tribe of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation or municipal corporation, arising under the laws of the United States or the State of Arizona; and

(ii) any and all future claims of water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from and after the date of execution of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation or municipal corporation, under the laws of the United States or the State of Arizona; and

(2) the suit referred to in paragraph (1)(B) is finally dismissed.

(b) After the conditions referred to in subsection (a) have been met the Secretary shall be authorized and required, if necessary or desirable, to enter into agreements with other individuals or entities to acquire and deliver water from such sources set forth in section 5(c) if through such contracts, as exercised in conjunction with the contract required in subsection (a)(1)(A), it is possible to deliver the quantities of water required in section 5(a).

(c) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this Act.

(d) The waiver and release referred to in this section shall not take effect until such time as the trust fund referred to in section 9 is in existence and the full amount authorized to be appropriated to the trust fund under section 9 has been appropriated by the Congress.

(e) The settlement provided in this Act shall be deemed to fully satisfy any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) of all individual members of the Papago Tribe that have a legal interest in lands of the San Xavier Reservation and the Schuk Toak District of the Sells Reservation located within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, as of the date the waiver and release referred to in this section takes effect. Any entitlement to water of any individual member of the Papago Tribe shall be satisfied out of the water resources provided in this Act.

STUDY OF LANDS WITHIN THE GILA BEND RESERVATION; EXCHANGE OF LANDS AND ADDITION OF LANDS TO THE RESERVATION; AUTHORIZED APPROPRIATIONS

SEC. 8. (a) The Secretary is hereby authorized and directed to carry out such studies and analysis as he deems necessary to determine which lands, if any, within the Gila Bend Reservation have been rendered unsuitable for agriculture by reason of the operation of the Painted Rock Dam. Such study and analysis shall be completed within one year after the date of the enactment of this Act.

(b) If, on the basis of the study and analysis conducted under subsection (a), the Secretary determines that lands have been rendered unsuitable for agriculture for the reasons set forth in subsection (a), and if the Papago Tribe consents, the Secretary is authorized to exchange such lands for an equivalent acreage of land under his jurisdiction which are within the Federal public domain and which, but for their suitability for agriculture, are of like quality.

(c) The lands exchanged under this section shall be held in trust for the Papago Tribe and shall be part of the Gila Bend Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of the lands for which they are exchanged.

(d) Land exchanged under this section which, prior to the exchange, were part of the Gila Bend Reservation, shall be managed by the Secretary of the Interior through the Bureau of Land Management.

ESTABLISHMENT OF TRUST FUND; EXPENDITURES FROM FUND

SEC. 9. There is hereby authorized to be established a trust fund for the benefit of the Papago Tribe in the amount of $15,000,000 to be invested by the Secretary in interest bearing deposits and securities including deposits and securities for the United States. The income accruing on such deposits and securities may only be used, pursuant to appropriations legislation, for the subjugation of land, development of water resources, and the construction, operation, maintenance, and replacement of related facilities (including pumping and power transmission facilities) on the Papago Reservations which are not the obligation of the United States under this or any other Act of Congress.

ARID LAND RENEWABLE RESOURCE ASSISTANCE

SEC. 10. If a Federal entity is established to provide financial assistance to undertake arid land renewable resources projects and to encourage and assure investment in the development of domestic sources of arid land renewable resources, such entity shall give first priority to the needs of the Papago Tribe in providing such assistance. Such entity shall make available to the Papago Tribe—

(1) price guarantees, loan guarantees, or purchase agreements,

(2) loans, and

(3) joint venture projects, at a level to adequately cultivate——acres at a maximum of——acre feet of water per acre, or to provide that quantity of water determined by such entity to be necessary to cultivate arid land crops.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. Effective October 1, 1982, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

COMPLIANCE WITH BUDGET ACT

SEC. 12. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

SHORT TITLE

SEC. 13. This Act may be cited as the "Southern Arizona Water Rights Settlement Act of 1982".

By Mr. THURMOND:

S. 2115. A bill to authorize the Secretary of the Navy to credit certain officers of the Medical Corps and Dental Corps of the Navy with certain military service performed by such officers before September 11, 1979, or with certain professional experience gained by such officers before such date; to the Committee on Armed Services.

SERVICE OF CERTAIN MEDICAL AND DENTAL OFFICERS IN THE NAVY

Mr. THURMOND. Mr. President, I rise to introduce a bill to correct an inequity being experienced by certain medical and dental officers in the Navy. This measure is strongly supported by the Navy.

It has come to my attention that the Army and Air Force give prior service and professional training credit to doctors and dentists. This credit permits Army and Air Force doctors and dentists to be authorized longer periods of service and to have dates of rank higher than their contemporaries in the Navy. Therefore, they receive more pay and they are eligible for promotion sooner than their Navy counterparts.

Mr. President, this inequity was corrected for the Navy doctors and dentists who entered the Naval service after September 11, 1979. However, the Navy doctors and dentists who entered the naval service before September 11, 1979, are still not being treated fairly. Consequently, I am introducing a bill which will equalize this credit imbalance.

Mr. President, the inequity addressed in this issue has its roots back in the late 1960's and early 1970's. When the draft of doctors was terminated, the three military services started scholarship programs under which active duty officers and others could attend civilian medical schools. The Army and Air Force sent their officers to medical school with whatever ranks they held at the time. There were allegedly many 04's (majors) attending medical schools on active duty and at least one 05 (lieutenant colonel). The Army and Air Force also give credit for professional training. In order to participate in the Navy program, an officer had to accept a discharge and reappointment as an 01 (ensign).

In addition, the Department of Defense for many years has prescribed unified policy under which medical officers are offered initial appointments in the three military services. Under this policy, officers with active officer service, prior to entering medical school, were awarded half credit for that service in determining rank. The Navy adhered to this policy. The other services did not offer new medical corps appointments to the officers concerned, but simply changed the officer's military operational specialty

(MOS) designator. Therefore, these Army and Air Force doctors retained their rank and lineal position.

Mr. President, this situation has resulted in many naval medical officers serving on active duty in ranks below those held by those otherwise similarly situated in the other services. This has never been completely acceptable to the Navy officers affected by this inequity. However, this policy became untenable to these officers when the Secretary of the Navy Instruction 1421.5A, September 11, 1979, gave full credit for prior service to officers appointed after that date, but did not make the provision retroactive to doctors serving before September 11, 1979.

In addition to the prior service discrepancy, Army and Air Force doctors were given credit for professional medical experience. However, there are naval dental officers and medical officers who were appointed prior to September 11, 1979, with less than full entry grade credit for professional experience. After September 11, 1979, new officers could receive full credit for that experience, but no provision was made for retroactive credit.

Mr. President, this bill does not mean that the affected officers will receive immediate or automatic promotions. Under this measure, the Secretary of the Navy may convene boards of officers to review the records and compute the service of each officer of the Medical Corps or the Dental Corps of the Navy appointed before September 11, 1979, who had active commissioned service or professional civilian medical or dental experience in the United States before his appointment. These boards are necessary in order to adjust the service credited to each such officer to reflect the total active service actually performed by such officer as a commissioned officer of the Armed Forces, or as a civilian practitioner, if that service is in excess of the service or experience already credited to such officer.

When that adjustment is made, such officers will be given precedence for promotion purposes or advanced to a position to the active-duty list in accordance with their adjusted dates of rank. Additionally, the Secretary of the Navy may convene promotion boards to consider for promotion those officers who become eligible under the new criteria established by the Secretary of the Navy pursuant to this proposed change in the law.

No officer promoted under this section will be entitled to increased pay and allowances or other compensation under title 37, United States Code for the grade to which promoted prior to the date of appointment to the higher grade. Nor will an officer be entitled to retroactive pay in his current grade because the records have been changed to reflect a date of rank or position on the active-duty list that is earlier than that held before the change. Failure of an officer for selection for promotion under this bill shall not count as a failure of selection for promotion for any other purpose. These restrictions will allow the bill to correct this inequity in crediting time served without seriously impacting normal promotion procedures.

It is estimated that there are approximately 200 Naval Medical and Dental Corps doctors adversely affected by the inequity in the current law. This has caused a severe morale problem and many of these doctors are planning resignations, unless relief is forthcoming. Costs for removing this discrimination would be nominal and cost effective, especially when compared to replacing these medical doctors if they resign. It would be funded through normal promotion entitlement programs.

The Navy has estimated that the costs, as a result of promotion for most of these medical officers coming sooner than programed, would be about half a million dollars over a period of 1982–86. This cost figure does not include the salary differential for affected dental officers, Naval Reserve medical and dental officers not on active duty and a minor cost differential due to credit for a longer period of service. However, the combined costs of these categories which are not included in the half million dollar estimate would be nominal over the next 4 years.

Mr. President, I urge my distinguished colleagues to join me in removing this inequity and discrimination against a limited number of naval medical and dental officers. I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Navy may convene boards of officers to review the records of each officer of the Medical Corps or the Dental Corps of the Navy who was appointed in either such corps before September 11, 1979, and may adjust the service credited to any such officer to reflect any active commissioned service performed by such officer before such appointment or to reflect any professsional civilian medical or dental experience gained by such officer in the United States before such appointment if that service or experience has not been credited to such officer.

(b) If an officer is credited under the authority of subsection (a) with additional service or experience, the Secretary of the Navy shall adjust the date of rank of such officer accordingly, and such officer shall be given precedence for promotion purposes or advanced to a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) in accordance with such adjusted date of rank.

(c) If, as the result of an adjustment of his service credit under subsection (a), an officer in the Medical Corps or Dental Corps of the Navy attains precedence for promotion purposes over any other officer on the active-duty list or attains a position on the active-duty list equivalent to another officer who—

(1) is a member of the same corps as the officer whose service is adjusted under subsection (a);

(2) is serving in a grade (not above captain) higher than the grade of the officer whose service is adjusted under subsection (a); and

(3) has not been selected for early promotion to such higher grade or is on a promotion list to the next grade higher than his current grade and has not been selected for early promotion to such higher grade,

then the officer whose service is adjusted under subsection (a) may be promoted to the higher grade appropriate to his adjusted credit if he is recommended for promotion to such grade by a board of officers convened under subsection (a), and, upon promotion to such higher grade, may be assigned a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) commensurate with his adjusted service credit.

(d) An officer whose date of rank has been changed by virtue of service credited to him under this Act shall not be entitled to any increase in pay or allowances or other compensation for any period before the date of that change, and an officer who is credited with additional service under this Act and is promoted to a higher grade pursuant to the recommendation of a board convened under this Act shall not be entitled to any increase in pay or allowances or other compensation for the grade to which promoted for any period before the date of the promotion.

(e) Failure of an officer for selection for promotion under the procedures provided for in this Act shall not count as a failure of selection for promotion for any other purpose.

(f) As used in this Act, the term "active-duty list" means the active-duty list for the Navy provided for in section 620 of title 10, United States Code.

By Mr. RIEGLE (for himself, Mr. DURENBERGER, Mr. SASSER, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. DIXON, Mr. GLENN, Mr. BIDEN, Mr. LEVIN, Mr. BRADLEY, Mr. BAUCUS, Mr. CHILES, Mr. HUDDLESTON, and Mr. BENTSEN):

S.J. Res. 146. A joint resolution to require the Director of the Office of Management and Budget to prepare and transmit to the Congress a report specifying the geographic distribution in the United States of outlays by the Government; to the Committee on Governmental Affairs.

GEOGRAPHIC DISTRIBUTION OF FEDERAL FUNDS

● Mr. RIEGLE. Mr. President, I am today introducing a joint resolution to require the Office of Management and Budget to inform Congress and the American public about the geographic

distribution of Federal funds in fiscal years 1981 and 1982.

As Congress considers further sweeping changes in Federal spending and in Federal-State relations, it is more important than ever that the American people be informed of how the Federal Government affects the economies of States and regions.

Since 1968, the United States has compiled data on the distribution of Federal outlays by State, county, and large city. Reports entitled "Geographic Distribution of Federal Funds" have been published annually by the Community Services Administration for the Executive Office of the President. These reports have been an invaluable resource for Members of Congress and others who want to understand the regional impact of Federal activity.

For the past year, it has been clear that OMB is hostile to the collection of such data. The facts disprove OMB's claims that the Reagan budget cuts are fair to all regions.

Late last year, the date for fiscal year 1981 was already prepared by Federal agencies and ready to be submitted. Then, on December 14, Federal agencies were ordered not to report the date for fiscal year 1981. A copy of that order is attached, and I ask unanimous consent that it be printed in the RECORD following my remarks. OMB proposes to develop the Federal Assistance Award Data System instead. This alternative would at best provide a less comprehensive report that excludes salary and expense payments to Federal employees, Federal procurements, and virtually all spending by the Department of Defense.

We believe the OMB decision is a serious mistake that, if unchallenged, would greatly harm the ability of Congress to understand the economic impact of congressional budgetary decisions in regions, States, and localities. We intend to propose legislation that would assure Congress of uninterrupted access to comprehensive and objective information on the distribution of Federal funds.

Our resolution today would simply order OMB to compile the data for fiscal year 1981, which is already prepared, and make it available to the Congress in a timely manner. To reduce printing costs, the resolution would require a full report to be made available on computer tape. A printed summary report would aggregate data by State.

Mr. President, I have received a letter from Prof. Thomas Anton, of the University of Michigan which describes the importance of this data. I ask unanimous consent that the Joint Resolution and the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 146

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Director of the Office of Management and Budget shall prepare a report specifying the geographic distribution within the United States of outlays made by the Government for each of the fiscal years 1981 and 1982. Each such report shall contain information and analyses similar to the information and analyses contained in the report entitiled "Geographic Distribution of Federal Funds", which was prepared for fiscal year 1980 and previous fiscal years, and shall include categories of information and analyses for States, counties, and large cities. Each such report shall be made available to the Congress and the public on computer tape.

(b) The Director of the Office of Management and Budget shall prepare and transmit to the Congress a summary of the information included in each report required under subsection (a). Each such summary shall contain a list specifying the total amount of outlays made by the Government in each State under each Federal program and a list of the total amount of Federal assistance awarded to each local government under each Federal program. Each such summary shall be published and made available to the public.

(c) The Director of the Office of Management and Budget shall require Federal agencies to submit the data necessary for the preparation of each report required under subsection (a). The Director may designate a Federal agency to compile such data and report. The data collected to prepare such report shall also be made available to the Congress and the public on computer tape.

(d) The Director of the Office of Management and Budget shall make available the report required under subsection (a) for fiscal year 1981 within 90 days after the date of enactment of this joint resolution, and for fiscal year 1982 on or before the 90th day after the first day on which 98th Congress meets. Within 30 days after the date of enactment of this joint resolution, Federal agencies shall submit to the Director of the Office of Management and Budget the data necessary for the report required under subsection (a) for fiscal year 1981.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 14, 1981.

MEMORANDUM FOR ASSISTANT SECRETARIES/DIRECTORS FOR MANAGEMENT

From: Edwin L. Harper, Deputy Director.

Subject: Discontinuation of the Geographic Distribution of Federal Funds.

As a result of recent evaluations of certain reporting requirements, it has been decided to discontinue the compilation and publication of the "Geographic Distribution of Federal Funds," effective immediately. Data should not be submitted for fiscal year 1981.

The Office of Management and Budget will continue to assess existing reporting systems such as the Federal Aid to States and the Federal Assistance Award Data System in addition to the various Census Bureau publications to determine the best approach for providing information on the geographic distribution of federal funds.

UNIVERSITY OF MICHIGAN,
Ann Arbor, Mich., December 18, 1981.

Hon. DONALD W. RIEGLE, Jr.,
Washington, D.C.

DEAR SENATOR RIEGLE: In response to your request for my assessment of OMB's recent decision to terminate the "Geographic Distribution of Federal Funds" series, I have read Deputy Director Harper's letter to your colleague, Senator Durenberger, with some care. Since the letter does not reveal the activities carried out by OMB to evaluate either the GDFF or the Federal Assistance Awards Data System (FAADS), it is impossible to assess the quality of that evaluation. However, I can offer an assessment of the decision itself, as well as some rather important issues it has raised.

Apart from budgetary considerations, which I take it are purely political, the only stated reason for terminating the GDFF series is ". . . concern about the quality of the information contained in GDFF in the past." Arbitrary techniques for estimating county and city spending, diverse data bases, and gaps in coverage are cited as irreparable defects, leading OMB to prefer further development of the FAADS system and, in the meantime, continued reliance on data currently being compiled by Treasury (presumably the information contained in its publication, "Federal Aid to States"). Having worked with the GDFF data system quite extensively, I can readily agree that the system has serious problems of accuracy and coverage. These problems have been well-known for some time, they are solvable for the most part, and we have made some progress toward solutions. Eliminating this data system leaves us with Treasury and Census data systems that are in fact less specific, less comprehensive, less accurate and thus less valuable than the GDFF system. Indeed, it was the more serious deficiencies of existing Census, Treasury and OMB data systems that recently led us to prefer the GDFF system as a vehicle for tracking federal spending in states, counties and cities—our reasoning and our evidence are contained in the enclosed copies of pages 10-21 of our recent book, "Moving Money."

As I think you may know, we have been able to demonstrate the utility of the GDFF system in our recent efforts to estimate the state and local impact of President Reagan's budget proposals. Because GDFF reports outlays by program, to which a Treasury account number is attached, we have been able to use past spending by program, agency and function to estimate future spending under President Reagan's program in states such as Michigan or Illinois. That process involved a direct account-to-account match between outlays reported in GDFF and "actual" 1980 expenditures reported in the Appendix to the Budget of the United States Government for 1982. That effort produced a match that was 80 to 85 percent accurate. While hardly perfect, this level of agreement between official budget figures and outlay figures strongly suggests that complaints about data quality in GDFF reports tend to be quite exaggerated. There are problems in the data, but in my judgment they are not nearly sufficient to justify elimination of the only system in existence that attempts to provide comprehensive data on federal program expenditures in American states, counties and cities.

OMB's stated preference for further development of the FAADS system seems to me to raise some important issues. For one thing, FAADS is a much more limited

system, confined to "federal assistance" payments. Operationally, these payments have been defined as programs listed in the "Catalog of Federal Domestic Assistance", with the ultimate intention of producing reports of expenditures from all programs listed in the Catalog. This is a perfectly laudable goal, for an information system that seems to me to have been well-designed, but it excludes salary and expense payments to federal employees, federal procurements, and virtually all spending by the Department of Defense, whose activities do not fall under the conceptual heading of "federal domestic assistance." (Payments to states to support the National Guard are an exception.) A federal procurement data system is being developed that ultimately will provide an important supplement to FAADS, but even with that procurement system, a very large fraction of total federal spending, more than $200 billion at present, does not and will not appear in FAADS data. This seems to me to be a serious step away from the goal of comprehensiveness aspired to by the GDFF system.

FAADS is also a developing rather than an established system. Data must be compiled from agency records by people who have not previously compiled such data, according to an entirely new format, for submission through different channels. Not surprisingly, agency responses have been varied. Interior, Commerce, HUD, Treasury and other agencies report only a fraction of the assistance payments they make, while Agriculture leaves out some rather large components, including the Farmers Home Administration. As time goes on and officials become more comfortable with this new system, coverage and accuracy presumably will increase. For the moment, however, the five quarterly reports of FAADS data can only be regarded as seriously incomplete and probably inaccurate. As the Michigan Department of Commerce recently stated, in a report called "Determining the Need for FAADS" (October 1981): "At this point in time, FAADS data have been released for three quarters and are of limited accuracy and completeness. They, therefore, should not be utilized."

For those of us who are interested in understanding the consequences of federal spending patterns in state and local jurisdictions, elimination of GDFF creates a very serious intellectual and political gap. By eliminating the GDFF system before either the FAADS or the procurement data systems are fully operational, we eliminate any possibility of tracking the fiscal impact of federal spending during 1981, 1982, and probably 1983. I believe this decision would be unwise under most normal circumstances. Under present conditions, when a new President is seeking the most significant changes in federal budget policies since the 1930's, the decision strikes me as particularly shortsighted. If this data system is allowed to expire at this juncture in our history, an important and possibly indispensable tool for evaluating the nature and consequences of federal budget changes will be lost. The tool is admittedly flawed, but imperfection seems to me to be a poor excuse for throwing away the only tool we presently have.

In general, then, Mr. Harper's letter seems to me to represent a significant movement away from earlier federal commitments to provide comprehensive, accurate and timely information regarding who gets what from the federal treasury. Quite frankly, the letter leads me to wonder whether OMB now has any commitment at all to producing these kinds of data. Although the second paragraph states a commitment to "an improved FAADS system," the fifth paragraph indicates that OMB does "• • • not believe that reliable data on federal spending at the county and city level can be produced on a comprehensive basis at any cost, and we would not attempt to do so." I have underlined the last phrase because detailed and comprehensive data on federal spending at the county and city level is precisely what FAADS is supposed to provide (see the FAADS Reporting Instructions of July 1980). It should be recalled that one of the major purposes of the FAADS system is creation of data to inform states of federal funds flowing into their county and municipal subdivisions. In fact FAADS is explicitly thought of as a potential replacement for information collected through processes associated with OMB Circular A-95. Taken literally, the sentence quoted above, particularly the underlined phrase, suggests that the "improvement" in FAADS will take the form of eliminating the city and county reports that are currently required. I would hope that no such intention exists within OMB, but this language certainly is confusing, at best.

Quite obviously I share the concern you express in your letter. I would certainly support whatever action you can take that might lead OMB to reconsider a decision that I consider to be both unwise and shortsighted.

Sincerely,

THOMAS J. ANTON,
Professor, Political Science.

[Excerpt]

MOVING MONEY—AN EMPIRICAL ANALYSIS OF FEDERAL EXPENDITURE PATTERNS

(By Thomas J. Anton, Jerry P. Cawley, and Kevin L. Kramer)

Consider, as an example, federal grants-in-aid, which are often said to have grown so large and become so numerous that they defy analysis. In fact it can be shown, however, that grant expenditures are highly concentrated in a modest number of programs. Figure 1.2, based on O.M.B.'s 1979 Catalog of Federal Domestic Assistance, reveals that 80 percent of federal grant expenditures are made by only 50 programs, and that the largest 100 programs account for some 95 percent of all grants-in-aid. Learning enough about 50 to 100 programs to make sensible statements about origins, development, and distribution can hardly be regarded as an easy task, but surely it should not be seen as an impossible undertaking. Grants or other federal assistance may well be provided through 1,100 or so different programs, but only a fraction of those need be investigated to understand the basic contours of the grant system.

As federal allocations are patterned into a recognizable structure so, too, are recipients of those allocations. Indeed, despite enormous recent growth in federal grants, there is a striking stability in the recipient structure that dates back for decades. Since at least the mid-1920s most federal grants have been concentrated in a handful of states, typically those with the largest populations, and these have generally been the same states.

Thus when the distribution patterns of federal grants are correlated across years, the relationships show a powerful stability within periods of a single decade, and surprisingly powerful stability across a half century (Table 1.3). States receiving the largest amounts of federal aid decades ago, in short, are the states receiving the largest amounts today. Since total grant funds distributed have increased so much, one consequence of this stability is a much larger dispersion, in per capita dollars, around the state average per capita grant.

TABLE 1.3. CORRELATIONS OF FEDERAL GRANTS RECEIVED BY STATE, 1924–78

Time period	Correlation	Time period	Correlation
1924–30	.77	1924–30	.77
1930–40	.87	1924–40	.65
1940–50	.93	1924–50	.72
1950–60	.98	1924–60	.76
1960–70	.94	1924–70	.55
1970–78	.98	1924–78	.55

In 1924 the difference between the biggest state "winner" and biggest state "loser" was only $21 per person. By 1960 this difference had increased to $200, and it expanded further to $312 in 1970 and $759 in 1978. States that were "losers" decades ago are losing more relative to the mean and states that were "winners" decades ago are now winning much more relative to the mean per capita grant. Never a redistributive system, federal grants can more accurately be thought of as a "prodistributive" system following the principle, "winners win, losers lose." Accounting for such stability during a period of rapid social change is a major intellectual puzzle, to which we return below. We note it here primarily to emphasize the existence of intelligible patterns in federal spending, rather than the "incomprehensible chaos" that has often been alleged.

As barriers to understanding, ideology and alleged complexity must be regarded as trivial compared to the most significant barrier of all: lack of consistent and unambiguous data. Leaving aside the important but unmanageable question of how 50 states and thousands of local governments account for federal expenditures in their jurisdictions, the more imporant fact it that the federal government itself has not clear understanding of how much money it spends, where, or in what form. Senator Moynihan of New York, among others, has been repeatedly frustrated in his efforts to understand federal expenditure patterns and for several years has urge the federal government to ". . . give some concentrated attention to finding out just what it is doing." Judging from his most recent report to his constituents, however, not much progress has been made. Referring to the pattern of federal resources distribution, Moynihan argues that

". . . no one much understands it, and no one seems responsible for it. New Yorkers sometimes seem to look upon the Federal fisc in much the manner of a cargo cult. Every so often the great planes fly in, laden with bounty. Then, unpredictably, they fly away, and none can know whether or when they will return."

TABLE 1.4. COMPARISON OF GRANTS-IN-AID TOTALS FOR THE 50 STATES AND D.C. REPORTED BY TREASURY AND CENSUS, FISCAL YEAR 1969–78

[Millions of dollars]

	Grants-in-aid totals reported by		
	Treasury	Census	Difference
Fiscal year:			
1978	75,293	69,592	5,701
1977	66,084	62,610	3,474
1976	57,719	55,587	2,131
1975	48,570	46,994	1,576
1974	45,092	41,831	3,261
1973	43,057	39,256	3,801
1972	35,217	31,253	3,964
1971	29,272	26,146	3,126
1970	23,717	21,858	1,859
1969	19,742	19,153	589

Sources: Data calculated from the Department of the Treasury, Federal Aid to States (Washington, D.C.: U.S. Government Printing Office, 1969–1979; and Bureau of the Census, Department of Commerce, Government Finances (Washington, D.C: U.S. Government Printing Office, 1970–1980)

Moynihan's typical eloquence is, in our view, an exaggeration, but a review of major federal data sources leaves little doubt that his main point is valid. Analysts typically assume, for example, that authoritative data on federal aid to states are available either from official Census publications, from the Treasury Department publication, Federal Aid to States, or from O.M.B.'s "Federal Aid to State and Local Governments" report, published annually as a special analysis appended to the federal budget.

These publications do not report all federal spending in state areas, focusing only on grants-in-aid to state and local governments, but they do purport to report the same flow of funds. Yet when numbers from these sources are arrayed for comparison, rather large differences appear. Federal grants to state and local governments as reported by Treasury for the period 1969 through 1978 differ from Census reports by as much as $5.7 billion (FY 1978), and average nearly $3 billion annually for that 10-year period alone (Table 1.4). Worse yet, these total differences are derived from individual state area differences of impressive magnitude.

For fiscal 1977, Treasury reports $7.45 billion in federal grants to New York; Census reports $6.52 billion. For fiscal 1976, Treasury reports $5.80 billion to California; Census reports $6.23 billion. For fiscal 1974, Treasury reports $2.13 billion to Texas; Census reports $1.90 billion, and so on. Although small from the perspective of national totals, differences that can exceed $1 billion for a single state in a single year (New York, FY 1972) clearly raise questions about how to interpret such data.

Year to year differences of this magnitude, furthermore, render it virtually impossible to judge whether Census or Treasury provide "better" numbers for cross-time analysis. Table 1.5 underlines this evaluative problem. From 1969 through 1978 the average annual difference between Census and Treasury figures for a single state was never less than $7.7 million, was often over $100 million, and reached as much as $631 million for the state of New York alone. Serious analyses of changes in the flow of funds into states clearly would require a judgment about the appropriateness of either data base for such analyses, but how would such a judgment be made? And if a choice were not made, what meaning or significance could be attached to the result?

Questions of interpretation become even more pointed when we compare Treasury and O.M.B. numbers (Table 1.6). Annual O.M.B. analyses provide national totals for programs and functions, without disaggregating these total figures into state or lower-level figures. Disaggregation by state is done by Treasury, whose officials work closely with O.M.B. staff to produce a Federal Aid to States document that is specifically designed to provide the financial detail absent from O.M.B. totals.

Close inter-agency cooperation appears to produce national totals that are reasonably close, portrayed in Columns A. Apart from the transition quarter, when accounting procedures were confused, and fiscal 1970, when a discrepancy of $240 million is shown, annual totals are quite similar or identical. A glance at reported spending by agency, however, reveals that close national totals are produced from agency spending totals that are vastly different (Columns B).

For fiscal 1978, when Treasury and O.M.B. differ by only $12 million nationally, O.M.B. reports $119 million more for Department of Agriculture expenditures than does Treasury, $84 million more for Labor, and $103 million more for Transportation.

Treasury reports $98 million more than O.M.B. lists for H.E.W. and $222 million more than O.M.B. reports for H.U.D. in the same year. Table 1.6 makes clear that fiscal 1978 is no isolated case but is instead the normal pattern found in these reports. In fiscal 1972, for example, the negligible $1 million national difference conceals differences in reported agency spending of as much as $133 or $138 million.

Some of the differences between O.M.B. and Treasury numbers are almost certainly due to differences in accounting and reporting procedures. O.M.B. figures are based on reports of "expenditures" submitted by agency budget officers while Treasury figures are based on reports submitted by agency accounting division officers.

Although both information channels utilize the same definition of "grants" (based on O.M.B. Circular A-11) they are nevertheless different channels, often producing very different sums for the same agency or program. O.M.B. and Treasury officials meet each year to attempt to reconcile such differences, but time and resource constraints often preclude reconciliation at the level of agency or program expenditure.

Amounts that cannot be reconciled in detail are nevertheless reported, usually under the rubric "Adjustments undistributed to States," producing the similar national totals without affecting the different program or agency totals.

Similarity in national totals is thus largely an artificial accounting similarity, driven by the need to prepare these documents in time for submission with the federal budget. Both differences in detail and relative similarity of national sums are therefore understandable consequences of the processes through which these data are produced.

Understanding the processes, however, does not eliminate discrepancies in the data.

TABLE 1.5.—CUMULATIVE TOTAL AND YEARLY DIFFERENCES IN STATE-AREA GRANTS-IN-AID TOTALS REPORTED BY TREASURY AND CENSUS, FISCAL YEARS 1969–78

[Thousands of dollars]

Area	Absolute differences	
	Cumulative	Yearly average
Alabama	805,266	80,527
Alaska	188,268	18,827
Arizona	504,869	50,487
Arkansas	646,901	64,690
California	3,172,968	317,297
Colorado	258,731	25,873
Connecticut	978,798	97,880
Delaware	77,290	7,729
District of Columbia	888,975	88,897
Florida	1,024,150	102,415
Georgia	1,591,552	159,155
Hawaii	382,582	38,258
Idaho	185,220	18,522
Illinois	1,756,705	175,671
Indiana	665,656	66,566
Iowa	196,260	19,626
Kansas	221,313	22,131
Kentucky	821,527	82,153
Louisiana	958,642	95,864
Maine	335,759	33,576
Maryland	363,604	36,360
Massachusetts	1,452,611	145,261
Michigan	496,042	49,604
Minnesota	380,373	38,037
Mississippi	1,338,275	133,827
Missouri	749,681	74,968
Montana	225,007	22,501
Nebraska	209,563	20,956
Nevada	118,506	11,851
New Hampshire	193,253	19,325
New Jersey	1,810,787	181,079
New Mexico	369,657	36,966
New York	6,315,437	631,544
North Carolina	930,578	93,058
North Dakota	121,819	12,182
Ohio	1,756,669	175,667
Oklahoma	507,257	50,726
Oregon	301,996	30,200
Pennsylvania	2,887,722	288,772
Rhode Island	176,762	17,676
South Carolina	606,895	60,689
South Dakota	213,315	21,331
Tennessee	895,787	89,579
Texas	1,612,908	161,291
Utah	147,062	14,706
Vermont	77,629	7,763
Virginia	442,020	44,202
Washington	644,418	64,442
West Virginia	702,517	70,252
Wisconsin	573,289	57,329
Wyoming	101,446	10,145

TABLE 1.6.—COMPARISON OF INITIAL GRANTS-IN-AID TOTALS REPORTED BY OMB AND TREASURY, FISCAL YEARS 1969–78

[In millions of dollars]

Year	Columns A—Initial grants-in-aid totals reported by			Columns B—Differences [1] in agency totals reported by OMB and Treasury				
	OMB	Treasury	Difference [1]	DOA	HEW	HUD	DOL	DOT
1978	77,889	77,901	−12	119	−98	−222	84	103
1977	68,396	68,437	−41	62	249	−166	87	−192

TABLE 1.6.—COMPARISON OF INITIAL GRANTS-IN-AID TOTALS REPORTED BY OMB AND TREASURY, FISCAL YEARS 1969–78—Continued

[In millions of dollars]

Year	Columns A—Initial grants-in-aid totals reported by			Columns B—Differences [1] in agency totals reported by OMB and Treasury				
	OMB	Treasury	Difference [1]	DOA	HEW	HUD	DOL	DOT
Transition quarter	15,909	16,444	−535	75	−228	−235	6	−107
1976	59,037	59,112	−75	83	235	−12	1	−345
1975	49,723	49,723	0	−2	4	1	1	5
1974	46,040	46,040	0	9	22	−13	−10	−4
1973	43,963	43,964	−1	13	209	1	5	−6
1972	35,940	35,941	−1	6	133	−15	−138	10
1971	29,844	29,845	−1	−59	−51	−3	1	9
1970	23,955	24,194	−239	−152	86	−10	0	−59
1969	20,255	20,287	−32	34	6	52	−93	−3

[1] "+" indicates OMB number is greater; "−" indicates Treasury number is larger.

Sources: Office of Management and Budget, "Federal Aid to State and Local Governments," in Special Analyses Budget of the U.S. Government for fiscal years 1971–80 (Washington, D.C.: U.S. Government Printing Office, 1970–79); Department of the Treasury, Federal Aid to States for fiscal years 1969–78 (Washington, D.C.: U.S. Government Printing Office, 1969–79).

TABLE 1.7.—COMPARISON OF YEARLY GRANTS-IN-AID EXPENDITURES REPORTED IN THE ANNUAL AND HISTORICAL TABLES IN F.A.T.S.L.G.

[Dollars in millions]

	Yearly reported actual expenditure	Actual expenditures reported in historical tables in F.A.T.S.L.G. for fiscal year budget						
		1980	1979	1978	1977	1976	1975	1974
Fiscal year:								
1978	$77,889	$77,889						
1977	68,396	68,415	$68,396					
Transition quarter	15,909		15,909	$15,909				
1976	59,037	59,094	59,037	59,037				
1975	49,723	48,832	49,723	49,723	$49,723			
1974	46,040	43,354	43,308	43,308	43,308	$46,040		
1973	43,963	41,832				43,963	$43,963	
1972	35,940	34,372				35,940	35,940	$35,940
1971	29,844	28,109				29,849	29,844	29,844
1970	23,955	24,018				23,954	23,954	23,954
1965		10,904	10,904	10,904	10,904	10,904	10,904	10,904
1960		7,020	7,020	7,020	7,020	7,040	7,040	7,040
1955		3,207	3,207	3,207	3,207			
1950		2,253	2,253	2,253	2,253			

Source: "Federal Aid To States And Local Governments," in Office of Management and Budget (previously the Bureau of the Budget), Special Analyses, Budget of the United States Government, fiscal years 1972–80, the annual detailed listing of grants-in-aid and the annual historical tables.

Table 1.8.—COMPARISON OF REVISED NATIONAL TOTALS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS REPORTED BY OFFICE OF MANAGEMENT AND TREASURY, FISCAL YEARS 1969–78

[Millions of dollars]

Fiscal year	Grants-in-aid totals reported by—		Difference
	Office of Management and Budget	Treasury	
1978	77,889	77,901	12
1977	68,415	68,437	22
Transition quarter	15,909	16,444	535
1976	59,094	59,112	18
1975	48,832	49,723	891
1974	43,354	46,040	2,686
1973	41,832	43,964	2,132
1972	34,372	35,941	1,569
1971	28,109	29,845	1,736
1970	24,018	24,194	176
1969	20,255	20,287	32

Sources: "Federal Aid to States and Local Governments," in Office of Management and Budget, Special Analyses, Budget of the U.S. Government (Washington, D.C.: U.S. Government Printing Office, 1971, 1978, 1979). Historical Trend of Federal Grant-In-Aid Outlay tables from 1980 budget report, 1971 budget report for the 1969 data and 1979 budget report for the Transition quarter data; and The Department of the Treasury, Federal Aid to States (Washington, D.C.: U.S. Government Printing Office, 1969–79).

An important additional complication arises from annual changes made by O.M.B. to improve the process of budget preparation. As such changes are introduced, O.M.B. updates its grants-in-aid figures to conform to the most recent reporting conventions. The result, depicted in Table 1.7, is that national grant totals for specific years are changed from one year to another. In 1976 "F.A.T.S.L.G." reported $46,040 billion in grants for fiscal 1974, but the historical table shown in the 1980 "F.A.T.S.L.G." analysis lists $43,354 million for fiscal 1974. Differences between grant totals listed in the 1980 historical table and grant totals reported in previous annual reports vary from $63 million more in fiscal 1970 to $2,686 million less in fiscal 1974. Depending on the table and report used, therefore, as many as three different totals can be obtained for the same year, from the same source. O.M.B. refers to this as a "living system."

These procedures, of course, further complicate comparisons between different data sources. Table 1.8 illustrates the point by contrasting O.M.B.'s "revised" grant-in-aid totals for fiscal years 1970–1978 with Treasury's Federal Aid to States year-end figures, as reported earlier in Table 1.6. Recall that table 1.6 reported differences of no more than $1 billion between Treasury and O.M.B. annual totals for fiscal years 1971 through 1975. The "revised" figures in Table 1.8, however, now show an average annual difference of more than $1 billion between O.M.B. and Treasury totals. Whereas Treasury and O.M.B. reported identical year-end sums for fiscal 1974 and 1975, the "revised" sums now show differences fo $2.7 billion and $891 million, respectively. Unravelling the sources of these kinds of differences would itself be an undertaking of some magnitude.

The data systems we have briefly reviewed—Census, O.M.B., Treasury—are typically regarded as "authoritative," yet it is apparent that conclusions regarding trends in nothing more than federal grants to states since 1969 would be vastly different, depending on which source were used, or indeed depending on which report from the same source were used. Because national totals mask state totals that are even more varied, furthermore, conclusions about grants to individual states are subject to even more confusion. Differences amounting to billions of dollars in national totals and hundreds of millions in state-by-state totals obviously are subject to interpretive hazards, particularly since there is no consistency in the magnitude of year-to-year reporting discrepancies. Readers interested in specific state discrepancies are invited to find their own examples in Appendix Table 1.2, which reports totals from Census and Treasury (thus O.M.B.) data for all states and the District of Columbia from 1969 through 1978. In no year, for no state, do any of the grant figures reported by these sources match. Census, Treasury and O.M.B. reports all show vast increases in federal aid to state and local govenments over the past decade, but beyond that it is extraordinarily difficult to know how to draw reliable conclusions from these data.

Although analysts can only regard these varying numbers and the confusion they inevitably produce as perverse, the absence of a single, comprehensive and consistent record of federal spending seems to us quite understandable. No great insight is required to appreciate the enormous diversity of purposes pursued, and the heterogeneity of the agencies created to pursue them, by the entity referred to as "the federal government." It seems perfectly reasonable to suppose, therefore, that information needs will be as diverse as agency purposes require and that, absent a strong demonstration of need, there will be no consistent and comprehensive data base. Data systems, in short, do not exist in a vacuum; data are "created" because someone wants or needs information. If federal expenditures are as important to the national economy as we have suggested,

and if such expenditures are a product of political processes rather than "objective" social or economic forces, and if presently available data systems seem inadequate, we must answer the question, "What data do we want or need in order to better understand the American political economy?"

Posing this question forces us to confront conceptual and theoretical issues since, if "data" are not simply "out there" but are always "created," it follows that all data systems are based on some theory or theories that define what is or is not significant. From this perspective each of the major data systems we have reviewed suffers from an even more fundamental defect: lack of articulation between the "data" and a plausible image of the political processes through which such data are produced. Federal expenditures are organized by program, within agency. A considerable literature on national budgeting, furthermore, makes clear that federal resource allocation takes place through a fragmented process of program-by-program calculation, involving individual program managers, agency and department leaders, O.M.B. officials, relevant congressional committees, and often supportive clientele groups. The data required for such calculations typically include some record of historical accomplishment, a record of prior-year spending and service to clientele groups, and a proposal to improve program operations in the forthcoming year by expanding expenditures. These data are presented in great detail in agency budget proposals, and in somewhat less detail in the federal budget appendix—which is nonetheless a huge document. Use of such data makes clear that the politics of federal spending is very much a politics of individual federal program.

In summarizing these activities, however, the major federal data systems aggregate these program data into department or functional totals that have little to do with program politics. O.M.B. summaries by function and agency provide useful information for decisions on national budget totals, but spending decisions are not made by "function." The Treasury break-out of grants to states, apart from its other difficulties, aggregates hundreds of programs into fewer than 120 purposive categories, few of which form the bases of expenditure decisions. Even Census, which provides the most comprehensive record of federal spending in states and local jurisdictions, summarizes federal activity in no more than 12 categories, aggregating program decisions through techniques difficult to unravel. These reporting systems are all useful enough for some purposes, despite their inconsistencies. But they are designed to provide statistics for national total calculations, or generally summarize state and local distribution of federal dollars, rather than provide information on program expenditures. If the most important component of the American political economy is federal expenditures, understanding that component clearly requires a data system capable of handling federal program decisions.

It is also important that such a data system be comprehensive in its coverage. As noted above, much of the recent public debate of federal spending has focused on federal grants to state and local governments, and much of our attention here has been drawn to information about grants. Yet, as we also have noted, alternative spending mechanisms such as loans or tax expenditures are increasing more rapidly than grants. Ideally we would like a system that would permit us to track such mechanisms, we well as direct expenditures for federal government operations, or federal purchases from the private sector. Is there a data system both comprehensive enough in its coverage and "political" enough in its conceptual focus to provide an adequate analytic tool? Or, short of canvassing each federal program for budget and expenditure information can such a system be created to provide a single source of reliable information? The answer to both questions is "yes." Such a system exists, and it can be improved. We refer, of course, to a fourth data source, known earlier as "Federal Outlays" and now published annually by the Community Services Administration as Geographic Distribution of Federal Funds.●

● Mr. SASSER. Mr. President, I rise as an original cosponsor of Senate Joint Resolution 146, to commend this legislation to my colleagues and urge its early passage.

On February 4, 1982, I questioned David Stockman, Director of the Office of Management and Budget (OMB), about a recent OMB decision to discontinue publication of the "Geographic Distribution of Federal Funds," one of the primary sources of information regarding Federal aid to State and local governments in the country.

THE PRESIDING OFFICER. Without objection, it is so ordered.

See Exhibit 1.)

Mr. SASSER. Mr. President, now this is a very disturbing directive, for it means that the American people, the Congress, and State and local officials will not have full and complete information about the fiscal dimensions of the administration's New Federalism proposals. And that, Mr. President, is not the correct way to increase public understanding about the New Federalism.

Already, there are many, many State and local officials who want to know more about the fiscal specifics of the New Federalism. They want to know how State taxes will be affected by the swap of medicaid and AFDC/food stamp services. They want to know the funding levels for the various Federal grant-in-aid programs that will be included in the "turnback" of Federal programs to State and local governments.

They want to know how these various programs will be funded for 1981, 1982, 1983, and 1984. They need this information so they can make their budgetary plans for dealing with the New Federalism. In short, they want a fair shake from these federalism proposals, and they want to have access to unbiased, unmessaged data that will permit them to draw their own conclusions about whether to support the various elements of the administration's New Federalism proposals.

Mr. President, the Congress should require the Office of Management and Budget to honor that request. There should be truth-in-packaging with the New Federalism and Senate Joint Resolution 146 aims at providing Federal, State, and local officials the information they need in order to make intelligent and informed decisions about the administration's New Federalism proposals.

I urge prompt passage of Senate Joint Resolution 146.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., December 14, 1981.

MEMORANDUM FOR ASSISTANT SECRETARIES/DIRECTORS FOR MANAGEMENT

From: Edwin L. Harper, Deputy Director.
Subject: Discontinuation of the Geographic Distribution of Federal Funds.

As a result of recent evaluations of certain reporting requirements, it has been decided to discontinue the compilation and publication of the *Geographic Distribution of Federal Funds*, effective immediately. Data should not be submitted for FY 1981.

The Office of Management and Budget will continue to assess existing reporting systems such as the Federal Aid to States and the Federal Assistance Award Data System in addition to the various Census Bureau publications to determine the best approach for providing information on the geographic distribution of federal funds.●

ADDITIONAL COSPONSORS

S. 671

At the request of Mr. PELL, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 671, a bill to amend section 402 of title 23, United States Code, relating to establishment by each State of comprehensive alcohol-traffic safety programs as part of its highway safety program.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1634

At the request of Mr. COCHRAN, the Senator from Connecticut (Mr. WEICKER), the Senator from Maine (Mr. COHEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Georgia (Mr. NUNN), and the Senator from Kansas (Mrs. KASSEBAUM) were added as cosponsors of S. 1634, a bill to incorporate the National Federation of Music Clubs.

S. 1701

At the request of Mrs. HAWKINS, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1701, a bill to amend title 28, United States Code, to authorize the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain decreased individuals and in

the location of missing children and other specified individuals.

S. 1814

At the request of Mr. JEPSEN, the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1814, a bill to amend title 10, United States Code, to require the Secretary concerned to comply with the terms of certain court orders in connection with the divorce, dissolution, annulment, or legal separation of a member or former member of a uniformed service and which affect the retired or retainer pay of such a member or former member, and for other purposes.

S. 1844

At the request of Mr. JOHNSTON, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1844, a bill to facilitate the national distribution and utilization of coal.

S. 1932

At the request of Mr. BENTSEN, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 1932, a bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments and agencies, and for other purposes.

S. 1943

At the request of Mr. SCHMITT, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1943, to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds.

S. 1992

At the request of Mr. MATHIAS, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 2016

At the request of Mr. LUGAR, the Senator from North Dakota (Mr. ANDREWS), the Senator from Wyoming (Mr WALLOP), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2016, a bill to amend title II of the Social Security Act to provide generally that benefits thereunder may be paid to aliens only after they have been lawfully admitted to the United States for permanent residence, and to impose further restrictions on the right of any alien in a foreign country to receive such benefits.

S. 2094

At the request of Mr. DANFORTH, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

SENATE JOINT RESOLUTION 127

At the request of Mr. COCHRAN, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of Senate Joint Resolution 127, a joint resolution to grant official recognition to the International Ballet Competition.

SENATE JOINT RESOLUTION 138

At the request of Mr. ROBERT C. BYRD, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

SENATE JOINT RESOLUTION 140

At the request of Mr. MATHIAS, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 140, a joint resolution designating February 11, 1982, "National Inventors' Day."

SENATE JOINT RESOLUTION 144

At the request of Mr. DODD, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 144, a joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a ceasefire and a political settlement to the conflict in El Salvador.

SENATE RESOLUTION 231

At the request of Mr. PERCY, the Senator from Indiana (Mr. LUGAR), the Senator from Wisconsin (Mr. KASTEN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Colorado (Mr. ARMSTRONG), the Senator from North Carolina (Mr. HELMS), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Resolution 231, a resolution regarding the management of U.S. assets.

SENATE RESOLUTION 317

At the request of Mr. CANNON, the Senator from Nebraska (Mr. EXON), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Resolution 317, a resolution urging an Interstate Commerce Commission moritorium on new grants of authority to foreign carriers.

SENATE RESOLUTION 319—AUTHORIZING TESTIMONY BY JAMES SOURWINE

Mr. BAKER submitted the following resolution; which was considered and agreed to:

S. RES. 319

Whereas, in the case of *David Richardson* v. *Raymond J. Donovan*, Civil Action No. 79-2053, pending in the United States District Court for the District of Columbia, counsel for the defendant has requested the testimony of James Sourwine, an employee of the Senate;

Whereas, Title VII of the Ethics in Government Act of 1978, Public Law 95-521 ("the Act"), establishes the Office of Senate Legal Counsel and provides that the Senate may direct its Counsel to represent the Senate, its committees, Members, officers, or employees;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of an employee of the Senate is needful for use in any court for the promotion of justice and, further, that such testimony may involve communications, conversations, and matters related to the official business of the Senate, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That pursuant to section 704(a)(2) of the Act, the Senate Legal Counsel is directed to represent James Sourwine in connection with his testimony in the case of *David Richardson* v. *Raymond J. Donovan*, Civil Action No. 79-2053;

SEC. 2. That James Sourwine is authorized to testify in the case of *David Richardson* v. *Raymond J. Donovan*, Civil Action No. 79-2053, except concerning matters for which the Senate Legal Counsel or his representative determines are privileged from disclosure.

SENATE RESOLUTION 320—RELATIVE TO THE ASSASSINATION OF KEMAL ARIKAN

Mr. DENTON submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas Kemal Arikan, the consul general for the mission of the Government of Turkey in Los Angeles, was shot to death on January 28, 1982, in Los Angeles,

Whereas acts of terrorism daily cause suffering and death in the world;

Whereas the gravity of attacks against representatives of foreign governments and the universal abhorrence of such attacks has been expressed repeatedly by the international community; and

Whereas free people should condemn such brutality wherever it appears and should take all lawful steps to prevent it and to bring to justice those who commit such acts of terrorism: Now, therefore, be it

Resolved, That the Senate hereby—

(1) condemns in the strongest terms the vicious and brutal act of assassination of Kemal Arikan, a consul general of the Government of Turkey and a guest of the of the United States, on January 28, 1982, in Los Angeles;

(2) expresses its deepest sympathy with the family of Kemal Arikan and with the Government of Turkey and the people of Turkey in their time of sorrow; and

(3) calls upon Federal, State, and local law enforcement authorities of the United States to conduct, to the maximum extent practicable, an unceasing investigation of this case, to engage in the prosecution of the offenders to the maximum extent that the law permits, and to take appropriate steps to deter future attacks.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the

President with the request that he transmit such copy to the Government of Turkey.

AMENDMENTS SUBMITTED FOR PRINTING

CRIMINAL CODE REFORM ACT

AMENDMENTS NOS. 1285 THROUGH 1304

(Ordered to be printed and to lie on the table.)

Mr. McCLURE submitted 20 amendments intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

HOME HEALTH SERVICES

AMENDMENT NO. 1305

(Ordered to be printed and to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 234) to amend the Public Health Service Act to encourage the establishment of home health programs and to amend the Social Security Act to provide expanded coverage of home health services under the medicare and medicaid programs.

● Mr. PRESSLER. Mr. President, I am today offering an amendment to the health service's bill, S. 234, to facilitate better coordination between home health care agencies and hospital discharge planners.

One of the difficulties with the home health care delivery system as we now know it is that the necessary link between them and one of the major suppliers of clients—hospitals—is not well developed. This state of affairs is at least partially due to a simple lack of knowledge about existing alternatives, on the part of hospital personnel. Often, a discharge planner will receive orders from a patient's doctor on the same day that a patient is to be released. The physician may recommend discharge to a nursing home, because that is the option with which he or she is most familiar. The discharge planner faced with the need to make arrangements quickly, is often forced to simply follow the recommended course of action.

In other cases, even when the doctor and discharge planner realize that home care would be more appropriate than institutional care, the link with the home health provider is so poorly developed that the patient spends additional, costly, and unnecessary days in the hospital, while the details of the transfer of care are being worked out.

Specifically the amendment directs that the Secretary of Health and Human Services shall require that all home health care agencies which qualify for medicare and/or medicaid reimbursement shall establish a regular working relationship with area hospital discharge planners, in order to insure efficient and timely transfer of patients from hospitals to home health care.

I hope that adoption of this amendment will insure that working relationships are better developed, so that hospital personnel is better informed about the options available, and crucial time and dollars are not wasted in the making of arrangements. If we truly wish to make home health care cost effective and more beneficial for the patient, I believe this is a necessary addition to the bill.●

ADMISSION OF CERTAIN CHILDREN OF U.S. SERVICEMEN

AMENDMENT NO. 1306

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. DENTON (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the bill (S. 1698) to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

Mr. DENTON. Mr. President, I am pleased to submit, with my distinguished colleague, the junior Senator from Michigan, an amendment in the form of a substitute to S. 1698, a bill to provide preferential treatment in the admission to the United States of certain children of U. S. Armed Services personnel.

People who are aware of the plight of Amerasian children must feel compassion for these unwanted children in Southeast Asia. Everyone agrees that we must find a solution to the hideous problems faced daily by these offspring of American men and Asian women. However, the complexity of the issue with regard to immigration policy, and the lack of hard information about the numbers and whereabouts of the Amerasians in all seven nations mentioned in S. 1698, complicated our efforts to aid the Amerasians.

With this in mind, the amendment offered today adopts an incremental approach by allowing immigration preference to one group of Amerasians: Those fathered in Korea by a U.S. citizen between 1950 and the date of enactment of the bill. The amendment defines a group of children who suffer severe, institutionalized discrimination in the country of their birth. The number of these children who would require immigration preference would be manageable by the State Department and the immigration and Naturalization Service.

I believe that this pilot program would be workable with sufficient stringency to discourage fraud. The program, when demonstrated to be successful, could easily be expanded to include children from any of the other countries where there is discrimination against those with American blood. I invite all the current cosponsors of S. 1698, as well as my other colleagues, to join Senator LEVIN and me in cosponsoring this amendment.

I commend to my colleagues an article by William Drozdiak in the December 14, 1981, issue of Time magazine. It poignantly describes the problems faced by the Amerasian children who are unfortunate victims of our involvement in Southeast Asia. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STRANGERS IN THEIR OWN LAND

"In the dead of night, I sometimes find myself wondering what I am," said Cha Mi Sun. For Cha, a 27-year-old Korean acupuncturist, the acute identity crisis began the day he was born. In school, his classmates derided him as a twigi, a half-breed. Later, he found that his patients loathed being touched by him because of his "outlandish" looks. Like thousands of other youths spawned by liaisons between American servicemen and Asian women, Cha has blue eyes and brown hair that brand him a pariah condemned to a life of shame and ridicule in his native land, proud of its long history of ethnic purity.

From Thailand and the Philippines to Japan and Korea, there are perhaps 170,000 such Amerasians. Viet Nam alone has an estimated 25,000 to 50,000, who represent one of the most poignant legacies of the U.S. involvement there. The victorious Vietnamese consider mixed-descent youths an unwelcome reminder of a hated foe. As a result, the Amerasians are denied education and rights of citizenship. In Thailand, a recreational playground during the war years, street urchins with names like Charlie and Woody often must survive by hustling coins from tourists and running errands for massage parlors.

"For those forgotten American children in Asia, life is just misery," says Father Alfred V. Keane, an American priest who runs a home for Amerasians in Inchon, Korea. "The harassment never seems to end. Sometimes they are beaten, stoned, kicked and reduced to a subhuman status in ways I could never begin to describe."

In some countries where an American presence has been tolerated for generations, Amerasians have attained a measure of acceptance. In the Philippines and Japan, where they were once scorned as "Madama Butterfly tots" or "souvenir babies," mixed-descent children have capitalized on their exotic looks and gained success in the entertainment and fashion worlds. Two of the most popular Filipino movie stars, Hilda Koronel and Elizabeth Oropesa, are daughters of American fathers. But in Korea, most Amerasian children and their mothers are still treated as outcasts. In the bars and discos near the military bases, where more than 37,000 U.S. troops are stationed, the underclass perpetuates itself in a sad cycle: children of prostitutes who once plied their trade at the same bases now cater to another generation of American G.I.s.

Trapped between two cultures, Amerasians receive little sympathy from local governments. "Sometimes officials refuse to be-

lieve the children are Thai citizens because of the way the child looks," says Janjira Wongsopa, a medical counselor with the Pearl S. Buck Foundation, which aids more than 12,000 Amerasians in five countries. "They will put American or Negro as the nationality on the birth certificate, which means the child cannot attend a government school." Roughly 98 percent of Thailand's Amerasians (variously estimated to number between 4,000 and 11,000) are illegitimate progeny, many of them ostracized by their mothers' families. Says a Bangkok social worker: "That alone will deprive them of many job opportunities, which are often obtained through relatives or friends of relatives."

As elsewhere, the degree of Asian prejudice is often dictated by skin color. "In many ways the white Amerasian is better off," says Michael Nebeker, Bangkok director of the Pearl S. Buck Foundation. "Although he is teased, the Thais sometimes find his light hair and features exotic. But with blacks there is definitely maliciousness. Teachers call them 'nigger' in front of other kids and openly discuss how their mothers were just prostitutes and their fathers soldiers." Pearl S. Buck Foundation officials believe that every effort should be made to integrate the mixed-descent child into local society before adoption is contemplated. But the vicious treatment of Amerasian blacks has convinced Nebeker that for them, going to the U.S. might be the best thing.

Even if there is an American couple willing to adopt them, the peculiar status of Amerasian children often makes it impossible for them to emigrate. To qualify for adoption, a child is required by Thai law to have written consent from his mother, something many Amerasians find impossible to obtain since they were abandoned shortly after birth. In the Philippines, 99% of Amerasians are born out of wedlock and are thus considered Filipinos, which forces them to compete with some 300,000 other Filipinos who have applied for the 20,000 U.S. immigrant visas allotted to the Manila embassy.

The wrenching ordeal of the Amerasians has induced Representative Stewart B. McKinney, a Connecticut Republican, to propose a bill that would provide preferential admission into the U.S. for some of the children of American soldiers born abroad. Under McKinney's bill, an alien born in Korea, Viet Nam, Laos or Thailand after 1950 who was fathered by a U.S. serviceman on active duty would be granted high preference under U.S. immigration laws, provided that the child could prove American paternity and find a sponsor to guarantee financial support for five years. The bill languished in one previous Congress but is now picking up enough backers to stand a chance of passage. Says McKinney: "This act does not carelessly throw open the gates to allow mass immigration. It allows Amerasians the opportunity they deserve as sons and daughters of U.S. citizens."

Not all Amerasians would rush to apply for visas to the U.S. "A lot of the children are curious about their fathers," says a Pearl S. Buck Foundation worker,"but they are Thai and their lives will be here." Pearl S. Buck Foundation officials believe that an offer of U.S. citizenship to Amerasians is a necessary first step in recognizing moral responsibility. Says Executive Director John Shade: "they are Americans. The Amerasians have more right to be citizens of this country than Cubans and Haitians."

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

AMENDMENT NO. 1307

(Ordered to be printed and to lie on the table.)

Mr. HOLLINGS (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to the resolution (S. Res. 20) providing for television and radio coverage of proceedings of the Senate.

Mr. HOLLINGS. Mr. President, I have listened with great interest to the debate considering television and radio coverage of Senate proceedings. I feel my colleagues have done an outstanding job in defining the major advantages and disadvantages of this proposal. But as is too often the case in formal debate, and I do not intend my remarks as criticism of any of my colleagues, the affirmative team fails to recognize the merits in the negative team's arguments and vice versa.

For me, in this particular matter, each side has presented compelling arguments. The most compelling argument against gavel-to-gavel television and radio coverage of Senate proceedings is that such may have an intrusive effect on how this body conducts itself—its business and its duties. It is not so much that we would be competing with "General Hospital," "All My Children," "Let's Make A Deal," or reruns of "I Love Lucy" that concerns me; it is that we would be competing with ourselves and against the best interest of the voters who put us here.

There was a time when most of the Senate's business was conducted in this Chamber and a Senator's office was his desk. But, that is not the case today. Due to the everincreasing demands placed on us by our constituents and by a myriad of new and complex issues, we can no longer fulfill our obligations as Senators from these desk tops alone. We have and need staffs to help meet the demands for constituent services, and we have and need committees and committee staffs to aid us in the consideration of complicated legislation and issues. I do not say this to provide excuse for empire-building. I only state it as a fact in a more advanced age where we have telephones, television, telecommunications, high technology and a better informed public. As a people become better informed, the greater interest there exists in the affairs of state. And the greater the interest in the affairs of state, the more that will be expected, or least requested, of those who govern that state. That is the psychology of open political systems like our own and I doubt that psychology, if ever, can be broken easily.

So, Mr. President, what we have today is a legislative body which is primarily run by the actions and deliberations of its committees. I would go so far to say that more than 90 percent of the Senate's primary duty, that of legislating the laws of the land, is conducted in those committees. It is there where many of our Nation's great issues are initiated, contemplated and decided. It is there where we see more votes and longer debate. And it is there where we find television and radio.

In general, during the last three decades the Senate has allowed the televising of committee hearings, especially those in which there was widespread interest. Virtually whenever the television networks have requested to come into the committee room, unless sensitive national security matters were involved, their crews have been allowed to film the proceedings. So, in fact, we now have broadcast coverage of the majority of Senate business—that is when the networks deem us worthy of such coverage. The networks obviously find Watergate hearings and big budget battles more titillating than the Services Industries Development Act or the documentation of the vessel *Oceanic Constitution.* As former network executive Fred Silverman was likely to say, "We simply give them what they want."

Mr. President, with that background in my mind, I have severe reservations about what gavel-to-gavel coverage of the Senate Chamber might do to this body. It might take us out of our committees away from more important work. It may mean because Senator THURMOND has made a speech regarding the confirmation of Sandra Day O'Connor to the Supreme Court, that Senator HOLLINGS may feel compelled to leave a Budget Committee markup to speak to the television cameras, and to the people of South Carolina, to give his thoughts about this historic event. And one will be compelled in similar circumstances for want to avoid such questions as: Why did you not make a statement? Are you not concerned about this issue? Or, were you out playing tennis again? If a great number of us feel compelled to avoid such, I fear our ability to carry out the people's business will be severely compromised.

On the other hand, there is a most compelling argument for television and radio coverage of the Senate's proceedings. In a free and open system of government such as ours coverage of political events and the workings of government is not only common place, it is expected. As Justice Felix Frankfurter once wrote: "Freedom of the press is a means to the end of a free society." Indeed the right of the public to know about its government, if not stated, is an implicit fundamental of the American form of government.

Claims that this or that Senator will be more telegenic pale as effective argument in contrast to the notion that a citizenry in a free society should

know, or at the very least have the ability to know, how its government works and how its legislators deliberate. Despite how some political pundits have interpreted the results of the 1980 election, the American people do not elect actors to public office. We are sent here not to perform, but to contribute our energies to the formulation of national policy. The public understands that and we should, too.

It is just this sort of open door government that led the Senate to open the galleries to all citizens and the print media in 1794. Today the definition of communications has changed dramatically as a result of technology. We are a nation that receives the bulk of its information via radio or television broadcast. And, indeed, since this is one of our mainstreams of communication the omission of radio and television coverage seems an obstacle to the open door government notion the Senate of 1794 proclaimed in opening the galleries.

This brings me now, Mr. President, to my main concern. I believe the public does have a right to know, but I also believe the public deserves to have Senators perform their duties as efficiently and thoughfully as possible. It is for these reasons, that I and Senator CAROL LEVIN of Michigan believe a compromise is in order. A compromise which opens this body to the camera's eye and the radio's sound level and yet does so with the least disruption of this body's primary duty of legislating laws. The amendment that we offer today to Senate Resolution 20 would allow the majority and minority leaders to determine when coverage of the Senate is appropriate. It is our hope that such an amendment would allow the leadership to select the subjects of truly national interest. Such a system would allow the broadcast of major national debates over the Panama Canal treaties, the sale of the AWACS, the building of the B-1 bomber, the President's budget and tax programs, and like issues. I think there is a valuable purpose and need for greater coverage of the deliberations of this body. I believe the American people have a genuine interest in what happens here. And I hope the amendment offered here today by Senator LEVIN and myself, will allow the American people to see our deliberations with the least instructive effect on our legislative process.

Mr. President, I ask unanimous consent that the amendment offered by Senator LEVIN and myself be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1307

On page 2, line 1, strike out "continuously at all times" and insert in lieu thereof "at such times as the Majority and Minority Leaders agree are appropriate".

On page 2, lines 3 and 4, strike out "Committee on Rules and Administration" and insert in lieu thereof "Majority and Minority Leaders".

On page 2, line 13, strike out "committee" and insert in lieu thereof "Majority and Minority Leaders".

On page 2, lines 16 and 17, strike out "committee on Rules and Administration" and insert in lieu thereof "Majority and Minority Leaders".

CRIMINAL CODE REFORM ACT

AMENDMENT NOS. 1308 THROUGH 1329

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted 22 amendments intended to be proposed by him to the bill (S. 1630) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

PROHIBITING TAX EXEMPTION FOR SCHOOLS WITH A POLICY OF RACIAL DISCRIMINATION

AMENDMENT NO. 1330

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 2024) to amend the Internal Revenue Code of 1954 to prohibit the granting of tax-exempt status to organizations maintaining schools with racially discriminatory policies.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the hearing date for the Senate Small Business Committee's hearing on "Influencing Small Business Investment in Enterprise Zones" has been rescheduled from February 23, 1982 to February 25, 1982, 9:30 a.m., room 424 of the Russell Senate Office Building. For further information contact Bob Wilson, 224-5175. Senator WEICKER will chair.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on February 23, 1982, at 9:30 a.m., room 424 of the Russell Senate Office Building, to review the President's first annual "Report on Small Business and Competition." For further information contact Mike Haynes, 224-5175. Senator WEICKER will chair.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on March 4, 1982, at 10 a.m., room 424 of the Russell Senate Office Building, to consider S. 1947, a bill to improve small business access to Federal procurement information. For further information contact Kim Elliott, 224-3840. Senator HAYAKAWA will chair.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on March 11, 1982, at 9:30 a.m., room 424 of the Russell Senate Office Building, on the SBA surety bond guarantee program. For further information contact Mike Haynes, 224-5175. Senator WEICKER will chair.

Mr. President, I would like to announce that the Senate Small Business Committee will conduct a hearing on March 2, 1982, at 9 a.m., room 424 of the Russell Senate Office Building, on "Safe Harbor Leasing: Usability by Small Business." For further information contact Brian Hartman, 224-5175. Senator D'AMATO will chair.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for March 5, 1982, beginning at 9:30 a.m., in room 6226 of the Dirksen Senate Office Building. Testimony is invited regarding the review of the "Report of the Commission on Fiscal Accountability of the Nation's Energy Resources."

For further information regarding the hearing you may wish to contact Timothy Woodcock of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

SUBCOMMITTEE ON SOIL AND WATER CONSERVATION

Mr. JEPSEN. Mr President, I wish to announce that the Senate Agriculture Subcommittee on Soil and Water Conservation has scheduled a hearing on S. 1825. S. 1825 would prohibit eligibility for the price support program on certain western lands which have not been used for agricultural purposes in the past 10 years except in cases where the owner or operator has entered into a long-term agreement with the Secretary of Agriculture to carry out conservation practices on such lands. The bill was introduced by Senator ARMSTRONG, and the hearings are being held at his request.

The hearing will be held on Wednesday, February 24, beginning at 9 a.m. in room 324, Russell Building.

Anyone wishing further information should contact Denise Alexander or John Cozart of the Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the hearings to consider the capacity, distribution and status of the Nation's strategic petroleum reserve previously scheduled for Monday, February 8 and Friday, February 26 have

been rescheduled for Monday, March 8 at 2 p.m. in room 3110 of the Dirksen Senate Office Building.

In addition, the subcommittee will hold a field hearing in Billings, Mont., to consider the Federal coal leasing effect in Montana. The hearing will be held on Monday, February 22, beginning at 9 a.m. in the Yellowstone County Courthouse, room 510, Billings, Mont.

Those wishing to testify or who wish to submit written statements for the record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy and Mineral Resources, 3104 Dirksen Senate Office Building, Washington, D.C. or, to Mr. Scott Donnelly, office of Senator JOHN MELCHER, Federal Building, room 1016, Billings, Mont. 59101. Testimony should be submitted no later than close of business on Friday, February 19.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 202-224-4236 or Mr. Scott Donnelly, office of Senator MELCHER, at 406-657-6644.

SUBCOMMITTEE ON NUTRITION

Mr. DOLE. Mr. President, I wish to announce that hearings have been scheduled before the Senate Agriculture Subcommittee on Nutrition concerning the status of nutrition programs administered by the U.S. Department of Agriculture. Specifically, the subcommittee will be looking at the impact which the President's budget proposals would have on the food stamp, child nutrition, and the special supplemental feeding program for women, infants, and children, (WIC) programs.

The hearings will be held on Monday, February 22, and on Tuesday, February 23, beginning both days at 10 a.m., in room 324, Russell Building.

Anyone wishing further information should contact Denise Alexander or John Cozart of the Agriculture Committee staff at 224-2035.

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, after consultation with the White House and the Department of Labor, Congressman GUS HAWKINS and I have announced that the hearings for training and employment legislation scheduled for February 22 to 26, 1982, will be postponed until March 15 to 18, 1982.

Accordingly, it has been agreed that Secretary of Labor Raymond Donovan will testify March 15.

ADDITIONAL STATEMENTS

THE UNEMPLOYMENT URGENT SUPPLEMENTAL

● Mr. QUAYLE. Mr. President, yesterday the Senate passed an urgent supplemental appropriations bill for the Department of Labor and I supported this bill because it will undo the drastic cut in employment service funding that was unintentionally included in the continuing resolution. I am pleased that today the supplemental resolution is on its way to the White House for President Reagan's signature.

The impact of these cuts in my home State of Indiana is described in graphic terms in a letter I have received from Indiana employment security division. It makes no sense to me to close offices that are designed to help the unemployed get jobs at the very time that the unemployed need help most. I am pleased that this legislation will prevent these additional closings of employment service offices. I ask that the letter from the Indiana State Employment Service with the enclosures be inserted in the RECORD at this point.

The letter follows:

INDIANA EMPLOYMENT SECURITY DIVISION, INDIANA STATE EMPLOYMENT SERVICE,
Indianapolis, Ind., January 27, 1982.

Hon. DAN QUAYLE,
Member, U.S. Senate,
Washington, D.C.

DEAR SENATOR QUAYLE: I know you are concerned about the cuts in services to Unemployment Insurance and Employment Service applicants throughout the State. We too are concerned.

Because you are receiving complaints and inquiries from your constituents, I thought it important for you to have as much information as possible regarding the closing of eleven offices and the elimination of Employment Service activities in twelve offices. I am enclosing some background material for you so that you can better understand the scope of the problem and the process that was used in making these difficult decisions.

I will be glad to answer any questions. Please contact me or my office if we can be of assistance.

Sincerely,

JOHN R. HAMMOND III,
Acting Director,
Indiana Employment Security Division.

INDIANA EMPLOYMENT SECURITY DIVISION
FISCAL YEAR 1982 BUDGET REDUCTION

Definition of problem

In December 1981 Congress passed a Continuing Resolution which cut grants to states for Employment Service and Unemployment Insurance operations by $263,544,000 retroactive to October 1, 1981.

On January 11, 1982 the Indiana Employment Security Division was notified that Indiana's share of the cut would be 3.8 million dollars retroactive to October 1, 1981. Nearly all of the cut was to be made in the Employment Service Program. This cut was on top of a previous 2 million dollar cut which had been implemented in September 1981.

Employment Service staff reduction required in local offices was determined to be 265 positions. This reduced ES staff in local offices from 466 to 206. In addition, a reduction of 80 positions representing various program areas had to be made in the Administrative Office.

Staff allocation and office closings

The decision making process of the Indiana Employment Security Division began at the end of November 1981 when our agency was advised of possible additional budget reductions for the Federal fiscal year 1982.

Our agency proceeded on the basis of these budget cuts becoming reality and began an in-depth assessment of all of our local offices and their operations using the following factors: 1) initial claims; 2) placement transactions; 3) placement productivity; 4) covered employment in the area served by each office.

Additional factors taken into consideration were location of the office in relation to surrounding offices, size of the operation and its ability to accommodate additional workload generated from other locations.

An Employment Service Staff Allocation Model was developed which divided the State of Indiana into fourteen (14) economic areas. This Employment Service Staff Allocation Model was designed to insure that all areas of the state would have a fair and equitable share of employment service staff based on their workload in comparison to the workload in other areas. (See Attachments 1 and 2).

Subsequently, an area's total employment service staffing was then allocated to each individual office using the same model only individualized to a particular county or area's workload in proportion to that area's workload. From that information it became obvious that some offices would not have adequate staffing to maintain even minimal service.

Add to the fact that available employment service staff was inadequate for our current 49 offices, the fact that we also had reduced funding for non-personal services such as rent, heat, lights, water, etc., it became obvious that some local office would have to be closed. It was at this point that 11 local offices were selected for closing. In addition to those factors contained in the Employment Service Staff Allocation Model, placement productivity and office location were also considered in the selection of offices to be closed. At the same time, 12 offices were selected for the termination of employment service but would remain open to provide unemployment insurance service.

The agency will establish one day per week or more frequent if required, unemployment insurance service in those communities where an office is being closed. However, this service is contingent on locating required space in the community. These part time offices plus our mail-in claims service should result in no loss of service in the unemployment insurance program.

The Indiana Employment Security Division fully realizes the impact of this budget cut on communities. The agency's major goal is the effective utilization of remaining employment service staff so that maximum service to the public be provided from those operations where we will maintain a full time, full service local office.●

CRIMINAL CODE REFORM—QUESTIONS AND ANSWERS ON S. 1630

● Mr. BAUCUS. Mr. President, a number of people have written to me concerning certain provisions of the proposed criminal code. I thought it would be useful to include in the RECORD a response to those questions:

Question. How much of the proposed criminal code retains current law?

Answer. From all reports, it appears that the majority of the proposed code, probably about 90 percent of it, simply brings forward current law.

Question. Why is this proposed bill being handled secretly?

Answer. This bill is not being handled secretly. It has been an ongoing project for the past 15 years and has generated well over 13,000 pages of supporting legislative history, all of which is available for public inspection.

Question. Why is it necessary to pass a 500 page bill? Wouldn't it be better to be dealt with on a piecemeal basis?

Answer. It would be practically impossible to reform the criminal code on a piecemeal basis. The whole point is to bring about uniformity in existing laws, particularly regarding the sentencing process. You cannot amend the sentencing provisions without amending the substantive criminal provisions and vice versa.

Question. Doesn't S. 1630 make it possible to waive bail simply by designating the accused as being dangerous, and isn't that the same as preventative detention?

Answer. A judge will still have a bail hearing. Bail is imposed to insure that the individual will show up for trial. But in the past, bail has been shown to be discriminatory because those who are accused who have a lot of money, or who have ties to organized crime are able to get off easily while those who do not have money are detained. Most criminals in Southern Florida who are being arrested as part of a narcotics ring have been able to quickly pay bail and get free, in most instances, to return to their criminal activities. Under the proposed changes, if an individual indicates he cannot meet the bail imposed, the judge must hold a hearing to determine "whether or not that criminal is a danger to the community." If it is determined that he is, the judge has the prerogative to detain him without looking at other factors such as third party custody. This kind of evidentiary hearing can afford ample civil libertarian safeguards. Our communities like Great Falls and Missoula have a right to be protected from criminals who have committed crimes and who are likely to go right back out and commit more.

Question 5. How can you support a bill that raises maximum sentences for all Federal crimes? Or alternatively: How can you support a bill that lowers maximum sentences for all Federal crimes?

Answer. Sentencing reform is the other essential feature of the Criminal Code. The current sentencing system is not working and has no consistency. Judges are sentencing criminals to 30 years, but due to the flaws in the system, criminals are only serving perhaps five years of a 30 year sentence. The proposed sentencing reforms would require criminals to actually serve the time that is imposed in their sentences. The parole system would be eliminated. In its place would be a fixed amount of "good time" which would be credited toward a criminal's sentence only if he has behaved properly. In this way, a judge knows when he imposes the sentence exactly how much time that person will spend in jail. It will eliminate the unpredictability and uncertainty of sentencing. It is my belief that this kind of fixed term sentencing will increase the public's faith in our criminal justice system.

Question. 6. How can you support a bill when it makes protesting or demonstrating against nuclear power a Federal crime?

Answer. The provisions in the proposed Criminal Code do not prohibit protesting against nuclear power. What the code provisions do cover is arson or aggravated property destruction at an energy facility.

Question 7. How can you support a bill that makes it a crime to protest undeclared wars?

Answer. The provisions in the proposed Criminal Code do not prohibit protests of undeclared wars. There are provisions which deal with obstruction of draft recruitment and also provisions which deal with the impairment of the government from operating. These provisions, however, do not prohibit protesting or limit the exercise of free speech.

Question 8. Why can't we get a copy of the bill to read ourselves, or isn't it our right as citizens of the U.S. to see what legislation is being passed by Congress?

Answer. The 425 page Criminal Code bill is available on request from the Senate Documents Room, U.S. Capitol, Washington, D.C. 20510 Ask for S. 1630.

Question 9. This 425 page bill was approved by the Senate Judiciary Committee on November 18 after a mere 90 minute session at which no testimony was taken. Why was more time not spent?

Answer. The Senate Judiciary Committee held two full days of hearings of S. 1630 prior to its vote on November 18. The Committee has held dozens of hearings on the bill since 1971 and the record is compiled in 19 volumes.

Question 10. On November 18, Baucus backed the current Criminal Code revision which tosses out his previous amendments.

Answer. All of Baucus' amendments but for one are contained in S. 1630. The one amendment that was dropped would reverse a Supreme Court holding on the law of contempt. On that point, S. 1630 in its current form, brings forward current law.

Question 11. As S. 1630 hits the floor of the Senate, won't many amendments be offered to make it more draconian.

Answer. Many of those amendments were offered and defeated in Committee by a bipartisan coalition ranging from Senators Thurmond and Hatch to Kennedy. There is a risk that in the current political climate such changes might be adopted on the floor. That is why I did not co-sponsor the bill this year. If such amendments were to pass on the Senate floor, I would oppose final passage of the bill. But, for the time being, I can continue to support the effort until such actions take place.

Question 12. Why are you supporting enactment of the criminal code?

Answer. The proposed new Code is monumental. It is monumental not only in size, but more significantly, in its potential effect. It brings an unprecedented degree of clarity and certainty to the Federal criminal law that should result in judicial economies. It contains hundreds of specific improvements in the current penal and procedural statutes.

LEGISLATIVE QUESTIONNAIRE

● Mr. PRESSLER. Mr. President, my annual legislative questionnaire produced some 9,000 responses. The responses contained some suprises and some strong statements by concerned South Dakotans. I think that my colleagues will find the tabulation of the poll to be of interest.

Mr. President, I thank the many people who took the time and effort to respond to my legislative questionnaire. It was obvious, from reading their comments, that people had been very careful and thoughtful in their answers.

For the benefit of my colleagues who may wish to further examine the results of my questionnaire, I ask that a copy of the tabulation be printed at this point in the RECORD.

The tabulation follows:

	Percent
(1) Should the United States return to the policy of backing dollars with gold?	
(a) Yes, the United States should back our dollars with gold	66
(b) No, the United States should not back our dollars with gold	29
(c) No opinion	5
(2) Should Congress extend the period of Daylight Savings Time for an additional two months?	
(a) Yes, Daylight Savings Time should have an additional two months	30
(b) No, Daylight Savings Time should stay the way it is	63
(c) We should get rid of daylight savings time altogether	7
(3) Do you feel that the Congress should provide for right of way across private land for the construction of interstate coal slurry pipelines?	
(a) Yes, Congress should provide a right of way on private land for the construction of interstate coal slurry pipelines	22
(b) No, Congress should not have the right to provide a right of way on private land for coal slurry pipelines	74
(c) No opinion	4
(4) Should the Congress set the rate of personal income tax at a fixed percentage, applicable across the board at all income levels, rather than retain the present graduated system?	
(a) Yes, Congress should set the rate of personal income tax at a fixed percentage	42
(b) No, Congress should not set the rate of personal income tax at a fixed percentage	51
(c) No opinion	7
(5) Should Congress adopt legislation prohibiting the sale of grain for export at a price below the domestic cost of production?	
(a) Yes, Congress should adopt legislation prohibiting the sale of grain at a price below the domestic cost of production	67
(b) No, Congress should not adopt legislation prohibiting the sale of grain at a price below the domestic cost of production	30

	Percent
(c) No opinion	3
(6) Do you favor building a new B-1 bomber fleet at a cost of $30 billion, or should we seek acceleration of cruise missile and "Stealth" bomber technology?	
(a) Build B-1's	25
(b) New technology	57
(c) Neither	18
(7) Would you favor a constitutional amendment which would permit individual states to determine abortion laws?	
(a) Yes, we would like the states to determine abortion	43
(b) No, it should be a federal decision	48
(c) No opinion	9
(8) Should the Congress adopt uniform laws to restrict the possession of hand guns by criminally convicted and mentally disturbed persons?	
(a) Yes, Congress should adopt legislation that would restrict the possession of handguns by criminally convicted or mentally disturbed persons	73
(b) No, Congress should not adopt laws to restrict the possession of hand guns by the criminally convicted and mentally disturbed persons	21
(c) No opinion	9
(9) Do you favor arms control agreements with the Soviet Union, given the present state of our military affairs?	
(a) Yes, we would favor arms control agreement with the Soviet Union	47
(b) No, we would not favor an arms control agreement with the Soviet Union	48
(c) No opinion	5
(10) Should the federal government require airbags in automobiles for crash protection?	
(a) Yes, they should require air bags	14
(b) No, they should not require air bags	82
(c) No opinion	4
(11) Should Congress extend the period for ratification of the Equal Rights Amendment beyond the present June 1982 expiration date?	
(a) Yes, Congress should extend the ratification period	24
(b) No, Congress should not extend the ratification period	73
(c) No opinion	3
(12) Should the federal government ease restrictions on the control of coyotes which prey on lambs and calves?	
(a) Yes, the federal government should ease restrictions on the control of the coyotes	68
(b) No, the federal government should not ease restrictions	28
(c) No opinion	4●

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

● Mr. MURKOWSKI. Mr. President, although several weeks have passed since Congress approved the President's recommendation for a waiver of certain laws governing the Alaska Natural Gas Transportation System, the controversy continues to rage in many areas of the country.

Several self-proclaimed consumer advocates have characterized the waiver package—particularly the provision for consumer prebilling—as a consumer "ripoff." We have repeatedly heard the charge made that consumers would be billed for gas they may never receive. We have also heard the charge that the prebilling waiver is a means to shift all of the risk of noncompletion from the sponsors to the consumers. These so-called consumer advocates have failed to tell the American people that the project sponsors and gas producers are placing in excess of 6 billion dollars' worth of equity capital at risk—an investment on which no return will be realized until the pipeline is complete and gas is flowing. Since prebilling could only occur after an expected date of project completion set by the Federal Energy Regulatory Commission (FERC), and since no return on equity is allowed from prebilling on the Alaskan portion of the pipeline, the sponsor companies have a tremendous incentive to complete the project on time. Therefore, prebilling is extremely unlikely. In fact, the risk of prebilling is immeasurably small.

While there were honest differences of opinion about this waiver package, much of the controversy has been precipitated by exaggerated, simplistic, one-sided accounts of this complicated issue. Consequently, it is refreshing to find a few accounts that present an evenhanded description of this matter.

For the benefit of my colleagues, I am inserting into the CONGRESSIONAL RECORD an article by Curtis B. Gans, a journalist with the Baltimore Sun. This article reveals the unfair coverage that this issue received, and also points to the fact that this waiver package was a "close call" for most Congressmen and Senators.

The article follows:

[From the Baltimore (Md.) Sun, Dec. 29, 1981]

SIMPLISTIC, CYNICAL AND ONE-SIDED

(By Curtis B. Gans)

The 1981 Nadir Award for the lowest in television journalism goes to Bill Moyers, CBS's usually thoughtful commentator, for his simplistic, cynical and one-sided account of the congressional debate on the Alaska natural gas pipeline.

On the eve of the final House of Representatives vote on the issue, Mr. Moyers began his report:

"Dan (Rather), if you want to know why so many people are fed up with both political parties and have stopped voting and if you have a strong stomach, I have a case in point."

Mr. Moyers then related how John McMillian, chairman of the Northwest Alaska Pipeline Company, was awarded a $10 billion government contract in 1977 to build a pipeline to transport natural gas from Alaska to 42 consuming states, on the proviso that he would finance construction from private funds.

Mr. Moyers then reported that in the ensuing four years Mr. McMillian had failed to raise the necessary capital, was now seeking to "change the rules" and was asking Congress to force consumers to foot the bill—by billing them for the pipeline before any gas is pumped or delivered.

Mr. Moyers provided time for two opponents of pre-billing consumers for the pipeline, Senator Howard Metzenbaum, a Democrat, and Representative Thomas Corcoran, a Republican, to vent their outrage at this unusual procedure.

Mr. Moyers then spent the bulk of his report describing the campaign Mr. McMillian waged to get congressional approval of his financing package.

Mr. Moyers documented how Mr. McMillian and his co-investors contributed $80,000 to members of Congress and congressional campaign committees. He showed how Mr. McMillian lobbied Congress—using, among others, former Vice President Mondale, former Democratic Party chairman Robert Strauss, the law firm of present Democratic Party chairman Charles Manatt and the public relations firm of Peter Hannsford, whose most prominent client was Ronald Reagan and whose most prominent alumnus is Michael Deaver, White House aide.

The implication of Mr. Moyers' report was that Congress passed a pernicious piece of legislation because of political influence. It was made explicit in the final sentence of his report:

"The two-party system is not only up for grabs—it's up for sale."

The truth of this tale is somewhat more complex.

The Carter administration sought to build the pipeline because President Carter himself feared the domestic supply of natural gas might someday run out, because he wanted to reduce American dependence on foreign sources of oil and because a large and plentiful gas supply might keep prices low.

Mr. McMillian was awarded the contract, in part because of political influence and because he promised not to use either public or major oil company funds in financing the pipeline, but also, in a larger measure, because the route he proposed for the pipeline was favored by most environmentalists.

Since part of that route went through Canada, Mr. Carter promised the Canadian government that the United States would underwrite the costs of the Canadian segment.

President Reagan, on taking office, reaffirmed the government's commitment of both building the pipeline and covering Canadian costs.

After four years, Mr. McMillian was unable to raise the money to complete the pipeline. Accordingiy, he sought waivers from his original agreement to, among other things, permit oil compaines to invest in the project and to entice bank investment by, if necessary, billing consumers for part of the cost of the project.

Under the terms of the waivers, consumers might be billed for part of the construction costs, but only after 1987, only if the project was partially but not fully completed and only if the Federal Energy Regulatory Commission specifically approved such billing.

The problem for Congress, which had to approve the waiver package, was made more difficult by the procedure written into the original legislation governing congressional consideration of any waivers. Congress had

only 60 days to consider the waivers and could not amend them.

On the one hand, legislators were being asked to accept a dubious scheme for pre-billing consumers for services not yet rendered. On the other, if they refused to vote the waiver package, they were jeopardizing America's relations with Canada, voting certain death for the pipeline and with it the opportunity to provide a new, large supply of natural gas. A close call.

The actual vote, however, was not close. By a vote of 17-1 the Senate Energy Committee passed the waivers. By a vote of 75-19, the full Senate supported them. The waiver package passed the House Interior Committee by a vote of 32-7, the House Energy and Commerce Committee by a vote of 27-14 and the full House of Representatives by a 50-vote margin.

All of which brings us back to Mr. Moyer's story.

Why, if the vote was as one-sided in favor of the waiver package as it was, did he allow only opponents to speak?

Why did he fail to present any of the complexities of the issue?

Why did he choose explicity to leave the impression that anyone who voted for the waivers had been bought by Mr. McMillian?

Why did he choose to impugn the integrity of the overwhelming majority of both houses of Congress who voted for the waiver package.

Why did he fail to show how broad the congressional consensus on behalf of the waivers really was?

The story of Mr. McMillian's lobbying activities and their supposed impact on the outcome originated with Ralph Nader, a fierce opponent of the waivers. Mr Moyers bought the story lock, stock and barrel.

But while it is legitimate for Mr. Nader, the lobbyist, to engage in propaganda, it is not legitimate for Mr. Moyers to act as a non-critical conduit. The journalist's role is to act as a filter which separates the truth from fiction.

There were undoubtedly some in Congress who were persuaded to vote for the waivers by campaign contributions, actual or promised. (Although even here, it behooves the serious journalist to document who and how.)

But for the overwhelming majority of Congress this issue was typical of many Congress is called upon to adjudicate, a close judgment call with some right on both sides. The final vote was along neither party nor ideological lines.

Would not the nation have been better served if the actions of Congress had been accurately reported? Would not the public have been better informed had they been presented with the complexity of the decisions their legislators faced?

In a larger sense, is it the conduct of the parties and elected office-holders alone which is responsible for voter disaffection or does the characterization of that conduct in reports such as Mr. Moyer's contribute to public cynicsim?

Mr. Moyers has shown he can be a fine journalist. This was not, however, his finest hour.

THE SPIRIT OF THE THUNDERBIRDS CANNOT BE ALLOWED TO DIE

● Mr. LAXALT. Mr. President, the recent loss of the four members of the Air Force Thunderbirds is a tragedy that will be felt by all Americans for many years to come. It is a painful, but moving reminder of the bravery and valor of all of the Americans that serve in our Armed Forces.

I ask that an article by Ned Day, which recently appeared in the Las Vegas Review Journal, entitled "The Spirit of the Thunderbirds Cannot be Allowed To Die," be printed in the RECORD.

The article follows:

SPIRIT OF THUNDERBIRDS CANNOT BE ALLOWED TO DIE

(By Ned Day)

You couldn't help but notice his eyes. It's as close to crying in public as a major general comes.

But at the last moment Monday, Maj. Gen. James Gregory choked back his emotion, sucked up his gut, faced the assembled TV cameras, and made his awful announcement with dignity, decorum and simplicity.

"Four members of the demonstration team were killed today," the general said.

A disaster at Indian Springs had claimed the lives of the Air Force's most cherished fliers, the gallant men of the Thunderbirds precision flying team. It was an occasion for grief not only at Nellis Air Force Base, where the group is headquartered, but throughout the Las Vegas community, which identifies so closely with the Thunderbirds.

Almost immediately, Gregory was hit with a barrage of questions which seemed impossible to answer Monday. How could it happen that all four planes went down within seconds of each other? Was it an equipment malfunction, or pilot error? Were they involved in a particularly dangerous maneuver?

Maybe the stickiest question came from a reporter who asked Gregory about the future of the Thunderbirds. After all, two pilots were killed within months of each other last year. Now, four more are gone.

Are the vicarious thrills and chills supplied by these young men really worth the toll in human carnage?

In the wake of Monday's tragedy, the answer of many observers would be "of course not." And, in the weeks to come, you'll hear a Cassandra chorus of critics who will call for the Thunderbirds to be disbanded, charging that the group's antics are an unnecessary folly, a dangerous display of military hubris.

A case against the Thunderbirds also can be made on other grounds, primarily the annual $3.5 million cost of keeping the team in the air. Moreover, the six jet planes which have gone down in recent months cost taxpayers well more than $18 million in lost equipment. Given the Pentagon's continuing lament about budget constraints, this aerial circus would seem expendable, especially now.

These all are arguments easily made: Save the pilots' lives; save the taxpayers' money.

But if you saw Gregory in action Monday, you got the distinct impression that neither he, nor the men and women at Nellis, are going to accept an end to the Thunderbirds.

Oh, they feel as badly as anyone about the four downed airmen. You could see the pain etched in their faces; they mourn their comrades. But Gregory and his troops also understand that the Thunderbirds perform an important service, one that's worth the financial burden, one that may well be worth the lives of four courageous young men.

What the Thunderbirds provide to all of us is pride in our collective abilities (which they stretch to the limit) and pride in our collective courage (which they demonstrate daily).

These men knowingly put themselves at risk to give Americans a sense of self-esteem that cannot be measured in terms of dollars and cents, or even in lives lost. After all, what good is a society where the members are afraid to soar like eagles, where they dare not play fast and loose with fate, where they turn away from the risks of passion for the safety of frigid logic?

Not all of us can fly in fancy jet planes, swerving, dipping, climbing and diving. In fact, this unique sensation is reserved for a special few.

But this passion reflects a drive deep within the soul of any human being who relishes freedom. And it's the Thunderbirds who, each year, give millions of us the chance to drill vicariously, the chance to glory in patriotic fervor, the chance to be free. They are, in short, a symbol.

To deny the Thunderbirds is to deny something central to the American Spirit, albeit something so spiritual as to be virtually indefinable.

Granted, a decision to ground the Thunderbirds would make life a lot safer for the Air Force pilots involved. It certainly would save the rest of us a lot of money. But the trade-off inherent in this seems intolerable to me.

Men must look at the stars. They must challenge Cape Hatteras, despite the thunderous storms. They must venture into the darkest jungle and yearn to walk on the moon. That's why the lion-hearted men of the Thunderbird team just continue to put themselves at risk by stretching their technology and their personal abilities to the limit. They must do this for all of us.

Thanks to them, we all soar like eagles.●

TRAILSIDE MURDERS SOLVED

● Mr. HAYAKAWA. Mr. President, I am pleased to have the opportunity to acknowledge the humanitarian efforts of a group of local, State and Federal law enforcers. They are the men and women whose unfailing efforts led to the capture and arrest of the suspected "Trailside Murderer."

After investigating over 21,000 potential suspects, 400 of whom were thoroughly investigated, the suspect was arrested last May at his San Francisco home. More than 30 agencies and approximately 100 lawmen from San Francisco and Santa Cruz took part in the 21-month hunt. The Pacific Telephone Co. alone spent more than $100,000 tracing and taping phone calls.

At the annual peace officer's dinner of the San Rafael Elks Lodge, the 39 who formed the Marin segment of the task force were collectively honored with the "Peace Officer of the Year" award in April of last year. Those honored were:

Marin County Sheriff's Department—Retired Captain Sidney Stinson, Lt. Donald Besse, Sgt. Richard Keaton, Sgt. Dennis Finnegan, Sgt. William "Buzz" Keaton, Ret. Sgt. Ed Levine, Sgt. Charles Prandi, Sgt. Anthony Russo, Sgt. Joe Fitzgerald, Deputy

Richard Laden, Deputy Lisa Caceres, Deputy Linda Schmid, Deputy Ray Maynard, Deputy Eric Bendura, and Deputy Steve Nash.

San Rafael Police Department—Detective Fred Castillo, Detective John Childress, Detective Gary Frugoli, and Detective John Nunez.

Those agents honored from the Federal Investigation Bureau—Mike Dooher, Robert Tucker, Paul Schumacher, Robert Casper, Robert Goldman, John Conway, and Tom Hopkins.

Others honored were—Detective Gordon Card, Detective Jerry Harman, and Reserve Detective Dick Fountaine, all of the Mill Valley Police Department, Detective Brooks Blaskower of the Tiburon Police Department; Deputy District Attorney Ernest Zunino, Inspector Don Rose and Inspector Charles Numark, all of the Marin District Attorney's Office; William Bennett of the State Department of Justice; state park rangers Jim Neider and Ron Angiers; federal park rangers Leroy Brock and Herb Gercke and agents Larry Williams and George Henderson of the Federal Bureau of Alcohol, Tobacco and Firearms.

I, along with every other American, should be proud of these law enforcement officials. I commend them for their efforts.●

THE DAUGHTERS OF MIRIAM CENTER FOR THE AGED

● Mr. BRADLEY. Mr. President, the Daughters of Miriam Center for the Aged recently celebrated their 60th anniversary. I extend my congratulations to all who have devoted their time and energy to this outstanding institution. The citizens of northern New Jersey are truly lucky to have a facility of such high caliber available to them.

My visit to the center gave me a firsthand look at the genuine warmth and compassion of their staff and the comfort and contentment of those they care for. I was truly impressed by the emphasis placed on maximizing the independence of each patient, allowing them to live fuller, more productive lives. I applaud their efforts and accomplishments.

I am confident that the Daughters of Miriam Center for the Aged will continue to live up to its high standards and national reputation for outstanding health care of the elderly for years to come.●

ABILITIES DEMONSTRATED BY THE DISABLED

● Mr. HAYAKAWA. Mr. President, 1981 was the International Year of Disabled Persons. I am gratified about the results of this year of handicapped recognition because it provided a forum for the disabled to demonstrate their potential, a potential which is often underestimated.

My colleagues and I began working on behalf of the International Year of Disabled Persons (IYDP) in November 1980, when we sponsored Senate Concurrent Resolution 73, which proclaimed 1981 as the official year of recognition for handicaped persons in America and around the world. Early in 1982, I sponsored Senate Concurrent Resolution 4, which expressed congressional support for the International Year of Disabled Persons and related projects throughout the year. In addition, on July 8, 1981, I joined my colleagues in commending the handicapped climbers who successfully scaled Mount Rainier, by sponsoring Senate Concurrent Resolution 167. This legislation paid tribute to the 11 climbers who demonstrated the meaning of true courage and dedication in overcoming disabilities. I continue to encourage groups of disabled persons in their efforts to promote the theme of IYDP, "Full Participation and Equality." It is active participation, such as the Mount Rainier climb that will encourage social and economic advancement of the handicapped.

Recently, I have had the pleasure of working with a group of handicapped pilots in their efforts to become involved in IYDP. Their organization is known as Abilities Demonstrated by the Disabled (ADD). I first became familiar with ADD when its president, Mr. Zane Myers from Laverne, Calif., visited my Washington office in September. Mr. Myers explained ADD's proposed aviation event and asked for my assistance in obtaining either White House or official Government recognition. ADD has received authorization from Federal Aviation International and the National Aeronautics Association to attempt to set a series of 20 new national and world ultralight aviation records.

The purpose of this event is to publicize and demonstrate the abilities of the disabled. ADD firmly believes that the disabled can successfully compete in a fair and open job market if the public and employers are confident of their abilities. As Sherman E. Roodzant, national commander of the Disabled Veterans, said:

> It (the event) will not only bring high visibility to the abilities of disabled persons; but it will open up whole new avanues of independence, opportunity and recreation of thousands of disabled persons.

I believe ADD's aviation event exemplifies the theme of IYDP, full participation.

I am also impressed by ADD's support of the administration's policies regarding the handicapped, especially in the area of employment. They agree with President Reagan that there should be no special treatment or consideration given to the handicapped in hiring. ADD opposes numerical requirements in hiring and believes the handicapped should be employed solely on the basis of their qualifications. Like President Reagan and myself, ADD believes that equal employment opportunity programs (EEO) hinder the traditional American practice of hiring persons according to individual merit. Rather, EEO programs allow quota systems and numeric equality to override the abilities of individuals.

I believe the goal of all Americans should be a commitment to social and economic advancement for all. The event proposed by ADD would be a tribute to the outstanding accomplishments of handicapped pilots and exemplify the positive abilities and potential of the disabled. I hope that other handicapped groups will follow the example of Abilities Demonstrated by the Disabled as they demonstrate the theme of the International Year of Disabled Persons, "Full Participation and Equality".

INDIVIDUAL RETIREMENT ACCOUNTS

● Mr. SCHMITT. Mr. President, I would like to take a moment to recognize the contributions of our colleague, Senator JOHN H. CHAFEE, for all of his efforts to improve the individual retirement acccount program. Before the changes which he proposed last year were enacted into law, IRA's were not permitted for those who were covered by current pension plans. The Senator from Rhode Island foresaw that this approach to individual retirement accounts would cause difficulties, because the mobility of our work force means that workers depending upon pensions for the future rather than savings may face financial disaster if they change jobs and lose vital pension benefits. Unfortunately, this predicament exists for the majority of those who are at one time enrolled in pension plans. As a result, he began efforts to create changes in legislation to create benefits for those excluded from the IRA program.

In January of 1981, Mr. CHAFEE first introduced legislation to improve the individual retirement account program by allowing those already covered by pensions to also save through an IRA account, and to increase the amount exemptable each year from $1,500 to $2,000 for each qualified wage earner. The public response to this change in the law has been enthusiastic, although few are aware that Senator CHAFEE has been primarily responsible for the expanded individual retirement account. The result of these actions has been to make the IRA available to 44 million more people in the work force than before, and is estimated to have stimulated $28 billion in new IRA savings in 1981 alone. Such new investment will have a widespread positive impact on our economy to stimulate productivity and business investment.

Mr. CHAFEE's program has helped to encourage millions of Americans to

begin saving for the future as a way of life. Such a change in the psyche of Americans will help all sectors of the economy. It will be particularly helpful in easing the financial situation of senior citizens in the future, at a time when the value of the entire Social Security System for future generations is questionable. Senator CHAFEE'S IRA program offers a great deal of assistance to the American people, for which his efforts should be widely recognized and applauded.●

FOOD STAMPS

● Mr. LEAHY. Mr. President, in his state of the Union address on January 26, 1982, President Reagan said the following:

Contrary to some of the wild charges you may have heard, this administration has not and will not turn its back on America's elderly or America's poor.

Unfortunately, charges that the Reagan administration is turning its back on elderly and poor Americans, and most especially elderly poor Americans, are anything but wild. Such charges are, in my opinion, indisputable. The President's proposed fiscal year 1983 food stamp cutbacks provide a case in point.

Currently there are about 2.2 million food stamp households with elderly and disabled members. While there have been many serious criticisms leveled at this program, overutilization of this program by elderly and disabled persons has never been one of them. In fact, elderly participation has been historically low, at least in part due to the ordeal of applying and qualifying for the program and due to the stigma of utilizing stamps in public view. Thus, it is widely accepted that only the truly needy among the elderly and disabled—who must also meet strict income and assets tests—actually participate.

Yet according to preliminary Congressional Budget Office estimates, the Reagan budget proposals would reduce or terminate food stamp assistance for 92 percent of all households with elderly or disabled members. Over 26 percent of all elderly and disabled households, or about 760,000 people, would be thrown off the program or have their benefits reduced to such a small amount that they would no longer participate. Altogether, the Congressional Budget Office estimates that about 25 percent of the food stamp dollars now paid to elderly and disabled participants would be taken away. The average loss for all elderly households would be about $16 a month, or $192 a year.

I, for one, find it astounding that the President believes that 92 percent of elderly and disabled food stamp households can afford to have their subsistence, and in some cases, less than subsistence, benefits cut. To me, such proposals indicate a frightening lack of awareness as to the reality of the lives of those who will be affected. Can the President really believe that millions of elderly and disabled persons already living at or near poverty levels can afford a substantial reduction in their food budgets? Does he realize that a loss of $16 a month could mean that many elderly and disabled persons will run out of food before the end of each month?

The President would cut benefits in several ways. For starters, he would cut all food stamp recipients' benefits by an amount equal to 5 percent of their disposable incomes. So, for instance, an elderly couple whose sole income is social security payments of $425 a month—or less than 90 percent of the poverty line—would have its food stamp benefits cut 62 percent—from $312 to $120 a year. Another Reagan proposal, to eliminate the $10 minimum benefit that applies to most elderly and disabled households, would reduce this couple's food stamp benefits further, to $108 a year.

If, in addition, this couple were to receive any Government aid to help with high fuel bills in the winter months, the Reagan budget proposals would cut their food stamps by an amount equal to 35 to 50 percent of the fuel assistance received. If this hypothetical couple received as little as $30 a month in fuel assistance, they would be eliminated from the food stamp program for those months. For them, the "heat or eat" dilemma could be very real. In my home State of Vermont, where it is not unusual for winter fuel bills to run $300 to $400 a month, the President's proposal on fuel assistance could have a devastating effect.

That the President would propose such sharp reductions for elderly and disabled persons is deeply disturbing. These are, after all, persons least likely to be able to augment their income from outside sources in order to make up for a loss in food stamp benefits. What is even more disturbing are increasing reports of starvation and malnutrition among our senior citizens, the vast majority of whom are women. A recently published book, "Starving in the Shadow of Plenty," by Loretta Schwartz-Nobel, Putnam Publishers, documents widespread hunger among elderly Americans, even before last year's budget reductions were enacted. Today's newspapers are full of stories about private charities and feeding programs being swamped beyond their capacity due to the high rate of unemployment and social program cutbacks. If these reports are accurate, and I believe they are, a new round of budget cutbacks would impose an unconscionable degree of human suffering on low-income Americans.

Of course, it is not only the elderly and disabled who would be harshly affected by the President's food stamp proposals. Nearly all participants—about 85 percent—would be cut and it appears that low wage or part-time working households—mostly female-headed—with children would face more severe reductions than anyone else. They stand to lose about 40 percent of the food stamp benefits they now receive if the new Reagan proposals are enacted.

Last year, Congress cut the food stamp program by $2.3 billion, a reduction of about 20 percent. Eligibility was limited to persons who meet the President's definition of "truly needy." It should come as no surprise that the additional $2.8 billion the President seeks to cut this year cannot be achieved without harsh effects on millions of poor people. His proposals have nothing to do with cutting fraud and abuse. They are benefit cutbacks, plain and simple.

The Reagan budget on social programs is being justified by a recitation of sweeping national statistics on expenditures and meaningless and false generalizations about the comfortable status of low income people, without any evaluation of the real life effects these budget reductions would have. The President proposes such widespread and severe reductions for those most in need that it can indeed be charged that the President is turning his back on the poor and elderly in this country.●

BOB KABEL

● Mr. LUGAR. Mr. President, I would like to take a moment to say a few words about one of my staff members, Bob Kabel. As some of my colleagues already know, Bob has accepted a position at the White House and will be assuming his new duties there very soon.

Bob has served on my staff throughout the entire period in which I have been a Member of the Senate. Most of this time he has served as my legislative director, coordinating all aspects of my legislative work. Bob's counsel has been most important to me, as has his dedication to the many and varied responsibilities he has undertaken.

In his new position, Bob will be serving as White House liaison to the Senate. In this capacity, Bob will be working closely with all Members of the Senate and their staffs. I am confident that my colleagues will find in Bob the same qualities of insight, objectivity, and integrity from which I have benefited over the past 5½ years. I am equally confident that Bob's thorough understanding of the Senate will provide a valuable contribution to a close and strong relationship between the President and the Congress.

I wish Bob every success in his new assignment and I look forward to continuing to benefit from Bob's understanding and friendship.●

THE ASSASSINATION OF THE TURKISH CONSUL GENERAL IN LOS ANGELES

● Mr. HAYAKAWA. Mr. President, I offer my condolences to the family of Mr. Kemal Arikan, the Turkish Consul General, who was brutally gunned down by Armenian terrorists in Los Angeles. I am appalled by this latest act of terrorism which is a repetition of the 1973 killing of the Turkish Consul and Consul General, also in Los Angeles.

I commend the fine work of the Los Angeles Police Department in apprehending the assailants, and I hope that the other is soon in custody.

The Turkish Government has lost 21 diplomatic officials or family members to Armenian terrorism during the past 9 years. What we are facing here is international terrorism. The Justice Commandos of Armenian Genocide has already claimed credit for the assassination of Turkish diplomats in Australia and Western Europe. It forms one of the two Armenian terrorist organizations operating, strangely enough, not in Turkey but in Western Europe, Australia, and the United States. The second group, ASALA [Armenian Secret Army for the Liberation of Armenia] is strictly Marxist, and wants to incorporate Eastern Anatolia into the Soviet Socialist Republic of Armenia.

In view of the increasing terrorist activities throughout the world, I strongly recommend that an investigation be made into the workings of the Justice Commandos of Armenian Genocide in California and other parts of the United States.●

ANNIVERSARY OF THE INDEPENDENCE OF LITHUANIA

● Mr. DOMENICI. Mr. President, February 16 Lithuanians everywhere will be commemorating the 16th anniversary of the reestablishment of an independent state of Lithuania, and the 731st anniversary of the founding of the Lithuanian State in 1251. It is a day of joy, for the Lithuanian people have a proud heritage; but is is also a day of sadness, since the sovereign nation of Lithuania continues to suffer brutal oppression at the hands of the Soviet Union.

The history of that oppression is plain for all to see. After 120 years of domination by czarist Russia, and occupation by the German and Russian armies during World War I and in its aftermath, Lithuania signed a peace treaty with the Soviet Union on July 12, 1920. In that treaty, the Soviet Union recognized Lithuania's independence and renounced "forever" all rights of sovereignty. However, the Soviets honored Lithuania's independence for less than 20 years.

In 1939, after the Germans and Soviets had taken Poland, Hitler occupied the city of Klaipeda in eastern Lithuania. A few months later, Stalin forced a mutual assistance treaty on the Lithuanians, and stationed garrisons on Lithuanian soil. In June of 1940, demanding a "friendly" government, the Soviet Union occupied all of Lithuania. In July of that year, a fixed election produced a congress which "requested" that Lithuania be incorporated as part of the Soviet Union—a request which was, of course, all to readily accepted. The Nazis occupied Lithuania in 1941 and colonized the nation. At the end of the war, instead of being liberated, Lithuania was again placed under the domination of the Soviet Union.

The imprisonment of Lithuania and her Baltic sisters, Latvia and Estonia, ranks as one of the great crimes of history. The United States has never recognized this imprisonment. We have continued to grant official recognition of the diplomatic corps established by independent Lithuania, as we should.

Despite the shadow of Soviet oppression, the Lithuanian people are a shining example to all nations. For centuries they have consistently stood for freedom, peace, and culture. In the Middle Ages they lead Eastern Europe in promoting individual liberties. During the domination by czarist Russia, they steadfastly fought to preserve their own language and culture. During the independent years of the 20th century, they took great strides in improving agriculture and education, and music and literature flourished. While under the heel of the Soviet Union, they have courageously held to the spirit of independence, and the hope of liberation for their homeland. Lithuanian-Americans have continued this example, preserving their heritage as well as contributing greatly to our own society in almost every field of endeavor.

Mr. President, I share the hopes of all Lithuanians on this day. We have seen time and again, most recently in Afghanistan and Poland, that oppression is the cornerstone of political rule in the Soviet bloc. I call on every American to join the Lithuanian people in celebrating their independence, and in working for the day when all nations of the world will be truly free.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that eight such notifications have been received.

Interested Senators may inquire as to the details of these preliminary notifications at the office of the Committee on Foreign Relations, room 4229, Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 9 Feb. 1982.
In reply refer to: I-13053/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 9 Feb. 1982.
In reply refer to: I-13319/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1982.
In reply refer to: I-00001/82ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 9 Feb. 1982.
In reply refer to: I-00104/82ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1982.
In reply refer to: I-00255/82ct.
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 9 Feb. 1982.
In reply refer to: I-00417/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1982.
In reply refer to: I-01398/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 9, 1982.
In reply refer to: I-12911/81ct
Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated February 18, 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the notifications which have been received. The classified annex referred to in one of the covering letters is available to Senators in the office of the Foreign Relations Committee, room 4229, Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 29, 1982.
In reply refer to I-12207/81ct.
Hon. CHARLES H. PERCY,
Chairman, Committee of Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-16, concerning the Department of the Navy's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $56 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$0
Other	56
Total	56

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: This case provides for the amendment of an existing foreign military sales agreement under which ship-related spares, repair parts, consumables, and uniform items may be requisitioned directly from U.S. military supply sources by the Royal Saudi Naval Forces.

(iv) Military department: Navy (RAH, Amendment No. 1).

(v) Sales Commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: 29 Jan. 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—SAUDI NAVAL EXPANSION PROGRAM SUPPORT

The Government of Saudi Arabia has requested the amendment of an existing foreign military sales agreement to provide an additional $56 million with which ship-related spares, repair parts, consumables, and uniform items may be requisitioned directly from U.S. military supply sources by the Royal Saudi Naval Forces (RSNF). Approval of this request will increase the value of the sales agreement to $80 million.

This sale is consistent with the stated U.S. policy of assisting friendly nations to provide for their own defense by allowing the transfer of reasonable mounts of defense articles and services. It will demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to im-

prove the security of the country through RSNF modernization. In a regional context, enhancement of the defensive capabilities of Saudi Arabai will also contribute to overall Middle East security and stability.

The United States is assisting the RSNF to enlarge and modernize its forces through the Saudi Naval Expansion Program (SNEP). This program began in 1972 and is scheduled to be completed in the mid-1980's. The SNEP includes the purchase of 29 ships and craft, shore facilities, equipment, logistical support, and training.

The sale of these items will not affect the basic military balance in the region.

Procurement of these items will be from the many contractors providing similar items to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 29, 1982.

In reply refer to I-12605/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington D.C.

DEAR MR. CHAIRMAN: Pursuant to the requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-23, concerning the Department of the Army's proposed Letter of Offer to the Philippines for defense articles and services estimated to cost $36 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Philippines.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$28
Other	8
Total	36

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Fifteen UH-1H utility helicopters, three spare turbine engines, and quality assurance services.

(iv) Military department: Army (UJM).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: 29 Jan. 1982.

POLICY JUSTIFICATION

PHILIPPINES—UH-1H UTILITY HELICOPTERS

The Government of the Philippines has requested the purchase of 15 UH-1H utility helicopters, three spare turbine engines, and quality assurance services at an estimated cost of $36 million.

This sale is consistent with the U.S. Government policy of assisting the Philippines in its force modernization program. Further, the sale will be viewed by neighboring friendly countries as evidence of the U.S. interest in maintaining regional peace and stability.

The Philippine Air Force (PAF) will use the UH-1H as a multi-purpose aircraft, primarily for troop lift and administrative support. The current PAF fleet of helicopters is aging. New replacement aircraft are imperative for mission accomplishment. The PAF has an established logistical support system capable of maintaining the UH-1H.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Bell Helicopter Textron of Ft. Worth, Texas.

Implementation of this sale will require the assignment of five U.S. Government personnel to the Philippines for two weeks.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., January 29, 1982.

In reply refer to I-12803/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-24 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $23 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-24

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$18
Other	5
Total	23

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Six AN/TPQ-36 mortar locating radars with support equipment, spare parts, and support services.

(iv) Military department: Army (UZV).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: 29 Jan. 1982.

POLICY JUSTIFICATION

THAILAND—MORTAR LOCATING RADARS

The Government of Thailand has requested the purchase of six AN/TPQ-36 mortar locating radars with support equipment, spare parts, and support services at an estimated cost of $23 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The purchase of the radars and support will provide the Thai ground forces with an automated capability for locating mortars. As such, it will enhance the effectiveness of Thai counter-mortar fire.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Corporation of Fullerton, California.

Implementation of this sale will require the assignment of ten contractor technical representatives to Thailand for approximately six months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 January 1982.

In reply refer to I-12949/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-25, concerning the Department of the Army's proposed Letter of Offer to Thailand for defense articles and services estimated to cost $23 million. Shortly after this letter is delivered to your office, we plan to nofity the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-25

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Thailand.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$19
Other	4
Total	23

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Twenty-four M167A1 towed VULCAN air defense guns with support equipment, spare parts, training, and support.

(iv) Military department: Army (VAK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: 29 Jan. 1982.

POLICY JUSTIFICATION

THAILAND—VULCAN AIR DEFENSE GUNS

The Government of Thailand has requested the purchase of 24 M167A1 towed VULCAN air defense guns with radar, ap-

propriate communications equipment, spare parts, training, and support at an estimated cost of $23 million.

This sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a friendly, moderate nation which is an important force for peace and regional stability in Southeast Asia. Recent events have underscored the need for the Thai armed forces to maintain well-equipped military units to deter potentially hostile forces now operating in neighboring countries.

The VULCAN systems will be used to provide a tactical air defense capability for the Thai ground forces against attacking aircraft. As a primarily defensive weapon, it is not considered to be destabilizing to the military balance of the region. The Thai ground forces will experience no difficulties in operating or maintaining the VULCAN system after receiving the training included in the proposed sales program.

The prime contractor will be the General Electric Company of Burlington, Vermont.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Thailand.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 29 January 1982.
In reply refer to I-12283/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-27, concerning the Department of the Army's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $34 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-27

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Turkey.

(ii) Total estimated value:

	Millions
Major Defense Equipment [1]	$24
Other	10
Total	34

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Ten search and rescue and four electronic warfare configured UH-1H helicopters with concurrent spare parts, ancillary equipment, and support.

(iv) Military department: Army (UMZ and UNB).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1981.

(viii) Date report delivered to Congress: 29 Jan. 1982.

POLICY JUSTIFICATION

TURKEY—UH-1H HELICOPTERS

The Government of Turkey has requested the purchase of ten search and rescue and four electronic warfare (EW) configured UH-1H helicopters with concurrent spare parts, ancillary equipment, and support at an estimated cost of $34 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

The sale of these helicopters will enhance both the search and rescue and EW capabilities of the Turkish Armed Forces. Turkey will have no difficulty in absorbing these helicopters. These items will be provided in accordance with and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of the sale. The sale of this equipment and support will not adversely affect either the basic military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractors will be Bell Helicopter, TEXTRON of Fort Worth, Texas, and AVCO-Lycoming of Stratford, Connecticut.

Implementation of this sale will require the assignment of one U.S. Government or contractor representative to Turkey for approximately 40 days for the helicopters and two U.S. Government or contractor representatives for the EW equipment for approximately 60 days.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington D.C., November 23, 1981.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of 14 UH-1H helicopters is consistent with the principles contained in section 620(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the abovenamed articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

JAMES L. BUCKLEY.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 5 February 1982.
In reply refer to I-12901/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-20 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $40 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$36
Other	4
Total	40

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 2,111 I-TOW missiles; 2,163 practice missiles; and 106,000 blast simulators.

(iv) Military department: Army (VDR and WES).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending December 31, 1981.

(viii) Date report delivered to Congress: February 5, 1982.

POLICY JUSTIFICATION

SAUDI ARABIA—IMPROVED-TOW MISSILES, PRACTICE MISSILES, AND BLAST SIMULATORS

The Government of Saudi Arabia has requested the purchase of 2,111 Improved-TOW (I-TOW) missiles; 2,163 practice missiles; and 106,000 blast simulators at an estimated cost of $40 million.

This sale is consistent with the stated U.S. policy of assisting other nations to provide for their own defense by allowing the transfer of reasonable amounts of defense articles and services. It will demonstrate the continuing willingness of the U.S. to support Saudi Arabia which is an important force for moderation in the region.

The I-TOW missiles will be used to maintain war reserve stock levels and replace expended training ammunition stocks by the Saudi Arabian National Guard (SANG). The practice missiles and blast simulators will be used by the Saudi Arabian Land Forces (SALF) and the SANG for training personnel in the use of the TOW guided missile system. This training will improve the defense posture of Saudi Arabia. The SALF and SANG will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., 3 February 1982.
In reply refer to I-12208/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-22 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Greece for defense articles and services estimated to cost $98 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL No. 82-22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Greece.

(ii) Total estimated value:

	Millions
Major defense equipment[1]	$85
Other	13
Total	98

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Two hundred eighty AIM-7M SPARROW missiles with support.

(iv) Military department: Navy (AIY).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: 3 Feb. 1982.

POLICY JUSTIFICATION

GREECE—AIM-7M MISSILES

The Government of Greece has requested the purchase of 280 AIM-7M SPARROW missiles with support at an estimated cost of $98 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Greece in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

Greece wishes to arm the air defense system it is procuring from Switzerland with AIM-7M missiles. The sale would be a major step in the modernization of the Hellenic Air Force's air defense capability. Absorption would be no problem, since other models of the AIM-7 are being used by the Hellenic Navy. These defense articles will be furnished in accordance with, and subject to, the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the contract of sales. The sale will not adversely affect either the basic military balance in the region or the U.S. efforts to encourage a negotiated settlement of the Cyprus question.

The prime contractor will be either the Raytheon Company of Lowell, Massachusetts, or the General Dynamics Company of Pomona, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to Greece; however, contractor personnel will be required for approximately three months to provide training and for approximately one year to provide technical services.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

UNDER SECRETARY OF STATE FOR SECURITY ASSISTANCE, SCIENCE AND TECHNOLOGY
Washington, D.C., December 14, 1981.

Pursuant to section 620(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Greece of 280 AIM-7M missiles is consistent with the principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the above-named articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

JAMES L. BUCKLEY.

SAFE-HARBOR LEASING AND SMALL BUSINESS

● Mr. BAUCUS. Mr. President, as a member of the Senate Finance Committee, I put a high priority on how the Tax Code and tax policy affect economic development.

The so-called tax expenditures that dot the landscape of the Tax Code all were enacted at some time or other for a specific purpose. Many were designed to spur some type of investment activity by business. Others, such as the homeowner mortgage interest provisions, were designed to encourage desirable personal, individual goals.

But many of the provisions are incompatible and, together, these have an enormous effect—some good and some bad—on the economy.

If I were to choose my top priority in this Congress, it would be to take as serious a look at these tax provisions as we gave the budget last year. The tax bill we enacted last year demonstrates just how important we consider tax incentives as a tool for stimulating economic growth. The growing Federal deficit shows, however, the need to be more selective in the use of tax breaks, making sure that they can produce what was intended.

Last year's bill should not stand in concrete. We must continue to examine and assess the usefulness and value of the tax incentives and stimuli we approved.

One step in this process is to look more critically at the safe-harbor leasing provisions. On January 25, 1982, I introduced S. 2011 to abolish these provisions because I do not believe they are working the way we intended.

One of the major weaknesses in these provisions is that they do not aid smaller firms that need capital to expand and grow.

The function of a safe-harbor lease is to sell tax benefits that cannot be used by one company to another company which has a tax liability the benefits could offset. For practical reasons, small businesses without tax liabilities do not get a good deal when they sell tax benefits; the transaction costs are relatively larger for a small business than for a large corporation.

Those transaction costs include the fees charged by brokers and attorneys to structure the deal. They also include a profit for the lessors who buy the tax benefits. For a small business, the transactions lack economy of scale. In fact, the smaller the value of the tax benefits, the less likely it is that a deal will be consummated at all.

Most small businesses are prohibited from participating as buyers of tax benefits. The safe-harbor leasing provision requires that the lessor, not the lessee, must be a corporation other than a subchapter S corporation or a personal holding company. The lessor may also be a partnership of covered corporations or a grantor thrust whose beneficiaries are such corporations or partnerships of corporations. This excluded partnerships of individuals and other unincorporated businesses.

IRS regulations also exclude closely held corporations, most of which are small businesses.

Safe-harbor leasing transfers only the tax breaks provided for the purchase of depreciable property. As such, it provides an unevenness of subsidies across industries. While the primary beneficiaries of leasing are large capital-intensive companies which are in trouble, tax leasing also subsidizes large capital-intensive companies which are not in trouble. In fact, it also benefits large profitable companies, which are not in trouble and which are not capital-intensive—when they buy the tax credits. Tax leasing does not provide much help to newer industries, such as high-technology companies and the service industries, which represent a large proportion of small businesses.

Leasing not only fails to deliver equitable benefits to small business, it works with ACRS to increase the Federal deficit, make credit harder to get for business, and increase high interest rates. Lacking the clout of large corporations, small businesses and new businesses suffer more from such tight credit situations.

I have been told by a number of attorneys, tax advisers, economists, and businessmen that the leasing benefits, and ACRS, were of far more use to big

business than small business. I have been told that the biggest benefit of leasing is going to those who do not need those tax incentives and to corporations which buy tax incentives but are not investing enough themselves in new equipment.

Still another has told me that "tax benefits for leasing are being distributed inefficiently. The big companies are coming off much better. * * *" The strong benefit more than the weak; a direct grant to the weak would be more effective in helping them at less cost to the Government.

According to reports, last year business bankruptcies were up 46 percent, 90 percent of which were small firms. Small firms reportedly produced 35 percent of GNP and 50 percent of private sector jobs. Small business has provided much of the innovation which has helped keep us competitive. They provide the greatest hope for reducing unemployment.

Safe-harbor leasing sets out to help small business. It fails to do that effectively. It points, instead, to the need for alternative means of dealing with the problems of ACRS.

I ask that the New York Times Magazine article "In Praise of Small Business" be printed in the RECORD.

The article follows:

[From the New York Times Magazine, Dec. 6, 1981]

IN PRAISE OF SMALL BUSINESS

(By Arthur Levitt, Jr.)

As with most people who buy their own businesses, the odds against Robert Johnson were high. He was confronted at the start with an intimidating list of problems. He had no money, after laying out the purchase price, with which to start building up the business; he had no business experience or training, and he didn't know where to go for advice (beyond the help offered by the local Internal Revenue Service office on how to fill out 10 different Government reporting forms). There were no tax breaks, no Government loans, no expense accounts. Although he purchased the company from his uncle for what he thought was a good price, most everyone else would not have regarded it as a bargain. The Chicago business—Gamecraft of Illinois, which designed and produced board games—had been barely surviving since it was founded in 1968. Sales were declining, and stacks of bills were unpaid.

What Johnson did have was a strong conviction that his energy and imagination would make the business succeed. "My sense of my own worth became tied up in it," he says, "Could I keep it going, make it work?"

With this commitment, Johnson moved the business to his home in suburban Champaign, and began living the double life familiar to many American small-business people. After working full time as a university administrator, he would come home at night and "often put in a second eight-hour day, taking care of every little detail of the business, even boxing the games myself and sending them out."

Now, two years later, the bearded, 37-year-old, soft-spoken Robert Johnson has not precisely been transformed into the popular image of the American businessman at the helm of his company—that dynamic, jet-hopping capitalist in three-piece, pin-stripe suit rushing, briefcase in hand, into a Wall Street conference room to swing the deal of deals. but Gamecraft is making money. No immense profits, to be sure. Johnson, still at the university, has turned the business around, revitalizing its marketing effort, expanding its product line (a quarter of its sales are now in computer games) and recruiting a business manager. And, he has been sufficiently bitten by the "business bug" to have begun planning a second company.

Johnson has thus become one of a growing number of Americans who have left the routine of wage earning to try to assert their own vision of making it on their own, of trying to succeed in small businesses—from flower shops to print shops, from pizza parlors to Chinese takeouts, from small manufacturing plants to small service companies. In many ways he is a good deal more representative of the people who run America's 11 million businesses—10.8 million of which are small businesses—than the man with the flying briefcase and pin-stripe suit.

Contrary to the popular notion that American business is concentrating and contracting, with multinationals and conglomerates gobbling up everything in sight, there has been during the last few years an astonishing growth in the United States in the birth rate of small businesses. Since 1976, nearly a million Americans have become their own bosses, bringing the total number of self-employed to an all-time high of more than 6.8 million. For 1980, the Dun & Bradstreet Corporation estimated that 533,500 companies were incorporating annually, and that the number of new incorporations in 1980 was 63 percent greater than in 1975.

To grasp the importance of these entrepreneurs consider that three major economic crises of the 1980's are a lack of jobs, a dearth of industrial innovation and flagging productivity. Then consider that approximately 60 million Americans out of a work force of 97 million find their livelihoods in small businesses. A recent Massachusetts Institute of Technology study found that 66 percent of all new jobs in the private sector were provided by businesses with 20 or fewer employess. In contrast, the National Federation of Independent Business has stated that over the last decade Fortune magazine's top 1,000 firms, as measured by revenue, created only 10.6 percent of all jobs. Additionally, I understand that small companies provide more than 80 percent of the jobs for young blacks and other disadvantaged groups.

Consider, too, a recent National Science Foundation study: It found that small firms produce four times as many industrial innovations per research dollar as medium-sized firms do and 24 times as many innovations as the largest firms. Finally, consider, with regard to flagging productivity, that small businesses quite literally can't afford to be unproductive. They have no margin for slack: Productivity is essential to survival.

Indeed, Johnson and other small-business people are beginning to understand their own collective importance. They are realizing that they have interests in common, that they can and should help each other out and that it is to the nation's—and their own—benefit that they do so. They are getting organized in important ways, and developing a sense of unity that I believe will soon make them one of the most potent influences in the economic history of the United States.

It must be said at the start that the small-is-beautiful economic strategy is not as unqualifiedly romantic as it seems to be: Establishing a business is immensely risky. According to a study soon to be published by the Small Business Administration, as many as three out of four new enterprises fail within their first five years, and nine out of 10 fail within 10 years. And the failures are believed to be increasing to a higher rate than at any time during the past decade. It is ironic, therefore, that in the midst of the current recession, small-business people in general continue to back the Reagan Administration's economic policy of tight money and punishing interest rates. They do so out of a belief that inflation is their most pernicious long-term enemy—and so they are willing to try to cope with the short-term tribulations.

The roadblocks are rugged. The biggest is, of course, lack of money. To start a business and to keep it going, the vast majority of entrepreneurs must turn, as Johnson did, to personal savings, or to parents, aunts, uncles, friends. Small companies often cannot get loans when they need them, and when they do, they must often pay significantly higher interest rates than the bigger operations that are granted the prime rate. The National Federation of Independent Business recently asked this question of small-business owners: What was the most important resource for your financing? Forty-five percent answered personal savings; 13 percent said friends, and 4 percent cited private investors. Only 29 percent were financed through banks and other financial institutions, while 1 percent were financed by the Government. Also, less than 1 percent were financed by the unfortunately few venture-capital firms that are in business to make funds available to new enterprises.

If the venture is an entirely new undertaking, the idea behind it must be a good one to begin with or the money to back it won't make much difference. And, especially if the business is new, another major problem with entering afresh into the small-business world is what Leo Wolk, a Minneapolis insurance agent, terms "a severe lack of sound advice." Dun & Bradstreet estimates that a majority of all business failures are due to management inadequacies—from poor long-range planning to errors in accounting. And it is often not that the business owners don't recognize their lack of skills or competence in particular areas; there just appears to be nowhere to turn to for reliable information or counsel.

Then there is the enormous hassle of government regulation and paper work. Many people believe that any expression of frustration over the level of Federal regulation, for example, is merely big business crying in its beer, or dry martini. But it is truly no exaggeration to say that the labyrinth of horrors of Federal regulations and paper work confronting some small businesses would fire the imagination of a contemporary Kafka.

Yet the renaissance of the entrepreneurial spirit is occurring in spite of these obstacles. Why? How does one explain it? One reason is simply population increase, the baby-boom; another is the nation's shift from a manufacturing economy to a service-oriented one. But there may be a deeper, more compeling reason, having to do with a change in national attitude.

After the Depression, the word "entrepreneur" often conjured up something roughly on the order of a scheming promoter or un-

scrupulous tycoon. Now, however, "entrepreneurial spirit" seems to suggest at once a more down-to-earth figure and a more romantic one. The phrase invokes independence, self-reliance, risk taking, courage—with overtones, perhaps, of Emerson and Thoreau as much as Adam Smith or 19th-century moguls. And these attitudes can be seen time and time again among these new down-to-earth romantics.

Robert Johnson is a member of what might be called "new wave entrepreneurs," younger people who grew up in a generation that viewed business with contempt, but who now find starting a business a way to gain fulfillment and satisfaction. Although Johnson is uncomfortable with being called a "capitalist," he says that at a certain point he realized that "if you're not involved in the capitalistic system in some way in which you have control, you feel victimized by it."

A similar view is expressed by Kate and Rob Pulleyn of Asheville, N.C., "We were sociology majors in the 1960's and rejected out of hand the thought of 'going into business,'" says Rob Pulleyn. Opportunity presented itself, however, in the form of one of their favorite handicraft shops going up for sale. The Pulleyns used their own private capital for financing and their own guesswork and initiative to build their business. They were becoming moderately successful when Rob had an idea: a newsletter to be distributed free as a promotional device for the handicrafts they sold. At the time they only half realized that they were reaching a small but untapped market of dedicated handicrafts enthusiasts. The newsletter was an immediate success, and it led to another idea which has become Fiberarts magazine.

The Pulleyns took a large risk in pursuing their business goal. After moving from New Mexico to North Carolina, Rob recalls that they "proceeded to live the life of the totally desperate. But we were lucky. And young." Both were in their late 20's. "We could live in two rooms and eat beans. That was, in a way, part of the fun. And now people have become interested in us because we owe no money. They asked us how we did it. Well, we broke all the rules because we didn't know what the rules were. If we had known them, we never would have tried the things we did."

Now, along with Fiberarts, the Pulleyns publish Yarn Market News, have published an elaborate, illustrated coffee-table handicrafts book, organized national handicrafts conferences and, with a large Stockholm publishing firm that sought them out, they have developed a large-circulation magazine—called Handmade—on home crafts and restoration.

Harvey and Marcia Cinamon are midlife entrepreneurs—people who, in a sense, have taken even greater risks, quitting successful, secure careers after they were well along in years. "At the time we had five children, one recently merged household, alimony payments, two kids in college. We did it on our reputation and on credit. We didn't care if we didn't make as much money as we had been making as long as we could do things the way we thought they should be done." Today, they are partners in Cinamon Associates, a direct-mail operation in Boston, and are expanding into radio and television, as well as considering entering international marketing.

What does Marcia Cinamon believe are the characteristics successful entrepreneurs need? "Greed. Need. Desire. Probably half the deadly sins. I think most of all it's a person who can't leave something undone. I remember I was sitting with someone, and there was a newspaper in the chair next to me with an undone crossword puzzle. I picked it up, and started doing the puzzle." Has doing the undone been worth it? "Yes. The reward . . . is that you know everything that happens," says Marcia Cinamon. "It is you who has your finger on the pulse of everything."

This desire for action and independence, for some degree of control of one's destiny, is echoed by Sydney Levine, owner of Shipping Intelligence in New York, a company that provides computerized control systems to the shipping industry for use in inventory and record keeping. He believes that to an important extent he makes his own economy. "When people ask me, 'Will the recession affect your business?' I answer, 'It depends on me. If I lose a client, well then I have a recession. If I get two new clients, it's a much different picture.'"

Self-reliance has it's own burdens, however, Stanley Simon, who owns Fitwell Stores for Men in Minnesota, says, "When things take a bad turn, you don't have anyplace else to put the blame . . ."

That small businesses are filling some pressing national needs as well as filling the needs of the people who run them seems evident.

According to a report by the Panel of Invention and Innovation to the Secretary of Commerce, more than half of the major technological advances of this century were developed by individual inventors and small businesses. Chester Carlson developed the first working model of what became the Xerox machine in a little lab over a bar. Texas instruments was a tiny company making equipment for finding oil until it paid Bell Labs $25,000 for a license to make transistors. Individual investors and small companies have accounted for insulin, the vacuum tube, Kodachrome, power steering, the self-winding wristwatch, the helicopter, cellophane, ball-point pens, FM radio, shrink-proof knitted wear, the Polaroid camera and the zipper.

Meanwhile, however, some of our largest and most basic industries have been faltering. Chrysler, along with Lockheed, are only two in a series of organizations over the last dozen years that have been kept from bankruptcy by large sums of money in Government support and that indicates that a kind of arthritis is spreading through many of our largest companies. Companies such as Seatrain and Penn Central went bankrupt, but were helped out during reorganization by Federal assistance programs.

Of course, the Government does not bail out small businesses when the going gets rough. Productivity and self-reliance are essential requirements of small businesses, and hence they serve as an invaluable example to the nation. These qualities are really what makes small businesses such an integral part of what might be called "the economic system."

An economically healthy community—urban or rural—depends on the jobs as well as on the services provided by small businesses. In general, communities that are served by many small businesses, as against those essentially served by one or two large corporations, are more balanced and stable, enjoy greater civic participation, more retail facilities and home ownership, better housing, fewer slums, better health and sanitation standards, lower mortality rates, and more monetary support for education, recreation, and cultural and religious activities.

Berlin, N.H., for example, has had it with big business. "If you're going to employ 1,000," says Berlin's industrial development manager, Roland Sherman, "then don't come here. We don't want all our eggs in one basket."

Small business has not only proved itself to be the most significant employer of Americans and a stabilizing and enriching factor for the communities, but it is also vital to big business, a fact well recognized by the corporate giants. General Motors has 30,500 suppliers of whom a large majority are small enterprises with fewer than 500 employees. Small business is thus involved in a mutually dependent partnership with big business. In the 1950's, Charles E. Wilson, the late General Motors president, said that what was good for General Motors was good for the country. He should have added that what is good for small business is good for General Motors.

Given the crucial niche small business occupies in the economic system, one would think that more would have been done long ago to remove the forces that have made the national economic environment so hostile to it.

How to deal with the scarcity of funds for small-business ventures? The reduction in the maximum capital-gains tax rate from 28 percent to 20 percent contained in the Reagan Administration tax bill enacted by Congress may eventually prove to be an important measure of help in this, though it is still too soon to know for certain. Jack Albertine, president of the American Business Conference, sums it up this way: "Reduce the capital-gains tax and you will provide the incentive to put money into new ventures. If a person has a good idea, and there is a larger pool of equity capital [money available for investment in new enterprises], the money and the idea will come together. If investing in a new enterprise is not made more attractive by a tax incentive, however, the money will not be there and many good ideas will die on the vine."

And everyone benefits. Albertine notes that the last time the capital-gains tax was lowered, in 1978—from 49 percent to 28 percent—the Treasury Department estimated that by the end of 1979 it would have cost $1.7 billion in revenue losses. In fact, it cost only $100 million—and this year, preliminary figures indicate that the Government made money on the deduction.

One measure that would make more capital available is a tax credit for investment in a new small business: The credit would allow the investor to deduct 10 percent of the investment, or $750, whichever is smaller.

Currently, small business enjoys far fewer tax benefits than big business. I.R.S. figures show that companies with more than $1 billion in sales are claiming various tax credits equal to 61.1 percent of their tax liability, while comparatively small firms—those with $1 million to $5 million in sales—are claiming credits equal only to 6.5 percent. In addition to this, some rules for claiming deductions and credits are so complex that only large companies with vast accounting staffs can take complete advantage of them.

The Reagan tax bill failed to overcome many of the these inequities against the small-business entrepreneur. Payroll taxes, for example, are especially crippling. According to a survey by the National Federation of Independent Businesses, many small-business firms pay more in social security taxes than they do in corporate taxes.

This tax drain hurts not only small business but the nation. As the report of the 1980 White House Conference on Small

Business stated: "The more earnings that small companies can retain, the more they can expand, develop new products and services, and create new jobs."

Perhaps the biggest deficiency for small business has been, as Robert Dotchin, staff director of the Senate Small Business Committee phrases it, the lack of a "delivery system" of information for small businesses. Helpful information almost always exists if one knows where to find it. "But it is highly important," says Dotchin, that "people ask themselves the hard questions before they establish a business. All too often, people walk into the office of the Small Business Administration, blindly asking for assistance—when they are already going down for the third time." To avoid this, there must be active informational outreach programs, alerting new entrepreneurs to the difficulties they may face and advising them on how to combat them.

Furthermore, the small-business community needs more information about itself as a whole. As J. R. Kirkland, head of a Washington-based small-business policy research company puts it: "We need to provide the hard data and scientific underpinning that has so far been lacking in lobbying efforts on behalf of small business." Such data would be immensely helpful when demonstrating to Congress how injurious present economic policies have been.

One method of serving both the informational needs of individuals and the small-business community at large would be to establish a centralized facility or perhaps several regional facilities that provide a range of resources: outreach programs; curriculum development for business-schools desiring to teach classes on establishing a small enterprise; collection of economic data relating to small businesses and information on areas of opportunity in such fields as international trade, new energy sources and new technologies. Such facilities are now in planning and pilot stages, and this decade will see them become a major force for improving the success rate of small businesses.

The crippling effect that Government regulation has had on some small businesses must also be considered. To do so requires, first, an understanding that regulations designed for large corporations are often applied inflexibly to smaller enterprises as well. Here are a few of the absurdities that can result:

Robert Bentile runs a small surface-mining coal company in Ohio with 25 employees. He testified before a Washington Congressional hearing that "we have a total of 647 forms per year and a total of 63 different inspectors. When the weather broke a few weeks ago, we had more inspectors here than workers." There should be a way of protecting workers and consumers from the injustices of the past—but do we need 647 forms?

In the summer of 1978, state and local officials descended on Billy Halliwell, an enterprising 11-year-old from Roseland, N.J., who set up shop in his sister's red wagon dispensing coffee and doughnuts to sleepy motorists waiting in gas lines. Billy lacked a peddler's license, failed to collect state sales taxes and neglected to file a quarterly return with state authorities. Only after his father paid nearly $1,000 in legal fees was the boy allowed to resume business—after surrendering 21 cents in tax payments.

Martha Hudson, a housewife from Appomatox, Va., started a business of providing transportation service in her area for sightseeing trips and shopping expeditions, but she encountered a regulatory deadend. "First," she says, "I found that my auto-insurance company would not insure a vehicle used for this purpose except through a plan that cost around $2,000 a year. Next, I checked with the Department of Motor Vehicles and found that I would have to obtain a permit from the State Corporation Commission and the Interstate Commerce Commission.

"After checking with an attorney, I had to give up the idea completely. He informed me that Greyhound and Trailways bus services had a franchise to provide transportation, and would do everything possible to stop any individual from cutting in on their business. He also said it would cost me up to $100,000 to get the permit from the state. Naturally, I did not have that kind of money."

And it appears that even recent attempts at controlling regulation have simply imposed an additional bureaucratic layer. The owner of a company that manufactures screws in Chicago explains: "The Government wants to have a continuing picture of the country's business scene, so it insists that its regulatory agencies develop what they call business and industry 'profiles.' Now that's a sound enough idea. Government ought to know how things are. But to get this profile, we receive forms from maybe a dozen different agencies, the Bureau of Labor Statistics, the Federal Trade Commission, the Census Bureau and so on. Some of these are 20 pages long. The trouble is they all ask the same questions."

There does, however, appear to be hope on the horizon. Congress enacted the Regulatory Flexibility Act last year requiring that each agency of the Federal Government prepare a report on the impact of proposed regulations on small business. It also requires that the agency consider "two-tiered" regulation if it appears that a particular act would place unfair strictures on smaller businesses in comparison with large corporations. Robert Dotchin of the Senate Small Business Committee appears optimistically ambivalent about what the effects of this new act will be: "It may not have enough teeth in it. But it does insure that an agency be more sensitive to the unique needs of small business, rather than having small business be just an afterthought in the regulatory process. We're keeping our fingers crossed."

Another encouraging sign is that President Reagan has taken partial cognizance of the problem. "Over regulation," he has told Congress, "causes small and independent business men and women, as well as large business, to defer or terminate plans for expansion and, since they're responsible for most of the jobs, those new jobs just aren't created." His point is correct and it may well be the first time in a long while that a President has put small business ahead of big business in a sentence.

Whether one talks about the problems of regulation, lack of capital or lack of information, one thing seems clear: small business has found its voice, and its voice is being heard.

From the small-business associations springing up at the grass-roots level across the United States to the major national groups now actively lobbying in Washington, it is apparent that the interests and concerns of millions of American entrepreneurs have begun to crystallize and find expression—much as did the concerns of environmentalists a decade ago. The Council of Smaller Enterprises, the Coalition of Small and Independent Business Associations, the National Small Business Association, the Small Business Legislative Council, the National Association of Women Business Owners—such organizations are thriving and becoming increasingly effective in providing services and representing the concerns of their members to the Government and the public.

Government has begun to hear the small-business community, and to realize that helping this newly unified constituency is now a political imperative. As Gov. Richard D. Lamm of Colorado put it: "There is a tidal wave behind me. It name is small business. And any politician who does not look over his shoulder at that wave will be a politician out of a job."

And I expect—or at least I hope—that big business, as well as politicians, will realize that in many ways their interests coincide with those of small companies. There are already some innovative programs that have been initiated by the private sector to help new entrepreneurs. Control Data Corporation has opened four Business and Technology Centers, in St. Paul, Minn.; Minneapolis; Charleston, S.C., and Toledo, Ohio. The centers provide office space and a wide array of services to young, growing companies. Rent-paying tenants make use of conference rooms, mail processing and legal consulting, as well as advice on inventory financing and tax consulting.

And the nice thing about all this is that the increasing power of small-business people is aided by the public's overwhelmingly favorable attitude toward them. I recall one survey which found that 68 percent of the public said that big business had too much power, but small business was at the top of the list of groups perceived as having too little. It ranked higher, in fact, than religious leaders and educators. I believe that the 1980's will see an even greater appreciation for the American entrepreneurial spirit and the contributions of those individuals who personify it.

Despite all that has been said, it should also be pointed out that small-business people do not want handouts. What they want is a fair opportunity. The free-enterprise system is supposed to allow winners to win and losers to lose. But they should not lose for the wrong reasons. An entrepreneur should have a reasonable chance to see whether his idea—for a product or a service—can fly. Because of what small business gives to this nation, it should be the business of Government, the private sector, labor, and an informed public to see that the coming years bring an increase in the success rate—rather than the failure rate—of new enterprises.

But no matter how much or how little assistance our small-business people are given, the entrepreneurial spirit will stay alive and keep kicking. For though it is true that the nation seems to face intractable economic difficulties, it is also true that there is, living in many Americans, a fiercely individualistic, bullheaded dreamer who, deep down, believes in a kind of magic. It is a magic of effort and ego and obsession that can make happen what other people consider impossible. George Bernard Shaw said: "The reasonable man adapts himself to the world, the unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the reasonable man." Americans can be a mighty unreasonable people when they want to be. And if I am reading my tea leaves correctly, we're starting to become unreasonable again.●

UPDATE ON DRAIZE RESOLUTION—SENATE RESOLUTION 65

● Mr. DURENBERGER. Mr. President, 1 year ago I was joined by Senators DOLE, TSONGAS, PERCY, DECONCINI, and LEVIN in the introduction of Senate Resolution 65. As you might expect, a great deal has changed since that date. Senators WILLIAMS, RIEGLE, JEPSEN, ROTH, ABDNOR, MITCHELL, MOYNIHAN, D'AMATO, LEAHY, HEINZ, STAFFORD, KASTEN, FORD, LUGAR, and GORTON have joined the original sponsors of the resolution which places the Senate on record in calling for Federal action by the Federal Government to develop and validate an alternative nonanimal testing procedure to replace the Draize eye irritancy test.

There is some progress to report. Both the private sector and the regulatory agencies responsible for oversight of the Federal Hazardous Substances Act have made a concerted effort not only to reduce the number of animals subjected to the test, but also to fund alternatives to the Draize.

Among the more encouraging developments this past year, was the willingness of the regulated industries, after proper encouragement from interested and concerned private citizens and nonprofit groups, to contribute significant resources to the development of an alternative to the Draize. While I am sure that others will lend their support in the future, the following corporations and associations have made contributions to the cause:

Estee Lauder, $250,000.
Avon, $750,000.
Revlon, $750,000.
Bristol-Meyers, $400,000.

The Cosmetic Toiletry Fragrance Association, a $1 million grant to John Hopkins University.

Max Factor.
Chanel.
Mary Kay Cosmetics.

I should also point out that the following letter from the Consumer Product Safety Commission to Mr. Henry Spira, founder and motivator of the Coalition to Stop Draize Rabbit Blinding Tests, is a welcome sign to those of us who were concerned over the regulatory agencies apparent unwillingness to acknowledge the deficiencies of the test. While I am convinced that nothing short of total elimination of the test is necessary to halt the unnecessary pain albino rabbits are subjected to, I find the CPSC letter to be a step in the right direction.

In short, some encouraging first steps have been taken to halt the Draize test and replace it with more reliable, economical and humane alternatives. Unfortunately, the only thing that remains unchanged is the apparent unwillingness of Congress to go on record as being in favor of the Federal Government devoting additional research time and funds to develop an alternative to the Draize. Senate Resolution 65 has no budgetary impact, is supported by industry and consumer interest groups alike, has no known opposition and is worthy of every Member's support. I strongly urge any Member of the Senate who is not a cosponsor of Senate Resolution 65 to join its cosponsors now.

Mr. President, I ask that the letter to Mr. Henry Spira from the Consumer Product Safety Commission be inserted into the RECORD.

The letter follows:

U.S. CONSUMER PRODUCT SAFETY COMMISSION,
Washington, D.C., January 8, 1982.

Mr. HENRY SPIRA,
Coalition To Stop Draize Rabbit Blinding Tests, New York, N.Y.

DEAR MR. SPIRA: During a meeting on May 11, 1981, it was brought to the attention of CPSC staff that many companies are interpreting the test procedures at 16 CFR 1500.3(c)(4) and 1500.42 as requiring the exclusive use of the Draize test. The purpose of this letter is to clarify the requirements of 16 CFR 1500.3(c)(4) and 1500.42 and the Commission's position with respect to the use of the Draize test along with the suitability of equivalent alternative test data or information to support eye irritancy labeling under the Federal Hazardous Substances Act.

At present, there are several alternatives to actual biological testing that will establish whether a substance is an eye irritant. The Commission encourages manufacturers to consider and utilize such alternatives to biological testing as are appropriate.

One alternative to Draize testing is human experience with a hazardous substance. 16 CFR 1500.4(a) directs that reliable human experience with a substance should be taken into account in determining if that substance is in fact hazardous as defined in the FHSA. Even further, reliable human experience data will take precedence over any animal data reflecting differing results. The Commission staff encourages marketers of hazardous or potentially hazardous substances to solicit and to accumulate anecdotal human experience data as to whether their product is, for example, an eye irritant.

Previous test data as reported in scientific literature represents still another alternative to actual testing. There exist many literature sources of information on the biological responses (including eye irritancy) to many chemical mixtures. When a firm plans to begin packaging and marketing a product, we have in the past and will continue in the future to encourage it to search for information on previous tests which have been conducted on identical or very similar products. We feel it certainly is appropriate to rely on information of this type and forego any additional animal testing. For example, a firm planning to market a standard household bleach (approximately 5% calcium hypoclorite) should consult the wealth of literature showing this product to be an irritant to both eyes and skin. In such a case, there would be no need to conduct animal testing again to indicate the need for appropriate cautionary labeling of the product.

Finally, a manufacturer of products may choose to first test a substance for skin irritation, if possible. If the test shows the substance to be a skin irritant, a prudent manufacturer might also choose to presume the substance to be an eye irritant and label it accordingly.

In addition to encouraging industry to use the methods for determining eye irritant outlined above, the Commission also encourages the development of alternative methods of establishing whether or not a substance is an eye irritant. Indeed, once such a methodology is developed, the Commission staff would be amenable to recommending that the Commission take steps to adopt the alternative methodology as a replacement for the Draize test in determining when the FHSA labeling for eye irritancy is appropriate. Though at present we are not aware of a suitable alternative test procedure, we do know that industry has in the past and continues to actively seek alternative tests to the Draize test. I have requested our scientific staff to closely monitor this ongoing industry research. In the event that a reliable alternative test method for eye irritancy is developed, we will immediately take steps to replace the Draize test.

Sincerely,

CARLOS L. PEREZ,
Acting Associate Executive Director for Compliance and Administrative Litigation.●

KATE SMITH

● Mr. SYMMS. Mr. President, recently I received a letter from Marj Findlay, a friend of mine in Cocolalla, Idaho, who wrote to remind me of the tremendous contribution that Kate Smith made to the war effort during World War II. Through those difficult years, Mrs. Findlay recalls, Kate Smith "helped to give our people purpose and a rededication to Americanism." The courage and unfailing support of the American people were essential to insure an Allied victory, and Kate Smith's appearances around the Nation were always a source of hope and encouragement for those Americans who listened to her sing.

Mrs. Findlay notes that we have failed to honor Kate Smith in an appropriate manner for all of her efforts to unite the American people. I believe that this Congress should act to repay the debt that our Nation owes to Kate Smith, and in the near future I will suggest a suitable means to show the Nation's profound appreciation for all that she has done.

Mr. President, I ask that Mrs. Findlay's letter to the editor be printed in the RECORD following my remarks.

The letter follows:

COCOLALLA, IDAHO,
December 10, 1981.

SPOKESMAN-REVIEW,
Spokane, Wash.
(Attention of editor).

DEAR SIR: December of 1941 was a dreadful time for the American people. Our beloved country, just a few years before had been through the great depression. Times were real tough but families were close knit. The major responsibility was on good old Dad's shoulders to bring home enough food to feed his brood and pay the rent as jobs were few and pay was low. Mom's full time job was to make a banquet out of dried

beans and little else, keeping the ragged hand-me-downs clean and mended and her families spirits and morals up. She wasn't worrying or wanting to be "liberated". She knew her duties and her responsibilities. Grandpa and Grandma were the live-ins at that time only no one ever dreamed of calling them that because they were considered the hierarchal part of the family. They were looked up to and consulted always because they were older and therefore wiser than their young counterparts.

The priorities of our American people in those years were God, family and country. They were very patriotic and happy, even though poor in material goods.

Then came the New Deal with its false philosophy. Leading people to believe that black was white and white was black. That you can take from the producers and give to the indigents or those that refuse to work. Yes, it was somewhat like the story of the Pied Piper of Hamlin.

While our nation was in this confused state of transition from freedom to collectivism under the "New Deal"—in December of 1941 Japan bombed Pearl Harbor.

Well—up from the ranks of our people at that time there arose a young woman who helped to give our people purpose and a rededication to Americanism. Her name was Kate Smith. She was called the "Songbird of the South" because of her beautiful voice and the wonderful patriotic songs that she sang. One of the songs she made famous was "God Bless America."

God Bless America, land that I love,
Stand beside her—and guide her
Through the night, with the light from above.
O'er the mountains, o'er the prairies,
O'er the ocean white with foam—
God bless America, my home sweet home—
God bless America, my home sweet home.

Our beloved Kate Smith is now seriously ill in her home in North Carolina.

America today needs heroes. Kate Smith is a hero for what she has given America of herself.

We would like to see Miss Smith receive the Presidential Medal of Freedom from our President Ronald Reagan—and would like to request that you write our President and the Congressional delegation from Washington asking their help in accomplishing this.

Sincerely,

Mrs. FRANK (MARJ) FINDLAY.●

JOHN P. FOLEY—AN AMERICAN HERO

● Mr. EAST. Mr. President, I wish to take this opportunity to salute one of America's outstanding military heroes, Mr. John P. Foley of Durham, N.C.

During World War II, on September 19, 1944, Mr.—then Lieutenant—Foley was in command of a 110-man detachment of GI's who attacked and captured Devil's Hill in Beek, Holland. Lieutenant Foley and his men held Devil's Hill for 5 days against the German counterattack of superior forces, against the German demand that they surrender, and in the face of dwindling ammunition. Lieutenant Foley's heroism and leadership were recognized by the U.S. Army when he was awarded the Distinguished Service Cross for bravery—second only to the Congressional Medal of Honor in the ranking of military decorations. Yet, more recently, another honor has been awarded to Mr. Foley. Because of the courage and tenacity of Lieutenant Foley and his soldiers, the townspeople of Beek were liberated from German military occupation and from Nazi tyranny. On September 27, 1981, the city of Beek recognized Mr. Foley's heroism by naming their town hall after him—long after many Americans had forgotten his sacrifices for them.

Mr. President, since coming to Washington last year, I have had the rare opportunity to witness human courage at its highest levels. I have had the honor of knowing Senator JEREMIAH DENTON, whose courage and patriotism are known to all. I have witnessed the courage of President Reagan as, bleeding from an assassin's wound, he made jokes to reporters and surgeons. In January, we were all moved by the heroism displayed by many persons during the disastrous airplane crash on the 14th Street Bridge. This month we have witnessed and have been inspired by the courage of General Dozier during and after his ordeal at the hands of terrorists.

Mr. President, I would like to place Mr. Foley in this noble company; to submit to you, to our colleagues, and to all Americans that the high and rare virtue of courage is not dead as long as we can be inspired by the deeds and accomplishments of Mr. Foley and the other gallant men whom I have mentioned; and I would like also to submit that as long as we can be so inspired, there is hope for America and for the cause of freedom against the remorseless tyranny against which Lieutenant Foley fought so valiantly and against which we are fighting even today.●

MEDICARE AND THE REAGAN BUDGET

● Mr. BAUCUS. Mr. President, once again the Reagan administration has shocked older Americans. Last year it was the President's proposed cuts in social security benefits, which Congress overruled. This year it is his proposed cuts in medicare.

When Congress created medicare in 1966, it made a commitment to America's elderly. Medicare would be a health insurance program for all Americans eligible for social security benefits, and today it covers virtually all those over 65 years old.

President Reagan wants to cut some $3 billion from medicare's funds for the year beginning October 1, 1982, according to the budget he submitted to Congress February 8. The administration also plans to propose a new benefit program for 1984 that would severely affect older Americans. Here is an update on these proposals.

MEDICARE

Too often we forget that medicare is part of the social security system. Workers, now about 116 million or 90 percent of the work force, and employers contribute to social security in order to collect benefits when they retire. Their payroll taxes are allocated to three separate trust funds: Retirement, disability, and hospital insurance—medicare part A.

At age 65, medicare pays all hospital costs from the 2d to the 60th day after which recipients pay a percentage of these costs. Recipients also are eligible to purchase a low-cost supplementary medical insurance plan—medicare part B—to help them pay their other health costs.

REAGAN PLAN

The Reagan administration's proposed budget includes several very significant changes in medicare:

Cut by 2 percent the amount medicare reimburses hospitals;

Require employers to offer employees age 65 to 69 the same health insurance as younger employees, creating an incentive for employers to force retirement at age 65;

Delay for 1 month eligibility for benefits when a person reaches age 65;

Index the part B deductible—the amount paid by the medicare beneficiary—to the Consumer Price Index so that costs to the aged, who often live on fixed incomes, go up along with inflation;

Impose a 5-percent coinsurance cost to recipients of home health services; and,

Cut reimbursement payments to doctors for certain services.

These proposals would undermine the medicare program. They would shift health costs to the elderly, to people who purchase private insurance policies—medigap—and to private patients in hospitals.

The 2-percent reimbursement cut would penalize those hospitals—like Montana's—that can least afford it. The changes in physician reimbursements would discourage doctors from participating in medicare. Less than 50 percent of the Nation's physicians accept medicare under the current system.

In short, the real losers under the administration's plan are medicare recipients themselves. Older Americans will pay more for less care.

CATASTROPHIC

The administration also is proposing another change in medicare for 1984. This plan would substitute catastrophic insurance coverage for the medicare part A coverage now offered. Recipients would pay a percentage of their hospital stay, probably 10 percent or $20 a day, up to $2,500 after which the catastrophic coverage would cover expenses.

This proposal may look like better coverage for seniors, but do not be fooled. This is nothing more than a way for the Federal Government to shift more costs to seniors. The President has not given this plan his final OK. If you have strong views about this concept, you still have time to send them to the White House.

MEDICARE FRAUD

In recent years an alarming increase in fraud and waste in medicare has been shortchanging taxpayers. These losses are estimated at $3 billion, a hefty part of the $49 billion budget.

Recently the Senate Finance Committee, on which I serve, and the Senate Aging Committee held hearings to investigate these problems. We uncovered examples of doctors and hospitals billing medicare and medicaid for services not performed, kickbacks, deliberate duplicate billing and false or misleading entries on cost reports. We also found numerous cases of unnecessary care being provided in unnecessarily costly surroundings.

Efforts to recover misspent funds are bogged down. The backlog of unresolved audits topped $100 billion in 1981. These hearings were just a first step. I am continuing this investigation.

CONCLUSION

The Finance Committee must act on any proposals to change medicare benefits. As the ranking Democrat on the Health Subcommittee, I intend to play an active role in this work.

I oppose the budget cuts outlined above. Congress must not break the commitment we made to seniors when medicare was created. We should not be playing a shell game with medicare, pushing costs from the Federal Government to hospitals, doctors, insurance companies and, ultimately, the elderly. I am hopeful we will win this battle.●

U.S. TRADE POSTURE

● Mr. TOWER. Mr. President, on Monday of last week, U.S. Trade Representative William E. Brock delivered a major policy speech on U.S. trade posture before the European Management Forum in Davos, Switzerland. I commend Ambassador Brock for his adherence to the precepts of free and open trade while, at the same time, stressing the importance of equity in our trade relations with our world partners. As he points out, we are confronting a period where increased energy needs, high unemployment and inflation and payments imbalance have brought about a temptation for nations to adopt restrictive trade practices to protect domestic industries from import competition. It is imperative that we maintain our leadership role in the free global movement of goods, services, and capital; on the other hand, we cannot ignore the unilateral changes being made by other nations that restrict access of U.S. products to their markets.

Most of our trade liberalization efforts in recent years have focused on the reduction of tariff barriers. Tariff levels have been reduced in a succession of multilateral trade negotiations (MTN) to the point where in most cases they are no longer as significant as a variety of nontariff measures. The Tokyo round of the MTN continues this trend of tariff reductions. As tariffs have eased, however, the development of sophisticated nontariff barriers created a greater impediment than tariffs to the export of U.S. goods and services and commodities. This is especially true, as discussed last Thursday in the Senate by my colleague from Texas, Senator BENTSEN, with regard to the current status of exports of U.S. agricultural products to Japan and to the European Community (EC).

It is anticipated that the MTN codes will significantly reduce the restrictive efforts of nontariff trade barriers. While we must continue to insist upon full implementation of the Tokyo round, efforts should also continue to expand the scope of the codes and to bring more countries within the MTN framework.

In addition, Mr. President, efforts must be continued to conclude agreements on new and more far-reaching codes to address additional areas of international trade. Service industry exports remain largely outside the scope of the codes, as do certain commodity groups, most notably textiles and many agricultural goods. Trade with the nonmarket economies has not been directly addressed in the MTN, leaving uncertain the status of commercial relations with a large bloc of potential trading partners. By devising better methods to include and involve less developed countries in the world trade system, we enable them to build a stronger house for themselves than can be fashioned through development assistance.

This expanded trading system should be designed to deal with new barriers as they arise, before they undermine past negotiating achievements. As Ambassador Brock stated:

> We need a trading system that recognizes its task will never be completed, a system designed for the unending process of analyzing problems, and developing solutions, before they explode into crisis.

The effective enforcement of U.S. trading rights under this system will be a critical element in our trade strategy into the 21st century. How the United States responds to these adjustment pressures will have far-reaching consequences for the future dynamism and productivity of the U.S. economy. Our trade strategy must provide a coherent approach to adjustment, one that properly balances the use of temporary safeguard measures with measures that facilitate adjustment.

In summary, Mr. President, if U.S. producers are to benefit from improvements in their competitiveness, they must not be denied promised access to foreign markets or be confronted by unfair trading practices of other governments. I applaud the efforts of this administration and Ambassador Brock in their commitment to a trading system that will work for all who hold fast to the goals of free trade.●

AMBASSADOR KIRKPATRICK ON GOLAN HEIGHTS SITUATION

● Mr. JACKSON. Mr. President, we are very proud of the professional performance of our Ambassador to the United Nations, Jeane J. Kirkpatrick. Her assignment is not an enviable one. She is working under extraordinarily difficult circumstances, and she is performing with great integrity, determination, and style.

I want particularly to call to the attention of my colleagues Ambassador Kirkpatrick's forthright and informative address in explanation of the U.S. vote on the recent bizarre U.N. resolution on the Golan Heights.

I ask that the text of the address be printed in the RECORD.

The text of the address follows:

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK, UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS, IN THE EMERGENCY SPECIAL SESSION OF THE GENERAL ASSEMBLY, IN EXPLANATION OF VOTE ON THE SITUATION IN THE GOLAN HEIGHTS, FEBRUARY 5, 1982.

Mr. President, the resolution before this energency special session of the General Assembly is profoundly objectionable to the United States. We oppose it because it does not contribute to peace in the Middle East: it will make peace harder to achieve.

We oppose the end it seeks—which is revenge and retribution, not conciliation and compromise.

We oppose the means it recommends: which are unreasonably punitive and ill-suited to accomplishing any constructive purpose.

We oppose the use of the United Nations involved here because this body was and is meant to be devoted to building peace and security, and this resolution seeks neither. Instead, it uses this body as an instrument to deepen divisions and exacerbate conflicts.

We oppose this resolution because, like any other cynical use of power, it will leave this body weaker than it already is, less fit to achieve its noble purposes.

By damaging the prospects for peace, this resolution undermines the integrity—indeed, the very raison d'etre—of the United Nations.

Last month in the Security Council the United States voted against a resolution on Israel's Golan Heights legislation because as we stated at the time, the resolution constituted "a perversion of the very purpose which the Security Council is called upon by Chapter VII of the United Nations Charter to perform." That purpose is to prevent "an aggravation of the situation." The reso-

lution before us today, like the previous resolution, does not prevent an aggravation of the situation: it is itself a source of aggravation. It is also procedurally flawed in that it seeks to assign to the General Assembly responsibilities that Chapter VII of the Charter properly and solely invests in the Security Council.

The United Nations has discussed the Golan Heights legislation now for nearly two months. As my delegation made clear at the outset, we opposed this legislation because it purported or appeared to alter unilaterally the international status of the Golan Heights. Therefore, on December 17th the United States joined other members of the Security Council in passing Resolution 497, thereby making clear our disapproval of the Israeli government's action in extending its civil law over the Golan Heights. We communicated the same message in our bilateral relations.

As we have stated often, the future of the Golan Heights, like that of all the occupied territories, can be resolved only through negotiations pursuant to Security Council Resolutions 242 and 338. Accordingly, we have called upon Israel to rescind its legislation and—most importantly—to reaffirm its commitment to a negotiated solution. In its letter of December 29th to the Secretary-General, Israel did, in fact, reaffirm its readiness to enter into unconditional negotiations with the Syrians over the international legal status of the Golan.

At that point, the only constructive role for the United Nations was to facilitate such negotiations, in accordance with Resolutions 242 and 338. But the resolution before the Security Council did not even mention these resolutions and, needless to say, the current draft resolution doesn't either.

Mr. President, we must go back to basics. Israel is accused of threatening peace. Yet peace is not the situation that prevailed between Israel and Syria before Israel's Golan Heights legislation was adopted. Security Council Resolution 338, which was the basis for the 1973 ceasefire, called upon the parties to "start immediately" to negotiate the implementation of Resolution 242 so that Israeli withdrawal could be effected in exchange for recognition of Israel's existence within "secure and recognized" borders. But no such negotiations took place.

There is no one in this chamber who does not know which party has refused to negotiate peace or even to accept Resolution 242. Yet the resolution before us today and the speeches we have heard take no account of this reality.

Mr. President, the United States greatly desires to have cordial, cooperative, good relations with all the states in the region. My country has devoted enormous effort, in this Administration and under previous Administrations, to finding a basis for peace and reconciliation. We also want very much a strong United Nations acting in fidelity to the principles of its Charter. For these very reasons we are appalled by this resolution which distorts reality, denies history and inflames passions.

The draft resolution before us calls the Israeli legislation an act of aggression. But no shots were fired, no soldiers were brought into place. And the future of the Golan Heights is no less negotiable than before.

It describes the Israeli legislation as an annexation. It is not. The United States has not recognized it as such. The Security Council in Resolution 497 did not recognize it as such. To now call it annexation only creates an artificial obstacle to negotiations.

This resolution call for comprehensive sanctions against Israel and for Israel's total isolation from the rest of the world. But can anyone truly believe that such proposals, advanced in a spirit of vindictiveness, will make a constructive contribution to peace?

Mr. President, the United States objects to this resolution because it makes the search for peace more difficult, and because it weakens this body. We also object to it for less disinterested reasons—we object to the barely veiled attack on the United States present here in the paragraph that "strongly deplores the negative vote by a permanent member * * *"

The right to cast a veto is vested by the Charter in the five permanent members of the Security Council. The sole purpose of this provision is to permit one of the permanent members to block a proposed action of the Council if for any reason this action is deemed seriously flawed. The United States used the veto for the purpose for which it was intended—to block action which we deemed ill-conceived and imprudent and, moreover, one incompatible with the pursuit of international peace and security to which this body is dedicated. It is not at all appropriate that an action taken in conformity with the spirit and the letter of the Charter should be deplored.

Furthermore, as everyone present understands, this resolution raises basic questions which go to the heart of the relationship of a member state to the United Nations. This is a profoundly serious matter, filled with ominous portent. Questions of membership in this body and its associated agencies should not, indeed cannot be settled by majority passions. The United Nations or any similar organization can only exist if the principle of majority rule is balanced by respect for minority rights. This resolution strikes twice at the principle that minorities also have rights: first when it deplores our use of the veto, and second when it attempts to submit questions of membership to the General Assembly. Respect for the United Nations means respect for its Charter.

We hope that the authors and supporters of the resolution will think deeply about this aspect of their approach, for the health, even the survival of the United Nations depends on respect for both majority rule and minority rights. Nothing is more clear than this.

Mr. President, suppose this resolution passes, as regrettably I suppose it will, what will this exercise have achieved?

An Israeli withdrawal from the Golan? Of course not.

An embargo of economic, technological, military goods destined for Israel? Of course not.

A restoration of the occupied territories? Of course not.

A resolution of the problems of Palestinians? Of course not.

Peace in the Middle East? Of course not.

Will it intimidate the United States, causing it to abandon its Middle East policy, its friendship with Israel, its search for peace in the region? Of course not.

What then, will this resolution accomplish?

What has already been achieved by these weeks of harsh, seemingly endless attacks on Israel, on the United States, on the spirit of reason, moderation, on peace itself? To raise the question is to answer it.

There is, in my country, a child's rhyme, sticks and stones may break our bones but words will never hurt us. The rhyme is profoundly mistaken. Words have consequences.

Words express the ideas, the values and the truths we live by. They are the principal means available for reason to explain purposes and dispel misunderstandings. The United Nations was conceived as a palace of reason, a place where reason would replace violence as the tool for settling disputes.

This miserable resolution before us today demonstrates the sad truth that any instrument can be made to serve purposes remote from its raison d'etre: words can be used as weapons; ploughshares can be turned into swords, and the United Nations itself can be used to polarize nations, spread hostility, and exacerbate conflict.

The use made of the United Nations in this resolution and in the weeks preceding it is indeed worth "strongly deploring" and my government strongly deplores it.

Naturally we shall vote "no."●

SMALL BUSINESS EXPORTS

● Mr. BOSCHWITZ. Mr. President, yesterday, I joined Mr. William H. Morris, Jr., Assistant Secretary for Trade Development for the Department of Commerce, in publicly presenting the International Trade Administration's new publication, "A Basic Guide to Exporting." This guide will be a very useful tool to help small businesses export their goods and services.

We are all aware of the great contribution small business makes in creating new jobs. In the past 10 years, nearly 20 percent of new jobs in the private sector has come from businesses with 20 or fewer employees. And, businesses with less than 100 employees have created 80 percent of the new jobs. In Minnesota, over 85 percent of the 6,000 manufacturers have less than 100 employees and have contributed to job creation.

Small businesses can create even more jobs by actively exporting their goods and services. Each $1 billion in exports creates 24,000 U.S. jobs—almost 850,000 new jobs from 1977 to 1980. Businesses in my State of Minnesota have been very aggressive exporters—in 1980 Minnesota exported $3.9 billion worth of manufactured goods, nearly twice as much as the $2.3 billion in 1977. That $3.9 billion in 1980 generated 13.1 percent of Minnesota's total employment. Even so, 80 percent of the goods and services exported by this country are currently exported by only 1 percent of the U.S. exporters. Furthermore, it is estimated that over 20,000 businesses have the ability to export but do not, for one reason or another. In Minnesota alone, there are 5,000 manufacturers that do not export, even though many could.

There may be a large number of reasons why individual firms do not export—differences in cultures, currencies, and languages, financing, inexperience and basic inertia.

As a businessman myself, I believe that exporting should not be viewed as a new market; rather, exporting is an extension of existing markets to a

greater number of customers. Exporting will have additional requirements for identifying markets and customers, documentation, shipping, and securing payment. But the basic business activity of selling goods and services is the same. What we need to do is develop an export mentality among public officials and small businesses alike.

The Export Guide presented today is an important first step in overcoming this inertia and thinking export. The guide is one of the best Government publications I have seen because it is written for businessmen. It not only describes export techniques, Government regulations and export programs, it tells how to contact the Government, foreign embassies and private organizations to obtain needed information. It gives small businesses access to Commerce Department information ranging from international economic indicators and demographic data to market share reports to contact lists for the Small Business Administration and Commerce Department district offices and State governments. In addition, the guide includes an export glossary and bibliography of export publications. It does not guarantee that all businesses will become exporters, but it does give potential exporters a good starting point. That alone is an important tool for small business. The guide can be obtained by contacting the nearest district office of the Department of Commerce. For Minnesota businesses, that is: Mr. Glenn Matson, director, 218 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401; 612-725-2133.

For too long, small business has limited itself to the domestic economy—in some cases, a neighboring State is considered a foreign market. But it is becoming more and more apparent to businesses and public officials that we are dealing in a world economy. This Congress is more trade oriented than most have been in the past. Last year, the Senate passed the export trading companies bill, which I cosponsored, which will greatly help increase exports. I hope my colleagues in the House will also act quickly to pass this much needed legislation.

There is still much that can and should be done. Increased small business exports will create jobs at home and improve our balance of payments. Last Friday, the Vice President's Task Force on Regulations announced its intention to analyze regulations affecting small business exports. As chairman of the Senate Small Business Subcommittee on Export Promotion and Market Development, I shall be holding hearings on promoting small business exports and look forward to working with the task force and Secretary Morris to achieve this goal.●

SALUTE TO MRS. ALICE KING

● Mr. RIEGLE. Mr. President, I rise to salute Mrs. Alice King who is stepping down from her position as volunteer project director of Women in Community Service of Detroit. That organization, and the entire community will sorely miss her energy, enthusiasm, and heart.

Her dedication to the Job Corps girls has been tremendous, and she has given not only time, interest, and advice to these youngsters, but has even provided money from her own pocket to assure that her girls received adequate meals. Mrs. King, who is widowed and disabled, has not let anything disrupt or inhibit her work with the Job Corps girls.

Nor is this the only activity that she has devoted herself to, and her touch extended to a diverse range of organizations including: the Sacred Heart Senior Citizens Center, the Detroit Job Corps Center Advisory Council, the Detroit Institute of Art, the National Council of Negro and Jewish Women, and the Dexter Avenue Baptish Church.

Our community has been blessed with her devotion and unselfish character. Her unique brand of volunteer spirit is an asset to the city of Detroit, and serves as an inspiration to the entire Nation. It is with sadness that I see her leaving her present work, and ask that we all recognize and thank Mrs. King for all that she has given to make our community, and its children, rich in spirit and determination.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, February 16 marks the 64th anniversary of the founding of the Republic of Lithuania, which brought to the people of Lithuania the fundamental freedoms of speech, communication assembly, and religion. It is fitting that on this date we pay tribute to the principles of freedom and human dignity which this anniversary represents, and to the brave sons and daughters of Lithuania who continue today, at great personal cost, to uphold those principles in their native land.

February 16 also marks the establishment 731 years ago of the great and historic Kingdom of Lithuania. For more than seven centuries, the people of Lithuania have struggled to keep alive their priceless heritage of religion, language, and culture against aggression and repression—and against all odds, they have succeeded. From its creation in 1918 until its tragic destruction in 1940, the independent Republic of Lithuania was a beacon of freedom in a darkening world. Today, despite the brutal Soviet suppression of the Republic, the commitment of the Lithuanian people to freedom survives.

In 1970 we saw dramatic proof of that commitment in the actions of Simas Kudirka, the heroic seaman who sought freedom when he jumped from his Soviet ship. In the shameful episode that followed, Kudirka was returned to Soviet authorities, tried, convicted, and sentenced to 10 years at hard labor in a Soviet prison camp. Even there he continued to speak out against the denial of basic human rights. His release in 1974, and his emigration with his family to the United States, was a triumph of the great principles which he so nobly espoused.

In Lithuania those principles are upheld by Viktoras Petkus and Vyautus Skuodis, members of the Lithuanian Helsinki Group, and Balys Bajauskas, who was found guilty by Soviet justice of helping present and former political prisoners and their families, and by many, many others who have been sentenced to internal exile, prison camp, labor camp, or psychiatric institution for having the courage of their convictions. The commitment to basic human rights is fully shared by Lithuanian Americans in every part of our great Nation. They have rallied eloquently and forcefully against oppression in Lithuania while fully participating in and contributing to the freedoms of our own great Nation.

Lithuanians first came to America in significant numbers over 100 years ago to escape the oppression of the tsars. A generation later Lithuanians were already working as foundrymen in western Pennsylvania, weavers in New Jersey and New England, dockworkers in Cleveland and tailors in Baltimore. Today they live in communities across the land, prospering as doctors, lawyers, businessmen, teachers and scholars, scientists, artists, and technicians. Lithuanian Americans are justifiably proud of their tradition of self-help. Lithuanian charity and mutual aid organizations in the United States played an important role in alleviating the suffering of Lithuanians during the First World War and insuring the long-sought establishment of the Republic of Lithuania in 1918. There are more than 2,000 such organizations active today. Their pride in and respect for the heritage of Lithuania has enriched American society; social and cultural activities cruelly repressed in the homeland find vigorous expression in our communities.

Mr. President, in the face of great repression the people of Lithuania continue to hold fast to the principles of basic human rights. On February 16, as we commemorate the founding of the Republic of Lithuania in 1918, we pay tribute to them. Their courage has won the respect and admiration of all freedom-loving peoples.●

THE COURAGE OF NATIONAL PARK SERVICE EMPLOYEES GENE WINDSOR AND DON USHER

(By request of Mr. STEVENS the following statement was ordered to be printed in the RECORD:)

● Mrs. HAWKINS. Mr. President, today, I would like to commend the courage and skill of two special National Park Service employees, Don Usher and Gene Windsor. These are the two young men the Nation watched on television as they repeatedly risked their lives rescuing battered and shivering survivors of the January 13 airplane crash from the icy waters of the Potomac. One of these survivors was 23-year-old Kelly Duncan from Miami, Fla.

If these two men were standing before us today, they would probably say that they were just doing their job. Yet, it is impossible to say what level of risk people such as Windsor and Usher should subject themselves to in emergency situations by "just doing their job." To what degree such men should place their own lives in jeopardy is up to them alone, and they have to decide immediately. Gene Windsor and Don Usher did decide immediately and they chose to face considerable danger repeatedly. They demonstrated remarkable courage by doing so.

We must pray that we are spared new disasters in the future. However, if they do occur, let us also pray that men such as Don Usher and Gene Windsor are there again to help.●

AUTOMOBILE EMISSIONS STANDARDS

● Mr. RIEGLE. Mr. President, the Clean Air Act has served as a vital piece of legislation since its enactment in 1970. I have been a strong supporter of many of the basic provisions of this legislation and I believe most Americans support the efforts of the Congress to protect the environment for our future generations.

The Clean Air Act was amended in 1977 and is once again up for reauthorization in the Congress. I support reauthorization of the act. In extending the act, however, it is up to the Congress to reexamine certain standards to determine if those standards are still necessary or should be modified. It has been my belief that certain standards associated with automotive emissions could be waived or stretched beyond the present implementation dates because we may very likely achieve the goal of a cleaner atmosphere with or without the addition of costly new fuel emissions systems to automobiles.

On October 5, 1981, Walter C. Barber, Director of the Office of Air Quality Planning and Standards of the U.S. Environmental Protection Agency sent a letter to my distinguished colleague, Hon. HENRY A. WAXMAN of the House of Representatives. I ask that the letter be printed in the RECORD.

The letter follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF AIR QUALITY PLANNING AND STANDARDS,
Research Triangle Park, N.C., October 5, 1981.

Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During the recent hearing on proposed changes to the emission standards for automobiles, you asked what impact relaxing the nitrogen oxide (NO_x) emission standards from 1.0 to 2.0 gpm for automobiles might have on the acid deposition problem. As you may recall, I indicated that I believe there would be little or no impact from the increase in question. The purpose of this letter is to follow up on that statement and clarify the basis for my opinion. My comments were made in the context of the mobile source discussions and were not intended to reach questions related to the significance of stationary sources of NO_x.

There are several reasons to believe that the impact on acid rain of increased emission associated with the proposed adjustment would probably be small. These reasons include:

(1) the difference in total NO_x emissions between the two standards will be a small portion of the total atmospheric loading of precursor emissions to acid deposition in the future years;

(2) on an equivalent mass basis, NO_x emission have the potential to cause about one-half the acid deposition as do sulfur oxide emissions;

(3) NO_x emissions from automobiles are emitted over broad geographical areas and at essentially ground level, thus reducing the potential for long-range transport; and

(4) there is evidence that the interaction between plants and nitrates deposited on the soil may reduce the role of such nitrates in acidifying soils and aquatic systems.

Listed below are the estimated emissions of NO_x and SO_2 for 1979 along with projected levels of these emissions for the year 1995. For NO_x, separate projections are given for a 1.0 and a 2.0 gram/mile emission standard for automobiles.

Estimated emissions for 1979

[In millions of metric tons]

Nitrogen Oxides:	
Passenger cars	4
Trucks and other mobile sources	6
Stationary	13
Total	23
Sulfur oxides:	
All sources	25

Projected emissions for 1995

[In millions of metric tons]

Case No. 1—2 gram/mile standard:	
Nitrogen oxides:	
Passenger cars	3
Trucks and other mobile sources	6
Stationary	22
Total	31

Projected emissions for 1995—Continued

[In millions of metric tons]

Sulfur oxides:	
All sources	26
Case No. 2—1 gram/mile standard:	
Nitrogen oxides:	
Passenger cars	2
Trucks and other mobile sources	6
Stationary	22
Total	30

It can be seen that in 1979 automobiles (passenger cars) accounted for about 15 percent of the total NO_x emissions and about 7 percent of the total atmospheric loading of nitrogen and sulfur oxides ($NO_x + SO_2$). However, atmospheric emissions of SO_2 tend to form sulfuric acid (H_2SO_4) which contains 2 hydrogen atoms, while NO_x emissions tend to form nitric acid (HNO_3) which contains one hydrogen atom. Thus, SO_2 emitted into the air has the potential to cause about twice the amount of hydrogen ion deposition as an equal mass of NO_x emissions. The deposition process, of course, is not quite that simple, but given that all other things were equal, then in 1979 NO_x emissions from automobiles could have accounted for a maximum of about 5 percent of the total acid deposition; i.e., percent of contribution is equal to NO_x cars, divided by $2SO_2$, plus NO_x total, times 100.

Referring to the projections above, it can be seen that in 1995 the difference in total NO_x emissions between 1.0 and 2.0 gram/mile standard is projected to be less than 1,000,000 metric tons. Using the above calculation procedure, this difference is projected to represent only about 1 percent of the total precursor emissions.

The potential impact of increased emissions between the two standards is probably even smaller than 1 percent, for several reasons. Automobiles emit NO_x near ground level, and over large geographic areas. Thus, these emissions are less prone to be transported over great distances than are emissions from very tall stacks.

Further, nitrates in the atmosphere seem to pose less of a threat to aquatic and terrestrial system than do sulfates in the atmosphere. As I indicated in the hearing, scientific opinion both inside and outside the Agency on the relative significance of NO_x emissions for acid rain has been shifting over the past several years. For example, until recently, it was generally believed that nitrate deposition played a more significant role in the acidification of lakes and other aquatic systems. However, as recently reported by the National Research Council, some scientists now believe that the impact of nitrate deposition on the acidification of aquatic systems may be less than previously thought. An explanation for this is that plants will absorb nitrates deposited on the soil and in the process give off an OH ion. The OH ions will combine with hydrogen ions and reduce the soil acidity. Thus, the leaching of metals and other acid materials from soils into stream, rivers, and lakes may not be as strongly influenced by the deposition of nitrates as was previously thought to be the case.

The above reasons suggest that relaxing the NO_x emission standard for automobiles to 2.0 gram/mile will not contribute signifi-

cantly to acid deposition. This appears to be particularly true in the eastern part of the country where sulfur oxides play a dominant role in acid deposition. Nitrates are believed to contribute relatively more to the acid deposition problem in the western states than in the east. Although still small, the impact of the proposed relaxation may be somewhat higher in the western states except California where a more stringent NO_x standard is in effect.

I trust the above information will be of use to you. If I can be of further service, please contact me.

Sincerely,

WALTER C. BARBER,
Director, Office of Air Quality Planning and Standards.●

ADJOURNMENT UNTIL MONDAY, FEBRUARY 22, 1982

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I move that the Senate adjourn until 12 noon, Monday, February 22, in accordance with House Concurrent Resolution 268, as amended.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, February 22, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, February 11, 1982:

THE JUDICIARY

Harold M. Fong, of Hawaii, to be U.S. district judge for the district of Hawaii, vice Walter Meheula Heen.

DEPARTMENT OF JUSTICE

William L. Lutz, of New Mexico, to be U.S. attorney for the district of New Mexico for the term of 4 years vice Rufus E. Thompson, resigned.

David D. Queen, of Maryland, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years vice Carlon M. O'Malley, Jr.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Robert Thaddeus Grey, Jr., of Virginia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency, vice Spurgeon M. Keeny, Jr., resigned.

SECURITIES INVESTOR PROTECTION CORPORATION

James W. Fuller, of California, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 1983, vice Michael A. Taylor, resigned.

U.S. INTERNATIONAL TRADE COMMISSION

Veronica A. Haggart, of Virginia, to be a Member of the U.S. International Trade Commission for the remainder of the term expiring June 16, 1984, vice Catherine May Bedell.

CONFIRMATION

Executive nomination confirmed by the Senate February 11, 1982:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 601, in grade as follows:

To be lieutenant general

Maj. Gen. Walter F. Ulmer, Jr., xxx-xx-x... xxx-x... U.S. Army.

SENATE—*Monday, February 22, 1982*

The Senate met at 12 noon and was called to order by the Honorable STEVEN D. SYMMS, a Senator from the State of Idaho.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

TWO-HUNDRED-FIFTIETH ANNIVERSARY OF GEORGE WASHINGTON'S BIRTHDAY

In the words of George Washington, let us pray.

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ, our Lord." Amen.

The above prayer is a paraphrase of a portion of Washington's "Circular Letter Addressed to the Governors of all the States on Disbanding the Army," dated "Headquarters Newburgh 8 June 1783." It was cast into prayer form at an early date by turning it into direct discourse.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 22, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable STEVEN D. SYMMS, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SYMMS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, although the order previously entered does not provide for it, I have now consulted with the minority leader and I believe he has no objection to this request.

I ask unanimous consent that following the conclusion of the reading of George Washington's Farewell Address, there be a period for the transaction of routine morning business, not to extend more than 20 minutes in length, during which Senators may speak for not more than 5 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. BAKER. Mr. President, I further ask unanimous consent that at the conclusion of the business of the Senate today, after the expiration of time for the transaction of routine morning business, the Senate stand in recess until the hour of 11:30 a.m. on tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECORD OPEN UNTIL 3 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that, until 3 p.m. today, Senators may introduce bills, resolutions, and statements, and that committees may file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. BAKER. Mr. President, it has been brought to my attention that our distinguished President pro tempore is not present in the Chamber today because of an illness. Characteristic of his vigor and his extraordinary health, he advises me that while doing calisthentics he pulled his back and has a pinched nerve. We should all wish to be so healthy and so active at a similar age.

I talked to him this morning and he is feeling reasonably well. The doctors have advised him that he should remain off his feet for a period of days.

He asked me especially to report to the Senate that he is feeling well and will make a complete recovery. He also asked, Mr. President, and I now ask unanimous consent, that the President pro tempore be excused from attendance of the Senate for the period of his illness.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF RESOLUTION RELATING TO SENATOR WILLIAMS RESCHEDULED FOR MARCH 3, 1982

Mr. BAKER. Mr. President, as I announced earlier through the public press and otherwise, and I have informed our colleagues by letter, the previous schedule which had been announced, to wit, the beginning of debate on the resolution relating to Senator HARRISON WILLIAMS of New Jersey to begin tomorrow at 2 o'clock, has been postponed until March 3.

The reason for the postponement, Mr. President, is that Senator WILLIAMS, in a telephone conversation with me, indicated that because of his illness and hospital confinement, it had not been possible for him to confer with his friends and colleagues in the Senate who will be active in the presentation of his position in that debate. Senator WILLIAMS asked for a 1-week delay.

I advised the distinguished minority leader—since we were both traveling—that I would communicate that request directly. I was able to communicate the information to the distinguished chairman of the committee and the distinguished vice chairman of the committee. I have discussed this matter at some length with the distinguished Senator from Hawaii (Mr. INOUYE), and the general consensus and view, I believe it is correct to say, is that Senator WILLIAMS' request was a reasonable request.

I therefore made the announcement through the public media and the means available to me during the recess.

The notice I transmitted to the Senator was that no further request for delay would be favored.

Mr. President, in view of that situation, it is the intention of the leader-

ship to proceed to the consideration of the Williams debate on Wednesday, March 3.

Mr. President, I will circulate a memorandum to Members on the procedure that we will follow during that debate. Generally speaking, we will follow the so-called Mansfield precedent used in a previous case involving censure. It is the intention of the leadership at this time to suggest that the Senate convene at approximately 10:30 each morning, and ask that it proceed to the debate on the Williams matter at approximately 12:30 p.m.

Before we reach the Williams debate, it is my intention to ask for a live quorum. Committees, of course, can meet during the first 2 hours of each session under the standing rules. The committee chairmen, ranking members, and other members should be on notice that objections will be made to committees meeting past the first 2 hours of the session.

While the Appropriations Committee and the Budget Committee are excepted from that rule, I have written to the chairman of the Appropriations Committee and the chairman of the Budget Committee asking that during the pendency of that measure, that is, the debate on the Williams resolution, they not avail themselves of the opportunity to meet during the sessions of the Senate.

I think it is imperative that each Member be present and that we have as close to 100-percent attendance as possible during each day every hour of the Williams debate. As I indicated earlier, Mr. President, as the plan evolves more fully and as I have an opportunity to confer with the minority leader, the Senator from Hawaii, and others, I shall circulate a memorandum spelling out the procedure in more precise detail.

POST-CLOTURE SITUATION ON DEPARTMENT OF JUSTICE AUTHORIZATION

Mr. BAKER. Mr. President, in view of the postponement now of the Williams matter, the business which will recur on tomorrow will be the Department of Justice authorizations bill. It is the intention of the leadership to ask the Senate to remain on that measure as, of course, the rules require. It is the hope of the leadership that we can finish that measure as soon as possible—I hope and I trust this week. Members should be on notice that that may entail late sessions this week. We are in a post-cloture situation. Cloture has been invoked on the bill itself. There are a number of amendments to be dealt with that are at the desk, and there is always the possibility of a number of live quorums on votes to instruct the Sergeant at Arms and other such matters. I repeat, Mr. President, every Senator should be on notice that this may be a very heavy voting week and that there may be late evenings, perhaps even an all-night session or so.

I regret to say that, Mr. President, but the Senate has expressed its desire to complete action on this measure by invoking cloture and it is the intention of the leadership to avail itself of the provisions of rule XXII for the conduct of the affairs of the Senate post-cloture and the rules and precedents of the Senate in respect thereto.

I shall be most cooperative with those who are managing this bill and those who are opposed to it. I have not tried nor will I try to take advantage of any Member, nor do I wish to make the legislative process such a physical thing that endurance will determine the outcome.

I am happy to try to make any arrangements that it is possible to make to accommodate Members, but I repeat, Mr. President, that it is the intent of the leadership to attempt to finish the consideration of the Department of Justice authorizations bill and to do so this week, if possible.

Mr. President, that is more than I planned to say, but I believe that concludes my agenda.

90 NORTH

Mr. BAKER. Mr. President, the chill of knowledge is the knowledge of despair; "90 North," a poem by Randall Jarrell, tells us why, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

90 NORTH

(By Randall Jarrell)

At home, in my flannel gown, like a bear to its floe,
I clambered to bed; up the globe's impossible sides
I sailed all night—till at last, with my black beard,
My furs and my dogs, I stood at the northern pole.
There in the childish night my companions lay frozen,
The stiff furs knocked at my starveling throat,
And I gave my great sigh—the flakes came huddling;
Were they really my end? In the darkness I turned to my rest.

Here, the flag snaps in the glare and silence
Of the unbroken ice. And I stand here,
The dogs bark, my beard is black, and I stare
At the North Pole. And now what? Why, go back.

Turn as I please, my step is to the south.
The world—my world—spins on this final point
Of cold and wretchedness: all lines, all winds
End in this whirlpool I at last discover.

And it is meaningless. In the child's bed
After the night's voyage, in that warm world
Where people work and suffer till the death
That crowns the pain—in that Cloud-Cuckoo-Land
I reached my North and it had meaning.
Here at the actual pole of my existence,
Where all that I have done is meaningless,
Where I live or die by accident alone—
Where, living or dying, I am still alone;
Here where North, the night, the berg of death
Crowd to me out of the ignorant darkness,
I see at last that all the knowledge
I wrung from the darkness—that the darkness flung me—
Is worthless as ignorance: nothing comes from nothing,
The darkness from the darkness. Pain comes from the darkness
And we call it wisdom. It is pain.

Mr. BAKER. Mr. President, if I have any time remaining, I am prepared to yield it to any Senator. I see no Senator seeking recognition.

If there is any time remaining, Mr. President, I yield it to the control of the distinguished minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I have no need for my time. I therefore yield it back.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 5, 1975, the Senator from Hawaii (Mr. INOUYE), having been appointed by the Vice President, will now read Washington's Farewell Address.

Mr. INOUYE. Mr President, on this 250th anniversary of the birth of the Father of our Country, it is my high honor and great privilege to recite the hallowed words of this Farewell Address to the people of the United States.

Mr. Inouye, at the rostrum, read the Farewell Address as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations

appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgement of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different casuses and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it

looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficent to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and the love of the one ought to endear to you the preservation of the other. These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiations by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of factions, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to per-

petual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satify us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute to patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be

that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always, the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraodinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impres-

sion I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend on me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES, *17th September, 1796.*

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SCHMITT). The Senator from West Virginia, the distinguished minority leader.

Mr. ROBERT C. BYRD. Mr. President, for the many years I have listened to the reading of Washington's Farewell Address to the people of the United States, I have never heard it read so well, as far as my recollection serves me. I congratulate and thank Senator INOUYE for his service.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee, the distinguished majority leader.

Mr. BAKER. Mr. President, I join with the minority leader in extending my congratulations to the Senator from Hawaii for his presentation in reading Washington's Farewell Address. I think that his delivery gave added emphasis and significance to the continuity of tradition which is so embodied in the delivery of this address in both Houses of Congress.

Mr. INOUYE. Mr. President, I wish to thank the distinguished leaders for their comments.

● Mr. RANDOLPH. Mr. President, it is appropriate that the Senate sets aside time each year for the reading of George Washington's Farewell Address. Today is the 250th anniversary of our first President's birth.

Our colleague, Senator DANIEL INOUYE, has given a sensitive and helpful reading of the address. As many of you know, Washington actually did not speak these words. It was delivered in writing. The reading by the senior Senator from Hawaii has allowed us to recall Washington's sincere and unselfish counsel to his own and future generations.

I quote from the words of the former surveyor in West Virginia:

> Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations.

America has a heritage that is important and it must be maintained. This year we celebrated the birth of George Washington on February 15, not on February 22, his actual date of birth. It was for the sake of convenience that the special Monday holiday legislation was enacted in 1968.

On February 6, 1981, I introduced S. 447, a measure that is designed to restore the three remaining special Monday holidays to their original date of observance. George Washington's birthday would be returned to February 22; Memorial Day to May 30, and Columbus Day to October 12.

I believe that by passing S. 447, we can return some of our traditional values to our way of life. I urge my colleagues in supporting our proposal.●

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

REMOVAL OF INJUNCTION OF SECRECY AND REFERRAL OF TREATY TO COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the International Convention on the Simplification and Harmonization of Customs Procedures, with Annexes, which entered into force on September 25, 1974, Treaty Document No. 97-23, transmitted to the Senate today by the President of the United States, and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith the International Convention on the Simplification and Harmonization of Customs Procedures ("Convention"), which entered into force on September 25, 1974. I am also transmitting, for the

information of the Senate, the report of the Department of State on the Convention.

The Convention seeks to foster international trade through the simplification and harmonization of customs procedures and operations. United States accession will reflect and be consistent with our policy to reduce significantly tariff and nontariff barriers to international trade.

In 1970 the United States became a member of the Customs Cooperation Council established pursuant to the Convention Establishing a Customs Cooperation Council, concluded in 1950. As a Council member, the United States participated in the development of the Convention by the Council. The Council adopted the Convention and its first three annexes in 1973. Since then, twenty-seven additional annexes have been adopted. Under the terms of the Convention, a State may accept a limited number of annexes, and may enter reservations with respect to most provisions of any annex. In accordance with these terms, I propose that the United States accept twenty of the annexes (A.1, A.2, A.3, B.1, B.3, C.1, D.2, E.1, E.2, E.3, E.4, E.8, F.1, F.3, F.4, F.5, F.6, G.1, G.2 and H.1), and enter the reservations set forth in an attachment to the Convention with respect to some of their provisions. The provisions for which reservation is recommended conflict with current United States legislation and regulations. With these proposed reservations, no new implementing legislation will be necessary in order to comply with the Convention.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to United States accession to the Convention and twenty of its annexes, subject to the proposed reservations.

Accession to the Convention by the United States would contribute to important U.S. interests. First, all of the United States' major trading partners have accepted the Convention and one or more of its annexes. Acceptance by the United States would significantly further our commitment to eliminate restrictive trade practices and result in beneficial modernization of United States customs procedures.

Second, the Convention serves as a guide for countries seeking to develop and modernize their regulations and procedures. It is therefore important for United States trade interests that it set forth impartial and simplified methods for conducting customs business. This achievement can best be pursued by the United States as a party to the Convention.

RONALD REAGAN.

THE WHITE HOUSE, *February 22, 1982.*

ORDER OF PROCEDURE

The PRESIDING OFFICER. Is there further morning business?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICTIMS OF RELIGIOUS PERSECUTION: BAHAIS OF IRAN

Mr. PROXMIRE. Mr. President, I would like to commend the members of the House Subcommittee on Human Rights and International Organizations and its Chairman, Congressman DON BONKER, for the informative hearings they recently convened on the subject of religious persecution as a violation of human rights. The opening statements and testimony demonstrate the severity of the problem by pointing out that the occurrence of religious persecution transcends political systems and regions of the world. In the coming weeks the hearings will focus on specific cases of religious persecution; a pressing case will be the campaign of terror being waged against the Bahais of Iran.

Mr. President, let us briefly reflect on the Bahais' plight. An article entitled "Iran's Holy War on Bahais" in the January 25 edition of Newsweek magazine discloses the Iranian Government's next move. On March 21 it will start issuing identification cards necessary to purchase food and fuel. Bahais, however, will not receive them; nor will they be allowed to leave Iran. The article catalogs the persecution, which has occurred since this religion began in the 19th century, but has escalated to unimaginable proportions in the last 3 years. Thousands of Bahais have been driven from their homes, and more than 100 of the sects' leaders have been murdered. Khommeini's Islamic fundamentalists have sacked Bahai temples and destroyed cemeteries, confiscated Bahai properties, closed their schools and fired them from their jobs.

Mr. President, we know what Bahai believers fear will be the culmination of this vicious persecution. They dread a repetition of this century's darkest period; they fear a second holocaust.

Mr. President, critics of the Genocide Convention call it mere symbolism. They claim, in contrast, to be concerned with persecuted people and real world issues. They are right in one respect: the issue here is the real world—a world that demands continuing protection of basic human rights, and will not accept the shunning of a treaty unanimously approved by the United Nations General Assembly and already ratified by 85 other nations.

The ratification of the Genocide Convention by the United States would not only signal its recognition as international law by every major nation, but might also spur renewed world interest in the convention—motivating more countries to ratify and causing closer scrutiny of any possible violation of its tenets. Also, ratification would reaffirm the treaty's existence as international law accepted by the world community, with all the moral sanction that provides.

Mr. President, I recommend to my colleagues prompt ratification of the Genocide Convention.

C-5A WING LEAK PROBLEM

Mr. PROXMIRE. Mr. President, the failure-prone C-5A cargo plane may have done it again. The new wings which Lockheed is putting on the aircraft have been discovered to be leaking fuel so badly that flight tests had to be suspended so repairs could be done.

Problems with the C-5A, it seems, will always be with us. You may recall that the Air Force is spending about $1.6 billion to fix the wings of this airplane. The problem is that wing cracks have reduced the estimated life span of the aircraft from 30,000 hours to about one-fourth of that life span.

For the past several years, Lockheed has been building and testing a new wing and issuing forth glowing accounts of the success of the repair project. Success will mean that the taxpayer will have spent an additional $1.6 billion for an airplane that all of us thought had already been bought and paid for.

The wing leaks, as reported by the Armed Forces Journal in the January 1982 issue, required a halt to the flight tests after 600 hours so the modified wing could be reworked.

An Air Force general is quoted in the magazine as saying:

> There is a problem . . . the new wing leaked like a —— sieve—but they've apparently fixed it. Now I have to look at the fix and find out if it's reproducible, or was the kind of fix that took a heroic effort—and how long it's good for.

Lockheed and the Air Force say they are satisfied the wing leak has been fixed. But has it? The Air Force and Lockheed have given such assurances in the past, with disastrous results. It will be recalled that when the wing cracks were first reported, there were assurances then that they could be fixed.

The facts remain that the leaks were so serious testing had to be discontinued and the aircraft sent back to Lockheed to be repaired.

The Armed Forces Journal reports that C-5A cargo and passengers have not been carried on some return

flights overseas because of maintenance problems. The Air Force admits that some of these maintenance problems "could be a fuel leak." Apparently, the Air Force has experienced fuel leaks and maintenance problems on existing C-5A's as well as the one with the new wings.

I ask unanimous consent to have printed in the RECORD the article from the Armed Forces Journal International, January 1982, entitled "New C-5 Wing 'Seeped' So Much Fuel It Had To Be Reworked, but AF Says Fix Works."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW C-5 WING "SEEPED" SO MUCH FUEL IT HAD TO BE REWORKED, BUT AF SAYS FIX WORKS

(By Benjamin F. Schemmer)

The good news is that it hasn't "leaked" or "seeped" fuel significantly in the last 300 hours of flight test. The bad news is that the new wing which Lockheed redesigned and flight tested last summer (to give the 77-plane C-5A fleet the 30,000-hour fatigue life it was originally supposed to have, and which begins to be retrofitted next month) leaked or seeped fuel so badly that flight tests had to be halted after 600 hours so the modified wing could be reworked at Lockheed-Georgia's Marietta facility.

The good news is that the problem doesn't seem to be very serious. The bad news is that no one knows how long the "fix" is good for. The good news is that it hinges in part on a proven mil-spec 30-year-old sealing compound. The bad news is that tests won't be completed for months to know how long it's going to be good for in the new C-5 wing. The good news is that Air Force logistics officers responsible for the C-5 fleet say last summer's leaks on the new wing weren't really very serious, and that they're relieved Lockheed has been able to fix the problem so quickly. The bad news is that a senior three-star Air Force general with some significant responsibility over such matters told *AFJ* bluntly, "There is a problem . . . the new wing leaked like a —— sieve. But they've apparently fixed it. Now I have to look at the fix and find out if it's reproducible, or was the kind of fix that took a heroic effort—and how long it's good for."

Other general officers close to the C-5 program told *AFJ* they'd "like to know which senior officer said that," because they're confident the new wing doesn't leak fuel significantly "and won't."

Lockheed officials describe the "leaks" as "seeps." Their statistics suggest that indeed the problem on the new prototype test article was not very serious and has been virtually if not totally solved, although they acknowledge some, but remote, uncertainty over how many hours of flight the leak, or seep, fix is good for.

Despite strong Air Force pleas to move forward with its new C-17 McDonnell Douglas C-X airlift system (see Defense Forum, pages 4-6), Defense Department officials recently reordered a new look at airlift alternatives such as the C-5N (Nov *AFJ*), a militarized version of Boeing's 747, and possibly even buying more KC-10s, a program which DoD terminated as part of its September budget cuts. At a hastily called Pentagon news conference on December 1st, the Under Secretary of Defense for Research and Engineering, Dr. Richard D. DeLauer, who is also the Pentagon's "chief acquisition executive," told Pentagon reporters that a new fleet of C-5Ns (Nov 1981 *AFJ*) would be cheaper to buy, but more costly to operate over "the life cycle cost" of either a C-5N or C-17 fleet. "Both of them will do the job," he said, but "the C-17 has got an estimate of maintenance man-hours per flight hour of about half what they [the Air Force] have got for the C-5." The Army, whose deployment needs really drives the C-X/C-5 requirements, prefers the new C-17, DeLauer acknowledged. DeLauer said he had ordered USAF to also look more closely at alternatives such as militarized cargo version of the Boeing 747. Ranking the planes in how well they meet mobility needs, DeLauer said, "It's the C-17, the C-5, and the 747. Now, in cost, it's just the other way around" (the 747 probably having the lowest operating costs).

Asked by *AFJ* how seriously he viewed the new C-5 wing's fuel leakage problem, DeLauer said he would not give any assessment "because we're putting a new wing on the C-5s now." Asked, "Did you fix it?" [the fuel leakage "problem"], DeLauer said, "I don't know . . . that is not germane to this argument . . . I haven't built the wing on the C-17 yet. How do you know *it* doesn't leak? The SR-71 leaks, too."

Ten days later, DeLauer wrote *AFJ* the following letter:

"At my press conference on 1 December, you had questions concerning fuel leaks in the wing tanks of the C-5A aircraft with the prototype modified wing. Attached is an information paper which summarizes the current status. You will notice that the prototype aircraft with the clips resealed has flown over 200 hours without leaking.

"It is my experience that all 'wet wing' aircraft have fuel leakage to some degree. Since the problem is of importance, we have established a program to provide long term solutions," DeLauer closed.

All airplanes "leak" or "seep" fuel to one degree or another, USAF officials have made clear to *AFJ*. Fuel leaks or seeps are measured in the maintenance man-hours per flight hour required to fix the problem, not in the cups or teaspoonsful or gallons per hour at which fuel drips, seeps, or leaks. The current 77-airplane C-5A fleet compared with other large USAF aircraft in the number of maintenance man-hours per flight hour required to fix leaks as follows, during the four-year period 1972-1976 for which comparable data are available:

Manufacturer	Aircraft	MMH/FH
General Dynamics	F-111	.75
Lockheed	C-141	.38
Lockheed	C-130E	.31
Lockheed	C-5A	.27
Boeing	B-52H	.20

The C-5 fleet's fuel leak maintenance workload during the most recent six-month period for which data are available is not quite double the 1972-1976 level, and averaged .37 man-hours per flight hour between June and November of 1981.

The Air Force "information paper" which DeLauer attached to his letter was identical to but less complete than one the Air Force has provided *AFJ* two weeks earlier in response to Journal queries about the new wing having to be rebuilt. The fact sheet acknowledged that the "prototype C-5 wing mod aircraft developed localized fuel bay leaks in the dry bays between the inner and outer wing box in Aug. '81." Wing seal fuel clips were changed, it said, but "must have a proper application of sealant to be effective." The prototype wing has been resealed under intensive quality assurance scrutiny, but "some debate arose whether the one piece clip is adequate to prevent fuel leaks in the long term, i.e., five years." The "information paper" which DeLauer attached to his *AFJ* letter said, "We are optimistic that efforts made by Lockheed to improve quality in the manufacturing process and changing sealant techniques will prove effective in the long term. However, we will review the entire results when AFSC's [Air Force Systems Command's test] results are available." Those results are due in April.

CURRENT C-5A EXPERIENCE

Some time ago, *AFJ* was told that at some major overseas bases both in the Pacific and in Europe, standard operating procedures had been established, beacuse of safety problems caused by C-5 leaks, for the aircraft to be unloaded as quickly as possible and flown off the base immediately without taking time to load any return cargo or passengers. Air Force officials checked into that report and say that no such directives exist. Occasionally, they told *AFJ*, cargo and passengers are not carried on return flights because of maintenance problems, some of which "could be a fuel leak. If the leak is serious enough" and local maintenance personnel cannot fix it, Military Airlift Command grants a waiver for a flight to take off with the leading fuel tank empty and without cargo. Because of complications that poses in maintaining wing balance, changing the aircraft's center of gravity, and "unknown" effects which "could exacerbate" the C-5 "wing life problem," the Air Force said, "passengers are also prohibited, because without cargo, passengers move the aircraft center of gravity too far aft for safety." The Air Force says this has happened only "six times in the last year" with the C-5.

Lockheed officials told *AFJ* that fuel system problems rank low among ones which affect the C-5's departure reliability. In the first nine months of 1981, 5,041 C-5 sorties were flown with only 226 missions aborted once airborne; only eight of those aborts stemmed from fuel system problems.

LEAKS WITH NEW WING

The current C-5 fleet is being modified with a new wing to bring the plane's fatigue life up to its original 30,000-hour design goal. (Contrary to impressions, that figure was never guaranteed in the plane's controversial "total package procurement" contract for development and production. *AFJ* revealed in May of 1970 that the plane would have a fatigue life of only about one-fourth that goal.)

It will cost about $1½-billion to re-wing the 77 C-5s still flying—over $19-million an airplane—about $188-million for research and development, $881-million for procurement, and some $477-million in operations and maintenance funds.

Lockheed completed about 55 hours of flight tests on a prototype of the new wing in October of 1980 and last June finished two airplane lifetimes of fatigue testing on an identical wing without any structural problems. The flight test aircraft was turned over to the Air Force a year ago this month. Last summer, fuel leak or seep problems became evident after some 200 to 400 more hours were put on the plane. They were found near the bulkhead which separates the wing's fuel tanks from a so-called dry-bay area, a part of the wing which does

not carry fuel. An Air Force general told *AFJ* that "The leaks were significant enough to send the plane back to Lockheed" in August to find the problem and fix it. By then, the new wing had 655 flight hours on it.

The Air Force had found a total of six "leaks." Five of them were relatively minor ones categorized in technical terms as Class A "slow seeps" and Class B "seeps;" one was what the Air Force calls a Class D "running leak," although the Air Force says it was able to repair that to a Class C "heavy seep."

Norm Appold, the Lockheed vice president in charge of both its C-5 and C-141 programs, told *AFJ* that he asked the Air Force to send the plane back to Lockheed's Marietta, GA, plant when he heard of the seepage problems. Lockheed could not find any Class C heavy seeps or Class D leaks, just five Class A and B minor seeps. (That is not unusual: in trying to repair one of the Class C seeps, Air Force maintenance personnel could have caused the Class D leak while reworking sealant and fasteners at one of the 200-some penetrations which run into that bulkhead; in turn a Class D "leak" could gradually correct itself, as new sealant sets and as different loads and bending moments are applied to the wing, into a Class C "seep," and a Class C seep becomes a Class B seep. Fuel seeps and leads are complex: it may take only half an hour for a maintenance crew to seal a leak running a cup a minute, Appold points out, while it may take hours to track down and fix the source of a minor seep.)

Lockheed did find, when it took the new wing apart, that the drilling techniques which had been used by the Avco, its subcontractor on the wing, in some of the penetrations were "not acceptable, nor had proper production processes been followed," Appold told *AFJ*, but, he points out, there are 284,000 penetrations in the new C-5 wing that go from fuel cells to the outside in some way, and all have to be sealed: "Only five 'leaked'," he said, "and they were 'seeps'." Lockheed decided, however, to use a new type of sealing clip in the wing, better instructions were developed to apply sealant properly to the new clip design, and the aircraft was returned to the Air Force in September with the reworked wing.

Since, the plane has flown over 300 more hours—without a single leak or seep. Air Force Brig. Gen. Gordon Masterson, a logistics expert responsible for Pentagon oversight of C-5 operations, told *AFJ* that "It looks like Lockheed's new design and process control is going to work out fine," that there are no flight restrictions on the reworked plane, and that now "There is no 'leak' problem." Masterson said that the first production wing to be mated with the C-5 arriving at Lockheed's Marietta facility in February will incorporate the new clips and sealant processes. The total cost of the work to investigate and repair the new wing leaks was only about $400,000, Masterson said. Lockheed officials say they are under cost on the overall contract for the new wing and its testing.

Appold told *AFJ* that Air Force officials have told him the reworked wing offers the "best sealing job" they've ever seen. Appold said, "I'm satisfied that we've got a very fine damned wing."

WILL FIX LAST?

Perhaps the only real unknown still remaining is how long the reworked C-5 wing will fly without leaking again. Perhaps forever. Perhaps not. No one knows, although Lockheed and the Air Force are studying that aspect of the fix intensively.

Historically, planes tend to leak or seep fuel more the older they get and the longer they've flown. On the current C-5 fleet, for instance, the maintenance man-hours per flight hour attributed to fuel leaks was only .166 in 1970. For the first nine months of 1981, it averaged two-thirds higher, .278. But such numbers can and do fluctuate greatly; they ran as high as .372 for the C-5 fleet in 1976, a third higher than has been the case this year.

Appold points out that Lockheed surveyed many different fasteners, clips, and sealants for the new C-5 wing, rejecting some processes successful on other planes because of unique features on the C-5. The sealant now used is a 30-year-old military specification compound, so there is no new "unknown" about it. Appold says he is also confident that the new sealing process will not affect the wing's structural integrity; in fact, the process used to drill all those 284,000 holes has been improved to remove rough edges and make sure they are straight (with some of the old ones, the drills were removed by hand, introducing an element of human error that may have contributed to last summer's seepage problem).

BAD LEAK?

One Air Force officer close to the whole C-5 "leak" problem laughed when AFJ summed up its data base since being told that "Lockheed's new billion and a half dollar C-5 wing leaks like a . . . sieve." He told us, "It looks like someone gave you a bum leak." We hope so.

ADMIRAL RICKOVER—A NATIONAL TREASURE

Mr. PROXMIRE. Mr. President, Adm. H. G. Rickover marked his retirement with farewell testimony to the Joint Economic Committee on January 28, 1982. His testimony was a powerful and forthright statement about a number of important policy issues. Admiral Rickover's keen mind and sharp wit were evident throughout the hearing.

The quote most widely attributed to Admiral Rickover is, "Why not the best?" Admiral Rickover was and is the best. In his career, he achieved a level of excellence in the performance of his duties that few persons have ever equaled.

I believe the Government made a mistake in letting him go although why anyone would want to continue working and carrying the terrific responsibilities he carried so well for so long is something many people cannot understand.

In Japan, persons who have demonstrated their worth by a lifetime of productive service are declared officially "National Treasures." By doing so, the Government assures itself and the nation that such individuals can continue contributing their skills and talents to the public good.

Adm. H. G. Rickover should be declared a "National Treasure" for the following reasons:

He was the individual most responsible for demonstrating the value of nuclear propulsion for naval ships;

The nuclear reactor program he managed is probably the most important factor in our national security;

He proved that nuclear reactor technology can be safe, a lesson that the civilian nuclear industry still has not learned;

He devoted the same kind of energy and thought to the elimination of Government waste as he devoted to the management of the naval nuclear propulsion program;

He has been a tireless protector of the taxpayer and the public interest against private corporations and persons in the bureaucracy who put their own self-interests above the public interest;

He treated the institution of Congress with respect and helped many of us perform our important congressional oversight function and, by doing so, showed the value of our system of checks and balances; and

He proved that it is possible for a Government official to be scrupulously honest and to tell the truth.

Mr. President, I ask unanimous consent to have printed in the RECORD at the close of my remarks, the statement of Adm. H. G. Rickover presented to the Joint Economic Committee on January 28, 1982.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADM. H. G. RICKOVER

Over the years the Joint Economic Committee has done an outstanding job educating the Congress, the Executive Branch, and the public regarding the important economic issues confronting the Nation.

One of these issues is how to promote greater efficiency and economy in the Defense Department. As you know, I have testified often before Congressional committees, including yours, on various aspects of this problem. In some cases, Congress implemented my recommendations for reforms. Eventually, however, defense contractor lobbyists have generally learned how to get around them or have them rescinded.

Former Congressman Chet Hatfield, working with the House Armed Services Committee, was instrumental in enacting the Truth-In-Negotiations Act of 1962. I assisted him in that venture. Today there are still contractors that are not in compliance with the Act.

In the late 1950's Senator Russell Long insisted that the statute authorizing the National Aeronautics and Space Administration, which at that time was at the forefront of advancing American technology, preserve for the American taxpayer title to inventions developed by Government contractors at the public's expense. This was consistent with the general Government policy as embodied in various statutes including the Atomic Energy Act.

In 1980, Congress reversed this longstanding Government policy by giving universities and small businesses title to inventions developed at Government expense. Now patent lobbyists are pressing Congress to

extend that give-away practice to large contractors. This would generate more business for patent lawyers but, in the process will promote even greater concentration of economic power in the hands of the large corporations which already get the lion's share of the Government's research and development budgets.

In the late 1960's Senator William Proxmire, Congressman Henry Gonzalez, and former Congressman Wright Patman were instrumental in enacting legislation requiring the establishment of cost accounting standards for defense contracts and a Cost Accounting Standards Board to set these standards. In 1980 Congress eliminated the Cost Accounting Standards Board by cutting off its funding. And today, defense contractor lobbyists are promoting legislation that would give the Office of Management and Budget authority to waive or amend the standards. I predict that within a few years the standards established by the Cost Accounting Standards Board will have been watered down to the point that they will be worthless.

In the late 1960's and early 1970's Senator William Proxmire, Congressman Jack Brooks and Congressman Joe Minish were at the verge of getting Congressional approval of legislation which would strengthen the Renegotiation Board and make it an effective means of recouping for the U.S. taxpayer any excessive profits made on defense contracts. By 1976 defense contractor lobbyists had persuaded Congress to let the Renegotiation Act expire. Three years later, in 1979, Congress cut off funding for the Renegotiation Board which promptly went out of business. This left only the profit limiting provisions of the Vinson-Trammell Act as legal authority for recovering excessive profits under defense contracts. In the fiscal year 1982 Defense Authorization Act Congress rescinded the profit limiting provisions of the Vinson-Trammell Act, leaving nothing in its place to protect the public except a few weak and wholly inadequate provisions which apply only during war or national emergency.

Perhaps it is not possible to make significant improvements in defense procurement. It is an arcane subject in which defense contractors, who have a strong financial interest in such matters, tend to be most influential.

I have attached as part of my prepared statement a list of recommendations for improving efficiency and economy in the Defense Department. Not all of my recommendations are procurement related. The organizational structure of the Defense Department itself promotes inefficiency as do many of the policies and practices of the military. My recommendations for improvements in these areas are also provided for your information.

I gave these recommendations to the Director of the Office of Management and Budget last spring when I met with him. I have seen no evidence of action within the Executive Branch to implement any of these recommendations. Once again, it will have to be Congress that takes the initiatives.

I also recommended that the Joint Economic Committee assign a high priority to addressing the problems growing out of the increasing power and influence of large corporations in our society. If our free enterprise, capitalistic system is to survive, it is incumbent upon corporate executives to exercise greater self-restraint and to accept moral responsibility for their actions, many of which appear to be having a negative influence on our economy and our society.

A preoccupation with the so-called bottom line of profit and loss statements, coupled with a lust for expansion, is creating an environment in which fewer businessmen honor traditional values; where responsibility is increasingly disassociated from the exercise of power; where skill in financial manipulation is valued more than actual knowledge and experience in the business; where attention and effort is directed mostly to short term considerations, regardless of longer range consequences.

Political and economic power is increasingly being concentrated among a few large corporations and their officers—power they can apply against society, Government, and individuals. Through their control of vast resources these large corporations have become, in effect, another branch of Government. They often exercise the power of Government, but without the checks and balances inherent in our democratic system.

With their ability to dispense money, officials of large corporations may often exercise greater power to influence society than elected or appointed Government officials—but without assuming any of the responsibilities and without being subject to public scrutiny.

Woodrow Wilson warned that economic concentration could "give to a few men a control over the economic life of the country which they might abuse to the undoing of millions of men." His stated purpose was: "To square every process of our national life again with the standards we so proudly set up at the beginning and have always carried in our hearts." His comments are apropos today.

Many large corporations, because of their economic power and influence, have ready access to high level Government officials who, although not always familiar with the subtleties of the issues presented to them all too often act without consulting their subordinates. This undermines the subordinates and does not always protect the interests of the taxpayer. Some large defense contractors know this and exploit it.

In the business world itself, many corporate executives, aided by shrewd, high-priced lawyers, seek to evade moral and legal liability for the companies they own and control by insulating themselves from the details.

Executives at corporate headquarters often can control their subsidiaries and draw out profits without assuming responsibility for contract obligations. This is the so-called corporate veil through which profits and cash can flow upwards to corporate headquarters, but which cuts off financial or legal liability.

Where responsibility is increasingly divorced from authority, traditional business values tend to be lost. Contracts often become meaningless. It used to be that a businessman's honor depended on his living up to his contract—a deal was a deal. Now, honoring contracts is becoming more a matter of convenience. Corporations are increasingly turning to high-priced law firms which, by legal maneuvering, obfuscation, and delay can effectively void almost any contract—probably even the Ten Commandments. Under these circumstances Government contracts with some large companies are binding only to the extent the company wants to be bound.

Ever since the famous Santa Clara County versus Southern Pacific Railroad case in 1886, the Supreme Court has accorded corporations, which are considered "persons" in law, the rights of individuals under the 14th amendment.

I submit that if a corporation is to be accorded protection as a natural person under the 14th Amendment, then all the obligations incumbent on "natural persons" ought also to be binding on corporations. And, since a corporation acts through its officials, they should be held personally liable for illegal corporate acts.

Woodrow Wilson explained the problem this way:

"I regard the corporation as indispensable to modern business enterprise. I am not jealous of its size or might, if you will but abandon at the right points the fatuous, antiquated, and quite unnecessary fiction which treats it as a legal person; if you will but cease to deal with it by means of your law as if it were a single individual not only, but also—what every child may perceive it is not—a responsible individual."

If we are ever to get corporations to act as a "responsible individual" to use Wilson's phrase, we will need to attach full responsibility to the human beings who speak and act for it.

Certainly the profit motive is and should be the driving force in the capitalist system—the free enterprise system is based on it. However, in today's large corporations, managerial performance too often is measured solely in financial terms. In their world of financial statements, statistical reports, stock certificates, tender offers, press releases, and so on, managers of large corporations often lose sight of the men, materials, machines and customers of the companies they control. Preoccupied with reports and numbers rather than people and things, there is a tendency to oversimplify operating problems and their solutions. Further, by focusing too strongly on so-called bottom line results, corporate officials can generate pressures that cause subordinates to act in ways they would not consider proper in their personal affairs.

Under pressure to meet assigned corporate profit objectives, subordinates sometimes overstep the bounds of propriety—even the law. The corporate officials who generate these pressures, however, are hidden behind the remote corporate screen, and are rarely, if ever, held accountable for the results.

In recent years, several major Navy shipbuilders, when faced with large projected cost overruns resorted to making large claims against the Navy. These large claims were greatly inflated and based on how much extra the contractor wanted rather than how much he was actually owed. Ignoring their own responsibility for poor contract performance, they generated claims which attributed all the problems to Government actions and demanded hundreds of millions of dollars in extra payments—enough to recover all their cost overruns and yield the desired profit.

Sometimes the claims were many times the desired objective so that the company could appear to be accommodating the Navy by settling for a fraction of the claimed amount.

In evaluating these claims I found numerous instances of apparent fraud. I documented these instances in great detail and, in accordance with Navy directives, sent these so-called reports of fraud to my superiors, recommending that they be referred to the Justice Department for investigation. Other Navy officials made similar reports. The Navy, after carefully reviewing these

reports, formally referred them to the Justice Department.

In the 1970's the Navy referred the claims of four large shipbuilders to the Justice Department for investigation. The Justice Department, however, seems incapable of dealing with sophisticated procurement fraud—or perhaps undesirous of doing so. After nearly a decade of work, the status of the Justice Department's record in these cases is as follows:

Litton was indicted four years ago for fraud, but the Justice Department has taken no action to try the case.

The Justice Department conducted a lengthy investigation of Lockheed claims but did not issue an indictment. By now, the statute of limitations has expired;

After investigating General Dynamics for four years, the Department of Justice recently announced they could find no evidence of criminal intent, although the claims were almost five times what the Navy actually owed; and

The Newport News investigation was recently dealt a serious blow when the Justice Department split up the investigating team and assigned the leading investigators other work. This happened shortly after they had reported their findings in the Newport News case and had asked the Department for more help to track down other promising leads.

I believe the grossly inflated claims to which the Navy was subjected during the past decade are an outgrowth of the philosophy that in some companies "anything goes" in meeting the profit objectives set by senior corporate officials.

While profit figures may be a convenient basis to assess management performance, they can be manipulated, particularly in the case of large corporations with their various businesses. Drucker, the management expert, once said: ". . . any accountant worth his salt can convert any profit figure into a loss or vice versa if given control of the accounting definitions all unquestionably 'within the limits of proper accounting practice'."

Through "creative" accounting, a large company can tailor its financial statements to convey to stockholders, and others, a picture quite different than that warranted by the company's performance. Some large corporations have been able to generate optimistic financial reports even when they were near the point of bankruptcy.

By assuming, in their accounting, that they would be awarded large claim payments from the Government, some shipbuilders, year after year, were able to report to the public increasing profits—even record profits—at the same time they have been reporting to senior defense officials hundreds of millions of dollars in potential losses. They simply assumed for financial reporting purposes that, through claims, the Navy would end up having to pay for all cost overruns.

The reason I mention these problems is to question an increasingly popular notion; namely, that the so-called forces of the marketplace are enough to motivate large corporations to act responsibly and exercise self-restraint.

Businessmen regularly complain that overregulation by Government inhibits their freedom and accomplishments, yet it is the very acts of some of them that have made the regulation necessary. Adolf Berle perceptively observed that when business threatens to engulf the state, it forces the state to engulf business.

The notion that we have a self-regulating, free market economy that will itself prompt a high standard of ethical business conduct is not realistic in today's complex society. Those who advocate exclusive reliance on the market do disservice to capitalism, since the result is often increased Government intervention, the very antithesis of their goal. On the other hand, the destruction of capitalism and the establishment of complete state control are inimical to economic and political freedom.

The survival of our capitalist system therefore depends on finding a proper middle ground between these two extremes.

I believe that businessmen must treat Government regulation realistically, rather than with instinctive opposition. Much of Government regulation is essential to protect the public against the recurrence of past abuses, and because it is unrealistic to expect any group to truly police itself. Businessmen must face the fact that regulation is inevitable. Blind opposition to all regulation detracts from the valid complaints business may have about the excesses of regulation.

Often the largest businesses—those least subject to the restraints of free enterprise—are the most outspoken advocates of the capitalist, free enterprise system as an effective safeguard against these excesses. They want the public to believe that they behave in accordance with the free enterprise system, when in fact they escape many restraints of that system. Consistently they lobby against new Government regulations. They herald the virtues of competition and the marketplace as if they were small businessmen subject to these forces. Yet at the same time, they lobby for Government—that is taxpayer assistance in the form of tax loopholes, protected markets, subsidies, guaranteed loans, contract bailouts, and so on.

Businessmen should vigorously advocate respect for law because law is the foundation of our entire society, including business. Few areas of society are as dependent on law as is business. The law protects such essential rights of business as integrity of contracts. When businessmen break the law, ignore or destroy its spirit, or use its absence to justify unethical conduct, they undermine business itself as well as their own welfare.

They should be concerned with the poor record of law enforcement as it relates to them. They should be concerned about the double standard where an ordinary citizen is punished more severely for a petty crime than corporate officials convicted of white collar crimes involving millions of dollars.

Theodore Roosevelt was this Nation's foremost proponent of rugged individualism and a strong advocate of business. But he witnessed the growing cynicism among ordinary citizens toward a Government that permitted one law to govern powerful corporations and another for individual citizens. He recognized that corporate lawlessness was undermining the very foundation of democracy. It was in this sense that he engaged in his famous battles with the "malefactors of great wealth."

Although I have been critical of some current trends in business, I am not hostile to business. Despite its present moral obtuseness, I believe in free enterprise and the capitalist system. No other system offers as much opportunity for individual freedom and accomplishment.

Capitalism, based as it is on freedom of choice, helps preserve all other freedoms. Despite its man-designed imperfections, it is still the best system yet devised by man to foster a high level of economic well-being together with individual freedom. Should our capitalist system be destroyed, its destruction will be accompanied by the loss of most of our other liberties as well.

The "Founding Fathers" of this Nation valued freedom and culture more than wealth. They brought fundamental honesty to the business of Government, and dealt with their countrymen on frank and open terms. They lived by the ideals they propounded. The Declaration of Independence was no idle statement for them. In support of it they pledged, and some lost, their lives and fortunes. Through their beliefs and individual deeds our Revolutionary leaders stirred their fellow countrymen to struggle and sacrifice for independence. More important, they set a moral tone and example for their age and for ours. We should try as best we can to emulate them.

On a more personal basis, I owe more to this country than I can ever repay. It provided a refuge, a home, and opportunities for my parents and for me at a time when these were not available abroad. Through the Naval Academy, this country gave me an education I could not otherwise afford. The Navy also offered valuable experience and a means to try in some way to repay these debts—and I was paid a salary in addition.

It has been a great privilege to work with many members of Congress for these many years. It is hard to imagine where we would be today in the Naval Nuclear Propulsion Program were it not for the leadership Congress has provided and for its support.

While there are always rough spots and mistakes on all sides, the value of Congressional oversight of the Executive Branch has been borne out time and again. In providing for a strong Navy, for example, Congress has shown far more vision than the Executive Branch. It was Congress, not the Defense Department, that pushed for the *Nautilus*. It was Congress that recognized the importance of nuclear power for major combatant ships. It was Congress that recognized the need for higher speed submarines and initiated construction of our fast attack submarines—the Los Angeles Class—even while efforts were being made in the Defense Department to build slower, less capable ships, and even to sink some we already had.

I have always been treated with respect and courtesy by the members of Congress—far more than I deserved. I have had your support—more than anyone could or should expect.

When I testified before your committee I have always enjoyed great courtesy and have been asked searching and to-the-point questions.

For all the consideration you have shown me, for your efforts to achieve efficiency in Government, and particularly for your friendship, I thank you.

APPENDIX—RECOMMENDATIONS FOR IMPROVEMENT IN THE DEPARTMENT OF DEFENSE

Senior civilian officials appointed to positions in the Department of Defense traditionally express their commitment to reduce waste and promote efficiency. They issue directives urging subordinates to save Government money, protect the Government's interests, comply with all applicable laws and regulations, report fraud, and so on.

These policy directives, however, generally turn out to be primarily public relations documents. While creating an appearance of action and progress, they frequently obfuscate more fundamental problems. Eventually they are quietly abandoned—and with no action taken.

Policy directives will not promote greater efficiency or discourage waste in the Defense Department. Instead we need to create, by actions rather than words, an environment in which those in the Defense Department can operate efficiently and obtain from industry needed goods and services at minimum cost to the taxpayer.

I have therefore summarized in this appendix recommendations for specific improvements in the organization of the Defense Department, in military personnel policies, and in procurement.

ORGANIZATION OF THE DEFENSE DEPARTMENT

There is a need to streamline and better organize the Department of Defense. Excessive organizational layering, overstaffing, transient management, short tours of duty, preoccupation with management systems, cumbersome and lengthy budget review processes, as well as other factors combine to result in inefficiency and waste.

Eliminate unnecessary organizational layering. It is detrimental to performance and results in much delay, wasted time, and diluted responsibility. In many cases, the "checkers" outnumber the "doers". For example, the Office of the Chief of Naval Material could be eliminated in its entirety with no adverse effect. In fact, this would save money and improve the efficiency of subordinate commands.

In the Defense Department those at the top are too far removed from the subordinates who are knowledgeable and must do the work. As a result, the top people tend to seek advice from their personal staffs, consultants, and contractors, rather than from the Department's own professionals. The previous two Secretaries of the Navy discouraged recommendations from their subordinates while maintaining an open door to some large defense contractors.

Reduce the large numbers of people staffing the offices at each layer. When the Office of the Secretary of Defense was established in 1946, the Secretary of Defense was to have three special assistants and a small executive office. Today there are over 1,000 on the Secretary's staff. This vast staff slows down decision making, diminishes the job of the service Secretaries, and has non-knowledgeable and non-responsible officials making decisions.

Stop the undue reliance in the military on management information systems and systems analysis. The preoccupation with "management" in the Defense Department is stifling. At each level of the bureaucracy, people try to impress higher authorities by accumulating masses of unnecessary information before making a recommendation.

MILITARY PERSONNEL POLICIES

Reduce the number of flag officers in the Defense Department. The savings will come from eliminating the staffs that cling around each of them. Unnecessary staffs generate demands for information that detracts subordinate commands from their "day-to-day" work. Some of the flag officer positions exist only to take care of officers whose turn it is to have shore duty.

The military establishment should be run for the good of the Nation, not for the career enhancement of its officers. Officers should not have to frequently change duty in order to be promoted to flag rank.

The wasteful practice of transferring military people from one location to another every two or three years should be stopped. In addition to high cost, frequent personnel transfers are disruptive and cause inefficiency. The major savings, however, will come from leaving people on the job long enough to learn it and to be held accountable for results.

Pay military personnel a regular salary rather than today's confusing system of pay, allowances, and fringe benefits. A salary system would be far simpler and more equitable than the present system. Military personnel, as well as the public, would then have a better appreciation of how much they are actually being paid. Salaries might also reduce public criticism of military benefits. Special pay in addition to salaries should be granted only as necessary to attract people with essential skills in short supply.

Phase out the practice of military personnel receiving retired pay after twenty years of service. Encourage military people to pursue careers of thirty years unless disabled or not able to meet the needs of the service.

Increase the return on investment the Navy gets from the training of midshipmen at the Naval Academy and in the Naval Reserve Officer Training Corps (NROTC) program. The curricula at both the Naval Academy and the NROTC colleges or universities should assure that midshipmen develop a proper technical background to enable them to meet the needs of the Navy rather than simply pursuing their own personal whims. Midshipmen who resign after their first two years of Government-funded education should be required to serve as an enlisted person or pay back the cost of their education.

Cut back the officer postgraduate education program. Few jobs in the Navy require a graduate degree, particularly in the nontechnical areas where many Naval officers conduct their studies. Postgraduate education has become, in many cases, a fringe benefit where an officer can, at Government expense, improve his credentials for a job after he leaves the military.

Reduce manpower requirements by consolidating and unifying military shore establishments. It is not necessary to have both Navy and Army hospitals in the same city, nor an air base for the Navy and another for the Air Force. Selected military training activities and other shore establishments could and should be combined, with a savings in personnel and other resources.

PROCUREMENT

The Department of Defense needs to become a more demanding customer with regard to quality, performance, and price. Defense contractors pursuing their own financial interests do not automatically provide quality goods and services at the lowest possible cost. Increasingly, defense business is concentrated in large corporations where financial people run the business with little or no understanding of their products or customers. Like the Defense Department, many large companies are plagued with transit management, excessive organizational layering, lack of accountability, preoccupation with management systems and inability to focus management attention on long term considerations.

The Defense Department's Independent Research and Development (IR&D) program should be abolished or drastically cut back. The Department of Defense spends $1.5 to $2 billion a year subsidizing IR&D projects, in addition to the research and development contracts the Defense Department awards directly. Contractors initiate these projects, yet the Defense Department has no say over the work to be done and has no rights to the ideas developed—even in cases where the Government pays nearly the total cost.

The Defense Department should not tolerate contractors who, through their own inefficiency, incur cost overruns, fail to meet delivery schedules or quality requirements, and try to shift these problems to the Government through inflated claims and threatened work stoppages. During the past decade these problems plagued Navy shipbuilding and they will inevitably recur. Defense officials encourage poor performance, buy-ins, and claims when, to resolve a dispute, they settle claims for more than the Government legitimately owes. In this regard, Secretary Lehman deserves higher marks than his predecessors for insisting that General Dynamics not be awarded more TRIDENT or LOS ANGELES Class submarine construction contracts until that company abandoned its so-called "insurance claims" to recover the cost of correcting defective workmanship.

In undertaking an expanded Navy shipbuilding program, Congress and the Defense Department must take care not not to repeat the problems experienced during the 1970's. During that period neither Electric Boat, Newport News, nor Ingalls were able to manage effectively the large manpower buildups needed to perform the contracts they had signed. This led to extensive cost and schedular problems at all three yards and ultimately a $2.7 billion backlog of unsettled claims against the Navy.

To obtain the advantages of competitive bidding the Defense Department must enforce its contracts. The Navy has awarded 32 ships of the SSN 688 Class through competitive bidding. Electric Boat, the less efficient yard, has won contracts for a total of 20 ships; Newport News only 12. Because the Navy was unable to enforce the contracts, it ended up paying Electric Boat more for these ships than it has to pay for comparable ships bought from Newport News and the Newport News ships have been delivered far earlier.

Congress should pass legislation providing explicit authority for the Department of Defense to award contracts to other than the lowest bidder in cases of an apparent buy-in attempt, or when the Secretary determines that award to other than the lowest bidder would likely result in cost savings to the Government. For several years, the Navy was convinced Electric Boat was bidding unrealistically low to take SSN 688 business away from Newport News. Navy lawyers took the position that the Navy was obliged to award to the low bidder anyway because Electric Boat could do the work.

To provide the Government leverage in dealing with sole source contractors, Congress should require the Secretary of Defense to certify, in support of budget requests, that he has obtained contractor agreement on suitable terms and conditions, including terms that would provide appropriate protection against after-the-fact claims if the proposed program is funded. If the Defense Department is unable to get appropriate contractor assurances on an important program, it would thereby be in a position to make the facts known to Congress and seek legislative assistance.

Senior Defense officials should not rely heavily on special financial incentives and

bonuses to entice contractors into performing efficiently. Past experience in the shipbuilding industry shows that these have not worked and that the Navy has ended up paying more without actually improving performance. Instead of spurring improved performance, financial incentives have, in the past, merely prompted contractors to try to qualify for the bonus, regardless of performance, by holding out in negotiations for higher target costs and extended delivery schedules. During performance of these contracts, there is a greater incentive to create bases for subsequent claims—again to try to qualify for the bonus even if the ship is late or exceeds the original target cost.

Congress should establish a one year statute of limitations on submission of contract claims, and prohibit payment of public funds for claims not fully documented and submitted within this period. This would provide contractors ample time to identify and submit all legitimate claims, but foreclose the present practice of contractors waiting for several years to see how well they make out on a given contract and then submitting claims to make up for their overruns. Contractors, particularly shipbuilders, presently have an incentive to delay submitting claims. The delay enables them to obfuscate issues and frustrate Government analysis of the claim. When claims are submitted years after the event, the knowledgeable people in Government frequently have left, leaving the Government at a disadvantage.

To deter those who would stop work on certain defense contracts in contradiction of their contract obligations, the Defense Department should be required to stop further payments on all contracts with any corporation during the period in which any segment of that corporation does not proceed in good faith to perform any defense contract or subcontract. Congress should also enact legislation to require that a contractor who stops work on a defense contract as a result of a contract dispute will, for any new contracts awarded in the succeeding ten years, be required to obtain, at his own expense, a performance bond, the cost of which may not be passed on to the Government.

Congress should prohibit the Defense Department from providing interim financing to contractors beyond amounts the Department determines they are owed. In this way, contractors will have an incentive to resolve a contract dispute quickly, and on its merits. The practice of paying contractors money that is in dispute, pending the outcome of a case, encourages shipbuilders and their claims lawyers to delay adjudication or relatively simply disputes almost indefinitely.

Congress should require the Navy to reinstitute nuclear submarine construction in naval shipyards. This would provide needed construction capacity, maintain the Navy's own construction capability, and provide alternatives in cases where private yards decide to deal improperly with the Government.

The Justice Department should vigorously enforce federal laws which make it a crime to submit false claims against the Government. Despite strong sounding words about cracking down on fraud, the Department seems to be headed in the opposite direction. Of the four shipbuilding claim cases that the Navy has referred to the Department of Justice for investigation of possible fraud, the Department:

Indicted Litton four years ago, but has taken no action to try the case;

Investigated Lockheed's greatly inflated claims but took no action to indict;

Investigated General Dynamics' greatly inflated claims and recently announced there was no evidence of criminal intent; and

Dealt a serious blow to the investigation of Newport News claims by splitting up the investigating team and assigning them other work shortly after they had asked the Department for more help to track down promising leads.

The Justice Department has demonstrated a total inability to deal effectively with false claims prepared by sophisticated claims lawyers and a total lack of commitment of applying the necessary resources to these cases.

I hope the Government will adopt recommendations and acquire an ability and willingness to enforce contracts. However, the Navy must have shipbuilding facilities available in order to fulfill its mission whether or not it can enforce contracts. If the Navy is unwilling or unable to enforce its contracts, and must pay a shipbuilder's costs regardless of contract responsibilities under fixed price contracts, I believe we would be better off acquiring or leasing major shipyards and operate them as a Government-owned, contractor-operated facility.

THE MILWAUKEE PUBLIC MUSEUM'S 100TH ANNIVERSARY

Mr. PROXMIRE. Mr. President, the quest for knowledge is timeless.

And one Milwaukee institution—the Milwaukee Public Museum—is observing its 100th anniversary this year in assisting the people of Wisconsin and the Midwest in that relentless pursuit of learning.

The Milwaukee Public Museum is one of the half-dozen largest and best known museums of natural and human history in this country.

The priceless collections of this landmark were first assembled by Peter Engelmann, a mid-19th century school master who gathered a natural history grouping of 10,000 specimens to form the foundation of the museum.

In 1881, the Natural History Society of Wisconsin, a scholarly organization which Engelmann helped found, gave the collection to the city of Milwaukee on the condition that the city would open and maintain a free public museum, The museum first opened its doors to the public in 1884.

The lively exhibits and dioramas in the museum were meticulously prepared by expert scientists, educators, artists, sculptors, carpenters, historians, and others. A visit through the dioramas in particular can be a marvelous trip back through time, or an informative adventure to faraway places like southeast Asia, Australia, the Philippines, and the nations of Africa.

The museum has developed a comprehensive school class program in conjunction with city public schools, has conducted worldwide research, developed new methods and techniques of presenting museum exhibits, and offered a wide range of public travel and film programs.

In essence, the museum is indeed timeless—and priceless.

In honor of its centennial from fall of 1982 through fall of 1983, Mr. President, I have submitted this statement for the RECORD, in recognition of the excellence of this fine Milwaukee institution.

ADDRESS BY SENATOR MATTINGLY BEFORE THE SONS OF THE REVOLUTION

Mr. MATTINGLY. Mr. President, this past Friday I had the honor of addressing the Sons of the Revolution in Savannah, Ga. I think it would be appropriate on the birthday of George Washington to have my remarks printed in the RECORD. Therefore, I ask unanimous consent that my address to the Sons of the Revolution be printed in today's RECORD.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY SENATOR MATTINGLY BEFORE SONS OF THE REVOLUTION

Teddy Roosevelt stated it best when he said, "No man is worth his salt unless he is willing at all times to risk his body . . . to risk his life . . . in a great cause." That is why we are here tonight—because extremely brave men, men who you are descended from, were willing to fight and die for a cause they believed in. They were unwilling to accept tyranny and control over their lives by the selfish desires of others. They set a standard which Americans have never forgotten, when those who sought unfair control and domination over these brave men's lives passed laws to punish and overtax them, these men risked all they had to protest such actions. When England placed a burdensome tax on one of their few sources of pleasure—their tea—a group of these brave men dumped 342 chests of tea into the Boston Harbor on a snowy December night. They were willing to go without and also risk sure retribution because they believed in their cause. A trait which generations to follow kept as a part of their national heritage and character.

These patriots, led by a courageous and brilliant leader, General Washington, learned to go without the necessities of life, to live in constant danger—at almost all times. They went without food or adequate clothing at Valley Forge. They fought without necessary reenforcements and with inadequate weapons at Freeman's farm. But with intelligence and bravery, progress was made there, and in many other places. Victory ultimately came to these patriots because they had wanted it so badly and had stood by their principles with courage and relentless determination. Finally, in October of 1781, at Yorktown, the bravery of an army which had seemed to be out-numbered, out-supplied, and without hope for ultimate victory, paid off. Victory was theirs. And with that victory came the birth of a Nation whose short history has seen it reach unparalleled heights and unequalled accomplishments. It has faced numerous challenges—another battle for ultimate freedom from England, a sadly divisive battle between brothers from the North and South, two world wars which have threatened the very existence of mankind and

freedom on this Earth, and two wars in Asia, along with many other battles. In every case, Americans fought for what they believed in. Without fail the American soldier was always the most courageous and determined man on the field of battle. Twice in this century alone, the United States of America stood as the world's last and only great hope to preserve freedom. The United States never shrank from that responsibility, and American men and women have always met the challenge, whatever it might be, whether it was the challenge of charging into battle with Teddy Roosevelt as a Rough Rider, or going without certain luxuries at home in the 1940's, because the materials which comprised those luxuries were needed to provide support and protection for our men overseas. Americans have always met the challenge.

But our Nation's desire and ability to meet the challenge—whatever it might be—was not and is not limited to the field of battle, as well it should not be. This country is a Nation of peace. Americans love peace, and the reason is simple—with all of the beauty which is a part of this Nation's composition, with such a rich heritage, and with our great tradition of freedom of expression and speech—there is little cause for Americans to want anything but peace. But within the boundaries of our love for peace, there burns a great competitive spirit. A spirit which has contributed much to our Nation's development and ultimate rise to greatness. Americans have always accepted the challenge, whether it was to find a better way to harvest the wheat, or a faster, more economical way to assemble the automobile, American intelligence and innovativeness led the way. And in July 1969, we saw America meet the ultimate challenge—two Americans on that month, in that year, expanded man's role in his universe by setting foot upon the Moon. There, in plain view for all of the world to see, they planted into the surface of another heavenly body, the flag of the United States of America.

These tremendous accomplishments could not be mere coincidence or some fluke of nature. The fact that more progress in business, science, art, music, communication, education, and government has been seen in this Nation, during its short life, than in any other nation, at any other time in the world, is not mere coincidence. It is an accurate reflection of the fact that this Nation is a nation of special character and ability. We must never forget that fact. I can assure you that the GI's fighting in World War II did not forget that fact. I can also assure you that those brave men who rode that giant, blazing rocket to the Moon never lost faith in that fact either. There are some—a small few—who, because of the fact that we have free speech in this Nation, must abuse that freedom, would have us believe that nothing that this Nation does is right, that there exists nothing special about America at all. Well, they are wrong. One merely needs to look around this world to see that without America's great character and ambition, there would be no light bulb to light our evenings, no airplanes to enable us to get together, no telephones or television, and most importantly, there would be no great system of government—no shining example of freedom and democracy for the world to observe and rely upon. That is the true uniqueness of America, the true source for her great character and determination. Freedom is our great uniqueness. It allows all of us to be what we want to be—to strive for any goal—no matter how foolish it may appear to others. And from this freedom to dream and create, comes answers to unsolved questions, cures for untreatable diseases, and a myriad of new ways to approach the difficulties and complexities of life. Those who would have us believe that our uniqueness is gone, that we are no longer great, need only look to that same world around them that I spoke of a moment ago. A world in which heroes are men who would plunge into an icy river to rescue the victim of a plane crash, a world in which a brave general could calmly handle his own kidnaping with a cool head and tremendous bravery. That is a world filled with Americans. Good, brave, honest Americans. We see a great rebirth of this spirit as men and women across this land are standing up for what they believe in and are courageously sticking to that stand. Our spirit is not dead. It is very much alive, and it will continue for as long as there is freedom in this Nation. We hold the key to the future. It is the spirit in each individual which is that key. It is a spirit which longs to love America and serve America. Considering our great record, I cannot think of a better place for our future to rest than in the hands of individual Americans. As long as those hands are the hands of free men, of men who are willing to, as Teddy Roosevelt put it, "Risk body and life in a great cause," then our future is assured. I salute this Nation for being a nation of just that kind of men and women, and I join with you in a toast to our Nation that God has blessed and to your great efforts at remembering and honoring those who made it possible.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 11, 1982, the Secretary of the Senate, on February 18 and 19, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on February 18 and 19, 1982, are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore laid before the Senate a message from the President of the United States submitting a treaty which was referred to the appropriate committee.

REPORT ON EAST-WEST TRADE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 113

Under the authority of the order of the Senate of February 11, 1982, the Secretary of the Senate, on February 18, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with Section 411(c) of the Trade Act of 1974, as amended (19 U.S.C. 2441), I herewith transmit the quarterly report on East-West Trade covering the second quarter of 1981.

The report discusses United States trade relations with the Soviet Union, the People's Republic of China, and the Eastern European countries.

RONALD REAGAN.

THE WHITE HOUSE, *February 18, 1982.*

NINTH SPECIAL MESSAGE FOR FISCAL YEAR 1982—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 114

Under the authority of the order of the Senate of February 11, 1982, the Secretary of the Senate, on February 19, 1982, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 31, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a revision to a rescission proposal previously reported decreasing the amount proposed for rescission by $2.0 million.

The amended rescission proposal affects the Mine Safety and Health Administration of the Department of Labor.

The details of the revised rescission proposal are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *February 19, 1982.*

MESSAGE FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolutions, each with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 91. Joint resolution to designate July 1981 as "National Peach Month"; and

S.J. Res. 105. Joint resolution to designate October 1981 as "National PTA Membership Month."

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4481. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4481. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 11, 1982, the Secretary of the Senate, on February 15, 1982, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4935. An act to amend title 11, United States Code, to correct technical errors, and to clarify and make substantive changes, with respect to securities and commodities.

HOUSE BILL REFERRED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 11, 1982, the following bill was referred as indicated:

H.R. 4935. An act to amend title 11, United States Code, to correct technical errors, and to clarify and make substantive changes, with respect to securities and commodities; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2676. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, an interim report on changes in the biennial report on the Senior Executive Service; to the Committee on Governmental Affairs.

EC-2677. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a report on the Taxicab Act of 1981; to the Committee on Governmental Affairs.

EC-2678. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a report on the District of Columbia Automobile Financing and Repossession Act of 1981; to the Committee on Governmental Affairs.

EC-2679. A communication from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a report on the Elevator Code Amendment Act of 1981; to the Committee on Governmental Affairs.

EC-2680. A communication from the Chairman of the U.S. Commission on Civil Rights transmitting, pursuant to law, a report on the Decline of Black Farming in America; to the Committee on the Judiciary.

EC-2681. A communication from the Director of ACTION transmitting proposed legislation to amend the Domestic Volunteer Service Act of 1973 and an explanation thereof; to the Committee on Labor and Human Resources.

EC-2682. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Governmental Affairs.

EC-2683. A communication from the Secretary of Energy, transmitting, pursuant to law, the fourth of the semiannual reports on activities undertaken by the Department of Energy to implement the alternative fuels production portions of the Interior and Related Appropriations Act for 1980; to the Committee on Energy and Natural Resources.

EC-2684. A communication from the Secretary of Energy, transmitting, pursuant to law, a program-by-program analysis of the Department of Energy Sunset Report; to the Committee on Energy and Natural Resources.

EC-2685. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a report of the Office of Inspector General concerning allegations against an employee of the Department which was sent to the Office of Special Counsel, Merit Systems Protection Board; to the Committee on Governmental Affairs.

EC-2686. A communication from the associate dean for operations, Uniformed Services University of the Health Sciences, transmitting, pursuant to law, the annual pension plan report for the university for 1981; to the Committee on Governmental Affairs.

EC-2687. A communication from the president of the Phelps-Stokes Fund, a final financial report on the Ralph J. Bunche memorial project; to the Committee on Rules and Administration.

EC-2688. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Impediments to U.S. Involvement in Deep Ocean Mining Can Be Overcome"; to the Committee on Commerce, Science, and Transportation.

EC-2689. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

EC-2690. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on the Department's activities related to minority recruitment in the Foreign Service for the period ending December 31, 1981; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2691. A communication from the Secretary of Agriculture transmitting, pursuant to law, the annual evaluation report under the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2692. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Pakistan; to the Committee on Armed Services.

EC-2693. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Pakistan; to the Committee on Armed Services.

EC-2694. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to the Republic of Korea; to the Committee on Armed Services.

EC-2695. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Kuwait; to the Committee on Armed Services.

EC-2696. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Turkey; to the Committee on Armed Services.

EC-2697. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to the Philippines; to the Committee on Armed Services.

EC-2698. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, notice of 10 construction projects to be undertaken by the Air National Guard; to the Committee on Armed Services.

EC-2699. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of the Army's intention to dispose of chemical munitions at Anniston Army Depot, Ala., within the next 31 days; to the Committee on Armed Services.

EC-2700. A communication from the Deputy Assistant Secretary of Defense for Facilities, Environment, and Economic Adjustment transmitting, pursuant to law, a copy of the "Base Structure Annex to the Defense Manpower Requirements Report" for fiscal year 1983; to the Committee on Armed Services.

EC-2701. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of a decision to convert the food services function at the Naval Regional Medical Center, Jacksonville, Fla., to performance under contract; to the Committee on Armed Services.

EC-2702. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize retention in an active status in the Reserves certain Reserve commissioned officers subject to elimination for failure of promotion; to the Committee on Armed Services.

EC-2703. A communication from the Secretary of Defense transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board; to the Committee on Armed Services.

EC-2704. A communication from the Director of the Board of Directors of the Export-Import Bank of the United States transmitting, pursuant to law, a report on a transaction involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC-2705. A communication from the Secretary of Transportation transmitting, pursuant to law, the third quarter report for fiscal year 1981 of the Urban Mass Transportation Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2706. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on proposed use of certain funds appropriated to NASA for site preparation and provision of utilities at Kennedy Space Center; to the Committee on Commerce, Science, and Transportation.

EC-2707. A communication from the Chairman of the Interstate Commerce Commission transmitting a draft of proposed legislation amending entry provisions respecting applications to provide transportation as a motor or water common or contract carrier, freight forwarder, or broker for transportation of passengers; to the Committee on Commerce, Science, and Transportation.

EC-2708. A communication from the Administrator of the National Aeronautics and Space Administration transmitting a draft of proposed legislation to authorize appropriations to NASA for research, development, construction of facilities, research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2709. A communication from the Vice President for Government Affairs, Amtrak, transmitting, pursuant to law, a report for September 1981 on certain itemized revenues and expenses of Amtrak; to the Committee on Commerce, Science, and Transportation.

EC-2710. A communication from the Chairman of the Interstate Commerce Commission transmitting a draft of proposed legislation to eliminate the requirement for keeping copies of mail transportation contracts on file at the ICC; to the Committee on Commerce, Science, and Transportation.

EC-2711. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-2712. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting, pursuant to law, the Council's annual report for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-2713. A communication from the Executive Director of the Guam Election Commission transmitting, pursuant to law, a copy of the certified results of the January 30, 1982, Plebiscite Election held in the Territory of Guam; to the Committee on Energy and Natural Resources.

EC-2714. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, a report of the nondisclosure of safeguards information for the period ending December 31, 1981; to the Committee on Environment and Public Works.

EC-2715. A communication from the Secretary of Agriculture transmitting, pursuant to law, a plan for the Little Calumet watershed, Illinois; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of February 11, 1982, the following report of a committee was filed, on February 17, 1982, during the adjournment of the Senate:

By Mr. MCCLURE:

Report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1503) to authorize the President to allocate supplies of crude oil and petroleum products during a severe petroleum supply shortage (Rept. No. 97-313).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM:

S. 2116. A bill for the relief of Carlos Mebrano Gatson; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2117. A bill to provide for the distribution within the United States of the International Communication Agency film entitled "Kiltie Drum and Bugle Corps from Vision Sixteen"; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM:

S. 2116. A bill for the relief of Carlos Mebrano Gatson; to the Committee on the Judiciary.

RELIEF OF CARLOS MEBRANO GATSON

Mrs. KASSEBAUM. Mr. President, today, I am introducing a private bill on behalf of Carlos Gatson of Pasay City, the Philippines. Mr. Gatson is the natural father of Teresita Brown of Derby, Kans.

After exhausting the administrative remedies available to them, Teresita and her husband—Capt. Donald F. Brown (USAF)—contacted my office for assistance. Working with the Browns, I found them to be most sincere in their desire to have Mr. Gatson spend his last years with them.

Efforts to reunite this family have proven to be frustrating due to the unusual circumstances in which Mr. Gatson finds himself. Mrs. Brown's parents were not legally married until 1975. Because Teresita had passed her 18th birthday by that time, Mr. Gatson is not recognized by immigration law as being her parent.

If Teresita's mother was alive and the beneficiary of an approved petition, Mr. Gatson would also be permitted to join her in coming to the United States. Unfortunately, Teresita's mother died in 1979.

Carlos Gatson, now alone, wishes to join his daughter. Captain and Mrs. Brown are anxious and willing to accept all responsibility for Mr. Gatson's care. I hope that prompt action can be taken on this bill.

ADDITIONAL COSPONSORS

S. 186

At the request of Mr. DOLE, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 186, a bill to provide financial assistance to the States to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States, to provide that the Secretary of the Treasury is authorized to make interest subsidy payments on criminal justice facility construction bonds, and for other purposes.

S. 1498

At the request of Mrs. KASSEBAUM, the Senator from North Dakota (Mr. BURDICK), the Senator from Vermont (Mr. LEAHY), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1498, a bill to establish an office in the National Institutes of Health to assist in the development of drugs for diseases and conditions of low incidence.

S. 1678

At the request of Mr. HATCH, the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1678, a bill to amend the Employee Retirement Income Security Act of 1974 with regard to mortgage investments.

S. 1929

At the request of Mr. HATCH, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1929, a bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to increase the availability to the American public of information on the health consequences of smoking and thereby improve informed choice, and for other purposes.

S. 1942

At the request of Mr. EAST, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1942, a bill to provide for an expedited and coordinated process for decisions on proposed nonnuclear energy facilities, and for other purposes.

S. 1982

At the request of Mr. SCHMITT, the Senator from Indiana (Mr. QUAYLE), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1982, a bill to amend the Strategic and Critical Materials Stock Piling Act and the Defense Production Act of 1950 to strengthen military preparedness, and for other purposes.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Florida (Mrs. HAWKINS), the Senator from New York (Mr.

D'AMATO), the Senator from Missouri (Mr. DANFORTH), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE RESOLUTION 247

At the request of Mr. WEICKER, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Resolution 247, a resolution expressing the sense of the Senate that the next vacancy on the Board of Governors of the Federal Reserve System should be filled by a person with substantial small business experience.

NOTICES OF HEARINGS

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. CHAFEE. Mr. President, I would like to announce for the information of the Senate and the public a change in the dates of hearings to be held by the Consumer Affairs Subcommittee of the Committee on Banking, Housing, and Urban Affairs.

The hearing on delayed funds availability, originally scheduled for February 24, 1982, will now be held on March 10, 1982.

The hearing on Automated Clearinghouse Services, originally scheduled for March 3, 1982, will be held on March 26, 1982.

Both will be held in room 5302, Dirksen Senate Office Building, at 9:30 a.m.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I wish to announce that the Senate Small Business Committee hearing on the President's first annual "Report on Small Business and Competition" scheduled for February 23, 1982, has been postponed.

Mr. President, I wish to announce that on February 23, 1982, at 9:30 a.m. in room 424 of the Russell Senate Office Building, the Senate Small Business Committee will conduct a hearing to review the budget for the Small Business Administration for fiscal year 1983. For further information contact Mike Haynes, 224-5175. Senator WEICKER will chair.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing on the administration's budget proposals for fiscal year 1983, on Tuesday, February 23, at 10 a.m. in 6202 Dirksen Senate Office Building. David Stockman, Director of OMB is scheduled to testify.

For further information, contact Debbie Paul of the Senate Budget Committee at 224-2866.

Mr. President, the Senate Committee on the Budget will hold a hearing on the administration's budget proposals for fiscal year 1983, on Wednesday, February 24, at 10 a.m. in 6202 Dirksen Senate Office Building. Donald Regan, Treasury Secretary is scheduled to tesify.

For further information, contact Debbie Paul of the Senate Budget Committee at 224-2866.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, February 23, 1982, at 10 a.m. to conduct a hearing on commodity investment fraud schemes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, February 24, 1982, at 9 a.m. to conduct a hearing on commodity investment fraud schemes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 25, 1982, at 10 a.m. to conduct a hearing on commodity investment fraud schemes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Monday, February 22, at 10 a.m., to hold an oversight hearing on Federal nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, February 23, at 10 a.m., to hold an oversight hearing on Federal nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FIFTH ANNIVERSARY OF CHARTER '77

● Mr. DOLE. Mr. President, the imposition of martial law in Poland and the brutal repression which has followed, has served to focus world attention once again on the wholesale violation of basic standards of human right and human decency which occur with regularity in the Soviet Union and many of its Warsaw Pact allies. Nowhere has this repression been more sustained and wideranging than in Czechoslovakia. In the years since the signing of the Helsinki Final Act in 1975, literally hundreds have been arrested and imprisoned for merely exercising their rights guaranteed not only by the Helsinki accords, the U.N. Charter, the Universal Covenants, and other international documents, but also by the Czechoslovak Constitution itself.

In January 1977, a group of 200 Czechoslovak citizens formed what has become known to the world as Charter '77. Their main goal was to encourage the authorities to abide not only by the basic standards of human rights set forth in the Helsinki accords and other international agreements, but also by their own law. Charter '77 has now been active for 5 years, a period that has seen its membership expand to 1,100 while releasing numerous documents and countless declarations and letters, all with the aim of publicizing the failure of the Czechoslovak authorities to fulfill their human rights obligations.

REPRESSION AND IMPRISONMENT

In the course of their work, Charter '77 activists have been subjected to all forms of harassment including imprisonment for lengthy periods. At the present time, there are at least 44 members of Charter '77 now in Czech jails serving sentences for actions fully guaranteed under the Helsinki Final Act. The people now in prison include such well-known and respected chartists as the playwright Vaclav Havel and human rights activists Rudolf Battek, Jiri Dienstbier, and Vaclav Benda.

Most ominous is the pending trial of 14 people associated with Charter '77. Eight of them have been in pretrial detention since May 1981, while six, including former Foreign Minister Jiri Hajek, are still free but under constant surveillance and subjected to continual harassment. According to reliable sources, all 14 are being subjected to an unprecedented campaign of vilification, designed to discredit the entire Charter '77 movement before the Czechoslovak public.

The record of Charter '77 in its 5 years of existence, however, is a proud one, well known to lovers of freedom and liberty throughout the world. Ef-

forts by the Czechoslovak authorities to discredit and coerce Charter '77 will only continue to prove the bankruptcy and callousness of the Czechoslovak regime which has repeatedly demonstrated utter disregard for basic human rights and freedoms.●

WATER DEVELOPMENT—THE FEDERAL COMMITMENT TO SOUTH DAKOTA

● Mr. ABDNOR. Mr. President, the Subcommittee on Water and Power recently held a hearing on two South Dakota water development measures, S. 1553 and S. 933. These bills represent the current efforts of the South Dakota delegation to get the Federal Government to live up to its commitment to our State, and Senator PRESSLER and I appeared in support of their enactment.

When I had completed my testimony, Chairman MURKOWSKI asked if South Dakotans really believe the Federal Government will honor the commitment which was made to us. I responded as follows:

That's a very good question. Former Secretary Andrus said there is no commitment, but Secretary Watt says there is. Andrus said there is nothing in law which requires that South Dakota get anything, despite all that we gave up. But Secretary Watt has told me privately and has stated publicly that the government has a strong moral commitment to assist South Dakota with water development. The Secretary is a man of conviction and character. For him a moral commitment is higher even than a legal commitment, but he will not always be the Secretary. That's why we feel strongly about the need for subsection 2(b) of S. 1553, which would direct future Secretaries to take into account South Dakota's sacrifices when considering water projects in our state. In any event it is clear that South Dakota was supposed to get large-scale irrigation development as repayment for the land we gave up. And for as long as we have drought in South Dakota, and we've had quite a lot of it lately, our congressmen and senators will be obliged to try to get the federal government to live up to its word. Enactment of S. 1553 and S. 933 represents our current efforts, and considering what we gave up for the benefit of others, we make no apology for asking that these bills be passed. Whether in fact the commitment will be honored is in the hands of our congressional colleagues, particularly this subcommittee. We have no choice but to put our trust in you and hope that we will be treated fairly.

The full text of Mr. ABDNOR's statement to the subcommittee follows:

STATEMENT OF HON. JAMES ABDNOR

Chairman Murkowski and members of the subcommittee, I am pleased to be before you once again to reiterate my support for prompt action on S. 1553 and S. 933. Mr. Chairman, I especially appreciate your consideration in adding S. 1553 to the agenda for today's hearing. The notice was short, since it was not until last Monday that you and I were able to get together to discuss adding the bill to the agenda, but South Dakotans appreciate the prompt attention. Too often action in Washington is much too long in coming, and we deeply appreciate your consideration in seizing the opportunity of this hearing to advance action on S. 1553.

As I related to you on Monday, Mr. Chairman, S. 1553 is cosponsored by all four members of the South Dakota delegation. It has the Governor's support, and it has been endorsed with amendments by the Administration. The amendments suggested by the Administration are acceptable to the South Dakota delegation, and we urge prompt passage of the bill as endorsed by the Administration. Some of the reasons for our sense of urgency were discussed in the delegation's January 27th letter addressed to you and to Chairman Kazen in the House, and I would ask that our letter be made a part of the record.

From your visit to South Dakota for the September 12 hearing which you chaired in Pierre, Mr. Chairman, you will recall that there is great interest in the issues contained in S. 1553, including the WEB pipeline project, feasibility studies of CENDAK and the Garrison extension, and the provision of Missouri Basin hydropower for South Dakota projects, as envisioned in and authorized by the Flood Control Act of 1944. We are delighted to have the Administration's endorsement, and we are pleased that progress is being made in passing H.R. 4347, the counterpart to S. 1553, in the House. Both the House Agriculture Committee and the House Interior Committee have held hearings. The Agriculture Committee has scheduled markup for March 3rd and is expected to report the bill without difficulty. Nothing would please Senator Pressler and me more, Mr. Chairman, than to be able to beat our colleagues to the punch in passing S. 1553 more quickly than they pass H.R. 4347 in the House. With the Administration's support, we believe that it is a realistic goal.

In addition to the field hearing which you chaired in Pierre on the 12th of September, you will recall, Mr. Chairman that I chaired an official hearing of the subcommittee on the 11th in Newell, South Dakota, to develop a record on S. 933, to reauthorize the Belle Fourche Irrigation Project. I believe that record establishes the need for enactment of S. 933, and that Mr. Brown of the committee staff was convinced in his personal examination of project facilities of the need for the rehabilitation work which would be authorized.

We recognize, however, that in light of the current, severe budgetary constraints it may be impossible to pass and fund a straightforward Pick-Sloan Program reauthorization like that provided in the late 60's for the Riverton Unit in Wyoming, the state of our colleague, Senator Wallop, a member of the subcommittee. Consistent with present day realities, therefore, we are willing to accept an amendment to S. 933 which would allow negotiations with energy or other industrial users to pay a portion or all of the cost of the repairs in return for water service from the project.

Obviously, the irrigation district can use and would love to have all the water itself, but a large proportion of the available water supply is currently lost to seepage. Passage of S. 933 will provide for repairs which will reduce the loss to seepage, and in that sense the reauthorization should be considered a water conservation measure. It is possible, through water conservation, that the needs of both the irrigators and an industrial user can be accommodated and that the Belle Fourche Project will be better in every respect because of the reauthorization.

Of course, any negotiations concerning the allocation of water to an industrial user should only take place with the full consent and participation of the irrigation district and the State, and such negotiations must be premised on the grounds that the interests of the irrigators and the local community will be served.

Times have changed, Mr. Chairman, and we in South Dakota are prepared to change with the times. The legislative acts of Congress need to reflect the times as well. Enactment of S. 933 with an amendment along the lines I've suggested will serve both the new, modern day realities and the needs of the traditional water users, the irrigators of the Belle Fourche Irrigation District.

In closing, Mr. Chairman, let me just take a moment to reflect upon the history of the Pick-Sloan Missouri Basin Program as it relates to my state.

In the early 40's tremendous political pressure developed in the lower Missouri River Basin states to do something to alleviate the great floods which plagued them on an inevitable and regular basis. The river used to flood ten miles wide in Iowa, for example, and the suggested solution was to build flood storage reservoirs upstream; that is, permanently to flood portions of upstream states, like South Dakota, in order to protect downstream states from intermittent flooding. Four huge dams were built in South Dakota under the Flood Control Act of 1944, impounding the Missouri virtually for its entire stretch bisecting my state. Over 500,000 acres were taken out of the heart of my state, and South Dakotans did not appreciate it, to say the least. In fact, there was great opposition to the dams, and I myself was among the opponents.

For the good of our downstream neighbors, however, and based upon pledges of irrigation development, South Dakota's elected leaders at that time agreed to go along with the plan; that is, the overall plan for development of the basin. That comprehensive plan of development, authorized in the Flood Control Act of 1944 as the Missouri River Basin Project, included over 600,000 acres of irrigation development for South Dakota. Not one, single acre of irrigation out of the reservoirs in my state has been developed by the federal government, however. The commitment has simply not been honored in a timely fashion.

With the support of the current administration we have renewed cause for hope. Secretary Watt has acknowledged that South Dakota has been given a very raw deal, and the Department has been working to rectify the situation to the greatest degree possible within current budgetary realities. The Administration's endorsement of S. 1553 is evidence of the renewed recognition of the commitment to my state, and it would be my sincere hope that S. 933 could be enacted as well, particularly if an amendment is adopted to provide a possible source of revenue from an industrial user.

Mr. Chairman, again, I deeply appreciate your consideration. South Dakotans recognize that the federal commitment to our state may never be fully honored; but with the help of the current administration, and particularly with the thoughtful consideration of this subcommittee, South Dakotans can expect a measure of fairness which has been sadly lacking until now.

Thank you very much.●

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

● Mr. ANDREWS. Mr. President, I want to call attention to one of many noteworthy events that took place at the recent National Rural Electric Cooperative Association annual meeting in Atlanta, Ga.

As most of our colleagues know, the rural electric cooperatives of this country have done a magnificent job of bringing electricity into rural America—a task that private power companies thought wasn't possible and refused to undertake.

The rural electrification story is told well, and it is a great story which bears retelling from time to time, as my colleagues know.

In the development of this great movement in farm country, one of the more important facets was the voice of the rural electrics—the various newspapers and magazines that are published on a monthly basis.

May I point out to my colleagues that these publications are not a minor voice out in the country. Their combined circulation is 5 million people. In my State of North Dakota, which only has around 650,000 people, the statewide REC magazine goes to 70,000 homes.

Because these publications, which tell the story of rural electrification to more than 5 million consumer owners of these cooperatives, became so professional and so competent, NRECA established an annual competition amongst the 32 statewide REC publications.

I am exceedingly proud to tell the Senate that the North Dakota REC magazine, edited by my close friend, Leland (Chub) Ulmer, won the George W. Haggard Memorial Journalism Award again this year. It was presented to him at Atlanta during the convention.

Mr. President, this award is almost getting to be "old hat" to North Dakota. Our friends at Mandan who put it together also won it in 1980, 1979, 1978, 1975, 1973, 1968, and 1965. It is getting to be so repetitive, according to my rural electric friends from other states, that they may petition NRECA to rename it the "Chub Ulmer Memorial Journalism Award."●

ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. BUMPERS. Mr. President, February 16, 1982, was the 64th anniversary of the reestablishment of Lithuanian independence and the 731st anniversary of the founding of the Lithuanian state. Forty-two years have passed since the Soviet Union, pursuant to its understanding with Nazi Germany, ruthlessly invaded Lithuania. The Baltic Republics were quickly incorporated into the Soviet Union, but the brave Lithuanian people did not accept their fate without a struggle.

The United States has never recognized the illegal annexation of Lithuania by the Soviet Union and has continued to recognize the diplomatic corps established by independent Lithuania. Despite the deprivation of their most basic human rights, Lithuanians continue to cling to their strong cultural heritage. In commemorating these Lithuanian anniversaries, the United States should rededicate itself to the tireless promotion of human rights, so as to keep alive the aspirations of Lithuanians and all other persecuted peoples who desire to be free.●

CHALLENGES OF INTERNATIONAL TRADE

● Mr. DANFORTH. Mr. President, several weeks ago Richard J. Mahoney, the president and chief operating officer of the Monsanto Co. gave a talk at town hall in Los Angeles. His remarks focused on the challenges of international trade and the need for the United States to forge ahead to meet these challenges. Mr. Mahoney's comments offer a clear and vital messeage to us all.

Mr. President, I ask that the text of Mr. Mahoney's remarks be printed in the RECORD.

The text follows:

REMARKS BY RICHARD J. MAHONEY

I am happy to be with you this afternoon. It is, of course, a great privilege to address the Town Hall, and it is always a pleasure to return to Los Angeles.

Bret Harte once said of California, "Many wise men came here from the East . . . and the wiser they were, the sooner they came." I'm originally from Springfield, Massachusetts, and am now at Monsanto's headquarters in St. Louis. So I've gotten about a third of the way to your beautiful state.

But my company has been here for almost 55 years. In 1926, we opened our first California sales office in San Francisco. Even then the promise and potential of your state had captured Monsanto's imagination—we opened a second office here in Los Angeles only a few years later.

Coming as I do from a company that is well known for its food and agricultural chemicals, I'm never sure when I am invited to a luncheon whether I will be asked to make a speech or inspect the kitchen.

But as your president has so eloquently introduced me, I am here to talk about international trade.

I doubt if there is much disagreement here today that American businessmen must be successful international traders if our country is to remain a strong economic force in the world. So I'm not going to trot out all the old statistics this afternoon—except one—we currently export about 25 percent of the goods the U.S. produces. One quarter of everything we produce! It's an incredibly important underpinning of our employment, our tax base, and our national strength.

However, these are critical times in world trade. And I want to tell you how I think some of our national advantages have disappeared, and what I think we ought to do about it.

Those of us who work for multinational companies have seen world trade grow rapidly during the past few decades. Let's go back a few moments and see what's happened.

Thinking in terms of world trade has not come easily to many Americans. For a great part of our history we were wrapped in our own continental concerns. But we were shaken out of our isolation, as were many other nations, by World War II.

Worldwide economic growth started to take off with the surge of new investments that followed the war. And what really provided an impetus for international commerce was the breakdown in tariff barriers which began with the General Agreement on Tariffs and Trade in 1948. GATT reversed the discriminatory practices of previous decades, and led to an eight-fold increase in the volume of world trade from 1946 to 1980. For American businesses, it was their welcome to the world—and a happy welcome at that.

From this revolution in trade there evolved a high level of interdependence among industrialized economies. The global marketplace became a reality. And it's that reality we are living in today. But the stakes are higher than before, and the competition grows dramatically.

How has America done during this period? Well, if we look at it from the standpoint of the national balance sheet . . . we have not done too badly. Over the decades of the 1950s and 1960s our international trade grew impressively . . . our exports, in fact, quadrupled. Why? This exceptional performance of ours was no accident. It came, as I see it, from four major strengths that America brought to the contest.

For one thing, we've had abundant and cheap natural resources that few other nations can match. Oil and gas have been important, of course. But we've also had fertile land which we have increasingly used to feed a growing and hungry world.

Our second advantage has been the greatest industrial plant capacity of any nation in human history. Our enormous demand here at home has provided a strong base and permitted world-scale factories from which we were able to cost-effectively pour out steel, cars, textiles, machinery and all kinds of other goods for ourselves and for export.

A third strength has been the open international trading system we've operated in. We've worked hard for this, knowing that lower trade barriers help our export industries and help America's consumers as well.

And finally, as the centerpiece of our strengths, we've had an overwhelming command of technology. Our knowhow has kept us out ahead of the competition—with better, more innovative products and more efficient production methods.

Those were the overwhelming strengths of the 1950s and 1960s. But the picture changed dramatically in the 1970s as some of our prior advantages slipped away . . . and as trade surpluses turned to deficits. And the product mix in export trade has changed dramatically.

The U.S. continues to be a world leader in agricultural production, and chemicals have moved up to become a leading category, but we have lost market share in world manufactures. In steel, for example, we have switched from being a net exporter in 1950 of over one million tons—to 1980 when we are a net importer of almost 13 million tons.

Autos show the same pattern. We shifted from exporting cars in the 1950s to a net

import position of more than 2 million cars this year.

And—although TV was originally an American industry—Japanese TVs now account for two out of three sets sold in the U.S.

In a number of industries it could be said that we're taking quite a beating. Because of our perhaps misguided rugged individualism we were late in admitting just how competitive the world really is. Our feelings of self-sufficiency kept our focus on domestic markets. Meanwhile, other countries took a lesson from American ingenuity and learned to beat us at our own game. We are being flooded with imports.

So it's natural to ask what happened? Have the rules changed? Let's take a look at those four areas of strength I mentioned earlier to see how our former competitive advantages are being challenged.

In the field of natural resources, we know all too well about the biggest thing that happened—the energy shortage. The Arab oil embargo in 1973 started the rapid price increases which are wiping out our low cost edge in oil and gas . . . and with tidal wave effects throughout the economy. We've responded with strong conservation measures, a more efficient use of energy and a shift to lower cost fuels. This has helped us adjust. But our edge has also been narrowed.

Another of our resources, agriculture, is also under pressure. The world demand for U.S. food is going to increase—and we will be challenged to satisfy it. As a nation, we are pressing more land into service, but drought and soil erosion have already cut the rate of gain in farm productivity to half the level of the 1960s. The U.S. Agriculture Department says that about a quarter of today's farmland is losing more than 5 tons of topsoil per acre each year . . . more than it can take. The new minimum tillage farming will help curb this problem, but we must also look to higher yielding seeds and more effective chemicals.

Still another of our competitive strengths—our efficient manufacturing plants—no longer give us the advantage they once did. Other countries are building up to our standards, with plants that are often newer and more modern than ours. We are now putting more into new investment . . . and this will be helped by the new tax laws. But in some cases, it seems, we are doing more catching up than getting ahead.

We have also been hurt because so many productive resources have been used to cope with new government regulations. Some of these served a good purpose. But others added unnecessary costs which our competitors abroad did not have to bear.

To take an example from my own experience . . . one of my company's products carries into the international arena the cost baggage of proving that the Illinois Mud Turtle was not an endangered species.

In another of the four areas I listed as our national stengths—free and open international trade—we are also running up against obstacles. Economic slowdowns are creating protectionist pressures in many countries, especially those that are grappling with rising unemployment. And these pressures are the worst I've seen since the early 1970s. It's not only tariffs, but other trade barriers too. The semiconductor industry is a good example of what I'm talking about.

In all our areas of strength, it is the last one I mentioned—high technology—where we are the most seriously threatened.

For a long time, the products of American technology were held up as standards for the world. Then the best of our competitors developed their own or sometimes copied our technology . . . and matched it . . . and sometimes exceeded it. It's no longer a case of imitation being the sincerest form of flattery. Now, innovation is the most serious form of competition.

To put it simply, then, our competitive strengths in world trade are in noticeable danger.

But let me say that the picture for the future doesn't need to be bleak. We are a country of limitless ingenuity and great resolve. I think that if there is one message for the United States to take from the conditions of international trade today, it is this: we had better look quickly to our own competitive position because the world is gaining on us.

There are many things we should do to protect our position—too many to mention here. But I would like to focus on what I see as our overriding strength—our outstanding technology—and what we must do to protect that. Some things we must try to do in conjunction with our government. Others we must try to do for ourselves.

First, technology and innovation flourish best in a full, healthy economy. Stagnation in our economy has done considerable harm to our competitive advantage. This administration's economic program, with its tax incentives for research and investment and its efforts to curb unproductive regulation, is building a foundation to address these questions—and I think this program merits our continued support.

A second thing we must do—and I bring it up because I know it well—is to protect the property rights to our technology. These provide the reward—the incentive—for industry to put in the massive amounts of time and money it takes to invent and develop those exciting new products which have gotten us to where we are today. Many countries want easy access to our technology. My own company has 8,000 patents in about 100 countries around the world. We have been recent victims of patent piracy and are fighting to protect our technology in several countries.

Our government must press hard for a strong international patent system. But it should also work with business in other ways. Let me give you an example of what I mean.

Third, we must make sure that in the technology race, we are all playing by the same rules. And that once we develop something exciting, we have a fair shot at international markets. To do this, both business and government in this country must monitor the agreements reached during the Tokyo Round of Multilateral Trade Negotiations. We must see that our competitors are living up to the promises they made two years ago. And just as important, we must find ways to combat the growth of nontariff trade barriers that keep us from having equal access to overseas markets.

Just how the Reagan Administration negotiates these matters will be an important test. I know the idea of "reciprocity" is being considered in Washington. I'm not sure how much good it will do in the long run to penalize countries that don't open their doors to our technology or our products. But backing away from the issue would also be the wrong course to take. This is one we've got to look at pretty hard in the months ahead.

And although I would like to see governments get out of the export-subsidy business—and I think this is something we must work towards—American industry shouldn't be penalized in the meantime. As long as other governments provide export financing, we should be sure that our Export-Import Bank offers comparable terms. And we should put a high priority on keeping our DISC incentives intact—a tremendous motivation for exports.

These are the kinds of issues we should be working on with our government. But there are other, equally important things we should be doing ourselves. And this brings me to point number four.

We should be making more noise about the need to protect our technology base. There is a national cutback taking place in research, for reasons of economy. I think it may be a false economy—penny wise and pound foolish. Consider, as just one example, our national decision to virtually eliminate our space program. That program began as a journey into the unknown, with one tangible goal and a galaxy of uncertainties along the way. And look at the practical results of the space adventure . . . especially here in California. Who could have predicted the many side-effects of the enterprise, the by-products that flowed from it—new materials and electronics among others.

The same can be said for what seems to be a national decline in our regard for basic scientific research. I am worried that the big problem lies not in this generation of technology, but in the next generation. Here, industry must recognize that to slight invention is to forfeit the future.

The story is told of Mark Twain who lost more than one hard-earned fortune by investing it in schemes described to him in glittering terms. One day he saw a tall eager man coming up the path with something under his arm. Yes, it was an invention, and the man explained it: "I'm not asking you to invest a fortune—you can have as large a share as you want for $500."

Twain shook his head. He had been burned before—the invention didn't make sense. As the tall figure started away, the author called after him: "What did you say your name was?"

"Bell," the inventor answered a little sadly, "Alexander Graham Bell."

Research often seems to be about 99 percent failure and one percent success—but it's that one percent which has gotten America to where it is today. No one knows how many new products we can lose through a lack of confidence in the values of technology. We will certainly get a hint of the number when our overseas competitors start to sell products that we know we could have made ourselves—if we had had the vision.

A final factor to look at when we consider how America can keep its technology and competitive edge is the soundness of our own corporate practices here at home. Some corporations have made long-range sacrifices in pursuit of quick growth and speedy profits. They have been unwilling—or unable—to make a long-term commitment to the increasingly heavy research and development expenditures necessary to develop the world-beating products of tomorrow. They think that research, like their companies, should be run like short-hop taxicabs and not long distance trains.

Other countries which have successfully adopted so many of our businesss practices, have not been slighting their research. Their recent success gives us something to ponder.

I have tried here today to list some of the realities of our competitive position in the

world market, and to suggest some actions which can improve our prospects. I have by no means tried to be definitive. The field of international trade is boundless, and so are the opportunities for initiative and ingenuity.

There are many questions for the future. But I am sure of this:

Our economic system is sound with plenty of future potential,

Our businesses are strong . . . with ingenuity to spare,

And our technology is still ahead . . . with untapped reserves of creativity.

We can prevail in international competition if only we have the foresight and the will.

Robert Louis Stevenson once wrote: "To travel hopefully is a better thing than to arrive." In terms of world trade, for the past several decades we have been as complacent as though we had already arrived. Now it is quite clear that we are still traveling. And many other countries are keeping abreast of us on the same road. But if we resolve now to make the best use of our present abilities, and the promise of our future technology—then we can, I am absolutely certain, travel with high hope for winning the game in international trade.●

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. BAKER. Mr. President, I know of no other Senator seeking recognition or any Member who has any further requirement for the time provided for under the previous order for the transaction of routine morning business. Therefore, I move now, in accordance with the order previously entered, that the Senate stand in recess until 11:30 a.m. on tomorrow.

The motion was agreed to and, at 1:17 p.m., the Senate recessed until tomorrow, Tuesday, February 23, 1982, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 18, 1982, under authority of the order of the Senate of February 11, 1982:

DEPARTMENT OF JUSTICE

James P. Hickman, of West Virginia, to be U.S. marshal for the southern district of West Virginia for the term of 4 years vice Charles M. Adkins, Jr., term expired.

IN THE COAST GUARD

Vice Admiral James S. Gracey, U.S. Coast Guard, to be Commandant of the U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving.

Rear Adm. Benedict L. Stabile, U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard with the grade of vice admiral while so serving.

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander.

Richard L. Devries
Richard F. Patten
David A. Hosmer
Elliot I. Lipson
Howard R. North
Joseph R. Cunniff, Jr.
Charles D. Laughary
Patrick V. Kauffold
Ronald C. Mers
Raymond B. Freeman
Merle J. Smith, Jr.
Lawrence M. Ford
Wilrose M. Duquette
Ronald R. Fraser
Andrew A. Gacanich
Keith A. Barker
Jack D. Nelson
George W. Dirschel
William F. Herbers
Richard Baglow
Henry E. Pilmack
Dorsey L. White
Peter F. Major
Robert E. Hahn
Henry C. Robertson III
William T. Serle, Jr.
Floyd G. Anderson
Ronald L. Elchesen
Joseph P. Flaherty
Clayton L. Johnson
William H. Prather, Jr.
Thomas L. Wade III
Roger D. Batt
Calvin P. Ogburn
Christina M. Hosking
Samuel G. Ashdown, Jr.
Donald R. Updegraff
Lowell H. Shamblen
Richard C. Badger
Carlos Madrid, Jr.
Merrill J. Schweitzer, Jr.
Joe F. Poteat
Anthony J. Alberti
Jerry D. Sparrow
John P. Carland
Sidney M. Thomas
John W. Littlehales
Robert F. Rife
Mark E. Johnson
John V. Davis
Arthur D. Fried
Theodore J. Flynn
David A. Binder
David C. Arnold
Douglas W. Meservey
Patrick J. Hagan
Walter A. Schmidlin, Jr.
Marc L. Marker
James H. Devitt
Dennis M. Dickerson
Virgil P. Caselli
Ralph B. Larsen
Michael E. Payne
Jaime R. Vazquez
Victor W. Glazner
Curtis J. Hezeau
Walter P. Rubbs III
Paul C. Ratwik
Gerald K. Kelly
John W. Reiter
Mark E. Libby
Robert G. Frame
Bruce Y. Arnold

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under subsection (a) of section 601:

Lt. Gen. James H. Ahmann, 406-34-1017FR, U.S. Air Force.

IN THE MARINE CORPS

The following-named brigadier generals of the Marine Corps for promotion to the permanent grade of major general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Roy E. Moss
Joseph J. Went
Raymond A. Shaffer
Clayton L. Comfort
James J. Mcmonagle

IN THE AIR FORCE

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John L. Bradley III, [redacted]
Maj. Patrick L. Carter, [redacted]
Maj. Roy E. Callihan, [redacted]
Maj. James A. Dole, Jr., [redacted]
Maj. John J. Gill, [redacted]
Maj. Robert B. Kirkconnell, Jr., [redacted]
Maj. Edwin B. Kuempel, [redacted]
Maj. Melvin C. Morris, [redacted]
Maj. Elmer E. McVay, [redacted]
Maj. David Y. Rees, [redacted]
Maj. James K. Reker, [redacted]
Maj. Kenneth B. Storms, [redacted]
Maj. Norman M. Von Asten, [redacted]
Maj. Joseph A. Wright II, [redacted]

LEGAL

Maj. Stephen E. Cicilline, [redacted]
Maj. John P. Crampton, [redacted]
Maj. Randall M. Jacobs, [redacted]
Maj. William C. Potter, [redacted]
Maj. Victor R. Schwanbeck, [redacted]

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Boorigie, Bobby A., [redacted]
Caram, Joseph N., [redacted]
Focht, Marvin E., [redacted]
Goering, Donald H., [redacted]
Holland, William E., [redacted]
Meeks, Marion M., [redacted]
Pendleton, Raymond, [redacted]
Shackelford, C. D., [redacted]
Singleton, James M., [redacted]
Thompson, James B., [redacted]
Todd, Terry J., [redacted]
Toothaker, Raymond, [redacted]

DENTAL CORPS

To be colonel

Goldstein, Herbert, [redacted]

MEDICAL SERVICE CORPS

To be colonel

Penaloza, Joseph M., [redacted]

VETERINARY CORPS

To be colonel

Small, Travis, H., Jr., [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

Anderson, George R., [redacted]
Bambrough, Craig, [redacted]
Bonnell, Bruce H., [redacted]
Bowman, Joseph M., [redacted]
Brown Guy C., [redacted]
Carlson, Glenn A., [redacted]
Cheesman, George, [redacted]
Conroy, Everett R., [redacted]
Cummings, David K., [redacted]
Dahlke, David C., [redacted]
Daidone, Richard J., [redacted]
Daubert, David B., [redacted]
Davis, Eddie J., [redacted]
Deardorff, David C., [redacted]
Dillard, Gale P., [redacted]
Distefano, Joseph A., [redacted]
Donaldson, Gerald R., [redacted]
Dunlavey, Michael E., [redacted]
Flahavan Richard S., [redacted]
Gall, Jerome S., [redacted]
Gang, William G., [redacted]
Gonzales, Refugio, Jr., [redacted]
Graham, William W., [redacted]
Griffith, Joe E., [redacted]
Harris, Keith F., [redacted]
Harrison, Robert E., [redacted]
Ho, Warren M. F., [redacted]
Hoffman, David, R., [redacted]
Imai, Eugene S., [redacted]
Jacobs, Allen C. Jr., [redacted]
Jermann, David A., [redacted]
Johnson, Melvin H., [redacted]
Jones, Anna L., [redacted]
Jordan, James G., [redacted]
Kersey, Joseph F., [redacted]

Krause, Peter J., xxx-xx-xxxx
Kropp, Anthony R., xxx-xx-xxxx
Kulhavi, John G., xxx-xx-xxxx
Larosa, Joseph E., xxx-xx-xxxx
Lindsley, Lawrence, xxx-xx-xxxx
Long, Martin D., xxx-xx-xxxx
Mashek, Stephen T., xxx-xx-xxxx
Matsuyama, Takashi, xxx-xx-xxxx
McCaleb, Parker L., xxx-xx-xxxx
McClanahan, William, xxx-xx-xxxx
McDonald, Terrence, xxx-xx-xxxx
McQueen, Bruce L., xxx-xx-xxxx
Meadows, William H., xxx-xx-xxxx
Meredith, Benjamin, xxx-xx-xxxx
Miehle, Paul E., xxx-xx-xxxx
Monroe, Wayne A., xxx-xx-xxxx
Motokawa, Stephen H., xxx-xx-xxxx
Nino, John R., xxx-xx-xxxx
Novak, Carl D., xxx-xx-xxxx
Pinter, Thomas M., xxx-xx-xxxx
Portmann, Joslyn V., xxx-xx-xxxx
Raysa, William G., xxx-xx-xxxx
Richardwon, George, xxx-xx-xxxx
Roden, Paul M., xxx-xx-xxxx
Schissell, Robert J., xxx-xx-xxxx
Schreck, David L., xxx-xx-xxxx
Schwanecke, Louis H., xxx-xx-xxxx
Sinila, Dwight J. T., xxx-xx-xxxx
Smith, John L. B., xxx-xx-xxxx
Smith, Mose Jr., xxx-xx-xxxx
Staedtler, Richard, xxx-xx-xxxx
Sturdivant, Bobby L., xxx-xx-xxxx
Torrini, Donald G., xxx-xx-xxxx
Vick, Norman K., xxx-xx-xxxx
Wagner, Clifford C., xxx-xx-xxxx
Waldrop, Woodrow W., xxx-xx-xxxx
White, Larry G., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Meyer, Galen H., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

McWashington, Lenora, xxx-xx-xxxx
Summerlin, Edith B., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Green, Edward W., xxx-xx-xxxx
Burson, John H., xxx-xx-xxxx
Campbell, Sammy C., xxx-xx-xxxx
Tagliamonti, Joseph, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Kleefisch, Raymond, xxx-xx-xxxx
Ponds, Otis D., Jr., xxx-xx-xxxx
Sutherland, John L., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 591, 593 and 594:

MEDICAL CORPS

To be lieutenant colonel

Castro, Aleida, xxx-xx-xxxx
Cifarelli, Phillip, xxx-xx-xxxx
Forster, Wolfram R., xxx-xx-xxxx
Hart, Umbert, xxx-xx-xxxx
Redmond, Daniel P., xxx-xx-xxxx
Sennott, Robert C., xxx-xx-xxxx
Snead, David R., xxx-xx-x...
Sneahly, Lance P., xxx-xx-xxxx
Tiito, Kallas, xxx-xx-xxxx
Tripp, Cecil D., xxx-xx-xxxx
Weir, William S., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Bergevin, Duane B., xxx-xx-xxxx
Boyce, Woodrow D., xxx-xx-xxxx
Cooper, Jack D., Sr., xxx-xx-xxxx
Davis, Robert E., Jr., xxx-xx-xxxx
Dougherty, Alonzo D., xxx-xx-xxxx
Doyle, William J., xxx-xx-xxxx
Gordon, Melvin G., xxx-xx-xxxx
Knapp, Clarence C., xxx-xx-xxxx
Matteson, Gerald R., xxx-xx-xxxx
McIntosh, William F., xxx-xx-xxxx
Moore, Tebbs S., xxx-xx-xxxx
Newton, Walter H., xxx-xx-xxxx
Raleigh, Edgar, xxx-xx-xxxx
Robitaille, Fabian, xxx-xx-xxxx
Small, Richard S., xxx-xx-xxxx
Smith, Richard L., xxx-xx-xxxx
Solomon, James R., Jr., xxx-xx-xxxx
Thompson, Thomas T., xxx-xx-xxxx
Thrash, Melvin C., xxx-xx-xxxx
Wood, Kenneth C., xxx-xx-xxxx
Worthington, Earle, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Sharp, Virgil L., xxx-xx-xxxx
Truex, Gary R. xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Bechtel, Charles M., xxx-xx-xxxx
Bell, James E., xxx-xx-xxxx
Boggs, Thomas H. Jr., xxx-xx-xxxx
Briganti, Francis L., xxx-xx-xxxx
Butterworth, Billy, xxx-xx-xxxx
Camp, Joseph W. Jr., xxx-xx-xxxx
Clark, William B., xxx-xx-xxxx
Dodd, David G., xxx-xx-xxxx
Fry, Thomas E., xxx-xx-xxxx
Garcia-Correa, Jose, xxx-xx-xxxx
Harmon, George J., xxx-xx-xxxx
Hein, Ronald L., xxx-xx-xxxx
Holland, William A., xxx-xx-xxxx
Hybertson, Paul A., xxx-xx-xxxx
Kearney, Fredrick A., xxx-xx-xxxx
Keltner, James C., xxx-xx-xxxx
Kunard, Merle J., xxx-xx-xxxx
Lyon, Harold W., xxx-xx-xxxx
McCarty, James F., xxx-xx-xxxx
Paris, George T., xxx-xx-xxxx
Piker, Roderick G., xxx-xx-xxxx
Posey, Emil L., xxx-xx-xxxx
Poulin, Ronald J., xxx-xx-xxxx
Preston, Robert A., xxx-xx-xxxx
Pugliese, Thomas A., xxx-xx-xxxx
Rolfe, Perry R., xxx-xx-xxxx
Ruggieri, Gaetano, xxx-xx-xxxx
Sanders, Eddie R. xxx-xx-xxxx
Schuler, George W., xxx-x...
Sims, Michael E., xxx-xx-xxxx
Sommer, Ronald R., xxx-xx-xxxx
Steele, Philip M., xxx-xx-xxxx
Tindle, George A., xxx-xx-xxxx
Tinkham, Joseph E. II, xxx-x...
Toye, David J., xxx-x...
Tyler, Stephen A., xxx-x...
Vinyard, Sherman L., xxx-x...
Whisenhunt, Bobby J., xxx-xx-xxxx
Whittington, John S., xxx-xx-xxxx
Yugel, Lewis W., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Keegan, Mary L. xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Ambrose, Eugene A., xxx-xx-xxxx
Kaplan, Gerald F., xxx-xx-xxxx
Scott, Ray R. Jr., xxx-xx-xxxx
Unverferth, Paul C., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Arrington, Harold M., xxx-xx-xxxx
Barnawell, James R., xxx-xx-xxxx
Camp, Nath T., xxx-xx-xxxx
Cyril, Irving M., xxx-xx-xxxx
Czarnecki, Thomas R., xxx-xx-xxxx
Diaz, Jose A., xxx-xx-xxxx
Kirshenbaum, Richard, xxx-xx-xxxx
Luker, Jerome H., xxx-xx-xxxx
McGown, Henry C. III, xxx-xx-xxxx
Parisi, Herbert F. xxx-xx-xxxx
Stratton, Charles W., xxx-xx-xxxx
Strom, Richard L., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Sharman, William M., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366, 3367, and 3370:

ARMY PROMOTION LIST

To be colonel

Conva, Gerard P., xxx-xx-xxxx
Damkaer, Donald M., xxx-xx-xxxx
Klein, Wilbert G., xxx-xx-xxxx
Mott, Lloyd W., xxx-xx-xxxx
Young, Earl J., xxx-xx-xxxx

CHAPLAIN

To be colonel

Nesko, Milan A., xxx-x...

ARMY NURSE CORPS

To be colonel

Anderson, Doris J., xxx-xx-xxxx
Bartz, James V., xxx-x...
Bauer, Annabel B., xxx-xx-xxxx
Behanna, Evelyn N., xxx-xx-xxxx
Blake, Eloise E., xxx-xx-xxxx
Burt, Margie O., xxx-xx-xxxx
Collier, Gene E., xxx-xx-xxxx
Cowen, Omer W., xxx-xx-xxxx
Davis, Marylin T., xxx-xx-xxxx
Deshong, Julia A., xxx-xx-xxxx
Diaz, Luisa A. xxx-xx-xxxx
Dickinson, Natalie, xxx-xx-xxxx
Galvin, Virginia A., xxx-xx-xxxx
Gibbs, Margaret D., xxx-xx-xxxx
Gonzalez, Jose M., xxx-x...
Hill, Elva L., xxx-xx-xxxx
Martin, Norma L., xxx-xx-xxxx
Maves, James L., xxx-xx-x...
Moran, Amanda H., xxx-xx-xxxx
Norris, C. B., xxx-xx-xxxx
Paparella, Julia B., xxx-xx-xxxx
Richards, Edward F., xxx-xx-xxxx
Stofer, Patricia, xxx-xx-xxxx
Summerlin, Mable L., xxx-xx-xxxx
Thompson, Frances M., xxx-xx-xxxx
Wheeler, Lenea M., xxx-xx-xxxx

DENTAL CORPS

To be colonel

Andrews, D. M., xxx-xx-xxxx
Bagley, Lell O., xxx-xx-xxxx
Baumgarten, Richard, xxx-xx-xxxx
Beatty, Edward J., xxx-xx-xxxx
Blake, Jay R., xxx-xx-xxxx
Blakemore, James F., xxx-xx-xxxx
Brown, Murton, xxx-xx-xxxx
Campolio, Gerald R., xxx-xx-xxxx
Cartwright, Robert, xxx-xx-xxxx
Douglas, John H., xxx-xx-xxxx
Eddlemon, Vernon S., xxx-xx-xxxx
Falasco, Raymond F., xxx-xx-xxxx
Falcone, Anthony J., xxx-xx-xxxx
Ford, Robert E., xxx-xx-xxxx
Freels, Kenneth F., xxx-xx-xxxx
Friend, Cyril L., xxx-xx-xxxx
Geher, Martin E., xxx-xx-xxxx
Giambalvo, Anthony, xxx-xx-xxxx
Gorman, Raymond S., xxx-xx-xxxx
Gratham, Norman B., xxx-xx-xxxx
Graves, Jerrod F., xxx-xx-xxxx
Hammer, Wade B., xxx-xx-xxxx

Kaufman, Donald, xxx-xx-xxxx
Kelley, Gordon E., xxx-xx-xxxx
Madden, Richard M., xxx-xx-xxxx
Madison, Richard D., xxx-xx-xxxx
Mandracchia, D. P., xxx-xx-xxxx
Morrison, Alvin S., xxx-xx-xxxx
Naito, Roy M., xxx-xx-xxxx
Nichol, Richard E., xxx-xx-xxxx
Pagan, William J., xxx-xx-xxxx
Perry, James J., xxx-xx-xxxx
Pollard, Jerry L., xxx-xx-xxxx
Randolph, Richard B., xxx-xx-xxxx
Rivard, Richard B., xxx-xx-xxxx
Roe, Jere E., xxx-x...
Rogers, James L., xxx-xx-xxxx
Schroeder, Robert V., xxx-xx-xxxx
Silverman, Howard D., xxx-xx-xxxx
Sinicropi, Stephen, xxx-xx-xxxx
Slone, Clinard, C., xxx-xx-xxxx
Stewart, Thomas C., xxx-xx-xxxx
Turmes, Nicholas A., xxx-xx-xxxx
West, Nathaniel M., xxx-xx-xxxx
Whiteside, Erwin R., xxx-xx-xxxx
Wilson, Joshua H., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Alban, Seymour L., xxx-xx-xxxx
Arminio, Thomas A., xxx-xx-xxxx
Bailey, Wilson P., xxx-xx-xxxx
Bartol, Carl R., xxx-xx-xxxx
Bendana, Roberto J., xxx-xx-xxxx
Berryman, Arthur H., xxx-xx-xxxx
Boas, Edward L., xxx-xx-xxxx
Boone, Stephen C., xxx-xx-xxxx
Brigham, John C., xxx-xx-xxxx
Brown, Dwight H., xxx-xx-xxxx
Brown, Thomas K., xxx-xx-xxxx
Callaghan, Patrick, xxx-xx-xxxx
Callis, James T., xxx-xx-xxxx
Campbell, Mike C., xxx-xx-xxxx
Carrasco, Ernesto, xxx-xx-xxxx
Cleary, John P., xxx-xx-xxxx
Coker, Donald D., xxx-xx-xxxx
Devillez, Richard L., xxx-xx-xxxx
Dibiase, Marco J., xxx-xx-xxxx
Donley, James M., xxx-xx-xxxx
Dybedal, Paul W., xxx-xx-xxxx
Faller, William, xxx-xx-xxxx
Geist, Richard E., xxx-xx-xxxx
Gerster, Paul W., xxx-xx-xxxx
Giery, Richard A., xxx-xx-xxxx
Greene, Howard G., xxx-xx-xxxx
Greist, John H., xxx-xx-xxxx
Haight, Robert P., xxx-xx-xxxx
Hardin, Thomas F., xxx-xx-xxxx
Harris, Burton H., xxx-xx-xxxx
Hathaway, James A., xxx-xx-xxxx
Howard, Leonard R., xxx-xx-xxxx
Howshar, Edward G., xxx-xx-xxxx
Huddleston, Harvey, xxx-xx-xxxx
Jacobson, Severt H., xxx-xx-xxxx
Jones, Clarence L., xxx-xx-xxxx
Kade, Harold, xxx-xx-xxxx
Kahane, Stanley B., xxx-xx-xxxx
Keeney, Glenward T., xxx-xx-xxxx
Kistler, Henry E., xxx-xx-xxxx
Kleck, Henry G., xxx-xx-xxxx
Koss, George W., xxx-xx-xxxx
Kushner, Floyd H., xxx-xx-xxxx
Lehotzky, Helen., xxx-xx-xxxx
Leonida, Domingo D., xxx-xx-xxxx
Levy, Howard B., xxx-xx-xxxx
Lipo, Robert F., xxx-xx-xxxx
Mark, Eugene J., xxx-xx-xxxx
Martin, James B., xxx-xx-xxxx
Mason, Howard M., xxx-xx-xxxx
Matsuo, Yoshiro, xxx-xx-xxxx
McAninch, Jack W., xxx-xx-xxxx
McClellan, Eugene K., xxx-xx-xxxx
McKim, Walter L., xxx-xx-xxxx
Meikle, Alfred W., xxx-xx-xxxx
Miech, Michael J., xxx-xx-xxxx
Miller, Leslie L., xxx-xx-xxxx
Moore, Eugene A., xxx-xx-xxxx
Morrow, Sanford H., xxx-xx-xxxx
Munoz-Santiago, A., xxx-xx-xxxx
Munyan, Earl A., xxx-xx-xxxx
Mutchler, Bradford, xxx-xx-xxxx
Neal, Gary L., xxx-xx-xxxx
Nemmers, David J., xxx-xx-xxxx
O'Loughlin, John M., xxx-xx-xxxx
Ortiz, Miguel A., xxx-xx-xxxx
Pandey, Madhukar B., xxx-xx-xxxx
Petteruti, Joseph L., xxx-xx-xxxx
Pettit, George P., xxx-xx-xxxx
Ridenhour, Clarence, xxx-xx-xxxx
Sandford, John L., xxx-xx-xxxx
Sapre, Arun B., xxx-xx-xxxx
Schmidt, Helmut S., xxx-xx-xxxx
Schmidt, Werner F., xxx-xx-xxxx
Truex, Gary R., xxx-xx-xxxx
Vilorio, Hector F., xxx-xx-xxxx
Weeks, Lyle D., xxx-xx-xxxx
Williams, William, xxx-xx-xxxx
Willis, Isaac, xxx-xx-xxxx
Wood, Thomas C., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Bamberger, Tomas J., xxx-xx-xxxx
Barber, Loy H., xxx-xx-xxxx
Borell, Norman C., xxx-xx-xxxx
Boyajian, Myron H., xxx-xx-xxxx
Brooks, William S., xxx-xx-xxxx
Buchanan, Jimmy W., xxx-xx-xxxx
Bushold, Thomas M., xxx-xx-xxxx
Clark, William K., xxx-xx-xxxx
Cohen, Abraham J., xxx-xx-xxxx
Cohen, Melvin S., xxx-xx-xxxx
Copes, Wayne A., xxx-xx-xxxx
Cullins, Alfred E., xxx-xx-xxxx
Custer, John C., xxx-xx-xxxx
Dickerson, Charles, xxx-xx-xxxx
Doughty, William H., xxx-xx-xxxx
Duckworth, Joseph D., xxx-xx-xxxx
Elmer, Robert L., xxx-xx-xxxx
Emig, Donald K., xxx-xx-xxxx
Fonkalsrud, Alfred, xxx-xx-xxxx
Gatliff, George W., xxx-xx-xxxx
Gauntner, Robert L., xxx-xx-xxxx
Goldben, Harry I, xxx-xx-xxxx
Gourley, Lynn M., xxx-xx-xxxx
Graham, Malcolm J., xxx-xx-xxxx
Guy, Alfred E. Jr., xxx-xx-xxxx
Haren, Fred C., xxx-xx-xxxx
Harris, Elwin C., xxx-xx-xxxx
Herrington, Larry D., xxx-xx-xxxx
Jones, Ralph O., xxx-xx-xxxx
Joos, Richard D., xxx-xx-xxxx
Kittrell, Herbert O., xxx-xx-xxxx
Krumhaus, Paul A., xxx-xx-xxxx
Kubisty, John J., xxx-xx-xxxx
Law, George R., xxx-xx-xxxx
Lippert, Joseph E., xxx-xx-xxxx
Magee, Michael C., xxx-xx-xxxx
Mangin, Leon F., xxx-xx-xxxx
Matsubu, John M., xxx-xx-xxxx
McGaughy, Luther J., xxx-xx-xxxx
Medlin, John D., xxx-xx-xxxx
Mikutel, William S., xxx-xx-xxxx
Mock, Charles P., xxx-xx-xxxx
Moran, Martin F., xxx-xx-xxxx
Penaloza, Joseph M., xxx-xx-xxxx
Pratt, Henry J., xxx-xx-xxxx
Raepsaet, George E., xxx-xx-xxxx
Richardson, Eugene, xxx-xx-xxxx
Rossie, William L., xxx-xx-xxxx
Sawyer, Marvin N., xxx-xx-xxxx
Smith, Harold K., xxx-xx-xxxx
Stack, Robert A., xxx-xx-xxxx
Titard, Pierre L., xxx-xx-xxxx
Waldinger, Conrad, xxx-xx-xxxx
Walker, William B., xxx-xx-xxxx
Wood, Thomas E., xxx-xx-xxxx
Wray, John D., xxx-xx-xxxx
Wynder, Charles A., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Berman, Millard L., xxx-xx-xxxx
Lauff, John M., xxx-xx-xxxx
Friedlander, Charles, xxx-xx-xxxx
Lewis, James R., xxx-xx-xxxx
Marshall, Ana J., xxx-xx-xxxx
Maud, Donald L., xxx-xx-xxxx
Opersteny, Charles, xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Brown, George M., xxx-xx-xxxx
Delannoy, Clarence, xxx-xx-xxxx
Ferrell, John F., xxx-xx-xxxx
Gable, Donald A., xxx-xx-xxxx
Hayes, Howard M., xxx-xx-xxxx
Pulliam, James D., xxx-xx-xxxx
Wooding, William L., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Abbott, John D., xxx-xx-xxxx
Abrams, Harry C., xxx-xx-xxxx
Abts, Thomas C., xxx-xx-xxxx
Adams, Wayne T., xxx-xx-xxxx
Adams, William C., xxx-xx-xxxx
Adkins, Thomas R., xxx-xx-xxxx
Aldridge, Gilbert E., xxx-xx-xxxx
Alford, Robert M., xxx-xx-xxxx
Allard, William B., xxx-xx-xxxx
Allen, William F., xxx-xx-xxxx
Alligood, Ray L., xxx-xx-xxxx
Altier, Robert E., xxx-xx-xxxx
Amoroso, Arnold D., xxx-xx-xxxx
Anderson, Allen S., xxx-xx-xxxx
Anderson, Gary L., xxx-xx-xxxx
Anderson, Larry D., xxx-xx-xxxx
Anderson, Michael K., xxx-xx-xxxx
Anderson, Willam H., xxx-xx-xxxx
Anderson, William F., xxx-xx-xxxx
Andreeko, Andrew A., xxx-xx-xxxx
Anglin, James W., xxx-xx-xxxx
Anliker, Robert F., xxx-xx-xxxx
Armstrong, Lewis A., xxx-xx-xxxx
Arnold, David A., xxx-xx-xxxx
Arwood, Farris G., xxx-xx-xxxx
Asadorian, Joseph R., xxx-xx-xxxx
Askew, Ollie F., xxx-xx-xxxx
Atkinson, Delbert W., xxx-xx-xxxx
Austin, Harold R., xxx-xx-xxxx
Babico, Joseph J., xxx-xx-xxxx
Babin, Ben B., xxx-xx-xxxx
Babl, Clark H., xxx-xx-xxxx
Bailey, Don M., xxx-xx-xxxx
Bailey, James M., xxx-xx-xxxx
Baker, Charles A., xxx-xx-xxxx
Baker, Ralph A., xxx-xx-xxxx
Baldwin, Joseph A., xxx-xx-xxxx
Banks, Thurston E., xxx-xx-xxxx
Barcelo, Richard A., xxx-xx-xxxx
Barnette, James T., xxx-xx-xxxx
Basey, James L., xxx-xx-xxxx
Basler, Willie L., xxx-xx-xxxx
Bates, Bobby L., xxx-xx-xxxx
Bates, Norman B., xxx-xx-xxxx
Battell, Ray L., xxx-xx-xxxx
Bauserman, Stanley., xxx-xx-xxxx
Baxter, Durward D., xxx-xx-xxxx
Bayless, Clarence E., xxx-xx-xxxx
Bean, Robert R., xxx-xx-xxxx
Becker, Howard A., xxx-xx-xxxx
Becker, Louis A., xxx-xx-xxxx
Beebe, Jay G., xxx-xx-xxxx
Beene, Clifton D., xxx-xx-xxxx
Begley, Bobby J., xxx-xx-xxxx
Belew, Donald R., xxx-xx-xxxx
Bell, Franklin E., xxx-xx-xxxx
Bell, Henry N., xxx-xx-xxxx
Bell, William E., xxx-xx-xxxx
Bellerose, Lawrence, xxx-xx-xxxx
Bellin, David R., xxx-xx-xxxx
Bergen, William J., xxx-xx-xxxx
Berger, Lawrence L., xxx-xx-xxxx
Berry, Marlin H., xxx-xx-xxxx
Bertram, Albert L., xxx-xx-xxxx
Beth, Ewald E., xxx-xx-xxxx

Beuershausen, Wayne, xxx-xx-xxxx
Biese, John J., xxx-xx-xxxx
Biesel, Roger E., xxx-xx-xxxx
Bird, Nancy E., xxx-xx-xxxx
Bitner, Jerry R., xxx-xx-xxxx
Blaisdell, George L., xxx-xx-xxxx
Blake, Milton J., xxx-xx-xxxx
Blanchard, Vernon J., xxx-xx-xxxx
Bleiler, Walter F., xxx-xx-xxxx
Blevins, John T., xxx-xx-xxxx
Blume, Frederick D., xxx-xx-xxxx
Boggs, Thomas H., xxx-xx-xxxx
Bohling, Vern D., xxx-xx-xxxx
Bolton, Raymond D., xxx-xx-xxxx
Bond, Jack H., xxx-xx-xxxx
Bonnell, James F., xxx-xx-xxxx
Boone, Raymond D., xxx-xx-xxxx
Booth, James D., xxx-xx-xxxx
Bor, Aaron J., xxx-xx-xxxx
Borges, Arlindo A., xxx-xx-xxxx
Borgstrom, Prudence, xxx-xx-xxxx
Born, William J., xxx-xx-xxxx
Bortzfield, Lloyd G., xxx-xx-xxxx
Bosco, Sebastian C., xxx-xx-xxxx
Bostdorf, John M., xxx-xx-xxxx
Boswell, Peyton, xxx-xx-xxxx
Bounds, James T., xxx-xx-xxxx
Boyce, Donald A., xxx-xx-xxxx
Brackney, Richard C., xxx-xx-xxxx
Bradbury, Larry V., xxx-xx-xxxx
Bradley, William T., xxx-xx-xxxx
Bradshaw, Wayne A., xxx-xx-xxxx
Brandenburg, Raymon, xxx-xx-xxxx
Brashears, Robert C., xxx-xx-xxxx
Braswell, Donald C., xxx-xx-xxxx
Breese, William E., xxx-xx-xxxx
Brewer, James G., xxx-xx-xxxx
Bridges, John C., xxx-xx-xxxx
Bridges, Thomas R., xxx-xx-xxxx
Briggs, John M., xxx-xx-xxxx
Brindamour, David C., xxx-xx-xxxx
Britton, Gale E., xxx-xx-xxxx
Britton, Jerry A., xxx-xx-xxxx
Brock, James G., xxx-xx-xxxx
Broomfield, Stephen, xxx-xx-xxxx
Brown, Craig B., xxx-xx-xxxx
Brown, Isadore A., xxx-xx-xxxx
Brown, Julius C., xxx-xx-xxxx
Brueggeman, James A., xxx-xx-xxxx
Buffaloe, Vernon L., xxx-xx-xxxx
Bumann, Eugene L., xxx-xx-xxxx
Buntyn, William A., xxx-xx-xxxx
Burchfield, Don J., xxx-xx-xxxx
Burke, Gregory M., xxx-xx-xxxx
Burstein, Richard I., xxx-xx-xxxx
Butler, Clinton, xxx-xx-xxxx
Butler, Edward G., xxx-xx-xxxx
Butterworth, Billy, xxx-xx-xxxx
Byers, Larry R., xxx-xx-xxxx
Byrnes, Robert B., xxx-xx-xxxx
Cagle, Charles L., xxx-xx-xxxx
Calhoun, Ben L., xxx-xx-xxxx
Callaway, James B., xxx-xx-xxxx
Calvert, David G., xxx-xx-xxxx
Calvetti, John S., xxx-xx-xxxx
Cambron, Harmon D., xxx-xx-xxxx
Campbell, Clinton A., xxx-xx-xxxx
Campbell, Franklin, xxx-xx-xxxx
Canales, Felix, xxx-xx-xxxx
Cantwell, James B., xxx-xx-xxxx
Carlson, Charles H., xxx-xx-xxxx
Carlson, Ralph E., xxx-xx-xxxx
Carlson, Ronald J., xxx-xx-xxxx
Carollo, Samuel A., xxx-xx-xxxx
Carpenter, Gary W., xxx-xx-xxxx
Carroll, William P., xxx-xx-xxxx
Carver, William G., xxx-xx-x...
Casey, James L., xxx-xx-xxxx
Casey, Lawrence K., xxx-xx-xxxx
Cash, Justin C., xxx-xx-xxxx
Cason, James T., xxx-xx-xxxx
Cass, Lyman J., xxx-xx-xxxx
Castiglia, Thomas B., xxx-xx-xxxx
Catalanotte, John P., xxx-xx-xxxx
Cauvel, Ronald C., xxx-xx-xxxx
Chapman, George G., xxx-xx-xxxx
Chiappino, Lawrence, xxx-xx-xxxx
Childres, Alfred E., xxx-xx-xxxx
Chinworth, William, xxx-xx-xxxx
Chisler, Doris F., xxx-xx-xxxx
Chorn, Kenneth A., xxx-xx-xxxx
Christian, John D., xxx-xx-xxxx
Christodoulou, John, xxx-xx-xxxx
Christy, Perry, T., xxx-xx-xxxx
Churchill, Gilbert, xxx-xx-xxxx
Cilio, Robert L., xxx-xx-xxxx
Clark, Thomas S., xxx-xx-xxxx
Clark, William B., xxx-xx-xxxx
Clemons, Damon L., xxx-xx-xxxx
Cleverly, Kenneth F., xxx-xx-xxxx
Clocker, Roger A., xxx-xx-xxxx
Coburn, Winfred W., xxx-xx-xxxx
Cockrell, Thomas A., xxx-xx-xxxx
Coffman, James L., xxx-xx-xxxx
Cole, Larry K., xxx-xx-xxxx
Collins, Donovan M., xxx-xx-xxxx
Collins, Robert A., xxx-xx-xxxx
Colwell, Edison T., xxx-xx-xxxx
Colwell, Richard J., xxx-xx-xxxx
Conductor, Robert S., xxx-xx-xxxx
Cone, Peter M., xxx-xx-xxxx
Connich, Michael J., xxx-xx-xxxx
Connors, David L., xxx-xx-xxxx
Conrad, Robert S., xxx-xx-xxxx
Cook, Benjamin, xxx-xx-xxxx
Cook, Charles H., xxx-xx-xxxx
Cook, Herman L., xxx-xx-xxxx
Cookro, Anthony S., xxx-xx-xxxx
Copeland, Gilbert E., xxx-xx-xxxx
Coriell, Lynn V., xxx-xx-xxxx
Corkins, Gary C., xxx-xx-xxxx
Corpening, Gay S., xxx-xx-xxxx
Corsaro, Eugene L., xxx-xx-xxxx
Corsi, Roy, xxx-xx-xxxx
Costas, Mitchell W., xxx-xx-xxxx
Cottrell, Bert M., xxx-xx-xxxx
Courneen, Robert E., xxx-xx-xxxx
Cox, Loren A., xxx-xx-xxxx
Craig, James P., xxx-xx-xxxx
Crane, Kenneth F., xxx-xx-xxxx
Curiel, Ignacio N., xxx-xx-xxxx
Curtis, Randall W., xxx-xx-xxxx
Curtis, Wayne C., xxx-xx-xxxx
Cushmac, George E., xxx-xx-xxxx
Custer, William L., xxx-xx-xxxx
Daane, Robert D., xxx-xx-xxxx
Dalton, Richard O., xxx-xx-xxxx
Dantzler, William D., xxx-xx-xxxx
Daros, Louis J., xxx-xx-xxxx
Davidson, Ronald E., xxx-xx-xxxx
Davis, Robert D., xxx-xx-xxxx
Davis, Rolland D., xxx-xx-xxxx
Davis, William M., xxx-xx-xxxx
Davison, Harold L., xxx-xx-xxxx
Day, Richard N., xxx-xx-xxxx
Day, Robert H., xxx-xx-xxxx
Dean, Shirley D., xxx-xx-xxxx
Dean, Stephen F., xxx-xx-xxxx
Deane, Peter J., xxx-xx-xxxx
Deen, George E., xxx-xx-xxxx
Degraw, Harold R., xxx-xx-xxxx
Deibert, Charles L., xxx-xx-xxxx
Deile, William P., xxx-xx-xx...
Delemeester, J. F., xxx-xx-xxxx
Deley, Thomas L., xxx-xx-xxxx
Deluca, Anthony M., xxx-xx-xxxx
Dempsey, Thomas L., xxx-xx-xxxx
Deppa, Ronald L., xxx-xx-xxxx
Deropp, James G., xxx-xx-xxxx
Deyoung, Richard B., xxx-xx-xxxx
Diehl, Larry K., xxx-xx-xxxx
Dinapoli, John A., xxx-xx-xx...
Dipilla, Robert A., xxx-xx-xxxx
Dirkis, Alexander V., xxx-xx-xxxx
Dirksen, Kenneth M., xxx-xx-xxxx
Disimone, Edward L., xxx-xx-xxxx
Dixon, Richard C., xxx-xx-xxxx
Dobson, Wendell W., xxx-xx-xxxx
Dobyns, James W., xxx-xx-xxxx
Dodge, Albert W., xxx-xx-xxxx
Donaldson, Gerald R., xxx-xx-xxxx
Donnelly, James H., xxx-xx-xxxx
Donovan, Kenneth W., xxx-xx-xxxx
Doran, Neil D., xxx-xx-xxxx
Dorf, John H., xxx-xx-xxxx
Dorko, John E., xxx-xx-xxxx
Doster, John R., xxx-xx-xxxx
Dowds, John M., xxx-xx-xxxx
Drane, James M., xxx-xx-xxxx
Draughn, James B., xxx-xx-xxxx
Duckworth, Robert G., xxx-xx-xxxx
Duling, James R., xxx-xx-xxxx
Dunaway, Paul E., xxx-xx-xxxx
Duncan, Clarence R., xxx-xx-xxxx
Dunn, Robert E., xxx-xx-xxxx
Dussich, John P., xxx-xx-xxxx
Dwyer, Allen R., xxx-xx-xxxx
Dyson, Franklin D., xxx-xx-xxxx
Eastepp, Burl L., xxx-xx-xxxx
Edwards, Lannie S., xxx-xx-xxxx
Edwards, William M., xxx-xx-xxxx
Egan, Peter F., xxx-xx-xxxx
Eich, William C., xxx-xx-xxxx
Einertson, Joseph R., xxx-xx-xxxx
Eipper, William H., xxx-xx-xxxx
Ellegood, Michael S., xxx-xx-xxxx
Ellis, Vernon W., xxx-xx-xxxx
Elmore, Robert W., xxx-xx-xxxx
Endress, Charles A., xxx-xx-xxxx
Engelage, James R., xxx-xx-xxxx
Erdley, Larry L., xxx-xx-xxxx
Erikson, James M., xxx-xx-xxxx
Ernst, Robert M., xxx-xx-xxxx
Esselman, Gerald R., xxx-xx-xxxx
Evans, Charles F., xxx-xx-xxxx
Everyclayton, Jon A., xxx-xx-xxxx
Fabish, Thomas W., xxx-xx-xxxx
Falcon, Joel E., xxx-xx-xxxx
Faller, Lawrence R., xxx-xx-xxxx
Famiglietti, Ronald, xxx-xx-xxxx
Fernandez, Robert V., xxx-xx-xxxx
Ferris, James D., xxx-xx-x...
Field, John J., xxx-xx-xxxx
Finch, Henry L., xxx-xx-xxxx
Fincher, Bobby L., xxx-xx-xxxx
Fine, Freddie I., xxx-xx-xxxx
Finnell, Woolsey, xxx-xx-xxxx
Fish, Edward F., xxx-xx-xxxx
Fitzgerald, James E., xxx-xx-xxxx
Flanagan, Joseph J., xxx-xx-xxxx
Flechner, Stuart G., xxx-xx-xxxx
Fletcher, John E., xxx-xx-xxxx
Flick, Richard E., xxx-xx-xxxx
Florence, Robert E., xxx-xx-xxxx
Flynn, Edward T., xxx-xx-xxxx
Fontenot, Gilbert L., xxx-xx-xxxx
Forbes, Wilbert B., xxx-xx-xxxx
Ford, Cecil, xxx-xx-xxxx
Ford, Joseph, xxx-xx-xxxx
Forssberg, Keith E., xxx-xx-xxxx
Fowler, Jesse L., xxx-xx-xxxx
Frain, Ronald M., xxx-xx-xxxx
Frame, John T., xxx-xx-xxxx
Francis, Clifford L., xxx-xx-xxxx
Frankl, Ernest A., xxx-xx-xxxx
Franklin, Roger C., xxx-xx-xxxx
Frederickson, F., xxx-xx-xxxx
Fruscione, Santo J., xxx-xx-xxxx
Frye, Thomas E., xxx-xx-xxxx
Fugate, Lloyd W., xxx-xx-xxxx
Fuller, Lyle V., xxx-xx-xxxx
Gadomski, Raymond R., xxx-xx-xxxx
Gaffney, Charles A., xxx-xx-xxxx
Galasinski, Ronald, xxx-xx-xxxx
Gallaway, George, xxx-xx-xxxx
Gammons, Walter A., xxx-xx-xxxx
Gangale, John P., xxx-xx-xxxx
Garcia, George M., xxx-xx-xxxx
Garcia, Jose I., xxx-xx-xxxx
Gardiner, Douglas B., xxx-xx-xxxx
Gardner, Lonnie R., xxx-xx-xxxx
Garrison, Carroll E., xxx-xx-xxxx

Gaster, Albert B., xxx-xx-xxxx
Gebhardt, William F., xxx-xx-xxxx
Geer, Charlotte G., xxx-xx-xxxx
Gelb, Robert H., xxx-xx-xxxx
Gentry, William N., xxx-xx-xxxx
Gibson, Billy R., xxx-xx-xxxx
Gilbert, Charles L., xxx-xx-xxxx
Gilch, Joseph S., xxx-xx-xxxx
Giltner, Andy J., xxx-xx-xxxx
Giunta, Joseph L., xxx-xx-xxxx
Glasgow, Richard R., xxx-xx-xxxx
Godwin, Willie L., xxx-xx-xxxx
Goett, Edward L., xxx-xx-xxxx
Goheen, Gordon, C., xxx-xx-xxxx
Goldthwaite, Edward, xxx-xx-xxxx
Gonzales-Torres, E., xxx-xx-xxxx
Goodloe, Gail E., xxx-xx-xxxx
Gordy, Charlie L., xxx-xx-xxxx
Gore, William W., xxx-xx-xxxx
Gosdin, John M., xxx-xx-xxxx
Grace, Ronald D., xxx-xx-xxxx
Grahek, Michael E., xxx-xx-xxxx
Grant, Dennis L., xxx-xx-xxxx
Grant, Hulin W., xxx-xx-xxxx
Grant, John J., xxx-xx-xxxx
Gravely, L. E., xxx-xx-xxxx
Gray, Terrell L., xxx-xx-xxxx
Green, Peter C., xxx-xx-xxxx
Green, William H., xxx-xx-xxxx
Greer, Michael R., xxx-xx-xxxx
Gregory, Shirley R., xxx-xx-xxxx
Griffey, Michael J., xxx-xx-xxxx
Griggs, Weldon M., xxx-xx-xxxx
Grimm, Willis M., xxx-xx-xxxx
Griswold, Richard M., xxx-xx-xxxx
Grizzle, Virgil L., xxx-xx-xxxx
Gross, Joe L., xxx-xx-xxxx
Gruver, Mead S., xxx-xx-xxxx
Gschwind, David L., xxx-xx-xxxx
Guerrieri, Vicent xxx-xx-xxxx
Guinan, Robert C., xxx-xx-xxxx
Gustafson, Dale A., xxx-xx-xxxx
Haas, David L., xxx-xx-xxxx
Hahn, David G., xxx-xx-xxxx
Halvorsen, Theodore xxx-xx-xxxx
Ham, Wilson A., xxx-xx-xxxx
Hanna, William F., xxx-xx-xxxx
Hannsz, Charles R., xxx-xx-xxxx
Hansen, George K., xxx-xx-xxxx
Harmon, David L., xxx-xx-xxxx
Harmon, George J., xxx-xx-xxxx
Harmon, Wayne E., xxx-xx-xxxx
Harrison, Edward R., xxx-xx-xxxx
Hart, Marion L., xxx-xx-xxxx
Hart, Matthew J., xxx-xx-xxxx
Hassenplug, John C., xxx-xx-xxxx
Hatfield, Darrell J., xxx-xx-xxxx
Hauck, Betty C., xxx-xx-xxxx
Hauck, Will R., xxx-xx-xxxx
Hauck, William A., xxx-xx-xxxx
Hawes, Clyde, M., xxx-xx-xxxx
Hay, Joseph M., xxx-xx-xxxx
Heald, Charles W., xxx-xx-xxxx
Heberle, Charles T., xxx-xx-xxxx
Hebert, John M., xxx-xx-xxxx
Hebert, Laurent O., xxx-xx-xxxx
Heifner, Roy L., xxx-xx-xxxx
Heimer, Bertil A., xxx-xx-xxxx
Heldenbrand, Louis xxx-xx-xxxx
Helgerud, Maurice B., xxx-xx-xxxx
Heller, Kenneth Z., xxx-xx-xxxx
Helman, Ernest L., xxx-xx-xxxx
Henderson, Lyle S., xxx-xx-xxxx
Hendrix, Walter C., xxx-xx-xxxx
Henigsman, David N., xxx-xx-xxxx
Henry, Ronald W., xxx-xx-xxxx
Herzog, Lawrence A., xxx-xx-xxxx
Hetzman, Robert R., xxx-xx-xxxx
Higginbotham, Hesto, xxx-xx-xxxx
Hild, John W., xxx-xx-xxxx
Hildebrandt, Gary L., xxx-xx-xxxx
Hill, Willie J., xxx-xx-xxxx
Hiller, Earl D., xxx-xx-xxxx
Himmelsbach, Robert, xxx-xx-xxxx
Hinton, Adolphus, xxx-xx-xxxx
Hinton, Alkie C., xxx-xx-xxxx
Hirsch, Jay D., xxx-xx-xxxx
Hirst, James K., xxx-xx-xxxx
Hittner, Anthony L., xxx-xx-xxxx
Hocevar, August E., xxx-xx-xxxx
Hocutt, William H., xxx-xx-xxxx
Hodek, Joseph, xxx-xx-xxxx
Hofmeister, Ronald, xxx-xx-xxxx
Hogan, William N., xxx-xx-xxxx
Hollar, Frederick M., xxx-xx-xxxx
Holter, John H., xxx-xx-xxxx
Hopper, Samual R., xxx-xx-xxxx
Horn, Raymond E., xxx-xx-xxxx
Horne, Nathan N., xxx-xx-xxxx
Horsley, Tip A., xxx-xx-xxxx
Horton, Benny R., xxx-xx-xxxx
Hosaka, Donald K., xxx-xx-xxxx
Howard, William L., xxx-xx-xxxx
Howell, Richard H., xxx-xx-xxxx
Hower, Lawrence D., xxx-xx-xxxx
Hudson, Ray C., xxx-xx-xxxx
Huebner, James M., xxx-xx-xxxx
Huff, Cordell, xxx-xx-xxxx
Hughes, Harold A., xxx-xx-xxxx
Hume, Robert J., xxx-xx-xxxx
Humphrey, Fowler C., xxx-xx-xxxx
Hunsaker, Orvil G., xxx-xx-xxxx
Hunt, Ivan H., xxx-xx-xxxx
Hurst, Gordon C., xxx-xx-xxxx
Hutchinson, George A., xxx-xx-xxxx
Hyde, Jerry M., xxx-xx-xxxx
Hyde, Thomas A., xxx-xx-xxxx
Ingalls, John M., xxx-xx-xxxx
Ireland, Brian C., xxx-xx-xxxx
Ivey, Henry W., xxx-xx-xxxx
Ivory, Paul W., xxx-xx-xxxx
Jachimski, Edwin J., xxx-xx-xxxx
Jackson, James A., xxx-xx-xxxx
Jackson, John M., xxx-xx-xxxx
Jackson, Ollie T., xxx-xx-xxxx
Jacobs, Allen C., xxx-xx-xxxx
James, Kenneth G., xxx-xx-xxxx
Janeczko, Maurice T., xxx-xx-xxxx
Jaramillo, David A., xxx-xx-xxxx
Jarrett, James E., xxx-xx-xxxx
Jason, David C., xxx-xx-xxxx
Jencks, Harlan W., xxx-xx-xxxx
Jensen, Otto F., xxx-xx-xxxx
Jinks, James H., xxx-xx-xxxx
Johns, Harold O., xxx-xx-xxxx
Johnson, Albert G., xxx-xx-xxxx
Johnson, Charles E., xxx-xx-xxxx
Johnson, Darwin E., xxx-xx-xxxx
Johnson, Gregor E., xxx-xx-xxxx
Johnson, James O., xxx-xx-xxxx
Johnson, Leroy C., xxx-xx-xxxx
Johnson, Lonnie W., xxx-xx-xxxx
Johnson, Nathan, xxx-xx-xxxx
Johnston, Richard H., xxx-xx-xxxx
Jones, James R., xxx-xx-xxxx
Jones, William R., xxx-xx-xxxx
Jordan, James G., xxx-xx-xxxx
Jorgensen, David C., xxx-xx-xxxx
Joyce, Daniel H., xxx-xx-xxxx
Jungman, Curtis J., xxx-xx-xxxx
Karlik, Francis, xxx-xx-xxxx
Kazeck, Howard D., xxx-xx-xxxx
Kearney, Fredrick A., xxx-xx-xxxx
Kearns, John A., xxx-xx-xxxx
Keck, Charles D., xxx-xx-xxxx
Keith, Warren T., xxx-xx-xxxx
Kelley, Carl E., xxx-xx-xxxx
Kelley, David E., xxx-xx-xxxx
Kelly, Paul F., xxx-xx-xxxx
Kelly Raymond A., xxx-xx-xxxx
Kempton, John P., xxx-xx-xxxx
Kenyon, Everett E., xxx-xx-xxxx
Kercadofuentes, M., xxx-xx-xxxx
Kersey, Joseph F., xxx-xx-xxxx
Keup, Robert A., xxx-xx-xxxx
Kienlen, Ronald A., xxx-xx-xxxx
Killins, Delbert G., xxx-xx-xxxx
Kilpatrick, Eugene, xxx-xx-xxxx
Kimbrough, Charles, xxx-xx-xxxx
King, Edward M., xxx-xx-xxxx
King, Gerald N., xxx-xx-xxxx
Kinney, Jim H., xxx-xx-xxxx
Kitagawa, Kenneth Y., xxx-xx-xxxx
Kleven, Duane A., xxx-xx-xxxx
Kloet, Ronald G., xxx-xx-xxxx
Knabb, John D., xxx-xx-xxxx
Knize, Kenneth F., xxx-xx-xxxx
Koenig, William J., xxx-xx-xxxx
Kohlberg, Bernard C., xxx-xx-xxxx
Kohutka, George A., xxx-xx-xxxx
Koiva, Mati, xxx-xx-xxxx
Kolarik, Paul A., xxx-xx-xxxx
Kolstrom, Frederick, xxx-xx-xxxx
Kostakis, Peter, xxx-xx-xxxx
Kott, Michael W., xxx-xx-xxxx
Kraus, John D., xxx-xx-xxxx
Kraus, Orest M., xxx-xx-xxxx
Kravitz, Lawrence R., xxx-xx-xxxx
Krofchek, James M., xxx-xx-xxxx
Kryger, Adolph H., xxx-xx-xxxx
Kuchesky, Martin S., xxx-xx-xxxx
Kurilko, James H., xxx-xx-xxxx
Lack, Larry L., xxx-xx-xxxx
Lahr, John E., xxx-xx-xxxx
Lake, Irvin D., xxx-xx-xxxx
Lakey, Robert E., xxx-xx-xxxx
Lamont, Kenneth W., xxx-xx-xxxx
Lamude, Douglas J., xxx-xx-xxxx
Langdon, Billy J., xxx-xx-xxxx
Lapins, Juris, xxx-xx-xxxx
Larimore, William R., xxx-xx-xxxx
Laroche, David O., xxx-xx-xxxx
Latimer, Bobby D., xxx-xx-xxxx
Latyszewski, Joseph, xxx-xx-xxxx
Laubenthal, George, xxx-xx-xxxx
Laurence, Benedict, xxx-xx-xxxx
Lavalle, Luke P., xxx-xx-xxxx
Leary, Robert L., xxx-xx-xxxx
Lee, Olin D., xxx-xx-xxxx
Leed, William D., xxx-xx-xxxx
Lehr, Robert F., xxx-xx-xxxx
Leiter, Jack A., xxx-xx-xxxx
Lent, Morris J., xxx-xx-xxxx
Lentz, Charles, xxx-xx-xxxx
Leonard, Allvin L., xxx-xx-xxxx
Leonard, Eugene A., xxx-xx-xxxx
Lessert, Meade G., xxx-xx-xxxx
Levy, Burton H., xxx-xx-xxxx
Lewis, Robert J., xxx-xx-xxxx
Lewis, William A., xxx-xx-xxxx
Lieberman, Daniel L., xxx-xx-xxxx
Light, Ronald R., xxx-xx-xxxx
Lindquist, Edwin B., xxx-xx-xxxx
Lindsley, Lawrence, xxx-xx-xxxx
Lipe, Michael L., xxx-xx-xxxx
Little, William S., xxx-xx-xxxx
Littlejohn, Norman, xxx-xx-xxxx
Loftus, William K., xxx-xx-xxxx
Lombardo, Eugene V., xxx-xx-xxxx
Longero, Donald L., xxx-xx-xxxx
Looney, John B., xxx-xx-xxxx
Lores, Manuel, xxx-xx-xxxx
Lovejoy, Robert N., xxx-xx-xxxx
Lucheta, Roger A., xxx-xx-xxxx
Luff, Howard S., xxx-xx-xxxx
Lutz, Donald A., xxx-xx-xxxx
Lynch, Robert J., xxx-xx-xxxx
Lyon, Harold, W., xxx-xx-xxxx
MacAuley, Francis J., xxx-xx-xxxx
MacCorkle, Glenn A., xxx-xx-xxxx
MacKavanagh, Kelvin, xxx-xx-xxxx
MacRatchie, Stewart, xxx-xx-xxxx
Mahaffy, Paul D., xxx-xx-xxxx
Mallard, William D., xxx-xx-xxxx
Mallory, Katharyne A., xxx-xx-xxxx
Manley, Harold R., xxx-xx-xxxx
Marchese, Thomas G., xxx-xx-xxxx
Marine, Don W., xxx-xx-xxxx
Marsh, Samuel W., xxx-xx-xxxx
Marshall, Charles W., xxx-xx-xxxx
Marshall, Harbert L., xxx-xx-xxxx
Martin, Arthur J., xxx-xx-xxxx

Martin, James W., xxx-xx-xxxx
Martin, Lowell L., xxx-xx-xxxx
Martinez, Gustavo H., xxx-xx-xxxx
Martinez, Hector R., xxx-xx-xxxx
Marxen, Edward L., xxx-xx-xxxx
Masso, Frank J., xxx-xx-xxxx
Massoglia, Dennis J., xxx-xx-xxxx
Mattos, Frederick J., xxx-xx-xxxx
Maxwell, Jack D., xxx-xx-xxxx
May, Harrison, xxx-xx-xxxx
Mayer, Haldane R., xxx-xx-xxxx
Maynor, Dan H., xxx-xx-xxxx
Mazza, Thomas W., xxx-xx-xxxx
McAdams, William C., xxx-xx-xxxx
McAlister, Rodger L., xxx-xx-xxxx
McAuliffe, Eugene V., xxx-xx-xxxx
McClintock, Stephen, xxx-xx-xxxx
McConnell, Brian C., xxx-xx-xxxx
McCoy, Leverett D., xxx-xx-xxxx
McCreary, Howard E., xxx-xx-xxxx
McCullough, Thomas, xxx-xx-xxxx
McDowell, Linward E., xxx-xx-xxxx
McFarlane, Stephen, xxx-xx-xxxx
McGaha, Doyle L., xxx-xx-xxxx
McGaughy, Richard V., xxx-xx-xxxx
McGee, John A., xxx-xx-xxxx
McGill, James J., xxx-xx-xxxx
McGlaun, Richard H., xxx-xx-xxxx
McGrew, John V., xxx-xx-xxxx
McKenzie, Robert C., xxx-xx-xxxx
McKibben, James A., xxx-xx-xxxx
McLaughlin, James L., xxx-xx-xxxx
McLeod, Jerome N., xxx-xx-xxxx
McNamee, James A., xxx-xx-xxxx
McNutt, Joel W., xxx-xx-xxxx
McRaney, Johnny B., xxx-xx-xxxx
McShane, David C., xxx-xx-xxxx
Meeks, William C., xxx-xx-xxxx
Meler, Thomas R., xxx-xx-xxxx
Meyer, Douglas J., xxx-xx-xxxx
Milberger, Lionel J., xxx-xx-xxxx
Miller, Holbert M., xxx-xx-xxxx
Miller, John A., xxx-xx-xxxx
Miller, Lewis J., xxx-xx-xxxx
Minick, John M., xxx-xx-xxxx
Minter, John R., xxx-xx-xxxx
Miritello, Robert L., xxx-xx-xxxx
Mitchell, Thomas M., xxx-xx-xxxx
Miyake, George, xxx-xx-xxxx
Moehlenbrock, Fred, xxx-xx-xxxx
Moize, Jerry D., xxx-xx-xxxx
Moll, David R., xxx-xx-xxxx
Monge, Luis F., xxx-xx-xxxx
Monroe, Riley W., xxx-xx-xxxx
Montero, Dudley P., xxx-xx-xxxx
Monts, William L., xxx-xx-xxxx
Moore, James S., xxx-xx-xxxx
Moore, Sidney R., xxx-xx-xxxx
Moore, Thompson C., xxx-xx-xxxx
Morales, Angel L., xxx-xx-xxxx
Morales, Richard C., xxx-xx-xxxx
Morfitt, James C., xxx-xx-xxxx
Morgan, Harold S., xxx-xx-xxxx
Morgan, Richard D., xxx-xx-xxxx
Morris, Otis P., xxx-xx-xxxx
Moulton, Dennis W., xxx-xx-xxxx
Mouser, Dwain L., xxx-xx-xxxx
Murino, David J., xxx-xx-xxxx
Muroki, Don S., xxx-xx-xxxx
Murphree, Tommy R., xxx-xx-xxxx
Murray, Perry L., xxx-xx-xxxx
Musser, Authur V., xxx-xx-xxxx
Muth, Marcus W., xxx-xx-xxxx
Naman, George L., xxx-xx-xxxx
Nataluk, Francis M., xxx-xx-xxxx
Naylon, Michael E., xxx-xx-xxxx
Neely, James L., xxx-xx-xxxx
Neely, William W., xxx-xx-xxxx
Nelson, Charles, xxx-xx-xxxx
Nelson, James G., xxx-xx-xxxx
Nelson, John W., xxx-xx-xxxx
Nelson, Raymond J., xxx-xx-xxxx
Newman, Alfred A., xxx-xx-xxxx
Newman, Neil E., xxx-xx-xxxx
Newman, Robert G., xxx-xx-xxxx
Nichols, James O., xxx-xx-xxxx
Nielson, Marlell A., xxx-xx-xxxx
Nino, John R., xxx-xx-xxxx
Nix, Claude A., xxx-xx-xxxx
Nolan, Charles V., xxx-xx-xxxx
Norman, James C., xxx-xx-xxxx
Norris, Auburn O., xxx-xx-xxxx
Norris, Robert W., xxx-xx-xxxx
Novak, Carl D., xxx-xx-xxxx
Nowka, Harry E., xxx-xx-xxxx
O'Brien, John D., xxx-xx-xxxx
O'Brycki, Richard, xxx-xx-xxxx
O'Casio, Antulio, xxx-xx-xxxx
O'Dwyer, Duncan W., xxx-xx-xxxx
O'Keefe, Paul R., xxx-xx-xxxx
Olson, George W., xxx-xx-xxxx
Olson, Robert R., xxx-xx-xxxx
Omalie, Henry D., xxx-xx-xxxx
O'Neal, William R., xxx-xx-xxxx
Onnembo, John J., xxx-xx-xxxx
Orchowski, Eugene R., xxx-xx-xxxx
Orendas, Robert J., xxx-xx-xxxx
Osborne, William H., xxx-xx-xxxx
Oshima, Maurice H., xxx-xx-xxxx
O'Toole, James W., xxx-xx-xxxx
Outen, Jake W., xxx-xx-xxxx
Overman, James M., xxx-xx-xxxx
Overstreet, Charles, xxx-xx-xxxx
Overstreet, Joseph, xxx-xx-xxxx
Owens, Jasper, G., xxx-xx-xxxx
Pack, James, F., xxx-xx-xxxx
Palmer, Bryan, D., xxx-xx-xxxx
Palmer, James, J., xxx-xx-xxxx
Parcells, William, H., xxx-xx-xxxx
Paris, John, M., xxx-xx-xxxx
Parks, William, C., xxx-xx-xxxx
Partin, Maurice, W., xxx-xx-xxxx
Pate, William, M., xxx-xx-xxxx
Patterson, James, W., xxx-xx-xxxx
Patterson, Larry, R., xxx-xx-xxxx
Patterson, Ralph, E., xxx-xx-xxxx
Patterson, William, xxx-xx-xxxx
Paul, Gabriel, H., xxx-xx-xxxx
Paulus, Ronald, B., xxx-xx-xxxx
Pearce, Cecil, L., xxx-xx-xxxx
Peck, Glenn, E., xxx-xx-xxxx
Pena, Gilberto, S., xxx-xx-xxxx
Pennings, Michael, C., xxx-xx-xxxx
Perham, Whitman, C., xxx-xx...
Pesarchick, Steven, xxx-xx-xxxx
Petelle, Kent, R., xxx-x...
Peters, George, M., xxx-xx-xxxx
Peterson, Richard, L., xxx-x...
Petrik, Stanley, W., xxx-x...
Petrocelli, Joseph, xxx-x...
Petrosino, Alphonse, xxx-xx-xxxx
Phillips, James, C., xxx-x...
Picknell, Milton, O., xxx-x...
Pierce, Thomas, K., xxx-xx...
Pilcher, Richard, W., xxx-x...
Pisano, Michael, A., xxx-xx-xxxx
Pitts, James, A., xxx-x...
Plant, John, M., xxx-x...
Plummer, Nelson, W., xxx-x...
Poe, James, F. xxx-xx-xxxx
Ponder, Clifford, D., xxx-x...
Porcaro, Anthony, xxx-x...
Porter, Gailyn, L., xxx-x...
Potter, Frederick, O., xxx-xx...
Powell, Beverley, E., xxx-xx-xxxx
Pozzi, Ronald, J., xxx-xx-xxxx
Prather, Harold, D., xxx-...
Preston, Robert, A., xxx-xx-xxxx
Price, Robert, O., xxx-xx-xxxx
Price, William, J., xxx-xx-xxxx
Proctor, Dalton, R., xxx-xx-xxxx
Pugh, Larry W., xxx-xx-xxxx
Purpera, Ignatius P., xxx-x...
Queck, Gavin M., xxx-xx...
Quigley, Michael J., xxx-xx-xxxx
Quisenberry, Thom M., xxx-xx-xxxx
Radice, Anthony D., xxx-xx-xxxx
Randall, Earl L., xxx-xx-xxxx
Randall, Henry D., xxx-xx-xxxx
Ray, Edward D., xxx-xx-xxxx
Ray, George F., xxx-xx-xxxx
Reames, Timothy P., xxx-xx-xxxx
Reddish, James R., xxx-xx-xxxx
Redmond, Leland D., xxx-xx-xxxx
Reese, Calvin J., xxx-xx-xxxx
Refior, Ronald A., xxx-xx-xxxx
Reich, Edward W., xxx-xx-xxxx
Reid, Lee R., xxx-xx-xxxx
Reis, Robert R., xxx-xx-xxxx
Rescorla, Richard C., xxx-xx-xxxx
Reublin, Jack L., xxx-xx-xxxx
Revels, Jack W., xxx-xx-xxxx
Reyes, Guadalupe A., xxx-xx-xxxx
Rhoades, Robert E., xxx-xx-xxxx
Richards, Lawrence, xxx-xx-xxxx
Richter, Raymond D., xxx-xx-xxxx
Rielage, Martin J., xxx-xx-xxxx
Riley, James A., xxx-xx-xxxx
Rinehart, Nathan H., xxx-xx-xxxx
Rishavy, Richard F., xxx-xx-xxxx
Ritterpusch, David, xxx-xx-xxxx
Robb, George F., xxx-xx-xxxx
Robbins, Jerry E., xxx-xx-xxxx
Roberson, Eugene H., xxx-xx-xxxx
Roberts, Donald W., xxx-xx-xxxx
Roberts, Frank E., xxx-xx-xxxx
Roberts, Kenneth J., xxx-xx-xxxx
Roberts, McKenzie C., xxx-xx-xxxx
Roberts, Worth C., xxx-xx-xxxx
Robinson, Charles A., xxx-xx-xxxx
Robinson, Paul J., xxx-xx-xxxx
Rockers, David J., xxx-xx-xxxx
Rodgers, Don C., xxx-xx-xxxx
Rodriguez, Juan A., xxx-xx-xxxx
Rogers, John W., xxx-xx-xxxx
Romero, Robert, xxx-xx-xxxx
Rose, Jackie T., xxx-xx-xxxx
Rosenbaum, Fred L., xxx-xx-xxxx
Rosentritt, Joseph, xxx-xx-xxxx
Ross, Chester G., xxx-xx-xxxx
Roth, Harrison T., xxx-xx-xxxx
Rounsaville, Bill B., xxx-xx-xxxx
Rousseau, Thomas H., xxx-xx-xxxx
Ruff, Bobby K., xxx-xx-xxxx
Rule, Stephen W., xxx-xx-xxxx
Rushing, Kermit L., xxx-xx-xxxx
Russo, Alfonse F., xxx-xx-xxxx
Ryan, Donald G., xxx-xx-xxxx
Ryland, William J., xxx-xx-xxxx
Sadlon, Michael R., xxx-xx-xxxx
Saenz, Raul O., xxx-xx-xxxx
Samia, Roger G., xxx-xx-xxxx
Samuel, Arthur R., xxx-xx-xxxx
Sandberg, Gary R., xxx-xx-xxxx
Sarajian, Jay, xxx-xx-xxxx
Satterfield, James, xxx-xx-xxxx
Sawyer, Paul E., xxx-xx-xxxx
Schmerse, Hans J., xxx-xx-xxxx
Schneider, William, xxx-xx-xxxx
Schoen, F. E., xxx-xx-xxxx
Schultz, Eric F., xxx-xx-xxxx
Schumacher, John C., xxx-xx-xxxx
Schumacher, John R., xxx-x...
Schwachenwald, R., xxx-x...
Schwimmer, Ray A., xxx-x...
Scoates, Wesley M., xxx-xx-xxxx
Scott, Raymond B., xxx-x...
Scrivner, Lee A., xxx-x...
Sears, Charles L., xxx-xx-xxxx
Seekamp, Henry C., xxx-xx-xxxx
Selby, John R., xxx-xx-xxxx
Sell, Jon R., xxx-xx-xxxx
Semidey-Velazquez, E., xxx-xx-xxxx
Sharpe, Emanuel M., xxx-xx-xxxx
Shea, Thomas J., xxx-xx-xxxx
Sheetz, Ronald L., xxx-xx-xxxx
Sheppard, Donald J., xxx-xx-xxxx
Sherden, John P., xxx-xx-xxxx
Sherman, Alan H., xxx-xx-xxxx
Sherrill, Lawrence, xxx-xx-xxxx
Shiner, Clyde R., xxx-xx-xxxx
Shockley, Paul N., xxx-xx-xxxx

Shoemaker, Douglas, xxx-xx-xxxx
Shoemaker, James R., xxx-xx-xxxx
Shoff, James W., xxx-xx-xxxx
Shondel, John S., xxx-xx-xxxx
Shryock, Kenneth, J., xxx-xx-xxxx
Shuff, Thomas K., xxx-xx-xxxx
Shuler, John A., xxx-xx-xxxx
Shuta, Joseph T., xxx-xx-xxxx
Sieben, David H., xxx-xx-xxxx
Sieminski, Adam C., xxx-xx-xxxx
Silveira, Joseph, xxx-xx-xxxx
Silverberg, Gary H., xxx-xx-xxxx
Simard, Lionel R., xxx-xx-xxxx
Simpson, Monroe E., xxx-xx-xxxx
Simpson, William S., xxx-xx-xxxx
Sims, Lynn L., xxx-xx-xxxx
Sims, Michael E., xxx-xx-xxxx
Six, David W., xxx-xx-xxxx
Six, Raymond A., xxx-xx-xxxx
Skaggs, Richard C., xxx-xx-xxxx
Skipper, Hal R., xxx-xx-xxxx
Smircich, Ronald J., xxx-xx-xxxx
Smith, Alvin K., xxx-xx-xxxx
Smith, Arnold, xxx-xx-xxxx
Smith, Avery S., xxx-xx-xxxx
Smith, David E., xxx-xx-xxxx
Smith, Delbert L., xxx-xx-xxxx
Smith, Harry B., xxx-xx-xxxx
Smith, Jack P., xxx-xx-xxxx
Smith, Jackie W., xxx-xx-xxxx
Smith, John C., xxx-xx-xxxx
Smith, John W., xxx-xx-xxxx
Smith, Mose, xxx-xx-xxxx
Smith, Richard M., xxx-xx-xxxx
Smith, Ronald J., xxx-xx-xxxx
Smith, Terre M., xxx-xx-xxxx
Smith, Victor W., xxx-xx-xxxx
Snyder, Michael B., xxx-xx-xxxx
Snyder, William B., xxx-xx-xxxx
Socha, John W., xxx-xx-xxxx
Soderstrom, Robert, xxx-xx-xxxx
Sommer, Ronald R., xxx-xx-xxxx
Sonnier, David J., xxx-xx-xxxx
Sorneson, Clay F., xxx-xx-xxxx
Soto, Raul, xxx-xx-xxxx
Sova, James J., xxx-xx-xxxx
Spain, Charles F., xxx-xx-xxxx
Speck, Thomas L., xxx-xx-xxxx
Spoon, Glen A., xxx-xx-xxxx
Sprague, David B., xxx-xx-xxxx
Sprague, John C., xxx-xx-xxxx
Sprengeler, Ronald, xxx-xx-xxxx
Squier, Nolan H., xxx-xx-xxxx
Staniforth, Bruce J., xxx-xx-xxxx
Stansfield, Richard, xxx-xx-xxxx
Steed, Howard S., xxx-xx-xxxx
Steele, William J., xxx-xx-xxxx
Stem, Francis J., xxx-xx-xxxx
Stephens, Rufus, xxx-xx-xxxx
Stephenson, Francis, xxx-xx-xxxx
Stevens, Thomas G., xxx-xx-xxxx
Stevenson, Lawrence, xxx-xx-xxxx
Stewart, Earl J., xxx-xx-xxxx
Stiefvater, Dennis, xxx-xx-xxxx
Stiglich, Jacob J., xxx-xx-xxxx
Stites, Harold E., xxx-xx-xxxx
Stofft, Robert E., xxx-xx-xxxx
Stone, Eric L., xxx-xx-xxxx
Straiton, John S., xxx-xx-xxxx
Stricker, Antony E., xxx-xx-xxxx
Stricklen, William, xxx-xx-xxxx
Stricklett, Ronald, xxx-xx-xxxx
Struck, Roger R., xxx-xx-xxxx
Sulier, Cornelius W., xxx-xx-xxxx
Sullivan, Charles B., xxx-xx-xxxx
Sullivan, James T., xxx-xx-xxxx
Summerville, H. M., xxx-xx-xxxx
Sutter, Richard L., xxx-xx-xxxx
Swanson, Walter W., xxx-xx-xxxx
Swartzbaugh, George, xxx-xx-xxxx
Sweet, Dana R., xxx-xx-xxxx
Swenson, Fred A., xxx-xx-xxxx
Taber, Robert J., xxx-xx-xxxx
Talley, Rayford E., xxx-xx-xxxx
Tandy, John A., xxx-xx-xxxx
Tarabini, John W., xxx-xx-xxxx
Taranto, Joseph A., xxx-xx-xxxx
Taylor, James C., xxx-xx-xxxx
Taylor, James D., xxx-xx-xxxx
Taylor, Merle A., xxx-xx-xxxx
Thach, Joseph E., xxx-xx-xxxx
Thomason, James A., xxx-xx-xxxx
Thompson, John E., xxx-xx-xxxx
Thompson, Kelly, xxx-xx-xxxx
Thrash, Clarence H., xxx-xx-xxxx
Tibbetts, Edward R., xxx-xx-xxxx
Tilzey, Edward E., xxx-xx-xxxx
Tippetts, Isaac T., xxx-xx-xxxx
Tlustos, Wesley D., xxx-xx-xxxx
Toomey, Kevin P., x... xxx-xx-xxxx
Tota, Conrad C., xxx-xx-xxxx
Towle, Donald E., xxx-xx-xxxx
Town, James A., xxx-xx-xxxx
Toye, David J., xxx-xx-xxxx
Trang, Myron L., xxx-xx-xxxx
Trauth, John F., xxx-xx-xxxx
Trickett, Frederick, xxx-xx-xxxx
Trotter, Clarence R., xxx-xx-xxxx
Troxler, Paul D., xxx-xx-xxxx
Tucker, Donald V., xxx-xx-xxxx
Turnage, Everett J., xxx-xx-xxxx
Turner, James L., xxx-xx-xxxx
Turpin, William P., xxx-xx-xxxx
Twardowski, Charles, xxx-xx-xxxx
Tyndall, David R., xxx-xx-xxxx
Ugarte, Alfonso J., xxx-xx-xxxx
Ulrich, John T., xxx-xx-xxxx
Ulmet, Oliver D., xxx-xx-xxxx
Ulrich, Ronald L., xxx-xx-xxxx
Underwood, Edward R., xxx-xx-xxxx
Unger, William D., xxx-xx-xxxx
Updike, Michael L., xxx-xx-xxxx
Vanhouten, Arthur L., xxx-xx-xxxx
Vann, Harry J., xxx-xx-xxxx
Vasquez, Frank, xxx-xx-xxxx
Vaughan, Randall B., xxx-xx-xxxx
Vecchiotti, Robert, xxx-xx-xxxx
Vertenten, Jeffrey, xxx-xx-xxxx
Vick, Norman K., xxx-xx-xxxx
Vincent, Robert D., xxx-xx-xxxx
Vinson, Darrell W., xxx-xx-xxxx
Voelker, William J., xxx-xx-xxxx
Volvedich, Benedict, xxx-xx-xxxx
Volhontseff, M. V., xxx-xx-xxxx
Vondracek, Paul F., xxx-xx-xxxx
Voss, Didrik A., xxx-xx-xxxx
Wade, Edwin E., xxx-xx-xxxx
Wagner, Clifford C., xxx-xx-xxxx
Wagner, James M., xxx-xx-xxxx
Wales, Kristian L., xxx-xx-xxxx
Walker, Charles M., xxx-xx-xxxx
Walker, Harry C., xxx-xx-xxxx
Walker, William J., xxx-xx-xxxx
Walruff, Richard G., xxx-xx-xxxx
Walsh, Peter J., xxx-xx-xxxx
Warden, James F., xxx-xx-xxxx
Wargo, Rowland M., xxx-xx-xxxx
Warner, John J., xxx-xx-xxxx
Warren, Earl F., xxx-xx-xxxx
Warren, Robert A., xxx-xx-xxxx
Warren, Robert L., xxx-xx-xxxx
Wassom, Shirley D., xxx-xx-xxxx
Watkins, Charles P., xxx-xx-xxxx
Watson, Dolan R., xxx-xx-xxxx
Webb, Jack C., xxx-xx-xxxx
Weber, Patrick M., xxx-xx-xxxx
Weber, Robert M., xxx-xx-xxxx
Weekley, Gene R., xxx-xx-xxxx
Weidner, Robert H., xxx-xx-xxxx
Weigandt, Daniel R., xxx-xx-xxxx
Weiss, Thomas G., xxx-xx-xxxx
Welch, Mark R., xxx-xx-xxxx
Welsh, Vernon R., xxx-xx-xxxx
Werner, David R., xxx-xx-xxxx
Wessel, Walter L., xxx-xx-xxxx
Weymouth, Robert G., xxx-xx-xxxx
White, Dennis D., xxx-xx-xxxx
Whittington, John S., xxx-xx-xxxx
Wicks, Guy T., xxx-xx-xxxx
Wilhelm, Richard D., xxx-xx-xxxx
Wilkerson, James N., xxx-xx-xxxx
Williams, Michael J., xxx-xx-xxxx
Williams, Stewart D., xxx-xx-xxxx
Williams, Thomas A., xxx-xx-xxxx
Williamson, Richard, xxx-xx-xxxx
Willie, Robert J., xxx-xx-xxxx
Wilson, John A., xxx-xx-xxxx
Winnike, Richard P., xxx-xx-xxxx
Wise, William F., xxx-xx-xxxx
Wittemund, Robert A., xxx-xx-xxxx
Wolkow, Michael C., xxx-xx-xxxx
Woodall, George R., xxx-xx-xxxx
Woodruff, John W., xxx-xx-xxxx
Woodward, James W., xxx-xx-xxxx
Woolfork, Robert, xxx-xx-xxxx
Woolverton, Paul F., xxx-xx-xxxx
Worthington, Henry, xxx-xx-xxxx
Wouters, David A., xxx-xx-xxxx
Wright, Kenneth R., xxx-xx-xxxx
Wright, Rodney L., xxx-xx-xxxx
Wyatthenry, L., xxx-xx-xxxx
Wyrsch, Edward J., xxx-xx-xxxx
Yarbrough, James D., xxx-xx-xxxx
York, Kile, Jr., xxx-xx-xxxx
Young, Peter A., xxx-xx-xxxx
Youngblood, James E., xxx-xx-xxxx
Zandee, Paul V., xxx-xx-xxxx
Zigo, Paul E., xxx-xx-xxxx
Zimmer, Donald E., xxx-xx-xxxx
Zimmerman, Mark A., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Anderson, John E., xxx-xx-xxxx
Bolton, Paul J., xxx-xx-xxxx
Brooks, Clarence M., xxx-xx-xxxx
Campbell, David E., xxx-xx-xxxx
Campbell, Jesse R., xxx-xx-xxxx
Carr, Ronald J., xxx-xx-xxxx
Carter, James A., xxx-xx-xxxx
Coward, Jack E., xxx-xx-xxxx
Creswell, Carl E., xxx-xx-xxxx
Dobson, Thomas E., xxx-xx-xxxx
Friedman, Naftali, xxx-xx-xxxx
Gilmore, Edson G., xxx-xx-xxxx
Gnewuch, Donald E., xxx-xx-xxxx
Hayes, Robert L., xxx-xx-xxxx
Heim, Richard L., xxx-xx-xxxx
Hess, Cameron M., xxx-xx-xxxx
Hyers, William D., xxx-xx-xxxx
Kilpatrick, Ebb G., xxx-xx-xxxx
Kinsler, Arthur W., xxx-xx-xxxx
Ledum, Clare H., xxx-xx-xxxx
Lindbergh, Paul O., xxx-xx-xxxx
Lockie, Charles G., xxx-xx-xxxx
Lovell, Gene H., xxx-xx-xxxx
Magee, Robert W., xxx-xx-xxxx
Mahn, David P., xxx-xx-xxxx
Martin, Donald N., xxx-xx-xxxx
McLellan, Charles A., xxx-xx-xxxx
Oppenheim, Henry, xxx-xx-xxxx
Orr, Norman J., xxx-xx-xxxx
Owens, Clifford W., xxx-xx-xxxx
Pankuch, Leonard E., xxx-xx-xxxx
Parker, Carroll L., xxx-xx-xxxx
Pierce, James E., xxx-xx-xxxx
Polito, Victor V., xxx-xx-xxxx
Richard, Kenneth W., xxx-xx-xxxx
Russell, John E., xxx-xx-xxxx
Sauer, John A., xxx-xx-xxxx
Seidel, Andrew B., xxx-xx-xxxx
Shannon, Richard J., xxx-xx-xxxx
Sippel, Bernard S., xxx-xx-xxxx
Smith, Ronald W., xxx-xx-xxxx
Steincross, George, xxx-xx-xxxx
Street, James W., xxx-xx-xxxx
Tschatschula, M., xxx-xx-xxxx
Veal, David L., xxx-xx-xxxx
Wall, Fred M., xxx-xx-xxxx
Wilkens, James D., xxx-xx-xxxx
Williams, Alvin N., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Anderson, Marjorie, xxx-xx-xxxx
Antalosky, Stephen, xxx-xx-xxxx
Asquith, Nancy A., xxx-xx-xxxx
Bilyeu, Mary E., xxx-xx-xxxx
Bonczewski, Jean K., xxx-xx-xxxx
Bowland, William J., xxx-xx-xxxx
Cammermeyer, M., xxx-xx-xxxx
Cooper, Mary S., xxx-xx-xxxx
Dash, Loretta A., xxx-xx-xxxx
Eason, Seward L., xxx-xx-xxxx
Edwards, Constance, xxx-xx-xxxx
Edwards, John L., xxx-xx-xxxx
Gero, Nancy V., xxx-xx-xxxx
Gibbens, Dorothy J., xxx-xx-xxxx
Gomes, Elizabeth, xxx-xx-xxxx
Goodrich, Nancy A., xxx-xx-xxxx
Gosselin, Patrice, xxx-xx-xxxx
Gunn, Omega, xxx-xx-xxxx
Hall, Mary A., xxx-xx-xxxx
Harris, Dorothy, xxx-xx-xxxx
Hasler, Thelma J., xxx-xx-xxxx
Hemelstrand, Walter, xxx-xx-xxxx
Hodges, Beth S., xxx-xx-xxxx
Holifield, Irene, xxx-xx-xxxx
Holodiloff, Frances, xxx-xx-xxxx
Jeffers, Norma J., xxx-xx-xxxx
Killebrew, Carolyn, xxx-xx-xxxx
Kutchoodon, E., xxx-xx-xxxx
Lamb, James G., xxx-xx-xxxx
Lynch, Mary V., xxx-xx-xxxx
Mann, Lila M., xxx-xx-xxxx
Margwarth, Theodore, xxx-xx-xxxx
Matteson, Charles L., xxx-xx-xxxx
McMaster, Joan, xxx-xx-xxxx
Natzke, Patricia J., xxx-xx-xxxx
Neff, Helen L., xxx-xx-xxxx
Nobles, Larrie P., xxx-xx-xxxx
Pauli, Alma L., xxx-xx-xxxx
Perkins, Mary J., xxx-xx-xxxx
Perry, Leslie G., xxx-xx-xxxx
Price, Dennis D., xxx-xx-xxxx
Pricewilliams, Joan, xxx-xx-xxxx
Ramirez-Saldana, Aid, xxx-xx-xxxx
Robertson, Robert H., xxx-xx-xxxx
Rollins, Wilhelmina, xxx-xx-xxxx
Rudd, Artis C., xxx-xx-xxxx
Sandecki, Rose M., xxx-xx-xxxx
Schotz, Helen C., xxx-xx-xxxx
Schweller, Erlinda, xxx-xx-xxxx
Silo, Helen M., xxx-xx-xxxx
Sims, Billis D., xxx-xx-xxxx
Smith, Thomas, xxx-xx-xxxx
Southard, Margaret, xxx-xx-xxxx
Strubinger, Bernard, xxx-xx-xxxx
Symes, Olga S., xxx-xx-xxxx
Thompson, Edythe D., xxx-xx-xxxx
Tripp, Kenneth F., xxx-x...
Tuttle, Norma J., xxx-x...
Ward, Delores I., xxx-xx-xxxx
Wehba, Kathleen A., xxx-x...
Wilson, Kathleen R., xxx-x...
Woodling, Gayle M., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Bernard, Kenneth E., xxx-xx-xxxx
Blackburn, Benjamin, xxx-xx...
Bresnick, Lawrence, xxx-xx-xxxx
Buzby, John H., xxx-xx-...
Cancro, James J., xxx-xx-xxxx
Carpenter, John B., xxx-xx-xxxx
Caruth, Lawrence G., xxx-x...
Clausen, Howard W., xxx-xx-xxxx
Cobb, Charles M., xxx-xx-xxxx
Cohen, Stephen M., xxx-xx-...
Curro, Joseph A., xxx-xx-xxxx
Disano, Joseph L., xxx-xx-xxxx
Evans, Thomas A., xxx-xx-xxxx
Farber, Paul A., xxx-xx-xxxx
George, William H., xxx-xx-xxxx
Hall, Robert A., xxx-xx-xxxx
Herdeg, John W., xxx-xx-xxxx
Holdeman, George R., xxx-xx-xxxx
Hunter, William E., xxx-xx-xxxx
Hyman, Stephen A., xxx-xx-xxxx
Johnson, William L., xxx-xx-xxxx
Kowan, Ronald J., xxx-xx-xxxx
Kraft, Thomas E., xxx-xx-xxxx
Kramer, Seymour, xxx-xx-xxxx
Levinson, Philip D., xxx-xx-xxxx
Maciol, Eugene V., xxx-xx-xxxx
Mailshanker, Paul A., xxx-xx-xxxx
Marshall, Thomas, xxx-xx-xxxx
Martin, Paul J., xxx-xx-xxxx
Meehan, Patrick M., xxx-xx-xxxx
Meling, Gary N., xxx-xx-xxxx
Moore, Rayburn A., xxx-xx-xxxx
Murray, Granville A., xxx-xx-xxxx
Nersasian, Robert R., xxx-xx-xxxx
Petruzillo, Michael, xxx-xx-xxxx
Pittman, Marvin B., xxx-xx-xxxx
Raborn, George W., xxx-xx-xxxx
Ramlow, William A., xxx-xx-xxxx
Sanchez-Baez, Raul, xxx-xx-xxxx
Schoenbrodt, F., xxx-xx-xxxx
Schulgen, James F., xxx-xx-xxxx
Shaw, Benjamin F., xxx-xx-xxxx
Shearer, Robert J., xxx-xx-xxxx
Trufant, Lawrence A., xxx-xx-xxxx
Warfield, David K., xxx-xx-xxxx
Warrick, David L., xxx-xx-xxxx
Weinberg, Jacob E., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Abrahams, Lawrence, xxx-xx-xxxx
Aita, John F., xxx-xx-xxxx
Barbee, John Y., xxx-xx-xxxx
Beesley, Craig C., xxx-xx-xxxx
Bloomquist, R., xxx-xx-xxxx
Botkin, William M., xxx-xx-xxxx
Buckman, James F., xxx-xx-xxxx
Buttars, Jack A., xxx-xx-xxxx
Campbell, Malcolm K., xxx-xx-xxxx
Chen, Tehong, T., xxx-xx-xxxx
Clark, Richard D., xxx-xx-xxxx
Conner, David C., xxx-xx-xxxx
Dawson, John B., xxx-xx-xxxx
Diefenthal, Helmut, xxx-xx-xxxx
Dunham, Douglas A., xxx-xx-xxxx
Elkins, Irving B., xxx-x...
Ford, John S., xxx-xx-xxxx
Fox, Robert I., xxx-xx-xxxx
Gorospe, Sofia G., xxx-xx-xxxx
Gross, Gary L., xxx-xx-xxxx
Helton, William C., xxx-x...
Kobs, Darcey G., xxx-xx-xxxx
Krewet, Frank A., xxx-xx-xxxx
Lee, Uriel A., xxx-x...
Lousteau, Jeffrey M., xxx-xx-xxxx
Margolis, Carmi Z., xxx-xx-xxxx
Miller, Richard A., xxx-x...
Oettinger, Carl W., xxx-x...
Olmsted, Charles M., xxx-xx-xxxx
Pollock, Maurice, xxx...
Porter, Richard I., xxx-xx-xxxx
Ramos, Miguel A., xxx-x...
Rock, William A., xxx-x...
Santana, Hector B., xxx-x...
Scott, Thomas S., xxx-xx-...
Shively, Robert A., xxx-x...
Smith, Alvin E., xxx-x...
Souders, Stuart A., xxx-x...
Thurman, Thomas R., xxx-x...
Watts, Clark C., xxx-x...
Wong, John S., xxx-x...
Yoseloff, Lee D., xxx-x...
Young, James R., xxx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

Allen, Hugh C., xxx-x...
Anderson, John D., xxx-x...
Armstrong, Cleve E., xxx-xx-xxxx
Baldwin, Gerald R., xxx-xx-xxxx
Balfour, Warren R., xxx-xx-xxxx
Ball, Douglas B., xxx-xx-xxxx
Barnes, Walter L., xxx-xx-xxxx
Benadum, Edson L., xxx-xx-xxxx
Bertz, Thomas G., xxx-xx-xxxx
Biggar, Robert E., xxx-xx-xxxx
Black, Thomas M., xxx-xx-xxxx
Burke, Walter D., xxx-xx...
Bush, Roy L., xxx-xx-xxxx
Butterfield, William, xxx-xx-xxxx
Canino, Victor M., xxx-xx-xxxx
Carroll, Charles J., xxx-xx-xxxx
Chambers, Venard K., xxx-xx-xxxx
Ciccone, Francis P., xxx-xx-xxxx
Clagett, Donald C., xxx-xx-xxxx
Clark, Irwin, xxx-xx-xxxx
Clark, Jimmie C., xxx-xx-xxxx
Cleary, Emmet J., xxx-xx-xxxx
Conkle, Ronald G., xxx-xx-xxxx
Conway, Brian J., xxx-xx-xxxx
Cooper, Gary B., xxx-xx-xxxx
Cox, Arlie, xxx-xx-xxxx
Davis, Leslie H., xxx-xx-xxxx
Davison, Barry L., xxx-xx-xxxx
Denno, Gordon J., xxx-xx-xxxx
Dolliver, Richard E., xxx-xx-xxxx
Donlon, Richard A., xxx-xx-xxxx
Ellis, John E., xxx-xx-xxxx
Fitzpatrick, Alan J., xxx-xx-xxxx
Fleming, John R., xxx-xx-xxxx
Ford, John P., xxx-xx-xxxx
Fukumara, Richard A., xxx-xx-xxxx
Furtado, Daniel E., xxx-xx-xxxx
Giachini, Walter R., xxx-xx-xxxx
Ginn, Robert L., xxx-xx-xxxx
Gray, Willard P., xxx-xx-xxxx
Haas, Garry, xxx-xx-xxxx
Hadden, Donald R., xxx-xx-xxxx
Halloran Joel E., xxx-xx-xxxx
Hammersley, Donald, xxx-xx-xxxx
Harmon, Edward W., xxx-xx-xxxx
Horton, Gary R., xxx-xx-xxxx
Howlett, John L., xxx-xx-xxxx
Hoxsey, George E., xxx-xx-xxxx
Hudson, Billy G., xxx-xx-xxxx
Huggins, Jerry D., xxx-xx-xxxx
Humphries, Robert D., xxx-xx-xxxx
Hurst, Lowell J., xxx-xx-xxxx
Iverson, Donn A., xxx-xx-xxxx
Jackson, Cecil E., xxx-xx-xxxx
Jager, Eldon J., xxx-xx-xxxx
Jonasson, Jon F., xxx-xx-xxxx
Jones, James D., xxx-xx-xxxx
Josten, David A., xxx-xx-xxxx
Karlsberg, Howard A., xxx-xx-xxxx
Kennedy, Richard H., xxx-xx-xxxx
Kiley, John F., xxx-xx-xxxx
Kirkpatrick, H. C., xxx-xx-xxxx
Lane, John T., xxx-xx-xxxx
Lloyd, Arthur R., xxx-xx-xxxx
Martin, Robert D., xxx-xx-xxxx
May, James Jr., xxx-xx-xxxx
McDaniels, Melvin B., xxx-xx-xxxx
McLane, Noel G., xxx-xx-xxxx
McLeod, Larry C., xxx-xx-xxxx
McMullen, William V., xxx-xx-xxxx
McWilliams, Alfred, xxx-xx-xxxx
Mintz, Stanley I., xxx-xx-xxxx
Montone, Eugene J., xxx-xx-xxxx
Moody, Michael A., xxx-xx-xxxx
Morse, John T., xxx-xx-xxxx
Moses, Gerald R., xxx-xx-xxxx
Newman, Tedford C., xxx-xx-xxxx
Oborny, Larry S., xxx-xx-xxxx
O'Dockerty, Michael, xxx-xx-xxxx
Page, William W., xxx-xx-xxxx
Patrick, Harry A., xxx-xx-xxxx
Peppler, Richard D., xxx-xx-xxxx
Perkins, Ralph M., xxx-xx-xxxx
Perry, Preston R., xxx-xx-xxxx
Ponds, Otis D., xxx-xx-xxxx
Posner, Donald M., xxx-xx-xxxx
Riley, William W., xxx-xx-xxxx
Ross, Robert F., xxx-xx-xxxx
Rudi, John E., xxx-xx-xxxx
Rufener, Frederick, xxx-xx-xxxx

Rylant, William G., xxx-xx-xxxx
Sharman, William M., xxx-xx-xxxx
Shotts, Jack F., xxx-xx-xxxx
Shriver, Harry L., xxx-xx-xxxx
Smith, Richard H., xxx-xx-xxxx
Sorber, Charles A., xxx-xx-xxxx
Speicher, William F., xxx-xx-xxxx
Spencer, Richard K., xxx-xx-xxxx
Squires, John F., xxx-xx-xxxx
Starcher, Barry C., xxx-xx-xxxx
Steckler, Jay, xxx-xx-xxxx
Stevens, Duane D., xxx-xx-xxxx
Sullivan, Marvin D., xxx-xx-xxxx
Thompson, Billy W., xxx-xx-xxxx
Troutman, Lawrence, xxx-xx-xxxx
Vanvranken, Edwin, xxx-xx-xxxx
Warren, Richard A., xxx-xx-xxxx
White, Phillip D., xxx-xx-xxxx
Whitney, James L., xxx-xx-xxxx
Williams, Rance, xxx-xx-xxxx
Wilson, Clarence, xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Anderson, Dorothy M., xxx-xx-xxxx
Dewton, Ruth E., xxx-xx-xxxx
Estrella, Ennedy, xxx-xx-xxxx
Huston, Mary H., xxx-xx-xxxx
Mills, Judith A. xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Barco, Aron G., xxx-xx-xxxx
Billups, Leonard H., xxx-xx-xxxx
Clark, Keith A., xxx-xx-xxxx
Maloney, Stephen J., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 591, 593 and 594:

MEDICAL CORPS

To be lieutenant colonel

Carson, William E., xxx-xx-xxxx
Gavan, David T., xxx-xx-xxxx
Hall, William M., xxx-xx-xxxx
Martyak, Anthony P., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Baker, Thomas B., xxx-xx-xxxx
Craig Lois H., xxx-xx-xxxx
Donovan, Edward J., xxx-xx-xxxx
Durbin, Samuel E., xxx-xx-xxxx
Fusco, George M., xxx-xx-xxxx
Legros, Thomas J., xxx-xx-xxxx
Megorden, Philip C., xxx-xx-xxxx
Mullin, Mark B., xxx-xx-xxxx
Puckett, Harold W., xxx-xx-xxxx
Ramey, Jack D., xxx-xx-xxxx
Schneider, Richard, xxx-xx-xxxx
Sheridan, Max P., xxx-xx-xxxx
Upton, Frederick R., xxx-xx-xxxx
Williams, Byron A., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Alexander, John R., xxx-xx-xxxx
Argo, Charles R., xxx-xx-xxxx
Arnold, Jack E., xxx-xx-xxxx
Babin, Ben B., xxx-xx-xxxx
Barber, John T., xxx-xx-xxxx
Bish, William P., xxx-xx-xxxx
Byrne, Robert J., xxx-xx-xxxx
Chandler, James H., xxx-xx-xxxx
Connolly, John F., xxx-xx-xxxx
Foley, Gordon D., xxx-xx-xxxx
Garcia-Correa, Jose, xxx-xx-xxxx
Garland, Joseph C., xxx-xx-xxxx
Garrett, George T., xxx-xx-xxxx
Hasko, Matthew J., xxx-xx-xxxx
Hopson, Floyd J., xxx-xx-xxxx
Humphrey, John C., xxx-xx-xxxx
Irby, Henry E., xxx-xx-xxxx
Kempton, John P., xxx-xx-xxxx
Mason, Bobby S., xxx-xx-xxxx
Murdock, Benton D., xxx-xx-xxxx
Nelson, John W., xx... xxx-xx-xxxx
Pena, Gilberto S., xxx-xx-xxxx
Pettit, Noel R., xxx-xx-xxxx
Radice, Anthony D., xxx-xx-xxxx
Seymour, Joel W., xxx-xx-xxxx
Stark, Allen L., xxx-xx-xxxx
Stiefvater, Bruce W., xxx-xx-xxxx
Tippetts, Isaac T., xxx-xx-xxxx
Trim, Jerry L., xxx-xx-xxxx
Vertrees, Robert W., xxx-xx-xxxx
Webber, James Q., xxx-xx-xxxx
Wheatley, Kenneth M., xxx-xx-xxxx
Zapanta, Albert C., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Vander Zyl, Sharon, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Huggins, Phillip K., xxx-xx-xxxx
Hutchinson, Thomas., xxx-xx-xxxx
Mays, Anthony W., xxx-xx-xxxx
Scanlon, Leo J., xxx-xx-xxxx
Wilson, Janet A., xxx-xx-xxxx
Yawn, Victor W., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Shriver, Harry L., xxx-xx-xxxx

IN THE NAVY

The following-named commanders on the line of the Navy for promotion to the permanent grade of captain, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER

Captain

Addicott, Raymond Walter
Alcorn, Wendell Reed
Althouse, Thomas Stephenson
Andrews, Larry Joe
Anselmo, Philip Shepard
Arnest, Charles Sherman
Bailey, Eugene Ridgeway
Baird, Don Wilson
Barbour, Richard Elwood
Barker, Charles Milton
Barr, Robert Kenney, Jr.
Bartolomei, Marino James
Benepe, John Wesley
Benson, Perry Southall
Black, Phillip Ray
Blumberg, Lawrence Bertram
Bower, Johns Hollis, Jr.
Bradshaw, Wilton Drexel
Brierley, Roc Michael
Brown, Barry Lewis
Brown, Lorin W.
Byers, John Arthur
Cablk, Steven Richard
Callahan, Joseph Edward
Callahan, Paul Lawrence
Carlson, John Algot
Carney, James Allen
Carswell, Herschell Ronald
Catlett, William Jackson, II
Chesser, Marvin Brooks, Jr.
Christensen, Edward Louis
Clark, David George
Collman, Charles Bonham
Connolly, Michael Brian
Conway, Frank Mark, III
Cox, John Hannan
Craig, Kenneth Grant
Crumly, Jerry Maclean
Cybal, Harvey John
Davis, Curtis Christopher, Jr.
Davis, Edward Anthony
Davis, John Paul, Jr.
Davis, Richard Clinton
Dill, Donald Lloyd
Doll, Robert James
Downs, Charles Patrick
Duchesne, Robert Edward
Dunton, Lewis Warren, III.
Durbin, James Lanius, Jr.
Edgar, James Raun, Jr.
Ellis, George Jeremiah
Ellis, Wright Hoover
Emerson, Norman Perry
Estell, William Andrew, Jr.
Ewert, Lawrence Edward
Fenno, Ted Perley
Fijak, Theodore, Jr.
Finn, Edward Stephen
Firnback, James Donald
Fitrell, Stuart James
Fitzpatrick, Donald Joseph
Flanagan, Alan Brian
Frost, David Eugene
Fuller, Robert Davis
Futch, Charles Abbott
Gaines, Willaim Andrew
Gastrock, Barry Allen
Giuffreda, Robert Noel
Gray, Myron Paul
Green, William Jennings, Jr.
Greene, James Bernard, Jr.
Greeson, Tommy Darell
Groman, Alphonse Winslow, Jr.
Grotenhuis, John Henry
Grunwald, Gerald Max
Gudmunson, Charles Edward
Gullett, Fred Wayne
Hall, Thomas Forrest
Hanzel, Joseph A., Jr.
Hauck, Frederick Hamilton
Hawley, John Garland
Hechtman, Robert William
Heidt, John Harry
Helms, Hugh William
Hendrick, William Smith
Henry, Russell Jones
Hicks, Robert Louis
Hicks, William Lloyd
Hinson, Thomas Paul
Hitchborn, James Brian
Hodge, Henderson Alison, III
Holly, Richard Warren
Hughes, Michael Bryant
Hunt, Donald Bayard
Hyland, John Joseph, III
Jackson, Grady Lee
Jones, Robert Eugene
Jordan, Wesley Earl, Jr.
Joyner, James Dietrich
Kaup, Karl Lee
Kehrli, Lynn Clifford
Kelly, John Patrick
Kicker, Charles Kenneth
Kiseljack, Charles
Kleyn, Frederick Gilbert, III
Klintworth, Philip George
Koontz, Ronald Lee
Koradlski, Robert Edward
Kotchka, Jerry Allen
Kronz, James Cyril
Krupp, Marvin Mack
Lantzer, Lawrence Arthur
Laplante, John Baptiste
Layton, David Ralph
Lee, Richard Neyman
Lewis, Frederick Lance
Lewis, Robert Joseph
Little, Edwards Sanford
Lockett, Joseph Louis, III
Lombardo, Stephen William
Loser, Margit Marilee

Luke, John Davidson
Lynch, James Richard
Lynch, Thomas Charles
Lynch, Thomas John
MacGregor, John Andrew
Mallen, Frank Harshman
Marnane, Joseph Peter
Marsh, Larry Roy
Marshall, James Allen
Mason, John Allen
Mathiowetz, Donald Ray
Maxey, Fred, Jr.
McCammon, Peter Leverich
McElmurry, Joe Allen
McKay, John Norman
Merrill, Hugh Anthony
Michaux, Richard Wehunt
Moessner, Paul Carl
Montgomery, Robert Andrew
Morin, Thomas Eugene
Morrison, Vance Hallam
Moynihan, Brian George
Mulford, Michael Linden
Murphy, Jerome Thomas
Myers, Thomas Andrew
Narciso, John Anthony
Nash, John Mitchell
Niederstadt, Robert Grant
Nitschke, Richard Neal
Nolan, Donald Edward
Oakes, Charles White
Oetinger, Mark
Okeson, James Clifford
Olson, Phillip Roger
Owens, William Arthur
Palma, Richard John
Payne, Joseph Carroll
Pedisich, Paul Everett
Peterson, Robert William
Petrucci, Richard Joseph
Pettyjohn, James Robert
Plath, Richard Neil
Poole, Richard James
Price, Lawrence Howe
Pryzby, Stanley John
Quast, Philip Michael
Raggett, Michael Mark
Reader, Robert James
Reason, Joseph Paul
Reeves, Robert Dulaney, II
Regan, John Thomas
Rich, James Earl
Riddell, Richard Anderson
Ritt, Dayton William
Roberson, Bernard Gordon
Rodgers, James Claude, Jr.
Roper, James Edward
Rose, Michael Andrew
Ross, James Andrew
Rosson, Vernon Lee
Salopek, Raymond
Sarepera, Hillar
Schiffer, John Richard, Jr.
Schmeling, Leslie Lynn
Sellgren, Charles Alan
Sharp, David Robert
Shea, Richard Francis, Jr.
Sloan, Dean Elliott
Smith, Bernard John
Srite, David Alan
Stark, John Wayne
Steele, Boyden Tracy
Sterner, George Rudolph
Stewart, Jake William, Jr.
Story, William Ferguson
Stoufer, Donald Andrew
Straight, William David
Strand, Richard Charles
Strasser, Joseph Charles
Stubbs, Darryl Anthony
Sullivan, Raymond Francis J.
Terry, William Edwin
Thompson, Giles Morris
Tiernan, Michael Connolly
Todd, Terrence Stephen
Tortora, Carmine
Tripp, Richard Willis, Jr.
Turner, Steven Lloyd, Jr.
Underhill, Ross Hamock
Urice, Ronel Morgan
Vance, Richard Moon
Vanpelt, Albert Murle
Verd, George Harris
Vincent, William Lansing
Vogel, Raymond William, III
Wagner, George Francis Adolf
Wainscott, Robert Phillip
Walker, Henry Edwin, Jr.
Waterman, George Russell
Weegar, Carl Allen
White, John Dwyer, II
White, Robin John
Wileen, Gordon Charles
Williams, David Daniel
Willoz, Clifford Paul, Jr.
Wilson, Richard Alexander
Wisely, Hugh Dennis
Woodworth, George Prebble J.
Wright, Hendon O
Wylie, Elizabeth Gordon
Wyttenbach, Richard Harring
Yonkers, David Peter
Young, Bruce Albert
Zlatoper, Ronald Joseph

ENGINEERING DUTY OFFICER

Captain

Anderssen, Arthur Harald
Bolka, David Frank
Boss, Ronald Arthur
Burritt, James Graham
Clarke, Edward Joseph
Corcoran, Joseph Francis
Farber, Frederick Albert
Frew, John Archibald
Hamilton, Leonard Anderson
Hering, Frederic Shriver
Hickox, Oscar Jonathan Jr.
Holmes, Frank Clayton
Hurst, Paul Drake
Keller, Douglas George
Kiess, Dean William
Kile, Thomas Joseph
Lash, Franklin Bruce
Macdougall, Donald Gerrad
Patch, Frank Henry
Pfister, William Campbell
Pratt, Thomas Rolla
Regan, James Peter
Ristad, Arnold Clifford
Schwartz, Henry William
Smith, Roger Walter
Ulrich, John Livingston
Westbrook, Richard Evans
Whitehurst, Byron Paul
Zimmermann, Claus Erwin

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING)

Captain

Abel, Warren Robert
Bagby, James Lovelace, Jr.
Bates, Robert Carroll
Bowes, William Charles
Brown, George Elliott, Jr.
Cooke, Richard Henry
Duncan, Thomas John
Kogler, Robert Albert
Lewis, Ernest Lamar
Ring, Henry Mark
Stewart, Jesse J.
Stilwell, William Carter

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE)

Captain

Loonam, Bernard Joseph
Najarian, Moses Thomas
Neeb, Karl Anthony

SPECIAL DUTY OFFICER (CRYPTOLOGY)

Captain

Demech, Fred Ralph, Jr.
Gordon, Hayes Ingersoll
Leonard, John Alexander
Pelot, Kent Barry
Preston, Gerry Lee

SPECIAL DUTY OFFICER (INTELLIGENCE)

Captain

Bronson, Marshall Wilkes
Chinn, Donald Morton
Gambacorta, Francis Michael
Kime, Steve Francis
Loveland, Richard Stroud
Marshall, William Clarke
Morgan, Thomas Leeroy

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS)

Captain

Baker, Brent
Sirmans, James Stanley

SPECIAL DUTY OFFICER (GEOPHYSICS)

Captain

Anawalt, Richard Arthur
Craiglow, Leo Harvey, Jr.
Harrison, Edward James, Jr.
Hillyard, William Franklin
Steinbruck, Charles George
Vansickle, Kenneth Lee

IN THE NAVY

The following-named temporary commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of commander in the line and staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

LINE

Catlin, Carl V.
Herndon, Albert A., Jr.

MEDICAL CORPS

Thillet, Ives C.

The following-named temporary lieutenant commanders of the U.S. Naval Reserve for permanent promotion to the grade of lieutenant commander in the various staff corps, as indicated, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Posnier, Moss D. Vensel, Lee H.
Potter, Stephen C.

DENTAL CORPS

Romero, Francisco J.

The following-named officer of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), pursuant to title 10, United States Code, section 531, subject to qualifications therefor as provided by law:

Wiegand, Francis P., Jr.

The following-named officer of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent ensign, pursuant to title 10, United States Code, section 531, subject to qualifications therefor as provided by law:

Funke, Alexander

IN THE NAVY

The following-named temporary lieutenant commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of lieutenant commander in the line, pursuant to section 611(a) of the Defense Officer Personnel Management Act (Public Law 95-513), subject to qualification therefor as provided by law:

LINE

Amos, Barry M.
Archer, Dan C.
Ball, Lynn H.
Bast, William V.
Bounds, Lee E. Jr.
Brians, Wallace S.
Brooks, Wayne G.
Bufis, Douglas A.
Chesire, John R.
Collins, Wyndolin G.
Deets, Clifford L.
Eastman, Thomas W.
Ferguson, Bruce L.
Fisher, Robert H.
Gibson, Thomas E.
Giuoco, Samuel E.
Grabill, Charles E., Jr.
Hall, George H.
Herman, Roger A.
Hendricks, George E.
Herzog, Martin D.
Howard, Arthur F.
Hubanks, Jimmy L.
Johnson, James H.
Keefe, George E., Jr.
King, Carl R.
Knudson, James R.
Koehler, David A.
McCampbell, David P.
Mercer, Michael L.
Moseley, William F.
Myslinski, Stephen V.
Nichols, John D.
Noble, Michael T.
Reichert, Timothy M.
Renard, George F., Jr.
Shores, Leonard M., Jr.
Taylor, Charles R.
Trotter, Timothy A.
Williams, James W.
Winterberry, Thomas B.
Woods, Henry S., III
Woolston, Peter C.
Zeimet, Roger T.

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Hale, Rodney M.
Hall, John A.
Hamilton, Robert V.
Hancock, Floyd W.
Hardcastle, Craig G.
Harms, Jerome S.
Harris, Devin D.
Hawkins, William H.
Hawley, Jeffery W.
Henderson, Donald L.
Hepler, Russell D.
Herzog, Bradley F.
Hess, William J., III
Hiles, Marcus D.
Hogan, Ronald R.
Horan, Kevin J.
Hubbs, Dean M.
Hughes, Robert E.
Hulcher, Michael E.
Hull, James C.
Hurd, Rodney O.
Ingersoll, Alvan E., III
Ingram, John R.
Jagusch, Thomas D.
Johnson, Richard T.
Johnson, Chris A.
Johnson, William A.
Kane, Thomas J.
Kane, William J.
Kilian, Joseph K.
Kimbell, Reed A.
Koenig, John A.
Lagay, Christopher P.
Landrum, Bruce D.
Latorre, John P.
Laverty, Michael J.
Leporte, George R., II
Lovell, Adrian D., Jr.
Macauly, Bruce A.
Machut, Roger R.
Martinez, Javier F.
McBryant, John C.
McCarthy, Michael F.
McCarthy, Patrick J.
McClave, Patrick D.
McClure, James J.
McLenagan, James R.
Michaels, Julien
Mock, Frederic C.
Moertl, Harald A.

IN THE MARINE CORPS

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107, subject to the qualifications therefor as provided by law:

Budler, Helen
Camarato, Carmeline M.
Carroll, Mary F.
Forristall, Michelle J.
Kohanowich, Karen M.
MacMurray, Jane
McCarthy, Laura J.
Nicoli, Kathryn L.
Orawczyk, Maria-Elena
Parlier, Terry L.
Rozier, Elena
Smith, Judy G.
Stone, Jennifer G.
Studds, Gregory A.
Sullivan, Patrick B.
Sussman, Sandra L.
Tharp, John J., Jr.
Thayer, George D.
Thomas, Scott A.
Thorsen, Timothy J.
Thrasher, James R.
Twenhafel, Randall, J.
Tyminski, William B.
Valenti, Michael A.
Virga, Paul M., Jr.
Wade, James P.
Walters, Tony L.
Waring, Gary K.
Werlau, Alan L.
Whitty, John S.
Wilkins, David L.
Willey, Dale F.
Williams, Anthony K.
Williams, James V.
Williams, Michael D.
Williams, Robert
Wilson, James A.
Winterbauer, Dale A.
Wolf, Suzanne M.
Woodard, Charles W.
Wortham, Gary K.
Worthen, David L.
Yarnell, Michael J.
Zrioka, Joseph A.

The following-named Marine Corps enlisted commissioning education program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 5583, subject to the qualifications therefor as provided by law:

Briehl, Peter J.
Charboneau, David P.
Garcia, Ivan
Jones, Richard A.
Lefever, Larry A.
Perdue, David K.

Executive nominations received by the Secretary of the Senate February 19, 1982, under authority of the order of the Senate of February 11, 1982:

THE JUDICIARY

John L. Coffey, of Wisconsin, to be U.S. circuit judge for the seventh circuit, vice Thomas E. Fairchild, retired.

William W. Caldwell, of Pennsylvania, to be U.S. district judge for the middle district of Pennsylvania, vice R. Dixon Herman, retired.

Glenn E. Mencer, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania, vice Daniel J. Snyder, deceased.

DEPARTMENT OF JUSTICE

Earl L. Rife, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years, vice Donald J. Kindt, term expired.

ENVIRONMENTAL PROTECTION AGENCY

Rita M. Lavelle, of California, to be an Assistant Administrator of the Environmental Protection Agency, vice Marvin B. Durning, resigned.

IN THE MARINE CORPS

The following-named colonels of the Marine Corps for promotion to the permanent grade of brigadier general, pursuant to title 10, United States Code, section 624, subject to qualification therefor as provided by law:

Louis H. Buehl III
Charles H. Pitman
Norman H. Smith
Ray M. Franklin
John R. Dailey
Edmund P. Looney, Jr.
Michael K. Sheridan
James E. Cassity
Carl E. Mundy, Jr.
Ernest T. Cook, Jr.

HOUSE OF REPRESENTATIVES—*Monday, February 22, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 10, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, February 22, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer on the occasion of the 250th anniversary of George Washington's birthday:

In the words of George Washington, let us pray:

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ACADEMIC EXCELLENCE ACHIEVEMENTS BY HOUSE PAGES

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOAKLEY. Mr. Speaker, I would like to place in the RECORD a list of House pages who have distinguished themselves academically during the first semester of the current school year:

HONOR ROLL U.S. CAPITOL PAGE SCHOOL,
FIRST SEMESTER 1981-82

FIRST HONORS (SENIORS)

Sandra Horrigan, Brian Wesol, and Nancy Young.

SECOND HONORS (SENIORS)

Lawrence Bodkin, James Erskine, John Garrett, Andrew Glick, Collen Gomla, Karen Hansen, Margery Kaye, Cydney Bea Mack, and Pollyanna Padden.

SECOND HONORS (JUNIORS)

Kelly Carter, Megan Connelly, Linda Fowells, Sally Holland, Patrick McNamara, Mona Thomason, and Anna Vaslo.

Mr. Speaker, I know my colleagues join me in congratulating these young people on maintaining a high caliber of performance in school while handling their duties in the Congress in a diligent and responsible manner. All of our pages work very hard beginning school at sunrise and then putting in a full workday during House sessions. Those who manage these responsibilities and still win academic honors deserve to have this accomplishment saluted.

UNEASINESS MUST GIVE WAY TO ACTION

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. RATCHFORD. Mr. Speaker, there is an uneasiness in the land. You do not have to read about it in the papers—you can hear it, you can see it, you can feel it.

Workers worried about their jobs; unemployment up weekly in many of our key industries; home mortgage rates headed back up—denying access to decent housing for couples young and old; business loan rates so high that many companies are shaky, and others are closing their doors; old people not making it on fixed incomes; young people denied the opportunity to go to college because of ever-mounting costs, and ever-shrinking student assistance.

Yes, there is uneasiness in the land. And it had better lead this Congress and this administration to a new approach to the economy—an approach that cuts the mammoth deficit; that strips the special-interest sweeteners from the 1981 tax bill; that sets fair priorities in this year's budget, including a tough but honest look at defense spending.

It is time for uneasiness to give way to action.

CONFERENCE REPORT ON S. 1503, STANDBY PETROLEUM ALLOCATION ACT OF 1982

Mr. SHARP submitted the following conference report and statement on the Senate bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 97-432)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "Standby Petroleum Allocation Act of 1982".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Amendment to the Energy Policy and Conservation Act.
"PART C—STANDBY PETROLEUM ALLOCATION
"Sec. 271. Congressional findings.
"Sec. 272. Purposes.
"Sec. 273. Definitions.
"Sec. 274. Promulgation of regulation.
"Sec. 275. Implementation of regulation.
"Sec. 276. Administration of regulation.
"Sec. 277. Crude-sharing program.
"Sec. 278. General limitations on authority.
"Sec. 279. Limitation on authority over certain inventories.
"Sec. 280. Preemption.
"Sec. 281. Contract liability.
"Sec. 282. Effect of prior law.
"Sec. 283. Enforcement and administration.
"Sec. 284. Information.
"Sec. 285. Coordination with other authorities.
"Sec. 286. Delegation of Presidential authorities.
"Sec. 287. Expiration.".
Sec. 3. Impact study.
Sec. 4. Oil storage tax incentive study.
Sec. 5. International cooperation study.
Sec. 6. Extension of certain international energy program authorities.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT

SEC. 2. (a) Title II of the Energy Policy and Conservation Act, relating to standby energy authorities, is amended by adding at the end thereof the following new part:

"PART C—STANDBY PETROLEUM ALLOCATION

"CONGRESSIONAL FINDINGS

"SEC. 271. The Congress finds that—

"(1) shortages of petroleum products caused by reductions in imports of petroleum products may occur at any time;

"(2) such shortages could be sufficiently large to cause severe economic dislocations and hardships within various segments of the economy, both regional and national, and constitute a threat to the public health, safety, and welfare; and

"(3) the national security and economic well-being of the United States require that the President have authority, during a severe petroleum supply shortage, to allocate petroleum products so as to minimize adverse effects on the public health, safety, and welfare.

"PURPOSES

"SEC. 272. The purposes of this part are—

"(1) to grant to the President limited and temporary authority to allocate petroleum products, in his discretion, in the event of a severe petroleum supply shortage; and

"(2) to minimize the adverse impacts of such a shortage on the American people and the domestic economy.

"DEFINITIONS

"SEC. 273. For purposes of this part—

"(1) the term 'severe petroleum supply shortage' means a national or regional petroleum supply shortage which the President determines—

"(A) results, or is likely to result, from an interruption in petroleum product imports or from sabotage, accidents, or an act of God;

"(B) is, or is likely to be, of significant scope and duration;

"(C) may (i) cause a major adverse impact on the national security, the national economy, or the economy of any region of the United States, or (ii) threaten the public health, safety, and welfare; and

"(D) may not be reasonably manageable under other authorities available to the President or by reliance on free market pricing and allocation;

"(2) the term 'region' means any geographic area or areas within the United States comprising one or more States or political subdivisions thereof; and

"(3) in applying the definitions of 'State' and 'United States' in paragraphs (4) and (5) of section 3 of this Act, the term 'territory or possession' includes the Trust Territory of the Pacific Islands.

"PROMULGATION OF REGULATION

"SEC. 274. (a)(1) Not later than 180 days after the date of the enactment of this part, the President shall promulgate and transmit to the Congress a standby regulation which provides for the mandatory allocation (if implemented pursuant to this part) of petroleum products under this part.

"(2) In promulgating the standby regulation required under paragraph (1), the President shall, in addition to any other requirement of law—

"(A) provide for notice and opportunity for public hearings in various regions of the United States; and

"(B) provide for opportunity for participation by Executive departments of the Federal Government in the formulation of the standby regulation and in the hearings provided under subparagraph (A), in a manner prescribed by the President.

"(3) Until the regulation required under paragraph (1) is transmitted to the Congress, the President shall prepare and transmit to the Congress a bimonthly status report indicating the progress taken towards the promulgation of the regulation.

"(b) Subject to the following requirements of this section, any regulation under this section may be amended by the President at any time after it is promulgated.

"(c)(1) The standby regulation required under subsection (a)(1), and any other regulation under the authority granted by this part, may include limitations on the price of any petroleum product only if the President finds that such limitations are necessary to ensure effective implementation of such regulation. Such limitations may include provisions restricting discriminatory pricing.

"(2) Any finding by the President under paragraph (1) shall not be subject to judicial review.

"(d) Subject to the implementation requirements of section 275, the standby regulation promulgated under subsection (a), and any amendment to such regulation (other than a technical or clerical amendment)—

"(1) shall be transmitted to the Congress; and

"(2) a period of 30 calendar days shall be permitted to elapse after such transmittal.

The 30-calendar-day requirement of paragraph (2) shall not apply while there is in effect a determination by the President of a severe petroleum supply shortage.

"IMPLEMENTATION OF REGULATION

"SEC. 275. (a)(1) If—

"(A) there is in effect a determination by the President of a severe petroleum supply shortage, and

"(B) notice of such determination, and of the President's intent to implement the regulation promulgated under section 274, and a copy of such regulation (including any amendment thereof), have been transmitted to the Congress in accordance with section 551, and neither House of Congress, in accordance with the procedures specified in section 551, has disapproved (or both Houses have approved) implementation of such regulation,

the President may implement such regulation, providing for the allocation of any petroleum product throughout the United States or in any region of the United States. Such regulation may apply to any petroleum product produced in or imported into the United States.

"(2) The Congressional review requirement of paragraph (1)(B) shall apply to any amendment to a regulation authorized to be implemented under paragraph (1) only if—

"(A) the amendment is promulgated during the implementation period permitted under subsection (b)(1),

"(B) the amendment is not a technical or clerical amendment, and

"(C) the amendment would expand the scope of the President's authority under such regulation by extending the application of the regulation (i) to one or more additional regions or categories of petroleum products, (ii) from only end-user allocation to inclusion of a crude-sharing program, or (iii) from only a crude-sharing program to inclusion of end-user allocation.

"(b)(1) Any regulation implemented under this section may not remain in effect after the 90-day period which begins on the date on which the authority to implement any such regulation first becomes effective, except that the implementation authority for any such regulation may be extended by the President for up to 60 additional days, upon his express finding that—

"(A) the severe petroleum supply shortage continues in effect, and

"(B) such authority must be continued to meet the purposes of this part.

"(2) Thereafter, the authority of the President to implement any regulation under section 274 shall terminate, unless pursuant to subsection (a) the President makes a new determination and new transmittal to Congress which are not disapproved by the Congress under subsection (a)(1).

"(c) Should the President implement a program under section 274 for the allocation of residual fuel oil or any refined petroleum product, such program shall provide for a State set-aside of residual fuel oil or any refined petroleum product if such residual fuel oil or refined petroleum product is allocated in such State pursuant to the Federal program.

"ADMINISTRATION OF REGULATION

"SEC. 276. Administration of any regulation promulgated under section 274 shall, to the maximum extent practicable, provide for—

"(A) protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;

"(B) maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

"(C) maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

"(D) preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

"(E) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

"(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users;

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto;

"(H) economic efficiency; and

"(I) minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

"CRUDE-SHARING PROGRAM

"SEC. 277. (a)(1) The standby regulation under section 274 shall include an optional standby crude oil sharing program promulgated in accordance with this section. Should the President decide to implement a program under this part requiring the sharing of crude oil among refiners, that program shall comply with the provisions of this section.

"(2) Any notice of intent to implement a crude-sharing program under this section shall be accompanied by a declaration by the President that such program is likely to result in a significant reduction in anticipated adverse impacts of a severe petroleum supply shortage and thereby benefit consumers as a whole.

"(b) When implemented, any program under this section shall, to the maximum extent practicable—

"(1) minimize the rate of increase in the price of petroleum products during a severe petroleum supply shortage by providing reasonable access to crude oil by specified refiners;

"(2) fairly distribute the burdens of a severe petroleum supply shortage, including such a shortage resulting from an international allocation of petroleum by the United States to foreign countries under the international energy program;

"(3) minimize adverse impacts on consumers served by refiners whose supplies of crude oil have been disproportionately reduced during a severe petroleum supply shortage;

"(4) aid in the equitable distribution of crude oil, at equitable prices, among domestic refiners to the extent determined necessary by the President to effectively deliver needed refined petroleum products to consumers;

"(5) encourage the maintenance by refiners of petroleum product inventories and the acquisition by refiners of secure supplies of crude oil;

"(6) result in the availability of needed refined petroleum products to consumers; and

"(7) achieve the purposes of this part with minimum interference with market mechanisms.

"(c) The program under this section shall provide a mechanism to—

"(1) identify those refiners which will be required to sell, and those refiners which will be offered an opportunity to buy, crude oil;

"(2) determine the extent to which the program will offset the disproportionate impact of reduced supplies of crude oil on the ability of a refiner to provide needed refined petroleum products;

"(3) specify the amount of, and terms and conditions and an equitable price for, crude oil sold under the program;

"(4) decide whether any requirement that a refiner sell crude oil under the program should be reduced because such requirement is likely to create an unreasonable burden on such refiner or be otherwise inconsistent with the purposes of this part; and

"(5) assure, by certification or otherwise, that, to the maximum extent practicable, any benefits or burdens of the program for any refiner are passed on to that refiner's customers on a nondiscriminatory basis.

"GENERAL LIMITATIONS ON AUTHORITY

"SEC. 278. The President shall have no authority under this part to—

"(1) impose or implement any tax, tariff, or user fee;

"(2) prescribe minimum prices for any petroleum product; or

"(3) establish or implement a program for the assignment of rights for end-user purchases of gasoline or diesel fuel, as described in section 203(a)(1) (A) and (B) of this Act.

"LIMITATION ON AUTHORITY OVER CERTAIN INVENTORIES

"SEC. 279. (a) The President shall have no authority under this part to—

"(1) provide for the allocation of consumer petroleum inventories,

"(2) impose restrictions on the consumption of such inventories, or

"(3) consider or take into account the existence or size of such inventories in determining the amount of petroleum products to be allocated to any such consumer.

"(b) For purposes of this section—

"(1) The term 'consumer petroleum inventory' means an inventory of residual fuel oil and refined petroleum products which is—

"(A) held by and in the custody of a consumer (other than a refiner, except to the extent provided in paragraph (3)) for such consumer's own end-use consumption,

"(B) held by and in the custody of such consumer on the day before the date the President determines pursuant to section 275(a)(1)(A) that a severe petroleum supply shortage exists, and

"(C) not thereafter sold by such consumer, but only to the extent that such inventory does not exceed the inventory of residual fuel oil and refined petroleum products held by and in the custody of that consumer for its own end-use consumption on the 30th day prior to the date of that determination.

"(2) The term 'held by and in the custody of', when used with respect to an inventory, means—

"(A) any such inventory owned by the consumer and in the direct possession of the consumer, such as on the consumer's site, and

"(B) at the discretion of the President, any other inventory owned by a consumer.

"(3) The term 'end-use consumption', in the case of an inventory of residual fuel oil and refined petroleum products of any consumer which is a refiner, means—

"(A) the use by the refiner of such residual fuel oil and refined petroleum products to meet normal fuel requirements necessary for operating refinery equipment and facilities for the duration of a severe petroleum supply shortage, including an extension of 60 days under section 275(b)(1), and

"(B) at the discretion of the President, any other use by the refiner.

"(c) Notwithstanding subsection (a), the President may consider or take into account the existence or size of the consumer petroleum inventories held by a consumer in determining whether or not to increase the otherwise applicable allocation under this part to that consumer if the consumer petitions for such increase.

"(d) If any inventory which qualifies as a consumer petroleum inventory is subsequently sold by the consumer, such inventory shall be subject to the authority of the President under this part, effective as of the time of such sale.

"PREEMPTION

"SEC. 280. (a) Except as provided in subsections (b) and (c), the enactment of this part supersedes and preempts any provision of any law or regulation adopted or promulgated by a State or any political subdivision thereof to the extent that such law or regulation provides for the pricing or allocation of any petroleum product.

"(b) The President may, by rule, exempt from the operation of subsection (a) classes or categories of laws or regulations which would otherwise be preempted under subsection (a), to the extent that the President determines that such laws or regulations would—

"(1) preserve a significant State or local interest;

"(2) not unduly burden interstate commerce; and

"(3) not significantly conflict with or impede operation of this part, achievement of the purposes of this part, or achievement of the objectives of any regulation under section 274.

"(c)(1) The Governor of any State may notify the President of the Governor's intent to implement, under State law and in accordance with the requirements of this subsection, a State set-aside program for residual fuel oil or any refined petroleum product.

"(2) For purposes of this subsection, the term 'State set-aside program' means, with respect to residual fuel oil or any refined petroleum product, a program administered by the State under State law during a period in which no State set-aside program is provided for under section 275(c) with respect to that petroleum product in that State and which—

"(A) is implemented only upon a determination by the Governor that the program is required to meet a petroleum supply shortage within the State which will significantly impair essential public services or essential economic activity;

"(B) continues in effect for no more than 90 days;

"(C) authorizes the Governor to require a prime supplier of residual fuel oil or any refined petroleum product subject to the program to set aside in any month a volume of such petroleum product for distribution under the program which volume does not exceed 5 percent of the total supply, as estimated by such supplier, of such petroleum product which will be sold by the supplier in the State for consumption within the State in that month;

"(D) defines a prime supplier as a supplier which makes the first sale of that petroleum product subject to the State set-aside into the State distribution system for consumption within the State; and

"(E) does not unduly burden interstate commerce.

"(3)(A) The Governor shall provide the President with notice under paragraph (1), accompanied by a request for approval of the State set-aside program the Governor intends to implement, at least 10 days prior to the date on which the Governor intends to implement the program.

"(B) Within 10 days after receipt of such notice and request transmitted by the Governor, the President shall, in his discretion, either approve or disapprove such request and notify the Governor of the President's action.

"(C) To the extent that the President approves the request within such 10-day period, the program shall then be exempt from the operation of subsection (a).

"(D) If the President does not approve such request within such 10-day period, the request shall be considered disapproved and the program shall not be exempt under this subsection from the operation of subsection (a).

"(E) The President's approval of any program under this subsection may be in whole or in part; but only so much of any State set-aside program as the President approves under this paragraph may be implemented.

"(4) Notwithstanding the 90-day limitation in paragraph (2)(B), an exemption under this subsection allowing implementation of any State set-aside program may be extended if the Governor transmits a notice and request therefor to the President. For such purposes, the preceding provisions of this subsection shall apply with respect to any notice and request for such an extension as if it were for exemption for initial implementation.

"(5) Any approval or disapproval by the President of a request under paragraph (3) shall not be subject to judicial review.

"CONTRACT LIABILITY

"SEC. 281. There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any petroleum product, that such delay or failure was caused solely by compliance with the provisions of any regulation or order issued pursuant to authority granted under sections 274 and 275.

"EFFECT OF PRIOR LAW

"SEC. 282. Nothing in this part shall be construed to require that any action taken under the authority of this part, including allocation of, or the imposition of price controls on, petroleum products, be taken in a manner which would have been required under the Emergency Petroleum Allocation Act of 1973 had that Act not expired.

"ENFORCEMENT AND ADMINISTRATION

"SEC. 283. (a) Whoever violates the requirements of the standby regulation or any regulation or order issued pursuant to authority granted by this part shall be subject to a civil penalty not to exceed $40,000 for each violation.

"(b)(1) Except as provided in paragraph (2)—

"(A) sections 205 (other than 205(b)), 206, 209, and 210 of the Economic Stabilization Act of 1970 (12 U.S.C. 1904, note) shall apply to any regulation promulgated under section 274, to any order under this part, and to any action taken by the President (or his delegate) under this part, as if such regulation had been promulgated, such order had been issued, or such action had been taken under the Economic Stabilization Act of 1970; and

"(B) sections 212 (other than 212(b)) and 213 of such Act shall apply to functions under this part to the same extent such sections would apply to functions under the Economic Stabilization Act of 1970.

"(2) The expiration of authority to issue and enforce orders and regulations under section 218 of such Act shall not affect any authority to amend and enforce the regulation or to issue and enforce any order under this part, and shall not affect any authority under sections 212 and 213 insofar as such authority is made applicable to functions under this part.

"(c) Any penalty under subsection (a) may be assessed by the court in any action brought in any appropriate United States district court. Any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

"INFORMATION

"SEC. 284. For purposes of this part, the President or his delegate shall, pursuant to authority otherwise available to the President or his delegate under any other provision of law, collect information on the pricing, supply, and distribution of petroleum products at the wholesale and retail levels, on a State-by-State basis. Such information shall be substantially of the same type as was collected during September 1981 by the Energy Information Administration in connection with the Emergency Petroleum Allocation Act of 1973.

"COORDINATION WITH OTHER AUTHORITIES

"SEC. 285. Nothing in this part affects any authority under any other provision of Federal law to provide for the allocation or pricing of any petroleum product.

"DELEGATION OF PRESIDENTIAL AUTHORITIES

"SEC. 286. (a) The President may delegate all or any portion of his authority to administer any regulation promulgated under section 274 to any State (or officer thereof), as he deems appropriate.

"(b) The President may not delegate any of his authority under this part to any Federal officer or agency of the United States except to officers or agencies of the Department of Energy or of any successor thereof.

"(c) The President may not delegate authority—

"(1) to determine any severe petroleum supply shortage under section 275;

"(2) to make any declaration under section 277(a)(2) respecting a crude-sharing program; or

"(3) to approve or disapprove any request under section 280(c) regarding preemption of State set-aside programs.

"EXPIRATION

"SEC. 287. (a) All authority under this part, and any regulation or order issued pursuant to such authority, shall expire at the end of December 31, 1984.

"(b) The expiration of authority under this part, or any regulation issued pursuant to such authority, shall not affect any action or pending proceeding, administrative or judicial, not finally determined at the time of such expiration, or any action or proceeding based upon any act committed or liability incurred prior to such expiration.".

(b)(1) Section 522(a)(1) of such Act (42 U.S.C. 6392(a)(1)) is amended by inserting after the term "This Act" the following: "(other than part C of title II)".

(2) Section 523(a)(2)(B) of such Act (42 U.S.C. 6393(a)(2)(B)) is amended by striking out "or II of this Act or this title" and all that follows down through "shall" and inserting in lieu thereof the following: "or II (except part C thereof) of this Act or this title (other than any provision of such titles which amend another law) shall".

(3) Section 525 of such Act (42 U.S.C. 6395) is amended by adding at the end thereof the following:

"(f) This section shall not apply with respect to any violation of section 524 based on a violation of part C of title II or any rule, regulation, or order issued under authority granted by such part.".

(4) Section 526 of such Act (42 U.S.C. 6396) is amended by striking out "(other than any provision of" and inserting in lieu thereof the following: "(other than part C of title II or any provision of".

(c) The table of contents for such Act is amended by inserting after the items relating to part B of title II the following new items:

"PART C—STANDBY PETROLEUM ALLOCATION

"Sec. 271. Congressional findings.
"Sec. 272. Purposes.
"Sec. 273. Definitions.
"Sec. 274. Promulgation of regulation.
"Sec. 275. Implementation of regulation.
"Sec. 276. Administration of regulation.
"Sec. 277. Crude-sharing program.
"Sec. 278. General limitations on authority.
"Sec. 279. Limitation on authority over certain inventories.
"Sec. 280. Preemption.
"Sec. 281. Contract liability.
"Sec. 282. Effect of prior law.
"Sec. 283. Enforcement and administration.
"Sec. 284. Information.
"Sec. 285. Coordination with other authorities.
"Sec. 286. Delegation of Presidential authorities.
"Sec. 287. Expiration.".

IMPACT STUDY

SEC. 3. (a)(1) The President shall analyze the impact on the domestic economy and on consumers in the United States of reliance—

(A) on market allocation and pricing during a severe oil supply shortage; and

(B) on the standby program pursuant to part C of title II of the Energy Policy and Conservation Act, as amended by section 2 of this Act.

(2) Such analysis shall—

(A) examine the equity and efficiency of such reliance,

(B) distinguish between the impacts of such reliance on various categories of business (including small business) and on households of different income levels, and

(C) specify the nature and administration of monetary and fiscal policies that would be followed including emergency tax cuts, emergency block grants, and emergency supplements to income maintenance programs.

Projections must be made of the effect of the disruption on Federal tax revenues, Federal royalty payments, and State and local tax revenues.

(b) Within one year after the date of the enactment of this Act, the President shall submit a full and detailed report to the Congress containing the analysis required by subsection (a) along with such recommendations as the President deems appropriate.

OIL STORAGE TAX INCENTIVES STUDY

SEC. 4. Within six months after the date of the enactment of this Act, the President shall submit a full and detailed report to the Congress on the advisability and alternative means of—

(1) reducing the tax liability of persons who draw down oil reserves during oil supply disruptions, and

(2) providing tax or other incentives for the construction of private-sector oil storage facilities and the maintenance of increased private-sector oil reserves.

INTERNATIONAL COOPERATION STUDY

SEC. 5. Within six months after the date of the enactment of this Act, the President shall submit a full and detailed report to the Congress on the manner in which oil stockpile and demand restraint measures have been and may be coordinated among some or all allies and trading partners of the United States.

EXTENSION OF CERTAIN INTERNATIONAL ENERGY PROGRAM AUTHORITIES

SEC. 6. Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "April 1, 1982" and inserting in lieu thereof "July 1, 1983".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to amend the Energy Policy and Conservation Act to authorize the President to allocate crude oil, residual oil, and other petroleum products in the event of a severe petroleum supply shortage, and for other purposes.".

And the House agree to the same.

JOHN D. DINGELL,
PHILIP R. SHARP,
TOBY MOFFETT,
Managers on the Part of the House.

JAMES A. MCCLURE,
LOWELL P. WEICKER, Jr.,
PETE V. DOMENICI,
MALCOLM WALLOP,
JOHN W. WARNER,
HENRY M. JACKSON,
J. BENNETT JOHNSTON,
WENDELL H. FORD,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1503) to authorize the President to allocate supplies of crude oil, residual fuel oil, and refined petroleum products during a severe petroleum supply shortage, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1—SHORT TITLE; TABLE OF CONTENTS

The conferees agreed to adopt the short title of the Senate bill. Thus, the Act may be cited as the "Standby Petroleum Allocation Act of 1982".

The conferees decided to include a Table of Contents in the Act.

SECTION 2—AMENDMENT TO THE ENERGY POLICY AND CONSERVATION ACT

Section 271—Congressional findings

The Statement of Findings in the Senate bill was adopted by the conferees. Modifications were made to reflect the conferees' decision to rely on the definition of "petroleum product" in section 3 of the Energy Policy and Conservation Act.

Section 272—Purposes

The conferees agreed essentially to adopt the language in the Senate bill. The purposes are to grant the President limited and temporary authority to allocate petroleum products, in his discretion, in the event of a severe petroleum supply shortage, and to minimize the adverse impacts of such a shortage on the American people and the domestic economy. The use of the term "in his discretion" is intended to indicate the breadth of discretion and range of options available to the President in allocating petroleum products, but his discretion is of course subject to the limiting provisions in this Part, such as section 275 (Implementation of Regulation), which provides for congressional review, and section 276 (Administration of Regulation).

The reference in the Senate bill to the international energy program was deleted because the conferees do not intend that this Act displace any of the President's existing authority under section 251 of EPCA to meet the obligations of the United States under the international energy program.

Section 273—Definitions

Severe Petroleum Supply Shortage (Sec. 273(1)).—The conferees decided to use the term "severe petroleum supply shortage" to describe the trigger for the Federal program. In defining that term, the conferees agreed to merge the definitions contained in the Senate and House bills. Because a severe petroleum supply shortage could arise in a variety of ways, many of which may be unpredictable, the term has been defined with flexibility rather than specificity. The definition thus provides the President with broad discretion to seek the imposition of allocation controls when, in his judgment, a petroleum supply shortage is sufficiently severe to meet the general criteria specified in the definition, and may not be reasonably manageable by reliance on free market pricing and allocation or under other authorities available to the President. The President's determination of a severe petroleum supply shortage may be made on the basis of circumstances in a specific region, and is not restricted to conditions which are national in scope.

Region (Sec. 273(2)).—The term "region" means any geographic area or areas within the United States comprising one or more States or political subdivisions thereof.

Territories (Sec. 273(3)).—The conference agreement includes the Trust Territory of the Pacific Islands within the definition of "United States" due to the responsibility of the United States as administering authority for the residents of the Trust Territory. The Committee notes that the Northern Mariana Islands will continue to be included within the coverage of the Act during the post-trusteeship period due to the resolution of its status, but Palau, the Federated States of Micronesia, and the Marshall Islands are not included since their future status has not as yet been resolved. The definition of "State" in EPCA applies to Puerto Rico and Guam.

Petroleum Product.—Because the Standby Petroleum Allocation Act is an amendment to title II of EPCA, the definitions in section 3 of EPCA fully apply, including the definition of "petroleum product", which includes "crude oil, residual fuel oil, or any refined petroleum product (including any natural liquid and any natural gas liquid product)."

Section 274—Promulgation of Regulation

Sec. 274(a): The conferees agreed to require the President to promulgate a regulation on a standby basis within 180 days of enactment, subject then to a layover before the Senate and House of 30 calendar days. The 180-day period is meant as a deadline and the President could, of course, promulgate and transmit the standby regulation within a shorter period of time, if, for example, the President determines a severe petroleum supply shortage under section 275.

In promulgating the regulation, the President is required to provide an opportunity for public hearings in various regions of the United States and for participation by Executive departments of the Federal Government in the formulation of the standby regulation and in the hearings. The conferees also expect interested State and local governments to comment during this period. Bimonthly status reports to the Congress on progress taken towards the promulgation of the regulation are also required.

The conferees merged the Senate and House provisions regarding the scope of this part to make clear that the standby regulation may apply to any petroleum product produced in or imported into the United States. In addition, the President's determination of a severe petroleum supply shortage is not restricted to conditions which are national in scope; the determination may also be made on the basis of circumstances in a specific "region", which may include one or more States or political subdivisions thereof.

The authority delegated to the President under this Act is intended to provide the President with maximum flexibility to implement an allocation program which is consistent with the provisions of this Act and, in his judgment, is best suited to the particular shortage at hand. Thus, subject to the provisions of this Act, the President, in his discretion, may, for example, choose to limit allocations to a single category of petroleum product, to certain classes of end-users, or to allocations of crude oil among refiners, and may choose to implement the program throughout the United States or in any region of the United States.

Sec. 274(c): The conferees adopted the Senate provision to make clear that the standby regulations may include limitations on the price of allocated supplies only to the extent that the President finds that such limitations are necessary to ensure effective implementation of such regulations. Such limitations may include, among other types of price controls, margin controls or restrictions against discriminatory pricing.

This section contains no limitation on the kind of price controls the President could utilize with his allocation controls, provided that the President finds that any price limitations "are necessary to ensure the effective implementation of such regulation". The conferees intend that this phrase should not be read narrowly. "Effective implementation" could include achieving the purposes of the Act, the purposes of the regulation itself, or the objectives of any of the provisions of this Part.

Hence, any type of price controls, including but not limited to margin restrictions and prohibitions of discriminatory pricing (except for those types of price controls barred by section 278) is permitted if the President finds that such limitations "are necessary to ensure the effective implementation of such regulation."

While the Conference Agreement provides that there shall be no judicial review of the President's finding regarding limitations on the price of petroleum products in subsection (c), the conferees do not intend to deny judicial review in those instances in which the Constitution, despite the statutory provision implying the contrary, would provide for judicial review.

Sec. 274(d): The standby regulation and any amendment thereto (other than a technical or clerical amendment) shall not be effective until such regulation or amendment is transmitted to the Congress and lays over for 30 calendar days. However, if a severe petroleum supply shortage is determined to

be in effect, then the 30-day layover is not required.

Section 275—Implementation of the Regulations

The Senate receded to the House with respect to limiting the use of the authorities in this part to severe petroleum supply shortages. Accordingly, section 251 of the EPCA is not affected by the adoption of this part and will continue to provide the President authority to implement the obligations of the United States under the international energy program.

Sec. 275(a): The conferees merged the language in the Senate bill and the House bill regarding the procedure for implementing the regulation and the scope of the regulation. The intent of the conferees is to reconcile the Congress' desire to know what it is approving, with the President's need for flexibility in a crisis. Thus if the President expressly provides, in his standby regulations submitted to and approved by Congress at the start of a crisis, that the scope of his authority in the allocation program is limited only to two refiners, and no more than that, then subsequent amendments to the allocation program to include end-user allocation throughout the nation would require new congressional review.

Conversely, if the President's standby regulations submitted to and approved by the Congress at the start of the crisis specified that the scope of his authority in the allocation program is limited to two refiners, but also authorized the President subsequently to take such further action as he deemed necessary, *including* end-user allocation throughout the nation, then further congressional review of any amendments actually expanding the program in that manner would not be required.

The conferees also intend that the President have authority to carry out the congressionally-approved regulation by rule or by order.

Sec. 275(a)(2) provides the procedure for congressional review of certain substantive amendments during a severe petroleum supply shortage subsequent to implementation of the standby regulation. The conferees adopted a new provision to make clear that the congressional review requirement in subsection (a)(1)(B) shall apply to any amendment to a regulation authorized to be implemented only if the amendment (i) is promulgated subsequent to such authorization, (ii) is not technical or clerical, and (iii) would expand the scope of the President's authority under such regulation by extending the application of the regulation to one or more additional regions or categories of petroleum products, from only end-user allocation to inclusion of a crude sharing program or from only a crude sharing program to inclusion of end-user allocation.

Sec. 275(b): The conferees agreed to merge the language in the Senate and House bills.

Sec. 275(c): The conferees agreed essentially to adopt the language in the Senate bill.

Section 276—Administration of Regulation

The conferees adopted the Senate provision. The considerations set forth in this provision are general objectives which reflect competing and conflicting interests. These general terms could be applied by the President in a variety of specific ways to meet and manage a particular crisis. The conferees fully recognize that, in some instances, it may be impossible to satisfy one objective without sacrificing the accomplishment of another since they are inherently contradictory. The objectives, therefore, can be implemented only to the extent practicable.

The inclusion by the conferees of Emergency Petroleum Allocation Act (EPAA) language in this provision must be interpreted in the context of the basic philosophy of this legislation: broad administrative flexibility and minimum Government intervention in the market. Hence this provision does not mandate the adoption of any particular regulatory program, much less the comprehensive regulatory scheme developed under the EPAA.

Rather, this provision represents a workable set of objectives which the President should seek to satisfy, recognizing that these objectives are inherently contradictory. The President would have the administrative flexibility to determine the most practical approach, after considering the particular circumstances surrounding the shortage, and recognizing his responsibility to minimize Federal intervention in the marketplace.

Section 277—Crude-sharing

The conferees adopted a provision on crude-sharing that generally combined the provisions of the House and Senate bills regarding crude-sharing which provided for the allocation of crude oil among refiners. The President is required to promulgate the crude-sharing program authorized by section 277 as a part of the standby program under section 274 and subject to the requirements of section 275.

The intent of the conferees is that the President will include a crude-sharing program in the standby regulation under section 274 and in the event of a severe petroleum supply shortage the President, at his option, could use this program to require limited sales of crude oil among refiners. For example, in accordance with this section, the President, if he deems it appropriate, could choose to allocate crude only between two refiners in the implementation of the crude-sharing program. Use of the crude-sharing program as an intermediate step might provide the President with an effective means for coping with a petroleum shortage with a minimum of government intervention, and, in particular, without the necessity of resorting to the general price and allocation authority under this Act.

It is the intent of the conferees that prior to implementing any crude-sharing plan the President shall make a declaration that the program is likely to result in a significant reduction in anticipated adverse impacts of a severe petroleum supply shortage and thereby benefits consumers as a whole. Under section 286(c), the President may not delegate the authority to make this declaration.

In paragraph (c)(5) the use of the phrase "by certification or otherwise" describes the methods or mechanisms by which the crude-sharing program will assure that "to the maximum extent practicable, any benefits or burdens of the program for any refiner are passed on to that refiner's customers on a nondiscriminatory basis." If a refiner participating in the program were to falsely certify under this paragraph or to refuse to certify—or if the refiner did not comply with methods chosen other than certification—then the refiner would be made ineligible to purchase crude oil under this crude-sharing program. In addition, civil or criminal penalties under other law (for example, 18 U.S.C. 1001) would apply for false certification.

The methods could include certification by refiners, or any other method the President chose to accomplish the requirement of this paragraph, including the imposition of price and allocation controls within the context of the crude-sharing program.

Section 278—General limitations on authority

This section, which incorporates limitations from both Senate and House provisions, is self-explanatory.

Section 279—Limitations on authority over certain inventories

The conferees adopted a modified version of the House provision which limited the authority of the President under this part with respect to certain inventories of petroleum products held by consumers. The bill passed by the Senate contained no comparable language.

Section 279(a) lists the limitations on the President's authority. These limitations are intended to create a statutory right of protection from regulation for some consumer inventories. Section 279(b) defines terms used in section 279(a) and provides the President broad discretion to extend this protection to other consumer inventories, as well.

A consumer petroleum inventory which is afforded a statutory right of protection from regulation under subsection (a) is one that is owned and in the direct possession of a consumer on the day before the date the President determines a severe petroleum supply shortage exists. In addition, the inventory must be for such consumers' own end-use consumption, and not thereafter sold or exchanged by the consumer. In any event the amount of inventory which is protected by this section cannot exceed the amount of inventory held by and in the custody of that consumer on the 30th day prior to the date of the President's determination.

A refiner's inventories are protected in this section only to the extent they meet the definition in section 279(b)(3) which provides statutory protection for residual fuel oil or refined petroleum products which are used by the refiner to meet fuel requirements necessary for operating refiner equipment and facilities for the duration of a severe petroleum supply shortage, including an extension of 60 days.

For purposes of this section, the term "end-use consumption" when used with respect to consumers is intended to mean use (such as boiler fuel use, process use, or feedstock use) in the manufacture or processing of goods other than "petroleum products", which are defined in section 3(3) of EPCA as "crude oil, residual fuel oil, or any refined petroleum product (including any natural liquid and any natural gas liquid product)." Thus, persons that manufacture or produce "petroleum products" within the meaning of EPCA are "refiners", not "end-use consumers". As intermediaries in the petroleum product processing chain, these middlemen (including refiners, processors, or separators) are not protected by this section, except to the extent of their "necessary" fuel requirements, as defined in section 279(b)(3).

The conferees encourage the President to exercise his discretion under section 279(b)(2)(B) and section 279(b)(3)(B) to define in the standby regulation those additional inventories which shall be given protection from regulation so as to encourage the building of stocks.

Section 280—Preemption

The conferees agreed to adopt the House provision on preemption with Statement of Managers language as follows:

The Senate bill and the House amendment each provided that upon enactment of the Federal law, any provision of a State law or regulation would be superseded to the extent that such law or regulation provides for allocation or pricing of petroleum products. In both cases, the President would be authorized to prescribe by rule classes or categories or exceptions to this preemption. In the case of the Senate bill the President's authority in this regard was narrower than that provided in the House amendment.

The conference substitute generally follows the House amendment. The conferees take favorable note of those expressions of intent in the legislative history in each House to the effect that the provision enacted is to be construed to create a limited preemption of State or local laws or regulations. The limits of this preemption are discussed in the following comments:

In determining whether a particular State law or regulation is encompassed by the terms "pricing" or "allocation," and is thereby preempted, it will be necessary to consider both the purpose and actual effect of the State law or regulation as well as the purposes of the preempting Federal legislation. Another consideration is whether a State law would significantly impede the operation of the Federal allocation program if implemented. Although certain laws will not be preempted upon enactment of the Act (see following discussion), some of those laws ultimately may actually conflict with implementation of the Federal program during a severe petroleum supply shortage. In that event the conferees anticipate that such conflicts will be resolved by the courts in favor of the Federal requirements superseding those of the States.

The conferees agree that a State law which imposes price and allocation schemes similar to the Federal regulations implemented under the Emergency Petroleum Allocation Act on all or some types of petroleum product sellers within the State would be a type of "pricing or allocation" law preempted on enactment. State laws establishing set-aside programs also will be preempted under section 280(a) as a type of "pricing or allocation" law preempted on enactment. However, certain State set-aside laws may be subsequently exempted from preemption pursuant to subsections (b) and (c).

The conferees accordingly do not intend that the preemption test consist solely of applying the literal meanings of the terms "pricing" and "allocation". A particular State law may not necessarily be preempted, even though in a strictly technical sense it affects, whether directly or indirectly, the prices or volumes of petroleum products available within a State.

For example, recognizing that the regulations implementing the Emergency Petroleum Allocation Act included odd-even laws, the conferees nevertheless anticipate that if a court examines a State odd-even law using the criteria already discussed, the court would not be compelled to conclude that such a law is a "pricing or allocation" law within the meaning of this Part. Although in a strictly technical sense State authorized odd-even programs are allocation systems, they are expressly intended not to be preempted.

Conversely, although a State law may be characterized (for example, in its title or statement of purpose) in a manner that would appear to place it among the laws not intended to be preempted under this section, a court may nevertheless conclude, after close examination of its actual effect and after applying the criteria set forth in the foregoing discussion, that the law is a "pricing or allocation" law and should therefore be preempted.

Thus, there are many types of petroleum-related State laws that would not be preempted by section 275(a) provided that such laws satisfy the criteria in the foregoing discussion so as to escape preemption. Such laws can be grouped in three categories: (1) those providing the Governor with emergency powers to respond to natural and physical disasters affecting public health and safety; (2) laws that promote energy conservation, or restrain demand for petroleum products at the retail level, but would not significantly impede the operation of the federal allocation program; and (3) laws designed to accomplish regulatory goals unrelated to emergency preparedness.

The first category would include those State laws providing for emergency allocation of petroleum products to alleviate a shortage within the State caused by damage to or destruction of facilities located within the United States and resulting from sabotage, accidents, or an act of God.

Examples of laws in the second category are those that promote the conservation of petroleum products, such as laws creating State conservation programs pursuant to the Energy Emergency Conservation Act of 1979, provided such programs do not include allocation and price controls. Also included in the second category are State laws that restrain retail demand for petroleum products, such as odd-even management programs, minimum purchase requirements, car-less day and parking restrictions, fuel switching requirements, car pooling programs, and speed limits.

The third category would include laws that, in general, were not enacted in response to the oil emergencies of the 1970's. Examples of such laws are the following types of petroleum related laws: antitrust, anti-merger, and other State laws barring monopoly pricing or price-fixing; franchising laws; leasing laws; marketing withdrawal laws; trademark laws; licensing laws; intrastate oil pipeline regulation; data collection or reporting requirements; maximum efficient recovery, pro-rationing, well spacing and similar oil production requirements; and tax laws, including income and severance tax laws. The conferees note these laws in general were not enacted in response to the oil emergencies of the 1970's and serve legitimate and longstanding State interests.

While there may be types or categories of laws that are determined not to be preempted by this preemption provision, no law automatically escapes preemption by virtue of the type or category of law in which it falls. It is intended that for any State or local law to escape preemption under this section it must meet *all* the criteria enumerated in the statute and in the foregoing discussion.

In general, it is the intent of the conferees that the decision as to when and to what extent to replace market mechanisms with mandatory price and allocation program in the petroleum industry is a Federal decision, and State laws that would usurp this Federal role are hereby preempted.

The conferees do not intend to interfere with the ongoing litigation with respect to State laws nor in any way to pre-judge the validity of laws such as State taxation laws containing anti-passthrough provisions, as in the case of *Mobil* v. *Tully*, which is currently under review regarding a New York State law.

State Set-Aside (Sec. 280(c)).—While both the House and the Senate bills contained provisions on State set-asides, the conferees agreed to a new provision that retained certain elements of the House and the Senate versions. The agreement of the conferees is that State set-aside programs are preempted at the date of enactment of this Act; however the President may, in his discretion and upon notice from a State Governor of the Governor's intent to implement a State set-aside, affirmatively exempt certain programs from preemption. The burden is, therefore, on the State to seek and to make the case to the President for exemption from the Federal preemption. The conference agreement includes certain criteria which must also be met to qualify for exemption from preemption, including the requirement that the State set-aside may not unduly burden interstate commerce. It is important to note that the Governor's authority to impose a State set-aside program must be derived from State law, not Federal law.

If a Federal program for residual fuel oil or a refined petroleum product under this part is implemented in a State, then section 275(c) would control rather than this section. Section 275(c) mandates that the implemented Federal program provide for a State set-aside program.

In establishing the 5-percent limitation on State set-asides, the conferees do not intend to indicate any preference for that particular percentage. The Governor might request a lower percentage State set-aside. The President could, in his discretion, approve or disapprove the State's request in whole or in part, but he must respond within 10 days. If he approved the proposed set-aside at an earlier time than that, it could go into effect before that 10-day period elapsed.

The conferees intend that the Governor of a State will have no authority under this section to divert petroleum product destined for sale and consumption in another State. Of course, the Governor might under State law conduct audits of prime suppliers in his State to determine if his State were obtaining the amounts of residual fuel oil or refined petroleum products which the prime suppliers had intended the State to receive. In addition, comparison of current consumption and recent historical consumption would be an appropriate factor for a court to consider in determining whether the set-aside in fact encompassed only 5 percent, at most, of the product "destined for consumption" in that State—as opposed, for example, to 5 percent of all products en route through that State.

Section 281—Contract liability

The conferees adopted the provision in the Senate bill providing for a defense to breach of contract actions.

Section 282—Effect on prior law

The conferees agreed to the Senate provision stating that nothing in this Act shall be construed to require that any action taken under this Act be taken in a manner which would have been required under the Emergency Petroleum Allocation Act.

The President's allocation authority under this Act is discretionary, not mandatory as it was under the EPAA. The fundamental concept behind the conference agreement is recognition that the nature

and scope of a severe petroleum supply shortage is inherently unpredictable, and therefore, the President needs the capability and flexibility to tailor his response to the particular circumstances facing him. The basic philosophy behind this Act is broad flexibility and minimum government involvement in the marketplace.

The conferees do not intend by this provision to nullify the specific procedures specified in this Part, such as the time and manner of judicial review; Federal court jurisdiction and venue; injunction procedures; limitations on and requirements for subpoenas and civil penalties; the manner in which informal rule makings will be conducted, and data collected; the manner of congressional review; and other specific enforcement, administrative, information-gathering, and procedural matters.

Section 283—Enforcement and administration

The conferees agreed to adopt the enforcement provisions in section 7 of the Senate bill. Section 7 incorporated by reference certain provisions of the Economic Stabilization Act of 1970 relating to both enforcement and administration. Those provisions were retained, with the exception of section 205(b) (reporting requirements under the regulations of the Cost of Living Council) and section 207 (administrative procedure). With those exceptions, section 283 incorporates by reference the same provisions of the Economic Stabilization Act of 1970 that were made applicable to the EPAA.

Section 284—Information

The conferees adopted the provision in the House bill with a clarification. It was agreed that the President would be required to collect the information pursuant to existing authority.

Section 285—Coordination with other authorities

This provision provides that nothing in this part affects any authority under any other provision of Federal law to provide for the allocation or pricing of any petroleum product.

Section 286—Delegation of Presidential authorities

The conferees agreed the President may delegate all or any portion of his authority under this Act except as provided under this section.

Section 287—Expiration

The conferees selected the expiration date in the House bill, December 31, 1984. With minor modifications, the savings provision in the House bill was also adopted.

SECTION 2(b)—AMENDMENTS TO GENERAL PROVISIONS OF ENERGY POLICY AND CONSERVATION ACT

The conferees agreed to incorporate by reference certain general provisions in title V of EPCA, with the express understanding that the remaining provisions of title V will not apply to this Act. The applicable provisions are sections 521, 524 and 551, and portions of section 523. The conferees decided that with respect to section 523, subparagraph B of paragraph (a)(2) of that section would not apply.

The applicable portions of section 523 include the administrative procedures to be used in implementing the Act, and the provisons for judicial review. Section 523(b) provides for judicial review in accordance with section 211 of the Economic Stabilization Act of 1970.

SECTIONS 3, 4, AND 5—STUDIES

The conferees agreed to merge the Senate and House provisions requiring the President to conduct certain studies and submit reports to the Congress. Added to the Senate provisions was the requirement in the House bill that the President analyze the impacts on the economy and consumers of reliance on the standby program during a severe petroleum supply shortage.

SECTION 6—INTERNATIONAL ENERGY PROGRAM AUTHORITIES

The conferees agreed to retain the provision in the House bill extending the expiration date of section 252 of EPCA; however, the extension period was reduced from June 20, 1985 to July 1, 1983. The conferees reached this agreement with the understanding that the Congress, prior to the new expiration date, will review the international energy program and United States participation in that program. Included in that review will be an analysis of the evolution of the International Energy Agency (IEA); a review of the agreements and commitments currently encompassed within the international energy program; an updated assessment of the size of, and rate of increase in, the strategic petroleum reserves held by each participating country; and an analysis of how such reserves would be used in the event the international energy program is activated.

Moreover, it is the intent of the Senate conferees that the Senate will maintain close and continuing oversight over all activities of the IEA, particularly those that raise issues concerning its authority and the scope of its responsibilities. Other subjects to be included in the ongoing review will be the limited antitrust defense provided to U.S. oil companies participating in the international energy program, and IEA policies concerning responses to "sub-trigger" supply problems.

STRATEGIC PETROLEUM RESERVE

The House bill contained a provision regarding preparation of a distribution plan for use during a drawdown of the Strategic Petroleum Reserve and procedures for congressional review of that plan and of any decision by the President to draw down the Strategic Petroleum Reserve.

Although the conferees did not adopt the House provision, they agreed that this provision addressed issues that deserve the prompt attention of, and further study by, the respective Committees of the House and Senate. Indeed, both Houses have subcommittee hearings already scheduled on the SPR program.

At its current level of approximately 250 million barrels the SPR is unquestionably the world's largest stockpile of oil, now worth approximately $8.5 billion on the market but far more than that to the economic security of the United States in the event of a major petroleum supply disruption. The conferees are concerned that neither this nor prior Administrations have formulated a clear set of policies as to how the SPR oil would be drawn down and distributed in a petroleum supply disruption and, moreover, under what circumstances the President likely would exercise his authority to draw down the SPR. Clarification of these issues would enable business and government to better assess the extent to which the SPR oil would be available to them in a variety of situations, so as to facilitate emergency response planning by individual firms, States and localities.

Because of the importance of the SPR to our national and economic security the conferees firmly believe that the Congress should be involved in this process of generally defining the use of the Strategic Petroleum Reserve.

Another issue raised by the conferees is what, if any, is the relationship between the SPR and the potential obligations of the United States under the International Energy Agency agreements? To what extent do the other IEA member nations have oil-stock building policies? And how are those policies related to the agreements among IEA member nations?

These issues must be addressed and resolved as a prerequisite to defining the availability of oil from the SPR to the domestic economy.

Certainly the physical limitations of the SPR storage facilities themselves must be considered as well. For example, the conferees understand that there are physical limitations as to how many times certain SPR storage caverns can be drawn down and refilled. Future plans for the use of the SPR must incorporate realistic estimates of how frequently the Nation could expect to turn to the SPR for oil.

The conferees consider the SPR to be a national security asset, a strategic asset that is vital to the economic security of the United States in light of our substantial dependence on foreign sources of petroleum. The use of SPR oil for nonstrategic purposes, such as a source of revenue or as a market normalizing mechanism in the absence of a crisis, is an issue of grave concern to the conferees.

The absence of clear policies on the use of this national resource might result in its misuse if drawdown and distribution policies remain largely undefined. It is with this concern in mind that the conferees raise the issues outlined herein and urge prompt congressional involvement in their resolution.

JOHN D. DINGELL,
PHILIP R. SHARP,
TOBY MOFFETT,
Managers on the Part of the House.

JAMES A. MCCLURE,
LOWELL P. WEICKER, Jr.,
PETE V. DOMENICI,
MALCOLM WALLOP,
JOHN W. WARNER,
HENRY M. JACKSON,
J. BENNETT JOHNSTON,
WENDELL H. FORD,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

TRIBUTE TO RANDY THOMAS, IMPERIAL POTENTATE OF THE SHRINE, AND A TRIBUTE TO THE SHRINERS

(Mr. BENNETT asked and was given permission to address the House for 1 minute.)

Mr. BENNETT. Mr. Speaker, Randolph R. Thomas, of Jacksonville, Fla., the area of my representation in Congress, is imperial potentate of the Shrine of North America. He is a graduate of Jacksonville University, president of McDuff Appliances Stores, which he founded. He is a director in other businesses, including the Bank of Green Cove Springs and Sav-A-Stop, Inc. Under his leadership the Shrine headquarters has been established in Tampa, Fla., and favorable consideration is being given by that

fine organization to the establishment of a hospital for crippled children in the Tampa Bay area. It is a pleasure for me to pay tribute to him and to the wonderful organization of the Shrine for their great leadership for good things in our country and for their many accomplishments.

Randy Thomas is a member of Florida's Council of 100 and serves on the boards of the Big Brothers of America, Leukemia Society, on the national level; and other local-level philanthropic boards. Certainly he and his wife, Olene, have made a tremendous impact for the betterment of mankind, not only in Florida, but widely throughout the country.

The Shrine of North America also deserves great credit. It was founded in 1872 as a fraternity dedicated to good fellowship and has grown into an international organization that supports a network of 21 hospitals specializing in care of crippled children. Their hospitals are open to all children, regardless of race, religion, or relationship to a Shriner; and care is free and financial need is a prerequisite for admission. The hospital in Tampa is scheduled to open by 1984. Certainly the Shriners, and Randy Thomas in particular, do a great work and deserve every congratulation.

HIGH INTEREST RATES MAY CALL FOR LEGISLATIVE ACTION

(Mr. REUSS asked and was given permission to address the House for 1 minute.)

Mr. REUSS. Mr. Speaker, earlier this morning the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT), announced an innovative use of tax policy to bring down interest rates. I commend the majority leader for his leadership in combating what is certainly America's No. 1 problem, the major cause of our recession, the major cause of our 10 million unemployed—the greatest number since 1937—and the major cause of the unprecedented wave of business bankruptcies.

Something must be done, and a legislative approach is one that should surely seriously be considered. But what we should bear in mind is that interest rates are high because President Reagan and the Federal Reserve Board have gotten into bed together and are squeezing the money supply even more and tightening money even more in the face of the very discouraging recession that now confronts us. The majority leader's innovative action shows that a legislative approach may be necessary.

Mr. Speaker, I hope and pray that there will be a change of heart so that that approach is not necessary.

ECONOMIC RECOVERY THWARTED BY HIGH INTEREST RATES

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, in the President's news conference last week he publicly supported the high interest rate policy of the Federal Reserve.

Our Nation is in the midst of one of the worst recessions since the Great Depression. Yet, last week the interest rates jumped upward again at the same time that private sector and Government economists were voicing concern that rises in the interest rates would choke off our Nation's chances for economic recovery.

Some economists believe that the recovery effect of the 1981 Reagan tax cut has been lost to high interest rates.

Since the President has joined with the Federal Reserve to sustain the high interest rate policy which is breaking the back of the American economy, it is clearly time for Congress to take action to remove this unnecessary and counterproductive burden from the backs of the American people.

Farmers cannot make a crop and stay in farming paying 18- and 19-percent interest rates.

The housing industry cannot make a sustained recovery from its current deep depression with homebuyers pushed away from the market by rising interest rates and economic uncertainty.

These are two or our most basic industries. On the economic health of farming and housing rests the job futures of hundreds of thousands of our workers in manufacturing, business, and service industries. If farming and housing cannot make a recovery because of high interest rates our economy as a whole will not be able to do so either.

The experts are telling us that the share of farm production costs in 1981 represented by interest on credit was 13 percent—up from 7.5 percent a decade ago. For the past 2 years the real purchasing power of farmers has decreased—and agriculture experts are telling us that the same thing could happen in 1982. If that prediction comes to reality, it would be the first time since the 1931-33 period that farmer purchasing power has dropped for 3 straight years.

We have just received news of a Brookings Institute study which indicates that our savings and loan industry—the traditional financial backbone of the housing industry—is in its worst crisis since World War II. The cause—high interest rates.

Attached is an article by Caroline Atkinson of the Washington Post of Sunday, February 21, 1982:

CONTINUED RISE IN INTEREST RATES BAFFLES EXPERTS

(By Caroline Atkinson)

President Reagan blamed the Federal Reserve. Fed officials blamed the administration. And meanwhile, interest rates climbed still higher, with major banks pushing their key prime lending rate to 17 percent last Wednesday.

The President changed tactics on Thursday, and embraced the Fed's monetary policy at a televised press conference. But words alone are unlikely to bring interest rates down.

Few analysts are willing to bet on what will. The cost of money is now extraordinarily high both in relation to inflation and to the state of the business cycle. This year's combination of rising interest rates, exploding money growth, and deepening recession has baffled economists and policy makers.

Interest rates generally fall during recession as private credit demands fall off. The drop in inflation over the past year also should have pushed nominal interest rates down by cutting that portion of interest rates that merely compensates lenders for rising prices. Instead, rates are rising, and no one is quite sure why.

For a while last fall, all the economic indicators moved in step and signaled recession. Unemployment rose, production fell and interest rates began to come down, while the money supply stayed flat. But in November, money growth accelerated sharply, and in early December interest rates stopped falling and began to climb.

Such unexpected strength in the financial indicators could have been an early signal that the economy was recovering. In 1980, a rise in the money supply was the first indication that the short, sharp recession of the second quarter was over.

But just as the banks moved the prime up again last week, the Federal Reserve published statistics showing that the current recession worsened at the turn of the year. Industrial output dropped by 3 percent in January, and capacity utilization fell to its lowest level for seven years. Bad weather contributed to the January slump, but it did not account for it all.

While there may be confusion about just why interest rates are rising in midst of recession, there is little doubt among economists that if the rise is not halted, this year's promised economic recovery will not materialize.

Interest rates on short-term Treasury debt are already back up close to their prerecession peaks. Long-term bond rates and mortgage interest rates fell only slightly from their 1981 highs and are fast approaching them again. It was these high rates that precipitated the recession.

Some economists have already revised their economic forecasts downward to show a decline in gross national product in the current quarter that matches the 5 percent annual-rate fall at the end of last year. In his news conference, the president backed off from earlier administration predictions that the economy would pick up briskly this spring.

He commented that "high interest rates present the greatest single threat today to healthy, lasting recovery," and held out hope of more cooperation between the administration's fiscal policy and the Fed's

tight money policy. "The administration and the Federal Reserve can help bring inflation and interest rates down faster by working together than by working at cross-purposes. . . . I am sensitive to the need for a responsible fiscal policy to complete a firm, anti-inflationary monetary policy."

Explanations for the upset in financial markets—and therefore recommendations about how to correct it—have centered around the conflict between the administration's growth-oriented fiscal policy and the Fed's tight monetary targets. Some analysts, and Fed Chairman Paul Volcker, stress the role of the large projected budget deficits. These raise long-term interest rates, they argue, by adding to financial market fears of future inflation, and so adding to the "inflation premium" included in the long rates. A huge and growing federal presence in financial markets also contributes directly to raising interest rates by increasing the demand for credit, they argue.

Others put more emphasis on the Fed's tight monetary policy. The present targets for money growth simply do not leave enough room for the economy to grow satisfactorily, economists James Tobin and Lawrence Klein told a congressional committee recently. When recovery starts it will run into this "monetary lid," interest rates will climb automatically as credit demands rise, and the economy will stall, they and others say.

Those who attribute more weight to monetary policy believe that the economy will grow only sluggishly with present Fed policies, almost irrespective of what happens to fiscal policy and the budget deficit. The present run-up in interest rates—even before the economy has begun to recover—illustrates just how effectively present money policies work to hold down the economy and squeeze out inflation, according to one top Wall Street economist.

Tight money will work to hold down growth by keeping interest rates relatively high, he says, and can override the attempts of Congress and the administration to boost the economy though fiscal policy.

If the administration and Congress try to raise growth through running a big deficit, interest rates will rise all the more and offset the additional demand from the deficit. It may be possible to bring interest rates down through reducing the deficit substantially and easing credit market pressures. But the tax increases or spending cuts that reduce the deficit will themselves dampen the economy, the same analyst argues, by reducing the spending power of taxpayers in the one case or beneficiaries of government programs in the other.

In this view, the Fed is the real culprit for high interest rates and the economy's poor growth performance, as well as the hero of the anti-inflation battle. If more growth rather than less inflation is the objective, then the Fed should raise its money targets, accept somewhat more inflation than otherwise, and give the economy room to recover.

But Volcker argues, financial market concerns about inflation are now so great that it is no longer possible to bring down interest rates and stimulate recovery by increasing the money supply. When money growth accelerates, interest rates rise because of market fears of future inflation, rather than falling in response to easier credit. In recent weeks rising money supply has indeed coincided with higher interest rates.

Conversely, the drop in money announced on Friday could lead to a decline in rates.

However, this does not suggest that all the Fed needs to do to bring down interest rates is tighten the monetary screws. An alternative explanation for the market's apparent perversity is that financiers view an unexpected rise in the money supply as a signal for the Fed to tighten up. Market participants expect the central bank to move swiftly to choke off any sudden increase in the money supply—by rationing credit and raising rates—so they push rates up themselves as soon as the increased money numbers are announced.

While an announced drop in the money supply could work in the opposite direction, the underlying tension between a constricted money supply and an economy that is trying to grow will put a limit on how far rates can drop, the Wall Street economist said.

A longer, deeper recession will bring rates down. But higher money targets could also do the trick, and without the cost in terms of lost output and employment. Such a policy would risk more inflation, however, and the Fed is unlikely to embark on such a path, especially while the administration's fiscal policy is also going for more growth rather than less inflation.

HIGH DEFICITS SIGNAL NEW APPROACH ON TAX CUTS

(Mr. NELSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. NELSON. Mr. Speaker, last year in confronting the Nation's economic future, we decided in this House in a bipartisan fashion to adopt the economic plan as prescribed for us by our President. In looking back on those activities of 1981, now in light of the President's budget that has just been submitted—the budget which proposes not one large deficit near $100 billion for fiscal year 1983 but continuing those large deficits each year over several years—I feel that we simply must reduce that proposed deficit.

There is only so much we can cut in spending in defense and is only so much that can be cut from social programs. To lower the President's deficit significantly there is only one other place we can turn, and that is to delay or reduce the huge tax cut package that we enacted last July.

Mr. Speaker, in conclusion, as one who supported the President's tax cut, I want to explain that I think we in the Congress, myself included, made a mistake. We overdid it. We ought to partially undo it and bring down this near $100 billion proposed deficit that will continue to partially sustain high interest rates.

LATCHKEY CHILDREN

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, a sixth-grade teacher in Glen Burnie, a middle-class community in my district, was shocked to find out that 24 of her 28 pupils were latchkey children, so-called because of the house keys they wear on strings around their necks. It is time that we focus our attention on the millions of latchkey children in this country. Today close to 60 percent of all mothers are working outside the home. Their children return from school to empty homes where they spend lonely, fearful hours until their parents return. Unsupervised for lengthy periods every day, some of them turn to vandalism and other crimes. For others, television is the babysitter. During vacations and holidays, these children are even more isolated.

Professors Thomas and Lynette Long were quoted in a U.S. News & World Report article last September, outlining this problem. They make a lot of sense.

We have to help parents find ways to use neighborhood resources, such as senior citizens, volunteer organizations, high school students, and the schools, to meet the problem. The few programs that exist now are primarily designed to work within the school system. I am looking for ways to set up a small pilot program in my district and I urge my colleagues to work with me to find ways to solve this comparatively recent and very troubling situation. The latchkey child needs a new version of the extended family.

□ 1215

CRIMINAL JUSTICE SYSTEM REFORM LEGISLATION

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, though our agenda for this session is set for budget battles, I urge my colleagues to bring effective criminal justice system reform legislation to the floor.

Support for mandatory sentencing is growing. My own bill to impose a mandatory sentence of 2 years without possibility of parole on persons convicted of using a handgun in the commission of a crime has 37 cosponsors.

However, mandatory sentencing will not of itself bring integrity back to criminal justice. We need strict parole and probation standards, plea bargaining and bail reform, new prison construction, sensible habeus corpus limitations, and revision of the insanity defense.

Enacting all of these reforms would make the criminal justice system responsive to society's right to swift and certain punishment of convicted offenders.

While we in the House of Representatives delay action on criminal justice reform, countless of our constituents—law-abiding Americans who look to this body for leadership—will be the

victims of repeat offenders who commit large numbers of serious crimes.

Again, I urge my colleagues to bring effective criminal justice reform legislation to the floor. Crime has reached epidemic proportions—now is preeminently the time for us to act.

MEN AND WOMEN OF DEA COMMENDED

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, shortly after the House adjourned for the February district work period, I was disturbed to learn that two agents of the Drug Enforcement Administration, Kelly McCullough and Charles Martinez, had been brutally attacked and wounded while on assignment near Cartagena, Colombia. Both men were shot after a band of men broke into their hotel room. According to news reports, McCullough was wounded in the throat while Martinez, was shot in the shoulder and leg. I am pleased to report that both agents are now out of the hospital and are making good recoveries at home.

McCullough and Martinez, both pilots, were in Colombia in connection with Operation Tiburon, a 14-month joint United States-Colombian campaign to shut off the flow of marihuana from Colombia into the United States. Colombia is the source of as much as 80 percent of marihuana available in the United States.

Operation Tiburon has been a major DEA success. Attorney General William French Smith has called it the most successful international antimarihuana campaign in history. The operation resulted in 495 arrests in the United States and 40 in Colombia; 95 boats were impounded. U.S. officials seized 1.7 million pounds of marihuana and Colombian officials seized 4.7 million pounds, figures which total about 20 percent of the estimated flow of Colombian marihuana into the United States during the operation.

This kind of success does not happen by accident. It is the result of careful planning, long hours, and personal dedication and hardship by hundreds of individuals working under extremely dangerous conditions. They are the unsung heroes of a unique kind of very real combat and their service to the Nation all too often goes unheralded.

Unfortunately, it takes an incident such as the wounding of agents McCullough and Martinez to remind us just how perilous but essential the work of DEA is. I commend the men and women of the Drug Enforcement Administration for their courage, commitment, and personal sacrifice in the frontlines of the war on illegal drug traffic. I congratulate Acting DEA Administrator Francis M. Mullen, Jr., on the success of Operation Tiburon and all DEA personnel who made it possible. And I especially want to extend my personal wishes for a full and speedy recovery to agents Kelly McCullough and Charles Martinez and to express my gratitude for their bravery and service to the Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMON). The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Wednesday, February 10, 1982:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture; and

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for fiscal year ending September 30, 1982.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *February 22, 1982.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received at 4:20 p.m. on Thursday, February 11, 1982, the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 3782.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

RE-REFERRAL OF H.R. 4692 TO COMMITTEE ON ARMED SERVICES

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill, H.R. 4692, and that the bill be re-referred to the Committee on Armed Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *February 22, 1982.*
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 11:00 a.m. on Thursday, February 18, 1982 and said to contain the quarterly report on East-West Trade covering the second quarter of 1981.

(2) At 11:53 a.m. on Friday, February 19, 1982 and said to contain a message from the President wherein he transmits the ninth special message for Fiscal Year 1982 under the Impoundment Control Act of 1974.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

QUARTERLY REPORT ON EAST-WEST TRADE COVERING SECOND QUARTER OF 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

(For message, see proceedings of the Senate of today, Monday, February 22, 1982.)

REVISION TO RESCISSION PROPOSAL AFFECTING MINE SAFETY AND HEALTH ADMINISTRATION OF DEPARTMENT OF LABOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-143)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, February 22, 1982.)

COMMUNICATION FROM CAROLYN CHENEY

The SPEAKER pro tempore laid before the House the following communication from Carolyn Cheney:

COMMITTEE ON AGRICULTURE, SUBCOMMITTEE ON DOMESTIC MARKETING, CONSUMER RELATIONS, AND NUTRITION,
Washington, D.C., February 17, 1982.
Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule L of the Rules of the House of Representatives, I am informing you that I have

been served with a subpoena from the United States District Court for the Eastern District of New York.

Sincerely,

CAROLYN CHENEY.

COMMUNICATION FROM LORRAINE GRANT

The SPEAKER pro tempore laid before the House the following communication from Lorraine Grant:

FEBRUARY 17, 1982.

Hon. THOMAS P. O'NEILL, Jr.
Speaker, House, H-205, Capitol,
Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House, that this afternoon I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, the 19th of February at 1:00 p.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

LORRAINE GRANT.

COMMUNICATION FROM MARY PATRICIA BARRETT

The SPEAKER pro tempore laid before the House the following communication from Mary Patricia Barrett:

COMMITTEE ON MERCHANT MARINE AND FISHERIES, SUBCOMMITTEE ON OCEANOGRAPHY,
Washington, D.C., February 17, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, H205,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Rule L of the Rules of the U.S. House of Representatives I am hereby notifying you that I have been served with a subpoena to appear before the Grand Jury of the U.S. District Court for the District of Columbia on Friday, February 19, 1982, at 1 P.M., apparently in regard to my employment with the House of Representatives.

Sincerely,

MARY PATRICIA BARRETT.

GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BENNETT) is recognized for 15 minutes.

Mr. BENNETT. Mr. Speaker, we celebrate today George Washington's 250th birthday. Even to this day there is no American in history who can be considered to be a more significant American leader.

Born in Westmoreland County, Va., and reared on his father's farm on the Rappahannock River opposite Fredericksburg, George Washington, in his early teenage years obtained there good training in husbandry and in leadership responsibilities. After the death of his father, George Washington became the ward of, and lived in the home of, his half brother Lawrence, who was married to Anne Fairfax, relative of Sir Thomas Fairfax, who owned 5 million acres in northern Virginia and in the Shenandoah Valley.

The bachelor Lord Fairfax came, in 1746, to America to live with his cousin George William Fairfax at Belvoir, near Mount Vernon; and 2 years later he employed the 16-year-old George Washington to survey his land holdings.

Washington went on to be the official surveyor of Culpeper County, Va. In 1752 he inherited Mount Vernon and became one of the principal farmers in the American colonies. He practiced scientific methods in his farming and thought of himself as a professional farmer. He said of farming: "It is honorable, it is amusing and, with superior judgment, it is profitable."

He had a strong ambition to serve his fellow man in military pursuits, something that was stimulated by the martial exploits of his father and his brother Lawrence. In November of 1752 he was appointed adjutant for the southern district of Virginia and the next year he was sent to tell the French soldiers in the border forts that these were English lands and they must be evacuated by the French. He brought back the reply from the French that "It was their absolute design to take possession of the Ohio, and by God they would do it." Upon bringing this news back to Williamsburg, the capital of Virginia, he was appointed lieutenant colonel and sent out to recruit troops to fight the French. Washington's attack on the French, May 28, 1754, began the last French and Indian War but by July 3 he was forced to surrender, being outnumbered more than 2 to 1 by the French troops.

General Edwin Braddock came over from England then, with an army, in February of 1755, making Washington his full colonel assistant; and waging an unsuccessful attack on Fort Duquesne where the French were solidly lodged. Washington served with heroism in the encounter with the enemy troops, had two horses shot from under him, and miraculously escaped death himself. In August of 1755, while still only 23 years of age, he was made commander of the Virginia troops. Braddock having been killed in the effort to route the French, was succeeded by Gen. John Fores, who, with the aid of Washington, took Fort Duquesne in 1758. Then Washington, recently elected to the house of burgesses, resigned his military rank of brigadier general and assumed his civilian duties.

He married the widow Martha Custis in 1759 and pursued his farming activities on his and her plantations with an enthusiastic vigor. The marriage had greatly extended his already substantial plantations. He was indeed an enthusiastic farmer and wrote "middling land under a man's own eyes is more profitable than rich land at a distance." He enjoyed the bucolic and the sophisticated pleasures of his times and at Mount Vernon in the 7 years prior to 1775 entertained more than 2,000 guests at his home, many of them for overnight or more extended visits.

He was a leading member of the first revolutionary Virginia Legislature in 1774 and stated, "I will raise a thousand men, subsist them at my own expense and march myself at their head for the relief of Boston." He was promptly elected one of the seven Virginia delegates to the First Continental Congress; and when he attended it in 1774, he came in his full military uniform. Already head of the forces of Virginia, he was chosen to be Commander in Chief of all the Continental Armies in 1775.

Without detailing here the events of the Revolution, it may be said in summary of his military leadership and success that the heart of it lay in his keeping a viable army in the field until the patience of the British had been exhausted and there was no stomach in England for the continuation of the war. The successful battle of Yorktown, the 200th anniversary of which we celebrated last year, virtually ended the war and gained for the United States their independence.

After the war Washington returned to Mount Vernon and took up again his agricultural interests. There was a chaotic political condition in the United States in those early years and Washington was a prompt exponent of a constitutional convention to provide as he stated: "a radical cure." He presided over the convention when it met in Philadelphia in 1787; and although he seldom entered into the formal debates, his weight of character did more than any other single force to bring the convention into agreement and to obtain ratification afterward.

In 1789 he was unanimously elected as our first President. His leadership as President was marked by the caution, methodical precision, and sober judgment that always were typical of him.

The clash between Jefferson, the Secretary of State, and Alexander Hamilton, his Secretary of Treasury, was a deep one and he came to rely more and more on Hamilton. When war broke out between France and England in 1793, Washington took Hamilton's view that the United States should disregard the treaty of alliance with France and preserve a strict neutrality, saying, "In a word, I want an American character, that the powers of Europe may be convinced that we act for ourselves and not for others."

Jefferson, who had given some hope to the efforts of France in this conflict

resigned at the close of 1793 as Secretary of State. The congressional district which I represent in Florida had flying over it in the years 1793–95 the French republican flag as a result of a rebellion among inhabitants of Florida who sought to gain independence with the help of France, then at war with Spain as well as with England. Jefferson had encouraged their efforts and Washington had discouraged them and sent troops to the St. Mary's River to dissuade more American citizens from assisting in the rebellion. Washington's Farewell Address, his most often quoted statement in the years that followed, stressed the need to evade entangling alliances. His judgment that we wought to stay out of the quarrels of other peoples is as sound today as when he uttered it.

In his two terms of the Presidency, Washington set many precedents. He insisted on the secrecy of the Presidential papers when Congress asked for the correspondence that had led to the Jay Treaty, which the President had controversially signed in 1794. More important, perhaps, he insisted on the dignity of the Presidency in all matters, while utilizing the advice and deliberations of an able Cabinet. Upon retirement at the end of his second term, he went back to farming at Mount Vernon, again accepting the position of Commander in Chief in 1798, when a prospect of war with France occurred and then quickly dissolved in that year.

The greatness of this man has tended to make him obscured in myth and therefore some human comments might be appropriate. For instance a Virginia officer observed of him "his head is well shaped though not large but is gracefully poised on a superb neck; a large and straight rather than a prominent nose, blue-gray penetrating eyes, which are widely separated and overhung by heavy brows, a pleasing benevolent though a commanding countenance, dark brown hair which he wears in a cue, his features are regular and placid with all the muscles of his face under perfect control, though flexible and expressive of deep feeling when moved by emotions. In conversations he looks you full in the face deliberate, deferential, and engaging." Although he was such a commanding person, 6 feet 2, 209 pounds, and very dignified, many people felt him distant. It is recorded that at the tavern in New York when he said goodby to his generals in 1783, he wept and threw his arms around Henry Knox, his youngest general, and kissed him on the cheek. There are many instances of his refusal to condemn quickly those who had been accused. I am presently engaged on weekends in writing a biography of Gen. Robert Howe, a Continental general who served under George Washington who was accused of disloyalty and whom Washington quickly upheld saying that the enemy would often try to demean the character of our officers as a method of stirring up trouble and dissension. This is but one of many examples of Washington's cool and deliberate attention to preserving the rights of all presuming innocence in every appropriate occasion.

He dearly loved his wife, Martha, called my dearest in his letters, and during the war rode long distances to visit her whenever it was at all possible for him to do so.

He was riding the hounds on his plantation when he caught quinsy on a chilly December 12, 1799, day and died in 2 days at the age of 67.

The news of his death placed the entire Nation in mourning and the sentiment of the country thoroughly endorsed the famous words of Henry Lee embodied in the John Marshall resolution introduced in the House of Representatives that he was "first in war, first in peace, and first in the hearts of his countrymen."

□ 1230

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I thank the gentleman for yielding.

I want to thank the gentleman for his very appropriate speech and associate myself with his remarks on our great American, George Washington.

Mr. BENNETT. Mr. Speaker, I thank the gentleman.

THE 10TH ANNIVERSARY FOR PROJECT HAPPY, A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, I would like to take this opportunity to thank all the offices and individuals who participated in last year's Project Happy. Project Happy is the annual charity drive on the Hill in which we ask offices to "adopt a family" for the holidays. This was the 10th anniversary for Project Happy, and it was marked by the most successful year to date. I have had the honor and pleasure of coordinating Project Happy for the past 3 years, so you can understand my excitement over 1981's success. Since its initiation in 1971 when only a handful of offices participated, the program has grown to include more than half the congressional offices on the Hill as well as clubs, committees, agencies, and departments. We cannot expect to solve all the problems that confront these families and individuals on a daily basis, but we have brought a small token of Christmas cheer into what would normally have been a bleak and dismal holiday season.

I would like to also extend my thanks to Congressman FINDLEY and his staff for their added support again this year, and the Congressional Staff Club, the Army Liaison, and the Library of Congress for their support in Project Happy. A list of all the congressional offices that helped will follow my remarks. I would also ask, Mr. Speaker, for unanimous consent to include in the RECORD a thank you letter from Catholic Charities, which I feel is really a thank you to every office that participated.

We hope that in years to come we will be able to say that every office contributed in this unique Christmas spirit. I wish to extend my deepest heartfelt thanks once again to those of you who participated in Project Happy.

ASSOCIATED CATHOLIC CHARITIES,
ARCHDIOCESE OF WASHINGTON,
Washington, D.C., January 19, 1982.

Hon. TOM TAUKE,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN TAUKE: The experience of working with you and your staff on Project Happy this past Christmas has been an exciting and most rewarding one. I wish to take this opportunity to thank you and express the deep appreciation of Associated Catholic Charities and of all those people who benefitted from this Project. I know first hand of the amount of work involved on my own part and can pretty well guess how much time and effort it must have taken for your staff to do all that they did—they were magnificent. Their enthusiasm and cheerfulness were what made the Project such a success this year!

We received a check for $50.00 from your office in yesterday's mail for Project Happy. This brings the total amount of money contributions to Catholic Charities from Project Happy to $1,968.00—think of that—almost $2,000! This money has been divided among our four branch offices and our main office and is to be used for those needs of clients which we would otherwise be unable to help them with.

We have had so many expressions of thanks for the help provided from the recipients! Enclosed is a card we received from one such family. I have also enclosed copies of two articles which appeared in the Catholic Standard about Project Happy.

In closing, let me express once again our deep appreciation and gratitude for your help and concern in spearheading Project Happy. I look forward to working with you all again next year. May God's choicest blessings be yours for your work in helping us to help His needy ones.

Sincerely,

MARITA M. DEAN, MSW,
Intake Supervisor.

Congressional Offices that contributed to Project Happy:

House offices:

Daniel Akaka, Ike Andrews, Eugene Atkinson, Robert Badham, Michael Barnes, Berkley Bedell, Douglas Bereuter, Jonathan Bingham, Lindy Boggs, David Bonior, Jack Brooks, James Broyhill, M. Butler, Carroll Campbell, Bill Chappell, Dan Coats, Tony Coelho, B. Corrada, Dan Daniel, W. Dannemeyer, E de la Garza, W. Dickinson, Roy Dyson, D. Eckart, Don Edwards, and A. Erdahl.

Also, Cooper Evans, M. Fenwick, Paul Findley, W. Ford, E. Forsythe, W. Fowler, Sam Gejdenson, Bo Ginn, A. Gore, Bill Green, Judd Gregg, W. Grisham, Tony Hall, Lee Hamilton, Jack Hightower, Larry Hopkins, James Howard, Jerry Huckaby, W. Hughes, James Jeffords, Eugene Johnston, James Jones, Jim Leach, W. Lehman, and M. Leland.

Also, E. Levitas, Mike Lowery, J. McDade, R. McGrath, S. McKinney, E. Markey, Ron Marlenee, Robert Mollohan, Sid Morrison, John Myers, James Oberstar, G. O'Brien, Tip O'Neill, R. Ottinger, C. Pepper, P. Peyser, J. J. Pickle, M. Price, Tom Railsback, Henry Reuss, Pat Roberts, P. Rodino, H. Rogers, John Rousselot, M. Russo, C. Schneider, P. Schroeder and P. Sharp.

Also, E. Shaw, Bud Shuster, Mark Siljander, Denny Smith, G. Studds, Tom Tauke, W. Tauzin, Morris Udall, G. Vander Jagt, W. Wampler, J. Weaver, Bob Whittaker, Larry Winn, Frank Wolf, G. Wortley, Jim Wright, C. Wylie, C. Young, Robert Young and C. Zablocki.

Senate offices:

Q. Burdick, W. Cohen, A. D'Amato, C. Grassley, N. Kassebaum, J. McClure, H. Schmitt, and J. Warner.●

FATHER ARMANDO PIERINI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, on Sunday, February 21, Father Armando Pierini of the Pious Society of St. Charles Borromeo (known as the Scalabrini Fathers) was honored for 50 years of service to his church and community. Over 1,000 people assembled at The Carlisle in Lombard, Ill., in a gigantic celebration to honor this dedicated man who has given 50 years of his life to serving his fellow man.

My wife, Angie, and I have known Father Pierini for the past 30 years. He is the founder and former administrator of Villa Scalabrini, the Italian home for the aged, located in North Lake, Ill. I have had a close working relationship with him, having served as chairman of the Villa Scalabrini development fund for the past 15 years.

Villa Scalabrini today is the largest Italian old people's home in America. The land and its buildings are valued at over $25 million. Over the years we have built phase I, and phase II; and now, phase II has been completed and recently dedicated by His Eminence John Cardinal Cody.

The Scalabrini Fathers are the priests of the Italian immigrants—those people who left Italy to settle in America, Canada, Australia, Argentina, Brazil, and many other countries. Wherever the Italian immigrant went, the Scalabrini Fathers followed and established churches and schools to serve the Italian immigrants. In cities all over the United States where Italo-American communities are located, you will find the missionaries of St. Charles Borromeo, the Scalabrini Fathers.

Father Pierini is a humble priest, a giant among men, and in celebrating his 50 years of service in the priesthood, I join his legion of friends in extending to him best wishes for continued good health and many more years of service to the people of our community.

I am inserting at this point in the CONGRESSIONAL RECORD an article written by Father Salvatore DeVita, C.S., former Provincial Superior of the Pious Society of St. Charles Borromeo, which appeared in the February issue of FRA NOI. The article follows:

FATHER PIERINI MARKS 50 YEARS OF SERVICE TO CHURCH, COMMUNITY

(By Father Salvatore DeVita, C.S.)

On June, 29, 1982, Rev. Father Armando Pierini, C.S. the dedicated founder of Villa Scalabrini, former rector of Sacred Heart Seminary and past Provincial Superior, will celebrate 50 years of service in the priestly and missionary ministry.

It was on June 29, 1932, that a young energetic member of the Pious Society of St. Charles Borromeo was ordained by the Bishop of Piacenza for service in the apostolate among the Italian immigrants in America.

After spending one year as acting rector of the community's house of studies in Rome, he was sent to the Chicago Province where he was assigned as Father Joseph Bernardi's assistant at Santa Maria Addolorata parish, located on May and Erie streets. For two years he administered to the spiritual needs of that immigrant community performing his duties willingly and enthusiastically.

In early 1935, the Province obtained permission to open the first minor seminary outside Italy and in September, the first aspirants were received with Father Pierini as their rector. The seminary was housed in the rectory of the old Santa Maria Addolorata Church, which burned down some years before, located on Grand Ave. near Sangamon St., on Chicago's near north side.

That first pioneer class was made up of seven students from Our Lady of Pompeii parish, two twins from Our Callistus and one from Our Lady of Pompeii parish, two twins from St. Callistus and one from Santa Maria Addolorata. The quarters were tight, the students young, the rector enthusiastic and self-giving, and the sacrifices were plenty.

Father Pierini taught Latin, beginning with the careful analysis of the grammatical parts of English to help his students understand the complexities of conjugations and declensions of the Latin. Occasionally he would utter a few well stressed words and encourage the opening of those youthful minds to appreciation of the language of Caesar and Cicero and Tacitus. He was assisted by Father Louis Bolzan who taught Italian, Mr. Guy DeFilippis who taught English, and Mr. Paul D'Arco who taught mathematics.

Notwithstanding the inconveniences of the house, both the students and faculty indeed impressed visitors with their sense of serenity and inspiration to attain their ultimate goal. This spirit imbued the second class as well which entered the following school year.

This now necessitated the first expansion: renting an old dance hall for sleeping quarters. But this situation was remedied in the spring of 1937 when the seminarians moved to their new home in Melrose Park.

Father Pierini immediately set to work not only to improve the scholastic environment but also to beautify the surrounding grounds. And so it was that Calvary Hill Shrine and the Holy Stairs with the lagoon in front and around the shrine's little island slowly came to be by dint of the labor of both rector and students, giving up much of the time free from classes and study periods. Father was never averse to operating heavy mechancial equipment needed for the job.

Beside the spiritual exhortations he delivered to the students, he was asked to assume the tasks of directing the parish groups known as the Zelatrices and Promoters of the family enthronement of the Sacred Heart of Jesus and also support and encourage the Sacred Heart Seminary Clubs that had arisen in the Scalabrini parishes.

In July of 1946, he initiated a half-hour weekly Italian radio program to which he often invited various confreres to participate. This program was quite successful, enabling Father Pierini later to enlist the assistance of all the Italian radio program directors and announcers in the drive for the erection of Villa Scalabrini. For a number of years, Father was the Thursday Italian teacher for the major seminarians at Mundelein, Illinois.

On Columbus Day, 1945, at a special dinner to which representatives and priests from each Scalabrini parish were invited, Father Pierini launched an idea to which he had given much thought: a home for the aged Italians. He was named the executive secretary of the Priests' and Laymen's committee, a responsibility he held for all these years.

Notwithstanding all the obstacles, all the unforeseen impediments which at times were indeed discouraging, Father Pierini with the help of his confreres and their parishioners and then with the assistance of many others who became deeply interested in the project, helped make Villa Scalabrini become a reality. But in every instance, it was his driving spirit that kept things going, especially during the most trying and difficult times.

To the task of executive secretary of the executive committee and director of Villa Scalabrini, in 1952 Father Pierini was given the delicate assignment as Provincial Superior of the Scalabrini Religious of the western province of the congregation.

During his administration the congregation expanded its apostolate to the recently arrived Italian immigrants in Canada. Missionaries were sent to Vancouver, British Columbia, to Atikokan, Ontario and to Edmonton, Alberta.

He also took an active part in the work of the American Committee on Italian Migration for which he was honored by the Italian government.

Through all these fifty years, Father has always tried his best to serve the spiritual needs of the people and with the Villa, the material needs of the Italian-American community. It can truly be said that his endeavors both with the Seminary and its Calvary Hill Shrine and with Villa Scalabrini, he was the instrument that gave the Italian immigrants of this area and their descendants a sense of "community" and mutual responsibility for their general well-being.●

89-059 O-85-14 (Pt. 2)

INTERNATIONAL STRATEGIC NEED TO IMPROVE U.S. COAL EXPORTING CAPABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● Mr. MOAKLEY, Mr. Speaker, in a letter to the editor of the Washington Post on February 18, the gentleman from New York (Mr. BIAGGI) makes a compelling case for one of the most important legislative initiates now before Congress. The gentleman is the author of the Port Development and Navigation Improvement Act of 1981 (H.R. 4627).

The bill was ordered reported October 21, by the Committee on Merchant Marine and Fisheries with important and constructive amendments urged by the gentleman from New York. Within the next few weeks, I am hopeful that my subcommittee can report the measure to the Committee on Rules. Some aspects of the bill are presently before the Committee on Public Works and Transportation where this measure will receive the careful scrutiny and serious attention it clearly deserves.

It seems likely, Mr. Speaker, that the House will have an opportunity in this session to address this extraordinarily important initiative toward revitalization of American harbors and shipping. In this context, the important international strategic concerns will figure prominently and I commend to the attention of my colleagues, the insightful comments of the gentleman from New York in this regard:

[From the Washington Post, Feb. 18, 1982]

CUT THE PIPELINE—AND GO TO COAL

The Post's Feb. 1 editorial "Cut the Pipeline?" and related recent articles portrayed the complex dimensions of the dilemma confronting the administration in its attempts to coordinate economic sanctions against the martial law regime in Poland and the Soviet Union without irreparably damaging the economic and political underpinnings of the Western alliance.

What is lacking in the analysis to date is the missing ingredient alluded to in the editorial—that of U.S. assurance of adequate alternative supplies of energy for our Western allies. No mention is made of the potential for U.S. steam coal exports to displace not only OPEC oil but Soviet gas as well. The critical strategic implications of the coal alternative are obvious. Rather than further rending the fabric of the Western alliance by increasing the economic and political dependence on the Soviet Union, the coal alternative provides the opportunity for revitalizing the alliance built upon a firm U.S. commitment of long-term energy supplies.

The alternative suggested in the editorial of renewing the grain embargo against the Soviet Union is not a viable option. This would only further adversely affect the U.S. agricultural community, while swelling the already ballooning federal budget deficit through the statutory requirement to indemnify farmers against embargo-related losses. Massive exports of U.S. coal, however, could pull the U.S. out of a deepening recession and lead to a reindustrialization of Western Europe as its utilities and industrial facilities convert to the cheapest long-term fossil fuel available, steam coal. U.S. technical assistance can aid in accelerating this effort.

Europeans legitimately ask "Can the U.S. deliver coal as a viable alternative to Soviet gas?" The question goes far beyond mere logistical and physical limitations impeding the rate of increase in U.S. steam coal exports. It raises the more fundamental question of European perception of the reliability of the United States as a long-term coal supplier and the strength of our political resolve to honor our international commitment to significantly expand coal exports.

The U.S. coal industry is ready to deliver. Our domestic railroads have made substantial commitments in new track and facility improvements to this end. Our port industry likewise is gearing up for a quantum increase in steam coal. What is needed is a tangible sign of U.S. commitment to substitute U.S. coal for Soviet gas.

My bill, the Port Development and Navigation Improvement Act of 1981, now pending in the House, would ensure the construction of a sufficient number of deep-draft ports to permit the rapid expansion of coal exports by increasing its overall competitiveness on the world market.

Playing the coal instead of the grain card, in conjunction with the technology embargo, might yet block the first Soviet gas pipeline. It could certainly delay or prevent construction of the other five or six pipelines currently in the planning stage by frustrating the successful negotiation of long-term supply contracts for Soviet gas by Western European nations. Support for these agreements within each country is far from universal.

MARIO BIAGGI,
U.S. Representative from New York, Vice Chairman, Committee on Merchant Marine and Fisheries.

WASHINGTON.●

A CONSTRUCTION SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 15 minutes.

Mr. WEAVER. Mr. Speaker, I am announcing today that I am introducing legislation to prohibit the Bonneville Power Administration and the Attorney General of the United States and the Secretary of the Department of Energy or any combination of them from participating in the lawsuit being brought against the State of Washington that seeks to stop the enforcement of Washington State's recently passed initiative 394.

Under this bill, should BPA or the Justice Department intervene before the passage of this bill, such involvement would be terminated upon passage.

Mr. Speaker, I want to explain what I am about here.

We have in the Northwest perhaps the greatest construction scandal in the history of our Nation. The Washington public power supply system, a municipal corporation of the State of Washington, has undertaken to build five nuclear plants. These five nuclear plants, originally expected to cost around $4 billion, are now by their own figures projected to cost $25 billion.

So far they have sold $8 billion worth of bonds for which the people of the Northwest, the electric ratepayers of the Northwest, are supposedly obligated to pay back.

These nuclear plants have been riddled with corruption, with mismanagement, with just simply astronomical cost overruns, and they threaten to bankrupt many of the utilities of the Northwest.

Two of the plants—we call them WPPSS 4 and 5, are now bankrupt. They have been terminated after spending over $2 billion on them.

These plants if they were ever built, would charge for electricity wholesale rates at 15 cents a kilowatt-hour, while the Bonneville rate today is only 2 cents a kilowatt-hour.

I challenge those people who still want these plants built, who say that we could sell the plants—I challenge them to sell the plants. I challenge them to sell the electricity to somebody outside of the Northwest because I know my constituents do not want to pay the billions and billions of dollars that these payments are going to cost and most likely will get nothing, no electricity, for them.

These plants were built under contracts which are called hell-or-high-water contracts. In other words, the people pay for the plants whether they ever receive any electricity or not, and the bond salesmen and brokerage houses call their bonds hell-or-high-water bonds, because they say you people in the Northwest are going to pay for them whether or not you get anything for them, our bond-holders will get our money out of your pockets, out of the blood and sweat of the people of the Northwest, and I say this: I say that the people of the Northwest are not going to be taken for suckers. Never once did the 6 million people of the Northwest ever vote or give their consent to be obligated to pay these bonds for these nuclear plants.

Instead the arrogant, contemptuous utility barons of the Northwest obligated us without our consent to pay for these plants and they continue to sell bonds, $850 million last week, at an interest rate appoaching 15 percent and at fees paid to the bond salesmen of almost $24 million for which over the years our people in the Northwest will have to pay back $200 million in interest and principal just to cover the costs to the bond salesmen and brokerage houses for selling these bonds.

I say this is the most arrogant act I can imagine that these utility barons continue to sell these bonds and put

good money after bad into these five plants.

But to get to the very essence of the legislation that I have introduced, which shows the real contempt and arrogance the officials of the Northwest have for the people—and that is that after the people of the State of Washington voted last fall overwhelmingly for initiative 394, an initiative that simply said, "Look, we don't want you to obligate us to any more of these bonds without our approval," that is a simple request.

I think every person has a right to say, "Don't you arrogant contemptuous utility officials, public officials, obligate us, the people, to pay for anything without our consent and approval."

So they passed this and it is now law in Washington State governing the Washington Public Power Supply System, and although it does not go into effect until July 1, and that is why the utility officials are hurrying to spend, to raise hundreds and hundreds and billions and billions of dollars more in bonds so they can spend this money without the consent of the people of Washington State or the people or Oregon who also are going to have to pay back this money through their electric bill. After the people of Washington State overwhelmingly passed this, this simple request they be allowed to approve any bond issue, after that has occurred the Federal Government, in the guise of the Bonneville Administration—the Bonneville Administration is an agent of the Federal Government—the Bonneville Power Administration Administrator, Peter Johnson, said that he would use Bonneville Power funds to finance a lawsuit to overthrow the law that was the vote of the people.

This is a public official supposedly working for the people and he arrogantly said, no, the people have spoken, but we Federal officials are going to try to overthrow the law that Washington State voters passed.

On top of that, when asked why he does this, he said he does this at the behest of the investment community. In other words, the utility officials and barons and public officials of the Northwest are really more concerned with the bond holders in New York City and with the nuclear industry, and their contracts, than they are with their own people, the people that they supposedly represent.

So my bill says to the Bonneville Power Administration, which has turned around and asked the Justice Department now to intervene in this lawsuit to overthrow the vote of the people of Washington State, my bill says, no, you cannot do that. No, the people have spoken and you Federal officials and you Justice Department may not try to overthrow the vote of the people of Washington State.

So I ask for speedy hearings on this legislation and bring to a head the issue in the Northwest which is the arrogance and contemptuousness of the utility barons of the Northwest in stomping on the people and making them pay whether they receive anything or not without their approval or consent.

A NEW NUCLEAR STRATEGY

(Mr. BEILENSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEILENSON. Mr. Speaker, the New York Times magazine on January 24 of this year published an article entitled "A New Nuclear Strategy" in which its authors, Laurence W. Beilenson and Samuel T. Cohen, propose that we stop trying to match the Russians in conventional weapons and base our security on overwhelming power in nuclear arms.

Mr. Beilenson is my cousin and is an eminent historian and scholar in the areas of foreign policy and defense and has long been an adviser to Ronald Reagan; his most recent book is "Survival and Peace in the Nuclear Age." Mr. Cohen, commonly known as the father of the neutron bomb, is a nuclear scientist and coauthor of "Checkmate on War."

The article presents a point of view different from the conventional wisdom of the day, and I commend it to my colleagues who are concerned about this most important issue.

A NEW NUCLEAR STRATEGY

(By Laurence W. Beilenson and Samuel T. Cohen)

Thirty-six years after its smashing victory in World War II, the United States, despite its high level of defense spending, finds itself in a dangerous military mess. The Atlantic alliance, the centerpiece of our strategy of containing Soviet expansionism, is overwhelmingly outmatched in military capabilities by the Communist nations of the Warsaw Pact. The American arsenal of strategic—that is, intercontinental—weapons is inferior to the Soviet Union's. The gross disparity in sacrifice and spending between ourselves and our European allies is a festering political sore. Two decades of efforts to reduce the danger of nuclear war by arms-control agreements have only added to our sense of instability and peril. Recent polls reveal that a high proportion of Americans expect nuclear war before the end of this decade.

What makes the situation all the more disconcerting is that it is the product of conventional wisdom. At every stage of our descent into the present predicament, Presidents of both parties have chosen defense policies designed to gain wide political support at home and abroad. Those policies base our security on the notion of requiring adequate strength both in conventional and nuclear forces, while seeking agreements with Moscow for placing limits on forces of both types. There are no indications that the Reagan Administration intends to depart significantly from this well-established course.

The United States, we submit, is on the wrong road. The authors of this article—one a military scholar and historian, the other a nuclear scientist and weapons analyst—have long held mounting misgivings over our national security policies. They finally have come to the painful conclusion that these policies are leading us not toward reinforcing our security but toward the threat of national extinction. While recognizing the difficulty of clearing away the misconceptions that underlie our present military programs, we are convinced that a start must be made on creating public support for a fundamentally new policy—one of entering the nuclear age.

By this we mean fully exploiting the military consequences of the nuclear revolution, as the Soviet Union has been doing for decades. Such a change would necessitate a drastic reappraisal of our global military presence and our relations with our European allies. But it offers the only realistic hope of avoiding nuclear war and insuring the survival of the United States.

Any reassessment of where we are and where we are heading must begin by reducing our thinking to basic simplicity.

First, few would deny that our paramount national objective is to survive as a free people. We have obscured this principal aim by such catchwords as containment and détente, and by such policies as the preservation of our alliances and the flow of oil from the Persian Gulf. All this has proceeded under the greatest catchword of all, "the national interest," a vague term mostly meaning something we consider essential for our *prosperity* rather than our *safety*. None of these objectives are indispensable; we can survive without them.

Second, few would deny the growing instability of the nuclear equation. With all the nuclear weapons in place and increasing in quantity, some day somebody is likely to launch some. No other conclusion is possible from the nature of nations and the human beings who compose them.

Look at the contemporary world scene: Are there no criminals among us? Ponder the history of wars through the ages—and the rule, without a single exception, that man has used every weapon he has ever devised. Consider the chance of nuclear war by accident, a chance augmented by the propensity to error on the part of humans and their machines, by procedures requiring instantaneous reactions, and by such doctrines as "launch on warning." Remember that weapons have a way of spreading across borders; there is no reason to believe that nuclear weapons will behave any differently. Note the prevalence throughout history of rulers swayed by emotion rather than reason; of rulers who were mad or in their dotage or simply fools; of rulers who were willing to gamble, or to make war to advance their own ideological prescriptions for the world. In view of all this, the fears of the American people that nuclear war may soon be upon them are more than justified.

Third, we must accept the virtual certainty that any war between the United States and the Soviet Union involving the defense of our major allies will start as—or will rapidly become—a nuclear war, in which the Russians will deliver a massive nuclear strike against the United States. In our present defenseless condition, such a strike against our military installations might kill tens of millions of Americans, an enormous calamity. If our counterstrike were against Soviet cities and the Russians responded in

kind, our toll could well exceed 100 million, an unspeakable horror.

Rightly appalled by this dismal prospect, peace groups urge us to do something to preclude the catastrophe. They argue that diplomacy can save us from nuclear disaster, that reasonable men will find solutions to overcome man's unreasonable nature. A popular European movement, which appears to be spreading across the Atlantic, demands that governments renounce nuclear weapons altogether as instruments of national policy.

Diplomacy has sometimes averted war, and is not to be dismissed. At best, however, it is a patching device. The fruit of diplomacy is a treaty, and all nations, including our own have habitually broken treaties. The champion treaty breaker, the Soviet Union, believes that violating compacts for the sake of advantage is a virtue.

But why not, as many Americans urge, take a chance on the treaty process, accepting the risks involved for the sake of peace? Because reliance on that approach increases the chance of war by lowering our guard. Our arms-control agreements with Moscow have not restrained the growth of nuclear stockpiles on both sides. Yet, lulled into a false security by the treaty procedure, we have sunk from superiority to inferiority in strategic nuclear capabilities.

Then there is the problem of verification. Short-sighted indeed are those who urge us to trust our intelligence agencies to catch the Russians at cheating. Beginning with World War II, American intelligence estimates have been regularly wrong on matters of moment. Nor is American intelligence unique in this failure; the intelligence process is inherently unreliable because, at bottom, it is a guessing game.

In any event, the real question is not whether we can verify strategic-arms treaties but whether we have the means to know the Soviet Union's nuclear capabilities, so that we can determine what our own capabilities should be.

Our negotiating positions have been tailored to the ability of our spy satellites to count Soviet silos—holes in the ground where the Russians are believed to keep their strategic missiles. But our "national technical means of verification," excellent as they are, cannot determine the number of missiles mounted in those silos or stored in warehouses or elsewhere. Nor can they determine the number of warheads on each missile or the quality of the weapons as a whole. The widely published Western estimates of the missile numbers on both sides may greatly underestimate the actual Soviet strength.

In short, the diplomats and arms-control advocates who—God bless them—labor to keep the nuclear peace must work with tools whose limitations doom them to failure. It all comes down to people, and some of them are bad enough or foolish enough to jeopardize us all. In working for peace in the nuclear age, we must, like it or not, focus primarily on the two areas of armed might most arms-control advocates abhor.

Because nuclear war could come in spite of everything we do to avert it, we need to develop a strong military defense against nuclear attack and a broad civil-defense program for keeping casualties as low as possible. Because defense alone cannot deter the potential enemy, an effective offensive nuclear force is also essential. That brings up the question of cost. And that, in turn, involves the amount of money we spend on conventional forces to help defend our friends and allies, especially in Europe.

These commitments bear heavily on the amount of money available for acquiring the strategic nuclear weapons we need to insure our own survival. The basic criticism of our current military budget, which seeks a substantial increase in our conventional forces, is that it puts the bulk of the money in the wrong place. If we desisted from our well-intentioned but misconceived readiness to fight wars with conventional weapons all over the world, we could well afford the measures we must take to insure our survival.

We have spoken of the likelihood that any war pitting this country against the Soviet Union will become nuclear, probably from the outset, with a massive Soviet strike against our military forces—particularly our nuclear bombers and missiles—within the United States. This could come about because of our proclaimed commitments to our European allies. Washington's strategy for possible war in Europe has, for the last 20 years, gone roughly as follows:

The Russians attack Western Europe with conventional weapons. The Western allies defend themselves in like manner. If we hold the Russians, happy day; the war is over. If we are losing—as we probably would be, considering the Soviet preponderance in conventional strength—we resort to tactical (battlefield) nuclear weapons. If that stops the Russians, happy day; the war is over. If we are still losing, we attack the Soviet Union with strategic nuclear weapons. Every President has said we would be prepared to do so, ever since nuclear weapons were added to our arsenal.

With our nuclear intentions clearly known to the Russians, there is every reason to think that if the Soviet leaders decided to attack our European allies, they would start the war with a nuclear strike against the United States. They would do so because of the value of surprise, and in fear that if they did not make the first strike against us, we would make it against them. To assume that in any war between enemies as deeply hostile as the United States and the Soviet Union—in any war where the stakes are so high—neither would resort to the deadliest weapon in its possession defies all experience. To posit that the Soviet Union, whose military doctrine places the highest premium on a first strike, will not implement that doctrine in a war with the United States is to substitute wishing for sober appraisal.

It is against this background that we must assess our neglect of our strategic nuclear arsenal for the last 15 years, while the Russians have been improving theirs. Why has this relative deterioration taken place? Not because it is prohibitively expensive to acquire a satisfactory nuclear force, as compared with a conventional one. Exactly the opposite is true.

The bulk of our defense spending goes into increasingly expensive military manpower—pay, pensions and the like—for our conventional forces, which require large numbers of soldiers and sailors. Nuclear forces, on the other hand, require relatively little manpower. Consequently, we spend $7 on our conventional forces for every $1 we spend on our nuclear forces. The Joint Chiefs of Staff have reported that, over the last 15 years, less than 10 percent of the United States defense budget has been devoted directly to strategic nuclear forces. We shall need time—if we are granted it—to catch up in strategic nuclear weapons, but the proportionate cost will not be great.

The Warsaw Pact nations outmatch the Western alliance in men and conventional equipment for the simple reason that the Communist governments pay their troops much less than is the rule in the West. Soviet recruits, for instance, receive $5.50 a month. This is approximately one-hundredth of the average monthly pay for a recruit in our volunteer army. The Congressional defense analyst John M. Collins estimates that only 20 percent of the Soviet military budget goes for manpower. The rest can be spent on producing weapons, which explains why the Western alliance is so badly outnumbered in tanks, artillery, tactical aircraft and so on. Any attempt on our part to catch up with the Warsaw Pact nations in this area—by raising the pay of experienced military personnel being drawn off by higher pay in the civilian sector, for instance—would be fruitless. It would only send the military budget soaring to even higher levels without closing the conventional gap.

If we had unlimited amounts of money to spend, the Reagan Administration's present effort to upgrade both our nuclear and conventional forces might succeed. As it is, however, the demands of the pocketbook will force us to choose. Either we restore our nuclear armed might so as to deter nuclear war or we keep playing catch-up in conventional arms, with no hope of reaching parity. The American people simply will not pay the cost of both the conventional defense of other countries and the nuclear defense of their own country.

Which brings us to perhaps the most nettlesome problem of all. The Norwegians and Danes will not permit us to install nuclear weapons on their soil; the Belgians and the Dutch do not want them either, but suffer their presence. The West Germans, who have grudgingly allowed them, are lukewarm, at best, about accepting the new intermediate-range nuclear missiles that are meant to offset Moscow's recent deployments (although they will not). And none of the Western European Governments have welcomed Secretary of Defense Caspar W. Weinberger's proposal for deploying the neutron bomb, a weapon that offers the best hope, according to the Secretary, of keeping tens of thousands of Soviet tanks from overrunning Western Europe, where more than 300,000 Americans are stationed.

Why this reluctance? Because, if war comes, nuclear arsenals are the logical targets for a pre-emptive Soviet nuclear strike. Let the United States be the target, not us, say our allies.

Exacerbating this disparity in readiness for sacrifice is the difference in spending levels. Our European allies spend about 3.5 percent of their gross national product on defense; we spend 5 percent. We propose to increase this proportion; our allies do not. If total American spending over the years of the alliance is compared with total European spending, the disparity becomes even greater and more irksome.

We have been told how lucky we are that our allies contribute as much as they do, especially in manpower, but the congratulations miss the point: Who is defending whom? We are in no danger of invasion; they are, by reason of their geographical proximity to the Soviet Union. Our allies have grown rich, partly on their own merits, but in no small measure on the backs of the American taxpayer. In all fairness, the Europeans, and especially the Germans, should pay not only as much as but much more, per capita, than we do.

But that is an idle dream, laugh the skeptics. Certainly it is, if we only exhort. Not so

certainly, if we tell our allies that, from this day on, they will have to defend themselves because we are bringing our troops home—bringing them home gradually, if our allies show a determination to defend themselves, or at once, if they do not. The question is not whether we should tell them we will withdraw our conventional troops from European soil; the question is whether we do it with fairness to our allies, selling them certain nuclear weapons and giving them certain elements of our nuclear knowledge as the withdrawal proceeds, or whether we cut them off precipitately, without giving them a chance to acquire a nuclear deterrent of their own.

Granted, to embark on a program of providing nuclear weapons to European nations, especially Germany, would blow skyhigh all currently accepted notions of arms control. But whatever the dangers of such drastic change, they are far smaller than the danger we face by having our troops in Europe and maintaining our pledges of nuclear retaliation against Soviet attack in that theater. To remain so entangled is to invite a Soviet nuclear strike against the United States in any war that starts in Europe—to risk our national survival. We can survive without the Western alliance, even if the Europeans elect to accommodate to the Soviet Union rather than provide for their own defense. But nuclear war can kill us.

If we had not become so accustomed to the false notion that we must defend the world in our own interests, a proposition alien to our tradition, it would shock us to see our forces being scattered over the globe. If any American political leader prior to World War II had advocated our present role as the world's guardian, he would have been considered out of his mind. We tend to forget that our present posture for defending Europe was adopted when Europe was prostrate. Even though the Europeans have become prosperous and thoroughly capable of defending themselves and their own national interests, a temporary American expedient has been hardened into a permanent orthodoxy.

Europe is far more dependent than the United States on oil from the Persian Gulf. Yet who is creating a Rapid Deployment Force for the conventional defense of that region? Why, of course, the United States. The force will cost a lot, and will be worth little, because of the Soviet Union's proximity to the Gulf and Soviet willingness to use nuclear weapons.

We cannot expect to win a land war against the Russians in that part of the world. Nor does it make sense for us to conduct military operations there with the aim of preserving oil supplies. Even before their move into Afghanistan, the Russians could have stopped the flow of oil from the Persian Gulf by dropping just one bomb, whereupon the insurance rates on oil tankers would have gone out of sight.

We are told that we need the raw materials we import and must have forces in readiness to safeguard their sources. Yet it would be far cheaper to stockpile these raw materials, including oil, than to fight a conventional war for their sake—not to mention the war's cost in blood or the danger of the conflict's becoming nuclear. The only conceivable way to deter the Russians from exploiting their military advantages in regions such as the Persian Gulf is by confronting them with superior theater nuclear forces—missiles and aircraft based in the region and designed for short-range or medium-range operations.

That, however, would pose the risk of all-out nuclear war. We would be forced to hit out at nuclear weapons deployed across the Soviet border, thereby insuring nuclear reprisal against the United States. To take such a risk for the sake of maintaining oil shipments to Europe would be the height of irresponsibility, to put it as mildly as we can.

This does not mean, of course, that we must sit back and let the Russians rampage all over the world. There are certain regions contiguous to the Soviet Union where we are powerless to prevent Soviet aggression, except at risk to our own survival. But there are other regions far from Soviet borders where the advantage in military power would lie with the Western nations. By no stretch of the imagination, for example, should the United States give up the defense of the Western Hemisphere. What is alarming about our current policies is our propensity to get into conventional wars in areas far from home, for the defense of areas not vital to our security and in geopolitical circumstances that imperil our own national existence.

Without lengthening the list of these overseas military predicaments, it becomes apparent that there is no way to rectify them to any satisfactory degree by either conventional or nuclear means. With each passing day, as the Soviet nuclear arsenal continues to grow, it becomes increasingly perilous to pursue these objectives. We should instead turn our attention to devising new nuclear weapons that can best protect the United States against nuclear attack.

This will call for developing offensive weapons in great quantities, and exploiting mobility, concealment and dispersion to make them invulnerable to any conceivable nuclear strike. It will call for removing the shackles placed by the strategic arms treaty of 1972 on the development of antimissile weapons capable of protecting our population and economy. It will call for restoring our emaciated air defenses against bombers, so as to meet an impending Soviet threat in that category of weapons. And it will require a program, following the Swiss example, for providing our cities with civil-defense shelters, which can save enormous numbers of American lives.

If the Western allies continue their effort to match the Soviet empire in conventional forces designed for re-enacting World War II, they will fritter away the resources they need for developing the nuclear forces essential to their survival. To prevent nuclear war, the United States should augment its nuclear armory both for deterrence and for defense, with an ample margin of safety on both counts. With our help, Western Europe can do the same. The best hope of preventing nuclear war lies in accepting our nuclear age, instead of persisting in a hopeless effort to deny it.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BENNETT, for 15 minutes, today.

(The following Members (at the request of Mr. NELLIGAN) to revise and extend their remarks and include extraneous material:)

Mr. DOUGHERTY, for 60 minutes, February 24.

Mr. TAUKE, for 5 minutes, today.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. SHAMANSKY, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. MOAKLEY, for 5 minutes, today.

Mr. WEAVER, for 15 minutes, today.

Mr. ANNUNZIO, for 60 minutes, on February 23.

Mr. JONES of Oklahoma, for 10 minutes, on February 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEILENSON, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD, and is estimated by the Public Printer to cost $1,210.

(The following Members (at the request of Mr. NELLIGAN) and to include extraneous matter:)

Mr. SENSENBRENNER.

Mr. GINGRICH in two instances.

Mr. FINDLEY.

Mr. DORNAN of California.

Mr. VANDER JAGT.

Mr. FISH.

Mr. GILMAN.

Mr. LEE.

Mr. DERWINSKI in two instances.

Mr. CLINGER.

Mr. LOTT.

Mr. MICHEL.

Mr. BEREUTER.

Mr. EVANS of Iowa.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. BEILENSON.

Mr. HOYER.

Mr. FAUNTROY.

Mr. GAYDOS in three instances.

Mr. MINETA.

Mr. BAILEY of Pennsylvania in six instances.

Mr. PEPPER.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. FLORIO.

Mrs. COLLINS of Illinois.

Mr. BEDELL.

Mr. MAZZOLI in two instances.

Mr. SIMON in two instances.

Mr. HALL of Ohio.

Mr. FASCELL in five instances.

Mr. BONIOR of Michigan.

Mr. MITCHELL of Maryland.

Mr. McDONALD in five instances.
Mrs. SCHROEDER.
Mr. BARNARD.
Mr. YOUNG of Missouri.
Mr. NATCHER.
Mr. MILLER of California in two instances.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture; and

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on February 11, 1982, present to the President, for his approval, joint resolutions of the House of the following title:

H.J. Res. 389. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture; and

H.J. Res. 391. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Tuesday, February 23, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3057. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Meat Inspection Act, the Poultry Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture.

3058. A letter from the Administrator, United States Environmental Protection Agency, transmitting the annual report on the total number of applications for conditional registration of pesticides produced, pursuant to section 29 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended; to the Committee on Agriculture.

3059. A letter from the President of the United States, transmitting additional proposed appropriation language for fiscal year 1983 for the Department of Labor (H. Doc. No. 97-144); to the Committee on Appropriations and ordered printed.

3060. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on recissions and deferrals of budget authority as of February 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-145); to the Committee on Appropriations and ordered printed.

3061. A letter from the Comptroller General of the United States, transmitting his review of the deferrals of budget authority contained in the message from the President dated January 25, 1982 (H. Doc. No. 97-129), pursuant to section 1014(b) of Public Law 93-344 (H. Doc. No. 97-146); to the Committee on Appropriations and ordered printed.

3062. A letter from the Secretary of the Treasury, transmitting a report on a violation of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the revised statutes, as amended; to the Committee on Appropriations.

3063. A letter from the Executive Associate for Budget, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of the Treasury for fiscal year 1982 has been apportioned on a basis which indicates the necessity for an amended estimate of appropriation, pursuant to section 3679(3)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3064. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. section 133(c)(3); to the Committee on Armed Services.

3065. A letter from the Under Secretary of Defense (research and engineering), transmitting a report on the amounts spent on chemical and biological warfare agents during fiscal year 1981, pursuant to section 409(a) of Public Law 91-121; to the Committee on Armed Services.

3066. A letter from the general counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the retention in an active status in the Reserves of certain Reserve component commissioned officers otherwise subject to elimination for failure of promotion; to the Committee on Armed Services.

3067. A letter from the general counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

3068. A letter from the Assistant Secretary of Defense (legislative affairs), transmitting description of series of programs and actions which have been initiated to strengthen the management and eliminate waste and inefficiency in the Department of Defense; to the Committee on Armed Services.

3069. A letter from the Assistant Secretary of the Air Force (research, development, and logistics), transmitting notice of the proposed conversion to contractor performance of the transient aircraft maintenance function at Kelly Air Force Base, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3070. A letter from the Assistant Secretary of the Navy (shipbuilding and logistics), transmitting notice of the Navy's intention to study the conversion from in-house operation to commercial contract of the food services function at the Naval Regional Medical Center, Jacksonville, Fla., pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

3071. A letter from the Acting Assistant Secretary of the Army (installations, logistics, and financial management), transmitting notice that the U.S. Army intends to initiate the disposal of chemical munitions at Anniston Army Depot, Ala., pursuant to Public Law 91-121, as amended by Public Law 91-441; to the Committee on Armed Services.

3072. A letter from the Deputy Assistant Secretary of Defense (facilities, environment, and economic adjustment), transmitting notice of 10 construction projects to be undertaken by the Air National Guard costing more than $175,000, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3073. A letter from the Deputy Assistant Secretary of Defense (facilities, environment, and economic adjustment), transmitting the base structure annex to the defense manpower requirements report for fiscal year 1983, pursuant to 10 U.S.C. 138(c)(3)(c); to the Committee on Armed Services.

3074. A letter from the Acting Director, Defense Security Assistant Agency, transmitting a report on the impact on United States readiness of the Air Force's proposed sale of certain defense equipment to Tunisia (Transmittal No. 82-47) pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3075. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense equipment to the Philippines (Transmittal No. 82-31) pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3076. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to Turkey (Transmittal No. 82-36), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3077. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense equipment to the Federal Republic of Germany (Transmittal No. 82-37), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3078. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Kuwait (Transmittal No. 82-35), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3079. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Pakistan (Transmittal No. 82-32), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3080. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to Pakistan (Transmittal No. 82-33), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3081. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to the Republic of Korea (Transmittal No. 82-30), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

3082. A letter from the Director, Export-Import Bank of the United States, transmitting a statement describing a proposed additional transaction involving U.S. exports to the Republic of Korea, pursuant to section 2(b)(3)(iii) of the Export-Import Bank Act of 1946, as amended; to the Committee on Banking, Finance and Urban Affairs.

3083. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-151, "D.C. Motor Vehicle Definition Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3084. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-152, "Disabled Parking Privileges Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3085. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-153, "Closing of Public Alleys in Square 100 Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3086. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-150, "Residency Exemption Reinstatement Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3087. A letter from the chairman, Council of the District of Columbia, transmitting D.C. Act 4-155, "Motor Vehicle Services Fees and Driver Education Support Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3088. A letter from the chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 4-154, "Civil Forfeitures Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3089. A letter from the vice president, Chesapeake and Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company for calendar year 1981, and a comparative general balance sheet for 1981, pursuant to chapter 1628, Acts of Congress 1904, and paragraph 14 of the act of March 4, 1913, respectively; to the Committee on the District of Columbia.

3090. A letter from the Chairman, Advisory Panel on Financing Elementary and Secondary Education, transmitting the annual report of its activities covering calendar year 1981, pursuant to section 1203(f) of Public Law 95-561; to the Committee on Education and Labor.

3091. A letter from the Secretary of Education, transmitting copy of final regulations for the talent search program, scheduled for publication in the Federal Register, pursuant to section 405 of Public Law 94-482; to the Committee on Education and Labor.

3092. A letter from the Secretary of Health and Human Services; transmitting the biennial report on supply and distribution of and requirements for nurses, pursuant to section 951 of Public Law 94-63, as amended; to the Committee on Energy and Commerce.

3093. A letter from the general counsel, Department of Energy, transmitting notice of various meetings related to the International Energy program held on February 17 and 18 in Paris, France; to the Committee on Energy and Commerce.

3094. A letter from the Secretary of Energy, transmitting the annual report on the strategic petroleum reserve, covering calendar year 1981, pursuant to section 165 of Public Law 94-163; to the Committee on Energy and Commerce.

3095. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve, covering the first quarter of fiscal year 1982, pursuant to section 165(b) of the Energy Policy and Conservation Act, Public Law 94-163, added by the Strategic Petroleum Reserve Amendments Act contained in the Omnibus Budget Reconciliation Act of 1981, Public Law 97-35; to the Committee on Energy and Commerce.

3096. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting the Agency's fourth annual report on the administration of the Toxic Substances Control Act, covering fiscal year 1981, pursuant to section 30 of the act; to the Committee on Energy and Commerce.

3097. A letter from the Vice President (Government Affairs), Amtrak, transmitting a financial report of the Corporation for the month of September 1981, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

3098. A letter from the Acting Secretary of State, transmitting a copy of Presidential determination No. 82-7 authorizing the provision of assistance to Pakistan pursuant to sections 620E, 669, and 670 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs..

3099. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting reports on political contributions by Ambassador-designate Michael H. Armacost, Ambassador-designate Keith L. Brown, Howard E. Douglas, nominee as Ambassador at Large and Coordinator for Refugee Affairs; Ambassador-designate Fred J. Eckert; Maynard W. Glitman Ambassador (rank of) while serving as Deputy Negotiator Intermediate Range Nuclear Forces, Ambassador-designate C. E. Quainton; Fred M. Zeder II, Ambassador (rank of) while serving as Personal Representative of President for Micronesian Political Status Negotiations; and members of their families, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

3100. A letter from the Attorney-Adviser for Legal Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

3101. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to the Republic of Korea (Transmittal No. 82-30), to the Committee on Foreign Affairs.

3102. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to the Republic of the Philippines (Transmittal No. 82-31), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3103. A letter from Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 82-32), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3104. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 82-33), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3105. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Kuwait (Transmittal No. 82-35), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3106. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Turkey (Transmittal No. 82-36), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3107. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to the Federal Republic of Germany (Transmittal No. 82-37), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3108. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Austria (Transmittal No. 82-46), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3109. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Tunisia (Transmittal No. 81-47), which supersedes (Transmittal No. 81-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3110. A letter from the Director, Assistance Management and Procurement Services, Department of Education, transmitting a report on the Department's disposal of foreign excess property during fiscal year 1981, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3111. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3112. A letter from the Chairman, Federal Election Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar years 1980 and 1981, pursuant to 5

U.S.C. 552b(j); to the Committee on Government Operations.

3113. A letter from the Executive Director, Board for International Broadcasting, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1980, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3114. A letter from the Chairman, Civil Aeronautics Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1981, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3115. A letter from the Secretary of Education, transmitting a report on the donation of Federal surplus real property donated to educational institutions, covering fiscal year 1980, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3116. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of proposed new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3117. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3118. A letter from the Chairman, Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3119. A letter from the Chairman, Staff Secretary, National Security Council, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3120. A letter from the Chairman, Privacy Officer, Interstate Commerce Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3121. A letter from the Chairman, U.S. International Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3122. A letter from the Director, Export-Import Bank of the United States, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3123. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period October 1 through December 31, 1981, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 97-147); to the Committee on House Administration and ordered to be printed.

3124. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of certain judgment funds of the Blackfeet Tribe of the Blackfeet Reservation of Montana, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3125. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of certain judgment funds of the Yakima Indian Nation of the Yakima Reservation of Washington, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3126. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of certain judgment funds for the Cherokee Nation of Oklahoma, pursuant to sections 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

3127. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Advisory Council's annual report for fiscal year 1981, pursuant to section 202(b) of the National Historic Preservation Act of 1966, Public Law 89-665; to the Committee on Interior and Insular Affairs.

3128. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the Commission's views on Federal leadership in promoting equal educational opportunity; to the Committee on the Judiciary.

3129. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on waivers granted from certain admissibility requirements for refugees, pursuant to section 207(c)(3) of the Immigration and Nationality Act; to the Committee on the Judiciary.

3130. A letter from the secretary-treasurer, Congressional Medal of Honor Society of the United States of America, transmitting the annual audit report of the society for calendar year 1981, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

3131. A letter from the Secretary of Transportation, transmitting a report on special pay to Coast Guard officers holding critical positions, pursuant to 37 U.S.C. 306(f); to the Committee on Merchant Marine and Fisheries.

3132. A letter from the Administrative Assistant, Personnel Appeals Board, U.S. General Accounting Office, transmitting the annual report of the Personnel Appeals Board for the General Accounting Office; to the Committee on Post Office and Civil Service.

3133. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to authorize Federal agencies to utilize alternative work schedules for their employees when the use of such schedules will improve productivity or service to the public and will be cost effective, and for other purposes; to the Committee on Post Office and Civil Service.

3134. A letter from the Secretary of Transportation, transmitting a quarterly report on Urban Mass Transportation Administration obligations by State and activity as of June 30, 1981, pursuant to Public Law 95-599; to the Committee on Public Works and Transportation.

3135. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on proposed use of construction and facilities funds, pursuant to the National Aeronautics and Space Administration Authorization Acts of 1980 and 1981; to the Committee on Science and Technology.

3136. A letter from the Secretary of Energy, transmitting the third annual report on the automotive technology development program for fiscal year 1981, pursuant to sections 310(a) and 304(f) of Public Law 95-328; to the Committee on Science and Technology.

3137. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's revised plan for the solar maximum mission repair demonstration, pursuant to section 4(3) of Public Law 97-96; to the Committee on Science and Technology.

3138. A letter from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting a report of Department of Defense procurement from small and other business firms for October through November 1981, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3139. A letter from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting a report of Department of Defense procurement from small and other business firms during October 1981, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3140. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend chapter 37 of title 38, United States Code, to require the collection of a funding fee on all loans guaranteed, insured, or made to veterans under such chapter; to the Committee on Veterans' Affairs.

3141. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to discontinue duplicative payments to certain veterans; to increase the level of disability required for the payment of dependents' allowances; to provide for cost-saving improvements in veterans' programs; and for other purposes; to the Committee on Veterans' Affairs.

3142. A letter from the Deputy Assistant Secretary of Defense for Administration, transmitting a report on the North Atlantic Treaty Organization's Acquisition and Cross-Servicing Agreement, for fiscal year 1982, pursuant to 10 U.S.C. 2330; jointly, to the Committees on Armed Services and Foreign Affairs.

3143. A letter from the Chairman, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting the Committee's annual report on the review and evaluation of reactor safety research, pursuant to section 29 of the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3144. A letter from the Comptroller General of the United States, transmitting a report on how greater use of innovative building materials and construction techniques could reduce housing costs (CED-82-35, February 18, 1982); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee of conference. Conference report on S. 1503 (Rept. No. 97-432). Ordered to be printed.

Ms. FERRARO: Committee on Post Office and Civil Service. H.R. 5366. A bill to amend title 5, United States Code, to provide permanent authorization for Federal agencies to use flexible and compressed employee work schedules; with an amendment (Rept. No. 97-433). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, and Mr. D'AMOURS):

H.R. 5543. A bill to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT:

H.R. 5544. A bill to amend title 10, United States Code, to establish a new procurement system for the Armed Forces; to the Committee on Armed Services.

By Mr. PHILLIP BURTON:

H.R. 5545. A bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel; to the Committee on the Judiciary.

By Mr. DANIEL B. CRANE:

H.R. 5546. A bill to provide that the Federal Trade Commission shall not have any authority to investigate or regulate the health professions; to the Committee on Energy and Commerce.

By Mr. DUNCAN:

H.R. 5547. A bill to amend the Internal Revenue Code of 1954 to provide that individual retirement accounts may be used as security on a loan used to purchase a residence by a first-time home buyer or to purchase an automobile; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. CONABLE):

H.R. 5548. A bill to amend the Internal Revenue code of 1954 to eliminate double taxation of earnings and profits of certain foreign corporations; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 5549. A bill to amend the Internal Revenue Code of 1954 to repeal the tax benefits enacted during 1981 which provided a special deduction for Members of Congress with respect to their living expenses; to the Committee on Ways and Means.

By Mr. JEFFRIES:

H.R. 5550. A bill to deauthorize the Onaga Lake project, Vermillion Creek, Kans.; to the Committee on Public Works and Transportation.

By Mr. MITCHELL of Maryland (for himself and Mr. IRELAND):

H.R. 5551. A bill to amend section 8(e) of the Small Business Act to improve small business access to Federal procurement information; jointly, to the Committees on Government Operations and Small Business.

By Mr. SEIBERLING:

H.R. 5552. A bill to amend the act of August 18, 1970, providing for improvement in the administration of the national park system, to assure the protection of natural and cultural resources within the national park system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself and Mr. HILLIS) (by request):

H.R. 5553. A bill to provide for the use and disposition of Miami Indians judgment funds in dockets 124-B and 254 before the U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT:

H.R. 5554. A bill to suspend for a 3-year period the duty on the radio portion of certain clock radios; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 5555. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. WEAVER:

H.R. 5556. A bill to amend the act of August 20, 1937, authorizing the Bonneville power project, Washington, to limit the authority of the administrator of that project to participate in any litigation concerning financing the cost of acquisition or construction of any project for provision of electrical power in the State of Washington; to the Committee on Interior and Insular Affairs.

By Mr. QUILLEN:

H.J. Res. 407. Joint resolution designating the month of February of each year as "American History Month"; to the Committee on Post Office and Civil Service.

By Mr. SIMON (for himself, Mr. WALGREN, Mr. HOYER, Mr. WILLIAM J. COYNE, Mr. ST GERMAIN, Mrs. MARTIN of Illinois, Mr. DWYER, Mr. WEISS, Mr. MOLINARI, Mr. CORCORAN, Mr. PORTER, Mr. BRODHEAD, Mr. FORD of Michigan, Mr. PEYSER, Mr. WOLF, Mr. FOGLIETTA, Mr. OBERSTAR, Mr. REUSS, Mr. ANNUNZIO, Mr. MATSUI, Mr. RATCHFORD, Mr. SANTINI, Mr. YOUNG of Alaska, Mr. DONNELLY, Mr. STANTON of Ohio, Mr. SOLARZ, Mr. SABO, Mr. DENARDIS, Mr. MCGRATH, Mr. BARNES, Mr. WEBER of Ohio, Mr. BEARD, Mr. MINETA, Mr. CORRADA, Mr. EARLY, Mr. OTTINGER, Mr. SYNAR, Mr. RICHMOND, Mr. GONZALEZ, Mr. HORTON, Mr. PANETTA, Mr. FAZIO, Mr. TRAXLER, Mr. BENJAMIN, Mr. CONTE, Mr. STOKES, Mr. ARCHER, Mr. ERDAHL, Mr. COELHO, Mr. ROE, Mr. BEILENSON, Mr. GEJDENSON, Mr. RINALDO, Mr. SUNIA, Mr. COATS, Mr. RANGEL, and Mr. FORSYTHE):

H.J. Res. 408. Joint resolution authorizing and requesting the President to issue a proclamation designating the month of January 1983 as National Cerebral Palsy Month; to the Committee on Post Office and Civil Service.

By Mrs. SCHNEIDER (for herself, Mr. GILMAN, Mr. BEDELL, Mr. PRITCHARD, Mr. MILLER of California, Mr. BROWN of California, Mr. STUDDS, Mr. JEFFORDS, Mr. DOWNEY, Mr. MATSUI, Mrs. FENWICK, Mr. BARNES, Mr. ST GERMAIN, Mrs. CHISHOLM, Mr. BINGHAM, Mr. FAUNTROY, Mr. MOFFETT, Mr. OTTINGER, Mr. AUCOIN, Mr. FRENZEL, Mr. LEACH of Iowa, Mr. BONKER, Mr. LOWRY of Washington, Mr. RATCHFORD, Mr. SHAMANSKY, Mr. MINETA, Mr. SUNIA, Mr. DYMALLY, and Mr. FISH):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress concerning the ongoing negotiations with respect to a comprehensive law of the sea treaty; to the Committee on Foreign Affairs.

By Mr. DANIEL B. CRANE:

H. Res. 367. Resolution expressing the sense of the House of Representatives regarding the heroism of Arland D. Williams, Jr., after the airplane crash in the Potomac River on January 13, 1982; to the Committee on Post Office and Civil Service.

By Mr. GARCIA (for himself, Ms. FERRARO, and Mr. SCHUMER):

H. Res. 368. Resolution calling upon the U.S. Postal Service to designate the General Post Office Building, New York City, as the "James A. Farley Building"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

263. By the SPEAKER: Memorial of the Legislature of the Territory of the Virgin Islands, relative to high-income-area designation; to the Committee on Agriculture.

264. Also, memorial of the Legislature of the State of Minnesota, relative to persons missing in action in Southeast Asia; to the Committee on Foreign Affairs.

265. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the enactment of legislation to grant permanent residence status to five members of the Vashchenko family and two members of the Chmykhalov family; to the Committee on the Judiciary.

266. Also, memorial of the Legislature of the State of Alaska, relative to a request for designation of month of March as Women's History Month; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LEHMAN introduced a bill (H.R. 5557), for the relief of Rosa Cecilia Zuniga-Moya; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 114: Mr. COURTER.

H.R. 116: Mr. MATTOX.

H.R. 129: Mr. BEREUTER.

H.R. 374: Mr. ZEFERETTI.

H.R. 2832: Mr. YATRON.

H.R. 3268: Mr. GOODLING.

H.R. 4070: Mr. MOFFETT, Mr. HUGHES, Mr. YOUNG of Florida, Mr. SANTINI, and Mr. MATSUI.

H.R. 4394: Mr. LEE, Mr. WOLF, Mr. WON PAT, Mr. FAUNTROY, Mr. HOWARD, Mr. MITCHELL of Maryland, Mr. RAHALL, Mr. VENTO, Mr. MIKULSKI, Mr. MINETA, Mr.

MOLLOHAN, Mr. CORRADA, Mr. BINGHAM, Mr. WIRTH, Mr. SIMON, and Mr. EDGAR.

H.R. 4449: Mr. EVANS of Indiana, Mr. DORNAN of California, Mr. TAYLOR, Mr. ROSE, and Mr. LOWERY of California.

H.R. 4653: Mr. EVANS of Georgia, Mr. PRITCHARD, Mr. MILLER of Ohio, Mr. SYNAR, and Mr. TRIBLE.

H.R. 4815: Mr. NELLIGAN.

H.R. 4848: Mr. ALBOSTA, Mr. WHITTEN, Mr. PRITCHARD, Mr. RICHMOND, Mr. HYDE, Mr. WORTLEY, Mr. JONES of North Carolina, Mr. MONTGOMERY, Mr. BENNETT, Mr. WYLIE, Mr. RINALDO, Mr. WOLF, Mr. DAUB, Mr. FAUNTROY, Mr. LOEFFLER, Mr. HAWKINS, Mr. WILLIAMS of Montana, Mr. PEYSER, Mr. HORTON, Mr. STANTON of Ohio, Mr. ROE, Mr. WOLPE, Mr. NEAL, Mr. MCDADE, Mr. GARCIA, Mr. MINISH, Mr. GEPHARDT, Mr. LIVINGSTON, Mr. SIMON, Mr. WYDEN, Mr. WIRTH, Mr. BEDELL, Mr. FRANK, Mr. BAILEY of Pennsylvania, Mr. HATCHER, Mr. LELAND, Mr. LANTOS, Mr. FROST, Mr. GONZALEZ, Mr. BENJAMIN, Mr. NELLIGAN, Mr. FASCELL, Mr. ZABLOCKI, Mr. OXLEY, Mr. HUBBARD, Mrs. COLLINS of Illinois, Mr. WRIGHT, Mr. MARTIN of New York, Mr. STRATTON, Mr. DYMALLY, Mr. ROEMER, Mr. HUCKABY, Mr. PEPPER, and Mr. TAYLOR.

H.R. 4867: Mr. DWYER.

H.R. 5004: Mr. DE LUGO, Mr. MORRISON, and Mr. JAMES K. COYNE.

H.R. 5088: Mr. GORE.

H.R. 5092: Mr. ROSENTHAL and Mr. KILDEE.

H.R. 5130: Mr. MCDONALD, Mr. DOUGHERTY, Mr. DERWINSKI, Mr. HUNTER, Mr. GINGRICH, and Mr. LEBOUTILLIER.

H.R. 5255: Mr. MONTGOMERY, Mr. MCKINNEY, Mr. JAMES K. COYNE, Mr. FRENZEL, Mr. BLILEY, Mrs. COLLINS of Illinois, Mr. LOTT, Mr. TAYLOR, Mr. WHITTAKER, and Mr. GLICKMAN.

H.R. 5256: Mr. MONTGOMERY, Mr. MCKINNEY, Mr. JAMES K. COYNE, Mr. BOWEN, Mr. FRENZEL, Mr. BLILEY, Mrs. COLLINS of Illinois, Mr. LOTT, Mr. TAYLOR, and Mr. WHITTAKER.

H.R. 5312: Mr. WASHINGTON.

H.R. 5321: Mr. PEASE, Mr. DORNAN of California, and Mr. D'AMOURS.

H.R. 5368: Mr. HUTTO, Mr. TAYLOR, Mr. NEAL, Mr. MATSUI, Mr. WHITTAKER, Mr. HUGHES, and Mr. FASCELL.

H.R. 5416: Mr. GINGRICH, Mr. SUNIA, and Mr. WHITTAKER.

H.R. 5438: Mrs. FENWICK, Mr. OTTINGER, Mr. MCKINNEY, Mr. GRADISON, Mr. DERWINSKI, Mr. ERLENBORN, and Ms. MIKULSKI.

H.R. 5441: Mrs. BOGGS, Mr. DYMALLY, Mr. BEDELL, Mr. WEBER of Minnesota, Mr. CORRADA, Mr. MCDADE, and Mr. ALBOSTA.

H.R. 5485: Mr. HUBBARD, Mr. MOFFETT, Mr. FRANK, Mr. SOLARZ, Mr. SYNAR, Mr. ROSENTHAL, Mr. GEJDENSON, Mr. BINGHAM, Mr. PEPPER, Mr. MATTOX, Mr. MINISH, Mr. FUQUA, Mr. FLORIO, Mr. FOWLER, Mr. RICHMOND, Mr. RAHALL, Mr. MILLER of California, Mr. KILDEE, Mr. HOWARD, Mrs. CHISHOLM, Mr. LOWRY of Washington, Mr. YATES, Mr. ROE, Mr. TRAXLER, Mr. HUTTO, Mr. FORD of Michigan, Mr. MCEWEN, Mr. OTTINGER, Mr. SMITH of Pennsylvania, Mr. SCHUMER, Mrs. KENNELLY, Mr. SHANNON, Mr. BIAGGI, Mr. BARNES, Mr. SABO, Mr. BOWEN, Mr. LEE, Mr. JOHN L. BURTON, Mr. HUGHES, Mr. STOKES, Mr. DONNELLY, Mr. ROSE, Mr. FOGLIETTA, Mr. MITCHELL of Maryland, Mr. GILMAN, Mr. WIRTH, Mrs. COLLINS of Illinois, Mr. SCHEUER, and Mr. FASCELL.

H.J. Res. 151: Mr. FRANK, Mr. BARNARD, Mr. JOHN BURTON, Mrs. FENWICK, Mr. MATSUI, Mr. MARKEY, Mr. QUILLEN, Mr. DASCHLE, Mr. DAUB, Mr. BURGENER, and Mr. WIRTH.

H.J. Res. 272: Mr. LENT, Mr. ALBOSTA, Mr. DONNELLY, Mr. FOLEY, Mr. DYMALLY, Mr. ALEXANDER, Mr. BROWN of California, Mrs. BYRON, Mr. FLIPPO, Mr. RANGEL, Mr. DERRICK, Mr. HEFTEL, Mr. BENJAMIN, Mrs. KENNELLY, Mr. ST GERMAIN, Mr. TRAXLER, Mrs. BOGGS, Mr. PEYSER, Mr. MINISH, Mr. SUNIA, Mr. FARY, Ms. OAKAR, Mr. DANIELSON, Mr. DORGAN of North Dakota, Mr. HALL of Ohio, Mr. QUILLEN, Mr. MAVROULES, Mr. MORRISON, Mr. ROTH, Mr. NICHOLS, Mr. WAXMAN, Mr. BENNETT, Mr. ANTHONY, Mr. BREAUX, Mr. SMITH of Alabama, Mr. MATTOX, and Mr. SHELBY.

H.J. Res. 403: Mr. BINGHAM, Mr. YATRON, Mr. SOLARZ, Mr. IRELAND, Mr. BARNES, Mr. BROOMFIELD, Mr. LAGOMARSINO, Mr. GOODLING, Mr. PRITCHARD, Mrs. FENWICK, Mr. DORNAN of California, Mr. ROTH, Mrs. SNOWE, Mr. LEBOUTILLIER, Mr. MOFFETT, and Mr. KEMP.

H.J. Res. 405: Mr. GARCIA, Mr. OTTINGER, Mr. BINGHAM, Mr. BOLAND, Mr. CONTE, Mr. ST GERMAIN, Mr. BRODHEAD, Mr. MATSUI, Mr. MARKEY, Mr. BROWN of California, Mr. BONIOR of Michigan, Mr. REUSS, Mr. EDWARDS of California, Mr. STARK, Mr. FAUNTROY, Mr. MILLER of California, Mr. DYMALLY, Mr. RATCHFORD, Mr. HAMILTON, Mr. WILLIAM J. COYNE, Mr. LOWRY of Washington, Mrs. CHISHOLM, Mr. EDGAR, Mr. FOGLIETTA, Mr. FAZIO, Mr. HOWARD, Mr. AUCOIN, Mr. SCHUMER, Mr. BEILENSON, Mrs. SCHNEIDER, Mr. PANETTA, Mr. GLICKMAN, Mr. RICHMOND, Mr. KASTENMEIER, Mr. MOAKLEY, Mr. MOFFETT, Mr. MITCHELL of Maryland, Mr. BEDELL, Mr. MCHUGH, and Mr. COELHO.

H. Con. Res. 151: Mr. MOFFETT, Mr. GORE, Mrs. SCHROEDER, Mr. MCGRATH, Mrs. COLLINS of Illinois, Mr. BENJAMIN, Mr. MINETA, and Mr. DYMALLY.

H. Res. 265: Mr. FINDLEY, Mr. CAMPBELL, and Mr. TAUKE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

345. By the SPEAKER: Petition of the board of directors, Association of Minnesota Counties, St. Paul, Minn., relative to support of the reenactment of the Comprehensive Employment and Training Act; to the Committee on Education and Labor.

346. Also, petition of the Detroit Lithuanian Organizations Center, Detroit, Mich., relative to a request that the United States should not sign any new treaties with the Soviet Union until it withdraws its military and administrative forces from all occupied nations, including Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

347. Also, petition of the Board of County Commissioners, county of Elko, Nev., relative to acceptance of the responsibility to administer and finance programs and services that are in the best interest of the Elko County taxpayer; to the Committee on Government Operations.

348. Also, petition of the Guam Election Commission, Territory of Guam, relative to transmitting a copy of the certified results of the January 30, 1982, plebiscite election, held within the Territory of Guam, pursuant to section 1972, as amended, subparagraph (d), title II, chapter XII of the Government Code of Guam; to the Committee on Interior and Insular Affairs.

349. Also, petition of the Executive Committee, Hawaii State Association of Counties, Honolulu, Hawaii, relative to opposition to granting duty-free status to imports that will adversely compete with domestically produced products; to the Committee on Ways and Means.

350. Also, petition of the Department of Revenue, Commonwealth of Massachusetts, relative to a proposed amendment to section 6103(i) of the Internal Revenue Code; to the Committee on Ways and Means.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1981:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

A. Abadie & Hudson, P.O. Box 2787, Baton Rouge, La. 70821.
B. Coastal Corp.

A. Georgia Abraham, National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Merrill Lynch Life Agency, Inc., 165 Broadway, New York, N.Y. 10080.

A. Jeff Samuel Allder, 911 Walker Street, P.O. Box 52666, Houston, Tex. 77052.

A. Loretta E. Allen, P.O. Box 364, Orleans, Calif. 95556.
B. 2. University, P.O. Box 409, Davis, Calif. 95616.

A. William L. Allen, 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.
B. The Patriots Foundation, Inc., 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.

A. American Academy of Ophthalmology, 1100 17th Street NW., Suite 901, Washington, D.C. 20036.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Bay Area Rapid Transit District, 800 Madison Street, Oakland, Calif. 94607.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Interdependent Crude & Refining, 1899 L Street NW., Suite 1250, Washington, D.C. 20036.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Kutak, Rock & Huie, 1200 Standard Federal Savings Building, Atlanta, Ga. 30303. (for Metropolitan Atlanta Rapid Transit Authority).

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, N.Y. 10015.

A. Jack O. Andresen, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Scott P. Anger, McCamish, Ingram, Martin & Brown, Inc., 1800 M Street NW., South Lobby No. 860, Washington, D.C. 20036.
B. NW Alaskan Pipeline Co., 1120 20th Street NW., Suite S-700, Washington, D.C. 20036.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. Nationwide Mutual Insurance Co., 1 Nationwide Plaza, Columbus, Ohio 43216.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., Suite 1050, Washington, D.C. 20006.
B. Teledyne CAE, 1330 Laskey Road, Toledo, Ohio 43612.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

A. Fritz E. Attaway, Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Claudia Mansfield Austin, American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.

A. J. R. Baker, P.O. Box 1806, Zephyr Cove, Nev. 89448.
B. Aircraft Technical Publishers, 655 Fourth Street, San Francisco, Calif. 94107.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Delaware River Port Authority, Administration Building, Benjamin Franklin Bridge Plaza, Camden, N.J. 08101.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Philadelphia Port Corp., Suite 1020, Sixth and Chestnut Streets, Philadelphia, Pa. 19106.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. The United States Cantaloupe Growers & Importers Association, P.O. Box 336, Hidalgo, Tex. 78557.

A. Rose F. Bates, 1899 L Street NW., Suite 1200, Washington, D.C. 20036
B. American Samoa, Office of the Governor, Pago Pago, American Samoa.

A. Rose F. Bates, 1899 L Street NW., Suite 1200, Washington, D.C. 20036
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue, Suite 612, Washington, D.C. 20036.

A. Bayh, Tabbert & Capehart, 1575 I Street NW., No. 1025, Washington, D.C. 20005.
B. American Cancer Society, 777 Park Avenue, New York, N.Y. 10021.

A. Beatty & McNamee, 4316 Hamilton Street, Hyattsville, Md. 20781.
B. CELP, 1170 Beltsville Drive, P.O. Box 826, Beltsville, Md. 20705.

A. Frank Brett Berlin, Cray Research, Inc., 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.
B. Cray Research, Inc., 1440 Northland Drive, Mendota Heights, Minn. 55120.

A. James N. Bierman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for VGS Corp. (Southland Oil Co.)).

A. Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.
B. Transportation Committee, Alaska State Senate, Pouch V, State Capitol, Juneau, Alaska 99811.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Highly Enterprise Corp., 2208 143d Place SE., Vine-Maple, Bothell, Wash. 98011.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. St. George Tanaq Corp., 110 East Third Avenue, Anchorage, Alaska 99501.

A. Bonnie G. Bird, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. H. Radford Bishop, Suite 230, The Exchange, Atlanta, Ga. 30339.
B. The National Health Care Financing Association, Suite 230, The Exchange, Atlanta, Ga. 30339.

A. Blum & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. National Association of Truckstop Operators, 700 North Fairfax Street, No. 505, Alexandria, Va. 22313.

A. M. Stephanie Bower, United Farm Workers of America, AFL-CIO, 102 Lynnmoor Drive, Silver Spring, Md. 20901.
B. United Farm Workers of America, AFL-CIO, P.O. Box 62, Keene, Calif. 93531.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington D.C. 20036.
B. Consolidated Freightway Corp. 175 Lynfield Drive, Menlo Park, Calif. 94025.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Roadway Express, Inc., P.O. Box 471, Akron, Ohio 44309.

A. James F. Brown, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.

A. Jesse P. Brown, Jr., 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Ralph Brown, MOA/AIOA, 701 South 22, No. 107, Omaha, Nebr.
B. MOA/AIOA & Subs., Inc.

A. Brown & Roady, 1333 New Hampshire Avenue NW., Suite 1070, Washington, D.C. 20036.
B. Kansas City Southern Railway, 301 West 11th Street, Kansas City, Mo. 64105.

A. Brown & Roady, 1333 New Hampshire Avenue NW., Suite 1070, Washington, D.C. 20036.
B. Kansas City Southern Railway, 301 West 11th Street, Kansas City, Mo. 64105.

A. Walter W. Brudno, Kilgore & Kilgore, 1800 First National Bank Building, Dallas Tex. 75202.
B. Deminex U.S. Oil Co., Suite 840, Lock Box 340, Plaza of the Americas, North Tower, Dallas, Tex. 75201.

A. Susan M. Buffone, 3604 34th Street NW., Washington, D.C. 20008.

B. National Parks & Conservation Association.

A. Darrel D. Bunge, Minnesota Petroleum Council, 300 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Burson-Marsteller, 1800 M Street NW., Suite 750-S, Washington, D.C. 20036.
B. Western Forest Industries Association (for the National Committee to Preserve the Family Business), 1500 Southwest Taylor, Portland, Oreg. 97205.

A. Busby, Rehm & Leonard, P.C., 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Universal Leaf Tobacco Co., Inc., Hamilton Street at Broad, Richmond, Va. 23260.

A. Nicholas J. Bush, Mid-Continent Oil & Gas Association, 1919 Pennsylvania Avenue NW., Suite 503, Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

A. Butler, Binion, Rice Cook & Knapp, 1747 Pennsylvania Avenue NW., No. 900, Washington, D.C. 20006.
B. Inexco Oil Co., 1100 Milam Building, No. 1900, Houston, Tex. 77002.

A. C & B Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Cladouhos & Brashares (for Smith, Barney, Harris, Upham & Co.), 1750 New York Avenue NW., Washington, D.C. 20006.

A. C & B Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Alcade, Henderson, O'Bannon, Bracy & Williams (for Continental Employees Association), 1901 Fort Myer Drive, Rosslyn, Va. 22209.

A. C & B Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

A. C & B Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Cladouhos & Brashares (for The Securities Groups), 1750 New York Avenue NW., Washington, D.C. 20006.

A. C & B Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Worldwide Information Resources, Inc. (for State of Montana), 1101 30th Street NW., Washington, D.C. 20007.

A. Harry P. Cain, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. National Association of Public Hospitals, 1575 I Street NW., Washington, D.C. 20005.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Senior Corp., Flagship Bank Building, 1111 Lincoln Road Mall, P.O. Box 391970, Miami Beach, Fla. 33139.

A. Victoria R. Calvert, The Capital Gallery, East Wing, 600 Maryland Avenue SW., No. 450, Washington, D.C. 20024.
B. National Frozen Food Association, 604 West Derry Road, P.O. Box 398, Hershey, Pa. 17033.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C. 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Consolidation Coal Co., 1025 Connecticut Avenue NW., Suite 1000, Washington, D.C. 20036.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C. 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Thornton, Farish & Gauntt, P.O. Box 196, Montgomery, Ala. 36195.

A. Richard T. Cardall, 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.
B. The Patriots Foundation, Inc., 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.

A. Gordon Cavanaugh, 1016 16th Street NW., No. 800, Washington, D.C. 20036.
B. Roisman, Reno & Cavanaugh (for Council of Large Public Housing Authorities, 7 Marshall At, Boston, Mass.), 1016 16th Street NW., No. 800, Washington, D.C. 20036.

A. Jack E. Christy, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Smith, Barney, Harris, Upham & Co., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Joe Cobb, Cobb, Green & Associates, P.O. Box 974, Las Vegas, Nev. 89125.

A. Diane B. Cohn, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., P.O. Box 19404, Washington, D.C. 20036.

A. Committee for Proposition Thirty, P.O. Box 915, Hartselle, Ala. 35640.

A. Committee on North-South Issues, c/o Gino Jon De Marco, Anderson Hall, The American University, Washington, D.C. 20016.

A. Gerald R. Connor, 6500 Wisconsin Avenue, Chevy Chase, Md. 20815.
B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street NW., Washington, D.C. 20037.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Aleut Corp., 2550 Denali Street, Suite 900, Anchorage, Alaska 99503.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Guam Airport Authority, P.O. Box 8770, Tamuning, Guam 96911.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., 11th Floor, Washington, D.C. 20036.
B. Pesticide Producers Association, Washington, D.C. 20036.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., 11th Floor, Washington, D.C. 20036.
B. Pioneer Corp., Amarillo, Tex. 79101.

A. Philip S. Corwin, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.

A. Counselcorp Associates, 927 National Press Building, Washington, D.C. 20045.
B. Anthracite Industry Association, P.O. Box 127, Valley View, Pa. 17983.

A. Courtney & Associates, 632 F Street NE., Washington, D.C. 20002.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. National Football League, 410 Park Avenue, New York, N.Y. 10022.

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Baretta Corp.), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10271.

A. Curtis, Mallet-Prevost, Colt & Mosle, 1735 I Street NW., Suite 715, Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. William T. Custis, 1200 Maine Avenue, Washington, D.C. 20024.

A. M. Rupert Cutler, 950 Third Avenue, New York, N.Y. 10022.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

A. William H. Darden, Association of American Railroads, 412 First Street SE, Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

A. Davis Polk & Wardwell, 1575 I Street NW., Washington, D.C. 20005.
B. Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, N.Y. 10015.

A. Davis Polk & Wardwell, 1575 I Street NW., Washington, D.C. 20005.
B. Societe Generale, 8, Rue Auber, 75009 Paris, France, and Hudson Securities, Inc., 630 Fifth Avenue, New York, N.Y. 10111.

A. The DCM Group, 1515 North Courthouse Road, Suite 301, Arlington, Va. 22201.
B. The Ad Hoc Committee for American Silver, 1515 North Courthouse Road, Suite 301, Arlington, Va. 22201.

A. John P. DeKany, 201 I Street SW., Suite 823, Washington, D.C. 20024.
B. Manufacturers of Emission Controls Association, 1800 K Street NW., Washington, D.C. 20006.

A. Marcia L. Desmond, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lakeshore Drive, Chicago, Ill. 60611.

A. Patrick Di Chiro, 3586 Powder Mill Road, Beltsville, Md. 20705.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

A. William E. Dickinson, 206 North Washington Street, Suite 300, Alexandria, Va. 22314.
B. Salt Institute, 206 North Washington Street, Suite 300, Alexandria, Va. 22314.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, Suite 801, 1901 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, Suite 801, 1901 L Street NW., Washington, D.C. 20036.
B. Oakland County D.P.W., 1 Public Works Drive, Pontiac, Mich. 48053.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street NW., Suite 801, Washington, D.C. 20036.
B. Royal Hawaiian Cruises, Inc., World Trade Center, Suite 1050, San Francisco, Calif. 94111.

A. Julie Domenick, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. May Del Rio Dorfman.
B. Planned Parenthood of New York City, Inc., 380 Second Avenue, New York, N.Y. 10010.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Advance Publications, Inc., 950 Fingerboard Road, Staten Island, N.Y. 10305 and Palmer Communications, Inc., 1100 Walnut Street, Des Moines, Iowa 50308.

A. Edwin Jason Dryer, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for VGS Corp. (Southland Oil Co.)), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Mr. Faye Stewart, P.O. Box 10051, Eugene, Oreg. 97440.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. State of North Dakota, c/o Attorney General Robert O. Wefald, State Capitol, Bismarck, N. Dak. 58505.

A. Robt. C. Eckhardt, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Consolidated Natural Gas Co., 4 Gateway Center, Pittsburgh, Pa. 15222.

A. Robt. C. Eckhardt, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Consumer Federation of America, 1314 14th Street NW., Washington, D.C. 20005.

A. Peter B. Edelman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for City of Minneapolis), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Carl W. Ek, 1012 14th Street NW., Washington, D.C. 20005.
B. The Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.

A. C. M. Elkins Association, 1100, 17th Street NW., Washington, D.C. 20036.
B. Missouri-Kansas-Texas Railroad, 701 Commerce Street, Dallas, Tex. 75202.

A. C. M. Elkins Association, Suite 1100, 17th Street NW., Washington, D.C. 20036.
B. Pittsburgh & Lake Erie Railroad Terminal, Pittsburgh, Pa. 15209.

A. Epstein Becker Borsody & Green, P.C., 1140 19th Street NW., Washington, D.C. 20036.
B. Epstein Becker Borsody & Green, P.C., (for TDI/Winston Network, Inc., 275 Madison Avenue, New York, N.Y. 10016).

A. Vickie L. Erickson, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

A. Jeffrey L. Farrow, Suite 1600, 515 Madison Avenue, New York, N.Y. 10022.
B. Lisbon Associates, Inc., 515 Madison Avenue, New York, N.Y. 10022.

A. Marcus G. Faust, 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Kennecott Corp., 1111 19th Street NW., Washington, D.C. 20036

A. Donald L. Fierce, O'Brien and Fierce, 1828 L Street NW., Suite 201, Washington, D.C. 20036.
B. The Utility Group, c/o Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

A. Donald W. Fisher, 3814 Ivanhoe Lane, Alexandria, Va. 22310.
B. American Group Practice Association, Inc., 20 South Quaker Lane, Alexandria, Va. 22314.

A. John P. Foley, Jr., 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Sisk, Foley, Hultin & Driver (for The May Co., 611 Olive Street, St. Louis, Mo. 63101), 2501 M Street NW., Suite 380, Washington, D.C. 20037.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. City of Minneapolis, 301 M City Hall, Minneapolis, Minn 55415.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. VGS Corp. (Southland Oil Co.), P.O. Box 16668, Jackson, Miss. 39206.

A. Donald D. Foreman, 4600 West 77th, Suite 343, Minneapolis, Minn. 55437.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.

A. Francis Associates, Ltd., 316 Pennsylvania Avenue SE., Suite 200, Washington, D.C. 20003.
B. Continental Airline Employees Association, 7300 World Way West, Los Angeles, Calif. 90009.

A. Francis Associates, Ltd., 316 Pennsylvania Avenue SE., Suite 200, Washington, D.C. 20003.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. Francis Associates, Ltd., 316 Pennsylvania Avenue SE., Suite 200, Washington, D.C. 20003.
B. Southern California Edison Co., 1111 19th Street NW., No. 303, Washington, D.C.; Pacific Gas & Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C.

A. Charles W. Franz, 1133 19th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1133 19th Street NW., Washington, D.C. 20036.

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Banneker Associates), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Crystal Oil Co., P.O Box 21101, Shreveport, La. 71120.

A. Marc P. Gabor, Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Linda P. Gallagher, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance To Save Energy, 1925 K Street NW., Washington, D.C. 20006.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.
B. Midcon Corp., 122 South Michigan Avenue, Chicago, Ill. 60603.

A. Garvey, Schubert, Adams & Barber, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Cominco American Inc., 818 West Riverside Avenue, Spokand, Wash. 99201.

A. Louis A. Gatti, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos. Inc., 1 Busch Place, St. Louis, Mo. 63118.

A. Fred J. Gentile, Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. George & George, P.C. 499 South Capitol Street, Suite 400, Washington, D.C. 20003.
B. Riss International, 215 West Pershing Road, Kansas City, Mo. 64108.

A. Llewellyn H. Gerson, Distilled Spirits Council of the United States, Inc., 425 13th Street NW., Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 425 13th Street NW., Washington, D.C. 20004.

A. John A. C. Gibson, 1815 Corcoran Street NW., Washington, D.C. 20009.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Stephen M. Goldberg, Advanced Fuel Systems, Inc., 1945 Gallows Road, Suite 300, Vienna, Va. 22180.
B. Advanced Fuel Systems, Inc., 118 North Indiana Avenue, Wichita, Kans. 67214.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. Cutting Tool Manufacturers Association & Metal Cutting Tool Institute, 1230 Keith Building, Cleveland, Ohio 44115.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Trucking Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for ASARCO), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Banneker Associates), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Beretta Corp.), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the Health Insurance Association of America), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the HTB Corp.), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the National Association of Homebuilders), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Westinghouse Broadcasting), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Chellis O. Gregory, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc. (for Motion Picture Association of America), 633 Third Avenue, New York, N.Y. 10017.

A. Larry Grupp, Box 8032, Moscow, Idaho 83843.
B. J. R. Simplot Co., Box 27, Boise, Idaho 83707.

A. Hale & Dorr, 1201 Pennsylvania Avenue NW., Suite 807, Washington, D.C. 20004.
B. The GHK Companies, 6441 North West Grand Boulevard, Oklahoma City, Okla. 73116.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Baron/Canning & Co., Inc., 540 Madison Avenue, New York, N.Y. 10222 (for Embassy of India, 2107 Massachusetts Avenue NW., Washington, D.C. 20008).

A. Hamel, Park, McCabe & Saunders, 888 16th Street NW., Washington, D.C. 20006.
B. Graeper-Van Noy-Wagner, Inc., USAA Building, Suite 209, Colorado Springs, Colo. 80918.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. The Louis Dreyfus Corp., 24 Richmond Hill Avenue, Stamford, Conn. 06904.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Marion Laboratories, Inc., 9221 Ward Parkway, Kansas City, Mo. 64114.

A. Amy R. Hammer, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.

A. The Hannaford Company, Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Fireman's Fund Insurance Companies, 3333 California Street, San Francisco, Calif. 94119.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. General Motors Corp., General Motors Building, Detroit, Mich. 48202.

A. Hansell, Post Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Rockwell International Corp., 1745 Jefferson-Davis Highway, Arlington, Va. 22202.

A. Eugene J. Hardy, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

A. Helen S. Hargadon, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. William G. Harley, National Utility Contractors Association, 1235 Jefferson-Davis Highway, Arlington, Va. 22202.
B. National Utility Contractors Association, 1235 Jefferson-Davis Highway, Arlington, Va. 22202.

A. Charles E. Harman, Jr., Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Allen Harris, Suite 316, 1330 Classen Building, Oklahoma City, Okla. 73106.
B. Southwest Kansas Irrigation Association, P.O. Box 250, Ulysses, Kans. 67880.

A. Allen Harris, 1330 Classen Building, Suite 316, Oklahoma City, Okla. 73106.
B. Texas County Irrigation & Water Resources Association, P.O. Box 440, Guymon, Okla. 73942.

A. Lynn S. Hart, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

A. Mary L. Hartman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. James B. Hedlund, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Hemisphere Associates, Inc., Suite 200, 2000 L Street NW., Washington, D.C. 20036.
B. Costa Rican Association of Businessmen and Entrepreneurs, P.O. Box 3343, San Jose, Costa Rica.

A. Sharon L. Hildebrandt, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

A. Patricia Hill, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Hillsdale County Railway Co., c/o Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036; and 50 Monroe Street, Hillsdale, Mich.

A. Lawrence S. Hoffheimer, Hoffheimer, Johnson & Peterson, 1120 20th Street NW., S-520, Washington, D.C. 20036.
B. Brazos River Harbor Navigation District, P.O. Box 615, Freeport, Tex. 77541.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. EPIC, c/o Nolan Hancock, AFL-CIO, 1126 16th Street NW., Washington, D.C. 20036.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. International Telephone & Telegraph, 320 Park Avenue, New York, N.Y. 10022.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Marine Engineers Beneficial Association, 444 North Capitol Street, No. 800, Washington, D.C. 20001.

A. F. Nordy Hoffman & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. F. Nordy Hoffmann and Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Page Airways, 1265 Scottsville Road, Rochester, N.Y. 14624.

A. F. Nordy Hoffmann and Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Westinghouse Electric, 1801 K Street NW., Washington, D.C. 20036.

A. Nathan Hoffman, The American University, 217 Mary Graydon Center, Washington, D.C. 20016.
B. CASPAC (Concerned American Students Public Affairs Committee), The American University, 217 Mary Graydon Center, Washington, D.C. 20016.

A. Niels Holch, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C.

A. Neils Holch, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Banneker Associates), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Suite 708, Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Association for Assn. Political Action Committees, 1299 Woodside Drive, McLean, Va. 22102).

A. Betty Carolyn Horn, National Association of Truck Stop Operators, 700 North Fairfax Street, Suite 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, 700 North Fairfax Street, Suite 505, Alexandria, Va. 22314.

A. Hudson, Creyke, Koehler & Tacke, 1744 R Street NW., Washington, D.C. 20009.
B. James P. Purvis, East 7404 Euclid, Spokane, Wash.

A. James C. Hunter, Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street, NW., Washington, D.C. 20036.

A. Robert Bruce Hunter, 1621 Rupon Place, Alexandria, Va. 22302.
B. American Association of School Administrators, 1801 North Moore Street, Arlington, Va. 22209.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Beretta Corp.), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for the Council of State Housing Agencies), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Warner Communications/Franklin Mint), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Richard H. Ichord, 1140 Connecticut Avenue NW., No. 201, Washington, D.C. 20036.
B. Emerson Electric Co., 8100 West Florissant, St. Louis, Mo. 63136.

A. Richard H. Ichord, 1140 Connecticut Avenue NW., No. 201, Washington, D.C. 20036.
B. Magnavox Government and Industrial Electronics Co., 1700 North Moore Street, Suite 820, Arlington, Va. 22209.

A. Gary L. Jarmin, 418 C Street NE., Carriage House, Washington, D.C. 20002.
B. National Business and Economic Freedom Council, Inc., 418 C Street NE., Carriage House, Washington, D.C. 20002.

A. Linda Jenckes, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C., 919 Third Avenue, New York, N.Y., 332 South Michigan Avenue, Chicago, Ill.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701; 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Santa Ana River Flood Protection Agency, 811 North Broadway, Suite 600, Santa Ana, Calif. 92701.

A. Nancy H. Jessick, Hiram Walker & Sons, Inc., 425 13th Street NW., Washington, D.C. 20004.
B. Hiram Walker & Sons, Inc., P.O. Box 33006, Detroit, Mich. 48232.

A. Carl T. Johnson, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14831.

A. John Paul Johnson, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.

A. T. Glenn Johnston, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Stephens Overseas Services Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

A. Mary Kaaren Jolly, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Beverly E. Jones, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037 (for The May Co., 611 Olive Street, St. Louis, Mo. 63101).

A. Jones, Day, Reavis & Pogue, 1735 I Street NW., Washington, D.C. 20006.
B. Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.

A. Laurel B. Kamen, American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for City of Minneapolis), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for VGS Corp. (Southland Oil Co.)), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Fred G. Karem, Shuffett, Kenton, Curry & Karem, 109 North Mill Street, Lexington, Ky. 40507-1158.
B. National Multi Housing Council, 1800 M Street NW., Suite 285 North, Washington, D.C. 20036.

A. Richard F. Keating, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos., 1 Busch Place, St. Louis, Mo. 63118.

A. Keith Keeney, Calorie Control Council, 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga., 30342.
B. The Robert H. Kellen Co. (for Calorie Control Council), 5775 Peachtree-Dunwoody Road, Suite 500-D, Atlanta, Ga. 30342.

A. Ann Kenkel, 1725 K Street NW., Suite 801, Washington, D.C. 20006.
B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.

A. Michael E. Kennedy, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Paul A. Kiefer, Kiefer & Morrison, Suite 524, 805 15th Street NW., Washington, D.C. 20005.
B. American Fur Industry, Inc. and Fur Conservation Institute of America, 101 West 30th Street, New York, N.Y.

A. Robert W. Kiernan, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Kilgore & Kilgore, Inc., 1800 First National Bank Building, Dallas, Tex. 75202.
B. Deminex U.S. Oil Co., Suite 840, Lock Box 340, Plaza of the Americas, North Tower, Dallas, Tex. 75201.

A. Frank J. Kinney, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 Lakeshore Drive, Chicago, Ill. 60611.

A. Kirkpatrick, Lockhart, Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Council of State Housing Agencies, 1133 15th Street NW., Suite 514, Washington, D.C. 20005.

A. Terrence H. Klasky, 1201 Pennsylvania Avenue NW., Suite 803, Washington, D.C. 20004.
B. American Express Co., 1700 K Street NW., Washington, D.C. 20006.

A. Terrence H. Klasky, 1201 Pennsylvania Avenue NW., No. 803, Washington, D.C. 20004.
B. Florida Bankers Association, P.O. Box 6847, Orlando, Fla. 32853.

A. Terrence H. Klasky, 1201 Pennsylvania Avenue NW., No. 803, Washington, D.C. 20004.
B. INDEX, 510 Marquette Avenue, Minneapolis, Minn. 55402.

A. Peter Knight, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 777 14th Street NW., Washington, D.C. 20005.

A. C. Eugene Knoder, 645 Pennsylvania avenue SE., Washington, D.C. 20003.
B. National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Kominers, Fort, Schlefer & Boyer, 1776 F Street NW., Suite 500, Washington, D.C. 20006.
B. Committee for Title XI Vessel Financing, 1776 F Street NW., Suite 508, Washington, D.C. 20006.

A. Eugene P. Kopp, Union Pacific Corp., 1120 20th Street NW., Suite 600 South, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10022.

A. Thomas G. Krajewski, The Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

A. E. J. Kushan, Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
B. Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.

A. John D. Lacopo, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Eric T. Laity, Kilgore & Kilgore, Inc., 1800 First National Bank Building, Dallas, Tex. 75202.
B. Deminex U.S. Oil Co., Suite 840, Lock Box 340, Plaza of the Americas, North Tower, Dallas, Tex. 75201.

A. James H. Lake, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
B. Western Cotton Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Corning Glass Works, 1800 K Street NW., Washington, D.C. 20006.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Independent Refiners Association of California, 900 Wilshire Boulevard, Suite 1024, Los Angeles, Calif. 90017.

A. Latham, Watkins & Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036,
B. Wilshire Terrace Cooperative Housing Corp., 10375 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. Lechner & Butsavage, P.C., 3101 South Street NW., Washington, D.C. 20007.
B. National Association of Police Organizations, Inc., Senator Hotel, 12th and L Streets, Sacramento, Calif., 95814.

A. Sylvester Ligsukis, 1320 19th Street NW., Suite 200, Washington, D.C 20036.
B. Cramer, Hoffman & Haber, 1320 19th Street NW., Suite 200, Washington, D.C. 20036 (for Canaveral Port Authority, P.O. Box 267, Cape Canaveral, Fla.).

A. Sylvester Ligsukis, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer, Hoffman & Haber, 1320 19th Street NW., Suite 200, Washington, D.C. 20036; (for City of Miami, Miami, Fla.).

A. Sylvester Ligsukis, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer, Hoffman & Haber (for: Dade County, Miami, Florida), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. Sylvester Ligsukis, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801; (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801).

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Far East Conference, 40 Rector Street, New York, N.Y. 10005.

A. Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Pacific Westbound Conference, 320 California Street, San Francisco, Calif. 94104.

A. Barbara A. Little, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

A. Jackie Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. Wien Air Alaska, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.
B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.
B. Organization of Heater Manufacturers, Alpha Drive, Franklin, Tenn. 37604.

A. Randolph C. Lumb, IBM Corp., 1801 K Street NW., Suite 1200, Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.

A. W. Fletcher Lutz, Association of Government Accountants, 727 South 23d Street, Suite 100, Arlington, Va. 22202.
B. Association of Government Accountants, 727 South 23d Street, Suite 100, Arlington, Va. 22202.

A. Edward Lyle, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.

A. Joseph H. Macaulay, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. William M. MacKenzie, 5908 Columbia Pike, Suite 101, Falls Church, Va. 22041.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., No. 200, Washington, D.C. 20036.
B. CSL Energy Controls, Inc., 2049 Century Park East, No. 800, Los Angeles, Calif. 90067.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., No. 200, Washington, D.C. 20036.
B. IBAR, 626 Wilshire Boulevard, No. 416, Los Angeles, Calif. 90017.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., No. 200, Washington, D.C. 20036.
B. Magana, Cathcart, McCarthy & Pierry, 301 North Avalon Boulevard, Wilmington, Calif. 90744, and Industrial Union of Marine & Shipbuilding Workers of America, AFL-CIO, Local 9, 340 North Broad Avenue, Wilmington, Calif. 90744.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., No. 200, Washington, D.C. 20036.
B. National Restaurant Association, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.

A. Manufacturers of Emission Controls Association, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.

A. David S. Marshall, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. John C. Martin, 4640 South Orange Blossom Trail, Orlando, Fla. 32809-1784.

A. James R. McCarthy, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David F. McDermitt, National Utility Contractors Association, 1235 Jefferson-Davis Highway, Suite 606, Arlington, Va. 22202.
B. National Utility Contractors Association.

A. Terrence G. McGreevy, First City National Bank Bldg., Houston, Tex. 77002.
B. Vinson & Elkins (For Pelican Terminal Co.), First City National Bank Bldg., Houston, Tex. 77002.

A. McHenry & Staffier, P.C. 1300 19th Street NW., Suite 408, Washington, D.C. 20036.
B. Foothills Pipe Lines (Yukon) Ltd., 1600 Bow Valley Square II, 205 Fifth Ave., SW., Calgary, Alberta, Canada T2P 2V7.

A. Joseph E. McMahon, 1431 33rd Street NW., Washington, D.C. 20007.
B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

A. Metzger, Shadyac & Schwarz, 1 Farragut Square South, Ninth floor, Washington, D.C. 20006.
B. Telesciences, Inc., 351 New Albany Road, Moorestown, N.J. 08057.

A. Katherine A. Meyer, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., P.O. Box 19494, Washington, D.C. 20036.

A. Paul J. Mignini, Sr., Amalgamated Clothing & Textile Workers Union, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 15 Union Square, New York, N.Y. 10003.

A. Milbank, Tweed, Hadley & McCloy, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006; 1 Chase Manhattan Plaza, New York, N.Y. 10005.
B. Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10005.

A. Miles & Stockbridge, 1701 Pennsylvania Avenue NW., No. 540, Washington, D.C. 20006.
B. Continental Resources Co., 1575 I Street NW., Suite 510, Washington, D.C. 20005.

A. Miller, Hamilton, Snider & Odom, P.O. Box 46, Mobile, Ala. 36601.
B. Thornton, Farish & Gauntt, P.O. Box 196, Montgomery, Ala. 36195.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 Fifteenth Street NW., Suite 1025, Washington, D.C. 20005; 1 Center Plaza, Boston, Mass. 02108.
B. General Telephone and Electronics Corp., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 Fifteenth Street NW., Suite 1025, Washington, D.C. 20005; 1 Center Plaza, Boston, Mass. 02108.
B. WNET/13, 356 West 58th Street, New York, N.Y. 10019.

A. M.O.A.A.I.O.A. & Subs Inc., 701 South 22, No. 107, Omaha, Nebr.

A. Robert A. Molofsky, Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Harold P. Mueller III, P.O. Box 7755, Philadelphia, Pa. 19101.
B. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.

A. Patricia Munoz, 4952 Eskridge Terrace NW., Washington, D.C. 20016.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Gordon L. Murray, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002 Arlington, Va. 22202.
B. Lear Siegler, Inc., 2040 East Dyer Road, Santa Ana, Calif. 92705.

A. National Association of Aircraft & Communications Suppliers, Inc., 7360 Laurel Canyon Boulevard, North Hollywood, Calif. 91605.

A. National Business & Economic Freedom Council, 418 C Street NE., Carriage House, Washington, D.C. 20002.

A. National Fertilizer Solutions Association, 8823 North Industrial Road, Peoria, Ill.

A. National Insurance Consumer Organization, 344 Commerce Street, Alexandria, Va. 22314.

A. Neill and Co., Inc., 1025 Connecticut Avenue NW., Suite 409, Washington, D.C. 20036.
B. Arab Republic of Egypt, Cairo, Egypt.

A. Peter M. Nelson, BankAmerica Corp., 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., Bank of America Center, San Francisco, Calif 94137.

A. Mal Nestlerode, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Mission Resources, 8000 Edgewater Drive, Oakland, Calif. 94601.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Joint Trawlers (North America), Ltd., P.O. Box 1209, 63 Main Street, Gloucester, Mass. 01930.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. REI, Suite 1100, 1050 17th Street NW., Washington, D.C. 20036.

A. David D. O'Brien, O'Brien & Fierce, 1828 L Street NW., Suite 201, Washington, D.C. 20036.
B. The Utility Group, c/o Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. Electronic Data Systems Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Suite 800, Washington, D.C. 20006.
B. U.S. Court Reporters Association, 422 Franklin Street, Reading, Pa. 19602.

A. Alan M. Olszewski, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Glass Packaging Institute, 2000 L Street NW., Suite 815, Washington, D.C. 20036.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Panhandle Producing Co., 601 Northwest Loop 410, Suite 808, San Antonio, Tex. 78216.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Sugar Users Group, 910 17th Street NW., Suite 1100, Washington, D.C. 20036.

A. John J. Osick, 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. Dow Chemical U.S.A., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.

A. R. Ray Paabo, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.

A. The Patriots Foundation, Inc., 986 Atheton Drive, Suite 215, Salt Lake City, Utah, 84107.

A. Edward W. Pattison, 22 First Street, Troy, N.Y. 12180.
B. National Music Publishers Association, Inc., 110 East 59th Street, New York, N.Y. 10022.

A. Patton, Boggs, & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.

A. Patton, Boggs, & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Rockwell International Corp., 1745 Jefferson Davis Highway, Arlington, Va. 22202.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Security Life of Denver, Security Life Building, Denver, Colo. 80202.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10154.
B. Nippon Electric Co., Ltd. (and its United States subsidiary, NEC America, Inc.).

A. Peabody, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Yamaha Motor Co. Ltd., 2500 Shingai, Iwata-Shi, Shizuoka-Ken Japan.

A. James B. Pearson, 1333 New Hampshire Avenue NW., No. 1100, Washington, D.C. 20036.
B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Ronald W. Pearson, 103 West Cedar Street, Alexandria, Va. 22301.
B. Conservatives Against Liberal Legislation, 5707 Seminary Road, Baileys Crossroads, Va. 22041.

A. Ronald W. Pearson, Pearson & Co., 103 West Cedar Street, Alexandria, Va. 22301.
National Conservative Political Action Committee, 1500 Wilson Boulevard, Arlington, Va.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Direct Broadcast Satellite Corp., 7315 Wisconsin Avenue, Bethesda, Md.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. General Dynamics Corp., Pierre Laclede Center, St. Louis, Mo. 63105.

A. Perito, Duerk, Carlson & Pinco, P.C., 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. American College of Neuropsychopharmacology, 134 Wesley Hall, Vanderbilt University, Nashville, Tenn. 37240.

A. Ernest Michael Perley, Suite 201, 105 Davenport Road, Toronto, Ontario M5R 1H6 Canada.
B. Canadian Coalition on Acid Rain.

A. Richard J. Perry, Jr., 1575 I Street NW., Washington, D.C. 20005.
B. California Savings & Loan League, 9800 S. Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.

A. Geoffrey G. Peterson, Distilled Spirits Council of the U.S., 425 13th Street NW., Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., 425 13th Street NW., Washington, D.C. 20004.

A. Susan J. Petrick, GATX Corp., 1919 Pennsylvania Avenue, Washington, D.C. 20006.
B. GATX Corp., 120 South Riverside Plaza, Chicago, Ill. 60606.

A. Joseph J. Petrillo, P.C., 1625 K Street NW., 302, Washington, D.C. 20006.
B. National Association of Aircraft & Communications Suppliers, Inc., 7360 Laurel Canyon Boulevard, North Hollywood, Calif. 91605.

A. Sumner Pingree, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Planned Parenthood of New York City, Inc., 380 Second Avenue, New York, N.Y. 10010.

A. Porter, Wright, Morris & Arthur, 37 West Broad Street, Columbus, Ohio 43215.
B. Coalition for Environmental-Energy Balance, P.O. Box 15026, Columbus, Ohio 43215.

A. Powell, Goldstein, Frazer & Murphy, 1110 Vermont Avenue NW., Suite 1050, Washington, D.C. 20005.
B. Association of Executive Recruiting Consultants, Inc., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Powell, Goldstein, Frazer & Murphy, 1110 Vermont Avenue NW., Suite 1050, Washington, D.C. 20005.
B. Government of Nicaragua, Managua, Nicaragua.

A. Powell, Goldstein, Frazer & Murphy, 1110 Vermont Avenue NW., Suite 1050, Washington, D.C. 20005.
B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N.Y. 10022.

A. Powell, Goldstein, Frazer & Murphy, 1110 Vermont Avenue NW., Suite 1050, Washington, D.C. 20005.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Powell, Goldstein, Frazer & Murphy, 1110 Vermont Avenue NW., Suite 1050, Washington, D.C. 20005.
B. St. Vincent's Medical Center of Richmond, 355 Bard Avenue, Staten Island, N.Y. 10310.

A. Brainard E. Prescott, 670 Main Street, East Aurora, N.Y. 14052.
B. Security New York State Corp., One East Avenue, Rochester, N.Y. 14638.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Crowley Maritime Corp., Alaska Hydro-Train, P.O. Box 2287, Seattle, Wash. 98111.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Tess A. Rae, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.

A. Joyce Ramonas, Detroit Edison Co., 1990 M Street NW., Suite 480, Washington, D.C. 20036.
B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.

A. Randall & Bangert, 1625 K Street NW., Washington, D.C. 20006.
B. National Independent Dairy Foods Association, 1625 K Street NW., Washington, D.C. 20006.

A. Robert Rauch, Koteen & Burt, Suite 1000, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Koteen & Burt (For: CSL Energy Controls, Inc.), Suite 1000, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jo Reed, National Retired Teachers Association—American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association—American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

A. John Reuther, Satra Corp., 1050 17th Street NW., Suite 680, Washington, D.C. 20036.
B. Satra Corp., 21 East 63d Street, New York, N.Y. 10021.

A. R. Scott Rinn, American Council of Life Insurance, 1850 K Street NW., Washington D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington D.C. 20006.

A. Walter Bruce Robb, 527 Lander Street, Reno, Nev. 89509.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.

A. Elizabeth Jane Robbins, 43 D Street SE., Washington D.C. 20003.
B. National Music Publishers Association Inc., 110 East 59th Street, New York, N.Y. 10022.

A. Elizabeth Jane Robbins, 43 D Street SE., Washington D.C. 20003.
B. Shearson/American Express Inc., 2 World Trade Center, 100 5th Floor, New York, N.Y. 10048.

A. Kenneth Michael Robinson, The Judiciary Square 306 Sixth Street NW., Washington, D.C. 20001.

A. Thomas E. Robinson, National Association of Real Estate Investment Trusts, Inc. 1101 Seventeenth Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc. 1101 Seventeenth Street NW., Suite 700, Washington, D.C. 20036.

A. James T. Rogers, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.

A. Joseph Joe Ross, 542 Donaghey Building, Little Rock, Ark. 72201.

A. Michael Roybal, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.
B. American Subcontractors Association, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.

A. John R. Russell, Johnson, Smith and Hibbard, 220 N. Church Street, Suite 6, P.O. Box 5524, Spartanburg, S.C. 29304.
B. Milliken & Company, P.O. Box 1926, Spartanburg S.C. 29304

A. Frank T. Ryan, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Vincent J. Ryan, 300 Independence Avenue SE., Washington, D.C. 20003.
B. Liberty Lobby, Inc., 300 Independence Avenue SE., Washington, D.C. 20003.

A. V. Alaric Sample, Jr., 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mark Roy Sandstrom, Thompson, Hine and Flory, 1920 N Street NW., Washington, D.C. 20036.
B. The Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.

A. Donald E. Santarelli, 2033 M Street NW., Washington, D.C. 20036.
B. Sturm, Ruger Co., Inc., 1 Lacey Place, Southport, Conn. 06490.

A. Sally Sciacca, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 420 North Michigan Avenue, Chicago, Ill. 60611; 777 14th Street NW., Washington, D.C. 20005.

A. James M. Scott, The Scott Co., Inc., 8 Jacana Road, Hilton Head, S.C. 29928.
B. The Scott Co., 8 Jacana Road, Hilton Head, S.C. 29928.

A. Debbie Sease, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Paul J. Seidman, 1625 K Street NW., Suite 302, Washington, D.C. 20006.
B. Joseph J. Petrillo, P.C., 1625 K Street NW., No. 302, Washington, D.C. 20006 (for National Association of Aircraft & Comm. Supp., Inc., 7360 Laurel Canyon Boulevard North, Hollywood, Calif. 91605).

A. George M. Seitts, Northern Plains Natural Gas Co., 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. Northern Plains Natural Gas Co., 224 South 108 Avenue, P.O. Box 3330, Omaha, Nebr. 68103.

A. Shank, Irwin, Conant, Williamson & Grevelle, 1300 19th Street NW., Suite 210, Washington, D.C. 20036.
B. Association for Equal Access to Natural Gas Markets and Supplies, 1860 Lincoln Street, Suite 1300, Denver, Colo. 80295.

A. Shank, Irwin, Conant, Williamson & Grevelle, 1300 19th Street NW., Suite 210, Washington, D.C. 20036.
B. Dow Chemical Co., 2030 Dow Center, Midland, Mich. 48640.

A. Debbie Shannon, 777 14th Street NW., Fifth Floor, Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. General Public Utilities Corp., 34 North Court Street, Harrisburg, Pa. 17101.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Champion International Corp., 1875 I Street, Suite 540, Washington, D.C. 20006.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Cincinnati Milacron, Cincinnati, Ohio 45209.

A. Lois Burke Shepard, 8602 Hidden Hill Lane, Potomac, Md. 20854.
B. Republicans Abroad, 310 First Street SE., Washington, D.C. 20003.

A. Neal E. Sherman, The American University, Room 217, Mary Graydon Center, Washington, D.C. 20018.
B. Concerned American Students Public Affairs Committee (CASPAC), The American University, Mary Graydon Center, Washington, D.C. 20018.

A. Sara Sibley, Suite 1104, 1800 K Street NW., Washington, D.C. 20006.
B. Manufacturer's of Emission Controls Association, Suite 1104, 1800 K Street NW., Washington, D.C. 20006.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street NW., No. 368, Washington, D.C. 20001.
B. Can-American Corp., 7900 Xerxes Avenue, Minneapolis, Minn. 55431.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, No. 368, Washington, D.C. 20001.
B. Rogers & Cowan, Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.

A. William G. Simpson, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. First Mississippi Corp., P.O. Box 1249, Jackson, Miss. 39205.

A. William G. Simpson, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. First Mississippi National Bank, P.O. Box 1231, Hattiesburg, Miss. 39401.

A. William G. Simpson, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. First Mississippi National Bank, P.O. Box 1231, Hattiesburg, Miss. 39401.

A. William G. Simpson, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. Mississippi Power & Light Co., P.O. Box 1640, Jackson, Miss. 39205.

A. William G. Simpson, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. State of Mississippi, State Capitol, Jackson, Miss.

A. Margot A. Singleton, National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.
B. Public Service Company of New Hampshire, Manchester, N.H. 03105.

A. Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. The May Co., 611 Olive Street, St. Louis, Mo. 63101.

A. Gregg P. Skall, 1015 18th Street NW., Washington, D.C. 20036.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Robert Slaughter, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue N.W., Suite 402, Washington, D.C. 20336.

A. Matthew B. Slepin, Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.

A. Thomas M. Sneeringer, 1050 31st Street NW., Washington, D.C. 20007.
B. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.

A. Steven Edward Some, The Coastal Corp., Suite 205, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.

A. Sonosky, Chambers, Sachse & Guido, 1050 31st Street NW., Washington, D.C. 20007.
B. NACLEO (National Association of Coin Laundry Equipment Operators), 7225 North Oracle Road, No. 205A, Tucson, Ariz. 85704.

A. James L. South, 8607 Dixie Place, McLean, Va. 22102.
B. The Penn Central Corp.

A. Philip P. South, 1100 Maine Avenue SW., Washington, D.C. 20024.

A. Philip Speser, 110 Southwood Avenue, Silver Spring, Md. 20901.
B. Emergency Committee To Pass the Small Business Innovation Research Act of 1981.

A. Nicholas J. Spiezio, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisonsin Avenue NW., Washington, D.C. 20016.

A. Jean C. Statler, Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Association for Association Political Action Committees, 1299 Woodside Drive, McLean, Va. 22102).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Barrel and Drum Association, 910 17th Street NW., Washington, D.C. 20006).

A. Warren E. Stickle, 1001 Connecticut Avenue, Suite 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue, Suite 1120, Washington, D.C. 20036.

A. Subscription Television Association, 1425 21st Street NW., Washington, D.C. 20036.

A. Walter G. Talarek, American Wood Preservers Institute, 1651 Old Meadow Road, McLean, Va. 22102.
B. American Wood Preservers Institute, 1651 Old Meadow Road, McLean, Va. 22102.

A. Tanaka Walders & Ritger, 1919 Pennsylvania Avenue NW., Suite 303, Washington, D.C. 20006.
B. Electronic Industries Association of Japan, 2-2 Marunouchi, 3-chome, Chiyoda-ku, Tokyo, Japan.

A. Mary Lou Tanton, 2028 P Street NW., Washington, D.C. 20036.
B. Federation for American Immigration Reform, 2028 P Street NW., Washington, D.C. 20036.

A. Graca Da Silva Tavares, 17 Perkins Street, West Newton, Mass. 02165.

A. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.

A. R. William Taylor, 1575 I Street NW., Washington, D.C. 20005.
B. American Society of Association Executives, 1575 I Street NW., Washington, D.C. 20005.

A. Lloyd V. Temme, 915 15th Street NW., No. 600, Washington, D.C. 20005.

A. Elayne L. Tempel, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Tenth ProLife Congressional District Action Committee, c/o Alfred E. Johnson, 3443 Hancock Bridge Parkway, No. 401, North Fort Myers, Fla. 33903.

A. Jay D. Terry, Leonard, Koehn, Rose and Hurt, P.C., Suite 317, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Leonard, Koehn, Rose and Hurt, P.C., Suite 317, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Thevenot, Murray and Scheer, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Federal Express, Box 727, Memphis, Tenn. 38194.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street, NW., Suite 325, Washington, D.C. 20005.
B. Cable America, Inc., Cablecasting, Ltd., 45 Charles Street East, Toronto, Canada M4Y 1S2.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street, NW., Suite 325, Washington, D.C. 20005.
B. U.S. Cablesystems, Inc., 55 King Street, West & Bay Street, Toronto, Canada M5K 1A2.

A. Nancy Thompson, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Toledo Trust Co., 3 Seagate, Toledo, Ohio.

A. Sally Austen Tom, American College of Nurse-Midwives, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
B. American College of Nurse-Midwives, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.

A. Jeffrey B. Trammell, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Michael G. Troop, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Tucker and Brown, Suite 2330, Western Federal Savings Building, Denver Colo. 80202.
B. Petro-Lewis Corp., Petro-Lewis Building, 717 17th Street, P.O. Box 2250, Denver, Colo. 80201.

A. The United States Cantaloupe Growers & Importers Association, P.O. Box 366, Hidalgo, Tex. 78557.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, 1050 Thomas Jefferson Street, NW., Washington, D.C. 20007.
B. Public Utility Holding Co.

A. Jennifer Vasiloff, 530 Seventh Street, SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 Seventh Street, SE., Washington, D.C. 20003.

A. Venture Entrepreneurs, Inc., 1201 San Marco Boulevard, Suite 206, Jacksonville, Fla. 32207.

A. Linda Vickers, 1706 23d Street South, Arlington, Va. 22202.
B. National Association of Crop Insurance Agents, 403 Jackson Street, Suite 201 A, Anoka, Minn. 55303.

A. Ron Vlaskamp, 629½ G Street SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., No. 1111, Washington, D.C. 20036.
B. The Small Business Coalition for Pollution Control, P.O. Box 1031, Dayton, Ohio. 45401.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., No. 1111, Washington, D.C. 20036.
B. Stencel Aero Engineering Corp., P.O. Box 1107, Arden, N.C., 28704.

A. W.A.W. (War Against Women), National Headquarters, 1710 Giles, Roseburg, Oreg. 97470.

A. Rex B. Wackerle, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.

A. Sarah L. Wagoner, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. American Samoa, Office of the Governor, Pago Pago, American Samoa.

A. Sarah L. Wagoner, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue, Suite 612, Washington, D.C. 20036.

A. Wald Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Hillsdale County Railway Co. 50 Monroe Street, Hillsdale, Mich.

A. Wald, Harkrader & Ross, 1300 19th Street, NW., Washington, D.C. 20036.
B. Lifeline Systems, Inc., 400 Main Street, Waltham, Mass. 02254.

A. Charles E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hampshire Energy, 720 East Wisconsin Avenue, Milwaukee, Wisc. 53202.

A. Charles E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.

A. Martin A. Wall, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lakeshore Drive, Chicago, Ill. 60611.

A. Scott Wall, The American University, 217 Mary Graydon Center, Washington, D.C. 20016.
B. CASPAC (Concerned American Students Public Affairs Committee), The American University, 217 Mary Graydon Center, Washington, D.C. 20016.

A. James P. Walsh, Sixth Floor, 1050 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Tunaboat Association, 1 Tuna Lane, San Diego, Calif.

A. Anita S. Warren, 1050 31st Street NW., Washington, D.C. 20007.
B. Association of Trail Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

A. Weil, Gotshal & Manges, 1101 Connecticut Avenue NW., Washington, D.C. 20036 and 767 Fifth Avenue, New York, N.Y. 10153.
B. National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wellford, Wegman, Krulwich, Gold & Hoff, 1015 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Canadian Embassy, 1746 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Wellford, Wegman, Krulwich, Gold & Hoff, 1015 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Johns-Manville, Ken-Caryl Ranch, Denver, Colo.

A. Nancy Weinberg, Rohm & Haas Co., 1899 L Street NW., No. 807, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. Frank West, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors., 777 14th Street NW., Washington, D.C. 20005.

A. Western Cotton Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.

A. Joseph J. Westwater, 10140 Linn Station Road, Louisville, Ky. 40223.
B. Dairymen, Inc., 10140 Linn Station Road, Louisville, Ky. 40223.

A. William Wewer, 1425 21st Street NW., Washington, D.C. 20036.
B. Subscription Television Association, 1425 21st Street NW., Washington, D.C. 20036.

A. Wexler & Associates, Inc., 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. The Motion Picture Association of America, 1600 I Street NW., Washington, D.C. 20006.

A. White, Fine & Verville, 1156 15th Street NW., No. 302, Washington, D.C. 20005.
B. Westinghouse, 1801 K Street NW., 9th Floor, Washington, D.C. 20006.

A. Sunny L. White, 1100 Maine Avenue SW., Washington, D.C. 20024.

A. Donald W. Whitehead, Suite 335, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Washington States Representative, 1666 Connecticut Avenue NW., Washington, D.C. 20235.

A. John D. Whitehurst, The American University, 217 Mary Graydon Center, Washington, D.C. 20016.
B. CASPAC (Concerned American Students Public Affairs Committee), The American University, 217 Mary Graydon Center, Washington, D.C. 20016.

A. Whitman & Ransom, 522 Fifth Avenue, New York, N.Y. 10036 and 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Japan External Trade Organization (JETRO), 2-2-5 Toranomon, Minato-ku, Tokyo, Japan; Japan Trade Center, 1221 Avenue of the Americas, New York, N.Y. 10020.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Public Health Hospital Preservation and Development Authority ("PHHPDA"), P.O. Box 3145, Seattle, Wash. 98114.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. State of Alaska, Office of the Attorney General, Transportation Section, Pouch K—State Capitol, Juneau, Alaska 99811.

A. Lawrence F. Williams, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.

A. Willkie Farr & Gallagher, 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. Loral Corp., 600 3d Avenue, New York, N.Y. 10016.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.

B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

B. Task Force on Creative Finance for Manufactured Housing, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

A. Witkowski, Weiner, McCaffrey & Brodsky, 1575 I Street NW., Suite 350, Washington, D.C. 20005.

B. Wilmore City Development, Inc., and Silvercrest Industries, Inc., 1409 East 4th Street, Long Beach, Calif. 90802.

A. Steven M. Worth, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

B. Gray and Co. (for The American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Steven M. Worth, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

B. Gray & Co. (for The Joint Maritime Congress), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Steven M. Worth, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

B. Gray & Co. (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Daniel R. Wright, 540 Madison Avenue, New York, N.Y. 10022.

B. Baron/Canning & Co., Inc. (for Electronic Industries Association of Japan), 540 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert, 600 New Hampshire Avenue, Suite 580, Washington, D.C. 20037.

B. Automotive Dismantlers and Recyclers Association, 1000 Vermont Avenue, Washington, D.C. 20006.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert, 600 New Hampshire Avenue, Suite 580, Washington, D.C. 20037.

B. Carl M. Freeman Associates, 11325 Seven Locks Road, Potomac, Md. 20854.

A. Kenneth Zinn, 1720 Q Street NW., Washington, D.C. 20009.

B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1981:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor*
	(*"Period"* from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. Robert J. Aagre, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $930. E. (9) $160.

A. Paul C. Abenante, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $596.25. E. (9) $5.50.

A. Thomas G. Abernethy, 3973 Stuart Place, Jackson, Miss. 39211.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $695.89.

A. Albert E. Abrahams, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005; and 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $6,100. E. (9) $658.77.

A. Sherman Abrahamson, Control Data Corp., 3717 Columbia Pike, Arlington, Va. 22204.
B. Control Data Corp., 3717 Columbia Pike, Arlington, Va. 22204.
D. (6) $150.

A. Acli International Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Action for Children's Television, 46 Austin Street, Newtonville, Mass. 02160.
D. (6) $83,933.34. E. (9) $684.46.

A. Action, Inc., 713 D Street SE., Washington, D.C. 20003.
B. American Indian Higher Education Consortium, 1582 South Parker Road, Suite 210, Denver, Colo. 80231.
D. (6) $1,500. E. (9) $1,179.18.

A. Action, Inc., 713 D Street SE., Washington, D.C. 20003.
B. National Congress of American Indians, 202 E Street SE., Washington, D.C. 20002.
D. (6) $956.25. E. (9) $738.66

A. Bruce Adams, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,480.02.

A. Charles F. Adams, American Association of Advertising Agencies, 1899 L Street NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 666 Third Avenue, New York, N.Y. 10017.
D. (6) $2,500. E. (9) $750.

A. John J. Adams, 1919 Pennsylvania Avenue NW, Suit 700, Washington, D.C. 20006.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. VEPCO, 1 James River Plaza, Richmond, Va.
D. (6) $268.

A. Kenneth R. Adams, Volkswagen of America, Inc., 475 L'Enfant Plaza S.W., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $300.

A. Thomas L. Adams, Jr., Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. V. J. Adduci, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $42.

A. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $35,226.90. E. (9) $35,226.90

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $15,568.73. E. (9) $15,568.73.

A. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,570. E. (9) $5,026.06.

A. Elizabeth Agle, 530 7th Street SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $6,750. E. (9) $211.62.

A. Robert S. Agman, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $868.40.

A. Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $75. E. (9) $25.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C.
D. (6) $16,176.32. E. (9) $16,176.32.

A. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $21,000. E. (9) $17,900.

A. Randolf H. Aires, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $4,500. E. (9) $389.69.

A. G. Colburn Aker, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400 Washington, D.C. 20036.
B. Ag-Energy Resources, Inc., 7346A South Alton Way, Englewood, Colo. 80112.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400 Washington, D.C. 20036.
B. Alaska Interstate Co., 2200 Post Oak Tower, 5051 Westheimer Road, Houston, Tex. 77056.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Amerada Hess Corp., 1185 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $7,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. American Telephone & Telegraph Co., 1120 20th Street NW., Suite 1000, Washington, D.C. 20036.
D. (6) $500.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Archer Daniels Midland, 4666 Faries Parkway, Decatur, Ill. 62526.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. City of Houston, City Hall, Houston, Tex. 77001.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. The Coastal Corp., 9 Greenway Plaza Houston, Tex. 77046.
D. (6) $15,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. E. & J. Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Great National Corp., 2320 South Tower, Plaza of the Americas, Dallas, Tex. 75201.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Lone Star Industries, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Louisiana Alcohol Fuels Co., 1102 Sixth Street, New Orleans, La. 70115.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. MAPCO, Inc. 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $4,300.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Metropolitan Transit Authority of Harris County, P.O. Box 61429, Houston, Tex. 77208.
D. (6) $5,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Military Accessories Service Association, Inc. 2 Park Avenue, Suite 1118, New York, N.Y. 10016.
D. (6) $2,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
D. (6) $4,300.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Missouri Terminal Oil Co., Inc., 3854 South First Street, St. Louis, Mo. 63118.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. New Energy Corp. of Indiana, 915 15th Street NW., Suite 200, Washington, D.C. 20005

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Alaskan Pipeline Co., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $70,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Northwest Pipeline Co., 314 East Second South, Salt Lake City, Utah 84111.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Tom Reidy, Inc., 110 Milam, Suite 2170, Houston, Tex. 77002.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Ringling Bros. Barnum & Bailey Combined Shows, Inc., 1015 18th Street, NW., Washington, D.C. 20036.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Shearson, Loeb, Rhoades, 15 Wall Street, Ninth floor, New York, N.Y. 10005.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Richard Suman, 2444 Times Boulevard, Suite 101, Houston, Tex. 77005.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Air Corp., Central Bank Plaza, Suite 4040, 333 Clay Street, Houston, Tex. 77002.
D. (6) $540.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Texas Instruments, Inc., P.O. Box 225474—MS 241, Dallas, Tex. 75265.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Valero Energy Corp., 530 McCullough Avenue, San Antonio, Tex. 78292.
D. (6) $2,000.

A. Akin, Gump, Strauss, Hauer & Feld, 1333 New Hampshire Avenue NW., Suite 400, Washington, D.C. 20036.
B. Worldwide Church of God, P.O. Box 385, Pasadena, Calif. 91102.

A. G. Colburn Aker, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., (For: Guest Guard and Family Guard, 2350 5th Street, Rock Island, Ill. 61201), 1425 K Street NW., Washington, D.C. 20005.
D. (6) $440.

A. Joan H. Albert, National Association of Casualty & Surety Agents, 600 Pennsylvania Avenue SE., No. 211, Washington, D.C. 20003.
B. National Association of Casualty & Surety Agents, 5454 Wisconsin Avenue, No. 1625, Chevy Chase, Md. 20815.
D. (6) $1,600. E. (9) $863.40.

A. James J. Albertine, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. John M. Albertine, 1025 Connecticut Avenue NW., Suite No. 209, Washington, D.C. 20036.
B. American Business Conference, Inc., 1025 Connecticut Avenue NW., Suite 209, Washington, D.C. 20036.
D. (6) $1,250. E. (9) $236.33.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Rosslyn, Va. 22209.
B. American Fishing Tackle Manufacturers Association, 2625 Clearbrook Drive, Arlington, Va. 60005
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Associated Industries of Florida, 203 South Adams Street, Tallahassee, Fla. 23202.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60076.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. California Nickel Corp., 23828 Hawthorne Boulevard, Torrance, Calif. 90503.
D. (6) $6,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. City of Tucson, Tucson, Ariz.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Coalition for Energy Efficient Transportation, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 650 North Sepulveda Boulevard, El Segundo, Calif. 90245.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Continental Employee's Association, 323 Richmond Street, El Segundo, Calif. 90245.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. The Continental Group, Inc., 1 Harbor Plaza, Stamford, Conn.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Dade County Aviation Department, P.O. Box 592075 AMF, Miami, Fla. 33159.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Dade County Seaport Authority, 1015 North America Way, Miami, Fla. 33132.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco, Calif. 94119.
D. (6) $15,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pan American World Airways, Inc., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Pratt & Whitney Aircraft Group, 400 Main Street, East Hartford, Conn.
D. (6) $6,000.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Bracy, 1901 North Fort Myer Drive, Suite 1204, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Claude D. Alexander, 2000 L Street NW., No. 801, Washington, D.C. 20036.
B. Ralston Purina Government Affairs, Inc., 2000 L Street NW., Suite 801, Washington, D.C. 20036.
D. (6) $400. E. (9) $165.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Associated Telephone Answering Exchanges, Inc., 5203 Leesburg Pike, Suite 205, Falls Church, Va. 22041.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800N, Washington, D.C. 20036.

A. Donald C. Alexander, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Merrill Lynch Life Agency, Inc., 165 Broadway, New York, N.Y. 10080.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $21.38.

A. Maxton M. Allcox, Brotherhood of Maintenance of Way Employees, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $11,403.24.

A. William L. Allen, 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.
B. The Patriots Foundation, Inc., 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.

A. Alliance for Cannabis Therapeutics, P.O. Box 23691, Washington, D.C. 20024.
D. (6) $2,081.75. E. (9) $903.

A. Alliance of American Insurers, 20 North Wacker Drive, Suite 2140, Chicago, Ill. 60606.
E. (9) $3,958.60.

A. Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $1,420.03.

A. Peter Allstrom, 815 16th Street NW., Suite 408, Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW., Suite 408, Washington, D.C. 20006.
D. (6) $2,250.

A. Harvey Alter, U.S. Chamber of Commerce, Washington, D.C. 20062.
B. U.S. Chamber of Commerce, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $200.

A. Richard H. Altman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $1,211.53.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $1,620. E. (9) $394.80.

A. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
E. (9) $41.44.

A. John O. Ambler, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute Inc., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $26.10.

A. Jerome A. Ambro Associates, 2301 South Jefferson Davis Drive, Arlington, Va. 22202.
B. Associated Universities, Inc., Upton, N.Y. 11973.
D. (6) $900. E. (9) $1,045.39.

A. Jerome A. Ambro Associates, 2301 South Jefferson Davis Drive, Arlington, Va. 22202.
B. County of Suffolk, H. Lee Dennison Building, Veterans Memorial Highway, Hauppauge, N.Y. 11787.
D. (6) $2,750. E. (9) $3,266.87.

A. Jerome A. Ambro Associates, 2301 South Jefferson Davis Drive, Arlington, Va. 22202.
B. New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, N.Y. 12232.
D. (6) $7,500. E. (9) $8,755.20.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $10,529.05. E. (9) $10,529.05.

A. American Arts Alliance, 424 C Street NE., Washington, D.C. 20002.
D. (6) $77,414.63. E. (9) $65,073.66.

A. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $2,822. E. (9) $2,822.

A. American Association of Meat Processors, P.O. Box 269, Elizabethtown, Pa. 17022.
D. (6) $1,306.78. E. (9) $683.28.

A. American Association of Port Authorities, 1612 K Street NW., Suite 900, Washington, D.C. 20006.
E. (9) $26,734.09.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $32,062.24. E. (9) $32,062.24.

A. American Business Conference, Inc., 1025 Connecticut Avenue NW., No. 209, Washington, D.C. 20036.
D. (6) $900.00. E. (9) $1,921.83.

A. American Conservative Union, 38 Ivy Street SE., Washington, D.C. 20003.
E. (9) $7,526.00.

A. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Suite 201, Washington, D.C. 20006.
D. (6) $2,227. E. (9) $8,051.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $4,564.07.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; 425 13th Street NW., Washington, D.C. 20004.
D. (6) $78,896. E. (9) $78,896.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $157,329.71.

A. American Frozen Food Institute, 1700 Old Meadow Road, Suite 100, McLean, Va. 22102.
E. (9) $6,000.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $13,424.36. E. (9) $7,208.22.

A. The American Humane Association, 9725 East Hampden, Denver, Colo. 80231.
E. (9) $9,049.99.

A. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
E. (9) $1,250.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $1,501. E. (9) $1,501.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $118,105. E. (9) $97,046.16.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $7,121.86.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $2,153.90. E. (9) $7,215.52.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007, 1700 North Moore Street, Arlington, Va.
D. (6) $9,259.22. E. (9) $9,259.22.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,333.75. E. (9) $33,149.96.

A. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. American Newspaper Publishers Association, Box 17407, Dulles International Airport, Washington, D.C. 20041.
D. (6) $23,590.49. E. (9) $23,590.49.

A. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $22,034.40. E. (9) $38,979.25.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $9,172.10. E. (9) $9,172.10.

A. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $984.45. E. (9) $984.45.

A. American Orthotic and Prosthetic Association, 717 Pendleton Street, Alexandria, Va. 22314.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Paratransit Institute, P.O. Box 340276, Coral Gables, Fla. 33134.
E. (9) $400.

A. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $29,144.99. E. (9) $17,540.83.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $154,578. E. (9) $204,180.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $2,513.85. E. (9) $2,513.85.

A. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
E. (9) $13,406.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $4,507,913.25. E. (9) $175,787.44.

A. American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $20,613. E. (9) $20,613.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036

A. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $65,205. E. (9) $76,811.

A. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
E. (9) $11,350.

A. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Soybean Association, 600 Maryland Avenue SW., No. 510, Washington, D.C. 20024.
D. (6) $4,125. E. (9) $1,749.70.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America. Inc., 1 World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $550. E. (9) $178.04.

A. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $39,924.70. E. (9) $39,924.70.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
D. (6) $14,724. E. (9) $3,637.95.

A. Morris J. Amitay, P.C., 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Air Florida, P.O. Box 592337, Miami, Fla. 33159.
D. (6) $4,500.

A. Morris J. Amitay, P.C., 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. ENI Companies, 1417 116th Avenue NE., Bellevue, Wash. 98009.
D. (6) $7,500.

A. Morris J. Amitay, P.C., 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Hickory Association, 560 South Broadway, Hicksville, N.Y. 11801.
D. (6) $2,500.

A. Morris J. Amitay, P.C., 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Luz International, 1105 Burlingame Avenue, Burlingame, Calif. 94010.
D. (6) $4,500.

A. Morris J. Amitay, P.C., 400 North Capitol Street NW., Suite 168, Washington, D.C. 20001.
B. Northrop Corp., 1000 Wilson Boulevard, Suite 2300, Arlington, Va. 22209.
D. (6) $3,000.

A. John G. Ams, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,750. E. (9) $366.11.

A. Edward Andersen, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $4,934. E. (9) $868.45.

A. Bette B. Anderson, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for the Quixote Corp.), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $125.

A. Anderson, Hibey, Naueheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Bay Area Rapid Transit District, 800 Madison Street, Oakland, Calif. 94607.
D. (6) $2,176. E. (9) $59.74.

A. Anderson, Hibey, Naueheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Burlington Industries, Inc., 1800 M Street NW., Suite 870-S, Washington, D.C. 20036.
D. (6) $1,422.50. E. (9) $37.76.

A. Anderson, Hibey, Naueheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Interdependent Crude & Refining, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $4,926.88. E. (9) $73.12.

A. Anderson, Hibey, Naueheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Kutak, Rock & Huie, 1200 Standard Federal Savings Building, Atlanta, Ga. 30303.
D. (6) $7,050. E. (9) $114.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, N.Y. 10015.
E. (9) $200.37.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Republic of Haiti Embassy, 2311 Massachusetts Avenue, NW., Washington, D.C. 20008.
D. (6) $2,500. E. (9) $18.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Texas Air Corp., 3 Allen Center, Houston, Tex. 77079.
D. (6) $250.

A. J. L. Anderson, Time, Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time, Inc., Rockefeller Center, Time & Life Building, New York, N.Y. 10020.
D. (6) $2,000.

A. Anderson & Pendleton, 1000 Connecticut Avenue NW., Suite 707, Washington, D.C. 20036.
B. Military Mission of Chile, 1736 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,750. E. (9) $22.07.

A. Robert L. Anderson, Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Steven C. Anderson, 1700 Old Meadow Road, Suite 100, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, Suite 100, McLean, Va. 22102.
D. (6) $5,000.

A. Wayne C. Anderson, 1629 K Street NW., Washington, D.C. 20006.
B. Nabisco, Inc., East Hanover, N.J. 07936.
D. (6) $5,000. E. (9) $977.34.

A. William C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $87.50.

A. Robert T. Angarola, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Citizens Abroad, 175 Route du Grand Lancy, 1213 Onex, Geneva, Switzerland.

A. Robert C. Angel, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001

A. Scott P. Anger, 1800 M. Street NW., South Lobby, No. 860, Washington, D.C. 20036.
B. Alaskan Northwest Natural Gas Transportation Co., 1120 20th Street NW., Suite S-700, Washington, D.C. 20036.
D. (6). $5,120.

A. Jay Angoff, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,749.99.

A. J. Donald Annett, 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $300.

A. Tobias Anthony, Research-Cottrell, Inc., 1800 K Street NW., Suite 720, Washington, D.C. 20006.
B. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.
D. (6) $3,000. E. (9) $229.19

A. Apartment & Office Building Association, 1511 K Street NW., Suite 319, Washington, D.C. 20005.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Rodney L. Armstrong, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue, SE., Washington, D.C. 20003.
A. W. Stanley Armstrong, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $52.74. E. (9) $9.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Family Corp., 1902 Wynnton Road, Columbus, Ga. 31906.
D. (6) $480.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $500.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $7,500.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Corporate Property Investors, 230 Park Avenue, New York, N.Y. 10017.
D. (6) $500.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Mead Corp., Courthouse Plaza Northeast, Dayton, Ohio 45463.
D. (6) $720.

A. Carl F. Arnold, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., P.O. Box 488, Milwaukee, Wis. 53201.
D. (6) $233.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Realty Committee, 2033 M Street NW., Washington, D.C. 20036.
D. (6) $600

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Quintana Petroleum Corp., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $375.

A. Carl F. Arnold, 1100 Connecticut Ave NW., Washington, D.C. 20036.
B. Quintana Refinery Co., P.O. Box 3331, Houston, Tex. 77001.
D. (6) $375.

A. Carl F. Arnold, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Security First Group, Inc., 1800 Avenue of the Stars, Los Angeles, Calif. 90067.
D. (6) $500.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Table Grape Growers Association, Boulevard Transversal KM 4.5, Hermosillo, Sonora, Mexico.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. American International Group, Inc., 70 Pine Street, New York, N.Y. 10005.
D. (6) $2,000. E. (9) $72.53.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. General Public Utilities Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.
D. (6) $10,000. E. (9) $6,963.74.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $12,500. E. (9) $16.77.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. Nationwide Mutual Insurance Co., 1 Nationwide Plaza, Columbus, Ohio 43216.

A. Thomas Ludlow Ashley, P.C., 1730 Pennsylvania Avenue NW., No. 1050, Washington, D.C. 20006.
B. Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio 43604.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Employers, Inc., 1222 North Main, Suite 315A, San Antonio, Tex. 78212.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $600.

A. Association for Biomedical Research, 400-2 Totten Pond Road, Suite 200, Waltham, Mass. 02154.
D. (6) $28,600. E. (9) $7,597.72.

A. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
E. (9) $1,211.93.

A. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Association of American Foreign Service Women, P.O. Box 8068, Washington, D.C. 20024
D. (6) $10,496.25.

A. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $7,999.50. E. (9) $7,999.50.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Room 720, Washington, D.C. 20036.
D. (6) $42,314.41. E. (9) $42,314.41.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005

A. Association of Government Accountants, 727 South 23d Street, No. 100, Arlington, Va. 22202.
E. (9) $21.25.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
E. (9) $2,110.50.

A. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $14,737.50. E. (9) $6,940.72.

A. Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $6,927.50. E. (9) $6,927.50.

A. George J. Aste, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500.

A. Carl E. Atkinson, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $200 E. (9) $71.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $1,803.88.

A. Lloyd G. Ator, Jr., American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $467.82.

A. Fritz E. Attaway, 1600 Eye Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C. 20006.
D. (6) $108.18

A. George L. Atwood, Suite 500, 700 South Colorado Boulevard, Denver, Colo. 80222.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $1,177.54. E. (9) $1,497.91.

A. James A. Austin, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,700.

A. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.
D. (6) $4,630. E. (9) $4,658.03.

A. John S. Autry, Sperry Corp., 2000 L Street, NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $2,500.

A. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
E. (9) $10.

A. William H. Axtman, 950 North Glebe Road, Suite 160, Arlington, Va. 22203.
B. American Boiler Manufacturers Association, 950 North Glebe Road, Suite 160, Arlington, Va. 22203.

A. Walter C. Ayers, Virginia Petroleum Council, 1809 Staples Mill Road, Richmond, Va. 23230.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Craig H. Baab, Governmental Relations Office, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $59.85.

A. Jed L. Babbin, 4910 North 27th Street, Arlington, VA. 22207.
B. Shipbuilders Council of America, 1110 Vermont Avenue NW., Washington, D.C. 22205.
D. (6) $11,538.

A. Patti Jo Baber, 1737 H Street NW., Washington, D.C. 20006.
B. Diamond Shamrock Corp., 717 North Harwood Street, Dallas, Tex.
D. (6) $1,500.

A. Dale R. Babione, The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.

B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
D. (6) $280.

A. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10272
E. (9) $750.

A. Baer Marks & Upham, 299 Park Avenue, New York, N.Y. 10171.
B. Commodity Exchange, Inc., Four World Trade Center, New York, N.Y. 10048.

A. Joan N. Baggett, 815 Fifteenth Street NW., Washington, D.C. 20005.
B. International Union of Bricklayers and Allied Craftsmen, 815 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $5,042. E. (9) $505.22

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101

A. William W. Bailey, 1050 17th Street NW., Suite 1050 Washington, D.C. 20036.
B. Merck & Co., Inc., Box 2000, Rahway, N.J. 07065.
D. (6) $1,000. E. (9) $242.

A. Judith L. Baird, 1333 New Hampshire Avenue NW., Washington, D.C. 20036
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.00.

A. John Baize, 600 Maryland Avenue SW., No. 510, Washington, D.C. 20024.
B. American Soybean Association, 600 Maryland Avenue SW., No. 510, Washington, D.C. 20024.
D. (6) $1,125.00. E. (9) $257.58.

A. Edward R. Bajer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street, No. 802, Washington, D.C. 20005.
D. (6) $450.00.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rotan Mosle Inc., 1500 South Tower, Pennzoil Place, Houston, Tex. 77002.
E. (9) $208.90.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Texasgulf, Inc., High Ridge Park, Stamford, Conn. 06904.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Texas International Airlines, Inc., P.O. Box 12788, Houston, Tex. 77017.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. James Jay Baker, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $550. E. (9) $79.03.

A. J. R. Baker, P.O. Box 1806, Zephyr Cove, Nev. 89448.
B. Aircraft Technical Publishers, 655 Fourth Street, San Francisco, Calif. 94107.
D. (6) $5,677. E. (9) $1,646.

A. Waldon L. Baker, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $100.

A. Jacqueline Balk-Tusa, 1625 I Street NW., No. 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., No. 809, Washington, D.C. 20006.
D. (6) $13,075.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Alaska Industrial Development Authority, 1577 C Street, Suite 304, Anchorage, Alaska 99501.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Delaware River Port Authority, Administration Building, Benjamin Franklin Bridge Plaza, Camden, N.J. 08101.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. The Franklin Institute, Philadelphia, Pa. 19103.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Pennsylvania Association of Industrial Development Authorities, Suite 302, 5 West 10th Street, Erie, Pa. 16501.

A. Ballard, Spahr, Andrews & Ingersoll, 1850 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Philadelphia Port Corp., Suite 1020, 6th and Chestnut Streets, Philadelphia, Pa. 19106.

A. Michael Baly III, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,500. E. (9) $721.21.

A. Sheila Macdonald Bamberger, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $3,000.

A. Christine M. Bangert, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
E. (9) $100.

A. Samuel J. Baptista, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. William K. Barclift, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
D. (6) $4,500. E. (9) $812.50.

A. Carol M. Barger, Consumers Union, Southwest Regional Office, 500 West 13th, Austin, Tex. 78701.
B. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.

A. Robert O. Barker, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Suite 600, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,200. E. (9) $506.88.

A. Barley & Malt Institute, 733 North Van Buren, Suite 610, Milwaukee, Wis. 53202.
D. (6) $30,625.13 E. (9) $5,000.

A. Donna R. Barnako, National Council of Health Centers, 2600 Virginia Avenue, Suite 1100, Washington, D.C. 20037.
B. NCHC, 2600 Virginia Avenue, Suite 1100, Washington, D.C. 20037.
E. (9) $145.57.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Suite 400, Washington, D.C. 20006.
B. Industrias Quimicas y Tartaricas, S.A., Barcelona 68, Gerona, Spain.
E. (9) $27.89.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Suite 400, Washington, D.C. 20006.
B. Tartaric Chemicals Corp. 515 Madison Avenue, New York, N.Y. 10022.
E. (9)$12.50.

A. Barnes, Richardson & Colburn, 1819 H Street NW., Washington, D.C. 20006.
B. John W. Thatcher, c/o Banana Supply Co., Inc., 3030 NE. Second Avenue, Miami, Fla. 33137.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Dairymen, Inc., 10140 Linn Station Road, Louisville, Ky. 40223.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Dade County Farm Bureau, 1850 Old Dixie Highway, Homestead, Fla. 33033.
D. (6) $1,080.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Fruit & Vegetable Association, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6) $4,422.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Florida Tomato Exchange, 4401 East Colonial Drive, Orlando, Fla. 32814.
D. (6) $5,400.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. American School Food Service Association, 4101 East Illif Avenue, Denver, Colo. 80222.
D. (6) $25,798. E. (9) $1,233.24.

A. Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Hedged Portfolio Advisors, 500 Park Avenue, New York, N.Y. 10022.

A. Larry Barnett, Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,900.

A. Barnett Yingling & Shay, P.C., 1090 Vermont Avenue NW., Suite 810, Washington, D.C. 20005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.
D. (6) $320.

A. Barnett Yingling & Shay, P.C., 1090 Vermont Avenue NW., Suite 810, Washington, D.C. 20005.
B. Crocker National Bank, One Montgomery Street, San Francisco, Calif. 94104.

A. Neil D. Baron, c/o Booth & Baron, 122 East 42d Street, New York, N.Y. 10168.
B. Standard & Poor's Corp., 25 Broadway, New York, N.Y. 10004.

A. James C. Barr, Credit Union National Association, Inc., 1730 Rhode Island Avenue, Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.

A. David M. Barrett, Barrett, Hanna, Daly & Gaspar, Suite 475, 2550 M Street NW., Washington, D.C. 20037.
B. Energy Consumers and Producers Association, Petroleum Plaza, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $6,000. E. (9) $1,868.08.

A. David M. Barrett, Barrett, Hanna, Daly & Gaspar, Suite 475, 2550 M Street NW., Washington, D.C. 20037.
B. National Medical Enterprises, Inc., 11620 Wilshire Boulevard, Los Angeles, Calif. 90025.
D. (6) $4,850. E. (9) $1,682.83.

A. Barrett, Smith ,Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. Coffee, Sugar & Cocoa Exchange, Inc. and New York Coffee & Sugar Clearing Association, Inc., Four World Trade Center, New York, N.Y. 10048.
D. (6) $650. E. (9) 7.18.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York Cocoa Clearing Association, Inc., Four World Trade Center, New York, N.Y.
D. (6) $650.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York State Mortgage Loan Enforcement and Administration Corp., 11 West 42d Street, New York, N.Y. 10036.

A. Barrett, Smith, Schapiro, Simon & Armstrong, 26 Broadway, Suite 1400, New York, N.Y. 10004.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. Robert W. Barrie, General Electric Co., 777 14th Street, NW., Washington, D.C. 20005.
B. General Electric Co. 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $3,500.

A. Thea Rossi Barron, 106 Little Falls Street, Falls Church, Va. 22046.
B. Right to Life Crusade Inc., 1535 S. Memorial, Tulsa, Okla. 74112.
D. (6) $4,500. E. (9) $19.50.

A. Linda Leigh Bartlett, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue, NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Richard A. Barton, Direct Mail Marketing Association, 1730 K Street NW., Suite 905, Washington, D.C.
B. Direct Mail Marketing Association, 6 East 43d Street, New York, N.Y. 10017.
D. (6) $1,400.

A. Lawrence R. Baskerville, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $276.44.

A. James P. Bass, 1101 17th Street NW., Washington, D.C. 20036.
B. American Airlines, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $350.

A. Robert E. Bates, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $800.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,250.

A. John F. Battles, Massachusetts Petroleum Council—Division of American Petroleum Institute, 11 Beacon Street, Boston, Mass. 02108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Batzell, Nunn & Bode, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Emergency Small Independent Refiners Task Force, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
D. (6) $500.

A. Batzell, Nunn & Bode, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1015 15th Street NW., No. 1100, Washington, D.C. 20005.
D. (6) $500.

A. Richard H. Bauer, Union Pacific Corp., 1120 20th Street NW., Suite 600S, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154-0137.
D. (6) $500. E. (9) $343.29.

A. Robert J. Baughman, 717 Pendleton Street, Alexandria, Va. 22314.
B. American Orthotic & Prosthetic Association, 717 Pendleton Street, Alexandria, Va. 22314.

A. Bayh, Tabbert & Capehart, 1575 I Street NW., No. 1025, Washington, D.C. 20005.
B. Allied Fidelity, 6320 North Rucker Road, Suite A, Indianapolis, Ind. 46220.
D. (6) $10,000. E. (9) $950.

A. Bayh, Tabbert & Capehart, 1575 I Street NW., No. 1025, Washington, D.C. 20005.
B. Cummins Engine Co., 432 Washington Street, Columbus, Ind. 47201.
D. (6) $12,000. E. (9) $3,675.

A. Bayh, Tabbert & Capehart, 1575 I Street NW., No. 1025, Washington, D.C. 20005.
B. Georgia-Pacific, 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
D. (6) $3,000. E. (9) $650.

A. Tina Marts Beach, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $84.

A. Bruce A. Beam, American Electric Power Service Corp., 1801 K Street NW., No. 1041, Washington, D.C. 20006.
B. American Electric Power Service Corp., 180 East Broad Street, Columbus, Ohio 43215.
D. (6) $190.96 E. (9) $449.23.
A. Donald S. Beattie, Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $2,793.11.

A. Christine T. Beatty, 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $6,000. E. (9) $365.85.

A. Hubert Beatty, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Laura L. Beaty, 806 North Jefferson Street, Arlington, Va. 22205.
B. National Parks & Conservation, Assoc., 1701 18th Street NW., Washington, D.C. 20009.

A. Robert J. Becker, Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056; or 229 North Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy & Immunology, 401 East Prospect Avenue, Suite 210, Mount Prospect, Ill. 60056.

A. William W. Beddow, 1101 15th Street NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., No. 1000, Washington, D.C. 20005.
D. (6) $925.

A. Jon Charles Bednerick, 499 South Capitol Street SW., Suite 417, Washington, D.C. 20003.
B. International Association of Drilling Contractors, 499 South Capitol Street SW., Suite 417, Washington, D.C. 20003.

D. (6) $1,400.

A. Edwin L. Behrens, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Co., 301 East Sixth Street, Cincinnati, Ohio 45201.
D. (6) $156.25.

A. Max J. Beilke, National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
B. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
D. (6) $1,285.50.

A. James Beizer, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
D. (6) $560.40

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9) $194.24.

A. Winston Everett Bell, P.O. Box 26543, Las Vegas, Nev. 89126.

A. Benco, Inc., 1625 Eye Street, NW., Washington, D.C. 20006.
B. Shearson-American Express, Two World Trade Center, New York, N.Y. 10005.
D. (6) $6,000. E. (9) $731.20.

A. C. Thomas Bendorf, 3615 Overcreek Road, Columbia, S.C. 29206.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $5,000. E. (9) $950.

A. C. Robert Benedict, 643 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Osteopathic Hospital Association, 930 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $1,012.50. E. (9) $329.97.

A. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Dela. 19899.

A. Bruce Benefield, TRW Inc., 1000 Wilson Boulevard, Suite 2600, Arlington, Va. 22209.
B. TRW Inc., 1000 Wilson Boulevard, Suite 2600, Arlington, Va. 22209.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $163.66.

A. W. M. Benkert, American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
D. (6) $1,250.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20008.
B. Association of Executive Recruiting Consultants, Inc., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Douglas P. Bennett, 3238 Prospect Street NW., Washington, D.C. 20007.
B. Jacques Borel Enterprises, Inc., 555 Madison Avenue, New York, N.Y. 10022.
D. (6) $2,000.

A. James M. Bennett, Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53201.
B. Jos. Schlitz Brewing Co., 235 Galena Street, Milwaukee, Wis. 53201.

A. William C. Bennett, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $300.

A. John C. Bennison, 1300 19th Street NW., Washington, D.C. 20036.
B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Frederick S. Benson, III, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
A. Nancy C. Benson, 1575 Eye Street NW., No. 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $333. E. (9) $35.40.

A. James E. Benton, New Jersey Petroleum Council, a Division of API, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John B. Benton, 1010 Lamar, Suite 1800, Houston, Tex. 77002.
B. Howell Corp., 1010 Lamar, Suite 1800, Houston, Tex.

A. David A. Beren, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Rebecca J. Berg, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $400. E. (9) $349.54.

A. Paul C. Bergson, 2550 M Street NW., Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $372.99. E. (9) $10.

A. Jane W. Bergwin, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Miss. 49201.
D. (6) $200.

A. Jason S. Berman, Warner Communications Inc., 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Warner Communications Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $7,500. E. (9) $2,838.76.

A. William R. Berman, Environment and Energy Department, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Mary E. Bernhard, Flexible Packaging Association, 1090 Vermont Avenue NW., Suite 500, Washington, D.C. 20005.
B. Flexible Packaging Association, 1090 Vermont Avenue NW., Suite 500, Washington, D.C. 20005.

A. Charles Barnhardt, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $42.09. E. (9) $2.

A. Max N. Berry, 3213 O Street NW., Washington, D.C. 20007.
B. Centre National Interprofessionnel De L'Economic Laitiere, 8, rue Danielle Casanova, 75002 Paris, France.

A. Max N. Berry, 3213 O Street NW., Washington, D.C. 20007.
B. Cheese Importers Association, 460 Park Avenue, New York, N.Y. 10022.

A. Max N. Berry, 3213 O Street NW., Washington, D.C. 20007.
B. Committee to Assure the Availability of Casein, 3213 O Street NW., Washington, D.C. 20007.

A. Max N. Berry, 3213 O Street NW., Washington, D.C. 20007.
B. East-West Trade Council, 3213 O Street, NW., Washington, D.C. 20007.

A. Max N. Berry, 3213 O Street NW., Washington, D.C. 20007.
B. Meat Products Group, American Importers Association, 11 West 42d Street, New York, N.Y. 10036.
D. (6) $1,500. E. (9) $5.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,560. E. (9) $77.50.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $403.75. E. (9) $10.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. New England Electric System, 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $1,353.75. E. (9) $50.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Union Camp Corp., Suite 390, International Square, Washington, D.C. 20006.
D. (6) $190. E. (9) $8.

A. Beveridge & Diamond, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Union Mines, 1212 Avenue of the Americas, New York, N.Y. 10036.

A. James N. Bierman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Foley, Lardner, Hollabaugh & Jacobs, Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. James N. Bierman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, VGS Corp. (Southland Oil Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. James N. Bierman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, VGS Corp. (Southland Oil Co.), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.
B. State of South Dakota, Department of Transportation, Division of Railroads, Pierre, S. Dak. 57501.
E. (9) $1,511.

A. Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.
B. The 8900 Lines, 17 Battery Place, Suite 307, New York, N.Y. 10004 et. al.

A. Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.
B. Transportation Committee, Alaska State Senate; Pouch V, State Capitol, Juneau, Alaska 99811.

A. Leon G. Billings Inc., 1660 L Street NW., Suite 713, Washington, D.C. 20036.
B. State of Montana, Office of the Governor, Helena, Mont. 59601.
D. (6) $9,750. E. (9) $9,750.

A. Bingham, Dana & Gould, 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $4,500. E. (9) $12.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Alaska Power Authority, 333 West 4th Avenue, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Calista Corp. 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. City of Haines, Box 576, Haines, Alaska 99827.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. MAPCO, Inc. 1800 South Baltimore Avenue, Tulsa, Okla. 74119.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Sealaska Corp. 1 Sealaska Plaza, Juneau, Alaska 99801.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Teamsters Local 959, 1200 Airport Heights Road, Anchorage, Alaska 99504.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Teamsters 959 Employee Pension Trust, 1200 Airport Heights Road, Anchorage, Alaska 99504.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Wien Air Alaska, 4100 International Airport Road, Anchorage, Alaska 99502.

A. Birch, Horton, Bittner & Monroe, 1140 Connecticut Avenue NW., No. 1100, Washington, D.C. 20036.
B. Westinghouse Electric Corp. 1801 K Street NW., Washington, D.C. 20006.

A. William J. Birkhofer, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $875.

A. H. Radford Bishop, II.
B. American Investment Co., St. Louis, Mo.

A. Phil M. Bitter, Chevron U.S.A. Inc. 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A. Inc., 1700 K Street, NW., Washington, D.C. 20006.
D. (6) $400.

A. Neal R. Bjornson, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Porducers Federation, 30 F Street, NW., Washington, D.C. 20001.
D. (6) $2,500

A. Black, Manafort & Stone, 435 North Lee Street, Alexandria, Va. 22314.
B. Air Transportation Association, 1709 New York Avenue, Washington, D.C.
D. (6) $6,250. E. (9) $39.50.

A. Black, Manafort & Stone, 435 North Lee Street, Alexandria, Va. 22314.
B. American Newspaper Publishers Association, The Newspaper Center, Reston, Va.
D. (6) $15,000. E. (9) $10.60.

A. Black, Manafort & Stone, 435 North Lee Street, Alexandria, Va. 22314.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $21,000. E. (9) $1,144.37.

A. Bev D. Blackwood, 1899 L Street NW., No. 1000, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Richard W. Blake, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
B. American Sugarbeet Growers Association, 1156 15th Street NW., Suite 1019, Washington, D.C. 20005.
D. (6) $240.

A. Helen K. Blank, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund.
D. (6) $445.98. E. (9) $5.40.

A. Paul M. Blanton, P.O. Box 970, Fort Worth, Tex. 76101.
B. Texas Electric Service Co., P.O. Box 970, Fort Worth, Tex. 76101.
D. (6) $107.44. E. (9) $63.45.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, 5 piso, Mexico, D.F., Mexico.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.
B. National Association of Private Enterprise, (Asociacion Nacional de la Empresa Privada-ANEP), Alameda Roosevelt 2827 San Salvador, El Salvador.
D. (6) $11,000. E. (9) $279.69.

A. Blatchford, Epstein & Brady, 1000 Potomac Street NW., Washington, D.C. 20007.
B. North American Car Corp., 33 Monroe Street, 24th Floor, Chicago, Ill. 60603.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $21,707.56. E. (9) $4,267.08.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
D. (6) $8,368. E. (9) $262.31.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. Sunoco Energy Development Co. (SUNEDCO), 12700 Park Central Place, Dallas, Tex. 75251.
D. (6) $1,800. E. (9) $194.40.

A. Jerald Blizin, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Co., One Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.
D. (6) $1,000. E. (9) $1,057.

A. Peter L. Blocklin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $600.

A. H. E. Blomgren, National Manufactured Housing Federation, 1700 Pennsylvania Avenue NW., Suite 745, Washington, D.C. 20006.
B. National Manufactured Housing Federation, 1700 Pennsylvania Avenue NW., Suite 745, Washington, D.C. 20006.
D. (6) $14,756.40.

A. Douglas M. Bloomfield, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $13,192.32.

A. Mark Bloomfield, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $719.

A. Jack A. Blum, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $25,000. E. (9) $575.

A. Jared O. Blum, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $201.42.

A. Blum & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. National Association of Truckstop Operators, 700 North Fairfax Street, No. 505, Alexandria, Va. 22313.
D. (6) $500. E. (9) $20.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., the Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

A. Charles R. Blumenfeld, Bogle & Gates, The Bank of California Center, Seattle, Wash. 98164.
B. Pacific Seafood Processors Association, 1620 South Jackson Street, Seattle, Wash. 98144.
D. (6) $7,600. E. (9) $1,133.12.

A. Boat Owners Association of the United States, 880 South Pickett Street, Alexandria, VA. 22304.
B. Boat Owners Association of the United States (Boat/U.S.), 880 South Pickett Street, Alexandria, VA. 22304.
D. (6) $16,000. E. (9) $24,296.28.

A. David A. Bockorny, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $425.93.

A. Helen Bogolubov, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $375.

A. Robert Z. Bohan, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $24.04.

A. Christie K. Bohner, 1629 K Street NW., No. 401, Washington, D.C. 20006.
B. Government Relations Associates, Inc.

A. Patricia M. Boinski, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Robert J. Bolger, National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
B. National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
D. (6) $1,650.

A. Bernadette Bolton, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, Box U, Mount Prospect, Ill. 60056.
D. (6) $300.

A. M. Warren Bolton, 2500 DeKalb Pike, Norristown , Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $500.

A. Edward N. Bond, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,000. E. (9) $334.92.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $350. E. (9) $95.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gaylon B. Booker, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $363.63.

A. Edward T. Borda, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. Connie Borken-Hagen, 29 Cambridge Street, London Sw1v 4PR, England.
B. American Chamber of Commerce (UK), 75 Brook Street, London Wl, England.
D. (6) $7,500. E. (9) $2,096.32.

A. Laurence D. Bory, 1015 15th Street NW., No. 802, Washington D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington D.C. 20005.
D. (6) $750.

A. G. Stewart Boswell, American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, No. 800, Arlington, Va. 22209.
D. (6) $1,500. E. (9) $46.74.

A. Botein, Hays, Sklar & Herzberg, 200 Park Avenue, New York, N.Y. 10166.
B. Henry Schein, Inc., 5 Harbor Park Drive, Port Washington, N.Y. 11050.

A. Charles G. Botsford, The Botsford Co., 1730 M Street NW., Washington D.C. 20036.
B. Colt Industries, Inc., 430 Park Avenue, New York, N.Y. 10022. et al.
D. (6) $1,500. E. (9) $132.

A. A. D. Bourland, 1660 L Street NW., Suite 800, Washington D.C. 20036
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,617.49.

A. Frank J. Bowden, Jr., Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington D.C. 20037.
D. (6) $1,345. E. (9) $316.05

A. M. Stephanie Bower, United Farm Workers of America, AFL-CIO, 102 Lynmoor Drive, Silver Spring, Md. 20901.
B. United Farm Workers of America, AFL-CIO, P.O. Box 62, Keane, Calif. 93531.
D. (6) $22.50. E. (9) $175.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington D.C. 20006.
D. (6) $1,000.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714, Atlas Building, Charleston, W. Va. 25301.
B. American Petroleum Institute, 2101 L Street NW., Washington D.C. 20037.

A. Bowmer, Courtney, Burleson & Pemberton, P.O. Box 844, Temple, Tex. 76503.
B. Tribal Council & Coushatta Tribe of Louisiana.
E. (9) $3,373.21.

A. Jim D. Bowmer, P.O. Box 844, Temple, Tex. 76503.
B. Tribal Council of the Coushatta Tribe of Louisiana, c/o Ernest Sickey, P.O. Box 988, Elton, La. 70532.
E. (9) $1,356.55.

A. Joan Costain Bowyer, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $150.

A. John G. Boyd, International Business Machines, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines, Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $256.25. E. (9) $112.86.

A. Robert K. Boyd, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,200. E. (9) $542.33.

A. Van R. Boyette, American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $75.

A. J. Patrick Boyle, North Washington at Madison, Alexandria, Va. 22314.
B. United Fresh Fruit and Vegetable Association, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $950. E. (9) $78.42.

A. Stephen S. Boynton, 1901 North Fort Myer Drive, Suite 1204, Arlington, Va. 22209.
B. The American Fur Industry, 101 West 30th Street, New York N.Y. 10001.

A. Stephen S. Boynton, 1901 North Fort Myer Drive, Suite 1204, Arlington, Va. 22209.
B. The American Fur Resources Institute, P.O. Box 550, Sutton, Nebr. 68979.

A. Stephen S. Boynton, 1901 North Fort Myer Drive, Suite 1204, Arlington, Va. 22209.
B. Wildlife Legislative Fund of America, 50 West Broad Street, Columbus, Ohio 43215.

A. Bracewell & Patterson, 1850 K Street NW., Suite 400, Washington, D.C. 20006.
B. Southdown/Pelto Oil Co., Two Greenspoint Plaza, Suite 400, 16825 Northchase, Houston, Tex. 77060.
D. (6) $215. E. (9) $85.57.

A. Bracewell & Patterson, 1850 K Street NW., Suite 400, Washington, D.C. 20006.
B. Valero Energy Corp., 530 McCullough Avenue, San Antonio, Tex. 78292.
D. (6) $1,855. E. (9) $740.14.

A. Dennis R. Braddock, 4660 Kenmore Avenue, Suite 1018, Alexandria, Va. 22304.
B. Livestock Marketing Association, 301 East Armour Boulevard, Kansas City, Mo. 64111.
D. (6) $6,750.

A. Robert E. Bradford, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Frank W. Bradley, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc., 1700 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Gene M. Bradley, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $424. E. (9) $101.50.

A. Mitchell H. Bradley, American Society of Mechanical Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

A. Wayne W. Bradley, 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $500.

A. Dennis M. Bradshaw, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,220. E. (9) $138.03

A. Raymond F. Bragg, Jr., American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
B. American Petroleum Refiners Association, 1200 18th Street NW., Suite 607, Washington, D.C. 20036.
D. (6) $100.

A. Stuart J. Brahs, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $562.17. E. (9) $809.65.

A. David C. Branand, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $41.21. E. (9) $10.12.

A. Robert M. Brandon, 1300 Connecticut Avenue, NW., Room 401, Washington, D.C. 20036.
B. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
D. (6) $1,850. E. (9) $179.70.

A. T. Edward Braswell, Jr., 888 17th Street NW., Suite 600, Washington, D.C. 20006.
B. Newport News Shipbuilding Co., 4101 Washington, Avenue, Newport News, Va. 23607.
D. (6) $1,000.

A. William C. Brashares, Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Smith Barney Harris Upham & Co., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Roy Braunstein, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D.(6) $12,046.16. E. (9) $254.98

A. Edward T. Breathitt, Southern Railway, Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Associated Hospital Service of New York, 80 Lexington Avenue, New York, N.Y. 10016.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Handy & Harman, 850 Third Avenue, New York, N.W. 10022.
D. (6) $6,094.04 E. (9) $111.80

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. The Lefrak Organization, 97-77 Queens Boulevard, Forest Hills, N.Y.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Donald C. Lubick, Hodgson, Russ, Andrews, Woods & Goodyear, 1776 F Street, Washington, D.C.; and Talisman Fund, 330 Washington Street, Suite 610, Marina Del Ray, Calif. 90291.
D. (6) $1,365 E. (9) $1.55.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. David H. McConnell, 375 Park Avenue, New York, N.Y.

A. Breed, Abbott & Morgan, 1875 I Street NW., Suite 1000, Washington, D.C. 20006.
B. Panhandle Eastern Pipe Line Co., 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Tex. 77001.
D. (6) $7,668.80 E. (9) $13.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Car Rental Association (ACRA), 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Hilton International, Inc., 301 Park Avenue, New York, N.Y. 10022.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Trans World Airlines, 1000 16th Street NW., Suite 704, Washington, D.C. 20036.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Norton Simon, Inc., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $1,500.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Trans World Corp., 605 Third Avenue, New York, N.Y. 10158.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Truck Renting and Leasing Association (TRALA), 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
D. (6) $1,250.

A. Bregman, Abell & Kay, 1900 L Street NW., Suite 610, Washington, D.C. 20036.
B. Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C. 20009.

A. Brenda I. Bregman, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Religious Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,850.

A. Michael J. Brennan, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Bridge, Structural and Ornamental Iron Workers, AFL-CIO, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,580. E. (9) $287.73.

A. Richard M. Brennan, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. Miles H. Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. John B. Brewer, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Albert E. Brewster, 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.
B. Northrop Corp., 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.

A. Carolyn Brickey, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Bill Brier, CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
B. CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500.

A. Belva B. Brissett, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $416.

A. Elizabeth Y. Britton, 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $286.57. E. (9) $149.90.

A. Ellen Broadman, Consumers Union, 1511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mt. Vernon, N.Y. 10550.
D. (6) $75. E. (9) $8.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 823 U.N. Plaza, New York, N.Y. 10017.
D. (6) $1,950.

A. Michael D. Bromberg, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Michael R. Bromwich, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for Independent Refiners Association of America), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. E. R. Brooks, P.O. Box 841, Abilene, Tex. 79604.
B. West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604.

A. Phillip W. Brooks, Volunteer State Oil Committee, 18th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David W. Broome, 1800 M Street NW., Suite 870-S, Washington, D.C. 20036.
B. Burlington Industries, Inc., 1800 M Street NW., Suite 870-S, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $430.

A. Carol L. Bros, National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 20005.
B. National Women's Political Caucus, 1411 K Street NW., Suite 1110, Washington, D.C. 20005.
D. (6) $4,500. E. (9) $483.52.

A. Daniel T. Bross, 1101 17th Street NW., Suite 704, Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $1,525. E. (9) $369.18.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,000.

A. Joseph Browder, 1015 18th Street NW., Washington, D.C. 20036.
B. Toledo Mining Co., Ten Broadway Building, Suite 500, Salt Lake City, Utah 84101.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $260.

A. Charles T. Brown, Cities Service Co., Box 100, Miami, Ariz. 85539.
B. Cities Service Co., Box 100, Miami, Ariz. 85539.

A. David S. J. Brown, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $112.87.

A. Doreen L. Brown, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. Ellen S. Brown, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Howard Brown, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $15,830.

A. J. D. Brown, 2301 M Street NW., Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Washington, D.C. 20037.
D. (6) $250.

A. James F. Brown, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $137.50.

A. Jesse B. Brown, Potomac Electric Power Co., 1900 Pennsylvania Avenue, NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue, NW., Washington, D.C. 20068.
D. (6) $50.73.

A. Jesse P. Brown, Jr., 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $3,068.18.

A. Theoran Brown, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,327.62. E. (9) $166.17.

A. Vincent D. Brown, Nebraska Petroleum Council, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $57.46.

A. William E. Brown, Ford Motor Co., Washington Affairs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $158.33. E. (9) $240.27.

A. William R. Brown, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
B. The Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $160.

A. Brownstein Zeidman & Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Canadian Financial Corp., 7900 Xerxes Avenue South, 2030 Northwestern Financial Center, Minneapolis, Minn. 55431.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. International Franchise Association 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wisc. 53201.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. National Housing Rehabilitation Association, 1300 19th Street NW., Suite 310, Washington, D.C. 20036.

A. Brownstein Zeidman and Schomer, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036.

A. John R. Bruch, P.O. Box 5000, Cleveland, Ohio 44101.
B. The Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.
D. (6) $600.

A. James W. Bruner, Jr., League to Save Lake Tahoe, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
B. League to Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif. 95731.
D. (6) $9,000. E. (9) $728.

A. Kathryne M. Bruner, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co. San Diego, Calif.
D. (6) $450. E. (9) $96.79

A. Robert O. Brunner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $354.38. E. (9) $10.80.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill., 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill. 60062.

A. Harvey F. Brush, 2006 Washington Street, San Francisco, Calif. 94109.
B. Bechtel Group, Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Margaret H. Bryant, American Natural Resources Co., 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Resources Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $200. E. (9) $30.

A. Susan Buck, U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
B. U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
D. (6) $16,000. E. (9) $10,000.

A. John S. Buckley, National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $2,500. E. (9) $150.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. The B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $400.

A. Douglas W. Bulcao, American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $39.45.

A. Lawrence E. Burch, Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.

A. Norman D. Burch, 1333 New Hampshire Avenue NW., Suite 520, Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill., 60077.
D. (6) $5,220. E. (9) $43.60.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $408. E. (9) $742.35.

A. Paul F. Burdett, 10 Emerson Court, Severna Park, Md. 21146.
B. Merrell Dow Pharmaceuticals Inc., Cincinnati, Ohio 45215.
E. (9) $36.

A. William J. Burhop, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Burke & Burke, 529 Fifth Avenue, New York, N.Y. 10017.
B. Laura H. Beer, P.O. Box 139, Corning, N.Y. 14830.
D. (6) $3,000. E. (9) $93.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $7.23.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C.
D. (6) $37,127.76. E. (9) $1,000.47.

A. Bill D. Burlison, Fairchild Building, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Emerson Electric Co., St. Louis, Mo.
D. (6) $3,125. E. (9) $80.55.

A. Bill D. Burlison, Fairchild Building, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. McDonnell Douglas Corp., St. Louis, Mo.
D. (6) $8,750. E. (9) $161.10.

A. Bill D. Burlison, Fairchild Building, Suite 102, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Planning Research Corp., Washington, D.C.
D. (6) $2,500. E. (9) $80.55.

A. Charles S. Burns, Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200.

A. Dargan J. Burns, 666 Euclid Avenue, Cleveland, Ohio 44114.

A. Gerrie Bjornson Burns, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. The B.F. Goodrich Co., Akron, Ohio 44318.
D. (6) $100.

A. Timothy F. Burns, CMA, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Busby, Rehm & Leonard, P.C., 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Automobile Importers of America, Inc., 1735 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $100.

A. Busby, Rehm & Leonard, P.C., 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Bacardi Imports Inc., 2100 Biscayne Boulevard, Miami, Fla. 33137.
D. (6) $105.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $525. E. (9) $499.06.

A. Business Products Council Association, P.O. Box 53964, Fayetteville, N.C. 28305.

A. James J. Butera, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $3,593.75.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.
D. (6) $347.50. E. (9) $15.53.

A. Butler, Binion, Rice, Cook & Knapp, 1747 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. People Express Airlines, Inc., Room 205, North Terminal, Newark International Airport, N.J. 07114.
D. (6) $9,047.50. E. (9) $495.42.

A. John W. Butler, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. William A. Butler, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Natonal Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $5,000. E. (9) $200.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, (for Independent Refiners Association of America), Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, (for Insurance Association of Connecticut), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Alcalde, Henderson, O'Bannon, Bracy & Williams, 1901 Fort Myer Drive, Rosslyn, Va. 22209 (for Continental Employees Association).

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. The Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
D. (6) $400.

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006 (for Securities Groups).

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006 (for Smith, Barney, Harris, Upham & Co.).

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006 (for Toyota Motor Sales, USA).

A. C. & B. Associates, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Worldwide Information Resources, Inc., 1101 30th Street NW., Washington, D.C. 20007 (for State of Montana).

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Ad Hoc Committee of Floor Brokers, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cadwalader, Wickersham & Taft, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Moccatta Metals Corp., 4 World Trade Center, Suite 5200, New York, N.Y. 10048.

A. Morrison Cain, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $6,250.

A. Alan Caldwell, Del Monte Corp., 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. The Coca-Cola Co., 310 North Avenue, Atlanta, Ga. 30301.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $3,243.75.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Fluor Corp., 3333 Michelson Drive, Irvine, Calif. 92731.
D. (6) $257.50.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. General Tire & Rubber Co., 1 General Street, Akron, Ohio 44329.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. National Association of Public Hospitals, 1575 I Street NW., Washington, D.C. 20005.

A. Califano, Ross & Heineman, 1575 I Street NW., Washington, D.C. 20005.
B. Senior Corp., Flagship Bank Building, 1111 Lincoln Road Mall, Miami Beach, Fla. 33139.
D. (6) $1,500.

A. John C. Callihan, Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
D. (6) $307. E. (9) $133.50.

A. Gordon L. Calvert, Box 34-531, Bethesda, Md. 20817.
B. Commercial Law League of America, 222 West Adams Street, Chicago, Ill. 60606.
D. (6) $3,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. American Greyhound Track Operators Association, 1065 Northeast 125th Street, Suite 219, North Miami, Fla. 33161.
D. (6) $4,500.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Ferro Corp., Cataphote Division, P.O. Box 2369, Jackson, Miss. 39205.
D. (6) $1,500.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Washington, D.C. 20037.
D. (6) $4,000.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Prisma Universal Corp., 300 Lanedex Plaza, Parsippany, N.J. 07054; et al.
D. (6) $6,562.

A. Arthur E. Cameron, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Safetran Systems Corp., P.O. Box 1037, Louisville, Ky. 40201.
D. (6) $5,062.50

A. Peter E. Callanan, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Honeywell Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $185. E. (9) $350.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Eastern Central Motor Carrier Association, Inc., P.O. Box 3600, Akron, Ohio 44310.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Louisiana Department of Conservation, P.O. Box 44275, Capitol Station, Baton Rouge, La. 70804.
D. (6) $50.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Matlack, Inc., P.O. Box 1791, Wilmington, Del. 19899.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
D. (6) $625.

A. Camp, Carmouche, Palmer, Barsh & Hunter, P.C., 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
D. (6) $900.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Union Pacific Railroad, 345 Park Avenue, New York, N.Y. 10022.

A. C. Russell Campbell, Jr., General Telephone & Electronics Corp., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp. One Stamford Forum, Stamford, Conn. 06904.
D. (6) $2,000.

A. Carl C. Campbell, National Cotton Council, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $190.38.

A. Charles Argyll Campbell, National Association of Manufacturers, 1776 F Street, NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Jerry L. Campbell, 831 Chestnut Street, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 831 Chestnut Street, Chattanooga, Tenn. 34702.

A. Kevin B. Campbell, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $5,950. E. (9) $3,554.38.

A. Thomas D. Campbell, Standard Oil Co., 1000 16th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co., 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $1,500. E. (9) $773.16.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Suite 404, Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland Oreg. 97204.
D. (6) $740. E. (9) $885.52.

A. Canadian Coalition on Acid Rain, 105 Davenport Road, Suite 201, Toronto, Ontario M5R 1H6 Canada.
D. (6) $49,513.57. E. (9) $18,263.23.

A. Robert P. Canavan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,123.45. E. (9) $185.61.

A. Paul W. Cane, 5 Corte Alegra, Greenbrae, Calif. 94904.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 39652, San Francisco, Calif. 94119.
E. (9) $14.60.

A. Sharon M. Canavan, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $4,700.

A. W. Dean, W. Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500 Los Angeles, Calif. 90045.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
D. (6) $3,000 E. (9) $1,209.

A. Caplin & Drysdale, Chartered, 1101 17th Street NW., Washington, D.C. 20036.
B. American Family Life Assurance Co. of Georgia, P.O. Box 1459, Columbus, Ga. 31902.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European & Japanese National Shipowners' Association 30/32 St. Mary Axe, London, EC3A 8ET England.
D. (6) $8,400. E. (9) $709.63.

A. Milton F. Capps, P.O Box 50485, Columbus, S.C. 29250.
B. J. Crawford Cook, d/b/a Crawford Cook & Co., P.O. Box 50485, Columbia, S.C. 29250.
D. (6) $4,989.41 E. (9) $1,595.36.

A. Arnold P. Caputo, 1970 Hopewood Drive, Falls Church, Va. 22043.
B. National Concrete Masonry Association, 2302 Horse Pen Road, P.O Box 781, Herndon, Va. 22070.
D. (6) $90. E. (9) $290.25.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 91302.
B. Bechtel Power Corp., P.O. Box 60860, Terminal Annex, Los Angeles, Calif. 90060.

A. Constantine G. Caras, 2344 S. Rolfe Street, Arlington, Va. 22202.
B. Ogden Corp., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $2,500.

A. Richard T. Cardall, 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84107.
B. The Patriots Foundation, Inc., 986 Atherton Drive, Suite 215, Salt Lake City, Utah.

A. Norval E. Carey, General Atomic Co., 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,450. E. (9) $47.24.

A. Daniel P. Carmichael, Eli Lilly & Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 E. McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,000. E. (9) $505.25.

A. Chapin Carpenter, Jr., Magazine Publishers Association, 1629 K Street NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500.

A. Jack Carpenter, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $52.74. E. (9) $22.75.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,239.20. E. (9) $90.

A. John Benjamin Carroll, 918 Onondaga Bank Building, Syracuse, N.Y. 13202.
B. Dairy Farmer Distributors of America, Inc., c/o Daniel Gates, Old Seneca Turnpike, Chittenango, N.Y.
D. (6) $14,000. E. (9) $1,085.

A. Lawrence W. Carroll, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $300. E. (9) $505.

A. Patricia B. Carroll, National Cable Television Association, 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $312.50.

A. John R. Carson, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle NW., Washington, D.C. 20015.
D. (6) $8,000.

A. Hans L. Carstensen III, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $441. E. (9) $75.80.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,875.

A. John R. Carter, Jr., 1000 Wilson Boulevard, No. 2600, Arlington, Va. 22209.
B. TRW, Inc., 1000 Wilson Boulevard, No. 2600, Arlington, Va. 22209.
D. (6) $1,000.

A. Joseph L. Carter, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $1,538.11. E. (9) $158.04.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Donata Caruso, Lambos, Flynn, Nyland & Giardino, 29 Broadway, Ninth Floor, New York, N.Y. 10006.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Susan Carver, National Coal Association, Coal Building, Washington, D.C. 20036.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $232. E. (9) $1,280.07.

A. Jim Casey, 3470 Mildred Drive, Falls Church, Va. 22042.
B. Amfac Garden Products, Inc., 840 Malcolm Road, Burlingame, Calif. 94010.
D. (6) $2,000. E. (9) $376.

A. Jim Casey, 3470 Mildred Drive, Falls Church, Va. 22042.
B. Belle Fourche Irrigation District, Newell, S.D. 57760.
D. (6) $1,500. E. (9) $314.

A. Jim Casey, 3470 Mildred Drive, Falls Church, Va. 22042.
B. Committee on Power for the Southwest, Inc., Suite 3, 400 South Broadway, Edmond, Okla.
D. (6) $1,000. E. (9) $216.

A. Jim Casey, 3470 Mildred Drive, Falls Church, Va. 22042.
B. Garrison Diversion Conservancy District, P.O. Box 140, Carrington, N. Dak.
D. (6) $2,000. E. (9) $376.

A. Jim Casey, 3470 Mildred Drive, Falls Church, Va. 22042.
B. Salt River Valley Water Users Association, P.O. Box 1980, Phoenix, Ariz. 85001.
D. (6) $2,000. E. (9) $376.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Allen R. Caskie, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $48. E. $5.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $10,905.97. E. (9) $140.45.

A. John J. Castellani, TRW, Inc., 27th Floor, 1000 Wilson Boulevard, Arlington, Va. 22209.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Rita L. Castle, Caterpillar Tractor Co., 100 Northeast Adams, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams, Peoria, Ill. 61629.
D. (6) $1,500. E. (9) $1,642.

A. Joseph E. Cavanagh, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,675.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. Grumman Corp., 1000 Wilson Boulevard, Arlington, Va.
D. (6) $200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. Martin Marietta Corp., Rockville, Md.
D. (6) $200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. RCA, 1901 North Moore Street, Arlington, Va.
D. (6) $200.

A. Cederberg & Associates, 7100 Sussex Place, Alexandria, Va. 22307.
B. United Technologies, 1125 15th Street NW., Washington, D.C.
D. (6) $200.

A. Dorothy Cecelski, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,875.01.

A. Central States Resource Center, P.O. Box 577, Urbana, Ill. 61801.
D. (6) $5,110. E. (9) $4,129.48.

A. CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
E. (9) $1,000.

A. Chain Saw Manufacturers Association, 4340 East-West Highway, Suite 1008, Bethesda, Md. 20814.

A. Henry Chajet, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $27.47.

A. Elizabeth Prewitt Chalmers, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $750.

A. Charles E. Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee for 806.30 and 807, Inc., 1611 Kent Street, Arlington, Va. 22209.
D. (6) $750.

A. R. S. Chamberlin, Dow Chemical U.S.A., Suite 700 South, 1800 M Street NW., Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $330. E. (9) $340.

A. Ed Chandler, 7901 Westpark Drive, McLean, Va. 22102.

B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $7,078.50. E. (9) $500.

A. J. W. Chandler, York International, Borg-Warner Corp., 1575 I Street NW., Suite 1075, Washington, D.C. 20005.
B. York Division Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.
E. (9) $64.10.

A. A. Foster Chapman, Johnson, Smith and Hibbard, 220 North Church Street, Suite 6, P.O. Box 5524, Spartanburg, S.C. 29304.
B. Milliken & Co., P.O. Box 1926, Spartanburg, S.C. 29304.

A. Richard M. Charlton, EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $264. E. (9) $122.05.

A. Leslie Cheek III, Crum & Forster Corp., 1120 Connecticut Avenue NW., Suite 1142, Washington, D.C. 20036.
B. Crum & Forster Corp., Madison Avenue at Canfield Road, Morristown, N.J. 07960.
D. (6) $16,250. E. (9) $1,190.21.

A. Jane Cheever, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Jane Cheever, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Chemical Manufacturers Association, 2501 M Street, NW., Washington, D.C. 20037.
D. (6) $5,000. E. (9) $3,000.

A. Chemical Specialities Manufacturers Association, 1001 Connecticut Avenue, Suite 1120, Washington, D.C. 20036.
E. (9) $1,298.92.

A. Phillip R. Chisholm, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $6,125.

A. William T. Christian, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

A. Donald T. Chunn, Route 2, Box 89, Columbia, Tenn. 38401.
B. Title Associates, Inc., Route 2, Box 89 Columbia, Tenn. 38401.

A. Cigar Association of America, Inc., 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.
E. (9) $493.65.

A. Citizen/Labor Energy Coalition, 1300 Connecticut Avenue NW., Room 401, Washington, D.C. 20036.
D. (6) $2,029.70. E. (9) $2,029.70.

A. Citizen Victims of Chrysler, 934 Callie Avenue, Tahlequah, Okla. 74464.
E. (9) $9.36.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $283,036.82. E. (9) $75,914.21.

A. Citizens for Government Fairness, P.O. Box 1336, Brawley, Calif. 92227.
E. (9) $728.80.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006
B. Ashland Oil, Inc., 1401 Winchester Avenue Ashland, Ky. 41101.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., 1 North Charles, Baltimore, Md. 21203.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Processors, 4100 1 Shell Square, New Orleans, La. 70139.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Seaview Petroleum Co. P.O. Box 231, Blue Bell, Pa. 19422.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90504.
D. (6) $500.

A. Harry W. Cladouhos, Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. The Securities Groups, 500 Park Avenue, New York, N.Y. 10022.

A. Anne Harrison Clark, Population Resource Center, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $8,322.

A. James W. Clark, Jr., American Optometric Association, 600 Maryland Avenue SW., Suite 400, Washington, D.C. 20024.
B. American Optometric Association, 395 Orchard Street, Antioch, Ill. 60006.
D. (6) $98.04. E. (9) $294.50.

A. Julie Clark, National Legal Aid & Defender Association, 1625 K Street NW., 8th floor, Washington, D.C. 20006.
B. National Legal Aid & Defender Association, 1625 K Street NW., 8th floor, Washington, D.C. 20006.
D. (6) $8,659.54. E. (9) $116.47.

A. Phillip A. Clark, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Ocean Industries Association, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.

A. Vernon A. Clark, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $1,125. E. (9) $4,028.

A. Donald M. Clarke, Collins & Smith Associates, Inc., 201 North Fairfax Street, Alexandria, Va. 22314.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,250.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Industrial Health Council, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Securities Clearing Corp., 55 Water Street, New York, N.Y. 10041.
E. (9) $42.95.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sporting Arms & Ammunition Manufacturers Institute, 104 Turnpike Road, Wallingford, Conn. 01492.
D. (6) $575.

A. Ronald D. Clements, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $3,100. E. (9) $475.

A. The Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.
E. (9) $564.11.

A. Dexanne B. Clohan, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $3,769. E. (9) $78.85.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Australian Meat & Livestock Corp., One World Trade Center, New York, N.Y. 10048.
D. (6) $300. E. (9) $108.80.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $900. E. (9) $270.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Tour Brokers Association, 120 Kentucky Avenue, Lexington, Ky. 40502.
E. (9) $43.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.
E. (9) $8.15.

A. Clifford & Warnke, 815 Connecticut Avenue NW., Washington, D.C. 10006.
B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington D.C. 20006.
B. A-C Valley Corp., Box 402, Emlenton, Pa. 16373.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington, D.C. 20006.

B. Internation, Inc., 521 Fifth Avenue, New York, N.Y. 10175.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington, D.C. 20006.
B. Tosco, 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $1,250.

A. Coastal Properties Institute, P.O. Box 6255, Hilton Head, S.C. 29938.
D. (6) $405. E. (9) $109.26.

A. Mr. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Joe Cobb, Cobb, Green & Associates, P.O. Box 974, Las Vegas, Nev. 89125.
B. Council for a Competitive Economy, Washington, D.C.
D. (6) $1,562.50.

A. Richard B. Cobb, Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $110. E. (9) $173.21.

A. John J. Coffey, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron USA Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
D. (6) $650.

A. Don V. Cogman, 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.
B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $3,750. E. (9) $216.98.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $9,000.

A. Diane B. Cohn, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., P.O. Box 19404, Washington, D.C. 20036.
D. (6) $1,667. E. (9) $10.

A. Herbert B. Cohn, Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 North, Washington, D.C. 20036.

A. Elizabeth A. Coker, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $375.75.

A. Cole & Corette, 1200 17th Street NW., Suite 501, Washington, D.C. 20036.
B. American Petroleum Refiners Association, Ring Building, Washington, D.C.
E. (9) $56.

A. Cole & Corette, 1200 17th Street NW., Suite 501, Washington, D.C. 20036.
B. The Chase Manhattan Bank, N.A., 1 Chase Manhattan Plaza, New York, N.Y. 10015.

A. Cole & Corette, 1200 17th Street NW., Suite 501, Washington, D.C. 20036.
B. Dow Chemical Co., 2030 Dow Center, Midland, Mich. 48640.

A. Cole & Corette, 1200 17th Street NW., Suite 501, Washington, D.C. 20036.
B. Transol Sunbelt, Inc., 120 Montgomery Street, San Francisco, Calif. 94104.
D. (6) $5,646.75. E. (9) $7.15.

A. E. William Cole, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $600. E. (9) $96.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $196.54. E. (9) $221.21.

A. John M. Collier, 4436 Perrier, New Orleans, La. 70115.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $10,329.95.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Frozen Food Institute, 1700 Old Meadow Road, No. 100, McLean, Va. 22102.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. American Meat Institute, 1700 North Moore Street, Arlington, Va. 22209.
D. (6) $1,083.75. E. (9) $40.50.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Crop Insurance Research Bureau, P.O. Box 68700, Indianapolis, Ind. 46268.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Ferrous Scrap Consumers Coalition, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Independent Lubricant Manufacturers Association, 1055 Thomas Jefferson Street, NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Association of Convenience Stores, 3 Skyline Place, Suite 809, 5201 Leesburg Pike, Falls Church, Va. 22041.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Norris Industries, Vernon Division, 5215 South Boyle, Los Angeles, Calif. 90058.
D. (6) $1,000. E. (9) $50.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Tool & Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.

A. Collier, Shannon, Rill & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Snelling & Snelling, Inc., 4000 South Tamiami Trail, Snelling Plaza, Sarasota, Fla. 33581.

A. George R. Collins, IUE-AFL-CIO, 1126 16th Street NW., Washington, D.C. 20036.
B. IUE-AFL-CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $300.

A. Marvin Collins, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $825. E. (9) $20.

A. Mary M. Collins, Shell Oil Co., Washington Office, 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Geri Colombaro, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C 20006.

A. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
D. (6) $945.72. E. (9) $1,207.43.

A. Colorado Ski Country USA, 1410 Grant Street, Suite A-201, Denver, Colo. 80203.
D. (6) $300. E. (9) $853.75.

A. W. Kent Combs, 1801 K Street, NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $1,039.49. E. (9) $96.40.

A. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.

A. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $300. E. (9) $300.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $9,805.98. E. (9) $4,587.29.

A. Committee of Urban Program Universities, 1300 19th Street NW., Suite 220, Washington, D.C. 20036.

D. (6) $23,100. E. (9) $9,317.82.

A. Commission to Assure the Availability of Casein, 3213 O Street NW., Washington, D.C. 20007.
D. (6) $16,500.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,925,102.00. E. (9) $300,456.73.

A. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
E. (9) $1,161.23.

A. Lance Compa, United Electrical, Radio & Machine Workers of America, 1411 K Street NW., Suite 410, Washington, D.C. 20005.
B. United Electrical, Radio & Machine Workers of America, 11 East 51 Street, New York, N.Y. 10022.
D. (6) $4,877.42. E. (9) $97.50.

A. Computer & Communications Industry Association, Suite 512, 1500 Wilson Boulevard, Arlington, Va. 22209.

A. Edward C. Cone, Jr., P.O. Box 1606, Forest Park, Ga. 30051.
B. Southeastern Lumber Manufacturers Association, P.O. Box 1606, Forest Park, Ga. 30051.

A. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $32,919.90. E. (9) $33,711.97.

A. Raymond F. Conkling, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $100.00.

A. Stephen N. Conner, Route 1, Box 165, Easton, Md. 21601.
B. Ministry of Foreign Affairs, Kingdom of Saudi Arabia, c/o Royal Embassy of Saudi Arabia, 1520 18th Street NW., Washington, D.C.
E. (9) $1,169.44.

A. Albert J. Conners, Air Force Sergeants Association, 5211 Auth Road, Temple Hills, Md. 20748.
B. Air Force Sergeants Association, 5211 Auth Road, Temple Hills, Md. 20748.

A. John J. Connolly, American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
B. American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
D. (6) $1,500.

A. John P. Connolly, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., Suite 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606).

A. John P. Connolly, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., Suite 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Glenrock Refinery, Inc., P.O. Box 2553, Casper, Wyo. 82602).

A. John P. Connolly, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., Suite 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Newcomb Securities Co., 757 Fifth Avenue, New York, N.Y. 10153).

A. Richard J. Connor, Jr., Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, NW., Washington, D.C. 20004.
D. (6) $1,725. E. (9) $631.04.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. David Conrad, 1723 S Street NW., Washington, D.C. 20009.
B. American Rivers Conservation Council, 323 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $11,924.

A. Lori C. Consadori, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $160.

A. Consolidated Natural Gas Service Co. Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,500.

A. Consolidated Rail Corporation (Conrail), P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $11,518.

A. Constructora Nacional de Carros de Ferrocarril, S.A., San Lorenzo No. 925, Mexico, D.F., Mexico.

A. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $401. E. (9) $401.

A. Consumers Union of U.S., Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.
E. (9) $10,598.

A. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn.
E. (9) $3,233.84.

A. John T. Conway, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $1,312.50. E. (9) $315.72.

A. Alexandra W. Cook, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp., Office of Government Affairs, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $256. E. (9) $261.98.

A. Charles F. Cook, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $131.24. E. (9) $7.50.

A. Crawford Cook and Co., P.O. Box 50485, Columbia, S.C. 29250.
B. Ministry of Foreign Affairs of the Kingdom of Saudi Arabia, Riyadh, Saudi Arabia.
D. (6) $470,000. E. (9) $61,432.04.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $450.

A. Harry N. Cook, 1130 17th Street NW., Washington, D.C. 20036.
B. The National Waterways Conference, Inc.

A. K. Richard Cook, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $425.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Aleut Corp., 2550 Denali Street, Suite 900, Anchorage, Alaska 99503.
D. (6) $2,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. American Academy of Ophthalmology, 1833 Filmore Street, San Francisco, Calif. 94120.
D. (6) $750.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Citizens Deposit Bank, P.O. Box 8, Vanceburg, Ky. 41179.
D. (6) $1,050.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Comprehensive Care Corp., 660 Newport Center Drive, Newport Beach, Calif. 92660.
D. (6) $1,050.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Congress of County Medical Societies, Doctors Building, Independence and Kennedy, Shawee, Okla. 74801.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Consolidated Natural Gas Co., Four Gateway Center, Pittsburgh, Pa. 15222.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. First Bank & Trust Co., 1544 Winchester Avenue, Ashland, Ky. 41101.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. N. C. Machinery, Post Office Box 3562, Seattle, Wash. 98124.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.

B. Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.
D. (6) $6,719.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Roadway Express, Inc., P.O. Box 471—1077 Gorge Boulevard, Akron, Ohio 44309.
D. (6) $2,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Tanadgusix Corp., St. Paul Island, Alaska 99660.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. St. George Tanaq Corp.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $1,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
D. (6) $2,000. E. (9) $58.87.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Tobacco Institute, 1875 I Street NW., Eighth Floor, Washington, D.C. 20006.
D. (6) $4,000. E. (9) $15.83.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Western Union Telegraph Co., 1828 L Street NW., Suite 1001, Washington, D.C. 20036.
D. (6) $1,968.75.

A. Thomas M. Cook, National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004-1886.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 E. Huron Street, Chicago, Ill. 60611.
D. (6) $1,231.

A. Paul H. Cooksey, 212 North Lee Street, Alexandria, Va. 22314.
B. Cooksey Corp., 212 North Lee Street, Alexandria, Va. 22314 (for Marconi Space & Defense Systems).
D. (6) $1,500. E. (9) $199.14.

A. Paul H. Cooksey, 212 North Lee Street, Alexandria, Va. 22314
B. Cooksey Corp. (for Messerschmitt-Bolkow-Blohm), 212 North Lee Street, Alexandria, Va. 22314.
D. (6) $6,500. E. (9) $125.46.

A. Bernard J. Cooney, Suite 900, 1730 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629
D. (6) $2,310. E. (9) $156.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Paul E. Cooney, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Benjamin Y. Cooper, Jr., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $4,000.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
D. (6) $1,470. E. (9) $60,87.

A. Emanuel M. Cooper, 651 State Street, Bridgeport, Conn.

A. Jess Cooper, Rocky Mountain Oil and Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.
B. Rocky Mountain Oil and Gas Association, 345 Petroleum Building, Denver, Colo. 80202.
D. (6) $852. E. (9) $790.34.

A. Joshua W. Cooper, Portsmouth-Kittery, Armed Services Committee, Inc., 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery, Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $1,400. E. (9) $769.02.

A. Kathy J. Cooper, Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $100.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $210.50.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $11,550. E. (9) $1.25.

A. Darrell Coover, National Association of Independent Insurers, 499 South Capitol Street, SW., No. 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $2,000. E. (9) $428.

A. James M. Copeland, Jr., Chicago Mercantile Exchange, 1101 Connecticut Avenue NW., Suite 801, Washington, D.C. 20036.
B. Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $6,999.

A. Constance E.R. Corbino, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $375.

A. Corcoran, Hardesty, Ewart, Whyte and Polito, P.C., 1575 Eye Street NW., Suite 510, Washington, D.C. 20005.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $64,641.50. E. (9) $7,481.76.

A. John F. Corcoran, Southern Railway Co., 920 15th Street, NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15 Street, NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. Frank G. Kingsley, 285 Canoe Road, New Canaan, Conn. 06840.
D. (6) $12,500. E. (9) $455.

A. Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. Milliken & Co., P.O. Box 1927, Spartanburg, SC. 29304.
D. (6) $5,000. E. (9) $175.

A. Samuel C. Corey, Jr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Samuel C. Corey, Sr., 2500 DeKalb Pike, Norristown, Pa. 19404.
B. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa. 19404.

A. Bennett J. Corn, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.

A. Corn Refiners Association, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,253. E. (9) $2,694.

A. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.

A. Richard L. Corrigan, 1090 Vermont Avenue NW., Suite 560, Washington, D.C. 20005.
B. CH2M Hill, Inc., 1600 SW., Western Boulevard, Corvallis, Oreg. 97330.
D. (6) $1,200.

A. Allan D. Cors, Corning Glass Works, 1800 K Street, NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y.
D. (6) $500.

A. Glen S. Corso, Mortgage Bankers Association of America, 1125 15th Street, NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $6,840. E. (9) $299.

A. R. H. (Dick) Cory, Central and South West Services, Inc., 1510 American Bank Tower, Austin, Tex. 78701.
B. Central and South West Services, Inc., One Main Place, Suite 2700, Dallas, Tex. 78250.

A. Clark R. Cosse' III, 5644 Hawthorne Place, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La 70152.
D. (6) $8,525.04.

A. James R. Costello, Jr., American Textile Manufacturers Institute, 1101 Conn. Ave. NW., Suite 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1101 Connecticut Ave. NW., Suite 300, Washington, D.C. 20036.
D. (6) $500. E. (9) $67.40.

A. Michael E. Costello, 1090 Vermont Avenue NW., Suite 600, Washington, D.C. 20005.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $197.46.

A. Diane M. Costenoble, Food and Beverage Trades Department, AFL-CIO, 815 16th Street, NW. Suite 408, Washington, D.C. 20006.
B. Food & Beverage Trades Department, AFL-CIO, 815 16th Street NW, Suite 408, Washington, D.C. 20006.
D. (6) $402.20. E. (9) $40.

A. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
D. (6) $181.

A. Coudert Brothers, One Farragut Square South, Washington D.C. 20006.
B. U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
D. (6) $100,000. E. (9) $1,031.85.

A. J. Barry Coughlin, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $750.90. E. (9) $1,233.29.

A. Paul J. Coughlin, Jr., 1120 20th Street NW., Suite 600 S, Washington, D.C. 20036.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y. 10154-0137.
D. (6) $1,250.

A. Craig A. Coulter, 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $1,075.

A. Council for Languages and Other International Studies, 11 Dupont Circle NW., Suite 210, Washington, D.C. 20036.
D. (6) $5,500. E. (9) $2,350.

A. Council of Industrial Boiler Owners, 11222 Silverleaf Drive, Fairfax Station, Va. 22039.
E. (9) $1,634.

A. Council of State Chambers of Commerce, 499 South Capitol Street SW., Suite 412, Washington, D.C. 20003.
D. (6) $495.89. E. (9) $311.30.

A. Jean Anne Courey, National Association of Arab Americans, Suite 211, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. National Association of Arab Americans, 1825 Connecticut Avenue NW., Suite 211, Washington, D.C. 20009.
D. (6) $2,125. E. (9) $425.

A. William R. Courtney, P.O. Box 844, Temple, Tex. 76503.
B. Tribal Council of the Coushatta Tribe of Louisiana, P.O. Box 988, Elton, La. 70532.
E. (9) $500.

A. James H. Cousins, Sr., National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000. E. (9) $148.74.

A. John F. Cove, 918 16th Street NW., No. 702, Washington, D.C. 20006.
B. Cove Associates, Inc., 918 16th Street NW., No. 702, Washington, D.C. 20006.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
D. (6) $4,466.25.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. American Association of Oral and Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago Ill. 60611.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. American Watch Association, Inc., 10 East 40th Street, New York, N.Y. 10016.
D. (6) $1,100. E. (9) $4.70.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99510.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Facet Enterprises, Inc., 7030 S. Yale Avenue, Tulsa, Okla. 74177.
E. (9) $8.70.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Irving Trust Co., One Wall Street, New York, N.Y. 10015.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. National Committee for Limited Profit Housing, c/o HRH Construction Corp., 915 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017.; Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. New York State Urban Development Corp., 1515 Broadway, New York, N.Y. 10036

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Reichhold Energy Corp., P.O. Box 1482, Tacoma, Wash. 98401.
D. (6) $1,180. E. (9) $50.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
B. Securities Industry Association, 489 L'Enfant Plaza East SE., Washington, D.C. 20024.

A. Eugene S. Cowen, 2759 Unicorn Lane, NW., Washington, D.C. 20015.
B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $96.72.

A. Archibald Cox, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,492.50. E. (9) $928.57.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.

A. Joseph S. Crane, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $437.50.

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Iron & Steel Institute).

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $6,000.

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Avis Enterprises).

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Beretta Corp.).

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for HTB Corp.).

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the Joint Maritime Congress), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $4,500.

A. Charles S. Crawford, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Tera Corp.).

A. William D. Crawford, Brotherhood Railway Carmen of the United States and Canada, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo. 64112.
D. (6) $2,031.96.

A. Credit Union National Association, Inc., 1730 Rhode Island Avenue, Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $1,002.53.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $500.

A. Joseph M. Cribben, 6900 Valley Brook Drive, Falls Church, Va. 22042.
B. United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $30.

A. P. H. Croft, American Short Line Railroad Association, 2000 Massachusetts AvenueNW., Washington, D.C. 20036.
B. American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Robert W. Cromartie, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $50.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20815.
B. General Electric, 777 14th Street, NW., Washington, D.C. 20005.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20815.
B. Hughes Helicopters, 1140 Connecticut Avenue NW., No. 1005, Washington, D.C. 20036.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20815.
B. Motorola, Inc., 1776 K Street NW., No. 200, Washington, D.C. 20006.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20815.
B. Northrop Corp., 1000 Wilson Boulevard, No. 2300, Rosslyn, Va. 22209.

A. Charles H. Cromwell, Inc., 6709 Georgia Street, Chevy Chase, Md. 20815.
B. Vought Corp., 1725 Jefferson Davis Highway, No. 900, Arlington, Va. 22202.

A. James H. Cromwell, Sr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006
D. (6) $3,000. E. (9) $500.

A. Donald A. Crosier, Nebraska Petroleum Council, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
D. (6) $100. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Associated Gas Distributors, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
D. (6) $356. E. (9) $20.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,200. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Helicopter Association International, Suite 430, 1110 Vermont Avenue NW., Washington, D.C. 20005.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Wholesaler-Distributors, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $5,280. E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pacor Corp., 1900 North Sixth Street, Philadelphia, Pa. 19122.
E. (9) $10.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Regional Airline Association, 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sierra Pacific Power Co., P.O. Box 10100, Reno, Nev. 89502.

A. Crowell & Moring, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Zimpro Inc., Military Road, Rothschild, Wis. 54474.
D. (6) $805.50.

A. David C. Crowley, 1050 17th Street NW., S-770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., S-770, Washington, D.C. 20036.
D. (6) $450. E. (9) $25.

A. Cuba Claims Association, Executive Committee, P.O. Box 014004, Miami, Fla. 33101.
E. (9) $30.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. Richard C. Cunan, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
D. (6) $5,000. E. (9) $1,172.58.

A. John T. Curran, Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $13,282.50. E. (9) $233.25.

A. John T. Curran, National Coordinating Committee for Multiemployer Plans, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. National Coordinating Committee for Multiemployer Plans, 815 16th Street NW., Suite 603, Washington, D.C. 20006.

A. Sharon Allen Currens, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,400.

A. Carl T. Curtis, 1101 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Don Rich Co., 372 Franklin Avenue, Redlands, Calif. 92373.

A. Edward P. Curtis, Jr., Genesee Public Affairs, Inc., 36 West Main Street, Rochester, N.Y. 14614.
B. Ministry of the Environment, Province of Ontario, Canada, 135 St. Clair Avenue West, Toronto, Ontario M4V 1P5.
D. (6) $7,550. E. (9) $3,756.37.

A. M. Rupert Cutler, 950 Third Avenue, New York, N.Y. 10022.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $900. E. (9) $412.50.

A. William K. Dabaghi, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $890.

A. Fred L. Dahl, 10808 South Glen Road, Potomac, Md. 20854.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.
E. (9) $474.24.

A. William Kay Daines, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $550. E. (9) $42.10.

A. Lewis I. Dale, Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $50.

A. Terese C. D'Alessio, 2020 North 14th Street, Suite 402, Arlington, Va. 22201.
B. American Newspaper Publishers Association, P.O. Box 17407, Dulles International Airport, Washington, D.C. 20041.
D. (6) $6,670. E. (9) $209.89.

A. Terese C. D'Alessio, 2020 North 14th Street, Suite 402, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $42. E. (9) $2.55.

A. Donald W. Dalrymple, American Cyanamid Co., 1575 Eye Street NW., Suite 220, Washington, D.C. 20005.
B. American Cyanamid Co., (for: Lederle Laboratories, Pearl River, New York 10965), Wayne, N.J. 07470.
D. (6) $2,655. E. (9) $315.88.

A. James G. Dalton, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. John M. Damgard, ACLI International, Inc., 1735 I Street NW., Washington, D.C. 20006.
B. ACLI International, Inc., 717 Westchester Avenue, White Plains, N.Y. 10604.

A. Damrell, Damrell & Nelson, P.C., 911 13th Street, P.O. Box 3489, Modesto, Calif. 95353.
B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.
D. (6) $1,065. E. (9) $217.46.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.

A. Daniels, Houlihan & Palmeter, P.C., 1819 H Street NW., Washington, D.C. 20006.
B. Japan Lumber Importers' Association, Tokyo, Japan.

A. Dan Danner, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
B. ARMCO, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $300 (estimate). E. (9) $211.14.

A. Oneida L. Darley, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Diane Davenny Darneille, Schering-Plough Corp. 1100 17th Street NW., Suite 1206, Washington, D.C. 20036.
B. Schering-Plough Corp. 2000 Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $271.00. E. (9) $165.91.

A. Thomas Roger Dart, Alabama Petroleum Council, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
E. (9) $6,234.97.

A. Philip J. Daugherty, Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $7,852.50. E. (9) $153.29.

A. John B. Davenport, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $147.21.

A. Daniel I. Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051, and the Cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and Associate Member Plumas-Sierra Rural Electric Cooperative.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Drew M. Davis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $243.11. E. (9) $10.

A. Edward M. Davis, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $3,118.76. E. (9) $200.

A. Fred Davis, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,250. E. (9) $528.02.

A. Davis, Graham & Stubbs, 2600 Colorado National Building, P.O. Box 185, Denver, Colo. 80201.
B. Integrity Oil and Gas Co., 410 17th Street, Suite 1670, Denver, Colo. 80202.
D. (6) $1,147.50. E. (9) $911.49.

A. Davis, Graham & Stubbs, 2600 Colorado National Building. P.O. Box 185, Denver, Colo. 80201.
B. Snyder Oil Co., 410 17th Street, Suite 1300, Denver, Colo. 80202.
D. (6) $1,147.50. E. (9) $911.49.

A. Davis, Graham & Stubbs, 2600 Colorado National Building. P.O. Box 185, Denver, Colo. 80201.
B. Tenneco Oil Co., 126 North Point Drive, P.O. Box 2888, Houston, Tex. 77001.
D. (6) $1,566. E. (9) $1,243.91.

A. Kenneth E. Davis, 1899 L Street NW., Suite 807, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $183.87.

A. Ovid R. Davis, The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. R. Hilton Davis, Chamber of Commerce of U.S.A., 1615 H Street NW., Washington, D.C. 20062
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $832. E. (9) $30.

A. Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, N.Y. 10005.
B. International Paper Co., 77 West 45th Street, New York, N.Y.
D. (6) $1,985. E. (9) $18.50.

A. Davis Polk & Wardwell, 1575 I Street NW., Washington, D.C. 20005.
B. Morgan Guaranty Trust Co. of New York, 23 Wall Street, New York, N.Y. 10015.
E. (9) $40.

A. Davis Polk & Wardwell, 1575 I Street NW., Washington, D.C. 20005.
B. NLT Corp., Nashville Life Center, Nashville, Tenn. 37250.
D. (6) $155. E. (9) $7.

A. Davis Polk & Wardwell, 1575 I Street NW., Washington, D.C. 20005.
B. Societe Generale, 8, Rue Auber, 75009 Paris, France.
E. (9) $8.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $720. E. (9) $477.

A. Davis, Wright, Todd, Riese & Jones, 1050 Thomas Jefferson Street NW., 6th floor, Washington, D.C. 20007.
B. Southern Pacific Communications Co., P.O. Box 974, Burlingame, Calif. 94010.
E. (6) $600. E. (9) $39.88.

A. William Lee Davis, Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
D. (6) $1,562.50. E. (9) $754.36.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 E. Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
B. Burlington Northern, Inc., 176 E. Fifth Street, St. Paul, Minn. 55101 et al.
E. (9) $1,103.82.

A. Donald S. Dawson, Washington Building, Suite 723, Washington, D.C. 20005.
B. Opticians Association of America, 1250 Connecticut Avenue NW., Suite 602, Washington, D.C. 20036.

A. Donald S. Dawson, Washington Building, Suite 723, Washington, D.C. 20005.
B. United States Brewers Association, 1750 K Street NW., Washington, D.C. 20006.

A. Donald S. Dawson, Washington Building, Suite 723, Washington, D.C. 20005.
B. Virgin Islands Gift & Fashion Shop Association, P.O. Box 2232, St. Thomas, Virgin Islands.

A. Donald S. Dawson, Washington Building, Suite 723, Washington, D.C. 20005.
B. Virgin Islands Merchants Association, St. Thomas, Virgin Islands 00201.

A. J. Edward Day, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Third Class Mail Association, 1725 K Street NW., No. 607, Washington, D.C. 20006.

A. J. Edward Day, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Electronic Industries Association Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. American Metal Detectors Manufacturers, Inc., 2814 National Drive, Garland, Tex. 75401.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Coalition of Automotive Associations, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. National Outdoor Coalition, 8397 Tamarind Avenue, Fontana, Calif. 92335.

A. John Russell Deane III, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Specialty Equipment Market Association, 11540 East Slauson Avenue, Whittier, Calif. 90606.
D. (6) $3,250. E. (9) $52.64.

A. Gaston de Bearn, Department of Federal Government Affairs, Hoffman-La Roche

Inc., 1775 K Street NW., Suite 300, Washington D.C. 20006.
B. Hoffman-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

A. Robert L. Debo, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Mark O. Decker, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $87.50. E. (9) $87.50.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Brian Deery, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Donald H. Defoe, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $450.00. E. (9) $1,865.00.

A. George K. Degnon Associates, Inc., 1311A Dolley Madison Boulevard, Suite 3A, McLean, Va. 22101.
B. Association of State and Territorial Health Officials, 1311A Dolley Madison Boulevard, Suite 3A, McLean, Va. 22101.
E. (9) $1,500.

A. George K. Degnon Associates, Inc., 1311A Dolley Madison Boulevard, Suite 3A, McLean, Va. 22101.
B. The National Association of Children's Hospitals and Related Institutions Suite 34, Independence Mall, 1601 Concord Pike, Wilmington, Del. 19803.

A. DeHart Associates, Inc., 1505 22nd Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 888 Seventh Avenue, New York, N.Y. 10106
D. (6) $2,535.00. E. (9) $943.21

A. John P. DeKany, 201 I Street SW., Suite 823, Washington, D.C. 20024.
B. Manufacturers of Emission Controls Association, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. John W. Delaney, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. John W. Delaney, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. John L. Delano, Montana Railroad Association, Box 1172, Helena, Mont. 59624.
B. Montana Railroad Association, Box 1172, Helena, Mont. 59624.
E. (9) $1103.86.

A. Robert B. Delano, American Farm Bureau Federation, 224 Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $2,500.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C.
B. Consejo Estatal de Desarrollo, Carratera A Tecate No. 1, Apartado 1798, Tijuana, Baja California.

A. Dell, Craighill, Fentress & Benton, 888 17th Street NW., Suite 1200, Washington, D.C.
B. Governor Roberta de la Madrid, Gobernador de Baja California, P.O. Box 286, San Ysidro, Calif. 92073.

A. Cartha D. DeLoach, 700 Anderson Hill Road, Purchase, N.Y. 10577.
B. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
D. (6) $600. E. (9) $188.60.

A. Susan C. DeMarr, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,500.

A. Tania L. Demchuk, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill 60018.
D. (6) $100.

A. Bradford T. Dempsey, 512 West Maple Avenue, No. 210, Vienna, Va. 22180.

A. George H. Denison, 4837 Del Ray Avenue, Washington, D.C. 20014.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,350.

A. Ray Denison, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $17,650.15. E. (9) $861.25.

A. John H. Denman, Missouri Oil Council, 428 East Capitol, Suite 203, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Wells Denyes, Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $320 E. (9) $31.40.

A. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $8,379.31 E. (9) $8,379.31.

A. Derrel B. De Passe, Container Corp. of America, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Container Corp. of America, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $9,750 E. (9) $4,950.

A. Detroit Edge Tool Co., 6570 East Nevada, Detroit, Mich. 48234.
A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. American Small & Rural Hospital Association, Ohio Chapter, 426 West Main Street, Bellevue, Ohio 44811.

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. Dilworth, Paxson, Kalish & Levy, 1819 H Street NW., Washington, D.C. 20006.
D. (6) $1,275.

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
D. (6) $3,443.75.

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Los Angeles, Calif. 90024.
D. (6) $13,333.32.

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,449.20

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. Payco American Corp., 6230 Busch Boulevard, Columbus, Ohio 43229.
D. (6) $431.25.

A. Samuel L. Devine, Bricker & Eckler, 1301 Pennsylvania Avenue NW., Suite 1150, Washington, D.C. 20004.
B. Pepsico, Inc., Purchase, N.Y. 10577.
D. (6) $10,000. E. (9) $26.17.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.
D. (6) $310.

A. Ralph B. Dewey, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $794.75. E. (9) $341.88.

A. Doris J. Dewton, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France.
D. (6) $8,990. E. (9) $3,385.60.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. European Aerospace Corp., 1101 15th Street NW., Washington, D.C. 20007.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Sofreavia, 75 rue la Boetie, Paris 8eme, France.
D. (6) $2,415. E. (9) $1,237.40.

A. Diamond Shamrock Corp., 717 North Harwood Street, Dallas, Tex.
E. (9) $241.55.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,875.

A. John M. Dickerman, John M. Dickerman & Associates, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 40 Ivy Street SE., Washington, D.C. 20003.
D. (6) $5,332.32. E. (9) $334.89.

A. Chester T. Dickerson, Jr., Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63167.
E. (9) $1,648.80.

A. Ann Sanders Dickey, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW, Washington, D.C.
D. (6) $2,332. E. (9) $40.

A. William E. Dickinson, 206 North Washington Street, Suite 300, Alexandria, Va. 22314.
B. Salt Institute, 206 North Washington Street, Suite 300, Alexandria, Va. 22314.
D. (6) $3,000. E. (9) $250.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, Suite 801, 1901 L Street NW., Washington, D.C. 20036.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y. 10038.
D. (6) $10,000.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street NW., Suite 801, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $8,100. E. (9) $686.15.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street NW., Suite 801, Washington, D.C. 20036.
B. K mart Corp., 3100 West Big Beaver Road, Troy, Mich. 48084.
E. (9) $66.13.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street NW., Suite 801, Washington, D.C. 20036.
B. Oakland County D.P.W., 1 Public Works Drive, Pontiac, Mich. 48053.
E. (9) $32.73.

A. Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street NW., Suite 801, Washington, D.C. 20036.
B. Royal Hawaiian Cruises, Inc., World Trade Center, Suite 1050, San Francisco, Calif. 94111.
D. (6) $1,107.50.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. American Fisheries Defense Comm., 2101 L Street NW., 10th Floor, Washington, D.C. 20037.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Capeway Seafoods, Inc., 16 Front Street, New Bedford, Mass. 02742.
A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Custom Automotive Sound Association, Inc., Suite 1000, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Federated Cash Management Systems, 421 Seventh Avenue, Pittsburgh, Pa. 15219.
D. (6) $6,100.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. L-5 Society, 1620 North Park, Tucson, Ariz. 86719.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Marine Engineers Beneficial Association, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. National Federation of Societies for Clinical Social Work, 167 Arcar Road, Babylon, N.Y. 11702.
D. (6) $500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Rockport Yacht & Supply Co., 1114 Main Street, Rockport, Tex. 78382.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. The Shrimp Harvesters Coalition of the Gulf Coast and South Atlantic States, 2101 L Street NW., 10th Floor, Washington, D.C. 20037.
D. (6) $3,825.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. Debra N. Diener, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.

A. John R. Dierker, 1150 17th Street NW., Suite 500, Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $24.50.

A. Nancy Dietz, 45 Everett Street, Newton Centre, Maine 02159.
B. Action for Children's Television, 46 Austin Street, Newtonville, Maine 02160.
D. (6) $500.

A. Timothy V. A. Dillon, 1850 K Street NW., Washington, D.C.
B. Westlands Water District, P.O. Box 6056, Fresno, Calif. 93703.
D. (6) $2,482.83. E. (9) $232.83.

A. Thomas A. Dine, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $8,749.99.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $1800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
E. (9) $2,955.94.

A. Harley M. Dirks, Stanton Square, 420 C Street NE., Washington, D.C. 20002.
B. Professional Services Council, Suite 1200, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $158.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $117,204.46. E. (9) $117,204.46.

A. J. L. Disque, 556 Morris Avenue, Summit, N.J. 07901.
B. CIBA-GEIGY Corp., 556 Morris Avenue, Summit, N.J. 07901.
D. (6) $400. E. (9) $348.

A. Dennis C. Dix, Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.
B. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.

A. Patsy B. Dix, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,660.10. E. (9) $20.80.

A. O. L. Dixon III, Gulf Power Co., P.O. Box 1151, Pensacola, Fla. 32520.
B. Gulf Power Co., P.O. Box 1151, Pensacola, Fla. 32520.

A. DoAll Co., 254 North Laurel Avenue, Des Plaines, Ill. 60016.

A. William H. Dodds, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Impelement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $13,523.75. E. (9) $84.65.

A. Steven P. Doehler, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
B. Mortgage Insurance Companies of America, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
D. (6) $2,500.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.
B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. (6) $5,000. E. (9) $385.

A. John D. Doherty, Jr., 900 Seventeenth Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, N.A., 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $225. E. (9) $18.60.

A. Julie Domenick, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $2,412.50. E. (9) $1,044.47.

A. Domestic Wildcatters Association, P.O. Box 4394, Houston, Tex.
E. (9) $95,217.24.

A. Brian J. Donadio, American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.

B. American Osteopathic Association, 499 S. Capitol Street SW., Suite 104, Washington, D.C. 20003.
D. (6) $1,650.

A. Leo J. Donahue, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. John C. L. Donaldson, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Defense Logistics Supply Corp.).

A. John C. L. Donaldson, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Tera Corp.).

A. Timothy L. Donohoe, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Enserch Corp., 300 South St. Paul Street, Dallas, Tex. 75201.
D. (6) $7,500. E. (9) $1,231.23.

A. Thomas J. Donohue, 1615 H Street NW., Washington, D.C. 20062.
B. Citizen's Choice, Inc., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,000.10.

A. Jack C. Donovan, P.O. Box 5000, Cleveland, Ohio 44101.
B. The Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.

A. William J. Donovan, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $1,104.90.

A. Ira Dorfman, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, 2020 K Street NW., Suite 850, Washington, D.C. 20006.
D. (6) $710.77. E. (9) $9.

A. Dean R. Dort II, Deere & Co., 910 17th Street NW., Suite 808, Washington, D.C. 20006.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.
D. (6) $175.

A. Joseph K. Doss, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $4.50.

A. Theodore Douglas, 2501 59th Street, St. Louis, Mo. 63110.
B. Painters District Council No. 2, 2501 59th Street, St. Louis, Mo. 63110.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Advance Publications, Inc., 950 Fingerboard Road, Staten Island, N.Y. 10305 and Palmer Communications, Inc., 1100 Walnut Street, Des Moines, Iowa 50308.
E. (9) $2,614.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Advance Publications, Inc., 950 Fingerboard Road, Staten Island, N.Y. 10305, and Palmer Communications, Inc., 1100 Walnut Street, Des Moines, Iowa 50308.
E. (9) $2,614.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hampton Roads Energy Co., Security Marine Terminal Co., 709 Court Street, Portsmouth, Va. 23704.

A. Charles P. Downer, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $800. E. (9) $250.

A. Jane L. Downey, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

A. John P. Doyle, Jr., Bell Helicopter Textron, Suite 1100, 1090 Vermont Avenue NW., Washington, D.C. 20005.
B. Bell Helicopter Textron, 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
D. (6) $3,221.87. E. (9) $1,728.87

A. Robert H. Doyle, 1130 17th Street NW., Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.

A. James E. Drake, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,043.

A. Nancy Drabble, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $4,250.

A. Kevin J. Driscoll, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Edwin Jason Dryer, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs for: Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Edwin Jason Dryer, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs for: VGS Corp. (Southland Oil Co.) 1775 Pennsylvania Avenue NW., Washington, D.C. 20036.

A. Evelyn Dubrow, International Ladies Garment Workers Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies Garment Workers Union 1710 Broadway, New York, N.Y. 10019.
D. (6) $9,659. E. (9) $3,491.29.

A. Morgan D. Dubrow, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $150.

A. Barbara S. Dudeck, 955 L'Enfant Plaza SW., No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.

A. Jane McPike Dudley, 1101 15th Street, NW., Suite 1000, Washington, D.C. 20005.
B. National Constructor Association, 1101 15th Street, NW., Suite 1000, Washington, D.C. 20005.
D. (6) $375.

A. Douglas Duerr, Credit Union National Association, Inc., 1730 Rhode Island Avenue Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $326.59.

A. Ann Anderson Duff, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Michael Duffy, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $6.18.

A. Francis J. Duggan, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $2,188.30. E. (9) $311.64.

A. Evelyn Dukovic, 3 East 86th Street, New York, N.Y. 10028.
B. Morality in Media, Inc., 475 Riverside Drive, New York, N.Y. 10115.

A. Mervin E. Dullum, 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $200. E. (9) $69.50.

A. Don R. Duncan, Phillips Petroleum Co., 1825 K Street NW., No. 1107, Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Suite 302, Washington, D.C. 20007.
B. Eugene Water & Electric Board, Eugene, Oreg. 97401.
D. (6) $506.62. E. (9) $392.74.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Helicopter Loggers Association, P.O. Box 206 Wilsonville, Oreg. 97070.
D. (6) $1,428.50. E. (9) $1,106.46.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Mountain States Energy, Inc., P.O. Box 3662, Butte, Mont. 59702.
D. (6) $4,845.18. E. (9) $3,835.34.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Washington, D.C. 20007.

B. Otis Elevator Co., Transportation Technology Division, P.O. Box 7293, Denver, Colo. 80207.
D. (6) $2,152.87. E. (9) $1,669.05.

A. Robert B. Duncan, Schwabe, Williamson, Wyatt, Moore & Roberts, 1000 Potomac Street NW., Washington, D.C. 20007.
B. State of Oregon, City of Portland, Oreg., Metro-Metropolitan Service District, Tri-County Metropolitan Transportation District.
D. (6) $4,135.17. E. (9) $3,204.52.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Adolph Kizas, 5715 Timothy Place, Alexandria, Va. 22303.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Dayton-Montgomery County Park District, 1375 E. Silbenthaler Avenue, Dayton, Ohio 45414.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Delaware "5", (Delaware Cities of Newark, Milford, New Castle, and Seaford). Thomas C. Hughes, P.O. Box 390, Newark, Del. 19711 et al.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Huron-Clinton Metropolitan Authority, 3050 Penobscot, Detroit, Mich. 48226.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Iva May Harvey, Route 7, Box 117, Blythe, Calif. 92225.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Koniag, Inc., P.O. Box 746, Koniag, Alaska.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Mid-West Electric Consumer Association, P.O. Box 5089, Evergreen, Colo.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. State of North Dakota, c/o Attorney-General Robert O. Wefald, State Capitol, Bismarck, N. Dak. 58505.
D. (6) $285. E. (9) $10.20.

A. Duncan, Weinberg & Miller, P.C., 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Western Fuels Association, Inc., 1225 19th Street NW., Suite 500, Washington, D.C. 20036.

A. Mari Lee Dunn, American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C.
B. American Council for Capital Formation, 1919 Pennsylvania Avenue NW., Washington, D.C.

A. James A. Dupree, Ford Motor Co., Washington Affairs, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $1,825. E. (9) $1,198.75.

A. Joseph L. Duran, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Raymond Durazo, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,000. E. (9) $1,000.

A. B. J. Durham, Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.
B. Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.
D. (6) $405. E. (9) $4,909.

A. Daniel A. Dutko, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Beneficial Management Corp. of America, 200 South Street, Morristown, N.J. 07960.
D. (6) $833.

A. L. L. Duxbury, Burlington Northern Inc., 413 New Jersey Avenue SE., Washington, D.C. 20003.
B. Burlington Northern Inc., 1111 Third Avenue, Seattle, Wash. 98101.
D. (6) $2,600. E. (9) $336.49.

A. Denis J. Dwyer, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $285.

A. Dennis J. Earhart, 1753 Euclid Street NW., Washington, D.C. 20009.
B. Bonneville Associates, Inc., 200 East South Temple, Suite 300, Salt Lake City, Utah 84111 (for Western Regional Council, Box 81244, Salt Lake City, Utah 84108).
D. (6) $394.98.

A. A. Blakeman Early, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $5,481. E. (9) $152.55.

A. Jack D. Early, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $735. E. (9) $53.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 3213 O Street NW., Washington, D.C. 20007.

A. D. R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $3,125.

A. Robert E. Ebel ENSERCH Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. ENSERCH Corp., 300 South St. Paul Street, Dallas, Tex. 75201.
D. (6) $1,450. E. (9) $792.

A. Harold F. Eberle, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 100 Church Street. New York, N.Y. 10007
D. (6) $13,221.18.

A. N. Boyd Ecker Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $67.05

A. Robert C. Eckhardt, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Consolidated Natural Gas Co., 4 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,333.

A. Robert C. Eckhardt, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Consumer Federation of America, 1314 14th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $161.46.

A. Robert C. Eckhardt, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investment Co., Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $6,250.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. American Seat Belt Council, P.O. Drawer F, Jamesburg, N.J. 08831.
D. (6) $4,500. E. (9) $116.61

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., 2055 W. 190th Street, Torrance, Calif. 90504.
D. (6) $9,000. E. (9) $124.68.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. DGA International, 1225 19th Street, Washington, D.C. 20036 (for Airbus Industrie, 31700 Blasnau, Toulouse, France.)
D. (6) $1,440.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. DGA International, 1225 19th Street, Washington, D.C. 20036 (for SOFREAVIA 75 Rue La Boetie, 76008, Paris, France.)
D. (6) $1,210.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Electronic Industries Association of Japan, 2-2, 3-Chome Marunouchi, Chiyoda-Ku, Tokyo, Japan.
D. (6) $10,500. E. (9) $17.

A. Peter B. Edelman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 for: City of Minneapolis.

A. Peter B. Edelman, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 for: Independent Refiners Association of America, 1775 Pennsylvania Avenue, NW., Washington, D.C. 20006.

A. William R. Edgar, Gates Learjet Corp., 815 Connecticut Avenue NW., No.401, Washington, D.C. 20006.
B. Gates Learjet Corp., 8220 West Harry, Wichita, Kans. 67277.

A. Helen H. Edge, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $355.78.

A. Arthur B. Edgeworth, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,750.

A. Edison Electric Institute, 1111 19th Street NW., 9th Floor, Washington, D.C. 20036.
D. (6) $14,405.02. E. (9) $75,427.39.

A. Stephen L. Edmiston, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $8,092.80. E. (9) $1,391.22.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, No. 2201, St. Louis, Mo. 63105.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Cherokee Nation, P.O. Box 119, Tahlequah Olka. 74464.

A Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Doss Aviation, Inc., P.O. Box 725, Fort Rucker, Ala. 36360.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Oklahama Association of Electric Coops, P.O. Box 11047, Oklahama City, Okla. 73111.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., Suite 420, Washington D.C. 20037.

A. EDS Corp., 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $1,540.80.

A. Edwards Associates, Inc. 507 Second Street NE., Washington, D.C. 20002.
B. Blue Ribbon Sports, Inc., 3900 SW., Murray Boulevard, Beaverton, Oreg. 97005.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Edwards Associates, Inc., 507 Second Street NE., Washington, D.C. 20002.
B. Portland General Electric Co., 121 Southwest Salmon, Portland, Oreg. 97204.

A. Christine A. Edwards, 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $140. E. (9) $32.35.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Macon T. Edwards, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,700. E. (9) $96.12.

A. William A. Edwards, 260 Old Country Road, Mineola, N.Y. 11501.
B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.
D. (6) $1,800. E. (9) $1,093.81.

A. Paul S. Egan, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,532. E. (9) $192.32.

A. Law Offices of Eggers & Greene, P.C., 1407 Main Street, Suite 335, Dallas, Tex. 75202.
B. The LTV Corp., P.O. Box 225003, Dallas, Tex. 75265
D. (6) $3,000. E. (9) $2,954.35.

A. Law Offices of Eggers & Greene, P.C., 1407 Main Street, No. 335, Dallas, Tex. 75202.
B. Whitney National Bank of New Orleans, 228 Saint Charles Avenue, New Orleans, La.

A. Charles E. Ehrhart, 2000 L Street NW., No. 801, Washington, D.C. 20036.
B. Ralston Purina Government Affairs, Inc., 2000 L Street NW., Suite 801, Washington, D.C. 20036.
D. (6) $500. E. (9) $165.

A. Sara Ehrman, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $9,423.05.

A. Mary Ann Eichenberger, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,800. E. (9) $1,870.

A. Jonathan P. Ela, Sierra Club, 142 W. Gorham Street, Madison, Wis. 53703.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $552.15. E. (9) $2,497.94.

A. H. J. Elam III, Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.
B. Cone Mills Corp., 1201 Maple Street, Greensboro, N.C. 27405.

A. James V. Elder, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $2,127.80. E. (9) $350.08.

A. Jane E. Elder, Sierra Club, 142 W. Gorham Street, Madison, Wis. 53703.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $1,166.25.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $55. E. (9) $205.

A. J. Burton Eller, Jr., National Cattlemen's Association, 425 13th Street NW., Suite 1020, Washington, D.C. 20004-1886.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Charles E. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
E. (9) $140.73.

A. John Ellis, 1957 E. Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW, Washington, D.C. 20036.
D. (6) $5,438.51. E. (9) $80.80.

A. Joseph T. Elvove, 54 Surfwatch Drive, Kiawah Island, S.C. 29455.
B. Publicker Industries, Inc., 777 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $17,400. E. (9) $7,795.13.

A. Ely, Guess & Rudd, 1090 Vermont Avenue NW., No. 630, Washington, D.C. 20005.

A. Carl F. Emde, Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Suite 801, Washington, D.C. 20036.
D. (6) $86,823.80. E. (9) $78.059.72.

A. Emerson Electric Co., 8000 W. Florissant, St. Louis, Mo. 63136.
E. (9) $3,603.35.

A. Employee Relocation Council, 1627 K Street NW., Suite 600, Washington, D.C. 20006.
E. (9) $11,236.06.

A. Lowell J. Endahl, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $170.

A. Energy Consumers and Producers Association, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $35,997.55. E. (9) $6,341,38.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. National Health Federation, P.O. Box 688, Monrovia, Calif. 91016.
D. (6) $3,000.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa. 17405.
D. (6) $1,950. E. (9) $522.78.

A. Ralph Engel, 1001 Connecticut Avenue, Suite 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue, Suite 1120, Washington, D.C. 20036.
D. (6) $67. E. (9) $3.

A. Lewis A. Engman, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $2,500.

A. Patricia Hanahan Engman, Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $1,000.

A. Christopher Engquist, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. M. Dale Ensign, Sinclair Oil Corp., 1100 17th Street NW., Suite 406, Washington, D.C. 20036.
B. Sinclair Oil Corp., P.O. Box 1677, Englewood, Colo. 80150.
D. (6) $500. E. (9) $152.50.

A. John M. Erskine, Jr., 1108 Lavaca, Suite 400, Austin, Tex. 78701.
B. Standard Oil Co. (Indiana), P.O. Box 3092, Houston, Tex. 77001.
D. (6) $119.17. E. (9) $670.20.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $380. E. (9) $184.

A. Jane B. Esterly, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $255. E. (9) $68.

A. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
E. (9) $3,550.

A. Stephen E. Eure, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1700 North Moore Street, Arlington, Va.).
D. (6) $2,000. E. (9) $287.62.

A. Joseph O. Evans, 4401 Lee Highway, Apt. 21, Arlington, Va. 22207.
B. United Action for Animals, Inc., 205 East 42nd Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $77.54.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Jeffrey P. Eves, Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.
B. Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.
D. (6) $1,500. E. (9) $757.06.

A. Ky P. Ewing, Jr., 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for American General Investment Corporation), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Michael E. Faden, Union of Concerned Scientists, Inc., 1725 I Street NW., Suite 601, Washington, D.C. 20006.
B. Union of Concerned Scientists, Inc., 1384 Massachusetts Avenue, Cambridge, Mass. 02238.
D. (6) $4,950.

A. Thomas L. Fagan, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $250.

A. Robert R. Fahs, Cargill, Inc., Suite 205, 1101 15th Street NW., Washington, D.C. 20005.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $2,500.

A. Fair Opportunities for Competition in the United States, 1777 F Street NW., Washington, D.C. 20006.

A. Dale W. Fallat, First Federal Building, 5740 Southwyck Boulevard, Toledo, Ohio 43614.
B. The Andersons, P.O. Box 119, Maumee, Ohio 43537.

A. Thomas Boyd Farley II, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,300. E. (9) $91.65.

A. The Farmers' Educational and Cooperative Union of America (National Farmers Union), Denver, Colo. 80251; 1012-14th Street NW., Washington, D.C. 20005.
D. (6) $75,764. E. (9) $60,386.04.

A. Robert S. Faron, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.
B. LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue NW., Washington, D.C.; 140 Broadway, New York, N.Y.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $3,271. E. (9) $202.15.

A. Michael Farrar, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Clinton B. Fawcett, the Coastal Corp., Suite 888A, 9 Greenway Plaza, Houston, Tex. 77046.
B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.

A. Jane Fawcett-Hoover, Procter & Gamble Manufacturing Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $69.59.

A. Kevin J. Fay, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $1,900. E. (9) $900.

A. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $1,713.81. E. (9) $1,713.81.

A. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $9,000. E. (9) $9,000.

A. John W. Feist, 1629 K Street NW., No. 520, Washington, D.C. 20006.
B. Government Relations Associates, Inc.

A. Kenneth E. Feltman, National Association of Manufacturers, 3845 FM 1960 West, Suite 401, Houston, Tex. 77068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Fensterwald & Associates, 1000 Wilson Boulevard, Suite 900, Arlington, Va 22209.
B. National Nutritional Foods Association, 2170 El Camino Real, Suite 104, Oceanside, Calif. 90254.
D. (6) $9,042.49. E. $1,082.54.

A. Edward T. Fergus, Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10272.
B. Bache Halsey Stuart Shields, Inc., 100 Gold Street, New York, N.Y. 10272.
D. (6) $750.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Alascom, Inc., 949 East 36th Avenue, Anchorage, Alaska 99502.
D. (6) $5,700. E. (9) $675.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Alaska International Industries, 3201 C Street, Anchorage, Alaska 99503.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Foss Launch & Tug/Foss Alaska Line, 660 West Ewing Street, Seattle, Wash. 98119.
E. (9) $675.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Northwest Alaskan Pipeline Co., P.O. Box 1526, Salt Lake City, Utah.
D. (6) $22,300. E. (9) $750.

A. Jack Ferguson Associates, Inc., 203 Maryland Avenue NE., Washington, D.C. 20002.
B. U.S. Borax & Chemical Corp., 3075 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $6,100. E. (9) $675.

A. James H. Ferguson, American Society for Personnel Administration, 1140 Connecticut Avenue, Suite 609, Washington, D.C. 20036.
B. American Society for Personnel Administration, 30 Park Drive, Berea, Ohio 44017.
D. (6) $7,500. E. (9) $4,483.

A. John T. Ferguson II, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
D. (6) $2,625. E. (9) $96.23.

A. John W. Festa, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Blaine Fielding, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Gary W. Fields, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100. E. (9) $261.95

A. Donald L. Fierce, O'Brien & Fierce, 1828 L Street NW., Suite 201, Washington, D.C. 20036.
B. "The Utility Group," c/o Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $2,310. E. (9) $32.

A. Edith U. Fierst, Suite 501, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of American Foreign Service Women, 6372 31st Place NW., Washington, D.C. 20015.
D. (6) $966.31.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Council of Forest Industries of British Columbia, 1500/1055 West Hastings Street, Vancouver, British Columbia, Canada V6E 2H1.
D. (6) $12,000. E. (9) $550.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $127.50.

A. Mark Finkelstein, Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $446.60. E. (9) $84.50.

A. Thomas D. Finnigan, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
E. (9) $28.25.

A. Jill Finsen, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $653.19.

A. M. J. Fiocco, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
B. The National Industrial Traffic League, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
D. (6) $3,000. E. (9) $29.75.

A. Laurie A. Fiori, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $413.29. E. (9) $64.

A. Richard J. Fiorini, 8917 South Quail Run, Sandy, Utah 84092.
B. Noranda Mining, Inc., 986 Atherton Drive, Salt Lake City, Utah 84107.

A. First Class Mailers Association, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
E. (9) $77.

A. First Congressional District Action Committee, 6 Maxfield Court, Barrington, R.I. 02806.
D. (6) $1,084. E. (9) $1,323.77.

A. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Richard L. Fischer, Standard Oil Co. (Indiana), 1000 16th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $630.

A. Fisher & Sinick, P.C., No. 440, 2020 K Street NW., Washington, D.C. 20006.
B. League of New York Theatres & Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.

A. Mary Clare Fitzgerald, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, N.A., One Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $225. E. (9) $18.60.

A. Victor E. Fitzmaurice, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Company of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $2,000. E. (9) $186.15.

A. Hilliard J. Fjord, 602 Main Street, Room 600, Cincinnati, Ohio 45202.
B. The Ohio River Co., 580 Walnut Street, Suite 1400, Cincinnati, Ohio 45202.
D. (6) $1,500. E. (9) $447.50.

A. Susan Garber Flack, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $19.

A. Daniel V. Flanagan, Jr., Southern Pacific Co., 1828 L Street NW., Suite 550, Washington, D.C. 20036.
B. Southern Pacific Co., One Market Plaza, San Francisco, Calif. 94105.
D. (6) $5,000. E. (9) $719.38.

A. James J. Flanagan, 25 Research Drive, Westborough, Mass. 01581.
B. New England Power Service Co., 25 Research Drive, Westborough, Mass. 01581.
D. (6) $338.04. E. (9) $130.30.

A. Ruth Flower, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $2,738.25.

A. Robert P. Fogarty, 3499 Ridgewood Drive, Columbus, Ohio 43220.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Howard W. Fogt, Jr., Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. L. J. Foley III, 267 Cape St. John Road, Cape St. John, Md. 21401.
B. Campaign for Community Economic Development, 1734 15th Street NW., No. 200, Washington, D.C. 20005.
D. (6) $4,000. E. (9) $2,250.

A. L. J. Foley III, 267 Cape St. John Road, Cape St. John, Md. 21401.
B. National Federation of Community Development Credit Unions, 16 Court Street, Brooklyn, N.Y. 11201.
D. (6) $1,000. E. (9) $500.

A. L. J. Foley III, 267 Cape St. John Road, Cape St. John, Md. 21401.
B. National Rural Development & Finance Corp., 1300 19th Street NW., Washington, D.C. 20036.
D. (6) $3,500. E. (9) $1,750.

A. L. J. Foley III, 267 Cape St. John Road, Cape St. John, Md. 21401.
B. Supported Work, 228 East Division, Fond du Lac, Wis. 54935.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. City of Minneapolis, 301M City Hall, Minneapolis, Minn. 55415.
D. (6) $5,775. E. (9) $146.82.

A. Foley, Lardner, Hollabaugh & Jacobs, Suite 1000, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.
D. (6) $2,070. E. (9) $2.25.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Independent Refiners Association of America, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $36,054. E. (9) $673.65.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06160.
D. (6) $4,500. E. (9) $6.44.

A. Foley, Lardner, Hollabaugh & Jacobs, Suite 1000, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.
D. (6) $2,195. E. (9) $35.85.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. VGS Corp. (Southland Oil Co.), P.O. Box 16668, Jackson, Miss. 39206.
D. (6) $1,150.

A. R. D. Folsom, National Council on Synthetic Fuels Production, 1875 I Street NW., Suite 960, Washington, D.C. 20006.
B. National Council on Synthetic Fuels Production, 1875 I Street NW., Suite 960, Washington, D.C. 20006.

A. Food and Beverage Trades Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,105.39. E. (9) $12,105.39.

A. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Carol J. Forbes, 604 North Carolina Avenue SE., Washington, D.C. 20003.
B. Senator Charles Grassley, 232 Russell Senate Office Building, Washington, D.C. 20510.
D. (6) $2,250. E. (9) $3,500.

A. Gordon Forbes, 303 Hanover Building, 480 Cedar Street, St. Paul, Minn. 55101.
B. Minnesota Railroads Association.
D. (6) $600. E. (9) $585.56.

A. Donald D. Foreman, 4600 West 77th, Suite 343, Minneapolis, Minn. 55437.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60680.
D. (6) $1,050.

A. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $10.60. E. (9) $10.60.

A. Edward H. Forgotson, 1627 K Street NW., 10th Floor, Washington, D.C. 20006.
B. Texas Oil & Gas Corp., Fidelity Union Tower, Dallas, Tex. 75201.

A. Sallie H. Forman, 1825 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., 1825 K Street NW., Washington, D.C. 20006.
D. (6) $800. E. (9) $128.90.

A. Robert U. Foster, 1110 Vermont Avenue NW., Suite 1250, Washington, D.C. 20005.
B. Shipbuilders Council of America, 1110 Vermont Avenue NW., Suite 1250, Washington, D.C. 20005.
D. (6) $11,000.

A. Ebert E. Fournace, 3706 Eaton Road NW., Canton, Ohio 44708.
B. American Electric Power Service Corp., 180 East Broad Street, Columbus, Ohio 43215.

A. Susan E. Fracarolli, Manville Corp., Suite 214, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $100

A. Joseph L. Fraites, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.

A. William C. France, National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.
B. National Motorsports Committee of ACCUS, 1701 K Street NW., No. 1204, Washington, D.C. 20006.

A. Douglas L. Francisco, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $62.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $1,200. E. (9) $109.58.

A. Thomas C. Franks, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $377.36.

A. Donald A. Frederick, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $210.

A. Robert M. Frederick, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $4,375.

A. James O. Freeman, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,745 E. (9) $32.50

A. Linda J. Freeman, National Cable Television Association, Inc., 1724 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $337.50. E. (9) $179.43.

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for ASARCO).

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Banneker Associates), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Budd Co.).

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for General Telephone & Electronics).

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Group W).

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Motorola).

A. Ronna Freiberg, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co. (for Western Development), The Power House, 3255 Grace Street, NW., Washington, D.C. 20007.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $550. E. (9) $15.

A. Sara Hamric Freund, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. George L. Frick, Delaware Oil Men's Association, 20 East Division Street, Dover, Del. 19901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $73.60.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,925. E. (9) $31.93

A. Fried, Frank Harris Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak.
E. (9) $11.10

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Czechoslavak Claimants.
E. (9) $17.05.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Makah Tribe of Indians, P.O. Box 115, Neah Bay, Wash. 98357.
D. (6) $30. E. (9) $4

A. Fried, Frank Harris Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.
D. (6) $1,366. E. (9) $9.20

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Miccosukee Tribe of Indians, P.O. Box 44021, Tamiami Station, Miami, Fla.
E. (9) $9.30.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. National Association of Pension Funds, Sunley House, Bedford Park, Croyden, England.
E. (9) $32.13.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Nez Perce Tribe, Lapwai, Idaho.
D. (6) $1,720. E. (9) $11.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $756. E. (9) $11.50.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Suite 1000, Washington, D.C. 20037.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Seneca Nation of Indians, Box 231, Salamanca, N.Y. 14779.
D. (6) $1,235. E. (9) $8.80.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $1,500.

A. Barry A. Friedman, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. James M. Friedman, 700 Terminal Tower, Cleveland, Ohio 44113.
B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio 44113.

A. Friedman & Mann, P.C., 810 18th Street NW., Suite 202, Washington, D.C. 20006.
B. Coushatta Tribe of Louisiana, c/o Ernest Sickey, Tribal Chairman, Elton, La. 70532.

A. Gay H. Friedmann, Southern California Gas Co., 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.
D. (6) $6,375. E. (9) $75.90.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $132,864.41. E. (9) $16,206.27.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, N.A., 1 Chase Manhattan Plaza, New York, N.Y. 10081.
D. (6) $150. E. (9) $55.81.

A. Gustave Fritschie, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $6,000. E. (9) $40.

A. Charles H. Fritts, 2009 North 14th Street, Suite 600, Arlington, Va. 22201.
B. New Bedford Seafood Council, Inc., 17 Hamilton Street, New Bedford, Mass. 02740.
D. (6) $6,600. E. (9) $570.37.

A. Charles H. Fritzel, National Association of Independent Insurers, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $350. E. (9) $310.

A. Jeffrey A. Fritzlen, Tenneco, Inc., 490 L'Enfant Plaza East SW., Suite 2202, Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $1,000.

A. Robert F. Froehlke, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $325.

A. Rich Fruchterman, 2355 Ninth Street South, Arlington, Va. 22204.
B. U.S. Telephone Communications, Inc., 108 S. Akard Street, Dallas, Tex. 75202.
D. (6) $5,000.

A. Gordon H. Fry, 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.
B. Cigar Association of America, Inc., 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Petro Lewis Corp., 717 17th Street, Denver, Colo. 80201.
D. (6) $37,897.73. E. (9) $1,252.66.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92101.
D. (6) $1,256.25. E. (9) $914.48.

A. Claudia R. Fuquay, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $38.

A. Nancy H. Fussell, the Boeing Co., 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $418.75. E. (9) $235.60.

A. David H. Fyock, 600 Maryland Avenue SW., Suite 520, Washington, D.C. 20024.
B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.
D. (6) $1,800. E. (9) $1,178.91.

A. G4 Children's Coalition, 1666 K Street NW., Washington, D.C. 20006.
D. (6) $16,037.50. E. (9) $14,847.70.

A. Marc P. Gabor, Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
E. (9) $11.05.

A. Terry Gabrielson, Transcontinental Gas Pipeline Corp., 490 L'Enfant Plaza SW., No. 3202, Washington, D.C. 20024.
B. Transcontinental Gas Pipeline Corp., 2700 South Post Oak Road, Houston, Tex. 77251.
D. (6) $450.

A. James E. Gaffigan, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,066.14.

A. Norman S. Gaines, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $681. E. (9) $94.04.

A. Michael R. Gale, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $8,750.02.

A. Ann E. Gallagher, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
D. (6) $600. E. (9) $70.

A. Linda Gallagher, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $251.51.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $5,130. E. (9) $4,014.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $1,875.

A. Nicole Gara, American Academy of Physican Assistants, 2341 Jefferson Davis Highway, Suite 700, Arlington, Va. 22202.
B. American Academy of Physician Assistants, 2341 Jefferson Davis Highway, Suite 700, Arlington, Va. 22202.
D. (6) $4,384.56. E. (9) $93.64.

A. David M. Gardiner, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $5,074.50. E. (9) $64.30.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.
B. FTC Communications, Inc., 90 John Street, New York, N.Y. 10038.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.
B. Peoples Gas Co., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $350. E. (9) $4.

A. Gardner, Carton & Douglas, 1875 I Street NW., Suite 1050, Washington, D.C. 20006.
B. Sealed Power Corp., 2001 Sanford Street, Muskegon, Mich. 49443.

A. Sherwin Gardner, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. James J. Garry, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.

B. American Pyrotechnics Association, 407 Campus Avenue, Chestertown, Md. 21620.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Cominco American Inc., 818 West Riverside Avenue, Spokane, Wash. 99201.
D. (6) $165.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Delaware & Hudson Railway Co., The Delaware and Hudson Building, Albany, N.Y. 12207.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Washington, D.C. 20007.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. GTE Service Corp., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,755.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Noranda Mining Inc., 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.
D. (6) $855.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Northwest Marine Iron Works, P.O. Box 3109, Portland, Oreg. 97208.
D. (6) $165.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. PACCAR, Inc., 777 106th Avenue NE., Bellevue, Wash. 98009.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Pacific Rim Trade Association, 1990 Southwest Fifth Avenue, Portland, Oreg. 97201.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Totem Ocean Trailer Express, Inc., 1100 Olive Way, Seattle, Wash. 98101.
D. (6) $2,070.

A. Garvey, Schubert, Adams & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Trailways, Inc., 1200 I Street NW., Washington, D.C. 20005.
D. (6) $6,585.

A. Garvey, Schubert, Adam & Barer, 1000 Potomac Street NW., Washington, D.C. 20007.
B. Washington Citizens for World Trade, Fourth and Battery Building, Suite 925, Seattle, Wash. 98121.

A. E. June Garvin, Ohio Petroleum Council, 88 East Broad Street, Suite 1960, Columbus, Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Philip Gasteyer, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,225.

A. John A. Gauthier, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $303.86.

A. John R. Geiger, Goulds Pumps, Inc., 1660 L Street NW., Suite 506, Washington, D.C. 20036.
B. Goulds Pumps, Inc., 240 Fall Street, Seneca Falls, N.Y. 13148.
D. (6) $500. E. (9) $210.09.

A. Morton A. Geller, First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
E. (9) $2,025.

A. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.
D. (6) $1,350. E. (9) $29.25.

A. Generic Pharmaceutical Industry Association, 600 Third Avenue, 18th floor, New York, N.Y. 10016.
D. (6) $8,099. E. (9) $8,099.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire Geoghegan, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $6,680.76.

A. George and George, P.C., 499 South Capitol Street SW., No. 400, Washington, D.C. 20003.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.

A. George and George, P.C., 499 South Capitol Street SW., No. 400, Washington, D.C. 20003.
B. Pepsico, Inc., Purchase, N.Y. 10577.

A. George and George, P.C., 499 South Capitol Street SW., No. 400, Washington, D.C. 20003.
B. Riss International, 215 West Pershing Road, Kansas City, Mo. 64108.

A. Georgia Association of Petroleum Retailers, Inc., 315 West Ponce de Leon Avenue, 933 First National Bank Building, P.O. Box 789, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc./Service Station Dealers of America, 2021 K Street NW., Washington, D.C. 20006.
E. (9) $2,500.

A. Joseph G. Gerard, Southern Furniture Manufacturers Association/National Association Furniture Manufacturers, 918 16th Street NW., No. 402, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $1,500. E. (9) $977.20.

A. Louis Gerber, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW, Washington, D.C. 20006.
D. (6) $6,456.52. E. (9) $63.39.

A. Dorothy F. Gevinson, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $18.33.

A. Robert N. Giaimo, 499 South Capitol Street SW., Suite 110, Washington, D.C. 20003.
B. Insurance Association of Connecticut, 60 Washington Street, Suite 1304, Hartford, Conn. 06106.
D. (6) $8,750.

A. Anne Marie Gibbons, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
D. (6) $500.

A. Clifford S. Gibbons, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. John A. C. Gibson, 1815 Corcoran Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,350.

A. Theresa M. Gibson, American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. William G. Giery, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foodservice & Lodging Institute, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Norma J. Gilbert, Motorola, Inc., 1776 K Street, NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc.

A. Susan Gilbert, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $70.15. E. (9) $50.

A. Arthur P. Gildea, 274 Glenfield Court, Cincinnati, Ohio 45238.
B. Brewery & Soft Drink Works, National Conference International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, 1400 Renaissance Drive, Park Ridge, Ill. 60068.

A. Michael Gildea, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $13,811.

A. John E. Giles, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $381.66.

A. Neal P. Gillen, American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
B. American Cotton Shippers Association, 1707 L Street NW., Suite 460, Washington, D.C. 20036.
D. (6) $15,000. E. (9) $1,332.05.

A. William Gilmartin, 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Planned Parenthood Federation of America, Inc., 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $768.50. E. (9) $2.40.

A. Marla F. Gilson, 444 North Capitol Street NW., Suite 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., Suite 412, Washington, D.C. 20001.
D. (6) $673.07.

A. Ginsburg, Feldman, Weil & Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.
B. Coal Oil Producers Association, Inc., 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.
D. (6) $750. E. (9) $80.25.

A. Gerard Giovaniello, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $937.25.

A. Brenda M. Girton, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $180. E. (9) $51.33.

A. Jonah Gitlitz, 1730 K Street NW., No. 905, Washington, D.C. 20006.
B. Direct Mail/Marketing Association, 1730 K Street NW., No. 905, Washington, D.C. 20006.
D. (6) $1,400.

A. Michael J. Giuffrida, the Capital Gallery, East Wing, 600 Maryland Avenue, Suite 450, Washington, D.C. 20024.
B. National Frozen Food Association, 604 West Derry Road, P.O. Box 398, Hershey, Pa. 17033.
D. (6) $2,200.10.

A. Sol Glasner, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. George L. Gleason, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $4,436.60. E. (9) $275.52.

A. John P. Gleason, Jr., 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.

A. Robert E. Gleason, 815 16th Street NW., Washington, D.C. 20006.
B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.
D. (6) $5,638.19.

A. Law Offices of Thomas W. Gleason, One State Street Plaza, New York, N.Y. 10004.
B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.

A. The Glenmede Trust Co., 229 South 18th Street, Philadelphia, Pa. 19103.

A. James T. Glenn, CSX Corp., 840 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005-2071.
B. CXS Corp., 1500 Federal Reserve Building, Richmond, Va. 23219.
D. (6) $3,000. E. (9) $1,387.67.

A. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 22036.
D. (6) $720.

A. James Golato, H & R Block, Inc., 1701 K Street NW., Washington, D.C. 20006.
B. H & R Block, Inc., 4410 Main Street, Kansas City, Mo. 64111.

A. Harvey S. Gold, Velsicol Chemical Corp., 1015 15th Street NW., Washington, D.C. 20005.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.
D. (6) $855. E. (9) $132.99.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036.

A. William M. Goldstein, Morgan, Lewis & Bockius, 123 South Broad Street, Philadelphia, Pa. 19109.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 1800 North, Washington, D.C. 20036.

A. Jack Golodner, 815 16th Street NW., Washington, D.C..
B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C.
D. (6) $3,499.77.

A. Alfonso J. Gonzalez, National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
B. National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $10,000. E. (9) $770.

A. Ruth Gonze, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
D. (6) $500.

A. Don A. Goodall, American Cyanamid Co., 1575 I Street NW., Suite 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $9,269.44.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
D. (6) $40. E. (9) $23.75.

A. Benjamin Gordon, 2000 P Street NW., No. 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Washington, D.C. 20036.
D. (6) $37.50.

A. Beth Gordon, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $25. E. (9) $25.

A. Douglas B. Gordon, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $375. E. (9) $23.05.

A. Brenda J. Gore, 1000 Wilson Boulevard, No. 2600, Arlington, Va. 22209.
B. TRW, Inc., 1000 Wilson Boulevard, No. 2600, Arlington, Va. 22209.
D. (6) $1,000.

A. James D. Gormley, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
D. (6) $2,025.

A. Ann Gosier, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $4.81. E. (9) $1.20.

A. Peter J. Gossens, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $10,500. E. (9) $21.

A. John T. Gould, Jr., St. Regis Paper Co., 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $700.

A. Government Relations Associates, Inc., 1629 K Street NW., No. 520, Washington, D.C. 20006.

A. Edmond Graber, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Thomas E. Grace, 1100 Connecticut Avenue NW, No. 530, Washington, D.C.

B. Montgomery Ward & Co., Inc., One Montgomery Ward Place, Chicago, Ill. 60671.
E. (9) $150.

A. John R. Graff, 1025 Vermont Avenue NW., Suite 330, Washington, D.C. 20005.
B. International Association of Amusement Parks and Attractions, No. 303, 7222 West Cermak Road, North Riverside, Ill. 60546.

A. Donald E. Graham, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Graham & James, 1050 17th Street NW., Washington, D.C. 20036.
B. Neptune Orient Lines, Ltd., Neptune Building, 13 Trafalgar Street, Singapore 0207.

A. Lawrence T. Graham, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,066.14

A. Luis Granados, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. The ESOP Association of America, 1725 DeSales Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $6,000. E. (9) $633.70.

A. Wm. W. Grant, Utah International Inc., 1150 Connecticut Avenue NW., No. 710, Washington, D.C. 20036.
B. Utah International Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $1,170.78.

A. James L. Granum, Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
B. Southern Railway Co., 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,000.

A. Michael R. Graul, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. Cutting Tool Manufacturers Association & Metal Cutting Tool Institute, 1230 Keith Building, Cleveland, Ohio 44115.
D. (6) $1,200.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $699.99. E. (9) $25.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Iron and Steel Institute).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $350.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Trucking Association).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for ASARCO).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Banneker Associates), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Beretta Corp.).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for El Paso Natural Gas).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for General Telephone and Electronics), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $350.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Group W).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Health Insurance Association of America).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for HTB Corp.).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Motorola).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the National Association of Homebuilders), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Quoxote Corp.).

A. Robert K. Gray, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $1,400.

A. Mark E. Grayson, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. The Great Western Sugar Co., P.O. Box 5308 T.A., Denver, Colo. 80217.
E. (9) $5,140.37

A. Donald R. Greeley, Celanese Corp., 1101 17th Street NW., Suite 307, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $750. E. (9) $213.86.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,536.20. E. (9) $281.

A. Micah S. Green, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $374.19.

A. Allen Greenberg, 2000 P Street, NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Robert Greenstein, Project on Food Assistance and Poverty, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
B. Center for Community Change, 1000 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $2,450. E. (9) $52.

A. Robert Greenstein, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
B. Center on Budget and Policy Priorities, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
D. (6) $670.83. E. (9) $15.

A. Dale W. Greenwood, Washington Railroad Association, 612 Hoge Building, Seattle, Wash., 98104.
B. Washington Railroad Association, 612 Hoge Building, Seattle, Wash., 98104.
D. (6) $497.30. E. (9) $920.17.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.

A. William G. Greif, Bristol-Myers Co., 1155 15th Street, NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10154.
D. (6) $25,000.

A. Ellen Griffee, National Organization for Women, 425 13th Street NW., Suite 1048, Washington, D.C. 20004.

B. National Organization for Women, 425 13th Street NW., Suite 1048, Washington, D.C. 20004.
D. (6) $2,575. E. (9) $85.15.

A. Joan M. Griffin, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C.
D. (6) $5,100. E. (9) $12.45.

A. Mark N. Griffiths, NAM, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. A. Jack Grimes, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Ad Hoc Group on Life Insurance Company Taxation of Pension Funds, Groom & Nordberg, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Aetna Life & Casualty, 151 Farmington Road, Hartford, Conn. 06115.
D. (6) $100. E. (9) $2.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Bally Manufacturing Corp., 2640 West Belmont Avenue, Chicago, Ill. 60618.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Connecticut General Insurance Co., Hartford, Conn. 06115

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46206.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019
D. (6) $100. E. (9) $2.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230
D. (6) $400. E. (9) $8.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phillips Petroleum, 656 Information Center, Bartlesville, Okla. 74004.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Phoenix Mutual Life Insurance Co., One American Row, Hartford, Conn. 06115.
D. (6) $100. E. (9) $2.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Prudential Insurance Co. of America, Prudential Plaza, Newark, N.J. 07101.
D. (6) $550. E. (9) $8.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. The Travelers, One Tower Square, Hartford, Conn. 06115.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Western Conference of Teamsters Pension Trust Fund, P.O. 7880, San Francisco, Calif. 94102.

A. Groom & Nordberg, Chartered, 1775 Pennsylvania Avenue NW., Suite 450, Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

A. David B. Gross, Shell Oil Co., 1025 Connecticut Avenue NW., Suite No. 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Nina G. Gross, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $103.33.

A. Frank N. Grossman, Santa Fe Industries, Inc., 1100 Connecticut Avenue NW., Suite 840, Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,500.

A. John R. Groundwater, Jr., 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. John T. Grupenhoff, 10,000 Falls Road, No. 306, Potomac, Md. 20854.
B. American Academy of Dermatology, 820 Davis Street, Evanston, Ill. 60201.

A. John T. Grupenhoff, 10,000 Falls Road, No. 306, Potomac Md. 20854.
B. American Gastroenterological Association, c/o Charles B. Slack, Inc., Thorofare, N.J. 08086.

A. John T. Grupenhoff, 10,000 Falls Road, No. 306, Potomac, Md. 20854.
B. National Association for Hospital Development, 8300 Greensboro Drive, No. 1110, McLean, Va. 22102.

A. Richard F. Guay, 1101 15th Street NW., No. 1000, Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., No. 1000, Washington, D.C. 20005.
D. (6) $3,375.

A. Jerome R. Gulan, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW, Washington, D.C. 20006.
D. (6) $4,500.

A. Jerome R. Gulan, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW, Washington, D.C. 20006.
D. (6) $2,500.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. David Gusky, National Federation of Federal Employees, 1016 16th Street, NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street, NW., Washington, D.C. 20036.
D. (6) $8,954.49.

A. Susan L. Gustafson, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Robert F. Guthrie, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $4,140.48.

A. C. Hackett, American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. James M. Hacking, National Retired Teachers Association—American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association—American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $586.92. E. (9) $434.90.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Beneficial Management Corp. of America, 200 South Street, Morristown, N.J. 07960.
D. (6) $1,500.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Cadillac Fairview, c/o The Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $5,000.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. California Westside Farmers, 955 L'Enfant Plaza, North, SW., Room 1101, Washington, D.C. 20024.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Guam Oil and Refining Co., 3400 Southland Center, Dallas, Tex. 75201.
D. (6) $2,000.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. National Living Centers, 777 South Post Oak Road, Suite 600, Houston, Tex. 77056.

A. Craig Hackler, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Stichting Philips Pensionenfonds A and B, Tramstraat 62, Eindhoven, The Netherlands.

A. Loyd Hackler, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $62.35.

A. William F. Haddad, 322 West 57th Street, New York, N.Y. 10019.
B. Generic Pharmaceutical Industry Association, 600 Third Avenue, 18th Floor, New York, N.Y. 10016.
D. (6) $4,400. E. (9) $658.

A. Donald M. Haines, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $8,562.40 E. (9) $137.85.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $1,261.67.

A. Hale & Dorr, 1201 Pennsylvania Avenue NW., Suite 807, Washington, D.C. 20004.
B. The GHK Companies, 6441 Northwest Grand Boulevard, Oklahoma City, Okla. 73116.
D. (6) $4,277.30 E. (9) $5,384.76.

A. Haley, Bader & Potts, 1730 M Street NW., Washington, D.C. 20036.
B. Pilots Rights Association, P.O. Box 7000-367, Redondo Beach, Calif. 90277.
D. (6) $92.50. E. (9) $225.73.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Agri-Business, Inc., 11411 Rendezous, San Antonio, Tex. 78216.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. American Energy Inc., Forman, N. Dak., 58032.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Central Texas Grain Products Marketing Cooperative, Box 184, Hutto, Tex. 78634.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Grain Products Alcohol Cooperatives, One Pleasant Valley Plaza, 2200 Hidden Valley Drive, Little Rock, Ark. 72212.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. High Plains Products Cooperative, Muleshoe, Tex. 79347.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Louis Dreyfus Corp., 24 Richmond Hill Avenue, Stamford, Conn. 06904.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. M&M/Mars Division of Mars, Inc., High Street, Hackettstown, N.J. 07840.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Marion Laboratories, Inc., 9221 Ward Parkway, Kansas City, Mo. 64114.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. New England Council, Inc., Statler Office Building, Boston, Mass. 02116.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. New England Mutual Life Insurance Company, 501 Boylston Street, Boston, Mass. 02117

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. North Plains Grain Products Cooperative, Box 133, Canby, Minn. 56220.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Northwest Texas Grain Products Cooperative, Dumas, Tex., 79029.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Telephone & Data Systems, Inc., 79 Monroe Street, Chicago, Ill. 60603.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. Tobacco Tax Council, P.O. Box 8269, 5407 Patterson Ave., Richmond, Va. 23226.

A. Martin Ryan Haley & Associates, Inc., 1015 15th Street NW., Washington, D.C. 20005.
B. West Alabama Grain Products Cooperative, Inc., P.O. Box 237, Uniontown, Ala. 36786.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, P.C., 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Companies, P.O. Box 2400, Tulsa, Okla. 74101.
D. (6) $100.

A. John F. Hall, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $600.

A. Richard F. Hall, Union Oil Co. of California, 1100 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $3,000. E. (9) $342.25.

A. Hallac Associates, Inc., 100 Wall Street, New York, N.Y. 10005.
E. (9) $300.

A. Maurice E. Halsey, Northern Illinois Gas Co., 1627 K Street NW., Suite 202, Washington, D.C. 20507.
B. Northern Illinois Gas Co., P.O. Box 190, Aurora, Ill. 60507.
D. (6) $2,500.

A. Paul T. Haluza, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
B. Motor and Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
D. (6) $1,470. E. (9) $389.84.

A. Jerald V. Halvorsen, Allied General Nuclear Services, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
D. (6) $5,000.

A. Hamel, Park, McCabe & Saunders, 888 16th Street NW., Washington, D.C. 20006.
B. Beneficial Foundation, 1300 Market Street, Wilmington, Del.

A. Hamel, Park, McCabe & Saunders, 888 16th Street NW., Washington, D.C. 20006.
B. Graeper-Van Noy-Wagner, Inc., USAA Building, Suite 209, Colorado Springs, Colo. 80918.
D. (6) $172.50.

A. Hamel, Park, McCabe & Saunders, 888 16th Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. James L. Hamilton, III, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $385. E. (9) $98.26.

A. Philip W. Hamilton, 1901 L Street NW., Suite 711, Washington, D.C. 20036
B. Hamilton & Associates, Inc. 1901 L Street NW., Suite 711, Washington D.C. 20036 (for the National Labor-Management Foundation, Louisville, Ky.)
E. (9) $1.20.

A. Stanley Hamilton, Common Carrier Conference-Irregular Route, 1616, P Street NW., Suite 204, Washington, D.C. 20036.
B. Common Carrier Conference-Irregular Route, 1616 P Street NW., Suite 204, Washington, D.C. 20036.
D. (6) $500. E. (9) $50.

A. William W. Hamilton, Jr., 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Planned Parenthood Federation of American, Inc., 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $411.51 E. (9) $29.

A. Susan W. Hamlin, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $781.25.

A. Nolan W. Hancock, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $4,250.

A. Ted Handel, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Third Floor, Washington, D.C. 20037.
D. (6) $500.

A. Handy & Harman, 1875 Eye Street NW., Suite 1000, Washington, D.C. 20006.
B. Handy & Harman, 850 Third Avenue, New York, N.Y. 10022.

D. (6) $6,094.04 E. (9) $111.80.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $136.75.

A. George J. Hanks, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., No. 1250, Washington, D.C.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Elisabeth Hanlin, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L. Street NW., Suite 810, Washington, D.C. 20036.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. American Society of Composers, Authors & Publishers, One Lincoln Plaza, New York, N.Y. 10023.
D. (6) $3,600. E. (9) $79.99.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Associacion de Amigos del Pais, 6a. Av. "A", 10-38, Zona 9, Guatemala City, Guatemala.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036
B. Baltic American Freedom League, P.O. Box 29657, Los Angeles, Calif. 90029.
D. (6) $2400. E. (9) $172.76.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Century 21 Real Estate Corp., 18872 MacArthur Boulevard, Irvine, Calif. 97215.
D. (6) $3,000. E. (9) $74.58.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. China External Trade Development Council, 10th Floor, 201 Tunhna North Road, Taipei, Taiwan, ROC.
D. (6) $4,500. E. (9) $43.94.

A. Hannaford Co., Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Fireman's Fund Insurance Cos., 3333 California Street, San Francisco, Calif. 94119.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. General Motors Corp., General Motors Building, Detroit, Mich. 48202.
D. (6) $1,250. E. (9) $42.45.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Hubbard Broadcasting Co., 3415 University Avenue, St. Paul, Minn. 55114.
D. (6) $4,200. E. (9) $62.81.

A. Hannaford Co., Inc., 1225 19th Street N.W., Washington, D.C. 20036.
B. Merrill Lynch White Weld Capital Markets Group, 1 Liberty Plaza, 43d Floor, New York, N.Y. 10080

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. National Venture Capital Association, 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
D. (6) $8,400. E. (9) $519.10.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Northwest Alaskan Gas Pipeline Co., 1120 20th Street NW., Washington, D.C. 20036.
D. (6) $7,243.35. E. (9) $90.88.

A. Hannaford Co., Inc., 1225 19th Street N.W., Washington, D.C. 20036.
B. Tosco Corp., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. The Hannaford Co., Inc., 1225 19th Street NW., Suite 750, Washington, D.C. 20036.
B. Trans World Airlines, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $900. E. (9) $8.04.

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Washington, D.C. 20001.
D. (6) $4,004.50. E. (9) $19.41.

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Portman Properties, 1800 Peachtree Center South, 225 Peachtree Street NE., Atlanta, Ga. 30303.
E. (9) $50.

A. Hansell, Post, Brandon & Dorsey, 1747 Pennsylvania Avenue NW., Suite 920, Washington, D.C. 20006.
B. Rockwell International Corp., 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $25,000. E. (9) $1,248.86.

A. J. E. Hansen, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, Box U, Mount Prospect, Ill. 60056.
D. (6) $350.

A. Peter J. Hapworth, 1511 K Street NW., Washington, D.C. 20005.
B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $218.79.

A. Harbison Ford, Inc., Route 1, Morrisville, Pa. 19067.
E. (9) $697.74.

A. William E. Hardman, 9300 Livingston Road, Fort Washington, Md. 20744.
B. National Tooling & Machining Association, 9300 Livingston Road, Fort Washington, Md. 20744.

A. Charles N. Harkey, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Dan R. Harlow, Diamond Shamrock Corp., 1737 H Street NW., Washington, D.C. 20006.
B. Diamond Shamrock Corp., 717 N. Harwood Street, Dallas, Tex.
D. (6) $1,500.

A. Donald L. Harlow, Air Force Sergeants Association, 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, 5211 Auth Road, Suitland, Md. 20746.

A. John L. Harmer, 50 South Main Street, No. 1560, Salt Lake City, Utah 84144.
D. (6) $15,000. E. (9) $2,331.50.

A. Robert L. Harness, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $303.05

A. Wiley C. Harrell, Jr., Anheuser-Busch Cos., 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos., One Busch Place, St. Louis, Mo. 63118.

A. Toni Harrington, American Honda Motor Co., 955 L'Enfant Plaza SW., Suite No. 905, Washington, D.C. 20024.
B. American Honda Motor Co., Inc., 100 West Alondra Boulevard, Gardena, Calif. 90247.
D. (6) $200 E. (9) $126.86.

A. Allen Harris, Suite 316, 1330 Classen Building, Oklahoma City, Okla. 73106.
B. Southwest Kansas Irrigation Association, Box 250, Ulysses, Kans. 67880.

A. Allen Harris, Suite 316, 1330 Classen Building, Oklahoma City, Okla. 73106.
B. Texas County Irrigation & Water Resources Association, Box 440, Guymon, Okla. 73942.
D. (6) $3,600. E. (9) $1,213.77.

A. Jim Harrison, Committee of Urban Progam Universities, 1300 19th Street NW., No. 220, Washington D.C. 20036.
B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $6,250.

A. Wm. H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. Wm. H. Harsha & Associates, Inc., 499 South Capitol Street SW., No. 102, Washington, D.C. 20003 (for American Trucking Association, 1616 P Street NW., Washington, D.C. 20036).
D. (6) $7,500. E. (9) $86.30.

A. Wm. H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. Wm. H. Harsha & Associates, Inc., 499 South Capitol Street SW., No. 102, Washington, D.C. 20003 (for Commuter Airline Association of America, 1101 Connecticut Avenue NW., Washington, D.C. 20036).
D. (6) $3,000.

A. Wm. H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. William H. Harsha & Associates, Inc., 499 South Capitol Street S.W., No. 102, Washington, D.C. 20003 (for Grumman Flxible, 1000 Wilson Boulevard, No. 2100, Arlington, Va. 22209).
D. (6) $4,500.

A. Wm. H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. William H. Harsha & Associates, Inc., 499 South Capitol Street SW., No. 102, Washington, D.C. 20003 (for Slurry Transport Association, 490 L'Enfant Plaza East SW., No. 3102, Washington, D.C. 20024).
D. (6) $12,000.

A. Wm. H. Harsha, 1102 Delf Drive, McLean, Va. 22101.
B. William H. Harsha & Associates, Inc., 499 South Capitol Street SW., No. 102, Washington, D.C. 20003 (for Zantop International Airlines, Detroit Willow Run Airport, Ypsilanti, Mich. 48197).

D (6) $7,500.

A. Jeff R. Hart, 1725 K Street NW., Suite 801, Washington, D.C. 20006.
B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $1,770.83.

A. Richard Hart, National Association of Manufacturers 601 North Vermont Avenue, Los Angeles, Calif. 90004
B. National Association of Manufacturers, 1776 F Street, Washington, D.C. 20006.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
E. (9) $9,615.

A. Hartke & Hartke, 7637 Leesburg Pike, Falls Church, Va. 22043.
B. National Cultural Liberation Movement, South African Black Alliance.

A. Charles D. Hartman, Texaco, Inc., 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $1,150.55.

A. Norman B. Hartnett, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $17,102.40. E. (9) $2,060.51.

A. Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., Procter & Gamble Manufacturing Co., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $562.50.

A. Barbara J. Haugh, Union Oil Co. of California, 1100 Connecticut Avenue, NW., Suite 800, Washington, D.C.20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
E. (9) $951.24.

A. Rodney E. Haugh Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 903, Arlington, Va. 22202.
B. Potato Chip/Snack Food Association, 1735 Jefferson Davis Highway, Suite 904, Arlington, Va. 22202.
D. (6) $600.

A. Mary W. Haught, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $700. E. (9) $5.58.

A. Sidney G. Hawkes, the Mead Corp., 1000 Connecticut Avenue NW., Suite 715, Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza Northeast, Dayton, Ohio 45463.
D. (6) $1,800. E. (9) $186.31.

A. David G. Hawkins, Natural Resources Defense Council, 1725 I Street NW., Washington, D.C. 20006.
B. Natural Resources Defense Council, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $3,306.26. E. (9) $57.65.

A. John H. Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
D. (6) $11,376. E. (9) $1,044,53.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Wesley F. Hayden, 5224 Cherokee Avenue, Alexandria, Va. 22312.
B. International Association of Fish and Wildlife Agencies, 1412 16th Street NW., Washington, D.C. 20036.
D. (6) $6,250.02. E. $19.50.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.

A. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.
D. (6) $180.81. E. (9) $180.81.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,631.25.

A. Robert L. Healy, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif., 90071.
D. (6) $200.

A. William H. Hecht, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.

A. Jay Hedlund, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,000.02. E. (9) $95.96.

A. Edward D. Heffernan, Shannon, Heffernan, Moseman & Goren, P.C., Suite 1025, 1875 I Street NW., Washington, D.C. 20006.
B. Ductile Iron Pipe Research Association, Oak Brook. Ill.

A. John Heffner, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

A. Helicopter Association International, 1110 Vermont Avenue NW., Suite 430, Washington, D.C. 20005.
E. (9) $13,233.92.

A. Hemisphere Associates, Inc., Suite 200, 2000 L Street NW., Washington, D.C. 20036.
B. Costa Rican Association of Businessmen and Entrepreneurs, P.O. Box 3343, San Jose, Costa Rica.
D. (6) $2,000. E. (9) $194.96.

A. Noel Hemmendinger, Arter Hadden & Hemmendinger, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Arter Hadden & Hemmendinger (for Japan Iron & Steel Exporters' Association, Tokyo, Japan), 1919 Pennsylvania Avenue NW., Washington, D.C. 10006.

A. Thomas R. Hendershot, Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Partnership Placements, Inc., 11812 San Vicente Boulevard, Los Angeles, Calif. 90049.
D. (6) $1,971.

A. Thomas R. Hendershot, Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Petroleum Heat & Power Co., 3000 Peltz Street, Philadelphia, Pa., 19146.

A. Thomas R. Hendershot, Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Philadelphia Gas Works, 1518 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $3,475.

A. Thomas R. Hendershot, Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Philadelphia Stock Exchange, 1900 Market Street, Philadelphia, Pa. 19103.
D. (6) $10,226.

A. Thomas R. Hendershot, Barnett & Alagia, 1627 K Street NW., Washington, D.C. 20006.
B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
D. (6) $3,405.

A. Carol C. Henderson, American Library Association, 110 Maryland Avenue NE., Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $666.

A. John B. Henderson, Textron Inc., 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
B. Textron Inc., 40 Westminster Street, Providence, R.I. 02903.
D. (6) $1,990. E. (9) $295.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
E. (9) $342.23.

A. Tom Henderson, U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
B. U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
D. (6) $7,500. E. (9) $3,499.14.

A. Elizabeth E. Hendrix, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Edmund P Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. George F. Hennrikus, Jr., the Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $4,437.

A. LeAnn Hensche, RJR Industries, Inc., 2550 M Street NW., No. 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $263.74. E. (9) $140.23.

A. Lawrence R. Herman, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 100 Church Street, New York, N.Y. 10007.
D. (6) $8,099.01.

A. Herrick, Allen, Davis & Bailey, 1701 K Street NW., Suite 706, Washington, D.C. 20006.
B. Amusement & Music Operators Association, 35 East Wacker Drive, Suite 1940, Chicago, Ill. 60601.
D. (6) $1,380. E. (9) $60.31.

A. Heublein, Inc., Munson Road, Farmington, Conn. 06032.
E. (9) $22,993.86.

A. Ted A. Heydinger, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,375. E. (9) $245.62.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $15,750. E. (9) $1,044.77.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $95.

A. J. Thomas Higginbotham, Mellon Bank N.A., Pittsburgh, Pa. 15230.
B. Mellon Bank N.A. and Mellon National Corp., Mellon Square, Pittsburgh, Pa. 15230.
D. (6) $2,000. E. (9) $235.

A. J. Eldred Hill, Jr., UBA, Inc., 600 Maryland Avenue SW., Suite 603, Washington, D.C. 20024.
B. UBA, Inc., 600 Maryland Avenue SW., Suite 603, Washington, D.C. 20024.
D. (6) $2,000.

A. Morton A. Hill, 980 Park Avenue, New York, N.Y. 10028.
B. Morality in Media, Inc., 475 Riverside Drive, New York, N.Y. 10115.

A. Particia Hill, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Robert B. Hill, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Robert Ainsley Hilliard, Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017.
B. Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017 (for William M. Mercer, Inc., 1211 Avenue of the Americas, New York, N.Y. 10036).
D. (6) $365.

A. Maureen K. Hinkle, National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
E. (9) $178.75.

A. Cornish F. Hitchcock, 1346 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Aviation Consumer Action Project, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $10.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Lawrence S. Hobart, 2301 M Street NW., Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Washington, D.C. 20037.
D. (6) $500.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,700. E. (9) $105.

A. Robert J. Hobbs, National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.
B. National Consumer Law Center, 11 Beacon Street, Boston, Mass. 02108.

A. Jerald E. Hobson, El Paso Co., 1775 K Street NW., No. 310, Washington, D.C. 20006.
B. El Paso Co., P.O. Box 2185, Houston, Tex. 77001.
D. (6) $2,500. E. (9) $119.97.

A. Hodgson, Russ, Andrews, Woods & Goodyear, 1776 F Street NW., Washington, D.C. 20006.
B. J. C. Brock Corp., 95 Kentucky, Buffalo, N.Y.
D. (6) $200.

A. Charles L. Hoebel, Carrier Corp., 1100 17th Street NW., Suite 505, Washington, D.C. 20036.
B. Carrier Corp., Carrier Tower, P.O. Box 4800, Syracuse, N.Y. 13221.
D. (6) $3,300. E. (9) $824.20.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Glen D. Hofer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,850.

A. Irvin A. Hoff, 20 North Live Oak Road, Hilton Head Island, S.C. 29928.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,625. E. (9) $420.17.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund of the Washington Research Project, Inc.
D. (6) $5,467. E. (9) $376.32.

A. Elmo R. Hoffman, 215 East Central Boulevard, Orlando, Fla. 32801.
B. Hoffman, Hendry, Stoner, Sims & Sawicki (for Global Exploration & Development, 1414 Collins Avenue, Lakeland, Fla. 33801), 215 East Central Boulevard, Orlando, Fla. 32801.
D. (6) $425. E. (9) $425.

A. Hoffman, Hendry, Stoner, Sims, Sawicki, 215 East Central Boulevard, Orlando, Fla. 32801.
B. Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801.
E. (9) $103.70.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. William L. Hoffman, American University of Beirut, 516 First Street SE., Washington, D.C. 20003.
B. American University of Beirut, 380 Madison Avenue, New York, N.Y. 10017.
D. (6) $7,500. E. (9) $502.42.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Archer Daniels Midland Co., Box 1470, Decatur, Ill. 62525.
D. (6) $500.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. EPIC, c/o Nolan Hancock, AFL-CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $400.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. International Telephone & Telegraph, 320 Park Avenue, New York, N.Y. 10022.
D. (6) $800.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Marine Engineers Beneficial Association, 444 North Capitol Street, No. 800, Washington, D.C. 20001.
D. (6) $500.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $400.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Page Airways, 1265 Scottsville Road, Rochester, N.Y. 14624.
D. (6) $400.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Westinghouse Electric, 1801 K Street NW., Washington, D.C. 20036.
D. (6) $300.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. American Electronics Association, 1612 K Street NW., Washington, D.C. 20006.
D. (6) $1,187.50.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Computer & Business Equipment Manufacturers Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,187.50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 30/32 St. Mary Axe, London EC3A 8ET, England.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,140.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Electronics Industries Association, 2001 I Street NW., Washington, D.C. 20006.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94106.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Florida State Hospice Organization, Inc., 111 Northwest 10th Avenue, Miami, Fla. 33128.
E. (9) $43.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Guam Oil & Refining Co., Inc., 3400 Southland Center, 400 North Olive, Dallas, Tex. 75201.
D. (6) $997.50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Suite 600, Washington, D.C. 20006.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Suite 522, Washington, D.C. 20036.
D. (6) $296.25. E. (9) $5.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $412.50. E. (9) $4.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $2,446.25. E. (9) $71.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Newspaper-Broadcaster Committee, P.O. Box 3412, San Francisco, Calif. 94119.
D. (6) $760. E. (9) $24.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,187.50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Semiconductor Industry Association, 20380 Town Center Lane, Cupertino, Calif. 95014.
D. (6) $1,951.25.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, USA, Inc., 2055 West 190th Street, Torrance, Calif. 90509.
E. (9) $38.75.

A. Richard F. Hohlt, United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,750. E. (9) $25.45.

A. Walter Holan, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Bruce E. Holbein, Digital Equipment Corp., 111 Powdermill Road, F5, Maynard, Mass. 01754.
B. Digital Equipment Corp., 111 Powdermill Road, F5, Maynard, Mass. 01754.
D. (6) $9,500.

A. Michele O'Donnell Holbrook, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.
B. National Fuel Gas Distribution Corp., National Fuel Gas Supply Corp., National Fuel Gas Co., Penn-York Energy Co., Seneca Resources Corp.
D. (6) $207. E. (9) $827.96.

A. Niels Holch, the Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., Inc., the Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Iron and Steel Institute).

A. Niels Holch, the Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., Inc., the Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Iron and Steel Institute).

A. Niels Holch, the Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Banneker Associates), the Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Marcus A. Hollabaugh, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Charlotte Holloman, 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Planned Parenthood Federation of America, Inc., 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $329.45. E. (9) $115.37.

A. Wendell M. Holloway, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,490. E. (9) $1,741.51.

A. Lee B. Holmes, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $72.27.

A. Moses D. Holmes, Jr., National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,239.20. E. (9) $56.

A. Peter E. Holmes, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $3,000.

A. Holt Cicatiello Neiswanger & Ross, Inc., 1441 Irving Street, Rahway, N.J. 07065.
B. New York Mercantile Exchange, 4 World Trade Center, New York, N.Y. 10048.

A. E. Y. Holt, Jr., National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Linwood Holton, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $650.

A. Lois Holwerda-Hoyt, American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.
B. Amercian Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.
D. (6) $1,500.

A. Karen C. Hontz, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
D. (6) $672. E. (9) $266.85.

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Miami Conservancy District, 38 East Monument Avenue, Dayton, Ohio 45402).

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Association for Political Action Committees, 1299 Woodside Drive, McLean, Va. 22102).

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Taft Broadcasting Co., 1718 Young Street, Cincinnati, Ohio 45210).

A. Virginia E. Hopkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Telephone and Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603).

A. William B. Hopkins, P.O. Box 13366, Roanoke, Va. 24033.
B. Tulare Lake Water Users Committee, P.O. Box 1206, Corcoran, Calif. 93212.
D. (6) $7,432.50. E. (9) $2,434.57.

A. Robert Jack Horn, Detroit Edison Co., 1990 M Street NW., Suite 480, Washington, D.C. 20036.
B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.
D. (6) $358. E. (9) $106.31.

A. Alison Horton, National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $150.

A. Sanford D. Horwitt, 5935 North Fifth Road, Arlington, Va. 22203.
B. Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $4,666.66. E. (9) $244.86.

A. William J. Hotes, Diamond Shamrock Corp., 1737 H Street NW., Washington, D.C. 20006.
B. Diamond Shamrock Corp., 717 N. Harwood Street, Dallas, Tex.
D. (6) $1,000.

A. Thomas B. House, 1700 Old Meadow Road, Suite 100, McLean, Va. 22102.
B. American Frozen Food Institute, 1700 Old Meadow Road, Suite 100, McLean, Va. 22102.
D. (6) $1,000.

A. Housley Goldberg & Kantarian, P.C., 2301 M Street NW., No. 500, Washington, D.C. 20037.

A. Jack W. Houston, 315 West Ponce de Leon Avenue, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc., 315 West Ponce de Leon Avenue, P.O. Box 639, Decatur, Ga. 30031.
D. (6) $2,500. E. (9) $313.64.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $3,658.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem, Argo Post Office, Bedford Park, Ill. 60501.

A. Howell Corp., 1010 Lamar, Suite 1800, Houston, Tex. 77002.

A. Donald L. Howell, 2835 First City Tower, Houston, Tex. 77002.
B. Vinson & Elkins, First City Tower, Houston, Tex. 77002 (for Slurry Transport Association).
D. (6) $131.25.

A. J. William Howell, IBM, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $2,045.10. E. (9) $26.95.

A. James P. Howell, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue, NW., Washington, D.C. 20036.
D. (6) $2,187.50.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., No. 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. Mary Lynch Howell, Textron, Inc., 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
B. Textron, Inc., 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $280.

A. Steven K. Howell, 1010 Lamar, Suite 1800, Houston, Tex. 77002.
B. Howell Corp., 1010 Lamar, Suite 1800, Houston, Tex. 77002.

A. John B. Howerton, ASARCO Inc., Suite 209, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
D. (6) $2,000.

A. Joanne Massey Howes, 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Planned Parenthood Federation of America, Inc., 1220 19th Street NW., No. 303, Washington, D.C. 20036.
D. (6) $1,537. E. (9) $103.10.

A. Karl T. Hoyle, Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue NW., Suite 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $241.60.

A. J. S. Hoyt, Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.
B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.
D. (6) $250. E. (9) $200.

A. Paul R. Huard, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Hudson, Creyke, Koehler & Tacke, 1744 R Street NW., Washington, D.C. 20009.
B. James P. Purvis, East 7404 Euclid Street, Spokane, Wash.
E. (9) $107.73

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
D. (6) $100

A. Hughes Hubbard & Reed, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $8

A. Hughes Hubbard & Reed, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

A. Hughes Hubbard & Reed, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Pfizer, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Hughes Hubbard & Reed, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Texas International Airlines, 3 Allen Center, Houston, Tex.

A. Peter W. Hughes, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $989.20. E. (9) $175.56.

A. Vester T. Hughes, Jr., 1000 Mercantile Dallas Building, Dallas, Tex. 75201.
B. Cornell Oil Co., 5440 Harvest Hill Road, Suite 200, Dallas, Tex. 75230.

A. William E. Hughes, Jr., 11 Hills Avenue, East Hampton, Conn. 06424.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. William G. Hughes, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterianarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $17.46.

A. Edward L. Huie, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
B. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $8,612.80. E. (9) $1,785.40.

A. Cordell W. Hull, 497 Stockbridge Avenue, Atherton, Calif. 94025.
B. Bechtel Group, Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. A. Truman Hunt, Jr., Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $225. E. (9) $859.27.

A. David A. Hunt, Air-Conditioning & Refrigeration Institution, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institution, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $3,500. E. (9) $1,600.

A. Richard M. Hunt, NL Industries, Inc., Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $3,222.

A. Harriet Hunt-Burgess, 82 Second Street, San Francisco, Calif. 94105.
B. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
D. (6) $1,292.16. E. (9) $2,324.41.

A. Harry Hunter, National Association of Convenience Stores, 5201 Leesburg Pike, No. 809, 3 Skyline Place, Falls Church, Va. 22041.
B. National Association of Convenience Stores, 3 Skyline Place, No. 809, 5201 Leesburg Pike, Falls Church, Va. 22041.

A. Michael M. Hunter, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $3,000. E. (9) $80.

A. William J. Hunter, Jr., 1730 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. The Mead Corp., Courthouse Plaza Northeast, Dayton, Ohio 45463.
E. (9) $2,123.50.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Maine 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $10,907.50. E. (9) $258.13.

A. J. James Hur, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Adele M. Hurley, 1825 K Street NW., Suite 206, Washington, D.C. 20006.
B. Canadian Coalition on Acid Rain, 201 Davenport Road, Suite 201, Toronto, Ontario M5R 1H6 Canada.
D. (6) $3,168. E. (9) $382.88.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.
B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. Geoffrey B. Hurwitz, 1899 L Street NW., Suite 807, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $42.35.

A. Dewey M. Hutchins, Jr., Eastman Kodak Co., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650
D. (6) $450. E. (9) $323.

A. Philip A. Hutchinson, Jr., Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $250.

A. Randy Huwa, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,600.01. E. (9) $101.80.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for American Iron and Steel Institute).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for ASARCO).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Beretta Corp.)

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House for the Council of State Housing Agencies, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $450.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for General Telephone and Electronics).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace House NW., Washington, D.C. 20007. (for Group W.)
D. (6) $225.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray and Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for the Health Insurance Association of America).
D. (6) $112.50.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for HTB Corp).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Motorola).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for the National Association of Homebuilders).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for the Quioxte Corp).
D. (6) $337.50

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Republic Airlines).
D. (6) $58.25.

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for USO, Inc.).

A. Gary Hymel, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for Warner Communications).
D. (6) $450.

A. Robert D. Hynes, Jr., National Broadcasting Co., Inc., 1825 K Street NW., Washington, D.C. 2006.
B. National Broadcasting Co., Inc., 1825 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $128.04.

A. Richard H. Ichord, 1140 Connecticut Avenue NW., Suite 201, Washington, D.C. 20036.
B. Emerson Electric Co., 8100 Florissant Avenue, St. Louis, Mo. 63136.
D. (6) $262.50.

A. Richard H. Ichord, 1140 Connecticut Avenue NW., Suite 201, Washington, D.C. 20036.
B. Magnavox Corp., 1700 North Moore Street, Suite 820, Arlington, Va. 22209.
D. (6) $312.50.

A. Richard H. Ichord, Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
D. (6) $900.

A. Ronald K. Ikejiri, Japanese American Citizens League, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.
D. (6) $3,729.60. E. (9) $43.65.

A. Independent Insurance Agents of America, Inc., 100 Church Street, New York, N.Y. 10007.
D. (6) $18,427.04. E. (9) $18,427.04.

A. Independent Local Newspaper Association, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.

A. Independent Lubricant Manufacturers Association, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. Independent Producers Group, 240 Page Court, 220 West Douglas, Wichita, Kans. 67202.
D. (6) $61,000. E. (9) $81,344.

A. Independent Telecommunications Suppliers' Council, Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $28,500. E. (9) $13,787.03.

A. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.

A. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $22,474.79. E. (9) $22,474.79.

A. John H. Ingram, American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Public Transit Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $474.

A. Andrea L. Innes, Coal Building, Washington, D.C. 20036.
B. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $4,187.50. E. (9) $513.40.

A. Inter-American Associates, Inc., 1502 27th Street NW., Washington, D.C. 20007.
B. Government of Honduras.
D. (6) $10,000.

A. Insurance Economics Society of America, 1700 Pennsylvania Avenue NW., Suite 590, Washington, D.C. 20006.
B. Education and Research Association.
D. (6) $35,730.09.

A. Interlake, Inc., 2015 Spring Road, Commerce Plaza, Oak Brook, Ill. 60521.
E. (9) $16,276.73.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $22,337.29.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $34,895.56.

A. International Longshoremen's Association, AFL-CIO, 17 Battery Place, Suite 1530, New York, N.Y. 10004.
E. (9) $57,558.81.

A. International Union of Bricklayers and Allied Craftsmen, 815 15th Street NW., Washington, D.C. 20005.
E. (9) $5,547.22.

A. International Union, United Automobile Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson, Detroit, Mich. 48214.
D. (6) $86,521.79. E. (9) $86,521.79.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $22,344.41.

A. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Charles C. Irions, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $7,653.76. E. (9) $11,492.68.

A. ITEL Corp. Container Division, No. 2 Embarcadero Center, 24th Floor, San Francisco, Calif. 94111.
E. (9) $3,011.24.

A. Joseph S. Ives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $125.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority, et al., 609 South Sixth Street, Fort Pierce, Fla. 33450.

A. Benjamin R. Jackson, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Norman D. Shutler, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
D. (6) $4,100.

A. Carol Jackson, AFSCME, 1625 L Street NW., Washington, D.C. 20036.

A. Mercer L. Jackson, National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $200. E. (9) $26.46.

A. Robert S. Jackson, 1133 19th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1133 19th Street NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $65,302.62.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Cooperative League of the USA, 1828 L Street NW, Washington, D.C. 20036.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Farmland Industries, Kansas City, Mo.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. University of Kansas, Lawrence, Kans.
D. (6) $250.

A. Margo L. James, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $5,000. E. (9) $333.55.

A. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,231.08. E. (9) $2,231.08.

A. Joseph J. Jaquay, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Thomas Destry Jarvis, 529 Tennessee Avenue, Alexandria, Va. 22305.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $1,283.15. E. (9) $10.

A. Jerry J. Jasinowski, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Herbert N. Jasper, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $21,634.62.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., Suite 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.
D. (6) $4,500.

A. Jenkens & Gilchrist, 2200 First National Bank Building, Dallas, Tex. 75202.
B. American College of Emergency Physicians, P.O. Box 61911, Dallas, Tex. 75261.
E. (9) $19.15.

A. James C. Jennings, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.
B. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.
D. (6) $50.

A. Chris L. Jensen, Florida Petroleum Council, a division of API, 111 N. Gadsden Street, Tallahassee, Fla. 32301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701 and 244 Maryland Avenue NE., Washington, D.C. 20002.
B. County of Orange, 10 Civic Center Plaza, Santa Ana, Calif. 92701.
D. (6) $9,500. E. (9) $407.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701 and 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Orange County Transportation Commission, 1020 North Broadway, Santa Ana, Calif. 92701.
D. (6) $6,500. E. (9) $363.

A. Jensen, Sanders & McConnell, 1200 North Main Street, Suite 900, Santa Ana, Calif. 92701 and 244 Maryland Avenue NE., Washington, D.C. 20002.
B. Santa Ana Valley Irrigation Co., 1900 Bank of America Tower, 1 City Boulevard, Orange, Calif. 92668.
D. (6) $1,500.

A. A. W. Jessup, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $2,156.11.

A. Guy E. Jester, J. S. Alberici Construction Co., 2150 Kienlen Avenue, St. Louis, Mo. 63121.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexander Pike, Cold Spring, Ky. 41076.
D. (6) $8,894.40 E. (9) $2,368.01.

A. Ronald P. Johnsen, 1625 I Street NW., No. 303, Washington, D.C. 20006.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $175. E. (9) $948.96.

A. Carl T. Johnson, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14831.
D. (6) $400.

A. David H. Johnson, c/o Mississippi Petroleum Council, a Division of the American Petroleum Institute, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. George Dean Johnson, Jr., P.O. Box 5524, 220 North Church Street, Suite 6, Spartanburg, S.C. 29304.
B. Milliken & Co., P.O. Box 1926, Spartanburg, S.C. 29304.
D. (6) $4,800. E. (9) $3,948.66.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. John B. Johnson, c/o Alabama Petroleum Council, A Division of API, P.O. Box 4220, Montgomery, Ala. 36195.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,527.50. E. (9) $1,478.80.

A. Rady A. Johnson, 1000 16th Street NW., Suite 500, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $600.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Suite 321, Arlington, Va. 22201.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Noncommissioned Officers Association of the USA, P.O. Box 33610, San Antonio, Tex. 78233.
D. (6) $3,097.26. E. (9) $105.41.

A. Stanley L. Johnson, 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $125.

A. Johnson Swanson & Barbee, 4700 First International Building, Dallas, Tex. 75270.
B. Harbison Ford, Inc., Route 1, Morrisville, Pa. 19067.
D. (6) $367.50. E. (9) $1,744.98.

A. William L. Johnson, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $600.

A. David A. Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Johnston, Industry-Government Relations, GMC, 1660 L Street NW., Suite 801, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48303.

A. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
E. (9) $1,170.

A. Charlie W. Jones, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $65.

A. Jones, Day, Reavis & Pogue, 1735 Eye Street NW., Washington, D.C. 20006.
B. Cities Service Co., Cities Service Building, Tulsa, Okla. 74102.
D. (6) $1,344. E. (9) $5.10.

A. Jones, Day, Reavis & Pogue, 1735 Eye Street NW., Washington, D.C. 20006.
B. Marathon Oil Co., 539 South Main Street, Findley, Ohio 45840.
D. (6) $7,628.

A. Ernest W. Jones, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Gerald Jones, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. James E. Jones, Jr., 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $170. E. (9) $156.

A. James E. Jones, Appalachian Power Co., P.O. Box 2021, 40 Franklin Road SW., Roanoke, Va. 24022.
B. Appalachian Power Co., P.O. Box 2021, 40 Franklin Road SW., Roanoke, Va. 24022.

A. Jones, Jones, Bell, Close & Brown, 700 Valley Bank Plaza, 300 South Fourth Street, Las Vegas, Nev. 89101.
B. The Mead Corp., Courthouse Plaza Northeast, Dayton, Ohio 45463.
D. (6) $1,746.19. E. (9) $737.77.

A. Norvill Jones, 1620 I Street NW., Washington, D.C. 20006.
B. Reynolds Metals Co., 6601 West Broad Street, Richmond, Va. 23261.
D. (6) $250.

A. Randall T. Jones, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $825. E.(9) $49.75.

A. Theodore L. Jones, 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. The Chicago Board of Trade, Jackson and LaSalle Street, Chicago, Ill.
D. (6) $12,518.84.

A. De Soto Jordan, 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. EDS Corp. 229 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $176. E. (9) $74.77.

A. James V. Jordan III, P.O. Box 2563, Birmingham, Ala. 35202
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Jeffery H. Joseph, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,365. E. (9) $25.

A. Ellen Josephson, National Legal Aid and Defender Association, 1625 K Street NW., Eighth floor, Washington, D.C. 20006.
B. National Legal Aid and Defender Association, 1625 K Street, NW., Eighth floor, Washington, D.C. 20006.
D. (6) $8,750. E. (9) $15.90.

A. Robert E. Juliano, Hotel Employees & Restaurant Employees International Union, AFL-CIO, 1875 I Street NW., Suite 450, Washington, D.C. 20006.
B. Hotel Employees & Restaurant Employees International Union, AFL-CIO, 120 East Fourth Street, Suite 1300, Cincinnati, Ohio 45202.
D. (6) $9,999,96. E. (9) $2,615.61.

A. Byron E. Kabot, International Paper Co., 77 West 45th Street, New York, N.Y. 10036.
B. International Paper Co., 77 West 45th Street, New York, N.Y. 10036.
D. (6) $2,700. E. (9) $776.17.

A. Geza Kadar, Jr., 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. H. Richard Kahler, 1850 K Street NW., No. 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $3,820.46.

A. Kaiser Steel Corp., 1629 K Street NW., No. 520, Washington, D.C. 20006.

A. Geza Kadar, Jr., 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, NY., 32 South Michigan Ave., Chicago, Ill.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for City of Minneapolis), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for: Independent Refiners Association of America), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs (for: VGS Corporation (Southland Oil Co.)), 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Linda Heller Kamm, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Donald J. Kaniewski, Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,747.49 E. (9) $66.40.

A. Charles W. Karcher, Room 850 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Fred G. Karem, Shuffett, Kenton, Curry & Karem, 109 North Mill Street, Lexington, Ky. 40507-1158.
B. Lincoln Property Co., 1500 East Tropicana Avenue, Suite 216, Las Vegas, Nev. 89109.
D. (6) $450.

A. Fred G. Karem, Shuffett, Kenton, Curry & Karem, 109 North Mill Street, Lexington, Ky. 40507-1158.
B. National Multi-Housing Council, 1800 M Street NW., Suite 285 North, Washington, D.C. 20036.
D. (6) $300.

A. Joseph E. Karth 102 West Boca Raton Road, Phoenix, Ariz. 85023.
B. Archer Daniels, Midland Co. Decataur, Iowa.
D. (6) $3,700.

A. Joseph E. Karth, 102 West Boca Raton Road, Phoenix, Ariz., 85023.
B. KBS Associates, Inc., Suite 4400, 475 L'Enfant Plaza, Washington D.C. 20024.
E. (9) $910.23.

A. Maryann M. Kaswell, Suite 1200, 1300 North 17th Street., Arlington, Va., 22209.
B. The Consumer Bankers Association, Suite 1200, 1300 North 17th Street, Arlington, Va. 22209.
D. (6) $2,000. E. (9) $552.06.

A. Patricia Louise Katson, 905 St. Stephens Road, Alexandria, Va. 22305.
B. Liberty Lobby, 300 Independence Avenue SE., Washington, D.C. 20003.
D. (6) $4,250.

A. Howard C. Katz, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, Eighth Floor, New York, N.Y. 10048.

A. Lawrence W. Katz, Satellite Business Systems, 8283 Greensboro Drive, McLean, Va.
B. Satellite Business Systems, 8283 Greensboro Drive, McLean, Va. 22102.
D. (6) $1,400. E. (9) $72.17.

A. Linda E. Katz, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $964.29. E. (9) $415.95.

A. Everett E. Kavanaugh, Cosmetic, Toiletry & Fragrance Association, Inc., 1110 Vermont Avenue NW., No. 800, Washington, D.C. 20005.
B. Cosmetic, Toiletry & Fragrance Association, Inc., 1110 Vermont Avenue NW., No. 800, Washington, D.C. 2005.

A. Kaye, Scholer, Fierman, Hays & Handler, 1575 I Street NW., Suite 1150, Washington, D.C. 20005.
B. Dow Chemical Co., 2030 Dow Center, Midland, Mich. 48640.
D. (6) $343.75 E. (9) $465.83.

A. Kaye, Scholer, Fierman, Hays & Handler, 1575 I Street NW., Suite 1150, Washington, D.C. 20005.
B. Elsevier Science Publishers, BV, Overschiestratt 55-57, 1061 NH—Amsterdam; Slotervaart, The Netherlands.
D. (6) $1,176.25.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.
D. (6) $35.

A. Howard B. Keck, Superior Oil Co., 555 South Flower Street, Suite 4750, Los Angeles, Calif. 90071.
B. Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Teresa A. Keefe, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,861. E. (9) $4.

A. Vicki R. Keenan, 5597 Seminary Road, Apt. 1907-S, Falls Church, Va. 22041.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. David A. Keene, 1000 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $200. E. (9) $5.

A. Robert C. Keeney, North Washington at Madison, Alexandria, Va. 22314.
D. (6) $927.34. E. (9) $67.55.

A. Jefferson D. Keith, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.
B. National Pest Control Association, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.

A. John G. Keller, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,500.

A. Ty Kelley, National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
B. National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
D. (6) $1,500.

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $958. E. (9) $1,228.92.

A. Brian F. Kelly, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

A. Ernest B. Kelly III, Satellite Television Corp., 1301 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $2,000. E. (9) $528.27.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Mark L. Kemmer, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $1,124.42.

A. James B. Kenin, 2033 M Street NW., Suite 404, Washington, D.C. 20036.
B. Antaeus Enterprises, 59 Gary Road, Stamford, Conn. 06903.
D. (6) $1,437.50. E. (9) $41.35.

A. Ann Kenkel, 1725 K Street NW., Suite 801, Washington, D.C. 20006.
B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $1,750.

A. Joseph W. Kennebeck, Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
D. (6) $300.

A. Jeremiah J. Kenney, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Peter B. Kenney, National Broadcasting Co., Inc., 1825 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1825 K Street NW., Washington, D.C. 20006.
D. (6) $1,800. E. (9) $161.74.

A. Brendan Kenny, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Jonathan H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, No. 300, Washington, D.C. 20006.
B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.
D. (6) $3,207.09. E. (9) $710.77.

A. Jonathan H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, No. 300, Washington, D.C. 20006.
B. American Warehousemen's Association, 1165 North Clark, Chicago, Ill. 60610.
D. (6) $1,186.25. E. (9) $403.35.

A. Jonathan H. Kent, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, No. 300, Washington, D.C. 20006.
B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn. 37311.
D. (6) $2,025. E. (9) $728.87.

A. Paul A. Kerschner, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $726.92. E. (9) $35.85.

A. Robert M. Ketchel, General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.

A. Earline A. Keyser, 7352 Lee Highway, Falls Church, Va. 22046.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Richard F. Kibben, 200 Park Avenue, No. 2222, New York, N.Y. 10166.

A. Maryann Kilduff, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $321.52.

A. Margaret A. Kimball, Route 1, Box 11A, Bealeton, Va. 22712.
B. Bechtel Power Corp., 1620 Eye Street NW., Washington, D.C. 20006.

A. Roberta D. Kimball, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Kimberly-Clark Corp., 401 North Lake Street, Neenah, Wis. 54956.
E. (9) $357.30.

A. Richard H. Kimberly, Kimberly-Clark Corp., 1000 Wilson Boulevard, Suite 2200, Arlington, Va. 22209.

B. Kimberly-Clark Corp., 401 North Lake Street, Neenah, Wis. 54956.
D. (6) $101.50. E. (9) $286.10.

A. Gene Kimmelman, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2500.

A. Charles L. King, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $180. E. (9) $110.

A. Edward H. King, Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.
B. Walgreen Co., 200 Wilmot Road, Deerfield, Ill. 60015.

A. G. Jack King, US Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. US Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $1,000.
A. Rufus King, 910 17th Street NW., Washington, D.C. 20006.
B. Amusement Device Manufacturers Association, 2300 East Devon Avenue, Suite 221, Des Plaines, Ill. 60018.

A. King & Spalding, 2501 M Street NW., Suite 500, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,500. E. (9) $33.58.

A. King & Spalding, 2501 M Street NW., Suite 500, Washington, D.C. 20037.
B. Georgia-Pacific Corp., 1875 Eye Street NW., Suite 470, Washington, D.C. 20006.
D. (6) $150,000. E. (9) $9,935.18.

A. W. Russell King, 1730 Rhode Island Avenue NW., No. 400, Washington, D.C. 20036.
B. Freeport-McMoRan, Inc., 200 Park Avenue, New York, N.Y. 10166.
D. (6) $250.

A. Roger P. Kingsley, 10801 Rockville Pike, Rockville, Md. 20852-9979.
B. American Speech-Language-Hearing Association, 10801 Rockville Pike, Rockville, Md. 20852-9979.
D. (6) $7,000.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.

A. Janie A. Kinney, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

A. Kirby & Gillick, 600 Maryland Avenue SW., Suite 303, Washington, D.C. 20024.
B. American Bus Association, 1025 Connecticut Avenue NW., Suite 308, Washington, D.C. 20036.
D. (6) $2,100. E. (9) $20.

A. Kirby & Gillick, 600 Maryland Avenue SW., Suite 303, Washington, D.C. 20024.
B. Communities for an Effective Air Transportation System, 600 Maryland Avenue SW., Suite 303, Washington, D.C. 20024.
D. (6) $800.

A. Kirby & Gillick, 600 Maryland Avenue SW., Suite 303, Washington, D.C. 20024.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $7,400. E. (9) $164.

A. Kirby & Gillick, 600 Maryland Avenue SW., Suite 303, Washington, D.C. 20024.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Suite 604, Washington, D.C. 20036.
D. (6) $7,000. E. (9) $119.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $5.26.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Kirkland & Ellis, 1776 K Street NW., Washington, D.C. 20006.
B. American Newspaper Publishers Association, 11600 Sunrise Valley Drive, Reston, Va. 22090.
D. (6) $100.

A. Kirkpatrick. Lockhart, Hill, Christopher & Phillips, 1900 M Street NW., Washington, D.C. 20036.
B. Columbia Pictures Industries, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
E. (9) $206.

A. Sally Ann Kirkpatrick, Alliance of American Insurers, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $588. E. (9) $143.

A. Ralph W. Kittle, 1620 I Street NW., Suite No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite No. 700, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $135.72.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $1,599.99.

A. Catherine B. Klarfeld, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue, NW., Suite 1000, Washington, D.C. 20006.
B. Phosphate Rock Export Association, 1311 North West Shore Boulevard, Tampa, Fla. 33607.

A. Richard P. Kleeman, Association of American Publishers, 2005 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Association of American Publishers, Inc., 2005 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Kline, Knopf & Wojdak, Inc., 111 State Street, Harrisburg, Pa. 17101.
B. General Public Utilities Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.

A. Kline, Knopf & Wojdak, Inc., 111 State Street, Harrisburg, Pa. 17101.
B. The Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia, Pa. 19129.
D. (6) $500. E. (9) $1,894.51.

A. Richard A. Kline, 650 Independence Avenue SE., Washington, D.C. 20003.
B. Council of Active Independent Oil & Gas Producers, 650 Independence Avenue SE., Washington, D.C. 20003.
D. (6) $7,629.

A. William Klinefelter, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $9,452.45.

A. James E. Kneale, 2335 South Meade Street, Arlington, Va. 22202.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $580. E. (9) $271.41.

A. Peter E. Knight, National Association of Realtors, 777 14th Street NW., Washington, D.C.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,875. E. (9) $243.50.

A. Daniel F. Knise, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Mary G. Knopke, P.O. Box 53369, Temple Heights Station, Washington, D.C. 20009.
B. American Humane Association, 9725 East Hampden, Denver, Colo. 80231.
D. (6) $7,749.99.

A. John C. Knott, Burlington Northern Railroad Co., 6800 Powderhouse Road, Cheyenne, Wyo. 82001.
B. Burlington Northern Railroad Co., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $218.94. E. (9) $761.94.

A. Robert L. Knous, Jr., Colorado Ski Country USA, 1410 Grant Street, Suite A-201, Denver Colo. 80203.
B. Colorado Ski Country USA.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,575.

A. Ruth E. Kobell, 1012 14th Street NW., Washington, D.C. 20005.
B. Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $4,975.40 E. (9) $226.51.

A. Bradley R. Koch, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $137.50.

A. Stanley E. Kolbe, Jr., the American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,750.

A. Michael S. Koleda, National Council on Synthetic Fuels Production, 1875 I Street NW., Suite 960, Washington, D.C. 20006.
B. National Council on Synthetic Fuels Production, 1875 I Street NW., Suite 960, Washington, D.C. 20006.

A. Kris J. Kolesnik, Conservatives Against Liberal Legislation, 5707 Seminary Road, No. 308, Falls Church, Va. 22041.
B. Conservatives Against Liberal Legislation, 5707 Seminary Road, No. 308, Falls Church, Va. 22041.

A. Nicholas Kominus, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $1,220.63.

A. Stephen Koplan, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $14,658. E. (9) $192.54.

A. Eugene P. Kopp, 1120 20th Street, Suite 600 S, Washington, D.C. 20036.
B. Union Pacific Corp. 345 Park Avenue, New York, N.Y. 10154.
D. (6) $416.

A. Horace R. Kornegay, Suite 800, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1875 I Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $4.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $9,452.45

A. Jeanne P. Kowalski, Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
B. Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $3,440. E. (9) $352.67.

A. E. J. Krabacher, Cincinnati Milacron Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
B. Cincinnati Milacron, Inc., 4701 Marburg Avenue, Cincinnati, Ohio 45209.
D. (6) $2,200. E. (9) $610.

A. Mylio S. Kraja, The American Legion, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $10,338. E. (9) $471.55.

A. Thomas G. Krajewski, 1828 L Street NW., No. 1100, Washington, D.C. 20036.
B. Cooperative League of the USA, 1828 L Street NW., No. 1100, Washington, D.C. 20036.
D. (6) $300. E. (9) $11.50.

A. Amos Kramer, Kansas Petroleum Council, 1414, Merchants Bank, Topeka, Kans. 66612.
B. American Petroleum Institute, 2101 L Street, Northwest, Washington, D.C. 20037.
D. (6) $583.75. E. (9) $557.

A. Joseph H. Kramer III, The Power House, 3255 Grace Street N.W., Washington, D.C. 20007.
B. Gray & Co., The Power House, 3255 Grace Street NW., Washington, D.C. 20007 (for HTB Corp.).

A. Louis C. Kramp & Associates, 1919 Pennsylvania Avenue NW., No. 301, Washington, D.C. 20006.
B. U.S. Industrial Council, Realtors Building, 3d Floor, 306 Gay Street, Nashville, Tenn. 37219.
D. (6) $750.

A. Stephen W. Kraus, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Raymond R. Krause, TRW Inc., Suite 2700, 1000 Wilson Boulevard, Arlington, Va. 22209
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio.
E. (9) $5,994.92.

A. James S. Krzyminski, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Anthony L. Kucera, 1600 Wilson Boulevard, No. 1000, Arlington, Va. 22209.
B. American Waterways Operators, Inc., 1600 Wilson Boulevard, No. 1000, Arlington, Va. 22209.
D. (6) $1,000.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 De Sales Street NW., Washington, D.C. 20036.
B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.
D. (6) $14,210.

A. Thomas R. Kuhn, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $4,062.51. E. (9) $163.63.

A. Daniel M. Kush, CertainTeed Corp., 1627 K Street NW., Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.
D. (6) $500. E. (9) $65.

A. E. J. Kushan, Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
B. Southern Pacific Communications Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $200. E. (9) $5.50.

A. Labor Bureau, Inc., 1200 15th Street NW., Washington, D.C. 20005.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $19,329.64.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $7,873. E. (9) $5,563.

A. Phillip Ray Lackey, 823 15th Street NW., Washington, D.C. 20005.
B. International Masonry Institute, 823 15th Street NW., Washington, D.C. 20005.
D. (6) $1,246.

A. Walter B. Laessig, 1115 Massachusetts Avenue NW., Suite 6, Washington, D.C. 20005.
B. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $4,760. E. (9) $28.

A. Sandra L. LaFevre, Nationwide Insurance Cos., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Nationwide Insurance Co., One Nationwide Plaza, Columbus, Ohio 43216.
D. (6) $500.

A. Sarah M. Laird, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $3,970. E. (9) $95.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. Robert Lamb, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,000. E. (9) $305.35.

A. David F. Lambert III, Automotive Occupant Protection Association, 2001 Jeff Davis Highway, Suite 1101, Arlington, Va. 22202.
B. Automotive Occupant Protection Association, 2001 Jeff Davis Highway, Suite 1101, Arlington, VA. 22202.
D. (6) $11,000.

A. David R. Lambert, American Seed Trade Association, 1030 15th Street NW, Suite 964, Washington, D.C. 20005.
B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
D. (6) $5,000.

A. C. Peter Lambos, Lambos, Flynn, Nyland & Giardino, 29 Broadway, Ninth Floor, New York, N.Y. 10006.
B. New York, Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Stephen K. Lambright, One Busch Place, St. Louis, Mo. 63118.
B. Anheuser-Busch Companies, Inc., One Busch Place, St. Louis, Mo. 63118.

A. Lamon, Elrod & Harkleroad, P.C., 229 Peachtree Street NE., Suite 2500, Atlanta, Ga. 30043.
B. National Association of Pension Consultants and Administrators, Inc., Three Piedmont Center, Suite 300, Atlanta, Ga. 30305.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., Washington, D.C. 20036.
B. American Society of Composers, Authors and Publishers, One Lincoln Plaza, 6th Floor, New York, N.Y. 10023.
D. (6) $1,500.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., Washington, D.C. 20036.
B. Committee to Preserve the Patent Jurisdiction of the U.S. Courts of Appeals, c/o Sidney Neuman, 77 West Washington Street, Chicago, Ill. 60625.
D. (6) $1,500.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., Washington, D.C. 20036.
B. Council of Creative Artists, Libraries, and Museums, 250 West 57th Street, Suite 626, New York, N.Y. 10019.

D. (6) $1,000.

A. Landis, Cohen, Singman & Rauh, 1019 19th Street NW., Washington, D.C. 20036.
B. NFL Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Karl S. Landstrom, Geothermal Resources International, Inc., 510 North Edison Street, Arlington, Va. 22203.
B. Geothermal Resources International, Inc., Suite 200, 545 Middlefield Road, Menlo Park, Calif. 94025.
D. (6) $750. E. (9) $4.20.

A. Lane and Edson, P.C., 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
B. City of Baltimore, Mayor William Donald Schaefer, 250 City Hall, Baltimore, Md. 21202.
D. (6) $2,000.

A. Lane and Edson, P.C., 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
B. Council for Rural Housing and Development, 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. Lane and Edson, P.C., 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
B. National Leased Housing Association, 1800 M Street NW., Suite 400S, Washington, D.C. 20036.
D. (6) $450.

A. Laurence F. Lane, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $975. E. (9) $38.

A. Robin W. Lanier, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $100. E. (9) $5.

A. Wayne R. LaPierre, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $925. E. (9) $346.27.

A. Clifford C. LaPlante, General Electric Co., 777 14th Street NW., Washington, D.C. 20036.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $875.

A. Reed E. Larson, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $200. E. (9) $9.50.

A. James LaSala, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Lawrence C. Laser, 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Glenn T. Lashley, Potomac Division, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. Potomac Division, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Latham, Watkins, and Hills, 1333 New Hampshire Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Wilshire Terrace Cooperative Housing Corp., 10375 Wilshire Boulevard, Los Angeles, Calif. 90024.
D. (6) $2,175. E. (9) $70.80.

A. Louis F. Laun, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Kathryn M. Lavriha, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2412, E. (9) $27.

A. George H. Lawrence, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $415.

A. Henry J. Lawrence, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Lead-Zinc Producers Committee, 1320 19th Street NW., Suite 600, Washington, D.C. 20036.
E. (9) $8,128.91.

A. The League of New York Theatres and Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.

A. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) 33,771. E. (9) $ 28,071.

A. League To Save Lake Tahoe, 2197 Lake Tahoe Boulevard, P.O. Box 10110, South Lake Tahoe, Calif.
D. (6) $ 9,000. E. (9) $728.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.
B. Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $125. E (9) $50.

A. Kerley LeBoeuf, National Association of Convenience Stores, 3 Skyline Place, No. 809, 5201 Leesburg Pike, Falls Church, Va. 22041.
B. National Association of Convenience Stores, 3 Skyline Place, No. 809, 5201 Leesburg Pike, Falls Church, Va. 22041.

A. Leboeuf, Lamb, Leiby & MacRae, 140 Broadway, New York, NY.; 1333 New Hampshire Avenue NW., Washington, D.C.
B. Underwriters at Lloyd's, London, c/o Wm. G. Hockensmith, 409 McClure Building, Frankfort, Ky. 40601; c/o John Smith, Lord, Bissell & Brock, 115 South LaSalle Street, Chicago, Ill. 60603.

A. Anne Hall LeClair, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $700. E. (9) $110.56

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.

A. Richard A. Legatshi, 1050 17th Street NW., No. 700, Washington, D.C. 20036.
B. National Ocean Industries Association, 1050 17th Street NW., No. 700, Washington, D.C. 20036.

A. Caroline Mills LeGette, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3500.

A. Joanna S. Lehane, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
B. Motor and Equipment Manufacturers Association, 1120 19th Street NW., Suite 333, Washington, D.C. 20036.
D. (6) $20. E. (9) $24.31.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Dental Assistants Association, 666 North Lake Shore Drive, Suite 1130, Chicago, Ill. 60611.
D. (6) $61.25. E. (9) $49.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Express Co., 1700 K Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. The Clorox Co., 1221 Broadway, Oakland, Calif. 94612.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.
D. (6) $3,390.25. E. (9) $3,573.22.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Road, San Rafael, Calif. 94911.
D. (6) $2,480.50. E. (9) $2,236.86.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Fred T. and Cenus N. Franzia; John G. and Mary L. Franzia; and Joseph and Marilyn L. Franzia, P.O. Box 1581, Whittier, Calif. 90609.
D. (6) $15,000. E. (9) $60 (estimated).

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. General Atomic Co., 2021 K Street NW., Washington, D.C. 20006.
D. (6) $1,781.25. E. (9) $1,539.87.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Professional Air Traffic Controllers Organization, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Turner Broadcasting System, Inc., 1018 West Peachtree Street NW., Atlanta, Ga. 30309.

A. Leighton, Conklin, Lemov & Jacobs, Chartered, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Whey Products Institute, 130 North Franklin Street, Chicago, Ill. 60606.

A. Joseph L. Leitzinger, 900 Fourth Avenue, Seattle, Wash. 98164.
B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.
E. (9) $258.22.

A. Gilbert A. LeKander, 1629 K Street NW., Washington, D.C.
B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., P.O. Box 3727, Spokane, Wash.
D. (6) $250.

A. Lynette B. Lenard, 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $125. E. (9) $62.50.

A. Edward A. Lenz, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Earl T. Leonard, Jr., the Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
D. (6) $191. E. (9) $424.56.

A. Kaye C. Leonard, 1090 Vermont Avenue NW., Suite 510, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.
D. (6) $187.

A. Lloyd J. Leonard, League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $2,962. E. (9) $75.

A. Charles Leppert, Jr., 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Co., 301 East Sixth Street, Cincinnati, Ohio 45201.
D. (6) $5.34.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,239.20. E. (9) $291.12.

A. Ernest M. LeSueur, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. AIRCO, Inc., 85 Chestnut Ridge Road, Montvale, N.J. 07645.
D. (6) $1,000.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Suite 1001, Washington, D.C. 20006.
B. Commonwealth Edison Co., 1 First National Plaza, Chicago, Ill. 60603.
D. (6) $171.86.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Don Langenegger; Representative of Estate of Blanca Rosa Langenegger; 14824 Bothell NE.; Apartment 262; Seattle, Wash. 98155.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Council of Community Hospitals (NCCH), 1735 I Street NW., Suite 710, Washington, D.C. 20006.
D. (6) $340.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Upper Humboldt River Water Users Association; c/o Box 380; Elko, Nev. 89801.
D. (6) $4,500. E. (9) $45.

A. Robert J. Levering, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $200. E.(9) $65.03.
A. Morris J. Levin, 1050 17th Street NW., Washington, D.C. 20036.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $2,000.

A. Morris J. Levin, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.
B. Independent Local Newspaper Association, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.

A. Barbara W. Levine, American Public Health Association, 1015 15th Street NW., Washington, D.C. 20005.
B. American Public Health Association, 1015 15th Street NW., Washington, D.C. 20005.
D. (6) $1,287. E. (9) $1,387.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $115.

A. Roger N. Levy, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 100 Church Street, New York, N.Y. 10007.
D. (6) $11,919.26.

A. David Lewis, 600 Maryland Avenue SW., Suite 400, Washington, D.C. 20024.
B. American Optometric Association, c/o Albert A. Bucar, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $74.50. E. (9) $171.01.

A. E. David Lewis, Jr., Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $175. E. (9) $290.

A. Michael R. Lewis, International Longshoremen's & Warehousemen's Union, 1133 15th Street NW., Suite 640, Washington, D.C. 20005.
B. International Longshoremen's & Warehousemen's Union, 1188 Franklin Street, San Francisco, Calif. 94109.
D. (6) $8,529.50. E. (9) $1,382.53.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Manufacturers Hanover Corp., 350 Park Avenue, New York, N.Y. 10022.
D. (6) $400.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bank of Detroit, P.O. Box 116, Detroit, Mich. 48232.
D. (6) $400.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Seattle First National Bank, P.O. Box 3586, Seattle, Wash. 98124.
D. (6) $400.

A. John F. Leyden, Public Employee Department, AFL-CIO, 815 16th Street NW., Suite 308, Washington, D.C. 20006.
B. Public Employee Department, AFL-CIO, 815 16th Street NW., Suite 308, Washington, D.C. 20006.
D. (6) $3,567.97

A. Wm. J. Lhota, 301 Cleveland Ave., SW., Canton, Ohio 44702.
B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702.
D. (6) $763.55. E. (9) $1,361.96.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) 5,625.

A. Herbert Liebenson, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

A. William C. Lienesch, 238 10th Street SE., Washington, D.C. 20003.
B. National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $856.55. E. (9) $16.40

A. Edward J. Lincoln, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. James P. Linse, United Airlines, 1825 K Street NW., Suite 607, Washington, D.C. 20006.

B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $500.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Council of Pollution Control Financing Agencies, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $398.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas and Electric Co., 100 North Fairchild Street, Box 12313, Madison, Wis. 53701.
D. (6) $884.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.
D. (6) $4,762.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. National Association of Urban Flood Management Agencies, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
D. (6) $1,800.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.
D. (6) $1,196.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $6,583.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 S. Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $3,688.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $239.

A. Linton Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $3,881. E. (9) $70.78.

A. Linton Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis. 53701.
D. (6) $1,600.

A. Linton Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $1,605.

A. Thomas L. Linton, Chevron U.S.A. Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A. Inc. (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $375.

A. Robert G. Litschert, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $800. E. (9) $449.95.

A. Barbara A. Little, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $750.

A. Charles B. Little 600 Maryland Avenue SW., No. 603, Washington, D.C. 20024.
B. UBA, Inc., 600 Maryland Avenue SW., Suite 603, Washington, D.C. 20024.
D. (6) $1,000.

A. William F. Little, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $362.50. E. (9) $392.30.

A. Roy Littlefield, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $3,500. E. (9) $155.

A. David A. Litvin, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., Ten Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $109.39.

A. E. F. Livaudais, Jr., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071,
D. (6) $150. E. (9) $13.88.

A. Livestock Marketing Association, 301 East Armour Boulevard, Kansas City, Mo. 64111.
E. (9) $7,934.89.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005-3299.

A. Jackie Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue NW., Suite 610, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $1,487.87.

A. Jim Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. Hughes Helicopters, Inc., Centinela and Teale Streets, Building 1, M/S T-243, Culver City, Calif. 90230.
D. (6) $7,500. E. (9) $1,487.18.

A. Jim Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. Commuter Airline Association of America, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $1,487.18

A. Jim Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. Northrop Corp. 1000 Wilson, Suite 2300, Arlington, Va. 22209.
D. (6) $7,500. E. (9) $1,487.18

A. Jim Lloyd, P.O. Box 943, 3240 Whitebirch Drive, West Covina, Calif. 91793.
B. Wien Air Alaska, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,325. E. (9) $1,487.18

A. Lobel, Novins & Lamont, 1523 L Street NW., Suite 200, Washington, D.C. 20005.
B. Generic Pharmaceutical Industry Association, 600 Third Avenue, New York, N.Y. 10016.
D. (6) $2,257. E. (9) $254.14.

A. Harold D. Loden, American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
B. American Seed Trade Association, 1030 15th Street NW., Suite 964, Washington, D.C. 20005.
D. (6) $4,000.

A. Law Offices of Sheldon I. London, 1725 DeSales Street NW., Suite 401, Washington, D.C. 20036.
B. American Hardware Manufacturers Association, 117 East Palatine Road, Palatine, Ill. 60067.
D. (6) $1,500.

A. Nira Hardon Long, Smothers Douple & Long, 1800 M Street NW., Suite 880 South, Washington, D.C. 20036.
B. City of Los Angeles, Los Angeles, Calif. 90012.
D. (6) $6,744.13.

A. Robert W. Long, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $34.62. E. (9) $5.

A. Thomas R. Long, Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10171.
D. (6) $200. E. (9) $153.

A. John H. Lonnquist, Jr., Manville Corp., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $100. E. (9) $100.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Association of Bituminous Contractors, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Classroom Publishers Association, 2020 K Street NW., Washington, D.C. 20006.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Industrial Diamond Association, 59 East Main Street, Moorestown, N.J. 08057.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Optical Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Loomis, Owen, Fellman & Howe, 2020 K Street NW., Washington, D.C. 20006.
B. Textile Rental Services Association of America, 1250 Hallandale Beach Boulevard, Hallandale, Fla. 33009.

A. Susan J. Loomis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Lord, Day & Lord, 25 Broadway, New York, N.Y. 10004.
B. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10166.
D. (6) $900. E. (9) $99.89.

A. Philip J. Loree, 50 Broadway, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N..Y. 10004.
D. (6) $200.

A. Robert E. Losch, P.C., Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. American Dredging Co. et. al
D. (6) $17,500. E. (9) $2,846.21.

A. Robert E. Losch, P.C., Losch & DePuy, 1716 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Pelican Terminal Corp., P.O. Box 937, Melville, N.Y. 11747, and Port of Galveston (Galveston Wharves), P.O. Box 328, Galveston, Tex. 77550.
D. (6) $10,000. E. (9) $2,354.80.

A. Claudia J. Louis, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $500. E. (9) $200.

A. Richard J. Lovett, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwestern Bank Building, Minneapolis, Minn. 55480
D. (6) $500. E. (9) $1,361.

A. Mathew A. Low, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Norman D. Shutler, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
D. (6) $1,900.

A. William C. Lowrey, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, Washington, D.C.
D. (6) $5,000.

A. Donald C. Lubick, 1776 F Street NW., Washington, D.C. 20006.
B. Talisman Fund, 330 Washington Street, Suite 610, Marina Del Rey, Calif. 90291.
D. (6) $3,215. E. (9) $1,365.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,210.61.

A. William F. Ludlam, Sr., American Revolution Bicentennial Administration, P.O. Box 5282, Virginia Beach, Va. 23455.
B. American Revolution Bicentennial Administration Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32931.
E. (9) $492.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $2,770.

A. Milton F. Lurch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Lund, Levin & O'Brien, 1625 I Street NW., Suite 406, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $600. E. (9) $35.23.

A. Lund, Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, 600 New Hampshire Avenue, Suite 920, Washington, D.C. 20037.
D. (6) $250. E. (9) $6.67.

A. Lund, Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Pennsylvania Power & Light Co., Two North 9th Street, Allentown, Pa. 18101.
D. (6) $2,240. E. (9) $238.11

A. Edward Lyle, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance To Save Energy, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $950.48.

A. Timothy Lynch, American Natural Resources Co., 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Resources Co., One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $420. E. (9) $30.

A. Joseph Macaulay, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. Timothy C. MacCarthy, Motor Vehicle Manufacturers Association of the U.S., Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the U.S., Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $1,850.

A. Russell MacCleery, 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $20.

A. Jack A. MacDonald, National Council of Health Centers, 2600 Virginia Avenue NW., Suite 1100, Washington, D.C. 20037.
B. National Council of Health Centers, 2600 Virginia Avenue NW., Suite 1100, Washington, D.C. 20037.
D. (6) $975. E. (9) $47.85.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.
D. (6) $23,462.50. E. (9) $5,341.40.

A. James E. Mack, Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.
B. Peanut Butter & Nut Processors Association, 5101 Wisconsin Avenue, Suite 504, Washington, D.C. 20016.
D. (6) $15,999.98. E. (9) $16,784.57.

A. James H. Mack, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $10,989. E. (9) $500.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 605 14th Street NW., Suite 302, Washington, D.C. 20005.
B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.
D. (6) $11,660. E. (9) $3,929.47.

A. W. Terry Maguire, American Newspaper Publishers Association, Box 17407, Dulles International Airport, Washington, D.C. 20041.
B. American Newspaper Publishers Association, Box 17407, Dulles International Airport, Washington, D.C. 20041.
D. (6) $1,500.

A. David L. Mahan, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).
D. (6) $1,425.

A. David L. Mahan, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Sofreavia, 75 rue la Boetie, Paris 8eme, France).

A. Thomas D. Maher, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $79.12

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,015. E. (9) $32.50.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.

A. F. Anthony Maio, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania

Avenue NW., Suite 1000, Washington, D.C. 20006.
B. First Wisconsin National Bank of Milwaukee, 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Andre Maisonpierre, Alliance of American Insurers, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $375.

A. David L. Mallino, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $9,452.45.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $700. E. (9) $36.

A. Mary Jo Malone, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,875.

A. Barry L. Malter, Suite 900, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $2,703.75. E. (9) $39.25.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $6,249.99. E. (9) $67.10.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. American Pacific International, Inc., 700 South Flower Street, Suite 1400, Los Angeles, Calif. 90017.
D. (6) $437.50.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. CSL Energy Control, Inc., 2049 Century Park East, No. 800, Los Angeles, Calif. 90067.
D. (6) $11,125.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. GATX Corp., 120 South Riverside Plaza, Chicago, Ill. 60606.
D. (6) $11,112.50.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. General Telephone Co. of California, 100 Wilshire Boulevard, P.O. Box 889, Santa Monica, Calif. 90406.
D. (6) $4,437.50. E. (9) $21.80.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. IBAR, 626 Wilshire Boulevard, No. 416, Los Angeles, Calif. 90017.
D. (6) $7,900.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Luz International, Ltd., 110 Burlingame Avenue, Burlingame, Calif. 94010.
D. (6) $775.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Magana, Cathcart, McCarthy & Pierry, 301 North Avalon Boulevard, Wilmington, Calif. 90744; and Industrial Union of Marine & Shipbuilding Workers of America, AFL-CIO, Local 9, 340 North Broad Avenue, Wilmington, Calif. 90744.
D. (6) $1,543.75.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.
D. (6) $4,212.50.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.
D. (6) $13,537.50.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Northwest Alaskan Pipeline Co., 1120 20th Street NW., Suite S-700, Washington, D.C. 20036.
D. (6) $4,987.50.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Penncorp. Financial, Inc., 3130 Wilshire Boulevard, Santa Monica, Calif. 90406.
D. (6) $5,750.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. Texas Air Corp., P.O. Box 12788, Houston, Tex. 77017.
D. (6) $375. E. (9) $0.40.

A. Manatt, Phelps, Rothenberg & Tunney, 1200 New Hampshire Avenue NW., Suite 200, Washington, D.C. 20036.
B. 20th Century Fox Film Corp., P.O. Box 900, Beverly Hills, Calif. 90213.
D. (6) $1,950.

A. Machester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005.
B. Nissan Motor Co., Ltd., 560 Sylvan Avenue, P.O. Box 1606, Englewood Cliffs, N.J. 07632.

A. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
E. (9) $515.

A. Forbes Mann, 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $500. E. (9) $20.

A. Ted R. Mannen, Health Industry Manufacturers Association, 1030 15th Street NW., No. 1100, Washington, D.C. 20005.
B. Health Industry Manufacturers Association, 1030 15th Street NW., No. 1100, Washington, D.C. 20005.

A. Cynthia A. Mansfield, 600 Maryland Avenue SW., Suite 520, Washington, D.C. 20024.
B. GPU Service Corp., 100 Interpace Parkway, Parsippany, N.J.
D. (6) $2,943.45. E. (9) $463.67.

A. Armand G. Manson, 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
B. Bell Aerospace Textron, 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
D. (6) $2,760.

A. Manufacturers of Emission Controls Association, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
E. (9) $3,425.55.

A. John V. Maraney, 324 East Capitol Street NE., Washington, D.C. 20003.
B. National Star Route Mail Carriers Association, 324 East Capitol Street, Washington, D.C. 20003.

A. March for Life, Inc., P.O. Box 2950, Washington, D.C. 20013.
D. (6) $15,661.21. E. (9) $23,771.91.

A. Charles T. Marck, Dow Chemical Co., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $1,000. E. (9) $250.

A. Maritime Institute for Research and Industrial Development, 1133 15th Street NW., Suite 600, Washington, D.C. 20005.

A. Richard Mark, 2030 M Street NW., Third Place, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,000.02.

A. E. Vernon Markham III, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Stephens Overseas Services, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
D. (6) $27.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.
B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.

A. John Marlin, 307 West Nevada, Urbana, Ill. 61801.
B. Central States Resource Center, P.O. Box 577, Urbana, Ill. 61801.
D. (6) $2,875.

A. Howard Marlowe, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20005.
D. (6) $17,083.65. E. (9) $495.94.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $29.74.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.

A. John B. Martin, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $807.70. E. (9) $19.05.

A. John M. Martin, Jr., 6909 Fort Hunt Road, Alexandria, Va. 22307.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Katherine E. Martin, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $1,059.37. E. (9) $233.02.

A. Larry K. Martin, Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $150.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $225.

A. Reynaldo L. Martinez, National Education Association, 3333 Quebec Street, Suite 7800, Denver, Color. 80207.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,111. E. (9) $607.

A. Joseph J. Martyak, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $108.30.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., Washington, D.C. Office, 919 18th Street NW., Suite 600, Washington, D.C. 20006.
D. (6) $750.

A. Mike M. Masaoka, 900 17th Street NW., Suite 520, Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. W. A. Mason, P.O. Box 21106, Shreveport, La. 71156.
B. Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.

A. James D. Massie, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $1,382.05.

A. William F. Massmann, Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.
B. Dr. Pepper Co., P.O. Box 225086, Dallas, Tex. 75265.

A. Charles D. Matthews, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Ocean Industries Association, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $1,622.28. E. (9) $286.12.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $853.73.

A. Joanne E. Mattiace, Sears, Roebuck & Co., 1211 Connecticut Avenue NW., No. 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $130. E. (9) $56.41.

A. C. V. and R. V. Maudlin, 1334 G Street NW., Washington D.C. 20005.
B. Joint Government Liaison Committee, 1334 G Street NW., Washington D.C. 20005.

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,009.96. E. (9) $598.58.

A. Samuel L. Maury, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 612-A Shelby Street, Frankfurt, Ky. 40601.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $3,750. E. (9) $2.36.

A. James C. May, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., No. 800, Washington, D.C. 20007.

A. Arnold Mayer, 1775 K Street NW, Washington, D.C. 20006.
B. United Food and Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20001.
D. (6) $16,009.62 E. (9) $362.71.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. Aerospace Industries of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. Brunswick Corp., One Brunswick Plaza, Skokie, Ill. 60077.
D. (6) $375.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. Comdisco, Inc., 6400 Shafer Court, Rosemont, Ill. 60018.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The ERISA Industry Committee, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. General Telephone & Electronics Corp., One Stamford Forum, Stamford, Conn. 06904.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20036.
B. The National Association of Manufacturers' FTC, 1776 F Street NW., Washington, D.C. 20006.

A. C. H. Mayer, Inc., 3421 North Causeway Boulevard, No. 901, Metairie, La. 70002.
E. (9) $1,846.84.

A. Douglas E. McAllister, American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Suite 300, Washington, D.C. 20036.
D. (6) $30.22.

A. Jerry McAndrews, U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
B. U.S. Telephone Communications, Inc., 108 South Akard Street, Dallas, Tex. 75202.
D. (6) $6,500. E. (9) $608.43.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $700.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $9,250.02.

A. Martha L. McCabe, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $6,249.99. E. (9) $25.

A. Julie P. McCahill, the Mead Corp., Washington Representative, 1000 Connecticut Avenue NW., Suite 715, Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton Ohio 45463.
D. (6) $275.

A. Katherine S. McCarter, American Public Health Association, 1015 15th Street NW., Washington, D.C.
B. American Public Health Association, 1015 15th Street NW., Washington, D.C. 20005.
D. (6) $2,566. E. (9) $2,666.

A. James R. McCarthy, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. James W. McCarthy, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,000. E. (9) $1,540.38.

A. McCarty, Noone & Williams, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.
D. (6) $225. E. (9) $67.94.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Cities Service Co., Box 300, Tulsa, Okla. 74102.
D. (6) $2,405.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No 600, Washington, D.C. 20036.
B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.
D. (6) $1,025.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Gulf Resources and Chemical Corp., 1100 Milam Building., Houston, Tex. 77002.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Gulf & Western Industries, Inc., One Gulf Western Plaza, New York, N.Y., 10023.
D. (6) $2,610.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Mobil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $9,421.25.

A. McClure & Trotter, 1100 Connecticut Avenue NW., No. 600, Washington, D.C. 20036.
B. Tracor, Inc., 6500 Tracor Lane, Austin, Tex. 78721.

A. John A. McComb, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,150. E. (9) $191.16.

A. Richard M. M. McConnell, National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.

A. Molly McCormick, Philadelphia Electric Co., 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, Pa. 19101.
B. Philadelphia Electric Co., 2301 Market Street, P.O. Box 8699, Philadelphia, Pa. 19101.
D. (6) $1,875. E. (9) $159.95.

A. Sally McCormick, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,399.20.

A. Albert L. McDermott, American Hotel & Motel Association, 1101 Connecticut Avenue NW., Suite 1006, Washington, D.C. 20036.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $2,070.88.

A. Marianne McDermott, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Patrick J. McDonough, APGA, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel and Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $3,483.

A. Susan K. McDowell, National Grange, 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $875.

A. Darryl D. McEwen, Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists, 901 North Washington Street, Alexandria, Va. 22314.
D. (6) $2,500.

A. Robert H. McFadden, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $200. E. (9) $12.50.

A. Paul J. McGeady, 27 Hampton Place, Nutley, N.J. 07110.
B. Morality in Media, Inc., 475 Riverside Drive, New York, N.Y. 10115.
D. (6) $14.

A. Robert M. McGlotten, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $15,183. E. (9) $971.48.

A. Christopher C. McGrath, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10176.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Jerome J. McGrath, Interstate Natural Gas Association of America, Suite 601, 1660 L Street NW., Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, Suite 601, 1660 L Street NW., Washington, D.C. 20036.
D. (6) $500.

A. Terrence G. McGreevy, First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins First City National Bank Building, Houston, Tex. 77002 (for Pelican Terminal Co.).
D. (6) $4,575. E. (9) $853.35.

A. Peter E. McGuire, National Association and Veteran Railway Employees, Inc., 400 First Street NW., Washington, D.C. 20001.
B. National Association of Retired and Veteran Railway Employees, Inc., P.O. Box 6060, Kansas City, Kans. 66106, Hotel Employees & Restaurant Employees International Union, 1875 I Street NW., Washington, D.C. 20006. International Union of Police Association, 422 First Street SE., Washington, D.C. 20003.
D. (6) $5,999.98.

A. William P. McGuire, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
E. (9) $500.

A. McHenry & Staffier, P.C., 1300 19th Street NW., Washington, D.C. 20036.
B. Foothills Pipe Lines (Yukon) Ltd., 1600 205 Fifth Avenue SW., Calgary, Alberta, Canada T2P 2V7.
D. (6) $4,625.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $1,231.57.

A. Lyndley R. McIntosh, American Nuclear Energy Council, 410 First Street SE., Washington, D.C. 20003.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C. 20003.
D. (6) $1,260. E. (9) $35.57.

A. Robert S. McIntyre, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
B. Citizens for Tax Justice, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $5,630.81. E. (9) $91.

A. Christine E. McKechnie, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $250. E. (9) $188.05.

A. Jean McKee, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills Restaurant Group, Inc., P.O. Box 1431, Orlando, Fla. 32802.

A. William F. McKenna, 2301 M Street NW., No. 500, Washington, D.C. 20037.
B. Housely Goldberg & Kantarian, P.C., 2301 M Street NW., No. 500, Washington, D.C. 20037.

A. Jan E. McKenzie, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $52.55.

A. Robert T. McKernan, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. William Colm McKeveny, Chadbourne, Parke, Whiteside & Wolff, 30 Rockefeller Plaza, New York, N.Y. 10112.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. James D. McKevitt, National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
D. (6) $3,500. E. (9) $175.

A. C. A. Mack McKinney, Non Commissioned Officers Association of the U.S.A., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non Commissioned Officers Association of the U.S.A., P.O. Box 33610, San Antonio, Tex. 78233.
D. (6) $7,123.14. E. (9) $7,249.60.

A. James D. McLaughlin, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,050. E. (9) $113.68.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $525.

A. Jane Pierson McMichael, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $13,092.52. E. (9) $40,723.26.

A. James D. McMillan, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $640.12.

A. Robert R. McMillan, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
E. (9) $158.

A. Francis J. McNamara, the Hale Foundation, 109 Fifth Street SE., Washington, D.C. 20003.
B. The Hale Foundation, 109 Fifth Street SE., Washington, D.C. 20003.
D. (6) $6,666.66. E. (9) $154.14.

A. Laramie Faith McNamara, TRW Inc., 1000 Wilson Boulevard, Suite 2700, Arlington, Va. 22209.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. John K. Meagher, LTV Corp., 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $2,500. E. (9) $610.

A. Joe J. Meder, Interlake, Inc., 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Interlake, Inc., 2015 Spring Road, Commerce Plaza, Oak Brook, Ill. 60521.
D. (6) $9,000. E. (9) $386.43.

A. David O. Meeker, Jr., American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. William H. Megonnell, Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $771.43. E. (9) $27.50.

A. Richard A. Mehler, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.
D. (6) $450.

A. Louis L. Meier, Jr., American Society of Civil Engineers, 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $1,128. E. (9) $1,493.

A. R. Otto Meletzke, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $275.

A. Jack Menache, 7900 Callaghan Road, San Antonio, Tex. 78229.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
E. (9) $2,470.83.

A. Marilee Menard, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $2,000.

A. Mendelsohn Associates, Inc., 1826 Jefferson Place NW., Washington, D.C. 20036.
B. American President Lines, 1625 I Street NW., Washington, D.C. 20006.

A. Mendelsohn Associates, Inc., 1826 Jefferson Place NW., Washington, D.C. 20036.
B. Wolf Trap Foundation for the Performing Arts, 1624 Trap Road, Vienna, Va. 22180.
D. (6) $3,000. E. (9) $89.67.

A. Edward L. Menning, National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
B. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $15.41.

A. Ellis E. Meredith, American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20815.
B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.
E. (9) $4.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20815.
B. Coalition of United States Citizen Awardholders Against Czechoslovakia.
E. (9) $649.64.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20815.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $465.78.

A. Charles L. Merin, National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,537. E. (9) $578.

A. Sharon Messinger, Datapoint Corp., 1600 Wilson Boulevard, No. 500, Arlington, Va. 22209.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
E. (9) $1,486.60.

A. Metzger, Shadyac & Schwarz, One Farragut Square South, Washington, D.C. 20006.
B. Telesciences, Inc., 351 New Albany Road, Moorestown, N.J. 08057.

A. Katherine A. Meyer, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., P.O. Box 19404, Washington, D.C. 20036.
D. (6) $1,125. E. (9) $10.

A. Larry Meyers, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Beneficial Management Corp. of America, 200 South Street, Morristown, N.J.
D. (6) $500.

A. Larry Meyers, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Independent Cattlemen's Association, 704 East Wonsley Avenue, Suite 202, Austin, Tex. 78753.
D. (6) $4,500.

A. Larry Meyers, 412 First Street SE., Suite 214, Washington, D.C. 20003.
B. Southwestern Peanut Growers, Box 338, Gorman, Tex. 76544.
D. (6) $5,000.

A. Brenda J. Michaud, Colorado Ski Country U.S.A., 1410 Grant Street, Suite A-201, Denver, Colo. 80203.
B. Colorado Ski Country U.S.A., 1410 Grant Street, Suite A-201, Denver, Colo. 80203.
D. (6) $68.75. E. (9) $785.

A. Laurie L. Michel, Nabisco Foods, Inc., 1629 K Street, NW., Suite 302, Washington, D.C. 20006.
B. Nabisco Foods, Inc., East Hanover, N.J. 07936.
D. (6) $3,500. E. (9) $1,626.26.

A. Ronald A. Michieli, 425 13th Street, NW., Suite 1020, Washington, D.C. 20004-1886.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
D. (6) $1,000.

A. Mid-Continent Wildcatters Association, 200 Douglas Building, Wichita, Kans. 67202.
D. (6) $136,969.41. E. (9) $7,729.

A. Joy Midman, National Association of Private Psychiatric Hospitals, 1319 F Street, Washington, D.C.
B. National Association of Private Psychiatric Hospitals, 1319 F Street NW., Washington, D.C. 20004.
D. (6) $250.

A. Paul J. Mignini, Sr., Amalgamated Clothing and Textile Workers Union, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $2,595. E. (9) $34.25.

A. Milbank, Tweed, Hadley & McCloy, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006; 1 Chase Manhattan Plaza, New York, N.Y. 10005.
B. Chase Manhattan Plaza, New York, N.Y. 10005.
E. (9) $2.65.

A. Milbank, Tweed, Hadley & McCloy, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. LaSalle National Bank, 135 South LaSalle Street, Chicago, Ill. 60690.

A. Miles & Stockbridge, 1701 Pennsylvania Avenue NW., Suite 540, Washington, D.C. 20006.
B. Continental Resources Co., 1575 I Street NW., Suite 510, Washington, D.C. 20005.
E. (9) $59.

A. Miles & Stockbridge, 1701 Pennsylvania Avenue NW., No. 540, Washington, D.C. 20006.
B. Pizza Hut, Inc., 9111 East Douglas, Wichita, Kans. 67201.
D. (6) $500. E. (9) $50.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $2,215. E. (9) $104.15.

A. Miller Associates, Inc., 2500 Q Street NW., Washington, D.C. 20007.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $1,500. E. (9) $50.50.

A. Miller, Canfield Paddock & Stone, 2555 M Street NW., Suite 300, Washington, D.C. 20037.
B. International Paper Co., 77 West 45th Street, New York, N.Y. 10036.
D. (6) $9,201.25. E. (9) $2,108.09.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Washington, D.C. 20037.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $1,620. E. (9) $25.80.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Association of Private Pension & Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $3,419.89.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Dynamics Corp., Pierre Laclede Center, St. Louis, Mo. 63105.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lockheed Corp., Burbank, Calif. 91520.
D. (6) $30.

A. Miller & Chevalier, Chartered, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
D. (6) $150.

A. Clinton R. Miller, 212 West Foothill Boulevard, Monrovia, Calif. 91016.
B. National Health Federation, 212 West Foothill Boulevard, Monrovia, Calif. 91016.
D. (6) $1,514.40. E. (9) $777.29.

A. Daniel R. Miller, Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. Truck Trailer Manufacturers Association, 2430 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $700. E. (9) $10.

A. Miller, Hamilton, Snider & Odom, P.O. Box 46, Mobile, Ala. 36601.
B. Thornton, Farish & Gauntt, P.O. Box 196, Montgomery, Ala. 36195.
E. (9) $913.49.

A. Herbert J. Miller, Jr., Miller, Cassidy, Larroca & Lewin, 2555 M Street, NW., Washington, D.C. 20037.
B. Mead Corp., Courthouse Plaza Northeast, Dayton, Ohio 45463.

A. James C. Miller, National Grange 1616 H Street NW., Washington, D.C. 20006.
B. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $3,062.

A. John C. Miller, Hoy & Miller, Blum Building, Suite 201, Elko, Nev. 89801.
B. Cominco American Inc.

A. John R. Miller, 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co., (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $375.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. O & C Counties Association, 1980 Haydon Road, Roseburg, Oreg. 97470.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Port of Portland, Box 3529, Portland, Oreg. 97208.
D. (6) $500.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Western Forest Industries Association, 1500 SW., Taylor, Portland, Oreg. 97205.
D. (6) $3,000.

A. Linda B. Miller, Suite 405, 2550 M Street NW., Washington, D.C. 20037.
B. Volunteer Trustees of Not-for-Profit Hospitals, Suite 405, 2550 M Street NW., Washington, D.C. 20037.

A. Robert H. Miller, Tenneco, Inc., 490 L'Enfant Plaza East SW., No. 2202, Washington, D.C. 20024.
B. Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Gerald P. Nagy, National Home Furnishings Association, 900 17th Street NW., Suite 514, Washington, D.C. 20006.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
D. (6) $2,000.

A. Naman, Howell, Smith & Lee, 700 Texas Center, 900 Washington, Waco, Tex. 76703.
B. Cotton Farmers Association, 700 Texas Center, 900 Washington, Waco, Tex. 76703.

A. Frances E. Nathan, the New York Public Library, 8 East 40 Street, New York, N.Y. 10016.
B. The New York Public Library, Fifth Avenue and 42d Street, New York, N.Y. 10018.
D. (6) $4,293.

A. Raymond Nathan, 4242 East-West Highway, Chevy Chase, Md. 20815.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $555. E. (9) $96.53.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $9,158.08. E. (9) $9,158.08.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., No. 107, Washington, D.C. 20037.

A. National Association for Neighborhood Schools, P.O. Box 14887, Columbus, Ohio 43214.
D. (6) $11,878.26. E. (9) $8,994.57.

A. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
D. (6) $2,654.44. E. (9) $3,091.45.

A. National Association of Air Traffic Specialists, Suite 415, Wheaton Plaza North, Wheaton, Md. 20902.
D. (6) $115,061.61. E. (9) $10,398.20.

A. National Association of Aircraft & Communications Suppliers, Inc., 7360 Laurel Canyon Boulevard, North Hollywood, Calif. 91605.
D. (6) $15,290.44. E. (9) $15,290.44.

A. National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
E. (9) $2,150.

A. National Association of Convenience Stores, 3 Skyline Place, No. 809, 5201 Leesburg Pike, Falls Church, Va. 22041.

A. National Association of Federal Veterinarians, Suite 836, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $32.87.

A. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $82,200.80. E. (9) $136,169.92.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $58,779.45. E. (9) $58,779.45.

A. National Association of Mutual Insurance Co's., 3707 Woodview Trace, P.O. Box 68700, Indianapolis, Ind. 46268.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $16,752.85. E. (9) $16,752.85.

A. The National Association of Pension Consultants and Administrators, Three Piedmont Center, Suite 300, Atlanta, Ga. 30305.
D. (6) $11,550. E. (9) $6,523.98.

A. National Association of Personnel Consultants, 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $3,067.24. E. (9) $6,100.

A. National Association of Private Enterprise, Asociacion Nacional de la Empresa privada-ANEP), Alameda Roosevelt 2827, San Salvador, El Salvador.
E. (9) $11,000.

A. National Association of Real Estate Investment Trusts, Inc., 1101 17th Street NW., Suite 700, Washington, D.C. 20036.
E. (9) $5,014.46.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $12,601.27. E. (9) $3,753.80.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,750. E. $1,750.

A. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $8,551.19. E. (9) $8,796.93.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80203.
E. (9) $3,000.

A. National Clean Air Coalition, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $61,248. E. (9) $44,785.

A. National Coalition for Marine Conservation, Inc., P.O. Box 23298, Savannah, Ga. 31403.
D. (6) $19,677.12. E. (9) $21,671.38.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $105,584.05. E. (9) $9,144.

A. National Committee on Small Issue Industrial Development Bonds, Box 1, 1800 M Street NW., 900 South, Washington, D.C. 20036.
D. (6) $5,356. E. (9) $5,356.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $27,998.54. E. (9) $27,998.54.

A. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.
D. (6) $4,370. E. (9) $3,890.

A. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $58,922.27. E. (9) $24,036.43.

A. National Council of Health Centers, 2600 Virginia Avenue NW., Suite 1100, Washington, D.C. 20037.
D. (6) $4,340.65. E. (9) $2,835.55.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 212, Washington, D.C. 20006.
D. (6) $266.66. E. (9) $782.78.

A. National Council on Synthetic Fuels Production, 1875 I Street NW., Suite 960, Washington, D.C. 20006.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $167.04. E. (9) $167.04.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $51,430.69. E. (9) $51,430.69.

A. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $13,475. E. (9) $13,475.

A. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,639.86.

A. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.
E. (9) $137.50.

A. National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $12,500 E. (9) $9,062.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $134,790.40. E. (9) $778.19.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
E. (6) $2,000.

A. The National Industrial Traffic League, 1090 Vermont Avenue NW., S-410, Washington, D.C. 20005.
D. (6) $4,125. E. (9) $3,660.

A. National Leased Housing Association, Suite 400 S, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $450. E. (9) $450.

A. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
D. (6) $10,994.93. E. (9) $10,994.93.

A. National Maritime Council, 1748 N Street NW., Washington, D.C. 20036.
D. (6) $195,000. E. (9) $306.28.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $7,758.18. E. (9) $7,758.18.

A. National Office Machine Dealers Association, 810 Lively Boulevard, P.O. Box 707, Wood Dale, Ill. 60191.

A. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $250,000. E. (9) $22,384.95.

A. National Organization for Women, 425 13th Street, Suite 1048, Washington, D.C. 20004.
E. (9) $3,069.15.

A. National Pest Control Association, 8150 Leesburg Pike, No. 1100, Vienna, Va. 22180.

A. National Product Liability Council, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $256.67.

A. National Public Affairs Corp., 1 Farragut Square South, Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20036.

A. National Realty Committee, Inc., 2033 M Street NW., No. 303, Washington, D.C. 20036.
D. (6) $1,862.75. E. (9) $1,862.75.

A. National Rehabilitation Association, 633 South Washington Street, Alexandria, Va. 22314.
E. (9) $4,500.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
E. (9) $4,285.

A. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $5,037.08. E. (9) $5,037.08.

A. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $3,279.15.

A. National Rural Letter Carriers' Association, Suite 1204, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,679. E. (9) $12,792.

A. National Savings and Loan League, 1101 15th Street NW., No. 400, Washington, D.C. 20005.
D. (6) $451,250. E. (9) $148.74.

A. National Security Traders Association, One World Trade Center, Suite 4511, New York, N.Y. 10048.
E. (9) $2,792.

A. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $648.07.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $15,450.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $33,658.56.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., No. 615, Washington, D.C. 20036.
D. (6) $4,908.50. E. (9) $6,199.90.

A. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $14,500. E. (9) $14,345.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $6,400. E. (9) $6,400.

A. National Water Resources Association, 955 L'Enfant Plaza SW., Suite 1202, Washington, D.C. 20024.
D. (6) $18,951. E. (9) $10,753.

A. National Wheel & Rim Association, 4836 Victor Street, Jacksonville, Fla. 32207.

A. Susan Bingham Neal, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Karen J. Neale, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Alan M. Nedry, Southern California Edison Co., 1111 19th Street NW., Suite 303, Washington, D.C. 20036.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $50. E. (9) $50.

A. Frances E. Neely, Society of Friends, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,421.85.

A. Mary Elizabeth Neese, National Savings & Loan League, 1101 15th Street NW., No. 400; Washington, D.C. 20005.
B. National Savings & Loan League, 1101 15th Street NW., No. 400, Washington, D.C. 20005.
D. (6) $1,000.

A. Stanley Nehmer, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $350.

A. Gordon E. Nelson, 12005 Millstream Drive, Bowie, Md. 20715.
B. Farm/Water Alliance, 329 C Street SE., Apt. 1, Washington, D.C. 20003.
D. (6) $14,400. E. (9) $6,727.65.

A. Robert W. Nelson, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. William D. Nesbeitt, 2655 Villa Creek Drive, Suite 150, Dallas, Tex. 75234.
B. Uni-Bell Plastic Pipe Association, 2655 Villa Creek Drive, Suite 150, Dallas, Tex. 75234.
D. (6) $120. E. (9) $183.80.

A. Mal Nestlerode, National Assoication of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
B. National Association of Federal Credit Unions, 1111 North 19th Street, Suite 700, Arlington, Va. 22209.
D. (6) $900. E. (9) $115.

A. Network, 806 Rhode Island Avenue NE., Washington, D.C. 20018.
D. (6) $29,633.38. E. (9) $26,432.03.

A. E. John Neumann, Baltimore Gas & Electric Co., 1100 Connecticut Avenue, No. 820, Washington, D.C. 20036.
B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.
D. (6) $1,172.51. E. (9) $1,346.41.

A. Carla B. Neuschel, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,100. E. (9) $35.90.

A. Robert Neville, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Louis H. Nevins, National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $5,218.75.

A. Leslie F. Newcomer, 226 West Rittenhouse Square, Philadelphia, Pa. 19103.
B. Philadelphia National Bank, Broad and Chestnut Streets, Philadelphia, Pa. 19101.

A. Kathryn L. Newman, Republic Steel Corp., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, 1719 Route 10, Parippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $479.96.

A. William B. Newman, Jr., 2234 North Columbus Street, Arlington, Va. 22207.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $2,500.

A. Janet G. Newport, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $3,875. E. (9) $200.45.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $22,750. E. (9) $1,112.40.

A. Nicholas John Nichols, American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $1,000. E. (9) $2,215.

A. Robert W. Nichols, Consumers Union, 1511 K Street NW., No. 1033, Washington, D.C. 20005.
B. Consumers Union, 256 Washington Street, Mount Vernon, N.Y. 10550.
D. (6) $7,500. E. (9) $35.

A. William W. Nicherson, 10955 Trottingridge Way, Columbia, Md. 21044.
B. Massachusetts Bay Transportation Authority, 50 High Street, Boston, Mass. 02110.
D. (6) $4,150. E. (9) $2,420.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 NE. Adams Street, Peoria, Ill. 61629.
D. (6) $450. E. (9) $512.90.

A. Patrick J. Nilan, American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL-CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $12,871.53. E. (9) $4,730.96.

A. Nissan Motor Co., Ltd., c/o Engineering Office of North America, 560 Sylvan Avenue, P.O. Box 1606, Englewood Cliffs, N.J.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $5,993.94.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Walker F. Nolan, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $193. E. (9) $373.38.

A. H. Christopher Nolde, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Charles M. Noone, 490 L'Enfant Plaza East SW., Suite 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Co., 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $114.73.

A. M. Kathryn Nordstrom, Pacific Seafood Processors Association, 1575 I Street NW., Suite 725, Washington, D.C. 20005.
B. Pacific Seafood Processors Association, 1620 South Jackson Street, Seattle, Wash. 98144.
D. (6) $3,750. E. (9) $211.54.

A. Julia J. Norrell, American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $357. E. (9) $52.25.

A. North American Car Corp., 33 Monroe Street, Chicago, Ill. 60603.
E. (9) $22.30.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
E. (9) $1,725.27.

A. Clifford R. Northup, Credit Union National Association, Inc., 1730 Rhode Island Avenue, Suite 810, Washington, D.C. 20036.
B. Credit Union National Association, Inc., 1730 Rhode Island Avenue, NW., No. 810, Washington, D.C. 20036.
D. (6) $300. E. (9) $434.34.

A. Morgan Norval, 1202 South Washington Street, No. 2, Alexandria, Va. 22314.
B. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th SE., Suite 151, Bellevue, Va. 98004.
D. (6) $300.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06156.
D. (6) $60. E. (9) $2,960.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Burlington Northern Coal and Mineral, 175 North 27th Street, Billings, Mont. 59101.
D. (6) $1,008.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Dividend Support Group, c/o NWM Life Insurance Co., 20 Washington Avenue South, Minneapolis, Minn. 55440.
D. (6) $2,300.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Helionetics, Inc., 17312 Eastman Street, Irvine, Calif. 92714.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.

B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.
D. (6) $600. E. (9) $200.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Mission Resources, 8000 Edgewater Drive, Oakland, Calif. 94601.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. New York Life Insurance Co., 51 Madison Avenue, New York, N.Y. 10010.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Ocean Energy Council, 1303 South Michigan Avenue, Chicago, Ill. 60605.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. Office of the Governor, Commonwealth of the Northern Mariana Islands, Saipan, CM 96950.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Phoenix Mutual Life Insurance Co., One American Row, Hartford, Conn. 06115.

A. Nossaman, Krueger & Marsh, 445 South Figueroa Street, Los Angeles, Calif. 90071; and 1140 19th Street NW., Suite 600, Washington, D.C. 20036.
B. REI, Suite 1100, 1050 17th Street NW., Washington, D.C. 20036.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. Texas International Airlines, Inc., P.O. Box 12788, Houston, Tex. 77017.
D. (6) $3,000.

A. Nossaman, Krueger & Marsh, 1140 19th Street NW., Washington, D.C. 20036.
B. The Western Union Telegraph Co., 1828 L Street NW., Suite 1001, Washington, D.C. 20036.

A. Ralph D. Nurnberger, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $9,423.05.

A. Franklin W. Nutter, 1025 Connecticut Avenue, NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No 512, Washington, D.C. 20036.
E. (9) $83.75.

A. Mark J. Nuzzaco, 7901 Westpark Drive, McLean, Va. 22102.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22102.
D. (6) $4,616.67. E. (9) $500.

A. Donald A. Nyberg, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $50.

A. Philip S. Nyborg, 1133 19th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1133 19th Street NW., Washington, D.C. 20036.
D. (6) $4,000. E. (9) $21.

A. W. Kirk Miller, 733 North Van Buren, Suite 610, Milwaukee, Wis. 53202.
B. Barley and Malt Institute, 733 North Van Buren, Suite 610, Milwaukee, Wis. 53202.
D. (6) $4,250.

A. Christine Topping Milliken, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $8,400. E. (9) $160.06.

A. John C. Milliner, Jr., P.O. Box 1606, Forest Park, Ga. 30051.
B. SLMA, P.O. Box 1606, Forest Park, Ga. 30051.
D. (6) $57.70.

A. Richard M. Millman, P.C., 1730 M Street NW., Suite 908, Washington, D.C. 20036.
B. Senate of Puerto Rico, San Juan, Puerto Rico.
D. (6) $11,332.32. E. (9) $369.46.

A. John F. Mills, 1875 I Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Edward J. Milne, Jr., 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $196.50. E. (9) $137.04.

A. Minerals Exploration Coalition, Inc., 790 West Tennessee Avenue, Suite 103, Denver, Colo. 80223.
E. (9) $2,544.73.

A. Deborah M. Minnich, General Instrument Corp., 1200 New Hampshire Avenue NW., Suite 320, Washington, D.C. 20036.
B. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.
D. (6) $350. E. (9) $263.50.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. General Telephone and Electronics Corp., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $5,000.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. Graphic Scanning Corp., 99 West Sheffield Avenue, Englewood, N.J. 07631.
D. (6) $10,000.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. Lion Lines, Ltd., 1178 Millington Road, Schenectady, N.Y. 12309.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. Massachusetts Construction Industry Council Truck Weight Committee, c/o R. Barton Rosenfeld Concrete, Box E, Milford, Mass. 01757.
D. (6) $580. E. (9) $35.70.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. National Cable Television Association, 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. SCA Services, Inc., 60 State Street, Boston, Mass. 02109.
D. (6) $450. E. (9) $18.05.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. Securities Industry Association, 20 Broad Street, New York, N.Y. 10005.
D. (6) $2,175. E. (9) $76.68.

A. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, 1015 15th Street NW., Suite 1025, Washington, D.C. 20005; and One Center Plaza, Boston, Mass. 02108.
B. WNET/13, 356 West 58th Street, New York, N.Y. 10019.

A. Thom B. Miranda, American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
B. American Nuclear Energy Council, 410 First Street SE., Washington, D.C.
D. (6) $1,125. E. (9) $78.73.

A. S. Michael Mishoe, National Pork Producers Council, 499 South Capitol Street, Suite 102, Washington, D.C. 20003.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $225. E. (9) $140.

A. Mark R. Misiorowski, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street, NW., Washington, D.C. 20006.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1875 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $248.

A. Mocatta Metals Corp., Four World Trade Center, Suite 5200, New York, N.Y. 10048.

A. Michael S. Moe, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Moery & Co., Knollwood, Route 1, Box 46, Shepherdstown, W. Va. 25443.
B. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005 (for Arab Republic of Egypt).

A. Robert M. Moliter, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. John V. Moller, Manchester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005.

B. Manchester Associates, Ltd., 1155 15th Street NW., No. 1010, Washington, D.C. 20005 (for Nissan Motor Co., Ltd., 560 Sylvan Avenue, Englewood Cliffs, N.J.).

A. Robert A. Molofsky, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Michael J. Molony, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $60.

A. C. Manly Molpus, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $1,000.

A. Christopher S. Monek, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John M. Monley, 1090 Vermont Avenue NW., Suite 600, Washington, D.C. 20005.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. Elizabeth Monro, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Michael Monroney, TRW Inc., 1000 Wilson Boulevard, Suite 2700, Arlington, Va. 22209.
B. TRW Inc., 23555 Euclid Avenue Cleveland, Ohio 44117.
D. (6) $1,000.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 1 Montgomery Ward Plaza, Chicago, Ill. 60671.
E. (9) $150.

A. Steven M. Moodie, Federation of American Controlled Shipping, 910 16th Street NW., Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. G. Merrill Moody, Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $613.12. E. (9) $88.79.

A. James P. Mooney, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,700. E. (9) $20.49.

A. Alan J. Moore, the Atchison, Topeka & Santa Fe Railway Co., 1100 Connecticut Avenue NW., Suite 840, Washington, D.C. 20036.
B. Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,000.

A. Janis E. Moore, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Morality in Media, Inc., 475 Riverside Drive, New York, N.Y. 10115.
D. (6) $47. E. (9) $47.

A. Vincent L. Morelli, Congoleum Corp., 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., Portsmouth, N.H. 03801.
D. (6) $399. E. (9) $475.35.

A. John Morgan, Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $875. E. (9) $58.60.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Suite 800 N, Washington, D.C. 20036.
B. Committee for Capital Formation Through Dividend Reinvestment, 1800 M Street NW., Suite 800 N., Washington, D.C. 20036.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036
B. Consolidated Natural Gas Co.

A. Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. Knoll Fine Chemicals, 120 East 56th Street, New York, N.Y. 10022.

A. J. Michael Morgan, 2660 Petro-Lewis Tower, Denver, Colo. 80202; No. 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for AMAX, 1707 Cole Boulevard, Golden, Colo. 80401).

A. J. Michael Morgan, 2660 Petro-Lewis Tower, Denver, Colo. 80202; No. 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Rocky Mountain Energy Co., 10 Longs Peak Drive, Box 2000, Broomfield, Colo. 80020).

A. James A. Morrill, Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.
B. Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.
D. (6) $2,250. E. (9) $1,124.38.

A. Martin S. Morris, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Victor G. Morris, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., Suite 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Plaza, Chicago, Ill. 60671.

A. Morrison & Foerster, 1920 N Street NW., Washington, D.C. 20036.
B. The City and County of San Francisco, City Hall, San Francisco, Calif. 94102.
D. (6) $276.

A. William C. Morrison, 2001 North Adams Street, Arlington, Va. 22201.
B. Meat Importers Council of America, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $875.

A. Russell N. Mosher, 950 North Glebe Road, Suite 160, Arlington, Va. 22203.
B. American Boiler Manufacturers Association, 950 North Glebe Road, Suite 160, Arlington, Va. 22203.
D. (6) $147.29. E. (9) $1.50.

A. Sol Mosher, Crown Zellerbach Corp., 1660 L Street NW., Suite 215, Washington, D.C. 20036.
B. Crown Zellerbach, One Bush Street, San Francisco, Calif., 94104.

A. Bernard Moss, 2440 Virginia Avenue NW., Washington, D.C. 20037.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $900.

A. Robert E. Moss, 1819 H Street NW., Suite 950, Washington, D.C. 20006.
B. Dilworth, Paxson, Kalish & Levy, Federal Bar Building West, Washington, D.C. 20006 (for Northwest Alaskan Pipeline Co., 1120 20th Street NW., Suite S-700, Washington, D.C. 20036).
D. (6) $28,000.

A. Robert E. Moss, 1819 H. Street NW., Suite 950, Federal Bar Building West, Washington, D.C. 20006.
B. Dilworth, Paxson, Kalish & Levy, 1819 H Street NW., Suite 950, Washington, D.C. 20006 (for Western Pennsylvania Coal Mining Association, 2600 The Fidelity Building, Philadelphia, Pa. 19104.

A. Lynn E. Mote, InterNorth, 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. InterNorth, 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,000.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Motor and Equipment Manufacturers Association, 1120 19th Street, NW., Suite 333, Washington, D.C. 20036.
E. (9) $1,904.15.

A. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Michigan 48202.
D. (6) $7,404.45. E. (9) $7,404.45.

A. Kelly Holley Mountain, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Mountain West Associates, 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Finlinson & Finlinson, 721 Kearns Building, Salt Lake City, Utah 84101.
D. (6) $2,880. E. (9) $30.25.

A. Mountain West Associates, 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Great National Corp., 2320 South Tower, L.B. 174, Plaza of the Americas, Dallas, Tex. 75201.

D. (6) $6,400. E. (9) $125.01.

A. Mountain West Associates, 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Utah Power & Light Co., 1407 West North Temple, Salt Lake City, Utah 84110.
D. (6) $3,341. E. (9) $1,051.25.

A. Harold P. Mueller III, P.O. Box 7755, Philadelphia, Pa. 19101.
B. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.
D. (6) $8,750.

A. William G. Mullen, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Third Class Mail Association, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $600.

A. John P. Mulligan, Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,936.

A. Albert E. Mullin, Jr., Digital Equipment Corp., 111 Powdermill Road, F5, Maynard, Mass. 01754.
B. Digital Equipment Corp., 111 Powdermill Road, F5, Maynard, Mass. 01754.
D. (6) $3,750.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $100. E. (9) $15.

A. Robert J. Mullins, 1012 14th Street NW., Washington, D.C. 20005.
B. Farmers' Educational & Cooperative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $7,753.87. E. (9) $45.13.

A. Daniel J. Mundy, Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building & Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $13,987.66. E. (9) $4,891.04.

A. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $17,840.49. E. (9) $17,840.49.

A. K. R. Murphy, Gulf Oil Corp., 1025 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000.

A. Richard E. Murphy, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,000. E. (9) $89.25.

A. Richard W. Murphy, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $130.52.

A. William T. Murphy, Jr., American Natural Resources Co., 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Resources Co., One Woodward Avenue, Detroit, Mich. 48226.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul & Pacific Railroad, 516 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Cleveland Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.
D. (6) $250.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $200.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Iron Ore Lessors Association, 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $250.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.
D. (6) $500.

A. D. Michael Murray, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council of Coal Lessors, Inc., 1150 One Valley Square, Charleston, W. Va. 25301.
D. (6) $250.

A. William E. Murray, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $179.50.

A. Frank Dominic Musica, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,750.

A. Robert J. Muth, ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
D. (6) $300. E. (9) $513.42.

A. Lawrence P. Mutter, 6849 Old Dominion Drive, McLean, Va. 22101.
B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $50.

A. Gary D. Myers, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $1,120.66.

A. A. J. Walter Myers, Jr., Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.
B. Forest Farmers Association, P.O. Box 95385, Atlanta, Ga. 30347.

A. Kenneth D. Naden, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Clifford M. Naeve, RJR Industries, Inc., 2550 M Street NW., Suite 770, Washington, D.C. 20037.
B. RJR Industries, Inc., P.O. Box 2959, Winston-Salem, N.C. 27102.
D. (6) $115.37. E. (9) $25.

A. Hubert K. O'Bannon, 1544 33d Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $1,284.

A. George O'Bea, Jr., 815 16th Street NW., Suite 304, Washington, D.C. 20006.
B. United Paperworkers International Union, 815 16th Street NW., Suite 304, Washington, D.C. 20006.

A. Richard O'Brecht, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Coleman C. O'Brien, U.S. League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,150. E. (9) $51.75.

A. David D. O'Brien, O'Brien & Fierce, 1828 L Street NW., Suite 201, Washington, D.C. 20036.
B. "The Utility Group," c/o Reid and Priest, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,540. E. (9) $18.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Raymond V. O'Brien, ITT Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $450. E. (9) $25.50.

A. Rosemary L. O'Brien, 2550 M Street NW., Suite 640, Washington, D.C. 20037.
B. CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047.
D. (6) $500. E. (9) $344.87.

A. David S. O'Bryon, American Chiropractic Association, 1916 Wilson Boulevard, Arlington, Va. 22201.
B. American Chiropractic Association, 1916 Wilson Boulevard, Arlington, Va. 22201.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1000 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $2,500. E. (9) $432.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $10,312. E. (9) $2,754.62.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Association of Advertising Agencies, 1899 L Street, NW., Washington, D.C. 20036.
D. (6) $500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Clinical Laboratory Association, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,250.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Family Life Assurance Co., P.O. Box 1459, Columbus, Ga. 31902.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American INVSCO Corp., 120 South LaSalle Street, Chicago, Ill. 60603.
D. (6) $1,250.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Automotive Parts & Accessories Association, 5100 Forbes Boulevard, Lanham, Md. 20801.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Blyth Eastman Paine Webber, 140 Broadway, New York, N.Y. 10005.
D. (6) $500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Charles River Breeding Laboratories, Inc., 251 Ballardvale Street, Wilmington, Mass. 01887.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CKLW Radio Broadcasting, 1640 Ouellette Avenue, Windsor, Ontario, Canada.
D. (6) $500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commonwealth of Puerto Rico, 734 15th Street NW., Washington, D.C. 20005.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First National Monetary Corp., 4000 Town Center, Suite 1500, Southfield, Mich. 48075.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Glass Packaging Insitute, 2000 L Street NW., Suite 815, Washington, D.C. 20036.
D. (6) $550.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Health Care Financing Study Group, New York, N.Y.
D. (6) $1,250.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hennepin County, 2400 Government Center, Minneapolis, Minn. 55487.
D. (6) $2,168.50.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. John Nuveen & Co., 209 South LaSalle Street, Chicago, Ill. 60604.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Kimberly-Clark Corp., 1000 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $100.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Numismatic Professionals, 2121 North Akard, Dallas, Tex., 75201.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Coal Consumers Alliance, 414 Nicollet Mall, Minneapolis, Minn. 55401.
D. (6) $3,649.23.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee for Quality Health Care, New York, N.Y.
D. (6) $3,286.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Community Action Foundation, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $12,500.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Neighborhood TV Co., Inc., P.O. Box 22073, Phoenix, Ariz. 85028.
D. (6) $880.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $1,122.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,100.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Police Association of the District of Columbia, 2701 Pennsylvania Avenue NW., Washington, D.C. 20020.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $13,108.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue New York, N.Y. 10152.
D. (6) $8,922.38.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Tele-Cause, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $8,125.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Transport Mutual Services, Inc., Two Broadway, New York, N.Y. 10004.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. The United Kingdom Mutual Steam Ship Assurance Association, Limited, Mercury House, Front Street, P.O. Box 665, Hamilton 5, Bermuda.
D. (6) $17,855.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. U.S. Court Reporters Association, 422 Franklin Street, Reading, Pa. 19602.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street, NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. The West of England Ship Owners Mutual Protection and Indemnity Association (Luxembourg), 33 Boulevard Prince Henri, Luxembourg.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue, NW., Washington, D.C. 20006.
B. Wine & Spirits Wholesalers of America, 2033 M Street, NW., Washington, D.C. 20036.

A. Leonard F. O'Connor, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, Suite 300, Washington, D.C. 20006.
B. American Supply Association, 221 North LaSalle Street, Chicago, Ill. 60601.
D. (6) $3,207.09. E. (9) $710.77.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, Suite 300, Washington, D.C. 20006.
B. American Warehousemen's Association, 1165 North Clark Street, Chicago, Ill. 60610.
D. (6) $1,186.25. E. (9) $403.35.

A. Patrick C. O'Connor, Kent & O'Connor, Inc., 1919 Pennsylvania Avenue, Suite 300, Washington, D.C. 20006.
B. Seniorcenters of America, 2640 Peerless Road NW., Cleveland, Tenn. 37311.
D. (6) $2,025. E. (9) $728.87.

A. John B. O'Day, 1700 Pennsylvania Avenue, NW., Suite 590, Washington, D.C. 20006.
B. Insurance Economics Society of America, 1700 Pennsylvania Avenue NW., Suite 590, Washington, D.C. 20006.
D. (6) $867. E. (9) $69.

A. Thomas A. O'Day, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $400. E. (9) $61.60.

A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.
B. Bechtel National, Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Bradford C. Oelman, Owens-Corning Fiberglas Corp., 900 17th Street NW., Washington, D.C. 20006.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $314.52.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $14,658. E. (9) $102.95.

A. Barbara E. O'Hara, 1300 19th Street NW., Washington, D.C. 20036.
B. American Society of Travel Agents, 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $75.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $11,409.57.

A. Matthew D. O'Hara, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc. P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $155.30.

A. O'Keefe, Ashenden, Lyons & Ward, Suite 5100, One First National Plaza, Chicago, Ill. 60603.
B. American Invsco Corp., 120 South LaSalle Street, Chicago, Ill. 60603.

A. Harold E. O'Kelley, 7900 Callaghan Road, San Antonio, Tex. 78229.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
E. (9) $829.85.

A. R. Q. Old and Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. General Electric Co., P.O. Box 2444, Daytona, Fla. 32015.
D. (6) $125.

A. R. Q. Old & Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Gould, Inc., 1745 Jefferson Davis Highway, No. 405, Arlington, Va. 22202.
D. (6) $110.

A. R. Q. Old & Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. B. Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $110. E. (9) $148.25.

A. R. Q. Old & Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Hughes Aircraft Co., 1000 Wilson Boulevard, 25th Floor, Arlington, Va. 22209.

A. R. Q. Old & Associates, Inc., 205 The Strand, Alexandria, Va. 22314.
B. Sperry Division, 1725 South Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $110.

A. Kathleen O'Leary, 1625 Eye Street NW., Room 301, Washington, D.C. 20006.
B. Columbia Gas Distribution Cos., 99 North Front Street, Columbus, Ohio 43215.
D. (6) $3,500. E. (9) $176.93.

A. Alvin E. Oliver, 725 15th Street, NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.
D. (6) $36.50.

A. Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83402.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $3,933. E. (9) $1,899.40.

A. Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83402.
B. State Farm Fire and Casualty Co., 4600 25th Avenue NE., Salem, Oreg. 97330.

A. Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83402.
B. State Farm Mutual Automobile Insurance Co., 4600 25th Avenue NE., Salem, Oreg. 97330.

A. Charles E. Olson, National Education Association, 1201 16th Street, NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street N.W., Washington, D.C. 20036.
D. (6) $2,239. E. (9) $78.

A. Nancy J. Olsen, Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $400.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. O'Melveny & Myers, 1800 M Street, NW., Washington, D.C. 20036.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Allegheny County, 119 Courthouse, Room 101, Pittsburgh, Pa. 15219.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Chicago Board of Trade Clearing Corp., 141 West Jackson, Chicago, Ill. 60604.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Commerical Union Insurance Co., One Beacon Street, Boston, Mass. 02108.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Glass Packaging Institute, 2000 L Street NW., Suite 815, Washington, D.C. 20036.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Holly Corp., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Suite 1110, Washington, D.C. 20036.
B. Houston Natural Gas Corp., 1700 North Moore Street, Suite 919, Arlington, Va. 22209.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Legislative Alliance of Philatelists and Hard Asset Dealers and Collectors, 1270 Avenue of the Americas, New York, N.Y.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue NW., Suite 1110, Washington, D.C. 20036.
B. Mahoning Valley Economic Development Corp., 3200 Belmont Avenue, Youngstown, Ohio 44405.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Suite 1110, Washington, D.C. 20036.
B. Massachusetts Hospital Association, One Boston Place, Suite 1820, Boston, Mass. 02108.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Suite 1110, Washington, D.C. 20036.
B. Panhandle Producing Co., 601 Northwest Loop 410, Suite 808, San Antonio, Tex. 78216.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Suite 1110, Washington, D.C. 20036.
B. Santarelli & Gimer, 2033 M Street NW., Washington, D.C. 20036.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Sugar Users Group, 910 17th Street NW., Washington, D.C. 20006.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. The Western Union Telegraph Co., Suite 1001, 1828 L Street NW., Washington, D.C. 20036.

A. O'Neill and Haase, P.C., 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Philip C. Onstad, Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
B. Control Data Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $50. E. (9) $3,033.84.

A. Michel Orban, American Express Co., 1700 K Street NW., Suite 702, Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Organization for the Protection and Advancement of Small Telephone Cos., 1200 New Hampshire Avenue NW., Suite 320, Washington, D.C. 20036.
E. (9) $182.11.

A. Abraham Orlofsky, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,025.43.

A. Elvira Orly, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $678.55. E. (9) $315.09.

A. J. Denis O'Toole, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,020.

A. M. Diane O'Toole, 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.
B. Northrop Corp., 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.

A. Stephen E. O'Toole, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,240.66.

A. Roland A. Ouellette, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $3,482.94.

A. Cliff Ouse, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $37.50.

A. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.

A. Joseph A. Overton III, 1000 Wilson Boulevard, Suite 2600, Arlington, Va. 22209.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,000.

A. Thomas J. Owens, P.O. Box 12266, Seattle, Wash. 98101.
B. Dollar Savings Bank, 4th and Springfield, Pittsburgh, Pa. 15230; Merchants Savings Bank, One Hampshire Plaza, Manchester, N.H. 03105; Washington Mutual Savings Bank, P.O. Box 834, Seattle, Wash. 98111.
D. (6) $28,840. E. (9) $12,680.40.

A. William H. Owens, Jr., 1101 17th Street NW., Suite 1004, Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Suite 1004, Washington, D.C. 20036.
D. (6) $1,000.

A. W. D. Page, American Plywood Association, 1581 Phoenix Boulevard, No. 6, Atlanta, Ga. 30349.
B. American Plywood Association, P.O. Box 11700, Tacoma, Wash. 98411.

A. Steven J. Paggioli, Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $198. E. (9) $154.52.

A. Geri D. Palast, 2020 K Street NW., Washington, D.C. 20006.
B. Service Employees International Union, AFL-CIO, CLC, 2020 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $5,000. E. (9) $105.

A. Henry S. Palau, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $705.

A. Diane M. Palmer, 1200 Northwestern Bank Bldg., Minneapolis, Minn. 55480.
B. Northwest Bancorporation, 1200 Northwestern Bank Bldg., Minneapolis, Minn. 55480.
D. (6) $100. E. (9) $442.

A. Fred Panzer, The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.
B. The Tobacco Institute, 1875 I Street NW., Suite 800, Washington, D.C. 20006.
D. (6) $100.

A. Paperboard Packaging Council, 1800 K Street N.W., No. 600, Washington, D.C. 20006.

A. G. Oliver Papps, N.J. Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Nancy L. Parke, 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.
B. Lone Star Industries, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.
D. (6) $600. E. (9) $200.

A. John N. Parker, Mobil Oil Corp., 1100 Connecticut Avenue NW., Suite 620, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Kimberly C. Parker, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C.20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue N.W., Washington, D.C. 20005.
D. (6) $7,806.54. E. (9) $156.87.

A. Ken Parmelee, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
B. Ethyl Corp., 1155 15th Street NW., Suite 611, Washington, D.C. 20005.
D. (6) $2,000.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $264.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Aerospatiale Helicopter Corp., 2701 Forum Drive, Grand Prairie, Tex. 75051.
D. (6) $11,130. E. (9) $3,213.66.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Bangor & Aroostook Railroad, Northern Maine Junction, Bangor, Me. 04401.
D. (6) $3,600. E. (9) $3,118.36.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Boston & Maine Railroad, Iron Horse Park, North Billerica, Mass. 01862.
D. (6) $4,749.99. E. (9) $3,264.39.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Chicago & North Western Transportation Co., One North Western Center, 165 North Canal St., Chicago, Ill. 60606.
D. (6) $28,000. E. (9) $3,307.70.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Delaware Otsego System, One Railroad Ave., Cooperstown, N.Y.
D. (6) $2,800. E. (9) $3,183.79.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Genesee & Wyoming Industries, 71 Lewis St., Greenwich, Conn. 06830.
D. (6) $750. E. (9) $3,118.36.

A. Parrish & Chambers, Inc., 1300 North 17th Street, Suite 1510, Arlington, Va. 22209.
B. Lehigh Valley Estate, 415 Brighton, Bethlehem, Pa., 18015.
D. (6) $5,000. E. (9) $2,017.10.

A. Parrish & Chambers, Inc, 1300 North 17th Street., Suite 1510, Arlington, Va. 22209.
B. Oy Wartsila Ab, Helsinki Shipyard, P.O. Box 132, SF-00151, Helsinki, Finland.
D. (6) $33,333.32 E. (9) $3,169.52.

A. Parrish & Chambers, Inc, 1300 North 17th Street., Suite 1510, Arlington, Va. 22209.
B. Pittsburg & Shawmut, R.D. No. 2, Middle Street, Brookville, Pa. 15825.
D. (6) $2,100. E. (9) $3,118.36.

A. Linda K. Person, 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.

A. Jack Partridge, 1014 Vine Street, Cincinnati, Ohio 45201.
B. The Kroger Co., 1014 Vine Street, Cincinnati, Ohio 45201.
D. (6) $2,000. E. (9) $152.30.

A. Robert D. Partridge, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $255.

A. Alan K. Parver, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
B. American Association of Homes for the Aging, 1050 17th Street NW., Suite 770, Washington, D.C. 20036.
D. (6) $840. E. (9) $25.

A. Paskus, Gordon & Hyman, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Music Publishers-Association, 110 East 59 Street, New York, N.Y. 10022.
D. (6) $8,585. E. (9) $84.80.

A. The Patriots Foundation, Inc., 986 Atherton Drive, Suite 215, Salt Lake City, Utah 84105.
D. (6) $4,800. E. (9) $4,793.93.

A. Richard M. Patterson, Dow Chemical Co., 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $500. E. (9) $239.50.

A. Thomas Patterson, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $231. E. (9) $45.82.

A. Kenton H. Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031
D. (6) $2,922.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006; 919 Third Avenue, New York N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Congress of Surveyors & Mappers, 210 Little Falls Street, Falls Church, Va. 22046
D. (6) $1,202.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American International Automobile Dealers Association, 1220 19th Street NW., Washington, D.C. 20035.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Maritime Association, 1612 K Street NW., Washington, D.C. 20006.
D. (6) $12,960. E. (9) $21.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Movers Conference, 1117 North 19th Street, Arlington, Va. 22209.
D. (6.) $585. E. (9.) $23.50.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. American Society of Association Executives, 1575 Eye Street NW., Washington, D.C. 20005.

A. Patton, Boggs & Blow, 2550 M Street NW.,Washington, D.C. 20037.
B. Armco Inc., Middletown, Ohio 45052.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Burlington Industries, Inc., 1800 M Street NW., Suite 760 South, Washington, D.C. 20036.
D. (6.) $2,650. E. (9.) $31.25

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. California Westside Farmers, 9555 L'Enfant Plaza North, SW., Room 1101, Washington, D.C. 20024.
D. (6.) $5,650. E. (9.) $54.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Callery-Judge Grove, 612 Comeau Building, West Palm Beach, Fla. 33401
D. (6.) $220. E. (9.) $42.25.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037
B. Cargill, Inc., Suite 26, P.O. Box 9300, Minneapolis, Minn. 55440.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Castle & Cooke, Inc., P.O. Box 3928, San Francisco, Calif. 94119.
D. (6.) $190.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Central American Sugar Council, 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6.) $695.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Conoco, Inc., 1025 Connecticut Avenue, Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Council of State Chambers of Commerce, Committee on State Taxation, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Dredging Industry Size Standards Committee, 2550 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. E.G.G. Industries, 45 William Street, Wellesley, Mass.
D. (6) $850. E. (9) $65.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Great Atlantic & Pacific Tea Co., Inc., No. 2 Paragon Drive, Montvale, N.J. 07645.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Hobby Industry of America, 319 East 54th Street, Elmwood, N.J. 07407.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Institute of Scrap Iron and Steel, Inc., 1627 K Street NW., 20006.
D. (6) $170.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. International Cogeneration Society, 1111 19th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Lasco Shipping Co., 3200 Northwest Yeon Avenue, Portland, Oreg. 97210.
D. (6) $810.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Lee Way Motor Freight, Inc., 300 West Reno, Oklahoma City, Okla. 73108

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Litton Industries, Inc., 360 North Crescent Drive, Beverly Hills, Calif. 90210

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. LOOP, Inc., 1010 Common Street, 250 Bank of New Orleans Building, New Orleans, La. 70112.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Los Angeles Olympic Commemorative Coin Committee, 1 Rockefeller Center, New York, N.Y. 10200.
D. (6) $8,730. E. (9) $145.69.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Los Angeles Olympic Organizing Committee, 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Loss Reserve Deduction Committee, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $560.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Louisiana Pacific Corp., 1300 SW Fifth Avenue, Portland, Oreg. 97201.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
D. (6) $26,357.50. E. (9) $430.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $4,060.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. MCI Telecommunications, Inc., 1133 19th Street NW., Washington, D.C. 20036.
D. (6) $5,532.50. E. (9) $75.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Mocatta Metals Corp., 35 Broad Street, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Multi Mineral Corp., 330 North Belt East, Houston, Tex. 77060.
D. (6) $825.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Association of Small Business Investment Cos., 618 Washington Building, 1435 G Street NW., Washington, D.C. 20005.
D. (6) $292.50. E. (9) $2.93.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Cable Television Association, 724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,230.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Marine Manufacturers Association, 401 Michigan Avenue, Chicago, Ill. 60601.
D. (6) $665.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.

B. The National Multi-Housing Council, 1800 M Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow 2550 M Street NW., Washington, D.C. 20037.
B. Northwest Energy Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $16,175.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ocean Minerals Co., 465 North Bernardo, Mountain View, Calif. 94040.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Options Clearing Corp., 233 South Wacker Drive, Room 5950, Chicago, Ill. 60605.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. OSG Bulk Ships, Inc., 1114 Avenue of the Americas, New York, N.Y. 10036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Penn Central Corp., 2021 K Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Pepisco, Inc., Purchase, N.Y. 10577.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $1,000.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Redwood Industry Park Committee, 2750 Sand Hill Road, Menlo Park, Calif. 94025.
D. (6) $190.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Retail Tax Committee, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $14,105. E. (9) $850.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Rockwell International Corp., 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $2,250.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. St. Joe Minerals, 1730 Rhode Island Avenue NW., Washington, D.C. 20005.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Sheridan-Kalorama Neighborhood Council, c/o Samuel Scrivner, Jr., 2543 Waterside Drive NW., Washington, D.C. 20008.
D. (6) $160.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Shipbuilders' Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. SSIE Council to Protect Earned Employment Rights, Smithsonian Science Information Exchange, 1730 M Street NW., Washington, D.C. 20037.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. State of Louisiana, Department of Conservation, P.O. Box 44275, Baton Rouge, La. 70804.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Sultantate of Oman, 2550 M Street NW., Suite 800, Washington, D.C. 20037.
D. (6) $3,135.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Union Pacific Corp., 345 Park Avenue, New York, N.Y.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Western Union Telegraph Co., Suite 1101, 1826 L Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Weyerhauser Co., Tacoma, Wash. 98477.

A. Patton, Boggs & Blow, 2550 M Street NW., Washington, D.C. 20037.
B. Wilshire Oil Co. of Texas, 250 Park Avenue, New York, N.Y. 10017.
D. (6) $4,090.

A. Andrew R. Paul, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Management Co., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
D. (6) $1,000. E. (9) $23.78.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Best Employer's Association, 4201 Birch Street, Newport Beach, Calif. 90226.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Capitol Oil Co., 650 Independence Avenue SE., Washington, D.C. 20003.
D. (6) $3,818. E. (9) $876.62.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Council of Active and Independent Oil and Gas Producers, 650 Independence Avenue SE., Washington, D.C. 20003.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Enserch Corp., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
D. (6) $895. E. (9) $97.92.

A. Paul, Hastings, Janofsky & Walker, 1050 Thomas Jefferson Street NW., Sixth Floor, Washington, D.C. 20007.
B. Security Life of Denver, Security Life Building, Denver, Colo. 80202.
D. (6) $17,851. E. (9) $1,164.60.

A. Peabody, Lambert & Meyers, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of Media Producers, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $4,085. E. (9) $16.

A. Beth Peacock, 1707 L Street NW., Suite 950, Washington, D.C. 20036.
B. General Foods Corp., 1707 L Street NW., Suite 950, Washington, D.C. 20036.
D. (6) $1,765.

A. William E. Peacock, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. Ronald W. Pearson, 103 West Cedar Street, Alexandria, Va. 22301.
B. Conservatives Against Liberal Legislation, 5707 Seminary Road, Baileys Crossroads, Va. 22041.
E. (9) $14.35.

A. Frank Pecquex, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $268.15.

A. James M. Peirce, Jr., National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,551.37.

A. Pennsylvania Power & Light Co., 2 North Ninth Street Allentown, Pa. 18101.
E. (9) $2,478.11.

A. Penny/Ohlmann/Neiman, Inc., 1605 North Main Street, Dayton, Ohio 45405.
B. The National Management Association, 2210 Arbor Boulevard, Dayton, Ohio 45439.
E. (9) $5.01.

A. Dominic V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A. Inc. (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Gregory M. Pensabene, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,405.

A. Pepper & Corazzini, 1776 K Street NW., Washington, D.C. 20006.
B. Southern Satellite Systems, Inc., P.O. Box 45684, Tulsa, Okla. 74145.
D. (6) $1,183.75. E. (9) $25.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Alarm Device Manufacturing Co. (a subsidiary of Pittway Corp.), 165 Eileen Way, Syosset, N.Y. 11791.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Alarm Industry Telecommunications Committee of the National Burglar & Fire

Association, 1101 Connecticut Avenue NW., Washington, D.C. 10036.
D. (6) $2,742.50. E. (9) $34.50.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. FOCUS, 1777 F Street NW., Washington, D.C. 20006.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. The Glenmede Trust Co., as trustee for Pew Memorial Trust, 222 South 18th Street, Philadelphia, Pa. 19103.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Hooker Investments, Ltd., Suite 1701, 1 Commerce Place, Nashville, Tenn. 37239.
D. (6) $1,965. E. (9) $9.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Millicom Inc., Suite 5500, 153 53d Street, New York, N.Y. 10022.
D. (6) $1,260. E. (9) $4.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $255.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Russian Travel Bureau, 20 East 46th Street, New York, N.Y. 10017.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Southern Pacific Communication Co., 1828 L Street NW., Suite 500, Washington, D.C. 20036.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. Sun Shipbuilding, Foot of Morton Avenue, Chester, Pa. 19113.
D. (6) $2,136.25.

A. Pepper, Hamilton & Scheetz, 1777 F Street NW., Washington, D.C. 20006.
B. TRT Telecommunications Corp., 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $6,824.75. E. (9) $27.20.

A. PepsiCo, Inc., 700 Anderson Hill Road, Purchase, N.Y. 10577.
E. (9) $1,388.60.

A. Elinor Peretsman, 55 Tain Drive, Great Neck, N.Y. 11021.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $1,282.50. E. (9) $1,347.88.

A. Perito, Duerk, Carlson & Pinco, P.C., 1140 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Advanced Health Systems, Inc., 17861 Cartwright Road, Irvine, Calif. 92714.
D. (6) $10,600. E. (9) $16.50.

A. Tony Perkins, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. Gary J. Perkinson, Beneficial Management Corp. of America, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Jeffry L. Perlman, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,420. E. (9) 320.47.

A. Leonard Perlman, APGA, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel & Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $3,600. E. (9) $143.70.

A. John P. Perrin, American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.
B. American Osteopathic Association, 499 South Capitol Street SW., Suite 104, Washington, D.C. 20003.
D. (6) $3,412.50. E. (9) $41.78.

A. John J. Pesch, 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.
B. Northrop Corp., 1000 Wilson Boulevard, No. 2300, Arlington, Va. 22209.

A. Todd A. Peterman, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. Peterson, Engberg & Peterson, 1730 M Street NW., Suite 907, Washington, D.C. 20036.
B. Federated Research Corp., 421 Seventh Avenue, Pittsburgh, Pa. 15219.
D. (6) $16,660. E. (9) $286.05.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $14,966.10 E. (9) $319.85.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,239.92.

A. Russell W. Peterson, National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.

A. Joseph J. Petrillo, 1625 K Street NW., Suite 302, Washington, D.C.
B. National Association of Aircraft & Communications Suppliers, Inc., 7360 Laurel Canyon Boulevard, P.O. Box 3925, North Hollywood, Calif. 91605.
D. (6) $14,475. E. (9) $4,744.44.

A. Michael J. Petrina, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $80.55.

A. Paul F. Petrus, Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200.

A. H. William Petry, Milliken Research Corp., P.O. Box 1927, Spartanburg, S.C. 29304.
B. Milliken Research Corp., P.O. Box 1927, Spartanburg, S.C. 29304.
D. (6) $800. E. (9) $582.

A. Lorraine Petti, 2817 18th Street NW., Washington, D.C. 20009.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Suite 501, Los Angeles, Calif. 90017.
D. (6) $3,510.

A. John E. Pflieger, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $1,700.

A. James R. Phalen, 1100 Connecticut Avenue NW., Suite 820, Washington, D.C. 20036.
B. MAPCO Inc., 1800 South Baltimore Avenue, Tulsa, Okla. 74119.
D. (6) $2,500. E. (9) $286.93.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $18,877.80. E. (9) $18,877.80.

A. Marshall A. Pharr, 6103 Adirondack, Amarillo, Tex. 79106.
B. Southwestern Public Service Co., P.O. Box 1261, Amarillo, Tex. 79170.
D. (6) $1206. E. (9) $1301.89.

A. John P. Philbin, Mobil Oil Co., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. John D. Phillips, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
B. National Association of Independent Colleges and Universities, 1717 Massachusetts Avenue NW., Suite 503, Washington, D.C. 20036.
D. (6) $13,500. E. (9) $670.68.

A. Susan L. Phillips, Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $3,072.60. E. (9) $90.70.

A. William G. Phillips, D.C. Associates, Inc., 402 Third Street SE., Washington, D.C. 20003.
B. Association of University Programs in Occupational Health & Safety, P.O. Box 20186, Houston, Tex. 77025.
D. (6) $5,000.

A. Phosphate Chemicals Export Association, Inc., 200 Park Avenue, New York, N.Y. 10166.
E. (9) $1,169.75.

A. Sam Pickard, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63167.
D. (6) $500. E. (9) $620.84.

A. Bill Pickens, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,698. E. (9) $294.59.

A. W. D. Pickett, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, Box U, Mt. Prospect, Ill. 60056.
D. (6) $350.

A. James Pickman, 1200 New Hampshire Avenue, Suite 320, Washington, D.C. 20036.
B. Campaign for Community-Based Economic Development, 734 15th Street, Suite 200, Washington, D.C. 20005.
D. (6) $5,817.50. E. (9) $888.66.

A. Mark M. Pierce, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Community Psychiatric Centers, 517 Washington Street, San Francisco, Calif. 94111.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Dunn & Bradstreet Corp., 299 Park Avenue, New York, N.Y. 10017.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Genentech, Inc., 460 Point San Brunco Boulevard, South San Francisco, Calif. 94080.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. General Tire & Rubber Co., 1 General Street, Akron, Ohio 44329.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Independent Telecommunications Suppliers' Council, c/o Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $13,787.03. E. (9) $7,135.65.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Infectious Diseases Society of America, University of Rochester School of Medicine, 601 Elmwood Avenue, Rochester, N.Y. 14642.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Neighborhood School Council, Turner Elementary School, Stanton and Alabama Avenues SE., Washington, D.C.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Satellite Business Systems, 8283 Greensboro Drive, McLean, Va. 22102.
D. (6) $2,500.00.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Telecause, c/o Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $30,000.

A. Elizabeth Pierson, Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.
B. Sperry Corp., 2000 L Street NW., Suite 810, Washington, D.C. 20036.

A. Pierson Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $6,725. E. (9) $384.27.

A. Pierson Semmes Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Edgington Oil Co., Inc., 2400 East Artesia Boulevard, Long Beach, Calif.

A. Pilots Rights Association, P.O. Box 7000—367, Redondo Beach, Calif. 90277.
D. (6) $1,670. E. (9) $5,351.01.

A. Linda Pinegar, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $875.

A. Piper & Marbury, 888 16th Street NW., Washington, D.C. 20006.
B. PHH Group, Inc., 11333 McCormick Road, Hunt Valley, MD. 21031.
E. (9) $2,703.42.

A. Pitney Bowes, 69 Wheeler Drive, Stamford, Conn. 06926.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex. 79452.

A. Planned Parenthood Federation of America, Inc., 1220 19th Street NW., Suite 303, Washington, D.C. 20036.
D. (6) $5,372.07. E. (9) $5,372.07.

A. Ronald L. Plesser, Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Twin Coasts Newspaper, Inc., The Journal of Commerce, 110 Wall Street, New York, N.Y. 10005.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., Suite 700, Washington, D.C. 20036.

A. Richard J. Pollack, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,778.60. E. (9) $523.94.

A. Frances A. Pollak, 1850 K Street NW., No. 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., No. 390, Washington, D.C. 20006.
D. (6) $275. E. (9) $103.

A. Alfred M. Pollard, 1901 L Street NW., No. 702, Washington, D.C. 20036.
B. Security Pacific National Bank, 333 South Hope Street, Los Angeles, Calif.
D. (6) $66. E. (9) $120.

A. Henry E. Poole, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019

A. Raymond K. Pope, Amfac, Inc., 1639 K Street NW., Suite 800, Washington, D.C. 20006.
B. Amfac, Inc., 50 O'Farrell Street, San Francisco, Calif. 94108.
D. (6) $3,145. E. (9) $1,163.84.

A. James J. Popham, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $241.

A. Population Resource Center, 622 Third Avenue, New York, N.Y. 10017.
D. (6) $5,519. E. (9) $11,872.

A. Paula D. Porpilia, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $123.08.

A. Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.
D. (6) $371.45. E. (9) $483.52

A. Joan E. Porte, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Portman Properties, 1800 Peachtree Center South, 225 Peachtree Street NE., Atlanta, Ga. 30303.

A. Mary E. Post, American Personnel and Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
B. American Personnel and Guidance Association, 5203 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $5,866.10.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,500. E. (9) $58.60.

A. Potter International, Inc., 900 17th Street NW., No. 300, Washington, D.C. 20006.
B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.
D. (6) $7,500.

A. Potter International, Inc., 900 17th Street NW., No. 300, Washington, D.C. 20006.
B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.
D. (6) $3,000.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $4.

A. John M. Powderly, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $9,452.45.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Council of State Housing Agencies, 1133 15th Street NW., Washington, D.C. 20005.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Government of Nicaragua, Managua, Nicaragua.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Intergraph Corp., P.O. Box 5183, Huntsville, Ala. 35805.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. International Paper Co., 1620 I Street NW., Washington, D.C. 20006.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. National Multi Housing Council, 1800 M Street NW., Washington, D.C. 20036.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. St. Vincent's Medical Center of Richmond, 355 Bard Avenue, Staten Island, N.Y. 10310.

A. Powell, Goldstein, Frazer & Murphy, Suite 1050, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Suite 700W, Bethesda, Md. 20814.
B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Suite 700W, Bethesda, Md. 20814.
E. (9) $25.

A. Robert D. Powell, Suite 600, 1110 Vermont Avenue NW., Washington, D.C. 20006.
B. National Business Aircraft, 1 Farragut Square South, Washington, D.C. 20006.

A. John (Jay) Power, 815 16th Street NW., Washington, D.C. 20006.
B. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,466.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $850.

A. Brainard E. Prescott, 670 Main Street, East Aurora, NY. 14052.
B. Security New York State Corp., 1 East Avenue, Rochester, NY. 14638.

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: European Aerospace Corporation).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Sofreavia, 75 rue la Boetie, Paris 8eme, France).

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Employers Reinsurance Corp., P.O. Box 2991/5200 Metcalf, Overland Park, Kans. 66201.
D. (6) $600. E. (9) $11.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Moore, McCormack Resources, One Landmark Square, Stamford, Conn. 06901.
D. (6) $3,276.50.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.
D. (6) $570. E. (9) $22.20.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Ronan Telephone Co., P.O. Drawer 3, Ronan, Mont. 59864.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., No. 500, Washington, D.C. 20006.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $1,155.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., No. 500, Washington, D.C. 20006.
B. Transportation Institute, 923 13th Street NW., Washington, D.C. 20003.
D. (6) $140.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., No. 500, Washington, D.C. 20006.
B. Western Resource Alliance, 2565 West 23d Street, Eugene, Oreg. 97401.
D. (6) $17.

A. Preston, Thorgrimson, Ellis & Holman, 1776 G Street NW., Suite 500, Washington, D.C. 20006.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.
D. (6) $4,253. E. (9) $105.53.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $831.88.

A. Woodruff M. Price, CSX Corp., 840 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005-2071.
B. CSX Corp., 1500 Federal Reserve Building, Richmond, Va. 23219.
D. (6) $3,000. E. (9) $376.80.

A. Arnold J. Prima, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D.(6) $1,200.

A. Jerry C. Pritchett, Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue, Suite 750, Washington, D.C. 20015.
B. Mechanical Contractors Association of America, Inc., 5530 Wisconsin Avenue, Suite 750, Washington, D.C. 20015.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Pro-Life CDAC 12, P.O. Box 7145, Menlo Park, Calif. 94025.
D. (6) $303. E. (9) $145.44.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
E. (9) $2,587.50.

A. Proskauer, Rose, Goetz & Mendelsohn, 300 Park Avenue, New York, N.Y. 10022; 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. The League of New York Theaters and Producers, Inc., 226 West 47th Street, New York, N.Y. 10036.

A. Protect The Innocent, Inc., 451 South Indiana Street, Mooresville, Ind. 46158.
E. (9) $140.

A. Provident Indemnity Life Insurance Co., 2500 DeKalb Pike, Norristown, Pa.

A. James C. Pruitt, 1050 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Texaco Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $168.

A. Public Employee Department, AFL-CIO, 815 16th Street NW., Suite 308, Washington, D.C. 20006.
D. (6) $23,729.01. E. (9) $19,140.78.

A. David E. Pullen, Manville Corp., 1025 Connecticut Avenue NW., No. 214, Washington, D.C. 20036.
B. Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $600.

A. Jack I. Pulley, Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.
B. Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.
E. (9) $196.11.

A. F. Eugene Purcell, 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006.
B. Lone Star Industries, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.
D. (6) $1,000. E. (9) $205.

A. Earle W. Putnam, Amalgamated Transit Union, AFL-CIO, 5151 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Howard Pyle, 4930 Quebec Street NW., Washington, D.C. 20016.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.
D. (6) $2,678.58.

A. Robert N. Pyle, P.O. Box 3731, Washington, D.C. 20007.
B. Independent Bakers Association, P.O. Box 3731, Washington, D.C. 20007.
D. (6) $3,000.

A. John R. Quarles, Jr., Morgan, Lewis & Bockius, 1800 M Street NW., Washington, D.C. 20036.
B. National Environmental Development Association Clean Air Act Project (NEDA/CAAP), 3 National Press Building, Washington, D.C. 20045.
D. (6) $2,000. E. (9) $50.

A. Clifford J. Raber, McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.
B. McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.

A. Alex Radin, 2301 M Street NW., Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Washington, D.C. 20037.
D. (6) $552.30.

A. Robert A. Ragland, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Richard W. Rahn, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.
D. (6) $1,508. E. (9) $524.48.

A. Railway Labor Executives' Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
B. Railway Labor Executives Association, 400 First Street NW., Suite 804, Washington, D.C. 20001.
D. (6) $67,550. E. (9) $125,228.97.

A. Railway Progress Institute, 700 N. Fairfax St., Alexandria, Va. 22314.

A. Law Offices of John V. Rainbolt, 1800 K Street NW., Suite 429, Washington, D.C. 20006.
B. MidAmerica Commodity Exchange, 125 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $450.

A. Joyce Ramonas, 1990 M Street NW., Suite 480, Washington, D.C. 20036.
B. The Detroit Edison Co., 2000 Second Avenue, Detroit, Mich. 48226.
D. (6) $210. E. (9) $15.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $1,194.30.

A. Randall, Bangert & Thelen, 1625 K Street, Suite 1205, Washington, D.C. 20006.
B. Grocery Manufacturers of America, 1010 Wisconsin Avenue NW., Washington, D.C. 20006.

A. Randall, Bangert & Thelen, 1625 K Street NW., Washington, D.C. 20006.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20006.
D. (6) $3,250.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Elmhurst, Ill. 60126.
D. (6) $2,450.

A. Donald A. Randall, 1625 K Street NW., Washington, D.C. 20006.
B. National Association for Milk Marketing Reform, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $1,440.

A. Gary B. Randall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $125.

A. Robert Randall, 709-A Eighth Street SE., Washington, D.C. 20003.
B. Alliance for Cannabis Therapeutics, P.O. Box 23691, Washington, D.C. 20024.
D. (6) $2,081.75. E. (9) $903.

A. Carol Randles, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $385.

A. R. Ray Randlett, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Allied Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $128.

A. Arthur G. Randol III, 1899 L Street NW., No. 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $502.06.

A. Gayle K. Randol, 1828 L Street NW., Suite 402, Washington, D.C. 20036.
B. The Business Roundtable, 200 Park Avenue, New York, N.Y.; and 1828 L Street NW., Washington, D.C.
D. (6) $200. E. (9) $40.

A. D. Michael Rappoport, P.O. Box 1980, Phoenix, Ariz. 85001.
B. Salt River Project, P.O. Box 1980, Phoenix, Ariz. 85001.
D. (6) $1,250. E. (9) $4,885.50.

A. Robert Rauch, Koteen & Naftalin, Suite 1000, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Koteen & Naftalin, Suite 1000, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,610. E. (9) $1,004.63.

A. Carol Raulston, American Paper Institute, Inc., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. G. David Ravencraft, 1025 Connecticut Avenue, Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. W. Lee Rawls, Pennzoil Co., 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $750. E. (9) $13.

A. W. Randall Rawson, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $85.96.

A. J. Gene Raymond, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,058.19.

A. Sydney C. Reagan, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
B. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
D. (6) $1,707.37. E. (9) $1,557.37.

A. Linda S. Rearick, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $79.50.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850. E. (9) $23.85.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $72.12.

A. John H. Reed, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $9,500. E. (9) $296.15.

A. Charles C. Reely, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $21.

A. Martha L. Rees, 1701 Pennsylvania Avenue NW., Suite 1120, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
E. (9) $58.

A. J. Ronald Reeves, U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $2,000. E. (9) $187.51.

A. John T. Reggitts, Jr., R.D. No. 2, 95 Boonton Avenue, Boonton, N.J. 07005.

A. Frank D. Register, National Association of Retail Grocers of the U.S., Inc., 11800 Sunrise Valley Drive, Reston Va. 22091.
B. National Association of Retail Grocers of the U.S., Inc., 11800 Sunrise Valley Drive, Reston Va. 22091.
D. (6) $50. E. (9) $49.30.

A. Charlotte T. Reid, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $3,000.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. Northeast Utilities Service Co., P.O. Box 270, Hartford, Conn. 06101.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29218.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. Utility Group, c/o Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
E. (9) $50.05.

A. Jerry E. Reider, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. Mark Reihl, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $193.91.

A. Gary B. Reimer, Tiger International, Inc., 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Tiger International, Inc., 1888 Century Park East, Los Angeles, Calif. 90067.
D. (6) $1,410. E. (9) $376.97

A. Nooley Reinheardt & Associates, 6712 Old McLean Village Drive, McLean, Va. 22101.
B. Rural Builders Council of California, P.O. Drawer GG, Newport Beach, Calif. 92662.

A. J. E. Reinke, Eastern Airlines, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $441.

A. Harry O. Reinsch, 1310 Jones Street, Apartment 902, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Jack Reiter, Tiger International, Inc., 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Tiger International, Inc., 1888 Century Park East, Los Angeles, Calif. 90067.
D. (6) $2,100. E. (9) $580.80

A. Religous Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $30,543.90 E. (9) $15,724.54

A. W. W. Renfroe, 69 Fountain Place, P.O. Box 417, Frankfort, Ky. 40602.
B. Kentucky Railroad Association, 69 Fountain Place, P.O. Box 417, Frankfort, Ky. 40602.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $3,300. E. (9) $385.56

A. Research-Cottrell, Inc., P.O. Box 1500, Somerville, N.J. 08876.
E. (9) $229.19

A. Resources Fund, Inc., 810 18th Street NW., Suite 804, Washington, D.C. 20006.
E. (9) $50,864.03.

A. Resources of America, 50 South Main Street, Suite 1560, Salt Lake City, Utah 84144.

A. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va.
D. (6.) $6,598.

A. Forrest I. Rettgers, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. John R. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

A. John Reuther, 1050 17th Street NW., Suite 680, Washington, D.C. 20036.
B. Satra Corp., 21 East 63d Street, New York, N.Y. 10021.
D. (6.) $3,200. E. (9.) $300.

A. Lynne Revo-Cohen, 1010 Vermont Avenue NW., Suite 821, Washington, D.C. 20005.
B. Federally Employed Women, 1010 Vermont Avenue NW., Suite 821, Washington, D.C. 20005.
D. (6) $4,440. E. (9) $400.

A. Nancy C. Reynolds, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $225. E. (9) $75.

A. Allan R. Rexinger, the Proprietary Association, 1700 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,437.50. E. (9) $150.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $337.87.

A. Rice Genocide Research, 3046 Roosevelt Street, Detroit, Mich. 48216; P.O. Box 7307, Washington, D.C. 20044.
E. (9) $199.41.

A. Theron J. Rice, Conoco, Inc., 1025 Connecticut Avenue, No. 1000, Washington, D.C. 20036.
B. Conoco, Inc. High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, 2301 M Street NW., Washington, D.C. 20037.
B. American Public Power Association, 2301 M Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. John T. Richardson, Monsanto Co., 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63167.

A. Bruce Rickerson, American Society of Civil Engineers, 1625 I Street NW., No. 607, Washington, D.C. 20006.
B. American Society of Civil Engineers, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $3,000.

A. Kerri Ridenour, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $750.

A. Lowell J. Ridgeway, North Dakota Petroleum Council, Box 1395, Bismarck, N. Dak. 58502.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $463.

A. Mark J. Riedy, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $8,079. E. (9) $268.60.

A. Valerie M. Riggins, 1700 North Moore Street, 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of America, 1300 Market Street, Wilmington, Del. 19899.

A. Kevin J. Riordan, 1025 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $250. E. (9) $140.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $756.25. E. (9) $33.

A. Carol A. Risher, Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $43.41.

A. Selina F. Rissell, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $6,911.52.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Gaming Industry Association of Nevada, Inc., One East First Street, Suite 1007, Reno, Nev. 89501.
D. (6) $3,200. E. (9) $847.06.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. National Association of Off-Track Betting Corporation, P.O. Box 446, Batavia, N.Y. 14020.
D. (6) $2,000. E. (9) $1,037.97.

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. National Association of Optometrists & Opticians, Inc., 18903 South Miles Road, Cleveland, Ohio 44128

A. James E. Ritchie, 499 South Capitol Street SW., Suite 400, Washington, D.C. 20003.
B. Nevada Resort Association, 1785 East Sahara Avenue, Suite 250, Las Vegas, Nev. 89104.
D. (6) $4,800. E. (9) $1,270.63.

A. Stark Ritchie, American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Nicholas A. Rizzo, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. Benco, Inc., 1625 I Street NW., Washington, D.C. 20006.
E. (9) $731.20.

A. RJR Industries, Inc., 1100 Reynolds Boulevard, Winston-Salem, N.C. 27105.
E. (9) $5,862.91.

A. Elizabeth Jane Robbins, 43 D Street SE., Washington, D.C. 20003.
B. National Music Publishers Association, Inc., 110 East 59th Street, New York, N.Y. 10022.
D. (6) $5,100. E. (9) $2,210.

A. Elizabeth Jane Robbins, 43 D Street SE., Washington, D.C. 20003.
B. Scholastic Magazines, Inc., 900 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
D. (6) $12,000. E. (9) $1,500.

A. Elizabeth Jane Robbins, 43 D Street SE., Washington, D.C. 20003.
B. Shearson/American Express, Inc., Two World Trade Center, 100 Fifth Floor, New York, N.Y. 10048.
D. (6) $19,520.

A. Perry A. Roberts, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
E. (9) $938.35

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Brazos River Authority, P.O. Box 7555, Waco, Tex. 76710.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Centex Corp., 1400 Republic National Bank Tower, Dallas, Tex. 75201.
D. (6) $3,000. E. (9) $213.87.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Guam Oil & Refining Co., Inc., 3400 Southland Center, Dallas, Tex. 75201.
D. (6) $9,000. E. (9) $7,905.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. North Texas Municipal Water District, Lawson Road, Wylie, Tex. 75098.
D. (6) $3,000. E.(9) $224.50.

A. Ray Roberts & Associates, 499 South Capitol Street SW., Suite 102, Washington, D.C. 20003.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $3,000. E. (9) $1,270.

A. Richard R. Roberts, 1899 L Street NW., Suite 403, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1899 L Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $306. E. (9) $323.

A. Betty S. Robinson, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $10,905.97. E. (9) $133.85.

A. Charles A. Robinson, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $174.39.

A. Howard W. Robison, 10 West Side Drive, Rehoboth Beach, Del. 19971.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $1,200.

A. Antoinette K. Roche, 2021 K Street NW., Suite 709, Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $1,000. E. (9) $150.

A. Thomas G. Roderick, 1101 16th Street NW., Washington, D.C. 20036.
B. Consolidated Natural Gas Service Co., Inc., 4 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $3,500.

A. Rodey, Dickason, Sloan, Akin & Robb, P.A., P.O. Box 1888, Albuquerque, N. Mex. 87103.
B. The Navajo Tribe, Window Rock, Ariz. 86515.
E. (9) $2,502.64.

A. Quincy Rodgers, General Instrument Corp., Suite 320, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.
D. (6) $1,000. E. (9) $424.50.

A. Ted V. Rodgers, Nationwide Insurance Cos., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Nationwide Insurance Cos., One Nationwide Plaza, Columbus, Ohio 43216.
D. (6) $2,500.

A Willi Roelli, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. Bruce N. Rogers, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $4,093.01.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,650.

A. Rogers, Hoge & Hills, 1111 19th Street NW., No. 301, Washington, D.C. 20036.
B. Formaldehyde Institute, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.

A. Rogers Hoge & Hills, 1111 19th Street NW., No. 301, Washington D.C. 20036.
B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.

A. James T. Rogers, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, DC 20001.

A. Margaret Rogers, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va 22209.
D. (6) $1,000.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20515.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $8,983.38. E. (9) $97.76.

A. Rogers & Wells, 1666 K Street NW., Washington, D.C. 20006.
B. The F. & M. Schaefer Corp., Three Park Avenue, New York, N.Y. 10016.

A. Richard A. Rohrback, 1625 Eye Street, NW., Suite 809, Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 Eye Street, NW., Suite 809, Washington, D.C. 20006.
D. (6) $17,250.

A. Kenneth S. Rolson, Jr., American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Emil A. Romangnoli, ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10271.
D. (6) $600. E. (9) $684.80.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo.
B. Northwest Alaska Pipeline Co., 1120 20th Street, NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Tatiana Roodkowsky, 1615 H Street, NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street, NW., Washington, D.C. 20062.
D. (6) $2,500. E. (9) $35.

A. Nicholas Roomy, Jr., P.O. Box 1986, Charleston, W. Va. 25327.
B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.
D. (6) $189.20. E. (9) $326.20.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. American Iron and Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $150.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $325.

A. Fred B. Rooney, 1300 19th Street NW., Suite 404, Washington, D.C 20036.
B. California Portland Cement, 800 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Kevin M. Rooney, 1111 19th Street NW., Washington, D.C. 20036.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $262.71. E. (9) $193.66.

A. John C. Roots, Atlantic Richfield Co., 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $190.

A. Walda W. Roseman, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $7,805.

A. Albert B. Rosenbaum III, National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Sara Rosenbaum, Children's Defense Fund, 1520 New Hamphire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $340. E. (9) $348.

A. Francis C. Rosenberger, 6809 Melrose Drive, McLean, Va. 22101.
B. National Conference of Bankruptcy Judges, P.O. Box 1079, Lexington, Ky. 40588.
D. (6) $3,750. E. (9) $800.

A. Arthur F. Rosenfeld, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Harvey Rosenfield, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Congress Watch, 215 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Peter D. Rosenstein, American Academy of Physician Assistants, 2341 Jefferson Davis Highway, Suite 700, Arlington, Va. 22202.
B. American Academy of Physician Assistants, 2341 Jefferson Davis Highway, Suite 700, Arlington, Va. 22202.
D. (6) $692.31.

A. William F. Ross, SC Petroleum Council, 716 Keenan Building, Columbia, S.C. 29201.
B. American Petroleum Institute, 2101 L Steet NW., Washington, D.C. 20037.
D. (6) $214. E. (9) $687.10.

A. Gary W. Rossow, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $40. E. (9) $2.

A. Alan J. Roth, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Fort Pierce Utilities Authority of the City of Ft. Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, Cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. Barry N. Roth, The Williams Co., 1750 K Street NW., Suite 350, Washington, D.C. 20006.
B. The Williams Co., P.O. Box 2400, Tulsa, Okla. 74101.
D. (6) $100.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Rountree, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Company (Ohio) Midland Building, Cleveland, Ohio 44115.

A. Michael O. Roush, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., No. 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Rouss & O'Rourke, Lawyers Building, 231 East Vermijo, Colorado Springs, Colo. 80903.
B. Union Nacional de Productores de Azucar, S.A. de C.V. (UNPASA), Balderas 36, Mexico, D.F., Mexico.
D. (6) $3,750. E. (9) $5,603.43.

A. Mark Rovner, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,180.02.

A. Eugene F. Rowan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. James C. Rowland, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. John W. Rowland, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Michael Roybal, American Subcontractors Association, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.
B. American Subcontractors Association, 8401 Corporate Drive, Suite 540, Landover, Md. 20785.
E. (9) $2,888.40.

A. James S. Rubin, 1150 Connecticut Avenue NW., No. 700, Washington, D.C. 20036.
B. Allied Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $340.

A. Paul M. Ruden, Wilner & Scheiner, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.

A. John C. Runyan, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C.
D. (6) $5,700. E. (9) $128.13.

A. Leonard H. Ruppert, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Charlotte Rush, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $75. E. (9) $20.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $575. E. (9) $71.

A. Barry Russell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $50.

A. Christine Anne Russell, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $4,732. E. (9) $93.54.

A. Wally Rustad, 1000 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., Suite 514, Washington, D.C. 20036.
B. American Association of Bioanalysts, International Society of Clinical Lab Tech, 614 Paul Brown Building, St. Louis, Mo.
E. (9) $32.30.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., Washington, D.C. 20036.
B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $59.30.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., Suite 514, Washington, D.C. 20036.
B. American Optometric Association, 1730 M Street NW., Washington, D.C.
E. (9) $87.20.

A. Ella Marice Ryan, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $100.

A. John R. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.

A. Joseph Ryan, 1725 DeSales Street NW., No. 800, Washington, D.C. 20036.
B. General Instrument Corp., 1775 Broadway, New York, N.Y. 10019.
E. (9) $41.25.

A. Robert P. St. Louis, 2550 M Street NW., Suite 225, Washington, D.C. 20037.
B. Congoleum Corp., P.O. Box 4040, Portsmouth, N.H. 03801.
D. (6) $1,000. E. (9) $176.45.

A. Frank P. Sanders, The Signal Cos., Inc.; 1575 I Street NW., Washington, D.C., 11255 North Torrey Pines Road, La Jolla, Calif.
B. The Signal Companies, Inc., 11255 North Torrey Pines Road, La Jolla, Calif. 92037.
D. (6) $875.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,000.

A. Peter G. Sandlund, 1725 I Street NW., Room 315, Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 30/32 Ste. Mary Avenue, London EC3A, 8FT, England.
D. (6) $300.

A. Albert C. Saunders, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufaturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $10.50.

A. Lawrence H. Sawyer, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.

B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.

A. Lori Saxon, 418 C Street NE., Washington, D.C. 20002.
B. American Council for Free Asia, 418 C Street, NE., Carriage House, Washington, D.C. 20002.

A. Mark L. Schaffer, 1750 New York Avenue NW., Washington, D.C.
B. AFL-CIO, 815 16th Street, NW., Washington, D.C. 20006.
D. (6) $2,508. E. (9) $35.

A. Harold A. Schaitberger, 1750 New York Avenue NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $11,286.48.

A. Herbert Y. Schandler, Suite 4400, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc., 475 L'Enfant Plaza, S.W., Washington, D.C. 20024.
D. (6) $3,000. E. (9) $76.11.

A. Kenneth D. Schanzer, 1771 N Street NW., Washington, D.C., 20036.
B. National Association of Broadcasters, 1771 N Street, NW., Washington, D.C. 20036.

A. Jay T. Scheck, Jr., Ford Motor Co., 815 Connecticut Avenue, NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Jane N. Scherer, 1700 K Street, NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street, NW., Suite 1204, Washington, D.C. 20006.
D. (6) $100.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $108.30.

A. Kenneth D. Schloman, 1600 Rhode Island Avenue, NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue, NW., Washington, D.C. 20036.
D. (6) $837.50. E. (9) $51.20.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza, SW., Suite 1401, Washington, D.C. 20024.
B. Boston University, 147 Bay State Road, Boston, Mass. 02215.
D. (6) $2,875. E. (9) $14.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza, SW., Suite 1401, Washington, D.C. 20024.
B. Ocean Spray Cranberries, Inc., Plymouth, Mass. 02360.
D. (6) $2,500. E. (9) $12.

A. Schlossberg-Cassidy and Associates, Inc., 955 L'Enfant Plaza, SW., Suite 1401, Washington, D.C. 20024.
B. Tufts University, Medford, Mass. 02155.
D. (6) $8,750. E. (9) $80.

A. Forest S. Schmeling, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $500. E. (9) $72.20.

A. Amy Schmidt, 815 16th Street NW., Washington, D.C. 20006.
B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.
D. (6) $2,822.45.

A. Richard M. Schmidt, Jr., 1333 New Hampshire Avenue NW., Suite 600, Washington, D.C. 20036.
D. (6) $500.

A. Arthur L. Schmuhl, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Mahlon C. Schneider, The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E. Street NW., Washington, D.C. 20006.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Schrader-Lauth & Associates, Inc., 1600 Wilson Boulevard., Suite 1000, Arlington, Va. 22209.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102; Agri-Trans, 10825 Watson Road, Sunset Hills, Mo. 63127.
D. (6) $8,125. E. (9) $3,750.

A. HBW Schroeder, Consumers Power Co., 1050 17th Street, NW., Suite 290, Washington, D.C. 20036
B. Consumers Power Co., 212 W. Michigan Avenue, Jackson, Mich. 49201.
D. (6) $500.

A. Robert I. Schramm, 1725 K Street NW., Suite 909, Washington, D.C. 20006
B. The Superior Oil Company and Superior Farming Company, 1725 K Street NW., Washington D.C. 20006.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $255. E. (9) $166.43.

A. Mark Schultz, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $5,000. E. (9) $181.22.

A. William B. Schultz, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.
D. (6) $500. E. (9) $10.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.
B. American Petroluem Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $335. E. $733.06.

A. Donald H. Schwab, VFW National Legislative Service, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $5,000. E. (9) $355.10.

A. Schwabe, Williamson, Wyatt, Moore & Roberts, 1200 Standard Plaza, Portland, Oreg. 97204.
B. Northwest Inland Waterways Committee, c/o Peter Brix, Knappton Corp., P.O. Box 03018, Portland, Oreg. 97203.
E. (9) 876.59.

A. Elizabeth Nash Schwartz, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Washington 98124.
D. (6) $750. E. (9) $753.23.

A. Harry K. Schwartz, 1800 M Street NW., No. 400 S., Washington, D.C. 20036.
B. City of Philadelphia, 1650 Municipal Services Building, Philadelphia, Pa. 19107.

A. Harry K. Schwartz, 1800 M Street NW., 400 S., Washington, D.C. 20036.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $2,500.

A. Richard Schwartz, Boat Owners, Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.
B. Boat Owners Association of The United States (BOAT/U.S.), 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $4,000.

A. Sally Sciacca, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,062.50. E. (9) $34.76.

A. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $6,798.57. E. (9) $2,466.06.

A. Michael Sciulla, Boat Owners, Association of The United States, 880 South Pickett Street, Alexandria, Va. 22304.
B. Boat Owners Association of The United States (BOAT/U.S.), 880 South Pickett Street, Alexandria, Va. 22304.
D. (6) $4,000.

A. H. B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $24.67.

A. The Scott Co., 8 Jacana Road, Hilton Head, S.C., 29928.
B. Coastal Properties Institute, P.O. Box 6255, Hilton Head, S.C. 29938.
D. (6) $49.58. E. (9) $82.35.

A. James M. Scott, The Scott Co., 8 Jacana Road, Hilton Head, S.C. 29928.
B. The Scott Co., 8 Jacana Road, Hilton Head, S.C. 29928.
D. (6) $22.67.

A. Scribner, Hall, Thornburg & Thompson, 1875 I Street NW., Suite 700, Washington, D.C. 20006.
B. Occidental Life Insurance Co. of California, 1150 South Olive Street, Los Angeles, Calif. 90015.

A. Scribner, Hall, Thornburg & Thompson, 1875 I Street NW., Suite 700, Washington, D.C. 20006.
B. Security Life and Accident Insurance Co., Security Life Building, Denver, Colo. 08202

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.
D. (6) $5,220. E. (9) $344.43.

A. Debbie Sease, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $3,619.20. E. (9) $12.70.

A. Sandra Sedacca, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,317.

A. Charles M. Seeger III, No. 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Chicago Mercantile Exchange, 444 West Jackson Boulevard, Chicago, Ill. 60606).

A. Charles M. Seeger III, No. 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Glenrock Refinery, Inc., P.O. Box 2553, Casper, Wyo. 82602).

A. Charles M. Seeger III, No. 802, 2000 L Street NW., Washington, D.C. 20036.
B. Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., 4344 IDS Center, Minneapolis, Minn. 55402 (for Newcomb Securities Co., 757 5th Avenue, New York, N.Y. 10153).

A. H. Richard Seibert, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $360.

A. Paul J. Seidman, 1625 K Street NW., Suite 302, Washington, D.C. 20006.
B. Joseph J. Petrillo, P.C., 1625 K Street NW., Suite 302, Washington, D.C. 20006 (for National Association of Aircraft & Communications Suppliers, Inc., 7360 Laurel Canyon Boulevard, North Hollywood, Calif. 91605.
D. (6) $3,860.

A. Seifman, Semo & Slevin, P.C., 1000 Potomac Street NW., Washington, D.C. 20007.
B. Massachusetts Association of Contributory Retirement Systems, Inc., 182 Sunnyside Road, Norwood, Mass. 02062.

A. Seifman, Semo & Slevin, P.C., 1000 Potomac Street NW., Washington, D.C. 20007.
B. National Association of Police Organizations, 12th and L Streets, Sacramento, Calif. 95814.

A. George M. Seitts, Northern Plains Natural Gas Co., 1015 15th Street NW., Suite 900, Washington, D.C. 20005.
B. Northern Plains Natural Gas Co., 224 South 108 Avenue, P.O. Box 3330, Omaha, Nebr. 68103.
D. (6) $1,300.

A. Armistead I. Selden, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. American League for Exports and Security Assistance, Inc. (ALESA), 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
D. (6) $15,000. E. (9) $81.41.

A. Stanton P. Sender, Sears, Roebuck and Co., 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $1,140. E. (9) $16.35.

A. Sarah Setton, 1511 K Street NW., Washington, D.C. 20005.
B. The Sugar Association, Inc., 1511 K Street NW., Washington, D.C. 20005.
D. (6) $115. E. (9) $8.

A. Seven Months Session for Congress, 3306 Yellowpine Terrace, Austin, Tex. 78757.
E. (9) $558.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
B. Gray & Co., The Powerhouse, Washington, D.C. 20007.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
B. Hallac Associates, Inc., 100 Wall Street, New York, N.Y. 10005.
D. (6) $300. E. (9) $95.96.

A. Seward & Kissel, 1050 17th Street NW., Washington, D.C. 20036.
B. Merrill Lynch Money Markets, Inc., 165 Broadway, New York, N.Y. 10080.
E. (9) $21.75.

A. J. Richard Sewell, 1111 19th Street NW., Suite 1102, Washington, D.C. 20036.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.
D. (6) $800. E. (9) $268.11.

A. Leslie Sewell, National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
B. National Public Radio, 2025 M Street NW., Washington, D.C. 20036.
D. (6) $4,384.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Agricultural Producers, 600 Commonwealth Avenue, Suite 212, Los Angeles, Calif. 90005.
D. (6) $4,223.75.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. National Multi Housing Council, 1800 M Street NW., Suite 285, Washington, D.C. 20036.
D. (6) $10,000.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1111 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

A. Clive Seymour, P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $9.59.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Eazor Express, Inc., Eazor Square, Pittsburgh, Pa. 15201.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Five Tribes Confederacy of North Central Oklahoma, c/o Ponca Tribe, Ponca City, Okla. 74601.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Kiowa-Comanche-Apache Intertribal, Land Use Committee, P.O. Box 72, Lawton, Okla. 73501.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Kootznoowoo, Inc., P.O. Box 116, Angoon, Alaska 99820.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Seneca-Cayuga Tribe of Oklahoma, P.O. Box 1283, Miami, Okla. 74354.

A. Shack & Kimball, P.C., 1129 20th Street NW., Suite 500, Washington, D.C. 20036.
B. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723.

A. Yvonne L. Shafer, National Education Association, 555 Park Street, Suite 160, St. Paul, Minn. 55103.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,111. E. (9) $328.

A. William H. Shaker, National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $4,500. E. (9) $200.

A. James M. Shamberger, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $46.10

A. Shamrock Foods Co., 2228 North Black Canyon Road, Phoenix, Ariz. 85009.
E. (9) $50.

A. Lloyd D. Shand, 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $400. E. (9) $161.40.

A. Shank, Irwin, Conant, Williamson & Grevelle, 1300 19th Street NW., Suite 210, Washington, D.C. 20036.
B. Association for Equal Access to Natural Gas Markets and Supplies, 1860 Lincoln Street, Suite 1300, Denver, Colo. 80295.
D. (6) $3,245.18. E. (9) $29.45.

A. Shank, Irwin, Conant, Williamson & Grevelle, 1300 19th Street NW., Suite 210, Washington, D.C. 20036.
B. Dow Chemical Co., 2030 Dow Center, Midland, Mich. 48460.

A. Debbie Shannon, 777 14th Street NW., Fifth Floor, Washington, D.C. 20005.
B. National Association of Realtors, Legislative Liaison Division, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $76.48.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $108.30.

A. Norman F. Sharp, 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.
B. Cigar Association of America, Inc., 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.

A. G. Jerry Shaw, Senior Executives Association, P.O. Box 7610, Ben Franklin Station, Washington, D.C. 20044.
B. Senior Executives Association, P.O. Box 7610, Ben Franklin Station, Washington, D.C. 20044.
D. (6) $2,374.90. E. (9) $998.96.

A. Luther W. Shaw, The Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Suite 514, Washington, D.C. 20005.
D. (6) $5,625. E. (9) $74.14.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Atlas Minerals Division, Atlas Corp., P.O. Box 1207, Moab, Utah 84532.
D. (6) $1,668.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Island, Cayman Islands, British West Indies.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Consolidated Grain & Barge Co., 5100 Oakland Avenue, St. Louis, Mo. 63110.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
D. (6) $4,831.25. E. (9) $3,576.16.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.
D. (6) $2,665.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. General Public Utilities Corp., 34 North Court Street, Harrisburg, Pa. 17101.
D. (6) $370.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Institute of Foreign Bankers, 200 Park Avenue, Suite 303 East, Room 23, New York, N.Y. 10017.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. Investment Counsel Association of America, Inc., 50 Broad Street, New York, N.Y. 10004.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
B. National Committee on Small Issue Industrial Development Bonds, Box 1, 1800 M Street NW., No. 900-S, Washington, D.C. 20036.
D. (6) $5,356. E. (9) $23.30.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Utility Nuclear Waste Management Group, c/o Edison Electric Institute, 1111 19th Street, NW., Washington, D.C. 20036.
D. (6) $3,586.12. E. (9) $166.52.

A. Russell H. Shay, Sierra Club, 6014 College Avenue, Oakland, Calif. 94618.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $804.02. E. (9) $721.50.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Champion International Corp., 1875 I Street, Suite 540, Washington, D.C. 20006.
D. (6) $20,000.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Cincinnati Milacron, Cincinnati, Ohio 45209.
D. (6) $30,000. E. (9) $222.91.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Eleanor Clark, c/o J. Reynolds Barnes, 11 American Bank Building, 621 Northwest Morrison Street, Portland, Oreg. 97205.
D. (6) $16,958.92. E. (9) $438.32.

A. Shea & Gould, 330 Madison Avenue, New York, N.Y. 10017.
B. Nabisco, 100 DeForest Avenue, East Hanover, N.J. 08936.
E. (9) $36.65.

A. Maureen Shea, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,750.02. E. (9) $160.20.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $12,263.45.

A. Kathleen Sheekey, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,590.89.

A. John P. Sheffey, National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
B. National Association for Uniformed Services, 5535 Hempstead Way, P.O. Box 1406, Springfield, Va. 22151.
D. (6) $545.40.

A. Debra K. Shelton, Distilled Spirits Council of the U.S., Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $500. E. (9) $68.90.

A. Lois Burke Shepard, 8602 Hidden Hill Lane, Potomac, Md. 20854.
B. Republicans Abroad, 310 First Street SE., Washington, D.C. 20003.
D. (6) $138.

A. Seymour Sheriff, 1126 Woodward Building, Washington, D.C. 20036.
B. Wyman Family, c/o Frank H. Wyman, 375 Park Avenue, New York, N.Y. 10022.
E. (9) $198.75.

A. Norman Sherlock, American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Michael S. Sherman, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20815.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20815.
D. (6) $1,000. E. (9) $100.

A. Harvey A. Shipman, The Penn Central Corp., 1776 G Street NW., Suite 502, Washington, D.C. 20006.
B. The Penn Central Corp., 245 Park Avenue, 44th Floor, New York, N.Y. 10017.

A. Fred B. Shippee, American Apparel Manufacturers Association, 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.

A. W. Ray Shockley, American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 1101 Connecticut Avenue NW., Suite 300, Washington, D.C. 20036.
D. (6) $2,550.

A. Debbie Leilani Shon, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,891.80. E. (9) $.133.90.

A. Norman D. Shutler, 1607 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Clayton Manufacturing Co., 4213 North Temple City Boulevard, El Monte, Calif., 91731.
D. (6) $6,000.

A. Candice J. Shy, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Enserch Corp., 300 South St. Paul Street, Dallas, Tex. 75201.
D. (6) $3,625. E. (9) $1,319.11.

A. Sara Sibley, Suite 1104, 1800 K Street NW., Washington, D.C. 20006.
B. Manufacturers of Emission Controls Association, Suite 1104, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, Suite 368, Washington, D.C. 20001.
B. Archer-Daniels-Midland Co., P.O. Box 1470, Decatur, Ill. 62525.
D. (6) $6,000.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, Suite 368, Washington, D.C. 20001.
B. Can-American Corp., 7900 Xerxes Avenue, Minneapolis, Minn. 55431.
D. (6) $3,000.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, Suite 368, Washington, D.C. 20001.
B. City of Kansas City, Missouri, City Hall, Kansas City, Mo. 64106.
D. (6) $9,999.99.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, Suite 368, Washington, D.C. 20001.
B. Couzens Distribution System, 6600 South River Road, Hodgkins, Ill. 60525.
D. (6) $3,000.

A. Mark A. Siegel & Associates, Inc., 400 North Capitol Street, Suite 368, Washington, D.C. 20001.
B. Twin City Barge, Inc., 222 West Grand Avenue, South St. Paul, Minn. 55075.
D. (6) $6,000.

A. Richard H. Siemsen, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. Bernard H. Sieracki, Illinois Petroleum Council, 79 West Monroe Street, Suite 514, Chicago, Ill. 60603.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200 E. (9) $63.93.

A. Mark Silbergeld, Consumers Union, 1511 K Street NW., Suite 1033, Washington, D.C. 20005.
B. Consumers Union of United States, Inc., 256 Washington Street, Mount Vernon, N.Y. 10550.
D. (6) $2200.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $187.50. E. (9) $12.

A. Silver Users Association, 1717 K Street NW., Washington, D.C. 20006.
D. (6) $3,162.77. E. (9) $2,953.44.

A. Bruce A. Silverglade, Center for Science in the Public Interest, 1755 S Street NW., Washington, D.C. 20009.
B. Center for Science in the Public Interest, 1755 S Street NW., Washington, D.C. 20009.
D. (6) $2,000. E. (9) $50.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Association for Advanced Life Underwriting, 1922 F Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Association for Advanced Life Underwriting, 1922 F Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. HWL Properties, 5530 Corbin Avenue, Suite 245, Tarzana, Calif. 91356.
D. (6) $5,000.

A. Gary D. Simms, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $200. E. (9) $159.30.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,302.60. E. (9) $30.92.

A. C. Kyle Simpson, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $3,250. E. (9) $1,709.34.

A. Jean Sindab, 2480 16th Street NW., Washington, D.C. 20009.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,000.02.

A. Margot A. Singleton, National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $1,800. E. (9) $130.

A. Richard L. Sinnott, 2021 K Street NW., Suite 306, Washington, D.C. 20006.
B. Port of Oakland, 66 Jack London Square, Oakland, Calif. 94604.
D. (6) $1,250.

A. Donald E. Sinville, 227 North Street, Manchester, N.H. 03104.
B. Public Service Co. of New Hampshire, Manchester, N.H. 03105.
D. (6) $1,375.

A. Angela G. Skelton, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William J. Skinner, 815 15th Street NW., Washington, D.C. 20005.
B. United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, Md. 20852.
D. (6) $65. E. (9) $101.48.

A. Barney J. Skladany, Jr., Mobil Oil Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Ruth L. Sky, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
D. (6) $73.50.

A. F. Slatinshek & Associates, Inc., 1102 Belle Vista Drive, Alexandria, Va. 22307.
B. Grumman Aerospace Corp., Bethpage, Long Island, N.Y.
D. (6) $200.

A. Matthew B. Slepin, 1012 14th Street NW., Suite 805, Washington, D.C. 20005.
B. National Association of Housing Cooperatives, 1012 14th Street NW., Suite 805, Washington, D.C. 20005.
D. (6) $50.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C.
D. (6) $3,000. E. (9) $748.10.

A. Peter Small & Associates, Inc., 400 Madison Avenue, New York, N.Y. 10017.
B. William M. Mercer, Inc., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $983.50. E. (9) $1,035.45.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Horse Council, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $5,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. American Inland Waterway Committee, 7733 Forsyth Boulevard, St. Louis, Mo.
D. (6) $3,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Goldman Sachs, 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,500.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Farm and Power Equipment Dealers Association, 10877 Watson Road, St. Louis, Mo. 63127.
D. (6) $1,000. E. (9) $8,795.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $6,000.

A. Smathers, Symington & Herlong, 1700 K Street NW., Suite 400, Washington, D.C. 20006.
B. Republic of South Africa, 3051 Massachusetts Avenue NW., Washington, D.C. 20008.
D. (6) $7,500. E. (9) $125.

A. Donald E. Smiley, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $442.87.

A. James R. Smircina, P.O. Box 5000, Cleveland, Ohio 44101.
B. The Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.
E. (9) $564.11.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Catherine S. Smith, 1025 Connecticut Avenue NW., Suite 209, Washington, D.C. 20036.
B. American Business Conference, Inc., 1025 Connecticut Avenue NW., Suite 209, Washington, D.C. 20036.
D. (6) $100. E. (9) $25.

A. Charles Ronald Smith, Diamond Shamrock Corp., 1737 H Street NW., Washington, D.C.

B. Diamond Shamrock Corp., 717 North Harwood Street, Dallas, Tex.
D. (6) $167. E. (9) $169.87.

A. Elizabeth M. Smith, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing and Textile Workers Union, 15 Union Square, New York, NY. 10003.
D. (6) $4,744.48. E. (9) $183.88.

A. Grace H. Smith, Telocator Network of America, 1800 M Street NW., No. 1020N, Washington, D.C. 20036.
B. Telocator Network of America, 1800 M Street NW., Washington, D.C. 20036.
D. (6) $6,099. E. (9) $416.52.

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Company, Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $3,720. E. (9) $120.10.

A. Kathleen Gramp Smith, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
D. (6) $400. E. (9) $435.

A. Robert B. Smith, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,000. E. (9) $36.75.

A. Robert T. Smith, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $1,500. E. (9) $78.56.

A. Talbott C. Smith, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $3,000. E. (9) $51.58.

A. Thomas Blaisdell Smith, Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.
B. Community Nutrition Institute, 1146 19th Street NW., Washington, D.C. 20036.

A. William H. Smith, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $2,750. E. (9) $260.05.

A. Arthur V. Smyth, Weyerhaeuser Co., 1625 I Street NW., No. 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98477.
D. (6) $150. E. (9) $8.15.

A. Thomas M. Sneeringer, 1050 31st Street NW., Washington, D.C. 20007.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $2,000. E. (9) $100.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
D. (6) $1,000.47.

A. Snyder & Ball Associates, Inc., 1700 North Moore Street No. 1610, Arlington, Va. 22209.
B. DSP, Inc., 1700 North Moore Street Arlington, Va. 22209.

A. Charles W. Synder, 6000 Clewerwall Drive, Bethesda, Md. 20034.
B. Bechtel Financing Services, Inc., 1620 I Street NW., Suite 703, Washington, D.C. 20006.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C. 20002.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $3,696.63.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $1,000.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20002.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $11,000.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $15,872.47. E. (9) $15,627.23.

A. Frederick P. Somers, Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
B. Seafarers International Union, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $298.14.

A. Edmund T. Sommer, Jr., Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20006.
B. Council of American-Flag Ship Operators, 1625 K Street NW., Suite 1200, Washington, D.C. 20006.
D. (6) $350. E. (9) $7.50.

A. S. L. Sommer & Associates, Inc., 1000 Wilson Boulevard, Suite 2300, Arlington, Va. 22209.
B. Northrop Corp., 1000 Wilson Boulevard, Suite 2300, Arlington, Va. 22209.
D. (6) $1,500. E. (9) $3,667.52.

A. Sonosky, Chambers, Sachse & Guido, 1050 31st Street NW., Washington, D.C. 20007.
B. Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, Poplar, Mont. 59255.

A. Sonosky, Chambers, Sachse & Guido, 1050 31st Street NW., Washington, D.C. 20007.
B. NACLEO (National Association of Coin Laundry Equipment Operators), 7225 North Oracle Road, Suite 205A, Tucson, Ariz. 85704.

A. Sonosky, Chambers, Sachse & Guido, 1050 31st Street NW., Washington, D.C. 20007.
B. Shoshone Indian Tribe, Wind River Indian Reservation, Fort Washakie, Wyo. 82514.

A. Sonosky, Chambers, Sachse & Guido, 1050 31st Street NW., Washington, D.C. 20007.
B. Standing Rock Sioux Tribe, Fort Yates, N. Dak. 58538.

A. James L. South, 8607 Dixie Place, McLean, Va. 22102.
D. (6) $300. E. (9) $29.25.

A. Southern Satellite Systems, Inc., Tulsa, Okla. 74145.
E. (9) $1,208.75.

A. Southwestern Peanut Shellers Association, 10 Duncannon Court, Glen Lakes, Dallas, Tex. 75225.
D. (6) $2,311.37. E. (9) $3,660.09.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Distillers, Inc., 888 Seventh Avenue, New York, N.Y. 10106.

A. John F. Speer, Jr., 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Philip Speser, 110 Southwood Avenue, Silver Spring, Md. 20901.
B. Emergency Committee to Pass the Small Business Innovation Research Act of 1981.
D. (6) $2,000. E. (9) $94.20.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051, and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member Plumas-Sierra Rural Electric Cooperative.

A. Law Firm of Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, 770 Kiely Boulevard, Santa Clara, Calif. 95051, and the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, Calif., and associate member Plumas-Sierra Rural Electric Cooperatives.

A. Nicholas J. Spiezio, Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $8,462. E. (9) $180.43.

A. Larry N. Spiller, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
B. American Consulting Engineers Council, 1015 15th Street NW., No. 802, Washington, D.C. 20005.
D. (6) $900.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200.

A. Frederick C. Spreyer, Pacific Resources, Inc., 2501 M Street NW., Suite 540, Washington, D.C. 20037.
B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.
D. (6) $500.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. American Chamber of Commerce in Europe and the Mediterranean, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. American Chamber of Commerce in Italy, Inc., 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. American Chamber of Commerce in Spain, Inc., 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. American Society of Anesthesiologists, 515 Busse Highway, Park Ridge, Ill. 60068.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. City of Painesville, Ohio, Milburn Building, Painesville, Ohio 44077.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. National Collegiate Athletic Association, Nall Avenue at 63d Street, P.O. Box 1906, Shawnee Mission, Kans. 66222.
E. (9) $71.33.

A. Squire, Sanders & Dempsey, 1201 Pennsylvania Avenue NW., Washington, D.C. 20004.
B. United States Wrestling Federation, 405 West Hall of Fame Avenue, Stillwater, Okla.

A. John Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Elvis J. Stahr, National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $400. E. (9) $8.

A. Lynn E. Stalbaum, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,400. E. (9) $107.50.

A. Robert W. Staley, 8000 West Florissant, St. Louis, Mo. 63136.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $1,606.60.

A. Mitchel Stanfield, The Coastal Corp., Suite 205, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. The Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046.
D. (6) $400. E. (9) $24.25.

A. David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. McDermott Inc., P.O. Box 60035, New Orleans, La. 70160.
D. (6) $62.48.

A. David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Ocean Minerals Co., 465 Bernardo Avenue, Mountain View, Calif. 94043.
D. (6) $247.45.

A. David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Offshore Industry Committee, 1629 K Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $152.41.

A. David P. Stang, P.C., 1629 K Street NW., Washington, D.C. 20006.
B. Zapata Corp., P.O. Box 4240, Houston, Tex. 77001.
D. (6) $69.11.

A. Michael J. Stanton, Motor Vehicle Manufacturers Association of the United States, Inc., 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $973.50.

A. Melvin L. Stark, Hartford Fire Insurance Co., Suite 321, 1707 L Street NW., Washington, D.C. 20036.
B. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
D. (6) $6,000.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.

A. Robert R. Statham, Robert R. Statham & Associates, 1000 Vermont Avenue NW., Washington, D.C. 20005.

B. Committee for Commercial Energy Conservation, 1000 Vermont Avenue NW., No. 604, Washington, D.C. 20005.

A. Charles D. Stratton, 2130 Oaks Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Samuel E. Stavisky, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036 (for Broadcast Music, Inc., 320 West 57th Street, New York, N.Y. 10019).
E. (9) $15.

A. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. Samuel E. Stavisky & Associates Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036 (for Broadcast Music Inc., 320 West 57th Street, New York, N.Y. 10019).
D. (6) $200. E. (9) $40.

A. Leon P. Stavrou, 1730 K Street NW., No. 903, Washington, D.C. 20006.
B. American Hellenic Institute Public Affairs Committee, Inc., 1730 K Street NW., No. 903, Washington, D.C. 20006.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for American Hot Dip Galvanizers Association, 1000 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910).
E. (9) $309.08.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Association for Association Political Action Committees, 1299 Woodside Drive, McLean, Va. 22102).

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for National Barrell and Drum Association, 910 17th Street N.W., Washington, D.C. 20006).
D. (6) $5,000. E. (9) $219.63.

A. Randolph J. Stayin, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue N.W., Suite 708, Washington, D.C. 20036).

A. John L. Steele, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y. 10020.
D. (6) $2,200.

A. Stephens Overseas Services, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
D. (6) $132. E. (9) $152.71.

A. Stephens Overseas Services, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Office Machine Dealers Association, 810 Lively Boulevard, P.O. Box 707, Wood Dale, Ill. 60191.
D. (6) $81.66. E. (9) $16.30.

A. Steptoe & Johnson, Chartered, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee for Effective Capital Recovery, 1901 L Street NW., Suite 303, Washington, D.C. 20036.
E. (9) $300.

A. Steptoe & Johnson, Chartered, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Forest Industries Committee on Timber Valuation and Taxation, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $10.60.

A. Steptoe & Johnson, Chartered, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Rule of Law Committee, 1250 Connecticut Avenue NW., Suite 800, Washington, D.C. 20036.
D. (6) $285. E. (9) $1.75.

A. Richard W. Sternberg, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Michael E. Steward 7957 Revenna Lane Springfield, Va. 22153.
B. Puget Sound Power & Light Co., Puget Power Building, Bellevue, Wash. 98009.
D. (6) $5,000. E. (9) $542.79.

A. Michael E. Steward, 7957 Revenna Lane, Springfield, Va. 22153.
B. Vitro Engineering Corp., 1835 Terminal Drive, Richland, Wash. 99352.
D. (6) $100.

A. LaVerne Still, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $607.50. E. (9) $18.55.

A. John W. Stillwaggon, Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.
B. Coffee, Sugar & Cocoa Exchange, Inc., 4 World Trade Center, 8th Floor, New York, N.Y. 10048.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
A. Stockholders of America, Inc., 1625 I Street NW., Suite No. 724A, Washington, D.C. 20006.
D. (6) $316. E. (9) $2,116.19.

A. Steven F. Stockmeyer, 1800 M Street NW., Suite 285 North, Washington, D.C. 20036.
B. National Multi Housing Council, 1800 M Street NW., Suite 285 North, Washington, D.C. 20036.

A. Lisa Stolp, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Continental Resources Company), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lisa Stolp, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Slurry Transport Association), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,037.50 E. (9) $45.

A. Adam D. Stolpen, Pitney Bowes, Inc., 1101 30th Street NW., No. 203, Washington, D.C. 20007.
B. Pitney Bowes, Inc., 69 Wheeler Drive, Stamford, Conn. 06296.

A. George W. Stone, National Farmers Union, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
B. Farmers' Educational & Cooperative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $8,750. E. (9) $284.78.

A. Richard B. Storey, 455-B Carlisle Drive, Herndon, Va. 22070.
B. International Military Club Executives Association, 455-B Carlisle Drive, Herndon, Va. 22070.

A. M. Elizabeth Stotler, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $250.

A. Ros Stovall, 451 S. Indiana Street, Mooresville, Ind. 46158.
B. Protect the Innocent, Inc., 451 S. Indiana Street, Mooresville, Ind. 46158.

A. Alan Stover, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,500.

A. William M. Stover, Chemical Manfacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. David E. Strachan, National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
B. National Association of Personnel Consultants, 1012 14th Street NW., 15th Floor, Washington, D.C. 20005.
D. (6) $4,500.

A. Terrence D. Straub, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $879. E. (9)$967.

A. Richard H. Streeter, 1729 H Street NW., Washington, D.C. 20006.
E. (9) $71.45.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. J. Aron & Co., 160 Water Street, New York, N.Y. 10038.
D. (6) $2,000. E. (9) $36.45.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Chemolimpex, P.O. Box 121, H-1305, Budapest, Hungary.
D. (6) $3,100. E. (9) $195.50.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Chinoin, to utca 1-5, H-1045, Budapest, Hungary.
D. (6) $3,100. E. (9) $195.50.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Crown Coach Corp., 2428 East 12th Street, Los Angeles, Calif. 90021.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Patsy Perry through Alan Harris, 70 Glen Cove Road, Roslyn Heights, N.Y.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Shearson/American Express, Inc., 14 Wall Street, New York, N.Y. 10005.
D. (6) $9,240. E. (9) $297.50.

A. Stroock & Stroock & Lavan, 1150 17th Street NW., Washington, D.C. 20036.
B. Tenant-owned Apartment Association, Inc., 12 East 41st Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $81.75.

A. Norman Strunk, U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. U.S. League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.

A. Walter B. Stults, NASBIC, 618 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 618 Washington Building, Washington, D.C. 20005.
D. (6) $1,000.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn. 06037.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn. 06037.
D. (6) $1,118.68. E. (9) $606.59.

A. Sullivan & Beauregard, 1800 M Street NW., Washington, D.C. 20036.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
E. (9) $1,434.44.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American International Group, Inc., 70 Pine Street, New York, N.Y. 10270.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bache Group, Inc., 100 Gold Street, New York, N.Y. 10038.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Goldman, Sachs & Co., 55 Broad Street, New York, N.Y. 10004.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Inco, Limited, Toronto-Dominion Centre, Toronto, Ontario, Canada M5K 1E3.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004; 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.

A. Gael M. Sullivan, LTV Corp., 1155 15th Street NW., Suite 1004, Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (6) $2,344. E. (9) $610.

A. Margaret Cox Sullivan, 1625 I Street NW., Suite 724A, Washington, D.C. 20006.
B. Stockholders of America, Inc., 1625 I Street NW., Suite 724A, Washington, D.C. 20006.
E. (9) $46.00.

A. Mary Beth Sullivan, 923 15th Street NW., Washington, D.C. 20005.
B. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $679.36.

A. Patrick J. Sullivan, International Longshoremen's Association, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. International Longshoremen's Association, AFL-CIO, 17 Battery Place, New York, N.Y. 10004.
D. (6) $6,386.99.

A. Richard C. Sullivan, Jr., National Peace Academy Campaign, 110 Maryland Avenue NE., Suite 409, Washington, D.C. 20002.
B. National Peace Academy Campaign, 110 Maryland Avenue NE., Suite 409, Washington, D.C. 20002.
D. (6) $4,500.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Dollar Savings Bank, 4th and Smithfield, Pittsburgh, Pa. 15230.; Washington Mutual Savings Bank, 1101 Second Avenue, Seattle, Wash. 98111.
D. (6) $3,500. E. (9) $158.90.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 9221 Ward Parkway, Kansas City, Mo. 64114.
D. (6) $8,210. E. (9) $403.42.

A. J. Mitchell Summers, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
B. Armco, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
D. (6) $1,287. E. (9) $236.80.

A. Peter B. Summerville, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $187.04.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Arab Republic of Egypt, Cairo, Egypt.
D. (6) $10,400. E. (9) $250.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Bench Ad Co., 4943 East Slauson Avenue, Maywood, Calif. 90270.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Government of the Republic of Zaire, Kinshasa, Zaire.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Walter E. Heller International Corp., 105 West Adams Street, Chicago, Ill. 60603.

A. Surrey & Morse, 1156 15th Street NW., Washington, D.C. 20005.
B. Pietro Beretta, S.P.A., 25063 Gardone V.T. Italy.
D. (6) $2,402.50. E. (9) $40.

A. Stephen D. Susman, Susman & McGowan, 1200 Milam, Suite 900, Houston, Tex. 77002.
B. Plaintiff Class, Corrugated Container Anti-Trust Litigation, Model No. 310, c/o 1200 Milam, Suite 900, Houston, Tex. 77002.
E. (9) $1,945.56.

A. Thomas S. Susman, Ropes & Gray, 1200 New Hampshire Avenue NW., Suite 360, Washington, D.C. 20036.
B. The William Carter Co., 963 Highland Avenue, Needham Heights, Ma. 02194.
E. (9) $56.50.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Kansas Farm Bureau Life Insurance Co., 2321 Anderson Avenue, Manhattan, Kans. 66502; Farm Bureau Mutual Insurance Co., FKB Insurance Co., Manhattan, Kans. 66502.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Kentucky Farm Bureau Mutual Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207; FB Insurance Co., 120 South Hubbard Lane, Louisville, Ky. 40207.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Southern Farm Bureau Life Insurance Co., P.O. Box 78, Jackson, Miss. 39205; Southern Farm Bureau Casualty Inc. Co., P.O. Box 1985, Jackson, Miss. 39205; Mississippi Farm Bureau Mutual Insurance Co., Jackson, Miss. 39205.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. United Farm Bureau Family Life Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204; United Farm Bureau Mutual Insurance Co., 130 East Washington Street, Indianapolis, Ind. 46204.

A. Sutin, Thayer & Browne, P.O. Box 1945, Albuquerque, N. Mex. 87103.
B. Taxation & Revenue Department, P.O. Box 630, Santa Fe, N. Mex. 87509.
D. (6) $1,732.50. E. (9) $717.28.

A. W. Thomas Suttle, 1741 T Street NW., No. 104, Washington, D.C. 20009.
B. The Institute of Electrical & Electronics Engineers, Inc., 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $1,440. E. (9) $563.

A. William W. Suttle, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $525. E. (9) $44.85.

A. Irving W. Swanson, 111212 Farmland Drive, Rockville, Md. 20852.
B. Harris Corp., 2600 Virginia Avenue NW., Suite 800, Washington, D.C. 20037.
E. (9) $3,181.12.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $15,378.99.

A. Rosemarie Sweeney, Washington Office, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $1,987.76. E. (9) $1,214.27.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $281.50. E. (9) $151.65.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for American Hospital Association, 444 North Capitol Street, Washington, D.C. 20001), First National Bank Center, Cincinnati, Ohio 45202.
D. (6) $1,000.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for American Hot Dip Galvanizers Association, 1000 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005), First National Bank Center, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Cincinnati Stock Exchange, 205 Dixie Terminal Building, Cincinnati, Ohio 45202), First National Bank Center, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Hanna-Barbera Productions, Inc., 3400 Cahuenga Boulevard, Los Angeles, Calif. 90068), First National Bank Center, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Hanna-Barbera's Marineland, Box 937, Rancho Palos Verdes, Calif. 90274), First National Bank Center, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910), First National Bank Center, Cincinnati, Ohio 45202.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Miami Conservancy District, 38 East Monument Avenue, Dayton, Ohio 45402), First National Bank Center, Cincinnati, Ohio 45202.
D. (6) $6,666.68. E. (9) $165.76.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Special Committee for Workplace Product Liability Reform, 1800 Massachusetts Avenue NW., Suite 708, Washington, D.C. 20036), First National Bank Center, Cincinnati, Ohio 45202.
D. (6) $11,000. E. (9) $237.64.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister (for Taft Broadcasting Co., 1718 Young Street, Cincinnati, Ohio 45210), First National Bank Center, Cincinnati, Ohio 45202.
D. (6) $2,300. E. (9) $33.

A. Robert Taft, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, First National Bank Center, Cincinnati, Ohio 45202; (for Telephone and Data Systems, Inc., 79 West Monroe Street, Chicago, Ill. 60603).
D. (6) $55,650. E. (9) $891.13.

A. Joe Tallakson, Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.
B. Sense, Inc., Suite 421, 1010 Vermont Avenue NW., Washington, D.C. 20005.
D. (6) $2,142.21. E. (9) $2,142.21.

A. Susan Tannenbaum, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,743.78. E. (9) $91.35.

A. Linda Tarr-Whelan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $1,375. E. (9) $48.

A. William M. Tartikoff, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $643.50. E. (9) $406.30.

A. Dan C. Tate, 1825 K Street NW., Washington, D.C. 20006.
B. National Broadcasting Co., Inc., 1825 K Street NW., Washington, D.C. 20006.

A. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.
D. (6) $377.57. E. (9) $1,788.70.

A. Charles A. Taylor III, 499 South Capitol Street SW., No. 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018
D. (6) $1,000.

A. Clayton Taylor, One McDonald's Plaza, Oak Brook, Ill. 60521.
B. McDonald's Corp., One McDonald's Plaza, Oak Brook, Ill. 60521

A. Dennis J. Taylor, Cummings & Lockwood, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Central States Health and Life Company of Omaha, Box 34350, Omaha, Nebr. 68134.
D. (6) $3,600.

A. Dennis J. Taylor, Cummings & Lockwood, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Committee on Federal Contracting Practices, 1730 Pennsylvania Avenue NW., Washington, D.C 20006.

A. Dennis J. Taylor, Cummings & Lockwood, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Conoco, Inc., 1025 Connecticut Avenue NW., Washington, D.C 20036.

A. Dennis J. Taylor, Cummings & Lockwood, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. Multi-State Communications, Inc., 230 Park Avenue, New York City, N.Y.
D. (6) $7,500.

A. Dennis J. Taylor, Cummings & Lockwood, 1090 Vermont Avenue NW., Suite 650, Washington, D.C. 20005.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C 20036.
D. (6) $69,300.

A. Peggy Taylor, 815 16th Street NW., Washington, D.C 20006.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C 20006.
D. (6) $14,238. E. (9) $404.30.

A. Sid Taylor, National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C 20003.
D. (6) $2,700. E. (9) $474.

A. B. W. Teague, Central Power and Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.
B. Central Power and Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403.

A. Telecause, c/o Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C 20036.
D. (6) $14,500. E. (9) $59,000.

A. Paul M. Tendler, 1899 L Street NW., Suite 1001, Washington, D.C. 20036.
B. Paul M. Tendler Associates Inc., (for the National Federation of Licensed Practical Nurses, Inc.), 1899 L Street NW., Suite 1001, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $170.

A. Paul M. Tendler, 1899 L Street NW., Suite 1001, Washington, D.C. 20036.
B. Paul M. Tendler Associates, Inc. (for Rasch Elektronik Albert Einstein, Strabe 18, 6074 Rodermark 2, West Germany).
E. (9) $100.

A. Betty-Grace Terpstra, Southern Furniture Manufacturers, 918 16th Street NW., No. 402, Washington, D.C 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $750. E. (9) $920.51.

A. Edward F. Terrar, Jr., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
D. (6) $900.

A. John F. Terzano, 329 Eighth Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, 212 Fifth Avenue, Room 703, New York, N.Y. 10010.
D. (6) $2,100.

A. Texas County Irrigation & Water Resources Association, Box 440, Guymon, Okla. 73942.
D. (6) $21,575. E. (9) $4,813.77.

A. Textron, Inc., 40 Westminster Street, Providence, R.I. 02903.
E. (9) $11,925.74.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Casson, Calligaro & Mutryn, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,500.

A. Bruce D. Thevenot, 1155 15th Street NW., No. 424, Washington, D.C. 20005.
B. Oklahoma State Nursing Home Association, 200 Northeast 28th Street, Oklahoma City, Okla. 73105.
D. (6) $750.

A. Bruce D. Thevenot, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $600.

A. E. Wayne Thevenot, Suite 1128, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Hallmark Cards, 25th and McGee Street, Kansas City, Mo. 64108.
D. (6) $500.

A. Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. American Institute of Architects, 1735 New York Avenue, Washington, D.C. 20006.
D. (6) $300.

A. Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. Federal Express, Box 727, Memphis, Tenn. 38194.
D. (6) $250.

A. Thevenot, Murray & Scheer, 1120 Connecticut Avenue NW., Suite 1128, Washington, D.C. 20036.
B. National Business Aircraft Association, One Farragut Square South, Washington, D.C. 20006.
D. (6) $400.

A. Craig G. Thibaudeau, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
E. (9) $13.25.

A. 38th Pro Life Congressional District Action Committee, 8654 Bonview Terrace, Williamsville, N.Y. 14221.
E. (9) $44.

A. 39th Congressional District Action Committee, R.D. 2, Allegany, N.Y. 14706.

A. 36th C.D.A.C.—ProLife, 129 Belmont Avenue, Buffalo, N.Y. 14223.
E. (9) $49.66.

A. Edlu J. Thom, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue, Washington, D.C. 20036.
D. (6) $1,350. E. (9) $64.97.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Patricia Thomas, 1016 16th Street NW., Washington, D.C. 20036
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $4,867.20. E. (9) $40.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. American Business Coalition, 131 E. Redwood, Suite 210, Baltimore, Md. 21202

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. Cable America, Inc., c/o Cablecasting, Limited, 45 Charles Street East; Toronto, Canada M4Y 1S2.
D. (6) $11,764.69. E. (9) $2,500.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. U.S. Cablesystems, Inc., 55 King Street West and Bay Street, Toronto, Ontario M5K 1A2.
D. (6) $11,323.52. E. (9) $1,875.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. Westinghouse Electric Corp., 1801 K Street, Washington, D.C. 20006.
D. (6) $17,457.50 E. (9) $1,222.04

A. Gary C. Thompson, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical and Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $3,650.

A. James P. Thompson, Jr., 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Nancy Thompson, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
D. (6) $144. E. (9) $59.50

A. Roger G. Thompson, 1701 Central Avenue, Ashland, Ky. 41101.
B. Kentucky Power Co., 1701 Central Avenue, Ashland, Ky. 41101.
D. (6) $1,340. E. (9) $2,066.14.

A. Vicki L. Thompson, 1150 Connecticut Avenue, NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric Co., 101 Ash Street, San Diego, Calif. 92101.
D. (6) $550.

A. W. Reid Thompson, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $40.04.

A. William D. Thompson, Lear Siegler, Inc., 1001 Connecticut Avenue NW., Suite 601, Washington, D.C. 20036.
B. Lear Siegler, Inc., P.O. Box 2158, Santa Monica, Calif. 90406.
D. (6) $3,000. E. (9) $176.78.

A. Cynthia L. Thornburg, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1700 North Moore Street, Arlington, Va.
D. (6) $1,500. E. (9) $126.85.

A. Richard B. Thornburg, National Beer Wholesalers' Association, Suite 505, 5205 Leesburg Pike, Falls Church, Va. 22041.
B. National Beer Wholesalers' Association, Suite 505, 5205 Leesburg Pike, Falls Church, Va. 22041.
D. (6) $346.36. E. (9) $346.36.

A. James L. Thorne, Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. William R. Thornhill, P.O. Box 2511, Houston, Tex. 77001.
B. Tennessee Gas Pipeline Co., a division of Tenneco, Inc., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $73.42. E. (9) $341.27.

A. D. Whitney Thornton II, Bowman, Conner, Touhey & Thornton, P.C., 2828 Pennsylvania Avenue NW., Suite 203, Washington, D.C. 20007.
B. Flyer Industries, Ltd., Box 245, Transcona P.O., Winnipeg, Manitoba, Canada R2C 3T4.
D. (6) $652.50. E. (9) $15.38.

A. Gil Thurm, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500.

A. Samuel Thurm, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44 Street, New York, N.Y. 10017.

A. Ronald J. Tice, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio.

A. Cyrus C. Tichenor III, 1050 17th Street NW., Washington, D.C. 20036.
B. A. H. Robins Co., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $785. E. (9) $71.

A. Drew V. Tidwell, Suite 1200, 1300 North 17th Street, Arlington, Va. 22209.
B. The Consumer Bankers Association, Suite 1200, 1300 North 17th Street, Arlington, Va. 22209.
D. (6) $2,000. E. (9) $8,103.38.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. First National Monetary Corp., 4000 Town Center, 15th Floor, Southfield, Mich. 48075.
D. (6) $40. E. (9) $27.50.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. Michigan Department of Education, Room 520, Michigan National Tower, Lansing, Mich. 48909.
E. (9) $2,649.84.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. National Con-Serv, Inc., 451 Hungerford Drive, Suite 205, Rockville, Md. 20850.
D. (6) $690.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. Scholastic Magazines, Inc., 900 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
D. (6) $4,000.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. Southland-Arizona Colleges, 3160 West Fifth Street, Los Angeles, Calif. 90020.
D. (6) $320. E. (9) $35.18.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. Washington Psychiatric Society, 1700 18th Street NW., Washington, D.C 20009.
D. (6) $13,980. E. (9) $503.35.

A. Roger Tilles, 1111 19th Street NW., No. 1050, Washington, D.C 20036.
B. Wayne State University, Detroit, Mich. 48202.
D. (6) $2,380.62

A. Wallace F. Tillman, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association.
D. (6) $150.

A. Martin R. Tilson, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $210. E. (9) $696.82.

A. C. H. Timberlake, Phillips Petroleum Co., 1825 K Street NW., Suite 1107, Washington, D.C 20006.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C 20006.
B. American Inland Waterways Committee, One Mercantile Center, St. Louis, Mo. 63101
D. (6) $712.50. E. (9) $374.10.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,125.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $427.50.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Chrysler Corp., P.O. Box 1919, Detroit, Mich. 48288.
D. (6) $375.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., Miami International Airport, Miami, Fla. 33148.
D. (6) $468.75.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Filmways, Inc., 2049 Century Park East, Los Angeles, Calif. 90067.
D. (6) $1,500.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. H. J. Heinz Co., P.O. Box 57, Pittsburgh, Pa. 15230.
D. (6) $825.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Los Angeles Olympic Organizing Committee, et al.
D. (6) $2,500.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Major League Baseball, 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $1,125.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $900.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $430.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Northrop Corp., 1000 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $600.

A. Timmons and Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Office of the Governor of the State of Alaska, 444 North Capitol Street, Washington, D.C. 20001.
D. (6) $1,500.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., Post Office Box 1045, Skokie, Ill. 60076.
D. (6) $675.

A. Timmons & Co., Inc., 1850 K Street NW., Washington, D.C. 20006.
B. Standard Oil of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $750.

A. Mike Tiner, 1775 K Street NW., Washington, D.C.
B. United Food & Commercial Workers International Union, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $9,240.40. E. (9) $746.27.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $337.87.

A. Eben S. Tisdale, Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
B. Scientific Apparatus Makers Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $1,450. E. (9) $225.54.

A. Tobacco Associates, Inc., Suite 912-1101 17th Street NW., Washington, D.C. 20036.
E. (9) $2,464.54.

A. James R. Tobin, Becton, Dickinson & Co., Mack Centre Drive, Paramus, N.J., 07652.
B. Becton, Dickinson, & Co., Mack Centre Drive, Paramus, N.J. 07652.
D. (6) $2,000.

A. Warren D. Toburen, 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $187.

A. David G. Todd, 1025 Connecticut Avenue, Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Donald G. Todd, American Conservative Union, 38 Ivy Street SE., Washington, D.C. 20003.
B. American Conservative Union, 38 Ivy Street SE., Washington, D.C. 20003.
D. (6) $7,500.

A. William R. Tolley, Jr., Harris Corp., Melbourne, Fla. 32919.
B. Harris Corp., Melbourne, Fla. 32919.
E. (9) $10.50.

A. Sally Austen Tom, American College of Nurse-Midwives, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.
B. American College of Nurse-Midwives, 1522 K Street NW., Suite 1120, Washington, D.C. 20005.

A. William D. Toohey, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,575.

A. Wanda Townsend, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $318.75.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Richard L. Trachtman, 1101 Vermont Avenue NW., Suite 500, Washington, D.C. 20005.
B. American Society of Internal Medicine, 1101 Vermont Avenue NW., Suite 500, Washington, D.C. 20005.
D. (6) $1,700.30. E. (9) $162.29.

A. Jeffrey B. Trammell, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for Republic Airlines), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $330.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.
D. (6) $845. E. (9) $715.

A. Transportation Institute, 923 15th Street NW., Washington, D.C. 20005.
E. (9) $21,349.10.

A. Hubert Travaille, 1090 Vermont Avenue NW., Suite 510, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Franscisco, Calif. 94119.
D. (6) $750.

A. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $2,610. E. (9) $2,610.

A. Ernest B. Tremmel, Inc., 5908 Rossmore Drive, Bethesda, Md. 20014.
B. Burns & Roe Inc., 1850 K Street NW., Suite 220, Washington, D.C. 20006.
D. (6) $1,150. E. (9) $122.

A. Richard S. Tribbe, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10158.
D. (6) $245.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. Sally A. Triplett, 1100 17th Street NW., Suite 302, Washington, D.C 20036.
B. Samuel E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036; Broadcast Music Inc., 320 West 57th Street, New York, N.Y.
E. (9) $25.

A. Eugene M. Trisko, 9817 Rosensteel Avenue, Silver Spring, Md. 20910.
B. Stern Bros., Inc., P.O. Box 8, Parkersburg, W. Va. 26101.
D. (6) $10,755. E. (9) $4,712.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $11,875. E. (9) $251.50.

A. George G. Troutman, Bell Helicopter Textron, 1090 Vermont Avenue NW., Suite 1100, Washington, D.C. 20005.
B. Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.
D. (6) $150.

A. Thomas L. Trueblood, 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000. E. (9) $54.49.

A. The Trust for Public Land, 82 Second Street, San Francisco, Calif. 94105.
E. (9) $3,911.01.

A. Tucker & Brown, Suite 2330, Western Federal Savings Building, Denver, Colo. 80202.
B. Johns-Manville, Ken-Caryl Ranch, Denver, Colo.
D. (6) $1,000.

A. Tucker & Brown, 718 17th Street, Suite 2330, Western Federal Savings Building, Denver, Colo. 80202.
B. Petro-Lewis Corp., Petro-Lewis Building, 717 17th Street, P.O. Box 2250, Denver, Colo. 80201.
D. (6) $75.

A. Tuna Research Foundation, Inc., 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $2,294.19. E. (9) $4,017.17.

A. Brian Turner, Industrial Union Department, AFL-CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $9,764.60.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney, McCamant & Turney, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Edgar H. Twine, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $450.

A. Jerry Udell, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $65.

A. Ullman Consultants, Inc., 1000 Potomac Street NW., Suite 302, Washington, D.C. 20007.
B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.
D. (6) $7,500. E. (9) $32.81.

A. Ullman Consultants, Inc., 1000 Potomac Street NW., Suite 302, Washington, D.C. 20007.
B. The Public Utility Tax Committee, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $15,000.

A. Ullman Consultants, Inc., 1000 Potomac Street NW., Suite 302, Washington, D.C. 20007.
B. Spruell Development Corp., 6525 Belcrest Road, Suite 200, Hyattsville, Md. 20782.
D. (6) $4,500.

A. Ullman Consultants, Inc., 1000 Potomac Street NW., No 302, Washington, D.C. 20007.
B. Western Forest Industries Association, 1600 Southwest Taylor, Portland, Oreg.

A. Manya S. Unga, National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $688.65.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04122.
E. (9) $509.50.

A. United Action for Animals, Inc., 205 East 42d Street, New York, N.Y. 10017.
D. (6) $1,312.03. E. (9) $1,312.03.

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $33,366.78.

A. United Fresh Fruit & Vegetable Association, 727 North Washington Street, Alexandria, Va. 22314.
D. (6) $2,023.31. E. (9) $2,023.31.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $3,015.78.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $4,908.75. E. (9) $9,371.76.

A. United States Industrial Council, Realtors Building, 3d Floor, 306 Gay Street, Nashville, Tenn. 37219.
E. (9) $750.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
E. (9) $161,900.35.

A. Marian S. Urnikis, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.
D. (6) $1,800.

A. Roy Thomas Van Arsdall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,156.25.

A. David T. Van Camp, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
B. Chevron U.S.A. Inc., a subsidiary of Standard Oil Company of California, 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $450.

A. Van Fleet Associates, Colorado Building, Suite 420, 1341 G Street NW., Washington, D.C. 20005.
B. Cadillac Gage, P.O. Box 1027, Warren, Mich. 48090.
D. (6) $4,998. E. (9) $200.

A. C. D. Van Houweling, P.O. Box 69, Centreville, Va. 22020.
B. National Pork Producers Council, P.O. Box 10383, Des Moines, Iowa 50306.
D. (6) $141.25.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Allied General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812
D. (6) $375. E. (9) $27.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. American Institute for Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $1,890.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. American President Lines, Ltd., 1950 Franklin Street, Oakland, Calif. 94610.
D. (6) $750. E. (9) $427.66.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Arctic Slope Regional Corp., Barrow, Alaska.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Thomas Ludlow Ashley, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006 (for General Public Utilities, Inc. 100 Interpace Parkway, Parsippany, N.J. 07050).

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Committee on Status and Transition, Seventh Palauan Legislature, P.O. Box 99, Koror, Palau, Western Caroline Islands 96940.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $3,137.50. E. (9) $696.77.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Florida Agriculture Coalition, Inc., 249 Royale Palm Way, Palm Beach, Fla. 33480.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Hawaiian Electric Co., P.O. Box 2750, Honolulu, Hawaii 96840.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Metropolitan District Commission, 555 Main Street, Hartford, Conn. 06101.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. New York Air, LaGuardia Airport, Flushing, N.Y. 11371.
D. (6) $12,535. E. (9) $12.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. North Slope Borough, P.O. Box 69, Barrow, Alaska 99723.
D. (6) $166.50. E. (9) $12.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Palm Beach-Broward Farmers Committee for Legislative Action, P.O. Box 396, Boynton Beach, Fla. 33435.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. American Electric Power Company, Inc., 2 Broadway, New York, N.Y. 10004, et. al.
D. (6) $9,765. E. (9) $18.50.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Republic Geothermal, 11823 East Slauson Avenue, Suite One, Santa Fe Springs, Calif. 90670.
D. (6) $1,037.50. E. (9) $184.94.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Simpson, Thacher and Bartlett (for Joseph E. Seagram & Sons, Inc., One Battery Park Plaza, New York, N.Y. 10004.)
D. (6) $300. E. (9) $6.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. South Florida Tomato & Vegetable Growers Association, P.O. Drawer B.B., Homestead, Fla. 33030.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, NW., Washington, D.C. 20007.
B. Southwest Winter Vegetable Growers Association, P.O. Box 1670, Immokalle, Fla. 33934.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Standard Oil Co. (Indiana), 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $312.50

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. 25 E Street Associates, 1220 19th Street NW., Suite 400, Washington, D.C. 20036.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. U.S. Ethanol Corp. 405 Lexington Avenue, Suite 5004, New York, N.Y. 10174.
D. (6) $150.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Wheelabrator-Frye Inc., Liberty Lane, Hampton, N.H. 03842.

A. Van Ness, Feldman, Sutcliffe, Curtis & Levenberg, P.C., 1050 Thomas Jefferson Street NW., 7th Floor, Washington, D.C. 20007.
B. Windfarms, Ltd., 639 Front Street, San Francisco, Calif. 94111.
D. (6) $200. E. (9) $6.

A. Glenn R. Van Schooneveld, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Armco, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,198.35. E. (9) $275.25.

A. John A. Vance, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $4,653. E. (9) $2,720.40.

A. Daniel W. Vannoy, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C.

A. Jennifer Vasiloff, 530 7th Street SE., Washington, D.C. 20003.
B. National Clean Air Coalition, 530 7th Street SE., Washington, D.C. 20003.
D. (6) $754.48.

A. Murle L. Vaughan, Beneficial Management Corp. of America, 1700 North Moore Street; 1925 Rosslyn Center Building, Arlington, Va. 22209.
B. Beneficial Management Corp. of American, 1300 Market Street, Wilmington, Del. 19899.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.
E. (9) $987.99.

A. Venable, Baetjer, Howard & Civiletti, 1301 Pennsylvania Avenue NW., Suite 704, Washington, D.C. 20004.
B. Westvaco Corp., Westvaco Building, 229 Park Avenue, New York, N.Y. 10017.
D. (6) $33,386.95. E. (9) $33,386.95.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Coalition of United States Citizen Award-Holders Against Czechoslovakia.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Labor-Industry Coalition for International Trade, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $1,000.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Pan American World Airways, Pan American Building, New York, N.Y. 10160.
D. (6) $3,000.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Semiconductor Industry Association, 28380 Town Center Lane, Suite 155, Cupertino, Calif. 95014.
D. (6) $1,000. E. (9) $125.

A. Verner, Liipfert, Bernhard and McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Trans-Lux Corp., 110 Richards Avenue, Norwalk, Conn. 06854.
D. (6) $506.25.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. The Travelers Corp., One Tower Square, Hartford, Conn. 06115.
D. (6) $3,790. E. (9) $3,790.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for American General Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $318.75.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Continental Resources Co.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,781.25. E. (9) $33.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Houston Natural Gas Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,581.25. E. (9) $76.75.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Pelican Terminal), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $337.50.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Slurry Transport Association), 1101 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,581.25. E. (9) $13.

A. Larry R. Veselka, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Vinson & Elkins (for Texas Eastern Transmission Corp.), 1101 Connecticut Avenue NW., Washington, D.C. 20036.

A. R. Eric Vige, 1660 L Street NW., Suite 207, Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Suite 207, Washington, D.C. 20036.
D. (6) $400.

A. Steven A. Villas, Standard Oil Co. (Ohio), 1050 17th Street NW., Suite 650, Washington, D.C 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
D. (6) $25. E. (9) $4.

A. Howard A. Vine, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Walter D. Vinyard, Jr., Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Board of Trade of the City of Chicago, 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,140.

A. Walter D. Vinyard, Jr., Alston, Miller and Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Continental Insurance Co., 80 Maiden Lane, New York, N.Y. 10038.
D. (6) $2,500.

A. Walter D. Vinyard, Jr., Alston, Miller and Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. The Hartford Insurance Group, Hartford, Conn. 06115.
D. (6) $2,500.

A. Virginia Association of Railway Patrons, P.O. Box 867, Richmond, Va. 23207.
D. (6) $35. E. (9) $79.04.

A. Andrew Vitali, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
E. (6) $6,000.

A. Volkswagen of America, Inc., 27621 Parkview Boulevard, Warren, Mich. 48092.
E. (9) 1,704.98

A. Ingrid A. Voorhees, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $500.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Ad Hoc Committee on Individual Annuity Taxation, 10 Post Office Square, Boston, Mass. 02110.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Bowery Savings Bank, 110 East 42d Street, New York, N.Y. 10017.
D. (6) $8,730. E. (9) $415.47.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Cabot Corp., 125 High Street, Boston, Mass. 02110.
D. (6) $1,012.75. E. (9) $137.46.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Canadian Cablesystems, Ltd., Toronto Dominion Center, Toronto, Canada.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
E. (9) $828.74.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. International Agricultural Development Service, 1133 Avenue of the Americas, New York, N.Y. 10036.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. J. Paul McNamara, 88 East Broad Street, Columbus, Ohio 43215.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. National Hockey League, 1221 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $60.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. North American Soccer League, 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $1,300.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Ohio Manufacturers Association, 100 East Broad Street, Columbus, Ohio 43215.
D. (6) $1,010. E. (9) $3.23.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. The Small Business Coalition for Pollution Control, P.O. Box 1031, Dayton, Ohio 45401.
E. (9) $496.88.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Stencel Aero Engineering Corp., P.O. Box 1107, Arden, N.C. 28704.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Toledo Trust Co., Three Seagate, Toledo, Ohio.
D. (6) $22,272.70. E. (9) $1,169.82.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Virginia State University, Petersburg, Va. 23803.

A. Vorys, Sater, Seymour & Pease, 1828 L Street NW., Suite 1111, Washington, D.C. 20036.
B. Wagnalls Memorial, 150 East Columbus Street, Lithropolis, Ohio.

A. Rex B. Wackerle, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $116. E. (9) $24.

A. Catherine Waelder, National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $95.40. E. (9) $50.

A. Robert J. Wager, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, 2020 K Street NW., Suite 850, Washington, D.C. 20006.
D. (6) $2,126.25. E. (9) $8.95.

A. Herbert R. Waite, The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Herbert R. Waite, First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.
B. First National Boston Corp., 100 Federal Street, Boston, Mass. 02110.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Hillsdale County Railway Co., 50 Monroe Street, Hillsdale, Mich.
E. (9) $70.90.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, P.O. Box 10070, Lansing, Mich. 48910.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $700.

A. E. F. Waldrop, Jr., Association of American Railroads, 412 First Street SE., Suite 200, Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $2,347.26.

A. Charls W. Walker, International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL-CIO-CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,400.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Agrico Chemical Co., Bank of Oklahoma Tower, One Williams Center, Tulsa, Okla. 74103, et al.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,562.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, 1200 Ring Building, Washington, D.C. 20036.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. AMAX, Inc., Two Greenwich Plaza, Greenwich, Conn. 06830, et al.
D. (6) $3,375.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Airlines, Inc., P.O. Box 61616, Dallas/Ft. Worth Regional Airport, Tex. 75261.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Can Co., American Lane 1A9, Greenwich, Conn. 06830.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Iron & Steel Institute, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Telephone & Telegraph Co., 1120 20th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ashland Chemical, P.O. Box 2219, Columbus, Ohio 43216.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Power Corp., 1620 I Street NW., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade Clearing Corp., 141 W. Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Board of Trade of the City of Chicago, 141 W. Jackson Boulevard, Chicago, Ill. 60604.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Chicago Mercantile Exchange, 444 W. Jackson Boulevard, Chicago, Ill. 60606.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cities Service Co., Cities Service Building, Tulsa, Okla. 74102.
D. (6) $1,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Container Corp., of America, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. CSX Corporation, P.O. Box C-32222, Richmond, Va. 23261.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $9,375.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Deere & Co., Inc., John Deere Road, Moline, Ill. 61265.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Eastern Air Lines, Inc., 10 Rockefeller Plaza, New York, N.Y. 10020.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 3900 Wisconsin Avenue NW., Washington, D.C. 20016.
D. (6) $1,500.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. First Chicago Corp., One First National Plaza, Chicago, Ill. 60670.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Public Utilities Corp., 100 Interpace Parkway, Parsippany, N.J. 07054.
D. (6) $4,000.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Telephone & Electronics, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Geothermal Kinetics, Inc., 301 West Indian School Road, Phoenix, Ariz. 85013.
D. (6) $750.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Suite 1000, Washington, D.C. 20006.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75215.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The M. W. Kellogg Co., Three Greenway Plaza East, Houston, Tex. 77046.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Mead Corp., 1000 Connecticut Avenue NW., Washington D.C. 20036, and Weyerhaeuser Co., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $11,000.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The National Tax Limitation Committee, 1623 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $1,337.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Northwestern Mutual Life Insurance Co., 720 East Wisconsin Avenue, Milwaukee, Wis. 53202.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Olin Corp., 120 Lake Ridge Road, Stamford, Conn., 06904.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 1015 15th Street NW., Washington, D.C. 20005.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Procter & Gamble Co., Cincinnati, Ohio 45201.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Tennessee Synfuels Associates.
D. (6) $5,250.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans World Arilines, Inc., 605 Third Avenue, New York, N.Y. 10016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
D. (6) $150.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., 1625 I Street NW., Washington, D.C. 20006.

A. R. Duffy Wall, 1730 Rhode Island Avenue NW., No. 400, Washington, D.C. 20036.
B. Freeport-McMoRan Inc., 200 Park Avenue, New York, N.Y. 10166
D. (6) $300.

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.
B. American Sugar Can League of the U.S.A., Inc., 416 Whitney Building, New Orleans, La.
D. (6) $6,000. E. (9) $2,158

A. Don Wallace Associates, Inc., 232 East Capitol Street NE., Washington, D.C. 20003.
B. Cotton Warehouse Association of America, 232 East Capitol Street NE., Washington, D.C. 20003.
D. (6) $11,000. E. (9) $2,385.

A. Rob Wallace, 203 Maryland Avenue NE., Washington, D.C. 20002.
B. Western Solar Utilization Network, 715 Southwest Morrison, Portland, Oreg.
D. (6) $4,800. E. (9) $1,300.

A. R. Douglas Wallin, Jr., Emerson Electric Co., 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Emerson Electric Co., 8000 West Florissant, St. Louis, Mo. 63136.

A. James P. Walsh, Sixth Floor, 1050 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Tunaboat Association, 1 Tuna Lane, San Diego, Calif. 92101.
D. (6) $4,000. E. (9) $235.72

A. Bonnie B. Wan, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Place, Chicago, Ill. 60671.

A. John F. Wanamaker, The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
B. The Retired Officers Association, 201 North Washington Street, Alexandria, Va. 22314.
D. (6) $1,456.

A. Barbara Wanner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Economic Institute of America, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. G. Fletcher Ward, Jr., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., One Montgomery Ward Place, Chicago, Ill. 60671.
E. (9) $150.

A. Richard D. Warden, United Automobile, Aerospace, & Agricultural Implement Workers of America (UAW), 1757 N Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $16,744.60. E. (9) $351.

A. Jack Ware, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $8,100.10. E. (9) $166.70.

A. Michael O. Ware, Conoco Inc., 1025 Connecticut Avenue NW., No. 1000, Washington, D.C. 20036.
B. Conoco Inc., High Ridge Park, Stamford, Conn. 06904.
D. (6) $1,000.

A. Peter F. Warker, TRW Inc., 1000 Wilson Boulevard, Suite 2700, Arlington, Va. 22209.
B. TRW Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $1,250.

A. Christine M. Warnke, American Textile Manufacturers Institute, Inc., 1101 Connecticut, Avenue NW., No. 300, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc. 1101 Connecticut Avenue NW., No. 300, Washington, D.C. 20036.
D. (6) $400. E. (9) $112.65.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036
D. (6) $520.60. E. (9) $817.83.

A. Ernest R. Warner, Jr., DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc. (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $27.40. E. (9) $11.90.

A. Anita S. Warren, 1050 31st Street NW., Washington, D.C. 20007.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $1,000. E. (9) $100.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Boeing Co., 7755 East Marginal Way, Seattle, Wash. 98124.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. General Dynamics Corp., Pierre Laclede Center, St. Louis, Mo. 63105.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Hughes Aircraft Co., Culver City, Calif. 90230.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Raytheon Co., 141 Spring Street, Lexington, Mass. 02173.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Rockwell International, 2230 East Imperial Highway, El Segundo, Calif. 90245.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. TRW, Inc., 1 Space Park, Redondo Beach, Calif. 90278.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Vought Corp., P.O. Box 225907, Dallas, Tex. 75265.
D. (6) $375. E. (9) $315.71.

A. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $375. E. (9) $315.71.

A. Washington Office on Africa, 110 Maryland Avunue NE., Washington, D.C. 20002.
D. (6) $18,536.70. E. (9) $15,663.22.

A. Washington State NARAL, 909 Fourth Avenue, No. 610, Seattle, Wash. 98104
D. (6) $20,818.32. E. (9) $29,108.25.

A. Robert E. Watkins, Motor Vehicle Manufacturers Association, 1909 K Street NW., Suite 300, Washington, D.C. 20006.
B. Motor Vehicle Manufacturers Association of the United States, Inc., 300 New Center Building, Detroit, Mich. 48202.
D. (6) $480.

A. Ralph J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $495. E. (9) $312.57.

A. Carolyn Herr Watts, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. George B. Watts, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,000.

A. Bruce H. Watzman, National Coal Association, Coal Building, Washington, D.C. 20036.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $4,187.50. E. (9) $599.20.

A. Judith G. Waxman, National Health Law Program, 1424 16th Street NW., Washington, D.C. 20036.
B. National Health Law Program, 2639 South La Cienega Boulevard, Los Angeles, Calif. 90034.
D. (6) $1,013.08. E. (9) $1,537.18.

A. William J. Way, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $1,249.13.

A. William H. Weatherspoon, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000. E. (9) $1,755.92.

A. Vernon Weaver, 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Stephens Overseas Services, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
D. (6) $105.

A. Douglas M. Webb, 1111 19th Street NW., Suite 310, Washington, D.C. 20036.
B. Kennecott Corp., Ten Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $103.16.

A. Frederick L. Webber, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $4,940. E. (9) $26.95.

A. Webster, Chamberlain & Bean, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Paratransit Institute, P.O. Box 340276, Coral Gables, Fla. 33134.
D. (6) $400.

A. Webster, Chamberlain & Bean, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The American Society of Radiologic Technologists, 55 East Jackson Boulevard, Chicago, Ill. 60604.

A. Webster, Chamberlain & Bean, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Charles Stewart Mott Foundation, Mott Foundation Building, Flint, Mich. 48502.
D. (6) $1,500.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Kidder, Peabody & Co. Inc., 10 Hanover Square, New York, N.Y. 10005.
E. (9) $389.89.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Penobscot Nation, Community Building, Indian Island, Maine 04468.
D. (6) $15,082.36. E. (9) $324.15.

A. Webster & Sheffield, 1200 New Hampshire Avenue NW., Suite 350, Washington, D.C. 20036.
B. Skanska U.S.A., Inc., 8330 Old Courthouse Road, Building Tycon 2, Vienna, Va. 22180.

D. (6) $19,085. E. (9) $304.77.

A. Lee Weddig, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. National Fisheries Institute, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $20.

A. Charles W. Wegner, Jr., Professional Insurance Agents, 600 Pennsylvania Avenue SE., Suite 203, Washington, D.C. 20003.
B. Professional Insurance Agents, 400 North Washington Street, Alexandria, Va. 22314.
D. (6) $375. E. (9) $225.

A. Weil, Gotshal & Manges, 767 Fifth Avenue, New York, N.Y. 10153; 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. Continental Group, 1 Harbor Plaza, Stamford, Conn. 06902.

A. Robert E. Williams, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,500.

A. Nancy A. Weinberg, Rohm and Haas Co., 1899 L Street NW., Suite 807, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $45.66.

A. Donald G. Weinert, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Joan Weinstock, American Optometric Association, 600 Maryland Avenue SW., Suite 400, Washington, D.C. 20024.
B. American Optometric Association, c/o Albert A. Bucar, 395 Orchard Street, Antioch, Ill. 60002.
D. (6) $25.96. E. (9) $99.44.

A. Joel A. Weiss, Acurex Solar Corp., 1730 North Lynn Street, No. 400, Rosslyn, Va. 22209.
B. Acurex Solar Corp., 1730 North Lynn Street, No. 400, Rosslyn, Va. 22209.
D. (6) $3,729.27. E. (9) $354.27.

A. Michael A. Weiss, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.
E. (9) $70.

A. Morton N. Weiss, National Security Traders Association, 1 World Trade Center, Suite 4511, New York, N.Y. 10048.
B. National Security Traders Association, 1 World Trade Center, Suite 4511, New York, N.Y. 10048.
D. (6) $2,792.

A. Judith H. Weitz, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $740.02. E. (9) $24.

A. Paul S. Weller, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,050.

A. Susanne Wellford, John Adams Associates, 1825 K Street NW., Suite 210, Washington, D.C. 20006.
B. Manufacturers of Emissions Controls Association, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
(9) $11,788.

A. Wellford, Wegman, Krulwich, Gold & Hoff, 1015 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Canadian Embassy, 1746 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Wellford, Wegman, Krulwich, Gold & Hoff, 1015 18th Street NW., Suite 802, Washington, D.C. 20036.
B. Johns-Manville, Ken-Caryl Ranch, Denver, Colo.
D. (6) $500.

A. L. H. Wells, Shell Oil Co. 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500

A. Anne P. Werner, Direct Mail/Marketing Association, 1730 K Street NW., No. 905, Washington, D.C. 20006.
B. Direct Mail/Marketing Association, 6 East 43d Street, New York, N.Y. 10017.

A. W. R. Werner, CertainTeed Corp., 1627 K Street NW., Suite 610, Washington, D.C. 20006.
B. CertainTeed Corp., P.O. Box 860, Valley Forge, Pa. 19482.

A. Fred Wertheimer, 2030 M Street NW., Third Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $13,475.04 E. (9) $144.

A. Frank West, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) $115.38.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. W. P. West, Jr., Delta Air Lines, Inc., 1629 K Street NW., Room No. 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $273. E. (9)152.52.

A. Harry H. Westbay III, St. Regis Paper, Co., 1625 I Street NW., No. 805, NW., Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $750.

A. Western Resource Alliance, 2565 West 23d Street, Eugene, Oreg. 975401.
E. (9) $17.

A. Joseph J. Westwater, 10140 Linn Station Road, Louisville, Ky. 40223.
B. Dairymen, Inc., 10140 Linn Station Road, Louisville, Ky. 40223.
D. (6) $8,750. E. (9) $2,679.60.

A. John F. Wetzel, Jr., Motorcycle Industry Council, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Motorcycle Industry Council, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $566.75.

A. Wexler and Associates, Inc., 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. Armco, Inc., 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
E. (9) $482.39.

A. Wexler and Associates, Inc., 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. Beneficial Management Corp. of America, 200 South Street, Morristown, N.J. 07960.
D. (6) $8,120. E. (9) $376.83.

A. Wexler and Associates, Inc., 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. The GHK Co., 6441 Northwest Grand Boulevard, Oklahoma City, Okla. 73116.
D. (6) $22,500. E. (9) $3,713.77.

A. Wexler and Associates, Inc., 1616 H Street NW., Suite 400, Washington, D.C. 20006.
B. National Radio Broadcasters Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $147.85.

A. Wexler and Associates, Inc., 1616 H Street, NW., Washington, D.C. 20006.
B. Tosco Corporation, 1817 Broadway, Boulder, Colorado 80302.
D. (6) $15,000. E. (9) $225.24.

A. Robert G. Weymueller, American Lung Association, Suite 401, 1629 K Street NW., Washington, D.C. 20006.
B. American Lung Association, 1740 Broadway, New York, N.Y. 10019.
D. (6) $3,600. E. (9) $5,650.

A. Brian B. Whalen, International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester Co., 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $54.16.

A. Clyde A. Wheeler, Jr., Sun Company, Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Company, Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $15,000. E. (9) $1,307.26.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Cable Television Association, Inc., 1724 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,375.

A. Brenda J. White, 140 Park Place, New York, N.Y. 10007.
B. Municipal Labor Committee, 140 Park Place, New York, N.Y. 10007.
D. (6) $12,445.46. E. (9) $2,384.90.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Commercial Union Leasing Corp., 115 East 57th Street, New York, N.Y. 10022.
E. (9) $39.60.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $100.

A. White, Fine & Verville, 1156 15th Street NW., Suite 302, Washington, D.C. 20005.
B. Northwest Alaskan Pipeline Co., 1120 20th Street NW., Washington, D.C. 20036.
D. (6) $36,562.50.

A. John C. White, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Coastal Corp., Nine Greenway Plaza, Houston, Tex. 77046, and Chicago Mercantile Exchange, 444 West Jackson, Chicago, Ill. 60606.
D. (6) $4,200.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.

A. John Thomas White, II, Tenneco Inc., 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Donald W. Whitehead, Suite No. 335, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Emergent Technologies, Inc., Drawer 3218, San Jose, Calif.

A. Donald W. Whitehead, Suite No. 335, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Thetford Corp., Ann Arbor, Mich.

A. Alton W. Whitehouse, 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Marshall E. Whitenton, 1050 17th Street NW., Suite 650, Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland Ohio 44115
D. (6) $25. E. (9) $2.60.

A. W. Edward Whitfield, CSX Corp., 840 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005-2071
B. CSX Corp., 1500 Federal Reserve Building, Richmond, Va. 23219.
D. (6) $3,000. E. (9) $437.35.

A. James A. Whitman, National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
B. National Association of Chain Drug Stores, Inc., P.O. Box 1417-D49, Alexandria, Va. 22313.
D. (6) $500.

A. Whitman & Ransom, 522 Fifth Avenue, New York, N.Y. 10036; 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Japan External Trade Organization (JETRO), 2-2-5 Toranomon, Minato-ku, Tokyo, Japan; Japan Trade Center, 1221 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $254.82

A. William F. Whitsitt, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $700. E. (9) $178.42.

A. David E. Whitten, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $1,851.98.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Mayor and City of Seattle, City of Seattle, Seattle, Wash. 98104.
D. (6) $294.50. E. (9) $21.55.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. Public Health Hospital Preservation & Development Authority ("PHHPDA"), P.O. Box 3145, Seattle, Wash. 98114.
D. (6) $5,275. E. (9) $2,880.85.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. State of Alaska, Office of the Attorney General, Transportation Section, Pouch K—State Capitol, Juneau, Alaska 99811.
D. (6) $5,403. E. (9) $2,399.67.

A. Thomas D. Wilcox, 1899 L Street NW., Suite 705, Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $8,083. E. (9) $8,618.

A. Harry G. Wiles, II, 499 South Capitol Street SW., Suite 401, Washington, D.C. 20003.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
E. (9) $104.

A. Guenther O. Wilhelm, Exxon Corp., 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. Jerry C. Wilkerson, 1025 Connecticut Avenue NW., No. 1005, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., No. 1005, Washington, D.C. 20036.
D. (6) $650. E. (9) $1,210.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Arapahoe tribe of Indians, Fort Washakie, Wyo.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 1300 North 17th Street, Suite 300, Arlington, Va. 22209.
D. (6) $858. E. (9) $4.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish & Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $4.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006
B. European Travel Commission, 630 Fifth Avenue, New York, N.Y. 10111.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc., "IDCMA", 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $14,525.50. E. (9) $492.70.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Insurance Agents of America, Inc., 100 Church Street, 19th Floor, New York, N.Y. 10007.
D. (6) $894. E. (9) $139.06.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Louisiana Pacific Corp., First National Bank Building, 1300 Southwest Fifth Avenue, Portland, Oreg. 97201.
D. (6) $15,749. E. (9) $11.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. NANA Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. National Congress of American Indians, Inc., 202 E Street NE., Washington, D.C. 20002.
E. (9) $70.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Pueblo de Cochiti, P.O. Box 70, Cochiti, N. Mex. 87041.
D. (6) $223.68.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Shee Atika, P.O. 4578, Mt. Edgecumbe, Alaska 99835.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 541, Honolulu, Hawaii 96809.

A. Ralph E. Willham, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Sheet Metal Workers' International Association, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $8,977.50.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. The LTV Corp., LTV Tower, 1525 Elm Street, Dallas, Tex. 75201.

A. Williams & Connolly, 839 17th Street NW., Washington, D.C. 20006.
B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.

A. James H. Williams, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 500, Fairfax, Va. 22030.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

A. Lawrence F. Williams, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,093.75. E. (9) $564.42.

A. Lee Williams, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,600.

A. Lucinda L. Williams, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
B. Federation of American Hospitals, 1111 19th Street NW., Suite 402, Washington, D.C. 20036.
D. (6) $4,500.

A. Williams, Myers & Quiggle, 888 17th Street NW., Washington, D.C. 20006.
B. Church Alliance of Clarification of ERISA, c/o Mr. Gary S. Nash, 511 North Akard Building, Suite 311, Dallas, Tex. 75201.
E. (9) $201.10.

A. W. G. Williams, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. John C. Williamson, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
B. Mortgage Insurance Cos. of America, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
D. (6) $2,700.

A. Willkie Farr & Gallagher, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Burlington Industries, 1800 M Street NW., Washington, D.C. 20036.
E. (9) $175.

A. Willkie Farr & Gallagher, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Loral Corp., 600 Third Avenue, New York, N.Y. 10016.
E. (9) $560.

A. Betsy Willson-Messer, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $291.92. E. (9) $20.50.

A. Charlotte Wilmer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Rural Electric Cooperative Association, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Browning-Ferris Industries, Inc., Post Office Box 3151, Houston, Tex. 77001.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $54.65.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. CPC International Inc., International Plaza, Englewood Cliffs, N.J. 07632.
D. (6) $4,120.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $22,246.25. E. (9) $63.35.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. G-IV Children's Coalition, c/o Lester Nurick, Room 1100, 1666 K Street NW., Washington, D.C. 20006.
D. (6) $22,746.45. E. (9) $55.87.

A. Wimer, Cutler & Pickering, 1666 K Street NW., Washington, D.C.
B. Owens-Illinois, P.O. Box 1035, Toledo, Ohio 43666.
D. (6) $4,647.50 E. (9) $112.91.

A. Bjorg Opdahl Wilson, UNICEF Information Service, 110 Maryland Avenue NE., Washington, D.C. 20002.
B. The United States Committee for UNICEF, 331 East 38th Street, New York, N.Y. 10016.
D. (6) $1,500.

A. Charles D. Wilson, 1850 K Street NW., Suite 390, Washington, D.C. 20006.
B. Union Camp Corp., 1850 K Street NW., Suite 390, Washington, D.C. 20006.
D. (6) $1,375. E. (9) 1,871.73.

A. Dena L. Wilson, 1600 Wilson Boulevard, No. 1000, Arlington, Va. 22209.
B. American Waterways Operators, Inc., 1600 Wilson Boulevard, No. 1000, Arlington, Va. 22209.
D. (6) $775. E. (9) $62.95.

A. James E. Wilson, Jr., McDonnell Douglas Corp., 1150 17th Street NW., Suite 500, Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.

A. Robert C. Wilson, 216 South Carolina Avenue SE., Washington, D.C. 20003.
B. RMI, Inc., 225 West 30th Street, National City, Calif. 92050.
D. (6) $1,200.

A. Robert C. Wilson, Room 400, 499 South Capitol Street NW., Washington, D.C. 20003.
B. Washington Industrial Team, Inc., Room 400, 499 South Capitol Street SW., Washington, D.C. 20003.
D. (6) $900.

A. William A. Wilson III, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $200.

A. Windels, Marx, Davies & Ives, 51 West 51st Street, New York, N.Y. 10019.
B. Waterman Steamship Corp., 120 Wall Street, New York, N.Y. 10005.
D. (6) $435. E. (9) $9.50.

A. Jospeh B. Winkelmann, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500. E. (9) 920.77.

A. Kathleen J. Winn, Pennzoil, 1155 15th Street NW., Suite 602, Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.
D. (6) $475.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. Antaeus Enterprises, Inc., 59 Gary Road, Stamford, Conn. 06903.
D. (6) $93.75.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. Cummins Engine Co., Inc., 432 Washington Street, 3rd Floor, Columbus, Ind. 47201.
D. (6) $860.

A. Winston & Strawn, 2550 M Street NW., Suite 500, Washington, D.C. 20037.
B. International Council of Shopping Centers, 665 Fifth Avenue, New York, N.Y. 10022.
D. (6) $350. E. (9) $234.40.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Alan M. Wiseman, 1730 Pennsylvania Avenue NW., Suite 900, Washington, D.C. 20006.
B. The Mead Corp., Courthouse Plaza Northeast, Dayton, Ohio 45463.
E. (9) $1,810.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo.
D. (6) $945.72. E. (9) $1,207.43.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Coordinating Council on Manufactured Housing Finance, 1575 I Street NW., Suite 350, Washington, D.C. 20005.
D. (6) $12,661.16.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Foremost Insurance Co., 5800 Foremost Drive SE., Grand Rapids, Mich. 49501.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. National Manufactured Housing Finance Association, Suite 350, 1575 I Street NW., Washington, D.C. 20005.
E. (9) $3,000.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. National Truck Equipment Association, 25900 Greenfield Road, Oak Park, Mich. 48237.
D. (6) $2,899.45.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Task Force on Creative Finance for Manufactured Housing, 1575 I Street NW., Suite 350, Washington, D.C. 20005.
D. (6) $16,260.04.

A. Witkowski, Weiner, McCaffrey & Brodsky, P.C., 1575 I Street NW., Suite 350, Washington, D.C. 20005.
B. Wilmore City Development, Inc., and Silvercrest Industries, Inc., 1409 East 4th Street, Long Beach, Calif. 90802.
D. (6) $160.

A. Glenn P. Witte, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. H. C. Witthaus, General Motors Corp., 1660 L Street NW., Suite 800, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,243.97.

A. James Wolf, Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.
D. (6) $38.31.

A. James E. Wolf, The Trane Co., 2020 14th Street, North Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $2,500.

A. Sidney M. Wolfe, 2000 P Street NW., Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., No. 708, Washington, D.C. 20036.

A. Benjamin Wolff, Wind Resource Group, Inc., 1730 P Street NW., Washington, D.C. 20036.
B. U.S. Windpower Inc., 160 Wheeler Road, Burlington, Mass 01803.
D. (6) $8,000. E. (9) $8,000.

A. Don Womack, Texas Utilities Services, Inc., 1825 K Street NW., Suite 303, Washington, D.C. 20006.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $2,356. E. (9) $243.65.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,900. E. (9) $1,938.

A. Charles A. Wood, National Fuel Gas Distribution Corp., Room 900, 10 Lafayette Square, Buffalo, N.Y. 14203.
B. National Fuel Gas Distribution Corp., National Fuel Gas Supply Corp., Penn-York Energy Co., Seneca Resources Co., National Fuel Gas Co.
D. (6) $214.32. E. (9) $533.77.

A. W. Alan Woodford, Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Diane Woodruff, Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
B. Committee of Urban Program Universities, 1300 19th Street NW., No. 220, Washington, D.C. 20036.
D. (6) $2,361.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France), 1225 19th Street NW., Washington, D.C. 20036

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., (for Sofreavia, 75 rue la Boetie Paris 8eme, France), 1225 19th Street NW., Washington, D.C. 20036

A. Richard P. Woods, Pacific Resources, Inc., 2501 M Street NW., Suite 540, Washington, D.C. 20037.
B. Pacific Resources, Inc., 733 Bishop Street, P.O. Box 3379, Honolulu, Hawaii 96813.
D. (6) $500.

A. Perry W. Woofter, Tesoro Petroleum Corp., 1800 K Street NW., Suite 530, Washington, D.C. 20006.
B. Tesoro Petroleum Corp., 8700 Tesoro Drive, San Antonio, Tex. 78286.
D. (6) $2,500.

A. Edward A. Woolley, 720 Fifth Avenue, Suite 605, New York, N.Y. 10019.
B. CTI-Container Transport International, Inc., 445 Hamilton Avenue, White Plains, N.Y. 10601, et al.
D. (6) $7,146.97. E. (9) $295.58.

A. Linda Anzalone Woolley, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $500.

A. Ronald L. Wooten, Consolidation Coal Co., 1025 Connecticut Avenue NW., No. 1000, Washington, D.C. 20036.
B. Consolidation Coal Co., Consol Plaza, 1800 Washington Road, Pittsburgh, Pa. 15241.
D. (6) $300. E. (9) $120.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States, Inc.), Third Avenue, New York, N.Y. 10017.

A. Dee Workman, 135 East 42d Street, New York, N.Y. 10017.
B. Valkyrie Enterprises, Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $1,562.50

A. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $5,699.74 E. (9) $9,407.90

A. Steven M. Worth, The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
B. Gray & Co. (for the American Maritime Association), The Power House, 3255 Grace Street NW., Washington, D.C. 20007.
D. (6) $85.

A. William R. Worthen, National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
B. National Tax Limitation Committee, 1523 L Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $800. E. (9) $132.

A. Franklin L. Wright, Jr., National Association of Mutual Savings Banks, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10166.
D. (6) $2,968.75.

A. William L. Wright, Eli Lilly and Co., 1901 L Street NW., Washington, D.C. 20036.
B. Eli Lilly & Co., 307 East McCarty Street, Indianapolis, Ind. 46285.
D. (6) $3,00. E. (9) $158.89

A. Richard E. Wyckoff, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $295.

A. T. Albert Yamada, 900 17th Street NW., Suite 520, Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., Inc., Washington Office, 919 18th Street NW., Suite 600, Washington, D.C. 20006.
D. (6) $500.

A. T. Albert Yamada, 900 17th Street NW., Suite 520, Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Edward R. Yawn, 1111 19th Street NW., Washington, D.C. 20036.
B. The Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $585.71. E. (9) $243.37.

A. Brooks B. Yeager, Sierra Club, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,450. E. (9) $41.65.

A. Kim Yelton, 8120 Fenton Street, Silver Spring, Md. 20910.
B. Americans United for Separation of Church and State, 8120 Fenton Street, Silver Spring, Md. 20910.
D. (6) $5,434.34. E. (9) $83.13.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. D. Scott Yohe, 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $390. E. (9) $91.60.

A. G. Reynolds Young, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Hugh F. Young, Jr., National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $119.13.

A. John Andrew Young, Suite 207, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. The Coastal Corp., 9 Greenway Plaza, Houston, Tex. 77046.
D. (6) $1,000.

A. Judith A. Young, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $143.76.

A. Thane Young—Environmental & Energy Affairs, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $94.90.

A. Betsy Younkins, 2101 L Street NW., Suite 600, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000. E. (9) $131.65.

A. Eugene A. Yourch, 50 Broadway, New York, N.Y. 10004.

B. Federation of American Controlled Shipping, 50 Broadway, New York, N.Y. 10004.
D. (6) $200.

A. Harry M. Zachem, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Donald M. Zahn, 8001 Braddock Road, Springfield, Va. 22160.
B. National Right to Work Committee, 8001 Braddock Road, Springfield, Va. 22160.
D. (6) $925. E. (9) $331.40.

A. Lynn Zakupowsky, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $2,500.

A. Steven S. Zaleznick, National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association-American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $350. E. (9) $36.69.

A. Barry Zander, 6113 Amhurst, Metairie, La. 70003.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $6,600.

A. John S. Zapp, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $4,092. E. (9) $176.82.

A. Janice Zarro, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
E. (9) $10.

A. L. Andrew Zausner, 1155 15th Street NW., Suite 602, Washington, D.C. 20005.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77001.
D. (6) $1,000.

A. Philip F. Zeidman, Suite 900, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Business Conference, Suite 209, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jerome M. Zeifman, National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.
B. National Senior Citizens Law Center, 1424 16th Street NW., Suite 300, Washington, D.C. 20036.
D. (6) $1,910. E. (9) $2,333.

A. Don J. Zeller, 1000 16th Street NW., Suite 503, Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $1,500. E. (9) $34.15.

A. Kenneth Zinn, 1720 Q Street NW., Washington, D.C. 20009.
B. Washington Office on Africa, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,500.02.

A. Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.
B. Antaeus Enterprises, Inc., 59 Gary Road, Stamford, Conn. 06903.
D. (6) $11,298.75. E. (9) $28.96.

A. Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006.
B. Harcourt Brace Jovanovich, 757 Third Avenue, New York, N.Y. 10017.
D. (6) $29,652.33. E. (9) $567.67.

A. Zuckert, Scoutt & Rasenberger, 888 17th Street NW., Washington, D.C. 20006-3959.
B. Republic Airlines, Inc., 7500 Airline Drive, Minneapolis, Minn. 55450.
D. (6) $7,783. E. (9) $864.70.

A. Leigh A. Zunke, National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
B. National Food Processors Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $375. E. (9) $11.25.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Carl E. Zwisler III, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.
B. International Franchise Association, 1025 Connecticut Avenue NW., Suite 1005, Washington, D.C. 20036.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1981 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter
12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. John J. Adams, 1919 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.
B. Vepco, 1 James River Plaza, Richmond, Va.
D. (6) $535.

A. Ad Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20003.
D. (6) $36,723.05. E. (9) $36,723.05.

A. Ad Hoc Committee on Individual Annuity Taxation, 10 Post Office Square, Boston, Mass. 02109.
E. (9) $13,405.15.

A. Advocates to Save Legal Services, Inc., 1625 K Street NW., 8th Floor, Washington, D.C. 20006.
D. (6) $1,700. E. (9) $1,700.

A. Aeron Marine Shipping Co., Triad Office Center, 2001 Marcus Avenue, Lake Success, N.Y. 11042.

A. Air Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $26,000. E. (9) $28,500.

A. Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
E. (9) $197.90.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $30,467.09. E. (9) $30,467.09.

A. Claude D. Alexander, 2000 L Street NW., No. 801, Washington, D.C. 20036.
B. Ralston Purina Government Affairs, Inc., 2000 L Street NW., Suite 801, Washington, D.C. 20036.
D. (6) $400. E. (9) $165.

A. Peter Allstrom, 815 16th Street NW., Suite 408, Washington, D.C. 20006.
B. Food and Beverage Trades Department, AFL-CIO, 815 16th Street NW., Suite 408, Washington, D.C. 20006.
D. (6) $2,250.

A. Robert Alvarez, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99

A. American Association of Respiratory Therapy, 1720 Regal Row, Suite 112, Dallas, Tex. 75235.
D. (6) $1,428.07. E. (9) $10,392.11.

A. American Association of University Women, 2401 Virginia Avenue NW., Washington, D.C. 20037.
E. (9) $129.62.

A. American Cancer Society, Inc., 777 Third Avenue, New York, N.Y. 10017.
E. (9) $2,243.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $18,016.51. E. (9) $18,016.51.

A. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
E. (9) $64,695.02.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, VA. 22209.
D. (6) $2,500. E. (9) $2,500.

A. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $30,549. E. (9) $30,549.

A. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $29,253.56 E. (9) $10,746.16.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $34,114,19. E. (9) $34.114.19.

A. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $1,388.25 E. (9) $5,261.89.

A. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
E. (9) $735.57.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $3,546.19. E. (9) $3,546.19.

A. American Society for Medical Technology, 1725 DeSales Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $4,675.75. E. (9) $4,786.91.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $24.63.

A. American Trucking Associations, Inc., 1616 P. Street NW., Washington, D.C. 20036.
D. (6) $10,290.06 E. (9) $76,288.48.

A. Nancy Amidei, Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
B. Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
D. (6) $84.28.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Burlington Industries, Inc., 1800 M Street NW., Suite 870 S., Washington, D.C. 20036.
D. (6) $5,325. E. (9) $131.20.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Republic of Haiti, Embassy, 2311 Massachusetts Avenue NW., Washington, D.C. 20008.
E. (9) $5.

A. Anderson, Hibey, Nauheim & Blair, 1605 New Hampshire Avenue NW., Washington, D.C. 20009.
B. Texas Air Corp. (for New York Air and Texas International Airways), 3 Allen Center, Houston, Tex. 77079.
D. (6) $1,500. E. (9) $13.72.

A. Leonard Appel, Woods, Villalon, Hollengreen & Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.
B. Everett Terminal Co., Inc., and Port Gradner Timber Co., Inc., P.O. Box 1478, Hewitt Avenue Marine Terminal, Everett, Wash. 98206.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Lone Star Industries, Inc., One Greenwich Plaza, Greenwich, Conn. 06830.
D. (6) $1,725. E. (9) $302.25.

A. Arnold & Porter, 1200 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza, Suite 312, Washington, D.C.

A. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $47,587. E. (9) $1,325.77.

A. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $150. E. (9) $1,095.39.

A. The Association of Private Pension & Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $17,250. E. (9) $11,923.74.

A. James A. Austin, American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500.

A. William H. Axtman, American Boiler Manufacturers Association, 1500 Wilson Boulevard, Suite 700, Arlington, Va. 22209.
B. American Boiler Manufacturers Association, 1500 Wilson Boulevard, Suite 700, Arlington, Va. 22209.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Alvin Nederlander Association, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
E. (9) $61.45.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for U.S. Overseas Tax Fairness Committee, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Westinghouse), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $666.85.

A. Robert A. Bacha, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. William Douglas Badger, 12695 Castile Court, Woodbridge, Va. 22192.
B. Christian Action Council, 422 C Street NE., Washington, D.C. 20002.
D. (6) $4,560. E. (9) $5,242.66.

A. Barbara J. Balch, Ther-A-Pedic Midwest, Inc., 2350 5th Street, Rock Island, Ill. 61201.
B. Ther-A-Pedic Midwest, Inc., 2350 5th Street, Rock Island, Ill. 61201.
D. (6) $780. E. (9) $1,432.22.

A. Sheila Macdonald Bamberger, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.
D. (6) $6,000. E. (9) $17.25.

A. Patty Bankson, 1725 K Street NW., Suite 408, Washington, D.C. 20006.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $250.

A. Robert D. Bannister, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $15,576.93. E. (9) $22.

A. Larry P. Barnett, Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,900.

A. Pamela H. Barnett, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Religious Coalition for Abortion Rights, Inc., 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $4,500.

A. Richard L. Barr, Iowa Railway Association, P.O. Box 834, Des Moines, Iowa 50304.
B. Iowa Railway Association, P.O. Box 834, Des Moines, Iowa 50304.

A. David M. Barrett, Barrett, Hanna, Daly & Gaspar, 2550 M Street NW., Suite 475, Washington, D.C. 20037.
B. Energy Consumers and Producers Association, Petroleum Plaza, P.O. Box 1726, Seminole, Okla. 74868.
D. (6) $6,000. E. (9) $2,194.04.

A. David M. Barrett, Barrett, Hanna, Daly & Gaspar, 2550 M Street NW., Suite 475, Washington, D.C. 20037.
B. National Medical Enterprises, Inc., 11620 Wilshire Boulevard, Los Angeles, Calif. 90025.
D. (6) $2,750. E. (9) $1,020.

A. David S. Barrows, 1201 Southwest 12th, Suite 200, Portland, Oreg. 97205.
B. Association of Oregon and California Land Grant Counties, 486 Heyden Road, Roseburg, Oreg. 97470.
D. (6) $1,200. E. (9) $775.42.

A. Linda Leigh Bartlett, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Weldon V. Barton, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 S. Main Street, Sauk Center, Minn. 56378.
D. (6) $10,000. E. (9) $28.25.

A. Lezli Baskerville, Washington Bureau, NAACP, 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $1,350.

A. Josiah Beeman, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $13,750.02. E. (9) $722.62.

A. Walter L. Benning, 1409 Ritchie Road, Centreville, Va. 22202.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $2,000. E. (9) $141.

A. John C. Bennison, 1300 19th Street NW., Washington, D.C. 20036.
B. American Society of Travel Agents, Inc., 711 Fifth Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Nancy C. Benson, 1575 I Street NW., No. 220, Washington, D.C. 20005.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $316. E. (9) $97.45.

A. Harvey Marshall Berg, 40 South Grove Street, East Aurora, N.Y. 14052.

A. Jane W. Bergwin, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 W. Michigan Avenue, Jackson, Mich. 49201.
D. (6) $200.

A. David Berick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,500.01.

A. Karen S. Berky, Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Ashland Oil, Inc., Suite 507, 1025 Connecticut Avenue NW., Washington, D.C. 20036, et al.
D. (6) $50.

A. Robert Bird, General Mills, Inc., 1200 New Hampshire Avenue NW., Suite 370, Washington, D.C. 20036.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $400. E. (9) $145.05.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,500.01.

A. Smith Blair, NARFE, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $1,554.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 1730 Rhode Island Avenue NW., Suite 612, Washington, D.C. 20036.
D. (6) $1,699.50. E. (9) $92.20.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. Sunoco Energy Development Co. (Sunedco), 12700 Park Central Place, Dallas, Tex. 75251.
D. (6) $1,800. E. (9) $411.40.

A. Richard W. Bliss, 1899 L Street NW., Suite 1200, Washington, D.C. 20036.
B. Wood Enterprises, Inc., Post Office Box 3859, Abilene, Tex. 79604.
D. (6) $1,800. E. (9) $167.90.

A. Blum & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Blum & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Merck & Co., Inc., Post Office Box 2000, Rahway, N.J. 07065.
D. (6) $675. E. (9) $124.50.

A. Christie K. Bohner, 1629 K Street NW., Suite 401, Washington, D.C. 20006.
B. Government Relations Associates, Inc., 1629 K Street NW., Suite 401, Washington, D.C. 20006.

A. Edward N. Bond, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., Post Office Box 3707, Seattle, Wash. 98124.
D. (6) $1,000. E. (9) $207.84.

A. Jay Bonitt, 300 Maryland Avenue NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $545. E. (9) $105.

A. Bonsib, Inc., Box 1807, Washington, D.C. 20013.

A. Connie Borken-Hagen, 29 Cambridge Street, London SW1V 4PR, England.
B. American Chamber of Commerce (UK), 75 Brook Street, London W1, England.
D. (6) $9,000. E. (9) $2,314.

A. Mary M. Bourdette, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $246.18. E. (9) $23.25.
A. A. D. Bourland, 1660 L Street NW., Suite 800, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,478.52.

A. Boyden, Kennedy & Romney, 1000 Kennecott Building, 10 East South Temple Street, Salt Lake City, Utah 84133.
B. Hopi Indian Tribe, New Oraibi, Ariz. 86039.
D. (6) $4,984.20. E. (9) $899.93.

A. Margueritte Bracy, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $10,536.96. E. (9) $50.89.

A. Robert E. Bradford, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20002.

A. Dan J. Bradley, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $308.40. E. (9) $12.25.

A. David Bradley, 205 Princess Street, Fredericksburg, Va.
B. National Community Action Foundation, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $12,000. E. (9) $1,448.60.

A. Gene M. Bradley, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $500. E. (9) $158.30.

A. Edward J. Brenner, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention & Innovation, Suite 605, 1735 Jefferson Davis Highway, Arlington, Va. 22202.

A. John B. Brewer, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.

A. David W. Broome, 1800 M Street NW., No. 870-S, Washington, D.C. 20036.
B. Burlington Industries, Inc., 1800 M Street NW., No. 870-S, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $480.

A. Donald K. Brown, 1127 11th Street, No. 618, Sacramento, Calif. 95814.
B. Crowley Maritime Corp., One Maritime Plaza, San Francisco, Calif. 94105.

A. Donald K. Brown, 1127 11th Street, No. 618, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev.
D. (6) $1,018.51. E. (9) $167.50.

A. Doreen L. Brown, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $672.

A. Brown & Roady, 1333 New Hampshire Avenue NW., Suite 1070, Washington, D.C. 20036.
B. District of Columbia, Department of Transportation, 415 12th Street NW., Room 508, Washington, D.C. 20004.
D. (6) $7,580. E. (9) $217.20.

A. Brown, Todd & Heyburn, 1600 Citizens Plaza, Louisville, Ky. 40202.
B. Brown & Williamson Tobacco Corp., 1600 West Hill Street, Lousville, Ky. 40232.
E. (9) $42.20.

A. Garry Bryant, Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
b. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
E. (9) $509.86.

A. Margaret H. Bryant, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $247.50 E. (9) $45.50

A. Christine Capito Burch, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,611.26. E. (9) $307.75.

A. William J. Burhop, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,000.

A. David G. Burney, U.S. Tuna Foundation, Suite 208, 2040 Harbor Island Drive, San Diego, Calif. 92101.
B. U.S. Tuna Foundation, 2040 Harbor Island Drive, Suite 208, San Diego, Calif. 92101.
D. (6) $6,000. E. (9) $3,000.

A. Burson-Marsteller, 1800 M Street NW., Suite 750-S, Washington, D.C. 20036.
B. Western Forest Industries Association for The National Committee to Preserve the Family Business, 1500 Southwest Taylor, Portland, Ore. 97205.
D. (6) $25,471.25 E. (9) $24,675.46.

A. B. Kent Burton, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $8,000. E. (9) $186.96.

A. Busby, Rehm and Leonard, P.C., 1629 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Automobile Importers of America, Inc., 1735 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $500. E. (9) $75.

A. Nicholas J. Bush, 1899 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.

A. John W. Butler, Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Council of Energy Resource Tribes, 1140 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Chemical Manufacturers Association, 2501 M Street NW., Second Floor, Washington, D.C. 20037.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Mobil Oil Corp., 150 East 42d Street, 30th Floor, New York, N.Y. 10017.
D. (6) $375.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. Occidental Petroleum Corp., 10889 Wilshire Boulevard, Suite 1500, Los Angeles, Calif.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222.

A. Camp, Carmouche, Palmer, Barsh & Hunter, 2550 M Street NW., Suite 275, Washington, D.C. 20037.
B. U.S. League of Savings Association, 111 East Wacker Drive, Chicago, Ill. 60610.

A. Caplin & Drysdale, Chartered, 1101 17th Street NW., Washington, D.C. 20036.
B. Aetna Life & Casualty, 151 Farmington Avenue, Hartford, Conn. 06115.
D. (6) $5,981. E. (9) $232.51.

A. Milton F. Capps, P.O. Box 50485, Columbia, S.C. 29250.
B. Crawford Cook & Co., P.O. Box 50485, Columbia, S.C. 29250.
D. (6) $2,255.33. E. (9) $5,632.09.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,750.01.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,769.60. E. (9) $90.

A. John Benjamin Carroll, 918 Onondaga Bank Building, Syracuse, N.Y. 13202.
B. Dairy Farmer Distributors of America, Inc., Old Seneca Turnpike, Chittenango, N.Y.
E. (9) $3,201.

A. Harlon B. Carter, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,875.

A. Donato Caruso, Lambos, Flynn, Nyland & Giardino, 29 Broadway, 9th Floor, New York, N.Y. 10006.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. The GHK Companies, 6441 Grand Boulevard NW., Oklahoma City, Okla. 73116.
D. (6) $29,477.20. E. (9) $997.50.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 810, Washington, D.C. 20006.
B. The Independent Producers Group, 220 West Douglas Street, Wichita, Kans. 67202.
D. (6) $5,056.56. E. (9) $420.76.

A. Rita L. Castle, Caterpillar Tractor Co., 100 N.E. Adams, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 N.E. Adams, Peoria, Ill. 61629.
D. (6) $2,000. E. (9) $1,156.

A. Gordon Cavanaugh, 1016 16th Street NW., No. 800, Washington, D.C. 20036.
B. Roisman, Reno & Cavanaugh, 1016 16th Street NW., No. 800, Washington, D.C. 20036 (for Citizens Housing & Planning Association, Inc., 7 Marshall St., Boston, Mass.).
D. (6) $5,425. E. (9) $672.37.

A. Gordon Cavanaugh, 1016 16th Street NW., No. 800, Washington, D.C. 20036.
B. Roisman, Reno & Cavanaugh, 1016 16th Street NW., No. 800, Washington, D.C. 20036 (for First Centrum Corp., 5000 Northwind Drive, East Lansing, Mich.)
D. (6) $6,000. E. (9) $202.66.

A. Cayman Turtle Farm, Ltd., P.O. Box 645, Grand Cayman Islands, Cayman Islands, British West Indies.

A. Cellulose Manufacturers Association, 5908 Columbia Pike, Suite 101, Arlington, Va. 22041.

A. Center for Law and Education, Inc., 6 Appian Way, Cambridge, Mass. 02138.
D. (6) $37,044.76. E. (9) $2,630.04.

A. R. S. Chamberlin, Dow Chemical U.S.A., Suite 700 South, 1800 M Street NW., Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.
D. (6) $310. E. (9) $280.

A. William U. Chandler, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. David F. Chavkin, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Md. 21202.
B. National Health Law Program, 2639 S. LaCienega Boulevard, Los Angeles, Calif. 90034.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Cigar Association of America, Inc., 1100 17th Street NW., Suite 1201, Washington, D.C. 20036.
E. (9) $400.

A. Charles Clusen, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $333.44. E. (9) $11.

A. The Coalition for Full Nuclear Accountability, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $8,370. E. (9) $8,370.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington, D.C. 20006.
B. A-C Valley Corp., Box 402, Emlenton, Pa. 16373.

A. Coan, Couture, Lyons & Moorhead, 1625 I Street NW., No. 1015, Washington, D.C. 20006.
B. Internatio, Inc., 116 John Street, New York, N.Y. 10038.

A. Coastal Properties Institute, Inc., P.O. Box 6255, Hilton Head, S.C. 29938.
E. (9) $125.

A. David Cohen, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. Committee for Do-It-Yourself Household Moving, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Committee for 806.30 and 807, Inc., 1611 North Kent Street, Suite 800, Arlington, Va. 22209.
D. (6) $20,832.72. E. (9) $16,054.60.

A. Community Service Society of New York, 105 East 22d Street, New York, N.Y. 10010.
E. (9) $2,586.21.

A. Stephen R. Conafay, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $979.02.

A. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $1,377.24.

A. Robert J. Conner, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $500. E. (9) $993.15.

A. Gerald R. Connor, 6500 Wisconsin Avenue, Chevy Chase, Md. 20815.
B. Volunteer Trustees of Not-for-Profit Hospitals, 2550 M Street NW., Washington, D.C. 20037.
D. (6) $4,000. E. (9) $1,065.46.

A. Lori C. Consadori, Consumers for World Trade, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $80.

A. Consolidated Rail Corporation (Conrail), P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
E. (9) $13,562.

A. Consumers for World Trade (CWT), 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $123. E. (9) $123.

A. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
E. (9) $101,178.80.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Washington, D.C. 20036.
B. Aleutian/Pribilof Islands Association, Inc., 1689 C Street, Anchorage, Alaska 99501.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. American Rice, Inc., Houston, Tex. 77001.
D. (6) $8,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $1,500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Washington, D.C. 20036.
B. Bank of Louisville, 500 West Broadway, Louisville, Ky. 40202.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Board of Trade of Kansas City, Missouri, Inc., Kansas City, Mo. 64112.
D. (6) $13,222.49.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Citizens Deposit Bank, P.O. Box 8, Vanceburg, Ky. 41179.
D. (6) $1,500. E. (9) $51.57.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Consolidated Natural Gas Co., Four Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $2,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. First Bank & Trust Co., 1544 Winchester Avenue, Ashland, Ky. 41101.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.
D. (6) $15,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. N.C. Machinery, P.O. Box 3562, Seattle, Wash. 98124.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. National Association of State Agencies for Food Distribution, Albany, N.Y. 12226.
D. (6) $7,520.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.
D. (6) $2,500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Piedmont Airlines, Smith Reynolds Airport, Winston-Salem, N.C. 27102.
D. (6) $2,249.99. E. (9) $59.73.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Planters Peanuts, Suffolk, Va. 23434.
D. (6) $9,750.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Port Authority of Guam, P.O. Box 1445, Agana, Guam 96910.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Republic Airlines, Inc., 7500 Airline Drive, Minneapolis, Minn. 55450.
D. (6) $2,083.33. E. (9) $59.73.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Roadway Express, Inc., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309.
D. (6) $3,000.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. St. George Tanaq Corp.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Tanadgusix Corp., St. Paul Island, Alaska 99660.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $500.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
E. (9) $140.36.

A. Cook, Purcell, Hansen & Henderson, Chartered, 1015 18th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Tobacco Institute, 1875 I Street NW., 8th Floor, Washington, D.C. 20006.
D. (6) $14,062.50. E. (9) $42.50.

A. Cook, Purcell, Hansen & Henderson, Chartered, Suite 1100, 1015 18th Street NW., Washington, D.C. 20036.
B. USAir, Inc., National Airport, Washington, D.C. 20001.
D. (6) $2,346.02. E. (9) $59.73.

A. Cook, Purcell, Hansen & Henderson, Chartered, Suite 1100, 1015 18th Street NW., Washington, D.C. 20036.
B. The Western Union Telegraph Co., 1828 L Street NW., Suite 1001, Washington, D.C. 20036.
D. (6) $1,843.75.

A. Edward M. Cooney, Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
B. Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
D. (6) $3,385.69.

A. Benjamin Y. Cooper, Jr., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $4,000. E. (9) $636.44.

A. Peter D. Coppelman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $776.50. E. (9) $385.17.

A. Corcoran, Hardesty, Ewart, Whyte & Polito, P.C., 1575 I Street NW., Suite 510, Washington, D.C. 20005.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $23,617.25. E. (9) $614.75.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $10,500. E. (9) $7,450.

A. Coudert Bros., One Farragut Square South, Washington, D.C. 20006.
B. U.S. Telephone Communications, Inc., 108 South Akard Street Dallas, Tex. 75202.

A. Council for a Competitive Economy, Inc., 410 First Street SE., Washington, D.C. 20003.
D. (6) $7,490.20. E. (9) $5,816.62.

A. Covington & Burling, 1201 Pennsylvania Avenue NW., P.O. Box 7566, Washington, D.C. 20044.
D. (6) $2,302.50.

A. Kenneth A. Cox. 1133 19th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1133 19th Street NW., Washington, D.C. 20036.
D. (6) $3,055.42. E. (9) $47,703.90.

A. Cramer & Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Canaveral Port Authority, P.O. Box 267, Cape Canaveral, Fla. 32920.
D. (6) $13,500. E. (9) $211.26.

A. Cramer & Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. City of Miami, Miami, Fla.
D. (6) $8,500. E. (9) $608.82.

A. Cramer & Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Dade County, Miami, Fla.
D. (6) $6,000. E. (9) $609.20.

A. Cramer & Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki (for Global Exploration & Development Corp., 1414 Collins Avenue, Lakeland, Fla. 33801), 215 East Central Boulevard, Orlando, Fla. 32801.

A. Mark C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for Canaveral Port Authority, P.O. Box 267, Cape Canaveral, Fla. 32920), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. Mark C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for City of Miami, Miami, Fla.), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. Mark C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for Dade County, Miami, Fla.), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for Canaveral Port Authority, P.O. Box 267, Cape Canaveral, Fla. 32920), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for City of Miami, Fla.), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Cramer & Cramer (for Dade County, Miami, Fla.), 1320 19th Street NW., Suite 200, Washington, D.C. 20036.

A. William C. Cramer, 1320 19th Street NW., Suite 200, Washington, D.C. 20036.
B. Hoffman, Hendry, Stoner, Sims & Sawicki (for Global Exploration & Development Corp. 1414 Collins Avenue, Lakeland, Fla. 33801), 215 East Central Boulevard, Orlando, Fla. 32801.

A. Charles T. Cudlip, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $310.

A. Barry Cullen, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $75.

A. Lewis I. Dale, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Daniels, Houlihan & Palmeter, P.C., 1819 H Street NW., Washington, D.C. 20006.
B. American Association of Exporters & Importers—Textile & Apparel Group, 11 West 42d Street, New York, N.Y. 10036.

A. Daniels, Houlihan & Palmeter, P.C., 1819 H Street NW., Washington, D.C. 20006.
B. Japan Lumber Importers' Association, Tokyo, Japan.

A. John L. Davidson, Jr., the St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Anheuser-Busch, Inc., 1 Busch Place, St. Louis, Mo. 53118.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. CIT Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. International Paper Co., 220 East 42d Street, New York, N.Y. 10017.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. W. K. Kellogg Foundation, 400 North Avenue, Battle Creek, Mich. 49016.
D. (6) $6,250.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.
D. (6) $15,625.

A. Dawson, Riddell, Fox, Holroyd & Wilson, P.C., 723 Washington Building, Washington, D.C. 20005.
B. The Williams Co., One Williams Center, Tulsa, Okla. 74101.

A. Dealer Bank Association, 1800 K Street NW., Suite 1014, Washington, D.C. 20006.
D. (6) $14,041.76. E. (9) $14,041.76.

A. Donald H. Defoe, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $200. E. (9) $485.

A. Michael J. Deloose, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. Catherine B. de Sibour, Pfizer, Inc., 1700 Pennsylvania Avenue NW., No. 730, Washington, D.C. 20006.

B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $200. E. (9) $205.11.

A. Ralph B. Dewey, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $1,372.75. E. (9) $1,070.98.

A. Dennis C. Dix, Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.
B. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.

A. H. A. Doersam, 517 Powell Drive, Annapolis, Md. 21401.
B. Household International, 2700 Sanders Road, Prospect Heights, Ill. 60070.
D. (6) $2,300. E. (9) $1,474.22.

A. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., Suite 406, Washington, D.C. 20036.

A. Francis X. Dooley, 525 School Street SW., Washington, D.C. 20024.
B. American Road & Transportation Builders Association, 525 School Street SW., Washington, D.C. 20024.
D. (6) $5,000. E. (9) $340.

A. Jane Lind Downey, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
D. (6) $144.23.

A. John C. Doyle, Jr., 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Anthony Dresden, 1425 K Street NW., Washington, D.C. 20007.
B. Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20007.

A. Michael Duffy, American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $49.46.

A. Mervin E. Dullum, 1629 K Street NW., Room No. 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $200. E. (9) $51.30.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,250.01

A. Ray Durazo, Air-Conditioning & Refrigeration Institution, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institution, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $5,000. E. (9) $1,700.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. American Inland Waterways Committee, 7733 Forsyth Boulevard, No. 2201, St. Louis, Mo. 63105.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Cherokee Nation, P.O. Box 119, Tahlequah, Okla. 74464.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Doss Aviation, Inc., P.O. Box 725, Fort Rucker, Ala. 36360.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. Oklahoma Association of Electric CoZA-ops, P.O. Box 11047, Oklahoma City, Okla. 73111.

A. Ed Edmondson, P.O. Box 11, Muskogee, Okla. 74401.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., No. 420, Washington, D.C. 20037.

A. Charles E. Ehrhart, 2000 L Street NW., No. 801, Washington, D.C. 20036.
B. Ralston Purina Government Affairs, Inc., 2000 L Street NW., No. 801, Washington, D.C. 20036.
D. (6) $500. E. (9) $165.

A. Timothy L. Elder, Caterpillar Tractor Co., 1850 K Street NW., Suite 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $983.56.

A. C. M. Elkins Associates, Suite 1100, 1100 17th Street NW., Washington, D.C. 20036.
B. Delaware & Hudson Railway, 40 Beaver Street, Albany, N.Y. 12207.
D. (6) $15,000. E. (9) $3,600.

A. Keith H. Ellis, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $1,125. E. (9) $252.24.

A. C. F. Emde, Air Products & Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products & Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $57,146.99. E. (9) $70,951.38.

A. Epstein, Becker, Borsody & Green, P.C., 1140 19th Street NW., Suite 900, Washington, D.C. 20036.
B. American Association of Foundations for Medical Care.

A. Epstein, Becker, Borsody & Green, P.C., 1140 19th Street NW., Suite 900, Washington, D.C. 20036.
B. American Association of Professional Standards Review Organizations.

A. Jonathan Erlitz, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society (CSS), 105 East 22d Street, New York, N.Y. 10010.
D. (6) $1,152.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $340. E. (9) $267.

A. John T. Estes, Allied Corp., 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Allied Corp., P.O. Box 3000-R, Morristown N.J. 07960.
D. (6) $250. E. (9) $25.

A. M. Brock Evans, National Audubon Society, 645 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Audubon Society, 950 Third Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $32.

A. Robert C. Farber, Suite 516, 4600 Duke Street, Alexandria, Va. 22304.
B. TOSCO Corp., 2000 L Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $94.50.

A. George L. Farnham, 530 Eighth Street SE., Washington D.C. 20003.
B. National Organization for the Reform of Marijuana Law (NORML), 530 Eighth Street SW., Washington, D.C. 20003.

A. Jeffery L. Farrow, Suite 1000, 515 Madison Avenue, New York, N.Y. 10022.
B. Lisboa Associates, Inc., Suite 1000, 515 Madison Avenue, New York, N.Y. 10022.
D. (6) $7,100. E. (9) $574.85.

A. Kevin J. Fay, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $4,000. E. (9) $900.

A. Federal Express Corp., P.O. Box 727, Memphis, Tenn. 38194.
E. (9) $30,161.57.

A. Federation for American Immigration Reform, 2028 P Street NW., Washington, D.C. 20036.
E. (9) $2,528.23.

A. John W. Feist, 1629 K Street NW., Suite 401, Washington, D.C. 20006.
B. Government Relations Associates, Inc., 1629 K Street NW., Suite 401, Washington, D.C. 20006.

A. Fensterwald & Associates, 1000 Wilson Boulevard, Suite 900, Arlington, Va. 22209.
B. National Nutritional Foods Association, 2170 El Camino Real, Suite 104, Oceanside, Calif. 92054.
D. (6) $9,734.99. E. (9) $894.28.

A. Fifth Pro-Life Congressional District Action Committee, John Kelley, 1120 Michigan Boulevard, Dunedin, Fla. 33528.
D. (6) $60. E. (9) $91.47.

A. First Pro-Life Congressional District Action Committee, 10 North 77th Avenue, Pensacola, Fla. 32506.

A. David M. Fitzgerald, Fitzgerald Associates, Inc., 206 King Street, Alexandria, Va. 22314.
B. Goodyear Aerospace Corp.
D. (6) $1,700.

A. David M. Fitzgerald, Fitzgerald Associates, Inc., 206 King Street, Alexandria, Va. 22314.
B. Litton Data Systems, P.O. Box 7601, Van Nuys, Calif. 91409.
D. (6) $1,050.

A. Daniel V. Flanagan, Jr., Southern Pacific Co., 1828 L Street NW., Suite 550, Washington, D.C. 20036.
B. Southern Pacific Co., 1 Market Plaza, San Francisco, Calif. 94105.
D. (6) $5,000. E. (9) $127.35.

A. John J. Flynn, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $5,500. E. (9) $323.

A. Food Research and Action Center, 1319 F Street NW., No. 500, Washington, D.C. 20004.
D. (6) $16,432.84. E. (9) $9,806.03.

A. David H. Foster, 1025 Connecticut Avenue, Suite 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue, Suite 402, Washington, D.C. 20036.
D. (6) $5,350.01. E. (9) $1,242.59.

A. Robert U. Foster, 1110 Vermont Avenue NW., Suite 1250, Washington, D.C. 20005.
B. Shipbuilders Council of America, 1110 Vermont Avenue NW., Suite 1250, Washington, D.C. 20005.
D. (6) $11,000.

A. Albert A. Fox, Allied Corp., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Corp., P.O. Box 3000-R, Morristown, N.J. 07960.
D. (6) $150. E. (9) $35.

A. Donald Fraher, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $5,519.22. E. (9) $132.

A. David E. Franasiak, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
D. (6) $2,451.60. E. (9) $76.86.

A. Richard H. Francis, National Multi Housing Council, Suite 285N, 1800 M Street NW., Washington, D.C. 20036.
B. National Multi Housing Council, Suite 285N, 1800 M Street NW., Washington, D.C. 20036.

A. George Franklin, Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
D. (6) $3,000. E. (9) $75.

A. Fraser Associates, 1800 K Street NW., Washington, D.C. 20006.
B. Association of American Physicians and Surgeons, Inc., 8991 Cotswold Drive, Burke, Va. 22015.
D. (6) $1,800.

A. Donald A. Frederick, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,050.

A. David W. Freer, Western Oil & Gas Association, 1050 17th Street NW., Washington, D.C. 20036.
B. Western Oil & Gas Association, 727 West Seventh Street, Suite 850, Los Angeles, Calif. 90017.
D. (6) $825.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. Underwood Neuhaus, 724 Travis, Houston, Tex. 77002.
D. (6) $2,911.25. E. (9) $711.91.

A. Fulbright & Jaworski, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States Leasing International, Inc., 633 Battery Street, San Francisco, Calif. 94111.
D. (6) $17,290. E. (9) $943.73.

A. G4 Children's Coalition, c/o Lester Nurick, 1666 K Street NW., Washington, D.C. 20006.
D. (6) $44,961.63. E. (9) $13,222.94.

A. John R. Geiger, Goulds Pumps, Inc., 1660 L Street NW., Suite 506, Washington, D.C. 20036.
B. Goulds Pumps, Inc. 240 Fall Street, Seneca Falls, N.Y. 13148.
D. (6) $1,000.

A. Claire M. Geoghegan, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $7,794.22.

A. Georgia Association of Petroleum Retailers, Inc., 315 W. Ponce de Leon Avenue, 933 First National Bank Building, P.O. Box 789, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc./Service Station Dealers of America, 2021 K Street NW., Washington, D.C. 20006.
E. (9) $2,500.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Ak-Chin Indian Community Council, Route 2, Box No. 27, Maricopa, Ariz. 85239.
E. (9) $1,285.18.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Colville Business Council, Box 150, Nespelem, Wash. 99155.
E. (9) $476.50.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Commissioned Officers Association, U.S. Public Health Service, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Damson Oil Corp., 260 North Belt East, P.O. Box 4391, Houston, Tex. 77210.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Papago Tribe of Arizona, Box 837, Sells, Ariz. 85634.
D. (6) $3,522. E. (9) $3,561.95.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Tulalip Tribes, 6700 Totem Beach Road, Marysville, Wash. 98270.

A. Gerard, Byler & Associates, Inc., 1100 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. The Minnesota Chippewa Tribe, P.O. Box 217, Cass Lake, Minn. 55633.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif.
E. (9) $11,852.33.

A. Clifford S. Gibbons, Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. John A. C. Gibson, 1815 Corcoran Street NW., Washington, D.C. 20036.
B. Westmoreland Coal Co., 123 South Broad Street, Philadelphia, Pa. 19109.
D. (6) $475. E. (9) $46.06.

A. Judith M. Goff, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $328.75.

A. Neil B. Goldstein, Sierra Club, 800 Second Avenue, New York, N.Y. 10017.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $810.70. E. (9) $1,427.58.

A. Alfonso J. Gonzalez, National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
B. National Association of Social Workers, Inc., 1425 H Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $10,000. E. (9) $720.

A. Government Relations Associates, Inc., 1629 K Street NW., Suite 401, Washington, D.C. 20006.

A. Donald E. Graham, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,062.50.

A. John K. Gram, Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
B. Public Timber Purchasers Group, 714 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $1,781.25. E. (9) $699.23.

A. Luis Granados, Law Offices of Sheldon I. London, 1725 DeSales Street NW., Washington, D.C. 20036.
B. The ESOP Association of America, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $1,194.13.

A. Edward Shawn Grandis, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,499.99.

A. Ruth P. Graves, Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
B. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
D. (6) $15. E. (9) $6.

A. Harold H. Griffin, 1050 17th Street NW, Suite 320, Washington, D.C. 20036
B. Family Health Program, 9930 Talbert Avenue, Fountain Valley, Calif. 92708.
D. (6) $2,750. E. (9) $386.56.

A. L. George Griffin III, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500.

A. Gail Pardue Grubb, 2101 L Street NW., Washington, D.C. 20037.
B. Home Health Services & Staffing Association, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500.

A. Kenneth A. Guenther, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $15,000. E. (9) $79.

A. James S. Hahn, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Hallmark Cards, 25th and McGee, Kansas City, Mo. 64108.
D. (6) $900.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Beneficial Foundation, 1300 Market Street, Wilmington, Del.

A. Robert N. Hampton, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $781.25.

A. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $723,418.90. E. (9) $102,575.33.

A. Donald K. Hanes, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $136.75.

A. Ralph R. Harding, 305 Hearthstone Drive, Boise, Idaho 83702.
B. Ampco Foods, Inc., Box 592, Blackfoot Idaho 83221.
E. (9) $2,175.59.

A. John L. Harmer, 50 South Main Street, Suite 1560, Salt Lake City, Utah 84144.
D. (6) $15,000. E. (9) $2,429.

A. C. Wayne Harmon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.

A. Hubert L. Harris, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders and Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $2,500. E. (9) $100.35.

A. Richard Hart, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $100. E. (9) $20.

A. Hartford Fire Insurance Co., Hartford Plaza, Hartford, Conn. 06115.
E. (9) $8,110.

A. Barbara M. Heller, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,611.10.

A. Hemisphere Associates, Inc., Suite 200, 2000 L Street NW., Washington, D.C. 20036.
B. Costa Rican Association of Businessmen & Entrepreneurs ("ACOGE"), P.O. Box 3343, San Jose, Costa Rica.
D. (6) $3,000. E. (9) $3.50.

A. Elizabeth E. Hendrix, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Thomas M. Hennessy, Getty Oil Co., 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $2,249. E. (9) $405.98.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $3,697.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: Alvin Nederlander Associates, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: Coldage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: U.S. & Overseas Tax Fairness Committee, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Bert Ingalls Hickman, Jr., 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for: Young Drug Products Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. James D. Hittle, 3137 South 14th Street, Arlington, Va. 22204.
B. Vought Corp., Dallas, Tex.
D. (6) $2,640. E. (9) $370.61.

A. Sheila K. Hixson, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Glen D. Hofer, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,800.

A. Lawrence S. Hoffheimer, Hoffheimer, Johnson & Peterson, 1120 20th Street NW., S-520, Washington, D.C. 20036.
B. Brazos River Harbor Navigation District, P.O. Box 615, Freeport, Tex. 77541.
D. (6) $10,500. E. (9) $267.

A. F. Nordy Hoffmann & Associates, Inc., 400 North Capitol Street NW., No. 327, Washington, D.C. 20001.
B. Archer Daniels Midland Co., Box 1470, Decatur, Ill. 62525.
D. (6) $500.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C. 20006.
B. National Rehabilitation Association, 522 K Street NW., Washington, D.C. 20036.

A. Lee B. Holmes, National Association of Relators, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Relators, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $5,000. E. (9) $235.83.

A. Harriet Holtzman, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,261.90.

A. Fortescue W. Hopkins, Box 218, Daleville, Va. 24083.
B. Graham-White Mfg. Co. Graham-White Sales Corp., P.O. Box 1099, Salem, Va. 24153.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Chicago Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $4,147.50. E. (9) $332.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Commonwealth Edison Co., One First National Plaza, Chicago, Ill. 60603.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. First Chicago Corp., One First National Plaza, Chicago, Ill. 60603.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $125.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.

A. Hopkins & Sutter, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Energy Corp., 122 South Michigan Avenue, Chicago, Ill. 60603.

A. Hopkins & Sutter, Room 5200, One First National Plaza, Chicago, Ill. 60603.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.

A. Hopkins & Sutter, Room 5200, One First National Plaza, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Sanford D. Horwitt, 5935 North Fifth Road, Arlington, Va. 22203.
B. Friends of Animals, 11 West 60th Street, New York, N.Y. 10023.
D. (6) $2,333. E. (9) $14.60.

A. Jack W. Houston, 315 West Ponce de Leon Avenue, Decatur, Ga. 30031.
B. Georgia Association of Petroleum Retailers, Inc., 315 West Ponce de Leon Avenue, P.O. Box 639, Decatur, Ga. 30031.
D. (6) $2,500. E. (9) $1,350.78.

A. James P. Howell, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $875.

A. Paul R. Huard, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. David C. Hull, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Gregory A. Humphrey, American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $9,071.90. E. (9) $135.

A. Robert R. Humphreys, Hoffheimer, Johnson & Peterson, 1120 20th Street NW., S-520, Washington, D.C. 20036.
B. American Association of Workers for the Blind, Inc., National Council of State Agencies for the Blind, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $200. E. (9) $100.

A. Robert R. Humphreys, Hoffheimer, Johnson & Peterson, 1120 20th Street NW., S-520, Washington, D.C. 20036.
B. Arthritis Foundation, 3400 Peachtree Road NW., Atlanta, Ga.
D. (6) $1,700. E. (9) $3,870.

A. David A. Hunt, Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $7,000. E. (9) $2,400.

A. Richard M. Hunt, NL Industries, Inc., Suite 1009, Connecticut Building, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $3,736.25. E. (9) $537.98.

A. John Iglehart, Kaiser Foundation Health Plan, Inc., 900 17th Street NW., Suite 1014, Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc., Ordway Building, 1 Kaiser Plaza, Oakland, Calif. 94612.

A. Ronald K. Ikejiri, 1730 Rhode Island Avenue NW., Suite 204, Washington, D.C. 20036.
B. Japanese American Citizens League, 1765 Sutter Street, San Francisco, Calif. 94115.

A. Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 202, Washington, D.C. 20036.
B. Independent Bankers Association, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $108,288. E. (9) $90,557.62.

A. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $20,625.31. E. (9) $20,625.31.

A. Independent Local Newspaper Association, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.

A. Independent Lubricant Manufacturers Association, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
E. (9) $13,995.

A. Charles C. Irions, American Movers Conference, 1117 North 19th Street (P.O. Box 9204), Arlington, Va. 22209.
B. American Movers Conference.
D. (6) $288.46.

A. Carol Jackson, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,249.96. E. (9) $125.22.

A. Metra Jackson, NAACP, 1025 Vermont Avenue NW., Suite 820, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $2,000.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Cooperative League of the USA, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. Farmland Industries, Kansas City, Mo.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1575 I Street NW., Suite 230, Washington, D.C. 20005.
B. University of Kansas, Lawrence, Kans.
D. (6) $2,500.

A. Thomas Destry Jarvis, 529 Tennessee Avenue, Alexandria, Va. 22305.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
D. (6) $600. E. (9) $95.65.

A. Herbert N. Jasper, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $20,865.39.

A. Philip F. Jehle, Smith-Kline Corp., 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Smith-Kline Corp., 1150 Spring Garden Street, Philadelphia, Pa. 19101.
D. (6) $1,700. E. (9) $190.

A. Kempton B. Jenkins, 1747 Pennsylvania Avenue NW., Suite 702, Washington, D.C. 20006.
B. Armco, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $283.

A. Walter W. John, Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), Room 1414-South Agriculture Building, USDA, Washington, D.C. 20250.
B. Organization of Professional Employees of the U.S., Department of Agriculture (OPEDA), Room 1414-South Agriculture Building, USDA, Washington, D.C. 20250.
D. (6) $703.37.

A. Douglas Johnson, National Right to Life Committee, Inc., 419 Seventh Street NW., Suite 402, Washington, D.C. 20004.
B. National Right to Life Committee, Inc., 419 Seventh Street NW., Suite 402, Washington, D.C. 20004.
D. (6) $4,500. E. (9) $438.

A. John Paul Johnson, 1025 Connecticut Avenue, Suite 402, Washington, D.C. 20036.
B. Natural Gas Supply Association, 1025 Connecticut Avenue, Suite 402, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $387.71.

A. William L. Johnson, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $600.

A. Allan R. Jones, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $9,000. E. (9) $1,022.17.

A. Anthi K. Jones, Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $750.

A. Beverly E. Jones, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Ashland Oil, Inc., Suite 507, 1025 Connecticut Avenue NW., Washington, D.C. 20036; Pester Refining Co., P.O. Box 10006, Des Moines, Iowa 50306; Clark Oil & Refining Corp., 1850 K Street NW., Suite 510, Washington, D.C. 20006; Tenneco, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $480.

A. Beverly E. Jones, Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $400.

A. Jones, Day, Reavis & Pogue, 1735 I Street NW., Washington, D.C. 20006.
B. American Greetings Corp., 10500 American Road, Cleveland, Ohio 44144.
D. (6) $140. E. (9) $19.20.

A. H. Richard Kahler, 1850 K Street NW., Suite 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $3,309.59.
A. Kaiser Steel Corp., P.O. Box 58, Oakland, Calif. 94604.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co. (for American Family Life Assurance Co.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for Continental Materials), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for Cordage Institute), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for Knoxville International Energy Expo), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for Alvin Nederlander Associates, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for U.S. & Overseas Tax Fairness Committee, Inc.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.

A. Robert J. Keefe, 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
B. The Keefe Co., (for Westinghouse Electric Corp.), 1625 Massachusetts Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $1,250.

A. Keiki Kehoe, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $4,500.

A. Paul J. Kelley, 2727 North Central Avenue, Phoenix, Ariz. 85004.
B. U-Haul International, Inc., 2727 North Central Avenue, Phoenix, Ariz. 85004.
D. (6) $5,000.

A. Earl Kelly, Paralyzed Veterans of America.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $6,462.48.

A. Ann Kenkel, 1725 K Street NW., Suite 801, Washington, D.C. 20006.
B. The Association of Private Pension and Welfare Plans, Inc., 1725 K Street NW., Suite 801, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $81.71.

A. Brendan Kenny, Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $800.

A. Charles F. Ketchey, Jr., 100 Twiggs Street, Tampa, Fla. 33602.
B. PHH Group, Inc., 11333 McCormick Road, Hunt Valley, Md. 21031.
D. (6) $3,663.50. E. (9) $908.67.

A. John M. Kinnaird, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
E. (9) $51.76.

A. Peter C. Kirby, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $56.28. E. (9) $74.50.

A. Kirkland & Ellis, 1776 K Street NW., Washington, D.C. 20006.
B. Milliken & Co., P.O. Box 1826, Iron Ore Road, Spartanburg, S.C. 29304.
D. (6) $23,000. E. (9) $860.15.

A. Donald A. Kirtley, Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

A. Ralph W. Kittle, 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $3,500. E. (9) $1,164.02.

A. Terrence H. Klasky, 1201 Pennsylvania Avenue NW., Suite 803, Washington, D.C. 20004.
B. Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Suite 202, Washington, D.C. 20036.
D. (6) $1,000.

A. Laurence Klein, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
D. (6) $208.

A. Jo Ann Klimschot, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., 3d Floor, Washington, D.C. 20036.
D. (6) $2,032.62.

A. C. Neal Knox, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,575.

A. George W. Koch, 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1010 Wisconsin Avenue NW., Suite 800, Washington, D.C. 20007.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. James S. Kryzminski, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $721.25.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. James H. Lake, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
B. Western Cotton Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
D. (6) $1,000.

A. Peter C. Lambos, Lambos, Flynn, Nyland & Giardino, 29 Broadway, Ninth Floor, New York, N.Y. 10006.
B. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. Stephen K. Lambright, 1211 Connecticut Avenue NW., Suite 502, Washington, D.C. 20036.
B. Anheuser-Busch Cos., Inc., 1 Busch Place, St. Louis, Mo. 63118.

A. Michael J. Lashbrook, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Jane E. Lawlor, 8111 Gatehouse Road, Falls Church, Va. 22047.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22047.

A. Lead-Zinc Producers Committee, 1320 19th Street NW., Suite 600, Washington, D.C. 20036.
E. (9) $12,815.77.

A. League of California Milk Producers, 1225 Eight Street, Suite 385, Sacramento, Calif. 95814.
E. (9) $1,584.75.

A. Richard A. Legatski, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.
B. National Ocean Industries Association, 1050 17th Street NW., Suite 700, Washington, D.C. 20036.
D. (6) $121.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Dental Assistants Association, 666 North Lake Shore Drive, Suite 1130, Chicago, Ill. 60611.
D. (6) $546.88. E. (9) $437.51.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. American Express Co., 1700 K Street NW., Washington, D.C. 20006.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Federation of Apparel Manufacturers, 450 Seventh Avenue, New York, N.Y. 10001.
D. (6) $6,947.25. E. (9) $7,176.31.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.

B. Fireman's Fund American Life Insurance Co., 1600 Los Gamos Road, San Rafael, Calif. 94911.
D. (6) $432.50. E. (9) $437.20.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Fred T. & Cenus N. Franzia; John G., Jr. & Mary L. Franzia; & Joseph S. & Marilyn L. Franzia, P.O. Box 1581, Whittier, Calif. 90609.
E. (9) $310.

A. Leighton, Conklin, Lemov, Jacobs & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. General Atomic Co., 2021 K Street NW., Washington, D.C. 20006.
D. (6) $2,859. E. (9) $2,838,28.

A. Leighton, Conklin, Lemov, Jacobs, & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $904. E. (9) $2,361.28.

A. Leighton, Conklin, Lemov, Jacobs, & Buckley, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904.

A. Kaye C. Leonard, Potlatch Corp., 1090 Vermont Avenue NW., Suite 510, Washington, D.C. 20005.
B. Potlatch Corp., P.O. Box 3591, San Francisco, Calif. 94119.
D. (6) $192.50.

A. LeSourd, Patten, Fleming, Hartung & Emory, 3900 Seattle First National Bank Building, Seattle, Wash. 98154.
B. General Teamsters Local 959, State of Alaska, P.O. Box 2092, Anchorage, Alaska 99510.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Council of Community Hospitals ("NCCH"), 1735 I Street NW., Suite 710, Washington, D.C. 20006.
D. (6) $957.50

A. Samuel R. Levering, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. U.S. Committee for the Oceans, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Morris J. Levin, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $2,000.

A. Morris J. Levin, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.
B. Independent Local Newspaper Association, 1050 17th Street NW., Suite 701, Washington, D.C. 20036.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, St. Louis, Mo. 63101.
B. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.
D. (6) $308. E. (9) $6.37.

A. Lewis, Rice, Tucker, Allen & Chubb, 611 Olive Street, Suite 1400, St. Louis, Mo. 63101.
B. Spectrum Emergency Care, Inc., 970 Executive Parkway, St. Louis, Mo. 63141.
D. (6) $2,107.75. E. (9) $3.30.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Manufacturers Hanover Corp., 350 Park Avenue, New York, N.Y. 10022.
D. (6) $200

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bank of Detroit, P.O. Box 116, Detroit, Mich. 48232.
D. (6) $150

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Seattle First National Bank, P.O. Box 3586, Seattle Washington 98124.
D. (6) $150.

A. Stuart A. Lewis, Suite 300, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United California Bank, 707 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,625.

A. Herbert Liebenson, Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
B. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Huthnance Drilling Co., Suite 500, 601 Jefferson Street, Houston, Tex. 77002.
D. (6) $2,088.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Jones, Loyd & Webster, Inc., 2327 San Felipe, Houston, Tex. 77019.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Rotan Mosle, Inc., 1500 South Tower Pennzoil Place, Houston, Tex. 77002.
E. (9) $4.

A. Lillick, McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Wisconsin-Barge Line, Inc., 10825 Watson Road, St. Louis, Mo. 63127.
D. (6) $1,750.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Ambassador Bridge Co., P.O. Box 447, Detroit, Mich. 48232.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Council of Pollution Control Financing Agencies, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $398.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 12313, Madison, Wis. 53701.
D. (6) $884.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. The Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.
D. (6) $4,779.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. National Association of Urban Flood Management Agencies, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
D. (6) $1,800.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.
D. (6) $1,196.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Oregon Department of Transportation, Transportation Building, Salem, Oreg.
D. (6) $3,000.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $6,750.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $2,632.50.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $239.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $3,881. E. (9) $69.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis. 53701.
D. (6) $1,660.

A. Linton, Mields, Reisler & Cottone, Ltd., 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. box 700, Green Bay, Wis. 54305.
D. (6) $1,605.

A. Thomas A. Lisk, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Robert C. Lohse, Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.

B. Service Station Dealers of America, Inc., 2021 K Strect NW., Washington, D.C. 20006.

A. Robert S. Long, Clark Oil & Refining Corp., 1850 K Street NW., Suite 510, Washington, D.C. 20006.

B. Clark Oil & Refining Corp., 8530 West National Avenue, Milwaukee, Wis. 53227.

D. (6) $2,000.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.

B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

D. (6) $9,750.91.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.

B. Cargill Leasing Corp., 15407 McGinnity Road, Mennetonka, Minn.

D. (6) $2,896.68.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.

B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10172.

D. (6) $3,216.44.

A. Lord, Day & Lord, 1120 20th Street NW., Washington, D.C. 20036.

B. Leslie Salt Co., P.O. Box 364, Newark, Calif. 94560.

D. (6) $1,735.90.

A. LP Management Corp., Summit Tower, Suite 3100, 11 Greenway Plaza, Houston, Tex. 77046.

E. (9) $1,548.74.

A. Charles Emmet Lucey, McDermott, Will & Emery, 1850 K Street NW., Suite 500, Washington, D.C. 20006.

B. Catholic Press Association, 119 North Park Avenue, Rockville Centre, N.Y. 11570.

A. William F. Ludlam, Sr., American Revolution Bicentennial Administration Association, P.O. Box 5282, Virginia Beach, Va. 23455.

B. ARBA Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32031.

E. (9) $1,623.

A. Christopher Luis, 1615 H Street NW., Washington, D.C. 20062.

B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20062.

D. (6) $1,150. E. (9) $48.

A. Timothy Lynch, American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.

B. American Natural Service Co., One Woodward Avenue, Detroit, Mich. 48226.

D. (6) $540. E. (9) $35.

A. William T. Lyons, Ciba-Geigy Corp., 1747 Pennsylvania Avenue NW., Suite 700, Washington, D.C. 20006.

B. Ciba-Geigy Corp., Ardsley, N.Y. 10502.

D. (6) $3,500. E. (9) $3,269.82.

A. Samuel A. Mabry, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.

D. (6) $1,500. E. (9) $507.

A. Marion M. MacRae, BankAmerica Corp., 1800 K Street NW., No. 920 Washington, D.C. 20006.

B. BankAmerica Corp., BankAmerica Center, San Francisco, Calif.

A. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.

D. (6) $2,875. E. (9) $247.

A. Allen J. Manzano, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.

B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $63.85.

A. Milton C. Mapes, Jr., National Peace Academy Campaign, 110 Maryland Avenue NE., Suite 409, Washington, D.C. 20002.

B. National Peace Academy Campaign, 110 Maryland Avenue NE., Suite 409, Washington, D.C. 20002.

D. (6) $2,750.

A. Richard Markey, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.

D. (6) $2,500.

A. Marshall, Bratter, Greene, Allison & Tucker, 430 Park Avenue, New York, N.Y. 10022.

B. Cadillac Fairview U.S., Inc., c/o the Corporation Trust Co., 100 West 10th Street, Wilmington, Del. 19801.

D. (6) $10,074. E. (9) $1,515.33.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. Drexel Burnham Lambert, Inc., 60 Broad Street, New York, N.Y. 10004.

E. (9) $7,269.64.

A. Eleanor Marshall, 105 East 22d Street, New York, N.Y. 10010.

B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.

D. (6) $264.50.

A. Herbert S. Matthews, Box 72, Mechanicsville, Md. 20659.

B. Martin Marietta Aerospace Division, 6801 Rockledge Drive, Bethesda, Md. 20034.

D. (6) $4,050. E. (9) $63.76.

A. Albert E. May, Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

B. Council of American-Flag Ship Operators, 1625 K Street NW., Washington, D.C. 20006.

D. (6) $3,750. E. (9) $1.89.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.

B. Northwest Alaskan Pipeline Co., 1120 20th Street NW., Washington, D.C. 20036.

A. H. Wesley McAden, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.

B. J. G. Boswell Co., Inc., 333 South Hope Street, Los Angeles, Calif. 90017.

D. (6) $9,000. E. (9) $1,750.

A. Robert C. McCandless, 1707 H Street NW., Washington, D.C. 20006.

B. Transamerica Corp., 600 Montgomery Street, San Francisco, Calif. 94111.

D. (6) $17,755.65.

A. John L. McCormick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

D. (6) $2,333.33.

A. Maria S. McCrea, National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $1,075. E. (9) $400.

A. Marianne McDermott, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. John E. McGill, Telephone Utilities, Inc., 1221 SW Yamhill, Portland, Oreg. 97205.

B. Telephone Utilities, Inc., 1221 SW Yamhill, Suite 200, Portland, Oreg. 99205.

A. William P. McGuire, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Robert S. McIntyre, 2020 K Street NW., Suite 200, Washington, D.C. 20006.

B. Citizens for Tax Justice, 2020 K Street, Suite 200, Washington, D.C. 20006.

D. (6) $5,048.09. E. (9) $17.

A. Philip A. McKeaney, American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

B. American Federation of Teachers/AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.

D. (6) $7,718.34. E. (9) $195.

A. George G. Mead, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $10,000. E. (9) $239.96.

A. Nanine Meiklejohn, 1620 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $8,749.98. E. (9) $59.75.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Foss Launch & Tug Co.; Foss Alaska Line; F.L. & T., Co., 660 West Ewing Street, Seattle, Wash. 98119.

D. (6) $11,571. E. (9) $352.80.

A. Harold E. Mesirow, Lillick McHose & Charles, 1333 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Western Pioneer, Inc., 4601 Shilshole Avenue NW., Seattle, Wash. 98107.

E. (9) $11.09.

A. Sharon Messinger, 1600 Wilson Boulevard, No. 500, Arlington, Va. 22209.

B. Datapoint Corp. 9725 Datepoint Drive, San Antonio, Tex. 78284.

E. (9) $806.16.

A. James G. Michaux, 1801 K Street NW., Suite 903, Washington, D.C. 20006.

B. Federated Department Stores, Inc., 7 West Seventh Street, Cincinnati, Ohio 45202.

A. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.

D. (6) $26,845. E. (9) $26,845.

A. Sharon Mihnovets, 2809 South Joyce Street, Arlington, Va. 22202.

A. Fred Millar, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,124.99.

A. Deborah Imle Miller, 15th & M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th & M Streets NW., Washington, D.C. 20005.
D. (6) $3,415.39 E. (9) $2.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $4,500. E. (9) $450.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. O. & C. Counties Association, 1980 Haydon Road, Roseburg, Oreg. 97470.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Port of Portland, Box 3529, Portland, Oreg. 97208.
D. (6) $500.

A. Joseph S. Miller, 19 Third Street NE., Washington, D.C. 20002.
B. Western Forest Industries Association, 1500 Southwest Taylor Street, Portland, Oreg. 97205.
D. (6) $3,000. E. (9) $160.

A. Luis Miranda, 105 East 22d Street, New York, N.Y. 10010.
B. Community Service Society, 105 East 22d Street, New York, N.Y. 10010.
D. (6) $322.

A. Sandra S. Mitchell, Air Florida, Inc. 2000 L Street NW., Suite 200, Washington, D.C. 20036.
B. Air Florida, Inc., 3900 Northwest 79th Avenue, Miami, Fla. 33166.
D. (6) $2,100.

A. Mocatta Metals Corp. Four World Trade Center, Suite 5200, New York, N.Y. 10048.
E. (9) $1,420.25

A. Elizabeth Monro, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Richard Moran, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $3,125.

A. Gerald A. Morris, American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers/AFL-CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,177.10. E. (9) $27.

A. Russell N. Mosher, 1500 Wilson Boulevard, Suite 700, Arlington, Va. 22209.
B. American Boiler Manufacturers Association, 1500 Wilson Boulevard, Suite 700, Washington, D.C. 22209.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. National Federal of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $200.

A. Harold P. Mueller III, P.O. Box 7755, Philadelphia, Pa. 19101.
B. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.
D. (6) $8,750.

A. Richard J. Muller, Chrysler Corp., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $105.

A. Jeanne Marie Murphy, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., No. 202, Washington, D.C. 20036.
B. Independent Bankers Association of America, 1168 South Main Street, Sauk Centre, Minn. 56378.
D. (6) $6,250. E. (9) $245.51.

A. William T. Murphy, Jr., American Natural Resources System, 1899 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Natural Service Co., 1 Woodward Avenue, Detroit, Mich. 48226.
D. (6) $1,154. E. (9) $56.

A. Rosemary Griffin Murray, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Pan American World Airways, Inc., Suite 901, 1660 L Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $831.33.

A. Kenneth D. Naden, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmers Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,950.

A. Bernard Nash, Blum & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. Bernard Nash, Blum & Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.
E. (9) $29.50.

A. N.A.T.A., 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $20,596.47. E. (9) $56,274.17.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $56,233. E. (9) $59,239.35.

A. National Association of Latino Elected & Appointed Officials (NALEO), 430 Sixth Street NE., Washington, D.C. 20002.
D. (6) $17,805. E. (9) $35,666.66.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $5,631,724.15. E. (9) $287,934.53.

A. National Association of Margarine Manufacturers, 1625 I Street NW., Suite 1024-A, Washington, D.C. 20006.

A. National Association of Realtors, 430 North Michigan, Chicago, Ill. 60611, 777 14th Street NW., Washington, D.C. 20005.
E. (9) $41,082.30.

A. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $2,398.08. E. (9) $2,186.53.

A. National Association of Wheat Growers, 415 Second Street NE., Suite 300, Washington, D.C. 20002.
D. (6) $27,826.87. E. (9) $27,600.13.

A. National Coalition To Ban Handguns, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $148,481. E. (9) $153,684.

A. National Community Action Foundation, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $112,402.85. E. (9) $122,620.90.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
E. (9) $3,000.

A. National Council of Farmers Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $44,408.81. E. (9) $63,269.03.

A. National Education Association, 1201 16th Street NW., Washinton, D.C. 20036.
D. (6) $34,541.15. E. $34,541.15.

A. National Employee Benefits Institute, 1341 G Street NW., Suite 909. Washington, D.C. 20005.
D. (6) $375.

A. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.
D. (6) $10,012.67. E. (9) $15,576.58.

A. National Family Planning & Reproductive Health Association, Inc., Suite 950, 1110 Vermont Avenue NW., Washington, D.C. 20005.
D. (6) $5,520. E. (9) $4,337.12.

A. The National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $433,253.50. E. (9) $10,185.04.

A. National Federation of Community Development Credit Unions, 16 Court Street, Suite 1804, Brooklyn, N.Y. 11201.
E. (9) $5,000.

A. The National Federation of Licensed Practical Nurses, Inc., 214 South Driver, P.O. Box 11308, Durham, N.C. 27703.
D. (6) $1,670. E. (9) $1,670.

A. National Housing Conference Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $2,550. E. (9) $729.78.

A. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
D. (6) $2,751.62. E. (9) $6,550.

A. National Peace Academy Campaign, 110 Maryland Avenue NE., Suite 409, Washington, D.C. 20002.
D. (6) $78,563. E. (9) $23,691.

A. National Potato Council, Suite 705, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $1,000.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $6,860. E. (9) $59,565.

A. National Right to Life Committee, Inc., 419 Seventh Street NW., Suite 402, Washington, D.C. 20004.
D. (6) $246,134. E. (9) $44,920.

A. National Rural Development & Finance Corp., 1300 19th Street NW., Suite 360, Washington, D.C. 20036.
E. (9) $6,500.

A. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $7,080.25. E. (9) $13,147.28.

A. National Tour Brokers Association, Inc., 120 Kentucky Avenue, Lexington, Ky. 40502.
D. (6) $22,616. E. (9) $22,616.

A. The National Youth Pro-Life Coalition, P.O. Box 67, Newport, Ky. 41072.
D. (6) $8,953. E. (9) $10,143.10.

A. Natural Gas Supply Association, 1025 Connecticut Avenue NW., Suite 402, Washington, D.C. 20036.
D. (6) $344,074. E. (9) $33,350.27.

A. Michael C. Nave, NARFE, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $437.75. E. (9) $24.65.

A. Stanley Nehmer, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
B. Lead-Zinc Producers Committee, Suite 600, 1320 19th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $350.

A. E. Colette Nelson, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $4,625. E. (9) $378.76.

A. Gaylord Nelson, The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10.11.

A. William D. Nesbeitt, 2655 Villa Creek Drive, Suite 150, Dallas, Tex. 75234.
B. Uni-Bell Plastic Pipe Association, 2655 Villa Creek Drive, Suite 150, Dallas, Tex. 75234.
D. (6) $110. E. (9) $274.

A. New York Shipping Association, Inc., 80 Broad Street, New York, N.Y. 10004.

A. William B. Newman, Jr., 2234 North Columbus Street, Arlington, Va. 22207.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $2,500.

A. NL Industries, Inc., 1230 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $5,993.94.

A. James O. E. Norell, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $912.50.

A. North American Telephone Association, 511 Second Street NE., Washington, D.C. 20002.
D. (6) $40,871.22. E. (9) $40,871.22.

A. Mary E. Oakes, Hercules Inc., 1800 K Street NW., Washington, D.C. 20006.
B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $350.

A. Hubert K. O'Bannon, Conrail, 1544 33rd Street NW., Washington, D.C. 20007.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,284.

A. O'Connor & Hannan, 1919 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Police Association of the District of Columbia, 2701 Pennsylvania Avenue SE., Washington, D.C. 20020.

A. O'Keefe, Ashenden, Lyons & Ward, Suite 5100, One First National Plaza, Chicago, Ill. 60603.
B. American Invsco Corp., 120 South LaSalle Street, Chicago, Ill. 60603.
D. (6) $3,156.25.

A. O'Neal & Claassen, Chtd., 600 New Hampshire Avenue NW., No. 952, Washington, D.C. 20037.
B. Commodity Exchange Inc., 4 World Trade Center, Southeast Plaza Building, New York, N.Y. 10048.
D. (6) $7,500.

A. O'Neal & Claassen, Chartered, 600 New Hampshire Avenue NW., No. 952, Washington, D.C. 20037.
B. National Air Tankers Association, 2200 South Price Road, Chandler, Ariz. 85224.

A. O'Neal & Claassen, Chartered, 600 New Hampshire Avenue NW., No. 952, Washington, D.C. 20037.
B. National REA Telephone Association, 15 Cargill Building, Minneapolis, Minn. 55402

A. Jean Olson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $791.66.

A. William J. Olson, 1819 H Street NW., Suite 500, Washington, D.C. 20006.
B. March of Dimes Birth Defects Foundation, 1275 Mamaroneck Avenue, White Plains, N.Y. 10605.
D. (6) $12,821.50. E. (9) $4,974.02

A. Charles Orasin, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $5,748.05. E. (9) $27.88.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Room 1414, South Agriculture Building, Washington, D.C. 20250.
D. (6) $1,401.55. E. (9) $1,112.45.

A. J. Allen Overton, Jr., American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
B. American Mining Congress, 1920 N Street NW., Washington, D.C. 20036.
D. (6) $1,234.82. E. (9) $54.75.

A. Outdoor Power Equipment Institute, 1901 L Street NW., Washington, D.C. 20036.
E. (9) $6,252.

A. Gerard P. Panaro, Jenkins, Nystrom & Sterlacci, 2033 M Street NW., Suite 504, Washington, D.C. 20036.
B. Retail Bakers of America, Presidential Building, Suite 250, 6525 Belcrest Road, Hyattsville, Md. 20782.
D. (6) $5,000. E. (9) $85.70.

A. Judith E. Park, NARFE, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $9,347. E. (9) $26.60.

A. Sara Lynn Parker, Food Research & Action Center, 1319 F Street NW., No. 500, Washington, D.C. 20004.
B. Food Research & Action Center, 1319 F Street NW., No. 500, Washington, D.C. 20004.
D. (6) $77.73.

A. Peabody, Rivlin, Lambert & Meyers, P. C., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of Media Producers, 1101 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
D. (6) $337.50.

A. Peabody, Rivlin, Lambert & Meyers, P. C., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
Michigan Knife Co., 120 Pere Marquette Street, Big Rapids, Mich. 49307.
D. (6) $260.

A. Penny/Ohlmann/Neiman, Inc., 1605 North Main Street, Dayton, Ohio 45405
B. The National Management Association, 2210 Arbor Boulevard, Dayton, Ohio 45439.
D. (6) $500.

A. Todd A. Peterman, American Movers Conference, 1117 North 19th Street, P.O. Box 9204, Arlington, Va. 22209.
B. American Movers Conference, 1117 North 19th Street P.O. Box 9204, Arlington, Va. 22209.
D. (6) $302.88.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $1,500. E. (9) $275.13.

A. H. William Petry, Milliken Research Corp., P.O. Box 1927, Spartanburg, S.C. 29304.
B. Milliken Research Corp., P.O. Box 1927, Spartanburg, S.C. 29304.
D. (6) $5,000. E. (9) $4,297.

A. Lorraine Petti, National Committee Against Repressive Legislation, 2817 18th Street NW., Washington, D.C. 20009.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, P.O. Box 501, Los Angeles, Calif. 90017.
D. (6) $3090.

A. Paul E. Pierce, Service Station Dealers of America, Inc., 2021 K Street NW., Suite 303, Washington, D.C. 20006.

B. Service Station Dealers of America, Inc., 2021 K Street NW., Washington, D.C. 20006.

A. Linda Pinegar, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $875.

A. Piper & Marbury, 888 16th Street NW., Fifth Floor, Washington, D.C. 20006.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $3,064. E. (9) $1,737.

A. Piper & Marbury, 888 16th Street NW., Washington, D.C. 20006.
B. PHH Group, Inc., 11333 McCormick Road, Hunt Valley, Md. 21031.
D. (6) $8,270. E. (9) $4,962.

A. Piper & Marbury, 888 16th Street NW., Fifth Floor, Washington, D.C. 20006.
B. Ryder System, Inc., 3600 Northwest 82d Avenue, Miami, Fla. 33166.
D. (6) $1,710.

A. Piper & Marbury, 888 16th Street NW., Fifth Floor, Washington, D.C. 20006.
B. Trailer Train Co., 101 North Wacker Drive, Chicago, Ill. 60606.

A. Piper & Marbury, 888 16th Street NW., Fifth Floor, Washington, D.C. 20006.
B. U.S. Air, Inc., Washington National Airport, Washington, D.C. 20001.

A. Plaintiffs' Antitrust Liaison Society, Suite 708, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $19,000. E. (9) $28.09.

A. Robert Plett Associates, Ltd., 1200 18th Street NW., Suite 700, Washington, D.C. 20036.

A. Phillip Porte & Associates, Inc., 1301 South Arlington Ridge Rd., Suite 208, Arlington, Va. 22202.
B. American Association for Respiratory Therapy, 1720 Regal Row, Dallas, Tx. 75235.
D. (6) $5,000.

A. Phillip Porte & Associates, Inc., 1301 South Arlington Rd., Suite 208, Arlington, Va. 22202.
B. National Association of Medical Directors of Respiratory Care, Box 10832, Chicago, Ill. 60610.
D. (6) $2,000.

A. Robert W. Porter, Jr., Heron, Haggart, Ford, Burchette & Ruckert, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
B. National Potato Council, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
D. (6) $1,000.

A. Robert W. Porter, Jr., Heron, Haggart, Ford, Burchette & Ruckert, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
B. Western Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
D. (6) $500.

A. Margaret Power, 4542 North 40th Street, Arlington, Va. 22207.
B. National Community Action Foundation, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $3,675.

A. Paul Clement Pritchard, National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.
B. National Parks & Conservation Association, 1701 18th Street NW., Washington, D.C. 20009.

A. Ellen Pritchett, National Association of Realtors, 777 14th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,500.

A. Pro-Life Congressional District 11, P.O. Box 727, San Carlos, Calif. 94070.
D. (6) $2106.92. E. (9) $860.69.

A. Public Timber Purchasers Group, 714 Oregon Bank Building, 319 Southwest Washington Street, Portland, Ore. 97204.
D. (6) $49,071.29. E. (9) $4,595.60.

A. Jack I. Pulley, Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.
B. Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640.
E. (9) $168.

A. Diana Pullin, Center for Law & Education, Inc., Suite 510, 236 Massachusetts Avenue NW., Washington, D.C. 20002.
B. Center for Law & Education, Inc., 6 Appian Way, Cambridge, Mass. 02138.
D. (6) $180.17.

A. Clifford H. Raber, 1 McDonald's Plaza, Oak Brook, Ill. 60521.
B. McDonald's Corp., 1 McDonald's Plaza, Oak Brook, Ill. 60521.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.
B. R. J. Reynolds Industries, Inc., 401 North Main Street, Winston-Salem, N.C.

A. Ragan & Mason, 900 17th Street NW., the Farragut Building, Washington, D.C.
B. Sea-Land Industries, Inc., P.O. Box 900, Edison, N.J.
D. (6) $15,000.

A. Craig J. Rancourt, Suite 503, 1825 K Street NW., Washington, D.C. 20006.
B. American Association of Classified School Employees, 6805 Oak Creek Drive, Columbus, Ohio 43229.
D. (6) $8,629.83. E. (9) $8,629.83.

A. Wm. J. Randall, 201 South Pleasant Street, Independence, Mo. 64050.
B. Soil, Inc., et al., Ollick, Mo. 64077.

A. Robert Rauch, 1925 K Street NW., Washington, D.C. 20006.
B. Alliance to Save Energy, 1925 K Street NW., Washington, D.C. 20006.

A. Eiler C. Ravnholt, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.
D. (6) $300. E. (9) $3,543.78.

A. Reading Is Fundamental, Inc., 475 L'Enfant Plaza, Suite 4800, Smithsonian Institution, Washington, D.C. 20560.
E. (9) $23.38.

A. John M. Rector, National Association of Retail Druggists, 1750 K Street NW., 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $700. E. (9) $150.

A. Robert S. Reese, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $9,000. E. (9) $2,095.11.

A. Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
B. Utility Group, c/o Reid & Priest, 1111 19th Street NW., Washington, D.C. 20036.
E. (9) $1.20.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.

A. Reserve Officers Association of United States, 1 Constitution Avenue NE., Washington, D.C. 20002.
D. (6) $1,900.53. E. (9) $6,432.85.

A. Nancy C. Reynolds, 300 Maryland Avenue, NE., Washington, D.C. 20002.
B. The Bendix Corp., 300 Maryland Avenue, NE., Washington, D.C. 20002.
D. (6) $800. E. (9) $90.

A. S. F. Riepma, 1625 I Street NW., Suite 1024-A, Washington, D.C. 20006.
B. National Association of Margarine Manufacturers, 1625 I Street NW., Suite 1024-A, Washington, D.C. 20006.

A. Kevin J. Riordan, Gulf Oil Corp., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $275. E. (9) $125.

A. Len Rippa, National Taxpayer Union, 4201 Duncan Drive, Annandale, Va. 22003
B. National Taxpayer Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,125.

A. Selina F. Rissell, 415 Second Street NE., Washington, D.C. 20002.
B. Ad-Hoc Committee for Competitive Telecommunications, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $8,063.44.

A. RJR Industries, Inc., 1100 Reynolds Boulevard, Winston-Salem, N.C. 27105
E. (9) $5,720.66.

A. Robert L. Roach, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2499.99.

A. Walter Bruce Robb, 527 Lander Street, Reno, Nev. 89509.
B. Datapoint Corp., 9725 Datapoint Drive, San Antonio, Tex. 78284.
D. (6) $476.89. E. (9) $26.89.

A. Howard W. Robison, 10 West Side Drive, Rehoboth Beach, Del. 19971.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza, Washington, D.C. 20024.
D. (6) $1,200.

A. Rogers Hoge & Hills, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.
B. Formaldehyde Institute, 1075 Central Park Avenue, Scarsdale, N.Y. 10583.
D. (6) $125.

A. Rogers Hoge & Hills, 1111 19th Street NW., Suite 301, Washington, D.C. 20036.

B. National Association of Chain Drug Stores, 413 North Lee Street, Alexandria, Va. 22314.
D. (6) $135.

A. James T. Rogers, 311 First Street NW., Washington, D.C. 20001.
B. National Restaurant Association, 311 First Street NW., Washington, D.C. 20001.

A. Margaret Rogers, Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 N. Lynn Street, Arlington, Va. 22209.
D. (6) $1,000.

A. Susan M. Rogers, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Teno Roncalio, P.O. Box 1707, Cheyenne, Wyo.
B. Northwest Alaska Pipeline Co., 1801 K Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Rose, Schmidt, Dixon, Hasley, Whyte & Hardesty, 1575 I Street NW., Washington, D.C. 20005.
B. Continental Resources Co., P.O. Box 44 Winter Park, Fla. 32790.
D. (6) $37,715. E. (9) $5,450.88.

A. John C. Runyan, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $5,700. E. (9) $347.52.

A. J. T. Rutherford & Association, Inc., 1660 L Street NW., Washington, D.C. 20036.
B. American Association of Bioanalysts, International Society of Clinical Lab Tech, 614 Paul Brown Building, St. Louis, Mo.
E. (9) $21.50.

A. J. T. Rutherford & Association Inc., 1660 L Street NW., Suite 514, Washington, D.C. 20036.
B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $41.50.

A. J. T. Rutherford & Association Inc., 1660 L Street NW., Suite 514, Washington, D.C. 20036..
B. American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
E. (9) $50.

A. Arthur B. Sackler, National Newspaper Association, 1627 K Street, NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street, NW., Suite 400, Washington, D.C. 20006.
D. (6) $5,000. E. (9) $100.

A. David J. Sadd, National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. National Association of Arab Americans, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $3,000. E. (9) $425.

A. The St. Louis Mercantile Library Association, 510 Locust Street, St. Louis, Mo. 63188.
E. (9) $314.37.

A. V. Alaric Sample, Jr., 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $65.59.

A. Mark Roy Sandstrom, Thompson, Hine & Flory, 1920 N Street NW., Washington, D.C. 20036.
B. Great Western Sugar Co., P.O. Box 5308, Denver, Colo. 80217.
D. (6) $4,950. E. (9) $81.35.

A. Mark Roy Sandstrom, Thompson, Hine & Flory, 1920 N Street NW., Washington, D.C. 20036
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

A. Donald E. Santarelli, 2033 M Street NW., Washington, D.C. 20036.
B. Empresa Brasileira de Aeronautica, S.A. d/b/a Embraer, Sao Paulo, Brazil.
E. (9) $210.

A. Donald E. Santarelli, 2033 M Street NW., Washington, D.C. 20036.
B. Kings River Water Users Committee.
D. (6) $2,000. E. (9) $760.31.

A. Donald E. Santarelli, 2033 M Street NW., Washington, D.C. 20036.
B. Safari Club International, 5151 East Broadway, Tucson, Ariz. 85711.
D. (6) $2,500. E. (9) $581.35.

A. Mark Schacht, Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
D. (6) $6,733.10. E. (9) $1,290.06.

A. Jerome D. Schaller, 1101 15th Street NW., Washington, D.C. 20005.
B. 3M (Minnesota Mining & Manufacturing Co.) 3M Center, St. Paul, Minn. 55144.
D. (6) $10,000. E. (9) $108.

A. James P. Schlicht, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $6,750. E. (9) $46.62.

A. Schrader-Lauth & Associates, Inc., 1600 Wilson Boulevard, Suite 1000, Arlington, Va. 22209.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.
D. (6) $10,000. E. (9) $4,750.

A. Marsha Schramm, 1101 Connecticut Avenue NW., Suite 406, Washington, D.C. 20036.
B. Domestic Petroleum Council Trade Association, 1101 Connecticut Avenue NW., Suite 406, Washington, D.C. 20036.

A. Robert I. Schramm, 1725 K Street NW., Suite 909, Washington, D.C. 20006.
B. The Superior Oil Co. and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. HBW Schroeder, Consumers Power Co., 1050 17th Street NW., Suite 290, Washington, D.C. 20036.
B. Consumers Power Co., 212 W. Michigan Avenue, Jackson, Mich. 49201.
D. (6) $500.

A. William B. Schultz, Public Citizen Litigation Group, Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen Litigation Group, Box 19404, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $10.

A. Bari Lee Schwartz, Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
B. The Food Research and Action Center, 1319 F Street NW., Suite 500, Washington, D.C. 20004.
D. (6) $1,674.46. E. (9) $11.41.

A. Elizabeth Nash Schwartz, 1700 N. Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $750. E. (9) $458.44.

A. Carl F. Schwensen, 415 Second Street NE., Suite 300, Washington, D.C. 20002.
B. National Association of Wheat Growers, 415 2d Street NE., Washington, D.C. 20002.
D. (6) $3,786.53.

A. The Scott Co., 8 Jacana Road, Hilton Head, S.C. 29928.
B. Coastal Properties Institute, P.O. Box 6255, Hilton Head, S.C. 29928.
D. (6) $100. E. (9) $125.

A. James M. Scott, the Scott Co., Inc., 8 Jacana Road, Hilton Head, S.C. 29928
B. The Scott Co., Inc., 8 Jacana Road, Hilton Head, S.C. 29928.
D. (6) $50.

A. David L. Shapiro, 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
B. Associated Builders & Contractors, Inc., 444 North Capitol Street NW., Suite 409, Washington, D.C. 20001.
D. (6) $2.500.

A. Joseph H. Sharliit, 1730 K Street NW., Washington, D.C. 20006.
B. Cornavin, Inc.

A. Joseph H. Sharlitt, 1730 K Street NW., Washington, D.C. 20006.
B. National Remodelers Association.

A. Russell H. Shay, Sierra Club, 6014 College Avenue, Oakland, Calif. 94618.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $750. E. (9) $729.22.

A. Jay P. Sherman, 918 F Street NW., Washington, D.C. 20004.
B. National Family Farm Coalition, 918 F Street NW., Washington, D.C. 20004.
D. (6) $2,481.15 E. (9) $252.51.

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C. 20006.
B. Alabama Farm Bureau Federation, P.O. Box 11000, Montgomery, Ala. 36198.
D. (6) $1,500. E. (9) $272.14.

A. Dale Sherwin, 1735 I Street NW., No. 717, Washington, D.C. 20006.
B. A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525.
D. (6) $1,500. E. (9) $210.

A. Nelson Shields, 810 18th Street NW., Washington, D.C. 20006.
B. Handgun Control, Inc., 810 18th Street NW., Washington, D.C. 20006.
D. (6) $6,725.65.

A. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $123,259.67. E. (9) $123,259.67.

A. Stephen Silbiger, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County & Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $10,500. E. (9) $101.78.

A. Althea T. L. Simmons, Washington Bureau, NAACP, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. Marcus W. Sisk, Jr., Sisk, Foley, Hultin & Driver, 2501 M Street NW., Suite 380, Washington, D.C. 20037.
B. Tosco Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $825. E. (9) $38.50.

A. Stephen L. Skardon, Jr., NARFE, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
B. National Association of Retired Federal Employees, 1533 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $8,267. E. (9) $24.

A. Robert Slaughter, 1025 Connecticut Avenue, Suite 402, Washington, D.C. 20036.
D. (6) $7,500. E. (9) $335.57.

A. S. L. B. Enterprises, Human and Civil Rights (Domestic and International), P.O. Box 663, GPO, N.Y. 10001.

A. Scott L. Slesinger, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,276.91. E. (9) $6.

A. William T. Slider, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

A. Smathers, Symington & Herlong, 1700 K Street NW, Washington, D.C. 20006.
B. National Farm & Power Equipment Dealers Association, 10877 Watson Road, St. Louis, Mo. 63127.
D. (6) $1,000.

A. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.
E. (9) $25,625.

A. Douglas S. Smith, 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.
B. Noranda Mining, Inc., 986 Atherton Drive, Suite 220, Salt Lake City, Utah 84107.

A. Joseph S. Smolen, 9412 Old Mount Vernon Road, Alexandria, Va. 22309.
B. Overseas Education Association and National Education Association, 1201 15th Street NW., Washington, D.C. 20036.
D. (6) $40. E. (9) $8,540.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $36,151.71. E. (9) $36,151.71.

A. Southern Satellite Systems, Inc., Tulsa, Okla. 74145.
E. (9) $1,167.50

A. Specialized Carriers & Rigging Association, 1155 16th Street NW., Washington, D.C. 20036.

A. William N. Steele, 1700 North Moore Street, Rosslyn, Va. 22209.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,000. E. (9) $341.76.

A. Elliot Stern, American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
B. American Health Planning Association, 1601 Connecticut Avenue NW., Suite 700, Washington, D.C. 20009.
D. (6) $7,500. E. (9) $884.62.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010
D. (6) $978. E. (9) $540.99.

A. Kenneth F. Stinger, American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $9,000. E. (9) $87.87.

A. W. Melvin Street, 1627 K Street NW., Suite 400, Washington, D.C. 20006.
B. National Newspaper Association, 1627 K Street NW., Suite 400, Washington, D.C. 20006.

A. Stephen D. Susman, Susman & McGowan, 1200 Milam, Suite 900, Houston, Tex. 77002.
B. Plaintiff Class, Corrugated Container Anti-Trust Litigation, MDL No. 310, c/o 1200 Milam, Suite 900, Houston, Tex. 77002.
E. (9) $2,000.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Process Gas Consumers Group, 1666 K Street NW., Suite 800, Washington, D.C. 20006.
D. (6) $2,419.

A. Richard P. Swigart, 1660 L Street NW., Suite 201, Washington, D.C. 20036.
B. American Can Co., American Lane, Greenwich, Conn. 06830.
E. (9) $130.02.

A. Scott R. Swirling, National Family Planning & Reproductive Health Association, Inc., Suite 950, 1110 Vermont Avenue NW., Washington, D.C. 20005.
B. National Family Planning & Reproductive Health Association, Inc., Suite 950, 1110 Vermont Avenue NW., Washington, D.C. 20005.
D. (6) $1,453.84.

A. Z. Michael Szaz, 6819 Supreme Court, Springfield, Va. 22150.
B. Embassy of the Democratic Republic of Somalia, 600 New Hampshire Avenue, NW., Washington, D.C. 20037.
D. (6) $3,000.

A. C. Michael Tarone, 2033 M Street NW., Washington, D.C. 20036.
B. Empresa Brasileira de Aeronautica, S.A., (EMBRAER), Sao Paulo, Brazil.

A. C. Michael Tarone, 2033 M Street NW., Washington, D.C. 20036.
B. Kings River Water Users Committee.

A. Taxpayers for Federal Pension Reform, P.O. Box 7755, Philadelphia, Pa. 19101.
D. (6) $4,270. E. (9) $2,667.96.

A. John F. Terzano, Vietnam Veterans of America, 329 Eighth Street NE., Washington, D.C. 20002.
B. Vietnam Veterans of America, 212 Fifth Avenue, Room 703, New York, N.Y. 10010.
D. (6) $1,500.

A. Ther-A-Pedic Midwest, Inc., 2350 Fifth Street, Rock Island, Ill. 61201.
E. (9) $2,362.22.

A. Charles P. Thompson, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $1,000. E. (9) $489.95.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. American Business Coalition, 131 East Redwood, Suite 210, Baltimore, Md. 21202.
D. (6) $5,000.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. Cable America, Inc., c/o Cablecasting, Ltd., 45 Charles Street East, Toronto, Canada M4Y 1S2.
D. (6) $2,941.18. E. (9) $625.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. U.S. Cablesystems, Inc., 55 King Street, West and Bay Street, Toronto, Ontario M5K 1A2.
D. (6) $5,441.18. E. (9) $1,250.

A. Fred D. Thompson, Thompson & Crawford, 1575 I Street NW., Suite 325, Washington, D.C. 20005.
B. Westinghouse Electric Corp., 1801 K Street, Washington, D.C.
D. (6) $31,600. E. (9) $2,851.71

A. Thompson & Mitchell, One Mercantile Center, Suite 3400, St. Louis, Mo. 63101.
B. American Inland Waterways Committee, One Mercantile Center, St. Louis, Mo. 63101.
D. (6) $651.

A. Samuel Thurm, Association of National Advertisers, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44 Street, New York, N.Y. 10017.

A. Ronald J. Tipton, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Wilderness Society, 1901 Pennsylvania Avenue NW., Washington D.C. 20006.
D. (6) $269.86. E. (9) $9.60.

A. William D. Toohey, 1899 L Street NW., Washington, D.C. 20036.
B. Travel Industry Association of America, 1899 L Street NW., Washington, D.C.
D. (6) $2,575.

A. Richard L. Trachtman, 2550 M Street NW., Suite 620, Washington, D.C. 20037.
B. American Society of Internal Medicine, 2550 M Street NW., Suite 620, Washington, D.C. 20037.
D. (6) $8,242. E. (9) $250.44.

A. Travel Industry Association of America, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $3,689. E. (9) $3,689.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. Harold R. Tyler, Jr., Patterson, Belknap, Webb & Tyler, 30 Rockefeller Plaza, New York, N.Y. 10112.
B. International Paper Co., 77 West 45th Street, New York N.Y.
D. (6) $12,493.91.

A. Manya S. Ungar (10 Brandywine Court, Scotch Plains, N.J. 07076), National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $444.24.

A. United Food & Commercial Workers International Union, AFL-CIO, 1775 K Street NW., Washington, D.C.
D. (6) $44,005.58. E. (9) $44,005.58.

A. U.S. Committee for the Oceans, 100 Maryland Avenue NE., Washington, D.C. 20002.
E. (9) $554.

A. Utility Nuclear Waste Management Group, c/o Edison Electric Institute, 1111 19th Street NW., Washington, D.C. 20036.
D. (6) $2,963.55. E. (9) $2,963.55.

A. Roy Thomas Van Arsdall, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,525.

A. John A. Vance, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $2,030. E. (9) $1,118.31.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Labor-Industry Coalition for International Trade, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $880. E. (9) $9.20

A. John C. Vickerman, 2021 K Street NW., Suite 305, Washington, D.C. 20006.
B. International Conference Industry Association, 2021 K Street NW., Suite 305, Washington, D.C. 20006.

A. David Vienna, David Vienna & Associates, 510 C Street NE., Suite 100, Washington, D.C. 20002.
B. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.

A. Douglas K. Vollmer, Paralyzed Veterans of America, 4350 East-West Highway, Suite 900 Washington, D.C. 20014.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.
D. (6) $7,875.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10017.

A. Abe J. Voron, 6204 White Oak Lane, Tamarac, Fla. 33319.
B. National Radio Broadcasters Association, 1705 DeSales Street NW., No. 500, Washington, D.C. 20036.
D. (6) $2,500. E. (9) $2,775.

A. Wald, Harkrader & Ross, 1300 19th Street NW., Washington, D.C. 20036.
B. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. Eleanor Walters, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,250.01.

A. Webster & Sheffield, One Rockefeller Plaza, New York, N.Y. 10020.
B. Smith, Barney Real Estate Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $23,500.

A. Raymond J. Weatherly, 2733 Carter Farm Court, Alexandria, Va. 22306.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $875. E. (9) $106.

A. Paul Weckstein, Center for Law and Education, Inc., Suite 510, 236 Massachusetts Avenue NE., Washington, D.C. 20002.
B. Center for Law and Education, Inc., 6 Appian Way, Cambridge, Mass. 02138.
D. (6) $288.28.

A. Weil, Gotshal & Manges, 767 Fifth Avenue, New York, N.Y. 10153; 1101 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Continental Group, 1 Harbor Plaza, Stamford, Conn. 06902.
D. (6) $16,363. E. (9) $734.80.

A. Paul S. Weller, Jr., 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Council of Farmers Cooperatives, 1800 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,050.

A. Susanne Wellford, John Adams Associates, Inc., 1825 K Street NW., Suite 210, Washington, D.C. 20006.
B. Manufacturer of Emission Controls Association, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
E. (9) $20,994.

A. Joy C. West, Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
B. Migrant Legal Action Program, Inc., 806 15th Street NW., Washington, D.C. 20005.
D. (6) $5,991.09. E. (9) $1,278.91.

A. W. P. West, Jr., 1629 K Street NW., Room No. 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $273. E. (9) $243.68.

A. Western Cotton Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
E. (9) $1,000.

A. Western Growers Association, 1101 17th Street NW., Suite 705, Washington, D.C. 20036.
E. (9) $1,500.

A. Western Resource Alliance, 2665 West 23d Street, Eugene, Oreg. 97401.
E. (9) $195.

A. Curtis E. Whalen, P.O. Box 44, Winter Park, Fla. 32790.
B. Continental Resources Co., P.O. Box 44, Winter Park, Fla. 32790.
D. (6) $2,875. E. (9) $1,044.47.

A. Bennett C. Whitlock, Jr., American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $7,500. E. (9) $196.68.

A. Wickwire, Lewis, Goldmark & Schorr, 500 Maynard Building, Seattle, Wash. 98104.
B. State of Alaska, Office of the Attorney General, Transportation Section, Pouch K, State Capitol, Juneau, Alaska 99811.
D. (6) $1,179. E. (9) $1,720.66.

A. Nina Faye Widenmann, Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
B. Arizona Public Service Co., P.O. Box 21666, Phoenix, Ariz. 85036.
D. (6) $975.41. E. (9) $2.475.66.

A. Thomas D. Wilcox, P.C., 1899 L Street NW., Suite 705, Washington, D.C. 20036.
B. National Association of Stevedores, 1899 L Street NW., Washington, D.C. 20036.
D. (6) $6,800. E. (9) $7,385.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. European Travel Commission, 360 Fifth Avenue, New York, N.Y. 10111.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. NANA Regional Corp., Inc., Box 49, Kotzebue, Ark. 99752.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. American Trucking Association, 430 First Street SE., Washington, D.C. 20003.
D. (6) $4,555. E. (9) $318.92.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Association for Responsible Housing Policy, Inc., 1101 Connecticut Avenue NW., No. 500, Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. C. Brewer and Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96801.
D. (6) $1,218.75. E. (9) $63.78.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Burger King Corp., 7360 North Kendall Drive, Miami, Fla. 33152.
D. (6) $2,006.25. E. (9) $102.06.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Consolidated Foods Corp., 135 South LaSalle Street, Chicago, Ill. 60603

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Domestic Petroleum Council, 1101 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $153.08.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.

B. The First Boston Corp., 20 Exchange Place, New York, N.Y. 10005.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Lloyd Hayes, P.O. Box 1447, Port Arthur, Tex. 77640.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, PA. 19102.
D. (6) $4,762.50. E. (9) $318.92.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.
D. (6) $3,420. E. (9) $267.90.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.
D. (6) $21.25. E. (9) $12.76.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.
D. (6) $3,640. E. (9) $178.60.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Mustang Fuel Corp., 1100 First National Center East, Oklahoma City, Okla. 73102.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Association of Water Companies, 1019 19th Street NW., Suite 1110, Washington, D.C. 20036.
D. (6) $947.50. E. (9) $77.24.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Nationwide Insurance Company, 1 Nationwide Plaza, Columbus, Ohio 43216.
D. (6) $698. E. (9) $63.78.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Developments, Limited, 1 First Canadian Place, Toronto, Ontario, Canada.
E. (9) $12.76.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Olympia & York Equity Corp., 245 Park Avenue, New York, N.Y.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Paralyzed Veterans of America, 4350 East-West Highway, Suite 900, Washington, D.C. 20014.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington D.C. 20024.
D. (6) $250. E. (9) $38.27.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Southern Railway System, 920 15th Street NW., Washington, D.C. 20005.
D. (6) $1,790. E. (9) $76.54.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Student Loan Marketing Association (Sallie Mae), 1055 Thomas Jefferson Street, NW., Washington, D.C. 20007.
D. (6) $2,790. E.(9) $357.18.

A. Williams & Jensen, P.C., 1101 Connecticut Avenue NW., Suite 500, Washington, D.C. 20036.
B. Universal Foods, Inc., 433 East Michigan Avenue, Box 737, Milwaukee, Wis. 53201.

A. Margie R. Williams, 415 Second Street NE., Suite 300, Washington, D.C. 20002.

B. National Association of Wheat Growers, 415 Second Street NE., Washington, D.C. 20002.
D. (6) $1,349.30.

A. W. G. Williams, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036

A. John C. Williamson, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
B. Mortgage Insurance Cos. of America, 1725 K Street NW., Suite 1405, Washington, D.C. 20006.
D. (6) $2,700.

A. William E. Woods, National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $300.

A. D. Scott Yohe, Delta Air Lines, Inc., 1629 K Street NW., Room 204, Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $390. E. (9) $73.80.

A. Barnaby W. Zall, 2028 P Street NW., Washington, D.C. 20036.
B. Federation for American Immigration Reform, 2028 P Street NW., Washington, D.C. 20036.
D. (6) $2,750. E. (9) $153.23.

A. Kevin B. Zeese, 530 Eighth Street SE., Washington, D.C. 20003.
B. National Organization for the Reform of Marijuana Laws (NORML), 530 Eighth Street SE., Washington, D.C. 20003.

A. Zero Population Growth, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,698. E. (9) $1,630.

A. Michael J. Zimmer, Wickwire, Gavin & Gibbs, P.C., 1828 L Street NW., Washington, D.C. 20036.
B. Cogeneration Coalition, Inc., 1828 L Street NW., Suite 804, Washington, D.C. 20036.

A. John L. Zorack, Suite 1100, 1015 18th Street NW., Washington, D.C. 20036.
B. Federal Express Corp., Box 727, Memphis, Tenn. 38194.
D. (6) $9,150.

QUARTERLY LOBBY POSTCARD

The following Quarterly Lobby Postcards were filed with the Clerk of the House of Representatives for the fourth calendar quarter of 1981:

A POSTCARD MAY BE USED WHEN A REGISTRANT HAS NOT INCURRED REPORTABLE RECEIPTS AND EXPENDITURES AND HAS NOT ENGAGED IN ANY LOBBYING ACTIVITY DURING THE QUARTER.

NOTE: THE FOLLOWING INFORMATION IS BEING PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

The Postcard has been reproduced below:

HLF3

QUARTERLY LOBBY POSTCARD

To be submitted in lieu of a Quarterly Report when registrant has not incurred reportable receipts or expenditures and has not engaged in any lobbying activity during the quarter.

IMPORTANT: File a separate postcard for each employer or client

REGISTRANT_____

Business Address_____

(number, street/P.O. Box)

_____

(city, state, zip code)

Employer_____

(If REGISTRANT is an agent of someone OTHER THAN "EMPLOYER" state below whose interest is represented. If not applicable, state "NONE".)

CLIENT_____

For the period (check one box only): **19**_____

- ☐ **April 10 Report (Jan. 1—Mar. 31)**
- ☐ **July 10 Report (April 1—June 30)**
- ☐ **Oct. 10 (July 1—Sept. 30)**
- ☐ **Jan. 10 (Oct. 1—Dec. 31)**

I certify that the above named registrant did not engage in any lobbying activities or incur reportable receipts or expenditures in connection with previous or future lobbying activities. I am aware that the Act requires a resumption of reporting in the event that activity commences; otherwise I can continue to submit a postcard in lieu of a report.

Executed on_____ _____

(date) *(signature)*

A. John J. Adams.
B. Ethyl Corp.

A. Hobson H. Adcock.
B. PepsiCo, Inc.

A. Bruce Aitken.
B. BMW of North America.

A. G. Colburn Aker.
B. Hill & Knowlton.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Ag-Energy Resources, Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Alaska Interstate Co.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Archer Daniels Midland Co.

A. Akin, Gump, Strauss, Hauer & Feld.
B. City of Houston.

A. Akin, Gump, Strauss, Hauer & Feld.
B. E & J Gallo Winery.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Lone Star Industries, Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Louisiana Alcohol Fuels Co.

A. Akin, Gump, Strauss, Hauer & Feld
B. Missouri Terminal Oil Co., Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. New Energy Corp. of Indiana.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Northwest Pipeline Co.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Tom Reidy, Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Ringling Bros. Barnum and Bailey Combined Shows, Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Shearson, Loeb, Rhoades.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Richard Suman.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Sun Co., Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Texas Instruments Inc.

A. Akin, Gump, Strauss, Hauer & Feld.
B. Worldwide Church of God.

A. Donald C. Alexander.
B. Associated Telephone Answering Exchanges, Inc.

A. Donald C. Alexander.
B. Merrill Lynch Life Agency, Inc.

A. Joseph C. Allwarden.
B. Kollsman Instrument Co.

A. Amalgamated Transit Union, Nat'l Capt. Local 689.

A. American Association of Blood Banks.

A. American Council on Alcohol Problems.

A. American Hellenic Institute Public Affairs Committee, Inc.

A. American Honey Producers Association.

A. American Metal Detectors Manufacturers, Inc.

A. American Orthotic & Prosthetic Association, Inc.

A. American Pulpwood Association.

A. American Short Line Railroad Association.

A. American Veterinary Medical Association.

A. American Waterways Shipyard Conference.

A. Gwen A. Anderson.
B. Small Business On-Premise Sign Foundation.

A. Jane K. Anderson.
B. Kennecott Corp.

A. Jack R. Angell.
B. United Gas Pipe Line Co.

A. Apartment & Office Building Association.

A. John D. Aquilino, Jr.
B. National Rifle Association.

A. Roy A. Archibald.
B. National Education Association.

A. Arnold & Porter.
B. National Coordinating Committee for Multiemployer Plans.

A. Associated Credit Bureaus, Inc.

A. Associated Employers, Inc.

A. Association of American Foreign Service Women.

A. Association of American Veterinary Medical Colleges.

A. George J. Aste.
B. United Airlines.

A. Frank M. Ault.
B. Norwich-Eaton Pharmaceuticals.

A. John D. Austin, Jr.
B. American Mining Congress.

A. Ronald R. Austin.
B. Overseas Education Association.

A. Frances Babb.
B. Renewed Energy Corp.

A. James D. Bachman.
B. Oasis Petroleum Co.

A. John Baines.
B. Johnson Oil Co.

A. John Baines.
B. Silver Eagle Oil Co., Inc.

A. Dennis J. Baker.
B. Norton Co.

A. Judy Bardacke.
B. American Federation of Teamsters, AFL-CIO.

A. John H. Barnard, Jr.
B. Bechtel Power Corp.

A. Barnett & Alagia.
B. Dairymen, Inc.,

A. Roger V. Barth.
B. American Association for Clinical Chemistry, Inc.

A. Rose F. Bates.
B. American Samoa.

A. Rose F. Bates.
B. Oasis Petroleum Co.

A. Rose F. Bates.
B. St. Joe Minerals Corp.

A. Rose F. Bates.
B. Wood Enterprises, Inc.

A. Lynne D. Battle.
B. College Placement Council, Inc.

A. John E. Baughman.
B. PA State Education Association.

A. Robert J. Baughman.
B. American Orthotic & Prosthetic Assn., Inc.

A. James R. Baxter.
B. National Construction Employers Council.

A. Bayh, Tabbert & Capehard.
B. Mayflower Corp.

A. Reginald E. Beane.
B. Risk and Insurance Management Society, Inc.

A. Bell, Boyd & Lloyd.
B. Boise Cascade Corp.

A. Howard H. Bell.
B. American Advertising Federation.

A. James M. Bennett.
B. Jos. Schlitz Brewing Co.

A. Frederick S. Benson III.
B. American Paper Institute, Inc.

A. O. M. Berge.
B. Brotherhood of Maintenance of Way Employes.

A. F. Brett Berlin.
B. Cray Research, Inc.

A. Richard B. Berman.
B. S & A Restaurant Corp.

A. George K. Bernstein.
B. American Insurance Association.

A. George K. Bernstein.
B. Crum & Forster Insurance Cos.

A. Robert J. Bird.
B. H. B. Zachry Co., Inc.

A. Tom G. Black.
B. National Federation of Federal Employees.

A. Richard W. Bliss.
B. Conoco, Inc.

A. Richard W. Bliss.
B. Government of American Samoa.

A. Richard W. Bliss.
B. Northern Virginia Savings & Loan Association.

A. Richard W. Bliss.
B. Oasis Petroleum Co.

A. Richard W. Bliss.
B. Wood Enterprises, Inc.

A. Glenn E. Blitgen.
B. American Mining Congress.

A. Jerald Blizin.

B. Hill & Knowlton.

A. Larry A. Boggs.
B. American Mining Congress.

A. Christie K. Bohner.
B. Government Relations Associates, Inc.

A. Christie K. Bohner.
B. Kaiser Steel Corp.

A. M. Warren Bolton.
B. Provident Indemnity Life Insurance Co.

A. Charles E. Boswell.
B. Amalgamated Transit Union, National Capital Local 689.

A. Rodney A. Bower.
B. International Federation of Professional & Technical Engineers, AFL-CIO.

A. Alisa Boyd.
B. BOMA International.

A. Mitchell H. Bradley.
B. American Society of Mechanical Engineers.

A. Bracewell & Patterson.
B. American Petroleum Refiners Association.

A. Bracewell & Patterson.
B. CLC of America, Inc.

A. Gerard M. Brannon.
B. American Council of Life Insurance.

A. Peter Elliot Braveman.
B. Joan Irvine Smith.

A. Noel Brazil.
B. American Optometric Association.

A. John Henry Brebbia.
B. Board of Trade Clearing Corp.

A. John Henry Brebbia.
B. Northern Solar Systems, Inc.

A. John Henry Brebbia.
B. RCA Global Communications, Inc.

A. Breed, Abbott & Morgan.
B. Associated Hospital Service of New York.

A. Breed, Abbott & Morgan.
B. David H. McConnell.

A. Bregman, Abell & Kay.
B. Committee for Effective Tax Incentives.

A. Miles H. Bresee, Jr.
B. Bechtel Power Corp.

A. Albert E. Brewster.
B. Northrop Corp.

A. Alan E. Brian.
B. Davie Shipbuilding Ltd.

A. Claude S. Brinegar.
B. Union Oil Co. of California.

A. Charles T. Brown.
B. Cities Service Co.

A. Mary Elizabeth Brown.
B. National Education Association.

A. Ralph Brown.
B. M.O.A.A.I.O.A. & Subs., Inc.

A. Stanley R. Browne.
B. E. I. du Pont de Nemours & Co., Inc.

A. Thomas H. Brownell.
B. Boeing Co.

A. David Brubaker.
B. National Rehabilitation Counseling Association.

A. Harvey F. Brush.
B. Bechtel Group, Inc.

A. Gerard P. Burke.
B. International Air Leases, Inc.

A. Francis X. Burkhardt.
B. International Brotherhood of Painters & Allied Trades.

A. Burr Pease & Kurtz.
B. Eklutna, Inc.

A. Butler, Binion, Rice, Cook & Knapp.
B. City of Philadelphia.

A. Butler, Binion, Rice, Cook & Knapp.
B. Delaware River Port Authority.

A. Fred Byset.
B. Chamber of Commerce of the United States.

A. C. & B Associates.
B. Alcalde, Henderson, O'Bannon, Bracy & Williams (for Continental Employees Association).

A. C & B Associates.
B. Cladouhos & Brashares (for Securities Groups).

A. C & B Associates.
B. Cladouhos & Brashares (for Smith Barney Harris Upham).

A. C & B Associates.
B. Cladouhos & Brashares (for Toyota Motor Sales, U.S.A.

A. C & B Associates.
B. Worldwide Information Resources, Inc. (for State of Montana).

A. Cadwalader, Wickersham & Taft.
B. Ad Hoc Committee of Floor Brokers.

A. Cadwalader, Wickersham & Taft.
B. Asphalt Roofing Manufacturers Association.

A. Cadwalader, Wickersham & Taft.
B. General Dynamic Corp.

A. Cadwalader, Wickersham & Taft.
B. Mocatta Metals Corp.

A. Cadwalder, Wickersham & Taft.
B. Shell Oil Corp.

A. Roy C. Cahoon Associates.
B. National Automatic Merchandising Association.

A. Thomas A. Callaghan, Jr.
B. Contract Carrier Conference.

A. Jerry L. Campbell.
B. Tennessee Valley Public Power Association.

A. Camp, Carmouche, Palmer, Barsh & Hunter.
B. Eastern Central Motor Carrier Association.

A. Camp, Carmouche, Palmer, Barsh & Hunter.
B. Union Pacific Railroad.

A. Capital Counselors, Inc.
B. Electronic Data Systems Corp.

A. Capital Counselors, Inc.
B. Perpetual American Federal Savings & Loan Association.

A. Caplin & Drysdale, Chartered.
B. American Family Life Assurance Co. of Georgia.

A. Donald Capshaw.
B. Airline Pilots Association.

A. Donato Caruso.
B. New York Shipping Association, Inc.

A. John L. Casey.
B. Investment Counsel Association of America, Inc.

A. Daniel J. Cassidy.
B. American Association of Blood Banks.

A. Chain Saw Manufacturers Association.

A. Elizabeth Prewitt Chalmers.
B. American Institute of Architects.

A. William B. Cherkasky.
B. International Franchise Association.

A. Howard P. Chester.
B. Stone, Glass & Clay Coordinating Committee.

A. Children's TV Workshop.

A. Chugach Electric Association, Inc.

A. Donald T. Chunn
B. Title Associates, Inc.

B. Title Associates, Inc.

A. Cladouhos & Brashares.
B. Ashland Oil, Inc.

A. Cladouhos & Brashares.
B. Crown Central Petroleum Corp.

A. Cladouhos & Brashares.
B. International Processors.

A. Cladouhos & Brashares.
B. Seaview Petroleum.

A. Cladouhos & Brashares.
B. Securities Groups.

A. Cladouhos & Brashares.
B. Smith, Barney, Harris, Upham & Co.

A. Bob Clark & Associates.
B. Ryder System, Inc.

A. Gilbert W. Clark.
B. American Association of Blood Banks.

A. Joseph J. F. Clark.
B. Eaton Associates, Inc.

A. Thomas R. Clark.
B. General Electric Co.

A. Clifford & Warnke.
B. Federated States of Micronesia.

A. Clifford & Warnke.
B. Warner-Lambert Co.

A. Coalition of Automotive Associations.

A. Coalition of Concerned Charities.

A. Coan, Couture, Lyons & Moorhead.
B. A-C Valley Corp.

A. Coan, Couture, Lyons & Moorhead.
B. Internatio, Inc.

A. Coan, Couture, Lyons & Moorhead.
B. Tosco.

A. David S. Cohen.
B. Computer & Communications Industry Association.

A. Michael J. Cohen.
B. American International Group.

A. Collier, Shannon, Rill & Scott.
B. American Frozen Food Institute.

A. Collier, Shannon, Rill & Scott.
B. Crop Insurance Research Bureau.

A. Collier, Shannon, Rill & Scott.
B. Cylinder Manufacturers Association.

A. Collier, Shannon, Rill & Scott.
B. Ferrous Scrap Consumers Coalition.

A. Collier, Shannon, Rill & Scott.
B. Food Marketing Institute.

A. Collier, Shannon, Rill & Scott.
B. Independent Lubricant Manufacturers Association.

A. Collier, Shannon, Rill & Scott.
B. National Association of Convenience Stores.

A. Collier, Shannon, Rill & Scott.
B. National Broiler Council.

A. Collier, Shannon, Rill & Scott.
B. Society of Independent Gasoline Marketers of America.

A. Collier, Shannon, Rill & Scott.
B. Tool and Stainless Steel Industry Committee.

A. Stephen J. Collins.
B. Motor Vehicle Manufacturers Association of the U.S., Inc.

A. Committee for Effective Tax Incentives.

A. Committee for Equality of Citizens Before the Courts.

A. James T. Conner.
B. Mobay Chemical Corp.

A. Gregory Conrad.
B. American Mining Congress.

A. Conservatives Against Liberal Legislation.

A. Jay Constantine.
B. Parents and Friends of UAG.

A. John J. Contney.
B. Textile Rental Services Assn. of America.

A. Emanuel M. Cooper.

A. William C. H. Coppola.
B. Committee to Safeguard Prisoners Rights.

A. Alfred C. Cordon.
B. Buffalo Broadcasting Co.

A. Samuel C. Corey, Jr.
B. Provident Indemnity Life Insurance Co.

A. Samuel C. Corey, Sr.
B. Provident Indemnity Life Insurance Co.

A. Bennett J. Corn.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Mary Marcotte Corrigan.
B. National Rifle Association of America.

A. Cosmetic, Toiletry & Fragrance Association.

A. Daniel T. Coughlin.
B. Jos. Schlitz Brewing Co.

A. John F. Cove.
B. Cove Associates (for Aerospace/Optical Division, ITT).

A. John F. Cove.
B. Cove Associates (for Association of U.S. Night Vision Manufacturers).

A. C. Bryan Cox.
B. Kansas City Life Insurance Co.

A. Joseph S. Crane.
B. American Institute of Architects.

A. Charles S. Crawford.
B. Gray & Company (for American Iron & Steel Institute).

A. Charles S. Crawford.
B. Gray & Company (for Avis Enterprises).

A. Charles S. Crawford.
B. Gray & Company (for Beretta Corp.)

A. Charles S. Crawford.
B. Gray & Co. (for HTB Corp.)

A. Charles S. Crawford.
B. Gray & Co. (for Tera Corp.)

A. Don J. Creola.
B. PA State Education Association.

A. P. H. Croft.
B. American Short Line Railroad Association.

A. Charles H. Cromwell, Inc.
B. General Electric.

A. Charles H. Cromwell, Inc.
B. Hughes Helicopters.

A. Charles H. Cromwell, Inc.
B. Motorola, Inc.

A. Charles H. Cromwell, Inc.
B. Northrop Corp.

A. Charles H. Cromwell, Inc.
B. Vought Corp.

A. James H. Cromwell, Sr.
B. Med-E-Jet Corp.

A. James H. Cromwell, Sr.
B. Worldgate Office Park.

A. Bobby E. Crow.
B. Columbia Gulf Transmission Co.

A. William E. Cumberland.
B. Mortgage Bankers Association of America.

A. Sharon Allen Currens.
B. American Institute of Architects.

A. Everett E. Cutter.
B. Oregon Railroad Association.

A. David S. Danielson.
B. American Optometric Association.

A. J. Edward Day.
B. Electronic Industries Association.

A. J. Edward Day.
B. Third Class Mail Association.

A. Winston M. Decker.
B. American Veterinary Medical Association.

A. Winston M. Decker.
B. Association of American Veterinary Medical Colleges.

A. Stephen T. Delamater.
B. Halliburton Co.

A. O. Mark De Michele.
B. Arizona Public Service Co.

A. Bradford T. Dempsey.

A. Claude J. Desautels.
B. Flavor Extract Manufacturers Association.

A. James T. Devine.
B. Bowling Proprietors of America.

A. Dewey, Ballantine, Bushby, Palmer & Wood.
B. Beneficial Corp.

A. Dewey, Ballantine, Bushby, Palmer & Wood.
B. General Electric Pension Trust.

A. Dewey, Ballantine, Bushby, Palmer & Wood.

A. Dewey, Ballantine, Bushby, Palmer & Wood.
B. Teachers Insurance & Annuity Association of America.

A. Kendall P. Dexter.
B. MacMillan Bloedel, Inc.

A. James J. Dickman.
B. New York Shipping Association, Inc.

A. Dickstein, Shapiro & Morin.
B. American Fisheries Defense Committee.

A. Dickstein, Shapiro & Morin.
B. Capeway Seafoods, Inc.

A. Dickstein, Shapiro & Morin.
B. L-5 Society.

A. Dickstein, Shapiro & Morin.
B. Marine Engineers Beneficial Association.

A. Dickstein, Shapiro & Morin.
B. Rockport Yacht & Supply Co.

A. Dickstein, Shapiro & Morin.
B. Tennessee Gas Transmission Co.

A. Harley M. Dirks.
B. Health & Medicine Counsel of Washington.

A. John C. L. Donaldson.
B. Gray & Co. (for Defense Logistics Supply Corp.).

A. John C. L. Donaldson.
B. Gray & Co. (for Tera Corp.).

A. William D. D'Onofrio.
B. National Association for Neighborhood Schools, Inc.

A. James A. Dorsch.
B. Health Insurance Association of America.

A. Law Office of Robert H. Doyle.
B. Plumbing Manufacturers Institute.

A. Law Office of Robert H. Doyle.
B. Water Systems Council.

A. Drinker, Biddle & Reath.
B. Phoenix Steel Corp.

A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Petroleum Corp.).

A. A. W. H. Drushel, Jr.
B. Vinson & Elkins (for Quintana Refinery Co.).

A. Barbara S. Dudeck.
B. American Honda Motor Co., Inc.

A. Mary Jane Due.
B. American Mining Congress.

A. Eugene Dwight Dugger.
B. Emmanuels Trucking, Inc.

A. Evelyn Dukovic
B. Morality in Media, Inc.

A. Don R. Duncan.
B. Phillips Petroleum Co.

A. Robert B. Duncan.
B. General Aviation Manufacturers Association.

A. Robert B. Duncan.
B. Litchstreet Co.

A. Duncan, Weinberg & Miller, P.C.
B. Dayton-Montgomery County Park District.

A. Duncan, Weinberg & Miller, P.C.
B. Delaware 5.

A. Duncan, Weinberg & Miller, P.C.
B. East Bay Regional Park District.

A. Duncan, Weinberg & Miller, P.C.
B. Iva May Harvey.

A. Duncan, Weinberg & Miller, P.C.
B. Huron-Clinton Metropolitan Authority.

A. Duncan, Weinberg & Miller, P.C.
B. Adolph Kizas.

A. Duncan, Weinberg & Miller, P.C.
B. Koniag, Inc.

A. Duncan, Weinberg & Miller, P.C.
B. Mid-West Electric Consumer Association.

A. Duncan, Weinberg & Miller, P.C.
B. Western Fuels Association, Inc.

A. James W. Dunlop
B. Brooklyn Union Gas Co.

A. Mari Lee Dunn.
B. American Council for Capital Formation.

A. John H. Dunne.
B. International Federation of Professional & Technical Engineers.

A. Joseph L. Duran.
B. First National Bank of Boston.

A. Henry I. Dworshak.
B. American Mining Congress.

A. Roderick T. Dwyer.
B. American Mining Congress.

A. Eaton Associates, Inc.

A. Charles H. S Eaton.
B. Eaton Associates, Inc.

A. Robert E. L. Eaton.
B. Eaton Associates, Inc.

A. William Echols.
B. American Mining Congress.

A. Economic Service Consortium.

A. Edelman International Corp.
B. Republic of Uganda/Embassy of Uganda.

A. William R. Edgar.
B. Gates Learjet Corp.

A. Anne Edlund.
B. Motor Vehicle Manufacturers Association.

A. Ed Edmondson.
B. American Inland Waterways Committee.

A. Ed Edmondson.
B. Cherokee Nation.

A. Ed Edmondson.
B. Doss Aviation, Inc.

A. Ed Edmondson.
B. I.U. International Management Corp.

A. Ed Edmondson.
B. Oklahoma Association of Electric Coops.

A. Ed Edmondson.
B. U.S. Maritime Committee, Inc.

A. Edwards Associates, Inc.
B. Confederated Tribes of Warm Springs.

A. Edwards Associates, Inc.
B. Portland General Electric Co.

A. J. Rodney Edwards.
B. American Paper Institute, Inc.

A. Eggers & Greene, P.C.
B. Whitney National Bank of New Orleans.

A. Joseph J. Eley.
B. Squibb Corp.

A. Ely, Guess & Rudd.

A. Law Offices of Northcutt Ely.
B. Ocean Mining Associates.

A. Steven L. Engelberg.
B. American Association of Marriage & Family Therapy.

A. Sam J. Ervin, Jr.
B. Mead Corp.

A. Donald C. Evans.

A. Ellen Egan Eves.
B. ICI Americas, Inc.

A. Robbie Exley.
B. National Federation of Federal Employees.

A. Robert S. Faron.
B. LeBoeuf, Lamb, Leiby & MacRae.

A. Michael Farrar.
B. American Paper Institute, Inc.

A. Penelope S. Farthing.
B. American Insurance Association.

A. Arthur Fefferman.
B. American Council of Life Insurance.

A. John F. Feilders.
B. Hudson Bay Mining & Smelting Co., Ltd.

A. John W. Feist.
B. Kaiser Steel Corp.

A. C. W. Fendrick.
B. Research-Cottrell, Inc.

A. Betsy Ferguson.
B. Times Mirror Co.

A. John Festa.
B. American Paper Institute, Inc.

A. Blaine Fielding.
B. American Paper Institute, Inc.

A. Samuel Fine.
B. Priest & Fine, Inc.

A. Richard J. Fiorini.
B. Noranda Mining, Inc.

A. Fisher & Sinick, P.C.
B. League of New York Theatres & Producers, Inc.

A. John H. Fitch, Jr.
B. National Association of Wholesaler-Distributors.

A. Mark Fitzgerald.
B. National Association of Home Builders of the United States.

A. David H. Foerster.
B. National Education Association.

A. Raymond J. Foley.
B. National Candy Wholesalers Association, Inc.

A. Carol J. Forbes.
B. Duane Pankratz.

A. Charles Ford.
B. Motor Vehicle Manufacturers Association.

A. Susan E. Fracarolli.
B. Manville Corp.

A. Joseph L. Fraites.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. William C. France.
B. National Motorsports Committee of ACCUS.

A. William H. G. France.
B. National Motorsports Committee of ACCUS.

A. Alfred S. Frank, Jr.
B. NCR Corp.

A. Gregory W. Frazier.
B. International Energy Brokers, Inc.

A. Lewis R. Freeman, Jr.
B. Society of the Plastics Industry, Inc.

A. Robert E. Freer, Jr.
B. Kimberly-Clark Corp.

A. Sara Hamric Freund.
B. American Paper Institute, Inc.

A. Ronna Freiberg.
B. Gray & Co. (for ASARCO).

A. Ronna Freiberg.
B. Gray & Co. (for Budd Co.).

A. Ronna Freiberg
B. Gray & Co. (for General Telephone & Electronics).

A. Ronna Freiberg
B. Gray & Co. (for Group W).

A. Ronna Freiberg
B. Gray & Co. (for Motorola).

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Doyon, Ltd.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Norton Sound Health Corp.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Oglala Sioux Tribe.

A. Fried, Frank, Harris, Shriver & Kampelman.
B. Rosebud Sioux Tribe.

A. Barry A. Friedman.
B. Wilner & Scheiner (for American Society of Travel Agents, Inc.).

A. James M. Friedman.
B. Cleveland Electric Illuminating Co.

A. Terry Gabrielson.
B. Transcontinental Gas Pipeline Corp.

A. Joe H. Galis.

A. L. H. Gall.
B. Transco Cos., Inc.

A. Gardner, Carton & Douglas.
B. FTC Communications.

A. Gardner, Carton & Douglas.
B. Sealed Power Corp.

A. Edward A. Garmatz.
B. Baltimore Gas & Electric Co.

A. Nicholas Garnett.
B. National Insulation Contractors Association.

A. James J. Garry.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Garvey, Schubert, Adams & Barer.
B. American Pyrotechnics Association.

A. Garvey, Schubert, Adams & Barer.
B. Grocery Manufacturers of America, Inc.

A. Garvey, Schubert, Adams & Barer.
B. PACCAR, Inc.

A. Garvey, Schubert, Adams & Barer.
B. Pacific Rim Trade Association.

A. Garvey, Schubert, Adams & Barer.
B. Washington Citizens for World Trade.

A. Morton A. Geller.
B. First National Bank of Boston.

A. George & George, P.C.
B. Continental Resources Co.

A. George & George, P.C.
B. Pepsico, Inc.

A. George & George, P.C.
B. Riss International.

A. W. Peyton George.
B. Continental Resources Co.

A. George W. Gephart.
B. Baltimore Gas & Electric Co.

A. Phyllis H. Gerstell.
B. American Council of Life Insurance.

A. William T. Gibb III.
B. American Council of Life Insurance.

A. GIC Financial Services Corp.

A. Norma Gilbert.
B. Motorola, Inc.

A. Arthur P. Gildea.
B. Brewery & Soft Drink Workers, National Conference.

A. Mark W. Gillaspie.
B. Houston Natural Gas Corp.

A. Joe L. Gilmore.
B. Chrysler Defense, Inc.

A. Michael K. Gire.
B. American Small & Rural Hospital Association (Ohio Chapter).

A. John P. Gleason, Jr.
B. Brick Institute of America.

A. Vance V. Goodfellow.
B. Crop Quality Council.

A. Robert D. Gordon.
B. International Union of Police Associations.

A. Irmgard Gordos.
B. National Security Council.

A. Government Relations Associates, Inc.
B. Kaiser Steel Corp.

A. John R. Graff.
B. International Association of Amusement Parks & Attractions.

A. Graham & James.
B. Neptune Orient Lines, Ltd.

A. Ruth Graves.
B. Reading Is Fundamental, Inc.

A. Robert K. Gray.
B. Gray & Co.

A. Robert K. Gray.
B. Gray & Co. (for American Iron and Steel Institute).

A. Robert K. Gray.
B. Gray & Co. (for American Trucking Association).

A. Robert K. Gray.
B. Gray & Co. (for ASARCO).

A. Robert K. Gray.
B. Gray & Co. (for Beretta Corp.).

A. Robert K. Gray.
B. Gray & Co. (for El Paso Natural Gas).

A. Robert K. Gray.
B. Gray & Co. (for Group W).

A. Robert K. Gray.
B. Gray & Co. (for Health Insurance Association of America).

A. Robert K. Gray.
B. Gray & Co. (for HTB Corp).

A. Robert K. Gray.
B. Gray & Co. (for Motorola).

A. Robert K. Gray.
B. Gray & Co. (for Quixote Corp.).

A. Mark E. Grayson.
B. Hill & Knowlton, Inc.

A. Samuel A. Grayson.
B. Union Pacific Railroad Co.

A. Edward M. Green.
B. Americn Mining Congress.

A. Wayne Green.
B. 73 Magazine.

A. L. George Griffin.
B. National Association of Realtors.

A. A. Jack Grimes.
B. National Pest Control Association.

A. Chester A. Groseclose, Jr.
B. South Dakota Railroads Association.

A. Richard J. Grunewald.
B. National Construction Employers Council.

A. John T. Grupenhoff.
B. American Academy of Dermatology.

A. John T. Grupenhoff.
B. American Gastroenterological Association.

A. John T. Grupenhoff.
B. National Association for Hospital Development.

A. Larry Grupp.
B. J. R. Simplot Co.

A. Thomas M. Gunn.
B. McDonnell Douglas Corp.

A. C. James Hackett.
B. American Plywood Association.

A. Charles W. Hackney, Jr.
B. National Association of Home Builders of the United States.

A. Ann Hagemann.
B. American Broadcasting Co.

A. William D. Hager.
B. American Academy of Actuaries.

A. Martin Ryan Haley & Associates. Inc.
B. Agri-Business, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. American Energy, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. Central Texas Grain Products Marketing Cooperative.

A. Martin Ryan Haley & Associates, Inc.
B. Louis Dreyfus Corp.

A. Martin Ryan Haley & Associates, Inc.
B. Grain Products Alcohol Cooperatives.

A. Martin Ryan Haley & Associates, Inc.
B. High Plains Grain Products Cooperative.

A. Martin Ryan Haley & Associates, Inc.
B. M&M/Mars Division of Mars, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. Marion Laboratories, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. New England Council, Inc.

A. Martin Ryan Haley & Associates, Inc.
B. New England Mutual Life Insurance Co.

A. Martin Ryan Haley & Associates, Inc.
B. North Plains Grain Products Cooperative.

—

A. Martin Ryan Haley & Associates, Inc.
B. Northwest Texas Grain Products Cooperative.

—

A. Martin Ryan Haley & Associates, Inc.
B. Power Authority of the State of New York.

—

A. Martin Ryan Haley & Associates, Inc.
B. Telephone & Data Systems, Inc.

—

A. Martin Ryan Haley & Associates, Inc.
B. Tobacco Tax Council.

—

A. Martin Ryan Haley & Associates, Inc.
B. West Alabama Grain Products Cooperative, Inc.

—

A. William F. Hall.
B. William Hall & Associates, Inc.

—

A. Joseph Halow.
B. North American Export Grain Associates, Inc.

—

A. Halt, Inc.

—

A. Hamel, Park, McCabe & Saunders.
B. State of Alaska.

—

A. Robert E. Hampton.
B. ICI Americas, Inc.

—

A. George J. Hanks, Jr.
B. Union Carbide Corp.

—

A. Hannaford Co., Inc.
B. Asociacion de Amigos del Pais.

—

A. Hannaford Company, Inc.
B. Fireman's Fund Insurance Cos.

—

A. Hannaford Co., Inc.
B. Merrill Lynch White Capital Markets Group.

—

A. Hannaford Co., Inc.
B. Tosco Corp.

—

A. David T. Hardy.
B. National Rifle Association.

—

A. Edwin H. Harvey.
B. National Federation of Federal Employees.

—

A. Paul Hasse.
B. Halt, Inc.

—

A. Gary Hattal.
B. International Federation of Professional & Technical Engineers, AFL-CIO.

—

A. Kathryn JoAnn Hawes.
B. International Federation of Professional & Technical Engineers, AFL-CIO

—

A. Junius Hayes III.
B. Progress, Inc.

—

A. Health Insurance Association of America.

—

A. Charles L. Hebner.
B. ICI Americas, Inc.

—

A. Robert E. Heggestad.
B. Manufactured Housing Institute, Inc.

—

A. Lon H. Heibeck.
B. PA State Education Association.

—

A. Richard L. Hellwege.
B. Lear Siegler, Inc.

—

A. C. Dayle Henington.
B. Chicago Mercantile Exchange.

—

A. William G. Herrold.
B. Institute of Electrical & Electronic Engineers.

—

A. Allan D. Hill.
B. Phillips Petroleum Co.

—

A. Gerald "Jerry" Hill.
B. Standard Oil Co. (Indiana).

—

A. Hill & Knowlton, Inc.
B. Florists' Transworld Delivery.

—

A. Morton A. Hill.
B. Morality in Media, Inc.

—

A. Patricia Hill.
B. American Paper Institute, Inc.

—

A. Himes & Ketchey, P.A.
B. PHH Group, Inc.

—

A. Beverly Hines.
B. VISA USA, Inc.

—

A. Robert J. Hobbs.
B. National Consumer Law Center, Inc.

—

A. William H. Hoffman, Jr.
B. American Iron & Steel Institute.

—

A. Niels Holch
B. Gray & Co. (for American Iron & Steel Institute).

—

A. Niels Holch
B. Gray & Co. (for American Maritime Association).

—

A. Henry W. Holling.
B. Caterpillar Tractor Co.

—

A. Holt Cicatiello Neiswanger & Ross, Inc.
B. New York Mercantile Exchange.

—

A. John F. Horty.
B. National Council of Community Hospitals.

—

A. Sanford D. Horwitt.
B. Committee for Humane Legislation.

—

A. Housley Goldberg & Kantarian, P.C.

—

A. Mary Greer Houston.
B. Hamilton & Associates, Inc. (for Farm Labor Research Committee).

—

A. C. T. Hoversten.
B. National Advertising Co.

—

A. Virginia A. Hoy.
B. National Multi Housing Council.

—

A. Margaret Renken Hudson.
B. Korf Industries, Inc.

—

A. Gary E. Hughes.
B. American Council of Life Insurance.

—

A. Vester T. Hughes, Jr.
B. Sammons Enterprises, Inc.

—

A. Cordell W. Hull.
B. Bechtel Group, Inc.

—

A. Frederick D. Hunt, Jr.
B. Society of Professional Benefit Administrators.

—

A. Lawrence H. Hunt, Jr.
B. Sidley & Austin (for Heinold Commodities, Inc. & ContiCommodity Services, Inc.).

—

A. Peter C. Hunt.
B. Brooklyn Union Gas Co.

—

A. Harry Hunter.
B. National Association of Convenience Stores.

—

A. Gerard F. Hurley.
B. National Club Association.

—

A. John Edward Hurley.

—

A. John Edward Hurley.
B. National Association for Free Enterprise.

—

A. Robert R. Hurt.
B. Merck & Co., Inc.

—

A. Gary Hymel.
B. Gray & Co. (for American Iron & Steel Institute).

—

A. Gary Hymel.
B. Gray & Co. (for ASARCO, Inc.).

—

A. Gary Hymel.
B. Gray & Co. (for Beretta Corp.).

—

A. Gary Hymel.
B. Gray & Co. (for General Telephone & Electronics).

—

A. Gary Hymel.
B. Gray & Co. (for Motorola).

—

A. Bernard J. Imming.
B. United Fresh Fruit & Vegetable Association.

—

A. Independent Lubricant Manufacturers Association.

—

A. Nancy J. Ingalsbee.
B. United States Ski Association.

—

A. Institute of Internal Auditors, Inc.

—

A. Inter-American Services, Inc.
B. Universidad Antoroma de Guadalajara.

—

A. International Brotherhood of Painters & Allied Trades.

—

A. Roy Jacobsen.
B. Parents & Friends of UAG.

—

A. Joseph J. Jaquay.
B. Amalgamated Transit Union, AFL-CIO.

—

A. Evelyn Jarvis-Ferris.
B. Shaklee Corp.

—

A. Joseph A. Jeffrey.
B. American Mining Congress.

—

A. James C. Jennings.
B. Gray & Co.

—

A. Donald A. Johnson.
B. Plains Cotton Growers, Inc.

—

A. Edward Johnson.
B. American Mining Congress.

—

A. H. Bradley Johnson.
B. American Mining Congress.

—

A. Spencer A. Johnson.
B. Paperboard Packaging Council.

—

A. Barbara W. Johnston.
B. Utah International, Inc.

—

A. James E. Jones.
B. Appalachian Power Co.

—

A. Gregory N. Johnson.

B. U.S. Industrial Council.

A. James V. Jordan III.
B. Southern Natural Gas Co.

A. Ardon B. Judd, Jr.
B. Dresser Industries, Inc.

A. Geza Kadar, Jr.
B. Health Insurance Association of America.

A. Hans Kaehler.
B. Consultant Research Service.

A. Kaiser Steel Corp.

A. Howard C. Katz.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Everett E. Kavanaugh.
B. Cosmetic, Toiletry & Fragrance Association.

A. Kaye, Scholer, Fierman, Hays & Handler.
B. American Psychoanalytic Association.

A. Vicki R. Keenan.
B. Bechtel Power Corp.

A. Jefferson D. Keith.
B. National Pest Control Association.

A. Donald W. Keller.
B. Quintana Petroleum Corp.

A. Don Kellermann.
B. Times Mirror Co.

A. Stephen G. Kellison.
B. American Academy of Actuaries.

A. William T. Kendall.
B. Alliance for Free Enterprise.

A. William J. Kenney.
B. Bay State Gas Co.

A. Vytautas Kerbelis.
B. ARAS.

A. Robert M. Ketchel.
B. General Electric Co.

A. Gilbert W. Keyes.
B. Boeing Co.

A. Earline A. Keyser.
B. Bechtel Power Corp.

A. Richard F. Kibben.
B. Business Roundtable.

A. Kikkoman Foods, Inc.

A. Daniel L. Kiley.
B. Norfolk and Western Railway Co.

A. James L. Kimble.
B. American Insurance Association.

A. Edward H. King.
B. Walgreen Co.

A. G. Jack King.
B. US Air, Inc.

A. Kirkpatrick, Lockhart, Hill, Christopher & Phillips.
B. Morgan Guaranty Trust Co. of New York.

A. Kirkpatrick, Lockhart, Hill, Christopher & Phillips.
B. Republic National Bank of New York.

A. Kirkpatrick, Lockhart, Hill, Christopher & Phillips.
B. Whitney National Bank of New Orleans.

A. Ronald A. Kitlas.
B. Kellogg Co.

A. Robert B. Kittredge.
B. Investment Counsel Association of America, Inc.

A. Allie C. Kleinpeter, Jr.
B. Louisiana Bankers Association.

A. Kline, Knopf & Wojdak, Inc.
B. General Public Utilities Corp.

A. John J. Klocko III
B. E. I. du Pont de Nemours & Co., Inc.

A. Glenn Knapp.

A. Jeffrey W. Knight.
B. Friends of the Earth.

A. Charles B. Kornmann.
B. South Dakota Railroads Association.

A. Joseph H. Kramer III.
B. Gray & Co. (for HTB Corp.).

A. Philip Kugler.
B. American Federation of Teachers.

A. Labor Bureau, Inc.

A. Bruce C. Ladd, Jr.
B. Laclede Gas Co.

A. C. Peter Lambos.
B. New York Shipping Association, Inc.

A. Thomas M. Landin.
B. SmithKline Corp.

A. B. A. Landy.
B. B. A. Landy Co.

A. B. A. Landy.
B. Cryogenic Vacuum Tech. Co.

A. Albert E. Lane.
B. People Opposed to Energy Lobby (POTEL).

A. James LaSala.
B. Amalgamated Transit Union, AFL-CIO.

A. Michael J. Lashbrook.
B. National Rifle Association.

A. Latham, Watkins & Hills.
B. Commonwealth of Puerto Rico.

A. Ted Lattanzio.
B. National Rifle Association.

A. Louis F. Laun.
B. American Paper Institute, Inc.

A. Henry J. Lawrence, Jr.
B. American Institute of Architects.

A. Richard J. Lease.

A. Kerley LeBoeuf.
B. National Association of Convenience Stores.

A. Leboeuf, Lamb, Leiby & MacRae.
B. Underwriters at Lloyd's, London.

A. David A. Lefeve.
B. Merrill Lynch & Co.

A. Richard A. Legatski.
B. National Ocean Industries Association.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. Adhesive & Sealant Council, Inc.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. American Association of Nurse Anesthetists.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. City & Regional Magazine Association.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. General Instrument Corp.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. Intraocular Lens Manufacturers Association.

A. Leighton, Conklin, Lemov, Jacobs & Buckley.
B. National Glass Dealers Association.

A. Leonard, Koehn, Rose & Hurt, P.C.

A. Rodney E. Leonard.
B. Community Nutrition Institute.

A. Richard L. Lesher.
B. Chamber of Commerce of the United States.

A. Joseph A. Letorney.
B. National Education Association.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. American Electric Power Service Corp.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Business Roundtable.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Consolidated Edison Co. of New York, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Cooperative for American Relief Everywhere, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. General Electric Co.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Glass Packaging Institute.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Holy Cross Hospital.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. National Association for Hospital Development.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. National Association of Supermarket Shoppers.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. Tosco, Inc.

A. Leva, Hawes, Symington, Martin & Oppenheimer.
B. U.S. Industries, Inc.

A. Robert J. Levering.
B. Direct Selling Association.

A. Manuel Levine.
B. Wood, Lucksinger & Epstein.

A. Charles L. Lewis.
B. American Personnel & Guidance Association.

A. James B. Liberman.
B. Public Service Electric & Gas Co. et al.

A. Lillian C. Liburdi.
B. Ganz Mavag.

A. Lillian C. Liburdi.
B. Westinghouse Electric Corp.

A. Russell B. Light.
B. Boeing Co.

A. Richard A. Lillquist.
B. Flexible Packaging Association.

A. Tom Lisk.
B. National Rifle Association.

A. H. Richard Lloyd, Jr.
B. General Electric Co.

A. Robert H. Loeffler.
B. Morrison & Foerster (for State of Alaska).

A. Nils A. Lofgren.
B. Motor Vehicle Manufacturers Association.

A. Nira Hardon Long.
B. National Black Media Coalition.

A. John H. Lonnquist, Jr.
B. Manville Corp.

A. Robert C. Lower.
B. Board of Trade Clearing Corp.

A. W. Fletcher Lutz.
B. Association of Government Accountants.

A. James E. Mack.
B. National Association of Mirror Manufacturers.

A. Curtis T. Mackey.
B. National Insulation Contractors Association.

A. Lee G. Magnussen.
B. Heinold Commodities, Inc.

A. Robert L. Maier.
B. Kaiser Aluminum & Chemical Corp.

A. Mary Jo Malone.
B. American Institute of Architects.

A. Manatt, Phelps, Rothenberg & Tunney.
B. Institute of Electrical and Electronic Engineers.

A. Manatt, Phelps, Rothenberg & Tunney.
B. National Investment Development Corp.

A. Manatt, Phelps, Rothenberg & Tunney.
B. National Restaurant Association.

A. Manatt, Phelps, Rothenberg & Tunney.
B. Los Angeles (City) Community Redevelopment Agency.

A. Manatt, Phelps, Rothenberg & Tunney.
B. James Schneider.

A. Manchester Associates, Ltd.
B. Nissan Motor Co., Ltd.

A. Ted R. Mannen.
B. Health Industry Manufacturers Association.

A. Lawrence D. Markley.
B. Chugach Electric Association, Inc.

A. Nathan Fred Marks.

A. Ronald Anthony Marks.

A. Chalmers H. Marquis.
B. Agency for Instructional TV.

A. Chalmers H. Marquis.
B. Children's TV Workshop.

A. John C. Martin.

A. Ernest C. Marty.

A. Judith Marty

A. Mike M. Masaoka.
B. American Japanese Trade Committee.

A. Mike M. Masaoka.
B. Nisei Lobby.

A. Scott A. Mason.
B. Samaritan Health Services.

A. Jon G. Massey.
B. Oil Investment Institute.

A. William F. Massmann.
B. Dr Pepper Co.

A. C. V. & R. V. Maudlin.
B. Joint Government Liaison Committee.

A. Samuel L. Maury.
B. United States Steel Corp.

A. Charles H. Mauzy.
B. National Education Association.

A. Michael J. McCabe.
B. Allstate Enterprises Inc.

A. Michael J. McCabe.
B. Allstate Insurance, Co.

A. A. R. McCammon.
B. Tennessee Railroad Association.

A. Robert S. McConnaughey.
B. American Council of Life Insurance.

A. Toni McCrary.
B. American Mining Congress.

A. Marianne McDermott.
B. Hill and Knowlton, Inc.

A. Patrick J. McDonough.
B. American Personnel & Guidance Association.

A. Dinah D. McElfresh.
B. Hauck & Associates, Inc. (for National Association of Child Care Management).

A. James M. McGarry, Jr.
B. Eaton Associates, Inc.

A. W. Curt McGee.
B. Bechtel National, Inc.

A. Donna Lee McGee.
B. Burlington Industries, Inc.

A. Joseph M. McGuire.
B. National Association of Home Builders of the United States.

A. William F. McKenna.
B. Housley Goldberg & Kantarian, P.C.

A. Robert T. McKernan.
B. American Paper Institute, Inc.

A. William Colm McKeveny.
B. American Pulpwood Association.

A. James A. McPherson.
B. Missouri River Basin Association.

A. Robert E. McVicker.
B. Kollsman Instrument Co.

A. R. E. McWilliams.
B. Boeing Commercial Airplane Co.

A. David O. Meeker, Jr.
B. American Institute of Architects.

A. Howard N. Menaker.
B. American Optometric Association.

A. Edward A. Merlis.
B. New Energy Corp. of Indiana.

A. Merrill Lynch Money Markets, Inc.

A. Metzger, Shadyac & Schwarz.
B. Melex U.S.A., Inc.

A. Andrice Michaels.
B. American Mining Congress.

A. Dale Miller.
B. Gulf Intracoastal Canal Association.

A. Dale Miller.
B. Texasgulf, Inc.

A. Deborah Imle Miller.
B. National Association of Home Builders of the United States.

A. Herbert J. Miller, Jr.
B. Mead Corp.

A. John C. Miller.
B. Cominco American, Inc.

A. Robert H. Miller.
B. Tenneco, Inc.

A. Stacey J. Mobley.
B. E. I. du Pont de Nemours & Co.

A. Robert M. Moliter.
B. General Electric Co.

A. John V. Moller.
B. Nissan Motor Co.

A. John C. Monsul.

A. E. Joyce Morgan.
B. American Mining Congress.

A. Morgan, Lewis & Bockius.
B. Consolidated Natural Gas Co.

A. Morgan, Lewis & Bockius.
B. Knoll Fine Chemicals.

A. Kelly Holley Mountain.
B. American Paper Institute, Inc.

A. Fareed A. Muhammad.
B. Prisoners of the State of Indiana, et al.

A. Frank Dominic Musica.
B. American Institute of Architects.

A. Lawrence P. Mutter.
B. Automotive Parts Rebuilders Association.

A. Paul J. Myer.
B. American Broadcasting Co.

A. National Association for Free Enterprise.

A. National Association for Humane Legislation, Inc.

A. National Association of Convenience Stores.

A. National Association of Federally Licensed Firearms Dealers.

A. National Association of Truck Stop Operators.

A. National Club Association.

A. National Consumer Center for Legal Services.

A. National Council for a Responsible Firearms Policy.

A. National Fertilizer Solutions Association.

A. National Motorsports Committee of ACCUS.

A. National Outdoor Coalition.

A. National Pest Control Association.

A. National Public Affairs Corp.
B. Westinghouse Electric Corp.

A. National Public Affairs Corp.

A. National Resource Center for Consumers of Legal Services.

A. National Turkey Federation.

A. Mark D. Nelson.
B. E. I. du Pont de Nemours & Co., Inc.

A. Thomas C. Nelson.
B. American Mining Congress.

A. Michael A. Nemeroff.
B. Sidley & Austin (for DeKalb AgResearch, Inc.).

A. Michael A. Nemeroff.
B. Sidley & Austin (for Stern Electronics, Inc.).

A. Milton E. Neshek.
B. Godfrey, Pfeil & Neshek, S.C. (for Kikkoman Foods, Inc.).

A. New York Committee of International Committee of Passenger Lines.

A. Leslie F. Newcomer.
B. Philadelphia National Bank.

A. North American Export Grain Association., Inc.

A. C. D. Nyberg.
B. Geo. A. Hormel & Company.

A. M. Eileen O'Brien.
B. Dow Corning Corp.

A. O'Connor & Hannan.
B. American Institute of Certified Public Accountants.

A. O'Connor & Hannan.
B. Automotive Parts & Accessories Association.

A. O'Connor & Hannan.
B. Commonwealth of Puerto Rico.

A. O'Connor & Hannan.
B. Investment Co. Institute.

A. O'Connor & Hannan.
B. Investors Diversified Services, Inc.

A. O'Connor & Hannan.
B. National Association of Numismatic Professionals.

A. O'Connor & Hannan.
B. John Nuveen & Co.

A. O'Connor & Hannan.
B. Police Association of the District of Columbia.

A. O'Connor & Hannan.
B. Westinghouse Electric Corp.

A. T. J. Oden.
B. National Forest Products Association.

A. Ashton J. O'Donnell.
B. Bechtel National, Inc.

A. John A. O'Donnell.
B. Philippine Sugar Commission.

A. Oil Investment Institute.

A. R. Q. Old & Associates, Inc.
B. General Electric Co.

A. R. Q. Old & Associates, Inc.
B. Gould, Inc.

A. R. Q. Old & Associates, Inc.
B. Grumman Aerospace Corp.

A. R. Q. Old & Associates, Inc.
B. Sperry Division.

A. Nancy J. Olson.
B. Manville Corp.

A. Roy Olson.
B. American Paper Institute, Inc.

A. M. Diane O'Toole.
B. Northrop Corp.

A. Lee W. Paden.
B. Public Service Co. of Oklahoma.

A. W. D. Page.
B. American Plywood Association.

A. Paperboard Packaging Council.

A. Douglas L. Parker.
B. Institute for Public Representation.

A. David J. Pattison.
B. Health Insurance Association of America.

A. Patton, Boggs & Blow.
B. New Process Co.

A. Larry E. Paulick.
B. National Spa & Pool Institute.

A. Richard A. Paysor.
B. First Capitol Associates—Gateway, Inc.

A. Peabody, Lambert & Meyers.
B. Tuna Research Foundation.

A. George C. Pendleton.
B. Canned & Cooked Meat Importers Association.

A. Pepper, Hamilton & Scheetz.
B. Coalition of Concerned Charities.

A. John J. Pesch.
B. Northrop Corp.

A. Victor J. Perini, Jr.
B. Highway Users Federation for Safety 7 Mobility.

A. Susan J. Petrick.
B. GATX Corp.

A. Richard F. Phillips.
B. Phillips Petroleum Co.

A. Pierson, Ball & Dowd.
B. Community Psychiatric Centers.

A. Pierson, Ball & Dowd.
B. Dun & Bradstreet Corp.

A. Pierson, Ball & Dowd.
B. Genentech, Inc.

A. Pierson, Ball & Dowd.
B. General Tire & Rubber Co.

A. Pierson, Ball & Dowd.
B. Infectious Diseases Society of America.

A. Pierson, Ball & Dowd.
B. Turner Elementary School.

A. Stuart F. Pierson.
B. Verner, Liipfert, Bernhard & McPherson (for Pan Am, LTV Corp., Consolidated Freightways, Overnite, Trailways, Airline of Portugal, Finnair, Commonwealth of Puerto Rico).

A. Pineapple Growers Association of Hawaii.

A. Ronald L. Platt.
B. Burger King Corp.

A. Robert E. Plett Associates.

A. Michael A. Poling.
B. American Mining Congress.

A. Henry E. Poole.
B. Avon Products, Inc.

A. Powell, Goldstein, Frazer & Murphy.
B. Lincoln Property Co.

A. Janet Power.
B. VISA U.S.A., Inc.

A. Graydon R. Powers, Jr.
B. Scientific Apparatus Makers Association.

A. Preston, Thorgrimson, Ellis & Holman.
B. American Waterways Shipyard Conference.

A. Preston, Thorgrimson, Ellis & Holman.
B. BPA Industrial Customers.

A. Preston, Thorgrimson, Ellis & Holman.
B. Calista Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Chugach Natives, Inc.

A. Preston, Thorgrimson, Ellis & Holman.
B. Commercial Union Assurance Cos.

A. Preston, Thorgrimson, Ellis & Holman.
B. Crowley Maritime Corp.; Alaska Hydro-Train.

A. Preston, Thorgrimson, Ellis & Holman.
B. Dravo Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. Northern Tier Pipeline Co.

A. Preston, Thorgrimson, Ellis & Holman.
B. St. Joe Minerals Corp.

A. Preston, Thorgrimson, Ellis & Holman.
B. State of Alaska.

A. Preston, Thorgrimson, Ellis & Holman.
B. United States Cruises.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Department of Ecology.

A. Preston, Thorgrimson, Ellis & Holman.
B. Washington Natural Gas.

A. Preston, Thorgrimson, Ellis & Holman.
B. Yardarm Knot Corp.

A. Keith A. Pretty.
B. Standard Oil Co. (Indiana).

A. Daniel B. Priest.
B. Priest & Fine, Inc.

A. Arnold J. Prima.
B. American Institute of Architects.

A. Pro Life Congressional District Action Committee.

A. Provident Indemnity Life Insurance Co.

A. David E. Pullen.
B. Manville Corp.

A. Diana Pullin.
B. Center for Law & Education, Inc.

A. James M. Quigley.
B. Champion International Corp.

A. William A. Quinlan.
B. Retail Bakers of America.

A. Rare Animal Relief Effort, Inc.

A. C. Raulston.
B. American Paper Institute, Inc.

A. Julian O. Read.
B. Central & South West Corp.

A. Reading Is Fundamental, Inc.

A. Robert E. Redding.
B. Shippers National Freight Claim Council.

A. Timothy J. Redmon.
B. American Optometric Association.

A. Janet S. Reed.
B. Paralysis Cure Research Foundation.

A. William W. Reinertson.
B. American Optometric Association.

A. Harry O. Reinsch.
B. Bechtel Power Corp.

A. Murray P. Reiser.
B. Edward Blankstein, Inc.

A. W. W. Renfroe.
B. Kentucky Railroad Association.

A. John H. Reurs.
B. New York Committee of International Committee of Passenger Lines.

A. John T. Richardson.
B. Monsanto Co.

A. Lloyd C. Richardson, Jr.
B. South Dakota Railroads Association.

A. Russell W. Richardson.
B. Lear Siegler, Inc.

A. Don Ricketts.
B. American Mining Congress.

A. Mark J. Riedy.
B. Mortgage Bankers Association of America.

A. R. Scott Rinn.
B. American Council of Life Insurance.

A. James E. Ritchie.
B. National Association of Optometrists & Opticians, Inc.

A. Stark Ritchie.
B. American Petroleum Institute.

A. George Roberts.
B. National Education Association.

A. Jerome Robinson.
B. Florida Restaurant Association.

A. Ronn Robinson.
B. National Education Association.

A. John Rocha.

A. Willi Roelli.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Susan Rogers.
B. National Rifle Association.

A. Rogers, Hoge & Hills.
B. Formaldehyde Institute.

A. Rogers, Hoge & Hills.
B. National Association of Chain Drug Stores.

A. Rogers & Wells.
B. A. Johnson & Co., Inc.

A. Roger & Wells.
B. Merrill Lynch International, Inc.

A. Rogers & Wells.
B. Merrill Lynch Leasing, Inc.

A. Rogers & Wells.
B. Squibb Corp.

A. Rogers & Wells.
B. Teachers Insurance & Annuity Association/CREF.

A. Rogers & Wells.
B. Twentieth Century Fox Film Corp.

A. Carole M. Rogin.
B. Hauck & Associates, Inc. (for National Association for Child Care Management).

A. Jack Rollins.
B. Department of Defense Dependents School.

A. Kenneth S. Rolston, Jr.
B. American Pulpwood Association.

A. Richard F. Rosen.

A. John W. Rowland.
B. Amalgamated Transit Union, AFL-CIO.

A. Eric M. Rubin.
B. Outdoor Advertising Association of America.

A. Paul M. Ruden.
B. American Society of Travel Agents.

A. Herman Max Ruth.

A. Vincent J. Ryan.
B. Liberty Lobby, Inc.

A. Saenz International, Inc.

A. Thomas L. Sager.
B. E. I. du Pont de Nemours & Co.

A. Sammons Enterprises, Inc.

A. Dale E. Schell.
B. GATX Corp.

A. Joseph J. Scherer.
B. American Association of School Administrators.

A. Walter A. Schumann III.
B. Potomac Overlook Associates, Inc.

A. James H. Schuyler.
B. National Association of Home Builders of the United States.

A. Harry K. Schwartz.
B. City of Philadelphia.

A. Steve A. Schwartz.
B. International Federation of Professional & Technical Engineers, AFL-CIO.

A. 2nd Congressional District Action Committee.

A. Charles M. Seeger.
B. Popham, Haik, et al. (for Chicago Mercantile Exchange).

A. Charles M. Seeger.
B. Popham, Haik, et al. (for Glenrock Refinery, Inc.).

A. Charles M. Seeger.
B. Popham, Haik, et al. (for Newcomb Securities Co.).

A. Seifman, Semo & Slevin, P.C.
B. United Food & Commercial Workers International Union.

A. Barbara J. Shailor.
B. International Association of Machinists.

A. Seymour Sheriff.
B. Man-Made Fiber Producers Association, Inc.

A. Russell L. Shipley, Jr.
B. National Candy Wholesalers Association, Inc.

A. Shippers National Freight Claim Council.

A. Mary Frances Shlagel.
B. Union Oil Co. of Calif.

A. G. Scott Shotwell.
B. National Forest Products Association.

A. A. Z. Shows.

A. Barbara A. Silverman.
B. Provident Indemnity Life Insurance Co.

A. Robert C. Singer.
B. Soap & Detergent Association.

A. Richard L. Sinnott.
B. American President Lines.

A. Carstens Slack.
B. Phillips Petroleum Co.

A. Douglas S. Smith.
B. Noranda Mining, Inc.

A. Gordon L. Smith.
B. Hill & Knowlton, Inc. (for Florists' Transworld Delivery).

A. Sidney O. Smith.
B. Board of Trade of the City of Chicago.

A. Snyder & Ball Associates, Inc.
B. Aerojet-General Corp.

A. Snyder & Ball Associates, Inc.
B. DSP, Inc.

A. Snyder & Ball Associates, Inc.
B. Gould, Inc.

A. Richard D. Snyder.
B. Asphalt Roofing Manufacturers Association.

A. Society of Real Estate Appraisers.

A. South Dakota Railroads Association.

A. William C. Spence.
B. Columbia Gulf Transmission Co.

A. Earl C. Spurrier.
B. Monsanto Co.

A. Elisabeth A. Squeglia.
B. American Small & Rural Hospital Association.

A. Squire, Sanders & Dempsey.
B. Public Securities Association.

A. Melvin R. Stahl.
B. Motorcycle Industry Council, Inc.

A. David P. Stang, P.C.
B. Superlite Builders Supply, Inc.

A. Walter M. Starke.
B. Southern Natural Gas Co.

A. State & Federal Associates, Inc.
B. Schering-Plough Corp.

A. Robert R. Statham.
B. Committee for Commercial Energy Conservation.

A. Charles D. Statton.
B. Bechtel Power Corp.

A. David J. Steinberg.
B. National Council for a Responsible Firearms Policy.

A. Steptoe & Johnson.
B. Eastern Central Motor Carriers Association.

A. Travis B. Stewart.
B. Hoffman-La Roche, Inc.

A. John W. Stillwaggon.
B. Coffee, Sugar & Cocoa Exchange, Inc.

A. Alan Stover.
B. American Institute of Architects.

A. Roger J. Stroh.
B. United Fresh Fruit & Vegetable Association.

A. George Strong.
B. Houston Natural Gas Corp.

A. Austin P. Sullivan, Jr.
B. General Mills, Inc.

A. Janice Sullivan.
B. Progress, Inc.

A. A. B. Swindell IV.
B. North Carolina Railroad Association.

A. Shirley Ann Swinger.

A. Merribel Symington.
B. Champion International Corp.

A. Howard Symons.
B. Congress Watch.

A. Walter G. Talarek.
B. American Wood Preservers Institute.

A. Elinor D. Talmadge.
B. Tanners' Council of America.

A. H. William Tanaka.
B. Bridgestone Tire Co., Ltd.

A. Frank Taylor.
B. National Federation of Federal Employees.

A. Teamsters for a Democratic Union.

A. Jay D. Terry.
B. Leonard, Koehn, Rose & Hurt, P.C.

A. Thevenot, Murray & Scheer.
B. Joseph E. Seagram & Sons, Inc.

A. Thevenot, Murray & Scheer.
B. Swaziland Sugar Association.

A. Barbara Brendes Thies.
B. Planning Research Corp.

A. Doris I. Thomas.
B. National Association of Home Builders of the United States.

A. John W. Thomas.
B. American Veterinary Medical Association.

A. John W. Thomas.
B. Association of American Veterinary Medical Colleges.

A. Lawrence L. Thomas.
B. Bechtel Power Corp.

A. Jerry P. Thompson.
B. International Association of Machinists & Aerospace Workers.

A. Robert N. Thompson.
B. Moore McCormack Resources.

A. Title Associates, Inc.

A. M. Douglas Todd.
B. Northrop Corp.

A. Edward Tonat.
B. Robert Goff & Associates.

A. Jeffrey B. Trammell.
B. Gray & Co. (for General Telephone & Electronics).

A. Jeffrey B. Trammell.
B. Gray & Co. (for Group W).

A. Jeffrey B. Trammell.
B. Health Insurance Association of America.

A. Jeffrey B. Trammell.
B. Gray & Co. (Motorola).

A. Julia A. Turner.
B. Electronic Data Systems Corp.

A. 23d Congressional District Action Committee.

A. Ullman Consultants, Inc.
B. Confederated Tribes of the Warm Springs Reservation.

A. Ullman Consultants, Inc.
B. Western Forest Industries Association.

A. United Services Automobile Association.

A. United States Ski Association.

A. Drew A. Upton.
B. Scientific Apparatus Makers Association.

A. Mathew Valencic.
B. Halt, Inc.

A. Richard F. Vander Veen.
B. American Seating Co.

A. R. Dick Vander Woude.
B. National Education Association.

A. Nick Van Nelson.
B. Champion International Corp.

A. A. Randall Vehar.
B. United Mine Workers of America.

A. Jerry T. Verkler.
B. Texas Eastern Transmission Corp.

A. C. John Vermilye.
B. United States Steel Corp.

A. Frank A. Verrastro.
B. Tosco Corp.

A. John C. Vickerman.
B. International Conference Industry Association.

A. Brenda R. Viehe-Naess.
B. American Insurance Association.

A. Vorys, Sater, Seymour & Pease.
B. American Life & Casualty Co.

A. Vorys, Sater, Seymour & Pease.
B. Grocery Manufacturers of America.

A. Vorys, Sater, Seymour & Pease.
B. Mowsafe Products, Inc.

A. Sarah L. Wagoner.
B. American Samoa.

A. Sarah L. Wagoner.
B. St. Joe Minerals Corp.

A. Howard W. Wahl.
B. Bechtel Power Corp.

A. Christine M. Waisanen.
B. ICI Americas, Inc.

A. Warren W. Walkley.
B. General Electric Co.

A. Carl S. Wallace.
B. Purolator, Inc.

A. Raymond C. Wallace.
B. Amalgamated Transit Union, AFL-CIO.

A. Lionel L. Wallenrod.
B. American Paper Institute, Inc.

A. Charles S. Walsh.
B. National Cable Television Association, Inc.

A. Alan S. Ward.
B. Baker & Hostetler (for Soap & Detergent Association).

A. John E. Ward.
B. Meat Importers Council of America, Inc.

A. Clarke R. Watson.
B. Westland Co.

A. Horace S. Webb.
B. Iowa Electric Light & Power Co.

A. Webster & Sheffield.
B. National Conference of Bankruptcy Judges.

A. Paul Weckstein.
B. Center for Law & Education, Inc.

A. Jack R. Wehrly.
B. Dow Corning Corp.

A. Weil, Gotshal & Manges.
B. Continental Group.

A. Thomas F. Wenning.
B. National Association of Retail Grocers of the United States.

A. Thomas F. Wenning.
B. National Food Brokers Association.

A. William Whichard, Jr.
B. Union Oil Co. of California.

A. Clem White.
B. Columbia Nitrogen Corp. and DSM North America.

A. White, Fine & Verville.
B. Turlock Irrigation District & Modesto Irrigation District.

A. Stephanie L. Whyche.
B. American Optometric Association.

A. Wickwire, Lewis, Goldmark & Schorr.
B. Arctic Slope Regional Corp.

A. Richard J. Wiechmann.
B. American Paper Institute, Inc.

A. Carl B. Wilkerson.
B. American Council of Life Insurance.

A. Robert E. Williams.
B. United Airlines.

A. David K. Willis.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer, Cutler & Pickering.
B. Dealer Bank Association.

A. Wilmer, Cutler & Pickering.
B. Morgan Guaranty Trust Co.

A. Wilmer, Cutler & Pickering.
B. Motor Vehicle Manufacturers Association of the United States, Inc.

A. Wilmer, Cutler & Pickering.
B. National Corporation for Housing Partnerships.

A. Dorthy R. Wilson.
B. Coalition of Concerned Charties.

A. Judith Winchester.
B. City of Philadelphia.

A. James R. Winnie.
B. Cities Service Gas Co.

A. Curtin Winsor, Jr.
B. Alliance for Free Enterprise.

A. Winston & Strawn.
B. American Association of Museums.

A. Winston & Strawn.
B. Building Owners & Managers Association International.

A. Winston & Strawn.
B. GIC Financial Services Corp.

A. Winston & Strawn.
B. Gould, Inc.

A. Ann R. Wise.
B. Hollingsworth & Vose Co.

A. Witkowski, Weiner, McCaffrey & Brodsky.
B. Kankakee, Beaverville and Southern Railroad.

A. Ronald Wolsey.
B. Amoco Oil Co.

A. Wilbur S. Wood.
B. National Rural Letter Carriers' Association.

A. George M. Worden.
B. Hill & Knowlton, Inc.

A. George M. Worden.
B. Hill & Knowlton, Inc. (for Distilled Spirits Council of the United States, Inc.).

A. Steven M. Worth.
B. Gray & Co. (for Joint Maritime Congress).

A. Steven M. Worth.
B. Gray & Co. (for Republic Airlines).

A. Daniel R. Wright.
B. Electronic Industries Association of Japan.

A. Frederick S. Wyle, P.C.
B. Federated States of Micronesia.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. American Boiler Manufacturers Association.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Automotive Dismantlers & Recyclers Association.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Bristol Bay Native Corp.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Eklutna, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Filmways, Inc.

A. Wyman, Bautzer, Rothman, Kuchel & Silbert.
B. Carl M. Freeman Associates.

A. Marc D. Yacker.
B. American Paper Institute, Inc.

A. Edward A. Yopp.
B. State National Bank of El Paso.

A. Thomas K. Zaucha.
B. Cooperative Food Distributors of America.

A. Ronald L. Ziegler.
B. National Association of Truck Stop Operators.

EXTENSIONS OF REMARKS

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official roll call number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

157. H.R. 1311. National Tourism Policy. Motion to suspend the rules and pass the bill to replace the U.S. Travel Service with a new U.S. Travel and Tourism Administration within the Commerce Department and to authorize $6.5 million in fiscal 1982 for tourism programs. July 28. Y(3-1-0). Agreed to 321-98.

158. H. Con. Res. 160. Monetary Policy and High Interest Rates. Motion to suspend the rules and adopt the resolution stating it is the "sense of Congress" that since interest rates are "needlessly and destructively" high Congress and the administration should take actions to reduce future budget deficits; encourage the banking system to provide credit to those who contribute to long term productivity, and encourage the Federal Reserve to lower interest rates. July 28. Y(4-0-0). Agreed to 403-17.

159. H.R. 4053. Mineral Leasing Act Amendments. Motion to suspend the rules and pass the bill to make it easier for private companies to produce synthetic fuel from oil shale on federal lands. July 28. Y(4-0-0). Agreed to 408-5.

160. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to delete $5 million earmarked for the Bureau of Alcohol, Tobacco and Firearms in the Treasury Department. July 28. Y(4-0-0). Adopted 279-141.

161. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to delete $13.6 million earmarked for the Savings Bond Division of the Treasury Department which promotes the purchase of government savings bonds. July 28. Y(2-2-0). Adopted 223-190.

163. H.R. 4242. Tax Cuts. Motion to order the previous question (thus ending further debate) on the rule (H. Res. 198) providing for House floor consideration of the bill. July 29. Y(4-0-0). Agreed to 282-148.

164. H.R. 4242. Tax Cuts. Adoption of the rule (H. Res. 198) providing for House floor consideration of the bill. July 29. Y(4-0-0). Adopted 280-150.

165. H.R. 4242. Tax Cuts. Substitute amendment to the bill to provide a one year reduction in income tax rates skewed to benefit most those earning less than $50,000 per year and to provide narrowly targeted business and investment tax incentives. July 29. Y(1-3-0). Rejected 144-288.

166. H.R. 4242. Tax Cuts. Substitute amendment to the bill to reduce individual income tax rates by 25 percent across the board over three years, to index tax rates beginning in 1985 and to provide business and investment tax incentives. July 29. N(3-1-0). Adopted 238-195.

167. H.R. 4242. Tax Cuts. Passage of the bill to amend the Internal Revenue Service Code of 1954 by reducing individual income tax rates by 25 percent across the board over three years, indexing tax rates beginning in 1985 and providing business and investment tax incentives. July 29. N(3-1-0). Passed 323-107.

168. H. Res. 124. Policy Toward Poland. Adoption of the resolution expressing the sense of the House that the U.S. could not remain indifferent to any internal repression or external agression against the people of Poland and that such developments would have serious consequences for East-West relations. July 30. Y(4-0-0). Adopted 410-1.

169. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to restore $13.6 million to the Treasury Department for the promotion of U.S. Treasury bonds. July 30. N(2-2-0). Rejected 203-210.

170. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to reduce for the Executive Office of the President to the fiscal year 1981 level. July 30. Y(1-3-0). Rejected 164-253.

171. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to prohibit the use of funds under the Federal Employees Health Benefit Program for abortions, except when the life of the mother is endangered. July 30. N(3-1-0). Adopted 253-167.

172. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to prohibit the Internal Revenue Service from implementing or the courts from enforcing IRS regulations to deny tax exempt status to private schools that discriminate against racial minorities, unless the court order or regulation was in effect prior to Aug. 22, 1978. July 30. Y(4-0-0). Adopted 337-83.

173. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Amendment to reduce by $13.6 million the appropriations for the Savings Bond Division of the Treasury Department. July 30. Y(2-2-0). Rejected 182-233.

174. H.R. 4121. Treasury, Postal Service, General Government Appropriations fiscal 1982. Passage of the bill to appropriate $9,745,292,000 in fiscal 1982 for the Treasury Department, United States Postal Service, Executive Office of the President and 10 independent agencies. July 30. Y(3-1-0). Passed 323-94.

175. H.R. 4169. State, Justice, Commerce, Judiciary Appropriations fiscal 1982. Adoption of the rule (H. Res. 188) providing for House floor consideration of the bill to appropriate fiscal 1982 funds for the Department of State, Justice and Commerce, the federal judiciary, and related agencies. July 30. Y(3-1-0). Adopted 262-133.

176. H.R. 4331/H.R. 3982. Social Security Minimum Benefits/Budget Reconciliation. Motion to order the previous question (thus ending further debate) on the rule (H. Res. 203) providing for consideration of 1) the bill H.R. 4331 to amend the Omnibus Budget Reconciliation Act of 1981 H.R. 3982 to restore minimum Social Security benefits and 2) the reconciliation act conference report. July 31. Y(4-0-0). Agreed to 271-151.

177. H.R. 4331/H.R. 3982. Social Security Minimum Benefits/Budget Reconciliation. Adoption of the rule (H. Res. 203) providing for consideration of 1) the bill H.R. 4331 to amend the Omnibus Budget Reconciliation Act of 1981 H.R. 3982 to restore minimum Social Security benefits and 2) the reconciliation act conference report. July 31. Y(4-0-0). Adopted 370-52.

178. H.R. 4331/H.R. 3982. Social Security Minimum Benefits/Budget Reconciliation. Passage of the bill H.R. 4331 to amend the Omnibus Budget Reconciliation Act of 1981 H.R. 3982 to restore minimum Social Security benefits. July 31. Y(3-1-0). Passed 404-20.

179. H.R. 4242. Tax Cuts. Motion to suspend the rules and adopt the conference report on the bill to cut individual income tax rates by 25 percent across the board over 33 months; require that individual income taxes be adjusted or indexed annually to offset the effects of inflation, starting in 1985; allow accelerated depreciation for business investment in new assets; and provide special savings and investment incentives. Aug. 4. N(2-1-1). Agreed to 282-95.

180. H.R. 4169. State, Justice, Commerce, Judiciary Appropriations fiscal 1982. Amendment to prevent the Justice Department from requiring communities to accept subsidized housing as part of the Department's enforcement of the 1968 fair housing law. Sept. 9. N(2-1-1). Rejected 188-202.

181. H.R. 4169. State, Justice, Commerce, Judiciary Appropriations fiscal 1982. Amendment to bar the Justice Department from using funds contained in the bill to block implementation of voluntary prayer

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and meditation in public schools. Sept 9. N(1-1-2). Adopted 333-54.

182. H.R. 4169. State, Justice, Commerce, Judiciary Appropriations fiscal 1982. Amendment to delete $241 million for the Legal Service Corporation. Sept. 9. N(2-1-1). Rejected 122-272.

183. H.R. 4169. State, Justice, Commerce, Judiciary Appropriations fiscal 1982. Passage of the bill to appropriate $8,683,999,000 for the Departments of State, Justice and Commerce, the federal judiciary and related agencies. Sept. 9. Y(1-2-1). Passed 245-145.

184. H.R. 4209. Transportation Appropriations fiscal 1982. Motion that the House resolve itself into the Committee of the Whole to consider the bill to provide fiscal 1982 funds for the Transportation Department and related agencies. Sept. 10.Y(3-0-1). Agreed to 367-3.

185. H.R. 4209. Transportation Appropriations fiscal 1982. Amendments, considered en bloc, to increase funds for the Coast Guard by $84 million. Sept. 10. Y(1-2-1). Rejected 129-260.

186. H.R. 4209. Transportation Appropriations fiscal 1982. Amendment to reduce funds for the Office of the Secretary by $1 million. Sept. 10. NV(1-1-2). Adopted 209-172.

187. H.R. 4209. Transportation Appropriations fiscal 1982. Amendment to increase funds for the Coast Guard by $6.19 million and to prohibit the use of funds to reduce civilian employment below the fiscal 1981 level. Sept. 10. Y(2-1-1). Adopted 283-98.

188. H.R. 4209. Transportation Appropriations fiscal 1982. Amendment to bar the use of funds to enforce a rule reducing air traffic at Washington, D.C. National Airport, below the daily levels of July 31, 1981. Sept. 10. N(2-1-0). Adopted 204-188.

190. H. Con. Res. 153. Martin Luther King Jr. Statue. Motion to suspend the rules and adopt the concurrent resolution to authorize $25,000 for a memorial sculpture of Martin Luther King Jr. to be placed in the Capitol building. Sept. 15. Y(2-0-2). Agreed to 386-16.

191. H.R. 4034. HUD-Independent Agencies Appropriations, Fiscal 1982. Adoption of the conference report on the bill to appropriate $60,689,970,200 in fiscal 1982 for the Department of Housing and Urban Development and 20 related agencies. Sept. 15. Y(1-1-2). Adopted 209-197.

192. H.R. 3380. Military Pay. Amendment to increase the basic pay of senior enlisted personnel by 18-22 percent and the basic pay of junior enlisted personnel by 7-9 percent. Sept. 15. N(0-2-2). Rejected 170-232.

193. H.R. 3380. Military Pay. Passage of the bill to increase the basic pay of all military personnel by 14.3 percent. Sept. 15. Y(2-0-2). Passed 396-1.

194. H.J. Res. 325. Fiscal 1982 Continuing Appropriations. Passage of the joint resolution to provide interim spending authority, from Oct. 1 to Nov. 1, 1981, for certain federal agencies whose regular fiscal 1982 appropriations have not become law. Sept. 16. NV(0-1-3). Passed 281-107.

195. H.R. 4241. Military Construction Appropriations, Fiscal 1982. Passage of the bill to appropriate $6,887,542,000 for military construction projects in fiscal 1982. Sept. 16. Y(2-0-2). Passed 382-24.

196. H.R. 3518. State Department Authorization. Adoption of the rule (H. Res 182) providing for House floor consideration of the bill. Sept. 17. Y(3-0-1). Adopted 385-5.

197. H.R. 3518. State Department Authorization. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill. Sept. 17. Y(3-0-1). Motion agreed to 379-3.

198. H.R. 3518. State Department Authorization. Amendment to prohibit U.S. contributions to the United Nations Educational, Scientific and Cultural Organization (UNESCO) if that organization implements any policy or procedure to license journalists or their publications, censor or otherwise restrict the free flow of information within or among countries, or impose mandatory codes of journalistic practice or ethics. Sept. 17. Y(3-0-1). Adopted 372-19.

199. H.R. 3518. State Department Authorization. Passage of the bill to authorize fiscal 1982 and 1983 programs of the State Department, the International Communication Agency and the Board for International Broadcasting. Sept. 17. N(1-2-1). Rejected 165-226.

200. H.J. Res. 220. Honorary U.S. Citizenship for Raoul Wallenberg. Motion that the House suspend the rules and pass the joint resolution, as amended, to proclaim as an honorary U.S. citizen the Swedish diplomat Raoul Wallenberg, who helped Hungarian Jews escape Nazi extermination during WW II and was taken prisoner by the Soviet Union after the war. Sept. 22. Y(4-0-0). Motion agreed to 396-2.

201. H. Con. Res. 183. National Rugby Team of South Africa. Motion that the House suspend the rules and adopt the concurrent resolution stating the sense of Congress that the Springbok National Rugby Team of South Africa, on tour in the U.S., should not play rugby in the U.S. Sept. 22. Y(1-3-0). Motion rejected 201-198.

202. H.R. 1953. Office of Environmental Quality Reauthorization. Motion that the House suspend the rules and pass the bill, as amended, to authorize $44,000 per year for the Council on Environmental Quality and its staff under the Environmental Quality Improvement Act of 1970 in each of fiscal years 1982, 1983 and 1984. Sept. 22. Y(2-2-0). Motion agreed to 360-42.

203. H.R. 4522. District of Columbia Appropriation, Fiscal 1982. Amendment to ban the use of personnel lotteries to hire District of Columbia police officers and fire fighters. Sept. 22. NV(3-0-1). Adopted 305-96.

204. H.R. 4522. District of Columbia Appropriation, Fiscal 1982. Passage of the bill to appropriate $2,389,228,200 for fiscal 1982 for the operations of the District of Columbia government. Sept. 22. Y(2-2-0). Passed 299-105.

205. H.R. 4. Intelligence Agent Identities Protection Act. Amendment to provide that anyone exposing the identity of a U.S. covert agent with "reason to believe" the exposure might "impair or impede U.S. intelligence operations would be guilty of a crime punishable by up to three years in prison and a fine of up to $15,000. Replaced proposal that one would be guilty of a crime only if the exposure was made "with intent to impair or impede" U.S. intelligence. Sept. 23. N(3-1-0). Adopted 226-181.

206. H.R. 4. Intelligence Agent Identities Protection Act. Amendment to include the identities of retired and other former covert agents among those it would be illegal to expose under the provisions of the bill. Sept. 23. Y(4-0-0). Adopted 313-94.

207. H.R. 4. Intelligence Agent Identities Protection Act. Passage of the bill to amend the National Security Act of 1947 to make it a federal crime to disclose the identities of certain U.S. intelligence officers, agents, informants and sources of operational assistance. Sept. 23. Y(4-0-0). Passed 354-56.

208. H.R. 1520. National Science Foundation Authorization. Amendment, to the amendment in vote 209 below, to reduce the fiscal 1982 authorization for the agency to $1.08 billion from $1.16 billion. Sept. 23. Y(1-3-0). Adopted 245-161.

209. H.R. 1520. National Science Foundation Authorization. Amendment, as amended, to reduce to $1.08 billion from $1.16 billion fiscal 1982 authorizations for the National Science Foundation. Sept. 23. Y(4-0-0). Adopted 401-5.

210. H.R. 1520. National Science Foundation Authorization. Passage of the bill to authorize $1.08 billion in fiscal 1982 for the National Science Foundation. Sept. 23. Y(2-2-0). Passed 262-149.

211. H.R. 3210. Federal-Aid Highway Act of 1981. Passage of the bill to authorize $3.1 billion in fiscal 1983 for interstate highway construction and to set a limit of $8.2 billion on obligations from the Highway Trust Fund in fiscal 1982. Sept. 24. Y(3-0-1). Passed 377-25.●

A COMMITMENT TO THE PRESERVATION OF HUMAN DIGNITY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MINETA. Mr. Speaker, tonight, at the Hubert Humphrey civil rights award dinner, four men, Dr. Arthur S. Flemming, U.S. Representative DON EDWARDS, the late Roy Wilkins, and Mr. Arnold Aronson, will be honored for their lifetime commitments to the struggle to secure for all Americans the rights of equal protection and opportunity guaranteed by our Constitution. These four gentlemen have devoted their lives to serving the American public in a ceaseless effort to abolish discrimination and racial prejudice in our society.

Dr. Arthur S. Flemming, Chairman of the Civil Rights Commission, has served under five administrations. As Secretary of Health, Education, and Welfare under President Eisenhower, he was a leader in the attempts to end school desegration. His work on the Civil Rights Commission mirrors a lifetime of concern for equal rights and the dignity of others.

Roy Wilkins and Arnold Aronson, cofounders of the Leadership Conference on Civil Rights, were tireless devotees in the fight to secure the rights of blacks and other minorities. The late Roy Wilkins was a major force behind the civil rights movement. As leader of the National Association for the Advancement of Colored People (NAACP) for 22 years, Mr. Wilkins worked ceaselessly to shape the organization into a major lobbying force for civil rights. Led by Mr. Wilkins, the NAACP played a vital role in securing the passage of the 1964 Civil Rights Act.

My California colleague and friend, Representative DON EDWARDS, chairman of the Judiciary Subcommittee, on Civil and Constitutional Rights, is a champion and active supporter of equal rights. In 1980, he was chief sponsor of the Fair Housing Act and last year Mr. EDWARDS successfully secured House passage of a permanent extension of the Votings Rights Act.

I would like to add my voice to the many who will be honoring these men tonight and to express my personal gratitude and commendation to these gentlemen for their service to our country and for their lifetime devotion to human rights and dignity.●

BLACK HISTORY MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. HOYER. Mr. Speaker, February is Black History Month. It has been set aside as a time when we can reflect and learn more about the bittersweet saga that has been the history of blacks in America. But of late, we have begun to hear voices of protest from members of the black community that Black History Month has become an anachronism, that we are perpetuating the separateness of blacks by separating out their contributions to history. That sentiment has much to say for itself; however, and most unfortunately, we have not yet reached the point where the myriad of accomplishments, contributions and literature of black Americans has achieved their just recognition.

History has overlooked the fact that blacks were present at the founding of this country—many as free men, many strapped under the shackles of slavery. But together they laid the foundation and the heritage upon which 26 million black Americans now rest. This foundation, this history must be studied or we as Americans have lost an important part of the past, and, therefore, the bridge to the future.

That is why it continues to be appropriate to review, in the month of February, the tragic tales of slavery, injustice and discrimination as well as the many success stories that reflect the struggles and concerns of black Americans. For, to be sure, black history is our history—the history of our Nation, our people, our lives, as we have faced together the trials of time.

The list of well-known and unsung black heroes is long, but I want to mention two persons who were unique in the tremendous effect they ultimately had on the body politic. I speak of two advisers to Presidents of recent years, Presidents who themselves had an enormous impact on the black community by nature of the programs and philosophies they espoused. Mr. Speaker, I refer to Mary McLeod Bethune, member of Franklin Delano Roosevelt's "Kitchen Cabinet", and Hobart Taylor, Jr., personal adviser and legal counsel to Lyndon Baines Johnson.

Mary McLeod Bethune was but one of more than 20 black men and women who gathered to advise Franklin Roosevelt. A renown educator, Bethune founded the "Black Cabinet" of the New Deal, and was the first black to head a Federal office, as the director of the Division of Negro Affairs in the National Youth Administration. Bethune had great access to Roosevelt through his wife, Eleanor, and often met with him to discuss a variety of issues. Her later contributions to the administration of Harry Truman and her work with the National Business League and the National Urban League spread her impact throughout the country.

Hobart Taylor, Jr., a Texan and grandson of a former slave, was an early supporter of Lyndon Johnson and worked to get him first nominated as a Presidential candidate, then as a "ticket balancer" with John Kennedy. With Johnson in the Vice President's office, Taylor became the chief executive officer of the President's Committee on Equal Employment Opportunity. In this capacity, and, when Johnson became President, as a liaison with the plans for progress program, Hobart Taylor played an integral role in educating the chiefs of staff of more than 300 American corporations on the negative effects of job discrimination.

Taylor was able to make many of them recognize that the country was losing millions of dollars in earned wages and taxes by ignoring a vital sector of the community—blacks who had been shut out of the marketplace because of their color. His was the logic of dollars and cents, and ultimately, of the good of humanity.

Mr. Speaker, the work of these two Americans had its roots in an acknowledged breadth of experience and ability to force actions from words. Their continual struggle for consensus amid the turmoil of the times proved effective, as it still does today.

While we have made many gains in the political sense, with growing numbers of blacks participating in the process, recently we have seen a visible retreat from commitments made in housing, health, education, and employment.

Dr. Carter G. Woodson, a noted black historian, launched "Negro History Week" in 1926 to underscore and provide for all of us the unique nature of the black contribution to our country. With the expansion and adoption of Black History Month throughout our Nation, February has become not only a month to learn new facts and appreciate the old, but it has become a month in which to reflect on our accomplishments, and to recommit our efforts to the struggle that continues.

I urge my fellow colleagues to join me in tribute to Black History Month and to the message of courage and perseverance it brings to all of us.●

U.S. INVOLVEMENT IN EL SALVADOR: BEYOND ALL HUMAN UNDERSTANDING

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. OBERSTAR. Mr. Speaker, as the Reagan adminstration continues its policy in El Salvador which surpasses all understanding, the Members of this body should look to the great expression of commonsense opposition to that policy throughout the Nation. Confounded by the seeming absence of commonsense in that policy, the American people appropriately ask the question as to what the Reagan administration hopes to do for America, world peace and the people of El Salvador by sending millions of dollars in arms to that tragic country.

The editorial pages of Minnesota newspapers have contributed to the high level of public discussion in Minnesota of our policy toward El Salvador. In the past year, I have shared with me my colleagues on several occasions the texts of newspaper editorials. I would like to do so again today, I urge my colleagues to consider very carefully the commonsense exhortations of the following editorials from the St. Paul Pioneer Press and the Duluth News-Tribune.

[From the St. Paul Pioneer Press, Feb. 4, 1982]

SUPPORTING DEMOCRACY

The campaign to step up United States involvement in El Salvador is in high gear. The secretary of State tells a congressional committee that the United States will do "whatever is necessary" to keep the present Salvadoran government from falling to rebel forces. And just coincidentally, dispatches inform us the rebels have attacked a town and killed "about 100" inhabitants. This is, of course, "according to military"—i.e., Salvadoran government—"sources." At the same time, spokesmen at the State Department express their doubts about the authenticity of reports of a day or two earlier that government troops had "massacred" about 15 persons, many of them women and children.

Americans do well to accept reports of "massacres" from either side with more than a grain or two of salt. The Salvadoran civil war, it should be emphasized, is being fought with propaganda almost as much as with bullets. But in the case of the latest report, of rebels killing villagers, the story seems too conveniently linked with Secretary Haig's insistence on defending what he calls "democracy" in Central America.

American reporters who have spent time with the rebels give a picture of their operations which lends support to such an interpretation.

There is deep irony in Mr. Haig's sudden concern for democracy. Where is his concern for democracy in Guatemala, where a brutally repressive right-wing government is busy making its critics "disappear" by the scores every day. And where, historically, has American interest been all these years while dictators like the Somozas in Nicaragua (where a leftist government is now causing Mr. Haig to agonize over a loss of civil rights) kept the peasantry in subjugation and a privileged oligarchy in power and luxury?

The Salvadoran rebels attacked a government airfield a few days ago and destroyed a flock of equipment, including helicopter gunships. Washington proposes not only to replace this materiel but to augment it considerably—spending perhaps $300 million within a year or two. Nothing is said about the distinct possiblity—nay, probability—that the rebels, who appear daily to be gaining strength among the peasants, will destroy the new equipment, too. Will this bring requests to spend $500 million, or $1 billion—or to send American combat troops?

Congressional opponents of more aid for the junta in El Salvador fear the results of increased United States involvement; some are afraid there is another Vietnamese-type military quagmire in the offing. Their fears have some justification.

At the very least, opponents of the administration policy are justified in skepticism about administration testimony in support of funneling more arms to the junta. One administration witness painted a doleful picture of a Central America gone over to the Communists. The sea lanes carrying oil from Venezuela to the United States, he said, could be endangered. By what? The Nicaraguan navy?

PROGRESS IN EL SALVADOR

There is an American law requiring the president to certify to Congress that El Salvador is making "progress" in civil rights, land reform and the like before the United States can send that country any more military aid.

So the president duly certifies the progress and, almost as if to mock him, Salvadoran troops shoot down another 20 or more civilians, many of them women and children, in a raid on "subversives."

The certification process is a charade—but the law virtually begs for a charade. It is a piece of statutory hypocrisy intended to justify a course of action in which the United States is trapped by its sins of the past.

Had the United States, in the last half century, devoted as much attention—and money—to El Salvador (and other countries in Central America) as it now finds itself compelled to pay, there probably would be no need to worry about Communist infiltration in the region. (If the interocean canal had been built across Nicaragua, would American attention have been of a more beneficial nature? Had the United States, instead of supporting brutal oligarchies, used its influence and prestige to push the regimes of El Salvador, Honduras, Guatemala and Nicaragua into the political, social and economic reforms demanded by simple justice, terror and counterterror would not now be ravaging these countries.

Now, however, the United States is caught, sucked into a fight in which the odds are against it, a fight which bears a frightening resemblance to the tragedy we let ourselves in for in Vietnam. The forces of insurrection are well on their way, exploited by the Communists, to be sure, but inexorably propelled by the injustices of ruthless regimes which never had, and do not now have, any respect for those human rights and dignities which the American law is supposed to measure.

We should have exported another kind of help years ago; now we can only send guns and ammunition, helicopters and military "advisers" in what is probably a futile attempt to stem a movement whose time has come.

[From the Duluth News-Tribune, Feb. 3, 1982]

END THE INSANITY

The United States should take no further part in the murderous insanity gripping El Salvador.

The Reagan administration announced Monday that it will send another $55 million in military aid to the right-wing military junta which rules El Salvador. And a top State Department official said the White House would ask Congress to approve an additional $100 million for arms and economic assistance to bolster the regime against a leftist civil war. These mammoth sums for military firepower would be added to the nearly $200 million which our nation has sent to El Salvador in the past year.

This kind of foreign aid is pure insanity. The American people should scream in protest; scream, "No more!"

There is far too much evidence indicating the ruling junta for brutal, murderous retribution against its own citizens who might not agree with government policy. Just this past weekend at least 20 Salvadorans, including women and children, were killed by government troops in a neighborhood of San Salvador. And the government has a human rights violation record that might do Ghengis Khan proud.

We realize the civil revolution against the government is being influenced by, being fueled by communist elements in Latin America. And we do indeed find that influence objectionable. But we also believe the insurrection in El Salvador would have died, or been killed, long ago if it did not generate wide popular support or at least wide popular acceptance.

Our government is wrong in attempting to stabilize and further entrench this intransigent and oppressive regime. We are helping that regime waste countless human lives while wasting millions of our tax dollars. The administration's efforts also portray our nation as a supporter of human oppression.

We should immediately stop all aid to the government of El Salvador. We should renounce any role in the madness and bloodletting now being practiced there.●

BIRTHDAY RECOGNITION OF MELVIN A. YOUNG, SR.

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, it is my pleasure today to rise to honor my father, Melvin A. Young, Sr., who will celebrate his 80th birthday on February 23, 1982.

In honoring men of today for great achievements, Melvin Young has reached the greatest achievement of all, that of being a loving husband, father, grandfather, and great grandfather. He was married on January 4, 1923, to Margaret Degnan at St. Rose's Church on Goodfellow Boulevard in St. Louis. They celebrated their 59th wedding anniversary 1 month ago. He is the father of nine children, of which I am the oldest. The others are Melvin Jr., Joseph, Mrs. Peggy Griffin, Richard, John, Mrs. Alice Mertz, Vincent, and Mrs. Eleanor Newell. He also has 44 grandchildren and 13 great grandchildren.

He is a lifelong resident of the St. Louis area and has devoted much of his life in service to the Democratic Party, to his church, to the betterment of his community, and to his fellow man. Throughout his lifetime, he has been a great benefactor to people who were in need.

Currently, he is a retired member of Pipefitters Local 562. One of his proudest moments came in 1965 when he was honored by Missouri Gov. Warren E. Hearnes with an appointment as Honorary Colonel on the Governor's staff. He served in this capacity for 8 years.

On February 23, he will be celebrating his 80th birthday with his family and friends in St. Louis County.

I am proud to be the son of Melvin Young. He has served as an inspiration to me and to my brothers and sisters, as well as to his grandchildren and his great grandchildren. I hope that you will join me in wishing him a happy birthday.●

END SOUGHT TO EXPORT OF TECHNOLOGY TO SOVIETS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. DERWINSKI. Mr. Speaker, "finally determined to close the barn door before all the horses are gone, the Reagan administration is now moving on many fronts to protect remaining U.S. secret techniques and skills." This is how Mr. Cord Meyer, a keen political observer, especially of intelligence-related matters, described the better-late-than-never response of the U.S. Government to stem the flow to the Soviet Union of American high technology—"bought, borrowed, and stolen." The details of the administration's concerns and its contemplated actions are worth reading. I reprint Mr. Meyer's column which appeared in the Baltimore Evening Sun, on January 15, 1982.

END SOUGHT TO EXPORT OF TECHNOLOGY TO SOVIETS

WASHINGTON.—The normally soft-spoken and cautious Adm. Bobby Inman, deputy director of the CIA, jolted a recent meeting of the American Association for the Advancement of Science. He warned starkly that there would be a "tidal wave" of public outrage when upcoming congressional hearings reveal how the Soviets have bought, borrowed and stolen American high technology to establish their military advantage.

Defense Secretary Caspar Weinberger has confessed this week that "our bureaucracy was asleep" while the Russians legally and illegally acquired the American technical secrets needed to build their own electronics industry for advanced weapons production.

Finally determined to close the barn door before all the horses are gone, the Reagan administration is now moving on many fronts to protect remaining U.S. secret techniques and skills. Building on the moral revulsion against the Soviet-directed crackdown in Poland, Reagan officials have selectively imposed sanctions on Russia that are designed to cut back sharply on future Soviet exploitation of American technology.

Not generally understood is the fact that the repression in Poland has acted as a catalyst within the Reagan administration. It has forced a clearcut decision not to sell American oil and gas technology to the Soviets to help them build the Yamal gas pipeline from Siberia to Western Europe.

By canceling the proposed sale to Russia by Caterpillar Tractor of heavy pipelaying equipment and by General Electric of compressor components. President Reagan has deliberately thrown a giant monkey wrench into Western European plans to lend the Soviets $15 billion in return for access to Siberian gas. In the opinion of the experts, this decision to withhold the specialized equipment and engineering skills developed for use on Alaska's frozen tundra will cause prolonged delay in the Siberian project.

Moreover, Reagan officials have shown they mean business by warning our European allies to abide by their commitment in the NATO declaration "not to undermine the effect of each other's measures." By embargoing the sale of American oil and gas technology to the Russians and requesting the NATO allies and Japan not to substitute their equipment, Reagan is in effect signaling his determination to delay the pipeline even if it risks a major confrontation with West Germany, which has been counting on the pipeline not only for gas but for construction jobs and profits.

Under the Nixonian theory of detente, which Henry Kissinger used to articulate and in which Helmut Schmidt still apparently believes, Western trade and credits to Russia would entangle the Soviets in a web of mutual dependency and would lead to a gradual relaxation of tensions. As a Reagan official remarked, "The only people who got entangled was us," and the Polish events are seen as proof that the Soviets will not tolerate even modest reform. Repression in Poland destroyed not only Solidarity but also the rationale for the economics of detente.

In the shadow of Poland and Afghanistan, it seems suicidal folly for Western Europe to lend additional billions to the Soviets at low interest rates to build a Russian-owned pipeline that will make Europeans heavily dependent on Soviet goodwill for the price and quantity of their essential energy supplies. But even more disturbing to the Reagan administration than the danger of blackmail is the pipeline's potential for vast Soviet earnings of hard currency derived from the sale of natural gas in Europe.

Instead of being forced in the mid 1980s to reallocate resources from their bloated military sector to civilian needs, the Soviets, if the pipelines goes through, will be able to bid high in Western Europe for the most advanced military technology. With Europeans dependent on a wide array of contracts and jobs connected with the pipeline, the Soviets will have the financial leverage to break any controls the Americans may have negotiated on the transfer of sensitive technology.

Secretary Weinberger speaks hopefully of what can be accomplished at the forthcoming meeting in Paris of the Coordinating Committee, the voluntary body of NATO countries and Japan that was set up in 1949 to prevent the flow of high technology to Russia. There are in fact specific American plans to broaden the list of technologies prohibited for sale to Russia and to improve the enforcement of procedures against cheating and evasion.●

A TRIBUTE TO THE JEANNETTE JAYHAWKS

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, it is my great pleasure to extend official recognition to the 1981 Jeannette High School Football Team of Jeannette, Pa., for their outstanding achievement in becoming the Western Pennsylvania Interscholastic Athletic League Class "AA" Champions.

Their accomplishment is not only the result of their excellent athletic ability and proficiency, but is also reflective of first-class coaching, dedicated school interest and a community justly proud and supportive of its young people.

Individual recognition is given to each of the following who contributed to the team effort:

Members of the varsity squad are Mark Bibb, Joe Birk, Charlie Cook, Mike Cycak, Mario DelGross, Jim Graziano, Larry Hall, Roy Hall, Elmer Kramer, Frank Lago, Al Murtaza, Tom Powell, Joe Purpura, Mike Sarnelli, Ralph Scurci, Bob Wise, Joe Yorio, Vince Youngbauer, Tony Berry, Mike Blansett, Bob Cycak, John Demarchis, Dan Edwards, Tony Gummo, Dave Hajas, Ed Homchak, Rob Lapina, Clyde Parry, Frank Pitzer, Lance Tillman, Victor Waite, Chuck Blansett, Scott Boyles, Mark Brasco, Maurice Chamberlain, Tony Curtis, Rich Dopkosky, Randy Gelder, Vince Giaquinto, Kirk Lago, Joe Loughner, Rich Miller, Bob Ohler, Al Rivardo, Mike Whatule, Dante Wiley. Managers: Ralph Caldin, Dan Cooper, Ed Pawlik, Cris Shank, and Marty Singer.

Head coach of the championship team is Joseph G. Mucci, and his assistants are Paul Noonan, Art Tragesser, Robert Murphy, John Danton, William Stutz, and John Troglio.

Cheerleader sponsor is Kathleen Hartz. Cheerleaders: Sharon Deluzio, Saundra Yuhas, Terri Stevenson, Denise Emelo, Stacy Dreakford, Lori Slater, Amy DePalma, Judy Jones, Pam Terpko, Dena DeBridge, Gabrielle Baldasseroni, and Susie Weightman.

My congratulations to Principal William K. Burgun and his assistant, Donald A. Teti, of Jeannette High School. I share their pride in these outstanding young people who have exhibited the finest qualities of sportsmanship.●

WE SHALL NOT LOOK UPON HIS LIKE AGAIN

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BARNARD. Mr. Speaker, our country is celebrating today the 250th birthday of our first President, George Washington. I have been pleased to see several recent articles that remind us not only of Washington the historic figure, but of George Washington the man.

I had planned this morning to make a long statement on the importance of Washington to our history and to today's United States. However, an article by Henry Fairlie sums up Washington's impact on us much better than I could have. He also stresses the importance of remembering that George Washington was a man, and not a marble statute that walked through our history.

Washington stands as a reminder to us of how an individual who believes in the public good can make a true difference in history. His greatness was not just due to his activities, but also to the fact of his humanity.

DON'T KNOCK GEORGE WASHINGTON: AS ABIGAIL SAID, "WE SHALL NOT LOOK UPON HIS LIKE AGAIN"

(By Henry Fairlie)

If asked whom I think was the greatest man who ever lived—meaning a man who by a combination of his own character, intelligence, force of will and abilities affected great affairs to the benefit of mankind—I would with little hesitation say that it was George Washington. Moreover, one means by such greatness that no other man of whom one can think could in his position have done so well.

One of the sillier judgments of Washington is that offered by a historian of deservedly slender reputation. Among the Founding Fathers, he wrote portentously, "Washington is not important, except as a symbol"; he was "one of those men whose great place in history is fortuitous." Stupid as this judgment is, it nonetheless clings at

the back of people's minds, as if Washington was just an accident.

The truth is rather in the judgment of one of the best of his biographers, James Thomas Flexner, who calls Washington, with no embarrassment, "the gentlest of history's great captains, one of the heroes of the human race." Or we may echo the tribute of Abigail Adams, who wrote to her son John Quincy after the Farewell Address: "Take his character together, and we shall not look upon his like again."

Let us consider this man of hot and even violent temper who, nevertheless, by what has rightly been called a prodigious and almost unique exercise of character, developed in himself, in the service of his country, such inexhaustible reserves of calm judgment and unflinching steadiness in action. No one can read of his life without realizing that here was a man who forged his character to meet his country's needs.

When Tom Paine visited the Continental Army in 1777, he said of Washington: "There is a natural firmness in some minds which cannot be unlocked by trifles, but which, when unlocked, discoveres a cabinet of fortitude." But the firmness was not only natural. When one considers his early hotheaded conduct in the French and Indian Wars, one understands how resolutely over the years he wrought that "cabinet of fortitude" in himself.

At moments of great disturbance, he would retreat into silence. On being told in August 1775 that there was only enough powder for less than nine rounds a man, "for half an hour, he did not utter a word." Five years later, when his army was unpaid and starving, one of his generals wrote, "The great man is confounded at this situation, but appears to be reserved and silent." In those silences the indomitable will was forged.

Such fortitude is not made without a truth. All of Washington's early life was a preparation for his country's hour of need and his own destiny. He never went or wished to go to Europe. He only once briefly left continental America to go to the West Indies. From his earliest days as a stripling surveying the frontier, his eyes were always turned west to the huge land that beckoned with such promise.

Henrietta Liston, the wife of the British minister to the United States after 1796, said of him: "His first and last love appeared to be farming." She was not wrong. It has been said that his character can be read in the stones of Mount Vernon "as paleontologists deduce a dinosaur from inanimate bones." One need only go there to put in place the fripperies and gimmicks of Monticello.

Monticello is foreign. Mount Vernon is American. The first time that an American walked me into its grounds 17 years ago, I took one look at the house and then the land that stretches so green and far in front of it and said: "Now I know what you Americans were fighting for—you wanted this!" Most of Washington's life was an unending sacrifice of the familiar pleasures he found at Mount Vernon.

The farmer's love of the land merged into an attraction to nature which "amounted to love." Not only did he become a devotee of landscape painting, but the only paintings other than portraits which he bought were American views. Washington did not find his image of America in abstract principles or political tracts. He left those to others. His sense of America sprang from the ground beneath his feet, and burned in the blue-gray eyes that gazed so long and so lovingly on the waiting land.

He had a passion for acreage. As soon as the British had cleared the French out to the north, he said that a gentleman would be out of his mind if he did not scavenge for land. When he prepared his last will, he made a list of his evaluated landholdings, and came to the total of $488,137, several millions in today's currency. But in his passion for acreage was also a vision of a country yet to be made.

What was common to his leadership as a general and his statesmanship as a president was this sense of a continent that could and must be forged into a nation. From the moment that he took command, he wanted an army that represented more than one region, that was indeed a Continental Army. He threatened with punishment "any officers or soldiers so lost to virtue and a love of their country" as to engage in regional quarrels.

The principle that he pursued as president was already laid down by him as a general in 1780: "Unless the states will content themselves with a full and well-chosen representation in Congress, and vest that body with absolute powers in all matters relative to the great purposes of war and of general concern . . . we are attempting an impossibility and very soon shall become (if it is not already the case) a many-headed monster, a heterogeneous mass, that never will steer to the same point." He would today have questioned the "new federalism."

As the army was disbanded in 1783, he wrote that he intended "taking a more contemplative and extensive view of the vast inland navigation of these United States. . . . I shall not rest contented till I have explored the Western country and traversed those lines (or a great part of them) which have given bounds to a New Empire." Of all the Founding Fathers he was by far the most American. His country was the caked mud on his boots.

It is said that he saved his country twice, as general and then as president, and of course there is much truth in that salute. Yet it must not make us overlook the consistency of the vision that directed him in both roles. In his sense of the continent was the truth that forged the will, and nourished the reserves of calm and steadiness. He was not made great by the time in which he acted; he made himself great enough to meet the time.

This is not the place to catalogue either the scores of times when one simply does not believe that any other general, not even Napoleon himself, could have so inspired and brilliantly led such a ragamuffin army of ill-paid and ill-shod and ill-tempered troops; or the equal number of times when as president he guided the new country through the treacherous shoals of personal ambitions and partisan bitterness.

Any man who could hold the ship of state on course when he was surrounded by men such as Jefferson and Adams and Hamilton—to mention only the most prominent, and by no means the most awkward—indeed earns him the title of a consummate statesman and the Father of his Country. Nothing is more painful to read in his whole life than his unwilling arrival at the conclusion, at the time of Jay's Treaty, that no other than a friend and a Virginian in the person of Edmund Randolph had betrayed him. Yet he did not shirk the truth.

When one considers only the nuts and bolts of the presidency as he first made it in two difficult terms, one finds so much with which he had first to experiment and almost always did so with a sure hand. From his conduct of his cabinet to the use of the presidential veto, and in scores of other ways, he made the presidency, in the atmosphere of the 18th century, a strong (but not autocratic) and modern institution.

Painting him, Gilbert Stuart wrote: "All his features were indicative of the strongest passions, yet, like Socrates, his judgment and self-command made him appear of a different cast in the eyes of the world. . . . Had he been born in the forests . . . he would have been the fiercest man among the savage tribes." From youth to maturity, through as hard a life as any man has chosen for the good of others, the picture is the same.

In 1780, the French officer and courtier, Count Axel de Fersen, on meeting Washington, said: "He looks the hero." So indeed he does—the more so, the more we know of him—even reading now his own eloquent, vehement, but always measured words. For a man who had little schooling, he had a commanding speech that astonishes. Yet the final tribute is that, hero as he was, we think of him first as only human. A man like us—a hero.

That is why he is greater than Alexander or Caesar or Napoleon; it is also why no plays are written about him.●

FUTURE FARMERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. NATCHER. Mr. Speaker, this is National Future Farmers of America Week. FFA is a national student organization, designed to enhance the education of boys and girls ages 14–21 preparing for careers in vocational agriculture. Organized in 1928, FFA now has almost 500,000 members in 8,233 chapters across the United States, and membership continues to grow.

This year, the theme for the week is Vocational Agriculture—Growing for America. Certainly farming is one of our Nation's most important industries. Today, farmers know that all Americans depend on their judgment. The Future Farmers of America are to be commended for their personal efforts to follow in the footsteps of those men and women who have helped build our country.

These students who wear the blue jacket with the gold insignia are some of America's finest. FFA'ers grow individually by learning how to speak in public, participating in educational projects, and solving their own problems. Vocational agriculture students learn about everything from beekeeping to farm management computer programs. With a minimum of supervision, FFA members work to make their community a better place in which to live. These young men and women are developing valuable skills

which they will be able to use in any career.

Farming has become increasingly more complex during the last century. A farmer must be a combination businessman, economist, mechanic, chemist, and meteorologist. The Future Farmers of America face a large responsibility, because the next generations will rely on the improvements in agriculture made today. I am thankful that these young people are not afraid to accept this challenge, and I would like to take this opportunity to express my appreciation to each and every one of these outstanding young men and women.●

LEGISLATIVE VETO

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. LOTT. Mr. Speaker, the question of whether Congress should have authority to block certain Executive actions by simple or concurrent resolutions is very much in the news lately. This week, the Supreme Court hears oral arguments on the constitutionality of the legislative veto in the immigration law in the case of Chadha against INS. A month ago, a three-judge panel for the U.S. court of appeals here held the legislative veto unconstitutional in the Natural Gas Policy Act, and implied that all legislative veto provisions not requiring Presidential involvement were unconstitutional. This session, the House and Senate will be considering regulatory reform legislation which will include consideration of amendments to permit one or both Houses to disapprove proposed regulations. One such proposal, H.R. 1776, introduced by the gentleman from Georgia (Mr. LEVITAS), now has 250 House cosponsors.

As a cosponsor of the Levitas bill and the author of a proposed compromise, H.R. 4838, "The Regulatory Control Act of 1981," I remain strongly convinced that a generic legislative veto provision for regulations is both desirable and constitutional. I am especially persuaded by the reasoning of the U.S. Court of Claims in upholding the constitutionality of the legislative veto in the Federal Salary Act in the case of *Atkins* v. *the United States.* That court held the veto was constitutional because it was within the necessary and proper clause authority and that vetoes did not violate the presentation clause of the Constitution because they neither made new law nor amended existing law: they preserve the status quo. This same argument was advanced in a Rules subcommittee print issued by Chairman MOAKLEY in the last Congress, even though Chairman MOAKLEY opposes such vetoes from a practical standpoint.

Mr. Speaker, the Sunday, February 21, Washington Post carried an excellent article on the legislative veto by Dr. Louis Fisher, a senior specialist in American government at the Library of Congress and preeminent scholar and author on Presidential-congressional relations. Dr. Fisher approaches the prospect that such vetoes may be declared unconstitutional from the perspective of how this may alter relations between the branches. Contrary to conventional thinking that the veto gives Congress too much power and that its elimination would help restore the balance between the branches, Dr. Fisher argues quite convincingly that Congress may tighten the screws on the Executive in more cumbersome and inhibiting ways if it is stripped of the veto authority.

There are now some 272 legislative veto provisions in 193 statutes. Most of these have been worked out as a matter of comity between the branches in order to allow the President the authority and flexibility of action which Congress might not otherwise grant without the veto authority. This authority not only covers certain regulations, but such major matters as foreign arms sales, the war powers act, and Presidential impoundment authority.

Mr. Speaker, at this point in the RECORD, I include Dr. Fisher's article and commend it to the reading of my colleagues. The article follows:

[From the Washington Post, Feb. 21, 1982]

CONGRESS CAN'T LOSE ON ITS VETO POWER

(By Louis Fisher)

We are witnessing an ironic turn in the historic struggle between the executive branch and Congress: a court decision which seemingly promises much greater power for the executive but which, if upheld, would likely lead to the opposite effect.

The Jan. 29 ruling, by a three-judge panel of the U.S. Court of Appeals here, gave a rude jolt to the "legislative veto," a device Congress has relied on for at least a half century to control executive actions.

Specifically, the panel struck down a one-house veto used to disapprove a gas-pricing regulation by the Federal Energy Regulatory Commission (FERC). But its language was so broad as to question the constitutionality of legislative vetoes in hundreds of other laws governing arms sales, immigration, war powers, impoundment, endless agency regulations and much else.

The D.C. panel recognized that its finding—that all legislative acts constitutionally require "presentation to the president and passage by both houses of Congress"—"may have far-reaching effects on the operation of the national government." But it may have misunderstood those effects.

Many assume the ruling portends a gain for the executive branch, a victory for orderly government, a blow to congressional interference. Think again. If the Supreme Court upholds the overly broad opinion, the net result will more likely be less power for executive officials, a more convoluted legislative process, and continued congressional involvement in administrative decisions.

Bizarre consequences? Not if you understand why the legislative veto was originally adopted. Presidents accepted (indeed, often invited) legislative vetoes because they provided a way to get more power. The bargain was clearly understood by both branches. The president essentially told Congress: "Give me more authority than you normally would, and I'll give you a chance to veto my initiatives." If presidents disliked the legislative veto, Congress would withhold authority.

Courts are familiar with this quid pro quo. In 1977 the Fourth Circuit dismissed a suit by a federal employe who protested that the Senate acted unconstitutionally when it disapproved a pay raise recommended by the president. But the legislative history convinced the court that Congress delegated the salary authority only on condition that it could, by a one-house veto, disapprove presidential recommendations. The authority and the condition were inseparable.

The FERC case was different. Here the court decided that the grant of rulemaking authority was not tied explicitly to the one-house veto. But that is the exception, not the rule.

The record shows, for example, that the president could not tell Congress: "Thanks very much for the authority to reorganize the executive branch, but I have no intention of recognizing your right to veto my plans." Executive reorganization power and the legislative veto could not be severed.

Other examples abound. Under the Impoundment Control Act of 1974, the president may defer spending unless one house of Congress disapproves. The president is not at liberty to take the authority and ignore the condition. If the legislative veto is unconstitutional, the president will forfeit the statutory authority to defer spending.

He might claim other authorities (statutory or implied powers under the Constitution), but this would merely trigger the kind of fractious litigation we had in the early 1970s under President Nixon.

The Federal Trade Commission Act of 1980 raises a similar issue. Congress, angered by some FTC regulations, enacted legislation requiring future rules to run the gauntlet of the legislative veto. If the D.C. panel's opinion is upheld, the FTC may lose its authority under the statute to issue regulations

Uncertainties in this area, as in others, would probably force more issues into the courts, with the preponderence of evidence often on the side of the Congress. In the laws covering arms sales, foreign trade, the sale of nuclear fuel, federal salaries, immigration, impoundment and presidential papers, for some notable examples, the delegated power and the legislative veto seems inseparable.

Congress, of course, could rewrite many of its broad delegations of power, and the executive branch also could well lose some procedural benefits. Where there is a legislative veto, presidential proposals are put on a fast-track system. Other privileges include special procedures to by-pass committees, limit debate and prohibit floor amendments. Without the legislative veto, Congress would eliminate these advantages or require the president to gain approval of both houses in a bill or joint resolution. Either approach would undercut the president.

The legislative veto is criticized as a back-door way of accomplishing what should be done directly through the regular legislative process. But if Congress is denied the legislative veto, no one should underestimate its

ingenuity in inventing other devices that will be more cumbersome for the president and just as satisfactory to Congress.

President Eisenhower discovered this unpleasant fact in the 1950s when he objected to "committee vetos" compelling agencies to obtain advance clearance from congressional panels. Attorney General Herbert Brownell called this an unconstitutional infringement on executive responsibility.

Undaunted, Congress created another procedure that yielded the same control. A bill was drafted to prohibit appropriations for certain real real estate transactions unless the Public Works committees first approved the contracts. Eisenhower signed the bill after Brownell concluded that this procedure—based on the authorization-appropriation process—was within Congress' power. The form had changed; the committee veto remained.

If the one-house veto over impoundment deferrals is invalid, Congress will have no trouble devising more burdensome procedures for the president. A harbinger of what might be in the works appears in the Transportation Appropriation Act for fiscal 1982, passed last December. Whenever the president proposes to defer appropriations for various rail programs, the funds must be released unless Congress within 45 days completes action on a bill approving all or part of the proposed deferral.

There is no constitutional problem here, since Congress will act through the regular legislative process. Yet in this case, in effect, the president not only ends up with a one-house veto but a more onerous version. Under the Impoundment Control Act, one house must take the initiative to disapprove a deferral. Under the transportation statute one house can succeed through inaction.

There are other anomalies. Opponents of the legislative veto warn about the workload imposed on Congress by having to review administrative actions. But the workload is likely to be far heavier if Congress has to act positively through the regular process. The temptation will be strong for Congress to grant powers for shorter periods, forcing the president to return to Congress for extensions. Of course either house, by inaction, could deny him the authority.

Other mechansims are also available to protect congressional prerogatives. Under the Trade Act of 1958, the president could implement certain actions for import relief only by obtaining from Congress a concurrent resolution passed by a two-thirds majority in both houses. Courts would likely find this type of concurrent resolution constitutional, since it contains a built-in override of a presidential veto. This would come as little consolation to a president forced to locate an extraordinary majority in each house before acting.

The D.C. court, in its FERC ruling, warned that the legislative veto enables Congress "to expand its role from one of oversight, with an eye to legislative revision, to one of shared administration." This increase in congressional power, according to the court, violates the separation-of-powers doctrine.

But with or without the legislative veto, Congress will remain knee-deep in administrative decisions, and it is inconceivable that any court or any president can prevent this. Call it supervision, intervention, interference or plain meddling, Congress will find a way.

If an agency adopts a regulation that offends Congress, legislators can attach language to an appropriation bill preventing the use of funds to implement the regulation. There is no constitutional question about Congress' right to do this, although riders to appropriations bills are far from ideal ways to make law. They are added without the hearings, careful consideration and substantive knowledge that more likely accompany a legislative veto.

Congress also exercises an extraordinary array of non-statutory controls. The clearest examples are the understandings between Congress and the agencies for "reprogramming"; the shifting of funds from one program to another with the same appropriation account. Major reprogrammings must be approved by the committees (or subcommittees) with jurisdiction over the program.

This is simply one more quid pro quo between the branches. In return for the flexibility of lump-sum appropriations, agencies agree to abide by reprogramming guidelines and committee clearance. No one wants to return to line-item funding. Since this type of control is informal and nonstatutory, it is difficult to conceive of a legal issue that might reach the courts. But the involvement of Congress in "shared administration" is just as real and binding.

Judicial warnings about shared administration seem unrealistic in view of the extensive overlay of statutory and nonstatutory controls. Certainly it is extravagant and hyperbolic for the D.C. Circuit to suggest that legislative vetoes put us on the road to congressional tyranny. If the courts are serious about "untangling" the rights and powers of the three branches, they have their work cutout.

Shall they prohibit the president from making substantive legislation through executive orders and proclamations? Will courts resurrect the 1935 rule requiring Congress to delegate legislative power with clear standards? This would be a revolution in itself. Should we consider placing all independent commissions under the executive departments, thereby tidying up the system of three branches? This has been tried more than once, without success, and for good reason. Can we no longer tolerate adjudication and "quasi-legislation" by the agencies? Should we eliminate "legislative courts" (established under Congress' Article I powers)? For that matter, is it time to ask the courts to pull back from their own involvement in legislation and administration?

It is too glib for courts to tell Congress that if it disagrees with what the president and the agencies are doing, it should act through the regular legislative process. The regular process is subject to a president's veto, creating the need for a two-third majority in each house to override the president. Without the legislative veto, Congress is placed in the dilemma of delegating authority by a majority vote and then needing a two-thirds majority to recapture control. That is why both branches agreed on the legislative veto for reorganization authority.

The legislative veto in the War Powers Resolution of 1973 was meant to extricate Congress from the situation it found itself in under President Nixon: able to attract a majority vote in each house to deny funding for the Vietnam war, but unable to secure a two-thirds vote when Nixon vetoed these restrictions. Critics of the legislative veto have not addressed this problem.

Nor is it enough to advise Congress that legislative vetoes would be unnecessary if it would only delegate with precise standards and clear policy.

Congress has no doubt used the legislative veto to side step difficult questions of national policy; it can be a convenient and irresponsible substitute for making legislative decisions. But the veto allows Congress to review specific proposals under circumstances that no one could foresee when the authority was first delegated.

For many issues facing government today, the legislative veto is practical, appropriate and constitutional. Striking it down is not a step to be taken lightly.●

"PLEASE 'EM WITH PORK" WINNERS SALUTED

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. EVANS of Iowa. Mr. Speaker, my home State of Iowa has long been the leader in the Nation's production of pork. People think of Iowa and almost immediately think of hogs. On our farms we have a warm regard for those often abused critters which have provided us so well by giving their all.

When our forefathers left their homeland and came to America in a steady convoy of fragile ships, it was often salt pork which provided the needed sustenance for those aboard ship well in advance of refrigeration even in its most primitive form.

As the colonists headed west to homestead this great Nation of ours, sturdy hogs accompanied the wagon trains. Once those homesteaders established their claims, the hogs grew to maturity, in many cases on a diet of waste and scraps from the family kitchen.

Here in Washington, even in those early days, the hog began to claim prominence. The menu for the second inauguration of President Lincoln featured roast pork. Even today, in the House restaurant, the "Iowa chop" is featured as one of the very best meals served in our Nation's Capitol.

The mighty hog has often been severely maligned with unkind and degrading terms such as "pigheaded," "clumsy as a pig on ice," "fat as a pig," or "male chauvinist pig," when over the years he has been the source of low-cost nutrition. Across the Corn Belt, the hog has been the "lifter of the mortgage" on thousands of farms.

In recent years, we have all seen the popular picture of two hogs nuzzling called "Hogs Are Beautiful." And they really are when they are returning a profit. That has not been the case for many months, but recent improvement in prices is bringing a few smiles in our farming community.

Another activity has been taking place to boost pork prices. Here in the Washington-Baltimore area, the Rath Packing Co., the major processor of hogs in Iowa, has been working closely with the Giant Foods supermarket chain on an outstanding merchandis-

ing program. Called "Please 'Em With Iowa Pork," the promotion has been conducted under the sponsorship of the Iowa Pork Producers Council. It has resulted in the meat department managers of Giant Foods stores in this area going whole hog in displaying to its best sales advantage Iowa pork processed by Rath Packing.

Through this project, many residents of the Capital metropolitan area have been introduced to this top quality product for the first time. We hope they continue to enjoy our Iowa pork.

It was my privilege earlier this month to share in honoring meat department managers of six Giant Foods stores for excellence in this promotional effort. The contest among these Giant staff people has been completed. The award recipients have been selected. They received well-deserved recognition at a banquet held in their honor.

The winners in the "Please 'Em With Iowa Pork" contest are, really, all who enjoy this fine product. But the winners of the merchandising awards are: Richard Phillips, Arlington, Va., meat department manager of the Giant store in Alexandria; William Sink, Silver Spring, Md., meat department manager in Bethesda; Larry Guman, Sterling Park, Va., meat department manager in Sterling; Cliff Frank, Bowie, Md., meat department manager in Upper Marlboro; Vernon Tebo, Pasadena, Md., meat department manager in Glen Burnie; and Bill Winters, Glen Burnie, meat department manager in Reisterstown, Md.

It is a privilege to salute these men for their accomplishment.●

BWI—THE BETTER ALTERNATIVE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. HOYER. Mr. Speaker, for nearly two decades, a public policy debate has raged over the future operation of Washington National Airport. Maryland citizens residing near National, by virtue of high levels of aircraft noise and congestion, have been held hostage to that airport's continuing overutilization. The Metropolitan Washington airports policy, announced last year by the Secretary of Transportation, represents an important first step in efforts to achieve a more balanced utilization of the three air carrier airports serving the Washington metropolitan area.

Yes, Mr. Speaker, I said three airports, because, while most of the sound and fury has been aimed at National and Dulles, there has been another airport, ready and waiting to be recognized as one of our area's premier airports.

Baltimore-Washington International Airport (BWI) has long been considered by the Civil Aeronautics Board as well as the Metropolitan Washington Council of Governments as part of the solution to National Airport's environmental and capacity limitations.

BWI has undergone a comprehensive and exciting refurbishment and expansion program, making it one of the most modern, safe, and convenient airports in the world. Just last summer, the Department of Transportation opened the BWI Amtrak Station, creating an intermodal system that brings BWI within 30 minutes of downtown Washington. For many people living in the Maryland suburbs, it is as convenient as National, and much more convenient than Dulles.

In the 10 years since BWI has been owned by the State of Maryland, it has built a substantial following among passengers for its convenience—offering short, medium, and long range and connecting service not only within the confines of the United States, but also to London, Frankfurt, Montreal, and Mexico.

In light of the proposed reduction in funding for National and Dulles, I think it only appropriate to underscore at this time, the tremendous opportunity we have to become boosters of BWI. BWI is ready, willing, and more than able to serve the Washington metropolitan community.●

THE (SAM) BROWNING OF VISTA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● MR. MICHEL. Mr. Speaker, history will record the Carter administration as the last desperate throw of the dice by the New Left in its effort to impose radical social views on the United States. New Leftists, such as radical Sam Brown, and his aide, Marge Tabankin, took over the ACTION Agency under Jimmy Carter and proceeded to transform it into a transmission belt for the delivery of tax-supported programs to New Left radical activist organizations. This disgrace was silently watched—or cheered—by the very ones who are screaming because President Reagan is instituting much needed reforms in social programs.

At this time, I wish to insert in the record, "The New Left in Government; The VISTA Program as 'Institution-Building,'" an executive summary study of a Heritage Foundation report, January 1982.

THE NEW LEFT IN GOVERNMENT: PART II—THE VISTA PROGRAM AS "INSTITUTION-BUILDING"

VISTA "is probably one of the few government agencies established in the '60s which is both fondly remembered by the Left and still staffed by leftists." This was the assessment of "Mother Jones," a magazine published by the Foundation for National Progress, referring to a June 1980 Washington, D.C., conference commemorating the fifteenth anniversary of Volunteers in Service to America, originally part of President Lyndon Johnson's "War on Poverty." That the journal of a foundation created in 1975 by the far-left Institute for Policy Studies should so characterize VISTA says much about the redirection of the agency during the Carter Administration under the leadership of two principal New Left activists, Sam Brown and Margery Tabankin. It also helps explain both the Reagan Administration's reported decision to phase out the program entirely by the close of fiscal 1983 and the widely-held perception of VISTA as a program which, from 1977 through 1980, was captured by New Left radical activists and used to funnel government funds to organizations advocating programs and strategies basically antithetical to American political and economic usages.

It was Brown's view that federal anti-poverty efforts had tended to degenerate into programs that encouraged dependency rather than "self-help" and that what was needed was a renewed emphasis on "citizen participation." Tabankin's view coincided with Brown's. Stressing the need to develop "institution-building" and "networking" at the local level through community organizing programs based on the nationwide network of radical organizations from which activists like Brown and herself had emerged, Tabankin said that "VISTA should work towards more equitable distribution of income and opportunities."

The result was the national grants program, whereby grants were awarded by ACTION headquarters to national organizations with affiliates in local communities without restrictions imposed by state or regional boundaries. These grants were to be used "in support of citizen participation organization building efforts and the creation/expansion of advocacy systems" rather than for any "direct service for the sake of service (i.e., the end goal is to provide a service)." As noted in the March/April 1978 issue of "Working Papers for a New Society," another IPS-related publication, "this procedure shielded the agency's new direction from the public eye for a while—an important strategy, as later become apparent."

The national grants program emerged from a lengthy "citizen review process" initiated early in 1977. Tabankin appears to have played an especially important role in this process and acknowledged that she had "make up the list" of those who should be invited to participate in a series of roundtable discussions held by VISTA in May and June of 1977. By ACTION's own account, the national grants concept "envolved" from these meetings, in which 100 organizations were represented, among them the Association of Community Organizations for Reform Now (ACORN), Campaign for Economic Democracy, Federation of Southern Cooperatives, Laurel Springs Training Center, Midwest Academy, National Center for Urban Ethnic Affairs, and National Training and Information Center. Of these,

at least five—ACORN, FSC, MA, NCUEA, and NTIC—were among the first twelve recipients of national grants (ACORN benefitting through the Community Organizations Research and Action Project, which the ACORN leadership created specifically to handle VISTA funds). Another recipient was the Youth Project, a leftist funding agency for which Tabankin had worked as executive director.

One regional ACTION director was quoted as characterizing national grants as "Marge Tabankin's program and all her cronies." As summarized by Representative John M. Ashbrook (R-Ohio), "Of the 22 organizations represented at the meetings with which Ms. Tabankin claimed some prior association [exclusive of the Youth Project], 13 ended up as beneficiaries under the National VISTA Grants program." The leadership of these organizations, among them Michael Ansara of Massachusetts Fair Share and Heather Booth of the Midwest Academy, had in many cases been active in groups like Students for a Democratic Society and in annual conferences conducted by an IPS offshoot known as the National Conference on Alternative State and Local Public Policies, one of several IPS projects funded in part by Tabankin's Youth Project.

Subsequently-uncovered abuses in the operation of the national grants program included the use of volunteers in restricted staff-related work, union organizing, and political activity. Under the ACORN/CORAP grant, VISTAs engaged in blatantly political activity in Arkansas and Missouri, while five VISTAs were active in a labor organizing campaign in New Orleans. In like manner, under the Midwest Academy grant, two VISTAs worked virtually full-time in Rhode Island in labor organizing among jewelry workers. Training materials had to be withdrawn from use by both CORAP and Midwest because of "intemperate" and excessively confrontational language.

National grantees were not the only organizations of a radical hue to benefit under the new program. Sponsoring organizations like the Illinois Public Action Council, Cleveland Women Working, the California Housing Action and Information Network, and the Institute for the Study of Civic Values also received assistance. Both CWW and CHAIN have been actively represented at "Alternative Public Policy" gatherings staged by NCASLPP or CED; and IPAC, working through a subsidiary known as the Illinois Coalition Against Reagan Economics (ICARE), mounted a demonstration in Chicago during July 1981 to protest an appearance by President Reagan. The Institute for the Study of Civic Values, which was represented at a July 1977 NCASLPP conference, recently produced "The Cruelty Index—A Guide to Reagan Budget Cuts" and "The Greed Index—A Guide to Reagan Tax Reductions."

Recently-discovered documentary material reveals that a major training contract was awarded in August 1978 to the Laurel Springs Institute, self-described as a project of a Campaign for Economic Democracy enterprise known as the Laurel Springs Educational Center. As far back as May 5, 1977, Tom Hayden wrote to Tabankin, "We want a voice in the training of VISTAs in California and the definition of their work." The CED staff employee recommended to Tabankin by Hayden was among those later invited to the roundtable meetings.

Laurel Springs Educational Center was specifically designed to train activists "in the fields of electoral campaigning and community organizing" and to enable participants to "learn more about the way our economic and political systems operate and what CED's alternatives are." It was also designed, in the words of Hayden's wife, Jane Fonda, to aid CED in "building a political power base." It is therefore not altogether surprising that assessments of certain VISTA-related LSI programs written by ACTION officials have emphasized that CED and LSI were virtually indistinguishable, that project meetings were dominated by extraneous CED business, or that VISTAs were pressured to attend CED meetings unrelated to their projects. Of the eleven staff members and consultants originally proposed by LSI, no fewer than nine had been actively involved in CED, frequently in leadership capacities.

Laurel Springs training material was pronouncedly New Left in content. It included a training manual issued by the Midwest Academy and a resource list recommending publications of such organizations as the CED-related California Public Policy Center and an SDS offshoot known as the North American Congress on Latin America. Past workshops dealt with such subjects as "An Overview of Electoral Strategy in Relation To Community Organizing" and a "discussion of the meaning of Economic Democracy as it relates to community organizing." The propriety of government support for such a radical political apparatus is open to serious question, but it may be that the machinery of VISTA itself must be changed if similar abuses under future Sam Browns and Marge Tabankins are to be prevented.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent for recorded votes on Tuesday, February 9, 1982, and on Wednesday, February 10, 1982.

Had I been present on February 9, 1982, I would have voted:

"Yea" on rollcall No. 5, passage of House Joint Resolution 392, making an emergency supplemental appropriation for the Department of Health and Human Services for the fiscal year ending September 30, 1982, to meet low-income energy assistance obligations; and

"Yea" on rollcall No. 6, passage of House Joint Resolution 391, making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982, to meet unemployment benefits and employment services obligations.

Had I been present on February 10, 1982, I would have voted:

"Yea" on rollcall No. 7, final passage of H.R. 4481, the Justice Assistance Act of 1982; and

"Yea" on rollcall No. 8, House agreement to the Senate low-income energy assistance amendment to House Joint Resolution 389, making an urgent supplemental appropriation for the fiscal year ending September 30, 1982, for the Department of Agriculture.●

EASING ACCESS TO FEDERAL PROCUREMENT INFORMATION FOR SMALL BUSINESS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MITCHELL of Maryland. Mr. Speaker, today I am introducing legislation designed to ease access to Federal procurement information for the small business person. Small businesses, though 97 percent of this Nation's business, are severely disadvantaged in their ability to compete for Government contracts and in fact received only 22.2 percent of Government procurement opportunities in 1980. This disadvantage is caused, in large part, by defective notice procedures regarding contracting opportunities.

The Commerce Business Daily is the vehicle through which the Small Business Act requires the publication of Federal contracting opportunities. Federal agencies wishing to procure a good or service must publish their proposed bids or solicitations in this publication. The act reasoned that in this manner, maximum competition for Government contracts would be assured. However, I have found this to be far from the reality. I believe that the legislation I am introducing today will initiate the process we will later undertake to make the Commerce Business Daily more responsive to the needs of small businesses in this country.

It is administrative practice to publish procurement notices in the Commerce Business Daily 10 days before a solicitation is issued. Yet, it is just as likely that the first notice of a procurement appears on the date a solicitation is issued. Also, present regulations require a minimum bidding time of 20 calendar days, except where there are "special circumstances" or an "urgent need" for the goods or services. As a result, the 30 days optimally designed for solicitation and bidding processes exists only at the discretion of the procuring agency and is often shortened. It is because this time period is prescribed by regulation and not statute, that I intend to introduce a series of changes to better protect small business interests.

Mr. Speaker, the bill I am introducing today would give small businesses 15 days from the appearance of a notice in the Commerce Business Daily to request copies of a solicitation. An additional 30 days from the issuance of the solicitation would be offered before bids are due. These 45 days would afford small firms the time

to monitor the publication and prepare a bid or proposal. Without creating additional costs for the Commerce Business Daily, this bill will aid small firms in developing their capacity to do business with the Federal Government and will begin the process of simplification of contracting procedures.●

CORRECTING A TARIFF AMBIGUITY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. VANDER JAGT. Mr. Speaker, today I introduce legislation to correct a tariff ambiguity which has brought trade difficulties to importers of entertainment broadcast band clock radios.

This bill creates a new tariff provision for entertainment broadcast band clock radios—except for those dedicated to use as automotive equipment—and thereby resolves an ambiguity relating to the proper classification of clock radios. This is done by segregating clock radios from other types of radio receivers. The bill provides for duty-free treatment of the radio component of the article, but the separate duty assessment on clock "movements" is not addressed and will not be affected by passage of this legislation.

The proposed bill provides that clock radios imported from non-Communist countries will be eligible for duty-free entry on entries made on or after 90 days prior to the date of enactment. There is no U.S. manufacturer of clock radios as classified under this legislation.

This legislation is needed to clearly define the classification of clock radios. Differing interpretations as to the proper classification have existed for many years and are traceable in part to revisions of the tariff schedules applicable to various types of radios over the years. While many types of radios have been specifically provided for, clock radios have not been.

Importers have been subjected to excessive duties on clock radios since at least the early 1970's. During this period, total duties paid by importers whose protests have been disallowed are believed to be in excess of $15,000,000 above what would have been paid under a classification the importers have to date unsuccessfully sought. The bill, in part, is designed to remedy this situation, although it does not provide for refund of duties paid more than 90 days prior to the date of enactment.

The volume of clock radio imports has increased significantly in recent years, while domestic production is nonexistent. Therefore, this bill would benefit the consumer by offsetting inflationary pressures on clock radio prices, and at the same time would not harm U.S. industry.

LITHUANIAN INDEPENDENCE DAY

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. SENSENBRENNER. Mr. Speaker, this 64th anniversary of the Lithuanian Independence Day is being commemorated at a time when the world is focusing its attention on the repressed peoples living in East European nations which have been subjugated by the Soviet Union.

Although the troubles of Poland are now in the limelight, we should take this occasion to remember the other proud peoples which have been the object of repression for decades.

The nation of Lithuania has time and again fought for its independence, first against Russian and German occupation, and now, against Soviet hegemony.

It is with great pleasure that I join my colleagues in observing February 16, 1981, as the 64th anniversary of the declaration of independence by Lithuania.

On February 16, 1918, the Lithuanian nation declared its independence; a goal these people had sought during a period of Russian domination from 1795 to 1915, followed by German occupation during the First World War.

Twenty years later, Lithuania fell under Russian domination when it was occupied by the Red army in World War II, and declared a constituent Republic of the U.S.S.R. on August 3, 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was occupied by Germany until it was reoccupied by the Soviet Army in 1944.

While theoretically and legally defined as a sovereign state, Lithuania has in fact been dominated and exploited by the Soviet Union for well over half a century. The Soviet policies being carried out against the Lithuanian people since then have resulted in a quasi-Russified satellite.

The number of Lithuanian schools, newspapers, and other publications has greatly declined. Russian, not Lithuanian, is the official language.

Those government and/or party officials who occupy the true seats of power are great Russian, not Lithuanian.

In the face of this brutal Russification, however, the Lithuanian people have not lost hope. They have held fast to their principles of self-determination and love of freedom. Despite the Soviet control of their media, we in the West sporadically received word of incidents in Lithuania, and the other Baltic nations of Estonia and Latvia, which prove that Soviet policies have failed.

Demonstrations and protests against their Soviet type economy and repressive government continue to this day.

We only have to witness the Soviet fear of the spread of unrest and liberalising trends in Poland, evidenced by the December crackdown and attempted silencing of events there, to know this is true.

Mr. Speaker, today I wish you and my other colleagues here to join me in the sincere hope that the near future will bring true freedom to the Lithuanian people. We must continue to support their efforts in seeking independence, and never swerve from our policy of non-recognition of the Soviets' forced annexation of the proud nation of Lithuania.●

LITHUANIAN INDEPENDENCE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mrs. COLLINS of Illinois. Mr. Speaker, it is with a sense of pride and hope that I rise to speak to you today. Sixty four years ago, the Republic of Lithuania was established, a momentous first day in what should have been a long-lasting era for that Baltic nation; 22 years later, in 1940, that small republic was crushed by the tanks and armies of the Soviet Union. We can all empathize with the many oppressed Lithuanians living under the Russian boot, as well as the anguish of friends and families in this country who have not seen their loved ones for so many years.

The plight of any subjugated people is an injustice that deeply concerns all of us. The brave men and women of Afghanistan who struggle to oust a hated Soviet puppet regime; the Polish workers and farmers who seek dignity in their work and a voice in their future; all reminds us of our own past, and reconfirms our resolve to aid those who yearn to be free of foreign domination.

I share the pride and hope of all Lithuanian Americans on this special day, and assure all of them that we will not forget February 17, 1918.●

WORLD FREEDOM DAY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. McDONALD. Mr. Speaker, a very significant letter to the editor by Prof. Anthony Kubek, of the Troy State University, has just been called to my attention and I wish to share it with my colleagues. It concerns the subject of freedom, a subject which Americans have to be concerned with 365 days a year. The subject is World Freedom Day, which was observed on January 24. Mr. Kubek particularly reminds us of the North Korean and Chinese Communist prisoners who chose not to return to their Communist-dominated homelands after the Korean war. I commend the letter to the thoughtful consideration of my colleagues.

LETTER TO THE EDITOR

(By Dr. Anthony Kubek)

We read and hear a lot today about the significance of observing anniversaries of important Americans. Beyond birthdays of individuals who represented great movements, there is another day in this winter season which deserves to be remembered. Permit a professor of international relations to call attention to January 24, World Freedom Day.

On this date back in 1954, some 22,000 North Korean and Chinese Communist prisoners-of-war refused "repatriation" behind the Bamboo Curtain. Resolutely ignoring all enticements and intimidations, these brave Asians turned their backs on totalitarianism and marched out to freedom.

The Republic of China, on the island of Taiwan, received 14,000 of these freedom-seekers and, in the past 28 years, at least 170,000 more Chinese have fled from Communism on the mainland. In addition to the hundreds of thousands of boat people who have left Communist-controlled Indo-China in the last few years, a total of about 12 million Asians have fled from totalitarianism since 1954. This is how people, denied a voice and a ballot, vote with the soles of their feet.

World Freedom Day commemorates the human dignity, courage and aspirations of captive peoples everywhere behind Communist curtains today—in Asia, Africa, Afghanistan, Cuba and Central America, Poland and Eastern Europe, and the Soviet Union itself. To those who insist that whatever happens inside any country is an internal matter, we Americans should say "Nuts!" just as General McAuliffe said to the Nazi commander at Bastogne. We, who live behind the Statue of Liberty, must never forsake the captive peoples. They must have our thoughts and prayers on January 24—and every day thereafter until they, too, are free.●

SOLIDARITY WEEK FOR SOVIET JEWRY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BEILENSON. Mr. Speaker, I have brought the plight of Zina and Arkady Abranzon to my colleagues' attention on several occasions as part of vigils held on the floor of the U.S. House of Representatives. Unfortunately, this imprisoned couple's situation remains critical; so now, during Solidarity Week—February 20 though February 27—I would again like to speak on their behalf.

On October 5, 1979, the Soviet police broke into Mr. and Mrs. Abranzon's apartment, confiscated all of their possessions, and incarcerated them at Ivano-Frankovsk Prison in the Ukrainian Soviet Socialist Republic, where they were held without trial for more than 1 year. The Abranzons are Soviet Jewish citizens who had planned to apply for exit visas before this unfortunate incident.

In November 1980, Soviet officials found the Abranzons guilty of the crime of "possession of resources." Arkady Abranzon was sentenced to 14 years in prison, while his wife, Zina, was condemned to a prison term of 6 years. Disturbingly, no one—including the Abranzons' relatives—has received any word from them in over 1½ years, and we are all extremely concerned about their welfare and whereabouts.

I would like to take the occasion of Solidarity Week to reaffirm my strong belief that releasing the Abranzons and granting them exit visas would not only indicate to the world the Soviet Union's compliance with the Helsinki Accords, but would also affirm its desire to ameliorate relations between our two great nations. I look forward to the day when pleas such as this will no longer be necessary to insure freedom for Soviet Jews.●

A DECLARATION OF FREEDOM

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. PEPPER. Mr. Speaker, distinguished colleagues of the House of Representatives, let me bring to your attention today the fervent contents of the Cuban Declaration of Freedom, first read in Key West, Fla., land of grieving exile for those thousands upon thousands of heartbroken Cuban refugees who immortalized their suffering and their fervent hopes for freedom in this patriotic document of January 23, 1966, when the cruel and mismanaged tyranny of Fidel Castro was still young in Cuba, the homeland of their families.

Some years ago, when I first introduced a bill to commend this moving and important document embodying the painful desires of an honorable people to be free and democratic in the public conduct of their affairs, I expressed my hope that Congress would respond and adopt this proposal of the highest principles. Today, at a time of continued provocation and challenge by the dictator, Castro, I wish to renew my call for support for this worthy and deep expression of the soul of a free Cuba as it was, when it was called the pearl of the Caribbean.

Let us refuse to further stand for the continued impoverishment and oppression of our neighbors to the south in the Caribbean, where individual freedom and dignity are politically trampled by a personal cult of the evil dictator, Fidel Castro. I invite all Members of this House to join with me in this and the following:

H.J. RES. 137: JOINT RESOLUTION COMMENDING THE CUBAN "DECLARATION OF FREEDOM"

Whereas on January 23, 1966, a "Declaration of Freedom" was adopted by one thousand five hundred Cubans in exile meeting in Key West, Florida; and

Whereas this declaration was written in the San Carlos Club from which the great Cuban patriot, Jose Marti, in 1898, turned the course of history by proclaiming the ideological basis of a free Cuba; and

Whereas Cuba once again has fallen victim to a totalitarian regime as embodied by Castro communism; and

Whereas the "Declaration of Freedom" reads as follows:

"In the city of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the martyr island, do say:

"That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the nineteenth century, was resumed.

"That those responsible for this high treason to our fatherland and to our people are just a score of traitors who, usurpating the government of the country have been acting as mercenary agents for the Sino-Soviet imperialism, and have surrendered to that imperialism our freedom and our dignity, also betraying the American hemisphere.

"That as a consequence of this high treason, those who are usurpating the power in Cuba (as they were never elected by the people), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being of the most elementary human rights.

"That in their hunger for power, these traitors, following the pattern of totalitarian regimes are trying, within Cuba, to separate the family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hope of extending the length of time for this abominable system.

"That the rule of the law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their masters, the Sino-Soviet imperialists.

"In view of the aforegoing, we declare:

"First. That the actual Cuban regime is guilty of high treason to our fatherland and to the ideals of the freedom revolution which was started on October 10, 1868.

"Second. That this score of traitors who have committed treason against our fatherhood, in case they survive the downfall of their regime, will have to respond, even with their lives before the ordinary courts of justice of Cuba.

"Third. That as the noble Cuban people will not ever surrender, because that nation was not born to be slave, we, the Cuban people, hereby make the present declaration of freedom.

"We hereby swear before God Almighty to fight constantly, until death comes to us, to free Cuba from communism.

"The fundamentals of this resolution for freedom are:

"First. God Almighty, above all things, in whom we believe as the essence of life.

"Second. The fatherland, with all of its laws, traditions, customs, and history as a spiritual value, only surpassed by the concept of God.

"Third. The family, as the cornerstone of the human society.

"Fourth. Human rights, for each and every citizen, regardless of race or creed.

"Fifth. The law, as the foundation for the proper development of the human society.

"Sixth. Democratic government, with its three independent branches: Legislative, executive, and judicial.

"Seventh. Representative democracy, through the exercise of universal suffrage, periodically, free, and secretive, as the expression of popular sovereignty.

"Eighth. Freedom of worship, freedom of teaching, freedom of the press and free enterprise.

"Ninth. Private property and ownership, as the basic expression of liberty.

"Tenth. The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both labor and capital.

"Eleventh. The derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned, and specifically, the abolition of communism and any other form of totalitarian manifestation.

"Signed and sealed in Key West, Fla., on the 23d day of January, 1966."

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the House of Representatives that this inspiring declaration should be patriotically considered by all Cubans in exile and by all who wish to end the tyranny of Castroism and communism in Cuba and that the "Declaration of Freedom" should serve to unite those pledged to restoring Cuban liberty and independence, and that it should be the objective of the United States to commend and encourage recognition and respect for the declaration.●

LITHUANIAN INDEPENDENCE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mrs. CHISHOLM. Mr. Speaker, February 16 marked a day of commemoration for people of Lithuanian origin.

Sixty-five years ago, the people of Lithuania began living once again under their own flag, free of foreign domination. Although the subsequent years of national independence were few, the spirit and aspirations of Lithuanians remain fixed on the goal of lasting freedom and self-determination for their homeland.

I honor and respect that spirit and those aspirations. They are watchwords of our Nation. Unfortunately, they are concepts which have no real meaning for the leaders of the Soviet Union who have maintained a cruel and illegal occupation of Lithuania.

With hope, with strength, with wisdom and with patience, the people of Lithuania will, I believe, someday regain their cherished national sovereignty. I look forward to joining in their new independence-day celebrations when their struggle for freedom is finally won.●

MSHA ACTIVITIES DECLINE—MINER DEATHS SURGE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GAYDOS. Mr. Speaker, miner deaths rose by more than 70 percent in the first 2 months of 1982 compared to the same period last year, and now there are disturbing reports heard from the coal fields of an official eye-winking attitude toward safety violations.

Government safety and health regulation of mines is a body of proved procedure that grew painfully over the years in a tragic pattern—disaster, legislation, improvement.

This pattern—though painful—allowed the Mine Safety and Health Administration to reduce coal miner deaths to nearly a 10-year low in 1980.

But in 1981, the management of MSHA changed and the unreasoning fever for budget cuts sliced into an effective agency.

Penalties fell 27 percent, violation notices were down 16 percent and temporary mine closings for safety reasons declined 9 percent.

Fatalities, however, were up 15 percent for the year. And in January and February of this year they were up 73 percent over the first 2 months of 1981.

New management meant new attitudes at MSHA, and the Assistant Secretary of Labor for Mine Safety and Health, Ford B. Ford, is administratively installing a more cooperative approach that is meant to balance safety and health concerns with production.

Meanwhile, there are those in the Congress who would ignore the painfully established success of MSHA to write those considerations into the law.

The Congress would be well advised to remember that the public outcry—disaster by disaster—is the reason the law is the way it is, and that the law has reduced disasters and deaths.

The Subcommittee on Health and Safety, which I chair, Tuesday will inquire into MSHA and recent developments in the coal fields, and the results will be made known.

But, in the meantime, I offer those members who are concerned the following report on conditions in the coal fields from the February 15, 1982, Washington Post to highlight a serious and unnecessary decline in miner safety and the accompanying rise in deaths:

BUDGET CUTS HIT SAFETY ENFORCEMENT LIKE A TON OF KENTUCKY COAL

(By Ward Sinclair)

CRAYNOR, KY.—It makes a somber postcard, black from the rain of coal dust and white from the recent snow, and you know it had to be a terrible explosion.

It started where they were mining, about 800 feet under the mountain, igniting the volatile dust into an infernal force that rushed to the surface like a projectile from the barrel of a cannon.

All seven miners, including three Hamilton brothers who ran the operation, were killed in the Jan. 20 eruption at the RFH Coal Co. Bodies were burned and twisted beyond recognition. The conveyor belt was a tangle of metal. Trees and land outside the mine turned black from the dust spray.

This disaster and a rash of other mine accidents that killed at least 33 Appalachian miners in December and January have touched off a flurry of state and federal investigations of the kind that traditionally follow mining tragedies.

But there is a difference this time.

The federal inspection force, built up gradually after major disasters in 1968, 1970 and 1976, is reeling from Reagan administration budget cuts and policy changes. Critics draw a direct link between these changes and more deaths and accidents, fewer inspections and violation notices in the last year.

President Reagan's proposed 1983 budget was to have cut $7 million more from mine safety enforcement. But in an unusual move, the White House last week amended the figures upward before the ink on the budget was dry.

Even that, however, won't return mine safety spending to its pre-Reagan levels and, in keeping with its promise to cut the tangle of government rules, the administration is pursuing a regulatory reorganization that skeptics view with alarm.

But to some inspectors in the heart of the nation's coalfield, the contemplated reorga-

nization would simply formalize a policy that is already understood.

"We've lost direction. The morale of the inspector is destroyed," said Hugh Smith, a federal mine inspector based at nearby Pikeville."It has never been put in writing that we shouldn't enforce the law, but our people know there's a change in attitude in Washington. You only have to watch the 6 o'clock news to know this."

A three-month strike by the United Mine Workers notwithstanding, there were 153 fatalities in 1981, compared with 133 the year before. Through Thursday, there have been 26 fatalities in 1982, compared with 15 during the same period last year.

The Department of Labor's Mine Safety and Health Administration (MSHA) last year assessed 27 percent fewer civil penalties; its inspectors issued 16 percent fewer violation notices and 9 percent fewer mine-closure orders in fiscal 1981 than a year earlier.

The case of the RFH mine here in Floyd County puts still another light on the picture. Evidence gathered by federal investigators suggests that blatant safety violations were occurring at RFH when it blew up. But on paper, if official inspection reports are to be believed, the RHF mine was a paragon of safety.

During four inspections in 1981, MSHA inspectors gave RFH a clean bill. The mandatory inspections produced only one safety violation notice. Similar spotless records are turning up at other small mines. "The number of violation-free mines last year would shock you," said one official. MSHA is conducting an internal study to determine why historically dangerous mines are suddenly showing up clean.

Although Reagan altered his 1983 budget to lift the freeze on hiring coal mine inspectors, the administration is proceeding on other fronts with policies that appear to have had a severe effect on MSHA morale, both here and in Washington.

Some examples:

MSHA chief Ford B. Ford, aiming for a new era of "cooperation" with mine operators, has shifted more power and duties to MSHA's district managers. Among these will be a procedure, scheduled to take effect in April, that will allow operators to meet privately with the managers to discuss the validity of violation notices issued against them.

Since last fall, MSHA has applied rigid new civil service performance standards to its inspectors, who complain that the result is work schedules that force more cursory, speed-up inspections and fewer surprise spot inspections in the mines.

The hiring freeze has sharply cut the size of the inspection force. For example, the Pikeville district of MSHA, covering a major coalfield, is 44 inspectors below its 1978 level. In MSHA's Prestonsburg office, with clerical help laid off by budget cuts, key supervisors have been relegated to handling paperwork. Nationally, the agency has about 850 inspectors on duty, less than half the 2,000 that an internal MSHA study says are needed to provide full coverage of the mines.

The administration has not taken a formal position, but congressional sources expect it will line up in support of a package of amendments drafted by the American Mining Congress and introduced by Sen. Orrin G. Hatch (R-Utah) to substantially water down the tough 1977 mine safety law.

Fearing layoffs or loss of jobs, many younger inspectors, almost all miners before joining federal service, are said to be nervous about penalizing mine operators * * *. Their attitude is very poor. Their morale is plain gone. They may be looking for a job next week from the same guy they're inspecting. They're just not spending the time in the mines that they used to and we're getting more complaints about safety from our men at the local mine sites."

In an opinion issued last month, affirming a $200,000 penalty settlement against the owners of the Scotia Coal Co. mine in Kentucky where explosions killed 26 men in 1976, a federal administrative law judge lashed out at the mine-safety budget cuts from another angle.

Joseph B. Kennedy, a judge with the independent Mine Safety and Health Review Commission, wrote that budget cuts have seriously impaired the morale of inspectors and judges. "In the face of the rising rate of institutional manslaughter," Kennedy said, "the calls for further deregulation and relaxation of the enforcement effort seem unreal, if not morally irresponsible."

Some MSHA career officials in Washington acknowledge the validity of these allegations. Said one: "When our people hear what the president says about overregulation, about bureaucrats and so on, it affects their morale. With the budget cuts, many got furlough notices around Christmas and this has been a big psychological factor."

Inspected or not, the mines continue to run at a merry pace in this part of the mountains. The pressure for production is intense. Loaded coal trucks constantly lumber along the roads. The signs of coal prosperity are everywhere: new homes sprouting on hillsides, new retail outlets, a Prestonsburg store that advertises designer apparel.

One thing does not change.

Coal operators, historically resistant to government oversight, continue to assail MSHA inspections as an example of the overregulation the Reagan administration has promised to abate. In the wake of a grim December and January, some in the industry are calling on regulators to punish miners, rather than operators, for safety infractions.

That line emerged again last week in Hazard, where an investigative commission appointed by Gov. John Y. Brown met to hear miners and mine operators testify on a type of explosive technique common in use here, but banned as too dangerous in most states.

The Hamilton brothers were using this technique, called shooting from the solid, when their RFH mine exploded. At another mine not far from here, the Adkins Coal Co. at Topmost, eight miners died in a similar explosion in December.

After those disasters, the state tightened its rules for this type of blasting. The industry, however, argues that Kentucky, the country's leading coal producer, is inviting economic suicide if the rules are tightened more. Operators at the Hazard hearing claimed that the cost of mechanized equipment to cut out the coal, rather than blast it out, would bankrupt most small operators.

The UMW's Boyd, a member of the governor's commission, couldn't resist when one witness, cutting-machine manufacturer Thomas Pruitt of Grundy, Va., testified that mechanization would vastly reduce explosives costs and save the companies money in the long run.

"What's the difference between the price of a Mercedes and one of your machines?" Boyd asked with a touch of wryness.

"Not a heckuva lot," Pruitt answered.●

DIAMOND JUBILEE OF PORT JERVIS, N.Y.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GILMAN. Mr. Speaker, this year the city of Port Jervis, N.Y., will be celebrating the 75th anniversary of its charter as a city.

This community, known as the "Gem of the Delaware River," has always been blessed with an ideal and beautiful location at the big bend in the Delaware River—the point where the river ceases its southeasterly flow from the Catskills to the ocean, and suddenly careens to the Southwest. This point is known as "Tristates," where the States of New York, New Jersey, and Pennsylvania meet. It is at this point also that the Neversink River empties into the Delaware. Just a few feet from the mouth of the Neversink is a stone monument marking the junction of the three State boundaries. At this spot, it is possible to stand within all three States at once.

Near the tristate boundary marker is the grave of one of America's most notable novelists, Port Jervis native Stephen Crane, who, in "The Red Badge of Courage" and other novels and short stories written at the turn of the century, vividly portrayed the horrors of war and man's inhumanity to man.

Port Jervis is the site of the Battle of Minisink, fought in 1778. This was the last major battle in New York State between the Indians and the white settlers. The power of the Indians, who had been harassing settlers with the encouragement and support of the British, was broken forever in our region at the Battle of Minisink.

Port Jervis' natural location on the Delaware River, surrounded by the Shawangunk and Pocono Mountains with their gorgeous lakes and trout streams, also benefited from manmade resources. The city was the southern terminus of the Delaware and Hudson Canal, one of the engineering miracles of the 1820's, carved out and designed by John Bloomfield Jervis, from whence the community got its name.

Port Jervis grew by leaps and bounds after its founding in 1829 as a canal town, but did not experience explosive growth until after it became a railroad center in the years just prior to the Civil War. The wonderful old railroad station in downtown Port Jervis has recently been placed on the National Register of Historic Places, and will be a museum of the days gone by when railroads captured the commerce and the hearts of Americans.

As Port Jervis grew, it was incorporated as a village in 1853, and then as a city in 1907.

And now, as it celebrates its diamond jubilee, I invite the attention of my colleagues to the city of Port Jervis and ask my colleagues to join with me in saluting this outstanding community.●

HANDICAPPED AMERICANS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GINGRICH. Mr. Speaker, bright Americans are kept from earning the type of living they are capable of, simply because they may not have the use of some of their body.

But now, hope exists for the handicapped. New uses for the computer allow people with a physical handicap to use their minds to become productive, fulfilled citizens.

Johns Hopkins University sponsored a contest to find the best ways to use computers to help the handicapped. I would like to share an article with my colleagues on this contest.

Please take a look at the following article:

[From the Washington Post, Oct. 29, 1981]

COMPUTER WIZARDS OPEN NEW WORLD TO HANDICAPPED

(By Diane Granat)

For 49 of her 50 years, Lois, a cerebral palsy victim, could not speak a word, write a sentence or communicate a thought in any way other than flopping her head to signal "yes" or "no."

Then Howard Batie, a modern-day "miracle worker," came into her life.

Batie, a self-described "pentagon paper pusher" dabbles in computers as a hobby. So last year, when asked if he could design a system that would allow Lois to communicate via a computer screen, he was immediately intrigued.

The result is the Handi-Writer, a gadget available for less than $1,000 that allows Lois to display words and phrases on a screen by pressing five large buttons connected to a basic Radio Shack computer. The screen can display up to 72 words and an alphabet, and the buttons allow Lois to select the letters and words she needs to form a message.

"This has really opened up a world for her," said Batie, a bespectacled naval officer who dreamed up the invention in the basement of his Herndon home.

Batie's invention is one of more than 900 computer-based devices entered in a contest sponsored by the Applied Physics Laboratory at Johns Hopkins University to help the handicapped through the use of personal computers.

This weekend, Batie and 29 other finalists, several from this area, will display their creations at the National Academy of Sciences in Washington. A grand prize winner (who will receive $10,000) and runners-up will be announced Monday.

Paul L. Hazan, director of the Johns Hopkins project, said the entries used "an amazing range" of ideas to help the blind, deaf, mentally retarded, learning disabled, physically handicapped and persons with neurological and muscular problems.

The contest, launched by the Laurel, Md., laboratory last November, was "pretty ambitious," Hazan admits. "We wanted to focus the power of this new low-cost computer technology on the needs of the handicapped. And we wanted to harness creativity on a national scale, not just from professionals in the field but from the general public too."

Like Batie's computer system, which was custom-made for Lois but could be used by many speechless, physically disabled persons, most of the inventions tried to solve practical problems of the handicapped, Hazan said.

For instance, Reuel Launey, an Arlington physicist, developed a voice-controlled computer that a quadriplegic can use to operate home appliances, a telephone, a typewriter and other office equipment.

Launey's machine, which says "Good morning, human," turns on lights and tells him the time when he wakes up, was made-to-order for David Ward, a suburban Baltimore man paralyzed from the shoulders down.

Ward, who lost the use of his arms and legs after a fall four years ago, sells industrial equipment and was unable to turn the pages in catalogs and price lists after his accident. Launey said he plans to hook up his computer to a microfiche version of the catalogs, so Ward can use his voice to call up the information he needs to conduct his business.

Many of the inventions are new twists on old ideas. Talking computers have been around for a few years, but Deane Blazie, an electrical engineer from Forest Hill, Md., designed a terminal that reads back everything written on the screen, giving the blind easy access to a computer.

Total Talk, which sells for $6,000, has been purchased by a blind judge who uses it for legal research and a history professor who is writing a book with his machine, Blazie said. Mainly, though, it is used by blind computer programmers like Ted Henter, who works for Blazie and used to rely on Braille printouts to verify what he types.

"It's so fast, it's like reading the information yourself," said Henter, who can understand the computer's robot-like voice at 300 words a minute, about twice the speed of normal speech.

Other examples of computer wizardry on display this weekend include:

An infrared eye tracking system that allows a nonvocal, severely physically handicapped child to audibly express words or phrases simply by glancing at them on a personal computer screen. An infrared camera associates the position of the child's eyes with a specific word and then the machine says the word in a little girl's voice.

A computer that teaches deaf children to lip read by drawing lips, a mouth and tongue on a screen, and moving them to pronounce a word.

A computer the size of a pocket calculator that a deaf person can use in a phone booth to dial home and convey a message to his personal computer at home.

After the contest ends, Hazan said, Johns Hopkins will sponsor a workshop so the inventors can meet businessmen who might want to manufacture their devices and educators who could use them.

"The bottom line," he said, "is getting these programs in the hands of the handicapped."●

A SKEPTIC CONVINCED: MINIMUM TILLAGE FARMING SAVES TOPSOIL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BEDELL. Mr. Speaker, we have taken great strides toward solving the serious problem of topsoil loss on America's farmlands. However, unless we act responsibly, we still face a future whose landscape may include drastically reduced farm production because of soil erosion.

I speak with a sense of urgency when I ask Congress and farmers across the Nation to recognize the need for agricultural practices that utilize conservation techniques. According to the Council for Agricultural Science and Technology (CAST), we are losing approximately 4 billion tons of topsoil per year. This may eventually raise costs and reduce yields for our farmers, thus decreasing the quantity of vital food supplies available to the Nation and for export.

We possess today the know-how to decrease topsoil loss by up to 75 percent, according to CAST, without losing land productivity or profit. I am speaking of minimum-tillage farming and no-till ridge planting, as explained in the book by Ernest E. Behn, "More Profit With Less Tillage." One of my constituents from Iowa, Glenn Tjossem, wrote me exclaiming his success with this exciting new technique.

Glenn writes:

Concerning till planting on the ridge, like the doubter in a recent article, I also thought, it might work on your farm, but our low gumbo fields would be different, but now find I was wrong. After a few years of using till planting on the ridge, our sons who are now taking over the farming ask, why didn't you do this 10 years ago? My only reply is, I didn't think it would work in our gumbo type soil. We're never too old to learn.

He explains:

In our operation we save at least 8,000 gallons of diesel fuel, and about 72 man days on a 12 gallon per hour tractor per year. We have traded off our large 4 wheel drive tractors, as the power requirement of this method is less than one-half of conventional method. These are a few of the benefits of till planting on the ridge but the main reason is that there is no visible loss of soil or water in our rotation of corn and soybeans, the soybean being the big problem with erosion, especially on the loose soil type we have here.

Glenn continues:

About half of the land we farm is contoured, and the slopes there are terraced. We think we now have terraces we do not

need. In Behn's book he mentions, if the slope isn't over 3 or 4 percent no terraces are needed, as this system puts a small terrace every 30 inches. With more rolling land, this system would work well in conjunction with terraces.

I was excited by the comments in Glenn's letter, especially since they come from a self-professed doubter. His examples of fuel and time savings, the need for less powerful machinery, fewer terraces—on top of conserving soil and water, should certainly persuade the rest of us.

Congress plays a central role in influencing the Nation's farm production. Present policies often encourage excessive erosion for short-term, maximum production, and this results in soil deterioration. I urge Congress to redirect its emphasis on agricultural policy toward soil conservation. Farmers should be encouraged to adopt this method of farming to assure a future of productive land use in America.●

TRANSNATIONAL DATA FLOWS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BEREUTER. Mr. Speaker, I would like to draw my colleagues' attention to an article which appeared in the February 1982, issue of the ABA Banking Journal. That article highlights an important but frequently overlooked aspect of our international trade problem; restrictions on international data flows. As the Reagan administration and the Congress turns its attention increasingly upon barriers to international trade, I hope that this element of the problem is not ignored.

Excerpts of the article, written by Washington attorney Robert Plesser, follow:

ISSUE OF DATA FLOW ACROSS NATIONAL BORDERS MUST BE FACED

(By Ronald L. Plesser)

Banks with international operations are having to make fundamental policy choices as the result of the concerns being raised in connection with the movement of banking information from one country to another. . . .

Now, with dramatic increases in the speed and volume of data flow through computers, and with other communication advances, individual nations and international organizations are beginning to examine national policies to identify what transborder problems exist, if any. They are considering whether there should be controls on the flow of data, or no restrictions at all. . . .

Importance now. This issue has been looked at for several years by many U.S. businesses in general, and particularly by the banking industry, as an issue yet to develop fully. . . .

The concerns are getting more and more real as countries enact policies that restrict how a multi-national company or a multinational service industry like banking may be able to do business in the future.

If each country has differing approaches as to how information and data services are treated for tax, customs, and liability purposes, then it may become more difficult (costly) to transact business internationally.

Further, information itself may be considered having value, and, as a result, the question is being raised whether it should be taxed, trade-restricted, or otherwise treated as a commodity.

There may be several long-range responses to these issues but one thing is certain: Transborder data flow is a developing issue that should be dealt with affirmatively by the private sector and the U.S. Government. . . . .

Tension. The U.S. response to date has been to discourage international barriers to trade while at the same time seeking to develop a response to the great advances brought about by an exploding information environment. This has created some tension in the official U.S. policy response to this issue. The government is trying to show that no restrictions are warranted, while at the same time we have adequate customs, practices, and laws in the area of personal privacy.

U.S. policy on transborder data flow is being coordinated by the State Department with the active technical assistance of the National Telecommunications and Information Administration (NTIA), the Department of Treasury, the Office of Special Trade Representation, and others. Congress has expressed some interest (H.R. 1957) in creating a commission that would have more explicit authority to coordinate U.S. Government policies for these issues. That coordination, however, continues to be managed by the Department of State, with budget cutbacks severely limiting the important role that NTIA and others are able to play.

Canadian example. As an example of the concerns particularly facing banks, consider recent Canadian banking legislation. The Canadian Bank Act, adopted November 19, 1980, requires that all data generated in Canada by banks must be processed in Canada unless the specific approval of the Canadian Bank Inspector is obtained. Further, when a bank intends to process, outside of Canada, information or data generated by banks in Canada, the bank must so inform the Banking Inspector. The Inspector "may direct the bank to further process information or data relating to . . . [such information] in Canada and the bank shall forthwith comply with any such decision." [Section 157(4)(5) and (6) of the Canadian Banks and Banking Revision Act, 1980].

The Canadian Act was enacted to allow foreign banks to operate in Canada while providing for regulatory controls by the Canadians. The Canadians do not contend that their statute is a restrictive trade act, nor do they claim it is a privacy protection. The implications, however, are straightforward: A U.S. bank which is centrally managed in the United States must create duplicate facilities in Canada and the U.S. if it is to do business in Canada and maintain centralized U.S. processing facilities. It may also be prohibited from sending data to the United States for even duplicative processing.

The question is whether the enactment of this law is an isolated event or part of a growing trend which will require banks to examine data-flow issues in every country in which they intend to operate.

Lending impact. Although modern banking today is a collection of different financial services, the key function is still the lending of money. To do this with a minimum amount of exposure, banks need to be able to gather information about the various aspects of loan portfolios on a worldwide basis. Banks need to know before making a financial decision the total exposure of a bank to a particular customer, or to a particular group, or to a particular country, or in a particular currency, or to a particular industry. All this information is necessary to enable a bank to conduct prudently the normal lending business of international banking.

Banks also engage in short-term financing to assist the movement of goods throughout the world. For this purpose, they need to have quick access to all types of information about the political and economic bases of the various trading areas of the world.

In short, to enable banks to carry on the business of international banking successfully and prudently, banks need to be guaranteed the free flow of information and access to that information throughout the world on a timely basis. The concern, then, is whether the trend towards some regulation of the flow of information may inhibit banks from fulfilling their information needs.

Bit of history. These issues and the U.S. response to them have been developing since the early 1970s. Sweden enacted a data protection law in the very early 1970s creating a data commission with the authority to license and approve all automated data systems.

The United States, focusing on the privacy interests of individuals, enacted a series of acts which create legitimate interests of confidentiality in personal records.

A wider base of European countries (France, Germany, the Netherlands, and Denmark) then enacted their own data-protection acts, which followed the more centralized approach of the Swedish government. These data-protection acts created a new basis for concern because they stated that data on natural persons may not flow out of their countries unless they are transmitted to countries with levels of data protection "equivalent" to their own.

With a growing concern for "Balkenization" in data flows, the Council of Europe and the Organization for Economic Cooperation and Development (OECD) have responded to these issues. The Council of Europe enacted a treaty, now undergoing ratification by its European members, which creates some uniformity of treatment among its members for data protection. The broader-based OECD also has taken a very central role in this issue. It first issued guidelines on privacy and now is studying non-privacy issues involved in transborder data flow, through an expert group.

Shifting concerns. The concerns are now shifting to non-privacy issues. These issues include taxes, custom duties, intellectual property, liability, extra-territorial application of national laws, choice-of-law issues, and the need for the free flow of information.

The OECD is undertaking a survey of national laws and practices to determine if countries treat these issues differently and whether there is the need for international uniformity to assure the "free flow of information."

A concern is raised as to whether there is a need to consider developing more guidelines without any idea of what the conflicts between the laws of various countries are. Moreover, guidelines may mean more re-

strictive legislation prior to an effective demonstration of real problems.

Transborder data flow is an issue which will continue to challenge the private sector as well as government decision-makers. It also is an issue which is not likely to disappear. The implications of it should be examined for the future and judgments should be made as how best to respond to them.●

URGENT NEED FOR INCREASED SUPPORT OF NATIONAL EARTHQUAKE HAZARDS REDUCTION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BROWN of California. Mr. Speaker, I am increasingly concerned about the future viability of the Federal Emergency Management Agency's (FEMA) role as lead agency for coordinating the National Earthquake Hazards Reduction Act of 1977. Emphasis seems to be shifting within FEMA to a much greater role in military-related civil defense. This possible shift in emphasis at FEMA is coming at a time when there are reports of a greater than 50-percent chance that a catastrophic earthquake is expected in California in the next 30 years. Estimates of fatalities range from about 3,000 to more than 13,000. Property losses are expected to be higher than in any past earthquake in the United States, with estimates of between $15 billion and $60 billion.

I want to stress that California is only one of many States where an earthquake may occur. Perhaps the most violent quakes on record in the United States occurred at New Madrid, Mo., in 1811 and 1812. Another event of large magnitude took place near Charleston, S.C., in 1866. Geologists believe that earthquakes are likely in more than 30 States, although the probability in any one spot is much less than that in the Pacific States.

My view that the earthquake hazards reduction program should be strengthened and supported is maintained in a recent report, "Geodetic Monitoring of Tectonic Deformation—Toward a Strategy." The report by the National Research Council Assembly of Mathematical and Physical Science identified leading hypotheses and problems with regard to measurements of crustal deformation. It established a priority of effort and described in a general way the required instruments and procedures. This report recommended "a substantial expansion in the current program of trilateration and other geodetic measurements for crustal movement studies in the Western United States: More frequent measurements, more closely spaced sites, extension of networks to greater distances away from the main faults and more complete coverage of the major fault systems. The report also stated, "There is a major earthquake threat to California, the State of greatest population and capital investment. Because of this threat, crustal movement studies must be established as a national priority and be vigorously pursued by the scientific community."

In view of the potential damage and loss of life, it seems a wise policy to strengthen and support this program designed to improve predictive capabilities, prepare emergency response plans, and engage in earthquake-related research. Because of the increasing importance of this issue, the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation and the Subcommittee on Science, Research and Technology of the House Committee on Science and Technology will hold joint hearings on the authorization of the Earthquake Hazards Reduction Act on March 11. Witnesses will include State officials experienced in emergency planning, as well as scientists and Federal officials familiar with the national earthquake program.●

COMMENTS ON THE PRESIDENT'S STATE OF THE UNION ADDRESS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MINETA. Mr. Speaker, I would like to share with my colleagues an article I wrote for the San Jose Mercury News following President Reagan's state of the Union address.

[From the San Jose Mercury News, Feb. 3, 1982]

THE STATE OF THE UNION IGNORES THE STATE OF THE ECONOMY

(By NORMAN Y. MINETA)

President Reagan's State of the Union address was disappointing. The president failed to recognize the most pressing issues facing our nation—the deep recession, rising unemployment, large budget deficits and high interest rates.

One year ago, President Reagan sketched out a far-reaching economic program designed to reduce inflation, increase employment and foster economic growth. The president launched this nation on a test of supply-side economics using the economic welfare of our country as the guinea pig. When the president proposed his plan to cut taxes, increase defense spending, reduce social spending and balance the budget, many economists said that it would not work. Even Vice President Bush called it "voodoo economics." Economists predicted huge budget deficits and record high interest rates.

After long, difficult bargaining wars, Congress passed all of the essential elements of the president's economic program. The president received cuts in federal spending for social programs, large increases for defense spending and a massive cut in corporate and personal income taxes. It is important to note that not only was the funding reduced for most federal programs, but in many cases programs were eliminated entirely. With just one vote, Congress acceded to the president's wishes by adopting a single piece of legislation which made changes in more than 250 existing programs and laws.

People are now beginning to realize the full impact of what has been taking place in these past 12 months. Instead of cutting only the fat—the "fraud, waste and abuse"—from the federal budget, the knife is cutting the arteries that support the economic survival of our nation's poor and working citizens. The administration's economic program strikes at working Americans, at the poor and the elderly in a harsh and cruel way. At the same time, the administration's policies reward the powerful and the super-rich.

A distinguished Republican senator from Oregon, Mark Hatfield, recently described this economic program very accurately by saying that the administration's new federal policy is a "policy of taking and cutting from the truly needy and giving to the truly greedy."

Not only are working Americans suffering under this economic experiment, but the nation's economy is also suffering. During 1981 we saw economic activity decline steadily, and the nation is currently in a severe recession. Long-term interest rates that really count for housing and business investment are now higher than in any month during 1980. These high rates in the face of declining inflation indicate a belief that the president's program will lead to even higher rates for years to come. In addition, short-term rates have started to rise again.

An even more disturbing fact is that there are currently more than 9.5 million people officially included in the unemployment statistics in December. This figure underestimates our unemployment problem because more than 1 million people have been so discouraged by economic realities that they have given up actively seeking work and are therefore not counted in the unemployment figures. In addition, during the first week in January, 1 million people filed initial unemployment claims. Furthermore, all of these figures fail to include the families of the unemployed.

These are the realities we face today. They are neither the promise nor the goal of supply-side economics. The current economic situation is very critical, and unless corrective actions are taken, the nation could be plunged into a depression. We cannot afford to allow this experiment to continue much longer. Even when measured against the goals the president set for himself, the experiment is off course.

Just last July, the president told Congress that if his program was adopted, real GNP would grow by 2.5 percent in 1981 (measured fourth quarter 1980 to fourth quarter 1981). According to the latest figures from the Commerce Department, real GNP grew by only 0.7 percent in 1981. The administration estimated that inflation would fall to 8.6 percent in 1981 and the unemployment rate would peak at 7.7 percent. The inflation rate for 1981 was 9.6 percent. The unemployment rate reached 8.9 percent in December and most economists predict that it will reach 10 percent in the next few months.

The president has also failed to fulfill his promise to slow the growth of federal government spending in his State of the Union address, the president said that the administration's program "calls for a reduction in the rate of increase in government spending, and already that rate has been cut nearly in half." The facts are that the program has merely shifted the growth of spending to military spending and interest payment on the national debt; the program has not cut spending.

Spending this year is growing at 12 percent, slightly higher than its average rate of growth from 1971 through 1981. Furthermore, spending will be 24 percent of GNP this year, an all-time record except for World War II, and up from 23 percent last year. In addition, this year's deficit is projected to be more than 3.5 percent of GNP, up from 2 percent of GNP last year.

The president attempted to defend this ballooning deficit by stating that inflation was brought down faster than expected and as a result has "deprived government of those hidden revenues that occur when inflation pushes people into higher income tax brackets." However, in July, the president estimated that the Consumer Price Index would slow to 8.6 percent in 1981, instead in 1981 the CPI was at 9.6 percent—higher, not lower, than the president expected. Thus the slowdown in inflation cannot be blamed for the largest deficit in the history of our country.

In 1982, the federal deficit will be closer to $109 billion instead of the president's promised $42 billion level. In 1983, the deficit could climb to $155 billion. And in 1984, the deficit could reach $190 billion, far from the goal of a balanced budget. Overall, it is expected that close to $455 billion will be added to the deficit in the next three years—more than two and a half times the increase during the four years of World War II.

The national debt will be increased by approximately $2,000 for every man, woman and child in the nation. Our country has never had to endure deficits of this size. It must not be allowed to do so now. Large deficits force the government to borrow money in the credit markets, which results in increased interest rates and reduces the credit available to the private sector for investment. The administration must understand that you can't decrease revenues with a massive tax cut, increase defense spending by $69 billion, and reach a balanced budget by 1984. The president fails to acknowledge the results of his economic proposals.

In the State of the Union we did not hear mention of a balanced budget. Instead the president managed to turn the focus away from the current economic crisis by proposing yet another experiment—"new federalism." This time the president has proposed to experiment with the basic framework of government. The "new federalism" is a sweeping proposal to change the current program and funding relations between federal government and states and localities. "New federalism" only changes the structure of government, it does not create one new job, it does not provide incentives for stimulating economic growth, and it does not reduce the ever-growing budget deficits.

The president said that his economic program will "stimulate the economy . . . provide capital for expansion, mortgages for homebuilding and jobs for the unemployed." Since the president came into office, his programs have:

Caused a serious recession—real economic growth fell 5.2 last quarter;

Reduced new investment—capital goods orders fell nearly 12 percent during 1981;

Pushed homebuilding to a 35-year low;

Increased unemployment by 2 million to 9.5 million;

Increased long-term interest rates by more than 2.5 percent; and

Increased business failures by more than 45 percent.

We've heard before that if we "do a little more" we can win the war. Now, we keep hearing how if we endure a little longer, and cut spending a little further, we will prove this economic theory a success.

Wall Street doesn't believe it. I don't believe it.

Someone may be seeing a light at the end of the economic tunnel, but I don't know who that person is. It has been clear to me for some time that the major thrust of this economic program is to reward the rich, while at the same time dismantling every federal program designed to help people prosper and provide the needed infrastructure for economic growth.

This economic experiment must be stopped before more jobs are destroyed, before high interest rates choke off all investment. It is a president's responsibility to ensure that his economic policies meet the needs of the nation. President Reagan has neglected this responsibility. The president cannot ignore the state of the economy by unveiling a governmental reorganization scheme as a diversion.●

THE 64TH ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. CLINGER. Mr. Speaker, the rumblings of revolt from Poland remind us that proud peoples cannot be denied basic freedoms forever. Today, as we pause to remember the 64th anniversary of Lithuania's Declaration of Independence, we declare our admiration for that nation's courage in facing the denial of its citizens' basic rights by the Soviet Union. As Americans, we pray that their Independence Day may someday be celebrated as joyously as our own.

By signing the Helsinki accords in 1975, the Soviet Union endorsed the right of all people to self-determination. Since then, it has imposed its military might on the people of Afghanistan, backed a brutal crackdown on the people of Poland, and supported numerous guerrilla campaigns that would extend the Moscow empire to Latin America and Africa. Incredibly, the Soviets explain that these actions were taken to insure freedoms rather than to deny them. But the absence of freedom in Lithuania and the other Baltic countries is evidence of the Soviet Union's disrespect for human rights.

Forty-two years after the annexation of Lithuania, the United States refuses to recognize Soviet domination of that nation, which existed nearly 700 years before Stalin's Russia invaded. To a nation with as long and rich a history as this one, 42 years of domination is not enough to destroy the spirit and hope of its people.

Despite our abhorrence of Russia's continued denial of Lithuania's right to exist, we are soberly aware that our words here today will not reverse the crime committed four decades ago. But let us remember that the passage of time will never erase that crime. The candles that burn in our windows burn not only for Poland, but for all those people whose hope for freedom endures.●

CONGRESSMAN TONY HALL PROVIDES UPDATE ON POSSIBLE FOOD SHORTAGE IN EAST TIMOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. HALL of Ohio. Mr. Speaker, nearly 2 years ago, as a member of the House Foreign Affairs Committee, I introduced an amendment to the International Security and Development Cooperation Act of 1980 concerning the tragic situation in the former Portuguese colony of East Timor, an island territory that was invaded by Indonesia in late 1975. In the months immediately preceding the introduction of my amendment, conditions in East Timor were described in press accounts as comparable to those in Cambodia.

The measure I introduced expressed the sense of Congress that the President should take measures to encourage the Indonesian Government to allow increased access to East Timor for international relief organizations and to permit them to establish relief operations directly in East Timor. It also sought to encourage the Indonesians to allow free emigration from East Timor, particularly in the case of families whose members had already left the territory while others remained behind.

The amendment was adopted unanimously by the Subcommittee on Asian and Pacific Affairs. It eventually became section 408 of Public Law 96-533. The full text of section 408 follows:

PUBLIC LAW 96-533

EAST TIMOR

Section 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

In 1980, international relief agencies were able to eradicate some of the worst effects of the catastrophic situation that they had encountered the year before. However, on December 9, 1980, a report in the New York Times cited an Indonesian Government announcement that no international food aid would be accepted for East Timor beyond the end of that year.

Nevertheless, Members of Congress were assured that the food situation in East Timor was under control. Notwithstanding such assurances, the Times account quoted sources who warned of further tragedy if international relief agencies pulled out of East Timor.

By May 1981, these agencies—which were never allowed more than a token presence in the territory—ended their full-time, on-the-ground activities in East Timor. Further relief efforts henceforth would be under Indonesian, rather than international, auspices.

The international access to East Timor sought by Congress in section 408 clearly has not been secured. As Mr. David Scott, representing the Australian Council for Overseas Aid, Community Aid Abroad (Australia), and the Human Rights Council of Australia, said in a statement presented to the Fourth (Decolonization) Committee of the United Nations on the Question of East Timor on October 21, 1981:

Circumstantial, but no less powerful evidence, of resistance, food shortages and repression is found in the continuing refusal of the Indonesian Government to allow representatives of the United Nations, the International Jurists, Red Cross, foreign missions, international organizations or the media to enter and freely move around the country. This is after the unbelievably long period of 6 years following an occupation which the occupying forces would have us believe was welcomed.

All available evidence appears to confirm that one of the reasons that Indonesia has been denying outside free access to East Timor is that it does not want the world to know about its military initiatives against Timorese resisting Indonesian rule.

January 1982, reports in the Australian media quote statements by Monsignor Martinho da Costa Lopes, the Roman Catholic bishop of East Timor, pointing to Indonesia military operations and forced conscription of Timorese villagers, which have resulted in serious food shortages in the territory. The bishop warns that a renewed famine is a real possibility unless sufficient international food aid reaches East Timor in the coming months.

This news media is most distressing. It follows other accounts of the effects of Indonesia's latest military push, including charges from Roman Catholic Church sources introduced into the RECORD last December 16 by Senator PAUL TSONGAS alleging that pregnant Timorese women and small children were put to death by Indonesian forces.

These horrifying reports should not distract us from another important issue, that of Timorese who wish to leave the island to join their families abroad. Little progress was made on this front in 1981. As the Country Reports on Human Rights Practices for 1981 states: "In general, however, movement on the repatriation front has been slow over the past year."

Articles in late 1981 in the Boston Globe and the Christian Science Monitor describe the plight of those seeking to leave East Timor. These articles support the conclusion that Indonesian authorities are preventing people from leaving East Timor. They also suggest that Portugal should be playing a much more active diplomatic role on this question, through available intermediaries, to deal with urgent family reunification cases.

It should be noted that the State Department's human rights report on Indonesia is peppered with references to the situation in East Timor. As the Country Reports summarizes: "Much of the current international interest in human rights in Indonesia is focused on allegations of abuses in East Timor."

My particular concern is the threat of famine looming over East Timor. The Australian Government announced last month that it will ship 1,000 tons of corn in response to the appeal of the Timorese Bishop.

While this is an encouraging development, past food assistance has not prevented new Indonesian military offensives from renewing serious food problems on the island. Particularly alarming is the fact that there are currently no international relief agencies operating in East Timor to oversee the distribution of relief—or to offer some form of protection against violence to the population.

Unfortunately, the Indonesians already have indicated to the Australians that they are unwilling to permit Australian aid agencies to operate directly in East Timor. As the Indonesian Embassy press attaché was quoted as telling the Australians in the Sydney Morning Herald of January 12, 1982:

The procedure is to give relief or aid to Indonesia and especially Timor through the Indonesian Red Cross. To give directly to East Timor will not be allowed.

In view of the attitude of the Indonesians, the administration should act to implement the sense of Congress expressed in section 408 and call upon the Indonesians to permit independent, international relief agencies to operate on a full-time basis in East Timor. Now is the time to encourage such international presence in East Timor if food shortages are to be averted. This is one of those rare opportunities we have to head off a food crisis, rather than react to it.

In order to bring my colleagues up to date on developments in East Timor, articles by Daniel Southerland, of the Christian Science Monitor, and Arnold S. Koken, an East Timor expert appearing in the Cleveland Plain Dealer, follow:

[From the Christian Science Monitor, Feb. 11, 1982]

EAST TIMOR MAY FACE FOOD SHORTAGE

INDONESIAN MILITARY OPERATION COULD BE CAUSE

(By Daniel Southerland)

Still recovering from the famine which struck only a few years ago, the small former Portuguese colony of East Timor may now be facing new food shortages.

In January, it was learned that Monsignor Martinho da Costa Lopes, the Roman Catholic bishop of East Timor, sent an urgent appeal to nearby Australia, calling for aid. He said that a major Indonesian military operation on the Southeast Asian island territory had disrupted planting, causing food shortages.

In Australia, Indonesian embassy officials denied there was a critical need for food on Timor, but the Australian government said that it would give 1,000 tons of corn to help avert shortages. Australian aid officials have been requesting direct access to the island territory, which has been largely shut off to the outside world since Indonesia annexed it after invading more than six years ago.

In the United States, Senator Paul Tsongas (D) of Massachusetts has drawn attention to East Timor. Last December, Tsongas referred to early accounts from Timorese Catholic sources reporting possible food shortages and an alleged massacre of Timorese civilians. On Feb. 8, Tsongas cited additional information from Monsignor Lopes. The Senator noted that there are no international relief agencies working on East Timor on a full-time basis and urged that Australia's Catholic Relief organization be permitted to enter the island to supervise the distribution of the newly promised Australian aid.

"To the best of our knowledge, the food situation is not critical," said a U.S. State Department official. The official said that his information was based on reports from diplomats and members of international organizations who visited Timor over the past several months.

As a precautionary measure, however, the International Committee of the Red Cross (ICRC) helped late last year to fill several warehouses in Timor with food.

American interest in East Timor stems from close U.S. ties with Indonesia, the world's fifth most populous nation. The Indonesians used American weapons in their December 1975 invasion.

The United States has contributed heavily to international aid efforts on Timor, providing a good part of the food which was shipped to counter the widespread starvation which followed the Indonesian inva-

sion. In the view of U.S. officials, the Timorese, who have their own distinctive identity and language, never stood a change of forming a viable separate state. Critics of U.S. policy dispute this assertion.

In its recently issued annual reports on human rights, the U.S. State Department mentions East Timor about a dozen times, and states that much of the current interest in human rights in Indonesia is focused on allegations of abuses in East Timor. These include allegations of killings, disappearances, and large-scale detentions. The Indonesian government denies that abuses have occurred. The State Department says that it is "difficult to independently confirm or deny" the allegations.

What the State Department does say, however, is that the Indonesians restricted access to the island to foreign observers more in 1981 than in 1980. It also says that East Timorese have left the island more slowly during the past year. Indeed, according to the department, only six of the families in an ICRC program and 47 in an Australian program have been allowed to leave Indonesia since Oct. 15, 1980.

One indication that all is not well on East Timor came last year from an unlikely source. Members of the Indonesian-installed East Timor provincial assembly, in a report to Indonesia's President Suharto, warned that members of the Indonesian military were behaving on Timor like "conquerors towards a conquered people." They said the assembly was continually receiving complaints from the Timorese about corruption and mistreatment by the military, including torture. In November, the two assembly members who signed the report were arrested. The State Department says the best available evidence indicates that they were released by the end of last year.

According to the Reuters news agency, the document prepared by the Timorese assemblymen was similar to a secret report compiled recently by Catholic priests in Timor for the Vatican.

Sen. Tsongas said this and other information confirmed his belief that an international presence is needed in East Timor to help protect the civilian population from violence and to distribute food.

[From the Cleveland Plain Dealer, Jan. 13, 1982]

PLIGHT OF TINEY TIMOR

(By Arnold S. Kohen)

It should be a news story of major importance: many tens of thousands killed—perhaps a third of the territory's 600,000 inhabitants—as a result of a military invasion by a nation with a population 200 times its size.

The occupation forces continue a ruthless campaign to destroy nationalist resistance while keeping news of the situation from the outside world by allowing few people to leave.

The victim nation fought bravely on the Allied side during World War II, losing at least 40,000 lives while sheltering Australian commandos. But its erstwhile friends turned their diplomatic backs when, in 1975, East Timor, a Southeast Asian island territory then emerging from 400 years of Portuguese colonial rule, faced invasion by its huge neighbor, Indonesia.

The State Department has admitted that "roughly 90%" of the arms available to the Indonesian generals—rulers of a strategically located, oil-rich nation with the world's fifth-largest population—at the time of the 1975 invasion were American-supplied; U.S. weapon shipments were stepped up thereafter. Jakarta has also received American diplomatic support for its position at the United Nations, which nevertheless has repeatedly rejected Indonesia's claim to sovereignty over East Timor.

And significantly, whenever new reports of Indonesian atrocities have surfaced, U.S. officials have gone to great lengths to shield Jakarta from congressional and press criticism.

Whatever the level of U.S. involvement, it has been far from easy to draw Americans' attention to the situation: Few have ever heard of East Timor, and there are perhaps a dozen Timorese-Americans in the United States—hardly the makings of a pressure group.

Nonetheless, the invasion and the illegal use of U.S.-supplied weapons for aggressive purposes attracted enough attention to stimulate an initiative in early 1976 by Rep. Tom Harkin, D-Iowa, aimed at reducing U.S. military aid to Indonesia. The effort failed, but Congress held four hearings in 1977 and 1978 to probe, in the words of then-Rep. Donald Fraser, D-Minn., "allegations of genocide committed by the Indonesian-armed forces against the population of East Timor."

In September 1978, a group of journalists, among the few allowed a glimpse of the terrority since the invasion, cited accounts alleging that hundreds of Timorese were dying of starvation each month. In late 1979, international relief officials were finally admitted to the island, and they reported that conditions were "worse than Biafra and potentially as serious as Cambodia."

At the same time, a group of Timorese refugees, mainly Roman Catholic priests, traveled to the United States in an attempt to alert Congress and the news media to their country's plight.

This was at the height of the Cambodian famine, which followed the Vietnamese invasion of that country. The Soviets were invading Afghanistan. Though they tried, officials in the State Department were unable to explain persuasively just why the Indonesian invasion of East Timor was any different, or less in need of a humanitarian and political solution.

Indonesia's status as a "friendly" nation and its staunch anti-Communist presence in Southeast asia were factors in the unsympathetic response of "security-minded" people in the press and in Congress. Besides, Timor was an impoverished agrarian area with no wealth, apart from its people, for even Indonesia to exploit. The best reason anyone can offer for the invasion is simply that East Timor was there, the Portuguese were not, and Indonesia saw "instability" in the area.

Still, the congressional hearings in 1979-80 and the brief flurry of media coverage were enough to prod Jakarta into allowing some humanitarian aid onto the island. While that may have prevented some further deaths, it had no effect on other basic problems.

One of the Timorese priests (East Timor is largely Roman Catholic) who testified before Congress reported later that his relatives had been threatened because of his statements here. The Indonesians are still denying permission to emigrate, and those who dare to apply, and families of those who have left, are punished or threatened.

In late 1980, Amnesty International reported arbitrary executions of surrendered nationalist guerrillas by the Indonesian forces, "disappearances" and large-scale imprisonment without trial. Amnesty (and the Catholic Church in East Timor) recommended that international relief agencies be permitted to maintain and expand their presence in the territory to provide some level of protection for the Timorese population.

Last May, the Timorese seemed to have gained a new and important ally in Sen. S.I. Hayakawa, R-Calif., chairman of the foreign relations subcommittee on Asia. He circulated a letter among his colleagues supporting the need for continuing, full-time, on-the-spot international supervision of the situation.

A diverse, bipartisan group of nearly 30 senators supported the letter, illustrating how a relatively small amount of press coverage had spread awareness of the Timor tragedy in Washington. But the initiative fell through when Hayakawa suspended the letter under pressure from the Reagan administration, which shares the Carter administration's reluctance to press Indonesia.

Meanwhile, horrifying accounts continue to arrive from East Timor. The most recent is a report introduced into the Congressional Record last month by Sen. Paul E. Tsongas, D-Mass., of a new Indonesian military offensive in which 500 Timorese, including children and pregnant women, were said to have been massacred. Church sources say that the latest Indonesian "operation" could lead to a renewal of serious food problems—this at a time when Jakarta has barred further international food aid for the island.

A few Timorese still manage to get out. A small group is now in this country, under the auspices of humanitarian organizations, to give firsthand accounts of the tragedy being suffered by their countrymen. Unfortunately, they arrived at a time when America is preoccupied with the suppression of the people of Poland. The people suffering on a little island thousands of miles across the Pacific wish that they could receive even one-tenth the attention.

[Kohen is a free-lance writer who has been working with Timorese refugees in the United States and Europe. This was written for the Los Angeles Times.]●

CHANGES IN HUD REGULATIONS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GINGRICH. Mr. Speaker, a constituent of mine, Mr. Warren H. Brockway, has some excellent suggestions for changes that should be made in certain HUD regulations. He is the executive director of the housing authority of the city of Newnan.

Warren is in an excellent position to see where our tax money goes. He has some ideas on how to cut out much of the fraud and abuse that plagues our subsidy programs.

I would like to share with my colleagues a letter I received from Warren:

THE HOUSING AUTHORITY
OF THE CITY OF NEWNAN,
Newnan, Ga., December 17, 1981.

Congressman NEWT GINGRICH,
Longworth House Office Building,
Washington, D.C.

DEAR NEWT: After filling in your questionnaire, I am pressed to comment on some of the things we administer at the Newnan Housing Authority (411 units) that could be changed to be less costly to taxpayers except that we are expected to and do follow HUD rules.

1. Utility Allowances. By bedroom size of apartments (number of bedrooms) we allow or deduct from rent of each tenant for gas, electricity, water and sewerage an amount that totals $243,000.00 annually. There is no way to encourage the majority of tenants to turn down the thermostats. If it gets too hot, they open the doors and windows. If a portion of the $243,000.00 could be saved it would directly lessen the subsidy we ask for paid by the Government or in other words, you and I pay.

Solution: Don't cut back our subsidy without making it possible for us to establish rules that will reduce the $243,000.00. If you cut the $243,000.00 to $150,000.00 and force the tenants to pay the balance themselves, it would probably hurt some elderly but maybe the others would be able to survive with the thermostat at 65 to 68 degrees. There is no easy answer but it can be done with flexible local rules that we don't presently have.

2. Contract rent. Presently around 100 of 411 pay no rent at all. Bad, yes, but consider that we are also forced to pay their utility bills. These 100 are not elderly. They are tenants that don't or won't work. (Rent is based on income with deductions for dependents). Suppose every tenant had to pay a minimum of $50.00 per month rent. This translates to $60,000.00 rental income or $60,000.00 less in subsidy plus an additional saving if they pay utility costs.

3. Welfare is counted as income. Sure, there is need for Welfare but as you said, make the able bodied earn their way. Not with CETA programs but pass it down to local levels by:

a. Making them get a job in industry;

b. Pay them for working for City or County administered jobs;

c. Work for individuals doing domestic, yard work, etc. with the individual employers paying $2.00 per hour and subsidize $1.50 per hour. This would require some real honest administering.

4. Food Stamps. We don't administer at the Housing Authority either Welfare or food stamps but we are in a position to observe the results. Cheating to the extent of fraud is rampant and very little is done to police same. It seems that children whose mothers ask for Welfare and food stamps have a father somewhere (that's a brilliant statement), but he gives no support. I don't understand why we (the government) don't press for the admitted fathers of these children to contribute to their support. In many cases we feel sure that the fathers are:

a. On a visitor basis one or more nights per week with bedroom privileges with the child's mother;

b. Buying gifts for the child;

c. Passing money and/or food to the family (under the table);

d. Permitting their admitted child to use their mother's maiden name instead of his name;

e. Yet upon admission or upon reexam the mother freely admits who the father is and gives his name. This practice gives the father his whole paycheck and his freedom.

5. Additional Comments. You are aware that if a single person (man or woman) no matter how poor cannot get into low rent housing. Yet, get pregnant, have a child and we must take her application.

Congress has tried to help PHAs by saying that we do not have to rent to those who have a minimum income if we have more than 20 percent low income that are "credit renters," but that is only a deterrent to a few because the smart ones apply and have a job, get qualified, get an apartment, move in and two weeks later quit their job, report that they have no income. We can't move them out and they become credit renters. Don't think for a minute that this doesn't happen.

No, Newt, I'm not a Scrooge and I want to help the poor with all my heart, but we must do something to trap the doubledippers and it can be done.

First no Congress, no group can write rules that would cover the problem without hurting some that should not be hurt. Therein lies the problem. Quit trying. Relax the rules that presently protect those who are doubledippers so that the burden can be transferred.

Yours truly,

WARREN H. BROCKWAY,
Executive Director.●

TRIBUTE TO DR. ANTHONY PEROTTI

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to note an important event in my district. Dr. Anthony Perotti, after many years of service to the Audubon School District and the South Jersey educational system, retired at the end of January.

Most recently, Dr. Perotti served as administrator of corrective programs at Audubon High School. Previously, he had been administrative principal of Audubon Park Elementary School. Dr. Perotti is certified as a school administrator, school supervisor, secondary principal, elementary principal, and secondary teacher of English and social studies.

A graduate of Rutgers University and Rutgers Law School, Dr. Perotti is the treasurer of the Law School Alumni Association. His community activities include the Khights of Columbus, Holy Name Society, C.Y.O., and several basketball and baseball youth leagues. Dr. Perotti was also active in many education societies: NJEA, NEA, N.J. Association of School Administrators, and the PTA.

I am proud to represent citizens such as Dr. Perotti, whose outstanding service in the field of education makes him a valued member of the community. His years of community service are an achievement which certainly warrants high recognition.●

SECRETARY WATT THREATENS LOCAL PARKS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MILLER of California. Mr. Speaker, the Subcommittee on Public Lands of the Committee on Interior Affairs held several days of hearings recently on threats to the natural and cultural resources of the National Park System.

Some of the most severe threats are due to the policies of Secretary James Watt who is considering opening wilderness areas, national parks, and frontier areas of the coast to oil and gas development.

An additional threat exists—that to State and regional parks, a portion of whose land may have been donated by the Federal Government. Because the Federal Government retained subsurface mineral rights, some in the Interior Department have concluded they should consider opening these State and regional parks to oil and gas drilling.

Mr. Speaker, these are local parks supported by local taxpayers in the expectation that these lands would remain recreational areas. It would be an unjustified affront to these citizens and a total contradiction of the Reagan administration's professed respect for local decisionmaking, to have Secretary Watt begin selling off oil leases in local parks while his Department fails to enforce statutory mandates that oil companies explore and produce from their existing leases diligently.

I would like to share my testimony on this extremely serious situation with Members of the House.

STATEMENT OF CONGRESSMAN GEORGE MILLER
OF CALIFORNIA

Mr. Chairman and members of the subcommittee, I would like to thank you for allowing me to participate in these timely hearings on "Threats to the Natural and Cultural Resources of the National Park System."

Surely one of the most tragic policies of the Reagan administration has been its utter callousness in the management of our natural resources. While overlooking conservation and alternative power sources, the Reagan administration appears intent upon offering up our national parks and wilderness areas on the alter of "energy independence." That is a short-sighted and totally unnecessary policy, and it represents a retreat from eighty years of bipartisan support for conservation and preservation of our national resources.

I would like to alert the subcommittee to a facet of the administration's policies which lies slightly beyond the immediate scope of today's hearing. I refer to the announced policy of the Interior Department to consider the leasing of subsurface federal mineral rights which underlie state or regional

parks and recreation areas. A situation of this type has recently appeared in my district, and may reoccur throughout the nation. It deserves your attention because such leasing proposals would undermine local determinations about land use and park policy, and betray the trust of the people of Contra Costa County. Application of this inconsistent policy could severely impair local planning and land management throughout this country.

In 1975, the Federal Government transferred 360 acres of surplus land near Antioch, California, to the east bay regional park district, retaining subsurface mineral rights although all leases on the property had already expired. There is no record of any oil or gas reserves in the area, and, in fact, an exploratory drilling effort two years ago on the periphery of the preserve failed to find any traces of oil or gas.

Just a few weeks ago, an additional 180 acres of land were added to this park, known as the Black Diamond Mines Regional Preserve, through purchases and donations by the Southport Land and Commercial Company.

The Federal Government's agreement to assist local residents in the preservation of this site for public use was established by the land transfer six years ago. Federal interest in assuring public access to the land was reaffirmed by the Interior Department and Congress only last year when we approved expenditures in excess of $318,000 to close old mine openings which jeopardize public safety and restrict full utilization of the park land.

Late last year, however, the area manager of the Federal Bureau of Land Management informed officials of the park district of the possible leasing of subsurface mineral rights within the Black Diamond Preserve. Both park officials and I have expressed our very strong displeasure with such a proposition, which seems related to this administration's curious conclusion that the only way to achieve energy self-sufficiency is by throwing open our parks and wilderness areas to the oil companies.

When State or local jurisdictions are ceded lands by the United States for park land purposes, it seems reasonable that they be given assurances that those lands will not be defiled through mineral exploration except under very extraordinary circumstances. The mere fact that oil or gas may exist should not lead the Interior Department to discard the history of these lands and move in the oil derricks. This policy was recently stated by B.L.M. in the Federal Register of December 21, 1981, when, in commenting on possible oil and gas leasing in the national parks, the Department concluded, "The existence of a resource should not guarantee the right to extract the material without balancing the adverse effects of the activity . . . [those] activities should not inflict a significant adverse effect on the administration of the recreation area [or] . . . impair the scenic, scientific and historic features contributing to public enjoyment of the area." (page 62040)

Mr. Chairman, if oil and gas leasing should not impair the administration of Federal parks, we certainly should not override the legitimate objections of State or local administrators, especially when they are seeking to protect lands given by the Federal Government in the first place. To override those concerns makes a mockery of the administration's pledge to grant greater authority over local decision-making to the States. It also makes it nearly impossible to responsibly manage these lands or plan for their long-term use.

I also believe that the mere consideration of such oil and gas exploration in park land is an inappropriate and unnecessary response to our energy needs.

The administration would do far better to improve its monitoring of production and royalty payment on lands already given over to mineral production than to sanction the invasion of recreational lands. The fact is that over 90% of the onshore lands already leased for oil and gas production are not being developed, and a substantial percentage of the offshore lands are not being explored.

The Interior Department persists in the leasing of both worthless and highly lucrative lands onshore through means of a ludicrous lottery system which disposes of billions of dollars of public resources in a glorified church raffle. Offshore, Secretary Watt has decided to rapidly expand leasing on the Outer Continental Shelf even though we lack the technology and materials to explore much of the frontier area targeted for upcoming leases.

Little wonder, as a result, that the General Accounting Office recently condemned the Interior Department's proposal to expand massively the OCS leasing program, noting that Secretary Watt lacks the administrative capability to oversee such a leasing program. The failure of that monitoring was made apparent in the recently released report of the Commission on Fiscal Accountability for the Nation's Resources which concluded that inadequate royalty collections cost the American taxpayers $650 million in 1981.

Mr. Chairman, these issues are closely related to those being addressed in these hearings. If the administration is intent on expanding domestic energy production, let them focus on those lands set aside specifically for that purpose. Let them diligently monitor the production of resources from those leases before gobbling up lands which prior administrations, congresses, and the states have set aside for other public purposes. To this point in history, there is no evidence that accelerated leasing means increased oil and gas development. But it can result in the permanent loss of valuable and irreplaceable parks and wilderness areas which would be needlessly sacrificed.

Again, I appreciate having the opportunity to direct your attention today to the impacts of federal leasing decisions on state, as well as federal, park lands.●

A BILL TO CREATE AN OCEAN AND COASTAL RESOURCES FUND BASED ON OCS REVENUES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. JONES of North Carolina. Mr. Speaker, today my colleague from New Hampshire (Mr. D'AMOURS) and I introduced H.R. 5543, a bill to establish the ocean and coastal resources management and development fund. This legislation would establish a framework for basing State ocean and coastal resource management block grants on an extremely modest proportion of Federal revenues from the development of Outer Continental Shelf (OCS) oil and gas resources. It will serve the twin purposes of preserving valuable ocean resources funding and providing an incentive for coastal States to cooperate with greater OCS oil and gas development.

H.R. 5543 is similar to, and based on the same premises as, title IV of H.R. 4597, a bill that I introduced on September 25, 1981. Because of a growing concensus that ocean and coastal resource block grants based on a proportion of OCS revenues is an idea that should proceed independently of other OCS-related amendments, we have separated this concept and introduced it as a separate bill, H.R. 5543.

The proposed legislation contains modifications to title IV of the original bill—modifications that have resulted from hearings held by our Subcommittee on Oceanography, chaired by the gentleman from New Hampshire. These modifications were designed with several objectives in mind: To retain the nationally competitive character of the sea-grant college program; to bring added dimensions of equity and incentives for the disbursement of block grants to the coastal States, and to provide such States with a greater degree of flexibility in the application of the grants.

Proceeds from the fund would be applied to further the purposes of the national sea-grant college program and to provide block grants to coastal States. These grants would permit continuation and enhancement of State programs for coastal zone management and the coastal energy impact program. Additionally, they would provide States with the opportunity and commitment to accept an increased responsibility for the management of ocean fisheries and living marine resources, necessary to offset a dramatically reduced Federal presence. H.R. 5543 is a clear manifestation of the administration's new federalism and emphasis on block grants.

The benefits of offshore oil and gas development are spread nationally while the impacts are disproportionately felt in the adjacent coastal States and localities. The fund established by our bill would provide coastal States with fiscal resources adequate to prepare for and address the impacts that inevitably accompany mineral extraction activities close to their coastal areas. Currently, this capacity for preparedness is being threatened with extinction as a direct result of the administration's proposed termination of important ocean and coastal management programs. The Nation's policy of accelerating OCS development is one of which I am strongly supportive. However, this policy should not be accompanied by

the elimination of programs that foster wise mangement of our ocean margins. By failing to recognize the Federal-State partnership required for accelerated OCS development, these inconsistent policies threaten to inhibit the OCS leasing process by promoting conflict and litigation.

It is imperative that our country proceed, in a timely and responsible manner, with the development of OCS resources. This requires a modest investment in the maintenance and improvement of the ocean and coastal management capabilities of affected States. Our legislation would require a very small proportion of funds, based on OCS revenues received by the Federal Government, to be allocated to the States for this maintenance and improvement and to accelerate significantly our offshore program.

The fund would be based on only the increment in Federal OCS revenues that result from the acceleration of our offshore program. Specifically, fiscal year 1982 would be the base year from which only 10 percent of the growth in revenues after that year would form the basis for the fund—but with a ceiling of $300 million. To put this in a somewhat different perspective, it should be pointed out that the administration has estimated that $18 billion will be deposited in the Treasury from OCS revenues in fiscal year 1983. The $300 million established by the fund in our legislation would be the equivalent of 1.67 percent of such revenues—an extraordinarily modest investment for the protection of our State coastal management and fishery programs and for the expansion of our offshore oil and gas program.

We would also ask our colleagues to review the proposal in the context of the question of equity between interior States and coastal States with respect to the sharing of Federal revenues. Under the Mineral Lands Leasing Act of 1920, as amended, 50 percent of the Federal mineral leasing receipts are paid directly to the States within which mining occurs. In many other cases, an additional 40 percent is returned indirectly through a reclamation fund. Equally important, interior States have been granted the authority to place a tax upon the severance of mineral resources from Federal lands. In 1978, Montana collected as much as $25 million from the severance of coal mined under Federal leases. Other minerals mined under Federal leases are also subject to State severance taxes. Finally, State and local governments also receive compensation for property taxes lost as a result of Federal ownership of lands.

On the other hand, coastal States receive no direct share of OCS revenues and are not authorized to tax or generate revenues from Federal leases on the Outer Continental Shelf. H.R. 5543 would go a long way toward correcting this inequity and would require considerably less, in terms of money and proportion, than that provided under the Mineral Lands Leasing Act.

Our bill provides a timely solution to the problem of maintaining the capabilities of State and local governments to participate in offshore leasing decisions. It will accommodate accelerated development of OCS mineral resources by reducing user conflicts and litigation. Furthermore, by providing funds in block grant form, this bill will substantially reduce the Federal administrative role and increase State decisionmaking flexibility. The bill is complementary to the policies of the administration and we urge bipartisan support of this critical legislation when it reaches the floor of the House.●

LOUISVILLE: A GREAT PLACE TO LIVE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MAZZOLI. Mr. Speaker, as the Representative for the Third District of Kentucky which encompasses the city of Louisville, I call your attention to the following statistic which appeared in the Courier Journal on January 29, 1982:

In a national survey recently released, the Louisville community was ranked 19th out of 277 cities listed as the best community in which to live.

As Louisvillians, we are proud of our great city, and are proud that others are finally recognizing what the citizens of Louisville have known all along.●

SECTION-BY-SECTION ANALYSIS OF H.R. 5494

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. LEE. Mr. Speaker, the following is the conclusion of my section-by-section analysis of H.R. 5494, the proposed Ancient Indian Land Claim Settlement Act of 1982.

SECTION 4. RATIFICATION OF PRIOR TRANSFERS AND EXTINGUISHMENT OF RELATED CLAIMS

Subsection 4(a) provides that all transfers of land or natural resources located in New York and South Carolina made by or on behalf of any Indian tribe prior to January 1, 1912, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, and that such Congressional approval, validation, and ratification shall be effective as of the date of the transfer. By ratifying an ancient Indian land transfer effective as of the date of the transfer, it is the intent of Congress to remove the cloud of Indian claims against all current and former landowners in these three states who may trace their titles back to the transfer being approved. Taken together with subsections 4(b) and 4(c), this subsection is intended to eliminate completely and effectively all Indian tribal land claims and related claims for monetary compensation that may exist as a consequence of the pre-1912 transfers.

The January 1, 1912, cut-off date has been selected because it would embrace all known ancient Nonintercourse Act-type claims against current landowners in these states, while leaving unimpaired any claims regarding land disputes of a comparatively recent origin.

The approach and language in section 4(a) and in the balance of section 4 are essentially identical to the approach and language utilized by Congress in the comparable provisions contained in the Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, 94 Stat. 1785, and in the Rhode Island Indian Claims Settlement Act, Pub. L. No. 95-395, 92 Stat. 813 (1978).

Congressional approval, validation or ratification of earlier transfers of Indian lands has been judicially upheld even when such approval has come many years after the transfers in question. For example, in considering the impact of a statute enacted by Congress in 1927 on the validity of an 1858 acquisition by the State of New York of lands held by the Seneca Nation, the Court of Claims concluded:

"[I]f federal consent was needed under the Trade and Intercourse Act, such approval has been given. All agree that appellant would have no complaint if assent had been given at the time of the appropriations. *But approval can also come afterwards,* and that is what happened here. In 1927, Congress provided that New York's game and fish laws should thereafter apply to the Senecas' Oil Spring Reservation (among others), except 'that this Act shall be inapplicable to lands formerly in the Oil Spring Reservation and heretofore acquired by the State of New York by condemnation proceedings.' [Citation omitted.] *This explicit recognition and implicit ratification of New York's ownership of the tract must be taken as Congress' approval of the original appropriation, as well as of the state's continued claim of right.*

"*(Seneca Nation of Indians* v. *United States,* 173 Ct.Cl. 912, 915 (1965) (emphasis added).)"

Subsection 4(b) makes clear that to the extent any transfer approved under subsection 4(a) may involve any aboriginal title held or claimed by an Indian tribe, subsection (a) shall be regarded as a Congressional extinguishment of such aboriginal title as of the date of the transfer. Congress' broad power to extinguish Indian aboriginal title was articulated by Justice Douglas in *United States* v. *Santa Fe Pac. R.R. Co.,* 314 U.S. 339, 347 (1941):

"The power of Congress in that regard is supreme. The manner, method, and time of such extinguishment raise political not justifiable issues. [Citation omitted.] As stated by Chief Justice Marshall in *Johnson* v. *M'Intosh,* the exclusive right of the United States to extinguish Indian title has never been doubted. And whether it be done by treaty, by the sword, by purchase, by the exercise of complete dominion adverse to the right of occupancy, or otherwise, its

justness is not open to inquiry in the courts."

Subsection 4(c) makes explicit two effects that the provisions of subsections 4(a) and 4(b) are intended to have. The provision is included in the Act in order to avoid any possible ambiguity that otherwise might arise in the absence of such explicit language.

First, subsection 4(c) provides that by virtue of the approval, validation and ratification of Indian land transfers provided by subsection 4(a) and the extinguishment of aboriginal title provided by subsection 4(b), both of which are effective as of the dates of the original Indian transfers, no action by the United States, any state of subdivision thereof, or any other person or entity after the transfer shall be regarded as giving rise to a claim for trespass damages or any other type of claim for monetary recovery based on the subsequent use or occupancy of the land by non-Indians.

Second, subsection 4(c) makes clear that to the extent any actual or theoretical claims for trespass damages, for mesne profits or for use and occupancy may have arisen subsequent to the transfer, all such claims shall be regarded an extinguished as of the date of the transfer.

Subsection 4(d) is designed to preserve the agreement made by the Seneca Nation and its lessees with respect to certain leases made by the Seneca Nation in the latter part of the nineteenth century pursuant to the Act of February 19, 1875, 18 Stat. 330, as amended. In these leases, the Seneca Nation leased certain of its lands for a period of 99 years, after which possession of the lands is to revert to the Senecas. Absent this subsection, the bill may have the effect of extinguishing the tribe's underlying interest in these lands, thereby making its lessees the owners of the leased lands. Such a result would be contrary to the intentions of the parties when the leases were made. Accordingly, this subsection ensures that the terms of these particular leases will be unaffected by the bill.

SECTION 5. NOTIFICATION OF CLAIMS TO THE SECRETARY; SETTLEMENT AGREEMENTS

Section 5 provides for one of two alternative means by which Indian tribes affected by section 4 of the Act may obtain a monetary award from the United States for the settlement of their claims.

Subsection 5(a)(1) specifies that as soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a notice specifying that any Indian tribe whose transfer of land or natural resources has been approved, validated and ratified by section 4 may submit to the Secretary such information as the tribe may wish the Secretary to consider in making the determinations specified in subsection (c)(1).

Subsection 5(a)(2) specifies that to the extent the Secretary already possesses information about a particular Indian tribe needed to make the determinations specified in subsection (c)(1), the Secretary shall consult with representatives of said tribe in order to minimize the burden on the tribe in preparing the submission specified in subsection 5(b).

Subsection 5(b) provides that any Indian tribe affected by section 4 of this Act may, no later than 180 days after the Secretary publishes his notice in the Federal Register, submit to the Secretary information in response to the Secretary's notice.

Subsection 5(c)(1) provides that within 180 days after the date by which submissions are made pursuant to subsection 5(b) (or within approximately one year after publication of the Secretary's Federal Register notice), the Secretary shall determine, with respect to each Indian tribe that has made a submission pursuant to subsection 5(b), whether such Indian tribe had a credible claim, and, if so, the fair and equitable monetary award that the Secretary believes should be paid by the United States to that tribe. The provision makes clear that these determinations are not to be subject to judicial review.

Subsection 5(c)(2) specifies several factors that the Secretary may take into account in determining the fair and equitable monetary award to be made to an Indian tribe.

Subsection 5(d) provides that a tribe has 60 days from the date of the Secretary's determination under section 5(c) within which to accept or reject the Secretary's determination. Upon acceptance by the tribe, the determination of the Secretary shall become final and binding on all parties.

Subsection 5(e) authorizes the Secretary to assist any Indian tribe that will be receiving monetary compensation under section 5 to use all or a portion of such funds to purchase land or natural resources from any person or governmental entity that is willing to sell such land or natural resources. This subsection does not authorize or permit any condemnation of land or natural resources by the Secretary; rather the Secretary is authorized to use his good office to assist the Indian tribe in negotiating for the acquisition of land from those persons or governmental entities that may be willing to sell land to the tribe. The subsection also provides that the Secretary, after consultation with the appropriate state and local governments, may assist the tribe in acquiring federal lands that otherwise may be available. The amount of any monetary award provided to a tribe under section 5 shall be reduced by the fair market value of any such federal lands acquired by that tribe.

Any land acquired pursuant to subsection 5(e) shall be acquired by the tribe in fee simple title rather than held by the United States in trust for the benefit of the tribe. Also, any land acquired shall be subject for all purposes to the civil and criminal laws and jurisdiction of the state in which the land is located in the same manner and degree as land owned by non-Indians. Consequently, lands acquired by Indian tribes pursuant to this subsection will be subject to state and local real property taxes and assessments and thus will not deprive state and local jurisdictions of their existing tax base.

Subsection 5(f) is intended to provide the Secretary with authority to adopt such procedures or to utilize such other personnel as necessary to assist him in carrying out his functions. In addition, the subsection provides that interested parties, such as the states involved in the claims, may be permitted to present information relevant to the Secretary's determinations.

SECTION 6. RECOVERY AGAINST THE UNITED STATES IN THE COURT OF CLAIMS

Section 6 provides an alternative means whereby Indian tribes whose land transfers are approved, validated and ratified by section 4 of the Act may obtain compensation from the United States. The ability of a tribe to bring an action under section 6 is not dependent on that tribe's having made a submission to the Secretary under section 5, although a tribe cannot obtain a double recovery under the provisions of both section 5 and section 6, and, if a tribe chooses to make a submission to the Secretary under section 5, it may not file or proceed with its action under section 6 until the Secretary has made his determination under section 5(c).

Subsection 6(a) provides that any Indian tribe that occupied or possessed land or natural resources in the States of New York, or South Carolina and that has never obtained a final judgment from the Indian Claims Commission or Court of Claims with respect to the transfer of such land or natural resources may bring an action in the Court of Claims against the United States within one year of the date of the enactment of the Act, or for those tribes that desire to pursue the opportunity for settlement of their claims afforded by section 5, within the 180-day period beginning on the date of the Secretary's determination under section 5(c) of the Act. Indian tribes, such as those tribes in the State of New York, that previously have obtained final judgments from the Indian Claims Commission or Court of Claims on claims relating to their eighteenth and nineteenth century transfers of land in New York would not be entitled to relitigate those claims under section 6.

On the other hand, several tribes in these three states never pursued a claim against the United States before the Indian Claims Commission and would be entitled to seek recovery from the United States under section 6 even though the time limit for filing claims against the United States under the Indian Claims Commission Act (July 26, 1951) has long since passed. Why certain tribes in these states pursued a recovery against the United States under the Indian Claims Commission Act while others did not is not presently known. The most likely explanation is that until the courts began to address the meaning and scope of the Nonintercourse Act in the last two decades, the tribes that did not bring claims before the Indian Claims Commission did not believe that they had claims under the Nonintercourse Act for which they could obtain compensation from the United States before the Indian Claims Commission.

The proviso to subsection 6(a) makes clear that the Court of Claims shall make no award under section 6 to any Indian tribe regarding any claim with respect to which a settlement agreement has been agreed to pursuant to the provisions of section 5.

Subsection 6(b) sets forth the factual determinations that must be made by the Court of Claims with regard to any filed claim in order to grant the recovery provided by subsection 6(c). With respect to those claims that are predicated upon a transfer of land or natural resources by an Indian tribe that took place after the enactment of the Nonintercourse Act (July 22, 1790), the Indian tribal claimant must establish that (1) it is an Indian tribe (the standards to be utilized by the Court of Claims in making this determination would be those that have been developed by the courts in cases such as *Montoya* v. *United States*, 180 U.S. 261 (1901)), (2) at the time of the transfer that is the subject of the claim, the claimant or its predecessor in interest was an Indian tribe, (3) at the time of the transfer the claimant had a possessory or ownership interest (i.e., aboriginal or recognized title) in the land or natural resources, and (4) the claimant or its predecessor in interest did not receive fair consideration for the transfer. If the transfer took place prior to the enactment of the Nonintercourse Act (i.e., prior to July 22, 1790) the claimant must, in

addition, establish that under applicable law at the time of the transfer (e.g., the Articles of Confederation), the transfer was invalid unless approved or consented to by the United States and that such approval or consent was never obtained.

With regard to transfers that took place after July 22, 1790, the proviso to subsection 6(b) specifies that no recovery shall be awarded if the United States establishes that the Nonintercourse Act provision of the Trade and Intercourse Act of 1790 was not applicable to such transfer or that the requirements of that Act had been complied with prior to the enactment of this Act.

Subsection 6(c)(1) provides that any claimant that is entitled to a recovery against the United States by having established its claim in accordance with the provisions of subsection 6(b) shall be awarded monetary damages equivalent to the difference between the fair market value that the claimant should have received for the transfer of its interest in the land or natural resources and the compensation, if any, actually received by the claimant or its predecessor in interest (whether such compensation was received at the time of the transfer or subsequently). This standard of compensation is essentially identical to that utilized by the Indian Claims Commission in determining awards made to Indian tribes whose land had been transferred to or taken by the United States for less than fair or conscionable consideration or to Indian tribes whose claims were based on transfers to third parties where the United States had a fiduciary duty to present transfers at less than fair or conscionable consideration. By providing this standard of compensation, Congress would be ensuring that, with respect to any Indian land transfer that is approved by the Act, the Indian tribe will have obtained fair consideration.

Subsections 6(c)(2) (i) and (ii) provide that for any award granted by the Court of Claims under section 6 involving a transfer that took place after the enactment of the Nonintercourse Act, the amount of the award shall be increased by simple interest from and after the date of the transfer until the date final judgment is entered in the Court of Claims. Under subsection 6(c)(2)(i), if the transfer involved land held under aboriginal title, the amount of interest shall be two percent per annum; under subsection 6(c)(2)(ii), if the transfer involved recognized title, the amount of interest shall be five percent per annum.

Subsection 6(c)(3) provides that any final award granted by the Court of Claims shall be paid to the Indian tribal claimant in three equal annual installments.

Subsection 6(d)(1) directs the Court of Claims, to the extent practicable, to give precedence on its docket to claims filed under this Act. The purpose of this provision is to ensure that claims under the Act are heard and adjudicated by the Court of Claims as expeditiously as possible.

Subsection 6(d)(2) provides that review of Court of Claims judgments under section 6 of the Act may be obtained by petition for a writ of certiorari in the Supreme Court in the same manner as such review may be sought for other Court of Claims judgments.

SECTION 7. AUTHORIZATION

Section 7 provides the necessary authorization for the appropriation of such sums as may be necessary to meet the obligations of the United States in any settlement agreement agreed upon under section 5 or to pay any final judgment of the Court of Claims under section 6.

SECTION 8. INSEPARABILITY

Section 8 provides that if any provision of section 4 of the Act (the provision validating the ancient Indian transfers of land or natural resources and extinguishing all claims relating to such lands or natural resources) or of subsections 6(c) (1) and (2) of the Act (the provisions specifying the amount of any award that may be granted by the Court of Claims) is held invalid with respect to a particular Indian tribe, it is the intent of Congress that the entire Act be invalidated with respect to that tribe. The purpose of this provision is to ensure that (1) no Indian tribe may obtain recovery from the United States under sections 5 and 6 of the Act with respect to a particular transfer of land unless section 4 is effective in eliminating all possible claims that such tribe may otherwise have for the recovery of such land for related damages, and (2) the liability of the United States to such Indian tribe under section 6 is limited in accordance with the provisions in subsections 6(c) (1) and (2).

The second sentence of section 8 provides that if any other section or provision of the Act is held invalid, it is the intent of Congress that the remaining sections or provisions of the Act shall remain in full force and effect.

SECTION 9. LIMITATION OF ACTIONS

Subsection 9(a) provides that any action to contest the constitutionality or validity of the Act must be filed within 180 days of the date of enactment. The purpose of this provision is to ensure that, after the expiration of a reasonable period of time, the United States, the states and local governments affected, current landowners and all other persons who have or acquire rights in the lands covered by the legislation can know with certainty and finality that such lands will not be subject to future challenges by Indian tribes. A similar provision was contained in the Rhode Island Indian Claims Settlement Act. In the past, Congress has enacted provisions requiring that challenges to the constitutionality of legislation be instituted within periods as short as sixty days of the date of enactment. See, for example, section 203(d) of the Trans-Alaska Pipeline Authorization Act (Public Law No. 93-153) (43 U.S.C. § 1652(d) (1976)) and the memorandum prepared by the American Law Division of the Library of Congress discussing the constitutionality of such a provision (reprinted at 119 Cong. Rec. 24317 (1973)).

Subsection 9(a) also requires that any action to contest the constitutionality or validity of the Act shall be brought in the federal district court for the district in which the land or natural resources that are the subject of the Indian claim are located.

Subsection 9(b) provides that except for claims filed with the Court of Claims under section 6 or actions brought under subsection 9(a) to challenge the validity or constitutionality of the Act, no court of the United States, including the Court of Claims, and no court of any state, territory or possession of the United States, or of the District of Columbia shall have jurisdiction over any action or proceeding by or on behalf of an Indian tribe with respect to (1) the invalidity of any transfer of land or natural resources that has been approved, validated and ratified by section 4, (2) any claims, such as claims for trespass damages, mesne profits, or use and occupancy, arising from the alleged invalidity of any such transfer, or (3) any claims against the United States for compensation as a result of the Act. While the provisions of section 4 are intended to prohibit all possible Indian claims relating to the transfers of land or natural resources embraced within that section, the purpose of subsection 9(b) is to make clear that the courts shall not take jurisdiction over any claims based on the alleged invalidity of the transfers covered by section 4 or of any claims for additional compensation from the United States beyond the compensation authorized by section 6. The provision is patterned on the comparable provisions of section 2(d) of the Portal-to-Portal Act of 1947 (29 U.S.C. § 252(d) (1976)).●

NATIONAL PARK PROTECTION ACT OF 1982

HON. JOHN F. SEIBERLING
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, January 22, 1982

● Mr. SEIBERLING. Mr. Speaker, the Subcommittee on Public Lands and National Parks recently completed 4 days of hearings on the state of the national park system. The committee had reviewed the 1980 "State of the Parks" report prepared by the National Park Service which provided valuable information on the threats to the cultural and natural resources within the parks. Subsequent reviews revealed that very little was being done to remedy these documented problems.

The witnesses at our hearings—75 in all, including scientists and other experts, representatives of national and local organizations familiar with parks throughout the country, and National Park Service officials—not only confirmed the alarming deterioration of park resources but also elaborated upon numerous new threats documented subsequent to the 1980 report.

Indeed, the National Park Service's 1980 report listed 4,345 identified threats to resources within the national park system. Over 50 percent of the reported threats were from sources outside the parks—air and water pollution, acid rain, massive developments near park boundaries, and resource utilization adjacent to or even within the parks. Threats to park resources originating within the parks included human overuse, theft of plants and archeological and paleontological resources, excessive noise and poaching of game animals. Leasing of public lands next to parks for oil and gas drilling and mining activity is also increasing. The Department of the Interior recently issued guidelines for such leasing within the boundaries of five national recreation areas. Twelve of our most prized national parks, honored by selection as International Biosphere Reserves by UNESCO, each averaged over 36 known threats that

were degrading the very resources these parks were established to protect.

The need for increased staffing and funding for the National Park Service to combat the loss of park resources was a paramount theme of both public and administration witnesses. However, we learned that both funding and personnel for these programs have been reduced by the Department of the Interior, while funding for upgrading recreation facilities—which will probably increase visitation and threats at some park units—are recommended for increases.

The Director of the National Park Service testified that these restraints have limited the actions he can take to protect park resources. He noted that he has very limited statutory or regulatory authority to respond to many of the documented problems.

Mr. Speaker, the concept of the national park system—beginning with the establishment of Yellowstone over a century ago—was a completely American idea and invention, a special and unique ethic in land preservation, rooted in the American frontier. It has been the model for national parks all over the world. Today, our national park system contains the best representative samples of our great natural and cultural resources. It is a legacy that we must hold in trust for future generations. Yet, unless we act now, much of it could be destroyed.

I am therefore today introducing a bill that would provide protection for the national park system by greatly strengthening the hand of the National Park Service in dealing with present and future threats to these priceless natural and cultural resources. Specifically, the National Parks Protection Act of 1982 would do the following:

First, provide authority for, and direct the use of, National Park Service funds to monitor, study, and report on impacts on the natural and cultural resources of the parks;

Second, authorize the National Park Service and the Department of the Interior to control activities on Federal lands adjacent to the parks, so as to guard against degradation of park resources;

Third, require that Federal grants, licenses, and permits include conditions necessary to protect the parks against adverse impacts;

Fourth, provide for assistance to local governments to promote planning for areas adjacent to the parks that will emphasize park protection; and

Fifth, require the Park Service to prepare a biennial report to Congress on the state of the national parks.

Mr. Speaker, I urge my colleagues to join me in cosponsoring this legislation so that we can protect our great national park sysem before it is too late.●

ROBERT R. NATHAN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. SIMON. Mr. Speaker, over the Christmas holidays I caught up on some reading, including a paper prepared for the Institute for Study of Regulation and the American University by one of the most thoughtful economic leaders on the American scene, Robert R. Nathan.

Not only is he one of the economists which Time magazine and others have relied upon, he is one of those to whom I have looked through the years for both a sense of direction and commonsense.

In his statement on November 1 he has a paragraph on indexation that I believe merits careful consideration by those who put together this Nation's economic policies.

In his statement Nathan says:

> Indexation of pensions and other payments do need careful evaluations. Since part of the rise in consumer prices in recent years has been attributable to OPEC actions, it ought to be clear to everyone that 100-percent indexation is not feasible. There is no possible way in which standards of living of retired government workers or social security beneficiaries or employees can be indexed at 100 percent without causing further inflation and shifts in income between those who receive 100-percent indexation and those who do not. We need to develop new indexes for escalation purposes which would exclude price rises attributable to OPEC and which would be geared to the expenditure patterns of those who are the beneficiaries of such escalation clauses. Another alternative would be to set some reasonable proportion of the Consumer Price Index as a ceiling, such as legislating that no income should be indexed at more than three-quarters of the percentage change in the Consumer Price Index. This is a complicated and difficult area, but nonetheless important in the fight against inflation.

That is not pleasant reading, but something along this line needs to be looked at as part of the overall, long-range solution for our economic problems.

Bob Nathan has served this Nation with distinction in a variety of ways, and he has done it once again by speaking candidly about one of our problems.●

LAW OF THE SEA RESOLUTION

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mrs. SCHNEIDER. Mr. Speaker, the Third United Nations Conference on Law of the Sea will convene its 11th session on March 8, 1982, in New York City. Unfortunately, many of the 159 participants are unclear about the extent of further U.S. involvement in attempting to agree on a final, comprehensive Law of the Sea Treaty. Therefore, I am today introducing a concurrent resolution reaffirming congressional support for the Conference and urging the U.S. delegation, while seeking appropriate changes in the draft text, to endeavor to join in an early, successful conclusion of a comprehensive Law of the Sea Treaty. I am pleased that 28 of our colleagues, including nearly half the congressional advisers, are joining me in sponsoring this legislation.

Mr. Speaker, the United States has exercised leadership over more than a decade in the formulation of a comprehensive body of international law governing the peaceful uses of the seas. The current draft treaty encompasses navigation and overflight rights, scientific research and development, fishing, the ocean environment, and the recovery of mineral and energy resources. With the participation of more than 150 countries, the LOS negotiations certainly represent the most comprehensive advance in international maritime law to date.

The United States has a great stake in the successful completion of an international Law of the Sea Treaty, including: Maintenance of the United States influence in other international forums; alleviation of critical dependence on foreign governments for vital, strategic minerals found in abundance on the ocean floor—we import 89 percent of our cobalt and 71 percent of our nickel, among others—by eliminating the confusing regulatory environment facing our Nation; uniform delineation of military navigation and overflight rules, clearly in the national interest; realistic, uniform rules for commercial navigation, which will eliminate subjection of shippers to conflicting jurisdictions claimed by coastal nations; resolution of international boundaries and fishing rights; and comprehensive treatment of the problem of marine pollution.

The oceans beyond the limits of national jurisdiction are generally considered the "common heritage of mankind." The dual approach of the Conference, to establish uniform rules for use of the oceans and to insure participation in their peaceful uses by landlocked and less-developed countries, fulfills this concept. Naturally, each member State will strive to maximize its interests in the pursuit of these overall objectives.

Early last year, the administration undertook a review of the draft treaty and U.S. participation in the Conference, the review resulted in identification of several areas of concern, particularly with regard to seabed mining and the operating entity with which to

carry it out. On January 29, the administration announced its decision to attend the 11th session of the Third United Nations Conference on the Law of the Sea (UNCLOS III). Certainly it is important that the U.S. delegation strive for a treaty in our country's best interest. However, the culmination of a reasonable document representing a clear consistent body of international law and principles is in our longrange national security and economic interest. Further, our participation in any comprehensive international accord is vital to its successful operation.

Mr. Speaker, I urge all our colleagues to join in reaffirming our support for the Law of the Sea Conference. The text of this vitally important legislation follows:

H. CON. RES. —

Concurrent resolution expressing the sense of the Congress concerning the ongoing negotiations with respect to a comprehensive law of the sea treaty

Whereas for more than ten years the United States has taken a leadership role in promoting a comprehensive treaty on the law of the sea;

Whereas the United States supported the resolution adopted by the United Nations in 1970 which endorsed, inter alia, the principle that the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction are the common heritage of mankind;

Whereas the Third United Nations Conference on the Law of the Sea, representing more than 150 countries, has been formulating a comprehensive draft treaty since 1974;

Whereas the provisions of the current draft treaty of the third United Nations Conference make vital and valuable revisions in and additions to the existing body of international law concerning the law of the sea, including provisions governing fishing, marine scientific research, protection of the marine environment, and exploitation of offshore energy resources;

Whereas provisions of the draft treaty relating to military navigation and over-flight are vital to the national security interests of the United States;

Whereas the draft treaty establishes a regime of uniform national boundaries that is vital to the efficient transportation of energy resources and other goods in international commerce;

Whereas the establishment of such a regime of uniform national boundaries would limit the steady seaward expansion by certain countries of their national boundaries;

Whereas the seabed contains an abundant supply of hard minerals such as nickel, copper, manganese and cobalt, and it is in the national interest of the United States for these minerals to be available independently of the export policies of foreign countries;

Whereas United States participation in a comprehensive treaty on the law of the sea is essential to the uniform application and continuing vitality of such a treaty;

Whereas failure to conclude a comprehensive treaty on the law of the sea would continue to subject United States commercial and military activities to the conflicting requirements and regulations of different countries; and

Whereas the United States has reviewed the draft treaty of the Third United Nations Conference on the Law of the Sea and has decided to participate in the eleventh session of the Third Conference to be held in March and April of 1982: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that the successful conclusion of a comprehensive treaty on the law of the sea is of strategic importance to the United States.

(b) The Congress urges the United States delegation to the eleventh session of the Third United Nations Conference on the Law of the Sea—

(1) to seek appropriate changes in the draft treaty of the Third Conference that would protect United States interests while recognizing that the draft treaty is composed of diverse, interlocking parts that represent the compromises reached among the multiplicity of interests represented at the Conference; and

(2) to seek the successful conclusion of a comprehensive international treaty on the law of the sea at the Third Conference at the earliest possible time.●

THE FIFTH ANNIVERSARY OF CHARTER 1977 IN CZECHOSLOVAKIA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. FASCELL. Mr. Speaker, Charter 1977, the Czechoslovak human rights movement, is celebrating its fifth anniversary. This group, now consisting of more than 1,000 courageous individuals from all walks of life was established in January 1977 to encourage the Czechoslovak authorities to act in accordance with their obligations flowing from various international documents, including the Helsinki Final Act and the U.N. Charter. Since that time the group has issued numerous reports and statements assessing how well the Czechoslovak Government has fulfilled its human rights and other obligations and calling upon the authorities to end practices not in accord with international human rights standards.

Due to these activities, Charter 1977 signatories have been subjected to brutal repression and given harsh prison sentences, in stark violation of the human rights provisions of the Helsinki Final Act, the U.N. Charter and other international documents, all of which have been signed by Czechoslovakia. At latest count, 44 members of Charter 1977 were in Czech prisons including such well-known and respected activists as Vaclav Havel, Rudolf Battek, Vaclav Benda, Jiri Dientsbier, Albert Cerny and Peter Uhl.

The imposition of martial law and the subsequent massive repression in Poland serves to highlight the continuing disregard for basic human rights and fundamental freedoms everywhere in Soviet-controlled Eastern Europe, but particularly in Czechoslovakia. Currently languishing in Czech prisons awaiting trial since May 1981 are eight human rights activists, six of whom are members of Charter 1977: Dr. Jirina Siklova, Dr. Milan Simecka, Karel Kyncl, Jiri Ruml, Jan Ruml, Eva Kanturkova, Jan Mlynarik and Dr. Jaromir Horec. These eight courageous citizens have been detained on trumped-up charges of subversion in collusion with a foreign power for their alleged contacts with two French journalists. Also awaiting trial on similar charges but temporarily free are six other Charter 1977 activists including Jiri Hajek, a former foreign minister.

The goal of the Czechoslovak authorities in proceeding with this travesty of justice is clear: They want to link Charter 1977 to foreign governments and thereby to discredit it once and for all in the eyes of the Czechoslovak public. But, such efforts are doomed to failure. The work of Charter 1977 and similar organizations in other East European countries has shown and will continue to show the world that the spark of freedom, that the striving for basic human dignity and human rights cannot be stamped out no matter how brutal the repression. On this fifth anniversary of Charter 1977, its work has never been more important, more urgent, or more inspiring that it is now.●

CURRENT EVENTS COMMEMORATES 80TH YEAR OF PUBLICATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GEJDENSON. Mr. Speaker, many of us, throughout our school years, were kept up-to-date on national news by reading the Weekly Reader family of publications. I am proud to have the editorial offices of the Weekly Reader family in the Second District of Connecticut.

In May of this year, Current Events—America's first school newspaper and one of the Weekly Reader publications—will celebrate its 80th year of publication. I have to admit that I'd never given any thought before to how school papers (which have now become as much of an institution as recess) got their start. In its January 25 issue, Current Events printed the following article in explanation:

HOW AMERICA'S FIRST SCHOOL NEWSPAPER WAS BORN

It was May 20, 1902. Teddy Roosevelt was President. Automobiles were still called "horseless carriages." The Wright brothers'

history-making flight was almost two years away. Radio, TV, and electric refrigerators didn't exist.

In Agawam, Mass., a group of students eagerly looked at the first issue of a new school publication called Current Events. The front-page story told about "an awful volcano eruption" on the island of Martinique in the West Indies. Other major stories in that first issue were about Spain's new "boy king," Cuba, a strike by Pennsylvania coal miners, and a riot by New York City housewives over the high prices of beef.

There were 12 news stories in the four small pages that made up the first issue of Current Events. And only a few hundred copies came off the press. But it marked the beginning of a new type of publication—a classroom newspaper.

A man named Charles Palmer Davis was behind the birth of Current Events. A former newspaper reporter and editor, Davis had settled on a farm in Agawam, Mass., shortly after 1900. One day Davis visited the one-room country school attended by his daughter. The school had 25 pupils in grades 1 through 5. As Davis watched, the children gave amazing recitations on the heroes of ancient Greek history. They rattled off difficult Greek names. They even spelled them correctly.

The teacher was proud of the children's performance. Davis listened with polite interest. Then he asked a question: "Who is President of the United States?"

The pupils sat in frozen silence. The teacher looked embarrassed. How could they be expected to know such things? They were used to studying "Subjects" in textbooks. But the modern world outside the classroom was to be lived in, not studied.

In the following months, Davis visited other schools and asked other questions about current affairs. The results were the same. The pupils could recite long lists of dusty facts. But they knew little or nothing about the history that was being made around them every day. One reason for their ignorance was quite simple. Neither radio nor TV existed in those days. And newspapers were too difficult for most young people to understand.

Davis then decided to publish his own paper—one written weekly just for students—that would clearly explain world and national news. Friends told Davis that his idea would never work. But, like Henry Ford with his horseless carriage, Davis went ahead anyway.

Thus, Current Events was born 80 years ago this May.

A lot has happened in those 80 years: 19 presidential elections; two world wars; the invention of radio, TV, computers; the atom bomb; moon-walks—all those exciting events that were once news and are now history. And Charles Palmer Davis' brainchild, Current Events, has covered them all.

In commemoration of its 80th Anniversary, Current Events is sponsoring a nationwide essay contest, the theme of which is "What a Free Press Means to Me." A free press is probably one of the best examples of the freedoms which we as Americans have come to take for granted. Having just returned from the Soviet Union, I have seen first hand what it is like for people who live in a nation where free speech is nonexistent. I believe it is important for our young people to be aware of just how privileged is the society in which they live. Exploring all of the possible interpretations of the meaning of a free press will help our students, as well as the rest of us, understand the importance of our freedoms and remind us how hard we must work to insure those freedoms are never lost.

The contest, of course, will have its winners, and the national winner will receive a medal at a ceremony in the White House. But every young person who enters the contest is a winner in my book. Every student who takes the trouble to think about the contest theme and to submit 500 words on the subject will have helped remind us how fortunate we are to live in America and to be Americans.●

REAGAN'S MASCOT IS HOOVER

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mrs. SCHROEDER. Mr. Speaker, during the brief administration of Gerald Ford we were subjected to the sight of a Republican President adopting Harry Truman as his mascot.

Now we have Ronald Reagan doing the same to Franklin Delano Roosevelt.

If Reagan wants a talisman, let him pick Herbert Hoover.

The following letter to the editor is from the February 14, 1982, New York Times:

ABRIDGED ROOSEVELT

To the EDITOR:

During a television program about Franklin D. Roosevelt, President Reagan implied that he was following F.D.R.'s lead: He quoted Roosevelt as saying that the Federal Government must get out of the welfare business—or, to use Roosevelt's own words, "must and shall quit this business of relief."

What Mr. Reagan neglected to mention was that in that same message to Congress, on Jan. 4, 1935, F.D.R. went on to say that it was the "duty" of the Federal Government to employ all of the unemployed people who were able to work—three and a half million of them. The Government did employ them.

Today there are about nine million unemployed and able to work. Is Mr. Reagan going to say that it is the Government's duty to employ them? If not, he really should stop quoting Roosevelt.

THOMAS H. ELIOT,
Cambridge, Mass.●

IMPACT OF CUTS IN ENTITLEMENT PROGRAMS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. SIMON. Mr. Speaker, I, would like to bring to my colleagues attention hearings I will be chairing over the next 2 weeks. The House Budget Committee Task Force on Entitlements, Uncontrollables, and Indexing has planned a series of hearings on the entitlement components of the Federal budget. Entitlement programs account for about half of current Federal spending. Because of their cost they have been a key factor in the budget debate for several years. Cuts in entitlement spending also summon up some of the most controversial questions about the new budget proposal: equity, the "social safety net," burden shifting, and voluntarism. The task force has organized these hearings to examine these difficult questions and to assess the proper role of entitlements in Federal budget policy.

The task force, over 3 days, will hear testimony from representatives of State and local governments, volunteer relief agencies, Federal and State administrators of entitlement programs, U.S. industry and others. Dave Stockman will be testifying before the task force this Friday, February 26, at 10, in room 210, Cannon. Congress approved the administration's budget and tax programs last year which cut these programs for lower income people, while focusing overly large tax breaks on corporations and the rich. Now as the economic program is falling far short of its stated goals and the budget deficit is swelling to unprecedented levels, the administration is asking additional cuts in the same programs, and the question is whether we are asking the needy and the working poor to accept much more than their fair share of the burden of reducing Government spending. I believe the answer to that question is a resounding yes and that we must put an end to this type of economic policy which so badly penalizes the poor and the middle class while protecting the wealthy and many businesses. The task force will look at exactly what has been the impact of last year's cuts in entitlement programs and what can be expected to result if the President's recommendations for further cuts are accepted by Congress this year.

The schedule for the hearings follows, for your information:

Friday, February 26, morning (10:00 a.m.), David Stockman, Director, Office of Management and Budget.

Monday, March 1, morning (9:30 a.m.), social security, Paul Simmons, Deputy Commissioner, Social Security Administration.

Panel: Robert Myers, former Associate Commissioner for Policy, Social Security Administration and currently Executive Director of the National Commission on Social Security Reform; Robert Ball, former Commissioner, Social Security Administration; Dr. Rudolph Penner, American Enterprise Institute for Public Policy Research.

Higher education, panel: Dr. Lattie Coor, president, The University of Vermont; Dallas Martin, executive director, National Association of Student Financial Aid Administration.

Afternoon (1:30 p.m.), impact on entitlement reductions on children and families, Linda McMahon, Associate Commissioner, Office of Family Assistance; Teresa Hawkes, Director, Office of Program Coordination and Review, H.H.S.; Marian Wright Edelman, Children's Defense Fund; Ed Weaver,

American Public Welfare Association; Adele Blong, Center for Social Welfare Policy; Nancy Amidei, Food Research Action Council; Jane Wynn, American School Food Service Association.●

CLEAN AIR ACT DEBATE STIRS EMOTIONS IN CALIFORNIANS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. BROWN of California. Mr. Speaker, as a representative of one of the most heavily air polluted districts in the country, I was shocked at the proposal to weaken the Clean Air Act as embodied in the bill H.R. 5252. What disappoints me is that H.R. 5252 is authored by some of our most distinguished colleagues on the House Energy and Commerce Committee with jurisdiction over reauthorization of this act.

It was with interest, therefore, that I read the recent Los Angeles Times editorial on the subject of Congressman DINGELL's bill, and the series of letters to the editor in response. For anyone who has not been to the Los Angeles area or to my district at the height of the air pollution season—it is one of our seasons out there—it might be difficult to understand the strong emotions generated by a bill clearly not in the best interests of the public that lives in this area. Far from the Washington political give and take, this public does not think that the gentleman from Michigan, with his automobile manufacturing constituency, has their best interests in mind. I want to join with my colleague from California (Mr. WAXMAN) in defending the integrity of the gentleman from Michigan (Mr. DINGELL) in his letter to the editor of the Los Angeles Times, but also join him in his concern regarding the bill. Mr. WAXMAN has introduced his own legislation, much more responsible and responsive to the needs of the country for a good law.

I include the editorial and several letters to the editor, including the one from my colleague Mr. WAXMAN, as an indication of the concern being voiced by the public for insuring a strong and effective Clean Air Act.

The articles follow:

[From the Los Angeles Times, Jan. 24, 1982]

CLEANING UP AN ACT

When it comes to air quality, Rep. John D. Dingell (D-Mich.) plays dirty. That may seem a harsh judgment, but no more harsh than a bill that he is sponsoring to roll back automobile smog standards and to strip California of its right to enforce tougher air-quality standards than other states.

Dingell is chairman of the House Energy and Commerce Committee, with jurisdiction over the Clean Air Act, which must be revised or extended this year.

He also represents Detroit, where the auto industry has fought against pollution controls for two decades and is fighting even harder now that the recession and foreign competition have plunged it into a depression.

Dingell has promoted weaker pollution laws behind the scenes for months, getting nowhere. He keeps running up against Rep. Henry A. Waxman (D-Los Angeles), who chairs the health and environment subcommittee for Dingell and refuses to consider weakening the clean-air law.

Now Dingell has gone public with a bill that, among other things, would double the legal limit for releasing nitrogen oxides through a tailpipe, weaken warranty protections for owners whose control devices fail, and relax efficiency tests for new controls on power plants and factories.

According to reports from Washington, Dingell also has let it be known that he is prepared to play rough from now on, either snatching clean-air legislation out of Waxman's subcommittee or bouncing Waxman out of his job if he refuses to cooperate.

What is at stake here for Dingell's district is about $80 worth of pollution-control equipment that Detroit could leave out of every car if the standards were less strict. Estimates of potential savings run as high as $300, but those assume that Detroit would stop installing small computers under the hood that monitor engine performance and increase fuel efficiency. Given the increased competition for higher mileage, it is not likely that the industry would abandon the computerized control devices.

What is at stake for Waxman's district—and every other part of the country where the air is already dirtier than the law allows—is a significant increase in nitrogen dioxide, one of the basic ingredients of photochemical smog.

Considering that the saving represents less than 1 percent of the cost of the average new car these days, that is not a fair trade.

Dingell and his co-sponsors call their bill a "compromise" effort, largely because it is less noisome than some earlier proposals he was promoting.

He also has the support of the U.S. Chamber of Commerce, which calls his bill nothing more than an effort to "simplify and clarify" the Clean Air Act. There is some interesting history behind the choice of words.

Some months ago, Louis Harris sampled public opinion on clean-air laws, and found that 80 percent opposed any weakening of the basic act.

The chamber, unbelieving, commissioned its own poll. The results were much the same.

As Harry W. O'Neill, president of Opinion Research, which did the sampling for the chamber, explained his findings to The Times last month, a congressman will not stir up his voters just by fiddling with the Clean Air Act. In ways, for example, that only simplify and clarify.

But O'Neill said, if the public believes that a politician is trying to weaken the air-quality law, "then he's in trouble."

The message seems clear enough to us. Keep it clean, Mr. Dingell.

[From the Los Angeles Times, Feb. 8, 1982]

PROPOSED CHANGES IN CLEAN AIR ACT

(HENRY A. WAXMAN, Member of Congress, 24th District, California).

Although I very much welcomed The Times' ringing editorial endorsement (Jan. 24) of a strong Clean Air Act—to which I am fully committed as chairman of the Commerce Subcommittee on Health and the Environment—I must take exception to your unfair and misleading characterization of Rep. John Dingell (D-Mich.), the chairman of the full Commerce Committee, as a man who "plays dirty."

To be certain, I am extremely disappointed in Rep. Dingell's proposal to roll back, on a wholesale basis, automobile pollution standards. If enacted, there will be irreparable harm to public health and the decade-long effort to curb air pollution. But our disagreement on this issue is a clear exception to our long-standing collaboration on many others.

It is one matter to differ on policy and another to make such differences personal. Rep. Dingell is a strong and forceful advocate. But, that is not to say he has been unfair or underhanded. As a member of Congress for over two decades, and a man who succeeded his father in Washington, he has an abiding respect for the House and its members. While his policies are fair game, and, particularly in the case of the Clean Air Act, deserve the fullest debate, his character should not be called into question simply because he holds these views.

(Ward Elliott, president, Coalition for Clean Air, Santa Monica)

Bravo for your editorial. Congressman Dingell has been trying for many years to weaken the Clean Air Act and strip California of its authority to set stricter standards than the other states. Now he wants to double the amount of allowable oxides of nitrogen from auto exhaust, weaken warranty protections, and loosen controls on industrial pollution—and also to oust Congressman Waxman from jurisdiction over amendments to the Clean Air Act because Waxman has fought too hard, and too successfully, to keep the act strong.

Dingell told us soothingly last March that he did "not want the (act) gutted," and that "a scalpel, not a meat ax, is the tool I want to see used for both stationary and mobile sources." He may want a scalpel for smog, but he plainly wants a meat ax for the Clean Air Act and its defenders.

Perhaps he hopes that the public, 80% of which oppose weakening the act, will not notice his sleight of hand. Your editorial will help prevent that and give a boost to those who believe that the act would better be strengthened than weakened.

(Joan Dickson-Smith, Chair, Air Quality Subcommittee, Sierra Club Southern California Regional Conservation Committee, Los Angeles)

On behalf of more than 40,000 Sierra Club members in Southern California, I want you to know that we agree with your editorial. We agree with you that HR 5252 is bad news for people who want to have air that is healthy to breathe.

This bill is, evidently, a bill that starts with the premise that you give the auto industry anything it wants.

That is totally unacceptable for us in Southern California. We cannot afford to roll back auto emission standards and gut the California waiver enforcement program—there is nothing in HR 5252 that we can accept.

Our members solidly and wholeheartedly oppose any weakening of the basic act, and we thank you for pointing out to your large readership that HR 5252 is not what it claims to be.

Congressman Waxman has been a longtime champion for retaining a strong Clean Air Act, and we support and thank him for his efforts. Congressman Jerry Lewis (R-San Bernardino and Riverside) has introduced House Resolution 252, which calls for retaining a strong Clean Air Act, and we support and thank him and his co-sponsors for these efforts. Now we want to thank you for your exposure of the "simplify and clarify" claims of 5252, and hope that you will continue to urge governmental and regulatory agencies to remember the Harris poll findings: the people do not want their politicians to weaken the Clean Air Act.

(John Roos, Pomona)

I agree that HR 5252 means disaster for our already poor air in the Los Angeles Basin. California can't afford to roll back auto emissions limits.

Living most of my 29 years in Southern California, I've seen lots of smog, and was finally beginning to see some hope in its gradual deletion. Now comes this bill to undo all the hard work that was done before. We need to become more responsible about the air we breathe (along with the poor plants and animals).●

NEED FOR A BAN ON CHEMICAL WEAPONS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. ZABLOCKI. Mr. Speaker, earlier this month the President submitted his fiscal year 1983 budget request to the Congress. Included in the overall budget submission was a request for $258 billion for the Department of Defense. Mr. Speaker, in this time of difficult and painful budget cuts in domestic social programs, Members of Congress on both sides of the aisle have properly indicated that the quarter-of-a-trillion dollar budget request for defense expenditures in fiscal year 1983 must be reduced.

As many of our colleagues from both parties have pointed out, the nearly $100 billion deficit proposed by the administration for fiscal year 1983 must be reduced if we are to return to a solvent and sound economy.

As we in Congress work to make these necessary changes to the administration's fiscal year 1983 budget request, national security, foreign policy, and fiscal interests require a close and careful scrutiny of the administration's budget request for the production of a new generation of lethal chemical weapons; that is, the binary.

In conjunction with the Presidential certification for binary production submitted to the Congress on February 8, 1982, the Department of Defense issued a statement outlining U.S. chemical warfare policy and the administration's chemical budget for fiscal year 1983.

The President is requesting $705 million for the chemical program, including over $100 million for the binary program. Current estimates place the overall cost of the chemical program in excess of $10 billion.

As to the foreign policy impact of the administration's fiscal year 1983 binary request, the administration's proposal to separate the development and production of binary chemical weapons from the issue of deployment undermines the very justification for the production of these new lethal chemical weapons.

Also very questionable from a foreign policy perspective is the argument by Defense officials that the administration must begin now to produce binary chemical weapons in order to deter the Soviets from using such weapons in a European conflict. The plain fact is that unless these munitions are prepositioned where they would be used; that is, in Europe, their value as a deterrent to the Soviets is meaningless. Surely the administration cannot believe the Soviets will view chemical weapons positioned on American soil as a disincentive to Soviet first use of chemical munitions in a European war.

Fearful of the adverse impact a binary production decision would have on vital foreign policy priorities of the U.S. Government and the NATO alliance, such as the TNF decision and the situation in Poland, I wrote to President Reagan on January 7, 1982:

> Pursuing the production of the new binary chemical weapon would only undermine these far more important and fundamental foreign policy interests by generating a public reaction which would preclude responsible European leaders from acting cooperatively with the United States.

In that same letter I also encouraged the President to address NATO's well-known inadequate defensive/protective capabilities in the chemical area by recommending the necessary budgetary support to redress these deficiencies as opposed to pursuing the production of the binary.

Mr. Speaker, over the past 5 years, the U.S. Government has pursued a ban on chemical warfare in both bilateral and multilateral fora. The Reagan administration, however, is currently planning to pursue arms control talks only before the Committee on Disarmament, while leaving the United States-Soviet chemical arms control talks in indefinite suspension. Accordingly, I encourage my colleagues to join me in urging the administration to reconsider this decision and take the lead in calling upon the Soviets to join the United States in pursuing a verifiable agreement banning the production, stockpiling, and use of lethal chemical weapons.●

NATIONAL POW-MIA RECOGNITION DAY: A FITTING TRIBUTE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. FINDLEY. Mr. Speaker, my distinguished colleague from Wisconsin, Mr. ASPIN, has introduced legislation, House Joint Resolution 393, to declare April 9 of each year as National POW-MIA Recognition Day to recognize and pay tribute to all former prisoners of war, as well as those still missing, and to their families for whom the horror of war never really ended.

I would like to take this opportunity to commend my colleague and to join as a cosponsor, as I share his concern and feel it appropriate to show our gratitude and appreciation for the selfless service these men gave our country.

The Veterans' Administration estimates that there were 142,227 servicemen captured and interned since World War I. In addition, an estimated 92,761 servicemen were lost in combat and never recovered. In each of these past wars, our prisoners of war have performed a special service and sacrifice. Further, they have been confronted with the added burden of loneliness and hardship which has fallen upon them and in many cases, this burden was intensified as they were subjected to inhumane treatment by the enemy, in direct violation of common human compassion, ethical standards, and international obligations.

It is imperative that we not forget the hardships and horrors experienced by our prisoners and missing in action of our past conflicts. The harrowing nightmare of POW-MIA status affects the lives of family and friends dramatically. Therefore, I feel it is altogether appropriate that all Americans recognize the special debt we owe these Americans held prisoner during wartime. It is equally important and appropriate that we remember the unresolved casualties of war, our soldiers whose fates were never known, and the families, friends, and relatives of these men whose pain and suffering continue.

I call upon my colleagues in the House of Representatives to join in honoring these Americans who made a special sacrifice for our country by cosponsoring Mr. ASPIN's bill. By designating April 9, the day in 1942 when the largest single group of Americans became POW's with the surrender of the troops in Corregidor and the Bataan Peninsula in the Philippines, our Nation can show its gratitude to these men who endured the hardships

of combat, and the rigors and privation of captivity. In this way we can also honor those whose fate is yet unresolved and assure their families and friends they are not forgotten. This day would provide a fitting forum to demonstrate our unified concern for their past sacrifices and future realities.

In addition, I am also supporting efforts to inter an unknown soldier from the Vietnam war in the Tomb of the Unknown Soldier in Arlington National Cemetery. In 1976, I supported legislation calling for this, and Congress passed legislation, now Public Law 93-94, appropriating money for the express purpose of preparing a vault at the existing tomb to receive a Vietnam unknown soldier. Construction has been completed for years, however the vault still remains empty, due to the fact that with today's highly technical methods of identification, most—but not all—of the remains have been identified.

While our combat participation in the Vietnam war may have been a grievous error, the men who served and died in this conflict nevertheless deserve every recognition and honor. The courage and conviction, determination and devotion that they displayed in a strange, distant war must place them in the very front ranks of all heroes in our history. It is my fervent hope that Vietnam combatants will receive the same tribute as the soldiers from other wars.●

HIGH TECHNOLOGY AND EDUCATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. MILLER of California. Mr. Speaker, a recent Washington Post editorial noted that "even when the recovery comes, the unemployment rate will remain higher than it was before the current recession * * *. The economy is changing rapidly, and it is leaving the labor force behind."

We cannot allow this to happen. We must insure ample opportunity for workers and students to prepare for careers in the rapidly growing, high-technology industries. Workers with obsolete skills must be able to turn to job-training programs and the vocational education system for help. Public schools must strive to enhance their basic curriculum with a greater emphasis on science and computer education. We can enhance these opportunities by targeting Federal educational and training efforts at providing the skills demanded by these growing industries.

I will soon introduce a bill to amend the Vocational Education Act to stimulate the training of electronic and computer technicians. Well paying technical jobs in these industries are going unfilled because our vocational education system cannot meet the growing industry demand.

I am inserting the editorial to which I referred into the RECORD:

[From the Washington Post, Jan. 30, 1982]

THE CHANGING JOB MARKET

More people are now unemployed than at any time since the Depression. It's also likely that, even when recovery comes, the unemployment rate will remain higher than it was before the current recession. Partly that is because severe unemployment upsets normal career patterns, discourages employers from investing in the training of workers and accustoms workers to relying on unemployment insurance for at least part of their income. But something else is at work, too. The economy is changing rapidly, and it is leaving the labor force behind.

Labor market forecasters see a burgeoning of jobs in occupations that didn't even exist two decades ago. Engineers and computer programmers are already in short supply and likely to become more so as the defense buildup proceeds. There are also new demands for people trained in such exotic subjects as genetic engineering and design and management of fully automated production lines. Meanwhile, less-skilled jobs will be vanishing as government shrinks, clerkships are replaced by automated filing systems, and robots take over from assembly-line workers.

Left to itself, industry will, no doubt, meet its own needs for skilled workers. It may do that, however, in ways that are painful to many people and costly for the nation. For example, jobs may be exported—or workers imported—at higher cost than if the unemployed were trained to fill them Labor-saving automation undertaken without regard to the long-term costs of capital and energy may reduce rather than increase the productivity of the nation's resources. And a large and growing number of more or less permanently unemployed is not only a major social problem but a likely source of backlash against needed industrial change.

The administration has spent generously to stimulate additional investment in plant and machinery. Its policies, however, seem not to recognize that labor is an equally important factor in production. Much of the CETA system has been dismantled and the state-run Employment Service—a major placement agent for lower-skilled workers—has been cut by a third. More cuts are apparently planned. These programs were far from perfect, but they worked reasonably well, and much has been learned about how to make them work better.

The House and Senate labor committees have reasonable proposals for replacing CETA when it expires this year. Developing human capital—no less than upgrading plants and machinery—takes time and money, however, and the Reagan program calls for fast results and lower budgets. But it calls for higher productivity, too. Administration planners might want to remember that fancy equipment can't be designed, installed, operated and maintained without a skilled work force on the job.●

A TRIBUTE TO ALBERT SHOOK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. FISH. Mr. Speaker, Albert Shook, a constituent of mine from Montrose, N.Y., exemplifies the community spirit and voluntarism which has helped people become valued members of society. Mr. Shook has devoted 65 years of his life to Scouting and youth programs in the Peekskill, N.Y., area. At least two generations of young people have benefited from Albert Shook's dedication and commitment to demonstrating how to achieve self-sufficiency and build character.

Mr. Shook began his career in Scouting as a member of Peekskill Troop No. 1 about the time of World War I. He became an Eagle Scout and has distinguished himself by earning the Gold, Silver, and Bronze Leaf, along with 47 merit badges. As a Scout leader for many years, Mr. Shook has worked with the Peekskill Rotary Club's sponsored Troop No. 42. Mr. Shook also spent his career as a police officer working closely with the youth in the Peekskill area. In a well-deserved presentation, he received the Rotary Club's 50th charter award Friday.

As the Federal Government begins the process of relying more on the individual's contribution to society and the spirit of voluntarism, people all over the United States can look to Albert Shook as a shining example of what can be accomplished—that one person can make a difference.●

HUNGARIAN FREEDOM DAY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. GAYDOS. Mr. Speaker, on March 15, thousands of Americans of Hungarian descent in southwestern Pennsylvania will formally observe that nation's struggle for freedom from Austrian rule in 1848.

Two groups in the city of McKeesport, Pa., which work unceasingly to perpetuate and honor the customs and traditions of their homeland, have scheduled a special program to commemorate "Hungarian Freedom Day." The organizations, whose reputations extend far beyond the city's boundaries, are the Magyar Social Circle and the Magyar Pioneers.

The ancestral pride of these people is reflected in a letter sent to President Reagan by Mr. Ernest J. Zsemko, president of the Social Circle, and Mr.

Joseph Molnar, president of the Pioneers. It is my pleasure to insert a copy of that letter into the CONGRESSIONAL RECORD for the attention of my colleagues.

MAGYAR PIONEERS AND
MAGYAR SOCIAL CIRCLE,
McKeesport, Pa., February 2, 1982.

Hon. RONALD W. REAGAN,
President of the United States,
Washington, D.C.

MR. PRESIDENT: There are many people in the United States that have nationalistic ties with the country and people of Hungary. Since these ties are very strong, many of us would like to keep alive these customs and traditions. One special tradition we would like to keep alive would be Hungarian Freedom Day of March 15, 1848.

March 15, 1848 was the struggle for freedom from the Austrian rule. In 1848 a revolt broke out led by Lajos Kossuth. Russia helped Austria put down the rebellion. Austria was later defeated and the Austrian power in Hungary was shaken.

Centuries before they fought the Turkish invaders and saved Western Civilization and Christianity for the rest of the world. Just as a passing note, the Pope at that time acknowledged the Magyar efforts by adding an additional tier to the St. Stephen Crown, making it a triple tiered crown with a cross on top, and issued a ruling that every Catholic Church in the world would ring their bells in gratitude for what the Magyars accomplished. Thus we feel it proper here in the United States, as descendants of those Magyar ancestors, that the Hungarian Freedom Day should be properly remembered by the Magyar Social Cirle and the Magyar Pioneers of the City of McKeesport.

The cultural influence of these two groups extends well beyond the city limits, covering the greater portion of our state.

Respectfully yours,

ERNEST ZSEMKO,
President, Magyar Social Circle.
JOSEPH MOLNAR,
President, Magyar Pioneers.●

NATO'S SOUTHERN FLANK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 22, 1982

● Mr. DORNAN of California. Mr. Speaker, the Heritage Foundation has gained a solid reputation for insightful analysis of political events. The publications of this Washington-based think tank receive wide attention for their credibility and competence. In one of their publications, the National Security Record, there is an article entitled "NATO's Southern Flank." This article is of the highest order in terms of its political insight. It not only provides an overview of the U.S. strategic relationship with Greece and Turkey but gives the reader an intelligent grasp of the recent political events in these Balkan nations. In addition to carefully exploring the political events in that strategic part of the world, the article presents possible policy options that the United States may wish to consider in pursuing a policy that will strengthen our relationships with Greece and Turkey.

The article follows:

"NATO's Southern Flank," from the National Security Record No. 41, January 1982.

NATO'S SOUTHERN FLANK

The victory of Andreas Papandreaou's Panhellenic Socialist Party (PASOK) in the October Greek elections has brought the erosion of NATO's southern flank sharply into focus. A major theme of Papandreaou's campaign was that Turkey posed a greater threat to Greece than the Soviet Union, a contention that strikes at the heart of the consensus that binds the alliance together. He made it clear that in principle he dislikes Greek participation in NATO and the European Community, but is willing to maintain its membership in both provided major adjustments are made in Greece's status. Since taking office he has demonstrated his resolve in carrying out his agenda by beginning talks to renegotiate the position of Greece in relation to the other Western nations.

The seriousness of this development is shown by Prime Minister Papandreaou's disruption of the December NATO defense ministers' conference. The conference had been organized to address the single most serious internal problem facing the alliance—the growth of a "peace movement" opposed to the modernization of NATO tactical and theater nuclear weapons, and encouraged by its more radical elements to seek a "neutral" stance between the superpowers. Its influence was temporarily checked by President Reagan's bold challenge for the Soviet Union to accept a "zero option" dismantling all theater nuclear missiles. But the NATO governments fully realize that the movement will regain its influence tenfold unless wide divergences in official American and European views on such issues as nuclear strategy, coordinated policies outside the European theater, and the nature of the threat posed by the Soviet Union are bridged.

The defense ministers' conference had expected to deal with these issues, formulating and reviewing future steps to strengthen the alliance. An especially productive meeting had been anticipated, at least partially because of the good working relationship established by the Reagan Administration's efforts to expand consultations with the allied governments. Instead, it had to deal with a series of demands and obstructive actions by Papandreaou, present in his capacity as Defense Minister. These included a demand for a NATO guarantee to shield Greece from its fellow alliance member, Turkey; threats of blocking Spain's invitation to join NATO to show solidarity with the Spanish Socialist Party; and vetoing the final communique.

Papandreaou took the defense minister's portfolio in addition to his post as Prime Minister to dramatize his intention of pursuing his electoral campaign demands, which include:

A guarantee against attack by Turkey

This guarantee could come as a statement that "Greece's borders are guaranteed against any threat from any direction," to excuse NATO from mentioning Turkey by name.

Renegotiation of the status of U.S. military bases on Greek soil

Papandreaou wants to begin discussions on the status of these bases that will lead to their ultimate removal. In the interim he demands greater compensation and stricter regulation of their use.

Withdrawal of all nuclear weapons from Greek soil

This will be one of the first demands made at the talks over U.S. basing rights in Greece. Papandreaou has also declared an intention of sponsoring a nuclear-free zone throughout the Balkans.

Renegotiation of the terms under which Greece reentered the NATO integrated military command

At the Brussels NATO defense ministers' conference Papandreaou stated that Greece had already begun a "process of disengagement" from it. The Greek government had pulled out of the command in 1974 after the Turkish invasion of Cyprus, and only re-entered in 1980.

Complete control of the Aegean Sea airspace

Before 1974 Greek military air traffic controllers had complete authority for NATO operations in the Aegean airspace. When Greece withdrew from the NATO military command, NATO had no choice other than to transfer responsibility to Turkey. Under the re-entry plan sponsored by NATO commander General Bernard Rogers, Greece and Turkey agreed to share this duty. This arrangement is attacked by Papandreaou as a concession of joint sovereignty over the Aegean to the Turks.

It is important to understand that these are not perceived as extreme demands by many Greeks. Greek-U.S. relations were often strained even under former Prime Minister Karamanlis' New Democracy Party. Both Greece and Turkey have had great difficulty in maintaining the institutions of democratic Western nations. In many ways they share as much with the non-industrialized nations of the Middle East. This strain, coupled with often insensitive actions taken by the United States and the West European nations over the past fifteen years, have led to an unstable situation that could have a drastically adverse impact on the health of the NATO alliance.

GENESIS OF THE CRISIS

Although the antagonism between Greek and Turk is legendary, there was relatively little conflict between them from the end of the Second World War until the mid-1970s. This was partially due to a series of agreements between the two neighbors made in the inter-war and immediate post-war periods that settled their population and border disputes. But a more important factor was the entry of Greece into the European Community. The reimposition of civil order in Turkey by the military government that took power in October 1980 was seen by the United States, although not by most European governments, as a further sign that the problems in the region were on the mend. But the electoral victory of PASOK has given rise to the possibility that Greece may again leave the alliance, as a direct antagonist with Turkey.

IMPACT ON NATO

The seriousness of this possibility has to be evaluated in terms of Soviet goals and capabilities in the area, as well as its influence upon the stability of the alliance as a whole. The main Soviet goal is to weaken this link

between Europe and the Middle East. Control or domination of either Greece or Turkey would:

Give the Soviet Union control of vital Mediterranean sea-lanes carrying Middle East oil to the West;

Gain it an important say in the outcome of the Cypriot and Lebanese conflicts;

Gain important air routes for Soviet allies and proxies in the Middle East and Africa;

Isolate Israel;

Deprive NATO of a vital bridgehead for consolidating its position in the Middle East.

Even under current conditions the Soviet Union possesses a clear superiority in regional military assets, focused in land-based aircraft, its Mediterranian squadron, its ground forces in the Balkans, and its proxy assets in states such as Libya and Syria. Military analysts consider the most likely scenario in the event of a Soviet attack limited to this theater to be a short, fierce struggle for air superiority ending with a Soviet victory over the out of date planes of Greece and Turkey. Attempts by the United States to intervene with carrier air and any available air support from NATO Central would be too late and isolated to effect the issue. (This is even more true since the U.S. has halved its carrier presense to one ship following the 1979 Iranian crisis). A ground attack on the Bosphorus and Dardanelles launched from Soviet and Warsaw Pact forces in Bulgaria would follow, after which U.S. surface forces would be cleared from the Eastern Mediterranean. U.S. submarines could continue to operate until the surface forces had been eliminated.

MILITARY BALANCE ON NATO'S SOUTHERN FLANK

	NATO	Warsaw Pact	Soviet contribution
Total combat troops and direct support	859,000	550,000	225,000
Armored divisions	2	13	10
Other (mechanized, infantry, paratroop)	32	50	30
Tanks	8,000	13,000	9,500
Aircraft:			
Attack	425	350	250
Interceptors	225	460	400
Naval combatants	103	101	101

Adapted from John Collins, U.S.-Soviet Military Balance, 1980.

Static force comparisons, such as the preceding chart, do not adequately convey the imbalance of regional forces in favor of the Soviet Union. For example, NATO superiority in ground forces is produced by the large but ill-equipped standing army of half million men maintained by Turkey and the two hundred thousand man Greek army. The bulk of these forces are deployed against each other; for example, Turkey maintains only three divisions on its eastern border with the Soviet Union. Figures on aircraft are also misleading, for they include U.S. planes over 2,000 miles away in Spain while omitting the enormous number of aircraft deployed in those Soviet Military Districts immediately across the Black Sea. Intervention by Israel onto the NATO side could delay the outcome long enough to permit the United States to commit additional forces, but only if it were not occupied with attacks from other quarters.

At the same time, political instability and declining economic growth led to military coups in both countries. It is interesting to note the contrast in the nature and scale of military intervention in each country. While the two Turkish coups resulted in relatively temporary periods of control, ending each time with a peaceful transition to civilian rule, the military government which overthrew the monarchy in Greece in 1967 was itself removed only after clumsily provoking a Turkish invasion of Cyprus.

The 1974 Cyprus crisis marked the beginning of the erosion of NATO's southern flank. The Soviet Union had demonstrated its ability to intervene in the Eastern Mediterranean by its support of the Arab forces in the 1973 Yom Kippur War. Its naval and air presence already rivaled that of the United States. But the failure of the United States to intervene in Cyprus, either to halt the coup by Greek Cypriot officers working with the support of the Greek military government, or to stop the Turkish invasion which caused occupation of almost 40 percent of the island, resulted in the estrangement of both parties. Greece was infuriated by the failure of the United States to halt the Turkish occupation of Cyprus and the perceived favoritism with which it had treated the now discredited Greek military government. Turkey was equally angered by the embargo of military sales and cut-off of economic aid imposed by Congress.

The past seven years have seen a slow improvement in U.S. relations with both nations, and of each with the other. Although hindered by the inability of either Turkish party to restore civil order, real progress was made, culminating with the lifting of the arms embargo to Turkey, the re-entry of Greece into the NATO command, and the threat posed by Stalin's occupation of Eastern Europe, his sponsoring revolutionary movements in both nations in the late 1940s, and his claim of large portions of eastern Turkey. These expansionist moves led to the Truman Doctrine and massive U.S. military and economic aid to the two nations. The high point of this period of post-war cooperation came in 1952 when both Greece and Turkey joined the NATO alliance. The late 1950s was a period of rapid economic growth for the two, and they were granted associate membership in the European Common Market.

This period of coexistence began to come apart in 1960, when the British granted independence to their colony of Cyprus. Agitation for *enosis*, or union with Greece, was favored by the Greek majority, who comprised four-fifths of the island's population, but opposed by the Turkish minority. This led to strife between the two communities which broke out into civil war in 1963. An agreement signed by British, Greek, Turkish and Cypriot leaders ended the hostilities by establishing a republic with a president elected from and by the Greek community and a vice-president by and from the Turkish community.

The Cyprus dispute awakened the old hostilities in the region, and led to three other disputes re-emerging:

The issue of sovereignty in the Aegean, including control of oil and mineral rights and of the Aegean airspace;

Disputes over NATO's command structure in the region, which began when Greece began to fortify islands demilitarized by the 1923 Treaty of Lausanne and the 1947 Treaty of Paris;

Economic conflicts which have culminated with Greece's admission to the European Community in 1981 as a full member.

Although these military capabilities give the Soviet Union leverage, it is unlikely that conflict would be restricted to this single region. Soviet aims are much better served by exploiting tensions between Greece, Turkey and their NATO partners, creating anti-Western and anti-American sentiments, and destabilizing their internal political systems. Ironically in view of the present situation in Greece, the Soviet Union has devoted more of its efforts to Turkey. There are several reasons for this—the lower level of prosperity in Turkey, its (albeit secularized) Islamic culture, and the sense of betrayal sparked by the 1974–78 U.S. arms embargo have in many ways made Turkey an easier target. But the most important factor is that although participation of both is essential to the alliance, loss of Greece would in no way compare to loss of Turkey. There are two reasons for this: having pulled out, Greece is the state more likely to return, as it did under Prime Minister Karamanlis; and of the two, Turkey occupies the more vital strategic position.

Therefore, Soviet policy toward Turkey over the past decade has focused on two areas: overtures, to the weak and often corrupt Turkish civilian governments, and attempts to destabilize the nation by active support of both left and right wing extremist terrorists. In both areas the Soviet Union had achieved remarkable success. Examples of diplomatic successes include:

Turkish readiness to allow the Soviet Union to conduct overflights to its Arab clients during the Yom Kippur War;

Turkish willingness to accept Soviet classification of the Kiev-class aircraft carriers as an "anti-submarine cruisers" to permit passage through the Turkish straits in violation of the Montreaux Convention;

Prime Minister Ecevit's declaration that Soviet permission would have to be secured in advance of American U-2 flights over Turkey for the purposes of SALT verification;

Signing of a series of accords from 1972 on that culminated in Ecevit's astounding May 1978 declaration that the Soviet Union was not a threat to Turkey;

Large increase in Soviet aid projects to Turkey, resulting in the presence of thousands of Soviets.

But it was the success of Soviet support for terrorism within Turkey that checked the slide of Turkey into "non-aligned" status. Clear although circumstantial evidence links the terrorist arms of both the radical left parties and the fascist National Action Party to the Soviet Bloc where they received supplies, weapons, training, and safe havens. By 1980 over twenty-five people a day were being killed in terrorist attacks. It was this that impelled the military to launch a coup and an immediate crackdown on civil disorder. A surprise raid on the NAP headquarters yielded a membership list that decapitated the movement. Operations against left groups have taken longer but appear to be successful. One Turkish officer has said that the small arms munitions captured in the past year would be sufficent to reequip the entire Turkish army. The military has supervised voting for a new Constituent Assembly, and although it has not yet established a firm date for transition to civilian rule, U.S. officials monitoring the situation have been informed that it hopes to do so before the end of 1983. It has even managed to solve some of the more pressing economic problems, easing a potential conflict area with Greece.

However, even though the Soviet Union lost ground in Turkey following the coup, the reaction of the West European NATO partners must please it. The European Economic Community has been blocking an aid package for Turkey worth about $140 million. West Germany and Denmark are expected to drop out of an operation to pro-

vide $1 billion to help Turkey's balance of payments gap, on the grounds that the army has not set a date for returning Turkey to civilian control. Such actions illustrate why the Soviet Union is willing to exercise patience. It illustrates also the current fragmented nature of the alliance, and underlines the danger posed by a government in Greece which emphasizes the points that divide, rather than unify, the members of NATO.

U.S. POLICY AND THE SOUTHERN FLANK

The United States can play an enormously constructive role in this area. Moving immediately to support for Turkey to compensate for Greece's departure is a tempting option, but one that will not only antagonize the other West European NATO members and lead to a rupture with Greece, but also not be particularly useful for Turkey. Instead, the United States should concentrate its efforts on emphasizing the issues that unify the alliance:

The United States should move to mediate between the Turkish military government and its West European allies. Turkey receives nearly as much economic aid from Germany as from the United States.

The seriousness of Papandreaou's threats should be closely scrutinized. A good part of his rhetoric could well be bluff, designed to strengthen his hand for renegotiating Greece's position within both NATO and the EC. Papandreaou also has domestic constraints on his actions—the Greek Presidency is controlled by his political opposition, and the army is always present as a check on extreme action.

Make settlement of the Cyprus dispute a top priority. Turkey is moving to replace Greek Cypriots expelled from its zone with settlers from the Turkish mainland. If the issue is left unsettled for much longer, the dispute could become as intractable as the Palestinian question.

Prepare a fall-back plan for NATO Mediterranean options in the event that Greece does withdraw from the military command structure, emphasizing means of returning Greece to the alliance. The new membership of Spain should make this problem somewhat easier.

In the interim, the temptation is strong to push for a rearmament of Turkey to compensate for the years lost under the arms embargo. Turkey badly needs rearming—its military equipment has been described as "Korean War era." It would be better not to make radical departures from the arms transfers and sales already planned. Not only could this make it impossible to achieve the equally important diplomatic objectives listed above, but it could easily trigger a congressional backlash, leaving Turkey—and NATO's southern flank—with nothing.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 23, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:00 a.m.
Select on Intelligence
Legislation and the Rights of Americans Subcommittee
Closed briefing on intelligence matters.
S-407, Capitol

9:30 a.m.
Appropriations
To hold hearings to review current economic conditions.
1114 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To hold hearings on the economic impact of tourism.
235 Russell Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Labor and Human Resources
To continue oversight hearings on the southern Nevada culinary workers' pension fund.
4232 Dirksen Building

*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold oversight hearings on activities of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse, Department of Health and Human Services.
6226 Dirksen Building

10:00 a.m.
Budget
To continue hearings to review the administration's proposed budget for fiscal year 1983.
6202 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Federal Highway Administration.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

Joint Economic
To hold hearings on the effects of the administration's proposed new federalism program on State economics.
318 Russell Building

2:00 p.m.
Energy and Natural Resources
Energy Regulation Subcommittee
Joint oversight hearings with the Subcommittee on Water and Power on hydroelectric development and licensing procedures.
3110 Dirksen Building

Energy and Natural Resources
Water and Power Subcommittee
Joint oversight hearings with the Subcommittee on Energy Regulation on hydroelectric development and licensing procedures.
3110 Dirksen Building

FEBRUARY 25

8:30 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain Indian programs.
1318 Dirksen Building

9:00 a.m.
Governmental Affairs
To hold hearings on Senate Resolution 231, providing for an inventory of U.S. assets, to estimate their market value, identify which are unneeded and can be sold, and recommend legislative and administrative actions to streamline the liquidation process.
3110 Dirksen Building

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To resume hearings on the conduct of monetary policy.
5302 Dirksen Building

Commerce, Science, and Transportation
Business, Trade, and Tourism Subcommittee
To continue hearings on the economic impact of tourism.
235 Russell Building

Commerce, Science and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
357 Russell Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Judiciary
*Courts Subcommittee and Agency Administration Subcommittee
To hold joint hearings on S. 1847, establishing a congressional process for au-

thorizing funds to Federal courts, and limiting certain pay increases for Federal judges.
2221 Dirksen Building

Small Business
To hold hearings on encouraging small business investment in free enterprise in nationally distressed areas.
424 Russell Building

Special on Aging
To hold hearings to examine the impact of the administration's proposed budget cuts in the food stamp and nutrition programs on the elderly.
4232 Dirksen Building

10:00 a.m.
Armed Services
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on Navy/Marine Corps programs.
212 Russell Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
318 Russell Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To hold hearings on the human rights situation in Nicaragua.
4221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate certain fraudulent commodity investments.
3302 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To hold hearings on legal matters involving abused children.
5110 Dirksen Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

2:00 p.m.
Select on Intelligence
Analysis and Production Subcommittee
To hold closed hearings on the quality of analysis with regard to intelligence information.
S-407, Capitol

FEBRUARY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nomination of J. J. Simmons III, of New Jersey, to be a member of the Interstate Commerce Commission.
235 Russell Building

Select on Indian Affairs
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on Indian programs of the Departments of Education, Labor, Health and Human Services, and Housing and Urban Development.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Coast Guard.
1318 Dirksen Building

Armed Services
Preparedness Subcommittee
To hold hearings on Air Force operational readiness.
212 Russell Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Environmental Protection Agency.
4200 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

11:00 a.m.
*Judiciary
To hold hearings on pending nominations.
4232 Dirksen Building

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1982, and to promulgate regulations to implement the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building

2:00 p.m.
Select on Indian Affairs
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
6226 Dirksen Building

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Finance
International Trade Subcommittee
To hold hearings to review administration plans and the approach of the United States to the meeting in November 1982 of trade ministers of countries that adhere to the General Agreement on Tariffs and Trade.
2221 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Howard E. Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large, Department of State.
4221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1858, declaring that the United States holds in trust certain lands in Nevada for the Washoe Tribe of Nevada and California, and to provide for the transfer of certain other lands in Nevada to the U.S. Forest Service, and H.R. 4364, declaring that the United States holds in trust certain land in Pima County, Ariz. for the Pascua Yaqui Tribe of Arizona.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the U.S. Fish and Wildlife Service, Department of the Interior.
4200 Dirksen Building

Select on Indian Affairs
To hold hearings on the Department of the Interior's proposed plan for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.
4232 Dirksen Building

2:00 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation modifying the method of awarding attorney's fees in civil rights cases.
2228 Dirksen Building

MARCH 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary of Energy, Office of the Secretary of the Interior, and Office of the Solicitor.
1224 Dirksen Building

Small Business
To hold hearings to review small businesses' application of safe harbor leasing provisions of the Economic Recovery Act (Public Law 97-34).
424 Russell Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers

for Disease Control, Department of Health and Human Services.
1114 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Howard K. Walker, of New Jersey, to be Ambassador to the Republic of Togo.
4221 Dirksen Building

10:00 a.m.
Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Development Administration of the Department of Commerce, Appalachian Regional Commission, Federal Emergency Management Agency, and the Tennessee Valley Authority.
4200 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank.
4221 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive the Blinded Veterans Association, Paralyzed Veterans of America, and World War I veterans' legislative recommendations for fiscal year 1983.
318 Russell Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations, and other committee business.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony on water resources programs.
4200 Dirksen Building

MARCH 3

9:00 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for non-Indian programs.
1318 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 671, providing for comprehensive alcohol-traffic safety programs, and other related proposals.
235 Russell Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on a U.S. assertion of extraterritoriality with respect to the Soviet-European gas pipeline.
4221 Dirksen Building

11:00 a.m.
*Veterans Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

9:30 a.m.
Appropriations
To resume hearings to review current economic conditions.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army cemeterial expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

*Environment and Public Works
*Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Small Business
To hold hearings on S. 1947, improving small businesses' access to Federal procurement information.
424 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building

MARCH 5

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1202 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

Select on Indian Affairs
To hold hearings to review the report of the Commission on Fiscal Accountability of the Department of the Interior on national energy resources.
6226 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

10:00 a.m.
Finance
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider

recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

2:00 p.m.
Energy and Natural Resources
*Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the strategic petroleum reserve.
3110 Dirksen Building

Select on Intelligence
To hold closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 9

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on product liability.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.
*Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

2:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

*Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

10:30 a.m.
Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

2:00 p.m.
Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

Office of Technology Assessment
The Board, to hold a general business meeting.
S-205, Capitol

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on proposed legislation authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Public Law 95-124).
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
*Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within one year after appropriation, and to resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
424 Russell Building

MARCH 12

9:00 a.m.
Labor and Human Resources
To hold joint hearings with the Subcommittee on Agency Administration of the Committee on the Judiciary on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy all functions relating to research on the health effects of radiation to the Department of Health and Human Services.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on product liability.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
6226 Dirksen Building

10:00 a.m.
Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad financial assistance program, Department of Transportation.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building
Select on Intelligence
To resume closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 16

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Commerce Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education libraries and learning resources programs, Department of Education.
1114 Dirksen Building
Finance
To hold hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Bulding
Select on Indian Affairs
To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.
424 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
357 Russell Building
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, a higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the implementation of public contracting with private counsel provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for National Institute of Education, fund for the improvement of post-secondary education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building
Labor and Hyman Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employement Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

MARCH 19

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian affairs.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calender business.
4200 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the railroad safety program, Department of Transportation.
235 Russell Building

9:30 a.m.
* Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 29

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

MARCH 30

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation Subcommittee
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building
Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the land and water conservation fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Service Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

*Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To resume oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommenatations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

February 24

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to examine the presence of Cuban intelligence operations within the United States.
357 Russell Building

2:00 p.m.
Judiciary
To continue closed oversight hearings on the Public Integrity Section of the Criminal Division, Department of Justice.
2228 Dirksen Building

89-059 O-85-20 (Pt. 2)

HOUSE OF REPRESENTATIVES—*February 23, 1982*

The House met at 12 o'clock noon.

The Reverend Viktoras Rimselis, Provincial Congregation of the Marian Fathers, American Province of St. Casimir, Chicago, Ill., offered the following prayer:

Eternal Father, You have created man in Your image and have made him free. Look graciously upon the nations which suffer persecutions and torments inflicted on body and soul. Whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonments, deportations and slavery, are the signs of a supreme dishonor to You, our Creator and our Father. Lithuania cries out in its sufferings to You, O God, for in Your sight, the sorrows of mankind are never unnoticed.

For the freedom, however, and the right to determine its own destiny, the Lithuanian nation turns its eyes with hope to the people of this free land, the United States of America.

Grant, Lord, that we may never undervalue the treasures of freedom and the decisions of this Congress. Bless the august Congress of the United States and keep under Your divine protection our elected representatives for the brighter future of the enslaved nations and the whole world, for the well-being of the United States of America, and for the greater joy of its people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

REV. VIKTOR RIMSELIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure to welcome to our Nation's Capital Rev. Viktor Rimselis, who offered the opening prayer today. It is fitting that he joins us here today, for February 16 marked the 63d anniversary of Lithuanian Independence Day.

Father Rimselis was born in Lithuania, and after joining the congregation of Marian Fathers, he studied at universities in Lithuania, Germany, and Italy. He received his doctorate from Angelicum in Rome, and in 1947, he became a professor of philosophy and theology at the Marian Seminary at Clarendon Hills, Ill.

Father Rimselis has published a book and many articles, and also has served as the editor of the daily publication of the Marian Fathers in Chicago. Since 1969, he has served as first assistant to his congregation's superior general in Rome and also as the superior of Rome's Marian Monastery.

I thank Reverend Rimselis for being with us today and wish him continuing success in his dedicated work in the church.

"WE ARE THE FUTURE" IS THEME FOR NATIONAL STUDENT LOBBY DAY

(Mr. PEYSER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, this coming Monday, March 1, is going to be National Student Lobby Day. On that day, we are going to have thousands of students from all over the country coming to Washington to talk to Members of Congress and to let them know and let the public know what these disastrous cuts in student aid that are being proposed by the Reagan administration will mean and the impact they are going to have upon these students and all the millions of students they will be representing.

Mr. Speaker, I think it is imperative for us in the Congress to recognize that these young people, who will be wearing buttons that day saying "We Are the Future," really are the future of this country, and if we do not stand with them today and hold back these outrageous cuts, we are going to be losing our future. I hope all the Members will be here and will listen and talk to these students.

MEXICAN INITIATIVE HOLDS OUT HOPE FOR PEACE IN CENTRAL AMERICA

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONIOR of Michigan. Mr. Speaker, in the past few months, the conflict in Central America has reached unprecedented scale and intensity. The escalating crisis may soon crush the aspirations of the region and suck the United States into a regional conflagration.

Last Sunday, President Lopez Portillo of Mexico announced a bold new initiative that opens a middle ground for peace in Central America and a door toward a new, more productive relationship between the United States and Nicaragua.

At this late date, the United States cannot afford the consequences of ignoring President Lopez Portillo's initiative which may truly be our last, best chance.

With my colleague, JIM LEACH, I am circulating a letter to President Reagan asking him to join in President Lopez Portillo's initiative. We urge our colleagues to work with us in this bipartisan effort to open the door to peace in Central America by signing the letter.

Mr. Speaker, thanks to the timely cooperation of the translation service of the Congressional Research Service, and in particular to Dr. Deanna Hammond, I am able to make available today an English translation of President Lopez Portillo's speech that was released, in Spanish, only yesterday. I insert it following my remarks and commend it to the attention of my colleagues. I also insert a copy of the letter to President Reagan:

CONGRESSIONAL RESEARCH SERVICE—THE LIBRARY OF CONGRESS

(Translation—Spanish)

BROTHER NICARAGUANS: As two years ago, I have the privilege of being with you, among you, summoned by the name of Sandino; by what in itself and in his times of struggle and sacrifice it meant; by what now has become known as a road and model of liberation.

I came today to commemorate with you a date, February 21, which is recorded in the conscience of all Latin American men who have had to join in battles, whether with arms or ideas, in order to safeguard their right to free determination. On remembering the death of Augusto César Sandino, we must authenticate the obligation that we have to all of those who lost their lives in order to insure us a future of liberty and justice.

Numerous combatants and struggles have emerged in our peoples in the long process towards independent life. With a difference of three years, Mexico and Nicaragua had to fight against the incursions of the adventurers headed by the freebooter William Walker. In 1853 the settlers of Sonora and Baja California, led by a few Mexican soldiers, repulsed, after having decimated them, the pirate and his mercenaries. Later the Central American people in arms, waged the battle in Nicaraguan territory in order to put down once and for all Walker's ambitions. An example of the combative spirit of the Nicaraguan people is the glorious warlike action of San Jacinto, which in the end was decisive for Nicaraguan arms.

Decades later, our destinies again cross.

This time it is not against a common enemy, but rather on the occasion of having received in our territory one of the most illustrious exponents of the Latin American social conscience.

The ties that establish Sandino with Mexico and his return to fight the foreign occupation are a direct record of the solidarity between the Mexican and Nicaraguan Revolutions. November 20, 1910 and July 19, 1979 are important dates in the historic past of Latin America. In spite of being separated by time, they are tied together in a destiny that will mean a more worthy, just and promising life for the peoples of the region.

When I became aware of the decision of the Government of Nicaragua and the National Santinist Board of National Liberation to confer on me the medal of the General Augusto Cesar Sandino order of the rank "Battle of San Jacinto," in my capacity as representative of the Mexican people, I felt profoundly honored by such a distinction and more sincerely moved since it dealt with an insignia that symbolizes the ideal of our peoples. I receive this medal with total humility and I interpret it as homage to Mexican-Nicaraguan solidarity. Brother Nicaraguans, receive, through my person, the fraternal and sincere gratitude of the people of Mexico for such a high designation.

It would be meaningless, nevertheless, to speak here and now of the history of Sandino and of what his effects meant for Nicaragua and Central America, without referring to the situation that is current today in the nation and in the region of the General of free men.

The distinguishing feature that today marks the destiny of the Central American people and the Caribbean is their struggle for the profound transformation of the secular social, economic and political conditions that have imposed on them poverty, tyranny and oppression. Whoever does not understand this will not manage to understand the dramatic convulsions that are agitating the area. In the same way in which entire peoples of Africa and Asia participated in difficult combat after the war in order to attain their independence and put an end to the colonial era, today Central America and the Caribbean are fighting in order to modify the internal and external structures that to a great extent resemble the colonial era that reigned in those other continents. In the same way that most of those Asian and African struggles could not be included by force in the terrible East-West dichotomy or that of capitalism-socialism, the Central American revolutions of our days resist those Manichean classifications, simplistic effects of the policy conceived like geometry, or from the humiliating claim that whoever is not with me is against me. We all remember how the revolutionaries of those times were accused, slandered and reviled; how they were stigmatized, on more than one occasion, as totalitarians or satellites of the superpowers, all of that simply because of wanting to achieve the independence of their country and reform the economic and social structures under which they were living. We Mexicans know what a revolution is and why people make them. How long did we suffer the attacks of those who desired to cast us into molds that were not, and could not be ours?

Who could dare today to write off as a mere effect of the expansionism of one superpower or another the immense wave of national liberation that shook the third world in the last thirty years? That is why we reiterate what has been said, in public and private, to each other: the Central American and Caribbean revolutions underway are, above all, struggles of poor and oppressed peoples to live better and more freely. To say that they are something else and to act as if they were is counterproductive: one ends up by achieving that which he wanted to avoid. Hopes should not be cancelled nor the peoples and their rights set aside.

Upon this analysis rests the position of Mexico towards the Sandinist Revolution. Our support of the struggle of the Nicaraguan people against the Somocist tyranny was not at the last minute. Our backing of the National Reconstruction Board and the Sandinist Front in the equally difficult struggle to reconstruct a destroyed country and to consolidate a young state, was given from the first hour and I believe I can guarantee that it has not fluctuated. Today, with the passing of time, I can say it with strength and I am certain, with the agreement of all Mexicans: our solidarity with the Revolution in Nicaragua is a (source of) pride for Mexico.

For the reasons that I have already mentioned and because they coincide fully with the authentic solidary sympathy that struggles such as this one have always awakened in the Mexican mind, that support has become a true cornerstone of our foreign policy. It does not suffer, it will not suffer, from the vicissitudes of regret or disillusionment.

If two years ago, on addressing the people of Sandino, I suggested that the Nicaraguan Revolution could constitute the point of encounter—the historic hinge, I said then of the modern revolutionary history of Latin America, today I ratify my conviction: I know the irrenounceable determination of the Board and of the Sandinist Front in order to keep the plural, democratic and progressive direction outlined on July 19, 1979 firm. Neither pressures nor foreign provocations, nor natural impatience and internal demands have modified the pledge of the Nicaraguan leaders to their people; in no way have they altered the plan which on many occasions they expressed before the international community. I render homage here to such constancy and honesty in public behavior; the strong will to not stain the post-revolution.

I do that because I also know the difficulties, the threats, and the traps that these heroic people have had to face and before which they have known how to maintain their serenity, against the economic and financial fence that aggravates their condition as a country of the South. What sadness it brings about to know that an important part of the scarce resources available for progress have to be sidetracked for military ends in order to defend yourselves from the hateful attacks of armed bands who murder unpunished young militia and abnegated teachers of literacy! I would dare to say: in view of these and many other problems, how many States would not have succumbed to the temptation of the heavy hand, of the suspension of liberties, in one word, the anti-democracy? To my Sandinist friends, I say to you: follow your road, which is the one that your people have chosen. Mexico has been and will always be at your side.

It was thus in times of euphoria and is so now in difficult moments. In moments in which the horizon is clouded with the storm clouds of the foreign threat, not only in Nicaragua but also in the entire region. I again state with objectivity, without arrogance, using analysis and reason, what circumstances, responsibility and the traditional Mexican friendship led me to say at the end of last year: an intervention in Central America and the Caribbean would represent a gigantic historic error in addition to meaning the return to eras that tried to give rights by force. It would bring about a continental convulsion and the resurgence of a profound anti-American sentiment in all the best men of all of Latin America. I can assure my good friends of the United States that what is happening here in Nicaragua; what is happening in El Salvador, and the wind that is blowing throughout all of the region, does not represent an intolerable danger for the fundamental interests and national security of the United States but it does represent, on the other hand, the risk of historic condemnation for violently infringing on the rights of people which doubtless those of the states demand for themselves, to have self-determination in independence and the exercise of their sovereignty.

We want to be useful, we want to be a channel, a tie, a communication between those who have stopped speaking to one another or who have never done so. We did so and we continue trying to do so, through discreet channels, that prevent the verbal belligerancy of each other, which, in turn, raises an obstacle. But in view of the current gravity of the situation, I have felt it necessary to make public the broad outlines of a realistic, responsible and careful alternative to the conflagration that will inevitably come about if serenity and concord are not imposed. It is not a matter of a global peace plan for the region, which as such would prosper with difficulty. It is a matter of planning, through separate channels, although close and possibly converging in the medium-term, the mechanisms of negotiation, of an exchange of concessions and their formalization, which would be conducive to a climate of distension: of peace, democracy, stability and development. This alternative necessarily implies two premises: each party concerned must make real concessions: and second, nobody must be obligated to renounce his essential principles or his vital interests.

There are three areas of conflict in the zone: Nicaragua, El Salvador, and, if one wants to see things up front, the relation between Cuba and the United States. I feel that if these two latter countries follow the open road of conversation held between the U.S. Secretary of State and the Vice-President of the Councils of State and of the Ministers of Cuba, there exist serious possibilities that the dialog will turn into negotiation. The current distension in southern Africa makes it possible to foretell certain promise in that sense. I should not like to go into greater details: nevertheless, we accept with vehemence the possibility that Mexico will carry out a more active role in this area. We have some ideas, useful and effective in this matter, essentially centered around the complex, but not for that reason unsolvable, system of mutual concessions by each party.

With all consideration I dare to refer to El Salvador. It is evident that the sharpening of the war, the violence and tragedy have

come to extreme levels. Mexico, which has argued for some time for a negotiated political solution to the Salvadoran conflict, sees with the greatest concern the possibilities, each day more limited, that a negotiation will put an end to the bloodshed being suffered by that nation subject to the risks of indefensible triumphs or intolerable interventions. Between elections/choices without negotiations and negotiations without elections/choice there exists without a doubt a solution of constituent compromise. I should not like to go into detail about that just now. I will limit myself to say that that solution can be formulated and submitted for discussion to all interested parties. In addition, I feel that the principal concerns of the United States with respect to the possible consequences of a negotiated solution to the Salvadoran crisis can be satisfied. Mexico and other friendly countries and allies of the United States could be in a position to give assurances in this respect.

Finally—and I would like in this case to be more concrete—I propose here a series of steps and ideas on the regional situation of Nicaragua. There are three fundamental points of a possible relaxation of the tensions in the area:

In the first place, the Government of the United States must put aside any threat or use of force directed against Nicaragua. It is dangerous, unworthy and unnecessary: by calling on the close friendship between Mexico and its neighbor to the north, I reiterate from here, my direct and respectful call to President Reagan, who fortunately in this respect has already made statements.

In the second place, the beginning of a process of balanced reduction of military troops in the area is possible and indispensable. If the bands of Somocist guards who operate along the frontier between Honduras and Nicaragua are disarmed and if the training of similar groups within the United States is ceased, a real threat against the integrity of the country thus disappearing, it is to be thought that the Nicaraguan Government will simultaneously renounce, both the acquisition of arms and planes as well as channeling its scarce resources to the maintenance of military personnel whose importance worries neighboring and nearby countries.

In the third and last place, I feel it feasible and desirable to elaborate a system of mutual non-aggression pacts between Nicaragua and the United States on the one hand and between Nicaragua and its neighbors on the other. Such instruments would formalize previously achieved agreements and, to the extent that they were not directed against any party, they would contribute in a significant manner to the establishment of a lasting peace in the region. I do not doubt that in the case that this pact system were a reality, the principal points of dispute between Nicaragua and the United States could be resolved by an immediately subsequent negotiation.

The public part of the proposal by Mexico is made up of these points. It is a series of measures both serious and realistic, stripped of demagogery, of national or personal ambitions. It is based on a simple but decisive idea: that if each accepts the fact that the neighbor must and can live the way that seems best to him, the differences of interests and focuses are surmountable through the negotiated route. Mexico does not defend, on the external plane, ideologies, of any kind. It defends principles. It defends the supreme correctness of the right of peoples to free determination and of respect for the sovereignty of each country. In the name of these principles, in the name of the responsibility that my position implies and in the name of the imperative need for peace, I make a call, from Managua, to the peoples and to their governors: let us together prevent the catastrophe. It is possible. The consequences of failure are unthinkable. I appeal to the men of good will; let us give each other a last opportunity. We will know how to make use of it.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1982.

PRESIDENT RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Mexican President Jose Lopez Portillo's recent peace initiative for Central America represents an important opportunity to resolve the conflict in the region. The Mexican Head of State has offered to serve as a conduit through which the polarized factions can search for a political accommodation. His proposals seem to us to be a viable basis for opening up the peace process in Central America. Moreover, the leadership of President Lopez Portillo itself presents a historic opportunity for regional cooperation.

President Lopez Portillo offers new hope for a middle ground and political conciliation in El Salvador. He suggests that Mexico and other U.S. allies could be in a position to offer assurances with regard to the principal concerns the U.S. has expressed about the consequences of negotiations. President Lopez Portillo has encouraged Nicaragua to move in the direction of political pluralism and democracy. He has also outlined a framework for reducing tensions between the U.S. and Nicaragua: the U.S. should renounce any threat or use of force against the Nicaraguans; while paramilitary exile camps should be discouraged in the U.S. and Honduras, Nicaragua should reduce the size of its army; and Nicaragua should conclude non-aggression pacts with its neighbors.

The escalating crises in El Salvador, Guatemala and Nicaragua are reaching a critical juncture and run the risk of involving the U.S. in a major regional conflagration. At this late date, the U.S. cannot afford the consequences of ignoring President Lopez Portillo's initiative. We, therefore, urge you to take this initiative seriously and work with President Lopez Portillo and other responsible mediating parties to lay a foundation for peace in Central America.

Sincerely,

—— ——.

UNEMPLOYMENT—OUR MOST PRESSING PROBLEM

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, the most pressing issue our country faces today is unemployment. Every economic, social, and human problem we have stems from the central fact that millions of Americans want to work but cannot find jobs. The grim statistics of unemployment worsen with every monthly report. Concealed within these dry figures is the unhappy fact that each 10th of a percent of unemployment represents thousands and thousands of men and women, each with a story of frustration and gnawing helplessness that paralyzes initiative and undermines individual self-esteem.

What is frightening about the current wave of unemployment is the growing evidence that the administration's economic program, supposedly designed to improve the economy, is actually the cause of our economic decline. When the current administration came into office, the unemployment rate was falling steadily. By July of last year, it was down to a level of 7 percent. Now, with the President's program falling into place, the jobless rate is 9 percent, the highest rate since the Great Depression. In Ohio the rate is 12.5 percent and growing. In the last month in northeast Ohio, the area which I represent has experienced a numbing series of layoffs and business and plant closings. GM in Euclid, Ohio, closed its plant, putting 1,400 people out of work for good. At the GM Lordstown plant near Youngstown, 7,000 out of 10,000 workers remain on indefinite layoff. Republic Steel laid off 3,400 workers and the Halle's Department store with locations in downtown Cleveland and in several suburbs closed its doors for good, putting thousands more out of work.

During the last Presidential campaign, Mr. Reagan kept asking people whether they were better off than they were a year before. One thing is clear today: A year ago, millions of Americans had jobs that do not have them now.

A major factor in the unemployment rate is the unprecedented budget deficit, a deficit that we are told does not mean anything. Well, anyone with even an elementary knowledge of economics knows that budget deficits do matter. A 10th of our Federal budget is taken up just to finance the national debt that last year reached $1 trillion. The proposed budget of this administration will add $100 billion to that deficit annually for the foreseeable future.

I contend that huge budget deficits do matter. They drive up interest rates, making it impossible for ordinary citizens to borrow money to buy homes or cars. As a result, the housing industry is in its worst slump in decades, the bottom has fallen out of the auto industry and business failures and plant closings are at the highest level since the Depression, resulting, as we all know, in a frightening unemployment level. And unemployment, let me remind you, leads to even greater budget deficits. Each percentage

point of unemployment adds $25 billion to the Federal deficit as tax revenues fall and Government expenditures for unemployment compensation and other relief programs grow.

The administration is not deliberately causing all of this hardship, even though it seems indifferent to it. The problem is one of Government philosophy—the philosophy that OMB Director David Stockman admitted was just a variation of the old trickle-down theory. Well, that did not work 50 years ago and we can see that it is not working now. The consequences of massive cuts in human needs programs and tax giveways to those who are already well off are apparent: Unemployment and growing hardship.

It is time to frankly address the basic problem of our economy—unemployment brought about by high interest rates that are fed by unconscionable budget deficits. Throughout the country the cry is going up to put Americans back to work. I join in that cry and pledge my support for responsible programs that address the human needs of the smallest unit of our society: The individual citizen who wants a decent standard of living and a fair chance for honest and productive work. If the administration cannot accept the responsibility to do so, then Congress must.

HIGH INTEREST RATES, BUDGET DEFICITS HELD RESPONSIBLE FOR UNEMPLOYMENT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, like most of my colleagues, I spent the last 10 days in my congressional district. I found that the overriding concern of my constituents continues to be unemployment. One out of every six workers in my constituency is unemployed. Auto workers are jobless by the thousands. Real estate activity is at a standstill. Many of my homebuilders are near bankruptcy. Small businessmen are in despair over their inability to find or to afford capital and operating funds.

Yet, sadly, I was unable to give my constituents any assurances that high interest rates—the chief cause of their suffering—will come down.

Why? Because of the very high deficits built into President Reagan's budgets over the next 5 years. Why? Because almost all economic experts agree that the budget deficits will be much higher than the Reagan administration admits. Once again we are being misled.

If our economy is to recover, if Americans are to get their jobs back, it is imperative that the administration be honest with Congress in its budget figures. Only then can Congress and the administration, working together, address our common problems.

ON INTRODUCTION OF MEDICAID

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SUNIA. Mr. Speaker, today I am introducing a bill that would entitle the Territory of American Samoa to the medicaid program. This is not an instance where the President cut us out of a program. We simply have not been included in all these years.

American Samoa's poor do not receive either food stamps or aid to families with dependent children. And the bill I have introduced does not ask for that. It only seeks the opportunity to participate in the health assistance program—medicaid. In light of this status of participation, I feel our territory deserves the inclusion in the list of medicaid participants.

As of today, we are the only flag territory not included in the medicaid program. In the Omnibus Reconciliation Act of 1980 American Samoa was listed in the House version. It was struck at the conference on Senate motion. Why our colleagues have chosen to discriminate us from other territories, I do not know. I am hopeful that they will be supportive this year.

I realize that there is still great uncertainty in this general area of assistance to the lower income people of our country. But to me, "certainty" means being on the list of States and territories entitled to the program. Whatever else may be the final outcome of this whole question, at least we are there with everybody else.

I respectfully urge and request the support of my colleagues in the House on this measure. Thank you.

COMMEMORATING 64TH ANNIVERSARY OF DECLARATION OF LITHUANIAN INDEPENDENCE

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I am proud to join my distinguished colleague from Illinois, Mr. ANNUNZIO, in commemorating the 64th anniversary of the declaration of Lithuanian independence.

I believe it only fitting that we, as Americans who cherish and enjoy freedom and liberty, share our concern with those who have been denied these very principles. It is appropriate that we symbolically join with the freedom-loving Lithuanian people in their fight to reestablish their independence which was taken from them by the Soviet Union.

My heart goes out to the Lithuanian people. They should be praised for both their courage and commitment. Despite the Soviet Union's steadfast efforts to douse the flame of freedom in the hearts and minds of the Lithuanian people—the brave people of that country have not lost sight of their vision.

Lithuania has contributed so much to our culture through their sons and daughters in the United States. It is my hope that we can do something for them in their own country. As freedom-loving people, we have an obligation to condemn denial of freedoms to the people of Lithuania and should work to allow for self-determination in that country. Silence on the part of the American people will only indicate to the Soviet Union that we are indifferent to the plight of the Lithuanian people. And that simply is not true. Let us heed the words of Edmund Burke who once said:

> All that is necessary for the triumph of evil, is for good men to do nothing.

□ 1215

LEGISLATION INTRODUCED TO RESTORE SOCIAL SECURITY BENEFITS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, last year the President and the Congress broke some longstanding contracts with the American people. In order to finance a tax bonanza for the wealthy and an unprecedented defense buildup, the administration steamrolled through Congress massive cuts in the program most vital to the well-being of our elderly and their families—social security.

Congress does have the opportunity to redress this victimization of American families. Today I am introducing legislation to restore four of the benefits that were cut under the Reagan budget. One of the bills would restore the $122 minimum benefit for future beneficiaries. There is absolutely no justification for the tremendous hardship that will be inflicted on thousands of our low-income aged as a result of this cut.

Another of the bills would restore social security benefits to college stu-

dents. We cannot afford to close the door on the educational and employment future of thousands of deserving students nor to turn our backs on American workers who have earned this insurance for their children. This year alone, cuts in these student benefits will cut off over 200,000 students from this vital source of income and reduce benefits for over 400,000 individuals.

A third bill would restore the $255 lump-sum death benefit, and the fourth, the mother's or father's benefit for children under age 18, as opposed to age 16.

I urge my colleagues to join with me to right the wrongs of the Reagan administration and restore these social security benefits to the people who earned them and who are entitled to them.

JAPANESE BUSINESSMEN IDENTIFY A NEED THEIR GOVERNMENT IGNORES

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I read with astonishment last Friday's Washington Post which reported that Japanese businessmen have proposed to extend a form of foreign aid to the United States—a $10 billion recovery fund to finance job-creating projects in the United States. This is clearly an attempt to assuage our rightfully pointed comments about Japan's nontariff barriers which deliberately encroach on the ability of American products to be sold in Japan and Japan's refusal to pay their fair share of their own defense expenditures. We do not need token economic gestures from Japan. We need fair trade and Japan's assumption of additional responsibilities for free world security. We need cooperation in imposing the necessary sanctions on the Soviet pipeline construction.

I appreciate the fact that the Japanese business community recognizes the need for improvements in economic relations between their country and ours. Their Government has not.

I know that I am not alone in my frustration with the policies of the Japanese Government affecting our trade and defense relationships. Several of my colleagues have recently introduced legislation similar to H.R. 4346 which proposes measures which may result in the elimination of Japanese anti-fair-trade barriers on American products.

In this vein, I also call your attention to the special order which I have scheduled for March 9 on which we will discuss means to bring about a more equitable distribution of defense expenditures by Japan and the United States. Mr. Speaker, I invite you and our colleagues to join me in a much-needed discussion of this problem on March 9.

CONGRESSMAN PARRIS REQUESTS PRESIDENT TO ASSIST FEDERAL WORKERS

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, the reduction-in-force process is having a devastating impact on the Federal work force. Actual terminations and the threat of RIF's are creating a great deal of instability and employee morale is at an alltime low.

I am deeply concerned with the manner in which agencies are implementing their reductions in force. Agency personnel are spending too much time carrying out RIF's and little or no attention or assistance is being given to the employee who is losing his or her job. There are as many different RIF programs as there are agencies, and there is little or no coordination between budget and personnel office staffs in RIF actions. The broad RIF guidelines issued by OPM allow agencies too much flexibility in personnel matters. As a result, there are many inequities and the entire process is open to abuse.

For these reasons, I have requested the President to issue an Executive order making the voluntary interagency placement program (VIPP) mandatory for all agencies before congressional action is taken on the 1983 budget cuts.

We would all rather see agencies absorb budget reductions through attrition rather than furloughs and RIF's, but if RIF's are a reality we must live with, this transition should be made as painless as possible on those whose lives are so severely disrupted.

LEGISLATION INTRODUCED TO TRANSFER COAST GUARD FROM DEPARTMENT OF TRANSPORTATION TO DEPARTMENT OF DEFENSE

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'BRIEN. Mr. Speaker, today I am introducing legislation to transfer the Coast Guard from the Department of Transportation to the Department of Defense.

My bill would create a new Department of the Coast Guard within the Defense Establishment on an equal footing with the Departments of the Army, Navy, and Air Force with its own Secretary. This would give the Coast Guard representation on the Joint Chiefs of Staff as well as on the Armed Forces Policy Council.

The Coast Guard, I am convinced, would be run more efficiently and effectively under this reorganization. Many of its activities would be enhanced by closer coordination with Defense agencies and would benefit from defense facilities and expertise.

Over recent years we have seen a trend of increasing the Coast Guard's responsibilities while reducing its funding. To name a few of these added chores, the Coast Guard has been given responsibility for intercepting drug traffic from South and Central America, stemming the flow of illegal aliens from the Caribbean and patrolling the 200-mile fishery zones. These tasks were assigned in addition to its traditional functions of search and rescue, treaty enforcement, navigational aid, port safety, and environmental protection.

Despite these added duties, the fiscal year 1983 budget requests $1.96 billion for the Coast Guard, a decline from its fiscal year 1982 funding of $2.4 billion.

Budgetary constraints have forced the Coast Guard to make decisions that will result in the loss of 3,400 military personnel, the decommissioning of 11 cutters, the closure of 15 search and rescue stations, and the reduction of operations of 16 others, the closure of 3 air stations, and reduction to 8 others, the closure of 93 vessel documentation offices, 60 recruiting offices, and 19 aids to navigational teams, plus more.

Just this past weekend, I had the opportunity to review the situation in the Chicago area and of most concern was the Calumet-Harbor Station that helps to serve my area. One has only to look at the facts before one realizes the value of such a station. For instance, the latest statistics—taken from 1980—show that 65 lives were saved along with 590 other individuals who were assisted and with the help of the Coast Guard over $1 million worth of property was saved by the Calumet-Harbor Station which costs the Government $122,000 per year to operate. Its value certainly cannot be underestimated.

I believe the basic purpose and duties of the Coast Guard have become obscured and lost in the Department of Transportation. I believe, and hope my colleagues will agree, that the Nation would be better served by placing the Coast Guard in the proper perspective—as an entity within the Department of Defense.

REDUCE COMMITTEE STAFFS

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, in Texas and throughout the 50 States, folks are very much concerned that we balance the budget. You keep hearing them ask what is big government doing to solve the problem. Big government cannot solve the problem, big government is the problem.

Our Federal Government has gotten too big so we need to start where the problem begins—committee staff. We must cut these oversized staffs.

The committee staffs need to produce bills so they will appear busy. They need to create more hearings for more regulations so they can justify their jobs. America has more laws than we need, more regulations than we need, and more taxes than we can afford to pay.

When folks back home ask what Congress can do to cut expenses, let us start with the cause, which means to reduce the size of our own committee staffs.

Take the District of Columbia Committee. This is a full committee in the House whereas over in the Senate it is just a subcommittee. The District of Columbia is now a separate autonomous government and all we have in Congress is an oversight auxiliary support position. In the Senate the total committee staff is seven people. In the House the staff is 41 people. And this year the District of Columbia Committee comes in asking for a 16-percent increase.

Since the days when Christopher Columbus came over to our country, we have had the same American shore line. But the Merchant Marine Committee would like to redraw the map. In 1973 the Merchant Marine Committee had a staff of 22. By 1980 this staff had crowded 88 people into their ranks. The staff is four times as large in numbers but the cost now is over six times as high. It has grown from $494,500 to $3,176,245.

But the all-time expansion goes to the Rules Committee. This committee staff numbered 6 in 1972 and is 45 in 1980. Back in the 92d Congress the Rules Committee only requested $5,000 for statutory staff. Yet, by the 96th Congress they were requesting $1,134,000.

NEW FEDERALISM

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, for years now, our country has followed a pattern of increasing reliance on the Federal Government for individual needs from womb to tomb. This has resulted in incredible demands on the Federal structure, both administratively and financially. In fact, a myriad of programs has been established to either meet the needs of Americans or, in some cases, to create needs Americans never even knew they had.

Now it appears that there is a light at the end of the tunnel and that we are beginning to address the hard, cold facts that our Federal Government cannot meet our every need. Not only are we faced with an incredibly large Federal deficit and spending programs which have long since been out of hand. In addition, everyone seems to realize that our enormous Government does not always do things better than we can do them for ourselves.

President Reagan's New Federalism is an answer—albeit not an easy solution—to the question: How can we curb the always increasing growth of the Federal Government and make it more responsive to the real needs of its people?

We can no longer afford the luxury of good intentions and failed programs that break the backs of the American taxpayer. We must rise to the challenge set forth by the President and carefully consider the changes he proposes. Clearly, the failed programs of the past cannot be continued to steal the future from our children.

This bold New Federalism initiative to shift both programs and sources of funding back to the States must be put on our congressional agenda this year.

CONGRESSIONAL SPACE CAUCUS

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AKAKA. Mr. Speaker, once we were clearly leaders in the field of space and space-related technology. Once, we had a bold plan for the future with long-range policy goals. Today, we are in danger of losing our leading edge to countries which recognize the importance of long-term space policy goals. I strongly believe that whether or not America rises to the space challenge of the future and commits itself to a vigorous space effort depends on whether or not Congress takes a strong lead in promoting the U.S. space enterprise.

I and many of my colleagues believe that the issue of space and space-related technologies is one of vital importance to the long-term economic future of this Nation. I, therefore, want to take this opportunity to urge my colleagues to join the newly formed Congressional Space Caucus, of which NEWT GINGRICH and I are cochairmen.

According to a recent poll, the American public recognizes the vital role that space plays in our national economy and national security. The American public is also beginning to recognize the limitless potential that space offers our Nation for future benefits.

While 60 percent of the people interviewed in a recently released poll said that they would like to see continued advances in our program of space exploration, the fiscal year 1983 NASA budget actually calls for a serious reduction in our program of planetary science.

The case which can be made for continued substantial investment in basic research is a strong and multifaceted one. Whatever be the philosophic arguments one can use, it is a fact that many technological innovations have been spawned by investment in our program of space science. It is also a fact that the overall budget for space science has been on a path of constant decline since 1980.

It is clear that the development of a national space policy is a critically important goal for this Congress. I urge my colleagues to join me in achieving that goal just as I urge my colleagues to join the Congressional Space Caucus. I am inserting a copy of a public opinion poll on space called Americans High on Space in the RECORD at this point:

AMERICANS HIGH ON SPACE

EXPLORING SPENDING PRIORITIES

Question: Do you think the United States is spending too much money on the space program, not enough money, or about the right amount?

	Percent
The United States is spending too much money on the space program	34
Not enough	24
Right amount	42

NOTE.—In surveys of government spending priorities conducted by the National Opinion Research Center, General Social Surveys, 8 percent of respondents in 1973 felt that we were spending too little on the space exploration program, 31 percent said about right, and 61 percent felt too much was spent. The "too little" figure rose to 20 percent in 1980, with 38 percent saying spending was about right and 43 percent that it was too much. In an October 1981 NBC News/Associated Press poll, when asked "Do you think the space shuttle program is a good investment in this country, or don't you think so?", 72 percent believed it was a good investment, and 28 percent did not.

Source: Survey by NBC News/Associated Press, Aug. 10-11, 1981.

Question: There are a number of things that have changed rather drastically over the past twenty years. Here is a list of some of them. (Card shown respondent) Would you read down that list and for each one tell me whether you'd like to see continued advances and developments on it in the future, or whether you think we've gone as far as we should on it now, or whether you think we've already gone too far on it no? First, exploration of space.

	Percent
Would like to see continued advances of exploration of space	60
Gone too far now	13
We've gone as far as we should on it now	27

NOTE.—In August of 1974, 44 percent would have liked continued advances in space exploration.

Source: Survey by the Roper Organization (Roper Report 81-8), Aug. 15-22, 1981.

STAR WARS

Question: Should the emphasis of the U.S. space program be primarily on national defense or on scientific exploration?

	Percent
Emphasis of the U.S. space program should be primarily on national defense	47
Both (vol.)	10
Scientific exploration	43

NOTE.—When asked about the importance of various uses of the space shuttle in a May 1981 Harris survey, 68 percent felt that developing a military capability in space beyond what the Russians are doing was "very important."

Source: Survey by NBC News/Associated Press, Oct. 25-26, 1981.

Question: If you had a chance in your lifetime to travel in outer space, would you do so or not?

	Percent
Would travel in outer space if had a chance in lifetime:	
All respondents	43
Men	54
Women	34
Would not:	
All respondents	57
Men	46
Women	66

NOTE.—In a spring 1981 poll of Connecticut residents by the Institute for Social Inquiry of the University of Connecticut, 42 percent said they would like to go into space; 54 percent would not. In early summer, when Minnesotans were asked by Jeanne Drew Surveys conducted for the Minneapolis Tribune if they would like to ride the space shuttle, 41 percent said they would and 58 percent said they would not. In both state polls, over one-half of the men said they'd like to travel into space and two-thirds of the women said they would not like to.

Source: Survey by NBC News/Associated Press, Aug. 10-11, 1981.

Question: Do you think people from earth will eventually colonize the moon or other planets, or don't you think so?

	Percent
Will not	54
People from Earth will eventually colonize the moon or planets	46

Source: Survey by NBC News/Associated Press, Oct. 25-26, 1981.

TURNING OUR BACKS ON THE UNEMPLOYED

(Mr. FLIPPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLIPPO. Mr. Speaker, I am sorely disappointed that the new administration budget offers little hope to the unemployed, even though thousands of people in my district and literally millions nationwide are beginning to suffer because they cannot find a job. Their futures are being mortgaged for reasons neither they nor I understand.

The unemployment rate in my area hit 15.5 in December, almost twice the national rate. That represents a lot of misery that I know about personally.

The people in my district also have a perception that this administration not only is doing nothing about unemployment, but is the major factor contributing to joblessness. My people are saying, this administration is dismantling the programs that can help us, such as the economic development programs.

How many millions do we have to see walking the streets before this administration recognizes that unemployment has now become the worst problem facing this country?

When are we going to stop turning our backs on the unemployed?

ECONOMIC RECOVERY STRATEGY

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, on February 18, at a nationally televised press conference, the President of the United States suggested to Members of Congress that they go home and listen to the American people, come back to the Congress and report about what the people of their districts thought about the economic recovery program of this administration.

I followed the President's instructions. I went out to the great State of Washington, where we are suffering under an 11.3-percent unemployment rate, where thousands of my fellow citizens have exhausted their unemployment compensation benefits, where the lack of a housing program for this country has basically put thousands of people in the forest products industry on the unemployment rolls, and I find that there is great distress and great concern about the fact that this administration has not been willing to make the adjustments in its economic recovery program that are clearly called for. In fact, there is great concern that the massive Federal deficit called for in the Reagan budget will lead to higher interest rates, more unemployment and greater suffering and misery for the people of this country.

It is clearly time for this Administration to recognize that the budget that it has submitted is dead politically and economically. It is time for a readjustment of those priorities, time to put the American people back to work—that is the fastest way to reduce the deficit, by the way. It is time to come forward with a housing program and an unemployment program. Clearly these adjustments must be made, and I for one think that Congress has got to play a role on a bipartisan basis in evolving a new economic strategy.

COMMUNICATION FROM CORNELIA F. HENSON

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following communication from Cornelia F. Henson:

FEBRUARY 23, 1982.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House, H-205, Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House, that on Friday morning, February 19, I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, the 5th of March at 9:30 a.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

CORNELIA F. HENSON.

□ 1230

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 60 minutes.

Mr. ANNUNZIO. Mr. Speaker, I was honored to reserve this special order in commemoration of Lithuanian Independence Day and I thank all of my colleagues who are joining me today in tribute to the courageous Lithuanian people who continue to struggle, to pray, and to work for the day when Lithuania can once again be free.

Sixty-four years ago, on February 16, 1918, when the Lithuanians regained their independence at the conclusion of World War I, they began rebuilding their devastated country, reestablished democratic institutions there, and did all that they could to protect and safeguard their newly won freedom. The Lithuanians are an industrious and proud people and at long last they began enjoying the rewards of their own efforts and the feeling of security that comes from having the right of self-determination and having a democratic form of government.

However, these benefits were short-lived, for with the advent of World War II, Lithuania was invaded by Stalin's red army and the courageous Lithuanians were once again robbed of their hard-won freedom. Those who resisted were tragically executed, or were deported under inhuman conditions to slave labor camps in Siberia.

Our Nation has never recognized the forced and brutal incorporation of Lithuania into the Soviet Union, and a statement on this subject from the January 1982 ELTA Information Bulletin, sponsored by the Lithuanian National Foundation, Inc., follows:

U.S. CONFIRMS NON-RECOGNITION OF LITHUANIA'S INCORPORATION

On December 14, 1981, the U.S. Department of State replied to an earlier letter by Dr. C. K. Bobelis, President of the Committee for the Liberation of Lithuania, concerning U.S. activities at the CSCE conference in Madrid and the U.S. policy toward Lithuania. the reply is signed by Charles H. Thomas, Director of the Office of European Security and Political Affairs, who writes:

"In Madrid, the United States and other Western countries have conducted a serious and thorough review of implementation of the CSCE Final Act. In particular, Ambassador Max Kampelman has pointed out that abuse of human rights has continued unabated in the Soviet Union during the CSCE meeting. He has publicly indicted the Soviets for a long list of specific human rights shortcomings, including unceasing repression of religious and national activists in the Baltic States. Progress toward achieving the goals of the Final Act has been slow, but we are determined to continue to work for improvements in implementation and ways to strengthen the Final Act itself.

"As you know, the United States reiterates on all appropriate public occasions our policy of not legally recognizing the forcible incorporation of Lithuania into the USSR. The Department of State monitors as closely as possible the plight of all those in Lithuania, as well as in the other Baltic States, who have been imprisoned or persecuted for their defense of basic human rights. The United States Government has consistently deplored the policy of the Soviet authorities in this regard, both publicly in international fora such as the Madrid meeting and via diplomatic channels. It is our intention to continue to use every appropriate occasion to make known to the Soviets our position to such abuses".

Mr. Speaker, across our Nation tens of thousands of Lithuanian Americans are commemorating Lithuanian Independence Day, including the members of Chicago's Lithuanian American Council, Inc., many of whom reside in the 11th District I am honored to represent. The officers and members of the board of this fine organization follow, as does a letter I was privileged to cosign with many of my colleagues in the House addressed to President Brezhnev urging him to see that Benedict Scott, an American citizen, of Lithuanian heritage, is released. The names of the Lithuanian American Council's officers and the letter follow:

LITHUANIAN AMERICAN COUNCIL OFFICERS

Honorary president: Kazys C. Bobelis, M.D.

Officers: National President: Kazys Sudlauskas, J.D.

Vice President: Teodoras Blinstrubas, Povilas Dargis, Joseph Jerome, Ph.D., Leonas Kriaucelunas, D.V.M., Vladas Simaitis, J.D., Jonas Valaitis, M.D.

Secretary: Rev. Adolfas Stasys.

Treasurer: Juozas Skorubskas.

Financial Secretary: Emilija Vilimas.

Recording Secretary: Grozvydas Lazauskas.

Members: Stanley Balzekas, Jr., Petras Bucas, Aleksas Jankumas, Juozas Lekas, Viktoras Naudzius, Kasperas Radvila, Daiva Skaluauskas.

Council Representative in Washington, D.C.: Jonas Genys, Ph.D.

Director of Information: Rev. Juozas Prunskis.

Office Manager: Irene D. Blinstrubas.

Trustees: Vytautas Abraitis, Palm Coast, Fla.; Alexander Chaplikas, South Boston, Mass.; Jurgis Mikaila, Troy, Mich.

Honorary Members of the Board: Alexander Aleksis, Waterbury, Conn.; Stephen Bredes, Jr., Brooklyn, N.Y.

Members of the Board: Antanas Andriulionis, South Boston, Massachusetts; Eugene Bartkus, Beverly Shores, Indiana; Anna Biezis, Oak Lawn, Illinois; Vytas Dabrila, Dorchester, Massachusetts; Vytautas Dargis, M.D., Westchester, Illinois; Alena Devenis, Santa Monica, California; Martin Gudelis, Chicago, Illinois; Vytautas Jokubaitis, Euclid, Ohio; Pranas Kasiuba, Lake, Illinois; Saulius Kuprys, Cicero, Illinois; Julius Kuzas, Jr., South Holland, Illinois; Teodora Kuzas, Chicago, Illinois; Aleksas Laikunas, Cleveland Heights, Ohio; Thomas Mack, Wilkes-Barre, Pennsylvania; Euphrosine Mikuzis, Chicago, Illinois; Anatolius Milunas, Downers Grove, Illinois; Rimas Mulokas, Northridge, California; Jonas Nasvytis, Cleveland, Ohio; Jonas Paredinskas, Glen Ellyn, Illinois; Julius Pakalka, Beverly Shores, Indiana; Mykolas Pranevicius, Chicago, Illinois; Rev. Casimir Pugevicius, Brooklyn, New York; Algirdas Puzauskas, Chicago, Illinois; Julliana Rotsko, Chicago, Illinois; Alliona Rugis M.D., Chicago, Illinois; Irene X. Sankus, Chicago, Illinois; and seven others.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 31, 1981.

DEAR PRESIDENT BREZHNEV: We are writing to you on behalf of an American citizen, Benedict Scott (Vytautas Skuodis), who has been imprisoned in the Soviet Union since January 9, 1980. His case requires your immediate attention, for Scott declared a hunger strike on June 15, 1981 and we fear greatly for his life.

Benedict Scott was born Benediktas Vitautas Scott Skodzius on March 21, 1929 in Chicago, Illinois to Peter Scott Skodzius and Elizabeth Markeviciute. In 1930, the family emigrated to Lithuania. In 1953, Benedict Scott graduated from the University of Vilnius and some time later joined its faculty as a lecturer of hydrology and geological engineering.

Scott has been active in the movement for democratic freedoms and human rights in Lithuania. On November 29, 1979 Scott joined the Lithuanian Helsinki Monitoring Group. At his trial in December 1980, Scott was the Lithuanian charged under Article 68-1 of the Lithuanian SSR Criminal Code with helping publish two samizdat publications and engaging in other anti-Soviet activities. His request for counsel from the United States was ignored by Soviet officials. He was found guilty and sentenced to seven years in hard labor and five years in internal exile.

Benedict Scott has been persecuted for his political beliefs and his life hangs in the balance because he has been denied the basic human rights of freedom of conscience and expression. He is guilty of no criminal act. His imprisonment represents a blatant violation of the human rights guarantees provided in the Helsinki Final Act to which your country is a signatory.

We protest the illegal imprisonment of Benedict Scott, an American citizen. We feel tremendous empathy for him as he continues his hunger strike for freedom, and have urged our fellow Americans to commemorate this brave man's ordeal with personal reflection on Scott's quest for freedom and justice.

Common decency requires that your Government release Scott from prison and provide him with the option of returning to Lithuania or to the land of his birth. Soviet-American relations, which have deteriorated over the past two years, cannot improve if fundamental human rights of United States citizens are trampled upon by Soviet officials.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

Mr. Speaker, today the Lithuanians are still prisoners in their own homeland, and although they continue to resist Soviet rule in a continuing struggle for freedom, nonetheless, the dream of liberty which lives in the hearts and minds of the Lithuanians has not yet been realized. Radio Liberty recently issued a report entitled, "Catholics In Lithuania Dig In Against Atheist State's Offensive," and an excerpt from that report follows:

CATHOLICS IN LITHUANIA DIG IN AGAINST ATHEIST STATE'S OFFENSIVE

Summary: In spite of efforts by the state to crush organized dissident activity directed at human rights and religious freedom in the Soviet Union, it has failed to impede the dissident movement among Lithuanian Catholics, which appears to be stronger and more outspoken today than ever before. The election of Pope John Paul II and the formation of a Catholic Committee for the Defense of the Rights of Believers in late 1978 strengthened the movement and increased unity among Lithuanian priests, about three-fourths of whom signed statements in 1979 declaring that they will not obey the government's "Regulations on Religious Associations." The number of unofficial journals published in Lithuania has risen to over fifteen. Primarily because the movement enjoys such widespread popular support, the authorities have used a carrot-and-stick approach toward Lithuanian Catholics. For example, they have, despite frequent threats to do so, refrained from arresting any Catholic priest since 1971. The existence of an unofficial seminary in the republic has apparently even forced the authorities to increase admissions into the one remaining state-sanctioned seminary in Kaunas.

In a recent issue of Kommunist, the first deputy chairman of the KGB, General Semen Tsvigun, asserted that the state security forces had won a victory over organized dissidence. To judge by the available information, while the crackdown of the past two years or so on dissidents in the USSR as a whole does seem to have taken its toll, the authorities have made little headway in suppressing the dissident movement among Lithuanian Catholics, which in many ways gives the impression today of being stronger and more outspoken than ever before. Several factors have contributed to the strength of the dissident movement of Catholics in Lithuania. First, it has always enjoyed a great degree of popular support because it has a natural constituency. Even its very first petitions, protesting various infringements of religious rights, were signed by large numbers of individuals. One petition sent in 1972 to the secretary general of the United Nations contained over 17,000 signatures. In 1979, more than 148,000 persons, or more than 5 percent of

the population of the republic over the age of ten, signed a petition calling for the restoration of the Mary Queen of Peace Church in Klaipėda as a place of worship. This may have been the largest number of signatories on a petition in Soviet history.

Second, in comparison with other religious groups, Catholics have the advantage of a central leadership that is located outside of the USSR and that is thus not subject to control by the Soviet state. Third, Lithuanian Catholics have managed to develop a flourishing unofficial press. Despite the strenuous efforts of the KGB to put an end to The Chronicle of the Lithuanian Catholic Church, it not only continues to be published regularly but has inspired the founding of other, similar unofficial publications. The number of unofficial journals in Lithuania has grown to over fifteen, making Lithuania the Soviet republic with the highest per capita number of unofficial journals. Although some of these journals have not reached the West, there are sufficient grounds for assuming that Catholics play the dominant role in the publication of almost all of them. Two of them, Tiesos kelias and Rupintojėlis, are in fact almost exclusively intended for priests and contain material for sermons and religious instruction.

Today we honor the dauntless spirit of the Lithuanian people which once before helped make that country free and independent and which we know will not be extinguished until Lithuania once again joins the family of free nations in the world community. On behalf of thousands of Lithuanian Americans residing in my own 11th District, in Chicago, and across our Nation, I commend the great courage of the Lithuanian people in resisting the oppression and tyranny of Soviet domination, and I join my colleagues in expressing the hope that the Lithuanian nation will soon be successful in regaining its independence.

Mr. NELLIGAN. Mr. Speaker, will the gentleman yield?

Mr. ANNUNZIO. I yield to my distinguished colleague, the gentleman from Pennsylvania.

Mr. NELLIGAN. Mr. Speaker, I thank the gentleman from Illinois.

Mr. Speaker, it is my pleasure today to join my remarks with those of my distinguished colleague, the gentleman from Illinois (Mr. ANNUNZIO) in commemorating Lithuanian Independence Day, which is formally celebrated on February 16. In commemorating Lithuanian Independence Day, we proudly salute the courage with which the Lithuanian people have so heroically resisted Soviet domination for over 64 years.

On February 16, 1918, a national council made up of 20 members proclaimed Lithuania an independent state. For more than two decades, Lithuania enjoyed the privilege of political freedom and home rule. During this time, Lithuanians saw their proud traditions restored, their religious and political heritage reinstated.

During World War II, Lithuania found itself engulfed in a strategically difficult position with Nazi forces located in neighboring Poland. Allowing garrision privileges to the Soviet Army under the circumstances proved to be but the first of several unfortunate occurrences which led ultimately to a Soviet takeover. In 1940, Lithuania was declared a constituent republic of the Soviet Union after occupation by the Red army. A German attack on the Soviet Union occurred less than a year later, leaving Lithuania in Nazi hands until reoccupation by the Soviets in 1944.

As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I have been particularly interested in the cause of human rights in this area of the world. I join with Lithuanian Americans of Pennsylvania's 11th Congressional District, which I am pleased and privileged and proud to represent, in the hope that the proud heritage of a free and independent Lithuania will one day be reinstated.

Last week, in front of the courthouse in Luzerne County, I had the privilege of joining with many of my constituents of Lithuanian descent. It was a cold day, it was a wet, rainy day, but it did not stop many, many of Lithuanian descent to come out and be very proud of their heritage.

One thing that I think all Americans should take note of, Mr. Speaker, is particularly people who have lived behind the Iron Curtain, those people who have been under Soviet domination, those people who have been deprived of their freedoms and their liberties that perhaps we take for granted in America all too often. Talk to those, get a feel of what it is like to be under Soviet domination. Get a feel for what it is like to not have liberties and not have freedom.

It was not too long ago that a woman of Lithuanian descent, an elderly woman, came to my office. She spoke no English and through an interpreter I asked her a few questions.

I said, "What do you think about the freedoms in America?"

And through an interpreter, there was some discussion, and I said, "What is the problem?"

And she said, "She is not sure she can answer that question, because she is a little concerned that you as a government official might be baiting her a bit."

It is that kind of atmosphere that they have lived with and lived in, an atmosphere of persecution. I, for one, feel that those of us in America who are so fortunate to have been born and raised perhaps with these liberties, that if you really want a full appreciation of them, talk with some people who have lived behind the Iron Curtain. Talk with my constituents of Lithuanian descent.

I thank the gentleman from Illinois (Mr. ANNUNZIO) very much.

Mr. ANNUNZIO. Mr. Speaker, I thank my distinguished colleague, the gentleman from Pennsylvania (Mr. NELLIGAN), for an outstanding statement.

● Mr. LEE. Mr. Speaker, as a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I am delighted to celebrate today, along with my colleagues, the 64th anniversary of the Declaration of Independence of Lithuania.

We do not know how lucky we are to be free Americans until we stop to examine the trials that Lithuanians have undergone. Like all nations, Lithuania should be allowed to choose its own destiny. The suffering of the Lithuanians under Soviet domination have only reinforced their commitment to independence. We too, must share their determination. The Lithuanian quest represents that of all who are oppressed by the Soviet Union.

Recent events in Poland should alert us to the plight of Lithuania and its neighbors. We must not ignore the importance of this day. I urge that all Members of this body join with Lithuaninan Americans at this time to commemorate their continuing struggle for freedom.●

● Mr. PEYSER. Mr. Speaker, February 16, 1982, marked the 64th anniversary of the reestablishment of the independent Lithuanian Republic. I would like to take a moment to honor the continuing dedication to self-determination and human rights on the part of the Lithuanian people that culminated in their declaration of independence.

Despite hundreds of years of domination by foreign powers, the Lithuanian spirit for freedom did not waiver. From 1795 to 1905, the Russians tried unsuccessfully to assimilate and dominate the Lithuanian culture and its people through their occupation of the Lithuanian state. Then in 1915, the Lithuanians were once again overridden by foreign peoples, as the German Army marched their way through World War I. As the German defeat grew evident, the Lithuanian voice and strength for independence grew stronger. Finally, after their long valiant struggle, the Lithuanian people declared themselves a free state dedicated to democratic principles on February 16, 1918.

However, in the early months of 1919 the capital city of Vilnius was seized by the Russian Red army and a Communist government was organized. This effort by Russia was, once again, unsuccessful, and by mid 1920 the Russian Government had put their signature on a peace treaty that formally renounced its claim over the Lithuanian people and its territories.

As a new independent nation, Lithuania took traditional steps toward creating a democracy and promoting

human rights by setting up a constitutional government and parliament. This new government put forth a land reform proposal, to increase the land owning population, as well as instigating both social and educational reforms to benefit laborers and provide a better education network.

This independence and freedom was not to last. In the late 1930's, as the threat of Hitler's Germany grew and World War II began, the existence of the independent Lithuanian state was also threatened. By 1940, Russia had forsaken its previous agreement and forcibly annexed the Lithuanian state. As the war progressed, German forces eventually occupied the Lithuanian territory in the German campaign against Russia. At the end of the war, the Soviet Union again claimed Lithuania as its own, and has exerted its rule over it since that time.

Twenty years later, in 1958, the fight to resist domination by the Soviet Union continued and the Lithuanian World Congress publicly confirmed its dedication to the struggle for independence. The congress adopted a resolution asking all free nations to "reaffirm on every suitable occasion the inalienable rights of the Lithuanian people to national independence and individual freedom."

In 1982, the United States continues to recognize Lithuania as an independent and free nation. Their continued dedication to the principles of democracy and individual freedom are worthy of our praise and tribute. Free nations all around the world should take note of their struggle and achievement, and repressed nations should use them as a shining example of the commitment to the inalienable rights of freedom for all individuals that we all share and strive for.●

● Mr. DONNELLY. Mr. Speaker, today, we convene in the House Chamber to celebrate the 64th anniversary of Lithuanian Independence Day. However, this occasion, unlike our Nation's Independence Day, is marked by sadness and hope for a return to independence for the people of Lithuania. Their enjoyment of a free society was abruptly ended by Soviet annexation that continues to this day. Thousands of Lithuanian citizens, men, women, and children alike, were murdered in that cowardly attack, countless others were deported to Siberia. Those atrocities, and more recent injustices committed by the Soviets against the population, have not succeeded in breaking the spirit of freedom that remains a vital force in Lithuania. Instead, the desire for a return to freedom is alive. It grows stronger with each passing day. The Soviet Army can blockade every street, and harass every religious service in Lithuania, but it will never control the hearts and minds of the people it seeks to dominate. The situation in Poland gives added strength to this conviction.

We in Congress have a significant role to play in supporting the cause of Lithuanian independence. We must continue to focus attention on the daily violation of basic human rights in Lithuania, and the other captive nations. Our thoughts and prayers are with the oppressed people of Lithuania on this sacred occasion.●

● Mr. ZABLOCKI. Mr. Speaker, it is a privilege to join my colleagues and my many friends in the Lithuanian American community in commemorating the 64th anniversary of Lithuanian independence.

The long-standing commitment of the Lithuanian people to human freedom and dignity is well known and continues to provide an inspiring example to all peoples struggling to retain their cultural identity and aspirations for liberty.

Lithuania's declaration of independence from the historical domination of Russia and Germany, proclaimed 64 years ago, marked the beginning of the long struggle of its people for self-determination—a struggle which represents the sustained power of the human spirit over adversity. To the free world, Lithuania's plight should serve as a reminder of the importance of maintaining Western unity in the face of continuing acts of both direct and indirect Soviet aggression, which threaten international peace and stability.

Mr. Speaker, the Lithuanians, like other suppressed nationalities, merely seek a number of basic human rights—the right to express their opinions freely, to practice their own religions, to enjoy their own culture and literature, and to determine their own future.

I welcome this opportunity to commend such spirit and also to recognize the important contribution made by Americans of Lithuanian descent to our own society and culture.●

● Mr. FORD of Michigan. Mr. Speaker, today marks the 64th anniversary of the establishment of the Lithuanian Republic. As in past years, I take this opportunity to pay tribute to the spirit of freedom and independence which lives in the hearts of Lithuanians throughout the world, despite the illegal occupation of their homeland by the Soviet Union. This special day provides us the opportunity to acknowledge the Lithuanian heritage of heroism, bravery, and dedication to the right of freedom which has become a source of inspiration for all oppressed peoples around the world.

This small Baltic country, which enjoyed independence between the two World Wars, has endured more than 40 years of domination by the Soviet Union. The proud people of Lithuania are subject to constant infringement upon their most basic human liberties and freedoms that we enjoy. There is a continuing pressure to abolish their native tongues and a constant effort to discourage learning of Lithuanian history and literature.

Despite all the hardships suffered, the strength and dignity of the Lithuanian people have survived. We admire these people in their efforts to keep alive their national identity and to secure basic individual rights within their homeland.

I am proud to commemorate Lithuania's Independence Day today. I feel confident that the struggle of these people will not go unnoticed.●

● Mr. WAXMAN. Mr. Speaker, Lithuania continues to suffer under Soviet domination as we commemorate the 64th anniversary of the reestablishment of an independent Lithuanian state. For young Lithuanians, their country's 25 years of independence are not even a receding memory, but only an experience related by parents and older relatives. Like other small Baltic States, Lithuania was victimized by Hitler and Stalin during the Second World War. On June 15, 1940, the Red army occupied Lithuania, establishing a Soviet presence which continues to this day.

In spite of the signing of the historic Helsinki accords, the Soviet Union continues to deny the Lithuanian people their most basic human rights, as well as their right to self-determination as a sovereign nation. And horribly, the human tragedy in Lithuania and other Baltic States is being repeated in Afghanistan and Poland.

Because of our Government's historic commitment to democratic principles, and because of our wealth and our capacity to influence, we have a special responsibility to further the cause of basic human rights and freedoms. The unwavering courage and endurance of the Lithuanian people should serve as an inspiration to this Congress and this administration to redouble our efforts to promote human rights and the right to self-determination wherever they are being trampled. At the very least our outrage and our commitment will lift the morale of Lithuanians who continue to struggle for freedom.●

● Mr. ST GERMAIN. Mr. Speaker, February 16, 1982, marked the anniversary of the reestablishment of the Lithuanian state and the 731st anniversary of the Lithuanian nation, and I wish to take this opportunity to commemorate this momentous occasion.

Lithuania achieved nationhood early but spent centuries fighting German and Russian domination and finally regained status as an independent nation in 1918. For 22 years, Lithuanians enjoyed political and cultural freedom under a democratic government until 1940 when the Soviet Union illegally annexed Lithuania as their 14th

republic. The United States and other nations which respect and cherish freedom have never accepted this occupation and continue to recognize the diplomatic status of a free Lithuania.

Despite years of Soviet subjugation which included mass deportations, attempts to eradicate their religion and their culture, and gross violations of their civil and political rights, the Lithuanian people have preserved their heritage, language, religion, and desire for freedom. Their steadfast belief in the ideals of personal liberty and national independence are a tribute to the power to the human spirit to overcome oppression. As we commemorate this anniversary of Lithuanian independence, we also remember the continuing struggle of more recent Soviet aggression in Afghanistan and Poland. The Lithuanian people serve as an example to these and all the peoples of the world who are fighting to attain political and religious freedom.●

● Mr. HOLLENBECK. Mr. Speaker, I rise today to join my colleagues in recognizing February 16 as a day of pride and reflection for Lithuanians throughout the world. On this day in the year 1918, this small yet fearless nation gained its long-sought independence. Oppressed for centuries because of their vulnerable geographic location, Lithuanians have suffered invasions from the east by the Russians and from the west by the Teutonic knights. They have shown incredible spiritual and ethnic fortitude by surviving these repeated acts of aggresion.

Ever since this courageous Baltic nation was forcibly incorporated into the Soviet Union, after only 22 years of freedom, Lithuanians have valiantly sought to rid themselves of their oppressors. Thousands of these freedom fighters have sacrificed their lives in an attempt to secure independence for their beloved country. Within 8 years from 1944, 50,000 Lithuanian freedom fighters gave their lives as part of a grassroots resistance movement. However, the termination of armed hostilities did not end the fight against Soviet domination.

Even today, as I speak, Lithuanians are risking their lives in outright defiance of the Communist regime. Protests for the right of self-determination, opposition to communism's threat against freedom of religion and the fight for political freedom continue despite Soviet oppression. With this in mind, we must attempt to duplicate the spiritual courage of these brave people by reaffirming our dedication to the principles of self-determination and human rights.

It is our duty to continually confront the Soviets with the fact that, despite being cosigners of the Helsinki accords, they have willfully ignored many of the provisions guaranteeing basic human rights. The United States must persevere in the fight against the infringement of human rights and not succumb to any temptation which allows us to ignore the plight of those people being denied their fundamental rights. We must never cease our vigorous fight for the inalienable rights of all mankind.

February 16 marks a grim reminder to all of us that there are people in this world who do not possess even the most basic of human rights. We must continue to support, in whatever way we can, the people of Lithuania and their dreams of freedom. Let us pray for the time when our Lithuanian friends can celebrate a renewed independence of modern times, rather than commemorate the anniversary of an independence since lost.●

● Mr. BENJAMIN. Mr. Speaker, 64 years ago the Lithuanian people declared themselves free from the domination of czarist Russia. Ending centuries of tyranny and persecution, Lithuania enjoyed a brief period of independence before it was subjugated by the Soviet Union in 1940.

I am here today to commemorate the 64th Lithuanian Independence Day and the 731st anniversary of the founding of the Lithuanian state. The Lithuanian people, those incredibly brave people who have never given up their fight for freedom from the Soviet Union, must be remembered for their self-determination and perseverance.

The Soviet Union tried to suppress the culture, language and religion of the Lithuanian people. Because of their strong pride and tenacity the Soviet policy of Russification had to be abandoned.

Soviet domination has not and will not eradicate the spirit of the Lithuanian people. I join with the Lithuanian people with a sense of hope for the future.

I had the honor of attending the Lithuanian American Council of Lake County's annual program to commemorate the 64th Lithuanian Independence Day. I deeply respect the pride and determination of the entire Lithuanian American Council for their fight for independence and would like to commend the president of the Lithuanian American Council of Lake County, Albert Vinick, for his hard work and dedication in fostering America's sense of duty to the Lithuanian people.

The Lithuanian love of freedom serves as an inspiration to the rest of the world. Let us join together to share their determination for freedom. We must continue our concerted effort to remain firm in our recognition of Lithuania, its people, and its culture, and share in the hope that Lithuania will again be free.

The Lithuanian American Council of Lake County, Ind., headed by Albert G. Vinick, has adopted the following resolution in support of the freedom of their brothers and sisters in Lithuania:

RESOLUTION

Whereas, February 16, 1982 marks the 64th anniversary of the restoration of independence to the more than 700 year old Lithuanian State; and

Whereas, after the reestablishment of its independence on February 16, 1918, Lithuania was recognized by the countries of the free world as a sovereign, independent nation and became a member of the League of Nations; and

Whereas, in 1940 the Soviet Union by political intrigue and military force illegally annexed Lithuania in violation of its Peace Treaty of 1920 with Lithuania, in which the Soviet Union had guaranteed Lithuania's independence forever, and also in violation of the Non-Aggression Pact of 1926, which Lithuania had entered into with the Soviet Union; and

Whereas, the Soviet Union has given no indication of ever freeing any captured nation upon its own initiative, and still continues to pursue its imperialistic policies to expand its domination and control over all countries which may fall as victims to its political or military aggression, as demonstrated by its recent invasion of Afghanistan; and

Whereas, the Lithuanian nation was one of the first victims of Soviet conquest and has ever since then suffered the exploitation of its people and resources for the sole gain and advantage of the Soviet Union; and

Whereas, despite the incessant, relentless attempt by the Soviet Union to subjugate the will of the Lithuanian people and indoctrinate them into communistic ideology by means of physical and psychological duress and coercion and the unmerciful persecution of dissidents, the majority of the Lithuanian people continue to aspire to once again attain their independence as a self-governed free nation; and

Whereas, although the struggle in Lithuania has not received the publicity and attention which the recent events in Poland have received, there is organized resistance as evidenced by an active underground press and other numerous dissident activities; and

Whereas, Lithuanian Americans believe all freedom-loving people are opposed to slavery, oppression and exploitation in any form and are joined by a common bond to preserve and defend certain basic rights and liberties, among which is the right of self-government within the territorial limits of their ethnographical nation, and do further believe that people of all nations, which abide by such principles, should aid and assist each other against any aggressor nation which has declared and put into effect its policy to infringe upon and destory that right by whatever means and whenever given the opportunity.

Therefore, be it resolved, That Lithuanian Americans express their grateful appreciation to all persons throughout the free world who have heard and given their support to Lithuania's plea to become free and self-ruling; and, in particular, to President Reagan and officials of the Department of State who have given assurances that the United States of America will continue to recognize Lithuania and other Baltic countries—not as constituent Republics of the Soviet Union but—as independent sovereign nations under the captive yoke of Soviet rule; and to the members of the Congress of

the United States who have supported the Lithuanian cause and participated in the annual commemoration of Lithuanian independence; and to the members of the United States Delegation at the 1980 Madrid Conference who, at the direction of the President of the United States, raised the right of self-determination for the Baltic Nations; and to all representatives of national, state and local governments who have given of their time and efforts to help the Lithuanian people in their struggle against tyranny; and

Be it further resolved, That Lithuanian Americans most earnestly urge the government of the United States and the governments of all free nations to employ all diplomatic means and to use all political and economic influence in international forums and in direct negotiations with the Soviet Union to obtain the release of Lithuanian citizens held in jails, concentration camps and psychiatric wards as political prisoners; and to restore to the Lithuanian people the freedoms of speech, press, assembly and religion; and to have the Russian military withdrawn from Lithuanian territory and have the secret police disbanded; and to establish free elections so that the government in Lithuania may exist by the consent of the governed and not by dictate from Moscow. The foregoing and other actions should be directed to the end of achieving Lithuania's emancipation from Soviet rule, so that Lithuania may once again become truly free and independent.●

● Mr. RITTER. Mr. Speaker, February 16, 1918, is a significant date for Lithuanians and for all freedom-loving people around the world. It was on this day at the Taryba meeting in Vilnius that Lithuanians declared their independence and ended centuries of tyranny at the hands of czarist Russia. Today, as we commemorate the 64th anniversary of Lithuanian Independence Day, I would like to join with my colleagues in honoring the Lithuanian people.

From 1918 to 1940, when Lithuania was forcibly annexed by the Soviet Union, the republic made unparalleled economic and political growth. The standard of living in Lithuania, had for the first time in centuries, dramatically improved as the economy grew and liberal change occurred.

However, in June of 1940, the Soviet Union used the occasion of the spreading war in Europe to invade Lithuania and place it under the yoke of Soviet oppression. One year later the Soviets began making mass arrests of Lithuanians. In a span of a few days over 30,000 Lithuanians were arrested and placed into concentration camps or summarily executed. These very bloody June days have come to be known as the Baltic genocide as thousands of people from neighboring Latvia and Estonia suffered the same fate.

To this day, the United States has never recognized the Soviet's annexation of Lithuania. And the Lithuanian people themselves have with all their strength opposed efforts to dominate them and strip away their culture.

Over the past four decades, the Soviets have tried virtually every means of extinguishing Lithuanian nationalism and culture. Besides the standard approach of reeducating the people and forcing them to all speak Russian, the Soviets in Lithuania have destroyed historical buildings and churches and have dug up old cemeteries. In fact, the December 1980 edition of Ausra, the samizdat publication in Lithuania, stated that attempts were made to destroy old cemeteries in the town of Klaipeda and Kaunes. In addition, individuals who have voiced political and religious dissent have been immediately incarcerated in either jails or insane asylums.

Resistance to Soviet domination is now four decades old. It has produced a long list of heroes—Vytautas Vaicinunas, Micislova Jureacius, Vytautas Skudos, Algirdas Statkevicius, Viktoras Petkus, and Balys Gajaukas—people who have fought for greater human rights in Lithuania and have given up what little freedom they have so that their children may have greater freedoms.

In the Lehigh Valley of Pennsylvania, an area I am proud to represent in the U.S. Congress, there are many who trace their heritage to Lithuania. Their contributions have helped strengthen the moral fiber of our community and have made the Lehigh Valley a better and more interesting place to live. Today, I would like to salute the Lithuanians of the Lehigh Valley for keeping the spirit of Lithuanian nationalism and culture alive for future generations. Their children and those that follow are the spirit of a free Lithuania which no amount of repression or domination can extinguish.●

● Mr. RUSSO. Mr. Speaker, on February 16, 1918, the independent Lithuanian nation declared its independence. This was a goal toward which it had been striving while under more than a century of Russian domination. Once attained, it was a goal which paved the way for remarkable achievement.

Within 5 years Lithuania had surpassed its pre-1914 standard of living, largely as a result of hard work and thriftiness, and virtually without loans or foreign aid. On August 1, 1922, a permanent constitution was adopted, which accorded freedom of speech, assembly, and communication much like our own. Under this constitutional democracy much social legislation was enacted including the introduction of the 8-hour workday. Land reform proceeded at an unprecedented pace, giving to the masses what was once the province of the priviledged. The number of schools increased dramatically—secondary schools tripled in number in less than two decades. In addition, Lithuanian literature flourished. Writers found inspiration in the national folklore of Lithuania, and achievements were made in opera and music.

The achievements remain; all that is missing is the freedom. In July of 1940, a rigged election paved the way for the illegal incorporation of Lithuania into the Soviet Union. The United States has never recognized this blatant usurpation. We maintain diplomatic relations with the representative of the former independent government, and we will continue to do so until this grave injustice is corrected.

That the subjugation of any free people is a crime should not need elaboration. However, I think it important so that we measure this disgrace not only by our own standards, but by those espoused by the Soviet Union itself. A Lithuanian peace treaty, signed by the Soviet Union in 1920 states:

> In conformity with the right declared by the Russian Soviet Federated Socialist Republic that all peoples have the right to free self-determination, Russia recognizes without any reserve the sovereignty and independence of the State of Lithuania with all juridical consequences resulting from such recognition, and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people.

The depth of this hypocrisy is only matched by the pain and suffering which the abrogation of this treaty has wrought upon the people of Lithuania.

There is no excuse for this reckless disregard for human liberty, but some solace can be taken in the continuing struggle of these courageous people and in the countless contributions they have made as members of societies around the world, particularly in America.

It is a privilege for me to express my hope and confidence that some day these bold individuals can rise as a nation and reclaim that elusive goal of freedom which was theirs for 22 years. Until that day these people will remain a living monument to the imperfections of our world; imperfections which we, as members of a free and independent nation, have a duty and an inheritance to correct. Let this commemoration serve as a symbol of our support of the Lithuanian people's just aspirations for freedom and independence. Their ongoing struggle has established a firm support upon which the hope of free men everywhere can be built so that the goal of Lithuanian national self-determination can someday be realized.●

● Mrs. HOLT. Mr. Speaker, I wonder why it is, that the Third World orators, who are always using the forum of the United Nations to denounce imperialism, always fail to mention Soviet imperialism and the fate of the Baltic Republics.

Let us ask why, for example, they do not mention what has happened to the proud and ancient State of Lithua-

nia, whose Independence Day we mark today.

Lithuania was annexed by Russia late in the last century, achieved independence again in 1918, then was overrun by the Soviet Army in 1940, when it was incorporated into the Soviet Union. Since that time, Lithuania has been ruled and occupied by the cruel and barbarous power of the Soviet Union.

The people of Lithuania have not lost their love of independence and their determination to preserve their own culture. Today we join with them to commemorate their years of independence and to express our hope and determination that they will be free again someday.

In neighboring Poland, which maintains a tenuous hold on semi-independence, the brave Polish people are enduring harsh repression by a military regime under orders from the Kremlin.

Mr. Speaker, if the United Nations is interested in condemning imperialism, then why is that forum ignoring cases such as Poland, Lithuania, Estonia, Latvia, and other captive peoples under Soviet oppression?

If the Third World countries that seem to control the United Nations are serious about human rights, then why are they not concerned about the terrible transgressions committed by the Soviet Union in Eastern Europe?●

● Mr. BONKER. Mr. Speaker, it gives me great pleasure to associate myself with the remarks of my distinguished colleagues, Representatives CHARLES DOUGHERTY, BRIAN DONNELLY, and FRANK ANNUNZIO, as we commemorate the 64th anniversary of Lithuanian Independence Day. As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I believe that we in the U.S. Congress have a special obligation to speak for the silenced patriots in Lithuania.

I would like to take this occasion to remind the Soviet Union of its obligations under the Helsinki Final Act, which among other things, pledges cosigners to respect human rights, national sovereignty, and self-determination for all peoples. Since self-determination and protection of human rights are nonexistent in the Baltic States and other East bloc countries, the Helsinki Commission's monitoring activities have become a vehicle for the articulation and denunciation of the Soviet Union's violations. I would like to commend the Helsinki Commission for its excellent work and encourage the Reagan administration to pursue a vigorous policy of monitoring the Helsinki accords and support the courageous work of the Helsinki monitors in Lithuania and other captive nations.

On this day as we remember the independence of Lithuania, let us also renew our commitment to freedom, justice, and human rights in every country of the world.●

● Mr. FISH. Mr. Speaker, it is with great concern that I join my colleagues in commemorating the 64th anniversary of the establishment of the Republic of Lithuania, which followed the German occupation during World War I.

True independence of Lithuania lasted only 22 years. For 42 years, this anniversary has had to be celebrated under the conditions of Soviet occupation. Article 1 of the International Covenant on Civil and Political Rights states:

> All people have the right to self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

The Soviet Union has violated this, among other international human rights agreements. The Soviet annexation of Lithuania, along with other Baltic States in 1940, has rightfully never been recognized by the U.S. Government. Our Government has systematically voiced its opposition to the tyrannical conditions foisted on the Lithuanian people.

While the Soviet Union successfully crushed the formation of a separate Lithuanian State, the spirit of independence has clearly survived unsurmountable degrees of suppression.

It is the responsibility of the United States to encourage and foster the principles of freedom, independence and self-determination which have inspired the Lithuanian people to continue their struggle for fundamental human rights. As a member of the Ad Hoc Committee on Baltic States and the Ukraine, I will continue to lend my full support to this effort.●

● Mr. HAMMERSCHMIDT. Mr. Speaker, February 16, 1982, marks the 64th anniversary of the establishment of the Republic of Lithuania when a courageous people proclaimed to the world their independence from Russian domination.

For 20 years Lithuania enjoyed a period of freedom and saw her economy, industry, culture, and national spirit flourish. However, in 1940, Soviet soldiers marched in, forced a coalition government to resign and installed a regime of their own choosing. Today, Lithuania is a colony in a vast Russian Empire. Unfortuantely, this ruthless takeover is consistent with the Soviet Union's longstanding policy of imperialism and intervention.

Although the leaders of the Soviet Union apparently believe that the world is not aware of their atrocities—Americans are all too aware that the Lithuanian people are being denied their basic, individual rights, that their cultural identity is being suppressed, and that the Communist state has systematically taken over the churches. We also know that those who have been brave enough to speak out over the years, such as Balys Gayauskas, Viktoras Petkus, Antanas Terleckas, Vytautas Skodzius and many, many others, faced harassment, imprisonment, or both.

The Lithuanian people continue to resist the Soviet domination, religious persecution, and cultural genocide being practiced against them. However, it is crucial that we remain vigilant in reaffirming our commitment to press the Soviet Union to implement the United Nations Declaration on Human Rights and the Helsinki accord.

Just as the Soviet leadership has never accepted the right of other nations to chart their own destiny or reject the Soviet totalitarian model—the Lithuanians have never accepted the Soviet oppression and continue their efforts to reclaim control over their own lives. Further, the United States, as the undeniable leader of the free world, has never recognized the Soviet Union's annexation of Lithuania or any of the Baltic States.

Soviet repression in Afghanistan and Poland brings fresh evidence of the moral bankruptcy of the Soviet system. Hopefully, our words today, and the firm American resolve to support the liberty and sovereignty of other nations, will offer encouragement to the Lithuanian people. The strong, unfailing spirit of the Lithuanian people survived Soviet domination and it is important that they know that they are being seen and heard by a nation which remembers and cares.●

● Mr. DERWINSKI. Mr. Speaker, I am especially pleased to join my colleague, FRANK ANNUNZIO, in directing special attention to the 64th anniversary of the Declaration of Independence of the Baltic State of Lithuania. The largest of the Baltic States, the Lithuanians have withstood centuries of Russian domination and political persecution.

Although the Lithuanian people are not allowed to celebrate the anniversary of their independence which was declared on February 16, 1918, it is especially significant that a country whose people have not been allowed to govern themselves for 42 years still have a strong national spirit. They enjoyed independence from the Soviet Russian Empire for only 22 years. In June 1940, the Soviet Union invaded and occupied the Baltic States, and Lithuania was forcefully annexed into the Soviet Union Socialist Republics.

As we look at the Soviet invasion and expansionism into the Baltic States, we must continue to condemn these transgressions as morally, ethically, and politically wrong. We, as a nation, must consider the plight of various peoples around the world who face a deprivation of basic human

rights, and consistently voice our objections to all Soviet violations of the rights of those held captive under Soviet domination.

As we are painfully aware, the Soviet Union has denied religious freedom as well as ethnic and cultural development in Lithuania. The Kremlin continues to cruelly persecute and suppress the Roman Catholic Church, which has played a major role in Lithuanian nationhood. The cultural genocide and the denial of their basic human rights continues in Lithuania against the will of the Lithuanian people who are subjected to blatant political repression.

However, the consistent and deliberate Russification of their culture and efforts to eradicate their historic nationalism has not dimmed their determination to preserve their unity and strong sense of national consciousness. It is most appropriate that on this occasion of the 64th anniversary of their declaration of independence, we pay tribute to the devotion by the Lithuanian people to resist Russification. Their indomitable spirit will one day, I predict, overcome Communist suppression, and their ideals of personal liberty, national independence, and human dignity will again be restored. These brave people have struggled to preserve their heritage, national language, and historic religious faith in the face of Soviet totalitarianism.

As we mark this anniversary, we must also recognize the many contributions made to our country by Lithuanian Americans. Here in the United States, the Lithuanians are a well-organized and a hard-working ethnic group who are deeply interested in maintaining their cultural background. When the time comes for the restoration of freedom for their homeland, they will be in a position to make a positive contribution to the progress of that nation.

The United States must continue to support the aspirations of freedom, independence, and national self-determination of the people of Lithuania and others held captive. Until that day, we salute the brave Lithuanian people for reminding us, through their struggle, of how precious and valuable freedom is and how costly its loss.●

● Mr. HORTON. Mr. Speaker, today we commemorate Lithuanian Independence Day, and by our actions we signal the world of our continued belief in the fundamental rights of freedom, free speech, and human rights for all people. February 16, 1982, marked the 64th anniversary of the reestablishment of an independent Lithuanian State and the 731st anniversary of the founding of the Lithuanian nation.

We can proclaim proudly that the United States has never recognized the illegal annexation of Lithuania by the Soviet Union nor have we abandoned the cause of a free Lithuania. Like other nation's absorbed by the Soviet Union—Estonia, Latvia, the Ukraine, to mention a few—Lithuania's sovereignty was brutally violated by military forces of the Soviet Union. That is, Lithuania's membership in the Soviet Empire was not determined by a popular national plebiscite. Let there be no doubt, were such a plebiscite to be held, the people of Lithuania would unanimously elect to regain their cherished independence.

The tragedy that accompanies Soviet domination continues to this day. Soviet authorities continue to repress and deny the unique Lithuanian culture and language. A policy of "Sovietization" has been brutally practiced since annexation. For those who deviate in the least, Soviet authorities do not hesitate to intern them in labor camps in Siberia. This is an all too familiar pattern employed by the U.S.S.R.

By calling attention to the Soviet's violation of human rights—as guaranteed by the Final Act signed in Helsinki—we reaffirm our dedication to those rights we as Americans hold so dearly. By calling attention to their independence 64 years ago, we let Lithuanian Americans and their brethren know their cause has not been forsaken. We must continue our support and our advocacy until they are free.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in saluting the courage of the Lithuanian people as they celebrate the 64th anniversary of their Independence Day.

Whenever we read in the newspaper of the rights of free people being thwarted, we are reminded of the sad history of Lithuania. That is especially true today in regard to the events in Poland.

For hundreds of years the Russians have made repeated attempts to overrun the Lithuanian nation. During those periods, the Russians made repeated attempts to force the Lithuanian people to accept their language and culture. But the people of Lithuania, strong in their devotion to their religion, traditions, and language, resisted and, for the most part, were successful in retaining their cultural identity.

February 16, 1918, is a day that lives in the hearts of Lithuanians and all freedom-loving people. For it was on that historic day that Lithuania proclaimed its independence. The Russians even went so far as to sign a "peace treaty" with the proud new nation of Lithuania, formally recognizing its independence.

The driving spirit of the new country found its citizens hard at work proudly developing agricultural accomplishments, surging ahead with industrialization, and expanding education and arts programs.

But unfortunately that bright, shining moment was short lived. It was Lithuania's misfortune to be located between Germany and Russia, causing it to be one of the first victims of World War II.

The Russians forced Lithuania to allow its soil to be the base for Russian troops who were preparing attacks against the Germans.

But the crushing blow came in 1940, when the Soviets occupied Lithuania and set up a rigged election that resulted in the incorportion of that nation into the Soviet Union.

It was during that desperate period that literally thousands of Lithuanians died at the hands of Russians and many, many others were illegally arrested or deported.

Since that sad day when Lithuania was incorporated into the Soviet Union, it has been very difficult to get any news as to what is happening to the Lithuanian people. That news block also extends to its neighbors, Latvia and Estonia, who suffered similar fates.

The United States has fully recognized Lithuania as a sovereign state since its independence was declared on February 16, 1918. This Nation has rightfully recognized the Soviet rape of Lithuania. With the help of God, someday the yoke of Soviet oppression on the Lithuanian people will be removed once and for all.

Mr. Speaker, as a member of the House Ad Hoc Committee on the Baltic States and Ukraine, I ask my fellow House Members to join me in reaffirming the resolution approved by the Lithuanian World Congress in 1958 that Lithuanians "have not accepted and will never accept slavery."●

● Mr. DINGELL. Mr. Speaker, it is with pleasure that I join with my colleagues in the House and Lithuanian Americans throughout the land in commemorating the 64th anniversary of Lithuanian Independence Day.

In August of 1940, over 300,000 Soviet troops invaded and illegally annexed the independent country of Lithuania. Although the Soviet Union has dominated this brave country for over 41 years, it has been unable to conquer the free hearts and spirits of the Lithuanian people.

The struggle for freedom in Lithuania is written in the sorrows and courage of a strong people who have endured political repression, religious persecution, and the denial of human rights. It is distressing to realize that many people in Lithuania have never known what we in a free Nation commonly take for granted—free speech, free worship, and the right to participate freely in political expression. As a people, they have been continuously oppressed and victimized by the tyrannical presence of the Soviet Union,

and have been viciously deprived of all personal and political rights.

Yet, the courageous Lithuanians have not, to any degree, consoled themselves or their country to the tyranny of their inevitable situation. They remain steadfast in their commitment to a free Lithuania. They remain unyielding in their fight to free a proud nation from the shackles of foreign domination.

Since the birth of our Nation over 200 years ago, we in America have been able to speak, think, and worship freely. We have, in our democratic society, the right to express our personal views on every domestic and foreign issue. We have the right to criticize our Government without fear of imprisonment or suppression. The people in Lithuania have no such rights or freedoms. Unless we in the free countries of the world continue to speak out against Soviet oppression and reaffirm our commitment to national self-determination, the captive peoples of the world will never experience the fruits and blessings of freedom.●

● Mr. ANDERSON. Mr. Speaker, February 16 marked the 64th anniversary of the reestablishment of the Lithuanian state. Lithuanian independence was the culmination of this brave people's struggle against the twin evils of Russian and German imperialism.

The Lithuanian people experienced 22 years of peace and prosperity as an indepenent and free nation. However, the greed and treachery of the resurrected state's neighbors, typified by the Nazi-Soviet Non-Aggression Pact, resulted in the premature demise of Lithuania and the other Baltic States. The pseudoalliance of the two totalitarian giants, although shortlived, also lead to World War II. Over 300,000 Soviet troops overran the small but strategically important Lithuanian Republic.

A regime subservient to Moscow was immediately installed and Lithuania was annexed by the Soviet Union. The new regime attempted to change the face of Lithuanian society by importing a Communist, atheistic ideology which was totally foreign to the Lithuanian mentality. Soviet secret police brought the reign of terror plaguing Russia to Lithuania and its neighbors. Thousands were arrested and deported, while torture was widespread. The Catholic Church, a fundamental pillar of Lithuanian society, suffered enormously at the hands of the Soviet regime. Tragically, these atrocities persist today, although in differing degrees.

We honor Lithuanian independence to preserve the memory of this brave and courageous nation. For as long as the memory of the Lithuanian nation remains in the hearts of free men throughout the world, Lithuania cannot be destroyed, because the spirit of liberty is far more powerful than any of totalitarianism's brutalities.●

● Mr. HUGHES. Mr. Speaker, often, one can discover great truths from as simple a source as the dictionary. Take, for example, two definitions of the word "republic." One refers to "a government in which supreme power resides in a body of citizens entitled to vote and is exercised by elected officers and representatives responsible to them and governing according to law." A second denotes "a constituent political and territorial unit of the U.S.S.R."

That these definitions must be distinguished from each other serves as sad commentary on the state of the people in Soviet Socialist Republics. And no people are more aware of this condition than the Lithuanians who, today, must temper their happy remembrance of the 64th anniversary of their independence with the tragic awareness of over 41 consecutive years of brutal Soviet domination.

Lithuania formally broke free from extended Russian domination and brief German occupation on February 16, 1918. On that date, a 20-member elected council proclaimed an independent Lithuania, bounded by ethnographic frontiers and governed by democratic principles. The nascent government had to endure a Soviet invasion in 1919, but Lithuanians rose to the challenge and expelled their oppressors in 1920, forcing the Soviet Union to legally recognize "without any reserve the sovereignty and independence of the State of Lithuania * * * and forever [renounce] all sovereign rights possessed by Russia over the Lithuanian people and territory."

For nearly 20 years, Lithuanians were able to enjoy independence. But by August of 1940, the Soviets has again imposed their oppressive rule and declared Lithuania a republic of the U.S.S.R.

While we in the United States have refused to legitimize this annexation through recognition of this status, the people of Lithuania must nonetheless live with the hard reality of Soviet domination. Opposition to the ruling Communists is forbidden, and those who resist are crushed. The Soviet Union has made clear that human rights cannot coexist with their brand of communism. One need only look to the case of Rev. Bronius Laurinavicius to understand this simple truth. Laurinavicius had the audacity to serve on the Lithuanian Helsinki Group, which monitors Soviet compliance with the human and political rights provision of the Helsinki Treaty. The KGB rewarded his courage by arranging his death under the wheels of a speeding truck.

Lithuanians in the United States and in their homeland know, however, that their spirit is stronger than the steel of Soviet trucks and tanks. Let us therefore join these proud people in celebrating Lithuanian Independence Day and in looking forward to that happy day when Lithuanians can again live together in freedom.●

● Mr. MOFFETT. Mr. Speaker, 42 years ago the proud Lithuanian people fell victim to the expansionist ambitions of the Soviet Union. In July 1940, less than a year after signing a mutual assistance pact, the Soviets annexed Lithuania and imposed upon them the brutual rule of the Stalin regime.

Today, as we commemorate the anniversary of Lithuanian independence, the Soviets continue their ruthless repression of freedom of expression, religion, and national identity in Lithuania. Most of the 3½ million people in Lithuania are devout Roman Catholics, who face systematic harassment and obstruction of their right to practice their religion freely. Since annexation in 1940, the Soviets have closed most of the Catholic seminaries, outlawed Catholic newspapers, and persecuted those who remain active in the Catholic Church and attempt to keep its doctrines alive among Lithuanians.

In spite of Soviet repression, the Lithuanians bravely continue to observe their religion. The number of young people professing their faith is on the rise. The church has developed a "catacomb" substructure that provides for religious education and the clandestine training of priests and nuns. And religious "samizdat"—self-published—literature continues to be disseminated covertly by Catholic activists.

The courage and dedication of the Lithuanian people is perhaps best represented by Vytautus Skuodis, an American-born Lithuanian who is currently serving a 7-year sentence in a labor camp for "agitation and propaganda." Mr. Skuodis' only crime was to speak out against the injustices of Soviet rule in Lithuania. He was active in the Catholic Committee for the Defense of Believers' Rights in Lithuania and the Lithuanian Helsinki Group, and authored an extensive work entitled, "Spiritual Genocide in Lithuania." On December 22, 1980, he was sentenced to 7 years of hard labor and 5 years of internal exile for his activism. On June 15, 1981, Mr. Skuodis began a hunger strike to protest Soviet policy toward his homeland. His convictions and self-sacrifice serve as an inspiration to his oppressed countrymen and a reminder to those of us who take our rights for granted that freedom has its price.

On this day, I urge that our thoughts and prayers be with the Lithuanian people, whose hope and defiance in the face of a powerful oppressor deserve our respect and admiration. We must remain vigilant in our

efforts to focus the attention of the world on the plight of Lithuania and to pressure the Soviets to exhibit compassion and respect for human rights in their policy toward that oppressed land.●

● Mr. MINISH. Mr. Speaker, last week, we in the United States celebrated the birthdays of two great American Presidents, Abraham Lincoln and George Washington. Both of these men were bulwarks of the great freedom we enjoy in our Nation. Last week also marked another proud anniversary, the 64th anniversary of the reestablishment of an independent Lithuanian State and the 731st anniversary of the founding of the Lithuanian nation. I am therefore pleased to join with my colleagues in this special order today commemorating this historic day in Lithuanian history, and indeed, in world history.

Unfortunately for the Lithuanians, whether here in the United States or elsewhere on the globe, there is sadness that their dear homeland is dominated by the Soviet Union. The Soviet Union forcibly incorporated Lithuania during the Second World War and still occupies it today. For Lithuania, as well as all of the occupied Baltic States. I would like to take this moment for commemoration and reflection.

Mr. Speaker, I know that I am not alone when I say that we are proud of the courage displayed by the Lithuanian people, even though they are under the domination of another country. May these people know of our thoughts and prayers and through their shining example continue to be an inspiration to all.●

● Mr. FARY. Mr. Speaker, February 16 was the 64th anniversary of the Lithuanian Independence Day. Back in 1918, the Lithuanian people declared their independence from German occupation at the end of the First World War as well as enduring a long period of Russian domination from 1795 to 1915. For 20 years, the Lithuanian nation struggled for its independence until it fell under Russian domination, once again, when it was occupied by the Red Army at the beginning of the Second World War. It was declared a constitutent republic of the U.S.S.R. on August 3, 1940. After occupation by the Nazis during the war, it was again reoccupied by the Soviets at the end of the war.

Today, Lithuania is an incorporated province of the Soviet Union. Since the Soviet takeover, the borders of Lithuania have been kept sealed against the outside world. The Soviets have an iron grip on the country. The United States recognized the independent Lithuanian Government on July 27, 1922, and it has never recognized that nation's incorporation into the Soviet Union.

With the current situation in Poland, we in the United States should not be surprised by the actions of the Soviet Union. The Russians have a long history of dominating and conquering sovereign nations near their borders. It has been the mainstay of their foreign policy since the days of Catherine the Great. The United States must never condone this policy. We stand for the sovereignty and right of self-determination of all peoples. We celebrate Lithuanian Independence Day in this country to show our solidarity with the people of Lithuania and their descendants in America. We must remind them of our support in their struggle for freedom and liberty. I urge all of my colleagues to join in this cause.●

● Mr. BINGHAM. Mr. Speaker, I rise to join my colleagues in commemorating the 64th anniversary of the independence of the Republic of Lithuania.

Since the establishment of an independent Lithuanian State over 730 years ago, the Lithuanian people have withstood numerous attempts to suppress their culture, religion, and language. Although they gained their independence from czarist Russia in 1918, the freedom of the Lithuanian people was shortlived. In 1939, the Soviet Union entered Lithuania, as well as her neighbors Latvia and Estonia, and assumed control of the governments in these republics. Under Soviet rule not only has the right of self-determination been denied, but the liberty to speak and assemble freely and to practice the religion of one's choosing has also been abridged.

These violations of basic human rights in Lithuania strike close to home not only because these essential freedoms are called for in the Human Rights Declaration and the Helsinki Final Act, to both of which the U.S.S.R. is a signatory, but also because 1 million of our citizens share a common heritage with the Lithuanian people. Over the years Lithuanian Americans have provided tremendous support for their friends and relatives still in Eastern Europe and have contributed to the diversity and strength of our own Nation.

I commend the American Lithuanian community for its continuous support of its family and friends who remain in Eastern Europe, and I salute the Lithuanian people who are steadfast in their struggle to gain their freedom.●

● Mr. STUDDS. Mr. Speaker, February 16, 1982, marked the 64th anniversary of Lithuanian independence from foreign domination and the 731st anniversary of the founding of the Lithuanian nation. I am proud to join my colleagues in commemorating the anniversary of the Declaration of Independence of Lithuania, when the people of Lithuania gained their freedom from Soviet domination and proclaimed their right to govern themselves. This date serves to remind us of the liberty that we as a nation at times take for granted, but for which countless millions around the world still strive. This special day provides us with an opportunity to acknowledge and applaud the national pride of all Lithuanians and their courageous struggle for freedom and self-determination.

For over a century, from 1795 to 1915, the people of Lithuania courageously withstood the political domination of the Russians. Like many other nations of Eastern Europe, Lithuania had the misfortune to be caught between the expanding empires of Soviet Russia and Nazi Germany. They enjoyed independence for 22 years, from 1918 to 1940, an independence of peace and freedom from oppression. During this period, the Lithuanian economy stabilized, and there was a great renaissance of national literature and culture, only to be cut short by Soviet invasion and the subsequent annexation of their country.

In 1982, Lithuanian independence remains little more than a vivid memory for some, and a dream for others. Commemorating this day of independence is one way of showing the world that we have not forgotten the brave people of Lithuania who still struggle for freedom. While knowledge of our support may help sustain their dream, it is clearly not enough.

People the world over look to us—not to our wealth or our power, but to the splendor of our ideals. Our Nation is commissioned by history to be either an observer of freedom's failures or the cause of its successes. Our overriding obligation is to fulfill the world's hope by fulfilling our own faith. That faith accepts the emerging world order as one which encompasses the liberation of the diverse energies of free nations and free men, and not the concept of the world dominated by a single dogmatic creed. Such a world order is possible only if strong nations respect the less strong and exercise power with courage and restraint.

In 1852, the Hungarian patriot Kossuth addressed an audience in Boston's Fanuiel Hall and he criticized the Americans reference to it as the "cradle of American liberty." He said:

> It is a great name, but there is something in it which saddens my heart. You should not say "American liberty." You should say "Liberty in America." Liberty should not be either American or European—it should just be liberty.

Kossuth was right, for unless liberty flourishes in all lands, it cannot flourish in one.

It is therefore incumbent upon the United States to continue to recognize Lithuania as a sovereign state, not as a Soviet constituent, and also continue

to recognize the diplomatic corps established by an independent Lithuania.

With our country at the forefront of the struggle to preserve personal liberties and basic human rights throughout the world, we must continue to speak out against any infringement of human rights and not ignore the plight of those being denied their fundamental rights. We must proceed to fight vigorously for the unalienable rights of all mankind and exhibit our persistent unwillingness to witness or permit the slow undoing of human rights. It is, indeed, our moral obligation to carry on with our support of Lithuania's struggle, as well as our support of the efforts of all peoples to achieve national self-determination.

Let there be no mistake that regardless of our administration or its current priorities, the American people will never forget their commitment to the rights of others all over the world. Let it truly come to pass, as in the words of Benjamin Franklin, that—

[N]ot only the love of liberty, but a thorough knowledge of the rights of men may pervade all the nations of the earth, so that [any person] may set foot anywhere on its surface and say "This is my country."

Today, we can look to the perseverance and faith of the Lithuanian people as an inspiration, knowing that if we as a free people cannot continue to serve as a source of strength for all those that cherish freedom, then we have indeed failed to meet the ideals of our Nation's legacy.●

● Mr. STRATTON. Mr. Speaker, I am pleased once again to join with my colleagues in Congress and with Lithuanians throughout the world in commemorating the 64th anniversary of Lithuanian independence. For many years Congress has demonstrated its understanding of the struggle of the Lithuanian and other Baltic peoples for freedom, self-government, and release from Soviet rule. The recent events in Poland, however, have sharpened our sense of the plight of nations under Soviet domination.

The history of Lithuania is the story of people on a political faultline. Lithuania has long been the victim of German and Russian imperialism, yet under adversity, the people have maintained a strong sense of cultural integrity and national heritage. Lithuanians have vigorously resisted attempts by the Soviets at Russification or the replacement of the Lithuanian language and culture with Russian, and have remained faithful to their religion, language, and proud traditions.

Lithuanian independence was born amid the turmoil of the Russian Revolution and World War I. During the war, the German armies invaded the small country and took it from the Russians. But the German Government submitted to Lithuanian pressure and agreed to the formation of an independent state based on democratic principles. Today we commemorate the date of that proclamation, February 16, 1918. Although the Red army would invade Lithuania again in 1919, following the settlement of World War I on the eastern front, Lithuania retained her independence until the Germans attacked the Soviet Union in June 1940.

Mr. Speaker, it seems to me that political faultlines are once again appearing in the Communist bloc, but this time they are not caused by war or revolution, but by economic crisis. Worsening economic conditions in Poland, in addition to the long years of political and religious prosecution, gave Solidarity the will and the necessity to present a critical challenge to Soviet rule and to begin to negotiate certain measures of freedom and self-government. Although the Soviets may have succeeded in suppressing much of that energy, and have jailed hundreds of Solidarity leaders, the drama is not yet played out and we watch Poland with much hope for success in their brave venture.

Economic pressures have created serious economic crises in other Communist bloc countries. For example, we have just learned that Romania may default on its loans from the West. This type of business is only more evidence that the Soviet system simply does not work.

For the last four decades, Lithuanians have lived under the Soviet system, one more captive nation. Many Lithuanians managed to flee the political oppression in the homeland, and today there are many strong, vital Lithuanian American communities in the United States. But Lithuanians here and elsewhere in the world have not forgotten the struggle of their people.

Therefore we gather today to express our support for individual freedom and self-determination in Lithuania and the other Baltic States. Lithuania shares a border with Poland, and the pressure of the political standoff in Poland must surely be felt in the Baltic region. Let us hope that the brave resistance of the Polish labor unions may in time successfully set the pattern for a new measure of freedom from Soviet control coming not only to Poland, but to Lithuania as well.●

● Mr. DYSON. Mr. Speaker, February 16 marked the 64th anniversary of the establishment of the Lithuanian Republic. On that day in 1918, after a long struggle with the Russian empire, a 20-member Lithuanian national council proclaimed a free and independent state. This step marked the continuation of a long tradition of self-determination traced back to the 11th century.

For 20 brief years the Lithuanian people enjoyed the privilege of self-determination and savored the peace and freedom they had so valiantly won. But a little more than 40 years ago, a conspiracy between Hitler and Stalin brought Soviet troops into Lithuania and soon after this country was incorporated into the Soviet Union.

This forcible annexation of not only Lithuania, but also her Baltic neighbors of Estonia and Latvia, occurred despite a previous Russian declaration that it "voluntarily and forever renounced all sovereign rights to Lithuania." They had also given their "sacred word of honor" that they would not violate Lithuania's independence in both a peace treaty and a nonaggression pact.

Mr Speaker, today I would like to take the opportunity to pay tribute to Lithuanian people everywhere who embrace the ideals of liberty and continue to yearn for the day when their independence will be achieved.

For many years the national symbol of Lithuania has been the Vytis, a warrior with a raised sword who is prepared to do battle against wrongdoers of humanity and those who threaten the nation. The Soviet Union has attempted to replace this symbol with the hammer and sickle in the minds of Lithuanians. Due to forcible deportations and assassinations this courageous country has lost about one-third of its population to this Soviet program of national genocide.

This denial of basic human rights continues even today. But while the U.S.S.R. has succeeded in eliminating Lithuania's political independence, the spirit of the Vytis remains in the hearts of every Lithuanian who thirsts for freedom.

The United States and other great Western Powers steadfastly refuse to recognize the Soviet's brutal annexation of Lithuania or any of the Baltic States. Presently they are properly recognized as one of the captive nations.

Lithuania's quest for self-determination is especially poignant in the light of the Soviet invasion of Afghanistan and the dark shadow they cast over Poland. As peace-loving people, we must continue to protest in the strongest possible way the repressive domination of this heroic nation.

I applaud the efforts of Lithuanians everywhere who continue their brave struggle. The courage of such human rights activists as Balys Gajauskas, Viktorus Petkus, Jonas Petkevicius, and countless others who have expressed a desire for democratic freedom is to be admired and supported. They have proven that while Soviet tyranny has achieved a physical victory, they will never achieve a spiritual one.

I deeply share with Maryland's 3,000 Lithuanians, and those throughout the world, the objectives of fostering

religious, national, and political consciousness and the raising of the issue of Lithuania's freedom before the world. I offer my personal and sincere commendation for this commitment and look forward to the day when this dream is achieved.●

● Mr. CARMAN. Mr. Speaker, February 16 marked the 64th anniversary of the reestablishment of the independent state of Lithuania. In 1918, when this independence was declared, the world community responded with formal diplomatic recognition. The Soviet Union was one of the nations recognizing Lithuania, formally and by treaty, as a free and sovereign state.

Yet, today the Lithuanian nation is not free. It has been occupied by the Soviet Union since 1940, when Soviet troops effectively annexed the Baltic State in accordance with the 1939 Soviet pact with Nazi Germany.

The U.S. Government has never recognized this illegal annexation. We support principle IV of the Helsinki Final Act enunciated at the 1980 Conference on European Security and Cooperation which says:

No occupation or acquisition of territory in contravention of international law will be recognized as legal.

The United States continues to uphold the ideal of a free Lithuania as an important symbol to all Baltic people. Illegal and brutal suppression of small states by larger ones is something America has always condemned. It is through continued accreditation of Lithuanian diplomatic representatives that the United States can effectively show our solidarity with the Lithuanian nation.

I voice the sentiment of Congress and join with all Americans of Lithuanian descent in celebration of the 731st anniversary of the founding of the Lithuanian nation.●

● Mr. DOUGHERTY. Mr. Speaker, we are once again commemorating the anniversary of Lithuanian Independence Day in the House of Representatives. Sixty-four years ago, the Baltic State of Lithuania embarked upon a period of independence they rightfully deserved. Unfortunately, Soviet forces overran the country in 1940 and ended the independence all too quickly. We in the United States are fortunate to have enjoyed our independence for 205 years. The Lithuanians tasted freedom for only 22 short years.

Lithuania has now been under some form of domination for almost twice as long as their period of independence. The United States, which never acknowledged the Soviet control of Lithuania, wonders how much longer this callous disregard of human rights can continue. Americans of Lithuanian descent are particularly concerned for their relatives in the Baltic State. Thousands of Lithuanian Americans are setting courageous examples every day for us as they never give up their staunch hope that Lithuania will once again be free.

Honestly, Mr. Speaker, no one can accurately predict when Lithuania will regain its freedom. Obviously, we are optimistic that their moment will come soon. In the meantime, the United States is obligated to do what it can to protect the individual human rights of those citizens persecuted by the U.S.S.R. The Lithuania Helsinki Group has suffered many hardships in performing this role within the Soviet Union. They deserve our prayers and support today.

Here in the House of Representatives, my colleague BRIAN DONNELLY and I have introduced House Resolution 200 in an effort to help one of the many Lithuanian political prisoners. Benedict Scott, also known as Vytautas Skuodis, was born in the United States in 1929 and moved to Lithuania shortly thereafter. In 1980, he was arrested for the familiar crime of "anti-Soviet agitation and propaganda." Today, Scott is serving a 7-year sentence in a strict regimen camp, to be followed by 5 years of internal exile.

Benedict Scott claimed in a letter to President Carter in 1979 that he still considered himself an American citizen, and the State Department officially recognizes that fact. However, the Soviet Government refuses to allow American officials to visit him in prison. House Resolution 200 calls on the President to protest this unjust imprisonment of Benedict Scott, and to take any measures necessary to obtain his release. I am pleased to report that the resolution was approved by the Human Rights Subcommittee earlier this month, and now awaits action by the full Foreign Affairs Committee. With the permission of the Speaker, I would like to include my testimony from the subcommittee markup as part of the RECORD. Let me remind my colleagues that the Senate version of this measure, Senate Resolution 198, has already been approved by the Senate, so we must act swiftly.

Our support in the United States for Benedict Scott and other Lithuanian prisoners is vital. I was particularly pleased to hear that Elliott Abrams, the Assistant Secretary of State for Human Rights and Humanitarian Affairs, attended a recent ceremony to commemorate Lithuanian independence and cited the case of Benedict Scott. His attendance at the ceremony symbolized the administration's resolve to help the Lithuanians. Let the Soviet Union be aware that our administration and the U.S. Congress will continue to commemorate Lithuanian Independence Day in this country until that day when Lithuanians will be free to celebrate the anniversary in their own homeland.

The material referred to follows:

TESTIMONY OF HON. CHARLES F. DOUGHERTY BEFORE THE FOREIGN AFFAIRS SUBCOMMITTEE ON HUMAN RIGHTS, FEBRUARY 3, 1982

Mr. Chairman, I am pleased to be able to testify today before your subcommittee, which has done so much to promote the cause of human rights.

As many of you may already know, H. Res. 200 expresses the sense of the House of Representatives with respect to the unjust imprisonment of Benedict Scott by the government of the Soviet Union. Benedict Scott, also known as Vytautas Skuodis, was born in the United States in 1929 and moved to Lithuania with his family one year later. Unfortunately, Lithuania was invaded and annexed by the Soviet Union in 1940 with the Skuodis family still present there. Skuodis went on to become an expert in the fields of hydrogeology and geological engineering. He also found himself increasingly involved with Lithuanian human rights.

In November of 1979, the home of Skuodis was searched and several damaging writings were discovered by security police. These writings detailed what Skuodis called the "spiritual genocide" taking place throughout the state. During the months of November and December, he joined the Lithuanian Helsinki Group, was interrogated at length by police, sent a human rights letter to President Brezhnev, lost his faculty position at the University, and sent a very important letter to then-President Jimmy Carter. The letter to Carter stated his intention to "always remain faithful to the principles of the defense of human rights, by the same token defending the honor of the land of my birth, the United States of America." Vytautas Skuodis was then arrested in January of 1980.

The State Department has said that since his arrest, U.S. officials in Moscow have requested visits with Skuodis because of his American citizenship. Each request has been denied. Today, Vytautas Skuodis still suffers in a strict regimen camp, serving a seven year sentence that is to be followed by five years of internal exile.

Now it is up to the House of Representatives to help this man and his family. Last July, my colleague Brian Donnelly and myself sent a letter to President Brezhnev in support of Mr. Skuodis, in our capacity as co-chairmen of the Ad Hoc Congressional Committee on the Baltic States and Ukraine. The letter was co-signed by 42 Members of Congress. In it, we protested the imprisonment of Skuodis, and asked for his release on the grounds of common decency. It appears common decency did not appeal to Mr. Brezhnev, for Skuodis was not released.

In August, the Commission on Security and Cooperation in Europe held a hearing and covered the Skuodis case. A representative from the State Department reiterated our government's position that Mr. Skuodis has done nothing to relinquish his U.S. citizenship. The Commission heard how American delegates to the Madrid Conference on Security and Cooperation in Europe raised the issue with the Soviet Union, but to no avail. It certainly was reassuring, however, to see our government's concern for this man.

As a matter of fact, the State Department sent Chairman Zablocki its official comments on H. Res. 200 in September. I was pleased to hear they found the operative portions of the measure "consistent with U.S. policy." The request for presidential action would, in their words, "underscore

the seriousness with which the U.S. Government views the circumstances of Mr. Scott's arrest, the validity of his claim to U.S. citizenship, and the improper behavior of Soviet authorities in denying consular access to Mr. Scott."

Later in September, the full Senate passed S. 198, which is similar to H. Res. 200. It was approved by a voice vote on the 22nd of that month, indicating the non-controversial nature of the measure. As I mentioned earlier, any further action on this matter is up to the House of Representatives. I ask for your support of H. Res. 200 today so that some day in the very near future, Congress can send this measure to the President.●

● Mr. BROOMFIELD. Mr. Speaker, February 16, 1982, marked the 64th anniversary of the independence of the modern-day Lithuanian State. Although Lithuania is occupied by the Soviet Union today, we must never forget that this occupation is without the consent of the Lithuanian people and contrary to the basic precepts of self-determination.

Lithuania was a free country from 1918 to 1940. It was during the end of this period that the tyrannical forces of Nazi Germany and Communist Russia conspired to control and illegally annex all the Baltic States. While Nazi oppression has long since been removed from Lithuania, Communist Soviet oppression has not. The people of Lithuania still long for freedom and demand their fundamental human rights.

In recognition of this important anniversary for Lithuania, I extend my warmest wishes to Lithuanians throughout the world, recognizing the significant contributions that they have made to Western civilization. I especially extend my deepest regards for those Lithuanians still held under Soviet oppression. We share your desire that one day Lithuania will again be a free and independent state.●

● Mr. ADDABBO. Mr. Speaker, February 16, 1982, is the 64th anniversary of the reestablishment of an independent Lithuanian State, and the 731st anniversary of the founding of the Lithuanian nation. I am glad and honored today to join my colleagues and the over 1 million Lithuanian-Americans in commemorating this independence day.

It is as important as ever that we demonstrate our moral support for the Lithuanian people and their struggle for national independence and individual freedom.

Lithuania's struggle has been a long and difficult one in the face of Soviet tyranny and subjagation. Since 1940, when the Soviet Union began its unlawful and immoral occupation of the sovereign nation of Lithuania, the unrelenting oppression of individual rights has appalled the free world. The United States has never recognized Lithuania's incorporation into the Soviet Union, and continues to maintain diplomatic relations with the representatives of the former independent government in Washington.

Self-determination is a principle basic and sacred to our country and heritage; the aggression and tyranny of the Soviet Union in Lithuania is the direct opposite of the freedom for which the United States stands. The Lithuanian people are to be commended for their courage and determination in their continued protest against outside domination. Their dedication to national identity and heritage should serve as an example to oppressed people everywhere.

The commemoration of Lithuanian Independence Day is a symbol of hope for all Lithuanians here and abroad in the quest for justice and human rights. In continuing to look determinedly toward a free and independent existence, Lithuanians have built a strong basis for hope of people everywhere that the goal of Lithuanian self-determination will eventually be realized.

I am happy to join my colleagues and our Nation today in reaffirming out moral commitment to Lithuania's struggle for liberty, and in commemorating all that Lithuanian Independence Day represents.●

● Mr. GUARINI. Mr. Speaker, I commend our friend, the Representative from Illinois (Mr. ANNUNZIO) for once again bringing before the American public in this forum the desire of the people of Lithuania to live free from Soviet domination.

Tuesday, February 16, marked the 64th anniversary of Lithuanian Independence Day. In June 1940, Lithuania was invaded by the Soviet Union. The Lithuanian freedom fighters were unmatched in their gallantry, but defeated by the overwhelming force of 300,000 Soviet troops. The freedom that began on February 16, 1918, was lost, and the neighboring lands of Latvia and Estonia were also forcibly occupied and annexed.

Today I am proud to join with those people of Lithuanian origin in commemorating this occasion. I say commemorate because the spirit of the 1918 independence lives on today in these proud people. We must all realize the overriding commitment of Lithuanians, and all the other people in the Baltic region, to pursue a life free from outside domination, religious interference, an cultural genocide.

The lesson of this Lithuanian struggle for freedom should set an example for the people of the world. For these people, with a recognizable state 731-years old, are proud of their history and their accomplishments. I hope that the patriotism and undying spirit of Lithuanians everywhere continue to exist until they prevail in restoring the freedom that rightfully belong to the people of this country.

As Americans, we can never lose sight of this struggle. As a step in the right direction we must seek enforcement of the Helsinki accords of 1975. The Lithuanians deserve their freedom, and I join them in honoring their Independence Day.●

● Mr. DAUB. Mr. Speaker, as world attention continues to focus on the deteriorating situation in Poland, as well as the external threat, we must not neglect the fact that 40 years ago, the Soviets occupied and annexed three other nations.

Since their annexation by the Soviet Union in 1944, these nations—Lithuania, Latvia, and Estonia—have remained under Russian domination. However, the loss of freedom can never be legitimized by the passing of time, and I am privileged today to join my colleagues in recognizing Lithuanian Independence Day.

The United States has never officially recognized the incorporation of this nation by the Soviet Union; under principle IV of the Helsinki accords, territorial expansion is a violation of international law.

Self-determination, as displayed by the people of Lithuania, is a commitment which cannot and will not be compromised. Forty years of domination and suppression has not removed from the hearts of these people the principles of, and quest for, freedom.

I therefore, call upon the Members of this body, as well as the American people, to join with me in recognition and admiration of the perseverance of the people of Lithuania in their struggle for self-determination and freedom.●

● Mr. OTTINGER. Mr. Speaker, as a member of the Ad Hoc Committee on the Baltic States and Ukraine, I rise to commemorate the 64th anniversary of the Declaration of Independence of Lithuania. I commend my friend from Illinois, FRANK ANNUNZIO for organizing this special order, as well as the gentlemen from Massachusetts and Pennsylvania, Representatives BRIAN DONNELLY, and CHARLES DOUGHERTY for their continuing leadership on this issue.

Today is a day both of joy and sadness. Joy because 64 years ago Lithuania threw off the reins of czarist domination and joined the ranks of free and independent nations. Sadness because that independence was so short-lived.

During the two decades of its independence, Lithuania followed a course of democracy and social reform. They made great strides in agricultural reform, upgraded education and encouraged national culture to flourish. This came to an abrupt halt when Lithuania became one of the first countries to experience the aggression of both Hitler and the Soviet Union.

Since that time, the Soviet Union has persisted in a policy of persecution of Lithuanians by shackling their cul-

ture. I believe that we must strongly protest the Soviet's blatant disregard of the human rights of Lithuanians. These gross violations must be brought to the attention of the world. The United States must also continue to refuse recognition of the illegal incorporation of Latvia, Lithuania, and Estonia into the Soviet Empire.

The Lithuanian people have retained their strong will for freedom. I urge the United States to maintain an unwavering commitment to the valiant men and women of Lithuania and their goal of attaining self-determination and liberty.●

● Mr. HALL of Ohio. Mr. Speaker, on February 23 we will celebrate the 64th anniversary of Lithuanian Independence Day. Although the nation of Lithuania is free from the Russian czars, it is not independent of the modern day czars, the Russian Communists. The totalitarian regime of the Soviet Union has a tight grip on Lithuania, but it is not a crushing hold. Despite this domination, the courage and the strength of this nation continues to grow.

According to history, Lithuanian independence lasted only 22 years, from 1918 to 1940. In 1940, the Soviets arbitrarily incorporated Lithuania into the Union of Soviet Socialist Republics. This single sweeping act has resulted in today's continuous persecution, by the Soviet Union, of all Lithuanian freedom fighters.

As with any country under the Soviet realm, Lithuania has never seen any of the rights guaranteed by the Helsinki accords. Today, hundreds of Lithuanians are imprisoned for the crime of making reasonable demands upon the Soviet Union. What are these demands? Religious and political freedom are only two of the wishes. Their desire for the liberties we Americans are privileged with from birth constitutes a crime in the Soviet Union. The days of Stalin may be over, but to the Lithuanian people, the worst characteristics of that regime are still alive and well today.

Recent events have overshadowed the plight of Lithuania. The Soviet-inspired military crackdown in Poland and the U.S.S.R.'s armed intervention in Afghanistan are serving as examples to the rest of the world that the Soviet Union is determined to crush resistance and liberty within its bloc. Unfortunately, the Russians' performance in these two countries is something that is not new to Lithuania. There, direct Russian domination is an unwanted gift that all Lithuanians receive at birth.

The reasons for commemorating Lithuanian Independence Day are threefold. First, it should remind us that Russian totalitarianism is not a thing of the past but is an oppressive system active in today's world. Second, Lithuanian Independence Day is proof that despite the Soviet system, the spirit of freedom is capable of growing and not suffocating even under the worst conditions. And finally, Lithuanian Independence Day—for Americans—is a day of thanks, thanks that we have been blessed with the freedoms denied so many people of the world.

Therefore Mr. Speaker, I ask that we set aside February 23 as a day of deep admiration and respect for Lithuanians throughout the world.●

● Mr. FORSYTHE. Mr. Speaker, on February 16 we commemorate the anniversary of Lithuanian independence, an anniversary which should be celebrated joyously in this 64th year of independence. The celebration is bittersweet, however, since true Lithuanian independence is vigorously outlawed by the Soviet Union.

Although Lithuanians everywhere maintain freedom in their hearts and minds, it is essential that this proud people have their homeland restored to them, free from foreign domination. History states unequivocably that Lithuania has been victimized time and again by ruthless and relentless Soviet policy and yet, in spite of endless Russian efforts to quash the Lithuanian spirit, the Lithuanian people persevere in their demand for freedom. As Americans we understand inherently this yearning for freedom and democracy; let us offer our strongest support to the Lithuanian people on this anniversary of their independence.

The spirit of the Lithuanian people remains a constant and sore reminder to the Soviet Union that tyranny cannot suppress freedom, the true destiny of all men. Although the tyrant appears to remain adamant, we know in our hearts that the strength of Lithuanian resolve will cause tyranny to crumble one day, resulting in the sweetest of celebrations.●

● Mr. WOLPE. Mr. Speaker, it is a pleasure and a privilege for me to join with my colleagues in commemorating the 64th anniversary of the Lithuanian Declaration of Independence, February 16, 1918. This is an occasion for us to pay tribute to the spirit and courage of the Lithuanian people, and also to remind the world of the tragic end put to their brief period of independence by the Soviet invasion of June 15, 1940.

The United States has never recognized the illegal annexation of Lithuania by the Soviet Union. That annexation is a violation of the principle of self-determination both of states and of peoples as established by the Helsinki Accords Final Act of 1975.

At a time when the attention of the world is focussed on the plight of the Polish people and the suppression of freedom and human rights in that country, let us not forget the struggle which the Lithuanian people have waged for over 40 years against Soviet oppression and domination. As we express our solidarity with them today, let us reaffirm our commitment as a nation to the cause of freedom and to the principle of self-determination, for all peoples everywhere.●

● Mr. HOYER. Mr. Speaker, I am pleased to join my distinguished colleague from Illinois, FRANK ANNUNZIO, in commemorating Lithuanian Independence Day.

During the past 187 years, the country and people of Lithuania have experienced only two decades of freedom. Two decades which saw a flourishing of education and toleration; two decades which saw freedom of speech, assembly, religion, and communication; two decades in which land reform, labor laws, and the 8-hour day were instituted and the arts, music, and literature grew and thrived.

Today, however, the country is closed to outsiders, and orders come directly from the Kremlin.

On February 18, 1982, free men and women joined their Soviet dominated brethren in celebration of the day in 1918 when Lithuania declared itself to be a free republic. In 1922 the Government of the United States recognized the free Republic of Lithuania, and, to this day, we continue to maintain diplomatic relations with the representatives of the former independent government.

Unfortunately, the unique position of Lithuania, wedged between Poland and the Soviet Union, has presented it with its harshest problems. In 1939, while struggling to remain neutral in the preliminary skirmishes of World War II, the Soviet Union forced a mutual assistance pact on the little country and Soviet troops occupied its countryside and towns. Then the Nazis overwhelmed the country, and before the war was over, all Lithuanian Jews who had not fled to freedom were killed in the Nazi death camps. After the war, the Soviet Union again occupied Lithuania, carting off thousands of its people to Stalinist camps in Siberia.

We continue to celebrate February 18 as independence day in recognition of the valiant struggle of Lithuanians both here and abroad to return their country to its rightful sovereignty.

Mr. Speaker, those brief moments of freedom will not and cannot be forgotten. Therefore, I join with the hundreds of thousands of Americans of Lithuanian descent, men and women who have played a vital role in this Nation's history, in reaffirming the inalienable rights of the Lithuanian people to national independence and individual freedom. The struggle against political repression must continue until the goal of Lithuanian national self-determination is finally realized.●

● Mr. DWYER. Mr. Speaker, as a member of the Ad Hoc Congressional Committee on the Baltic States and Ukraine, it is my honor and privilege to join in this commemoration of the 64th anniversary of the Baltic quest for freedom.

In February 1918, two nations, Lithuania and Estonia, bravely proclaimed their independence. In the tragic events of 1940, Soviet forces invaded these countries and have remained there ever since.

The Soviet presence in these captive nations of Eastern Europe, however, has not quelled the enduring love of freedom held by these brave people who have been denied it so long.

In fact, the commitment to self-determination in the Baltic States—Lithuania, Estonia, and Latvia—has emerged even stronger in the face of new threats. The strikes in Poland are not unique to that courageous nation. In Estonia, similar dissident labor movements have been waged and are continuing, despite the Soviets' blatent disregard for the basic rights of this freedom-loving people.

Likewise, in Lithuania, dissent and opposition to Soviet rule takes many forms: Students, clergy, the journalistic and cultural communities, the Lithuanian underground and Helsinki monitors collectively fight the Soviet presence and press for their national right to self-government.

The United States has never recognized the forcible and illegal incorporation of the Baltic Republics of Lithuania, Estonia, and Latvia into the Soviet Union in 1940. The three states each have a national identity, a history and a heritage uniquely their own that helps to sustain their citizens in their ongoing, relentless struggle to be free. In fact, this month marks the 731st anniversary of the Lithuanian state as well.

What can we, as citizens of a country that has also fought hard to attain and keep our freedom, do to aid our Baltic compatriots?

We must continue to express our support for their cause through nonrecognition of the Soviet presence in those countries.

We must continue to remind the U.S.S.R. of its Helsinki promises, pressing for the human rights of prisoners of conscience like Mart Niklus, imprisoned Estonian scientist who has worked to promote close cooperation among the captive nations in their separate, but parallel struggles for freedom.

These people will not allow the national and patriotic values of their honorable pasts to be undermined, whatever the cost. Their efforts, faith, and spirit merit our continued respect, support and vigilance.●

● Mr. LEBOUTILLIER. Mr. Speaker, in tribute to the integrity of the people of Lithuania, and as a testament to the United States historic commitment to freedom and self-determination for all people, it is with a profound sense of duty that I submit these remarks commemorating the 64th anniversary of the reestablishment of the independent Lithuanian state.

Equally significant is the anniversary commemorating the 731st year since the founding of the Lithuanian state.

Events of recent history have focused attention on the plight of the subject nations of Eastern Europe. Once again, the specter of Soviet communism hangs over that region like a deadly cloud of suffocating gas.

While this annual observance may seem at times merely ceremonial, it is essential to uphold the principles by which free men and women thrive.

The Soviet Union's unnatural hold on the Lithuanian people cannot endure. It defies all that is good, and so long as groups such as the Lithuanian-American Community of the U.S.A., Inc., bear witness to the truth, their cause shall never perish.

In addition to providing any and all possible assistance to the struggle of the subject peoples of Eastern Europe, the West and especially the United States must also desist from participating in economic endeavors that ultimately serve only to oil the Soviet military machine.

Some would say that the cost of exacerbating conditions in Lithuania and other bloc nations presents too great a risk. While there is some validity to that concern, ultimately, the United States must decide whether the West will passively succumb or fight for the right.

Given the opportunity, the Lithuanians would fight for even the chance to be free. Their ongoing heroism and courage is cause enough to warrant the uninhibited support of this Nation.●

● Mr. HOWARD. Mr. Speaker, February 16, 1982, marked the 64th anniversary of the establishment of an independent Lithuanian state.

Lithuanians around the globe will be celebrating this day and we, here in the United States, join in their celebration.

Unfortunately, our joy is shadowed by the reality that the people in Lithuania today do not possess the same freedoms and liberties that were envisioned on Independence Day in February 1918.

For the past 42 years, the Soviet Union has imposed its will, including military force, on the otherwise fiercely independent Lithuanians. They have felt the strong arm of Soviet domination as have other countries in the region and around the globe.

Lithuania personifies strength, unity, hope, and determination. It is only through their constant fight that they are able to survive in the midst of such adverse conditions.

The Lithuanians have endured foreign intervention in their internal affairs for hundreds of years. Each time, though, they never gave up or gave in. The Soviet Union is relying on a false assumption that its repressive weight will break the backs and spirits of this Baltic state. The harder it pushes, the more intense the fire of freedom burns in the hearts and minds of the Lithuanians. All they want is the freedom to run their country and live their lives as they see fit, not as a foreign oppressor dictates.

The world must never forget or put aside the struggle that the Lithuanians wage daily in the name of freedom and human dignity. We share their dream of freedom and hope that its realization will soon come into being.●

● Mr. LENT. Mr. Speaker, it is with great pleasure that I join with my distinguished colleagues in commemorating the 64th anniversary of the Declaration of Lithuanian Independence.

On February 16, 1918, the sovereign state of Lithuania was established as an independent republic. The courageous people of Lithuania gained their freedom from Soviet domination and proclaimed their right to govern themselves as they saw necessary. Unfortunately, this event is one of sorrow. It was in 1940 when Joseph Stalin and Soviet troops invaded and occupied the Baltic nations—and once again, the three Baltic States were under Soviet domination.

Despite constant Soviet pressures forced upon Lithuania, however, the brave country continued its fierce nationalism. Lithuania provides a constant unrest that often underscores Moscow's inability to destroy grassroots nationalism even after centuries of Soviet domination in that area. Anti-Soviet incidents regularly occur in Lithuania, Estonia, and Latvia, where national groups forcefully assert their claims to maintain their religious, linguistic, and ethnic traditions. The people of Lithuania have refused to yield or succumb and as a result of their valiant struggle, they have preserved their unique language, which is one of the oldest living languages, as well as their cultural and religious heritage.

As we, in the House of Representatives, commemorate the anniversary, it is imperative that we realize that the struggle of these brave people is continuing. Lithuania is now the dynamo of the Soviet light industry. Lithuanian wage levels are high above the Soviet average. Car ownership is increasing rapidly and Lithuanians are making their mark despite Soviet domination.

Yet the freedom of these people continues to be restricted; they remain oppressed. The Soviet Union denies the

people self-determination and deserves worldwide condemnation; the Soviets are ruthless in their efforts to deprive the Lithuanian people of their sovereignty and their heritage. But the Soviets have not and cannot destroy the strong surge for cultural and political freedom that continues to exist in the Baltic nations.

Mr. Speaker, as we commemorate the Declaration of Independence for the Lithuanians, let us reinforce our resolve to preseve and protect the precious liberties and freedoms we enjoy, and to seek to restore those liberties and freedoms to those from whom they have been wrenched by force. Aggression against a free people cannot be condoned or tolerated, and must be challenged at every opportunity.

Today we must reaffirm our pledge to aid in restoring freedom to those who quest for its bountiful rewards. Let us join together in saluting the Lithuanians for their heroic courage in this struggle, and pledge our continued and augmented support.●

● Mr. BAILEY of Pennsylvania. Mr. Speaker, I am grateful to be able to join many of my colleagues in commemorating the anniversary of the independence of Lithuania in 1918 and her adoption of a constitution guaranteeing freedom of speech, assembly, and religion. We also remember today with sorrow the Soviet enslavement in 1940 and the imposition of repressive rule which continues to this day. Above all, we honor today the spirit and valor of the Lithuanian people who have struggled for 42 years to escape Soviet-imposed domination and to reestablish a republic dedicated to the freedoms and liberties which all men cherish and seek, but which too few are given the opportunity to enjoy.

The history of the Lithuanian struggle, Mr. Speaker, is a valiant one. Independence was a goal for which the Lithuanian people had been striving during the period of Russian domination from 1795 to 1915 and the German occupation of 1915 to 1918. After celebrating 20 years of independence, Lithuania again fell under Russian domination when it was occupied by the Red army during the Second World War. In 1940, the Soviets declared it a constituent republic of the U.S.S.R., which it has remained since the Soviets reoccupied the country in 1944.

The cause of Lithuania is the cause of all freedom-loving peoples in the world. And, unfortunately just as true, the brutality of Soviet-imposed rule is the mark of all expansive totalitarian ideologies. Just as the latter must be fought against and resisted with every last breath, so too must the former be nurtured and supported with every expression and effort of our bodies, minds, and souls. Our failure to do so, Mr. Speaker, whether in Lithuania, the other Baltic and Eastern European states, Africa, South and Central America, or Southeast Asia, makes us less free as a nation and a people.

We join here today to renew our support as a Government and a Nation for the Lithuanian people and their fight against their Soviet oppressors. We renew our efforts to force the Soviet Union to comply with the freedoms guaranteed by the Helsinki accords. We also renew the pledge never to turn our backs on the pleas of all peoples enslaved by totalitarian regimes and ideologies. Since we, as a Nation, are continually challenged to preserve our own freedom, we must remember that encroachments on freedom-loving people elsewhere are no less dangerous to us than encroachments on our very own shores.●

● Mr. GOODLING. Mr. Speaker, today we are commemorating the 64th anniversary of the reestablishment of an independent and sovereign Lithuania, which has existed for over 700 years as the focus of a national entity. Tomorrow marks the 64th anniversary of the declaration of independence of the Republic of Estonia. These two nations, together with Latvia, enjoyed their independence only briefly in modern times. In 1939, in accordance with a secret pact between the two worst tyrants history has ever known, Hitler and Stalin, the Soviet Union forcibly occupied the three Baltic States, while at the same time splitting Poland with Nazi Germany.

Shortly thereafter, the two aforementioned fiends parted company, and the Soviet Union received a taste of its own medicine when Nazi forces overran most of western Russia, including the ancient cities of Smolensk and Kiev, coming within sight of the spires of Moscow.

At that point, the United States, despite its strong opposition to the blatantly illegal Soviet invasion of the Baltic States, came to the aid of the Soviet Union. During the years 1941–45, the United States, under the lend-lease program, afforded the Soviet Union some $11 billion in military, medical, and food supplies to help the Soviet Union resist the Nazi invader. In doing so, President Roosevelt—himself too good to conceive, much less believe, the depths of evil that were personified in Stalin—unwittingly allowed for the oppression that has continued unabated not only in the Baltic region, but throughout half of Europe.

Hindsight is however the best sight, and today even the Soviets themselves admit the fiendishness of their erstwhile god, Joseph Stalin, even as they continue and extend his evil. But we now view them with washed eyes, and know them for what they are. Thus, when signing the Helsinki Final Act, the United States made it quite clear that it did not recognize Soviet sovereignty over the Baltic States of Lithuania, Estonia, and Latvia. These states are without a doubt illegally oppressed, the victims of Soviet imperialism.

Bearing this in mind, and aware of the present rush by the Soviet Union to sell vast amounts of its gold holdings to gain hard currency so that it may continue its oppression of these and other states such as Poland and Afghanistan, I have introduced a resolution which asks the President to request the expeditious repayment in gold by the Soviet Union of its still outstanding lend-lease debt, a sum of $674 million.

I believe that such an act is entirely justified, as for over 30 years, despite every chance and every benefit of the doubt given them, the Soviet Union has persistently violated the spirit of lend-lease, the spirit of the U.N. Charter and Declaration of Human Rights, as well as the more recently signed Helsinki accords. While Great Britain and France undertook to dismantle their empires and grant independence to their colonies, the Soviet Union consolidated its hold on its vast empire, and even extended it. And now they are flooding the world's gold market, bringing the price of gold to an artificially low price, so that they can maintain that empire of oppression at our cost. Thus, in demanding the repayment that is due us, and this in gold, we are making a significant statement of principle and offer hope to all victims of Soviet aggression, be they Poles, Afghanis, Czechs, Estonians, or Lithuanians.●

● Mr. McGRATH. Mr. Speaker, today we commemorate the 64th anniversary of the reestablishment of the independent Lithuanian state. We hope that this commemoration will encourage all those who look to the day when we can celebrate the regained freedom of Lithuania from the strains of Soviet oppression.

The struggle for Lithuanian independence from the illegal and forcible occupation by the Soviet Union should be granted renewed support in light of the tragic events which have recently befallen neighboring Poland. The military regime which is presently brutalizing Poland evinces the total denial of sovereignty which accompanied the Soviet incorporation in 1940 of the free state of Lithuania.

The policy of Russification threatens to destroy the Lithuanian culture, religion, and language. However, in the face of such oppression, thousands of Lithuanians maintain the spirit of freedom to insure that the Soviets are not successful in completely eradicating Lithuanian individuality. Those who fight for the self-determination of Lithuania and the dignity and human rights which such sovereignty will afford, do so in the face of relentless persecution. Yet these libertarians are

unrelenting in their resistance. These freedom fighters and all those who have protested the Soviet act of infamy, the aggressive takeover of Lithuania on June 15, 1940, merit all our supportive praise for their courage. I urge the Members of this body and the administration to strengthen their commitment to freedom to insure that the Lithuanian people may soon enjoy the fundamental rights which are illegally deprived them by Soviet oppression.●

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Lithuanian Independence Day, the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONGRESSMAN CARNEY INTRODUCES THE SOLE-SOURCE AQUIFER PROTECTION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CARNEY) is recognized for 10 minutes.

Mr. CARNEY. Mr. Speaker, it is with great pleasure that I introduce today the Sole-Source Aquifer Protection Act of 1982.

Joining as original cosponsors of this important legislation—which may prove crucial to the future of areas such as Long Island that are totally dependent on ground water for drinking supplies—are the dean of our Long Island congressional delegation, Mr. LENT. as well as Mr. CARMAN, Mr. LEBOUTILLIER, Mr. MCGRATH, Mr. SCHEUER, and Mr. FUQUA.

This bill is a companion measure to one being introduced in the Senate today by our senior Senator from New York, DANIEL PATRICK MOYNIHAN, and cosponsored in that Chamber by Senator D'AMATO.

Mr. Speaker, this legislation is designed to amend the Safe Drinking Water Act of 1974 to allow for cooperative Federal, State, and local governmental approaches to preparing and carrying out plans to protect critical ground water recharge areas.

Our ground water is a vast national resource.

The U.S. Environmental Protection Agency has estimated that the amount of our ground water is 50 times that of our annual flow of surface water.

In addition, in its 1978 summary of our national water resource, the U.S. Water Resources Council indicated that within one-half mile of the surface we have water reserves that are four times the volume of the Great Lakes.

But, while vast, the quality and quantity of our ground water is being threatened and, in too many cases, already has been degraded in many areas.

For many months I have been saying that—just as oil was the Black Gold of previous decades—water is likely to become the clear gold of the 1980's.

Central to the proposal we are introducing today is a recognition that the protection of this great and valuable national resource requires a joint commitment of Federal, State, and local government resources.

But—more important—this proposal also recognizes the prime role our local governmental units must play in carrying out that protection.

Because it allows for cooperative problem solving—and because it assigns an appropriate role to each level of government instead of mandating a federally imposed and enforced solution—I believe this bill is in tune with the philosophy of limited, yet responsible Government which the people of this country have advocated.

More than 90 percent of our rural Americans—and millions in our urban and suburban areas—are dependent on underground water for drinking supplies.

Senator MOYNIHAN is to be commended for his initiative in developing this new approach to helping areas—such as Long Island—that are dependent on sole-source aquifers.

The Senator was extremely gracious and cooperative in allowing for certain changes I had proposed to the original draft—changes which will better protect the rights and accountability of local government.

No matter how we pay for protecting our ground water—it ultimately is our local governments which must carry out any programs to protect and enhance those resources.

But our water—as I have stated—is a precious national resource which the Federal Government has a legitimate interest in helping protect.

Senator MOYNIHAN deserves congratulations for his initiative in developing this idea for a workable plan of insuring Federal, State, and local participation in such efforts. With the changes we made, I believe this is a feasible and realistic proposal with a real chance of passage.

While we are introducing this bill at this time and hope it can be considered when the Safe Drinking Water Act is reauthorized this year—we must recognize that our efforts are dependent on one other important matter.

And that is that—while we need planning to protect our groundwater—we have to have scientifically sound data so that experts may determine to what extent the existing aquifers have been contaminated—to fully understand the dynamics of those aquifers—to establish parameters that would best insure the health and safety of those who rely on these sole-source aquifers.

On Long Island all present available information indicates that a great natural resource known as the Pine Barrens is crucial to the recharge of our aquifer with pure water.

This largely undeveloped section of Suffolk County—parts of which are in four towns on the east end—also harbors plants and wildlife of esthetic and ecological importance.

With these considerations in mind, our Science and Technology Subcommittee on Natural Resources, Agriculture Research and the Environment has been looking into the issue of protecting Long Island's sole-source aquifer on which 2.3 million people depend.

Last May, we held hearings in Southampton, N.Y., on a proposal I had circulated to protect the water underlying the Pine Barrens.

That draft had relied on aquisition of lands in this recharge area as the method of protection.

As a result of our congressional hearings, the committee recognized the uniqueness of Long Island's aquifer and the need to protect the Pine Barrens.

The 1982 authorization bill for the Environmental Protection Agency for research and development called for a special $500,000 study of this resource.

The EPA has recognized the importance of protecting water for millions of Americans served by sole-source aquifers.

The Congress last year increased the budget request of the past administration for ground water programs in EPA by 75 percent at a time when we also heeded the call for budget restraint.

I believe that with limited financial resources EPA could study our Long Island aquifer and establish the necessary data base to determine the best methods of protecting the many sole-source aquifers of our Nation.

Long Island—perhaps more than any other area dependent on a sole-source aquifer—has a wealth of scientific and monitoring-information data which can serve as the base for such a study.

To indicate Congress concern over areas that rely on sole-source aquifers, the 1974 Safe Drinking Water Act authorized EPA to officially designate sole-source aquifers.

After such designation, under the law, "No commitment for Federal financial assistance * * * may be entered into for any project which the Administrator determines may contaminate such aquifers through a recharge zone so as to create a significant hazard to public health."

In addition to the aquifer under Suffolk and Nassau Counties on Long

Island, seven other aquifers have been officially designated as sole sources by EPA.

These are: the Edwards Aquifer, Texas; northern Guam; Fresno County, Calif.; Ten Mile Creek, Md.; Spokane-Rathdrum Valley, Wash.; Biscayne Aquifer, Florida; and Buried Valley, N.J.

Petitions are pending for 17 other sole-source aquifers. Those are: Cape Cod, Mass.; Kings and Queens Counties (or Brooklyn and the Bronx),. N.Y.; Coastal Plain Aquifer, New Jersey; Ridgewood, N.J.; Upper Rockaway, N.J.; Erie County, N.Y.; Vestal, N.J.; New Castle County, N.J.; Niagaran Aquifer, Wisconsin; Delaware Basin in New Mexico and Texas; Baton Rouge, La.; Karst Geological Region, Montana; Helena, Mont.; Santa Cruz Valley, Calif.; Santa Cruz-Avera Alter Aquifer, Arizona; Whidbey Island and Camano Island, Wash.; and York County-Piedmont Region, Pennsylvania.

The protection of these areas totally dependent on a single underground source of drinking water thus clearly is a national concern.

This bill can provide the framework on which we can build a national policy for these important areas.

At this time, I should like to include for the record a section-by-section analysis of this Sole-Source Aquifer Protection Act of 1982.

SOLE SOURCE AQUIFER PROTECTION ACT—DESCRIPTION OF THE BILL

(A) POLICY

The Federal government shall cooperate with states and municipalities in the preparation and implementation of regional plans for the protection of critical groundwater recharge areas.

(B) FINDINGS

(C) PURPOSES

The purposes of the Act are to: establish procedures for the designation of special protection areas within sole source aquifer regions; develop and implement site-specific comprehensive management plans to protect such critical recharge areas; and establish guidelines for Federal-state cooperation in planning, funding and implementing such management plans.

(D) PETITION FOR DESIGNATION OF SPECIAL PROTECTION AREA

Any one or several municipalities may petition a Governor to apply to EPA for the designation of a "special protection area" within an area already designated by EPA as a sole source aquifer, pursuant to Sec. 1424(e) of the Safe Drinking Water Act.

The petition must include proposed boundaries and an evaluation of the necessity of such a special designation.

(E) APPROVAL OF PETITION BY THE GOVERNOR

The Governor must approve or disapprove the petition within 180 days.

If the Governor approves the petition, he then proposes his own boundaries for the special protection area and designates a planning entity to develop a comprehensive mangement plan.

(F) EPA APPROVAL OF PRELIMINARY PETITION

After the Governor submits to the EPA Administrator both the proposed boundaries of the special protection area and the designated planning entity, the Administrator has 60 days in which to approve or disapprove the boundaries and the planning entity based on specific critieria.

Approval by the Administrator qualifies the State for a matching grant (50-50) for the development of the comprehensive management plan.

(G) COMPREHENSIVE MANAGEMENT PLAN

The planning entity shall prepare a comprehensive management plan which is designed to maintain the quality of the groundwater recharged through the special protection area.

The Plan shall include: the evaluation of existing groundwater quality, sources of contamination, recommendations of water quality standards, a detailed map of the area, land use assessment, proposed limits on future private and public development, consideration of land use techniques necessary to protect groundwater quality, proposed areas suitable for public acquisition if necessary, and a program for state and local implementation.

The planning entity shall develop the Plan with as much public participation as possible.

(H) APPROVAL OF THE PLAN BY THE GOVERNOR

The Governor may approve or disapprove the Plan submitted by the planning entity, based on his evaluation of specific criteria.

If necessary, the Governor may designate or establish a separate management entity to implement the Plan.

(I) APPROVAL OF PLAN BY EPA

The EPA Administrator must approve or disapprove the Plan submitted by the Governor within 120 days, based on specific criteria and national defense requirements.

Approval by the Administrator qualifies the State for a matching grant (50-50) for the implementation of certain features of the comprehensive plan but not more than $20,000,000.

(J) AUTHORIZATION

For planning, $10,000,000 for fiscal year 1983, fiscal year 1984, and fiscal year 1985.

For implementation, $50,000,000 for fiscal year 1984, fiscal year 1985, and fiscal year 1986.

(K) DEFINITIONS

SOLE SOURCE AQUIFER PROTECTION ACT—SUMMARY OF THE BILL

The bill sets forth the following procedures for developing and implementing a plan to protect the recharge area of a sole source aquifer:

(1) Petition. A local government submits a petition to the Governor setting forth the proposed boundaries of a "Special Protection Area" and the rationale for designating such an area in terms of water supply potential.

(2) Governor's approval. The Governor must decide whether or not to pursue the petition. If so, state officials would work with local governments to propose new boundaries, justify the designation, and name a planning authority to be responsible for developing the comprehensive management plan. Then, the Governor submits the petition to the EPA Administrator.

(3) Preliminary EPA approval. If the EPA Administrator determines that the petition meets certain minimum technical requirements and that the planning authority is technically qualified, then the Administrator may approve the petition. An approved petition qualifies the state for matching funds for planning assistance.

(4) Comprehensive plan. The planning authority designated by the Governor has two years to develop a comprehensive management plan. It is required to work closely with all units of government which may be responsible for implementing various parts of the plan.

(5) State approval. The Governor must be able to demonstrate how the State and local governments intend to implement the plan. Thus, agreements must be reached at the local level before the Federal government even considers involvement. Once the Governor approves the comprehensive management plan developed by the planning authority, he submits the Plan to EPA.

(6) EPA approval. The Administrator, will judge the merits of the proposal based on how effectively the Plan would protect the groundwater and how the state proposes to implement the Plan. If the EPA Administrator approves the Plan, then the state is eligible for a matching grant up to $20 million to implement certain features of the Plan including but not limited to land acquisition.

The Federal Government is not responsible for local land use decisions but rather provides technical guidance and consistency in the formulation of regional groundwater protection plans.

A total of $180 million is authorized over a four-year period.

The "Sole Source Aquifer Protection Act" is an amendment to the Safe Drinking Water Act of 1974, as amended.

□ 1245

SOPHISTICATED WEAPONS TO JORDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PHILLIP BURTON) is recognized for 5 minutes.

● Mr. PHILLIP BURTON. Mr. Speaker, I was dismayed to read remarks attributed to Defense Secretary Caspar W. Weinberger that indicate that the Reagan administration is seriously considering the sale of F-16 fighter planes and mobile Hawk antiaircraft missiles to Jordan.

If indeed this is the policy of this administration, I urge the President to reconsider its wisdom.

The sale of these sophisticated weapons to Jordan will certainly be viewed as another reward to those Arab States which have opposed or impeded the Camp David process. Saudi Arabia already has its AWACS.

The sale of F-16 fighter planes and mobile Hawk antiaircraft missiles to Jordan is, in short, disruptive to the peace process in the Middle East, threatening to Israel—our firmest ally in the Middle East—and would be viewed by hard-line Arab States as a retreat from our historic commitment to the security of Israel.●

HOME MORTGAGE CAPITAL STABILITY FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation which addresses a major problem facing our Nation. You have all heard about the state of the housing industry. Housing starts for January 1982 were at the lowest level since 1946. The sales of new homes have been at similar low levels. Unemployment among construction workers has reached the 18-percent level. Related industries, such as lumber mills and home appliance manufacturing, have begun to show the severe impact of these reductions. The thrift industry continues to record the most massive earnings losses in recent history.

Last July the Banking Committee held hearings on the conduct of monetary policy at which time the banking regulatory agencies were questioned about the future outlook of the thrift industry. In its report, the committee stated:

> The likelihood, or even possibility, that interest rates could remain at current levels over the next twelve months poses a significant threat to the safety and soundness of savings and loan associations, mutual savings banks, credit unions. For example, in a briefing for the President's Commission on Housing on July 8, 1981, Federal Home Loan Bank Board Chairman Pratt said that about one-third of the S&L industry holding assets of about $200 billion is not viable under current financial conditions. He affirmed this statement in testimony before the Committee on July 14.

The numbers have not improved since then. Initially, I supported quick action on legislation to provide the insuring agencies additional flexibility to handle problem cases. That legislation passed the House on October 28, 1981. The Senate has not acted upon that legislation. In the interim, interest rates have fluctuated, but remained at a high level. The current rates are such that the thrift institutions are faced with continued drains on their resources.

What is needed now is a program which will: First, get homebuilding started again; second, assure a flow of mortgage money into the economy; third, relieve the burden being placed on the Federal insuring funds for depository institutions; fourth, directly attack the problems of the industry; fifth, provide sufficient discretion to the agencies yet assure continuation of a specialized thrift industry serving local needs; and sixth, requires a payback of Federal assistance and even more importantly, a flow of mortgage money into the economy. The bill I am introducing will do that.

It would authorize appropriations for a home mortgage capital stability fund totaling $7.5 billion. The FDIC, the FHLBB, and the NCUA would draw on this fund to administer a program of direct capital assistance for home mortgage lending institutions whose net worth slips below 2 percent of assets. Any institution receiving such assistance would have to pay back these funds with interest and would also have to earmark 50 percent of its new deposits for mortgage loans on family residences.

It is imperative that the Congress act quickly and in a fashion that will move funds immediately into the mortgage lending industry. Not only is it essential that this Nation get on with the business of providing decent housing for all Americans, but it is critically important that we put thousands of men and women who depend directly and indirectly on housing production back to work. The legislation I am introducing will go a long way to meeting that goal. The Banking Committee will hold hearings on this bill in the near future at which time I hope there will be a fruitful discussion of the specific provisions of the bill to make it as effective as possible in meeting the goals I have outlined.

At this point I include in the RECORD a summary of the bill and the text of the bill:

HOME MORTGAGE CAPITAL STABILITY ACT

The Act would direct the Federal Home Loan Bank Board, the FDIC and the National Credit Union Administration to administer a capital and earnings assistance program for qualified savings and loans, mutual savings banks, commercial banks and credit unions. For an institution to qualify, the Bank Board, NCUA or the FDIC would have to find that the institution:

Has a net worth below 2 percent of assets;

Has suffered earnings losses for at least two consecutive quarters;

Has a portfolio at least 20 percent of which is in one-to-four family residences or in condominium or cooperative units; and

Shows a need for assistance and has reasonable prospects of long-term viability.

The institution must agree to comply with commitments required by the Bank Board, FDIC and NCUA, including the responsibility to:

Repay the assistance;

Provide quarterly reports to the FDIC, the Bank Board or NCUA on its financial condition and its lending practices; and

Earmark, for as long as FDIC, Bank Board or NCUA assistance to the institution is still outstanding, at least 50 percent of its net new deposits (defined as deposits less interest and dividends credited and withdrawals) to the issuance of mortgages for one-to-four family residences or coop or condo units to first time homebuyers at rates 1 percent over the average cost of funds for the institution's entire portfolio, such mortgages to be at or below FHA mortgage ceilings. An institution would have the option to comply with up to half of this mortgage requirement by purchasing securities backed by mortgages as defined above that are issued after the date the institution receives FDIC, Bank Board or NCUA assistance.

To qualifying institutions the FDIC, the Bank Board or NCUA would provide assistance to maintain the institution at a level of 2% net worth (i.e., its capital would be increased to reach the 2% level and earnings losses would also be defrayed quarterly). No institution would receive loans to counteract earnings losses for more than two consecutive years, unless the FDIC, the Bank Board or NCUA certify that overall market conditions, rather than activity of the particular institution involved, are responsible for the continued losses. Repayment of the FDIC, Bank Board or NCUA assistance would begin as soon as the institution reached a level of 3% net worth, but in no event would repayment begin later than five years after the date of the assistance. The yearly repayment must be at least 50% of the net income after taxes of the institution for that year. The repayment would include interest on the FDIC, Bank Board or NCUA assistance at a rate based on the average yield on outstanding Treasury Department marketable obligations. While FDIC or Bank Board assistance is outstanding, a stock institution may not pay dividends to its shareholders.

The FDIC, the Bank Board and NCUA would provide quarterly reports to the Congress detailing the assistance provided under the program and the intitutions that are assisted.

The program would begin on enactment. Appropriations totalling $7.5 billion, to remain available until expended, would be made into a Home Mortgage Capital Stability Fund in the Treasury, from which the FDIC, the Bank Board and NCUA could draw in carrying out this program. Assisted institutions would make repayments to the Fund.

H.R. 5568

A bill to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and ensuring the availability of home mortgage loans at reasonable rates

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Home Mortgage Capital Stability Act".

CAPITAL PARTICIPATION NOTES AND EARNINGS STABILIZATION PAYMENTS

SEC. 2. (a) Section 13 of the Federal Deposit Insurance Act (12 U.S.C. 1823) is amended by adding at the end thereof the following:

"(h)(1) The Corporation may provide assistance under this subsection to any insured bank which the Corporation determines under paragraph (2) to be eligible for such assistance.

"(2) No assistance may be provided under this subsection unless the Corporation determines that—

"(A) the net worth of the insured bank involved is less than 2 percent of such insured bank's assets;

"(B) such insured bank has sustained losses for any two consecutive quarters which occur during any period beginning with the two quarters which are the most recently completed quarters prior to the effective date of the Home Mortgage Capital Stability Act;

"(C) not less than 20 percent of such insured bank's loan portfolio consists of mortgages which are secured by property on which there is located a one- to four-family residence or which are secured by individual units in a condominium or cooperative project;

"(D) such insured bank demonstrates a need for such assistance and has reasonable prospects for long-term viability; and

"(E) such insured bank has agreed to comply with all requirements established by the Corporation, including requirements—

"(i) to repay such assistance in accordance with the provisions of this subsection;

"(ii) to provide quarterly reports to the Corporation regarding such insured bank's financial condition and lending practices;

"(iii) that, during the period in which such insured bank owes any amount to the Corporation under this subsection, not less that 50 percent of its annual net new deposits (as determined by subtracting from the deposits for each year the total amount of withdrawals and of interest and dividends credited during each year) shall be used to issue mortgages which—

"(I) are secured by property on which there is located a one- to four-family residence or are secured by individual units in a condominium or cooperative project;

"(II) are made to first-time homebuyers;

"(III) are made at a rate of interest which, on the date of issuance of the mortgage, is not more than 1 percent greater than the average cost of funds for such insured bank; and

"(IV) are made in an amount which does not exceed the applicable amount specified in section 203(b)(2) of the National Housing Act; and

"(iv) which will permit an insured bank to satisfy up to 50 percent of the requirement specified in clause (iii) by purchasing securities which are backed by mortgages described in clause (iii) and issued after the date on which such insured bank receives assistance under this subsection for the first time.

"(3)(A) The Corporation may purchase capital participation notes which are issued by any qualified insured bank.

"(B) The amount of capital participation notes purchased by the Corporation from any qualified insured bank shall be equal to the difference between such qualified insured bank's net worth and an amount equal to 2 percent of such qualified insured bank's assets.

"(C) All amounts received from the sale of capital participation notes shall be used solely to increase the net worth of such qualified insured bank.

"(4)(A) During the two-year period following the date on which the Corporation purchases capital participation notes from a qualified insured bank, the Corporation, on a quarterly basis, may make earnings stabilization payments to such qualified insured bank in an amount equal to the earnings losses incurred by such qualified insured bank during the previous quarter.

"(B) After such two-year period, earnings stabilization payments may be made to such qualified insured bank only if the Corporation certifies that the continued earnings losses involved are caused by general market conditions and not by the actions of such qualified insured bank.

"(5) (A) When the net worth of a qualified insured bank reaches 3 percent, or upon the expiration of 5 years after the date on which such qualified insured bank first receives assistance under this subsection, whichever occurs first, such qualified insured bank shall begin to repay to the Corporation the amounts received under this subsection by such qualified insured bank plus interest on such amounts at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the receipt of the amount involved.

"(B) The total annual repayment to the Corporation shall not be less than 50 percent of the net income, after taxes, of such qualified insured bank for the year involved.

"(6) During any period in which a qualified insured bank which has a stock form of ownership owes any amount to the Corporation under this subsection, such qualified insured bank may not pay dividends to its shareholders.

"(7) For purposes of this subsection—

"(A) the term 'net worth'—

"(i) with respect to an insured bank which is not a mutual savings bank, shall have the same meaning given the term 'capital' as defined by the appropriate supervisory agency; and

"(ii) with respect to an insured bank which is a mutual savings bank, shall have the same meaning given the term 'surplus' as defined by the Corporation; and

"(B) the term 'qualified insured bank' means an insured bank which the Corporation determines under paragraph (2) to be eligible for assistance under this subsection.".

"(b) Section 406 of the National Housing Act (12 U.S.C. 1729) is amended by adding at the end thereof the following:

"(g)(1) The Corporation may provide assistance under this subsection to any insured institution which the Corporation determines under paragraph (2) to be eligible for such assistance.

"(2) No assistance may be provided under this subsection unless the Corporation determines that—

"(A) the net worth of the insured institution involved is less than 2 percent of such insured institution's assets;

"(B) such insured institution has sustained losses for any two consecutive quarters which occur during any period beginning with the two quarters which are the most recently completed quarters prior to the effective date of the Home Mortgage Capital Stability Act;

"(C) not less than 20 percent of such insured institution's loan portfolio consists of mortgages which are secured by property on which there is located a one- to four-family residence or which are secured by individual units in a condominium or cooperative project;

"(D) such insured institution demonstrates a need for such assistance and has reasonable prospects for long-term viability; and

"(E) such insured institution has agreed to comply with all requirements established by the Corporation, including requirements—

"(i) to repay such assistance in accordance with the provisions of this subsection;

"(ii) to provide quarterly reports to the Corporation regarding such insured institution's financial condition and lending practices;

"(iii) that, during the period in which such insured institution owes any amount to the Corporation under this subsection, not less than 50 percent of its annual net new deposits (as determined by subtracting from the deposits for each year the total amount of withdrawals and of interest and dividends credited during each year) shall be used to issue mortgages which—

"(I) are secured by property on which there is located a one- to four-family residence or are secured by individual units in a condominium or cooperative projects;

"(II) are made to first-time homebuyers;

"(III) are made at a rate of interest which, on the date of issuance of the mortgage, is not more than 1 percent greater than the average cost of funds for such insured institution; and

"(IV) are made in an amount which does not exceed the applicable amount specified in section 203(b)(2) of the National Housing Act; and

"(iv) which will permit an insured institution to satisfy up to 50 percent of the requirement specified in clause (iii) by purchasing securities which are backed by mortgages described in clause (iii) and issued after the date on which such insured institution receives assistance under this subsection for the first time.

"(3)(A) The Corporation may purchase capital participation notes which are issued by any qualified insured institution.

"(B) The amount of capital participation notes purchased by the Corporation from any qualified insured institution shall be equal to the difference between such qualified insured institution's net worth and an amount equal to 2 percent of such qualified insured institution's assets.

"(C) All amounts received from the sale of capital participation notes shall be used solely to increase the net worth of such qualified insured institution.

"(4)(A) During the two-year period following the date on which the Corporation purchases capital participation notes from a qualified insured institution, the Corporation, on a quarterly basis, may make earnings stabilization payments to such qualified insured institution in an amount equal to the earnings losses incurred by such qualified insured institution during the previous quarter.

"(B) After such two-year period, earnings stabilization payments may be made to such qualified insured institution only if the Corporation certifies that the continued earnings losses involved are caused by general market conditions and not by the actions of such qualified insured institution.

"(5)(A) When the net worth of a qualified insured institution reaches 3 percent, or upon the expiration of 5 years after the date on which such qualified insured institution first receives assistance under the subsection, whichever occurs first, such qualified insured institution shall begin to repay to the Corporation the amounts received under this subsection by such qualified insured institution plus interest on such amounts at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the receipt of the amount involved.

"(B) The total annual repayment to the Corporation shall not be less than 50 percent of the net income, after taxes, of such qualified insured institution for the year involved.

"(6) During any period in which a qualified insured institution which has a stock form of ownership owes any amount to the Corporation under this subsection, such qualified insured institution may not pay dividends to its shareholders.

"(7) For purposes of this subsection—

"(A) the term 'net worth' shall have the same meaning given the term 'reserves' as defined in section 403(b) of the National Housing Act and in the regulations issued pursuant to such section; and

"(B) the term 'qualified insured institution' means an insured institution which the Corporation determines under paragraph (2) to be eligible for assistance under this subsection.".

"(c) Section 208 of the Federal Credit Union Act (12 U.S.C. 1788) is amended by adding at the end thereof the following:

"(e)(1) The Board may provide assistance under this subsection to any insured credit union which the Board determines under paragraph (2) to be eligible for such assistance.

"(2) No assistance may be provided under this subsection unless the Board determines that—

"(A) the net worth of the insured credit union involved is less than 2 percent of such insured credit union's assets;

"(B) such insured credit union has sustained losses for any two consecutive quarters which occur during any period beginning with the two quarters which are the most recently completed quarters prior to the effective date of the Home Mortgage Capital Stability Act;

"(C) not less than 20 percent of such insured credit union's loan portfolio consists of mortgages which are secured by property on which there is located a one- to four-family residence or which are secured by individual units in a condominium or cooperative project;

"(D) such insured credit union demonstrates a need for such assistance and has reasonable prospects for long-term viability; and

"(E) such insured credit union has agreed to comply with all requirements established by the Board, including requirements—

"(i) to repay such assistance in accordance with the provisions of this subsection;

"(ii) to provide quarterly reports to the Board regarding such insured credit union's financial condition and lending practices;

"(iii) that, during the period in which such insured credit union owes any amount to the Board under this subsection, not less than 50 percent of its annual net new deposits (as determined by subtracting from the deposits for each year the total amount of withdrawals and of interest and dividends credited during each year) shall be used to issue mortgages which—

"(I) are secured by property on which there is located a one- to four-family residence or are secured by individual units in a condominium or cooperative project;

"(II) are made to first-time homebuyers;

"(III) are made at a rate of interest which, on the date of issuance of the mortgage, is not more than 1 percent greater than the average cost of funds for such insured credit union; and

"(IV) are made in an amount which does not exceed the applicable amount specified in section 203(b)(2) of the National Housing Act; and

"(iv) which will permit an insured credit union to satisfy up to 50 percent of the requirement specified in clause (iii) by purchasing securities which are backed by mortgages described in clause (iii) and issued after the date on which such insured credit union receives assistance under this subsection for the first time.

"(3)(A) The Board may purchase capital participation notes which are issued by any qualified insured credit union.

"(B) The amount of capital participation notes purchased by the Board from any qualified insured credit union shall be equal to the difference between such qualified insured credit union's net worth and an amount equal to 2 percent of such qualified insured credit union's assets.

"(C) All amounts received from the sale of capital participation notes shall be used solely to increase the net worth of such qualified insured credit union.

"(4)(A) During the two-year period following the date on which the Board purchases capital participation notes from a qualified insured credit union, the Board, on a quarterly basis, may make earnings stabilization payments to such qualified insured credit union in an amount equal to the earnings losses incurred by such qualified insured credit union during the previous quarter.

"(B) After such two-year period, earnings stabilization payments may be made to such qualified insured credit union only if the Board certifies that the continued earnings losses involved are caused by general market conditions and not by the actions of such qualified insured credit union.

"(5)(A) When the net worth of a qualified insured credit union reaches 3 percent, or upon the expiration of 5 years after the date on which such qualified insured credit union first receives assistance under this subsection, whichever occurs first, such qualified insured credit union shall begin to repay to the Board the amounts received under this subsection by such qualified insured credit union plus interest on such amounts at a rate determined by the Secretary of the Treasury taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the receipt of the amount involved.

"(B) The total annual repayment to the Board shall not be less than 50 percent of the net income, after taxes, of such qualified insured credit union for the year involved.

"(6) For purposes of this subsection—

"(A) the term 'net worth' shall have the same meaning given the term 'reserves' as defined in section 116 of this Act and the regulations issued pursuant to such section; and

"(B) the term 'qualified insured credit union' means an insured credit union which the Board determines under paragraph (2) to be eligible for assistance under this subsection.".

HOME MORTGAGE CAPITAL STABILITY FUND

SEC. 3. (a)(1) There is hereby established in the Treasury of the United States a Home Mortgage Capital Stability Fund (hereinafter in this Act referred to as the 'Fund') which shall be used as a revolving fund by—

(A) the Federal Deposit Insurance Corporation to carry out the provisions of section 13(h) of the Federal Deposit Insurance Act;

(B) the Federal Home Loan Bank Board to carry out the provisions of section 406(g) of the National Housing Act; and

(C) the National Credit Union Administration to carry out the provisions of section 208(e) of the Federal Credit Union Act.

(2) All repayments of assistance made under such sections shall be deposited in the Fund.

(b) There are hereby authorized to be appropriated without fiscal year limitation $7,500,000,000 to carry out the functions of the Fund. Such funds shall remain available until expended.

REPORTS TO CONGRESS

SEC. 4. The Federal Home Loan Bank Board, the Board of Directors of the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board shall each transmit a quarterly report to each House of the Congress specifying the types and amounts of assistance provided to each depository institution under the amendments made by section 2 of this Act.

EFFECTIVE DATE

SEC. 5. This Act shall take effect on the date of the enactment of this Act.●

AUTHORIZE APPROPRIATIONS FOR THE PATENT AND TRADEMARK OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, at the request of the Secretary of Commerce and the Commissioner of Patents and Trademarks, I am today introducing legislation to authorize appropriations for the Patent and Trademark office. If there is no objection, I would request that a section-by-section analysis and an explanatory letter from the Secretary be inserted into the RECORD.

On March 10, at 10 a.m., in room 2226, Rayburn Building, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, will receive formal testimony from Hon. Gerald Mossinghoff, Commissioner of Patents, regarding the legislation. At this point, I include the following:

THE SECRETARY OF COMMERCE,
Washington, D.C., February 8, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed are six copies of a draft bill "To authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes", together with a section-by-section analysis of the bill.

This proposed bill will lay the groundwork for revitalizing the United States patent and trademark systems. It will establish the user fees necessary to achieve this Administration's goals of acceptable patent and trademark processing times in the 1980's and a fully automated Patent and Trademark Office in the 1990's.

Today, a patent applicant must wait an average of almost twenty-three months to receive a patent. During fiscal year 1981, 20,000 patent applications were added to an already unacceptable backlog, bringing the total of pending applications to over 200,000. An average of six to seven percent of the estimated 24 million documents in the patent search files are missing or misfiled, and the percentage is higher in rapidly developing fields.

The trademark operation is equally in need of improvement. It takes nearly two years to register a trademark, about twice as long as it should. Last year, 6,500 trademark applications were added to the backlog, which reached a record high.

This Administration has embarked on an ambitious but realistic course of action to reverse the situation and give the country a first-class Patent and Trademark Office. We plan to reach an average patent application pendency time of eighteeen months by

fiscal year 1987. The first step in this plan is the recruitment and training of additional patent examiners needed to stem the totally unacceptable growth in backlog.

For trademarks, we plan by fiscal year 1985 to issue an examiner's first action for ruling on registrability in three months and dispose of the application within thirteen months.

Our other major goal for the Patent and Trademark Office is to move realistically toward a fully automated Office by the 1990's. Steps have already been taken to place available commercial data bases in the hands of examiners and in the Public Search Room. In addition, the first draft of an automation study mandated by section 9 of Public Law 96-517 has been prepared and distributed widely for review and comment.

In order to achieve these important goals under current fiscal constraints, we are recommending in the enclosed bill that user fees be increased substantially over those currently charged. Specifically, the enclosed bill would amend 35 U.S.C. 41 and 15 U.S.C. 1113 to achieve 100 percent cost recovery for patient and trademark application processing. In patents, 50 percent of the cost of processing would be recovered by filing and issue fees and 50 percent through maintenance fees paid at three intervals during the seventeen-year life of a patent.

The bill also contains a number of amendments to the patent and trademark laws to enhance the effectiveness of those systems in serving industry and inventors. These amendments are fully explained in the enclosed section-by-section analysis.

The Office of Management and Budget has advised that enactment of the enclosed bill is in accord with the program of the President.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.

SECTIONAL ANALYSIS

SECTION 1

This section authorizes appropriations for the Patent and Trademark Office for the payment of salaries and necessary expenses of the Office. For fiscal year 1983, this section authorizes appropriations of $68,086,000 plus such additional and supplemental amounts as may be necessary to cover any increases in salary, pay, retirement, or employee benefits which may be authorized by law. In addition, fees collected pursuant to title 35, United States Code, and the Trademark Act of 1946, as amended (15 U.S.C. 1051 et seq.), will augment the authorized appropriation to provide the resources needed to conduct the operations of the Office for fiscal year 1983. The total resources for the Office in fiscal year 1983, that is, the amount appropriated pursuant to this section plus fees collected pursuant to the patent and trademark laws, which will be available to the Office, is estimated to be $154,934,000. Any supplemental amounts to cover increases in salary, pay, retirement, or other employee benefits which may be authorized by law will be in addition to, and will therefore increase, that program level. Finally, any funds appropriated pursuant to this section and all fees collected under Public Law 96-517 will remain available without any fiscal year limitation.

SECTION 2

This section provides that, notwithstanding any other provision of law, there is authorized to be appropriated to the Patent and Trademark Office for fiscal year 1982, $121,461,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. This section increases the amounts authorized for the Patent and Trademark Office by $2.5 million over that authorized in Public Law 97-35. The President is recommending a supplemental appropriation of $2,500,000 for the Patent and Trademark Office for fiscal year 1982 in order to carry out the program recommendations included in his fiscal year 1983 budget.

SECTION 3

This section increases the percentage of PTO costs recovered from patent and trademark fees. The full costs of processing applications for patents, from filing through abandonment, will be recovered through a combination of "front-end" fees (filing and issuance) and maintenance fees. The front-end fees, other than for design patents, will be increased to recover not more than 50 percent of the processing costs. In 15 years, the remainder of the processing costs necessary to achieve full recovery of such costs will be recovered through maintenance fees. However, until maintenance fees are in full effect, front-end fees for other than design patent applications will recover in aggregate 50 percent of Office processing costs. After maintenance fees are in full effect, the Commissioner may adjust fees so that maintenance fees recover more than 50 percent of Office costs, while front-end fees, accordingly, recover less than 50 percent of Office costs. Fees for processing design patents, which would remain front-end fees, will be increased to recover 100 percent of Office costs. Trademark fees will be increased to recover 100 percent of Office costs, but these revenues may be used only to carry out activities of the trademark registration process.

In order to avoid an inequitable loss of patent rights, the Commissioner is given the authority to accept payment of any maintenance fee after the six-month grace period if it is established that the delay in payment was unavoidable. It is intended that the Commissioner will issue regulations establishing guidelines for acceptance of late payment. After the expiration of a reasonable period of time, the patentee would bear a heavy burden of proof that the delay was unavoidable. A surcharge may be imposed by the Commissioner as a precondition to acceptance of a late fee. This surcharge may be in addition to any surcharge imposed for payment during the grace period.

A provision is included to protect the rights of one who began using or who took steps to begin use of a patent which expired for failure to pay a maintenance fee and which was subsequently reestablished by acceptance of the late payment. The intervening rights provision in section 41(d)(1) is similar to the intervening rights provision in 35 U.S.C. 252 concerning reissued patents.

A provision is inserted in section 42(c) of title 35 in order to ensure that the trademark fees collected are used to fund programs for the processing of trademark registrations and not the processing of patent applications.

SECTION 4

Section 3 of title 35 is amended by deleting specific reference to the number of examiners-in-chief in the first sentence. Elimination of the upper limit on the number of permanent members of the Board of Appeals would provide greater flexibility in filling most of its personnel needs, thereby avoiding an excess of examiner details. The authority to appoint acting examiners-in-chief, however, is maintained in order that temporary fluctuations in the workload of the Board may be accommodated.

SECTION 5

Under revised section 111 of title 35, the filing date of an application would be that on which specification and drawings are received by the Patent and Trademark Office. The oath and filing fee could be submitted at such later time as established by the Commissioner, without any loss of the original filing date. Under the amendment, an applicant could either file the oath (including the applicant's signature) and fee together with an application or submit them at a later time as determined by the Commissioner. The Commissioner would normally set this time period to expire not later than the beginning of the examination process of the application in question, as it could be useful for the examiner to be able to rely on certain averments made in the oath declaration. The section would also authorize the imposition of a surcharge as a condition for accepting payment of the oath or filing fee after the filing date of the application. Since an application filed without the oath would not be signed or "made" by the applicant, the amendment permits an attorney or agent, authorized by the applicant, to submit an application for the purpose of obtaining a filing date.

Should the applicant, however, fail to file the oath or pay the filing fee within the time limits set by the Commissioner, the application would be regarded as having been abandoned. The requirements for reviving an abandoned application would be the same as those which have to be met in connection with abandoned applications under section 133 of title 35.

SECTION 6

The third paragraph of section 116 of title 35 is amended to enlarge the possibilities for correcting misnamed inventive entities. As a consequence, correction would be permitted also in cases where the person originally named as inventor was in fact not the inventor of the subject matter contained in the application. If such error occurred without any deceptive intention on the part of the true inventor, the Commissioner would have the authority to substitute the true inventor for the erroneously named person. Although probably rarer, instances such as changes from a mistakenly identified sole inventor to different, but actual, joint inventors, conversions from erroneously identified joint inventors to different but actual joint inventors, and conversions from erroneously identified joint inventors to a different, but actual, sole inventor would also be permitted. In each instance, however, the Commissioner must be assured of the presence of innocent error, without deceptive intention on the part of the true inventor or inventors, before permitting a substitution of a true inventor's name.

Section 256 of title 35, which is a companion of section 116, would be amended to similarly enlarge the possibilities for correction of misnamed inventors in issued patents.

SECTION 7

Section 6(d) of title 35, which provides for the allocation of appropriated Patent and Trademark Office funds to the Department of State for payment of United States financial obligations under the Patent Coopera-

tion Treaty, is deleted. The Department of State has traditionally assumed responsibility for financial obligations for international agreements to which the United States adheres.

SECTION 8

Section 8(a) of the Trademark Act is amended to clarify that the continued use required to be shown in the sixth year be used "in commerce". Although it is believed by some that omission of the words "in commerce" may have been inadvertent in the 1946 Act, this section has been interpreted so that use in a foreign country, or use in intrastate commerce, is sufficient. Such interpretation is fundamentally in conflict with other requirements of the Act.

Section 8(b) of the Act is also amended to clarify that the continued use required to be shown in the sixth year be use "in commerce" for registrations published under section 12(c) of the Act. (This pertains to registrations issued under the Act of March 3, 1881 and the Act of February 20, 1905).

The word "still" has been deleted from sections 8(a) and 8(b). Thus, the owner of a registration issued on the basis of a foreign registration under the provisions of section 44(e) of the Act will have to submit an affidavit to the effect that the mark is in use in commerce. Since the mark need not be used in commerce when it is registered, the registrant cannot be required to state that it is "still" in such use.

SECTION 9

Section 13 of the Trademark Act is amended to delete the requirement that an opposition be verified. The sentence which allowed an unverified application to be verified at a later date has been deleted. In addition, a phrase has been added to make it clear that any subsequent extension of time to file an opposition, beyond the first extension, must be requested before the end of the preceding extension.

Section 14 of the Trademark Act would also be amended to delete the requirement that a petition to cancel a registration be verified.

SECTION 10

Section 15 of the Trademark Act is amended to change the term "the publication" to "registration" in the first sentence. This change makes the date of registration rather than the date of publication the crucial date of purposes of incontestability. It will also make section 15 consistent with sections 22 and 33 of the Act.

SECTION 11

Section 16 of the Trademark Act is amended to limit the declaration of interferences to those situations where a petition to the Commissioner shows that extraordinary circumstances exist. Unless extraordinary circumstances exist, the rights of the parties can be determined adequately by the existing opposition and cancellation procedures. Additionally, if an interference is declared between an application and a registration and the applicant wins, a cancellation must still be initiated against the registration.

SECTION 12

A new subsection (a) has been added to section 21 of title 35 to authorize the Commissioner of Patents and Trademarks to give as the filing date of any paper or fee which is required to be filed in the Patent and Trademark Office the date on which the paper or fee was deposited with the United States Postal Service. The Commissioner may also give as the filing date of any paper or fee which was required to be filed in the Patent and Trademark Office the date it would have been deposited with the United States Postal Service but for postal service interruptions or emergencies which the Commissioner designates. The requirements governing whether any given paper or fee may be given the filing date of the day on which it was, or would have been, deposited with the United States Postal Service will be set forth in regulations established by the Commissioner.

Section 21(b) of title 35 is identical to existing section 21 with two minor amendments. The word "federal" has been inserted before the phrase "holiday within the District of Columbia" to clarify the nature of the holiday.

SECTION 13

This section clarifies the authority of the Commissioner in section 6(a) of title 35 to enter into a wide range of cooperative agreements concerning the patent and trademark laws or the administration of the Patent and Trademark Office. These agreements are in addition to the exchange of publications authorized in 35 U.S.C. 11(b) and 12. These cooperative agreements may take the form of studies, programs, exchanges, and other similar ventures. Thus, the PTO could, for example, exchange patent copies, non-patent literature, tapes, or services in return for goods or services of value to the PTO.

SECTION 14

The amendments of 35 U.S.C. 115 and Section 11 of the Trademark Act of 1946 recognize the Hague "Convention Abolishing the Requirement of Legalization for Foreign Public Documents" which entered into force in the United States on October 15, 1981. The Convention abolishes the requirement of diplomatic or consular legalization for foreign public documents among countries adhering to the Convention. For documents from all other countries, diplomatic or consular legalization will still be required.

The amendment of 35 U.S.C. 261 is intended to give affirmative effect to acknowledgments executed pursuant to the Hague Convention.

SECTION 15

This section corrects an incorrect citation. Public Law 96-517 amended section 41 of title 35, United States Code, in a way which eliminated 35 U.S.C. § 41(a)(9). Unfortunately, section 13 of title 35, United States Code, was not amended accordingly by P.L. 96-517. This section corrects that oversight.

SECTION 16

Section 16 specified the effective dates of the Act. Increased filing fees resulting from the increased percentage recovery of Office costs will apply to all applications applied for on or after the date of enactment of this Act. Increased issue fees will apply to applications on file in the Office on such date. Increased maintenance fees shall only apply to applications filed on or after the date of enactment. Until the maintenance fees prescribed by section 3 of this Act are in full effect, front-end fees for other than design patent applications must recover in aggregate 50% of Office processing costs. After maintenance fees are in full effect, the Commissioner may adjust fees so that maintenance fees recover more than 50% of Office costs, while front-end fees, accordingly, recover less than 50% of Office costs.●

AGRICULTURAL MARKETING ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SHAMANSKY) is recognized for 10 minutes.

● Mr. SHAMANSKY. Mr. Speaker, I have introduced legislation to eliminate Federal marketing orders for fruits, nuts, and vegetables. The marketing order system has proven to be a burden to consumers and growers and has led to the scandalous destruction of food. Marketing orders keep food prices artificially high and are an unnecessary Government interference in the free market.

Established in 1937 when farmers faced ruin due to Depression-level prices, agricultural marketing orders empower producers and handlers of 34 commodities worth approximately $5.2 billion to form administrative committees. These committees act as Government-backed cartels to regulate their respective crops.

Producers control the price of their commodity by restricting the volume. They decide: First, who can sell his crop; second, how much of a crop can be sold; and third, what the individual commodity must look like, weigh, and the size it must attain to be sold.

The administrative committee board members of these federally backed cartels are selected based upon the share of the market they command. Therefore, they tend to be dominated by large producers. In the case of the Navel Orange Administrative Committee, two agricultural cooperatives control 70 percent of the board.

One method by which the committees control the volume of the crop that reaches the fresh food market is by producer allotments. Cranberries, Florida celery, and hops are covered by a marketing order that establishes producer allotments. Each producer is assigned a maximum specific quantity to be sold off the farm. Allotments are normally based on historical sales levels. Therefore, a producer who wishes to enter into the market for the first time is barred entry. As a result, there are only 28 producers of Florida celery, which had a crop worth over $37 million this past year—an average of over $1.3 million per producer.

Marketing order committees also restrict volume by a standard control under which the entry is not limited. Any producer may sell his crop as long as he does not exceed weekly or seasonal limits set by the committee.

Committees also control the quality of a crop. Defenders of the system argue that this control keeps inferior produce off the market by regulating size, weight, and appearance. In practice, however, this provision becomes just another way to limit the portion of the crop that goes to market. Qual-

ity control provisions then emerge as a special burden to consumers suffering from inflation and unemployment. Even if they could not afford the cartel-priced food, they could buy smaller or blemished produce at a lower price.

Last year, news reports of tons of California navel oranges rotting in groves brought the absurdity of the existing marketing order system to public attention. Faced with a record crop, navel orangegrowers kept 40 percent of the 3.1-billion-pound navel orange crop off the fresh market. This action kept prices artificially high. Sixty million dollars worth of oranges were processed for juice, fed to cattle, or left to rot. One California grower who sent 115 tons of eating oranges to a consumer co-op for sale to the poor at cost—rather than waste the food—was fined.

Rotting navel oranges are but one example of the tremendous waste resulting from the marketing orders. During the 1972-73 season, 22.9 million pounds of tart cherries were not harvested. Between 1969 and 1972, 75,393 tons of prunes worth over $10 million were destroyed. Last year, 130.8 million pounds of peaches did not reach the market. There are countless more examples of fruit and vegetables being diverted—in many cases, destroyed—to keep consumer prices high.

Federal agricultural marketing orders have been criticized repeatedly. Four of the last five administrations, including the current one, investigated marketing orders. The Reagan administration targeted marketing orders for review as part of its effort to deregulate the economy. In spite of its repeated calls for less Government interference in the marketplace, the administration merely has revised the guidelines for agricultural marketing orders. Congress now must act to end this wasteful system.

Defenders of the marketing order system argue that it is necessary for the farmers and a service to consumers. They contend that without the marketing orders, farmers would be unable to earn a decent profit on their crop. Barring extraordinary economic situations like the Great Depression, this is patently untrue. Studies have shown that if the price of fruits and vegetables were to decrease, consumers would purchase more and producer revenues would increase. But we do not really need studies by agricultural economists to convince us that people will buy more when prices drop. Ask the auto companies for the rationale to their rebates. Ask any retailer why he holds a sale.

The demand for nonessential foods, like fruits and vegetables for which there are substitutes, is elastic. Price affects demand. Furthermore, it is interesting to note that aggregate consumption of fresh fruit and vegetables has decreased. Between 1952-56 and 1974-78, fresh fruit consumption dropped by 20.9 percent and fresh vegetable consumption by 5.6 percent. During this same period, processed fruit consumption increased by 37.4 percent and processed vegetable consumption by 34.2 percent. High prices have contributed to driving consumers away from fresh produce.

Defenders of the system also argue that marketing orders stabilize prices. Statistics do not bear this assertion out, however. Between 1970-71 and 1979-80, the price of California pears experienced an annual average variation of over 44 percent, Colorado peaches varied an average 39.6 percent, tart cherries varied an average 49.2 percent, and the average annual variation in the price of Texas onions was 68.4 percent. In 1977-78, California navel oranges cost $5.99 per box. Despite a record crop, that figure rose to $7.05 a box the following year. A still larger crop brought the price of a box of navel oranges down to $3.93 per box in the 1980-81 season. Other crops experienced similar price fluctuations from year to year.

Even the producers do not unanimously support the marketing order system. Although the largest producers support it because they have the most influence over the conditions of regulation, smaller producers criticize the sytem. Regulation hurts them more than larger producers because the smaller producers are prohibited from selling a larger volume. They are forced to remain small. Defenders of the system argue that deregulation will hurt smaller producers most, yet these same smaller producers favor elimination of the marketing order system.

Other attempts have been made to reform the marketing orders. My colleague from California, Representative GEORGE MILLER, has introduced legislation to enlarge the public representation on the administrative committees. The Reagan administration asked producers about this suggestion. the U.S. Department of Agriculture task force reported "widespread industry opposition" to permitting any nonindustry representation on order committees. The task force noted that "the feeling is strong enough that a number of marketing orders would discontinue operation if required to have a significant number of public or nonindustry members on the committee. . . ."

The obvious question is, what do the committees feel they have to hide? Are their activities so inconsistent with the public interest that they cannot abide public involvement? If the marketing order members refuse compromise, a different solution is required.

The bill I have introduced, H.R. 5423, would eliminate the statutory authority for marketing orders for fruits, nuts, and vegetables. Growing of these crops would then be subject to the same antitrust laws as other sectors of the economy. The Government-permitted cartel would be ended.

At a time when millions of Americans are suffering from the effects of recession and unemployment, it is unforgivable that we allow food to be destroyed and prices to be inflated artificially. I urge Congress to continue what the Reagan administration seemed to start and then backed off from, that is to eliminate the anticompetitive, anticonsumer, senseless marketing orders for fruits, nuts, and vegetables.●

TECHNOLOGY EDUCATION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, on behalf of Congressmen EDWARDS and MILLER of California, and myself, I am today introducing the Technology Education Act of 1982, a bill which will stimulate the donation of computers and similar technological equipment to this Nation's primary and secondary schools.

My bill would liberalize the charitable deduction that a business could take for contributing such equipment. I am introducing this legislation in response to an offer by the Apple Computer Co. to provide free of charge a computer center to all 75,000 primary and secondary schools in the United States. This gift would have a total value of between $200 and $300 million. It is my hope that this most generous contribution by Apple Computer would spur other computer and high-technology companies to donate equipment to our schools.

Mr. Speaker, it is increasingly clear that our economic viability rests upon this Nation's ability to compete successfully in the ever-expanding market for computers and other forms of high-technology equipment. Of course, this is hardly a startling observation. The Japanese have been aware of this for years and turn out twice as many electrical engineers per capita as we do. The Japanese are ahead of us in some areas of semiconductor manufacturing but behind us in the development of software. Recognizing this, the Japanese Ministry of International Trade and Industry is providing the country's leading computer makers $150 million over the next 3 years to create new operating systems for hardware. The donation of advanced technological equipment to our schools is one of the ways in which we can combat foreign competition in this area. At the same time, we are all aware that while the need for training

has never been greater, cutbacks in the budget are making it harder and harder for local school systems to provide even the most basic of teaching facilities, let alone expensive technological equipment. This legislation would encourage the active participation of computer and similar high technology firms in the education of those who are its future employees as well as its future customers.

This legislation would provide that contributions of technological equipment would be treated the same as current donations of scientific equipment to colleges. In addition the bill would provide for a temporary raising of the maximum allowable charitable contributions from 10 to 30 percent of a corporation's income. These changes provide more generous charitable deductions for corporations, but provide correspondingly far greater benefits to the students in our Nation's schools.

Mr. Speaker, I want to commend Steven Jobs and the people at Apple Computer for their foresight and willingness to invest in today's students. I hope that we can meet them at least part of the way by adopting this relatively simple measure. I hope that my colleagues will cosponsor this legislation and help it on to a swift passage.●

THE MAJORITY LEADER'S PROPOSALS TO IMPROVE THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, if Congress accepts the President's recent budget proposal, we will be agreeing to a course of action which will put the budget further and further out of balance. Insuring higher interest rates which prevents economic recovery. I was, therefore, very interested in the ideas proposed yesterday by the distinguished majority leader, JIM WRIGHT, to lessen the interest rate. If the administration is not willing to alter its course of large tax cuts combined with large defense spending, which necessarily results in a revenue imbalance affecting interest rates, then perhaps Congress should tackle the interest rate issue head on through the Tax Code by making it more attractive financially to lenders to lend at a lower rate. This is the essence of the majority leader's proposal which would:

First, tax at the rate of 80 percent all interest received above 15 percent on any loan. The 15 percent would include discounts and origination fees.

Second, exempt from tax income resulting from the first 3 percent of any loan whose terms are less than 10 percent.

The interest rate proposal was only one of several ideas proposed by Mr. WRIGHT to deal with high deficits, high interest rates and unemployment. I commend the majority leader for proposing these alternatives to the administration's economic formula which has produced record high interest rates, deficits and unemployment. I insert below Mr. WRIGHT's remarks on these issues:

THE VICIOUS CYCLE (RECORD-HIGH DEFICITS, INTEREST RATES, UNEMPLOYMENT) AND HOW TO BREAK IT

We face three overwhelming problems. They are rapidly approaching crisis state. The Reagan-Stockman deficits for 1982, 1983 and 1984 are the highest in history. Interest rates in real terms are the highest since 1932. And there haven't been this many people out of work since the Great Depression.

The three ills feed on each other. Record deficits provide the rationale for increasing interest rates, which in turn create more unemployment, and this in turn drives the deficit higher.

Dramatic action is needed to bring them all down. The cycle will not be broken unless we move decisively to break it. The recession will not "cure itself" as Mr. Stockman suggested last week. Mr. Reagan has asked for specific suggestions of an alternative course of action. Following are a few such suggestions.

THE DEFICITS

(1) Cut $8 billion off the 1983 deficit and $11 billion from the 1984 deficit by terminating the ill-conceived leasing agreement which lets big corporations buy and sell tax avoidance schemes.

(2) Reduce the Kemp-Roth individual rate cut due in July of 1982 from 10 percent to 5 percent. Eliminate the 10 percent cut due in mid-1983. This would save $37 billion in revenues in 1983 and $61 billion in 1984, reducing the deficits by these amounts.

(3) Hold the increase in military spending to the 7 percent annual real growth figure suggested by President Reagan last year. After adjustments for inflation, military spending is increasing by approximately 9 percent in 1982 and under the President's budget would increase by an additional 13 percent in 1983. Holding the real growth rate to 7 percent annually would save at least $12 billion in 1983 and a similar amount in 1984.

These cuts would make substantial inroads into the deficits without imposing any new taxes or cutting military growth below the President's proposed 7 percent rate.

INTEREST RATES

We desperately need a new and different approach to interest rates. The Federal Reserve is either unwilling or unable to recognize the devastation that prolonged high interest has inflicted upon the economy, and the President seems unwilling to assert executive responsibility.

Largely because of interest rates continued at record levels over an unprecedented period of time, industrial production has declined by 3 percent and the long-promised economic recovery is stillborn.

Unless interest rates come down dramatically and very soon, with reliable promise of remaining stable thereafter, we very quickly shall begin to see the most disastrous wave of bankruptcies and foreclosures since the 1930's.

By traditional terms there is utterly no economic justification for the prime interest rate remaining 8 or 10 points above the rate of inflation.

Since traditional remedies and the application of reason have not availed, it is time for us to consider very seriously some dramatic and perhaps untraditional remedies. Interest rates will come down when lenders find that it pays to lower them. It may be time to consider:

(1) Taxing at the rate of 80 percent all interest received above 15 percent on any loan. The 15 percent would include discounts and origination fees.

(2) Exempting from tax income resulting from the first 3 percent of any loan whose terms are less than 10 percent.

UNEMPLOYMENT

Two pillars of the American economy are crumbling: the automobile industry and the building trades. Between them they account directly and indirectly for at least one out of every four jobs in America. Both homebuilding and domestic automobile production are at their lowest levels in a generation

To revive these very basic American industries, we need to consider some such market incentive as the following:

(1) A $1,000 tax credit for 1 year, payable "up front", to anyone who buys an energy-efficient American-made automobile in 1982. If auto sales of such American-made products should reach 1.5 million, the revenue loss to the Government would be $1.5 billion.

However, if we should assume that such an incentive would stimulate only 500,000 such sales, this would put 250,000 unemployed auto workers back to work. The taxes they would pay, the unemployment compensation the Government would save, and the additional taxes rendered by automobile corporations and dealers, according to one study, would recoup approximately $1.2 billion of that figure for the Government within 1 year.

(2) A similar, and somewhat higher tax credit for anyone who buys or contracts to buy a new home in 1982.

(3) A retraining program for the structurally unemployed to equip them with usable, marketable skills and get them off the unemployment rolls and onto productive payrolls as soon as possible.

The remedies set forth above may seem bold. One or more of them may even seem unorthodox. But the administration's much-heralded business tax cut was retroactive to January of last year, and the first stage of the Kemp-Roth plan has been in effect since last October. Manifestly they are not working. They have not stimulated investment in job-creating enterprises. Nor do they seem likely to do so. The Commerce Department itself forecasts for this year an actual decline in real business investment this year below last year's figure. The public recognizes that the retrenchment plan is not working. People responded by a two-thirds majority in the Washington Post-ABC poll last week that the President is on the wrong track economically and that we need something decisively different.

The above is conceptual. It may need refinement. But every week brings new signs of the recession's deepening, and we need to plan and act boldly if a serious economic depression is to be avoided.●

DEPUTY CHIEF AUBREY D. MAJORS

The Speaker pro tempore. Under a previous order of the House, the gentlemen from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, as President Reagan has said, we do not have to turn the pages of history books to read about heroes, there are heroes among us—ordinary Americans who have given and continue to give above and beyond the call of duty. It is my privilege to honor today one such hero, Deputy Chief Aubrey D. Majors, who will be recognized on February 26, for his 30 years of unselfish and dedicated service in the California Highway Patrol.

Deputy Chief Majors joined the highway patrol in 1951 and was promoted to sergeant in 1956, to lieutenant in 1962, to captain in 1963, to assistant chief in 1971, and finally to deputy chief in 1972. Having risen to the highest civil service level in the department from that of a road patrolman, he has commanded respect and admiration at every step of the way. Over his long tenure, Mr. Majors' expertise in management skills earned recognition for his division as the best managed in the department. This was accomplished by stressing high individual performance and maximum efficiency of operating units. His special ease in interpersonal skills inspires all those he comes in contact with. His uncanny ability to relate to people was superbly evident during the Chowchilla schoolbus kidnaping tragedy in 1977. He directed the department operations throughout the entire search, requiring constant interaction with all those involved, and was commended by the Lieutenant Governor for superior performance.

Aubrey Majors is a symbol of the dedication, selflessness, and integrity of peace officers all over the country. He personifies the honesty, competence, and compassion we as Americans look for in those who put their lives on the line every day to protect us. It is people such as Mr. Majors who help keep the American spirit alive and growing strong.

I wish him well in his retirement. He will certainly be missed.●

LEGISLATION INTRODUCED TO PROVIDE RELIEF FROM UNEMPLOYMENT INSURANCE PENALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BAILEY) is recognized for 5 minutes.

● Mr. BAILEY of Pennsylvania. Mr. Speaker, today I am introducing legislation to provide much-needed relief from the burdensome and unfair penalty taxes imposed on employers in States with outstanding unemployment insurance loans from the Federal Government.

Senators DON RIEGLE and CARL LEVIN, both of Michigan, have introduced this measure in the Senate and I am proud to introduce their bill here in the House. Our measure will address the crisis faced by many Northeastern and Midwestern States whose unemployment insurance funds are inadequate to meet benefit payments forcing them to borrow from the Federal Government with little immediate prospect for being able to repay these loans.

Under the present unemployment compensation program, employers in States that fail to repay outstanding loans within 2 years are subject to an additional penalty tax of 0.3 percent in every year in which the loan is not repaid. These penalty taxes, especially when added to the increase in social security payroll taxes, add to the cost of labor and dampen the prospect for economic recovery in these States, rather than enhance it. To date, employers in 11 States and jurisdictions—Connecticut, Delaware, District of Columbia, Illinois, Maine, New Jersey, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and the Virgin Islands—are subject to the penalty tax. They are forced to pay the costs of an unemployment problem that is not of their making and bear the brunt of an economic policy that is clearly not working.

The present unemployment compensation financing system undermines economic revitalization in these affected States. At the same time the whole economy is struggling because of high interest rates, sluggish consumption, and increasing indebtedness, the employers in these 11 States and jurisdictions are penalized even greater. The present system discourages new investment, new hiring, and the economic growth that would increase a State's revenue base. It drives business to relocate in other States, keeps factory gates closed, and results in the unemployed remaining unemployed. The measure I have introduced today will lift this burden and allow these States to compete on a fairer footing with other States to attract new investments, new businesses, and new jobs.

The bill I am introducing has three components. First, it provides a moratorium on the repayment of an outstanding unemployment debt in any State that has an insured unemployment rate of 5 percent or more. This moratorium would remain in effect as long as the State's insured unemployment rate exceeded this specified level. Second, the bill waives the assessment of interest on any outstanding balance during the period when the State's insured unemployment rate exceeds 5 percent. This provision changes the law that was enacted by the Omnibus Reconciliation Act of last year. That law requires States which take new loans to finance their unemployment programs to pay interest on those portions of the loans that are not repaid by the end of the fiscal year in which they were obtained. This requirement, like the others, penalizes those States that lose revenue from jobs lost, are required to pay increased unemployment benefits, and are forced to find revenue to repay both unemployment loans from the Federal Government and any interest assessed. Today's bill would not repeal current law, but only waive the interest assessment when a State's insured unemployment rate is 5 percent or above. Lastly, the bill would stop the imposition of any new penalty taxes on employers' payrolls and lift the penalty taxes now in effect in the 11 States and jurisdictions I listed earlier in my statement.

Mr. Speaker, the measure I have introduced today will go far in correcting a clear inequity in our system of unemployment compensation financing. To penalize States and employers because policies pursued in Washington have failed and instead increased their unemployment rate is blatantly unfair and irresponsible on our part. I encourage my colleagues to evaluate this measure and join Senators RIEGLE and LEVIN and myself in enacting the legislation that we believe is necessary to encourage the economic revitalization of these affected States and the Nation as a whole.●

RANDOLPH R. THOMAS IS DISTINGUISHED IMPERIAL POTENTATE OF SHRINERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 60 minutes.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, last evening I had the honor and privilege of hosting a reception for Randolph R. (Randy) Thomas, the imperial potentate of the Ancient and Arabic Order of the Nobles of the Mystic Shrine.

Joining with me in hosting that event was Joseph D. Hill of Ocala, Fla., the illustrious potentate of Morocco Temple of the Shrine of Jacksonville, Fla., the temple to which I and Randy Thomas belong.

In hosting this reception, we sought not only to recognize a close personal friend and distinguished business

89-059 O-85-21 (Pt. 2)

leader, but also to honor the Shriners of North America for what they have done for the crippled children of this Nation through their Shrine hospitals and burns institutes.

It is a remarkable endeavor.

Randy Thomas is the first Floridian ever to head the Shrine. Adding to this distinction, the Shriners have already voted to build a new hospital for crippled children in Tampa, Fla., to be opened in 1984. That hospital will add to a proud heritage.

Let me review a few facts and figures about the Shrine hospitals through December 1980.

As Shriners Hospitals for Crippled Children completed their 58th year in 1980, they did so with the knowledge that they have cured or substantially helped more than 235,884 children.

Since the first hospital opened in Shreveport, La., in 1922, there have been approximately 329,690 operations performed. There have been 270,462 braces and prostheses applied, approximately 3,159,595 X-rays and photos taken, 5,955,030 physiotherapy treatments given and 2,405,363 clinic visits. Between January and December 1980, 12,845 new applications were handled by the 21 hospitals, which include the 3 burns institutes.

More than 16,736,753 patient-days have been recorded in our 18 orthopedic units and 376,080 patient-days in the brief history of our burns institutes. The first burns unit was opened in Galveston in 1966.

The average length of stay for acute burns patients from January through December 1980, was 34 days. The average length of stay for patients in the 18 orthopedic units for the same period was 24 days.

Since Shriners hospitals were established, a total of approximately $516,540,000 has been spent by the Shriners for operating all 21 Shriners hospitals. The Shrine has spent $90,065,403 in construction costs. The 1981 operating budget for Shriners hospitals will run in excess of $67,107,000.

Shriners hospitals were among the first specialized orthopedic hospitals in North America and their pioneer efforts earned them an international reputation. Through the years, with the conquest of polio and medical advances, orthopedic care became more accessible. As a result, Shriners hospitals moved into research and specialization. Today these "centers of excellence" have become major referral hospitals where the more specialized and complicated orthopedic problems are treated.

The Shrine's funding of orthopedic research has risen steadily, from thousands of dollars in the sixties to millions of dollars today. Extensive investigations into the causes of crippling diseases, and into enzyme factors that may be useful in detecting cancer, continue. The Shrine further expanded its scope of research in 1980 with the opening of the Nation's first spinal cord injury center for children at the Philadelphia hospital.

After 40 years in orthopedic medicine, Shriners became aware of another unmet need in children's health care—severe burn injuries.

In the early 1960's, the Shriner's burns program began with three separate units in medical schools. These units were incorporated into the three Shriners burns institutes in the sixties. The three 30-bed institutes are located in Galveston, Tex.; Boston, Mass.; and Cincinnati, Ohio; and they are affiliated with the University of Texas Medical Branch, the Harvard Medical School, and the University of Cincinnati, respectively.

Each burns institute's affiliation with an outstanding medical school supports its threefold purpose: To treat severely burned children; to conduct research and improve methods of burn treatment; to train and educate other medical personnel in the care and treatment of burn injuries.

Since the institutes opened, the survival rate for children with a 50 percent burn has doubled. Today Shriners burns institutes are saving the lives of children with 90 percent burns.

As in the Shrine's orthopedic hospitals, all treatment is provided at no cost to patients, their families, or any third party. As one Shriner put it, "We can't put a price on what we do for children, so we do it for free."

On a very personal note, I believe that the real contribution of the Shrine has not been in those children who have been treated, but rather in the advances in medical science which have come from that work. Shriners have reason to feel proud that there are tens of thousands of children who will not have to suffer because of what medical science learned from the more than half a century of treating crippled children.

I wanted you, the Members of the Congress, and through you, to the American people, to pay tribute to this organization for all that it has done, is doing, and will do for those less fortunate—crippled children.

My friend, Randy Thomas, was elected imperial potentate of the Shrine of North America at the 107th Imperial Counsel Session in New Orleans, on July 15, 1981.

A graduate of Jacksonville University, he serves as president and chief executive officer of McDuff Appliances Stores, which he founded. He serves on the boards of directors for the Bank of Green Cove Springs and Sav-A-Stop, Inc., where he is a member of the executive committee. Thomas also has real estate holdings throughout Florida and Georgia, including a Holiday Inn in Panama City and a large franchised motor hotel in Titusville, Fla., both of which he owns and operates.

Randy has been a Shriner since 1952. While potentate of Morocco Temple he served as president of the Florida Shrine Association and has been serving as a representative since 1967. In 1972, Thomas was elected to the Imperial Divan. Since then he's chaired the committee to relocate Shrine headquarters, which culminated in its 1980 move to Tampa, and contributed considerable time and expertise as chairman of the Shrine's investment committee from 1977-81.

A past master of his lodge and former district deputy grand master, Thomas belongs to the Scottish Rite, York Rite, Red Cross of Constantine, and the Royal Order of Jesters. He has been serving on the endowment and investment committee, Grand Lodge of Florida, for the past 9 years and its recipient of the honorary 33d degree.

Thomas' community service is extensive. In March 1981, he was appointed by Gov. Bob Graham to the Florida Council of 100, the prestigious economic development arm of the State. He also serves on the boards of the Florida Retail Federation, Big Brothers of America, the Leukemia Society (national), and the Jacksonville Port Authority. He is a former three-term chairman of the Jacksonville Port Authority, two-term chairman of the Florida Game and Freshwater Fish Commission, and chairman of the board, Associated Industries of Florida.

His other memberships include: The Rotary Club, Jacksonville Tourist and Convention Bureau, the Gator Bowl Association, the Committee of 100, Jacksonville Chamber of Commerce.

Among the many honors he has received are the Sales and Marketing Association's Outstanding Management Accomplishments in Commerce and Industry Award and the 1969 Man of the Year Award from the Propeller Club of the United States.

Randy and his wife Olene reside in Ponte Vedra where they are active in the Timuquana Country Club, Ponte Verdra Club, River Club, and St. Mark's Episcopal Church.

Mr. Speaker, at this time I would like to yield to my colleague from Florida, Hon. SAM GIBBONS, who represents the district where not only the new hospital is being constructed, but also the national headquarters has just been relocated.

Mr. GIBBONS. Mr. Speaker, I thank my distinguished colleague from Florida for yielding to me.

Mr. Speaker, as Mr. FUQUA pointed out, the North American headquarters of the Shrine has recently been located in Tampa, Fla., the area that I am privileged to represent. We in Tampa are most proud of that. We would like

to think it is located there because we have the finest Shriners in the world there. I know from my own personal experience that these people do a lot of good; good for all people, but particularly for young people who suffer handicaps and suffer from accidents.

I am also very happy that they are locating in our Tampa Bay area a crippled children's hospital, and I hope that they will expand it to help the burned children. Shriners throughout North America are noted for their generosity, for their patriotism, and for their fine acts and deeds to all of mankind. They are entertaining. They help to take our minds off of some of the more serious things. They always put on wonderful public spectacles in their communities for the enjoyment of the entire population. And, while they do that, they are helping others, raising funds, expending money, giving of their own personal time and services.

So, I commend my colleague, Mr. FUQUA, for having had a special reception for them last evening here in Washington. Unfortunately, Mrs. GIBBONS and I were not able to attend, but I thank Mr. FUQUA also for holding this special order, because at a time in the history of our Nation when we are tempted to think about resources and the economic problems we are having, it is good to know that there are public spirited people who think about other folks, particularly the young and the handicapped young, and do it in such a benevolent and generous and professional way that really delivers a lot of good for people.

So, I join with Mr. FUQUA and our other colleagues in saluting this very worthwhile organization.

Mr. FUQUA. Mr. Speaker, I appreciate my colleague's comments.

● Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Florida, for requesting this time to honor one of our Nation's greatest philanthropic organizations, the Shriners of North America.

Through their dedication and tireless work, the Shriners have raised more than $516 million in the past 60 years which has been spent to care for children at the 18 Shriners hospitals throughout the Nation. Since the Shriners opened their first hospital in Shreveport, La., in 1922, they have been providing the most modern health care to our Nation's children. In all, 235,000 children have been touched by the love of this outstanding organization.

And I am proud to say that the Shriners will soon extend a helping hand to my area of Florida, when the new Tampa Shriners Hospital opens in 1984. My colleagues from Florida and I are pleased to know that the children of Florida will have this tremendous health care facility available to them.

Throughout our country's history, the American people have embodied the spirit of voluntarism to help those who are less fortunate. At the forefront of this national effort are the Shriners, whom we honor today.●

● Mr. SUNIA. Mr. Speaker, I know I speak for my constituents when I combine my voice with those others that have been raised here today in special tribute to the Shriners of North America. In doing so, may I commend our colleague, the Honorable DON FUQUA for calling forth praise for an organization long active in its contributions in aiding children suffering from crippling diseases or recovering from serious burn injuries.

The Shriners is an international organization and as such its influence and nurturing efforts have been felt all over the globe, including distant parts of our own Nation. American Samoa, for example, has benefited from the helping hand of the Shriners, particularly through their excellent facilities in Hawaii which serve a large number of people from throughout the Pacific.

On behalf of the many Samoan children who have experienced the continuing care, concern, and expertise found in the many Shriners' hospitals, I applaud and thank the organization for its efforts. American Samoa is deeply appreciative of this fine organization's consistent ability to assist our disabled children and its continuing efforts to innovate and maintain research in the field of medical science.●

● Mrs. HOLT. Mr. Speaker, all of us should be pleased that the gentleman from Florida (Mr. FUQUA) asked for this special order of business to honor the remarkable accomplishments of the Shriners in serving crippled children.

I cannot think of anything that could deserve our support more than the care and rehabilitation of crippled children, and it is important that we celebrate the tremendous volunteer efforts of the Shriners to provide those services.

I am also informed that very important advances in the medical sciences have been made through the work sponsored by the Shrine.

Today, when we realize that government can not do everything for everyone, we especially need volunteer efforts and this worthwhile organization has certainly given us a fine example. In my own State of Maryland the Shrine has made great contributions.

Let us join together to thank that organization for its compassion and action to help the crippled children of our country.●

● Mr. DERWINSKI. Mr. Speaker, I am pleased to join in paying this special tribute to the Shriners of North America for their outstanding and dedicated work in providing the necessary programs for those children requiring special care.

The work of the Shriners in the orthopedic field has provided a valuable and important service to the communities where their hospitals are located. The Chicago Shriners Hospital in Illinois as well as the other 20 hospitals built by the Shrine of North America provide excellent medical care and services; and the research conducted by these hospitals has been effective in improving children's health care programs.

I commend the Shriners for the effective service in this most important field, and for their dedication and vigorous spirit shown in civic endeavors. I would also like to take this opportunity to congratulate the imperial potentate of the Shrine, Randolph R. Thomas, for his leadership and work on behalf of crippled children. It is obvious that the true strength and real greatness of our Nation is based on accomplishments such as those of the Shriners.

I extend my best wishes for continued success in your future endeavors and in your most recent accomplishment of building a Shrine Orthopedic Hosptial in Florida. I commend the Shriners for a job well done.●

● Mr. MINISH. Mr. Speaker, it is a pleasure to participate in this tribute to the good work on behalf of crippled children done by the Shriners of North America. Their contributions to medical research, as well as their humane care for the young victims of disease, should be well known to all of us.

In my area of New Jersey, many of us have witnessed this service firsthand, not only on behalf of children, but for others as well. The Masonic Service Association of the United States has brought to us its voluntary hospital visitation program in the various military and veterans' facilities to care for the needs of those who have served our country.

In nearby East Orange, Mr. Edward C. Neisten has led the selfless efforts of area Masonic volunteers to help and comfort patients who often have no one else to turn to.

The Masonic hospital visitation program is also conducted at the Lyons VA Medical Center, the hospitals at Fort Dix and Fort Monmouth, and recently at the New Jersey War Veterans Home at Vineland. Throughout the Garden State, Shriners have been making life better for deserving patients regardless of race, religion, or age.

At a time when budget cuts have been particularly severe in areas like care of veterans and medical programs, the Shriners become more important than ever in their efforts to supplement health care and advance

medical research. May they continue and redouble their worthy efforts.●

● Mr. LEHMAN. Mr. Speaker, I wish to add my own congratulations to Imperial Sir Randolph R. Thomas, imperial potentate of the Ancient Arabic Order Nobles of the Mystic Shrine. We honor him not only for his election to this high office, but also for the wonderful work the Shrine has carried out in the area of health care for children.

Nearly a quarter of a million crippled and burned children have been helped by the hospitals founded by the Shriners throughout the country. I am especially pleased that a new facility will soon be opened in our State of Florida. An orthopedic hospital is scheduled to open in Tampa by 1984.

Certainly the Shriners exemplify the spirit of voluntarism about which we hear so much today. They should be proud of their fine work, and I am sure that it will continue under the leadership of Randolph R. Thomas.●

● Mr. PEPPER. Mr. Speaker, I am pleased to take part in this special order honoring the Shriners of North America and especially Mr. Randolph R. Thomas, of Jacksonville, Fla. I also want to thank my colleague, Mr. FUQUA, for requesting this special order.

We are all aware of the tremendous service that the Shriners have given for the children of this country. Their orthopedic hospitals, burns institutes, and the new spinal cord injury center have served hundreds of thousands of children. The Shriners, through their good efforts, have been able to save tens of thousands of lives, and have healed hundreds of thousands of children. A few statistics will vividly demonstrate this.

In the 58 years that Shriners hospitals for crippled children have been open, they have cured or substantially helped more than 235,884 children.

Since the first hospital in Shreveport, La., opened in 1922, there have been approximately 329,690 operations performed. There have been 270,462 braces and prostheses applied, approximately 3,159,595 X-rays and photos taken, 5,955,030 physiotherapy treatments given, and 2,405,363 clinic visits.

More than 16,736,753 patient-days have been recorded in the 18 orthopedic units and 376,080 patient-days in the burns institutes.

Since Shriners hospitals were established, a total of approximately $516,540,000 has been spent by the Shriners for operating all 21 Shriners hospitals.

Mr. Speaker, it is hard to imagine the long-term suffering that would have occurred if the Shriners hospitals and burns institutes had not been there to help children.

In addition to the current services that the Shriners provide, extensive investigations into the causes of crippling diseases, and into enzyme factors that may be useful in detecting cancer, continue. With the opening of the new spinal cord injury center in Philadelphia, the Shriners are also on the forefront of medical research in this area.

Mr. Speaker, I would also like to congratulate Randolph R. Thomas of Jacksonville on his election as imperial potentate of the Shrine of North America. Mr. Thomas exemplifies the civic-minded dedication that has made the Shriners one of the most highly regarded philanthropic organizations in the world. He has been active in Florida business, civic life and has served throughout the years in many capacities with the Shriners. It is fitting and just that a person, like Randy Thomas, has been elected to head this international organization.●

● Mr. FASCELL. Mr. Speaker, I would like to thank our colleague, DON FUQUA, for this opportunity to pay tribute to an organization which over the past 60 years has selflessly dedicated itself to the health and well-being of thousands of children across the country—the Shriners of North America.

Since its initial inception of 13 members in 1872, the Shriners have developed into an international organization incorporating over 1 million members. As the membership has grown, so have the goals of the Shriners.

Since 1922, the Shriners have committed themselves to needy children suffering from crippling diseases. More recently, the Shriners have expanded their efforts by supporting three Shriner burn institutes which treat severely burned children as well as conduct research and develop improved methods of burn treatment.

Thanks to their concern, the Shriners can take pride in knowing that nearly 250,000 children and their families have benefited from the services now provided by the 21 Shriner hospitals located across the country.

I am pleased to note that the 22d Shriner hospital will soon open in Tampa to serve the deserving children in Florida and the surrounding States in the continuing spirit of this fine organization.

I would also like to recognize and congratulate Randolph R. Thomas, who was elected imperial potentate of the Shrine of North America last July. Mr. Thomas is the first Floridian to have the honor of leading this international organization, and I am confident that the Shriners will benefit under his leadership.

I know I speak for the children and their families, whose lives have been touched by the good will of the Shriners, by extending my sincere thanks and warmest wishes for the continued success of this exemplary organization.●

● Mr. HUTTO. Mr. Speaker, it is an honor for me to join my colleagues from Florida in honoring the Shriners of North America and particularly in saluting their imperial potentate, Randolph R. Thomas, who is a member of the Morocco Temple, Jacksonville, Fla. Randy Thomas is the first Floridian to hold the high office of imperial potentate, and all the people of our State are very proud of the fine work he has done and the recognition he has earned.

Over the past 60 years, the Shriners have successfully treated thousands of children through their extensive children health care programs. With three highly acclaimed burns institutes, which provide professional care for severely burned children, and 18 crippled children hospitals scattered throughout the United States, the Shriners continue to graciously give of their time and energy in providing this special heath care for our Nation's children.

During my years in public service, I have had the privilege, through Hadji Temple in Pensacola, Fla., to see on the local level the hard and dedicated work that goes into maintaining these fine medical facilities.

As previously stated by our colleague, DON FUQUA, the Shriners have recently decided to build an additional children's hospital in the Tampa Bay area. I join in expressing my sincere appreciation to the imperial potentate and to the entire membership of the Shriners of North America for this decision. I know that this new hospital will be of great service to the citizens of Florida and the surrounding States.●

REMARKS OF SPEAKER THOMAS P. O'NEILL, JR., NATIONAL GOVERNORS' ASSOCIATION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, this morning the Speaker of the House, the Honorable THOMAS P. O'NEILL, JR., addressed the National Governors' Association, meeting in Washington, D.C. These are extremely important and significant comments on the issues facing the Congress and the country today.

Speaker O'NEILL's remarks were addressed to those problems and issues which must be faced by the Congress in the coming months, and so that this important and significant comment by the Speaker will be available to a wider audience here in the Congress and in the country, I would like to insert them at this point in the RECORD.

REMARKS OF SPEAKER THOMAS P. O'NEILL, JR., NATIONAL GOVERNORS' ASSOCIATION

I am glad for this opportunity to address this important group of national leaders. What you say about the Administration program—and what you say about the alternatives—will play a role in how the American people understand these issues. It will help to determine how Congress itself reacts to the Reagan program. The record shows that the Congress responds—for better or worse—to public opinion. The Governors of this country can help to ensure that the public is informed, that it understands what is being proposed, that it understands the costs of the President's programs as well as the benefits, that it appreciate the substance of the Administration program, not just the packaging.

I would like to say a few words this morning about the President's "new federalism" proposal and also about his budget proposals for fiscal 1983. I would like to begin with some personal reflections on our experience with the Reagan program last year. I think it tells us a great deal about what we should do in 1982. Perhaps more important, it tells us what we should not do in 1982.

In the Spring of 1932—in the very depths of the Great Depression—Colonel Jake Rupert, the owner of the New York Yankees, was having a salary dispute with his star player, Babe Ruth. He asked Ruth how he could ever justify making more money than the President of the United States, Herbert Hoover. "That's easy," he said, "I had a better year than he did."

If you look at 1981 in purely political terms, President Reagan had a great rookie year. He pushed through the greatest increase in defense spending in American history. He pushed through the greatest cutbacks in domestic programs and the largest tax cuts ever enacted.

The President achieved these political victories using a very simple appeal. He asked one question and one question only—are you for me or against me? Do you support the Reagan budget, lock, stock and barrel, or don't you? Do you support the Reagan Kemp-Roth three-year tax bill or don't you?

The President made a very tempting offer to the American people: they would get to pay less taxes; they would have less government bureaucracy, and more jobs—13 million more jobs; they would have more defense, meet more of our economic needs here at home, and on top of everything, they would have a balanced budget.

If you judge the President's performance in short-term political terms last year was a great success. If you judge it in terms of substance, in terms of real economic policy, it was a blueprint for disaster.

It wasn't the Democrats in Congress who made the decisive judgment on the Reagan program; it was the President's own supporters in the business world. On the very day the Reagan program was passed—on August 4 of last year—those same business leaders who had pushed the Reagan program so hard began to get frightened by it. For the first time, they had to make a tough choice: to continue to support the President and invest their dollars as if the Reagan "supply-side" program would work; or to go with their hard economic judgment and try to protect themselves.

For most businessmen, it was not a hard decision. When it came to the bottom line, the financial leaders of this country weren't fooled when the Administration said it had a "new idea" for meeting the nation's complex economic challenge. They saw that beneath all the new rhetoric, beneath all the new "supply-side" talk, the Reagan program represented the same old philosophy of fighting inflation with tight money, high interest rates, and finally recession. They recognized that the only thing new about Reagan economics was its reliance on high federal deficits. When it came to federal borrowing, Ronald Reagan would make every previous administration—Democratic or Republican—look like a piker.

Unfortunately for America, most of our business and financial leaders refused to speak out—until it was far too late. They were so busy promoting the Reagan economic program, so busy praising the virtues of the Reagan political philosophy, that they never bothered to understand the program. Only afterwards, when it was too late, did they come face-to-face with the true bottom line of the Reagan economic program: higher federal deficits for years to come, the highest real interest rates since World War II, and sadly but inevitably, the worst economic downfall since the 30s.

Last year, the President claimed a mandate from the electorate for tax relief, then pushed through a program that gave billions in relief to those in the top income brackets, that gave billions to the corporations, and left the average family with pocket change.

Last year, the President claimed a mandate for budget restraint and pushed through a program that cut student loans, social security, child nutrition and other programs which enjoy broad support from the American people. He pushed through a program that attacked the very foundation of American economic growth: the scientific and engineering programs that develop new technology; the education programs that train a literate and highly-skilled workforce; the employment services that help unemployed people find private-sector jobs.

You can't blame the public for not knowing what was in the final Reagan program. The President did everything to keep public attention on a single question: Are you for me or against me? His public relations campaign was a success. Night after night on the evening news, the story dealt not with what was in the program, but what its chances were. Every night, it was the President vs. Congress, the Republicans vs. the Democrats, Reagan vs. O'Neill.

There was little if any coverage of the Democratic alternatives. The fact is, the House Democrats offered a budget plan that would have preserved vital federal efforts—in education, in social security, in economic development. The fact is, the Democrats offered a tax bill that would have focused far more relief on those families in the middle income brackets—families making $20,000 to $50,000 a year. It would make the third year of the tax cut contingent on the President's own economic projections. Perhaps most important, the Democratic budget would have meant lower federal deficits.

All in all, our alternatives were not perfect, but they would have put the country on a much sounder economic footing than we have now. The country would be better off economically, and, ironically, President Reagan might be better off politically. Unfortunately, there was little public understanding of the whole debate, or of the choices that were being offered.

I am determined that our country not repeat the same terrible mistake in 1982.

The President's program this session has two parts: his "new federalism" proposal and his proposed budget for fiscal 1983. Both of these parts deserve hard scrutiny, and I can promise you they are going to get that hard scrutiny. Based on brutal experience I predict that the Congress will take a lot harder look at this year's proposals than they did at last year's. We will take a tough look at what is in these packages and how they add up; so will the American people.

The President proposes that we shift dozens of federal programs to the States and localities. He would also shift certain revenues to fund these programs.

Like everything the President recommends, the program sounds like a very good idea. People don't like bureaucracy and most people have a particular dislike for federal bureaucracy. Anything that gets rid of federal red tape obviously has a great deal of political appeal. I can think of a number of areas—navigable streams, education, and transportation, for example—where States are far better equipped to make decisions.

At the same time I have a major philosophical concern with the "new federalism" proposal. Clearly there needs to be a more orderly sorting-out of federal, state and local roles. We need to carry on this sorting out with an eye toward what each level of government does best. It is my own belief that the federal government is best suited to ensuring some minimal standard of economic security for all Americans. For me, poverty can never be considered the problem just of one State or of one locality. Where poverty exists, it concerns America as a whole. It must also remain the duty of Congress to address regional problems which cut across state lines.

Whatever action Congress takes on this proposal, I want to assure you that the House of Representatives wants to hear what you the Governors think. You are on the front lines. You know the problems. You have the experience and we need to share that experience.

From my own perspective, these are some of the problems that need to be addressed:

The President proposes that we send these programs back to the States but does he provide adequate funding to pay for them?

Does the President's overall budget policy undermines the efforts of the States to expand their tax bases?

Are you able to handle cuts in economic development funds and money for building and maintaining our basic infrastructure: our roads, sewers, harbors and mass transit systems?

I am concerned that this "new federalism" proposal is being offered as part of an overall retrenchment in social policy. President Reagan has said that "government is not the solution to our problems, government is the problem." That same President now argues that instead of meeting our social problems, we should buck those problems to the States.

There is also the matter of timing. I wonder if a period of national recession is a good time to carry out such a program. I wonder if a time when States and localities are forced to raise taxes to make up for declining revenues, a time when they are forced to pay murderous interest rates is a good time for asking them to take on new burdens. The record also shows that States took a big share of the beating in last year's budget cuts. I will do everything I can to make sure this does not happen again. "New federalism" must not become a cover for

new cuts in the very areas that have already been hit the hardest.

I would like to say a word about the Reagan-Stockman budget proposals.

The Administration is basically saying to the Congress that we should continue on the same economic course. We should continue with more cuts in social programs, more cuts in assistance to the states and localities, more cuts in those programs which help the disadvantaged.

The President is asking that we pursue his economic program in the very depths of a recession: a recession that has thrown millions out of work, that threatens to create even deeper unemployment in the months ahead.

I hear from a great many people from around the country, people from every walk of life. What I hear tells me that the people are growing weary of this Administration. They are growing weary and don't like what is going on. They are yearning for a more reasonable course:

a course which balances the need for tax relief with the even greater need for relief against huge federal deficits and towering interest rates;

a course which balances the need for military hardware with the need for overall economic security;

a course which balances the need to invest in industrial capital with the need to invest in human capital.

I believe we can set this kind of reasonable course. We can set it in a spirit of cooperation, not confrontation. We can set it in a spirit of compromise.

We can set such a course by looking, not for personal political victories but for economic victories for the country as a whole.

HEARINGS ON SECURITY CLASSIFICATION ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, I suspect that not all Members are aware that the Reagan administration is working on a revision of the Executive order on security classification. This is the order that sets the rules under which national security information is classified by the executive branch.

There is no general statute regulating the classification of national security information. As a result, the classification of most information is done exclusively under Executive order. Classification of information is presently authorized by Executive Order 12065.

On February 4, 1982, a draft of a revised Executive order on security classification was forwarded by the Information Security Oversight Office to several congressional committees for comment. The return date for comments was February 22, 1982. Of the 18 days allowed for comment, the House of Representatives was in recess for 11 days.

On February 12, I sent a letter to National Security Adviser William Clark, asking for more time for review of the draft. The letter was cosigned by seven other committee and subcommittee chairmen. Mr. Clark called me yesterday in response to the letter. He indicated that more time would be allowed for congressional review, but no new deadline was set.

I am pleased that the administration is willing to allow additional time for consideration of the draft Executive order. There has been little public circulation of the draft order and, consequently, little public debate. As I stated in the letter to Mr. Clark, the security classification rules affect not only the executive branch and the Congress, but also the scientific, industrial, research, and academic communities. The press also has an obvious interest in classification.

I believe that there is widespread public interest and concern in security classification issues. When the Carter administration proposed changes in security classification rules, it conducted the process in the open. Copies of the proposed Carter administration Executive order on security classification were made available to organizations outside the executive branch and over 500 comments were received in response.

My concern about the Executive order is not merely procedural. Previous presidents, including both Carter and Nixon, restricted the ability of the Government to classify information. The draft Reagan order appears to increase significantly the amount of information that would be subject to classification. Not only would it be easier to classify ordinary information not readily classification now, but new categories of scientific and technical information might also be subject to classification for the first time.

The Subcommittee on Government Information and Individual Rights will hold hearings on the draft Executive order on March 10 and 11, 1982. The hearings will be in room 2247 of the Rayburn Building and will begin at 10 a.m. on March 10, and at 9:30 a.m. on March 11. The witnesses will be announced later.●

VETERANS ARE NOT RESPONSIBLE FOR BUDGET DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, this morning Sherman E. Roodzant, national commander of the disabled American Veterans, appeared before the Committee on Veterans' Affairs to present the organization's views on the administration's fiscal year 1983 budget request. I think all members of the committee will agree with me that it was one of the most impressive presentations the committee has ever received from any witness.

I call to your attention the remarks of Commander Roodzant as he presented them to our committee earlier this morning:

STATEMENT OF SHERMAN E. ROODZANT, NATIONAL COMMANDER, DISABLED AMERICAN VETERANS

Mr. Chairman and members of the committee, on behalf of the 700,000 members of the Disabled American Veterans, and its 85,000 member Auxiliary, may I say it is a distinct honor and privilege to appear before this Committee in presentation of the DAV's 1982 Legislative Program.

Mr. Chairman, in prior appearances before this Committee, National Commanders of the DAV have generally devoted a major portion of their oral presentations to addressing the several priority legislative goals that were approved by the delegates to our organization's most recent National Conventions.

I have decided to depart from that format today.

This should not be construed as a de-emphasis on my part regarding the merit or necessity of our 1982 legislative goals. Nor should it be thought that the DAV will not aggressively pursue them to their fruition. They are reasonable and just, designed primarily to benefit those most deserving and most in need—the wartime service-connected disabled veteran, his dependents and survivors.

As an attachment to my oral remarks, you will find my comments relative to certain VA program improvements that were approved in resolution form by the delegates to our 1981 National Convention. All have been the subject of recent, informal discussion between our Washington Staff and your own Committee and Subcommittee Counsels. I urge your sympathetic, favorable consideration of these measures as this Second Session of the 97th Congress progresses.

But for now, Mr. Chairman, I wish to say some things that I believe would be voiced by virtually every wartime veteran in this country, had they this same opportunity. I have been given the formidable task of speaking on their collective behalf and I ask that you remain cognizant of this during my remarks. In addition to you and the members of this Committee—who have on so many occasions "fought the good fight" for all of us—I want you to keep in mind that I am really speaking to the Congress as a whole. For the great issues and concerns that confront our nation's system of veterans' benefits and services today can only be resolved through a consensus reached by all of your colleagues in the House and Senate.

Mr. Chairman, today, in this country, we veterans are confused, angry and just plain scared.

We are confused because we thought the statutory protection accorded our benefits system was based upon that time-honored, inviolate premise: Yes, those who served in time of war are deserving of a special status in their country.

Yet we see and hear people in policy-making positions both in and out of government calling for dissolution of our benefit programs, stating that we veterans are a drain on the American taxpayer, and that those of us who do have benefit eligiblity and do use the system should be relegated to the role of just another public charge.

We ask ourselves: Are not the vast majority of 30 million living veterans also taxpayers? Haven't we been productive, hardworking citizens most of our lives? Don't we veterans and our families, who comprise almost

one half of our nation's total population, have the same stake in our society and don't we share in the day to day sacrifices and setbacks that confront all Americans?

And we wonder just what happended to all the praise and all the words of support that were lavished upon us when we put on our uniforms and marched off to four major wars in just this century.

We are angry because we read editorials in newspapers across the country and hear statements from high public officials that blandly imply we veterans "have it made" at public expense:

"Veterans Finding No Austerity" proclaims the New York Times.

"The Veterans Administration is the fattest pig we have . . . it is time the veterans shared in solving the problems of this country" are words spoken on the floor of the U.S. Senate.

And from a House member pondering the future costs of VA medical care we hear: "one possible solution is increase the eligibility requirements of veterans . . . merge veterans' services with other benefit programs . . . use community facilities instead of VA."

And again we ask ourselves, aren't these people aware that the VA has been taking its fair share of cutbacks for years? That VA's proportionate share of total federal outlays has been steadily declining for over a decade—from 4.6 percent in 1971 to 3.5 percent just last year? That real growth in VA programs outlays has, in fact, been negative growth?

Don't they know—or care—about hospital bed losses, treatment ceilings, and physician and nursing shortages that have all combined to turn thousands of eligible veterans away from the system?

Do they realize that recently instituted pension reform has stiffened eligiblity requirements, focused benefits on those with poverty level incomes and already reduced program costs by millions of dollars?

Why do groups like the Heritage Foundation, that advocate the sale of VA hospitals to the private sector, refuse to acknowledge that "mainstreaming" indigent veterans would only result in additional federal expenditures and compound the problems of hospital cost containment?

What kind of mentality is it that believes veterans have not shared in our country's problems?

And, Mr. Chairman, we are scared in the sense that every man fears for the financial security of his family. Will a lengthy illness wipe out our savings because we find we are no longer eligible for a VA hospital bed? Will some in Congress again attempt to "save" hundreds of millions of dollars by striking many of us from the compensation rolls? What are the real purposes of the so-called "program reviews" that are occurring with more and more frequency and will we lose our VA Regional Offices through consolidation?

Mr. Chairman, this atmosphere of fear and apprehension has come to the point where many of us hesitate to seek medical treatment for our service-connected disabilities because we are afraid the VA will use the occasion to take away or reduce our benefits. We're losing our trust in the Agency. Is this what the Congress wishes? Is this to be the final solution to what some regard as the veteran "problem"—force us out of, or frighten us away from, the system?

Mr. Chairman, like it or not, veterans' benefits are part of the costs of war. And it is time our nation's leaders responsibly face up to that fact.

John F. Kennedy once said: "A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers. We owe a continuing debt to those men and women who have put aside their lives to serve in this country's Armed Services."

That is the moral side of the question and I submit to you that how it is answered can and will affect the future strength of America just as much, if not more so, than any answer based on economics.

Mr. Chairman, let me just take a few moments to set the record straight on VA spending levels. Just how much have they contributed to the financial chaos which some say faces our federal government today?

I would like you to consider some figures concerning the federal social welfare spending that has occurred in this country during the past 30 years. The entire gamut of public assistance programs—huge portions of which go to categories who have never done a thing for this country, much less risked their lives—are compared to veterans:

FEDERAL SOCIAL WELFARE EXPENDITURES, SELECTED FISCAL YEARS, 1950–79 [1]

[In millions of dollars]

Program	1950	1955	1960	1965	1970	1975	1979	Ratio of increase (fold)
Total	10,541.1	14,622.9	24,956.7	37,711.7	77,337.2	167,435.8	264,118.4	25
1. Social insurance	2,103.0	6,385.0	14,307.2	21,806.6	45,245.6	99,715.0	163,743.7	77
2. Public aid	1,103.2	1,504.2	2,116.9	3,593.9	9,648.6	27,204.6	43,611.5	39
3. Health and medical	603.5	1,150.3	1,737.1	2,780.6	4,775.2	8,512.8	12,150.2	20
4. Education	156.7	485.1	867.9	2,469.8	5,875.8	8,629.4	12,096.9	77
5. Housing	14.6	74.7	143.5	238.2	581.6	2,540.7	5,801.9	397
6. Other social welfare	174.0	251.7	416.7	812.0	2,258.9	4,263.6	6,448.6	37
7. Veterans	6,386.2	4,771.9	5,367.3	6,010.6	8,951.5	16,569.7	20,265.6	3

[1] Department of Health and Human Services, Social Security Administration, Social Security Bulletin, vol. 44, No. 11, November 1981.

Is there doubt in anyone's mind regarding the deterioration and loss of priority that has occurred in VA spending levels during this short 30-year period? From a low of a 20-fold increase for the health and medical category to the unbelievably high 397-fold increase for housing, all non-veteran social welfare spending has risen astronomically. And the VA over the same period? A 3-fold increase.

Mr. Chairman, even if 1950 VA benefit levels had remained constant during this 30-year period, one could not criticize the increase in VA spending, for the rate of inflation during the same period rose by some 242 percent.

But the Agency was not faced with rising costs alone.

From 1950 to 1980 our nation fought in two major armed conflicts—one of which was the longest in our history. Our veteran population increased from some 18½ million to over 30 million. Hundreds of thousands of veterans were added to the compensation and pension rolls. Two major GI Bill Programs educated hundreds of thousands more. Facing up to our nation's responsibility to provide adequate medical care for veterans, 20 separate major health care bills were approved by the Congress and 19 hospitals were added to the system.

And yet this increase in consumer demands was met, this expansion of the system was accomplished, within the confines of a 3-fold budget growth. Isn't it a shame that all our nation's so-called "social obligations" could not have been addressed in a similar fashion? Rather than criticizing and cutting back on VA programs, we should do all that we can to insure their viability and hold them out for emulation.

The "fattest pig" indeed! Is it any wonder that veterans in this country fear for an objective analysis of their programs?

And let me emphasize, Mr. Chairman, that we veterans, especially those of us who are service-connected disabled, recognize that objectivity and responsibility is a two-way street. The DAV, even in the best of times, has always made a conscious effort to approach this Committee and the Congress from a standpoint of moderation. Reasonable, justifiable program improvements combined with protection of program integrity have been our fundamental goals in advancing the interests of the wartime disabled.

And in "hard times" such as we now have, we have been, and will continue to be, willing to sit down with this Committee and those of Budget and Appropriations in realistic discussion of adequate VA funding with available, finite resources.

And in the spirit of objectivity, I will state that there are certain aspects of the fiscal year 1983 budget request which do meet with our approval. With a few exceptions, this is especially true in the area of health care. Whether this is a genuine "turn around" on the part of OMB or merely an election year "respite," remains to be seen.

Conversely, I am appalled to note that of the $233.6 million proposed legislative savings, over half—$165.4 million—would be achieved through major reductions in the benefits of thousands of service-connected disabled veterans—many of whom would be combat disabled and most of whom would be Vietnam Era.

Aside from the obvious dollar factor, there appears to be little rhyme or reason for this attack on service-connected benefits. Consider one brief example:

Would anyone in Congress care to attempt to explain or justify to a service-connected below the knee amputee, who has a wife and two children, that, commencing October 1, 1982 his monthly benefit check will be increased by $19 and, effective the same date

reduced by $61—a net loss of $42 per month?

If accepted by the Congress, this is exactly the type of "good news/bad news" joke that would be played upon thousands of disabled veterans by the Administration's proposal to increase basic compensation rates while concurrently eliminating certain dependency allowance entitlements. Needless to say, we in the DAV are not laughing.

Mr. Chairman, at the outset of my remarks, I underscored that, through you, I intended to address the entire Congress. I now wish to narrow my focus to you and the members of the Committee.

The Disabled American Veterans, indeed, all veterans in this country, are in your debt. You, Mr. Chairman, Mr. Hammerschmidt, the members of this Committee and its most excellent staff are our true friends on Capitol Hill. We know that. We deeply appreciate that.

Your door has always been open to us. You have always given our legislative objectives your undivided attention. Many times you have acted favorably and decisively upon them. Title 38, our codification of veterans' laws, includes many benefits and services that began as DAV National Convention mandates. And on those occasions when we have found ourselves not in total agreement, you have always been honest and forthright in stating your position.

Just this past year, the personal intervention of you, Mr. Hammerschmidt and others, turned what could have been disaster into victory for our VA Programs. Regional Office consolidation was thwarted, hospital staffing and bed levels were protected, the contracting out of essential Agency services was rebuffed and elimination of the 10-percent service-connected rating for hundreds of thousands of veterans was turned aside.

We are indeed, fortunate to have a House Veterans Affairs Committee of such high caliber.

This completes my formal presentation, Mr. Chairman. I know that in the coming year, those of us who consider ourselves to be veterans' advocates will be sorely tested in fulfilling our responsibilities. Working together, I am confident that we shall not fail.

Thank you again for the opportunity to appear before you today.●

THE PERTINENT AND OUTSTANDING REMARKS OF CONGRESSMAN G. V. (SONNY) MONTGOMERY ON THE OCCASION OF RECEIVING THE MINUTEMAN OF THE YEAR AWARD FROM THE RESERVE OFFICERS ASSOCIATION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I want to commend the present occupant of the chair and I want to ask unanimous consent if I might have permission to insert in the RECORD at this point the excellent remarks which the present occupant of the chair made the other evening when he was presented the Minuteman of the Year Award.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Speaker, on February 16, 1982, our beloved and very able colleague, Congressman GILLESPIE VANDERBILT (SONNY) MONTGOMERY received the prestigious Minuteman of the Year Award for 1982 from the Reserve Officers Association.

The award was very richly deserved, and the high regard in which Mr. MONTGOMERY is held by his colleagues in Congress as well as by the top leaders in our defense and reserve establishments was attested by the largest group ever assembled for one of these annual award dinners. Even Defense Secretary Weinberger, still suffering from jet lag from his important trip to the Middle East as well as to the prestigious annual Wehrkunde Conference on NATO military questions in Munich, showed up to convey a special—and, I believe, unique—tribute to Congressman MONTGOMERY at the very start of the dinner.

Having had the honor of serving with Congressman MONTGOMERY on the House Armed Services Committee ever since he came to Washington, I know from personal experience that he has done more than any other Member to advance the cause of our Reserve and National Guard Forces. Invariably, whatever the subject matter of a particular witness may be before our committee, SONNY MONTGOMERY always manages to identify an important aspect in which Reserve and National Guard Forces could be utilized to assist in carrying out some program or project vital to defense.

We may sometimes kid SONNY a bit for having a one-track mind when it comes to the Guard and Reserves; but as all of us that have served in the Guard or Reserves well know, you have to have somebody who will be constantly thinking about and pressing for the Guard and Reserves if they are to be fully ready to discharge their very important role in times of emergency. Every man, woman, and child, if any, in the Reserves owes a deep debt of gratitude to SONNY MONTGOMERY, as indeed do all the people of the United States, whose lives and property the activities of Mr. MONTGOMERY are designed to protect and preserve.

We who know SONNY MONTGOMERY and have served with him here in the House know he is by no means a man with a one-track mind. A retired general in the National Guard, SONNY has a bearing and a courtliness that even Robert E. Lee would have found it difficult to match. Because of that special aura, SONNY often finds himself in demand in the Nation's Capital's social circuit, an onerous duty he nevertheless discharges most conscientiously.

In addition Mr. MONTGOMERY serves as chairman of the House Veterans Committee. He created the Special Committee on Vietnam POW's and MIA's; and most recently he provided the basic spark for a new group within the House that provided President Reagan with the margin of votes he needed in 1981 to enact the three, major piliars of his economic recovery program.

Finally, with a sure eye to the future, Congressman MONTGOMERY has been the author of a program to provide military training for our young men along the lines of the program that has long been in effect in Switzerland, so that in time of emergency our young men would not have to rush into military service unprepared and unskilled, but would be adequately equipped to defend themselves, as well as their country, as trained members of the Individual Ready Reserve.

So our friend and colleague is indeed a man for all seasons, Mr. Speaker; and I know that not only the Members of the Congress, but also the vast nationwide—nay, worldwide—audience that regularly reads the CONGRESSIONAL RECORD will want to read—and, I hope, to follow—the sage advice contained in SONNY MONTGOMERY's speech.

The address of Mr. MONTGOMERY follows:

REMARKS OF G. V. (SONNY) MONTGOMERY

Thank you Mr. President. Head table guests, my fellow reserve officers, ladies and gentlemen.

Many distinguished Members of Congress have won this award and in looking over the list of past recipients, I certainly do not feel I fit in with that distinguished group. But I don't want the nominating committee meeting again to reconsider so I accept with a grateful heart and deep humility.

Mr. President, I am very flattered that a number of Reserve officers and friends from Mississippi have come to tonight's banquet. I appreciate them being here.

I can only assume that my qualifications for receiving this award are that I totally believe in a strong military defense and that our Reserve Forces must play a key role in our defense structure. No longer can the Reserves and National Guard be considered a backup to the regulars, but rather a partner—a full partner.

One point in my favor tonight is that my acceptance speech will be better than the acceptance speech of Senator John Tower of Texas last year, but that is only because John was in Europe last year and couldn't give an acceptance speech. However, I am not sure I will stack up that well against Mrs. Tower who accepted on behalf of the Senator and did a great job. We were also treated to fine remarks by my good friend Senator John Warner.

Being honored with this award has shown me what good circulation the ROA magazine has throughout these great United States. I have heard from combat buddies in World War II who thought I wasn't around anymore, but were glad to learn I was still alive. I was glad to learn they are still kicking also.

I am proud to be a member of the Reserve Officers Association and am very familiar with the excellent work our association does on Capitol Hill.

Association officers and staff testify before both committees on which I serve. Their testimony is always for a strong defense and to improve and protect the benefits for the Reserves as a group. With the ever changing philosophies in Congress and in the Pentagon on defense policy, it is important that our association play an active role in the formulation of our Government's policy. This is the only way we can protect the benefits of our Reserve officers, as well as enlisted personnel and noncommissioned officers. The ROA is among the very best at doing this job.

Let me briefly share some of my thoughts about the military defense of this country from my position as a Member of Congress and as a retired military officer.

As far as nuclear war is concerned, the main threat of such a holocaust will come from our potential enemies because I believe any first strike would be launched only by a potential enemy of the United States, and not by this country. And an enemy would launch a first strike only so long as they believe they can win a strategic exchange.

In my view, as long as the United States can absorb a first strike and still respond with a destructive second strike in retaliation, we can deter a nuclear war. If the Soviet Union and other potential enemies know we can destroy their countries with a second strike, I do not believe they would launch an attack. But if we are weak in nuclear arms, some madman just might be foolish enough to push the button that would cause global destruction.

In this regard, I support the President's action to move ahead on the MX missile and B1 bomber. We need an aggressive strategic modernization program. The B1 can penetrate Soviet defenses and will cause the Russians to spend more on defensive weapons and less on offensive weapons that would be a threat to us and the free world.

The mode for the MX is the big issue in Washington. Some of you might disagree with the President's decision to place the first 40 MX missiles in existing silos. I'm sure it was a difficult judgment call on his part.

None of us here tonight have ever experienced a nuclear war, and I hope we never do, but most of us have served in combat in conventional wars. And we know that military plans often go wrong and very seldom do you hit the target on your first shot.

Who is to say in a nuclear war that Russia or some other enemy could knock out all the MX's if they are placed in existing silos. I happen to believe there is a strong probability that enough MX's would survive a first strike, plus with the other legs of our Triad, to give us an effective capability for a retaliatory second strike that could be extremely destructive.

The bottom line is that President Reagan made a decision and took action on the MX missile and B1 bomber where in the past other administrations delayed a decision and thereby weakened America's military strength and capability to deter conflict. It is high time we were restoring America's military strength to the position it once enjoyed—a position second to none!

To regain this position, not only must we be prepared for a strategic nuclear war, but also a conventional war in which theatre nuclear weapons might be used. Will the use of theatre nuclear weapons in a conventional war lead to a strategic nuclear conflict? This is a question for which I do not have an answer and it is a question for which I hope we never have to find the answer.

In the case of an armed conflict similar to what you and I fought in World War II. Korea, and Vietnam, we have no choice but to build up our conventional forces to counterbalance the tremendous buildup by the Soviet Union. The point is that no one can predict what form a conflict may take, so we must be adequately prepared for all possibilities.

In my judgment, if the United States became involved in an armed conflict, it would be a brush-fire war that we hopefully could contain before it escalated into a third world war. To prevent this possibility, we must be able to deal from a position of strength.

Quite frankly, I do not believe in the near future we will be able to catch the Soviets in total numbers because of our deeply held commitment to domestic needs as well as defense needs—a situation you do not find in Russia. But as long as we continue to close the window of vulnerability and with the technical superiority and the excellent officer and noncommissioned officer corps we have, we can deter the Russians from being foolish enough from starting a third world war and thinking they can win.

And what must we do to improve our conventional forces in the United States?

The first step is we must have peacetime registration. President Reagan acted wisely in putting what is best for the country above a campaign promise. I commend the President for continuing to register young men with the Selective Service System.

A suggestion was made to me recently that those who do not register with the Selective Service System should be drafted immediately and placed in the military. This would not be fair to the military, but I must admit, it is not a bad idea.

We cannot lose sight of the importance of peacetime registration to readiness. We can save at least six weeks, and possibly more, in the event of an emergency mobilization. Having the names and home addresses of draft-eligible young men could prove to be the margin of victory.

Quite frankly, I am not as enthusiastic about the All-Volunteer system as some are. We spend too much time and money on recruiting. We have some of our best personnel in recruiting duties and not in units where they belong. Too much time is lost by commanders working on the individual problems of first-term enlistees. All of this takes away from training and building a quality career force of experienced officers and NCO's—the heart and soul of an effective military force. If we have to live with the volunteer system, it might be better to let the Reserves do their own recruiting as the National Guard does.

If you look at the figures for 1981, they look good on recruiting. But the raw figures do not tell the whole story. We are still having a hard time filling up the strength levels in the combat arms of the Active Forces in both numbers and quick learners. In the Reserve Forces some of the most important combat-support units are way under strength and would not be of much help in mobilizing and moving into the combat zone.

The sad fact about the All-Volunteer system is that we are not getting a cross section of young Americans into the armed services. Today, most young Americans are not faced with an obligation to serve their country—a very unfortunate situation for a democracy in my judgment.

I have the answer to most of our personnel problems. We should return to a full draft. But I am realistic enough to know that the Congress at this time is not going to enact a full draft.

However, along with a few of my colleagues, we are attempting to enact a limited or partial draft which we need badly. We should be calling up 200,000 young men a year, teaching them a military skill and then put them in a Reserve unit or the Individual Ready Reserve. As you all know, the Individual Ready Reserve is a disaster and is a serious weakness in our total force preparedness.

It is absolutely necessary, whether we stay with the All-Volunteer military or go to the draft, to enact a new GI education bill. H.R. 1400 will attract better recruits and has incentives to keep people serving. This education bill also applies to the Reserves, which is a tremendous asset.

Another way to improve our military preparedness is to turn over more missions to the Reserves and improve their access to good equipment. And I might add the Defense Department is doing a good job in the area of equipment for the Reserve components.

Congress should be given credit for taking the initiative to authorize and appropriate funds for specific new equipment for the National Guard and Reserves. The mood of Congress is to continue to earmark funds specifically for new equipment for the Reserve forces.

Why am I so sold on the Reserves? Well, tradition is so important in some Reserve units where fathers, sons, and brothers serve together. Plus, the local community has a great deal of pride in the unit. Some of our Reserve units feel they are as good as any units in the world, and some are.

The support teams from the Active Duty Forces have been a tremendous help in improving training and logistical capabilities. The mixing of Active and Reserve units during training and mobilization exercises makes a lot of sense and should be continued.

In fact, I am so convinced of the viability of the Reserve program, and also the likelihood of continuing pressure on defense resources, that if we build up the size of our military's force structure as has been discussed recently, I would strongly argue that the most economical way this can be done and still buy the new equipment our forces need is to expand the Reserve Forces. Secretary Marsh, if the Army needs two extra divisions, I'll help you get them in the Guard and Reserve—maybe in Mississippi.

I have long said and firmly believe, the United States gets the best buy for its defense dollar with the Reserve components. And nobody has ever been able to prove me wrong.

Overall, I feel good about our military preparedness in America. Under President Reagan's leadership and with the strong support of the Congress, we will continue to bring our military strength up to the level it should be to prevent a war.

We must always keep uppermost in our minds two important goals or points. The first is that the primary responsibility of the Federal Government is to provide for the common defense of the Nation. And the second is that peace comes only through strength. It is to these two goals that I am firmly committed, as you are. By striving toward these two goals we will achieve our ultimate objective of peace in the world for now and generations to come.

Vice President GEORGE BUSH best summarized my views on national defense when he

said recently, "no nation ever had to go to war because it was too strong."

Thank you and God bless you.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. NELLIGAN) to revise and extend their remarks and include extraneous material:)

Mr. CARNEY, for 10 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. PHILLIP BURTON, for 5 minutes, today.

Mr. ST GERMAIN, for 10 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. SHAMANSKY, for 10 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BAILEY of Pennsylvania, for 5 minutes, today.

Mr. FUQUA, for 60 minutes, today.

Mr. ENGLISH, for 5 minutes, today.

Mr. STUDDS, for 10 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LEVITAS, for 15 minutes, on February 24, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ST GERMAIN, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,452.

(The following Members (at the request of Mr. NELLIGAN) and to include extraneous matter:)

Mr. LEBOUTILLIER in five instances.

Mr. WOLF.

Mr. COATS.

Mr. EVANS of Delaware.

Mr. SCHULZE in two instances.

Mr. GINGRICH.

Mr. KEMP.

Mr. WHITEHURST in two instances.

Mr. DERWINSKI in two instances.

Mr. LENT.

Mr. EVANS of Iowa.

Mr. GREEN.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. CONYERS.

Mr. WASHINGTON.

Mr. GAYDOS.

Mr. LEVITAS.

Mr. STARK in three instances.

Mr. RODINO in two instances.

Mr. BAILEY of Pennsylvania in two instances.

Mr. SANTINI.

Mr. PEPPER.

Mr. MINETA in three instances.

Mr. WYDEN.

Mr. WAXMAN in two instances.

Mr. SKELTON in two instances.

Mr. DYSON.

Mr. MAVROULES.

Mr. FASCELL.

Mr. LAFALCE.

Mr. BONIOR of Michigan.

Mr. WEISS.

Mr. BIAGGI in two instances.

Mr. HUBBARD.

Mr. OTTINGER.

Mr. CHAPPELL.

Mr. RANGEL.

Mr. D'AMOURS.

Mr. DONNELLY.

(The following Members (at the request of Mr. FUQUA) and to include extraneous matter:)

Mr. DIXON.

Mr. DONNELLY.

Mr. SCHUMER.

Mr. WALGREN.

Mr. MCDONALD in five instances.

Mr. STUDDS.

Mr. GARCIA.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3782. An act to revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel *Oceanic Constitution* into the trade.

SENATE ENROLLED RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 122. Joint resolution to authorize and request the President to designate the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week"; and

S.J. Res. 134. Joint resolution to designate 1982 as the "National Year of Disabled Persons."

ADJOURNMENT

Mr. FUQUA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 56 minutes p.m.) the House adjourned until tomorrow, Wednesday, February 24, 1982, at 3 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3145. A letter from the Secretary of Agriculture, transmitting the annual report for fiscal year 1981 of the Forest Service, including the annual reports required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976; to the Committee on Agriculture.

3146. A letter from the Secretary of Agriculture, transmitting a plan for the Little Calumet Watershed, Ill., pursuant to section 5 of Public Law 83-566; to the Committee on Public Works and Transportation.

3147. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend title 49, United States Code, to eliminate the requirements found in sections 10922, 10923, and 10924 to show public need or public convenience and necessity, and for other purposes; to the Committee on Public Works and Transportation.

3148. A letter from the Secretary of the Treasury, transmitting a report on United States participation in the multilateral development banks in the 1980's; to the Committee on Banking, Finance and Urban Affairs.

3149. A letter from the Secretary of Transportation, transmitting the sixth annual report on the automotive fuel economy program, pursuant to section 502(a) of the Motor Vehicle Information and Cost Savings Act; to the Committee on Energy and Commerce.

3150. A letter from the Secretary of Energy, transmitting the final report on emergency building temperature restrictions, pursuant to section 12, Standby Conservation Plan No. 2; to the Committee on Energy and Commerce.

3151. A letter from the Secretary of State, transmitting a report of the Department's activities related to recruitment and equal employment for the period October, 1980–September 30, 1981, pursuant to section 105(d)(e) of the Foreign Service Act of 1980; to the Committee on Foreign Affairs and Post Office and Civil Service.

3152. A letter from the Secretary of Agriculture, transmitting a report of the Department's activities related to minority recruitment in the Foreign Service for the period ending December 31, 1981, pursuant to section 105(d) (1) and (2) of the Foreign Service Act of 1980; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

3153. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting the Department's biennial report on deep seabed mining, pursuant to section 309 of Public Law 96-283; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

3154. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the proposed transfer of certain property to the Republic of Panama, pursuant to section 1504(b) of Public Law 96-70; jointly, to the Committees on Merchant Marine and Fisheries and Foreign Affairs.

3155. A letter from the joint chairmen, Interagency Task Force on Acid Precipita-

tion, transmitting the first annual report on the task force's progress in planning and implementing the national acid precipitation assessment program, covering October 1980 through January 1982, pursuant to Public Law 96-294; jointly, to the Committees on Energy and Commerce and Science and Technology.

3156. A letter from the Comptroller General of the United States, transmitting a report on the use of computer resources by the Department of the Treasury (GGD-82-9, February 22, 1982); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, and Ways and Means.

3157. A letter from the Comptroller General of the United States, transmitting a report on the cost of taking the 1980 census and less costly alternative procedures to be used in 1990 census (GGD-82-13, February 22, 1982); jointly, to the Committees on Government Operations and Post Office and Civil Service.

3158. A letter from the Chairman, United States Nuclear Regulatory Commission, transmitting the quarterly report on nondisclosure of safeguards information, pursuant to section 147e. of the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3159. A letter from the Secretary of the Interior, transmitting a report on the Teton Dam claims program for the period ending December 31, 1981, pursuant to Public Law 94-400; to the Committee on the Judiciary.

3160. A letter from the Chairman, Interstate Commerce Commission, transmitting a draft of proposed legislation to amend title 39, United States Code, to eliminate the requirement that copies of mail transportation contracts be kept on file at the Interstate Commerce Commission; to the Committee on Post Office and Civil Service.

3161. A letter from the Director, Office of Personnel Management, transmitting a request that the House provide an opportunity for full consideration of the administration's proposal to put into permanent law the experimental alternative work schedules program; to the Committee on Post Office and Civil Service.

3162. A letter from the Director, Office of Personnel Management, transmitting an appendix to the annual report on the Federal equal opportunity requirement program submitted February 3, 1982; to the Committee on Post Office and Civil Service.

3163. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk of printing and reference to the proper calendar, as follows:

Mr. MITCHELL of Maryland: Committee on Small Business. Report on job creation and the revitalization of small business (Rept. No. 97-434). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY of Pennsylvania:

H.R. 5558. A bill to amend the Federal Unemployment Tax Act to repeal the penalty provision relating to employers in States with outstanding loan balances, and to suspend loan repayment and interest requirements for States having a high unemployment rate; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 5559. A bill to amend title 18 of the United States Code to establish increased criminal penalties for any person convicted of committing a felony while wearing bullet resistant body armor; to the Committee on the Judiciary.

H.R. 5560. A bill to encourage the States to prescribe the death penalty for willfully killing a law enforcement officer; to the Committee on the Judiciary.

By Mr. BRINKLEY (for himself and Mr. TRIBLE) (by request):

H.R. 5561. A bill to authorize certain construction at military installations for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

By Mr. CARNEY (for himself, Mr. CARMAN, Mr. LEBOUTILLIER, Mr. LENT, Mr. MCGRATH, Mr. SCHEUER, and Mr. FUQUA):

H.R. 5562. A bill to amend the Safe Drinking Water Act, to provide for the protection of certain recharge areas overlying solesource underground water supplies; to the Committee on Energy and Commerce.

By Mr. DONNELLY:

H.R. 5563. A bill to amend the Internal Revenue Code of 1954 to repeal the special leasing provisions enacted by the Economic Recovery Act of 1981; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 5564. A bill making a supplemental appropriation to the Secretary of the Interior for repair of fire damage to the home of Franklin Delano Roosevelt; to the Committee on Appropriations.

By Mr. FOGLIETTA:

H.R. 5565. A bill to permit the Secretary of Health and Human Services to enter into loan forgiveness agreements with physicians specializing in primary care or psychiatry or doctors of podiatry on the condition that such physicians serve in health manpower shortage areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOWARD (for himself, Mr. CLAUSEN, Mr. FARY, and Mr. STANGELAND) (by request):

H.R. 5566. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. O'BRIEN:

H.R. 5567. A bill to establish a Department of the Coast Guard as a new military department within the Department of Defense and to transfer the Coast Guard from the Department of Transportation to the Department of the Coast Guard; jointly, to the Committees on Merchant Marine and Fisheries and Armed Services.

By Mr. ST GERMAIN:

H.R. 5568. A bill to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans at reasonable rates; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANTINI:

H.R. 5569. A bill to authorize the replacement of existing pump casings in southern Nevada water project pumping plants 1A and 2A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCHULZE:

H.R. 5570. A bill to amend the Agricultural Adjustment Act to authorize the Secretary of Agriculture to issue and enforce, with respect to mushrooms, marketing orders that include terms providing for any form of marketing promotion, including paid advertising, and for other purposes; to the Committee on Agriculture.

H.R. 5571. A bill to amend the Internal Revenue Code of 1954 to allow each individual a lifetime deduction for an additional $10,000 in contributions to an individual retirement account without regard to whether the individual has earned income, and to permit withdrawals from such an account for use by first-time home buyers in the purchase of a principal residence; to the Committee on Ways and Means.

By Mr. SHAMANSKY:

H.R. 5572. A bill to amend title 18, United States Code, to require the National Institute of Corrections to establish and administer training programs for guards employed at State correctional, juvenile, and detention facilities; to the Committee on the Judiciary.

By Mr. STARK (for himself Mr. EDWARDS of California, Mr. MILLER of California, and Mr. SHANNON):

H.R. 5573. A bill to amend the Internal Revenue Code of 1954 to encourage contributions of computers and other sophisticated technological equipment to elementary and secondary schools; to the Committee on Ways and Means.

By Mr. SUNIA:

H.R. 5574. A bill to amend the Social Security Act to permit American Samoa to establish a medicaid program; to the Committee on Energy and Commerce.

By Mr. WEISS:

H.R. 5575. A bill to repeal the recently enacted elimination of child's insurance benefits under title II of the Social Security Act for postsecondary school students; to the Committee on Ways and Means.

H.R. 5576. A bill to amend title II of the Social Security Act to eliminate the recently enacted limitations on lump sum death benefits; to the Committee on Ways and Means.

H.R. 5577. A bill to amend title II of the Social Security Act to extend to future beneficiaries the restoration of minimum benefits recently enacted for existing beneficiaries; to the Committee on Ways and Means.

H.R. 5578. A bill to amend title II of the Social Security Act to restore from age 16 (as recently enacted) to age 18 the age of a child at which certain benefits under such title are terminated; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. STARK, Mr. EDWARDS of California, Mr. DYMALLY, Mr. MILLER of California, Mr. MINETA, Mr. GUARINI, and Mr. PATTERSON):

H.R. 5579. A bill to authorize negotiations directed toward opening foreign markets to U.S. exports of high technology products, and for other purposes; jointly, to the Com-

mittees on Ways and Means, Foreign Affairs, and Energy and Commerce.

By Mr. GOODLING (for himself, Mr. GRISHAM, Mr. SAM B. HALL JR., Mr. BOWEN, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. DOUGHERTY, Mr. WALKER, Mr. YATRON, Mr. MCGRATH, Mr. FORSYTHE, and Mr. HORTON):

H. Con. Res. 272. Concurrent resolution urging the President to request the Soviet Union to repay $674 million owed to the United States for lend-lease materials transferred by the U.S. Government to the Soviet Government during World War II; to the Committee on Foreign Affairs.

By Mr. YATRON:

H. Con. Res. 273. Concurrent resolution expressing the sense of the Congress that there should be no new tax on imported crude oil or refined petroleum products; to the Committee on Ways and Means.

By Mr. YATRON (for himself, Mr. HOWARD, Mr. PRITCHARD, and Mr. DAVIS):

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress that there should be no new withholding tax on interest and dividends; to the Committee on Ways and Means.

By Mr. SCHEUER (for himself and Mr. BROYHILL):

H. Res. 369. Resolution to designate May 4, 1982, as "International Franchise Day;" to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

267. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to budget cuts; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL:

H.R. 5580. A bill for the relief of Marie Pierre Sicre de Fontbrune, Bernard Gallo, and Marie Louise Gallo; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 5581. A bill for the relief of Christina Rereira; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 5582. A bill for the relief of Gramercy Machine Corp.; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 444: Mr. HOYER.

H.R. 1292: Mr. EDGAR.

H.R. 1531: Mr. CORRADA, Mr. FORSYTHE, and Mrs. COLLINS of Illinois.

H.R. 1919: Mr. DENARDIS, Mr. VOLKMER, and Mr. MINETA.

H.R. 1974: Mr. PASHAYAN.

H.R. 2440: Mr. FOGLIETTA.

H.R. 2869: Mr. BEDELL and Mr. MATSUI.

H.R. 3234: Mr. BEDELL and Mr. MATSUI.

H.R. 4003: Ms. FERRARO.

H.R. 4433: Mr. ROE.

H.R. 4460: Mr. PEPPER, Ms. FERRARO, Mr. KASTENMEIER, Mr. KILDEE, Mr. BOLAND, Mrs. CHISHOLM, Mr. BINGHAM, Mr. BROWN of California, Mr. DYMALLY, and Mr. SAVAGE.

H.R. 4527: Mr. FORSYTHE, Mr. KINDNESS, Mr. MARTIN of North Carolina, Mr. JEFFORDS, Mr. GOODLING, Mr. BUTLER, and Mr. JAMES K. COYNE.

H.R. 4725: Mr. BEDELL and Mr. MATSUI.

H.R. 4751: Mr. LEACH of Iowa, Mr. COURTER, Mr. YOUNG of Alaska, and Mr. WILLIAMS of Ohio.

H.R. 4870: Mr. ALBOSTA, Mr. SCHEUER, Mr. ROE, Mr. YATRON, Mr. RAHALL, Mr. MITCHELL of New York, Mr. DAVIS, Mr. FOGLIETTA, Mr. ERDAHL, Mr. ATKINSON, Mr. RATCHFORD, Mr. OBERSTAR, Mrs. SCHNEIDER, Mr. JAMES K. COYNE, and Mr. HORTON.

H.R. 5133: Mr. BEVILL, Mr. DYMALLY, Mr. WALGREN, Mr. PEYSER, Mr. SEIBERLING, Mr. SMITH of New Jersey, Mr. FARY, Mr. DIXON, Mr. ASPIN, Mr. HOPKINS, Mr. NOWAK, Mr. JAMES K. COYNE, Mr. DOUGHERTY, Mr. RINALDO, Mr. RUSSO, Mr. LEE, Mr. ENGLISH, Mr. NATCHER, Mr. NELLIGAN, Mr. COELHO, Mr. O'BRIEN, Mr. ROSENTHAL, Mr. HUGHES, Mr. GINN, Mr. MATSUI, Mr. FISH, Mr. MAZZOLI, Mr. WYLIE, and Mr. MINETA.

H.R. 5147: Mr. WALGREN.

H.R. 5150: Mr. NEAL and Mr. MORRISON.

H.R. 5163: Mr. MCGRATH, Mr. MAVROULES, and Mr. OTTINGER

H.R. 5325: Mr. LAFALCE.

H.R. 5384. Ms. FERRARO, Mr. HORTON, Mr. DWYER, Mr. FORSYTHE, Mr. SIMON, Mr. MARKEY, Mr. EDGAR, Mr. RICHMOND, Mr. MINISH, Mr. CARNEY, Mr. NELLIGAN, Mr. SCHUMER, Mr. HUGHES, Mrs. COLLINS of Illinois, Mr. BINGHAM, and Mr. YATRON.

H.R. 5393: Mr. BLILEY, Mr. CRAIG, Mr. EMERSON, Mr. STANTON of Ohio, Ms. MIKULSKI, Mr. YOUNG of Missouri, Mr. PANETTA, Mr. BROWN of California, Mr. STATON of West Virginia, Mr. FORSYTHE, Mr. PERKINS, Mr. GIBBONS, Mr. CORCORAN, Mr. WOLF, Mr. SUNIA, Mr. MARKEY, Mr. HORTON, Mr. ANNUNZIO, Mr. LAGOMARSINO, Mr. RATCHFORD, Mr. BUTLER, Mr. HUNTER, Mr. STANGELAND, Mr. UDALL, Mr. CORRADA, Mr. FOGLIETTA, Mr. O'BRIEN, Mr. BURGENER, Mr. ROE, Mrs. COLLINS of Illinois, Mr. NELLIGAN, Mr. ROBERT W. DANIEL, Jr., Mr. OXLEY, Mr. MOLINARI, Mrs. BOUQUARD, Mr. WORTLEY, Mr. HOYER, Mr. DYMALLY, Mr. WINN, and Mr. GILMAN.

H.R. 5459: Mr. SENSENBRENNER.

H.R. 5469: Mr. SHELBY, Mr. BINGHAM, Mr. ERDAHL, Mr. LENT, Mr. LEE, Mr. BIAGGI, Mr. GINGRICH, Mr. KOGOVSEK, Mr. HOWARD, Mr. HATCHER, Mr. ERTEL, and Mr. SAWYER.

H.J. Res. 172: Mr. WAXMAN.

H.J. Res. 348: Mr. ALEXANDER, Mr. ANDREWS, Mr. ANTHONY, Mr. ASPIN, Mr. ATKINSON, Mr. BADHAM, Mr. BENEDICT, Mr. BEREUTER, Mr. BEVILL, Mr. BIAGGI, Mr. BLILEY, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BOWEN, Mr. BROWN of Colorado, Mrs. BYRON, Mr. CARMAN, Mr. CARNEY, Mr. CHENEY, Mr. CLAUSEN, Mr. COATS, Mr. COURTER, Mr. JAMES K. COYNE, Mr. CRAIG, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DENARDIS, Mr. DOUGHERTY, Mr. DUNN, Mr. DYMALLY, Mr. EMERY, Mr. ERLENBORN, Mr. EVANS of Georgia, Mr. EVANS of Iowa, Mr. EVANS of Delaware, Mr. FARY, Mr. FASCELL, Mr. FINDLEY, Mr. FOGLIETTA, Mr. FOLEY, Mr. FOUNTAIN, Mr. FOWLER, Mr. FUQUA, Mr. GILMAN, Mr. GOLDWATER, Mr. GRADISON, Mr. GREEN, Mr. GRISHAM, Mr. GUARINI, Mr. HALL of Ohio, Mr. HANSEN of Utah, Mr. HATCHER, Mr. HEFTEL, Mr. HILER, Mr. HOYER, Mr. JEFFORDS, Mr. JEFFRIES, Mr. JOHNSTON, Mr. JONES of North Carolina, Mr. KAZEN, Mr. KEMP, Mr. KILDEE, Mr. LATTA, Mr. LEBOUTILLIER, Mr. LEE, Mr. LENT, Mr. LEWIS, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOWERY of California, Mr. LUJAN, Mr. MADIGAN, Mr. MARKEY, Mr. MARKS, Mr. MARLENEE, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of Illinois, Mr. MATSUI, Mr. MATTOX, Mr. MAVROULES, Mr. MCCLORY, Mr. MCCOLLUM, Mr. MCDADE, Mr. MCEWEN, Mr. MICHEL, Ms. MIKULSKI, Mr. MINETA, Mr. MOLLOHAN, Mr. MOORE, Mr. MOORHEAD, Mr. MURPHY, Mr. NEAL, Mr. NELLIGAN, Mr. O'BRIEN, Mr. OXLEY, Mr. PARRIS, Mr. PERKINS, Mr. PICKLE, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. RHODES, Mr. RICHMOND, Mr. RINALDO, Mr. RITTER, Mr. ROBERTS of Kansas, Mr. ROBINSON, Mr. ROTH, Mr. ROUSSELOT, Mr. SABO, Mrs. SCHNEIDER, Mr. SCHULZE, Mr. SCHUMER, Mr. SHAW, Mr. SHUSTER, Mr. SILJANDER, Mr. SIMON, Mr. SMITH of Alabama, Mr. SMITH of New Jersey, Mr. SMITH of Pennsylvania, Mr. SMITH of Iowa, Mrs. SNOWE, Mr. SNYDER, Mr. SOLOMON, Mr. SPENCE, Mr. STATON of West Virgnia, Mr. STENHOLM, Mr. STRATTON, Mr. SUNIA, Mr. SYNAR, Mr. TAUKE, Mr. TAUZIN, Mr. VENTO, Mr. WHITE, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WHITTEN, Mr. WILLIAMS of Ohio, Mr. WILLIAMS of Montana, Mr. WIRTH, Mr. WOLPE, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska

H.J. Res. 364: Mr. GILMAN, Mr. HARTNETT, Mr. TAUKE, Mr. CARMAN, Mr. MATSUI, Mr. MURPHY, Mr. BEARD, Mr. MADIGAN, Mr. CLINGER, Mr. BAILEY of Missouri, Mr. ROBERTS of South Dakota, Mr. MOORE, Mr. BROWN of Ohio, Mr. WORTLEY, Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. MCGRATH, Mr. O'BRIEN, Mr. MCKINNEY, Mr. WINN, Mr. COURTER, Mr. EVANS of Iowa, Mr. FRENZEL, Mr. WHITTAKER, Mr. JOHNSTON, Mr. CHAPPIE, Mr. BURGENER, Mr. MOLLOHAN, Mr. SHAW, Mr. DICKINSON, Mr. STATON of West Virginia, Mr. BIAGGI, Mr. SAWYER, Mrs. SCHNEIDER, Mr. EDWARDS of Oklahoma, Mr. SILJANDER, Mr. STANTON of Ohio, Mr. NAPIER, Mr. YOUNG of Alaska, Mr. MCDADE, Mr. GREGG, Mr. STANGELAND, Mr. RUDD, Mr. BENEDICT, Mr. BAFALIS, Mr. KEMP, Mr. LATTA, Mr. MICHEL, Mr. YOUNG of Florida, Mr. BEREUTER, Mrs. KENNELLY, Mr. HAMMERSCHMIDT, and Mr. THOMAS.

H.J. Res. 404: Mr. ALEXANDER, Mr. ASPIN, Mr. BAFALIS, Mr. BARNES, Mr. BETHUNE, Mr. BLILEY, Mrs. BOGGS, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. BOUQUARD, Mr. BROOKS, Mr. BROWN of Ohio, Mr. COATS, Mr. CONABLE, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. DANNEMEYER, Mr. DORGAN of North Dakota, Mr. DOWDY, Mr. DYMALLY, Mr. DYSON, Mr. ERDAHL, Mr. FARY, Mr. FORD of Tennessee, Mr. FOUNTAIN, Mr. GONZALEZ, Mr. GUARINI, Mr. HAGEDORN, Mr. RALPH M. HALL, Mr. HAMILTON, Mr. HANCE, Mr. HARTNETT, Mr. HEFNER, Mr. HEFTEL, Mr. HERTEL, Mr. HOLLAND, Mr. HOWARD, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JENKINS, Mr. KAZEN, Mr. KEMP, Mr. KOGOVSEK, Mr. LEACH of Iowa, Mr. LEATH of Texas, Mr. LEBOUTILLIER, Mr. LOTT, Mr. LOWERY of California, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MATSUI, Mr. MAVROULES, Mr. MCCOLLUM, Mr. MCDADE, Mr. MOLLOHAN, Mr. MOORHEAD, Mr. MORRISON, Mr. MURPHY, Mr. PARRIS, Mr. PETRI, Mr. PICKLE, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. REGULA, Mr. REUSS, Mr. RHODES, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. SCHEUER, Mr. SHARP, Mr. SILJANDER, Mr. SIMON, Mr. SMITH of New Jersey, Mr. SMITH of Pennsylvania, Mr. SNYDER, Mr. SOLOMON, Mr. STARK, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. UDALL, Mr. WEBER of Ohio, Mr. WHITE, Mr. WILLIAMS of Ohio, Mr. WON PAT, Mr. WRIGHT, and Mr. WYLIE.

H. Con. Res. 87: Mr. FORD of Michigan.

H. Con. Res. 151: Mrs. HOLT.

H. Con. Res. 252: Mr. HOLLENBECK, Mr. PEPPER, Mr. EDGAR, Mr. MOAKLEY, Mr. ROE, Ms. MIKULSKI, Mr. RAHALL, Mr. SOLOMON, Mr. RANGEL, Mr. FOGLIETTA, Mr. KOGOVSEK, Mr. MOLINARI, Mr. LEE, Mr. FISH, Mr. EMERY, Mr. OTTINGER, Mr. RATCHFORD, Mr. STARK, Mr. ADDABBO, Mr. MARKEY, Mr. LUJAN, Mr. MARLENEE, Mr. ROTH, Mr. WHITEHURST, Mr. OBERSTAR, Mr. WALGREN, Mr. PATTERSON, Mr. FRANK, Mr. GUARINI, Mr. DWYER, Mr. SUNIA, Mr. SMITH of Pennsylvania, Mr. MCDADE, Mr. HOWARD, Mr. HUTTO, Ms. FERRARO, Mr. MITCHELL of New York, Mr. DYSON, Mr. DENARDIS, Mr. HORTON, Mr. BINGHAM, Mr. HERTEL, Mr. FAZIO, Mrs. BOUQUARD, Mrs. COLLINS of Illinois, Mr. MITCHELL of Maryland, Mr. WASHINGTON, Mr. CORRADA, Mr. WEISS, Mr. BARNES, and Mr. WYDEN.

H. Con. Res. 261: Mr. SAM B. HALL, Jr., Mr. TAUZIN, Mr. BOWEN, Mr. DUNCAN, Mr. HAGEDORN, Mr. ERDAHL, Mr. LUNGREN, Mr. STUMP, Mr. LEE, Mr. ROBERTS of South Dakota, Mr. WILLIAMS of Ohio, Mr. JOHNSTON, Mr. NICHOLS, Mr. MCDONALD, Mr. BEARD, Mrs. COLLINS of Illinois, Mr. SPENCE, Mr. FLIPPO, Mr. TAYLOR, Mr. NAPIER, Mr. KAZEN, and Mr. HORTON.

H. Res. 265: Mr. MCCLOSKEY, Mr. HAGEDORN, Mr. SHUMWAY, Mr. NEAL, and Mr. O'BRIEN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

351. By the SPEAKER: Petition of the Utah Health Advisory Council, State of Utah, Salt Lake City, Utah, relative to the expeditious disposal of the Vitro uranium mill tailings located in metropolitan Salt Lake City; jointly, to the Committee on Energy and Commerce and Interior and Insular Affairs.

352. Also petition of V. A. Morris, Poughkeepsie, N.Y., and others, relative to Martin Luther King, Jr. National Holiday; to the Committee on Post Office and Civil Service.

SENATE—*Tuesday, February 23, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the Honorable THAD COCHRAN, a Senator from the State of Mississippi

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Sovereign Lord of Heaven and Earth, the words of Thy prophet Isaiah resonate in our ears as though written for us in our time of trouble: "How the faithful city has become a harlot, she that was full of justice! Righteousness lodged in her but now murderers. Your silver has become dross, Your wine mixed with water. Your princes are rebels and companions of thieves. Every one loves a bribe and runs after gifts. They do not defend the fatherless, and the widow's cause does not come to them."—Isaiah 1: 21-23.

"Wash yourselves; make yourselves clean; remove the evil of your doings from before my eyes; cease to do evil, learn to do good; seek justice, correct oppression; defend the fatherless, plead for the widow. Come now, let us reason together, says the Lord: though your sins are like scarlet, they shall be white as snow; though they are red like crimson, they shall become like wool. If you are willing and obedient, you shall eat the good of the land; But if you refuse and rebel, you shall be devoured by the sword; for the mouth of the Lord has spoken."—Isaiah 1: 16-20.

Gracious, patient, forgiving Father, may we hear Thy voice and obey. Grant to the Senate, despite its awesome political power, the wisdom to sense its human weakness, its fallibility against the satanic evils that plague us. Give the Senators the humility to acknowledge their dependence upon Thee. Make these powerful leaders an example of Godliness to the world. Help them see in these troubled times their unprecedented opportunity to turn the Nation from greed and selfishness unto Thee. So help us God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore. (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 23, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THAD COCHRAN, a Senator from the State of Mississippi, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COCHRAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate to date be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS; ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. STEVENS. Mr. President, I ask unanimous consent that following recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, not to extend beyond 12 noon today, with Senators permitted to make speeches for not more than 5 minutes each, and that thereafter, at noon, the Senate stand in recess until 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WYOMING WILDERNESS ACT OF 1982

Mr. STEVENS. Mr. President, the two Senators from Wyoming will be presenting a statement and a bill today that concerns their State. I know they are joined by the Representative from Wyoming in presenting this statement and position. I also know that this position was reached by the Senators prior to the announcement by Secretary Watt concerning his new wilderness policy. It is a bill that I think merits the attention of every Member of the Senate. For that reason, I yield the remainder of the leader's time to the distinguished senior Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the acting majority leader. He also did my State of Wyoming the courtesy of coming out to a conference on energy which was held in Casper last week and participated in the most splendid style. I do appreciate all that he contributed to that meeting.

S. 2119—WYOMING WILDERNESS ACT OF 1982

(Introduced by Mr. WALLOP or himself and Mr. SIMPSON.)

Mr. WALLOP. Mr. President, today I am introducing, along with Senator SIMPSON, the Wyoming Wilderness Act of 1982. This legislation, which our colleague, Representative CHENEY is also introducing today in the House of Representatives, is our joint effort to resolve two major areas of controversy regarding management of Wyoming's national forest lands: oil and gas development in wilderness areas, and the unfinished business of RARE II.

In a nutshell, this bill would solve the controversy over possible oil and gas development in wilderness by withdrawing all new and existing national forest wilderness areas in Wyoming from operation of the mineral leasing laws, thereby prohibiting oil and gas exploratory drilling, leasing, and development. The bill also reiterates the existing mandate in the Wilderness Act of 1964 that the Federal Government continue to inventory these areas for their energy potential, which USGS and the Bureau of Mines have been doing for years, and it sets up a procedure for allowing the President and Congress to open a wilderness area for energy development in case of a national emergency. Second, the bill resolves for once and for all the U.S. Forest Service's still pending second roadless area review and evaluation (RARE II) in Wyoming by designating some 480,000 acres of new wilderness and releasing some 3.6 million acres of other forest lands for nonwilderness management. Specifically, the bill adds four areas to Wyoming's existing wilderness system by creating a new Gros Ventre Wilderness Area, upgrading the Popo Agie and Cloud Peak Primitive Areas to wilderness status, and enlarging the Washakie Wilderness Area by the addition of part of the DuNoir Special Management Unit. The bill also contains "release" language which releases all remaining RARE II areas not designated as wilderness for multiple management alternatives, freeing them from the possibility of a RARE II lawsuit, further

wilderness study until the year 2000, or any chance of RARE III.

Both the possibility of oil and gas leasing in wilderness and RARE II present serious land management problems in Wyoming and require prompt congressional attention. The controversy over oil and gas leasing in wilderness in Wyoming and throughout the Nation has ballooned in the last several months, and new developments are occurring almost daily. One of the earliest test cases, and one which has been viewed as a precedent for the rest of the Nation, involves the Washakie Wilderness Area in northwest Wyoming. This much-beloved wilderness area sits next to Yellowstone and Grand Teton National Parks and amidst some of the most outstanding wilderness country in the Nation. The Forest Service has recommended leasing part of the Washakie, and leasing applications are pending on other wilderness areas in Wyoming and nationwide. Secretary of the Interior James Watt recently announced that he will not lease any wilderness areas in the country before the end of this session of Congress, and 2 days ago he announced that he will submit legislation to Congress this week to bar mineral leasing in all wilderness areas until the year 2000. I am frankly delighted that the administration is taking these steps, as I for many months have been firmly on record opposing mineral leasing in wilderness and I have been trying diligently to convince the administration, the oil industry, and my colleagues here in Congress that leasing in wilderness is unwise, unnecessary, and unpopular. While Secretary Watt's initiative is to be applauded, it is not yet law, has not even arrived on the Hill, and it reportedly would do a number of things on a national scale which deserve thorough review. In the meantime, the Wyoming delegation feels we must pursue our proposal for our State, to make sure Wyoming's wilderness issues are properly and promptly addressed.

Besides insuring that mineral leasing and development are banned in wilderness, our Wyoming bill would also end the long uncertainty about RARE II in our State. Since 1977, when the Forest Service undertook RARE II, many of the forest lands in Wyoming have been in a kind of management limbo, not officially in the national wilderness preservation yet not officially out of it either. The Carter administration recommended in 1979 that these lands become wilderness, even though some of them should not be. Until Congress acts the stalemate will continue and all of them must be managed as wilderness, unavailable for other uses. Other Wyoming lands which the Forest Service classified in the "further planning" category are being restudied for possible wilderness recommendations, and in the meantime also remain unavailable for development. Even the lands which the Forest Service administratively released in 1979 for multiple-use management could be vulnerable to a lawsuit like the one which has blocked development of RARE II lands throughout California. While RARE II has disappeared from the headlines of newspapers in Wyoming, and many think it is over and done with, the truth is that it has only moved to the back burner but it is still brewing until Congress acts. In the meantime forest supervisors cannot properly manage these lands, which in turn adversely affects the way they manage other forest lands. Those industries and local communities which rely on a steady supply of timber or other forest products are left waiting for answers, unable to plan for the future. There is only one way to resolve these unanswered land management questions, and that is for Congress to make some decisions so that everyone can function with some certainty and we can get on with the business of managing our national forests productively and well.

In order to put this Wyoming bill in perspective, I would like to briefly recount the events leading us to this point. In June 1977, the U.S. Forest Service announced that it was undertaking its second roadless area review and evaluation, to become known as RARE II, in order to identify all roadless areas in the national forest system and to decide which areas should be recommended to Congress for wilderness designation and which should be released for multiple-use management. At that time, the U.S. Forest Service managed 9.2 million acres of land in Wyoming, of which 2.1 million acres were already wilderness. During RARE II the Forest Service identified 3.8 million additional acres of "roadless" areas in Wyoming, and for 18 months the Forest Service studied these lands and solicited public comment. At that time, public opinion in Wyoming was strongly and vocally against further, large-scaled additions to the State's wilderness system, although there was some support for more wilderness. In January 1979 the Forest Service's RARE II recommendations came out, and in April 1979 President Carter announced the administration's final, revised RARE II recommendations. I might add that as the result of some rather disgraceful business, the April recommendations contained substantially more "further planning" acreage in Wyoming than had the January version, pleasing no one and creating severe management problems on Big Horn National Forest.

The April recommendations for Wyoming called on Congress to designate some 700,000 acres as new wilderness, threw some 400,000 acres in the "further planning" category, and released 2.6 million acres for nonwilderness management. Soon afterward, Senator SIMPSON, Congressman CHENEY, and I began to talk about the idea of legislation to deal with the recommendations. We talked to Governor Herschler about the idea of a Wyoming wilderness/release bill, and he was receptive. Since that time we have looked carefully at each of the RARE II areas in Wyoming, we have talked to and heard from many people interested in this subject, and we have evaluated the pros and cons of introducing such legislation as well as the probability of getting a bill which we could support through Congress. Several times we have held off introducing such a proposal because we were not sure we could emerge from all the committees and negotiation sessions with a satisfactory bill. However, the recent concern over possible oil and gas development on the Washakie plus the ongoing RARE II land allocation indecision has convinced me and the rest of the delegation that we must proceed with a State bill now.

The Wyoming Wilderness Act of 1982 designates the four areas which I earlier described, adding a total of 479,367 acres to Wyoming's wilderness system. I believe that Senator SIMPSON's statement will describe each of these areas in further detail, so I would only add that each of them is an outstandingly beautiful area boasting high mountain terrain, rich and diverse wildlife species and habitat, vital watersheds, and excellent recreational, scenic, and educational values. I am especially familiar with the Cloud Peak area, which sits above my home in Big Horn, Wyoming, and where I have spent my life hiking, riding, skiing, hunting, fishing, and marvelling at the regenerative powers of nature.

Each of these areas is equally as special, and I am proud to be an author of the legislation which finally would move them into their rightful place as proud new additions to Wyoming's and this Nation's remarkable national wilderness preservation system.

In addition to creating these new wilderness units, our bill includes so-called release language which effectively releases the remaining 3.6 million acres of RARE II lands which were studied for wilderness designation for other, multiple-use management practices ranging from recreation and wildlife management to timber harvesting. One of the key issues in any RARE II proposal to date has been this issue of release language. The Wyoming congressional delegation is resolute in our determination that strong, statutory release language be part of any Wyoming RARE II legislation. While the Forest Service maintained in 1979 that RARE II resolved all the roadless area allocation questions, many remained con-

cerned about the long-term availability of nonwilderness areas for multiple use management. They remembered the crazy quilt of wilderness reviews, administrative appeals, and lawsuits which had helped perpetuate de facto wilderness across the country for some 10 years. A lawsuit in Federal district court in northern California confirmed that RARE II added another layer of possible delays and reviews. In California against Bergland, the judge held that the national RARE II EIS was inadequate on several counts, and enjoined any development on 47 areas in California which had been designated by the Forest Service as nonwilderness. While no similar suit has been brought, or is anticipated, in Wyoming, one could theoretically hold up forest management on Wyoming's RARE II areas absent a legislative remedy. The Wyoming Wilderness Act of 1982 blocks such a legal challenge by declaring the RARE II EIS for Wyoming to be legally sufficient. I might note that doing this via direction in a committee report would not insulate the Forest Service from lawsuits, and legal experts agree that statutory release language is vital to insure release of nonwilderness lands. A 1980 decision in a Federal appeals court decision reaffirmed this view when it specifically directed that if Congress wants to make itself perfectly clear, it should state its legislative intent in the language of the statute itself, not a committee or conference report.

Moving on to the issue of oil and gas leasing, the Wyoming Wilderness Act of 1982 withdraws all Wyoming wilderness areas including those designated in this bill from the operation of the mining and mineral leasing laws, subject to valid existing rights. This means that no oil and gas leases can be issued in wilderness areas. Many people in Wyoming have asked how the Forest Service can even consider allowing oil rigs in wilderness areas since these areas were obviously set aside to preserve them in their pristine condition. However, section 4(d)(3) of the Wilderness Act of 1964 specifically allows mining and mineral leasing in national forest wilderness areas until December 31, 1983, subject to reasonable regulations. There is considerable controversy over what this means. Some people think that the Secretary of the Interior, who has the final authority over leasing, has the discretion not to lease wilderness areas and therefore should not. Others point out that Congress made the decision in 1964 that oil and gas leasing is proper in wilderness areas, and therefore leasing can and should proceed. While past administrations have deferred decisions on leasing wilderness areas, a Federal district judge recently ruled that de facto withdrawals resulting from nonaction on lease applications are not appropriate and that the Forest Service and DOI must make timely leasing decisions. Meanwhile, energy companies interested in these areas and eyeing the 1983 deadline on leasing are lining up in record numbers to lease these areas, so the pressure clearly exists. I think it is equally true that Congress might never have added as much to the wilderness system had it anticipated its direction would have received no administrative support. But that is over the bridge, and we face today.

Last year several wilderness areas faced specific wilderness leasing decisions, including the Bob Marshall and two other wilderness areas in Montana, the Capitan Mountain area in New Mexico, and the Washakie Wilderness in Wyoming. As those familiar with these situations know, the imminent possibility of leasing in the Bob Marshall prompted the House Interior and Insular Affairs Committee to direct the Secretary of the Interior to withdraw this area from leasing, which he did and which is still being litigated. In the case of Capitan Wilderness, two leases were actually issued in that wilderness area, causing an uproar which resulted in the Secretary of the Interior promising last November not to issue any more leases in wilderness before June 1, 1982. At my urging and that of several other colleagues who were worried this deadline might arrive before Congress could act, Secretary Watt later extended that moratorium on leasing until the end of this session of Congress, giving us a year's grace period before leasing can theoretically occur.

Meanwhile, the question of leasing on the Washakie has been ticking away. Last spring, Shoshone National Forest officials announced they would prepare an EIS on the environmental consequences of leasing in the Washakie. In November 1981, the Forest Service issued its draft EIS examining seven alternatives for dealing with the lease applications and listing a "preferred alternative" which would permit leasing on 3 percent of the wilderness area and allow slant drilling under another 10 percent. The Forest Service based this decision on the basis of whether or not the surface resource values involved could be protected and the areas could be restored. Public comment has been virtually unanimous against leasing, and Shoshone National Forest officials are now putting together final recommendations which they expect to release this spring and which then go to BLM for a final decision.

Let me add that the outcry of public opposition in Wyoming has not been confined to the Washakie. There is a brewing and unmistakable undercurrent of concern about the rate of oil and gas development along the Overthrust Belt in my State in particular. A recent oil company proposal to drill an exploratory well just outside of the town of Jackson and near the borders of our Gros Ventre Wilderness boundary raised a storm of local controversy and a unanimity of opposition the likes of which I had never before witnessed in that battle-ridden town. Virtually everyone in Jackson from the county commissioners, to oil industry people with second homes up there, to environmentalists, violently opposed a well up there. That controversy abated only when the company withdrew its lease application. I say this only to point out the level of concern which oil and gas leasing in certain pristine areas is evoking these days in my State, and for good reason.

While this legislation prohibits oil and gas leasing in wilderness, it does recognize the importance of continuing to inventory these areas in an environmentally acceptable manner. Many people are unaware of the existing provision in the Wilderness Act which requires USGS and the Bureau of Mines to inventory wilderness areas for their energy potential, and unaware that these agencies have been conducting these inventories for years. USGS's wilderness minerals inventory typically consists of three steps, in addition to library and literature research. Those three steps include flying over the area to determine magnetic forces and rock formation layouts, on-the-ground mapping of surface geology to show rock types, and taking stream and rock sediments. The results are incorporated into a mineral potential map and report. USGS calls this a level 3 inventory. In addition, there are two more possible inventory steps called level 4 and level 5, which USGS usually does not do for lack of funds and because it believes these are more appropriate roles for industry. Level 4 would include seismic work, and level 5 would include exploratory drilling, either for core samples in the case of hard rock mining or for oil and gas traces. Right now, USGS estimates that out of all the lands they have inventoried, only 30 to 40 percent show any mineral potential which could merit level 4 or level 5 study.

Clearly, current USGS inventories do not harm an area's wilderness attributes one iota, and it is also interesting to learn that many of the wilderness lands inventoried to date do not appear to have economically recoverable energy reserves. I believe that this is important information to have, so that in the event of a national emergency no one will be tempted to go ripping into areas which we know have no energy resources. Likewise, it is vital that we try to learn to the extent possible what energy resources do exist in our wilderness areas, in case we should ever have to use them in a national crisis. USGS is now pro-

viding some inventory information, and the Wyoming Wilderness Act of 1982 would authorize this work to continue, while requiring that an area's wilderness characteristics be protected.

Finally, in recognition of the possibility that this Nation could some day force an urgent national need to develop energy resources in a Wyoming wilderness area, such as in the event of war or an oil or minerals embargo, the bill sets up a process whereby the President and Congress could open an area. The bill would require that the President send Congress a recommendation that an area should be opened for development due to an overriding national need, and Congress would then have to act on this recommendation by passing a joint resolution within 120 days before it could become effective.

Mr. President, I have briefly touched on the rationale for this legislation and its key provisions. It is a major piece of business, and it puts forth some creative ideas which could serve as a precedent for other States. It is a package which I am proud of and while I think it is a good and fair package, it is not necessarily set in concrete. We do not want to move it this year, and as chairman of the Public Lands and Reserved Water Subcommittee, I plan to hold hearings on it in Wyoming as soon as possible to gage public reaction. I hope my colleagues and the administration will take a careful look at it.

Mr. President, I ask unanimous consent that the bill, a section-by-section analysis, and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TABLE OF CONTENTS

TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

Sec. 101. Short title.
Sec. 102. Declaration of findings and purposes.

TITLE II—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

Sec. 201. Designation of the Cloud Peak, Popo Agie, and Gros Ventre Wilderness Areas, and the DuNoir Addition to the Washakie Wilderness.
Sec. 202. Documentation of wilderness boundaries.
Sec. 203. Application of the Wilderness Act of 1964.

TITLE III—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

Sec. 301. Administrative and Congressional review of roadless areas.
Sec. 302. Release of lands not designated as wilderness.

TITLE IV—WITHDRAWAL OF DESIGNATED WILDERNESS AREAS FROM OPERATION OF MINING AND MINERAL LEASING LAWS

Sec. 401. Withdrawal of designated wilderness areas from mining and minerals activity.

TITLE V—ASSESSMENT OF MINERALS, PROHIBITION ON DRILLING

Sec. 501. Minerals assessment activity.
Sec. 502. Recommendations to Congress by the President.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Grazing in wilderness areas.
Sec. 602. State water allocation authority.
Sec. 603. Prohibition on buffer zones.

TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

SHORT TITLE

SEC. 101. This Act may be cited as the "Wyoming Wilderness Act of 1982."

DECLARATION OF FINDINGS AND PURPOSES

SEC. 102. (a) The Congress finds that—

(1) certain areas of undeveloped National Forest lands in the State of Wyoming possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the National Forest System of Wyoming have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the National Forest System in Wyoming have also identified those areas which should be available for multiple uses other than wilderness.

(b) The purposes of this Act are to—

(1) designate certain National Forest System lands in Wyoming for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) withdraw National Wilderness Preservation System lands in the State of Wyoming, including those so designated by this Act, from operation of the general mining and mineral leasing laws in order to protect the physical characteristics and wilderness values which motivated the Congress to include these lands within the System;

(3) require appropriate inventory to assess and document the minerals potential of National Wilderness Preservation System lands in the State of Wyoming in order to enhance the data base; and

(4) insure that certain other National Forest System lands in the State of Wyoming be made promptly available for nonwilderness uses, including, but not limited to, campground and other recreation site development, timber harvesting, intensive range management, watershed and vegetation manipulation, oil and gas exploration and leasing, and minerals location and development.

TITLE II—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

DESIGNATION OF THE CLOUD PEAK, POPO AGIE, AND GROS VENTRE WILDERNESS AREAS, AND THE DUNOIR ADDITION TO THE WASHAKIE WILDERNESS AREA

SEC. 201. In furtherance of the purposes of the Wilderness Act (78 Stat. 890), the following National Forest System lands in the State of Wyoming, comprising approximately 479,350 acres and generally depicted on maps appropriately referenced, are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System—

(1) Certain lands in the Bighorn National Forest, which comprise approximately 157,900 acres, as generally depicted on a map entitled, "Cloud Peak Wilderness Area Proposal," numbered W-one and dated February 22, 1982, and which shall be known as the Cloud Peak Wilderness. The previous classification of the Cloud Peak Primitive Area is hereby abolished.

(2) Certain lands in the Shoshone National Forest, which comprise approximately 81,800 acres, as generally depicted on a map entitled, "Popo Agie Wilderness Area Proposal," numbered W-two and dated February 22, 1982, and which shall be known as the Popo Agie Wilderness. The previous classification of Popo Agie Primitive Area is hereby abolished.

(3) Certain lands in the Bridger-Teton National Forest, which comprise approximately 228,550 acres, as generally depicted on a map entitled, "Gros Ventre Wilderness Area Proposal," numbered W-three and dated February 22, 1982, and which shall be known as the Gros Ventre Wilderness.

(4)(A) Certain lands in the Shoshone National Forest, which comprise approximately 11,100 acres, as generally depicted on a map entitled, "DuNoir Addition to the Washakie Wilderness Area Proposal," numbered W-four and dated February 22, 1982, and which shall become a part of the Washakie Wilderness as designated by Public Law 92-476 (86 Stat. 792).

(B) Within the area depicted as the Special Management Unit on the map entitled, "Washakie Wilderness—Proposed," dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, any roads that may be constructed for the purpose of timber harvesting or other authorized uses shall be used only for those uses and related administration and shall not be available for general public travel. The determination of authorized use shall consider the needs of the resident and migrating elk herds and other wildlife.

(C) Section 5 of Public Law 92-476 (86 Stat. 792) is hereby repealed.

DOCUMENTATION OF WILDERNESS BOUNDARIES

SEC. 202. As soon as practicable after the enactment of this Act, a map and a legal description of each wilderness area designated under Section 201 shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the

Office of the Chief of the Forest Service, Department of Agriculture.

APPLICATION OF THE WILDERNESS ACT OF 1964

SEC. 203. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act and the Wilderness Act, except that any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE III—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

ADMINISTRATIVE AND CONGRESSIONAL REVIEW OF ROADLESS AREAS

SEC. 301. The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Wyoming and the environmental impacts associated with alternative allocations of such areas.

RELEASE OF LANDS NOT DESIGNATED AS WILDERNESS

SEC. 302. (a) The Congress hereby determines and directs that, without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to National Forest lands in States other than Wyoming, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Wyoming.

(b) National Forest System lands in the State of Wyoming—

(1) not identified by Section 201 as additions to the National Wilderness Preservation System, or

(2) not heretofore designated by Act of Congress as additions to the National Wilderness Preservation System, shall be managed for multiple uses other than wilderness, until and unless otherwise directed by an Act of Congress. Such lands shall be managed in accordance with provisions of law generally applicable to units of the national forest system except that they shall be deemed, for purposes of all current and future land management plans which are approved before December 31, 2000, and which are required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration as to the suitability of such lands for inclusion in the National Wilderness Preservation System.

(c) Unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Wyoming for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(d) The classification of the Glacier Primitive Area in Wyoming, comprised of approximately 6,497 acres, is hereby abolished.

TITLE IV—WITHDRAWAL OF DESIGNATED WILDERNESS AREAS FROM OPERATION OF THE MINING AND MINERAL LEASING LAWS

WITHDRAWAL OF DESIGNATED WILDERNESS AREAS FROM MINING AND MINERALS ACTIVITY

SEC. 401. Notwithstanding any other provision of law, and subject to valid existing rights, lands within the National Forest System in Wyoming which have previously been designated by Act of Congress for inclusion in the National Wilderness Preservation System, and lands which are so designated by this Act, are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. In the case of the lands referred to in the preceding sentence, for purposes of applying the provisions of Section 4(d)(3) of the Wilderness Act, the date of enactment of this Act shall be substituted for the December 31, 1983, and the January 1, 1984, dates referred to in such provisions.

TITLE V—ASSESSMENT OF MINERALS, PROHIBITION ON DRILLING

SEC. 501(a). Subject to subsection 501(b) of this Act, and in furtherance of Section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (95 Stat. 2305), the Secretary of the Interior shall continue to assess the minerals potential of National Wilderness Preservation System lands within the State of Wyoming in order to expand the data base with respect to the minerals potential of such lands.

(b) Notwithstanding any other provision of law, exploratory drilling for the purpose of assessing oil and gas potential within the boundaries of any Congressionally-designated unit of the National Wilderness Preservation System in the State of Wyoming is hereby prohibited.

(c) The Secretary of the Interior shall consult with the Secretary of Agriculture to determine such reasonable requirements as may be necessary to protect the resources of such areas, including fish and wildlife, during the course of the minerals assessments.

(d) Activities authorized by this Section on National Wilderness Preservation System lands within the State of Wyoming shall be carried out in an environmentally sound manner—

(1) which does not result in lasting environmental impacts which appreciably alter the natural character or biological or ecological systems, and

(2) which are compatible with the purposes for which such units are established.

(e) The Secretary of the Interior shall make available to the President and the Congress all pertinent information relating to minerals potential on National Wilderness Preservation System lands within the State of Wyoming.

RECOMMENDATIONS TO CONGRESS BY THE PRESIDENT

SEC. 502. (a) At any time after the date of enactment of this Act, the President may transmit to the Congress a recommendation that minerals exploration, development, or extraction not permitted under the Wilderness Act and this Act shall be permitted in a specified area or areas within any Wyoming unit of the National Wilderness Preservation System. Notice of such transmittal shall be published in the Federal Register and shall be conveyed to the Governor of Wyoming.

(b) A recommendation may be transmitted to the Congress under subsection (a) if the President finds that, based on available information—

(1) there is an urgent national need for the minerals activity; and

(2) such national need outweighs the other public values of the wilderness lands involved and the potential adverse environmental impacts which are likely to result from the activity.

(c) Together with a recommendation, the President shall submit to the Congress—

(1) a report setting forth in detail the relevant factual background and the reasons for his findings and recommendations;

(2) a statement of the conditions and stipulations which would govern the recommended activity; and

(3) in any case in which an environmental impact statement is required under the National Environmental Policy Act of 1969, a statement which complies with the requirements of section 102(2)(C) of that Act. In the case of any recommendation for which an environmental impact statement is not required under section 102(2)(C) of such Act, the President may, if he deems it desirable, include such a statement in his transmittal to Congress.

(d) Any recommendation under this section shall take effect only upon enactment of a joint resolution approving such recommendation within the first period of one hundred and twenty calendar days of continuous session of Congress beginning on the date after the date of receipt by the Senate and House of Representatives of such recommendation. Any recommendation of the President submitted to the Congress under subsection (a) shall be considered received by both Houses for purposes of this section on the first day on which both are in session occurring after such recommendation is submitted.

(e) For purposes of this section—

(1) continuity of session of Congress is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the one-hundred-and-twenty-day calendar period.

(f)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of each House of Congress, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at anytime, in the same manner and to the same extent as in the case of any other rule of such House.

(2) For purposes of this section, the term "resolution" means a joint resolution, the matter after the resolving clause of which is as follows: "That the House of Representatives and the Senate approve the recommendation submitted by the President for , within submitted to the Congress on 19 "; the first blank space therein to be filled in with the mineral exploration, development, or extraction recommended, the second blank space therein to be filled in with the name of the area or areas concerned within any Wyoming unit of the National Wilderness Preservation System, and the third and fourth blank spaces therein to be filled with the date on which the President submits the application to the House of Representatives and the Senate.

(3) A resolution once introduced with respect to such application shall be referred

to one or more committees (and all resolutions with respect to the same application shall be referred to the same committee or committees) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If any committee to which a resolution with respect to an application has been referred has not reported it at the end of sixty calendar days after its referral, it shall be in order to move either to discharge such committee from further consideration of such resolution or to discharge such committee from further consideration of any other resolution with respect to such application which has been referred to such committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same application) and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same application.

(5)(A) When any committee has reported, or has been discharged from further consideration of, the resolution, but in no case earlier than sixty days after the date of transmittal by the President of the application to the Congress, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than four hours. This time shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution, shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to, or, thereafter, within such one-hundred-and-twenty-day period, to consider any other resolution respecting the same application.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules to the procedures of the Senate or the House of Representatives relating to a resolution shall be decided without debate.

(7) If one House of the Congress (hereinafter referred to as the first House) receives from the other House a resolution under this section, then the following procedure applies:

(A) The resolution of the other House shall not be referred to a committee in the first House.

(B) The procedure with respect to the resolution of the first House or other resolutions of such House shall be the same as if no resolution from the other House has been received, but on any vote on final passage of a resolution of the first House, where the text of the resolution from the other House is identical, the resolution of the other House shall be automatically substituted for the resolution of the first House.

TITLE VI—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 601. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in the State of Wyoming in order to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act and in this Act.

STATE WATER ALLOCATION AUTHORITY

SEC. 602. (a) As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall constitute an express or implied claim or denial on the part of the federal government as to exemption from Wyoming water laws.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Wyoming with respect to wildlife and fish in the national forests in Wyoming.

PROHIBITION ON BUFFER ZONES

SEC. 603. Congress does not intend that designation of wilderness areas in the State of Wyoming lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

WYOMING WILDERNESS ACT OF 1982

SECTION-BY-SECTION ANALYSIS

Section 101: Self-explanatory.

Section 102: This section spells out the objectives of the bill, which are to:

1. Designate as wilderness the Cloud Peak and Popo Agie Primitive Areas and the Gros Ventre Area, and add to the Washakie Wilderness Area a portion of the DuNoir Special Management Unit.

2. Withdraw all Congressionally-designated wilderness areas in Wyoming, including those designated by this legislation, from oil and gas leasing and mining, subject to valid existing rights.

3. Continue existing authority for Interior Department assessment of minerals potential in wilderness areas, except that exploratory oil and gas drilling would be prohibited.

4. Provide a means for the President and the Congress to facilitate development in a given area in the event of overriding national need.

5. Release all national forest system lands in Wyoming which are not designated as wilderness for multiple-use management.

Section 201: This section adds to the National Wilderness Preservation System the four areas mentioned above—the Gros Ventre, the Cloud Peak, the Popo Agie, and a portion of the DuNoir Special Management Area.

Section 202: This section provides for the filing of official maps and descriptions of the wilderness additions.

Section 203: This section provides that added areas will be managed according to the provisions of the 1964 Wilderness Act.

Section 301: This section confirms that the Congress has reviewed the results of the Forest Service's RARE II roadless area study of Wyoming forest lands.

Section 302: This section releases lands not designated as wilderness for multiple-use management.

302(a) declares that the final environmental impact statement regarding RARE II in Wyoming is legally sufficient and cannot be challenged in the courts.

302(b) says that all non-wilderness lands in Wyoming shall be managed for uses other than wilderness until Congress directs otherwise. Further, non-wilderness lands cannot be again studied for possible wilderness designation before December 31, 2000. After the date, wilderness potential could again be reviewed in connection with the regular forest land planning process.

302(c) says there shall be no further statewide roadless area reviews in Wyoming, thereby precluding a RARE III.

302(d) abolishes the Primitive Area status of the 6,497-acre Glacier Primitive Area (Whiskey Mountain), to permit proper management of the world's largest bighorn sheep herd.

Section 401: This section withdraws all designated wilderness areas in Wyoming, including the Washakie Wilderness and the new areas designated by this bill, from operation of the mineral leasing and mining laws, effective upon enactment and subject to valid existing rights.

Section 501: This section continues existing statutory authority for minerals assesments in wilderness areas. Currently, Section 4(d)(2) of the Wilderness Act, and the National Materials and Minerals Policy, Research and Development Act, require the Department of the Interior to continuously assess the minerals potential of federal lands, including wilderness areas. Section 501 would continue this authority, except that exploratory oil and gas drilling in wilderness areas would be prohibited. Further, all assessments, which are generally conducted by the U.S. Geological Survey and/or the Bureau of Mines, would have to be carried out in such a way as to protect wilderness resources.

Section 502: This section establishes a procedure for Presidential and Congressional action to permit development in a wilderness area in the event of a national emergency. It would:

1. Enable the President to submit to Congress a recommendation, to be properly documented, that a given area be opened to development because of overriding national need for a particular resource. The recommendation would have to be approved by both Houses of Congress before it could become effective.

2. If a resolution were introduced in either House of Congress to approve a Presidential recommendation, the Congress would have to act on the resolution by either approving or disapproving it within a specified period of time.

Section 601: This section reiterates Congressional intent that livestock grazing is to be allowed in wilderness areas to the same extent as before designation of the areas, and is similar to a provision included in other wilderness bills.

Section 602: This section reaffirms state jurisdiction and authority over water, fish and wildlife in wilderness areas.

Section 603: This provision makes clear the intent of Congress concerning management of nonwilderness lands adjacent to wilderness areas. It is identical to one included in the recently-enacted New Mexico state wilderness bill.

WYOMING WILDERNESS ACT OF 1982

PURPOSES AND OBJECTIVES

The purpose of this legislation is to address two major areas of controversy in Wyoming regarding the management of the state's 9.2 million acres of National Forest System lands:

1. the question of oil and gas development in existing wilderness areas, such as the Washakie Wilderness; and

2. numerous problems created by the Forest Service's 1979 RARE II recommendations, which have resulted in uncertainty, confusion and controversy regarding the management status of many forest areas in the state.

The bill has three major objectives:

1. To prevent oil and gas exploratory drilling, leasing and development in Wyoming's Congressionally designated wilderness areas.

2. To add to the state's existing wilderness system the Popo Agie and Cloud Peak Primitive Areas, designate a Gros Ventre Wilderness Area, and add to the Washakie Wilderness a portion of the DuNoir Special Management Unit. In all, about 479,367 acres would be added to the existing wilderness system. (See attached statistical summary.)

3. To release for non-wilderness management approximately 3.6 million acres of forest land in Wyoming, much of which has been in uncertain status for many years as a result of the RARE I and RARE II roadless area studies by the Forest Service.

MAJOR PROVISIONS

1. Energy and Minerals Withdrawal: The bill provides that, effective upon enactment, Congressionally-designated wilderness areas in Wyoming, including those designated by this bill, would be withdrawn from operation of the mining and mineral leasing laws, subject to valid existing rights. Oil and gas exploratory drilling, leasing and development are prohibited.

2. Inventory of Wilderness Resources: The federal government is already required by various statutes, including the National Materials and Minerals Policy, Research and Development Act, and Section 4(d)(2) of the Wilderness Act, to continuously assess the minerals potential of federally-owned lands, including wilderness areas. This assessment work has been carried out for many years by the U.S. Geological Survey and the U.S. Bureau of Mines, and a significant amount of data already has been gathered regarding lands in Wyoming's wilderness system.

The Wyoming Wilderness Act would continue existing authority for minerals assessments, except that exploratory oil and gas drilling would be prohibited. The bill also requires that minerals assessments be conducted in such a way as to protect wilderness attributes.

3. "National Need" Provision: The bill sets up a procedure for the President to recommend to the Congress that a given area or portion of an area be made available for exploration and/or development of a particular resource in the event of an overriding national need for the resource. The President would be required to notify the public of any such recommendation, and to provide appropriate information documenting the reason for the recommendation.

No wilderness area in Wyoming could be opened to development unless both Houses of Congress voted to open the area. However, the bill does require Congressional action to either approve or disapprove a Presidential recommendation within a specified period of time. The purpose of this requirement is to insure prompt consideration and action on any Presidential recommendation under the "National Need" provision of the bill.

4. Designation of New Wilderness Areas: In keeping with the objective of making specific land management decisions concerning forest lands in Wyoming, the bill would designate the following areas as wilderness, thus adding them to the National Wilderness Preservation System:

A. The Cloud Peak Primitive Area in the Bighorn National Forest. Approximately 157,900 acres of this area would be added to the wilderness system. The remaining lands of the Bighorn National Forest, including 262,000 acres of land which have been improperly tied up in a "further planning" status, will be released for nonwilderness management. The Cloud Peak has been in primitive status for many years, and was studied for possible wilderness designation in 1974, during RARE I, and again during RARE II.

B. The Popo Agie Primitive Area in the Shoshone National Forest. Approximately 81,820 acres of this area would be added to the wilderness system. Like the Cloud Peak, the Popo Agie has been in protected status since the 1930s.

C. The Gros Ventre Area in the Bridger-Teton National Forest. Approximately 228,547 acres of this area would be added to the wilderness system. The addition would be comprised of a portion of the Gros Ventre RARE II study area, plus the adjacent Sportsman's Ridge RARE II study area. The southwestern corner of the Gros Ventre study area, which has already been leased for oil and gas development and which is thought to contain oil and gas reserves, would be excluded from wilderness and released for nonwilderness management.

D. A portion of the DuNoir Special Management Unit, which would become an addition to the existing Washakie Wilderness Area. Approximately 11,100 acres of this 28,800-acre area would be added to the Washakie Wilderness. The remaining acres would be released for non-wilderness management, with protective restrictions to safeguard wildlife.

5. Release of Lands for Nonwilderness Uses: Again, in keeping with the objective of making decisions on the management of lands, the bill would, in clear and precise fashion, release all lands not included previously or by this bill in the wilderness system for nonwilderness management. Specifically, the bill would:

A. Prohibit any legal challenge, such as occurred in the case of California's RARE II lands, by declaring that the RARE II environmental impact statement for Wyoming is legally sufficient.

B. Require that all nonwilderness lands in Wyoming be managed for uses other than wilderness until and unless directed otherwise by Congress. Further, nonwilderness lands could not be again studies for possible wilderness designation before December 31, 2000. After that date, wilderness potential could again be reviewed in connection with the regular forest land planning process.

C. Prohibit any further statewide roadless area review for Wyoming, thereby precluding a RARE III.

The bill also contains provisions to reconfirm Wyoming's authority to manage water and wildlife within wilderness areas, reiterates the intention of Congress that livestock grazing may be continued in wilderness areas to the same extent as before the areas were designated wilderness, and prohibits administrative "buffer zones" adjacent to wilderness boundaries.

WYOMING WILDERNESS STATISTICS

Total acres in Wyoming: 62,343,040.

Total National Forest Service Acres in Wyoming: 9,253,084 (14.8 percent of state's acres).

Existing, congressionally-designated Wilderness Areas:

Bridger Wilderness, 392,169 acres; Fitzpatrick Wilderness, 192,074 acres; North Absaroka Wilderness, 350,904 acres; Savage Run Wilderness, 15,260 acres; Teton Wilderness, 557,312 acres; Washakie Wilderness, 686,584 acres; total, 2,194,303 (23.7 percent of Wyo. National Forest lands, 3.5 percent of state's total acres).

New Wilderness Areas Created by the Wyoming Wilderness Act:

Cloud Peak Wilderness, 157,900 acres; Popo Agie Wilderness, 81,820 acres; Gros Ventre Wilderness, 228,547 acres; DuNoir Addition to the Washakie Wilderness, 11,100 acres; total 479,367.

Total Wyoming Wilderness following enactment of the Wyoming Wilderness Act, 2,673,670 (28.8 percent of forest lands, 4.2 percent of total state acres).

Lands to be released for Nonwilderness Uses:

Remainder of DuNoir Special Management Unit, 17,700 acres.

Glacier Primitive Area (Whiskey Mountain), 6,497 acres.

RARE II areas recommended for wilderness by the Carter Administration, but not by this bill, 502,230 acres.

RARE II areas recommended for nonwilderness by the Carter Administration, 2,665,627 acres.

Total lands to be released for nonwilderness uses, 3,605,024 acres.

Summary of National Forest acreage:

Existing and Congressionally proposed wilderness, 2,673,670.

Lands currently managed for nonwilderness, 2,974,390.

Lands added to nonwilderness category by this bill, 3,605,024.

Total National Forest lands in Wyoming, 9,253,084.

Mr. SIMPSON. Mr. President, the State of Wyoming, the entire Western portions of the United States, and the Nation deeply believe in the concept of wilderness. So do I.

Wyoming has always been high on the list of areas thought to be ideal for additional inclusion of wilderness designated areas. I can agree with that concept too—but only if we act in a most reasonable fashion.

The real question has been the need to strike a workable balance between competing interests—that of esthetic values, including the preservation and protection of the natural condition, and—just as critical the encouragement and absolute need for multiple-use concepts of management. That, then, is the real sticking point. I sincerely believe that our bill resolves that.

The Wyoming congressional delegation—Senator MALCOLM WALLOP, Congressman DICK CHENEY, and myself, have agreed on a bill which we think comes up with that critical balance with important "tradeoffs" between the environmental and development concerns and interests in our State. The Governor, Ed Herschler, has also participated fully in many discussions. The delegation believes it is a good bill, a bill that will serve the best interests of all of us, the public at large, and we are united in inviting comment and support for this measure. It will serve us all well.

We have a proposal to present to you that provides for adding a significant amount of new and spectacular unspoiled wilderness areas to the national treasury of wilderness. It will include wilderness designation for the Gros Ventre in the Bridger-Teton National Forest, Cloud Park in the Bighorn National Forest and the Popo Agie in the Shoshone National Forest.

The existing congressionally designated wilderness areas in Wyoming include:

Area:	Acres
Bridger Wilderness	392,169
Fitzpatrick Wilderness	192,074
North Absaroka Wilderness	350,904
Savage Run Wilderness	15,260
Teton Wilderness	557,312
Washakie Wilderness	686,584
Total	2,194,303

New wilderness areas created by this Wyoming Wilderness Act include:

Area:	Acres
Cloud Peak Wilderness	157,900
Popo Agie Wilderness	81,820
Gros Ventre Wilderness	228,547
DuNoir addition to the Washakie Wilderness	11,100
Total	479,367

As a consequence, we will have Wyoming wilderness acreage, following enactment of the Wyoming Wilderness Act of 2,673,670 acres.

In addition we have lands to be released for multiple-use activities and management that will include:

Area:	Acres
DuNoir special management remainder	17,700
Glacier Primitive Area	6,497
RARE II areas recommended for wilderness by Carter administration but not by the pending bill	389,102
RARE II areas recommended for "further planning" by Carter administration but released by this bill	502,230
RARE II areas recommended for nonwilderness management by the Carter administration	2,673,670
Total	3,069,926

Each of the new wilderness areas provided for in this bill has had a long and fascinating history of providing for "the enduring resource of wilderness" and we have agreed that they should be left unimpaired and in their natural condition for future use and enjoyment if we are to adhere and be true to our great Wyoming heritage. It is a land with pristine values and magnificent beauty. It is land, as the Wilderness Preservation Act of 1964 defines it, as areas "where earth and its community are untrammeled by man and where man himself is a visitor who does not remain"—and where the solitude and grandeur is unconfined.

We want to preserve it by providing it with official, rather than de facto wilderness status. In addition—and I think this is an important element—it is thought by a number of respected professional geologists that the new wilderness areas we will have set aside in this bill and have made off limits to development, have little or no oil and gas potential. Conversely we have excluded from wilderness designation that area of the Gros Ventre which lies close to areas of possible oil and gas exploration and development.

And, Mr. President, there is another critically important point. We are all very clearly aware that there is likely to be a very spirited debate over the provisions in our bill that mandates—in all wilderness in the State—new and old—a complete withdrawal of those lands from oil and gas development except in time of emergency as certified by the President and by agreement by at least one House of Congress that a national emergency required going after the minerals.

The key factor here, as should again be emphasized, is that this withdrawal is countered—or rather balanced—by the release of all of the other acreage that was part of the RARE II process carried out by the previous administration. Those acres, some 3.1 million in number, will be released back to multiple-use management for the benefit of all users as directed by the statutes and regulations of the Department of Agriculture and the Department of Interior. That is, I believe, one of the most significant parts of our new bill and needs to be recognized for its real and lasting value in this entire process. I trust people will keep that provision firmly and clearly in mind as we begin the hearings on this bill. It is an important element. Both sides should be very aware of this balancing of interests and I am entirely satisfied that they will be cooperative and most judicious in their study of all of the elements we will have under discussion.

My fine colleague, MALCOLM WALLOP has addressed the history and philosophy of the National Wilderness Preservation Act of 1964 and how it impacts on our State and this bill so I will confine the rest of my remarks to an outline of the new wilderness areas in Wyoming, a total of about 480,000 acres, a section-by-section analysis of the bill, a summary of the bill and the printing of the bill itself so that interested persons will have the opportunity to study it in its entirety and thus know exactly what we are proposing and what we are attempting to achieve.

In keeping with the objective of making specific land management decisions concerning forest lands in Wyoming, our bill would designate the following areas as wilderness, and by so doing, add them to the national wilderness preservation system:

The Cloud Peak Primitive Area in the Bighorn National Forest is near Sheridan. Approximately 157,900 acres of this area would be added to the wilderness system. The remaining lands of the Bighorn National Forest, including 262,000 acres of land which have been improperly tied up in a "further planning" status, will be released for nonwilderness management.

The Cloud Peak has been in primitive area status for many years, and was studied for possible wilderness designation in 1974, during RARE I, and during RARE II. The area is highly qualified for addition to the wilderness system and its designation should receive broad public support.

The Popo Agie Primitive Area in the Shoshone National Forest is near Lander. Approximately 81,820 acres of this area would be added to the wilderness system. Like the Cloud Peak, the Popo Agie has been in protected status since the 1930's, and the congressional delegation is not aware of any opposition to designation of this fine area as a wilderness addition.

The Gros Ventre Area in the Bridger-Teton National Forest is near Jackson. Approximately 192,120 acres of this outstanding area would be added to the wilderness system. The addition would be comprised of a portion of the Gros Ventre RARE II Study Area, plus the adjacent "Sportsman's Ridge" RARE II Study Area, plus the adjacent "Sportsman's Ridge" RARE II Study Area. The southeastern corner of the Gros Ventre Study Area, which has already been leased for oil and gas development and which is thought to contain oil and gas reserves, would be excluded from wilderness and released for nonwilderness management.

A portion of the DuNoir special management unit, near Dubois, would become an addition to the existing Washakie Wilderness Area. Approximately 11,100 acres of this 28,800 acre area would be added to the Washakie Wilderness. The remaining acres would be released for nonwilderness management.

Mr. President, I have had the fine good fortune and memorable pleasure for most of my life of hiking in—or going by horseback—into some of the most outstanding wilderness areas in Wyoming with my three children, with my wife Ann, and with some old fishing chums. I can assure you that those times certainly stand out as clearly as the Wyoming sky in my mind. It has always been a time of respite, rest, and repose and provides a renewal of the spirit in what becomes a rather curious existence in this remarkable arena.

In early September of 1981 it was my rich personal privilege to horse-

back into the Washakie Wilderness with a forest supervisor. Even though I lived in that geographic area of Wyoming all of my life—and had horseback and backpacked into various areas of the stunning thoroughfare country, the North Absoraka Wilderness and the Ishawooa Creek and Ishawooa Mesa country—I had never captured the opportunity of seeing the northern portion of the Washakie Wilderness. Awesome would be an understatement—such surroundings, such grandeur, such stillness. It was a very important experience for me.

To summarize and highlight the four new areas that we are adding to wilderness in Wyoming let me reemphasize:

One of the things our bill does is to resolve the question of primitive areas by elevating them to full wilderness status where high wilderness quality is evident. That is true in the case of both Cloud Peak and the Popo Agie. The core primitive areas that we are putting into wilderness is basically the same as recommended by the U.S. Forest Service wilderness study. That provides a significant area with far-reaching attributes.

The new Popo Agie Wilderness Area encompasses topography which lies immediately east of the Continental Divide and consists of beautiful deep, narrow valleys set in a 25-mile stretch of the southern Wind River Range. High jagged peaks are the typical feature of the area and sheer granite walls are prevalent. Over 20 mountains are above 12,000 feet and Wind River Peak soars to 13,224 feet. There are 46 lakes and 58 miles of streams containing grayling and cutthroat, brook, and golden trout, a real treat for any fisherman.

The mineral and energy resources are not thought to be high, except in the case of some hardrock minerals. There is ample opportunity for a person to enjoy its naturalness and solitude.

The Cloud Peak Area was originally a forest preserve, then a primitive area, and was studied by both the RARE I and RARE II process. Our bill includes the Seven Brothers Areas—of about 5,000 acres—and some 1,900 acres in the Coffeen Park Area in wilderness.

In April of 1979, most of the areas reverted to the "further planning" status under RARE II which startled and confused a number of people. Then Assistant Secretary of Agriculture Rupert Cutler of the USDA admitted that the late change was a mistake, apparently carried off by an overzealous House committee staff member, and Cutler said it was too late in the process to change the further planning status, even though very few people wanted that type of a designation and the unclear status it gave to the area.

Besides the existing primitive area of 137,905 acres, our bill designates approximately 20,000 more acres for wilderness classification. The original Cloud Peak Primitive Area as established by Department of Agriculture regulation in 1932, contains about 94,000 acres then it was increased in 1963 to 137,905 acres.

This is a remarkable area with most stream courses originated in glacial formed cirques that flow through a U-shaped valley. Lakes were formed in scooped-out granite basins by moraine dams near the heads of the canyons. Ninety lakes and 55 miles of streams provide excellent fishing opportunity and many of the lakes are above 9,000 feet which provides habitat for cutthroat, rainbow, and mackinaw trout. Cloud Peak, at 13,167 feet, is the highest peak, followed by 13,005 foot Black Tooth Mountain. Principal trees are Engleman spruce and lodgepole pine, and beautiful grassland and meadow. The area has elk, moose, mule deer, big horn sheep, black bear, and small mammals and birds. It is outstanding and is, indeed, beyond civilization. Lake Solitude, some 72 acres, is the largest of the glacial lakes and about 300 lakes are contained throughout the area.

The DuNoir area of the Washakie has been under a special management unit designation by enactment of Federal legislation. It is the home of elk, big horn sheep, mountain lion, mule deer, moose, bear, and trumpeter swans. The main controversy has been the question of elk migration routes and elk elving grounds. The U.S. Geological Survey studies show no evidence of significant potential for mineral, fuel or geothermal energy resources.

The area is about 15 miles northeast of Dubois and has a rugged twin drainage of dense forest and high, exposed buttes. There is no question but that the area has other than wilderness values, including livestock grazing, water production, wildlife habitat improvement, and timber production. There are also 100 million board feet of timber.

The 11,100 acres of the DuNoir basin special management unit would be included in the existing Washakie Wilderness to bring the area to 698,000 acres, which is compatible with what a 1978 draft environmental impact statement identified as the preferred alternative. That study recommended that the remaining area be released.

It should also be noted that any roads built for timbering and for administrative purposes would be closed after they had fulfilled their purposes. That would emphasize that any roads constructed for timber harvesting or other authorized use would be used only for those uses and related administration and not be available for use by the general public.

In addition, our bill provides that the status of the almost 6,500 acres in the present Glacier Primitive Area be changed in order that U.S. Fish and Wildlife Service personnel and Wyoming's Game and Fish Department may be able to trap big horn mountain sheep in that area and manage the vegetation for the benefit of that herd so to improve and extend the animals' well-being.

The Gros Ventre Area has been one of major interest in Wyoming. There is a sensitivity about this area that is stronger, perhaps, than for any other area of the State. Our proposal which includes much more than the historic core area, certainly is in a key and vital position between the Wind River Range, the national elk refuge near Jackson, and Grand Teton and Yellowstone National Parks.

Our bill includes Sportsman's Ridge in wilderness, an area of almost 35,000 scenic acres.

In the Gros Ventre, there is a magnificently rich array of elk, moose, black bear, big horn sheep, bald, and golden eagles, and several varieties of fish. Like all of our wilderness and national forest areas, there are excellent opportunities for hunting, outfitting, and backpacking.

Certainly we should permanently protect and definitely provide that the major portions of this area remain in its natural state.

The southwest corner of this area has been reduced from its RARE II size because that area has already been leased for oil and gas development. But, for the most part, the Gros Ventre Wilderness Area follows the RARE II study—with minor changes to the north for horse pastures and pole cutting areas—and a more manageable boundary along ridge tops to provide a more identifiable demarcation line.

Bounded on the west by Jackson, on the north by the Gros Ventre River, on the east by the upper reaches of the Green River and on the south by the southern slopes of the Gros Ventre Range, its elevation changes from 6,500 to 11,750 feet at Double Top Mountain. It is a fascinating and marvelous country.

I have become fully convinced that it would not be appropriate—nor necessary for us at this time as a nation—to perform any further exploration or development for oil and gas in Wyoming's wilderness area. It is simply too fragile an area to probe and diminish in any way—and it is well to recall that those were wilderness areas long before we came to the present definitions as contained under the 1964 act. In each and every indication of future proposals for development of wilderness areas there is really only one place to make those instrusions—and that is along the rivers and stream

beds. Such intrusions in those fragile areas could destroy the most critical areas of permanent habitat for animal and the temporary habitat for man. I intend to remain very firm on that one.

I do want to earnestly commend this bill to my colleagues in both the House of Representatives, where Congressman DICK CHENEY is introducing it, and the Senate where we would like to respectfully request early and thoughtful consideration of a measure that is destined to mean a great deal to Wyoming, the region and the United States and our well-being and that of present and future generations.

Thank you.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The acting majority leader has the floor.

Mr. STEVENS. Mr. President, if the Senator from Wyoming has completed his statement, we have no further request on this side for leader time, and I yield back the remainder of our time.

Mr. WALLOP. I yield the floor and thank the acting majority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order the Democratic leader is recognized.

Mr. PROXMIRE. Mr. President, on behalf of the distinguished minority leader, I am told I may have part of his time, and I shall use it right now.

WE MUST CONDEMN ACTS OF GENOCIDE

Mr. PROXMIRE. Mr. President, the Washington Post on February 9 printed several letters to the editor protesting language in an article about the Turkish Consul slain in Los Angeles. One stated that "Armenian groups around the world have demanded the Turkish Government admit responsibility for what they call an act of genocide." The phrase in question is the qualifier "what they call." Letter writer Jack Matosian questions the necessity of this phrase, stating that the slaughter of more than 1 million Armenians in 1915 certainly qualifies as genocide.

While we must deplore the terrorist killings of Turkish diplomats by Armenian groups, we recognize that one point of contention in the continuing Turkish-Armenian conflict is the recognition of the Armenian massacre.

Armenian history is filled with years of oppression which came to a tragic crescendo early this century. Based on a claim that Armenian traitors caused Russian victories against Turkey during World War I, the Turks sought to systematically destroy the Armenian population. Members of the group were arrested, deported, tortured and eventually murdered. This was an act of genocide.

Mr. President, pending before the Senate is an issue which also has a long history—the Genocide Convention. Over 32 years have passed since the United Nations formally adopted the Human Rights Convention on Genocide and President Truman submitted the treaty to the Senate for ratification. Since 1948 the Senate Foreign Relations Committee has considered the treaty four times and reported it to the floor. No action has been taken.

The treaty defines genocide as certain acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religous group." The treaty specifies certain acts, declares them criminal, and thus serves as a deterrant.

Mr. President, these are the basic steps so necessary to prevent this heinous crime from occurring and insure that violators will be punished. We must recognize that world history sadly shows that cases of genocide have occurred, such as the Armenian massacre, and will again unless prevented.

It is essential that the United States join the long list of major nations that have ratified the Genocide Convention. It is essential that we speak out.

Mr. President, the need for this international human rights and criminal treaty is clear. I strongly urge my colleagues to ratify the Genocide Convention.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business to extend not beyond 12 o'clock noon, during which Senators may speak for up to 5 minutes each.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS FROM 2 P.M. UNTIL 2:30 P.M.

Mr. STEVENS. Mr. President, I would like to amend the previous order. I ask unanimous consent that when the Senate reconvenes at 2 p.m. there be a period for the transaction of routine morning business during which Senators may speak therein for not to exceed 5 minutes, and that the period extend not beyond the hour of 2:30 p.m.; and that immediately following the period for routine morning business that the pending business be laid before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. STEVENS. Mr. President, in accordance with the previous order, I ask that the Senate stand in recess until 2 p.m.

There being no objection, the Senate at 11:58 a.m. recessed until 2 p.m.; at which time the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. We are now in morning business.

MINE BLASTS

Mr. FORD. Mr. President, we are only 53 days into 1982, and so far this year 30 miners have been killed in our Nation's coal mines. Of those 30 fatalities, 16 occurred in the Commonwealth of Kentucky alone. Clearly, this is not the time for the Federal Government to back away from its role in insuring that the laws protecting the safety and health of this Nation's coal miners are vigorously enforced.

The President's fiscal 1983 budget proposal for mine safety and health is a bleak one. Although $17 million was added back to the Mine Safety and Health Administration (MSHA) budget, this amount does not appear in the budget documents, largely because the source of these additional funds is still unclear. I was encouraged to learn that these additional funds in fiscal year 1983 will increase the proposed number of inspections of coal mines from 75,780, the number of estimated inspections for fiscal year 1982, to 95,715. However, the number of coal enforcement inspectors will remain at 1,974, the same level as the estimated fiscal year 1982 level, which leads me

to wonder who will conduct these additional inspections.

What disturbs me most is not what is contained in this budget, but what is implied by it. The problem is not simply a matter of adequate funding, although the last minute addition of $2 million to the fiscal year 1982 budget and $15 million to the fiscal year 1983 budget is a welcome one. The problem is one of morale.

An article by Ward Sinclair that appeared in the Washington Post on February 15 described what the changing mood in Washington toward mine safety and health is doing to the morale of the coal mine inspector in the field. I ask unanimous consent that the Sinclair article and another article by Mike Brown that appeared in the February 15 Louisville Courier Journal appear in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FORD. The signals coming from this administration seem to indicate that mine safety and health are better left to the voluntary efforts on the part of the coal industry. Ford B. Ford, Assistant Secretary for Mine Safety and Health, has instituted a new procedure which will allow operators to meet privately with MSHA district managers to discuss the validity of violations. In fiscal year 1981, MSHA assessed 27 percent fewer civil penalties and inspectors issued 16 percent fewer violation notices and 9 percent fewer mine-closure orders than in the previous year.

Some Federal inspectors, including Hugh Smith of Pikeville, Ky., located in the heart of mining country, feel that they are being forced to conduct hurry-up inspections and fewer surprise spot inspections of the mines. Ralph Blackburn of Robinson Creek, Ky., resigned 2 months ago reportedly because he felt that he was not being backed up in his inspections and that he was being rushed in his inspections and forced to take short cuts.

This adminstration seems to be backing off from the hard line stand of past administrations that put the safety and health of our coal miners first and foremost. And this wavering is taking a disturbing toll on the morale of the men and women responsible for insuring that safety—the mine inspectors.

It is my understanding that Senator KENNEDY has called upon Senator HATCH, chairman of the Senate Labor and Human Resources Committee, to initiate hearings into the Federal role in mine safety and health. The House Committee on Education and Labor has scheduled such hearings beginning this Tuesday and continuing for the next 2 weeks. Today, I second Senator KENNEDY's call for a renewal of the Federal role in insuring that the conditions of the mines for our Nation's coal miners are safe, and I urge Senator HATCH to move expeditiously in scheduling hearings on this matter.

EXHIBIT 1

[From the Washington Post, Feb. 15, 1982]

BUDGET CUTS HIT SAFETY ENFORCEMENT LIKE A TON OF KENTUCKY COAL

(By Ward Sinclair)

CRAYNOR, KY.—It makes a somber postcard, black from the rain of coal dust and white from the recent snow, and you know it had to be a terrible explosion.

It started where they were mining, about 800 feet under the mountain, igniting the volatile dust into an infernal force that rushed to the surface like a projectile from the barrel of a cannon.

All seven miners, including three Hamilton brothers who ran the operation, were killed in the Jan. 20 eruption at the RFH Coal Co. Bodies were burned and twisted beyond recognition. The conveyor belt was a tangle of metal. Trees and land outside the mine turned black from the dust spray.

This disaster and a rash of other mine accidents that killed at least 33 Appalachian miners in December and January have touched off a flurry of state and federal investigations of the kind that traditionally follow mining tragedies.

But there is a difference this time.

The federal inspection force, built up gradually after major disasters in 1968, 1970 and 1976, is reeling from Reagan administration budget cuts and policy changes. Critics draw a direct link between these changes and more deaths and accidents, fewer inspections and violation notices in the last year.

President Reagan's proposed 1983 budget was to have cut $7 million more from mine safety enforcement. But in an unusual move, the White House last week amended the figures upward before the ink on the budget was dry.

Even that, however, won't return mine safety spending to its pre-Reagan levels and, in keeping with its promise to cut the tangle of government rules, the administration is pursuing a regulatory reorganization that skeptics view with alarm.

But to some inspectors in the heart of the nation's coalfield, the contemplated reorganization would simply formalize a policy that is already understood.

"We've lost direction. The morale of the inspector is destroyed," said Hugh Smith, a federal mine inspector based at nearby Pikeville. "It has never been put in writing that we shouldn't enforce the law, but our people know there's a change in attitude in Washington. You only have to watch the 6 o'clock news to know this."

A three-month strike by the United Mine Workers notwithstanding, there were 153 fatalities in 1981, compared with 133 the year before. Through Thursday, there have been 26 fatalities in 1982, compared with 15 during the same period last year.

The Department of Labor's Mine Safety and Health Administration (MSHA) last year assessed 27 percent fewer civil penalties; its inspectors issued 16 percent fewer violation notices and 9 percent fewer mine-closure orders in fiscal 1981 than a year earlier.

The case of the RFH mine here in Floyd County puts still another light on the picture. Evidence gathered by Federal investigators suggests that blatant safety violations were occurring at RFH when it blew up. But on paper, if official inspection reports are to be believed, the RFH mine was a paragon of safety.

During four inspections in 1981, MSHA inspectors gave RFH a clean bill. The mandatory inspections produced only one safety violation notice. Similar spotless records are turning up at other small mines. "The number of violation-free mines last year would shock you," said one official. MSHA is conducting an internal study to determine why historically dangerous mines are suddenly showing up clean.

Although Reagan altered his 1983 budget to lift the freeze on hiring coal mine inspectors, the administration is proceeding on other fronts with policies that appear to have had a severe effect on MSHA morale, both here and in Washington.

Some examples:

MSHA chief Ford B. Ford, aiming for a new era of "cooperation" with mine operators, has shifted more power and duties to MSHA's district managers. Among these will be a procedure, scheduled to take effect in April, that will allow operators to meet privately with the managers to discuss the validity of violation notices issued against them.

Since last fall, MSHA has applied rigid new civil service performance standards to its inspectors, who complain that the result is work schedules that force more cursory, speeded-up inspections and fewer surprise spot inspections in the mines.

The hiring freeze has sharply cut the size of the inspection force. For example, the Pikeville district of MSHA, covering a major coalfield, is 44 inspectors below its 1978 level. In MSHA's Prestonsburg office, with clerical help laid off by budget cuts, key supervisors have been relegated to handling paperwork. Nationally, the agency has about 850 inspectors on duty, less than half the 2,000 that an internal MSHA study says are needed to provide full coverage of the mines.

The administration has not taken a formal position but congressional sources expect it will line up in support of a package of amendments drafted by the American Mining Congress and introduced by Sen. Orrin G. Hatch (R-Utah) to substantially water down the tough 1977 mine safety law.

Fearing layoffs or loss of jobs, many younger inspectors, almost all miners before joining federal service, are said to be nervous about penalizing mine operators from whom they soon may have to seek employment. "It's hard to regulate an industry you might have to ask for a job next week," said a furloughed MSHA employee in eastern Kentucky.

Hugh Smith, president of the Pikeville local of the American Federation of Government Employes, added: "We're going back to the way things were in this industry before the Farmington [W. Va.] disaster in 1968. We've come too far to turn back now . . . . We can't let the budget be balanced on the blood of Kentucky coal miners."

The trends were too much for Ralph Blackburn of Robinson Creek. He resigned as an MSHA inspector a couple months ago to return to a job in the mines. "These changes have affected morale badly," he said. "I felt I wasn't being backed up. I was rushed and I had to take short cuts on inspections. I was afraid I would get someone hurt at my mines. I didn't want that on my conscience, so I quit."

James Boyd, a UMW safety official based in Pikeville, put it this way: "Put yourself in those inspectors' shoes. Their attitude is very poor. Their morale is plain gone. They

may be looking for a job next week from the same guy they're inspecting. They're just not spending the time in the mines that they used to and we're getting more complaints about safety from our men at the local mine sites."

In an opinion issued last month, affirming a $200,000 penalty settlement against the owners of the Scotia Coal Co. mine in Kentucky where explosions killed 26 men in 1976, a federal administrative law judge lashed out at the mine-safety budget cuts from another angle.

Joseph B. Kennedy, a judge with the independent Mine Safety and Health Review Commission, wrote that budget cuts have seriously impaired the morale of inspectors and judges. "In the face of the rising rate of institutional manslaugher," Kennedy said, "the calls for further deregulation and relaxation of the enforcement effort seem unreal, if not morally irresponsible."

Some MSHA career officials in Washington acknowledge the validity of these allegations. Said one: "When our people hear what the president says about overregulation, about bureaucrats and so on, it affects their morale. With the budget cuts, many got furlough notices around Christmas and this has been a big psychological factor."

Inspected or not, the mines continue to run at a merry pace in this part of the mountains. The pressure for production is intense. Loaded coal trucks constantly lumber along the roads. The signs of coal prosperity are everywhere: new homes sprouting on hillsides, new retail outlets, a Prestonsburg store that advertises designer apparel.

One thing does not change.

Coal operators, historically resistant to government oversight, continue to assail MSHA inspections as an example of the overregulation the Reagan administration has promised to abate. In the wake of a grim December and January, some in the industry are calling on regulators to punish miners, rather than operators, for safety infractions.

That line emerged again last week in Hazard, where an investigative commission appointed by Gov. John Y. Brown met to hear miners and mine operators testify on a type of explosive technique common in use here, but banned as too dangerous in most states.

The Hamilton brothers were using this technique called shooting from the solid, when their RFH mine exploded. At another mine not far from here, the Adkins Coal Co. at Topmost, eight miners died in a similar explosion in December.

After those disasters, the state tightened its rules for this type of blasting. The industry, however, argues that Kentucky, the country's leading coal producer, is inviting economic suicide if the rules are tightened more. Operators at the Hazard hearing claimed that the cost of mechanized equipment to cut out the coal, rather than blast it out, would bankrupt most small operators.

The UMW's Boyd, a member of the governor's commission, couldn't resist when one witness, cutting-machine manufacturer Thomas Pruitt of Grundy, Va., testified that mechanization would vastly reduce explosives costs and save the companies money in the long run.

"What's the difference between the price of a Mercedes and one of your machines?" Boyd asked with a touch of wryness.

"Not a heckuva lot," Pruitt answered.

[From the Courier-Journal, Feb. 15, 1982]

BUDGET ADDS 300 MINE-SAFETY JOBS—AND CUTS 464

(By Mike Brown)

WASHINGTON.—The Reagan administration's surprise decision to beef up the federal coal-mine safety program drew many hosannas, but in the excitement and confusion the fine print generally got overlooked.

As it unveiled the 1983 budget on Feb. 6, the administration announced that it was increasing the number of coal-mine inspectors and related personnel by almost 300.

After the tragic string of mine disasters in Kentucky and Tennessee, the news was widely applauded.

Sam Church Jr., president of the United Mine Workers and the most outspoken critic of the administration's mine-safety program, called it a step in the right direction.

Church is trying to shake off a loud band of critics to win re-election later this year; the apparent concession provided a nice boost to his political standing.

A small group of Republican coal-state congressmen could bask in the turnaround too. Just a few days before the budget's release, they had met privately with mine-safety chief Ford B. Ford to argue against proposed cutbacks.

The group included Kentucky Rep. Harold "Hal" Rogers, R-5th District, and West Virginia Rep. Cleve Benedict—the man who hopes to retire Senate Minority Leader Robert Byrd in this year's elections.

Back in Kentucky, Hugh Smith, a Pikeville-based federal mine inspector and leader of a government employees' union, said the news seemed certain to improve what he characterized as badly sagging morale in the ranks of inspectors.

Only a few days before, Smith had complained of growing uncertainty created by layoffs and other personnel changes, saying, "We're getting awfully discouraged."

But amidst all the surprised smiles, little attention was paid to a vague but potentially important sentence buried in the bowels of the budget section devoted to the Mine Safety and Health Administration:

"For 1983, legislation is proposed that would allow MSHA to concentrate its resources on mines most likely to be hazardous and to eliminate unproductive activities saving $9 million in proposed budget authority."

Simply put, the administration is saying that it plans to amend the federal mine-safety law to save $9 million. Charts deep in the thick budget appendix indicate that most of the savings will result from the elimination of 464 unidentified positions.

There is no indication exactly where the cuts would come; in addition to coal, MSHA regulates almost every other kind of mining.

So exactly what does it mean? Is the administration giving with one hand and taking with the other?

MSHA Director Ford said the "legislation" hasn't been drafted; it's in the talking stage. And he said the $9 million figure is just "a place-holder," plugged into the budget to point out possible savings.

"It's just a number," he said.

In other words, nothing's definite. Ford said he didn't know whether such legislation would even be introduced.

But he didn't deny that one possible change is a decrease in the number of full-fledged safety inspections required. Currently, underground mines must get four a year and surface must get two.

Another possibility, he indicated, is an easing of the mandatory-penalty requirement. Coal operators now must be fined for every cited violation.

The coal industry favors both changes—and administration officials have been saying for some time that MSHA needs more flexibility so that it can concentrate its resources on problem mines.

Presumably the two changes might also permit a decrease in the number of MSHA employees.

They would be certain to generate heated resistance, especially from the UMW.

So while MSHA officials say they will begin adding the 300 extra coal mine positions sometime before fiscal 1983 begins in October, just what other changes are in the works—and how they might affect the agency's final staffing level—remain unknown.

The agency's entire budget picture was thrown into confusion by the suddenness of the decision to bolster the coal-safety program.

Last week officials didn't know where the additional $15 million to pay for the extra coal workers will be found.

Ford said discussions about the increase began several weeks ago following the coalfield disasters. But the final decision, he said, wasn't actually made until late Thursday—too late to be included in the 1983 budget books that were made public Feb. 6.

So officially, MSHA's budget was shown declining by $10 million between now and fiscal 1983. And that doesn't include the possible $9 million in savings from the unspecified legislative changes.

Had the administration stuck with that decreased level of funding, MSHA's overall employment would have dropped by almost 500 positions—more than 100 of them in the coal program, the rest of MSHA sections regulating other types of mines.

Ford said the about-face reflects President Reagan's concern about the mine disasters.

But the word from the Department of Labor and from the Office of Management and Budget is that it was mainly Ford and Labor Secretary Raymond Donovan who pushed for the change and convinced the budget office and the White House to go along.

Ford, who has maintained all along that the recent disasters can't be blamed on the inspection program, said the decision to increase the coal staff is in no way a retreat from that position. He called the extra inspectors "additional insurance."

Late in January, after weeks of trying to get a mine-safety meeting with the president, Church was granted a session with Donovan, Ford and Vice President George Bush.

Ford said Church's lobbying contributed to the decision to enlarge the coal staff, but he indicated that it wasn't an overriding factor. He also discounted the suggestion that political concerns played a part.

Nevertheless, if the coal-safety program had been cut back after the series of mining disasters, the administration would almost certainly have had an unpleasant fight on its hands.

The UMW was set to order its members to stay off the job on Feb. 22 to dramatize the union's concern.

But after the coal-program budget increase was announced, the union shelved that plan.

There also was a potential problem on another front—Capitol Hill.

MSHA is the subject of two sets of hearings in the Democratic-controlled House

scheduled to begin this week and next, and the personnel cuts were certain to be a prime topic of the televised hearings.

The general feeling in Washington is that someone in the administration decided that a strong budget stand on the highly charged issue of mine safety simply wouldn't be worth the damage—especially when the relatively modest sum of $15 million would buy some peace and quiet.

"Politically, it was a great decision," said a worker at UMW headquarters.

Mr. STEVENS. Mr. President, I yield my 5 minutes to the Senator from Illinois.

Mr. PERCY. I thank the distinguished acting majority leader.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, I rise today as I do each year at this time to bring to the attention of the Senate the anniversary of Lithuanian independence. This year is the 64th annual commemoration of the establishment of the Lithuanian Republic in 1918. We remember the constitution it adopted in 1922, which guaranteed for the people of Lithuania freedom of speech, assembly, and religion. And we do not forget the cruel seizure of Lithuania by Soviet troops in 1940, and the forcible incorporation of Lithuania into the Soviet Union. In this year of repression in neighboring Poland, our commemoration takes on a special urgency.

I speak on the floor of the Senate as a voice for tens of thousands of Lithuanian Americans who love America, cherish the communities they have built here, and treasure the freedom they enjoy.

Mr. President, of all people in America, they do not take their own freedom for granted. They will not rest until their heritage and the people of the country from where they came have freedom also. Lithuanian Americans have put forth their best efforts to remind the world of the tragedy of the Baltic peoples who are denied basic human rights under Soviet rule.

Today I address my colleagues who do not have Lithuanian American constituencies and therefore may not know firsthand about the concerns of Lithuanian Americans for the plight of their native land, their relatives, and their people. I would hope that my colleagues would adopt their cause and would add their voices on behalf of the Baltic peoples.

I know, Mr. President, that you have a fine constituency of Lithuanian descent in my neighboring State of Indiana.

We speak today so that those who usurped Lithuania's sovereignty in 1940 and those who continue to deny freedom to Lithuania, Latvia, and Estonia will be obliged to hear us. I take pride in the stand of our Nation, which refuses to recognize the illegal incorporation by force of arms of the Baltic States. President Reagan and Secretary of State Haig have reaffirmed this policy. And certainly it was a policy I followed.

I know they were rather shocked, on my first visit to the Baltic States back in 1966, when I went to Moscow and they said, "Did you call on our Government?" I said, "No." They said, "Why not?" I said, "We do not recognize that there is a government there that we look upon as a government, certainly not of or by or for the people of Lithuania. It is an imposed government that is not recognized by us or by Lithuanian Americans and I do not believe by many Lithuanians."

We should note again the special trauma endured by Vytautas Skuodis, Viktoras Petkus, and Balys Gajauskas. On September 22 of last year the Senate agreed without dissent to Senate Resolution 198, which supports continuing efforts of the administration to protest the imprisonment of Skuodis and calls directly on the Soviets to release him from prison. Skuodis is an American citizen baptized in Chicago's Our Lady of Vilna Church and, as an American by birth, his imprisonment is especially offensive. Both Vytautas Skuodis and Viktoras Petkus were members of the Lithuanian Helsinki Monitoring Group, on which the Soviets have cracked down so hard. Balys Gajauskas was found guilty by the Soviets of aiding present and former political prisoners and their families. We pray for all those who have been sentenced to internal exile, prison, labor camp, or psychiatric institution for having the courage of their convictions.

As we commemorate Lithuanian independence and express our special concern for Lithuanian political prisoners, we should reflect on the knowledge that individual efforts are cumulatively important on human rights issues. For years, I repeatedly called the attention of the Senate to the tragedy of Simas Kudirka, a Lithuanian sailor who jumped from his ship in an impassioned flight to freedom but was later surrendered to Soviet authorities. With help from some of us and from the State Department, Kudirka was released in 1974 after nearly 4 years in a Soviet prison camp. That victory could not have been won without the great initiative and help of organized Lithuanian American groups throughout the country who worked tirelessly on his behalf. We kept his case on the agenda and he did not languish in prison, forgotten. We reminded the world of this atrocity against human rights. Public attention to the cases of political prisoners is very helpful to them. It takes years of work and the energies and collective determination to all of us, but sometimes we succeed in gaining freedom for those whose liberty has been unjustly denied. And I know the very fact that on Solidarity Day across the country, when millions of Americans, millions of Americans of Polish descent, worked ceaselessly that day to remind the world of the repression of the Polish people, the so-called worker's government in suppressing the very basic rights of workers. It is that word that has gotten out through Radio Free Europe, Radio Liberty, Voice of America, and BBC that infiltrated and got back there to Poland and encourages people that they have not been forgotten.

A great strength of our democracy is the guarantee in our Constitution that individual life and liberty must be protected. The situation of the political prisoners in Lithuania reminds us all of the importance of our own freedom and the need for us to be persistent in our efforts not only to preserve and defend our own rights and freedoms but also the rights and freedoms of those less fortunate than ourselves.

The Polish crisis today and the imprisonment of political prisoners in the Soviet Union and the Baltic States represent a profound failure of Soviet-style communism. A government afraid of self-expression is to be pitied as well as condemned. The stronger force in the end is the inspiring legacy of the Lithuanian people, who persevere in their religious and cultural heritage and tradition against great odds. I pay tribute today to their continuing vigil of hope, and add my own fervent prayer that their legitimate aspirations will one day be realized, that liberty will triumph in the end, and that the people of the Baltic States will be free.

Mr. PELL. Mr. President, I am delighted to join my colleague, Senator PERCY, in commemorating the 64th anniversary of Lithuanian independence. On February 16, 1918, the Lithuanian people courageously broke the yoke of Russian rule and tyranny under which they had lived for more than a century and proudly declared Lithuania to be an independent state. Attempts by Bolshevik forces to deal a death blow to the newly established republic were defeated, and in 1920, the Soviet Union signed a peace treaty recognizing Lithuania's independence and sovereignty and renouncing forever all claims to Lithuanian territory.

Lithuania's existence as a sovereign, nation-state was tragicly and illegally ended by the Soviet Union during the Second World War. Under a secret protocol to the Nazi-Soviet Nonaggression Pact, the Soviet Union laid claims to Lithuania and the other Baltic States of Latvia and Estonia. This agreement was a flagrant abrogation of the 1920 peace treaty with Lithuania. Having received the green light from Germany to occupy the Baltic States, the Soviet Union in October

1939 forcibly obtained the right to station Soviet forces on Lithuanian territory. The following June the Soviet Union orchestrated the downfall of the nationalist government and replaced it with a new, pro-Soviet Government. In August 1940, at the request of the new government and against the wishes of the Lithuanian people, Lithuania was formally incorporated into the Union of Soviet Socialist Republics. To this day, the United States has consistently refused to recognize this unlawful annexation of Lithuania by the Soviet Union and has steadfastly supported the Lithuanian people in their valiant and unending struggle against Soviet repression.

Under Soviet domination, Lithuanians have been subjected to forced russification, ethnic dilution, political and religious persecution. Freedom of religion is denied to all Lithuanians; but Catholics, in particular, have been the victims of intense discrimination. Governmental efforts to suppress the Catholic church and its followers led to the development of a strong Catholic dissent movement which for many years has fought for freedom of religion for all Lithuanians, regardless of religious persuasion. Participants in the Catholic dissent movement have also played an important role in the struggle for survival of the national culture and for basic human rights. "The Chronicle of the Catholic Church in Lithuania," first published in 1972, gathers and publishes information not only on the plight of Catholics but also on all violations of human rights and fundamental freedoms.

The Catholic Committee for the Defense of the Rights of Believers, established in 1978, continues to remain active and strong despite governmental efforts to curtail its activities.

The Lithuanian Helsinki Monitoring Group, on the other hand, has been severely weakened by the imprisonment, and in some cases involuntary exile, of many of its key leaders. Nevertheless, the monitoring group has succeeded in publishing some 30 documents, interceding with the Lithuanian authorities on behalf of those whose rights have been deprived, and focusing public attention on violations of human rights and fundamental freedoms.

As a member and former cochairman of the Commission on Security and Cooperation in Europe, I am deeply concerned about these violations of human rights in Lithuania. As a party to the United Nations Charter and various international covenants on human rights, and as a signatory of the Helsinki accords, the Soviet Union has pledged respect for human rights and fundamental freedoms and has accepted political and legal obligations in these areas. As we commemorate the 64th anniversary of Lithuanian independence, it is fitting and proper that we remind the Soviet Union of these obligations and that we reaffirm our own commitment to the principles of liberty and self-determination for Lithuanians and for all people who are forced to live in the absence of freedom.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. PRESSLER relating to the submission of a resolution are printed under Statements on Resolutions Submitted.)

FEDERAL SPENDING AND BUDGET JUSTIFICATIONS

Mr. ARMSTRONG. Mr. President, recent public opinion polls show overwhelming national support for efforts to restrain Federal spending. For example, a recent NBC survey reflected 65 percent in favor of budget cuts with only 26 percent against and 9 percent registering no opinion. Even though the average person may not have a detailed understanding of the way in which large Federal budget deficits raise interest rates, cause inflation and threaten the projected economic recovery, most people obviously have a good general idea of how excessive Federal spending is hurting our economy.

And the facts are dramatically clear. From 1960 to 1980 annual Federal spending increased from $77 billion to $580 billion; a median income family's Federal taxes rose from $595 to $3,478 per year; total Federal taxes went up 450 percent; the Government operated in the red for 11 consecutive years; 16 out of 20; the total national debt increased from $286.3 billion to $914 billion; Federal welfare recipients increased from 5.2 million to 15.2 million; the Federal Register, which publishes Federal regulations, increased from 14,479 pages to 87,012 pages.

Even the world's most powerful economy could not stand this kind of prolonged abuse. The results speak for themselves.

United States	1960	1980
Standard of living (world rank).	1	5.
Annual inflation rate	1.5 percent	13.5 percent.
Per family savings rate	5.6 percent	4.2 percent.
Interest rates (yearly average).	4.8 percent	15.2 percent.
Annual productivity increase.	2.5 percent	−0.3 percent.
Annual capital investment increase.	5.2 percent	−3.0 percent.

Compared to other nations, our economic performance has been dismal. The United States trails Japan, the Netherlands, Italy, France, Germany, and England in such basic barometers of economic performance as Government spending as a percent of gross national product, annual GNP growth, and productivity increases. Japan has an 83 percent higher capital investment rate, 126 percent higher increase in GNP growth, and its productivity increase is three times that of the United States.

At home, the consequences of economic decline are even more apparent. A 1960 dollar is worth only 39 cents today. Young couples cannot buy homes, businesses are being driven to the wall, and into bankruptcy, and millions more are unemployed than a decade ago.

Under the circumstances, it is no wonder the public, along with most economists and businessmen, believe Federal spending must be brought into line with revenues. Most people also agree that if Congress acts decisively to control excessive spending, interest rates will quickly fall and our national economy will start humming again in short order.

Unfortunately, however, the national consensus for budgetary restraint is being skillfully undermined by those who claim the cuts will unfairly fall on needy persons. The facts show otherwise; while needed measures of restraint would not be painless, neither will the burden be unjust or heartless.

That is why I urge my colleagues to study the following budget justifications which go into detail on specific changes in popular programs such as food stamps, tuition assistance, medicare, medicaide, and so forth. As you can see, the changes recommended by the administration are primarily aimed at better targeting of resources, curtailing programs which have grown at very rapid rates and elimination of inequitable benefit structures.

America is a great, prosperous, generous, and compassionate country. We are not ever going to turn our backs on the sick and needy. But we are also a country of practical people who realize that slimming down the Federal budget is essential to restore our economy to good health. One aspect of this effort, along with cuts in defense and other areas, must be reform of entitlement programs.

Mr. President, I ask unanimous consent that the budget justifications be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFORMING ENTITLEMENT PROGRAMS

The explosion of entitlement expenditures has forced a careful reexamination of the entitlement or automatic spending programs. Under these programs, individuals

who meet eligibility criteria spelled out in law are entitled to receive benefits that help offset losses of income, aid those who are unable to provide for themselves, or finance certain goods and services such as medical care and higher education. When one looks behind the good intentions of these programs, one finds tremendous problems of fraud, waste and mismanagement. Worse than this, the truly needy have not been well served. We have been able to identify $11.7 billion (21 percent of the President's proposed 1983 net budget savings) in reforms in entitlement programs.

The proposed reforms for 1983 are for non-Social Security entitlement programs. The President has established a national Commission on Social Security Reform to develop a bipartisan consensus on measures to ensure the financial stability of the Social Security system. The Commission will issue its recommendations by January 1983.

PAST RAPID GROWTH

Costs of non-Social Security entitlements have skyrocketed since the massive expansion of Federal social programs initiated in the 1960's.

Spending for these programs totaled $167.8 billion in 1981, reflecting increases of 412 percent since 1970 and 1,745 percent since 1955.

Between 1955 and 1981, non-Social Security entitlements roughly doubled as a percent of the budget, rising from 13.3 percent to 25.4 percent.

As a share of the Gross National Product, they have doubled in even less time, increasing from 2.4 percent in 1965 to 5.9 percent in 1981.

The growth of entitlements has far outstripped increases in basic indicators of need—the relevant population, the number of participants, and the general rate of inflation or the cost of particular goods and services. For example:

Real entitlement spending per person in poverty grew 83 percent between 1970 and 1980, counting all entitlements except Social Security, Medicare, and Federal employee retirement.

Food Stamp spending per participant, adjusted to take into account increases in the price of food, grew 18 percent between 1975 and 1981.

Medicaid expenditures per public assistance case grew 49.5 percent in real terms between 1970 and 1980.

A real increase of 50.4 percent per Federal employee occurred in Federal Employees Compensation Act expenditures between 1974 and 1981, despite the fact that there was no change in the average number of job-related deaths—a primary indicator of safety in Federal employment.

Spending per Guaranteed Student Loan recipient, adjusted for increases in educational costs, grew 10,500 percent between 1970 and 1981.

In part, this growth represents a shift in responsibility from both State and local governments and the family to the Federal Government.

Food Stamp benefits now are fully funded by the Federal Government, whereas Aid to Families with Dependent Children (AFDC) benefits (which are intended to cover basic food costs) are set and funded, on average, 46 percent by the States. By holding down AFDC benefits while Food Stamp benefits have continued to increase, States have been able to increase the Federal share of the combined benefits package from 65 percent in 1972 to 76 percent in 1981.

School meals provide another example of an unintended increase in the Federal share of overall program costs. Average Federal per meal costs in constant dollars rose from 31 cents in 1970 to 60 cents in 1981. At the same time, average student payments dropped from 60 to 34 cents. Because the lowest income students continued to receive school meals free, most of the increased Federal subsidy has gone to higher income students.

The fastest growing single component of Medicaid is intermediate care for the mentally retarded, which increased at an average annual rate of 57.1 percent between 1973 and 1979. For the Federal Government, increased costs largely have resulted from the shift of responsibility for beneficiaries whose care was previously funded totally by the States to Medicaid, in which the Federal Government shares costs.

THE NEED FOR REFORMS

The entitlement expenditure explosion reflects not only cost shifts from others to the Federal Government but program provisions which have:

Created disincentives to work.

Resulted in unequal treatment of people in similar circumstances.

Provided unintended and excessive benefits to recipients.

Undermined targeting of resources to those most in need.

Impeded efficient and effective program operations.

WORK DISINCENTIVES AND INEQUITIES

Welfare programs provide one example of disincentives to work and unequal treatment of people in similar circumstances. Paradoxically, these problems have arisen out of welfare program features designed to promote work by ensuring that families would be better off employed than on welfare. Such features include provisions to disregard some earned income and allow certain deductions for work expenses in the calculation of eligibility and benefits. They result, in far too many cases, in welfare families being better off than similar non-welfare families.

An average welfare family of four in 1970 would have received AFDC, Medicaid, and School Lunch benefits equivalent to $7,548 in 1980 dollars. Ten years later, they would have an increase in inflation-adjusted benefits (including Food Stamps in 1980) to a level of $8,124 in 1980 dollars.

By contrast, a working non-welfare family of four with exactly the same after-tax income in 1970 would not have done nearly as well. If their income rose with national average earnings, their after-tax income in 1980 would be $7,224, a 4 percent decline in real terms. The family's income would be 11 percent below that of a non-working welfare family.

Had the head of the welfare family gone to work in the same occupation as the head of the non-welfare family, the welfare family would be even better off. The combined effects of earnings disregards in cash and in-kind assistance programs and the Earned Income Tax Credit would give the working welfare family after-tax income including benefits of $11,076—an amount 53 percent higher than that received by the family that supports itself through work alone.

Federal efforts to mitigate welfare program work disincentives have had the effect of creating a special class of those who receive income supplements far in excess of the take-home pay of their non-welfare, working counterparts. In fact, two-thirds of wage-earning, low-income families (income below 150 percent of the Federal poverty level) receive no AFDC, Food Stamps, or Medicaid benefits at all. However, the harmful effects of the misguided policies of the past go beyond the obvious inequities of selected income supplementation.

Program benefits and hence costs rise faster than the ability of the working population to support these programs through taxes.

With programs such as Medicaid and Food Stamps rising far faster than inflation, income supplementation programs have become a major source of persistent deficits, excessive taxes and poor economic performance.

The resulting poor performance of the economy becomes a further penalty suffered by those who support their families solely through earnings.

Work disincentives and inequities also are evident in the Civil Service and Military Retirement programs.

Office of Personnel Management data show that between 1965 and 1980 accumulated Consumer Price Index (CPI) increases of 173 percent resulted in Civil Service retirement benefit increases of 204 percent, while Civil Service wages rose by only 147 percent.

Between 1977 and 1981, salaries of senior executives in the Executive Branch rose only 5.5 percent compared to CPI and Federal retirement annuity increases of over 54 percent.

With annuities increasing faster than pay, many new retirees find that they receive lower annuities than persons who retired in prior years with identical service histories.

At least 95 percent of present Civil Service retirees receive annuities greater than similar new retirees would receive, with half receiving 15 percent to 35 percent more. Annuitants at all levels have been affected.

Similar problems have occurred in the military retirement program. After the 1982 CPI increase, over 60 percent of the military retired population will receive higher annuities than they would if retiring under 1982 pay scales, with some receiving as much as 21 percent more.

In addition, the discrepancy between wages and annuities has encouraged persons to retire in order to take maximum advantage of annuity increases. A predictable result has been the loss of senior and executive personnel.

In 1980, 57 percent of career employees at the pay ceiling who were eligible to retire did so, in contrast to a 17 percent retirement rate in 1978.

The number of senior workers who chose to retire at the relatively young ages of 55 to 59 soared from 16 percent of those eligible in 1978 to 75 percent in 1980.

OVERLAPPING AND EXCESSIVE BENEFITS

An example of overlapping benefits is provided by the proliferation of nutrition programs which have pyramided benefits upon many of the same low-income population.

In 1979, members of more than 2.2 million households received both Food Stamps and free or reduced-price School Lunch benefits. Because Food Stamp allotments are designed to assure a nutritionally adequate diet for all members of a household, dual participation provides children with approximately 133 percent of their recommended daily nutrition requirements.

In 1981, milk subsidies worth more than $800 million were included as part of nutri-

tionally balanced meals served by schools which also received Federal Special Milk Program subsidies of $104 million to deliver an additional 1.75 billion pints of milk.

BENEFITS NOT TARGETED ON THE NEEDY

An example of benefits for people not in need is reflected in the surge in Federal assistance for students from middle- and upper-income families following passage of the Middle Income Student Assistance Act of 1978 (MISAA), which liberalized eligibility for loan guarantee and grant programs:

New loan volume between 1977 and 1981 grew from $1.5 billion to $8.0 billion—a 443 percent increase—much of which went to the non-needy.

For example, the proportion of college juniors in families with incomes over $25,000 who received Guaranteed Student Loans (GSL) increased from 23 percent in school year 1978–79 before MISAA to 33 percent in school year 1979–80 after MISAA.

Moreover, the availability of low-interest loans in an era of dramatically fluctuating interest rates has made it profitable for families who have the resources to educate their children to borrow money through the GSL program, reaping a windfall at the expense of the taxpayer.

For example, in September 1980, a family with an annual income of $100,000 and three children attending Harvard, including one enrolled in law school, could have borrowed $10,000 through GSL and paid no principal or interest while the students were in school. The family could have invested the $10,000 in a money market fund paying 16 percent over the next 12 months. At the same time the Federal Government would have paid $1,760 in interest subsidies and special allowances to the bank making the loan, as well as $200 in interest on the Federal debt. As a result, in one year the family would have made $1,600 at a cost to the taxpayers of $1,960.

INEFFICIENT AND INEFFECTIVE PROGRAM OPERATIONS

Examples of inefficient and ineffective program operations are provided by Medicare and Medicaid.

Through these programs, the Federal Government is the largest single purchaser of hospital care in the Nation.

The long prevailing wisdom has been that the infusion of Federal funds into the medical care market has resulted in runaway medical price increases.

However, hospital cost growth in excess of inflation accounted for only 8.3% of expenditure increases between 1969 and 1979, while increases in utilization and intensity (quality and complexity of care) accounted for 34.3% of the increase. Retrospective cost-based hospital reimbursement and widespread first dollar insurance coverage for hospital care have combined to create incentives for hospitals to provide, and consumers to seek or accept, new and more extensive diagnostic and therapeutic procedures and techniques.

Although conceived primarly as a medical program and initially operated as such, Medicaid increasingly has become a program to help the functionally limited—people who need assistance in carrying out the tasks of daily living, such as dressing, bathing, and eating. Payments for long-term care grew from 32% to 47% of the total Medicaid budget between 1969 and 1979, in the latter year amounting to $9.7 billion.

The explosive growth in Medicaid long-term care expenditures has not necessarily resulted in appropriate care. In fact, a Congressional Budget Office review of numerous studies concluded that as many as 10% to 20% of all skilled nursing facility residents and 20% to 40% of intermediate care facility residents may be receiving more expensive levels of care than necessary.

ENHANCING WORK INCENTIVES AND EQUITY

To deal with the problem of work disincentives and inequitable income supplementation, a series of entitlement program reforms are being proposed in this budget.

Those who become unemployed as a result of industries shrinking from changing patterns of international trade will no longer be eligible for special extended Trade Adjustment Assistance cash benefits. The additional length of time workers are eligible for benefits discourages them from looking for employment in other industries. Moreover, all workers who have lost their jobs through no fault of their own should be treated similarly. Instead of these additional benefits, the Federal program for special target groups (see fact sheet on Training and Employment Programs in Chapter 2) will provide training, job search, and relocation allowances to help these workers to prepare for new work and move to it.

Those who apply for AFDC and Food Stamps will have to show that they have searched for employment. States will be required to have Community Work Experience Programs to encourage AFDC recipients to find work in the private sector, to develop and maintain work skills, and to assure that they perform useful public services when no private job is available. Parents will not be counted in the assistance unit if they quit a job, reduce hours of work, or refuse a job or work assignment. Earnings disregards for those receiving Food Stamps and the $20 income disregard for new recipients of Supplemental Security Income will be eliminated in order to eliminate inequities between beneficiaries and others in similar circumstances.

Federal employee injury compensation will be altered so that benefit levels depend on take-home pay rather than gross pay. This will prevent untaxed benefits from being higher than previous take-home earnings. Long-term disabled Federal employees will be transferred to Civil Service retirement rolls at age 65, as they would have been if they had continued working.

Cost-of-living adjustments (COLA) for current and future Federal civilian and military annuitants will be changed to achieve more equity among annuitants and between annuitants and current workers. The adjustment will be the lesser of the annual increase in the pay schedule for most Federal employees or the Consumer Price Index. Annuitants whose annuity is 120% or more of the annuity of current retirees with the same grade/step of service will not receive a COLA increase. If their annuity is more than 100% but less than 120%, the adjustment will be 75% of the increase they would otherwise receive.

REDUCING PROGRAM OVERLAP

Program proliferation has caused inequities and excessive payments. This Administration is committed to reducing these effects and will propose legislation to make needed changes.

Energy assistance payments will be counted as income in calculating eligibility and benefits for AFDC and Food Stamps.

The Summer Feeding Program and the Special Milk Program will be ended because Federal support for nutrition is available though Food Stamps, subsidies for school breakfasts and lunches, and other programs.

More than half of retired Federal workers qualify for Hospital Insurance under Medicare. The Administration will propose universal eligibility for Medicare for Federal workers and require them to contribute to the hospital insurance.

Veterans who are rated between 60% and 90% disabled and who are judged "unemployable" will not be paid at the 100% rate if they also receive Social Security, Supplemental Security Income, or Federal retirement benefits. Dependents of people who receive Veterans Pensions and Civil Service annuities will not receive student benefits beyond secondary school, just as dependents of Social Security recipients do not. Other assistance programs are available for students in postsecondary education.

FOCUSING RESOURCES ON THOSE IN NEED

Eligibility for many entitlement programs has been extended well beyond the people most in need.

This not only has caused rapid growth of Federal expenditures for entitlement programs, but also has undermined the original objective of helping the most needy.

Since 1978, the primary beneficiaries of Guaranteed Student Loans have been middle and upper-income families, many of whom could readily invest their own funds in their children's education instead of in high-yield financial investments. Starting in 1982, the needs of undergraduate students at all income levels will be analyzed, and loans will be limited to students who qualify after taking into account family contributions and other financial aid such as Pell Grants. Graduate and professional students will be allowed to borrow only under the less subsidized auxiliary program. Special allowance and interest benefit payments will be limited to the period of school attendance, any deferment periods, plus two years following graduation or withdrawal from school.

Food Stamps benefits will be reduced 35 cents instead of 30 cents for each $1 of income. Other changes in the Food Stamp, AFDC, and Supplemental Security Income programs will also focus benefits on those most in need by taking account of all household resources, limiting benefits to the exact period of eligibility, and assessing need more carefully.

PROMOTING EFFICIENT AND EFFECTIVE PROGRAM OPERATIONS

Incentives and requirements to tighten the administration of entitlement programs and hold down unnecessary costs are proposed in the budget.

A Combined Welfare Administration program will be started to give States a fixed amount to manage the Food Stamp, Medicaid, and AFDC programs. The fixed amount will provide greater incentives for efficiency than the current open-ended match of administrative costs. States will have flexibility to respond to these incentives by designing administrative mechanisms under fewer Federal requirements.

The Federal Government now matches State benefit payments for AFDC and Medicaid and also matches erroneous payments up to 4% of the State's total payments. For Food Stamps, a slightly higher percentage of erroneous payments can be made without penalty. Funding of erroneous payments in all programs will be reduced to 3% in 1983, 2% in 1984, and 1% in 1985. No such payments will be made thereafter. Quality control will be closely monitored to ensure that errors are measured correctly and that States have data to make program and man-

agement improvements. The Federal Government is working closely with State and local governments to reduce error rates. The President's new Federalism initiative's swap program would obviate this issue.

Excessive payment to providers for Medicare services will be ended. Payments for the excess costs of private rooms not covered by Medicare will be stopped; hospital-affiliated home health agency and skilled nursing facility services will be reimbursed at the same rate as those provided by free-standing facilities; and duplicate reimbursement for hospital outpatient physician services will be limited. Utilization review targets to reduce the amount of unnecessary care provided will be set, and improvements will be made in the contractor bill-paying system.

END INAPPROPRIATE FEDERAL INSTRUSION

The rail industry's pension will be restored to the private sector, thereby freeing railroad labor and management from the need to petition Congress to enact legislation to conform rail pensions to their collectively bargained labor contract.

Defederalizing railroad retirement will reduce budget outlays by $2 billion in 1983 and eliminate a Federal agency with over 1,500 employees.

Retirees' benefits and employees' rights will be unchanged due to the reorganization.

ENTITLEMENT REFORM EFFECTS.

These reforms in entitlement programs will restore the original safety net character of social welfare programs, focus assistance on the people most in need, and improve the efficiency and equity of benefit payments.

Outlay savings from these entitlement changes will amount to $1.4 billion in 1982, $12.8 billion in 1983, $18.1 billion in 1984, $23.8 billion in 1985, $29.4 billion in 1986, and $35.9 billion in 1987. The aggregate savings of $121.4 billion will be reduced by $5.1 billion of revenue losses over the six year period.

The effect of the President's proposals will not be reduction in the total level of support for deserving American families. On the contrary, non-social Security entitlements will rise from $167.8 billion in 1981 to an historic high of $184.4 billion in 1983, a 9.9% increase. Moreover, these expenditures, under the present proposals, are projected to increase steadily to $226.9 billion in 1987, or at an annual rate of increase of 5.3%.

Thus, necessary savings in, and focusing of, these entitlement programs will not undermine their role. Rather, the Administration's proposals conform these programs to their original rationale, thereby strengthening support for them and insuring that they meet the needs of those they were intended to serve.

FOOD STAMPS

[Agency: Department of Agriculture; functional code: 605; in millions of dollars]

	Funding [1]						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	10,556	10,653	11,825	12,145	12,549	12,843	13,130
Outlays	10,340	10,613	11,821	12,108	12,505	12,798	13,083
Reagan budget:							
Budget authority	10,556	10,380	9,531	9,737	10,008	10,172	10,433
Outlays	10,340	10,340	9,563	9,732	10,002	10,166	10,427
Proposed savings:							
Budget authority		273	2,294	2,407	2,541	2,671	2,697
Outlays		273	2,258	2,375	2,502	2,632	2,656

[1] Excludes nutrition assistance for Puerto Rico in all years. Includes food stamps share of savings from combined welfare administration for States, which is also included in a separate paper in this chapter.

PROGRAM DESCRIPTION

Food Stamps subsidize the food purchases of households that meet the eligibility standards for gross income and disposable assets. Monthly allotments of Food Stamps are made available to such households and are redeemable for food through commercial outlets. Allotments are periodically adjusted to reflect changes in USDA's Thrifty Food Plan.

PROPOSED CHANGE

The Administration is committed to restraining the uncontrolled growth of entitlement programs, requiring those who ought to work to do so, and targeting available resources to those families that most need assistance. In accordance with this policy, several changes will be proposed for the Food Stamp program.

Energy assistance payments will be counted as income in determining household eligibility and benefit levels.

The special disregard of earnings in determining benefit levels will be eliminated.

Benefits will be reduced by 35 cents for each additional dollar in income rather than the current 30 cents.

Able-bodied Food Stamp applicants will be required to begin job search activities when they apply for assistance.

Benefit rounding adjustments will be made so that amounts in excess of whole dollar amounts will be dropped from benefit payments.

Monthly benefits of less than $10 per household per month will be eliminated.

Federally financed Food Stamp State administrative expenses will be combined with other welfare administration funds. This is discussed in more detail in a separate paper.

States will be held to firm targets for reducing erroneous eligibility and benefit determinations so that by 1986 there will be no Federal participation in erroneous payments. This is also discussed in a separate paper.

RATIONALE

These changes will contribute to efforts begun in the Omnibus Budget Reconciliation Act to refocus Food Stamps as a nutrition assistance program for the dependent poor rather than the generalized and costly income transfer program it has become in recent years.

Under current law certain types of cash income are either not counted or partially disregarded in determining eligibility and benefit levels. This creates inequities among recipients and between recipients and nonparticipants with similar incomes and resources. Changes proposed in the treatment of income are intended to reduce these inequities and to take account of the total resources (both cash and in-kind) available for needy Americans.

Issuance of benefits of less than $10 per month is costly both to the recipient who applies for Food Stamps and for the States and localities that administer the program. In most States, certification and issuance costs exceed $15 per case.

Erroneous Food Stamp issuance cost the Federal government more than $1.1 billion in 1981. This level of waste and abuse cannot be allowed to undermine support for benefits for those who must have Government help to maintain an adequate diet.

Food Stamp costs and participation have escalated rapidly over the past three years. Outlays grew from $5.5 billion in 1978 to more than $11 billion in 1981. During that same period more than six million new participants were added to the rolls. One out of ten Americans now receives Food Stamps.

Census surveys in 1980 showed that nearly 40 percent of Food Stamp households had incomes above the Federal poverty level, and more than half of Food Stamp households had incomes in excess of $5,500 per year. More than 2 million households received nutrition benefits through both Food Stamps and federally subsidized school meal programs.

EFFECTS OF THE PROPOSED CHANGE

Current Food Stamp benefits for families with little or no income—more than 4 million of the current participants—will be essentially unchanged by these proposals.

Recipients with higher incomes will have their benefits adjusted to reflect their need for nutrition assistance in addition to the disposable income they currently have. Inequities in the treatment of income from various sources will be substantially reduced or eliminated.

Those who are able to work will be required to make efforts to find employment so that assistance can continue for those unable to work because of age or infirmity.

NUTRITION ASSISTANCE FOR PUERTO RICO AND TERRITORIES [1]

[Agency: Department of Agriculture; Functional Code: 605; in millions of dollars]

	Funding						
	1981 [2]	1982 [2]	1983	1984	1985	1986	1987
Budget authority	968	958	869	869	869	869	869
Outlays	965	956	822	869	869	869	869

[1] Savings attributable to this proposal are incorporated in savings shown in categorical nutrition program (Food Stamps, Child Nutrition) papers.
[2] Actual 1981 amounts and estimated 1982 amounts of spending associated with categorical nutrition programs (Food Stamps, Child Nutrition, WIC).

PROGRAM DESCRIPTION

The Omnibus Budget Reconciliation Act of 1981 authorized a nutrition assistance grant for Puerto Rico, beginning in July 1982. This grant eliminates the detailed Federal regulations, accounting and reporting previously required for the Food Stamp program in Puerto Rico. Puerto Rico will receive $825 million in fiscal year 83 under this grant, with the flexibility to target assistance in accord with local priorities. Other insular areas (Virgin Islands, American Samoa, Guam, Northern Marianas) also receive assistance under categorical Federal nutrition programs (e.g., Food Stamps and School Lunch programs).

PROPOSED CHANGE

Federal nutrition assistance will be consolidated in the insular areas. This consolidation will permit the territorial governments to provide adequate nutrition for their needy residents without the contraints of detailed, federally imposed regulatory and program requirements.

RATIONALE

Categorical nutrition programs, targeted for needy mainland residents, are inappropriate, complex and burdensome for Caribbean and Pacific island societies.

Consistent with the intent of Public Law 95-134, Omnibus Territories legislation enacted in 1977, this consolidation will simplify application and reporting procedures, waive local matching funds requirements, and allow wide flexibility to direct assistance to locally determined needs.

General Accounting Office (GAO) and Inspector General reports have repeatedly found that territorial governments do not have the administrative capability to manage complex Federal programs or the economic and transportation structure that is assumed for mainland programs.

EFFECTS OF THE PROPOSED CHANGE

Nutrition assistance for needy residents of U.S. insular areas would continue under the auspices of territorial governments. Assistance could be provided in cash or in-kind (e.g., school meal subsidies, food purchase vouchers).

Island governments will be freed from the constraints of more than 300 pages of Federal regulations and program reporting requirements.

CHILD NUTRITION PROGRAMS

[Agency: Department of Agriculture; Functional code: 605; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	3,464	2,847	3,161	3,397	3,637	3,881	4,131
Outlays	3,438	2,729	2,989	3,217	3,445	3,678	3,917
Reagan budget:							
Budget authority	3,464	2,847	2,826	2,985	3,153	3,339	3,529
Outlays	3,438	2,729	2,708	2,853	3,013	3,191	3,373
Proposed savings:							
Budget authority			334	411	483	542	602
Outlays			282	364	432	487	544

PROGRAM DESCRIPTION

The Child Nutrition programs finance school lunches and breakfasts, child care meals, summer meals, snacks, nutrition education, and State administrative expenses. The lunch, breakfast, and child care programs subsidize all meals served, but the subsidy amounts vary by household income level. The summer program is fully subsidized for all recipients, regardless of need.

PROPOSED CHANGE

The summer feeding program would be ended.

The current entitlements for school breakfast and child care feeding (CCFP) subsidies would be converted to a categorical grant to States.

Nutrition education activities would be left to State and local discretion. Federal mini-grants for such programs would be discontinued.

RATIONALE

The federally subsidized summer meal program has been riddled with fraud and abuse since it was established in the rush of Great Society legislation in the 1960's. With the availability of other Federal nutrition assistance programs, i.e., Food Stamps, which was not a national program when summer feeding began, the summer feeding program is now duplicative and wasteful. In recent years the summer programs have been concentrated in a few large, urban States where repeated abuses have been cited by GAO and USDA's Inspector General.

The current CCFP is administratively cumbersome and over-regulated. Direct grants to States will allow more effective targeting of these resources according to State and local priorities and reduce administrative burden by eliminating detailed Federal regulations for over 60,000 child care feeding centers.

Federal funding has grown dramatically as a percentage of school meal financing while student payments for such meals have, in real terms, substantially declined. In 1980 dollars, the Federal share of average per meal costs increased from an estimated 31 cents in 1970 to 60 cents in 1981 while student payments dropped from 60 cents to 34 cents during the same period.

Funding individual meal subsidies for breakfast at school is an inappropriate Federal role. Under the grant-in-aid concept proposed by the Administration. States may allocate nutrition funds to schools and other institutions according to State and local priorities.

EFFECTS OF THE PROPOSED CHANGE

Inappropriate Federal imposition of nutrition program design and administration would be ended for the child care and breakfast programs. More than 40 pages of program regulations and requirements would be eliminated.

Federal meal subsidies for all school lunches would continue for more than 23 million students.

SPECIAL MILK PROGRAM

[Agency: Department of Agriculture; Functional code: 605; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	119	28	29	30	34	37	41
Outlays	104	34	27	28	32	35	39
Reagan budget:							
Budget authority	119	28					
Outlays	104	34	2				
Proposed savings:							
Budget authority			29	30	34	37	41
Outlays			25	28	32	35	39

PROGRAM DESCRIPTION

The Special Milk appropriation finances milk subsidies for students in schools that do not participate in other federally subsidized meal programs.

PROPOSED CHANGE

The Special Milk program would be terminated effective for the 1982-83 school year.

RATIONALE

Nearly 90 percent of the 1.6 million students receiving milk subsidies are non-needy (their families have incomes in excess of $16,000 per year). These students will receive subsidies of 9 cents per half-pint of milk in the 1981-82 school year regardless of their family income.

Every President since John Kennedy has proposed major reductions or elimination of the Special Milk program.

EFFECTS OF THE PROPOSED CHANGE

The program's original goal, to promote fluid milk consumption in schools, has been superseded by the large subsidies ($700 million in 1982) for milk consumption in other Federal meal programs. The $34 million now anticipated to be spent on Special Milk in 1982 will have a negligible effect on milk consumption in the United States.

Termination of this special subsidy would cost upper-income families about 10 cents per day, less than $20 per year per child—less than one-half of one percent of the average family's disposable income.

AID TO FAMILIES WITH DEPENDENT CHILDREN

[Agency: Department of Health and Human Services; Functional code: 609; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	8,036	5,893	6,609	6,607	6,669	6,779	6,891
Outlays	8,064	7,811	6,609	6,607	6,669	6,779	6,891
Reagan budget:							
Budget authority	8,036	5,727	5,454	5,541	5,554	5,582	5,677
Outlays	8,064	7,645	5,454	5,541	5,554	5,582	5,677
Proposed savings:							
Budget authority		166	1,155	1,066	1,115	1,197	1,214
Outlays		166	1,155	1,066	1,115	1,197	1,214

PROGRAM DESCRIPTION

Aid to Families with Dependent Children (AFDC) provides cash assistance for needy children deprived of parental support by the death, disability or continued absence of a parent from the home. About half the States also have an AFDC—Unemployed Parent program for low income families in which both parents are present in the home, but the principal earner is unemployed. AFDC is administered by State and local governments in conformity with Federal guidelines. Benefit levels are determined by each State, with the Federal Government matching these benefit costs at rates from 50 percent to 77 percent. The Federal Government also pays 50 percent of the cost of State and local administration.

PROPOSED CHANGES

A variety of legislative changes to AFDC eligibility rules and benefit levels is proposed, as described below. These changes, which would be effective July 1, 1982, are designed to:

Strengthen AFDC employment incentives by requiring those who are able to work to do so.

Determine AFDC benefits by including in the applicant's income those resources which are often available to an AFDC family but have not previously been counted.

Eliminate program overlaps and simplify administration.

RATIONALE

Require States to have Community Work Experience Programs. States now have the option to establish workfare programs, but less than half the States are planning to do so. Requiring the work experience in all States would assure that AFDC recipients are encouraged to find work in the private sector and perform useful public services when no private job is available. (−$49 million)

Mandate job search for AFDC applicants. Applicants would be required to demonstrate that they have exhausted possible private sector employment as a source of income before receiving public assistance. A similar change is proposed for Food Stamps. (−$145 million)

Provide Unemployed Parent benefits only if parent participates in workfare. Since these benefits are paid to families in which both parents are present, one parent should actively be seeking employment through all possible means, including Community Work Experience Programs (CWEP). Limiting Unemployed Parent benefits to those who participate in CWEP programs would help preserve work skills and assure that only those who are unable to find private employment receive public assistance. (−$86 million)

Remove parent/caretaker from the assistance unit for voluntarily quitting work, reducing earnings, refusing employment, or refusing a workfare assignment. The benefit level would be reduced because the parent/caretaker would not be counted as a member of the unit when assistance needs are computed. The change would discourage reductions in work effort simply to become eligible for welfare.

Seek no further funding for the Work Incentives (WIN) program. New work opportunities for welfare recipients created in the Omnibus Budget Reconciliation Act of 1981, including Community Work Experience Programs and Work Supplementation programs, and the reforms proposed in the 1983 Budget make WIN unnecessary. These new programs would give States greater flexibility to develop public and private job settings for welfare recipients than WIN does. As WIN funding had been separate from AFDC, savings from this proposal are not included in the AFDC totals in the table above. (−$245 million)

End employable parent's benefit when youngest child reaches 16. Since the parent's presence in the home is no longer essential in these cases, the employable adult should be expected to seek work rather relying solely on public assistance. (−$47 million)

Prorate shelter and utilities for AFDC families in large households. The economies of sharing living expenses in large households are often not taken into account in AFDC. By taking into account *de facto* support that is not now considered, benefits would be targetted on those most in need. (−$174 million)

Require States to count Federal or State energy assistance payments as income for AFDC. The change would reduce program overlap and take into account existing resources in determining benefits to AFDC families. Over $1.7 billion in Federal Low Income Energy Assistance was disregarded by AFDC in 1982. A similar policy is proposed for Food Stamps. (−$175 million)

Include the income of all unrelated adults as part of the AFDC assistance unit for pur-

poses of computing benefits. While the income of stepparents has recently been included in the AFDC benefit calculation, other unrelated adults are still excluded, even if they have significant resources to help support the AFDC family. Standard income disregards would be applied before determining the amount available to the AFDC unit. (−$69 million)

Include all minor children in the AFDC unit, except for disabled children who have separate benefits. Minor children who have significant separate resources can currently be excluded from the AFDC unit at the option of the welfare family. Counting the resources of all minor children would ensure equitable treatment of families with similar needs. Children with SSI disability benefits would continue to be excluded. (−$63 million)

Eliminate military service by the father as a reason for AFDC eligibility. Military personnel can sometimes avoid family financial obligations and shift their responsibility to the public assistance rolls, even when there is continued family contact. This practice would be stopped. Families who have actually been deserted could still be eligible for AFDC, but increased efforts to collect child support payments would first be made. (−$16 million)

Require States to round benefits to the lower whole dollar. This is similar to recently enacted practice in Social Security, and is also proposed for Food Stamps and SSI. This proposal would streamline State administration. (−$10 million)

Prorate first month's benefit based on date of application. States are now permitted to pay benefits back to the first day of the month of application. Under this proposal, assistance would begin on the date of application. A similar change has been enacted for Food Stamps, and is proposed for SSI. (−$14 million)

Eliminate optional AFDC emergency assistance program, and broaden the Low Income Home Energy Assistance program to include emergency assistance-type expenditures. This would reduce program overlap and give States added flexibility to provide assistance in the manner they deem most appropriate. This change would be effective October 1, 1982. (−$60 million)

Phase in full fiscal responsibility to the States for erroneous payments in AFDC, Medicaid, and Food Stamps. A zero error tolerance would be phased in by 1986. (−$234 million)

Proposed changes which affect AFDC and other public assistance programs, including Combined Welfare Administration for States, and the new Federal policy on treatment of erroneous payments, are discussed elsewhere in this chapter.

EFFECTS OF THE PROPOSED CHANGES

These changes would ensure that Federal resources are targeted on the neediest, and that individuals and families who are able to support themselves do not continue to rely on public assistance. Federal outlay savings from these changes are estimated at $1.2 billion 1983 and nearly $6 billion over the next five years. States will save an amount equal to about 85% of the Federal savings.

CHILD SUPPORT ENFORCEMENT

[Agency: Department of Health and Human Services; Functional code: 609; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	448	409	553	622	700	787	886
Outlays	439	510	553	622	700	787	886
Reagan budget:							
Budget authority	448	374	408	471	544	625	718
Outlays	439	475	408	471	544	625	718
Proposed savings:							
Budget authority		35	145	151	159	166	176
Outlays		35	145	151	159	166	176

PROGRAM DESCRIPTION

Currently, the Federal Government pays 75% of State and local administrative costs for Child Support Enforcement (CSE) agencies that establish paternity and collect support payments from legally liable absent parents. The Federal share of these costs is shown in the table above. Where the absent parent's family is on AFDC, these collections offset AFDC costs. In 1981, these collections reduced Federal AFDC costs by $268 million. by 1987, the Federal share of collections under current law is projected to exceed $500 million.

An added 15% payment (financed solely out of the Federal share of collections) is also made to States for "cooperating" in child support cases in other jurisdictions. States also receive special Federal financing for court personnel who are involved in child support as part of their regular responsibilities.

Since the Federal share of total collections is less than 50%, but the Federal share of administrative costs is over 75%, the CSE program is a net gain for States, and a net cost to the Federal Government, even though AFDC collections are increasing.

PROPOSED CHANGES

The Administration proposes to restructure Federal matching to provide incentives for improved State and local performance. The current structure of Federal matching payments and distribution of AFDC collections would be repealed. Instead, a new formula designed to reward States both for increasing collections and for operating cost-effective programs would be instituted.

The Administration also proposes to require States to retain 6% of child support collections for all non-AFDC cases as reimbursement for the costs of enforcement and collection. Currently, these costs are paid almost entirely by the Federal Government, even though the collections do not offset Federal AFDC costs. The existing fee provision, which is applied only to a few non-AFDC cases, would be repealed.

In addition, a number of other reforms are proposed to strengthen the CSE identification and collection process, and increase collections. These include increasing the availability of information for State CSE agencies, and making allotments against pay for military personnel who have delinquent child support obligations. Savings from these proposals ($12 million in 1983) are shown in the AFDC budget as increased collections which offset AFDC costs.

RATIONALE

Twelve States run cost-effective programs with AFDC collections/administrative cost ratios of more than 2 to 1. Nineteen States do not currently collect enough to even cover costs, and the remaining States run programs of only marginal effectiveness. Since the Federal Government finances over 75% of State and local CSE costs, improved performance by the States should be required.

The new 6% fee for non-AFDC cases would stop the public subsidy to families not receiving AFDC, while continuing to provide a service that the private sector could not provide at a comparable price.

EFFECTS OF THE PROPOSED CHANGES

Restructuring Federal matching rates would increase the incentives for States to improve the performance of their child support enforcement agencies, and would help ensure that family financial obligations are fulfilled. The proposed changes would increase AFDC collections and/or decrease the Federal share of CSE administrative costs by about $150 million in 1983 and nearly $900 million over the next five years. Increased child support collections would help offset Federal and State AFDC costs.

MEDICAID

[Agency: Department of Health and Human Services; Functional code: 551; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:[1]							
Budget authority	17,442	18,945	14,461	20,960	24,152	26,472	29,223

MEDICAID—Continued

[Agency: Department of Health and Human Services; Functional code: 551; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Outlays	16,843	18,101	18,989	20,960	24,152	26,472	29,223
Reagan budget:							
Budget authority	17,442	17,968	12,925	18,628	20,407	22,138	24,314
Outlays	16,433	17,823	17,006	18,628	20,407	22,138	24,314
Proposed savings:							
Budget authority		977	1,536	2,332	3,745	4,334	4,909
Outlays		278	1,983	2,332	3,745	4,334	4,909

[1] Includes $884,000,000 in 1981 and $895,000,000 in 1982 for State administration grants; in later years these funds are shown in a separate account. The administration's proposal for a combined welfare administration for States is disclosed in a separate paper in this chapter. Excludes Federal administrative costs of approximately $70,000,000, which are included in the functional tables in part 5 of the Budget. The large reduction in budget authority in 1983 is due to a transition quarter resulting from a technical change in the appropriation language.

PROGRAM DESCRIPTION

Medicaid is a program of grants to States to assist them in providing medical care to low income families and individuals. The Federal Government provides States with open-ended matching payments for their expenditures, with the Federal match (based on State per capita income) ranging from 50% to 78%. Program growth averaged 15% annually from 1975 to 1980, and was 21%, $2.9 billion, in 1980–1981. Combined Federal and State expenditures per Medicaid beneficiary will exceed $1,400 in 1983 even with proposed savings.

The Reconciliation Act of 1981 reduced the Federal match—by 3% in 1982, 4% in 1983, and 4½% in 1984—and provided States some additional flexibility to manage the program efficiently. Nonetheless, Federal program expenditures under current law (excluding administrative expenses) are expected to grow at an annual rate of more than 10% in 1983 and 1984, jumping to over 15% in 1985.

PROPOSED CHANGE

The Administration will propose a variety of legislative changes designed to improve program efficiency and effectiveness and to provide increased ability to manage the program. Adoption of these changes would result in outlay savings of $2.0 billion in 1983, rising to $4.9 billion annually by 1987. As part of the Federalism initiative, discussed elsewhere, the Administration has also offered to accept full responsibility for the financing of Medicaid.

RATIONALE

The unconstrained growth of the Medicaid program places a heavy burden on both Federal and State taxpayers. Open-ended Federal matching, poorly structured benefits, and overly generous eligibility have contributed to Medicaid's failure to provide cost-effective services to those in need. The Administration proposals will reduce excessive costs while assuring maintenance of essential assistance. Proposed changes would:

Reduce the Federal match for optional services and beneficiaries. Currently, the Federal Government matches expenditures for optional services and for optional beneficiaries at the same rate as expenditures under the basic program. The Administration proposes to reduce the Federal match for optional State programs by three percentage points to reflect their lower priority and their discretionary character (−$600 million in 1983).

Establish co-payments for Medicaid services. The provision of nearly all medical services without any charge to the beneficiary creates a situation which can lead to unnecessary demand for services, waste and excess costs. Imposing modest recipient co-payments (e.g., $1/outpatient visit, $2/inpatient day) would encourage more responsible use of resources by requiring beneficiaries to provide some financial contribution for their own care in accord with generally accepted insurance principles (−$329 million in 1983).

Allow States flexibility to recover long term care (LTC) costs from beneficiary estates and relatives. Because of the high cost of LTC services, individuals with relatively high incomes and assets may become Medicaid-eligible. Federal law and regulations, however, pose barriers to State collections from the beneficiaries' estates and the incomes of beneficiaries' families. Removing these barriers, while retaining Medicaid eligibility requirements, would eliminate an inappropriate public subsidy to Medicaid LTC beneficiaries' families and heirs, while continuing to assure access to needed care (−$283 million in 1983).

Establish a Combined Welfare Administration program for States. Expenditures for administrative services are largely controllable by States. However, despite the controllability of administrative costs, the Federal Government matches whatever States spend. At the same time, the regulations associated with open-ended matching are unnecessarily complex and burdensome. The Administration proposes to replace the current matching system with a unified fixed payment for administrative costs for three welfare programs—Medicaid, AFDC and Food Stamps. The unified payment is discussed in more detail in a separate paper (−$218 million in Medicaid savings in 1983, not included in the Medicaid totals above).

Eliminate Federal matching for the State Medicare buy-in. Currently, Federal general fund expenditures finance 75% of Medicare Supplementary Medical Insurance (SMI) expenditures. States are allowed to enroll eligible Medicaid beneficiaries in SMI and pay the beneficiary share of premiums out of Medicaid funds at the normal Federal Medicaid match (the Medicare buy-in). The combination of the 75% general fund subsidy and the Federal Medicaid match results in a Federal subsidy of almost 90% for Medicare-covered services. Eliminating matching for the buy-in would reduce the Federal subsidy to a more reasonable 75% while still providing sufficient incentives for States to buy in (−$203 million in 1983).

Eliminate special matching rates. Currently, States receive special higher matching rates for such activities as family planning and nursing home inspections. Elimination of these special matches would allow States to establish program priorities without the distortions imposed by special Federal fiscal incentives and would end unnecessary Federal subsidies for these activities (−$64 million in 1983).

Phase-in full State responsibility for erroneous payments. State payment errors, up to 4% of program costs, are currently matched by the Federal Government at the same rate as other program payments. The proposed change would establish a policy of phasing-in full State responsibility for erroneous payments through reducing the acceptable error level by 1 percentage point per year. This proposal is discussed in detail in a separate paper in this chapter (−$59 million in 1983).

Shorten the automatic extension of Medicaid eligibility. Currently, individuals who lose their eligibility for AFDC as the result of increased earnings are granted an automatic Medicaid eligibility extension of four months. The Administration proposes to reduce the extension to one month, sufficient time for private empioyment-based health insurance to become effective (−$75 million in 1983).

Impact on Medicaid of AFDC proposals. Proposed changes in AFDC to improve the welfare system, including increased work requirements, improved income measurement, and administrative simplification, will reduce Medicaid costs (−$153 million in 1983).

Impact on Medicaid of SSI proposals. Reductions in the SSI rolls through tightened standards for determination of disability will reduce Medicaid expenditures (−$176 million in 1983).

Other proposals. Several minor changes, including the impact of Medicare proposals on Medicaid, will produce additional savings (−$41 million in 1983).

EFFECTS OF THE PROPOSED CHANGE

These changes will maintain basic Federal responsibility for assuring medical care for those in need. Even with these reforms, Federal program expenditures will rise to $17 billion in 1983 and are expected to increase to $24 billion annually by 1987. At the same time, excessive program expenditures will be reduced by:

Increasing beneficiary and family responsibility for care;

Reducing Federal subsidies which are unnecessary to assure services to those in need and which distort program priorities;

Providing additional incentives for economical program administration and targeting of resources; and,

Eliminating Federal barriers to economical program operation.

MEDICARE

[Agency: Department of Health and Human Services; Functional code: 551; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	45,292	55,846	61,293	67,768	76,127	87,447	97,244
Outlays	42,489	49,872	57,823	66,309	76,174	87,027	99,145
Reagan budget:							
Budget authority [1]	45,292	55,863	62,454	68,860	76,656	88,523	98,566
Outlays	42,489	49,552	55,352	61,178	68,365	75,649	83,051
Proposed savings:							
Budget authority [1]		17	1,161	1,092	529	776	1,322
Outlays		320	2,472	5,131	7,809	11,378	16,094

[1] Excludes amounts associated with combining social security trust fund resources other than as provided by current law.

PROGRAM DESCRIPTION

Medicare provides health insurance for aged and disabled Americans. Medicare Hospital Insurance (HI) is financed by payroll taxes; Medicare Supplementary Medical Insurance (SMI) is financed by a combination of beneficiary premiums and general revenues. Approximately 26 million aged and 3 million disabled Americans will benefit from Medicare coverage in 1983.

PROPOSED CHANGE

The Administration is proposing a number of program changes to improve the efficiency and effectiveness of Medicare. The changes are designed to:

Reduce the excessive rate of health care cost inflation by improving market forces in the health care industry,

Reduce excessive reimbursement to providers, and

Improve program efficiency.

The proposed changes would help fulfill the Administration's commitment to assuring the continuance of Medicare-financed services to beneficiaries and, if adopted, would result in outlay savings of $2.5 billion in 1983, rising to $16.1 billion in 1987. Specific proposals are discussed below.

RATIONALE

Medicare's rate of spending increase is a growing burden to the Federal budget and a major contributor to health cost inflation. Under current law and policy, the program will grow about 16 percent, or about $8 billion in 1983, compared to overall budget growth of 4.5 percent. Medicare spending now accounts for 26 percent of national expenditures for hospital care and 17 percent for physician services. The perverse incentives built into the health care financing system have fueled Medicare cost increases. At the same time, the explosive growth in Medicare costs, combined with Medicare's inflationary reimbursement principles, has also contributed to the excessive rate of health care cost inflation generally.

The urgency of achieving economies in the Medicare program is heightened by the financial difficulties confronting the Social Security system. Considered alone, the Medicare HI trust fund will see expenditures exceeding income in 1985 and will be exhausted by the early 1990's. Program economies are needed in order to assure continuance of essential protection to aged and disabled Americans and to eliminate wasteful and unnecessary expenditures. For the long term, the Administration proposes to reduce the Medicare growth rate through reforms designed to improve market forces in the health care industry and in the program itself.

Proposed changes include:

Improve market forces in the health care industry. Perverse incentives are woven into the fabric of the current health care market. Wasteful provider reimbursement coinsurance arrangements that subvert price-consciousness in choice of provider and promote excessive utilization of services, and inadequate incentives to promote cost-effective health care systems have all contributed to an explosive rate of growth in health care costs. The Administration will propose, later this year, measures to improve market forces in the health care industry and in the medicare program. No costs or savings from these efforts are assumed until 1984.

Institute co-payments for home health services. Home health services are currently free and unlimited. As a result, the program is growing at an annual rate of almost 30 percent. Modest co-payments would be established to encourage beneficiary cost-consciousness in the use of the service. The co-payment would be 5 percent for the first 100 visits (about $2.40) and 20 percent thereafter (−$35 million in 1983).

Establish HI entitlement insurance coverage for Federal workers. Currently, more than half of retired Federal workers over 65 qualify for HI coverage on the basis of spouse earnings or modest periods of employment in the private sector, even though they did not pay the HI tax as Federal employees. Universal eligibility for Medicare among Federal workers would be established by requiring payment of the HI tax. This change would improve the solvency of the HI trust fund and provide more equitable treatment of Federal workers ($619 million in 1983 revenue increase).

Make Medicare coverage secondary to private group insurance for the working aged. Currently, Medicare subsidizes the labor costs of companies employing aged workers by providing primary insurance coverage. This proposal would require employers to offer aged workers the same health insurance as other employees and establish coordination of benefits between Medicare and private group insurance (−$306 million in 1983).

Reduce the rate of increase of Medicare hospital reimbursement by 2 percent. Currently, Medicare generally reimburses hospitals for the full cost of medically necessary services to beneficiaries, regardless of how inefficiently the services are provided. This inherently inflationary reimbursement method has contributed to an excessive rate of hospital cost increase which was close to 20 percent in 1981. This proposal would achieve program economies by reducing Medicare hospital reimbursement 2 percent on an interim basis until the Administration's forthcoming proposals to improve the competitiveness of the health care sector are fully effective (−$653 million in 1983).

Set single reimbursement limit for home health agency (HHA) and skilled nursing facility (SNF) services. Currently, hospital-affiliated HHAs and SNFs have a higher reimbursement limit than free-standing facilities, even when services provided are identical. The Administration proposes to establish a single reimbursement limit to encourage greater competition and efficiency in the delivery of services (−$18 million in 1983.)

Eliminate private room subsidy. Payment to hospitals for the excess cost of private rooms is an unintended byproduct of current Medicare cost calculation methods, since Medicare was always intended to pay only cost of semi-private rooms. The Administration proposes to remove the excess cost of private rooms prior to calculation of Medicare's share of total costs. The change would not increase out-of-pocket expenses of program beneficiaries, since only reimbursement to hospitals would be affected (−$54 million in 1983).

Reduce reimbursement for physicians rendering care in hospital outpatient departments. The outpatient reimbursement reduction would reflect the lower overhead costs experienced by these physicians and thus eliminate the double payment which results from Medicare paying this overhead both through physician charges and through hospital cost reimbursement (−$160 million in 1983).

Establish prospective reimbursement rates for renal dialysis services. This proposal would create greater incentives for provider efficiency and would encourage less costly home dialysis (−$130 million in 1983).

Revise radiology/pathology reimbursement. The Administration proposes to reduce Medicare reimbursement for radiologists and pathologists from 100 percent to 80 percent, thus paying them on the same basis as other physicians (−$160 million in 1983).

Update Medicare physician fee limits on October 1, 1982, instead of July 1, 1982. This proposal would conform Medicare fee limit changes with the Federal fiscal year (−$210 million in 1983).

Cut proposed increase in the physician fee limits from 8 percent to 5 percent. Since 1972, the increase in the maximum fees the Medicare program will recognize for reimbursement purposes has been limited by an index representing wages and physician practice costs. Physician payments under Medicare have increased faster than the index. The rate of increase in recognized fees would be reduced on an interim basis until the Administration's forthcoming proposals to improve competition in the health care sector are fully effective (−$35 million in 1983).

Index the SMI deductible. The current $75 deductible would be indexed to the Consumer Price Index in order to keep its economic value constant (−$65 million in 1983).

Establish targets to reduce unnecessary use of hospital and medical care. Currently,

the average length of stay for Medicare patients is 11 days. Wide variations in the length of stay among regions, even after adjusting for differences in diagnosis, indicate that some of these days are unnecessary. For example, there are 48 percent more days of care per capita in the Northeast than the West. The Administration proposes to establish objectives for Medicare contractor activities and cooperate with private sector efforts to reduce unnecessary days and other services. At the same time, current provisions which waive provider liability for the cost of unnecessary or uncovered care would be eliminated (−$372 million in 1983).

Establish Medicare eligibility at the beginning of the first full month after attaining age 65 rather than the beginning of the month in which the birthday occurs. This change would conform Medicare practices to similar changes proposed for other entitlement programs (−$145 million in 1983).

Other reforms. Other minor reforms would produce additional savings (−$129 million in 1983).

EFFECTS OF THE PROPOSED CHANGE

The proposed changes will reduce Medicare program costs while maintaining beneficiaries' basic health insurance protection.

Even with the proposed changes, benefits per Medicare enrollee would increase 10 percent in 1983, and payments to providers will increase 12 percent.

These proposals, by preserving trust fund assets, will help to assure that basic benefits can continue to be paid in the future without excessively burdensome tax increases.

SUPPLEMENTAL SECURITY INCOME

[Agency: Department of Health and Human Services; Functional Code: 609; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	7,227	7,878	[1] 9,177	8,270	9,330	9,826	10,296
Outlays	7,191	8,000	[1] 9,188	8,268	9,326	9,823	10,292
Reagan budget:							
Budget authority	7,227	7,777	[1] 8,891	7,781	8,622	8,912	9,196
Outlays	7,191	7,900	[1] 8,903	7,779	8,618	8,909	9,192
Proposed savings:							
Budget authority		101	286	489	708	914	1,100
Outlays		100	286	489	708	914	1,100

[1] Since the 1st day of the 1st month of fiscal 1984 falls on a weekend, the first benefit check for 1984 is paid on the last weekday of 1983 thus making 1983 a 13 rather than 12 benefit month year.

PROGRAM DESCRIPTION

Supplemental Security Income (SSI) provides cash assistance to low-income individuals who are aged, blind or disabled. The current (1982) maximum monthly payments and income guarantees are $264.70 for an eligible individual and $397 for an eligible couple. These amounts are indexed annually for increases in the cost-of-living. Approximately 1.5 million aged persons and 2.1 million blind or disabled persons receive Federal SSI benefits. Another 500,000 persons receive State SSI supplementation payments only. Benefit checks are usually issued the first of each month.

PROPOSED CHANGE

The Administration proposes to:

Prorate the first month's SSI benefit from the date of application or date of eligibility (in the case of aged persons).

Restrict the definition of permanent disability to a prognosis of at least 24 months of disability.

Ensure that the definition of disability is based on a preponderance of medical rather than other factors.

For new beneficiaries no longer disregard the first $20 of income in setting benefit levels.

Recover overpayments to individuals from available Social Security benefits.

Continue to phase out transitional hold harmless payments.

RATIONALE

Under current law, all new recipients have been paid a full month's benefit regardless of the day of the month on which they file or, in the case of aged applicants, the day they become eligible for assistance (i.e., turn age 65). Consequently, most individuals who apply for SSI receive benefits for periods of time before they applied or were eligible. Prorating the first month's benefits based upon date of application (or eligibility) would base an applicant's benefits more fairly on the appropriate period.

Under current law, the monthly guarantee and actual payments are rounded to the next higher 10 cents in the computation process. Over time, however this rounding procedure has had a compounding effect that results in slightly higher benefit payments. Rounding the SSI guarantee and payment amounts to the next lower dollar would eliminate the modest overcompensation that results from the current higher rounding procedure.

The SSI definition of permanent disability includes a requirement that an individual's impairment must be expected to result in death or continue for not less than 12 months. Restricting permanent disability to nonemployable individuals with a prognosis of at least 24 months of disability would assure that temporary disabling impairments would not be a basis to qualify for benefits. The 24 month duration requirement is more consistent with the concept of permanent disability.

Individuals are considered disabled under SSI if their medically determined impairment is of such severity that they are not only unable to do their previous work, but cannot, because of education or work experience, engage in substantial gainful employment. Ensuring the definition of disability is based on a preponderance of medical factors would eliminate a problem under present law in utilizing vocational and other subjective nonmedical factors which make consistent disability determination decisions difficult. Relying on medical factors would produce more objective and consistent determinations and fewer appeals.

Under current law, $20 per month of an individual's income is disregarded in determining SSI eligibility and amount of benefits. Since the disregarded amount is fixed, it is of decreasing significance in real dollars. It also can result in differential treatment of recipients. Some people in similar circumstances get the maximum SSI payment of $264 and others having combined SSI and other income get $20 more a month than the maximum SSI payment. The proposed change would apply a uniform standard to newly eligible persons.

The Social Security Administration has been unable to recover more than forty percent of SSI overpayments because many of the overpaid individuals are no longer in the SSI program. Half of the former beneficiaries receive Social Security retirement and disability benefits. The proposed change would allow Social Security Administration to recover SSI overpayments from these no longer needy individuals.

EFFECTS OF PROPOSED CHANGE

Rounding benefit amounts and payment standards would have a minimal effect on individual benefits. Beneficiaries would have their monthly benefits reduced by an average of 50 cents.

Applying an established medical definition of disability would lower SSA's administrative costs and make disability determinations more consistent and objective.

This proposal would exclude payments to an estimated 115,000 individuals in 1983 who are not permanently disabled.

COMBINED WELFARE ADMINISTRATION

[Agency: Department of Health and Human Services/Department of Agriculture; Functional code: 609/551/605; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	2,125	2,296	2,483	2,615	2,794	2,920	3,056
Outlays	2,100	2,298	2,488	2,588	2,761	2,885	3,020

COMBINED WELFARE ADMINISTRATION—Continued

[Agency: Department of Health and Human Services/Department of Agriculture; Functional code: 609/551/605; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Reagan budget:							
Budget authority		2,296	2,181	2,181	2,181	2,181	2,181
Outlays		2,298	2,181	2,181	2,181	2,181	2,181
Proposed savings:							
Budget authority			302	434	613	739	875
Outlays			307	407	580	704	839

Note: These figures include savings to the Departments of Health and Human Services and Agriculture which are shown separately in the 1983 budget.

PROGRAM DESCRIPTION

The Federal Government currently matches State administrative expenses at a 50 percent rate for the Food Stamp, Medicaid, and Aid to Families with Dependent Children (AFDC) programs on an open-ended basis. Some administrative expenses, such as those for anti-fraud activities and management information systems, receive a higher Federal match. Although these three welfare programs are often jointly administered, States work with a different set of cost allocation and reporting requirements for each program.

PROPOSED CHANGE

Combined Welfare Administration (CWA) will combine funding to States for the administrative expenses of Food Stamps, Medicaid and AFDC into a single payment with no State match required. It will be funded at 95 percent of the Federal share of 1982 ongoing administrative expenses for those programs. In certain areas where the Federal Government supports anti-fraud and anti-abuse activities at a higher level, such as Food Stamps Fraud Control, the current open-ended Federal match will continue. Many Federal administrative requirements will be reduced or eliminated to give States added flexibility.

RATIONALE

CWA supports the Administration's goal of returning to the States greater responsibility for running programs. States will have the flexibility to design efficient administrative mechanisms for public assistance programs that best meet their beneficiaries' needs.

CWA replaces an open-ended system that provides States with little incentive to control administrative costs, and that burdens States with separate reporting and cost allocation requirements for AFDC, Medicaid, and Food Stamps. Under the current system, administrative costs vary widely; for example, in 1978, States' costs for issuing one Food Stamp case varied from $7.00 to $107.00. These variations bear little relationship to an individual State's ability to control the high error rates in public assistance programs.

From other appropriations the Federal Government will continue to match 75 percent of State expenditures for activities that currently receive special Federal matching for controlling fraud and abuse on an open-ended basis. This reflects the high priority given these activities by the Administration.

EFFECTS OF THE PROPOSED CHANGE

CWA will reduce Federal payments for administering the Food Stamp, Medicaid and AFDC programs by $302 million in 1983 and $875 million by 1987.

With the opportunity to restructure their administrative operations and the removal of separate cost allocation and reporting requirements, States should be able to realize substantial savings.

CWA will also give States the incentive to operate more efficiently, since they will not need to apply the full amount of State funds previously used to meet the matching requirement.

STATE RESPONSIBILITY FOR ERRORS IN WELFARE PROGRAMS

[Agency: Department of Health and Human Services/Department of Agriculture; Functional Code: 551/605/609/; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services (estimate):							
Budget authority	1,781	1,684	1,562	1,278	1,297	1,304	1,310
Outlays	1,781	1,684	1,562	1,278	1,297	1,304	1,310
Reagan budget (estimate):							
Budget authority	1,781	1,684	654	424	234		
Outlays	1,781	1,684	654	424	234		
Proposed Savings (estimate):							
Budget authority			908	854	1,063	1,304	1,310
Outlays			908	854	1,063	1,304	1,310

PROGRAM DESCRIPTION

Aid to Families with Dependent Children (AFDC), Medicaid, and Food Stamps are the major Federal/State public assistance programs. While benefits are paid in part or in total by the Federal Government, States administer the programs. In AFDC and Medicaid, States also design the eligibility rules and benefits levels within broad Federal guidelines. Of the more than $50 billion in total 1981 benefit payments for AFDC, Medicaid, and Food Stamps, an estimated $3.3 billion are overpayments or are paid to individuals who are totally ineligible, according to quality control samples. In these cases, States have either not complied with Federal program rules, have incorrectly computed benefits, or have failed to adequately verify the statements of income and family composition made by recipients.

States are currently subject to fiscal sanctions for AFDC and Medicaid payment error rates which exceed 4 percent (the level for Food Stamps is slightly higher). Errors up to these target levels are currently permitted, and Federal funding for them is provided.

PROPOSED CHANGE

Under the Administration's proposal, full State fiscal responsibility for erroneous welfare payments administered by State and local governments would be phased in over 4 years. The maximum allowable payment error rate for Federally financed payments would be 3 percent in 1983 and decline to 1 percent for 1985. Beginning in 1986, no Federal matching would be permitted for any erroneous payments in AFDC, Medicaid, and Food Stamps. The quality control system would ensure that errors are measured correctly. Grant amounts to States would reflect projections of State costs and error rates. The change would begin on October 1, 1982.

RATIONALE

There is no justification for Federal financing of payment errors in State-administered programs. States currently have little special financial incentive to reduce errors since they are federally funded under matching rates that range from 50 percent to 77 percent. Food Stamp benefits are fully federally financed. While State error rates have decreased substantially over the last 10 years, they remain too high: 7.3 percent in AFDC, 5.0 percent in Medicaid, and 10.4 percent in Food Stamps. The Federal cost of erroneous State AFDC and Medicaid payments in 1981 was about $700 million. Food Stamp payments in error exceeded $1 billion for 1981.

The four year phase-out would give States adequate time to make improvements in design and administration of their welfare programs in order to eliminate errors. Waivers of these maximum error rate would not be permitted.

EFFECT OF PROPOSED CHANGE

This proposal would require States to run welfare program more efficiently by placing financial responsibility with the level of government which administers the programs. This change is an integral part of the Administration's commitment to eliminating fraud, abuse, and waste. By 1986, Federal savings from this proposal would exceed $1.3 billion annually.

TRADE ADJUSTMENT ASSISTANCE WEEKLY CASH BENEFITS

[Agency: Department of Labor; Functional Code: 603; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	1,481	144	118	81	65	63	60
Outlays	1,481	144	118	81	65	63	60
Reagan budget:							
Budget authority	1,481	144	10	.....	.....	.....	.....
Outlays	1,481	118	10	.....	.....	.....	.....
Proposed savings:							
Budget authority	.....	.....	108	81	65	63	60
Outlays	.....	26	108	81	65	63	60

PROGRAM DESCRIPTION

Workers whose loss of work is attributed, at least in part, to imports can receive extra unemployment compensation under Trade Adjustment Assistance (TAA). The majority of current recipients are workers in the automobile industry. TAA benefits, equal to the worker's weekly unemployment benefits, are paid to those who have used up all their weeks of unemployment insurance and are still not working. Such workers can receive a total of 52 weeks of unemployment insurance and TAA benefits combined.

TAA funds in the Employment and Training Assistance account also cover those training costs approved by the Secretary of Labor as well as job search and relocation allowances. These benefits, which assist dislocated workers to find new jobs, are commonly called "adjustment" benefits. Workers in approved training may receive up to 26 additional weeks of TAA beyond the 52 weeks of combined unemployment insurance and TAA benefits available to them.

PROPOSED CHANGE

The Administration proposes to:

Maintain the adjustment portion of TAA by funding training, job search, and relocation as part of a Federal program for special target groups. (See fact sheet on Training and Employment Programs in Chapter 2.)

Eliminate all TAA weekly cash benefits effective July 1, 1982, for all but those already enrolled in approved training.

RATIONALE

Workers who have lost their jobs through no fault of their own should be treated similarly regardless of the reason for job loss. The regular unemployment insurance program provides adequate benefits for such workers. This is consistent with Administration policy of targeting aid to those most in need.

Most workers eligible for TAA have taken advantage only of the cash benefits and have not used the training or other adjustment benefits. Of almost 1.3 million workers who received TAA from April 1975 through March 1981, only 38,000, or 3 percent, entered training; 1.2 percent completed training; 0.35 percent took job search aid; and 0.24 percent received relocation allowances.

The extra weeks of cash TAA benefits provide disincentives for effective job search by unemployed workers. Research on unemployment insurance indicates that availability of additional weeks of cash benefits leads workers to remain unemployed for longer periods of time.

Training, job search, and relocation allowances are better than cash payments in helping displaced workers find new jobs, since such allowances help workers prepare for and move to new work while cash payments tied to unemployment do not.

The Administration's goal of increased economic growth is best achieved by helping these workers acquire the new skills they need to re-enter the workforce.

EFFECTS OF THE PROPOSED CHANGE

This change will reorient the TAA program to emphasize adjustment to changed economic conditions. Training, job search, and relocation benefits which help workers adjust will be maintained. Extra weekly cash unemployment benefits, which provide workers with a disincentive to seek new jobs, will be eliminated.

REDWOOD EMPLOYEE PROTECTION PROGRAM

[Agency: Department of Labor; Functional code: 603; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	31	12	10	2	.....	.....	.....
Outlays	31	12	10	2	.....	.....	.....
Reagan budget:							
Budget authority	31	12	5	1	.....	.....	.....
Outlays	31	11	5	1	.....	.....	.....
Proposed savings:							
Budget authority	.....	.....	5	1	.....	.....	.....
Outlays	.....	1	5	1	.....	.....	.....

PROGRAM DESCRIPTION

The Redwood Employee Protection program provides specified rights and benefits for up to six years to an estimated 3,000 workers who have been or are likely to be declared displaced by Federal acquisition of land for the Redwood National Park, pursuant to 1978 amendments to legislation that established the Redwood National Park. Benefits include cash payments to replace fully after-tax wages that would have been paid to Redwood workers if they had not been laid off. The program also includes severance payments, continuation of all rights and benefits under health, other welfare, and pension plans, as well as job search and relocation allowances.

Benefit payments began in September 1978. Through early December 1981, the program had paid $28.4 million in weekly benefits to 2,448 workers and $18.9 million in severance payments to 1,239 workers. Job search allowances totaling less than $20,000 were authorized for 90 workers and relocation allowances totaling $340,000 were authorized for 127 workers. Net weekly benefit amounts have ranged from $150 to $800. Recently the average severance benefit has been $22,000. Net severance benefits have ranged from $5,600 to $54,000.

PROPOSED CHANGE

Effective July 1, 1982, pay benefits under the program only to those eligible workers directly affected by the expansion of the park who became unemployed on or before December 31, 1978. Other workers in the area who became unemployed after December 31, 1978 and who are still eligible for regular unemployment insurance benefits would continue to receive them but could not collect Redwood benefits.

RATIONALE

The Federal benefits were authorized for workers who lost their jobs when the Federal Government acquired land to expand the Redwood National Park. These extraordinary benefits should be limited to those workers directly affected by the land acquisition.

The proposed change would continue special benefits for workers whose unemployment began as late as December 31, 1978, some nine months after the land acquisition.

Excessive and inequitable benefits cannot continue to be justified at a time when budget constraints force very sharp targeting of aid on those most in need.

EFFECTS OF THE PROPOSED CHANGE

The change would eliminate the extraordinary benefits for workers who first became unemployed nine months or more after the Redwood Park land acquisition. They would be eligibile for unemployment insurance under the same rules that apply to other workers who lost their jobs through no fault of their own.

FEDERAL EMPLOYEE INJURY COMPENSATION

[Agency: Department of Labor; Functional Code: 602; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services: [1]							
Budget authority	279	345	394	418	472	535	605
Outlays	238	269	394	418	472	535	605
Reagan budget:							
Budget authority	279	345	336	372	450	511	578
Outlays	238	269	336	372	450	511	578
Proposed savings:							
Budget authority			58	46	22	24	27
Outlays			58	46	22	24	27
Savings in other agencies			38	80	104	112	119
Postal Service savings			20	41	54	57	61
Total savings			116	167	180	193	207

[1] After reflecting proposed limit on Federal pay raises.

PROGRAM DESCRIPTION

Federal employees injured on the job are paid by the Department of Labor for medical expenses and provided with tax-exempt income replacement of as much as 75% of their former gross salaries if they have dependents. These payments can continue for life. Employing agencies subsequently reimburse the Department for their employees. Employees who file claims that an injury prevents them from reporting for work can continue to receive full pay from their agencies for up to 45 days while the claim is being examined.

PROPOSED CHANGE

The Administration proposes to:

Alter the compensation rate for disability from a flat percentage of gross Federal pay to a formula based on 80% of take-home pay.

Eliminate the 45-day continuation of full pay while claims are being examined; extend the waiting period from three to seven days before compensation can be paid; and permit agencies to advance compensation under the above formula in clear-cut cases while claims are being examined.

Transfer long-term disabled employees to civil service retirement rolls at age 65.

Provide survivors of employees who die as result of work-related injury the same benefits as those provided to disabled workers.

Provide the same benefits to all employees for loss of a body member regardless of grade level.

Limit annual cost-of-living adjustments to the lesser of the annual increase in the pay schedule for most Federal employees (General Schedule) or the Consumer Price Index (CPI).

RATIONALE

The changes are designed to ensure that Federal workers disabled as a result of their employment return to gainful work as soon as possible. The changes would accomplish this by correcting a number of deficiencies in the structure of the program and by tightening program administration to preclude misuse and assure efficient case processing. The number of claims being submitted for workers' compensation benefits under the Federal Employees' Compensation Act (FECA) has been growing at an alarming pace bearing no relationship to the number of Federal employees or the Government's safety record. The annual number of claims received by this program has grown from 18,000 in 1970 to over 30,000 in 1980. In the same period, Government employment declined and there was no change in the average number of job-related deaths, indicating that the Government's safety record has not deteriorated.

Relating income replacement to gross salary results in higher paid workers receiving more take-home pay than they receive when they are working. The proposed change to 80% of take-home pay would eliminate this problem. Augmentation of benefits in the case of those with dependents would also be eliminated, since it is both inappropriate for a wage replacement system and unavailable to private sector workers.

The 45-day continuation of pay succeeded in ensuring that employees were not left without income while their claims were being processed. However, full pay is clearly an incentive to take time off for minor injuries beyond that necessary for recovery and has resulted in significant agency costs. The proposed change would authorize agencies to pay the new injury compensation in advance of claim determination provided they have certain medical evidence that shows a serious disability involved.

Prior to amendments of FECA in 1974 the three-day waiting period was between the onset of the disability and the collection of benefits. The 1974 amendments placed the waiting period at the end of the 45-day continuation of pay period. The proposed change would establish a seven-day waiting period before a claimant receives compensation benefits. This would make the Federal compensation program similar to that in most State workers' compensation systems, which have traditionally used such periods to (1) reduce the number of minor injury cases entering the system and (2) provide disincentives for workers to take time off for minor injuries.

Workers' compensation programs in theory provide replacement of wages lost due to employment-related injury or illness. However, this loss is no longer present once retirement occurs, and in the case of Federal employees the retirement system is better suited to meet the needs of this period. For example, present FECA recipients have no survivor benefits for nonwork-related deaths, whereas in the retirement program, by taking a reduced annuity, a recipient can have survivor benefits regardless of cause of death.

Survivors of employees who die as a result of work-related injury are now paid less than disabled workers. This was an oversight in the last amendments to the law.

Higher-grade Federal employees receive higher additional benefits than lower-grade employees for loss of a body member. There is no economic justification for such a difference, particularly because the basic monthly income payments which vary with grade already compensate for loss of earning power.

Since injury compensation benefits are adjusted annually by the increase in the CPI, they tend to rise faster than wages paid to Federal employees still working. Tying the benefit adjustment to the lower of the CPI or Federal pay increase will correct this inequity.

EFFECTS OF THE PROPOSED CHANGE

These changes will result in the removal of (1) incentives to file questionable claims, (2) disincentives for injured workers to return to work when they are medically able to do so, and (3) inequities in compensation rates which permit higher paid workers to receive more in compensation benefits than they received in take-home pay when working.

Approximately 50,000 beneficiaries will continue to receive average workers' compensation benefits of about $950 a month.

Approximately 50,000 beneficiaries will have their benefits reduced on average by $115 per month, primarily because of the new compensation formula.

Approximately 100,000 claimants will not go on continuation-of-pay.

Approximately 9,000 beneficiaries will be transferred to the civil service retirement rolls.

GUARANTEED STUDENT LOAN (GSL)

[Agency: Foundation for Education Assistance;[1] Functional code: 502; in millions of dollars]

	Funding						
	1981	1982	1983	1984	1985	1986	1987
Current services:							
Budget authority	2,535	3,061	3,397	3,689	4,035	3,877	3,768
Outlays	2,259	3,039	3,313	3,616	3,949	3,916	3,795
Reagan budget:							
Budget authority	2,535	2,752	2,485	2,516	2,499	2,001	1,521
Outlays	2,259	2,807	2,551	2,508	2,503	2,125	1,641
Proposed savings:							
Budget authority		309	912	1,174	1,536	1,876	2,247
Outlays		232	762	1,108	1,445	1,791	2,154

[1] Formerly the Department of Education.

PROGRAM DESCRIPTION

The Guaranteed Student Loan (GSL) program was authorized by the Higher Education Act of 1965. The program provides loan guarantees and interest subsidies to States, private lending institutions, and eligible students. Parents and graduate and professional school student borrowers can also finance higher education costs through the less subsidized GSL auxiliary loan program.

PROPOSED CHANGE

The Higher Education Act would be amended to:

Increase the "origination fee" charged on new loans from 5% to 10%.

Apply the need analysis to students at all income levels and limit loans to those students who will qualify after taking into account family contributions and other financial aid (e.g., Pell Grants, G.I. bill).

Allow graduate and professional students to borrow only under the auxiliary loan program and increase the loan limits under the auxiliary loan program for these students from $3,000 to $8,000 per year and from $15,000 to $40,000 for all years.

Increase the insurance premiums paid on GSL's to the Federal Government by:

Increasing the premium charged lending institutions in the Federally Insured Loan program, which insures 5% of all new loans, from 0.25% to 1.0%; and

Initiating a reinsurance premium charged State and private guarantee agencies, which insure 95% of all new loans, equal to 50% of the annual income which these agencies earn from insurance premiums they charge participating lending institutions.

Limit special allowance interest benefit payments to in-school and deferment periods plus a two-year period following graduation or withdrawal from school (exclusive of deferment periods).

RATIONALE

The current program provides complete Federal subsidization of interest during a student's postsecondary education and subsidizes any interest above 9% after school completion and deferments. This encourages students to borrow regardless of financial need from their first year in school and can needlessly cause students to amass high levels of debt. These debt levels in turn allow decreased reliance on family savings and student work. Federal expenditures to pay interest subsidy entitlements in this program have increased by over seven-fold between 1977 and 1981, from $331 million to $2.4 billion.

Since 1978 the primary beneficiaries of GSL loans have been middle and upper income families who could afford to invest their own funds, which were "freed up" by the guaranteed loans, or the GSL funds themselves in money market funds and similar savings instruments yielding high returns—in essence making money on their "free" Federal loans at the taxpayers' expense. The effective rate of Federal subsidy of a student loan has been as high as 19%.

EFFECTS OF THE PROPOSED CHANGE

Starting in 1982, only undergraduate students with demonstrated financial need will receive some $2.9 million federally insured loans amounting to about $6.3 billion. In addition, about 943,000 auxiliary loans to parents and to graduate and professional school students will be insured, amounting to some $2.5 billion.

In 1983, an estimated 2.8 million undergraduate students will receive federally insured loans amounting to about $5.9 billion. In addition, an estimated $1.8 million auxiliary loans totalling about $4.4 billion will be insured.

QUORUM CALL

Mr. PRESSLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Leg.]

Baker	Gorton	Mitchell
Bradley	Heflin	Pell
Byrd, Harry F., Jr.	Helms	Percy
	Jepsen	Pressler
Byrd, Robert C.	Johnston	Symms
Cranston	Long	Weicker
Dole	Lugar	
Exon	Mattingly	

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

The PRESIDING OFFICER (Mr. ANDREWS). Are there any other Senators wishing to vote?

The result was announced—yeas 83, nays 5, as follows:

[Rollcall Vote No. 14 Leg.]

YEAS—83

Abdnor	Dole	Kasten
Andrews	Domenici	Kennedy
Armstrong	Eagleton	Laxalt
Baker	East	Leahy
Baucus	Exon	Levin
Bentsen	Ford	Long
Biden	Garn	Lugar
Boren	Glenn	Matsunaga
Boschwitz	Gorton	Mattingly
Bradley	Grassley	Melcher
Bumpers	Hart	Metzenbaum
Byrd, Harry F., Jr.	Hatch	Mitchell
	Hayakawa	Moynihan
Byrd, Robert C.	Heflin	Murkowski
Cannon	Heinz	Nickles
Chiles	Helms	Nunn
Cochran	Hollings	Packwood
Cohen	Huddleston	Pell
Cranston	Humphrey	Percy
D'Amato	Inouye	Pressler
DeConcini	Jackson	Pryor
Denton	Jepsen	Randolph
Dixon	Johnston	Riegle
Dodd	Kassebaum	Roth

Rudman	Simpson	Symms
Sarbanes	Specter	Tsongas
Sasser	Stafford	Wallop
Schmitt	Stevens	Zorinsky

NAYS—5

Goldwater	Quayle	Weicker
Proxmire	Warner	

NOT VOTING—12

Burdick	Hatfield	Stennis
Chafee	Hawkins	Thurmond
Danforth	Mathias	Tower
Durenberger	McClure	Williams

So the motion was agreed to.

The PRESIDING OFFICER (Mr. ANDREWS). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The Senate continued with the consideration of the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

Mr. BAKER. Mr. President, I have a letter from the distinguished chairman of the Judiciary Committee in which he states, as follows:

As you know, I am unable to attend daily sessions of the Senate at the present because of health reasons. When the Senate resumes consideration of S. 951, the Department of Justice authorizations bill for fiscal year 1982, I was prepared to ask for the withdrawal of all remaining Committee amendments to that bill. I planned to take that action not as an individual Senator but as manager of the bill and in my capacity as Chairman of the Senate Committee on the Judiciary, having already consulted fully with the ranking minority Member.

Accordingly, in my absence, I respectfully request that, acting in my stead, you withdraw all pending Committee amendments to S. 951.

Mr. President, I so withdraw the amendments.

The PRESIDING OFFICER. The amendments are withdrawn.

(Several Senators addressed the Chair.)

Mr. WEICKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I pose the question to the Chair as to whether or not the rules of the Senate permit for the withdrawal of committee amendments by the method of letter or written communication; in other words, in a manner other than at the personal request of the appropriate Senator?

The PRESIDING OFFICER. The amendments were not withdrawn by letter. The Chair would point out the amendments were withdrawn by the majority leader on behalf of the committee, and that is proper form.

Mr. WEICKER. Mr. President, the point of order I raise here is whether or not it is possible for the majority leader to physically substitute for the chairman of the committee—am I correct that this procedure can only be used by concurrence between the chairman and the ranking member of the committee?

The PRESIDING OFFICER. No, it does not take concurrence of the chairman and the ranking member. It takes the concurrence of the majority of the committee.

Mr. WEICKER. I accept that aspect of the Chair's ruling. Then in what capacity does the majority leader make the request?

The PRESIDING OFFICER. If the Senator would allow, page 98 of Senate Procedure points out that:

A proposed committee amendment, where there has been no decision thereon—amendment thereto, or ordering of the yeas and nays, etc.—may be withdrawn under Rule XV, paragraph 2 by a Senator in charge of the bill when such withdrawal was authorized by the committee.

Mr. WEICKER. I now read for my own edification:

A proposed committee amendment, where there has been no decision thereon—amendment thereto, or ordering of the yeas and nays, etc.—may be withdrawn under Rule XV, paragraph 2 by a Senator in charge of the bill when such withdrawal was authorized by the committee. A Senator in his individual capacity has no authority to withdraw such an amendment; but at the direction of the committee such an amendment may be withdrawn, or such an amendment may be withdrawn by unanimous consent.

Again, I have to repeat my question, and I ask it respectfully, as to what the authority is in relation to the majority leader that would give him the right to make his request by virtue of the rules I have just read?

The PRESIDING OFFICER. All the majority leader needs, the Chair would like to point out, is the authorization of the majority of the committee. He could then be deemed to be handling the bill on the floor for the purposes of this section of the Senate rules. That is the paragraph or the section under which the Chair ruled.

Mr. WEICKER. A parliamentary inquiry. Floor management of this bill and opposition to the bill has been delegated, if I am not mistaken, to the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Connecticut (Mr. WEICKER).

The PRESIDING OFFICER. Under the cloture rule, the management of the bill is at the behest of the majority and minority leaders.

Mr. WEICKER. Except when they delegate their authority to other persons, which was done in this instance. I remind the Chair that the minority leader——

The PRESIDING OFFICER. Might the Chair point out, there is no provision in the rule that the majority leader cannot regain that authority that he has delegated at any point during the debate.

AMENDMENT NO. 1250

(Purpose: To authorize appropriations for the Department of Justice; to forbid the Department of Justice from maintaining actions which require mandatory busing; and to limit the power of courts to order busing; and for other purposes.)

Mr. JOHNSTON. Mr. President, I call up amendment No. 1250.

The PRESIDING OFFICER. The amendment will be reported.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. WEICKER. Objection.

Mr. JOHNSTON. Mr. President, a point of order. Reading of the amendment is not required.

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSTON. Mr. President, I call up amendment No. 1250.

The PRESIDING OFFICER. The clerk must report the amendment, however.

Mr. JOHNSTON. Very well.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposed an amendment numbered 1250.

The amendment is as follows:

TITLE I

(a) This title may be cited as the "Neighborhood School Act of 1982".

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven to be ineffective remedies to achieve unitary school systems;

(2) such orders frequently result in the exodus from public school systems of children causing even greater racial imbalance and diminished public support for public school systems;

(3) assignment and transportation of students to public schools other than the one closest to their residence is expensive and wasteful of scarce petroleum fuels;

(4) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing; and

(5) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance.

(c) The Congress is hereby exercising its power under article III, section I, and under section 5 of the fourteenth amendment.

Limitation of Injunctive Relief

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c)(1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

"(i) such assignment of transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school or specialized or individualized instruction; or

"(ii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student.".

Definition

(e) The school closest to the student's residence with a grade level identical to that of the student shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

Suits by the Attorney General

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following new subparagraph:

"Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.".

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(i) It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1982, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,229,000.

(D) No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

(2) For the United States Parole Commission for its activities including the hire of passenger motor vehicles: $6,461,000.

(3) For General Legal Activities, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);

(E) pay for necessary accommodations in the District of Columbia for conferences and training activities;

(F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals: $127,136,000.

(4) For the Foreign Claims Settlement Commission for its activities, including—

(A) services as authorized by section 3109 of title 5, United States Code;

(B) expenses of packing, shipping, and storing personal effects of personnel assigned abroad;

(C) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;

(D) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;

(E) advances of funds abroad;

(F) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;

(G) the hire of motor vehicles for field use only; and

(H) the employment of aliens: $705,000.

(5) For United States Attorneys, Marshals, and Trustees, including—

(A) purchase of firearms and ammunition;

(B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(C) supervision of United States prisoners in non-Federal institutions;

(D) bringing to the United States from foreign countries persons charged with crime; and

(E) acquisition, lease, maintenance, and operation of aircraft; and

(6) For Support of United States Prisoners in non-Federal institutions, including—

(A) necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a);

(B) entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of title 18, United States Code: $25,600,000.

(7) For Fees and Expenses of Witnesses, including expenses, mileage, compensation, and per diem of witnesses in lieu of subsistence, as authorized by law, contracting for expert witnesses according to the procedure authorized by Section 904 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544), including advances of public moneys: $29,421,000. No sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

(8) For the Community Relations Service for its activities including the hire of passenger motor vehicles: $5,313,000.

(9) For the Federal Bureau of Investigation for its activities, including—

(A) expenses necessary for the detection and prosecution of crimes against the United States;

(B) protection of the person of the President of the United States and the person of the Attorney General;

(C) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

(E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(F) acquisition, lease, maintenance, and operation of aircraft;

(G) purchase of firearms and ammunition;

(H) payment of rewards;

(I) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General;

(J) classification of arson as a part I crime in its Uniform Crime Reports;

(K) not to exceed $1,000,000 shall be made available for the purpose of carrying out the provisions of section 18 of this Act:

$745,131,000 of which $5,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall remain available until September 30, 1983. None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.

(10) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) advance of cash to aliens for meals and lodging while en route;

(B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

(C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

(D) payment of rewards;

(E) not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(G) acquisition, lease, maintenance, and operation of aircraft;

(H) payment for firearms and ammunition and attendance at firearms matches;

(I) operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto;

(J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

(K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;

(L) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(M) research related to immigration enforcement which shall remain available until expended:

$377,067,000 of which not to exceed $100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

(11) For the Drug Enforcement Administration for its activities, including—

(A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(B) payment in advance for special tests and studies by contract;

(C) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(D) payment of expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;

(E) payment of rewards;

(F) payment for publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;

(G) payment for necessary accommodations in the District of Columbia for conferences and training activities;

(H) acquisition, lease, maintenance, and operation of aircraft;

(I) research related to enforcement and drug control to remain available until expended;

(J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) payment for firearms and ammunition and attendance at firearms matches;

(L) payment for tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad;

(M) not to exceed $1,700,000 for purchase of evidence and payments for information (PE/PI) to remain available until the end of the fiscal year following the year in which authorized;

(N) not less than $14,779,000 and positions for State and Local Task Forces which coordinates the enforcement of drug investigations, primarily heroin trafficking, with selected State and local law enforcement agencies:

$234,444,000. For the purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sums shall be deemed to be authorized by section 709(a) of such Act, for the fiscal year ending September 30, 1982.

(12) For the Federal Prison System for its activities including—

(A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $100,000 for inmate legal services within the system;

(B) purchase and hire of law enforcement and passenger motor vehicles;

(C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

(D) assistance to State and local governments to improve their correctional systems;

(E) purchase of firearms and ammunition and medals and other awards;

(F) payment of rewards;

(G) purchase and exchange of farm products and livestock;

(H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;

(I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;

(J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;

(K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause; and

(L) for carrying out the provisions of sections 4351 through 4353 of title 18 of the United States Code, relating to a National Institute of Corrections, to remain available until expended: $383,784,000.

SEC. 3. Sums authorized to be appropriated by this Act may be used for—

(a) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to or from a post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty;

(b) benefits authorized under section 901 (5), (6)(A), (8), and (9) and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081 (5), (6)(A), (8), and (9) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State.

SEC. 4. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.

(b) Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.

(c) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.

(d) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $35,000

for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.

(e) There are authorized to be appropriated for the fiscal year ending September 30, 1982, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(f) Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.

SEC. 5. Notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than the end of the fiscal year ending September 30, 1982.

SEC. 6. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 665(a)), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d)(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1981, and—

(A) report the results of each audit in writing to the Attorney General, and

(B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

SEC. 7. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)) is amended—

(1) by striking out "and" after "1980", and

(2) by inserting after "1981", the following: "and $234,444,000 for the fiscal year ending September 30, 1982,".

SEC. 8. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by inserting "and the award of compensation to informers in respect to such forfeitures" immediately after "compromise of claims".

SEC. 9. Without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to—

(a) set aside 25 per centum of the net amount realized from the forfeiture of seized assets and credit such amounts to the current appropriation account for the purpose, only, of an award of compensation to informers in respect to such forfeitures and such awards shall not exceed the level of compensation prescribed by section 1619 of title 19, United States Code;

(b) the amounts credited under this section shall be made available for obligation until September 30, 1983;

(c) such awards shall be based on the value of the seized property or the net proceeds from the sale of such property except that no award may be paid from or based on the value of the seized contraband; and

(d) the remaining 75 per centum of the net amount realized from the forfeiture of the seized assets referred to in subsection (a) shall be paid to the miscellaneous receipts of the Treasury;

Provided, That the authority furnished by this section shall remain available until September 30, 1983, at which time any amount of the unobligated balances remaining in this account, accumulated before September 30, 1982, shall be paid to the miscellaneous receipts of the Treasury: And *provided further,* That the Drug Enforcement Administration shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account and—

(1) report the results of each audit, in writing, to the Attorney General, and

(2) report annually to the Congress concerning these audits.

SEC. 11. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organizations' programs, as determined by the priorities set either by the Congress or the Attorney General;

(b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of evaluations, including full access to all information, documentation, and cognizant personnel, as required.

SEC. 12. (a) Chapter 15 of title 11, United States Code (92 Stat. 2651 et seq.) and chapter 39 of title 28, United States Code (92 Stat. 2662 et seq.) are repealed.

(b) Section 408 of the Act entitled "An Act To Establish a Uniform Act on the Subject of Bankruptcy", approved November 6, 1978 (92 Stat. 2686), is repealed.

(c) Section 330 of title 11, United States Code (92 Stat. 2564) is amended by striking out "and to the United States Trustees.".

SEC. 13. The Act of March 2, 1931 (8 U.S.C. 1353a and 8 U.S.C. 1353b) is hereby repealed.

SEC. 14. The Immigration and Nationality Act is amended by adding after section 283 the following new section:

"§ 283a. Reimbursement by vessels and other conveyances for extra compensation paid to employees for inspectional duties

"(a) The extra compensation for overtime services of immigration officers and employees of INS for duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles arriving in the United States by water, land, or air, from a foreign port shall be paid by the master, owner, agent, or consignee of such vessel or conveyance, at the rate fixed under the applicable provisions of sections 5542 and 5545 of title 5, United States Code.

"(b) The extra compensation shall be paid if the employee has been ordered to report for duty and has reported, whether or not the actual inspection or examination takes place: *Provided,* That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.".

SEC. 15. (a) Section 1353c of title 8, United States Code (the Act of March 4, 1921 (41 Stat. 1224), as amended), is redesignated as section 1353b of title 8, United States Code.

(b)(1) The Act of August 22, 1940, as amended (8 U.S.C. 1353d), is amended by striking the words "the Act of March 2, 1931" and inserting instead the words "section 283a of the Immigration and Nationality Act.".

(2) Section 1353d of title 8, United States Code, is redesignated as section 1353c of title 8, United States Code.

(c) Section 5549 of title 5, United States Code, is amended by—

(1) striking subsection (2), and

(2) redesignating subsections (3) through (5) as (2) through (4), respectively.

AMENDMENT NO. 1252

(Purpose: To authorize appropriations for Department of Justice; to forbid the Department of Justice from maintaining actions which require mandatory busing; and to limit the power of courts to order busing; and for other purposes)

Mr. JOHNSTON. Mr. President, I call up amendment No. 1252.

Mr. WEICKER. Mr. President, a point of order. Did the clerk report the entire amendment?

The PRESIDING OFFICER. It is not required that the clerk read the entire amendment. It is required that he report the amendment.

Mr. WEICKER. I request that the amendment be read.

The PRESIDING OFFICER. The Senator from Louisiana has objected to the reading of the amendment. That objection was heard.

Mr. WEICKER. I heard no such objection. How could he object? I heard no such objection.

The PRESIDING OFFICER. The Senator from Louisiana did object to the reading of the amendment and it was within his power as a Senator to make that objection.

Mr. WEICKER. Mr. President, even though I think the Parliamentarian is wired into what is going on here, no such objection was made. I was the one who was prepared to object. We are getting a little ahead of ourselves. Here we are being asked to vote on something and nobody knows what we are being asked to vote on.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. The parliamentary procedure is that the clerk has been requested to report the second amendment offered by the Senator from Louisiana. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an amendment numbered 1252.

The amendment is as follows:

AMENDMENT No. 1252

On page 2 line 3 strike all after "SEC. 2." and insert the following:

(a) This title may be cited as the "Neighborhood School Act of 1982".

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven to be ineffective remedies to achieve unitary school systems;

(2) such orders frequently result in the exodus from public school systems of children causing even greater racial imbalance and diminished public support for public school systems;

(3) assignment and transportation of students to public schools other than the one closest to their residence is expensive and wasteful of scarce petroleum fuels;

(4) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing; and

(5) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance.

(c) The Congress is hereby exercising its power under article III, section I, and under section 5 of the fourteenth amendment.

Limitation of Injunctive Relief

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c)(1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

"(i) such assignment of transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school or specialized or individualized instruction; or

"(ii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds thirty minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student.".

Definition

(e) The school closest to the student's residence with a grade level identical to that of the student shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

Suits by the Attorney General

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following new subparagraph:

"Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.".

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(i) It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1982, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,229,000.

(D) No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is

nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

(2) For the United States Parole Commission for its activities including the hire of passenger motor vehicles: $6,461,000.

(3) For General Legal Activities, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);

(E) pay for necessary accommodations in the District of Columbia for conferences and training activities;

(F) the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals: $127,136,000.

(4) For the Foreign Claims Settlement Commission for its activities, including—

(A) services as authorized by section 3109 of title 5, United States Code;

(B) expenses of packing, shipping, and storing personal effects of personnel assigned abroad;

(C) rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad;

(D) maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties;

(E) advances of funds abroad;

(F) advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission;

(G) the hire of motor vehicles for field use only; and

(H) the employment of aliens: $705,000.

(5) For United States Attorneys, Marshals, and Trustees, including—

(A) purchase of firearms and ammunition;

(B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(C) supervision of United States prisoners in non-Federal institutions;

(D) bringing to the United States from foreign countries persons charged with crime; and

(E) acquisition, lease, maintenance, and operation of aircraft; and

(6) For Support of United States Prisoners in non-Federal institutions, including—

(A) necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a);

(B) entering into contracts or cooperative agreements for only the reasonable and actual cost to assist the government of any State, territory, or political subdivision thereof, for the necessary physical renovation, and the acquisition of equipment, supplies, or materials required to improve conditions of confinement and services of any facility which confines Federal detainees, in accordance with regulations to be issued by the Attorney General and which are comparable to the regulations issued under section 4006 of title 18, United States Code: $25,600,000.

(7) For Fees and Expenses of Witnesses, including expenses, mileage, compensation, and per diem of witnesses in lieu of subsistence, as authorized by law, contracting for expert witnesses according to the procedure authorized by Section 904 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 544), including advances of public moneys: $29,421,000. No sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

(8) For the Community Relations Service for its activities including the hire of passenger motor vehicles: $5,313,000.

(9) For the Federal Bureau of Investigation for its activities, including—

(A) expenses necessary for the detection and prosecution of crimes against the United States;

(B) protection of the person of the President of the United States and the person of the Attorney General;

(C) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

(E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(F) acquisition, lease, maintenance, and operation of aircraft;

(G) purchase of firearms and ammunition;

(H) payment of rewards;

(I) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and to be accounted for solely on the certificate of the Attorney General;

(J) classification of arson as a part I crime in its Uniform Crime Reports;

(K) not to exceed $1,000,000 shall be made available for the purpose of carrying out the provisions of section 18 of this Act:

$745,132,000 of which $5,000,000 for automated data processing and telecommunications and $600,000 for undercover operations shall remain available until September 30, 1983. None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service.

(10) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) advance of cash to aliens for meals and lodging while en route;

(B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

(C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

(D) payment of rewards;

(E) not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(G) acquisition, lease, maintenance, and operation of aircraft;

(H) payment for firearms and ammunition and attendance at firearms matches;

(I) operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto;

(J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

(K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;

(L) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(M) research related to immigration enforcement which shall remain available until expended:

$377,067,000 of which not to exceed $100,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

(11) For the Drug Enforcement Administration for its activities, including—

(A) hire and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(B) payment in advance for special tests and studies by contract;

(C) payment in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(D) payment of expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on the certificate of the Attorney General;

(E) payment of rewards;

(F) payment for publication of technical and informational material in professional and trade journals and purchase of chemicals, apparatus, and scientific equipment;

(G) payment for necessary accommodations in the District of Columbia for conferences and training activities;

(H) acquisition, lease, maintenance, and operation of aircraft;

(I) research related to enforcement and drug control to remain available until expended;

(J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) payment for firearms and ammunition and attendance at firearms matches;

(L) payment for tort claims against the United States when such claims arise in foreign countries in connection with Drug Enforcement Administration operations abroad;

(M) not to exceed $1,700,000 for purchase of evidence and payments for information (PE/PI) to remain available until the end of the fiscal year following the year in which authorized;

(N) not less than $14,800,000 and positions for State and Local Task Forces which coordinates the enforcement of drug investigations, primarily heroin trafficking, with selected State and local law enforcement agencies:

$234,444,000. For the purpose of section 709(b) of the Controlled Substances Act (21 U.S.C. 904(b)), such sums shall be deemed to be authorized by section 709(a) of such Act, for the fiscal year ending September 30, 1982.

(12) For the Federal Prison System for its activities including—

(A) for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $100,000 for inmate legal services within the system;

(B) purchase and hire of law enforcement and passenger motor vehicles;

(C) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

(D) assistance to State and local governments to improve their correctional systems;

(E) purchase of firearms and ammunition and medals and other awards;

(F) payment of rewards;

(G) purchase and exchange of farm products and livestock;

(H) construction of buildings at prison camps and acquisition of land as authorized by section 4010 of title 18 of the United States Code;

(I) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions;

(J) for Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles;

(K) for planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause; and

(L) for carrying out the provisions of sections 4351 through 4353 of title 18 of the United States Code, relating to a National Institute of Corrections, to remain available until expended: $383,784,000.

SEC. 3. Sums authorized to be appropriated by this Act may be used for—

(a) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to or from a post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty;

(b) benefits authorized under section 901 (5), (6)(A), (8), and (9) and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081 (5), (6)(A), (8), and (9) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State.

SEC. 4. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations issued by the Attorney General.

(b) Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.

(c) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.

(d) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $35,000 for official reception and representation expenses in accordance with distributions, procedures, and regulations issued by the Attorney General.

(e) There are authorized to be appropriated for the fiscal year ending September 30, 1982, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(f) Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.

SEC. 5. Notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than the end of the fiscal year ending September 30, 1982.

SEC. 6. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 665(a)), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, an Executive Assistant Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (2), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d)(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1981, and—

(A) report the results of each audit in writing to the Attorney General, and

(B) report annually to the Congress concerning these audits.

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

SEC. 7. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)) is amended—

(1) by striking out "and" after "1980", and

(2) by inserting after "1981", the following: "and $234,444,000 for the fiscal year ending September 30, 1982,".

SEC. 8. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by inserting "and the award of compensation to informers in respect to such forfeitures" immediately after "compromise of claims".

SEC. 9. Without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to—

(a) set aside 25 per centum of the net amount realized from the forfeiture of seized assets and credit such amounts to the current appropriation account for the purpose, only, of an award of compensation to informers in respect to such forfeitures and such awards shall not exceed the level of compensation prescribed by section 1619 of title 19, United States Code;

(b) the amounts credited under this section shall be made available for obligation until September 30, 1983;

(c) such awards shall be based on the value of the seized property or the net proceeds from the sale of such property except that no award may be paid from or based on the value of the seized contraband; and

(d) the remaining 75 per centum of the net amount realized from the forfeiture of the seized assets referred to in subsection (a) shall be paid to the miscellaneous receipts of the Treasury;

Provided, That the authority furnished by this section shall remain available until September 30, 1983, at which time any amount of the unobligated balances remaining in this account, accumulated before September 30, 1982, shall be paid to the miscellaneous receipts of the Treasury: And *provided further,* That the Drug Enforcement Administration shall conduct detailed financial audits, semiannually, of the expenditure of funds from this account and—

(1) report the results of each audit, in writing, to the Attorney General, and

(2) report annually to the Congress concerning these audits.

SEC. 11. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organizations' programs, as determined by the priorities set either by the Congress or the Attorney General;

(b) Subordinate Department of Justice organizations and their officials shall provide all the necessary assistance and cooperation in the conduct of evaluations, including full access to all information, documentation, and cognizant personnel, as required.

SEC. 12. (a) Chapter 15 of title 11, United States Code (92 Stat. 2651 et seq.) and chapter 39 of title 28, United States Code (92 Stat. 2662 et seq.) are repealed.

(b) Section 408 of the Act entitled "An Act To Establish a Uniform Act on the Subject of Bankruptcy", approved November 6, 1978 (92 Stat. 2686), is repealed.

(c) Section 330 of title 11, United States Code (92 Stat. 2564) is amended by striking out "and to the United States Trustees.".

SEC. 13. The Act of March 2, 1931 (8 U.S.C. 1353a and 8 U.S.C. 1353b) is hereby repealed.

SEC. 14. The Immigration and Nationality Act is amended by adding after section 283 the following new section:

"§ 283a. Reimbursement by vessels and other conveyances for extra compensation paid to employees for inspectional duties

"(a) The extra compensation for overtime services of immigration officers and employees of INS for duties in connection with the examination and landing of passengers and crews of steamships, trains, airplanes, or other vehicles arriving in the United States by water, land, or air, from a foreign port shall be paid by the master, owner, agent, or consignee of such vessel or conveyance, at the rate fixed under the applicable provisions of sections 5542 and 5545 of title 5, United States Code.

"(b) The extra compensation shall be paid if the employee has been ordered to report for duty and has reported, whether or not the actual inspection or examination takes place: *Provided,* That this section shall not apply to the inspection at designated ports of entry of passengers arriving by international ferries, bridges, or tunnels, or by aircraft, railroad trains, or vessels on the Great Lakes and connecting waterways, when operating on regular schedules.".

SEC. 15. (a) Section 1353c of title 8, United States Code (the Act of March 4, 1921 (41 Stat. 1224), as amended), is redesignated as section 1353b of title 8, United States Code.

(b)(1) The Act of August 22, 1940, as amended (8 U.S.C. 1353d), is amended by striking the words "the Act of March 2, 1931" and inserting instead the words "section 283a of the Immigration and Nationality Act.".

(2) Section 1353d of title 8, United States Code, is redesignated as section 1353c of title 8, United States Code.

(c) Section 5549 of title 5, United States Code, is amended by—

(1) striking subsection (2), and

(2) redesignating subsections (3) through (5) as (2) through (4), respectively.

Mr. WEICKER. Mr. President, I request that the amendment be read.

Mr. JOHNSTON. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 1258

(Purpose: To secure the right of students entitled to equal protection of the laws to be free from purposeful discrimination and segregation and to be treated in a racially neutral manner with regard to their assignment to public schools providing free public education, and for other purposes)

Mr. GORTON. Mr. President, I have an amendment to the amendment at the desk and I request its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

Would the Senator from Washington please state the amendment number to which his amendment is offered?

Mr. GORTON. It is an amendment to the second amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator is offering an amendment to the second amendment offered by the Senator from Louisiana.

The clerk will report the amendment.

Is the amendment of the Senator from Washington amendment numbered 1258?

Mr. GORTON. It is.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes an amendment numbered 1258 to the amendment offered by the Senator from Louisiana.

The amendment is as follows:

At the end of the amendment, add the following:

SEC. . (a)(1) In order to secure the right of students to be free from purposeful segregation and discrimination in their assignments to public schools, the Congress, pursuant to the authority granted under section 5 of the fourteenth amendment of the Constitution, enacts the provisions of this section.

(2) The Congress finds and declares that the assignment of students to public schools on the basis of their race or color—

(A) is not reasonable nor necessary to the achievement of the compelling governmental interest in eliminating de jure, purposeful segregation because such segregation can be eliminated without student assignments based on race or color;

(B) causes significant educational, familial, and social dislocations without commensurate benefits;

(C) undermines community support for public education;

(D) is disruptive of social peace and racial harmony;

(E) has not produced an improved quality of public education;

(F) debilitates and disrupts the public educational system and wastes public resources;

(G) constitutes a serious interference with the private decisions of parents as to how their children will be educated;

(H) unreasonably burdens individuals who are not responsible for the wrongs which such assignments seek to remedy; and

(I) denies the right of racially neutral treatment in school assignments to which students are, or ought to be, entitled.

(3) In light of the other findings contained in this section, Congress concludes that racially conscious assignment of students to schools is not necessary to the enforcement of the right to be free from purposeful segregation and discrimination in school assignments. Congress accordingly determines that every student has the right to have his or her assignment to public school determined in a racially neutral manner.

(b) As used in this section—

(1) The term "public school" means a day or residential school which provides elementary or secondary education, as determined under State law, except that it does not include any education beyond grade 12.

(2) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that such term does not include any education beyond grade 12.

(3) The term "student" means any individual who has not attained 18 years of age.

(4) The term "State" shall include each of the several States, the District of Columbia, any Commonwealth or territory of the United States, and any agency, board, commission, county, city, township, parish, mu-

nicipal corporation, school district, or other political subdivision thereof.

(c)(1) No student shall be denied the right to be free from purposeful segregation and discrimination by school authorities in his or her assignment to a public school. In view of the finding in subsection (a)(2) that racially conscious school assignments are not necessary or appropriate to the enforcement of that right, no student shall be denied the right to have his or her assignment to a public school determined in a racially neutral manner.

(2) No court, department, or agency of the United States or of any State shall order the implementaion of any plan which would require, because of the race or color of any student, the assignment of that student to a public school which provides free public education other than the school closest of his or her place of residence which provides the appropriate grade level and type of education for the student.

(d) The Attorney General may bring an action for a declaratory judgment in any appropriate case in which the Attorney General determines that the rights of individuals aggrieved by a violation of this section will be served by bringing such an action.

(e) This section shall apply with respect to any order of a court, department, or agency of the United States or of any State, whether issued before or after the enactment of this section.

(f) This section may be cited as the "Racially Neutral School Assignment Act".

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The bill clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 6 Leg.]

Andrews	Heflin	Pressler
Baker	Helms	Stennis
Bentsen	Johnston	Wallop
Byrd, Robert C.	Kennedy	Weicker
Goldwater	Long	
Gorton	Lugar	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Missouri (Mr. DANFORTH), the Senator from New Mexico (Mr. DOMENICI), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 6—as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—82

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Armstrong	Gorton	Moynihan
Baker	Grassley	Murkowski
Baucus	Hart	Nickles
Bentsen	Hatch	Nunn
Biden	Hayakawa	Packwood
Boren	Heflin	Pell
Bradley	Heinz	Percy
Bumpers	Helms	Pressler
Byrd, Harry F., Jr.	Hollings	Pryor
	Huddleston	Randolph
Byrd, Robert C.	Humphrey	Riegle
Cannon	Inouye	Roth
Chiles	Jackson	Rudman
Cochran	Jepsen	Sarbanes
Cohen	Johnston	Sasser
Cranston	Kassebaum	Schmitt
D'Amato	Kasten	Simpson
DeConcini	Kennedy	Specter
Denton	Laxalt	Stafford
Dixon	Leahy	Stennis
Dodd	Levin	Stevens
Dole	Long	Symms
Eagleton	Lugar	Tsongas
East	Matsunaga	Wallop
Exon	Mattingly	Zorinsky
Ford	Melcher	

NAYS—6

Boschwitz	Proxmire	Warner
Goldwater	Quayle	Weicker

NOT VOTING—12

Burdick	Durenberger	McClure
Chafee	Hatfield	Thurmond
Danforth	Hawkins	Tower
Domenici	Mathias	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, is there an amendment pending at this time?

The PRESIDING OFFICER. There is an amendment pending at this time. It is the amendment by the Senator from Washington to the second amendment of the Senator from Louisiana.

Mr. BAKER. I thank the Chair.

Mr. GORTON and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I thank you for that recognition, and I shall speak to a specific amendment which is, as has been the amendment of the Senator from Louisiana, directed at the subject of mandatory school assignments based on race.

As the body knows, we have now been debating the Department of Justice authorization bill for the better part of a year. At the beginning of this Congress, it was hoped that the subject of busing would be addressed through bills reported from the Judiciary Committee which dealt very specifically with that subject and with no other. This has not been the case here, or in a number of other rather controversial areas, and we are faced with the proposition that this Department of Justice authorization bill is likely to provide the only vehicle for a through discussion of this subject during the course of this Congress.

We have to this point adopted the Johnston-Helms amendment which deals with mandatory school assignments in one fashion, and I propose a more limited and at the same time more broad alternative to that amendment at this time.

The debate over the validity of assignments based on race has been only partly on that subject through the several days during which the Senator from Louisiana and the Senator from Connecticut primarily have discussed the subject. Much more of the debate has been directed at the limitation, the supposed limitation, on the powers of the Federal courts, and, especially, the Supreme Court of the United States to deal with this subject. They have, therefore, been procedural arguments rather than policy arguments.

I wish to emphasize at the outset of this explanation that there is no attempt in this amendment to limit the jurisdiction of the Federal courts, whether they be district courts, circuit courts of appeals or the Supreme Court of the United States in any respect whatsoever. In fact, I think it vitally important that this proposition and the proposition already passed and sponsored by the Senator from Louisiana be tested by the courts as expeditiously as possible, because it is only through such a definitive test in the Supreme Court of the United States that there will be a determination as to the authority of Congress to deal with the issue of remedies for purposeful or de jure segregation.

The proposal which is before you now is both like and unlike that of the Senator from Louisiana. The Senator from Louisiana solves a more limited aspect of a widespread problem in a very significant and, I would say, successful fashion. That widespread problem is the use of busing based on the racial characteristics of individual stu-

dents to a very wide, to a very broad, degree.

The Senator from Louisiana has pointed out that in his own State there are a number of students whose one-way trips by busing by reason of Federal court orders exceed 1 hour and go by many, many intervening schools.

The amendment of the Senator from Louisiana does not, however, deal directly with the fundamental question of whether or not race should be consciously considered, much less should be the controlling factor, in school assignments. Yet most of the debate over the issue in the United States as a whole has revolved around that question, the question being: Is a policy of school assignment which utilizes consciously the race of individual students as the sole factor or as a vitally important factor in school assignments in order to end de jure segregation or purposeful segregation or, for that matter, in order to provide for racial balancing, even when there is no constitutional violation requiring that balancing, valid social policy?

At the time when this remedy was first approved by the Supreme Court, the decision of the Supreme Court was that it not only was an appropriate remedy to end de jure segregation, but under certain circumstances, at least, was the only such remedy.

In the years since the Swann decision, however, there has been more and more experience with the actual impact of school assignments based on the race of individual students. At best, the results have been highly dubious. It is certainly true that the Judiciary Committee and its various subcommittees have heard testimony which would validate it as a social policy. There are at least as many studies on the other side, however, which have indicated that it has no positive effect on bettering educational opportunities for the students who are the subject of the busing. It is quite clear that in almost every area in which mandatory assignments by race have been imposed that there has been a substantial flight from the public school system itself.

That, coupled with the limitations which the courts have imposed upon themselves and with the dynamism of American growth and American society, has had a number of relatively absurd results.

For example, a court-ordered school-busing plan based on the race of individual students has never been permitted to be any broader than was necessary to eliminate traces of preexisting and proven de jure segregation. It has never been the policy even of the Federal courts at their most expansive to require proportional representation of each and every race in every school within a school district or within a given area, because, of course, if that were the case, courts would also impose busing orders in areas or situations of de facto segregation.

In fact, in a number of cases in which a busing order has been imposed in order to cure de jure segregation and events subsequent to the implementation of such an order have reimposed a pattern in which there have been large concentrations of one race or another in the public schools. The Supreme Court has not permitted a new and completely different busing system to be superimposed on the old one in order to bring about a further racial balance.

As a consequence, we have a number of school districts in the country in which imposed busing still results in substantially single-race schools in some parts of the particular school district.

At this point, Mr. President, while I wish to state that the findings and the attitudes on which my amendment is based are included throughout all of the hearings of both subcommittees of the Judiciary Committee which dealt with the issue of mandatory busing, and while I do not wish to include in the RECORD that entire record because it is public and it is available, I ask unanimous consent to include the statement of Dr. David Armor before the Constitution Subcommittee of the Senate Judiciary Committee on May 14 of last year as illustrative of the testimony on which the findings contained in this amendment are based.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[School Busing]

STATEMENT OF DAVID J. ARMOR

Mr. Chairman and members of the Committee: I am pleased to be here today to share my views on the critical issue of school busing.

The school busing issue has been with us now for over ten years, and it shows no signs of abating. Massive mandatory busing has been ordered recently by courts in Los Angeles, Columbus (Ohio), and St. Louis; and major busing lawsuits are still pending in San Diego, Cincinnati, Kansas City (Missouri), and Indianapolis. Clearly, court-ordered busing is alive and well. This is a remarkable achievement for the most unpopular, least successful, and most harmful national policy since Prohibition.

At the outset let me say I fully agree with the Supreme Court's policy that intentional segregation of the schools is prohibited by the United States Constitution. Moreover, racial isolation and discrimination do exist in American society and in the schools, and these conditions should be combated wherever they are found.

The real issue is the method chosen by the courts to remedy segregation. The courts adopted mandatory busing because they believed it to be the most effective way to end racial isolation. Therefore, it was also seen as the best way to end the harmful effects of segregation on race relations and on the educational opportunity of minority students. But, just as Prohibition was not a feasible remedy for alcohol abuse, so mandatory busing is not a feasible remedy for school segregation. Like Prohibition, the policy is not merely ineffective; it is counterproductive.

The federal courts were no doubt sincere, originally, in believing that mandatory busing was the only feasible method for reducing racial isolation and alleviating the harmful effects of segregation. By 1970 voluntary methods had not worked well, and many school districts were maintaining dual school systems with only token efforts to integrate. Encouraged by the positive views of social scientists on the benefits of integration, and realizing that because of housing patterns a neighborhood school policy would leave many segregated schools, the courts finally took the more drastic step of ordering mandatory busing.

At this point in history, however, more complete evidence shows us that mandatory busing has failed as a feasible remedy for school segregation. It has failed, first, because public opposition and white flight have been so extensive as to increase, rather than decrease, racial isolation in many cities. It has failed, second, because desegregation has not produced the educational and social benefits it had promised. Therefore, it not only fails to truly desegregate, it fails to remedy the presumed effects of segregation.

Mandatory busing fails, third, because it is not an equitable remedy. By rejecting a neighborhood school policy on the grounds of housing segregation, the courts deprive parents of their traditional right to choose schools close to home. Since it is unreasonable to hold schools accountable for housing patterns, the extent of the remedy far exceeds the scope of the violation.

The basic problem is that the courts have not yet accepted these facts.[1] The facts themselves are frequently obscured by our reluctance to discuss them, perhaps out of fear of being accused of prejudice or racism. It is time to use these facts to make a realistic assessment of mandatory busing, to admit its failure, and to take action. If the courts continue to ignore the facts, then the Congress should take the initiative.

Today, I would like to help the Committee's deliberations by presenting some new evidence on the failure of mandatory busing. First, I will describe recent developments in the Los Angeles case, which dramatically illustrate the infeasibility of mandatory busing. Second, I will draw upon some recent studies to suggest why mandatory busing does not remedy the harmful effects of school segregation, and why it is not an equitable remedy. Finally, I will conclude with some recommendations about how Congress might help change this unfortunate policy.

LOS ANGELES AND WHITE FLIGHT

After some 10 years of legal battle in the state courts, mandatory busing began in Los Angeles in the fall of 1978. Although the plan was limited to grades 4 through 8, the effects were devastating on those schools in the plan. An astonishing 60 percent of the 20,000 bused white students never showed up at their receiving school, and some individual receiver schools lost over 80 percent of the bused white students.

Most of these students moved to the suburbs or transferred to private schools. As a result, most of the minority receiver schools remained segregated. If these figures sound shocking, consider the geography of Los Angeles: white and minority concentrations live so far apart that the average bus ride

was nearly 50 minutes one way, and some bus rides actually lasted 90 minutes!

In spite of this white flight, which continued in 1979, and in spite of state law requiring only "reasonable and feasible" desegregation plans, in 1980 the state court judge ordered an expanded busing plan to include grades 1 through 9.

The court did acknowledge the existence of white flight. But rather than eliminate mandatory busing, the cause of white flight, the court merely allowed for a white flight factor of up to 50 percent when designing the 1980 plan. This led to one of the more bizarre desegregation plans in the history of school busing: in some cases four or five white schools had to be clustered with a single minority school in order to end up with enough white children to desegregate the minority school.

In spite of these extreme steps, the 1980 plan still failed to desegregate most minority schools in the plan (see Appendix A). More than half ended up with white enrollments under 30 percent, and most of the rest had less than 40 percent white enrollments.[2] A high price was paid for this token increase in intergration. Between 1976 (the year before the first court order) and 1980 Los Angeles white enrollment declined from 219,000 (37 percent) to 125,000 (24 percent).

About half of this loss is due to normal demographic factors, such as declining white births. But nearly 40,000 white students fled the district because of busing.

Fortunately, this new plan did not last. On April 20 of this year, mandatory busing came to an end in Los Angeles, the first time this has ever happened in a major city that had begun court-ordered busing. I wish I could report that the dismantling of busing was due to a rational recognition of its failure, but I cannot.

As the Committee may know, Los Angeles has been operating under a state Supreme Court order requiring desegregation regardless of cause. In 1979 the voters of California passed Proposition 1, which prohibits court-ordered busing except when ordered as a remedy for violating the federal Constitution (14th amendment).

A state appeals court has ruled that Proposition 1 is constitutional, and moreover that Los Angeles has not violated the federal Constitution by intentional segregation policies. Many experts were shocked when the state Supreme Court, which is responsible for California's busing policy in the first place, let the appellate ruling stand. No one was more surprised than the trial court judge who fashioned the Los Angeles plan; he promptly resigned, claiming he was "burned out."

Unfortunately, this does not end the matter for Los Angeles. A new lawsuit has been filed in federal court by the NAACP, and if recent cases are any indication, the federal courts could very well reinstate busing in Los Angeles by next Fall. In fact, the federal district judge who will hear this case tried to prevent the dismantling of busing just two days before it was to end, on the grounds that the NAACP's claim of intentional segregation "had merit." The trial court was overruled by the 9th Circuit Court of Appeals on procedural grounds, but a final determination will not be made until a full hearing is held.[3]

White flight from mandatory busing is not confined to Los Angeles. Massive white flight has occurred in nearly every central city undergoing court-ordered mandatory busing, but the federal courts have paid little attention.

Boston public schools, which began busing in 1974, have dropped from 57 percent white to only 35 percent white today; Denver schools have likewise dropped from 57 to 41 percent over a similar period.

Although some of this white decline is due to natural demographic factors, analysis shows that about half of it has been caused by the busing.

These facts were before the Supreme Court prior to their recent decisions in Columbus and Dayton, but mandatory busing plans were approved for these cities nonetheless. Dayton public schools have dropped from 53 percent white to 43 percent since busing began and Columbus is headed in the same direction, having lost 17,000 white students (out of 64,000) in the three years since they were ordered to begin busing.

In recent years a significant fraction of persons, perhaps up to half, have fled busing by transferring to private schools. In some instances this has contributed to a reversal in the decline in private school enrollment, and in fact has produced significant increases in the share of all white students enrolled in private schools. In Los Angeles, for example, the proportion of all white students in private schools increased from 23 percent in 1974 to 43 percent in 1980. Between 1978 and 1980, the first three years of busing in Los Angeles, private schools experienced a massive increase of over 20,000 students.

The trends in private school enrollment can only be reinforced by Professor James Coleman's new study, which finds that private schools produce more academic gains than public schools, even after controlling for the socio-economic background of parents.[4] The danger of continued mandatory busing is an acceleration of racial segregation, not only between city and suburb, but between predominantly minority public schools and predominatly white private schools.

BUSING AND REMEDY

In order for the courts to justify mandatory busing as a feasible remedy for school segregation, it must have two properties: First, it must truly desegregate by reducing segregation where other methods fail; second, it must provide for some educational and social benefits that are not available in segregated schools.

From the experience of Los Angeles and many other school districts, it is clear that white flight causes many minority schools to remain predominantly minority; in these districts, mandatory busing does not in fact desegregate minority schools.[5] Mandatory busing can desegregate white schools, but for these schools voluntary programs would be equally effective. Civil right groups attack voluntary busing as forcing minorities to bear the burden of busing. Ironically, in a mandatory program the white flight can be so extensive that most of the bused students are still minority.

It might be argued, as the Los Angeles judge did, that one can take care of this problem by simply assigning enough white students to a minority school, so that even after white flight the minority school will be desegregated. But this reasoning ignores the whites who fled. Most of the white students who did not show up for busing in Los Angeles ended up in predominantly white suburban schools, or in white private schools, thereby increasing the racial isolation of the school district as a whole vis-a-vis the suburbs and the private schools.

The second major justification for mandatory busing plans is to eliminate the effects of past discrimination and isolation, and to provide equality of educational opportunity for minority students. According to the courts, equality of opportunity can only be accomplished by providing a desegregated education. The predominant view here, from the Brown decision to the present day, is that segregated schools were harmful for black students by perpetuating prejudice and by leading to a poor self-concept and lower academic performance.

Desegregation and school busing were intended not only to remedy racial isolation itself, but to remedy the effects of isolation by improving race relations and improving the educational performance of minority students.

There is no question that minority groups have suffered from prejudice and discrimination, and that the academic performance of minority students frequently falls behind that of white students. We need programs to combat these problems. But there is an abundance of evidence, now, that desegregation per se does not improve race relations or the academic performance of minority students. Several recent studies summarize this evidence.

A doctoral dissertation by Ronald Krol reviewed 129 studies of the effects of desegregation on minority student achievement.[6] This study is distinguished from several other recent reviews of desegregation and achievement by estimating the size of the desegregation effect.[7] Dr. Krol found that, for those studies having a segregated comparison group, the net achievement gain of desegregated minority students was small and not statistically significant.[8]

An illustration of this lack of effect is shown in Pasadena, California, one of the first cities to experience massive court-ordered busing. A special study done in 1974 showed that, after four years of desegregation, the difference in achievement between minority students and white students (and the national norms) remained relatively constant. Both minority and white students showed normal increases in learning, but desegregation did not close the gap.

School busing is also supposed to remedy the effects of segregation by increasing positive racial contact, reducing prejudice, and improving race relations in general. Again, there is not consistent evidence that this has happened in desegregation programs.

One of the more comprehensive reviews of desegregation and race relations was conducted by Professor Nancy St. John in 1975.[9] She found that the effect of desegregation on several race relations measures were mixed, with some studies showing positive effects, some showing negative effects, and some showing no effect at all. When the studies were restricted to those with more rigorous research designs, a majority of the studies actually showed negative effects of desegregation on race relations.

Some of the reasons why desegregation might have harmful effects on race relations is shown in an important new study of the Indianapolis schools by Professor Martin Patchen.[10] He found that white high school students experienced more unfriendly actions from black students than vice versa, although a majority of students of both races described relations as "fairly" or "very" friendly. For example, during one semester 58 percent of white students reported attempts by black students to extort money; 55 percent being blocked in the hallway by black students; and 51 percent experienced threats of harm by black students. The same percentages for black students,

reporting unfriendly actions from white students, are 11 percent, 26 percent, and 16 percent, respectively.

Professor Patchen notes that these acts of aggression were not necessarily racial in purpose; black students tended to report more aggression towards both black and white students. For example, 34 percent of the black students reported hitting a white student first, but 33 percent of the black students also reported hitting a black student first. The comparable figures for white students are 18 percent (hitting a black student first) and 22 percent (hitting a white student first).

Thus both races tend to be as aggressive with their own races as with the other race, but the level of aggression is higher for black students than for white students.

Finally, we must address the equitability of mandatory busing, which raises the relationship between the scope of the segregative violation and the extent of the remedy. In many respects the Supreme Court's original failure to adopt conventional methods of assigning students to schools—such as a neighborhood school policy—was the critical turning point in the erroneous path to mandatory busing.

In the South, where state-mandated dual schools existed, the Supreme Court recognized that school violations might have contributed to housing segregation, and that a neighborhood school policy might then build upon this presumed segregative effect.

Accordingly, the Court was unwilling to give blanket approval to a neighborhood school policy that allowed preexisting black and white schools to remain segregated.

Moreover, voluntary tranfer plans proved capable of desegregating white schools but not black schools.

Therefore, mandatory busing eventually came to be viewed as the only way to desegregate black schools. Of course, in many cities white flight has proven this view wrong, but the extent of white flight was not anticipated when mandatory busing was first proposed.

Some social scientists dispute the courts' view that housing segregation has been influenced significantly by school segregation, and challenge the legal thesis that, but for school segregation, housing segregation would be nonexistent or considerably reduced.[11]

The most compelling evidence that housing segregation does not depend on the dual school system comes from many northern and western cities, where housing segregation exists without a history of state-mandated school segregation.

Without the legal thesis connecting school and housing segregation, the courts have little justification for disapproving a neighborhood school policy.

In northern desegregation cases where state-mandated segregation did not exist, the mismatch between remedy and violation become even more extreme. In cases like Denver, Omaha, Milwaukee, or Los Angeles, the courts claim that constitutional violations arise from such policies as voluntary transfers, building schools in expanding neighborhoods that were predominately white or black, gerrymandering attendance boundaries, allowing optimal attendance zones, and so forth. Some of these policies do have significant segregative effects; some do not.

But there is no basis whatsoever for assuming that these specific violations are responsible for the extensive housing segregation that exists in these districts. The courts rarely design a remedy that merely corrects those specific violations shown to have segregative effect. Rather, the courts adopt district-wide mandatory busing, on the implausible grounds that these specific violations might have had a segregative effect elsewhere in the district or on housing choices.

Again, the neighborhood school policy is abandoned in these cases, and a remedy is imposed that produces far greater desegregation than if only the known violations were remedied.

In citing these studies, I do not mean to imply that social scientists are in agreement about the lack of educational and social benefits from desegregation, the possible harmful effects of desegregation on race relations, or the causes of housing segregation.

These issues are controversial and are still being debated, although the number of scientists critical of mandatory busing is growing. The heat of that controversy is best illustrated by a recent report from the National Academy of Education, which brought together the views of 18 distinguished experts, including some critical of mandatory busing.[12]

According to a New York Times story, the fact that a number of the panelists opposed mandatory busing delayed its publication and prevented wide distribution by the U.S. Department of Health, Education, and Welfare.[13]

What I am saying is that studies like the ones cited here raise more than a reasonable doubt that mandatory busing is an effective remedy for the past harms of school segregation. In my own opinion, the evidence overwhelmingly supports the conclusion that mandatory busing fails as a feasible policy.

REMEDIES FOR SEGREGATION

The foregoing review does not mean that government agencies should abandon desegregation programs, or that parents and children should not participate in them. The basic values of America demand that we work for an integrated society. But those same values determine the legitimate methods for ending segregation. In the absence of evidence that mandatory busing works, it is neither just nor equitable for courts to impose it on those citizens, minority or white, who oppose it.

A court-imposed remedy is stripped of its legitimacy when the facts show that it is not a remedy after all. What we have, instead, is improper social reform by the courts, imposing their own view of how the schools should be run.

I am sure that many of the facts and ideas I have discussed so far are not entirely new to the Committee. The difficult issue now is not deciding that school busing policy is unpopular, unsuccessful, or counterproductive, but rather finding a way to change the policy.

While a constitutional amendment is one obvious suggestion, it might not be the easiest or quickest way to resolve the issue. Because busing cases occur at different times in different states, it might be hard to find a single time when three-fourths of the state legislatures feel sufficient political pressure to approve an amendment.

Obviously, the simplest solution would be for the Supreme Court to change the policy. There are indications, cited above, that a number of the Justices want a complete review of the policy. But the Court's recent decisions on Columbus and Dayton suggest that the majority is not ready to abandon mandatory busing.

Like your colleague, Senator MOYNIHAN, I believe that the Supreme Court will eventually correct its mistake.[14] But if it takes the Court as long to correct this mistake as it did to correct its separate-but-equal policy (some 58 years), our public schools may never recover.

There are many legal scholars who claim the courts became involved in school segregation remedies only after legislative bodies had failed to act. If so, perhaps it is time once again for Congress to assert its legislative authority for enforcing the 14th amendment, including the design of feasible remedies when school violations are found.

What we need is a division of power now recognized in other branches of law, where legislatures set the types and ranges of penalties for various infractions, and the courts decide whether an infraction has occurred and select the specific penalty to be imposed.

The Congress has passed 14th amendment legislation before, such as the Equal Educational Opportunities and Transportation of Students Act of 1974, but it has not been effective. The reason is that this type of legislation does not confront the division of power issue directly, and in fact usually contains sections allowing the courts to ignore the legislation when enforcing the 14th amendment. There are several strategies that might improve upon these past efforts.[15]

First, the Congress might commission studies to consolidate evidence showing the feasibility of various types of remedies for school segregation. This evidence can serve as findings of fact to support legislation.

Second, legislation should represent an affirmative step to acknowledge the existence of constitutional violations and to address the need for feasible remedies, rather than legislation that simply opposes mandatory busing. Such remedies as voluntary transfers, neighborhood school policies, special magnet schools, and compensatory programs might be listed as acceptable remedies; mandatory busing to non-neighborhood schools could be prohibited.

The legislation should tailor the remedy to fit actual violations; existence of violations affecting some schools should not be used as a "trigger" to impose a district-wide desegregation plan.

Third, and most important, rather than exempting courts from using the Congressional remedy law, legislation should require the court to use remedies approved by Congress. Although I am not an attorney, some constitutional experts argue that Congress can regulate the appellate jurisdiction of the federal courts under Article III, Section 2 of the Constitution.

Such authority might be the basis for legislation allowing the courts to decide the existence of school violations and to select appropriate remedies, but also limiting the courts to those remedies approved by Congress.

There is likely to be argument over whether Congress has authority to regulate remedies for 14th amendment violations, but they will miss the essential point. At its foundation, the busing crisis amounts to excessive legislation by the courts to change the way students are assigned to schools. If the Congress devises a fair and reasonable division of powers for enforcing the 14th amendment, and the Supreme Court declares the law unconstitutional, then Congress has a strong case for amending the Constitution. If it comes to that point, there may well be sufficient popular support for a

constitutional amendment to guarantee this division of powers for 14th amendment violations, and to guarantee an end to mandatory busing.

Thank you for your attention.

FOOTNOTES

[1] Supreme Court Justices Powell, Stewart, and Rehnquist have expressed concern about massive busing plans in a recent dissent (Estes vs. Metropolitan Branches of Dallas NAACP, 444 U.S. 437, 1980).

[2] All but one of the minority schools ending up with over 40 percent white had more than 20 percent white in their natural residential enrollment.

[3] As further testimony to the bitter emotions raised by busing cases, even among judges, a dissenting 9th Circuit Court judge accused the majority of "scanty reasoning" and "precipitous" action, prompting the majority to release an unusual supplemental memorandum, chiding their dissenting colleague for "reckless charges" and "intemperate, emotional outbursts". In his written statement, the dissenting judge, who has not yet officially heard the case, accused the Los Angeles School Board of being "the worst discriminatory offender in the nation."

[4] James Coleman, Thomas Hoffer, and Sally Kilgore, "High School and Beyond: Public and Private Schools" *The National Opinion Research Center, Chicago, Illinois, March 1981.*

[5] In districts with predominantly minority populations, such as Detroit, Los Angeles, or St. Louis, many minority isolated schools are also left out of the plan due to unavailability of sufficient whites to integrate all schools.

[6] Ronald A. Krol, "A Meta Analysis of the Effects of Desegregation on Academic Achievement", *The Urban Review*, Vol. 12, No. 4, 1980.

[7] Another recent review claimed a positive effect of desegregation on achievement, but the size of the effect was not estimated. Robert Crain and Rita Mahard, "Desegregation and Black Achievement: A Review of the Evidence" *Law and Contemporary Problems*, 42 (1980).

[8] Dr. Krol reported a larger achievement gain for desegregated students in studies without a comparison group, but there was no way to estimate how much of this gain would have occurred had the students been in segregated schools (minority students show some gain from one year to another in any school environment).

[9] Nancy St. John, *School Desegregation: Outcomes for Children*, New York, C. Wiley & Sons, 1975.

[10] Martin Patchen, *Black-White Contact in Schools: Its Social and Academic Effects*, West Lafayette, Inc., Purdue University Press, 1981 (in press). Professor Patchen does not take a position for or against mandatory busing in this study.

[11] The most comprehensive critique of this thesis is in a new book by Professor Eleanor Wolf, *Trial and Error*, Detroit, Wayne State University Press, 1981.

[12] "Prejudice and Pride: The Brown Decision after Twenty-five Years," National Academy of Education, U.S. Department of HEW, 1979.

[13] Gene I. Maeroff, "Delay by HEW in Issuing Report on Desegregation is Questioned," *New York Times*, May 23, 1979.

[14] Daniel Patrick Moynihan, "What Do You Do When the Supreme Court is Wrong," *The Public Interest*, No. 57, Fall, 1979.

[15] Some of these ideas were influenced by discussions with Donald Lincoln, of Jennings, Engstrand, and Henrikson, San Diego; and Professor Mark Yudof, University of Texas Law School, Austin.

APPENDIX A—WHITE ENROLLMENT IN SCHOOLS IN THE 1980 LOS ANGELES BUSING PLAN

Notes: All figures are percent white (OW) enrollment in each school in October, 1979, and October, 1980. Schools marked with a ([1]) are formerly minority schools; most were included in the 1978–79 plan as well. The third column is the "resident" enrollment that would result if all bused students (mandatory and voluntary) attended their original neighborhood school.

PAIRS AND CLUSTERS—Integration Status, 1979–80 and 1980–81

[In percent]

School	Actual OW enrollment		Resident
	October 1979	October 1980	October 1980
Andasol	52.5	56.0	85.3
Devonshire	50.2	42.3	77.6
O'Melveny [1]	10.4	37.9	6.5
Prairie	62.4	46.3	74.8
Balboa	40.6	48.8	73.6
Castlebay	62.5	55.1	69.2
El Dorado [1]	31.3	38.5	27.9
Beckford	50.6	44.2	70.3
Germain	64.8	50.2	73.0
San Fernando [1]	12.0	27.0	3.3
Superior	60.5	51.4	71.5
Chatsworth	79.0	45.7	74.7
Dyer [1]	32.6	33.6	25.3
Darby	49.8	35.6	70.1
Sharp [1]	16.4	20.5	9.6
Valerio	55.2	29.4	54.6
Dearborn	63.4	44.4	85.9
Knollwood	63.6	51.8	80.8
Morningside [1]	20.2	31.6	11.9
Parthenia	64.4	45.4	77.0
El Oro	46.2	35.4	69.7
Granada	26.2	29.6	67.3
Rinaldi	46.7	40.8	75.8
Van Gogh	53.9	38.7	71.8
Vaughn [1]	7.8	19.4	.6
Gridley [1]	38.2	44.2	35.8
Topeka	49.1	45.6	81.6
Haskell	70.8	51.7	63.8
Mayall	43.6	50.2	70.3
Osceola [1]	27.7	41.2	23.7
Lassen	56.7	43.7	59.2
Vine [1]	12.8	16.9	13.6
Arlington Heights [1]	5.7	10.7	1.4
Melvin	44.4	25.0	54.1
Tarzana	46.1	30.9	69.5
Blythe	60.8	29.1	45.7
Calabash	61.0	39.3	64.0
Collier	69.1	24.7	74.3
Lemay	63.9	39.9	67.3
Nestle	45.9	46.8	77.9
Telfair [1]	9.2	15.2	1.8
Calvert	47.6	44.3	75.4
Enadia	72.0	47.5	73.1
Justice	74.9	44.6	79.8
Noble [1]	29.4	47.3	24.9
Chandler	49.8	39.2	58.1
Montague [1]	22.3	35.5	14.0
Sunny Brae	59.7	43.7	61.1
Winnetka	59.7	43.7	61.1
Chase	65.9	36.0	54.3
Emelita	62.1	46.4	70.6
Gault	60.2	36.5	61.3
Newcastle	40.4	29.4	50.5
Pacoima [1]	5.4	19.1	1.2
Stagg	55.3	45.2	71.6
Wilbur	53.2	41.8	76.0
Encino	56.1	55.6	83.5
Van Nuys [1]	33.0	32.2	[1] 27.1
Erwin	51.8	53.6	65.1
Filmore [1]	8.0	22.3	6.2
Sherman Oaks	64.3	38.4	73.3
Fullbright	59.4	39.5	58.1
Haddon [1]	13.1	26.0	3.0
Hamlin	69.1	51.0	76.0
Haynes	78.9	50.8	75.0
Serrania	56.6	54.4	89.9
Shirley	47.8	51.0	66.1
Vanalden	47.7	44.3	56.6
Hart [1]	36.6	52.5	28.4
Highlander	78.0	46.3	81.8
Lockhurst	57.6	62.6	82.3
Platt Ranch	70.7	40.5	65.9
Woodland Hills	77.4	61.3	80.1
Kester	57.7	48.4	71.9
Sylvan Park [1]	24.7	28.5	12.1
Dayton Heights [1]	15.1	16.2	6.4
Riverside	63.8	38.5	81.7
Apperson	56.8	48.5	73.2
Fenton [1]	18.7	35.5	10.7
Sunland	59.3	52.8	76.7
Arminta	32.7	41.8	29.4
Monlux	52.4	44.3	74.3
Burbank	51.2	40.9	59.3
Carpenter	46.2	52.2	85.7
Lankershim [1]	30.3	41.4	22.1
Victory [1]	28.8	21.6	20.0
Camellia [1]	21.9	39.9	15.8
Pinewood	49.6	42.0	69.0
Stonehurst	54.1	40.9	73.8
Mountain View	55.6	50.8	.....
Plainview	55.0	46.2	74.7
Roscoe [1]	29.0	44.0	20.8
Calhuenga [1]	20.6	36.8	11.3
Laurel	61.5	50.4	78.1
Rosewook	62.7	34.4	74.4
Gardner	64.2	50.1	60.8
Van Ness [1]	24.1	35.0	24.4
Wonderland	62.9	57.5	88.3
Hancock Park	65.2	41.8	64.3

PAIRS AND CLUSTERS—Integration Status, 1979–80 and 1980–81—Continued

[In percent]

School	Actual OW enrollment		Resident
	October 1979	October 1980	October 1980
Third	63.9	42.2	55.3
Wuilshre Crest [1]	11.7	36.3	8.2
Anchorage	56.6	45.1	79.5
Braddock [1]	19.6	35.5	13.2
Fairburn	61.6	47.1	87.5
Baldwin Hills [1]	16.7	28.4	.5
Canyon	70.0	41.8	87.3
Pacific Palisades	72.1	47.8	76.8
Broadway [1]	5.4	13.8	5.0
Kenter Canyon	68.0	39.3	75.0
Osage	63.5	28.8	36.4
Canfield [1]	32.2	37.4	37.4
Crescent Heights	26.2	24.7	24.7
Castle Heights	66.6	25.7	53.8
54th [1]	0	16.8	.6
Playa del Ray [1]	38.5	30.7	33.2
Richland [1]	37.0	27.7	33.5
Cienega [1]	6.7	14.4	.7
Overland	65.5	32.4	80.1
Warner	62.8	36.3	71.0
Coliseum [1]	18.1	26.6	0
Marquez	65.0	45.8	83.9
Cowan	53.4	40.6	64.3
Westport Heights	54.5	38.7	59.2
Windsor Hills [1]	18.9	34.5	2.8
Hillcrest [1]	.4	12.9	0
Westwood	62.8	43.6	67.0
Kentwood	66.6	37.2	65.3
Loyola Village	64.2	35.8	70.6
Westminster [1]	8.9	22.5	9.2
Mar Vista	64.7	34.2	70.8
Virginia Road [1]	1.6	15.2	1.6
Queen Anne [1]	12.4	18.0	1.9
Roscomare	57.5	27.5	80.0
Barton Hill [1]	12.5	25.4	6.8
Leland	60.2	40.3	72.1
Point Fermin	63.0	33.6	56.3
Cabrillo	29.0	41.8	30.6
Eshelman	62.9	50.3	54.2
Seventh	63.7	56.3	66.6
Crestwood	64.6	49.2	79.3
Park Western [1]	27.6	34.7	17.9
Hawaiian [1]	8.5	19.3	4.7
Taper	63.7	36.1	56.7
White Point	67.5	34.3	66.9
Frost Junior High	53.6	46.8	71.2
Nobel Junior High	65.0	59.6	79.4
San Fernando Junior High [1]	25.2	34.7	13.7
Hale Junior High	64.8	63.9	82.6
Pacoima Junior High [1]	29.5	26.1	16.6
Parkman Junior High	43.0	55.0	75.1
Hughes Junior High	60.8	62.7	83.1
Maclay Junior High [1]	18.0	19.6	7.0
Millikan Junior High	55.8	58.5	78.9

[1] Schools anticipated to be below 40 percent OW provided all PC travelers were returned.

Mr. GORTON. Next, it seems to me that we should get to the appropriate——

Mr. LEVIN. Mr. President, will the Senator yield on his last point for a question?

Mr. GORTON. Yes.

Mr. LEVIN. I am sorry to interrupt my friend from Washington, but he said the record of the Judiciary Committee is public and available. We have been trying to get that public, and I am wondering whether we are referring to the same record. Is the record, so far as the Senator knows, of those hearings available so that the Members of the Senate and the public can see that record?

Mr. GORTON. I must confess to the Senator from Michigan that I have no knowledge of whether or not the record before those two subcommittees has been printed. My reference at this point is to the fact that the testimony presented at those hearings is part of the public record and that I have copies of a number of statements

which were made before those two subcommittees. But my set of copies of testimony does not purport to be complete.

Mr. LEVIN. I thank the Senator.

Mr. GORTON. At this point I should like to move to the issue of the functions of Congress in connection with the 14th amendment and its enforcement and to point out, first, of course, that it is a constitution with which we are dealing, and the 14th amendment in the area in which we are dealing right now reads in relevant part as follows:

> No State shall deny to any person within its jurisdiction the equal protection of the laws.

That is an excerpt from section 1 of the 14th amendment.

Section 5 of the 14th amendment reads:

> The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

During the course of the last 10 or 20 years, a course marked not only by judicial but by congressional activism in the field of civil rights, there has developed a serious difference of opinion among members of the Supreme Court as to the extent of the powers of Congress under section 5 of the 14th amendment.

Some members of the Supreme Court, by and large the members who are described as being more activists or more liberal, believe that the Congress of the United States can in fact create substantive rights pursuant to its authority under the 14th amendment; that is to say that they can expand upon the rights which the courts would find totally and naturally ingrained in the substantive sections of the 14th amendment itself.

Others, and I think a majority of the members of the Supreme Court, still hold to the proposition that the rights of Congress are essentially procedural and remedial in nature in acting pursuant to section 5 of the 14th amendment.

Nevertheless in a concurring opinion Mr. Justice Powell, in *Fullilove* v. *Klutznick,* 448 U.S. 448, a decision decided less than 2 years ago, made the following statement about those congressional powers:

> I believe that the enforcement clauses of the 13th and 14th Amendments give Congress a similar measure of discretion to choose a suitable remedy for the redress of racial discrimination . . . (I) conclude therefore, that the enforcement clauses of the 13th and 14th Amendments confer upon Congress the authority to select reasonable remedies to advance the compelling state interest in repairing the effects of discrimination. But that authority must be exercised in a manner that does not erode the guarantees of these Amendments. The Judicial Branch has the special responsibility to make a searching inquiry into the justification for employing a race-conscious remedy. Courts must be sensitive to the possibility that less intrusive means might serve the compelling state interest equally as well. I believe that Congress' choice of a remedy should be upheld, however, if the means selected are equitable and reasonably necessary to the redress of identified discrimination. Such a test allows the Congress to exercise necessary discretion but preserves the essential safeguard of judicial review of racial classifications.

It is particularly interesting to note that in Fullilove, the Court was reviewing the use of a racially conscious remedy by Congress in the form of the minority business enterprise provisions of the Public Works Employment Act of 1977. The amendment I offer today, however, would stand for the proposition that although a racially conscious remedy may have been appropriate in the employment context, after considering the social, educational, and familial displacements caused by a racially conscious remedy in school desegregation cases, Congress has determined that a less intrusive means by which to remedy cases of de jure purposeful segregation should be employed by the courts and other governmental institutions.

I submit that the message we are sending to the courts, by our enactment of the Johnston amendment, is that Congress has weighed the competing interests involved in cases involving de jure segregation and discrimination and has reached a different conclusion than that reached by the courts as to the most effective means by which to enforce the 14th amendment. Thus, the inherent weakness of the Johnston amendment is that because it does not attack the fundamental premise of busing as an effective remedy, it will not focus the courts' attention on alternative mechanisms for remedying violations of the 14th amendment.

If, however, we have taken both approaches in this body, the court can deal with both that fundamental premise and with the more limited remedial requirements of the Johnston amendment itself.

The amendment which I have proposed would clearly direct the attention of the courts to other remedial measures. While this amendment would prohibit any court or agency of the Federal or State governments from ordering the implementation of any plan which would require any school assignment by reason of race or color, in cases of alleged violations of a Federal right, it would allow the courts to continue to act against the purposeful segregation, which is, of course, our compelling concern, in a manner which does not itself involve the same kind of classifications which caused de jure segregation to take place in the first place. It would, of course, not interfere with busing programs where the participation is purely voluntary on the part of students and their parents. And it would do nothing to prohibit the use of a system of "magnet schools," pairing or clustering, and so forth.

The structure of this amendment is not complex. It contains several findings by Congress concerning the impact of racially conscious school assignments.

Without exception, those findings are consistent with those which we have already adopted by adopting the Johnston amendment itself.

It acknowledges the 14th amendment right recognized by the Supreme Court in Brown against Board of Education, that is, the right of each student to be free of purposeful, de jure segregation and discrimination. The amendment goes on to state that Congress finds that racially conscious school assignments are not reasonably related nor necessary to the achievement of a compelling governmental interest. That finding is the heart of this legislation. When it is considered in light of the acknowledged right in Brown the result is the recognition of a statutory right to a racially neutral school assignment on the part of any student.

That right, however, is no more than the logical consequence of the decision by Congress that a less intrusive remedy is a more appropriate mechanism by which to enforce the 14th amendment in light of the empirical data which has been built up as a result of busing orders since they were first imposed as a remedy.

As the policymaking branch of the Federal Government, it is not only appropriate for Congress to make the choice among the available remedies, it seems to me that we are ducking our direct and prime duties if we do not do so.

I have frequently, during the course of discussions of these propositions, referred to what is known as mandatory or forced busing as a failed experiment.

In the past, the Congress has deferred to the courts and has allowed this experiment to be carried out, though with increasing reluctance through each Congress since the early 1970's. That was an appropriate response when the result was uncertain. Now that we know the social, economic, and educational costs, however, we must provide a sense of direction for the courts, a redirection, which I am convinced they seek.

The courts must continue to issue orders necessary to remedy past de jure desegregation, but the assignment of students to schools simply on the basis of their race should not be a part of them.

If mandatory busing were the exclusive means by which a violation of an individual's 14th amendment rights as a result of de jure segregation could be remedied, I would tend to agree with

those who question the constitutionality of the approach.

This Senator, however, is not so convinced and cannot accept the proposition that busing is the only answer, or even that it is a valid answer.

It is obviously a paradox that in order to remedy instances of past de jure segregation, we have, in effect, made racially conscious assignments of students who, by definition, were guilty of no segregative action themselves. We have imposed those choices on parents who have been guilty of no segregative actions in order to cure a segregation which was created by some other person or some other group at some other time.

It is hardly surprising, under those circumstances, that we have measurably harmed the fundamental basis of our public education system, which is the expectation on the part of parents and school students that they have some control over school assignments by where they choose to live.

Mr. METZENBAUM. Will the Senator yield?

Mr. GORTON. I am happy to yield to the Senator from Ohio.

(Mr. DENTON assumed the chair.)

Mr. METZENBAUM. Mr. President, I have a good deal of respect for the Senator from Washington. I know he was a distinguished attorney general and, being an attorney general, I know that he was a member of the bar as a practicing lawyer.

I am wondering whether or not the Senator from Washington would care to address himself to that which would appear to be a total conflict between the language of his proposal.

Mr. GORTON. I am sorry, I did not hear the Senator.

Mr. METZENBAUM. Which would appear to be a total conflict between the language of his proposal, which provides that:

> No court, department, or agency of the United States or of any State shall order the implementation of any plan which would require, because of the race or color of any student, the assignment of that student to a public school which provides free public education other than the school closest of his or her place of residence which provides the appropriate grade level and type of education for the student.

And whether or not that is in direct conflict with the American Bar Association's position relative to the matter of denying the court jurisdiction where the recommendation of the bar association committee was:

> The Committee recommends to the Association the adoption of this resolution because of one overriding conviction: the necessity to protect the integrity of the courts of this Nation, federal and state, from misdirected legislative efforts to achieve something that can be done only through constitutional amendment. The issue is not abortion; it is not busing; it is not prayer in the public schools; it is not any of a number of things that may occasion dissatisfaction with particular decisions. We are sure that the Members of the Association have many various positions on these substantive questions, as we do. But the real issue, the only issue, is whether, as a matter of policy and of constitutional permissibility, this Nation is going to adopt a device whereby each time a decision of the Supreme Court or a lower federal court offends a majority of both Houses of Congress the jurisdiction of the federal courts to hear that issue will be stripped away. We do not believe that is a system the Framers intended nor one that we should strive to institute.

My question to the Senator from Washington is: In view of the position of the bar association on the matter of jurisdiction, in view of the language of his amendment, would he not agree that he is proposing something that flies directly in the face of the ABA recommendation; that indeed the Senator is attempting to strip the court of jurisdiction?

Mr. GORTON. I think I could best answer the question of the distinguished Senator from Ohio by rephrasing it and asking another question.

I believe, though I do not serve on the Judiciary Committee, that he opposed during the course of its consideration of the new criminal code, the reimposition of capital punishment. If that is the case, does the Senator from Ohio describe his position on the subject of capital punishment as being jurisdictional in nature in denying to the courts of the United States some jurisdictional right to impose whatever remedy for a first degree murder they desire?

I could answer that question for the Senator from Ohio, that he does not believe the decision by Congress which prohibits the imposition of capital punishment to go to the jurisdiction of the Federal court system because it does nothing of the kind. It does not limit the right of the courts to deal with the crime of first degree murder or treason, or any of the other traditional crimes to which capital punishment has, in the past, been considered an appropriate remedy. Nor does this proposal impact the jurisdiction of the Federal courts.

The Federal courts are not deprived of jurisdiction to deal with anyone's claim that his 14th amendment rights have been violated. As a matter of fact, I can think of nothing which would more invite the courts to pay attention to exactly that kind of case.

The kind of proposal about which the Senator from Ohio expresses concern, and it is a concern which I share, is the kind of proposal which says that the appellate jurisdiction of the courts and the Supreme Court of the United States shall not extend to an appeal of a State supreme court decision on the subject of prayer in public schools, or the subject of abortion, or some other subject. Those are jurisdictional questions. This is not a jurisdictional question.

The Congress of the United States, from the First Congress in 1789, has stated remedies for violations of the law, and when it states one remedy and prohibits another it does not deal with the jurisdiction of the courts.

Mr. METZENBAUM. I must confess to the distinguished Senator from Washington that it is a rather convoluted piece of reasoning.

Mr. GORTON. This Senator thought it was a very direct statement.

Mr. METZENBAUM. Well, that is what makes horseraces, differences of opinion. I respect him for his opinion.

When you take away the remedy, you eventually take away the right, and that is exactly the subject to which the bar association has addressed itself.

I have such great difficulty with this, and, in fact, I must confess when I learned what the Senator from Washington was proposing I felt it was rather shocking. I find the record of the Senator from Washington in this body to be a very admirable one, being fair and objective, and, though I do not know his legal ability well, I have great respect for it based upon my respect for his general reputation as an attorney general and in this body.

Here we have a case which is nothing that the American Bar Association is talking about, about the appellate jurisdiction. It is quite the opposite. They were addressing themselves to denying the court jurisdiction. When you deny the court the remedy you come up with the same conclusion as denying jurisdiction.

The question the Senator raises with respect to capital punishment is really where I have difficulty following the Senator because nobody would attempt to deny the court the right to deal with any kind of case. The only issue there is whether one man ought to take another man's life. The whole moral issue involved there has nothing to do with the court's jurisdiction, and it would not say that the court could not hear a certain kind of murder case, a certain kind of kidnaping case, a treason case, or whatever the case might be.

But the Senator is attempting, I think, in this instance to compare apples with pineapples because they just do not relate to each other.

Unfortunately, in this instance, the denial of court jurisdiction is such an affront to the Constitution that it is so hard to preserve. Proscriptions, prohibitions, limitations, and the affirmative aspects of the Constitution are never really important until they are put into controversy or challenge.

The Constitution is a great document. Everybody agrees about that. That is, except on those occasions when you want to find some basis to avoid the language of the Constitution.

Here we have a situation where Brown against the Board of Education——

Mr. GORTON. Mr. President, is it not true that we are under cloture? I do not mean to interrupt the Senator from Ohio, but I yielded to him for a question. I would prefer that he deliver a speech on his own time.

Mr. METZENBAUM. The Senator from Washington has a very valid point, and I yield back the floor.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. I simply want to repeat to my good friend from Ohio, whose views on this subject I respect a great deal, that it seems to me that in dealing with this amendment it is, to put it bluntly, a red herring to talk about jurisdiction. That is not involved.

The question, and I think it is a valid question for the Senator from Ohio to debate, is whether or not racially conscious school assignments, that is to say mandatory busing, is an appropriate social tool.

He may well stand on the other side from me on that issue, but that is the issue and not jurisdiction.

Mr. President, I brought up the question of capital punishment because capital punishment is a remedy and the fact that the courts are not permitted to impose capital punishment does not go to their jurisdiction. Mandatory busing is a remedy. It does not go to the constitutional right of an individual to be free from purposeful discrimination and it does not go to the right of the Federal courts to accept any and all cases which make an assertion that some constitutional right has been limited or that some individual has been deprived of a constitutional right by the action of others. There is no jurisdictional question involved in this amendment. The jurisdiction of the Federal courts is not limited by the passage of this amendment in any respect whatsoever. The remedies which the courts can impose for the violation of a certain constitutional right are certainly limited. But that is exactly the function that this body has engaged in from the first day of the First Congress, and it is exactly the kind of action which Congress was specifically invited to take by section 5 of the 14th amendment.

The Senator may not like this approach, but it is not an approach which limits the jurisdiction of courts whatsoever. In fact, in coming up with this particular proposal, I consulted at length with the single individual I consider to be the most prestigious scholar in the field of the Constitution and of the 14th amendment, Prof. Gerald Gunther of the Stanford University Law School. I came to know Professor Gunther, I state to the Senator from Ohio, because, 3 or 4 years ago, I taught a course in constitutional law in my home State and used his casebook for perhaps no better reason than I had used its predecessor when I was in law school myself, and that led to a correspondence between us.

I may say that, when I started the draft of this proposal, I proposed to use section 5 of the 14th amendment to create a right to a racially neutral school assignment, something which I believe the 14th amendment gives to the Congress of the United States. Professor Gunther cautioned me against doing so and said that the bill should be structured simply in the form of recognizing that right and recognizing it within the context of the right to be free from purposeful discrimination.

If I may, with the permission of the Senator, whose views I respect, I shall read one or two excerpts from the last letter which I received from Professor Gunther, whose suggestions are incorporated in the amendment Senators have before them right now. He says:

> My advice to you to follow the court with respect to the basic constitutional right involved refers only to a recognition of the right to be free from de jure, purposeful discrimination and segregation, the right you now do recognize in the bill. I have never advocated that you recognize busing as a basic right. My point, rather, has been that busing has in the past been a remedy for the vindication of the basic right against purposeful segregation. I believe that Congress should focus on changing the remedy for the vindication of that basic right.

He says further:

> Then, as new Section 2(c), I would use a revised version of present Section 2(a), saying something like: "Every student has the right to be free from purposeful segregation and discrimination in his or her assignment to public school. In light of the other findings contained in this section, Congress concludes that racially conscious assignment of students to schools is not necessary to the enforcement of the right to be free from purposeful segregation and discrimination in school assignments. Congress accordingly determines that every student has the right to have his or her assignment to public school determined in a racially neutral manner."

That is precisely what my amendment says.

The professor writing to me then says:

> You will note that this revision recognizes a (statutorily created) right to neutral school assignment, but to me more nearly couches that right as an aspect of remedies for the enforcement of the Court-recognized right "to be free from purposeful segregation and discrimination" etc.

The letter goes on in greater detail. I shall be happy to share it with the Senator.

The point I am trying to make is that, first, I have followed a constitutionally highly respectable course of action in coming up with this specific proposal. I cannot guarantee to the Senator from Ohio, to the Senator from Louisiana, or to this body, that it will be found to be constitutional. I believe, from my experience with the Supreme Court of the United States, that it will be. In fact, I think the Supreme Court of the United States is attempting to find a graceful way out of what is the dead end of mandatory school assignments on the basis of race.

I think it is perfectly appropriate for the Senator from Ohio to disagree with me on the effectiveness of mandatory school assignments by reason of race in ending segregation. There is certainly debate in the country on that issue. He may disagree with some of the findings in this amendment and, of course, it will be up to the body to vote directly on those findings. But it is, I must say, a red herring to say that this amendment goes to jurisdiction. It does not in any respect attempt to limit the jurisdiction of the Supreme Court to decide constitutional issues. That is what some other bills before this body would do. In fact, it encourages the Supreme Court of the United States to make precisely such a decision.

I was frustrated during the course of much of the debate over the Johnston amendment by the fact that the debate stemmed on this jurisdictional issue. It seemed to me frequently that the opponents to the Senator from Louisiana were focusing on that issue because they did not want to debate the actual impact of racially conscious school assignments and their validity because the case for that proposition is, this Senator believes, very, very weak. This is not an approach which attempts to take jurisdiction away from the courts. It is an approach which attempts to state a policy by this Congress pursuant to section 5 of the 14th amendment, a policy which it is not only appropriate for it to make but its duty to make, and then let the Supreme Court determine whether or not those findings are constitutionally appropriate.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I rise this afternoon to take part in the continuing debate on the issue of jurisdiction of the Federal courts that, in my judgment, has emerged as the central issue in the course of discussions which have been held intermittently on the floor of the U.S. Senate over the course of the last several weeks. The distinguished Senator from Connecticut (Mr. WEICKER) has engaged in a series of procedures which I think are directed at an important goal: to focus public attention on the very serious threat to the jurisdiction of the Federal courts, including the Supreme Court of the United States.

The procedures in this body relating to filibuster have been developed over the course of a protracted period of time. I have a certain disagreement with the approach of tying up the deliberations and activity of this body when other business is pressing before the U.S. Senate. Were the issues of budget and the economy to be timely for consideration by the Senate today, there might be a different value judgment placed upon the protracted period of time which we are now devoting to this issue.

But absent that consideration, I think it is of vital importance that public attention be directed to the thrust of the current proposals which would limit the jurisdiction of the courts on matters potentially far beyond the issue of busing, including first amendment rights, freedom of speech, religion, the press, and every right which is guaranteed under the Constitution of the United States.

It is my view that busing has been a failure. It has satisfied neither whites nor blacks. It has not worked well in the effort to integrate schools in the United States. It has imposed on the time of schoolchildren. It has imposed on the patience of most Americans who have been involved with busing.

But when it comes to the issue of the availability of a remedy which the courts of the United States may seek to impose, then in my view it is no longer a matter of the particular remedy, it is a matter of much greater importance—the authority of the courts of the United States to decide what the Constitution requires.

Several months ago, when the distinguished Senator from Connecticut posed an issue that nothing in the pending bill would limit the authority of the Department of Justice or the courts to enforce the U.S. Constitution, it was my thought that there was nothing at issue, because I believed it to be self-evident that the courts and the Department of Justice had the duty to enforce the U.S. Constitution.

I was surprised to find that resolution defeated by a vote of 45 to 30. I think that occurred because of the underlying hostility raised by the issue of busing, which, while it may be understandable on the merits and the substance of busing, in my judgment is most inappropriate, as it could set a precedent for limiting the jurisdiction of the Supreme Court on other matters.

While I was district attorney of the city of Philadelphia, the decision in Miranda against Arizona was handed down on June 13, 1966. Of all the decisions of the Federal courts—and there have been many—limiting the power of law enforcement, none in my view has had the impact of the Miranda case, with extraordinarily undesirable consequences in terms of applying to all cases which went to trial after the date of the Miranda decision.

I thoroughly disagreed with the rationale of Miranda. I disagreed even more vigorously with its application retrospectively, because many of the guilty were acquitted as a result of the Miranda decision, although the law enforcement officials who had engaged in the questioning had acted entirely lawfully at the time the interrogations had occurred.

Notwithstanding the illogic of the Miranda decision, it was my view at that time that there should not be an amendment to the Constitution of the United States which would overturn the decision of the U.S. Supreme Court because of the paramount importance of having the Supreme Court of the United States as the final arbiter and decisionmaker.

Instead, the Philadelphia district attorney's office sought to reverse the import of Miranda, or at least as it would be applied retroactively. A couple of the specific cases which we dealt with back in 1966 and thereafter all illustrative of the devastating effects of that decision. They also reflect my own attitude of not wanting to change the Supreme Court decision, even though the impact in those cases was significant and very wrong.

There was a case pending in the Philadelphia criminal courts by the name of Commonwealth against Hickey, which involved an incident where a cab driver had been robbed and brutally murdered. A suspect had been taken into custody in April or May of 1966 and had been given the warnings which were then required by the law under the Escobedo decision, which had been decided by the Supreme Court of the United States in 1964.

The police acted entirely properly. Hickey was warned of his rights. He voluntarily confessed. He told the law enforcement officers where he had taken the loot from the cab driver, and where he had stowed his weapon.

The police officers then went to his residence, confirmed his confession, found the weapon, and found the proceeds of the robbery.

While that case was pending, because it could not be brought to trial in the course of a few weeks between the incident and the date of the Miranda decision, which was mid-June 1966, his confession became inadmissible.

When the case was called for trial, it was impossible to introduce his confession and the overwhelming evidence of guilt against Hickey because of the intervening Supreme Court decision.

Another case, denominated Commonwealth against Ware, illustrated the same point in even more emphatic terms.

Ware had been charged with a series of four burglary-murders which evidenced a pattern where he would push an elderly victim downstairs as he robbed and burglarized their houses.

Shortly after his arrest in 1963, he was sent to a mental institution because he was not competent to stand trial. In 1968, he was released from the mental institution and brought to trial. However, his confession could not be introduced because of the intervening Miranda decision.

My office fought the case and petitioned the Supreme Court of the United States to grant certiorari. The U.S. Supreme Court agreed to hear the case, a very rare occurrence, with certiorari being granted in one case out of perhaps hundreds at that time.

Unfortunately, when the U.S. Supreme Court granted certiorari, the Supreme Court of Pennsylvania then reassumed jurisdiction of the case and decided it on State grounds. This meant that the Supreme Court of the United States no longer could affect the decision since the Supreme Court of Pennsylvania exonerated Ware as a matter of interpretation of the Pennsylvania Constitution, a matter on which the Supreme Court of Pennsylvania makes the final interpretation, not the Supreme Court of the United States.

I speak at some length about the Hickey case and the Ware case because I think they illustrate a high level of frustration which a district attorney's office faces in trying to bring to justice the worst of the worst.

It was my view then, and I believe it to this day, that notwithstanding the great injustice which results in those specific cases, it is unwise as a matter of public policy to follow the route of a constitutional amendment because of the potentially undesirable results if we undermine the Supreme Court as an institution in our Nation's history.

The prevailing rule, as I see it, in the evolution of our Nation has been that the Supreme Court has had the final word on interpreting the Constitution of the United States. While we may disagree violently with the judgment of the Supreme Court on a case or on a series of cases, the importance of the Supreme Court as an institution in our Nation's history is, in my judgment, of unquestioned value.

The executive branch has a very vital role to play. The President, through his secretaries of the various departments and through the executive agencies, has enormous power that was designed by the constitutional framers.

The Congress, the legislative branch, has enormous power and enormous responsibilities to inquire as to what is happening, to fashion laws, and to enact legislation which reflects the public policy of our constituents. We are here realistically and ultimately as

long as we express the views of the people who elect us to these offices.

The Supreme Court of the United States has, in the constitutional setting, the authority to make the ultimate decision when Congress has exceeded its authority, when the executive branch has exceeded its authority, and to be the final interpreter of the laws of the land.

If it is possible to shift that historic balance by saying that the jurisdiction of the Court can be removed under the provisions of article III through language which relates to jurisdictional grants, or if it is possible to alter the jurisdiction of the Supreme Court of the United States under section 5 of the 14th amendment, then there will be a fundamental realinement in the division of authority and constitutional responsibility in this Nation.

At the time of the adoption of the Constitution there were precedents pending where the supreme courts of three of the States of the United States had ruled on the constitutionality of legislative issues. Certainly at the time of the decision of Marbury against Madison in 1803 the issue was squarely faced as to which of the three separate but equal branches of Government under the Constitution would have the final determination on the issue of conflict of authority. The Supreme Court, not surprisingly perhaps in the exercise of power as it viewed it, made the decision that the Supreme Court of the United States would have that final say.

We have developed in the course of the past 179 years the most powerful nation on the face of the Earth, a nation where freedom has been extolled the most highly in all the recorded history of civilization on Earth; where we have had the greatest opportunity to pursue man's potential with freedom of public expression, with freedom of religious opportunity, and with freedom of the press, notwithstanding great controversy and great concerns about these issues involving many points of public controversy at every step of the way.

The equal protection clause of the 14th amendment has been subjected to analysis repeatedly by the courts. It is a very vibrant principle and it has been expanded tremendously to give freedom and opportunity where none had originally been viewed as present.

The due process clause of the 5th amendment and its counterpart in the 14th amendment have seen an expansion which was beyond the realm of imagination at the time those clauses were first written into the Bill of Rights and later into the 14th amendment. There has been the development of concepts of ordered liberty within due process so that the prohibition against action by the Federal Government to limit freedom of speech for example, was extended to the State governments under authority of the due process clause of the 14th amendment. And in a series of decisions the Supreme Court of the United States said that no State could enact legislation which restricted freedom of speech.

So it was with the freedom of religion, freedom of press, and beyond. The requirements of right to counsel under the 6th amendment of the U.S. Constitution became a part of the due process clause of the 14th amendment as did the 4th amendment protection from unreasonable searches and seizures. This evolution has come into the law of the land and into the constitutional fabric of our Government as a result of the Supreme Court of the United States interpreting the Constitution.

A Supreme Court interpretation is dissimilar to a legislative enactment where Congress puts its imprimatur on what public policy means in a context much more limited than a constitutional fabric, or where the legislative process grants regulatory authority to one of the vast array of administrative agencies to implement the law on a day-by-day basis. For a constitution is to last for the lifetime of the Nation, and we all pray that the lifetime of this Nation is boundless.

I do believe that the ability of this Nation to survive and prosper in a setting which allows the full development of man's capabilities and freedom turns upon our ability to continue the interpretation of the Constitution in the way which has evolved over the course of the past 179 years since the decision in Marbury against Madison. Moreover, I suggest that it is a fundamental matter that public attention be focused on the implications of what is presently before the Senate of the United States, on what is realistically speaking a measure which would limit the jurisdiction of the Supreme Court of the United States on busing, and whether that may be wise as a matter of substance. For I believe that its potential for disaster is limitless as that principle could later be expanded into the areas of speech, religion, press, equal protection considerations, and other due process guarantees.

Our society reacts in an unpredictable way to what goes on in the U.S. Senate. There are few people who have the opportunity to come to these legislative Halls and fewer still who can follow the history of a complex matter such as we are discussing today. Until there is public attention focused on such an issue by the news media there will be necessarily little recognition of the scope, magnitude, and importance of what this measure means.

Up until the present time the news media have not focused much attention on this debate relating to limiting the jurisdiction of the Supreme Court of the United States on busing, or on its vast implications. It is my view that the distinguished Senator from Connecticut (Mr. WEICKER) has performed a vital service in taking the lead in directing the attention of the country via the news media on this issue, and it is problematical whether, within the confines of the debate which we are now under, public attention will really be focused on this issue.

But it is my view that if attention is focused on this issue that the people of the United States will say:

> We do not like busing but we like less the prospect of interfering with the tradition of the power of the courts in the United States. We do not like many of the decisions of the courts of the United States, but we prefer to have them there when we need them rather than to see them vanish in terms of authority over a specific issue which is an unpopular issue.

It is my personal view that the people of the United States will utter these sentiments in a resounding and forceful fashion; notwithstanding the fact that the Supreme Court of the United States and the courts generally have come into enormous disrepute for many good reasons: For not disposing of the backlog of civil and criminal litigation, for not imposing the kinds of sentences warranted for the kind of violent criminals who roam our streets, and for getting into many issues and many decisions which might well be better left to other institutions.

I have the conviction that if the voice of the people would speak on this issue, or if the people were aware of this issue, they would come to the same conclusion that I came to as district attorney of Philadelphia when faced with the injustice of letting men like Hickey and Ware go free contrasted with changing the fabric of constitutional law, that the people of this country would say, "Let the jurisdiction of the courts stand."

I say perhaps it is a healthy thing, as we move forward on this debate, that the arguments have been ingenious. The considerations which have been advanced by the distinguished Senator from Louisiana on article III and section 5 of the 14th amendment have been raised in a most erudite fashion. The distinguished Senator from North Carolina (Mr. HELMS) has put forth the views of the Constitution as he sees them. I think we would all welcome that a debate of this magnitude be viewed and studied by the people as a whole, and if in this context the people were to say:

> Let the Constitution stand, let the jurisdiction of the courts stand, as much as we dislike busing. We are prepared to live with it rather than see the Constitution altered or the jurisdiction of the courts altered.

Then I think that would have a very significant impact on the action of the Senate of the United States.

That can happen only when this issue receives the attention not only on the front pages of the newspapers across this country but, perhaps, more particularly on the evening news of the networks and on the talk shows in this country so that public awareness is focused on what is at issue and what is involved in the matters which we are debating here today.

Before concluding the 30 minutes in which I have undertaken to speak as meaningfully as I could on relatively short notice, I would like to comment on the proposals which have been advanced by the distinguished Senator from Washington (Mr. GORTON) on his colorblind approach to the schooling issue, to have enrollment determined without regard to race.

The distinguished Senator from Washington has endeavored to find a novel approach which might undercut the tremendous controversy which exists on the busing issue and, as he has so eloquently stated, does not involve the issue of jurisdiction but involves the substance of handling the texture and complexion of the school system.

I respectfully suggest to the distinguished Senator from Washington that his approach, while worthy of extended consideration, does not meet the test of the real world today in that if it results in all white or all black schools, as I think it necessarily must, it flies in the face of the reality that students must face, and it flies in the face of the constitutional doctrine in Brown against Board of Education and its progeny overruling Plessy against Ferguson, decided shortly before the turn of the century where the Supreme Court of the United States had held constitutional the doctrine of separate but equal.

To have race an irrelevancy would be to reindorse the Plessy against Ferguson doctrine so that you could constitutionally have schools which were racially separate as long as they were otherwise equal.

Constitutional requirements cannot be changed by a legislative enactment. The Constitution is obviously supreme. The specific holding of Brown against Board of Education, that there is no such thing as separate but equal, teaches that if you are separate you are, in fact, not equal, and that constitutionally it is impermissible.

If the distinguished Senator from Washington would seek by this legislation to relitigate the holding of Brown against Board of Education and Plessy against Ferguson, it would be unwise in my view even if constitutionally permissible because we do not function in a real world of all whites and all blacks or all anything, but have a mixed and a varied world. The advantages, let alone the requirements, of integration make it highly desirable that there be exposure to peoples of all complexion so that it is preferable as a matter of social policy, even if constitutionally permissible to have all white or all black schools, not to follow that course.

Mr. President, I yield the floor and I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Senator withhold?

Mr. SPECTER. I will withhold at the request of the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Chair and I thank the Senator for withholding his request for a quorum call.

Mr. President, I shall not be long. I listened with immense interest to my friend from Pennsylvania in which he alluded to the news media and their play on this issue.

I do not read the Pennsylvania papers, but I do take note of the North Carolina papers, the Washington papers—I should say paper, we have only one remaining in this town now, sad to say—but, Mr. President, the preponderance of what I read in the press is that the Senate has embarked on a perilous gambit; that the Senate is moving toward destroying the Constitution of the United States; and that the implication we should note is that the Supreme Court must not be deterred when it engages in tyranny.

(Mr. ABDNOR assumed the chair.)

Mr. HELMS. Now I submit, Mr. President, that tyranny imposed by the judiciary is just as bad as tyranny imposed by the executive branch or the legislative branch. I think the American people agree with that.

My good friend from Connecticut, Mr. WEICKER, has spoken many times on this floor about "this Senate must preserve the Constitution." I agree with that. Well, what does the Constitution say about limiting the jurisdiction of the courts? Article III, sections 1 and 2, are very clear.

As I read these provisions taken together, they impose upon this Congress not only the right but the duty to say, "No" when our judiciary begins to act in a vain and foolish and dangerous manner.

By the way, Mr. President, a distinguished former Member of this body from North Carolina, the Honorable Sam J. Ervin, was in town a week or so ago. He was asked about the approach of the Helms-Johnston or Johnston-Helms amendment. The news reporter who phrased the question directed to Senator Ervin was very clear that he held the Johnston-Helms or Helms-Johnston amendment in great disdain. He spoke in terms of "destroying the Constitution," the reporter did.

Senator Ervin said, "That is ridiculous. It would do no such thing." And, if I recall correctly, Senator Ervin said that there are 57 instances in which Congress has limited the jurisdiction of the Supreme Court. So where does the American Bar Association come up with its claims that something destructive is afoot here in this Chamber?

The Senate of the United States is simply doing its duty under article III of the Constitution. And I hope that somewhere along the line some of the news media people will look at that.

Also, the 14th amendment applies in this case. And I will discuss that in a minute.

But, Mr. President, the point is this: If it is so horrifying for the Congress of the United States to exercise its right—its constitutional right—to limit the jurisdiction of the Federal courts when the Congress perceives that the court has gone too far, why is the Chief Justice of the United States recommending that the Congress of the United States limit the jurisdiction of the Federal courts? Nobody ever says anything about that. But the Chief Justice, within the past month or so, said "We have got such a burden," and he was going to appeal to Congress to limit the jurisdiction of the Federal courts.

So you see, Mr. President, the opponents of the Johnston-Helms or Helms-Johnston amendment meet themselves coming and going. And I can understand that they are frustrated because they simply do not have a leg to stand on.

Now as for the American Bar Association, I read in the Congressional Quarterly the other day a statement by Senator Ervin saying that he was going to stop paying dues to the American Bar Association. As one of my distinguished colleagues said this very afternoon, he did not have any objection to ABA being more liberal than he is, but he feels that he has a right to object to a lack of forthrightness by the ABA in presenting the issue to the lawyers who belong to the ABA.

Mr. President, last year one of the major newspapers of my State repeatedly ran editorials saying what a terrible thing it is to even think about doing away with forced busing. That newspaper happens to be the Charlotte Observer. I called up the publisher, Rolfe Neill. I said, "Rolfe, I am not a lawyer, but I think I can read the English language. Don't take my word for it on this busing issue. You have repeatedly stated your repect for Sam Ervin as a constitutional scholar. Ask him what he thinks about this forced busing issue."

Mr. Neill, to his credit, said, "Well, that is a good idea," and in due course a request was made by the Charlotte Observer to Senator Ervin that he prepare a piece for the page opposite the editorial page and it was published on July 23, 1981.

I am going to insert the entire text of Senator Ervin's article a little later on. But there are a few statements

that I want to emphasize before I do that.

Senator Ervin began by saying:

The Supreme Court asserts that the forced busing of schoolchildren for integration purposes is justified, even actually required, by the equal protection clause of the 14th amendment.

Then Senator Ervin said, Mr. President:

This assertion is, in reality, undeniable proof of Lord Acton's aphorism, "Power corrupts, and absolute power corrupts absolutely."

The Senator went on to say: "The allegation's falsity is proved by multitudes of other Supreme Court decisions which apply the equal protection clause correctly."

Then the Senator discusses the history of the 14th amendment and pays his respect to the salutary provisions of the Constitution, specifying that no State "shall deny to any person within its jurisdiction the equal protection of the laws."

Further down, Senator Ervin wrote:

The most sophisticated sophistry cannot wash out the plain truth that the second command of the decree requires the school board to deny students in the second group admission to their neighborhood schools solely on account of their race, and that is exactly what the Supreme Court ruled in the Brown Case, the school desegregation decision, is a violation of the equal protection clause.

Senator Ervin says, and I agree with him, that unrestrained exercise of judicial power has no rightful place in an America which boasts in its national anthem that it is the land of the free, unless it is indispensable to the Nation's well-being. He very properly says that no such case can be made for forced busing of students for integration purposes.

He says:

Substituting forced busing for intelligent solutions of educational problems calls to mind the remark of Pope Julius III: "Learn with how little wisdom the earth is governed."

Mr. President, somewhere along the line I hope we lay to rest the notion that this Congress, this Senate, should abdicate its responsibility to protect the freedoms of people from judicial tyranny or any other kind of tyranny. We have not only the constitutional authority to do it; we have the duty to do it. That is why, Mr. President, since the first day I walked into this Chamber as a Member of the U.S. Senate on January 3, 1973, I was determined to do whatever I could to rid the schoolchildren of America from what my friend Sam Ervin has often referred to as "the worst tyranny ever imposed on the schoolchildren of America."

So let our many friends in the media, in this body, and in pressure groups continue to say that something unconstitutional is afoot. But they are wrong and I think they know they are wrong. Let Mr. Archibald Cox go to Raleigh and other places and complain about Senator JOHNSTON and Senator HELMS abusing the Constitution. I hope Mr. Archibald Cox enjoys his publicity, but Mr. Archibald Cox is wrong.

He is the head of one of the more notable pressure groups in this country. He travels at their expense, I am sure, and enjoys it, which is fine. But let him not try to rewrite the Constitution of the United States when he addresses himself to the authority and the duty of the Congress of the United States.

Mr. President, I ask unanimous consent that the aforementioned article in the Charlotte Observer of July 23, 1981, entitled "Good Schools, Not Forced Busing," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOOD SCHOOLS, NOT FORCED BUSING

At The Observer's invitation, Sam Ervin, Jr., who was chairman of the Senate subcommittee on constitutional rights when he served as a U.S. senator from North Carolina, explains his views on mandatory school busing:

(By Sam Ervin, Jr.)

The Supreme Court asserts that the forced busing of school children for integration purposes is justified, even actually required, by the equal protection clause of the Fourteenth Amendment. This assertion is, in reality, undeniably proof of Lord Acton's aphorism: "Power corrupts, absolute power corrupts absolutely."

The allegation's falsity is proved by multitudes of other Supreme Court decisions which apply the equal protection clause correctly.

The Fourteenth Amendment became part of the Constitution on July 21, 1868. When it is interpreted and applied aright, its equal protection clause is one of the simplest and most salutary of the provisions of the Constitution. The clause specifies that no state "shall deny to any person within its jurisdiction the equal protection of the laws."

By this phrase the equal protection clause requires the laws of the state to treat all persons within its jurisdiction alike under like circumstances, both in the rights conferred and the responsibilities imposed. The clause applies only to states and state officials acting under state law. It does not apply in any way to private individuals, or confer to the federal government any power to control their conduct.

Since all federal officers, including Supreme Court justices, are bound by oath or affirmation to support the Constitution, no court, department or agency of the federal government has any power to require a state or any state officer acting in its behalf to violate the equal protection clause. The Supreme Court has expressly ruled that Congress cannot do so.

Instead of either requiring or justifying the forced busing of school children for integration purposes, the equal protection clause actually forbids the federal judiciary to take such action.

When it enters a forced busing decree, the federal district court initally commands the school board to divide the students in a district or attendance zone into two groups; to permit students of the first group to attend their neighborhood schools in one district or zone; and to deny students in the second group admission to such neighborhood schools.

The most sophisticated sophistry cannot wash out the plain truth that the second command of the decree requires the school board to deny students in the second group admission to their neighborhood schools solely on account of their race, and that is exactly what the Supreme Court ruled in the Brown Case, the school desegregation decision, is a violation of the equal protection clause.

While judges responsible for forced busing decrees are snug in their beds, parents of the students to whom the decrees apply are compelled to arise from their beds, and to arouse their children from their slumbers, prepare and serve them breakfast, and send them outdoors, no matter how inclement the weather might be, to await the arrival of the buses.

The students, often small tots, are compelled to take round trips, often long and wearisome, each school day between their homes and often distant schools. All this is done to mix students in racial proportions the federal judiciary deems desirable.

Such unrestrained exercise of judicial power, I submit, has no rightful place in an America which boasts in its national anthem that it is the land of the free, unless it is indispensable to the nation's well being. No such case can be made for forced busing of students for integration purposes.

Advocates of forced busing exhibit no concern for the plight of white children who are transferred from superior schools in white communities to inferior schools in black communities. They are indifferent to the inescapable conclusion that on the basis of their own premise this forced busing denies these children equal educational opportunities.

The only intelligent remedy for past deficiencies in education is remedial education; and the only intelligent way to secure equal educational opportunities for all children, black and white, is to establish adequate schools in all areas.

Substituting forced busing for intelligent solutions of educational problems calls to mind the remark of Pope Julius III to the Portugese monk: "Learn with how little wisdom the earth is governed."

Mr. HELMS. Mr. President, I shall conclude in just a moment.

One of the excellent newspapers of my State, the Durham Morning Herald, is unique in that it does not follow in major fashion the opinions handed down by the Mount Sinai of journalism, the New York Times, the Washington Post, ABC, CBS, and NBC. The editor of the Durham Morning Herald thinks for himself.

On February 11, 1982, the editor of the Durham Morning Herald had an editorial, which was quite interesting and comforting to me, headed, "Put Brake on Busing to Meet Racial Quotas."

Let me read the opening paragraph of that editorial, Mr. President, because it is unique. You do not see very much journalism of this type around. He said:

Diehard opponents will scream, "Unconstitutional," "Racism," "Bigotry," and other

slurs but the U.S. Senate's adoption of an amendment that would bar forced busing to correct racial imbalance deserves none of those epithets. It is no more than a sweeping call for commonsense in education.

The concluding paragraph, and I will ask unanimous consent in just a moment, Mr. President, to put the entire editorial in the RECORD, reads:

The amendment—

And they are referring to the combined amendment of the Senator from Louisiana and the Senator from North Carolina—

which in no way affects voluntary busing for those who want it, is attached to a $2.3 billion Justice Department authorization bill to be considered by the Senate. Those who value their freedoms should hope that Senator Jesse Helms and Senator J. Bennett Johnston have no trouble lining up the votes necessary for Senate approval.

Now, Mr. President, I ask unanimous consent that this editorial from the Durham Morning Herald be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Durham Herald Feb. 11, 1982]

PUT BRAKE ON BUSING TO MEET RACIAL QUOTAS

Diehard opponents will scream "unconstitutional," "racism," "bigotry" and other slurs but the U.S. Senate's adoption of an amendment that would bar forced busing to correct racial imbalance deserves none of those epithets. It is no more than a sweeping call for common sense in education.

Put in proper perspective, the amendment helps correct what former Sen. Sam Ervin once called "the worst tyranny ever imposed upon school children." It prevents federal courts from requiring a student—black or white—to be bused more than five miles or 15 minutes from his home for the sake of racial balance and forbids the U.S. Justice Department from entering school integration suits that could lead to busing.

Ironically, some of the same people who complain that today's school children waste too many hours of their extracurricular time glued to television sets and electronic game screens are the same folks who support forced school busing to satisfy some bureaucrat's concept of the unworkable classroom quota system.

They are not bothered that many students spend several hours each day on expensive, gasguzzling buses, sometimes with little discipline and supervision but with all the potential dangers inherent to the clumsy vehicles that are often driven by other students no older than their passengers.

Sen. J. Bennett Johnston, who with Sen. Jesse Helms sponsored the amendment, gave a perfect illustration of wasted time on buses. In Baton Rouge, La., he said, there is a desegregation plan in effect under which 6-year-old children are bused for an hour and a half each morning to school. "That's not improvident," the Louisiana Democrat said, "that's idiotic."

It's idiotic also because it does not work. Even Sen. Carl Levin, D-Mich., who opposed the amendment, conceded that in Detroit busing enouraged middle-class whites and blacks to flee to the suburbs, thereby encouraging, rather than discouraging, segregation.

The amendment, which in no way affects voluntary busing for those who want it, is attached to a $2.3 billion Justice Department authorization bill to be considered by the Senate. Those who value their freedoms should hope that Sen. Jesse Helms and Sen. J. Bennett Johnston, D-La., have no trouble lining up the votes necessary for Senate approval.

Mr. HELMS. I thank the Chair and I yield the floor.

Mr. JOHNSTON. Mr. President, if I may explain to my colleagues the parliamentary situation in which we find ourselves at the present time, there are presently pending three amendments, two first-degree amendments and one second-degree amendment. Amendment No. 1250 which I called up is an amendment to the text of the bill which strikes all after the first sentence and inserts, in effect, the Johnston-Helms amendment, together with such committee amendments as were germane. So by that amendment we restore those amendments.

Amendment No. 1252 is also a first-degree amendment which strikes at a slightly lesser point, that is, at a more advanced point, I should say, in the bill, and inserts essentially the same information, somewhat changed and perfected, the difference in the bill being a difference in an amount. But it also strikes and inserts.

So we have pending two first-degree amendments.

The Gorton amendment is a second-degree amendment which perfects the language of amendment No. 1252. Essentially what the Gorton amendment does is define a new right under section 5 of the 14th amendment. It, in effect, creates a new right, or, should I say, restores a right that was probably first recognized in Brown against Board of Education.

Back at the time of Brown against Board of Education, the Supreme Court spoke of due process and equal protection rights, insofar as they related to school desegregation, as being the right to be free from discrimination.

So what Senator GORTON does is, in effect, restore the Constitution to the status of Brown against Board of Education by saying that every child shall be entitled to a nondiscriminatory school assignment.

Mr. President, I have certain misgivings with the amendment, because we are dealing with, frankly, a very murky area of constitutional law. The Supreme Court has not set out with any degree of absolute clarity what they will approve and what they will not approve. Both the distinguished Senator from Washington and I are going in the same direction insofar as stating the fact that busing has not worked as a remedy and attempting to limit that remedy. Both of us, in my judgment, are not dealing with the jurisdiction of the Supreme Court or with the lower courts, notwithstanding a statement in my amendment relative to article III.

What my amendment does is deal with the All Writs Act, section 1651, title 28, which does not deal with jurisdiction at all. It also deals with the Civil Rights Act, title 42. Neither one of those is a jurisdictional statement, so my amendment does not purport to deal primarily with the jurisdiction of the Court. Indeed, neither one of us deals primarily with that, notwithstanding a statement in my amendment that Congress is exercising its powers under article III, section 2 of the Constitution as well as under section 5 of the 14th amendment.

My misgivings on the Gorton amendment simply are the fact that it takes away all discretion from the school board and from the local court and, indeed, would prevent all busing, even within the 5-mile or 15-minute rule. It may be necessary in some instances, in order to deal with a problem of past discrimination, in order to satisfy the Supreme Court, that you would bus within those limited amendments.

On the other hand, Mr. President, I can say to the Senator from Washington that the logic of his amendment is, indeed, very appealing. As he well points out, one of the most distinguished constitutional scholars in the country, from Stanford University, believes that his amendment is entirely and precisely constitutional.

The point is that we have two slightly different routes to the same goal, which is to put an end to a very counterproductive remedy that has been employed by the courts. Both of our amendments rely upon section 5 of the 14th amendment, in which, as the distinguished Senator from Washington so well points out, the Supreme Court itself recognizes the role of Congress to define and shape remedies pursuant to section 5 of the 14th amendment.

So, Mr. President, when the amendment of the Senator from Washington comes to a vote, I shall leave it to my colleagues to decide which approach they prefer, whether both approaches or they would prefer also to have the Gorton approach engrafted upon this. I certainly would have no objection to that. Indeed, I cooperated all along with the distinguished Senator from Washington in making it possible for him to present this amendment as a second-degree amendment to an amendment which I have presently pending.

With that, Mr. President, I yield the floor.

Mr. GORTON. Mr. President, I thank the distinguished Senator from Louisiana for those kind comments. He has indeed correctly described his spirit of cooperation with me throughout this process.

I do not wish to go back, in any great depth, into the merits of my amendment. I do, however, before we adjourn for the evening, wish to make three points for the record.

The first is that I quoted extensively from correspondence I have had on this subject with Prof. Gerald Gunther of Stanford Law School. I did not wish to imply by that statement the endorsement of Professor Gunther of the policy of my proposal. I hope, indeed, that he does feel it to be good policy, but our correspondence was related to the constitutional issues which have been debated here and which I think are vitally important. It is in the guise of an adviser on that constitutional issue that he appears in this debate and not an advocate of any particular solution to this problem.

Second, the very distinguished Senator from Pennsylvania made an extended and thoughtful statement on the question of the jurisdiction of the courts of the United States. With all of those statements, I find myself in agreement, as I do so frequently with the Senator from Pennsylvania. I do believe, however, that he misconstrued both the legal import of the original desegregation decision, Brown against Board of Education, together with its current impact, and the impact of this amendment on that decision.

Brown against Board of Education arose in the context of national or very widespread racially conscious school assignments. Before Brown against Board of Education, all Southern States and many Northern States simply assigned every student to school on the basis of his or her race and only in that basis. It was that racially conscious school assignment system which Brown against Board of Education invalidated.

The Senator from Louisiana is correct when he states that, if anything, my amendment purports to follow precisely the requirements of Brown against Board of Education and to prohibit racially conscious school assignments. Racially conscious school assignments by courts came up in the aftermath of Brown as a technique for ending de jure segregation. It is the thrust of my argument that I do not think that technique has been successful, that I do not think it is necessary, and that I think it is socially undesirable, each of which, of course, is a point others can debate.

But, Mr. President, neither Brown against Board of Education nor any decision of the U.S. Supreme Court since then has required racial balancing in all of the schools of the district. If we posit a school district in which there has been no de jure segregation, the fact that one school is 100 percent black does not allow a Federal court to redesign school district attendance areas or to require busing. Even when busing is required from previous de jure segregation, the fact that later patterns of people removing children from school or moving from one jurisdiction or another, results in having one race overwhelmingly in individual schools or totally one-race schools does not permit the Federal courts to engage in another busing order.

Busing orders can be entered under the broadest interpretation of the Supreme Court only to remedy specific acts of de jure segregation. Busing or school assignment based on race can never be offered simply to balance the specific racial composition of schools within a district or beyond a district's lines.

So to the extent that we have a society which considers it desirable to have a broad representation of various races in various schools, we must reach that goal at the present time through some method other than mandatory busing ordered by courts, because that has never been the theory on which mandatory busing has been justified by the Supreme Court of the United States.

The third point which I wish to make, which I discussed at length in private with the distinguished Senator from Michigan and which has been raised in private by others, is to concentrate very carefully on just exactly what it is that this amendment does.

It prohibits the assignment of a student to a school on the basis of that student's race. It does not prohibit racially conscious acts on the part of the school districts—or, for that matter, on the part of the courts—which are designed to improve the quality of education, or for that matter, to improve the racial mixture in their schools, so long as those actions do not involve the mandatory assignment of a student to a particular school by reason of race. That is to say, a school may be closed under this amendment because it tends to concentrate one race in a particular area.

Magnet schools may be opened and their educational offerings made more attractive in order to attract students of many different races.

So it is very cautiously limited to the treatment of an individual student on the basis of that individual student's race.

In my opinion, that was precisely the holding and precisely the goal of Brown against Board of Education and should be the policy we follow.

Mr. HEINZ. Mr. President, will the Senator yield for a question?

Mr. GORTON. I yield.

Mr. HEINZ. Mr. President, I have been listening very carefully to my friend and colleague from Washington. I would appreciate his clarification of a hypothetical situation so that we might all better understand the practical effect——

Mr. GORTON. Mr. President, would the Senator mind this question and answer being charged to his time, since I am almost out of my own?

Mr. HEINZ. I so ask.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HEINZ. The hypothetical instance I propound is this: There is a city where, because of housing patterns, the living arrangements are fully integrated. It is, if you will, a city that is half black people, half white people. They live one right next to the other. It is a perfect checkerboard of integration.

At some time in ancient history, a school board was elected that did not think that, irrespective of living patterns, black children and white children should attend the same schools.

In one half of the town is a school to which the vast majority of black students have been assigned. Let us say all. It does not have to be all but let us say all. On the other side of town, beautifully, symmetrically balanced in every respect in this example, is a school to which the vast majority of white students have been assigned. Let us say all of them.

Were the Senator's amendment law today, what could a court do about what is clearly a dual school system and clearly contrary to Brown against Board of Education?

Mr. GORTON. Under the amendment proposed by the Senator from Washington, that pattern of school assignment, because it is obviously, by the Senator's hypothetical, totally racially conscious, not only would be unconstitutional but also would violate this statute.

Mr. HEINZ. As I understand section (c)(2) of the amendment, could the Senator be more specific, focusing on section (c)(2), as to what, if an aggrieved parent went to court, the court might or might not do in this instance?

Mr. GORTON. The section beginning, "No court"?

Mr. HEINZ. Yes, the Senator is correct.

Mr. GORTON. Fine.

Mr. HEINZ. What might an aggreived parent expect from a court, when going to court under these circumstances? What remedies would or would not be proscribed?

Mr. GORTON. Given the hypothetical which the Senator from Pennsylvania has outlined, there would be no potential remedy which would be proscribed.

Presumably, the court would enter an order invalidating the racially conscious assignment of students, white students to one end of town and black students to the other, and would direct that no student be subjected to a mandatory assignment, to anything other than his closest school. Given the hypothetical which the Senator

from Pennsylvania has outlined, that would mean each school would be 50 percent black and 50 percent white.

Mr. HEINZ. Will the Senator then agree that his amendment, in fact, rather than prohibiting all busing, only prohibits busing because of race or color?

Mr. GORTON. That is correct.

Mr. HEINZ. In the Senator's view, does his amendment prohibit busing even where there has been a finding of de jure segregation?

Mr. GORTON. I would prefer to back away from busing, which is a technique and not the end, and say that it would prohibit the assignment of students on the basis of their race, and therefore in many circumstances, including most of those described by the Senator from Louisiana in his amendment, would prohibit busing.

Mr. HEINZ. Would the Senator then say that students could be assigned based on their educational need, if they were disadvantaged students, and the school district decided that disadvantaged students should be distributed more or less equally among the schools in the district; that so long as that was not based on race, it would be permissible?

Mr. GORTON. It would.

Mr. HEINZ. One of the issues we have become involved in on the floor of the Senate is the reopener question, the retroactivity. In what ways does the Senator anticipate that this amendment would reopen existing decisions, agreements, or settlements where these issues, for better or for worse, have been decided—first, in cases involving intentional discrimination and, second, in instances involving de facto segregation?

Mr. GORTON. I must answer that question at two levels. First, at the procedural level, and the answer probably applies to the earlier questions as well. Because of the nature of this proposal as a second-degree amendment to a first-degree amendment offered after cloture and thus subject to the rules of germaneness, certain of the procedural parts of the bill on which this amendment is based have been removed from it, including the right of individual access to the courts. So, any answer that I give the Senator must be conditioned on that proposition.

From a substantive point of view, because this amendment recognizes the right of every student to a racially neutral school assignment, it does permit students who are aggrieved and who are presently being assigned to schools solely because of their race to reopen that question and to be the beneficiaries of a social policy which prefers neighborhood schools.

Mr. HEINZ. The Senator is an extremely—extraordinarily, in fact—distinguished lawyer, a former attorney general of the State of Washington, a man I know is one of the few attorneys general who has ever argued cases before the Supreme Court. Therefore, when I propound to him the following question, I know that I ask a question of an authority in this area for whose judgment I have a great deal of respect.

I do not say that to flatter the Senator. I say it as a matter that I think can be demonstrated on the record.

Mr. GORTON. The Senator appreciates the flattery, however.

Mr. HEINZ. But I wish the Senator's opinion as to whether a successful suit might be brought to invalidate this amendment on constitutional grounds? Could a Federal court ruling on constitutional grounds, in other words, throw this amendment out?

Mr. GORTON. The answer to that question is most certainly yes. As I stated in my opening remarks on this matter, there was a conscious attempt to avoid any implication of limitation on the jurisdiction of Federal courts, whether in this district court level, the court of appeals level, or the Supreme Court level in the drafting of this amendment.

I not only welcome the testing of the constitutionality of this proposition, I think it highly appropriate, and I would hope that it would take place promptly and would go very promptly to the Supreme Court of the United States. I would expect, given the controversial nature of the proposal, that its constitutionality would be tested on two levels: First, as a general proposition and, second, as it applies undoubtedly to certain existing court orders.

I may say that I have drafted it in a fashion which gives me the maximum amount of confidence I can have in any statutory solution to the problem of mandatory busing that it will be upheld against constitutional challenge in the Supreme Court of the United States. But that clearly is a matter on which reasonable people can differ and one on which I seek the ultimate decision of the Supreme Court.

Mr. HEINZ. Mr. President, I am about to ask the Senator an extremely difficult question which is this: If he were bringing suit against this amendment on constitutional grounds, if he were opposed to the amendment of the Senator from Washington, which he clearly is not, on what constitutional grounds would he seek to invalidate this amendment?

Mr. GORTON. I am sorry.

Mr. HEINZ. The Senator can take the fifth amendment in this instance.

Mr. GORTON. That is not the amendment with which I intend to deal in connection with this amendment, I say to my friend from Pennsylvania.

Mr. HEINZ. I understand.

Mr. GORTON. But the answer to his question is relatively obvious. The Supreme Court of the United States has declared that school children in the United States have a right to be free from purposeful or de jure segregation in connection with their public education and that is a right not only declared by the Supreme Court but one recognized not just implicitly but explicitly in the amendment which I have outlined.

Mr. HEINZ. I have read the amendment and I concur. The Senator does explicitly recognize that.

Mr. GORTON. If I were challenging this, I would have to challenge it and I think it could be successfully challenged if it could be shown that the abridgment of a constitutional right, under all circumstances or under some circumstances, absolutely requires a remedy of racial conscious school assignments. That is, that there is no possibility of reaching the goal of legally desegregated schools with any other approach. Under those circumstances, certain of the congressional findings in the early section of this proposal are simply in error or invalid.

I say to the Senator from Pennsylvania that those findings are placed there very consciously in the expectation that the Supreme Court of the United States will accord a high degree of respect, as it always does, to findings of the Congress of the United States. If the Supreme Court accepts those findings it will validate this statutory approach. In order to invalidate it it would have to invalidate those findings or some of those findings at least under certain circumstances. But the nature of the challenge which will inevitably be made to this proposal should it become law will follow that pattern.

Mr. HEINZ. Mr. President, if the Senator will continue to be helpful as he has been, I would appreciate it because I have one or two additional questions.

If there were an issue as to pupil assignment or segregation or educational opportunity and the right thereof, who under this amendment would have a right of action? Would students or their parents have a right of action?

Mr. GORTON. At this point and given the structure of this amendment, the answer to the question of the Senator from Pennsylvania is somewhat unclear. The reason for that is as I have already stated, that in order to meet the germaneness rule sections which appeared in the bill on which this amendment was based have been removed from it so that there is not a clear statement of a right of action on the part of individual parents. There is such a right of action set forth in the Johnston amendment which of course is similar in approach to this one. Whether the courts would find that that right of action, after the bills have been consolidated, would apply to the substantive rights out-

lined in this amendment is something I hope to be the case but cannot certify to be the case. As this amendment stands, the only expressed right of action created by the amendment is created in the Attorney General of the United States.

I do believe, however, that assuming the validity of the amendment the courts of the United States will enforce the rights authorized here fully, cheerfully and fairly as the courts of the United States do in all other matters of legal entitlement.

Mr. HEINZ. If there were a situation where because of discrimination in housing—this is the other side of the example I propounded to the Senator a moment ago—we had another hypothetical town in which people were divided and black people lived only in one-half of town because of discriminatory practices.

Mr. GORTON. De jure segregation at this point.

Mr. HEINZ. De jure segregation of housing, and white people lived in the other half of town and we had the same two schools, one in the black part of town, one in the white part of town, and it was decided and someone who might be a black person or might be a white person hypothetically someone in the black side of town said:

Look, the schools in the white side of town have better teachers, they spend more money, they have higher property values, that is why they do spend more money, and we want to go to court to have to be bused to that school because it is the only way that next week or next month or next school term our children in this poorer part of town can get the advantages of education in the white part of town.

What would the amendment do?

Mr. GORTON. First, I think we have to start with the question when we are dealing with the courts of whether there has been a finding of de jure segregation. I am going to assume that such a finding would be entered in this case, even though the question might arise, if the school district were a separate municipality and had played no role in this segregation, as to whether the segregation arising from the acts of some other authorities would be applied to this school district, to the school organization. Let us say it will.

We have the requisite fundamental finding that de jure segregation has taken place and the schools are implicated in that process. The answer under this amendment is that the district court could order an immediate and remedial shifting of the fiscal and physical priorities of that school district. As a matter of fact, given the description that the Senator from Pennsylvania has set out, the school district itself would obviously be engaged in trying to provide better funded programs and better teachers to one school than to the other. That would be subject to a court order, and that would be ended, and the schools at the other end of the district might receive, and might have, better teachers assigned to them under the court order and might have more money provided to them under the court order. I think this is more directly in response to the Senator's question. The school district could be ordered to end its system of drawing school district lines and saying, "You can only go to a given school if it is in your neighborhood."

Each and every one of the schools in that part of town where the schools could be better opened up to any member of the minority race who wished to go and attend that school. Members of the minority race or the race against which discrimination has been practiced, however, could not be forced to go to one of those schools if that individual or that individual's parents did not wish to do so.

Mr. HEINZ. Mr. President, let me ask further, using this particular hypothetical example: Suppose a parent in question or a group of parents in question, assuming this amendment, went to court and said:

The remedy we seek is the random assignment of pupils to these two schools, random from throughout the school district, and we understand this will entail in some instances busing substantial distances, and in other cases for some people it will be a neighborhood school decision, that they can walk to school.

It seems to me that the Senator's amendment, as I understand his description of it, would permit that because pupil assignment would not be based on race.

Mr. GORTON. The Senator is correct.

Mr. HEINZ. I thank the Senator.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this amendment raises a number of different questions, questions which are different from those raised by the amendment of the Senator from Louisiana.

I was troubled by that amendment because I felt it raised some very, very bad precedents in terms of Federal court jurisdiction, removing from the Federal courts the jurisdiction to enforce constitutional rights because of its reference to article III, and because of its use of section 5 of the 14th amendment in an improper way.

"Section 5," according to the case of Katzenbach against Morgan, "does not grant Congress power to exercise discretion in the other direction and to enact a section so as to, in effect, dilute due process decisions of this court. We have to decide Congress power under section 5 is limited to adopting measures to enforce the guarantees of the amendment. Section 5 grants Congress no power to restrict, abrogate or dilute these guarantees."

I was troubled by the previous amendment which we adopted because the amendment, in fact, restricted, abrogated or diluted the guarantees by removing a remedy to enforce the right at issue.

I have some of the same problems with the pending amendment of the distinguished Senator from Washington because it also purports to be based on section 5 of the 14th amendment, whereas it also removes a remedy, and I do not believe it meets the Katzenbach test.

But that is not the primary problem at the moment, the primary concern at the moment. My primary concern is that this pending amendment, while apparently aimed at mandatory busing, ends up hitting all consideration of race, even voluntarily, by every school district in the United States. At least the way I read it, it prohibits our approximately 16,000 school districts from considering race in the drawing of their boundaries, for instance.

This amendment, let us be clear, does not even mention busing. Unlike the amendment of the Senator from Louisiana, which was aimed at busing over certain distances, this amendment does not mention busing at all. Never once, as I read this amendment, does it talk about transportation of students. This amendment has to do with the assignment of students by every single local school board in the United States. It creates a right not to have one school board consider race in the drawing of school boundaries or the assignment of students. That is a very, very sweeping grant of authority to the courts to wipe out decisions of local school boards, including voluntary decisions of local school boards.

I find it rather ironic that this Senate in this age when we are trying to remove the Federal Government's arm from its intrusion into every local decision is now considering an amendment—and I think likely will pass an amendment—which will put the Federal Government's arm, through this statute, into every local school board decision; any decision on any boundary which was conscious of race, which considered the race of students, even voluntarily considers the race, without a court order or the threat of a court order, would be not only jeopardized but I believe prohibited under the scope of this amendment.

So I am troubled by some very different concerns with this amendment.

I have not only great respect but great fondness for my friend from Washington, and it is not often that I find myself in disagreement with him, but on this amendment I am troubled and I do disagree with the breadth and scope of it.

If he is going to continue his dialog with his colleagues, as he has already

done this afternoon, I would also like to ask him some questions.

First, I am wondering—and this would be on my time also because I know the Senator is out of time and I have more than I need——

The PRESIDING OFFICER. Is there objection? If not it is so ordered.

Mr. LEVIN. If a court finds that the only way to remedy an act of purposeful de jure school desegregation is to consider the race of students, would the Senator agree that this statute would not be a bar to that?

Mr. GORTON. That is correct. Under those circumstances if the court were to find that it was a bar, it would invalidate the findings and presumably overrule them.

Mr. LEVIN. I would like to propound a hypothetical to the Senator, just as our colleague from Pennsylvania has done, and set forth the following: I would like to give you a school district, let us assume black and white to make things, perhaps, clearer than they usually are, half black, half white; six elementary schools, three of which have historically been all black because of school assignments, and three of which are all white.

A school district comes along and voluntarily says, without court order, that "We are going to draw our district lines in such a way that our schools are integrated," and just by coincidence it happens that people go to their neighborhood schools. They are drawing the boundaries so that by coincidence everybody goes to his neighborhood school, but their purpose is to eliminate segregation in their community—that is their purpose. They say, "We have an integrated community in terms of numbers at least and we would like to integrate our schools. We want to end the vestiges of segregation. We want our kids to go to school together. We are doing it voluntarily.

"If the court had never spoken in Brown or in Swann or any other case, we want our kids to go to school together. We are going to draw the boundaries voluntarily so that everybody goes to their neighborhood school, not because we want our kids to go to the school closest to them but because we want our kids to go to school with children of the other race," and coincidentally it turns out that the best way to achieve that is to have the kids go to their neighborhood school. They have been very conscious of race. The decision to have kids go to neighborhood schools has been motivated not by that fact but by the fact that they want their kids to go to an integrated school, and the fact that the neighborhood schools have been integrated.

Is not that also prohibited, that kind of racial consciousness by the staff?

Mr. GORTON. Given the nature of the hypothetical which the Senator from Michigan has outlined, that would be valid. it would be valid only because of the coincidence that has resulted in neighborhood school assignments, however. I am assuming that by neighborhood school, that is the closest school to the individual's home and that we are talking about mandatory assignments. But even under those two assumptions, mandatory assignments and closest to schools, there would be no infringement on any rights outlined in this amendment.

Mr. LEVIN. Were not students denied the right to have his or her assignment to public schools determined in a racially neutral manner since the reason for the decision on the boundaries was to integrate the schools?

Mr. GORTON. The operative language in subsection (C)(2) does not have that on an unrestricted basis. It prohibits such assignment because of race or color of any student other than to the school closest to his or her place of residence which provides for the appropriate grade level and type of education. So it is not an entirely unlimited right, I say to the Senator from Michigan.

Mr. LEVIN. Let us assume a slightly different hypothetical. Here there is no busing, just as in my first hypothetical, but here a community voluntarily decides to assign students considering busing not to the school necessarily closest to their neighborhood but close enough so busing is not necessary, but again totally voluntarily. And the community does that because it believes that its children and its future will be better off if its kids go to school together and with kids of other races. It voluntarily decides that the boundaries will be drawn in such a way so that while not every kid goes to the nearest school, kids will go to schools in a way which is more integrated than otherwise.

Does this amendment prohibit that kind of racially conscious boundary drawing?

Mr. GORTON. I am going to try to restate the question of the Senator from Michigan, because of the term "voluntarily," which I think apparently refers to one level of society and not to another.

Mr. LEVIN. I thank the Senator for that. The voluntary I am referring to is that the school board voluntarily drew the boundaries and there is no court order.

Mr. GORTON. I so understood the question. The answer is that to the degree that the school district's action may be voluntary, that is to say was not forced by either the actuality or the threat of a lawsuit, and to the extent that its decision was made on a racially conscious basis, to the extent that it provides a mandatory system of school assignments, that is, there is no voluntary action on the part of the student or the student's parents and to the extent that students are assigned to schools which are not, first, the closest to their residence and, second, schools which provide the appropriate grade level and type of education for the student, there would be a right on the part of the individual student or the parents to resist that assignment.

To the extent that the voluntary nature of this proposal extended not just to the action of members of the school board but to individual parents and individual students and resulted in such assignments, there would, of course, be no infringement upon any rights outlined on this amendment.

Mr. LEVIN. The right to resist which the Senator referred to is the right to prevail under this amendment.

Mr. GORTON. That is correct.

Mr. LEVIN. Now, it seems to me that what you are really deciding here is not the question of busing, it is not the question of what courts should order, but it is much beyond that. It is what we are going to allow school boards in 15,715 school districts to voluntarily decide in terms of drawing boundaries. And if those boards freely and voluntarily, without any threat or court order, decide to even consider race in drawing their school boundaries as 1 of 20 factors, but even to consider race in order to promote what they believe is in the betterment of their community, what this amendment is telling us is that the Federal Government, coming from this Congress, is going to tell each and every one of those 15,715 school boards: "You cannot do it."

The Senator from Washington, I know, has been concerned about school busing. He has been concerned about court orders. Frankly, I have, too. I must share with him some of that concern because I fought a court in my town which I thought reached an absurd conclusion in terms of school busing and went too far. But I cannot for the life of me jump from that experience to a conclusion that the Federal Government should start telling 15,700 school districts that, in drawing boundary lines—again, this has nothing to do with busing—in drawing boundary lines that they cannot even consider race if they voluntarily believe that they should consider race as one factor, the integration of schools as one factor, in improving the climate in their society.

Mr. GORTON. May I congratulate the Senator from Michigan on his eloquence and his willingness to deal with what I consider precisely to be the issue rasied by this amendment. He is entirely correct in describing what the issue is.

I would be remiss, however, if I did not point out to the Senator from Michigan that for 150 years in the United States there was no Federal in-

89-059 O-85-23 (Pt. 2)

volvement whatsoever in the ability of school districts—there are 15,000 now and there were probably more of them then—to make whatever kind of racially conscious decisions they wished in the assignment of chldren to schools. The racially conscious decisions which thousands of those school districts made created a system of segregation which went under the vary false description of separate but equal, because it was the former and it literally never was the latter. It is only very recently that the Federal Government has become involved in the question of how school districts and school district trustees assign children to school on the basis of race.

In the years shortly after Brown against Board of Education, the Federal Government, primarily through the courts but to a certain extent through the Congress of the United States, has been involved in precisely that kind of activity.

I know that the Senator from Michigan does not propose to go back to the situation in which there is an indifference on the part of the Federal establishment to the way in which school districts operate on this question. I believe, as does the court as has the majority of Congress for the last 20 years, and certainly as does the Senator from Michigan, that the question of race and the question of racial equality is preeminently a decision to be made on a national basis and as a national policy. Therefore, I am not at all uncomfortable with setting a national policy which tells school boards: "We don't trust you to deal with people on the basis of race. This is a matter so important that we think that you should deal in all assignments in a racially neutral fashion."

Now, the Senator from Michigan and I disagree on it. I must say that in all of the debate I have heard on the subject, this is probably the first time that we have gotten to what the true nature of that disagreement is. The Senator from Michigan certainly states it well. His position is argued eloquently and is an arguable position. Obviously. I disagree with it. I do not believe that local school boards should be allowed the authority to classify people on the basis of race.

Mr. LEVIN. What is intriguing about this discussion is whether or not race should ever be dealt with unduly. In past segregation matters, we have moved from that issue to the issue of control. The question becomes whether or not this Government, which says not to meddle in local education—we are not going to meddle in education, though we created a Department of Education but they are not supposed to meddle in education—whether or not this Congress shall now say that no local school may voluntarily even consider that one factor in drawing a boundary.

If the Senator's amendment was addressed to what the court can or cannot do, that would be a different argument. We could then argue concerning the 14th amendment, whether or not section 5 permits such a thing. But that is not what the Senator's amendment does.

What the Senator's amendment does is to say that the Federal Congress can tell the local school boards that they may not consider race voluntarily, may not consider race as a factor in drawing a school boundary.

I feel that that is not proper in terms of Federal intrusion on local school board decisions in which we should not be engaged.

What we are going to engage in, and I think the Senator will say this as well as myself, must be based on findings. The findings—precious words to lawyers. The Senator from Washington is aware that findings mean something to us as lawyers.

What are the findings we are being asked to make?

We are being asked to find that the Congress finds and declares that the assignment of students to public schools on the basis of their race or color is not reasonabe nor necessary to the achievement of the compelling governmental interest in eliminating de jure, purposeful segregation because such segregation can be eliminated without student assignments based on race or color; causes significant educational, familial, and social dislocations without commensurate benefits.

Further, it undermines community support for public education and is disruptive of social peace and racial harmony.

Is the Senator suggesting that such an assignment, even where voluntary, even where done by a local school board for purposes of increasing the integration in the community, always is disruptive of social peace and racial harmony, that all of this undermines community support for education?

Are we asked to read the word "always" into these findings, or "sometimes," or "frequently," or "regularly"?

Mr. GORTON. The Senator from Washington apologizes for an interruption.

Mr. LEVIN. Let me restate my question.

Mr. GORTON. I believe I understand the question. It had to do with whether or not I applied the word "always" to every one of the findings listed.

The answer to that question is that if the Senator from Washington desired to place the word "always" in front of each of these findings, he would have done so.

What the Senator from Washington means is that it is his belief that there is a national tendency for the kind of assignment he would prohibit to result in this kind of a situation, that that situation has been brought about in some cases, and that these characterizations are true enough on a national scale to be an appropriate basis for a national policy.

Mr. LEVIN. I think that is a very helpful statement, and it is a very candid statement, as usual, on the part of the Senator.

Mr. GORTON. If the Senator will yield for a moment, it might very well be appropriate to read into the RECORD at this point one paragraph from the testimony of Herbert Walberg, professor of education at the University of Illinois, given on September 30 before the Subcommittee on Separation of Powers. Which recognizes the fact that there are many studies on busing. On the general subject which the Senator from Michigan has raised, there is a one paragraph conclusion, which is in accord with what the Senator has said.

CONCLUSION

The debate on desegration and achievement will probably continue; but the research evidence is likely to remain inconsistent and controversial. Despite a fairly large number of studies, no consensus has been reached. The 55 or 60 percent of studies that show positive results are insufficient to show statistical significance or to encourage any reasonable hope of improving student achievement by busing since busing to achieve school desegregation works about as often as turning up "heads" in flipping a fair coin. On the other hand, a number of educationally productive factors such as increased study time, systematic courses, mastery programs, good teaching traits, parental support of school learning, and close coordination of parental and school efforts are not only plausible to the educator and layman alike, but also have consistently proven to produce superior learning results in the hundreds of research investigations that have been conducted.

Of course, to a certain extent, and I do not wish to take this out of context, it is the basis to move us off of a debate on social policy and back on to one which is more likely to produce tangible accomplishments.

Mr. LEVIN. In the Senator's amendment, it is important to find that the assignment of students to public schools on the basis of their race or color causes significant educational, familial, and social dislocations without commensurate benefits. Yet the Senator's amendment prohibits such consideration. I am wondering whether or not there is not an inconsistency between the findings as explained by the Senator and the conclusion which he would have us reach.

As a matter of fact, I would suggest to my friend from Washington that there is indeed a terrible inconsistency because if, in fact, that racially conscious assignment of students could, under some circumstances, help achieve social peace and racial harmo-

ny, if it could be done without undermining community support for public education, if it could be done without social dislocations as in (B), and if it could be done without reducing the quality of public education—and I am reading now through the findings—without debilitating and disrupting the public educational system and without wasting public resources—and the Senator has acknowledged that it could, in some circumstances, be so done—how is it that we then cannot flat out prohibit its being done?

Mr. GORTON. I think, first, there is a dual answer to that question. I am not conscious of any school district in which the result of a significant mandatory busing program has not undermined a community's support, at least in the sense of having caused the flight from the public school system of significant numbers of its members. It clearly, by definition and under all circumstances, constitutes a serious interference with private decisions of parents as to how their children will be educated. The same thing is true, I believe, as far as finding (H) is concerned. Certainly, some of these findings are more fairly debatable than others. There is, nevertheless, significant evidence for each one of these findings.

Congress certainly has not required, as a basis for legislation in the past, and never will in the future, that there be no exceptions to any factual finding upon which a bill is based in order to feel that the tendency, more likely than not, should result in a national policy. There are literally hundreds of decisions made by every Congress in which there are exceptions, and there might well have been exceptions in the statute, but we have nevertheless proposed a national policy. That is what I do here.

Mr. LEVIN. I think that is a helpful answer. Is it a fair construction in terms of legislative history to read the findings as follows? Let us use, for instance, finding No. 2 (C) that racially conscious assignment of students has frequently undermined community support for public education. Is that a fair insertion of words in terms of the sponsor's intent?

Mr. GORTON. Just as the sponsor did not put the word "always" in front of the finding when he drafted the amendment, neither does he put the word "frequently" in front of the finding. To add that at this point would be as misleading as to have the word "always" there. I find "frequently" to be a much weaker modifier than my reading of the committee testimony indicates to be the case.

Mr. LEVIN. Can the sponsor of the amendment give us some idea of the percentage of cases in which there has been, let us say, voluntary assignment of pupils considering race where it has caused significant educational, family, and social dislocation without commensurate benefits?

Mr. GORTON. The Senator certainly can. Certainly the motivation for introducing this amendment comes from exactly that situation in the school district of Seattle.

Mr. LEVIN. I am not talking about one specific instance.

Mr. GORTON. I do not know of any other marginal school district at this point which has entered into a systematic school busing program without its being imposed by court order. Certainly, the one of which I speak represents the largest such example. It may well represent the only such example.

Interestingly enough, if I may pass this on to the distinguished Senator from Michigan, while this is a voluntary program when it is viewed from the point of view of the handful of people who make up the school board, it is not a voluntary program from the point of view of the parents and the students in that school district. Nor is it a program which met with the approbation of the majority of the voting public of the State of Washington or of the city of Seattle when, in an initiative campaign, they voted on it. The school district, nevertheless, defied that public view and went to court to validate its position. That position was most recently validated by a 2 to 1 decision of the Ninth Circuit Court of Appeals. The case will be argued in the Supreme Court later this spring. I should not make predictions as to the outcome of that case, as I was involved in it earlier, but it does present very serious questions and arguments on both sides.

I would say to the Senator from Michigan that there is no question as to the validity of these findings as applied to this case in the view of this Senator.

Mr. LEVIN. Mr. President, I am not doubting the Senator's experience in one particular case. What is troubling me is that this amendment is going to apply to thousands of cases. My question remains, can the Senator give us any information as to approximately what percentage of cases in which race has been consciously considered in drawing school boundaries where it has undermined community support for public education.

Or, if I can be a little more helpful, perhaps, is there anything in the record on that question?

Mr. GORTON. Again, Mr. President, are we speaking of this voluntary proposal?

Mr. LEVIN. Yes.

Mr. GORTON. To the best of my knowledge, the only significant school district in which that has taken place is Seattle, so the answer to the question would have to be 100 percent.

Mr. LEVIN. Mr. President, is the Senator from Washington saying that the only school district in this country, of the 15,000 school districts in the country, that has considered race in voluntarily drawing boundaries is the city of Seattle?

Mr. GORTON. To the extent that we are dealing with a systematic reassignment program, what is generally known as mandatory busing.

Mr. LEVIN. Mr. President, I was not referring to busing at all.

Mr. GORTON. The answer to the question, I believe, is yes.

Mr. LEVIN. I was not referring to busing at all. The amendment does not refer to busing, nor does the question.

The question is: Do we have any idea from the record of the hearing, the transcripts, in what number of cases local school boards have considered race in the voluntary drawing of boundaries?

Mr. GORTON. I do not know, Mr. President. As the Senator pointed out, the transcript has not been printed at this point. That was not the major thrust of the hearings on busing. Most of the speakers have spoken to the issue of busing where that action was imposed by the Federal courts.

Mr. LEVIN. Mr. President, I do not know of anything in the record, so I am not trying to get the Senator trapped by saying that he does not know. I do not know of anything in the record which goes into the number of school districts which voluntarily or involuntarily considered race in drawing school boundaries where it has been disruptive of social peace and racial harmony.

Mr. GORTON. I think we can safely say that in every case of mandatory assignment, court-ordered or otherwise, it has been a consideration. I think we can start from that proposition. My own view is that in perhaps all or certainly in the vast majority, it has been quite disruptive of community support. That is a different question than whether or not there is an additional undisclosed number in which this question has not arisen or has not come to the consciousness of the two subcommittees of the Judiciary Committee which dealt with this question.

I believe and assert to the Senator from Michigan, however, that I suspect that that number is relatively small—very small—and that when it has happened, it has been de minimis. It has not had any significant impact on school assignment. Had it done so, it would have been much more likely to come to public notice.

Mr. LEVIN. Is the Senator aware of any place in the unprinted report where we are given the number of involuntary desegregation plans, first of all? Is that enumerated somewhere in the unprinted report?

Mr. GORTON. I believe that it is, although I do not think I can cite it right now.

Mr. LEVIN. Is the Senator aware of any enumeration of voluntary desegregation plans in that record?

Mr. GORTON. Again, I wish to say that the Senator's definition of a voluntary desegregation plan is a very, very narrow one. There are literally thousands of voluntary desegregation plans which do not involve mandatory racially conscious school programs.

Mr. LEVIN. In the definition which I used, though, is the Senator able to give us from the record or does the record reflect anywhere how many voluntary desegregation plans there are?

Mr. GORTON. This Senator simply cannot answer that, Mr. President. The Senator from Washington knows of one in Seattle and of one other in Pasco, Wash., which is the subject of the same initiative and the same lawsuit. In this Senator's view, it is a perfect example as to why we should prohibit this kind of assignment. Ironically, while it was claimed to be following a policy of integration, it involved mandatory busing away from neighborhood schools.

Mr. LEVIN. Is the Senator familiar with the desegregation plans in Louisville, Ky., or Buffalo or Little Rock?

Mr. GORTON. This Senator is not.

Mr. LEVIN. Our information is that there are about 15,700 school districts; that there were approximately 711 districts, as of 1978, that were under court desegregation orders; that there were about 922 districts that were under voluntary desegregation plans worked out with HEW and the Department of Education. We do not have the newer figures. Those are 1978 figures.

I am wondering whether or not the Senator is aware of any evidence on the part of the committee to determine, with respect to either the 711 districts that were under court-ordered desegregation plans or the 922 districts under HEW or the Department of Education plans, where these findings of fact would be found.

Mr. GORTON. In the first place, I would not describe the desegregation plan that was entered under pressure from the old Department of Health, Education, and Welfare to be a voluntary desegregation plan, especially if it included mandatory assignments of students on the basis of race.

Mr. LEVIN. I would tend to agree with the Senator on that. Strike the word "voluntary."

Can the Senator tell us whether there is anywhere in the unprinted record——

Mr. GORTON. I suppose the Senator would reverse that process and would assume, on the basis of his own experience in normal human affairs, that such a system, by definition, would be disruptive, since it was imposed at least as the result of an implicit outside threat, I would require some finding or some statement on the part of the Senator who is propounding this question that such plans had worked in a way which was inconsistent with the findings I have made here.

Is the Senator from Michigan a member of the Judiciary Committee?

Mr. LEVIN. No; I am not a member of the Judiciary Committee. That is why I asked the Senator whether he is familiar with Louisville, Buffalo, or Little Rock. I do not know how well those plans have worked. I am not here to vouch for any particular plan. What I am here to do is to point out that we have no record—no record—which tells us even how many desegregation orders there are of a court, how many desegregation plans have been worked out with HEW or the Department of Education, whether we describe those as voluntary or not; that we have no record as to how many totally voluntary decisions have been made by local school districts, those 15,000 school districts which do consider race in a drawing of boundaries. We have no findings at all of any committee of the Senate or the House, of which I know. The record has not been printed.

We have, as the Senator put it, inconclusive testimony, contradictory testimony, from experts.

My point is that we have no record as to how many orders there are that involve consciousness of race, whether those orders are voluntary in one definition or another or involuntary.

As the Senator is now coming with an amendment again—because the Senator's amendment is similar to that of the Senator from Louisiana in this regard—which requires us to make a finding that the consideration of race might be 1 percent consideration in a 100-percent decision—it might be a minute consideration of race—but the Senator's findings require us to declare that the consideration of race "is disruptive of social peace and racial harmony."

The Senator says that is not always true. I do not think the Senate committee has decided how often that is true.

Mr. GORTON. On the contrary, the Senator, himself, has mentioned the number 900 or 900 plus in connection with court orders, 700 or 700 plus in connection with so-called voluntary agreements with HEW.

However, the point is that this amendment contains what I believe is an absolutely perfect self-correcting mechanism. If, in fact, there is a community in which such assignments have taken place without offending individual parents, without disrupting their plans and their justified desires, without having had any of these adverse effects, there will be, of course, no change in that community as a result of the adoption of this proposal.

For this proposal to have an effect in any community in the United States, there must be at least one individual who finds that there has been an adverse impact on that individual as a student or, more frequently, on that parent. This is not self-executing, by any stretch of the imagination; and to the extent that we have this theoretical school district in which all is well and in which there is an acceptance of plan of racially conscious school assignments, by definition, this amendment will have no impact.

Mr. LEVIN. In other words, where 1,000 parents are happy and feel that a conscious use of race, the awareness of race, is one factor in drawing a school boundry—again, nothing to do with busing—that where 1,000 parents want to do that, the Senator says that one parent who is unhappy constitutes disruption of social peace within the meaning of these findings.

I am wondering, though, in order to try to get as clear a record as we can, whether or not I can establish at least the following:

Does the Senator know of any committee findings, in the Senate or in the House, which analyzed, first of all, purely voluntary decisions of local school boards involving consideration of race in the drawing of racial boundaries? Does the Senator know of any such determination by any committee?

Mr. GORTON. Because of the nature of this amendment as a rider on an authorization act, I would have to say that I do not; that while I believe that the Judiciary Committee has completed its hearings, I do not know that it has entered any specific findings or, as the Senator has asked, entered a final report.

That question will have to be put to Senator JOHNSTON or to the Senator from North Carolina (Senator EAST). I do think that those committees intend to enter such findings.

Mr. LEVIN. I will ask the other Senators, as the Senator from Washington has suggested.

To the Senator's knowledge, as the proponent of this amendment and the maker of these findings and a proponent of these findings, he is not aware, as I am not, of the existence of any such findings?

Mr. GORTON. No; I am aware of the basis for such findings in the testimony presented before those committees. I have much of that testimony here. I think that testimony is consistent with such findings. I do not believe the committee has completed its work. I think it has completed its hearings but has not completed its work.

Mr. LEVIN. Can the Senator, then, very precisely tell us in whose testimony a statement appears as to how many totally voluntary decisions by local school boards, not involving busing, involved racial consciousness

in the drawing of boundaries? I cannot find that testimony.

Mr. GORTON. Since the primary focus of both the testimony and the witnesses is on the overwhelming large number of school district assignment policies which are not voluntary, even in the relatively narrow sense which the Senator outlines, he will notice that the findings here are not directed expressly or exclusively at that point.

Most of the school busing, most of the racially conscious school assignments in the United States, as a matter of fact, I would say the overwhelming majority of such assignments, are not voluntary in any sense in which I would accept that word. So we are dealing incidentally with such decisions. We are dealing much more significantly with future such decisions, on the basis that this has been the general experience when school assignments have been made in a racially conscious fashion.

The fact that they are voluntary from the point of view of a school board, of five, or seven, or nine members as opposed to having been imposed by a court would seem to this Senator to have no practical relevance to the consequences on the community of the imposition of such a social policy.

This Senator finds such a policy to be dangerous and unworkable and, therefore, believes the findings apply as well in the relatively small number of areas where the program was voluntary as he has defined it, including my own experience with my own State.

And I have, therefore, made these findings generally applicable because I believe them to be generally applicable.

I am the first to admit that that is the debatable question.

The Senator from Michigan may disagree with me, but I do not think it necessary in order to support these findings to say explicitly there are 913 places in which this kind of policy was imposed by a court and 753 in which a district was crowded into it because of what the old Department of Health, Education, and Welfare, under a different administration, wished and 16 in which the school board thought up the idea itself.

It seems to me, personally, that that kind of policy is either undesirable or desirable without regard to its source.

Mr. LEVIN. I thank the Senator for his patience, and I wish to just wind up—I know the Chair would be happy to hear this—with one other question: The Senator said it is incidental in terms of the impact or in terms of how many voluntary decisions there have been because most of them the Senator believes have been mandatory in some sense or another.

I happen to agree with the Senator that congressional findings should be given serious treatment by the court.

I have asked the Senator where in the RECORD we can base findings such as this in terms of purely voluntary decisions, and the Senator has answered he does not know. Perhaps the Judiciary members will know if that does appear in the RECORD. The Senator has referred to a number of mandatory decisions, using figures which I used for 1978.

Is it fair to say in conclusion that the Senator from Washington would to the best of his knowledge at least say that there is nothing in the RECORD which would permit us to find any particular number of voluntary local school board decisions which involve the drawing of boundaries on a consideration or a consideration of race? Do we have any way of knowing how many purely voluntary determinations and decisions have been made of that kind to the best of the Senator's knowledge in this RECORD?

Mr. GORTON. Is that this Senator's question?

Mr. LEVIN. Yes.

Mr. GORTON. The answer to the Senator's question as I have already repeated it is that I have given two examples which happen to be the only two examples of such policies in the State of Washington.

It is the belief of the Senator from Washington that those two examples represent relatively rare examples of social policies set by school boards where the school boards did not feel threatened directly or indirectly by court or by administrative action. That there are more somewhere in the United States it is likely, but it is the view of the Senator from Washington, as he has already stated, that the source of racially conscious school assignments has little if any impact on the effect of racially conscious school assignments when engaged in anything other than the most incidental fashion which would not be subject to a court challenge in any event with or without the passage of this proposal.

There is substantial testimony in the record from Mr. Scott, Mr. Ward, Mr. Ross, Mr. Wallburn, and Dr. Armour indicating the deleterious effects of mandatory assignment policies throughout the United States, most of which is of course directed at those policies which have been imposed by the courts. Dr. Armour was a witness in the trial of the Seattle case in my own State for the same proposition. He did not make any distinction in his feelings about the impact of such policies based on the source of the mandatory racial assignment.

Mr. LEVIN. I am very grateful to the Senator from Washington for his courtesy and I yield the floor and reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

IN APPRECIATION OF ANSEL ADAMS

Mr. CRANSTON. Mr. President, I was unable to attend Ansel Adams' 80th birthday celebration. But I will not miss this opportunity to pay tribute to a towering artist—a man whose gentle vision has made him one of the truly influential persons of our age.

In Monterey, Calif., Ansel's family and friends joined together last week in a genuine outpouring of appreciation for one of the most widely exhibited and well-recognized figures in 20th century photography.

It can be said of Ansel Adams that he set out to teach the people of this century how to see. Like John Muir before him, Ansel teaches us first to see afresh the order and beauty of God's handiwork, then to love what we have seen. The master photographer has also shown us how to fight to protect the fragile web of natural gifts that sustains all life—including our own.

This century was still young when Ansel Adams, then a teenager, packed a Kodak Box Brownie camera with his camping gear and first walked onto the lush floor of Yosemite Valley. In the years that followed Ansel compiled a unique and very personal vision of earthly paradise. He has photographed subjects other than Yosemite. But the grandeur of that awesome valley permeates his best work, whatever the subject.

To the inhabitants of a frenetic and often discordant age, Ansel Adams reveals a repose and a reassuring control that awaits us in unspoiled nature. Millions who may never set foot in Yosemite, or in California, or even in the United States, have nevertheless drawn upon a universal esthetic experience because of his art. They have felt awakened within them a universal Yosemite of the soul.

Ansel is a true citizen of the world. At the birthday party a high emissary of the French Government presented Ansel with the most prestigious cultural citation which France can bestow upon a citizen of another nation. The King of Sweden honored him last December. Earlier, Jimmy Carter conferred upon him the Presidential Medal of Freedom, our country's highest civilian award.

I admire Ansel for his art and also for his activism. In his time he has fought for his artistic point of view, for the recognition of photography as

a fine art and, most notably, for the preservation of the natural environment that has served as his artist's palette.

Ansel and I have frequently joined forces in the cause of preserving America's last wild places—of which California is blessed with more than its share. Together we have helped mobilize our fellow Californians to establish more than a dozen wilderness areas. Together we have helped raise public awareness of the need to preserve Point Reyes, the Channel Islands, Mineral King Valley, the wild lands of Alaska, and the majestic California coast redwoods.

Ansel and I along with many others—together—are still fighting to save the beautiful Big Sur coast. We are allied in other battles as well. With millions of our fellow Americans we are committed to preserving our country's scenic and natural resources at a time when the administration in Washington, D.C.—particularly the Department of the Interior—seems bent on heedless desecration and exploitation of our public lands.

Ansel Adams has dedicated a lifetime to the dual service of nature and art—bringing the two together in a new synthesis of clarity and sensitivity. He is not about to let a brutal assault on the land and wildlife go forward unchallenged. Nor am I.

More than any of our follow citizens, Ansel has, in his life and his work, personified a uniquely Californian love of the land and its indescribable beauty. He infuses all of us who are lucky enough to know him with a sense of a positive inevitable mission. His character has blessed me and enriched my life. For all these precious gifts I salute Ansel on his birthday, and offer him the warm embrace of friendship for all the years to come.

GOVERNOR SNELLING: A CALL TO REASON

Mr. STAFFORD. Mr. President, Governor Richard A. Snelling of Vermont, who is chairman of the National Governors Association and who has emerged as one of our Nation's most thoughful political leaders, had recently set down his views on the problems facing the United States, and on possible solutions to those problems.

His commentary targets real world problems, not those of the social scientist or the political scientist, and they merit our attention and our study.

Governor Snelling has shared his views with me, including the argument that we are at an urgent point of decision in the history of this republic—and that decisions to be made in this city in the months ahead will test our ability to govern ourselves successfully.

I would like to share Governor Snelling's thoughts with all Senators and with all Americans. I ask unanimous consent that the text of Governor Snelling's views be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE TIMES THAT TRY OUR REASON

(By Gov. Richard A. Snelling of Vermont)

I believe the importance of the decisions which this Congress will be making in the weeks ahead may very well be unparalleled in the modern history of this nation. Seldom before has a sense of perspective been so essential to the likelihood of a satisfactory outcome.

It is the exception, rather than the rule, for civilizations to perceive potentially great risks to their survival during the time when those risks are growing from relatively manageable proportions to threats so large that a timely and adequate response may be beyond the adaptability of the society.

It may be a tribute to the inherent power and strength of this democracy that so often in the past we have "fiddled" while the nation drifted towards perilous circumstances but were still able to save the Republic by tremendous, sometimes heroic, focus of the national energy and will to surmount and survive.

Some saw the Civil War, with its monumental threat to the union, coming decades before it placed the national future in doubt. This country wallowed in isolationism during several decades in which German aggrandizement and Japanese nationalism were driving toward the confrontation which summoned grass roots American response only after Pearl Harbor. For more than thirty years we allowed ourselves to legislate cheap energy even as we were making ourselves steadily more dependent on the stability and friendship of nations half a world away by encouraging consumption and discouraging discovery of our own resources.

It is not reasonable to assume that because America has always survived such threats in the past, that it will always have the capacity to survive in the future. Reason must, to the contrary, compel us to be certain that we understand the importance of the public policy decisions before us at any given time. When decisions are to be made which can either enhance the security and stability of the country or place its future at risk of external or random forces, the entire nation must recognize that the business before it is not the usual business.

I believe President Ronald Reagan has importantly and correctly identified three separate but related public policy concerns which the nation must promptly and properly address if it is to survive! The importance of each question is widely understood by the American people. As has been the case often before in history, there is some evidence that the President's election came because of the breadth of bi-partisan concern for a rational response to the risks which each of these questions pose. It must be statistically clear that Ronald Reagan was not elected because he is a Republician. I believe there is equally powerful evidence that neither was he elected with a mandate to apply any totally-detailed or minutely specific remedy to any of the problems, because he did not offer such specifics in his campaign. Instead the evidence would seem to support the view of Arthur Schlesinger, Jr., that President Reagan was given an opportunity rather than a mandate—that the people asked him to do "the right thing" about the national malaise to which President Carter had referred with debilitating rather than constructive effect.

I believe President Ronald Reagan understands perfectly what the American people have asked him to do. His opportunity is:

1. To repair an economy so sick that it cannot pay the costs of a just society, assure domestic tranquility, or provide for the common defense. The average people of this country knew before the average economist seems to have known that trillion dollar deficits, double digit inflation, and interest rates of 20% were endangering the American dream for all, and most decisively for those without jobs or property or the skills or the health to earn their share of that dream.

2. To provide for the common defense by rebuilding a military capacity which has fallen into serious disrepair. Something happened during the nation's celebration of its Bicentennial which caused many Americans to want to be sure we did not take our freedom for granted. A national consensus has clearly emerged that we must seek peace through simultaneous evidence of strength and of good will.

3. To recapture that fundamental sense, upon which all other strengths depend, that our government is "of the people." As more and more government has been centralized and basic public policy decisions more frequently made following debates in a distant capital, many citizens doubt that the government is in fact of, by or for the people. It cannot really be said that any large number of citizens asked specifically for a "Restored Federalism," but it cannot be denied that millions urged the President to bring government back home and to make it easier for them to oversee and hold accountable those who determined the priorities which would most directly affect their lives.

Referring to these goals, President Ronald Reagan has asked two of the three most important questions of our time. He asks, "If not now, when"? "If not us, who"? There is a third equally important question—"If now, how"?

None of these are simple "ordinary" questions yet the nation cannot afford to delay the declaration of a sound public policy and a plan for the implementation of such a policy in each of these areas. The threat to the capacity of this nation to deliver on its essential Constitutional promises rises each day we underestimate the urgency of soundly resolving these matters. 1982 is one of those years which I believe we will all see someday as either a year we saved ourselves and preserved our view of the fundamental dignity of self-governing man, because we applied our ability to reason and acted wisely, or alternatively as a time of lost opportunity, from which there is no easy road back. For better or for worse, in these times there is no capacity for any single Paul Revere to spread the alarm so that it reaches all who must hear. Many within the Congress are already attempting to sound the alarm, as are Governors and Mayors and County Officials and countless citizens throughout the land. I do not believe the urgency can be over-stated. The most important test of man to govern himself in a modern society will occur in Washington, D.C., within the next two years, and some of the most vital debates of that test will occur within the next twelve weeks. The opinions of those in power whose conclusions will shape those debates and their outcome are being shaped right now!

While each of the three urgent national agendas—a healthy economy, a secure defense, and a restored Federalism is separately an essential goal, the importance of 1982 is precisely that none of these can be satisfactorily achieved without impact upon the other, and that sound and enduring decisions on each can only emerge to the extent that the President and the Congress fully appreciate both the difference between the demands each of these goals makes upon them and the extent to which it is true that a failure to meet fully the responsibilities in any area will inevitably lead to a failure in each of the others. As a nation we have delayed facing basic decisions about our democracy to the point where we must now be correct on all matters at issue or take the consequences.

An economy made "strong" by neglecting essential defense spending is to create a richer fruit for others to pluck.

A strong defense cannot be obtained by the purchase of arms at a rate which endangers the economy. It is the economy which must support the capacity for defense.

Neither a strong economy nor a strong defense can exist if either is built at the sacrifice of social justice. If we learned nothing from Viet Nam we should have learned that wars are not won by materiel alone. And it should be self-evident that an economy is not truly strong unless all, or nearly all, of its citizens will benefit from the nation's economic strength.

We must proceed with an understanding that no government which sacrifices social justice in the name of economic strength or which ignores economic capacity as an essential means towards social justice can achieve either enduring social justice or economic capacity. Man has learned this lesson a thousand times before. The United States of America cannot afford to act as if it must rediscover a point so fundamental to self-government.

Since President Reagan's election, it is his proposals which have been determining the shape and substance of the national debate. We have, quite properly, put aside debate on how fast taxes can increase and instead we are debating how fast they can decrease. We are no longer allowing defense expenditures to become a dwindling portion of our expenditures, we are considering how fast they can and should increase to afford the requisite security. For the first time in a half-century, few measures before the Congress would usurp prerogatives of state and local government, and the nation is discussing how to assure public needs will not be neglected while returning local government to local institutions. All these are signs we have a leader—a President who has placed the right items on the agenda and has used the power of his office to assure a necessary change in national direction.

The President cannot be faulted for offering specific proposals or for demanding that those who find fault with the legislation he submits accept the challenge of offering thoughtful substitutes. And given the urgency of addressing the capacity of the economy, the adequacy of the defense and the restoration of the federal system, I believe he is entitled to make his own programs so strong and pointed that the nation can be reasonably assured that the outcome will be far more in the direction he proposes than in any other direction.

By the same token, the doctrine of separation of powers assumes that the President's proposals will be neither accepted without thoughtful debate and reasonable change or, rejected with any negligent charge that they are "imperfect."

The President has a right, perhaps a duty, to negotiate tough and to tell Congressional leaders what he will and what he will not accept. The people have an equal duty to tell the Congress, and the Congress to tell the President, what they will and will not accept.

It is the duty of the nation to pick up the President's charge and phrase a response in harmony with a national sense of what is right and what is wrong and what will be worthy to endure.

The dilemma seems to be how to reconcile goals which seem to be at odds with one another. How can we arrive at a policy which seeks large tax cuts, stronger defense, adequate social services and the assurances in reasonable time of balanced budgets? It is easy but irresponsible to opt not to reconcile these goals, or to choose one at the expense of another. They must and they can all be served. More than two hundred years ago Alexander Hamilton understood how our several goals must modify each other. Hamilton and his colleagues knew better than to attempt to build a system of theoretically perfect elements which were not in harmony with each other. Those times were enormously different from these, but some basic principles which Hamilton offered in the Federalist Papers must guide us in the debate of 1982.

Hamilton spoke of the "requisite stability and energy in government." He said stability was essential to the national character, and to assure confidence in the minds of the people, and he declared "an irregular and mutable legislation" both an evil in itself and odious to the people. But he also said energy in government was essential to "the very definition of good government," and called upon his colleagues to "perceive at once the difficulty of mingling them (stability and energy) in their due proportion."

The goal is at the heart of the current national policy debate. Stability, if it is to be sought without consideration of change and of the pursuit of justice, becomes a defense of the status quo, and cannot exist within the framework of the Preamble to the Constitution of the United States. Energy, if it is taken to be change without regard for stability, becomes an argument for gambling the hard-earned freedoms of our country. Hamilton, Madison, Jay, together with Jefferson and Franklin and the other giants who collaborated on the architecture of the United States, proceeded first from principles to specifics. We must do the same.

It is very discomforting to see the extent to which the debate on each of these items has proceeded as though one must, or logically can, be either totally for or totally against the President's specific proposals for addressing these urgent concerns. It cannot be true either that the issues must go unaddressed or that we must accept precisely what President Reagan has offered. At this moment there appears to be two principal "sides" to this debate. A surprising number of the members of Congress seem to favor the notion that there are no clear and present dangers facing us, and that our policies of budgeting and of governance should go forward essentially unchanged from those of the prior administration. Many, but not all, of these spokesmen talk as though they believe a choice available to us is to enact a budget roughly similar to the last one President Carter left on the table. President Carter's last budget featured a further increase in social spending, which had already increased more than 300% in the most recent 10 years, only nominal support for defense, no tax cuts and a deficit in triple digit billions. A primary argument advanced by this "side" restates the underlying budget thesis of the Democratic party of the last forty years, that even at the record levels of 1980, social spending was not enough, and that many portions of the population were not adequately protected by those expenditures.

This is, in context, truly a case for the status quo of 1980 and before. Those who make this case are seeking a false stability and seem willing to ignore the mistakes and failures of those policies which have already become evident to the nation. President Carter labeled the consequences of those policies as a national "malaise." Perpetually trying to solve the problems by spending more money led to runway inflation. Double digit inflation meant that the aged had no assurance that they could retire with dignity. They became more and more dependent on the government programs, but came to hear more and more about the likely "bankruptcy" of the social security system. Such a circumstance cannot in fact be squared with Hamilton's view that the government must offer a sense of stability.

One of our national dreams is that of property and home ownership. What happened to such a dream when interest rates rose almost to 20% and savings were inadequate to make mortgage money available at any rate? Under those circumstances, property was available only to those who already had it or could expect to inherit it. We were not providing equal access to our disadvantaged. Since there was no strong, dynamic, competitive society, it was impossible to guarantee the opportunity for self-sufficiency and pride which comes only from education and jobs.

We had tried and failed to buy our way out of these circumstances only to find that the higher the price we were willing to pay, through public expenditures, the higher the price became—such is the inevitable result of inflation driven by expenditures which rise faster than capital is generated. As the need for public expenditures grew, and the pressure on taxpayers grew equally, the nation became discontent. And in such circumstances we found ourselves without one more of the essentials of any stable society—security of our persons and property.

The people of this nation know that we must apply the energy for change to which Hamilton referred if we are to find the stability which is essential to our survival.

The President, with considerable public and Congressional support, seems to be insisting on an equally dramatic view of what our public policy should be. His view is that tax cuts must be very large—in fact, that the "right" number is represented by the round numbers of "5, 10 and 10" percent decreases over three years, representing a reduction in individual federal income tax liability of more than 250 billion dollars! His position is that no lesser number will do, he advises the Congressional leaders of his own party that he does not intend to discuss this point. The President believes spending for defense must rise by more than 25 billion dollars in one year, and that any smaller increase will imperil the nation. The President has made it clear in the past that he believes huge federal deficits are a very important root-cause of inflation, and so he seeks to reduce the deficit which is driven by the combination of the largest tax cut in American history imposed simultaneously

with the largest one-year increase ever in defense spending. The consequence, inevitably, is immense pressure on social outlays. Something has to give in such an equation, and the least "vital" in the President's view are grants used by state and local governments to address the social needs of their citizens. As a result, we are told that the 11% of the budget represented by these expenditures must be decreased by a total of almost 30 billion dollars in 1982 and 1983 budgets, a decrease of nearly 40%! The President is a true believer in restoration of the federal system and of rebuilding the capacity of states and communities to better represent the people, and so he proposes a fundamentally sound seven year plan to restore the vitality of local governments. But the pressures of gargantuan deficits force him to squeeze his plans for a "New Federalism" into a package which starts with a serious debilitation of the fiscal capacities of those units of government he wishes to strengthen.

A clear case can be made that it is the President who proposes the radical change—the colossal societal gamble which seeks to apply energy untempered by a sense of the requisite stability. As a conservative, bearing the scars of thirty years of public debate in favor of a change from the reckless ways of the doctrinaire liberals who preceded Ronald Reagan, I have earned the right to point out that there is nothing "conservative" in insisting on the most unbalanced budget in history because the immense tax cuts which make such deficits inevitable "might" re-invigorate the economy. There is no comfort in knowing that we will have more armaments but will not be providing job training to inner city minorities experiencing—even in good times—unemployment rates two or three times the national average. No true believer in federal-state partnership can believe state and local governments should accept the risk that they will fail the public test of their ability to govern more responsively if, in fact, the greater test is whether they can govern better with 40% less.

There is no need and no justification to replace the doctrinaire risk-taking of the past with an equally doctrinaire and one-sided alternative. Every basic thesis of the Reagan domestic, economic and defense policy proposals can be placed within a comprehensive socio-economic statement of public policy, with each recognized at powerful levels (measured by historical perspective), Provided that none is assigned so large a value that it make the others unattainable. There is a "design evelope" here which must be observed. The whole is the sum of the parts, even for the United States government.

Harlan Cleveland, a member of both John Kennedy and Lyndon Johnson's cabinets writes about public governance with the same authority which Peter Drucker has long applied to more general theories of management. Cleveland urges those who make public decisions not to view their options narrowly. Cleveland says the American affection for games makes us all illogically inclined to see one goal as being the opposite of the other goal, whereas in fact there are probably dozens of rational goals and numerous policy options available. Our task is to apply reason to the selection of the best comprehensive policy. We must apply such an approach to the President's proposals. We must find the rational value of each component in the President's proposals and agree that only if those rational values are incompatible is there, indeed, an impasse. Otherwise there is a national consensus.

I believe the road to agreement lies in reversing the order in which we fasten on assumptions. The President appears first to have determined that the nation needed tax cuts of specific size; next to have determined that defense spending had to be a certain number; then to have decided that certain entitlement programs be designated to comprise a safety net and as such allowed considerable growth; and then to have concluded that all other items in the budget must be subjected to the degree of cuts required to yield an "acceptable" budget deficit. The route to consensus is to have each of these numbers determined first by exposing them to a "needs analysis" and then looking at how the total of such numbers fit with each other.

TAX CUTS

It is generally agreed that tax burdens had become intolerable. There was broad bipartisan support for the proposition that the most urgent changes were tax inducements to stimulate business investment. But while most Americans and most members of the Congress agreed individual income tax rates should be cut, there was wide disagreement on the timing or the extent of such cuts. It is time to question how, and with what evidence or logical hypothesis the tax cut which was enacted came to be "the only right" timing and amount. The fact is that the origin was political rhetoric—"ten, ten, and ten" sounds much neater than "5, 6½, and 8¾," for example. In fact, the original political argument has long since been modified to the extent that no logical case can be made that we enacted the one and only perfect solution.

Similarly, there was no debate before enacting the tax cut which weighed the relative consequences of both a 250 billion dollar tax cut and a stream of record-breaking deficits.

Even those who make the most persuasive case for "huge" tax cuts do not deny that the desired effects of such a tax cut are going to be less in an economy shaped by huge public deficits than they would theoretically be if they could be obtained in harmony with balanced budgets. What one hand gives to stimulate public saving, the other hand takes with necessary public borrowing.

Supposedly, it was Wall Street and financial experts who argued for "supply side" theory. The evidence, both in terms of public statements and stock market behavior would seem to indicate they never signed on for supply side tax cuts and simultaneous deficits.

Unless someone can make a precise case that the enacted tax cuts are at exactly the right rate, it is time to slow down that rate of tax decrease. As an individual highly benefited by the tax cuts, and as an investor in common stocks, I must make the personal observation that I will gladly delay the increase in my after-tax income as a part of a policy which accelerates the timing of a balanced budget and places less pressure on both inflation and interest rates. I cannot believe any large number of wealthy Americans have so little faith in the economic future of this country that the only thing which will stimulate their investments is large and immediate tax cuts.

Is there any good reason not to cut the legislated tax cuts of July 1982 and July 1983 in half? Such action will add 35 billion to 1982 revenues, 52 billion to 1984 revenues and 64 billion to 1985 revenues. The aggregate effect of 186 billion dollars over the next three years is vital to a comprehensive "Middle Ground" approach to a budget which should show a surplus by 1985.

DEFENSE SPENDING

We all want a strong defense, but the truth is that there has been no public debate which explains why any specific outlay is essential to such a defense. Most of the people who say the President is right in asking for an increase of 34 billion dollars in 1983 have given no explanation of how that number was chosen. It is, of course, equally true that those of us who aren't sure it is the right number have no facts to support the proposition that a lesser amount, perhaps 20 billion, is an enormous increase for one year. The nation cannot afford to make public policy that way. We all know that the President came to his recommendation after consulting Secretary Weinberger, but we don't know what the Secretary told him. Budget Director Stockman says there is 5 to 10 billion dollars of waste in present defense spending. Senator Hart, James Fallows and others believe our greatest defense jeopardy comes not so much from how little we spend as from how unwisely we spend it. If this nation heeds the warnings of both Presidents Washington and Eisenhower, we will not allow ourselves to let the proper size and appropriate use of defense expenditures be placed beyond the arena of legitimate public debate.

There is a middle way. If we budget the increase in defense expenditures over the next three years at inflation plus 3 percent (10.9 percent in 1983) and agree that any "savings" produced by tightened contracting practices and the elimination of obsolete and non-essential programs will be reapplied within the defense system, we will provide up to 218 billion to defense in 1983, a 16 percent increase. Many industrialists do not believe we can effectively increase defense spending at any faster rate. In the early days of an expansion of effort, much of what needs to happen cannot be driven at a rate determined entirely by available dollars. Former President Ford has said he believes we could benefit by accelerating the development and tooling of new armaments without necessarily immediately ordering delivery of large numbers of those new and untried weapons. To assure the President the capacity to buy all that is needed and available, the Congress could give him flat authority to over-spend each year's defense budget by up to 20%, if he in fact finds it in the interest of national security to do so. Only if that authority was required would we face the budget imbalance which the President's present proposals place before the financial markets.

STATE AND LOCAL GRANTS

These monies do not go to subfederal governments, they go to the people of the United States. In 1980, about 84 billion dollars was granted to state and local governments to address the public health, clean water, job training, public education at all levels, economic development and hundreds of other concerns which affect citizens in the communities in which they live.

The 1982 budget made about 60 billion dollars available for these programs and these needs. The national consensus is that in the past funding for these programs has risen too fast, and must be restrained. The question now is, "how shall we determine the right level for social expenditures"?

I believe it is wrong to determine or announce the size of the necessary cuts first

and to focus public debate on the impact of those "required" cuts second. No one can argue that some of these expenditures are more valuable than others, or that there is no "waste" to be found among these appropriations. But no one has so far accepted the burden of proving how much waste there is and we are forced to surmise that by fortunate coincidence it is reasonably similar to the amount which must be cut from these expenditures in order to reduce the budget deficit. Here again, we need to put the horse before the cart. The President needs to stand before the nation and tell us why child welfare should be cut by 15%, funding for learning and employment programs should be reduced by 44%, support for maternal and child health should be reduced by 18%. He needs to make the case which supports the notion that low income, home energy and emergency assistance will not suffer from a 24% cut; that the amount of waste and misapplication of food stamp funding is 20%, and that the grants which assure higher education for the neediest scholars can safely be cut in two without serious harm.

I suspect that there are some good arguments to be made for some further reductions in funding of these programs, but after close examination of who benefits from these expenditures I am morally certain that 13 billion dollars cannot be cut from grants to people through state and local governments while maintaining any true "safety net" for those in this country who genuinely deserve help in finding a dignified circumstance.

In view of the approximately 25% cuts already experienced for these programs, it is hard to conclude that the proposals for additional cuts are essentially driven by analysis of needs.

The nation is ready for a restored federalism. President Reagan is the first President in modern times to have offered a specific multi-year plan for restoring the power and energy of local governments. The framework which he has offered can, I believe, work provided the view of Federalism which it seeks to establish is one which is harmonious both to the spirit of the Constitution and the circumstances of this century. If we accept the challenges of this opportunity, we must recognize how different are these times than those in which the Constitution was framed. Then, perhaps 90% of the people earned their living in one of less than ten primary occupations. Now, the U.S. Department of Commerce identifies tens of thousands of different identifiable ways in which people earn their livings. Then, most people had control over a very large percentage of the decisions which determined both the standard and quality of their lives. Truly, in an agrarian society, you could live better simply by working harder or smarter. Now, we live in a highly structured and specialized society in which the fortunes of millions of Americans are determined as much by the competitive status of the American automobile industry as by their own desire to work. Then, we enjoyed a hard currency and saving reasonably assured a dignified life even in the infirmity of old age. Now, soft money policies of the federal government have the capacity to destroy the value of savings faster than most Americans can accrue them. Then, most of our forefathers shared with their neighbors common religious, ethnic, and cultural backgrounds. Now, after 200 years of a national policy of being a refuge for those who love freedom, the spirit of the Constitution must be implemented in a circumstance of great diversity. National policies of immigration, of monetary matters, of environmental quality, of labor, of tariffs, have at least as much to do with the fiscal capacity of Miami, Florida; Detroit, Michigan and Portland, Oregon, as any decisions made by the people who live in those communities.

It is true that in the 18th Century the settlers were free to move from one state to another—to "vote with their feet." If there was no uncleared land left, or a shortage of opportunity, one could move to any place which appeared to have better opportunity. But the vote to move was not cast lightly. Those who exercised that right spent months in preparation and knew that the trek westward would be long, arduous and entailed considerable risk. If we are to attach significance to that historical free choice of residence, we are obliged to note that it was the strong who moved and that they undertook such dislocations in quest of opportunity and independence. Now, as we proceed towards a thoughtful New Federalism we must not be tempted to believe that it will strengthen the country to encourage the weak and the disadvantaged to wander in search of justice. In these times chaos and instability will follow any abandonment of the national concern for minimum standards for all.

I am ready to avidly pursue a New Federalism, but the ground rules must be that we know something about the shape of the final product and have come to a prudent man conclusion that the process undertaken will lead to the intended goal. The rate of transition from our present circumstance to a better government more in touch with the people must be determined by evidence of a financial and social capacity of those units of government which are to take over the responsibilities devolved by the federal government. It is unthinkable to say, "Here, catch" and loft the public responsibility for large segments of our population and the capacity to provide a decent society, before we know for sure that those responsibilities will be "caught" and fully discharged. Any plan to transfer the major responsibility for equity of opportunity to state and local governments which begins with the serious debilitation of local capacity inherent in the President's 1983 budget recommendations is seriously flawed. The spirit of the Constitution, and its objectives, must not be put at risk by any changes dictated primarily by financial considerations. Jeopardy to the intent of the Constitution and the survival of the Republic cannot co-exist.

It will serve the cause of the "New Federalism," as well as of equity to hold funding for state and local grants level at the 60 billion dollars provided in 1982 for the next three years. If narrow categorical grants are replaced with block grants which offer states some flexibility in addressing their needs and if the fiscal disparity between the states is recognized in the formulas which distribute these funds, I believe state and local governments will be able to absorb the impact of inflation on the purchasing power of these funds over the next three years.

ENTITLEMENTS

Expenses which include social security, pensions for federal workers, medicaid and other programs which are now tied to automatic cost of living or other inflation-driven increase formulas are often referred to as "uncontrollable." The fact is that entitlements are the most conspicuous budget-busting element of the present federal budget. As pervasive as the federal presence is in the lives of many Americans, the fact is that even those who receive these benefits cannot be held harmless from the effects of continued budget deficits or the wholesale erosion of the capacity of other federal programs not included among those described as "entitlements." The federal government has given no evidence that it can design an effective safety net unless inflation and high interest rates can be controlled and there are no actuarially sound policies which will cover unknown future inflation rates.

The recipients of "entitlements" should be on the side of all other Americans who share a common concern for the threat of continued inflation.

A middle ground approach to entitlement benefits would be to set them at slightly less than the prior year's actual inflation rate. If inflation is, in fact, driven down by this and other portions of the comprehensive policy, the net effect will be very close to constant dollar level funding of entitlement benefits. I suggest a policy which holds overall entitlement benefits, which were 325 billion dollars in 1982, to an annual growth of 2% less than experienced inflation.

Clearly, all entitlement programs need not respond to one formula and there is room as well as cause for approaching each component of this broad category of federal spending with a "needs assessment," such as that I have already described.

When the general policies which I have described for establishing tax cuts, defense spending, grants to people through state and local governments, and entitlements are applied along side the other assumptions which President Reagan makes for 1983, 1984 and 1985 budgets, the result is both an immediate reduction in planned deficits and an 18 billion dollar surplus by fiscal 1985.

The general policies described would result in a 71 billion rather than a 92 billion dollar deficit for 1983, a 34 billion rather than an 83 billion dollar deficit for 1984 and a surplus of 18 billion dollars in 1985.

Many members of the Congress have offered alternative budget policies and my ideas are, in part, based on individual recommendations offered by Senators Domenici and Durenberger. All that I accomplish by translating the policy objectives described in this paper to specific numbers is to demonstrate and hopefully focus attention on the feasibility of alternatives to the President's proposal which are in harmony, rather than in opposition to his objectives.

A constructive spirit, a sense of realistic optimism about the future can make the critical difference in how successfully a society meets its challenges. In the midst of one of the great threats to the preservation of democratic governments, Winston Churchill gave voice to the determination of free man everywhere—"Never, never, never to surrender."

Americans need to know how much hinges on how well and how thoughtfully they decide these foremost questions of the national agenda. Herman Kahn, the futurist, provides a convincing case for meeting this responsibility squarely and optimistically. Kahn believes that all mankind now stands squarely in the middle of a transitional epoch. Within a hundred years Kahn sees man emerging from the Industrial Revolution having solved the pressing world problems of population and of energy and of enormous disparity between rich and poor. Kahn sees the post Industrial Revolution as an essentially decent civilization in which the gap between the rich and the poor has

been enormously narrowed primarily because of improvement in the lot of those in the presently underdeveloped and unprivileged nations, rather than at the expense of those of us now clearly favored. Kahn does offer his optimistic assessment with one caveat—that man manage wisely.

Thomas Paine wrote about the age of reason, but if civilization is to proceed, every generation must be an age of reason. It is hard to visualize the fulfillment of Kahn's prophecy if the American economy is so destroyed that it cannot illustrate to the world that free men can manage themselves wisely and justly. It is hard to believe that if this country succumbs to a weakness of strength, or of will, the destiny of mankind will be advanced by those strong but tyrannical nations which would benefit from our failure. These are the times that try our reason.

JUDGE BILL BEACH: A TENNESSEE LEADER

Mr. SASSER. Mr. President, I rise to pay tribute to a very distinguished local official from Tennessee, Judge William O. Beach. As the chief executive for Montgomery County, Tenn., Bill Beach has served his community well for many years. His work has, however, reached beyond the Montgomery County borders as his influence reached out to the State, and then to the Federal level of Government.

He brought many years of experience in local government to Washington when he became president of the National Association of Counties and the National Association of Regional Councils. Those years of experience made him an effective spokesman for local government interests at the national level.

President Carter recognized his effectiveness when he appointed Judge Beach to the Advisory Commission on Intergovernmental Relations. It was my privilege to serve with him on that body.

A very fitting salute to Judge Beach, who is retiring March 1 from county government, appeared recently in the National Association of Counties' news. I ask unanimous consent that the salute from Bernard F. Hillenbrand, the executive director of NACO, be printed in the RECORD in its entirety.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

A SALUTE TO JUDGE BILL BEACH

(By Bernard F. Hillenbrand)

When he retires next month from county government, Judge William Beach is leaving giant tracks to follow in the National Association of Counties. For nearly two turbulent decades he has been a leader of county government on the national, as well as Tennessee scene.

During this exciting time he has been a prime mover in helping create an association designed to fit the needs of all 3,105 counties.

His has been the voice of careful reason as we have treaded our way through some of the key domestic issues of our time, and he has played a major role in such NACo firsts as a weighted vote system, women's caucus, minority appointments to the NACo Board of Directors, the Urban Affairs Committee and the Urban County Congress. More recently, he has provided leadership as we developed plans for our new headquarters building and our county insurance and deferred compensation programs.

He has been a major spokesman for county government in forums ranging from the Advisory Commission on Intergovernmental Relations to face-to-face discussions with the president of the United States.

He will be sorely missed by all of his colleagues in county government.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of the reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

H.R. 3782. An act to revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel *Oceanic Constitution* into the trade;

S.J. Res. 122. Joint resolution to authorize and request the President to designate the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week"; and

S.J. Res. 134. Joint resolution to designate 1982 as the "National Year of Disabled Persons".

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2716. A communication from the Chairman of the U.S. International Trade Commission, transmitting a revision of a draft bill providing authorization of appropriations for the Commission for fiscal year 1983; to the Committee on Finance.

EC-2717. A communication from the Secretary of State, transmitting, pursuant to law, a report of the Department of State's activities related to recruitment and equal employment for the period October 1, 1980, through September 30, 1981; to the Committee on Foreign Relations.

EC-2718. A communication from the Attorney-Adviser of the Department of State, transmitting, pursuant to law, a list of International Agreements other than treaties entered into by the United States; to the Committee on Foreign Relations.

EC-2719. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on a revised system of payroll, attendance, and leave records; to the Committee on Governmental Affairs.

EC-2720. A communication from the Executive Director of the Board for International Broadcasting, transmitting, pursuant to law, its report on the number of meetings held by the Board during calendar year 1980; to the Committee on Governmental Affairs.

EC-2721. A communication from the Administrator of the Health Care Financing Administration of the Department of Health and Human Services, transmitting, pursuant to law, a report of a new system of records—evaluation of the HMO capitation demonstrations; to the Committee on Governmental Affairs.

EC-2722. A communication from the Director of Assistance Management and Procurement Service of the Department of Education, transmitting, pursuant to law, a report on the foreign excess property program; to the Committee on Governmental Affairs.

EC-2723. A communication from the Administrative Assistant to the Personnel Appeals Board for the U.S. General Accounting Office, transmitting, pursuant to law, its annual report for the period October 1, 1980, through September 30, 1981; to the Committee on Governmental Affairs.

EC-2724. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on January 26, 1982; to the Committee on Governmental Affairs.

EC-2725. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, legislation adopted by the Council on January 12, 1982; to the Committee on Governmental Affairs.

EC-2726. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on the "Disabled Parking Privileges Act of 1981", adopted by the Council January 12, 1982; to the Committee on Governmental Affairs.

EC-2727. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on the "Closing of Public Alleys in Square 100 Act of 1981", adopted by the Council on January 12, 1982; to the Committee on Governmental Affairs.

EC-2728. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on the "Civil Forfeitures Act of 1981," adopted by the Council on January 12, 1982; to the Committee on Governmental Affairs.

EC-2729. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on the "Motor Vehicle Services Fees and Driver Education Support Act of 1982," adopted by the Council January 12, 1982; to the Committee on Governmental Affairs.

EC-2730. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use and distribution of the judgment funds awarded to the Blackfeet Tribe of the Blackfeet Reservation of Montana; to the Select Committee on Indian Affairs.

EC-2731. A communication from the Assistant Secretary of Indian Affairs of the Department of the Interior, transmitting, pursuant to law, a report on the use and distribution of the funds awarded to the Confederated Tribes and Bands of the Yakima Indian Nation of the Yakima Reservation of Washington; to the Select Committee on Indian Affairs.

EC-2732. A communication from the Chairman of the U.S. Commission on Civil Rights, transmitting a report on banishing illegal discrimination from the Nation's schools; to the Committee on the Judiciary.

EC-2733. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on extraordinary contractual adjustments during calendar year 1981; to the Committee on the Judiciary.

EC-2734. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report of the Commission on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2735. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2736. A communication from the Acting Executive Secretary of the Department of Defense, transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for October 1981; to the Committee on Small Business.

EC-2737. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the reports of the Commission on the implementation of the Government in the Sunshine Act for calendar years 1980 and 1981; to the Committee on Governmental Affairs.

EC-2738. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to permit the Secretary of Agriculture to determine standards of inspection for meat, poultry, and egg processing plants; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2739. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to recover certain departmental costs relative to wool and potato promotional programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2740. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a proposed foreign military sale to the Federal Republic of Germany; to the Committee on Armed Services.

EC-2741. A communication from the Assistant Secretary of the Air Force for Research, Development, and Logistics transmitting, pursuant to law, a report on a decision to convert the transient aircraft maintenance function at Kelly Air Force Base, Tex., to performance under contract; to the Committee on Armed Services.

EC-2742. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Tunisia; to the Committee on Armed Services.

EC-2743. A communication from the Under Secretary of Defense for Research and Engineering transmitting, pursuant to law, a report on funds obligated in the chemical warfare and biological defense research programs during fiscal year 1981; to the Committee on Armed Services.

EC-2744. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1983; to the Committee on Armed Services.

EC-2745. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Greater Use of Innovative Building Materials and Construction Techniques Could Reduce Housing Costs"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2746. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on special pay to certain U.S. Coast Guard officers; to the Committee on Commerce, Science, and Transportation.

EC-2747. A communication from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report on certain on-orbit spacecraft repair; to the Committee on Commerce, Science, and Transportation.

EC-2748. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on the Teton Dam claims program; to the Committee on Energy and Natural Resources.

EC-2749. A communication from the Secretary of Energy transmitting, pursuant to law, the quarterly report on the strategic petroleum reserve; to the Committee on Energy and Natural Resources.

EC-2750. A communication from the Secretary of Energy transmitting, pursuant to law, the annual report on the strategic petroleum reserve; to the Committee on Energy and Natural Resources.

EC-2751. A communication from the Under Secretary of the Interior transmitting, pursuant to law, a report that the Commissioner of Reclamation has deferred a 1981 construction repayment installment due the United States from the Almena Irrigation District No. 5, Pick-Sloan Missouri Basin program, Kansas; to the Committee on Energy and Natural Resources.

EC-2752. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Committee on Reactor Safeguards; to the Committee on Environment and Public Works.

EC-2753. A communication from the Executive Director of the Upper Mississippi River Basin Commission, transmitting, pursuant to law, supporting technical reports for the comprehensive master plan for the management of the Upper Mississippi River system; to the Committee on Environment and Public Works.

EC-2754. A communication from the Deputy Assistant Secretary of the Interior (Policy, Budget, and Administration), transmitting, pursuant to law, the annual report of the Department of the Interior on the disposal of foreign excess property for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2755. A communication from the Chairman of the Civil Aeronautics Board, transmitting, pursuant to law, the annual report of the Board on the Government in the Sunshine Act for calendar year 1981; to the Committee on Governmental Affairs.

EC-2756. A communication from the Secretary of Education, transmitting, pursuant to law, a report on surplus real property disposed to the educational institutions; to the Committee on Governmental Affairs.

EC-2757. A communication from the Staff Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council on implementation of the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2758. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2759. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2760. A communication from the Board of Directors of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board on activities under the freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2761. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the talent search program; to the Committee on Labor and Human Resources.

EC-2762. A communication from the Chairman of the Advisory Panel on Financing Elementary and Secondary Education, transmitting, pursuant to law, the annual report of the Panel for calendar year 1981; to the Committee on Labor and Human Resources.

EC-2763. A communication from the Secretary of Education, transmitting, pursuant to law, a summary of the final report of the study "Assessment of the Inservice Training Needs of Teachers of English, and of Spanish to Returned Migrants, in Puerto Rico"; to the Committee on Labor and Human Resources.

EC-2764. A communication from the Administrator of the Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans; to increase the level of disability required for the payment of dependents allowances; to provide for other cost-saving improvements in veterans programs; and for other purposes; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 2118. A bill to designate certain National Forest System lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for mulitiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PERCY (by request):

S. 2119. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2120. A bill to amend section 8c of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to promote the consumption of mushrooms through the issuance of marketing orders under such act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS (by request):

S. 2121. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2122. A bill to amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnecessary regulatory requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SYMMS:

S. 2123. A bill to amend title 18, chapter 44, United States Code, to provide clarification of limitations on controls of the interstate movement of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 2124. A bill to provide relief from honey imports; to the Committee on Finance.

By Mr. CRANSTON:

S. 2125. A bill for the relief of Crescencio Antonio Folgar; to the Committee on the Judiciary.

S. 2126. A bill for the relief of Oscar Renetiz; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. ROTH and Mr. LEVIN):

S. 2127. A bill to revise the procedures for soliciting and evaluating bids for Government contracts and awarding such contracts, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 2128. A bill to limit the availability and use of handgun bullets that are capable of penetrating certain body armor; to the Committee on the Judiciary.

By Mr. MITCHELL:

S. 2129. A bill to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund; to the Committee on Commerce, Science, and Transportation.

By Mrs. KASSEBAUM (for herself, Mr. HATFIELD, Mr. JACKSON, Mr. METZENBAUM, Mr. NUNN, Mr. PELL, Mr. RANDOLPH, and Mr. WILLIAMS):

S. 2130. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BAUCUS, Mr. GORTON, and Mr. RANDOLPH):

S. 2131. A bill to amend the Safe Drinking Water Act, to provide for the protection of certain recharge areas overlying sole source underground water supplies; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S.J. Res. 147. Joint resolution providing for the designation of the week beginning April 25, 1982, and ending May 1, 1982, as "National Dance Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEINZ (for himself and Mr. CHILES):

S. Res. 321. A resolution authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1981"; to the Committee on Rules and Administration.

By Mr. PRESSLER:

S. Con. Res. 66. A concurrent resolution disapproving the sale of F-16 aircraft and mobile missile launchers to Jordan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 2118. A bill to designate certain National Forest Systems lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; to the Committee on Energy and Natural Resources.

(The remarks of Mr. WALLOP and Mr. SIMPSON on this legislation appear earlier in today's RECORD.)

By Mr. PERCY (by request):

S. 2119. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

IMPLEMENTING THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to implement the Inter-American Convention on International Commercial Arbitration.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated November 12, 1981.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 9, United States Code, is amended by adding:

"Chapter 3—INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION.

"Sec.
"301. Enforcement of Convention.
"302. Incorporation by reference.
"303. Order to compel arbitration; appointment of arbitrators; locale.
"304. Awards falling under Inter-American Convention.
"305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
"306. Applicable rules of Inter-American Commercial Arbitration Commission.

"SEC. 301. ENFORCEMENT OF CONVENTION.

"The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

"SEC. 302. INCORPORATION BY REFERENCE.

"The provisions of Chapter 2, Sections 202, 203, 204, 205 and 207 shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter 'the Convention' shall mean the Inter-American Convention.

"SEC. 303. ORDER TO COMPEL ARBITRATION; APPOINTMENT OF ARBITRATORS; LOCALE.

"A court having jurisdiction under this chapter may direct that arbitration he held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States.

"The Court may also appoint arbitrators in accordance with the provisions of the agreement. In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

"SEC. 304. AWARDS FALLING UNDER INTER-AMERICAN CONVENTION.

"Recognition and enforcement of foreign arbitral decisions or awards under this chapter shall apply only to those decisions or awards made in the territory of another Contracting State.

"SEC. 305. RELATIONSHIP BETWEEN THE INTER-AMERICAN CONVENTION AND THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS OF JUNE 10, 1958.

"When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are Member States of the Organization of American States, the Inter-American Convention shall apply.

(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 shall apply.

"SEC. 306. APPLICABLE RULES OF INTER-AMERICAN COMMERCIAL ARBITRATION COMMISSION.

"(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on January 1, 1982.

"(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of the said Commission, the Secretary of State, by regulation in accordance with Section 553 of Title 5, United States Code, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

"SEC. 307. CHAPTER 1; RESIDUAL APPLICATION.

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent Chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States."

SEC. 2. Title 9, United States Code, is further amended by adding to the table of contents at the beginning a new sub-heading as follows:

"3. Inter-American Convention on International Commercial Arbitration..... 301"

SEC. 3. This act shall be effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975 with respect to the United States.

SECTION-BY-SECTION ANALYSIS OF A BILL TO IMPLEMENT THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Section 301. Section 301 parallels section 201 of the implementing legislation for the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (9 U.S.C. Sections 201-208).

Section 302. Section 302 incorporates sections 202, 203, 204, 205, and 207 of the implementing legislation for the New York Convention: the two Conventions do not differ so as to call for different measures of implementation in these respects. The incorporation of section 202, with its reference to 9 U.S.C. section 2, provides the basis for a broad definition of what relationships are to be considered as "commercial" for purposes of the Convention; trade, investment, and other business and financial activities which bear on "foreign commerce" are included.

Section 303. The first paragraph of this section repeats 9 U.S.C. section 206. The second paragraph is new, reflecting Article 3 of the Inter-American Convention. Article 3 provides that when or to the extent that the parties fail to agree upon other applicable rules of procedure, arbitrations shall be governed by the rules of procedure of the Inter-American Commercial Arbitration Commission, a private organization established at the recommendation of the Organization of American States (OAS).

Neither the Federal Arbitration Act nor the New York Convention contains a comparable provision, but rather leaves the choice of rules of procedure to the court in the absence of agreement by the parties. The specification of "back-up" rules provides a desirable certainty and unformity in the application of this Convention.

Section 304. Section 304, along with section 305, defines the respective spheres of application of the Inter-American and New York Conventions. The New York Convention permits a reservation, which the United States has made, that a State will apply the Convention to the recognition and enforcement of awards made only in the territory of another Contracting State. (Article I, paragraph 3.) The United States will make a comparable reservation to the Inter-American Convention.

Section 305. The Inter-American Convention does not contain an express provision concerning its applicability when there is another convention on recognition and enforcement of arbitral agreements and awards which might also apply to a specific case. In particular, the United States and at least some other countries will be a party to both the Inter-American and the New York Conventions. Given the substantial identity of the two conventions, this issue is not expected to be of great consequence. However, it is nonetheless useful to resolve it explicitly in order to remove a potential ground for controversy.

The New York Convention is better established in law and in practice than the Inter-American Convention and has greater worldwide participation. The United States will therefore enter a reservation in ratifying the Inter-American Convention, to establish clearly the applicability of the New York Convention in appropriate cases.

Section 305 reflects this reservation, providing that, where both Conventions are applicable to a particular case, the United States would be bound by and apply the provisions of the Inter-American Convention only if a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to this Convention and are citizens of OAS Member States. In other cases, the United States will be bound by and apply the provisions of the New York Convention. Section 305 makes clear where both Conventions are potentially applicable, that both parties must be citizens of OAS Member States before the Inter-American Convention would supersede the New York Convention.

Section 306. Section 306, like section 303, is necessary in order to implement the Article 3 provision of the Inter-American Convention, which specifies applicable rules of procedure for cases in which the parties fail to agree on such rules. While the rules of procedure of the Inter-American Commercial Arbitration Commission are deemed useful and acceptable, the Commission is a private, nongovernmental body. It is therefore desirable that there be official review and approval of any amendments to the rules before they are made applicable to parties by law.

The United States will enter a reservation regarding Article 3 that the United States will apply the rules of procedure of the Inter-American Commercial Arbitration Commission which are in effect as of ratification, unless a later official determination is made to adopt and apply any amendments to the rules which the Inter-American Commercial Abritration Commission may make subsequently. Section 306 provides a rulemaking procedure for making such an official determination; this procedure provides a simple and efficient mechanism for soliciting the comments of interested and expert groups and individuals in order to provide an informed basis for official judgment and determination.

Section 307. Section 307 incorporates a provision parallel to 9 U.S.C. section 208.

Section 2. Adds a new subheading at the beginning of Title 9 to correspond to the new Chapter 3.

Section 3. Establishes the effective date.

DEPARTMENT OF STATE,
Washington, D.C., November 12, 1981.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress the draft of a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration. The Convention was submitted to the Senate for its advice and consent to ratification on June 15, 1981; the instrument of ratification will be deposited with the General Secretariat of the Organization of American States once appropriate implementing legislation has been enacted. The Convention would enter into force for the United States on the thirtieth day after deposit of the instrument of ratification.

The Inter-American Convention on International Commercial Arbitration entered into force on June 16, 1976. At present, Chile, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay and Uruguay are parties. Consistent with the longstanding United States policy to facilitate the use of arbitration as a means of resolving international commercial disputes, this Convention will hopefully provide an opportunity to secure wider benefits of recognition and enforcement of international commercial arbitration agreements and awards among a greater number of countries in this hemisphere.

The Inter-American Convention on International Commercial Arbitration is modeled after the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards; to which the United States became a party in 1970. The draft bill to implement the Inter-American Convention is similarly modeled after, and incorporates in large part, the legislation which implements the New York Convention, 9 U.S.C. 201-208. Several new provisions are incorporated in the draft bill, however, in order to clarify the sphere of application of the Inter-American Convention and to safeguard its provision respecting arbitral procedures; these are described more fully in the section-by-section analysis which accompanies this letter.

The Inter-American Convention on International Commercial Arbitration has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the United States Chamber of Commerce, the Association of American Chambers of Commerce in Latin America, the American Foreign Law Association, and a number of state and local bar associations. Experts from the American Arbitration Association and American Bar Association have reviewed the proposed legislation and have advised that they consider it satisfactory.

Prompt approval of this implementing legislation will permit United States citizens and concerns seeking enforcement of commercial arbitration agreements and awards to enjoy the benefits of this Convention among the countries which are parties, and may encourage more rapid and widespread ratification among other countries as well.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

Yours sincerely,

RICHARD FAIRBANKS,
Assistant Secretary
for Congressional Relations.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 2120. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, to promote the consumption of mushrooms through the issuance of marketing orders under such Act; to the Committee on Agriculture, Nutrition, and Forestry.

PROMOTING THE CONSUMPTION OF MUSHROOMS

● Mr. HEINZ. Mr. President, over the past 4 years the American mushroom industry has had to suffer the impact of a sustained assault by foreign producers on the domestic market. The results have been unmistakable and serious: Declines in profitability, increases in unemployment, and processors going out of business. As some of my colleagues may already be aware, there are a total of 550 mushroom growers nationwide of which approximately two-thirds are located in the Kennett Square/Temple area of Pennsylvania. In a recent report by the Agricultural Marketing Service prepared as part of the adjustment and import relief program for the industry authorized by President Carter in 1980, it was found that the major group of growers adversely impacted by imports were the small to moderately sized firms situated in this very region. The study focused on this group in particular, to examine the types of problems facing the U.S. mushroom industry. My concern, of course, for the stability and survival of this important industry reaches beyond the borders of my home State, and I will continue to work for solutions that will benefit the entire mushroom industry, but it is clear that the core of the industry is in Pennsylvania, and we must test our solutions there.

This is not the first time that I have addressed the problems of the mushroom industry. I have testified before the International Trade Commission on several occasions on behalf of the Pennsylvania mushroom growers in order to voice my concern over the condition of the domestic industry. In October 1980, following the ITC's unanimous finding of injury to the mushroom industry the previous year, President Carter implemented an economic adjustment program in Presidential Proclamation 4801. In spite of my belief that the tariff program enacted by the proclamation provided a less desirable alternative to the industry's problems than the quotas recommended by the Commission, I supported the decision. I did so, despite the imperfections, because I believed that a relief program was necessary to provide the industry with the breathing space necessary to improve its productivity and adjust to competition. Part of that adjustment is changing industry plans in a way that will allow it to depend less on import relief over the long term and more on the willingness and creativity of industry members to invest and promote their product.

Current levels of mushroom imports have declined, a trend which has been evident since November 1980, when the increased duty on imported mushrooms was first imposed. In the third quarter of 1981, imports were equivalent to approximately 49 percent of consumption, compared with 55 percent in the same quarter the previous year. We should, however, recognize that the import relief is due to expire in October 1983, and that if we are to witness the emergence of a more viable domestic mushroom industry, we must make every effort now in pursuit of measures that will aid the American producers' ability to compete after the expiration of the tariff.

To this end, further efforts must be undertaken to encourage more domestic consumption of fresh mushrooms. A recent ITC report concluded that production, imports and apparent consumption for mushrooms all declined in the most recent marketing year, (July 1980–June 1981), compared with the preceding marketing year. This decline in consumption only serves to offset the benefit of declining imports and makes it more difficult for the industry to undertake needed technological and marketing improvements.

The study by the Agricultural Marketing Service concluded that mushroom industry assistance based on import restrictions of any type would be effective only in the short run. It would be just a means of buying time until the appropriate industry adjustments could be made. That is why the bill I am introducing today, along with Senator SPECTER. Congressman SCHULZE is introducing an identical measure in the House of Representatives for the purpose of promoting more consumption is so vital. With the present tariff relief in place, the industry can take the opportunity to explore alternative methods of revitalization. The bill would permit a mushroom marketing order which would allow the industry to provide for increased consumption through the use of market research, market development and paid advertising. These projects would be paid for from funds collected from each grower participating in the order, and over time this fund would grow as more producers make the transition to the fresh market. The order would allow the industry to grow with only moderate Government intervention and would provide the industry with the necessary boost in consumption to ameliorate the effects of imports. Furthermore, the approval of a marketing order would focus growth in the fresh or primary market, the most positive hope for the future of the domestic producers.

If our goal is ultimately to aid our American producers and growers so that they can compete with imports, we must be as creative as we can in choosing our methods. We must also make sure that relief in the form of tariffs and/or quotas does not become a remedy that sours in the long run, leaving the party they were supposed to aid in disarray and unable to function. Only through a proper balance of relief and the creation of a suitable atmosphere for needed investment, can we hope to see this industry pull itself together and achieve the success it deserves. The bill that I am introducing today, will give the American mushroom industry such an atmosphere and hopefully assure its future growth. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8c of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c), is amended by inserting "mushrooms," after "raisins," both times it appears in paragraph (6) (I).●

By Mr. HELMS (by request):

S. 2121. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2122. A bill to amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnec-

essary regulatory requirements; to the Committee on Agriculture, Nutrition, and Forestry.

ANIMAL AND PLANT QUARANTINE AMENDMENTS

● Mr. HELMS. Mr. President, at the request of Secretary of Agriculture John Block I offer two bills relating to requirements under the animal and plant quarantine laws. One would amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions to prevent the spread of dangerous, communicable diseases of livestock or poultry. The other would amend the Plant Quarantine Act of August 20, 1912, to repeal the requirement that a public hearing be held before the Secretary of Agriculture may promulgate regulations to prohibit or restrict the movement into or within the United States of certain articles in order to prevent the introduction or spread of injurious plant diseases or insect pests.

Mr. President, I ask unanimous consent that the transmittal letters from the Secretary of Agriculture as well as the text of both bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), is amended by inserting in subsection (b) immediately before the colon in the first sentence the following: ", and he may prohibit or regulate the movement within the State or other jurisdiction involved, of animals, animal carcasses, products and articles as he deems necessary in order to prevent the dissemination of any such disease or to eradicate any such disease or to otherwise protect the livestock or poultry of the United States".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 14, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To amend the Act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions."

The Department of Agriculture recommends enactment of the draft legislation.

The bill would expand the powers of the Secretary after he has declared an extraordinary emergency due to the existence of any dangerous, communicable disease of livestock or poultry that constitutes a threat to the livestock or poultry of the United States. Subsection (b) of section 2 of the Act of July 2, 1962 (76 Stat. 129; 21 U.S.C. 134a(b)) authorizes the Secretary to declare such an extraordinary emergency and take specified actions when he finds that a State or other jurisdiction is not taking adequate measures to control any such disease. The Department presently does not have authority to prevent the intrastate movement of animals, animal carcasses, animal products, or articles in such an emergency situation, unless the Secretary finds that the animals are or have been affected with or exposed to such a disease and that the carcasses, products, and articles were so related to such animals as to be likely to be a means of disseminating such disease. Then he may seize, quarantine and dispose of the particular animals, carcasses, products, or articles involved.

Authority is needed to quarantine specific localities and control the intrastate movement of animals, their carcasses, and related products and articles which are not necessarily found to be affected with or exposed to any dangerous communicable disease of livestock and poultry. This authority would make it possible for the Department to implement the most effective quarantine controls to prevent the inadvertent intrastate spread of such a disease from affected localities. Uncontrolled movements of livestock and poultry into affected areas can hamper control and eradication efforts by increasing the population of exposed animals needing treatment. The outbreak of exotic velogenic viscerotropic Newcastle disease (VVND) in Southern California in 1971-73, and the outbreaks as recent as March and April of 1980 in California, Virginia, and Pennsylvania, clearly demonstrated the need for such authority.

Section 102(2)(c) of Public Law 91-190 does not apply. The proposed legislation does not significantly affect the quality of the human environment.

An identical letter has been sent to the Speaker of the House.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

S. 2122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 20, 1912 (7 U.S.C. 159, 160, 161), is amended by—

(1) striking out in section 5 the colon and all that follows down through the end of the sentence and inserting in lieu thereof a period;

(2) striking out in the second sentence of section 7 the following: "That before the Secretary of Agriculture shall promulgate his determination that it is necessary to forbid the importation into the United States of the articles named in this section he shall, after due notice to interested parties, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further,*"; and

(3) striking out in the fourth sentence of section 8 the following: "That before the Secretary of Agriculture shall promulgate his determination that it is necessary to quarantine any State, territory, or district of the United States, or portion thereof, under the authority given in this section, he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney: *Provided further,*".

DEPARTMENT OF AGRICULTURE,
Washington, D.C., December 14, 1981.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnecessary regulatory requirements."

The Department of Agriculture recommends that the draft bill be enacted.

The Animal and Plant Health Inspection Service is responsible for promulgating regulations under the Plant Quarantine Act to restrict the importation into the United States or any of its Territories or Districts of certain articles in order to prevent the introduction of injurious plant diseases or insect pests; to prohibit the entry into the United States of certain articles in order to prevent the introduction of certain tree, plant, or fruit diseases or of injurious insects; and to quarantine States, Territories, or Districts of the United States or portions thereof with respect to certain movements of specified articles in order to prevent the spread of certain dangerous plant diseases or insect infestations. The Plant Quarantine Act requires that a public hearing be held before a regulation may be promulgated for any of these purposes.

The public hearing requirements of the 1912 Act were established in order to encourage public participation in such rulemaking procedures. However, the public hearing requirements were promulgated prior to the enactment of the Administrative Procedure Act which contains provisions with respect to public participation in rulemaking proceedings which are considerably more comprehensive than in the 1912 Act. The Department believes that there are no valid reasons for retaining the additional public hearing requirements. There is enclosed a tabulation of public hearings conducted under the 1912 Act since 1969. There have been twenty hearings attended by a total of 466 persons. Of these, there were 246 Federal and cooperating State plant quarantine regulatory officials in attendance or a 47 percent public attendance. This is attributed directly to the fact that greater public participation is obtained under the rulemaking provisions of the Administrative Procedure Act rather than the public hearing requirements of the 1912 Plant Quarantine Act.

Based on experience, benefits derived from public hearings of the 1912 Act are minimal. Public response has been limited in relation to the Government time and money expended to hold these hearings. The Department of Agriculture believes the same goals can be achieved more efficiently by publication in the Federal Register in accordance with the requirements of the Administrative Procedure Act provisions in sections 552 and 553 of Title 5 of the United States Code. By utilizing the opportunities for written public comments in most instances, expenditure of funds would be minimal and primarily employed for review of the comments submitted. In addition, direct contact would be possible with affected industries and governments to obtain additional views. Therefore, the proposed legislation to eliminate the public hearing requirement under the Plant Quarantine Act would not deny the public opportunities for participation in the rulemaking proceedings but would merely eliminate an unnecessary regulatory requirement.

The cost of conducting public hearings under the present requirements depends primarily on the location and the number of persons attending. On the average, the estimated cost of a public hearing is $4,000. Based on the twenty hearings held since 1969, there would have been a savings to the Government of $80,000. Similar savings could be expected if the proposed legislation were enacted.

Section 102(2)(c) of Public Law 91-190 does not apply. The proposed legislation does not significantly affect the quality of the human environment.

Enactment of the proposed legislation would result in a savings of appropriations which would be utilized for higher priority plant quarantine program activities.

An identical letter has been sent to the Speaker of the House.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

U.S. DEPARTMENT OF AGRICULTURE—SUMMARY OF ATTENDANCE AT PUBLIC HEARINGS SINCE 1969 AS REQUIRED UNDER THE PLANT QUARANTINE ACT OF 1912, AS AMENDED

Hearing date: Quarantine issue	Attendance			
	Federal officials	State officials	Public	Total
Apr. 17, 1969: Golden nematode	29	7	31	67
July 29, 1970: Fire ant	9	4	1	14
Aug. 7, 1973: Cereal leaf beetle	10	5	1	16
Sept. 11, 1973: White fringed beetle	4	4	2	10
Oct. 30, 1973: Citrus blackfly	7	9	10	26
May 18, 1976: Citrus blackfly	10	4	22	36
June 19, 1979: Gypsy moth	9	3	2	14
Aug. 21-22, 1979: Nursery stock	16	2	39	57
Sept. 25, 1979: Hawaiian fruits and vegetables	8	7	18	33
Oct. 3-4, 1979: Hawaiian fruits and vegetables	4	1	11	16
Oct. 24-25, 1979: Hawaiian fruits and vegetables	2	8	46	56
Feb. 7, 1980: Sclerroderris canker	12	15	6	33
Feb. 26, 1980: Sugarcane diseases	10	3	2	15
Feb. 27, 1980: West Indian sugarcane root borer	10	2	15	27
Mar. 25, 1980: Gypsy moth	6	3	.....	9
Aug. 27, 1980: Nursery stock	8	.....	.....	8
Aug. 27, 1980: Flag smut	8	.....	.....	8
Sept. 16, 1980: West Indian sugarcane root borer	5	2	14	21
Total attendance	167	79	220	466

●

By Mr. SYMMS:

S. 2123. A bill to amend title 18, chapter 44, United States Code, to provide clarification of limitations on controls of the interstate movement of firearms, and to prohibit the use of Federal funds to political subdivisions which implement certain gun control ordinances; to the Committee on the Judiciary.

FIREARMS OWNERSHIP RIGHTS ACT OF 1982

Mr. SYMMS. Mr. President, I was particularly dismayed to learn that a Federal district court believes a Morton Grove, Ill., ordinance which bans the private ownership of handguns is constitutional. This ordinance strikes at the foundation of our second amendment.

I am surprised that a municipality could so totally ignore the legitimate need and right of its own residents for protection of self and property that it would make it illegal to have even a handgun in the home. This complete disregard of individual rights in the protection of self and home cannot be lightly dismissed. Undoubtedly, the Morton Grove City Council considers itself quite progressive and feels it acted in a most altruistic manner in protecting the residents of Morton Grove from themselves. Orwell's 1984 aside, a local or State government that shows such an absolute misunderstanding of individual rights and liberties, the proper function of governments, and the tyranny of crime, is one which misunderstands its overall role in the protection of its citizens. Such misunderstanding cannot be tolerated or condoned but must be highlighted and corrected.

Mr. President, our Nation, our society, faces an ever-growing plague of criminal violence and crime. Such violence and crime is directed against innocent, law abiding citizens who find no mercy from those who would rob, plunder and steal from them. As the Congress, in passing the Omnibus Crime Control and Safe Street Act of 1968, stated in the act's legislative history:

> Crime—the fact of crime and the fear of crime—marks the life of every American. We know its unrelenting pace: A forcible rape every 26 minutes; a robbery every 5 minutes; an aggravated assault every 3 minutes; a car theft every minute; a burglary every 28 seconds. We know its cost in dollars—some $27 billion annually. We know the still more widespread cost it exacts from millions in fear; fear that can turn us into a nation of captives imprisoned nightly behind chained doors, double locks, barred windows; fear that can make us afraid to walk city streets by night or public parks by day.

The problem remains with us today and it is increasingly apparent that governments, regardless of level, do not have the necessary resources and cannot protect the individual against crime. Police and other law enforcement agency efforts are, realistically, only part of what is necessary for an individual's complete protection. Since governments can only provide some deterrence to crime against the individual, it is up to the individual to provide for most of his own security.

Mr. President, I am not calling for the arming of each citizen in our Nation. I am saying that the right of the individual to keep and bear arms must be maintained. The right of an individual to arm himself to provide protection for himself, his family, and his property if he so chooses must be allowed.

The Senate has already taken a position on this issue. During consideration of final passage of the Gun Control Act of 1968, it was the position of the Senate that:

> No governmental agency, including State or political subdivision, may legalize the confiscation of otherwise legally held and used firearms.

The people of our Nation are being robbed, assaulted, and murdered. Resources to fight crime at the State and local levels are stretched dangerously thin. Even now, before both Houses of this Congress, we have legislation that will provide hundreds of millions of Federal dollars to States and localities to help them fight this crime. Yet, as these States and localities are requesting Federal funds to combat crime, many localities pass laws that effectively neuter an individual's best protection against crime—the individual himself.

Mr. President, the Federal Government cannot be called upon to underwrite such a course of action and bear an additional burden of giving Federal crime fighting dollars to municipalities that forbid a citizen the ability to protect himself.

For this reason Mr. President, I am today introducing the Firearms Ownership Rights Act of 1982. The purpose of this legislation is not to occupy the field in the area of firearms legislation to the exclusion of State and local governments. It is the purpose of this legislation, however, to clarify the position of the Congress, as previously stated, that no governmental agency, including States and their political subdivisions, may legalize the confiscation of otherwise legally held and used firearms. This legislation does not provide for more interference in State and local matters by the Federal Government, but rather emphasizes the importance of recognizing rights and needs of our individual citizenry. Such recognition of individual rights strengthens our heritage of freedoms and liberties. This is a proper role for Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Firearms Ownership Rights Act of 1982".

FINDINGS AND PURPOSES OF THIS ACT

PART A—HISTORY OF THE CITIZEN'S RIGHT TO POSSESSION OF FIREARMS

SEC. 101. This Act provides for the carrying out of the spirit of the Gun Control Act of 1968 by carrying out in embodying legislation the Statement of the managers on the part of the House, conference report No. 1956, which reconciled differences between the Senate and House on H.R. 17735, the legislation which resulted in the enact-

ment of the Gun Control Act of 1968, such statement providing, in part:

". . . the Senate amendment contained an added provision, not in the House bill, that: 'no governmental agency, including State, possession, or political subdivision may legalize the confiscation of otherwise legally held and used firearms'. Although the conference substitute does not contain this added provision of the Senate amendment, it is intended that the Act not be construed to authorize the confiscation of lawfully possessed firearms."

SEC. 102. Acknowledging the need for the right of the citizens to provide for self-protection, the Congress adopts the legislative history incorporated in the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, which found, in part, that:

"Crime—the fact of crime and the fear of crime—marks the life of every American. We know its unrelenting pace: A forcible rape every 26 minutes; a robbery every 5 minutes; an aggravated assault every 3 minutes; a car theft every minute; a burglary every 28 seconds. We know its cost in dollars—some $27 billion annually. We know the still more widespread cost it exacts from millions in fear; fear that can turn us into a nation of captives imprisoned nightly behind chained doors, double locks, barred windows; fear that can make us afraid to walk city streets by night or public parks by day."

SEC. 103. Congress specifically finds that:

(1) There are presently in the United States 60 million private citizens who own firearms,

(2) Criminal misuse of firearms yearly average less than 2/10 of one percent of privately owned firearms,

(3) The rights of law-abiding citizens to protect themselves is of tantamount concern to the Congress.

PART B—CLARIFICATION OF LEGISLATIVE INTENT OF PARTS OF THE GUN CONTROL ACT OF 1968

SEC. 104. The Congress hereby declares that the purpose of this title is to provide for clarification and strengthening of the Gun Control Act of 1968 as amended as it relates to the purpose of not placing any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, or to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes.

SEC. 105. In actual experience the Congress finds that various political subdivisions of States have acted to occupy the field of regulation and/or prohibition of firearms in such manner as to cause massive variations in legislation in the allowable use and/or possession of firearms.

SEC. 106. While not the intent of the Gun Control Act of 1968, the operant result has been to restrict travel and free access to the individual citizen's right to self-defense. It is the intention of this Congress to correct the effective results of the Gun Control Act of 1968 as amended. It is not the intent of this Congress to decree any greater restrictions on State action provided for under the Gun Control Act of 1968, which states, in part:

"SEC. 927. EFFECT ON STATE LAW.—No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of this State so that the two cannot be reconciled or consistently stand together."

PART C—FEDERAL PREEMPTION OF LOCAL ORDINANCES BANNING FIREARMS AND AMMUNITION

SEC. 107. Congress specifically finds that the enactments of political subdivisions within states adversely impact upon firearms and ammunition which are produced and sold in interstate commerce, and thereby have an adverse impact upon interstate commerce even when these ordinances on their face only apply to activities within the State. Local ordinances and statutes of political subdivisions of states adversely impact upon interstate commerce even though such ordinances may only apply to firearms and ammunition sold within the State and/or manufactured within the State.

SEC. 108. The Congress further finds that if it has the power to control a field of activity to preempt state action in a given area, it also has the power to regulate activities of a lesser political subdivision of a state if that subdivision's activities have a significant effect upon interstate commerce. The Civil Rights Act of 1964 determined that, in part, a motel which contains more than five rooms qualifies as a facility with sufficient impact upon interstate commerce to permit federal regulation. An entire political subdivision such as a county, borough, city, or town may have sufficient impact on such commerce that is sufficient to ground the basis for this Act.

SEC. 109. Congress also finds that the proliferation of local ordinances and regulations dealing with the possession or use of firearms and ammunition constitutes an undue burden upon the constitutional right of travel of the citizens of the United States between States and constitutes an undue burden upon the constitutional right of citizens to relocate themselves within the United States.

SEC. 111. It is the intent of the congress Congress also determines that although it might be reasonable to expect an individual to determine the laws of the State where he or she chooses to reside or travel through, it is unreasonable to require that a person be aware of the ordinances of every locality that he or she might pass through when traveling. Such ordinances are often not published or readily available to the public.

.SEC. 111. It is the intent of the congress to permit the proper use of State authority to regulate the subject matter of firearms. Restrictions on variations within political subdivisions of the state have caused harsh restraints on free commerce and travel between the political subdivisions and between the States. States in their legislative deliberations may enact such laws as desired on this subject matter unless there is a direct and positive conflict between such provisions so that the two cannot be reconciled or consistently stand together.

SEC. 112. By enactment of this legislation it is the intent of Congress to specifically prohibit any federal agency, granting authority, employee, contractor contractee, grant recipient, or officer from using any federal law enforcement or criminal justice funds if such political subdivision using such funds acts in violation of this act. The intent is not to provide more control but free access and travel of the individual citizenry. It is a desire of this Congress not to create more restrictions on activities of the citizens but to permit more freedom of action of the individual citizen to move from political subdivision to political subdivision.

TITLE II—AMENDMENTS TO THE GUN CONTROL ACT OF 1968

SEC. 201. Sec. 927 of title 18, United States Code is amended to read as follows:

"SEC. 927. EFFECT ON STATE LAW—(a) No provision of this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which such provision operates to the exclusion of the law enacted by the legislature of a State on the same subject matter, unless there is a direct and positive conflict between such provision and the law enacted by a State legislature so that the two cannot be reconciled or consistently stand together. By this chapter Congress does intend to exclude a law, regulation, or ordinance enacted by a political subdivision of a State which prohibits or regulates the ownership or possession of firearms or ammunition or any specific type of firearm or ammunition, unless such prohibition or regulation is specifically created by a statute enacted by Congress or the legislature of the State wherein the political subdivision is located.

"(b) Any political subdivision of a State which enacts a law, regulation, or ordinance which is in conflict with the provisions of this chapter is ineligible to participate in or receive funds from any federally funded law enforcement or criminal justice program, notwithstanding any other act of Congress."

SEC. 202. This Act shall become effective upon the date of enactment.

By Mr. PRESSLER:

S. 2124. A bill to provide relief from honey imports; to the Committee on Finance.

RELIEF FROM HONEY IMPORTS

Mr. PRESSLER. Mr. President, today I am introducing legislation to provide the U.S. honey industry relief from honey imports. My bill would increase the tariff rate on honey imports to a comparable amount of the tariff originally imposed in 1948. The legislation would increase the tariff rate for honey from 1 cent to 10 cents for nations with most-favored-nation status and from 3 cents to 20 cents for other countries.

In recent years, honey imports have increased dramatically and are now displacing domestic honey production. Honey imports were 8.5 million pounds in 1948 when the tariff on honey was originally imposed, and remained at about that level until the early 1970's when honey imports dramatically increased and continued to increase to 52.8 million pounds in the first 8 months of 1981. The increase in honey imports has resulted in the Commodity Credit Corporation acquiring 6 million pounds of surplus honey in 1980 and that amount is expected to more than double in 1981. The honey price support program provides a loan rate for honey at 60 percent of parity and provides that the producer will try to sell the honey, but if they are unable to sell the honey, the CCC will take possession of the honey. The present support price is 57 cents per pound which means if 12 million

pounds of honey are acquired, it will cost the CCC $6.8 million in 1981. The surplus honey is usually used in the school lunch program, but these large amounts cannot be distributed totally to the school lunch program.

To deal with the honey import problem, I am proposing to increase the tariff on honey imports from 1 cent to 10 cents per pound, which will make honey imports competitive with domestic honey production costs. Presently, honey exporting nations are selling honey in the United States at prices between 45 cents and 50 cents per pound. A 10 cent tariff will bring these prices in line with the domestic honey loan support price of 57 cents per pound. While these nations are exporting their surplus honey, they have imposed restrictive tariffs to protect their domestic industry and in some cases, actually subsidize their exports. For example, Mexico, our largest source of honey, has a 50-percent ad valorem tariff with a 2-percent export promotion charge and a 1½-percent port improvement fee. All major honey producing nations except the United States and Canada have at least a 27-percent tariff on honey imports. A 10-percent tariff on U.S. honey imports would be less than those imposed by other nations, but still help protect our domestic honey industry.

In fact, the International Trade Commission studied the impact of honey imports on the domestic honey industry in 1976. The ITC found that honey imports into the United States were in such increased quantities as to be a substantial threat to cause serious injury to the domestic honey industry. They recommended that a tariff-rate quota be implemented to protect the domestic honey industry. Unfortunately, the tariff was never imposed, so the injury to the domestic honey industry and the honey price support program has occurred.

For these reasons, I am proposing legislation to increase the tariff on honey imports to protect the domestic industry and reduce Federal outlays for the honey price support program. I urge my colleagues to join me in support of this legislation.

By Mr. COHEN (for himself, Mr. ROTH, and Mr. LEVIN):

S. 2127. A bill to revise the procedures for soliciting and evaluating bids for Government contracts and awarding such contracts, and for other purposes; to the Committee on Government Affairs.

COMPETITION IN CONTRACTING ACT OF 1982

Mr. COHEN. Mr. President, today I am introducing legislation to provide new procedures which will expand the use of competition in Government contracting and impose greater restrictions on the awarding of noncompetitive contracts. I am pleased to have Senator ROTH and Senator LEVIN as cosponsors of this legislation.

Under the Armed Services Procurement Act and the Federal Property and Administrative Services Act, formal advertising is the preferred method of procurement, with negotiation authorized by prescribed exceptions. Despite this emphasis on competition through formal advertising, negotiated contracts account for the vast majority of Government procurement dollars.

Negotiated contracts can be competitive—and our legislation recognizes and encourges competitive negotiation when it is the appropriate contracting method—but more than half of all negotiated contracts are now sole-sourced. These sole-sourced contracts are the ones that concern us.

According to figures compiled by the Office of Federal Procurement Policy (OFPP), out of a total of $110.2 billion awarded by Government agencies in fiscal year 1980, $38.9 billion was awarded competitively, $59 billion was negotiated without competition, and $12.3 billion used other methods.

Although OFPP has not estimated the potential cost savings that would have been achieved had the Government used competitive instead of noncompetitive procedures, several studies have indicated that as much as 25 percent can be saved through increased competition.

Outside of potential cost savings, competition in the procurement process generally provides for better quality. In some cases, competition may actually cost more, as in the dual-sourcing proposal advocated by Dr. Jacques Gansler, but the result is a better product and a stronger industrial base.

The bottom line is that competition among suppliers is necessary to maintain integrity in the expenditure of public funds by insuring that the good or service to be acquired is of the best quality at a low, if not the lowest, cost.

In our legislation, we have taken a new approach to Government contracting by distinguishing between competitive and noncompetitive procedures in lieu of formal advertising and negotiation.

In this manner, competitive negotiation is put on a par with formal advertising—competitive procedures—and exceptions are provided to justify noncompetitive procedures.

Recognizing that the exception, that is, negotiation, has become the rule, our legislation will first, increase the use of competition in contracting by permitting agencies to use the competitive method most conducive to the conditions of the contract, and second, impose greater restrictions on the awarding of noncompetitive contracts by shifting the emphasis from having to justify negotiation to having to justify noncompetitive procurements.

EXPANDING COMPETITION

The formal advertising requirement in present law is intended to keep the system honest and to assure full and free competition. As long as the Government is purchasing a common product, such as paper towels, formal advertising works well and is most appropriate.

Formal advertising, however, may actually inhibit the Government, in some cases, from taking advantage of the marketplace.

Detailed design specifications are inherent in this method of procurement where price alone is the consideration for contract award.

The result is that the base of suppliers tends to shrink to those few who manufacture to the unique Government specifications.

Moreover, this emphasis on formal advertising results in excessive justification requirements for the use of negotiated procurements. If contracting officers need to consider factors other than price in making awards, or wish to have any discussions with prospective contractors, they must satisfy one of the statutory exceptions. For all practical purposes, competitive negotiation lacks recognition as a bona fide competitive technique.

In our legislation, agencies would be permitted to use either competitive method—bidding with discussion—competitive negotiation—or bidding without discussion—formal advertising—whichever is most conducive to the conditions of the contract.

Generally, the nature of the product or the service to be acquired and the marketplace circumstances will dictate the most effective method.

By placing competitive negotiation on par with formal advertising, we are recognizing that competition takes more than one form.

Also, by eliminating the constraints put on negotiated contracts and all the attendant paperwork, we have lifted a great administrative burden off the shoulders of the executive agencies.

RESTRICTING SOLE-SOURCE PROCUREMENT

To control the use of negotiation under the present statutes, Congress has required that its use be justified under 1 of the 17 exceptions for the Department of Defense, NASA, and the Coast Guard, or 15 exceptions for the civilian agencies.

Each exception, in turn, has sub-exceptions which provide many opportunities for the contracting officer to negotiate—competitively or noncompetitively—rather than to formally advertise. Our concern is that negotiated awards made without competition represent a much larger portion of the total procurement dollar.

We found this to be the case during hearings on "hurry-up" spending held in the 96th Congress before the Senate Governmental Affairs Subcom-

mittee on Oversight of Government Management.

During the hearings, we found that sole-source procurements were easily justified under the competition-is-impracticable exception. This exception is broad and particularly easy to invoke.

In fact, we found that an agency's need to award a contract by the end of the fiscal year often became the motivation behind unnecessarily restrictive specifications that consequently made competition impracticable.

The subcommittee also found that sole-source contracts are often used to mask what are, at best, procrastinated policy decisions, or, at worst, collusive arrangements between high-level managers and contractors.

Other studies have made similar findings regarding this over-reliance on sole-source contracting. A July 1981 General Accounting Office report estimated that the Defense Department failed to obtain available competition in awarding $289 million in fiscal year 1979 contracts.

According to the report, in all cases where competition should have been obtained, contracting officials failed to follow proper contracting procedures to make sure that only one company could satisfy the procurement request.

Nor is this problem confined to the Department of Defense. An August 1981 GAO report found that the Department of Labor's Office of National Programs, which in the past had administered $600 million each fiscal year in grant and contract awards, often used sole-source awards without adequately justifying their use.

A GAO study currently underway is taking a more comprehensive overview of the use of sole-source awards of civilian agencies.

Our legislation would reduce the proportion of noncompetitive contracts by shifting the emphasis from having to justify negotiated contracts to having to justify noncompetitive contracts.

In so doing, it is essential that the exceptions to competitive contracting, which permit procurement through noncompetitive procedures, are specific enough to prevent abuse, but not overly restrictive so as to preclude sole-source procurement when necessary.

I am confident that the exceptions to competition provided in our legislation meet these requirements.

As a further check on unnecessary sole-source contracting, agencies, once they have determined that a noncompetitive contract is justified, would be required to make one last attempt to obtain competition through a procurement notice in some cases.

In the event that a contracting officer knows of only one source for a particular goods or service, the procurement notice flushes out the marketplace to find other potential competitors.

Through these new procedures, we will be able to expand the use of competition in Government contracting and restrict sole-source procurement to only those cases where it is truly required.

Although it is important to note that, in some cases, the Defense Department and civilian agencies cannot contract competitively, it is even more important to recognize that Government contractors routinely contract noncompetitively for items that could readily be contracted for on the open market. Our legislation addresses this problem and sets forth a workable solution.

I ask unanimous consent that a fact sheet on my legislation be included in the RECORD following my statement.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET—THE COMPETITION IN CONTRACTING ACT OF 1982

I. COMPETITIVE PROCEDURES

A. Present Law

The basic policy set forth in the Armed Services Procurement Act (10 U.S.C. 2301) and the Federal Property and Administrative Services Act (41 U.S.C. 251) is that contracts for services and property for the military departments and civilian agencies will be subject to competition when practicable.

Under the present law, federal procurements are accomplished by either of two methods: formal advertisement or negotiation. While formal advertising is required whenever feasible, the statutes establish exceptions to its use which provide contracting officers the authority to negotiate. It is important to note that formal advertising is always competitive, whereas negotiated awards may be either competitve or noncompetitive.

B. Legislative Proposal

The Competition in Contracting Act of 1982 distinguishes between competitive and noncompetitive procedures in lieu of formal advertising and negotiation. In this manner, competitive negotiation is put on par with formal advertising—competitive procedures—and exceptions are provided to justify noncompetitive procedures.

Executive agencies would be permitted to use either competitive procedure—bidding with discussion (competitive negotiation) or bidding without discussion (formal advertising)—whichever is most conducive to the conditions of the contract. The bill, however, retains a "preference" for bidding without discussion by stating that bids shall be evaluated without discussion under the circumstances provided in the legislation. Bids may be evaluated with discussion whenever the Executive agency determines that it is necessary to discuss the government's need or terms and conditions of the contract with bidders.

II. NONCOMPETITIVE PROCEDURES

A. Present Law

To control the use of negotiation, Congress has required that its use be justified under one of the 17 exceptions for the Department of Defense, NASA, and the Coast Guard (10 U.S.C. 2304(a)). or 15 exceptions for the civilian agencies (41 U.S.C. 252(c)). Many of these exceptions, however, not only authorize the use of negotiation but also permit the use of noncompetitive procedures.

B. Legislative Proposal

This legislation shifts the emphasis from having to justify negotiation to having to justify noncompetitive procurements. An Executive agency may use noncompetitive procedures in making purchases and contracts for property and services only when:

1. The property and services needed by the government are available only from a single source and no other type of property or service will satisfy the needs of the Executive agency.

This exception is a much more restrictive version of the "competition-is-impracticable" exception (10 U.S.C. 2304(a)(10); 41 U.S.C. 252(c)(10)). The "impracticable" exception has many sub-exceptions, provided in the Defense Acquisition Regulations (DARs) and the Federal Procurement Regulations (FPRs) which make it particularly easy to invoke. Our exception is more stringent as it permits sole-source procurement when it is truly warranted, i.e., when only a single source is available.

2. The Executive agency's need for the property or service is of such urgency that the government would be seriously injured by the delay involved in using competitive procedures.

This exception is a strengthened version of the "Public exigency" exception (10 U.S.C. 2304(a)(2); 41 U.S.C. 252(c)(2)). Unlike the present law, this exception recognizes the different degrees of urgency: some situations require immediate action, while others need attention, but not necessarily immediate. Therefore, competition to the maximum extent possible should be obtained.

3. It is necessary to award the contract to a particular source in order to maintain an essential industrial capability in the United States or to achieve national industrial mobilization.

This exception is adopted from the Armed Services Procurement Act (10 U.S.C. 2304(a)(16)), although its focus has been narrowed to justify only noncompetitive procurements. It is an approach advocated by defense experts to address the problem of the deteriorating U.S. defense industrial base.

4. The terms of any agreement with a foreign government, or the directions of any foreign government reimbursing the Executive agency for the cost of the procurement of property or services being procured for such government, have the effect of requiring the use of noncompetitive procedures.

This exception deals with two separate situations. The first situation in which noncompetitive procurements are justified is when an international agreement is made, e.g., between two NATO countries, to purchase a particular weapons system from one source. The second situation involves U.S. procurement of goods and services to be sold to another country. In this case, the foreign government chooses the contractor.

5. The statute requires that the procurement is made through another Executive agency or a specified source.

This exception groups together all the provisions of the U.S. Code which require procurement through a specified Executive agency (i.e., Small Business Administration under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) or through a specified

source (e.g., the Blind-made Products program, under 41 U.S.C. 48).

6. Disclosure of the Executive agency's needs to more than one source would jeopardize the national security.

This exception pertains to classified procurements when disclosure of an agency's needs to more than one source, even though many sources may have security clearances, would jeopardize national security.

III. PROCUREMENT NOTICE

A. Present Law

In order to increase the opportunity for competition, it is required in the Small Business Act that advance notice of procurement actions be publicized by inserting a synopsis of the procurement in the Commerce Business Daily (CBD) (15 U.S.C. 637(e)). All defense procurements of $10,000 and above, and all civilian procurements of $5,000 and above are subject to this requirement unless they fall within one of the exceptions set forth in the statute.

The regulations require that Executive agencies publicize in the CBD for a period of 10 days before the issuance of solicitations (DAR 1-1003.1; FPR 1-1.1003.1). This provides potential competitors which are not on current bidders lists ample time to prepare bids.

B. Legislative Proposal

The procurement notice requirement in this legislation distinguishes between notices for competitive and noncompetitive procurements. In competitive procurements expected to exceed $25,000, the Executive agency would be required to publish, as early as practicable in the procurement process, a description of the property or services to be procured.

For noncompetitive procurements expected to exceed $75,000, this notice would serve as a "double check" on the marketplace for potential competitors. Executive agencies, once they have determined that a noncompetitive contract is justified, would be required to publish a notice in the CBD as early as practicable, but not less than thirty days before the date on which the agency intends to award the contract. This more stringent requirement for noncompetitive procurements ensures that potential competitors have sufficient time to respond.

This legislation also provides exceptions to the procurement notice requirement. Included in this list are exceptions two through six which permit noncompetitive procedures. The first exception is not included since the procurement notice is needed to flush out the marketplace to find potential competitors. Other than these exceptions, procurements in which only foreign sources are to be solicited are also exempted from the notice requirement. The reason is because there is no foreign counterpart to the CBD.

IV. RECORDING REQUIREMENT

A. Present Law

The Office of Federal Procurement Policy Act requires the Administrator for OFPP to establish the Federal Procurement Data System (FPDS), a computer-based information system for collecting, developing, and disseminating procurement data (41 U.S.C., 405(d)(5)). The OFPP Act does not, however, require individual agencies to maintain detailed data on noncompetitive contracts.

B. Legislative Proposal

The Competition in Contracting Act requires Executive agencies to establish and maintain an identifiable file or list of all noncompetitive procurements, by fiscal year, which designates the contractor, the articles obtained, the dollar value, the justification for using noncompetitive procedures (pursuant to one of the six exceptions), and the name of the contracting officer for each procurement.

● Mr. ROTH. Mr. President, I rise in support of the Competition in Contracting Act of 1982. I am pleased to be an original cosponsor of the proposal and applaud Senator COHEN for his efforts in drafting this important piece of legislation. My understanding is that the legislation will be referred to the Governmental Affairs Committee and I intend to move ahead very quickly to report a measure to strengthen the use of competitive practices in Government procurement practices. The legislation we are introducing today represents a good beginning in our committee's efforts to enhance competition in the procurement process.

The Competition in Contracting Act of 1982 would encourage greater levels of competition in Federal procurement and impose new restrictions on solesourcing contracts throughout Government. It would do this by changing the focus of the existing procurement statutes to distinguish between truly competitive contracts and those which are not awarded competitively. Currently, the statute does not stress the competitive aspects of procurement and instead focuses simply on whether or not a particular contract was advertised or negotiated. While the use of advertising is important in Government contracting, and remains the preferred method of procurement under our bill, it is not the only type of competitive contracting method available. Our bill will encourage broader use of other competitive contracting methods and stimulate greater levels of real competition in Government procurement. In addition, the bill greatly narrows the number of exceptions in current law to using competitive practices and also requires a procuring agency to publish advance notice of most larger contracts, even those the agency feels should not be competed, so that potential competitors can place bids. This provision would act as a "double check" on the agency and encourage the marketplace to be used for a wider variety of contracts.

Mr. President, it is true that this bill would modify the procurement practices of all Federal agencies. However, I am particularly concerned about increasing the efficiency of procurement procedures in the Defense Department because that is where 75 percent of all procurement dollars will be spent next year. Real purchases of defense goods, including R. & D. and procurement of major weapons systems, will grow at an estimated rate of 16 percent annually under the President's budget between 1981 and 1987. This rate of growth exceeds the 14-percent annual rate of increase that occurred during the 3 peak years of the Vietnam buildup. Weapons system procurement and development, which totaled $48.9 billion in 1980 will reach a level of over $103 billion in the coming fiscal year. Clearly, with this magnitude of funding we must do everything possible to insure that our defense dollars are used effectively and purposefully.

My Committee on Governmental Affairs held 3 days of hearings last year on the management of the defense acquisition process. We heard testimony from the administration indicating that it is trying to improve the effectiveness and reduce the costs of the procurement system. Deputy Secretary Carlucci assured the committee that a series of management initiatives he had developed would help to curb the costs of the procurement system and give the taxpayers more reason to believe that they are getting a cost-effective return on their tax dollar.

Yet, one problem for years had plagued the DOD in its efforts to improve its management of massive, new weapons programs and that problem is the failure of the Department to encourage real competition in contracting. Fully two-thirds of the value of all DOD procurements are noncompetitive; that is, open to bidding from all interested and qualified parties. Out of a total of $65 billion awarded by DOD in 1980 over $40 billion was negotiated without competition. In one study, GAO reviewed 25 contracts that it believed should have been competed and determined that contracting officers did not make required reviews to assure that competitions was not possible and in 70 percent of these cases the contracting officers placed contracts with companies their supervisors had suggested. It appears that DOD is running an auction without a caller and with only one participant who is admitted by special invitation only.

We need to insure greater competition in DOD procurement for several reasons, of which reduction in cost is just one. The fondness of DOD to solesource its goods and services may be having a serious effect on our military industrial base. The practice of sole sourcing may contribute to reducing the number of firms willing to bid on DOD projects by shutting out innovative, smaller firms. For instance, only 25 firms currently hold approximately 50 percent of all defense contracts and only 8 firms conduct 45 percent of all defense research. Significantly, some 2,000 aerospace industry subcontractors disappeared from 1968 to 1975, many of them unique suppliers of critical defense components.

It is possible that excessive use of sole-source contracts by DOD was the final nail in the coffins of many of these contractors. By refusing to open

up the DOD marketplace to competition, we may be forcing many companies to fold or refuse to contract for defense projects, thereby reducing further any opportunity for competition.

Costs too can be reduced through the use of competitive contracts by DOD. Some studies suggest that as much as 30 percent can be saved through the use of competition in the acquisition process. For example, one analyst has estimated that competition and lack of extensive specs saved $640 million on the procurement of specialized ammunition for the A-10 aircraft. The Defense Science Board found more than a dozen examples of competed contracts for weapons such as the A.I.M.-7 missile and uncovered significant evidence of cost savings averaging nearly 15 percent. the D.S.B. concluded that, Competition is a powerful motivator for cost control.

Yet, with all of this evidence, DOD continues to fail to use the forces of the marketplace to reduce costs. DOD claims that it is difficult to use competitive contracts in many cases and yet, as the Defense Science Board noted, there is very little definitive evaluation by DOD on the real cost value of competition. In other words, DOD cannot stand the taste of the medicine it needs even though it has not tasted it yet.

Without competition in acquisition there are few incentives on the part of the contractor of the DOD to reduce costs. DOD is helping to create a new army, one composed of a few select companies who yearn to operate in the warm glow of a monopoly contract. There may be some rivalry during the initial phases of an award for research and development but frequently the competitors fight with kid gloves with a referee who will not let anyone get hurt. In the end, one firm becomes the sole developer and producer for a weapon for a decade or more.

Competition in DOD programs is not the only cost-reducing technique but it is one of the most important. Unnecessary costs must be brought under control soon for the American people cannot be fooled for long. More dollars must not mean more unnecessary expenses. Even now, Congress is considering scaling back the increases in defense spending originally proposed by the President. Without visible, effective, and lasting changes in DOD's efforts to buy more systems, the clamor for more defense cuts can only get louder.

I am confident the legislation we introduce today will begin the process of insuring more effective management of procurement by using the discipline of the marketplace to control costs. I look forward to working for the passage of legislation to enhance competition and I congratulate Senator COHEN for his initiative on this issue.●

● Mr. LEVIN. Mr. President, I commend my colleague from Maine, Senator COHEN, for taking the initiative to propose legislation that will revamp the way this Government purchases goods and services from the private sector. I am pleased to lend him my full support as a cosponsor to the measure, because I have long recognized along with him the severe problem that the bill seeks to address: The lack of adequate competition in Federal procurements.

On several occasions I have brought to the attention of this body the outrageously high use of sole-source contracts by the Department of Defense (DOD) during the last session. At that time I quoted DOD figures for noncompetitive procurements for fiscal year 1980. The new figures are in for fiscal year 1981, and it is obvious that, without new legislation on this subject, the noncompetitive contracting problem will not go away.

DOD awarded $45 billion in contracts, or 64.3 percent of the DOD procurement budget for fiscal year 1980, through noncompetitive contracts. For fiscal year 1981, the figures did not improve substantially: 59.2 percent of the DOD procurement budget was spent noncompetitively. Although the 59.2 percent is a 5-percent improvement from the 1980 percentage of noncompetitive dollars, in fiscal year 1981, the procurement budget was almost $20 billion greater than in 1980. Thus, over $50 billion in 1981, as opposed to $45 billion in 1980, was spent through noncompetitive procedures by DOD.

Although I emphasize the DOD, it is not alone in the abuse of sole-source contracts. Several agencies' track records are as bad or worse. That is why this legislation, now being offered by Senator COHEN, is so necessary.

Mr. President, the bill being introduced today by my colleague from Maine carries with it an advanced public notice provision similar to that which I have advocated for the Defense Department. The legislation contains an additional provision, however, that restructures the basic methods of procurement throughout the Federal Government.

By treating competitive negotiation and formal advertising as equally acceptable methods of procurement, this bill reduces executive agency burdens under existing law that accompany the justification of any form of negotiation for contract awards. Rather, the bill places the heaviest burdens for executive agency justifications on determinations to award contracts noncompetitively. By passing this legislation, Congress will be expressing its firm desire that contracts be awarded competitively, whether through formal advertising or competitive negotiation, and not through noncompetitive procedures.

Mr. President, this approach has been tendered by the Office of Federal Procurement Policy (OFPP) in its recent draft proposal for a uniform Federal procurement system. The approach is more rational and logical than the existing system, given the diverse needs of procuring agencies. It is high time we recognize the need to make this type of change in Federal procurement in order to bring about greater efficiencies in procurement, as well as greater savings.

I urge all of my colleagues, on both sides of the aisle, to recognize the urgent need for this change to the Federal procurement process, and to join us on this bill as cosponsors.●

By Mr. MOYNIHAN:

S. 2128. A bill to limit the availability and use of handgun bullets that are capable of penetrating certain body armor; to the Committee on the Judiciary.

LAW ENFORCEMENT OFFICERS' PROTECTION ACT OF 1982

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation designed to address one of the more serious and potentially dangerous problems facing our Nation's law enforcement community, the proliferation of so-called cop killer bullets.

It is well known that law enforcement is a particularly dangerous and far too often unappreciated occupation. We have entrusted law enforcement officers with the tremendous responsibility of protecting us against those who would commit acts of violence. In return, it is our duty to provide these officers with the maximum possible protection from the dangers to which they are exposed daily.

The development of bulletproof vests in the mid-1970's provided a significantly greater degree of protection to law enforcement officers than had previously been the case. Indeed, these vests have now been credited with saving the lives of some 400 law enforcement officers. FBI statistics indicate that the number of law enforcement officers murdered in the line of duty declined 28 percent between 1974, when such vests began being used by police departments, and 1978.

But a new type of bullet has recently entered the market, a bullet whose only conceivable purpose is to render the protective armor worn by police virtually useless. These are high velocity, small caliber, pointed bullets made of hard metal alloy or steel jacketed lead. Those who manufacture these bullets claim they are intended for police use, yet not one police department in the country will use them. In fact, police organizations are leading the call for a ban on these bullets. And that is precisely what my bill will do.

This legislation, which is identical to a bill introduced in the House of Rep-

resentatives by Congressman BIAGGI, himself a much-decorated former policeman, would require the Department of the Treasury to determine which handgun bullets can penetrate the equivalent of 18 layers of kevlar, which is the composition of most police vests. The Department would then publish its findings in the Federal Register, and 60 days after publication those bullets identified would be banned from further manufacture, import, sale, or use. Any licensed importer, manufacturer, or dealer who violated this act would be subject to a fine of not more than $10,000, imprisonment for not more than 10 years, and revocation of their Federal license.

In addition, a person using or carrying an illegal bullet during the commission of a felony would be subject to a mandatory minimum prison sentence of not less than 1 year nor more than 10 years for the first offense, and not less than 2 years nor more than 25 years for the second or any subsequent offense.

We must afford the law enforcement community the maximum protection possible. Banning these bullets, which exist for no other reason than to nullify the protection gained by those who wear bulletproof vests, will increase that protection. Therefore, on behalf of the men and women of the law enforcement community, I ask your support for this eminently sensible legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Law Enforcement Officers' Protection Act of 1982".

SEC. 2. (a) Whoever, being a licensed importer, manufacturer, or dealer under chapter 44 of title 18, United States Code, imports, manufactures, or sells a restricted handgun bullet, except as specifically authorized by the Secretary of the Treasury for purposes of public safety or national security, shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and the license of such person shall be subject to revocation under such chapter.

(b) Whoever—

(1) uses a restricted handgun bullet to commit any felony for which he may be prosecuted in a court of the United States; or

(2) carries a restricted handgun bullet unlawfully during the commission of any felony for which he may be prosecuted in a court of the United States;

shall, in addition to the punishment provided for the commission of such felony be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two nor more than twenty-five years. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of a conviction of such person under this subsection or give him a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony.

SEC. 3. (a) The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this Act, including regulations requiring appropriate persons to provide samples of bullets for testing under this Act.

(b) Any regulation identifying a bullet as a restricted handgun bullet shall take effect 60 days after the date on which such regulation is promulgated in accordance with applicable law.

SEC. 4. As used in this Act, the term—

(1) "body armor" means a commercially available, soft, lightweight material with penetration resistance equal to or greater than that of eighteen layers of kevlar;

(2) "handgun" means a firearm originally designed to be fired by the use of a single hand; and

(3) "restricted handgun bullet" means a bullet that, as determined by the Secretary of the Treasury, when fired from a handgun with a barrel five inches or less in length, is capable of penetrating body armor.●

By Mr. MITCHELL:

S. 2129. A bill to establish an ocean and coastal resources management and development fund and to require the Secretary of Commerce to provide to coastal States national ocean and resources management and development block grants from sums in the fund; to the Committee on Commerce, Science, and Transportation.

OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANT ACT

Mr. MITCHELL. Mr. President, the budget for fiscal year 1983 which President Reagan submitted to Congress earlier this month has many facets. In my judgment, one of its most alarming features is the absence of adequate funding for resource conservation and management efforts important to coastal States such as Maine.

Consider for a moment the coastal programs which President Reagan would either substantially reduce in size and scope or would eliminate altogether:

The coastal zone management (CZM) program with which State and local governments attempt to balance economic development needs with resource conservation goals. This important planning and management effort, under the President's budget, would receive only $6.409 million in fiscal year 1983, or $1.1 million less than it received in fiscal year 1982. Included in this cutback is a reduction in the estuarine sanctuary program and a reduction in program management activities in the State program administration (section 306) grant program.

The national sea grant college program which was established in 1966 to promote the development and preservation of coastal and marine resources through a network of sea grant colleges and universities, including the University of Maine. President Reagan proposes to terminate this program, which in fiscal year 1982 is receiving $34 million. The President's fiscal year 1983 budget contains a mere $1.8 million to provide for an orderly phaseout of the program.

The coastal energy impact program (CEIP) which seeks to provide assistance to coastal States and their local governments in responding to the impacts of Outer Continental Shelf and other energy development activities. The President has proposed terminating this program which provided States and localities with funds to plan for, and cope with, the changes which will inevitably result from offshore energy development.

The anadromous fisheries grant program, which provides States with aid to develop endangered anadromous fisheries. The President proposes to end this program which is being funded at a level of $3 million in fiscal year 1982.

The commercial fisheries research and development grant program and the fisheries development grant program: In fiscal year 1982, these two aid-to-coastal-State programs will receive $6 million. In fiscal year 1983, if the President prevails, they will be zeroed.

Mr. President, I am familiar with all of these programs and their benefits to the State of Maine. For instance, I am aware that the commercial fisheries development grants enable Maine's State government to provide the fishing industry with marketing assistance, aid in the development of more effective gear, and with extension services. I am also aware that without the anadromous fisheries program, we would not be rejuvenating the American shad population in the Kennebec and Androscoggin Rivers and Alewife stocks in the Damariscotta River. Moreover I know that without adequate Federal help, Maine may not be able to adequately survey its clam flats for the dangerous red tide, will be hard pressed to adequately gage the increasing pressure on its lobster stocks, and will have to substantially reduce its ongoing fisheries research and development projects.

Mr. President, these are programs which do not receive great attention in the press, but they are of substantial benefit to the fishing industry and to residents of coastal States concerned about the nature of change in their communities. Collectively, these programs have taken many years to build into effective working systems, and they simply must not be shelved at

this time. Members of Congress from coastal States must not permit the Federal Government to get out of the business of helping States, localities and the fishing industry, while the Federal Government continues to challenge all three with new responsibilities, greater planning requirements, and new and complicated regulations.

Mr. President, in an effort to save the sea grant program, coastal planning programs, and vital fisheries programs, I am today introducing legislation which would dedicate a set percentage of OCS revenues to fund a continuation of these efforts.

This bill, the Ocean and Coastal Resources Management and Development Block Grant Act, would set aside in a special fund an amount equivalent to 10 percent of the difference between the fiscal year 1982 OCS revenues and the revenues generated in a subsequent fiscal year. For example, fiscal year 1982 revenues from OCS rentals, bonuses, and royalties are estimated to near $7.9 billion. The amount of moneys going into the special fund in fiscal year 1984 would be calculated by taking 10 percent of the difference between $7.9 billion and the fiscal year 1983 OCS revenues.

DISPERSAL OF MONEYS IN THE FUND

The fund would be used to finance the national sea grant program and block grants to States. The existing CZM, CEIP, fisheries programs and related efforts, in turn, would be continued by the States with their block grant funds.

Each year the national sea grant program would receive a minimum of 10 percent and a maximum of 20 percent of the fund's revenues. Sea grant moneys would be distributed to eligible institutions under existing allocation procedures.

The fund's remaining revenues, between 80 and 90 percent would go to the coastal block grants. States would receive such grants according to a formula which would be based on five equally weighted elements:

First. Actual OCS oil and gas leasing activity and volume of oil and gas first landed in State;

Second. Proposed OCS oil and gas leasing activity;

Third. Coastal related energy facilities, including coal activity;

Fourth. Shoreline mileage only for States with approved coastal zone management plans; and

Fifth. Coastal population only for States with approved coastal zone management plans.

BLOCK GRANT USES

Under the bill's provisions, a recipient State would be required to spend 40 percent of its grant on coastal zone management and coastal energy impact program activities. In addition, a State would be further required to spend 20 percent of its block grant funds—that is, 40 percent of the grant—could be spent by the State on CZM, CEIP, fishing programs efforts to enhance and/or manage natural resources, or on activites designed to promote renewable energy resources which might someday supplant the nonrenewable fuel sources from which the fund's revenues are derived. It would be up to each recipient State to determine the emphasis of its own block grant program. The flexibility available to the States would be enormous.

Mr. President, yesterday, Congressman NORMAN D'AMOURS of New Hampshire and Congressman WALTER B. JONES of North Carolina introduced legislation which is largely, though not entirely, identical to the bill I am introducing today in the Senate. I am indebted to Congressman D'AMOURS and Congressman JONES for their leadership in advancing the concept of OCS block grants for coastal programs and I look forward to working with them on this important legislative initiative during this session.

Mr. President, I ask unanimous consent that the text of the Senate version of the Ocean and Coastal Resources Management and Development Block Grant Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Ocean and Coastal Resources Management and Development Block Grant Act".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) the term "coastal state" means any State of the United States in, or bordering on, the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes, and includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa;

(2) the term "outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in section 2(f) of the Submerged Lands Act (43 U.S.C. 1301(f)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control; and

(3) the term "Secretary" means the Secretary of Commerce.

OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT FUND

SEC. 3. (a) There is established in the Treasury of the United States a fund to be known as the Ocean and Coastal Resources Management and Development Fund (hereafter in this Act referred to as the "Fund").

(b)(1) Except as provided in paragraph (2), the Secretary of the Treasury shall pay into the Fund not later than September 30, 1983, and not later than each September 30 occurring after September 30, 1983, an amount equal to 10 per centum of the amount by which all sums deposited in the Treasury of the United States pursuant to section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) during the fiscal year ending on each such September 30 exceeds all sums deposited in the Treasury of the United States pursuant to such section during the fiscal year ending on September 30, 1982.

(2) The total amount paid into the Fund during any fiscal year pursuant to paragraph (1) shall not exceed $300,000,000.

(c)(1) As provided in advance by appropriation Acts, the Secretary shall use for the fiscal year ending on September 30, 1984, and for each fiscal year ending after September 30, 1984, an amount equal to not less than 10 per centum and not more than 20 per centum of any sums paid into the Fund during each such fiscal year pursuant to subsection (b)(1) to carry out the National Sea Grant College Program Act (33 U.S.C. 1121-1131).

(2) As provided in advance by appropriations Act, the Secretary shall use the total amount of any sums paid into the Fund during each fiscal year pursuant to subsection (b)(1), which are not used to carry out the National Sea Grant College Program Act pursuant to paragraph (1), to provide block grants pursuant to section 4.

NATIONAL OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANTS

SEC. 4. (a) Subject to subsections (b) and (c), the Secretary shall provide for the fiscal year ending on September 30, 1984, and for each fiscal year ending after September 30, 1984, to each coastal state a National ocean and coastal resources management and development block grant (hereafter in this Act referred to as a "block grant") from sums paid into the Fund during each such fiscal year pursuant section 3(b)(1).

(b)(1) No coastal state may receive a block grant for a fiscal year unless such coastal state has submitted to the Secretary a report for such fiscal year which—

(A) specifies the allocation by such coastal state of the block grant among coastal zone management activities, coastal energy impact programs, living marine resource programs, and natural resources enhancement and management;

(B) describes each activity receiving funds provided by the block grant; and

(C) supports the eligibility under section 5 (a) each activity receiving funds provided by the block grant.

(2) Each coastal state submitting a report under paragraph (1) shall hold at least one public hearing on each report before the report is submitted under paragraph (1) and shall provide other opportunities for the public to review and comment on the report before the report is submitted under paragraph (1).

(c) The amount of each block grant provided under subsection (a) for a fiscal year to a coastal state shall be determined by the Secretary under a formula established by the Secretary which gives equal consideration to each of the following criteria:

(1) For each coastal state, the equal combination of—

(A) the amount of actual leasing with respect to oil and gas which is carried out under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the last fiscal year ending before such fiscal year and which occur within the outer Continen-

tal Shelf planning area to which such coastal state is adjacent; and

(B) the volume of oil and gas produced from outer Continental Shelf acreage leased by the Federal Government which is first landed in such coastal state during the last fiscal year ending before such fiscal year.

(2) For each coastal state, any proposed oil and gas lease sales which are specified by the outer Continental Shelf leasing program prepared pursuant to section 18(a) of the Outer Continental Shelf Land Act (43 U.S.C. 1344(a)) and which are scheduled to occur during such fiscal year within the outer Continental Shelf planning area to which such coast state is adjacent.

(3) The coastal related energy facilities (including coal facilities) located within each coastal state during the last fiscal year ending before such fiscal year.

(4) The shoreline mileage of each coastal state for which the Secretary has approved a management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

(5) The coastal population of each coastal state for which the Secretary has approved a management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455).

REQUIREMENTS ON THE USE OF BLOCK GRANTS

SEC. 5. (a) Block grants provided to a coastal state pursuant to section 4(a) may only be used for the following eligible activities:

(1) Activities of such coastal state authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(2) Activities of such coastal state under the coastal energy impact program administered under section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1457).

(3) Activities of such coastal state for the enhancement and management of living marine resources.

(4) Activities of such coastal state for the enhancement and management of its natural resources.

(5) Activities of such coastal state to improve the opportunities and benefits from renewable natural resource industries and energy source.

(b) The Secretary shall insure that any coastal state receiving a block grant under section 4(a) will use at least—

(1) 40 per centum of the amount of each block grant for eligible activities specified by paragraph (1) and paragraph (2) of subsection (a); and

(2) 20 per centum of the amount of each block grant for eligible activities specified by paragraph (3) of subsection (a).

(c) Any coastal state which the Secretary determines uses any funds provided by a block grant under section 4(a) for an activity not specified in subsection (a), in an amount less than specified in subsection (b), or in any other manner inconsistent with this Act, shall repay such funds to the Fund. If a coastal state does not repay any funds required to be repaid under this subsection, the Secretary may reduce the amount of any block grant or grants provided under section 4(a) by the amount of such required repayment.

EVALUATION ASSESSMENT

SEC. 6. (a) Under regulations promulgated by the Secretary, any coastal state receiving a block grant for fiscal year under section 4(a) must submit to the Secretary an evaluation assessment on the expenditure of funds provided by the block grant.

(b) Each evaluation assessment submitted by a coastal state for a fiscal year under subsection (a) must contain an audit of all funds provided by the block grant received by such coastal state for such fiscal year. Any audit contained in an evaluation assessment pursuant to this subsection shall be conducted by an entity which is independent of any agency or official administering or using funds provided by such block grant and shall be undertaken in accordance with generally accepted accounting principles.

By Mrs. KASSEBAUM (for herself, Mr. HATFIELD, Mr. JACKSON, Mr. METZENBAUM, Mr. NUNN, Mr. PELL, Mr. RANDOLPH, and Mr. WILLIAMS):

S. 2130. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development of drugs for rare diseases and conditions, and for other purposes; to the Committee on Labor and Human Resources.

ORPHAN DRUG ACT

● Mrs. KASSEBAUM. Mr. President, last July I introduced legislation designed to encourage the development of drugs for the treatment of rare diseases and conditions. These drugs are commonly known as orphan drugs due to the fact that high development and drug approval costs coupled with a small market for their use give these drugs limited commercial value. Thus, even in cases where a promising treatment has been discovered, it is frequently not made generally available because of the substantial financial loss which would be incurred by its manufacturer.

This legislation, which is the companion to a bill offered by Representative TED WEISS, is cosponsored by a bipartisan group of 26 Senators. Public awareness of the orphan drug issues has heightened considerably over the past year—generating serious discussion among congressional, executive branch, research, health organization, and industry representatives as to how this problem might be successfully addressed.

Today, I am introducing a new orphan drug bill which attempts to deal with impediments to the development of these drugs which were not covered in my previous legislation. This measure is substantially identical to the Orphan Drug Act, H.R. 5238, introduced by Representative HENRY WAXMAN in December. Senators HATFIELD, JACKSON, METZENBAUM, NUNN, PELL, RANDOLPH, and WILLIAMS have joined me in cosponsoring this measure.

This legislation has three major thrusts:

First, it provides the flexibility in drug approval requirements necessary to reduce regulatory costs and to recognize the unique problems facing orphan drug testing due to small test populations. At the same time, assurances of drug safety and efficacy are maintained;

Second, it provides better coordination among Federal agencies such as the National Institutes of Health and the Food and Drug Administration through the establishment of an interagency committee on orphan drug development within the Department of Health and Human Services; and

Third, it provides financial incentives for the development of orphan drugs in recognition of cost factors which currently discourage their production.

This legislation offers a balanced and effective approach for dealing with the dual tragedy faced by the millions of Americans who are afflicted with rare, debilitating diseases and who further find it virtually impossible to obtain treatment. In addition, this approach meshes well with a number of related efforts within the public and private sectors.

The Pharmaceutical Manufacturers Association and its member companies, for example, have established a commission on drugs for rare diseases. This commission will offer a mechanism for bringing together the promising ideas of independent investigators and the resources of the pharmaceutical industry as part of a voluntary effort to put more orphan drugs on the market. The flexibility and incentives provided by the Orphan Drug Act would give added force to this private sector effort.

The reports of both the House and Senate Appropriations Committees on the fiscal year 1982 agriculture appropriations bill direct the Food and Drug Administration to take an active role in addressing the orphan drug problem. The Senate committee report went on to note the need for cooperation among all Federal entities involved with drug research, approval, and testing. In addition to FDA activity in this area, the National Institutes of Health and the Center for Disease Control have undertaken work with rare diseases and conditions. The statutory mandate for interagency coordination included in the Orphan Drug Act offers a means to achieve needed collaboration.

Finally, I would be remiss if I did not acknowledge the importance of the unrelenting work of private citizens—many of whom have firsthand knowledge of the personal tragedies associated with rare diseases and conditions. These individuals have played a crucial role in focusing attention on the orphan drug issue and in promoting solutions to it.

I hope that this legislation can receive prompt attention and urge my colleagues to add their support.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of my bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Orphan Drug Act".

(b) The Congress finds that—

(1) there are many diseases and conditions, such as Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette syndrome, and muscular dystrophy which affect such small numbers of individuals that the diseases and conditions are considered rare;

(2) adequate drugs for many of such diseases and conditions have not been developed and are not expected to be developed;

(3) drugs for these diseases and conditions are commonly referred to as "orphan drugs";

(4) because so few individuals are affected by any one rare disease or condition, a pharmaceutical company which develops an orphan drug may reasonably expect the drug to generate relatively small sales in comparison to the cost of developing the drug and consequently to incur a financial loss;

(5) there is little reason to believe that all promising orphan drugs will be developed without changes in the applicable Federal laws to reduce the costs of developing such drugs and to provide financial incentives to develop such drugs; and

(6) it is in the public interest to provide such changes and incentives for the development of orphan drugs.

SEC. 2. (a) Section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)) is amended—

(1) by inserting after "substantial evidence" in clause (5) the following: "(or, in the case of a drug designated under subsection (i)(3)(A), a lack of sufficient evidence)"; and

(2) by adding at the end the following: "If the Secretary determines that the information submitted or before him for a drug designated under subsection (i)(3)(A) consists of adequate and well controlled investigations, including at least one clinical investigation, conducted by experts qualified by scientific training and experience to evaluate the effectiveness of the drug, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof, the Secretary may find that the evidence for such drug is sufficient for purposes of clause (5) of this subsection and the first clause (3) of subsection (e)."

(b) Section 505(e) of the Federal Food, Drug, and Cosmetic Act is amended by inserting after "substantial evidence" in the first clause (3) the following: "(or, in the case of a drug designated under subsection (i)(3)(A), a lack of sufficient evidence)".

SEC. 3. (a) Section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) is amended by redesignating paragraph (2) as paragraph (3) and by inserting before that paragraph the following:

"(2) If the Secretary determines that there is a need to continue to receive information, after the date of approval of an application for a drug designated under subsection (i)(3)(A), concerning the effect of the drug for the disease or condition for which it was designated, the Secretary may by order require the holder of the application to establish and maintain a system for identifying and collecting data and other information respecting the effectiveness of the drug for the disease or condition for which it was designated under subsection (i)(3)(A) and to make reports to the Secretary of the data and other information received or otherwise obtained by such holder under the system.".

(b) Section 505(j)(1) of such Act is amended by striking out ": *Provided, however,* That regulations and orders issued under this subsection" and inserting in lieu thereof a period and the following: "Regulations and orders issued under this paragraph or paragraph (2)".

(c) Section 505(e) of such Act is amended by striking out "paragraph (2)" in the second clause (1) and inserting in lieu thereof "paragraph (3)".

SEC. 4. (a) Section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (i)) is amended (1) by inserting "(1)" after "(i)", (2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and (3) by adding at the end the following:

"(2)(A) The Secretary shall promulgate regulations for exempting from the operation of the foregoing subsections of this section drugs intended solely for drug treatment investigations. Such regulations, among other conditions relating to the protection of the public health, shall provide for conditioning such exemption upon the circumstances described in subparagraphs (B) and (C).

"(B) A drug may be exempted under this paragraph only if—

"(i) an application for such exemption has been submitted to and approved by the Secretary, and

"(ii) the applicant has submitted to the Secretary reports of preclinical tests (including tests on animals) adequate to justify the use of the drug in a drug treatment investigation.

"(C) An application for an exemption under this paragraph may be approved only if the applicant will—

"(i) in the case of an applicant who is a physician, dispense the drug only to patients of the applicant with the disease or condition to be treated with the drug or, in the case of any other applicant, distribute the drug only to individual physicians who will dispense the drug only to their patients with such disease or condition;

"(ii) require that the drug not be dispensed to humans other than by, or under the supervision of, a physician;

"(iii) conduct the investigations in accordance with the application;

"(iv) comply with such informed consent requirements as the Secretary may prescribe;

"(v) establish and maintain records and submit reports to the Secretary regarding the investigations in order to enable the Secretary to determine whether the conditions of the exemption are being fulfilled; and

"(vi) report to the Secretary information regarding newly discovered risks of the drug or regarding the effectiveness of the drug in order to enable the Secretary to determine whether the risks to human participants continue to be outweighed by the benefits to those participants from the investigation.

"(D) For purposes of subparagraph (A), the term 'drug treatment investigation' means an investigation of a drug designated under paragraph (3)(A) which involves human participants with the disease or condition for which the drug was designated and who cannot be satisfactorily served by alternative methods of diagnosis, cure, mitigation, treatment, or prevention, and which investigation is primarily intended to provide diagnosis, cure, mitigation, treatment, or prevention for such participants rather than to assess the risks and effectiveness of the drug involved.

"(3)(A) The manufacturer or the sponsor of a drug to be exempted by regulations under paragraph (1) or (2) may apply to the Secretary for a designation of the drug as a drug for a rare disease or condition in the States. If the Secretary finds that a drug for which an application is submitted under this subparagraph is to be developed for a rare disease or condition, the Secretary shall designate the drug as a drug for that disease or condition.

"(B) Notice respecting the designation of a drug under subparagraph (A) shall be made available to the public.".

(b) The last sentence of section 505(i)(1) of such Act (as redesignated by the amendment made by subsection (a)(1) of this section) is amended by striking out "subsection" and inserting in lieu thereof "paragraph".

SEC. 5. Section 505(c) of such Act is amended by adding after and below paragraph (2) the following: "If the Secretary approves an application filed pursuant to subsection (b) for a drug designated under subsection (i)(3)(A) for a rare disease or condition and for which a United States Letter of Patent may not be issued, the Secretary may not approve an application for such drug for such disease or condition which is submitted by an applicant who is not the holder of such approved application until the expiration of seven years from the date of the approval of the approved application."

SEC. 6. (a) There is established in the Department of Health and Human Services an interagency committee for the development of drugs for rare disease or conditions to be known as the Committee on Orphan Drug Development. The Committee shall be comprised of the Assistant Secretary for Health of the Department of Health and Human Services, the Surgeon General, and representatives, selected by the Secretary of Health and Human Services, of the Food and Drug Administration, the National Institutes of Health, and any other Federal department or agency which the Secretary determines conducts activities relating to drugs for rare diseases or conditions. The Assistant Secretary for Health shall chair the Committee.

(b) The function of the Committee shall be to promote the development of drugs for rare diseases or conditions by—

(1) evaluating—

(A) the effect of the amendments made by this Act on the development of such drugs, and

(B) the implementation of such amendments;

(2) evaluating the activities of the National Institutes of Health for the development of drugs for such diseases or conditions,

(3) assuring appropriate coordination between the Food and Drug Administration and the National Institutes of Health in the carrying out of their respective functions relating to the development of drugs for such diseases or conditions to assure that the activities of each agency are complementary,

(4) informing physicians and the public respecting the availability of drugs for rare diseases or conditions either under an exemption provided under section 505(i) of the

Federal Food, Drug, and Cosmetic Act or approved under section 505(c) of such Act,

(5) seeking business entities to undertake the sponsorship of drugs for rare diseases or conditions, and

(6) recognizing the efforts of public and private entities and individuals in seeking the development of drugs for rare diseases or conditions and in developing such drugs.

(c) The Committee shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives an annual report—

(1) describing the activities of the Committee, and

(2) containing the results of the evaluations carried out by the Committee.

The Director of the National Institutes of Health shall submit to the Committee for inclusion in the annual report a report on the rare disease and condition research activities of the Institutes of the National Institutes of Health. The Secretary of the Treasury shall submit to the Committee for evaluation and inclusion in the annual report information with respect to the use of the credit allowed under section 44H of the Internal Revenue Code of 1954. Each annual report shall be submitted by June 1 of each year.

SEC. 7. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44G the following new section:

"SEC. 44H. EXPERIMENTAL EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified experimental expenses paid or incurred by the taxpayer during such taxable year.

"(b) QUALIFIED EXPERIMENTAL EXPENSES.—FOR PURPOSES OF THIS SECTION—

"(1) IN GENERAL.—The term 'qualified experimental expenses' means any amount paid or incurred for activities carried out in connection with an exemption for an orphan drug under paragraph (1) or (2) of section 505(i) of the Federal Food, Drug, and Cosmetic Act.

"(2) EXPENSES MUST BE RELATED TO USE FOR RARE DISEASE OR CONDITION.—Amounts may be taken into account under paragraph (1) only to the extent they are attributable to activities related to the use of the orphan drug for the disease or condition for which it was designated under section 505(i)(3)(A) of the Federal Food, Drug, and Cosmetic Act.

"(3) AMOUNTS PAID FOR LAND, ETC.—Amounts paid or incurred for land (or improvements to land) or for property of a character subject to the allowance for depreciation shall not be taken into account under paragraph (1); except that allowances under section 167 shall be treated as expenses.

"(c) ORPHAN DRUG.—For purposes of this section, the term 'orphan drug' means any drug—

"(1) which is designated under section 505(i)(3)(A) as a drug for a rare disease or condition, and

"(2) with respect to which the taxpayer makes an election under this paragraph.

An election under paragraph (2) shall be made at such time and in such manner as the Secretary shall by regulations prescribe.

"(d) DISALLOWANCE OF CREDIT OR DEDUCTION FOR QUALIFIED EXPERIMENTAL EXPENSES.—Any amount for which a credit is allowable under this section (determined without regard to subsection (e))—

"(1) shall not be taken into account under section 44F (relating to credit for increasing research activities), and

"(2) shall not be allowed as a deduction under any provision of this title.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by this section for any taxable year shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

"(f) TERMINATION.—This section shall not apply to expenditures made after December 31, 1989.".

(b) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 44G the following new item:

"Sec. 44H. Experimental expenses for certain drugs for rare diseases.".

(c) The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

ORPHAN DRUG ACT—SECTION-BY-SECTION ANALYSIS

SECTION 1. STATEMENT OF FINDINGS

This section outlines the need for legislation, noting that drugs are not being made available for the treatment of rare diseases and conditions due to the financial loss entailed by their development.

Examples of rare diseases and conditions, including their estimated incidences:

Amyotrophic lateral sclerosis (ALS), 9,000.
Cerebral Palsy, 750,000.
Cystic Fibrosis, 40,000.
Friedreich's Ataxia, 4,000.
Multiple Sclerosis, 500,000.
Muscular Dystrophy, 200,000.
Myasthenia gravis, 20,000 to 80,000.
Myoclonus, 2,000
Neurofibromatosis (Elephant Man's disease), 100,000.
Parkinson's Disease, 200,000.
Spina bifida, 27,500.
Spinal Cord Injury, 125,000.
Tourette Syndrome, 100,000.

SECTION 2. HUMAN CLINICAL TRIALS

Currently, all drugs must be tested in two adequate and well-controlled human clinical trials. This section amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to permit the Food and Drug Administration to approve a new orphan drug based on one adequate and well-controlled human clinical trial provided that the trial shows the drug to be effective. Should the FDA determine that the single trial did not prove the efficacy of the drug, an additional trial would still be required. Currrent requirements that a drug be proven safe are not changed by this section.

SECTION 3. POST-MARKETING RECORDKEEPING

This section amends the FFDCA to authorize the FDA to require the manufacturer of an approved drug for a rare disease to establish and maintain a system for collecting data about the drug's effectiveness when in public use.

SECTION 4. TREATMENT IND'S AND ORPHAN DRUG DESIGNATION

This section amends the FFDCA to authorize the FDA to make available for treatment drugs for rare diseases which are still being tested. Treatment would be provided on a limited basis only in cases where no drug treatment or therapy for the rare disease is available other than the drug which is being tested.

This section also provides for FDA designation of a drug as being a drug for a rare disease following a request for such designation by the sponsor of the drug and a determination by FDA that such a designation is appropriate. Public notice of orphan drug designation must be provided.

SECTION 5. EXCLUSIVE MARKETING FOR NONPATENTABLE ORPHAN DRUGS

This section amends the FFDCA to establish a seven-year period of exclusive marketing for a drug for a rare disease which is not patentable. The period for exclusive marketing will begin with the date the drug is approved by the FDA.

SECTION 6. INTERAGENCY COMMITTEE ON ORPHAN DRUG DEVELOPMENT.

This section establishes a Committee on Orphan Drug Development within the Department of Health and Human Services. Membership will include the Assistant Secretary for Health; the Surgeon General; and representatives of the Food and Drug Administration, the National Institutes of Health, and any other appropriate federal agencies. The committee will evaluate and coordinate governmental activities concerning orphan drugs and will promote development of such drugs. The committee will submit an annual report to Congress.

SECTION 7. TAX INCENTIVES

This section amends the Internal Revenue Code to provide a tax credit for any pharmaceutical company developing a drug designated by the FDA as being a drug for a rare disease. The credit would be an amount equal to the research costs attributable to the human clinical testing of a drug performed during the taxable year. The tax credit provision will "sunset" after seven years, at which time it must be reauthorized.●

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BAUCUS, Mr. GORTON, and Mr. RANDOLPH):

S. 2131. A bill to amend the Safe Drinking Water Act, to provide for the protection of certain recharge areas overlying sole source underground water supplies; to the Committee on Environment and Public Works.

SOLE SOURCE AQUIFER PROTECTION ACT OF 1982

● Mr. MOYNIHAN. Mr. President, I rise to introduce the Sole Source Aquifer Protection Act. The bill is designed to protect our Nation's valuable ground water resources. I am pleased to be joined by my colleagues, Senators D'AMATO, BAUCUS, GORTON, and RANDOLPH. In the House of Representatives, the entire Long Island delegation led by Congressman CARNEY and Congressman DOWNEY, is introducing a companion bill.

The Sole Source Aquifer Protection Act has two primary purposes. The first is to set in motion a process by which the Federal Government may assist States and local governments in planning for the protection of special

areas overlying "sole source" ground water reservoirs. A "sole source" aquifer is a ground water reservoir that provides a specific population with its only source of drinking water—section 1424e of the Safe Drinking Water Act established a procedure for formal designation of sole source aquifers. Second, the bill would provide Federal matching grants to States to develop a comprehensive management plan to protect the ground water and implement portions of the management plan such as public land acquisition. Besides financial assistance, EPA will provide technical guidance and consistency in the application of existing Federal environmental laws.

Over the last two decades, our Nation has recognized the overwhelming need to protect surface water. The Clean Water Act of 1972 set into motion a massive effort to monitor and control the discharge of pollutants into navigable waters. Nearly $30 billion has already been spent by the Federal Government on the construction of municipal wastewater treatment plants which release their effluent in lakes, streams, rivers, bays, and estuaries. The Resource Conservation and Recovery Act and the superfund were enacted to prevent future Love Canals and respond to those which we still must live with.

On the other hand, the protection of our Nation's underground supplies has largely escaped Federal involvement. Historically, ground water has been the responsibility of States and local governments. Yet half of the Nation depends on ground water for its source of water. On Long Island, nearly 3 million residents utilize a single underground reservoir for their drinking water supply.

As we come to understand the hydrogeology of underground sources, we realize how much our activities on the land above the aquifer affect the quality of the ground water and its viability as a supply for future generations. A drought need not only be a reflection of too little rain. Serious contamination could produce a drought of a more lasting kind.

It was in the mid-1970's in the words of the Suffolk County, Long Island Health Commissioner Dr. David Harris, that we came to "the shocking discovery that our Long Island ground water was contaminated with chemicals." According to Dr. Harris, improved testing techniques led to this discovery. And after extensive testing, it became apparent that the ground water is vulnerable to almost all soluble organic compounds. According to Dr. John Dowling, Nassau County Health Commissioner, over the last 30 years, 54 public supply wells have been abandoned or deepened because of ground water contamination.

An aquifer resembles a surface reservoir with a river constantly replenishing its supply. The aquifer has a recharge zone through which precipitation and other surface runoff filters down to the water table. The quality of the water reaching the aquifer depends on the nature of the overlying land and the degree of contamination of the inflowing water. Once the ground water becomes contaminated, there is for all practical purposes no means to cleanse or flush the system in a timely fashion.

Protecting the recharge zone is one of the most effective means of controlling the quality of water entering the ground water supply. On Long Island, the prime recharge zone happens to be an area known as the Central Suffolk Pine Barrens, an area of approximately 110,000 acres.

The Pine Barrens of Long Island, in the opinion of early settlers, was an area barren and useless for farming or grazing. As a result, the Pine Barrens has survived as the largest undeveloped tract of land left on Long Island. Far from being barren, however, the Pine Barrens is rich in a very special resource—ground water.

Long Island is composed of thick layers of sands, sometimes mixed with gravel and clay. The soil acts as a giant sponge, soaking up rainwater and the slowly leaking it back into the surrounding ocean and bays. As long as the amount of water lost by discharge to the ocean or by pumping from wells does not exceed the amount entering from rainfall, the volume of water in the ground remain stable. The top of the ground water zone of sand is called the water table.

Recharge takes place across the entire surface of Long Island but the penetration is more deeply vertical at the center of the island. The water that enters the ground at the highest points of the island will go deepest into the aquifer. The highest points run in a long ridge, east to west along the middle of the island. Moving toward the shores, the movement of ground water becomes increasingly horizontal.

The concept of how water moves is important for the Pine Barrens in two ways. It means that the growing contamination of waters in western Long Island will not contaminate the cleaner waters to the east. It also means that because the Pine Barrens spans a central recharge area, its pure waters will keep the deepest waters clean and uncontaminated, and will insure the good quality of ground water to areas outside its boundaries.

The legislation we introduce today will provide a framework for Federal-State cooperation in protecting critical recharge areas such as the Pine Barrens. But the legislation, in the form of an amendment to the Safe Drinking Water Act, is not written to apply only to Long Island. Any region in the Nation with the EPA designation of sole source aquifer may qualify for the program to protect critical recharge zones, or special protection areas, as described in this legislation.

There are certain things this bill does not do. The bill does not involve the Federal Government in local land-use decisions. The bill does not establish a new regulatory structure nor call for the creation of new regulations. Participation in the special protection area program is entirely optional. In additional to the Long Island aquifer, seven other sole source aquifers have already been designated by EPA. A number of petitions are pending.

The sole source aquifer designation provided by the Safe Drinking Water Act of 1974 was intended to control development activities of the Federal Government in regions entirely dependent on ground water for drinking supplies. However, experience has shown that the designation—lacking a broader planning and management context—is ineffective in controlling many activities which may adversely affect the quality of ground water.

The purposes of this new legislation is to provide such a context and to provide a link between planning and implementation of a comprehensive ground water protection program. It is our hope that our bill will provoke serious discussion of the issue. Hearings will be held at the end of March. We look forward to comments and suggestions on how the bill may be improved and strengthened.

I ask unanimous consent that a summary of the legislation be printed, followed by the bill itself, a detailed description of the bill, a Newsday editorial and a list of designated and pending sole source aquifer areas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sole Source Aquifer Protection Act of 1982".

SEC. 2. Part C—Protection of Underground Sources of Drinking Water, of the Safe Drinking Water Act, as amended is amended by inserting after Sec. 1425 the following new section: "Sec. 1426.

(a) POLICY.—Recognizing the dependence of the Nation on its groundwater resources, it is hereby declared to be the policy of the Congress that the Federal government shall cooperate with states and municipalities in the preparation and implementation of regional plans for protection of critical groundwater recharge areas.

(b) FINDINGS.—The Congress finds that:

(1) almost half of the nation's citizens depend on groundwater for potable water supplies;

(2) scientific evidence is mounting of contamination of groundwater by toxic organic compounds, nutrients, salts and other pollutants in all regions of the country;

(3) groundwater contamination, once it occurs, is extremely difficult to mitigate;

(4) certain areas overlying a sole source aquifer are particularly critical in maintaining high quality groundwater because of their relatively high rates of existing or potential recharge or proximity to major zones of withdrawal;

(5) prevention of pollution of high quality groundwater and protection of its critical recharge watershed area cost substantially less than measures to mitigate harm following contamination.

(6) There exists no established process to coordinate Federal, state and local authorities who share responsibility in the protection of groundwater resources.

(c) PURPOSES.—The purposes of this section are:

(1) to establish procedures for the designation of special protection areas, defined by hydrogeology water quality, and land use as of critical importance in maintaining water quality in the designated sole source area;

(2) to establish procedures for the development and implemenation of as site-specific comprehensive management plan for each designated Special Protection Area; and

(3) to establish guidelines for federal-state cooperation in the planning, funding and implementation required to carry out the purposes of this section.

(d) PETITION FOR DESIGNATION OF SPECIAL PROTECTION AREA.—

(1) Upon designation of a sole source area, pursuant to section 1424(e), any one or several municipalities within the sole source area may petition the Governor of the state in which the sole source area is located to apply for the designation of "special protection area" within such sole source area.

(2) Such petition shall propose boundaries for the special protection area and further shall evaluate whether:

(A) the proposed special protection area is a recharge zone for significant volumes of groundwater with drinking water supply potential;

(B) the groundwater which is recharged through the proposed special protection area is of high quality;

(C) portions within the sole source area are already contaminated with toxic organics, nutrients, salts or other pollutants;

(D) maintenance of high quality in the groundwater recharged through the proposed special protection area would have significant economic, social and ecological benefits for the sole source area; and

(E) degradation of groundwater recharged through the proposed special protection area would have significant economic, social and ecological costs for the area.

(e) GOVERNOR'S APPROVAL.—Within 180 days upon receipt of such petition, the Governor, considering the criteria set forth in paragraphs (A) through (E) of subsection (d)(2), shall approve or disapprove the petition. If the Governor approves such petition, he shall:

(1) propose the boundaries of the special protection area;

(2) designate or, if necessary, establish a planning entity to develop a comprehensive management plan (hereinafter referred to as the "Plan") for the special protection area with adequate representation of municipalities to assure their participation throughout the planning process;

(3) establish technical and citizens advisory committees, hold hearings and take other appropriate steps to assure and encourage public participation; and

(4) establish procedures for review, approval and adoption of the plan pursuant to state law and offer assistance to municipalities and other public agencies with authority, pursuant to state law, to implement said plan.

(f) EPA APPROVAL.—

(1) Pursuant to approval of the petition as set forth in subsection (3), the Governor shall submit to the Administrator:

(A) proposed boundaries of the special protection area pursuant to subsection (e)(1); and

(B) a description of the planning entity and the technical and citizens advisory committees.

(2) Within 60 days, the Administrator shall approve or disapprove the Governor's proposed boundaries and the designated planning entity pursuant to 1(A) and 1(B) of this subsection.

(3) The Administrator may approve the Governor's proposed boundaries and the designated planning entity if he finds that:

(A) said boundaries are based on the criteria set forth in paragraphs (A) through (E) of subsection (d)(2) of this section and the purposes of section 1424(e); and

(B) the planning entity has the authority, pursuant to state law, and the technical expertise to prepare the Plan.

(4) If the Administrator disapproves either the Governor's proposed boundaries or the designated planning entity, he shall submit his reasons for disapproval to the Governor. The Governor may resubmit his request at his discretion.

(5) If the Administrator approves the Governor's proposed boundaries and the designated planning entity, he may provide to the State on a matching basis a grant of 50 percent of the costs incurred in preparing the petition and developing the Plan. The designated planning entity, through the Governor, shall be eligible for such planning funds for a period not to exceed two years.

(g) COMPREHENSIVE MANAGEMENT PLAN.—

(1) The planning entity shall prepare a comprehensive management plan for the special protection area. Such plan shall be designed to maintain the quality of the groundwater recharged through the special protection area through maintenance, to the maximum extent possible, of the natural vegetative and hydrogeological conditions. Such plan shall include but not be limited to:

(A) a determination of the quality of the existing groundwater recharged through said special protection area and the natural recharge capabilities of the special protection area watershed;

(B) an identification of existing and potential point and non-point sources of groundwater degradation, groundwater flow patterns and the relationship between surface water management and groundwater recharge;

(C) recommendations for groundwater quality standards designed to maintain existing groundwater quality or improve groundwater quality if prevailing conditions fail to meet drinking water standards, pursuant to this Act and state law;

(D) a map showing the detailed boundary of the Special Protection Area;

(E) a resource assessment which suggests the amount, location, and type of human development and activity which the ecosystem can sustain while still maintaining existing ground and surface water quality and protecting unique ecological features related to maintenance of water quality;

(F) proposal of limits on federal, state and local government, financially assisted activities and projects which, directly or indirectly, may contribute, in any way whatsoever, to any degradation of such groundwater or any loss of natural surface and subsurface infiltration of purification capability of the special protection area watershed;

(G) development of a comprehensive statement of land use management as it pertains to the maintenance and enhancement of groundwater quality and quantity;

(H) proposal of limits on land uses in the Special Protection Area which might have an adverse impact on water quality and/or recharge capabilities;

(I) consideration and proposal of specific techniques, including, but not limited to: clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section;

(J) consideration of the establishment of a state institution to facilitate and assist in funding a development transfer credit system;

(K) proposal to designate specific areas within the special protection area suitable and appropriate for public acquisition or fee or less than fee interests;

(L) a program for State and local implementation of the Plan described in this subsection in a manner that will insure the continued, uniform, consistent protection of the special protection area in accord with the purposes of this section.

(2) During the development of the Comprehensive Management Plan, the planning entity shall:

(A) consult with appropriate officials of any municipality or State or Federal agency which has jurisdiction over lands and waters within the area;

(B) transmit any draft and final Plan to all appropriate municipalities for review and comment;

(C) consult with the officials of any municipality which has jurisdiction over lands and waters within areas delineated in accordance with subsection (f)(2)(B);

(D) consult with interested professional, scientific and citizen organizations;

(E) consult with the technical citizen advisory committees which shall be established by the Governor, and

(F) conduct public hearings, pursuant to state law, at places within the special protection area, and at such other places as may be appropriate, for the purpose of providing interested persons and municipalities with an opportunity to comment on any aspect of the Plan.

(h) APPROVAL BY THE GOVERNOR.—Upon completion of the process set forth in subsection (g), the planning entity shall submit the Plan to the Governor for review. The Governor shall approve or disapprove the Plan. In his review of the Plan, the Governor shall consider whether:

(1) the plan will achieve the stated water quality objectives of the Plan and this Section and protect the ecological value of the special protection area which may be significant to maintain water quality;

(2) the Plan requires the exercise of land use and zoning measures to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section;

(3) the planning entity has afforded adequate opportunity, including public hearings, for public involvement in the preparation and review of the plan, and has considered such review and comment in the Plan as submitted to him;

(4) written assurances have been received from appropriate municipalities that the recommended implementation program identified in the Plan will be initiated within a reasonable time after the approval of the plan by the Administrator;

(5) the necessary authority and resources exist, pursuant to state law, to assure implementation of the Plan at the state and local level; and

(6) a separate management entity should be designated or established, pursuant to state law, to implement the Plan.

(i) EPA APPROVAL.—

(1) The Governor shall submit the Plan, as approved pursuant to subsection (h), to the Administrator for review. Within 120 days, the Administrator shall approve the plan or submit in writing to the Governor his reasons for not approving it. If approval is not given, the Governor will have 90 days to resubmit a modified Plan to the Administrator. In his review, the Administrator shall consider the criteria set forth in subsection (g)(1), and after consultation with the Secretary of Defense, shall determine whether the national defense mission of military installations or related production facilities within, contiguous or adjacent to the special protection area have been adequately provided for.

(2) If the Administrator approves the Plan, he may provide to the state on a matching basis a grant of 50 percent of the costs of implementing certain features of the Plan including but not limited to land acquisition within the special protection area and a land credit exchange institution, pursuant to state law, but in no case shall the grant exceed $20,000,000.

(j) AUTHORIZATION.—

(1) There are authorized to be appropriated to carry out subsections (e) and (g) for development of Plans, and pursuant to (f)(5), $10,000,000 for each of the years ending September 30, 1983; September 30, 1984; and September 30, 1985.

(2) There are authorized to be appropriated to implement Plans pursuant to (i)(2), $50,000,000 for each of the years ending September 30, 1984; September 30, 1985; and September 30, 1986.

(3) Funds authorized under this subsection shall only be used to implement the activities set forth in this section. No funds authorized in this subsection may be used to support activities authorized by the Clean Water Act, Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and other sections of the Safe Drinking Water Act.

(k) DEFINITIONS.—For the purposes of this section:

(1) The term "Plan" means the Comprehensive Management Plan developed pursuant to subsection (g).

(2) The term "land credit exchange institution" is any institution established under state law to facilitate the exchange, transfer, acquisition and donation of development rights, conservation easements, or other partial interests in land.

(3) The term "recharge" means the downward flow of water to the water table through the soil overlying the aquifer.

SOLE SOURCE AQUIFER PROTECTION ACT—SUMMARY OF THE BILL

The bill sets forth the following procedures for developing and implementing a plan to protect the recharge area of a sole source aquifer:

(1) Petition. A local government submits a petition to the Governor setting forth the proposed boundaries of a "Special Protection Area" and the rationale for designating such an area in terms of water supply potential.

(2) Governor's approval. The Governor must decide whether or not to pursue the petition. If so, state officials would work with local governments to propose new boundaries, justify the designation, and name a planning authority to be responsible for developing the comprehensive management plan. Then, the Governor submits the petition to the EPA Administrator.

(3) Preliminary EPA approval. If the EPA Administrator determines that the petition meets certain minimum technical requirements and that the planning authority is technically qualified, then the Administrator may approve the petition. An approved petition qualifies the state for matching funds for planning assistance.

(4) Comprehensive plan. The planning authority designated by the Governor has two years to develop a comprehensive management plan. It is required to work closely with all units of government which may be responsible for implementing various parts of the plan.

(5) State approval. The Governor must be able to demonstrate how the State and local governments intend to implement the plan. Thus, agreements must be reached at the local level before the Federal government even considers involvement. Once the Governor approves the comprehensive management plan developed by the planning authority, he submits the Plan to EPA.

(6) EPA approval. The Administrator, will judge the merits of the proposal based on how effectively the Plan would protect the groundwater and how the state proposes to implement the Plan. If the EPA Administrator approves the Plan, then the state is eligible for a matching grant up to $20 million to implement certain features of the Plan including but not limited to land acquisition.

The Federal Government is not responsible for local land use decisions but rather provides technical guidance and consistency in the formulation of regional groundwater protection plans.

A total of $180 million is authorized over a four-year period.

The "Sole Source Aquifer Protection Act" is an amendment to the Safe Drinking Water Act of 1974, as amended.

SOLE SOURCE AQUIFER PROTECTION ACT—DESCRIPTION OF THE BILL

(A) POLICY

The Federal government shall cooperate with states and municipalities in the preparation and implementation of regional plans for the protection of critical groundwater recharge areas.

(B) FINDINGS

(C) PURPOSES

The purposes of the Act are to: establish procedures for the designation of special protection areas within sole source aquifer regions; develop and implement site-specific comprehensive management plans to protect such critical recharge areas; and establish guidelines for Federal-state cooperation in planning, funding and implementing such management plans.

(D) PETITION FOR DESIGNATION OF SPECIAL PROTECTION AREA

Any one or several municipalities may petition a Governor to apply to EPA for the designation of a "special protection area" within an area already designated by EPA as a sole source aquifer, pursuant to Sec. 1424(e) of the Safe Drinking Water Act.

The petition must include proposed boundaries and an evaluation of the necessity of such a special designation.

(E) APPROVAL OF PETITION BY THE GOVERNOR

The Governor must approve or disapprove the petition within 180 days.

If the Governor approves the petition, he then proposes his own boundaries for the special protection area and designates a planning entity to develop a comprehensive management plan.

(F) EPA APPROVAL OF PRELIMINARY PETITION

After the Governor submits to the EPA Administrator both the proposed boundaries of the special protection area and the designated planning entity, the Administrator has 60 days in which to approve or disapprove the boundries and the planning entity based on specific criteria.

Approval by the Administrator qualifies the State for a matching grant (50-50) for the development of the comprehensive management plan.

(G) COMPREHENSIVE MANAGEMENT PLAN

The planning entity shall prepare a comprehensive management plan which is designed to maintain the quality of the groundwater recharged through the special protection area.

The Plan shall include: the evaluation of existing groundwater quality, sources of contamination, recommendations of water quality standards, a detailed map of the area, land use assessment, proposed limits on future private and public development, consideration of land use techniques necessary to protect groundwater quality, proposed areas suitable for public acquisition if necessary, and a program for state and local implementation.

The planning entity shall develop the Plan with as much public participation as possible.

(H) APPROVAL OF THE PLAN BY THE GOVERNOR

The Governor may approve or disapprove the Plan submitted by the planning entity, based on his evaluation of specific criteria.

If necessary, the Governor may designate or establish a separate management entity to implement the Plan.

(I) APPROVAL OF PLAN BY EPA

The EPA Administrator must approve or disapprove the Plan submitted by the Governor within 120 days, based on specific criteria and national defense requirements.

Approval by the Administrator qualifies the State for a matching grant (50-50) for the implementation of certain features of the comprehensive plan but not more than $20,000,000.

(J) AUTHORIZATION

For planning, $10,000,000 for fiscal year 1983, fiscal year 1984, and fiscal year 1985.

For implementation, $50,000,000 for fiscal year 1984, fiscal year 1985, and fiscal year 1986.

(K) DEFINITIONS

[From Newsday, Feb. 17, 1982]

PROTECTION FOR LONG ISLAND'S WATER SUPPLY

Long Island has no use for the big dams and most other water projects that come out of the congressional pork barrel every year. It could and should benefit from the federal water supply protection program,

but the way the law is written the Island doesn't qualify.

Its water is drawn from underground sources, and until now Congress has never considered such aquifers to be watersheds in need of protection. The existing rules limit federal water supply protection programs to such traditional sources as rivers and reservoirs.

Sen. Daniel Patrick Moynihan (D-N.Y.) wants to change that. He's sponsoring an amendment to the Safe Drinking Water Act that seeks $360 million to buy land above prime water supply areas. Although few heavily populated areas rely on underground water, Moynihan's bill has adequate geographic spread; it would apply in portions of New Jersey, Maryland, Florida, Texas, California, Washington State and Guam.

The bill needs that kind of broad foundation because it clearly moves against prevailing currents in Washington. The trend is toward less spending, not more. That's why this bill must be seen in the proper perspective. Protecting a close, readily available source of water is far less costly than piping water in from afar, and that's the only alternative if Long Island's water supply is not protected.

Moynihan accurately calls his legislation "an insurance policy." The bill was developed in part by the New York Legislative Commission on Water Resource Needs of Long Island. It would help provide funds to buy sections of Long Island's East End pine barrens, which are under steadily escalating pressure from developers. This is a policy Congress ought to buy.

SOLE SOURCE AQUIFERS

DESIGNATED AREAS

1. Edwards Aquifer, Texas.
2. Nassau-Suffolk Counties, Long Island, New York.
3. Northern Guam.
4. Fresno County, California.
5. Ten Mile Creek, Maryland.
6. Spokane-Rathdrum Valley, Washington.
7. Biscayne Aquifer, Florida.
8. Buried Valley, New Jersey.

PETITIONS UNDER REVIEW

1. Cape Cod, Massachusetts.
2. Kings-Queens Counties, Long Island, New York.
3. Coastal Plain Aquifer, New York.
4. Ridgewood, New Jersey.
5. Upper Rockaway, New Jersey.
6. Erie County, New York.
7. Vestal, New York.
8. New Castle County, Delaware.
9. Niagaran Aquifer, Wisconsin.
10. Delaware Basin, New Mexico and Texas.
11. Baton Rouge, Louisiana.
12. Karst Geological Region, Missouri.
13. Helena, Montana.
14. Santa Cruz Valley, California.
15. Santa Cruz—Avera Alter Aquifer, Arizona.
16. Whidbey Island and Camano Island, Washington.
17. York County—Piedmont Region, Pennsylvania.●

● Mr. D'AMATO. Mr. President, today I am introducing with Senator MOYNIHAN, a bill which is an amendment to the Safe Drinking Water Act which addresses the serious and growing problem of ground water contamination. Such contamination is an increasing threat to much of our Nation's water resources. If we are to heed the predictions and warnings of the experts, we must take steps now to prevent the water crisis from becoming the energy crisis of the 1980's.

Almost half of the Nation depends on ground water for potable water supplies. There is mounting scientific evidence of ground water contamination in areas throughout the country; unfortunately, this contamination is usually irreversible.

Public water supplies have been discovered to be contaminated in 20 Massachusetts communities, 16 in Connecticut, 25 in Pennsylvania, and 22 in New York. About 100 drinking wells surrounding a landfill in Jackson Township, N.J., have been closed because of organic contamination. Thirty square miles of the shallow aquifer table under the Rocky Mountain Arsenal near Denver, Colo., are contaminated by chemical byproducts from the manufacture of pesticides and herbicides. A number of domestic, stock and irrigation wells have been temporarily abandoned and two have been permanently closed. On my native Long Island, the problem of ground water contamination may become a critical one unless we act to preserve the quality of its aquifers.

On Long Island, residents depend on three aquifers for their water supplies. These aquifers are currently the sole source of drinking water for the 2.8 million people, and this dependence creates a potentially critical situation. Highly porous soils, combined with normally plentiful rainfall, maximize the potential for contaminants to leach into the ground water. Furthermore some parts of the Long Island aquifers are in overdraft and saltwater intrusion is a problem.

The Environmental Protection Agency, through the authority of the Safe Drinking Water Act, has designated the aquifers underlying Long Island as sole source, which means that they are the sole or principal source of drinking water for the area, and if contaminated would create a significant hazard to public health. Nevertheless, contamination has occurred from many sources: Leaking landfill dumpsites; aging gasoline storage tanks; failing septic tank systems; accidental, illegal, or improperly regulated discharges; and runoff and drainage from agricultural areas.

Most of the pollutants recently detected in ground water are in minute amounts, and scientists and toxicologists are uncertain about the health effects of consuming water contaminated with trace levels of organic substances. However, some believe that the cumulative effect has increased risk of illness and cancer.

Prevention of further ground water pollution is essential to the health of residents and to the future economic growth of Long Island. In order to accomplish this goal, there must be prudent watershed management involving Federal, State, and local participation. On Long Island, this policy will involve the cooperative development and management of a comprehensive plan to protect the Long Island Pine Barrens, beneath which lies the most important and least polluted ground water.

The bill that I am cosponsoring provides for a partnership among Federal, State, and local officials. The Federal Government's role will be primarily one of coordination, technical, and financial assistance. The bill provides for the establishment of designated special protection areas which contain sole-source aquifers. The designation of these areas will assure that sole source areas are protected and managed in such a way as to maintain or improve existing water quality. The amendment also authorizes $180 million for planning and implementation of plans for the special protection areas and for land aquisitions. Federal funds will be matched dollar for dollar by the States.

The time has come for Congress to focus on the critical problems facing the water quality of the Nation. This bill presents a comprehensive and workable solution which will prevent the degradation of water quality. The price of prevention is well worth the cost of insuring perhaps our country's most precious resource—water.●

● Mr. RANDOLPH. Mr. President, I join other Senators today in cosponsoring the Sole-Source Aquifer Protection Act. This measure addresses a critical aspect of natural resource protection—that of protecting our vital ground water aquifers.

As a nation, we rely heavily on a continuous supply of high-quality ground water. Nearly half of our citizens depend on underground aquifers for their drinking water. Seventy percent of the water drawn from underground sources is used for agricultural purposes. It is important to take steps to insure that this resource continues to be available in as pure a form as possible.

Through a series of dramatic incidences, we understand the seriousness of ground water contamination. Congress has responded to these problems under provisions of the Clean Water Act, the Resources Conservation and Recovery Act, the Safe Drinking Water Act, and Superfund. We have learned, however, that prevention is eminently less expensive than cleanup. The Sole-Source Aquifer Protection Act sets forth a policy and procedure for protecting aquifers that does not exist under other laws.

Our bill recognizes that ground water protection is a national priority, having many local and regional characteristics. This measure affords mu-

nicipalities that depend on underground aquifers for water, the opportunity to protect the purity of their supplies with Federal assistance. Planning and management of the program is conducted at the State and local level.

Ground water protection is a complex and serious matter. We know that land-use activities can adversely affect the quality of the ground water beneath it. The Sole-Source Aquifer Protection Act is an important first step in encouraging careful management of this valuable resource.●

By Mr. MOYNIHAN:

S.J. Res. 147. Joint resolution providing for the designation of the week beginning April 25, 1982 and ending May 1, 1982 as "National Dance Week"; to the Committee on the Judiciary.

NATIONAL DANCE WEEK

● Mr. MOYNIHAN. Mr. President, I am pleased today to introduce a joint resolution celebrating our Nation's proud tradition of excellence in the field of dance and honoring those who have contributed to this excellence by proclaiming the week beginning April 25, 1982 and ending May 1, 1982, as "National Dance Week."

This resolution honors not only the more than 100,000 dancers involved in or preparing for this profession, which is as demanding as it is rewarding, but also the countless directors, technicians, support staff, and spectators who make dance one of the most exciting and challenging of the performing arts. For dance is a source of joy and emotional enrichment to both its performers and audiences alike.

The audience for dance has increased dramatically in recent years; from approximately 1 million in 1960 to nearly 20 million just two decades later. Dance companies are found not only in our major metropolitan centers but in hundreds of smaller cities and towns as well. Dance is, after all, a universal language.

I must say that I am especially proud of the daring, innovative work being done by the many fine dance companies in my own State of New York. They have enhanced immeasurably the quality of life for all New Yorkers, and for that I shall be ever grateful.

Enactment of this legislation will focus much-deserved attention on the art of dance and heighten public awareness of the many contributions, both spiritual and cultural, that dance has made to our society. As such I strongly urge its adoption.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 147

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week beginning April 25, 1982 and ending May 1, 1982 as "National Dance Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 420

At the request of Mr. STAFFORD, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 420, a bill to authorize the U.S. Army Corps of Engineers to provide assistance to local communities, and for other purposes.

S. 1698

At the request of Mr. DENTON, the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1782

At the request of Mr. WEICKER, the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1782, a bill to amend section 305 of the Federal Property and Administrative Services Act of 1949 pertaining to contract progress payments made by agencies of the Federal Government, providing for the elimination of retainage in certain instances, and for other purposes.

S. 1814

At the request of Mr. JEPSEN, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1814, a bill to amend title 10, United States Code, to require the Secretary concerned to comply with the terms of certain court orders in connection with the divorce, dissolution, annulment, or legal separation of a member or former member of a uniformed service and which affect the retired or retainer pay of such a member or former member, and for other purposes.

S. 1907

At the request of Mr. ROTH, the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1907, a bill to amend the Currency and Foreign Transactions Reporting Act and section 1961(1) of title 18, United States Code, to improve enforcement, and for other purposes.

S. 1956

At the request of Mr. BAKER, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of S. 1956, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 1958

At the request of Mr. DOLE, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mrs. HAWKINS), the Senator from Connecticut (Mr. WEICKER), the Senator from Michigan (Mr. RIEGLE), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 1958, a bill to amend title XVIII of the Social Security Act to provide for coverage of hospice care under the medicare program.

S. 2000

At the request of Mr. DOLE, the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2000, a bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes.

S. 2027

At the request of Mr. ROBERT C. BYRD, the Senator from Arkansas (Mr. BUMPERS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2027, a bill to provide for an accelerated study of the causes and effects of acid precipitation, to provide for an examination of certain acid precursor control technologies, and for other purposes.

S. 2028

At the request of Mr. BRADLEY, the Senator from Michigan (Mr. LEVIN), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 2028, a bill to amend title 5, United States Code, to restore eligibility for unemployment compensation for certain ex-servicemembers, and for other purposes.

S. 2048

At the request of Mr. CRANSTON, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2048, a bill to amend title 38, United States Code, to restore eligibility for burial benefits in the case of certain veterans of war whose bodies are not claimed, and for other purposes.

S. 2071

At the request of Mr. HEINZ, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 2071, a bill to amend the Trade Act of 1974 with respect to reciprocal market access.

S. 2078

At the request of Mr. COCHRAN, the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2078, a bill to prohibit the use of funds for the production of lethal binary chemical munitions.

S. 2080

At the request of Mr. KASTEN, the Senator from North Dakota (Mr. ANDREWS), and the Senator from South

Carolina (Mr. THURMOND) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the Act.

SENATE JOINT RESOLUTION 138

At the request of Mr. ROBERT C. BYRD, the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 138, a joint resolution to authorize and request the President to designate the week of April 18, 1982, through April 24, 1982, as "National Coin Week."

SENATE JOINT RESOLUTION 145

At the request of Mr. HEINZ, the Senator from Michigan (Mr. RIEGLE), the Senator from North Carolina (Mr. HELMS), the Senator from Georgia (Mr. NUNN), the Senator from Indiana (Mr. LUGAR), the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Wisconsin (Mr. PROXMIRE) were added as cosponsors of Senate Joint Resolution 145, a joint resolution authorizing and requesting the President to proclaim "National Orchestra Week."

SENATE CONCURRENT RESOLUTION 63

At the request of Mr. ROTH, the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution entitled "The All Taxpayers Assistance Resolution."

AMENDMENT NO. 1257

At the request of Mr. PRESSLER, the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of Amendment No. 1257 intended to be proposed to S. 1629, a bill to amend the Communications Act of 1934 in order to encourage and develop marketplace competition in the provision of certain broadcast services and to provide certain deregulation of such broadcast services, and for other purposes.

SENATE CONCURRENT RESOLUTION 66—CONCURRENT RESOLUTION DISAPPROVING CERTAIN ARMS SALES

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), that the Congress objects to the sale to the Kingdom of Jordan any of the following defense articles, together with any associated spare parts and equipment and related services:

(1) F-16 aircraft; and

(2) mobile anti-aircraft missile launchers.

Mr. PRESSLER. Mr. President, I submit a concurrent resolution disapproving the sale of F-16 mobile anti-aircraft missile launchers to Jordan, stating that Congress objects to the sale to the Kingdom of Jordan any of the following defense articles, together with any associated spare parts and equipment and related services.

SENATE RESOLUTION 321—RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF A SENATE REPORT

Mr. HEINZ (for himself and Mr. CHILES) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 321

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1980", which may be printed at a cost not to exceed $1,200.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. COHEN. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for February 24, 1982, beginning at 9 a.m., in room 1224 of the Dirksen Senate Office Building. Testimony is invited regarding the review of the Bureau of Indian Affairs' proposal to close off-reservation boarding schools.

For further information regarding the hearing you may wish to contact Mary Jane Wrenn of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a 2-day public hearing before the Senate Select Committee on Indian Affairs.

The hearing is an oversight hearing on the fiscal year 1983 budgets of Indian agencies and programs and is scheduled for February 26, 1982, and March 1, 1982.

The hearing will begin on February 26 at 9:30 a.m. and will be held in room 6226 of the Dirksen Senate Office Building. Administration witnesses representing the Bureau of Indian Affairs of the Department of the Interior and the Indian Health Service of the Department of Health and Human Services are scheduled to appear. In addition, the committee invites testimony on February 26 on the fiscal year 1983 budgets of Indian agencies and programs from tribal witnesses and other interested parties.

The hearing will resume on March 1, 1982, at 9:30 a.m. in room 4232 of the Dirksen Senate Office Building, at which time the committee has scheduled administration witnesses representing the Indian programs or component parts of programs at the Departments of Health and Human Services, Labor, Education, and Housing and Urban Development. The committee also invites further testimony from tribal witnesses and other interested parties on this second day.

For further information regarding the hearing, you may wish to contact Ms. Jo Jo Hunt of the committee staff at 224-2251. Those wishing to testify should call Ms. Hunt and those who wish to submit a written statement for the record should write to the Senate Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of a public hearing before the Select Committee on Indian Affairs.

The hearing is scheduled for March 11, 1982, beginning at 10 a.m., in room 424 of the Russell Senate Office Building. Testimony is invited regarding H.R. 3731, an act to amend the act of October 19, 1973, relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims; and, committee consideration of report to the Budget Committee.

For further information regarding the hearing you may wish to contact Timothy Woodcock of the committee staff on 224-2251. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Select Committee on Indian Affairs, U.S. Senate, Washington, D.C. 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 23, 1982, at 9:30 a.m. to hold a hearing to consider the President's proposed budget for the Department of Energy for fiscal year 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations be authorized to meet on Thursday, February 25, at 9 a.m., to hold a hearing on human rights in Nicaragua.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON LEGISLATION AND THE RIGHTS OF AMERICANS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Legislation and the Rights of Americans of the Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 24, 1982, at 9 a.m. to discuss intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DAV ANNUAL LEGISLATIVE PRESENTATION

● Mr. CRANSTON. Mr. President, this morning, the Disabled American Veterans presented its 1982 legislative program to the Committee on Veterans' Affairs. It was a particular pleasure for me to introduce to the committee, at that time, the national commander of this outstanding organization and a fellow Californian, Sherman E. Roodzant of Santa Ana.

In this time of great fiscal restraint and economic instability and uncertainty, I believe that Commander Roodzant's remarks are particularly meaningful and deserve the careful consideration of all my colleagues. His eloquent presentation on behalf of 700,000 members of the DAV as well as on behalf of all of America's veterans offers important guidance and perspective to the Congress as we undertake consideration of the President's fiscal 1983 budget proposals, which, when combined with his fiscal 1984 proposals, would cut benefit levels for service-connected disabled veterans by close to half a billion dollars.

Mr. President, so that my colleagues may have an opportunity to review these remarks in full, I ask that the text of Commander Roodzant's statement along with my introductory remarks and opening statement be printed in the RECORD at this point.

The material follows:

STATEMENT OF SHERMAN E. ROODZANT

Mr. Chairman and members of the committee: On behalf of the 700,000 members of the Disabled American Veterans, and its 85,000 member Auxiliary, may I say it is a distinct honor and privilege to appear before this Committee in presentation of the DAV's 1982 Legislative Program.

Mr. Chairman, in prior appearances before this Committee, National Commanders of the DAV have generally devoted a major portion of their oral presentations to addressing the several priority legislative goals that were approved by the delegates to our organization's most recent National Conventions.

I have decided to depart from that format today.

This should not be construed as a de-emphasis on my part regarding the merit or necessity of our 1982 legislative goals. Nor should it be thought that the DAV will not aggressively pursue them to their fruition. They are reasonable and just, designed primarily to benefit those most deserving and most in need—the wartime service-connected disabled veteran, his dependents and survivors.

As an attachment to my oral remarks, you will find my comments relative to certain VA program improvements that were approved in resolution form by the delegates to our 1981 National Convention. All have been the subject of recent, informal discussion between our Washington Staff and your own Committee and Subcommittee Counsels. I urge your sympathetic, favorable consideration of these measures as this Second Session of the 97th Congress progresses.

But for now, Mr. Chairman, I wish to say some things that I believe would be voiced by virtually every wartime veteran in this country, had they this same opportunity. I have been given the formidable task of speaking on their collective behalf and I ask that you remain cognizant of this during my remarks. In addition to you and the members of this Committee—who have on so many occasions "fought the good fight" for all of us—I want you to keep in mind that I am really speaking to the Congress as a whole. For the great issues and concerns that confront our nation's system of veterans' benefits and services today can only be resolved through a consensus reached by all of your colleagues in the House and Senate.

Mr. Chairman, today, in this country, we veterans are confused, angry and just plain scared.

We are confused because we thought the statutory protection accorded our benefits system was based upon that time-honored, inviolate premise: Yes, those who served in time of war are deserving of a special status in their country.

Yet we see and hear people in policy-making positions both in and out of government calling for disolution of our benefit programs, stating that we veterans are a drain on the American taxpayer, and that those of us who do have benefit eligibility and do use the system should be relegated to the role of just another public charge.

We ask ourselves: Are not the vast majority of 30 million living veterans also taxpayers? Haven't we been productive, hardworking citizens most of our lives? Don't we veterans and our families, who comprise almost one half of our nation's total population, have the same stake in our society and don't we share on the day to day sacrifices and setbacks that confront all Americans?

And we wonder just what happened to all the praise and all the words of support that were lavished upon us when we put on our uniforms and marched off to four major wars in just this century.

We are angry because we read editorials in newspapers across the country and hear statements from high public officials that blandly imply we veterans "have it made" at public expense:

"Veterans Finding No Austerity" proclaims the New York Times.

"The Veterans Administration is the fattest pig we have . . . it is time the veterans shared in solving the problems of this country" are words spoken on the floor of the U.S. Senate.

And from a House member pondering the future cost of VA medical care we hear: "One possible solution is increase the eligibility requirements of veterans . . . merge veterans' services with other benefit programs . . . use community facilities instead of VA."

And again we ask ourselves, aren't these people aware that the VA has been taking its fair share of cutbacks for years? That VA's proportionate share of total federal outlays has been steadily declining for over a decade—from 4.6% in 1971 to 3.5% just last year? That real growth in VA program outlays has, in fact, been negative growth?

Don't they know—or care—about hospital bed losses, treatment ceilings, and physician and nursing shortages that have all combined to turn thousands of eligible veterans away from the system?

Do they realize that recently instituted pension reform has stiffened eligibility requirements, focused benefits on those with poverty level incomes and already reduced program costs by millions of dollars?

Why do groups like the Heritage Foundation, that advocate the sale of VA hospitals to the private sector, refuse to acknowledge that "mainstreaming" indigent veterans would only result in additional federal expenditures and compound the problems of hospital cost containment?

What kind of mentality is it that believes veterans have not shared in our country's problems?

And, Mr. Chairman, we are scared in the sense that every man fears for the financial security of his family. Will a lengthy illness wipe out our savings because we find we are no longer eligible for a VA hospital bed? Will some in Congress again attempt to "save" hundreds of millions of dollars by striking many of us from the compensation rolls? What are the real purposes of the so-called "program reviews" that are occurring with more and more frequency and will we lose our VA Regional Offices through consolidation?

Mr. Chairman, this atmosphere of fear and apprehension has come to the point where many of us hesitate to seek medical treatment for our service-connected disabilities because we are afraid the VA will use the occasion to take away or reduce our benefits. We're losing our trust in the Agency. Is this what the Congress wishes? Is this to be the final solution to what some regard as the veteran "problem"—force us out of, or frighten us away from, the system?

Mr. Chairman, like it or not, veterans' benefits are part of the costs of war. And it is time our nation's leaders responsibly face up to that fact.

John F. Kennedy once said: "A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers. We owe a continuing debt to those men and women who have put aside their lives to serve in this country's Armed Services."

That is the moral side of the question and I submit to you that how it is answered can and will affect the future strength of America just as much, if not more so, than any answer based on economics.

Mr. Chairman, let me just take a few moments to set the record straight on VA spending levels. Just how much have they contributed to the financial chaos which some say faces our federal government today?

I would like you to consider some figures concerning the federal social welfare spending that has occurred in this country during the past 30 years. The entire gamut of public assistance programs—huge portions of which go to categories who have never done a thing for this country, much less risked their lives—are compared to veterans:

FEDERAL SOCIAL WELFARE EXPENDITURES, SELECTED FISCAL YEARS, 1950–79 [1]

[In millions of dollars]

Program	1950	1955	1960	1965	1970	1975	1979	Ratio of increase (fold)
Total	10,541.1	14,622.9	24,956.7	37,711.7	77,337.2	167,435.8	264,118.4	25
Social insurance	2,103.0	6,385.0	14,307.2	21,806.6	45,245.6	99,715.0	163,743.7	77
Public aid	1,103.2	1,504.2	2,116.9	3,593.9	9,648.6	27,204.6	43,611.5	39
Health and medical	603.5	1,150.3	1,737.1	2,780.6	4,775.2	8,512.8	12,150.2	20
Education	156.7	485.1	867.9	2,469.8	5,875.8	8,629.4	12,096.9	77
Housing	14.6	74.7	143.5	238.2	581.6	2,540.7	5,801.9	397
Other social welfare	174.0	251.7	416.7	812.0	2,258.9	4,263.6	6,448.6	37
Veterans	6,386.2	4,771.9	5,367.3	6,010.6	8,951.5	16,569.7	20,265.6	3

[1] Department of Health and Human Services, Social Security Administration, Social Security Bulletin, vol. 44, No. 11, November 1981.

Is there doubt in anyone's mind regarding the deterioration and loss of priority that has occurred in VA spending levels during this short 30 year period? From a low of a 20 fold increase for the health and medical category to the unbelievably high 397 fold increase for housing, all non-veteran social welfare spending has risen astronomically. And the VA over the same period? A 3 fold increase.

Mr. Chairman, even if 1950 VA benefit levels had remained constant during this 30 year period, one could not criticize the increase in VA spending, for the rate of inflation during the same period rose by some 242 percent.

But the Agency was not faced with rising costs alone.

From 1950 to 1980 our nation fought in two major armed conflicts—one of which was the longest in our history. Our veteran population increased from some 18½ million to over 30 million. Hundreds of thousands of veterans were added to the compensation and pension rolls. Two major GI Bill Programs educated hundreds of thousands more. Facing up to our nation's responsibility to provide adequate medical care for veterans, 20 separate major health care bills were approved by the Congress and 19 hospitals were added to the system.

And yet this increase in consumer demands was met, this expansion of the system was accomplished, within the confines of a 3 fold budget growth. Isn't it a shame that all our nation's so-called "social obligations" could not have been addressed in a similar fashion? Rather than criticizing and cutting back on VA programs, we should do all that we can to insure their viability and hold them out for emulation.

The "fattest pig" indeed! Is it any wonder that veterans in this country fear for an objective analysis of their programs?

And let me emphasize, Mr. Chairman, that we veterans, especially those of us who are service-connected disabled, recognize that objectivity and responsibility is a two-way street. The DAV, even in the best of times, has always made a conscious effort to approach this Committee and the Congress from a standpoint of moderation. Reasonable, justifiable program improvements combined with protection of program integrity have been our fundamental goals in advancing the interests of the wartime disabled.

And in "hard times" such as we now have, we have been, and will continue to be, willing to sit down with this Committee and those of Budget and Appropriations in realistic discussion of adequate VA funding with available, finite resources.

And in the spirit of objectivity, I will state that there are certain aspects of the Fiscal Year 1983 budget request which do meet with our approval. With a few exceptions, this is especially true in the area of health care. Whether this is a genuine "turn around" on the part of OMB or merely an election year "respite," remains to be seen.

Conversely, I am appalled to note that of the $233.6 million proposed legislative savings, over half—$165.4 million—would be achieved through major reductions in the benefits of thousands of service-connected veterans—many of whom would be combat disabled and most of whom would be Vietnam Era.

Aside from the obvious dollar factor, there appears to be little rhyme or reason for this attack on service-connected benefits. Consider one brief example:

Would anyone in Congress care to attempt to explain or justify to a service-connected below the knee amputee, who has a wife and two children, that, commencing October 1, 1982, his monthly benefit check will be increased by $19 and, effective the same date reduced by $61—a net loss of $42 per month?

If accepted by the Congress, this is exactly the type of "good news/bad news" joke that would be played upon thousands of disabled veterans by the Administration's proposal to increase basic compensation rates while concurrently eliminating certain dependency allowance entitlements. Needless to say, we in the DAV are not laughing.

Mr. Chairman, at the outset of my remarks, I underscored that, through you, I intended to address the entire Congress. I now wish to narrow my focus to you and the members of the Committee.

The Disabled American Veterans, indeed, all veterans in this country, depend upon your advocacy on Capitol Hill.

We have had it in the past and we deeply appreciate that fact.

We in the DAV are keenly aware that 1981 could have proven to be a disastrous year for the Veterans Administration. Threats of Regional Office consolidation, hospital staffing and bed reduction, Vietnam Veteran Outreach Center elimination and the contracting out of essential Agency services were all met and turned aside through the coordinated efforts of this Committee and your counterpart in the House.

Considering the realities of "partisan politics," we deeply appreciate the bipartisan spirit which you and Senator Cranston and all members of the Committee have exhibited.

On a personal note, Mr. Chairman, the DAV and yourself have sometimes been forced to "agree to disagree" on specific issues. But when does that not occur when people, not necessarily coming from the same starting point, attempt to address complex, difficult issues? In terms of our basic commitment to the Veterans Administration and those whom it serves, I know that we share a common purpose.

I have only to recall a decisive statement made a short time ago on the floor of the Senate: "Mainstreaming is not going to come to pass while I am Chairman of the Committee. I can assure you of that!"

These were your words, Mr. Chairman, and I call them to attention to underscore that we in the DAV are not unaware of, and do value, your support.

This completes my formal presentation, Mr. Chairman. I know that in the coming year, those of us who consider ourselves to be veterans' advocates will be sorely tested in fulfilling our responsibilities. Working together, I am confident that we shall not fail.

Thank you again for the opportunity to appear before you today.

DAV LEGISLATIVE GOALS—1982

Disability compensation and DIC increase

Mr. Chairman, it is a fact that this Committee has been most steadfast in assuring that VA service-connected disability and death compensation benefits are periodically adjusted in order to offset inflationary pressures. The most recent disability compensation increase recommended by this Committee and approved by the Congress in the Fall of last year represented the eighth such increase in as many years.

We in the DAV are most grateful for these efforts, as no one is more acutely aware of the ravages of inflation as disabled veterans and widows who depend upon their compensation and DIC benefits to provide the essentials of food, clothing and shelter.

At this time 1982 appears to offer some respite from the double digit inflationary rate that has plagued our country for the past several years. We sincerely hope this indeed will prove to be true. Noting that the Fiscal Year 1982 VA budget request recently submitted to the Congress proposes an 8.1% cost of living adjustment in service-connected disability compensation and DIC benefit rates, we urge the Committee to give a number one priority status to the consideration of such legislation.

Dependency and indemnity compensation (DIC) improvements

Mr. Chairman, through action by our National Convention delegates and the DAV's National Executive Committee, we propose two program improvements in the Dependency and Indemnity Compensation Program.

Resolution No. 485, approved by our 1981 National Convention, calls for the establishment of one standard rate for all DIC payments to surviving spouses.

Mr. Chairman, as you are most aware, dependency and indemnity compensation is paid to an eligible surviving spouse if the veteran's death was not the result of misconduct and if it was attributable to a service-connected disability. Under present law (Section 411, Title 38, USC), these monthly rates are based upon the military rank of a serviceman at time of death, if death oc-

curred while on active duty, or the rank of the serviceman at time of discharge, if death occurred subsequent to active duty. There are at present some 23 separate and distinct DIC payments under the formula which range from a low of $415 per month for the widow of a private (pay grade E-1) to $1,061 per month for the widow of a four star general/admiral (pay grade O-10). (Two additional higher payments are authorized in cases where the veteran served as the senior noncommissioned officer of any one of the uniformed services or if the veteran occupied the top post in the Army, Navy, Air Force or Marine Corps.

Mr. Chairman, it is not my intention to address at this time the premise upon which the present multiple formula DIC payment system is based. Rather, I wish to bring to your attention the basic flaw of a system that, seemingly, offers discriminatory payments to widows who have essentially suffered the same terrible loss.

Is the life of a private less "valuable" than the life of a corporal? A sergeant? Why should the widows of two men cut down by the same burst of enemy fire receive varied payments?

These are not easy questions to answer, Mr. Chairman, and I realize that in a very real sense they represent an oversimplification of the problem. One can well argue that the widow of a general who spent 30 some years in the military has suffered a greater financial loss in terms of economic life style than the widow of a private with one year of active duty and relatively low pay.

Still, the basic flaw persists. The pay grades of an enlisted E-1 and E-2 or an officer O-1 and O-2, or any other combination, are not that far removed in terms of pay, responsiblity and length of service to warrant the degree of variance we find in our DIC payment formula.

Our goal calls for one standard payment. I recognize that this in itself creates the "problem" of establishing just what that one standard payment should be. Furthermore, should it apply to all widows now on the DIC rolls? Should it be prospective?

But I submit to you, Mr. Chairman, that our proposal and the reasons behind it can and should serve as a starting point to at least address the issue. I therefore urge your Committee to hold hearings on this subject in 1982.

Mr. Chairman, our second DIC proposal concerns an anomaly that has come to our attention with respect to the "presumptive" DIC payments that were authorized by Public Law 95-479.

As you are aware, Public Law 95-479 authorized the payment of DIC benefits to the survivors of veterans whose deaths were not service-connected, if such deceased veterans had been continuously rated as service-connected, totally disabled for ten or more years immediately preceding death, or if for a lesser period, were totally disabled for a period of not less than five years from date of discharge from service.

It has been recently held by the VA General Counsel and now considered policy by the VA that when such a totally disabled veteran dies, DIC is payable only in those instances where the veteran had actually been in receipt of compensation at the 100% rate for ten or more years. An exception is made if a veteran is not in receipt of compensation due to the receipt of military retirement pay. However, no concessions are made for those veterans who are found to have had entitlement to receive the 100% rate but, based upon the presence of a clear and unmistakable error in a previous VA decision, did not actually receive the compensation payment for the full ten years.

It is with this policy that the DAV takes issue. We feel that if the facts of a case are sufficient, and a veteran, except for VA error, would have been entitled to receive VA compensation at the 100% rate for ten years prior to death, entitlement to DIC payments should be extended.

VA General Counsel, however, has held that clear and unmistakable error in a previous decision cannot be declared posthumously to create entitlement to DIC benefits, as during the veteran's life time available remedies of law existed. Should the veteran have felt that the percentage evaluation for disability was abritrarily low (the Counsel argues), these remedies could have been applied. The General Counsel also stated that if a clear and unmistakable error existed, then it would be very unlikely that it would have gone unremedied if the veteran exhausted all avenues of redress.

While there may be a degree of credence to this opinion, Mr. Chairman, we believe that such an argument cannot be applicable in all cases. We are reminded that not all veterans have or seek representation from the accredited service organizations and that there are areas of VA law, regulation and disability evaluations that are so technical in nature the average veteran would not be in a position to question a VA decision.

Prior to the General Counsel's opinion (March 24, 1981), the Board of Veterans Appeals (BVA) had latitude to correct a previous error for the purpose of establishing entitlement to DIC payments under Section 410(b)(1), and we are aware of one such decision. However, since publication of the General Counsel's Opinion, VA policy has been established which precludes BVA from allowing DIC benefits in these circumstances. A recent decision made by the Board dealt with a service-connected veteran rated totally disabled for 9 years, 361 days immediately preceding death. An allegation of VA error that would have established an earlier effective date was dismissed by the Board as being moot, even though the allegation was correct.

Accordingly, Mr. Chairman, we respectfully request that the Committee carefully study the language of this statute and give consideration to amending current law so as to provide DIC payments to those widows of deceased veterans who, at the time of their deaths, were evaluated as totally and permanently disabled from service-connected causes for ten continuous years and who were in receipt of or entitled to receive compensation at the 100 percent rate. There is no significant cost factor of any degree associated with this proposal.

Mortgage protection life insurance for 100 percent service-connected disabled veterans

Mr. Chairman, Section 806 of Title 38, U.S. Code authorizes the VA Administrator to purchase from commercial life insurance companies mortgage protection life insurance policies on a group basis for those service-connected veterans who have purchased housing under Section 801, Title 38, U.S. Code—the VA's Specially Adapted Housing Program.

Under present law, such permanently and totally disabled service-connected veterans are granted mortgage protection life insurance not to exceed $40,000 or the amount of the mortgage, whichever is the lesser. The maximum insurance liability is reduced as the mortgage is amortized and is only available to the holder of the mortgage. No insurance is payable if the mortgage is paid off prior to the death of the veteran or if the veteran is age 70 years or older.

Generally, such veterans' mortgage life insurance is provided to these severely disabled veterans on a cost sharing basis—with the Federal Government covering the increased cost of such insurance that is based on the veteran's service-connected disability.

As stated, Mr. Chairman, the $40,000 mortgage protection life insurance is only available to eligible service-connected veterans who have purchased a home under the VA's special adapted housing program. All veterans participating in the Special Adapted Housing Program are advised of their eligibility for this insurance.

Mr. Chairman, a resolution approved by the delegates to our most recent National Convention proposes to extend VA mortgage protection life insurance to service-connected veterans rated permanently and totally disabled—but who are not eligible under the VA's Specially Adapted Housing Program as contained in Section 801, Title 38, U.S.C.

Mr. Chairman, in testifying before the Congress prior to the enactment of Public Law 92-95, which created the current Mortgage Protection Life Insurance Program, the Veterans Administration pointed out: "Few, if any, of these veterans can obtain mortgage protection life insurance from commercial sources. These veterans have suffered greatly and deserve our most sympathetic understanding and consideration. Viewing these facts alone, the bill would appear to warrant favorable consideration."

We believe this same reasoning applies to the category of veterans addressed in our resolution. They too are excluded from the commercial life insurance marketplace because of their totally disabling service-connected conditions. I urge the Committee to give favorable consideration to this proposal.

Chapter 42, title 38, United States Code, program improvement

Mr. Chairman, on December 3, 1974 Public Law 93-508, the Vietnam Era Veterans' Readjustment and Assistance Act of 1974, was signed into law. Among other things, this measure established a program of Affirmative Action for certain disabled and Vietnam Era veterans seeking employment with private sector employers who hold federal government contracts. Specifically, the law requires that private employers contracting with the federal government in the amount of $10,000 or more shall take affirmative action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam Era. A "special" disabled veteran is defined as one who was released or discharged from active duty because of a service-connected disability or a veteran who has a service-connected disability evaluated at 30 percent or more disabling.

Mr. Chairman, we believe the definition of disabled veteran for employment emphasis under federal contractors should be modified to encompass any veteran with a compensably rated service-connected disability—thus adding the 10 and 20 percent disabled categories.

We wish to point out that this same law (Public Law 93-508) modified the definition of a disabled veteran for purposes of VA vocational rehabilitation benefits—Chapter 31, Title 38, USC—from a 30 percent service-connected disabled veteran to one who has a

compensably rated service-connected disability. Furthermore, Affirmative Action requirements for the hiring and advancement of disabled veterans in federal government employment define disabled veterans as those who have a compensably rated service-connected disability.

Why should private sector employers with government contracts have less stringent requirements for hiring disabled veterans than our own federal departments and agencies? I urge that the Committee act favorably upon this proposal.

INTRODUCTION OF SHERMAN E. ROODZANT, NATIONAL COMMANDER, DISABLED AMERICAN VETERANS

REMARKS OF SENATOR ALAN CRANSTON, FEBRUARY 23, 1982

It is a great pleasure for me to introduce to the committee this morning—just as it was for me to welcome him a few moments ago—the national commander of the Disabled American Veterans and a fellow Californian, Sherman E. Roodzant.

As a combat-wounded Vietnam veteran, Sherm is the third Vietnam veteran to have been elected to lead this organization which represents so effectively and so forcefully its 700,000 members nationwide.

In 1967, Sherm entered the Army and was sent to Vietnam. On May 1, 1968, while he was on patrol action near Saigon, an enemy landmine exploded and caused the loss of one leg and severe wounds to the other.

Following military service, Sherm returned to California and attended Cerritos College in Norwalk. He joined the firm of H. and W. Computer Services in Los Angeles as a programmer/analyst, and by the time he left that firm in 1976, he had become its vice-president. From 1976 to 1980, Sherm worked as a professional staff member here on the Hill for the House Committee on Science and Technology. There he dedicated his efforts to apply America's scientific and space technology to the problems of handicapped people. He was also closely affiliated with the man who chaired that committee, the late Olin "Tiger" Teague of Texas, who had been chairman of the House Veterans' Affairs Committee for 18 years before that and was widely considered to be "Mr. Veteran". Certainly, Sherman's elevation to his present position would make "Tiger" Teague very proud.

During these same years, Sherm also advanced through the ranks in the D.A.V. In 1974, he became the first Vietnam veteran to head a D.A.V. State Department and was appointed chairman of the D.A.V.'s National Employment Committee. In 1977, he was elected a D.A.V. national junior vice-commander, and in each subsequent year, was elected to a higher position.

Last July, Sherm was elected to the highest office in the D.A.V.—the post of national commander—where I know that he will continue to carry out his strong commitments and efforts to raising issues related to, and working to meet the needs of, disabled veterans and all handicapped Americans.

Sherm, I have congratulated you before, but let me say at this time, how delighted I am to present you to the committee. I look forward to working with you and your organization.

Mr. Chairman, I would also like at this time to introduce to the committee, Sherm's wife, Martha Roodzant—if she would please stand—along with their children, Steven and Becky. Welcome.

Mr. Chairman and fellow members of the committee, I'm pleased to present to you the national commander of the Disabled American Veterans, from Santa Ana, Calif. Sherman E. Roodzant.

OPENING STATEMENT OF SENATOR ALAN CRANSTON, RANKING MINORITY MEMBER, COMMITTEE ON VETERANS' AFFAIRS, AT THE DAV LEGISLATIVE PRESENTATION, FEBRUARY 23, 1982

I am delighted to join with you, Al, in welcoming everyone here to this morning's hearing. Since I have the honor of introducing to the committee this morning Sherman Roodzant, the D.A.V.'s national commander and a most distinguished Californian, I will keep my opening remarks brief.

First, I would like to note the presence of the other distinguished Californians—besides the national commander—who are here today, including the department commander, Lyno Zamacoma, the department adjutant, and his wife Maria, Stuart Coty, and national service officer Bob Jordan. Others from California who are here today are Ken and Diane Musselman, Terry and Eva Easton; Mike and Jean Tempesta, Nash Ramirez, Darrel Camp, Louise Aviez, Larry Polzin, Ehring Seeto, Dick Cosgriff, and Jack and Jane Boucher. Would all of you from California please stand and be recognized.

Also at the outset I would like to congratulate immediate past commander Stan Pealer on a job well done as an advocate for the interests of those who have served the Nation so well at great personal sacrifice. It was a privilege to have worked closely with your dedicated organization during the past year under Stan's fine leadership. In that regard, I would like to pay special tribute to the outstanding officials in your national office who are of such great help and support to those of us working in this field—Gabby Hartnett, Rick Heilman, Ron Drach, and Butch Joeckel.

Working together with you and with House Veterans' Affairs Committee leaders and others during this past year, we were successful in turning back some very serious threats to V.A. programs—including proposals to make deep cuts in V.A. health-care funding and in the Department of Veterans' benefits.

In addition, Congress last year made some real progress in programs for service-connected disabled veterans. I am very pleased that the Congress acted favorably on D.A.V.-endorsed legislation I introduced to improve the automobile assistance program and to increase the benefits under that program as well as under the specially adapted housing program. Also enacted last year was the legislation I sponsored to extend the eligibility period for the Vietnam-era readjustment counseling program and to provide new health-care eligibility for veterans exposed to agent orange and other herbicides in Vietnam and for veterans who were exposed to radiation from nuclear detonations during their service. Finally, we collaborated successfully on a vital comp and D.I.C. cost-of-living increase averaging 11.2 percent and on legislation to improve programs of benefits and services for former prisoners of war.

With your backing, the Congress enacted this array of legislation that should prove to be of real value to disabled veterans.

Looking ahead, we all know that the job is not yet done. We need to continue our efforts in a number of areas, including learning all that we can as soon as we can about the health effects of exposure to agent orange and other toxic substances to which our service personnel were exposed in Vietnam and about the health effects of exposure to radiation.

We also need to examine very closely the budget proposals for fiscal year 1983.

We know we can count on your continuing help in both of these areas.

In follow-up to this committee's February 11 hearing on the V.A.'s fiscal year 1983 budget, I submitted more than 100 questions regarding the many issues that the budget raised. None of the answers have yet been provided; until I receive them and have a chance to review them all, I do not intend to take a final position on most matters.

In one area, however, I have made up my mind, and this is with respect to rubberstamping the President's proposals to cut $165 million in fiscal year 1983, and an additional $283 million in fiscal year 1984 on top of that—a total of almost a half a billion dollars in fiscal year 1984—straight out of the benefit levels paid to service-connected disabled veterans. I can tell you today that I am not going to sign off on savings of that magnitude in programs for our top-priority veterans.

On one specific proposal, to charge a fee to use the G.I. home loan, I have not taken a final position. However, I pledge to you that if that proposal moves forward I will do my best to assure that no fee will be charged to service-connected disabled veterans. It will be a sad day for this Nation when those who have given so much of themselves to keep our land free and strong are asked to pay still more as a price for using entitlements they have paid for in full, as far as I am concerned.

I look forward to hearing your views today and working with you. There are, undoubtedly, great challenges ahead. But we have faced serious challenges before, and I am sure we will work together to insure that the Nation keeps its commitments to its service-connected disabled veterans and their survivors.

Finally, I want to note the presence here this morning of one of your great past national commanders, a close personal adviser of mine on veterans' issues, and a stalwart champion of veterans year after year, Oliver Meadows. Oliver would you please stand.

This concludes my opening remarks.●

SUPPORT GROWS FOR RECIPROCITY CONCEPT

● Mr. HEINZ. Mr. President, increasing public attention is being focused on the problems of barriers to trade, investment, and services erected by other nations. These barriers, part of a growing world protectionism, inhibit the growth of free trade and American market access.

Recently Senator DANFORTH and I introduced bills to give the President new authority and flexibility to deal with these problems of obtaining reciprocal market access. I am pleased to note that the administration has also been giving attention to this issue. Ambassador Brock and Secretary Baldrige have touched on it in frequent public statements, and 2 weeks ago Assistant Secretary of Commerce Ray Waldmann discussed it at length in a speech before the Board of the National Foreign Trade Council. His address is a lucid and thorough presenta-

tion of the problem. I hope all those interested in this problem will examine his comments closely.

I include the text of Mr. Waldmann's speech at this point in the RECORD. The text is as follows:

REMARKS BY RAYMOND J. WALDMANN

It is a pleasure to be here. The time is right to discuss developments in trade policy, and this is certainly the appropriate place.

Developed and developing countries alike have enjoyed an unprecedented period of prosperity during the past three decades. This prosperity has been fueled in large measure by the rapid growth of international trade. Indeed, during the post war period, trade has been the great growth industry, outpacing domestic economic growth by 2 to 1.

One of the most significant factors contributing to the impressive expansion of global trade has been the lowering of tariffs through painstaking multilateral trade negotiations. U.S. tariffs, for example, have declined from 10 percent in 1945 to 3.1 percent now, among the lowest in the world.

But despite these reciprocal tariff reductions. Foreign markets are not as open as ours. American companies cannot sell in most countries as readily as foreign companies can sell here. There are hidden barriers that operate even more effectively than tariffs.

As successive trade negotiations peel away traditional trade problems. They reveal deeper and more difficult obstacles to trade. For example, as tariffs were reduced, so-called non-tariff barriers rose to take their place—and our negotiating focus had to change. GATT codes of conduct to eliminate non-tariff barriers to trade are achievements in which all participating nations can take pride. The codes concluded at the end of the Tokyo Round provide rules to regulate the most obvious abuses in subsidies, customs valuation, government procurement, and other areas.

With the peeling away of some non-tariff barriers, though, even more fundamental barriers are now becoming evident. National preferences for local products, government research and development subsidies, export credit subsidies, closed distribution channels, inspection and product approval procedures, regional investment incentives, employment subsidies, and hundreds of other devices can still prevent the functioning of free markets.

The problem then can be simply stated: Now that reductions have been negotiated, how do we realize the trade benefits of supposedly more open markets? How do we attack the next layer of barriers, those found beneath the surface, denying us access and opportunity?

The concept of equal opportunity and access has been the core principle of free trade philosophy since its enunciation by Adam Smith. Without such equality the ability of nations to exercise comparative advantage in the international trading system is crippled. Market distortions, inefficiency and misallocation of resources result. In times of domestic and global economic slowdown the impact of such distortions is especially menacing.

We recognize the need for positive action to ensure equality of opportunity to realize the benefits we have won on paper. In recent months discussion has begun to center around the concept of "reciprocity." Some have interpreted this development simplistically—asserting that reciprocity is merely a euphemism for protectionsist trade policies. I believe, however, that this characterization is fundamentally wrong.

The reciprocity issue does not reflect a desire to protect our market from foreign competition. We, perhaps more than any other nation, know the benefits of free trade. Nor does the notion of reciprocity stem from a desire to achieve narrow bilateral sectoral balances. The key rationale for trade is that different nations have different production and trade profiles in accordance with their respective comparative advantage.

In my view, the heart of the reciprocity issue, as it is currently discussed, is much more basic. It is the realization that despite past progress in liberalizing the international trading system, there are still large inequalities in access among the markets of the major trading countries. It is the realization that the trade concessions granted by some countries have not always been fulfilled and enforced. And it is the realization that the United States can no longer afford to advocate and enforce free trade as a national policy unless its major trading partners are prepared to abide by the same commitment.

Reciprocity should not be viewed as a code word for protectionism. Rather it is a concept aimed at achieving the removal of barriers to trade in order to create more equitable trading opportunities among nations. While continuing to work toward the ideal of free trade, we have an obligation to our citizens to ensure the realization of the gains from trade. Others must allow us to use in practice the gains we have already won on paper—the gains we have paid for by opening our own markets.

This Administration and the Congress cannot and will not tolerate the continued growth of barriers which deny opportunities already bargained for. Equality of opportunity to compete through the reduction of trade distorting practices is a must.

Inequality of opportunity to compete is at the heart of our trade problems with Japan. Despite the elimination or reduction of many formal Japanese barriers, the Japanese market is by no means as open as ours. It is closed by a complex and pervasive set of private and government policies which reflect a deeply rooted national consensus to favor Japanese products over foreign goods.

Imports are restricted by such fundamental structural factors as the long-standing "Buy Japan" attitude of Japanese businessmen and government officials; by government-approved private and semi-private cartels; by the interlocking relationships of the large "Keiretsu" groups; and by many other devices.

We have called upon Japan to undertake the serious reforms which will bring about such an equality of opportunity. As a result of successfully pursuing export led growth policies, Japan is now the free world's second most industrialized and economically powerful country. Japan must share in the responsibility for fostering a more liberal international trading system. Unless Japan is willing to assume a more equitable trade policy, Japan cannot expect to continue enjoying open access to its major markets abroad.

While a great deal of attention is focused on Japan, it is by no means the only country that limits market access. Almost all countries, developed and developing, have policies or economic and commercial practices which protect domestic markets from undesired foreign penetration to one degree or another.

Equality of opportunity may not be achievable using traditional trade policy tools. If new legislation to enforce this principle is needed, then it should receive careful consideration.The concept of reciprocity is already embodied in over 40 U.S. laws including the 1920 Mineral Lands Leasing Act, but not in our trade laws.

Senators ROTH, HEINZ, CHAFEE, INOUYE, DANFORTH, and KASTEN, and Congressmen RICHMOND, HOWARD and GIBBONS are all sponsoring bills to put reciprocity concepts into practice. Senator Heinz's bill, for example, amends section 301 of the Trade Act of 1974 to permit the President to use GATT to establish the principles of reciprocal market access or national treatment for U.S. goods, including agricultural goods, services, or investment. This bill also provides that the U.S. Trade Representative would be required to publish a list of legislative alternatives being considered, in order to make public what options are available if GATT negotiations fail.

The President would have additional authority to enter into bilateral or multilateral negotiations; to adjust U.S. Government procurement policies; to instruct the U.S. directors to the IMF and World Bank to vote against loans to countries against whom a complaint is pending; to request Federal regulatory agencies to consider reciprocity or national treatment in acting on applications from a foreign government or its nationals; and to propose mirror image legislation to match the non-reciprocal practice abroad.

Our trading partners must decide it is in their own self-interest to remove existing barriers to trade. In the upcoming GATT Ministerial meeting in Geneva this November, they have that trade liberalizing opportunity. The Ministerial should not be merely an occasion to review past accomplishments and to reiterate general free market principles. It should also explore ways to deal effectively with barriers to trade in goods, including agriculture; and also in services—an increasingly important component of international trade. We must recommit ourselves to examining the issue of safeguards practices and the problems of structural adjustment to deal with changing economic conditions.

We must address problems of restrictive investment practices which distort trade flows and slow the growth of world production. And finally, we must renew our efforts to ensure the full participation of developing countries in the world trading system and improve the framework for dealing with non-market economies.

We cannot expect the solutions to our current problems to appear overnight. Our best efforts and unfailing resolve will be required to achieve a more open and equitable international economic system. This administration is firmly committed, and I am personally committed, to working with our trading partners to achieve this goal.

Some will say there are great risks in taking this course. I say, and I hope you will agree, that the risks of not taking this course are even greater.●

PROPOSED AMENDMENTS TO CLEAN AIR ACT

● Mr. STAFFORD. Mr. President, after long service here in the Senate and in the House of Representatives, I

have come to expect that almost invariably more bricks will be tossed my way than bouquets. Thus, it came as no surprise to me that within a day or two following my remarks on the floor on February 11, my office phone began ringing. And, as I expected, most of the callers were complaining about my remarks, not complimenting them.

The general tone of the complaints was the same. They said that I had exaggerated the true scope of the Democratic initiative in the House, H.R. 5252. The bill is, the callers said, a fine-tuning of the Clean Air Act. For example, said one person, that H.R. 5252 did not, in fact, repeal the requirement for best available control technology applicable to clean air areas.

In a perverse sort of way, that complaint may be correct. The bill's authors did not repeal BACT in so many words. Instead, they redefined BACT as a new source performance standard, which is a less stringent requirement.

Mr. President, that is similar to taking a bottle of bonded whiskey, dumping out the bourbon, refilling the bottle with Georgia moonshine and then insisting that the label is correct. What counts is what is in the bottle, not what is on the label. And exactly the same is true of the Clean Air Act. Labeling a bill as fine tuning does not make it that. You must examine the contents.

As a matter of fact, if there is any bill which meets the definition of moderate or fine tuning, it is the measure introduced recently by Representative WAXMAN, H.R. 5555. Of course that is only the opinion of one Senator, although I like to think he knows a fair amount about the Clean Air Act.

However, since some persons apparently mistrust my analysis of H.R. 5252, I wish to provide them with a document which is unquestionably impartial. It is an analysis of H.R. 5252 prepared by the Congressional Research Service of the Library of Congress. I believe those who read the CRS analysis will find that it agrees with my statements on February 11. For that purpose, I ask that the summary be reprinted in the RECORD at the conclusion of my remarks.

In closing Mr. President, I again urge that Members avoid the trap of being defrauded by labels. The actual content of bills should be examined to determine whether they merely "fine tune" the Clean Air Act or "gut" it.

The summary follows:

SUMMARY OF H.R. 5252 (97TH CONGRESS): PROPOSED AMENDMENTS TO THE CLEAN AIR ACT

This report summarizes the captioned bill, as introduced in the House of Representatives on December 16, 1981 and titled "Clean Air Act Amendments of 1981." All but minor and conforming amendments in the bill have been noted.

Section and title numbers used herein refer to provisions in H.R. 5252 unless otherwise noted.

PURPOSES

Declares purposes of the bill to be preserving the framework of the Existing Act and the requirements for setting NAAQSs, but simplifying and expediting procedures, and extending deadlines for States to attain NAAQSs.

TITLE I: STATIONARY SOURCES

Section 101 (attainment/nonattainment redesignations)

Requires that State revisions of attainment/nonattainment designations be based on "best available data" from modelling or monitoring. where reliable monitoring data exists, it shall be deemed "best available data."

Section 102 (SIPs)

Extends deadline on submission of SIPs to EPA from the present 9 months after NAAQS promulgation, to a "reasonable time" but not more than 2 years after promulgation.

Requires EPA participation in State hearings on SIP revisions, where appropriate. Creates expedited procedure for EPA review of such revisions: Agency must approve or disapprove revision within 120 days after submission, unless an extension is granted (up to 60 days) for additional comments. Revisions not approved or disapproved within this deadline are deemed to be approved.

Sets up special procedures for "noncontroversial" SIP revisions—revisions as to which no person has objected to the State, but not including changes in emission limits, compliance schedules, and permit conditions unless limited to existing stationary sources and to emission increases that are not "significant." Noncontroversial revisions need only be submitted by a State to EPA and the Federal Register, and are thereby deemed to be EPA-approved and federally enforceable.

Exempts variances issued by States due to emergencies, fuel disruptions, or unusual circumstances from EPA approval—if for not longer than 6 months.

Requires EPA to periodically audit SIPs and associated State activity to determine compliance with CAA. If any revealed deficiencies are not corrected by the State, EPA may, in addition to requiring appropriate SIP revisions, suspend the expedited procedures in the three paragraphs immediately above.

Changes from 2 years to 4 years the maximum extension allowed a State beyond the general 3-year deadline for attainment of primary NAAQSs.

Section 103 (NSPS)

Narrows application of the percentage reduction requirement to those categories of fossil fuel-fired stationary sources to which NSPS regulations applied on December 31, 1981.

Makes NSPSs applicable only to sources on which construction or modification commenced after promulgation of the NSPS, rather than after issuance of the proposed NSPS.

Section 104 (enforcement)

Changes from mandatory to discretionary EPA's authority to file civil actions against major stationary sources for violating a SIP requirement.

Eliminates criminal penalties for persons who knowingly violate SIP requirements beyond 30 days after receiving a Notice of Violation from EPA.

Specifies that only full-time EPA personnel may carry out enforcement and on-site inspections. Private contractors may be used only for technical support, except that private legal counsel may not be used at all.

Makes discretionary the obligation of EPA and States to assess noncompliance penalties. Makes nondiscretionary EPA's obligation to delegate its noncompliance penalty authority to States with programs meeting Federal standards. Once delegated, EPA would lose its concurrent authority to enforce. Repeals EPA's authority to promulgate a substitute noncompliance penalty where a State-assessed penalty is found not to comply with EPA guidelines. Penalty amount must "reflect," rather than be equal to, the economic benefit accruing to the source from noncompliance.

Section 105 (attainment date extensions)

Adds to EPA's authority to grant extensions to as late as 1987 for auto-related NAAQSs, additional authority to grant (a) extensions to as late as 1987 for attainment of the other NAAQSs, and (b) supplemental extensions to as late as 6 years after the first extension for all NAAQSs. Extensions are granted on an area-by-area basis: the first extension after State certification that the 1982 deadline is not achievable despite use of reasonably available controls; the supplemental extension after a State showing of reasonable further progress toward NAAQS attainment, adequate implementation of the SIP, etc.

In areas not meeting attainment deadlines (as extended), bars permits for the construction or modification of major stationary sources in the nonattaining area that emit the pollutant in question—until attainment is achieved.

Section 106 (nonattainment)

New source construction permits in nonattainment areas (issued more than a half year after H.R. 5252 enactment) need require only BACT, rather than LAER.

In large urban areas that exceed the CO and ozone NAAQSs by 50 percent or more, requires a "cost-effective program applicable to in-use motor vehicle emissions which is not inconsistent with . . . Title II [of the Clean Air Act]." Where appropriate, the program must include a cost-effective vehicle inspection and maintenance scheme. A State may apply such scheme first to fleets and commercial vehicles and then, when the State finds it is necessary for attainment, to other vehicles. Existing I/M requirements may be revised.

Eliminates cutoff of CAA, highway, and wastewater treatment plant funds as a sanction for State failure to adopt a nonattainment plan. Eliminates cutoff of CAA funds as a sanction for State failure to implement a SIP.

Section 107 (PSD)

In Class I areas, increases from 1 to 5 the number of times per year that short-term increments may be exceeded. Bars redesignation of any statutory Class I area.

In Class II and III areas, eliminates maximum allowable increments.

Redefines BACT (the emission standard required of major new sources in PSD areas) to equal a NESHAP or recently reviewed[1]

[1] The "recently reviewed" qualifier is stated only in an unpublished addendum to the summary of H.R. 5252 reprinted at 127 Cong. Rec. 31882 (Dec. 16, 1981).

NSPS, if one applies. Where neither applies, retains the existing source-by-source determination of BACT. States remain free to set standards stiffer than NSPS- or NESHAP-based BACT.

Specifies that preconstruction requirements for PSD areas apply to physical or operational changes in a stationary source only if the change results in a significant net increase in emissions of a pollutant for which there is a NAAQS, NSPS, or NESHAP.

Section 108 (effective date and transitional rules for §§106 and 107)

Sections 106/107 apply only to SIPs submitted after H.R. 5252 enactment and approved by EPA more than half year after enactment. SIPs approved earlier remain in effect until revised by the State.

Section 109 (regulatory stability, ozone protection)

Prohibits for 10 years the tightening of NSPSs applicable to a newly constructed or modified source—to achieve "regulatory stability." The prohibition does not apply to NESHAPs, non-criteria pollutants, or other pollutants that may endanger public health or welfare.

Authorizes EPA to limit chlorofluorocarbon emissions where resulting ozone depletion is occurring, or may occur, at a rate that may endanger public health or welfare, and where economic/policy implications of such limit are considered.

TITLE II: MOBILE SOURCES

Section 201 (emission standards)

Requires that new or revised vehicle emission standards not take effect for 4 years (heavy duty vehicles) or 3 years (all other vehicles) if such standard is stiffer than the one otherwise applicable. The stiffer standard must be based on technology available for the model year to which it applies, considering cost, impact on fuel economy, etc.

For heavy-duty vehicles, repeals demand that HC, CO, and NO_x emissions be reduced by a specified percentage from a baseline model year. The general standard for regulation of vehicle emissions would apply instead.

For light-duty vehicles during and after model year 1982, retains .41 grams/mile HC standard, raises CO standard from 3.4 to 7 grams/mile, and raises NO_x standard from 1.0 to 2 grams/mile. After 1986, EPA may revise the CO and NO_x standards (to no lower than 3.4 CO and 1.0 NO_x).

Replaces the fixed-number ceilings for emission standard waivers with a looser test: EPA may waive the application of any emission standard to a manufacturer for up to 4 model years where interim standards ensure that there will be no significant adverse impact on NAAQS achievement. The manufacturer must show that the waiver is necessary for the use of an innovative power train or emission control, or alternate fuel or power source. The waiver may not apply to more than 500,000 vehicles over its entire duration.

Continues beyond model year 1983 the present approach to high-altitude vehicles providing for emission reductions proportional to those required at low altitudes.

Section 203 (testing and recall)

Allows EPA to determine whether a vehicle complies with emission regulations by means other than testing vehicles. Only average emissions of a vehicle need conform to the regulations.

Removes stipulation that certificates of conformity not be issued for a period longer than 1 year.

Authorizes EPA action against vehicle manufacturer if, based on a statistically valid sample of vehicles, EPA finds that a vehicle category does not on average meet an emission standard. The manufacturer must then, at its own expense, remedy the nonconformity or take other action.

Section 208 (alternative emissions control)

EPA shall study, as an alternative to the present program, "effective and practicable approaches" to vehicle emission control—approaches that foster economic growth, reduce the cost of mobile source controls to manufacturers, etc., while not lessening the air quality protection afforded. If EPA finds an approach that is feasible, more cost-effective, and harmless to air quality, it may submit implementing regulations to Congress, and promulgate them after authorizing legislation is enacted.

Section 209 (emission control warranties, anti-tampering)

Narrows coverage of emission control performance warranties from the emission control "system" to only those vehicle components whose sole or primary purpose is emission reduction. Reduces the required duration of both emission control design warranties and emission control performance warranties from the vehicle's "useful life" (for cars, 5 years or 50,000 miles) to 2 years or 24,000 miles. In light of these changes, repeals program under which independent parts manufacturers can certify that use of their parts in a vehicle after initial purchase will not invalidate the performance warranty.

Narrows anti-tampering prohibition to cover only those vehicle components whose sole or primary purpose is emission control. Exempts the temporary removal of such components for routine vehicle maintenance.

TITLE III: STUDY AND CONFORMING PROVISIONS

Section 301 (high altitude study)

Requires EPA, at the request of a major auto dealers association, to compile data and report to Congress on the availability to high-altitude dealers of light-duty vehicles.

Section 401 (authorization of appropriations)

Authorizes appropriations for fiscal years 1982 through 1985 in an amount "necessary to ensure that this Act will be carried out effectively," but no less than the amount authorized for fiscal year 1981. Funding of air pollution R&D is not covered.

ROBERT MELTZ,
Legislative Attorney,
American Law Division.●

R. JAMES WOOLSEY ON THE JCS

● Mr. KENNEDY. Mr. President, I bring to the attention of my colleagues a very thoughtful article by the distinguished former Under Secretary of the Navy, Mr. R. James Woolsey, in the February 18 edition of the Washington Post.

Entitled "The Joint Chiefs Need a Real Chief," the article makes a compelling case for "a stronger role for the Chairman of the Joint Chiefs and a reduction in the influence, on joint matters, for the individual service Chiefs." I strongly agree with Mr. Woolsey that there is a critical need for a coherent military position on such vital issues as arms control and defense program and budget decisions.

Mr. Woolsey's advice is based on, and reinforces, the proposals of the retiring Chairman of the Joint Chiefs of Staff, Gen. David C. Jones. General Jones is to be commended for his forthright stand in this area, as well as for his outstanding services as JCS chairman and throughout his military career.

The views of General Jones and Mr. Woolsey make an important contribution to the vital need to integrate and strengthen the JCS role in military decisionmaking, and I submit for the RECORD, Mr. Woolsey's article.

The article follows:

THE JOINT CHIEFS NEED A REAL CHIEF

(By R. James Woolsey)

Gen. David C. Jones, chairman of the Joint Chiefs of Staff, has done the country a service. A few months before his retirement this summer he has published a proposal for a thorough revamping of the Joint Chiefs. It is high time.

The weakness and lack of influence of the Joint Chiefs is one of the Pentagon's less well-kept secrets. Of course, each of the chiefs, except the chairman, is the head of one of the four military services as well, and in these roles they are far from weak or ineffective.

Therein lies the problem. In dealing with most of the normal business of a peacetime military establishment—research, weapons procurement, budget, manpower policy, training—each chief heads a sizable and competent staff composed of officers from his own service. As a service chief he also has contacts on the Hill friendly to those who wear his color of uniform, as well as a number of well-connected retired officers and reservists who are sometimes so friendly that they trample folks in their enthusiasm.

For certain other "joint" functions, however, on which the president and secretary of defense seek and need an overall collective military judgment (e.g., SALT, overall defense budget questions, military operations in a crisis), each mighty service chief steps into a phone booth and becomes . . . Clark Kent. Wearing horn-rimmed glasses and a slightly dopey stare, he goes into "the tank," as the Joint Chiefs' conference room is called, a mild-mannered seeker of unanimity.

Ah, unanimity. The price of unanimity among all four military services in this beribboned committee has been, for 35 years, intellectual flab clothed in flaccid prose. True, much good military advice has been given—but ordinarily informally, not through the joint staff system. True, the Joint Chiefs system occasionally produces something useful—a testament to the caliber of some able officers assigned there who have been able to make bricks without straw. But generally it has worked as badly as, Jones reminds us, Dwight Eisenhower suggested it would 24 years ago.

Normally, as the interminable four tiers of their staff's committee meetings lumber on, the formal advice that the Joint Chiefs produce comes more and more to resemble the famous committee-designed camel.

The Joint Chiefs' force planning advice (the Joint Strategic Objectives Plan—say "jaysop") is the least-read document in the Pentagon. Adm. Bud Zumwalt, former

member of the Joint Chiefs, wrote after his retirement that even he had never see a copy. It's no wonder. Memorializations of bureaucratic logrolling that merely add up everyone's "requirements" and staple them together go to the bottom of anyone's in-box.

Bureaucratic stasis is no stranger to Washington, but on many issues the lack of a coherent overall military position—one that rises above individual service interests—is becoming dangerous. As Jones points out in his crisp recent statement of the problem, there is a tendency in each service to look inward and to perpetuate outmoded doctrines and thought patterns since "fresh approaches to strategy tend to threaten an institution's interests and self-image. . . ." We badly need, and have not had, a coherent overall military view about such matters as strategy and forces. Partly as a result, a gaggle of kibitzers has formed throughout government on these questions. Everyone from OMB budget examiners to the stray congressional staffer with a Bonaparte complex now believes himself to be the nation's premier strategist. The individual military services have clear stands on many of these issues, but an overall coherent military view has been conspicuous by its absence.

Such a view may not prove to be correct or persuasive on a good many questions, but it should at least have a chance to be heard in the debate. Clemenceau was absolutely right: war is indeed too important to be left to the generals. But people who have led troops all their lives, after all, do have a contribution to make to the discussion, and they should be permitted to put their most cogent case forward. It is not unimaginable that, seeing the difficulty today of obtaining political consensus behind large increases in defense spending, our senior military officers could think of some relatively inexpensive ways to increase our military effectiveness. They are the ones most genuinely and immediately concerned about prevailing in any hostilities—after all, they'll be the ones who have to fight.

But for years the only central voice in defense has been provided by the civilian staff of the secretary of defense. Lacking military expertise it has, largely, failed. For example, the Office of the Secretary of Defense has labored mightily and given us two decades of systems analysis, enabling us to have certain victory over an enemy only if each side is limited to bombing the other with old computer printouts.

Jones proposes a stronger role for the chairman of the Joint Chiefs and a reduction in influence, on joint matters, for the individual service chiefs. The latter would continue to head their individual military services and would advise the chairman, the secretary of defense and the president. But on strategy, military questions that relate to foreign policy and some aspects of carving up the defense budget pie, the chairman and a stronger central military staff would gain influence over the services. The chairman, for example, would have some control over the promotions of those assigned to his staff; this is not true today, and it is one of the main reasons the current system is so weak.

Some will caution against steps that, it will be contended, might lead to an all-powerful Prussian-style "General Staff." Piffle. We can afford to move several light years toward military staff centralization before we come within any distance of Prussianism. The United States is about as close to having a Prussian-style general staff today as it is to having a dictatorship of the proletariat.

By speaking out, Jones bequeaths to his successor a chance to make the system work. Like Joe DiMaggio, he is retiring with style.●

INTERSTATE COAL PIPELINES

● Mr. JOHNSTON. Mr. President, the railroads have entered the legislative debate over interstate coal pipeline legislation with their usual fervor, for which I commend them. I hope, however, that their predictably vigorous opposition to the competitive threat of coal pipelines will not lead the railroads to stray from stating the facts and law accurately. My recent review of a set of briefing papers that are being circulated by the Association of American Railroads (AAR) has caused me some concern in this regard.

Several of the briefing documents of the AAR argue forcefully that interstate coal pipelines are not economically viable and will not result in lower delivered costs of coal. If the railroads are correct, they have nothing to fear from coal pipelines. Interstate coal pipelines will be privately financed and will compete with the railroads for long-term coal haulage contracts. Clearly they will be built only if and when the marketplace dictates that they are economically viable.

The outspoken opposition of the railroads leads me to conclude that they recognize that some interstate coal pipelines will be economically viable and will deliver coal at transportation rates that are lower than those that would otherwise be charged by the railroads. For this reason and because the marketplace will make the economic judgment on coal pipelines, I will not respond to railroad arguments that coal pipelines are neither economically viable nor competitive.

One of the AAR briefing documents, however, contains at least two misstatements of fact which should be clarified. In a statement entitled "Coal Slurry: A Threat To State Sovereignty," September 23, 1981, the AAR states that coal pipeline legislation will preempt State authority over water. It further states that the railroads have never had access to Federal eminent domain authority. Both statements are simply erroneous.

On September 23, 1981, when the AAR document was prepared, coal pipeline legislation already had been introduced in the House. That bill, H.R. 4230, has now been cosponsored by almost 50 Members of the House and has been ordered reported by the House Interior and Insular Affairs Committee. Section 10 of that legislation clearly provides that State substantive and procedural law will govern any allocation of water to interstate coal pipelines. This section actually increases the authority that the States now possess to govern their water resources by providing that water used in any such pipeline will not be deemed to be a use in interstate commerce.

On November 12, 1981, Senators MURKOWSKI, WEICKER, HAWKINS, BUMPERS, MATSUNAGA, BRADLEY, and I introduced S. 1844, which grants the Federal right of eminent domain to interstate coal pipelines. Since then we have been joined in sponsorship by Senators GOLDWATER, NICKLES, HUMPHREY, and BOREN. Section 6 of our legislation provides the same strong protection for State water rights that is contained in H.R. 4230.

My esteemed colleagues, Senators GOLDWATER and MURKOWSKI, in speeches that appeared in the February 4 RECORD, stated that the State water law protections contained in S. 1844 exceed those that exist at present. Both Senator GOLDWATER, who represents a very arid western State, and Senator MURKOWSKI, who serves as Chairman of the Water Resources Subcommittee of the Senate Energy and Natural Resources Committee, stated that the State water law protection provisions of S. 1844 could be characterized as a political and legal victory for the States. Perhaps the AAR will now amend its briefing papers to more accurately reflect the contents of S. 1844 and H.R. 4230.

On the second point, the railroads simply refuse to acknowledge that at least some of our major railroads had access to Federal eminent domain during their formative stages. The truth is, however, that at least the Union Pacific, the Northern Pacific—now the Burlington Northern—and the Atlantic and Pacific—now the Santa Fe—all had access to Federal eminent domain when their lines were being built.

By act of July 1, 1862, the Congress chartered the Union Pacific Railroad Co., providing the company generous Federal rights-of-way and an outright grant of alternating sections of land on each side of the rail line. (12 Stat. 489.) The Union Pacific was not originally granted Federal eminent domain authority. Apparently Federal eminent domain authority was needed, however, for 2 years later the Congress amended the Union Pacific Railroad Act to grant the railroad additional sections of public land and access to an extremely broad Federal eminent domain authority. (13 Stat. 356; July 2, 1864.)

The Northern Pacific Railroad Co., which was chartered by act of July 2, 1864, was granted the same rights as the Union Pacific, including the same broad Federal eminent domain authority. (13 Stat. 365.) The Northern Pacific later merged with the Chicago, Burlington and Quincy, the Great Northern, and the Pacific Coast Railroads to

form the Burlington Northern Railroad in 1970.

The Atlantic and Pacific Railroad was chartered by act of July 27, 1866, and was granted the same rights, including Federal eminent domain authority, that had previously been granted to the Union Pacific and the Northern Pacific. (14 Stat. 292.) Through a series of transactions, the Atlantic and Pacific Railroads became the Santa Fe Railroad in 1884.

Each of these major western railroads had access to Federal eminent domain authority during their formative years. To state otherwise simply is not true. Perhaps of most interest, the Union Pacific did not initially have access to Federal eminent domain authority, but returned to Congress 2 years later to obtain that right. The obvious conclusion seems to be that the railroads found that Federal eminent domain, rather than State eminent domain, was required during their formative years.

Mr. President, I do not expect the railroads to welcome the competition of interstate coal pipelines. I expect the railroads to oppose pipelines vigorously. However, I also expect—and I am sure that each of my colleagues expects—the railroads to be accurate in their representations during our consideration of S. 1844.●

DEFENSE

● Mr. GLENN. Mr. President, we are once again about to embark on a debate over how we shall defend America.

I am by nature an optimist, but I do not hold out much hope that the coming debate will generate any more light than that of last year—or, indeed, of the years before that.

Clouding our perspective are demands that national defense must bear its fair share of cuts in order to achieve a balanced budget.

Those who would mindlessly cut defense to reduce the deficits created by Mr. Reagan's tax reductions are the forerunners of a new American isolationism. These neoisolationists ignore the fact that there are real threats to America from outside our borders. They seem unaware that our defenses are in a state of criminal neglect because, for decades—under Democrats and Republicans alike—America's defense budget has been robbed of more than its fair share.

In such times, it is refreshing to see recently in the Washington Post a nononsense analysis of our national security problems written by R. James Woolsey, a former Under Secretary of the Navy.

I ask that Mr. Woolsey's article, "Too Many Defense Fiddlers" be printed in the RECORD.

The article follows:

TOO MANY DEFENSE FIDDLERS

There are some striking parallels between what has gone wrong with our defense establishment over the last two decades and what has gone wrong with much of the rest of American government and American business.

For example, The Post a short while back carried two comments analyzing two widely disparate and chronic problems that could, word for word, be used as diagnoses for the Defense Department's two most debilitating long-term ailments.

After the Air Florida crash, Jay Gourley wrote of government's efforts to improve air safety by ever more detailed regulations: "We've made more people responsible for each flight. And the more people who are responsible, the less responsible each is. . . . (I)n so doing, we've endangered the flying public." And criticizing American businessmen's toddler-like appetite for the immediate gratification of a yummy next-quarter's financial report, Bendix's William Agee stressed the dangers of a "very short-term, expedient approach to problems—this quarter's earnings, this year's budget. . . ."

While these tendencies are widely recognized as problems in the rest of society, they are ordinarily mentioned only in passing in an assessment of the difficulties of our defense establishment, for a very good reason. Increasing the number of people responsible for running things and demanding immediate financial improvement (often in the form of quick savings from "Fraud, Waste and Abuse") are the two favorite proposals of many aficionados of the defense debate and of much of Congress. Indeed they are thought to be the remedies for all seasons.

The twin cries will go up, as Congress returns, to improve defense management by fine-tuning it from Capitol Hill, and to save the nation's economy by cutting back on the proposed defense spending in this year's budget.

The proposals for fine-tuning will almost universally neglect the effect mentioned by Gourley: the dilution of responsibility. There are now so many people fiddling with the weapons procurement process—and many fiddlers are either in Congress or required to fiddle by it—that frequently it is impossible to tell who's in charge of any major system. Two decades ago, Adm. Red Raborn brought the Polaris program from inception to having a boat on operational patrol in three years and 11 months. That is unheard of today, for programs involving far fewer technological breakthroughs than Polaris did. The delays created by even trying to assemble today's string ensemble for rehearsal, much less get it to consider playing the same piece of music, mean that no one individual can oversee an entire weapons program in that fashion until there are major breakthroughs in geriatrics.

The proposals for instant defense spending reductions will take many forms. Most will have these features in common: they will not require canceling large weapons programs that have built up political and economic constituencies; they will not involve closing any military bases; and they will not provide funds for any of the early costs in a weapons program that are necessary to establish alternate manufacturers and thus save money through increased competition in the long run. But the sorts of steps that are necessary in order really to save money in the defense budget, over the long haul, almost all do involve accepting short-run economic or political costs. Congress particularly finds it hard to face this. Since it is so very hard to pay either the short-term price of job losses or the price of the budget increases needed to get alternate manufacturers started on a weapon, Congress falls back onto what many see as second-best solutions—across-the-board cuts in the spending currently before it. These, however, just reduce readiness, since it is about the only thing that can be cut effectively at such a late date without major surgery.

Republicans in Congress are now more than ordinarily prone to advance the course of both of these types of diseases. They are politically less able than the Democrats to challenge the true cause of the massive looming federal budget deficits—namely the snowballing tax cut legislation of 1981 with, e.g., its revenue-destroying rental market for corporate tax credits. Most Republicans also don't want to challenge any of the administration's highly visible weapons programs but feel they must at least propose something that sounds critical of Defense. Increased micro-management and short-term readiness cuts are likely to be the result.

On the other hand, many Democrats are still, in most cases, attracted by the path they have mindlessly pursued for a decade and a half—staying to the Republicans' left on defense issues. Although some had an interesting fling in the Senate last year attacking the Republicans on the readiness issue, many Democrats look at recent polls, feel the tide may have turned against the public's 1980 support for increased defense spending, and hope to capitalize on it. They know that, in fact, current proposals for defense increases are still dwarfed by Soviet efforts and take us less than half of the way back from Jimmy Carter's record post-Korean War low level of commitment to defense (just over 5 percent of GNP) to John Kennedy's level (9 percent)—that current increases are disproportionate neither to the Soviet buildup that necessitates them nor to our own recent past peacetime defense spending. But most Democrats cannot bring themselves to be satisfied by ineffectual attacks against one or two questionable major weapons systems and criticism of last year's tax cuts.

In any case, for their own sets of reasons, both parties in Congress seem at this point to be headed toward more micro-management of defense and toward aggregate cuts in this year's defense spending without killing major programs. In the incomparable words of Yogi Berra, "we're makin' all the wrong mistakes."●

PRESIDENTIAL SUPPORT FOR EXPORT TRADING COMPANIES AND HOUSE ACTION

● Mr. HEINZ. Mr. President, one of the interesting characteristics of the export trading company legislation now making its way through the Congress is the broad bipartisan support it has had.

As I have previously pointed out, the bill passed the Senate twice unanimously in two successive Congresses. Additionally, the last two Presidents have supported it. Former President Carter and former Secretary of Commerce Klutznick worked very hard for its enactment, as has the present administration. Recently President

Reagan affirmed his own commitment to this legislation in a letter to J. Paul Lyet, chairman of the President's Export Council, responding to the Council's endorsement of the bill—the first action of the Council in this administration.

Mr. President, I ask that the texts of both letters appear in the RECORD.

As the second session of the Congress gets underway, it is also timely to say a word about the bill's status in the House. S. 734 has been referred to three committees in the House, Foreign Affairs, Banking, and Judiciary.

The Foreign Affairs Committee reported the bill in the last Congress, and I have every expectation it will do so again. One of the Members who introduced similar legislation, Congressman DON BONKER of Washington, is on the committee and has been diligent in his efforts to move the bill along.

Similarly, in the Banking Committee I am optimistic about timely consideration. The chairman of the committee, Congressman ST GERMAIN of Rhode Island, has from the beginning made clear that he does not intend to be an obstacle to the bill's enactment. He has not been one thus far, and I am confident that he will continue his helpful and careful consideration of the issues raised by the bill. Clearly, Chairman ST GERMAIN has some reservations about the bill as passed by the Senate. That is hardly surprising. The Senate frequently has reservations about bills passed by the House. Chairman ST GERMAIN has raised some thoughful questions about the bill which the administration is now studying. There is no doubt in my mind that the chairman has acted in good faith in raising his questions, and I have no doubt that when they are answered his committee will work its will on the legislation and we will proceed to conference.

The Judiciary Committee has studied the bill for some months now, following hearings last spring and summer on an alternative approach introduced by Congressmen RODINO and MCCLORY. That alternative was approved at the subcommitte level last December, and at the same time the staff was instructed to prepare a draft of a certification procedure as in title II of S. 734 with certain specific changes. The staff has now done so, and I hope the chairman, Congressman RODINO will soon schedule a markup session on that proposal. It does not contain everything we in the Senate would like to see, but it is certainly something we can go to conference on and I am confident the gap can be bridged with all parties acting in their usual good faith.

It is apparent, Mr. President, that we are making progress. And well we should. Export trading companies will by no means solve all our export problems—no one ever claimed that they will—but they will make some additional resources available to small- and medium-sized exporters and potential exporters, and over the long term will reorient the way we approach exporting. This legislation has broad and deep support and deserves prompt enactment. I am encouraged by the House's diligence in educating itself about the bill and the issues it raises. I hope we can continue that progress and translate it into action on the bill.

The letters follow:

THE PRESIDENT'S EXPORT COUNCIL,
Washington, D.C., October 30, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the President's Export Council, I submit herewith its resolution calling for prompt enactment of legislation to facilitate the formation and operation of export trading companies:

The President's Export Council, as its first order of business, agreed to advise you that the establishment of the export trading company concept should be your top priority in the international trade area.

Export trading companies are necessary in order to realize economies of scale and to provide small firms with access to the expertise so often critical to successful international competition. Formation of such companies should provide a major step in the economic recovery of the nation. They would contribute to the reduction of the nation's trade deficit by fostering the growth of exports, which already contribute approximately 20,000 jobs for every one billion dollars in sales.

We recognize that the Administration has already endorsed the export trading company concept, but call your attention to the fact that immediate action in the House of Representatives is necessary if legislation is to pass this year. We urge the Administration to intensify discussions with the appropriate committees in the House, particularly the Judiciary Committee, in order to work toward speedy passage of export trading company legislation.

We hope you will give our views close attention, as this is one of the most practical ways in which the United States can increase exports.

Sincerely,

J. PAUL LYET, *Chairman.*

THE WHITE HOUSE,
Washington, D.C., December 22, 1981.

Hon. J. PAUL LYET,
Chairman, President's Export Council,
Washington, D.C.

DEAR CHAIRMAN LYET: Thank you for your letter transmitting the first recommendation of the new Export Council supporting prompt enactment of export trading company legislation.

This Administration supports legislation to foster the formation of American export trading companies. We have been actively involved in discussions with the relevant committees in the House, and we will continue to do all that we can to seek expeditious passage of the legislation. I believe we will have an effective export trading company law early in the next session.

I appreciate the Council's advice and look forward to receiving additional recommendations.

Sincerely,

RONALD REAGAN.

RULES OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

● Mr. PERCY. Mr. President, pursuant to Senate rule XXVI which requires that the rules of each committee be published by March 1, I am submitting for the RECORD the rules of the Committee on Foreign Relations.

The rules referred to are as follows:

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted January 14, 1981)

RULE 1—COMMITTEE AND SUBCOMMITTEE MEETINGS

(a) Regular meeting day.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(c) Quorum requirements.—(1) A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No

measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken.

(2) A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member of from each party.

(3) For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting, a quorum of the Committee and each subcommittee thereof shall consist of one member.

(d) Proxy voting.—Proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted for the purpose of reporting a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be in writing.

(e) Subcommittee.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee, the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(f) Subcommittee meetings.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving reporting expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

(g) Announcement of meetings.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(h) Assignments to subcommittees.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

(i) Staff attendance at meetings.—A Member may have one member of his personal staff, for whom that Member assumes person responsibility, accompany and be seated near him at committee meetings. Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

Each member of the Committee may designate members of his personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend executive sessions of the Committee. The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

(j) Reporting requirements.—

(1) When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views in writing, with the Chief Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such views.

(3) The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 2—NOMINATIONS

(a) Waiting requirement.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until six days after it has been formally submitted to the Senate.

(b) Public consideration.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) Required data.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a confidential financial statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; and (4), for persons nominated to be a ambassador or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the four preceding years.

RULE 3—WITNESSES

(a) General.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) Presentation by witnesses.—If the Chairman so determines, the oral presentation of witnesses shall be limited to ten minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) Filing of statements.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

RULE 4—COMMITTEE TRAVEL

(a) Approval procedure.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee. Any proposed travel by committee staff for a subcommittee purpose must be approved by the subcommittee chairman and Ranking Minority Member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee.

(b) Travel by personal staff.—A member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(c) Foreign travel by Committee staff.—When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the Committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel, of its extent, nature, and purpose. The report referred to in the first paragraph of this section shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee.

(d) Staff travel in U.S.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

RULE 5—TRANSCRIPTS

(a) General.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) Maintenance and security of classified transcripts:

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of the classified transcripts.

(2) A record shall be maintained of each use of the classified transcripts.

(3) Classified transcripts shall be kept in locked combination safes in the Committee offices except when in active use by author-

ized persons. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, D.C. unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(c) Use of classified transcripts. The following persons are authorized to use classified transcripts:

(1) Members and staff of the Committee in the Committee rooms.

(2) Senators not members of the Committee, by permission of the Chairman, and designated personal representatives of members of the Committee with appropriate security clearances in the Committee's Capitol office, with the permission of the Chairman.

(3) Members of the executive departments involved in the meeting, in the department's offices, or, in the Committee's Capitol office, by permission of the Chairman.

(d) Declassification of executive transcripts and other executive records:

(1) Any executive transcript or classified Committee report, or portion thereof, may be declassified by the Committee less than 12 years after the date on which such transcript or record was made if—

(A) the Committee by majority vote approves; and

(B) each member of the Committee who participated in any meeting at which such transcript was made, approves of such declassification, except that the Committee may by majority vote declassify such transcript in the absence of such approval.

(2) Any such transcript, classified Committee report, or portion thereof, shall be declassified on a date 12 years thereafter unless the Committee by majority vote disapproves.

RULE 6—REGULATION FOR THE USE OF CLASSIFIED MATERIAL (OTHER THAN TRANSCRIPTS)

Receipt and distribution of classified material.—

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to Room 4229, Dirksen Senate Office Building. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered, shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 7—STAFF REGULATIONS

The following provisions shall apply concerning the staff.

(a) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(b) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(c) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

(d) The staff and the Committee also have a responsibility under section 136 of the Legislative Reorganization Act which provides that "... each standing Committee ... shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the committee." The staff also has a responsibility to the Committee for carrying out the mandate of Senate Rule XXV which provides that, in addition to specific areas of jurisdiction, the Committee "... shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time."

In the case of foreign relations, there is an additional responsibility deriving from the advice and consent clause of the Constitution. By the same token there are limitations deriving from the President's special constitutional position in regard to foreign relations.

(e)(1) In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(2) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(f) In carrying out the responsibilities in subsection (e), the staff shall bear in mind the workload of Senators and not deal in trivia but limit itself to broad questions of basic policy or specific matters which point up a question of basic policy.

(g) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(h) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(i) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(1) Members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group.

(2) Members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action.

(3) The staff shall under no circumstances discuss with anyone the proceedings of the Committee in executive session or conversations with individual Senators without specific advance permission from the Committee or the Senator concerned.

RULE 8—PROVISIONS OF LEGISLATIVE REORGANIZATION ACT AND SENATE RULES

In addition to the foregoing, the Committee on Foreign Relations is governed by the standing rules of the Senate and the rules and procedures set forth in the Legislative Reorganization Act of 1946, as amended.

RULE 9—AMENDMENTS

These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each Member at least 48 hours prior to the meeting at which action thereon is to be taken.●

RULES OF THE SENATE COMMITTEE ON SMALL BUSINESS

● Mr. WEICKER. Mr. President, in accordance with the requirement of Senate rule XXVI to publish the rules of each Senate committee in the

RECORD not later than March 1 of each year, I am herewith submitting the procedural rules of the Committee on Small Business.

RULES OF PROCEDURE OF THE COMMITTEE ON SMALL BUSINESS

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on three days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b)(1) Nine Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) Six Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments.

(3) In hearings, whether in public or closed session, a quorum for the taking of testimony, including sworn testimony, shall consist of one Member of the Committee or subcommittee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) The Chairman and Ranking Minority Member shall serve as ex officio members of all subcommittees on which they do not serve as members.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. The Chairman of any subcommittee may, after approval of the Chairman, initiate a hearing of the subcommittee on his authority or at the request of any member of the subcommittee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee or any subcommittee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Any Member of the Committee may attend any meeting or hearing held by any subcommittee and question witnesses testifying before any subcommittee.

(3) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(4) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 24 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. Subcommittees shall not have the right to authorize or issue subpoenas. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.●

ANNIVERSARY OF LITHUANIA'S INDEPENDENCE

● Mr. HUMPHREY. Mr. President, February 16 marked the 64th anniversary of Lithuania's declaration of independence. Unfortunately, the Senate was not in session on that day, but I wish to take this opportunity to make a few pertinent comments.

Although the Lithuanian people are now under the domination of the Soviet Union, their brief period of independence demonstrated their devotion to the ideals of freedom and liberty. Even today, after more than 40 years of Soviet control, Lithuanians continue to battle for autonomy. Their constitution, which is not recognized by the Soviet Union, guarantees freedom and equality of all citizens before the law.

The Lithuanian people maintain an organized opposition to oppression through demonstrations, petitions, and underground publications. They fight to preserve many of the basic human rights that we take for granted here in the United States. Many of those who speak out for these basic freedoms are arrested and persecuted. Great numbers of Lithuanians are sitting in Soviet prisons because they dared to voice their religious, cultural, and political beliefs.

I feel it is important, on the anniversary of their independence, to recognize the determination of the Lithuanian people's struggle for independence. The will of these people is worthy of our admiration and should be an inspiration for us all.●

64TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. DOLE. Mr. President, February 16, 1982, marked the 64th anniversary of the reestablishment of Lithuanian independence in 1918 and the 731st anniversary of the formation of the Lithuanian state. Today the U.S. Senate commemorates this occasion with a special order at the request of the distinguished chairman of the Foreign Relations Committee.

I believe that my colleagues in this esteemed body are only too familiar with the tragic fate of this small, proud nation on the Baltic Sea and that of her noble people: The treacherous pact between Hitler and Stalin in 1940 that handed the free Republic of Lithuania over to the Soviet Empire, the armed resistance of Lithuanian patriots and suppression by the Red Army that followed, the deportation of thousands of Lithuanian citizens to Siberia, and the almost complete suspension of basic human rights that is inevitably the consequence of a Communist takeover.

As we are all well aware, Soviet propaganda has consistently portrayed the Baltic nations as "brotherly republics" that welcomed the Soviet overthrow of the so-called "Bourgeois Forces of Reaction." Of course, actions speak louder than Soviet propaganda, especially when backed by bayonets, so the Kremlin embarked upon a strenuous campaign to eradicate the Lithuanian nation, culture and religious heritage: The Russification process with which captive nations within the Soviet Empire are all too familiar.

During the past few years, the Soviet repression in Lithuania has been noticeably heightened by two factors: The establishment of the Lithuanian Helsinki Monitoring Group, and the recent events in Poland, where the dread disease of economic and political freedom erupted in the days prior to December 1981.

A NEW, YET ALL TOO FAMILIAR TARGET

We have noted in the past the fate of the Lithuania Helsinki monitors, such as Antanas Terleckas, Julias Sasnauskas, Algirdas Statkevicius, and other brave souls who have the courage to openly espouse those human rights which the Soviet Government allegedly extended to its citizens through the Helsinki Final Act of 1975. The number of victims of Soviet political persecution in Lithuania continues to grow, in open violation of international accords and human decency. Moreover, the Kremlin, perhaps unnerved by the role that the Catholic Church has played in the events of Poland, has apparently embarked upon an effort of intimidation and outright violence against the clergy and parishioners of the Lithuanian Catholic Church, after what had been in recent years a somewhat uneasy truce. According to reports from the Catholic committee for the rights of believers, a wave of thefts and vandalism has been initiated against church property, and at least four priests have been savagely beaten by supposedly unknown assailants. One of these priests, Father Lyoanas Shapoka, was beaten and tortured so severely that he perished. As strange as it may seem, the murderers took all night to perform their grisly deed, with little fear of interruption. Indeed, the authorities have shown a curious reluctance to apprehend the guilty parties, preferring, according to the Catholic committee, to devote their energies to investigating the alleged vices of the victim.

At the other end of this sorry spectrum of religious repression, we have the scene, described in the newspaper Novoe Russkoe Slovo, of KGB guards shouting "Stop praying * * * it's forbidden to pray * * * I can tell by your face that you're praying!" to an onlooker at a recent trial of a believer. A Lithuanian citizen by the name of Kershyute received 7 days in jail, according to the same newspaper article, for handing out flowers to the defendants at a trial. Perhaps the authorities are allergic to flowers because, prior to this, sympathizers had covered a police vehicle with flowers as it carried another victim of the Soviet antireligious campaign, Yadvigi Stanelite, to one of the Archipelago's many camps.

Mr. President, I note with pride that the United States has never recognized the illegal annexation of Lithuania into the Soviet empire, and that our Nation continues to recognize the diplomatic corps of independent Lithuania. I look forward to the day when this diplomatic corps will represent not only free Lithuanians abroad, but also free Lithuanians in their native land on the Baltic.●

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 16, 1982.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room 4229 Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C. February 16, 1982.

DR. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.

Attachments.

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. The classified annexes referred to in several of the covering letters are available to Senators in the office of the Foreign Relations Committee, room 4229, Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 11, 1982.

In reply refer to: I-13092/81ct.

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-33 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $80 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director,

TRANSMITTAL NO. 82-33

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Pakistan.

(ii) Total estimated value:

	Millions
Major defense equipment[1]	$63
Other	17
Total	80

[1] As included in the U.S. Munitions List, as part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: One hundred M48A5 tanks with related ammunition, spare parts, and ancillary equipment.

(iv) Military department: Army (VBP).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: February 11, 1982.

POLICY JUSTIFICATION

PAKISTAN—M48A5 TANKS

The Government of Pakistan has requested the purchase of 100 M48A5 tanks with related ammunition, spare parts, and ancillary equipment at an estimated cost of $80 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to

provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet invasion of Afghanistan.

The Government of Pakistan requires these tanks to continue the upgrading and standardizing of their existing armor as a part of Pakistan's overall force modernization plan.

The sale of this equipment and support will not substantially alter the overall military balance in the region.

The M48A5 tanks will come from U.S. Army stocks.

Implementation of this sale will require the assignment of a Quality Assurance Team of seven U.S. Government personnel in-country for 14 days after arrival of the first increment of tanks. No contractor representatives will be required.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C. February 11, 1982.
In reply refer to: I-13087/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-32 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Pakistan for defense articles and services estimated to cost $74 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-32

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Pakistan.

(ii) Total estimated value:

	Millions
Major defense equipment[1]	$55
Other	19
Total	74

[1]As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles of services offered: Ten AH-1S attack helicopters including the TOW missile system and spare parts, training, and technical assistance.

(iv) Military department: Army (VBQ).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: February 11, 1982.

POLICY JUSTIFICATION

PAKISTAN—AH-1S HELICOPTERS

The Government of Pakistan has requested the purchase of ten AH-1S attack helicopters including the TOW missile system and spare parts, training, and technical assistance at an estimated cost of $74 million.

This sale will contribute to the foreign policy objectives of the United States by enabling Pakistan to increase its capability to provide for its own security and defense, particularly in view of the increased threat resulting from the Soviet invasion of Afghanistan.

The Government of Pakistan requires this equipment to upgrade its existing structure as part of Pakistan's force modernization plan. Coupled with the initial purchase of ten AH-1S helicopters, this second increment will provide Pakistan with a modest air mobile anti-tank capability.

The sale of this equipment and support will not substantially alter the overall military balance in the region.

The prime contractor will be the Bell Helicopter Company of Fort Worth, Texas.

Implementation of this sale will require the assignment of five U.S. Government technical representatives in Pakistan for 24 months in support of the system.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 12, 1982.
In reply refer to: I-13086/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith transmittal No. 82-30 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to the Republic of Korea for defense articles and services estimated to cost $68 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Republic of Korea.

(ii) Total Estimated Value:

	Millions
Major defense equipment[1]	$47
Other	21
Total	68

[1] As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: A quantity of 170 Improved-HAWK (I-HAWK) guided missles and 723 rocket motors.

(iv) Military department: Army (WYK).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: February 12, 1982.

POLICY JUSTIFICATION

REPUBLIC OF KOREA—IMPROVED-HAWK (I-HAWK) MISSILES AND ROCKET MOTORS

The Government of Korea has requested the purchase of 170 I-Hawk guided missiles and 723 rocket motors at an estimated cost of $68 million.

This sale will contribute to the foreign policy objectives of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for modernization and progress in eastern Asia. The sale of this equipment and support will enhance deterrence and contribute to the preservation of peace and stability on the Korean peninsula.

This sale will provide missiles to replenish those expended during annual service practice (ASP) firings, make available missiles for future ASPs, and provide for on hand reserve stocks. The rocket motors are to be used as replacements for motors with an expired shelf life. Since the North Korean Air Force enjoys more than a 2:1 numerical advantage in combat aircraft, this sale is vital to offset this quantitative disadvantage.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors will be the Raytheon Company of Andover, Massachusetts for the missiles, and the Aerojet Corporation of Sacramento, California, for the rocket motors.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Korea.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C.; February 12, 1982.
In reply refer to: I-00575/82.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-46, concerning the Department of the Army's proposed Letter of Offer to Austria for defense articles and services estimated to cost $22 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Austria.

(ii) Total estimated value:

	Million
Major defense equipment *	$20
Other	2
Total	22

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Twenty-four (24) M109A2 155mm self-propelled Howitzers.

(iv) Military department: Army (UTU).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in Section 28 report.

(viii) Date report delivered to Congress: February 12, 1982.

POLICY JUSTIFICATION

Austria—M109A2 Howitzers:

The Government of Austria has requested the purchase of twenty-four (24) M109A2 155mm self-propelled howitzers at an estimated cost of $22 million.

Approval of the sale would fully accord with and support U.S. interests in Austria. U.S. goals are to encourage and support Austria in strengthening and modernizing its defense forces, enabling it to more effectively deter intrusion of hostile forces into Austrian territory. Austria desires the howitzers to augment its present defensive firepower. Austria has the capability to absorb the weapons which will enhance Austria's deterrence role.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Bowen-McLaughlin-York Company of York, Pennsylvania.

Implementation of this sale will require the assignment of a five-man quality assurance team for a period of two weeks to Austria.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1982.

In reply refer to: I-12874/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-36, concerning the Department of the Air Force's proposed Letter of Offer to Turkey for defense articles and services estimated to cost $180 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with Section 620C(b) of that statute.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-36

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Turkey.

(ii) Total estimated value:

	Million
Major defense equipment *	$0
Other	180
Total	180

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: This amendment is for industrial plant equipment, initial spares, initial stocks of raw material, associated training, and the necessary publications to operate and maintain the requested equipment.

(iv) Military department: Air Force (YAJ, Amendment No. 1).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: February 16, 1982.

POLICY JUSTIFICATION

Turkey—Industrial Plant Equipment:

The Government of Turkey has requested the amendment of a case for the purchase of industrial plant equipment to maintain, overhaul, and fabricate aircraft spare parts and provide an aircraft overhaul capability along with initial stocks of raw material, associated training, and the necessary publications to operate and maintain the requested equipment at an estimated cost of $180 million increasing the total case value to an estimated $185 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Turkey in fulfillment of its NATO obligations; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

Turkey needs these items to maintain the readiness of Turkish Air Force (TAF) weapon systems of U.S. origin. This modernization program will allow the TAF to produce selected spare parts for its aging aircraft and provide maintenance capabilities not presently available. The total program will assist Turkey in refurbishing its economy and becoming self sufficient in this area. This equipment will be provided in accordance with, and subject to the limitations on use and transfer provided for under the Arms Export Control Act, as embodied in the terms of sale. This sale will not adversely affect either the military balance in the region or U.S. efforts to encourage a negotiated settlement of the Cyprus question.

Procurement of these items and services will be from the many contractors providing similar items and services to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Turkey.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

U.S. DEPARTMENT OF STATE,
Washington, D.C., January 18, 1982.

Pursuant to section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), and the authority vested in me by Department of State Delegation of Authority No. 145, I hereby certify that the provision to Turkey of industrial plant equipment to maintain, overhaul, and fabricate aircraft spare parts and provide an aircraft overhaul capability, along with initial spares, initial stocks of raw material, associated training, and the necessary publications to operate and maintain the requested equipment is consistent with the principles contained in section 620C(b) of the Act.

This certification will be made part of the certification to the Congress under section 36(b) of the Arms Export Control Act regarding the proposed sale of the abovenamed articles and is based on the justification accompanying said certification, and of which such justification constitutes a full explanation.

JAMES L. BUCKLEY.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1982.

In reply to: I-03716/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-35 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Kuwait for defense articles and services estimated to cost $97 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-35

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Kuwait.

(ii) Total estimated value:

	Million
Major defense equipment *	$75
Other	22
Total	97

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Fifty-six M901 Improved-TOW (I-TOW) vehicles, 16 M113A2 armored personnel carriers, 56 AN/UAS-12 passive infrared night sights, 4,840 I-TOW guided missiles, with related spare parts, support equipment, and technical services.

(iv) Military department: Army (UGI).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 30 September 1981.

(viii) Date report delivered to Congress: February 16, 1982.

POLICY JUSTIFICATION

Kuwait—M901 Improved-TOW vehicles and Improved-TOW Guided Missiles:

The Government of Kuwait has requested the purchase of 56 M901 Improved-TOW (I-TOW) vehicles, 16 M113A2 armored personnel carriers, 56 AN/UAS-12 passive infrared night sights, 4,840 I-TOW guided missiles, with related spare parts, support equipment, and technical services at an estimated cost of $97 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own security and self-defense by allowing the transfer of reasonable amounts of defense articles and services. Kuwait's strategic location in the Persian Gulf and its role as a major petroleum producer require a modern defense force capable of protecting the nation's independence.

The sale of the vehicle-mounted TOW missile system will assist Kuwait to improve its defense against armor threats. Kuwait already possesses the ground-mounted TOW and should experience no difficulty in absorbing this system.

The sale of this equipment and support will affect the basic military balance in the region.

The prime contractors will be FMC of San Jose, California, for the I-TOW vehicle; the Emerson Company of St. Louis, Missouri, for the missiles and launchers; and Texas Instruments, Incorporated, of Dallas, Texas, and/or the Kollsman Instrument Company of Merrimack, New Hampshire, for the infrared night sights.

Implementation of this sale will require the assignment of some additional U.S. Government or contractor personnel to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 16, 1982.

In reply refer to: I-13131/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-31, concerning the Department of the Navy's proposed Letter of Offer to the Republic of the Philippines for defense articles and services estimated to cost $64 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-31

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Philippines.

(ii) Total estimated value:

	Million
Major defense equipment*	$62
Other	2
Total	64

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered; Fifty-five LVT 7A1 amphibious landing vehicles with related support equipment, spares, repair parts, publications, and support.

(iv) Military department: Navy (SAT).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 30 June 1981.

(viii) Date report delivered to Congress: February 16, 1982.

POLICY JUSTIFICATION

Philippines—LVT 7A1 Amphibious Landing Vehicles:

The Government of the Philippines has requested the purchase of 55 LVT 7A1 amphibious landing vehicles with related support equipment, spares, repair parts, publications, and support at an estimated cost of $64 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own defense and security. The Republic of the Philippines is a key member of the Association of Southeast Asian Nations, with strategically located U.S. facilities at Clark Air Base and Subic Bay. Its regional importance justifies satisfying reasonable requests for defense articles and services. This purchase by the Philippines will contribute to regional stability and be viewed by neighboring states as evidence of U.S. support for their independence.

The Government of the Philippines requires these amphibious landing vehicles as a part of a major effort to upgrade the Philippine Marine Corps. this purchase will provide an effective method of improving existing amphibious landing, assault, and counter-insurgency capabilities.

The sale of this equipment and support will not affect the basic military balance in the region.

It is anticipated that the prime contractor will be the FMC Corporation of San Jose, California.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to the Philippines.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 19, 1982.

In reply refer to: I-12642/81ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-37 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Air Force's proposed Letter of Offer to the Federal Republic of Germany for defense articles and services estimated to cost up to $50 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

WALTER B. LIGON,
Acting Director.

TRANSMITTAL NO. 82-37

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Federal Republic of Germany.

(ii) Total estimated value:

	Million
Major defense equipment*	$31
Other	19
Total	50

* As included in the U.S. Munitions list, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Procurement of up to 500 AGM-65B Maverick missiles with related initial spares and support equipment.

(iv) Military department: Air Force (YBW).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending 31 December 1981.

(viii) Date report delivered to Congress: February 19, 1982.

POLICY JUSTIFICATION

Federal Republic of Germany—AGM-65B Maverick Missiles:

The Government of the Federal Republic of Germany (FRG) has requested the purchase of up to 500 AGM-65B MAVERICK missiles with related initial spares and support equipment at an estimated cost of up to $50 million.

This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of the FRG; furthering NATO rationalization, standardization, and interoperability; and enhancing the defenses of the Western Alliance.

This sale is essential to the FRG since the AGM-65B will provide the electro-optical conventional weapons delivery capability for which German Air Force (GAF) F-4F aircraft have recently been modified through the Improved Armament Capability Program. The AGM-65B capability fulfills one of the interoperability objectives between the USAF and the GAF.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Hughes Aircraft Company of Canoga Park, California.

Implementation of this sale will not require the assignment of any additional U.S. Government personnel to the FRG. However, two contractor engineering technical services representatives will be required in the FRG for six months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., February 19, 1982.

In reply refer to: I-00584/82.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-47 which supersedes Transmittal No. 81-41, concerning the Department of the Air Force's proposed Letter of Offer to Tunisia for defense articles and services estimated to cost $200 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

JAMES AHMANN,
Acting Director.

TRANSMITTAL NO. 82-47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Tunisia.

(ii) Total estimated value:

	Million
Major defense equipment*	$180
Other	20
Total	200

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of articles or services offered: Six F-5E and six F-5F aircraft (in lieu of the previously reported four F-5F aircraft) with spares, support, and training.

(iv) Military department: Air Force (SNA).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Included in report for quarter ending 31 March 1981.

(viii) Date report delivered to Congress: February 19, 1982.

POLICY JUSTIFICATION

Tunisia—F-5 Aircraft:

The Government of Tunisia has requested the purchase of six F-5E and six F-5F aircraft (in lieu of the previously reported four F-5F aircraft) with spares, support, and training at an estimated cost of $200 million.

This sale supports the foreign policy objectives of the United States by helping to provide a friendly country with the means to maintain its own defense.

Tunisia has no interceptor aircraft and no air defense capability at present to oppose the potential threat from neighboring countries. Tunisia's acquisition of interceptor aircraft is one phase of a five-year armed forces modernization program announced by Tunisia. This will be a normal FMS program with production leadtime of approximately two years, allowing sufficient time to train maintenance and operations personnel.

The sale of this equipment will not affect the basic military balance in the region.

The prime contractor will be the Northrop Corporation of Hawthorne, California.

Implementation of this sale will require the assignment in Tunisia of approximately 15 additional U.S. Government personnel and four contractor representatives for approximately two years.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

AMERCIAN ACADEMY OF MEDICAL ADMINISTRATORS 25TH ANNIVERSARY

● Mr. HEINZ. Mr. President, today I am pleased to commend the American Academy of Medical Administrators on the occasion of the 25th anniversary of its founding, and to include in my remarks information concerning this organization. I am proud to note that Robert J. Boduch of Pennsylvania is the president of the Mid-Atlantic chapter of this outstanding organization. I also wish to acknowledge the work of Herb Skuba, the Pennsylvania State director of the academy, and the work of Charles E. Ehredt, the region II director from Pennsylvania, who has brought the anniversary to my attention.

The membership of the American Academy of Medical Administrators includes medical installations, not just hospitals alone, but clinics, nursing homes, extended care facilities, and community medical centers. This organization, which is comprised of administrators in each of the 50 States and foreign countries, has done much in the past 25 years to improve medical service to the public. And the health care sector of our national economy has benefited greatly from the efforts of this fine group.

The history of this noteworthy organization follows:

THE ACADEMY STORY—AMERICAN ACADEMY OF MEDICAL ADMINISTRATORS, BOSTON, MASS.

Founding.—The American Academy of Medical Administrators was founded in Boston, Massachusetts in October, 1957.

The Chapter Signators comprised a group of men practicing administration in various medical activities and these responsible individuals drew the plans for the founding of this non-profit professional society. The seven incorporators alone at that time had a combined medical administrative experience of over one hundred years in the profession.

Name.—The name of the Academy was chosen after great thought and research as to its etymological significance and appropriateness. Because the Academy is to compose members who administer the affairs of various medical activities, the adjective "medical" was chosen as the modifier of the noun "administrators."

Historically, however, the term "medical administration" is not new! For example, during World War II, in the crisis of establishing, staffing and equipping military hospitals to serve and care for the sick and wounded, a Corps of Medical Administration was established within the Medical Department of each of the Armed Services.

Because of the shortage of physicians, some individuals with medical administrative experience were given direct commissions as officers in this Corps; other especially qualified individuals were given intensified training programs in officer candidate schools, upon successful completion, they were also commissioned in the Medical Administration Corps.

Establishment.—The original founders, recognizing the requirements for a thoroughly comprehensive objective, in their foresight assumed the responsibility for drafting the Constitution and Bylaws, elected equally responsible officers and began to develop a program for the Academy. Numerous meetings and contacts with others in the field of administering to the medical setting throughout the United States and Canada were held. It was agreed that there exists a pressing need for the establishment of a professional society such as the Academy's approach would be based on the theory propriate recognition to those dedicated individuals engaged in the many specialties of medical administration. Men and Women who administer the affairs of the hospitals, clinics and other medical activities, caring for the sick in mind and body at the executive, as well as the middle management levels.

It was determined that a part of the Academy's approach would be based on the theory that the scope of knowledge required to understand an organizaton and to make it function effectively is based on several fields of knowledge and that the approaches to a general theory of medical administration had been slow in emerging from a one-discipline approach to a more penetrating analysis on an inter-disciplinary basis.

Development.—As soon as the program of the Academy had been developed, a Charter of the Academy was granted by the Commonwealth of Massachusetts. This Charter recognizes the Academy as a non-profit organization.

The next obvious decision of the part of the founders was to place this program into the hands of the future members. This philosophy was in keeping with the firm conviction that the members are not only the sinews, blood and life, of an organization, but are in fact, the organization itself.

Invitations were issued by mail to those potentially eligible for membership. The faith and belief of the original incorporators that there was a pressing need for a society such as the Academy was clearly demonstrated and justified when in a matter of months hundreds of medical administrators from all parts of the United States, its territories and Canada responded enthusiastically to the initial invitation to Charter Membership. The organization and development of the Academy proceeded rapidly from that point on.

Organization.—In keeping with the precept that the program of the Academy should be carried out by its members, regions were established and Regional Director appointed.

To determine and evaluate application for admission and advancement, a Credentials Committee was established.

The Academy is, therefore, an inclusive society which brings together in one organization the entire medical administrative family.

Purposes.—

To encourage and foster a scientific approach to the practice of medical administration.

To provide a means of intercommunication between medical administrators.

To promote, conduct, and foster educational courses in the various specialties of medical administration.

To provide for employment opportunity and professional advancement through recruitment, referral, and placement services.

To offer referral and consultant opportunities in the various specialties to members, persons and institutions requiring or requesting such services.

To establish and maintain a criterion of competency for those engaged in the practice of medical administration.

To provide for recognition to those who are making their life's work medical administration by electing those who qualify as Nominees, Members and Fellows of the Academy.

To offer to those who are doing noteworthy service in this field scholarship, and grants in order to further their work.

To provide outstanding community service awards to national leaders by bestowing each year honorary lifetime Fellowships upon deserving men and women, as well as awarding the Newcomer Award to the health care Executive of the Year and the Letourneau award for the outstanding student research paper of the year.

During the Academy's relatively brief history, many of the ambitious purposes and goals have been achieved. Formal courses in the Fundamentals of Hospital Administration have been conducted in Boston University; scholarships and grants have been awarded; independently and in cooperation with other professional groups various institutes and colloquiums have been conducted in various parts of the United States; publication of noteworthy topics have been published in the Academy's publication, the AAMA Executive; placement and referral opportunities have been offered to the membership in several of the specialties. And, annually, the Academy has sponsored its Convocation in Boston, Chicago, New York, San Francisco, and Atlantic City.

Governance of the American Academy of Medical Administrators is vested in its Board of Directors consisting of six officers and 10 Regional Directors, 14 of which are elected.

In addition, 50 State Directors have been appointed by the Regional Director in order to expand Academy services throughout every State in the United States and Canada.

Affiliates within the American Academy of Medical Administrators progress professionally in the Academy by starting as a Nominee, are then eligible to advance to

Member in one year, and may then advance to Fellow in four years upon completion of a fellowship paper. Over 1,500 affiliates are currently represented in every State across the United States. Major forward growth is underway for the 1980's.

The National Office of the American Academy is located in Southfield, Michigan (Congress Building, 30555 Southfield Road, Suite 525, Southfield, Michigan 48076 (313) 540-4310).

The Chairman of the Board of the American Academy of Medical Administrators is Eugene J. Nieto, FAAMA, Executive Director of the South Amboy Memorial Hospital in South Amboy, New Jersey.

In addition to serving its 1,500 members, the Academy has directed over 200 national educational conferences throughout America and thousands of registrants have benefited from their timely topics and top level faculty presentations.●

ESTONIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, on February 24, Estonians throughout the world will celebrate the 64th anniversary of the proclamation of the Republic of Estonia. The independence of the Estonian Republic was proclaimed on February 24, 1918, As an assertion and manifestation of President Woodrow Wilson's declaration asserting the right of all peoples to self-determination. Though the Estonian people had been living under foreign domination since the beginning of this millenium, their identity as a nation at the moment of their independence could not be denied and was, in fact, recognized by the allied powers of World War I.

Before the closing of 1918, however, Russian troops invaded the young republic. In the ensuing war the Estonains emerged the victors, and on February 2, 1920, a peace treaty was signed with Soviet Russia. In this document the Soviet Government in Russia recognized the new republic and explicitly renounced "voluntarily and forever all rights of sovereignty over the Estonian people and territory."

During a period of 20 years of independence, the Estonian people demonstrated successfully what a small nation is able to achieve in all fields of life when it enjoys peace and freedom. A national culture flourished, at the heart of which was and still is the Estonian language. A strong national consciousness and pride is evident in an Estonian heritage embracing indigenous authors and artists, a national folklore, and a distinctive style of choral singing.

In 1939, however, with violent disregard for Estonian sovereignty and in violation of international law and the 1920 bilateral peace agreement, Communist Russia forcibly annexed Estonian territory in accordance with the secret protocols of the notorious Ribbentrop-Molotov Pact that Stalin and Hitler had agreed upon. Although 43 of the past 64 years have been marred by Soviet domination, Estonian national feelings continue to inspire these people to regain what they have never renounced.

OPPRESSION CONTINUES

The desire for freedom continues today as does the ruthless Soviet suppression of it. One vocal patriot, Pastor Vello Salum, disappeared in November 1980, as a result of a sermon in which he advocated the role of the church in preserving Estonian nationalism. Mr. Salum has been confined to a psychiatric hospital since that time—already a term comprising 15 months.

Other religious leaders have been harassed and arrested for their work with youth groups. Villo Jurgo, an Estonian Lutheran pastor, lost his state license to preach in December 1980 for encouraging national consciousness among Estonian youths, and the Methodist pastor, Herbert Murd, was arrested for a second time in October of that year under a similar charge.

An officially orchestrated program of Russification threatens the remaining vestiges of Estonian culture. Native Russians continue to resettle within Estonia. Estonians now face the frightening possibility of becoming a minority group in their own country.

Estonian contributions to world affairs of historical and cultural significance are largely ignored. The Estonian consciousness as a separate ethnic identity is facing extinction. The native language—a keystone to the identity of any nation—is being usurped and transplanted by the Russian language in business and everyday matters, official gatherings, such as that marking the 40th anniversary of the Estonian SSR, and also in schools and kindergartens. Journals devoted to Estonian language and culture are becoming increasingly harder to find as Russian publications are rapidly displacing them. History lessons as well as other academic pursuits are presented from a strictly Russian perspective.

The pressure generated by these threatening and antagonistic measures has resulted in expressions of outrage and dissent, the first since the 1950's. On September 22, 1980, over 1,000 young people demonstrated in Tallinn, the capital city of Estonia, after a performance by a popular musical group was banned at the last minute because authorities detected "nationalistic elements" in the group's lyrics. This event let to demonstrations on October 1 and 3, during which an estimated 5,000 students waved the banned national Estonian flag and shouted slogans calling for independence for Estonia and the removal of Soviet troops.

COURAGEOUS ESTONIANS SPEAK OUT

In response to the violent suppression of the demonstration, 40 Estonian intellectuals, in a letter to the Soviet Communist Party paper Pravda, called for wider and more candid discussions on the tense situation in Estonia. One of the signatories was Juri Kukk, a chemist and teacher, and an Estonian nationalist, who in January 1981, was sentenced to hard labor for peacefully expressing his opinions. He started a hunger strike before his trial began, and by the end of March, he was dead.

Almost 43 years have elapsed since the signing of the Molotov-Ribbentrop Pact in which Hitler agreed to consider parts of Eastern Europe, including the three Baltic nations—Estonia, Lithuania, and Latvia—as belonging to Soviet Russia's so-called sphere of influence. Soviet expansionism within and outside of this sphere is well documented. The invasion of Afghanistan in 1979 and more recently the brutal reassertion of Soviet rule over Poland portray the ruthless nature of Russian imperialism.

Within the Soviet Union, the Soviet Government finds it necessary to invoke crude and repressive measures in order to maintain some front of cohesion and harmony. Those who dare speak out for justice and freedom, relying on the stipulations of the Helsinki Final Act, are either confined to psychiatric hospitals or sentenced to lengthy prison terms. Nevertheless, a number of courageous Estonians continue in their efforts, whether vocal, symbolic, or literary, to secure the rights and dignity guaranteed to men in such documents as the Helsinki Final Act.

The words of President Wilson encouraged the people of Estonia to declare and assert their national sovereignty. The stipulations of the Helsinki accords embolden them to continue pursuing the right which they claimed in 1918 and which they continue to claim today. On February 24, let us reaffirm that right in our recognition of the 64th anniversary of the proclamation of Estonia independence.●

El SALVADOR

● Mr. HART. Mr. President, we have read and heard a lot in the last few weeks about where our interests lie in Central America. The administration has submitted its certification report on the situation in El Salvador. According to the report, the Government of El Salvador has made measurable progress in controlling violence, in pursuing economic development and reform, and in working toward democracy and the scheduled elections. According to the administration, the decisive battle for Central America is underway in El Salvador.

Why is El Salvador the line drawn in the dirt? Is it the country that best epitomizes our vital interests in Central America? The contrast with Costa Rica is telling.

On February 7, the citizens of Costa Rica went to the polls to cast ballots for a new President and 57 Congressmen. Once again, a peaceful political change took place in this Central American country, which has enjoyed almost 100 years of open, democratic government.

Yet very little of the discussion about the threat to democracy in the area deals with Costa Rica, which has one of the longest and strongest traditions of democracy in the Western Hemisphere. We do not hear much about human rights abuses by extremists on the right and left of the political spectrum in Costa Rica, because it has one of the most respected human rights records in the world. There is no tradition of violence and lawlessness by uncontrolled military forces because Costa Rica disbanded its army in 1940. And the citizens of Costa Rica have yet to be intimidated against participating in their electoral process.

In fact, very little of the discussion about U.S. interests, priorities and goals in Central America even deals with Costa Rica, and yet that once prosperous country now finds itself in great economic difficulty, for reasons that have as much to do with the high price of oil and the low price of coffee as with problems of domestic subsidies. Last year the administration requested $15 million in economic aid for Costa Rica, an amount which the House ultimately increased to $25 million. That was less than the amount requested and appropriated for El Salvador for military aid alone, and is a little less than half the amount the administration is now planning on sending in emergency military assistance. I oppose such open ended aid for El Salvador.

History has repeatedly shown that open ended involvements in the internal affairs of other nations can be risky and costly. We learned the hard way in Vietnam. The Soviets are learning the hard way in Afghanistan. Their surrogates in power in Warsaw are learning related, relevant lessons from their own citizens.

However, there are lessons to be learned from the Vietnam experience both before and after 1975. After a year of focusing our attention and resources on El Salvador, it is still not clear whether any group—the government or the militants on the extreme right or left—has the support of the people. It may be that the polarization which has occurred as the blood has spilled has so shredded the fabric of society that it is increasingly irrelevant to talk in terms of who speaks for the people.

It is abundantly clear that we are not the only external source of arms and war materiel being used by parties to the conflict. Respect for the power of nationalism is not an excuse for hand wringing when vital American interests are in fact being threatened by the Soviet Union and Cuba.

However, we have been asked, and will be asked again, to provide increasing amounts of military aid to the Duarte government. We should be asking some questions in return—questions which a growing number of American citizens are already asking. Does our interest in the survival of the Duarte government warrant unlimited military support for that government? Does the ruling junta in El Salvador have enough effective strength to be able to use the aid we are sending? Do the administration's policies foreclose the possibility of a political settlement in El Salvador and increase the likelihood that American troops may ultimately be committed there? Is the administration committed to being frank with its own citizens when it submits a certification report which, to put it kindly, is much more optimistic than frank about the political situation in El Salvador?

A number of respected journals, including the Denver Post, the Christian Science Monitor, the Philadelphia Inquirer, the New York Times, and the New Republic are asking these questions, and I shall submit their editorials for the RECORD at the conclusion of my remarks.

My own constituents are also asking questions. An increasing number of them are asking whether the amounts requested for military aid for El Salvador are consistent with the kinds of economic sacrifices this administration is directly and indirectly asking American citizens to make at home.

Mr. President, it would be counterproductive to gloss over the fact that elections are scheduled to be held in El Salvador in March. We cannot ignore the fact that the guerrillas fighting against the Duarte government have chosen not to participate in that election process—and are instead intimidating those who choose to do so. But it would be just as counterproductive to pretend that the cycle of violence is likely to end after March, given existing conditions in El Salvador. Sending additional military advisers will not help. Open ended military assistance will not help.

I therefore support Senate Joint Resolution 144 introduced by Senators DODD, TSONGAS, and KENNEDY. This resolution provides a positive alternative to the military aid approach; the resolution calls upon all parties to the conflict to begin unconditional negotiations for the purpose of achieving a cease-fire, an overall political settlement and international supervised elections. It is in that spirit in which this body approved assistance El Salvador last December. In this same spirit, I also support the recommendation of the Citizen's Committee on the El Salvador Crisis, headed by a very respected former Ambassador to El Salvador, Angier Biddle Duke, calling on the administration to propose a cessation of all military aid from all sources, under international supervision and control.

In supporting these moves, I do not deny that we have longstanding interests in Central America, nor do I deny the existence of Soviet and Cuban threats to those interests. On the contrary—this joint resolution and the Citizens' Committee recommendation develop viable options which address those interests and concerns in a more constructive way than open ended aid aimed at achieving a military solution.

The material follows:

[From the Denver Post, Feb. 4, 1982]

CRISIS IN EL SALVADOR

The disquieting parallels posed by our concern for El Salvador and our experience in Vietnam are becoming more clear. Tuesday, Secretary of State Alexander Haig told the Senate Foreign Relations Committee the United States will do "whatever is necessary" to prevent the overthrow of the El Salvador government by communist-backed guerillas.

Thomas Enders, assistant secretary of state, told the committee "the decisive battle for Central America is under way in El Salvador," Enders went on: "If after Nicaragua, El Salvador is captured by a violent minority, who in Central America would not live in fear? How long would it be before major strategic U.S. interests—the Panama Canal, sea lanes, oil supplies—were attacked?"

The immediate focal point is an election scheduled for next month by the civilian military junta which established a government in 1979. El Salvador's elections are not noted for their punity. Guerillas, armed by Cuba and Nicaragua, are seeking to extend their grip and discredit the government if not to topple it.

The junta, headed by Jose Napoleon Duarte, has been accused of gross violation of human rights in its effort to stamp out opposition. Nor have the guerillas been guiltless. An estimated 30,000 civilians, caught in the political crossfire, have been killed in the past two years out of a population of approximately 4 million in the rugged Massachusetts-size country.

Earlier this week the Reagan administration ruled that the Salvadoran government had made "substantial progress" in human rights reforms and would receive $55 million in emergency military equipment immediately. The assessment is disputed and the action opposed by many American liberals who see the Duarte regime as oppressive and unworthy of U.S. support.

Substitute names and dates, and El Salvador could be South Vietnam. In both situations an authoritarian government friendly to the United States is under attack from rebels suported by surrogates of the Soviet Union. The difference is that El Salvador adjoins Guatemala, which adjoins Mexico which shares a long, unguarded border with the United States. Vietnam was on the other side of 10,000 miles of ocean.

Thus, the potential for trouble for the United States is substantially greater in El Salvador than in Vietnam. Secretary Haig, has declined to rule out the possibility of direct American intervention to defend the Duarte regime.

In the final analysis, popular American opposition was responsible for our pullout from Vietnam with neither victory nor honor long after it became apparent we were in the wrong war in the wrong place. This time we still have an opportunity to determine the extent of our commitment by seeking an answer to this question: Is our self-interest so endangered by a likely Marxist takeover that we should provide total support to an undemocratic junta?

This question needs to be debated in the Congress fully, thoroughly and immediately.

[From the Christian Science Monitor, Feb. 5, 1982]

ALARM BELLS IN AMERICA'S BACKYARD

(By Joseph C. Harsch)

Over this past week it has been Washington's turn to worry about events in its own neighborhood.

Is the Soviet Union, operating through its proxies, about to score further serious lodgement of influence in Central America?

Alarm bells had been set off in Washington during the previous week. On Jan. 27 rebel forces in El Salvador scored their biggest military success yet. They attacked the government's main air base at Ilopango just outside the capital, San Salvador. By official admission, they knocked out "from 30 percent to 50 percent" of the aircraft on the base.

That meant that in a single raid the rebels had roughly halved the main military weapon—air power—which the Reagan administration had put in the hands of El Salvador government forces last year. It raised an immediate question whether the ruling junta in El Salvador had enough effective military strength to be able to use US military aid.

Washington's immediate reaction was to announce an immediate further supply operation to make up for the aircraft losses. But five days later, when Assistant Secretary of State Thomas O. Enders went to Capitol Hill Feb. 1 to vouch that the human rights situation in El Salvador was improving, his audience of congressmen had in their hands accounts of a particularly unpleasant operation by an El Salvador military unit. The unit was reported to have gone into a civilian quarter of the capital city and raped and murdered harmless civilians.

Mr. Enders had to spend as much time admitting that he found the explanations for the operation unconvincing as he did in trying to persuade his audience that "the decisive battle for Central America is under way in El Salvador" and that the US should help save the day there. It may or may not prove such a decisive battle, but the behavior of Washington's proxy troops in El Salvador was not making it easy for the administration.

The three episodes in the latest sequence—the successful rebel attack on the air base, the civilian killings, and the Washington reaction—turned the focus on the world scene right around.

Previously, since mid-December, attention had centered on what Moscow's proxy (the Polish Army) was doing in Poland to the Poles. Washington had the luxury seat for pointing the finger at Moscow. The administration even took out world TV time to do so.

But over the past week the Polish story was pushed off center stage. Attention switched to the difficulties Washington continues to encounter in finding proxies in Central America as disciplined, efficient, and effective as Moscow's proxies are for operations in Moscow's neighborhood.

The number killed in the pacification of Poland since Dec. 13 still stands at 17. Poland is a country of 25 million persons.

The population of El Salvador is only about 4 million. But the killing there is averaging well above the same number (17) per day. Both sides seem to kill more or less indiscriminately.

The fighting has been steady and increasingly severe over the past 12 months. The rebels at present appear to be on the offensive. According to US officials, the military supply and resupply of the rebels from Cuba through Nicaragua has continued.

According to both Mr. Enders and Secretary of State Alexander M. Haig Jr. who followed Mr. Enders to Capitol Hill the next day. Nicaragua is now the "new-found ally" of Cuba. Cuba, according to both Mr. Enders and Secretary Haig, is "systematically expanding its capacity to project military power beyond its own shores."

The official Reagan administration case for more aid to the ruling junta in El Salvador is put in national security terms as follows:

"The decisive battle for Central America is under way in El Salvador. If, after Nicaragua, El Salvador is captured by a violent minority, who in Central America would not live in fear? How long would it be before major strategic US interests—the canal, sea lanes, oil supplies—were at risk?

"Unless we act decisively now the future could well bring more Cubas; totalitarian regimes so linked to the Soviet Union that they become factors in the military balance and so incompetent economically that their citizens' only hope becomes that of one day migrating to the US."

So what we end up with in this early 1982 season is a situation in which both Moscow and Washington are seriously worried about military security in areas each deems to be vital to its strategic interests.

The Kremlin believes that its current troubles in Poland have been deliberately stimulated by Washington in order to weaken Moscow's military position in Eastern Europe.

The White House in Washington seems equally convinced that unrest and rebellion in Central America have been deliberately stirred up by and from Moscow to weaken the US military position in Central America. Neither shows any sign of having the slightest sympathy for the other's predicament.

Both Washington and Moscow are open to the charge of involvement in the other's neighborhood troubles. American union and other funds were sent from the US to the Solidarity union movement in Poland. Guns found their way from communist Vietnam to El Salvador after representatives from El Salvador visited Moscow.

There is no official proof that the US government deliberately supported the Solidarity movement. There is no official proof that Moscow sent funds or guns directly from its own reserves to El Salvador. But each suspects the other.

Destabilization in a rival's neighborhood is a classic power-politics, or "cold war" operation. Back during the first "cold war" of the post World War II era John Foster Dulles liked to talk about "giving them some homework." He meant stirring up political unrest both inside the Soviet Union itself and in the satellite countries of Eastern Europe.

At present, and in the short term, the Soviets seem to be having the best of this two-way destabilization process. Poland seems to have been more or less restabilized for the time being.

A resolution is pending in Congress to forbid any more US military aid to the junta in El Salvador. Mexico and France officially recognize the rebels in El Salvador as a "representative political force." Both are urging a negotiated solution to the civil war in place of the US effort to win it by largely military means.

The week was also marked by the arrival in Washington of Egypt's new President, Hosni Mubarak, who wants President Reagan to apply pressure on Israel toward self-rule for Arabs in the occupied territories.

Mr. Reagan could give Mr. Mubarak what Mr. Mubarak wants only at the price of political troubles at home from Israel's many American friends. The forecast is that Mr. Mubarak, unsatisfied by Mr. Reagan, will gradually move Egypt away from the wholehearted pro-American stance of his predecessor, Mr. Sadat, and nearer to a middle position between Washington and Moscow.

[From the Philadelphia Inquirer, Feb. 4, 1982]

HARD QUESTIONS RAISED IN AIDING EL SALVADOR

The question regarding El Salvador that the Reagan administration put before the Congress this week is whether the embattled Central American nation's junta has the human rights situation well enough in hand to deserve continued American aid. The deeper and more fundamental question, however, is whether the administration's policies are foreclosing the possibility of a political settlement in El Salvador and increasing the likelihood that American troops ultimately will be committed there.

President Reagan has asked the Congress to approve more military and economic aid on the ground that the junta has met conditions which the Congress inserted in the foreign aid bill signed last December.

One was that the President certify that the government of El Salvador "is making a concerted and significant effort to comply with internally recognized human rights." Another was that it "is achieving substantial control" over its own armed forces, so as to end their "indiscriminate torture and murder." Still another: That it "is making continued progress implementing essential economic and political reforms, including the land reform program."

The President has now so certified. His declaration, clearing the way for the administration to send $65 million in new aid, however, came on the heels of reports of new incidents of repression of the Catholic Church, imminent danger of the failure of agrarian reform and, worst of all, brutality and murder of civilians by the military. Those reports, denied by the State Department, must be weighed against the fact that El Salvador is embroiled in a bloody civil war.

The administration argues that fears that El Salvador will become "another Vietnam" are misplaced, because Mr. Reagan has no intention, none, of sending American troops there. But Secretary of State Alexander M. Haig Jr. refused Tuesday, as he has in the past, to rule out the possibility of American military action. Testifying before the Senate Foreign Relations Committee, Mr. Haig said, "We are considering a whole range of options—political, economic and security—in response to Cuban intervention in

this hemisphere." Later, when asked whether sending American troops was one possibility, he replied, "I think the President has made it clear that he has very strong reservations about such a step except *in extremis*, but . . . we have not ruled out anything and we are not going to."

So, nothing is ruled out, but the revolution is indigenous. It is not being waged simply by guerrillas taking their orders from Moscow and Havana, as Washington professes to believe. It is rooted in the misery of people ruled by a tiny elite, and in the organized violence of the armed forces over which Mr. Duarte, a well-meaning Christian Democrat, exerts little effective control.

The administration poses two alternatives. One is to "go on doing what we are doing," sending more military and economic aid and hoping the elections scheduled for March will strengthen the political center. The other is to abandon El Salvador to the insurgents.

There is, however, another choice. It is to use American aid as an instrument to persuade, or compel, the armed forces to end their terror, the regime to proceed with an effective land-reform program and all sides to strive for a political solution. That won't be easy. It may not succeed. Yet if El Salvador is to survive without deepening American involvement and possibly American military action, it must be pursued while there is still time.

[From the New York Times, Feb. 5, 1982]

HOW MUCH MORE FOR SALVADOR?

What is one to make of the new alarms—and commitments—concerning El Salvador? To justify much more military and economic aid, and even vague threats of direct American action, President Reagan has just certified the unlikely: that the junta is becoming more respectful of human rights and therefore showing promise of popular appeal. And Secretary of State Haig suggests the unproven: that outnumbered guerrillas are beating an American-equipped army mainly because of Soviet and Cuban arms.

As a practical matter, Congress may have little choice but to give some more help to a floundering and repressive regime. Pulling the plug would forfeit what chance remains for a settlement among democrats on both sides of the barricades, averting another Castroite thorn. But if Congress feels compelled to go along one more time, it needn't swallow the story. And it can underscore its conditions.

One point seems beyond dispute. The battle is going against President Duarte's right-center coalition. America's Ambassador to El Salvador, Dean Hinton, reported a marked upswing in insurgent strength three weeks ago. His judgment was sustained last week when guerrillas destroyed at least 15 Government aircraft—half the air force—at a field near the capital.

Mr. Hinton estimates total guerrilla strength at 4,500 to 6,000. That they can frustrate a much better equipped army of 18,000 surely reflects sadly on the American premise that the Duarte regime can gain favor with the population of 4.7 million without broadening its political base toward the left. Small wonder that some of the Americans advising that army doubt its prospects and ache to multiply its firepower. Small wonder that Mr. Haig is tempted to look for more remote villains.

Has the flow of Soviet arms, through Cuba and Nicaragua, significantly increased? Is Salvador the reason for the reported delivery of new MIG-23's and Bear bombers to Havana?

Secretary Haig believes so. Recent history suggests that it would be naive to dismiss his fears out of hand—or to accept them on faith. So far, the evidence hardly matches the new anxiety about the Soviet factor. No Cuban "advisers" or sizable caches of Soviet weapons have been seen by American correspondents in El Salvador. Nor does the State Department add much weight when its obviously pained spokesman says: "I don't have anything specific for you at the moment other than to indicate that the statements represent a clear consensus by those accumulating and assessing data."

The problem with swatting at the Russians to justify a deeper American involvement is that it too neatly diverts attention from the social rot in Salvador. Crying havoc about Cuban arms diverts the argument over the political failures of the Duarte regime, and particularly its most brutal agents in the security forces.

Congress is torn because it knows that withdrawing aid may cause the military to pay even less heed to the honorable Mr. Duarte and also discourage any inclination of insurgent democrats to negotiate with him. But if he cannot construct a broader government, more credibly committed to reform and restraint, he is probably beyond rescue.

The junta has not earned yet another blank check. Congress should insist on a timetable for measuring progress toward agreed political objectives and prepare itself to monitor the results.

[From the New York Times, Feb. 15, 1982]

THE COSTA RICAN DIFFERENCE

Costa Rica's condition can be tersely summed up: worthy, democratic and broke. In no other Central American country are free elections and the orderly rotation of power taken for granted. So nobody doubts that the recently elected Luis Alberto Monge will take office as President in May, putting his left-of-center party in power once again. But what are his and Costa Rica's prospects if the bottom falls out of the economy?

That could happen, especially if an attitude of bland unconcern persists in the United States.

When coffee prices were high a few years ago, Costa Rica went on a borrowing spree. Few foresaw that interest rates and the energy bill would jump just as coffee prices tumbled. To borrow so heavily was surely unwise—but it was encouraged by Washington and eager commercial banks.

Thus a country of two million struggles with a foreign debt of $2.6 billion and cannot even meet interest payments. Creditors have postponed the reckoning, partly on deference to the elections. They hope the new government will negotiate a belt-tightening accord with the International Monetary Fund, and reschedule the whole debt.

Meanwhile, the country needs some $300 million this year simply to pay interest that is due, and overdue. The United States is not alone responsible for bailing out Costa Rica, but it can take the lead in framing sensible conditions for a collective effort—as it did in the case of Turkey. When Costa Rica asked for guidance last summer, the new Reagan Administration showed it the door to the World Bank, and left it at that. Even now, Washington has still not spelled out the details of the promised Caribbean development program, which is supposed to include more money for emergency bailouts.

From a banker's vantage, a Costa Rican default is a calamity to be avoided at any sensible cost. But political considerations are even more compelling. Violence is almost unknown in Costa Rica, a country without a serious army or serious insurgency. Its voters overwhelmingly reject parties of the far left and right. And until its recent troubles, Costa Rica was favored with 30 years of ordered growth and enviable vitality.

Those are important blessings, worthy of more recognition from a United States so obviously baffled by violence nearby. Why not invite President-elect Monge to Washington to advertise a still manageable crisis?

[From the New Republic, Feb. 17, 1982]

FRIENDLY FIRE

Every day the tragedy in El Salvador comes more to resemble the tragedy in Vietnam. This is not because American troops are likely to be committed. Despite Alexander Haig's recurrent threats, we take President Reagan at his word that U.S. forces won't be used. El Salvador resembles Vietnam because it divides America's government and its public on moral grounds; because the press and liberal opinion leaders are increasingly convinced that America's ally is irretrievably corrupt and that the war is unwinnable; because Democrats in Congress are gearing up to cut off aid. Most of all, El Salvador resembles Vietnam because, at the rate things are going, it will shortly become another Communist country allied with the Soviet Union. But El Salvador, unlike Vietnam, is close to home.

It ought to be agreed among reasonable Americans that it is not in our national interest, or in the interests of freedom, to have Communists take over in El Salvador. The question for Americans ought to be: how can we try to prevent it? There seem to be four basic options: (1) stop U.S. aid, let the opposition win, and hope that the group coming to power will be moderate; (2) press the present Christian Democrat military junta into negotiations with the leftist opposition and from a coalition government which could end the civil war; (3) do what the Administration is doing now—support the junta economically and militarily, back elections as the means of determining El Salvador's political future, and try to reform the country's army and land distribution system; (4) forget the reforms and go for a military victory by the government.

The dangerous trend in American politics—dangerous both to the U.S. and El Salvador—is a polarizing of opinion, with liberals leaning toward Option 1 and conservatives toward Option 4. While there is still time, we need to search for a basis on which Americans can stand together and help El Salvador save itself. The situation in that violence-wracked country may preclude any solution other than a blood-spattered victory by the far right or far left, but the United States ought to do all it can to find one, and that solution will have to unite what remains of El Salvador's divided democratic middle. We favor an amalgam of Options 2 and 3—that is, elections, reforms, conditional military aid, economic assistance, and negotiations. We think it vital that the Administration intensify pressure on the Salvadoran military and government to reform, to conduct fair elections on March 28, and then to negotiate with moderate leftists in the opposition. We think it

vital that Democrats in Congress press the Administration to adopt such policies, and not walk away from involvement. If we do walk away, the likelihood is that the opposition, aided by Cuba, will win a violent victory. The U.S. will become a haven for thousands of right-wing refugees and Democrats will bear the onus of whatever repression is inflicted on the Salvadorans remaining behind.

Above all, U.S. policy must see to it that the butchery of Salvadoran civilians by their own government's security forces is halted. The Salvadoran government also must deal decisively with independent right-wing death squads. There has been some progress on these fronts, but far too little. Orders have been issued by the army high command to spare civilians, and 500 National Guardsmen have been discharged for abuses. Right-wing battalion commanders have been reassigned to noncombat status. Rotation of guardsmen and national police in provincial villages has been instituted to break up longstanding loyalties to local oligarchs who used them to intimidate and even assassinate peasants. At long last, apparently, the murderers of four American religious workers are about to be prosecuted.

The Reagan Administration claims that the number of civilian deaths occurring in El Salvador in 1981 was half the number for 1980, but still more than 7,000 died. Responsibility for the killings is disputed, but it's clear that government forces are guilty of hundreds, even thousands, of civilian deaths.

In the latest instance, government forces are accused of killing 926 civilians last December at the village of Mozote in northeast El Salvador. We share the Administration's skepticism of the numbers, especially because initial claims by the left put the death toll at 192, and because the village seems never to have had a population exceeding 300. But the point is that many civilians were killed. And just last week, nineteen persons were shot in a San Salvador suburb after being rounded up by the Army. Imagine the outrage in Washington if these killings had been perpetuated by the Polish, rather than the Salvadoran junta.

The Salvadoran army and government must be told unmistakably that its brutality both increases its opposition at home and undermines American support. We do not agree with Democrats who plan to file suit to stop U.S. aid to El Salvador on grounds that human rights laws have been violated. We think that political questions should be settled in Congress, not in court; in a democracy, litigiousness is a poor substitute for politics. We also think that the Reagan Administration is within its legal right to claim that sufficient human rights progress has been made to justify continued economic and military aid. But the Administration has got to make clear to El Salvador this simple fact: if atrocities committed by its security forces do not end, American aid will end. The Salvadoran government is not only killing innocent people. It is killing itself.

Not all the violence is on the right, however.

What information can be obtained suggests that leftist military activity has gone in waves. From mid-1979 to mid-1981, the pattern was one of kidnapping, bombing, intimidation of villagers, and assassination of government supporters. During the last half of 1981, the left concentrated on economic targets—bridges, electric installation, banks, stores—though innocents got killed in the process. Now the left is trying to disrupt the election process by direct violence against villages and by intimidation of potential voters. The left carefully timed and executed a major publicity coup, timed for last week's Congressional aid hearing. It staged a successful rocket attack on the government's biggest air base, conveying the impression that it can strike anywhere in the country, and is winning the war. Two weeks ago, members of the left took reporters for the *New York Times* and the *Washington Post* on a guided tour of Morazan Province and got front-page coverage in stories portraying the guerrillas as noble savages and the Salvadoran Army as mere savages. The acting archbishop of El Salvador, Arturo Rivas y Damas, has criticized both sides in the struggle when necessary, but last year he said that a majority of the country's refugees are fleeing the guerrillas, not the government, and he added that the guerrillas "have made violence and Marxism their watchword, and because of that the majority have turned their backs on them."

Americans, especially liberals, are too eager to cling to romantic notions of the guerrillas or agrarian democrats. How many Americans know, for example, that the Unified Revolutionary Directorate, the supreme executive of the Salvadoran insurgency, was put together in Havana? How many have ever heard of Salvador Cayetano Carpio, leader of the Farabundo Marti Popular Liberation Forces, the largest and most powerful guerrilla group? (He happens to be the former secretary general of the Communist Party of El Salvador, but quit in the days when Moscow and Cuba were discouraging revolutionary violence.) The American press isn't solely to blame for the widespread impression that Guillermo Ungo and his fellow Social Democrates are leading the left, when in fact they number only several hundred persons, as against 3,000 to 4,000 full-time guerrillas and another 5,000 or more part-time armed combatants. The Reagan Administration simply has not made the case that Ungo and the Revolutionary Democratic Front are being used as a front by decidedly anti-democratic revolutionaries who would surely take over if the opposition achieved a military victory.

It's ironic that many opponents of U.S. involvement in Vietnam complained that this country failed to live up to the provision in the 1954 Geneva Accords requiring elections, and now are complaining that the Reagan Administration is backing an electoral solution in El Salvador. If the Salvadoran left really were as popular as many of its sympathizers in this country and Europe believe, it would have made some effort to appear on the ballot March 28, as President José Napoleon Duarte has urged, instead of threatening to kill or cut off the fingers of those who vote. The left's reply has been that any opposition candidates who run would be killed by government security forces or right-wing death squads; and in fact many opposition leaders have been murdered in El Salvador. But death threats and coup attempts have been launched against President Duarte, too, and he has found the courage to remain and work for democracy and reform. If the left had wanted to particpate in elections, arrangements surely could have been worked out for their protection, including international supervision, tight security protection, and campaigning by radio and television. If the opposition truly were favored by the masses, though—as it was in Nicaragua when Somoza rejected a referendum on his presidency—then its candidates would be voted in without campaigning. If the army then stole the election, that would be apparent for all to see. The election route can be a fair one for El Salvador. It is regarded as such—though most Americans don't know it—by the Roman Catholic Church, which has urged Salvadorans to participate and has condemned the left's efforts to disrupt the vote.

But elections alone, no matter how fair they are, will not be enough to give either internal or international credibility to the government. Nor will they end the fighting. The only way to gain credibility—and possibly to achieve peace—is for the government to find ways of encouraging democratic-minded oppositionists to move away from the far left. A meaningful alliance between democratic forces inside and outside the Salvadoran government would run counter to the interests not only of the extreme left but also of the extreme right. And this is where the truly hard choices must be made. There are extreme right-wing elements within the Salvadoran government and army whose values and interests are opposed to those of the United States—and to those of President Duarte and his supporters. These elements are as much the enemies of freedom as are the Marxist-Leninists. At some point—sooner rather than later—both the Salvadoran and American governments must face up to the necessity of removing those elements from power. The cost of doing that could be as little as making major reforms in the military structure or as great as risking a civil war within the civil war. But in this appalling and horrifying situation, where plainly there are no good alternatives, this may be the only way to allow a democratic solution to emerge.

It may be that negotiations can't work, but they ought to be tried as soon as a newly elected government is in place. Talks certainly offer more hope than a continuing bloodbath, and they will help maintain American support for U.S. aid to El Salvador. But first and foremost, government brutality against civilians must halt, and quickly, or Congress and the American people will let El Salvador sink. That would be a tragedy for El Salvador and for us.●

LITHUANIAN INDEPENDENCE DAY STATEMENT, FEBRUARY 23, 1982

● Mr. ROTH. Mr. President, today we commemorate the 64th anniversary of the declaration of Lithuanian independence. I am proud to join my colleagues in paying tribute to a brave people who have never ceased in their struggle to rid themselves of the yoke of Soviet imperialism—an imperialism that extends even to efforts to eradicate Lithuanian language and culture itself.

This year it is particularly important that we as Americans bear witness to the spirit of Lithuania because of nearby Poland a spring of hope for all captive peoples in eastern Europe in struggling for survival. Just as bonds of solidarity unite the American and Polish peoples, so do the courageous patriots of Lithuania take heart at the perseverance of the Polish people in

their fight for independence, freedom, and human dignity.

Over 3 million Lithuanians have chafed under Soviet dictatorship for over 40 years. But like the people of Poland, Lithuanians have neither forgotten their rich heritage nor ceased in their quest for national expression. And also like the Catholic Church in Poland, the church in Lithuania remains a strong bulwark against the dehumanizing effects of communism. As people gather in the churches of Lithuania, we join them in celebrating their history and tradition, while praying for a brighter future.

ANSEL ADAMS, THE NATION'S PHOTOGRAPHER

● Mr. METZENBAUM. Mr. President, on February 20 Ansel Adams turned 80 years young. I would like to share with my colleagues some of the qualities of this truly unique and gifted American photographer and to commemorate his birthday with this statement to the Senate.

Ansel Adams is one of the greatest living masters of the art of photography and has contributed immensely to making this art into the highly valued and respected form it is today. Thousands, if not hundreds of thousands, of Americans have come to know the work of Ansel Adams. His brilliant and beautiful photographs have filled us with the wonder of nature and of photography itself. This master photographer has influenced American artistic life with his numerous exhibits all over the world, his books of photos and technical writings, his prints and posters, and his words in the classes he teaches every year. His 80 years symbolize the dedication to an art which witnessed and translated the natural world as no one else has. His contribution to American art and culture has already made history and the man behind the camera deserves our deepest admiration and honor.

Much has been written about his work but most often the photographs themselves cannot be explained. To look at one is to, as Ansel refers, "enter the expressive field"—the photograph expresses a language of its own. One is struck with awe when looking at his work and is left to form a personal meaning from the images and from the brilliant mastery of the artist. Ansel Adams is indeed regarded as a master of photographic technique, his images are so perfect they seem more than real. He is much more than a technical virtuoso, he is a spiritualist, imbued with a knowledge and deep sense of communion with his subjects. It is a technique of a genius. To those of us who may want a concrete analogy (description) of Ansel's idea, he says that "a photograph could be as clean and definite as a Ford V-8."

His friends and colleagues included so many famous artists of this century, Edward Weston, Paul Strand, Immogene Cunningham, Georgia O'Keefe, Alfred Steiglitz; all terribly significant artists who have built the foundation of much of American art today. Ansel Adams is still forming that foundation today and I know that his friends join me today in our praise of this giant of the art world. The photographer Minor White said this regarding the definitely enduring value of Ansel Adams' work:

> We see him invest straight photography with a princely quality rare in any medium. We see him stylistically sign his images with a flourish of light and three-dimensional depth. Nature never seemed so grand, romantic, sensuous and elsewhere, nor the buildings so architectural nor the artefacts of man and details close to the ground so full of presence.

Ansel Adams was born in San Francisco in 1902 and has remained closely, intimately associated with the images of California's majestic High Sierras, in particular the rugged beauty of Yosemite. It was there at the age of 14 that he began his career as a photographer. The elements of this country have dominated Ansel's life and art. He met his wonderful and most gracious wife, Virginia, in Yosemite and it has been a union that has lasted 53 years. Through his eyes and mind we have also visited in his photographs the breathtaking California coastline—on which they have made their home—and scenes throughout the Southwest and Northwest. But Ansel is not only a photographer of nature as many of us think. The range of his work covers portraiture, social reporting, architecture, and still life. It is the monumentality of his landscapes which have given him his trademark. Ansel reacts by saying, "I just want to be known as a photographer. I have hundreds of images that have nothing to do with landscapes. I like people. In fact, I'm pro man. I'm a species chauvinist."

There is so much about the man that I can almost see why he is so drawn to the wide, expansive, and overwhelming mountain ranges and plains, he needs room for all this creativity. His creativity extended into his love for music and if it had not been for a surge of photographic inspiration as a young man, he may be a concert pianist today, a hobby he enthusiastically pursues. Instead, this truly great artist took the medium of photography to new heights weaving his light and substance in an intense and unforgettable way. It was his experimentation with incandescence which led to his invention of the Zone system, an important educational technique. He has stated, though, that all he could give to his students "was my own personal way of doing things." This he has done.

From all that I can assess, there's an intelligence not found in many people. There's an ordinariness to the man which makes his genius all the more powerful and his ability to express what he sees through his art. A statement he made that "as an artist, it wouldn't make much difference to the spectator how I achieve the prints I do from the images I do, the effect on the spectator remains the important thing," says it all.

I have had the privilege of meeting this great human being, his wife, and his team. They are dynamic, committed, and concerned. It was a thrilling experience for me and my wife. Ansel Adams is politically aware and active in demanding justice for the environment he has so profoundly photographed and experienced. He is an adamant, principled, undaunted environmentalist and heralds his cause in a feisty, no-holds-barred way. He has testified for the need to have stronger protections not only in tangible areas but as a way of life as well. For a man who has been called the Sierra Club's conscience, a spiritual leader of America's conservation movement, he has the rightful place to speak his mind. He is after all the artist whose photographs of the undefiled American West have virtually molded the Nation's modern self-image of open, free, and endless. It was Ansel Adams' book "Sierra Nevada: The John Muir Trail," published in 1938, which helped persuade F.D.R. to support a bill making California's King Canyon a national park. And last year, President Jimmy Carter, impressed with the artistic and environmental achievements of Ansel Adams, awarded him the Nation's highest civilian award, the Presidential Medal of Freedom which states:

> At one with the power of the American landscape, and renowned for the patient skill and timeless beauty of his work, photographer Ansel Adams has been visionary in his efforts to preserve this country's wild and scenic areas, both on film and on Earth. Drawn to the beauty of nature's monuments, he is regarded by environmentalists as a monument himself, and by photographers as a national institution. It is through his foresight and fortitude that so much of America has been saved for future Americans.

A man truly deserving of our reflections and our praise, and lest he or anyone else be concerned, there's no doubt about his unsurpassed creativity and his place in history. Thank you, Ansel, and happy birthday.

SENATOR HEFLIN HONORED

● Mr. NUNN. Mr. President, each year the Georgia Agricultural Commodity Commission for Peanuts, which represents more than 20,000 Georgia peanut farmers, presents its distinguished service award to the individual who has made the greatest contribu-

tion to Georgia's most famous farm commodity.

This year's award was presented by Georgia Peanut Commission Chairman George Whelchel at the annual peanut farm show at Tifton, Ga., on February 6. The recipient was my good friend and colleague, the distinguished senior Senator from Alabama, HOWELL HEFLIN.

Senator HEFLIN's leadership as a member of the Senate Agriculture Committee on behalf of peanut producers from Alabama, Georgia, and the entire Nation during consideration of last year's farm bill was outstanding.

Because of his tireless efforts and vital contribution to the peanut program, I can think of no one more worthy of this recognition than Senator HEFLIN.

Mr. President, I am delighted that peanut producers in my State chose to honor Senator HEFLIN. This distinguished service award is richly deserved, and I ask that Mr. Whelchel's remarks in presenting the award be printed in the RECORD.

The remarks follow:

PRESENTATION OF THE DISTINGUISHED SERVICE AWARD—1982

Each year the distinguished service award is presented by the Georgia Peanut Commission, on behalf of the Georgia Peanut Producers to the individual who has done the most for the profitability of peanut production in the past year. This year, it is with great pleasure that we present this award to U.S. Senator Howell Heflin of Alabama.

Without the Senator's strong support for the bill and defense of the growers position on the peanut program in the Senate, the peanut program would have been lost in the first round of Senate battles. It is due to his efforts and cooperation with the grower organizations that we have retained a program.

Serving his first term in the U.S. Senate, Senator Heflin serves on the Senate Judiciary Committee, the Senate Committee on Agriculture, Nutrition and Forestry, the Senate Committee on Commerce, Science and Transportation and is Vice Chairman of the Senate Select Committee on Ethics. He is the ranking minority member on the Soil and Water Conservation Subcommittee of the Agriculture Committee, member of the Agriculture Subcommittees on Agricultural Credit and Rural Electrification and Agricultural Research and General Legislation.

Senator Heflin is a former Chief Justice of the Alabama Supreme Court. He has served as president of the Alabama State Bar Association and as president of the Alabama Trial Lawyers Association.

He has been selected as "Alabama Citizen of the Year" by the Alabama Broadcasters Association and the Alabama Cable Television Association. For his first amendment protection role, he was awarded the 1977 James Madison Award jointly with television commentator Eric Severeid by the National Editorial Broadcasters Association.

He served as Chairman of the National Conference of Chief Justices. The American Association of Trial Lawyers selected him "Most Outstanding Appellate Judge in the United States" and he received the 1977 Special Service Award from the Law Enforcement Assistance Administration.

As an educational leader, Senator Heflin has served on the faculty of the University of Alabama and the University of North Alabama. In 1977, he was the Tazewell Taylor Visiting Professor of Law at the Nation's oldest law school at the College of William and Mary.

He served as the President of the Alabama Committee for Better Schools and as Chairman of the Board of Trustees of Birmingham-Southern College. He has received a number of honorary degrees and in 1973 he was chosen to receive the "Outstanding Alumnus Awards" at both Birmingham-Southern College and the University of Alabama Law School.●

WEAPONS FREEZE TO BE SENT TO COUNTY COORDINATORS

● Mr. LEAHY. Mr. President, I wish to bring to the attention of the Senate an extraordinary example of democracy at work in my home State of Vermont. This work is of concern to all of us since it addresses the proliferation of nuclear weapons, and what many American citizens are doing to reduce and hopefully eliminate the grave danger of nuclear war in our time.

As you are well aware, the arsenals of the superpowers continue to increase in size and destructive power at an alarming rate. Not only do the United States and the Soviet Union possess large and growing arsenals, but also a dozen other nations have already gained access to the technology required to build nuclear weapons. We have a responsibility to ourselves, but more importantly, to our children and grandchildren, to seek some means to end this suicidal race.

What is needed is a grassroots effort to impress upon all Americans the gravity of the danger we face. I know that this movement is now taking shape in Vermont, and I believe throughout the Nation. Last year, nearly 20 Vermont towns adopted resolutions on "Town Meeting Day" urging serious and sincere negotiations with the Soviets to stop the development and deployment of additional nuclear weapons by both sides. Next week, over 160 Vermont towns will debate the issue, with many likely to take the same position. The number of Vermonters actively engaged in efforts to focus public attention on this most serious of all issues has grown dramatically. As a result of these efforts and similar work throughout the United States, officials in Washington are becoming more and more aware of the American people's concern of the danger of nuclear war.

We are reaching a point, in my opinion, where most Americans are prepared to support a nuclear arms freeze. Such a freeze would represent only the first stage in addressing the problems posed by the nuclear arms race. I support the freeze and am persuaded that if the United States and the Soviet Union can agree on this first step, an atmosphere of constructive negotiations will have been established.

I look forward to sharing the results of the 1982 Vermont Town Meeting Day votes on the nuclear weapons freeze with my colleagues, and I hope that we will be able to join together in a bipartisan effort to encourage fruitful discussions with the Soviet Union leading to a reduction in the nuclear arsenals possessed by both sides, and eventually to the elimination of all nuclear weapons.●

RESOLUTION RELATING TO AIR POLLUTION

(At the request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Ohio State Legislature memorializing the President and Congress of the United States to consider the impact on the economy of Ohio of pending legislation and international agreements concerning air pollution, and which was received by the office of the President pro tempore.

The resolution follows:

JOINT RESOLUTION

Be it Resolved by the General Assembly of the State of Ohio:

Whereas, The Congress of the United States is currently conducting a legislative review of the Clean Air Act, and is considering amendments to that statute; and

Whereas, As a part of this process, Congress will be determining whether legislative action imposing new, more restrictive air pollution control requirements is necessary to remedy harms alleged to result from the long range transport of air pollutants, such as "acid rain"; and

Whereas, The President is currently evaluating the request of the Government of Canada for the negotiation of an international agreement on the subject of transboundary air pollution and "acid rain," which agreements may require the imposition of unduly restrictive air pollution control requirements; and

Whereas, There is a substantial disagreement among members of the scientific community concerning the mechanics of the long range transport of air pollutants, and the origins, effects, and control of "acid rain"; and

Whereas, The imposition of unduly restrictive air pollution control requirements, especially those relating to the control of emissions of sulfur dioxide, will have a severe detrimental impact on Ohio industry, its employees, utility ratepayers, and on all citizens of Ohio; now therefore be it

Resolved, That the 114th General Assembly of the State of Ohio memorializes the President and the Congress of the United States to consider the impact on the economy and energy requirements of Ohio and other midwestern states which may result from proposed amendments to the Clean Air Act, or from the proposed transboundary air pollution agreement with Canada; to recognize that there is insufficient scientific agreement on the mechanics of the long range transport of air pollutants and

the origins, impacts and control of "acid rain;" and to accelerate scientific study of these problems before imposing regulatory requirements which may be unnecessary and severely harmful; and be it further

Resolved, That copies of this resolution be transmitted to the President and the Vice President of the United States, the Secretary of State, the presiding officer of each House of Congress of the United States, and to each Senator and Representative from Ohio in the Congress of the United States.●

RESOLUTION RELATING TO LOCKS ON THE MONONGAHELA, ALLEGHENY, AND OHIO RIVERS

(At the request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Pennsylvania State Legislature and which has been received by the office of the President pro tempore.

The resolution follows:

RESOLUTION

Whereas, the Corps of U.S. Army Engineers has announced a schedule for a substantial reduction in the future operations of a majority of the locks on the Monongahela, Allegheny and Ohio Rivers, which is scheduled to be effective December 31, 1981, and fully implemented December 30, 1982; and

Whereas, the final schedule outlined by public notice dated November 2, 1981, has not had full public input in terms of hearings, that such an important notice should require; and

Whereas, such a schedule would reduce and limit the availability of these Pennsylvania rivers for commerce, industry and the recreational needs of the citizens of Western Pennsylvania; and

Whereas, such a reduction would impact severely on the people, business, and community of Western Pennsylvania, dependent on these rivers for their economic well being; and

Whereas, the limitation put on these rivers by the reduction imposed by the proposed lock schedule would not only reduce the potential for a happier life style for the inhabitants of the area, but will reduce substantially important contributions the rivers make to Pennsylvania's image as a great State to visit and vacation; and

Whereas, Western Pennsylvania is a mighty industrial complex providing millions of people a place to live, work and play, and any diminution in its vitality directly affects the whole state; therefore be it

Resolved, That the Senate of Pennsylvania by this resolution publicly expresses its opposition to the change in the schedules announced by the United States Army Corps of Engineers on November 2, 1981, and ask them to refrain from putting this program or any part of it in effect, until a thorough economical appraisal has been made, and all concerned citizens have been given an opportunity to be heard; and be it further

Resolved, That a copy of this resolution be transmitted to the President, Speaker of the House of Representatives and President pro tempore of the Senate, the appropriate committee chairman in the House and Senate of the United States Congress, and to each Congressman and Senator from Pennsylvania.●

RESOLUTION RELATING TO POSTAL REGULATION

(At the request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Pennsylvania State Legislature, and which has been received by the office of the President pro tempore.

The resolution follows:

HOUSE RESOLUTION No. 122

Whereas, section 381.31 of the United States Postal Service Domestic Mail Manual requires first-class postage to be paid on each individual letter when two or more persons or organizations mail in one envelope, the bills, statements of account, or other letters of individuals or organizations, to a mutual addressee; and

Whereas, there is no mechanism, short of opening and counting the letters in the envelope, to enforce this regulation; and

Whereas, the lack of an adequate method of enforcement of section 381.31 has resulted in an arbitrary and haphazard application of the law; and

Whereas, the weight of the letter is the primary means by which postage of a first-class letter is determined; and

Whereas, it is the intent of the President of the United States to provide regulatory relief from unnecessary, cumbersome and unreasonable regulations; and

Whereas, the Pennsylvania House of Representatives finds section 381.31 of the Domestic Mail Manual of the United States Postal Service unnecessary, cumbersome and unreasonable; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorializes the President of the United States, the Congress of the United States, the Postmaster General of the United States Postal Service and the Board of Governors of the United States Postal Service to repeal section 381.31 of the Domestic Mail Manual of the United States Postal Service; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, to each member of the Pennsylvania Congressional Delegation, the Postmaster General of the United States Postal Service and the Board of Governors of the United States Postal Service.●

STATE SENATOR REMBERT C. DENNIS

(At the request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, State Senator Rembert C. Dennis is an influential South Carolina lawmaker who is a man of integrity and principle. A veteran of more than 40 years of public service to his people, he is the recipient of numerous awards and honors.

An article in the 1982 South Carolina Business magazine, published by the South Carolina Chamber of Commerce, turns the spotlight on what this fine South Carolinian has done to promote business growth, more efficient government, and a healthy relationship between business and government as partners. Based on what this fine, experienced, and dedicated man has done and will continue to do for so many, the chamber recently named the senator "Legislator of the Year."

Mr. President, in order to share with a wider audience this article about a man who should serve as a model for every member of a State legislature in the Nation, I ask that this article about Senator Dennis appear in the RECORD.

The article follows:

LEGISLATOR OF THE YEAR: REMBERT C. DENNIS

South Carolina might very well be the best place in the world in which to live and do business, and if it is, a lot of credit would have to go to people like Senator Rembert C. Dennis.

Over the years, the General Assembly and other government agencies have endeavored to improve the standard of living and quality of life South Carolinians enjoy. Stability and financial responsibility are characteristic of government in the Palmetto State. And when you think of good government you naturally think of Rembert C. Dennis, senator from Berkeley and veteran of more than 40 years in the state Legislature.

For his role in making South Carolina the unique state that it is, the South Carolina Chamber of Commerce has named Senator Dennis its "Legislator of the Year."

Most of the states business and industrial growth has come during the years that Senator Dennis has been traveling back and forth between the State House in Columbia and his Moncks Corner law practice and Berkeley County farm. And he has been a force in much of that development. In his own county, he has seen industrial investment grow from about $200 million in 1973 to more than $1 billion by late 1981.

To Senator Dennis, business and government are extensions of each other. "We have a tremendous relationship between business and government in this state," he said during an interview. "We call it a partnership. And that rapport and communications are constantly kept up."

As chairman of the Senate Finance Committee and a member of the Budget and Control Board, Senator Dennis is as knowledgable as anyone in state government where matters of government finance are concerned. Even so, financial problems of government are often the problems of business.

"The financial world has become more complex in recent years, and the communication between government and business has become more intense," he said. "For example, in connection with our Triple A credit rating and the importance of preserving it, we often seek advice from the business community."

He said, "Examples of their rendering that advice and the General Assembly's accepting it in recent years are two landmark constitutional moves: number one, putting in the Constitution a reserve fund, a rainy-day fund; and secondly, the Senate passing last year—and hopefully we will get into the Constitution—and limitation on taxation and spending."

The taxation and spending limitation proposal, legislation the South Carolina Chamber of Commerce is vigorously supporting, will be considered by the House this year.

"This state hasn't had a general fund tax increase in 10 years now and I don't foresee any in the immediate future." Senator Dennis said, "We're going to further tighten our belt—it's about to the buckle now—and set up priorities and curtail as much expense as possible. We have 3,000 fewer state employees now than we had last year."

Senator Dennis is satisfied with the way government and business relate to each other in South Carolina, "Government needs to stay off the back of business as much as possible. Less regulation. Less control. But I think that in this state they complement each other. With people like Roger Milliken and Jack Wellmen—top-flight people—business and government here will always get along together.

Senator Dennis has the personality, the charisma, the humility required of leaders in this proud Southern state. But as imposing a figure as he might be when he takes the floor of the Senate in Columbia, to his hunting buddies back home, he is simply "Silver Fox" when they try to reach him on their CB radios.

During the fall and winter months, he hunts twice a week. "That's my total recreation," he said. "I don't play golf. Just hunt. My doctor tells me, 'Don't give it up,' and I accept his advice readily."

He owns 2,400 acres of land in Berkeley County and leases land to two hunt clubs, "I feed 24 dogs," he said, referring to his pack of deer hounds. Deer hunting is a favorite, but he also hunts doves, quail, turkeys, and even coons.

The senator warms to the subject of hunting and recalled once when Roger Milliken and Governor James Edwards were among a group that stayed at his hunting lodge. He took Milliken on a coon hunt.

"Ordinarily you arrange a hunt for special guests like that and the hunt doesn't turn out too well. But this one turned out perfectly. The dogs treed two coons up one tree, and Roger got one of them and his friend got the other one."

Another guest of the senator was Field and Stream magazine writer Bob Gooch, who was part of a typical Lowcountry deer hunt, a new experience for Gooch. Senator Dennis was hunt master, and Gooch wrote: "A silver-haired gentleman mounted the tailgate of a pickup truck. With white hair waving in a soft breeze, he looked the picture of a Southern statesman. 'Senator Dennis,' someone said as the crowd pressed closer, 'one of the most influential men in South Carolina.'"

The speaker well might have added that the senator is also one of the most respected men in South Carolina.●

ORDERS FOR WEDNESDAY

LATE SESSION EXPECTED

Mr. STEVENS. Mr. President, the majority leader has asked me to state that we anticipate a late evening tomorrow but that Thursday would be a fairly normal day with an earlier recess than normal. It is the majority leader's wish that Thursday be the late date on most occasions but this week because of our schedule we have decided that we would continue on Wednesday evening.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow the Senate convene at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, is there a special order for tomorrow?

The PRESIDING OFFICER. There is no special order for tomorrow.

ORDER TO PROCEED TO CONSIDERATION OF S. 951

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow after the two leaders have been recognized under the standing order there be no period for transaction of routine morning business at that time, that we go immediately to the pending business which will be this bill that we are on at the present time.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I do not object, I wish to clarify one matter: would the Senator include in that request that the Senate go immediately to the Department of Justice authorizations bill without an intervening quorum call?

Mr. STEVENS. Yes, I do make that request and I thank the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, have I been consuming the time of any Senator under cloture?

The PRESIDING OFFICER. The Senator has been using his own time under cloture.

Mr. STEVENS. Very well.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess, in accordance with the previous order, until 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:49 p.m., recessed until Wednesday, February 24, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23, 1982:

DEPARTMENT OF STATE

Peter H. Dailey, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

EXECUTIVE OFFICE OF THE PRESIDENT

Peter Otto Murphy, of the District of Columbia, for the rank of Ambassador during his tenure of service as U.S. Negotiator on Textile Matters.

THE JUDICIARY

Carol Los Mansmann, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania vice William W. Knox, deceased.

DEPARTMENT OF JUSTICE

Salvatore R. Martoche, of New York, to be U.S. attorney for the western district of New York for the term of 4 years vice Richard J. Arcara, resigned.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

James B. Wyngaarden, of North Carolina, to be Director of the National Institutes of Health, vice Donald Sharp Fredrickson.

EXTENSIONS OF REMARKS

IT'S HARD TO BELIEVE—BUT IT'S TRUE: THE U.S. ARMY BUYS COMMUNIST-MADE TYPEWRITERS

HON. JOHN LeBOUTILLIER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, my colleagues might have missed a page 1 story that appeared in the February 8, 1982, edition of the Washington Post entitled, "East Germany Has Key Role in Pentagon's Paperwork," by Dan Morgan.

This story told the public about an ongoing practice that enraged me when it was first brought to my attention by Arnold and Marvin Morse of Morse Typewriter Co., Inc., Long Island City, N.Y. The practice discussed by Mr. Morgan is the repeated and long-standing American purchase of Communist-made manual typewriters for use by none other than our very own Army. I can well understand the long-accepted logic of taking the lowest bid on an openly bidded-for public contract; what I cannot understand or sanction is the systematic purchase of typewriters from such undistinguished nations as East Germany, Hungary, and Poland.

The fault, my colleagues, is with us. Evidently, legal authority exists for this type of sale in the form of a lack of prohibitory language barring purchases of typewriters from Communist countries. When I asked General Services Administration Administrator Gerald Carmen why these purchases were made, he responded that, "Unless there is statutory mandate directing that we not do business with East Germany or other Communist-bloc countries, GSA has no recourse" other than to purchase Communist-made typewriters.

Evidently, the basis for justifying this type of purchase is that it is provided for within the terms of the general agreement on tariffs and trade. While the United States is justified in trading in a nondiscriminatory fashion with other signatorees, purchase of material for use by our military ought to be prohibited.

Recognizing these limits will not deter me from supporting remedial language in this year's Department of Defense Authorization Act to discontinue this type of purchase.

The time has come to stop conducting business as usual with Communist countries that enslave their people at home and terrorize others abroad.

I wish to bring to the attention of my colleagues Mr. Morgan's article from the February 8, 1982, edition of the Washington Post, as well as a November 22, 1981, letter to the President from Mr. Arnold Morse, marketing manager, Morse Typewriter Co., Inc.

I think that through this article, as well as from Mr. Morse's concise and informative letter, the absurdity and wrongness of this situation will become readily apparent.

[From the Washington Post, Feb. 8, 1982]

EAST GERMANY HAS KEY ROLE IN PENTAGON'S PAPERWORK

(By Dan Morgan)

Members of Congress profess to be "shocked."

Rep. John LeBoutillier (R-N.Y.), a firebrand young conservative, says it is "quite wrong."

A Queens businessman asserts that it will "perpetuate communism."

Yet as red as faces are all around, nobody in the U.S. government seems to be able to come up with a good reason why the American armed services should stop buying almost all their manual typewriters from communist East Germany, a leading military ally of the Soviet Union.

Since 1978, the East German-made Optima typewriters, the cheapest on the market, have been selling like hot cakes to the Pentagon. The General Services Administration, which coordinates procurement for government agencies, has bought some $5 million worth of the Optimas, with most going to the Army.

What is more, the Treasury Department approves of the East-West typewriter connection. It will provide the East German communist regime with more dollars to spend on American products, especially grain, the major U.S. export to that country.

In a statement last year, the department said it "would not be in our best interest to disqualify East German manufacturers from bidding on ordinary commercial items like manual typewriters, considering the excellent balance of trade in favor of the U.S. economy" as a result of grain sales.

And GSA administrator Gerald P. Carmen advised the House Appropriations defense subcommittee last Sept. 11 that "there is no legal basis for the GSA to refrain from contracting with foreign countries," including communist bloc nations.

The typewriter trade, though small in dollar amount, illustrates the ironies inherent in the Reagan administration's tough stance against the Soviet Union. The administration's fiscal 1983 budget calls for steep increases in defense spending.

Yet the United States and its European allies have a complex web of economic relationships with the Soviet bloc, to the point where the U.S. military is buying equipment made in Warsaw Pact nations.

The Optima typewriter, made by the East Berlin state enterprise Robotron, meets one important criterion of government agencies: it is cheap.

Optimas sell for $147.50, at least $60 below the Remingtons and Olivettis produced in Brazil and imported into the United States.

Except for small numbers made for export, the production of manual typewriters in the United States ended several years ago when most users converted to electric models. Manual typewriters are now made primarily in Brazil, East Germany, Poland, Hungary and Bulgaria.

Royal manuals, for example, are made in Hungary.

Optima is imported by International Typewriter Exchange of Chicago. For the last several years its competitor, the Morse Typewriter Co. of Queens, N.Y., has been fighting the optima invasion in the halls of Congress and federal agencies.

However, trade laws and the Buy America Act provide protections only for American manufacturing companies facing competition from foreign imports, not for U.S. importers.

Morse vice president Arnold Morse told the House Appropriations defense subcommittee last July that products from state-controlled economies such as East Germany's sell at artificially low prices that destroy competition.

Morse charged that GSA and the Defense Department nevertheless "blindly" award business to the lowest bidder without considering the possibility that the purchases "perpetuate communism."

GSA bought only Optimas in 1978 and 1979 but told agencies to do their own purchasing in 1980. Many agencies stuck with Optima. Morse said Fort Irwin, Calif., bought 216 Optimas last June. He said Optima's success with the military has helped it sell thousands more to city governments and school boards.

Vice president Bill Nelson of International Typewriter Exchange said ITE has been selling 20,000 to 25,000 of the machines a year.

The Morse Co. is now challenging Optima on the ground that its type size does not meet government specifications. Nelson says that "the typewriter we've been furnishing for the last three years meet those specifications."

As if the Pentagon's dependence on East German typewriters was not concern enough, GSA's Carmen has advised Congress of another Pentagon connection to the Soviet bloc.

The government, he said, buys musical instruments made in Czechoslovakia for military bands.

MORSE TYPEWRITER CO., INC.,
Long Island City, N.Y., November 22, 1981.
Hon. RONALD REAGAN,
President of the United States,
White House, Washington, D.C.

DEAR MR. PRESIDENT: The General Services Administration and the Dept. of Defense have for the past 3½ years been supplying U.S. military forces throughout the world with typewriters manufactured in communist East Germany. The annual single source manual typewriter contract was awarded to the East German Optima typewriter in 1978 and 1979. In 1980 the GSA cancelled the single source contract

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

and allowed all military procurement offices to buy on their own. Optima, easily out bidding the competition, captured the majority of military requisitions during the course of the year.

This year the GSA is offering a single source contract for the period of July 1, 1981–June 30, 1982. Optima is again the low bidder. The military needs manual typewriters, but they do not want communist equipment. The GSA does not want to buy the East German typewriters. Yet the laws and regulations which govern federal procurement require both the GSA and the DoD to blindly award to the lowest bidder. Neither are authorized to differentiate between communist and free world products.

The House Sub-committee on Defense Appropriation addressed this issue in the mark-up session for the 1982 Appropriations Bill. Report language was inserted into the bill recommending a change be implemented in defense aquisition regulations. The Dept. of Defense contends that contracting for manual typewriters is a GSA responsibility. GSA claims that they are not authorized to exclude the East German offer, and in addition, DoD is not a mandatory buyer on this federal supply schedule contract. It is clear that unless an executive policy decision is made, no substantive change will occur, and East German production will continue as the single source for military manual typewriter procurements.

The implications of minimum low bid requirements in government purchasing are disturbing. The GSA administers approximately $3.5 billion worth of supplies, materials, and services each year. Without a mechanism to distinguish communist from non-communist products, the number of awards to communist manufacturers will increase. Free from collective bargaining and market forces, products from state controlled economies can easily under price those of capitalist countries. The Antidumping laws offer protection in theory, but are virtually impossible to apply in the case of an Eastern Bloc manufacturer.

U.S. and Western manufacturers, wholesalers, and importers will then follow the government's lead. Free world labor and production will be abandoned. The cheap centrally dominated labor of the Eastern Bloc countries will be sought out. U.S. Gov't buying policy will in effect, perpetuate communism and at the same time diminish free world production and employment, a Marshall Plan in reverse.

This has been the reality of the manual typewriter industry. In 1978, there was manual typewriter production in Brazil, Holland, West Germany, Switzerland, Sweden, Italy, England, and Mexico. As of Sept., 1981, that group has dwindled down to Brazil and Mexico. Thousands of jobs have been lost because the free world could not compete with the false controlled pricing from East Germany.

But even more distressing is the fact that these unprofitable manual typewriter producers, such as Facit, Hermes, and Royal, closed their western facility and relocated in the Eastern Bloc. East Germany, Hungary, and Bulgaria now have an exportable commodity producing foreign exchange for their respective economies. Meanwhile, the third world countries of Africa and Asia, which desperately need exportable commodities for creation of foreign exchange, received none of this technology.

Federal procurement policy absolutely ignores the power and strategic importance of the government's buying capacity. Clearly it is in the interests of the United States to increase the flow of technology to the third world. Yet U.S. buying policy offers no incentive for locating in a developing country as opposed to a COMECON country.

Congress has never faced the problem of trade arrangements with communist economies for federal procurements. The Buy American Act, the Anti-Dumping Laws, and the 1979 Trade Agreements Act provide relief in a case where an American manufacturer is involved. However absent a domestic producer, the GSA and the DOD must treat all foreign products on an equal basis.

Approximately $5 million has already been spent on East German typewriters through GSA procurements over the last 3½ years, with the majority of machines going to the military. In 1979 alone, the U.S. imported $3.1 million of manual typewriters from East Germany. Armed with the GSA contract, the Optima was able to sweep the state, city, and school markets for manual typewriters.

American support of the East German manual typewriter industry has not affected their foreign policy. In fact, East Germany has actively opposed U.S. policy abroad:

1. Offering economic aid to Iran during our embargo.
2. Voting against U.N. General Assembly resolution to sanction Iran.
3. Shipping American grain to Russia during our grain embargo.
4. Voting against U.N. General Assembly resolution to condemn the Soviet invasion of Afghanistan.

The Department of Defense will continue to buy manual typewriters for their training and communication needs world wide, for years to come.

This year's contract has been suspended indefinitely, pending resolution of two GAO protests. The GSA made a plant facility report of the Optima distributor, and made a negative finding. Evidence revealed that machines previously purchased experienced a rapid failure rate among users in Europe. The manufacturer's quality control system was also found inadequate. Nevertheless, it appears that the GSA has reinstated the East German offer, and will probably award Optima the contract some time in December.

It makes no sense to allow the federal procurement process to waste away valuable American dollars, which could be used to support the economy of an ally or a developing country. In a case such as this one, where there is a choice among qualified products, and the lowest bidder is below fair market value, the lowest price should not conclusively determine the award.

A Brazilian product placed second to the East German machine in each of the past three GSA bid solicitations. Given Brazil's balance of trade problems, and export deficiencies, American support of Brazilian typewriter production would clearly aid their economic recovery. U.S. government approval of their product would serve as a convincing endorsement to the rest of the world market. Profits from increased sales could be used for developing new technology, such as the electronic typewriter.

Economic assistance to allies and potential allies has always been an element of U.S. foreign policy. The difference between the East German price and the second highest bidder could be treated as foreign aid.

Another alternative is the precedent found in the codes governing the programs of the Agency for International Development. AID code 899 "Free World" specifically designates the non-free world countries, and excludes them from participation as suppliers in the AID program. AID code 941 describes those under-developed countries eligible for AID grants, loans, and purchases. A preference for under-developed country products, or exclusion of non-free world products, would provide a mechanism to stop the current trend in GSA and DoD procurement.

The federal government should not be forcing Army, Navy, Air Force, and Marine personnel to use communist generated equipment. At a minimum, defense acquisition regulations should be changed so as to permit military procurement officers to buy from other than the low bid communist product.

As to the larger issue of federal procurement policy, our rules and regulations should effectuate the transfer of technology to the third world, and favor the development of existing industries in the developing countries.

I look to your wisdom and leadership in realigning U.S. federal procurement policies with our foreign policy objectives.

Thank you for your interest and concern.

Respectfully yours,

ARNOLD D. MORSE,
Marketing Manager.●

THE AMERICAN HOUSING INDUSTRY NEEDS HELP

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SCHULZE. Mr. Speaker, the American housing industry is suffering tremendously from the current downturn in the economy. Not only are housing starts at a depressed level, continuing high interest rates make it impossible for would-be homeowners to purchase homes that sellers have placed on the market.

The market statistics show a relatively low number of homes currently offered for sale. But these statistics are misleading because many, many owners have declined to list their homes for sale because they know that buyers cannot afford to buy, and they, as sellers, cannot afford to sell.

In my view, homeownership is one of the most important parts of the "American Dream," and something that is important to encourage. Any limits on the tax incentives presently a part of the Internal Revenue Code would discourage investment in a family home, and I believe that we must do all we can to encourage, rather than discourage, homeownership.

During consideration of the Economic Recovery Tax Act of 1981 in the Ways and Means Committee, I introduced an amendment that increased the gain from the sale of a principal residence for taxpayers 55 and older. The old limit was $100,000. The new limit that was approved by the com-

mittee and by the Congress is $125,000.

Today I have introduced a bill to expand the usefulness of the individual retirement account that is already a familiar part of Federal tax law. My amendment will permit taxpayers to make contributions to an IRA during their lifetime of $10,000 over and above the regular annual contribution. This additional lifetime contribution would be fully deductible, just as the annual contributions are now.

In addition, my amendment will permit prospective first-time homebuyers to make withdrawals from their IRA accounts to help fund a down payment on a principal residence. The withdrawal would be without penalty, and would go a long way toward unlocking the investment funds that the housing industry needs to get back on its feet.

The cumulative benefits from the availability of new cash, and the vehicle to use to save that new cash, are substantial. I urge my colleagues to support the amendment.●

PROPOSED LEGISLATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GARCIA. Mr. Speaker, earlier today the Subcommittee on Census and Population which I chair conducted a hearing on proposed legislation to designate the birthday of Dr. Martin Luther King, Jr., a national holday. For the benefit of my colleagues I am herewith submitting a copy of my opening statement and the list of witnesses:

OPENING STATEMENT

Today's hearing is on legislation for a Federal holiday to commemorate the life and work of the late Dr. Martin Luther King, Jr.

Dr. King was a leader for all America's minorities during a time when this Nation was still in the dark ages of civil rights. I don't mean to imply that America has reached the renaissance period in its civil rights movement, but if it hadn't been for Dr. King, we wouldn't have even begun the slow march up from discrimination and inequality. Dr. King was a man who possessed vision as well as courage. He was a champion in the battles for equal treatment in jobs, housing, and educational opportunities. His work benefited all of us who have been discriminated against.

Although it's 14 years since his death, we have not fully realized his dream, not completely eliminated the persistent problems of poverty, unemployment, and inferior housing. I believe the Nation is moving too slowly to overcome these problems.

The spirit of Dr. King lives on, and the commitment to pursue his goals grows stronger with the passing of time. It is up to us to see that his spirit lives on and his work progresses. Dr. King left behind a legacy of hopes and dreams for our generation and the generations to follow—a legacy which we must constantly renew.

I think the time is right for Dr. King's birthday to become a holiday. I would like to tell you that Congress is ready to act on this legislation, but I can't. There are complaints about the cost. There are complaints about the man. But we cannot give up the struggle. We must fight for what we know is right.

It is particularly appropriate that the subcommittee consider this holiday bill during Black History Month. This month reminds adults but more importantly it serves to educate our children about the achievements and contributions of black Americans throughout our Nation's development. School children dislike history, so I am told, because it's the study of the remote and distant past. It has no bearing on their daily lives. We can't say that about the life and work of Dr. King. Dr. King's historic struggle for human dignity started and finished in this century. And although he is part of our history now, his dreams live on in each and every one of us—the young as well as the old, who shared his dream—the dream of economic prosperity, decent housing, jobs and educational opportunities for all Americans. Our children may not remember him in the way we who were his contemporaries do. But a holiday dedicated in his memory will preserve his legacy for every new generation of young Americans to come—and remind us all that the dream never dies and that his cause will endure.

WITNESSES

1. Congressman Peter Rodino.
2. Congressman Larry McDonald.
3. Congressman Steny Hoyer.
4. Mayor Marion Barry.
5. Senator Douglas Wilder, State Senator, Virginia.
6. Mrs. Coretta Scott King, MLK Center for Non-violent Social Change.
7. Mr. Stevie Wonder, Entertainer and Social Activist.
8. Mr. Bill Lucy, International Secretary-Treasurer, AFSCME.
9. Mr. Hyman Bookbinder, Chairperson, American Jewish Committee.
10. Mr. J. A. Parker, President, Lincoln Institute.
11. Mr. Kevin Lynch, United Auto Workers.
12. Mr. Arnold Torres, League of United Latin American Citizens, LULAC.
13. Mr. Stanley Rittenhouse, Liberty Lobby.
14. Ms. Mary Lou Curtis.●

COMMENDING THE RESCUE EFFORT FOR THE AIR FLORIDA PLANE CRASH

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WOLF. Mr. Speaker, the January 13 Air Florida crash was indeed a great tragedy. But the teamwork and quick thinking used by those involved in the rescue effort, particularly those in my district of Arlington County, should be commended. The Arlington County Police Department was on the scene in 11 minutes, commendable considering the weather and traffic that afternoon. Forty staff members were recalled and, within 30 minutes, 67 people were available to assist with recovery operations. Arlington County fire and rescue officials dispatched five fire vehicles and four medic units to the scene, arriving by 4:15 p.m., and three chief officers.

The volunteer response by the citizens of Arlington was outstanding. Between 5 p.m. Wednesday, January 13, and 3 p.m. Friday, January 15, 144 volunteer blood donors arrived at the Arlington Hospital to donate blood, a facility which normally receives 40 to 50 donors per month. Citizens offered their services to National Hospital for Orthopedics and Rehabilitation, where four of the five crash survivors and one of the victims from the bridge were brought.

I believe that the quick reactions, and commendable performances of these organizations should be recognized. As a result of its role in the treatment of the survivors, National Hospital was thrust into the spotlight for a time and, as a result, an article on the hospital appeared in the Virginia Weekly section of the Washington Post on January 21, 1982. I wanted to share the article with Members of the House.

[From the Washington Post, Jan. 21, 1982]

JETLINER CRASH SPOTLIGHTS NATIONAL HOSPITAL TRANSFORMATION FROM AN ORTHOPEDIC TO A FULL-SERVICE EMERGENCY FACILITY

(By Jura Koncius)

Dr. Richard Schwartz was heading through Rosslyn late on the afternoon of Jan. 13 when he heard an unconfirmed report on his car radio that a plane had crashed into the 14th Street Bridge.

Schwartz, medical disaster coordinator at the National Hospital for Orthopedics and Rehabilitation in Arlington, turned his car around and sped back to the hospital.

For the next three hours, he and a group of 32 physicians, 71 nurses and dozens of support personnel at the facility were on what the hospital calls Code Yellow—disaster alert—as they treated seven patients from the Air Florida plane crash.

And for the next few days and into the next week, the 147-bed hospital just off Route 395 (Shirley Highway) was the scene for bedside press conferences, family reunions, a visit by First Lady Nancy Reagan and daily status reports on the four plane passengers and one bridge victim who had been admitted to the facility.

It was nationwide attention unparalleled in the 34-year history of the hospital, which is trying hard to become known as a full-service hospital rather than an orthopedic specialty hospital.

"Thousands of people drive by the hospital every day and see the exterior on 395 and have misconceptions about us," said Edward J. Jenkins, hospital administrator. "They think we are a veterans' hospital or a facility for airmen or that we make orthopedic shoes here. Plus this area is very transient, and many new people don't know that you can come here for anything."

The hospital's role in the disaster last week may have been the catalyst for an image change in the public's eye however.

Change actually began years ago.

"The hospital has changed in character dramatically by virtue of the demand of the community," said Schwartz, 43, a cardiologist who is also chief of medicine at the hospital.

It also has changed, according to Jenkins, to stay alive in the tough economic climate and the reality of soaring hospital costs. "Orthopedic hospitals around the country are going into other areas in order to survive," said Jenkins. "I don't know if one specialty hospital can keep just one specialty going anymore."

Of last week's role as the primary hospital for treatment of the crash victims, Schwartz said "the hospital was ready" as the whole staff had participated in a disaster drill just last month.

The hospital staff is very aware of the facility's proximity to National Airport which sends virtually all emergency patients there. For the past four years, the hospital has conducted drills several times a year for disasters ranging from plane crashes and train derailments to explosions.

"We realize that we are sitting on a powder keg," Schwartz said.

Said William D. Killen, fire chief for the two metropolitan Washington airports, "We work very closely with National Orthopaedic because it's the closest hospital that we can work with from this airport."

His paramedics, Killen said, can whisk patients to the hospital from National in five to seven minutes.

Other groups also are regular users of the hospital. Southern Railways has sent the hospital several hundred employes who need rehabilitative care on the recommendation of their company's chief surgeon, Dr. Max P. Rogers. "We looked all over the country for rehabilitation hospitals," said William I. Millwood, Jr., a spokesman at the Washington headquarters of Southern Railways, a company which employes 22,000 people. "And we found one right under our nose in Virginia."

The hospital started in the late 1940s, when Dr. Otto Anderson Engh decided to expand his orthopedic clinic into a hospital to cope with the need for orthopedic and rehabilitation services for victims of polio and other crippling disorders. The Anderson Orthopaedic Hospital, a two-floor facility, was built "barnraising style," according to Jenkins. He also said the hospital opened debt-free, thanks to donations of materials, money and labor from the local community, led by the Arlington Jaycees and the Northern Virginia Builders Association.

In 1954, Congress gave the the hospital a grant for work in rehabilitation, and that year the hospital began construction of a new wing, which opened in 1958. Another addition came in 1968, said Jenkins, when the facility's capacity was further expanded as one of the few hospitals in this region with a specialty in orthopedics, the prevention or correction of skeletal deformities and injuries of the bones, joints, and muscles.

But as Arlington and Alexandria mushroomed around the hospital, it found itself dealing with a host of other health care needs. What Jenkins calls "the real turning point" for the facility came in 1978 when the hospital's board of trustees decided it was time to open a full-fledged emergency room rather than continue the part-time emergency room that Jenkins said was really "an orthopedic outpatient clinic."

"We were starting to see many people without any orthopedic problems," said Jenkins, who was named hospital administrator in 1978 at age 30. "The emergency room was a major decision by the board, and the timing was right."

"We saw years ago that there was a great potential here that we had not tapped," said Thomas C. Johnstone, president of the hospital's 15 member board of trustees and a real estate executive from Falls Church. "And we felt that to ensure the hospital's future we needed to give the hospital some options."

Today the hospital, with a 1982 budget of $16 million, boasts special clinics for arthritis, pain, scoliosis, cardiac rehabilitation and sports medicine. It has been fully and continuously accredited since 1954 by the Joint Commission on the Accredication of Hospitals. According to Jenkins, the only major health care services not generally available at the hospital are obstetrics, general pediatrics and a locked psychiatric unit.

A problem since the expansion of the emergency room in 1978, conceded Jenkins, was how to get word of the change out to the local community. To help, he created a public relations department.

"Orthopedics isn't an everyday word," said Jenkins.

The hospital operated at 81 percent occupancy last year, however, with only 59 percent of the cases classified as of an orthopedic nature. In 1977, 80 percent of the cases were orthopedic, Jenkins said.

The job of educating the public has not been easy, hospital officials admit. For one thing, frequently name changes have proven confusing. Through the years the facility has been called the Anderson Orthopaedic Hospital, the National Orthopaedic and Rehabilitation Hospital and its current name, which it's had since 1980; National Hospital for Orthopaedics and Rehabilitation.

Many hospital personnel would like the name changed once more—to simply National Hospital, as the facility is often called anyway.

"There is constant pressure from those of us who are not orthopedic surgeons to call it simply National Hospital," said Schwartz. Of the 43 doctors on the hospital staff, 17 are orthopedists.

The long hospital name made things difficult for Mary Shaw, director of public relations, at press conferences after the crash. She had to begin each briefing by stating the correct name of the hospital and repeating it several times. Still, many media reports had it wrong.

The staff is sensitive about some critics of the disaster relief efforts, who asked why victims who were possibly in shock weren't taken to a larger medical facility.

"If it's a choice between saving a life or sending them to the Washington Hospital Center's MedSTAR Unit [a shock trauma unit], I think it was the right decision," said Shaw. "Maybe we're not a 900-bed hospital, but we could have handled 20 to 25 more victims, if they had survived the crash."

This is not the first time the hospital has made the news. Robert Ode, the oldest American hostage in Iran, recuperated there from a bout with bronchitis and exhaustion during last January's welcome-home ceremonies. And in 1980, the hospital was involved in a complex Romanian defection incident when Kristina Horodinca collapsed at National Airport while Soviet agents were trying to whisk her onto a plane. At the hospital, after an emergency room doctor realized her predicament, she was taken into custody by the State Department and later granted asylum with her family in the United States.

The Air Florida crash will not be forgotten soon at the hospital. Morale, for one thing, got quite a boost as staff members had only good news to report from their facility.

"I was happy to be able to tell callers that everyone was alive," said Heather Kinkead, assistant public relations director. "And the morale in the whole hospital is up. Everyone knows that they made a difference."●

JAMES VAN DER ZEE DAY IN THE DISTRICT OF COLUMBIA

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. FAUNTROY. Mr. Speaker, it is a great honor for me to inform my colleagues that Wednesday, February 24, 1982, has been declared James Van Der Zee day in the District of Columbia. This internationally recognized photographer has depicted black life in this century in a manner which has been unsurpassed. Through his lens Mr. Van Der Zee has captured the joy, aspiration, fear, anguish, frustration, and desperation of blacks in America. For almost half a century, the traditional solid families of Harlem passed through Mr. Van Der Zee's studio: proud parents, winsome children, clergymen, entertainers, and countless others. Van Der Zee also went into the community with his camera. The result was thousands of images of people and events depicted in a warm and sensitive manner.

Tomorrow evening I will join the Black Film Institute in hosting a reception in his honor at the University of the District of Columbia in the fine arts lobby between the hours of 5:30 p.m. and 7:30 p.m. During this time two of Mr. Van Der Zee's films will be shown: "Uncommon Images" in which he reminisces about his life, and "I Remember Harlem: The Depression Years—1930-1940". I invite my colleagues to join me in honoring this great artist.●

FIFTIETH ANNIVERSARY OF PORT WASHINGTON NORTH, NEW YORK

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, I have the distinct honor and pleasure today to bring to the attention of the Congress the 50th anniversary of the incorporation of the Village of Port

Washington North, located on Long Island, N.Y.

Port Washington North was originally part of a large common pasture encompassing the entire Port Washington peninsula. In 1659, 300 head of cattle roamed this 8,000 acre tract. In 1677, John Cornwall was granted a 116-acre tract on which Port Washington North is now located. The Cornwall family farmed its land and set up shipyards nearby.

In 1781, Adam Mott built a grist mill on a pond in present-day Port Washington North now known as Mill Pond. The town built a road and dam at the head of Mill Pond to improve transportation in 1795.

Around 1820, Henry Cocks came to Cow Neck (Port Washington) and became the first person to plant oysters in Mill Ponds and Cow Bay (Manhasset Bay). The clam and oyster business began to thrive. But the area remained very rural.

Increases in population due to the oyster industry resulted in the building of the first school before 1850 and the first church in 1859. The Free Church Cemetery served as community cemetery until 1918. By the late 1800's, the area had a tin shop, a storehouse, two general stores and the J. H. Cornwall Hotel. The growing community centered around the Mill Pond and began attracting tradesmen. During this period many homes were constructed around the Mill Pond.

Also at this time the sand on the peninsula was discovered to be of extremely high quality. Titus Sand & Gravel began mining and was followed by North Shore, Crescent, Independent, and Colonial and gravel companies until the 1960's. The sand and gravel industry attracted many Polish and Italian immigrants.

The first half of the 20th century saw little industrial development in Port Washington North until the village was incorporated on July 18, 1932. Jacob Cocks, nephew of Henry Cocks, was elected the first mayor on August 2, 1932.

As you can see, Mr. Speaker, the village of Port Washington North has a long and proud history. Port Washington North is a strong part of my constituency, and I am honored to commemorate Port Washington North before Congress on the village's 50th anniversary of incorporation.●

WESTERN EUROPEAN DEPENDENCE ON SOVIET NATURAL GAS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BROOMFIELD. Mr. Speaker, Western European nations are coming closer to energy dependence on the Soviet Union. They are, I believe, making a horrendous mistake. The French recently announced a new loan to the Soviet Union of $140 million to help finance the sale of French equipment in connection with the Siberian gas pipeline. This shortsighted approach in fulfilling both Western energy and employment goals will eventually haunt the West a decade from now. The Soviet Union has never renounced its own goals of world revolution and domination. We all recognize the present day disproportionate influence that OPEC countries have over our domestic and foreign policies because of the oil weapon. Just imagine how the West's policies will be influenced once European households and industries become dependent on Soviet natural gas. Energy is of strategic importance to all nations. The Europeans should not view dependence on Soviet gas as the solution to a short term problem. It is an issue which threatens the foundation of our common Western value system and our alliances.

If the Soviet gas pipeline is completed, West Germany and Italy will rely on the Soviet Union by 1990 for 25 percent of all gas that they consume. For France and Belgium the figure would be 20 percent. Smaller percentages would apply in other Western European countries. This would be approximately 4 billion cubic feet of natural gas per day, or equivalent to 700,000 barrels of oil. Because natural gas travels through expensively constructed pipeline, rather than on tankers as does oil, a free trading spot market for gas does not exist. In other words, should the Soviets choose to hold back gas for either political or military reasons, the Europeans would not be able to quickly turn to alternative sources to replace the vast amount of gas they would receive from the Soviets. Although industries could eventually convert their powerplants to oil or coal to partially offset this threat in the long run, consumers could hardly afford to convert their home heating systems every time the Soviets make a threat. In any event, this would be a long-term conversion project. In the short run, workers would become unemployed as factories shut down, and homes would be without heat.

Lest anyone feel I am only citing a worst case example, let me mention two things. First, this is not the worst case. That would be a cutoff of gas coupled with a Soviet armed attack on NATO forces. Since none of us have a crystal ball, we cannot now predict what the state of our relations will be with the Soviet Union 10 years hence. But given the alternative of turning to other energy sources now, why risk a shutdown of industrial capacity during a potential armed conflict? The second point is that I do not believe that a European war is the most likely scenario that will confront the NATO Alliance. Rather, fully understanding the energy consequences of disagreeing with the Soviets over vital political issues, the Europeans will cave-in to Soviet demands or at least pressure the United States to seek an accommodation with the Soviets on terms favorable to the Soviets. We must not underestimate the political pressures that West European governments will be under to avoid a potential Soviet cutoff of gas. No government can expect to remain in power if it allows its factories to become idle and the homes of its citizens to become cold. Long-term subtle or overt blackmail is the threat that NATO will face if the Soviet gas pipeline goes through.

Concerned policymakers in the United States have pointed out not only the issue of dependence in regard to the gas pipeline, but also of providing the Soviet Union with billions of dollars of Western currency earnings. These earnings allow the Soviets to purchase additional technology in the West which serves to enhance their defensive and offensive capabilities, and ease the strain on an incompetently run Communist economy. We must take careful note of these arguments. The idea if trading with the Soviets is to establish a mutual spirit of cooperation. It is not to subsidize the strengthening to the Soviet military machine. Many Europeans will point out that striking a deal with the Soviets on natural gas is no different than sales of grain by the United States to the Soviets. I strongly disagree. Sales of grain tend to make the Soviets dependent upon the West to feed their people. The sale of natural gas to the West makes the Europeans dependent upon the Soviets. It is a difference of who controls the transaction and who controls the impact of a cessation of the trade. The difference is not trivial, it is strategic.●

A TRIBUTE TO THELONIOUS MONK

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. CONYERS. Mr. Speaker, I would like to pay tribute to the late Thelonious Sphere Monk, one of the most influential and innovative jazz musicians of the century. The prolific pianist/composer died Wednesday in Englewood, N.J., at the age of 63.

Thelonious was widely regarded as an eccentric among his colleagues, not only because of the way he lived, but also because of the way he brought life to his music. His compositions

were strikingly original and his technique, disregarded by some as "unschooled" and technically incorrect, drew later acclaim for being brilliantly unconventional. Although Mr. Monk's early efforts met with little attention, and most of it antagonistic at best, his later career included engagements at Carnegie Hall and the Philharmonic, and dynamic collaborations with such jazz greats as Charlie Parker and Dizzy Gillespie. I tell you, it wasn't Thelonious Monk's music that changed over the years, it was the perception of his critics. Thelonious Monk was a jazz revolutionary who was years ahead of his time, and he forced his critics to grow along with him.

It is with great sadness that I record the passing of an artist of his caliber. We need visionaries like Thelonious Monk today in every field you can name. We need men and women who aren't afraid of the revolutionary ideas that force us to progress; men and women capable of weathering the resistance that initially greets new ideas.

In closing, I would just like to extend my sympathy to Thelonious' wife and his son and daughter.●

IMMIGRATION RULES CRY FOR REFORM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DERWINSKI. Mr. Speaker, as a strong supporter of massive reform of the Immigration and Naturalization Service, I was especially pleased to see the editorial in the Chicago Sun-Times of February 9, which reiterates my views that the INS procedures in processing paperwork must be streamlined. Illegal aliens are receiving benefits and legal immigrants are denied prompt action on their applications because of the mess in handling their cases by the Immigration Service. We must correct this bureaucratic nightmare by using modern computer methods set up by contract with the Government.

For the benefit of the Members, I wish to insert the Chicago Sun-Times editorial at this point:

[From the Chicago Sun-Times, Feb. 9, 1982]

IMMIGRATION RULES CRY FOR REFORM

The plight of several thousand Haitians locked in U.S. detention camps may be deterring other migrants, as some immigration officials contend. But what a cynical, shameful excuse for this un-American practice.

Many of the Haitians are here illegally, not entitled to admission as political refugees. Others do qualify for legal residence. But the individual hearings stretch on for so long that some have spent nearly a year in prison-like conditions waiting to find out whether they'll be allowed to stay or be shipped home.

That's why the Federation for American Immigration Reform has urged the attorney general and the U.S. Immigration and Naturalization Service to simplify and speed the way we handle those seeking asylum.

Immigration officials say the long delays occur because lawyers for Haitians drag the applications through an endless system of appeals. Indeed, some do. But they can do that only because the United States has third-rate procedures for dealing with asylum.

And there's more to the story.

The Reagan administration in its budget cutting fervor, slashed 140 refugee examiners from the Immigration and Naturalization Service staff last year. That was stupid. It has long been obvious that more, not fewer, examiners were needed to cope with the tide of refugees flooding into Florida.

The immigration reform group says asylum regulations can be altered by the attorney general alone. Regardless, the White House has proposed the Omnibus Immigration Control Act, with provisions to streamline the asylum process, for Congress to consider.

The act would close current loopholes but retain an appeals process in certain cases. It's designed to get people out of detention in weeks instead of months. Some aspects may need modification; Congress should get busy on that immediately.

And it should also provide the Immigration Service with the examiners it needs for a just, speedy resolution to refugee claims.●

TRIBUTE TO DR. EDWIN A. FRANCE

HON. HAROLD WASHINGTON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WASHINGTON. Mr. Speaker, I am proud to have the opportunity to honor Dr. Edwin A. France, who has long been a civic leader and a dedicated volunteer in his home city of Chicago, Ill. Because of the impact of his generous efforts in the battle against birth defects and his contributions toward the reduction of infant mortality, the Metropolitan Chicago Chapter of the March of Dimes Birth Defects Foundation is honoring Dr. France as its 1982 Man of the Year.

Dr. France has spent more than 20 years in service to the people of Illinois. He served as executive director to the Model Cities-Chicago Committee on Urban Opportunity. He has served as director of the Chicago Network of the Youth Opportunity Center, and department director of the Illinois State Employment Center. Currently, he is executive vice president of a nationally known consulting and development firm, Palmer, France, Green & King, Ltd. It is his overwhelming concern for the well-being of children and youth that prompts the March of Dimes to recognize Dr. France as their Man of the Year.

As a member of the executive committee of the Metropolitan Chapter of the March of Dimes and as a member of the National Task Force on Perinatal Health Care in high risk communities, Dr. France has fostered bold new programs for the prevention and treatment of birth defects. His highly skilled and dedicated talents have enabled local March of Dimes chapters across the country to approach specific minority communities with sound, comprehensive material and newborn health care that has been sensitive to those communities, lifestyles, and cultures.

I am glad to join the March of Dimes in honoring this true community leader and volunteer.●

THELONIOUS MONK, CREATED WRY JAZZ MELODIES AND NEW HARMONIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. RANGEL. Mr. Speaker, it is with a profound sense of loss that I note the passing of that great jazz musician, Thelonious Monk, at the age of 64. To all segments of the jazz community, Mr. Monk was an acknowledged leader, an outstanding composer, an accomplished pianist and an influential innovator. Mr. Monk's life and jazz contributions were vividly chronicled in the obituary written by John S. Wilson, the jazz critic of the New York Times.

I would like to share the article with the Members of the House:

THELONIOUS MONK, CREATED WRY JAZZ MELODIES AND NEW HARMONIES

Thelonious Monk, the pianist and composer whose wry, angular melodies and unusual harmonic progressions are among the most striking contributions to the jazz repertory, died yesterday in Englewood Hospital in New Jersey at the age of 64. He had suffered a stroke on Feb. 5.

Although Mr. Monk's music was rooted in the stride-piano tradition of Willie (The Lion) Smith, James P. Johnson and Duke Ellington, it stood apart from the main flow of jazz.

"He hasn't invented a new scheme of things," Paul Bacon wrote in the jazz magazine The Record Changer in 1948, "but he has, for years, looked with an unjaundiced eye at music and seen a little something else.

"He plays riffs that are older than Bunk Johnson but they don't sound the same. His beat is familiar but he does something strange there, too. He can make a rhythm almost separate, so that what he does is inside or outside it. Monk is really making use of all the unused space around jazz, and he makes you feel that there are plenty of unopened doors."

AN ORIGINAL

Randy Weston, a pianist who studied with Mr. Monk, has called him "as complete an

original as it is possible to be" and he cites the unifying "simplicity" in his music.

"Not that his music isn't often complex to execute," Mr. Weston explained, "but it always comes through so clear and accurate, so uncluttered. His music is simple and in the sense that it has totality of personality. It's all him."

Among his works were "Round Midnight," "Straight No Chaser" and "Well, You Needn't." The strange contours of Mr. Monk's tunes led the jazz critic Whitney Balliett to describe them as rippling "with dissonances and rhythms that often give one the sensation of missing the bottom steps in the dark."

When Mr. Monk was a guest at a jazz class at Columbia University, the lecturer turned to him and asked if he would "play some of your weird chords for the class."

Mr. Monk bridled. "What do you mean, weird?" he asked. "They're perfectly logical."

"Jazz," he said on another occasion, "is my adventure. I'm after new chords, new ways of syncopating, new figurations, new runs. How to use notes differently. That's it. Just using notes differently."

A DANCING CONDUCTOR

His way of doing things differently—but, as he insisted, logically—extended beyond playing and composing. During a performance with his group, he often got up from the piano and went into an intense shuffling dance. This was his method of conducting. He might be setting a rhythmic pulse to move his musicians into the rhythm he wanted or simply checking to make sure that the performance was swinging properly.

Mr. Monk once explained the difference between himself and the bob musicians with whom he was often associated in the 1940's:

"They think differently, harmonically. They play mostly stuff that's based on the chords of other things, like the blues and 'I Got Rhythm.' I like the whole song, melody and chord structure to be different. I make up my own chords and melodies."

SELF-TAUGHT MUSICIAN

Mr. Monk was a man of unwavering musical principles, strong opinions and sardonic wit. When a saxophonist, Sahib Shihab, told him that he was going back to the Juilliard School to study, the largely self-taught Mr. Monk remarked, "Well, I hope you don't come out any worse than you sound now."

Thelonious Sphere Monk, whose father was also named Thelonious, was born on Oct. 10, 1917, in Rocky Mount, N.C. When he was 4, his mother brought him and two other children to New York, but his father remained in the South. In the early 1930's, the family moved into a small apartment on West 63rd Street in the area known as San Juan Hill, where Mr. Monk continued to live until a few years ago, when the buiding was torn down.

He began playing in bands when he was 13. Four years later he joined a group that traveled with an evangelist ("She preached and feared and we played," he said). When the troupe reached Kansas City, Mary Lou Williams, the pianist, who became one of his close friends, heard him and reported later that "he was playing the same style then that he is now."

In the late 30's and early 40's, Mr. Monk was the pianist in the house band at Minton's Playhouse in Harlem, where young and then unknown musicians such as Charlie Parker, Dizzy Gillespie and Kenny Clarke came to jam. The music that became known as be-bop developed out of the sessions.

WENT HIS OWN WAY

Mr. Monk, however, was not part of the be-bop movement. He went his own way. To the public who found the "boppers" strange, he was even stranger and more difficult to accept. His first slight brush with success came in 1944. Bud Powell, the pacesetting pianist of the 40's who had been influenced by Mr. Monk, persuaded Cootie Williams, in whose orchestra Mr. Powell was playing, to record Mr. Monk's tune "Round Midnight." In the same year he made his first records with a group led by the saxophonist Coleman Hawkins, who, unlike most jazz musicians who came up in the 1920's was interested in the new jazz developments of the 40's.

Mr. Monk's first records under his own name, for the Blue Note label in 1947, gained some attention in black areas of large cities. But white listeners tended to reject him because, as Alfred Lion of Blue Note Records pointed out, "They thought he lacked technique."

HIS CABARET LICENSE REVOKED

He was getting only occasional work in the late 40's, and even that was cut off completely when, in 1951, he and a friend were arrested for possesion of narcotics. Although Mr. Monk was known to be "clean" and was widely considered to be innocent in this case, he took the full blame, refusing to be what he called "a drag" by implicating his friend. He served 60 days in jail but, what was much worse, he lost his cabaret card, without which he could not perform in a New York club.

For the next six years, until 1957, he recorded occasionally. Most of his time was spent composing many of the tunes that became the core of his repertory, including "Bemsha Swing," "Blue Monk," "Little Rootie Tootie" and "Pannonica," named for Baroness Nica de Koenigswarter. The Baroness had befriended several jazz musicians of the period, including Charlie Parker. In 1957, with the help of the Baroness, Mr. Monk regained his cabaret card and started to play at the Five Spot in New York. The club became a steady base for him.

During the late 50's, he led a quartet that included John Coltrane, the saxophonist. In the 1960's, Mr. Monk finally gained the recognition that had eluded him for almost 20 years. He worked regularly with a quartet featuring Charlies Rouse, the tenor saxophonist, appearing in clubs and at concerts and festivals all over the world. He also gave concerts with large orchestras, playing his compositions at Town Hall in 1959, at Philharmonic Hall in 1963 and in Carnegie Hall in 1964.

In the 1970's, his public appearances became infrequent because of illness. His last official performance was at Carnegie Hall in 1976, although he sat in informally one night after that at Bradley's on University Place.

Mr. Monk, who lived in Weehawken, N.J., in recent years, is survived by his wife, Nellie; a son, Thelonious Monk Jr., who is a drummer, and a daughter, Barbara.

A funeral service will be held Monday at 11 a.m. in St. Peter's Church, Lexington Avenue at 54th Street. The body will be at the Walter B. Cooke Funeral Home, 85th Street and Third Avenue, Saturday from 4 to 9:30 P.M. and Sunday from 11 A.M. to 9:30 P.M.

EULOGY TO FRANK MOSCO

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GREEN. Mr. Speaker, I would like to bring attention to a good friend of mine who recently passed away, Mr. Frank Mosco, chairman of community board No. 3 in Manhattan. Frank was an outstanding member of his community and his concern and generosity to his neighborhood were unmatched. Therefore, in recognition of Frank's service to his community I would like the eulogy given by Mr. Stephens A. Juhan, district manager of community board No. 3, to be placed in the RECORD at this point:

EULOGY TO FRANK MOSCO, JANUARY 6, 1982

I would like to express my appreciation to Frank's immediate family for this opportunity to say a few words about one of the most dynamic people I have ever known. First of all, I must say that I feel very much a part of Frank's family, just as most of you here today must feel. He often has said that all of the people on the Lower East Side were one big family. I feel honored to have been included as part of this extended family. His heart was big enough to include us all, his "little United Nations," as he sometimes called us.

Perhaps Frank's life can be summed up best by the motto behind his desk at the Community Board office. It says "Do something—either lead—follow—or get out of the way." Needless to say, Frank was a leader. From his earliest years on the Lower East Side, he distinguished himself on the streets, which he always called his "university." Later, he was in the forefront of many battles in the South Pacific when he served with the Marine Corps. After the war, as he was raising his own family, he still found the time to organize our youth into athletic teams and various sports activities, often taking his boys along. He never tired of saying that all kids are good kids; they just need somebody to organize them, watch over them and set an example for them. This Frank did all his life.

Later, he was involved in far too many activities to mention here today, everything from the Two Bridges Neighborhood Council and the Lower East Side Community Corporation to the Beekman Downtown Board for Ambulatory Care. Never did he forget his Italian and Catholic heritage, serving as President of the Holy Name Society and as Lector of Transfiguration Church.

In 1976 Frank was elected Chairman of Community Board No. 3, and he has been unanimously reelected each year since. When Community Boards became official City agencies in 1977 with specific responsibilities, Frank had the unique opportunity to bring together all the different groups in our community to speak as one voice on the Lower East Side. This is where he was able to create the expanded family concept that I mentioned earlier. To get fifty people on the Board to agree on our priorities was no small task.

He was always reminding us that every family has its own private squabbles, but disagreements can be resolved if we remem-

ber that we are truly a family of Lower East Siders. As long as we love and respect each other, we can present a united front to the world and be a real community of which we are proud. He has been highly successful in instilling this love, pride and sense of brotherhood in us all.

At the Community Board office, he insisted on this same attitude. Because of his leadership, Marie, Martha, Clifford and I have worked so closely with Frank, understanding his moods, his attitudes, his love for us, that we have been a harmonious team going along with him through the good times and especially in the past year, through some rough times when he did not always have the physical strength to do what he wanted to do. We already miss his presence, his kiss on the cheek or shake of the hand each time he came in. However, because of the example he set for us, we will be able to move along and carry out those programs he initiated.

In fact, Frank started so many projects in his lifetime which have not yet been finished, we will all be able to go through the community for years to come and see yet another improvement that we owe to him and his dedication.

As we pass by the Two Bridges area and see another residential building going up, let us not forget that Frank fought for twenty years to get housing there, and his dream is finally becoming a reality. As we pass by Columbus Park around the corner, let us not forget that Frank pushed the City for years to make it the kind of park Chinatown and Little Italy deserve; that dream is soon to become a reality. As the streets in Chinatown are improved shortly, let us not forget the many hours of meetings Frank held with the City Planning Commission on this project. As we cross Fourteenth Street and see the revitalization going on there and the new buildings of Campos Plaza going up, let us not forget that Frank was an integral part of this project.

Frank, you have given us so much that we will be seeing you every day in our lives for a long time. The spirit of love and brotherhood that you have left us will brighten the lives of those of us remaining now and we will, as a monument to you, pass it on to the coming generations.●

WAR ON DRUNKEN DRIVING: PORT WASHINGTON VIEWS THE PROBLEM

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, over the past decade alone, approximately 250,000 Americans have been killed in alcohol-related automobile accidents. Millions more have been seriously injured, many of them children who saw a whole fruitful life ahead of them vanish. If it were not for abusers of alcohol who operated a vehicle while intoxicated, these 250,000 people would be alive today, and these crippled millions would not be suffering as they are right now.

This year, it is projected, another 26,000 people will be killed by intoxicated drivers. Another 750,000 will likely be seriously injured as a result of this nationwide plague, at a conservatively estimated cost that will exceed $5 billion.

Drunk driving is the most often committed violent crime in our Nation and constitutes a sizable cause of death among our young people. Clearly, it is one of our most serious problems. And it only gets worse.

It is out of this recognition that I joined my colleagues, Mr. BARNES of Maryland, Mr. HANSEN of Utah, and Mr. ANDERSON of California, in seeking a method to declare war on and reliably conduct battle against this problem. We called upon President Reagan to appoint a blue-ribbon Presidential commission that will be entrusted with the realistic goal of developing a master plan to wage the war against death and dismemberment due to drunk driving. It is my hope that this commission will come to fruition, as we cannot afford to sit on the sidelines any longer and merely bemoan this terrible problem.

Individuals, groups, and communities all across our Nation are addressing this problem. An editorial, which appeared in the February 4 edition of the Port Washington News, spoke eloquently on this issue. Its thoughts are indicative of a community-wide concern over this problem. Port Washington, in this regard, is representative of every community in America.

I, therefore, reprint below the following editorial from the Port Washington News:

A WAR ON UNDER-AGE DRINKING

"Criminal mischief connected with drinking is our number one problem in the community with the kids," according to Port Washington Police Det. Lt. Thomas Willie. Most of the people working with youth in this community agree that drinking among teenagers is a serious problem.

In Manhasset, the adults have convinced many merchants to be tough about selling liquor to young people; so tough that double proof is required and the merchants will not sell to or serve those under 21, even though the legal drinking age is 18 in this state.

It's about time that the adults in Port Washington leaned on our purveyors of alcoholic beverages in the same way. Surely times are not so hard that bar owners, liquor store owners, and sellers of beer would go broke without their young customers. Surely, the Port Washington merchants do not want to make their money by intoxicating children.

It is well-known that young people here do not have difficulty buying liquor. If they can't buy it themselves, they hang around outside a store until someone the right age agrees to go in and buy for them. And there are young people who have been drinking and getting drunk in local bars since they were 14, sometimes using fake proof and sometimes needing no proof of age at all.

It is also well known that a great many parents, either following their own opinions or bending to pressure from their children, give parties at which liquor is served to young people.

It is time to put a stop to this, and we can do it if we work together. If the parents and the police and the schools and the Chamber of Commerce and the merchants agree to wage a war on under-age drinking we can cut it down substantially. And by doing so, it seems, we could cut down our crime rate and the number of lost young people in Port Washington.

There is much to be done here to help our troubled youngsters. It will take time to figure out what is needed, what will work, and how to do it. It will take time to organize committees and raise money. We certainly favor that kind of activity and will support all reasonable efforts directed at serving Port Washington's teenagers.

But a war on under-age drinking can start right now. It can start in our homes with parents refusing to serve liquor at parties for kids. It can start in the bars and delicatessens and supermarkets and liquor stores with merchants requiring double proof before selling alcoholic beverages to young people. It can start with a commitment by the adults in this community to stop making it easy for their kids, and their kids' friends, to get drunk.

This is important. It is not complicated. It requires no study or survey or meetings or money. All it requires is a commitment. Let's make it right now.●

ROTC MEDAL OF HEROISM AWARDED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SKELTON. Mr. Speaker, above the entry to one of the buildings on the campus of Wentworth Military Academy are the words "Achieve the Honorable." As a student at Wentworth, I was made aware of the phrase and the challenge it presented.

A Wentworth student was recently recognized for heroism. Cadet Mark P. Kaetzel was presented with the ROTC Medal of Heroism for risking his life to rescue a 2-year-old girl from a burning trailer house. Because of his successful efforts to save a child's life, Cadet Kaetzel was presented with the highest award given for heroism by the Reserve Officer Training Corps. He was also cited by the American Red Cross for his extraordinary personal action in a lifesaving rescue.

It is my pleasure, as a Wentworth graduate, to join the ROTC and the American Red Cross in commending Cadet Kaetzel. By his efforts on September 29, 1981 he was able to exemplify the spirit of the phrase "Achieve the Honorable." He deserves our praise.●

NEW POLICE FACILITY FOR THE CITY OF TORRANCE, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. ANDERSON. Mr. Speaker, this Friday, February 25, at 2 p.m. the citizens of Torrance, Calif., will gather to celebrate the dedication of a new police facility.

Originally started in 1976, the concept for a new police structure was approved in February 1980, with actual groundbreaking in August of that same year. Today, we witness the fruits of this project. The new building, a three-story structure consisting of approximately 74,000 square feet is located in the Torrance Civic Center and will house the city's 226 sworn personnel along with approximately 90 miscellaneous employees.

The new, self-contained structure is geared for the year 2000. With the help of individual police officers, the plans were drawn in such a way as to project the needs and problems of the community through the end of this decade.

In these times when crime is on the rise it is essential that we provide our peace officers with the most up-to-date technology available in the effort to give law-abiding citizens the protection we owe them. This new police structure is one fine example of a community working together to achieve the same goal—safe streets for our families and friends.

At this time, I like to take just a minute to commend the mayor of Torrance, James Armstrong, their fine chief of police, Donald Nash, and the Torrance City Council, for the entire community of Torrance will benefit greatly from this new facility. My wife, Lee, and I are both glad to see this expansion of our local law enforcement program, and we look forward to continued success for the Torrance Police Department.●

REAGAN ADMINISTRATION BUDGET PRIORITIES ARE MISDIRECTED

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GARCIA. Mr. Speaker, more and more we are seeing, as the Reagan budget is looked at closer and closer, what many of my colleagues and I have been saying for some time; the Reagan budget priorities are badly misdirected. Now we see a published report by the children's defense fund outlining these misdirected priorities.

The report points out that these cuts are not only discouraging work, but are taking food, clothing and shelter from those in America who need it the most—children. The Reagan budget ax would: Reduce the number of meals and snacks served in day care centers; end the summer feeding program for children by the summer of 1983; and eliminate food stamp and medicaid benefits for upwards of a million people, to name but a few of the effects of Reagan priorities.

Meanwhile, the taxpayers are required to: Subsidize every meal served in Secretary of Defense Caspar W. Weinberger's private dining room; subsidize personal servants for 300 senior officers at the Pentagon; and of all things, subsidize shots and other veterinary service for the pets of military personnel to the tune of $1.4 million.

These kinds of self-serving, misdirected priorities are examples of Reaganomics at its worst. I encourage my colleagues to read the following article further outlining the effects of Reagan budget cuts on children.

[From the Washington Post, Feb. 16, 1982]

CHILDREN BIG LOSERS UNDER REAGAN SOCIAL POLICY, GROUP SAYS

(By Herbert H. Denton)

The Reagan administration is demanding "more sacrifice from children than from any other group in American society" with its proposed cuts in welfare, education, nutrition and other programs, the head of the Washington-based Children's Defense Fund charged yesterday.

President Marian Wright Edelman said an analysis of the administration's budget proposals indicates that more than 750,000 pregnant women would become ineligible for a federally supported prenatal nutrition program, 100,000 families would no longer get day-care services, and more than half of the 5.8 million pupils in compensatory education programs would be dropped if the budget cuts are approved.

The CDF estimated that President Reagan's proposed fiscal 1983 budget would cut $8 billion from the $49.1 billion in federal aid for welfare, health, nutrition and education programs that benefit children. These spending reductions would be in addition to $10 billion in fiscal 1982 cuts in these programs, the CDF estimated.

Edelman said Reagan has "preyed on the fears and resentments of those Americans who want to believe that most welfare recipients cheat—they don't—and implied that if we just end fraud and abuse in these programs, we will solve our economic problems. What he has not told the American public is that 70 percent of the welfare 'cheats' he is ridding us of are children."

The 216-page analysis of Reagan's fiscal 1983 budget that the CDF released yesterday provides one of the first comprehensive efforts to go through its fine print and calculate the cost of the cuts to individuals.

At a time when the debate in Washington over the new budget is largely focused on the size of the deficit, the Children's Defense Fund report highlights spending reductions that will have the effect of:

Reducing the number of meals and snacks served in day-care centers. Before the cuts, they served three meals and two snacks daily. Now there are funds for two meals and one snack a day.

Ending the Summer Feeding Program for children by the summer of 1983. About 1 million poor children are expected to get meals in this program in the summer of 1982.

Eliminating food stamp and Medicaid benefits for upwards of a million people because of cuts and new eligibility requirements.

Cutting from $3,600 to $2,000 a year the federal assistance low-income families get for housing.

The working poor have been among those hit hardest by budget cuts already approved, Edelman said, and this is likely to continue if President Reagan's new cuts are approved.

The case of Sharon Haller, a rural Ohio woman with three children who quit her job driving a school bus rather than lose benefits, is one of several examples the Children's Defense Fund report cites. Haller quit her job after determining that under the new Reagan welfare policies she would gain only $1 a month in welfare benefits by continuing to work but lose $9 a month in food stamps and the Medicaid card entitling her and her children to free medical care.

The report also attempted to trace the widely varying methods to which states have resorted to absorb the costs of cuts approved last summer. Six states, Washington, Oregon, Missouri, Kentucky, Iowa and Utah, have eliminated Medicaid benefits for children living at home with both parents.

Virginia is proposing to stop coverage completely for blind and disabled children under 18. South Carolina is proposing limiting the number of hospital days paid by Medicaid to 10; Tennessee is proposing that they be limited to 14 days; Maryland has a 20-day limit.

The report found similar disincentives to work in the changes the administration is making in the food stamp program. A working family that earns $5,000 a year will get from $300 to $400 a year less in stamps than the family that receives $5,000 a year from welfare or unemployment compensation. This is because a working family's beneftis will be tied to its gross wages under the changes and no consideration will be given to the fact that a portion of that income is withheld as taxes or consumed by work-related costs.

In combing through the fine print of the budget, CDF found that the administration in cutting various programs had made in one place or another these assumptions: that the poor should pay 35 percent of their income for food, 30 percent for housing and 25 percent for home energy. The fund noted that these costs alone add up to 90 percent of the poor family's income.

The CDF estimates that 150,000 families will no longer be eligible for federally aided day care because of cuts already made and that another 100,000 will be cut from the program next year if Reagan's new budget is approved.

According to the report, states are handling these reductions in widely differing ways. In Washington state, working families with incomes that are 38 percent above the state's median are no longer eligible for day care. Pennsylvania families can earn up to 90 percent of that state's median.

In Massachusetts, the state Department of Social Services eliminated slots for one-third of the preschool-age children in day-care programs and replaced them with slots for school-age children. In Albany, N.Y., parents earning $8,000 a year must now pay $800 annually for day care.

Edelman proposed as alternatives to the cuts Reagan is proposing a number of reductions in spending and tax breaks, including the oil depreciation allowance, various agricultural subsidies and a wide array of military programs.

She noted that the 1983 budget contains an $800,000 increase in residential expenses for the White House.

"While we want president and Mrs. Reagan to live comfortably, we would prefer to use the proposed annual increase toward replacing 40 percent of the child abuse prevention services which the president proposes to cut," she said.

In a section of the report entitled "Bombs Over Babies," Edelman has these other suggestions:

That the Defense Department cease sending routine, non-priority messages by teletype, which the General Accounting Office has estimated could save $20 million a year. These funds could be used to restore cuts of about $23.9 million in programs for handicapped children, she said.

That the taxpayer subsidy of $12.06 for every meal served in Secretary of Defense Caspar W. Weinberger's private dining room be eliminated and that the secretary and his guests be required to pay the full cost of the food they consume. Each subsidized lunch served in Weinberger's dining room, she said, costs the taxpayers about the same as it does to serve 40 low-income children a morning snack of orange juice and crackers.

That the program of providing personal servants to 300 senior officers at the Pentagon be ended and the money be used to restore funds for 160 homemaking aides in Virginia. Funds for those aides who had served 2,500 aged, blind and disabled persons and families with handicapped children were cut by Reagan last year.

That the Defense Department no longer provide shots and other veterinary services for the pets of military personnel and that the $1.4 million now spent for that program be used to restore funds to immunize 35,000 poor children who were cut from the childhood immunization program last year.●

POLAND CRISIS

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SANTINI. Mr. Speaker, the martial law crisis in Poland has stirred many hearts in the United States. Our own heritage, based on the struggle for human rights and freedom, closely parallels that of the Polish people as they try to wrest themselves from the grasp of Russian dominance.

American comraderie with the Polish people has taken many forms in these past weeks. Though the martial law crackdown is only a few months old, many persons of Polish-American descent have emphasized in the Polish struggle for much longer. In Nevada, a Las Vegas resident who is proud to be of Polish-American background was inspired to write a song embodying the strength and determination of the Polish people in this time of concern. The song is written by Mrs. Joan Baldwin Zalewski (Copyright, 1980) and is entitled "Kwiaty Wolnosci" ("Freedom Flowers").

I would like to record here, the words to that song. But before doing so, I am sure my own Italian ancestors will allow me this once to say: Jeszcze Polska Nie Zgniela! (Poland has not perished!)

"KWIATY WOLNOŚĆI"

(By Joan Baldwin Zalewski)

VERSE:

Years ago in Poland, red flags consumed the land.
Papa spoke of a garden, with flowers rare and grand.
He said: "Grow up, my brave one. Grow quickly as you can.
Then find my special garden, when you become a man."

CHORUS I

Go and find the freedom flowers,
Plant them deep so they will grow.
Shade them from the summer sun,
Shelter them from winter snow.
Harvest time will come, my son,
In our land, 'twas ever so.
Ah, how fair the freedom flowers!
How I pray one day you'll know.
Kwiaty Wolnośći, dla Polski, dla Polski.
Kwiaty Wolnośći, dla Polakow, dla Mnie.

CHORUS II

I have found the freedom flowers
Blooming in the eyes of men.
They remember years gone by,
Polish hearts were happy then!
Harvest time will come, my friends,
One day soon, I know not when.
Guard them well, the freedom flowers,
'til my land is free again!
Kwiaty Wolnośći, dla Polski, dla Polski.
Kwiaty Wolnośći, dla Polakow, dla Mnie.
Flowers of freedom, for Poland, for Poland.
Kwiaty Wolnośći, for my people, for me!●

MUSIC HONORS FLAGLER

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. CHAPPELL. Mr. Speaker, a noted composer and conductor who is a resident of the Fourth District of Florida has composed "Flagler March."

The music is a tribute to growing Flagler County and to Henry Flagler, the historic developer of Florida.

Professor Gabriele has dedicated the march to the Flagler County Chamber of Commerce and the music is having a unifying effect, and is generating community pride throughout the county. Upon hearing the march, a student at Flagler Palm Coast High School, Lisa L. Bennett wrote words to it; thus creating a victory song for her alma mater.

Mr. Speaker, it is most commendable that this medium of music is stimulating community pride and unity in Flagler County.●

CAPITALISTS AND COMMUNISTS MAKE STRANGE POLITICAL BEDFELLOWS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DERWINSKI. Mr. Speaker, the current repression of the people of Poland has once again brought to public view the very unusual political alliance which has emerged from the years of détente. This is the tacit alliance of a very strange pair of political bedfellows, Communists and capitalists.

This is how Mr. Allan C. Brownfield, political and economic observer, has described the West's deep involvement over the years in bankrolling the Soviet bloc. Mr. Brownfield's views were printed recently in Human Events of January 16, 1982, the Washington weekly newspaper. I think they are worthy of the Members' consideration:

CAPITALISTS AND COMMUNISTS MAKE STRANGE POLITICAL BEDFELLOWS

(By Allan C. Brownfeld)

The current repression of the people of Poland has once again brought to public view the very unusual political alliance which has emerged from the years of "détente." This is the tacit alliance of a very strange pair of political bedfellows, Communists and capitalists.

It was the view of former Secretary of State Henry Kissinger that détente and its accompanying expansion of East-West trade would "link" the Soviet Union to the West. It would be so interested in maintaining such a trading partnership that it would alter its international behavior to a more acceptable standard.

The reality, as many predicted, was exactly the opposite. East-West trade did indeed grow. We and our allies provided that Soviet Union with our most advanced computers, we built truck factories and bailed out their failing agricultural system. Our banks lent them money.

They, for their part, invaded Afghanistan, used Cuban proxies to impose Marxist regimes upon Angola and Mozambique, financed international terrorism and, in every respect, continued to pursue their stated goal of world domination.

But Henry Kissinger was not completely wrong. There was indeed "linkage." The Western businessmen and bankers became constituents of détente and of Moscow—ready to resist any policy which called for an end to trade or other tough measures. If the world ever doubted this reality, current events in Poland once again make it crystal clear for all to see.

Western banking interests—to whom Poland now owes approximately $27 billion in loans which never should have been made—are now vigorously lobbying—in Washington, in London, in Paris and in Bonn—to go soft on Poland, not to do anything which might cause the government in Warsaw to default.

The Wall Street Journal reports that "Many U.S. bankers see Soviet-style author-

itarianism as their best hope for recovering the $1.3 billion that Poland owes them." It quoted an unnamed bank executive as saying, "Most bankers think authoritarian governments are good because they impose discipline. Every time there's a coup d'etat in Latin America, there's much rejoicing and knocking on the door offering credit."

The Journal found that "though few bankers will concede it publicly, many are hoping that a strong Polish government backed by the Soviet Union, or perhaps the Soviet Union themselves, will pay off the rest of the $500 million in interest due Western banks."

Columnist James Wechsler notes, "Life has cruelly imitated and even burlesqued art in the Polish agony. But neither Orwell nor Koestler fully envisioned a moment when a Communist puppet regime would be the subject of such solicitude in the international banking fraternity."

Why is West Germany so silent about events in Poland? The reason is clear. Such events are threatening to the growing trade between Bonn and Eastern Europe. The German banks only recently were urged by their government to extend massive loans to the Soviet Union for the natural gas pipeline—which, when constructed, will hold Western Europe hostage to Moscow for much of its energy needs.

Willy Brandt, the leader of Germany's ruling Social democratic party, hardly even criticized the repression in Poland. He said that "unsolicited opinion or remarks formulated in a hard way will not aid the people of Poland." Heinrich Boll, the Nobel Prize-winning West German writer, mocked his government's position, saying many Germans were deliberately closing their eyes to the problem.

It is shocking to read the West German press. Die Zeit, Der Speigel and Stern, the nation's leading magazines, have suggested that Solidarity could not have expected a better end than its repression. Theo Summer, editorial writer for Die Zeit, declared: "Although one need not approve of Gen. Jaruzelski's military coup d'etat, one has to wish him success."

American and other Western bankers are deeply involved in financing Communist governments. Bankers say that if the Polish debts go bad, the natural tendency will be to cut back lending to all Eastern European countries. This could then provide a downward economic spiral that would jeopardize repayment of the loans already outstanding. Bankers are worried about the Western banking system's ability to cope with such defaults.

But why is the Western banking system financing the very countries against which we are arming to defend ourselves? Does it make sense to spend billions of tax dollars to prepare for a potential conflict with the Soviet Union and the Warsaw Pact and, at the same time, bolster the economies of these potential enemies with loans and trade?

Why the Soviets trade with us—and borrow from us—is clear. In 1973, Leonid Brezhnev explained: "We Communists have got to string along with the capitalists for a while. We need their credits, their agriculture, their technology. But we are going to continue massive military programs and by the middle of the '80s we will be in a position to return to a much more aggressive foreign policy designed to gain the upper hand in our relationship with the West."

Years before, of course, Lenin predicted that the capitalists would sell the Communists the very rope with which to hang them. Western bankers are fulfilling this prophecy. As tyranny descends upon Poland, many of them, sadly, seem to be on the side of the tyrants.●

UNLOCK THE ECONOMY

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. HUBBARD. Mr. Speaker, as we all continue to wrestle with the slumping national economy, Mr. Patrick A. McNulty, general manager of McNulty Sales & Leasing in Paducah, Ky., has written to me with his thoughts on how to unlock the economy. I believe Mr. McNulty's letter is one which should be shared with my colleagues and I wish to do so at this time:

DEAR MR. HUBBARD: Please help us unlock the economy.

A. Our industry is in the deepest slump since World War II. Help lower interest rates.

B. Our industry, unemployment and bankruptcies are soaring. Help lower interest rates.

C. High interest rates have eliminated 30 percent of our market. Help lower interest rates.

D. Our government consumes 30 percent of the credit for its deficit. Help lower interest rates.

Since lower interest rates are the key to a healthy and prosperous economy, we recommend you call on the President to adopt these three principles.

1. Hold 82 deficit to 42.5 billion or less and balance the Federal budget by 1984.

2. That the Federal Reserve Board to increase to accommodate economic growth and stability.

3. That our President select, immediately, a non-banking, small business representative to fill the first vacancy on the Federal Reserve Board.

Respectfully,

PATRICK A. MCNULTY.●

WALTER WILLIAMS ON LABOR VIOLENCE

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LEBOUTILLIER. Mr. Speaker, I have frequently taken to these pages to forcefully decry the ever-rising tide of violence in America. While lawlessness has been a continuous problem in our Nation, recently it seems to be more reflexive, deadly and growing. Crime, whether committed by individuals or organizations, is wrong. Illegality as a means to achieve any end is a process totally abhorrent to the American system of law, justice and democracy.

In the last few years, old-time union violence has increased. The average American unionist is a deeply law-abiding person, and would not condone this type of behavior. The average union operates within the American system. However, there are rotten apples among individual unionists and their unions.

Union violence strikes at the very heart of a fundamental human right—the right to work. The right to work freely, unharmed, and with the guarantee of respect and fair compensation is fundamental to Americans. In addition, in a country which places a high premium on equal justice under the law, union violence must not go unpunished while acts of random or individual violence attract the swift response of the judicial system. The law is the law.

The most prevalent situation for union violence and lawlessness occurs when a particular labor unit rejects unionization or affiliation with a certain labor organization, or involves itself in freely determined policies which displease violent labor entities who seek to control, rather than represent, the worker.

Walter Williams, a distinguished economist at Temple University, recently wrote a poignant and thoughtful article for the Heritage Features Syndicate on various aspects of union misdeeds. Williams' column concerns itself with matters not strictly confined to violent union actions, and represents a thoughtful contribution to public discussion of this topic.

I wish to reprint below Mr. Williams' insightful column, entitled "Failing to Protect Management, Law Forces Kickbacks to Unions."

FAILING TO PROTECT MANAGEMENT, LAW FORCES KICKBACKS TO UNIONS

(By Walter E. Williams)

Enter the Justice Department's special prosecutor. This time the subject is U.S. Secretary of Labor Raymond J. Donovan. Already investigated once during lengthy Senate confirmation hearings, Donovan is being investigated again in reference to alleged kickbacks to a union boss. Donovan, as you know, was a New Jersey construction company executive before Reagan appointed him to the Cabinet post.

It is not known whether Secretary Donovan made any illegal payments to a union official as is alleged. Early last year, this writer had a long chat with the secretary and found him a personable, dedicated and courageous American. Of course, these are personal characteristics and do not mean the secretary will be able to do what is necessary to reform the labor regulations which are stifling the nation.

But the allegations against Donovan afford us the convenient opportunity to review some issues that need public airing. These are so important that if the special prosecutor does not raise them in his report, he should be cited for incompetence and dereliction of duty.

NO PROTECTION FROM ABUSE

Numerous federal laws and court decisions have the effect of sanctioning union violence, destruction of property, interference

with trade and economic sabotage. Union pickets are allowed to interfere, often violently, with other workers' rights to enter and leave buildings. They shoot at and otherwise intimidate workers who don't subscribe to their viewpoint. Any person seeking to document union violence can write to the National Right to Work Legal Defense Foundation (8001 Braddock Rd., Springfield, VA 22160) for statistical data. But the bottom line is that the law does not offer much protection to those employers and employees who suffer union abuse.

We *do* have laws against union abuse. In 1934, Congress passed the Anti-Racketeering Act forbidding violent and coercive behavior in interstate commerce. But it contained an exemption from prosecution which was applicable to a bona fide employee seeking higher wages from a bona fide employer. Congress, in 1946, in order to rectify the earlier situations, passed the Hobbs Act which prohibits all violence and extortion in interstate trade. But in 1973, in *Enmons vs. U.S.*, the Supreme Court held that the Hobbs Act was not violated where workers used violence and extortion to achieve legitimate union objectives. In other words, the court said a crime committed in a "good" cause is sanctioned by the Constitution.

Put yourself in the position of an international shipping company. You ship and warehouse goods from overseas. You have a ship in port that has to be unloaded, and it's costing you a half-a-million dollars each day it's there. A local union leader subtly suggests that you can maintain a smooth operation if you pay him some money or hire some unneeded workers. (Remember, racketeering is rife on the docks.) What do you do?

You could be a law-abiding citizen and say no to the extortion attempt. But that might mean massive destruction of property. You might hire other workers to replace those who are called out on strike. But the new workers might get beat up in full view of the police. In fact, the police may arrest the *new* workers for inciting violence. All this could go on while that ship is costing you a half-a-million dollars each day it's in port.

EXTORTION IS CHEAPER

What are you going to do? Clearly, having several thousand dollars extorted is a better economic deal than having a fully loaded ship tied up in dock. So you give in.

Just as on the waterfront, construction delays are costly. Building contractors have heavy equipment on a site and cannot afford costly work stoppages. The companies who lease them the cranes and earth movers charge whether the equipment is being used or not.

Let me be very clear. I have no idea whether the labor secretary was caught in this kind of trap. But extortion is widespread among construction, teamsters and longshoremen unions, and look at the position in which we place employers: If they obey the law, we give them little protection against union reprisals. Yet, if they protect their own economic interests by paying off union leaders to buy labor peace, they're subject to prosecution. They're in a position of "dammed if you do and damned if you don't." This is what is known as being between a rock and hard place.●

A PROMISCUOUS PRESS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. McDONALD. Mr. Speaker, as each crisis arises in the world, the press descends on the area involved and once the crisis is over, it never looks back and no critique is ever seemingly held as to whether the reporting was objective or totally misleading. The encounters between forces of communism and anticommunism since World War II seem to find our press always supporting a group of "Robin Hoods" in the mountains, who are brave, clean, reverent, and everything nice as opposed to the legitimate government which cannot do anything right. This pattern has become nauseous in recent years. Mr. Gabriel P. Brinsky, national service and legislative director of AMVETS, recently described this phenomenon in a column for Stars and Stripes newspaper of February 18, 1982. I feel it merits the serious attention of my colleagues.

The article follows:

AS WE SEE IT: A PROMISCUOUS PRESS

Following the Russian invasion of Afghanistan, President Carter declared the Persian Gulf vital to our interests. To protect it, an embryogenic Rapid Deployment Force (RDF) came into existence.

And there's no doubt that President Reagan intends to intervene in the Gulf should our interests be threatened. He has said so. The chances are good, however, that the RDF will first be tested not in the Persian Gulf but much closer to home. It should come as no surprise if a naval deployment force is initially engaged in the Caribbean Basin.

There is no minimizing the gravity with which the Administration views the flames being flirtingly fanned by the revolutions taking form throughout the Western hemisphere. Secretary of State Alexander Haig has repeatedly voiced his concerns about the Cuban-inspired developments in Central America and the Caribbean. There can be little doubt that the fate of El Salvador and the role played by Nicaragua are considered as vital to our security.

But this is getting ahead of the story, for what is happening off our shores can be better viewed in a framework of events which occurred several decades ago in the distant land of China.

In the civil war of the 1940's, the Nationalists were led by Chiang Kai-shek, the communists by Mao Tse-Tung. The press categorized the former, a staunch friend of the United States, as a tyrant corrupt beyond redemption. Mao was portrayed as a deity adored by the masses and incorruptible. Upon his death in 1976, he was extolled in the American press as a philosopher and the saviour of his countrymen. No mention was made of the massive executions for which he was responsible, estimated as high as 60 million Chinese.

Then came Cuba. The press painted Fidel Castro as a knight in shining armor, charging to eradicate the misery of the masses. As Cuba's unordained messiah, he was received, honored, and feted in New York City; he was the deliverer of the oppressed. This occurred at a time when Cuba was the most prosperous country in the Caribbean. Yet, last year alone more than 100 thousand fled its shores to escape Castro's utopia.

While these indiscretions of the press may be pardonable as an exercise of literary prerogatives and within the scope of interpretive license, other press actions are indefensible. Not even the most forgiving would consider granting absolution for the reporting conducted during the Vietnam Conflict. The country was at war, its youth was dying, the welfare and direct interests of America were at stake.

Yet, the press seemed to be schizophrenically preoccupied with identifying atrocities committed by the American forces. Why? Perhaps because our soliders, unlike our enemies, are now known for such activities.

In any event, the discovery that a hundred civilians were killed in My Lai played to weeks of extensive, front page, and concentrated media coverage.

By contrast, the thousands of civilians who were massacred by the Vietcong in Hue went virtually unnoticed by the press. Just as no mention was made that an entire Marine platoon was captured by the Vietcong, tortured and . . . skinned alive.

Errors of omission in reporting may be excusable but careless or philosophically motivated misrepresentation affecting our nation's interests can find no sanction. The press, with its Constitutional protections, occupies a special relationship of trust with the people from whom it derives its guarantees. It is obligated to provide full, objective, and accurate reporting. Nothing less is acceptable.

Perhaps the greatest press betrayal of recent times occurred during the Tet offensive launched by the Vietcong in February 1968. Soundly defeated, the press reported the Vietnameses as having achieved a decisive victory.

These false reports were to have a devastating affect upon America's attitude and the final outcome of the war. The treacherous actions of the press will forever smirch the escutcheon of the free press.

All of which brings us back to Central America and El Salvador. More is involved in this area than the protrayed economic welfare or the misery of the peasants claimed by the communist sympathizers. Our interests are strictly security motivated. This should be kept in mind in spite of what may be published by a promiscuous press.●

H.R. 5543, THE OCEAN AND COASTAL RESOURCES MANAGEMENT AND DEVELOPMENT BLOCK GRANT ACT

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. D'AMOURS. Mr. Speaker, yesterday I introduced, along with Mr. JONES of North Carolina, chairman of the House Merchant Marine and Fisheries Committee. H.R. 5543, a bill to establish an "Ocean and Coastal Resources Management and Development Fund."

Congress has long recognized the coastal zone as an area of vital environmental and economic importance. The extreme pressures placed upon the coastal zone as a result of the often conflicting demands of environmental and economic interests has made it an area of special congressional attention.

These pressures have never been greater, especially in light of the dramatic acceleration in the development of Outer Continental Shelf activity. At the same time, however, the present administration has set about to dismantle all the coastal programs that have allowed the States to plan for and manage these concerns.

It is for this reason that we have introduced H.R. 5543, legislation to establish the Ocean and Coastal Resource Management and Development Fund.

Under this legislation, a fund would be established by capturing 10 percent of the growth in Outer Continental Shelf (OCS) revenues from a base year (fiscal year 1982), up to a maximum of $300 million. These funds would go to coastal States in the form of block grants to fund activities authorized by the Coastal Zone Management Act of 1972, the coastal energy impact program, various living marine resource programs, as well as other natural resources management programs of importance to the individual States. Great latitude and discretion is given to the States in using these funds. Bureaucracy and paperwork requirements are kept to a bare minimum.

The Reagan administration in its recent budget message to Congress, estimated that OCS revenues in fiscal year 1983 would total $18 billion. Therefore this legislation would give to the States an amount less than 2 percent of all OCS revenues. This is a pittance when compared with the treatment inland States receive under the Mineral Leasing Act. Under that act, States with onshore Federal mineral activity receive 50 percent of revenues from activity on Federal lands. In addition, they receive payment in lieu of taxes and can impose severance taxes on the companies working the leases.

Coastal States are accorded none of these income sources. It is clear that they have not received a fair deal. This bill would provide a small degree of equity to the 30 coastal States.

The House Subcommittee on Oceanography, which I chair, has already held 2 days of hearing on revenue sharing legislation. The bill Chairman JONES and I introduced yesterday is the fruit of those hearings. The Subcommittee on Oceanography has scheduled a February 25 markup on this bill.

This is clearly needed and long-overdue legislation that deserves Congresses immediate consideration.●

SUNSET LEASING PROVISION OF THE ECONOMIC RECOVERY ACT OF 1981

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DONNELLY. Mr. Speaker, today I have introduced legislation which would sunset the leasing provision of the Economic Recovery Act of 1981.

With a deficit most certain to be over $100 billion in 1983, it is unthinkable to allow strong, profitable corporations to be given tax breaks at the expense of small and unprofitable industries, which are forced to negotiate this contract from a point of weakness. While there may be reason to attempt to assist unprofitable industries which are beginning to retool, this provision has allowed the profitable industries to negotiate settlements which siphon off as much as 80 percent of the tax benefit.

The major reason for repealing this provision is the extraordinary expense. Conservative estimates place the cost over the next 5 years at $29.1 billion; more realistically the figure will be twice this amount. In view of the record deficits which are facing us, this provision becomes an unbelievable expense.

My proposal will allow the Ways and Means Committee and the full Congress ample time to study this provision on its own merits and costs. I believe that by repealing this provision at the end of fiscal year 1982, we have supplied sufficient incentive for retooling and can now therefore face our current economic realities and return to a more prudent economic course.●

BUDGET STATISTICS

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WHITEHURST. Mr. Speaker, the column by James J. Kilpatrick which appeared in the February 22, 1982, edition of the Washington Post contains some statistics which, regrettably, do not seem to have been reaching the American public. For this reason, I am taking this opportunity to share Mr. Kilpatrick's views with my colleagues, because I believe that they should be given full consideration as we begin work on the budget for the coming fiscal year, in order to keep matters in a better perspective.

Thank you, Mr. Speaker.

. . . AND QUIT HOWLING ABOUT THE BUDGET

Critics of President Reagan's budget for 1983 seem to be voicing two principal complaints—first, that further cuts in social programs are unbearable, and second, that the prospective deficit is intolerable. Neither complaint has merit.

To listen to the agonized cries from the liberal left, one might suppose that the president had no purpose in mind but to grind the faces of the poor—that he advocates starvation, illiteracy, rotting teeth, and the mass eviction of elderly couples from their humble abodes. Mr. Reagan is being depicted as a cruel and heartless monster who delights in slashing, destroying, undermining and hitting hard. A contributor to the editorial page of The Wall Street Journal charges that the president's budget "makes it clear that the needs of our poorest people are his least concern."

Suppose we look at the figures. The food stamp program provides a useful example. The program got off the ground in 1965 with an outlay of $35.6 million. By 1970 the outlay was $577 million. As recently as 1975, which was not so very long ago, food stamps cost the taxpayers $4.7 billon. In 1980, just two fiscal years ago, the program topped $9 billion. For 1983, Mr. Reagan proposes $10.3 billion.

Some of this mind-boggling increase of course is owing to inflation. In constant dollars, the growth is not quite so alarming. But when that factor has been fully discounted, a program of phenomenal dimensions remains. More than 19 million persons will be receiving food stamps under the president's "slashed" and "heartless" recommendation.

Housing subsidies provide another example. In 1977, just five fiscal years ago, federal outlays for housing assistance came to $3 billion. For 1983 Mr. Reagan proposes housing assistance of $8.9 billion. If this is cruelty, it is a curious kind of cruelty.

Are the elderly being tossed to the wolves? In 1978, just four fiscal years ago, Social Security, Medicare and other programs amounted to $103.9 billion. For 1983 these same benefits would amount to $209.6 billion. On down the road, in 1987, the benefits are fixed at $283.3 billion. The Office of Management and Budget asserts that the average elderly couple, retiring next year, stands to receive $15,700 in tax-free benefits. Would the president's critics provide vastly more?

Look. The most dismaying aspect of this criticism lies in what it tells us about ourselves. We have drifted a long away from the old moorings—from self-reliance, local responsibility, the virtues of can-do and make-do. Whole generations of middle-income Americans used to get their higher education without guaranteed loans and Pell grants. There was a time, and it wasn't so long ago, when our people survived without 95 million subsidized meals every day. To the extent that Reagan's budget nudges us back toward the old initiatives, the budget ought to be praised and not condemned.

The 1983 deficit is estimated at $92 billion. It probably will be higher. Congress has a high obligation to reduce the figure by selective tax increases and by further cuts in spending—including defense spending. But to cry that a $92 billion deficit is "intolerable" is to lose a sense of perspective. The sum represents about 3.1 percent of our gross national product, not greatly beyond the 2.9 percent of 1977 and 1980 and much lower than the 4.5 percent of 1976. As a percentage of total federal spending, the prospective deficit is less than we somehow tolerated in 1975 and 1976.

None of this is to say that Reagan's budget is cast in stone. It is arguable that in some areas, he is attempting to cut too much too soon for local government and the private sector to adjust to the changes. No one is happy about a $92 billion deficit. But neither should we accept the calamity-howling as if catastrophe truly lies ahead. This budget moves in sound directions. Subject to minor course corrections, it ought to be adopted.●

COMMENTS ON PATRIOTISM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. KEMP. Mr. Speaker, during his tenure as national commander of the American Legion, Michael J. Kogutek traveled throughout the United States and abroad experiencing the spirit of the American people.

Mike believes that American patriotism is very strong in our country, and growing stronger all the time. Recently he shared these observations with the people of western New York through an article printed in the Buffalo Courier Express.

We in western New York are very proud of Mike who resides in Lackawanna and, who has himself, contributed to the rekindling of the patriotic pride which most Americans share in their country.

I commend this article to the attention of my colleagues for its useful and perceptive insights.

PATRIOTISM IS IN AGAIN

(By Michael J. Kogutek)

One of the wonderful things about America is her resilience. Just when you think the country is really over the hill, Americans spring back saying: "Wait a minute, we're better than this." Then they proceed to prove it.

Having just completed a year as national commander of the American Legion, I have had a unique opportunity to see this phoenix-like attribute at work all over the country. I visited every state and several foreign countries, and I'm pleased to report that U.S. citizens in all sorts of jobs at many different levels of responsibility are rebuilding their confidence in America and discovering a new love and respect for their heritage.

The nation that had the imagination, the scientific and technical genius, the spirit and resources to put men on the moon is not going to be defeated by an army of small foreign cars.

The country which reluctantly entered two world wars but saved the world for freedom in each is not going to surrender to or be coerced by modern international thugs and bullies.

The land of opportunity which beckoned our forefathers is still a land of promise to the oppressed of the world. And Americans are beginning to be proud again of their country's record in helping so many, rather than bemoaning the fact that we have not yet saved all who are in trouble on the planet.

This new national mood is especially gratifying to me and my colleagues in the American Legion and our companion organization, the American Legion Auxiliary. There are almost 4 million Legionnaires and Auxiliary members throughout the country who have been dedicated for many years to helping America work again.

They have been sponsoring programs to encourage our youth to learn more about our democracy, how it works, and their responsibilities as citizens. They have been supporting efforts to unify factions that have fractured our society during the turbulent sixties. They have worked with great determination to restore our flag as a respected symbol throughout the land instead of an object of ridicule.

And they have spent thousands of hours visiting and helping our veterans who thought that flag was worth fighting for but who now need a pat on the back in their waning years and assurance that it was not all for nothing.

They have been championing the cause of the Vietnam veteran who still feels that his own countrymen blame him for that unpopular war. And they have been active in energy conservation, crime prevention programs, and many other efforts to make our good homeland even better.

Why have they been doing these things for over 60 years now? Why are more Americans getting into the act these days? I think it is very simply because we have a very good thing here in America, and people are realizing that all we have to do is keep from messing it up. The best way to avoid that is to believe in the American way. And that is what they're rediscovering. Patriotism is in again.●

OPPOSITION TO FURTHER BUDGET CUTS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. MOAKLEY. Mr. Speaker, I would like to register my opposition to the President's plans to cut Federal funding for higher education.

According to the proposed budget for fiscal year 1983, the President intends to reduce overall spending for higher education by one-quarter over fiscal year 1981. To obtain these savings the administration plans to reduce Pell grants to undergraduate students, eliminate graduate student eligibility for the guaranteed student loan program, and apply need analysis to students from all income levels—to name just a few of the measures sought.

These proposals illustrate how gravely shortsighted is the vision of this administration. Federal assistance for postsecondary education—like many other worthy social programs—is being sacrificed for the sake of unsound and unworkable economic policy.

I feel strongly that education is one of our most crucial investments for the future. We cannot afford to defer the costs of a well-educated citizenry anymore than we can afford to shy away from the price tab for a strong defense. In fact, America's greatest asset lies not in the brute strength of its Armed Forces, but in the intellectual vigor of its culture. We have always been a country of innovators, impatient with the old and outmoded ways of doing things. That impatience has led to some of the greatest advances of all time: inventions like the telegraph, the airplane, and the silicon chip—to name just a few. Not to mention the less technical contributions made by Americans in the fields of education and the arts. Such innovations have formed the basis for a previously undreamed of prosperity at the same time that they have brought great respect for this country from those abroad.

Now I fear that the vitality of thought represented by these and other achievements is in danger of being irrevocably lost. The administration proposes to systematically undermine our greatest resource—education—at a time when we face a bewildering array of complex social, political, and economic problems. Without a strong Federal commitment to all levels of the education process, we will never develop the know-how to address such monumental problems. Gone are the days when inventiveness and patience alone can lead to new discoveries. A self-taught genius like Thomas Edison would probably be overwhelmed in today's environment. Innovation and future productivity hinge on a well-educated populace. In many fields, a college education is no longer the luxury it once was. Federal assistance for higher education has increased because this country's educational requirements have grown. Must we wait for another Sputnik, or until we lose our competitive edge in high technology products before we realize how vital this Federal assistance really is?

So far I have stated my basic philosophical reservations about the proposed cutbacks in spending for higher education. But the figures themselves are even more compelling. Of the 1.8 million undergraduates now enrolled in independent colleges and universities, over 780,000 receive Federal financial assistance. Approximately 600,000 graduate students—over one-half the total number of graduate students enrolled in this country—depend on help from the Federal Government in meeting tuition costs.

Mr. Reagan proposes to cut student aid for the 1983-84 academic year by 50 percent over funding for the 1981-82 academic year. Overall funding for Pell grants is to be reduced from $2.3 billion to $1.4 billion in fiscal year 1983. Whereas families earning up to $27,000 are currently eligible for Pell grants, the administration wants to slash the earnings ceiling to $14,000. One wonders how many families earn-

ing between $14,000 and $27,000 per year will be able to afford the cost of a college education which is quickly becoming a $10,000 per year proposition at many private institutions. The American Council on Education estimates that this lower earnings ceiling for Pell grants will disqualify 1,000,000 students who are now eligible for the program. As if these reductions were not severe enough, the administration asks for nearly total elimination of Federal assistance for graduate students. Mr. Reagan wishes to end the availability of guaranteed student loans for graduate students. As I said earlier, more than one out of every two graduate students depend on this program to help pay for their education.

Mr. Speaker, these spending cuts not only contradict the administration's avowed intent to revive the American economy and strengthen our defense, they also fly in the face of commonsense. Problems such as those posed by pollution, declining industrial productivity, and deteriorating urban areas will not go away by themselves. A policy of benign neglect is really not policy at all. The fact is that we will not meet these and future challenges without a firm commitment to higher education.

I detect a new attitude at work behind these proposed cutbacks: A meanness which weighs the wisdom of every Federal expenditure according to immediate costs and benefits only; a narrow philosophy which tries to equate the Federal Government with the operation of private business and finds it necessarily wanting; and finally an outlook which makes the Federal Government the scapegoat for all the Nation's ills. These ideological tirades hardly serve the best interests of this country, particularly in the area of education.

The programs under attack by President Reagan have enjoyed unique and hereto unquestioned support from previous administrations—both Republican and Democrat. Allow me to conclude by reading a quote from another individual concerned with the subject of education:

> If we are to maintain our position of leadership, we must see to it that today's young people are prepared to contribute the maximum to our future progress.

President Dwight D. Eisenhower spoke these words some 28 years ago out of increasing concern for our educational system and its impact on this Nation's security.

It is sad that we must invoke fears of foreign aggression of a faltering economy to defend the availability of educational opportunity. For education at any level—be it elementary, secondary, undergraduate, or graduate—is far too noble a thing to be grounded on fear. Sadder still, is that this administration chooses to ignore even the fears. Immune to both the persuasion of practicality and idealism, it seeks to serverely restrict access to higher education in this country.●

STILL "THE PRISONHOUSE OF PEOPLES"

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SCHUMER. Mr. Speaker, the Soviet Union continues to deny the most basic of human rights to its Jewish citizens. Over the past year, Jewish emigration has plummeted while the repression of Jewish cultural leaders has been stepped up. The first month of 1982 brought no change in this pattern, as only 290 Jews were permitted to leave the Soviet Union. The following editorial from the January 26 edition of the New York Times forcefully describes the plight of Soviet Jewry:

STILL "THE PRISONHOUSE OF PEOPLES"

It is by now a sad and predictable pattern. When the temperatures drop in East-West relations, the locks freeze on Jewish emigration from the Soviet Union. In 1979, 51,320 Jews were allowed to leave, a record exodus in the postwar years. Last year, after Afghanistan and the advent of President Reagan, the number plummeted to 9,447. In Soviet diplomacy Jewish lives are a form of blood barter.

There is no other plausible explanation for the erratic fluctuation in visas granted to Soviet Jews. Russia's Arab clients may be happier when the gates close, since half the 259,000 èmigrés since 1968 settled in Israel. But Arab sensibilities have not been a discernible factor. The pattern has varied only with Moscow's interest in catering to Americans.

So when relations are bad, what can be done for these human pawns? Most vulnerable are 500,000 Jews who have registered their discontent by asking to leave. By requesting exit, they have lost jobs, privileges, and even educational opportunities for their children—yet they are still denied exit. Some of those then driven to express their frustration more overtly have also been tried on phony charges and sent to prison or labor camps.

Even in the worst of times, Americans can speak out against this mistreatment of all who want out: Pentecostal Christians as well as Jews, secular as well as religious dissenters. At a minimum, Secretary of State Haig can add them to his roster of Soviet violations of human rights. And he ought to use every opportunity, like today's meeting with Foreign Minister Gromyko, to suggest that the treatment of human beings also counts the other way: Letting people out would do much to improve the Soviet reputation among free peoples.

Permitting an orderly emigration and thus adhering to the Helsinki Final Act would not be just a favor to the United States. It would counter one of the oldest reproaches leveled at Russia. Even in czarist times, it was grimly nicknamed "The Prisonhouse of Peoples" because so many ethnic minorities were sealed inside. They are now persecuted more brutally than even Communists in czarist times. Yet the new jailers call themselves enlightened.●

SUPPORT POLAND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DERWINSKI. Mr. Speaker, the people of Poland have gained support for their cause across this country and throughout the world. Through rallies and other methods of support, the American people have shown their denouncement of the brutal and inhuman actions of the Communist military regime against the Polish people.

I wish to insert into the RECORD an editorial by the Chicago Catholic's editor, Mr. A. E. P. Wall, whose commentary of January 29, expresses worldwide support for Polish Solidarity and its principles. His editorial follows at this point:

[From the Chicago Catholic, Jan. 29, 1982]

EVERYONE IS POLISH

Pope John XXIII, in an appealing gesture of solidarity with ancient ideals, once declared himself to be a spiritual Semite. Today millions feel themselves to be spiritual Poles, bound in their love for human dignity with those who assert, against formidable odds, their rights as children of God.

There are 36 million Poles in Poland. There are a hundred million Americans who share the Polish fervor for freedom and faith. There are millions on all continents, of all colors and convictions, who share by spiritual transfusion a drop or two of Polish blood in these stirring times.

They agree with Pope John Paul II, with Archbishop Josef Glemp and with American demonstrators this weekend that Poland deserves an end to martial law and the restoration of civil liberties.

Archbishop Glemp, the primate of Poland, declared in a sermon this week that his people have a right to accurate information, something that is in short supply wherever the government controls the press.

The Catholic press in Poland has long been a special concern of the Pope, who knew the dangers and difficulties of publishing while he was Archbishop of Kracow.

Restrictions of newsprint, direct and indirect censorship and other limitations continue to hamper the Catholic press in many parts of the world. Millions in those lands would give much for the chance to read a Catholic newspaper, something that Americans take for granted.

In Poland the media are subject to control, but visitors report an increase in privately-circulated papers and bulletins. These offer Solidarity perhaps its only means of communication with the public. Polish journalists, including professionals and volunteers, are ready to risk jail in order to get the job done. Other Poles risk jail to read those papers.

That's typical of the Polish spirit in this time of respression, when a denial of civil liberties is accompanied by a shortage of food and fuel.

Reject the spirit of doubt, Archbishop Glemp told his people. That's solid Christian advice for everyone threatened by enemies of freedom, faith and life.

In Chicagoland there are daily prayers for the release of thousands held in internment camps and prisons, for the restoration of a free government and the freedom to organize, for an energetic Catholic press and other signs of liberty in Poland. Poland is everyone's land of hope today, and Poland's struggle is everyone's.●

TRIBUTE TO GINGER SHURE

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SANTINI. Mr. Speaker, in Incline Village, Nev., there is a special person whose spirit and commitment are an example for all Americans young and old. The special person is Ginger Shure, a 48-year-old housewife, who has gone back to high school to complete her diploma.

Most students who go back to school to get their high school diploma do so at night. Not Ginger, she asked the high school principal for special permission to attend daytime classes because of her commitment to her family in the evenings. Permission was granted and Ginger is now well on her way to getting her high school diploma with the Incline senior class of 1982.

Ginger's initiative and drive to complete her high school education serve as a good example for those who are past the age of 20 and who have not yet completed high school. There are opportunities in America if a person is willing to try. Ginger's experience serves as a model for many young Americans who contemplate dropping out of high school each year. As Ginger says, "I hope I can be a model for them, and help them realize without an education you haven't got a thing."●

THE DANGER OF CLOSER TRADE WITH THE SOVIETS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. McDONALD. Mr. Speaker, the impression has been created in the United States that West Germany feels very lukewarm about American attempts to bolster Europe's defenses and letting the Soviets know, in a firm manner, how we feel about its treatment of Poland. We have to remember that Helmut Schmidt does not speak for all Germans and that many Germans have other views. Franz Joseph Strauss, the leader of the Christian Democratic Party feels German policy is wrong and backs stronger action. Therefore, I feel it is timely to include the text of an interview with Doctor Strauss that appeared in Business Week of February 22, 1982.

THE DANGER OF CLOSER TRADE TIES WITH THE SOVIETS

(Interview with Franz Josef Strauss)

[Franz Josef Strauss is President of the West German state of Bavaria and head of the powerful Bavarian arm of the Christian Democratic Party. He is also a leading candidate to become the next Chancellor of West Germany if Helmut Schmidt's Social Democratic government falls. Deputy Editor William Wolman interviewed Strauss, a hard-liner on dealing with the Soviet Union in the Polish crisis, in the Bavarian Chancellery.]

What do you think of President Reagan's response to the events in Poland?

I think that the American response is justified. And I have seriously criticized the government in Bonn for its soft, evasive, and dubious actions.

What are the consequences of the disagreement between Reagan and Schmidt?

I think that the atmosphere between the U.S. and the Federal Republic has been damaged, even poisoned. Not so much as far as official relations. But public opinion is another thing. And that cannot be corrected overnight.

The great foreign policy achievements of Chancellor Adenauer—I was one of his closest collaborators in the '50s and '60s—may have been spoiled. Adenauer's foreign policy, which is the foundation of the Federal Republic's foreign policy, was based on four guidelines: rapprochement with France; the Atlantic Alliance based on close friendship with the United States; reconciliation with Israel; and a sober, illusionless, not romantic, approach to the East.

What do you mean by a sober approach?

I mean that we should have no romantic illusions that reunification of Germany will come soon.

What then do you think the German response to Poland should have been?

The Germans should have responded at least as strongly as France and Britain or even the Spanish and Italian Communists. We should have been much tougher, certainly not less tough than the Americans. We should keep a common line with Washington. This is the opinion of all the important political leaders in the Christian Democratic Party.

Do you think that there is strong public support for Schmidt's policies?

It has shrunk seriously. But more for domestic reasons. We should not underestimate the anti-Reagan effect of German mass media. It has painted Reagan as a cold war warrior, a President who wants to make America a superpower ahead of Russia, a President who plays with fire. I myself have been subjected to such charges during my career. Many bad influences have been sprayed among the younger generation. More of them, not the majority, dream of equidistance from Washington and Moscow.

To what extent do you think Schmidt shares their views?

Schmidt is too clever not to know that a minimum of solidarity and the continuation of the alliance with America are indispensable. But he is a great opportunist, and, therefore, I have called him a man between two worlds.

Would German businessmen support a harder line toward the Soviets?

In the Federal Republic there is a very strange mixture of profit interests and a Socialist approach to Communist countries. Remember the famous slogan of Lenin. They will sell us the rope with which we will hang them. I protested against the pipeline here in Bavaria. But even here the banks are taking part in it. But the attitudes of German businessmen might change if the Reagan Administration reimposes a grain embargo.

Should the U.S. impose an embargo?

Yes.

Why is Schmidt reluctant to take a firmer stand against the Soviets?

The German Socialists have developed a special version of detente based upon a complete misconception of Soviet policy. To have reacted strongly to Poland would have meant admitting the bankruptcy of this version of detente, and that would be politically a catastrophe for Schmidt's party.

With Western economies slowing down, a move to the East could create more jobs in Germany. Does this explain Schmidt?

My political friends and I have warned for 12 years against being maneuvered, gliding, or slipping into economic dependence on the East. This means the delivery of natural gas or Soviet orders for jobs. If you exceed a certain point, you blackmail yourself.

What is the German political outlook?

Some people are trying to create the impression that alternative is Schmidt or chaos. Nonsense. We are ready to take over power in Bonn at any time, and we do not have a split party.●

BROTHERHOOD AWARDS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. RODINO. Mr. Speaker, when the National Conference of Christians and Jews presents four brotherhood awards this Thursday, it will be honoring four outstanding citizens from my home State of New Jersey.

The conference, at its 35th annual awards dinner, will pay tribute to Bishop Joseph Francis of the Newark Archdiocese; Samuel Miller, director of the Newark Museum; Arthur Imperatore of APA Trucking in New Jersey; and Morris Tanenbaum, executive vice president of the American Telephone & Telegraph Co.

All of these men have reached out to their communities in advancing brotherhood in the fields of human relations, business and civic affairs. Bishop Francis, who is appreciated and admired by all those in my district for his work with the disadvantaged, is chairman of the Archdiocesan Commission on Justice and Peace. Sam Miller is not only a trustee of the Newark Museum, but is also a member of the art committee of the New Jersey-New York Port Authority and of the Newark Preservation and Landmarks Committee. Arthur Imperatore serves as a trustee of the Foundation of the New Jersey College of Medicine

and Dentistry, and as a member of the board of governors of Palisades General Hospital in North Bergen, and is an official of the American Trucking Association. Morris Tanenbaum, former president of New Jersey Bell Telephone Co., is a director of the First National State Bancorporation and a trustee of Johns Hopkins and Tufts Universities and the Brookings Institute.

Mr. Speaker, I join with all New Jerseyans in congratulating these men on their outstanding contributions to the people of our State, and on receiving the brotherhood awards of the National Conference of Christians and Jews. We are very proud of them.●

SECRETARY WATT: COOPERATION OR CONTEMPT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WYDEN. Mr. Speaker, on Thursday my colleagues on the Energy and Commerce Committee will consider a motion to find Secretary Watt in contempt of Congress for his refusal to turn over subpenaed documents relating to the Oversight Subcommittee's investigation of Canadian oil and gas policies.

As a member of the Oversight Subcommittee, I can attest to the subcommittee's repeated overtures to reach a satisfactory compromise between the committee's legitimate right to exercise its oversight function and the Secretary's concern over the release of what he believes are sensitive materials. To date, no mutually agreeable compromise has been reached.

A decision to find a Cabinet member in contempt is not one Members of this body take lightly. To contribute to a better understanding of the issue before our committee—and perhaps soon before the whole House—I include a recent article from the Atlanta Journal-Constitution. The article provides an excellent overview of the issue before us and provides perspective on the Secretary's overall relationship with the Congress:

WATT RISKS TWO HOUSE CITATIONS BECAUSE HE WON'T COOPERATE

(By Cheryl Arvidson)

WASHINGTON.—On his best behavior, James Watt is no favorite of House Democrats.

But the controversial Interior secretary's relationship with House oversight subcommittees recently has deteriorated to the point that he is in danger of not one but two contempt of Congress citations.

The House Energy Committee's oversight and investigations subcommittee, headed by Rep. John Dingell (D-Mich.), voted 11-6 last week to cite Watt in contempt for his refusal to turn over documents relating to an investigation of Canadian oil and gas policies. The full committee, which also is headed by Dingell, is expected to take up the contempt citation after Congress returns from next week's recess.

Although the Watt-Dingell dispute has gained most of the publicity, another disagreement—potentially even more serious—is festering between Watt and a House Government Operation's subcommittee headed by Rep. Toby Moffett (D-Conn.). The Environment, Energy and Natural Resources subcommittee is expected to decide within the next two weeks whether to press for a contempt finding against the Cabinet officer.

The Watt-Moffett argument also involves materials the Interior Department has refused to turn over to congressional investigators who requested the documents for oversight hearings.

For Watt to be held formally in contempt of Congress, the citation would have to be approved by the full committee as well as the full House. Under the rarely used contempt of Congress provisions, upon a House vote, Watt could be prosecuted by a federal court or tried for contempt by the House.

It's not that unusual for subcommittees to charge administration officials with contempt. Dingell's subcommittee, for instance, had two other contempt cases, both against Democratic Cabinet members, in the past decade. As is the case with most congressional contempt citations, the cases both were settled before the full committee acted.

What makes Watt's case different is that the administration so far has shown no interest in settling the matter before it comes to all-out war.

Watt's fight with the Dingell subcommittee began last August when the panel, investigating Canada's new energy policies that favor Canadian oil and gas companies, requested a number of documents. Watt refused, and the subcommittee then subpoenaed the materials. The administration complied partially, but claimed executive privilege on 31 documents.

When a contempt citation was threatened, Watt provided a few more documents—a move that only heightened the dispute because of the subcommittee's feeling that upon review, they were not, as claimed, "sensitive materials bearing on foreign policy."

Much of the material was just a summary of material already on the public record, and one document was written by a summer intern—"not what I call something of high top-secret proportion," said Rep. Mike Synar (D-Okla.). Also, the materials being denied to members of Congress have been seen by 23 bureaucrats from seven governmental agencies.

The Moffett dispute has an equally bizarre twist that makes it appear that Watt is willing to let almost anyone but Congress—even a reporter—see certain documents.

Moffett's subcommittee is trying to find out why the department is contradicting the will of Congress by refusing to buy 1,100 acres, known as Sweeney Ridge, for inclusion in the Golden Gate National Recreation Area in California. The land purchase has been specifically authorized and funded by Congress—meaning that Watt's refusal to cooperate could involve not only contempt of Congress but also failure to carry out the constitutional duties of his office.

Moffett asked Watt to provide the subcommittee staff with access to all documents relating to Sweeney Ridge in Interior offices in Washington and San Francisco, make department officials involved in the project available for interviews, and send a top-level policy official to testify at a Jan. 29 hearing in Pacifica, Calif. Watt refused all three requests.

"We do not believe it is good constitutional government to have your staff randomly roaming through our offices and files," Watt told Moffett in a handwritten note dated Jan. 22. "It will be much more efficient to have all oversight matters carried out on a principal-to-principal basis so that there is proper accountability."

However, three days before the Pacifica hearing, Interior showed the same documents sought by the subcommittee to a reporter who requested them through the Freedom of Information Act. Nevertheless, the subcommittee conducted its hearing without the documents or the department witnesses and still is being refused the documents.

Watt also has gone out of his way to antagonize two democratic subcommittee chairmen of the House Interior Committee.

In the case of Rep. John Seiberling (D-Ohio), Watt has refused to allow staff members on Seiberling's public lands subcommittee to have the time-honored informal access to Interior officials, for information to aid in hearings or the drafting of legislation—a position staff members say has never before been taken by any department in any administration. Watt, in a letter, said he wanted questions of fact submitted in writing and all issues to be dealt with only in formal, on-the-record hearings.

And Rep. Edward Markey (D-Mass.), chairman of another Interior subcommittee, has been hindered in his investigation of Watt's use of the Robert E. Lee home overlooking Arlington Cemetery for two private parties in December. Markey's staff said Park Service employees say they have been warned not to talk by their supervisors at Interior.

Congressional aides say they can find no logical explanation of Watt's refusal to cooperate with House committees and are beginning to wonder if it's not just an exercise of ego—and a combative ego at that.

PRESERVING FOOD BY IRRADIATION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WHITEHURST. Mr. Speaker, in January 1981, I joined a number of my colleagues in a visit to the Bhabha Atomic Research Center, near Bombay, India. While there, we had an opportunity to see the work that is being done on food irradiation as a means of preservation, and I was particularly interested to learn that the process had been originally developed at the U.S. Army Research and Development Laboratories in Natick, Mass.

I have recently received copies of two articles dealing with this subject, both based on research done by Dr. Eugen Wierbicki, who is Research Leader, Food Irradiation Research, Food Safety Laboratory, U.S. Depart-

ment of Agriculture, Eastern Regional Research Center, Philadelphia. In 1962, he began his research on irradiated foods at the Natick Laboratories, and when the research was transferred to ERRC in October 1980, he moved to Philadelphia to continue his work there.

Mr. Speaker, the food irradiation process has the potential for being a safe, economical alternative to the chemical processes now in use for preserving many kinds of food, and I commend this information to my colleagues:

FOOD IRRADIATION COULD FOSTER MICROBIOLOGICAL STANDARDS

(By Eugen Wierbicki)

[EDITOR'S NOTE: In this article, Dr. Wierbicki discusses the application of irradiation for insect disinfestation, the extension of shelf life, and decontamination of several kinds of food. In the January issue of Food Development, Dr. Wierbicki will discuss his work on applications of higher doses of irradiation to meat.]

I believe that there are many potential applications for food irradiation, and I also believe that a dosage level of 100 krad will be deregulated by the Food and Drug Administration as proposed in the Federal Register on March 27. At the present time, the FDA is evaluating comments from industry and national and international scientific community, and the probabilities are that it will issue a new regulation on irradiated food witin the next six to 12 months.

With the lowest dose ranging from 10 to 100 krad, irradiation can easily kill any kind of insect in any physiological development status—eggs, larva, etc. For example, it can be used to kill the Mediterranean fruit fly, which has created so many problems in the export of citrus fruit. This would require no more than 25 krad. The radiation can also be used very efficiently as a physical method for disinfestation of citrus fruits and could well replace fumigants such as ethylene dibromide, which is known to be a carcinogen.

At this low dosage level, irradiation could likewise be used to rid grain of insect infestation. Its most useful application would be in the areas of big volume, probably in grain elevators. Insect eggs cannot be eliminated in coarsely ground cereals like wheat or cornmeal, despite the nation's sophisticated technology. You may have noticed at times that flour bought for home use and put in a metal container will come to harbor worms or some other annoyances. The reason for this is that "centrifugal" method of disinfestation cannot be applied to coarsely ground items.

Dried fruits also present a problem with insects, although maybe not so much in this country. If you import dried fruit, it may be quarantined.

Of course, we can irradiate potatoes, onions and garlic. Irradiation of potatoes is permitted in this country at a level of 10 to 15 krad; however it is not used, because there are various growing seasons for potatoes, and there are well-organized storage areas where fumigation can be applied economically.

In case the fumigant now in use is suspected of being carcinogenic, irradiation will offer a choice for industry. This had eventually happened to maleic hydrazide which was permitted during the growing of potatoes. As yet, neither garlic nor onions are fumigated.

Quite likely, the next dosage level, would be in the area from 100 to 300 krad, which could well be used to irradiate strawberries for mold inhibition. Blueberries could also be treated this way. The useful shelf life of the berries could be increased by one to two weeks. The radius of distribution from the area of production could also be increased.

A very important application in this dose range would be the irradiation of fresh fish, for extension of shelf life, so that it would be shipped to the inside of the continent. Then we wouldn't have the need to sell frozen fish. At the present time, fish has a limit of about three days on ice. But with low dose irradiation it could have 7 to 14 days of shelf life, which would easily allow for shipment from the East Coast to the Middle West, or even to the West Coast.

Another application is the decontamination of ground meat, which represents about 40 to 45 percent of the total beef consumed. The United States has the best packing house operations in the world, but even with its Good Manufacturing Practices, ground beef may still be contaminated. The fact is that it consists of the trim of the carcass blended with lean meat to different fat levels. The added beef is usually from domestic cattle, but part of it is imported. Conservatively speaking, the resulting product contains about one million microbial counts per gram.

The shelf life is no more than two days in home refrigerators; the signs of spoilage are odor and slime; mostly caused by putrefying bacteria, the pseudomonas, which are very sensitive to irradiation. Low dose can definitely do an excellent job here. Additionally, in the 100- to 300-krad dose there are some pathogens knocked out, like E. Coli and Salmonella that are reduced by a logarithmic cycle of 3 to 6, which is significant decontamination.

Consumers, along with consumer advocates and food processors know that there is a big need for so-called microbiological standards for ground beef. The American Meat Institute and the Food Safety Inspection Service of the USDA investigated this subject very thoroughly. The State of Oregon went even further, introducing microbiological standards in 1978. However, one year's experience showed that industry, with the best of intentions, could not meet these standards, and the state had to abandon them. At the present time there are only "Microbiological Guidelines."

With low dose irradiation, it would be possible to introduce microbiological standards. The main advantage would be, of course, for consumers, because they would have a cleaner product.

Another area for low-dose application is to vacuum packed meats, primal cuts for institutional use, export or retail outlets. At the present time, storage is limited, particularly for chilled products, because of a very rapid growth of bacteria, causing sliminess and odor. With low dose irradiation, it would be possible to extend the shelf life of vacuum packed meat under refrigeration to 60 days. This would enable the exporting of fresh beef, unfrozen, to Europe and Japan, where there is a need for a good quality American product. Freezing and defrosting of beef causes a decrease in tenderness and an increase in toughness. Also, there's the problem of high energy costs.

For the past decade, beef production in the United States has been shifting to a shorter fattening period before slaughter. Fattening utilizes high quality grain, corn and soybeans, which can be used for the feeding of the human population; quite likely, there will be more and more grass-fed cattle.

Grass feeding decreases the tenderness of beef. But the tenderness of meat held under refrigeration will be increased by the enzymes that are naturally present. Therefore, we can take relatively tough meat from the United States, and by the time that it reaches Europe, it will be tender. So this is not only a big opportunity, but also an energy-saving extension of the food market with a vast improvement in quality.

The same irradiation doses (100 to 300 krad) can be applied to fresh poultry. First of all, there'll be no need for chlorination of water during chilling. Use of chlorine is now permitted, but it is being questioned in regard to wholesomeness and safety. The efficacy of chlorination is very low. Using chlorination, the maximum reduction in bacteria count is one to two logarithmic cycles.

Most poultry today is cut into trays, which means that there is an additional cross contamination of the product after chilling when it is cut and put into trays for packaging. If the poultry is irradiated after it is packaged, at the end stage, shelf life will be increased. The shelf life of fresh poultry on ice is limited to five to seven days, but it can be increased from 18 to 25 days with irradiation.

Another important factor is that *Salmonella* is controlled. At 300 krad, which is permitted in the Netherlands, six to eight logarithmic cycles of reduction of *Salmonella* is possible. Surveys taken in the United States show that about 30 percent of poultry is contaminated with *Salmonella*. It would be possible to reduce this amount to a 5 percent incidence. I don't think that it would be practical or desirable to shoot for complete eradication of *Salmonella* in fresh poultry, because higher doses (500 to 700 krad) would be necessary. But to decrease *Salmonella* to a low level is definitely possible and economically feasible.

Irradiation of vacuum packaging material would be very efficient at this dose level. The packaging for sterilized semi-fluid aseptic applications is one possibility. Vacuum packaging for meats could be treated this way, because fumigants cannot be applied to it.

Food enzymes could be irradiated at this dose level for such problems as preventing contamination of milk for cheese manufacturing. Microbiological problems aren't usually publicized, but there are definitely some problems in gelatin, cake mixes and food colorings such as defatted cocoa powder.

I would not recommend irradiation of fluid milk because it's very sensitive to off-odor production. Essentially, more research has to be done. It it were possible to irradiate under nitrogen gas with the exclusion of air, it might be possible. One application that is possible is that of irradiating dry skim milk to eliminate bacteria problems. Dry skim milk is used for special meal mixtures such as those AID is shipping to other countries as complete meals. Here, you can use a dose of 500 krad, which can easily destroy *Salmonella* and other microorganisms, which are undesirable and could create some health problems if a meal were undercooked.

The next dose level, 500 to 1000 krad, or one mrad, or 10 kgy, as it is now called, has been recommended by FAO/IAEA/WHO as

a safe dose from the wholesomeness point of view, and food irradiation up to this dose doesn't require any more toxicological studies.

A dose of 500 krad can be applied to frozen shrimp or frozen frog legs for *Salmonella* eradication. This proven application is being used in Europe with irradiation facilities in The Netherlands and in Belgium. Since irradiation of these items is done in volumes of a thousand tons per year, it is definitely not being done for test purposes. I would not be surprised if some of these irradiated shrimp and frogs legs are being exported to the United States. I speak freely about this because, it's not a secret, and I think FDA knows about it. In Australia, an industry group, in cooperation with health authorities, ran a very successful test on irradiating frozen shrimp and came to the conclusion that this is economically feasible.

This dose can also be applied very efficiently to spices and other food condiments such as dehydrated onions. Since irradiation is applied in a dry state, there is no loss of aroma like that which would result when heat was applied. The fumigant ethylene oxide is now applied to onions and spices, and again, it is a known carcinogen. The United States still permits this because it doesn't have an alternative. In Norway and other countries, it has been banned, and it is time that FDA allowed irradiation of spices and condiments.

FDA included in its proposal for deregulation permission to irradiate food components up to 5 Mrad, provided that they don't constitute more than .01 percent of the diet. The agency definitely had spices in mind. However, in practice, spices are used from .1 to .5 percent, in spicy foods. Of course, if this were taken among all other foods, then .05 percent would be sufficient. I am not clear as to whether FDA means spice mixtures or single spices. If it applies the .01 percent level to a single spice and there is a mixture of ten spices, it is unclear. I know several people commented on this point, including spice company spokesmen and scientists. When FDA issues its regulation, I hope it takes into account this application.

I can't think why FDA is concerned because very extensive work has been done in Hungary and Poland on irradiation of spices, and it has been published in the International Atomic Energy Agency's publications. Here is a tremendous application which will benefit the health of consumers as well as the spice industry.

Research on Wholesomeness Lays Groundwork for Future Development

(Based on an interview with Eugene Wierbicki)

[Dr. Eugen Wierbicki is Research Leader, Food Irradiation Research, Food Safety Laboratory, United States Department of Agriculture, Eastern Regional Research Center, Philadelphia, Pa. He earned his bachelor's degree in Agricultural Engineering and his Ph.D in Agricultural Science from the Technical University of Munich. He also earned a Ph.D from the Agricultural Biochemistry Department of Ohio State University, where he did post-doctoral research in meat science and animal physiology. Dr. Wierbicki was previously manager of meat research at Rath Packing Co., and in 1962, began his research on irradiated foods at the U.S. Army Natick Research and Development Laboratories, in Natick, Mass. He recently moved to ERRC, in Philadelphia, where he is continuing his work.]

I have spent 19 years working on irradiation as it is used in the preservation of food. Shelf stable items, which can be stored for years without refrigeration, will augment grocery items, which are freeze-dried or thermally canned. However, in no case can we look forward to the replacement of canning, which offers advantages for certain items (for instance, when fluid has to be added as part of a formula in soups, gravies or vegetables). Moisture is a necessity for good heat conductance.

Canning is a most economical and practical method of food preservation; however, it cannot be applied to certain protein foods. Solid food is not found in shelf stable form; more times than not, it is chicken a la king or beef stew. If heat is applied to kill *Clostridium botulinum* or other spoilage microorganisms, temperatures of 240 to 250 degrees F. have to be used under pressure. At these temperatures texture is destroyed, and there is a special canned odor. Most important, nutrient properties of proteins are severely damaged. Amino acids such as tryptophane, methionine and others are likewise partially destroyed. The net protein value of thermally processed products will be about 75 to 80 percent.

Solid meats like beef roast or pork roast, which can't be canned, can be irradiated. They can be made into convenience-type, portion-controlled items, which should be welcomed by working women.

Apart from this big demand, there are also specialized demands. Solid protein food packed in a #10 can can be used for institutional needs, and for storage purposes by the military. Some groups of people, like the Mormons, store foods. Canned meat is uneconomical for them, because it is 35 to 50 percent water. Needs exist in hospitals, which have cancer patients or other patients who need a sterile environment. At the present time, thermally processed food is being used.

I have received several letters from doctors in children's hospitals asking why they're not permitted to use irradiated foods for these children. We at the U.S Army Natick Research and Development Laboratories, in Natick, Mass., supplied irradiated food to a cancer research institution in Seattle, in 1977, to increase the visibility of the application. Later on, Radiation Technology, Inc., of Rockaway, N.J., supplied them with irradiated food, until FDA refused to allow them to use it.

High dose irradiation applied to foods for hospitals is already permitted in the United Kingdom, The Netherlands, Germany and France. The market for it in the United States may not be large, but more thought should certainly be given to its use.

Irradiated food was used as "space food" on Apollo 17, Apollo-Soyuz and the Space Shuttle, with ham, corned beef, smoked turkey and beef steak being served. It was selected for quality and because of the dry pack. There is fluid in thermally processed food, and fluid can fly around in a space craft. Russian cosmonaut Leonov told us that he never ate such a good beef steak as he did in the space rendevous with our astronauts. Here, too, the market is not big, but irradiated food is needed for this unique purpose.

Other applications would be in submarines, where refrigeration space is at a premium. Here, again, with solid meat, not requiring refrigeration is a big advantage.

Packaging for thermally processed foods has to protect the food from recontamination during storage. At Natick we developed packaging for high dose irradiation sterilized food, which is packed in metal cans or flexible pouches similar to the retort pouch. With irradiated foods we have to apply a much higher vacuum during packaging because oxygen will cause oxidation of fat. Essentially, the packaging material has to be much stronger because of the high vacuum. For shelf stable foods, it is also necessary to prevent enzyme deterioration, in that irradiation only destroys bacteria. To take care of the enzymes, the food must be blanched or precooked, but this is ideal for meat, since it is not eaten raw, anyway. We precook it just to doneness, so that it is ready to eat, I would say at between 140 and 180 degrees F. internal temperature. This is normal in the preparation of meat, in contrast to the 240- to 250-degree F. temperatures used in canning.

The item is precooked in the shape or form desired, and vacuum packed in pouches or metal containers, which are good for institutional use, restaurants or storage purposes. Pouches are best for meals for one or two people.

In a sterile item, we cannot compromise on safety; this is the main requirement. A dose high enough to kill all bacteria must be given, including the most resistant spores of *Clostridium botulinum*, which can cause botulism poisoning if they survive. Radiation processing is best in the destruction of *Clostridium botulinum* and botulinum spores, because the distribution of radiation energy within the package is uniform. This problem, solved several years ago by National Academy of Sciences, is now an established technique used worldwide. It is called the 12D concept of sterilization, meaning that the dose will be high enough to reduce the spore population from 10^{12} to 10^{0}. This, by the way, is derived from thermal processing.

The 12D technique is applicable to several foods. Thermal canning results in "commercial sterilization," which is based on no swell and no toxin. Some survivors might be there, but they cannot grow. In contrast, 12D sterilization with irradiation is based on no swell and no toxin as well as for no survival. The 12D sterilization range is from 2.4 mrad for corned beef to 4.4 mrad for uncured pork, and the important thing is that irradiation, as opposed to heat, can provide 100 percent assurance against *Clostridium botulinum*.

There is no such thing as a "cold spot," as in thermal processing, when heat doesn't reach the center of the container, since irradiation energy distribution is very uniform.

Dosimetry for assuring a 12D dose is well established. The standard provided by the National Bureau of Standards, and used for sterilization of medical supplies, can also be applied to food.

Irradiation of food provides a certain amount of savings for the food industry. At the present time, thermally processed food has to be stored for 10 days until incubation takes place. A company must bear the cost of this storage, and a certain number of cans must be submitted to destructive testing. With irradiation, only the first batch has to be tested to confirm that the process is complete. In that dosimetry is so exact, the next batch can be released immediately.

Before irradiation at high dose levels, vacuum packaged food has to be frozen from −4 to −40 degrees F., and irradiated in the frozen state. Otherwise, the radiation will ionize water molecules, creating free radicals, which can attack proteins and lipids creating decomposition products.

After the sterilization dose, the food can be stored and shipped without refrigeration. The energy expended during shipment and storage can be saved.

A sterile, ready-to-eat item like roast pork, roast beef, slices of chicken or portion controlled ham could be made, and, of course, the FDA and USDA would have to approve it for industrial use. The World Health Organization said in November, 1980, that it didn't approve high dose irradiation because not enough wholesomeness data would be available. It is waiting for multigenerational wholesomeness studies through the feeding of animals, which we conducted with the Army and are currently finishing with the USDA.

We have not completed all studies on irradiation sterilized chicken products, which are irradiation sterilized in the frozen state with a dose from 4.5 to 6.75 mrad, with an average dose of 5.6 mrad. A dose of 4.3 mrad is necessary for irradiation sterilization of chicken in the frozen state. We purposely applied such a high dose to show that in case of overprocessing the meat doesn't need to be destroyed, but can be utilized from a wholesomeness point of view.

The wholesomeness study was prepared in cooperation with the FDA, the USDA and the best brains in animal feeding nutrition in the United States, with the tests including: two species of animals, one rodent (mice for four generations) and dogs through four years. The studies were started in 1976 and completed in 1981. We have a final report on the acute toxicity study on mice completed in December 1981; the final report on the acute toxicity study on dogs will be completed before April 30, 1982.

We did everything possible in regard to this wholesomeness study through animal feedings, because it was the first on high dose irradiated food, during which animals were fed five diets. The first was a regular diet for negative control to check that we kept the animals under good husbandry, and the other four contained 35 percent chicken. The latter level was chosen because nutritional physiologists indicated it as a maximum which animals can tolerate before they begin to develop protein poisoning. The diets consisted of a non-irradiated control; a second control of thermally processed or canned chicken; gamma irradiation sterilized chicken by cobalt 60, in metal cans and electron irradiated in flexible pouches. We intend to clear all the packaging at the same time as the irradiation sterilization.

There are separate additional studies on teratogenicity on mice, hamsters, rats and rabbits, on mutagenicity using Drosophila fly, on the Ames test and others. All are complete. The FDA received quarterly reports on all of them. The data are now being evaluated and a final report is in the works.

In all these reports there is not a single indication that the irradiated food performed less efficiently than the non-irradiated control or that it caused any abnormalities in organs, reproduction and growth. The only difference between the irradiated food and the canned, thermally processed item, which was the second control, was that the animals usually didn't reproduce and grow as fast as those fed irradiated food.

However, this was to be expected, in that thermal canning destroys some amino acids, which is apparent in the protein efficiency ratios of the food.

We are in the process of preparing a petition to submit to the FDA by the end of 1982. This part of the study was conducted by the Natick Research and Development Laboratories of the Army, and was transferred to USDA on October 1, 1980. The work is being coordinated by our pathologist, Dr. Alexander Keyl, of USDA at Athens, Ga., and he will be our coordinator for the petition, and act as USDA's key contact with the FDA.

Irradiated chicken has a rather limited market in the United States, because most of the chicken sold here is fresh. However, there are possibilities of exporting chicken to South America and the Middle East for institutional use. The main importance of this effort is that it will lead to clearance of high dose irradiated protein foods. We, at Natick, have developed a "chemiclearance principle," which means that if a regulation is passed on the chemical study of chicken, it will give clearance to food of similar composition since irradiation is very specific.

Chicken meat is a mixture consisting of protein, fat, lipids and certain vitamins, and the effect of irradiation on it is very well established. It's related to dose, temperature of irradiation, fat-lean composition and composition of fat in regard to fatty acids. Therefore, we can predict what will happen in other foods with similar components.

The FDA and the scientific community want this chemistry data to create a knowledge bank to clear other food—for instance, ham and roast beef. With clearances and chemiclearances on chicken, which include chemistry data and microbiology data, plus animal feeding studies, it will be possible to clear other food, and thus, open up a new industry.●

UNITED STATES-CANADA AVIATION NEGOTIATIONS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. MINETA. Mr. Speaker, talks have been underway for some time between the United States and Canada regarding air service between our two nations. Many of the Members of the House have shown interest in these talks and in the hopes that air service opportunities can be significantly enhanced between many points in the United States and Canada. Many have asked me, as chairman of the Aviation Subcommittee, about specific service requests which would have particular significance in their local areas. I have such interests of my own in the pending requests for San Jose-Vancouver service and for California-Chicago-Eastern Canada cargo service. And many have expressed the opinion that generally expanded communication and commerce between our two nations can only serve to the benefit of all concerned and of the long-standing friendship between the United States and Canada. I, therefore, take this opportunity, Mr. Speaker, to report to the Members on the current status of the negotiations.

The most recent round of talks was held earlier this month. Unfortunately, no agreement was concluded, and the long-pending list of air service requests between the two nations, services which a wide variety of carriers are eager to provide, remains pending, clearly to the detriment of shippers, carriers, and passengers on both sides of the border.

Nevertheless, the most recent round of talks produced proposals by both sides, which are now being studied, and another round of talks has been scheduled for the first week in May. I know I express the wishes of my colleagues when I say that we hope the coming round will be more conclusive than the last, and that we hope to see an agreement which opens maximum opportunity for the new services which carriers are earger to provide and which passengers and shipper are eager to use. There is no question in my mind that our hopes are well represented in the U.S. proposals now on the table.●

CONGRESSMAN LEHMAN'S WARNING

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. PEPPER. Mr. Speaker, on February 19, my distinguished colleague, WILLIAM LEHMAN, who represents the 13th Congressional District of Florida, was honored as the recipient of the Population Action Council's Legislator of the Month Award. The award, recognizing Congressman LEHMAN's humanitarian concerns and his endeavors to solve the world overpopulation problem, was presented at a ceremony held in the Bankers Club of Miami before a wide cross section of community leaders. On that occasion, Congressman LEHMAN issued the following warning, which the current administration and the Congress would do well to heed:

REMARKS BY REPRESENTATIVE WILLIAM LEHMAN

I would like to thank the Population Action Council for presenting me with the Legislator of the Month Award. The award is particularly meaningful because I recognize the importance of the work being accomplished by the Population Action Council in alerting us to the dire consequences of rapid world population growth and providing Congress with invaluable assistance toward overcoming the problem before it overwhelms us all.

Excessive population growth ignites explosive instability within countries of the developing world. Unfortunately, we need not look far to find examples. The eruptions of turmoil and violence in the Caribbean and Central American Basin provide striking evidence.

At this very moment, President Reagan and his administration are struggling to put together a new initiative seeking to ensure peace and prosperity in this region. He is

joined in this effort by Canada, Mexico and Venezuela. Whatever the final shape of that effort may be, it will be overly ambitious and unrealistic if it does not include effective programs to reduce fertility rates there.

The news from the Caribbean has been alarming. But the worst may be yet to come. Forty percent of the population of Latin America and the Caribbean is now under the age of 15. In an area already plagued by widespread unemployment, the labor force is expected to grow from 92 million to 192 million by the end of the century.

Large numbers of unemployed youth searching for jobs will almost inevitably lead to radical political activism as an expression of frustration and rage. Such an atmosphere will threaten the very stability of these countries. Massive unemployment will almost certainly lead to illegal migration, and the United States would bear the brunt of this significant increase in migratory pressures.

Rapid population growth in the Caribbean region will strain the food and water supplies severely and there is absolutely no way that education and health services will be able to keep pace with the numbers of people.

The urban growth of this region is about five percent per year. This means that cities already bulging with people will become even more overcrowded. By the year 2000, Mexico City will have a population of more than 25 million.

Unless there is an acceleration of future fertility declines, the population of the Latin American and Caribbean region is expected to double in only 28 years—from 350 million to 700 million.

Thirty million couples of reproductive age in this region do not have access to family planning services. And, unless significantly more effective programs are implemented immediately, the unmet demand for family planning services is expected to exceed 40 million by 1990.

There has never been a better time to effectively spend family planning dollars in Latin America and the Caribbean. Throughout the region there is a strong government commitment to solve the population problem. A large number of governments in the region now perceive population growth rates to be incompatible with national development goals.

The United States is currently spending $23 million for bilateral and intermediary population assistance in Central America and the Caribbean. But more funding is needed to allow the U.S. to respond to the new awareness in the region that rapid population growth requires attention now.

With this in mind, I plan to introduce an amendment to the President's budget request to raise the population line item from the current $211 million level of spending to $250 million in fiscal 1983. This would only be a modest increase in view of the enormity of the population problems in the Caribbean and elsewhere in the developing world.

Moreover, I believe population assistance has been among our most cost effective foreign aid programs. Over the past decade, 30 developing countries reduced their population growth rates from 15 to 47 percent and the sharpest declines were recorded in countries with strong population policies and family planning programs.

It seems to me that we are doing something right, but much more help is needed. Whether the rationale is viewed as purely humanitarian or a matter of economic and security interests, the United States should do its utmost to provide that help.

As a member of the House Appropriations Subcommittee on Foreign Operations, I have visited United States aid projects in many countries. From Haiti and Peru to the Philippines, Indonesia and Kenya, I have seen the problems of lack of potable water, denudation of forests, and inadequate nutrition.

When people burn their forests for firewood, the root system disappears and lowers the water table. People spend their days gathering wood for cooking and carrying water to drink. But the problem is not wood fuel or clean water or arable land. The problem is too many people for the land and its resources.

Fortunately, our planet is resilient and we can still save our ecosystem, but only if we bring under control the expanding human population. We must tie our foreign assistance to the availability of voluntary family planning. Not to do so is a waste of our taxpayers' money and counter-productive to improving the quality of human life and attaining the goals of our foreign aid programs.●

TRIBUTE TO GEORGE WASHINGTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SKELTON. Mr. Speaker, February 22 marked the 250th birthday of a man whose character seems to personify the equalities of the Nation he helped start. I am speaking, of course, of George Washington. Washington served as the Commander in Chief of our armies during the Revolution, as Presiding Officer of the Constitutional Convention, and as President of the new Republic. Throughout his life he displayed decisiveness of mind, strength of will, and oneness of purpose. These qualities have rubbed off on his country.

Just as Washington fought against impossible odds to free his country, that country has had to fight many times over to retain its freedom and the freedom of others. Throughout the course of our 206 years, the United States of America has shown the world the same decisiveness, strength of will, and dedication to the principles of freedom, that her first President showed throughout his life.

In honor of this great man, I have, over the past year, introduced legislation calling for a commemorative stamp.

George Washington was truly a great American. We should all recall his life and contributions to our country with pride.●

ALCOHOL AND DRUG ABUSE AMONG YOUTH: THE MANHASSET PARENT NETWORK FIGHTS BACK

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LeBOUTILLIER. Mr. Speaker, for the last 20 years, drug and alcohol abuse among America's youth has been a serious problem which, while at times increasing and decreasing, has never been eliminated. The problem has continually vexed the parents and teachers of youths who have used and abused these two potentially lethal substances.

In 1980, the concerned educators and parents of Manhasset, N.Y., decided to fight back. The Manhasset Board of Education was instructed to author a comprehensive and workable plan to curb these abuses and, hopefully, end the increasing incidence of antisocial behavior associated with alcohol and drug abuse.

The board's citizen's advisory committee (CAC) responded by noting that:

> The key to successful combatting of drug and alcohol experimentation and abuse is the active participation of parents as well as their openness to the problems and challenges involved.

Basically, the CAC's recommendations were that parents should establish a communication support network to effectively combat drug and alcohol abuse, meet to coalesce their work, and actively involve themselves in edudation programs on these issues. From the CAC's recommendation, the Manhasset Parent Network emerged.

Mr. James Harkness of the Manhasset Public School System has written a study of the Manhasset Parent Network, and I believe that its consideration by my colleagues can help them, in their respective communities, to combat a nationwide problem.

Manhasset has blazed the trail; I hope others will follow it.

I am reprinting, below, Mr. Harkness' article:

HISTORY OF PARENT NETWORKS IN MANHASSET

ORIGIN

In 1980, in response to what the Manhasset Board of Education described as ". . . the intense and overdue concern generated during the past year over the growing incidence of intoxication, drug abuse, vandalism, violent misbehavior, and lack of respect for authority by young people in the junior and senior high school," the Board directed the Citizens' Advisory Committee (CAC) on Education to study this problem and to report recommendations for dealing with the problem to the Board.

After a year-long study of the problem that included discussions with representatives from the schools, hospitals, drug cen-

ters, police and students, as well as correspondence with other school districts and state and federal agencies, the CAC submitted an action plan to the Board of Education. The report to the Board on March 17, 1980, claimed ". . . the key to successful combating of drug and alcohol experimentation and abuse is the active participation of parents as well as their openness to the problems and challenges involved." They urged that the community be alerted to the problem, informed about drug use and the drug culture and motivated to act constructively with unity and purpose. Many recommendations were suggested for the community, and the following were recommended specifically for the Manhasset parents:

1. Parents need to establish and maintain a formal and/or informal communication support network to combat drugs and alcohol effectively;

2. Parents should organize small parent get-togethers to share observations, information, and strategies;

3. Parents should support and attend ongoing adult education programs for parents alone and for parents and children.

From the work of the CAC, and with the active support of the community, the schools and the parents, there has emerged the phenomenon known today as the Manhasset Parent Network.

FORMATION OF PARENT NETWORKS

After the CAC report was presented to the Board, the Manhasset Youth Council (MYC) took on the job of implementing the many recommendations. The MYC, under the direction of Judge Robert Roberto, appointed a Subcommittee to form a plan of action. The first step was to alert the Manhasset community that drug abuse exists among our youngsters. This was accomplished through three Community Awareness Evenings.

At Community Awareness Evening No. 1, on May 21, 1980, Lee Dogoloff, associate director of the White House Domestic Policy Staff, introduced the film, "For Parents Only," a film designed to give parents insight into the scope of the drug problem, into the effects of marijuana, and into the attitudes of young people involved in the drug culture.

Mr. Dogoloff stressed that parents must become informed about drugs in order to take a firm stand against their use. The central theme of the evening was that drugs and alcohol are becoming increasingly common in our schools and that parents should band together to change the basic attitude of the community—by being firmer and more restrictive with their children. Dogoloff claimed that "drug use has been socially acceptable, and parents can set a new standard by coming together and really take a stand."

September 29, 1980, marked the date of the second Manhasset Community Awareness Evening, featuring Rev. Peter Sweisgood, Deputy Director of the Long Island Council on Alcohol. Rev. Sweisgood alerted parents to the growing problem of drugs of all kinds especially alcohol abuse among our young people. He reminded the parents that alcohol is a drug. It was at this meeting that the Manhasset Parent Network system was formed. At the end of the meeting, 232 residents signed up for one or more network groups that were organized on the basis of the grade level of their children. Each group was limited to 20 people. A host/hostess, secretary, leader, and professional facilitator were selected for each group.

On March 19, 1981, six months after the networks were established in Manhasset, Dr. Keith Schuchard, author of the book, "Parents, Peers, and Pot," spoke on the effectiveness of parent peer pressure groups or "parent networks" in combating drug abuse. In her talk, she emphasized that the only way to combat adolescent peer pressure—the cry that "everyone is doing it"—is by parent peer pressure. Dr. Schuchard also spoke to a group of network parents on the following day and gave them many suggestions for their networks.

On the afternoon prior to each of the three Community Awareness Evenings, a program identical to the upcoming evening session was presented to the combined staff, K-12, of both the Manhasset Public Schools and St. Marys' Parochical Schools. Also, following each of the Evenings was a series of 5-session workshops for parents that were publicized before and during the evening to all parents present, urging them to sign up if they had personal or community problems that could be handled effectively through workshops conducted by highly trained professionals.

The premises underlying the entire anti-drug compaign can be summarized by the conviction of the entire Subcommittee that (1) nothing was to be gained by engaging in name-calling or placing blame on others (e.g., the schools, the churches, the parents, etc.), (2) the solution lay in positive parent peer pressure exercised steadily over a long period of time, (3) one-shot drug extravaganges were counterproductive (e.g., all activities should have well-publicized follow-up activities like workshops and parent networks), (4) all members of the community had to be involved (school officials, parents, church officials, students, agency representatives, etc.) from the outset[1] (5) students had to be engaged continuously in positive activities, and (6) linkages with parents of other communities needed to be established as soon as possible in order to maximize mutual support, involvement, and expertise.

MANHASSET PARENT NETWORKS—DECEMBER 1981

There are approximately 200 parents involved in networking in Manhasset. Many new members joined the network system in the fall of 1981. The networks are organized on the basis of grade level (K-3, 4-6, 5-6, 7-8, 9-10, and 11-12). Each network has a professional facilitator who provides effective group interaction, knowledge about available resources and expertise in the area of group process. The networks meet once a month and meet periodically with the Subcommittee on Drug and Alcohol Abuse of the Manhasset Youth Council. The networks have been directly responsible for authoring or promoting the following:

1. In the spring of 1981, a meeting for sixth grade parents on the subject, "Everything you wanted to know about the Manhasset Junior High but were afraid to ask," was presented by the parents of the 4-6 and 7-8 networks. The parents discussed the transition to Junior High School, shared social guidelines, curfews and concerns, met the parents of their children's friends, and talked with parents of seventh—and eighth—grade children to learn about school and social activities.

[1] The clergy, for example, were enlisted from the outset by the Subcommittee at ministerial breakfasts and were a powerful source of inspiration and education through the pulpit, bulletins, and personal communication.

2. The members of the 7-8 grade network held an "All-Manhasset Anti-Drug Youth Rally" for 7th and 8th grade students from Manhasset Junior High School and St. Mary's School, the only parochial school in Manhasset, on May 27, 1981, with Bryan Trottier of the Islanders as the featured speaker. Workshops led by 11th and 12th grade student followed the rally.

3. The members of the 7-8 network also worked on a set of guidelines for junior high school students. These guidelines were distributed to parents at school meetings in the Manhasset Junior High School and St. Mary's School.

4. A list of activities available to young people in Manhasset is being compiled by the 4-6 network.

5. The 11-12 network is planning a dance for eleventh—and twelfth—grade students in both Manhasset and St. Mary's high schools.

6. A parent Network Newsletter has been established and is sent to network members informing them of activities in all the networks.

CONCLUSION

Network members report growing enthusiasm, and a sense of unity and purpose is developing among the networks. Networking has become important in Manhasset and is already having a strong impact on the Manhasset community. The philosophy of the Manhasset Parent Network system can best be summed up in a quotation from the article, "The Missing Ingredient—Parent Peer Power (Helping Your Child Resist Drugs)," written by the Nassau County Department of Drug and Alcohol Addiction.

"One parent has an almost impossible job in dealing with an adolescent drug problem alone. Six parents working together can effectively protect their own children. Thirty-six parents can strengthen their school and their community.

"With a Parent-Peer Group, the children face identical parental controls; without a Parent-Peer Group, the child is standing alone against very real and overwhelming peer pressure FOR drugs."●

DEFENSE SPENDING SEEN HURTING ECONOMY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GARCIA. Mr. Speaker, I have been concerned for some time over the effects of increased military spending on the U.S. economy. A high rate of growth in defense spending is not only inflationary, it also creates a substantial drain on the private sector, which discourages private investment and expansion.

This problem is particularly urgent now, as we stand on the brink of the economic recovery. Expanded Pentagon outlays at this crucial point in time could seriously damage the prospects for our emergence from recession.

Growing numbers of economists share my dismay over the reckless increase in weapons-buying at the ex-

pense of the private economy. In a recent report, the President's own Council of Economic Advisers acknowledged the significant adverse effects his proposed 16 percent after-inflation annual increase in defense spending will have on the domestic economy.

The full implications of the increase and the CEA's conclusions, with which I concur wholeheartedly, are the subject of an article by Hobart Rowen which appeared in the Washington Post on February 18, 1982. At this point, Mr. Speaker, I would like to insert Mr. Rowen's piece into the RECORD for the benefit of my colleagues:

REPORT BY REAGAN'S ADVISERS: DEFENSE SPENDING SEEN HURTING ECONOMY

(By Hobart Rowen)

President Reagan's Council of Economic Advisers says the sharp increase he has proposed in defense spending over the next six years will create "adverse economic effects" as the Pentagon competes with reviving civilian demand for durable goods.

Weapons-buying would rise even faster under the Reagan plan than during the peak of the Vietnam buildup. Between 1981 and 1987, the CEA says in its annual report, released last week, procurement of major weapons systems and outlays for military research and development would soar at an after-inflation annual rate of 16 percent.

This would come at the precise time that the private economy's demand for durable goods also should be expanding.

In the three peak years of the Vietnam war buildup Pentagon outlays for the same type of goods expanded at a 14 percent annual rate.

In a section of the report that has received little attention, the CEA said that although concerns over the impact of defense spending on the economy as a whole "has probably been overstated" the military drain will be significant as the economy emerges from recession.

"The U.S. economy as a whole should be able to accommodate the projected expansion in defense spending without experiencing an increase in the general inflation rate," the CEA report says.

But it goes on to concede that "unusual growth in any spending category, military or civilian, makes the goal of overall restraint that much more difficult to achieve," even though the Defense Department will attempt "to minimize the potential adverse effects of the defense buildup" through careful planning, better management of defense contracts and more accurate cost estimates.

The CEA report cites not only higher prices that will have to be paid for defense goods and for civilian products competing for the same manufacturing capacity, but "some temporary crowding-out of private investment."

Moreover, since private industry and the Pentagon must draw on the same manpower pool, the CEA suggested that the military may find it increasingly difficult to attract personnel, especially skilled people.

Outside analysts have been saying similar things for a year about the proposed Reagan military buildup, in which total budget authority of $1.6 trillion is projected from fiscal 1983 through 1987. But the administration has never recognized such questions as valid until now.

Coincidentally, a staff study released yesterday by a Joint Economic subcommittee in Congress said that the defense buildup "is so rapid it will undermine both our economic and military goals if it is not slowed down."

In cautious language, the CEA document suggests that the Defense Department might be able to minimize "the adverse consequences of the buildup," but could not completely eliminate the problem.

The CEA cites three specific likely "adverse effects." First, it says that the increased billions in defense buying will cause a "substantial transfer of resources in the durables sector to defense production," which in turn "may increase relative prices" for both defense and civilian goods.

Second, the buildup "may produce delays in the delivery of military goods. Delivery timetables that seem realistic today may in some cases become obsolete as producers try to accommodate the defense buildup and vigorous expansion in civilian investment at the same time."

The third effect "may be some temporary crowding out of private investment. Defense procurement and associated production equipment use many of the same physical resources needed for private investment in civilian producer durables. Some private firms may turn to foreign sources for materials, while others may cancel or postpone plans for expansion."

The manpower shortage occasioned by the Pentagon's plan to boost active-duty forces 9 to 10 percent over the next five years might be met by costly bonus payments to encouragement enlistments for personnel with special skills, or a return to a peacetime draft, the CEA said. Either course will involve added "real costs to the economy."●

BART EXPLODES MYTHS ABOUT MASS TRANSIT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DIXON. Mr. Speaker, one of the areas singled out for not-so-benign neglect under the 1983 Reagan budget is urban mass transit. This should not be surprising; only a year ago, in arguing for elimination of capital and operating subsidies, Mr. Reagan's budgeteers stated, in effect, that persons in Sioux City should not be taxed in order to insure that persons in Los Angeles get to work on time. Statements like these are indicative of a series of myths surrounding mass transit, perhaps the most damning of which is the claim that the initial capital costs and operating difficulties make fixed-rail mass transit a losing proposition. A case in point, say the antitransit forces, is the bay area rapid transit system, known as BART.

Recently, however, the Los Angeles Times took a look at BART on the occasion of its 10th anniversary. It found, among other things, that ridership is at an alltime high, that rail transit has succeeded in prodding commuters out of their private automobiles, and that the system is now performing both cheaply and efficiently, with a 95-percent ontime record.

As the city of Los Angeles looks to rail mass transit as a partial solution to its traffic and pollution problems, it is appropriate to take a look at the success of our neighbor to the north. And as we in Congress deal with the Reagan administration's antitransit budget, it is important to realize the contributions which transit can make, not only to the community it serves, but to the country as a whole. As a result, I commend the Times article to the attention of my colleagues:

[From the Los Angeles Times, Feb. 16, 1982]

AFTER SHAKY START, BART IS NOW PURRING, GROWING

(By Philip Hager, Times staff writer)

SAN FRANCISCO.—It began in June, 1964, when President Lyndon B. Johnson attended the official start of its construction. The Bay Area Rapid Transit system was heralded as a speedy, stylish model for mass transportation of the future.

But it was not until September, 1972, that BART, as it came to be known, began operating in Oakland and vicinity. It was September, 1973, before San Francisco was connected through a tunnel beneath the bay.

BART was four years late and cost $500 million more than anticipated. And its troubles were just beginning. Plagued by breakdowns, rush-hour crowding and a bewildering array of technical problems, the system was assailed by critics. Through the years, headlines like "BART—a White Elephant" and "$1.6-Billion Mistake" were common in local newspapers as authorities, commentators and the public alike lambasted the system.

Now, as BART enters its 10th year of operation, there are signs that for all its problems, the system may be starting to live up to its promise. BART ridership exceeded 50 million in 1981—an increase of 11% over 1980. In December, 1981, its weekday average was running 20% over what it was in December, 1980.

BART's general manager, Keith Bernard, believes that the sharp growth reflects "a new era of public confidence" in the system. And some transit authorities, including past critics, seem inclined to agree.

"BART's reliability has improved quite a lot," said Melvin M. Webber, director of the Institute of Urban and Regional Development at the University of California, Berkeley.

"People don't have to wait on the platforms as long. In the past, a lot of people had just got fed up waiting and quit using BART . . . If BART can keep going without a lot of breakdowns, people will ride it. They ought to—it's the biggest bargain now in transportation."

Webber, in a two-year study of the system published in 1976, had been highly critical of BART. Ridership then was half of what was forecast. The system had not reduced auto traffic volume or congestion. All that money, the study suggested, would have been better spent on van pools, group taxis and high-quality bus service.

"It's still true that alternatives would have been better," Webber said last week. "But now that it's built, the aim is to get people riding it. That increase in ridership is pretty great."

William Hein, deputy director of the Metropolitan Transportation Commission, the

regional transportation planning agency, believes the $1.6-billion rail system is proving its worth.

TOO MUCH FOR BUSES

"You couldn't have substituted a bus system for BART," Hein said. "You couldn't have provided the number of buses going into downtown San Francisco, for example, that would have matched BART's capacity to do that. BART had a rocky start, but now it's performing with a fairly high degree of reliability—and the ridership has responded to it."

Bernard and other transit officials attribute the system's ridership gains to several factors—the most prominent being the spiraling cost of operating an automobile. BART's improved reliability (95% of the time it is within five minutes of schedule) and a better public awareness of its service and convenience also are cited as contributors to increase patronage.

The system's ridership, lagging behind in the past, is now matching a statewide increase in the use of public transit, according to the state Department of Transportation.

"People all over the state have been turning to public transit because of the massive jumps in fuel prices," noted William Bronte, a spokesman for the department.

"BART had been operating under a double-whammy," he said. "It had big initial operating problems—computers breaking down, cars catching fire, trains stopping in midtrack. But a lot of that is under BART's belt. Now there's increased public confidence, as reflected in its patronage."

According to the department, transit ridership in California grew 7% in 1979 and 12% in 1980, the last year for which statewide figures are available.

BART, gaining 60% over the last five years, climbed beyond 50 million in annual patronage in 1981 over the previous year's total of 45.3 million. By comparison, the Southern California Rapid Transit District reports it experienced similar growth, serving 397 million riders in fiscal 1981, compared with 353 million in fiscal 1980—a year when work stoppages curtailed its operations.

BART officials say the new riders are coming from automobiles, not buses or other forms of mass transit. One BART study showed that 60% of the automobile owners interviewed would switch to BART if they could rely on it for good service.

"That's the market we're shooting for and we think we're getting it," said BART spokesman Sy Mouber. "These new riders are leaving their cars at home."

BART's lines stretch through Contra Costa and Alameda counties in the East Bay and over to San Francisco and Daly City on the west side of the bay.

For those who can reach a BART line comfortably (and, if driving, find a place to park) a trip on BART is an inviting one—clean, secure and usually fast.

COSTS COMPARED

It is also a bargain. The average ride on BART costs $1. A 30-mile trip from Concord to San Francisco costs $1.65 one way. By contrast, government transportation studies show it costs from $8.33 to $10.34 to drive an automobile that distance, considering the price of gasoline, maintenance, insurance, depreciation, parking, bridge tolls and other outlays.

In recent months, BART has been placing new emphasis in promoting what it says is its superior speed and efficiency. Special schedules to accommodate large crowds are heavily publicized by BART, aided by radio traffic reporters and other news media outlets.

Extra BART service was provided to the Oakland Coliseum when the A's met the New York Yankees in last fall's American League baseball playoff series. Additional trains helped move thousands to connecting San Francisco Municipal Railway vehicles traveling to Candlestick Park for a Rolling Stones rock concert. Last month, more than 213,000 people used BART on the day a massive victory parade was staged to welcome home the San Francisco 49ers, winners of the National Football League championship.

If the trend continues, BART officials say, the system could be carrying up to 300,000 riders a day by 1987. Bernard said he is "particularly concerned" that a $280-million capital improvements program be completed in the next five years—one that includes the purchase of up to 150 new vehicles at a cost of $152 million.

INCREASED CAPACITY

A new control system would allow BART to handle 75 trains at once. Current capacity is 49 trains.

BART officials are hoping for 80% federal funding to help pay for the improvements. But last week's budget message from the Reagan Administration gave them no reason to be optimistic. The President's 1983 budget would reduce the Federal role in public transit programs, with capital spending sharply cut back and operating subsidies phased out over three years. BART has not been seeking operating subsidies, but it is depending on substantial Federal help for its expansion plan.

BART officials note that the system was built with 80% local funding—not under the 80% Federal funding formula that exists under current programs—and that the transit technology it developed is being used now in similar systems in such cities as Washington, Baltimore and Atlanta.

"We know that (under the Reagan budget) operating assistance is out the window," one BART official said. "We don't know what will happen on the transit capital program. We're hoping that our showing of community support will give us some leverage in Washington."

COUNTERING SOVIET IMPERIALISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. McDONALD. Mr. Speaker, Mr. Eugen Loebl, a former first deputy minister of foreign trade and director of the State Bank in Czechoslovakia, has written a very perceptive article on Soviet imperialism in Business Week of February 22, 1982. He makes two main points that our policymakers have either not understood or ignored. The first is that Soviet imperialism will never be contained or stopped if we continued to consider that the Soviets have spheres of influence and that the nations of Eastern Europe are off limits due to the Yalta agreements. The Yalta agreements must be reviewed and reversed, even at this late date. We have to have a policy that seriously promotes peace and independence for these nations by all means possible. In the process of seizing the initiative on this issue we will have to declare the so-called Brezhnev doctrine dead wherein it is now the mission of the Soviet military forces to protect gains of socialism the world over. Mr. Loebl spells this needed policy out in a very lucid manner. The article follows:

COUNTERING SOVIET IMPERIALISM

(By Eugen Loebl)

By perceiving the present world situation simply as an East-West conflict or a transatlantic crisis, we may be led to actions that would create real East-West or transatlantic crisis and might help bring about the very situation that Soviet Strategy is aiming at. Actually, we face two fundamental conflicts. One is the East-East crisis; the other is the West-West crisis.

The East-East crisis stems from Soviet imperialism—toward China, Afghanistan, Poland, and the other oppressed nations of Eastern Europe. The West-West crisis stems from the different responses of the Western powers to the East-East crisis. The West faces several possible strategies. One is to increase armaments. Another is to disarm, conclude SALT II agreements, and reestablish detente. A third to provide various forms of economic aid to the East. In many cases, though, the West has only been looking for tactical answers to situations created by the Soviets. The solution to the West-West crisis is for the West to formulate and agree on its own strategy for peace and freedom, as opposed to the Soviet strategy of imperialist expansion.

A new type of Soviet imperialism and, accordingly, a new type of foreign policy have emerged. It is an integration of the old classical Russian messianism and imperialism with Marxist ideology. In the international sphere, Marxist ideology was a very effective camouflage for the new imperialists. Whether they were in face-to-face negotiations abroad or considering academic theories of international relations at home, Western politicians did not recognize the real character of Stalinist imperialism and must be held co-responsible for the present worldwide crisis.

Soviet expansionism is now directed mainly against Communist countries. This started with the conflict between Stalin and the Stalinist Tito, who simply objected to paying surplus value to Soviet imperialism. We have seen numerous examples since, culminating in the Brezhnev doctrine, which explicitly states that Communist countries have no right to self-determination.

DOMINATION THROUGH INTIMIDATION

What is now the aim of Soviet imperialism? Is it the desire to occupy the whole world? Nobody who studies Soviet policy can assume that such a primitive, simplistic concept would be accepted by Soviet leadership. The particular feature of Stalinist imperialism is that a less developed country turns higher-developed countries into colonies.

The Soviet Union needs to control highly developed countries, particularly in the European West. It knows very well that if it occupied any of these countries and imposed its Communist system upon them, they would become as inefficient as the Soviet

bloc. The goal of Stalinist imperialism is to benefit from the highly efficient economies of the European West, thus enabling it to run its own inefficient planning system. For the time being the Soviet bloc has the advantage of remarkable credits and technological help from the West, which makes it possible to increase its military power while maintaining a mere subsistence level for the overwhelming majority of the nations within its empire. The strategic goal of the Soviet Union, then, is domination of Europe and Japan through intimidation. There is one great obstacle to this goal: the United States.

Thus, to lessen the power and credibility of the U.S. is the immediate goal of Soviet foreign policy. By fostering unrest in the Near East and increasing its power on the African continent, the Soviet Union jeopardizes Europe's access to natural resources. This tactic is designed to weaken and ultimately eliminate U.S. influence in Europe. Such tactics can only succeed with the active help of shortsighted policies by American and European governments. Eastern Europe plays a crucial role in the policy of aggression. It is a potential base for military invasion and serves as a pressure field, acting to push the U.S. out of Western Europe and allow the Soviets to move in.

Thus, our point of departure must be that Soviet imperialism is a most serious threat to peace and to Western civilization. It is violation of the international commitment to respect the right of self-determination that is embodied in the Atlantic and U.N. charters—signed by the Soviets, as well as the West. To insist that this commitment should be carried out in not only the right of the U.S. as a signatory of the U.N. charter but also is its duty as the leading country of the free world.

SELF-DETERMINATION

Soviet imperialism must be seen not only as a potential but as an actual enemy that is in the process of destroying our civilization. Any support given to the Soviets, in the final analysis, encourages their imperialism aggression.

The great issue is whether it is possible to bring a halt to Soviet imperialism short of war. Is mankind's choice only between destruction of its civilization by war or by surrender?

If Soviet imperialism is to be brought to a halt, we must be frank and honest and see that the very root of the present danger is the concept of spheres of interests. Even today the West still accepts this destructive and immoral principle. The only principle on which peace and coexistence of different systems may be achieved is that of self-determination.

Since Eastern Europe is the corridor of aggression against the West, the keystone of Western strategy must be to apply self-determination to those nations. This means that these nations should have the right to determine in free elections what kind of socio-economic and political regime they prefer. Thus the roots of the present crisis and its consequences would be eliminated.

Admittedly, we cannot expect the Soviets to return freedom to the Warsaw Pact countries voluntarily any time soon. The strategy of peace and freedom would offer another avenue. It will need a stick and a carrot, and also time.

First the stick. In order to deter the hardliners and strengthen the position of moderates, U.S. military superiority has to be achieved. The Soviets may have at present the advantage caused by the demobilizing effect of the detente policy. However, U.S. investment in new armament will probably produce more sophisticated military hardware than the Soviets have, and it will be increasingly difficult for them to compete with Western rearmament.

Further, it must be clearly stated that if the self-determination of East European nations were to be rejected by the Soviets, trade with the Warsaw Pact would be reduced to an absolute minimum. No credits would be extended to any of these countries.

The strategy for peace and freedom should develop into a worldwide movement and be brought to the plenum of the U.N., the Helsinki agreement should be declared void, and the possibilities of the Voice of America, Radio Liberty, and Radio Free Europe made full use of.

As to the carrot, an absolute binding promise should be made that if the Soviets meet their international commitment to respect the self-determination of East European nations, the West would in no way interfere with the decision of these nations to determine their own fate. Further, it should be offered that in this case both NATO and the Warsaw Pact would cease to exist and both the United States and Soviet armies would leave Eastern and Western Europe.

An absolute atomic disarmament would, at the same time, become the agreed goal.

All obstacles to economic and cultural ties would be removed.

The Third World should be told that if the Soviets accept this reduction in armament, the West would be able to increase badly needed help.

The nations in Eastern Europe would be assured that the West is not interested in interfering with their internal affairs but only in maintaining peace based on freedom as envisaged in the U.N. charter. The whole Soviet bloc should be persuaded that such a reduction in armament could immediately increase their standard of living. The peace movement in Europe, although misled, is guided by a humane fear of war. Since there does not exist a consistent U.S. policy and strategy for peace and freedom, the movement has turned toward neutralism and anti-Americanism. Under this new strategy, this movement would become aware that the West and particularly the U.S., stands for freedom and peace and is willing to disarm to the widest extent if the Soviets abandon the corridor for aggression. The peace movement in Europe, in the Soviet Union, and in America would become aware that a new strategy is being applied that is based not on military considerations but on human values.

BEHIND SOVIET STRENGTH

To be sure, all this would not suffice for an immediate and dramatic change of the present Soviet foreign policy, but it would definitely change the political climate in the U.S. and Europe and put the Soviets on the defensive. They would have to defend their Stalinist doctrine. It would have an important impact in the East European countries. They would feel for the first time that the U.S. is sincerely committed to peace and freedom, and even the nations within the Soviet Union proper would feel that there is a most desirable alternative to the present danger.

All this would strengthen the anti-Stalinists within the Soviet Communist Party apparatus and would possibly even tip the balance of power into their hands. It would be, therefore, important not to base strategy for peace and freedom on hostility toward the Soviet Union but only against the Stalinist foreign policy that has pushed that country once already to the brink of absolute disaster.

The strength of the Soviets lies in the West's lack of any long-term foreign policy, and, what is even worse, not understanding that the Soviets do have a long-term strategy and goal. Even Henry Kissinger has said "there does not seem to be any single unifying thread to Soviet foreign policy." The great advantage of a strategy for peace and freedom would be that it, as opposed to Stalinist imperialistic policy, would be made public, and a worldwide peace movement would be connected to the concept of freedom.

The failure to think in terms of strategic goals and understand the essence of Soviet foreign policy lead to an inconsistency of foreign policy. Detente, credit, and deliveries of technology were the most important supports of the Stalinist foreign policy. Without a strategy for peace and freedom, a complete breakdown of the Western alliance must be expected, and it will make it possible for a country that is not even able to feed its own nation to become the dominant world power.●

BLACK FLAG OFFICERS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. RODINO. Mr. Speaker, I want to salute a very special group in our military—the black flag officers. These black admirals and generals have served our country with valor and dedication, and this year the Defense Department is sponsoring a banquet to honor the black flag officers during this Black History Month.

Numerous civic, educational, religious and business groups, as well as veterans' organizations, will participate in this special event designed to demonstrate the outstanding achievements of these black Americans. Their example to high school students, college students and junior military officers is a valuable part of Black History Month, and I am proud that my home State of New Jersey will be represented by Brig. Gens. Carl Briscoe and William Frye.

Other black flag Army officers are Brig. Gens. Albert Bryant, Roscoe Cartwright, Benjamin Davis, Talmidge Jacobs, Vauce Coleman, Eugene Cromartie, Guthrie Turner, Jr., Colin Powell, Jackson Rozier, Jr., Isaac Smith, Louis Duckett, James McCall, Julius Parker, Jr., Cornelius Baker, Hazel Johnson, Edward Honor, Johnnie Fortie, James Hall, Donald Delandro, John Brown, Dallas Brown, Jr., Robert Adams, Arthur Holmes, Jr., Andrew Chambers, Marlo Mann, Alfred Cadie, George Price, Leo Brooks, and Maj. Gens. Calvin Franklin, Benjamin Hunton, Robert Gaskill, Fred Sheffey, Jr., Cunningham

Bryant, Jerry Curry, John King, Oliver Dillard, Henry Doctor, Emmett Paige, Jr., Hugh Robinson, Charles Rogers, James Hamlet, Harvey Williams, Frederick Davision, Edward Greer, Harry Brooks, Jr., and Lt. Gens. Julius Becton, Jr., Roscoe Robinson, Jr., and Arthur Gregg.

Black flag Air Force officers are Brig. Gens. Charles Jiggetts, Norris Overton, Bernard Randolph, Avon James, David Hall, Alonzo Ferguson, Archer Durham, Elmer Brooks, James Boddie, Jr., and Maj. Gens. William Brown, Jr., Titus Hall, Winston Powers, Rufus Billups, Thomas Clifford, Lucius Theus, and Lt. Gen. Benjamin Davis and Gen. Daniel James.

Black flag officers of the Navy and Marine Corps are Brig. Gen. Frank Petersen, Jr., Rear Adms. Benjamin Hacker, Gerald Thomas, Lawrence Chambers and Louis Williams, and Vice Adm. Samuel Gravely, Jr.

These men and women not only have made outstanding contributions to the defense of our country but they serve as a fine example to minority military personnel everywhere. I salute them.●

THE NEW COTTAGE INDUSTRY IS PROVIDING INCREASED FREEDOMS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GINGRICH. Mr. Speaker, as more industries become part of the information age and use computers for regular business, more Americans have the chance to enjoy the new freedoms of the modern cottage industry.

Stockbrokers, computer programers, stenographers, accountants, and engineers are just some of the professionals who are working in home offices all over the country. With a computer terminal and a telephone, any job that used to depend on a calculator, typewriter, or filing cabinet can now be conducted from anywhere—five blocks from the main office or 500 miles away.

The new cottage industry means increased freedom from commuting traffic, day-care centers, and the tyranny of punching a time clock. I am excited about these new freedoms and what they mean for Americans.

An article in the Wall Street Journal gives some good examples of people prospering with these new work arrangements.

The article follows:

COMPUTER LINKUPS LETTING TRADERS START UP SECURITIES FIRMS AT HOME

(By Tim Carrington)

James Ward has traded the hurly burly of Manhattan for an electronic cottage.

He used to be a managing director in charge of bond trading at Dillon Read & Co. Now he is on his own; his bond-trading room is perched atop a secluded hilltop in suburban New Jersey, surrounded by trees, mossy rocks and blissful quiet.

The room, of course, is in his home. Computer technology made it possible to set up his new four-man firm, Ward Brittany & Co., at a comfortable remove from Manhattan's financial enclave. Using electronic facilities, Mr. Ward and his associates trade municipal and corporate bonds and government securities.

Business hasn't been booming in Ward Brittany's first five months, but the 34-year-old Mr. Ward attributes that chiefly to the general malaise of fixed-income markets. He misses New York hardly at all. "A lot of being there is just going to lunch at Harry's," he says. Now he can put in a full day at home and by 5:15 p.m. be out on the athletic field to coach his son's soccer team.

SOLID PLEASURES

"It gives you a greater reward for your time," he says. He had gotten tired of 90-minute commutes, jostling with New York crowds and getting home at night after his children had gone to bed. Mr. Ward got the notion of moving after reading about electronic cottages in Alvin Toffler's book "The Third Wave." Mr. Ward believes that the securities business is tailor-made for the dispersion of big, centralized work places into small operations connected by computers.

The buying and selling of securities revolves around the transfer of millions of bits of information—market quotes, status reports on trades and news items, to cite a few categories. Most of those bits now are transmitted by computerized equipment, which also is used to store stock-market research and handle accounting functions.

The bonds that Ward Brittany buys for customers never pass through his New Jersey headquarters, nor does the money that customers pay for the securities. All of that is handled by a clearing firm in New York, an arrangement that is essential to getting such operations off the ground. Start-up costs in any case, says Mr. Ward, were about $275,000.

Robert Garrett, who traded securities for Morgan Guaranty Trust Co. for 20 years, is another departed Wall Streeter. Computer technology, he says, helped him create the at-home trading firm bearing his name in Westfield, N.J. "I ride my bicycle downtown to pick up my mail or leave work for the secretarial service there," he says. "I see a lot of things in my own town I didn't see before."

And he trades. He even claims to have an edge over his New York counterparts. "Given a snowstorm or just the current deterioration of mass transit, my clients can have greater assurance that I'm going to get to my office," he says.

R. T. Williams, a New Jersey computer consultant, predicts that firms like Ward Brittany and Robert Garrett Associates will proliferate during the 1980s. "Computers are becoming smaller and more powerful," he says. "They may break down structures that have existed for a long time in the securities business." At the same time, there is another trend: the growth of big financial "supermarkets" like American Express Co. and Sears, Roebuck & Co.

Officials in the securities industry don't expect a mass exodus of brokers bent on setting up their own electronic cottages. Brokers, particularly those at the bigger firms, are dependent on their firms to generate stock research for them and to package the panoply of financial services they sell.

Nonetheless, computer advances are likely to bring about changes within the securities firms as well. For example, Paine Webber Inc. is considering giving each of its top producers a microcomputer to handle custom-made accounting feats and work out individual trading strategies for clients. Donald B. Marron, chairman of the large securities firm, says brokers with microcomputers would be able to build increased customer loyalty by offering information such as a running tally on tax positions.

Brian Gaines, a computer consultant who is also a stockbroker with Oppenheimer & Co., thinks microcomputers will become a standard perquisite for luring big-dollar brokers. "In three years," he predicts, "no broker in his right mind would go to work for a firm that didn't give him a microcomputer."

WORRIES ABOUT ACCURACY

One fact leading Paine Webber and other firms to consider microcomputers for their brokers is that some brokers have begun buying the machines on their own. This causes worries over the quality of information given to customers from a hodge-podge of different systems.

Even under company-sponsored microcomputer programs, there may be complex legal challenges if a broker gives inaccurate information to a customer based on a faulty entry into his own microcomputer. "We're still examining that one," says a Paine Webber official.

Skeptics doubt the brokers will take the time to feed accurate or useful information into their computers. "The basic mentality of the broker is that anything that doesn't immediately bring back bucks is something I'm not interested in," says Nigel Wilson, a computer consultant and former official at Merrill Lynch & Co.

Enthusiasts counter that the time saved and improved service of individual microcomputers will enable brokers to earn more commissions. A broker with a microcomputer, says Mr. Gaines, can run off 500 letters to his best clients, and make them all look as though they were individually typed.

Perhaps the most far-reaching application of computer technology in the financial industry will come when computerized trading systems pick up a significant share of the business. The International Futures Exchange, or Intex, is a Bermuda-based computerized market that will enable participants to enter orders from any part of the world. In addition, the electronic exchange is offering traders an added accounting service. "Any person in our system could sit at home and trade," says Junius Peake, a founder of the soon-to-open Intex. "We're taking the exchange to the people."●

THERE IS NO PLACE LIKE HOME

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. MAVROULES. Mr. Speaker, I am sure all of us are very proud of where we come from, our region of the country, our own States, and our own particular hometowns.

I would now like to talk about the hometown of some 40,000 of my own constitutents who, incredibly, have been told by a bunch of outsiders that Haverhill has less to offer than any other city in the Nation. Some 227 cities and metropolitan areas were rated by Rand McNally for their "livability," the services the community provides, taxes the resident pays, and so on.

Mr. Speaker, I simply fail to see how much a ridiculous judgment can be made, especially in the face of the overwhelming and sometimes eloquent testimony offered in the city's defense by the very people who choose to make their homes there.

Haverhill, a booming mill town when American industry was in its infancy, still provides a full and satisfying life beside the Merrimack River for its many families and businesses. And as glorious as Haverhill's past has been, its future promises to be just as bright.

I recently had an opportunity to meet with the city fathers, newly installed Mayor William Ryan and the community's leading businessmen, who discussed their plans for Haverhill and the restoration of the downtown area.

As upbeat as they were, they were no more so than their many neighbors.

Mr. Speaker, last week the citizens of Haverhill had an opportunity to speak up for their city, and millions of Americans heard their eloquent defense as it was reported by CBS national evening news.

Mr. Speaker, every Member in this Chamber knows that the true measure of a community is indeed the people who reside there, who actually make the commitment to raise a family there. Haverhill's citizenry spoke with pride of their fine libraries and schools, their senior citizens center, and the many other services and job opportunities the city offers.

But the most eloquent statement on behalf of their hometown was made by Haverhill's children, who participated in an essay contest, sponsored by WHAV, a local radio station. These young people, the promise of Haverhill's tomorrow, were asked to address the question, "Why do you think Haverhill is the best place to live in the U.S.A.?"

Three first prize winners were chosen, one in each of three age brackets. The winners were: Jennifer Burke, grades 1-4, Sarah Clarke, grades 5-8, and Terry O'Malley, grades 9-12. It is with great pleasure that I commend to my colleagues these three essays in defense not only of Haverhill, Mass., but, in a larger sense, of an American institution, "Our Home Town."

JANUARY 11, 1982.

Jennifer Burke
Mrs. Pelletier—Grade 3

WHY I THINK HAVERHILL IS THE BEST PLACE TO LIVE IN THE U.S.A.

Haverhill is nice and peaceful most of the time. I don't think it's the worst place to live. All my friends and I like it here, too. I like it here very very much. So does my family. There's time in the summer for skating in the streets, going for bike rides, swimming in peace and quiet. And all the nice and peaceful walks every day, the schools teach you all you need to know, good places to shop in like hardware stores, toy stores, libraries with nice librarians with good books, really good restaurants and good food there, too. Haverhill has more things than other cities, with houses that are nicely built, parks to play in, churches to go to and learn about things we don't know, very nice teachers to teach things. Parties at school for holidays. Haverhill is a great place to live.

JANUARY 11, 1982.

Sarah Clarke
Mrs. Danese

WHY I THINK HAVERHILL IS THE BEST PLACE TO LIVE IN THE U.S.A.

Haverhill is a place where a person can live comfortably, happily, and safely. In saying comfortably, I mean the housing. Haverhill is full of tree-line streets, although we also have apartments, condominiums, and housing for the poor and elderly.

Happiness is easily attainable in Haverhill. Aside from being near industrial and cultural cities, Haverhill has its own parks, swimming pools, Y.M.C.A., skating rinks and museum (Buttonwoods). Our educational system is good, and our high school has the reputation of being one of the best in the state. A vocational school is availabe to students, and there are two colleges in Haverhill. Haverhill students score high on statewide and nationwide tests.

Finally, Haverhill has its own hospital with facilities for treating things that need immediate attention. If more research is needed, Haverhill is close to Boston's hospitals.

Haverhill offers comfort, happiness and safety. That's a combination that's hard to beat.

Terry O'Malley

MY TOWN

Actually, Haverhill isn't a bad ol' town. C'mon in and look around.

This here's the section called Ward Hill. Nice neighborhood, eh? And just over here are the industrial plants. I swear these buildings are growing like weeds.

That's route I95 right there, but let's go down Main Street instead, yes, both the highway and the train tracks intersect the entire city . . . direct routes to Boston, the beach, mountains; whole mess of things.

This section is called Bradford. A lot of nice neighborhoods off these roads.

That's Bradford College, fully accredited four-year college. Down that road is the Ski Area, and thats Kimball Tavern, one of the oldest buildings around, and it's been all restored. There are a couple of more old houses, and this is what you could call the Bradford business district, I guess.

This river is the Merrimack; once we cross it we'll be in Haverhill proper.

Right there is the downtown. It's been going through a lot of changes, but it's finally coming along nicely. Way down there is the section called Riverside. I think that is where they'll be building the new hospital.

That's City Hall. City Hall used to be where that lot is, and this used to be the High School, until it got too small. This is Monument Square. There's also Lafeyette Square, Washington Square, and probably one or two more I can't remember.

Over yonder there is the Highlands neighborhood, and down there is Kenoza Lake, Northern Essex Community College, and the castle. Very peaceful in the woods there.

That's the temple there. I tell you, there are enough churches, schools, and nursing homes in this city, for a wide cross-section of peoples. Quite a few cemeteries too, ah well.

Well, here we are in New Hampshire, can you tell the difference?

Let's go airborne, eh? It's easier to show you the less populated areas, the "boonies" so to speak.

That's Ayer's village there. Ah see you've started to notice the farms yes, quite a few, and even a farmers' market in the season. That's the poet John Greenleaf Whittiers' birthplace. A claim to fame, now.

From up here you can see almost all aspects of the city. Both sparsely and densely populated areas; rich and poor; business and farmland.

And y'know something . . . even the water tastes good now.●

THE HUNGER ASSISTANCE AND AFRICAN FOOD SECURITY ACT

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. COATS. Mr. Speaker, the problem of world hunger is an inescapable reality. Estimates indicate that between 500 million to 1 billion people throughout the world suffer from hunger and chronic malnutrition. Approximately 40 percent of the population of developing countries—except China—live in conditions defined by the World Bank as absolute poverty, conditions that are beneath any rational definition of human decency. The conscience of many Americans has been touched by these conditions, and many urge that efforts continue to be made to alleviate the mass starvation and the preponderance of disease and squalor that exist in areas of Africa and other underdeveloped countries.

As a nation we have made previous efforts to address the problem of world hunger and we have enjoyed some success. But we have also learned that massive amounts of foreign aid, distributed within loosely structured programs, will not solve the problem of world hunger or necessarily alter the conditions of absolute poverty. Too often this aid fails to reach those who are most in need. Too often this aid fails to develop in the people the capacity to provide for themselves.

I believe that developing a nation's self-sufficiency in the production of food is the cornerstone not only for getting at the root cause of world hunger but also for beginning to alter some of the painful conditions of absolute poverty. Developing self-sufficiency is also paramount to maintaining a population's sense of dignity and self-respect.

The time has come to channel our energies and personal commitment into using the dollars already allocated as efficiently and prudently as possible so that these goals will be met. Legislation needs to be strengten so that waste and misuse are eliminated.

The purpose of H.R. 4588, the Hunger Assistance and African Food Security Act, is to target more U.S. developmental assistance to the absolutely poor and to develop self-sufficiency in the region of Sub-Saharan Africa. I have solicited comments on the bill from church and synagogue leaders in my district and received impressive, thought-provoking responses. Based on the strong feeling of support indicated in these responses and on my own sense or personal commitment to aid those in need, I have decided to cosponsor this piece of legislation.

In the correspondence I received from my constituents, four recurring themes stood out as common concerns with regard to this bill. I share these concerns and hence issue my endorsement with these same thoughts and reservations in mind. I wish to enter into the RECORD some of these comments, so aptly stated by my constituents, which focus on these common concerns.

First, and foremost, is the concern that there be sufficient supervision to assure that this aid reaches those for whom it is intended. The president of one parish community wrote:

> My concern is that frequently such programs fall short of the goal. Agencies we have worked with for years have verified that frequently such projects are taken over in these countries by people who use them for personal gain * * * We need to have close supervision of such projects to be sure that the people who need the help really receive it.

Second, there is the concern that this aid be directed into programs which foster self-sufficiency. One constituent urged that "heavy emphasis be placed on aiding underdeveloped areas in increasing their own production." Another states:

> I am absolutely convinced that the only program that will remove the spectre of starvation is one which seeks to develop the agrarian potential of the region and allows the autonomy of the native population.

This leads to the third area of concern. Caution should be exercised in dispensing this aid so as to preserve the integrity and dignity of the people being helped. One pastor shared his experience from a meeting of the general council of the United Methodist Church.

> What I heard from some of our brethren who came from Africa, was the pain they felt toward our nation. Some of these people have been made to feel like second- or third-class people due to the fact that our nation has imposed its will on them in return for the assistance we gave them and which they so desperately needed. Is the working of subsection (b) a fair and accurate possibility for these people or are we chancing the rape of a people who have a culture so different from ours that working-women would create even more pain? I have no answers, only the question.

We must know these answers.

And finally, I was asked the question over and over again, is this piece of legislation enough? One constituent observed that:

> Too often the well-intentioned actions of a harried and hurried Congress has created past legislation that history has shown us to be more of a mass of red tape than it was of any good.

I believe now more than ever a comprehensive food assistance and development program is necessary to effectively direct this country toward achieving its goals in alleviating world hunger.

To this end, H.R. 4588 is a legislative vehicle which deserves our support.●

LAKEWOOD AWARD OF VALOR LUNCHEON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. ANDERSON. Mr. Speaker, the crash of an Air Florida passenger plane into the Potomac River several weeks ago brought to America's attention a heroic act as Lenny Skutnick, a young employee of the Congressional Budget Office, dived into the icy waters to save the life of a young woman who had lost her grip on the line from the helicopter. Mr. Skitnick was rightly hailed as a hero; I was, however, slightly disturbed by the numerous media commentators who professed that America was starved for heroes. This is not so, for in communities all across the Nation, people rise heroically to meet extraordinary challenges. Let me take a few minutes today to share with you the exploits of eight men and women who will be honored at the Lakewood, Calif. award of valor luncheon this Thursday.

Deputy Sandra Gayhart, responding to an "insane person with a gun" call, watched as the suspect waved a handgun while advancing toward her. After Deputy Gayhart warned the suspect to halt and drop his weapon, the suspect place the gun in the waistband of his trousers, but continued advancing toward Deputy Gayhart. Rather than firing at the suspect, the deputy shouted a second warning to drop the weapon. This time the man complied with her commands. Deputy Gayhart will be honored for commendable restraint.

Deputies George Ponomaroff, Williametta Washington, and Frank Handley, are being honored for their life-saving assistance to a woman and her children who were trapped in a house by a fire. Receiving a call at the station from the almost hysterical woman, Deputy Washington and Deputy Handley managed to calm her and instructed here to lie on the floor and cover herself and her children with wet blankets. This action kept them alive until Deputy Ponomaroff arrived at the scene and burst into the burning building to escort the woman and her children to safety.

Deputy Dale DuBois arrived at the scene of a traffic accident involving a bicyclist, and saw that an 11-year-old boy was in very critical condition, bleeding profusely from the head and one leg and without pulse or respiration. Deputy DuBois administered CPR until professional paramedic personnel arrived to relieve him. Despite DuBois' actions, the boy died.

Deputy Bruce Teel happened upon an accident between a motorcyclist and a large semitrailer and quickly determined that one of the injured motorcyclists had sustained massive injuries to his legs and was not breathing. Deputy Teel stopped the severe femoral bleeding and helped the injured man breath, thereby saving his life.

Two Los Angeles County firefighters, Battalion Chief Robert Spalty and firefighter Bernard Cain, will also be honored at the award of valor luncheon. Battalion Chief Spalty, a 25-year veteran of the department, has served as battalion chief for 14 years. His career, which ends this April with his retirement, has been a consistent record of meritorious service to the community.

Firefighter Cain will be honored for his extraordinary action in apprehending two youths who had stolen a lady's purse. Without thought of his own safety, firefighter Cain held the two suspects until sheriff's deputies arrived.

Mr. Speaker, these men and women by their actions have demonstrated a selfless devotion to duty and a deep and sincere concern for their fellow citizens and for their community. I feel safe in speaking for the entire South Bay area in thanking each of them for their efforts.●

COP-KILLER BULLETS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BIAGGI. Mr. Speaker, recently a great deal of attention has been focused on the serious dangers posed to police by the current availability of handgun bullets that can penetrate the bulletproof vests worn by over 50 percent of the law enforcement community.

I was first alerted to this critical problem 3 years ago by the New York City Patrolmen's Benevolent Association. Since that time I have extensively researched the issue and introduced legislation aimed at providing effective remedies.

Specifically, my legislation (H.R. 5437) calls for a Federal study to determine which handgun bullets have the ability to penetrate the 18-layer Kevlar bulletproof vest that is worn by most police officers. Once identified by the study, my bill would ban the availability of those bullets, and would establish mandatory minimum prison sentences for any person carrying or using such ammunition in the commission of a crime.

Tests have shown that the most powerful of these bullets, the Teflon-coated KTW, can penetrate up to 72 layers of Kevlar, the protective materials used to make bulletproof vests. In simpler terms, this means the KTW bullet has the ability to rip through the equivalent of four bulletproof vests in a single shot.

We know of at least four other types of handgun ammunition that can penetrate the soft body armor worn by police, including two foreign-made bullets that are being imported into the United States in large quantities. However, the KTW's Teflon coating places it in a class by itself. According to various test data, the Teflon coating, which is apple green in color, increases the bullet's penetration by approximately 20 percent.

Obviously, Du Pont, the makers of Teflon, were not pleased when this information was brought to their attention by myself and others, including "NBC Magazine," which featured the KTW story on their January 8, 1982, broadcast. In fact, I was recently informed by Du Pont that they have established a firm new policy that prohibits any of their dealers from selling Teflon to any company that makes armor-piercing handgun ammunition. This policy is specifically aimed at depriving the makers of the KTW bullet—North American Ordnance based in Pontiac, Mich.—of the Teflon that is so critical to the production of their so-called cop-killer bullets.

I wish to highly commend Du Pont for their responsible action in this matter. Clearly, Du Pont recognizes the extreme dangers the KTW and other armor-piercing handgun bullets pose to police. Fortunately, we are not alone in our thinking.

In addition to the enthusiastic support my legislation has received from the law enforcement community, I am encouraged by the substantial number of State legislatures and local bodies that have initiated or endorsed similar efforts to my own. In fact, just recently, the Yonkers, N.Y., City Council adopted a resolution fully endorsing my efforts. At this time, Mr. Speaker, I wish to insert the full text of the resolution:

RESOLUTION No. 17—1982

Whereas, law enforcement officers in the United States and the International Union of Police Associations have issued a warning that recently invented Teflon-coated bronze bullets present a danger not only to law enforcement officers but to the general public as well, and

Whereas, these KTW bullets, named for the initials of its inventor, can blast through a normal police vest folded four times as well as five large telephone books placed behind it, and can pierce car bodies and walls,

Whereas, such bullets hold a threat to innocent bystanders as well as law enforcement officers, and

Whereas, U.S. Congressman Mario Biaggi, cognizant of the havoc such bullets can bring, is opposing the manufacture and sale of these bullets.

Therefore, be it *Resolved*, that the City Council direct the City Clerk to prepare a copy of this resolution for presentation to U.S. Congressman Mario Biaggi, endorsing his fight to ban the manufacture and sale of the KTW bullet.

Adopted: January 12, 1982.●

A TRIBUTE TO JOHN HAY WHITNEY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DYSON. Mr. Speaker, I rise to honor and pay tribute to a remarkable American who recently passed away. John Hay (Jock) Whitney was a true Renaissance man in all senses of the word. He was an enthusiastic and pacesetting leader not only in the fields of publishing, diplomacy and investing but also in business, philanthropy, public policy, and sports.

Born in Ellsworth, Maine to Payne and Helen Hay Whitney, he was descended from a proud heritage. He was the maternal grandson of John Hay, Secretary of State under Presidents William McKinley and Theodore Roosevelt. His paternal grandfather William C. Whitney was Secretary of the Navy under President Cleveland.

Mr. Whitney distinguished himself at Groton School in Massachusetts and then went on to Yale University. It was during these school years that he forced himself to overcome his early handicap of stuttering and a bout with rheumatic fever. In 1926, he attended Oxford University in England but was forced to return to America the next year because of the death of his father.

His first job on Wall Street earned him $65 a month. Through his own hard work and a sizable inheritance left by his parents, he was able to create a vast financial empire.

He also inherited a long-standing family interest in horses. With his sister, Joan Whitney Payson, they became major figures in thoroughbred racing circles and co-owners of a large string of racehorses at the famed Greentree Racing stables near Lexington, Ky. This stable produced the "Horse of the Year" in both 1949 and 1953.

A knowledgeable breeder and a shrewd judge of horses, in 1928 he was the youngest member ever elected to the Jockey Club. There he served eight terms as its steward until 1980. For 18 years he was also president of the American Thoroughbred Breeders Association and was a founding member and trustee of the New York State Racing Association. In addition, he reigned as director of the Saratoga Association for the Improvement of the Breed of Horses, and served on the Board of Governors of the Turf and Field Club.

An avid sportsman, he often participated in golf, tennis, swimming, and bird hunting. His primary love, however was carrying on a family tradition, polo. He attained international ranking in polo during the 1920's and 1930's and served as the captain of the famous "Greentree Team," which won successive U.S. Open Championships in 1935 and 1936.

John Whitney was deeply involved in the arts. His interest in the theater, combined with an uncanny ability to pick a winner, led him to back a number of hit plays. Among them were "Whistling in the Dark" and "Kind Lady." Contrary to strong advice, he invested in "Life With Father," which at the time, had the second longest run in Broadway history.

This initiation into the arts led him to branch into films. He founded Pioneer Pictures, producing films in a process Hollywood had little faith in at the time, technicolor. He proved the skeptics wrong, however; the company's initial production, "La Cucaracha," grossed more money than any other short in film history.

In 1935, along with David O. Selznick and others, Mr. Whitney formed Selznick International Pictures. The company went on to produce the smash hits, "A Star is Born," and the two Academy Award winners, "Rebec-

ca," and "Gone With The Wind," one of the biggest box office attractions in the history of cinema.

During World War II, Mr. Whitney served with the U.S. Army Air Force as a captain in the Combat Intelligence Division. After a brief stint in England he became a colonel on the staff of the Commander of Allied Forces in the Mediterranean theater.

Transferred to the European theater after the Allied invasion, he and four companions were captured by German troops while driving a jeep through southern France. Through their bravery and resourcefulness, they managed to escape from the train taking them back to Germany while it was being shelled by Allied artillery. Eighteen days later they made their way back to friendly lines.

For his heroic exploits, John Whitney was awarded the Legion of Merit, the Bronze Star, and a citation for exceptionally meritorious conduct in the performance of outstanding services. He was also made a member in the order of the British Empire and given the rank of chevalier in the French Legion of Honor.

After the war, Mr. Whitney served on several advisory bodies under the Eisenhower administration, including the President's Commission on Foreign Economic Policy, and vice-chairman of the Secretary of State's Public Committee on Personnel.

In December 1956, President Eisenhower appointed him Ambassador to Great Britain. During his 4 years in London, he was instrumental in improving Anglo-American relations. These relations had become strained due to the combined British-French-Israeli incursion into Egypt following the nationalization of the Suez Canal in 1956.

While in Britain, Mr. Whitney began investing in the New York Herald Tribune, a paper his grandfather, John Hay, had once served on as an editorial writer. He subsequently became publisher and then took over as its editor-in-chief. Yet, not even his entreprenurial skills could protect the Tribune from the dynamics of the New York newspaper market and the paper suspended publication in 1966.

He did hold onto the Herald Tribune's European subsidiary, the Paris based Herald Tribune. Today this publication is owned jointly by the New York Times, Washington Post, and Whitney Communications.

Through the Whitney Communications Corp., of which he was chairman, John Whitney acquired interests in a number of magazines. These included Parade Magazine, Interior Design, Art in America, The Hockey News, The Boating Industry, The Oil Daily, and 50 Plus. The corporation also acquired interests in 29 small newspapers located throughout the First District of Maryland, Delaware, and Florida.

Apart from its publishing interest, Whitney Communications owned 6 radio stations as well as cable television companies operating in Maine and New Hampshire. Through its subsidiary, Corinthian Broadcasting Corp. it operated five television stations located in Tulsa, Indianapolis, Fort Wayne, Houston, and Sacramento. In 1971 Corinthian merged with Dunn and Bradstreet Inc., of which Mr. Whitney became a director and its largest individual stockholder.

Mr. Speaker, always an active promoter of social justice, John Whitney was involved in numerous philanthropies. In 1949 he founded the John Hay Whitney foundation. This foundation over the years has given generous support to individuals in a number of areas, particularly in the fields of education. It provides numerous scholarships and other opportunitites to exceptional individuals from minority groups who seek to make educational, social, and economic changes in their communities. This foundation's funds also enabled distinguished scholars to teach at small independent schools as visiting professors.

The Whitney Foundation has also undertaken a number of studies in the public policy sector. One study on labor-management relations entitled "The Causes of Industrial Peace Under Collective Bargaining" became a classic in its field. It examined the ways that labor and management could reach agreement, emphasizing accommodation rather than confrontation.

John Whitney's philanthropic activities were not confined to the work of this foundation. He took seriously his post as a Fellow of the Yale Corporation from 1955–70 and a Senior Fellow from 1970–73. He also served on the Board of Governors of New York Hospital from 1927 to 1974 when he was elected a Life Governor, a Board Member of the Corporation for Public Broadcasting, and a trustee of the Carnegie Endowment for International Peace.

A patron of the arts, besides his fine collection he was a trustee and vice president of the National Gallery of Art. In addition he was a member of the building committee for the National Art Gallery's spectacular East Wing.

A friend once said that for Mr. Whitney "money has three purposes: to be invested wisely, to live well off and to to do good with." His compassion and his philanthropic activities prove he did not forget his fellow man. He did not know the meaning of the word pretension. Even though he was a master of one of America's great fortunes there was one convention that he shunned with a passion. He refused to have his name listed in the Social Register. He called this publication a "travesty of democracy" with "absurd notions of who is and who is not socially acceptable."

Mr. Speaker, the people of Maryland's First District have lost a wise friend and America has lost a great man. I wish to extend my heartfelt condolences to his wife Betsey, his daughters Sara Wilford and Kate Whitney, and his eight grandchildren. We all mourn the loss.●

HONOR OUR DEBT TO VIETNAM VETS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BONIOR of Michigan. Mr. Speaker, like many Members of this body, I have joined in the efforts to grant Vietnam veterans the recognition they deserve and need. Again like many, I have been continuously surprised by how difficult it is to do the obvious, to honor our debt.

The issues are not complex. The actions required are neither unprecedented or particularly bold. Yet the simplest actions which seek merely to follow the Nation's most basic moral commitments either evade us or become mired in new and apparently hopeless controversy.

In a recent article, Joseph Zengerle has shed new and clarifying light on the barriers that have detained us, barriers which reach beyond the problems of Vietnam veteran policy to our Nation's ability to accept its past, overcome its defects and move compassionately foward. I commend the piece to my colleague's attention.

Mr. Zengerle knows of what he speaks. A Vietnam veteran, he attended law school on the GI bill and was not only one of the founders of the Vietnam Veterans of America, but was Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installations under President Carter.

The article follows:

[From the Washington Post, Feb. 19, 1982]

VIETNAM: THE BONE IN OUR THROAT

(By Joseph C. Zengerle)

As one who has been involved in Vietnam veterans' causes for the past five years, I am developing an unpleasant metaphor for the way in which the experience of the war resides in the belly of America. It is that of the Alien, a creature from the movie of the same name. The Alien lives within its host as an indigestible identity, erupting unpredictably to turn on its former home with a voracious appetite.

The most recent example of such an eruption was the CBS program "The Uncounted Enemy: A Vietnam Deception," aired in late January. The documentary made a strong

case for the proposition that our headquarters in Vietnam, under the command of Gen. William Westmoreland, deliberately understated enemy strength at a time when it was telling the country that we were winning the war; misled the nation about the amount of enemy infiltration during the months preceding the Tet offensive, presumably preventing adequate defensive preparations from being made; and then ordered that the computer records of these intelligence estimates be doctored retrospectively so that no one could ever reconstruct the truth of what really happened.

A few days later Westmoreland held a press conference to rebut the charges. Accompanied by retired Lt. Gen. Daniel Graham (the officer said to have altered the records) and other principals of the relevant experience, he also stated that he had been "ambushed" by interviewer Mike Wallace. A few days after that, Westmoreland apologized for this characterization of the interview, producing a letter CBS had sent him before the taping and stating that he had neglected to consider it through a lapse of memory. In the meantime, conservative columnist William F. Buckley, Jr. was calling for a congressional investigation, while a former chairman of the Joint Chiefs of Staff, Gen. Maxwell Taylor, was saying that Westmoreland had been the victim of a hatchet job.

The incident is typical of appearances of the Alien, of which I will mention only two others. The most significant private institutions to emerge in the aftermath of the Vietnam War, and to hold forth promise for healing the wounds it inflicted on our society, are the Vietnam Veterans of America, a national membership organization lobbying, litigating and educating the public on veterans' issues, and the Vietnam Veterans Memorial Fund, a nonprofit organization sponsoring the Vietnam War memorial to be built in Washington.

VVMF took extraordinary steps to ensure that its final design selection for the memorial was unassailable both procedurally and architecturally. After the hoopla surrounding the final choice subsided, up cropped a group of veterans who charge that the memorial design is a "black trench" that would be an embarrassment to the memory of those lost in Southeast Asia. At the eleventh hour before groundbreaking, Interior Secretary James Watt interceded to say that despite the approvals already secured, he would have to review the plans before they could proceed. Meanwhile, VVMF's president was on television predicting that 500,000 veterans would be in Washington for the memorial's dedication on Veterans' Day this year, calling it "the parade we never got."

On Christmas Eve, the executive director of VVA and other VVA members traveled to Hanoi to discuss with the Vietnamese those Americans who were missing in action during the war and remain unaccounted for, and the effects of exposure to a herbicide, colloquially known as Agent Orange, used by the United States during the war. Unschooled in diplomacy and unprepared for the speed with which their trip was arranged, these veterans were nevertheless possessed of deeply humanitarian motives and did advance discussions on those issues, which had been stalled or nonexistent. For example, the Vietnamese subsequently agreed to meet next week with a delegation from the departments of State and Defense on the MIA question. Yet at their homecoming press conference the members of the delegation were accused by other veterans of being dupes of Hanoi, and a POW/MIA group now echoes those charges.

Despite its different guises (intelligence deception, black trench, Hanoi dupes) the beast is the same: our inability or unwillingness to assimilate compassionately our own history. This is not to say there are no legitimate grounds for serious concern or disagreement on these questions. It is only to observe the relentlessly bitter animus underlying the disputes, which not only impedes their resolutions but leads to the devouring of the losers.

The foremost dilemma before the country respecting the legacy of the Vietnam War is how to close the divisions it opened in our society, between the doves and hawks, unrepentant veterans and peace activists, the uniformed military and its civilian leadership, the Class of '46 and those who fought in Vietnam, and so forth. As Congress considers whether to investigate the war, Secretary Watt whether to approve VVMF's memorial and the Defense and State departments how to deal with VVA's possible breakthrough on MIA's, I hope they look beyond these specific issues to the important long-term objective, that of defanging the Alien. What Arthur Miller said of people in his play "After the Fall" seems equally true of nations: "One must finally take one's life in one's arms."●

AMERICAN PRODUCTIVITY: 1981

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LaFALCE. Mr. Speaker, from the front lines of the battlefield where the great productivity improvement war is being waged comes both good news and bad news. The good news is that overall in 1981, productivity—measured as output per paid hour of work—rose 0.9 percent after posting 3 consecutive years of negative growth. The bad news is that in the fourth quarter of 1981 productivity dropped at an incredible record rate of 7.6 percent.

The fundamental problems behind such a precipitous drop deserve the immediate and serious consideration of every Member of Congress.

I submit for the RECORD a column from the Wall Street Journal describing the 1981 productivity figures in greater detail.

I would also like to share with my colleagues a speech entitled "Improving Productivity in the U.S.: The Real Strategic Challenge," presented by Fred G. Steingraber at the Manufacturing Services Seminar in Los Angeles. Mr. Steingraber's insights into some of the problems plaguing American businesses makes for interesting reading for all who share a common concern for improving management techniques and, ultimately, improving American productivity. I insert this speech in the RECORD at this time:

[From the Wall Street Journal]

PRODUCTIVITY FELL AT A RECORD 7.6 PERCENT RATE IN FOURTH QUARTER BUT ROSE 0.9 PERCENT IN YEAR

WASHINGTON.—Productivity of U.S. nonfarm businesses plunged at a record 7.6 seasonally adjusted annual rate during last year's final quarter, the Labor Department said.

The department said the steep drop in output per paid hour of work followed a third quarter decline at a 1.8 percent rate. The latest quarterly drop was the sharpest since the department began compiling these figures in 1947.

Despite the decline, this measurement of productivity rose 0.9 percent for all of 1981, after declining three years in a row: 0.3 percent in 1980, 0.7 percent in 1979 and 0.2 percent in 1978. A Labor Department economist said the latest yearly increase matched the average annual gains in productivity for this sector of the economy since 1973. However, he added, during the entire period since World War II, annual productivity rises have averaged a more robust 2.2 percent.

The final quarter's steep drop was caused by a sharp 8.4 percent decline in output for the period, while paid hours declined only 0.9 percent.

The department economist said it's typical during the onset of recessions for employers to "hoard" labor even as demand is weakening. Businesses are reluctant to lay off experienced workers, he said, until they are certain the economic decline will continue. As a result, when output fell sharply in the fourth quarter, employers hadn't yet pared payrolls commensurately, and output per paid hour plunged. Unemployment did begin rising steeply late last year, to an adjusted 8.9 percent of the work force in December from 8.4 percent in November.

The economist added that the productivity declines should be reversed when the economy begins recovering from the downturn that began last summer. "With a reduced labor force, a sudden surge in demand will result in a big boost in productivity," he predicted.

He also optimistically that total wage and fringe benefit costs moderated significantly last year. Compensation rose at an adjusted 6.5 percent rate during the final period, after climbing at rates of 9.5 percent in the third quarter, 9.6 percent in the second and 11.7 percent in the first.

"If that's a harbinger of wage increases next year, and if there's average productivity growth, we can expect a pretty big reduction in unit labor costs," he said. The department said the 6.5 percent rate during the fourth quarter was the lowest since a compensation increase at a 6.4 percent pace in the third quarter of 1975.

Overall business productivity, including farms, dropped at an adjusted 7.3 percent rate in last year's final quarter, following a decline at a 1.1 percent rate in the third quarter. The latest quarterly decline also was a record for any period since 1947. For the full year, this measure of productivity rose an adjusted 1 percent in 1981, after declining 0.2 percent the year before.

Manufacturing productivity plunged at an adjusted 11.3 percent rate in last year's final quarter, after rising at a 1.2 percent rate in the third period. The latest drop was the sharpest since a decline at a 12.3 percent pace in the third quarter of 1959. For all of 1981, manufacturing productivity increased

an adjusted 2.7 percent after slipping 0.3 percent the year before.

IMPROVING PRODUCTIVITY IN THE U.S.: THE REAL STRATEGIC CHALLENGE

(By Fred G. Steingraber)

There's no question that the topic most frequently belabored or bemoaned today in U.S. industry is the decline in our productivity growth. This problem stems from many facets—it is not simply reflective of the supposed fact that people don't work as hard as they once did. In fact, it is today, more than ever, a broad strategic issue concerning the highest levels of management, labor and government.

Interestingly, the definition of productivity has changed considerably over the past fifty years. Back in the 40's and 50's the measurement of productivity focused on output, or the production of as much as possible. In the 60's and 70's, quantity was no longer as important as efficiency, or production at the lowest possible cost. Now, in the 80's, given the constraints imposed by scarcities, regulations, changes in job skills and cost mix and greater international competition, the productivity emphasis is on effectiveness. Your performance will be judged on whether or not you produce the right things, not just whether you produce things right and at a low cost.

The public in this country has come to expect a great deal more from a corporation than simply large quantities of efficiently produced goods. Corporations are increasingly liable in the market place for the quality of their products and the services they offer. We are considered social entities, not just economic ones. And, as social entities, industries are held accountable for attitudes toward issues ranging from the environment to the quality of life in the work place and ultimately to the quality of product delivered. As a result, the definition of productivity as output over input is useless unless we realize that output now includes in addition to product such factors as quality, service, and safety, while the input is government, unions, people, money, technology, information, motivation, etc.

There are a variety of fundamental pressure points and trends in U.S. industry that are contributing to the productivity problem.

GROWTH IN THE SERVICE SECTOR

One of these is the vast growth in the service sector of the economy: A growth in government, a growth in the number of indirect, non-production jobs. The problem isn't the growth or change in mix but is rather that management doesn't have or isn't using the tools and techniques needed to measure, evaluate, and motivate clerical, administrative and managerial people. Moreover, we haven't recognized, as Dr. W. Edwards Deming says and our own research has found, that the major contributor to loss of productivity is management and not the workers.

ELEMENTS: MANAGEMENT DEVELOPMENT

A second fundamental point of stress is the process of management development. Perhaps no single factor has had as great an impact on management development during the past 25 years in this country as have the MBA programs. Currently, there are approximately 50,000 MBA graduates per year, with some 500,000 MBA already in business and government. We have more MBA schools and graduates than does Japan and all of the principal western nations put together. With this depth and breadth of talent, why aren't we up to the challenge? As one journalist put it, "isn't it ironic that this nation's economic troubles have paralleled the worshipful preoccupation of corporate recruiters with MBA's?"

After World War II and through the 1960's management by and large came up through the ranks from the shop floor, sales or engineering to help manage the business. They didn't have MBA's. With substantial growth in MBA graduates, top managers are no longer specialists. They have now increasingly become generalists. That in, and of itself, is not a failure of the system. However, the system has failed to recognize the continuing importance of the specialists in top management.

Moreover, the strong goal orientation of MBA graduates, starting with exaggerated expectations about beginning compensation and extending to absurd expectations for fast track rotation, advancement and positioning in top management, has built a basis for failure!

We have people coming out of the graduate schools who are more concerned with achieving goals than they are with what they have to do to accomplish them. They are obsessed with rotation and rapid advancement, giving credence to the form, but not to the substance of what they are learning. They build eloquent resumes depicting broad, but as we all know, too frequently, superficial experiences.

Managers rotating through jobs with short tenures typically don't make long-term investment decisions. You do things to turn the short-term profits which will in fact secure the opportunity to obtain a new position in three years.

In fact, this total orientation toward rapid success creates a terribly high personal loyalty in the individual and provides little basis for any corporate or institutional loyalty. This is particularly evident when we compare the turnover within the management ranks in American concerns to that in Western European or Japanese concerns.

It's also interesting to note how job rotation in this country differs from the Japanese. Our rotation tends to be focused on different jobs in different companies, but the individual generally working throughout in the same overall functional area. The Japanese, on the other hand, typically rotate within a single company throughout their corporate life, but tend to rotate between functions. It has been observed that this helps enhance the total perspective of the individual in looking at critical problems on as broad a base as possible. In addition, in Japan, this rotation is particularly useful as it helps to generate important contacts throughout an organization which are required to achieve consensus in key strategic decisions.

Finally, the frequency of rotation in the top management ranks of U.S. companies has to call into question our ability to execute consistent strategies and to achieve the continuity necessary to build credibility among employees. If, with every turn of the carousel in top management, the strategies, policies and even the people are changed, how substantially more difficult it must be to achieve improvements in efficiency and effectiveness.

It seems to me the bottom line of any managerial development program is whether or not individuals educated and developed under one system tend to achieve substantially superior results to those developed under other systems. Clearly, today, we would have to question whether or not the management development processes within U.S. industry have in fact placed American management in a vastly superior position internationally.

INDIVIDUAL VERSUS GROUP RECOGNITION

Another fundamental stress point and element of our management philosophy which needs to be reexamined is the whole concept of individual versus group recognition.

The American value system from the earliest stages of life tends to focus highly on the individual rather than the group. For example, we tend to assign the responsibility for success in a football game or baseball game to one or two individuals who made the difference. We have most-valuable-player awards that reinforce this view. Similarly, in corporations we presume that the individual at the top has been singularly responsible for the success or the failure of that business instead of a group of individuals.

As a result, individuals are driven to distinguish themselves apart from the rest of the group. Our publicity schemes, promotion policies and compensation systems tend to encourage or reinforce this view. Isn't it easy to see how individuals are encouraged to think more about career optimization rather than company optimization?

It is interesting to note that a recent analysis demonstrated that the range of compensation in the equivalent executive ranks is as much as seven to one in General Motors, versus two to one at Toyota. As a result, individuals have to be driven to do things to exploit perceived opportunities. However, it is questionable as to whether the things we encourage in the U.S. in fact support the long-term strategic best interests of the company.

Clearly, we see in U.S. organizational structures the tendency to have singularity of authority as compared with the concept of co-determination and management committees so frequently used in foreign countries. Here again, is evidence of the reinforcement which drives people to aspire to those positions of high authority.

However, the real problem comes when trying to implement many of the decisions. Clearly, the process of management decision-making in European companies and Japanese companies is more rigid, complex, time consuming and costly. On the other hand, it is also clear in these companies there is far greater commitment to the decisions that are made than there is in U.S. companies. The consensus building process which takes place does result in a greater commitment to execution.

We may be seeing some of the first really new developments in this direction in the U.S. as we witness the group incentive concept to productivity and employee compensation now being applied at Nucor Corporation. Whether or not it's appropriate for every organizaiton is a good question. However, it cannot be denied that the concept of group incentives has motivated the employees of Nucor to achieve outstanding results!

We must begin to reevaluate our recognition philosophy and systems and not simply dismiss group incentive concepts and management committees as the forerunners of wealth distribution in the best scenario and communism in the worse.

ADVERSARIAL PHILOSOPHY

If we in fact can accept the concept of group recognition within a corporation, why not extend it to tackle one of the greatest sources of productivity loss which exists in this nation; namely, the traditional adver-

sary philosophy: management versus unions and industry versus government.

The cost of living in this kind of world is horrendous; these concepts of checks and balances are perhaps a luxury which we can no longer afford.

The problem is, we find ourselves in a constant state of confrontation in every aspect of our management lives. And when we are desperate, such as at Chrysler, we gesture by saying, "Welcome, Douglas Fraser to the Board of Directors of Chrysler." At Ford and GM we see the genulflection as well: "Perhaps we would be willing to offer labor a partnership in the form of profit-sharing." Isn't it ironic that it comes at a time when there are no profits to share!

While we may be moving from a regulated to a deregulated environment, this is certainly not enough. Government in this nation must move to a position of sponsorship of industry as it is being done in other countries. It's portfolio management at the highest level. Reward/subsidize/support—yes, but the winners and not the losers!

The problem we face is that too much of the competition is internal within the system and not external in the market place. We beat our brains out controlling, checking, and challenging the government or the unions. They beat their brains out doing the same to industry. There's no fundamental understanding of a Win/Win philosophy and the fact that we're in this together, in one form or another.

We must begin to base our business interactions more on mutual trust than on adversarial relationships. People who have to work together should not seek final victories over one another. In the real world, we must work with various government groups and union leaders. Why not together, pursuing our selfish interests and limited benefits?

Japan has already learned a lesson that the rest of the industrial world will have to face in The Eighties—how to define the rules for a complex, pluralistic society of large organizations in a world of rapid change and increasing interdependence.

SHORT TERM

Perhaps the greatest source of productivity loss in the U.S. is the short-term orientation of management. When social critic Tom Wolfe names the 70's the "Me Decade," he was bemoaning the rise of a basic self-centeredness that is coloring our social fabric. The same lack of commitment implied in this expression is now permeating the U.S. business world. Growth in U.S. industry is too often stymied by demand for short-term earnings per share and dividends. The simple fact is: growth eats up cash, while diminishing short-term profits.

Today, more than ever, our management needs a long-term commitment to growth. Unfortunately the need comes at a time when most of our promotion policies and compensation systems continue to reward short-term results.

Isn't it ironic that so much of the manufacturing technology and many of the managerial concepts used so effectively abroad were developed by or with the help of Americans. We create it, make it, and they use it!

As a number of recent articles have pointed out, we must prepare now for the introduction of computer-aided design (CAD), computer-aided manufacturing (CAM), and other technology.

Recently there have been numerous calls to review some of the managerial concepts and technology of both Americans and others. Hopefully these discussions will help American business focus on the challenge and opportunity ahead, namely improving productivity in the U.S.—a real strategic challenge!

In the 80's, American business will have a lot of choices to make, and a number of factors to address in their plans and strategies. Tomorrow's management will be held accountable, not just for its short-term results, but also for its total long-term performance. Corporations in this country will be judged on how much they contribute to the solution of the productivity problem. The judgment will very simply be reflected by those who survive the 80's and reconstruct a growth environment for the 90's.

It's a brave new world and U.S. businessmen need a new game plan!●

THE HOLLINGS ALTERNATIVE: AN ECONOMIC DISASTER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. GINGRICH. Mr. Speaker, the so-called Hollings budget alternative is more of the same high-tax, no-growth economics that brought us the current recession. Recently the staff of the House Republican Conference, chaired by JACK KEMP, prepared a special report on the disastrous effects of the Hollings proposal. The results cited in the conference report, by the way, are based on the Data Resources, Inc., model, which is not a supply-side model. I insert in the RECORD on the special report on the Hollings proposal for the benefit on my colleagues and their staff.

The report follows:

THE HOLLINGS "ALTERNATIVE"

The Hollings "Alternative" has four main features:

It would increase taxes on American taxpayers by $200 billion over the next three years.

It would slash Social Security and other benefit programs by nearly $100 billion over the next three years (cutting Social Security benefits by 14 percent).

It would reduce the national defense budget by $83 billion.

It would reduce family income by $4,000 per household and send the unemployment rate soaring to 10.8 percent (putting 3.9 million more people out of work).

Senator Hollings tells us that, with his "alternative" to President Reagan's budget, "we can save $106 billion without increasing taxes and without cutting any spending" and, in the bargain, get economic prosperity and a budget in surplus by fiscal year 1985. Is there any reason to take this claim seriously?

THE REAL COST OF THE HOLLINGS "ALTERNATIVE"

Senator Hollings proposes scrapping the 1982 tax cut, slashing the 1983 cut by half, eliminating indexation of tax rates, freezing 1983 government outlays at 1982 levels (except for debt service and unemployment spending), eliminating cost-of-living increases for Social Security and other federal retirement programs in fiscal year 1983 and capping the COLAs at 3 percent in future years, allowing only a 3 percent growth in defense spending in each of fiscal years 1984 and 1985, and freezing federal pay in 1983 at 1982 levels.

When this "plan" is run through the DRI model assuming no change in Federal Reserve policy (in DRI terms, an unchanged rate of creation of nonborrowed bank reserves) the results are frightening. By 1985, measured from the DRI baseline:

Personal taxes would increase $45 billion in 1983, $63 billion in 1984, and $80 billion in 1985.

Real GNP would be down 8.9 percent.

The unemployment rate would be 10.8%, up 3.3 percentage points.

3.9 million more people would be out of work.

Disposable income would be down $380 billion, $4,000 per household.

The personal savings rate would be slashed by half.

The growth rate would be down to 1% per year, off 3 percentage points.

The GNP deflator would be down an extra 0.6% to 7.0%.

State and local operating budgets would have fallen from near balance to over $30 billion in deficit, requiring large tax increases.

Auto sales would be down 2.7 million units, from 10.7 million to 8.0 million.

Taxes.—Reneging on promised relief from high marginal tax rates would undermine the incentive to work, save, and invest that is the key to our economic recovery and an ultimately balanced budget. It would subject working men and women to an increasingly heavy tax burden (to the tune of $200 billion over the next three years), wipe out renewed economic growth even before it has had a chance to get started (more than 14 million small businesses—responsible for almost 90% of all new jobs and most of our technological advances—are taxed at the personal income tax rates), foreclose the expanded revenue base needed to achieve a balanced budget, deprive credit markets of desperately needed funds for private sector investment, and, by removing indexation, open the door once again to runaway federal spending.

(It is worth noting that last year's Democratic "alternative"—the Rostenkowski tax proposal plus the Jones budget—would have resulted in an FY 1983 deficit $4 billion higher than the one we now face.)

Social Security and Federal Retiree.—Slashing COLAs for Social Security recipients and federal civil service and military retirees would create major havoc for already hard-pressed annuitants and their families. CBO consumer price index estimates—on which Senator Hollings' proposal is based—show that Social Security recipients would suffer a 14%, $72 billion, cut in benefits over the next three years (an average of $530 per beneficiary in 1983 alone).

Defense.—The proposed freeze of defense spending at 1982 CBO levels would result in outlays below the dangerously deficient Carter proposals that voters rejected soundly in 1980.

Senator Hollings to the contrary notwithstanding, such a freeze would mean sacrificing readiness because it is only in the areas of operations and maintenance that the spend-out rate is high enough to produce the sort of outlay reductions that would be required.

Federal Pay.—Freezing federal pay would produce a minuscule savings ($5 billion) at the cost of increasing the already substan-

tial exodus of hard-working federal employees into the private sector.

Is it likely that these projections will be borne out should the Hollings "Alternative" be adopted? We need only look back a few short months to find the answer.

THE "BALANCED BUDGET" OF FISCAL YEAR 1981

In spring 1980, when he was chairman of the Senate Budget Committee, Senator Hollings worked for the approval of the first budget resolution for FY 1981, which called for a budget balanced at $613 billion, with tax revenues up $84 billion and outlays up $47 billion over FY 1980.

Just a few weeks later, the economy responded. It went into a nosedive, and it was soon obvious that the budget would not be balanced.

The senator then put off action on the required second budget resolution until late November. This resolution showed an FY 1981 deficit of $27.4 billion.

By the time the final FY 1981 figures were in, the actual deficit turned out to be $57.9 billion, with outlays up $79 billion and revenues up $82 billion; America's economy was deep in a quagmire of stagnation and unemployment; and the Democrats had lost the White House and control of the Senate.●

CONGRESSIONAL ACTION SHOULD BE NECESSARY TO DECONTROL NATURAL GAS PRICES

HON. COOPER EVANS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. EVANS of Iowa. Mr. Speaker, it is disturbing to me to read of the proposed actions of the Federal Energy Regulatory Commission (FERC) to decontrol the price of natural gas by administrative rule. This clearly interferes with the responsibility of the Congress to debate the issues and determine what is in the best national interest. As representatives of the people, Congress must make these decisions rather than leaving them to the whims of unelected bureaucrats.

It is clear to me that FERC is taking the initiative because it is apparent that Congress will not go along with any proposal to immediately deregulate natural gas. In my own district in northeast Iowa, gas prices have more than doubled in the past year and there are few issues that people are more concerned, and upset, about than this whole question of gas pricing. The effects of complete or accelerated decontrol would be devastating to the consumer and small businessman. It makes no sense for us to force people to the point where they can not pay their heating bills and then come around, as we did 2 weeks ago, and pass urgent supplemental appropriations bills to help these same people pay their bills. It makes even less sense for us to allow a regulatory agency in Washington to circumvent the will of the people in implementing regulations. I have supported the idea of the legislative veto, which would allow Congress to check the sometimes abusive powers of the bureaucracy, and FERC's recent actions have further demonstrated just how necessary this concept is.

I would urge my colleagues to press for the immediate consideration of gas decontrol in the House where we, as representatives of the people, can either support or reject this proposal before our constituents have to face another winter.●

AID TO HANDICAPPED PROPOSED CUTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WALGREN. Mr. Speaker, I would like to call to my colleagues' attention hearings that the Subcommittee on Science, Research and Technology is beginning on February 23, 25, and March 4 to review the National Science Foundation's 1983 authorization. As we consider the administration's budget proposals, I am very disturbed to see that all funding for science and technology to aid the handicapped has been proposed for elimination by President Reagan. My fear is that these programs are recommended for elimination, or no funding, not because they were not attaining their goals, but because their constituencies may not have the political clout of many of the more powerful interests in this city.

I would like to share with my colleagues the following letters to the editor of Science magazine in the December 11, 1981, issue and also the editorial in the October 9, 1981, issue of Science. Although the editorial addresses women and minorities in science and technology, the needs of the handicapped are similar. We will be questioning witnesses closely on the merits of these proposals.

OPPORTUNITIES FOR THE HANDICAPPED

CLARENDON HILLS, ILL.

I commend Shirley M. Malcom on her recent editorial (9 Oct., p. 137) voicing protests against cuts in the National Science Foundation programs designed to increase participation of minorities and women in science and technology. As head of the AAAS Office of Opportunities in Science (OOS), Malcom must be well aware of the present deficiencies in such educational programs for these disadvantaged groups. There is an equally serious need for support of programs to increase opportunities in these same areas for handicapped students, who are also included in the OOS programs. Physically handicapped students encounter problems of access into the professions similar to those of minority students, with barriers to quality education in science and mathematics beginning in the early grades. Let us broaden our perspective and recognize the need to protest cuts in programs for developing the capabilities of all disadvantaged groups that are covered by activities of the OOS.

S. PHYLLIS STEARNER.

ROCKVILLE, MD.

I would like to add my concerns to those expressed by Malcom in her editorial of 9 October. The unifying theme of the programs for women and minorities at the National Science Foundation has been the belief that there was a great deal of potential talent being overlooked or discarded simply because certain segments of our population are put into cruel and vicious stereotypes. It was thought that perhaps something could be done to devise methods of tapping this scientific resource.

It is not an easy task. Along with investigating and trying to identify the sociological barriers that must be addressed there is the additional burden of developing programs and facilities capable of furnishing quality science education once individuals break out of the stereotype.

The Physically Handicapped in Science (PHIS) program was one of the minority programs at the National Science Foundation from 1977 to 1980. It was a modest program financially, but its purpose was to encourage physically handicapped students to consider science and science education as possible career options. Ultimately, once the attitudinal barriers had been identified and overcome, a small, self-sustaining pool of science as a career would have been created. Students from this pool then could have fit into existing educational programs and facilities with minimum perturbation. The PHIS program taught us that stereotypes could be broken and that "dealing" with handicapped science students was not distasteful or impossible. Unfortunately, it could not survive the recent budget cuts. It is disheartening to consider that the PHIS and other programs for minorities were cut, not because they were not attaining their goals, but rather because priorities have changed. The priorities of this Administration are centered on technology and defense. Programs to further develop the quality and quantity of the scientific work force are not deemed important.

ROBERT E. REHWOLDT.[1]

The NSF programs referred to in my editorial were those created in response to the Equal Opportunities in Science and Technology Title of the fiscal year 1981 NSF Authorization Act. Minorities, defined for these programs, are those racial/ethnic minorities who are under-represented in science and engineering careers. Other groups have serious problems of access to science, particularly the physically disabled. Addressing the concerns of the physically handicapped in science continues to be a major focus of the Office of Opportunities in Science. I share the concerns of the authors of these letters for the loss of NSF education programs and for its effect on those seeking access to science—handicapped persons and all others who could, given the opportunity, contribute to the advancement of science.—Shirley Malcom.

[1] Past program manager, Physically Handicapped in Science Program, National Science Foundation.

[From Science, Oct. 9, 1981]

WOMEN/MINORITIES IN SCIENCE AND TECHNOLOGY

(By Shirley Malcom)

In response to recent budget cuts at the National Science Foundation, scientists and engineers deplored in turn the effects of budget decisions on international science programs, social and behavioral sciences, and science and engineering education. The rationale for the excisions and the manner in which they were accomplished baffled and disturbed many, who believed that legislative processes for arriving at such decisions were ignored. Less prominent have been protests against cuts in programs designed to increase the participation of women and minorities in science and technology.

Past arguments for inclusion were phrased in such a way that only demands for rights were heard. This seems unfortunate at a time when such rights are unpopular, or at least considered unaffordable. Some scientists and engineers—male and female, minority and nonminority—have voiced the other reasons for supporting increased participation of women and minorities in science and technology. They have called attention to the waste of the brainpower of 60 percent of the population while we need to build capacity in all of the population to meet the challenges to our nation's scientific and technological preeminence. They have spoken of the role of women and minorities in addressing issues of health, national defense, and productivity. They have pointed out that personnel shortages in critical areas of science and technology can be met, while maintaining quality, by better utilizing the talents of these groups, and they have talked about the diversity of perspectives and experiences which are brought to science and technology of a heterogeneous mix of participants. Science has not been served well by our past prejudice and discrimination; we have lost time, talent, and ideas.

Although the battles for access, advancement, status within the professions, equal treatment, and equal pay are not finished, women made tremendous gains during the 1970's. This is not true of minorities. Quirks of statistics obscure the fact, but minorities saw little real progress over the last decade. Problems of access for minorities begin at the precollege level, in the science and mathematics education which students receive from the early grades on. The historical barriers, lower expectations of teachers, and poor overall quality of training offered by the schools affect these students most. Minority scientists, calling for access for the youth who would follow them and recognizing that quality is a part of equality, demand improvements in training, increased course requirements in mathematics and science, and a return to rigor.

Buck passing, however, is rampant. The federal government says that precollege education belongs to the states and local governments—to the states that originally led minorities to seek federal redress and to the local governments of many inner cities which are suffering under declining tax bases, increased need to provide basic human services, and little sympathy or money from state legislatures whose suburban and rural factions have traditionally remained unimpressed by these facts.

The Administration's suggestion that the private sector be involved is a reasonable one, but can be expected to work only for efforts which industry sees as being in its own interest. Where national and private sector interests intersect, there is no problem. History tells us, however, that public and private sector needs not only match imperfectly, but often conflict. For this country to attend to the health of science as well as provide for the common defense, see to the physical and mental health of the people, and increase national productivity necessitates greater participation of women and minorities in science and technology. Seeing to the health of science and technology is a legislated federal responsibility—where the interests and activities of other sectors intersect as well as where they do not. We must protest cuts in programs for developing the capabilities of women and minorities, not only for the sake of these groups, but also for the sake of science and for the sake of our nation.●

MUSHROOM MARKETING ORDER

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SCHULZE. Mr. Speaker, today I am introducing a bill to amend the Agricultural Marketing Agreement Act of 1937. The purpose of the amendment is to permit mushroom growers to establish a marketing order to fund research, development, and promotion of mushrooms.

The marketing order will not result in an interference with free market forces by limiting production or setting an industrywide price.

Rather, the purpose is to stimulate demand and increase consumer awareness of this American-grown product.

In recent years, the American mushroom industry has suffered greatly from foreign competition; competition that does not compete on the basis of quality—our mushrooms are the best in the world—but competition based on the exploitation of cheap labor. The foreign competitors who flood our markets do not have to pay our agricultural wages, nor do they have to pay for social security programs as do our growers and canners.

The result of a decade of calculated assault on our domestic industry was predictable: The decline in profitability, increased unemployment, and ultimate disappearance of large sectors of the American mushroom growing and processing industry. This has caused hardship on many individuals, families, and businesses that comprise the industry, its suppliers, and work force.

I recently received a letter from a lady in southeastern Pennsylvania commenting on the demise of the mushroom growing industry in the United States. I would like to share with my colleagues some of the most important observations she made to me:

I can remember back in the '70's when each year we paid $8,000, $10,000, and $12,000 in Federal taxes to help support our government. Last year we didn't pay any income tax, in fact we had a loss of $1,200. This year we have a loss of over $5,000. We are putting our farm up for sale because we can't meet the interest payments on the crop loans. Our family has made a living for four generations from raising mushrooms and it really hurts to give up.

I think now that foreign policy people have decided that since we are a relatively small industry, that we are expendable. It has become more important to please the Red Chinese than to see that some of our own citizens make a living. The Chinese government is subsidizing these mushrooms in an attempt to put the Nationalist Chinese out of business. This is economic warfare against free China. The same thing is happening to us that happened to the textile, automobile, shoe, carnation, and many other industries.

We have, as a family, always loved the Lord, lived decent lives and have been respected in the community. Now we feel that we have been betrayed by our own government.

Mr. Speaker, creation of a marketing order for mushrooms will enable the American growers to fight back. The goal is simple: Stimulate consumer awareness and preference for mushrooms and the industry will survive. Without this consumer support, surely the American industry will go the way of the consumer electronics industry.

The Government of the United States must not turn its back on our domestic mushroom growers. I have previously introduced legislation, H.R. 5353 and H.R. 5354, that will require labeling on imported prepared mushrooms to disclose the country in which the mushrooms are grown. Ironically, for all the disclosure requirements enacted into Federal law, at present there is no requirement that a consumer be provided with a statement of where prepared mushrooms were actually grown. I believe that consumers ought to be able to make an informed choice about the mushrooms offered to them, and my bills would do this.

The bill I introduced today will complement the disclosure requirements of H.R. 5353 and H.R. 5354. Creation of a marketing order will give domestic growers the opportunity to work together to keep domestic mushrooms before the consumer. Mushroom growers in this country can compete, but they need a chance. They need to promote their product, create an awareness of the many delicious ways that mushrooms can complement a meal, and increase the demand for their product so that they can operate profitably and stay in business.

Recently, the International Trade Commission determined that the domestic mushroom industry was seriously injured by imported mushrooms. As a result, American producers and canners were given a 3-year period of tariff protection during which it was hoped that they would improve their products, their efficiency, and their

marketing capability. Creation of a marketing order will help achieve this goal.

If you believe in America, you must believe in jobs for American workers, and markets for American farm products and goods and services. I solicit the support of my colleagues for this bill. All the American mushroom grower wants is the opportunity to aggressively and effectively market his mushrooms.●

THE RELATIONSHIP BETWEEN BUSINESS AND COMMUNITY SERVICE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BIAGGI. Mr. Speaker, in October of 1981, I had the distinct honor of being the corecipient of the 1981 Humanitarian Award given by the world renowned Albert Einstein College of Medicine. The other honoree was Mr. Roger O. Goldman, vice president, Citibank of New York. In the course of the evening, Mr. Goldman delivered an excellent speech discussing the very important relationship between business and community service. At this point in the RECORD I wish to insert Mr. Goldman's speech and recommend it to my colleagues:

REMARKS BY ROGER O. GOLDMAN, VICE PRESIDENT, CITIBANK, N.A.

There is considerable debate these days about the social obligations of business beyond those of offering quality goods and services and providing jobs. Business leaders are today examining the question of the proper level of their non-economic relationships with the society they serve economically. This, I think, is quite healthy and bodes well for the nation.

While there is a good deal of talk about the social responsibilities of business, there is not much of a consensus about what they are or what they ought to be. You can find articulate advocates for a wide spectrum of viewpoints. At one end are those who sincerely believe that the only obligation of business to society is to make a profit, and that all else will flow from that. At the opposite end are the enthusiasts who honestly think that business can, and should, solve all of society's problems. In this dichotomy, as in all such issues, the truth lies somewhere about midway between those two poles.

Of course, making a fair profit comes first. Without accomplishment of that primary objective all else fails. A recent statement from the Business Roundtable says it well—"If the bottom line is a minus, there in no plus for society". But those who state this as a given, and then go on to theorize about business's other social obligations, miss an equally basic point: In a society overloaded with minuses there can be no plus for business.

This corollary to the conventional wisdom is clearly and painfully illustrated these days in Poland. In that ancient and respected nation we are witnessing an imminent collapse of the economy because the society on which it is based has been ravaged. In short, the health of a society, and health of its economy, are interrelated and inseparable. Therefore, it makes sense for business in America to concern itself with society's well being.

I am sure that few in this room would quarrel with that proposition. I am equally sure that, when we contemplate it, our minds turn to the situation in our own borough. All of us who do business in the Bronx what very much to see its social problems alleviated—not only to improve the quality of life for our neighbors, but as a means of enhancing the environment in which we do business.

This is one of the reasons why my associates and I are committed to community service. Another and equally compelling motive is the fact that we are normal human beings and we share an urge to help our fellow man. We do what we can to help solve social problems, not only because it is an obligation of business, but because we enjoy doing things for others who need help.

It is a temptation when analyzing business' social responsibility to be simplistic. One can say that it is in the best interest of business to help meet society's needs. But I think the proposition goes beyond that. I can think of at least three good reasons why business must become involved in, and a part of, the solution to social problems.

The first of these reasons is, of course, the one already cited. It is in the enlighted self-interest of business to promote the vitality of the society in which it operates. A flourishing economy in a languishing society is a contradiction in terms.

Secondly, I believe there are substantial internal values for the company that measures up to its social obligations. When it behaves as a responsible corporate citizen, a number of good things happen.

Its customers develop a new respect for the firm—assuming they are aware of its behavior—and this positive attitude is bound to rub off on the products or services it markets.

Its neighbors see the company in a new light, and their appreciation of it is enhanced. This strengthened prestige in its community serves the business well in a number of ways—in relations with local government, in attracting better job applicants, and in contact with the news media, to name only three.

Its shareholders (unless they are grinches) will be proud of their company for its efforts to strengthen the nation while returning a reasonable yield on their investment.

And the reaction among its employees will be beneficial to the business in several ways. Their pride in their company as a responsible unit of society can only reinforce their attitudes toward their jobs. Their awareness that their company believes in social service will make them more ready to contribute their own time and money. And the impact of an environment of good citizenship should eventually be reflected in efficiency and productivity.

In fact, an imaginative company can, I believe, develop a definite business resource from its program to encourage employee participation in public service. There are boundless opportunities to create incentives among employees to become involved, to set up effective recognition and reward programs, and to establish mechanisms to make contributing and volunteering easier.

And there is a third, and very cogent, reason why business should help to solve the nation's social problems. This is the fact that a superb performance by business in meeting its responsibilities is certain to produce a beneficial ripple—a catalytic effect throughout the balance of society. It is often said that people in America look to business to lead the way. If that is so, and there is much evidence to support it, logic suggests that the American public will do a better job of attacking social challenges if business sets a good example.

About nine out of ten working people in the United States are employed in private business. Think what a huge pool of potential social problem solvers they represent—if only they could be motivated by examples set by their employers!

At the present time business is setting a fairly good example in its discharge of social responsibilities. Respected industrial leaders are speaking out in support of stronger ties between business and society. Influential business organizations have issued declarations and guidelines on the corporate responsibility. And two years ago, for the first time the charitable contributions of business surpassed those of private foundations, traditionally the nation's prime source of giving.

There is still, however, a lot of room for improvement. As long as only about one-fourth of all American corporations make any charitable contributions at all we have our work cut out for us. And it isn't only corporate philanthrophy I'm thinking about. As I suggested earlier, contributions of manpower, of time, and of experience offer and invaluable means of channeling support from business to society's needs. In fact, I tend to agree with Jean Jacques Rousseau, who understood the body politic better than most of us. He said, "As soon as public service ceases to be the chief business of the citizens, and they would rather serve with their money than with their persons, the state is not far from its fall."

There is a good deal of casual talk these days about business making up the revenues lost to social programs through the Administration's determined effort to balance the Federal budget. I do not think for one moment that corporate philanthrophy can be expanded to replace the cuts in government funding; the numbers are simply too astronomical. I do think that society as a whole can bring off the switch from public to private funding of needed services over time, given the proper motivation and leadership. And I think that an enlightened business community can provide much of that leadership.

Others have said if before, and I have no qualms about saying it again this evening: It is time to paraphrase Calvin Coolidge and agree that "The business of business is America."●

COSPONSORSHIP OF HIGH TECHNOLOGY TRADE ACT OF 1982

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. STARK. Mr. Speaker, I am pleased to be able to join today with

the distinguished chairman of the House Trade Subcommittee (Mr. GIBBONS) and others in sponsoring a bill of great importance to the Nation and to California. The legislation we are introducing today is entitled the "High Technology Trade Act of 1982." Basically, it seeks to expand world free trade in high technology products, and semiconductors and integrated circuits in particular. The bill offers several carrots to induce negotiations on behalf of freer and fairer trade. But if those carrots do not work, then it contains some strong clubs to prevent foreigners from destroying our own high technology industries.

I believe that American high technology industries can compete in a world where there is truly two-way trade. But in reality, several of our major trading partners are protecting their high technology industries of the future through an elaborate cat's-craddle of industrial policies. These policies do not fall in the traditional definition of trade barriers—but the net effect of these subsidies, supports, and arrangements is to keep American high technology products out. This in turn provides a protected home market for the foreigners where they can cover their costs and earn the profits which enable them to sell in our market at a price which is aborting the future life of our own high technology companies.

The practices which I have just described are carried on somewhat by France, England, Germany within the Common Market. But the real problem, the real challenge to our future as a high technology trader lies in Japan.

The Japanese are playing hardball in high technology trade, and somedays the United States acts like it does not even know there is a game on—yet at stake is the industrial future of the world. In industry after industry, the Japanese have developed world excellence and quality of production behind a wall of tariffs and nontariff barriers. Then when their products were ready to dominate, they lowered their barriers and invited competition—by which time the idea of competing in the Japanese market would be like Russia trying to sell wheat in Kansas. We have seen this pattern in televisions; we have seen it in autos—and now it is reocurring in that most essential industry of the future—semiconductors and computers. There is a saying, "fool me once, shame on you; fool me twice, shame on me." Well, the Japanese have fooled us many times with this trade pattern, and we will be fools if we do not put a stop to it.

Mr. Speaker, over the years, I have generally supported protrade positions. There will be some who will say that this new bill, which in essence provides for reciprocal treatment in trade in high technology products, may lead to restrictions on trade. Yes, but only if our major trading partners refuse to open up their markets to our qualified high-technology products. To allow present trends to continue—to do nothing—while the terms of trade shift against us due to foreign protectionism—is naive. World trade theory may question the concept of reciprocity—but future generations of Americans will ask why we did not act when it was so clear that we were being taken advantage of.

Chairman GIBBONS is to be commended for his leadership in seeing the imminent danger to our high technology industries.

Mr. Speaker, I would like to include in the RECORD at this point a portion of an article from the February 20, 1982, National Journal discussing the trade problems in the semiconductor sector. Also, I would like to include excerpts from the trip report to the Far East of the Ways and Means Trade Subcommittee under the leadership of Chairman GIBBONS:

[From the National Journal, Feb. 20, 1982]

THE JAPANESE ARE PUTTING THEIR CHIPS ON THE TABLE

If you think trade is a narrow problem that only international economists need worry about, you're missing a major new category of gloom-and-doom thinking.

Most politicians toying with reciprocity against Japan are talking about its $16 billion trade deficit with the United States and thinking of ways to force the Japanese to buy more American oranges and cigarettes.

But a select group of U.S. technology experts is worried about a much more ominous problem. In the past year, the Japanese have captured the world market in a particular type of semiconductor chip that many believe to be the key to technological advancement.

These experts are worried about the United States losing not only this market but also its future production capability in the chip field. And since semiconductors are key components of computers and even weapons technology, there are direct national security concerns as well as fears that the United States may lose its global economic edge, and thus its military power.

"Many people have called semiconductors the oil of the 1980s and 1990s," said Clyde Prestowitz, a deputy assistant Commerce secretary for international economics. "It's the guts of high technology," he said, and it could be difficult for the United States to continue advancing technologically without a viable semiconductor industry.

But how does this relate to Japan and its trading policies? Isn't it just our problem? Prestowitz and others don't think so.

The 64K RAM is the newest generation of random access memory semiconductor chips. Its predecessors were the 4K and the 16K; the "K" means 1,000, and refers to the number of memory cells that can be included on the tiny chips.

Until recently, the United States had been the leader in semiconductor technology, and the so-called Silicon Valley in northern California, where many of the small, aggressive semiconductor firms are located, was almost an awe-inspiring center of Yankee ingenuity.

The Japanese, according to Prestowitz, entered the market late, having stayed on the sidelines during the first two generations of random access memory chips. But they entered the U.S. market with a bang in 1978, offering 16K chips at prices much below those of U.S. producers—and much lower than their own domestic prices.

U.S. firms quickly accused the Japanese of "dumping"—selling products abroad at a price lower than is charged in the home market, with the aim of capturing new foreign markets. They filed anti-dumping actions and the Japanese were forced to react. But instead of raising their U.S. prices, they lowered their comparable domestic price to the U.S. levels. So the U.S. industry got no relief.

Japan was able to do this without too much harm to its own industry in part, says Prestowitz, because most of its domestic chips sales are within the same company—the so-called captive market. The reduction in the "merchant" market price thus lost much of its impact.

The result of the low Japanese prices was a 42 per cent share of the world market, more than half of which is in the United States. The result for the U.S. firms, who were forced to lower their prices to compete—too late, according to Prestowitz, to get big contracts—was a loss of profits.

"Without profits from 16K sales, U.S. firms found it hard to do the research and development necessary to build the best next-generation chip—the 64K RAM," Prestowitz said. Many U.S. companies stayed out of 64K RAM production altogether. A few companies went ahead—led by Motorola Inc. and Texas Intruments Inc.—and built a product that many experts say is inferior to Japan's.

This time, Japan captured 70 per cent of the world market. Today, that market is small—only about $100 million annually—but it is expected to explode later this decade. One estimate puts worldwide sales at $2 billion a year by 1985. And whoever captures that market has profits for additional research and development.

This is not a classic trade issue. The implications are greater for technological advancement and, because of the relation to weaponry, for national security than for the international balance of payments.

But this only makes it more crucial to Reagan Administration officials who are studying possible U.S. actions to ensure that the domestic semiconductor industry thrives. They believe the Japanese are vulnerable on the issue because they have consistently undercut U.S. prices and captured the lion's share of the U.S. market, while their own market remains inaccessible to U.S. products.

The Semiconductor Industry Association is considering another anti-dumping suit, but no decision has been made yet, according to former trade negotiator John Greenwald, whose Washington law firm represents them. The Commerce Department, in consultation with the Defense and State Departments and the Office of the U.S. Trade Representative, is considering invoking another provision of U.S. trade law that allows the government to take steps against imports to ensure the survival of an industry necessary for national security.

Prestowitz said the Administration is talking about the problem to the Japanese and would prefer a negotiated solution. Rather than restrict access to the U.S. market, he said, the Administration would prefer moves by the Japanese to open its own markets

and stop "preempting" the U.S. market with bargain-basement prices.

[Excerpts from the Report of the Ways and Means Trade Subcommittee, December 21, 1982]

THE JAPANESE CHALLENGE

The world's view of Japan has varied widely over time, and almost always the view has been exaggerated, ranging between extremes of good and bad. It is currently popular to consider the Japanese as ten feet tall, to view all their products as superior in quality, and to see them as an economic juggernaut, sweeping over sector after sector of the world economy. That view is clearly a distortion. We do believe, however,

That the Japanese challenge is extremely serious, is not fully understood by most Americans, and cannot go unanswered;

That the nature of the challenge will force some far-reaching changes in management techniques, labor-management relationships, and societal as well as business attitudes toward productivity and quality control;

That the response to the challenge will be difficult because in addition to all the easy "answers," such as changes in taxes, education, and export promotion, it will require more difficult attitudinal changes and realignment of priorities; and that if America responds to the challenge correctly, we can create a better economy for not only ourselves but for the whole world.

Our visit to plants, our discussions and readings, and even more, the attitude of the Japanese themselves, clearly show that in the high technology products that count—the products which will dominate the world trade and economy for the rest of this century—the Japanese are second to none. Whether they today surpass the United States in their mastery of these high technology products is debatable; it is not debatable that the trend lines indicate that they will surpass the United States and that the gap will widen dramatically, unless the United States responds.

In the previous two Congresses, the Subcommittee on Trade had a Task Force on U.S.-Japan Trade. In a report dated September 5, 1980, that Task Force said:

"We believe that Japan's rate of industrial progress and stated economic goals should be as shocking to Americans as was Sputnik. And like Sputnik, we should be shocked into responding to the challenge."

We all endorse and reconfirm that statement.

PROGRESS IN HIGH TECHNOLOGY

Leadership in high technology products is critically important to the United States because aside from agriculture (which can be argued is a high-tech industry in the United States) and services, export of high-tech products is our only hope for achieving a semi-balanced level of trade and for financing our oil imports.

While the United States remains a growing technological giant, others, in particular Japan and West Germany, have been catching up. The U.S. lead in technology has declined relative to other nations.

As Japanese technology has improved, it has taken world market share away from others, principally the United States.

The trend line of Japan's post-war research and development effort is spectacular:

RATIOS OF R. & D. EXPENDITURES TO GROSS NATIONAL PRODUCT IN JAPAN

Year	Ratio (percent)	R. & D. personnel
1948	0.3	14,500
1957	.9	52,077
1968	1.5	157,612
1978	2.4	205,668

What is most important is that two-thirds of Japan's R. & D. is done by the private sector on commercial projects, whereas in the United States, about two-thirds of R. & D. is funded by the government, often on military projects of little importance to international trade. Thus, Japan spends more of its GNP (1.91 percent) on commerical R. & D. than does the United States (1.39 percent), and the Japanese ratio of corporate R. & D. to sales is now approximately the same as the American ratio.

Japan's national goal or "vision" is to be first in high technology in the future. Thus, Japanese government and industry have an extremely close working relationship in R. & D. projects designed to solve long-range commercial problems which may be beyond the capability of any one company within an industry to solve. The Japanese system enables different firms to concentrate on a particular research project without everyone else "reinventing the wheel."

JAPANESE CHALLENGE IN SPECIFIC PRODUCTS

We all know the long list of product sectors now dominated by Japanese firms. What is not so well-understood are the industries Japan is starting to concentrate on to achieve leadership. These are the clean, high technology, high value-added industries of the future which the United States traditionally develops and leads before the technology is defused to other nations. With Japan's R&D drive and goal, it is not at all clear that the U.S. will have much leadership time in these products, unless we respond to the challenge. Following is the situation today in certain industries traditionally considered predominantly American.

SEMICONDUCTORS AND COMPUTERS

Semiconductors have been described as the "oil" of industry in the remainder of this century. If so, Japan has become a "Saudi Arabia." In the past decade, Japan moved from copying U.S. semiconductors to leading the world in the mass production of quality "chips:"

Before the (1981) year is out, Japan will emerge as the world's largest base for production of 64-kilobit dynamic random access memory chips.

Technological equality and production superiority in semiconductors make Japan a very serious challenger in computers and all other electronic products. In hardware or main frames, the Japanese claim to have introduced computers which are faster than IBM's best, and they have launched a national drive to improve the attractiveness of Japanese-designed software.

Because of their importance for the future, Japan's semiconductors and computer industries have received substantial government subsidies for the development of commercial products, especially when compared to U.S. contracts for the development of military applications. According to the U.S. Secretary of Commerce, "The Japanese government . . . has financed about 50 percent of all computer-related research and development in Japan." Furthermore, Japan encourages joint research projects which save each company from inventing a whole process and which allow each to concentrate its resources on particular problems. In computers, Japan has now taken the lead in sponsoring a Japan-U.S.-Europe tripartite project to develop a "fifth-generation computer." The Japanese government has led in the organization of this meeting because development costs are said to be too large for any one company or country to meet. Basic research on fifth-generation computers has been conducted largely in government labs and thus cooperation will accelerate development of these devices, and "a joint tripartite project will prevent possible frictions over high technologies from developing among the major trading partners."

WHY AMERICA MUST RESPOND TO THE JAPANESE CHALLENGE

One could say, "so-what?" to this challenge. It is competition. It is the making of better and better products for the world. It is the success of America's policy to reconstruct the world economy following World War II. So what if Japan is giving us a run for the money?

There are many reasons why we must respond to the Japanese challenge. Balance of trade and payments reasons—the need to keep the dollar reasonably strong—the need to keep Americans employed.

Most importantly, if Japan becomes the world leader in high technology products, she will be driving us. She will control when certain technologies and processes—including those important for defense—can leave Japan. She will become the low-cost producer in any area which she wants; she will be able to target industry after industry, thus placing irresistible political pressures on the Congress to extend a web of Voluntary Restraint Agreements and Orderly Marketing Agreements to more and more products. But each such restraint will only further burden the U.S. economy, making it more sluggish and inefficient, and we will slip further and further into a "British disease" economy. But the most important part of the Japanese challenge is its implication for social and labor change.

It makes sense for Japan to be stressing computer-assisted automation and design and the growth of robotics. Japan is facing a serious manpower shortage. Her population is aging faster than any other industrialized nation's. Robotics and automation may be wise public policy in Japan. But as she succeeds in this field, she also needs to export to pay for her imports. Her computer-manufactured products will be world's cheapest—and will put Americans out of work. Here is the danger: Japan is developing the world's most competitive automated industrial sector—and she is exporting her automation policy.

If we do not respond, if we do not put computerized robots on our assembly lines, we will fall further and further behind Japan in price and in quality of production.●

CONGRESS CAN'T LOSE ON ITS VETO POWER

HON. ELLIOTT H. LEVITAS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. LEVITAS. Mr. Speaker, I was pleased to see an article in the Washington Post this past Sunday by the political scientist, Louis Fisher, addressing a question which you and my colleagues know is of great interest to me and many others in this Congress. The question is that of congressional authority to control the actions of unelected officials in the executive branch of our government.

Throughout our Nation's history the legislative and executive branches of our government have worked for a constitutionally designed balance of power between the branches. This balance has been accommodated through the ability of our system to adopt constitutionally sound procedures which maintain an appropriate balance of power while at the same time responding to current day demands on government.

One such procedure which has been enacted and exercised responsibly over the past several decades is the legislative veto. Through this mechanism the Congress, the lawmaking body of our government, has been able to delegate authority to the executive branch of government while at the same time retaining its ultimate responsibility for making the laws of this country.

This procedure has been included in over 230 statutes. My bill, H.R. 1776, which would give Congress the authority to veto rules and regulations promulgated by all executive branch and independent agencies, has 250 cosponsors, and a similar proposal in the Senate has over 50 cosponsors.

Despite the positive history behind the legislative veto and the widespread, bipartisan support for it, some contend that it is unconstitutional. Others argue that it is bad policy; that it is an unwarranted intrusion into the power of the executive branch or that it would unreasonably increase Congress workload.

It is particularly appropriate that the excellent article by Louis Fisher appeared in the Washington Post the day before a case which some people believe may affect the issue of legislative veto was to be heard by the Supreme Court. I do not believe that this case involves the issue of legislative veto as it does not deal with a legislative veto of delegated rulemaking, but rather it deals with action taken on an immigration matter. Some people, however, feel it does touch the issue. In looking at the issue, Fisher's arguments must be considered.

Not only does Fisher maintain that the legislative veto is constitutional but he also praises it as good policy which has been wisely and prudently used. Without it, Fisher notes, the power of the executive branch would likely be restricted rather than enhanced. And without it, Congress would have to resort to other mechanisms of control which would be much more burdensome and much more cumbersome that the legislative veto procedures which have been proven to work effectively and efficiently.

In his article, Fisher spells out what it would mean for our Government if the Supreme Court strikes down this procedure. The ability of Congress to oversee executive branch actions and thus the willingness of Congress to delegate power to the executive branch would be dealt a severe blow.

As Fisher notes, "For many issues facing government today, the legislative veto is practical, appropriate and constitutional. Striking it down is not a step to be taken lightly."

At this point I would like to submit for the RECORD the excellent article by Louis Fisher.

[From the Washington Post, Feb. 21, 1982]

CONGRESS CAN'T LOSE ON ITS VETO POWER

(By Louis Fisher)

We are witnessing an ironic turn in the historic struggle between the executive branch and Congress: a court decision which seemingly promises much greater power for the executive but which, if upheld, would likely lead to the opposite effect.

The Jan. 29 ruling, be a three-judge panel of the U.S. Court of Appeals here, gave a rude jolt to the "legislative veto," a device Congress has relied on for at least a half century to control executive actions.

Specifically, the panel struck down a one-house veto used to disapprove a gas-pricing regulation by the Federal Energy Regulatory Commission (FERC). But its language was so broad as to question the constitutionality of legislative vetoes in hundreds of other laws governing arms sales, immigration, war powers, impoundment, endless agency regulations and much else.

The D.C. panel recognized that its finding—that all legislative acts constitutionally require "presentation to the president and passage by both houses of Congress"—"may have far-reaching effects on the operation of the national government." But it may have misunderstood those effects.

Many assume the ruling portends a gain for the executive branch, a victory for orderly government, a blow to congressional interference. Think again. If the Supreme Court upholds the overly broad opinion, the net result will more likely be less power for executive officials, a more convoluted legislative process, and continued congressional involvement in administrative decisions.

Bizarre consequences? Not if you understand why the legislative veto was orginally adopted. Presidents accepted (indeed, often invited) legislative vetoes because they provided a way to get more power. The bargain was clearly understood by both branches. The president essentially told Congress: "Give me more authority than you normally would, and I"ll give you a chance to veto my initiatives." If presidents disliked the legislative veto, Congress would withhold authority.

Courts are familiar with this quid pro quo. In 1977 the Fourth Circuit dismissed a suit be a federal employe who protested that the Senate acted unconstitutionally when it disapproved a pay raise recommended by the president. But the legislative history convinced the court that Congress delegated the salary authority only on the condition that it could, by a one-house veto, disapprove presidential recommendations. The authority and the condition were inseparable.

The FERC case was different. Here the court decided that the grant of rulemaking authority was not tied explicitly to the one-house veto. But that is the exception, not the rule.

The record shows, for example, that the president could not tell Congress: "Thanks very much for the authority to reorganize the executive branch, but I have no intention of recognizing your right to veto my plans." Executive reorganization power and the legislative veto could not be severed.

Other examples abound. Under the Impoundment Control Act of 1974, the president may defer spending unless one house of Congress disapproves. The president is not at liberty to take the authority and ignore the condition. If the legislative veto is unconstitutional, the president will forfeit the statutory authority to defer spending.

He might claim other authorities (statutory or implied powers under the Constitution), but this would merely trigger the kind of fractious litigation we had in the early 1970s under President Nixon.

The Federal Trade Commission Act of 1980 raises a similar issue. Congress, angered by some FTC regulations, enacted legislation requiring future rules to run the gauntlet of the legislative veto. If the D.C. panel's opinion is upheld, the FTC may lose its authority under the statute to issue regulations.

Uncertainties in this area, as in others, would probably force more issues into the courts, with the preponderance of evidence often on the side of the Congress. In the laws covering arms sales, foreign trade, the sale of nuclear fuel, federal salaries, immigration, impoundment and presidential papers, for some notable examples, the delegated power and the legislative veto seem inseparable.

Congress, of course, could rewrite many of its broad delegations of power, and the executive branch also could well lose some procedural benefits. Where there is a legislative veto, presidential proposals are put on a fast-track system. Other privileges include special procedures to bypass committees, limit debate and prohibit floor amendments. Without the legislative veto, Congress would eliminate these advantages or require the President to gain approval of both houses in a bill or joint resolution. Either approach would undercut the President.

The legislative veto is criticized as a backdoor way of accomplishing what should be done directly through the regular legislative process. But if Congress is denied the legislative veto, no one should underestimate its ingenuity in inventing other devices that will be more cumbersome for the president and just as satisfactory to Congress.

President Eisenhower discovered this unpleasant fact in the 1950s when he objected to "committee vetoes" compelling agencies to obtain advance clearance from congressional panels. Attorney General Herbert Brownell called this an unconsitutional infringement on executive responsibility.

Undaunted, Congress created another procedure that yielded the same control. A bill was drafted to prohibit appropriations for certain real estate transactions unless the Public Works committees first approved the contracts. Eisenhower signed the bill after Brownell concluded that this procedure—based on the authorization appropriation process—was within Congress' power. The form had changed; the committee veto remained.

If the one-house veto over impoundment deferrals is invalid, Congress will have no trouble devising more burdensome procedures for the president. A harbinger of what might be in the works appears in the Transportation Appropriation Act for fiscal 1982, passed last December. Whenever the president proposes to defer appropriations for various rail programs, the funds must be released unless Congress within 45 days completes action on a bill approving all or part of the proposed deferral.

There is no constitutional problem here, since Congress will act through the regular legislative process. Yet in this case, in effect, the president not only ends up with a one-house veto but a more onerous version. Under the Impoundment Control Act, one house must take the initiative to disapprove a deferral. Under the transportation statute one house can succeed through inaction.

There are other anomalies. Opponents of the legislative veto warn about the workload imposed on Congress by having to review administrative actions. But the workload is likely to be far heavier if Congress has to act positively through the regular process. The temptation will be strong for Congress to grant powers for shorter periods, forcing the president to return to Congress for extensions. Of course either house, by inaction, could deny him the authority.

Other mechanisms are also available to protect congressional prerogatives. Under the Trade Act of 1958, the president could implement certain actions for import relief only by obtaining from Congress a concurrent resolution passed by a two-thirds majority in both houses. Courts would likely find this type of concurrent resolution constitutional, since it contains a built-in override of a presidential veto. This would come as little consolation to a president forced to locate an extraordinary majority in each house before acting.

The D.C. court, in its FERC ruling, warned that the legislative veto enables Congress "to expand its role from one of oversight, with an eye to legislative revision, to one of shared administration." This increase in congressional power, according to the court, violates the separation-of-powers doctrine.

But with or without the legislative veto, Congress will remain knee-deep in administrative decisions, and it is inconceivable that any court or any president can prevent this. Call it supervision, intervention, interference or plain meddling, Congress will find a way.

If an agency adopts a regulation that offends Congress, legislators can attach language to an appropriation bill preventing the use of funds to implement the regulation. There is no constitutional question about Congress' right to do this, although riders to appropriations bills are far from ideal ways to make law. They are added without the hearings, careful consideration and substantive knowledge that more likely accompany a legislative veto.

Congress also exercises an extraordinary array of nonstatutory controls. The clearest examples are the understandings between Congress and the agencies for "reprogramming": the shifting of funds from one program to another within the same appropriation account. Major reprogrammings must be approved by the committees (or subcommittees) with jurisdition over the program.

This is simply one more quid pro quo between the branches. In return for the flexibility of lump-sum appropriations, agencies agree to abide by reprogramming guidelines and committee clearance. No one wants to return to line-item funding. Since this type of control is informal and nonstatutory, it is difficult to conceive of a legal issue that might reach the courts. But the involvement of Congress in "shared administration" is just as real and binding.

Judicial warnings about shared administration seem unrealistic in view of the extensive overlay of statutory and nonstatutory controls. Certainly it is extravagant and hyperbolic for the D.C. Circuit to suggest that legislative vetoes put us on the road to congressional tyranny. If the courts are serious about "untangling" the rights and powers of the three branches, they have their work cut out.

Shall they prohibit the President from making substantive legislation through executive orders and proclamations? Will courts resurrect the 1935 rule requiring Congress to delegate legislative power with clear standards? This would be a revolution in itself. Should we consider placing all independent commissions under the executive departments, thereby tidying up the system of three branches? This has been tried more than once, without success, and for good reason. Can we no longer tolerate adjudication and "quasi-legislation" by the agencies? Should we eliminate "legislative courts" (established under Congress' Article I powers)? For that matter, is it time to ask the courts to pull back from their own involvement in legislation and administration?

It is too glib for courts to tell Congress that if it disagrees with what the president and the agencies are doing, it should act through the regular legislative process. The regular process is subject to a president's veto, creating the need for a two-thirds majority in each house to override the president. Without the legislative veto, Congress is placed in the dilemma of delegating authority by a majority vote and then needing a two-thirds majority to recapture control. That is why both branches agreed on the legislative veto for reorganization authority.

The legislative veto in the War Powers Resolution of 1973 was meant to extricate Congress from the situation it found itself in under President Nixon: able to attract a majority vote in each house to deny funding for the Vietnam war, but unable to secure a two-thirds vote when Nixon vetoed these restrictions. Critics of the legislative veto have not addressed this problem.

Nor is it enough to advise Congress that legislative vetoes would be unnecessary it if would only delegate with precise standards and clear policy.

Congress has no doubt used the legislative veto to sidestep difficult questions of national policy; it can be a convenient and irresponsible substitute for making legislative decisions. But the veto allows Congress to review specific proposals under circumstances that no one could foresee when the authority was first delegated.

For many issues facing government today, the legislative veto is practical, appropriate and constitutional. Striking it down is not a step to be taken lightly.●

AN OPEN LETTER TO PRESIDENT NICOLAE CEAUSESCU OF ROMANIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. McDONALD. Mr. Speaker, reports from Romania continue to be received of persecution of Christians there. Evidently, believing in Christ continues to be a terrible crime in Romania. Ted Greevers of Grand Rapids, Mich., has been very active in the cause of helping these poor Christians. In a letter dated December 28, 1981, documented some of this persecution and wrote Romanian President Ceausescu asking for relief. The letter is reproduced from the Grand Rapids Press for the benefit of those Members concerned with this aspect of human rights in Romania:

PRESIDENT NICOLAE CEAUSESCU,
Central Committee, Romanian Communist Party, Bucharest, Romania, Europe.

DEAR PRESIDENT CEAUSESCU: I have offically learned the Christian Believers mentioned below have been arrested and placed in prison in your country of Romania. They are:

Gheorghe Calciu-Dumitreasa.—This Orthodox Priest was arrested on March 10, 1979 in Bucharest and was sentenced that year to 10 years imprisonment for preaching and teaching the Word of God. Brother Gheorghe was forced to stand upright from 5:00 A.M. to 11:00 P.M. in a damp cell with no light or fresh air and received only 100 Grams of food every two days. By May 6, 1979 we received word he does not have the physical strength to continue his sentence . . . stating . . . "They are trying to kill me . . ."

As an Evangelist from the year 1948 through 1964 he has already spent 16 years of his life in Romanian prisons.

Klaus Wagner.—Born, November 6, 1953 in Agnita, Sibiu, Romania. His residence address is: 3050 Sighisoara Mihai Eminescu 12, Jud, Mures, Romania. Klaus, whose affiliation is with the Brethern Church, was arrested for distributing Christian literature. His wife's name is Katharin, born, June 5, 1953 in Iaslea Jud, Sibiu, Romania.

They have four children: Hanna, born October 8, 1975; Markus, born November 9, 1976; and twins, Samuel and Deborah, born May 8, 1980. Katharin is without any means of support while her husband is imprisoned. In an attempt to visit Brother Wagner at "Iron Gates" Turnu-Severin Prison by his wife and Klaus's brother, both were denied permission to see him, but while at the prison Katharin Wagner heard her husband scream and as a result was forced to return home. She has since suffered a complete physical and emotional breakdown. Her behavior and speech is now completely abnormal and incoherent and a Sister in the Lord must remain with her 24-hours a day to help care for the children and comfort her.

Brother Holzmann.—Of the city of Kronstadt, Romania was also called into the Secret Police Station and asked numerous questions, the details of which are presently

not available. We do not know if he is being held presently.

Fibia Delapeta and Maria Delapeta.—Fibia was born December 14, 1954 in Carpinis, Hunedora, Romania, and Maria was born December 24, 1957 in Carpinis, Hunedora, Romania. They both reside at Carpinis Street No. 13, Hunedora, Romania, and are members of the Orthodox church. Both were arrested and not officially charged with any crime and are denied any visitation.

President Ceausescu.

"Let our Christian brothers and sisters go."

Sincerely,

THEO R. GREVERS,
6638 CASCADE ROAD S/E,
Grand Rapids, Mich. 49506.

TRG/jmh Copy to:
Ronald Reagan,
President of the United States
The Romanian Embassy,
Washington, D.C.

EDWARD ASNER: "WE ARE ON THE WRONG SIDE IN EL SALVADOR"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Mr. Edward Asner, which recently appeared in the New York Times, urging all Americans to stay informed about the Reagan administration's dangerous policies toward El Salvador. Mr. Asner, the star of television's "Lou Grant" show and president of the Screen Actors Guild, has helped organize a nationwide project, "Medical Aid for El Salvador."

The parallels of the Reagan administration's policies in El Salvador to our policies in the Vietnam conflict are striking. As Mr. Asner notes in his article:

I will not sit back quietly and witness a repeat performance of another tragedy that the United States Congress doesn't vote for and that the American people don't want. I'm working hard to learn more about what's happening in El Salvador, and asking everyone I know to become better informed.

Perhaps if more Americans understand the issues we face in El Salvador—the blatant human rights abuses of the junta and its security forces, and the dire poverty of the Salvadoran people—we can avoid getting involved in the quagmire of another Vietnam.

I commend Mr. Asner's article to the attention of my colleagues:

WE'RE ON THE WRONG SIDE IN EL SALVADOR

(By Edward Asner)

Hey, Asner. What gives you and your actor friends the right to speak out about United States foreign policy? Who do you think you are?

I think that it's not only a right but an obligation for every responsible citizen to speak out when our Government is acting in ways we believe are wrong.

That's why I went to our nation's capital last Monday—because the situation in El Salvador is rapidly becoming another Vietnam War, and I want to prevent that from happening.

A full-scale war is now raging in that Central American country, and every day the involvement of the United States Government escalates.

Tragically, we're on the wrong side once again.

And once again, we're spending hundreds of millions of dollars propping up an undeserving military junta, while we close health clinics and day-care centers here in the United States.

It makes no sense to me for the United States to get into another needless nightmare.

And I will not sit back quietly and witness a repeat performance of another tragedy that the United States Congress doesn't vote for and that the American people don't want.

I'm working hard to learn more about what's happening in El Salvador, and asking everyone I know to become better informed.

For example, did you know that:

More than half the people of El Salvador subsist on an income of less than $10 per month per capita?

Nearly 50 percent of the children in El Salvador die before the age of 5?

There are fewer than 3 doctors for every 10,000 people?

Unemployment in El Salvador today is more than 40 percent?

And 2 percent of the population owns 60 percent of the land?

We all need to learn more of what's happening there, but you don't have to be a historian or a political scientist to know that El Salvador will become another Vietnam War if we don't act now.

Elections for a constituent assembly are set to take place in El Salvador next month, but there is no reason to believe they will be more genuine than the highly touted election we promoted in Vietnam that kept Nguyen Van Thieu and Nguyen Cao Ky in power.

Elections in El Salvador have been nothing but fraudulent for decades. Why should anyone believe that this election will be any different?

The Government in El Salvador is a dictatorship at war with its own people.

More than 30,000 people have been killed by the military in the last two years. That's one out of every 150 people in the population.

If that were happening here in the United States, it would mean a million and a half people dead!

Torture and brutality are commonplace in El Salvador, and anybody who claims that concerted efforts to protect human rights are being made is either ill-informed or not telling the truth.

What's happening in El Salvador is more than tragic—it's sickening, indecent, inhumane—and it's got to be stopped.

The truth is that once again a Government, not worthy of one United States penny, is being kept alive by millions of our tax dollars.

Without United States military and economic aid, the junta in El Salvador could not survive, and the suffering of the Salvadoran people could end.

It is the responsibility of every concerned citizen to stay informed and speak out in the name of decency when our Government's foreign policy is wrong.

We must say: "No, that won't be done again in my name. No, that's not how I want my tax dollars used."

It is after all what George Washington and the Founding Fathers of our Government intended for us to do.

Let us each speak up now.

Let us each tell our representatives that if they want to be re-elected in November, they'd better stop United States intervention in El Salvador now.

This week, we observed George Washington's 250th birthday. That anniversary is a fitting time for us to reaffirm our need—our demand—that our Presidents tell the truth, that they honor the will of the American people.●

FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues in this body, a matter of paramount concern to me—the Federal employee health benefits program and the lack of an open season in this matter. Actions taken by the Office of Personnel Management during the past several months in this regard have created an unjust and unfair situation for Federal workers and retirees.

In the way of background, a tremendous shift in benefits coverage has transpired during the past 4 months where, at OPM's direction, massive cuts in insurance benefits have occurred simultaneously with the increasing of premium payments. All of this has progressed without the participants in these plans being able to change to policies suiting their needs, and without the participants being allowed the option of getting out of insufficient plans. During this period of transition where difficult times are being felt throughout the halls of Government—where the threat of RIF's, the uncertainty of furloughs and the general change in the direction of Government have permeated every office, such action has only served to kick, once more, the downed Federal employee.

Yesterday, I had the opportunity to testify before the Office of Personnel Management on the question of holding an open season for Federal employees enrolled in FEHB programs and outlined my concerns in this matter. I submit, herewith, my remarks made regarding the actions taken by OPM and the open season proposal. It is my sincere hope that an open season will be held for Federal employees as soon as possible as a result of these hearings.

STATEMENT OF FRANK R. WOLF BEFORE THE OFFICE OF PERSONNEL MANAGEMENT

I appreciate this opportunity to strongly urge that an open enrollment season for the Federal Employees Health Benefits Program be held as soon as possible. Federal and postal employees should have the right to choose their health coverage this year and every year with no strings attached.

Each day that goes by without holding an open season imposes an unnecessary hardship and expense on Federal employees. Those employees are denied the freedom to choose the health plan that best suits their needs and personal circumstances.

The benefit and premium changes which have occurred this year alone are reason enough to permit Federal employees the ability to change their health benefit plans. Premium prices have increased dramatically while benefits have been significantly altered. Plans that once satisfied the needs of Federal workers may no longer be adequate or may have become too costly. Failure to provide these employees with the opportunity to adjust to these changes means that thousands of enrollees are locked into plans that they did not choose and may find difficult to afford.

The purpose of an open season is to permit employees and retirees the chance to consider the benefit packages and premium structures offered by participating companies to select the health plan that provides the coverage desired at the best price. This year, probably more than any in recent memory, employees need and want the opportunity to make such a selection because of the sweeping changes that have occurred in the Federal Employees Health Benefits Program.

More important, however, is the fact that many Federal employees have previously chosen health plans which were tailored to the specific needs of their personal lives. With a reduction in benefits and without an open season, these individuals can no longer financially afford to cover these needs.

An example would be an individual with a serious mental disorder who needs psychotherapy. He signs up for a policy which will adequately cover these expenses. Committed to a therapy program for a year, he learns in midyear that his insurance coverage no longer covers these benefits, he does not have the option to seek a policy which would cover his expenses, and yet has not finished the therapy program.

Or, likewise, a woman seeks medical attention during December of 1981 knowing that her policy covers the needed services and on January 1, 1982, while still in the hospital, finds that she now has a deductible expense plus a daily co-payment expense—neither of which were in effect when she first entered the hospital.

A very typical example, though, is that of a young couple making plans for a family who sign up for a policy which covers maternity expenses. She becomes pregnant prior to learning of benefits cuts and is not given the option to change to a policy which will cover the couple's impending expenses.

Although the benefits-year is new and the claims experience is insufficient at this time to assess what adverse effects will be felt by Federal employees, these are only a few of the possibilities where the lack of an open season and OPM's decision to cut benefits will seriously alter the personal lives of many health benefits participants.

In my view, an open season is needed and needed now. When it is held it should not impose conditions which deter employees' from freely selecting among the available health plans. Any restrictions such as transfer fees or delays would only amplify or prolong the unfair treatment Federal workers have received because of the cancellation of the FEHB open season.

I want to commend my colleague Representative Norman Dicks for introducing legislation to require that open season be held annually. Because I believe so deeply that the ability to choose among health benefit insurance plans is a right that ought not be denied Federal workers, I have joined as a cosponsor of this legislation and will work hard for its passage.

Since the cancellation of the open season last year I have repeatedly pushed for an open enrollment period. I do so again today. The Office of Personnel Management should schedule an open season for the Federal Employee Health Benefits Program at the earliest possible time. Federal and postal employees suffer an injustice until this is done.●

WEISS INTRODUCES BILLS TO RESTORE SOCIAL SECURITY BENEFITS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. WEISS. Mr. Speaker, last year the President and the Congress broke some longstanding contracts with the American people. In order to finance a tax bonanza for the wealthy and an unprecedented defense buildup, the administration steamrolled through Congress massive cuts in the program most vital to the well-being of our elderly and their families—social security. Through this action, the Reagan administration and its supporters in Congress have exhibited a complete disregard for the well-being of our Nation's elderly and disabled, and for the social security contract that has been paid for by American workers and honored by the Government for nearly half a century.

Congress has the power to redress this victimization of American families. Today, I am introducing legislation to restore four of the benefits that were cut under the Reagan budget. Specifically, the bills would restore the minimum benefit for future recipients, student benefits, the lumpsum death benefit for all beneficiaries, and the mother's and father's benefit for those caring for children under age 18.

After the tremendous public outcry against the elimination of the $122 minimum benefit, the Congress voted to restore this benefit to those eligible for it prior to the end of last year. However, we failed to reinstate this critical benefit for equally deserving individuals who, by fate of birth, reach age 62 after December 31, 1981. There is no justification for the tremendous pain that we will cause future beneficiaries who will receive reduced benefits because of this cut. This year alone, nearly 100,000 elderly persons will be denied the minimum benefit. Like current minimum benefit recipients, these individuals are predominantly women, who worked for low wages or who took time out of the paid labor force to raise children, and who have little else to count on for their livelihood. These recipients are most vulnerable to the ravages of inflation, the pain of hunger and sickness, and the depression of inadequate housing. After a lifetime of work, these individuals deserve better. It is concern for these elderly citizens that hopefully will motivate my colleagues to join with me in supporting this legislation to restore the minimum benefit for all eligible beneficiaries.

The second bill that I am introducing reinstates the social security student benefit. This benefit compensates dependent children attending college or vocational school for loss of income due to the death, retirement, or disability of their parents. It helps equalize educational opportunities for those students who cannot rely on their parents for support during these critical few years. Workers across this country, who have earned this insurance, recognize and appreciate its value in safeguarding the educational and employment future of their children.

Cuts made under reconciliation will deny over 200,000 students this vital source of income and reduce benefits for over 400,000 individuals by the end of September. On the average, students receive $3,000 a year from this program. For the most part, these reductions inflict tremendous hardships on those least able to overcome them. The facts speak for themselves; 80 percent of student beneficiaries are eligible because one or both parents are deceased or disabled. In 1977, 70 percent of the recipients of this program came from families whose income is less than $15,000. Moreover, program recipients are more likely to be minorities, come from blue collar backgrounds, and work part time or summers while attending school. Let there be no mistake—this benefit cut seriously imperils the possibility that these children, many already beset with tragic family situations, will have an opportunity to better themselves by furthering their education.

The President claims that these students will be adequately compensated for this loss of income security by other student aid programs. However, the administration conveniently fails to explain that other student assistance programs have suffered tremendous cuts and are targeted for further reductions. The hard truth is that other programs cannot substitute for the critically depleted resources that result from this unfair cut. For the

sake of these children, our greatest hope for the future, I urge that Congress take prompt action on this bill to restore this needed benefit.

Third, I am introducing legislation to restore the lump-sum death benefit in all cases. Under reconciliation, this $255 benefit has been restricted to death cases where there is a surviving spouse or dependent child. In other words, this benefit will no longer be payable to other family members, such as a sister, aunt, grandparent, or independent child, who assume responsibility for burial expenses. Estimates indicate that this benefit will now be denied in over 785,000 cases each year.

This small, but important benefit, has been an integral part of the social security program since its inception in 1935. It helps ease the burden of the high costs of funerals and contributes to the peace of mind of workers who view this sum as critical to financing a dignified burial. And sadly, for many workers, the death benefit is the only return paid on their lifetime contribution to the social security system. This cut is a shameful way to penalize workers and their families.

The final bill that I am introducing would restore benefits paid either to a mother or father caring for an entitled child up to age 18. The reconciliation act provides for this benefit only through the child's 16th birthday. This cut is but another example on the unjustified whittling away of social security's protection for families of disabled, retired, or deceased workers raising dependent children. Most children, age 16 to 18, are completing their high school education and depend on their parents to support them. According to the Social Security Administration, by 1984 over 200,000 parents caring for youngsters in this age bracket will lose this critical assistance. Once again, I call on my colleagues to support my effort to reinstate this benefit.

Across this country, senior citizens and workers and their families have expressed outrage that the Congress and President have ignored the social security compact and robbed thousands of families of the benefits they have earned. Poll after poll indicates that the American people are close to unanimity in their belief that social security benefits must be protected at all costs. By drastically cutting benefits against public will, the administration and its supporters in Congress have taken a big risk. Their actions jeopardize public trust not only in the social security system, but in Government itself. And just as regrettably, their actions gamble with the hopes and livelihood of millions of Americans.

Mr. Speaker, I urge my colleagues to join with me to right the wrongs of the Reagan administration and restore these social security benefits to the people who earned them and who are entitled to them.

H.R. 5578

A bill to amend title II of the Social Security Act to restore from age 16 (as recently enacted) to age 18 the age of a child at which certain benefits under such title are terminated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(s)(1) of the Social Security Act (as amended by section 2205 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "the age of 16" and inserting in lieu thereof "the age of 18".

(b) The heading of section 202(s) of such Act is amended by striking out "Over Specified Age" and inserting in lieu thereof "Aged 18 or Over".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to benefits for months after the month in which this Act is enacted.

H.R. 5576

A bill to amend title II of the Social Security Act to eliminate the recently enacted limitations on lump sum death benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(i) of the Social Security Act (as amended by section 2202 of the Omnibus Budget Reconciliation Act of 1981) is amended—

(1) in the second sentence, by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) if all or part of the burial expenses of such insured individual which are incurred by or through a funeral home or funeral homes remains unpaid, to such funeral home or funeral homes to the extent of such unpaid expenses, but only if (A) any person who assumed the responsibility for the payment of all or any part of such burial expenses files an application, prior to the expiration of two years after the date of death of such insured individual, requesting that such payment be made to such funeral home or funeral homes, or (B) at least 90 days have elasped after the date of death of such insured individual and prior to the expiration of such 90 days no person has assumed responsibility for the payment of any such burial expenses;

"(2) if all of the burial expenses of such insured individual which were incurred by or through a funeral home or funeral homes have been paid (including payments made under clause (1)), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such burial expenses;

"(3) if the body of such insured individual is not available for burial but expenses were incurred with respect to such individual in connection with a memorial service, a memorial marker, a site for the marker, or any other item of a kind for which expenses are customarily incurred in connection with a death and such expenses have been paid, to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid such expenses; or

"(4) if any part of the amount payable under this subsection remains after payments have been made pursuant to clauses (1), (2), and (3), to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid other expenses in connection with the burial of such insured individual, in the following order of priority: (A) expenses of opening and closing the grave of such insured individual, (B) expenses of providing the burial plot of such insured individual, and (C) any remaining expenses in connection with the burial of such insured individual.";

and

(2) in the third sentence, by inserting after "No payment" the following: "(except a payment as authorized pursuant to clause (1)(A) of the preceding sentence)".

(b) Section 216 of such Act is amended—

(1) in subsection (c), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))"; and

(2) in subsection (g), by striking out "(except when used in the first sentence of section 202(i))" and inserting in lieu thereof "(except when used in section 202(i))".

SEC. 2. The amendments made by this Act shall apply with respect to deaths occurring after the month in which this Act is enacted.

H.R. 5577

A bill to amend title II of the Social Security Act to extend to future beneficiaries the restoration of minimum benefits recently enacted for existing beneficiaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 215(a) of the Social Security Act (as amended by section 2201 of the Omnibus Budget Reconciliation Act of 1981 and section 2 of the Act entitled "An Act to amend the Omnibus Reconciliation Act of 1981 to restore minimum benefits under the Social Security Act", approved December 29, 1981) is amended—

(A) in paragraph (1)(C), by striking out clause (i) and inserting in lieu thereof the following:

"(C)(i) No primary insurance amount computed under subparagraph (A) may be less than—

"(I) the dollar amount set forth on the first line of column IV in the table of benefits contained in (or deemed to be contained in) this subsection as in effect in December 1978, rounded (if not a multiple of $1) to the next higher multiple of $1, or

"(II) an amount equal to $11.50 multiplied by the individual's years of coverage in excess of 10, or the increased amount determined for purposes of this subdivision under subsection (i),

whichever is greater. No increase under subsection (i), except as provided in subsection (i)(2)(A), shall apply to the dollar amount specified in subdivision (I) of this clause.";

(B) in paragraph (1)(C)(ii), by striking out "clause (i)" and inserting in lieu thereof "clause (i)(II)";

(C) in paragraph (3)(A), by striking out "subparagraph (C)(i)" and inserting in lieu thereof "subparagraph (C)(i)(II)";

(D) in paragraph (4), in the matter preceding subparagraph (A), by striking out "subparagraph (C)(i)" and inserting in lieu thereof "subparagraph (C)(i)(II)";

(E) in paragraph (4), in the matter following subparagraph (B)(ii), by striking out ", as modified by paragraph (6)," and by inserting after "subsection (i)(2)(A)" the following: "but without regard to clauses (iv) and (v) thereof"; and

(F) by striking out paragraph (6).

(2) Section 215(f) of such Act (as so amended) is amended—

(A) in the last sentence of paragraph (7), by striking out ", and (effective January 1982) the recomputation shall be modified by the application of subsection (a)(6) where applicable"; and

(B) in paragraph (8), by striking out "subsection (a)(1)(C)(i)" and inserting in lieu thereof "subsection (a)(1)(C)(i)(II)".

(3) Section 215(i) of such Act (as so amended) is amended—

(A) in paragraph (2)(A)(ii)(II), by inserting after "title" the following: "(including a primary insurance amount determined under subsection (a)(1)(C)(i)(I), but subject to the provisions of such subsection (a)(1)(C)(i) and clauses (iv) and (v) of this subparagraph)";

(B) in paragraph (2)(A)(ii), in the matter following subclause (III), by striking out "subparagraph (C)(i)" and inserting in lieu thereof "subparagraph (C)(i)(II)";

(C) in paragraph (2)(A)(iii), by striking out "in the case of an individual to whom that subsection (as in effect in December 1981) applied" and "(as then in effect)";

(D) by inserting after paragraph (2)(A)(iii) the following:

"(iv)(I) In the case of an individual who is entitled to an old-age insurance benefit that is based on a primary insurance amount determined under subsection (a)(1)(C)(i)(I), such primary insurance amount shall not be increased under this subsection for any year before the year in which occurs the first month with respect to which there is payable to such individual all or some part of such benefit after application of the provisions of section 203 relating to deductions on account of work, or, if earlier, the year in which he attains age 65.

"(II) In the case of an individual who is entitled to an insurance benefit under subsection (e) or (f) of section 202 that is based on a primary insurance amount determined under subsection (a)(1)(C)(i)(I), such primary insurance amount shall not be increased under this subsection for any year (except as provided in subdivision (III)) before the year in which occurs the first month with respect to which there is payable to such individual all or some part of such benefit after application of the provisions of section 203 relating to deductions on account of work, or, if earlier, the year in which he attains age 65.

"(III) Any increase under this subsection which would otherwise be applied to a primary insurance amount except for the provisions of subdivision (ii) of this clause, shall apply to such primary insurance amount if, during any month of the year in which the increase occurs, any individual is entitled to a benefit under subsection (d), (g), or (h) of section 202 based on such primary insurance amount, and such primary insurance amount is based upon the wages and self-employment income of a deceased individual.

"(IV) No primary insurance amount determined under subsection (a)(1)(C)(i)(I) shall be increased under this subsection for any year during which no individual was entitled to any benefit based thereon under section 202 or 223 for any month of such year.

"(V) In any case in which an increase under this subsection which occurs during any year applies to a primary insurance amount determined under subsection (a)(1)(C)(i)(I), and such an increase occurring in a later year does not apply to such primary insurance amount on account of the provisions of this clause, any such increase which occurs in a later year which is applicable to such primary insurance amount shall be based upon such primary insurance amount as previously increased under this subsection.

"(v) Notwithstanding clause (iv), no primary insurance amount shall be less than that provided under section 215(a)(1) without regard to subparagraph (C)(i)(I) thereof, as subsequently increased by applicable increases under this section.";

and

(E) in paragraph (2)(D), by striking out "subparagraph (C)(i)" each place it appears and inserting in lieu thereof "subparagraph (C)(i)(II)".

(2) Paragraphs (1) and (5) of section 202(w) of such Act (as so amended) are each amended by striking out "section 215(a)(1)(C)(i)" and inserting in lieu thereof "section 215(a)(1)(C)(i)(II)".

(b) Section 202(i) of such Act (as so amended) is amended, in the first sentence, by striking out "(as determined without regard to the amendments made by section 2201 of the Omnibus Budget Reconciliation Act of 1981, relating to the repeal of the minimum benefit provisions)".

(c) Section 202 of such Act (as so amended) is further amended by inserting after subsection (l) the following:

"MINIMUM SURVIVOR'S BENEFIT

"(m)(1) In any case in which an individual is entitled to a monthly benefit under this section on the basis of a primary insurance amount computed under section 215 (a) or (d), as in effect after December 1978, on the basis of the wages and self-employment income of a deceased individual for any month and no other person is (without the application of subsection (j)(1)) entitled to a monthly benefit under this section for that month on the basis of such wages and self-employment income, the individual's benefit amount for that month, prior to reduction under subsection (k)(3), shall not be less than that provided by subparagraph (C)(i)(I) of section 215(a)(1) and increased under section 215(i) for months after May of the year in which the insured individual died as though such benefit were a primary insurance amount.

"(2) In the case of any such individual who is entitled to a monthly benefit under subsection (e) or (f), such individual's benefit amount, after reduction under subsection (q)(1), shall be not less than—

"(A) $84.50, if his first month of entitlement to such benefit is the month in which such individual attained age 62 or a subsequent month, or

"(B) $84.50 reduced under subsection (q)(1) as if retirement age as specified in subsection (q)(6)(A)(ii) were age 62 instead of the age specified in subsection (q)(9), if his first month of entitlement to such benefit is before the month in which he attained age 62.

"(3) In the case of any individual whose benefit amount was computed (or recomputed) under the provisions of paragraph (2) and such individual was entitled to benefits under subsection (e) or (f) for a month prior to any month after 1972 for which a general benefit increase under this title (as defined in section 215(i)(3)) or a benefit increase under section 215(i) becomes effective, the benefit amount of such individual as computed under paragraph (2) without regard to the reduction specified in subparagraph (B) thereof shall be increased by the percentage increase applicable for such benefit increase, prior to the application of subsection (q)(1) pursuant to paragraph (2)(B) and subsection (q)(4).".

(d) Section 233(c)(2) of such Act (as so amended) is amended to read as follows:

"(2) Any such agreement may provide that—

"(A) an individual who is entitled to cash benefits under this title shall, notwithstanding the provisions of section 202(t), receive such benefits while he resides in a foreign country which is a party to such agreement; and

"(B) the benefit paid by the United States to an individual who legally resides in the United States shall, if less when added to the benefit paid by such foreign country than the benefit amount which would be payable to an entitled individual based on the first figure in (or deemed to be in) column IV of the table in section 215(a) in the case of an individual becoming eligible for such benefit before January 1, 1979, or based on a primary insurance amount determined under section 215(a)(1)(C)(i)(I) in the case of an individual becoming eligible for such benefit on or after that date, be increased so that the total of the two benefits is equal to the benefit amount which would be so payable.".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to benefits for months after December 1981.

H.R. 5575

A bill to repeal the recently enacted elimination of child's insurance benefits under title II of the Social Security Act for post-secondary school students.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2210 of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 841; Public Law 97-35) (relating to elimination of child's insurance benefits under title II of the Social Security Act in the case of children aged 18 through 22 who attend postsecondary schools), and the amendments made by such section, are repealed.●

HOUSE OF REPRESENTATIVES—*February 24, 1982*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, to be aware of the people about us—their needs, their expectations, and their hopes. Help us to be sensitive to the feelings of those with whom we serve that we may be the ministers of reconciliation and peace. May not our involvement in necessary activities and procedures cause us to miss the truly human concerns, but touch people in the depths of their hearts. In our lives enable us to see Him so we can be healers of division and promoters of the common good and so fulfill Your word of love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRESIDENT'S OAS PLAN LAUDED BY MAJORITY LEADER

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today President Reagan presented to the Organization of American States a bold and forward-looking plan for mutual development of the resources of the Caribbean basin, so vitally important to our own Nation and to the future.

Today I want to commend President Reagan on his vision and his understanding of the fundamental longstanding problems of poverty and landlessness which exist throughout much of Latin America and which, when they grow to the point of despair, provide fertile breeding grounds for dictatorships of both the right and the left.

President Reagan is to be saluted for this initiative. By a three-pronged offensive consisting of trade, investment, and economic and technological assistance, he has lighted again the torch of hope for a better understanding, better relations, and a better future for our neighbors in Central America and the Caribbean. We shall cooperate with every country in the region which desires to solve the legitimate economic problems of its people within the framework of political democracy.

Mr. Speaker, I for one enthusiastically and wholeheartedly endorse our President's forward-looking initiative.

STUDENTS DUE IN WASHINGTON TO PROTEST CUTS IN STUDENT AID

(Mr. PEYSER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the President has stated that he is unwilling to cut $1 from the most overloaded military defense budget ever, and he is unwilling to cut money that we are giving back to the oil companies in the windfall profit tax and also unwilling to close the tax loopholes that we have just given corporations during this last year. Yet at the same time he is willing and his administration is willing to cut the education budget, to cut student aid programs by nearly 50 percent.

Mr. Speaker, this Monday over 3,000 students are coming from around the country to let us in the Congress know what this means to them, this disaster that they are facing. Let us listen to the voices of these students because they are the future of this country.

EASING THE FEDERAL DEFICIT

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOTTL. Mr. Speaker, most of us in the House of Representatives are extremely disappointed in the huge Federal deficits staring us in the face.

I would like to suggest two easy ways of raising additional revenue to help alleviate this problem.

First of all, I would suggest to my colleagues in the House of Representatives that they cosponsor my bill H.R. 5131, which would repeal the much abused leaseback and credit deductions which have allowed wealthy corporations to avoid taxation. This would save us approximately $27 to $29 billion over the next 5 years.

The other resolution which I have sponsored and ask you to cosponsor is H.R. 4587, which would repeal the undeserved oil tax deductions granted last year to the very prosperous and healthy oil industry. This, again, would help raise billions of dollars annually for our Treasury.

These bills should be the first order of business for the 2d session of the 97th Congress in an effort to help balance our budget and restore confidence of the American people in our Federal taxation system. Let us not balance the budget on the backs of our elderly, the veterans, and the poor. Let us have the corporations pay their fair share.

TITLE V CUTS

(Mr. SYNAR asked and was given permission to address the House for 1 minute.)

Mr. SYNAR. Mr. Speaker, we have heard a lot of rhetoric from this administration about its concern for the poor, its concern for the elderly, and its willingness to encourage those willing to work. So, considering this rhetoric, what do you think President Reagan's budget holds for a person who is: First, old; second, poor; and third, willing to work? Does it offer a safety net? Does it lend a helping hand? No, it holds a cut.

President Reagan's budget would eliminate the senior citizens' employment program authorized by title V of the Older Americans Act. This proposal flies in the face of the 3-year reauthorization of the Older Americans Act approved overwhelmingly by Congress last year.

The average age of a title V worker in Oklahoma is 68. All are over age 55, and priority is given those over 65. The average income is $3,500 per year. And, these people work hard. They earn minimum wages for working for weatherization crews and schools, working as rural fire dispatchers and emergency crisis trainees, and working at senior citizen centers and nutrition sites.

Mr. Speaker, the greatest value of title V is that it offers a future to these workers. This is the toughest segment of our population to place in new jobs, and title V has been successful.

I have been here before questioning this administration's intentions as its rhetoric and actions collide. I ask the President, why older, low-income workers cannot keep working?

THE BUDGET AND THE ART OF COMPROMISE

(Mr. MAVROULES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAVROULES. Mr. Speaker, high interest rates and Federal budgets deep in the red are the major con-

cerns of all of us, on both sides of the aisle.

They threaten to wreck our economy, crush the American dream of homeownership and free enterprise, and tear to shreds any semblance of a social safety net protecting America's disadvantaged.

The President's budget proposal, with deficits approaching $100 billion over each of the next few years, is hardly the proper response to our economic dilemmas.

Indeed, it would aggravate the problem.

That, again, is just not my opinion, Mr. Speaker. It is the opinion of both sides of the aisle. Today, in fact, we read of PETE DOMENICI's comments that the President's budget will not pass in its present form.

We read that congressional Republicans in general have little regard for the President's budget proposal.

Worst of all, despite bipartisan efforts here on the Hill to draft viable budget alternatives, we hear that the President has shown no inclination to compromise. Senator DOMENICI says, no flexibility at all.

Mr. Speaker, the administration has stated, we are all in this together: The White House, the Congress, and most importantly, the American people.

The sooner the administration shows a willingness to sit down with us and draft a realistic and fair budget, the better for the country.

ELDERLY AMERICANS HARDEST HIT BY CUTS IN SERVICES

(Mr. FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, the massive budget reductions of the past year, coupled with the disastrous effects of the administration's tight monetary policy have already brought considerable hardship to a great many Americans and among the hardest hit have been the elderly.

Elderly Americans are principally concerned about the high cost of health care. They seek relief from these high expenses, and understandably so. Last year the medicare deductible was $204—a major burden for many elderly Americans on fixed incomes. Now, as a result of changes enacted last year, it is up to $260 for the first 60 days and individuals are subject to a coinsurance rate of $65 per day for the 61st through 90th day—up from $51.

And President Reagan has asked for further cuts in the medicare and medicaid programs for fiscal year 1983. If enacted, these changes would mean additional out-of-pocket expenses for hospitalization, doctor's visits, and nursing home care. Moreover, the high costs would limit access to quality health care for the Nation's elderly.

Income security is an issue of equal, if not qreater, importance. Yet, in the past year, we have witnessed numerous threats to retirement pensions, ranging from the interruption in benefits for recipients of the social security minimum benefit to the limit of cost-of-living adjustments for civil service retirees to once a year. Additional assaults on these programs for fiscal year 1983 are already underway, as is evident by the administration's proposal to merge the railroad pension program with social security.

Finally, Mr. Speaker, older Americans are concerned about a broad range of social services, including housing assistance and nutrition services. Already, there have been major reductions in subsidized housing and various meals programs and, again, further cuts have been offered. There is no doubt that these programs serve a large number of our elderly and that they are simply not in a position to accept further cuts in services. And as their representatives in Congress, we cannot allow this to happen.

In short, the current recession makes it even more important that we not ignore the health, economic, and social needs of our elderly population.

THE FAIR TRADE WITH JAPAN ACT

(Mr. RICHMOND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHMOND. Mr. Speaker, today I am introducing legislation designed to open the Japanese market to American manufactured goods and processed agricultural products.

Under my bill, if the President finds that the Japanese are discriminating against American products and harming our economy through their widespread practice of erecting nontariff barriers to foreign goods, he may limit the total value of the goods they ship to us to an amount equal to the value of the manufactured goods and processed agricultural commodities they import from us plus one-half the value of the raw materials they import from us, until they mend their ways.

While the Presidential limitation on Japanese imports is in effect, the only way the Japanese could expand their exports to us beyond the limit is by increasing their purchases of manufactured goods or processed agricultural goods, by investing more here in new plant and equipment, or by shipping us products that have a 35-percent local U.S. content.

Any time the President feels that the Japanese have done away with their barriers to trade and are treating American products fairly, he can end the limitation on Japanese imports.

This is not a protectionist bill. And it is not reciprocity legislation. It is a free trade bill designed to induce the Japanese to open their markets to our manufactured products and become free-traders just as we are.

This legislation is designed to achieve the results that the Australians and Canadians have been able to achieve in their trade relations with Japan. While we have let ourselves become a virtual colony of the Japanese economy, shipping them raw materials and taking back whatever job-creating manufactured luxury goods they want to ship here, the Australians and Canadians have limited the ability of the Japanese to use their economies as a dumping grounds and have a persistent balance-of-trade surplus with Japan while we have a persistent deficit.

By forcing the Japanese to open their markets fully and freely to our exports whenever we can produce something better or cheaper than the Japanese can and by limiting their exports to us if they fail to treat us fairly, we will erase one of the most unfair vestiges of protectionism in today's international economy.

For more than three decades, the Japanese have walled out foreign competitors by erecting a vast complex of trade barriers designed to keep Japanese markets for Japanese producers. During the 1950's and 1960's, the Japanese relied heavily on high tariffs. But as tariff barriers were brought down under the GATT, the Japanese deftly threw up obscure nontariff barriers that served just as effectively to exclude American producers from the Japanese market.

The creativeness of the Japanese is keeping out foreign competition is astonishing. Here are some recent examples.

While Japanese auto importers can simply certify that their cars meet U.S. safety and pollution requirements, each and every American car imported into Japan must be individually inspected and tested. This adds hundreds of dollars to the price.

When an American consumer product shows signs of penetrating a particular Japanese market, the government often simply develops standards that conflict with the characteristics of the American product. Further, the standards are often set during secret consultations with Japanese manufacturers, giving them a head start on foreign producers.

Foreign producers of food can export to the United States if they avoid a well-publicized list of unsafe additives. Food products bound for Japan, however, can contain only approved additives. If a product contains an unlisted one, the additive must be approved before the product can enter. The process can be long and arduous. Make a mistake and your entire shipment will end up spoiling on the

dock at the mercy of the Japanese bureaucracy.

For many agricultural products, the Japanese maintain a very restrictive quota system designed to protect Japanese farmers. The American farm sector is the most productive in the world and could supply food to Japan at a small fraction of the cost to Japanese farmers. But Japan is highly selective in what it imports from the United States, keeping out many products that would compete with powerful farm interests.

American beef is kept out, even though Japanese housewives pay more than four times the U.S. price for Japanese beef.

The quota for American citrus is miniscule, even though Japanese oranges ripen at a time when American oranges are not readily available.

We could supply rice at $400 per ton compared to Japan's cost of almost $1,300 per ton, but American rice is banned.

Why this insanity, because the Japanese Diet has not been redistricted since 1949 and rural interests continue to dominate the Diet despite the massive shift in the population to urban centers.

The result of these discriminatory practices can be seen in the Japanese trade statistics. Ninety-six percent of all Japanese exports are manufactured goods. These are primarily luxury goods—televisions, cars, tape recorders, video games—which we could easily survive without. In addition, they are labor intensive and create a lot of jobs in Japan.

By contrast, only 21 percent of Japan's imports are manufactured goods. The remaining 79 percent are the raw materials and food that Japan critically needs to keep its industry going and even, more important, to survive. The goods we ship create few jobs here, since they are generally exported in their rawest form for further processing in Japan.

In our relationship with Japan, then, America is little more than an economic colony. We export raw materials and necessary food, with little labor content, and in exchange we get back highly processed luxury goods that create jobs in Japan that could just as easily be filled here.

This hurts American workers, as we are all aware. It also hurts Japanese consumers. If consumer interests were adequately represented in Japan and quotas on American farm goods lifted, the cost of living in Japan could be slashed dramatically. If markets in Japan for manufactured goods were truely open, as they are here, Japanese consumers would be able to make decisions that are now dictated by government officials.

Finally, it is important to understand that Japan's protection of its own markets facilitates the penetration of our markets by Japanese manufacturers.

Clearly, we must bear a good part of the blame for our surrender to Japanese producers. The many ways in which Japanese firms have simply bettered our own has been well documented in hearings which I recently conducted before the Joint Economic Committee.

Where American firms concentrate on quarterly profit reports, Japanese firms make investment decisions with both eyes focused squarely on long-term growth and prosperity.

Where American firms emphasize style and advertising, Japanese firms emphasize quality and design.

Where American firms periodically lay off workers during downturns in business, Japanese firms develop intense worker loyalties by providing secure lifetime employment.

But these business advantages are unduly enhanced by the fact that Japanese firms are nurtured within protected domestic markets.

If an American company develops a new product or process, it is open to challenges in the market from both domestic and foreign competitors. Japanese firms do not have to fear this kind of devastating competition when they are gearing up. Instead, they are given the time and governmental support needed to develop into a world class competitor before meeting world class competition.

When the government targets an industry for assistance, this can be particularly devastating. Right now, for example, we know that Japan is building a computer industry and an airframe industry that will, when ready, move to challenge IBM and Boeing just as they have already challenged GM and Ford.

On Tuesday, January 26, the Japanese Government announced that 67 nontariff barriers would immediately be eased or ended, from a list of 99 barriers that had been the subject of complaints by U.S. and other exporters. Since the Japanese feel they are being unfairly blamed for problems we generated ourselves, it is likely that the changes will only be token retreats from the Japanese policy of protecting their markets against foreign competitors.

Let us not waste our breath any longer pleading with the Japanese to be kind to us. The Japanese need us much more than we need them. We import luxury goods and we ship them necessities.

Today I am introducing legislation to cure the Japanese arrogance which takes advantage of this important fact.

Under my bill, if the President finds that the Japanese have unfairly restricted U.S. imports through tariff or nontariff barriers, the value of Japanese exports permitted into the United States would immediately be limited to the value of their manufactured imports from us, plus one-half the value of their raw material imports.

The Japanese would be able to expand their exports to us above their imports from us only by increasing the proportion of their imports taken in the form of processed and manufactured goods, or by completely opening their markets to U.S. goods. By taking boxed beef instead of grain, by taking leather instead of hides, by taking building material instead of logs, the Japanese would earn the right to send us more of their color TV's, small cars, consumer electronics, and other luxury goods while still treating the American worker and the American economy equitably.

This may be a tough measure, but the Japanese have shown that they will listen to nothing less.

The text of my bill follows:

H.R. —

A bill to provide for fair trade between the United States and Japan

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Fair Trade With Japan Act."

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds and declares that—

(1) The Government and people of the United States have high regard and warm feelings for the Government and the people of Japan, as well as the greatest respect for Japan's economic achievements, and will continue to pursue the most amicable relations between the two countries;

(2) Because the Japanese economy is as productive and technologically advanced as the economy of the United States, Japan no longer needs to protect its domestic industries from foreign competition through the use of nontariff trade barriers which limit imports and thereby give Japanese firms an unfair advantage in its internal markets, and no longer needs to give Japanese firms a special advantage in international trade through numerous subsidies and other forms of assistance to the detriment of the international competitiveness of foreign firms;

(3) The Japanese Goverment also strives to maintain a pattern of trade under which the United States exports raw materials, food, and other necessary commodities with little labor content to Japan, while Japan seeks to export luxury consumer goods to the United States with a high labor content which are competitive with domestic manufacturers; and

(4) The policies and practices of Japan described in paragraphs (2) and (3) reduce investment and employment opportunities in the United States and damage the Nation's economy.

PRESIDENTIAL DETERMINATION AND ACTION

SEC. 3. (a) Whenever the President determines that—

(1) One or more Japanese barriers to (or other distortions of) international trade unduly burden or restrict the foreign trade of the United States or adversely affect the United States economy, or that the imposi-

tion of such barriers is likely to result in such a burden, restriction, or effect; or

(2) The programs or activities of the Government of Japan in support of its domestic industries and businesses provide them with an unfair competitive advantage in the Japanese market or harm the ability of United States firms to compete in that market;

Then the President shall limit the aggregate value of the articles of Japan that may be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States during the period of 12 consecutive months after the month in which such a determination is made to an amount not exceeding the aggregate value, during such 12-month period, of the manufactured articles and processed agricultural products of the United States that are exported to Japan, plus one-half the value of the articles (other than manufactured articles and processed agricultural products) of the United States that are exported during such period to Japan, except that—

(A) Such limitation on value may be increased by the President by an amount not to exceed twice the value of investments made during such period in the United States by businesses and individuals domiciled in Japan; and

(B) Any article manufactured in Japan of which at least 35 percent of the value is accounted for by products of the United States shall not be subject to such limitation.

(b) A limitation imposed under subsection (a) with respect to articles of Japan may be rescinded by the President at any time he determines that the Government of Japan has taken such remedial action as may be necessary or appropriate with respect to those policies and practices which were the basis for the imposition of such limitation.

MORE WASTE AND ABUSE FOUND IN PENTAGON BUDGET

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, yesterday I went to the entrance to the Pentagon to release a document entitled "Building a Strong America: A Progressive Defense Policy." This alternative defense budget reduces spending authority by $30 billion and actual dollar outlays by over $13 billion from President Reagan's 1983 budget request. And it makes these savings without harming our military posture.

I approached the defense budget with the idea of eliminating unnecessary expenditures which drain from our defense needs. But, in the case of the number of enlisted personnel and the budget for spare parts—two readiness issues—I went higher than Reagan.

The point is that two staff aides, one adding machine, and I found the $30 billion in waste and abuse David Stockman said was in the Pentagon. The sad thing is that DOD, OMB, and all the computers in Government could not find the same fat. When the President announces a huge increase in the level of defense spending before anyone figures out what our defense needs are, it is no wonder that no one in the Pentagon finds anything to cut.

My plan recognizes that a strong defense comes from a strong economy and healthy industrial base. Reagan's does not. My budget is based on the reality that we can no longer police the world alone. Reagan's is not. I seek to cut $20 billion from buying weapons that are complicated, fragile, duplicative, or just too expensive. Reagan does not. I believe that better civilian and military management is the key to true defense savings. Reagan's budget will not.

My alternative defense budget was drafted at the request of Representative DICK OTTINGER, chairman of the Economic Recovery Task Force.

I am inserting in the RECORD today the executive summary and budgetary summary of my plan. Further information is available from my office.

UNHEALTHY CUTS

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYDEN. Mr. Speaker, today I am introducing for myself and Mr. GEPHARDT a resolution calling for an end to the cruelty of cutting basic health care benefits for seniors without addressing the real reason for skyrocketing health care costs.

Before I came to Congress I spent 7 years working with senior citizens. I witnessed tragedy after tragedy as elderly individuals scraped to make ends meet. I saw many seniors devastated when confronted by chronic or acute illness.

I wish I could say that the resolution to these individuals' problems is now in sight. Regrettably, it is not. Health care costs can only be expected to cut deeper and deeper into elderly persons' expenses as people live longer and health care costs continue to rise.

To resolve this problem we must address the root cause of escalating health care costs—our current inefficient and costly method of reimbursing health care providers.

Unfortunately, the administration's proposed budget does not address this problem. Instead, it merely shifts the burden of health care costs onto senior citizens and providers—once more putting onerous, short-term budget cuts ahead of real reform.

The resolution Mr. GEPHARDT and I are introducing opposed any further reductions in medicare benefits that adversely affect the health of senior citizens. It calls instead, for Congress to take steps to change the health care reimbursement system—the real culprit in fueling excessive health care costs.

Following is the full text of the resolution. I urge my colleagues to join Mr. GEPHARDT and me in this effort.

H. RES. —

Resolution expressing the sense of the House of Representatives with respect to opposing any further reductions in medicare benefits and favoring developing a health care reimbursement system that promotes cost-effective quality health care

Whereas the rising cost of health care for Americans is in part a result of the inappropriate way in which reimbusement is made for these services;

Whereas the goal of the medicare program (under title XVIII of the Social Security Act) is to insure quality health care for senior citizens;

Whereas the medicare beneficiaries are caught in the middle between an inefficient system and a "cost-cutting" administration; and

Whereas it is not in the best long-term interest of all Americans to reduce needed benefits for medicare beneficiaries: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) absolutely no further reductions in the medicare program that adversely affect the health of senior citizens will be tolerated, and

(2) Congress must move forward to develop a reimbursement system that promotes cost efficient quality health care.

□ 1515

COMMUNICATION BETWEEN UNITED STATES AND SOVIET UNION

(Mr. SIMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIMON. Mr. Speaker, never in the history of all humanity has it been more important that two nations get along, that the Soviet Union and the United States get along so that we do not blow up this world.

When I was over in the Soviet Union about 8 months ago I publicly criticized the Soviet leaders for not letting the American Ambassador make the regular Fourth of July speech to the people of the Soviet Union, because we have to talk to one another if we are not to shoot each other.

I have just learned that the State Department has denied a visa extension to Dr. Arbatov, who was going to come to the Brookings Institution for a meeting with some American leaders and some Brookings staff people. That is absolutely shortsighted and lacking in vision.

I hope we learn that we can communicate more and more. I hope that the State Department, instead of responding to the national passion, responds to the national interests.

I trust that more of my colleagues will let their voice be known to the State Department on this.

THE BUDGET

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, the attention of the Nation is focused on the debate over the budget presented by the President. There is no question that concerns have been raised by both Republicans and Democrats as to its various elements—the deficits, the question of fairness, the consideration of defense and revenue measures.

The choice this year, I think, is a simple one. It is between whether we play political "blamesmanship" and allow the economy to deteriorate or whether we make some very tough decisions and hopefully allow the economy to survive.

In that light I want to commend Senator DOMENICI for his statement in rejecting the Reagan budget and offering to work out a bipartisan compromise. While we may agree or disagree as to its specifics, the fact is that Senator DOMENICI has had the courage to take that stand and I think it is an important beginning in asserting the leadership that I believe Congress will have to provide this year with regard to the budget and in developing a fair and balanced budget proposal that recognizes the needs of our society but, perhaps more importantly, the reality of our times.

OLDER WORKERS PUBLIC JOBS PROGRAM

(Ms. FERRARO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FERRARO. Mr. Speaker, on Monday, February 22, I held a field hearing for the House Select Committee on Aging, Subcommittee on Retirement Income and Employment, at the Astoria Community Senior Citizens Center in my district. The topic of the hearing was the older workers public jobs program. It is better known as title V.

One of our witnesses was Victoria Acosta, who is 59 years old. Prior to 1972, Ms. Acosta had worked as a barmaid in New York City for 15 years. In 1972 she became ill and she had to have 3 years of sporadic hospitalization. By the end of the 3 years her savings were depleted. She attempted to get employment but she was too old to get a job as a barmaid. She lacked sufficient skills for any other employment. She applied for and got welfare, medicaid, and food stamps, a situation she found extremely degrading.

Ms. Acosta saw an ad concerning the title V program. She enrolled and was trained and worked as a receptionist in a local senior citizens center. Recently she was transitioned into the private sector. In her testimony Ms. Acosta said:

> I wouldn't have gotten this job but for my experience and training in title V.

Ms. Acosta no longer receives welfare, medicaid, nor food stamps, but is a contributing taxpayer.

Her testimony was only one part of the whole picture. The program provides invaluable services to the homebound seniors in my district. To gut the title V program by reducing its funding and folding it into a block grant is another indication of the fiscal shortsightedness and the callousness of this administration.

COMPLEMENTARY TRADE PRESERVATION ACT OF 1982

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today I am introducing the Complementary Trade Preservation Act of 1982. It is intended to demonstrate two things: First, that the United States is committed to the principles of free trade, in the context of fair trade.

Second, that the people of the United States will no longer permit the Japanese Government, its instrumentalities, and its persons to discriminate against U.S. commerce without paying a price.

The act will raise tariff duties on major categories of Japanese exports to the United States, accounting for over half of the dollar value of those exports.

For example, the tariff on automobiles will rise to 25 percent ad valorem; the rate on clad steel sheets or plates will rise to 30 percent; and, the rate on agricultural products such as soy sauce and miscellaneous citrus fruits will rise to 35 percent.

This will be accomplished by shifting the applicable tariff rate from so-called column 1 rates to column 2 rates.

Column 1 rates normally apply to our friendly trading partners who have earned the coveted most-favored-nation status. Column 2 rates normally apply to certain other countries.

Mr. Speaker, it is time to send Japan a message. We want fair trade. We want complementary trade. If they shut off their markets to us, we can and will do the same.

I invite the cosponsorship of my colleagues.

LEGISLATION INTRODUCED ESTABLISHING VA BENEFITS TO WIDOWS AND STUDENTS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, today I am introducing legislation designed to insure that our Government keeps its promise to the families of those veterans who died in the service of their country.

Very simply, the bill establishes VA benefits to offset the loss of widow's benefits and social security student benefits which have been repealed or phased out.

There is no greater sacrifice, Mr. Speaker, that a citizen may make than to give his life in the service of his country. For those whose service to the country resulted in the ultimate sacrifice, the country, in return, should make every effort to insure that their children receive an education.

Now, I realize that Government benefits are not carved in stone. However, it is unconscionable to change benefits after an individual has given his life. At a minimum, we should keep the promises we made. For those who gave the ultimate, can we not do at least the minimum?

PRESIDENT REAGAN'S CARIBBEAN BASIN POLICY

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, in announcing the Caribbean basin policy, I believe that President Reagan has today offered a historic commitment to economic development for the poorer nations in the Western Hemisphere. The President's new policy is really the first major initiative in the region since John F. Kennedy's Alliance for Progress. Once again, the United States has undertaken a leadership role in promoting improved trade, aid, and investment for the developing countries of the Caribbean Basin. This positive approach to regional want and instability will no doubt serve as a rallying point for which other more affluent nations can focus their own aid efforts.

What make the President's initiative so important is that the policy is designed to assist nations on our own front door. These are not far-off lands with unknown and exotic customs. They are fellow American States, they are our good neighbors. Just as economic recession has had an impact on the United States, so it has had an even more devastating effect on the much smaller economies of our friends. They are calling for our help,

we cannot turn a deaf ear to their pleas.

I believe that most Americans will agree that the Caribbean nations are sorely in need of our help. Their economies have traditionally been dependent upon a few commodities. At a time of internationally depressed prices for these commodities, they need our assistance more than ever. A diversification of their industrial and agricultural base is essential to their economic growth. Our offer of trade, aid, and investment incentives will make a vital contribution toward fulfillment of their goals.

If the United States, along with other major economic powers in the region, fails to assist our smaller friends in efforts to stabilize their economies, then we will run the risk that other military powers in the region will successfully undermine our friends. Of course, the military powers I speak of are Cuba and Nicaragua. Not only has Cuba been successful in spreading communism to Nicaragua, but they have drawn Grenada into their web and presently are seeking to overturn the pro-West civilian government in El Salvador. Additionally, Cuban insurgents have been expelled in Colombia and Ecuador, and have struck in Costa Rica. I would note that all of these countries, including Honduras, are democracies. In each case they have fulfilled the mandate of the people. Nevertheless, Cuba is determined to sow the seeds of insurrection and install pro-Communist dictatorships. The problem is not small, and it is not merely a matter of rhetoric. We are faced with a legitimate and substantial challenge on our front door step. If we lose, history will record who sat on their hands while the people of the hemisphere fell under Cuban and Soviet repression. But history can also record who met the challenge head on. We have an opportunity before us to help these nations help themselves, at a time when economic assistance can have a great impact. Let us not lose this opportunity. The cost to the America's may be much higher in the future. As President Reagan said, "If we do not act promptly and decisively in defense of freedom, new Cubas will arise from the ruins of today's conflicts."

THE U.S. SHOULD STOP SUBSIDIZING JAPAN

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the recent announcement of the so-called Japanese Marshall plan has brought a mixed reaction in America. Many people quite understandably resent the idea that America would need a handout from Japan. Others—including many of our Nation's Governors—say the aid is welcome. Still others question Japan's motives for extending this massive loan.

I think there is a more fundamental question involved. I have wondered for years—along with many other people—why the United States is still subsidizing Japan. American subsidies to Japan—including military welfare, export-import credits, and the like—run into billions of dollars each year, and clearly the Japanese do not need the money. This latest proposal—the "Japanese Marshall plan"—puts the whole ludicrous situation in its proper perspective.

There is one simple solution to this complicated web of subsidy swaps: The United States should end all foreign subsidies immediately. American tax dollars should be used for American purposes, not to pay for Japan's national defense.

Now is the perfect time to call a halt to this costly practice. Instead of trying to "cure" American problems by getting a loan from Japan, let us just stop giving our money away in the first place.

America should tend to its own business and let Japan do the same.

THE GOOD SENSE OF AMERICAN PEOPLE

(Mr. MORRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORRISON. Mr. Speaker, I return from my district once again refreshed by the good sense of the American people. There may be a sense of panic in the Washington newspaper, but at home there is a confidence that the productive capacity of the American economy is basically strong and sound. The inflation which has been eating away at our people's savings is being brought under control. As a result of that and of the tax incentives enacted by this Congress, savings rates are rising rapidly. These savings will become available for loans for new homes and new cars, putting those industries back on their feet.

The real problem, as they know and we know, is high interest rates. Those rates have come down 4 percentage points since President Reagan took office, and they will fall further as lenders become convinced that inflation has been controlled. Yesterday's lowering of the prime rate is a good example. We must reduce the deficit to help bring rates down, but the American people are smart enough to know there are two ways to reduce the deficit. They want us to get on with the job of reducing spending, and they do not want us to raise their taxes. The next few months will tell whether this House has the courage to follow the people's sound advice.

CARIBBEAN BASIN INITIATIVE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, for years I have wondered why the United States under various administrations looked only to Europe, the Middle East, Southeast Asia, Africa, and other countries as our only major foreign policy areas and ignored our nearest neighbors. It has been a mistake, and the hour is late.

Today, thank goodness, the President has made a major address on the subject and outlined a Caribbean Basin Initiative. It is a positive approach to the whole region, with important emphasis on technical aid, economic assistance and trade concessions, as well as security assistance, which is a small part of the whole package. It is a cooperative effort which Ambassador Brock has described as "not made in America," for a change. Because of years of perceived mistreatment of countries in the area, an aura of mistrust has developed. This initiative could help improve the relationship in an area where we need it so badly. There is no quick fix to the problems of our friends in the Caribbean. Instead, we need a long-term plan. This is what this is. Instead of our backyard, we are talking about our front porch.

I urge my colleagues to join me in supporting this important initiative.

FUNDING THE HIGH COST OF HEATING OIL

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER. Mr. Speaker during the Arab oil embargoes of 197[illegible] and again in 1978, the catch phrase we often heard was "America would freeze in the dark." Fortunately, that never became a reality. However, because this winter has been uniquely severe for many of our citizens, they face the prospect of being unable to heat their homes because of the high cost of heating oil.

Just recently the Wall Street Journal did an article on the subject entitled "In the Protracted Cold, Free-Fuel Plan Eludes Many of Those Eligi-

ble," which I am including as part of these remarks.

Although this House has taken action on a supplemental appropriation for a low-income fuel assistance bill, there is another source of funding to help those in need—such as the poor and the elderly—through collection on violations of the Emergency Petroleum Allocation Act which the Congress passed in 1973 and which has never been enforced.

The GAO has reported that the potential amount of violations is between $11 billion and $14 billion. These overcharges, if they cannot be returned to the individuals who have been the actual victims of cost overruns, should be put into a low-income energy trust fund, as I have suggested in legislation I have filed, H.R. 5290, the Low-Income Energy Assistance Trust Fund Act.

I urge my colleagues to take a hard look at a new way of funding low-income fuel assistance, not only through regular appropriations, which are insufficient, but also through effective and aggressive enforcement of all price violations by the major oil companies, to help the poor and the elderly who this year are unable to heat their homes.

[From the Wall Street Journal, Feb. 11, 1982]

IN THE PROTRACTED COLD, FREE-FUEL PLAN ELUDES MANY OF THOSE ELIGIBLE

(By Mitchell C. Lynch)

A hard wind is blowing outside the house in Boston's run-down Roxbury section. The temperature is near zero. Inside, Arceniaenel McCall and her seven children are gathered around the kitchen stove, forming what might appear to be a cozy family tableau.

Appearances couldn't be more deceiving—nor the facts more ominous. The family has no fuel for the furnace in the cellar and is huddled near the old gas stove for warmth. One of the four blue flames atop the stove flickers a menacing orange, signaling a leak near the burner. If the flame dies as the family sleeps, gas will seep out and slowly fill the room; in that eventuality, the house could explode within hours.

Mrs. McCall isn't unaware of the danger. But she says that on her monthly $700 welfare check, after feeding and clothing her youngsters, she can't afford fuel. I just don't know how I'm going to get any oil for the furnace," she says. "I tried just about everything."

One thing the 34-year-old Mrs. McCall tried was applying for free fuel. Over the past three years, the federal government has allocated a total of $5.1 billion among the states to provide free heating fuel to low-income people. But Mrs. McCall's application was later than many others; by the time it was processed, Massachusetts had spent all its latest allotment from Washington and wasn't certain when the next installment would arrive.

BUREAUCRATIC MIX-UPS

This year, the federal government reduced the free-fuel program's financing by 2.8 percent to $1.75 billion from last year's $1.8 billion. (It could have been worse; President Reagan had recommended a 29-percent reduction.) All the while, the number of applicants is continuing to increase sharply. Currently, officials estimate that only 50 percent to 75 percent of the 15 million families eligible for free fuel are getting it.

But the reasons behind the exclusion go beyond financing. In some instances, money is available but is delayed or denied to applicants because of bureaucratic mix-ups; in other cases, eligible persons aren't aware that the program exists. Some of the elderly poor, in particular, are too proud to ask for assistance.

Whatever the reasons, they all add up to suffering in this winter of savage storms and protracted cold. As millions of low-income people close off rooms and try to keep warm near kitchen stoves or kerosene space heaters, local newspapers are full of reports of fires, frozen water pipes bursting in homes without heat, and children and the elderly catching pneumonia.

Among the more poignant tales of winter-induced woes is that of Mary Digregorio, a 72-year-old Philadelphia widow with no living relatives. Last month, Mrs. Digregorio was taken to a hospital because the metal screws placed in her hip during a recent operation began to freeze, sending shocks of pain through her body.

COVERED BY BLANKETS

After returning home from the hospital with assurances that she soon would receive fuel, Mrs. Digregorio eight days later greets a visitor in a room where the temperature is below freezing. She is covered by five blankets.

Community Legal Services Inc., the local organization that stepped in to ask that fuel be delivered to Mrs. Digregorio, is shocked to learn that the widow's house has been heatless through one of Philadelphia's most severe cold waves. Asked why she hadn't notified the agency, Mrs. Digregorio replies: "I don't like to bother people."

The federal plan that was put into effect to help people like Mrs. Digregorio is formally called the Low Income Home Energy Assistance Program. It was started in 1979 as oil prices were decontrolled and began to soar. President Carter recommended that the program be financed from the "windfall profit" tax imposed on oil companies; envisioning several billion dollars for fuel assistance, the President proposed that the federal government pass along 25 percent of the tax to the states, which would then buy fuel for the needy.

Under the Carter formula, according to a study made by Harvard University's Kennedy School of Government, the states would have received a minimum of $4 billion—and possibly as much as $8 billion—for free fuel during this winter season. But Congress didn't include the formula in the "windfall profits" tax bill that was passed in 1980; as a result, Congress decides on its own the amount to be spent on fuel assistance each year.

COMMUNITY-ACTION GROUPS

Under the program, funds are sent by the federal Office of Management and Budget to the states. All 50 states get fuel-assistance money, based on the number of likely recipients, the relative coldness of their winter weather and the general price of the fuel used. Most of the states then turn the money over to various community-action groups, which publicize the program, provide and process application forms, and arrange for—and pay—local dealers to deliver the fuel.

Eligibility requirements and maximum amounts that families can receive are determined by the individual states or, in states like Pennsylvania, by various localities. Massachusetts bases eligibility on a family's income and number of dependents. A family of four qualifies with income of up to $13,900; but with her seven dependents, Mrs. McCall of Roxbury could make up to $14,200 a year and still qualify for free fuel.

The maximum amount of free fuel per household in Massachusetts is $750 worth. That's higher than in most states. But it's still short of the average single-family fuel bill of $1,400 in the state, where oil is the predominant heating fuel. (Since 1979, oil prices in the Northeast have doubled from 65 cents a gallon to the current figure of about $1.35.) Administrators of the state's program say they don't know how many families are receiving assistance this year, but they note that the 152,000 families who received help during the winter of 1980-81 represented a 17.8 percent increase from the previous winter season.

If demand continues to increase at that pace, Massachusetts authorities warn that they will have to reduce allocations or tighten eligibility requirements or even take both courses. As it is, they say the state is spending its entire allocation, plus $17 million of its own money, but some 250,000 eligible households aren't receiving fuel.

"THERE ISN'T ENOUGH MONEY"

In Philadelphia, where most homes use lower-priced gas for heat, families receive a maximum of $220 of free fuel. Evelyn Lightner, the head of the Philadelphia Fuel Assistance Program, says the number of families receiving help rose to 100,000 this winter from 75,000 last winter. Even so, "There isn't enough money to get fuel to all the eligible people," says Janet Parrish, a lawyer at Community Legal Services, an organization that helps applicants get assistance.

But money hasn't been the only problem in Philadelphia. Application forms mailed this season to last year's fuel recipients didn't request all of the required information. So in a laborious process, the new applications are being matched with last year's, and all of the information is being entered into a computer. The procedure has delayed aid for many families.

A bigger problem, and one that has affected all states, was caused by the confusion over how much money the Fuel Assistance Program would receive this year. Though Congress rejected President Reagan's recommendation that financing be reduced to $1.4 billion, OMB nevertheless distributed only that amount to the states. The federal agency promises that the remaining $350 million will be distributed soon but can't say when.

Meanwhile, the states—which had expected $1.75 billion—have been caught short. And assurances that more money is coming are of little comfort to residents such as Joseph Buscone of Quincy, Mass., who recently lost his job as a policeman because of municipal cutbacks. Mr. Buscone, like Mrs. McCall, applied for fuel assistance but was told he would have to await the arrival of fresh federal funds.

"I don't get it," Mr. Buscone says. "I always paid my bills, and I will when I get another job. But now they tell me they don't have any money."

A DEALER COMPLAINS

Some local fuel dealers also are dissatisfied with the program because they often wait as long as 30 days for payments. W. R. Terry, a dealer in Boston's Roxbury section,

says small companies like his are getting hurt by the delay in payments. "We just can't afford" to finance fuel costs between delivery and payment, he says. Mr. Terry, though, has no alternative to participation; his company was formed in response to the fuel-assistance money flowing into Roxbury, and he concedes he would go out of business without those funds.

In response to similar complaints, Rhode Island gives dealers a check that must be signed by the dealer and the fuel recipient. When the dealer makes the delivery, the applicant cosigns the check and payment is immediate.

In addition to the administrative and financial problems, officials are concerned about the number of eligible recipients who aren't aware of the program. Many low-income people don't apply for aid, officials say, because they are ill-informed about their communities, illiterate, or can't speak or understand English. The elderly, who are most susceptible to the illnesses accompanying cold weather, are especially difficult to reach.

Today's older generation "was taught that financial security was the result of hard work and careful planning," says Laurence G. Branch of a Harvard Medical School division that studies the aged. While many elderly groups have actively sought more government money to match rising costs, he says, "a large number of them feel that their current circumstances are the result of failing to do what they should have done when they were young, working harder and putting more money away. They've known hard times and cold weather and never thought the government was there to help for something like cold weather."

At the moment, however, even those who request fuel assistance may be disappointed. Speaking through an interpreter, 74-year-old Thora Corez, a Puerto Rican native living in Boston, says she filled out an application in Spanish, as permitted. "I call them, and they say they have no money," she says. "Tell me, where did the oil go?"

□ 1530

CONGRESSMAN LUJAN INTRODUCES WILDERNESS PROTECTION ACT OF 1982

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUJAN. Mr. Speaker, as ranking Republican member of the House Committee on Interior and Insular Affairs, I am introducing today the Wilderness Protection Act of 1982, together with Representatives YOUNG of Alaska, MARRIOTT, MARLENEE, CHENEY, PASHAYAN, MARTIN of New York, and EMERSON. While all Members do not necessarily agree with every single provision, I feel that we are in accord on the thrust of this bill which is to—

First, withdraw from development, all wilderness areas and wilderness study areas;

Second, the only way that energy and mineral exploration and development activities can take place is for the President to find that there is an urgent national need and that such need outweighs other public values in these public lands; and

Third, that we get on with the business of designating all those areas which do contain wilderness qualities. By doing this, we may clearly know which areas are to be out of bounds for energy and mineral development and which are not.

The Congress has been too slow in the past on acting to designate wilderness areas. We have had proposals before us for several years and yet only a handful of areas in a few States have been acted upon.

We believe that by setting dates and deadlines for the Congress to act, this will encourage quicker and more responsive congressional action.

The bill which I am introducing today will assure that the wilderness lands are the last to be developed, if ever as we continue to address our national requirements for energy, mineral, and other resources.

Action by the Congress on this Wilderness Act, when combined with the Secretary of the Interior's previously announced moratorium on development, will curb the pressures on development which are contained in the Wilderness Act of 1964. That existing act, requires consideration of mineral leasing until December 31, 1983, on all national forest system and Bureau of Land Management wilderness lands.

This additional legislation, will not change the 1983 entry deadline except to allow slant drilling providing that there is no surface occupancy.

The disparity in present law between the treatment of Forest Service and BLM study areas will be eliminated. This act will establish parallel recommendation and release procedures for the two categories of lands being considered for possible inclusion in the national wilderness system. Currently, the Secretary of Agriculture can return to other uses RARE II study lands not recommended for wilderness.

The passage of this act will not reduce the involvement of the Congress. The bill requires a report to the Congress every 5 years on the energy and mineral potential of wilderness and wilderness study areas, and the resource opportunities foregone. This report will be in addition to the annual report now required under the 1964 Wilderness Act, regarding the status of the wilderness system and the values being protected by wilderness designation.

Mr. Speaker, I truly believe that this act strikes a sensible balance and contains benefits for all interests. We have a mandate to preserve our untouched natural beauty while at the same time we have a high-technology society which is hungry for resources. This act gives us a means to proceed with finding out what minerals and other valuable resources we have, without damaging those areas which we want to keep untouched. It gives the President and Congress a way to meet any foreseen or unforeseen emergencies, quickly.

And it sets up a procedure to resolve within a reasonable time the question of which lands belong in wilderness and which do not.

This legislation has not been haphazardly drafted. It is the product of intense and lengthy examination. All interests have been scrutinized and taken into consideration. As a result, I am confident that Members from the broad spectrum of opinion that are represented in this House, will join with us in approving this legislation, once they have seriously considered all of the issues involved. A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title Wilderness Protection Act of 1982.

Section 2. Statement of purposes.

Section 3. (a) Withdraws from all forms of appropriation under the mining laws and disposition under all mineral leasing laws the following lands: areas currently designated as wilderness, BLM Wilderness Study areas already designated, RARE II areas recommended for wilderness designation and Congressional BLM Wilderness Study areas.

(b) Provides for the reopening of withdrawn lands by the President upon a finding of a urgent national need. The Congress has sixty calendar days to pass a bill (which the President could veto) reversing the President's decision.

(c) Provides for prospecting, seismic surveys and core sampling in the withdrawn areas but prohibits road construction, improvement of existing roads and exploratory drilling of oil and gas test wells. Any information gathered may be kept confidential by the government.

(d) Exempts certain lands from the withdrawals. These include: RARE II and BLM Wilderness Study Areas released by a statewide bill or other Act of Congress already in effect or hereafter enacted, any national forest lands or BLM lands in Colorado and Idaho designated as wilderness study areas subject to express provisions governing energy or mineral activities, lands released pursuant to Section 4 or 5 of this bill, and Alaska lands.

(e) provides for mining and mineral leasing in withdrawn lands if it can be done without surface occupancy and allows the Secretaries of Interior and Agriculture to promulgate regulations and stipulations with respect to mining or mineral leasing on lands adjacent to withdrawn lands.

(f) protects all valid existing rights in withdrawn areas. Individuals would be allowed to perfect their claims.

Section 4. Provides for the release of BLM Wilderness Study Areas determined unsuitable for wilderness. The release takes effect upon submittal of a recommendation by the President to the Congress. Areas recommended for wilderness to the Congress must be enacted within 2 years or they are automatically released.

Section 5. Provides for the immediate release of RARE II non-wilderness lands not heretofore designated as wilderness by the Congress, RARE II lands recommended as wilderness but not so designated by the Congress by January 1, 1985, RARE II fur-

ther planning areas not recommended for wilderness by September 30, 1985 or designated as wilderness by the Congress by January 1, 1988.

This section also prohibits any lawsuits contesting the sufficiency of the Final Environmental Impact Statement for RARE II and overturns existing cases (*California* v. *Bergland*). No further statewide, regional or national roadless area reviews may be conducted.

Section 6. Prohibits the creation of buffer zones around any wilderness areas.

Section 7. Requires a Report to Congress every five years on the energy and mineral potential of withdrawn areas together with recommendations concerning resource inventory programs, and the need for exploration programs.

EL SALVADOR AND VIETNAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, a growing number of Americans, although in the minority, are concerned that our involvement in El Salvador is going to lead us to another Vietnam. It is no wonder that they think this way, because our liberal American press only shows one side of the story to promulgate this viewpoint.

But you know, there was a breakdown in the liberal press machinery yesterday, which absolutely shocked me when I was watching the "Today Show," because on that "Today Show," a foreign correspondent interviewed the leading strongman rebel Communist in El Salvador, the man that even the NBC press says will be the new leader in El Salvador once the Communists take over. He said in an interview that he is a devout Marxist Communist. He said that his closest friend is Fidel Castro and that, yes, if he does take over in El Salvador, that there will be no free elections, that he will continue to run a Marxist government of international communism, and we all know what international communism means.

Mr. Speaker, my children are not going to grow up under communism and I will continue to support President Reagan in his efforts to see that we do not let South America and Central America fall to international communism.

ANOTHER BLOW TO THE ELDERLY

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, if the White House has its way, the economic hardship that has befallen so many Americans under the administration's economic program will soon take its toll on yet another group: low-income senior citizens employed under title V of the Older Americans Act.

The President's 1983 budget has targeted for elimination the 54,200 jobs that these older persons depend on to help supplement their retirement income. What is most unconscionable about this move is that it comes at a time when the national unemployment rate is 8.5 percent, and the budgets of our elderly are already being squeezed dry by reductions or eliminations of Government services and spiraling costs for food, energy, medical care, and other basic necessities.

I believe this administration has caused enough suffering already and should call a moratorium on cuts in domestic social programs.

According to the President's 1983 budget proposal, the administration plans to offer in place of title V, a "specially targeted employment program * * * to provide additional training assistance to special segments of the population with particular disadvantages in the labor market." However, older people would be expected to compete for funds with "farmworkers, veterans, displaced homemakers, offenders, and dislocated workers." This new jobs program would be funded at a level of $180 million in 1983, $87 million less than the amount earmarked specifically for older workers last year.

I find the President's 1983 economic proposal just another example of this administration's efforts to balance the budget on the backs of the elderly, children, and the needy, and I will continue to oppose it. I believe this administration's alternative employment program is totally unrealistic and does nothing to address the serious employment and training needs of our people.

THE STATE OF OUR PLANETARY PROGRAM

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, on Thursday, February 25, 1982, the House Science and Technology Committee will hold hearings on NASA's planetary program. Witnesses will testify before the Subcommittee on Space Science and Applications in an effort to give the Congress a non-NASA perspective on the state of our planetary program.

We are in danger of losing our program of planetary exploration. Since 1977, there have been no new launches of planetary spacecraft; no new starts since fiscal year 1978. Under the terms of the NASA fiscal year 1983 budget, spacecraft operations for the Pioneer Venus Orbiter and Pioneers 10 and 11 will be terminated. The best infrared telescope facility in the world, the infrared telescope facility on the summit of Mauna Kea, Hawaii, will be shut down. The doors of the lunar curatorial facility will be closed. The Mars data analysis program will be stopped. The program of Voyager research will be crippled and the U.S. Halley's Comet mission will be scrapped.

Looking at NASA's fiscal year 1983 budget, I cannot help but conclude that NASA has decided to get out of the business of planetary exploration altogether. If this present trend continues in the years ahead, the teams of research scientists which have been so carefully put together in the course of the last decade will simply abandon the field.

If the present trend continues, we will lose our drive and our ability to explore the secrets of the universe. We will lose our technological capability, and we will find ourselves in the position of always being an add-on to a foreign mission of planetary exploration.

The fact is that an investment in space science and planetary exploration is an investment in the future of this country.

We cannot, in the name of short-term economic expediency, allow this program to die an atrophy death.

I urge my colleagues to follow the Science and Technology Committee's planetary hearings very closely, just as I congratulate my colleagues on the Science and Technology Committee for initiating careful consideration of this issue.

MATHEW BRADY NEGATIVES ACQUIRED BY SMITHSONIAN

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, in February 1981 I introduced H.R. 2009 to provide for a tax credit to the estate of Dorothy Meserve Kunhardt and the Dorothy Meserve Kunhardt trust upon the transfer to the Smithsonian Institution of a collection of 5,419 original Mathew Brady glass plate negatives. This is a collection of priceless historical items, including Abraham Lincoln portraits and plates from the earliest Barnum & Bailey Circus. Hearings were held by my Subcommittee on Administrative Law and Government Relations and the subcommittee acted favorably upon the bill. The Senate later adopted the text of that bill in last year's tax bill. The action by my subcommittee provided the reference point for the House conferees on the tax bill which led to the inclusion of the matter in the final version of the Economic Recovery Tax Act of 1981.

I have recently been informed by the Smithsonian Institution that the transfer of these plates to the National Portrait Gallery has been completed. The cost of the 5,419 original glass plates and the Alexander Gardner im-

perial portrait of Abraham Lincoln was $913,000. The Alexander Gardner portrait, alone, is valued at $65,000. This price was paid through a combination of credit against the estate tax and cash payment by the Smithsonian.

In brief, the financial result will be a saving of approximately $343,000 as a result of the reduction of the price of the collection from $1,250,000 to $913,000. The Smithsonian estimates that the credit provided under Public Law 97-34 will now be approximately $603,000.

DEMOCRATIC FIGURES JUST DO NOT ADD UP

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, in listening to the debate on the floor today, I think it is apparent why the majority party refuses to come up with a budget alternative of their own to match what the President has come forth with.

The fact is what they are saying just does not add up. We have heard a number of people today proposing new spending ideas or rejecting some of the spending cuts that the President has put in his budget. That, of course, expands the deficit that so many of them claim that they are concerned about.

The other point, though, we heard them make was that, indeed, they could find some new revenue sources. They want to stop the tax leasing program and eliminate the windfall profit tax. I happen to think that those particular cuts are things that we can eliminate from the tax package of last year. That is my personal opinion; however, they add up to $5.5 billion. In other words, all of the things that we heard discussed here today for budget increases do not in any way get covered by the $5.5 billion that they would have us change in the tax package; so it seems to me that the problem that the Democrats have is that their budget figures just do not add up and therefore, they are not likely to come forward with any plan.

DESIGNATING MEMBERSHIP ON CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. FERRARO. Mr. Speaker, as secretary of the Democratic caucus, and at the direction of that caucus, I send to the desk a privileged resolution (H. Res. 370) designating membership on certain standing committees of the House, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That the Honorable Barbara Kennelly of Connecticut be, and is hereby, elected to the following standing committees of the House of Representatives:

Committee on Public Works and Transportation, to rank twenty-seventh thereon; and

Committee on Government Operations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING ZETA BETA TAU FRATERNITY TO CONDUCT A RECEPTION IN ROTUNDA OF THE CAPITOL ON MARCH 31, 1982, TO COMMEMORATE ROGER WILLIAMS

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 64) authorizing the Zeta Beta Tau Fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That the Zeta Beta Tau fraternity is authorized to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States. The reception shall be conducted in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: Strike out all after the resolving clause and insert in lieu thereof the following:

That appropriate ceremonies are authorized to be conducted in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contributions to religious toleration and freedom in the United States. These ceremonies shall be conducted in accordance with conditions prescribed by the Architect of the Capitol.

Mr. LEVITAS. Mr. Speaker, this is a routine request for the use of the rotunda which requires a concurrent resolution and, as amended, it is in accord with the precedents of the House. I am advised that there is no controversy about it from the other side.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Concurrent Resolution 64, to enable the Zeta Beta Tau Fraternity to hold a wreath-laying ceremony at the foot of the statue of Roger Williams in the rotunda of the Capitol, thereby honoring the memory of this great and courageous man. This ceremony, initiated by the Zeta Beta Tau Fraternity—to which I belonged at the University of Pennsylvania—honors the life of Roger Williams, who was one of our Nation's earliest and most devout champions of religious freedom.

It was indeed appropriate for the Architect of the Capitol to move the statue of Roger Williams to the rotunda of the Capitol because of his outstanding role as the first American to preach the doctrine of absolute freedom of religious worship, so central to the foundation of our Nation. I commend my colleague, the gentleman from Georgia (Mr. LEVITAS) for bringing this resolution to the floor of the House for appropriate action, and I urge my colleagues to support it.

By approving this resolution today, we enable the committed Zeta Beta Tau Fraternity to pay tribute, but it also reminds us all of the contribution of Roger Williams, who over 300 years ago, not only helped found the State of Rhode Island, but who also sowed the seeds of religious and political freedom and tolerance in this Nation. In this time of religious and political persecution throughout the world, it is more important than ever, through a simple and dignified ceremony, to commemorate the contribution of a man who lived his convictions and suffered for them so that we may today speak and live without fear.

I urge my colleagues to join in this wreathlaying ceremony on March 31, reaffirming our commitment to the integrity and importance of each individual, which belief was embodied in the life of Roger Williams.

● Mr. LEHMAN. Mr. Speaker, the tradition of honoring Roger Williams was begun by ZBT in 1920. The fraternity sought to pay tribute to the first American to preach the doctrine of freedom of religious worship.

A similar wreath-laying ceremony was held in 1979, before the statue of Roger Williams was moved to the rotunda.

I was a member of the ZBT chapter at the University of Alabama, and other Members of Congress who are ZBT members include Congressman GILMAN, Congressman MARKS, Congressman OTTINGER, and Congressman FROST. Senator RUDY BOSCHWITZ is also a member.

Roger Williams came to the American colonies from England at the age of 27. He was a vocal and active clergyman. He preached absolute freedom of religion, and he advocated the separation of church and state. He was unpopular in Massachusetts for his outspokenness and was forced to flee. He

founded a settlement that eventually became the State of Rhode Island, a colony that became known for its democratic institutions, including separation of church and state, town government and religious toleration.●

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

The title was amended so as to read: "Concurrent resolution to authorize ceremonies in the rotunda of the Capitol for March 31, 1982, to commemorate Roger Williams for his contributions to religious toleration and freedom in the United States."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMUNICATION FROM ELIZABETH FOLEY

The SPEAKER pro tempore laid before the House the following communication from Elizabeth Foley:

FEBRUARY 24, 1982.

Hon. THOMAS P. O'NEILL, Jr.
Speaker of the House, H-205, Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House, that on February 19, 1982, I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, March 5 at 9:30 a.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

ELIZABETH FOLEY.

GENERAL LEAVE

Mr. GRISHAM. Mr. speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous matter, on the subject of the special order today of the gentleman from Pennsylvania (Mr. DOUGHERTY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DOUGHERTY) is recognized for 60 minutes.

● Mr. DOUGHERTY. Mr. Speaker, today marks the 64th anniversary of Estonian Independence Day. On this day in 1918, Estonia proclaimed its independence from Russia. Similar to our Nation at its birth, Estonia was forced into battle against the country that had controlled it for many years. Unlike the United States, the Estonians fought a second enemy at the same time, advancing from another border. Overcoming these obstacles, the brave Estonian soldiers defeated both the Russian and the German Armies in less than 2 years.

If the Soviet Government would read its history books, it would be surprised to learn that a peace treaty was signed with Estonia in 1920 confirming the smaller nation's independence. The sad fact is that the Soviet Union has never felt obligated to abide by the principles of any treaty it has signed over the years. The Estonians found this out when the Soviets pressured them into accepting military bases in 1939, and in 1940, when the country was completely taken over by the U.S.S.R.

Estonians have now lived under Soviet domination for 42 years. A generation has now grown up without the democracy that existed under the independent Estonian Government of 1918 to 1940. It must seem impossible to maintain any degree of hope after 42 years of imprisonment. But the Estonians have done just that, buoyed by the memories of past freedom and spurred on by the dreams of those dissatisfied with a society of persecution. We are helping these people today by sending the Soviet Union a message: that Estonia will again be independent as it was on February 24, 1918.

Estonian workers are also sending a message to the Kremlin. Due to the developments in Poland last year, a spark of independence was felt elsewhere in Eastern Europe, including Estonia. We have heard from underground sources that leaflets are being distributed in Estonia, asking workers to stop their labor for a half hour on the first working day of each month.

Initial news reports in the West labeled this quest a failure. They failed to realize the long-term nature of the request. It was not meant to be a one-time event. Workers were asked to spread the word and tell others of the plan, with the hope that participation would increase each month. The leaflets said:

Do not be frightened off if we do not succeed in reaching total success in the first few months.

They were building for the future.

The demands of the workers show just how brave these men and women are. They call upon the Soviet Government to make substantial changes in its longstanding policies that violate human rights. The first demand is for the Soviet Army to withdraw from Afghanistan. They also ask that Poland be left alone, that exports of foodstuffs be halted, that discriminatory forms of trade be ended, that all political prisoners be released and all internal exiles canceled, that military service be reduced by 6 months, and that U.N. and Helsinki accords on human rights be obeyed.

Only time will tell if the workers' plan to persuade the Soviet Union will succeed. On this anniversary of Estonian Independence Day, we pray that it will.●

● Mr. HUGHES. Mr. Speaker, let us consider empires. Some would say the age of true empires has passed, that we are in the modern age of the nation-state. One and a half million Estonians can attest to the fact that this is not the case. For they live under the domination of the mightiest, cruelest imperial power of recent history, the Soviet Union. On this, the 64th anniversary of Estonian independence, an independence which we in the United States continue to recognize, let us not forget this malevolent force which effectively controls Estonian politics and society.

On February 24, 1918, Estonian leaders proclaimed their independence, in spite of the nation's occupation by German troops. The Germans responded to this move by imprisoning many of these leaders, but the German force was soon to crumble and, by November, it withdrew. The Soviets quickly tried to assert their authority by invading, but by February of 1919, the invasion had been effectively repulsed. From 1920 until 1940, Estonians lived under a constitution with a bill of rights and free elections. For most of that time, they lived with guarantees of human rights and protections of the rights of minorities.

In 1940, the Soviets put an end to the rule of constitutional law by occupying Estonia. Then, after 3 years of Nazi occupation, the Soviets returned, ruthlessly oppressing opponents.

Today, Estonians live under the domination of the Soviet Union. They strive to maintain their culture, but this effort is limited by the constraints of their oppressor. In addition, the U.S.S.R. had made a mockery of human rights and free expression. So, on the 64th anniversary of Estonian independence, let us join with Estonians here and in their homeland in looking toward a day when Estonians can again live freely and enjoy the full richness of their culture.●

● Mr. ZABLOCKI. Mr. Speaker, I welcome this opportunity to join my colleagues in commemorating the 64th anniversary of Estonian independence. It is worth noting that 42 years after the lights went out in Estonia, in 1940,

following the Stalinist takeover of that land, the commitment to individual freedom and national sovereignty remains alive and well among Estonians today.

Estonians, like their valiant Lithuanian and Latvian neighbors, are fiercely dedicated to the preservation of their language, their religions and their culture. That spirit of determination has helped them to survive the perils of a Second World War in this century and over four decades of attempted suppression of their national identity by the Soviet Union.

At a time when the fate of the Baltic nations tends to be superseded in the international news media by events in other parts of the world—in Poland, Afghanistan, the Far East and Latin America—it is well to recall that the principle of self-determination remains an unfulfilled goal, instead of a reality, in much of the world today.

In commemorating this anniversary, we should recognize the friendship which exists between the people of Estonia and ourselves—and the outstanding contribution of Americans of Estonian descent to our national life. We also extend to them our hopes and our prayers that the dream of freedom from foreign domination will never fade.●

● Ms. FERRARO. Mr. Speaker, I am proud today to join my colleagues in honoring the brave Estonian people on the 64th anniversary of Estonian Independence Day.

It has been 42 years now since the Soviet Union brutally invaded Estonia. Prior to the invasion, the Estonian people had known independence for only 22 years. Yet the love of freedom in the Estonian people remains so strong that four decades of Soviet oppression have been unable to stamp it out.

The Soviet reign in Estonia has been marked by total disregard for the nationalistic and cultural ambitions, as well as the simple human rights, of the Estonian people. As part of its cynical and barbaric policy of "Russification," the Soviet Union has engaged in mass deportation of Estonians away from their homeland to distant parts of Siberia, and has resettled thousands of Russian people in Estonia in an attempt to eradicate the country's nationalist identity. But as in neighboring Latvia and Lithuania, the longing for a new day of independence in Estonia has survived and grown despite the Soviets' efforts.

Our own efforts in speaking out against Soviet brutality and continuing our Government's refusal to recognize the occupation of Estonia are vital to the struggle to make that nation once again a member of the community of independent nations. I am honored to join my colleagues in supporting the brave Estonian people in trying to make Estonian Independence Day more than a memory.●

● Mr. SMITH of New Jersey. Mr. Speaker, today marks the 64th anniversary of Estonia's Declaration of Independence from Russia in 1918.

While in many respects this is a joyous occasion, it is also commemorated with a sense of sadness. In 1940, disregarding solemn treaty promises, the Soviet Union invaded and annexed Estonia. Estonia was victimized by the great tyrants of the modern age, Hitler and Stalin, and when they decided to partition Eastern Europe, independent Estonia was condemned to Soviet domination. The proud people of Estonia have, in effect, been living under martial law since this illegal incorporation into the Soviet Union.

The present situation in Estonia, and the other two Baltic Republics of Latvia and Lithuania, has been affected by recent developments in Poland. The emergence of the Solidarity movement in Poland has inspired dissidents in the Baltic States. In September 1980, dissidents in Estonia, Latvia, and Lithuania sent a message of support to Lech Walesa. In October 1980, a strike took place at a tractor factory in Tartu, Estonia. In February 1981, another strike took place on a state farm in southern Estonia. By December 1981, attempts were being made to organize a half-hour work stoppage on the first workday of each month.

Despite the crackdown by the Soviet-supported Jaruzelski regime in Poland, news has reached the West that attempts are continuing to organize a republicwide half-hour strike every month. This is reportedly the first known attempt to organize a large-scale work stoppage anywhere in the Soviet Union. The Soviets have detained about 150 people in Estonia for questioning in connection with this action, and four people are apparently still being held.

Mr. Speaker, it is imperative that freedom-loving people everywhere continue to speak out on behalf of the people of Estonia and their Baltic neighbors. We must make it clear that we will not allow the Soviet Government to hold entire nations captive, making a mockery of the human rights standards adhered to by the civilized nations of the world.

The United States has never recognized the annexation of the Baltic nations, nor should we ever. We should maintain the diplomatic legations of these countries now existing in the United States.

As a member of the Congressional Ad Hoc Committee on Baltic States and the Ukraine, I intend to continue my efforts on behalf to these proud people until their quest for freedom is realized. I am also pleased to be a cosponsor of House Concurrent Resolution 218 on behalf of well-known human rights activist Mart Niklus. Arrested and sent to a slave labor camp, Mart Niklus' only crime was in demanding that the Soviet Union comply with the Helsinki accords. He wanted Estonia to be free.

Estonians have suffered Soviet domination for over 40 years, and a whole new generation has grown to maturity since the Estonian Republic was robbed of its independence. Despite their tribulations, the proud Estonian people have not lost hope. Congress and our President must continue to do everything possible so that one day these people will truly be free.●

● Mr. DINGELL. Mr. Speaker, I am pleased to join with voices from around the world in commemorating the 64th anniversary of the Independence of the Republic of Estonia.

The Estonian people proudly proclaimed independence as a free nation in 1918. Yet, today, they are virtually prisoners within their own country. For the last 40 years, Estonia has been held captive by a tyrannical and repressive military force—the Soviet Union. As is true with all the captive nations, the people of Estonia have been flagrantly denied national self-determination. They are denied recognition of their proud past, their unique cultural heritage, and their inalienable right to exist as a separate and independent nation.

Despite this living tragedy, the freedom movement in Estonia has remained strong. The Estonians are a proud and courageous people whose suffering has strengthened their resolve to one day overthrow the yolk of Soviet imperialism and to once again establish a free nation.

As this freedom movement in Estonia continues to grow, let us give strength to the steadfast aspirations of the brave Estonian people who symbolize mankind's indomitable quest for freedom.●

● Mr. ANDERSON. Mr. Speaker, February 24 marks the 64th anniversay of Estonian Independence Day. Independence was achieved in 1918 after a long struggle against repressive Czarist Russia.

Today the Estonian people have been enslaved by the czar's modern day successors, the Communist Soviet regime. In 1940, Estonia was incorporated into the Soviet Union against her wishes, along with the other two Baltic republics. The Soviet invasion put an end to the 22 years of progress and freedom which Estonians had enjoyed within the fledgling republic. Since then the Estonian people have been oppressed, both individually and collectively. Mass arrests and a climate of brutality were direct products of the Soviet invasion.

Despite the daily deprivations of the totalitarian state into which Estonia has been absorbed, Estonians have not given up hope that the Soviet coloni-

zation of their land will one day cease and Estonians will be able to rejoin the community of free and independent nations. However, for Estonians to maintain this hope, which is so essential for them to uphold their dignity as a community and as individuals, it is absolutely necessary for them to know that they do not stand alone. They must know that all free people remember their plight and empathize with them. Hence, the celebration of Estonian Independence Day must not be a bittersweet memory of freedom lost but rather a hope that justice will triumph and liberty will be restored. I think all Americans join me in wishing that Estonia and her Baltic neighbors will regain their independence so that these peoples may enjoy the liberties it is our privilege as Americans to have.

ESTONIAN AMERICAN
NATIONAL COUNCIL,
New York, N.Y., February 16, 1982.

Hon. GLENN M. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR MR. ANDERSON: On February 24th, Estonians all over the free world will observe the 64th anniversary of the Declaration of Independence of the Republic of Estonia.

In view of this occasion, we are herewith presenting to you the enclosed statement on the present situation in Estonia.

On behalf of all Americans of Estonian descent, the Estonian American National Council respectfully asks your cooperation in focusing attention on these questions in the Congressional forum.

Thank you very much for your kind consideration.

Yours very truly,

JUHAN SIMONSON,
President.

THE CURRENT SITUATION IN ESTONIA WITH PARTICULAR REFERENCE TO RECENT EVENTS IN POLAND

The 64th anniversary of the Republic of Estonia's Declaration of Independence finds its people in the West and in Soviet occupied Estonia gravely concerned about their future. Estonians, along with people all over the world, are apprehensive about the very serious turn of events in Poland.

The Polish situation has particular significance for Estonia, and the other two Baltic Republics of Latvia and Lithuania, because of the parallels in their respective national developments. Estonia and Poland both emerged as nation-states at the close of World War I, after successfully defending themselves against Bolshevik Russia. Both had their futures as independent national states dashed by the secret protocol of the Molotov-Ribbentrop Pact in 1939: Poland was divided between Germany and the Soviet Union; Estonia, along with Latvia and Lithuania, was summarily condemned to Soviet domination.

Thus, it is not a surprise that the development of the Solidarity movement in Poland has already affected events in Estonia. In September 1980, dissidents in Estonia, Latvia and Lithuania sent a message of support to Lech Walesa. In October 1980, a strike took place at a tractor factory in Tartu, Estonia. In February 1981, another strike took place on a state farm in southern Estonia. By December 1981, attempts were being made to organize a half-hour work stoppage on the first workday of each and every month.

Despite the crackdown in Poland, news has reached the West (as reported in the Christian Science Monitor on January 28th) that attempts are continuing to organize a Republic-wide half-hour strike every month. This is the first known attempt to organize a large-scale work stoppage anywhere in the Soviet Union. The Soviets have detained about 150 people in Estonia for questioning in connection with this action, and four people are reportedly still being held.

Estonians realize that the road ahead will be difficult. They have, in effect, been living under martial law since their illegal incorporation into the Soviet Union in 1940. However, the events in Poland have set off reverberations which will of necessity affect the Soviet Union. The Soviet occupied Baltic Republics, in closest contact with the West, are the natural starting points for this irreversible development.

Western support, and especially the United States' steadfast nonrecognition of the illegal incorporation of Estonia, Latvia and Lithuania into the Soviet Union, has incalculable importance for those who have refused to give up their dream of a free Estonia.

The Estonian American National Council asks you to continue this reality by: Actively supporting and voting for House Concurrent Resolution #218 on behalf of well-known Estonian human rights activist Mart Niklus; and joining the Congressional Ad Hoc Committee on Baltic States and the Ukraine.

Estonians have suffered Soviet domination for over 40 years, and a whole new generation has grown to maturity since the Estonian Republic was robbed of its independence. This new generation, however, has not forgotten the dream of its forefathers, and present developments in Poland will have ramifications in the years to come.

We hope that the United States, as personified by its Congress and President, will also not forget and will continue to hold high the beacon of freedom as inspiration for those whose struggle has not yet ended.

NEW YORK, N.Y. *February 1982.*●

● Mr. BENJAMIN. Mr. Speaker, today we commemorate the 64th anniversary of Estonian Independence Day. The history of the brave and resourceful people of Estonia has been a tragic one. Successive waves of foreign powers have invaded this small Baltic State throughout history, inflicting pain and suffering on these resilient people.

The strong nationalism of the Estonians contributed to their valiantly fought, successful struggle against the Soviet Union in 1920, when they were granted their long-sought freedom.

In the two decades following sovereignty, the Estonians contributed significantly to history as a spokesman of small democratic states.

But the people of Estonia were shown not to be masters of their own destiny. Estonia's display of democratic ideals of justice and liberty was abruptly halted in 1940 when it was again invaded by the Soviet Union. Though successful in keeping its culture, language, and religion, the fate of Estonia is subject to Soviet dictates even today.

We join together today to commemorate the Estonian dream of freedom. We honor the people of Estonia for their courage and self-determination as a nation and as a people and reaffirm our commitment to the people of Estonia as they continue their struggle for self-determination.●

● Mr. STRATTON. Mr. Speaker, I am pleased to join once again with my colleagues in Congress and with Estonian-Americans and Estonians throughout the world in commemorating the 64th anniversary of the Republic of Estonia's Declaration of Independence, on February 24, 1918. I have long been an active supporter of the struggle of the brave people of Estonia and the other Baltic States against Soviet domination, and in the same spirit I am also a member of the Congressional Committee on the Baltic States and the Ukraine. Most recently, I have signed on as a cosponsor to House Congressional Resolution. 218, a resolution opposing the imprisonment in the Soviet Union of Mart Niklus, a well-known Estonian dissident.

Today we must remember that Estonia has not always been a captive nation, but for 20 years Estonians lived as a free people. Out of the wreckage of World War I, Estonia proclaimed itself an independent republic in 1918, and although invaded that same year by Soviet armies, was able to win a war of independence and repulse the Soviets in February 1920. As a free country, Estonia made great progress in agriculture, industrial enterprise and cultural development. It should be noted that Estonia was the first nation in the world to grant its minorities autonomy through government subsidized ethnic schools.

However, this economic development and social tolerance was ended in 1940, when following the infamous pact between Hitler and Stalin, the Soviet Union annexed Estonia, Lithuania and Latvia.

Thus, for the last 40 years, the small country has been under Soviet domination. Through deportation, execution and emigration, Estonia has endured a horrible loss of its people. In the first years of Soviet occupation, one-third of the population was lost. Some Estonians were able, however, to flee the danger of their homeland and come to the United States and other countries to maintain the fight for freedom in Estonia and the other Baltic States.

I know that we are all watching the events in Poland very closely. The history of the Baltic States parallels that of Poland in several important ways. The Baltic region and Poland gained independence following the First World War, and then came under

Soviet rule during the Second World War. And too, the peoples of these countries have maintained their proud national heritage and cultural integrity despite severe political, economic, and religious oppression.

The impressive and courageous efforts of Polish labor unions to negotiate some measure of freedom and self-government from Soviet rule has surely sparked the embers of hope in the hearts of those who live in the captive nations. Already there have been isolated strikes in Estonia, and efforts to organize a national work-stoppage movement. The Polish Government and Solidarity may right now be at a standoff, but the drama is not yet played out, and we wish them success in their brave venture. Let us also hope that success in Poland will also result in some measure of freedom coming to the people of Estonia as well.●

● Mr. DeNARDIS. Mr. Speaker, I join with my colleagues today in commemorating the 64th anniversary of Estonian independence. And even as I do so, I cannot help but ask myself, "what purpose do all these words serve, which are spoken, printed, and stashed away in the CONGRESSIONAL RECORD?" My colleagues have spoken with eloquence and conviction on the plight of this brave people. Like them, I am moved by sympathy and admiration to speak out. But still, I ask, to what end?

Mr. Speaker, the world's long history of tyrannous regimes teaches us one thing, namely that the inexorable progression of the human race is toward the overthrow of any power which oppresses personal freedom. For this we have not government, not social organization to thank, but rather the nature of man. The roots of individuality, of a sense of personal destiny press up against every structure of tyranny, and eventually cause it to crumble. It may happen slowly—it usually does. It may take years, or decades, or centuries, but it always happens.

How long it takes depends on how vivid the vision of freedom remains. This vision is the sole sustaining force of an oppressed people. It alone is responsible for the spirit of resistance. The clearer the vision, the stronger the resistance. But pressed upon by the foundation of a tyrannous regime, people can lose the light; the vision may fade.

The Estonians have lived under Soviet domination for over 40 years now. An entire generation has grown up knowing nothing but brutal injustice. An entire generation has come to maturity in a world where their own nationality is denied, where every kind of freedom—religious, political, social—is repressed, where men like Mart Niklus and Juri Kukk are sentenced to hard labor, found guilty of loving their native culture. When good people see all the force of law, all the mechanisms of government on the side of evil—and witness no other way of life—there is a danger that they will lose perspective and begin to believe that cruelty, injustice, and suffering are the way of the world—everywhere, always. Then the roots of freedom wither. Then the vision fades. The resistance weakens, and tyranny lasts a little longer.

Herein lies the value of what we are doing here, the purpose of all our words, spoken and printed in the CONGRESSIONAL RECORD. We have a responsibility to shout out to the people of Estonia that freedom is real and realizable. We have a duty to encourage them that the historical progression of man is toward independence and not domination. For nations captive within the Soviet sphere of power, moral support is our strongest weapon. So let not only us here in Congress but all people of the free world offer it abundantly that the vision may remain clear and events may hasten to their inevitable conclusion—freedom for Estonia.●

● Mr. FARY. Mr. Speaker, Today we celebrate the 64th anniversary of independence by the Baltic State of Estonia. This day is marred by the realization that this small nation shares with its neighbors of the Baltic the oppression of Soviet domination.

We, as Americans, cannot but sympathize with these proud people as they yearn for a life of the freedom to choose, to share, to move about which we in our great Nation take for granted.

As a member of the Congressional Ad Hoc Committee on the Baltic States and Ukraine, I feel it is my duty to support the people of the Baltic States who cling to the hope that one day freedom will once again be theirs. They cling to the hope that one day their children will live in a land free from foreign occupation. By keeping the plight of the Baltic States in the public eye, we offer meaningful support to their struggle to be free. More than ever the Soviet Union's expansionist policies are not to be trusted. They have a long history of subjugating countries near their borders and completely cutting them off from the rest of the world. Their incorporation of Estonia along with the other Baltic States is a travesty that must not be forgotten.

That is why I urge all of my colleagues to join with me on this 64th anniversary, in showing our solidarity for self-determination for the people of Estonia.●

● Mr. MOFFETT. Mr Speaker, in the summer of 1940, a few months after signing a nonaggression pact with the Soviet Union, the sovereign nation of Estonia saw its territorial integrity and political independence fall victim to Soviet expansionism. The illegal annexation of Estonia has been neither forgotten nor accepted by the generation of Estonians that has matured since.

Forty years have passed, and yet the Soviets continue their repression of the freedoms of expression, information, and national identity. It is thus fitting that on this day, as we commemorate the anniversary of Estonian independence, we should also commend those who continue their struggle for freedoms that we too often take for granted.

On March 27 of last year, Jueri Kukk died in a Soviet prison camp in North Central Russia, after sustaining a 4-month hunger strike. His crime was "the spreading of anti-Soviet propaganda." He had dared to protest the Soviet invasion of Afghanistan, and dared to support the boycott of the Moscow Olympics. Most importantly, he had dared to speak of Estonian independence. His wife, 5 friends, and 25 KGB agents attends his funeral, and requests to return his body to his native land were denied. He was buried in an unnamed grave, marked only by his prison number on a plain wooden post.

Jueri Kukk never caused any physical harm to anyone. He was a chemist and a teacher, and above all, an Estonian nationalist. He suffered and died at the hands of a force foreign to his country, for speaking freely within that country, as was his right. His sacrifice and courage must not go unmarked.

Nor may we be permitted to forget those who carry on his struggle. Arrested with Kukk was the well-known Estonian nationalist Mart Niklus, currently serving a 15-year sentence in another Soviet labor camp for the same crimes. His unselfish commitment to his convictions serves as an inspiration to his countrymen, and to us all. Reports reaching the west speak of attempts to organize Republicwide half hour strikes every month. Many other Estonian citizens have been arrested by their Russian protectors in connection with this action, and our thoughts must be with them.

I appreciate the opportunity this day presents to focus the attention of the Congress and the world on the plight of the Estonian people, and to urge the Soviets to exhibit a greater degree of respect for human rights and ethnic independence within that country. I hope that the fates of Jueri Kukk and Mart Niklus will not be forgotten, for courageous men such as these deserve our respect, admiration, support, and above all, gratitude.●

● Mr. FORD of Michigan. Mr. Speaker, February 24, 1982, marks the 64th anniversary of Estonian independence. I am pleased to join with my colleagues in Congress, and with Esto-

nian Americans and Estonians throughout the world, in commemorating this day and in showing support for the struggle of the brave people of this Baltic State against Soviet domination.

During the period of 20 years which the Estonian people enjoyed their independence, they demonstrated what a small nation is able to achieve in all fields while enjoying a democratic way of life. They achieved an exceptionally high educational level, progess in agriculture production, and industrial enterprise. Their folklore continues to win recognition for its originality, colorful variety, and great artistic value.

As as a result of the Soviet invasion, in 1940, this prosperous life came to an abrupt end by the brutal acts of their large totalitarian neighbor. The Estonian people have suffered extremely heavy human and material losses. Since then, a whole new generation has grown to maturity which have not forgotten the dream of their forefathers. Estonians at home and abroad have struggled bravely and successfully to retain their culture and traditions. And I have been greatly impressed with the enthusiasm of Americans of Estonian descent in carrying on the culture and traditions of their broad heritage.

For this reason, I gladly join the gentleman from Pennsylvania in his celebration and remembrance of freedom that once was in Estonia.●

● Mr. ROE. Mr. Speaker, I rise today to join my colleagues in commemorating the 64th anniversary of the Republic of Estonia's Declaration of Independence. It is a day for all of us to remember that there are millions of people living in Estonia and other nations around the world who do not enjoy the basic rights of freedom of thought, movement, and expression that we all take for granted.

The situation taking place in Poland has special significance for the people of Estonia. Both nations emerged as independent states following the end of World War I. But the great potential they both expressed as free states came to a tragic end as a result of the heinous Molotov-Ribbentrop Pact of 1939. As a result of that agreement, Poland was to be divided between Germany and the Soviet Union, while Estonia, Latvia and Lithuania were condemned to the Soviet rule that controls them to this day.

The Soviet ruling elite should take note that while it maintains political control over Estonia, it will never be able to obliterate the strong national traditions held by the people who live there. In spite of Soviet domination, the Estonian people continue to hold onto their cultural heritage. They have never given up the hope that someday they will once again be able to raise the Estonian national flag in a declaration of freedom from Russian rule.

The stirrings of that new independence is being expressed in Estonia today. The Polish Solidarity movement has had a strong influence on Estonian workers. In September 1980, Estonian dissidents sent a message of support to Solidarity leader Lech Walesa and a month later a strike took place at an Estonian tractor plant.

It has recently been reported in the press that Estonian workers are attempting to organize a countrywide half-hour strike every month in support of Solidarity. It has also been reported that Soviet authorities have detained 150 Estonians for attempting to organize that work stoppage.

All Americans should give their strongest support to this stirring of human rights activism in Estonia. The events in Poland have set off a chain of events that hopefully will culminate in a new burst of freedom for the Soviet-occupied Baltic Republics.●

● Mr. HORTON. Mr. Speaker, I am proud to join with my colleagues today in celebration of the 64th anniversary of the Proclamation of Independence of the Republic of Estonia. After years of struggle against imperialist Russia, the people of Estonia achieved their independence and freedom on February 24, 1918. Along with their neighboring nation-state, Poland, the Estonians embarked on a new era of liberty and equality.

In 1939, the Molotov-Ribbentrop Pact was signed: Poland was to be divided between the two military superpowers of Germany and Russia, and Estonia, along with Latvia and Lithuania, was bartered away to Russia. The free and independent infancy of a sovereign people was replaced by the cold, hard domination of a Russia preparing to go to war. In the postwar era, the Soviet Union has maintained its stranglehold over the people of Estonia.

Like the brave Poles who have risen up against the Soviet bear, the people of Estonia have never relinquished their dream of freedom. So strong is this dream, that they have actively supported the Solidarity labor movement in Poland and have condemned the Soviet Union for the role they have played.

It is easy for us to stand up and demand liberty for the people of Poland; we stand behind a huge arsenal of nuclear and conventional weaponry. But the people of Estonia, who have nothing more than the love of liberty to shield them, have worked to organize a Republicwide, half-hour strike every month in support of their brothers in Poland. Indeed, several strikes have already taken place in some of the larger factories. This, Mr. Speaker, is true courage, and we in the West must make sure that such action does not go unnoticed by the peoples of the world.

As a member of the Ad Hoc Congressional Committee on the Baltic States and Ukraine, I join with my colleagues and Estonians throughout the United States and the world, in recognition of this 64th anniversary of the independence of a true freedom-loving people. Let us commit ourselves, here, today, to assuring that their hopes, their dreams, and their future will never die.●

● Mr. HERTEL. Mr. Speaker, today marks the 64th anniversary of the establishment of a free and democratic Estonian state. In an earlier time this day would have been joyfully celebrated, but today it brings to mind the indignities and sorrows inflicted on the Estonian people by the Soviet Union. In 1939, the Soviets, conspiring with Nazi Germany, robbed the Estonian people of their independence and their human rights.

In the last 45 years a whole new generation has grown to maturity without the rights of free men and women, but the active dissident movement in Estonia has demonstrated that the desire for freedom cannot be snuffed out in the hearts of the Estonian people.

As a member of the Congressional Ad Hoc Committee on the Baltic States and the Ukraine, I am deeply concerned for the fate of Estonian dissidents now arrested and serving harsh prison sentences for daring to exercise basic human rights guaranteed to them by the Soviet Constitution. Among these is Mart Niklus, an Estonian scientist, who has been sentenced to 10 years at hard regime in the Soviet prison camps. Dr. Niklus is in poor health and in need of immediate medical attention. Dr. Niklus' crime consisted of promoting the information contained in the Helsinki accords to which the Soviets are a signatory. I urge my colleagues to support House Concurrent Resolution 218 which urges the Soviets to release Dr. Niklus and to allow him to emigrate to Sweden.●

● Mrs. HOLT. Mr. Speaker, year after year we commemorate the independence of Estonia to show the world that we have not forgotten a small country that longs to be free again.

The Soviet Army rolled over her in 1940, and then she was incorporated into the Soviet Union. It has been 42 years since that dark day, and the people of the world who enjoy freedom must never forget the capitivity of the Estonian people and must never abandon their hope for independence.

Russian imperialism has a long history dating back centuries, and Soviet communism gave it a new face in this century and broadened its horizons on a global scale.

There are those in our country who seem to be advocating unilateral disar-

mament and suggest that we can make peace with the Russians if we drop our defenses.

There is nothing in the history of Russia or of Soviet communism that offers any evidence of peaceful intentions, but provides evidence only of the will to dominate other peoples.

The Estonians can tell us about it. So can the Ukrainians and all the other captive peoples within the Soviet Union. And the story can also be told by peoples around the world who have experienced the transformation of their own countries into totalitarian states on the Soviet model.

The experience of Estonia and other lands under Soviet oppresion offers a lesson for us that we must heed.●

● Mr. OTTINGER. Mr. Speaker, as a member of the Ad Hoc Committee on the Baltic States and Ukraine, I rise today to join my colleagues in marking the occasion of the 64th anniversary of the reestablishment of Estonian independence. I commend the leaders of the ad hoc committee, Congressman DONNELLY of Massachusetts and Congressman DOUGHERTY of Pennsylvania for organizing this special order.

During its brief 21 years of independence, Estonia became the first nation in the world to grant all its minorities cultural autonomy through Government-subsidized schools, theaters, and libraries. Independence was shortlived for Estonia, however, as World War II brought about a Soviet invasion and occupation.

The treatment of Estonians by the Soviet Union has been atrocious. During the 1940's, 350,000 Estonians, one-third of the population, were killed or sent to labor camps by the Soviets in an effort to collectivize and subjugate Estonian culture.

Today, Estonia is being attacked by the Soviet Union with a different weapon, "Russification." There has been a huge influx of Russians to Estonia. Many young Estonians are required to leave their homeland for other parts of the Soviet Union. The Soviet regime has vastly restricted national cultural life and religious freedom.

Just yesterday I participated in a special order to protest Soviet disregard for human rights of the people of Lithuania. We must continue to bring these blatant violations to the attention of the world. I pledge my unwavering commitment to the quest for freedom and self-determination of all of the Baltic nations.

The people of Estonia have suffered long. Yet, through all that they have endured, their spirit has not been broken. Today, we salute these brave people and pledge our aid to their struggle; a struggle that is both right and just and one that will continue until it is won.●

● Mr. MINISH. Mr. Speaker, today marks the 64th anniversary of Estonian Independence Day. As we in this Chamber are already aware, the Estonian people were only to enjoy their freedom for a short 22 years. For in 1940, the Soviets forcibly annexed this Baltic State as part of their territory.

The Estonians still pride themselves on maintaining, as far as possible, their native culture, and heritage. They display a spirit of independence and courage which inspires the world and for which we commend them today.

I think it is appropriate to mention that the current martial law crisis in Poland serves as a timely reminder to us in the West that freedom is a precious liberty. The Estonians, who have been denied this liberty, realize the value of the freedom which we in this country enjoy. Moreover, encouraged by the bravery of the Poles, the Estonian American National Council reports that about 150 people have been detained in Estonia for attempting to organize work stoppages.

Mr. Speaker, I am proud to join my colleagues in this dedication today to the proud and courageous Estonian people.●

● Mr. CORRADA. Mr. Speaker, I am honored to join my colleagues today on the 64th anniversary of Estonian Independence Day. For 28 years the freedom-loving people of Estonia enjoyed a brief respite from Soviet domination. But in 1940 the Soviet Union again invaded Estonia where they still oppress the Estonian people.

It is fitting that we take this opportunity to remember and pay tribute to the many Estonian patriots who have suffered and continue to endure the denial of their basic human rights at the hands of the Soviet tyrant. We continue to hope and pray that the future will bring the people of Estonia the freedom and the happiness they deserve.

● Mr. DERWINSKI. Mr. Speaker, 64 years ago today, Estonia, the smallest of the Baltic States, declared its independence as a democratic republic. In the same year of 1918, Soviet Russia attacked Estonia with the aim of conquering that country. However, during this war of independence, Estonia repulsed the Red armies and in 1920, concluded a peace treaty with the Soviet Union.

Unfortunately, the signing of the notorious Stalin-Hitler pact of August 23, 1939, offered to Nazi Germany a welcome pretense for starting World War II and allowed parts of Eastern Europe, including the three Baltic nations—Estonia, Latvia, and Lithuania—to become part of Soviet Russia's so-called sphere of influence. Consequently, Stalin received a free hand to forcibly annex these three independent Baltic countries, which remain illegally occupied by the U.S.S.R. to this day. Soon after the conclusion of this pact, Estonia signed, on September 28, 1930, under military threat and without the possibility of any help from aboard, a pact of mutual assistance with the Soviet Union.

During the period of 20 years which the Estonian people enjoyed their independence, they demonstrated what a small nation is able to achieve in all fields while enjoying a democratic way of life. They achieved an exceptionally high educational level. The history of Estonian literature was documented by the publication of the first book in the Estonian language in 1935. The Estonian people may also be particularly proud of their agricultural accomplishments and impressive industrial achievements during this time. Their folklore continues to win recognition for its originality, colorful variety, and great artistic value.

As a result of the Soviet invasion, in 1940, this prosperous life came to an abrupt end by the brutal acts of their large totalitarian neighbor. Since then, the Estonian people have suffered extremely heavy human and material losses. This situation still persists. Estonia is economically exploited by the Moscow regime. Those who dare make any requests for freedom and justice, relying on the stipulations of the Helsinki Final Act, are either confined to mental hospitals or sentenced to prison terms.

One case, in particular, that of Mart Niklus, an Estonian scientist, is typical of those whose only crime is a desire to join their relatives outside the U.S.S.R. Mart Niklus has been harassed by Soviet authorities for 22 years and arrested numerous times, imprisoned, and refused permission to emigrate to Sweden to join his family. Mart Niklus was sentenced to imprisonment for 10 years for writing and circulating materials related to, among other things, the Molotov-Ribbentrop Pact and the trial of the chairman of the Lithuanian Helsinki Group and others, and for listening to the Voice of America. I have introduced House Concurrent Resolution 218, which expresses the sense of Congress in calling for the release of Mart Niklus and to provide him with proper medical care. It also calls for the President to inform the Government of the Soviet Union that the United States, in evaluating its relations with other countries, "will take into account the extent to which such countries honor their commitments under international law, especially commitments with respect to the protection of human rights."

Nevertheless, many Estonians have managed to flee from the Communist terror in their homeland and are now living in various parts of the free world. They are deeply concerned about the future of their ancestral homeland and continue to make their

voices heard on behalf of the people of Estonia.

The United States, as well as a great number of other Western countries, have never recognized the forcible annexation of Estonia, Latvia, and Lithuania by the Soviet Union, which is of great moral support to the people of these nations. I believe it is especially important for the United States to continue its full and uncompromising support for the basic concept of sovereign rights of a people to the free and independent choice of the form of government under which they wish to live.

Estonians in the United States and throughout the free world will commemorate their national holiday today, February 24. They confirm at such occasions their determination to fight for the restoration of the independence of their native Estonia. At the same time, they hope that world public opinion will support them in this struggle for freedom and justice. We join with them in expressing our determination to see that the aspirations of Estonian people for national independence and cultural freedom will once more be restored.●

● Mr. HARKIN. Mr. Speaker, I am honored and obligated to raise my voice on behalf of a family denied the right to emigrate freely from the Soviet Union, contrary to the Universal Declaration of Human Rights. The Soviets are a signatory to this and the Final Act of the Helsinki accords, which guarantees expeditious handling of requests to emigrate. Their behaviour in the case of Victor Popovsky and his family of Sukhumi, Georgia, contravenes this international agreement.

Almost 8 years have passed since the Popovskys and their six children first applied for visas to leave the country. The request was unjustly denied. The reason was that Mr. Popovsky's passport stated his nationality as Russian, despite the fact this his birth certificate shows his mother is of Jewish origin. Regardless of his national classification, Mr. Popovsky and his family should be allowed to live in the country of their choice. Bureaucratic subterfuge is being used to deny the Popovskys this internationally recognized human right.

I extend my hand toward Victor Popovsky and his family. May the Soviet Union abide by the treaties it has signed and allow them to emigrate.●

● Mr. FISH. Mr. Speaker, the 64th anniversary of the declaration of independence of the Republic of Estonia is marked by the continuing concern of the free world that this small country regain the cultural and political sovereignty it had for a period of years between 1920 and 1939.

After concluding a peace treaty with the Soviet Union in 1920, Estonia was a democratic state for nearly two decades. Unfortunately, the Soviet Union, under Stalin, forcibly annexed Estonia. Over the next 10 years, the population of the country decreased by one-third.

Despite the great oppression felt by the people of Estonia, they continue to dream of being free again. Human rights activists Mart Niklus and Juri Kukk remain imprisoned for their activities in condemning the Soviet invasion of Afghanistan and urging a boycott of the Soviet Olympic games. More recent events indicate a strong willingness to overcome Soviet domination, despite the fact that nearly one-third of the native Estonian population has been replaced by Rusians.

In September of 1980, dissidents in Estonia, along with their compatriots in the other Baltic States, Lithuania and Latvia, carried a message of support of Lech Walesa. In October of 1980, and February of 1981, strikes occurred at a tractor factory and a state farm. By December, attempts were being made to stop work for one-half hour on the first workday of each month.

These developments are both encouraging and significant. Following the lead of Poland, the Baltic States should make it increasingly difficult for the Soviet Union to continue its domination of the area. The Estonian people will always have the full support of the United States in its efforts to repell Communist rule and again embrace democracy and freedom.

As a member of the Ad Hoc Committee on the Baltic States and the Ukraine, I will work to help the people of Estonia to achieve their dream of cultural, political, and economic independence.●

● Mr. MOAKLEY. Mr. Speaker, I rise today to commemorate the 64th anniversary of the Declaration of Independence for the citizens of Estonia.

As citizens of the United States, we have enjoyed freedom and self-determination for over two centuries. We achieved this goal only after a great struggle. There are many other countries throughout the world that are still striving to attain this high privilege.

The people of Estonia—who once enjoyed freedom—are now forced to live under the domination of the Soviet Union. They are not able to enjoy the luxuries of self-determination, or freedom of expression—which many of us Americans have come to take for granted. Their lives are controlled by the Soviet Union—a government that the Estonian people want no part of.

I am certain we are all aware of the variety of ethnic backgrounds that compile our heritage as Americans. One of the many ingredients of this melting pot of ours is the Estonian people. Scattered throughout the United States are citizens who claim ancestry to Estonia. They have given a great deal to our society. Perhaps the time has come for us to do something for their homeland.

I think it only appropriate that in recognizing the Declaration of Independence by the Estonian people that we recall our own history. It was through a strenuous and bitter battle that we were able to win our independence. It took many years but our Founding Fathers never lost sight of their vision.

Let us praise the people of Estonia for their courage and spirit. And let us raise our voices so that they, too, can one day enjoy and cherish freedom.●

● Mr. CARNEY. Mr. Speaker, February 24 marks the 64th anniversary of the Proclamation of Estonian Independence. It is a day, tragically, which the Estonians in Estonia cannot themselves celebrate. As we all know, Estonia, as well as Latvia and Lithuania, are under continuing illegal occupation by the Soviet Union.

While Estonia is presently powerless to free itself from the yoke of Soviet imperialism, the people have not accepted captivity as a permanent form of existence. As noted in the Christian Science Monitor of January 28, 1982, the Estonian workers have held brief work stoppages and strikes on the first day each month throughout the country. Naturally, the Soviets have responded with threats, intimidation, and imprisonment of suspected organizers. Yet, the efforts continue. So do the efforts of other dissidents. And so must the efforts of the supporters of freedom in the West.

As I have noted previously in this Chamber, the West plays a vital role in protecting Soviet dissenters from the excesses their government would visit upon them absent the glaring lights of world opinion. I am happy to see efforts such as House Concurrent Resolution 218 working through Congress. This resolution deals specifically with the plight of Estonian dissident Mart Niklus, who was sentenced last year with Dr. Juri Kukk to a hard labor term for promoting the cause of freedom in Estonia.

Kukk has since died. Niklus' condition worsens in the slave labor camps he is forced to endure. I hope that this body will lend its full support to any effort to help such brave individuals as Mart Niklus.

Mr. Speaker, I know that the Estonian people have not given up their fight. Perhaps Juhan Simonson, president of the Estonian American National Council, best articulated the future for Estonia and the Estonians:

> Estonians realize that the road ahead will be difficult. However, events in Poland have set off reverberations which will of necessity affect the Soviet Union. The Soviet occupied Baltic Republics, in closest contact with the West, are the natural starting point for this irreversible development.

Western support, and especially the steadfast nonrecognition of the illegal incorporation of Estonia, Latvia and Lithuania, has incalculable importance for those who have refused to give up their dream of freedom.

On the 64th anniversary of Estonian independence, let us here today renew our support of this dream of freedom.●

● Mr. BONKER. Mr. Speaker, I am pleased to join my distinguished colleagues, Representatives CHARLES DOUGHERTY and BRIAN DONNELLY as we commemorate the 64th anniversary of Estonian Independence Day.

As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, I have a special interest in the Baltic States. Our subcommittee has conducted hearings on "Human Rights and the Baltic States," "Human Rights in Eastern Europe and the Soviet Union" and several oversight hearings with the Commission for Security and Cooperation in Europe. The subcommittee has prepared and considered a number of resolutions calling for self-determination for the Baltic States. Just last month, the subcommittee passed House Concurrent Resolution 218, sponsored by Representative DERWINSKI, which expresses congressional concern about the imprisonment and treatment of Mart Niklus, an Estonian scientist and Helsinki monitor who is imprisoned in the U.S.S.R.

The struggle for liberation and human rights in Estonia is linked to the struggle for human rights everywhere. As Mart Niklus, the Estonian dissident said: "We don't want to remain a forgotten nation. We are what the West would be under Soviet rule." The United States, as a beacon of hope and inspiration, has a special obligation to speak for the silenced, the disappeared, the tortured, and the exiled wherever they are. In so doing, we draw nearer to that day when human rights is more than a slogan or a dream to the Estonian people, and their brothers and sisters around the world.●

● Mr. HOWARD. Mr. Speaker, February 24 marks the 54th anniversary of Estonian independence—a freedom won in 1918 from a war-ravaged, revolution-torn, fledgling Soviet state just after World War I, but which was soon extinguished by a resurgent, hegemonistic world power under the auspices of the 1939 Molotov-Ribbentroop pact. By August 1940, Estonia was once again firmly and formally under Soviet control.

The people of Estonia have suffered many losses since the start of the Soviet occupation. Over the years, Estonians from all walks of life have been deported to remote areas of the Soviet Union. Estonian biologist Mart Niklus is one such persecuted individual who is a symbol of the Estonian struggle for freedom. He has been harassed and persecuted by Soviet authorities since 1958 for "anti-Soviet crimes." A heartbreaking letter written by Mr. Niklus' mother was recently smuggled to the West, and in it, she describes the terrible treatment her son is subjected to in a special "regime labor camp." Mrs. Niklus describes the brutal manner in which her son was arrested and how he was told by one Soviet authority: "These (prison) doors will never open to you again!" Another agent brashly told him: "We can do whatever we want."

The Soviet system of control is an apparatus of repression so efficient, so comprehensive in scope and huge in size as to be unequaled in human experience. Yet people like Mart Niklus continue to resist. He is a symbol of the irrepressible human desire for freedom.

Juri Kukk, whose similar plight was noted here 1 year ago, is no longer a living, fighting symbol of the Estonian cause. Juri died last year after participating in a hunger strike to protest false accusations concocted against him by the Soviet Government. There is evidence that he was denied medical treatment and was physically and mentally tortured. Juri is a victim of Soviet repression carried to its terrible final stage.

It is perhaps the supreme irony that man, the most advanced of Earth's creatures, must constantly fight for the most basic natural freedoms, and that compassion, a purely human emotion, is so scarce in its application. The Soviet system is the largest and most pervasive political manifestation of this phenomenon. The U.S.S.R. is a primary global force, a "superpower" by virtue of its political and military power. However, in order to be accorded the legitimate respect of sovereign nations in a modern world, the Soviet leadership must dismantle its machinery of terror whereby the reins of leadership have rested on the broken bodies of heroic resistance. The Soviet Union must enter a world in which nations of such vast power and responsibility behave in a humane manner toward individual human rights. Until this occurs, the blood of every Juri Kukk will stain the murderous hands of terror and deny the humanity of their owners, while the cries of every Mart Niklus will remind the free world that the struggle against repression must not and will not relent.●

● Mr. GUARINI. Mr. Speaker, today, the 24th of February, marks the 64th anniversary of Estonian Independence Day. I wish to join the Estonian people, as well as people of Estonian heritage, in the commemoration of this significant date.

We recognize Estonian Independence Day because it symbolizes the courageous spirit of independence and liberty that persists and continues to grow in the Estonian people, both those who presently chafe under the heel of Soviet oppression and those who presently enjoy freedom in the United States but cannot forget the burdensome yoke of totalitarianism they once endured. Like the other Baltic states, Estonia has had a tragic history of invasion, but its indomitable spirit manifested itself in its military successes repelling both Germany and Russia in the early part of this century. On a grim day in June 1940, Russian troops entered Estonia, and staged fake elections. Less than 2 months later, the free republic of Estonia was forcibly annexed by the Soviet Government. Estonia suffered another brutal invasion by Germany, which, at the close of World War II, was followed by the Soviets reentering the country.

I do not need to expand upon the depth of treachery the Soviet invasion involved, because this is common knowledge. Suffice it to say that we, who have been born in and lived our lives in this uniquely free Nation, can scarcely fathom the pain and suffering the Estonians have endured. Estonia's Independence Day must be a reminder to us of how precious our freedom is, and of our duty to support freedom and democracy throughout the world.

Moreover, we must recognize the brave efforts of Estonians and their compatriots around the world to keep alive their dream of a free, independent, and sovereign homeland, and their unwavering dedication toward that goal. They, quite justly, refuse to let the world forget that Estonia continues to suffer under Soviet oppression.

We, who continue to enjoy freedom today, have an obligation to keep Estonia's valiant struggle in mind, and to seek full enforcement of the Helsinki Accords of 1975, which are designed to protect human rights in countries such as Estonia. I urge my fellow colleagues, as well as all Americans, to remember the meaning of this anniversary, and support the undying hope that, one day, Estonia will be free again.●

● Mr. LENT. Mr. Speaker, I wish to call to the attention of my colleagues a most important date which marks the 64th anniversary of the Declaration of Independence of the Republic of Estonia, an event that climaxed years of struggle for freedom on the part of the Estonian people. The struggle has continued with the exception of a 20-year period between 1920 and 1940 when the Republic of Estonia flourished and the Estonian people demonstrated with tremendous success what a small nation can achieve in all fields of life and culture when it enjoys peace and freedom.

In 1940, Estonia's peace and freedom were destroyed with brutal force when Communist Russia invaded and con-

quered Estonia, and Estonia's Baltic neighbors, Latvia and Lithuania. Since that terrible act of aggression, Soviet Russia has persecuted and oppressed the Estonian people, denying them the basic human rights stipulated in the Helsinki Final Act, signed with so much ceremony by the Soviet Union nearly 7 years ago.

But the courageous Estonians continue their heroic struggle against the brutal Soviet regime which continues to violate human rights policy.

Mr. Speaker, as we observe the 64th anniversary of the proclamation of the independence of the Republic of Estonia today, let each of us in the U.S. Congress reaffirm our support for the tremendous struggle for freedom waged by the heroic Estonian people. Let us encourage the continuation of their efforts to gain success in that struggle for their basic human rights and the independence of their proud nation. We salute the great courage and determination of those Estonians who risk their lives by challenging the fearsome powers of the Kremlin rulers, but who, nevertheless, continue their brave battle for freedom. Let us pray that the Estonians once again see the freedom they once enjoyed for such a short period of their history.●

● Mr. CORCORAN. Mr. Speaker, yesterday, my colleagues on the Ad Hoc Committee on the Baltic States and Ukraine, and I, commemorated the 64th anniversary of Lithuanian Independence Day. Today, it is again my honor to join my colleagues in recognizing another country's struggle for independence. Estonia, another small Baltic republic, celebrates the 64th anniversary of its Declaration of Independence today.

Unfortunately, the story of Estonia is all too similar to that of Lithuania. After surviving Bolshevik attacks during World War I, Estonia declared its independence in 1918. But Soviet aggression in 1938 was too strong for the small country to withstand. Estonia was claimed as a satellite by the Soviets.

The rest of the story has been sadly predictable. Estonians do not enjoy the freedom of an independent people. Their rights have been sharply curtailed by the Soviets, but the Estonians continue to fight tirelessly for their homeland.

Again, I strongly urge that we show our support for these courageous people. Their fight is one with which we, as Americans, can strongly indentify, and I believe that we must continue to give these countries whatever support we can.●

● Mr. GREEN. Mr. Speaker, today is the 64th anniversary of the Declaration of Independence of the Republic of Estonia. As a member of the congressional Ad Hoc Committee on Baltic States and the Ukraine, I am honored to have the opportunity to commemorate this important date.

In 1940, the Soviet Union illegally incorporated Estonia, Latvia, and Lithuania into the Soviet union. This infamous-act cannot be forgotten. We must stand by the people of Estonia and support their desire for freedom.

It is interesting to note the ramifications in Estonia of the Polish reforms accomplished by Solidarity before martial law was imposed. In 1980, Estonian dissidents sent a message of support to Lech Walesa. Later that year, a strike at a tractor factory took place. In February 1981, another strike took place, and in December 1981, there were growing efforts to organize a half-hour work stoppage on the first workday of every month. News has reached the West that despite the imposition of martial law in Poland, these efforts are still being made in Estonia. Freedoms that we take for granted in the United States will be difficult to accomplish in Estonia, and we salute the brave men and women there who are risking everything in the cause of liberty.

Thank you for this opportunity to recognize and support the aspirations for freedom of the courageous people of Estonia.●

● Mr. HOLLENBECK. Mr. Speaker, I rise to take this opportunity to join with my distinguished colleagues in commemorating the 64th anniversary of Estonian independence. On February 24, 1918, the smallest of the Baltic States declared its independence as a democratic republic.

Possessing freedom for a mere 20 years, Estonia has remained illegally occupied by Soviet forces since 1939. Although independence may have been shortlived, I greatly admire the Estonians' spirit and national pride which has allowed them to persevere through repeated Soviet attempts to deprive Estonians of their cultural heritage through forced Russification programs. It is precisely this spirit which we recognize today.

In the two decades that they enjoyed true sovereignty, the Estonians demonstrated their sincere commitment to democratic principles when they authored a constitution which embraced the ideals of justice, liberty, and protected the legal and ethical rights of all its linguistic minorities. Estonians can also reflect with great pride on the agricultural achievements and industrial accomplishments which they attained during this time.

As noted earlier, Estonia has been under illegal Soviet domination for 42 years. Through deportation, execution, and emigration, the small nation has suffered a tragic loss of its people: In the 1940's alone, one-third of the population was lost. Yet the Estonians have managed, despite Soviet tyranny, to not only maintain their hopes for absolute freedom but their unique cultural identity as well. Just as I know that the Estonian people will continue their opposition to Soviet rule, I also know that the West will not lose its resolve in pursuing a restoration of democratic principles throughout the Baltic region.●

● Mr. WAXMAN. Mr. Speaker, as we commemorate the 64th anniversary of the independence of Estonia, I look forward to the day when we will join to celebrate her return to the league of free nations.

Tiny Estonia's repeated subjugation by foreign powers from the 13th century on is a blot on the history of civilization. The Estonians' spirit, indomitable in spite of centuries of oppression, was victorious in 1920, when the Red army was finally repulsed and a peace treaty was signed with the Soviet Union. For nearly two decades, Estonia enjoyed true sovereignty. The Estonian Constitution embraced the ideals of justice and liberty and protected the rights of all Estonian citizens. Estonia became a spokesman for peace in the League of Nations, and a leader among the small democratic states.

And then in 1939, brave Estonia disappeared behind the Iron Curtain, becoming part of the Soviet Union's so-called sphere of influence. The dream that one day Estonia will reassert her freedom and identity has moved farther and farther out of reach. In the postwar period, mass killings and deportations decimated the population. And the progress of cultural assimilation, or Russification, has been steady since then. Estonians, in their homeland and around the world, continue to defy Soviet totalitarianism, however. The United States and other Western nations which have never recognized the forced annexation of Estonia and other Baltic States must continue to speak out against Soviet domination.

The Orwellian nightmare of 1984 has become a reality for Estonia. As we celebrate her anniversary of freedom, let us reflect on the human tragedy transpiring there now, and renew our pledge of support for her struggle.●

● Mr. ADDABBO. Mr. Speaker. when we think of Independence Day, it usually brings to mind the glorious birth of our Nation, the freedom and progress we have enjoyed for so long, and our hopes for the future. A wonderful commemoration indeed. Unfortunately, for many of our friends, especially those in the Ukraine and Baltic States, there is no such joy on Independence Day.

Febuary 24, 1982, marks the 64th anniversary of the declaration of independence of the Republic of Estonia, yet Estonians do not enjoy even the most basic of human rights. Since 1940, when the Soviet Union forcibly

annexed Estonia, this unfortunate nation has been subject to the economic and political exploitation of Moscow. The Soviet-imposed rule has brought with it untold sufferings: Arrests, deportations, and executions, as well as the so-called nationalization of all private property and the downgrading of social and working conditions. But, above all, fundamental freedoms have been virtually abolished.

The United States has never recognized the unlawful domination and annexation of Estonia by the Soviet Union. We, who enjoy our freedom every day, must continue our moral support for Estonia, and never forget the plight of those who await the day when they shall be truly independent.●

REAGAN'S BUDGET DEFICITS: REAGAN'S PROMISE TO AVOID THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 15 minutes.

Mr. LEVITAS. Mr. Speaker, I am disappointed in certain important aspects of President Reagan's budget. The enormous, but understated, deficits as well as other components are just unacceptable.

I do not understand President Reagan's unwillingness to make modifications in his economic recovery program in order to avoid the problems because last year Mr. Reagan personally told me he would alter his economic recovery plan if it seemed the economy did not improve as he expected and as he projected in his last budget. Now we have President Reagan projecting an outrageously high budget deficit of $91.5 billion for fiscal year 1983. Interest rates and unemployment are expected to remain at unacceptably high levels. And yet, there is no movement by the administration to change its proposal, despite the President's promise to do so.

Last summer, when Congress was considering the Economic Tax Recovery Act of 1981, I proposed that we include a series of economic "trigger" provisions in the tax reduction bill which could have deferred the tax cuts in the second and third years of the plan if the economy did not achieve the improvements which the administration projected it would; that is, if deficits and interest rates and inflation did not respond as predicted by Mr. Stockman. Unfortunately, this "trigger" provision was not adopted. But I was consoled by the fact that President Reagan personally told me he would take action to raise revenues, or do whatever was necessary to alter his plan in order to avoid higher budget deficits and further economic decline. This assurance from the President, shortly before the vital tax vote, helped convince me to vote for his tax cut plan.

In fact, on July 29, 1981, in a statement in the CONGRESSIONAL RECORD, I spoke of my conversation with the President and my decision to support him on the tax cut bill. The RECORD reads:

I did have the opportunity last night, however, to discuss my specific concerns with President Reagan. I asked him about my concerns over the potential of high deficits in the third year if the economy has not improved as forecast. He told me that in the event there are economic problems, if the anticipated economic recovery had not occurred by the third year, he would come to Congress with proposals which would raise the revenues, if necessary, or take other actions to rectify the problems and to avoid the potential deficit, interest, and inflation problems.

This assurance from the President that steps would be taken which, I believe, would have the same effect as the economic trigger I have proposed, convinced me to vote for the Conable substitute.

At the time Congress passed the tax reduction bill last year, the administration's own economic assumptions and benchmarks for fiscal year 1983 were as follows: Deficit, $22.9 billion; interest rates on 91-day Treasury bills, 7.5 percent; and the level of the C.P.I., 306.8. These same economic factors were to be the basis for the economic "trigger" I proposed. Today the administration's own economic assumptions for fiscal year 1983, upon which their entire budget is based, is as follows: Deficit, $91.5 billion; interest rates on 91-day Treasury bills, 10.5 percent; and the level of the C.P.I., 309.5.

I believe President Reagan is a man of his word. I believed him last summer when he told me he would make changes in his economic recovery plan if it appeared the economy would not improve by the third year. In making his commitment, Mr. Reagan did not state any exceptions in the type of modifications he would consider. He did not make any exceptions as to which measures of revenues and taxes, or spending, whether for defense or social programs or foreign assistance, he would consider appropriate for modification. It is even more disturbing to hear that some changes might be considered, but that certain areas of spending or revenue would be considered sacrosanct.

Now here we are looking at the projections for fiscal year 1983, and facing economic conditions which are graver than ever before. And yet, the administration refuses to act to alter the situation, despite the President's commitment to do so.

Governments have often been accused of conducting "business as usual" in the face of changing economic conditions and projections. I joined President Reagan in condemning past policies of increasing Government spending and continued high budget deficits in the face of inflation and interest rates which were strangling our economy. For this reason, I supported President Reagan in his call for cutting Government spending and moving to reduce the deficit and balance the Federal budget. But I am concerned now that President Reagan himself may be returning to the old "business as usual" policy.

I hope that President Reagan's failure to address adequately the threatening high budget deficits projected by his administration and his reluctance to make changes in elements of his economic recovery program does not signal a return to "business as usual." Will he honor his commitment to balance the Federal budget? Will he remember his commitment to me to take action to avoid high budget deficits and the resulting high interest rates and unemployment?

Yes, I believe in giving the President and his economic recovery program a chance to work. That is why I voted in favor of both the Reagan-supported Latta substitute to the first budget resolution and the Reagan-supported Hance-Conable substitute tax cut bill.

My personal opinion is that the President's programs deserve a chance to work. By April or May, we should be able to tell if the administration's economic program is going to lift us out of the recession and reduce interest rates and reduce the enormous deficits. I don't believe we should scrap the program yet, but we cannot put our heads in sand and not look ahead.

Part of the President's economic recovery program was lower deficits and lower interest rates and inflation. Soon President Reagan may have to deliver on that promise. He should not resist considering those alternatives now.

LEGISLATION INTRODUCED TO REINFORCE EXISTING TRADE LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 30 minutes.

● Mr. FRENZEL. Mr. Speaker, today I am introducing, along with Messrs. JONES, CONABLE, VANDER JAGT, and RAILSBACK, H.R. 5596 designed to reinforce existing trade laws which now give the President the ability to respond to unfair and inequitable trade practices—section 301 of the Trade Act of 1974.

The second primary purpose is to insure that foreign direct investment, in addition to trade in goods and services, is an activity covered by the provisions of these statutes. Additional authority is provided to negotiate removal of nontariff barriers that re-

strict or discriminate against U.S. investment abroad.

H.R. 5596 specifies that, in addition to the more familiar practices and policies that restrict particular categories of U.S. exports or that deny us the full benefits of trade agreements, section 301 also may be used to address more broadly based and perhaps less tangible actions that serve to deny the United States basic equivalency of commercial opportunity. The bill's intent is to achieve equity and fairness of market access with those countries that have benefited, and continue to benefit, most extensively from our "open door" trade policy.

Because the United States has been much more aggressive in seeking to open markets worldwide, beginning with our domestic market, the gap between trade opportunities in the United States and those that exist elsewhere has become significant. That gap will continue to widen unless our trading partners, especially those with advanced economies, recognize the importance of trade liberalization for themselves as well as others. They must assume a greater responsibility in providing reasonable access for competitive goods, services, and investments in their domestic markets.

Our bill is not intended to be used as an excuse to protect noncompetitive industries from import competition. It is a trade expansion bill, not a trade restriction bill.

The banner of "reciprocity" has been raised in some quarters in the expectation that weak industries might be protected to the same degree that our strong industries are denied market access abroad. Neither our current trade laws, nor the reinforcement that this bill provides, are meant to serve as a basis for closing our own market. Rather, this bill is a strengthened device to identify, investigate, and attempt to remove those acts, policies, and practices that have effectively blocked or discriminated against our most competitive exports.

The sponsors have drawn on the thinking of other Members of Congress. In particular we have borrowed from Senator DANFORTH in describing equitable market access as "substantially equivalent commercial opportunities." This phrase has some precedent in current trade law and defines a goal to be achieved in the overall trading relationship between two countries given the economic development of each.

Equivalent opportunities do not mean that equivalency of treatment is to be achieved on a product-by-product, sector-by-sector basis, although in some cases this may be appropriate. It certainly does not mean that bilateral balances must be nearly equal. However, the bill does provide that remedies to trade problems first be sought in the area where the problem exists and that any response or action on the part of the United States be of substantially equal trade value.

The words "reciprocal" and "reciprocity" do not appear in this bill. They have come to be associated, rightly or wrongly, with protectionism, so we have simply avoided their use.

H.R. 5596 also provides that actions taken by the United States in response to unfair trade practices take into account our international trade agreements and, where applicable, first seek a solution under the consultation and dispute settlement procedures of the GATT. If no solution is reached after 1 year, then the USTR must make a recommendation to the President as to the proper course of action to remedy the problem. In any case, the President is not required to take any action until the dispute settlement process is concluded.

Another important element of our bill is the new authority given to the President to negotiate both bilateral and multilateral agreements in an effort to remove restrictive and discriminatory practices on foreign direct investment. Similar multilateral authority already exists with respect to traded goods and services, but foreign investment is rapidly growing as a major trade activity. We need to seek effective solutions to investment problems as this trade is growing, so that investment opportunities develop in an open and equitable manner and serious imbalances do not have to be addressed later on.

As is the case with newly developing trade in investments, I hope that the revisions made by H.R. 5596 will more adequately address the trade problems in those areas that have gained in importance over the last several years. Trade in services and high technology are two such examples. As part of our overall trade policy, and by addressing specific problems through our trade laws, the United States should try to insure that newly emerging trade sectors are not the problem areas of the future but are instead open market success stories.

It is a frustrating and dangerous situation when those countries which enjoy a tremendous advantage from open export markets seem to have little enthusiasm to open their own domestic markets. Those which have been the most successful in developing their own industries to compete in open foreign markets have often been the least successful in making their own markets accessible to other trading partners.

U.S. industry and labor are becoming impatient with the lack of fairness and equity abroad. That impatience is justified. The growing services and investment sectors see the same negative picture ahead for them if our own laws are not strengthened. The basic thrust of this bill is to clarify in our trade laws that reasonable market access opportunities is one of the most important tests by which the United States will measure the individual trade relationships with its major trading partners, as well as to give direction and negotiating authority to the President that will increase his ability to press for further trade liberalization both bilaterally and multilaterally.

H.R. 5596 obviously applies to our major trading partners, but our intention is that it apply equally to all of them. We have current trade problems with Japan, and investment problems with Canada, but in the future our difficulties may lie elsewhere. The bill is aimed at problems, not countries.

It remains our goal to maintain our own traditionally open market, but we expect to be more forceful in insuring similar openness abroad.

HOMEOWNERS EMERGENCY RELIEF ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

● Mr. GONZALEZ. Mr. Speaker, today I am introducing a bill intended to assist homeowners who are faced with the loss of their homes through no fault of their own. A number of my colleagues who are concerned about high and rising unemployment, and who see the rate of mortgage delinquency climbing, are joining me in this effort to preserve homeownership. Persons with FHA mortgages can be helped through the temporary mortgage assistance program (TMAP); this bill addresses the unmet needs of those who have conventional or VA mortgages.

There are at least 307,500 home mortgages in the Nation that are better than 60 days delinquent. There are about 140,000 mortgages that are better than 90 days delinquent—meaning that we have an enormous number of people who are in imminent danger of losing their homes. Most of these are homeowners who have become members of the growing army of the unwillingly unemployed. With recession spreading and unemployment on the way up, that number will continue to grow. It would be tragic to see tens of thousands of innocent people lose their homes—but the danger is there.

I believe that if a person is delinquent on a mortgage for reasons he cannot control, and if that person has a reasonable chance of becoming able to overcome the problems, foreclosure ought to be avoided. There are circumstances in which lenders show great forebearance, but there are also circumstances in which foreclosure becomes a genuine threat. Foreclosure does not solve the problems of the lender or the borrower; it only ex-

changes one set of problems for another. In the case of the borrower, the result of foreclosure is not only ruinous; it is a personal disaster.

I do not believe that it serves any national good to permit supply-side economics to create a new class of landless peasants, or to force Americans to become homeless wanderers. Yet, unless we act, that is precisely what will happen.

The Homeowners Emergency Relief Act is modest, it is realistic, and it is justified.

Under this bill, the assistance program is triggered whenever the Federal Home Loan Bank Board 60-day default statistical series exceeds 1.3 percent of the mortgage funds outstanding. If the rate drops down to 1.2 percent, the assistance program stops. Generally speaking, that default rate occurs at about the same time unemployment hits better than 8 percent. The program envisioned by this bill would have become available as of last October. The default rate that was reached at that time was the highest in years. If my bill had been law in 1975, for example, the program would have been triggered only between February 1975 and June 1977, and again last October. In short, this bill has in it a prudent trigger, and its assistance terminates when economic conditions reach a reasonably sound level.

To be eligible for assistance, a homeowner must show that the property covered is a primary residence, that mortgage payments are at least 90 days delinquent or that there is a foreclosure notice outstanding, and must show that the delinquency is caused by temporary problems beyond his control. A person who is involuntarily unemployed, for example, would qualify.

Once the homeowner has met all the conditions of eligibility, the Secretary of Housing and Urban Development must find that the homeowner can reasonably be expected to resume normal payments within 2 years, will be able to repay the assistance extended, and will be able to pay the mortgage off when it is mature, or a later date that is agreed to by the lender.

The assistance payment itself would only amount to the difference between what the mortgage payment is and what the homeowner is capable of paying. The mortgage payment, of course, covers all components of a normal mortgage—the principal, interest, taxes, insurance and other standard charges. At the time the mortgage assistance is extended, the amount provided would be sufficient to bring the mortgage payments up to date. Assistance would be provided for 12 months, and could be extended another 12 months at the Secretary's discretion. Interest charges on the assistance program would be equal to the level of an FHA 203(b) loan.

Of all the 138,000 Americans who have a 90 day or better mortgage delinquency, economists estimate that 80 percent are in trouble because of involuntary unemployment. These are people who want to work, and will work if they have a chance. They are people who will make good on their debts if it is humanly possible. These are the people who would be assisted through this bill.

What this bill aims to do is to prevent temporary economic hardship from turning into permanent personal disaster. It intends to help those who can—and will, circumstances permitting—help themselves. With the economic outlook so uncertain, and with the prospects for recovery so clouded, it is obvious that more and more homeowners will be trapped by a loss of income, unable to continue making full mortgage payments. It will be better for them, and better for the Government, to enable such people to hang onto their homes. I am advocating a program that is humane, that makes economic sense, and that responds to a clear and growing need. I invite and urge the support of my colleagues.●

ESTONIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, February 24 marks a special day in man's historic struggle for freedom and self-determination, for it was on this day 64 years ago that the Estonian people established their own government and proclaimed their independence. It is with pride that I join in this commemorative event in the House of Representatives.

The Republic of Estonia grew and prospered for 22 years from February 24, 1918, to June 1940, when that nation was overrun by the Soviet empire and forcibly incorporated by the Soviet Union. The United States has never recognized this brutal seizure and excerpts from the book entitled, "Estonia—Story of a Nation" follow on life in that country as it must be lived today under the Soviet dictatorship:

SECOND SOVIET OCCUPATION AFTER 1944

The nightmare of Soviet oppression for the Estonian people started again. It has lasted till this day. In the immediate years after World War II there still existed considerable resistances in the Baltic States against Soviet forces. In Estonia this guerrilla resistance came to an end in 1949 with the complete collectivization of agriculture, whereby the support of the partisans was made practically impossible. 1949 also saw a new wave of deportations to Russia of the rural population. The number of the deportees surpassing many times that of the mass deportation in 1941.

Life in the Baltic countries is controlled by agents of Moscow's central regime. Estonia is a separate Soviet Socialist Republic in name only having little local control. Political power in the Soviet Union rests with the Communist party. Local parties function only as territorial sections of the all powerful all-Union Communist party, even in local units the majority consists of Russians.

Besides dominating and exploiting the material life of the Estonians, the pattern of the Communist ideology as well as the Soviet Russian imperialist aims, is to dictate heavy influence on the cultural life. It is a well-known fact in the civilized world that the writers under Communism are not free to publish independent views. Their works must serve Communist and Russian imperialist goals. It is a dangerous but heroic achievement for anybody to express, within these limits, thoughts differing from the dictated line. The commonly reported Soviet action of placing dissidents in mental institutions is confirmation that there is no freedom of speech in a Communist dictatorship.

The gravest national menace to the Baltic people is the steadily growing Russification of these countries. It is now estimated that of the total Estonian population 25 per cent are Russian immigrants; nearly 30 per cent in Latvia and about 10 per cent in Lithuania. At the same time the percentage of Russians in the Soviet Union as a whole is somewhat under 50 per cent. Thus a minority is keeping the great number of other nationalities under its iron heel.

The churches are hard pressed by the official anti-religious propaganda and recurring persecutions. Clergymen have given their considerable share to those murdered or deported. A parish can only exist by voluntary contributions of the parishioners which is officially discouraged. The education of new clergy is repressed. Nevertheless, there exists in Estonia an inner strength to continue religious life and make sacrifices for the sake of faith and independence.

Soviet trade is still characterized by a scarcity of consumer goods and shops to sell them. The distribution of consumer goods is rather complicated, and is carried out via various bureaucratic offices. But the main reason for inadequate supply of consumer goods is the general policy to hold back production in favor of heavy industry for military purposes.

Despite the advanced state of Baltic industrial development and the favorable impression this creates for Western visitors, the life of the average citizen is abysmally gloomy by Western standards.

As all colonial powers, Soviet Russia is economically exploiting not only Estonia and the other Baltic countries, but applying pressure to the whole of Eastern Europe, where Communist regimes were imposed by the Moscow rulers after World War II.

From Estonia, for instance, approximately two-thirds of the net taxation plus an unknown share of the compulsory deliveries from the kolkhozes are taken out of the country.

Tragically, the freedom-loving people now living in Estonia are unable to join in celebrating this auspicious independence day occasion, as they are forced to live in bondage under the ruthless tyranny of the Soviet Union. Despite their long suffering under the harsh yoke of com-

munism, no amount of repression has succeeded in stifling the Estonian's yearning and constant hope for sovereignty and individual freedom.

Periodically stories of persecution and suppression of human rights break through the Soviet curtain of censorship, but we may be sure that there are many such violations which do not become known publicly. Estonians have not accepted this foreign occupation of their land and still risk their lives to defy their Communist captors. An article on this subject from the January 28, 1981, edition of the Christian Science Monitor follows:

FOOD SHORTAGES FUEL LATEST STRIKE THREAT IN SOVIET-RULED ESTONIA

(By Chris Mosey)

STOCKHOLM.—Despite a crackdown by the Soviet authorities, a third half-hour protest strike by thousands of workers in the Baltic republic of Estonia will go ahead as planned Feb. 1.

Reports reaching Stockholm from dissident groups inside Estonia indicate that support for the action is growing because of discontent over increasing food shortages.

Ants Kippar, chairman of the Relief Center for Estonian Prisoners of Conscience, said resistance had hardened despite sackings and arrests of those taking part in the first two strikes, held Dec. 1 and Jan. 4.

"There is now a severe shortage of meat," he said. "This and the continued Russification of Estonia have increased discontent this winter. And, of course, events in Poland have influenced the situation."

He said that at least 150 people had been arrested in Tallinn, the Estonian capital, and that among those sacked for taking part in the Jan. 4 action was Dr. E. Roose, a surgeon at the Mustamaklinik hospital, near Tallinn.

"We do not know what has happened to Dr. Roose since his dismissal. We fear he has been arrested," said Mr. Kippar.

He said he knew personally of another four people under arrest in the central prison in Tallinn for taking part in the Jan. 4 strike.

The strikes have been called for in leaflets distributed throughout the Baltic states of Estonia, Lithuania, and Latvia, signed by "The Democratic Front of the Soviet Union—NLDRR."

The leaflets demand the recall of the Soviet Army from Afghanistan, an end of interference in Poland's internal affairs, the stopping of the export of food from the Baltic states to the rest of the Soviet Union, an end to "discriminating forms of trade," the release of political prisoners, and an end to political banishment.

They also ask for military conscription to be reduced by six months and for adherence to the Helsinki Accord on human rights.

The leaflets call for a "silent half-hour" between 10:00 and 10:30 a.m. on the first working day of each month.

"All wheels will cease to move. Traffic will be halted. All movement and activity will cease—wherever we are: in our workplaces, at outdoor sites, or if we are on personal business, in town, in the country, in the fields," says the appeal.

"All streetcars, trolley buses, taxis, trains, and waiting rooms will empty. Streets and pavements will be devoid of pedestrians. The whole country will be paralyzed for 30 minutes."

There is no evidence reaching Baltic exiles in Stockholm that Estonia has been "paralyzed." Traffic has been reported moving freely, but there has been considerable support for the strikes, which have become almost an institution for dissatisfied Estonians.

The exile groups say support for the strikes has been more widespread among Estonians than is readily apparent. This is because there are now 250,000 Russian immigrants in Tallinn, outnumbering the 220,000 Estonian residents. "Most of the Russians are working normally," Mr. Kippar said.

Discontent over Russian immigration has been growing rapidly. Last year violence flared at a basketball game between Estonia and Russia in Tallinn. Several policemen were injured and dozens of arrests were made.

Earlier, Estonian schoolchildren had protested at being forced to learn Russian.

The strike leaflets warn against civil disorder and "outbreaks of nationalism," however.

Heiki Ahonen, a youthful Estonian dissident, is believed to have been badly beaten by the police in Tallinn after being arrested distributing the leaflets, and two other dissidents, Kalju Metk and Artem Yusevych, are known to have been interrogated by the Soviet KGB.

Reports reaching Sweden indicated that support for the stikes is strongest in Estonia but that there have been sporadic actions in Latvia and Lithuania.

Mr. Kippar said he had regular telephone contact with dissidents inside Estonia. "It is a completely new organization that is behind the present strikes," he said.

Mr. Speaker, the United States has benefited enormously from the courage and vitality of Estonian Americans. These gifted citizens are a living reminder to the world of what an atmosphere of freedom can do for the spiritual, economic, and intellectual lifeblood of a nation. I am honored to have a part in the 64th anniversary commemoration of the Declaration of Independence of the Republic of Estonia, and I extend my warmest greetings to those Americans of Estonian descent in my own 11th district I am proud to represent, in Chicago, and all over this Nation who are commemorating this occasion.●

THE 75TH ANNIVERSARY OF THE YAMATO COLONY IN LIVINGSTON, CALIF.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. COELHO) is recognized for 5 minutes.

● Mr. COELHO. Mr. Speaker, I rise today to call attention to the 75th anniversary of the Yamato Colony in Livingston, Calif. Founded in 1906 by the pioneering efforts of Kyutaro Abiko, Yamato Colony was the first legally organized colony to be established in the United States by persons of Japanese ancestry.

These true pioneers persevered with tenacity and discipline, against adversity and hardship, and succeeded in transforming the desert lands they settled into rich and productive agricultural land. Furthermore, through group effort, early farm cooperatives were formed which laid the foundation for the present well established and successful Livingston Farmers Association.

Yamato Colony survived many hardships over the years. But perhaps the most severe test to their spirit, to their very existence, was the abrupt evacuation and internment of all persons of Japanese ancestry during World War II. They not only survived this traumatic experience but also retained their faith in the basic ideals of America and they rebuilt their community.

Yamato Colony is the actual living story of one ethnic group that hurdled and overcame incredible obstacles and became a viable segment of American society. The contribution made by these people, and the integral part they played in the building of a greater America, should not go unrecognized. Today as we face our own hardships and trials, let us remember and take strength from the example set by the members of the Yamato Colony.●

SMALL PORT DREDGING FUNDS DESPERATELY NEEDED IN OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 10 minutes.

Mr. WEAVER. Mr. Speaker, the President's budget contains no funds for Corps of Engineer dredging for ports of less than 5 million annual tons of shipments. This is outrageous. As Corps of Engineer dredging is essential to the operation of these ports, and could put all of Oregon's coastal ports out of business, these port communities are already strangled by high interest rates and the depression in the housing industry. These ports are already strangled by Government regulations and other regulations that have put our fishing industry to the brink of bankruptcy.

We are now trying to attract new business and new industry to these ports, with both existing success and potential success. To stop the dredging now would simply put these communities out of business.

I say, Mr. Speaker, we must restore the funds for the dredging for the ports of this Nation, including the great ports on the Oregon coast.

THE CONFLICT IN CENTRAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes.

Mr. BONIOR of Michigan. Mr. Speaker, I would like to address some

remarks this afternoon to an issue which undoubtedly will be talked about in the news tonight, and for weeks to come, as the conflict in Central America intensifies.

Today, President Reagan addressed the Organization of American States on the situation in Central America and on our economic initiatives for the region. I would like to make some observations about his statement, having just gotten a copy and read it. I would also like to address myself to a speech which was given last Sunday by Mexican President Lopez Portillo in Managua, Nicaragua.

I find it—and I use the word advisedly—somewhat incredible that the press in this Nation, and for that matter the international press, has given so little attention to the Lopez Portillo initiative. Having read the speech that President Lopez Portillo gave in Managua with respect to the Central America situation, with respect to peace and in particular the initiative he offered for El Salvador and the rapprochement accords he seeks between the United States and Nicaragua, it seems to me that he has offered the last, perhaps the last best hope, for dealing with peace in Central America in this decade.

President Lopez Portillo's statement was a passionate speech. Yet, it was a speech that offered, it seems to me, a realistic solution to the tensions in El Salvador and the tensions between our country, the United States, and Nicaragua.

I would like to comment in detail on President Lopez Portillo's speech in Managua and President Reagan's speech before the OAS, to look at each individually and to lay them side by side for comparison. But before I do that, I would like to give you some background. I think it is wise to begin with the words of then Senator John F. Kennedy in 1959 when he said, and I quote:

> If the title deeds of history applied, it is we, the American people, who should be marching at the head of this worldwide revolution. . . . For whenever a local patriot emerges in Asia, the Middle East, Africa, or Latin America to give form and focus to the forces of ferment, he most often quotes the great watchwords we once proclaimed to the world: the watchwords of personal and national liberty, of the natural equality of all souls, of the dignity of labor, of economic development broadly shared. Yet, we have allowed the Communists to evict us from our rightful estate at the head of this worldwide revolution. We have been made to appear as the defenders of the status quo.

What is significant in that statement, it seems to me, is the last line: "We have been made to appear as the defenders of the status quo."

I have traveled extensively through Central America over the last 5 or 6 years working on the negotiations on the Panama Canal Treaty and on implementing legislation aid for Nicaragua. I have talked to leaders in Costa Rica, Nicaragua, Panama, and in Mexico. It seems to me, Mr. Speaker and Members and my fellow Americans, that we are on a path that will eventually lead us to become an anachronism in terms of the world politics in this region.

I, in an article that was published in the Journal of the Johns Hopkins School of Advanced International Studies last summer, outlined what I thought perhaps would be a path which the United States could follow to influence the world and Central America.

The article basically embraced the idea that we in the United States carry historical baggage with respect to the region which the countries of Venezuela and Mexico do not.

□ 1660

Mexico and Venezuela are emerging powers in the world today, especially in this region, because of their oil resources, and because of the relative stability of their economic and political systems. They have been the "carers" for their neighbors, those neighbors which are less fortunate economically in this region.

In the article I wrote I asked that this administration look seriously at the possibility of working through President Lopez Portillo and President Campins Herrera of Venezuela in dealing with the countries of Costa Rica, Nicaragua, Honduras, Guatemala, and Panama. I asked that the United States seek cooperative economic development for the region, development which would be to the clear benefit of all participants.

During the 1980 Presidential campaign I was very excited by the words of President Reagan, who at that time said he was going to embark upon a strategy with our neighbors, the Canadians and the Mexicans, to develop hemispheric accord, and to that extent I give him credit. In fact, I give the President credit for at least being prepared to address the economic problems of the Caribbean region.

Too often in the past, this Government has been episodic in its relationships with our neighbors in Central America, where we paid attention to them for 2 or 3 months and ignored them for 2 or 3 years. This episodic attention has led to a situation in which we have been viewed not only as colonial, but paternalistic, and at the least not serious about dealing with the problems of our neighbors and not serious about dealing cooperatively in a spirit of friendship.

In the article I also suggested that the United States should work closely with Venezuela and Mexico to address the political problems of the region, and that a military approach would no longer be effective nor acceptable. Military solutions only fuel the fires of Marxism, but it seems to me political solutions reflect the values of democracy; and the United States should expand its cultural and technological ties to the region.

Central America is a very young area of the modern world. The Cubans are providing teachers and doctors for Nicaragua; the Marxist nations are offering Panamanian students scholarships to their universities; yet we seem to be investing very little in the region of Central America in intellectual development for the future leadership of that region.

Having said these things by way of background, let me, if I could, turn and take a look first at what President Reagan has suggested today in his speech before the OAS.

The initial tone of his speech was, I thought, positive. It reflected a sense of understanding of the historical colonial allegations that have been made against this country, both economically and militarily, and even at one point in his initial opening statement, the President said, and I quote:

> We have known economic misery, and once tolerated racial and social injustice (within our own country). And, yes, at times we have behaved arrogantly and impatiently toward our neighbors. These experiences have left their scars but they also help us today to identify with the struggle for political and economic development in the other countries of this hemisphere.

Having said that and having recognized and having admitted to our neighbors to the south in this forum that we have indeed been involved in paternalistic and colonial ventures in the past, the President went on to define his basic economic policy, some of which I applaud and think is very good, and I would like to, if I may, just talk about that for a second.

He said in his statement:

> Economic health is one of the keys to a secure future for our Caribbean Basin neighbors. I am happy to say that Mexico, Canada, and Venezuela have joined us in the search for ways to help these countries realize their economic potential.
>
> Each of our four nations has its own unique position and approach. Mexico and Venezuela are helping to offset energy costs to Caribbean Basin countries by means of an oil facility that is already in operation. Canada is doubling its already significant economic assistance. We all seek to ensure that the peoples of this area have the right to preserve their own national identities; to improve their economic lot and to develop their political institutions to suit their own unique social and historical needs. The Central American and Caribbean countries differ widely in culture, personality and needs. Like America itself, the Caribbean Basin is an extraordinary mosaic of Hispanics, Africans, Asians, and Europeans, as well as native Americans.
>
> At the moment, however, these countries are under economic seige.

And then I think the President correctly points out that in 1977 one barrel of oil was worth 5 pounds of

coffee or 155 pounds of sugar. Quoting further from the speech:

To buy that same barrel of oil today, these small countries must provide five times as much coffee (nearly 26 pounds) or almost twice as much sugar (283 pounds).

The President then goes on to outline some of his economic programs. He said this:

The program I am proposing today puts these principles into practice. It is an integrated program that helps our neighbors help themselves, a program that will create conditions under which creativity, private entrepreneurship and self-help can flourish. Aid is an important part of this program because many of our neighbors need it to put themselves in a starting position from which they can begin to earn their own way. But this aid will encourage private sector activities, not displace them.

The centerpiece of the program I am sending to the Congress is free trade for Caribbean Basin products exported to the United States. Currently, some 87 percent of Caribbean exports already enter U.S. markets duty free under the Generalized System of Preferences. These exports, however, cover only the limited range of existing products * * *.

Then he goes on to say:

Under the free trade arrangement I am proposing, exports from the area will receive duty free treatment for 12 years * * *.

The only exception to the free trade concept will be textile and apparel products because these products are governed by other international agreements. However, we will make sure that our immediate neighbors have more liberal quota arrangements.

Secondly, to further attract investment, I will ask the Congress to provide significant tax incentives for investment in the Caribbean Basin * * *.

Third, I am asking for a supplemental Fiscal Year 1982 appropriation of $350 million to assist those countries which are particularly hard hit economically.

I would suggest that the third point with respect to the $350 million in economic assistance is grossly inadequate to deal with the Caribbean Basin as an entity in itself. We have a situation in which Costa Rica, the most democratic republic in the Central American region, a nation that is void of a military establishment and which has practiced democracy for a number of years and which had until recently a relatively large middle class, yet the country is virtually bankrupt because of increased oil costs and because of the depression within the coffee industry itself.

Here is a country by itself that needs an infusion of dollars in help and stabilization that will help the new President, President Carazo, put together an economic program that will rescue the country. Yet we are talking about $350 million for countries that have been economically devastated, countries like Nicaragua, Honduras, Guatemala, and El Salvador. It just is not enough, and I would hope that the Congress would recognize that when we take up the President's initiatives.

Then the President said:

Fourth, we will offer technical assistance and training to assist the private sector * * *.

Fifth, we will work closely with Mexico, Canada, and Venezuela—all of whom have already begun substantial and innovative programs of their own—to encourage stronger international efforts to coordinate our own development measures with their vital contributions and with those of other potential donors like Colombia.

What is not said here in this fifth point is that the President has not, unfortunately, I do not think, reached an accord with our neighbors to the south, the Mexicans and the Venezuelans with respect to this program.

I think what the administration has been offering is a program in which we will help countries that are philosophically in line with us and the Venezuelans and Mexicans will help countries that are philosophically in line with them. Basically, I think that translates into saying, "Therefore, we are not going to help Nicaraguans; we are not going to help countries that don't toe the philosophical line of this country that this administration would want them to adhere to."

I think that this attitude risks, if you will, the demise of the whole economic program that the President is suggesting, and I would hope the administration would take a good look at this fifth point, because if they do not examine it, it seems to me we are going to have a difficult time getting our Venezuelan and Mexican partners to go along with the approach.

That is the positive part or aspect, it seems to me, of the President's speech. The distressing part is the rhetoric of the administration with respect to Nicaragua and the civil war in El Salvador. It would have been so very, very nice and so very, very positive if this administration and this President would have come before the OAS today and lowered the tone and lowered the threshold of jingostic rhetoric with respect to Nicaragua and El Salvador. But they did not. It would have been very, very positive for the region and the world as a whole if the President would have addressed the initiatives stated by President Portillo in Managua, but he ignored them in his message before the OAS today.

In contrast, what the President has done is to rail against the Nicaraguan Government. He compared the Nicaraguan Government with the Salvadoran Government and suggested the contrast was vivid. The Salvadorans, he claims, are making progress because they have land reform and yet the Nicaraguans are not and they are jailing people.

The fact of the matter is that it is obscene, it seems to me, to try to compare what is happening in El Salvador and what is happening in Nicaragua. There are excesses in both countries, but to suggest that human rights flourish in El Salvador while they do not in Nicaragua is an obscenity as far as I am concerned. We have had 13,000 people killed, many of them by their own Government, in El Salvador during the last year. Nothing of nearly that magnitude has happened in Nicaragua.

The President went on to say that the left in El Salvador was basically Marxist and Leninist oriented. I think people will admit that there is a strong flavor of Marxism and Leninism in the guerrilla activities of the people in Nicaragua and El Salvador. What the President fails to say is that there are also groups of people who are fighting the governments of Garcia and Duarte who are not in fact Leninist or Marxist. You have a situation in which Dr. Ungar, who is the vice president of the Social Democrats in El Salvador and was vice president along with Darte at one time, is a Social Democrat in the tradition of the Social Democrats in Western Europe. You have other people in the popular front who are not Marxist or Leninist, and to reduce that breadth to polar extremes, it seems to me, in front of a group of people in the OAS who understand the situation better, is a simplification of the issue.

The President failed to mention the problems in Guatemala, and that, I think is regrettable, because what we have in Guatemala is another El Salvador. Some people have guesstimated, Amnesty International and others, that there have been equally as many people killed, many by their own Government, in Guatemala as were killed in El Salvador—up to 13,000 this last year.

So the rhetoric in the last part of the address, it seems to me, was unfortunate, and I would hope the administration would tone down the rhetoric and reach out to these countries and try to develop some bridge to understanding so we can get on with the coordinated effort within the whole region and not just pick out our favorite countries.

Having looked at the speech of President Reagan, let us turn now to the speech that was given in Managua by President Lopez Portillo. I would like to quote directly from it. The speech's words and ideas are important, but the quotations are from a speech that was given just Sunday and a translation that was done by the Congressional Research Service just yesterday, and so the translation is a little rough, but I will try to be as clear as possible.

I come today to commemorate with you a date, February 21, which is recorded in the conscience of all Latin American men who have had to join in battles, whether with arms or ideas, in order to safeguard their right to free determination. On remembering the death of Augusto Ceasar Sandino, we must authenticate the obligation that we have to all of those who lost their lives in

order to insure us a future of liberty and justice.

Numerous combatants and strugglers have emerged in our peoples in the long process towards independent life. With a difference of three years, Mexico and Nicaragua had to fight against the incursions of the adventurers headed by the freebooter William Walker.

What President Portillo is referring to here, for the benefit of those who are not familiar with Nicaraguan history, is that back in the 1850's a gentleman by the name of William Walker, a resident of the United States, a somewhat wealthy adventurer who lived in the United States, decided he was going down to Central America and establish a slave colony, so he went down to Nicaragua and virtually took over the government and ruled there for 2 years and tried to establish a slave trade in Nicaragua. And that has transpired since the time of William Walker and the 1850's has been American interference in the lives of Nicaraguans until very recently, in 1979, the Sandinistas and others overthrew the dictatorship of Anastasia Somoza, who was to a very large extent supported by the United States up until his final years.

□ 1615

President Portillo went on to say:

In 1853 the settlers of Sonora and Baja California, led by a few Mexican soldiers, repulsed, after having decimated them, the pirate and his mercenaries.

He is referring to William Walker—

Later, the Central American people in arms waged the battle in Nicaraguan territory in order to put down once and for all Walker's ambitions. An example of the combative spirit of the Nicaraguan people is the glorious warlike action of San Jacinto, which in the end was decisive for Nicaraguan arms.

Decades later, our destinies again cross. This time it is not against a common enemy but, rather, on the occasion of having received in our territory one of the most illustrious exponents of the Latin American social conscience.

The ties that establish Sandino with Mexico and his return to fight the foreign occupation are a direct record of the solidarity between the Mexican and Nicaraguan revolutions. November 20, 1910, and July 19, 1979, are important dates in the historic past of Latin America. In spite of being separated by time, they are tied together in destiny that will mean a more worthy, just and promising life for the peoples of the region.

Portillo goes on to make some other statements with respect to the close ties that the Mexicans and the Nicaraguans have had historically, and he says, finally:

I say to you: follow your road, which is the one that your people have chosen. Mexico has been and will always be on your side.

It was thus in times of euphoria and is so now in difficult moments, in moments in which the horizon is clouded with the storm clouds of the foreign threat, not only in Nicaragua but also in the entire region—

Referring to the U.S. threats with respect to the camps that we have let go and unnoticed in Florida and California that are training Somocists to reinvade in a counterrevolution the country of Nicaragua—

I again state with objectivity, without arrogance, using analysis and reason, what circumstances, responsibility and the traditional Mexican friendship led me to say at the end of last year: an intervention in Central America and the Caribbean would represent a gigantic historic error in addition to meaning the return to eras that tried to give rights by force. It would bring about the continental convulsion and the resurgence of a profound anti-American sentiment in all the best men of all of Latin America. I can assure my good friends of the United States that what is happening here in Nicaragua, what is happening in El Salvador, and the wind that is blowing throughout all of the region, does not represent an intolerable danger for the fundamental interests and national security of the United States, but it does represent, on the other hand, the risk of historic condemnation for violently infringing on the rights of people which doubtless those of the states demand for themselves, to have self-determination in independence and the exercise of their sovereignty.

And, finally, and most significantly, Lopez Portillo went on to outline a peace initiative for El Salvador and a coming together of governments between the United States and Nicaragua.

President Portillo outlined a three-point framework for reducing tensions between the governments in Washington and Managua.

First, the United States should denounce the use of force or threat of force against the Nicaraguans.

Second, there should be a process of mutual military reduction in Nicaragua and among exiled bands in surrounding countries and here in the United States.

It is important to understand that Nicaragua is a very small country, a very impoverished country, that has just come through a revolution. And to have the Secretary of State or the President of the United States wielding the big stick and insinuating that there may be naval blockades and putting, as I understand today from news reports, a carrier or destroyer in the gulf that separates El Salvador from Nicaragua, that type of action only heightens the paranoia, the frustration, the concern of the people of Nicaragua and to move the Nicaraguans to increase their military; that, in turn, threatens their neighbors, and that, in turn, intensifies throughout the region.

Third, it is important to understand that when you have a situation in which you have three or four camps existing in southern Florida and southern California where the U.S. Government seemingly ignores the training of rebels that are then Somocists and Nicaraguan rebels in these camps in the Everglades and in California, who are then transported to the Honduran border, and who are then used in incursions across the Nicaraguan border in counterrevolutionary efforts, that is threatening and it is front-page headlines daily in the Nicaraguan press.

And what Portillo is suggesting in the first point of his three-point framework is that the United States should renounce the use of force or threats against Nicaragua.

And what he is suggesting in his third point is that, together with closing down these camps in Florida and in California, we would get a promise from the Nicaraguans that their military numbers would be decreased.

Third, Nicaragua would conclude nonaggression treaties with the Central American neighbors and the United States.

The Nicaraguans, to my knowledge, to this date, have embraced those points and it seems to me that the United States ought to lower their rhetoric and consider seriously the proposals made by President Lopez Portillo.

He then went on to talk about the situation in El Salvador. In El Salvador the administration has pursued the upcoming elections this March as the sole solution and oppose negotiations between the revolutionaries and the existing military regime. In contrast with negotiations, which would almost definitionally exclude the revolutionary groups, those opposed to existing regimes are effectively precluded from participation in the elections.

What does all that mean? It means that Dr. Ungo and those people on the left who want to be a part, who want to participate in the elections in Nicaragua, are just plain scared to go back and to deal with General Garcia because the last time that happened, the last time they participated, the military in El Salvador, under General Garcia and others, kicked them virtually out of the country, and many of their compatriots lost their lives.

So there has to be some assurance on the part of the military establishment in El Salvador that if the left does participate and they are willing to drop their arms and participate, that indeed the United States and other nations and, hopefully, Mexico and Venezuela, will help insure that there will be some type of free elections and that their safety and being will be guaranteed.

President Lopez Portillo concluded his speech with what I feel is a heartfelt and urgent statement, "The consequence of failures are unthinkable," he said. "I appeal to the men of good will. Let us give each other a last opportunity. We will know how to make use of it."

In El Salvador, it seems to me the hour is very late. The United States

cannot afford the consequences of ignoring the promising Mexican initiative. President Lopez Portillo is suggesting that our fear about a Communist takeover at the ballot box is not insurmountable, that things can be worked out before elections to include politically the left in El Salvador in the electoral process.

While the press addresses the President's speech today I would hope that they would take a serious look at what is being offered by Lopez Portillo, what I believe would be embraced by the majority, the vast majority, of nations and their representatives at the OAS. This country must get on with the process of peace rather than the process of intervention.

A friend of mine, upon seeing what was happening in Poland in the presentation of this administration, and others across the world, seeing it in a movie, "Let Poland Be Poland," once commented to me. "Let Salvador be Salvador," and I think those are wise words. I think the political process is a way in which to resolve that conflict, to "let Salvador be Salvador".

CUTS IN OLDER WORKER JOBS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from california (Mr. JOHN L. BURTON) is recognized for 5 minutes.

● Mr. JOHN L. BURTON. Mr. Speaker, once again, President Reagan has decided to pull the rug out from under the elderly poor. This time he wants to kill the title V older worker public service jobs program for over 54,200 low-income older Americans.

Take away these jobs, and thousands of older workers lose income; taxpayers lose more because of higher welfare payments; and other needy groups lose services that their communities cannot replace because of other Reagan cuts. Who beside some budget gnome in OMB wins in this situation?

The Department of Labor tells me they cannot discuss this cut at my subcommittee hearing tomorrow because they do not have the details of their job training program ready. I think they are just ashamed of what they are doing. I do not blame them, much. I could not look a group of older workers in the face and tell them they are better off on welfare than on the job, either.

We are talking about old, poor people who are able and willing to work to keep their independence. A friend of mine in the San Francisco Public Guardian's Office said it best when he was telling me about a 72-year-old woman who works for him. Without the job, she would be getting an SSI gold check instead of a paycheck. He said the choice was clear: "she either works for the guardian's office, or she becomes one of our wards."

If she and thousands of other title V workers do not fit the President's definition of deserving poor, I would like him to come up here and tell us just who does.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GRISHAM) to revise and extend their remarks and include extraneous material:)

Mr. LENT, for 30 minutes, on March 2, 1982.

Mr. LEACH of Iowa, for 20 minutes, today.

Mr. LEACH of Iowa, for 20 minutes, on February 25, 1982.

Mr. FRENZEL, for 30 minutes, today.

(The following Members (at the request of Mr. LEVITAS) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. WEAVER, for 10 minutes, today.

Mr. BINGHAM, for 60 minutes, March 15, 1982.

Mr. JOHN L. BURTON (at the request of Mr. BONIOR of Michigan), for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GRISHAM) and to include extraneous matter:)

Mr. SOLOMON.
Mr. MCGRATH in two instances.
Mr. GILMAN in three instances.
Mr. CORCORAN.
Mr. COURTER.
Mr. LENT.
Mr. CLINGER.
Mr. CONABLE in two instances.
Mr. QUILLEN.
Mr. DORNAN of California.
Mr. GOLDWATER.
Mr. RINALDO.
Mr. GREEN.
Mr. ROBINSON.
Ms. FIEDLER.
Mr. BROYHILL.
Mr. LEWIS.
Mr. SCHULZE.
Mr. BEREUTER.
Mr. FIELDS in two instances.
Mr. RUDD in two instances.
Mr. HYDE.
Mr. EVANS of Delaware in two instances.
Mr. PAUL in two instances.
Mr. DERWINSKI.
Mr. HOPKINS.
Mr. PARRIS.
Mr. BROOMFIELD.
Mr. HUNTER.
Mr. EMERY.
Mr. SMITH of New Jersey.
Mr. PORTER.
Mr. DENARDIS in three instances.
Mr. BAILEY of Missouri.
Mr. SHUSTER.

(The following Members (at the request of Mr. LEVITAS) and to include extraneous matter:)

Mr. MATTOX.
Mr. GORE.
Mr. ROE in two instances.
Mr. LEVITAS.
Mr. GAYDOS in three instances.
Mr. LELAND.
Mr. ASPIN in three instances.
Mr. HOWARD in two instances.
Mr. OTTINGER in seven instances.
Mrs. BOUQUARD.
Mr. AUCOIN.
Mr. WALGREN.
Mr. SCHUMER.
Mr. CORRADA.
Mr. FRANK.
Mr. ROSENTHAL in two instances.
Mr. MAVROULES in two instances.
Mr. SMITH of Pennsylvania.
Mr. PEASE.
Mr. LANTOS.
Mr. FORD of Tennessee.
Mr. SCHEUER.
Mr. HALL of Ohio.
Mrs. SCHROEDER.
Mr. JONES of North Carolina.
Mr. MOTTL.
Mr. DINGELL.
Mr. RANGEL.
Mr. WYDEN.
Mr. ECKART.
Mr. MOFFETT.
Mr. BAILEY of Pennsylvania.
Mr. BINGHAM.
Mr. MINISH.
Mr. DERRICK.
Mr. MILLER of California.
Mr. HAMILTON.
Mr. SANTINI.

ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Thursday, February 25, 1982, at 11 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1981, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., February 16, 1982.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is a report to the Congress pursuant to section 4 of the Act of August 28, 1958 (Public Law 85-804; 50 U.S.C. 1431-35), submitted to the Speaker of the House of Representatives pursuant to Rule XL of the House.

The National Aeronautics and Space Administration, acting through its Contract Adjustment Board, did not grant any request for extraordinary contractual adjustment during calendar year 1981.

Sincerely,

JAMES M. BEGGS,
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3164. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs incurred by the Department in the administration of the promotion program for wool and the research and promotion program for potatoes, including costs incurred for the conduct of the wool and potato referendums; to the Committee on Agriculture.

3165. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting notice of transfer of funds appropriated to the Department of Defense, pursuant to section 734 of the Department of Defense Appropriation Act of 1981; to the Committee on Appropriations.

3166. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

3167. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-158, "Victims of Violent Crime Compensation Act of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3168. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-156, "Closing of a Public Alley in Square 1801 Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3169. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-157, "Life Insurance Act Amendment of 1981," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3170. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 4-159, "District of Columbia Pubic Assistance Act of 1982," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3171. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial statements for fiscal year 1981, and the legislative recommendations for fiscal year 1983, pursuant to section 308(b) of the Rail Passenger Service Act of 1971, as amended; to the Committee on Energy and Commerce.

3172. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the expiration of the 60-day period specified by law, pursuant to 1 U.S.C. 112(b) (H. Doc. No. 97-148); to the Committee on Foreign Affairs and ordered to be printed.

3173. A letter from the Assistant Secretary of Defense (Public Affairs), transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3174. A letter from the Deputy Assistant Secretary of the Interior for Policy, Budget and Administration, transmitting a negative annual report on disposal of foreign excess property during fiscal year 1981, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

3175. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the annual report for calendar year 1981 on extraordinary contractual actions to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on Government Operations.

3176. A letter from the Under Secretary of Interior, transmitting notice of a deferral of payment of the annual construction charge installment for the Almena Irrigation District No. 5, Pick-Sloan Missouri Basin program, Kansas, pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

3177. A letter from the Clerk, U.S. Court of Claims, transmitting a copy of the court's judgment order in Docket No. 363, *Lower Sioux Indian Community in Minnesota, et. al.* v. *the United States*; to the Committee on Interior and Insular Affairs.

3178. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the Coast Guard for fiscal year 1983, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3179. A letter from the Deputy Administrator, General Services Administration, transmitting four prospectuses proposing alteration at various locations pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3180. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the proposed revisions of the National Aeronautics and Space Administration's space transportation upper stages program, relative to the Galileo mission, pursuant to section 4(3) of Public Law 97-96; to the Committee on Science and Technology.

3181. A letter from the Comptroller General of the United States, transmitting a report on the operations pricing policy of the National Aeronautics and Space Administration for the space transportation system (MASAD-82-15, February 23, 1982); jointly, to the Committees on Government Operations and Science and Technology.

3182. A letter from the Secretary of the Interior, Secretary of Agriculture, and the Secretary of the Army, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, to provide for the administration and utilization of recreation fees, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY of Pennsylvania (for himself, Mr. DOUGHERTY, Mr. HUNTER, and Mr. SMITH of Pennsylvania):

H.R. 5583. A bill to amend title 10, United States Code, to establish a program to provide vocational training assistance to persons in technical programs leading to associate and community college degrees in return for a commitment for enlisted service in the Armed Forces; to the Committee on Armed Services.

By Mr. BROYHILL:

H.R. 5584. A bill to amend the Communications Act of 1934 to make certain revisions regarding the regulatory authority and administrative procedures of the Federal Communications Commission; to the Committee on Energy and Commerce.

H.R. 5585. A bill to amend the Communications Act of 1934 to make certain revisions regarding the authority of the Federal Communications Commission to regulate radio and television broadcast station licensees; to the Committee on Energy and Commerce.

By Mr. CLINGER:

H.R. 5586. A bill to designate certain public lands in the Allegheny National Forest in the State of Pennsylvania as wilderness, to designate certain other lands in that national forest as a national recreation area, and for other purposes; to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. CONABLE:

H.R. 5587. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on sales and exchanges of capital assets when the proceeds are reinvested in securities issued by domestic corporations; to the Committee on Ways and Means.

H.R. 5588. A bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household; to the Committee on Ways and Means.

By Mr. WILLIAM J. COYNE:

H.R. 5589. A bill to amend the Internal Revenue Code of 1954 to repeal the provision which permits Members of Congress to deduct living expenses without substantiation, and for other purposes; to the Committee on Ways and Means.

By Mr. DELLUMS (for himself and Mr. FAUNTROY):

H.R. 5590. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to establish a predictable and equitable formula for determining the amount of the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. DORNAN of California:

H.R. 5591. A bill to amend the Communications Act of 1934 to provide that an individual shall be treated as a candidate for Federal office for purposes of the equal time provisions in section 315 of such act if

such individual is treated as a candidate for purposes of the Federal Elections Campaign Act of 1971; to the Committee on Energy and Commerce.

H.R. 5592. A bill to amend the Internal Revenue Code of 1954 to require that Members of Congress substantiate the amounts they deduct as living expenses while away from home; to the Committee on Ways and Means.

By Mr. EMERY:

H.R. 5593. A bill to amend title 38, United States Code, to authorize the Veterans' Administration to provide outpatient contract podiatric services without a requirement of referral from a medical doctor; to the Committee on Veterans' Affairs.

By Mr. FARY:

H.R. 5594. A bill to provide student assistance benefits to dependents of State and local public safety officers who died in the line of duty, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. FAUNTROY (for himself, Mr. DELLUMS, Mr. MCKINNEY, Mrs. HOLT, and Mr. BARNES):

H.R. 5595. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRENZEL (for himself, Mr. JONES of Oklahoma, Mr. CONABLE, Mr. VANDER JAGT, and Mr. RAILSBACK):

H.R. 5596. A bill to provide for fairness and equity in international trade; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 5597. A bill to establish domestic content requirements for motor vehicles sold in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. ST GERMAIN, Mr. FAUNTROY, Mr. PATTERSON, Mr. LAFALCE, Mr. BLANCHARD, Mr. EVANS of Indiana, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. LOWRY of Washington, Mr. MITCHELL of Maryland, Mr. HUBBARD, Mr. D'AMOURS, Mr. SCHUMER, Mr. FRANK, Mr. WILLIAM J. COYNE, Mr. HOYER, and Mr. REUSS):

H.R. 5598. A bill to provide emergency mortgage relief for certain homeowners unable to make mortgage payments because of involuntary unemployment or underemployment; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOLLAND:

H.R. 5599. A bill to provide that recent amendments of section 1239 of the Internal Revenue Code of 1954 shall not apply to a disposition of property if a private letter ruling, issued before the enactment of the amendments, provided that such section would not apply to the disposition; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. BADHAM):

H.R. 5600. A bill to amend title 38, United States Code, to restore certain social security benefits repealed by Public Law 97-35 in the case of survivors of veterans dying of service-connected disabilities incurred before September 1, 1981; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina (for himself, Mr. HUBBARD, and Mr. LENT):

H.R. 5601. A bill to amend the Panama Canal Act of 1979, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KASTENMEIER:

H.R. 5602. A bill to authorize appropriations to the Patent and Trademark Office in the Department of Commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. LUJAN (for himself, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. CHENEY, Mr. PASHAYAN, Mr. MARTIN of New York, Mr. HANSEN of Utah, and Mr. EMERSON):

H.R. 5603. A bill to withdraw the national wilderness preservation system and other lands from operation of the general mining and mineral leasing laws, to insure adequate inventories of resource values in such areas, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. McDADE (for himself and Mr. IRELAND):

H.R. 5604. A bill to encourage exports by facilitating the formation and operation of export trading companies, export trade associations, and the expansion of export trade services generally; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. McHUGH:

H.R. 5605. A bill to repeal the provisions added by the Black Lung Benefits Revenue Act of 1981 which relate to the tax treatment of Members of Congress; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 5606. A bill to amend the Internal Revenue Code of 1954 to limit the deduction of living expenses by Members of Congress and to eliminate the provision which allows such deduction without substantiation of such expenses; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 5607. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income up to $4,000 of interest on savings in the case of individual taxpayers; to the Committee on Ways and Means.

By Mr. MOFFETT (for himself, Mr. GEJDENSON, Mr. LEACH of Iowa, Mr. BONIOR of Michigan, Mr. GREEN, Mr. ECKART, Mrs. FENWICK, and Mr. ERDAHL):

H.R. 5608. A bill to prohibit the production of lethal binary chemical munitions by the United States and to call on the President to enter into immediate negotiations with the Soviet Union for a mutual, verifiable limitation on the production and stockpiling of chemical weapons; jointly to the Committees on Armed Services and Foreign Affairs.

By Mr. PARRIS:

H.R. 5609. A bill to impose certain sanctions against countries which expropriate real property of U.S. persons; to the Committee on Foreign Affairs.

By Mr. PAUL:

H.R. 5610. A bill to provide that U.S. citizenship shall be an eligibility requirement for any benefits wholly funded or administered by the Federal Government, and to terminate any Federal assistance toward any program of benefits in which such assistance is used to provide benefits to noncitizens; to the Committee on Government Operations.

H.R. 5611. A bill to require the disclosure that products and publications made available by the Federal Government to the public at no charge have been paid for out of U.S. tax dollars; to the Committee on Government Operations.

H.R. 5612. A bill to repeal the amendments enacted during 1981 with respect to the deduction of living expenses of Members of Congress; to the Committee on Ways and Means.

By Mr. PEASE (for himself and Mr. HEFTEL):

H.R. 5613. A bill to amend title II of the Social Security Act to facilitate the administration of the social security system, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHMOND:

H.R. 5614. A bill to provide for fair trade between the United States and Japan; to the Committee on Ways and Means.

By Mr. RUSSO:

H.R. 5615. A bill to repeal the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 5616. A bill to impose temporarily higher rates of duty on certain products of Japan; to the Committee on Ways and Means.

By Mr. STUDDS (for himself, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, and Ms. MIKULSKI):

H.R. 5617. A bill to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WEAVER (for himself, Mr. BEDELL, Mr. DASCHLE, Mr. VENTO, Mr. SABO, Mr. GEJDENSON, Ms. MIKULSKI, and Mr. NEAL):

H.R. 5618. A bill to require the Secretary of Agriculture to establish a network of volunteers to assist in making available information and advice on organic agriculture for family farms and other agricultural enterprises, to establish pilot projects to carry out research and education activities involving organic farming, and to perform certain other functions relating to organic farming, with special emphasis on family farms; to the Committee on Agriculture.

By Mr. WHITTEN:

H.J. Res. 409. Joint resolution making further continuing appropriations for the fiscal year 1982; to the Committee on Appropriations.

By Mr. ALEXANDER (for himself and Mr. GILMAN):

H.J. Res. 410. Joint resolution to designate April 19, 1982, as "Dutch-American Friendship Day"; to the Committee on Post Office and Civil Service.

By Mrs. BYRON:

H.J. Res. 411. Joint resolution to authorize and request the President to designate the week of May 2 through May 8, 1982, as "National Physical Fitness and Sports for All Week"; to the Committee on Post Office and Civil Service.

By Mr. JEFFRIES:

H.J. Res. 412. Joint resolution to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day"; to the Committee on Post Office and Civil Service.

By Mr. MOTTL:

H.J. Res. 413. Joint resolution making supplemental appropriations for the Department of Labor for the fiscal year ending September 30, 1982; to the Committee on Appropriations.

By Mr. PAUL:

H.J. Res. 414. Joint resolution to end the practice of guaranteeing or making avail-

able loans to foreign countries; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H.J. Res. 415. Joint resolution to designate December 12, 1982, as "National Military Families Day"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN of California (for himself, Mr. OBERSTAR, Mr. HYDE, Mr. GILMAN, Mr. LAGOMARSINO, Mr. MCGRATH, Mr. FROST, Mr. DAUB, Mr. WILLIAM J. COYNE, Mr. FITHIAN, Mr. MADIGAN, Mr. GRISHAM, Mr. KOGOVSEK, Mr. ENGLISH, Mr. WOLF, Mr. KEMP, Mr. RICHMOND, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. BENEDICT, Mr. COELHO, Mr. DREIER, Mr. WOLPE, Mr. LANTOS, Mr. PORTER, Mr. HOWARD, Mr. DOUGHERTY, Mr. EVANS of Georgia, and Mr. YATRON):

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with respect to Americans who are missing in action in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. MAVROULES:

H. Con. Res. 276. Concurrent resolution expressing the sense of the Congress that the executive branch should conform to the recommendations of the Global 2000 study; to the Committee on Post Office and Civil Service.

By Mr. DINGELL (for himself, Mr. ROSTENKOWSKI, Mr. SHARP, Mr. OTTINGER, Mr. MOFFETT, and Mr. FUQUA):

H. Res. 371. Resolution expressing the sense of the House of Representatives with respect to the acceleration of wellhead natural gas prices; to the Committee on Energy and Commerce.

By Mr. DORNAN of California:

H. Res. 372. Resolution to amend the Rules of the House of Representatives to require a recorded vote upon final passage of legislation that adjusts the pay of Members, and for other purposes; to the Committee on Rules.

By Mr. HOPKINS (for himself, Mr. LEBOUTILLIER, Mr. MCEWEN, Mr. WYDEN, Mr. LEACH of Iowa, Mr. WORTLEY, Mr. HORTON, Mr. WEAVER, Mr. PORTER, Mr. BENEDICT, Mr. FRANK, Mrs. ROUKEMA, Mr. CLINGER, Mr. LEE, Mr. HOLLENBECK, and Mr. MURPHY):

H. Res. 373. Resolution expressing the sense of the House of Representatives concerning guaranteed student loans for graduate and professional students; to the Committee on Education and Labor.

By Mr. MCDADE:

H. Res. 374. Resolution to express the sense of the House of Representatives in congratulating Hadassah on its 70th anniversary; to the Committee on Post Office and Civil Service.

By Mr. MOFFETT (for himself, Mr. LEBOUTILLIER, Mr. RICHMOND, Mr. BINGHAM, Mr. PEPPER, Mr. CLAY, Mr. WYDEN, Mr. CORRADA, Mr. FAUNTROY, Mr. MATSUI, Mr. MOAKLEY, Mr. HORTON, Mr. MCHUGH, Mr. OBERSTAR, Mr. FRANK, Mr. EDGAR, Mr. MILLER of California, Mrs. KENNELLY, Mr. ROSENTHAL, Mr. EDWARDS of California, Mr. OTTINGER, Mr. CARMAN, Mr. FAZIO, Mr. MURPHY, and Mr. PANETTA):

H. Res. 375. Resolution expressing the sense of the House of Representatives that graduate and professional students should remain eligible for certain guaranteed student loans; to the Committee on Education and Labor.

By Mr. WYDEN (for himself and Mr. GEPHARDT):

H. Res. 376. Resolution expressing the sense of the House of Representatives with respect to opposing any further reductions in medicare benefits and favoring developing a health care reimbursement system that promotes cost-efficient quality health care; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

268. By the SPEAKER: Memorial of the Senate of the State of South Carolina, relative to industrial development; to the Committee on Ways and Means.

269. Also, memorial of the Legislature of the State of South Carolina, relative to the National Cemetery in Florence County; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES:

H.R. 5619. A bill for the relief of Harry Chen Tak Wong; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 5620. A bill for the relief of Teodoro N. Salanga, Jr.; to the Committee on the Judiciary.

By Mr. SANTINI:

H.R. 5621. A bill for the relief of Peter J. Montagnoli; to the Committee on the Judiciary.

By Mr. TAYLOR:

H.R. 5622. A bill for the relief of Michael Glodt and Bertha Glodt; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 768: Mr. PASHAYAN.

H.R. 852: Mr. REUSS, Mr. DYSON, Mr. HAGEDORN, Mr. HARTNETT, Mr. DWYER, Mr. FORSYTHE, Mr. VOLKMER, Mr. MINETA, and Mr. ASPIN.

H.R. 1603: Mr. DASCHLE, Mr. SKEEN, and Mrs. MARTIN of Illinois.

H.R. 1651: Mrs. SCHNEIDER.

H.R. 1890: Mrs. HOLT, Mr. GINGRICH, Mr. COLLINS of Texas, Mr. WHITLEY, Mr. SYNAR, Mr. PEPPER, Mr. DREIER, and Mr. MARKEY.

H.R. 2869: Mr. WON PAT and Mr. EDWARDS of California.

H.R. 3035: Mr. MCCURDY.

H.R. 3234: Mr. WON PAT and Mr. EDWARDS of California.

H.R. 3252: Mr. FISH, Mr. CLAUSEN, Mr. OTTINGER, Mr. WOLPE, Mr. PANETTA, Mr. GEJDENSON, Mr. ADDABBO, Mr. RITTER, and Mr. SIMON.

H.R. 3496: Mr. PRITCHARD and Mr. SHAMANSKY.

H.R. 3575: Mr. DANNEMEYER, Mr. HALL of Ohio, Mr. LOWERY of California, and Mr. ST GERMAIN.

H.R. 3955: Mr. RUDD.

H.R. 3984: Mr. HUBBARD.

H.R. 4154: Mr. KEMP, Mr. ANDREWS, and Mr. HUGHES.

H.R. 4285: Mr. JEFFORDS, Mr. FAUNTROY, Mr. ROE, Mr. WHITEHURST, Mr. KOGOVSEK, Mr. HORTON, Mr. ROUSSELOT, Mr. FRANK, Mr. LEHMAN, Mr. FASCELL, Mr. KINDNESS, Mr. MITCHELL of Maryland, Mr. ADDABBO, Mr. BARNES, Mr. BIAGGI, Mr. BINGHAM, Mr. FAZIO, Mr. FORSYTHE, Mrs. FENWICK, Mr. KILDEE, Mr. WOLF, Mr. COURTER, Mr. SIMON, and Mr. ANDREWS.

H.R. 4326: Mr. SCHUMER, Mr. JENKINS, Mr. SMITH of Pennsylvania, Mr. WHITTAKER, and Mr. PEPPER.

H.R. 4394: Mr. GARCIA, Mr. SCHUMER, and Mr. LANTOS.

H.R. 4409: Mr. WEISS.

H.R. 4457: Mr. BINGHAM.

H.R. 4484: Mr. ASPIN, Mr. DYSON, Mr. FAZIO, Mr. LOEFFLER, and Mr. SIMON.

H.R. 4531: Mr. BARNARD, Mr. BENEDICT, Mr. BEREUTER, Mr. BLILEY, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BUTLER, Mr. CAMPBELL, Mr. CHAPPELL, Mr. JAMES K. COYNE, Mr. CORCORAN, Mr. DAVIS, Mr. DUNCAN, Mr. ERLENBORN, Mr. FORSYTHE, Mr. FRENZEL, Mr. GRADISON, Mr. GREGG, Mr. HAGEDORN, Mr. HANSEN of Idaho, Mr. HARTNETT, Mr. HILER, Mrs. HOLT, Mr. HUBBARD, Mr. HYDE, Mr. JENKINS, Mr. JOHNSTON, Mr. KEMP, Mr. LEE, Mr. LOTT, Mr. LUJAN, Mr. MARTIN of North Carolina, Mr. MICHEL, Mr. MOLLOHAN, Mr. NEAL, Mr. O'BRIEN, Mr. ROTH, Mr. SAWYER, Mr. SEIBERLING, Mr. SENSENBRENNER, Mr. SHUMWAY, Mr. STANTON of Ohio, Mr. STUMP, Mr. THOMAS, Mr. WHITEHURST, Mr. CLINGER, Mr. HUGHES, and Mr. LENT.

H.R. 4671: Mr. FINDLEY.

H.R. 4725: Mr. WON PAT and Mr. EDWARDS of California.

H.R. 4775: Mr. SIMON and Mr. BLANCHARD.

H.R. 4786: Mr. VOLKMER, Ms. FIEDLER, Mr. ROUSSELOT, Mr. GRAMM, Mr. CARNEY, Mr. WON PAT, Mr. CONABLE, Mr. RUDD, Mr. DAVIS, Mr. WILLIAMS of Montana, Mr. THOMAS, Mr. SHARP, Mr. SILJANDER, and Mr. HIGHTOWER.

H.R. 4902: Mr. JAMES K. COYNE.

H.R. 4979: Mr. MOLINARI.

H.R. 5017: Mr. WEBER of Ohio.

H.R. 5067: Mr. ERDAHL.

H.R. 5105: Mr. WHITEHURST, Mr. MCDONALD, Mr. DYSON, Mr. LEBOUTILLIER, Mr. DWYER, Mr. FIELDS, Mr. PORTER, Mr. SMITH of Alabama, Mr. MCCOLLUM, and Mr. SOLOMON.

H.R. 5150: Mr. PARRIS, Mr. ROBINSON, and Mr. HUBBARD.

H.R. 5170: Mr. PEPPER, Mr. OXLEY, and Mr. LENT.

H.R. 5180: Mr. GLICKMAN, Mr. KILDEE, Mr. BONIOR of Michigan, Mr. WEISS, Mr. HOWARD, Mr. DAUB, Mr. KINDNESS, Mr. BEILENSON, Mr. DWYER, Mr. VENTO, Mr. GRISHAM, Mr. HUTTO, Mr. AKAKA, Mr. SHUMER, Mr. FORD of Michigan, Mr. FRENZEL, Mr. SANTINI, Mr. SEIBERLING, Mr. FORD of Tennessee, Mr. ROBERTS of Kansas, Mr. DONNELLY, Mr. MINETA, Mr. FROST, Mr. SUNIA, Mr. ROSENTHAL, Mr. WON PAT, Mr. BARNES, Mr. MITCHELL of Maryland, Mr. PORTER, Mr. BAILEY of Pennsylvania, Mr. HYDE, Mr. RODINO, Mr. SILJANDER, Mr. SCHEUER, Mr. RINALDO, Mr. CLAY, Mr. MILLER of California, Mr. GRAY, Mr. PRITCHARD, Mr. MAZZOLI, Mr. DASCHLE, Ms. COLLINS of Illinois, Mr. COELHO, Mr. PRICE, Mr. HUGHES, Mr. WYDEN, Mr. GINGRICH, and Mr. MAVROULES.

H.R. 5192: Mr. AUCOIN, Mr. BENEDICT, Mr. BOLLING, Mr. BONIOR of Michigan, Mr. BREAUX, Mr. BRINKLEY, Mr. DUNCAN, Mr. ERDAHL, Mrs. FENWICK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GLICKMAN, Mr. GREGG, Mr. HALL of Ohio, Mr. HERTEL, Mr. HOLLENBECK, Mr. HUGHES, Mr. HUNTER, Mr.

KILDEE, Mr. LUNDINE, Mr. MCEWEN, Mr. MINETA, Mr. MITCHELL of New York, Mr. MOFFETT, Mr. MOLINARI, Mr. NEAL, Mr. REGULA, Mr. ROBERTS of Kansas, Mr. SHAMANSKY, Mr. SKELTON, Mr. TAUKE, Mr. TAYLOR, Mr. TRAXLER, Mr. VENTO, Mr. VOLKMER, Mr. WOLF, Mr. HORTON, and Mr. BROYHILL.

H.R. 5193: Mr. KILDEE, Mr. VENTO, Mr. MITCHELL of New York, and Mr. WILLIAMS of Ohio.

H.R. 5205: Mr. MARKS, Mr. MARTIN of New York, and Mr. OBERSTAR.

H.R. 5305: Mr. LAFALCE and Mr. HEFTEL.

H.R. 5324: Mr. RITTER and Mr. SHUSTER.

H.R. 5380: Mr. BENEDICT, Mrs. BOGGS, Mr. COELHO, Mr. DE LA GARZA, Mr. DORNAN of California, Mr. DWYER, Mr. EVANS of Georgia, Mr. FAZIO, Mrs. FENWICK, Mr. FOGLIETTA, Mr. GOODLING, Mr. HENDON, Mr. HYDE, Mr. KOGOVSEK, Mr. LAGOMARSINO, Mr. LEBOUTILLIER, Mr. LUJAN, Mr. MCEWEN, Mr. MCDONALD, Mr. MATSUI, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. MONTGOMERY, Mr. RATCHFORD, Mr. SIMON, Mr. SMITH of New Jersey, Mr. SMITH of Pennsylvania, Mr. SPENCE, Mr. WILSON, Mr. WOLF, Mr. WORTLEY, Mr. YOUNG of Alaska, and Mrs. BOUQUARD.

H.R. 5396: Mr. BAILEY of Pennsylvania, Mr. EDGAR, Mr. FOGLIETTA, Mr. GRAY, Mr. HUGHES, Mr. MURPHY, and Mr. MURTHA.

H.R. 5439: Mr. AUCOIN, Mr. BARNES, Mr. BEREUTER, Mr. COELHO, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. CORRADA, Mr. D'AMOURS, Mr. DASCHLE, Mr. DOUGHERTY, Mr. DUNCAN, Mr. DYMALLY, Mr. ERTEL, Mr. EVANS of Delaware, Mr. EVANS of Georgia, Mr. FAUNTROY, Mr. FAZIO, Mr. FIELDS, Mr. FRANK, Mr. FROST, Mr. GEJDENSON, Mr. GINGRICH, Mr. HAGEDORN, Mr. SAM B. HALL, Jr., Mr. HARTNETT, Mr. HUGHES, Mr. HUTTO, Mr. JACOBS, Mr. KILDEE, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MATSUI, Mr. MAVROULES, Mr. MCDADE, Ms. MIKULSKI, Mr. MOFFETT, Mr. MOTTL, Mr. PEYSER, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SABO, Mr. SAVAGE, Mr. SCHUMER, Mr. SUNIA, Mr. SWIFT, Mr. TAYLOR, Mr. VENTO, Mr. WILLIAMS of Montana, Mr. WOLF, and Mr. YOUNG of Alaska.

H.R. 5469: Mr. BEVILL, Mr. NICHOLS, and Mr. CLINGER.

H.R. 5535: Mr. LOWRY of Washington.

H.J. Res. 197: Mr. FOGLIETTA and Mr. UDALL.

H.J. Res. 305: Mr. OTTINGER.

H.J. Res. 332: Mr. DAUB, Ms. MIKULSKI, and Mr. JENKINS.

H.J. Res. 371: Mr. HUGHES, Mr. BONIER of Michigan, Mr. MOAKLEY, Mr. NAPIER, Mr. FISH, Mr. OXLEY, Mr. SMITH of Pennsylvania, Mr. HEFTEL, Mr. NATCHER, Mr. FAUNTROY, Mr. CHAPPIE, Mr. BRINKLEY, Mr. SUNIA, Mr. FRENZEL, Mr. WEBER of Ohio, Mr. SHAMANSKY, and Mr. FAZIO.

H.J. Res. 386: Mr. ANNUNZIO, Mr. ASHBROOK, Mr. BARNES, Mr. BLANCHARD, Mrs. COLLINS of Illinois, Mr. CORCORAN, Mr. COURTER, Mr. DASCHLE, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. DWYER, Mr. FARY, Mrs. FENWICK, Ms. FIEDLER, Mr. FISH, Mr. FORSYTHE, Mr. FROST, Mr. GILMAN, Mr. GINGRICH, Mr. HERTEL, Mr. HOLLENBECK, Mrs. HOLT, Mr. HOWARD, Mr. HUGHES, Mr. KEMP, Mr. LAGOMARSINO, Mr. LENT, Mr. MAVROULES, Mr. MCDONALD, Mr. MCGRATH, Ms. MIKULSKI, Mr. MINISH, Mr. MITCHELL of New York, Mr. PORTER, Mr. PRITCHARD, Mr. RITTER, Mr. ROE, Mr. SAWYER, Mr. SUNIA, Mr. VENTO, Mr. WOLPE, Mr. WORTLEY, Mr. YATRON, and Mr. LUNGREN.

H.J. Res. 388: Mr. BAILEY of Pennsylvania, Mr. EDGAR, Mr. FOGLIETTA, Mr. GRAY, Mr. MURPHY, and Mr. MURTHA.

H.J. Res. 398: Mr. RHODES, Mr. WALKER, Mr. BROOMFIELD, Mr. SAWYER, Mr. RUDD, Mrs. MARTIN of Illinois, Mr. LATTA, Mr. MYERS, Mr. WOLF, Mr. SMITH of New Jersey, Mr. DORNAN of California, Mr. GINN, Mr. BARNARD, Mr. ERDAHL, Mr. HYDE, Mr. YATRON, Mr. GILMAN, Mr. HUGHES, Mr. ERTEL, Mr. PATTERSON, and Mr. TAUKE.

H. Con. Res. 213: Mr. OBEY.

H. Con. Res. 249: Mr. FORD of Tennessee, Mr. MCHUGH, Mr. PERKINS, Mr. FORSYTHE, Mr. GOODLING, Mr. SMITH of Pennsylvania, Mr. VENTO, Mr. GINGRICH, Mrs. SCHROEDER, Mr. MARKEY, Mr. PRITCHARD, Mr. BINGHAM, Mr. AUCOIN, Mr. DERWINSKI, Mr. WORTLEY, Mr. EDGAR, Mr. CORCORAN, Mr. MINETA, Mr. COURTER, Mr. COELHO, Mr. DAUB, Mr. MADIGAN, Mr. FAZIO, Mr. HORTON, Mr. FISH, Mr. EDWARDS of Oklahoma, Ms. MIKULSKI, Mr. DREIER, Mr. WEBER of Ohio, Mrs. COLLINS of Illinois, Mr. DWYER, Mr. WOLPE, Mr. BARNES, Mr. SILJANDER, Mr. PEPPER, Mr. FRENZEL, Mr. MITCHELL of Maryland, Mr. LEACH of Iowa, Mr. WAXMAN, Mr. HAWKINS, Mr. KILDEE, Mr. KEMP, Mr. RITTER, Mr. KOGOVSEK, and Mr. SCHEUER.

H. Con. Res. 253: Mr. APPLEGATE, Mr. ASPIN, Mr. AUCOIN, Mr. BEARD, Mr. BEDELL, Mr. BONKER, Mrs. BOUQUARD, Mr. DONNELLY, Mr. DYSON, Mr. EDGAR, Mr. EVANS of Georgia, Mr. FASCELL, Ms. FERRARO, Mr. FORD of Michigan, Mr. GLICKMAN, Mr. SAM B. HALL, Jr., Mr. HORTON, Mr. HOWARD, Mr. JEFFRIES, Mr. KOGOVSEK, Mr. LANTOS, Mr. LONG of Louisiana, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. NEAL, Mr. PEPPER, Mr. RATCHFORD, Mr. ROE, Mr. ROTH, Mr. SCHUMER, Mr. SMITH of Iowa, Mr. VENTO, and Mr. WYDEN.

H. Con. Res. 255: Mr. LOWERY of California, Mr. DYSON, Ms. MIKULSKI, and Mr. YOUNG of Missouri.

H. Con. Res. 264: Mr. LEBOUTILLIER, Mr. MOTTL, Mr. MINISH, Mr. SANTINI, Mr. MCKINNEY, Mr. MITCHELL of Maryland, and Mr. BARNES.

H. Con. Res. 266: Mr. JOHNSTON, Mr. DAN DANIEL, Mr. MOTTL, Mr. FAZIO, Mr. GOODLING, Mr. MCDONALD, Mr. BENJAMIN, Mr. FROST, Mr. DASCHLE, Mr. RAHALL, Mr. HUGHES, Mr. MCDADE, Mr. WEAVER, Mrs. SCHROEDER, and Mr. BEDELL.

H. Res. 324: Mr. CHAPPIE, Mr. WORTLEY, Mr. BETHUNE, Mrs. BOUQUARD, and Mr. EDGAR.

H. Res. 334: Mr. NEAL, Mr. MCCOLLUM, Mr. GLICKMAN, Mr. ROEMER, Mr. KILDEE, Mr. SYNAR, Mr. HILER, Mr. CHAPPIE, Mr. LAGOMARSINO, Mrs. ROUKEMA, Mr. KINDNESS, Mr. DECKARD, Mr. ROBINSON, Mr. GOLDWATER, and Mr. STATON of West Virginia.

SENATE—*Wednesday, February 24, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable WILLIAM S. COHEN, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Blessed be the name of the Lord from this time forth and even for evermore! From the rising of the sun to its setting the name of the Lord is to be praised! The Lord is high above all nations, and his glory above the heavens.—Psalm 113: 2-4.

We worship Thee O Lord, not because Thou dost need our worship but because we need to worship. We enrich our humanity when we praise and adore Thee, we diminish our humanity when we fail to worship Thee. Blessed be the name of the Lord.

Let Thy blessing rest upon all who labor here, not that we may exploit Thy blessings on ourselves, but that what is done here, what is decided here will be a blessing to those who are served by the Senate.

Be with those who are in need: the ill, the discouraged, the frustrated, the lonely, the tempted, those without hope, those financially burdened, those alienated from friends or loved ones. In grace, touch their lives with healing and peace. Let Thy will be done in the Senate, in all the offices and homes represented here. We pray in the name of Him who is the Great Physician, the Wonderful Counselor, the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 24, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM S. COHEN, a Senator from the State of Maine, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COHEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STRONG SUPPORT FOR THE PRESIDENT

Mr. STEVENS. Mr. President, this is the third day of our proceedings, following the period of the recess honoring the birthdays of President Washington and President Lincoln.

Many of us took the opportunity to return to our homes to meet with our friends, community leaders, State leaders, and constituents. I took the occasion to return to my State of Alaska and also to visit the States of Wyoming, California, and Arizona.

I wish to report to the Senate and confess to my colleagues that never in my life have I encountered such strong support for a President. The people with whom I talked, almost unanimously, believe that the President deserves support in his program and that we should assist him by sticking by our guns and his as we try to turn our economy around.

People literally stopped me on the streets and in airports, people I had never met before in my life, to urge me to support the President and to give his program a chance to work. I previously planned to follow that course, and I can assure the Senate I now am certain that I am going to follow that course.

We are going through a difficult transition. Our economy has the potential to be healthy and vibrant which, of course, will insure the maintenance of a healthy nation.

The effort to revitalize our economy is really an effort to restore our Nation to the greatness it deserves. There is going to be a rough road ahead. There are going to be some tough decisions. But I believe we should stick to our guns.

We have set a program in place. It ought to be given time to succeed. I hope that the Senate will listen to those people throughout the country who support this program for economic recovery.

Mr. President, I reserve the remainder of our time.

THE DEATH OF ROBERT LOWE KUNZIG

Mr. STEVENS. Mr. President, it is with sadness that I learned of the premature death of Robert Lowe Kunzig. Bob Kunzig was a personal friend and a dedicated public servant.

His career in Government was illustrious and marked with distinction. I had the privilege of knowing him not only when he served as the administrative assistant to our former minority leader, Senator Hugh Scott, but also when he was administrator of the General Services Administration.

Bob Kunzig earned his law degree from the University of Pennsylvania and following his education, he served in the European theatre with the U.S. Army during World War II. After the war, he served on the prosecution staff at the Nuremberg war crimes trials.

Bob's distinguished career in Government continued after a 4-year stint in private practice in Philadelphia. From 1953 to 1955 he was counsel to the House Un-American Activities Committee. From there he accepted the position of Executive Director of the Civil Aeronautics Board in 1955. Then in 1958 President Eisenhower appointed him to the U.S. Foreign Claims Settlement Commission.

In 1961 he returned to private business only to return to Government as the administrative assistant to Senator Hugh Scott of Pennsylvania. Bob Kunzig made a great contribution during his 4-year tenure on Capitol Hill.

In 1969, President Nixon appointed Bob Kunzig as the Administrator of the General Services Administration. I was impressed with his leadership at GSA. He was warm and approachable, yet he was efficient and effective. I admired and respected him and I valued his friendship.

His success at GSA led to his appointment as an associate judge on the U.S. Court of Claims in 1972. It was at this position where Judge Kunzig remained until his recent death.

Judge Kunzig will be remembered by all. His example is one by which we all may learn.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

SENATE RESOLUTION 322—RELATING TO POSSIBLE ACTIONS TAKEN TO EXPEL ISRAEL FROM THE GENERAL ASSEMBLY OF THE UNITED NATIONS

(Submitted by Mr. ROBERT C. BYRD, for himself and Mr. MOYNIHAN.)

ISRAEL AND THE UNITED NATIONS

Mr. ROBERT C. BYRD. Mr. President, earlier this month the United Nations condemned Israel for taking steps to annex the Golan Heights. Some 86 nations voted in favor of this resolution which also called upon all nations of the world to isolate totally a friend and ally of the United States.

Many observers of the United Nations scene interpret this action as laying the basis for suspending Israel from participation in the 37th General Assembly when it convenes this fall. In fact, there are reports that Syria is actively pursuing this course of action.

Mr. President, not only would such an action be illegal under the United Nations Charter, it also would represent the height of hypocrisy. That is why I am gong to offer a sense-of-the-Senate resolution today on behalf of myself and my distinguished colleague from New York, Mr. MOYNIHAN.

The resolution is simple. If the General Assembly votes to suspend, expel, or deny Israel its credentials, then the U.S. Government is urged to do two things: First, we should withhold our own participation in the General Assembly; and second, we should withhold our assessed contributions to the United Nations until the Assembly overturns this illegal action.

If the United Nations majority was to take steps to deny Israel's participation in the 37th General Assembly, such an action would be a clear violation of the U.N. Charter. The legality issue was addressed in a report prepared by the Congressional Research Service of the Library of Congress in response to a request from the Senate Committee on Foreign Relations. Issued on September 30, 1980, the Congressional Research Service study analyzed the legal aspects of credentials challenges in the United Nations General Assembly.

According to the study, during the 25th U.N. General Assembly, the United Nations Legal Counsel defined the credentials of a representative to an international organization "as the document attesting that the person or persons named are entitled to represent their State at the seat of or at meetings of the Organization."

As such, the Legal Counsel stated that only two basic types of questions can be raised regarding the legitimacy of a country's delegation to the Assembly. These involve:

First, a technical question as to whether a delegation has received and presented proper credentials from its government indicating it is an authorized representative of that government, or;

Second, a broader question of which governmental delegation properly represents a country.

When the issue of South Africa's credentials was raised during the 25th General Assembly in 1970, the U.N. Legal Counsel was requested to render an opinion to the Assembly President.

According to the Congressional Research Service study, the U.N. Legal Counsel reported to the Assembly President.

A statement on the scope of "credentials" issues in Rule 27 of the Assembly Rules of Procedure:

After exploring the general practice relative to the treatment of credentials for the General Assembly, the Legal Counsel offered the following opinion:

6. Should the General Assembly, where there is no question of rival claimants, reject credentials statisfying the requirements of Rule 27 for the purpose of excluding a Member State from participation in its meetings, this would have the effect of suspending a Member State from the exercise of rights and privileges of membership in a manner not foreseen by the Charter. Article 5 of the Charter lays down the following requirement for the suspension of a Member State from the rights and privileges of membership:

(A) Preventive or enforcement action has been taken by the Security Council against the Member State concerned;

(B) The Security Council has to recommend to the General Assembly that the Member State concerned be suspended from the exercise of the rights and privileges of membership;

(C) The General Assembly has to act affirmatively on the foregoing recommendation by a two-thirds vote, in accordance with Article 18, paragraph 2, of the Charter, which lists "suspension of the rights and privileges of membership" as an "important question."

The participation in meetings of the General Assembly is quite clearly one of the important rights and privileges of membership. Suspension of this right through the rejection of credentials would not satisfy the foregoing requirements and would therefore be contrary to the Charter.

Thus, it is clear that a General Assembly action which would suspend, expel or deny Israel's credentials would be an illegal action. For the General Assembly to take such an action, there would first have to be a recommendation by the Security Council under article 5 of the charter.

I find it rather ironic that countries such as Syria and other Moslem countries would feel compelled to take such action against Israel. After all, a puppet government has been installed in Afghanistan. That government was installed by force by an outside power, an act considered to be in violation of article 2, paragraph 4 of the U.N. Charter. Yet, there has not been any worldwide movement to challenge the credentials of the Soviet-imposed Afghan Government. And Soviet troops continue their slaughter of the Afghan people, the vast majority of whom are Moslem. Apparently, some Moslem nations do not share concern for their Moslem brothers in Afghanistan.

Yet, I am unaware of any nonalined nation requesting the Security Council to take sanctions action against the Soviets.

In addition, the armies of Vietnam continue to occupy Kampuchea. Yet, where is the worldwide movement to suspend Vietnam from participation in the General Assembly?

Finally, what of the Soviet-inspired military crackdown in Poland. What has the United Nations done to assist the vast majority of the people of Poland?

These examples only place into clear focus the sheer hypocrisy of actions against Israel in the United Nations. Israel is a democratic nation whose leaders are elected by the citizens of that country. The Government of Israel was not installed as the puppet of an outside power. In fact, modern-day Israel was created by the United Nations.

As to the action of the Knesset which extended Israeli law to encompass the occupied Golan Heights, I, for one, agreed with that action. It is Syria's own fault. The Golan Heights are strategically important to the security of Israel. Syria has done everything possible to undermine the Camp David agreement and the peace process. And in the face of increasing belligerency on the part of the Syrians, it was only natural that Israel would take steps necessary to enhance her own national security.

In conclusion, I think it is important for the Senate to go on record in opposition to any action which would deny Israel's participation in the United Nations. And I think it is important that a signal be sent to the nations of the world, that the United States will not stand idly by if Israel is suspended or expelled from the General Assembly.

Therefore, I offer, and hope for early action on, this resolution as an unmistakable signal of what the United States would do if the U.N. General Assembly undertakes an illegal action of this nature.

Mr. President, I am proud to say again that Mr. MOYNIHAN, a very able individual in the context of the United Nations actions, experience, and understanding of the charter, is a cosponsor of the resolution.

I ask unanimous consent that the resolution be printed in the RECORD and appropriately referred.

The ACTING PRESIDENT pro tempore. The resolution will be received and appropriately referred.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 322

Whereas, the United Nations was founded on the principle of universality; and

Whereas, the Charter further stipulates that U.N. members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas, a move by the General Assembly that would deny Israel its credentials in the Assembly would be a direct violation of these provisions of the Charter: Now, therefore, be it

Resolved, that it is the sense of the Senate that if such provisions of the Charter are violated by the expulsion, suspension or denial of the credentials of Israel in the General Assembly, the United States will:

1. Withhold its participation from the General Assembly; and

2. Withhold its assessed contributions to the United Nations until the Assembly majority overturns this illegal action.

(Later the following occurred:)

Mr. MOYNIHAN. Mr. President, I understand the distinguished minority leader has reserved time for me. May I inquire how much?

The ACTING PRESIDENT pro tempore. There are 6 minutes remaining.

Mr. MOYNIHAN. I thank the Chair. I particularly thank the minority leader for allowing me to join with him in this resolution, which will be watched with the very greatest attention in the capitals of the world.

Mr. ROBERT C. BYRD. Mr. President, I am privileged to have the cosponsorship of the Senator from New York (Mr. MOYNIHAN).

Mr. MOYNIHAN. Mr. President, the object of this resolution is elemental. It states the intention of the Senate that, if the General Assembly of the United Nations proceeds with what probably are now the intentions of the majority there and expels the State of Israel, the United States will suspend further participation in the General Assembly and will withhold its assessed contribution to the U.N. until the Assembly majority overturns this illegal action.

I make two points: First, Mr. President, we are not proposing that the United States should withdraw from the United Nations. Nothing will get us to withdraw from the United Nations and the Security Council and the rights which that gives to the United States and the protection it gives to the friends of the United States as a consequence of our membership. But we do not have to pay for the outrages of the General Assembly. The resolution adopted on the 5th of February by the General Assembly declares in paragraph 11, that Israel's record and actions confirm that it is not a peace-loving member. Article IV of the Charter of the United Nations states that membership in the U.N. is open to all peace-loving states. It is precisely this language, in the February 5 resolution, which is designed to lay the groundwork for Israel's expulsion from the General Assembly. That is why the United States must make clear its position on this matter. Our enemies have already begun their work; we must begin ours.

Mr. President, allow me to make a comment about the very notion that the General Assembly might move to expel Israel on grounds that it is not a peace-loving state. This is doubly an absurdity. First, it is not the Assembly which may alone expel members. The Security Council must first vote such a resolution.

Second, there is the State of Israel itself which is manifestly a peace-loving state. Four times in its existence, three times as a state, it has been invaded by its neighbors. It has never invaded them. Some 15 nations in the world remain openly at war with it, including its closest neighbors, Jordan, and Syria. Israel is a country that has wanted no more than to live in its own allotted space in harmony with its neighbors. Yet it has all around it nations declaring that it has no right to existence.

Mr. President, this is the nation declared not to be peace-loving. This is the Orwellian language of the General Assembly of the United Nations. And make no mistake about this; the language is directed to all the democracies of the world, not just this one. Israel has become a metaphor for democracy in the United Nations and, typically, in this resolution not only is Israel condemned, but the United States is condemned as well.

This campaign against Israel has been going on since the 1967 war, directed by the Soviets as methodically as if a training manual were involved. It has now, in February of 1982, progressed to this point where the preliminary steps have been taken to expel the nation.

In this, Mr. President, we should recognize not only how small our majority is but how quickly it is diminishing.

In 1975, I was Permanent Representative of the United States at the United Nations when the first major step in the General Assembly in this campaign was introduced. It was, of course, the infamous Resolution 3379 equating Zionism with racism. On a motion by the Government of Belgium to adjourn immediately before consideration of the Zionism-racism resolution, we lost 67 to 55. We had 55 votes with us then. This time, 2 weeks ago, we had 21 votes with us, 86 against. Not a single African state, not a single Latin American state. Only the democracies were with us in the defense of Israel.

Mr. President, they must understand that this kind of altogether outrageous distortion of fact does not go unnoticed in this Chamber; that the minority leader will stand up and say, "If the U.N. progresses to its obvious purpose, which is Israel's expulsion, that is the end of American contributions; that is the end of $80,000 tax-free salaries paid in gold francs with full retirement, with villas and lunches and dinners and all the associated accouterments that can be provided you as long as you are in good order with the director of personnel—who, invariably, will turn out to be a KGB colonel."

Mr. President, we have had enough of that and members of the United Nations should consider themselves on notice, if they value their institution, because it obviously holds little esteem in this body.

I once again express appreciation to the distinguished minority leader, who has shown his leadership now as in all matters. I hope that will not go unnoticed in the capitals of this world, that when ROBERT C. BYRD speaks to matters in this Chamber, it listens.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator. I hope the Foreign Relations Committee will act on this resolution and report it favorably and promptly. Following that, I hope to call up the resolution at an appropriate time on the appropriate vehicle and get a vote on it.

Mr. MOYNIHAN. Mr. President, the distinguished Senator from Louisiana (Mr. JOHNSTON) would like to be a cosponsor. I know Senator Byrd and I are honored to have him.

Mr. ROBERT C. BYRD. Indeed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Conclusion of proceedings that occurred later.)

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, have I any time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may reserve that time for Mr. MOYNIHAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished majority leader if he has any time remaining that he would yield?

Mr. BAKER. Mr. President, I have no need for my time this morning. I understand the distinguished Senator from New York is on his way to the floor. In the event he or some other Senator on that side requires it, I yield the remainder of my time to the control of the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader. I

ask unanimous consent that that time may likewise be reserved for Mr. MOYNIHAN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the minority leader permit me to recapture 2 minutes of my time?

Mr. ROBERT C. BYRD. Mr. President, I yield back 2 minutes.

SENATE SCHEDULE DURING CONSIDERATION OF RESOLUTION RELATING TO SENATOR WILLIAMS

Mr. BAKER. Mr. President, it might be well to announce once more the schedule for next week in respect to the resolution of the Ethics Committee concerning Senator HARRISON WILLIAMS of New Jersey.

I have previously announced and previously notified Members on this side, and conferred with the distinguished minority leader, that we will begin that debate on March 3. It is the intention of the leadership to ask the Senate to convene on that day at 10:30 a.m. and to proceed to the consideration of that resolution at 12:30 p.m., which will permit committees to meet for the first 2 hours, as they are entitled to under the rules of the Senate.

I will object to any request for committees to meet after that time.

While the Appropriations Committee and the Ethics Committee are excepted from the 2-hour rule, I have written the chairman of each committee urgently requesting that they not avail themselves of the privilege of meeting beyond the first 2 hours of the session while the Williams resolution is the subject of debate in the Senate.

March 3 is on Wednesday. I would expect the day to run until the normal hour, perhaps 6 o'clock. On Thursday, March 4, we would begin at 10:30, with the Williams debate to begin at approximately 12:30 after a live quorum, and to extend until 6 o'clock. It is not my intention to ask the Senate to proceed with the deliberations of the Williams resolution on Friday.

There are a number of reasons for that, Mr. President, not the least of which is that this is a terribly important matter not only to Senator WILLIAMS but also to the Senate as a whole and I wish to never create the impression that this is being done under forced draft or in a hurried way.

Then on the following Monday, which would be the 8th of March, the Senate will convene once more at 10:30 in the morning. It would be the hope that the Senate would proceed to the consideration of the Williams resolution, after a live quorum, at approximately 12:30.

ORDER TO CONVENE AT 10:30 A.M. ON MARCH 3, 4, AND 8, 1982

Mr. BAKER. Mr. President, at this time, I ask unanimous consent that when the Senate convenes on March 3, it do so at 10:30 a.m.; that on Thursday, March 4, it convene at 10:30 a.m.; and that on Monday, March 8, it convene at 10:30 a.m.

Mr. JOHNSTON. Reserving the right to object, Mr. President, is this subject to finishing the Department of Justice authorizations bill?

Mr. BAKER. Mr. President, there is a unanimous-consent order, if I am not mistaken, that provides that the Department of Justice authorizations bill will be displaced by the Williams matter. I simply urge that we finish the Department of Justice authorizations bill before that time. There was announcement of the Williams matter on March 3. I think it is essential that we go forward with it at that time. It is certainly not my intention to interrupt the progress on this measure. I hope we finish it. Indeed, we shall go late tonight—perhaps very, very late tonight—and we shall be on it tomorrow, if necessary. I think we can finish before March 3.

So, while what the Senator suggests is a possibility, I do not think it is a likelihood and I prefer to address that question at a future time.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader for letting me make that announcement. I shall send out a written codification of these statements later today so the Members will understand that we shall once again proceed with the Williams case on Wednesday, the 3rd; we shall continue with it on Thursday, the 4th. We shall not be involved with it on Friday, the 5th. We will resume consideration, if necessary, on Monday the 8th.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader. I wonder if he, in accordance with his usual practice, will supply me with a memorandum, which I in turn shall disseminate among my colleagues.

Mr. BAKER. I thank the minority leader and I most assuredly shall do that.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed consideration of the bill.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WEICKER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WEICKER. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 7 Leg.]

Baker	Cranston	Leahy
Byrd, Robert C.	Gorton	Moynihan
Cohen	Johnston	Weicker

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to invite the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. BAKER. And I ask for the yeas and nays on the motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Tennessee to instruct the Sergeant at Arms to invite the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators wishing to vote?

The result was announced—yeas 79, nays 8, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—79

Abdnor	Ford	Melcher
Andrews	Garn	Metzenbaum
Armstrong	Glenn	Mitchell
Baker	Gorton	Moynihan
Baucus	Grassley	Murkowski
Bentsen	Hart	Nickles
Biden	Hatch	Nunn
Boren	Hatfield	Pell
Bradley	Hayakawa	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Randolph
Byrd, Harry F., Jr.	Hollings	Riegle
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Rudman
Chiles	Jackson	Sarbanes
Cohen	Jepsen	Sasser
Cranston	Johnston	Schmitt
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Tower
Eagleton	Lugar	Wallop
Exon	Mattingly	Zorinsky
	McClure	

NAYS—8

Boschwitz	Helms	Warner
East	Proxmire	Weicker
Goldwater	Quayle	

NOT VOTING—13

Chafee	Inouye	Thurmond
Cochran	Mathias	Tsongas
Dodd	Matsunaga	Williams
Durenberger	Packwood	
Hawkins	Percy	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question before the Senate is amendment No. 1258 to amendment No. 1252 to the bill S. 951.

Mr. BAKER. Mr. President, I think Members should be aware that we will be in session for a long day, perhaps a very, very late evening. I would not be at all surprised to see the Senate be asked to remain in session past midnight.

We have to finish this bill. Senators are on notice that we will proceed diligently to that end. I hope debate on the pending question and other amendments can proceed as promptly as possible. I hope that it will not be necessary to have repeated quorum calls. In the event it is, I will ask Members to remain on the floor after they answer their names to a rollcall or a quorum call in order to facilitate the transaction of business.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY REGULATION AND THE SUBCOMMITTEE ON WATER AND POWER

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittees on Energy Regulation and Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, February 24, at 2 p.m. to hold a joint oversight hearing to discuss hydroelectric development and licensing procures, provided that the conference report on S. 1503 is not being debated on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The Senate resumed consideration of the bill (S. 951).

QUORUM CALL

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, I object that this is dilatory. A quorum has just been established with no intervening business.

Mr. WEICKER. Mr. President, there has been intervening business. I refer to that raised by the distinguished majority leader. I suggest the absence of a quorum.

The PRESIDING OFFICER. The point of order is well taken. The clerk will call the roll.

Mr. JOHNSTON. Mr. President, I make the point of order that the request is dilatory.

Mr. WEICKER. I suggest that is not in order since a quorum call has been requested.

The PRESIDING OFFICER. The quorum call has been ordered. The point of order of the Senator from Louisiana is overruled.

Mr. BAKER. Mr. President, I might say before the quorum call begins that this will be a live quorum.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8 Leg.]

Baker	Helms	Melcher
Ford	Huddleston	Symms
Goldwater	Jackson	Weicker
Gorton	Johnston	
Heinz	Mattingly	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll.

Mr. JOHNSTON. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mrs. HAWKINS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 10, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—78

Abdnor	Byrd, Harry F., Jr.	Dixon
Andrews	Byrd, Robert C.	Dole
Armstrong	Cannon	Domenici
Baker	Chiles	Durenberger
Baucus	Cohen	Eagleton
Bentsen	Cranston	Exon
Biden	D'Amato	Ford
Boren	Danforth	Glenn
Bradley	DeConcini	Gorton
Bumpers	Denton	Grassley
Burdick		Hart

Hatch	Lugar	Rudman
Hatfield	Mattingly	Sarbanes
Heflin	McClure	Sasser
Heinz	Melcher	Schmitt
Hollings	Metzenbaum	Simpson
Huddleston	Mitchell	Specter
Humphrey	Moynihan	Stafford
Jackson	Murkowski	Stennis
Jepsen	Nickles	Stevens
Johnston	Nunn	Symms
Kassebaum	Pell	Tower
Kasten	Pressler	Tsongas
Kennedy	Pryor	Wallop
Laxalt	Randolph	Zorinsky
Leahy	Riegle	
Levin	Roth	

NAYS—10

Boschwitz	Hayakawa	Warner
East	Helms	Weicker
Garn	Proxmire	
Goldwater	Quayle	

NOT VOTING—12

Chafee	Inouye	Packwood
Cochran	Long	Percy
Dodd	Mathias	Thurmond
Hawkins	Matsunaga	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, the amendment by the distinguished Senator from Washington (Mr. GORTON), in my view, is an appropriate and important supplement to the Johnston amendment on mandatory busing, an amendment which I supported. I have long believed that the mandatory assignment of school students by race when designed to cure a condition of segregation in which those children played no part to be both ineffective and wrong.

The amendment of the Senator from Washington (Mr. GORTON) deals with this view directly and effectively. His amendment recognizes what I have always considered to be the command of the Constitution; that every student has a right to a racially neutral school assignment.

Senator GORTON's amendment does not attempt to deprive the courts of their jurisdiction to try cases involving asserted deprivations of constitutional rights. It does, however, direct the courts to consider both the constitutional right to be free from purposeful segregation in school assignments and the right to a racially neutral school assignment. I consider those rights to be consistent and important. I, therefore, support the amendment, now pending, offered by the distinguished Senator from Washington.

JUDICIAL INDEPENDENCE

● Mr. GOLDWATER. Mr. President, 2 weeks ago I expressed my concern about proposals that would interfere with Federal court independence. These measures would put limits on judicial consideration of social issues, particularly busing, abortion, and prayer.

Now, I happen to believe the Federal courts have wrongly decided these subjects. I am strongly opposed to the breakup of neighborhood schools. I think the unborn baby is entitled to some legal protection. And I believe schoolchildren should be allowed a few moments of voluntary prayer.

In my view, the Supreme Court has erred. But we should not meet judicial excesses with legislative excesses.

As vacancies occur, we can confirm Federal judges who believe in judicial restraint. We can amend the Constitution. We can use the power of the purse to deny Federal moneys for activities we disapprove, such as abortions. But to make a frontal assault on the independence of the courts is a dangerous blow to the foundations of a free society.

It is contrary to the will of the framers. It is destructive of the Federal system. And it will result in the reverse outcome of what the Court's critics wish.

INTENT OF FRAMERS

Mr. President, I will examine the intent of the framers first, starting with four significant developments that occurred at the Constitutional Convention on August 27, 1787.

First, a motion was withdrawn that would have placed most original court jurisdiction in the States and allowed State legislatures to restrict Federal appellate review.

Second, an amendment was defeated that would have vested in Congress discretion to determine whether or not Federal jurisdiction should be original or appellate in cases where the United States is a party. The vote was five States against and three States for the proposal.

Third, an amendment to permit Congress to direct the manner in which the Federal judicial power may be exercised was defeated by a vote of six States against and two States for.

Fourth, the Convention dropped a plan to vest discretion in Congress to "assign any part" of judicial jurisdiction to lower Federal courts "in the manner and under the limitations it shall think proper." This clause had been reported by the Committee of Detail on August 6 and was stricken in the full Convention by the unanimous vote of eight States.

Before completing its work in September of 1787, the Convention made a last-minute change further reducing legislative power relative to the courts. The Convention adopted a proposal by the Committee of Style to eliminate language in the judicial article that would have provided for only those lower courts "as shall, when necessary . . . be constituted by the legislature." By dropping the express power of Congress to decide when it is "necessary" to constitute courts, the final version of article III gives Congress less discretion than the earlier draft.

It is true that the second clause of section 2, article III, gives the Supreme Court appellate jurisdiction "with such exceptions, and under such regulations as the Congress shall make." Many historians believe, however, that in 18th century practice the terms "regulations" and "exceptions" were used for housekeeping purposes, such as providing that suits must be filed within a reasonable time period.

Whatever its original meaning, the "exceptions and regulations" clause must be read in the light of subsequent additions to the Constitution, particularly the first 10 and the 13th, 14th, and 15th amendments. These additions to the original Charter strengthen the purposes of the framers and point to the Federal judiciary as the intended arbiter of the Constitution.

FEDERALISM

To these considerations, I would add the significance of the rejection by the framers of proposals to forever use the State courts as the sole inferior courts for most causes. By repulsing these attempts, the framers clearly linked the Federal judicial power to their plan of national union.

We must remember that instead of forming a loose connection of 13 different "countries," the framers deliberately turned to a Federal structure with a stronger continental government than had existed under the Articles of Confederation.

Current efforts to limit Federal court independence repudiate federalism by reverting to State supremacy over matters of basic constitutional doctrine. The antifederalists lost this argument two centuries ago.

The interesting thing is that the State courts will have no part of this backward looking scheme. The supremacy clause of the Constitution, article VI, clause 2, provides that "the judges in every State shall be bound" by the Constitution and laws of the United States.

State judges are not blind to their obligations. In fact, the Conference of Chief Justices for State Courts unanimously adopted a resolution on January 30 of this year, at its general business meeting in Williamsburg, Va., expressing its serious concern about bills to restrict the jurisdiction of Federal courts.

Let us look at the reasons given by the State chief justices. First, the justices point out that they have taken an oath to obey the U.S. Constitution. Any idea that they will deliberately thwart the rulings of the Supreme Court and put their personal views ahead of the dictates of the Constitution is an exercise in futility.

Moreover, removing jurisdiction from Federal courts means there will be no opportunity for the Supreme Court to alter or distinguish its earlier decisions. The likely outcome of restricting Federal court authority is to seal in permanent stone the very holdings court opponents condemn.

Once new cases arise that require new answers, the absence of Federal court jurisdiction could mean different rulings in each of the 50 States.

To this astute analysis of the State chief justices, I would add a point drawn from the early experience of the Republic. Patrick Henry once sponsored a law to disqualify the courts of Virginia from having jurisdiction of cases arising under the laws of the Union. If we should leave the State courts with the sole jurisdiction of certain Federal subjects, one or more States may follow this example by passing a law which bars access to the courts of those States over identical matters. This would leave no tribunal with jurisdiction over basic constitutional issues and totally defeat the exercise of the judicial powers of the United States.

REVERSE OUTCOME

To sum up my conclusions, I recognize that Congress has been granted some powers over the judiciary, but believe these powers are bound by all the other principles and provisions of the Constitution, including the separation of powers, the design of forming "a more perfect union" and the guarantees of basic individual rights.

What the court limitations boil down to is a radical proposition—a claim of unchecked power to do under the exceptions clause what is forbidden elsewhere in the Constitution. But the Supreme Court held in U.S. against Klein that Congress cannot restrict appellate jurisdiction "as a means to an end."

What particularly troubles me about trying to override constitutional decisions of the Supreme Court by a simple bill is that I see no limit to the practice. There is no clear and coherent standard to define why we shall control the court in one area but not another. The only criteria seems to be that whenever a momentary majority can be brought together in disagreement with a judicial action, it is fitting to control the Federal courts.

Now it is busing and abortion and prayer. But what will it be next? Will a majority lay hold of Congress who puts all actions of the Internal Revenue Service beyond judicial scrutiny? Might opponents of private schools muster sufficient support to deny a challenge in Federal court to confiscatory taxes which may be levied on church schools?

Under the theory put forward by advocates of court controls, Congress may deny judicial review of any such statute.

Mr. President, I see no safe boundaries on use of the power claimed for Congress. The same club wielded by social issue groups today can be swung against them in the future.

Whether or not Congress possesses the power of curbing judicial authority, we should not invoke it. As sure as the Sun will rise over the Arizona desert, the precedent will return to oppress those who would weaken the courts. If there is no independent tribunal to check legislative or executive action, all the written guarantees of rights in the world would amount to nothing.●

Mr. RANDOLPH. Mr. President, what is the pending business? Does it give opportunity for comment by the Senator from West Virginia?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from Washington to the amendment offered by the Senator from Louisiana.

Mr. RANDOLPH. Mr. President, I will, of course, as other Senators, vote in approval or disapproval of the Gorton amendment when a rollcall is requested.

I use this opportunity to again express for the RECORD what I believe to be an absurdity of the system under which we operate the Senate and the committee structure of this body.

Today in the Committee on Environment and Public Works we were considering the budget for the highway program of this Nation in fiscal 1983. We had present the knowledgeable Secretary of Transportation, Drew Lewis; and the Administrator of the Federal Highway Administration, Ray Barnhart. These gentlemen have responsibility of working to keep and to develop a strong network of highways necessary to be rebuilt from time to time in our country.

I do not want in any wise to speak in disparagement of the pending amendment. But, I do say that during that hearing, which was an important hearing, the members had to come back and forth to the Chamber to vote on at least two occasions.

The hearing was a very important one. There were questions that members of the Subcommittee on Transportation and the parent committee wished to have discussed in some detail. Members wished to be present, very frankly, to hear what our witnesses had to say and to, perhaps, develop colloquy with them when matters that we felt were important should be discussed.

However, we have not had that opportunity this morning. I presume that across the board in the Senate committee structure today we have seen that which I have described in our committee repeated in other committees.

I repeat that I am in no wise critical of the amendment or any amendment which is offered. I only say that it is an abusurd practice of the Senate of the United States to continue in the face of what is such an evident fact that on and on we go with the sort of operation in this Chamber which should have been abolished long ago.

In the early seventies this body created the Hughes Commission. It was chaired by the former Senator from Iowa, Harold Hughes. The commission was created to discuss operating procedure problems of the Senate and to make recommendations for improvements in the efficiency of the Senate. That study brought out what I am indicating here today, and yet another book was printed and forgotten on the shelf.

The Senate has taken little action in this or any other matter that concerns the actual operating efficiency of this body. Nothing is done.

I realize we are experiencing the elements of a filibuster. I understand, the lengthy debate. But what we see constantly taking place, Congress after Congress, is the loss of a precious hour or two in the consideration of subject matter within a committee or a subcommittee.

Why we cannot have legislative days and committee days separate one from the other still evades me. There is, I think, no practical reason why that could not take place.

There are perhaps many Members of the Senate who believe that this could be done. Certainly there is no valid reason why the committee structure could not move forward from, let us say, 8 a.m. in the morning, or probably perhaps 9 a.m. But if committees were able to function and testimony was allowed to be given on the budgets as are now being considered on this Hill, how much better it would be to have uninterrupted a subcommittee or a committee hearing. The witnesses who come from the Cabinet of the President of the United States, all nominees who have been approved in this body deserve our active attention.

Some will say it is impossible to structure the days in the manner I suggest. But certainly there is absolutely no valid reason, as I see it, why the morning, I say to the earnest Senator from Connecticut, Mr. WEICKER, I see no reason why at least the morning period, could not be given over to the committee hearing. This time could be reserved for witnesses who are being heard, and to discussions very important to the States represented by the Senators. That morning period could be given over with the jurisidiction of committees meeting, and functioning. Then at the period of 1 o'clock or whatever the hour that we know that the committees are not meeting, we would have the obligation to be in the Senate. That, of course, is a matter of decision by the Members. That procedure would allow us to use the beeper in our office, where we are trying to carry forward the work with our constituents, and even in a sense to meet people who are with us in the office and still keep apprised of what takes place here in the Chamber.

I am using this time to say that it seems to me somewhat ironic that we are going to consider the televising of the Senate, while we will still not address and solve the basic problems of the operations of the Senate operations from the standpoint of the work within the committees and, of course, the important work here in the Senate with decisions to be made upon amendments or on measures for final passage.

I hope that possibly there may be some who will read in the RECORD what I have said today. I would like correspondence from them. I would like disagreement, if they feel it is necessary, with the feeling that I have expressed. I solicit your comments and suggestions.

I do not express it in any anger. And I do not direct my comments at the present leadership of the Senate. These problems continue from one Congress to another. I express it, as I do so very often as I express the failure of Senators to vote from their desks that are assigned to us instead of milling about in the well of the Chamber. Or when the Senators come out for a moment from the Cloak Rooms and answer "yes" or "no."

I think that there is not so much the dignity of the Senate involved but the efficiency of the Senate commensurate with that which we have set for ourselves, and that is hopefully an orderly operation of the Senate itself.

I thank the majority leader for his indulgence.

Mr. WEICKER. Mr. President, will my distinguished colleague from West Virginia yield for a question?

Mr. RANDOLPH. Yes, I do.

Mr. WEICKER. First, let me say this: Since I first came to this body and to the moment that I speak now, there is no honor I have felt more keenly than that of serving with the distinguished Senator from West Virginia, whom I had read about and heard about as a matter of part of American history, being here since the days of Franklin Roosevelt. So I want to, first, prior to my question, just state to him that whenever he speaks on any subject, his words are to be heeded and, believe me, when I say that more wisdom has come forth from him, whether in his capacity as chairman of the committee or ranking member, his comments on the floor as they relate to Senate procedure here, I just want you to know, Senator RANDOLPH, that I think the world of you, and truly—never mind all the flowery language we use between us—truly for the rest of my days you have been a great part of the experience in my having served with you.

First of all, the Senator from West Virginia does understand I did not set the time of the convening of the U.S. Senate this morning.

Indeed that could have been done by the majority leader at noon or 1 o'clock or whatever, and then the committees could have met as the committees should meet.

I would hope my colleague would understand that I am being forced to abide by an early starting time, and now being told that we will go until midnight tonight. So the choice was not mine. Indeed I have made it clear to several colleagues on my side of this issue who have asked whether I should object to the convening of committees, and I said no, I want the business of the Senate to go forward both here and in committee, and I have not objected to that.

As to the starting time, I hope the record will be made clear, and that is the question I pose to my distinguished colleague, that was not my choosing, and I apologize for any inconvenience caused to any Senator or those witnesses he was trying to give attention to.

Mr. RANDOLPH. Mr. President, I am grateful for the generous comments of my colleague. And I am not being overly generous but I am being very factual when I say that his chairmanship of the Subcommittee on the Handicapped is something that—I necessarily do not use the word "admire," but I know the effort in which the Senator is placing his commitment to do for the handicapped, the severely disabled, the blind, the deaf and others that move in our society. These people should never be in hidden recesses but, insofar as the mainstream would allow them, to be the entrepreneurs even in the marketplace and in professions.

I commend the Senator. There is nothing in what I have said. Certainly there was no intention in what I was saying to direct it at the Senator from Connecticut in reference to the remarks that I have made.

It only gave me the opportunity to say what I say perhaps too often, and that is that the Senate is not operating in an efficient manner. I feel that those who have responsibilities of leadership might feel that I am critical of them. I am critical of the Senate as a body in failing to come to grips, as it were, and decide that which is practical and reasonable and will reflect credit, not so much one Member to another but to the electorate of the United States. Wherever they may be in one State or another and even those who visit in the galleries from one time or another.

I would only ask again, and hopefully the Members and their staffs will give attention to what I have said. Not because it comes from me, but only to look again, as it were, of the continuing inability of the Senate of the United States to function efficiently as a body. We weaken the ability of the membership in our obligation to the Republic through the States we represent. I thank the Chair and I appreciate the comments of my friend from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. WEICKER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JOHNSTON. Mr. President, I make a point of order that a quorum call is dilatory.

The PRESIDING OFFICER. A quorum call is in progress. There is no point of order at this time. The clerk will resume the call of the roll.

The bill clerk resumed the call of the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

(Mr. GORTON and Mr. JACKSON addressed the Senate in connection with the introduction of legislation. Their remarks are printed later in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. JACKSON. Mr. President, I ask unanimous consent that the time just consumed by Senator GORTON and me in connection with the introduction of the Mount St. Helens measure be charged to my time under the cloture motion and not be charged against Senator GORTON's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The majority leader.

Mr. BAKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Now, Madam President, what is the question before the Senate?

AMENDMENT NO. 1258

The PRESIDING OFFICER. The question before the Senate is amendment 1258. The question is on agreeing to the amendment.

Mr. WEICKER. Madam President, I was only trying to exhibit some degree

of courtesy to the majority leader by not interrupting his statement here. I thought some momentous pronouncement was about to be made by the Senator.

Mr. BAKER. Madam President, if the Senator will yield, it was my hope that the momentous announcement would be made by the Senate in disposing of this amendment at this time.

Mr. WEICKER. I wish to say to my distinguished friends from Tennessee and Louisiana that I would have hoped this would never have been on the Senate floor in the first instance, but it is.

If I had to characterize the amendment, first, the amendment of the Senator from North Carolina, which started all of this, and then the amendment of the Senator from Louisiana, and the amendment of the Senator from Washington, I could do it very briefly: gross, grosser, grossest.

I hope the Senate will reject the amendment of the distinguished Senator from Washington. Any comments of unconstitutionality that attach to the amendments of the Senator from Louisiana and the Senator from North Carolina certainly apply to this amendment. This is not a numbers game, it is not a question of how many minutes or how many miles. That is not why I am up on my feet and have been up on my feet for months now. It is not a matter of whether we are talking about schoolchildren, whether we are talking about discrimination in the schools. What is the slick term here used by my colleague from Washington? "Racially neutral."

This is not the issue. It is not how many minutes, not how many miles. The great issue before this body does not even have to do with the matter of discrimination and busing or pupil assignment. It has to do with the Constitution of the United States. Tomorrow maybe the unpopular segment of our society might be Senators. They might be more unpopular, and they might be the target of the legislative branch trying to tell the courts which rights of Senators can be protected and which rights cannot.

Maybe next year it will be the elderly; maybe after that the retarded; maybe businessmen. How about presidents of oil companies? That is the issue.

So really the Senator from Washington, with all due respect, adds nothing to this argument except perhaps to fog it up a little bit more in the sense of what is at issue here on the floor of the Senate. For that reason I oppose his amendment.

Now, Madam President, I raise the point of order that the Gorton amendment is nongermane.

The PRESIDING OFFICER. The amendment of the Senator from Washington deals with the same subject matter as amendment No. 96 which is now part of the bill, and, therefore, would be germane.

Mr. WEICKER. I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), the Senator from Wyoming (Mr. SIMPSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 63, nays 30, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—63

Abdnor	Gorton	Nunn
Andrews	Grassley	Packwood
Armstrong	Hatch	Pressler
Baker	Hawkins	Proxmire
Bentsen	Hayakawa	Pryor
Biden	Heinz	Quayle
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sasser
Chiles	Jackson	Schmitt
D'Amato	Jepsen	Specter
Danforth	Johnston	Stennis
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Tower
Dole	Long	Wallop
Domenici	Lugar	Warner
East	Mattingly	Weicker
Ford	McClure	Zorinsky
Garn	Murkowski	
Goldwater	Nickles	

NAYS—30

Baucus	Eagleton	Melcher
Boren	Exon	Metzenbaum
Boschwitz	Glenn	Mitchell
Bradley	Hart	Moynihan
Bumpers	Hatfield	Pell
Burdick	Heflin	Percy
Cohen	Kennedy	Riegle
Cranston	Leahy	Sarbanes
Dodd	Levin	Stafford
Durenberger	Matsunaga	Tsongas

NOT VOTING—7

Chafee	Mathias	Williams
Cochran	Simpson	
Inouye	Thurmond	

So the ruling of the Chair was sustained as the judgment of the Senate.

Mr. WEICKER, Mr. BAKER, and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, may I inquire if the yeas and nays have been ordered on the Gorton amendment?

The PRESIDING OFFICER. They have not.

Mr. BAKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficent second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I move to reconsider the vote on the germaneness question that has just taken place.

Mr. JOHNSTON. I make the point of order, Mr. President, that there has been intervening business and also that the motion to reconsider is dilatory under page 240 of the Senate Proceedings.

The PRESIDING OFFICER. Intervening business will not preclude a motion to reconsider. However, the Chair is required to take the initiative, under rule XXII, to rule out of order all dilatory motions pursuant to a precedent of 1977 in which, on a vote of 80 yeas to 31 nays, a motion to reconsider was held dilatory. The Chair sustains the point of order.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, I make the point of order that the call for the quorum is dilatory.

The PRESIDING OFFICER. On what basis?

The only way in which the Chair can hold a quorum call dilatory is if there is obviously a quorum present. There is not obviously a quorum present. The clerk will call the roll.

The bill clerk proceeded to call the roll, and the following Senators answered to their names:

[Quorum No. 9 Leg.]

Present—29

Andrews	Garn	Melcher
Baker	Gorton	Pressler
Baucus	Hayakawa	Pryor
Bentsen	Helms	Roth
Boschwitz	Johnston	Schmitt
Chiles	Kasten	Tower
Cranston	Kennedy	Wallop
D'Amato	Levin	Warner
Denton	Mattingly	Weicker
Dixon	McClure	

The PRESIDING OFFICER (Mr. WALLOP). A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk proceeded to call the roll of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Mr. WARNER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 87, nays 7, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—87

Abdnor	Garn	Metzenbaum
Andrews	Glenn	Mitchell
Armstrong	Gorton	Moynihan
Baker	Grassley	Murkowski
Baucus	Hart	Nickles
Bentsen	Hatch	Nunn
Biden	Hatfield	Packwood
Boren	Hawkins	Pell
Bradley	Hayakawa	Percy
Bumpers	Heflin	Pressler
Burdick	Heinz	Pryor
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Riegle
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Rudman
Chiles	Jackson	Sarbanes
Cohen	Jepsen	Sasser
Cranston	Johnston	Schmitt
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Tower
Domenici	Lugar	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Zorinsky
Exon	McClure	
Ford	Melcher	

NAYS—7

Boschwitz	Proxmire	Weicker
East	Quayle	
Goldwater	Warner	

NOT VOTING—6

Chafee	Inouye	Thurmond
Cochran	Mathias	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

(At this point, Senator JACKSON addressed the Senate regarding "The Oil Glut Miage." By unanimous consent, his remarks appear elsewhere in today's RECORD.)

Mr. JOHNSTON. Mr. President, reserving the right to object, am I correct that putting into the RECORD by unanimous consent such material as that which Senator JACKSON just placed into the RECORD does not constitute the transaction of intervening business?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Montana.

CONGRESS AND THE COURTS

Mr. BAUCUS. Mr. President, most of the Nation's attention these days is on the economy, and rightfully so. But an equally significant issue is simmering on the congressional back burner threatening to boil over any time.

The New Right came to Congress last year determined to reverse Federal policy, as set forth in several recent Federal district and Supreme Court decisions, on the so-called "social issues": abortion, school prayer, and school busing.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BAUCUS. I am sorry; I cannot yield.

Their strategy, to strip the Federal courts of jurisdiction over these issues, poses the most serious threat to judicial independence since President Franklin Roosevelt tried to pack the Supreme Court in 1937.

Some 30 court jurisdiction bills have been introduced. Several of them are being actively considered by the Senate Judiciary Committee, on which I serve.

THE DEBATE

The debate stems from several Supreme Court decisions: Roe against Wade (1973), which prevented States from outlawing abortion; Engele against Vitale (1962), which prevented States from requiring prayer at the beginning of each schoolday; and Swann against Charlotte-Mecklenburg (1972), which permitted lower Federal courts to issue mandatory busing orders to remedy constitutional violations in school desegregation cases.

Opponents of these decisions view them as proof that an imperial judiciary is overstepping its authority and usurping functions that should be performed by Congress.

Furthermore, they argue that two sections of the Constitution give Congress authority to withdraw certain areas from the jurisdiction of the Supreme Court and lower Federal courts:

Article III, section 2, gives the Supreme Court appellate jurisdiction "with such exceptions and under such regulations as the Congress shall make." They argue that this exceptions clause gives Congress power to withdraw specific categories of cases from the Court's review.

Article III, section 1, gives Congress power to create lower Federal courts, and thus, they argue, Congress also has the power to abolish courts. And if Congress can do this, clearly it can withdraw areas of jurisdiction.

Mr. President, the court-stripping bills supposedly are designed to end abuses by the judiciary. But whether the bills are constitutional or whether they would accomplish their objective is questionable.

When trying to assess the constitutionality of the exceptions clause, it is important to understand the basic objectives of the Constitution's authors. It is clear that they wanted to establish a judicial branch capable of protecting the Constitution and individual liberties.

Those who favor these court-stripping bills have given the exceptions clause a meaning the Founding Fathers could not have intended. If Congress has the right to remove any constitutional right from the Court's jurisdiction, then, in effect, Federal courts could only protect those rights that a majority in Congress thought worthy of protection. The Bill of Rights would become a political football.

The critical question is not whether a particular Supreme Court decision is constitutional. The real issue is, who is to decide that question? Since 1803, when the Supreme Court ruled in Marbury against Madison, the Court has fulfilled that function. If the authors of these bills before us have their way, however, Congress would assume that authority.

In the final analysis, these bills attempt to use a technical device to overturn Supreme Court decisions. They seek to end-run the constitutional amendment process provided in article V of the Constitution.

These bills not only are unconstitutional; they do not accomplish their objectives. Withdrawing abortion, school prayer, or busing from the jurisdiction of the Supreme Court and lower Federal courts does not overturn a court decision. Those decisions would still be in effect. These bills simply leave the issue open to 51 separate interpretations—the 50 State courts and the District of Columbia court. This will destroy the Constitution's ability to serve as a meaningful national document and undo the common bond that now insures the same protections for Montanans, for New Yorkers, and for Texans.

Once Congress takes the first step toward limiting court jurisdiction, Mr. President, who knows where it will stop? A pro-gun-control Congress could preclude the Supreme Court from interpreting the meaning of that

section of the Constitution that includes "the right to bear arms." Congress also could prevent Supreme Court consideration of congressional ceilings on Montana's coal severance tax or the severance taxes of other States. Or, Congress could prohibit Supreme Court review of discriminatory business and property taxes.

RECENT ACTIONS

Several court jurisdiction bills already have been considered. Last July, the Judiciary Subcommittee on the Separation of Powers voted to eliminate lower Federal court jurisdiction in certain abortion cases. I was one of two members of the subcommittee who opposed this bill, which now is pending before the Judiciary Committee and is also on the Senate calendar.

On November 17, the subcommittee voted to report a bill that removes lower Federal court jurisdiction to issue busing orders. I also opposed that legislation, which currently is pending before the full Judiciary Committee. In February, the Senate passed a similar provision to limit busing.

The Senate soon is expected to consider several additional bills proposing limits on the Court's jurisdiction, including a bill to strip the Supreme Court and lower Federal courts of jurisdiction over the issue of school prayer. I voted against a similar measure in 1979.

CONCLUSION

Mr. President, Montana Senator Burton K. Wheeler was one of the leaders in the fight to defeat Roosevelt's court-packing plan. At that time, he said:

Of course, Mr. President, there have been abuses in the court. I have been one who has disagreed with them, and I expect to disagree with them again, but I am unwilling on the basis of some specious argument or of some subterfuge that defies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or any other.

Those words are as true today as they were 45 years ago. There is a way to reverse troubling Supreme Court decisions—the constitutional amendment process that has worked effectively for 200 years. Let us not undermine our system of government by taking constitutional shortcuts.

Mr. President, those of us in the Senate strongly opposed to those bills that strip the courts of jurisdiction over controversial social issues are not limited to one side of the aisle or one end of the political spectrum. In fact, some of the country's leading conservative constitutional scholars have publicly declared that they believe that these proposals are both unconstitutional and unwise.

One such distinguished scholar is Prof. Robert Bork of Yale Law School. Mr. Bork is a former Solicitor General of the United States and has been nominated by President Reagan and confirmed by the Senate to serve as a judge on the District of Columbia Circuit Court of Appeals, the second highest court in the land.

I had an opportunity to discuss these issues on the record with Mr. Bork when he appeared before the Senate Judiciary Committee for his confirmation hearing earlier this year, on January 27. I think it would be illuminating for my colleagues in the Senate to hear the exchange between Mr. Bork and myself that took place at that time. The conversation went as follows:

Senator BAUCUS. Mr. Bork, there are two areas, though, I would like to very briefly inquire about. The first is your view with regard to efforts on the part of the Congress to remove Supreme Court jurisdiction from certain Federal issues, from constitutional issues. As I recall, when you appeared before this committee in hearings on S. 158, you stated that in your view, efforts in that bill to remove this lower court Federal jurisdiction, and maybe in some other bills and in some other cases Supreme Court jurisdiction, more certainly was an unconstitutional effort, not permitted by the Constitution.

Even though you personally may agree with the underlying thrust in trying to overturn what, in your view, are incorrect Supreme Court decisions, you felt it was improper and, more importantly, unconstitutional for the Congress to attempt to remove Supreme Court jurisdiction from constitutional issues. Is that a fairly accurate statement of your view?

Mr. BORK. I think that is entirely an accurate statement of my view, Senator Baucus.

Senator BAUCUS. Do you still hold to that view? Is that still your personal view?

Mr. BORK. Yes, it is.

Senator BAUCUS. Could you also indicate to this committee why, in your view, it would be unconstitutional for Congress to pass a statute that would limit Supreme Court jurisdiction, say, in a Federal constitutional question?

Mr. BORK. Well, the attempt to eliminate Supreme Court jurisdiction as opposed to lower court jurisdiction would have to rest upon the exceptions clause of article 3 of the Constitution, which allows Congress to make such exceptions and regulations of the Supreme Court's appellate jurisdiction as it desires. Literally, that language would seem to allow this result.

I think it does not allow this result because it was not intended as a means of blocking a Supreme Court that had, in Congress' view, done things it should not. The reason I think it was not intended is that clearly in the most serious kinds of cases, where the Supreme Court might do something that the Congress regarded as quite improper, the exceptions clause would provide no remedy.

For example, if the Supreme Court should undertake to rule upon the constitutionality or the unconstitutionality of a war, and the Congress was quite upset, thinking that is not the Supreme Court's business as indeed I agree it is not, to use the exceptions clause to remove Supreme Court jurisdiction would have the result not of returning power to the Congress but of turning the question over to each of the State court systems. We could not tolerate a situation in which 50 States were deciding through their own judges the constitutionality of a war.

Senator BAUCUS. Well, as I hear you, I hear you address the question more on a policy ground. Apart from the policy ground——

Mr. BORK. No, I do not think that is a policy ground, Senator. I think that a constitutional argument. One of the ways of construing the Constitution, as Chief Justice Marshall showed us so well in *McCulloch* v. *Maryland*, is to argue from its structure: What is the necessity of Government? Would the framers have done something that led to results like this?

I think the answer is that the framers would not have devised a check upon the judiciary which does not return power to the Congress but returns power to the State judiciary systems, from which it probably cannot be removed. When one perceives that that is the result, then I think one has to say the framers did not intend this as that kind of a check upon the Court. I do not know any way to apply the Constitution that I regard as legitimate other than in terms of the intent of the framers, as best as that can be determined.

Senator BAUCUS. This is not a hearing on the proper actions that Congress should or should not take to try to overturn Supreme Court decisions but could you tell me your view of whether the amendment process is sufficient or whether the present constitutional provisions are sufficient to enable the country and the Congress to overturn what it regards as improper Supreme Court decisions?

Mr. BORK. I think there is a real dilemma, Senator. I think in a variety of areas the Court over a period of years has reached results that were not intended by the framers of the Constitution or by the framers of the various amendments. I think to that degree the Court has stepped into areas that do not belong to it. It is that form of judicial activism or judicial imperialism that the chairman asked me about.

I do not think there is an adequate way of checking the Court provided in the Constitution, and I think the reason for that is that the framers never anticipated judicial review could become the enormous power that it has become. There was no court at the time that had any power resembling that.

The only cure for a Court which oversteps its bounds that I know of is the appointment power, and in addition to that the power of debate, political rebuke, and hopefully one day a better understanding by the profession and by the judges of what the limits of judicial power are.

Senator BAUCUS. What about the amendment process?

Mr. BORK. The amendment process is certianly useful but it is very hard to use. It is very hard to get the Constitution amended, and if you have a Court which frequently oversteps the bounds you cannot keep amending the Constitution every time that happens. We would be in a constant state of turmoil.

Senator BAUCUS. Well, do you recommend that some other device be formulated, enacted, other than what we presently have under our present Constitution?

Mr. BORK. Senator, I do not recommend that. I would like to think about that long and hard. I think it is a very grave matter to start changing the Constitution and shifting balances of power. I do not reject it out of hand, either. I do not mean to say that. I simply have not thought that through, and I would like to think long and hard before I came down one way or the other.

Senator BAUCUS. Let me read from your statement when you testified on S. 158. It is very brief, just three sentences:

"The question to be answered"—this is you speaking—"in assessing S. 158 is whether it is proper to adopt unconstitutional countermeasures to redress unconstitutional actions by the Court. I think it is not proper. The deformation of the Constitution is not properly cured by further deformation."

I frankly find that a very cogent and very articulate statement. Do you still hold to that statement today?

Mr. BORK. I do, Senator.

In addition to Professor Bork, the American Bar Association, the American College of Trial Lawyers, the Association of Chief Justices of the 50 State courts and retired Supreme Justice Potter Stewart have all spoken out in opposition to these proposals.

Let me state that again:

In addition to Professor Bork, the American Bar Association, the American College of Trial Lawyers, the Association of Chief Justices of the 50 State courts and retired Supreme Justice Potter Stewart have all spoken out in opposition to these proposals.

In addition, newspaper editorials have appeared all over the country in opposition to these bills. For the benefit of my colleagues, I ask unanimous consent to have printed in the RECORD an editorial from the Missoulian a paper in my home State, which appeared in that paper earlier this month.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS WOULD USURP FEDERAL COURT POWERS

President Reagan has been catching hob recently from conservatives who accuse him of neglecting what they call "social" issues.

The issues are abortion, school busing and prayer in school.

These are bedrock issues to bedrock conservatives. Congress and the administration, engrossed with economic matters during Reagan's first year, are expected to address those issues this spring and summer.

Legislation has been introduced on all of them. For what it's worth, Congress should not alter the Supreme Court's abortion ruling, it should not tinker with court insistence upon integration of schools, it should not permit prayer in public schools.

But the vital issue is not those controversial topics, important though they are. The vital issue lies with court review.

According to Jay Hedlund, a lobbyist for Common Cause in Washington, about 30 bills are pending in Congress to overturn Supreme Court decisions or to ban court review of legislation. Hedlund, during a recent visit to Missoula, said Common Cause—a citizens' lobby—takes no position for or against any of the specific social issues in question. But it stands firmly against efforts to emasculate court review of acts of Congress.

Hedlund said the supporters of the various bills reason that, since Congress establishes the lower courts, it can tell those courts what to do. Many conservatives and liberals, he said, doubt that is the case or ever should be the case.

The chief danger of the bills is that they would take "judicial independence and make it subject to the political winds of the day," Hedlund said.

In all three instances, the conservatives want Congress to pass legislation that would prohibit court review. The legislation would allow neither the Supreme Court nor lower federal courts to be able to judge the constitutionality of laws on abortion, busing or school prayer.

That proposal to freeze out court review has alarmed many. Most recently, lawyers at the American Bar Association meeting in Chicago expressed opposition.

Said David R. Brink, ABA president, "These proposals challenge our Constitution, our separation of powers, our system of American government and our identity as one nation.

"They threaten the elimination of the third branch of federal government, the judicial," he said, warning that, if passed, the court freeze-out could cause a "terrible confrontation" between Congress and the Supreme Court, especially if the court found any of the legislation passed concerning the social issues to be unconstitutional.

That's the crux of the issue. The answer should be a resounding "NO!"

Important to Montanans are the attitudes of its two senators, Max Baucus and John Melcher. Baucus, a lawyer, has been very leery of proposals to freeze out court review. He is expected to oppose any law that would do so.

Melcher, a veterinarian, has not addressed that matter of principle. Instead, he has centered his attention on the issues themselves. For example, he is a co-sponsor of the bill to allow prayer in public schools, and to ban court review of that bill it it should become law.

Montanans should let Baucus and Melcher know how they feel. If Montanans are wise, they will support separation of powers and a status quo that permits the federal courts to review the constitutionality of all laws passed by Congress.

Mr. BAUCUS. Mr. President, I should like to comment briefly on the Department of Justice authorization bill and the Johnston-Helms amendment which was added to it by a vote of the Senate.

At the outset, let me state that I am personally opposed to busing unless necessary to protect a person's constitutional rights. I do not like forced busing, and I do not think that the American people like it.

Furthermore, I firmly believe that Congress has a very real and important role to play in fashioning judicial remedies. Those of us who have genuine concerns about the remedy of busing, have the obligation to try and do something about it.

However, we also have an obligation to legislate within the constraints placed on us by the Constitution. The Johnston-Helms amendment exceeds those limits. We cannot and we must not have a congressional field day limiting the juridiction of our Federal courts.

I have repeatedly stated that I do not favor busing as a remedy in school desegregation cases. However, I believe that we in Congress must be constrained in how we translate our personal feelings into responsible legislation.

Senator JOHNSTON and I share a common general perspective on the need to restrict busing. Put the Johnston-Helms amendment, in my view, steps over the line and represents the legislative usurpation of the judicial function. It could conceivably lead to American citizens being unable to vindicate their constitutional rights.

I believe that Congress has the right and the duty to issue a clear congressional directive that busing shall only be used as a last resort after all other alternatives have failed. Furthermore, Congress has the right to demand that the remedy will only be used in those cases where the court has made very specific findings in a number of substantive areas, including the health, safety and educational impact on students. Such a provision, in my view, would force the courts to limit their use of the remedy, but recognizes that Congress cannot constitutionally prohibit the remedy in those limited cases where it is the only way that constitutional rights can be vindicated.

This limitation on Congress power was described by Prof. Burt Neuborne, professor of law at the New York University Law School, when he testified before the Separation of Powers Subcommittee on October 1, 1981. At that time, Professor Neuborne stated:

What Congress may not do is purport to give an Article III judge power to resolve a constitutional case or controversy by vesting him with subject matter jurisdiction while simultaneously removing the power to grant remedies needed to enforce his decree. It is, to say the least, hypocritical to invite minority plaintiffs to use a judicial forum which lacks power to vindicate their rights. . . . Unfortunately, Congress' reaction to the remedial problem in school desegregation cases has tended to be negative. However, if Congress genuinely wishes to end busing, it may not do so by simply seeking to outlaw it. Rather, it must explore the existence of alternatives which will provide minority children with their full constitutional rights. . . . Unless Congress is prepared, however, to explore innovative alternatives to busing, it may not pursue a negative course which seeks to strip federal judges of the only remedial device which can vindicate the constitutional rights of plaintiffs who have properly envoked the subject matter jurisdiction of an Article 3 court.

Finally, Mr. President, I am troubled by the Johnston-Helms amendment because I believe it will do great societal harm in reopening current pending court orders involving desegregation. I am not the only one who has this concern. It is shared by the Reagan administration.

When Assistant Attorney General for the Civil Rights Division, Brad Reynolds, testified before the Separation of Powers Subcommittee, he presented the administration's view on this subject:

Let me add that our present thinking is to give this approach perspective application only. We, thus, do not contemplate routinely reopening decrees that have proved effective in practice. The law generally recognizes a special interest in the finality of judgments, and that interest is particularly strong in the area of school desegregation. Nothing we have learned in the ten years since Swann leads to the conclusion that the public would be well served by reopening wounds that have long since healed.

In summary, Mr. President, I believe that the Johnston-Helms amendment is an attempt to effectively overrule Swann against Board of Education and other related decisions of the Supreme Court of the United States which give the Federal court the remedial power to vindicate constitutional rights.

Before we take such action here, we should be reminded of President Abraham Lincoln's wise response to the Supreme Court after it handed down the Dred Scott decision:

We think its decisions on constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution.

The Senate ought to keep Lincoln's wise words in mind as it votes on S. 951, the Department of Justice authorization bill.

I oppose the Johnston-Helms amendment because I believe it is unconstitutional. I favor congressional action to limit the remedy of busing—but, I can only support those legislative efforts to restrict the remedy that I believe are proper within the constraints placed on us by the Constitution. I urge my colleagues to consider those constraints when they vote on the Department of Justice authorization bill.

Mr. President, I would like to continue to address what I see as a profound assault on the independence of one of the three branches of our Federal Government—the Federal judiciary. Recent developments have convinced me that the judicial branch is facing an attack of major proportions.

On its surface, this attack is a challenge to the outcome of recent controversial court decisions. But, more profoundly, the assault threatens to undermine the central role the courts have traditionally played in American government.

I began my public service in Congress at a time when another branch of government—the Presidency—was embroiled in serious crisis. As a member of the so-called Watergate Class of 1974, I am proud to have participated in fashioning the sweeping post-Watergate reforms that included the Ethics in Government Act and the campaign finance laws.

But the real legacy of Watergate is that it demonstrated to all of us the wisdom of the framers of our Constitution. We saw the strength of a system of checks and balances that provided for a Presidential impeachment hearing in the House of Representatives.

We witnessed the need for the total independence of the Federal judiciary that enabled it to reach its landmark decision in United States against Nixon. In sum, we saw that our Government could respond to a crisis of major proportion within the framework provided by the Constitution.

TODAY'S CRISIS

Today, people are no longer as concerned by the threat of an "imperial Presidency." Rather, many Americans are concerned by the threat of an "imperial judiciary." The courts are seen as exceeding their constitutional authority in numerous instances:

Courts have imposed mandatory busing orders on school systems. That is one area.

Second, courts have stepped in to prevent States from requiring school prayer or from prohibiting abortions.

Third, courts have taken over the administration of State prisons and mental institutions.

I do not wish to argue about whether this picture of the judiciary is an accurate one. I am personally troubled by those judicial decisions that do not carefully and narrowly construe legislative intent. I am equally troubled by those decisions that impose solutions that look more like statutes than case law.

But, I am here today because I believe there is a growing movement in this country to address judicial abuses in a manner that is profoundly more damaging than the abuses themselves. The "New Right" and the "Moral Majority" are proposing solutions that present a far greater threat to our system of government than any threat we may face from the courts themselves.

During The Watergate period, Congress and the courts were very careful to proceed within their constitutionally prescribed roles. Today, those in Congress attacking the "Imperial Judiciary" are paying little attention to the letter or spirit of the Constitution. They are asking this nation to embrace solutions that undermine the essential function of the courts.

THE TRADITIONAL ROLE OF THE COURTS

The framers of the Constitution designed a judical branch which could protect the integrity of the Constitution. They also designed the judiciary to assure that individual liberties would not be abridged. Alexander Hamilton stated in Federalist Paper 78 that it is the duty of the courts "to declare all acts contrary to the manifest tenor of the Constitution void. Without this," he observed, "all reservations of particular rights or privileges would amount to nothing."

This concept of the judical branch was reaffirmed and expanded in Marbury against Madison. The "decision declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution." 150 years later, in Cooper against Aaron, the court observed that the principle of Marbury "has even since been respected by this court and the country as a permanent and indispensable feature of our constitutional system."

Until recently, the role of the Supreme Court as the final arbiter over the terms of the Constitution has not been seriously challenged. Throughout our Nation's history it has been recognized that an interpretation of the Constitution by the Supreme Court could only be altered by the Court itself or by constitutional amendment.

During the past 200 years on four different occasions, our Nation has responded to controversial Supreme Court decisions by the constitutional amendment process. Even in the wake of the infamous Dred Scott decision, which held that black Americans were not citizens, it was recognized that the proper way to alter that decision was by constitutional amendment.

But today, several single-issue constituencies have failed to mobilize sufficient support to pass constitutional amendments to overturn constitutional decisions with which they disagree. Instead, they have begun to advocate legislative measures which effectively end-run the requirements of a constitutional amendment. It is these constitutional shortcuts that threaten to undermine the constitutional role of the judicial branch.

REMOVAL OF COURT JURISDICTION

The new right has been advocating two different approaches that would permit Congress to overturn Supreme Court decisions by simple statute. The first approach would have Congress respond to a court decision it disagreed with, by stripping the courts of the power to hear or order specific remedies in that category of cases. The second approach would have Congress upend constitutional decisions of the Supreme Court by using the congressional power to enforce the 14th amendment.

The first approach has become quite popular. There are currently over 20 bills pending in Congress that would strip the courts of jurisdiction or remedial powers in areas involving controversial social issues. One bill would eliminate Supreme Court jurisdiction over school prayer. Others would eliminate lower Federal court jurisdiction over busing and abortion.

Thus far the debate has focused on whether these bills are constitutional. I wish to focus on what these bills would really accomplish.

Withdrawing the Supreme Court's jurisdiction over school prayer does not return prayer to the schools. Withdrawing court jurisdiction over abortion does not outlaw abortion.

The congressional sponsors of these bills know they cannot directly reverse Supreme Court decisions.

Instead, they want to tie the hands of the Supreme Court. This will leave State court judges free to rule on the Constitution as they please. These bills are an open invitation to State courts to overrule the decisions of the Supreme Court. This means that we could have 50 different interpretations of the basic terms of the Constitution.

The principle of uniformity of constitutional interpretation would be thrown out the window. The ability of the Constitution to serve as a meaningful national document would be destroyed.

We are one Nation. The first amendment in Montana should offer the same protection as the first amendment in North Carolina. These protections are what bind us as people. These court jurisdiction proposals permit Congress to undo that common bond by simple statute.

If Congress can determine which rights and privileges can no longer be reviewed or enforced, Congress, in effect, has the power to decide which rights and privileges exist.

The end result is that constitutional protections become illusory.

The protections of the Constitution will only be what 51 percent of the House and 51 percent of the Senate say they are. This is not what was intended by the framers of our Constitution.

The framers created a judicial branch that could protect constitutional guarantees.

In 1789, the Supreme Court was able to handle this role. Today it cannot do it alone.

Its caseload has increased dramatically. Today in 1982, access to the lower Federal courts is essential. While we consider the essential role of the Supreme Court, we must not ignore the role of the lower Federal courts in modern times.

Finally, we should consider the impact of these bills on the Congress itself. If Congress decides to endorse this approach, the pressure to respond to a wider range of constitutional issues will grow. Every constituency that feels victimized by an adverse consititutional ruling will come running to Congress for a jurisdiction withdrawal bill.

Furthermore, the proponents of these measures ought to contemplate future Congresses, who may have significantly different views on substantive issues, playing the jurisdictional withdrawal game as well. They should consider carefully whether we would like a progun control Congress to preclude the Supreme Court from interpreting the meaning of the right to bear arms. They should consider whether we would want a proconsumer Congress to be able to prevent the Supreme Court from reviewing the constitutionality of discriminatory business and property taxes.

USING THE 14TH AMENDMENT TO REDEFINE THE CONSTITUTION

The second approach the new right has advocated would permit Congress to redefine the basic terms of the Constitution.

The Constitution clearly gives Congress power to enforce the 14th amendment. It so states, until recently, Congress has utilized this power to enhance constitutional protections.

Today, however, the right wing is trying to use this power to actually remove 14th amendment protections that have been recognized by the Supreme Court.

One set of proposals would attempt to enforce the 14th amendment rights of white students. These bills would effectively overturn those Supreme Court cases that specifically give black children constitutional remedies in school desegregation cases.

The other recent attempt to utilize section 5 of the 14th amendment is the human life statute. The proposal attempts to give the fetus the due process protections of the 14th amendment.

The Supreme Court has already stated in Roe against Wade that a fetus is not a person under the 14th amendment. The human life statute attempts to directly overturn that decision.

If Congress can alter the Court's ruling of a constitutional term as basic as the interpretation of "person" under the 14th amendment, then there is virtually no constitutional protection that Congress could not dilute or eliminate by simple majority vote.

Additionally, if Congress can find today by statute that life begins at conception, then a future Congress can decide life begins at some other point. Instead of having a constitution whose terms have some permanence, we would have a constitution whose meaning would be altered and realtered by succeeding Congresses. The basic terms of the Constitution would be left to the whims of the shifting majorities in Congress.

It is for these basic reasons that most of the country's leading scholars and those who have served the Nation as the highest ranking legal officers have publicly announced their view that the human life statute is unconstitutional. It is highly unusual to find agreement among six former Attorneys General, three former Solicitors General, and the Nation's most distinguished constitutional scholars on such a controversial issue.

In my view, the consensus among them provides significant evidence that the question of its constitutionality is not a "close call." Rather, the theory behind the legislation runs counter to principles of judicial independence and the separation of powers that are central to our constitutional system.

As former U.S. Solicitor General and former Yale law professor, Robert Bork told the Senate Separation of Powers Subcommittee:

> The question to be answered in assessing S. 158 is whether it is proper to adopt unconstitutional counter-measures to redress unconstitutional action by the Court. I think it is not proper. The deformation of the Constitution is not properly cured by further deformation. Only if we are prepared to say that the Court has become intolerable in a fundamentally Democratic society and that there is no prospect whatever for getting it to behave properly, should we adopt a principle which contains within it the seeds of the destruction of the Court's entire constitutional role. I do not think we are at that stage.

CONCLUSION

While specific issues we deal with may change and should change, the process by which we consider them should not. Our respect and adherence to the Constitution and the procedures it establishes should not diminish. I fear that if we abandon those principles, we as a country slide down a slippery slope that leads us toward anarchy.

The question presented by the court-stripping proposals is simply this: Should we adopt measures that violate the spirit of the Constitution in order to address the issues of today?

That was the same question that faced the Congress in 1937. President Roosevelt proposed to increase the size of the Supreme Court.

He was deeply troubled by a series of Supreme Court decisions that threatened the success of his national recovery program. He hoped to alter the composition of the Court so that the Court would uphold the constitutionality of his economic plan.

The people and the Congress rose up and resoundingly defeated that plan. The American public and a majority of its representatives saw the court-packing plan for what it was—a significant threat to the independence of the judicial branch.

As we consider the court-stripping bills before us today, we should keep in mind the wise words of those who successfully defended the Supreme Court in 1937.

One of my predecessors in the Senate from Montana, Burton K. Wheeler, played an active role in fighting the proposal put forward by the President of his own party. Here are the words of Burton K. Wheeler as they were uttered on the floor of the Senate 45 years ago:

So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. . . . Of course, Mr. President, there have been abuses in the court. I have been one who has disagreed with them, and I expect to disagree with them again, but I am unwilling on the basis of some specious argument or of some subterfuge that defies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or any other. . . .

And, finally, Mr. President, I hope the Senate will heed the words of the committee report of the then-Democratically controlled Senate Judiciary Committee when they rejected the President's court-packing proposal. I close with these ringing words:

Shall we now, after 150 years of loyalty to the constitutional ideal of an untrammeled judiciary . . . create the vicious precedent which must necessarily undermine our system? . . . Let us now set a salutory precedent that will never be violated. Let us, of the 75th Congress, in words that will never be disregarded by any succeeding Congress, declare that we would rather have an independent court, a fearless court, a court that will dare to announce its honest opinions in what it believes to be the defense of liberties of the people, than a court that, out of fear or sense of obligation to the appointing power or factional passion, approves any measure we may enact. . . . Exhibiting this restraint, thus demonstrating our faith in the American system, we shall set an example that will protect the independent American judiciary from attack as long as this government stands.

Mr. President, I feel strongly about these bills. It is not often that I spend as much time as I have on a single subject. But I firmly believe that we should exercise some restraint. We should not take the easy way out.

Mr. President, I know the Senator from Connecticut has very ably taken the lead in bringing these issues up for full debate. I hope others join him, because I think it is crucial that those who have looked into this question and realize its implications speak out at length on them.

The Senator from Connecticut, as well as others, have exposed some of the abuses and some of the problems that are associated with these bills. I strongly call on other Senators to pay heed to the call of the Senator from Connecticut to come and voice their concerns, as well, because I think this is an extremely dangerous precedent that we are embarking on today.

Mr. President, I move to table the amendment of the Senator from Washington (No. 1258), and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on the motion——

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I may withdraw my motion to table the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I wonder if my good friend from Washington would yield so that I may ask him a question.

Mr. GORTON. I yield.

Mr. HELMS. I thank my friend.

Let me state a hypothetical case. Let us suppose that a school district in the Senator's State or in my State were to encounter a situation wherein and whereby a high school with 1,000 capacity had 2,000 students who were black. Would the school board be prohibited from busing those who were involved in that? How would the school board handle that situation?

Mr. GORTON. The amendment which I have proposed, I will say to the distinguished Senator from North Carolina, would not impact in any way on the judgment to be utilized by the school board in managing this particular type of school in choosing students who would be permitted to go to that school.

If I understand the hypothetical correctly, we have a school with a capacity of 1,000 students and we also have a situation in which the school is so attractive and the rules of the school board are such that 2,000 students have applied to go to the school so not all of them can be admitted.

The school board would have the authority to grant preference if it wished to those who lived closest to the school. It would not be required, under my amendment, to make that choice. It might very well simply decide, if we could take the additional hypothetical that half of these applicants were black and half were white, that it would simply allow people to go to that school on the basis of chance simply, quite literally, by drawing straws.

It could also state that the method by which you were picked for that school were the grades that you had. It might state that the reason for which you apply to that school would be the particular courses of instruction which you propose to follow.

In other words, Mr. President, there would be no limitation on the authority of the school district to accept applications to that school even if those applications were accepted on a voluntary basis on the basis of race. The school might very well say, "We want 500 blacks and 500 whites and we shall make choices on that basis." Because there would be no mandatory assignment involved in that method of choice, it would not fall under any of the proscriptions of the amendment which is before the Senate at this time.

Mr. HELMS. Mr. President, the Senator is a distinguished lawyer. Would he care to speculate about lawsuits that might evolve from the 1,000 who were not selected?

Mr. GORTON. I could not speculate, Mr. President, on that proposition, except to say that whatever lawsuits might evolve from any of those unsuccessful 1,000 students could not successfully be based on any right granted by the amendment which is before the Senate right now. It could be some other local cause of action which they could have, which I cannot imagine, but they could not base the cause of action on the amendment.

Mr. HELMS. Mr. President, I thank the Senator.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, am I correct in assuming that amendment No. 1258, offered by the Senator from Washington, is the matter before the Senate?

The PRESIDING OFFICER. It is the pending question.

Mr. EXON. Mr. President, I am about to move to table the amendment offered by my friend and colleague from Washington. Before I make the official motion to table, I should like, for the record, to explain how I view this.

I first say, Mr. President, that I am a cosponsor of the amendment that has been offered by the Senator from Louisiana and the Senator from North Carolina. I happen to feel that, while there are a great many wrongs and rights and gray areas in between, the matter of forced busing of students has been the basis of a costly disaster that has done little for overall integration, the purpose for which it was originally intended.

I have listened to much of the debate over the last several months by my friend from Connecticut and I cannot tell him, though I hope he knows, how sincerely I appreciate a man who has the guts and determination that this man has, to stand on the floor on numerous occasions to speak out for something that he very strongly believes in. I do not happen to agree with him.

I also had a chance to listen a few moments ago to the very moving arguments that were made by my colleague

from Montana (Mr. BAUCUS). I thought it was very well said.

I must confess, Mr. President, that, of course, I am concerned when I feel that one of the three and supposedly equal branches of Government intends to intrude upon the prerogatives of another. But I do not know how else we are going to come to grips with this matter of forced school busing that, from my interpretation, has not worked out, has been a disaster, and, furthermore, is generally not supported by the people of the United States, regardless of their race, creed, or color. I certainly do not take issue with the supposed intent of the amendment offered by the Senator from Washington. I was particularly struck by the purpose that is printed on his amendment:

To secure the right of students entitled to equal protection of the laws to be free from purposeful discrimination and segregation and to be treated in a racially neutral manner with regard to their assignment to public schools providing free public education, and for other purposes.

I suspect I generally agree with the overall thrust, possibly, of the amendment offered by my friend from Washington but we have something more at stake here. We have at stake, No. 1, an amendment that has been offered jointly by the Senator from Louisiana and the Senator from North Carolina that I think potentially has overwhelming support by my colleagues in the Senate, since it does not go as far in telling the courts what they should do—if that is a legitimate argument, and it might be—as the amendment offered by the Senator from Washington, at least in the opinion of this nonlawyer.

I should like, though, to ask my friend from Washington with regard to the technicalities about this type of scenario for clarification of the record, whether or not my tabling motion that I shall make in a few moments comes to pass.

I ask the Senator from Washington to respond, if he will, to this question: Assuming that there were a community somewhere in the United States that wanted to continue forced busing—or busing, as the case might be.

I shall first say that in the amendment we have been discussing here, offered by the Senator from Louisiana and the Senator from North Carolina, they would not be able to continue that busing if the round trip were more than one-half hour. I recognize that. But let us assume that this Main City, U.S.A., that I am talking about wanted indeed to continue busing under the scenario that I just outlined, within half an hour's distance from their residence. As I read the amendment offered by the Senator from Washington, I suspect that that might be precluded. Am I right or wrong, in the opinion of the author of this amendment?

Mr. GORTON. Mr. President, I say to my good friend from Nebraska that he has certainly reached one of the central points, if not the central point, in both the proposal which is before the Senate now and, for that matter, that of the Senator from North Carolina and the Senator from Louisiana.

I do not believe, if I may make this as a preliminary to my answer, that the amendment of the Senator from Louisiana would preclude what the Senator from Michigan (Mr. LEVIN) yesterday referred to as voluntary busing; that is to say, busing which was not imposed by a court order but which was imposed by the free choice of a local, individual school board. So, in that sense, if we are talking about a voluntary system in that regard, even the 5-mile and 15-minute limitations in the Johnston amendment would have no impact at all.

In the case of my amendment, the Senator from Nebraska may be no lawyer, but he certainly accurately reads the amendment which is the product of the proposal of the Senator from Louisiana, which is broader. It is broader than the proposal of the Senator from Louisiana. The thrust of the proposal which I have laid before this body is that it is inappropriate for a school board as well as for a court or for any other person exercising the force or the authority of government to classify by race students who have played no role in creating any unconstitutional discrimination or segregation whatsoever. That is not an authority which I think appropriate to delegate to the servants of the government, wherever they may be. To the extent that they are dealing with individual students, they must deal in a colorblind fashion.

It is certainly possible to conceive of such a classification which met with such popularity in the community to which it applied that there would be no objection to it, that no parent or student would raise an objection. To the extent that the system was voluntary, in that sense, of course, it could be continued under the proposal which I offer. But I do not at least regard as voluntary a system imposed by a school board over the objections of parents and students as being any more voluntary than I do one imposed by a court.

I say to my good friend, who has expressed an attitude on busing as a concept which is identical to my own—I could have made the first part of his speech myself—that I think it totally appropriate for this Congress to follow what I consider to be the strictures of the original Brown litigation, which ended a system which for 100 years allowed and encouraged school districts and school boards to classify students by reason of race, and to move to a system in which school boards do not have that authority.

Before I complete my remarks, I do want to say what the limitations in my proposal are as well. They certainly do not prevent—as a matter of fact, they will encourage—school boards which are concerned about segregation, whether it is de facto or de jure, from closing a school which is, say, filled completely with members of one race because of residential patterns, from creating cluster schools, from changing the grade structures in schools which may traditionally have been grades one through six, but in order to produce a system in which there is more integration—three-grade schools or two-grade schools or the like—from creating magnet schools, and a whole host of other techniques which are racially conscious, in the sense that their goal is to see to it that there is greater integration than might otherwise be the case in a school district, so long as they do not involve saying to a specific student, John Jones, or to his parents, "You must go to thus and such a school, which is at a great distance from your home, by reason of your race, rather than because we have created a school system in which that school is the closest school which offers your grade or your type of instruction."

However, the answer to the question which the Senator propounded is the answer he expected. This does deny to the school district authorities the right to classify students by race.

Mr. EXON. I thank my friend from Washington.

Mr. President, because I think we must move ahead with the business of the United States Senate; because I think that it would be better for the Senate to move ahead as quickly as it can under the rules, while recognizing the rights of each individual Member of this body, and because I am a cosponsor of the measure before us, which is sponsored by the Senator from North Carolina and the Senator from Louisiana, I now move to table the amendment offered by the Senator from Washington, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the roll, and the following Senators entered

the Chamber and answered to their names:

[Quorum No. 10 Leg.]

Byrd. Harry F., Jr.	Gorton	Stennis
Exon	Helms	Weicker
	Quayle	

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 82, nays 11, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—82

Abdnor	Glenn	Metzenbaum
Andrews	Gorton	Mitchell
Armstrong	Grassley	Moynihan
Baker	Hart	Murkowski
Baucus	Hatch	Nickles
Bentsen	Hatfield	Nunn
Boren	Hawkins	Packwood
Bradley	Hayakawa	Pell
Bumpers	Heflin	Percy
Burdick	Heinz	Pressler
Byrd, Harry F., Jr.	Helms	Pryor
	Hollings	Randolph
Byrd, Robert C.	Huddleston	Roth
Cannon	Humphrey	Rudman
Chiles	Jackson	Sarbanes
Cohen	Jepsen	Sasser
Cranston	Johnston	Schmitt
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Specter
DeConcini	Kennedy	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Tower
Durenberger	Lugar	Tsongas
Eagleton	Mattingly	Wallop
Exon	McClure	Zorinsky
Ford	Melcher	

NAYS—11

Biden	Garn	Quayle
Boschwitz	Goldwater	Warner
Domenici	Matsunaga	Weicker
East	Proxmire	

NOT VOTING—7

Chafee	Mathias	Williams
Cochran	Riegle	
Inouye	Thurmond	

So the motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Nebraska (Mr. EXON) to table the amendment numbered 1258. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. RIEGLE), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 40, nays 51, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—40

Baucus	Eagleton	Metzenbaum
Bentsen	Exon	Mitchell
Boren	Ford	Moynihan
Boschwitz	Glenn	Nunn
Bradley	Hart	Packwood
Bumpers	Heflin	Pell
Burdick	Hollings	Percy
Cannon	Huddleston	Pryor
Chiles	Kennedy	Randolph
Cohen	Leahy	Sarbanes
Cranston	Levin	Specter
Dixon	Long	Tsongas
Dodd	Matsunaga	
Durenberger	Melcher	

NAYS—51

Abdnor	Grassley	Pressler
Andrews	Hatch	Proxmire
Armstrong	Hawkins	Quayle
Baker	Hayakawa	Roth
Biden	Heinz	Rudman
Byrd, Harry F., Jr.	Helms	Sasser
	Humphrey	Schmitt
Byrd, Robert C.	Jackson	Simpson
D'Amato	Jepsen	Stafford
Danforth	Johnston	Stevens
DeConcini	Kassebaum	Symms
Denton	Kasten	Tower
Dole	Laxalt	Wallop
Domenici	Lugar	Warner
East	Mattingly	Weicker
Garn	McClure	Zorinsky
Goldwater	Murkowski	
Gorton	Nickles	

NOT VOTING—9

Chafee	Inouye	Stennis
Cochran	Mathias	Thurmond
Hatfield	Riegle	Williams

So the motion to lay on the table amendment No. 1258 was rejected.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

Mr. BAKER. I move to lay on the table the motion to reconsider.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Connecticut (Mr. RIEGLE) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The result was announced—yeas 49, nays 43—as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—49

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Pressler
Baker	Hawkins	Proxmire
Biden	Hayakawa	Quayle
Byrd, Harry F., Jr.	Heinz	Roth
	Helms	Rudman
Byrd, Robert C.	Humphrey	Sasser
D'Amato	Jackson	Schmitt
Danforth	Jepsen	Simpson
DeConcini	Johnston	Stevens
Denton	Kassebaum	Symms
Dole	Kasten	Tower
Domenici	Laxalt	Wallop
East	Lugar	Warner
Garn	Mattingly	Zorinsky
Goldwater	McClure	

NAYS—43

Baucus	Exon	Moynihan
Bentsen	Ford	Nunn
Boren	Glenn	Packwood
Boschwitz	Hart	Pell
Bradley	Heflin	Percy
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Cannon	Kennedy	Sarbanes
Chiles	Leahy	Specter
Cohen	Levin	Stafford
Cranston	Long	Stennis
Dixon	Matsunaga	Tsongas
Dodd	Melcher	Weicker
Durenberger	Metzenbaum	
Eagleton	Mitchell	

NOT VOTING—8

Chafee	Inouye	Thurmond
Cochran	Mathias	Williams
Hatfield	Riegle	

So the motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I wish to be recorded as having yielded my 1 hour, to which I am entitled, to the majority leader, Mr. BAKER.

The PRESIDING OFFICER. The Senator has 59 minutes and they are yielded to the Senator from Tennessee.

Mr. GOLDWATER. Fifty-nine. No wonder that clock is all wrong.

The PRESIDING OFFICER. May it be shown the Senator from Arizona has already spoken for 1 minute.

Mr. GOLDWATER. I am sorry.

Mr. LEVIN and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. I recognize the Senator from Michigan.

Mr. LEVIN. Mr. President, the issue in the amendment is not busing, mandatory or otherwise. Transportation is not even mentioned in this amendment. The issue is not even whether a school board should give any consideration to race in drawing boundaries when a board acting on its own wants to eliminate purposeful or so-called de jure segregation or discrimination.

The issue is whether the Federal Government is going to dictate the answer to that last question for 15,000 local school boards and 50 State boards of education.

The issue is whether we intervene in local education administration and tell local school boards and State boards of education how they cannot draw school boundaries and assign pupils.

This is a mischievous precedent of Federal intrusion in local school administration. It is an unprecedented intrusion in local school administration which most of us will some day scramble to disavow.

For now, I make the plea for the record, a record which will soon be a cold record. I hope that courts will scratch a little beneath the findings we will soon be voting on to see if they meet any tests of substantiality.

If the courts will, they will find that the hallowed repository of freedom known as the 14th amendment is being invoked here based on so-called findings of fact although, as Senator GORTON indicated last night, the testimony before the Judiciary Committee has not yet been printed and is therefore not readily available to Members. It is being invoked here although no committee report is before us setting forth the backup material for these findings of fact based on evidence. The hallowed 14th amendment is being invoked here although the committee has not, as Senator GORTON has candidly indicated, even completed its work.

The 14th amendment is being invoked to intrude in local administration for the first time in history that this Congress has done it in this way, although the committee did not even focus on many of the issues raised in this amendment. The 14th amendment is being invoked here, although the issue is voluntary assignment of students or consideration of race in drawing boundries. The thrust of this amendment was not the focus of the hearings, that theoretically constitute the evidence before us upon which we base our support for these findings of fact.

Despite all of those inadequacies, despite that almost total absence of bases to make these findings, we are being asked to vote on these findings now and the 14th amendment, section 5, is being relied upon as a basis for our doing so.

Mr. President, if that minimal judicial scrutiny is given, I do not fear the outcome of this vote, whichever way it comes out. The 14th amendment will then and only then be the weapon of freedom it was intended to be instead of a mechanism to meddle in the local administration of schools.

This amendment seeks to repeal the Supreme Court decision in the Swann case. That decision said that to forbid at this stage all assignments made on the basis of race will "deprive school authorities of the one tool absolutely essential to fulfillment of their constitutional obligation to eliminate existing dual school systems," *North Carolina State Board of Education* v. *Swann*, 402 U.S. 43 (1971).

We cannot repeal the Swann decision by statute and, even if this amendment is adopted, I do not believe that it will succeed.

Finally, one word for my friend from Washington, Senator GORTON, who I see on the floor. Again I thank him for the patience that he displayed last night and the perserverance that he displayed last night in a long colloquy with this Senator, and I am grateful for the patience that he so displayed.

I thank the Chair.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I make the point of order that the Johnston amendment is not germane.

The PRESIDING OFFICER. Will the Senator from Connecticut direct my attention to which Johnston amendment he is referring?

Mr. WEICKER. I make the point of order that the Johnston amendment No. 1252 is nongermane, and I suggest the absence of a quorum.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Chair has not ruled on the point of order.

The amendment by the Senator from Louisiana numbered 1250 simply restates——

Mr. WEICKER. Amendment No. 1252.

The PRESIDING OFFICER. Amendment No. 1252 simply restates the bill plus the germane committee amendments and, therefore, that amendment is germane.

Mr. WEICKER. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. Mr. President, I make the point of order that the appeal from the ruling of the Chair is dilatory.

The PRESIDING OFFICER. The Chair must first establish whether or not there is a sufficient second in the call for the yeas and nays. Is there a sufficient second? There is not a sufficient second.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I make the point of order that the call for the quorum is dilatory.

The PRESIDING OFFICER. The quorum call has already begun and, therefore——

Mr. JOHNSTON. The first Senator has not answered the rollcall.

The PRESIDING OFFICER. A Senator does not have to answer the rollcall once the quorum has been called.

The bill clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is the appeal from the ruling of the Chair that amendment No. 1252 is germane. The question is, Shall the decision of the Chair be the judgment of the Senate?

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Mr. President, I ask unanimous consent that the vote on the appeal from the ruling of the Chair be set aside until disposition of the Gorton amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, does that reserve the right to raise a point of order that the matter is dilatory?

The PRESIDING OFFICER. What matter is dilatory?

Mr. JOHNSTON. That the appeal from the ruling of the Chair is dilatory.

The PRESIDING OFFICER. The Senator may raise that if he wishes.

Mr. JOHNSTON. It is not waived?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Now, Mr. President, it is my hope that in the time remaining between now and 7 p.m. debate on the Gorton amendment can be concluded and that a rollcall vote can occur beginning at 7 p.m. on the Gorton amendment up or down.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAKER. Mr. President, I am not making a request. I must say to the Chair I did not make the request that occur because I have not notified the minority leader. It is my hope that that will occur and I hope the debate will proceed at this time in order to facilitate that.

The PRESIDING OFFICER. The Senator made a request to set aside the appeal. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, the pending amendment is the Gorton amendment. The Gorton amendment in many respects achieves the same goals that the Johnston-Helms amendment achieves in that it prohibits busing which as the debate has indicated and as I think the record indicates has been a positive evil as far as education is concerned without at the same time achieving the purpose for which the busing is done, that is to say integration.

The question now though is whether to attach the Gorton amendment to this legislation. It is a close and difficult question. As far as I personally am concerned, I have done a great deal of soul searching about the question. Mr. President, I will vote no on the Gorton amendment.

The reasons are principally practical, practical in the sense that, first of all, I think it puts baggage on the question of constitutionality, which may frankly weigh too great the side of the scale on the side of constitutionality in that it would prohibit a school board, a State court, or anyone indeed from ordering any busing whatsoever, not even busing within the 5-mile or 15-minute limit.

It seems to me that, therefore, what I regard as a reasonable limit has a better chance of passing muster with the court. It also seems that if a duly elected school board representing the people wishes to draw its school districts in a certain way that that is democracy in action as opposed to tyranny and the Johnston-Helms amendment does not propose to prohibit that.

The second practical consideration is the passage of this matter in the Senate. On the motion to table, there was a rather close vote here in the Senate. Many of those who voted with us before against the Gorton amendment voted to table the Gorton amendment, and the expression was that it goes too far.

Mr. President, when so many of my colleagues for whom I have great respect and who share a concern with forced busing feel that the matter goes too far then I believe it means that many of those in the House would feel the same way.

So for principally practical reasons I will vote against the Gorton amendment recognizing that the Gorton amendment has a great deal to be said for it both from a logical and a legal standpoint. I think from a practical standpoint it is the better part of judgment to vote no on the Gorton amendment.

Mr. HELMS. Mr. President, I pay my respects to the distinguished Senator from Washington. As he knows not only did I agree to vote against tabling his amendment, I worked this floor during the vote and I am certainly aware of the thought, work, and concentration that he has given his amendment.

I am inclined to agree with the observation of the distinguished Senator from Louisiana.

I have got to say, Mr. President, that the Senator from North Carolina is no oracle from Mount Sinai. I do not know who is right about this. But I think we ought to move along.

I do wish to pay my respects to the distinguished Senator from Washington, and I thank him for his cooperation and for the diligent efforts on his behalf.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from Washington.

Mr. GORTON. Mr. President, I do not have the ability to express my disappointment in the position taken by my good friend and colleague, the Senator from Louisiana, and the agreement expressed with that proposition by the Senator from North Carolina.

In spite of the position which they have expressed, I must ask the Members of this body to vote in favor of the amendment which is before them now in any event. I do that because, having observed all of the debates, at least the result of all the debates, which have taken place in the Congress of the United States on the subject of mandatory assignments to public schools on the basis of race I observe that this is the first vote on that proposition as a principle of law and of social policy in this body.

In the past, including the votes on both the Helms amendment and the Johnston amendment in this Congress, the Members of this body have not been willing to follow the logic of their convictions to its appropriate end, that end being that race should not be considered by public authorities in assignments to public schools.

We have had proposals considered and passed in this body which limit the right of the Department of Justice to enter into school desegregation litigation. We have had proposals pass the Congress of the United States which restrict the authority of the Department of Health, Education, and Welfare, and one of its successors, the Department of Education, to deal with public policy in this area.

We have recently passed a Johnston amendment which prohibits the use of a mandatory assignment remedy on the part of the courts when it would result in a busing remedy which would extend for more than 5 miles or for more than 15 minutes.

Ironically, however, that very solution is inconsistent with the findings on which it is based. The findings which this body has already adopted in passing the Johnston amendment are essentially identical to those in the amendment which is before us at the present time. They have to do with the inefficacy of mandatory busing as an educational remedy, they have to do with its destruction of the concept of the public school system, with its acceptance by the general public, and with its deprivation of the normal and historic rights of the citizens of the United States to choose the school assignments of their children by the place in which they choose to live.

Yet faced with the proposition that the Congress of the United States should follow its undoubted right to set social policy in this area, they essentially blink and say that busing may be appropriate under some circumstances or when it does not involve a great distance of travel or when a court may disagree with the findings of fact which are made by this Congress itself.

Never before this vote have the Members of this body had the opportunity to vote directly on whether or not they consider mandatory school assignments, that is to say mandatory busing based on race, to be a valid or an appropriate social policy in the United States. Not one Member, with the possible exception of the Senator from Connecticut, not all of whose remarks I have heard on this, has stood up in this body to justify that social policy. In fact, every speech we have heard has deprecated that policy but has been followed all too frequently by the statement that even though that policy is to be deprecated, even though it is ineffective, even though it is inappropriate, even though it has tended to undermine public acceptance of public schools, we nevertheless should not accept our willingness or follow our own consciences in voting something which will limit or correct it.

Curiously enough, I have heard at least some debate on the floor of this body asserting that this reverses a policy of Brown against Board of Education. I wish to take this opportunity to read a portion of one paragraph

from the case which is colloquially known as Brown II, that is to say the portion of the second Brown against Board of Education case which dealt with remedies, and I am reading from volume 349 of the United States Reports beginning on page 300:

> The courts (the Supreme Court of the United States said) may consider problems related to administration arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas and to compact units to achieve a system of determining admission to the public schools on a non-racial basis.

It is precisely that policy to which this amendment ask the courts of the United States to return based on the wisdom and the actual experience of school districts of the United States during the decade of the 1970's and the 2 years which have passed during the course of the 1980's.

This amendment does not in any respect restrict the rights of courts or of popularly elected school districts to cluster schools, to close individual schools because they tend to destroy racial balance, to set grade levels in a different fashion than they have in the past or to engage in any other activity not only to end de jure segregation but to create a greater degree of racial balance in public schools even where there is no de jure segregation to the extent that that is regarded as socially desirable other than to deprive a student——

The PRESIDING OFFICER. The 1 hour of the Senator from Washington has expired.

Mr. GORTON. I understand the majority leader yielded to me the hour of the Senator from Arizona.

Mr. BAKER. Mr. President, before I yield my time, I repeat my wish that we might get to a vote on this amendment in the next few minutes. I yield 10 minutes to the Senator from Washington.

Mr. GORTON. I am very close to finishing.

The only restriction contained in this amendment is the restriction against classifying by race the schoolchildren of the United States who, by definition, are guilty of no action of racial segregation whatsoever.

It is precisely the promise of Brown against Board of Education which this amendment is designed to implement. It is precisely the high ground in this debate which it is the design of this amendment to take by recognizing in every schoolchild in the United States the right to a racially neutral school assignment.

I must say very bluntly that I found it very difficult, extremely difficult, to vote for the Johnston-Helms amendment because it did not deal with this as a matter of principle. I did so only because it provided the vehicle to discuss this amendment which, for the first time, does deal with the matter as a question of principle.

I feel quite firmly, and I state this due to my own experience before becoming a Member of the Senate, that the chances that this approach will be validated by the Supreme Court, because it is consistent with the congressional findings included in the amendment and because it does recognize a right to have racially neutral treatment of individual school students, are greater than the chances that the Johnston-Helms amendment will be validated by the Court.

I believe we are being led down a blind alley which is likely to meet a rebuff on the part of the courts of the United States, and unlikely to solve the very problem against which it is directed even if it is validated. I believe that sooner or later this body and the Congress are going to have to make that fundamental value determination as to whether or not they think that schoolchildren can appropriately be assigned to public schools simply on the basis of their race; that they can be treated as the pawns of a sociological experiment rather than have the Congress of the United States vindicate their rights to the equal protection of the laws.

As I said, I am disappointed, although I understand the tactical reasons for the change of view on the part of my two distinguished colleagues from Louisiana and North Carolina. I, nevertheless, ask each of those persons who has ever made a speech stating that schoolchildren should be treated without regard to race in their school assignments to consider very carefully their vote on the first single instance in which they have been able to vote on that principle, clean and unlimited by attacks of jurisdiction of the courts of the United States or the Department of Justice.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER (Mr. ANDREWS). The Senator from Connecticut.

Mr. WEICKER. Mr. President, I urge defeat of the Gorton amendment. I do so for the same reason I urge defeat of the Helms amendment and I urge defeat of the Johnston amendment.

The fact is that the Senate, in any of these amendments, is not creating a solution to the problem of discrimination and segregation. It is merely preventing that arm of the Government, which has the independence and the courage, to state the solution of what it can or cannot do.

I will vote on this floor for any proposition put forth by any Senator that constructively addresses itself to the problem of discrimination and segregation in our school systems. But any amendment and any proposition that either says no or modifies that which the judicial branch of Government has conceived in the vacuum that we have created will have my opposition.

I urge defeat of the Gorton amendment for those reasons.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. GORTON). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "yea."

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. GOLDWATER.) Are there any other Senators in the Chamber wishing to vote?

The result as announced—yeas 42, nays 49, as follows:

[Roll Call Vote No. 23 Leg.]

YEAS—42

Abdnor	Hatch	Pressler
Andrews	Hawkins	Proxmire
Armstrong	Hayakawa	Quayle
Baker	Heinz	Roth
Byrd, Harry F., Jr.	Humphrey	Rudman
Byrd, Robert C.	Jackson	Sasser
D'Amato	Jepsen	Schmitt
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Stevens
Dole	Laxalt	Symms
Domenici	Lugar	Wallop
Goldwater	Mattingly	Warner
Gorton	McClure	Zorinsky
Grassley	Murkowski	
	Nickles	

NAYS—49

Baucus	East	Metzenbaum
Bentsen	Exon	Mitchell
Biden	Ford	Moynihan
Boren	Garn	Nunn
Boschwitz	Glenn	Packwood
Bradley	Hart	Pell
Bumpers	Heflin	Percy
Burdick	Helms	Pryor
Cannon	Hollings	Randolph
Chiles	Huddleston	Specter
Cohen	Johnston	Stafford
Cranston	Kennedy	Stennis
Denton	Leahy	Tower
Dixon	Levin	Tsongas
Dodd	Long	Weicker
Durenberger	Mathias	
Eagleton	Melcher	

NOT VOTING—9

Chafee	Inouye	Sarbanes
Cochran	Matsunaga	Thurmond
Hatfield	Riegle	Williams

So Mr. GORTON's amendment (No. 1258) was rejected.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I have already cleared this request with the minority leader. I ask unanimous consent that, if a vote is ordered on the motion to table, it occur following the vote previously ordered on the appeal from the ruling of the Chair, not before 9 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, no vote has been ordered.

The PRESIDING OFFICER. There will be no votes between 7 and 9 o'clock.

Mr. BAKER. Mr. President, debate on this bill will continue between now and 9 o'clock, but the vote on the appeal from the ruling of the Chair will not occur before 9 o'clock.

It is not the intention of the leadership to ask for any vote between now and 9 p.m.

Mr. JOHNSTON. Mr. President, that does not include a vote as to which the yeas and nays have not been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the motion to table.

Mr. BAKER. Mr. President, if the Senator will yield to me, if his inquiry was as to whether matters could be disposed of by voice vote, of course. I was referring to rollcall votes.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider.

The motion to table was agreed to.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there has not been a period for transaction of routine morning business during this calender day. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I believe it would be appropriate to provide for that at this time.

I ask unanimous consent that there be a brief period for the transaction of routine morning business, to extend not more than 5 minutes, during which Senators may speak for not more than 1 minute each.

I ask unanimous consent that at the conclusion of that time or at the expiration of the time for the transaction of routine morning business, the Senate resume consideration of the pending business and the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE OIL GLUT MIRAGE

Mr. JACKSON. Mr. President, today's Wall Street Journal carries an alarming article about developments in the Middle East. The article details recent escalation of the border war between Iran and Iraq, and highlights the involvement of outside forces, particularly the Soviet Union.

I have commented on this situation numerous times, including a statement I made on this floor just before the recess on Thursday, February 11. At that time, I observed that few would dispute that the Middle East is still a cauldron of instability. Today's article confirms that statement.

Mr. President, all of America's eyes were riveted on the Middle East, particularly Iran, while the hostages were still being held captive. Since that time, the crisis atmosphere has abated and many Americans have been lulled to sleep. We seem to be letting down our guard, principally due to a temporary surplus in oil production.

I have said repeatedly that even though our own dependence on Persian Gulf oil is declining—due to conservation and the recession—our dependence will continue for the foreseeable future. Our allies are in even worse shape, particularly those who do not have domestic energy production. The fate of the Western economic system, and the stability of our political systems, are inextricably tied to the Middle East.

We cannot afford to ignore these events. They will eventually have very serious repercussions. The oil glut is a mirage, as is the temporary respite from conflict in the Middle East.

Unfortunately the administration appears to believe in mirages. They are cutting back on the budget for the strategic petroleum reserve at a time when they should be increasing it.

As I have said before, I applauded the administration's efforts on SPR for the first year they were in office. They averaged an SPR fill rate of 292,000 barrels per day in fiscal year 1981, a commendable achievement. But the budget before the Congress right now falls short of what is needed.

Congress has set a target for the SPR fill rate of 300,000 barrels per day. The law requires the President to "seek to fill" the strategic petroleum reserve at that rate. It would certainly be possible to purchase oil at that rate given the current world oil market conditions. In fact, now is the perfect time to accelerate purchases.

Instead, the fiscal year 1983 budget proposal will set the SPR program back an entire year. It calls for completion of the program in 1990, rather than 1989 as was planned. The President's budget proposes to defer 28 percent of fiscal year 1982 facilities construction funding. OMB cut the DOE request for facilities construction funds by more than half. The oil procurement funding request represents a cut of 44 percent from last year.

Oil prices are declining. Oil is available. Yet they are cutting back on what is unquestionably a national security program.

Yesterday, the Secretary of Energy attempted to appease the members of the Energy Committee by telling us that the fill rate for fiscal year 1983 will be higher than that for fiscal year 1982. What he neglected to point out is that all but 20,000 barrels per day of the oil to fill the SPR in fiscal year 1983 will be purchased under long-term contracts with fiscal year 1982 funds. As a result, the administration's course of action will lead to a precipitous drop in the fill rate by 1985. The projected fill rate for fiscal year 1985 will plummet to 107,000 barrels per day. I simply cannot support that policy.

I hope that the article will be of interest to my colleagues. I ask unanimous consent that it be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 24, 1982]

ASCENDANCY OF IRAN IN CONFLICT WITH IRAQ IMPERILS MIDEAST OIL

(By Youssef M. Ibrahim and Karen Elliott House)

A steady escalation of the border war between Iraq and Iran is reviving fears among neighbors and in the West that the 17-month-old conflict may spread—an eventuality that could disrupt oil supplies from the Persian Gulf and bring a swift end to the current world oil glut.

The fears are based largely on two developments, the first being that Iran began in September to gain the upper hand. The second is that the Soviet Union is taking advantage of Iran's near bankruptcy. The Russians have dramatically expanded their presence in Iran and recently signed a cultural-exchange agreement with the Islamic revolutionary regime of Ayatollah Ruhollah Khomeini. Trade between the Soviets and the Iranians is growing.

"The Soviet pause for appraisal of this adminstration is over, and we're now going to be tested," says Eugene Rostow, director of the U.S. Arms Control and Disarmament Agency. "I believe Iran is the place we're going to be tested."

Until recently, Western nations have paid little attention to the Iraq-Iran war. Oil has been plentiful, and the U.S. has little influence with Iraq and none with Iran. Moreover, pivotal oil producers in the region, such as Saudi Arabia, Kuwait and the United Arab Emitrates, have been content to see the two biggest powers in the Persian Gulf preoccupied with what appeared to be an endless war of attrition.

Today, however, the situation in the Persian Gulf is "markedly different," says Adeed Dawisha, a Mideast expert with the Royal Institute of International Affairs in London. He explains: "Iran hasn't only survived, the war, but it is emerging stronger. Secondly, they are actively trying to export the revolution in many concrete ways to their Arab neighbors. This is pushing the Arab oil producers to actively support Iraq."

COUP ATTEMPT

Iran's attempts to export its revolution date from the early days of the Ayatollah's regime but were dropped for a long period because of preoccupation with internal affairs. Such activity was resumed late last year. In October, for example, Saudi Arabia expelled dozens of Iranian pilgrims from Mecca after the Iranians staged political demonstrations aimed at arousing other Moslem worshipers. Then, in mid-December, a band of Iranian-trained revolutionaries attempted a coup in the tiny, conservative Arab sheikdom of Bahrain, a stone's throw from Saudi Arabia. Although both Iranian actions were failures, the conservative Arab regimes of the Middle East began to adopt tactics to curb Iran.

In Jordan, King Hussein is rounding up volunteers to fight alongside Iraq. Egypt is sending military supplies to Iraq and hinting that Egyptian soldiers would join the fight against Iran if the latter's troops set foot on Iraqi soil. Kuwait is offering logistical help, and the United Arab Emirates and Jordan continue to make their ports available to landlocked Iraq.

Since the war began in September 1980, a huge campaign of grants and loans has channeled an estimated $20 billion to Iraq from Saudi Arabia, Kuwait and the UAE. Several more billions are expected this year. Such outlays are described by Arab officials as an unprecedented drain on the region's oil revenues.

Still, Iraq appears in real danger of suffering further military humiliation at the hands of Iran, which is sending waves of new, young recruits to the front in record numbers. "They have Islam in their eyes and a rifle in their hands," says a U.S. official speaking of the zealous Revolutionary Guards, who make up the bulk of Iran's assault troops.

TEHERAN'S DETERMINATION

Iran's goal goes beyond taking back the sliver of land that Iraqi troops have occupied in the Iranian oil province of Khuzinstan. Teheran is determined to topple Iraq's president, Saddam Hussein, and replace his secular Arab socialist government with an Islamic Shia regime similar to that of Iran. Since last September, Iranian troops have taken back land occupied by Iraq near the large city of Abadan. More importantly, the Iranians are coming closer to the Iraqi borders at several points, forcing Baghdad to commit more men to battle and to abandon its policy of avoiding too many casualties for fear of a serious backlash among the Iraqi populaton.

All this comes at a time when Egypt's new government is struggling to root out Islamic fundamentalists and when Syria's president, Hafiz al-Assad, is fighting a tough battle with the fundamentalists in that nation. An Iranian victory could give fundamentalist movements throughout the Middle East new impetus to take on established governments. Such conflicts and the resulting instability would be certain to disrupt the region's vital oil supplies.

Meanwhile, Iran is becoming more dependent on Soviet-bloc aid. Iran has been unable to sell much of its dwindling oil production because of the world-wide oversupply and because of the war risks that keep many buyers away from its Persian Gulf loading stations. The Iranians are therefore resorting to bartering almost half their crude exports—a meager 500,000 barrels a day—for essential goods and services from the Soviet Union and other Communist countries, including Romania, East Germany and Yugoslavia.

Soviet arms continue to flow to Iran under agreements originally concluded with the late shah's regime. Soviet experts are flocking back in growing numbers to work on Iranian industrial projects interrupted in the three years of the revolution, and many new commercial contracts have been signed with Soviet-bloc nations in the past few weeks. Significantly, the Iranian regime seems to have abandoned its public posture of neutrality with the Soviets. Iran's press widely reported a series of recent meetings held by the Russian ambassador to Iran with the Iranian foreign minister, prime minister and deputy foreign ministers; the Iranian officials reported details of the meetings to the Ayatollah Khomeini, but the subject matter wasn't made public.

Most worrisome to officials in Washington are Soviet military activities around Iran. For the past two years, U.S. officials assert, Moscow has been beefing up its troops along Iran's borders—a buildup that appears so alarming to Washington that an administration official recently described it as "the most menacing development in the Near East."

Furthermore, intelligence sources in Washington and London agree that the Iranian Tudeh Communist Party is spreading its wings. Tudeh is a longtime ally of the Soviet Union that has aligned itself with the Ayatollah's revolution from the start of the Islamic upheaval in 1978. Tudeh members are said to have infiltrated the Iranian bureaucracy, occupying positions of power in the security services and within the ruling Islamic Republican Party.

There is also evidence that the Tudeh Party has infiltrated opposition groups such as the leftist (but non-Communist) Mujahedeen Khalq. According to U.S. officials, safe houses of the Mujahedeens and other anti-government groups have been disclosed to the ruling regime by Tudeh Party members.

The Russian involvement enhances the possibility of a long war—a possibility that many observers believe is rapidly becoming a probability. "There is little political incentive for a settlement on either side, and there is no serious mediation effort under way," says William B. Quandt, program director for energy and national security at the Brookings Institution. He adds: "For the next year or two, the prospect is that the war will continue."

Certainly, it doesn't appear that the two countries are being deterred by the war's enormous costs. By the warring powers' own accounts, the dead exceed 15,000 in Iraq, a nation of 14 million, and well over twice that in Iran, whose population is 40 million. The wounded run into several tens of thousands on both sides, and each country holds some 10,000 prisoners of war.

According to Arab bankers in London, Paris and Washington, Iran and Iraq have each incurred losses of $40 billion in damaged facilities alone. Iran's foreign-currency reserves, which totaled $12 billion in 1979, are down to less than $600 million; Iraq, which began the war with $35 billion in reserves, is estimated to be down to $16 billion. (That latter figure, however, doesn't include last year's $20 billion in aid from Arab countries.)

As recently as last month, when the latest of a half-dozen mediation attempts collapsed, both Teheran and Baghdad vowed to continue fighting until the opponent of each is vanquished completely. On Jan. 16, Iran's prime minister, Mir-Hossein Mousavi, warned: "Those states which provide support for Iraq will face disastrous consequences."

The Arabs know the Iranian threats aren't empty. Since the war began, Iran had sent its warplanes into Kuwait three times. (The last assault, in October, set an oil-gathering station ablaze.) But the Arabs are more concerned about the Iranian-inspired disturbances among their own citizens, particularly the Shiite Moslems who abound throughout the Gulf region. The Shiites, who rule in Iran, are a majority in Bahrain and constitute substantial minorities in Kuwait, the UAE, Qatar and the vital eastern province of Saudi Arabia that contains most of Saudi oil reserves.

"An Iranian victory would bolster Islamic revolutionary zeal throughout the region by making it appear that God is with Khomeini," a U.S. official says.

In the past few weeks, almost all observers agree, Iran has mounted a successful counteroffensive that has pushed Iraqi troops out of several areas inside Iran and that has brought Iranian troops closer to Iraq's own borders. A new Iranian offensive is expected next month.

"I believe the war is entering a very crucial stage in which oil facilities throughout the region may become seriously endangered," says James Akins, former U.S. ambassador to Saudi Arabia and a frequent traveler to Iraq and the Persian Gulf's Arab countries.

Whatever does happen, the U.S., to its consternation, will be a bystander—while the Soviets continue to expand their influence in the area. These days, the pervasive concern in Washington isn't that the Russians have signed up Iran as a satellite, but that the U.S. and other Western countries can't compete because they are absent from the scene.

"The Soviets have assets we don't have," explains a Reagan administration official. "They have an open border, a devoted party inside Iran and natives who share the culture and language of ethnic groups in Iran—and we aren't even in the ball game."

SOLE SOURCE AQUIFER PROTECTION ACT

Mr. BAUCUS. Mr. President, I am pleased to cosponsor the introduction of the Sole Source Aquifer Protection Act. This measure signifies an important effort to encourage planning and management to protect one of the Nation's most valuable resources—our ground water supply.

We are still learning about the complexities of ground water movement through aquifers. For too long we believed that nature alone could provide the cleansing and purifying mechanisms to assure ground water purity. We have come to learn that in fact ground water may move through an aquifer at the rate of only a few feet per year. Therefore, when contamination incidences occur, they may be impossible to control and can cause irreversible damage to the quality of the ground water.

Because the size and hydrological characteristics of aquifers vary from area to area, ground water protection has been perceived to be primarily a State and local concern. However, only a limited number of States have initiated programs of their own. The Sole Source Aquifer Protection Act addresses this matter by providing a system of Federal support for programs designed and implemented at the State and local level.

Many States and localities stand to benefit from the provisions of this bill. Currently, 17 States have petitions pending, or already have designated sole source aquifers under the Safe Drinking Water Act. Once this designation has been made, municipalities may seek to protect particularly sensitive recharge zones within the aquifer through the process set forth in this measure.

We know from experience that the containment and removal of pollutants in ground water is difficult and costly. This measure offers a procedure of planning and management that should help to prevent the occurrence of contamination in the most ecologically sensitive areas of the aquifers that we depend on for drinking water.

AH, WILDERNESS

Mr. SYMMS, Mr. President, William Tucker is not the first writer to discern a connection between the drive for wilderness designation on the public lands and class distinctions. In the current issue of Harper's, Mr. Tucker does provide some interesting insights into the class and social implications of preservationism.

The drive for wilderness is extremely important in a State such as mine, Mr. President. The declaration of wilderness as immediate implications for jobs and lifestyle for the people who live in Idaho year around, as opposed to those who visit for only a few days in the year. Mr. Tucker understands these impacts, and explains them clearly.

I think that some of my colleagues can profit from Mr. Tucker's comments, and so ask unanimous consent that his article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS NATURE TOO GOOD FOR US?

(By Willliam Tucker)

Probably nothing has been more central to the environmental movement than the concept of wilderness. "In wildness is the preservation of the world," wrote Thoreau, and environmental writers and speakers have intoned his message repeatedly. Wilderness, in the environmental pantheon, represents a particular kind of sanctuary in which all true values—that is, all nonhuman values—are reposited. Wildernesses are often described as "temples," "churches," and "sacred ground"—refuges for the proposed "new religion" based on environmental consciousness. Carrying the religious metaphor to the extreme, one of the most famous essays of the environmental era holds the Judeo-Christian religion responsible for "ecological crisis."

The wilderness issue also has a political edge. Since 1964, long-standing preservation groups like the Wilderness Society and the Sierra Club have been pressuring conservation agencies like the National Forest Service and the Bureau of Land Management to put large tracts of their holdings into permanent "wilderness designations," countering the "multiple use" concept that was one of the cornerstones of the Conservation Era of the early 1900s.

Preservation and conservation groups have been at odds since the end of the last century, and the rift between them has been a major controversy of environmentalism. The leaders of the Conservation Movement—most notably Theodore Roosevelt, Gifford Pinchot, and John Wesley Powell—called for rational, efficient development of land and other natural resources: multiple use, or reconciling competing uses of land, and also "highest use," or forfeiting more immediate profits from land development for more lasting gains. Preservationists, on the other hand, the followers of California woodsman John Muir, have advocated protecting land in its natural state, setting aside tracts and keeping them inviolate.

"Wilderness area" battles have become one of the hottest political issues of the day, especially in western states—the current "Sagebrush Revolt" comes to mind—where large quantities of potentially commercially usable land are at stake.

The term "wilderness" generally connotes mountains, trees, clear streams, rushing waterfalls, grasslands, or parched deserts, but the concept has been institutionalized and has a careful legal definition as well. The one given by the 1964 Wilderness Act, and that most environmentalists favor, is that wilderness is an area "where man is a visitor but does not remain." People do not "leave footprints there," wilderness exponents often say. Wildernesses are most importantly, areas in which evidence of human activity is excluded; they need not have any particular scenic, aesthetic, or recreational value. The values, as environmentalists usually say, are "ecological"—which means, roughly translated, that natural systems are allowed to operate as free from human interference as possible.

The concept of excluding human activity is not to be taken lightly. One of the major issues in wilderness areas has been whether or not federal agencies should fight forest fires. The general decision has been that they should not, except in cases where other lands are threatened. The federal agencies also do not fight the fires with motorized vehicles, which are prohibited in wilderness areas except in extreme emergencies. Thus in recent years both the National Forest Service and the National Park Service have taken to letting forest fires burn unchecked, to the frequent alarm of tourists. The defense is that many forests require periodic leveling by fire in order to make room for new growth. There are some pine trees, for instance, whose cones will break open and scatter their seeds only when burned. This theoretical justification has won some converts, but very few in the timber companies, which bridle at watching millions of board-feet go up in smoke when their own "harvesting" of mature forests has the same effect in clearing the way for new growth and does less damage to forest soils.

The effort to set aside permanent wilderness areas on federal lands began with the National Forest Service in the 1920s. The first permanent reservation was in the Gila National Forest in New Mexico. It was set aside by a young Forest Service officer named Aldo Leopold, who was later to write A Sand County Almanac, which has become one of the bibles of the wilderness movement. Robert Marshall, another Forest Service officer, continued the program, and by the 1950s nearly 14 million of the National Forest System's 186 million acres had been administratively designated wilderness preserves.

Leopold and Marshall had been disillusioned by one of the first great efforts at "game management" under the National Forest Service, carried out in the Kaibab Plateau, just north of the Grand Canyon. As early as 1906 federal officials began a program of "predator control" to increase the deer population in the area. Mountain lions, wolves, coyotes, and bobcats were systematically hunted and trapped by game officials. By 1920, the program appeared to be spectacularly successful. The deer population, formerly numbering 4,000, had grown to almost 100,000. But it was realized too late that it was the range's limited food resources that would threaten the deer's existence. During two severe winters, in 1924-26, 60 percent of the herd died, and by 1939 the population had shrunk to only 10,000. Deer populations (unlike human populations) were found to have no way of putting limits on their own reproduction. The case is still cited as the classic example of the "boom and bust" disequilibrium that comes from thoughtless intervention in an ecologicial system.

The idea of setting aside as wilderness areas larger and larger segments of federally controlled lands began to gain more support from the old preservation groups. In part, this came from preservationists' growing realization, during the 1950s, that they had not won the battle during the Conservation Era, and that the national forests were not parks that would be protected forever from commercial activity.

Pinchot's plan for practicing "conservation" in the western forests was to encourage a partnership between the government and large industry. In order to discourage overcutting and destructive competition, he formulated a plan that would promote conservation activities among the larger timber companies while placing large segments of the western forests under federal control. It was a classic case of "market restriction," carried out by the joint efforts of larger businesses and government. Only the larger companies, Pinchot reasoned, could gener-

ate the profits that would allow them to cut their forest holdings slowly so that the trees would have time to grow back. In order to ensure these profit margins, the National Forest Service would hold most of its timber lands out of the market for some time. This would hold up the price of timber and prevent a rampage through the forests by smaller companies trying to beat small profit margins by cutting everything in sight. Then, in later years, the federal lands would gradually be worked into the "sustained yield" cycles, and timber rights put up for sale. It was when the national forests finally came up for cutting in the 1950s that the old preservation groups began to react.

The battle was fought in Congress. The 1960 Multiple Use and Sustained Yield Act tried to reaffirm the principles of the Conservation Movement. But the wilderness groups had their day in 1964 with the passing of the Wilderness Act. The law required all the federal land-management agencies—the National Forest Service, the National Park Service, and the Fish and Wildlife Service—to review all their holdings, keeping in mind that "wilderness" now constituted a valid alternative in the "multiple use" concept—even though the concept of wilderness is essentially a rejection of the idea of multiple use. The Forest Service, with 190 million acres, and the Park Service and Fish and Wildlife Service, each with about 35 million acres, were all given twenty years to start designating wilderness areas. At the time, only 14.5 million acres of National Forest System land were in wilderness designations.

The results have been mixed. The wilderness concept appears valid if it is recognized for what it is—an attempt to create what are essentially "ecological museums" in scenic and biologically significant areas of these lands. But "wilderness," in the hands of environmentalists, has become an all-purpose tool for stopping economic activity as well. This is particularly crucial now because of the many mineral and energy resources available on western lands that environmentalists are trying to push through as wilderness designations. The original legislation specified that lands were to be surveyed for valuable mineral resources before they were put into wilderness preservation. Yet with so much land being reviewed at once, these inventories have been sketchy at best. And once land is locked up as wilderness, it becomes illegal even to explore it for mineral or energy resources.

Thus the situation in western states—where the federal government still owns 68 percent of the land, counting Alaska—has in recent years become a race between mining companies trying to prospect under severely restricted conditions, and environmental groups trying to lock the doors to resource development for good. This kind of permanent preservation—the antithesis of conservation—will probably have enormous effects on our future international trade in energy and mineral resources.

At stake in both the national forests and the Bureau of Land Management holdings are what are called the "roadless areas." Environmentalists call these lands "de facto wilderness," and say that because they have not yet been explored or developed for resources they should not be explored and developed in the future. The Forest Service began its Roadless Area Resources Evaluation (RARE) in 1972, while the Bureau of Land Management began four years later in 1976, after Congress brought its 174 million acres under jurisdiction of the 1964 act. The Forest Service is studying 62 million roadless acres, while the BLM is reviewing 24 million.

In 1974 the Forest Service recommended that 15 million of the 50 million acres then under study be designated as permanent wilderness. Environmental groups, which wanted much more set aside, immediately challenged the decision in court. Naturally, they had no trouble finding flaws in a study intended to cover such a huge amount of land, and in 1977 the Carter administration decided to start over with a "RARE II" study, completed in 1979. This has also been challenged by a consortium of environmental groups that include the Sierra Club, the Wilderness Society, the National Wildlife Federation, and the Natural Resources Defense Council. The RARE II report also recommended putting about 15 million acres in permanent wilderness, with 36 million released for development and 11 million held for further study. The Bureau of Land Management is not scheduled to complete the study of its 24 million acres until 1991.

The effects of this campaign against resource development have been powerful. From 1972 to 1980, the price of a Douglas fir in Oregon increased 500 percent, largely due to the delays in timber sales from the national forests because of the battles over wilderness areas. Over the decade, timber production from the national forests declined slightly, putting far more pressure on the timber industry's own lands. The nation now has become an importer of logs, despire the vast resources on federal lands. In 1979, environmentalists succeeded in pressuring Congress into setting aside 750,000 acres in Idaho as the Sawtooth Wilderness and National Recreational Area. A resource survey, which was not completed until after the congressional action, showed that the area contained an estimated billion dollars' worth of molybdenum, zinc, silver, and gold. The same tract also contained a potential source of cobalt, an important mineral for which we are now dependent on foreign sources for 97 percent of what we use.

Perhaps most fiercely contested are the energy supplies believed to be lying under the geological strata running through Colorado, Wyoming, and Montana just east of the Rockies, called the Overthrust Belt. Much of this land is still administered by the Bureau of Land Management for multiple usage. But with the prospect of energy development, environmental groups have been rushing to try to have these high-plains areas designated as wilderness areas as well (cattle grazing is still allowed in wilderness tracts). On those lands permanently withdrawn from commercial use, mineral exploration will be allowed to continue until 1983. Any mines begun by then can continue on a very restricted basis. But the exploration in "roadless areas" is severely limited, in that in most cases there can be no roads constructed (and no use of off-roads vehicles) while exploration is going on. Environmentalists have argued that wells can still be drilled and test mines explored using helicopters. But any such expoloration is likely to be extraordinarily expensive and ineffective. Wilderness restrictions are now being drawn so tightly that people on the site are not allowed to leave their excrement in the area.

IMPOSSIBLE PARADISES

What is the purpose of all this? The standard environmental argument is that we have to "preserve these last few wild places before they all disappear." Yet it is obvious that something more is at stake. What is being purveyed is a view of the world in which human activity is defined as "bad" and natural conditions are defined as "good." What is being preserved is evidently much more than "ecosystems." What is being preserved is an image of wilderness as a semisacred place beyond humanity's intrusion.

It is instructive to consider how environmentalists themselves define the wilderness. David Brower, former director of the Sierra Club, wrote in his introduction to Paul Ehrlich's "The Population Bomb" (1968):

"Whatever resources the wilderness still held would not sustain [man] in his old habits of growing and reaching without limits. Wilderness could, however, provide answers for questions he had not yet learned how to ask. He could predict that the day of creation was not over, that there would be wiser men, and they would thank him for leaving the source of those answers. Wilderness would remain part of his geography of hope, as Wallace Stegner put it, and could, merely because wilderness endured on the planet, prevent man's world from becoming a cage."

The wilderness, he suggested, is a source of peace and freedom. Yet setting wilderness aside for the purposes of solitude doesn't always work very well. Environmentalists have discovered this over and over again, much to their chagrin. Every time a new "untouched paradise" is discovered, the first thing everyone wants to do is visit it. By their united enthusiasm to find these "sanctuaries," people bring the "cage" of society with them. Very quickly it becomes necessary to erect bars to keep people out—which is exactly what most of the "wilderness" legislation has been all about.

In 1964, for example, the Sierra Club published a book on the relatively "undiscovered" paradise of Kauai, the second most westerly island in the Hawaiian chain. It wasn't long before the island had been overrun with tourists. When Time magazine ran a feature on Kauai in 1979, one unhappy island resident wrote in to convey this telling sentiment: "We're hoping the shortages of jet fuel will stay around and keep people away from here." The age of environmentalism has also been marked by the near overrunning of popular national parks like Yosemite (which now has a full-time jail), intense pressure on woodland recreational areas, full bookings two and three years in advance for raft trips through the Grand Canyon, and dozens of other spectacles of people crowding into isolated areas to get away from it all. Environmentalists are often critical of these inundations, but they must recognize that they have at least contributed to them.

I am not arguing against wild things, scenic beauty, pristine landscapes, and scenic preservation. What I am questioning is the argument that wilderness is a value against which every other human activity must be judged, and that human beings are somehow unworthy of the landscape. The wilderness has been equated with freedom, but there are many different ideas about what constitutes freedom. In the Middle Ages, the saying was that "city air makes a man free," meaning that the harsh social burdens of medieval feudalism vanished once a person escaped into the heady anonymity of a metropolitan community. When city planner Jane Jacobs, author of "The Death and Life of Great American Cities," was asked by an interviewer if "overpopulation" and "crowding into large cities" weren't making social prisoners of us all,

her simple reply was: "Have you ever lived in a small town?"

It may seem unfair to itemize the personal idiosyncrasies of people who feel comfortable only in wilderness, but it must be remembered that the environmental movement has been shaped by many people who literally spent years of their lives living in isolation. John Muir, the founder of the National Parks movement and the Sierra Club, spent almost ten years living alone in the Sierra Mountains while learning to be a trail guide. David Brower, who headed the Sierra Club for over a decade and later broke with it to found the Friends of the Earth, also spent years as a mountaineer. Gary Snyder, the poet laureate of the environmental movement, has lived much of his life in wilderness isolation and has also spent several years in a Zen monastery. All these people far outdid Thoreau in their desire to get a little perspective on the world. There is nothing reprehensible in this, and the literature and philosophy that emerge from such experiences are often admirable. But it seems questionable to me that the ethic that comes out of this wilderness isolation—and the sense of ownership of natural landscapes that inevitably follows—can serve as the basis for a useful national philosophy.

THAT FRONTIER SPIRIT

The American frontier is generally agreed to have closed down physically in 1890, the year the last Indian Territory of Oklahoma was opened for settlement. After that, the Conservation Movement arose quickly to protect the remaining resources and wilderness from heedless stripping and development. Along with this came a significant psychological change in the national character, as the "frontier spirit" diminished and social issues attracted greater attention. The Progressive Movement, the Social Gospel among religious groups, Populism, and Conservation all arose in quick succession immediately after the "closing of the frontier." It seems fair to say that it was only after the frontier had been settled and the sense of endless possibilities that came with open spaces had been constricted in the national consciousness that the country started "growing up."

Does this mean the new environmental consciousness has arisen because we are once again "running out of space"? I doubt it. Anyone taking an airplane across almost any part of the country is inevitably struck by how much greenery and open territory remain, and how little room our towns and cities really occupy. The amount of standing forest in the country, for example, has not diminished appreciably over the last fifty years, and is 75 percent of what it was in 1620. In addition, as environmentalists constantly remind us, trees are "renewable resources." If they continue to be handled intelligently, the forests will always grow back. As farming has moved out of the Great Plains of the Middle West, many eastern areas that were once farmed have reverted back to trees. Though mining operations can permanently scar hillsides and plains, they are usually very limited in scope (and as often as not, it is the roads leading to these mines that environmentalists find most objectionable).

It seems to me that the wilderness ethic has actually represented an attempt psychologically to reopen the American frontier. We have been desperate to maintain belief in unlimited, uncharted vistas within our borders, a preoccupation that has eclipsed the permanent shrinking of the rest of the world outside. Why else would it be so necessary to preserve such huge tracts of "roadless territory" simply bacause they are now roadless, regardless of their scenic, recreational, or aesthetic values? The environmental movement, among other things, has been a rather backward-looking effort to recapture America's lost innocence.

The central figure in this effort has been the backpacker. The backpacker is a young, unprepossessing person (inevitably white and upper middle class) who journeys into the wilderness as a passive observer. He or she brings his or her own food, treads softly, leaves no litter, and has no need to make use of any of the resources at hand. Backpackers bring all the necessary accouterments of civilization with them. All their needs have been met by the society from which they seek temporary release. The backpacker is freed from the need to support himself in order to enjoy the aesthetic and spiritual values that are made available by this temporary removal from the demands of nature. Many dangers—raging rivers or precipitous cliffs, for instance—become sought-out adventures.

Yet once the backpacker runs out of supplies and starts using resources around him—cutting trees for firewood, putting up a shelter against the rain—he is violating some aspect of the federal Wilderness Act. For example, one of the issues fought in the national forests revolves around tying one's horse to a tree. Purists claim the practice should be forbidden, since it may leave a trodden ring around the tree. They say horses should be hobbled and allowed to graze instead. In recent years, the National Forest Service has come under pressure from environmental groups to enforce this restriction.

Wildernesses, then, are essentially parks for the upper middle class. They are vacation reserves for people who want to rough it—with the assurance that few other people will have the time, energy, or means to follow them into the solitude. This is dramatically highlighted in one Sierra Club book that shows a picture of a professorial sort of individual backpacking off into the woods. The ironic caption is a quote from Julius Viancour, an official of the Western Council of Lumber and Sawmill Workers: "The inaccessible wilderness and primitive areas are off limits to most laboring people. We must have access. . . ." The implication for Sierra Club readers is: "What do these beer-drinking, gun-toting, working people want to do in our woods?"

The class-oriented vision of wilderness as an upper-middle-class preserve is further illustrated by the fact that most of the opposition to wilderness designations comes not from industry but from owners of off-road vehicles. In most northern rural areas, snowmobiles are now regarded as the greatest invention since the automobile, and people are ready to fight rather than stay cooped up all winter in their houses. It seems ludicrous to them that snowmobiles (which can't be said even to endanger the ground) should be restricted from vast tracts of land so that the occasional city visitor can have solitude while hiking past on snowshoes.

The recent Boundary Waters Canoe Area controversy in northern Minnesota is an excellent example of the conflict. When the tract was first designated as wilderness in 1964, Congress included a special provision that allowed motorboats into the entire area. By the mid-1970s, outboards and inboards were roaming all over the wilderness, and environmental groups began asking that certain portions of the million-acre preserve be set aside exclusively for canoes. Local residents protested vigorously, arguing that fishing expeditions, via motorboats, contributed to their own recreation. Nevertheless, Congress eventually excluded motorboats from 670,000 acres to the north.

A more even split would seem fairer. It should certainly be possible to accommodate both forms of recreation in the area, and there is as much to be said for canoeing in solitude as there is for making rapid expeditions by powerboat. The natural landscape is not likely to suffer very much from either form of recreation. It is not absolute "ecological" values that are really at stake, but simply different tastes in recreation.

NOT ENTIRELY NATURE

At bottom, then, the mystique of the wilderness has been little more than a revival of Rousseau's Romanticism about the "state of nature." The notion that "only in wilderness are human beings truly free," a credo of environmentalists, is merely a variation on Rousseau's dictum that "man is born free, and everywhere he is in chains." According to Rousseau, only society could enslave people, and only in the "state of nature" was the "noble savage"—the preoccupation of so many early explorers—a fulfilled human being.

The "noble savage" and other indigenous peoples, however, have been carefully excised from the environmentalists' vision. Where envirommental efforts have encountered primitive peoples, these indigenous residents have often proved one of the biggest problems. One of the most bitter issues in Alaska is the efforts by environmental groups to restrict Indians in their hunting practices.

At the same time, few modern wilderness enthusiasts could imagine, for example, the experience of the nineteenth-century artist J. Ross Browne, who wrote in Harper's New Monthly Magazine after visting the Arizona territories in 1864:

"Sketching in Arizona is . . . rather a ticklish pursuit . . . I never before traveled through a country in which I was compelled to pursue the fine arts with a revolver strapped around my body, a double-barreled shot-gun lying across my knees, and half a dozen soldiers armed with Sharpe's carbines keeping guard in the distance. Even with all the safeguards . . . I am free to admit that on occasions of this kind I frequently looked behind to see how the country appeared in its rear aspect. An artist with an arrow in his back may be a very picturesque object . . . but I would rather draw him on paper than sit for the portrait myself."

Wilderness today means the land after the Indians have been cleared away but before the settlers have arrived. It represents an attempt to hold that particular moment forever frozen in time, that moment when the visionary American settler looked out on the land and imagined it as an empty paradise, waiting to be molded to our vision.

In the absence of the noble savage, the environmentalist substitutes himself. The wilderness, while free of human dangers, becomes a kind of basic-training ground for upper-middle-class values. Hence the rise of "survival" groups, where college kids are taken out into the woods for a week or two and let loose to prove their survival instincts. No risks are spared on these expeditions. Several people have died on them, and a string of lawsuits has already been launched by parents and survivors who

didn't realize how seriously these survival courses were being taken.

The ultimate aim of these efforts is to test upper-middle-class values against the natural environment. "Survival" candidates cannot hunt, kill, or use much of the natural resources available. The true test is whether their zero-degree sleeping bags and dried-food kits prove equal to the hazards of the tasks. What happens is not necessarily related to nature. One could as easily test survival skills by turning a person loose without money or means in New York City for three days.

I do not mean to imply that these efforts do not require enormous amounts of courage and daring—"survival skills" I am only suggesting that what the backpacker or survival hiker encounters is not entirely "nature," and that the effort to go "back to nature" is one that is carefully circumscribed by the most intensely civilized artifacts. Irving Babbit, the early twentieth-century critic of Rousseau's Romanticism, is particularly vigorous in his dissent from the idea of civilized people going "back to nature." This type, he says, is actually "the least primitive of all beings":

"We have seen that the special form of unreality encouraged by the aesthetic romanticism of Rousseau is the dream of the simple life, the return to a nature that never existed, and that this dream made its special appeal to an age that was suffering from an excess of artificiality and conventionalism."

Babbitt notes shrewdly that our concept of the "state of nature" is actually one of the most sophisticated productions of civilization. Most primitive peoples, who live much closer to the soil than we do, are repelled by wilderness. The American colonists, when they first encountered the unspoiled landscape, saw nothing but a horrible desert, filled with savages.

What we really encounter when we talk about "wilderness," then, is one of the highest products of civilization. It is a reserve set up to keep people out, rather than a "state of nature" in which the inhabitants are "truly free." The only thing that makes people "free" in such a reservation is that they can leave so much behind when they enter. Those who try to stay too long find out how spurious this "freedom" is. After spending a year in a cabin in the north Canadian woods, Elizabeth Arthur wrote in "Island Sojourn": "I never felt so completely tied to objects, resources, and the tools to shape them with."

What we are witnessing in the environmental movement's obsession with purified wilderness is what has often been called the "pastoral impulse." The image of nature as unspoiled, unspotted wilderness where we can go to learn the lessons of ecology is both a product of a complex, technological society and an escape from it. It is this undeniable paradox that forms the real problem of setting up "wildernesses." Only when we have created a society that gives us the leisure to appreciate it can we go out and experience what we imagine to be untrammeled nature. Yet if we lock up too much of our land in these reserves, we are cutting into our resources and endangering the very leisure that allows us to enjoy nature.

The answer is, of course, that we cannot simply let nature "take over" and assume that because we have kept roads and people out of huge tracts of land, then we have absolved ourselves of a national guilt. The concept of stewardship means taking responsibility, not simply letting nature take its course. Where tracts can be set aside from commercialism at no great cost, they should be. Where primitive hiking and recreation areas are appealing, they should be maintained. But if we think we are somehow appeasing the gods by not developing resources where they exist, then we are being very shortsighted. Conservation, not preservation, is once again the best guiding principle.

The cult of wilderness leads inevitably in the direction of religion. Once again, Irving Babbitt anticipated this fully: "When pushed to a certain point the nature cult always tends toward sham spirituality. . . . Those to whom I may seem to be treating the nature cult with undue severity should remember that I am treating it only in its pseudo-religious aspect. . . . My quarrel is only with the aesthete who assumes an apocalyptic pose and gives forth as a profound philosophy what is at best only a holiday or weekend view of existence. . . ."

It is often said that environmentalism could or should serve as the basis of a new religious consciousness, or a religious "reawakening." This religious trend is usually given an Oriental aura. E. F. Schumacher has a chapter on Buddhist economics in his classic "Small Is Beautiful." Primitive animisms are also frequently cited as attitudes toward nature that are more "environmentally sound." One book on the environment states baldly that "the American Indian lived in almost perfect harmony with nature." Anthropologist Marvin Harris has even put forth the novel view that primitive man is an environmentalist, and that many cultural habits are unconcious efforts to reduce population and conserve the environment. He says that the Hindu prohibition against eating cows and the Jewish tradition of not eating pork were both efforts to avoid the ecological destruction that would come with raising these grazing animals intensively. The implication in these arguments is usually that science and modern technology have somehow dulled our instinctive "environmental" impulses, and that Western "nonspiritual" technocracy puts us out of harmony with the "balance of nature."

Perhaps the most daring challenge to the environmental soundness of current religious tradition came early in the environmental movement, in a much quoted paper by Lynn White, professor of the history of science at UCLA. Writing in Science magazine in 1967, White traced "the historical roots of our ecologic crisis" directly to the Western Judeo-Christian tradition in which "man and nature are two things, and man is master." "By destroying pagan animism," he wrote, "Christianity made it possible to exploit nature in a mood of indifference to the feelings of natural objects." He continued:

"Especially in its Western form, Christianity is the most anthropocentric religion the world has seen. . . . Christianity, in absolute contrast to ancient paganism and Asia's religions (except, perhaps Zoroastrianism), not only established a dualism of man and nature but also insisted that it is God's will that man exploit nature for his proper ends. . . . In antiquity every tree, every spring, every stream, every hill had its own genius loci, its guardian spirit. . . . Before one cut a tree, mined a mountain, or dammed a brook, it was important to placate the spirit in charge of that particular situation, and keep it placated."

But the question here is not whether the Judeo-Christian tradition is worth saving in and of itself. It would be more than disappointing if we canceled the accomplishments of Judeo-Christian thought only to find that our treatment of nature had not changed a bit.

There can be no question that White is onto a favorite environmental theme here. What he calls the "Judeo-Christian tradition" is what other writers often term "Western civilization." It is easy to go through environmental books and find long outbursts about the evils that "civilization and progress" have brought us. The long list of Western achievements and advances, the scientific men of genius, are brought to task for creating our "environmental crisis." Sometimes the condemnation is of our brains, pure and simple. Here, for example, is the opening statement from a book about pesticides, written by the late Robert van den Bosch, an outstanding environmental advocate:

"Our problem is that we are too smart for our own good, and for that matter, the good of the biosphere. The basic problem is that our brain enables us to evaluate, plan, and execute. Thus, while all other creatures are programmed by nature and subject to her whims, we have our own gray computer to motivate, for good or evil, our chemical engine. . . . Among living species, we are the only one possessed of arrogance, deliberate stupidity, greed, hate, jealousy, treachery, and the impulse to revenge, all of which may erupt spontaneously or be turned on at will."

At this rate, it can be seen that we don't even need religion to lead us astray. We are doomed from the start because we are not creatures of instinct, programmed from the start "by nature."

This type of primitivism has been a very strong, stable undercurrent in the environmental movement. It runs from the kind of fatalistic gibberish quoted above to the Romanticism that names primitive tribes "instinctive environmentalists," from the pessimistic predictions that human beings cannot learn to control their own numbers to the notion that only by remaining innocent children of nature, untouched by progress, can the rural populations of the world hope to feed themselves. At bottom, as many commentators have pointed out, environmentalism is reminiscent of the German Romanticism of the nineteenth century, which sought to shed Christian (and Roman) traditions and revive the Teutonic gods because they were "more in touch with nature."

But are progress, reason, Western civilization, science, and the cerebral cortex really at the root of the "environmental crisis?" Perhaps the best answer comes from an environmentalist himself, Dr. René Dubos, a world-renowned microbiologist, author of several prize-winning books on conservation and a founding member of the Natural Resources Defense Council. Dr. Dubos takes exception to the notion that Western Christianity has produced a uniquely exploitative attitude toward nature:

"Erosion of the land, destruction of animal and plant species, excessive exploitation of natural resources, and ecological disasters are not peculiar to the Judeo-Christian tradition and to scientific technology. At all times, and all over the world, man's thoughtless interventions into nature have had a variety of disastrous consequences or at least have changed profoundly the complexity of nature."

Dr. Dubos has catalogued the non-Western or non-Christian cultures that have

done environmental damage. Plato observed, for instance, that the hills in Greece had been heedlessly stripped of wood, and erosion had been the result; the ancient Egyptians and Assyrians exterminated large numbers of wild animal species; Indian hunters presumably caused the extinction of many large paleolithic species in North America; Buddhist monks building temples in Asia contributed largely to deforestation. Dubos notes:

"All over the globe and at all times . . . men have pillaged nature and disturbed the ecological equilibrium . . . nor did they have a real choice of alternatives. If men are more destructive now . . . it is because they have at their command more powerful means of destruction, not because they have been influenced by the Bible. In fact, the Judeo-Christian peoples were probably the first to develop on a large scale a pervasive concern for land management and an ethic of nature."

The concern that Dr. Dubos cites is the same one we have rescued out of the perception of environmentalism as a movement based on aristocratic conservatism. That is the legitimate doctrine of stewardship of the land. In order to take this responsibility, however, we must recognize the part we play in nature—that "the land is ours." It will not do simply to worship nature, to create a cult of wilderness in which humanity is an eternal intruder and where human activity can only destroy.

"True conservation," writes Dubos, "means not only protecting nature against human misbehavior but also developing human activities which favor a creative, harmonious relationship between man and nature." This is a legitimate goal for the environmental movement.

THE CHALLENGE OF SOVIET DISINFORMATION

Mr. SYMMS. Mr. President, a massive Soviet effort is challenging one of the free world's greatest strengths, a free press. Since the late 1950's, the Soviet Union has intensified its propaganda and organized extensively to turn this strength against the free world and utilize its free press to sell Soviet policies and undermine those of the West and the Third World. In the Third World it is utilized to incite revolutions and poison the image of democracies, particularly the image of the United States. In Europe the Soviets have used the media to build sentiment against U.S.-NATO defense capability.

Wars are fought and won with words and ideas as much as with missiles, planes, tanks, and ships. Between 1977 and 1980, the Soviets spent about $100 million on propaganda to defeat U.S. deployment of the neutron bomb in Europe, according to CIA estimates. This was more than $30 million each year. If the Soviets spent over $30 million per year or over $100 million total just to defeat the neutron bomb, how much might they be spending to block modernization of the U.S. strategic nuclear deterrent?

A new book, "Target America, the Influence of Communist Propaganda on U.S. Media," (Regnery Gateway, Chicago, 1981) by James L. Tyson, has answered this question. According to Tyson's detailed analysis, there are more than 4,000 full-time paid Soviet propaganda agents inside the United States, spending more than $250 million a year on anti-United States propaganda inside America. Accuracy In Media President Reed Irvine states in the book's preface:

As we embark—and rightly so—on an expensive effort to reconstitute our military might, we must recognize that the best weapons systems in the world will do us little good if we continue to disregard our vulnerability on the battlefield of words.

Tyson himself estimates that the total magnitude of the Soviet foreign influence operation is estimated to exceed $3 billion per year. Tyson adds that the Soviet propaganda and disinformation program is "an effort most Americans do not realize even exists."

It is time we begin to understand what the Soviets are doing, and when we are being influenced by their efforts. As an introduction to the problem we face, I would like to place in the RECORD a landmark article, "Soviet Disinformation." This article was written by Dr. Joseph D. Douglass, Jr., one of this country's leading authorities on Soviet military strategy. He is the author, among other works, of "Soviet Military Strategy in Europe" (Pergamon Press), "The Soviet Theater Nuclear Offensive," which was published by our own Government Printing Office and has sold over 15,000 copies, and coauthor of "Soviet Strategy for Nuclear War" (Hoover Institution Press). This latter book is another seminal work that should be "must" reading for those concerned about the problem of Soviet manipulation of the threat of global nuclear war.

Dr. Douglass' article entitled "Soviet Disinformation" appeared in Strategic Review in the winter 1981 issue. It is an excellent, trail-blazing effort to shed some new light on a very difficult problem—recognizing and understanding Soviet disinformation.

I ask unanimous consent that the article written by Dr. Douglass be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET DISINFORMATION

(By Joseph D. Douglass, Jr.)

After more than three decades of accumulated experience, the study of Soviet plans, strategy and, simply stated, Soviet intentions remains one of the more difficult, controversial and frustrating realms of strategic analysis in the United States. It is difficult and controversial because of the nature and credibility of the intelligence sources on which such analysis must be based—defectors, in-place agents and Soviet writings, from the unclassified to the most highly classified—and the susceptibility of this intelligence data to manipulation by the opponent. It is frustrating not only because Soviet intentions behind the haze of Soviet secrecy are inherently a slippery phenomenon, but also because of a seemingly chronic propensity in the West to downgrade, in effect, the real importance of the study of intentions. A former Director of Central Intelligence put it as follows:

"The adversary's intention is not necessarily the key to determining his future action. His intention can change, his intention may not yet be formed, his intention may be rather a hope than a commitment to action."

Another former Director, who served subsequently as Secretary of Defense, went so far as to question the relevance of intentions to actual behavior:

"Doctrines control the minds of men only in periods of nonemergency. They do not necessarily control the minds of men during periods of emergency. In the moment of truth, when the possibility of major devastation occurs, one is likely to discover sudden changes in doctrine." [1]

Such attitudes at the top strata of government hardly have been encouraging to analytical efforts at lower levels.

Yet, this kind of disparagement of the study of enemy intentions flies in the face of history. Over two thousand years ago Sun Tzu averred: "What is of supreme importance in war is to attack the enemy's strategy." [2] More recently, the Soviet military academician, General Major M. D. Ionov, quoted another classic thinker, Machiavelli: "Nothing makes a general greater than discovery of the enemy's plans." [3]

SURPRISE AND DISINFORMATION

This view is consistent with the Soviets' time-hallowed emphasis on the principle of surprise and the associated tactics of secrecy and deception. Surprise, the Soviets believe, is a pivotal element in the nuclear age. It is achieved, as is stated in the new "Soviet Military Encyclopedia," "by leading the enemy into error concerning one's own intentions; by keeping secret the concept of the battle and by concealment of the preparation for actions." Strategic surprise, the encyclopedia explains, can be accomplished at the start of war "by using the unpreparedness of the enemy for war, by forestalling him in the beginning of active military operations," as well as during the conduct of war "by the unexpected use of new means of armed combat which have a strategic effect, of new methods of strategic actions, by a skillful choice of the direction of the main attack, by disinformation, and by other means." [4]

According to the Soviets, war rages today—a class war that will not end until capitalism has been destroyed. And, in this war disinformation becomes a significant weapon. This is a subject that is dealt with prominently in a study by the Central Intelligence Agency, "Soviet Covert Action and Propaganda," that was released in February 1980 by the House Permanent Select Committee on Intelligence. [5] The study purports that the practice of disinformation has become more pronounced as tensions between East and West have "relaxed"—that is, during detente. More specifically, two benchmarks are offered: one in mid-1959, when the KGB Department of Disinformation was established, and the second in the early 1970s, when the department was upgraded to a "service" status, an indication of its ascent in importance. The 1959 date is interesting because it connotes a Soviet embrace of the disinformation weapon as an integral part of Khrushchev's strategy of peaceful coexistence. Similarly, the appar-

ent elevation of the weapon in the early 1970s may bar a correlation with the blossoming of the strategic arms limitation negotiations during that period.

In addition to run-of-the-mill propaganda, the CIA study explains, the Soviets mount a variety of activities that are called "active measures," which are targeted, in accordance with the issues and events of the day, against the "glavnyy protivinik," or main enemy, the United States. Active measures include "a range of practices such as written and oral 'disinformation' (forgeries, false rumors), 'gray' and 'black' propaganda, manipulation or control of foreign media assets, political action and 'agent of influence' operations, clandestine radio stations, semi-clandestine use of foreign communist parties and international front and special action organizations, staged or manipulated demonstrations and even in the past, blackmail and kidnapping." [6]

The study cites a KGB training manual to describe strategic disinformation as follows:

"Strategic disinformation is directed at misleading the enemy concerning the basic questions of the State policy, the military-economic status, and the scientific-technical achievement of the Soviet Union; the policy of certain imperialist states with respect to each other and to other countries; and the specific counterintelligence tasks of the organs of State Security." [7]

Disinformation involves not simply false information. It also includes incomplete and misleading information "that is passed, fed or confirmed to a targeted individual, group or country," according to an earlier Congressional release prepared by the CIA in 1965. Propaganda, as the term is commonly understood in the West, is used in support of disinformation, but it "lacks the precision and bite of disinformation." [8]

The CIA study cites as one indicator of the rising importance of the disinformation weapon the increased trafficking by the Soviets in forged official documents. The numerous examples that are listed amply verify the Soviet practice, but they do not trace the real dimensions of the problem that confronts Western analysts—the "wilderness of mirrors" vividly described by James Angleton, former Director of Counterintelligence within the operations directorate of the CIA. For one thing, the examples invoked offer fairly clear-cut cases of Soviet deception, in which the brief for disinformation can be convincingly made. But since disinformation functions in the shadowy world of perceptions—and since successful deception, by definition, is not found out—how can one fully come to grips with the problem? How can the analyst who "smells a rat" convince his colleagues?

The vast majority of cases of disinformation entail not outright falsification or contrivance—e.g., on the order of the famous "Potemkin Village"—but rather subtle shadings to shape a certain image. Indeed, the most effective disinformation usually contains some kernels of truth, especially those that tend merely to reinforce certain perceptions or "desired" conclusions. After all, the key to successful deception, Dzerzhinskey was counseled by Lenin, is to "Tell them what they want to believe."

For example, a number of basic themes about Soviet behavior have gained currency among Western analysts. There may be some substance to these themes; on the other hand, they could well be the composite product of a deliberate and persistent Soviet disinformation campaign waged over the past decades with the objectives of establishing credibility (that is, providing the proper setting) for other disinformation of, more generally, psychologically "disarming" the West by communicating a message that causes the receiver to discount the Soviet threat. Among the more prominent of these themes are the following:

The Soviet Union will change. The problem with the Soviet Union is the top leadership, which no longer has the respect of the bureaucrats. The thousands of middle-level workers only function as best as they can within a system which they see as inefficient and debilitating. The coming leadership must respond to the economic and social chaos that the old leadership has caused before the whole system blows up.

There is a split in the Soviet leadership, and the West must cast its policies so as to strengthen the hand of the more moderate elements.

U.S.-Soviet Union "convergence" is possible and is, in fact, in progress. Signs of pluralism within the Soviet Union are already evident.

One should pay no attention to the official communist ideology of the Soviet Union. Few people in the Soviet Union still pay heed to ideological rituals.

The Soviet Union is defense-oriented. Its leaders lack self-confidence. They are not a threat to anyone and only want peace. The use of force in Afghanistan, Czechoslovakia, Hungary and East Germany was only to quell uprisings and ensure stability of Soviet borders. The Soviet arms build-up is a natural defensive reaction to the arms race initiated by the United States.

There is an obvious relevance of these themes, which have been propagated or encouraged by the Soviets in one fashion or another, to the following general objectives of Soviet disinformation that were indentified in the 1980 CIA study:

To confuse world public opinion regarding the aggressive nature of certain Soviet policies.

To create a favorable environment for the execution of Soviet foreign policy.

To influence both world and American public opinion against U.S. military and political policies and programs which are perceived as threatening by the Soviet Union.[9]

The fact of this relevance does not establish, of course, the fact of disinformation. Yet, it denotes the broad parameters of uncertainty within which the serious student of Soviet affairs must operate. It also helps explain the often deep splits that pervade Western intelligence agencies in their interpretation of even the most basic Soviet data.

To better appreciate the nature of the problem, two examples of possible Soviet disinformation are reviewed below. One represents a theme: the alleged mid-1970s shift in Soviet military doctrine. The other is a more specific case: the London Times interview with the recent KGB defector, Ilya Dzhirkvelov. Neither example involves provable exercises in Soviet disinformation: in fact, as will be shown, the issue is very much in doubt. The examples have been selected precisely in order to illustrate the fog of uncertainty that, despite the great technological advances in intelligence-gathering, continues to bedevil Western observers of the Soviet Union.

THE ALLEGED MID-1970'S SHIFT IN SOVIET MILITARY DOCTRINE

On January 18, 1977, on the eve of President Carter's inauguration, the General Secretary of the Central Committee of the CPSU, L. I. Brezhnev, branded as "absurd and totally unfounded" the allegation that the Soviet Union "strives for superiority in armaments with the aim of delivering a 'first strike.' . . ." He asserted that "the Soviet Union has always been and remains a convinced opponent of such concepts." [10]

This general proposition was repeated in an article written for the American quarterly, Orbis, by Henry Trofimenko, a specialist on U.S. foreign policy and a member of the Academy of Sciences of the USSR.[11] The Trofimenko article was a carefully structured attack against those Western defense strategists who were evincing concern over the growth of Soviet military power and a looming shift in the strategic nuclear balance in favor of the USSR. The article explained that the Soviet military programs which worried such Western alarmists were only those required to attain parity with the United States. The so-called throw-weight gap, the disparity between the United States and the USSR in military appropriations, the one-sided Soviet capabilities in civil defense, etc., were all dismissed as "myths fostered by the Pentagon" to justify and accelerate its own arms program.

This theme—that the Soviets are not interested in strategic superiority or a first-strike strategy—has been conspicuous in Soviet writings and articles ever since 1974. The basic elements of the "new Soviet doctrine" are:

The Soviet Union does not seek strategic superiority.

The Soviet Union does not have, or aspire to, a first-strike strategy.

The Soviet Union threatens no one; its interests are merely defensive.

The Soviet Union's strategic programs are only in response to U.S. weapons programs.

In a February 1979 article in Fortune, two of Trofimenko's colleagues in the Institute for the USA and Canada, Radomir Bogdanov and Lev Semeiko, whose prior affiliations include the Soviet intelligence and military establishments respectively, continued this theme in what was offered as a rejoinder to an earlier article in Fortune by Fred Charles Iklé, "What It Means to Be Number Two." [12] After discussing purported U.S. overestimates of the "Soviet military threat" (always in quotation marks)—as well as the need to avoid becoming trapped in statistics and an endless numbers game—they declared that:

"The Soviet Union is opposed to any idea of its own strategic superiority. This very notion is now meaningless, considering the vast scale of the stockpiled nuclear weapons. Besides, it is realized in the Soviet Union that any attempt to acquire such superiority will be retaliated against, which would mean an endless arms race. The "action-counteraction" principle has much too often proved its viability throughout the entire postwar period, as, indeed, it has through history. The only reasonable option in the nuclear age is, first, to keep the present strategic parity, and second, to progressively reduce the stockpile of weapons so as to guarantee the security of the parties involved." [13]

Perhaps the most authoritative statement along these lines came in the section on "Military Strategy" written by the Chief of the General Staff, Marshal N. V. Ogarkov, in Volume VII (1979) of the "Soviet Military Encyclopedia":

". . . The U.S. and the other NATO countries initiated an unprecedented arms race . . . going far beyond the limits required for defense . . . the Soviet Union . . . was forced to strengthen its own defensive capability.

"Soviet military strategy, as well as Soviet military doctrine as a whole, have an especially defensive tendency; they do not provide for any preemptive strike or premeditated attacks.

"Soviet military strategy . . . does not have as its own objective the attainment of military-technical superiority over other countries."

It is conceivable that the above quotations do reflect current Soviet thinking—the recognition of significant limits to military power and a belief in the benefits associated with a stable military "balance." But some central questions emerge: Do the Soviets mean what they say? Is what they say merely propaganda? Indeed, are the statements part of a carefully orchestrated effort purposely to mislead the West? The answers are obviously crucial because they bear not only on U.S. strategic arms programs, but also on the viability—and therefore the desirability—of strategic arms control as embodied in the SALT process. Clearly, the success of this process hinges on the willingness of both sides to forgo the thrust toward strategic superiority and the capabilities of the devastating first strike.

There is thus another explanation for the changes in Soviet declaratory policy that have asserted themselves since the mid-1970s: namely, that they have spearheaded a tactical shift designed to mislead the West about Soviet strategic intentions and, in so doing, restrain the West from new strategic nuclear weapons programs, that the Soviet drive toward strategic superiority and the achievement of a disarming first-strike capability is unstinted, and that success in this drive is possible only through Western acquiescence. The latter, in turn, calls for a Western perception that the Soviets share a basic conviction, prevalent in the West, about the irrationality of nuclear war and the inutility of nuclear power.

The evidence in support of this explanation cannot be conclusive. Yet, the evidence seems ample in terms of the consistency of the themes expressed in the Soviet literature, both military and Party, that has been addressed to internal audiences in the Soviet Union for at least two decades. The themes can be found in various textbooks such as the widely referenced "Military Strategy" and "Marxism-Leninism on War" and Army. For example, the former states:

"The nuclear weapon is already the basis of the combat might of all services of the armed forces. Creating the advantage over the enemy in this weapon and methods of its use is the most important task in the building up of the armed forces in peacetime as well as during the course of a war."[14]

And, the latter, which represents the Communist Party's guidance to the military, avers:

"As in the past, the character and the outcome of the future war will be determined by the general relation of forces. In case of a nuclear war, decisive importance will be acquired by the relation of nuclear forces and means, as well as by the individual elements of the nuclear power of the sides, that is, the nuclear stockpiles, the quality and quantity of the means for their delivery to target, the efficiency and accuracy of the hit. Thus, the struggle for military-technical supremacy has now become decisive."[15]

Furthermore:

"Massed nuclear missile strikes at the armed forces of the opponent and at his key economic and political objectives can determine the victory of one side and the defeat of the other at the very beginning of the war. Therefore, a correct estimate of the elements of the supremacy over the opponent, and the ability to use them before the opponent does, are the key to victory in such a war."[16]

The notions of superiority, of the need to strike first in the event of war, and of the importance of surprise were clearly and logically elucidated in the Soviet literature of the 1960s and 1970s.[17] Those notions also seem validated by the course of Soviet force development and weapon systems acquisition that has been in train since before the Cuban missile crisis.

But, there is no denying the definite shift in tone in the Soviet literature in 1974-1975. Again, one can adduce several tactical motives for this shift through a simple process of correlations. The immediate target of the Soviet shift could have been the "peace dividend" in military expenditures that the United States would derive from disengagement from the war in Southeast Asia and was expected to apply toward the strengthening of a variety of strategic programs—the B-1 bomber, the MX and Trident missiles and the strategic cruise missile—as was heralded by the FY 1975 (March 4, 1974) Defense Posture Statement. More broadly, the change may have been intended to counter the "reactionary" pro-defense advocates in the United States who in the mid-1970s began to sound more shrilly their warnings about the growing Soviet threat, the shift in the strategic balance, the vulnerabilities the West would face in the 1980s and, therefore, the urgent need for the United States to fund new strategic programs.

This hypothesis regarding Soviet motives gains strength in light of intelligence passed by the British to the United States about high-level Soviet bloc meetings in the Spring of 1973, when the Soviet leaders, Brezhnev in particular, emphasized to their East European counterparts that detente was "a tactical policy change to permit the Soviet bloc to establish its superiority in the next 12 to 15 years."[18] A press report at the time vividly illuminated the problems of intelligence perception that have been described earlier:

"Some high-ranking military officials regard the intelligence reports as confirmation of their suspicions that the Russians are intent upon using accommodations as a way of disarming the West and establishing a military superiority that will permit a more aggressive Soviet foreign policy.

"Most civilian analysts of the Soviet Union place less ominous interpretations on the intelligence reports. They tend to consider the reported Brezhnev statements an internal tactic designed to mollify the hard line opposition within the communist camp as the Soviet leader pursues a policy of detente with the West."[19]

The simple characterization of this split as one between military intelligence specialists (presumed hard-liners) and their civilian counterparts (presumed soft-liners) rings like a reporter's exaggeration, given the diversity of attitudes on both these sides of the U.S. intelligence community. What is valid, however, is that different people can and will reach very different conclusions based on the same information. In any event, according to a later follow-up by Boston Globe reporter William Beecher, the intelligence report was suppressed and did not affect U.S. national intelligence estimates until 1976, and then only as a result of a group of outside specialists known as Team B. One of Beecher's references to the report is particularly relevant: "He [Brezhnev] noted that while negotiations proceeded on SALT and on Mutual Balanced Force Reductions, the United States was unlikely to build up militarily in reaction to the Soviet build-up."[20]

Additionally interesting in retrospect is the timing of the reported communist leaders' discussion—i.e., 1973, the year preceding the aforementioned shift in Soviet doctrinal statements, and just after the disinformation department of the KGB had been upgraded in importance. It is also worth noting that the themes newly stressed by the Soviets in the strategic-nuclear arena have been paralleled with increased vigor in the European context in recent years. Thus, a meeting of the Political Consultative Committee of Warsaw Pact Treaty member-countries in May 1980 issued the following statement:

"...The Warsaw Treaty member-countries declare once again that they have never striven and will not strive for military superiority; they are invariably coming out for safeguarding the military balance in even lower levels, for reduction and elimination of the military confrontation in Europe. They have not, have never had and will not have any other strategic doctrine except a defensive one. They have not, have never had and will not have the intentions to build up the potential for the first nuclear strike. By the very nature of their social order, they cannot and will not strive for setting up "spheres of influence," for the establishment of military or political control over any regions or international transport communications."[21]

A third and related explanation of the apparent shifts in Soviet strategic doctrine in the mid-1970s is that they were intended to "explain" and cushion the impact of the continued growth in Soviet strategic arsenals. The new Soviet themes appeared on the eve of the surfacing of major new Soviet ICBM capabilities: the SS-16, -17, -18 and -19 missiles. This objective ties in very nicely with the final dimension of the new theme: namely, the warning that any effort on the part of the West to regain superiority would merely trigger a new round in the arms race.

THE INTERVIEW WITH ILYA DZHIRKVELOV

In May 1980, the London Times published a three-part interview with Ilya Dzhirkvelov, a former KGB officer and TASS correspondent, who had defected to Great Britain the previous month (presumably April).[22] In examining the interview and the message it communicates, one must, in all prudence, bear in mind the KGB tradition of using defectors, emigrés and other apparent malcontents as "double agents" or purveyors of disinformation. An immediate question is raised by the identification of Dzhirkvelov as a "former" KGB officer—one who was "a full-time KGB officer until 1956." According to Peter Deriabin, a KGB officer who defected in 1954 and subsequently described his education and experience as an officer of state security in his book, "The Secret World," members of the KGB do not simply "leave the service."

The more interesting aspects of the interview, in any event, are Dzhirkvelov's comments about Afghanistan, Western responses, Soviet moves in Africa and the current leadership in the Kremlin. As regards Afghanistan, Dzhirkvelov deemed the Soviet invasion ill-considered. For many years a Soviet intelligence expert in Iran

and Turkey, he could see no strategic or economic justification for the invasion, which "surprised and dismayed many middle-ranking Soviet officials." The implication is not only that the action in Afghanistan is unpopular within the Soviet establishment, but that there is a substantial base of middle-level officials who disagree with current leadership policies.

Another interesting aspect of Dzhirkvelov's discussion of Afghanistan is its portrayal as a potential Vietnam for the Soviet Union:

The Russians, according to Mr. Dzhirkvelov, are not equipped or prepared for mountain warfare. He believes the Soviet Government's action is all the more inexplicable in view of previous Soviet experience of long and bloody fighting against anti-Soviet nationalist rebels [basmatchi] in Central Asia during the early years of Soviet rule.

The basmatchi, he argues, were as wild and as poorly armed as the Mujhidan (combatants in a holy war) of Afghanistan, yet it took the entire might of the Red Army, fighting on its own ground, to crush them in a protracted struggle.

The Soviet troops now in Afghanistan, he maintains, are in a worse position, and are likely to become permanently bogged down in a war they may never win on foreign soil.

A third point of interest is Dzhirkvelov's applause for President Carter's boycott of the Olympics in Moscow—which was clearly a nonviolent, nonintrusive and, some would argue, ineffective action. The only other avenues of Western response to Afghanistan mentioned in the interview seem to be the BBC and Voice of America. As explained by Dzhirkvelov, there has been an "immense growth" in the influence of these Western transmitters: "Ninety-nine per cent of those Russians interested in politics listen to the BBC or Voice of America, as indeed do the Soviet leaders themselves." Other defectors and emigrés, however, have sharply questioned the effectiveness of Western broadcasts into the Soviet Union—witness the following passage from Aleksandr Solzhenitsyn's recent article in Foreign Affairs:

"It is clear that the directors of the Voice of America are constantly trying not to arouse the anger of the Soviet leadership. In their zeal to serve detente, they remove everything from their programs which might irritate the communists in power. There are plenty of examples of such political kowtowing to the Central Committee of the CPSU. . . ."[23]

Solzhenitsyn added that "at times the Voice of America dances to the tune called by the communist regime or indeed becomes indistinguishable from a Moscow radio station."[24]

According to the London Times article, Dzhirkvelov spent many years in Africa—as a correspondent in Zanzibar in the mid-1960s and in the Sudan in the early 1970s. His message on Africa is clear: "Soviet strategy in Africa has failed, largely due to Moscow's inability to comprehend African conditions and the African cast of mind." The information that "correspondents" send to Moscow is often tailored "to suit the Kremlin's view of the world." The Russians "have very little understanding of African agrarian and tribal societies." They often back "the wrong horse in African politics." In summation: "Looking at Africa as a whole, Mr. Dzhirkvelov sees a catalogue of setbacks for the Soviet Union, in contrast to the high hopes of the 1960s."

This may indeed be the case. On the other hand, could the depiction not be a deliberate effort to lull the Western nations—particularly the European nations, with their heavy dependence on African resources—concerning the real implications of the accelerating and expanding Soviet-Cuban-East German offensive in Africa? Could it not play to a point of view that has been prominent in some influential Western circles: "Let the Soviets stumble into their inevitable pitfalls in Africa, as have the Western nations before them"?

The alleged Soviet failures in Africa seem to be one of two major themes in the interview article. The other concerns the Soviet leaders, who are portrayed as misinformed, told what they want to hear and subject to a distorted view of the world. They are corrupt, "an isolated, self-perpetuating, 'aristobureaucracy'," and "unprincipled careerists." The Kremlin is "isolated from its own people," and "nepotism is rife." Under Brezhnev this condition has reached "epidemic proportions." "Corruption at the top in Russia today surpasses anything known in tsarist times. 'Nicholas II was a poor man compared to Mr. Brezhnev'."

The leadership allegedly is "unaware of the catastrophe facing the Soviet economy." The ruling elite is kept in power by the Army and the KGB, and "anything could happen 'if they were to falter' for a single day." Whoever succeeds Brezhnev will have to restore credibility to the highest offices. He will have to halt the "economic and moral decay," including the chronic shortages of food and housing and the spread of alcoholism. However, radical changes may not be appropriate: "If the Kremlin tightens up still further, . . . something could well crack; but if it allows liberalization, that too would lead to an 'unpredictable explosion'." The current, aging leadership will in time be replaced by more enlightened bureaucrats who have a more realistic view of the Soviet system and its problems:

Whereas in the past, says Mr. Dzhirkvelov, ordinary Russians complained privately about economic decay and political repression, nowadays more and more members of the ruling elite itself are voicing their concern. These, he says, include officers of both the Army and the KGB, "which after all are composed of people, many of whom understand what is going on only too well." Only the pinnacle of power is totally isolated from reality.

But this transition to a new and more enlightened leadership will require time and Western patience. By implication, there might even be an incentive for the West to provide economic aid in order to assist the new leaders when they take control. Certainly there must be recognition of the dangers if change in the Soviet Union is pushed too rapidly.

Is this wise advice? Is it dezinformatisiya? Or, for that matter, could it simply represent an effort by a defector to ingratiate himself with his new hosts by telling them what (he feels) they want to hear?

Whatever may be the answer in this specific case, it should be pointed out that the theme, "the Soviet system is in dire difficulty," is one of the oldest documented staples of Soviet disinformation strategies. The theme was used by Moscow in the interwar years, with telling effect, to mislead Western intelligence services, to discourage new attempts at military intervention in the Soviet Union (on the assumption that time would solve the Bolshevik problem) and to attract Western economic assistance (on the assumption that such aid and the "levers" it provided to the West would accelerate desired change in the Soviet system).

This theme of Soviet disinformation had obvious advantages at a time when the communist revolutionaries were trying to consolidate their hold on Russian society and to buy time for building defenses against the expected foreign invasions. Today, when the Soviet Union is a superpower on the global ascendancy, the stratagem still serves both an old utility—e.g., as far as needed Western technology transfers to the Soviet Union are concerned—as well as a new purpose in a new setting: namely, to distract Western perceptions of rising Soviet military power. But after more than sixty years of the theme's propagation, are we still to take it seriously?

NEEDED: A CONCERTED ATTACK ON THE DISINFORMATION PROBLEM

The examples above have been presented to illustrate the "prism distortions" that confront the Western analyst in both his broad assessments of Soviet strategic intentions and his specific interpretations of intelligence data. Analyses that do not inquire critically into the origins and nature of the source material run the high risk of stumbling into carefully laid disinformation traps.

The Soviet Union is well aware of the importance of shaping the opponent's perceptions as an integral part of the intelligence battle and the strategic competition. For example, in an effort to seek a sharper understanding of how surprise is best achieved at the start of a war, the Soviets conducted a detailed study of all wars over the past hundred years, concluding that "surprise in unleashing wars was usually achieved as a result of poor knowledge of the attacking side, subjective mistakes in evaluating the intentions and plans of the aggressor, and superficial analysis of the measures directed toward surprise."[25] This, quite simply, explains why disinformation is focused upon in the new "Soviet Military Encyclopedia" as a key element in achieving surprise.

According to the CIA's report on "Soviet Covert Action and Propaganda," several major Soviet institutions are involved in formulating and disseminating disinformation. Of special importance in this respect may be the research institutes of the Academy of Sciences of the USSR, such as the Institute of the USA and Canada, whose members appear to play the dual role of analyzing Western institutions and interest groups and of shaping Western opinion through both written and oral propaganda and disinformation. It is virtually predictable that Yuri Arbatov and his minions will deploy to the United States for conferences and meetings whenever a major U.S.-Soviet issue is at stake.

Soviet disinformation efforts are, of course, keenly sensitive to Western monitoring efforts. The new Sovied strategic "line" in the mid-1970s described earlier not only was attuned to Sovied objectives in SALT and the impending Soviet strategic build-up, but it was probably responsive as well to more intensive analytical efforts that began to be directed in the United States toward the Soviet strategic literature in the early 1970s—as evidenced by monographs by the University of Miami Center for Advanced International Studies on "The Role of Nuclear Forces in Current Soviet Strategy,"[26] and "Convergence of Communism and Capitalism: The Soviet View,"[27] as well as the U.S. Air Force's "Soviet Military Thought" series that began with "The Offensive"[28] and "Scientific-Technical Progress and the Revolution in Military Affairs."[29] Within

two years of the publication of these efforts, a filtering process became conspicuous in Soviet strategic writings, stressing the "defensive" and "parity" aspirations while shading the traditional Soviet line of thought concerning the importance of superior military strength and the indispensability of a war-winning posture.

As has been suggested, these themes have already taken their toll on Western perceptions, including those in the professional intelligence communities. If the past is any guide, however, Western analysts will have to brace themselves for an outpouring of Soviet disinformation efforts during the leadership transition following Brezhnev's death. In such times, disinformation serves not only the defensive role of screening any power struggle in the Kremlin from the outside world, but also the opportunistic mission of misleading external target audiences about the nature of "changes" implicit in the new leadership. No doubt, there will be "changes" after Brezhnev, as there have always been in past successions, but just as likely they will be changes in style and tactics, not in basic Soviet strategy or national goals. One can infer from the previous examples some possible stage-setting for precisely such a new disinformation effort.

This leads to a question that is crucial to a well-founded assessment of the broader context within which Soviet military programs and policies—and the veracity of Soviet statements concerning them—can be adjudged. Are Soviet military programs and policies essentially pragmatic—or even reactive to Western programs, as Soviet spokesmen like to aver and many Western analysts like to believe? Or are they part of a larger design and planning process, in which the military, political and economic strands are integrally interwoven into a "grand strategy"?

There seems to be a congenital skepticism in the West about the existence of such a Soviet grand strategy—a skepticism that perhaps leans not so much upon an intimate knowledge of the Soviet system as it does upon the better knowledge of the difficulties of coordinating national strategies within the Western democracies. Consider, for example, Henry A. Kissinger's recent categorical statement: "Nothing could be more mistaken than to fall in with the myth of an inexorable Soviet advance carefully orchestrated by some superplanners."[30] Yet, whether or not the Soviet advance is "inexorable," certainly there is evidence to the effect that Soviet planners do think in terms of integrated strategy—the Soviet concept of a "correlation of forces" is just that—and that they approach their planning task within long-range dimensions. We have, for example, the testimony of a prominent Warsaw Pact defector about a Soviet "Long Range Strategic Plan for the Next 10-15 Years and the Years After,"[31] which squares very nicely with Marshal Sokolovskiy's own description of Soviet long-range planning during the 1960s.[32]

Whether such long-range planning is on the mark and effective is another question. Clearly, however, the belief in the existence or nonexistence of a Soviet grand strategy bears sharply on the discernment of what is fact and what is disinformation in intelligence about the Soviet Union. Professor Richard Pipes, for one, contends that disbelief in a broader Soviet strategic design is at the root of many mistakes committed in U.S. intelligence estimates of the Soviet intentions. "My feeling is that, apart from whatever institutional problems there may be, the fundamental problem is that the people drafting these estimates do not believe that there is such a thing as a Russian or Soviet grand strategy. . . ."[33]

In the final analysis, however, the solution to the rising problem of Soviet disinformation at a critical juncture of the global competition lies in a more rigorous, comprehensive and skeptical assessment of all dimensions of the data base in which intelligence estimates—and the policies they influence—are steeped. This includes prominently the effort, in cases where differing conclusions are presented on the basis of the same data, to look critically at the underlying analyses—their assumptions and logical progressions—with an eye toward significant distinctions or points-of-departure, and to set about to resolve or reconcile the differences.

An even more obvious need is to study more intensively the "anatomy" of Soviet disinformation—its purveyors, tactics, themes and objectives—and to integrate the findings into the intelligence process. There is an enormous volume of largely untapped data that can be harnessed to this task. It would be in the U.S. Government's enlightened self-interest to permit broader access to this data as part of a concerted attack on the disinformation problem. Until we make greater headway in stripping away the layers of secrecy and deception from Soviet military programs, and intentions, we will continue to grope uncertainly and hazardously in the strategic arena.

FOOTNOTES

[1] U.S. Congress, *U.S. Nuclear Weapons in Europe and U.S.-USSR Strategic Doctrine and Policies*, Senate Hearings, 1974, p. 160.

[2] Sun Tzu, *The Art of War*, Griffith translations (London: Oxford University Press, 1963), p. 77.

[3] Major General M. D. Ionov, "On the Methods of Influencing an Opponent's Decision," *Voyennaya mysl'* (Military Thought), No. 12, 1971, trans. in Foreign Press Digest, No. 0003, January 17, 1974.

[4] M. M. Kir'yan, "Surprise," *Sovetskaya Voyennaya Entsiklopediya* (Soviet Military Encyclopedia), Vol. 2 (Moscow: Voyenizdat, 1976), trans. Harriet Fast Scott, emphasis added.

[5] Deputy Director for Operations, Central Intelligence Agency, *Soviet Covert Action and Propaganda*, February 6, 1980, reprinted with editing as *Soviet Covert Action (The Forgery Offensive)* (Washington, D.C.: Government Printing Office, 1980).

[6] Ibid., p. II-4.

[7] Ibid., p. II-6-A.

[8] "The Soviet and Communist Bloc Defamation Campaign," *Congressional Record—House*, September 28, 1965, p. 25391.

[9] *Soviet Covert Action and Propaganda*, op. cit., p. I-3.

[10] *Pravda*, January 19, 1977.

[11] Henry Trofimenko, "The Theology of Strategy," *Orbis*, Vol. 21, No. 3, Fall 1977.

[12] Fred Charles Iklé, "What It Means to be Number Two," *Fortune*, Vol. 98, No. 10, November 20, 1978.

[13] Radomir Bogdanov and Lev Semeiko, "Soviet Military Might: A Soviet View," *Fortune*, Vol. 99, No. 4, February 29, 1979, p. 66.

[14] Marshal of the Soviet Union V. D. Sokolovskiy, *Voyennaya strategiya* (Military Strategy) (Moscow: Voyenizdat, 1962, 1963 and 1968), Harriet Fast Scott, ed., *Soviet Military Strategy* (New York: Crane, Russak and Company, 1976), p. 242.

[15] B. Byely et al., *Marxism-Leninism on War and Army (A Soviet View)* (Moscow: 1972), translated under the auspices of the United States Air Force, Soviet Military Thought Series, No. 2 (Washington, D.C.: Government Printing Office, 1974), pp. 216-217.

[16] Ibid., p. 217.

[17] Joseph D. Douglass, Jr., and Amoretta M. Hoeber, *Soviet Strategy for Nuclear War* (Stanford, Calif.: Hoover Institution Press, 1979).

[18] John W. Finney, "Brezhnev Said to Assure East Europe that Accords With West are a Tactic," *New York Times*, September 17, 1973.

[19] Ibid.

[20] William Beecher, "Brezhnev Termed Detente a Ruse, 1973 Report Said," *The Boston Globe*, February 11, 1979.

[21] FBIS *Daily Report Soviet Union*, FBIS-SOV-80-097, Vol. III, No. 079, May 16, 1980, p. BB6.

[22] See "KGB Defector Explains Purpose of Afghan Invasion," Foreign Broadcast Information Service, USSR, Annex 21, May 1980 and also "Series of Interviews with KGB Defector Continues," FBIS, USSR, Annex 29, May 1980.

[23] Aleksandr Solzhenitsyn, "Misconceptions About Russia are a Threat to America," *Foreign Affairs*, Vol. 58, No. 4, Spring 1980, p. 823.

[24] Ibid., p. 824.

[25] Major General Vasendin and Colonel N. Kuznetsov, "Modern Warfare and Surprise Attack," *Voyennaya mysl'*, No. 6, 1968, FPD 0005/69, January 16, 1969.

[26] Leon Goure, Foy D. Kohler, Mose L. Harvey, *The Role of Nuclear Forces in Current Soviet Strategy* (Coral Gables, Fla.: Center for Advanced International Studies, University of Miami, 1974).

[27] Leon Goure et al., *Convergence of Communism and Capitalism: The Soviet View* (Coral Gables, Fla.: Center for Advanced International Studies, University of Miami, 1972).

[28] Colonel A. A. Sidorenko, *The Offensive* (A Soviet View) (Moscow: 1970), translated under the auspices of the United States Air Force, Soviet Military Thought Series, No. 1 (Washington, D.C.: Government Printing Office, 1974).

[29] Colonel General N. A. Lomov, ed., *Scientific-Technical Progress and the Revolution in Military Affairs* (A Soviet View), translated under the auspices of the United States Air Force, Soviet Military Thought Series, No. 3, (Washington, D.C.: Government Printing Office, 1974).

[30] Henry Kissinger, *The White House Years* (Boston, MA.: Little, Brown and Company, 1979), p. 120.

[31] Lord Chalfont, sequence of three articles, *London Times*, July 28, August 4 and September 9, 1975.

[32] Marshal of the Soviet Union V. D. Sokolovskiy and Major General M. Cherednichenko, "Military Strategy and Its Problems," *Voyennaya mysl*, No. 10, 1968, FPD 0084/69, September 4, 1969.

[33] *Soviet Strategic Forces*, Hearings Before the Subcommittee on Oversight of the Permanent Select Committee on Intelligence, House of Representatives, February 7 and 20, 1980, p. 34.

HANDGUN CONTROL

Mr. SYMMS. Mr. President, FBI crime reports state that a violent crime occurs in our Nation every 24 seconds. I understand and feel the frustration which results from the violence that occurs in our cities and towns. I can understand why this frustration causes many who are seeking an end to this violence to strike out at what they view as its cause. It is somehow reassuring to feel that if we as a society can only control this something that causes violence, the problem will be solved.

Unfortunately, because all too often the real cause of a problem is difficult to understand or correct or both, many will point to a symptom of the problem, declare it the culprit, and attack it feverishly. Regardless of whether the attack succeeds or fails, the real problem, which was ignored, remains. In this approach nothing is gained and much is lost.

Mr. President, this is exactly what is involved in the issue of handgun control. Individuals, justly concerned about the crime and violence which has seemingly become part of our national life, have incorrectly focused on the handgun as its cause.

We do not have a gun problem in the United States, we have a criminal problem. The belief that a restriction or prohibition on the ownership and possession of handguns will result in less crime is not founded on facts, logic, or the reality of the nature of crime.

Of all the gun laws ever enacted, with each promised by its proponents to reduce crime, not one city, not one State has experienced a reduction in crime rates, nor even a reduced rate of crime growth in comparison to neighboring jurisdictions without such laws. FBI figures show that since the District of Columbia instituted strict handgun laws its murder rate has increased 17 percent. Compare this to neighboring Virginia where there are few restrictive gun laws and where the homicide rate actually decreased 9 percent in 1980 from 1979.

New York, with its restrictive gun laws, has been dubbed the robbery capital of our country. Miami, with laws requiring police permits to buy handguns, handgun proficiency testing, waiting periods, and bans on the sale of so-called Saturday Night Specials, is one of the most crime-ridden cities in our Nation. Yet, nearby Jacksonville, with none of the restrictive gun laws of Miami, has only one-fifth of the murder rate.

To blame the occurrence or increase of crime on an inanimate object betrays an intellectual shallowness. To state, for instance, that violent crime in New York City is caused by handguns, is like stating that graffiti in New York City is caused by cans of spray paint.

Reason and commonsense dictate that handguns, like cans of spray paint or any other object ever created by man, are not evil in and of themselves, but that they can be used for the wrong purposes. Though used in crimes, handguns do not perpetrate and carry out these crimes. The function of deciding upon and commiting an unlawful act is done by a person and only a person, not guns, not cans of spray paint, not anything else, only a person. It is only when the expression of human decision and agency apply themselves to inanimate objects that any action or result occurs.

Neither can it be said that the number of handguns in private hands is a factor in the amount of crime occurring in our country. There are approximately 60 million handguns in the United States today. Less than 0.004 of these 60 million handguns will be used in the commission of crime. In other words, over 99.6 percent of all handguns in the possession of private Americans are not used in the commission of any crime. Having these facts, it cannot reasonably be concluded that private ownership of handguns in the United States is a significant cause of crime. It is further a fact that half of all criminal homicides in the United States are committed with other means than handguns. This indicates that despite the fairly ready availability of handguns, there are other major factors in murder that would cause it to happen even if there were no handguns at all.

In a study funded by the U.S. Department of Justice and called, "Weapons and Violent Crime," Prof. James Wright and Peter Rossi of the University of Massachusetts concluded that:

> There is little evidence to show that gun ownership among the population as a whole is, per se, an important cause of criminal violence.

Further, Professors Wright and Rossi found that laws restricting handgun ownership or possession neither curb crime or limit the access of criminals to firearms. Their previously mentioned study supports the findings of Douglas Murry of the University of Wisconsin who, in doing a study for the Wisconsin State Council on Criminal Justice, found that:

> The severity of handgun control laws has no significant effect on the violent crime rates of the fifty states, thus far the relationship between gun laws and crime is nonexistent.

In checking the results of the Wisconsin study Matthew De Zee of Florida State University agreed:

> The results indicate that not a single gun control law, and not all the gun control laws added together, had a significant impact. Gun laws do not appear to affect gun crimes.

Commonsense would dictate that criminals are criminals exactly because they break laws. An individual who has little concern for laws against assault, robbery, rape, drug trafficking, or murder, is going to have little concern for laws restricting or prohibiting his possession of handguns. The Omnibus Crime and the Gun Control Acts of 1968 were major Federal efforts to regulate firearms use. Note the 1968 U.S. Supreme Court decision which ruled that criminals do not have to register firearms if to do so would violate self-incrimination provisions of the fifth amendment. Both these, as well as thousands of local and State statutes which call for background checks, waiting periods, registration, and licensing of handguns, are notable only in their failure to have an effect on the criminal use of firearms.

Such facts should surprise no one. Criminals, if they choose to obtain weapons, merely deal on the street with other criminals. Such dealing is identical in nature to that done in drugs and stolen property and is done as a matter of course circumventing any gun control laws.

Gun control advocates, in an attempt to bolster their argument for handgun control, often compare the level of crime in the United States with that of other countries which have strict gun laws. Such selective comparisons are superficial at best and ignore significant cultural differences. For instance, England, a country with strict laws concerning the private ownership of firearms and a lower crime rate than the United States, is used as an example of crime control through gun control. Yet gun control advocates avoid mention of Switzerland and Israel where virtually every household is armed and where murder rates are comparable to those in England with its strict laws.

Another country which is often pointed to as an example of crime control as a result of gun control is Japan. However, Prof. Hideichiro Nakano, a Japanese sociologist, states that such a comparison between our two countries is improper. He feels that violence in America is not caused by the presence of guns but is a disease which has become indigenous to American society. He points out that:

> American society differs from Japanese society in a number of ways. The feeling of common community is much weaker among Americans. There have been more serious social cleavages according to region, class, ethnic affiliation, or generation partly because the United States has undergone rapid growth while absorbing waves of immigrants from every corner of the globe. Furthermore, if, as I have suggested, the source of violence lies at the very heart of American values, a reduction in violence will not result from limiting access to the means of violence alone.

The FBI's uniform crime reports reported 13 million serious crimes taking place in the United States last year. This is a level 55 percent higher than a decade before. The impact of these grim statistics is all the greater when it is pointed out that 46 percent of violent crime is not reported to any police or governmental authority.

What has taken place in our society to bring about this problem of crime and violence? Certainly, we can point to problems in our criminal justice system. Crime figures show that as little as 3 percent of crime in the United States will result in apprehension, conviction, and punishment. The cause of such a situation can be traced to any number of factors within and without the criminal system itself. But, here again the criminal justice system is a system that reacts to criminal conduct that is taking place. We have not addressed the core problem of why crime occurs. Mark W. Cannon, Administrative Assistant to the Chief Justice of the United States, in "Crime and the Decline of Values" gave a penetrating view of the cause of crime:

> Numerous theories attempting to explain the causes of crime and delinquent behavior have been advanced. Some assert that antisocial behavior is often "neurological" or "psychological," and hence uncontrollable. Others maintain that sociological and cultural factors, including poverty and class-

based frustrations, contribute heavily to crime. Crime is even viewed by some to be a "rational response" to the inequities of our capitalistic economic system. Though alcoholism, poverty, and perceived social injustice all contribute to crime, there is a deeper force that is causing a breakdown of our society. These merely tip the raft of social order, while a deep current is moving the entire raft at a startling speed. That deep current is our failure to transmit positive values, norms, and attachments from one generation to another.

Mr. Cannon then cites Justice Powell who felt that our society was experiencing a major decline of morals:

> We are being cut adrift from the type of humanizing authority which in the past shaped the character of our people. He was not referring to governmental authority, but to the more personal forms we have known in the home, church, school and community which once gave direction to our lives.

Throughout history, families, churches, and schools perpetuated the norms and values of a society. The deterioration of these institutions has left a void that is manifesting itself in today's level of crime. Crime does not have its roots in the availability of handguns, its roots lie in values, personal conduct, morality, and social philosophy.

There is no pleasure in the realization that the cause of much of the crime and violence we experience in the United States is a result of those in our society that have consciously adopted the philosophy that their part in life is to rob, plunder, and murder others.

Mr. President, more and more people are realizing that crime is a result of some in society viewing others as prey. Chip Elliott expressed his feelings in a recent article in Esquire and appropriately titled "Letter From an Angry Reader":

> So there you are: a nation of pirates. As long as we live in a society in which a large constituency thinks it can do whatever it damn pleases—no sense of morality asked for or required—then those of us who have the middle-class work ethic, those of us who believe the Freudian epithets of work and love, will be seen as potential victims by the flocks of hustlers and lurkers who are out there. It is sometimes tough to get a job. It is also, right now, easier to rob people than it is to work for money. Its easier because it can be gotten away with. These people believe no one will stop them. They're right. No one will. Not the police, not the courts, not the penal system. No one but the growing number of us who have decided we will not be victimized again, ever.

Mr. President, an evergrowing number are concluding, reluctantly, that they must be able to provide for their own self-defense.

Pope John Paul II recently highlighted the fact that the right of self-defense is a universal and elementary right of man:

> In the name of an elementary requirement of justice, peoples have a right even a duty to protect their existence and freedom by proportionate means against an unjust aggressor.

Whether an unjust aggressor be a foreign nation, a government, or a criminal, peoples and individuals have a right to protect themselves, their family, and their property. Such a need of self-defense cannot be dismissed or taken lightly. In their study Professors Wright and Rossi found that about half of all households in the United States keep firearms. In these over 37 million gun owning households, some 15 percent or over 5,550,000 had a member of the household actually use the gun in self-defense at some time.

Those who seek gun control make vague references to the days of the wild west and would have us rely solely on law enforcement agencies for our protection. This approach is not realistic. It is little comfort for an unarmed citizen to have to rely on a police force whose resources have long been dangerously stretched thin and whose response time is often measured not in minutes but in hours. Indeed, the courts have long recognized the sheer impossibility of providing police protection to individual citizens. A recent D.C. appellate court opinion reaffirmed a well established and uniformally accepted rule that:

> A government and its agents are under no general duty to provide public services, such as police protection, to any particular individual citizen.

The court held that the police have a duty only to the public at large and not to individual members of the community.

I am surprised that a municipality could so totally ignore the legitimate need and right of its own residents for protection of self and property that it would make it illegal to even have a handgun in the home.

Law abiding residents of Morton Grove, Ill., now find themselves either breaking a law which carries a 6-month jail term and a $500 fine or find they are unable to protect themselves, their families, and their property from criminals who arm themselves at will from other criminal sources and who have little fear of being arrested, tried, and punished for their criminal acts. The city of Morton Grove undoubtedly feels it is acting in a very humanitarian manner under its police powers in protecting residents from themselves. However, a local or State government that shows such an absolute misunderstanding of individual rights and liberties, the proper function of governments, and the tyranny of crime, is one which misunderstands its overall role in the protection of its citizens. Such misunderstanding cannot be tolerated or condoned.

A far better approach, Mr. President, than the myth of crime control through gun control is to foster the responsible ownership of weapons. This is being done on a small scale at local levels nationwide. We don't have to give everyone a .38 Special. We do have to recognize that the wrong people already have them. We must, as President Reagan pointed out, encourage those who desire to have firearms to learn how to use them properly and safely.

Again, Mr. President, we do not have a gun problem in our Nation; we have a criminal problem. I am convinced that the American people will weather this storm. But, its answer does not lie in gun control which even to be effective would require conversion of our society to an outright police state. I think the fallacy of gun control is summed up very well by the widow of John Lennon, Yoko Ono, when she stated in an interview with Rolling Stone:

> Eventually, I would like to think that the world will be so peaceful we won't need to carry guns. But of course guns are not the only weapons. Control the guns, and somebody will think of another method. It's not the weapon that creates murder—it's the mind. It might just be like Prohibitions * * *. It may sound like a good idea, but the reality is not the same * * *.

INTERNATIONAL SOLIDARITY NECESSARY ON GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in this week's Newsweek there is an article entitled "Holocaust Unsweetened" in which Harry F. Waters reviews the CBS television movie "The Wall," which will be presented on February 16. The literary source for the movie is a classic: John Hersey's 1950 novel about the Warsaw ghetto uprising.

Mr. Waters major praise for the adaptation is its realistic portrayal of Jewish victims, not as all-noble, but as individuals with normal human frailties. This is the power of the presentation in which the unimaginable is made believable.

The last paragraph of the article reads:

> For once on TV, the final product was worth the compromises built into its construction. This movie bursts with relevance. The Polish extras in the crowd scenes, their somber faces adorned with Lech Walesa-style mustaches, look like outtakes from last night's newscast. Perhaps as it's being shown, residents of a real Warsaw tenement will be locked in agonized debate over the choice between capitulation and defiance. CBS's "The Wall" cuts to the marrow of that dilemma while refusing to supply an easy solution. One lesson emerges: the first step is solidarity.

Mr. Waters urges the first step of solidarity, as necessary now as it was when the Nazis were attempting to splinter and destroy Polish underground movements. He points to the present-day relevance of the lessons tragically learned from the Holocaust;

a crucial one being the dangers of division.

We in this body have to deal with this problem of division on a pressing and important topic: the Genocide Convention. I am not talking about division of the American people, because since President Truman first submitted the treaty to the Senate for ratification it has had the broad support of Americans across the country as well as their leaders. Is there deep and fundamental division on this issue in the American public? No; there is not.

What we must realize is that by refusing to ratify this much-needed treaty, and by being the only major nation not lending our voice to the cause, we are creating division in the international demand for outlawing the perverse crime of genocide. It is a pity and a shame that the United States, a leader in initiating and implementing international agreements, should thwart efforts at global cooperation on the Genocide Convention.

I agree with Mr. Waters that the first step is solidarity; international solidarity on the Genocide Convention. I urge my colleagues to immediately ratify the Genocide Convention.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 15, 1982]

HOLOCAUST UNSWEETENED

As grist for the made-for-TV movie mill, the Nazi Holocaust ranks right up there with real-life struggles against terminal illness. It is hardly difficult to figure out why. Like the trauma of cancer, Hitler's hideous "final solution" offers guaranteed ingredients for emotional impact: terror, rage, heroism and grisly death, all packaged under the emblem of historical authenticity. But for all the network's admirable intentions, their dramatizations of Jewish genocide in World War II too often exude a disquieting whiff of exploitation. In their obsession with ratings, video moviemakers tend to sweeten the unpalatable with simplistically pat characterizations that transform tragedy into easy melodrama.

CBS's "The Wall," which will be presented over three hours of Feb. 16, makes its own compromises with factual unpleasantries—yet it manages to rise above TV's Holocaust genre with unforgettable force. That achievement can be partly attributed to the movie's literary source and topical locale. Drawn from John Hersey's classic 1950 novel about the Warsaw ghetto uprising, "The Wall" was filmed on the same polish earth that now shudders beneath another set of tank treads. Best of all, the adaptation shuns the all-noble stereotypes that viewers have been conditioned to expect in such sagas. These Jewish martyrs display enough human frailties to make their valor all the more moving—and the unimaginable terribly believable.

HONOR

"The Wall" traces the psychic journey of a most improbable hero. Dolek Berson, played by Britain's Tom Conti, is a coolly dispassionate Jewish drifter who steadfastly suppresses his outrage until the Warsaw inferno all but engulfs him. Selfishness and self-delusion also afflict Berson's neighbors. As the Nazis tighten their noose, a prominent jeweler, Eli Wallach, abandons his family and buys his way to freedom. "I didn't ask to be a Jew, it was wished on me," he tells his children before fleeing with Aryan credentials. Other Jewish elders retreat behind their faith in divine wisdom. "I believe in God even when he's silent," explains one rabbi with a shrug. Ultimately, the best of the beleaguered—led by reluctant hero Berson—opt for honor over silent doom in the death camps. The film builds to a crescendo of carnage as 650 Jewish men, women and children make an apocalyptic stand against 3,000 heavily armed Germans. This rebellion's denouement is every bit as harrowing as the mass suicide in last year's "Masada." But while that ABC mini-series lapsed into preachy overkill, the CBS movie allows its documentary-style camera work to convey a horror beyond the reach of words.

"The Wall" is not without its structural defects. CBS, while originally intended to run the film in four hours over two nights, seems to have done its editing with an ax. Characters arrive on screen in what appear to be major roles, then abruptly vanish like wraiths in a fog. And lovers of Hersey's novel will be disappointed to discover that the book's most memorable figure—a compassionately nosy Jewish diarist who chronicles the ghetto's annihilation—has been dropped from the adaptation. As recompense for that, however, the film's cast serves Hersey's story almost as well as its cameras. Lisa Eichhorn brings just the right mixture of bravado and trepidation to her portrayal of the resistance fighters' Joan of Arc. As Berson, Conti projects a natural feel for his character's moral ambiguity.

CONFISCATED

The production of "The Wall" may have been the most difficult in television history. During the five years between purchase of TV rights to the book and final editing, the project survived several executive turnovers at CBS and the ouster of Polish Communist Party leader Edward Gierek, who had granted permission to shoot in Poland. As labor strikes spread throughout the country and the new government grew suspicious of the West, cast and crew raced to finish before they were booted out. Fearful that the film would be confiscated, the production manager began hiding each day's footage under his bed.

One obstacle that couldn't be overcome was the government's insistence that the production play down Poland's own role in the Holocaust. During World War II pervasive anti-Semitism prompted many Poles not only to avert their eyes from the Nazi persecution of the Jews but also, in many instances, to assist and exploit it. Even some members of the Polish underground devoted almost as much time to hunting down Jews as to battling the Germans. Confronted with the Communist regime's determination to erase any such depictions from the script, producers of "The Wall" agreed to give the government censors "consultation" privileges.

That concession did not result in an entirely revisionistic film treatment. In one scene, a Polish partisan leader is shown refusing to supply guns to the Jewish insurgents. Nevertheless, the movie's makers concede that they were unable to convey the degree of Polish anti-Semitism recorded by historians and fictionalized by Hersey. "If we were going to have 100 percent accuracy," says director Robert Markowitz, "the film would never have been made."

For once on TV, the final product was worth the compromises built into its construction. This movie bursts with relevance. The Polish extras in the crowd scenes, their somber faces adorned with Lech Walesa-style mustaches, look like outtakes from last night's newscast. Perhaps as it's being shown, residents of a real Warsaw tenement will be locked in agonized debate over the choice between capitulation and defiance. CBS's "The Wall" cuts to the marrow of that dilemma while refusing to supply an easy solution. One lesson emerges: the first step is solidarity.

PRESIDENT REAGAN'S ADDRESS TO OAS

Mr. DENTON. Mr. President, the policy declarations made by President Reagan in his speech today to the Organization of American States represent an historic commitment and contribution to the future security and prosperity of Central America. The Caribbean Basin Initiative lays a sound foundation for a comprehensive program based on a true partnership of the nations of the American.

I have just returned from a trip to Panama, where I was brought up to date by senior officers of the U.S. Unified Command having responsibility for that Latin American area. Diplomats from a number of American nations, including the United States, briefed me on the political, economic, military, and psychological facts in the Caribbean Basin. Based on those facts, I applaud the President's speech, particularly the emphasis contained in the following quotation: "In the face of outside threats, security for the countries of the Caribbean and Central America area is not an end in itself, but a means to an end." That security is the key to permitting progress in the political, economic, and social well-being of the peoples of our hemisphere.

I can confirm that the President's speech was eagerly awaited by the leaders of the democratic forces in Central America. I believe his proposals are responsive to the critical needs and long-held aspirations of our American neighbors. Together and resolute, we can insure the survival of liberty, the enhancement of economic prosperity, and the growth of the democratic principles that bind our peoples. Divided and irresolute, we face the prospect of the loss of liberty, the deepening of economic deprivation, and the growth of a malignant order that threatens the demise of our collective security and what the President called our "common destiny."

Security is the essential means to preserve the institutions required for the nurturing of basic human rights. Among those who are the preservation of democratic institutions in El Salvador, the coming free elections that will

establish a national assembly, providing the framework for a duly elected and responsive Presidency in that country, and the work of the Central American Democratic Community formed in January by Costa Rica, Honduras, and El Salvador.

The President's program merits our support. We must join with him to do, as he said, "Whatever is prudent and necessary to insure the peace and security of the Caribbean area." I hope and expect that my colleagues on both sides of the aisle will carefully examine his words and assist in taking the steps to insure their implementation.

Mr. President, I ask unanimous consent that the full text of President Reagan's speech to the Organization of American States be printed in the RECORD immediately following my remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE PRESIDENT TO THE ORGANIZATION OF AMERICAN STATES

The principles which the Organization of American States embodies—democracy, self-determination, economic development and collective security—are at the heart of U.S. foreign policy.

The United States of America is a proud member of this Organization. What happens anywhere in the Americas affects us in this country. In that very real sense, we share a common destiny.

We, the peoples of the Americas, have much more in common than geographical proximity. For over 400 years our peoples have shared the dangers and dreams of building a new world. From colonialism to nationhood our common quest has been for freedom.

Most of our forebears came to this hemisphere seeking a better life for themselves. They came in search of opportunity and, yes, in search of God. Virtually all—descendants of the land and immigrants alike—have had to fight for independence. Having gained it, they had to fight to retain it. There were times when we even fought each other.

Gradually, however, the nations of this hemisphere developed a set of common principles and institutions that provided the basis for mutual protection. Some 20 years ago, John F. Kennedy caught the essence of our unique mission when he said it was up to the New World, "to demonstrate that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions."

In the commitment to freedom and independence, the peoples of this hemisphere are one. In this profound sense, we are all Americans. Our principles are rooted in self-government and non-intervention. We believe in the rule of law. We know that a nation cannot be liberated by depriving its people of liberty. We know that a state cannot be free when its independence is subordinated to a foreign power. And we know that a government cannot be democratic if it refuses to submit to the test of a free election.

We have not always lived up to these ideals. All of us at one time or another in our history have been politically weak, economically backward, socially unjust or unable to solve our problems through peaceful means. My own country, too, has suffered internal strife including a tragic civil war. We have known economic misery, and once tolerated racial and social injustice. And, yes, at time we have behaved arrogantly and impatiently toward our neighbors. These experiences have left their scars but they also help us today to identify with the struggle for political and economic development in the other countries of this hemisphere.

Out of the crucible of our common past, the Americas have emerged as more equal and more understanding partners. Our hemisphere has an unlimited potential for economic development and human fulfillment. We have a combined population of more than 600 million people; our continents and our islands boast vast reservoirs of food and raw materials; and the markets of the Americas have already produced the highest standard of living among the advanced as well as the developing countries of the world. The example we could offer to the world would not only discourage foes; it would project like a beacon of hope to all of the oppressed and impoverished nations of the world. We are the New World, a world of sovereign and independent states that today stand shoulder to shoulder with a common respect for one another and a greater tolerance of one another's shortcomings.

Some 2 years ago when I announced as a candidate for the Presidency, I spoke of an ambition I had to bring about an accord with our two neighbors here on the North American continent.

I was not suggesting a common market or any kind of formal arrangement. "Accord" was the only word that seemed to fit what I had in mind. I was aware that the U.S. has long enjoyed friendly relations with Mexico and Canada, that our borders have no fortifications. Yet it seemed to me there was the potential for a closer relationship than had yet been achieved. Three great nations share the North American continent with all its human and natural resources. Have we done all we can to create a relationship in which each country can realize its potential to the fullest?

I know in the past the United States has proposed policies we declared would be mutually beneficial not only for North America but also for the nations of the Caribbean and Central and South America. But there was often a problem. No matter how good our intentions were, our very size may have made it seem that we were exercising a kind of paternalism.

At the time I suggested a new North American accord, I said I wanted to approach our neighbors not as someone with yet another plan, but as a friend seeking their ideas, their suggestions as to how we could become better neighbors.

I met with President Lopez Portillo in Mexico before my inauguration and with Prime Minister Trudeau in Canada shortly after I had taken office. We have all met several times since, in the U.S., Mexico, and Canada. I believe we have established a relationship better than any our three countries have ever known before.

Today, I would like to talk about our other neighbors—neighbors by the sea—some two dozen countries of the Caribbean and Central America. These countries are not unfamiliar names from some isolated corner of the world, far from home. They are very close to home. The country of El Salvador, for example, is nearer to Texas than Texas is to Massachusetts. The Caribbean region is a vital strategic and commercial artery for the United States. Nearly half of U.S. trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. Make no mistake: The well-being and security of our neighbors in this region are in our own vital interest.

Economic health is one of the keys to a secure future for our Caribbean Basin neighbors. I am happy to say that Mexico, Canada and Venezuela have joined us in the search for ways to help these countries realize their economic potential.

Each of our four nations has its own unique position and approach. Mexico and Venezuela are helping to offset energy costs to Caribbean Basin countries by means of an oil facility that is already in operation. Canada is doubling its already significant economic assistance. We all seek to ensure that the peoples of this area have the right to preserve their own national identities; to improve their economic lot and to develop their political institutions to suit their own unique social and historical needs. The Central American and Caribbean countries differ widely in culture, personality and needs. Like America itself, the Caribbean Basin is an extraordinary mosaic of Hispanics, Africans, Asians, and Europeans, as well as native Americans.

At the moment, however, these countries are under economic siege. In 1977, one barrel of oil was worth 5 pounds of coffee or 155 pounds of sugar. To buy that same barrel of oil today, these small countries must provide five times as much coffee (nearly 26 pounds) or almost twice as much sugar (283 pounds). This economic disaster is consuming our neighbors' money reserves and credit, forcing thousands of people to leave for the United States, often illegally, and shaking even the most established democracies. And economic disaster has provided a fresh opening to the enemies of freedom, national independence and peaceful development.

We have taken the time to consult closely with other governments in the region, both sponsors and beneficiaries, to ask them what they need and what they think will work. And we have labored long to develop an economic program that integrates trade, aid and investment—a program that represents a long-term commitment to the countries of the Caribbean and Central America to make use of the magic of the market of the Americas to earn their own way toward self-sustaining growth.

At the Cancun Summit last October, I presented a fresh view of development which stressed more than aid and government intervention. As I pointed out then, nearly all of the countries that have succeeded in their development over the past 30 years have done so on the strength of market-oriented policies and vigorous participation in the international economy. Aid must be complemented by trade and investment.

The program I am proposing today puts these principles into practice. It is an integrated program that helps our neighbors help themselves, a program that will create conditions under which creativity, private entrepreneurship and self-help can flourish. Aid is an important part of this program because many of our neighbors need it to put themselves in a starting position from which they can begin to earn their own way.

But this aid will encourage private sector activities, not displace them.

The centerpiece of the program I am sending to the Congress is free trade for Caribbean Basin products exported to the United States. Currently, some 87 percent of Caribbean exports already enter U.S. markets duty free under the Generalized System of Preferences. These exports, however, cover only the limited range of existing products—not the wide variety of potential products these talented and industrious peoples are capable of producing. Under the free trade arrangement I am proposing, exports from the area will receive duty free treatment for 12 years. Thus new investors will be able to enter the market knowing that their products will receive duty free treatment for at least the pay-off lifetime of their investments. Before granting duty-free treatment, we will discuss with each country its own self-help measures.

The only exception to the free trade concept will be textile and apparel products because these products are governed by other international agreements. However, we will make sure that our immediate neighbors have liberal quota arrangements.

This economic proposal is as unprecedented as today's crisis in the Caribbean. Never before has the United States offered a preferential trading arrangement to any region. This commitment makes unmistakably clear our determination to help our neighbors grow strong.

The impact of this free trade approach will develop slowly. The economies we seek to help are small. Even as they grow, all the protections now available to U.S. industry, agriculture and labor against disruptive imports will remain. And growth in the Caribbean will benefit everyone, with American exports finding new markets.

Secondly, to further attract investment, I will ask the Congress to provide significant tax incentives for investment in the Caribbean Basin. We also stand ready to negotiate bilateral investment treaties with interested Basin countries.

Third, I am asking for a supplemental Fiscal Year 1982 appropriation of $350 million to assist those countries which are particularly hard hit economically. Much of this aid will be concentrated on the private sector. These steps will help foster the spirit of enterprise necessary to take advantage of the trade and investment portions of the program.

Fourth, we will offer technical assistance and training to assist the private sector in the Basin countries to benefit from the opportunities of this program. This will include investment promotion, export marketing and technology transfer efforts, as well as programs to facilitate adjustments to greater competition and production in agriculture and industry. I intend to seek the active participation of the business community in this joint undertaking. The Peace Corps already has 861 volunteers in Caribbean Basin countries, and will give special emphasis to recruiting volunteers with skills in developing local enterprise.

Fifth, we will work closely with Mexico, Canada, and Venezuela—all of whom have already begun substantial and innovative programs of their own—to encourage stronger international efforts to coordinate our own development measures with their vital contributions and with those of other potential donors like Colombia. We will also encourage our European, Japanese, and other Asian allies, as well as multilateral development institutions, to increase their assistance in the region.

Sixth, given our special, valued, relationship with Puerto Rico and the U.S. Virgin Islands, we will propose special measures to ensure that they also will benefit and prosper from this program. With their strong traditions of democracy and free enterprise, they can play leading roles in the development of the area.

This program has been carefully prepared. It represents a farsighted act by our own people at a time of considerable economic difficulty at home. I would not propose it if I were not convinced that it is vital to the security interests of this Nation and this hemisphere. The energy, the time, and the treasure we dedicate to assisting the development of our neighbors now can help to prevent the much larger expenditures of treasure, as well as human lives, which would flow from their collapse.

One early sign is positive. After a decade of falling income and exceptionally high unemployment, Jamaica's new leadership is reducing bureaucracy, dismantling unworkable controls, and attracting new investment. Continued outside assistance will be needed to tide Jamaica over until market forces generate large increases in output and employment—but Jamaica is making freedom work.

I have spoken up to now mainly of the economic and social challenges to development. But there are also other dangers. A new kind of colonialism stalks the world today and threatens our independence. It is brutal and totalitarian. It is not of our hemisphere but it threatens our hemisphere and has established footholds on American soil for the expansion of its colonialist ambitions.

The events of the last several years dramatize two different futures which are possible for the Caribbean area: Either the establishment or restoration of moderate, constitutional governments with economic growth and improved living standards; or, further expansion of political violence from the extreme left and the extreme right resulting in the imposition of dictatorships and—inevitably—more economic decline and human suffering.

The positive opportunity is illustrated by the two-thirds of the nations in the area which have democratic governments. The dark future is foreshadowed by the poverty and repression of Castro's Cuba, the tightening grip of the totalitarian left in Grenada and Nicaragua, and the expansion of Soviet-backed, Cuban-managed support for violent revolution in Central America.

The record is clear. Nowhere in its whole sordid history have the promises of Communism been redeemed. Everywhere it has exploited and aggravated temporary economic suffering to seize power and then to institutionalize economic deprivation and suppress human rights. Right now, 6 million people worldwide are refugees from Communist systems. Already, more than a million Cubans alone have fled communist tyranny.

Our economic and social program cannot work if our neighbors cannot pursue their own economic and political future in peace but must divert their resources, instead, to fight imported terrorism and armed attack.

Economic progress cannot be made while guerrillas systematically burn, bomb and destroy bridges, farms and power and transportation systems—all with the deliberate intention of worsening economic and social problems, in hopes of radicalizing already suffering people.

Our Caribbean neighbors' peaceful attempts to develop are feared by the foes of freedom because their success will make the radical message a hollow one. Cuba and its Soviet backers know this. Since 1978, Havana has trained, armed and directed extremists in guerrilla warfare and economic sabotage as part of a campaign to exploit troubles in Central America and the Caribbean. Their goal is to establish Cuban-style Marxist-Leninist dictatorships. Last year, Cuba received 66,000 tons of war supplies from the Soviet Union—more than in any year since the 1962 missile crisis. Last month, the arrival of additional high performance MiG-23 Floggers gave Cuba an arsenal of more than 200 Soviet war planes—far more than the military aircraft inventories of all other Caribbean Basin countries combined. For almost 2 years, Nicaragua has served as a platform for covert military action. Through Nicaragua, arms are being smuggled to guerrillas in El Salvador and Guatemala.

The Nicaraguan government even admits the forced relocation of about 8,500 Miskito Indians, and we have clear evidence that since late 1981 many Indian communities have been burned to the ground and men, women, and children killed.

The Nicaraguan Junta cabled written assurances to the OAS in 1979 that it intended to respect human rights and hold free elections. Two years later, these commitments can be measured—by the postponement of elections until 1985, by repression against free trade unions and parties, against the media and minorities, and—in defiance of all international civility—by the continued export of arms and subversion to neighboring countries.

Two years ago, in contrast, the government of El Salvador began an unprecedented land reform. It has repeatedly urged the guerrillas to renounce violence and to join in the democratic process—an election in which the people of El Salvador could determine the government they prefer. Our own country and other American nations through the OAS have urged such a course. The guerrillas have refused. More than that, they threaten violence and death to those who participate in such an election.

Can anything make more clear the nature of those who pretend to be supporters of so-called wars of liberation?

A determined propaganda campaign has sought to mislead many in Europe and certainly many in the U.S. as to the true nature of the conflict in El Salvador. Very simply, guerrillas armed and supported by and through Cuba are attempting to impose a Marxist-Leninist dictatorship on the people of El Salvador as part of a larger imperialistic plan.

If we do not act promptly and decisively in defense of freedom, new Cubas will arise from the ruins of today's conflicts. We will face more totalitarian regimes, more regimes tied militarily to the Soviet Union, more regimes exporting subversion, more regimes so incompetent yet so totalitarian that their citizens' only hope becomes that of one day migrating to other American nations as in recent years they have come to the U.S.

I believe free and peaceful development of our hemisphere requires us to help governments confronted with aggression from outside their borders to defend themselves. For this reason I will ask the Congress to provide increased security assistance to help friendly countries hold off those who would destroy their chances for economic and social progress and political democracy. Since 1947, the Rio Treaty has established

reciprocal defense responsibilities linked to our common democratic ideals. Meeting these responsibilities is all the more important when an outside power supports terrorism and insurgency to destroy any possibility of freedom and democracy. Let our friends and our adversaries understand that we will do whatever is prudent and necessary to ensure the peace and security of the Caribbean area.

In the face of outside threats, security for the countries of the Caribbean and Central American areas is not an end in itself, but a means to an end. It is a means toward building representative and responsive institutions, toward strenghtening pluralism and free private institutions—churches, free trade unions, and an independent press. It is a means to nurturing the basic human rights freedom's foes would stamp out. In the Caribbean we above all seek to protect those values and principles that shape the proud heritage of this hemisphere. I have already expressed our support for the coming election in El Salvador. We also strongly support the Central American Democratic Community formed this January by Costa Rica, Honduras and El Salvador. The U.S. will work closely with other concerned democracies inside and outside the area to preserve and enhance our common democratic values.

We will not, however, follow Cuba's lead in attempting to resolve human problems by brute force. Our economic assistance, including the additions that are part of the program I have just outlined, is more than 5 times the amount of our security assistance. The thrust of our aid is to help our neighbors realize freedom, justice, and economic progress.

We seek to exclude no one. Some, however, have turned from their American neighbors and their heritage. Let them return to the traditions and common values of this hemisphere and we all will welcome them. The choice is theirs.

As I have talked these problems over with friends and fellow citizens here in the U.S., I am often asked "why bother?" Why should the problems of Central America or the Caribbean concern us? Why should we try to help? I tell them we must help because the people of the Caribbean and Central America are in a fundamental sense fellow Americans. Freedom is our common destiny. And freedom cannot survive if our neighbors live in misery and oppression. In short, we must do it because we are doing it for each other.

Our neighbors' call for help is addressed to us all: here in this country to the Administration, to the Congress, and to millions of Americans from Miami to Chicago, from New York to Los Angeles. This is not Washington's problem; it is the problem of all the people of this great land and of all the other Americas—the great and sovereign republics of North America, the Caribbean Basin, and South America.

The Western Hemisphere does not belong to any one of us—we belong to the Western Hemisphere. We are brothers historically as well as geographically.

I am aware that the United States has pursued Good Neighbor Policies in the past. These policies did some good. But they are inadequate for today. I believe that my country is now ready to go beyond being a good neighbor to being a true friend and brother in a community that belongs as much to others as to us. That, not guns, is the ultimate key to peace and security for us all.

We have to ask ourselves why has it taken so long for us to realize the God-given opportunity that is ours? These two great land masses are rich in virtually everything we need. Together, our more than 600 million people can develop what is undeveloped, can eliminate want and poverty, can show the world that our many nations can live in peace, each with its own customs, language and culture, but sharing a love for freedom and a determination to resist outside ideologies that would take us back to colonialism.

We return to a common vision. Nearly a century ago, a great citizen of the Caribbean and the Americas, José Martí, warned that "Mankind is composed of two sorts of men—those who love and create, and those who hate and destroy."

Today, more than ever, the compassionate, creative peoples of the Americas have an opportunity to stand together—to overcome injustice, hatred and oppression and build a better life for all the Americas.

I have always believed that this hemisphere was a special place with a special destiny. I believe we are destined to be the beacon of hope for all mankind.

With God's help we can make it so; we can create a peaceful, free and prospering hemisphere based on our shared ideals and reaching from pole to pole of what we proudly call the New World.

AID CUTBACKS COULD COLLAPSE STUDENT LOAN PROGRAM

Mr. SASSER. Mr. President, there is increasing debate today over the impact of the administration's proposed changes in student assistance programs. These changes not only register a lack of Federal financial assistance but also a change in philosophy—a lack of Federal commitment to an educated populace.

Certainly we all believe that Federal financial aid should be based on a student's relative need. However, I must say that I part with the administration over their decision to put an end to an almost 20-year investment in America's future.

Through the combined contributions of family support, individual labor, charitable gifts, and Federal financial support, millions of our citizens have had an opportunity for a higher education.

Now, however, with tuition costs increasing at double-digit rates across the country, the administration is proposing that we turn our backs on the educational needs of our country. The impact of these actions would not only be to deny thousands of students the chance for higher learning but could also lead to the premature demise of some of our country's oldest learning institutions. And I submit that the long-term impact will be an erosion of our national security—a less educated citizenship and a loss of adequate research technology.

I was recently contacted by Kenneth Barber, the executive director of the Tennessee Student Assistance Corp., regarding the impact these proposals could have in Tennessee. I will ask that at the end of my remarks his comments be inserted in the RECORD. However, to briefly summarize his comments, should the proposed administration changes go into effect Tennessee students would lose almost half of the currently available student aid from Federal sources. That means a total loss of more than $38.5 million from the 1981–82 school year. Changes in the guaranteed student loan program would cost 5,000 graduate and professional students over $20 million in financial aid. And because Tennessee has not yet put in place the parent and auxiliary loan programs, these students will have no substitute source for loan assistance.

And perhaps the most ominous of all, Mr. Barber predicts that administrative changes in the loan program will cause lenders to refuse to participate causing the collapse of the entire program.

I encourage my colleagues to compare similar analyses in their own States, and reject these ill-conceived proposals.

I ask unanimous consent that Mr. Barber's letter be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TENNESSEE STUDENT ASSISTANCE CORP.,
Nashville, Tenn., February 12, 1982.

Hon. JAMES R. SASSER,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR SASSER: I wish to share an assessment of the impact which 1983 federal budget proposals will have on student assistance programs.

Most student aid funds are allocated through six programs authorized in the Higher Education Act of 1965, as amended. Attached are summaries which illustrate funding levels proposed for five of the programs both at the national level (Attachment 1) and at the state level (Attachment 2). The 1983 budget also contains a series of proposed changes to the Guaranteed Student Loan Program. These proposed changes and my assessment of their impact are summarized on Attachment 3.

In summary, the 1982–83 proposed rescissions will reduce Title IV outlays in Tennessee by about 9 or 10 percent from 1981–82 levels. The 1983–84 recommendations are more pronounced. If the recommendations are implemented, Title IV outlays in 1983–84 would decline by about 50 percent from 1981–82 levels. The changes proposed for Guaranteed Student Loans are even more severe. In my opinion, if all five of the changes are adopted and implemented by Congress on the recommended date of April 1, 1982, the entire program will collapse. Banks and other participating lenders will simply refuse to lend under those conditions.

Please call me if you have questions.

Sincerely,

KENNETH BARBER,
Executive Director.

Enclosures.

[Attachment 1]

TITLE IV STUDENT AID PROGRAMS—FUNDING SUMMARY

	1981–82 appropriations	1982–83		1983–84 budget request
		December 10 continuing resolution	After possible rescissions	
Basic educational opportunity grants (Pell grants) (billions)	$2.346	$2.279	$2.187	$1.440
Supplemental educational opportunity grants (millions)	370	278	278	0
National direct student loans (millions)	200	193	198	0
College work study (millions)	550	528	484	400
State student incentive grant (millions)	77	74	78	0
Total (billions)	3.543	3.352	3.215	1.840

Note.—The guaranteed student loan program is also authorized by title IV of the Higher Education Act of 1965, as amended. Federal law appropriates "such sums as are necessary" for guaranteed student loans. The 1983 budget proposals contain 5 recommendations for change to GSL. These changes are summarized on attachment 3.

This funding summary was compiled by staff of the Tennessee Student Assistance Corp., from information furnished by the National Association of Student Financial Aid Administrators and Congressional Office staff.

[Attachment 2]

PROJECTIONS OF TITLE IV FUNDING FOR STUDENTS ENROLLED IN TENNESSEE EDUCATIONAL INSTITUTIONS

	1981–82	1982–83		1983–84 budget request
		December 10 continuing resolution	After possible rescissions	
Basic educational opportunity grants (Pell grant)	$60,000,000	$56,316,000	$54,043,000	$35,568,000
Supplemental Educational Opportunity Grants	6,640,000	4,976,000	4,976,000	0
National Direct Student Loans	3,258,000	3,132,000	3,213,000	0
College Work Study	10,726,000	10,296,000	9,438,000	7,800,000
State Student Incentive Grants	1,265,000	1,216,000	1,109,000	0
Total	81,889,000	75,936,000	72,779,000	43,368,000

Note.—These projections were prepared by staff of the Tennessee Student Assistance Corp. using historical percentages received under each program. Because of this methodology, the projections should be considered only rough approximations.

[Attachment 3]

PROPOSED CHANGES TO THE GUARANTEED STUDENT LOAN PROGRAM WITH PROBABLE IMPACTS

A. Proposal: Increase the loan origination fee to 10 percent. (It is currently 5 percent.)

Impact: (1) Administratively feasible by April 1 proposed implementation date.

(2) Will cost individual students as much as $125 each. For the fiscal year ended September 30, 1981 this provision had it been in place, would have cost Tennessee GSL borrowers $2,924,000.

(3) No adverse impact on lender willingness to participate in GSL is expected.

B. Proposal: Require demonstration of financial need by all GSL borrowers, not just those whose families have an adjusted income above $30,000.

Impact: (1) Administratively feasible by April 1 proposed implementation date; however, would create additional workload on college financial aid offices and thus contribute to bottlenecks in paperwork flow.

(2) Will significantly reduce the number of eligible students.

(3) Could expect some decline in lender participation because of reduction in average loan size. Guaranteed Student Loans are already at a competitive disadvantage because of their relatively small amounts.

C. Proposal: Eliminate graduate and professional students from GSL. Increase loan limits under PLUS Program from $3,000 to $8,000 per year, and from $15,000 to $40,000 cumulative.

Impact: (1) Administratively possible to eliminate graduate and professional students from GSL by proposed April 1 implementation date. It is impossible to serve these students under the PLUS Program by that time.

(2) Short-run impact would be to eliminate over $20,000,000 in financial aid to over 5,000 students. (See attached chart.) Long-run impact could be two-fold. Lenders may be unwilling to lend because of the necessity to collect interest from in-school students. Collecting interest raises their administrative costs and makes student loans an unattractive investment. If so, short-term becomes long-term. If lenders do choose to lend, the costs of borrowing increase dramatically for graduate and professional students. There is a strong possibility that many students will be unable to pay the interest while attempting to meet other college costs, thus increasing defaults. It should be noted that in those states where PLUS is already operative, lenders have chosen not to lend.

(3) This change also will have an impact on lender willingness to participate in GSL. Elimination of graduate and professional students, whose average loan size is approximately double that of undergraduates, will mean that overall loan averages per borrower will decline, thus raising administrative costs and making it more difficult to meet par purchase requirements for sales to the Student Loan Marketing Association.

D. Proposal: Limit special allowance payments to the in-school period plus a two-year period following graduation or withdrawal from school and allow lenders to set new borrower interest rates, after the two-year period.

Impact: (1) Cannot possibly be implemented by April 1, 1982. This change will require a new note form and new truth-in-lending disclosure procedures. Neither lawyers nor the Federal Reserve, which will be required to approve any new note form, can act that quickly. There may be other problems of a techncial nature.

(2) This change will raise the cost of borrowing for students who can still find lenders willing to lend. How much the cost would depend on interest rates.

(3) A change of this nature could easily lead to a general collapse in lender willingness to participate in the GSLP. Currently lenders have in a GSL an investment vehicle which provides a variable yield but without the necessity to constantly adjust rates. To achieve the same yield would require adjustment of the interest rate (in the lender's accounting system) every quarter. Some large lenders, Union Planters for example, are developing computer software to handle variable rate loans. That isn't the norm for most lending institutions, however. Even if it was, the cost of administration tends to increase under variable rate accounting. Greater costs equals less profit equals fewer lenders.

E. Proposal: Require payment of a guarantee agency reinsurance premium equal to half the agency's yearly income from insurance premiums.

Impact: (1) Administratively feasible by April 1, 1982.

(2) No impact on students.

(3) No impact on lenders.

(4) TSAC is required by state law to maintain a ten percent insurance reserve. Under a contract with the U.S. Department of Education, TSAC is reinsured at a base rate of eighty percent. The effect of state law, then, is to require that TSAC raise funds to insure ten percent of the unreinsured twenty percent or two percent. Thus, for every loan insured or guaranteed by TSAC, two percent of the amount of the loan must be available in cash or other liquid assets to underwrite that loan. TSAC raises the necessary reserve funds by assessment of an insurance premium (guaranty fee), which provides an average of 1.75 percent of each loan, and by investment earnings received on funds already in the fund.

If the proposal to pay half the insurance premium income to the federal government is adopted, this would require either:

(a) An increased insurance premium assessment;

(b) A state appropriation equal to one-half of premiums collected; and

(c) A change in state law which would delete the ten percent requirement. Item (a) is impractical without investing in a more sophisticated loan accounting system. TSAC

is limited by federal law from assessing more than one percent on the unpaid principal balance. Refunds are payable if the assessment reaches into the repayment years of the loan. TSAC is currently charging approximately one percent during the in-school period. To make an assessment and account for refunds during the repayment period requires a record of paid down loan balances, a feature the TSAC loan accounting system does not now possess.

Item (b) would have to amount to about $657,000 in fiscal year 1981-82 were the payback feature in effect this year.

Item (c) would raise the question, and a valid one, among Tennessee's GSL lenders of whether they are really one hundred percent insured on their student loans. Current law provides that the state is not liable on TSAC obligations and the Tennessee Constitution, in fact, prohibits the lending of the credit of the state on behalf of any individual.

In summary, proposal E strikes at the ability of TSAC to serve as a guarantor of student loans.

GUARANTEED STUDENT LOAN PROGRAM LOANS TO GRADUATE AND PROFESSIONAL STUDENTS—OCTOBER 1, 1980, TO SEPTEMBER 30, 1981

	Students	Amount
Austin Peay State	48	$133,121
East Tennessee State [1]	218	770,750
Memphis State	460	2,015,257
Middle Tennessee State	344	961,809
Tennessee State	92	225,759
Tennessee Tech	89	238,941
Subtotal	1,251	4,345,637
UT Chattanooga	62	148,725
UT Knoxville [2]	1,004	4,062,315
UT Martin	78	178,515
UT Center for Health Sciences	1,091	4,781,339
Subtotal	2,235	9,170,894
Total public	3,486	13,516,531
Fisk University	1	1,000
Meharry Medical College	99	439,870
Scarritt College	4	9,533
Tennessee Temple	0	0
University of the South	3	15,000
Vanderbilt University	450	1,783,117
Total private	557	2,248,520
Total—Tennessee institutions	4,043	15,765,051
Students attending out-of-State institutions	1,165	4,690,834
Grand total	5,208	20,455,885

[1] Includes medical school.
[2] Includes veterinary medicine.

ANNIVERSARY OF THE FIRST UNITED STATES EARTH ORBITAL FLIGHT

Mr. DENTON. Mr. President, February 20 was the 20th anniversary of a truly historic event, an event in which a distinguished Member of this Chamber played the central role. On that day in 1962, Col. JOHN GLENN became the first American to pilot a spacecraft in orbit of the Earth.

Because the later developments in space were so spectacular, we too easily forget the thrill of JOHN GLENN's first venture into the void. His was a giant step that later made a small step possible, and that now sees us bringing into operation a regular and reusable space shuttle. Space no longer seems unknown and formidable; it is, rather, now our back yard.

This was certainly not so in 1962. JOHN GLENN and his six colleagues, our first astronauts, were more than pioneers. They were venturers into danger, they willingly went in harm's way. Not only did they have exceptional minds, advanced qualifications, and superb physical condition, they also had the willingness, even the desire, to risk everything above and beyond the call of duty.

There is a difference between those who choose the dangerous and difficult course and those who are but the victims of circumstance. We have recently observed the anniversary of another day, 9 years ago, when hundreds of Americans returned home from cruel captivity. They did not consider themselves as heroes, but only as loyal Americans, members of our Nation's military services, doing their simple duty to God, country, and their fellow citizens.

They did not volunteer for the experience. They had no physical or mental or educational qualifications that were exceptional or that distinguished them from millions of other American fighting men. Like those others, most of them did their duty well.

JOHN GLENN was different. He willingly made the effort to develop his physical, mental, and educational abilities to a high pitch, to devote himself single-mindedly to a course of self-sacrifice and dedication.

Mr. President, I am truly and deeply honored to have him in the Senate of the United States as a colleague and as a friend.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, February 24, 1982, he had presented to the President of the United States, the following enrolled joint resolutions:

S.J. Res. 122, Joint resolution to authorize and request the President to designate the week of February 28, 1982, through March 6, 1982, as "National Construction Industry Week"; and

S.J. Res. 134. Joint resolution to designate 1982 as the "National Year of Disabled Persons."

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-684. A concurrent resolution adopted by the Legislature of the State of South Carolina to the Committee on Agriculture, Nutrition, and Forestry.

"CONCURRENT RESOLUTION

"Whereas, President Reagan since he took office has worked to reduce inflation, worked to expand foreign trade, and worked to assist America's farmers, including the providing of funds for agricultural research; and

"Whereas, the economy of the United States is strengthened by our cost efficient farmers whose export markets contribute to this country's research; and

"Whereas, the efficiency of these farms and farmers depends on the rapid application of new technology from agricultural research, the funds for which are being reduced by inflation; and

"Whereas, American farmers have forgone acreage allotments on most crops on the assurance that export markets would be allowed to expand without undue government restrictions; and

"Whereas, Secretary of State Alexander Haig and the officials of the State Department in administering foreign policy have many times used "food as a weapon", and this has the effect of destroying our farm export markets, undermining America's farm economy, postponing investments in efficient production methods and agricultural research, and fueling inflation by increasing the cost of purchasing food; and

"Whereas, such disruption of American farm export markets is not in the interest of our nation. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the members of the General Assembly hereby express their appreciation to President Reagan for his support of America's farmers.

"Be it further resolved that the members of the General Assembly hereby memorialize President Reagan to allow the United States Department of Agriculture in conjunction with private enterprise to manage the foreign sales of agricultural products during the absence of a pressing national or international emergency.

"Be it further resolved that the members of the General Assembly also memorialize President Reagan to restrain Secretary of State Alexander Haig and the officials of the State Department from using "food as a weapon" in administering foreign policy, in agricultural foreign trade negotiations, and in the food for peace program.

"Be it further resolved that should it become necessary to impose food or other agricultural product embargoes for the national defense or security, the members of the General Assembly hereby request President Reagan to make such decisions himself and not to delegate the authority to make such decisions to any Cabinet level officer or to the department or staff of a Cabinet level officer.

"Be it further resolved that a copy of this resolution be forwarded to President Reagan, to each United States Senator from South Carolina, each member of the House of Representatives of Congress from South Carolina, the Senate of the United States and the House of Representatives of the United States."

POM-685. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION No. 1006

"Whereas, the state of South Dakota is concerned with the management of noxious weeds on private, state and federal lands; and

"Whereas, undesirable plant species, including noxious plants, on lands administered by federal agencies have been and con-

tinue to be a major problem in South Dakota and other western states because they reduce forage needed for livestock production and wildlife and interfere with the forest product industries; and

"Whereas, a major problem for agriculture and livestock producers is the continuing and, in some cases, increasing infestations of noxious weeds on their lands; and

"Whereas, certain federal agencies managing public lands have failed to initiate, implement and fund viable management programs for the prevention, control and containment of these undesirable plant species; and

"Whereas, two federal laws of beneficial intent address noxious weed management, Public Law 90-583, the Carlson-Foley Act of 1968, which calls for the destruction of noxious weeds, and Public Law 93-629, the Federal Noxious Weed Act of 1974, which regulates the movement of noxious weeds; and

"Whereas, neither federal law requires the federal agencies administering public land to manage for the prevention, control and containment of undesirable plant species; and

"Whereas, the management practices of the federal agencies administering these lands are inconsistent with the management practices for undesirable plant species on the existing state, county and private levels; and

"Whereas, section 3 of Public Law 90-583, the Carlson-Foley Act of 1968, reads: "There are hereby authorized to be appropriated to departments or agencies of the Federal Government such sums as the Congress may determine to be necessary to carry out the purposes of this Act." However, no appropriations have yet been authorized under this section; and

"Whereas, county and state agencies and universities are responsibly increasing their weed management efforts in areas of research, education, coordination and integrated control; and

"Whereas, certain federal laws, regulations and policies impede the establishment of cooperative seed management programs between federal land management agencies and state agencies, counties and private landowners.

"Now, therefore, be it resolved, by the House of Representatives of the Fifty-seventh Legislature of the state of South Dakota, the Senate concurring therein, that section 3 of the Carlson-Foley Act of 1968 be replaced with a new section that would read as follows: "The departments or agencies of the Federal Government shall implement and pursue an effective management program for the prevention, control and containment of noxious plants on lands under their control or jurisdiction."; and

"Be It Further Resolved, that such management program be in accordance with state and federal weed laws; and

"Be It Further Resolved, that such management program be implemented in cooperation with the state Department of Agriculture or with a state-designated weed control organization; and

"Be It Further Resolved, that the Congress of the United States is requested to amend section 5 of Public Law 95-313, the Cooperative Forestry Assistance Act of 1978, which pertains to insect and disease control on nonfederal forest lands, to include noxious weed control and management through cooperative efforts on federal, state and private lands; and

"Be It Further Resolved, that the Congress is requested to allow federal land management agencies to enter into cooperative weed surveillance and control agreements with state and local weed management agencies for providing services and funds; and

Be It Further Resolved, that the Congress is requested to increase the funding of weed management programs conducted by federal land management agencies on federal lands; and

"Be It Further Resolved, that the Chief Clerk of the House of Representatives of the state of South Dakota send copies of this concurrent resolution to the South Dakota congressional delegation, the President of the United States Senate, the Speaker of the United States House of Representatives and the chairmen of the United States Senate and House of Representatives Agricultural Committees."

POM-686. A resolution adopted by the New Haven, Conn., Board of Aldermen, urging Congress to fund the Franklin Delano Roosevelt Memorial; to the Committee on Appropriations.

POM-687. A resolution adopted by the Arkansas Legislation Council, urging the restoration of public employment services to a reasonable funding level; to the Committee on Appropriations.

POM-688. A resolution adopted by the board of supervisors of the County of Sacramento, Calif., favoring legislation relative to military retirement; to the Committee on Armed Services.

POM-689. A resolution adopted by the board of directors of the Alameda County, Calif., Developmental Disabilities Planning and Advisory Council, relative to nuclear arms buildup; to the Committee on Armed Services.

POM-690. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Armed Services.

"HOUSE RESOLUTION No. 615

"Whereas, The Soviet Union has exploited United States peace initiatives to build up its strategic and conventional warfare capabilities; and

"Whereas, This has given the Soviet Union the means to support increasingly bolder world-wide agression; and

"Whereas, There is basis for concern that the Soviets may next use these forces in Poland, Pakistan, Iran and Yugoslavia; and

"Whereas, The Soviet Union, has demonstrated an unwillingness to live by international law; and

"Whereas, The United States is the one world power that can effectively oppose the Soviet expansionism; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Second General Assembly of the State of Illinois, (a) That we urge the Congress of the United States to adopt a National Strategy of Peace Through Strength, the general principles of which would be:

"(1) to inspire, focus and unite the national will and determination to achieve this goal of peace through strength;

"(2) to achieve overall military and technological superiority over the Soviet Union;

"(3) to create a strategic defense and civil defense which would protect United States citizens against nuclear war at least as well as the Soviets defend their citizens;

"(4) to accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the United States into a position of military inferiority;

"(5) to reestablish effective security and intelligence capabilities;

"(6) to pursue positive non-military means to roll back the growth of communism;

"(7) to help our allies and other non-communist countries defend themselves against communist aggression; and

"(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

"(b) That this body recognizes that it will take the combined efforts of hundreds of organizations to achieve the adoption of a National Strategy of Peace Through Strength.

"(c) That this body will join the Coalition for Peace Through Strength to work with other organizations and entities for the adoption of a National Strategy of Peace Through Strength, except that this legislative body reserves to itself the right to make its own decisions as to how the principles shall be applied on individual issues; and, be it further

"Resolved, That a suitable copy of this Preamble and Resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Congressional Delegation from the State of Illinois."

POM-691. A resolution adopted by the Lexington Fayette Urban County Government, relative to the Federal Government's community development block grant program and the urban development action grant program; to the Committee on Banking, Housing, and Urban Affairs.

POM-692. A resolution adopted by the Baptist Hospital Speech and Hearing Clinic, Pensacola, Fla., relative to access to public telephones for the hearing impaired; to the Committee on Commerce, Science, and Transportation.

POM-693. A resolution adopted by the International Flying Farmers, relative to various aviation and agriculture issues; to the Committee on Commerce, Science, and Transportation.

POM-694. A concurrent resolution adopted by the Legislature of the State of Pennsylvania; to the Committee on Energy and Natural Resources.

"RESOLUTION

"Whereas, Public Law 95-87, section 402 (a) of the Federal Surface Mine Control and Reclamation Act of 1977, authorized reclamation fees to be collected for the Abandoned Mine Reclamation Fund; and

"Whereas, Funds are appropriated by the Congress of the United States from the Abandoned Mine Reclamation Funds; and

"Whereas, Section 401 of Public Law 95-87 authorized the United States Secretary of the Interior to transfer up to 20% of the money deposited in the Abandoned Mine Reclamation Fund to the Secretary of Agriculture for carrying out the Rural Abandoned Mine Program (RAMP); and

"Whereas, The amounts of fees generated in the Abandoned Mine Funds were in 1978—$105,000,000; 1979—$184,000,000; 1980—$191,000,000; 1981—estimated $200,000,000 and 1982—estimated $220,000,000; and

"Whereas, Only $10,000,000 were transferred to the Secretary of Agriculture for fiscal year 1979 and fiscal year 1980; therefore be it

"Resolved, (the House of Representatives concurring), That the General Assembly memorializes the Congress of the United States to appropriate $30,000,000 to Soil

Conservation Service from Abandoned Mine Reclamation Funds; and be it further

"*Resolved*, That the General Assembly petitions the United States Secretary of Agriculture to request the United States Secretary of the Interior to transfer $30,000,000, to the United States Department of Agriculture to implement the Rural Abandoned Mine Program; and be it further

"*Resolved*, That copies of this resolution be sent to the presiding officers of the House of Representatives and Senate of the Congress of the United States and to each Senator and Congressman from Pennsylvania and the United States Secretary of Agriculture."

POM-695. A resolution adopted by the City Council of Youngstown, Ohio, opposing legislation allowing oil companies to bill consumers for the cost of the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

POM-696. A petition from a citizen of Lawrence, Kans., relative to fission power reactors; to the Committee on Energy and Natural Resources.

POM-697. A concurrent resolution adopted by the Legislature of the State of Mississippi; to the Committee on Environment and Public Works.

"HOUSE CONCURRENT RESOLUTION No. 54

"Whereas, the Legislature of the State of Mississippi has listened carefully to all the evidence presented in every conceivable forum since the 1960's by both proponents and opponents of the Tennessee-Tombigbee Waterway project, and has concluded that evidence is clear that the project is being designed and constructed under strict environmental regulations; and

"Whereas, the Corps of Engineers has gone to great lengths to avoid and minimize environmental damage and, to ensure this, the Corps of Engineers has made changes in the project design in response to suggestions made by environmental groups who are plaintiffs in the present lawsuit against the Tennessee-Tombigbee Waterway project; and

"Whereas, we feel that the aforementioned plaintiffs have used every means at their disposal to halt the waterway project, and that their claim that the environmental statement and supplemental statements are inadequate and totally unfounded; and

"Whereas, since the people of this state have shouldered their responsibility and have expended large sums of money to do their part in constructing the project, we feel that stopping the waterway project now would cause irreparable harm to them; and

"Whereas, We feel that opponents of the waterway want to eliminate vital market competition which is so important to our state's economy; and

"Whereas, delays in completion of the waterway project result in lost benefits to our state and failure to go ahead with the waterway project would mean a total loss of the money already invested in the waterway project and, accordingly, it would be a sham and a travesty to allow the plaintiffs to prevail on such a crucial issue at such a crucial time; and

"Whereas, we feel that the waterway has withstood every conceivable test by every group; and

"Whereas, since 70% of the navigation portion of the waterway project has been completed, and since Congress has appropriated about 1.5 billion dollars to its construction, and since the waterway will be fully opened to navigation in about five years, it would be irresponsible to further delay or halt the waterway project: Now, therefore, be it

"*Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring therein*, That we do hereby memorialize the Congress of the United States of America to continue to fully fund the Tennessee-Tombigbee Waterway and urge scheduled completion of such waterway which is, and has been since its inception, a worthwhile project for the public benefit. Be it further

"*Resolved*, That copies of this Resolution be forwarded to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and to the members of Mississippi's Congressional Delegation."

POM-698. A petition from a citizen of Palm Springs, Fla., relative to tax legislation affecting members of Congress; to the Committee on Finance.

POM-699. A resolution adopted by the 16th Guam Legislature; to the Committee on Finance.

"RESOLUTION No. 192

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, the 1981 Packwood-Moynihan Tuition Tax Credit Bill would establish a federal tax credit for tuition paid by parents who send their children to a non-government school; and

"Whereas, an additional feature of the 1981 Packwood-Moynihan Tuition Tax Credit Bill is a refund provision for those parents who do not earn a taxable income but do pay tuition for their children to attend a non-government school; and

"Whereas, the 1981 Packwood-Moynihan Tuition Tax Credit Bill would apply to college, vocational, secondary and elementary tuition; and

"Whereas, under present law, parents who exercise their basic right to send their children to a non-government school are being doubly taxed and are not afforded relief as proposed by the 1981 Packwood-Moynihan Tuition Tax Credit Bill; and

"Whereas, November 1981 has been declared "National Tuition Tax Credit Month" to draw attention to the proposal that tuition tax credit legislation is urgently needed to remove the unfair burden of double taxation placed upon parents who exercise their basic right to educate their own children according to their own moral, religious and cultural values; now, therefore, be it

"*Resolved*, That the Sixteenth Guam Legislature of the territory of Guam does support passage of federal tuition tax credit legislation with refund provisions as proposed in the 1981 Packwood-Moynihan Tuition Tax Credit Bill and urges the Congress and the President to accept this legislation that would eliminate tax penalties which now exist for those parents who pay tuition to send their children to non-discriminating, non-government schools whose curriculum corresponds with religious, moral and cultural values embraced by the families; and be it further

"*Resolved*, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States of America, the Honorable Ronald Reagan; to the U.S. Secretary of Education; to the Speaker of the United States House of Representatives; to the President of the U.S. Senate; to all members of the U.S. Congress; to the Honorable Antonio B. Won Pat; to His Excellency Bishop Felixberto C. Flores; to the Administrators of each nongovernment school within the territory; and to the Governor of Guam."

POM-700. A resolution adopted by the Senate of the State of Michigan; to the Committee on Finance:

SENATE RESOLUTION No. 349

"Whereas, Recent federal budget cuts are having devastating effects on the services offered to Michigan's many unemployed individuals, including the closing of various Michigan Employment Security Commission offices throughout the state and a substantial reduction in the Work Incentive Program (WIN). They are also resulting in the immediate layoff of more than 750 Michigan Employment Security Commission employees, over and above the 1,000 employees which the Michigan Employment Security Commission laid off in September of 1981; and

"Whereas, While these cuts will undoubtedly affect millions of unemployed individuals throughout our nation, they will be especially devastating to the State of Michigan, which is reeling under the country's highest unemployment rate. It will also hinder unemployed individuals in locating available jobs for which they are eligible. Last year, 19,335 WIN participants found gainful employment, saving at least $6.5 million in welfare benefits and contributing immeasurably to the quality of their lives; and

"Whereas, The State of Michigan has been on a determined course over the years to keep its economy on an even keel and to reduce Michigan's staggering unemployment rate. These federal budget cuts constitute a major setback to this effort and are not good public policy; now, therefore, be it

"*Resolved by the Senate*, That the members of this legislative body memoralize the President and the Congress of the United States to reconsider the recent budget cuts which are so particularly devastating to unemployed individuals; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the Michigan Congressional Delegation."

POM-701. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 52

"Whereas, There have been numerous confirmed reports of Americans still being held hostage by Communist forces as a result of the Korean and Southeast Asian conflicts; and

"Whereas, More than 2,800 American troops are still unaccounted for from the Korean and Southeast Asian conflicts; and

"Whereas, Since 1973, there have been more than 4,000 individual sighting reports made with respect to Americans still being held prisoner in Southeast Asia; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take every step necessary to secure the return of all

Americans still held as prisoners of war in Southeast Asia; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM-702. A concurrent resolution adopted by the Legislature of the State of Minnesota; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas, almost nine years have elapsed since the Paris agreement that was to have ended American involvement in the war in Southeast Asia; and,

"Whereas, one of the conditions of that agreement was provision for a return or accounting for prisoners of war and persons missing in action; and,

"Whereas, the government of Vietnam has only provided information on 79 of the missing and this only through the pressure of determined families and dedicated congressmen; and,

"Whereas, 2,490 Americans, including 45 Minnesotans, remain unaccounted for with investigation of their status arrested by failure of the Socialist Republic of Vietnam and its allied governments to cooperate and assist; and,

"Whereas, there have been repeated verified sighting reports that some of the missing men are still alive in Southeast Asia; and,

"Whereas, the sorrow, anxiety, and frustration of the families of these men cannot be dispelled by delay or neglect; and,

"Whereas, it is America's duty to ensure, through an authentic, comprehensive investigation, the return of Americans still in Southeast Asia and to account for Americans who have perished there; and,

"Whereas, Congress has established a Task Force on American Prisoners and Missing in Southeast Asia that has held hearings on the evidence relating to the status of the missing in Southeast Asia; and

"Whereas, another hearing of the Task Force will be held on January 27, 1982, the ninth anniversary of the Paris accords, at which Secretary of State Alexandar Haig and Secretary of Defense Casper Weinberger have been invited to testify on present initiatives to achieve more success on learning the status of the missing men; and,

"Whereas, it is absolutely essential that the governments of the United States and the Socialist Republic of Vietnam act now to account for the missing; now, therefore,

"Be it resolved by the Legislature of the State of Minnesota that the government of the United States should do all it can to answer the questions surrounding the status of the missing men, to secure the return of any living prisoners or missing persons, and to secure the return of the remains of the dead.

"Be it further resolved that the Socialist Republic of Vietnam should immediately yield all information it has on the status of the missing especially since there is no reason for them to refuse to give this information other than a calculated effort to protract the agony of the families of the missing.

"Be it further resolved that the Secretary of State of Minnesota is directed to send certified copies of this resolution to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations."

POM-703. A resolution adopted by the House of Delegates of the American Bar Association, relative to amending the Freedom of Information Act; to the Committee on the Judiciary.

POM-704. A resolution adopted by the Florida Cabinet, relative to the "Missing Childrens Act"; to the Committee on the Judiciary.

POM-705. A resolution adopted by the Senate of the State of Michigan; to the Committee on the Judiciary.

"RESOLUTION

"Resolved by the Senate (the House of Representatives concurring), That there be created a special committee to consist of three members of the Senate and three members of the House of Representatives, to be appointed in the same manner as standing committees of the Senate and House are appointed; to function during the 1982 Regular Session of the Legislature, and until December 31, 1982, to study the drug abuse problem. The special committee shall report on its progress in writing by June 30 and December 31 of 1982 and shall report its findings and recommendations in writing to the Legislature by December 31, 1982; and be it further

"Resolved, That the committee may call upon the Legislative Service Bureau, subject to approval of the Legislative Council, for such services and assistance as it deems necessary; and be it further

"Resolved, That the members of the committee shall serve without compensation, but shall be entitled to actual and necessary travel and other expenses incurred in the performance of official duties, the expenses of the members of the Senate to be paid, subject to the approval procedures of the Senate, from the appropriations to the Senate and the expenses of the members of the House to be paid, subject to the approval procedures of the House, from the appropriations to the House of Representatives."

POM-706. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary:

"RESOLUTION

"Whereas annually the United States moves more deeply into debt as its expenditures exceed its available revenues and the public debt now exceeds hundreds of billions of dollars; and

"Whereas annually the federal budget demonstrates the unwillingness or inability of the federal government to spend in conformity with available revenues; and

"Whereas proper planning, fiscal prudence, and plain good sense require that the federal budget be in balance absent national emergency; and

"Whereas a continuously unbalanced federal budget except in a national emergency causes continuous and damaging inflation and consequently a severe threat to the political and economic stability of the United States; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress or, on the application of the legislatures of two-thirds of the states, Congress shall call a constitutional convention for the purpose of proposing amendments;

"Be it resolved by the Alaska State Legislature that the Congress of the United States is requested to propose and submit to the states an amendment to the Constitution of the United States which would require that within four years after its ratification by the various states, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that, alternatively, this body makes application and requests that the Congress of the United States call a convention for the sole and exclusive purpose of proposing an amendment to the Constitution of the United States which would require that, in the absence of a national emergency, the total of all appropriations made by Congress for a fiscal year shall not exceed the total of all estimated federal revenues for that fiscal year; and be it

"Further resolved that if Congress proposes such an amendment to the Constitution this application shall no longer be of any force or effect; and be it

"Further resolved that this application and request shall no longer be of any force or effect if the convention is not limited to the exclusive purpose specified by this resolution."

POM-707. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Labor and Human Resources:

"RESOLUTION 207

"Whereas, the federal government historically has recognized and accepted its responsibility for providing public educational opportunities for dependents of personnel in its uniformed services and for those American Indians residing on Indian reservations; and

"Whereas, for more than one hundred years, this responsibility was met through various funding acts such as the Lanham Act for the military and the Bureau of Indian Affairs for Indians and since 1950 under P.L. 874, otherwise known as impact aid; and

"Whereas, the State of Nebraska has entered into agreements with the federal government which have substantially limited the availability of revenue resources at the local level in school districts which are severely impacted by federal activity; and

"Whereas, appropriations for impact aid for fiscal year 1982 have already been reduced by almost fifty per cent below fiscal year 1981 levels based on a continuing resolution which expires in March 1982, and this has led to uncertainties in planning for the current year's operation due to a possible cut back of up to six million dollars; and

"Whereas, highly impacted districts cannot possibly be expected, nor is it fiscally possible in such districts, to replace the lost funds through increases in local property taxes since the tax dollars needed could exceed the actual valuation of the taxable property; and

"Whereas, the State of Nebraska collects sales and income taxes to support public elementary and secondary education through the foundation and equalization program under which the impacted school districts

currently receive the highest aid per pupil in the state; and

"Whereas, further reductions have been proposed for impact aid in the current year and for fiscal year 1983. Now, therefore, be it

Resolved, by the Members of the Eighty-Seventh Legislature of Nebraska, Second Session:

"1. That the Legislature opposes cuts in impact aid which cannot be replaced by local property taxes.

"2. That the Legislature opposes shifting a recognized federal responsibility to state and local government.

"3. That the Legislature request the federal government, through its executive and legislative branches, to reaffirm through adequate budget recommendations and appropriations its obligation for the education of those students in public school districts which are highly impacted by its actions.

"4. That the Clerk of the Legislature send copies of this resolution to the President, the Office of Management and Budget, and the Department of Education, for their consideration, and copies to Nebraska's Congressional delegation, and appropriate committees of the Congress for their information."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

James Jay Jackson, of Texas, to be a Member of the Federal Home Loan Bank Board for the remainder of the term expiring June 30, 1982.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEINZ:

S. 2132. A bill to designate certain public lands in the Allegheny National Forest in the State of Pennsylvania as wilderness, to designate certain other lands in that national forest as a national recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GORTON (for himself and Mr. JACKSON):

S. 2133. A bill to designate certain lands in the State of Washington as a national volcanic area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STAFFORD:

S. 2134. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and other purposes; to the Committee on Environment and Public Works.

By Mr. LAXALT:

S. 2135. A bill to amend the Administrative Conference Act, by authorizing appropriations therefor; to the Committee on the Judiciary.

By Mr. DECONCINI (for himself and Mr. THURMOND):

S. 2136. A bill to amend the Communications Act of 1934; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2137. A bill to amend the Policemen and Firemen's Retirement and Disability Act and other relevant provisions of law to correct an inequity created by the merit pay system; to the Committee on Governmental Affairs.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GORTON, Mrs. HAWKINS, Mr. HAYAKAWA, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LEAHY, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MELCHER, Mr. NUNN, Mr. PERCY, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. TOWER, and Mr. ZORINSKY):

S.J. Res. 148. A joint resolution to proclaim March 18, 1982, as "National Agriculture Day"; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. DECONCINI, Mr. MATHIAS, Mr. PRYOR, Mr. BUMPERS, Mr. EAGLETON, Mr. BURDICK, Mr. PELL, Mr. WEICKER, Mr. SASSER, Mr. ARMSTRONG, Mr. HEINZ, Mr. STENNIS, Mr. CRANSTON, Mr. RANDOLPH, Mr. GOLDWATER, Mr. MATSUNAGA, Mr. TOWER, Mr. CHAFEE, Mr. HUDDLESTON, Mr. DURENBERGER, Mr. DENTON, Mr. FORD, Mr. BAUCUS, Mr. PROXMIRE, and Mr. PACKWOOD):

S.J. Res. 149. A joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERT C. BYRD (for himself, Mr. MOYNIHAN, and Mr. JOHNSTON):

S. Res. 322. A resolution expressing the sense of the Senate with respect to possible actions taken to expel Israel from the General Assembly of the United Nations; to the Committee on Foreign Relations.

By Mr. HART:

S. Res. 323. A resolution concerning STOP talks; to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. Res. 324. A resolution relative to production and importation of narcotics.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEINZ:

S. 2132. A bill to designate certain public lands in the Allegheny National Forest in the State of Pennsylvania as wilderness, to designate certain other lands in that national forest as a national recreation area, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA WILDERNESS ACT OF 1982

● Mr. HEINZ. Mr. President, I am proud to be introducing today the Pennsylvania Wilderness Act, a House companion to which is being introduced simultaneously by Representative WILLIAM F. CLINGER, JR. This legislation would end years of controversy surrounding management of the Allegheny National Forest (ANF) in northwest Pennsylvania by striking a responsible balance among the competing demands placed upon this picturesque area. In fact, the legislation represents a carefully crafted compromise addressing the interests of such diverse parties as environmental and conservation groups; timber companies; owners of subsurface oil, gas, and mineral rights within the ANF; local merchants; sportsmen; and recreational enthusiasts.

For the benefit of my distinguished colleagues and the residents of Pennsylvania and surrounding States who are within easy driving distance of this picturesque area, let me briefly explain the provisions of the Pennsylvania Wilderness Act and its impact on land management within the ANF.

This legislation would create within the ANF two wilderness areas and a national recreation area, preserving the unique attributes of these areas while also insuring that the private property rights of owners of subsurface oil, gas, and mineral rights are adequately protected. Holders of these subsurface rights would be allowed to exercise them even within the designated wilderness areas but would be directed to take economically feasible steps to minimize the conflict between resource development and protection of wilderness values. Although the legislation contains no condemnation authority and does not contemplate acquisition of these subsurface rights by the Federal Government—which now owns 2 percent of such rights within the forest boundaries—it does direct the Secretary of Agriculture in cooperation with the Secretary of the Interior to seek voluntary exchanges with subsurface right holders for comparable rights in nonwilderness areas. Besides explicitly protecting subsurface right holders, the legislation further promotes orderly and balanced development of the vast resources of the ANF by permanently releasing from potential wilderness designation roughly 98 percent of the land area of the national forest. Multiple-use management of these nonwilderness areas would thus not be impaired by the potential for future wilderness designations. The only potential wilderness additions within the current boundaries of the national forest are Allegheny River islands not designated as wilderness by the Pennsylvania Wilderness Act.

Designated as wilderness by the legislation would be two areas, the Allegheny River Island (totaling roughly 370 acres) and Hickory Creek (about

9,400 acres). Recommended for wilderness as a result of the Roadless Area Review and Evaluation (RARE) II process, the seven islands comprising the Allegheny River Islands Wilderness Area are all alluvial in origin and characterized by river-bottom forest. All ages and sizes of trees grow here, including virgin stands with specimens over 4 feet in diameter. Also present is extremely dense, herbaceous undergrowth with ferns reaching 6 to 7 feet in height. The islands are often used for camping by canoeists and fishermen. Specifically designated as wilderness by this legislation would be the following islands:

Crulls Island: 96.2 acres with a unique old growth of virgin river bottom forest stands. About one-third of the island is an old field community. The Forest Service owns fifteen-sixteenth of the subsurface rights underlying the island.

Thompsons Island: 66.9 acres, the site of the only Revolutionary War battle in northwest Pennsylvania, and covered with exceptionally fine riverine forest. All subsurface rights are reserved by third parties.

R. Thompsons Island: 30 acres, has been acquired along with all subsurface rights from the Western Pennsylvania Conservancy.

Courson Island: 61.5 acres, including two fields—now overgrown—and a small section of telephone right-of-way. It is a conspicuous feature from the popular Tidioute Overlook and has some old growth forest.

King Island: 35.7 acres, has good riverine forest with many trees 35 to 50 inches in diameter. The Forest Service owns all subsurface rights.

Baker Island: 66.9 acres, has an old field and an excellent old growth forest with very large specimens. Subsurface rights are outstanding in third parties.

No Name Island: 9.9 acres, is equally divided between river bottom trees and dense undergrowth. All subsurface rights are outstanding in third parties.

The second wilderness proposal is Hickory Creek, 9,427 acres, one of the largest, relatively undisturbed areas in the Allegheny National Forest. Noted for its northern hardwoods, Hickory Creek was the most highly rated tract for inclusion in the National Wilderness System by wilderness advocacy groups—and it is not hard to understand why. The predominant topography consists of gentle, rolling hills. The major stream, Middle Hickory Creek, flows through meadows studded with bogs and beaver ponds. This is a major wildlife area with 15 acres of maintained food plots and many natural, scenic openings. In 1974, severe windstorms damaged one 850-acre area. All the subsurface rights are privately owned.

Besides the two wilderness designation, the legislation would also establish a 9,200-acre Kinzua National Recreation Area. Essentially the area studied under RARE II as "Tracy Ridge," the Kinzua NRA would be managed so as to maximize the recreational opportunities available to visitors, including boating, camping, hiking, and swimming. Located on the east bank of the Allegheny Reservoir at Kinzua Dam, the Kinzua NRA is a relatively undisturbed area of the forest and is heavily forested in second-growth timber. Among the attractions of the area are outcroppings of rock, large boulders, steep topography, and the Allegheny Reservoir, which surrounds the area on three sides. Several hiking trails cross the area, including the renowned North Country Trail. Two "boat-to" campgrounds within the proposed NRA can also be reached by trail. Of the subsurface rights underlying the Kinzua NRA, 94 percent are either reserved or outstanding in third parties.

From the foregoing description of the provisions of the Pennsylvania Wilderness Act, I am sure my distinguished colleagues will agree that it represents a responsible balance among many competing interests and priorities. Equally important is the fact that its passage will erase the uncertainty that has hindered efforts at long-range land use planning and management within the national forest.

In closing, Mr. President, I hope that action on this measure can be expedited within the Senate Committee on Energy and Natural Resources on which I serve and that we shall soon see its favorable consideration by the full Senate.

I ask that the explanation entitled "Questions and Answers About the Pennsylvania Wilderness Act," together with the bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pennsylvania Wilderness Act of 1988".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-1136), the following lands in the Allegheny National Forest as generally depicted on a map entitled "Allegheny National Forest—Rare II Inventories Roadless and Undeveloped Areas (9/29/77)" are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

(1) the Allegheny Islands Wilderness comprising approximately three hundred and sixty-eight acres and composed of Crulls Island, Thompson Island, R. Thompsons Island, Courson Island, King Island, Baker Island, and No Name Island; and

(2) the Hickory Creek Wilderness comprising approximately nine thousand and four hundred acres.

(b)(1) Subject to valid existing rights, the wilderness areas designated under subsection (a) shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(2) It is the intent of Congress that—

(A) the designation of lands as wilderness under subsection (a) shall not be construed to—

(i) impose any legal impediment not otherwise provided by law on the exercise of valid outstanding or reserved oil, gas, or mineral rights, or

(ii) modify Federal or State laws otherwise applicable to the validity or utilization of such rights; and

(B) oil, gas, and mineral rights holders cooperate to the fullest economical extent feasible in protecting wilderness values while exercising their oil, gas, and mineral rights.

(c) As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of the wilderness areas designated under subsection (a) with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in such legal description and map may be made.

(d)(1) To achieve the purposes of this section by reducing or eliminating potential conflicts between the management of the federally owned surface estate herein designated as wilderness and the exercise and utilization of valid private outstanding or reserved oil, gas, and mineral rights, the Secretary of Agriculture, in cooperation with the Secretary of the Interior, is authorized to initiate negotiations to acquire, by exchange, such private rights and private oil, gas, and mineral rights in the Allegheny National Forest which are adjacent to the boundaries of such wilderness areas.

(2) To carry out any such negotiated exchange agreement, the Secretary of the Interior is authorized to convey federally owned oil, gas, and mineral interests or rights in the contiguous forty-eight States in exchange for private oil, gas, and mineral rights within, and adjacent to, the wilderness areas designated under subsection (a). Federally owned mineral interests or rights which may be conveyed include bidding rights that may be exercised in competitive coal lease modifications, or both, under sections 2 and 3 of the Mineral Leasing Act of 1920 (30 U.S.C. 201(a), 203).

(3) The fair market values of any interests exchanged under this section shall be approximately equal, or if not equal, the values shall be equalized by the payment of money as the circumstances require, except that the payment required for equalization shall not exceed 25 per centum of the total value of the interests to be conveyed.

(4) The fair market value of any interest exchanged under this section shall be determined on the basis of a real property appraisal methodology agreed upon by the Secretary, the Secretary of the Interior, and the person with whom such interest is exchanged.

(5) There is hereby authorized to be appropriated such sums as may be necessary to establish the value of the nonfederally

owned oil, gas, or other mineral rights lying within the wilderness areas designated under this section and to establish the value of federally owned oil, gas, or other interests or rights to be exchanged under the authority contained in this subsection. Effective October 1, 1982, there are hereby authorized to be appropriated such sums as are necessary to carry out the other provisions of this section.

(6) Exploration activities, including core drilling and use of mechanized ground equipment, shall be allowed in the wilderness designated by this section, to determine the value of the nonfederally owned oil, gas, and other mineral resources therein, under such reasonable stipulations and conditions as may be imposed by the Secretary to prevent harm to the wilderness values.

(7) In determining the value of Federal oil, gas, and mineral interests to be exchanged, the Secretary of the Interior shall conduct evaluations on no more than four sites mutually identified by the Secretary and private owners for possible exchange. The Secretary shall provide the owner with all data resulting from such evaluations if the private owner of such rights makes available to the Secretary all information of such owner pertaining to the validity and extent of such private oil, gas, and mineral interests.

(e)(1) For the protection of Federal property rights, the owners of all valid reserved or outstanding oil, gas, and mineral rights not exchanged or otherwise conveyed out of the wilderness areas designated under this section, shall be required to prepare and submit to the Secretary a plan detailing the utilization of the surface during any activities related to exploration, development, or extraction of oil, gas, or other minerals.

(2) The plan shall establish compliance with all Federal, State, and local permit and other requirements including, but not limited to, requirements pertaining to prevention of air and water pollution, and use and restoration of the surface after termination of the activities.

(3) The plan shall address options for extraction of the oil, gas, or minerals resources by locating drill sites and other entries, along with support facilities, outside the wilderness area. The Secretary shall facilitate such siting, on adjacent nonwilderness National Forest lands through his regulation of the occupancy and use of such lands.

(4) Notwithstanding the Wilderness Act but consistent with all other Federal, State, and local laws and regulations, the Secretary may condition his approval of the plan with reasonable requirements for the location within the wilderness area of drilling and mining sites, access roads and utilities, cutting and disposal of timber, and other requirements deemed necessary for the protection of the National Forest resources.

SEC. 3. (a) Except for the islands in the Allegheny River between Kinzua Dam and the Township of Tionesta, all lands within the present proclamation boundary of the Allegheny National Forest which have not been designated as wilderness on or before such date shall be deemed, for purposes of all present and future land management plans and associated environmental statements, required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System, and shall hereafter be managed for uses other than wilderness.

(2) Unless expressly authorized and directed by Congress, the Secretary shall not conduct any further roadless area review and evaluation of lands within the Allegheny National Forest or any other review of such lands for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System unless expressly authorized by Act of Congress adopted after the effective date of this Act.

(3) The designation of a wilderness area under this Act shall not lead to the creation of protective perimeters or buffer zones around such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not preclude such activities or uses up to the boundary of the wilderness area.

(b) Congress intends that the Secretary manage the following lands within the Allegheny National Forest identified for further planning for uses other than wilderness and in accordance with subsection (a) of this section:

Area code	Area name	Net acreage
09031	Cornplanter	3,012
09019	Allegheny Front	7,424
09022	Clarion River	3,440

SEC. 4. (a) To assure that the scenic, historical, archeological, and wildlife resources of the Kinzua area in the Allegheny National Forest in Pennsylvania are protected and preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Kinzua National Recreation Area (hereinafter in this Act referred to as the "Recreation Area").

(b) The Recreation Area shall comprise an area of approximately 9,500 acres as generally depicted on a map entitled "Kinzua National Recreation Area Proposed (2/24/82)". The Secretary shall, within eighteen months after the date of enactment of this Act, file a map and legal description of the Recreation Area with the Committee on Energy and Natural Resources, the United States Senate, and the Committee on Interior and Insular Affairs of the House of Representatives. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) The Secretary shall administer the Recreation Area in accordance with this Act and the laws, rules, and regulations applicable to the national forests and in a manner which will minimize to the extent practicable the environmental impact of energy exploration, development, and transportation.

(d) The Secretary shall prepare and publish, and may from time to time amend, a management plan for the Recreation Area to carry out the purposes of this section. The plan may be prepared in conjunction with, or incorporated with, ongoing planning for the Allegheny National Forest in accordance with the National Forest Management Act of 1976. Such plan shall include, but not be limited to—

(1) standards and guidelines for protection and preservation of the historic, archeological, and paleontological resources in the Recreation Area for the public benefit and knowledge;

(2) provisions for the control of the use of motorized and mechanical equipment which will assure the use and protection of the Recreation Area in accordance with the purposes of this section;

(3) provisions for energy exploration, development, and related transportation within the Recreation Area including provisions permitting reasonable access by road and the necessary clearance of sites, consistent with the purposes of this Act, which insure that (A) exploration, development, and transportation of oil and gas resources is economically feasible, (B) disturbances to the environment are minimized, (C) revegetation of access roads and related sites is undertaken when oil and gas is no longer produced within areas concerned; and

(4) management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment.

(e) The Secretary shall permit hunting and fishing within the boundaries of the Recreation Area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this paragraph shall be put into effect only after consultation with the appropriate State fish and game department.

QUESTIONS AND ANSWERS ABOUT THE PENNSYLVANIA WILDERNESS ACT

WHAT WOULD THE PENNSYLVANIA WILDERNESS ACT DO?

The bill would:

(1) Create 2 wilderness areas within the Allegheny National Forest: (a) the Allegheny Islands Wilderness, and (b) the Hickory Creek Wilderness.

(2) Create a national recreation area within the Allegheny National Forest: the Kinzua National Recreation Area.

(3) Provide for permanent release of all other land in the Allegheny National Forest from future wilderness consideration, except for the remaining islands on the Allegheny River. The remaining Allegheny River Island may be considered for future wilderness designation.

(4) Provide for an innovative procedure whereby the Secretary of the Interior, and the Secretary of Agriculture may arrange for voluntary exchanges of subsurface rights in the designated Wilderness Areas for subsurface rights under other Federal lands.

WHAT IS INCLUDED IN THE ALLEGHENY ISLANDS WILDERNESS AREA?

The Allegheny Islands Wilderness consists of 7 islands on the Allegheny River. All are alluvial in origin, and characterized by river bottom forest.

All ages and sizes of trees grow here, including virgin stands with specimens over 4 feet in diameter. Extremely dense, herbacious undergrowth is prevalent, with some ferns reaching 6 or 7 feet in height.

The islands are often used by canoeists and fishermen for camping sites.

The following islands are included:

(1) Crulls Island: 96.2 acres, it has unique old growth or virgin bottom, forest stands. About one-third of the island is an old field community. The Forest Service owns 15/16ths of all subsurface rights.

(2) Thompsons Island: 66.9 acres, it is the site of the only Revolutionary War battle in Northwest Pennsylvania. It has exceptionally fine riverine forest. All subsurface rights are reserved by third parties.

(3) R. Thompsons Island: 30 acres, it has been acquired with all subsurface rights from the Western Pennsylvania Conservancy.

(4) Courson Island: 61.5 acres, it includes two old fields now overgrown, and a small section of telephone right of way. The island is a charming part of the vista from the well used Tidioute Overlook, and has some old growth forest.

(5) King Island: 35.7 acres, it has good riverine forest with many trees 35 to 50 inches in diameter. The Forest Service owns all subsurface rights.

(6) Baker Island: 66.9 acres, it has excellent old growth forest with very tall specimens. Subsurface rights are outstanding in third parties.

(7) No Name Island: 9.9 acres, it is equally divided between river bottom trees and dense undergrowth. All subsurface rights are outstanding in third parties.

WHAT IS INCLUDED IN THE HICKORY CREEK WILDERNESS?

Hickory Creek was the most highly rated tract in the Allegheny National Forest for inclusion in the National Wilderness System by Wilderness advocacy groups.

Totaling 9,427 acres, Hickory Creek is one of the largest relatively undisturbed areas in the Allegheny National Forest. The predominant topography consists of gentle, rolling hills. The major stream, Middle Hickory creek, flows through meadows studded with bogs and beaver ponds.

This is a major wildlife area with 15 acres of maintained food plots and many natural, scenic openings in its tree growth, especially notable northern hardwoods. All subsurface rights are reserved in third parties.

WHAT IS INCLUDED IN THE KINZUA NATIONAL RECREATION AREA?

Essentially the area studied under the Roadless Area Review and Evaluation (RARE II) process as "Tracy Ridge," the Kinzua National Recreation Area will total 9,200 acres. The Kinzua NRA will be managed so as to maximize the recreational opportunities available to visitors, including boating, camping, hiking, and swimming.

Located on the East bank of the Allegheny river, just above the Kinzua dam, the Kinzua NRA is a relatively undisturbed area of the Allegheny National Forest and has heavy stands of second growth timber.

Among the attractions of the area are outcroppings of rock, large boulders, steep topography, and the Allegheny Reservoir, which surrounds the area on 3 sides.

Several hiking trails cross the NRA, including the renowned North Country Trail.

Two "boat-to" campgrounds within the NRA will also be accessible by trail.

Ninety-four percent of the subsurface rights underlying the Kinzua National Recreation Area are either reserved or outstanding in third parties.

WHAT OTHER AREAS WITHIN THE FOREST COULD BE INCLUDED AS FUTURE WILDERNESS AREAS?

All of the remaining lands within the Allegheny National Forest would be permanently released from future Wilderness consideration. However, the remaining islands on the Allegheny may be considered for future wilderness designation.

HOW WILL THE PARK SERVICE ACQUIRE THE SUBSURFACE RIGHTS IN THE WILDERNESS?

Condemnation, that is purchase through eminent domain, is much too expensive during this time of budget constraint. However, to preserve the "untouched" spirit of Wilderness areas, the Secretary of the Interior and the Secretary of Agriculture are authorized to enter into agreements with private subsurface rights owners.

The agreements will allow Interior and Agriculture to acquire the subsurface rights lying below the newly created Wilderness areas in exchange for similarly valued subsurface rights owned by the Federal government in non-wilderness areas anywhere in the United States.

For instance, the Secretary of the Interior could exchange Federal subsurface rights in Wyoming with subsurface rights in the Hickory Creek Wilderness.

Thus, the Wilderness would be gradually acquired in its entirety by the Federal government.

WHY IS THE "EXCHANGE" PROVISION NECESSARY?

There are many competing demands placed upon the Allegheny National Forest. While most of the surface rights are owned by the Federal government, more than 90 percent of the subsurface rights under the land considered for Wilderness designation is outstanding in third parties.

The normal procedure in these instances is to condemn the subsurface rights under the Federal government's eminent domaine power, which involves paying just compensation, as required by the Constitution, for the fair value of the condemned property rights.

However, in a time of fiscal restraint, it is unlikely that Congress could appropriate the millions of dollars necessary to pay for the fair value of the subsurface rights owned by third parties.

Therefore, the "exchange" provision is necessary to balance the competing demands on the future Wilderness areas.●

By Mr. GORTON (for himself and Mr. JACKSON):

S. 2133. A bill to designate certain lands in the State of Washington as a national volcanic area, and for other purposes; to the Committee on Energy and Natural Resources.

MOUNT ST. HELENS NATIONAL VOLCANIC AREA ACT OF 1982

Mr. GORTON. Mr. President, today I am pleased to introduce legislation, with Senator JACKSON, entitled the "Mount St. Helens National Volcanic Area Act of 1982."

At 8:32 a.m. on May 18, 1980, after nearly 2 months of tremors and seismic activity, Mount St. Helens, located in southwest Washington State, exploded in a cataclysmic volcanic eruption that displaced an estimated 4 billion cubic yards of material onto the land and into the atmosphere. More than 235 square miles of National Forest, State and private lands were devastated by the explosion, hot gasses, pumice, mud flows and ash. The large ash cloud that accompanied the eruption reached 63,000 feet in elevation and drifted around the world. Thirty-four persons were killed and 28 others are still missing and presumed dead. Along with the human tragedy of the event, over 3 billion board feet of timber was downed or destroyed, anadromous fisheries were heavily damaged, as well as a large number of wildlife.

This awesome display of nature's power has attracted worldwide attention. Hundreds of studies have been initiated by researchers in the United States, Canada, Japan, and Germany. The unprecedented circumstances created by the volcano are of immeasurable scientific importance. The unique nature of the eruption—including the geologic events and features and the wide variety of unusual biologic impacts—have made Mount St. Helens an area of intense interest for researchers and the general public. The volcano has also become a worldwide tourist attraction.

The U.S. Forest Service released the final environmental impact statement on a land management plan for Mount St. Helens on October 15, 1981. It designates the area as a national volcanic area. Due to the importance and uniqueness of the eruption, I believe that Congress should pass legislation designating the area as a national volcanic area under the administration of the Forest Service. The Forest Service has done a competent and professional job in putting together its land management plan for the area. The designation by statute of a national volcanic area will give added significance and importance to the Forest Service plan. Special designation status for the area is necessary to preserve and protect the scientific, historic, and natural resources presented by the volcano. This designation will preserve this area for future generations and will allow us to study and learn as much as possible from this rare phenomenon.

In introducing this legislation today, it is my intention and that of Senator JACKSON to offer the Forest Service plan as the starting vehicle for holding hearings so that all interested parties can express their views on boundaries, land management plans, and other significant issues concerning the Mount St. Helens volcanic area. This legislation provides the Forest Service with the additional authorities it needs to implement the Mount St. Helens land management plan and also provides a section dealing with the State and private lands that are located within the boundaries of the Mount St. Helens National Volcanic Area.

The bill directs the Secretary to acquire by exchange, purchase, or donation, the approximately 26,000 acres of non-Federal lands located within the boundaries of the national volcanic area. This is an important section of the legislation which we will need to examine extensively during the hearing process. It is my strong belief that as we begin deliberations on this legis-

lation, it will become evident that specific exchange language will need to be included in the bill in order to expedite the acquisition of the non-Federal lands by the Secretary. I hope that hearings will be scheduled on this bill at the earliest possible date and I look forward to working with all interested parties to reach a consensus on Mount St. Helens legislation.

By designating Mount St. Helens a national volcanic area, the significant geologic features in the impact area of the volcano will be preserved and protected for future generations as well as providing immediate, unique opportunities for public education, interpretation and recreation, and research.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That this Act may be cited as the "Mount St. Helens National Volcanic Area Act of 1982."

DESIGNATION OF NATIONAL VOLCANIC AREA

SEC. 2. (a) That in furtherance of the purposes of this Act, certain lands within and adjacent to the Gifford Pinchot National Forest, Washington, which comprise of approximately 84,700 acres, as generally depicted on a map entitled "Mount St. Helens National Volcanic Area, October 15, 1981," are hereby designated as the Mount St. Helens National Volcanic Area (hereinafter referred to as the "Volcanic Area").

(b) As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall file a map and a legal description of the Volcanic Area designated under subsection (a) with the Committee on Energy and natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Such map and description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographic errors in such legal description may be made.

EXTENSION OF NATIONAL FOREST BOUNDARY

SEC. 3. (a) The exterior boundary of the Gifford Pinchot National Forest in the State of Washington, is hereby modified to include approximately 20,000 additional acres in Cowlitz County, as generally depicted on the map referenced in Sec. 2 of this Act.

(b) For the purposes of section 7(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, the boundary of the Gifford Pinchot National Forest, as modified by this section, shall be treated as if it were the boundary of that forest on January 1, 1965.

ADMINISTRATION

SEC. 4. (a) The volcanic Area designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act, appropriate laws pertaining to administration of the National Forest System, the Mount St. Helens Management plan prepared by the Forest Service, U.S. Department of Agriculture of subsequent revisions of that plan, or other applicable forest plans prepared in accordance with existing law.

(b) In furtherance of the purposes for which the Volcanic Area is established, the Secretary is authorized and directed to acquire all non-federal lands and interests therein within the boundaries of the Volcanic Area by exchange, purchase with donated or appropriated funds, or donation: *Provided,* That any lands owned by the State of Washington or any political subdivision thereof may be acquired only by exchange or donations.

(c) In recognition of the rapidly deteriorating nature of much of the timber in the Volcanic Area, any timber acquired pursuant to this section shall be valued at an amount not less than the fair market value of such timber on July 1, 1982.

(d) Lands and interests therein acquired pursuant to this section shall become National Forest System Lands under the jurisdiction of the Secretary to be managed in accordance with the provisions of this Act and other laws applicable to the management of the National Forest System.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There is hereby authorized to be appropriated for such sums as may be necessary to carry out the provisions of this Act.

Mr. JACKSON. Mr. President, I am pleased to join with my colleague Senator GORTON in cosponsoring this legislation to designate the Mount St. Helens National Volcanic Area.

On March 20, 1980, Mount St. Helens awoke from a 125-year dormant period with numerous small earthquakes. In the ensuing 2 months larger quakes and significant venting of steam occurred. On May 18, following an earthquake measuring 5 on the Richter scale, an avalanche and lateral explosion destroyed the northern portion of Mount St. Helens. The blast, accompanied by hot gases, pumice, and ash, devastated more than 235 square miles of national forest and State and private lands north of the mountain; all vegetation was killed, trees were destroyed or blown down, and 60 people were killed or missing and presumed dead. The large ash cloud that accompanied the eruption reached 63,000 feet in the air and drifted around the world. A covering of ash fallout blanketed large portions of the area. Smaller eruptions, pyroclastic flows; ash clouds, and episodes of nonexplosive dome growth have occurred since.

By any measure, the events that took place on and around May 18, 1981, were of national and international significance. The eruption of Mount St. Helens had a profound and permanent effect on the environment and the people directly and indirectly involved. I believe, therefore, that it is important, Mr. President, for the Congress to commemorate this event in an appropriate manner.

The bill Senator GORTON and I are introducting today is designed to help implement the recommendations contained in the Forest Service's Mount St. Helens land management plan. On balance, I believe the Forest Service's preferred alternative for the Mount St. Helens area is fair and balanced. It provides for protection of important volcanic features for public education interpretation, recreation, and research. The plan also provides for timber salvage and rehabilitation of much of the area.

This measure legislatively designates the 84,700-acre interpretative area as outlined in the land management plan (LMP) as a national volcanic area. The area is to be managed in accordance with the final LMP and other authorities available to the Forest Service for the administration and management for national forest system lands. The Secretary is directed to acquire the approximate 26,000 acres of non-Federal lands within the volcanic area using his existing authority to acquire land by donation, exchange, or purchase with appropriated funds. One of the factors we want to carefully explore at the hearings on this measure is the best way to acquire these non-Federal lands. The language in the bill now simply parallels the Forest Service's existing land acquisition authority. It may be that we will want to be more specific in our recommendations on this score as a result of our hearings and public input on this measure.

The bill also extends the boundary of the Gifford Pinchot National Forest to include approximately 20,000 additional acres of land not currently in the forest. Most of this land is also included within the volcanic area. Finally, because much of the down timber in the area is deteriorating at a rapid rate, the measure insures that the value of the timber will be fixed as of a date certain so that any delay in completing the acquisition of the non-Federal lands will be less burdensome to the affected landowner.

Mr. President, I think that both Senator GORTON and I believe that this bill will serve as a good vehicle to begin the process of deciding what to do legislatively about Mount St. Helens. There may be some changes before the measure is enacted—in fact, I am confident there will be changes made. But the important thing is to begin the process now so that a bill can be enacted before the end of this Congress. I look foward to working with Senator GORTON and all interested parties in arriving at a consensus on this matter.

By Mr. STAFFORD:

S. 2134. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Environment and Public Works.

AUTHORIZATION OF APPROPRIATIONS FOR JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. STAFFORD. Mr. President, I send to the desk a bill submitted on behalf of the administration to extend the monetary authorization of the John F. Kennedy Center Act so as to provide the Center with the usual Federal funding, and ask that it be appropriately referred.

Under the John F. Kennedy Center Act, the Secretary of the Interior, acting through the National Park Service, is required to provide services necessary to the nonperforming arts or memorial functions of the Center, including informational, interpretation, janitorial, maintenance, and security services. However, the Congress has only authorized and appropriated funds for this purpose through the close of fiscal year 1982.

The bill would authorize $3,986,000 for the fiscal year 1983. The request of the administration is contained in Executive Communication No. 2651, dated February 5, 1982, from the Department of Interior, which has responsibility for the Park Service.

The John F. Kennedy Center Act is one of the responsibilities of the Senate Committee on Environment and Public Works. As chairman of the committee, I am pleased to introduce this administration's bill so that it may be properly considered by the committee.

By Mr. LAXALT:

S. 2135. A bill to amend the Administrative Conference Act, by authorizing appropriations therefor; to the Committee on the Judiciary.

AUTHORIZATION OF APPROPRIATIONS FOR THE ADMINISTRATIVE CONFERENCE ACT

● Mr. LAXALT. Mr. President, I am introducing S. 2135, a bill to extend for 4 years the authorization of the Administrative Conference of the United States.

The Administrative Conference of the United States as an independent Federal Agency whose principal mission is to perform studies and to recommend improvements in the administrative procedures used by all Federal departments and agencies. Its members are drawn from the Federal agencies and from the private sector. They meet in plenary session usually twice a year, to consider reports and proposed recommendations which have been prepared by the Conference's consultants and its standing committees. From 1968 through 1980 the Conference issued 84 formal recommendations. The Conference also collects information and furnishes informal advice to the agencies and to Congress on the whole range of administrative procedure problems. I know that the work of the Conference has been extremely valuable to those of us who have been engaged in the exceedingly difficult task of preparing regulatory reform legislation.

The Conference is, I must emphasize, a very small agency with a budget of approximately $1.1 million and a permanent staff of 20. In 1978 Congress was sufficiently impressed by the achievements of the Conference to enact legislation substantially increasing the Conference's authorization for fiscal year 1979 through 1982 so as to provide for an expanded Conference program. However, because of uncertainty over the role the Conference would play in the Carter administration's regulatory reform program, that authorization was not translated into an increased budget, and consequently the Conference has not been able to carry out the program expansion which it had hoped for.

The Conference now has a new Chairman, Loren A. Smith, formerly a professor at Delaware Law School, whom I know personally and for whom I have a high regard. President Reagan has recently appointed a very strong and able slate of council members to serve as the Board of Directors of the Conference. With this leadership and the support of the administration, the Conference is in a position to fulfill the potential role which Congress saw for it in 1978. I hope the Judiciary Committee will be able to give prompt consideration to this bill to extend the authorization of the Administrative Conference.●

By Mr. DECONCINI (for himself and Mr. THURMOND):

S. 2136. A bill to amend the Communications Act of 1934; to the Committee on the Judiciary.

TRANSMISSION OF PORNOGRAPHY OVER CABLE TELEVISION

● Mr. DeCONCINI. Mr. President, today, on behalf of myself and Senator THURMOND, I am introducing S. 2136, a bill to make illegal the transmission, either over broadcast television or cable television, of obscene, indecent or profane language or material.

A serious question arises concerning the jurisdiction of the Federal Communications Commission to prohibit such material on television or cable television. This legislation would establish the fact that such transmission, whether over the airwaves or over cable, is illegal.

Mr. President, with the advent of cable television, it is more difficult to restrict the flow of pornographic and obscene materials into the American home. I understand that there are certain channels on some cable systems that are devoted entirely to transmitting pornographic movies and other materials. I believe this legislation will stop the use of such public facilities for these purposes.

Mr. President, one of the most pressing problems facing the traditional moral fabric of America today exists in relation to the present exploitation of pornography and sexual exploitation in all facets of communication and commerce. Particularly, recent years have seen pornography and obscenity removed from the back alleys and so-called adult bookstores and theaters of our major urban centers and spread across the newsstands, movie screens, and televisions in virtually every urban and rural community. With the great technological advances recently accomplished in video, television, and electronic industries, the availability of nudity and sexual activity is now increasingly common. This is noteworthy especially in the increasing appearance of sex and nudity on cable and subscription television. This bill will add 47 U.S.C. section 511 to codify and clarify existing law on the applicability of its prohibition of obscenity and indecency on television, cable television, and radio communication.

The Communications Act of 1934, predated the present cable and subscription television ventures.

However, Congress, by those acts, sought to set a policy of importance to accept standards of morality for those forms of mass communication by radio or television which reach the American public on a grand scale. Thirty years ago, the courts construed the term "radio" in section 1464 to include both radio and television. *Du Mont Laboratories* v. *Carroll*, 184, F.2d 153 (3d Cir. 1950), cert. denied, 340 U.S. 929 (1951). However, the development of cable television or CATV took place during and after the 1950's and the reach of existing laws had been somewhat uncertain, as noted by the Supreme Court in *United States* v. *Southern Cable Co.*, 392 U.S. 157 (1968).

The courts are now dealing with the complex differences and similarities between cable and broadcast television, they have generally recognized that under 47 U.S.C. section 152(2) the FCC has the power of certain regulations over cable television where the ends to be achieved are long established in the field of television or are congressionally approved. See: *United States* v. *Midwest Video Corp.*, 406 U.S. 649 (1972); *United States* v. *Southwestern Cable Co., supra;* and *HBO* v. *FCC*, 567 F.2d 9, 13 (D.C. Cir. 1977). Clarifying that section 1464 applies to cable television as well as broadcast television satisfies both criteria, and such is the intent of this bill.

The primary purpose of section 1464 has always been to insure basic standards of decency in mass communications. Such standards are required as part of a civilized society's commitment not only to setting a proper example for our children and young people but also for the common good inherent in traditional public morality for citizens of all ages.

The Government's interest in private morality, however, is very limited

and highly restricted. Context is important in first amendment considerations. One can scream "fire" during a fire but not in a theater. One can keep and use obscenity in his home but cannot sell or buy it in the marketplace or carry it in interstate or foreign commerce. Similarly, one can exhibit simple nudity is some settings but not in public streets. As the Supreme Court made clear even as to pure speech, one can discuss censorship and even use dirty words but not on the radio when their use would be patently offensive.

In the cornerstone case of *FCC* v. *Pacifica Foundation*, 438 U.S. 726 (1978), the Commission had ruled that a radio broadcast of certain expletives and so-called dirty words during daytime hours was patently offensive and therefore indecent under section 1464. The Court noted the distinctions in content restrictions between broadcastings and other forms of commerce such as newspapers and other bookstores. Two reasons for these distinctions were highlighted in the Pacifica decision, 438 U.S., 748-49:

The reasons for these distinctions are complex, but two have relevance to the present case. First, the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be left alone plainly outweighs the First Amendment rights of an intruder. *Rowan* v. *Post Office Dept.* 397 U.S. 728, 25 L. Ed. 2d 736, 90 S Ct. 1484. Because the broadcast audience is constantly tuning in and out, prior warnings cannot completely protect the listener or viewer from unexpected program content. To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow. One may hang up on an indecent phone call, but that option does not give the caller a constitutional immunity or avoid a harm that has already taken place.

Second, broadcasting is uniquely accessible to children. even those too young to read. Although Cohen's written message might have been comprehensible to a first grader, Pacifica's broadcast could have enlarged a child's vocabulary in an instant. Other forms of offensive expression may be withheld from the young without restricting the expression at its source. Bookstores and motion picture theaters, for example, may be prohibited from making indecent material available to children. We held in *Ginsberg* v. *New York*, 390 U.S. 629, 20 L. Ed. 2d 195, 88 S. Ct. 1274, 44 Ohio Ops 2d 229, that the Government's interest in the "well-being of its youth" and in supporting "parents' claim to authority in their own household" justified the regulation of otherwise protected expression. Id., at 640 and 639, 20 L. Ed. 2d 195, 88 S. Ct. 1274, 44 Ohio Ops 2d 339. The ease with which children may obtain access to broadcast materials, coupled with the concerns recognized in Ginsberg, amply justify special treatment of indecent broadcasting.

The Court also noted that context was central to the consideration of whether certain subject matter is "patently offensive" and therefore "indecent":

The Commission's decision rested entirely on a nuisance rationale under which context is all-important. The concept requires consideration of a host of variables. The time of day was emphasized by the Commission. The content of the program in which the language is used will also affect the composition of the audience, and differences between radio, television, and perhaps closed-circuit transmissions, may also be relevant.

The term "obscene" has been defined by the Court in *Miller* v. *California*, 413 U.S. 15, at 24-25 (1973), and need be modified only to provide that it will be applied under community standards for radio or television communication, whichever is applicable in the context of the particular case.

The term "indecent" has been used by the FCC and the courts as patently offensive representations as utterances related to sexual organs and activities. See Pacifica, supra, 438 U.S., at 741, footnote 15, and at 743. See also *United States* v. *Simpson*, 561 F. 2d 58 (7th Cir. 1977). *NAITPD* v. *FCC*, 516 F. 2d 526 (2d Cir. 1975). The Commission has also recognized the need for new legislation to amend section 1464. See *Midwest Video Corp. and ACLU* v. *FCC*, 571 F. 2d 1025 (8th Cir. 1978); Report on the Broadcast of Violent, Indecent, and Obscene Material, 51 F.C.C. 2d 418, release No. FCC 75-202 (February 19, 1975). FCC Regulation of Cable Television Content, 31 Rutgers Law Review 238, 239 (1978) (discussing the Commission's proposal for legislation).

We think that the term "indecent" has come to, and should, mean the following:

"Indecent language or material" means a depiction or description of: a human sexual or excretory organ or function; or nudity; or an ultimate sexual act, normal or perverted, actual or simulated; or masturbation; or of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship; which under contemporary community standards for radio or television is presented in a patently offensive way.

We feel that the use of the term by the FCC and the courts as patently offensive sex or nudity is a proper criterion for its application in any given circumstance. Because of the differences inherent in the technology and uses of radio, television, and cable television, we feel that the continued development of the "indecency" standard will naturally take place in the courts and by the FCC and the States. As the Court noted in the Pacifica case, supra at 748:

We have long recognized that each medium of expression presents special First Amendment problems. . . . And of all forms of communication, it is broadcasting that has received the most limited First Amendment protection.

The Court in Pacifica explicitly held that the term "indecent" in section 1464 includes more than the obscene and that special considerations apply to public broadcasts which would make certain material inappropriate for mass communications which may be protected in other forms of commerce. As stated at 438 U.S., 741, note 16:

"[W]hile a nudist magazine may be within the protection of the First Amendment. . . . the televising of nudes might well raise a serious question of programming contrary to 18 U.S.C. Section 1464. . . . Similarly, regardless of whether the "4-letter words" and sexual description, set forth in "Lady Chatterly's Lover", (when considered in the context of the whole book) make the book obscene for mailability purposes, the utterance of such words or the depiction of such sexual activity on radio or TV would raise similar public interest and section 1464 questions."

The Court made clear that banning indecency under the "patently offensive" criterion would have the limited effect of preventing only the most universally improper matter; 438 U.S., 743;

At most, however, the Commission's definition of indecency will deter only the broadcasting of patently offensive references to excretory and sexual organs and activities. While some of these references may be protected, they surely lie at the periphery of First Amendment concern.

The Court made the further observation, in footnote 18, that;

A requirement that indecent language be avoided will have its primary effect on the form, rather than the content, of serious communication. There are few, if any, thoughts that cannot be expressed by the use of less offensive language.

In answering the question of whether the first amendment denies Government any power to restrict the public broadcast of indecent language in any circumstances the Court said that past cases demonstrate the existence of such power wholly apart from the power to restrict obscenity. Id., 438 U.S., 744. The court clarified the practical necessity for such power as demonstrated by the existence of such offensive programming in today's markets. As stated in footnote 19:

Pacifica's position would, of course, deprive the Commission of any power to regulate erotic telecasts unless they were obscene under Miller. . . . Anything that would be sold at a newsstand for private examination could be publicly displayed on television.

We are assured by Pacifica that the free play of market forces will discourage indecent programming. "Smut may," as Judge Lenenthal put it, "drive itself from the market and confound Gresham," . . . the prosperity of those who traffic in pornographic literature and films would appear to justify skepticism.

It is the purpose of this bill to have Congress exercise its function in protecting the American public from obscene and indecent television program-

ming, however, it enters the home. As the Court rejected the "consenting adults" argument in *Paris Adult Theatre* v. *Slaton*, 413 U.S. 49, 63-69 (1973), we also find such excuse for televising obscene and patently offensive programs by broadcast or cable totally without merit. Public morality demands uniformity and fairness to all who enter the television business. And all television viewers deserve equal treatment under this section.

Mr. President, I ask unanimous consent that the text of my remarks before the Pornography Convention be inserted in the RECORD at this point, followed by the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Act of 1934, as amended, is amended by adding at the end of title V of such Act the following new section:

"OBSCENE, INDECENT, OR PROFANE LANGUAGE OR MATERIAL

"SEC. 511. (a) Whoever knowingly utters any obscene language or distributes any obscene material, by means of television or cable television communications shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"(b) Whoever knowingly utters any indecent or profane language or distributes any indecent or profane material by means of television or cable television communications shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"(c) As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire or satellite, or produce or provide such language or material for distribution.

"(d) Nothing in this section shall be construed as interfering with, or preempting the power and right of, the States and their political subdivisions over franchises.".

SPEECH BY SENATOR DENNIS DECONCINI BEFORE THE PORNOGRAPHY CONVENTION, DECEMBER 2, 1981

Western civilization—indeed, all civilization—rests upon the integrity of the human family. It would be no exaggeration to state that without the family there could be no civilization. It is the family that nurtures and rears our young, teaching them not only the skills necessary to survive and prosper, but the eternal truths necessary to sustain the human soul. Through the family we learn love; we learn respect; and we learn responsibility.

The fate of empires and nations is intimately tied to the vitality and stability of the family. When moral decay sets in, eroding the values upon which the family rests, the result is political instability and even collapse.

During Rome's early years before Julius Caesar transformed it into an empire, strong family ties and traditions were the source of much inner strength. But empire brought wealth together with conflicting moral and religious ideas. The romans were seduced by their own success and eventually became consumed by debauchery. Private and public immorality undermined the family, sapping the empire of that very strength that made it great, and so the once invincible empire slipped slowly from the center stage of world history.

There is a lesson in Rome's experience that each of us should heed. We allow the family to disintegrate at our own peril, and, quite frankly, the American family is today becoming an endangered species. There are forces at work in our society that must be reversed, or we shall perish.

Statistics about the American family are far from encouraging. The ratio between marriages and divorces in 1978 was about 2 to 1. There were 2.24 million marriages and 1.2 million divorces. Those marriages which ended in divorce—and that includes one out of every two—had a median duration of only 6.6 years! That is hardly enough time for a man and woman to grow to know and understand each other, and just enough time to have one or two children.

We have become a society filled with lonely divorced and separated individuals who have been deprived of the joys of family life. There are 33.9 million men and 37.6 million women who are either separated or divorced. Are we becoming a society of singles bars and T.V. dinners for one?

But in any divorce or separation, it is the children who suffer most. Last year, about 1.1 million children were involved in divorce. Almost 30 million American families are one-parent families. "Kramer vs. Kramer," the movie that swept the Academy Awards 2 years ago, reflected this growing reality in its examination of the question of custody.

Last year, over one-half million children were born out of wedlock, and many of those children will never experience the stabilizing and strengthening effects of family life. Sadder yet, is the terrible fact that almost 1.4 million abortions were performed. Human beings, endowed by God with a soul, who were never given a opportunity to experience the miracle of life. And that figure represents 40 percent of all births. In other words, for every 10 live births there are 4 abortions!

The destruction of human life associated with abortion is appalling, and it must be stopped. Each year we kill twice as many unborn babies as the total number of battlefield casualties in our 200 year history. Think about that for a moment. In all the wars we have ever fought, we have lost less than 700,000 lives. Each year, we allow 1,400,000 unborn babies to die, and most of them legally. More frightening yet, the number of abortions performed is increasing by 8 to 10 percent each year.

I do not believe that our society can continue to condone this massive and tragic slaughter. I believe that an unborn baby is alive and possesses a soul instilled by the Almighty. That unborn baby is entitled to his or her life. Yet, we treat that unborn baby as a lifeless entity—without rights and without due process. This must be changed.

Abortion is a reflection of the growing disintegration of the American family—a symptom of the problem, not its underlying cause. If we can restore America to a proper and traditional moral climate, I am convinced that the number of abortions and divorces will decrease. But a return to traditional values is difficult when young people are constantly exposed to such corrupting influences as pornography and drugs.

There was a time when drugs were confined to certain urban areas and a very limited population. Since the 1960's, however, drug use has been on the rise. By the late 1960's and early 1970's, we spoke of the drug culture or the counterculture. But even that was a relatively narrow group, concentrated in certain sections or our coastal cities and, to a lesser extent, around our universities.

Today, the drug problem is a universal problem. No section of the country is immune. No city or town, regardless of size, is immune. No social or ethnic group is immune. No age group is immune.

The facts about illicit narcotics in the United States paint a picture of society gone astray; a society no longer at peace with itself; a society unable to cope with reality; and a society that is trying to escape from itself because it no longer believes in itself. One-half million Americans use heroin daily. Another 1½ million Americans use heroin less frequently. PCP is used by 6.9 million Americans. Cocaine is used by 10 million Americans. And marijuana has been used by at least 43 million Americans. We consume almost 100,000 pounds of marijuana every single day at a cost of about $20 billion a year.

As parents, many of you are aware that the drug problem is now an accepted part of school life. For example, most of the 10 million Americans who use cocaine are in the age group 12 to 25. The first use of cocaine is generally at the sixth grade level and in many cases earlier. The use of marijuana among students is almost as commonplace as smoking a cigarette was during my high school days. Recent studies indicate that at least 9 percent of high school seniors use marijuana, among children 12 to 13 years old, at least 1 in 25 uses marijuana; while among 14 and 15 year olds, 1 in 7 uses marijuana. Almost 8,000 drug overdose deaths were reported in 1977, the last year of complete data.

During Senate hearings I conducted on this problem, we were told that almost any drug in any quantity is readily available in most high schools throughout the country. Little is being done to stop this corruption of our Nation's youth. Unless we begin to give this problem the serious attention it deserves, we will be devoured by it.

Pornography in America is big business, very big business. The Justice Department estimates that pornography sales total about $4 billion annually—and that may be conservative. But even if it is correct, it means that Americans spend almost a third as much on pornography as they do on fast foods.

Roger Sturman, reportedly the largest pornography dealer in the United States, made well in excess of $20 million in 1 year. The 10 leading sexually oriented magazines—publications like Playboy and Penthouse—made about one-half billion dollars in income last year.

Much of the pornography business is now in the hands of organized crime. According to a Time magazine analysis, the Mafia now dominates the manufacture and distribution of pornographic books and movies. Another study cited pornography and drugs as the two growth industries within the underworld.

But perhaps the most degrading and revolting aspect of the depressing pornography wave that is engulfing decency is child pornography. It is almost beyond comprehension that men and women sexually exploit little children. Many of the youngsters are runaways who have fallen into criminal hands. But a reliable study of the problem by NBC news indicates that most of the children under the age of 8 are provided to the pornographers by parents and guardians.

During the 95th Congress, I had the distinct pleasure of being one of the authors of S. 1585 which was eventually enacted into law. The law provides stiff penalties for the purveyors of child pornography. We provided prison terms of up to 10 years for a first offense and 15 for a second. Frankly, I would have been happy if the penalties were stiffer.

The courts have played an ambivalent role in the fight against pornography—some of it good and some bad. The good part is that the Supreme Court has consistently held that the first amendment which protects the right to free expression does not protect obscenity. In 1942, the Court declared that because obscenity is "no essential part of any exposition of ideas and (is) of slight social value as a step to truth" it was not protected by the Constitution. Unfortunately, however, the judicial system has been frankly incapable of defining pornography, except on a case-by-case basis. Because of this unsettled situation, law enforcement agencies simply do not bother arresting and prosecuting pornographers. While the lawyers bicker, our children cannot even step inside a drug store without being exposed to obscene materials. Small wonder that they grow up having little respect for traditional family values.

The American family is an endangered species today. And unless we can find ways to reestablish it on a sounder footing, the fate of American society is in jeopardy. If divorce and separations continue to rise as they have been, and if young people refuse to make the commitment associated with marriage, the social ills which that instability spawns will spread. And how can we expect our young people to accept the responsibilities of family when they are constantly bombarded by the hedonistic seductions of pornography and drugs? These things are interrelated. If we do nothing to bemoan the sorry state of the family without resolving to address in a positive and meaningful manner some of the underlying problems, we are guilty of shirking our responsibility to the future.

I am both a realist and an optimist. I am a realist about the severity of the problems which face us. But I am an optimist because Americans have faced problems and adversity in the past, and we have always managed to call upon reserves of strength and character to overcome our hurdles. We are basically a good and moral people who simply need to be shown the way back to traditional moral values. This can be done, and I believe it will be done as long as each of us is willing to make the necessary commitment.●

By Mr. MATHIAS:

S. 2137. A bill to amend the Policemen and Firemen's Retirement and Disability Act and other relevent provisions of law to correct an inequity created by the merit pay system; to the Committee on Governmental Affairs.

ADJUSTMENTS TO ANNUITIES OF FORMER PARK POLICE MEMBERS

● Mr. MATHIAS. Mr. President, I send to the desk a bill to adjust the method of computing cost-of-living adjustments for annuities received by former officers of the U.S. Park Police Force, the U.S. Secret Service Uniformed Division, and the U.S. Secret Service Division. This adjustment is necessary to prevent an inequity that would otherwise result when the merit pay system for Federal employees is implemented.

These Federal law enforcement officers retire under the provisions of the District of Columbia Code, section 4, chapter 6. Currently, their cost-of-living adjustment is equal to the pay comparability adjustment received by their counterparts on active duty. When the merit pay system is implemented, however, some active duty personnel will receive only half of the pay comparability adjustment, with additional increases depending on job performance. Retirees whose annuity adjustments are equated with the increases given to those employees will therefore be entitled to only half of the pay comparability adjustment.

To correct this unintended consequence of the merit pay system, I am proposing that these annuitants be given the same cost-of-living adjustment as certain District of Columbia police and firefighter retirees. This biannual adjustment, which is determined by the Mayor of the District, is based on the increase in the Consumer Price Index.

Mr. President, this bill will eliminate the uncertainty faced by officers who are approaching retirement and will guarantee them annuity adjustments that keep pace with the rising cost of living. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4-605) is amended by adding at the end thereof the following:

"(f) The provisions of this section shall not apply with respect to annuities received by former officers and members of the United States Park Police Force, the United States Secret Service Uniformed Division, or the United States Secret Service Division after July 1, 1982.".

SEC. 2. Subsection (m) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4-624) is amended—

(1) in paragraph (2) by striking out "who was an officer or member of the Metropolitan Police force or the Fire Department of the District of Columbia";

(2) by adding at the end thereof the following new paragraph:

"(6) Former officers and members of the United States Park Police Force, the United States Secret Service Uniformed Division, and the United States Secret Service Division shall be eligible under paragraph (2) for cost-of-living adjustments of annuities effective September 1, 1982.".

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BAUCUS, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. DIXON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. EXON, Mr. FORD, Mr. GORTON, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LEAHY, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MELCHER, Mr. NUNN, Mr. PERCY, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. TOWER, and Mr. ZORINSKY):

S.J. Res. 148. Joint resolution to proclaim March 18, 1982, as "National Agriculture Day"; to the Committee on the Judiciary.

NATIONAL AGRICULTURE DAY

● Mr. HELMS. Mr. President, the creed of the Future Farmers of America, a truly outstanding rural youth movement, includes these words: "I believe in the future of farming with a faith born not of words but of deeds."

I strongly believe in the future of American agriculture and am introducing a joint resolution, on behalf of myself, Senator HUDDLESTON, and 36 of our other fellow Senators, proclaiming March 18, 1982, as "National Agriculture Day."

Mr. President, a similar joint resolution has been introduced in the House of Representatives by the chairman and ranking minority member of the Committee on Agriculture with more than 200 cosponsors.

By passing this joint resolution, the U.S. Congress can pay a fitting tribute to American farmers and ranchers. In view of the tremendous accomplishments and contributions that American farmers make to the Nation and the world economies, it is appropriate to recognize American agriculture in this manner.

American farmers and ranchers are major contributors to this Nation's moral and economic fiber. American agriculture is the very backbone of this Nation. Agricultural producers represent the independent spirit, the high moral principles, and the willingness to work, which have made this Nation the strongest in the world.

However, in spite of the farmer's obvious strengths, the last year—in fact, the last 2 or 3 years—have been extremely difficult for them. Sagging incomes and ever-increasing costs of production have caught farmers in cost-price squeeze, which will not be easy to remedy.

While it is important for us to pay tribute to American farmers, we should not lose sight of the important efforts that we must undertake to provide American agricultural producers the opportunity to operate their businesses profitably.

We all are familiar with the tremendous accomplishments in American ag-

riculture. But the following points should be noted:

American agriculture is the world's largest commercial industry with nearly 23 million workers and assets of over $1 trillion;

One farmworker supplies enough food and fiber for 78 people;

Farm exports—about $45 billion in 1981—are the single most important factor in our balance of trade;

The United States, with less than three-tenths of 1 percent of the world's farmers and farmworkers, produces 66 percent of the world's soybeans, half of its corn, 22 percent of its beef, 14 percent of its wheat, and 30 percent of its poultry.

During my service in the Senate, I have had the opportunity to participate in several Agriculture Day activities. Each year the importance of the programs sponsored by the Agriculture Day Foundation grow. American farmers and nonfarmers are brought closer together through the efforts of this program. I commend the Agriculture Day Foundation and the Agriculture Council of America for their outstanding leadership in this worthwhile endeavor.

We have the opportunity to recognize officially the amazing record of progress and achievement in American agriculture. We have the opportunity to let our actions and deeds lend to American agriculture the prestige and importance that it deserves.

I urge early passage of this joint resolution.●

By Mr. METZENBAUM (for himself, Mr. DECONCINI, Mr. MATHIAS, Mr. PRYOR, Mr. BUMPERS, Mr. EAGLETON, Mr. BURDICK, Mr. PELL, Mr. WEICKER, Mr. SASSER, Mr. ARMSTRONG, Mr. HEINZ, Mr. STENNIS, Mr. CRANSTON, Mr. RANDOLPH, Mr. GOLDWATER, Mr. MATSUNAGA, Mr. TOWER, Mr. CHAFEE, Mr. HUDDLESTON, Mr. DURENBERGER, Mr. DENTON, Mr. FORD, Mr. BAUCUS, Mr. PROXMIRE, and Mr. PACKWOOD):

S.J. Res. 149. Joint resolution to designate the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week"; to the Committee on the Judiciary.

NATIONAL CHILD ABUSE PREVENTION WEEK

● Mr. METZENBAUM. Mr. President, today Senators DECONCINI, MATHIAS, myself, and 23 other cosponsors are introducing a joint resolution designating the week of June 6, 1982, through June 12, 1982, as "National Child Abuse Prevention Week," and calling upon all Government agencies and the people of the United States to observe the week with appropriate programs and activities.

Mr. President, the abuse and neglect of children, whether in the form of physical or mental injury, sexual exploitation, or negligent treatment by those responsible for the well-being of children is a growing problem in every region of the country and for every group in our society. Data collected by HHS indicates that in the past 4 years, the number of reported cases of abuse and neglect has risen over 100 percent. The National Exchange Club Foundation for the Prevention of Child Abuse and Parents Anonymous estimate that each year, approximately 2 million children are either neglected or abused. Approximately 5,000 of these children die. Child abuse is a complex problem threatening to destroy the basic unit of our society, the family.

Mr. President, even though the Federal Government has been involved since 1912 with the welfare of children, it was not until 1974 that the Congress mandated a coordinated Federal focus on child abuse. That action came as the result of hearings conducted in 1973 in both the House and the Senate—hearings that revealed a lack of coordination in child protection activities, differences in the definitions of child abuse and neglect among States, incomplete identification and reporting, understaffed child protective service units, and inadequate resources for conducting investigations. In response, Congress enacted the Child Abuse Prevention and Treatment Act which authorized and coordinated Federal leadership in dealing with child abuse.

Mr. President, I believe that much of the progress we have made in our knowledge of and action against child abuse can be attributed to the cooperation between governmental and voluntary efforts in this area. For example, the National Exchange Club Foundation for the Prevention of Child Abuse, a tax-exempt, nonprofit organization has been instrumental in raising public awareness of child abuse and neglect and the problems that it causes. In 1980, the National Exchange Club Foundation joined forces with SCAN America for the purpose of combating child abuse and by building child abuse treatment centers throughout the country. Since the summer of 1980, the two organizations, with the generous contributions of both private individuals and corporations, have been able to build six centers nationwide.

The primary objective of SCAN, with the financial assistance of the National Exchange Club Foundation for the Prevention of Child Abuse are to serve as a 24-hour referral service for the reporting of child abuse and neglect, to recruit, train, administer, and to provide supervision of volunteers who work directly with abusive parents and their children, and to teach abusive parents positive patterns of child development and caring. Another objective of the organization is to increase public awareness of this growing problem and to increase the responsiveness of social institutions to the needs of abusive parents and their children.

As our joint resolution recognizes, National Exchange Club Foundation is not alone in its efforts to combat this problem. Many other worthy organizations, such as Parents Anonymous, the National Committee for the Prevention of Child Abuse, American Humane Association, and other members of the National Child Abuse Coalition are undertaking effective programs to prevent child abuse and to assist parents and other family members.

Mr. President, I realize that the problem of child abuse and neglect in our society will not disappear overnight. I believe, however, that establishing a "National Child Abuse Prevention Week," will be a useful start in bringing public attention to the problem and to the outstanding efforts that are underway to better serve the needs of America's children.●

● Mr. DECONCINI. Mr. President, today, I join Senators METZENBAUM and MATHIAS in introducing legislation that would authorize the President to proclaim the week of June 6, 1982, through June 12, 1982, "National Child Abuse Prevention Week."

Child abuse is one of the most serious problems facing the family in our country today. Over 2 million children each year are victims of child abuse and at least 5,000 die as a result. Many, if not most, of these children are under 3 years of age.

In response to these serious threats to the well-being of our Nation's children, a number of organizations, including Parents Anonymous, the National Exchange Club Foundation for the Prevention of Child Abuse, and other members of the National Child Abuse Coalition, actively work with parents to prevent child abuse, and work with abused children to keep this plague from spreading to a new generation.

I hope that by recognizing the severity of the problem of child abuse through a prevention week, we will begin to solve this serious crisis which threatens the American family.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. DECONCINI, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 101, a bill to amend title 18 of the United States Code to define and limit the exclusionary rule in Federal criminal proceedings.

S. 312

At the request of Mr. LEVIN, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 312, a bill for the relief of Maria and Timofei

Chmykhalov, and for Lilia, Peter, Liubov, Lidia, and Augustina Vashchenko.

S. 1141

At the request of Mr. BAUCUS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 1141, a bill to establish the National Forest Investment Fund, and for other purposes.

S. 1215

At the request of Mr. PROXMIRE, the Senator from Maryland (Mr. SARBANES) and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1448

At the request of Mr. MATHIAS, the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Florida (Mrs. HAWKINS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1448, a bill to provide for the issuance of a postage stamp to commemorate the 70th anniversary of the founding of the Girl Scouts of the United States of America.

S. 1686

At the request of Mr. LUGAR, the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1686, a bill to amend the Federal Reserve Act to provide that deposits of State and local governments will not be subject to reserve requirements, and for other purposes.

S.1881

At the request of Mr. SASSER, the Senator from South Carolina (Mr. THURMOND) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1881, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 1928

At the request of Mr. DANFORTH, the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1928, a bill to clarify the income tax treatment of amounts realized by certain regulated public utilities in settlement of damages under contracts for the purchase of fuel.

S. 1943

At the request of Mr. SCHMITT, the Senator from Georgia (Mr. NUNN) and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 1943, to increase the penalties for smuggling quantities of marihuana exceeding 1,000 pounds.

S. 1992

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1992, a bill to amend the Voting Rights Act of 1965 to extend the effect of certain provisions, and for other purposes.

S. 2019

At the request of Mr. BUMPERS, the Senator from Oklahoma (Mr. BOREN) and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2019, a bill to amend title 38, United States Code, to authorize the Administrator of Veterans Affairs to pay certain burial and funeral expenses of certain veterans and to provide a cemetery plot allowance for certain veterans.

S. 2062

At the request of Mr. BUMPERS, the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2062, a bill to amend the Tennessee Valley Authority Act.

SENATE JOINT RESOLUTION 72

At the request of Mr. HAYAKAWA, the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of Senate Joint Resolution 72, a joint resolution proposing an amendment to the Constitution of the United States with respect to proceedings and documents in the English language.

SENATE JOINT RESOLUTION 109

At the request of Mr. KENNEDY, the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Joint Resolution 109, a joint resolution to designate August 30, 1982, as "Roy Wilkins Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. MATHIAS, the Senator from Iowa (Mr. GRASSLEY), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of Senate Joint Resolution 140, a joint resolution designating February 11, 1982, "National Inventors' Day."

SENATE RESOLUTION 318

At the request of Mr. TSONGAS, the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nevada (Mr. CANNON), the Senator from New York (Mr. MOYNIHAN), the Senator from New York (Mr. D'AMATO), the Senator from Maryland (Mr. SARBANES), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Resolution 318, a resolution expressing the sense of the Senate concerning guaranteed student loans for graduate and professional students.

AMENDMENT NO. 1242

At the request of Mr. MATHIAS, the Senator from Colorado (Mr. HART) was added as a cosponsor of amendment No. 1242 intended to be proposed to S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

AMENDMENT NO. 1267

At the request of Mr. DECONCINI, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 1267 intended to be proposed to S. 1080, a bill to amend the Administrative Procedures Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs; to provide for a periodic review of regulations; and for other purposes.

SENATE RESOLUTION 322—RESOLUTION RELATIVE TO ISRAEL'S POSITION IN THE UNITED NATIONS

Mr. ROBERT C. BYRD (for himself, Mr. MOYNIHAN, and Mr. JOHNSTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 322

Whereas the United Nations was founded on the principle of universality; and

Whereas the Charter further stipulates that U.N. members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas a move by the General Assembly that would deny Israel its credentials in the Assembly would be a direct violation of these provisions of the Charter: Now, therefore, be it

Resolved, That it is the sense of the Senate that if such provisions of the Charter are violated by the expulsion, suspension, or denial of the credentials of Israel in the General Assembly, the United States will:

(1) Withhold its participation from the General Assembly; and

(2) Withhold its assessed contributions to the United Nations until the Assembly majority overturns this illegal action.

SENATE RESOLUTION 323—RESOLUTION RELATIVE TO THE STRATEGIC TALKS ON PREVENTION

Mr. HART submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 323

Whereas a nuclear war would kill or injure millions of Americans, destroy most of our population centers, devastate our industrial and technological base, and threaten the survival of the Republic, and

Whereas there can be no assurance that a nuclear war, once initiated would remain limited in scope, and

Whereas there have been no negotiations between the United States and the Soviet Union since June 1979 to prevent the use of strategic nuclear weapons and to limit their numbers, and

Whereas there exists the ever-present risk that nuclear weapons might be employed through accident or miscalculation, and

Whereas the unregulated spread of nuclear technology increases the number of coun-

tries or terrorist groups which can detonate a nuclear bomb: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States and the Soviet Union enter into negotiations without delay on the prevention of the use of nuclear weapons: to reduce the danger of nuclear war through accident or miscalculation; to agree on steps to prevent the use of nuclear weapons by third parties, including terrorists; to reduce the vulnerability of the two sides' nuclear retaliatory forces to preemptive attack; and to achieve sizable, mutual and verifiable reductions in the number of strategic nuclear warheads and their delivery vehicles, consistent with the requirements for national security and international stability.

STRATEGIC TALKS ON PREVENTION (STOP)

● Mr. HART. Mr. President, I am today submitting a resolution expressing the sense of the Senate that the Government of the United States initiate, without delay, negotiations with the Soviet Union to prevent the use of nuclear weapons. The purpose of STOP, strategic talks on prevention, is to reduce, through concrete and effective measures, the likelihood of nuclear war.

Twenty-five years ago, one of this Nation's most decorated military commanders, Gen. Omar Bradley, eloquently captured the essence of the problem we face with nuclear weapons. General Bradley observed:

> If I am sometimes discouraged, it is not by the magnitude of the problem, but by our colossal indifference to it. I am unable to understand why, if we are willing to trust in reason as a restraint on the use of a ready-made ready-to-fire bomb, we do not make greater, more diligent and more imaginative use of reason and human intelligence in seeking an accord and compromise which will make it possible for mankind to control the atom and banish it as an instrument of war.

For more than 30 years, we have had to live with the reality that at any given moment, on any given day, the nuclear weapons of the two superpowers might be unleashed, leaving in their aftermath a level of death and destruction beyond the comprehension of the human mind. To this point, we have been spared this holocaust. But how much longer can our luck hold?

Nuclear war means tens of millions dead. It means millions more severely burned and injured, unable to reach hospitals that, at best, could treat only a tiny fraction. It means millions more blinded, wandering sightless in a post-attack world, simply because they looked up when the first flash came. It means rebuilding on a scale that may be impossible—not just repairing physical injury, but restoring a sense of order in a world ruled by mobs, struggling over scraps of food, with no reason for human restraint.

Too many leaders seem to have forgotten the awesome destructive power of nuclear weapons. It is time to reawaken these leaders to their most solemn responsibility—the prevention of nuclear war.

Since the late 1960's, we have sought to negotiate equitable, verifiable and significant strategic arms limitation agreements with the Soviet Union. At best, our achievements have been modest. It is unnecessary to recount the fate of the second strategic arms limitation treaty, signed in June 1979, but never ratified by the Senate. I was, and continue to be, a strong supporter of that treaty. We should abide by the provisions of SALT II, as long as the Soviets do the same.

We are now engaged in negotiations with the Soviet Union to reduce intermediate-range nuclear forces in Europe. I applauded the President's decision of November 1981 to participate in these talks. The administration's "zero-option" plan for reducing nuclear weapons in Europe is an imaginative initiative, worthy of our support. But the INF negotiations will be both long and arduous. We cannot anticipate a quick agreement. More importantly, the negotiations deal with only one, relatively limited dimension of the nuclear arms race.

While endorsing the Geneva talks, I am convinced that we must do much more. We must rethink, fundamentally, our approach to nuclear arms control. We must refocus our efforts to reduce the extraordinary dangers of nuclear war. We confront four special risks in this regard. First, the possibility of nuclear war by accident. Our own forces are maintained under tight and continuous control. But can we say the same for Soviet forces? Second, the possibility of nuclear war through miscalculation. The SALT II Treaty contained a provision for the prior notification of missile test flights, in an effort to reduce uncertainty over intentions. We need to reaffirm and extend that principle. Third, the procurement of hard-target countersilo capabilities by both superpowers undercuts confidence in the survivability of retaliatory forces, in effect placing weapons on a hair trigger. We must take steps to reduce the vulnerability of weapons systems to preemption. Fourth, we and the Soviets have a special responsibility to restrain the export of sensitive nuclear technologies, to prevent the use of nuclear weapons by other countries and by extranational groups.

As we seek to negotiate constraints on strategic nuclear weapons, we must be careful to define our objectives as precisely as possible. It is this requirement which has led me to introduce today's resolution. The determination to reduce the number of weapons is not enough. We must also seek to control their capabilities. The STOP negotiations should focus on:

The adoption of new measures to prevent the use of nuclear weapons through accident or miscalculation, to expand the 1973 United States-Soviet Agreement on the Prevention of Nuclear War.

The enactment of concrete steps to reduce the vulnerability of the two sides' nuclear retaliatory forces to preemptive attack. A secure capacity to respond to an adversary's nuclear strike with an appropriate level of force is the very foundation of mutual deterrence.

The achievement of sizable, mutual and verifiable reductions in the number of strategic nuclear warheads and delivery vehicles, consistent with the requirements for national security and international stability.

The adoption by both sides of principles to prevent the use of nuclear weapons by third parties, including terrorists.

These four objectives for STOP are well within our collective grasp. But we and the Soviets must have the will to pursue them.

Administration spokesmen indicate that the United States will initiate discussions with the Soviet Union on the reduction of strategic nuclear weapons sometime in the future. The President has said that the START talks will concentrate on the issue of numbers. STOP moves significantly beyond the question of force levels and redirects our attention to the more fundamental problems of prevention and capabilities. Without such a comprehensive approach, the danger of nuclear war will continue to grow rather than diminish.

There have also appeared in this country several grassroots initiatives calling on the Governments of the United States and the Soviet Union to halt the testing, production, and deployment of all nuclear weapons and their means of delivery. These initiatives are the expressions of a profound and deeply held belief that the superpower competition in nuclear weapons must be brought under control immediately or we may all be engulfed in the greatest catastrophe in human history.

The logic of a nuclear weapons freeze is compelling in its simplicity. I sympathize with those who argue "enough is enough."

But my own strong feeling is that a nuclear weapons freeze is not an adequate answer to the danger that confronts us. My principal reservation is not that a nuclear weapons freeze goes too far, but that it does not go far enough.

A bilateral agreement to halt the testing, production and deployment of nuclear weapons would not, in and of itself, significantly reduce the likelihood of nuclear war. Even with a freeze, the United States and the Soviet Union would have at their disposal more than 15,000 strategic nuclear warheads, deployed on bombers, submarines and on land-based ballistic

missiles. Many of these weapons possess, and would continue to possess, impressive counterforce and countersilo capabilities. It is this relentless technological advance that concerns me. Our efforts to restrain this advance have been unsuccessful.

Nuclear war is the greatest single threat we face. That threat grows every day. We must seize every opportunity to draw back from the nuclear abyss. The STOP negotiations could be an important first step in this direction.

Without a renewed and committed effort to prevent the outbreak of nuclear war and to negotiate limits on the nuclear arms race, I fear for our future.

How much longer can our luck hold?

I urge my colleagues to join me in support of this resolution.

SENATE RESOLUTION 324—RESOLUTION RELATIVE TO PRODUCTION AND IMPORTATION OF NARCOTICS

Mrs. HAWKINS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 324

Whereas the importation and use of illicit narcotics in the United States has reached an alarming level;

Whereas the use of illicit narcotics annually destroys the lives of many Americans, especially children, who do not fully recognize the danger of narcotics;

Whereas narcotics addiction places enormous burdens on the families and friends of individuals who use narcotics, and on society as a whole;

Whereas narcotics addiction endangers all Americans by subjecting them to crimes committed by addicts in efforts to obtain money to procure additional narcotics;

Whereas international narcotics trafficking constitutes a major source of revenue for persons engaged in organized crime; and

Whereas the governments of many nations fail to adequately control the production, and exportation to the United States, of illicit narcotics; Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States and the Secretary of State should—

(1) express to the governments of nations that fail to adequately control the production, and exportation to the United States, of illicit narcotics the concern of the United States with respect to such unregulated drug trafficking;

(2) urge such governments to take appropriate measures to eliminate such production and exportation of illicit narcotics;

(3) solicit from such governments recommendations for additional action by the United States to assist such governments in their efforts to control such production and exportation of illicit narcotics; and

(4) consider the desirability of imposing appropriate sanctions on any nation in which such production and exportation of illicit narcotics continues unabated.

PRODUCTION AND IMPORTATION OF ILLEGAL NARCOTICS

● Mrs. HAWKINS. Mr. President, today I am submitting a Senate companion to House Resolution 230 submitted by Representative CARMAN urging the President and the Secretary of State to impose economic sanctions against countries which permit the production and exportation of narcotics to the United States. My resolution also limits foreign aid to such countries.

The most effective and least expensive means of fighting the entry of illegal drugs into the United States is to destroy them at their sources. For that reason, any successful control program must enlist the active cooperation of governments of major producer and transit countries. Where persuasion is necessary, I believe U.S. foreign aid and economic sanctions should be used as preventive tools for stopping crime on our streets.

Currently, the United States recognizes six nations as leading producers of illegal narcotics: Thailand, Burma, Pakistan, Peru, Bolivia, and Colombia. All except Colombia receive, or hope to receive, U.S. foreign aid, and the United States also has active economic relations with all of them. While our foreign policy interests with these countries are broad, none of those interests should supersede our desire for Americans at home to live free from crime and illegal narcotics. We should consider no nation our friend that takes a cavalier attitude toward their contribution to some of the most serious domestic problems facing us. And we should not use taxpayers' dollars to help those who are unfriendly.

Adoption of this resolution will prove that drug enforcement is an American foreign policy priority. I urge my colleagues to join me in this effort to destroy drugs before they can reach our children and our communities. We must consider foreign aid and trade in a broader context that we have in the past. Illegal drugs have destroyed too many lives in America to continue business as usual.●

ADDITIONAL STATEMENTS

THE NATIONAL PRAYER BREAKFAST

Mr. ARMSTRONG. Mr. President, I submit for the RECORD the transcript of the proceedings of the National Prayer Breakfast which was held at 8 a.m. on February 4, 1982.

The transcript follows:

THE 1982 NATIONAL PRAYER BREAKFAST

Senator JOHN STENNIS. Former Senator Harold Hughes of Iowa will now give us the grace for our breakfast:

PRAYER BY FORMER SENATOR HUGHES

Our dear heavenly Father, we come to you this morning with humble hearts. Help us to have an open mind, and help us to realize the unity of all peoples of the earth as we are gathered here in this congregation. We ask an annointing of those who speak. Shield and protect us from evil. Forgive us our sins. And dear Father, we're deeply grateful for the abundance of the earth which you provide this morning. May it help us to remember the hungry and the suffering of the world who cannot be served as we are. Now bless this food in the name of Jesus Christ. Amen.

United States Navy "Sea Chanters"—"We will do one selection for you at this time, 'Great Day' arranged by Warren Martin." (singing)

Senator JOHN STENNIS. Let me thank the United States Navy Sea Chanters for this fine rendition. Now please remain standing while our opening prayer is led by His Excellency Mbogua, ambassador of Kenya.

Ambassador MBOGUA. Let us pray. Our Father, we come before you this morning with much on our hearts. Much for which to thank you, much for which to ask you, and much for which to listen. We thank you, Father, for the privilege to assemble together and pray together. We acknowledge that you are in our midst, and we ask for your guidance and wisdom. We thank you for the privilege of being able to experience what it means to be alive. We are aware of the potential you have put among us—of the great gifts we have and the creative talents we possess. For these things we are thankful. But also in the midst of all these good things, we are painfully aware of our own shortcomings. As we approach this morning, we want to confess our witness before you, to confess our pride before you. Make us humble. We pray for your blessing for all the peoples of this great nation of the United States and its leaders. We pray especially for President Reagan and Mrs. Reagan, the Cabinet ministers, the senators and congressmen. We are mindful that this is a country whose institutions have been molded through trust in God and love of freedom. How grateful many of us have been to have received encouragement from people who are in this audience who contribute so much of themselves for the alleviation of hunger and proverty in many parts of the world. We remember this morning, dear Lord, those who suffer. Ease their pain and give them hope, and where possible, meet their needs. We pray for your justice in the world. Coming before you like this this morning with so many from around the world reminds us that you are not bound by cultural barriers, boundary limitations, racio-ethnic differences, or political ideology—that you alone stand above those differences to give hope to all of us. Lastly, we ask for your guidance in our deliberation this morning. In the name of Him who was proclaimed the Prince of Peace, Jesus Christ. Amen.

Senator STENNIS. Please remain standing. It's my privilege now to present the general chairman of this prayer breakfast, a senator from Colorado, The Honorable William L. Armstrong.

Senator WILLIAM ARMSTRONG. Thank you, Mr. Stennis, and thank you ladies and gentlemen for coming to be with us this morning, on behalf of all who have participated—hundreds of people around the world—who have made this breakfast possible. I am honored to welcome you.

Consider for the moment the potential of a world at peace, a world filled with hope, a world where all people live together as brothers and sisters, where none seeks to take advantage of another, but only to serve one another. Impossible, men may say. But Jesus says all men are brothers. Jesus lived and died and rose again that we may have peace, hope, abundant and eternal life to-

gether as brothers and sisters. And even now he is creating such a world. We are gathered here together as a part of his recreation of the world. And for the very reason that St. Paul pointed out to the Hebrews when he said, "Let us hold fast to the confession of our hope, without wavering, for He who promised is faithful. And let us consider how to stir up one another and to love and good works, not neglecting to meet together as is the habit of some, but encouraging one another and all the more as you see the day drawing near." Ladies and gentlemen, it is in that spirit that we gather this morning. And I think you would want to know that there are literally hundreds of meetings in every state and around the world at this very moment praying for what will occur at this National Prayer Breakfast. Again, thank you for coming, and welcome.

Senator STENNIS. If I may have your attention now, please, I'm not asking you to discontinue your eating, but eat in as much silence as you can produce. It's my privilege to say a word of welcome, a special word of welcome, and I have a feeling that this applies to every one of you on an individual basis. In this vast audience this morning, we actually have representatives here from each of our fifty states and the District, and also, we have representatives from 120 other nations. Well, that fact is worth a cheer. Further, we have with us the President and the Vice President of the United States, and their charming wives to whom we give a special welcome, and speaking for the management of this program, let me emphasize that this cordial welcome does extend to every individual here. President Reagan did not come here to lead a financial conference nor a trade conference or a limitation of arms conference. Instead, though, all of us are here—not as chiefs of state, of course, but as segments of all the areas of society in our respective countries. What a foundation that is. Even though this is an era of scientific and physical achievements with amazing developments in technology, we come together today with our hope and our faith centered on spiritual values. The cords of a basic faith in these spiritual values tie us together. As an illustration . . . we cling to the values of the family, the bedrock of our civilization. And we'll move more and more together on these high roads. This audience is a moving sight to behold. I wish each could view it from here. As I've said, we are here from our respective lands forming these 121 nations, bound together by the common courses that make us seek further life and further strength to sustain us as we seek to move forward to meet the challenges of our time. We all move forward in a spirit of Christ. And let each of us and every individual know that you have this special deep-seated welcome from the people of America and then from each of us to the other. And now, I want the privilege here of presenting to this audience those on the platform here who are with us but will not be participating with other parts of this program, and I'll start on my left. Mrs. Hefner, here, the wife of the representative from North Carolina. And next, and we're delighted to have, next we have General Curry, the husband of Mrs. Curry, and commander of the District. We have Mrs. White, the wife of Governor White, of the state of Arkansas. We have Mrs. Armstrong, the wife of the Senator from Colorado. And now on my right we have Mrs. Nichols, wife of Representative Nichols of Alabama. And we have then Mrs. Allen, who is the wife of General Allen of the Air Force. And we have Mrs. Mbogua, wife of the ambassador of Kenya. And we have Mrs. Domenici, the wife of Senator Pete Domenici of the state of New Mexico. And we are of course deeply honored to have with us Mrs. Bush, the wife of the Vice President. And the First Lady of the land, our own Mrs. Nancy Reagan. And then we are delighted to also have as our special guests on the platform, General and Mrs. James L. Dozier. I hope both of you will stand. That rising salute of joy was not planned and planted. It's original and genuine with reflects the great honor that you've earned for yourselves, but further, the deep spirit of pride and old-fashioned patriotism that's among all of us and extends to all kindred nations. You are a great example of faith, and we've proud that you have the spiritual value and also give God credit for your return. Now we have here a program that will move along just a little rapidly without the usual words of introduction. It's my privilege to—I'm assuming all of you are through eating—we have greetings here from the House of Representatives prayer group. The spokesman will be a representative, Bill Nichols, of the state of Alabama.

Representative BILL NICHOLS. Mr. President, Mrs. Reagan, Mr. Vice President, Mrs. Bush, distinguished guests, ladies and gentlemen, on behalf of the House Prayer Breakfast Group of the United States House of Representatives, I extend to you this morning our warmest welcome and to more than a hundred thousand members of our armed services who will hear this program throughout the entire world through the medium of armed services radio. As we gather here this morning to worship God in prayer, we would agree that one of the most important and one of the most enduring qualities of our great heritage is our deep and abiding faith in almighty God. God has blessed us both as individuals and as a nation. Surely indeed our cup runneth over. But America was founded on a basic and a fundamental belief in God, and for 205 years now, each day's session of the Congress is opened with prayer. This custom goes back to the Continental Congress meeting in Philadelphia when things were not going well. There was much arguing and bickering among the small states who desired equal representation with that of New York and of Massachusetts. There seemed no possibility of reaching an agreement. And after considerable debate, it was Benjamin Franklin, who was 81 years of age at the time, who rose to his feet and suggested the need for prayer. His exact words were, and I quote, "Gentlemen, I have lived a long time. And the longer I live, the more I am convinced that God governs in the affairs of men. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without his aid? I therefore beg leave to move that henceforth prayers employing the assistance of heaven and His blessing be held each morning in this assembly before we proceed to business". And so the delegates knelt in prayer and the Constitution of this great nation was agreed upon. Our House Prayer Breakfast Group meets each Thursday morning, and to me, Mr. President, this is the best day of the week. It's open only to members and to former members of the Congress when members of both political parties put aside for the moment partisan politics to seek guidance from the Almighty as we endeavor to conduct the legislative affairs of our country. It's a time when we ask God's mercy for the sick and the bereaved. And we turn to Him for the strength and for the wisdom that all of us need as we work to make our nation and our world a better place to live. Recognizing our dependence on our Creator, this morning we solicit the prayers of each of you in attendance at this Breakfast. We ask that we might have the knowledge to know what is right in the sight of our Maker, and that He might grant us the courage to support those convictions to the end that the words of our mouth and the meditations of each of our hearts might be acceptable in His sight.

Senator STENNIS. Thank you. We will now have an Old Testament reading by Mrs. Jerry R. Curry. Mrs. Curry.

Mrs. CURRY. Mr. Chairman, President Reagan, ladies and gentlemen, there is hope for every nation who recognizes God as their source of strength and power. And Psalm 46 expresses the kind of confidence that we all should have in Him:

"God is our refuge and strength, a very present help in trouble. Therefore, will we not fear. Though the earth be removed, and though the mountains be carried into the midst of the sea. Though the waters thereof roar, and be troubled. Though the mountains shake with the swelling thereof. There is a river, the streams whereof shall make glad the city of God, the Holy Place of the tabernacles of the most high. God is in the midst of her. She shall not be moved. God shall help her and that right early. The heathen raged. The kingdoms were moved. He uttered his voice, the earth melted. The Lord of host is with us. The God of Jacob is our refuge. Come, behold the works of the Lord. What desolations he hath made in the earth. He maketh wars to cease unto the end of the earth. He breaketh the bow, and cutteth the spear in sunder. He burneth the chariot in the fire. Be still, and know that I am God. I will be exalted among the heathen. I will be exalted in the earth. The Lord of host is with us. The God of Jacob is our refuge."

Senator STENNIS. We're going to be blessed now with a rendition of a solo by Miss Carla Davis singing the Lord's Prayer. (Solo by Miss Carla Davis.)

Senator STENNIS. I want 30 seconds indulgence here before presenting the next speaker or greeter. The name of Frank Carlson, formerly a senator from the state of Kansas, still active to a degree out there in retirement, should be mentioned here today I think. More than anyone else, he was the man that put together the first meeting of this what has become the National Prayer Group meeting. We're indebted to him for many other fine things that he did. But he and the late President Eisenhower were the ones that started this off in 1952 and with just a handful—I don't know—don't remember exactly but * * * 40, 50 or 60—something like that. Now it's my privilege to present for the bringing of a message from the Senate Breakfast Group, the senator from Oklahoma, Mr. Boren.

Senator DAVID BOREN. Thank you, John. Mr. President, Mrs. Reagan, Mr. Vice President and Mrs. Bush, and ladies and gentlemen, it's a special privilege for me to be able to bring greetings to you today from my colleagues in the Senate Prayer Breakfast, and to try to share with you a little of the spirit that we share together every Wednesday morning. I think all of us would say, and I can say this without contradiction, that that hour that we spend together on Wednesday morning is for us the most important hour of the week. It's the hour of the week in which we are most ourselves, and in which we have the most real commu-

nication between each other as human beings. Our responsibilities and those of others who are gathered together here in this room cause us very often to lose our perspective. We are so busy reacting to the headlines of the morning, caught up in the events of the day, so taken up with playing our role and the events around us, that we sometimes forget what's truly important. We sometimes forget that the titles that we temporarily wear are just that—very temporary. We forget that the affairs that consume our minds this morning are but a small part of history that will pass away tomorrow. We get so caught up in the course of debate over issues that we lose our perspective to the point, Mr. President, that even sometimes some of us Democrats forget in the heat of debate that even Republicans are children of God. But when those doors close on Wednesday morning, the unimportant things are put aside. And we look across the table at the person with whom we've been engaged with debate the day before, and we see him as a person. We think about the love that he or she feels for his wife or his husband, the hopes that he has for his children, the moments that he shared with his friends, the insecurities that he may feel about his ability to do his job as he should, to keep faith with the people who sent him there. It's a time for realizing that each one of us is not alone. That we do share common problems. In short, it's a time of fellowship, a time of separating out what is really important, casting aside the false sophistication with which we're surrounded, to realize that it's the simple and fundamental things that really matter. And it's a time in which we also reexamine ourselves and put aside a sense of our own self-importance to realize that the offices that we temporarily hold are not ours, they belong to others, they'll be held by others, and that above all that they're a trust from God. And for a moment we are aware, as I wish we could be aware in every hour of debate and every hour of committee deliberations, that God is there with us. That He is present with us. And for a moment, I think, we truly stop to pray, not that God will be on our side and will fit Himself into all of our plans and hopes for ourselves and our constituents, but that we can truly pray that perhaps we could be on God's side. And then finally, we're reminded, as we bring all the burdens that we feel as we come together each week, that we don't have to carry those burdens ourselves. That thankfully, the country is not dependent only on our own insights and our own abilities, but that God will bear for us the burden which we're trying to shoulder if we will truly turn it over to Him. We pause to remember, as Paul said, that He will give us the strength if we will only let him. It's difficult, in the artificial society in which we live. It's perhaps difficult for over 3,000 of us gathered together this morning. But our hope and our prayer this morning is that each one of you will leave here with that same feeling that we have as we leave each Wednesday morning, as we join hands and close with a word of prayer, that we have felt love, that we felt a true fellowship and sharing. And above all, that we have known that God, a loving and a caring God, is here with us. Not only now, but in every single hour of our lives.

Senator STENNIS. Friends, we will now have a New Testament reading to be given by General Lew Allen, Chief of Staff of the Air Force.

General LEW ALLEN. The New Testament reading is taken from Matthew 6, beginning immediately after the Lord's Prayer.

For if you forgive men their trespasses, your Heavenly Father also will forgive you. But if you do not forgive them their trespasses, neither will your Father forgive your trespasses. And when you fast, do not look dismal like the hyprocrites. For they disfigure their faces that their fasting may be seen by men. Truly I say to you, they have their reward. But when you fast, annoint your head and wash your face that your fasting may not be seen by men, but by your Father who is in secret. And your Father who sees in secret will reward you. Do not lay up for yourselves treasures on earth where moth and rust consume, and where thieves break in and steal. But lay up for yourselves treasures in heaven, where neither moth nor rust consumes, and where thieves do not break in and steal. For where your treasure is, there will your heart be also. The eye is the lamp of the body, so if your eye is sound your whole body will be full of light, but if your eye is not sound, your whole body will be full of darkness. If then the light in you is darkness, how great is the darkness. No one can serve two masters, for either he will hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve God and mammon. Therefore I tell you, do not be anxious about your life—what you shall eat, what you shall drink, nor about your body, what you shall put on. Is not life more than food, and the body more than clothing? Look at the birds of the air. They neither sow, nor reap, nor gather into barns. And yet your heavenly Father feeds them. Are you not of more value than they? And which of you by being anxious can add one cubit to his span of life? And why are you anxious about clothing? Consider the lilies of the field, how they grow. They neither toil nor spin. And yet I tell you, even Solomon in all his glory was not arrayed like one of these. But if God so clothes the grass of the field, which today is alive and tomorrow is thrown into the oven, will he not much more clothe you, O men of little faith? Therefore, do not be anxious, saying what shall we eat or what shall we drink or what shall we wear, for the Gentiles seek all these things and your heavenly Father knows that you need them all. But seek first His kingdom and His righteousness, and all of these things shall be yours as well. Therefore, do not be anxious about tomorrow, for tomorrow will be anxious for itself. Let the day's own trouble be sufficient for the day.

Senator STENNIS. We will now be led in a special prayer by Governor Frank White, governor of the state of Arkansas.

Governor FRANK WHITE. Mr. President, Nancy, Mr. Vice President and Barbara, distinguished head table, ladies and gentlemen, please bow your heads as I pray for our leaders. Our heavenly Father, we meet this morning to praise your name and to acknowledge that you have richly blessed us as a people. We come before you as those chosen by men to lead the nations of the world, as those in whom awesome power and responsibility has been placed. But we also come aware of our uniquely human traits, knowing the ease with which we sin and conscious of our feet of clay. As we face the grave issues of our time and lament the wrongs of the world, show us first what is wrong with ourselves. When we begin to take ourselves too seriously, dear Lord, remind us that you are king of Kings and lord of Lords. Father, when we become heady with the power and authority given by man, cause us to remember your words in Zechariah, "not by might, nor by power, but by my spirit." As we struggle and strive to achieve world peace, cause us to remember that there can be no peace until we resolve our own inner struggles. There can be no peace until we are at peace with you. Father, search us and know our hearts. Try us and know our anxious thoughts. See if there is any hurtful way in us, and lead us in your everlasting way. And now, dear Father, for the Congress and the state houses of this great land, we ask an understanding of the times, a concern and a compassion for those they represent, and a gift of zeal and dedication for their work. We confess our inadequacy in our own power to deal with the madness of this earth—terrorism, bigotry, racism, war, economic despair, starvation, hatred, and all that is false and deadly. We take heart in your answer to Jehoshaphat: "do not fear or be dismayed because of all these problems, for the battle is not yours, but God's" And for our President, dear Lord, we ask strength and wisdom through his daily walk with you. Lighten his heart as he accepts the hope of your calling, the riches of God's glory and promises, and above all, the power that is available to all who believe. Strengthen President Reagan by your might, dear Father. Father, we ask a special blessing on Mrs. Reagan. Let her be secure in the knowledge that you are sovereign in all affairs of life. May she continue to possess the imperishable quality of a gentle and quite spirit which is precious in the sight of God. Grant her grace and strength as she works alongside her husband. Bless also, dear Lord, Vice President Bush and his wife, Barbara, as they serve. Support them in their role, and strengthen them that they may lighten the load for President and Mrs. Reagan, and that they may bring inspiration and joy and courage to those whose lives they touch. And finally, dear Father, we pray for and with all those gathered here today, and the many others that are here in spirit. We seek thy guidance, we ask thy blessings. Touch our lives. Live in our hearts. Guide our footsteps. Use our hands for your task and cause us to persevere until thy kingdom come, thy will be done, on earth as it is in heaven. I pray these things in the name of Jesus Christ, who is the way, the truth, and the life. Amen.

Senator STENNIS. Ladies and gentleman, the next speaker has a special message. I might say he's kind of a special Senator, too. I wrote him when he became chairman of our Senate budget committee. The old shoulders are broad, but nevertheless, fasten your seat belt. But he came through in a fine way. The Honorable PETE DOMENICI, a Senator from the state of New Mexico.

Senator PETE DOMENICI. Thank you, John. Mr. President, Mrs. Reagan, Mr. Vice President, Mrs. Bush, distinguished friends at the head table, visitors from around the world, fellow elected officials, and Americans. I must admit to a certain feeling of awe at my assignment today. I'm in awe not only of my assignment, but of you, distinguished visitors, and of the presence of our President and General Dozier. Mr. President, you've heard me worry about the federal budget so much that you may think that that's what I talk about every time I open my mouth. Well today, I promise that I won't mention the budget. I want to talk about one of the few things that occupies me more than federal budgets. Society and

families and the love that binds society and families together. As I began preparing this little talk, I wondered why anyone would have chosen me for such a task since I am neither a great religious leader nor a great speaker nor one learned in history or philosophy nor a biblical scholar of any sort. But it dawns on me today that neither are most of you. I have to conclude that I was chosen because of my constant concern for my family and my broader concern for family and community life in the United States and the rest of the world. And I think you are concerned, too. Obviously, what I say today may be better said by others, and probably has been indeed. For the words of our Lord Jesus are more powerful than anything I might say here today. But I hope that no one among mortals exceeds me in trying. So let me start with something of a confession. I am not one who always and invariably is considerate. It's a struggle for me to be loving, to be forgiving, to do good to others. Preoccupied by my job and myself all too often, I find that I don't take the time or make the effort to love. I confess that even with my family I don't show the love I have. At one time, I was bothered by this trait and I guess I wouldn't be mentioning it here today if I weren't still somewhat bothered about it. After all, I reasoned, how good could I be? How strong a witness could I be if I had to struggle to show my love and be considerate to others? After all, the apostle Paul said in his first letter to the Corinthians, "Love is patient, love is kind. Love is not jealous. It does not put on airs. It's not snobbish. Love is never rude. It's not self-seeking. It's not prone to anger, neither does it brood over injuries. Love does not rejoice in what is wrong, but rejoices with truth. There is no limit to love's forbearance, to its trust, its hope, its power to endure," said the great apostle. I was bothered by my own difficulty in feeling a love as unselfish as the love that Paul described because my impression was that truly religious feelings or Christian love would be spontaneous and constant. But I have come to think virtually all of us have to struggle to take the time to love and show love. Indeed, the most important persons in the world may be those who like all of us in this room struggle to do good against an inherently self-occupied inward-looking nature. Thomas a Kempis said, There is not living in love without suffering. He's talking about bearing a cross; about living in love the way Jesus lived in love. Choosing to love even though this choice means personal sacrifices. There is no living in love without suffering. There's a world of wisdom in that statement. I believe that struggle is the key to good works, the key to successful loving. In everyday terms, most people who don't put some real effort into it will not have a successful marriage, will not raise their children lovingly, and will not know all the joys that a family can bring. And if we don't extend our notion of family into a notion of our entire society as a family that needs our daily love, we aren't doing what we should. We all struggle in our own private ways to be better, more loving persons. But sometimes we are privileged to get a glimpse of how others struggle. Once my wife, Nancy, and I went to Russia. Through unofficial channels, we let it be known that we would like to meet with members of the clergy there in that country. Then one evening at an elaborate reception in the Kremlin for 700 or 800 people, we were presented to a Russian orthodox priest. At first, he was reluctant to talk to us. But, bit by bit, he opened up. Finally, in the humdrum of that huge pompous gathering, he took us aside and told us of the difficulties he faced. And then, tears streaming down his face, he opened his shirt, showed us the cross around his neck, and he gathered us around him so that no one would see, and he prayed over us. The tears flowed from everyone. You—how much easier you have it. Yet, it is that same private, personal struggle to express our love that keeps families together and keeps communities together in spite of the many forces in today's society that make this a most formidable task. Loving, my friends, is an act of the will—perhaps the supreme act of will. And if one's will to love is strong enough, no power on earth can defeat it. That this struggle is everywhere is evident. Who here cannot remember the extraordinary faith, strength, and love shown by the family of General Dozier when the general was going through his terrible ordeal in the hands of his kidnappers. And who here was not moved when we saw the picture of his family's joyful reunion after so many dark and fearful days. Earlier, I said that I was ashamed that I was not always spontaneous in my caring. One of my closest and dearest friends who refuses to let me use her name here today has shown me that even someone loving and considerate must work to show love. Because she has children and a crazy schedule between her husband's work and her own burdens, it's easy for her expressions of love or consideration to be forgotten in the hubbub. So she makes an effort so that love might not be lost. Each day, she does something special that has been planned the night before to show one of her children that she cares about him or her. But she plans it. My friends, realize that if she merely depends on an emotion or spontaneous demonstration of love, the pressures of the day might never allow such an expression. From the start, she pledged to herself that she would avoid that, and because she worked at it, love has shown and love grew. As the Russian priest struggled to show his faith against all odds, as General Dozier's family showed their love when they could not even be sure that he was alive, as my dear friend struggles each day to show her love despite almost overwhelming schedules, so all of us must struggle. We underestimate our capacity for good. Yet, we also underestimate how much hard work goes into being loving. I know that to put this event together today, much work was necessary. This expression of love was no spontaneous event, but it is no less important for that. Love that comes spontaneously may be beautiful, but more beautiful still is love that comes of diligence, care, and effort. Let me conclude by reiterating my thoughts on God's greatest gift—love. First, love at its highest contains more than emotion. It embodies struggle. It demands expression and will. Second, that love and struggle occurs in silence or in places far from notice—detracts not at all from its grace or its necessity. And finally, each of us, as people who struggle to love, are the most important people alive. Without our struggle, without our love, without our work to overcome our failings, our families and our very society will cease to exist and the world may never be the place of grace and peace we so devotedly wish. I don't want to start an organization to preserve the family or to combat the forces that tear at our society. I would much prefer that each of us privately and individually work at caring and loving so that no such organization is necessary. What, in the end, is the purpose of struggle, of love? It is, I believe, that we can make the difference—of all us—great and small, famous and nameless. Indeed, only we can make a difference. Yet, have we made a difference? Too many in this land and all over the world are hungry. Too many are lonely. Too many neighborhoods exist where people neglect each other. Too many young people need counseling and love and simple friendship. Too many prisoners sit in despair without hope. Too many elderly lie unvisited in too many hospitals or nursing homes. How can this be, when so many tens of millions of us profess Christ? If we really witnessed, we could by ourselves make everyone celebrate life. I'm not impressed by the fact that many persons have filled out questionnaires saying that they've found Christ. I'm not impressed even by the large numbers who attend church regularly, although I am glad they do so. I will be impressed when our words and our deeds combine to make this a land of strong families, strong communities, and strong love. (clapping) And for those of us who might think such work beneath us, recall Christ's words, 'For I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you made me welcome, naked and you clothed me, sick and you visited me, in prison and you came to see me.' Then the virtuous will say to him in reply, 'Lord, did we see you hungry and feed you, or thirsty and give you drink? When did we see you a stranger and make you welcome, naked and clothe you, sick or in prison and go to see you? And the King will answer, 'I tell you solemnly, in so far as you did this to one of the least of my brothers, you did it to me.' " We are the salt, the Bible says, that seasons everything. We must now go forth and season the world around us. If today our words and encouragement to those who hear, let us work that tomorrow our deeds will bring the celebration of life to millions more. My prayer is that all of you, and the millions who profess but are not here, would do this. Thank you.

Senator STENNIS. Now, my friends, it's my great honor and indeed a rare privilege to present to you the President of the United States.

The PRESIDENT. Thank you. Thank you very much, John, all our friends and distinguished guests here at the head table and all of you very distinguished people. Nancy and I are delighted to be with you this morning and are honored to be here. General Dozier, I know you don't like being praised for what you only consider as doing your duty. Forgive me, I'm going to pull rank on you. We want to give thanks to God for answering our prayers. We want to salute the Italian authorities for their brilliant rescue. And Jim, we just want to thank both you and Judith for your gallantry. Welcome home, soldier. Someone once said that a hero is no braver than any other man. He's just brave five minutes longer. Well, General, you were brave 42 days longer. And now we know why prayer breakfasts are a time for praise and celebration. Last year, you all helped me begin celebrating the 31st anniversary of my 39th birthday. And I must say that all of that pile-up and increase of numbers doesn't bother me at all because I recall that Moses was 80 when God commissioned him for public service. And he lived to be 120. And Abraham was 100 and his wife Sarah 90 when they did something truly amazing. And he lived to be 175. Just imagine if he had put $2,000 a year into his IRA account. But

those of you who were here last year might remember that I shared a story by an unknown author; a story of a dream he had had. He had dreamt, as you recall, that he walked down the beach beside the Lord. And as they walked, above him in the sky was reflected each experience of his life. And then reaching the end of the beach, he looked back and saw the two sets of footprints extending down the way, but suddenly noticed that every once in a while there was only one set of footprints. And each time, they were opposite a reflection in the sky of a time of great trial and suffering in his life. And he turned to the Lord in surprise and said, "You promised that if I walked with you, you would always be by my side. Why did you desert me in my times of need?" And the Lord said, "My beloved child, I wouldn't desert you when you needed me. When you see only one set of footprints, it was then that I carried you." But when I told that story last year, I said I knew, having only been here in this position for a few weeks, that there would be many times for me in the days ahead when there would be only one set of footprints and I would need to be carried. And if I didn't believe that I would be, I wouldn't have the courage to do what I was doing. Shortly thereafter, there came a moment when without doubt I was carried. And now, we've seen in General Dozier's life such a moment. Well God is with us. We need only to believe. The Psalmist says, 'Weeping may endure for a night, but joy cometh in the morning.' Speaking for Nancy and myself, we thank you for your faith and for all your prayers on our behalf. And it is true that you can sense and feel that power. I've always believed that we were, each of us, put here for a reason. That there is a plan, somehow—a divine plan for all of us. I know now that whatever days are left of me belong to Him. I also believe this blessed land was set apart in a very special way. A country created by men and women who came here not in search of gold, but in search of God. They would be free people, living under the law with faith in their Maker and their future. Sometimes, it seems we've strayed from that noble beginning, from our conviction that standards of right and wrong do exist and must be lived up to. God, the source of our knowledge, has been expelled from the classroom. He gives us His greatest blessing: life—and yet many would condone the taking of innocent life. We expect Him to protect us in a crisis, but turn away from Him too often in our day-to-day living. And I wonder if He isn't waiting for us to wake up. There is, as Pete so eloquently said, in the American heart a spirit of love, of caring, and a willingness to work together. If we remember the parable of the Good Samaritan . . . he crossed the road, knelt down, and bound up the wounds of the beaten traveler, the pilgrim, and then carried him into the nearest town. He didn't just hurry on by into town and then look up a caseworker and tell him there was a fellow back out on the road that looked like he might need help. Isn't it time for us to get personally involved? For our churches and synagogues to restore our spirit of neighbor caring for neighbor? But talking to this particular gathering, I realize I'm preaching to the choir. If all of you worked for the federal government, you would be classified as essential. We need you now more than ever to remind us that we should be doing God's work on earth. We'll never find every answer solved, every problem, or heal every wound, but we can do a lot if we walk together down that one path that we know provides real hope. You know, in one of the conflicts that was going on throughout the past year when views were held deeply on both sides of the debate, I recall talking to one Senator who came into my office. We both deeply believed what it was we were espousing, but we were on opposite sides. And when we finished talking, as he rose, he said, 'I'm going out of here and do some praying.' And I said, 'Well, if you get a busy signal, it's me there ahead of you.' We have God's promise that what we give will be given back many times over. So let us go forth from here and rekindle the fire of our faith. Let our wisdom be vindicated by our deeds. We are told in II Timothy that when our work is done we can say, we have fought the good fight, we have finished the race, we have kept the faith. This is in evidence of it. I hope that on down through the centuries, not only is this great land preserved, but this great tradition is preserved. And that all over the land there will always be this one day in the year when we remind ourselves of what our real task is. God bless you. Thank you.

Senator STENNIS. Thank you, Mr. President. Friends, we're going to have a closing song and a closing prayer. We'll have that closing song now which will be led by Representative Bill Hefner of the great state of North Carolina.

Representative BILL HEFNER. Ladies and gentlemen, you have an insert in your program, and if you would be so kind, I need your help, and this in your time to participate in the program. And if you would, I would like for you to stand, and help me sing two verses of the great old hymn, "Amazing Grace, How Sweet the Sound that Saved a Wretch Like Me."

Senator STENNIS. Friends, please remain standing. Let me take less than 30 seconds, but nevertheless warmly thank our friend from Colorado, Senator Armstrong, and those that helped him for preparing this splendid program. Let me thank Doug Coe and other members of the professional staff for this achievement here that's been rendered today. Now we'll have a closing prayer by our own Vice President. Please remain standing after the prayer is concluded.

The VICE PRESIDENT. Shall we pray? Eternal God, universal Father of all mankind, we give you thanks. We thank you for our many blessings. You have asked all here to be the custodians of freedom and peace, and for that we are grateful. We thank you for safely returning James Dozier to us and to his family. Help us now, dear Lord, to do thy will and to leave here grateful for your love, renewed, refreshed in your spirit, blessed by your amazing grace. Amen.

MEDIA REPORTS ON IMMIGRATION PROBLEMS

● Mr. HUDDLESTON. Mr. President, the United States has been traditionally and remains the most generous Nation in the world in permitting immigration and in assisting and resettling refugees. This is as it should be. I fully support both the image and reality of a compassionate United States providing a home and new opportunity to those who seek to escape harsh and repressive political regimes. At the same time, we must consider the rights of our citizens already here. We must look at the illegal alien problem in the clear light of day. We must examine what has become of those large numbers of people legally permitted to immigrate to the United States. Last year alone 800,000 legal immigrants were admitted. Why do we continue to make a large number of exceptions to the legal immigration ceiling and why continue to condone an illegal alien population in the United States estimated by some at 10 million or more when the economic plight of our own poor and unemployed are frequent headlines?

I have looked to the media for examples of the real impact of our past and present policies. The Los Angeles Times in January 1982 reported "Beverly Hills Slavery Ring Is Uncovered."

Thirty illegal aliens from Indonesia who authorities say were sold into slavery to people in Beverly Hills and Los Angeles have been taken into custody by Federal agents.

The story goes on to say these illegal aliens were "sold as domestic workers for $1,500 to $3,000 each."

A Washington Post headline in January stated "Four Maryland Employees Arrested as Illegal Aliens." This story puts a crimp in the myth that illegal aliens only take menial jobs no American wants. It leads off:

Two Prince George's County social workers, a Maryland prison guard, and a former guard have been arrested by Immigration and Naturalization Service agents and charged with being illegal aliens. The guards, who are from Nigeria, worked at the Maryland House of Corrections in Jessup, and the social workers, who are from Sierra Leone, were employed by the State Department of Social Services.

Some believe our illegal alien problems are confined to a few large cities which represent points-of-entry for aliens. Let us look at a feature column by Mary Ann Esquivel from the Milwaukee Journal in January, entitled "Bad Times Plague Illegal Aliens." Ms. Esquivel sensitively describes the adverse living conditions common among undocumented workers in Milwaukee. Both employers and landlords take advantage of these people.

A December 29 article in the Los Angeles Times was titled "Two Aliens Win Battle to Get Welfare." It goes on to explain:

Two illegal aliens—one a paraplegic and one aged—Tuesday won a Los Angeles Superior Court order granting them access to State welfare payments.

From the Phoenix Gazette of December 9 comes the following headline, "Thirteen Suspected Aliens Arrested At Plant." Incredible as it seems, this plant is a nuclear reactor generating electricity. I quote, "Law enforcement officers searched the Palo Verde Nuclear Generating Station early today and arrested 13 suspected illegal aliens." The story states in a later paragraph, "Immigration officials said they believe the relatively

high wage scale, which begins at about $10.50 per hour, has attracted a large population of illegal workers."

A December 12 article by Palmer Stacy in Human Events was titled "Uncontrolled Immigration: Silent Threat to America." It summarized many national problems intensified by recent overly permissive government policies, and cited a case "in a foundry in Elgin, Ill., (where) the INS arrested 69 illegal aliens who earned between $4.50 and $13 an hour. Within hours, hundreds of local residents had applied for these jobs, all of which were filled within 3 days."

From the December 18 New York Times comes the headline "Moon Church Follower Agrees to Leave United States." This story from Akron, Ohio is neatly summarized in its first sentence:

A 20-year-old Australian woman, who came to the United States for a vacation but spent the last 14 months in the Rev. Sun Myung Moon's Unification Church, agreed today to leave the country voluntarily rather than face deportation as an illegal alien.

The Atlanta Journal ran an article on November 1 which estimated 2,000 "Moonies" are illegal aliens.

The imposition of martial law in Poland last December has created a new wave of legitimate refugees. Our American immigration system is clogged and backlogged. Thousands of Poles who may qualify as legitimate refugees have found an ingenious but illegal solution as described in the December 23 Milwaukee Journal story, "Taking U.S. 'Vacations,' Poles Work Here To Aid Families." It states:

Polish visitors holding tourist visas have been working up to 70 hours a week in factories in Brooklyn, Long Island, Chicago, and Buffalo, often at minimum wage, even though American law says foreign visitors cannot take jobs.

Are these isolated instances of economic disruption and human suffering for illegal aliens who are both victim and catalyst? I think not. In the Winter 1982 issue of Harvard Political Review, Kirk Jenkins states:

Most authorities believe two to three (illegal) immigrants successfully enter the United States for every one apprehended.

Soaring rates of immigration in the last few years have engendered an additional set of problems. Newsweek's feature article for February 1 described those Haitian illegal aliens hopefully waiting for Government rulings which may grant them asylum in this country. The first two paragraphs vividly give a flavor of their life in the land of promise:

Maxine Petit-Frere is not alone. There are 2,177 Haitians currently in detention in the United States, at seventeen locations from subarctic New York State to sunny Puerto Rico. Many have been held for as long as 6 months, their only contact with the outside world an occasional phone call or letter, or an infrequent visit from a harried lawyer. The facilities holding them are usually extremely overcrowded, often underequipped; sometimes the Haitians say, they resemble nothing so much as concentration camps.

The process of legally sorting out their claims, never designed for such an influx of illegal aliens, has stretched beyond anyone's expectations—and almost beyond its victims' endurance.

Immigration has placed a strain on social services and health facilities. A January 4 Washington Post article, "Third World Immigrants and TB: Spread of Lung Disease Traced to Asians and Latins", lists some astonishing figures:

According to the Los Angeles County Health Department, the tuberculosis rate for blacks here fell 27.8 percent and for whites 44.1 percent from 1970 to 1980. In that same period, the tuberculosis rate for Hispanics increased 66.3 percent and 219.3 percent for Asians from countries bordering the Pacific.

The article adds:

Health workers say cuts in health budgets and stiff registration rules have discouraged immigrants from seeking treatment for the disease, greatly increasing their chances of exposing other people.

There are other stories of health problems among immigrant groups. On December 5, a New York Times headline read, "A Mysterious Illness Has Killed 38 Refugees From Southeast Asia". It explained:

An unexplained affliction is killing Laotian refugees in the United States at an extremely high rate, striking its victims quickly and without warning while they sleep, the National Centers for Disease Control reported today.

Then on December 27, a UPI story carried in the Arizona Republic began:

FORT CHAFEE, ARK.—About half of the Cuban refugees who will be transferred soon from Arkansas to Montana need to be placed in mental institutions where they can be given long-term care, officials say.

In recent months, press reports about crimes linked to immigrants have become increasingly frequent. Some of these crimes may be attributed to cultural differences among the immigrant population. One example may be found in the following article from the New York Times of December 20, "Poaching by Asian Refugees Frustrates Utah Authorities".

SALT LAKE CITY, Dec. 19.—Utah officials say Indochinese refugees are poaching everything from porcupines to woodpeckers, and exasperated game wardens are stumped on how to convince them they are doing wrong.

James Ware, law-enforcement chief of the State's Division of Wildlife Resources, said that the wardens had tried to help Vietnamese, Cambodian and Laotian refugees understand hunting and fishing laws but that language had been a barrier.

The problem persists, Mr. Ware said, even though wardens have had fishing proclamations simplified and translated into the refugees' native tongues. Sign language, interpreters and slide shows have also been ineffective, he said.

"These people have historically relied on wildlife for sustenance, primarily fishing," Mr. Ware said. "They rely on methods and techniques from their native countries to gather food, methods illegal in Utah."

"It's just a cultural thing," he continued. "They are used to living off the land."

About 6,500 Indochinese refugees were relocated in Utah, and many took up hunting and fishing, said Paul Woodbury, chief of law enforcement in northern Utah, where most of the problems have occurred.

There has been an undeniable increase in violent crime as well. One small item under "Addenda" in the February 12 Washington Post stated "Police in Los Angeles have identified a Lebanese-Armenian immigrant as a second suspect in the assassination of the Turkish consul general."

Many recent headlines have dealt with violent crime resulting from immigration during the so-called "Freedom Flotilla" from Cuba in 1980. Under the headline "Castro's Thugs Find a Home," the Arlington (Va.) Journal describes a murder and two armed robberies in northern Virginia attributed to Cuban refugees. On December 8, a Washington Post story was titled "America's New Bandidos: Flotilla Toughs." This story stated:

There is bitterness in the Bronx and in New York City regarding the flotilla these days. In the last year, according to police, there have been an estimated 1,000 arrests in New York City of Cubans who came to this country in the Mariel, Cuba-to-Key West boat flotilla.

The most dramatic impact of this sharp increase in crime has been in Florida. News reports of serious violent crime appear almost weekly in the Miami Herald. One December headline read, "Violent Crime Rises 31% in (Dade) County." On December 5 the headline was, "Three Haitians Charged in Food-Stamp Theft." This story stated the three men were suspected of taking part in the theft of at least $100,000 in food stamps intended for Haitian refugees. On December 13, an Associated Press story from Miami proclaimed, "Data shows flotilla crime wave a flood." A December 28 Miami Herald headline read, "Miami coroner: 'we've been invaded'". This article described record numbers of homicides in Miami and stated:

Investigators place blame for the soaring murder rate squarely on the shoulders of hardcore drug traffickers—mostly Colombians—and the convicted criminals among the 125,000 Cubans who came to Key West during the 1980 Mariel boatlift.

In the February 1 issue, U.S. News & World Report ran a two-page story, "Crime Casts Cloud Over Nation's Playground." Among other examples of violent crime in Florida it cites:

Eighteen Cuban refugees were jailed on charges of operating a burglary ring that looted scores of homes and business in Miami. More than $600,000 in stolen merchandise was recovered, including a load of food hijacked en route to Dade County's jail.

Under the subheading "Boatlift legacy," the story goes on to state:

Also contributing to the violence are criminals who came ashore in the 1980 "boatlift" of refugees from Cuba. Officials believe as many as 20,000 thieves, sex offenders and other criminals were among the 125,000 exiles, most of whom settled in Miami.

Some authorities blame "freedom flotilla" Cubans for almost half of Miami's killings last year. Many, but not all, of the victims were other Cubans. "There has never been anything like it in our history," says detective Mike Gonzalez. "They are the most ruthless criminals I have seen in 31 years as a cop."

We should not be distracted by some of the more sensational language used in some news reports describing this crimewave. By any name, the numbers show large increases in crime as a legacy of U.S. immigration policy.

To complete the picture, we should also take a brief look at other costs to the taxpayers and impacts on State and Federal social services as a result of the recent waves of immigration. A story in the December 7 Washington Post, entitled "Montgomery's Newcomers" explained some of the problems with rapid changes in ethnic make-up in school populations. I quote,

Out of the 96,000 children enrolled in the Montgomery County schools, some 7,100 are not American citizens. Most of these children do not speak English as a first language, and many hardly speak it at all. What do they speak? The list runs to some 80 languages.

A Washington Post column by Joan Keefe on December 31 has some interesting observations about foreign students in the United States:

These 300,000 foreign students are temporarily resuscitating many of the less prestigious private and public U.S. colleges, or failing schools or departments within them, suffering from the decline in college-age population.

The students now come mainly from the Third World, with a steadily increasing number from OPEC countries, which are in urgent need of more technicians and managers than their educational institutions can provide. Surprisingly, the American taxpayer has not yet realized that he is footing part of the bill. An overwhelming 69 percent of these students are at tax-subsidized state or community colleges.

A December 22 Washington Post article entitled "Boatlift Bloat Sends Angry Florida Officials Into Tropical Politics" lists some side effects of the influx of refugees on Dade County, Florida.

Some Dade County women have given birth in the hallways at Jackson Memorial Hosptial because delivery rooms were jammed. One Haitian child is born every six hours at Jackson, which is battling Washington for $6 million in unreimbursed Medicaid costs for refugees. The hopsital is considering turning refugees away at the door, which a county official acknowledges would violate state law and leave the Haitians no place to go.

In one year, the Dade County school system has had to hire teachers and build classrooms for 16,000 refugee children, about one-fifth the total enrolled in District of Columbia public schools.

The county unemployment rate has doubled to 13 percent from the infusion of unskilled refugees seeking jobs, says Graham, and from the citrus groves come reports of migrants fighting over scarce work.

Housing is so tight, in a market where the normal vacancy rate is less than one-half of 1 percent, that some Haitians are packed 25 to a room meant for four, resulting in violence among a people that authorities regard as usually gentle.

The jails are so packed with Cubans from the Mariel boatlift that Dade County finds itself in contempt of a federal court order to stop overcrowding. The county is being fined $1,000 a day; it has appealed.

The medical examiner has rented a refrigerated van, at $12,000 a year, to accommodate the bodies of unidentified aliens slain in shooting and knifings. Autopsies on refugees cost the county almost $100,000 last year.

After hiring 200 recruits last year, an understaffed Miami police force of 820 plans to hire 200 more officers to help fight a crime rate that has jumped 40 percent since the refugee influx.

Finally, let me point out a contrast to these examples by quoting Newsweek for February 8. In a story headed "Dashed Hopes in Texas," the writers gave one example out of many occurrences of economic dislocation during the current recession.

Laid off from his job as a handyman in Chicago, Richard Anson, 43, bundled his wife and five of their six children into the family's Chevy van more than a year ago and set out for the Sun Belt. It was six months before Anson landed a steady job—as a $12.35-an-hour carpenter with a Houston construction firm. Last November he was laid off again. Now, after two months of searching, he has taken a job as an evening maintenance man for $5 an hour. "A lot of people from the Midwest come down thinking they're going to get a job overnight," Anson says. "They're in for a surprise."

Like Anson, thousands of other "economic exiles" from the deep recession in the Midwest have found that the phenomenal growth that lured them to Houston, Dallas, and other Sun Belt cities has slowed in recent months and good jobs aren't necessarily waiting.

Failure on the part of Congress to enact immediate immigration reform will mean more Richard Ansons. Public awareness of the need to control the number of immigrants to our country is growing rapidly. Let us consider these important topics before further damage is done.●

STEALTH: A TECHNOLOGICAL FILIBUSTER

● Mr. GOLDWATER. Mr. President, as we move forward in this current session of the Congress, there is bound to be a substantial amount of debate concerning the proposal to build the B-1 bomber while continuing research on the Stealth aircraft for possible use later. My distinguished colleague from Ohio, Senator JOHN GLENN, has recently written a guest editorial for the winter 1982 edition of Strategic Review. In that editorial, Senator GLENN makes a convincing argument that many who would favor the immediate production of the Stealth aircraft are, in fact, creating a technological filibuster. I urge my colleagues to study Senator GLENN'S comments based on not only his many years as an aviator, but his expensive involvement in the B-1 debate both currently and in years past.

Mr. President, I ask that the guest editorial by Senator GLENN be printed in the RECORD in its entirety.

STEALTH: A TECHNOLOGICAL FILIBUSTER

There has been an intense, and sometimes acrimonious debate during the past year over the issue of a new bomber for the U.S. Strategic Air Command. Essentially, the operations raised in that debate have narrowed down to four: (1) retain and modernize the present fleet of B-52s and FB-111s; (2) replace the B-52s and FB-111s with an updated B-1; (3) go into production immediately with the updated B-1 while continuing research on a "Stealth" aircraft for possible use later; or (4) forgo building the B-1 and accelerate the development and fielding of the Stealth aircraft. Although the Congress has approved appropriations for the B-1 bomber program as part of the fiscal year 1982 budget, the debate undoubtedly will continue.

Somewhat surprising is the enthusiastic support that the "Stealth-only" option has been receiving from those Americans, in and out of the U.S. Congress, who are not usually known for backing a strong U.S. defense posture. They include even those spokesmen who have consistently opposed high-technology procurements for our defense and who have made a fetish of the notion that "simpler (and cheaper) is better."

The surprise is lessened, however, when we look at the obvious motives involved. What we are witnessing is a time-honored tactic that reads: "Avoid buying weapons ready for production by supporting concepts still on the drawing board."

A good way to characterize this tactic is "technological filibuster." It has the added advantage of avoiding the stigma of being labeled "antidefense" in a country that is rightly worried over the relentless build-up of the Soviet war machine and unopposed Soviet aggression.

The objection to the B-1 in anti-defense circles, of course, is that it is a real airplane. Four prototypes have been built and flown. Stealth, on the other hand, has been called a "paper airplane" by the Secretary of the Air Force because it is at least a decade away from operational use—if indeed it ever becomes a reality. It is precisely the more distant prospects of Stealth that endear it to the opponents of a strong defense. If they can use the nonexistent Stealth to kill off the real B-1, the process can be repeated years hence to ground the Stealth by opting for some other futuristic scheme that is only on the drawing boards.

Stealth is particularly useful for technological filibuster because of the secrecy that surrounds it. Security, which normally is derided in the more liberal circles, is invaluable in the instance of Stealth because it deflects any real challenges to the most grandiose claims for a "wonder-weapon" since the last, desperate days of Hitler's Third Reich. The security veils can be lifted for a

brief, tantalizing glimpse of an ankle or thigh, but the whole of Stealth is hidden, along with its blemishes. After scrutinizing the classified Stealth papers, the renowned scientist, Edward Teller, warned in the Wall Street Journal of the danger "that the American people are being misled about the possibility of a practical and effectively invisible bomber."

I most strongly share Dr. Teller's views, having arrived at my conclusions after extensive classified briefings on all aspects of Stealth technology. Stealth's fundamental flaw is that its potential is greatly overblown. While Stealth might have a single strong point, that strength is gained at the expense of weakening other features of the aircraft. There are some things Stealth might be able to do. But there are many other things Stealth might not be able to do.

Ironically, it may be that Stealth will not be needed even if its production eventually proves to be practical. Stealth is intended for a very specialized bomber mission—flight through Soviet airspace in a nuclear war—a mission that will decrease in relative importance over the next decade as cruise missiles become more reliable.

However effective cruise missiles may become, manned bombers will still be crucial for nonnuclear or "conventional" missions where the United States has a need to project massive power far from its shores on short notice. And in a nuclear war, manned bombers will play a major role as cruise missile carriers. But because of the way that Stealth is designed to do the one thing it may not have to do, it cannot serve as a cruise missile carrier, nor would it be a cost-effective conventional bomber.

And this is where we arrive at the hidden reality of the "Stealth-only" option. For the option does not represent a decision to build a super-modern wonder bomber. Rather, it is a decision to stay with the B-52 for as long as twenty more years. The B-52 would be the only American aircraft that could perform the cruise missile and conventional long-range bombing missions even if Stealth can be produced.

Because of its age alone, the B-52 needs to be replaced. Originally designed in the mid-1940s as a propeller-driven bomber, the newest of the big planes is now almost twenty years old. Using the B-52 to remedy the deficiencies of Stealth would require that our airmen be prepared to go to war in aircraft that would be approaching forty years of service at the turn of the century. The increased costs of maintenance and modernization programs such as new engines for these military antiquities could equal the price of outfitting the Air Force with new B-1 bombers.

Both as a conventional bomber and cruise-missile launcher, the B-52 will be increasingly unsatisfactory because it lacks the capabilities of a more modern plane such as the B-1. Seventeen of the B-52s were lost to relatively primitive North Vietnamese air defenses in the early 1970s. During the next twenty years, increasingly deadly air defenses will become the property of many nations, thus greatly reducing the credible threat of the B-52 in conventional roles. In the event of nuclear war, even the less demanding mission of cruise missile carrier might be beyond the B-52, since the old plane's wiring, communications and navigation systems are not protected adequately from the disabling electromagnetic pulse (EMP) effects of nuclear detonations in the earth's atmosphere.

In their rush to sell the "Stealth-only" option, its proponents purposely ignore the fact that the B-1, superior in ability to carry conventional bombs and cruise missiles, would probably be a better aircraft in the primary role for which Stealth is intended—the penetration of Soviet airspace in a nuclear war.

Stealth's strong suit is the possibility that it may be able to avoid early detection by Soviet radars. Actually, what the supporters of the "Stealth-only" option are really saying is that Stealth might do well against the types of radars that our intelligence services estimate might be in existence ten to twenty years from now. If, of course, the Soviets do better than we estimate, Stealth will be useless and America will be stuck with the B-52—if it can still fly—and there will be no replacement in sight. The track record of our intelligence agencies is not one to inspire confidence, certainly not to the extent that one would hinge the fate of our bomber forces solely on their assessments. Since World War II, our policy landscape has been littered with the wreckages of American underestimates of Soviet intentions and capabilities.

That Stealth's cloak of "radar invisibility" can be completely shredded is a real possibility. The development of detection means other than the radars we know today—or theorize about ten years hence—may not be as difficult or as expensive as some have claimed. Edward Teller addressed this aspect in his Wall Street Journal article. "Counter-measures," Teller wrote, "seem so easy that even a couple of years, considerably less time than the actual production time requirement for Stealth, would suffice for their deployment."

A spate of recent articles in the technical literature supports Teller. Already in advanced research is an "optical" radar that could detect aircraft, not by radio frequency energy that Stealth is designed to contend with, but by amplified light waves. Another journal discusses the uses of lasers in air defense warning systems, while a third describes a method of tracking aircraft by the turbulence resulting from flight through the atmosphere. If these developments are not sufficient to prompt doubts about Stealth, there are other advances in long-wave infrared sensors and unconventional radars to worry about.

And these hints of Stealth's Achilles Heel are derived just from articles in the open literature. What might be going on behind the closed doors at Soviet test-sites? If any of these advanced technologies strip away the exaggerated and perishable advantage of "radar invisibility," the modernized B-1 would be a decidedly superior aircraft for nuclear warfare. In order to project a smaller radar picture, the Stealth designers traded off the very flight characteristics that are needed by a modern bomber. The B-1, in comparison, is faster, more maneuverable and has a much better low-altitude capability than Stealth. And because of certain limitations on Stealth, the B-1 can carry a much larger payload over greater distances.

A new bomber such as the B-1 would underscore a steadfast resolution that American defenses would not be structured for a Fortress America, but for an America determined to defend its vital interests throughout the world. Could it be that it is precisely this prospect that motivates some of the champions of the "Stealth-only" option?●

NEW DISCUSSION ON IMMIGRATION

● Mr. HUDDLESTON. Mr. President, in 1975 when I began talking about the need to reform our inadequate immigration system, there was very little public attention devoted to the topic. However, interest in this vital issue has recently increased dramatically and responsible publications are giving it the thorough coverage it deserves.

An example of this new interest is an article by Mr. Kirk Jenkins, associate editor of the Harvard Political Review, entitled "Is America a Closed Shop?" Mr. Jenkins correctly states that "consensus is growing that unlimited immigration can no longer be allowed" and that "now, the ball is in Congress court."

This type of discussion on major problems which are confronting the United States is very important to our political process. I ask that this article be printed in the RECORD.

The article follows:

[From the Harvard Political Review]

IS AMERICA A CLOSED SHOP?

(By Kirk Jenkins)

The United States accepts more immigrants as legal residents than do all other nations in the world combined. Immigration into this country in the later half of the 1970s was at its highest level in history. Still, consensus is growing that unlimited immigration can no longer be allowed. On March 1 of this year, the Select Commission on Immigration and Refugee Policy made its report. On March 24, a group of eight senators (seven Democrats and one Republican), led by Walter Huddleston of Kentucky, filed S.776, a bill to "more fully limit and control immigration to the United States." On July 30, President Reagan announced his immigration proposals.

Behind all the thousands of words that have been written on every aspect of the immigration problem lies a basic philosophical question: Is the concept of the nation-state legitimate? Is it morally right for the United States to define certain people as citizens and certain people as foreigners? Does the United States have a right to prevent anyone anywhere in the world from coming here? Many of the recent discussions of immigration seem to assume that every world inhabitant has an inherent human right to migrate to the United States. The Select Commission, the Reagan administration, and Senator Huddleston have all stated their belief that every nation must have the right to control the number of immigrants into the country. Several political philosophers have wondered how much control any government could exercise over its affairs if it cannot limit the number of immigrants it accepts.

This leads to another basic question which must be faced in setting immigration policy: for whose benefit, the source country, the receiving country, or the immigrants themselves, is immigration allowed? It has been proposed that accepting certain immigrants would help source countries fight certain problems, such as unemployment. But current complaints about the "brain drain" cast doubt on this belief. A cartoon which appeared late last year in the *Indian Express of New Delhi and Bombay*

indicates a common attitude. It shows the Statue of Liberty and this inscription: "Give me your scientists, your doctors, your teachers, but keep your other exports to yourselves."

It could easily be argued that immigration is allowed for the good of the immigrants themselves. Certainly the vast majority of people who come to the United States to live are better off for having made the move; many escape hostile economic or political conditions at home. But again, no possible ceiling could be high enough to allow everyone who wished to come to the United States to emigrate. We are picking and choosing among a large group of people; many deserving applicants must be turned away. Immigrants are required to have petitions filed by relatives in the United States or by employers who wish to employ them before they are cleared for admission. The preference system of immigration which has been in effect for many years states that immigration is for the benefit of the United States and its citizens, not for the benefit of the individual immigrant.

The resource limitations and population pressures currently facing the industrialized world have brought strong limits of immigration everywhere but in the United States, and sentiment for limitation is growing here. A recent poll showed that 80 per cent of the American people want legal immigration reduced below 400,000 per year (last year 800,000 legal immigrants were admitted). Seventy-two per cent support outlawing the knowing employment of illegal aliens. Most surprisingly, 62 per cent believe that whenever U.S. unemployment is above five per cent, immigration should be stopped completely.

Both President Reagan and Senator Huddleston say they want to bring immigration under control before public pressure for extreme measures becomes irresistible. Past attempts to set a ceiling on legal immigration have carried so many exemptions that immigration was nearly unlimited in practice. In 1965 a legal ceiling was passed, with certain exemptions, which sponsors promised would never exceed one hundred thousand people a year. In 1980, the legal ceiling was 290,000. Including admissions under the exemptions, total admissions numbered about 800,000. Both the Reagan and Huddleston proposals include a ceiling on immigration: Reagan's, 610,000; Huddleston's, 350,000. Both figures are substantially over the average yearly immigration since 1930, 200,000, both exceed total immigration for every year before 1977, and both figures would allow the United States to continue to accept more immigrants than do the rest of the countries in the world combined.

Huddleston's plan would go a step beyond Reagan's in guaranteeing that the ceiling is enforced. All exemptions would be dropped. To cope with emergency situations, the President would be authorized to borrow from the 350,000 limit for the next calendar year, but borrowing would only be allowed for one year. Further, a waiver power given to the Attorney General several years ago, intended for use on a case-by-case basis but used several times last year by Attorney General Civiletti to grant blanket waivers, would be severely restricted.

Certainly the most widely talked about aspect of the immigration issue is illegal immigration. In 1976 demographers at the Census Bureau estimated that there were then between 3.5 and 6 million illegal immigrants in the United States. In the years since then, there have been over one million apprehensions of illegal immigrants per year, and most authorities believe two to three immigrants successfully enter the United States for every one apprehended. In addition, almost one million people per year stay beyond the expiration dates on their visas. If we accept the conservative estimate that one-third of these people stay in this country permanently, we arrive at a figure of between 8.5 and 11 million illegal immigrants in the United States as of 1981. A recent Roper poll indicated that 91 per cent of the American people wanted an "all-out effort to stop illegal immigration."

President Reagan proposes a blanket amnesty for all illegal aliens in this country as of January 1, 1980. However, the residency requirement for citizenship would be extended to ten years from the current seven. The President's plan would retain the provision of the 1952 Immigration and Nationality Act which makes aliens, but not employers, criminally responsible for the employment of illegal aliens. Finally, Reagan proposes a guest-worker program by which 50,000 Mexican workers would be admitted for nine to twelve months to work in industries where the administration sees a shortage of seasonal labor.

The Huddleston bill has no provision for the general amnesty offered by Reagan. Senator Huddleston points out that any general amnesty in effect rewards with permanent residence and eventual citizenship those who have violated U.S. immigration law. Moreover, for those currently intending to stay here only temporarily, an amnesty offer represents a strong incentive to change their minds. The Huddleston bill offers amnesty only on a case-by-case basis for illegal immigrants who can demonstrate strong familial and cultural ties to the United States.

The guest-worker plan has drawn widespread criticism since it was announced. Dr. Phillip Martin of the University of California at Davis, a leading expert on such programs, claims that the European experience with guest-worker programs was disastrous. The steady flow of workers provoked racial clashes across Europe in the early 1970s, and in 1973 and 1974, every European nation which had been importing migrant workers was forced to abandon the practice. More ominous for American plans, however, is Martin's estimate that roughly one third of all workers who were admitted as "temporary" workers stayed permanently. Others have pointed to the Bracero program in this country, under which guest-workers were admitted from Mexico during the 1940s and 1950s. The program was finally killed in 1964 by a coalition of labor, religious, ethnic, and civil rights groups who claimed the program had become an abuse of human rights. Dr. Martin expresses doubt whether it is possible to limit the movement and freedom of guest-workers, protect their civil rights, and still prevent them from becoming permanent immigrants. He also attacks the belief that there are jobs in this country for which American workers cannot be found. He uses the example of the Alaskan oil pipeline to show that when wages are raised sufficiently, American workers can be found; he suspects that guest-workers would be a way to subsidize inefficient and unnecessary projects.

Senator Huddleston offers as an alternative a two-pronged attack: expansion of the Border Patrol from its current force of 2,200 to 6,000 phased in over the next several years, and a system he calls the "Fair Hiring" program. Through a system of fees and other revenues, he believes both steps would pay for themselves. Under the Fair Hiring program, the knowing employment of an illegal alien would become a criminal offense. Every prospective employee would be required to sign a statement added to the standard W-4 form that he or she is a legal resident of the United States and is eligible for employment under the law. The employer would then be required to call a Washington computer terminal and give the Social Security number of the applicant for verification. If the number is found to be valid, the employer will receive a transaction code similar to that now used by merchants in checking credit card purchases. Receipt of the code would give the employer a complete defense against prosecution for violating the prohibition against hiring illegal aliens. Unlike the Reagan plan, which simply forbids the hiring of illegal aliens, the Huddleston plan requires the verification of all hirings. There is less chance that an employer will deny employment to a minority member on the grounds that he or she might be an illegal alien, since the plan offers safeguards against wrongful prosecution. Moreover, there is a clear provision in the bill against the misuse of the system for discrimination, a provision which should facilitate redress of abuses.

Senator Huddleston's proposal for a new, more secure Social Security card has drawn criticism. The new card would carry a unique identifying element to ensure that it could not be forged. An individual would need it, like the social security card, only in connection with work, and would not be required to produce it at any time other than when applying for a job. It also would be illegal for government agencies to share the information gathered in connection with the new card. Still, some argue that such a card would become a national identity card. They point out that all the safeguards mentioned for the new card apply to the current Social Security card, and despite the fact that only an employer can insist on it, the number of agencies which routinely ask for a Social Security number is countless. If a secure card were introduced, the temptation to ask for the card as identification from a public which is unfamiliar with the law regarding use of the card would grow tremendously.

Since introduction of his plan in July, President Reagan, preoccupied with foreign policy initiatives and his domestic program, has said little about immigration. Just how the Congress will finally deal with the immigration question—by accepting the Reagan plan, the Huddleston plan, or a combination of both—is still an open question. For now, the ball is in Congress' court.●

THE SITUATION IN MICHIGAN IS WORSENING

● Mr. LEVIN. Mr. President, earlier this year, I wrote a letter to President Reagan pointing out the plight of hundreds of thousands of people in Michigan who were suffering economic distress. I suggested that the President visit Michigan to see for himself the effects that his policies are having on the people of my State.

Meanwhile the situation in Michigan is worsening. The unemployment rate for January in my State jumped 1.6 percent, to 16 percent. It is the highest

since the recession of 1958. Last month, 677,000 Michigan residents were unemployed, 63,000 more than the month before and nearly 100,000 more than a year ago.

A week ago, on Sunday, February 14, a newspaper in my State, the Ypsilanti Press, wrote an open letter to President Reagan describing the situation in Ypsilanti. Accompanying that letter, which was signed by Joe Matasich, the newspaper's editor, were a series of brief comments from people in Ypsilanti who were interviewed by the newspaper as they stood in line at the local unemployment office.

Mr. President, I ask to have printed for the benefit of my colleagues the letter to Mr. Reagan and the accompanying comments from people in Ypsilanti. I think it will provide greater understanding of what is happening to the people of this Nation.

The article is as follows:

LETTER TO THE PRESIDENT—WE'RE HURTIN' IN YPSILANTI

Dear Mr. President, this open letter is written on behalf of people of the Ypsilanti, Mi., area—people who this past week read stories in the Ypsilanti Press about your proposed budget cuts and telling critics to "put up or shut up."

I wish we could chuckle at your one-liners, but honestly, the only one line we know is the one that gets longer each week at the unemployment office (see above).

The Ypsilanti area, with 11.5 percent jobless, is an economically devastated blue-collar community in a state that has 16 percent unemployment, almost double the national rate of 8.5.

Our area is taking such a pounding that in some sectors we will never recover. We'll never get back hundreds who love this area but had to leave because there are no jobs.

We understand that you wish to cut back inflation so that we can experience an economic comeback next year. Thousands will not be able to hang on that long.

The auto industry, our lifeline, has 10,647 workers on indefinite layoff, a drop from 30,350 in 1979 to the current level of 19,703.

People without jobs, even if they are receiving some subsistence, aren't buying goods. And that's why auto dealers, mobile home dealers, realestate offices, chain clothiers and furniture stores have shut their doors. In two weeks a major supermarket chain closed six of its area stores and threw more skilled people into the jobless pit. This once vital and thriving area now has a regular bread and soup night at the Salvation Army hall, conveniently located a stone's throw from the Michigan Employment Security Office where 5,000 claims are processed a week.

There's a human side of the budget ledger, too. It's called people—live human beings who suffer real pain from social service cutbacks and who cannot cope from prolonged high unemployment. You blame all of the mess on the previous administration, but we remind you that our area joblessness hit a 6-year high in December 1981, the highest since August, 1975 when a man named Ford occupied your house.

We've been experiencing a rough winter, weatherwise. But we'd bet our last unemployment check that spring will come shortly.

We wouldn't bet a dime that, if we suffer for another year or so, things will get better, as you predict.

We've tried to paint you a picture on how hellish it is here in the Ypsilanti area.

To help make the picture even clearer, we've added the thoughts of scores of area persons who are experiencing the terrible times firsthand.

They were interviewed in zero temperatures while standing in that long line (as shown above) to get their jobless check, the last for many of them.—Joe Matasich, Editor, Ypsilanti Press.

Fred Harbertz, 23, currently employed as a security guard: "I think he's making the cuts in the wrong areas. His budget cuts are mostly for rich people instead of the poor."

Donald Clay, 24, laid off from Ford Rouge Plant since October: "I feel it's hurting working class. If you're not into big business, then you're hurt."

Kareem Swidan, 19, laid off as a gas station attendant since early January: "I think (the cuts are) pretty bad. He's cutting off benefits for people who really need the money and he don't need to give money to the rich people. The big man is making it today. He's more concerned about foreign affairs than his own country's affairs. He should take care of his people and then take care of other people."

Paul Wisniewski, 24, whose wife is expecting their first child, was laid off as a grocery store cashier in January: "I'm disappointed the way everything is because of what's happening. I worked for the A&P and I'm out of a job. My wife's pregnant, my insurance won't cover us any more . . . so that alone tells you how it's going. It's the worst it's ever been. I've worked ever since I was 11 and now this happens, when I'm 24 and supposed to be a supporting, responsible citizen."

Robert Markgraff, 25, laid off as a spring manufacturing plant employee since November: "I don't think it's going to work. It seems like he's cutting programs to help people who are laid off and on welfare and it seems like he's just cutting it from one place and putting it back into defense. Sooner or later we aren't going to have any jobs unless we go into the military. That's where the jobs are at."

Ralph Kyle, 42, father of three and a sheet metal worker laid off since Monday: "I think it stinks. I just don't like the way he's running things.

Freda Hobbs, 20, a GMAD cafeteria worker unemployed since November: "I don't think the budget will work. It's just so bad now I don't think anybody's going to be able to do anything."

Joseph C. Brooks, 50, father of three, laid off from Ford Transmission at Livonia two weeks ago: "I don't think he's doing a good job as president. He's letting this country down."

Carrie Weaver, 35, unemployed as a secretary since Jan. 22: "I really don't think (the cuts are) doing very much. (The cuts are) not doing what (they're) supposed to do."

Jim Smith, 25, father of one and his wife is expecting a second child, laid off from Spiffy carpet since November: "I think it's screwed. This is the worst state there is. I especially don't like more cutbacks in welfare and Social Security."

Kathleen Wolfe, 44, laid off from the Washtenaw County Health Department one year ago: "I don't think much of it. It's going to run Michigan into deeper debt. I don't think we can afford it."

Mike Jared, 22, father of one and his wife is expecting a second child, laid off from GMAD since January: "I don't think he ought to be cutting welfare for people who need it, or for old folks. Why do they call it Social Security? If they keep chopping it, then you don't have no security. My mom worries about it (Social Security cuts) all the time, that's no security."

Cheryl Jeske, 22, unemployed since January after losing a job as a shoe store clerk: "Because of unemployment around here, it (budget) doesn't help. People have to have welfare. They really need it."

Hilary Ellert, 22, laid off from South Coast Technology since January: "I wish he would cut defense spending instead of social services."

Dan Christy, 25, father of two, laid off from the Crystal House Motel since December: "I'm really concerned about domestic policy. I'm unemployed, and my student loans have run out. I'm two classes short of my degree, but don't have enough money to finish. It's really hurting me."

Wayne Justice, 35, father of one, laid off from GMAD since January: "I don't like it. We voted him in, and things have got a lot worse."

James Booker, 25, whose wife is also unemployed, laid off from the Michigan Employment Securities Commission for one week: "I think it stinks. He's more concerned with the man whose income is above $50,000 a year, not with the man on the bottom."

John O'Dell, 26, laid off from Ford Rawsonville since December: "You gotta start somewhere, but I'm not thrilled with his ideas. Some of the cuts seem pretty drastic, but he's making an effort."

Reginald Adams, 23, a seasonal worker who was laid off in October: "It seems like it's worst for the autoworkers, losing all their benefits and everything."

Willie Curts, 27, father of two, laid off from Motor Wheel since November: "I think it stinks. There's so much unemployment now. He's really cutting down on poor people. Poor people are really getting it."

Pat McGowan, 41, father of two, laid off from a construction job since December: "It's not the way to get people back to work. You've got to get money back into circulation. He's trying to keep the little man down, so he doesn't get too far ahead.

Frank Lozie, 20, laid off from seasonal work since December: "If he cuts off benefits for the elderly, that's not right. But there are able-bodied people taking advantage too. But if you don't give a person a chance to develop skills, how do you expect him to get a job?"

Flo Ferri, 33, mother of two, officially an under-employed worker who now gets about eight hours a week at Canteen Corp.'s Hydra-matic location: "It's really getting bad out there. I don't know how much more he can cut things.

Dave Crippen, 36, father of five, laid off from Hydra-matic since July: "I don't know if it's going to do any good or not. A lot of us are going broke while he's trying to straighten things out."

Evelyn McLean, 61, who is giving financial assistance to two children in college, laid off from seasonal work: "I think it's more for the rich than for the poor. Rich are getting richer, and poor are getting poorer. I voted for Reagan, but it seems like he doesn't realize the full extent of how the poor are getting depressed and need help bad."

Bob Cross, 41, father of two, laid off from Washtenaw County since July: "His priorities are all wrong. Cuts should be made in defense instead of social services."

Kerry Williams, 43, father of two, laid off from Ford Rawsonville since November: "Everything he does is backwards. That's all I've got to say."

Terry Carllington, 28, laid off from a construction job since November: "I'm for it. I say it's time for our generation to have a war. I'm serious. Our fathers went through it. It's the only thing that'll pull us out. That's what they're (Reagan and other national leaders) are working for anyway.

David Sanders, 26, father of two, currently employed in a white collar job at Hydramatic: "I don't mind the cuts. But if we're going to have a $90 billion deficit, we should have cuts in the military."

Joe Vargas, 32, father of three who has not worked a construction job since December: "I guess everybody's answer's the same. I think if the cuts continue, unemployment will continue to get worse than it is now. He's just continuing to irritate people."

Joe Chavis, 56, whose wife is hospitalized, laid off from Willow Run Schools since November: "I think it's screwy. He's taking everything away from schools and poor people. The only people he's helping are the rich."

Diana Kennedy, 26, laid off sporadically from Jac Products: "I'm poor, and he ain't helping me. I'm unemployed because of his Reaganomics. Thank you, Mr. Reagan."

Frank Hosmer, 26, whose wife is also unemployed, laid off from Wayne Assembly since January: "I think he's full of it."

Mark Byars, 26, a mechanic out of work for two years: "There's a lot of people cut down I feel. If he just stopped welfare—it's going to be tighter than it is now. Time is coming to an end. I feel he shouldn't cut like he has."

Arranis Schoffner, 20, a janitorial service employee laid off three months ago: "I think he's cutting too much and spending too much on defense."

James Wilson, 27, a truck driver out of full-time work for 1½ years: "I think (the budget) sucks. The cuts are definitely misaimed. They're all in the wrong place. I heard he was hiring back some people to open MESC offices—that's just a token gesture."

Steve Dornhos, 22, father of one, laid off for three months from GMAD plant: "I don't like (the budget cuts). I feel he's spending too much on defense and not enough people (are) making the money. There's too many people in Michigan out of work and the money he's spending on defenses ain't doing us any good."

James Johnson, 28, father of one and an apartment painter and auto repairman laid off since January: "I think it's really bad that he's cutting out from the people who can't get a job and the people who have jobs and making dollars are working. People being laid off—where are they going to get the work? My thing was auto body repair and I can't get a thing in the shops, they're all empty. For people who don't really make all the big dollars you're just in a hole, there's no way to get out."

Craig Jackson, 28, father of three, laid off as a computer technician and telecommunications expert since November 10: "I think it's done too fast, what has been done. The public should have been able to say what should be cut, how much and when. They should have voted on what should have been cut. America is supposed to be based on . . . not having to pay a great amount of taxes. It's almost like back when we were paying England . . . If they're spending money to make (the budget) work, they should have done it before. The way he's doing it isn't right."

Charlene Norris, 27, mother of one and an unemployed Ford Motor Co. cafeteria worker laid off two weeks ago: "I think (the budget cuts) stink. I think it hurts the people who work and collect food stamps and try to make it, because it really hurts them when people who aren't working at all are making more than people who are working."

Jan McCall, 29, currently employed at the local MESC office: "I'm not at liberty to say what I would like to say. He should take out his economics textbook and read it thoroughly and take into consideration the historical events that have taken place since the early 1900s. Most politicians need to reconsider the status of the U.S. now."

Patricia Curtis, 26, mother of two and since Sept. 9 an unemployed microfilm operator: "(Budget cuts) definitely have affected black minorities and it's going to be awful difficult, I feel, to do budget cuts at all, especially the Department of Social Services and (services) to the unemployed, the poor and senior citizens. I feel like they are being hurt the worst. I look at surveys daily and see 17.4 percent that are unemployed that are black and it was only 8.5 percent white. Something should be rectified."●

EXPORT TRADING COMPANIES ARE NECESSARY—I

● Mr. HEINZ. Mr. President, as the possibility of House action on export trading company legislation increases, it is appropriate to take a few minutes to detail the need for and advantages of this legislation, which the Senate has passed twice unanimously. In doing so, I want to draw on some of the scholarly discussions of the subject which have appeared since the bill was first passed in late 1980. Over the next few days I will be referring to an article by Franklin A. Cole, "Establishing American Trading Companies," which appeared in the Northwestern Journal of International Law and Business, autumn 1980.

The first excerpt, below, makes clear in a brief introduction, the need for the bill and the fact that it is not—and was not intended to be—a solution to all our exporting problems.

ESTABLISHING AMERICAN TRADING COMPANIES

(By Franklin A. Cole[1])

On September 3, 1980, the United States Senate, by unanimous vote, passed landmark legislation designed to increase American exports of products and services by encouraging formation of U.S. export trading companies.[2] The Export Trading Company Act of 1980,[3] reintroduced and at this writing awaiting approval by a new Congress,[4] is a significant first step in offering American companies, particularly those of small and medium size, the opportunity to enter markets on a par with their international foreign competitors. The Act moderates restrictions that have blocked the growth of full-range export trade service companies that would help average-sized firms enter international markets. The effectiveness of the all-encompassing "one-stop" service organization is indicated by the success of the general trading companies of Japan. American export trading companies, organized to meet the needs of our own economy, could help to resolve the problems and business-related fears that have inhibited the average American manufacturer from international trade. While the Act is no panacea, it would promote the development of our export strength, and put us in a better position for the future. Its swift enactment should be supported.

After a brief review of the United States export balance, this article will explore the operation of the Japanese general trading companies, which have aroused interest in the American business community and have been proposed as a partial model for our own export trade.[5] The provisions of the Export Trading Company Act of 1980 will then be examined to assess Congress' approach to the formation of export trading companies in the United States.

LITHUANIAN INDEPENDENCE DAY REMEMBRANCE

● Mr. GLENN. Mr. President, human rights to most Americans is the embodiment of freedom. We insist on the freedom to speak without retaliation, the freedom to worship as we please, the freedom to read and write without censorship, and the freedom to enjoy traditional cultures. But for many nations these human rights are the exception rather than the rule. This month we join together to commemo-

[1] Chairman of the Board, Walter E. Heller International Corporation; B.S., University of Illinois, 1947; J.D., Northwestern University, 1950. The author acknowledges with gratitude the help over many years of Harvey S. Lederman, Vice President, Marketing and Public Relations of Walter E. Heller & Company; Charles A. Brizzolara, Vice President, Secretary and General Counsel of Walter E. Heller International Corporation; and Burton R. Abrahams, President of Walter E. Heller Overseas Corporation, in trying to impress upon Congress and regulators the need to provide the means to enable small and medium size firms to export, and the vast potential inherent in that activity.

[2] The Senate vote was 77-0. [1980] 323 Int'l Trade Rpt. U.S. Export Wkly. (BNA) at C-1.

[3] S. 2718, 96th Cong., 2d Sess. (1980). "The purpose of this Act is to increase United States exports of products and services, particularly by small, medium-sized and minority concerns, by encouraging more efficient provision of export trade services to American producers and suppliers." 126 Cong. Rec. S11,935 (daily ed. Sept. 3, 1980).

[4] The Export Trading Company Act of 1981, S. 144, which is almost identical to S. 2718, was introduced on January 19, 1981, with the co-sponsorship of 49 U.S. senators. [1980] 342 Int'l Trade Rpt. U.S. Export Wkly. (BNA) at C-5. Three separate bills have been introduced in the House: H.R. 1799, H.R. 1321, and H.R. 1648. [1980] 344 Int'l Trade Rpt. U.S. Export Wkly. (BNA) at C-6.

[5] Export Trading Companies and Trade Associations: Hearings on S. 864, S. 1499, S. 1633, and S. 1744 Before the Subcomm. on Int'l Finance of the Senate Comm. on Banking, Housing, & Urban Affairs, 96th Cong., 1st Sess. 55 (1979) (statement of Frederick W. Huszagh, Executive Director, Dean Rusk Center, University of Georgia) [hereinafter cited as S. 864 Hearings]; see Financial Institutions and Export Trading Companies Hearings on S. 2718 Before the Senate Comm. on Banking, Housing & Urban Affairs, 96th Cong., 2d Sess. 21 (1980) (statement of Sen. Stevenson) [hereinafter cited as S. 2718 Hearings].●

rate the 64th anniversary of the establishment of the Republic of Lithuania, a country of strong and determined people. Lithuanians suffered under Russian rule from 1795 to 1915. German troops occupied their country until 1918. But they then enjoyed two decades of independence until June 15, 1940, when the Soviet Union shattered their hopes for freedom. The ruthless and continued occupation of Lithuania by the Soviet Union coincides with Soviet imperialistic domination and its refusal to allow many other nations to direct their own course.

The Lithuanian struggle for independence did not die on that fateful day in 1940 when the Soviet Union incorporated them into its dominion. Rather, the Lithuanian people's sense of nationalism, self-determination, and passion for liberty has persisted despite Soviet persecution. And although the Soviet Constitution of 1977 provides for most commonly accepted civil and political liberties, it also states that "enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state." This intolerance of activity deemed incompatible with Communist Party control remains the basis for the campaigns of suppression and persecution continuing in Lithuania today.

It is deplorable that the Soviet Union makes a mockery of the Helsinki accord, an agreement they signed along with 34 other countries and in which they pledged to respect fundamental human rights. For the people of Soviet-occupied countries this agreement has proved to be nothing more than empty words.

It was 42 years ago that the Russians took Lithuania by force yet the resistance is still alive. An important aspect of the resistance is the struggle against what Lithuanians and Lithuanian Americans perceive to be "cultural genocide," an attempt to destroy and transform the indigenous culture of their homeland, remaking it in the sterile Soviet image.

The Soviet regime is particularly sensitive to dissent in the form of religious manifestations and they have attempted to break the spirit of the Lithuanian people by systematically conducting a campaign of religious and cultural suppression. This continued Soviet violation of human rights cannot go unchallenged. To a country such as ours that recognizes the vitality of human freedom this illegal Soviet occupation is a gross violation of basic and universal human rights.

I am proud that the United States has not recognized the illegitimate takeover of Lithuania. One must view that anguished country as a sovereign nation whose independence is only temporarily suspended. Today Soviet forces occupy Afghanistan, and there is little doubt that Soviet authorities have played a major part in the attempts to stifle the will of the people of Poland. These unconscionable attempts by the Soviet Union to choke the voice of freedom crying for recognition in Lithuania, Poland, and other Soviet-oppressed nations must end.

Henry David Thoreau once said:

I know of no more encouraging fact than the unquestionable ability of man to elevate his life by a conscious endeavor. I do not wish to live what is not life.

We, who so often take for granted the rights that our forefathers fought so valiantly to attain, must look to the character and faith exhibited by the peoples of Lithuania and Poland. We must ask, What do human rights mean to those who do not enjoy them? And we must keep our commitment to fight the suppression of human liberties in every corner of the world.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of Senators and Senate employees who propose to participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Senator JOHN TOWER to participate in a program sponsored by the Wehrkunde Foundation, a foreign educational organization, in Munich, West Germany, from February 12 to 14, 1982.

The committee has determined that participation by Senator TOWER at the Wehrkunde Conference in Munich, at the foundation's expense, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received requests from Senators CHAFEE and DANFORTH for a determination under rule 35 which would permit them to participate in a program sponsored by a foreign educational organization, the Japan Institute for Social and Economic Affairs, in Tokyo, Japan, from January 7 to 14, 1982.

The committee has determined that participation by Senators CHAFEE and DANFORTH in the program in Tokyo, at the expense of the Japan Institute for Social and Economic Affairs, to discuss economic and social issues affecting United States-Japanese relations, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination that will permit Senator GRASSLEY to participate in a program on economic and cultural issues sponsored by the Chinese National Association of Industry and Commerce in Taiwan in late December 1981.

In addition, the committee has received a request for a determination that will permit Senator MURKOWSKI to participate in a program on alternative energy sources sponsored by the Solar Energy Society of the Republic of China in Taiwan from January 18 to 23, 1982.

The committee has determined that their participation in these programs, at the expense of the sponsoring organizations, is in the interests of the Senate and of the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Dr. Constance Hilliard, a staff member of the Republican Policy Committee, to participate in a program sponsored by a foreign educational organization, Tamkang University, in the Republic of China from November 22 to November 29, 1981.

The committee had determined that participation by Dr. Hilliard in the program in the Republic of China, at the expense of Tamkang University, to discuss foreign policy and international relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which permits Ms. Beverly K. Hubble of the staff of Senator GRASSLEY to participate in a program sponsored by a foreign educational organization, Soochow University in Taipei, Taiwan on October 5 to 11, 1981.

The committee has determined that Ms. Hubble's participation in the program in Taiwan, at the expense of Soochow University, to discuss relations between the United States and the Republic of China, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Casimir Yost, of the staff of Senator MATHIAS, to participate in an International visitors program of the Government of France, sponsored by the Government of France, from January 7 to 17, 1982 in France.

The committee has determined that participation by Mr. Yost in the program in France, at the expense of the French Government, to discuss foreign and defense policy issues, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Don Massey, a member of the staff of the Committee on Appropriations, to participate in a program sponsored by

a foreign educational organization, Tamkang University School of American Studies in Taipai, Taiwan from January 3 to 11, 1982.

The committee has determined that participation by Mr. Massey in the program in Taiwan, at the expense of Tamkang University, to discuss matters of mutual interest and international relations, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Christopher Chamberlin of the staff of Senator TSONGAS to participate in a program sponsored by a foreign educational organization, Tunghai University in Taichung, Taiwan from January 5 through 12, 1982.

The committee has determined that participation by Dr. Chamberlin in the program in Taiwan, at the expense of Tunghai University, to discuss Taiwanese culture and institutions, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Ms. Margo Carlisle of the staff of Senator MCCLURE, and Mr. Joel S. Lisker, Chief Counsel and staff director of Senator DENTON'S Judiciary Subcommittee on Security and Terrorism, to participate in a program sponsored by a foreign educational organization, the Fundacion Argentina 2000, and a domestic nonprofit educational foundation, the Institute of American Relations, in Buenos Aires, from December 1 to 4, 1981.

The committee has determined that participation by Ms. Carlisle, and Mr. Lisker, in the program in Argentina, at the expense of Fundacion Argentina 2000 and the Institute of American Relations, to discuss recent events in the Caribbean and Central America and the security problems of the Southern Atlantic, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Mark Aldrich, of the staff of Senator HUMPHREY, to participate in a program sponsored by the government of Canada, in Ottawa and Toronto from October 7 to 9, 1981.

The committee has determined that participation by Mr. Aldrich in the program in Canada, at the expense of the Canadian Government, to discuss transnational pollution, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Robert Atchison, of the staff of Senator MATTINGLY, to participate in a program sponsored by a foreign educational organization, Tamkang University, in the Republic of China in early January 1982.

The committee has determined that participation by Mr. Atchison in the program in Taiwan, at the expense of Tamkang University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.

The Select Committee on Ethics has recieved a request for a determination under rule 35 which would permit Mr. Ryan Conroy, of the staff of Senator CRANSTON, to participate in a program sponsored by a foreign educational organization, Tunghai University, in Taichung, Taiwan from January 5 to 13, 1982.

The committee has determined that participation by Mr. Conroy in the program in Taiwan, at the expense of Tunghai University, to discuss Taiwanese culture and institutions, is in the interest of the Senate and the United States.●

OLD ACCOMPLISHMENTS BEAR FRUIT

● Mr. HUDDLESTON. Mr. President, one can easily get the impression that cutting out unnecessary regulation and giving a fair break to small business is a new goal we have to achieve. This, however, is an erroneous impression which should be corrected.

Many Senators and Congressmen have been working on this problem for years and during the last session of Congress in 1980, we had two significant successes. The Regulatory Flexibility Act and the Equal Access to Justice Act, which were both passed under the last administration, are now considered to be milestones in regulatory reform. A recent article in the Nation's Business concludes that this legislation is now beginning to take hold and that it is "an important change for millions of small business people."

I ask that this article entitled "A Fairer Shake for Small Business" be printed in the RECORD.

The article follows:

A FAIRER SHAKE FOR SMALL BUSINESS

(By Michael Thoryn)

Says an irreverent Capitol Hill staffer, "Regflex goes after crazy regulations and Equal Access aims at crazy enforcement." His quip sums up the intent of two laws hailed as "milestones" and "significant wins for small business" when they were passed in the fall of 1980.

The Equal Access to Justice Act, which took effect in October, is intended to tear a hole in the deep pockets of litigation-happy federal agencies. Small business people can now recover their legal fees from the agency budget when they challenge a tax or regulatory ruling and win. Supporters say the act restores balance between citizens and government when a disagreement arises.

The Regulatory Flexibility Act, which took effect a year ago, requires the federal government to tailor regulations to the ability of small firms to comply. It is slowly taking hold: Federal agencies and departments, with some reluctance, are revising or dropping burdensome rules.

"It's really good to see something work," says Rep. Andy Ireland (D-Fla.), who labored for three years to move the Regflex legislation through Congress. Ireland, chairman of the Small Business Subcommittee on Export Opportunities and Special Small Business Problems, plans regular oversight hearings to make sure the intent of Regflex isn't scuttled.

Government agencies are now required to give public notice of impending major rules so small business can comment; to weigh the effect of proposed rules on small business; to explain the need for and objective of each proposed rule; and to review all existing rules within 10 years with an eye toward eliminating those that aren't needed.

Regflex sits well with Robert E. Carr, president of Seacor, a marine engineering firm in Cherry Hill, N.J. A delegate to the 1980 White House Conference on Small Business, Carr observes: "Regulatory agencies have made a living out of beating up on the small guy, who had no defenders."

Ireland says Regflex's impact is difficult to measure because of the difficulty of separating it from the impact of two other deregulatory efforts—the Reagan administration Executive Order 12991, which directs the Office of Management and Budget to monitor regulations for cost effectiveness, and Vice President George Bush's Task Force on Regulatory Relief.

Monitoring Regflex compliance at federal agencies is a top priority of the Small Business Administration, says Administrator Michael Cardenas. Frank Swain, SBA's chief counsel for advocacy, whose office the act charges with making sure that Regflex works, likes much of what he surveys. "The act is well on its way to becoming the landmark legislation many believed it to be," Swain says.

It may also be a path to redemption for the often criticized SBA. The agency's loan and management assistance programs help relatively few of the estimated 10 million small businesses. Regflex gives SBA a chance to work for—and thus protect—its entire constituency.

Does small business need protection? Small banks must struggle with the same forms given to giant rivals. A 1980 Department of Energy regulatory analysis proposed an energy efficiency rule for appliances that would have put 80 percent of appliance manufacturers out of business; the rule was withdrawn after protests from business groups.

Regflex does not lengthen the regulatory process dramatically, but it does add a few more steps. The required analysis is "basically a self-help mechanism for the federal regulator, making him think before acting," Swain says.

Among the new considerations: Regulators must estimate the number and kind of small firms a regulation will affect and make a detailed evaluation of the reporting, record-keeping and compliance requirements they anticipate.

As you might expect, agencies aren't enthusiastic about Regflex. Most haven't had to consider small business needs before.

"Bureaucrats are making a stab at it," says Jere W. Glover, a top official in SBA's advocacy office during the Carter administration. "However, I sense an undercurrent of 'Oh my, what am I going to do?'"

Voices rose at Regflex oversight hearings last October when Commissioner Bevis

Longstreth of the Securities and Exchange Commission said Regflex was a burden—to the SEC.

"The Regflex act has added little of value to our processes while at the same time imposing internal burdens," Longstreth said. Why, he asked, does the agency have to spend extra staff time on regulatory analysis and review?

"We're not here to discuss the inconvenience to your staff," snapped Rep. Ireland. "You are complaining about your workload. We're concerned about the day-to-day workload of small businesses."

While the SEC, which has simplified stock issue requirements and reporting rules for small business, wishes compliance were easier, the Department of Defense and the Internal Revenue Service don't want to comply, period.

IRS says it only interprets laws and doesn't write regulations—and therefore it can generally ignore Regflex.

"That interpretation [of the act] is unacceptable," says the SBA's Swain.

The Department of Defense argues that military functions are exempt from the Administrative Procedure Act, which Regflex amends. New legislation may be needed to snare the two holdouts.

Other agencies are already complying:

The Interstate Commerce Commission has eliminated the requirement that small motor carriers file annual reports with the commission.

The Labor Department is planning to eliminate a piece of Davis-Bacon Act paper work—a weekly report on each worker. Davis-Bacon requires contractors to pay prevailing wages—usually the highest union wage in the area—on federally funded construction projects.

The Department of Transportation is holding public hearings in the evening to enable small business people to attend.

For Regflex to build on its success—and not be just another regulatory procedure—constant monitoring is needed by both SBA's advocacy office and small business groups. The advocacy office, which has about 25 professionals working on Regflex, aids the writers of agency regulations, tracks their progress and reviews their efforts when regulations appear in the *Federal Register*. But the real check on abuses, Ireland insists, "is the small business person and his trade association. If silly rules start creeping back in, I'll hear about it."

Federal agencies may not be prepared for Equal Access. "I get the impression agencies will not give Equal Access nearly sufficient thought until some agency gets banged," says Raymond S. Wittig, minority counsel for the House Small Business Committee, adding that eventually there will be "plenty of goverment losses."

Wittig points out that government attorneys lose about 25 percent of their cases. His best guess for the first small business victory: the Occupational Safety and Health Administration. "Equal Access applies to existing cases, and about 90 percent of the cases that come to the OSHA Review Commission are overturned," Wittig says.

To be eligible to recover fees and related costs—the top rate is $75 an hour—businesses must have had a net worth of less than $5 million or fewer than 500 employes when the action was filed. Individuals' net worth at the beginning of proceedings cannot exceed $1 million.

Equal Access has five key provisions.

It is irrelevant whether it is the government or the taxpayer who initiates litigation.

It is not necessary to prove bad faith by the agency.

The agency must show that its actions were "substantially justified."

It is not necessary to prevail on all issues to receive an award.

There is no dollar limit on awards.

Unfortunately, says Steven F. Holub, national director of tax services at the Leventhol & Horwath accounting firm, the act "has a gaping hole in terms of protecting taxpayer rights." It does not apply to the U.S. Tax Court, which is where litigants often try to get their cases heard, since they may dispute their taxes with IRS without first having to pay the tax allegedly due.

Holub adds, "Equal Access is going to help the small business executive only if he wins. Companies have to weigh the hazard of litigation—they might lose."

Glover, the former official of SBA's advocacy office and now a Washington attorney, points out that if the government agency loses, the money would come out of the agency's budget. Therefore, he says, "the government might think twice about the cost of litigation and change the kind of issues it contests. That is the cure the law envisions."

To Rep. Ireland, Regflex and Equal Access represent "a big stick for attitude change—the bureaucracy must consider small business needs."

It's an important change for millions of small business people.●

JOHN P. FOLEY—AN AMERICAN HERO

● Mr. EAST. Mr. President, I wish to take this opportunity to salute one of America's outstanding military heroes, Mr. John P. Foley of Durham, N.C.

During World War II, on September 19, 1944, Mr.—then Lieutenant—Foley was in command of a 110-man detachment of GI's who attacked and captured "Devil's Hill" in Beek, Holland. Lieutenant Foley and his men held Devil's Hill for 5 days against the German counterattack of superior forces, against the German demand that they surrender, and in the face of dwindling ammunition. Lieutenant Foley's heroism and leadership were recognized by the U.S. Army when he was awarded the Distinguished Service Cross for bravery—second only to the Congressional Medal of Honor in the ranking of military decorations. Yet, more recently, another honor has been awarded to Mr. Foley. Because of the courage and tenacity of Lieutenant Foley and his soldiers, the townspeople of Beek were liberated from German military occupation and from Nazi tyranny. On September 27, 1981, the city of Beek recognized Mr. Foley's heroism by naming their town hall after him—long after many Americans had forgotten his sacrifices for them.

Mr. President, since coming to Washington last year, I have had the rare opportunity to witness human courage at its highest levels. I have had the honor of knowing Senator JEREMIAH DENTON, whose courage and patriotism are known to all. I have witnessed the courage of President Reagan as, bleeding from an assassin's wound, he made jokes to reporters and surgeons. In January, we were all moved by the heroism displayed by many persons during the disastrous airplane crash on the 14th Street Bridge. This month we have witnessed and have been inspired by the courage of General Dozier during and after his ordeal at the hands of terrorists.

Mr. President, I would like to place Mr. Foley in this noble company: to submit to you, to our colleagues, and to all Americans that the high and rare virtue of courage is not dead as long as we can be inspired by the deeds and accomplishments of Mr. Foley and the other gallant men whom I have mentioned; and I would like also to submit that as long as we can be so inspired, there is hope for America and for the cause of freedom against the remorseless tyranny against which Lieutenant Foley fought so valiantly and against which we are fighting even today. I submit for the RECORD and bring to my colleagues' attention the following article honoring Mr. Foley which appeared in the Durham Morning Herald on December 3, 1981.

The article follows:

VILLAGE HONORS DURHAM HERO

(By Paul Vancil)

Thirty-seven years later in the Dutch village of Beek, they remember John Foley.

It was World War II, Holland, Sept. 19, 1944. Foley, now a Durham resident but then an Army lieutenant, led 110 soldiers up a German-held rise known as Devil's Hill. Foley and Company A lost 12 men but took the hill and held it for five days. The Germans surrounded them and invited them to surrender. Foley and his men, low on ammunition but high on chutzpah, said they'd rather not, thank you very much.

Despite repeated attempts, the Germans never got their hill back. As a result, the folks of Beek, near Devil's Hill, got their town back.

The Army gave Foley the Distinguished Service Cross for bravery. That's no small trophy—the cross is outranked only by the Congressional Medal of Honor—and the young lieutenant thought the honor was more than enough.

In Beek, they didn't agree. So last September, 37 years after their liberation from the Germans, the residents of the village (population 5,500) decided they too would honor Foley, now 63. They named the park across from Town Hall in his honor—the Lt. John P. Foley Public Garden.

Foley, who has not seen Beek since 1950, does not offer many words about the battle. "It was a hill and it had to be taken," he says matter-of-factly. "That's about all I can say."

But he will, when asked, produce an album of newspaper clippings and other papers from his military years. One page is reserved for the typewritten citation that came with his Distinguished Service Cross. The citation, military verbiage notwithstanding, tells much better than Foley what happened on that hill near the Dutch-German border.

"During an attack, Lt. Foley moved with his attacking groups, coordinating their movement and directing their fire with such complete disregard to enemy fire that he imbued his men with much courage and daring.

"He controlled the action of his three platoons with assurance, leading the attack and driving the enemy from the hill. He reorganized his company and staved off six vicious attacks by a determined enemy while the company position was raked with artillery and automatic fire.

"The second day, enemy infiltration had encircled his position and cut off all communication and supply routes to battalion. A redistribution of ammunition revealed only five rounds per rifle and none for the automatic weapons.

"When called upon by the enemy to surrender his position, Lt. Foley defiantly refused, and continued to hold the hill. For five days, Lt. Foley defended his position under ceaseless artillery and mortar bombardment, repelling attacks by vastly superior forces and countering aggressive enemy patrol action, both day and night."

Not for nothing are they fond of Foley in Beek.

Foley, of 1405 Cole Mill Road, says Beek's gesture is "a great honor." But, like the battle for Devil's Hill, he doesn't seem to know what else to say about it. The truth is that he finds it just a tad embarrassing.

"That's a good way to put it," he says. "I am basically a private individual. I don't go out of my way to get my name in the paper. I just mind my own business.

"It's part of your life that happened. I'm very fortunate I didn't get wounded. I lost some very close friends. Now, 37 years later, people have honored me with this. It is difficult to talk about."

Foley was drafted in February 1941. By September 1944 he was a lieutenant by way of Officers Candidate School and was assigned to the 508th Parachute Infantry Regiment, 1st Battalion, Company A.

On Sept. 17, the 508th parachuted into the Netherlands near the city of Nijmegen. Their mission—at which they were not immediately successful—was to take a bridge. During the operation, Company A's three platoons were separated. Two of them, including Foley's, withdrew to the east of the city on Sept. 18.

Here Foley was assigned a third platoon, was made company commander and was told to take Devil's Hill. The rest of that story is told in Foley's citation.

Before Devil's Hill, Foley was part of the Allied invasion force at Normandy. After Devil's Hill, he fought in the Battle of the Bulge. Through it all, he was never hit by enemy fire. "Of 109 officers in the original regiment, only two of us went through the war without being wounded," he says.

Foley went on to make a career out of the Army. He retired in 1961 as a lieutenant colonel after seeing service in the Far East and several U.S. posts.

Foley, a New Jersey native, and his wife Jeanette decided to retire in Durham, because they were familiar with the area through friends and from their military days. After moving to Durham, the couple operated J&J frame shop for 17 years. They sold it last year.

In 1950, Foley and his wife took a trip to Beek.

"I really don't know how to explain what it feels like to go back to the site," he says. "I walked the same grounds. It's an emotional thing. When you figure what you lost to accomplish this thing, it brings back very unpleasant memories. That's why I don't go to cemeteries and why I don't go to reunions. Some people thrive on those things. I'm not one of those. That's past. I don't live in the past."

But now there stands in Beek a park named for him in gratitude for five heroic days from his past. There are few people in the world who can tell of such things. Can it really be that he feels no urge to see the sign bearing his name, unpleasant war memories or not?

"I would like to do that," Foley concedes. "One day I may gather up my grandsons and go."●

THE RULES OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES

● Mr. HATCH. Mr. President, pursuant to Senate rule XXVI, which requires that the rules of each committee be published in the RECORD not later than March 1, of each year, I am submitting the rules of the Committee on Labor and Human Resources.

The rules referred to are as follows:

RULES OF PROCEDURE (AS AMENDED FEB. 25, 1981)

Rule 1.—Unless the Senate is meeting at the time, or it is otherwise ordered, the Committee shall meet regularly at 10:30 a.m. on the fourth Thursday of each month in room 4232, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of Rule 25.7 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The Committee may poll any matters of Committee business as a matter of unanimous consent; provided that every member is polled and every pool consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 25.7 of the Standing Rules of the Senate, unless a majority of said members vote to forego such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule 8.—The Committee, and each subcommittee, shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary

steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 25.7 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17.—(a) The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (Part I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the Committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (Part II) shall not be required of any nominee when the Committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time: provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.●

HEALTH CARE IN THE ARMED FORCES

● Mr. NUNN. Mr. President, last December the Atlanta Constitution published a comprehensive three part series on health care in the Armed Forces. The series was written by Paul Lieberman and Jim Stewart.

The military health care system directly affects millions of Americans—active duty members of the armed services, families of service members, reservists in training, and retired military members and their dependents. For that reason, it is a vitally important subject to everyone concerned about the overall state of the Armed Forces.

The authors of the Atlanta Constitution series have provided an indepth look at military health care from a variety of viewpoints. They have examined the system from the perspective of military physicians, the patients who use military health facilities and services, and the services themselves. In so doing, they have identified several problem areas and raised important questions about the quality of the services provided. The issues raised by the writers deserve careful consideration from both the Congress and the leadership in the Department of Defense.

As part of their overall assessment of military health care, the authors looked into medical practices at the Wilford Hall Hospital at Lackland Air Force Base in Texas, which subsequently has received wide notice in the media. This series represents only a small portion of their reporting on the situation at Wilford Hall, about which the writers have published numerous articles over the past several months. The Wilford Hall case was first brought to the attention of the public by Mr. Leiberman and Mr. Stewart in reports printed in the Constitution, and the Department of the Air Force and the appropriate committees are currently investigating this matter.

Mr. President, this series represents exhaustive research and perceptive reporting. The writers have already established firm reputations as insightful and thorough journalists, and their reporting on military health care will contribute further to their professional stature. I recommend this series to all Senators and ask that the articles be printed in the RECORD.

The articles follow:

[From the Atlanta Constitution, Dec. 9, 1981]

DOCTORS CRITICAL OF HEALTH CARE IN ARMED FORCES

(By Paul Lieberman and Jim Stewart)

Inferior health care is being delivered to America's 9 million servicemen and military dependents, according to physicians who have worked in both military and civilian medical practices in recent years.

A nationwide survey of physicians who have served as military doctors in the post-Vietnam era described a health-care system plagued by poor equipment and supervision and too many incompetent practitioners.

The physicians told of trying to mend broken bones without the simple screws needed for the job, of seeing medical colleagues refuse to come to the emergency room to tend to patients, and of a system

that might assign a psychiatrist to decide what to do with accident victims.

The physicians, who completed a questionnaire comparing their experiences in military and civilian medicine, overwhelmingly made one judgment: Given a choice, they would not want members of their own families treated in military health-care facilities.

Of 202 physicians who answered the questionnaire prepared by The Atlanta Constitution, only four said they would prefer that their own families be treated under the military health-care system.

The words of Dr. Philip Altus, an internist from Tampa, Fla., who served two years in the Air Force, coincide with the conclusions of many of those surveyed. "The military guarantees you care, but not quality care," he said. "I would hate to depend on them for my medical care."

The Constitution sent a two-page questionnaire to 300 physicians across the country who recently served in the Air Force, Army, or Navy. Two-thirds of the physicians responded. Most explained their evaluations in written comments or agreed to follow-up interviews.

Twelve questions asked them to compare aspects of military and civilian medicine, including the availability and condition of equipment, the quality of support personnel and fellow physicians, and work demand.

Many of the physicians praised selected features of the military health-care system. A majority reported that their workload was easier in the military than in civilian practice. Some said the relief from worry about patient fees and the reduced threat of malpractice suits in the military improved medical practice.

And while many doctors predictably did not welcome military regimen—having to worry about the positioning of their belt buckles and the sparkle of their shoeshines—21 percent reported that life was more enjoyable in the military than in the civilian world.

When asked, however, to compare the overall quality of health care practiced in the armed services and civilian institutions, 56 percent of the physicians termed military health care "worse" or "much worse."

Only 6 percent evaluated military health care as better than health care in civilian society.

And other survey results detailed reasons for the critical assessment:

Sixty-nine percent said the availability of medical equipment was "worse" or "much worse" in the military. Only 6 percent found equipment more available in the military.

Sixty-three percent said equipment and facilities in the military were in worse condition than equipment and facilities in civilian medicine. Only five doctors (2.5 percent) said equipment was better maintained in the military.

Fifty-three percent evaluated the quality of supervision for physicians as inferior in the military. Only 13 percent rated the supervision as better.

Thrity-seven percent said they found more colleagues whom they would call "incompetent or dangerous" in the military than in civilian medical practice. Only 9 percent found fewer such doctors in the military.

SOLVING A DESPERATE DOCTOR SHORTAGE

The bleak appraisal of military medicine was given at a time when the promise of free, high-quality medical care is one of the major inducements used to gain recruits for the country's all-volunteer armed services.

Polls of armed forces enlisted personnel show that they rate health care as second in importance, after salary. "It is a strong incentive for people (to join). It seems to be viewed as a high priority," said Dr. John H. Moxley III, who recently completed two years as assistant secretary of defense for health affairs.

Military health officials admit that serious problems have beset the system in recent years, many of the problems stemming from a severe shortage of military doctors following the abolition of the physician draft in 1973.

Lt. Gen. Charles Pixley, who recently completed four years as Army surgeon general, said the Army was "desperate" for physicians when he took office in 1977. Pixley said equipment shortages also were a fact of life in some hospitals and clinics.

But Pixley, like other military health-care officials, insisted that "great progress has been made" to increase the number of doctors and provide them with proper equipment. "I really believe," the three-star general said, 'that if you were to go out make a survey today, those complaints . . . are certainly not prominent today."

Pixley added: "You don't encounter today the bitterness and hostility, the absolute bitterness that was so prevalent for nearly 25 years among some of our drafted doctors who resented being drafted, who felt their talents were not being utilized properly."

Many of the physicians included in The Contitution's survey were among the last of the drafted doctors. Their entry into the armed forces often was postponed past 1973 under the "Berry Plan," which allowed physicians to complete training in a medical speciality before reporting for active duty.

Many other physicians included in the survey, however, entered the armed forces under scholarship programs in which the military paid for, or provided, part of their medical training.

With civilian society offering far greater professional and personal freedom—and, usually, far greater income—it was not surprising that a majority of the physicians surveyed did not enjoy life in the military. More than 20 percent, in fact, termed military life "much less enjoyable" than civilian life.

Many seemingly fit the profile of the irreverent Army doctors of "M*A*S*H," never quite comfortable with the dual role of physician and military officer.

But even the minority of physicians who found military life "more enjoyable" or "much more enjoyable" were not impressed by the health care delivered to servicemen, military retirees and their dependents.

Only three of the physicians who preferred military life rated military health care as superior to civilian health care. Fifteen rated military health care as worse than civilian health care.

FOR THE LACK OF A SIMPLE SCREW * * *

The survey identified the shortages of medical equipment and its poor condition when available as factors that often made the practice of medicine difficult in the armed services. "I and my peers were unable to deliver the quality of care we were trained to deliver," said Boston radiologist R. A. Novelline, who served to the Navy.

Dr. G. Lee Cross III, as orthopedic surgeon formerly stationed at an Army hospital in Korea, had to write his senator to get "screws to put the plates on the bones of boys who had busted themselves up."

Dr. Lawrence N. Reckles, another orthopedic surgeon, spoke of his very first operation to repair a broken hip after leaving the prestigious Mayo Clinic to become a Navy doctor in Orlando, Fla. With a 90-year-old woman on the operating table already under anesthesia, he asked for a nail to refasten the broken hip, expecting the nail to be in abundant supply in any orthopedic service.

"I turned to the (medical) corpsman and said, 'We need a 2¼-inch nail,'" Reckles recalled. "And he looked at me and said, 'That's too bad, because the shortest one we have is 3½ inches.'"

"That nail," Reckles said, "would have gone right up into the pelvis. It would have been malpractice."

Reckles said he had to get a nail from a civilian hospital, and the delay put the elderly patient's life in jeopardy. "In spite of us, she survived," he said.

Dr. W. L. Amos, an obstetrician, cited equipment problems at the Navy Regional Medical Center in Charleston, S.C. "I remember one particular December," he said, "Our hospital ran out of the most common birth-control pills, the most common antibiotic, the most common-size surgical suture and the most common-size surgical gloves. The hospital commander could not begin to reorder them until the end of the month and a new quarter began."

The surveyed physicians' appraisal of military medical equipment is supported by other observers of military health care.

Bill Stanhope, a professor of community medicine in Oklahoma City, Okla., spent a year touring military medical facilities in his capacity as an aide to U.S. Rep. Robin L. Beard Jr., R-Tenn., a member of the House Armed Services Committee. "When I was in Europe, the orthopods hadn't had simple ankle screws for several months," Stanhope recalled.

At Georgia's Fort Stewart, division surgeon Maj. Steve Herman recently explained that circumventing official channels is a continuing necessity for a military doctor who wants the best equipment. Dr. Herman, who attended medical school after serving as a tank commander in Vietnam, said he recently called Army medical headquarters about his need for new devices which can monitor heart functions at medical units in the field.

"The guy in charge said they had identified the need and that they are going to start field testing in those in January," Herman said. "That means it will take maybe a year or two before we get them. But we need them for our field exercises. I intend to get it for my division long before the Army gets around to that."

DOCTOR WENT AWOL OVER EQUIPMENT

The Association of the United States Army, a lobbying group on behalf of soldiers, has complained about conditions even at the Army's eight elite medical centers. The association said 41 percent of the doctors assigned to the prime hospitals indicated in a survey several years ago "that inadequate facilities played a part in their decision to leave (the Army)."

In one unusual incident, an Army physician charged with going AWOL argued that his flight from the military was justified because recruiters had lied when they promised he could work with the latest equipment. Although Dr. Leon Davis had been assigned as a radiologist to Walter Reed Army Medical Center in Washington, D.C., the centerpiece of the Army medical system, he complained that facilities were "poor and outdated."

Davis lost his court-martial trial, but the military judge imposed only a fine, and not a possible three-year jail term. And the judge warned military recruiters to "clean up their recruiting act" if they expected to attract physicians.

While the physicians were harsh in their appraisal of medical equipment and facilities in the military, a majority (59 percent) rated the quality of support personnel—such as nurses and lab technicians—as equal in military and civilian medical institutions.

Ten percent said their support personnel had been superior in the military. Dr. Paul A. Whitlock Jr., a surgeon now practicing in Statesboro, Ga., said seven years at Navy hospitals in San Diego, Calif., and Corpus Christi, Texas, convinced him that "the military has far better trained paramedical personnel," particularly when compared with those at smaller civilian hospitals.

Nearly one-third of the physicians rated support personnel as inferior in the military. This group cited staffing shortages and the difficulty of removing bad workers: In the military, they learned, a doctor cannot fire his nurse.

When military recruiters turn their attention to physicians, a strong pitch is that the work schedule will be easier than in civilian practice. "Your duties will allow more time with your family," promises one brochure titled "Your Future in Army Medicine."

For the physicians surveyed, this promise held true. Three-quarters said their workload was easier in the military than in civilian practice. Only 9 percent said they worked harder as military doctors.

Dr. Randy Barfield, a pediatrician, had the good fortune to be stationed at the Navy base in Key West, Fla. He recalled fondly a work pace that left time for one of his colleagues to keep his water-skiing skill near the level that once won him a world championship.

For some of the physicians, however, the shorter hours were a negative factor. Some said they could not practice enough in their specialties. And many said their experience led them to believe that the promise of an easier life attracted too many poorly motivated or incompetent physicians to the military.

More than half of those surveyed found no overall difference between the quality of their colleagues in military and civilian medical institutions. Many pointed out the simple fact that the same doctor who was a civilian one day might be a serviceman the next—and vice versa.

But more than a third of the doctors surveyed rated the quality of physicians as lower in the armed services.

I'M IN MY SANDALS AT THE BEACH

Military recruiters and health officials do not dispute the fact that some physicians flee into the military to get away from troubles in civilian practice. Gen. Pixley said that during the extreme physician shortages, "the fact is, a number of older physicians did join who did not turn out well."

In written comments and interviews, the surveyed doctors told frequently of colleagues whose desire for an easy life meant poor medical care for patients.

A recollection of Barfield, the former Key West naval doctor, was not untypical. "I was in the emergency room, and I went up to look at a patient a nurse said didn't look well. The patient was dying," he said.

Barfield said he made several calls to locate the physician who had been treating the patient. "He was at the beach and didn't want to come. He basically said, 'We've done what we can do,'" Barfield recalled.

"I guess he had in effect written her off. He said, 'I'm in my sandals at the beach.'"

Dr. Thomas S. Breza, a former Army dermatologist now practicing in Lauderdale-By-the-Sea, Fla., was most cynical in questioning some colleagues who volunteered for military service. "What physician would work in the worst facilities, understaffed, (and be) moved frequently unless he was incompetent?" he asked. "One can earn much more on the outside—I earn 15 times more—see less patients and live where he wants."

Like Breza, other surveyed physicians claimed there are structural flaws in the military health-care system.

Dr. M. A. Wentworth of Waimea, Hawaii, noted that direct patient care is largely left to younger, less experienced practitioners fulfilling their military obligations. Veteran physicians in the military, he said, often aspire to administrative positions in which they "see less patients. If they were good (physicians), this was unfortunate."

Dr. David B. Crawley of Coer d'Alene, Idaho, found doctors competent in the military but health care "somewhat inferior." This was due, he said, to "lack of continuity of care," which was inevitable because both doctors and patients were routinely transferred from post to post.

"Military medicine is cheap to the patient but very impersonal," said orthopedic surgeon Dr. James G. Killebrew Jr. of Atlanta. He and others remarked on the drawbacks of the constant moving and having to practice in busy clinics. "There is little room for any meaningful doctor-patient relationship," he said.

The final question asked the physicians where they would prefer their own families to receive health care. Nearly 85 percent said they preferred treatment outside the military.

Dr. David Arrowsmith, a dermatologist in Pensacola, Fla., was uncomfortable with the military system under which almost all physicians—regardless of their specialty—take turns as "medical officer of the day," making them responsible for the hospital emergency room during the evening and through the night.

"If you were seriously injured in an automobile accident, would you want to trust the initial decision-making of your care to a pathologist, radiologist or psychiatrist?" Arrowsmith asked, then answered the question himself: "That's not fair to the patient or to the physician, who is too far from medical school and internship to feel competent in emergency care."

A FEW PRAISE THE MILITARY WAY

Army psychiatrist Dr. Lee Haller said he did not wait until his discharge to act on his conviction that civilian health care was preferable. "My wife was pregnant, and she delivered in a civilian hospital," said Haller, who now practices in Washington, D.C. "We wouldn't have let her get pregnant if she had to deliver in my Army hospital."

On the other hand, Dr. Kent N. Leifer rated the quality of health care as much better in the military than in civilian society. He was one of the four surveyed doctors who said he would choose to be treated in the military—"depending on which facility, obviously," Leifer explained.

An allergy specialist now practicing in Merritt Island, Fla., Leifer recited the dangers of civilian medical practice; physicians who do unnecessary surgery because they make a profit from it; physicians who order excessive laboratory tests because they fear malpractice suits; and the poor self-policing in the ranks of private practitioners.

"Too many civilian physicians can't afford to be honest," he said. "I found military medicine more honest."

Leifer recalled his first year at Fort Benning in Columbus, when he was left alone to run an Army allergy clinic, as a glorious time. In his second year, Leifer was asked to serve also as a pediatrician, which disturbed him, and he left the Army at the end of his commitment.

Leifer said he has not enjoyed the business demands of private practice ("you learn by goofing up") and considers reenlisting so he can simply "practice medicine."

Dr. Daniel G. Knauf, a Gainesville, Fla., heart surgeon who served 14 years in the Air Force, also rated military health care as superior to its civilian counterpart. He, too, said he would choose to get his own health care in the military.

But Knauf added a qualification to his evaluation:

"Quality of medical care and care providers is declining in the military, because of the military MD shortage," he wrote. "Recruitment programs are too lenient as to quality of physicians obtained. . . . (There are) too many private-practice failures."

[From the Atlanta Constitution, Dec. 9, 1981]

"TAKING CARE OF OUR OWN": A MILITARY PLEDGE UNMET?

(By Paul Lieberman and Jim Stewart)

Twenty years in the U.S. Army left Donald Bowman with lasting admiration for the work of the military medical system in wartime. "If you have a sucking chest wound, there's nothing like Army medicine," Bowman said recently, recalling with awe a battalion medical officer he saw in Vietnam who calmly went about the work of saving lives during a savage hilltop battle.

Now, as a military retiree, Bowman can get free health care from the military medical system in peacetime, a retirement benefit he thinks he earned. "I spent those years moving around," he said. "My children grew up always leaving their friends. I spent time in a war doing a lot of ducking. Those are some of the prices we paid for those benefits."

Yet now that the dues have been paid and Bowman can collect free medical and hospital care, the retired West Pointer and Silver Star recipient buys health insurance for himself and his family. Of the modern, 377-bed Army hospital only 10 miles from his home in Columbus, Ga., Bowman says, "I stay away from it. My family flat won't go. They feel they are treated like cattle there."

Donald Bowman is not alone in his belief that the distinction of U.S. military medicine in war has not carried over into peacetime.

Responding to a nationwide survey, physicians who had served in the armed forces in recent years agreed with Bowman. They, too, said they would prefer that their own families receive health care from civilian institutions.

Results of the physician survey, together with inside observations of military doctors, are described today in Part I of a series of reports on America's peacetime military medical system.

For the United States, military health care is a $6 billion-a-year operation. It is a worldwide network of 160 hospitals and 310 clinics staffed by 11,200 physicians charged with a staggering double assignment; staying ready to support troops in the event of

war, while providing daily care for 9 million servicemen, retirees and dependents.

The American military health-care system is capable of handling 12 million patient visits and delivering almost 100,000 babies a year. Nevertheless, a military which long has prided itself on self-sufficiency is having to qualify its traditional pledge, "The Army Takes Care of Its Own."

With a shortage of more than 1,700 specialist physicians, the armed services increasingly are shifting to the private sector the burden of filling military health needs. The government expects to pay civilian physicians $1.1 billion next year to treat an overflow of military patients.

The Atlanta Constitution's reports are based on the poll of physicians, a survey of medical boards in the 50 states, court records, visits to military health facilities, and more than 200 interviews conducted around the country over a four-month period.

The examination of military medicine was prompted, in part, by a series of events at one of the largest military hospitals in the country, Wilford Hall Medical Center at Lackland Air Force Base in San Antonio, Texas.

The Constitution reported in October that Air Force medical officials had ignored—and later denied knowledge of—repeated warnings that too many heart-surgery patients were dying at the 1,000-bed hospital, the centerpiece of the Air Force health-care system. The warnings stemmed from internal hospital studies showing that operations performed by the Air Force's chief heart surgeon resulted in a 43 percent patient mortality rate.

In late October, two former officials of the Air Force hospital alleged that their names had been forged on documents covering up the problems in the heart unit.

On Thursday, Part II of the series will examine one of the questions raised by the Wilford Hall incident: What happens when the military has problems with a physician? Case studies and a nationwide survey of state medical boards show that the armed services routinely send problem physicians out to practice on civilians—without any warning to civilian medical authorities.

On Friday, Part III of the series takes a ground-level look at health-care delivery at two Army bases where overcrowded clinics sometimes cause uneasiness and frustration among doctors and patients alike.

Military officials are well aware of the significance of medical care to the military community. Polls of armed forces enlisted personnel show that they rate healthcare as second in importance after salary.

"The military is a worldwide operation populated by young people with growing families," said Dr. John H. Moxley III, who recently completed two years as assistant secretary of defense for health affairs. "One of the things they like to insure themselves (of) is that the basic services for their families will be taken care of."

But speaking last year to a meeting of military physicians, U.S. Rep. G. V. Montgomery, D-Mass., of the House Armed Services Committee, said he was hearing many complaints from servicemen and retirees about their health care.

"There can be little doubt that many of these complaints are justified," Montgomery said. "The administrative headaches, shortages in medical specialties, and day-to-day problems in particular locations have greatly angered the military community."

Montgomery warned of the implications of inferior health care during the era of all volunteer armed forces.

"Good health care is one of the benefits we have promised our military personnel and their dependents, while on active duty and once they retire," he said. "If this benefit is lacking, along with other reduced benefits, it is no wonder that we are experiencing great problems in retaining career personnel.

"We simply must provide better health care for peacetime."

[From the Atlanta Constitution, Dec. 10, 1981]

WHEN MILITARY DOCTORS FOUL UP

MEDICAL BOARDS NOT WARNED AS PHYSICIANS ENTER CIVILIAN WORK

(By Jim Stewart and Paul Lieberman)

The U.S. armed forces routinely send their problem physicians into civilian practice without any warning to civilian health authorities, according to records of state medical boards and the military itself.

A survey of all 50 state medical boards by The Atlanta Constitution found that only one board has recorded an instance in which the military alerted it to problems with a doctor.

Military health officials concede that while some of the hundreds of physicians who depart the military every year likely have been forced out because of incompetence, alcoholism or other impairments, there is no policy in any of the three branches of service of notifying civilian licensing boards.

"We have never done it," said Margaret Tackley, a spokeswoman for the Department of the Army. "It has not come up and was only recently considered."

As a result, the only reported instance of the military issuing a warning to civilians about a bad practitioner resulted from the efforts of an individual hospital commander, and not from official policy.

Earlier this year, Col. John Canby, commander of Ireland Army hospital at Fort Knox, Ky., fired a doctor for assaulting a nurse on a hospital elevator. Canby immediately notified a federal prosecutor of the incident and then wrote the medical society in nearby Louisville, telling it of the case. The medical society, in turn, forwarded the letter to the Kentucky State Board of Medical Licensure.

"If I don't do it, who is going to?" said Canby, himself a veteran Army doctor. Mere dismissal from one job "is not real punishment for a physician,'" he said. "He can still get a job anywhere."

The procedures that seemed natural to Canby seem unique in the military. Officials of none of the other 49 medical boards could recall receiving a bad-doctor alert from the military.

"They should report if someone gets kicked out of the service," said Douglas N. Cerf, executive director of the Arizona State Board of Medical Examiners. But he added, "I don't think we're advised when someone gets astray."

The survey of medical boards, statistics provided by the armed services, and a series of case studies all point to a pattern of the military handling medical problems much the same way it handles all disciplinary matters—quietly and in-house:

While military health officials boast that military regimen makes it easier for them to weed out "bad apples" than it is for civilian institutions, the armed services keep no central record of disciplinary actions against physicians.

Only one military doctor in memory has been court-martialed for actions relating to his care of a patient, according to the Defense Department.

At a time when most states routinely notify each other of disciplinary actions against physicians, and have passed laws to help their medical boards learn of potentially dangerous practitioners in civilian institutions, medical mishaps in the armed services regularly go unreported.

"As for the military, I don't think any medical board has an idea what goes on there," said Robert Rowland, executive director of the California Board of Medical Quality Assurance. "I don't know anything about their quality assurance. I'm worried about the physician who gets out and comes back (to California) like nothing ever happened."

AIR FORCE WITHHELD INFORMATION

The Atlanta Constitution's examination of the disciplinary process within the military medical system was prompted by a series of events at one of the largest military hospitals in the country, Wilford Hall Medical Center at Lackland Air Force Base in San Antonio, Texas. In those events, the failure of Air Force officials to communicate information about a physician may have helped cause a tragedy in an operation on a civilian patient.

After internal studies at the 1,000-bed hospital showed that operations performed by the Air Force's chief heart surgeon resulted in a 43 percent patient-mortality rate, Air Force officials approved the transfer of the surgeon, Col. William Stanford, into a fellowship with civilian physicians in Milwaukee. The civilian physicians were not told of the internal hospital data on Stanford. They later said they would not have accepted the Air Force's offer of Stanford had they known of the high death rate.

On May 2, 1978, Stanford hooked up a heart-lung machine backward to a Milwaukee woman undergoing a routine coronary-artery bypass operation, and the patient went into a coma.

Stanford later returned to Wilford Hall, retired from the Air Force and entered private practice last year.

A recent incident in Georgia showed a similar failure to share information within the armed services themselves. An Air Force physician was transferred to the Army with good recommendations and was appointed head of pediatrics at Fort Stewart, the huge post west of Savannah. Within months, angry Fort Stewart medical officials moved the man to a much less sensitive post as a general practitioner at an out-patient clinic.

"He was not capable of providing adequate care, especially to critically ill youngsters," said Col. Herb Segal, chief of staff at the Fort Stewart hospital. "He had been chief of the (pediatric) service at the Air Force facilities he left. I believe they lied about him just to get him out of the Air Force."

Segal said the experience reinforced his belief in "the need to police ourselves."

America's military health-care system spans 160 hospitals and 310 clinics worldwide. A force of 11,200 physicians serves 9 million active-duty servicemen, retirees and military dependents.

Military medical officials readily concede that more than a few bad doctors have tried to hide in the huge health-care network, especially when manpower shortages have

made the armed services desperate for volunteers. "The Army, Navy and Air Force currently list combined shortages of 1,700 medical specialists.

"No ifs, ands or buts about it, we get a lot of applicants on the run from something," said Lt. Col. Richard F. Helmbold, a recruiter at the Army's medical-officer procurement office in Atlanta.

"The fact is, a number of older physicians did join who did not turn out well," agreed Lt. Gen. Charles Pixley, who recently completed four years as Army surgeon general. "We've had a number terminated."

Asked whether civilian licensing boards were notified when the Army took its own disciplinary action against a doctor, Pixley said, "I have never felt there was a problem there, never thought too much about it."

FEW DOCTORS GET NEGATIVE REPORTS

A Department of Defense spokesman said that while the armed services may not volunteer information about problems with doctors, they will answer inquiries from civilian authorities "with the 'right or need to know.'" This occurs, said spokesman Bill Caldwell, "when a physician applies for licensing in a given state and signs a waiver giving the state board access to information held by the services."

Many military physicians, however, do not have to apply for a state medical license when they leave the armed services to enter civilian practice. Although active-duty military doctors are not required to be licensed in states in which they are stationed, most hold licenses in their home state or others—and can return to any of those states without filing a new application.

When military doctors do apply for licenses in new states, medical boards report varying success in getting information out of the military.

Robert Dobart, administrator of the Maryland Commission for Medical Discipline, recalled his frustration trying to learn details of an operation in a Maryland Army hospital in which a child got a drug overdose and "wound up being more or less a vegetable." Dobart said he wanted to find out who the doctors were so he could check on whether they were licensed in Maryland.

"We had a great deal of difficulty getting any information," he said. "I'm not saying it was a deliberate attempt to impede us. It was just more difficult than dealing with civilian hospitals."

Dobart said he finally learned that the physician who performed the operation was not locally licensed.

John J. Ulwelling, executive secretary of Oregon's medical board, said that "it's hard to get good information" simply because both military doctors and hospital commanders frequently move from post to post. A background check, Ulwelling said, may gain the physican's discharge papers "and maybe one reference letter. Very seldom do you get a negative report."

In the Wilford Hall case, negative information apparently was carefully kept off official records.

Dr. Clifford Buckley, the former chief of surgery at the huge Air Force medical center, said it was suggested to him by top hospital officials that he write a favorable "OER"—Officer Effectiveness Report—on Dr. Stanford, the Air Force's senior heart surgeon. Buckley said that after he refused, his name was forged on a report that made no mention of controversy over the heart surgeon's operative mortality rate.

The Air Force was cooperative with civilian authorities in the case of another physician. The New Mexico Board of Medical Examiners, noted for its careful background checks on doctors applying for licenses, wrote the hospitals where the physician had worked and was told by one commander that the man was "not retained" because of "substandard care and lack of communication" with patients.

Board administrator Michelle McGuiness said evidence at a hearing showed the physician had been "making advances" to female patients. The New Mexico board voted last year to deny the man a license, citing "unprofessional conduct."

STATES SHARE DATA ON CIVILIAN DOCTORS

The haphazard communication of background information when a physician moves from the military into civilian practice can be contrasted with procedures used when a physician moves from state to state.

Even civilian licensing officials readily admit that the ability of bad doctors to jump from hospital to hospital, or from state to state, is a longstanding problem in the profession. And U.S. Rep. G. V. Montgomery, D-Miss., a member of the House Armed Services, said recently that the military is better able to keep an eye on physicians because "we've got a record on them." In civilian society, a hospital may know a doctor is bad, yet "they give him a good record just to move him on."

In recent years, however, the communication of information about problem doctors in civilian practice has been improved through two developments.

One has been the adoption in a majority of states of laws seeking to force the reporting of potentially bad doctors to medical boards. Some laws require hospitals (and other health-care institutions) to notify their state board of all internal disciplinary actions against staff physicians, such as a denial of surgical privileges. Other laws require that insurance companies notify boards of malpractice judgments.

The second development is the nationwide sharing of records of disciplinary actions taken by different states against physicians. The Texas-based Federation of State Medical Boards, which serves as the clearinghouse for such information, last year alerted the 50 medical boards of 768 disciplinary actions—license revocations, suspensions and reprimands—taken by other states. "Only a couple don't report," said executive director Dr. Harold Jervey.

Gary R. Clark, executive secretary of Missouri's medical board, said he would like to see the federation also serve "perhaps as a central depository for information from the military." Like other medical board officials, Clark is uneasy that his information about doctors leaving the military is "somewhere between limited and non-existent."

On paper, military physicians are actually susceptible to a wider range of disciplinary procedures than their civilian counterparts. Punishment can range from a verbal reprimand to a court-martial and a prison term.

Pete Esker, a spokesman for Walter Reed Army Medical Center in Washington, D.C., the Army's centerpiece hospital, insists that the military has an advantage in the policing of physicians. His reasoning starts with the visible rank worn on the epaulets of every armed forces physician.

"The chain of command," he said, "acts as the board of medical examiners.

"Discipline here is actually better than in civilian hospitals, where about all they can do is take away your privileges," said Esker, "We've had physcians relieved on the spot. . . . The boss man can say you're through, and you're through."

AN ALCOHOLIC DOCTOR NEEDS HELP

Military regimen also can be used to force help on a physician who might be allowed to flounder in private practice.

Dr. Richard Schwartz, a pathologist now in civilian practice in Akron, Ohio, recalled being shocked when a new pathologist arrived at the Andrews Air Force Base hospital outside Washington, D.C. The newcomer, he said, clearly was an alcoholic and also had difficulty analyzing tissue correctly.

"He had bounced off several staffs," Schwartz said, adding that the man had volunteered for military service "to obtain some employment that would shelter him." The military had been "all too quick" to accept the physician because of staffing shortages, he said.

Schwartz said the physician first was ordered to dry out in a hospital ward. Then he was sent to an armed forces training program for pathologists.

His fellow doctors never learned whether the rehabilitation program would have worked. In what Schwartz called "a tragic ending," the man died before the training program was completed.

According to the legal adviser to the Navy surgeon general, most problems with physicians conclude less dramatically. "Most of the actions (taken) are known only to the doctor and his commanding officer," said Commander Mike Hannas.

Hannas said the threat of writing a less than satisfactory officer-effectiveness report is the most common disciplinary tactic. The reports, prepared at least once annually, weigh heavily in promotions.

Only once, according to available records, has a military physician received the ultimate punishment of a court-martial for poor care of a patient.

By comparison, 216 civilian physicians suffered the maximum penalty available to state medical boards—loss of their licenses to practice—in 1978 alone, according to an American Medical Association study. The AMA study says another 302 licenses were suspended, surrendered or put on probation, and that 268 civilian physicians were reprimanded or censured.

The court-martial stemmed from the actions of a physician at the Great Lakes Regional Naval Center in Waukegan, Ill., in 1979.

The physician, Lt. Muhammed A. Ansari, performed elective surgery on an Army sergeant to correct a fertility problem. Ansari allegedly cut a major blood vessel by accident, resulting in complications and the sergeant's death. Ansari was found guilty of manslaughter at his military trial this August.

The sentence was a fine of $2,000 and placement of a letter of reprimand in Ansari's permanent military folder.

The lieutenant is appealing the conviction. Navy lawyer Hannas said that if the verdict is upheld, the Navy will send the court-martial records to any medical board which licenses Ansari.

In fact, the Kansas State Board of Healing Arts already is aware of the case. Executive secretary Elizabeth Carlson said the board learned of Ansari when military officials requested proof of his licensure for their court-martial. "We are pursuing it," she said.

In civilian medicine, such cases of a physician's alleged malpractice often become known to the public through the court system. In military medicine, malpractice suits are far less common.

LAWSUITS BECOMING MORE FREQUENT

One of the strongest inducements used by recruiters to draw physicians into the military is freedom from worry about lawsuits. Active-duty servicemen are barred by law from filing malpractice suits. And although retirees and dependents can sue the government, the military physician himself is not liable.

A retiree or dependent first must file a claim under the Federal Tort Claims Act. The government has six months to settle or deny the claim. After that time, the claimant may sue if dissatisfied. If there is a trial, it is conducted by a federal judge without a jury—a rule approved by Congress to hold down judgments.

Monetary claims for alleged medical malpractice by military physicians are on the increase, according to Department of Defense figures recently compiled for The Atlanta Constitution.

Health-care complaints for the Army and Air Force (no statistics for the Navy were provided) totaled 488 in 1979 and 567 in 1980. The Army alone reported paying out approximately $23 million in undisputed malpractice claims for the period. In addition, the Army reports 48 lawsuits pending in 1981 as a result of disputed claims.

Enlisted men or women who want to file complaints against military physicians must turn to the inspector general of the service involved.

Inspector general, or "I.G." complaints, as they are known in the acronymic jargon of the armed forces, are more commonly filed by soldiers with job-related grievances. These complaints are checked by independent investigators.

Doctors are not frequent targets of this wrist-slapping type of action. The Army recorded only 62 medically related I.G. complaints last year and ruled only eight of those to have been substantiated.

According to Col. John Canby, there might have been another recent military court-martial of a physician if the circumstances of his Fort Knox incident had been different.

The physician accused of mishandling a nurse on a hospital elevator was not an enlisted military doctor. He was a civilian "contract" physician hired by the Army to fill a spot left open by service-wide shortages of medical specialists.

If the man had been regular Army, Canby said, "I'd have court-martialed him or something along that line. I wouldn't have tolerated that behavior. And we would have put it in the so-called credentials file.

"This is my hospital; for good or bad, I'm responsible," he said.

THE PATIENTS—THEY FACE AN IMPERSONAL, UNDERSTAFFED SYSTEM

(By Jim Stewart and Paul Lieberman)

COLUMBUS.—Army medicine has been an important part of Jess Wheeler's life ever since Japanese rifle fire almost ended it nearly 40 years ago on Luzon in the Philippines.

The bullet ripped through an elbow, destroyed a kidney and richocheted through Wheeler's stomach. He was in the hospital at Fort Devens, Mass., for nine months. When he was released, he decided to stay in the Army for another tour, and then another. "After that, I started weighing the benefits," said Wheeler, who just turned 66.

"I saw both my parents go through long bouts with bad illnesses. They didn't have any health insurance," he said. "My sisters and I dug deep to pay the bills. I didn't want the same thing to ever happen to me."

For Wheeler, the financial security he sought from health worries has paid off. He feels the Army has made good its promise to reward his retirement with free medical and hospital care. Twice, the military has seen him through major difficulties, once with a triple coronary-artery bypass operation the government largely paid for at a civilian hospital in Columbus.

"Oh, sure, things have changed," Wheeler said. "Now, I'm just another old colonel . . . and sometimes get treated like one. It bothers some of my friends to be treated that way, but that's the way it is now."

The "way it is now" is bothering a great many people among the 95,000 active-duty soldiers, their dependents, and military retirees who live in or near this west Georgia riverside town that hosts Fort Benning, home of the United States infantry.

Some retirees, like Donald Bowman of Columbus, buy their own health insurance now rather than accept the free care at Fort Benning's Martin Army Community Hospital. "My family flat won't go," said Bowman. Even some active-duty military personnel at Fort Benning—who receive first priority for treatment—seek out civilian care and hospitalization, according to area physicians.

In a sense, Martin Army Hospital and the diverse population it serves are a microcosm of the military health system that has long prided itself on the pledge to "take care of its own." Reflected there are the concerns about "second-class care" being voiced by some in the armed forces. Also to be seen are signs of a system being overwhelmed. Short by more than 1,700 physicians, the armed services are increasingly sending their dependents and retirees to the civilian sector for medical help—more than 1.1 million of them last year.

A system many soldiers have seen respond with dazzling speed in time of war moves with frustrating slowness to care for routine health problems, some critics claim. Frequently heard are complaints about long waiting periods, constantly changing physicians, understaffed and ill-equipped facilities and, always, a vague sense of distrust between patients and a health-care staff that works in a free-for-the-asking service system.

IT TAKES A LOT OF PATIENCE

"It can be maddening at times," said Mrs. Lee Morris of Columbus, wife of an Army retiree. "If you're in real need, you'll be taken care of. But you have to break through that outer shell of red tape and bureaucracy and explain the same problem over and over again."

"Pregnant ladies don't know who will deliver their babies," said Donald Bowman's wife, Cynthia. "You would never see the same person twice. That can be so unsettling."

Sometimes . . . you are made to feel like they're doing you a favor to take care of you," echoed Lisa Rushing, whose enlisted husband comes from a family of career soldiers. "It takes a lot of patience, a lot of getting used to. I'm glad I've never been real sick and had to face it. I don't know what I would do."

But says 73-year-old Col. Herman Goldman (retired), "Some people are always going to complain about understaffing, discourtesy and things like that. But I never heard one of them complain about the price."

The feeling of being less than first priority in a system that serves 9 million Americans worldwide is not entirely mistaken. As Pentagon officials will quickly admit, the primary mission of U.S. military medicine is taking care of soldiers—not their families and not retirees, who between them account for nearly 70 percent of the health-care population entitled to military medicine.

In actual order of priority, active-duty personnel and reservists in training come first, according to a Department of Defense schedule. Dependents of active-duty personnel come second, while retirees and their families are fourth in line behind ROTC students in training.

"Although many people who come into the service have felt that it was implied by aggressive recruiters that health care in military facilities could be, or might be, provided from the cradle to the grave, official policy has never accepted that," said Lt. Gen. Charles Pixley, who recently stepped down as surgeon general of the Army.

"I've never fought for that. That's a spin-off benefit," said Pixley. "We just want the privilege of taking care of them to the extent resources and facilities will permit. But that's not why we're here. Congress will have to pass new laws if that's our mission."

In Pixley's view, dependents and retirees play an important role in helping meet the needs of military preparedness by offering military physicians a wider range of ailments for treatment than those normally associated with young, healthy soldiers.

Not many active-duty soldiers need neurosurgery, but a neurosurgeon is critical on the battlefield," said Pixley. "During peacetime, these neurosurgeons and these other (specialists) have got to have something to do. By committing them to practice medicine on a different age population—the older retirees, for example—they can fine-tune many skills."

"We shouldn't be ashamed of that," Pixley said. "Every study shows that everything that we do in-house is cheaper for the taxpayers than any other option."

IT HAS A NEGATIVE IMPACT ON MORALE

When military facilities cannot accommodate all the eligible patients in an area, those with lower priority have to look outside the military for health care. In those cases, the military pays most of the bills through the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). But the recipients—unless they are active-duty personnel—also must pay part of the cost.

Army recruiters have recently been instructed not to overstate medical benefits to potential enlistees, according to Ted Wood, director of CHAMPUS, which is headquartered in Denver. "When an 18-year-old is recruited, he's told that he gets free medical care," Wood said. "The problem we have is that when he's a few years older and has a family, (we have to explain) that there are different rules for you family."

CHAMPUS was created in 1966 to handle the health needs of the burgeoning number of dependents brought to the Army by the Vietnam War. Under CHAMPUS, dependents and retirees pay 20 percent and 25 percent respectively of the cost for treatment by a participating civilian physician. Because the government's fee scale usually lags at least a year behind current medical charges, many physicians choose not to participate, according to Wood, who nonetheless has seen his program swell to a $1 billion budget for fiscal 1982 and projects "continual growth" over the next decade.

Recipients of military health care can expect more reliance on civilian medicine in the future and an armed forces system that "is no better than a lowest common denominator in the civilian sector," according to a 1979 study by the Association of the United States Army, which lobbies for increased service benefits and has recently offered its members group health insurance to supplement CHAMPUS.

"The inadequacy of the health-care system cuts two ways," says the AUSA study. "First, it has a negative impact on morale by imposing continuous uncertainty in the minds of soldiers about what they might expect in the way of care for themselves and their families. Second, its gross shortage of capability makes it largely incapable of responding to a sudden mobilization requirement."

"Taken in sum (these problems) constitute the prime current threat to the morale and well-being of the armed forces of the United States," the report concludes.

I TELL YOU, I WAS SCARED TO DEATH

From ground level, Martin Army Community Hospital rises like a latter-day blockhouse above the scrub oaks and clay hillocks that dominate the landscape here. Across the street are the commissary, the post exchange and smaller facilities where soldiers and their families can save money buying at discount prices. Like the hospital, these facilities are part of what Congress calls the "total compensation" due our servicemen and women.

Like most Army hospitals, Martin Army is designed for rapid expansion during war. Five operating rooms stand ready in addition to the three that are routinely used. In a crisis, bed space could be nearly tripled.

In the Army system of care, Martin Army is a "community" hospital, meaning that it can provide primary care and diagnostic service and perform some surgery for a wide variety of patients. Patients requiring more sophisticated surgery or diagnosis are shuttled from Martin Army on twice-weekly medical evacuation flights to three of the Army's eight training hospitals: Brooke Army Medical Center in San Antonio, Texas; Eisenhower Medical Center in Augusta; and Walter Reed Army Medical Center in Washington, D.C.

Martin Army works quite like any civilian hospital of a comparable size. On an average day, nearly 200 of its beds will be filled and more than 1,600 patients will come through for treatment, prescriptions or diagnosis. The hospital maintains a round-the-clock emergency-room and ambulance service, while non-emergency appointments normally require a two-week waiting period, according to an Army spokesman.

Sometimes the wait is longer. After experiencing heavy, unexpected hemorrhaging, Ann Beamesderfer, the wife of a retired Army officer, scheduled an appointed for a biopsy at Martin Army. "They told me to check back in two weeks then they told me to check back the next month," she said, "It was two months before I heard if they had found anything. I tell you, I was scared to death."

The Beamesderfers are part of Martin Army's family-practice plan, the most popular, by far, of the hospital's services. One of the chief complaints made by patients in the military system is that they rarely see the same physician. To provide continuity of care and a sense of patient-physician relationship, the services began assigning some families to a single physician they could call, make appointments with and consult just as in the civilian system.

The program was an instant success with patients. However, because of the shortage of family-practice physicians, only a small percentage of patients (15,000 out of 95,000 at Fort Benning) is able to participate. Others wishing to join place their names on a waiting list. Active-duty soldiers report waits of several months, while retirees can expect to wait 2½ years, according to a Fort Benning spokesman.

IT'S A PLAIN MANPOWER SITUATION

Martin Army's reputation among Columbus citizenry appears to take its color from the hospital's association with the military as much as from the actual health care provided there.

"I'll tell you, I was in the Army once," said Columbus police Officer Ken Wessner. "I know what it's like. Now, if we had a real bad (car) accident right near there, I might take the victims to Martin Army. But it would have to be real bad."

Local physicians are sympathetic to the hospital's needs but feel the military has brought on its own problems. "I used to help them out some a few years ago," said Dr. Joe Chastain, a Columbus pediatrician. Then, said Chastain, after he spent more than an hour assisting in a Caesarean section and initiating respiration in a new born, the Army paid him $15 for his time. "That kinda cured me," he said.

"I have seen instances where parents will deliberately withhold aspirin from their babies to bring the temperature up to 103 or above because that's the only way they can get the attention of Army doctors," said Chastain.

With little or no recurring patient population of their own, some Army physicians fall prey to showing "less than adequate" concern for those they treat and their loved ones, Chastain said, "If you bring your child in here for care, I have to be concerned that you leave here pleased as well, or my income is going to suffer," he said. "They don't have to worry about that."

Twice, Dr. W. L. Amos, a Columbus obstetrician who himself served in the Army, has admitted active-duty soldiers from Fort Benning to a civilian hospital for treatment. "They wouldn't have had it any other way," Amos said.

"It's a plain out-and-out manpower situation, from what we hear," said Dr. John Watson, president of the Muscogee County Medical Society. "We think they do a good practice, yet we think they don't have the expertise that, frankly, they should have in some areas."

Local physicians are also mindful of events surrounding one member of Martin Army's staff, Dr. Emil Romitan, an ear, nose and throat specialist who serves as a civilian contract physician for the Army.

Romitan had been asked to leave two Michigan hospitals after questions about his competency arose, according to court records on file in Macon, Ga. After moving to Georgia and subsequently encountering problems at a Macon hospital, Romitan filed suit in federal court in 1979 seeking an injunction to keep the hospital authorities from cutting off his hospital and surgical privileges.

U.S. District Judge Wilbur Owens curtly dismissed the suit: "Dr. Romitan in the opinion of every doctor whose deposition has been taken is not presently competent to practice as an ear, nose and throat physician and surgeon in the defendant hospital or any other hospital," Owens wrote.

Officials at Martin Army, where Romitan had since moved, learned of the court's actions and initially relieved Romitan from duty. Later, however, they decided to retain his services and placed him in a position with "less responsibility," according to Army spokesmen.

IT'S THE OLD "CRY WOLF" SYNDROME

Like many military hospitals, Martin Army is short of some military medical specialists. Its manpower and organizational charts, however, can be deceiving. Authorized 67 military doctors, the hospital actually has 84, including 20 residents undergoing training. Also on hand are 26 civilian contract physicians, 59 civilian nurses and 42 civilian technicians. The civilian physicians are needed to fill specialty positions for which the Army has been able to attract but very few physicians—anesthesiology and radiology, for example. Martin Army officials declined requests to discuss manpower requirements at the hospital.

Ted Schumacher served at Fort Benning as an Army attorney for three years. For much of the time, his duties involved investigating and processing claims made for alleged malpractice at Martin Army. After leaving the service, Schumacher went into private practice in Columbus. He has since represented more than a half-dozen clients who have sued Martin Army for malpractice, while only one client has sued a local civilian hospital.

"If you're oriented to civilian time, it can be frustrating because the Army doesn't think of time like we do," Schumacher said. "If you're a soldier on sick call, the reasoning goes, the clock still runs and you shouldn't mind waiting. Time is time, you get paid either way. So does the doctor."

"I guess it's the old 'Cry Wolf' syndrome," Schumacher said. "They (military doctors and nurses) get so used to seeing some people abuse the system, who show up to get a little free attention or with a problem that's not serious, that when a real bad one comes along they sometimes don't seem geared to handle it."

[From the Atlanta Constitution, Dec. 11, 1981]

SICK CALL A REMINDER THAT MILITARY MEDICINE IS NOT AS ADVERTISED

(By Paul Lieberman and Jim Stewart)

HINESVILLE, Ga.—By 8 a.m., an hour into Capt. Lynn Whittington's day as an Army doctor, nearly 50 names are logged in the sick book, and 15 young soldiers sit calmly on folding chairs in the waiting room of Fort Stewart's Troop Clinic One. One man leans back and moans. Another puts his elbows on the chair in front and rests his hands in his head. The others stare at the walls, boredom on their teen-age faces.

Sgt. Bruce Mullin, who mans the book, expects as many as 90 bodies at sick call in the clinic this morning, a Wednesday. "Monday, Wednesday, Friday, these are the days we have PT, physical training," he says. "A lot of people coming trying to get out of work." The book records the complaints: "cold," "flu," "back," "rash," "swollen knee," "glands," "ear."

The names are called one at a time, and the soldiers stand and walk slowly down a corridor to the small examining rooms where they will be checked by any of five physicians' assistants or by Whittington, the one doctor on duty.

"Folks come here for every ache and pain you would never think of seeing a regular

doctor for," Whittington says. Then he nods toward the waiting room.

"Don't get the impression most of these men are garbage," he says. He considers for a moment. "Most of them are. But you do see some good medicine," a few cases of real disease.

Whittington is a round-faced man of 26 who speaks in the thick drawl of his home state of Mississippi. He is not here—in the middle of the sprawling Army post known to troops as "Camp Swampy"—by choice. He would rather be training to be a pediatrician.

But Whittington asked the government to pay his way through college, and now he owes four years in return.

It was only this summer that Whittington joined the ranks of America's 11,200 military physicians serving in 160 hospitals and 310 clinics worldwide. Already, however, he senses that Army medicine is different from other medicine. And already he has decided that when his four years are up, he will leave for the freedom of civilian practice.

Whittington, then, will be a challenge to Col. Alcide LaNoue, the hospital commander, and to Col. Herb Segal, the chief of professional services. Part of their job is trying to convince the 30 physicians on the staff to stay on past their service obligations, to get men like Whittington to postpone—or forget—dreams of private practice.

Another part of their job—the main reason LaNoue and Segal were brought here from overseas 18 months ago—is to salvage the possibility of quality medical care at a facility where that once seemed impossible. Even the crop of Army doctors who must practice their profession here every day invariably give the post hospital an unofficial first name—"dilapidated." The "Dilapidated Fort Stewart Hospital," they call it.

Until a new $43 million facility is opened in about a year, Fort Stewart's physicians will continue to treat a patient population of 35,000—half active-duty servicemen, half dependents and retirees—in the sagging conglomeration of wooden World War II barracks-type buildings (built, in fact, by German POWs) that has passed itself off as a hospital for four decades.

It was in an operating room here that a nurse once fell through the floor, and where a physician noticed a bird flying above as he began surgery on a woman. It was here that physicians would try to avoid having their own families be treated, and where the medical staff finally organized and rebelled against a hospital commander two years ago.

WORST HOSPITAL IN THE ARMY

"I think the past history is more or less common knowledge," says Col. Segal, "I guess it has been said we were hand-picked to take over what was the worst hospital in the Army."

The talk about the old 143-bed hospital is not as painful as it once was, however, because of the modernistic concrete structure visible through the pines across the flat terrain of the base. The new hospital helps Segal make his case to Lynn Whittington and other young doctors that they have a future in military medicine.

"Probably about the 18-month mark here I will start pressuring Lynn, pressuring him about military residency programs," says Segal, who has joined Whittington in a Troop Clinic One examining room.

A physician himself, as are all hospital officials in the military, Segal is beginning to dangle benefits in front of the junior officer. At a time when the all-volunteer armed forces have shortages of 1,700 medical specialists, the game is to offer specialized training at the military's expense. If Whittington accepts, he will get away from troop sick calls, but he also will obligate himself to more time in the Army.

"I probably won't," Whittington says, his voice polite.

A third Army physician adds a different view of the situation. "Nobody is going to volunteer to do this as a career," says division surgeon Maj. Steve Herman, Whittington's immediate superior. "It's not really professionally rewarding. You don't have control over your own life. And there's that threat that you'll be sent somewhere and be killed instantly.

YOU HAVE TO BE . . . WACKO

"You have to be a little wacko to want to do this," Herman concludes.

Herman actually is not making a case against the military career, to the contrary, he is starting to explain why—despite the obvious sacrifices—he sees a mission "of abiding value" in the dual role of soldier-physician. He is talking about another side of military medicine than the one outlined in recruiting brochures.

A 1977 booklet, "Your Future in Army Medicine," tried to convince physicians that military service would be good preparation for conventional civilian medical practice, a sort of parallel practice. "Your patients come from the total military, dependent, and retired population in your area," the brochure says. "Your patients are an educated and medically sophisticated population, representing the same kind of diversified clinical cases you would expect to see in any busy metropolitan practice."

Whittington has reason to question that description.

Each 7-to-11 a.m. sick call is one reminder. The patients are neither well-educated nor representative of diversified clinical cases. Like most of the all-volunteer armed services, the 24th Division—a rapid-deployment force ready for transport to combat areas at any time—is largely made up of relatively uneducated, lower-class young men. Their medical complaints frustrate more than a few military physicians.

Dr. Tom Danello, who worked in Whittington's job before entering civilian practice in Savannah earlier this year, still is bitter over what he calls "more a cattle rush than medical duty" in which "many people are malingering."

COME IN PLAY-ACTING

Danello explains: "Guys who didn't want to go marching that day would say they 'fell out,' meaning they fainted. They'd come in play-acting with histrionics that were amazing, trying to look like a 70-year-old who had a stroke.

"In months in a civilian hospital emergency room, I've never had one person who said they 'fell out' and who looked like that. And now I'm seeing all ages. There you were talking about 18- to 22-year-old kids who should never be sick. But 30, 40 percent of them would come through sick call each month, knowing it would get them off duty for a few hours—and that it wouldn't cost them anything.

"They'd say anything," Danello says. "We used to put up a 'sick slip of the week.' One of them said, 'I can't see while I'm falling asleep.' The next one said his hair would fall out if he went swimming."

Danello says the frustration of seeing many questionable complaints has a bad effect on the military physician. "You come to distrust your patients," he says, "and the danger is that the sick people could be overlooked in the shuffle."

So sick call is one reminder that military medicine is not quite as advertised in the Army brochure. A second comes when Whittington is called to field duty to learn the procedures needed in the event of war.

This is the part of the job that most interests, and worries, division surgeon Steve Herman. He is a Brooklyn native who attended West Point, led a tank platoon in Vietnam and then decided, at 29, to go to medical school. Nine years later, Herman is a physician and crusty field officer at the same time. He says he is on "the cutting edge of military medicine."

Like many top military medical officials, Herman fears that not enough attention has been given since Vietnam to "medical preparedness," and he is determined to train Whittington and other young Army doctors. "I'm going to make him as sophisticated a manager of traumatized patients as there is in the world," Herman says, looking at the would-be pediatrician.

Dr. John H. Moxley III, who recently completed two years as undersecretary of defense for health affairs, argues that the armed services made a mistake by telling physicians that military medicine would mirror civilian practice.

"It's clearly a different career," Moxley says. "It has some very different pluses and some different minuses."

For Whittington, a plus is the schedule. If he is like most physicians who pass through the military, he likely will never again work such regular hours. Usually it's just morning sick call, then staffing an outpatient clinic until 5 p.m. On this particular evening, he also is scheduled to serve his periodic shift as MOD, "medical officer of the day," meaning he will handle the emergency room at night. But he then gets the next day off. "This is fat city," he says.

In addition to the general outpatient unit, there are several specialty clinics around the hospital complex. "No Walk In. Sick Call By Appointment Only," reads the sign on the door to the pediatric building. A dozen young women and their children are in the waiting room.

For Maj. Bill Parker, the chief of pediatrics, the work here also is a bit different than it would be in civilian practice. The average age of mothers here is a few years younger than in a broad civilian population, and many "do not come with effective parenting skills," Parker says. Because the care is free, the confused parents often are not hesitant to come in with minor problems that really don't need a doctor's attention.

"But while an illness may be trivial to me, it's not to the parent," says Parker, who himself grew up under Army medical care as the son of an artillery colonel. "And part of our job is to give support, moral support. For the men who went to Egypt (on maneuvers), it's knowing that their children will be cared for here."

Parker, who has been in the Army six years and earns $54,000, expects to re-enlist when his obligation expires in 18 months. "I'll probably go over to Europe or into a fellowship," he says.

PATIENT . . . NEVER SAW IT

An obstetrician-gynecologist who finished his Army service at Fort Stewart last year, and did not re-enlist, had one of the more unusual experiences in the history of the aged hospital. "You're talking about preparing a patient for surgery and there's a bird

flying around in the operating room," recalls Dr. Carl Dohn, who now practices in Brunswick. "The patient was asleep, thank goodness, and never saw it. And there was a hole in the floor through which you could see the ground."

Dohn arranged for his own wife to give birth in Jacksonville, Fla. Later, however, his wife's appendix burst, and she had to be operated on here. The surgery went fine, but Dohn says she decided to come home after she later went to the bathroom attached to her room and found "a roach sitting on her toothbrush."

Dohn was one of the physicians here when the unfortunate conditions combined with an unpopular commander to prompt an unusual action by the medical staff. Approximately a dozen of the Army physicians signed a document charging that the commander was rigid, refused to see patients himself, and cut corners to the detriment of care at the hospital.

That commander was transferred soon after. The new commander, LaNoue, does see patients, as does Segal, who takes a regular turn in evening emergency-room duty.

Perhaps because of the earlier discord, many of the recent additions to the staff of physicians have come from Army medical training programs rather than civilian programs.

Capt. Tom Dillard, a new internist, did his residency at Walter Reed Army Medical Center, the Army's showcase hospital. He is an easygoing man of 28, a North Carolinian who dabbles in writing country music. He already plans to undergo additional training in the Army, but he seems wary of making the military a career because he does not enjoy moving frequently from post to post, a frequently unavoidable part of military life.

Dillard arrives about 8 a.m., makes two rounds of the hospital each day, sees a series of patients in a small examining room, and usually is done by 5 p.m., although he is on call for emergencies every third day.

GET MISERABLE ONES OUT

Dillard is a positive talker who would be glad to see those who are miserable in the military "get out." Still, he is a little unhappy that he has to type his own reports ("finding a secretary who can take dictation can be hard"), and while he doesn't think the setting affects his medical practice, he looks forward to the new hospital.

"I do feel bad about people who come suddenly ill, if they're going to die," he says after making afternoon rounds. "I don't want their families to think they didn't get the most modern care."

By 6 p.m., almost all of the Fort Stewart physician staff is gone, and the hospital wards and emergency room are left to support personnel and Lynn Whittington, the medical officer of the day.

There are five patients in the waiting area of the emergency room as a soldier carrying a dirty child of about 2 leaves an examining room. "Had a bunch of ear infections, several colds, four or five colds," Whittington says, "and one real emergency, a fellow who had a tree fall on his head."

Whittington knows that all hospital emergency rooms are abused by some patients who really don't need them, who could just as easily wait for an appointment during regular office hours. Such overuse is only a little more evident in military facilities, where the care is free.

"It's part of the job, I don't mind really—until they get you up at 2 a.m.," says Whittington.

As he talks two more patients, soldiers' wives, apparently, enter the emergency room and sit down to wait.

REAL CRITERION FOR STAFFING IS BIG-WAR MEDICAL NEEDS

"What is the requirement? Well, the magic figure we always hang our hat on is the number that would be required of medical officers worldwide in the Army for the first few hours, first few battles of a so-called NATO-Warsaw Pact scenario. That seems reasonable, for in actuality, the sizing . . . during peacetime is somewhat based on that potentiality. Now that figure was 5,273—documented a dozen times. Challenged and studied and survived. That figure is still valid today—5,273.

"The specialties that we have the greatest difficulty (obtaining) are neurosurgery, ENT (ear, nose and throat), urology and orthopedics. These are the specialties that, on the marketplace in civilian life, make the most money. And therefore it is quite likely hard to retain these specialties. We are surviving, we are getting better, and I believe there is light down the road at the end of the tunnel.

"Our mortality and morbidity was spectacularly low in Vietnam. Why? Because in the great majority of the cases where the man was wounded, at the site of the wounding within 15 or 20 minutes we could have a helicopter pick him up and deliver him right into the hands of a surgeon. We can never assume that we will have that luxury again. We can never assume, for example, that this country will have air superiority and be able to do that again.

"Although many people who come into the service have felt that it was implied by aggressive recruiters that health care in military facilities could be, or might be, provided from cradle to grave, official policy has never accepted that. The magic figure of 5,273 physicians, for example, has no relation to the number of dependents and retirees who are eligible for care—absolutely none. It's based on the active-duty mission.

"The fact is (that) a number of older physicians did join who did not turn out well. There are others who have been outstanding. It's hard to make an across-the-board generalization. The fact is, though, that if you have one bad apple, it looks like the whole world is full of bad apples. We have tried to detect those. We are definitely tightening our belt. Our standards today are much more critical. We are extremely cautious on foreign medical graduates, for example. I'll admit that some of our post and station hospitals looked like a foreign legion for a while.

"Sick call is as old as armies, 5,000 years old. There will be a certain percentage of troops that will malinger to get out of something. That's also the job of the doctor. Some doctor has to bite the bullet, even though it's wasting his time, and say, 'Soldier, there's nothing wrong with you. Go back to duty.' Somebody has to do that.

"It is alleged occasionally that there is a conflict, that you can't be a good physician and a good soldier. That is a myth. There is no reason in the world why the goal of every military physician should not be to be an outstanding physician, an outstanding medical specialist, an outstanding soldier, airman or sailor. Why should they be one first? Yes, the military milieu has its traditions, customs and regulations. But when in Rome, do as the Romans do, or don't go to Rome."

MEDICAL CARE—U.S. CAN GIVE IN WARTIME INADEQUATE?

(Col. Chris. Bisgard heads the military medical preparedness unit at the Pentagon in Washington, D.C. Bisgard joined the Army in 1973, while in medical school. He studied aerospace medicine, spent a year in Vietnam ("where I had an opportunity to see how helpless wounded people are"), and later transferred to the Air Force. To Bisgard, civilian medicine is "totally focused on disease . . . the sick patient coming into your office." He prefers military medicine, whose goal he describes as "to keep people from getting sick in the first place." At his office in the Pentagon, which is dominated by a huge wall map of the world, Bisgard described his concern over the war readiness of America's military medical corps:)

"Somebody has got to take care of the people who put their butts on the line. In Vietnam, the care was very good. But starting in 1973 when the draft ended, everybody expected the military budget to go down. Military medicine became a peacetime pursuit—'Take care of those eligible beneficiaries.' Physicians were put in hospitals to deliver medical care. A whole generation grew up thinking that's all there was—peacetime military medicine.

"The conscious recognition that war is a possibility is hard to accept, not just for the military. In 1978, 79 maybe, there started to be a growing awareness in the military medical community that the Soviet threat was greater than we had appreciated, and that that had some medical implications. What we saw frightened us. . . .

"We have three active Marine divisions. Those are forces which could be committed to combat, if that is the national will. But the medical support, adequate medical support, doesn't exist. We don't have a hospital ship anymore. If they go, they go without medical support. Even in the Revolutionary War, our nation didn't do that. . . .

"If we look at a war in Western Europe—just bombs and bullets, NATO forces against Warsaw Pact forces—they have to have that surgery there. If they don't get it, they'll die. Right now, we could care for one casualty in 10 who would need it. I mean, if we took everything the Army owns and put it in Germany, we could care for one in 10.

"The Air Force and the Navy have less than the Army.

"The price tag for buying the supplies and equipment to provide the minimum of medical support is $2 billion. This shows you how long we have ignored this.

"We don't have the manpower any more than we have the equipment. The really crying need is in the reserve force. That's where we need the surgeons. They're not there. Coming out of Vietnam, who the hell wanted to be in the reserves?

"Today we don't have enough evacuation crews, nurses and medical technicians. (But) just having physicians and nurses isn't enough. They have to be trained to handle casualties. It's different, and you don't get that doing regular peacetime medical care.

"Five years ago, the attitude (toward physicians) was, 'If you don't shape up, we're going to send you on a field exercise with the troops.' The youngsters coming out of medical school today, it's a whole new ballgame. Today they are exposed to field exercise. They say, 'When do I go into the field?'—they really look forward to it. Military medicine is different, it's exciting.

"Who writes (their congressman) and says, 'We need piles of equipment stored in

Europe?' (They send) letters about the retirees who didn't get care.

"(How is) the national will created to avoid a slaughter on the beach? We have never fought a war where we couldn't provide medical care."

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

Mr. TOWER. Mr. President, February 16 marked the 731st anniversary of the founding of the State of Lithuania. It is a date to commemorate the valor and determination of the Lithuanian people in their struggle to defy the Soviet occupation of their homeland. The United States has never recognized the illegal annexation of Lithuania by the Soviet Union and has continued to recognize the rights of the Lithuanian people in their struggle for freedom and self-determination.

Lithuania is a small country of 3.4 million people. Yet it is a nation which suffered devastating losses from both Nazis and Soviets. When the U.S.S.R. retook the country in 1944 from the Nazis, 80,000 Lithuanians fled to West Germany, while another 60,000 were found in East Germany and deported to Siberia. During 1945 and 1946 an additional 145,000 Lithuanians were deported. Still another massive deportation occurred when some 60,000 Lithuanians were deported in 1949.

But throughout history and in the face of intense persecution which continues today, Lithuania like Poland maintained the Catholic Church in the center of their national consciousness. With later Russian attempts to repress Lithuanian nationalism, the church there as in Poland came to be seen as the defender of the Lithuanian national heritage, under circumstances of extraordinary brutality to clergy and churchgoers.

Our awareness of Soviet repression in Eastern Europe is today riveted on the human tragedy unfolding in Poland. But it is important for us to also recognize the history the Lithuanian people have shared with the Polish people. Since the unrest in Poland, the Soviet KGB has been intensifying its harassment of the Lithuanian church. Soviet authorities have even gone so far as to choke off the flow of news from Poland and block travel across the Polish-Lithuanian border.

Mr. President, the solidarity we Americans have come to express over the last year with the people of Poland must today be extended to the courageous efforts and steadfastness of Lithuania's people as they intensify their struggle against Soviet repression.

WESTERN ALLIANCE

● Mr. EAST. Mr. President, we are all concerned about the sorry state of the NATO alliance. Americans fret over the growing pacifist movement in Europe and the seeming unwillingness of our Atlantic partners to carry their share of the mutual defense burden. Europeans, in turn, perceive a neo-isolationist trend in American politics and complain—with some justice—that this country has no coherent foreign policy.

These are large, complex, and difficult problems, but they are not insurmountable. An article in today's Wall Street Journal suggests plausible solutions. Mr. Gerald Frost, executive director of the Institute for Defense and Strategic Studies in London, declares that what is needed now is "the greater integration and harmonization of U.S. and European security interests."

Mr. Frost offers what is easily the most concise, penetrating, and useful analysis of this subject that I have ever read. I ask that the complete text of his article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Feb. 24, 1982]

A LAST CHANCE TO SAVE THE WESTERN ALLIANCE

(By Gerald Frost)

Even before recent events in Poland many Americans were evidently very disatisfied with the state of the Western Alliance and the behavior of their European allies, some of them even to the point of advocating the withdrawl of U.S. forces from NATO.

According to a commonly expressed view, we Europeans are freeloaders, unwilling to spend enough to defend ourselves. Nor can we be relied on to support the U.S. politically and diplomatically when, as in the cases of Poland and Afghanistan, America responds to Soviet aggression or expansionism with some degree of firmness.

Further, we are said to be politically ambivalent toward Soviet communism; or comments about events in South America are ill-informed as well as inappropriate coming from supposed allies; and, even more extraordinary, some of us are more frightened by the cruise and Pershing II missiles, which are not yet developed, than by the Soviet SS-20s, which are deployed and targeted at European cities and military bases.

This view is sadly justified in many respects, but it overlooks a number of salient features of the situation. As a result, it ignores opportunities for strengthening the alliance which exists even at this very late stage.

The criticisms tend to treat Europe as an homogeneous entity, uniformly effete and tardy in its response. As a result the critics overlook the fact that many in Europe recognize the dangers of their continent becoming Finlandized or, even more tragically, self-Finlandized. Accordingly, a significant number would have perferred a prompter, more robust, more unified response to events in Poland, including the cancellation of the gas pipeline and a grain embargo.

Moreover, opinion polls regularly demonstrate that the vast majority of people in Britain, France, Italy and West Germany is strongly opposed to the demands of the Unilateralist disarmament movement and harbors a deep distrust of the Soviet Union and its rulers.

The relatively bland statements and communiques from the Council of EEC Foreign Ministers on Poland and other aspects of East-West relations should not therefore be regarded as the most accurate guide to governmental or public opinion, or even taken very seriously, but merely regarded as the lowest common denominator. Indeed, it is evident that the need for European "unity" is now used by some Europeans as an excuse for total inertia, thus causing disunity in the alliance.

In conversations with European leaders the U.S. administration should make it plain that it expects them to give membership of the alliance—upon which Europeans still depend in large measure for the preservation of their national sovereignties, their individual freedoms and even their lives—higher priority than unity within the EEC, which merely provides a framework of economic rules and subsidies, and maybe a degree of political cohesion. Plainly the alliance cannot forever be conducted on the basis of American appeals to the allies for support, which result in tardy and inadequate responses, and it is not only the Americans who recognize this hard fact.

A major objective of U.S. foreign policy therefore should be the strengthening of the pro-Atlantic forces within Europe. Many recent U.S. decisions, for example President Carter's decision to cancel the development of the neutron weapon after West German Chancellor Schmidt and British Prime Minister Callaghan had won fierce domestic battles to deploy it, have not had this effect; numerous other examples could be easily cited.

It is also important to remember that what gave the alliance a rock-like stability in the post-war era was the massive nuclear superiority which America then enjoyed. That superiority is gone and, given Soviet superiority in conventional and theater nuclear warfare, NATO strategy, depending ultimately on America's willingness to use ICBMs, thereby putting Chicago and Milwaukee at risk in order to defend Bonn and Pairs, looks less credible now than it has at any time since the beginning of the Cold War.

As a result, measures which appear to go some way to integrate American and European defense interests strengthen the alliance. Conversely, measures and even statements which favor the decoupling of U.S. security from that of Europe are bad for the alliance and will surely lead to greater instability and collective neurosis in Europe, a more marked tendency to appease the Soviet leadership among European leaders, and a greater belligerence on the part of the members of the Soviet Politburo.

Although it appeared to stop the European peace movement in its tracks, President Reagan's recent peace initiative can be criticized on these grounds. The two weapons, cruise and Pershing II, which President Reagan offered to cancel in return for the Soviet withdrawal of the SS-20s, are both considered indispensable to NATO strategy, even if the Russians accepted the deal, because they are able to penetrate "hardened" Soviet targets. Additionally, cruise is necessary to provide "linkage" between the battlefield weapons, which on the NATO side are mostly unimpressive, and the American ICBMs. If the Reagan offer were to be accepted at the present talks in Geneva, the military balance in Europe would take an even more unfavorable tilt than the one existing at present.

What is needed then is the greater integration and harmonization of U.S. and European security interests. If Europeans

make the mistake of indulging in the dangerous fantasy of an independent foreign policy while still relying on NATO for security. America must warn them very forcibly of the consequences. Small powers which get caught in the cross-fire of big powers must ultimately choose which side they are on. It is not possible now—if it were ever possible—to flirt with both sides without grave risks. The American government should make it very clear that the consequences of waywardness are likely to be very great indeed.

Most Western European nations are in fact not as bad alliance partners as some Americans suggest: All need incentives to be more virtuous. Ultimately, faced with the stark choice of support for the alliance or "accommodation" with the Soviet bloc, all European powers will opt for the former.

The instinct for survival in Europe may be seriously atrophied but it is not yet dead. Now is the time for hard choices and for a common recognition that, in dealing with the Soviets, it will be necessary soon—somewhere—to make a united stand.●

THE 64TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. METZENBAUM. Mr. President, on February 16, 1918, the people of Lithuania reasserted once again their ancient tradition of national independence. In so doing, the Lithuanians showed to the world the failure of German and Russian conquerors to subdue and absorb this proud and ancient people.

Independent Lithuania moved quickly to take its rightful place among the nations of the world.

Lithuania was a member of the League of Nations.

Lithuanian ambassadors took up residence in foreign capitals.

In 1920, the Soviet Union formally renounced Czarist claims to Lithuania and established full diplomatic relations with the reconstituted Lithuanian state.

Unfortunately, Mr. President, Soviet respect for the independence of smaller nations was then, just as it is now, a sometime thing. And in 1940, Stalin ruthlessly squelched the freedom of Lithuanian, Latvia and Estonia.

To this day, the United States, to its great credit, has never recognized the Soviet conquest of the Baltic States.

A Lithuanian Embassy still exists in Washington.

Lithuanian diplomats are still accredited to this country.

And to this day, our country stands firm in its belief that the question of the Baltic States is not and cannot be closed.

That position has had—and will continue to have—my strong support.

Whatever our point of view in this country might be, the fact remains that the Soviet Government is just as determined now as it ever was to crush dissent, to eradicate religion and to eliminate minority cultures.

The people of Lithuania are also determined—just as determined now as they were under the czars—to maintain their distinctive identity.

In the Soviet Union today, no religious believer—Christian, Jew, or Moslem—may be a teacher or a civil servant.

The children of religious families suffer severe discrimination in admission to schools and universities.

Yet in Lithuania today, after four decades of Soviet persecution, harassment and indoctrination, fully 75 percent of the people are practicing Roman Catholics. Once again, Russification is a resounding failure.

And, Mr. President, Lithuanian resistance to Soviet oppression goes beyond the staunch adherence of the Lithuanian people to their cultural and religious traditions.

The oldest of the Samidzat—the underground newspapers of the Soviet Union—is called Chronicles of the Catholic Church in Lithuania.

Balys Gajauskas, formerly editor of the Chronicles, is serving a 15-year sentence for the crime of speaking out for human rights.

Another brave Lithuanian, Viktoras Petkus, has been nominated for the Nobel Prize for his advocacy of cultural and religious freedom. Petkus, too, is in a Soviet prison, where he shared a cell with Anatoly Shcharansky, the Jewish dissident and prisoner of conscience.

We in the West know and honor the names of Gajauskas and Petkus. But there are many others in Lithuania and in other parts of that jailhouse of nations called the Soviet Empire whose daily acts of quite heroism are unknown to us. We owe it to all of them—and we owe it to ourselves as free men and women—to continue as a nation to speak up on behalf of the cause of human rights.

Mr. President, I salute the Lithuanian-American community and I commend them for keeping alive in America the hope that Lithuania will once again know freedom.●

"COLLABORATOR" HAD FAITH IN THE ARMY

● Mr. COHEN. Mr. President, I would like to share with my colleagues an article from this morning's Washington Post entitled "'Collaborator' Had Faith in the Army." It describes the case of the late Major Ronald Alley of Bar Harbor, Maine, who was dishonorably discharged after his release as a prisoner of war during the Korean war for allegedly collaborating with the Chinese.

I have been working with Major Alley's widow for several years in her quest to have a fair hearing on this matter before the Army Board for Correction of Military Records. The hearing, which is described in the article, took place earlier this month.

It would obviously be improper for me to make a judgment one way or the other on this matter, but I have strongly supported Mrs. Alley's right to seek a reclassification of her late husband's discharge. I am certain my colleagues will find it difficult to be unmoved by the human drama which the article describes.

The article follows:

'COLLABORATOR' HAD FAITH IN THE ARMY

(By Sara Rimer)

The Army was Ronald Alley's life, and even after they court-martialed him at Fort Meade for collaborating with the Chinese who held him prisoner during the Korean War and sentenced him to 10 years of hard labor and disgraced him with a dishonorable discharge, he still believed in the Army and thought it would someday do him justice.

He had, he declared again and again, committed no crime during his 33 months of captivity. He did 3 years and 9 months at Fort Leavenworth, Kan., and when he got out in 1959 and went back home and found work as a Fuller Brush man, he still had faith that the Army would see its mistake, restore his honor and welcome him back into the ranks.

Twice he applied for a hearing before the Army Board for Correction of Military Records, and twice they turned him down. His congressman offered to help him try to get a presidential pardon, but Alley declined that offer, saying that a pardon would be an admission of guilt, and he had committed no crime.

Alley was a tall, husky, opinionated carpenter's son with a high school education, the oldest of eight children raised in Bar Harbor, Maine. To the people of that picturesque resort island, which he left so hopefully at age 17 when he enlisted in the Army and came back to in disgrace at age 36 after Leavenworth. He had no hobbies, just the Army. He was 55 when he died of a heart attack in 1978. The day he died he had been on his way to see the editor of The Bar Harbor Times, who wanted to hear the story of what had happened with Alley and the Army.

Alley's German-born widow, whom he had met and married in 1947 while he was a captain assigned to the military government in occupied Germany, did as he had wished: She buried him with his war medals, in the uniform she had bought to replace the one the Army took away when they sent him to Leavenworth, beneath a granite tombstone engraved with the American flag. Right up until the end, former Major Ronald E. Alley still believed in the United States Army.

Erna Alley, who after her husband's court-martial supported their two small children by picking apples, working as an Avon lady and operating Erna's German Motel in Bar Harbor, has embraced the obsession. She seeks for her husband a posthumous honorable discharge, a posthumous promotion to the rank of colonel and a change in military records to indicate that he was found not guilty of all charges 27 years ago, when the court-martial was convened.

"The military was his life; the sun rose and set over the military," Mrs. Alley, 60, said. "He was a proud, proud officer. He would have been a general." She never told her son and daughter the truth about why their father was gone, and she remembers what he said to them later, when he had come home and they were old enough to understand.

"He told them, 'I want you to love your country. It is a great country. I love the Army. Some day justice will be done. Some day they will recognize that a terrible mistake was made, that I was a good officer, that I wanted the best for my country.'"

Mrs. Alley is joined in her efforts by her lawyer, Gerald Williamson, and by Don Snyder, a former editor of The Bar Harbor Times, whom Alley had been on his way to see when he had his heart attack. Synder, 31, is a writer whose interest has always been in "the people who dream and plan and believe in good things and suddenly one morning they wake up and find that not a single thing is the way they thought it was, and they struggle to resist disillusion and cynicism and go on."

These are the characters of Snyder's novels, and he says he has found one in real life in the person of the late Ronald Alley, the only Army officer in this century sent to prison for collaborating with the enemy. (Out of the Vietnam War, only one American POW—Marine Cpl. Robert R. Garwood—was tried for collaboration.) "He was never bitter or cynical," Snyder said. "He wouldn't hear a bad word about the Army. He never gave up." Snyder has spent three years researching a book on Alley, aided in part by a grant from the Fund for Investigative Journalism in Washington.

Last fall the military board that twice turned down her late husband's requests for a hearing finally granted Mrs. Alley a hearing. And two weeks ago she and her son and her lawyer and Don Snyder all traveled to Washington to testify before the five-man Army Board for Correction of Military Records, in an effort to convince them that Alley had been wrongly disgraced.

Three former Korean War POWs who spent close to three years in captivity and knew Alley from Camp Five—a bombed-out village in the mountains of North Korea, where more than 500 American men died—also spoke. So strongly do two of them feel that Alley was wrongly accused and convicted that they traveled here at their own expense from their homes on the West Coast.

One of them, retired Lt. Col. Charles Peckham of King City, Calif., said, "He was so proud of his country, of his Army. I never met another man in my whole damn life whom the Army meant more to. I'll tell you this: I didn't know Ronald Alley had gone to Leavenworth. I was so sure that when it got to the review board it would be thrown out. And when I read in the Salinas (Calif.) newspaper, after Ronnie Alley had died, that he had gone to Leavenworth, I cried, because there was no way, no way. It was ridiculous."

Another former POW, retired Lt. Col. Robert Wise of Tacoma, Wash., who testified for Alley at the court-martial in 1955, termed his trip to the District "a moral obligation." And he said, "If Ronald Alley was guilty, then I was guilty, too, and so was everyone else there."

The Uniform Code of Military Justice held then that telling the enemy anything more than name, rank, serial number and date of birth constituted collaboration. Alley, one of 14 Korean War ex-POWs court-martialed and convicted by the Army, was found guilty of charges that included leading pro-Communist peace parades and indoctrination sessions, writing a pro-Communist article for distribution to the POWs, expressing opinion that the U.S. Government was an imperialistic government waging an imperialistic war in Korea, and giving to the enemy such information as artillery secrets, the signaling code POWs used to alert each other to the approach of their captors, and the religious and political affiliations and home addresses of the POWs.

Alley's widow and Snyder do not claim that Alley did none of these things. But they say that all of the Korean War Army POWs held by the Chinese "collaborated" in some way in order to stay alive, and that Alley, an abrasive, blunt-spoken loner who was disliked by most of the other prisoners, was made a scapegoat for a war poorly fought. They call the court-martial, which lasted three months, a circus and contend that Army officials had already made up their minds to make an example of Ronald Alley. They also say that Alley was a victim of the times, when the military establishment was seeking to toughen its image and when the frenzy of witchhunting created by the late U.S. Senator Joseph McCarthy was at its peak, and the smallest things could make a man a Communist in the eyes of the suspicious.

Last week's hearing was held at the Pentagon, in an overheated, carpeted room with an American flag in one corner. As the former POWs spoke, one by one, in voices thick with emotion and remembering, the events of 30 years past, when Americans went to fight a difficult war in Korea, came back and were relived: The fighting in 50°-below-zero weather at Chosin Reservoir, where many American troops were captured by the Chinese and then marched by their captors throughout North Korea; the terrible conditions of the Chinese prison camps in the mountains, the brutal winters, the lack of food and medical treatment, the sleeping all crowded together on dirt floors in tiny rooms, the indoctrination sessions, the overwhelming numbers of men who died in those camps, the suspicion among the prisoners, the distrust, the reduction of men to animals.

The former POWs were Army men then, and they remain Army men today, and they had not expected to cry, but they did.

The five civilians who will rule sometime within the next month on Erna Alley's appeal listened impassively from their chairs behind a long wooden table; it was impossible to read their thoughts. But the two dozen people in the audience seemed visibly moved and, like the soldiers who testified, some of them cried. It wasn't just the story of Ronald Alley they were hearing, it was also the story of the other prisoners of war: of what they had survived and how they had survived and how it had changed them. The numbers themselves are staggering: There were 6,656 Army prisoners of war in Korea, and 2,662 of them died in captivity, according to the Army Center for Military History.

"You can't train a man to be a POW," said Peckham, who has been in and out of hospitals ever since his captivity. "No one has any idea what it's like, what it can do to you. You're in shock. Nobody just gave name, rank, serial number and date of birth.

"We were marched all over North Korea, going nowhere. We would start at darkness and walk until daylight. We walked 25 miles a night. Most of us were wounded. We got frozen hands, frozen feet. I got dysentery on the march. I was quite ill. . . . Camp Five was a nightmare. People died like flies. I went down to 70 pounds. I almost died." Peckham recalled that on one of those marches, Alley carried on his back another soldier who could not walk because of frostbite.

Wise, a gaunt, 62-year-old man with gray hair and sorrowful brown eyes, who wore his Purple Heart on the lapel of his suit, said he was punished by the Chinese after he demanded better conditions for his fellow prisoners at Camp Five. "They took me out and put me in a hole in the ground that was three feet deep. I was left in that hole in the middle of the winter with a board over it. I was left there for three days, in my own mess. You're at that point where your mind is going to break. You're helpless. There is no one to back you up. . . . I got pneumonia, beriberi and dysentery all at the same time. I came through it. Spring was coming. I was raised poor, and I knew what to do. I went out and picked weeds. I knew I needed bulk in my stomach. I boiled weeds in a can to feed myself, and I survived.

"There were over 1,200 men in camp that winter. Everybody was suspicious of everybody else. We went five months without baths, without shaves, without haircuts, without a change of clothes. You can imagine the animals we were. Tempers were high, everyone was looking for a scapegoat for the predicament we were in. There's got to be someone. You're so weak and befuddled you can't resist. There was one guy who said, 'I'll give them nothing.' They stood him on a hill in front of us. They made him stand at attention until he collapsed. They brought him back to the room, and he died that night."

After all that, Wise said, "We came back, we're bums, we're disloyal." And though in his voice the bitterness was still strong, 30 years later, he said, "I'm Army all the way through. My father was, I was, I still am. If I were called back today, and if I were physically able, I'd be damn willing to go."

Lt. Col. Walter Mayo, retired, a former POW who was a witness for the prosecution at Alley's court-martial, was questioned at last week's hearing by Williamson, Erna Alley's attorney. Mayo, 57, of McLean, said, "I never saw him or knew of him to do anything detrimental to his fellow prisoners." When Williamson asked Mayo if he thought Alley would be found guilty today, he answered, "In view of the sheer, overwhelming deprivation we underwent, he probably wouldn't be convicted."

Mayo hesitated from time to time before Williamson's detailed questions about what had happened during the Korean War. Williamson was sympathetic. "I know it's been a long time."

"It's been a helluva long time," Mayo said.

Yet his description of Camp Five was as vivid as if he had been there yesterday, not 30 years ago. "The conditions were similar to a miniature holocaust. We were given two bowls of grain a day—cracked corn in the morning, a bowl of millet at night. We had no meat for six or seven months. Occasionally we got soybeans. We had no soap for at least nine months. We got lice. . . ."

Of the three POWs who addressed the military board, it was Wise who came to know the intensely private Alley best during their long captivity. "He was very opinionated. He could be very abrasive. If you didn't get to know him, you couldn't help but dislike him. I got to know Ronald Alley quite well. I liked the man. There was no reason whatsoever to feel that there was anything disloyal about him. This man was a dyed-in-the-wool soldier.

"I was 35 at the time. I had been through the mill. When I heard he was brought up for a court-martial, I could not believe it. There were much worse cases of conduct

that were never brought before any board. The prosecutor made it plain to all of us that Alley must be found guilty for the good of the service. I have never in my career seen an injustice done in such a vicious manner."

Alley landed in Korea in August 1950 and was captured by the Chinese at Chosin Reservoir 24 days before Christmas. During his 33 months of captivity, he suffered from tuberculosis and dysentery. He lost 40 pounds. When the war ended, he was flown immediately to Tokyo for medical treatment. Doctors removed a part of his lung. He spent two years in hospitals recovering his health. Twice he was offered a full medical discharge; twice he refused. His widow recalled her husband telling the doctors, "I can give my country 20 or 30 more years."

In early 1955, after he was discharged from Valley Forge Military Hospital, Alley traveled to Washington to pick up his orders for a new assignment. But there was no new assignment. Instead the major was read a list of formal charges filed against him by the Army, and placed under house arrest. Mrs. Alley recalled how her husband comforted her: "He said, 'Honey, don't worry. I have done no wrong. If I am guilty, they all are guilty.'"

Ronald Alley's son Gary, a broad-shouldered 32-year-old papermaker from Lee, Maine, who was six when his father went to Leavenworth, also addressed the military board. "The other kids tormented me. They'd say, 'When are they going to let the jailbird out?' I was scared of a man I could hardly remember. Was my father a criminal? And if so, what horrible crime had he committed?"

Gary Alley said after the hearing that his father's spirit was broken by what the Army had done to him. "He was obsessed with it. He had no hobbies."

The day after the hearing, Mrs. Alley held a press conference in a spacious meeting room at the Holiday Inn in Arlington. The room was all but empty. Two reporters came, one of them from Maine. Gary Alley didn't care; for him the trip from Maine had been a milestone. "Mr. Peckham and Mr. Wise answered a lot of questions about my dad. I know he suffered a great deal. I know now that he was innocent. I was probably the proudest person in that courtroom yesterday."

The board is expected to make its recommendation within the month to the Secretary of the Army, who will make the final decision. Nearly three decades after the courtmartial, after the conviction, after Fort Leavenworth, Ronald Alley's widow still has faith, as her husband did all of his life, in the United States Army. "I feel that they will do the right thing," she said. "I have a feeling in my heart that my late husband will be found not guilty. They will give him justice."●

ADDRESS BY REPRESENTATIVE BONKER BEFORE BIENNIAL SUMMER FESTIVAL OF THE ESTONIAN LEAGUE

● Mr. HATFIELD. Mr. President, last July my good friend Representative DON BONKER of the State of Washington, spoke to the Biennial Summer Festival of the Estonian League of the West Coast in Seattle, Wash.

Mr. BONKER in his remarks noted:

The United States, as a beacon of hope and inspiration, has a special obligation to speak for the silenced, disappeared, the tortured, and the exiled, wherever they are. In so doing, we draw nearer to that day when human rights is more than a slogan or a dream to the Estonian people and their brothers and sisters around the world.

The struggle of the Estonian people is the struggle of people everywhere who want and cherish freedom.

I would like to recommend to the attention of my colleagues the entire text of his speech.

ADDRESS BY REPRESENTATIVE BONKER

It is a pleasure to be here today.

I value the opportunity to address such a distinguished—and may I add, distinctive—group, for you can rightfully claim the citizenship of two great countries.

This became readily apparent to me as my good friend Mart Kask sat in my office recently, discussing the biennial get-together of Estonian Americans.

Until that day, I had known Mart exclusively as an American citizen. He is highly regarded here in Seattle as a bright and extremely capable public official. He is a leader in the Seattle community with notable accomplishments. To use American slang, Mart definitely has "left his mark" in our state.

But as I talked to him the other day, I saw another Mart Kask. One fiercely loyal to another culture, knowledgeable of the history of another nation, devoted to the customs of another people.

Mart revealed to me how his family was forced to flee from Estonia before the Second World War, then returned during the German occupation, only to be forced to leave again in 1944 when Russia again forcibly occupied Estonia.

Mart's experiences parallel the personal account of Hilve Shuey, who was quoted in this morning's newspaper. And they must parallel the lives of hundreds of thousands of individuals who had similar experiences. Mart was younger than Hilve when he arrived in the United States, but he experienced the same unforgettable odyssey that brought him here.

And, most importantly, Mart has not forgotten his native land. Nor has he abandoned the rich historical ties that draw him, Hilve Shuey, and all of you here, plus thousands of others everywhere, together in a common bond.

AMERICA HAS NOT FORGOTTEN

Just as Estonian-Americans have not forgotten the rich historical ties that bind them to their homeland, neither has the United States Government forgotten the people of Estonia and their fundamental right to independence! The United States has consistently refused to recognize the forcible and unlawful incorporation of Estonia, as well as Lithuania and Latvia, into the Soviet Union. We continue to recognize and maintain diplomatic relations with representatives from the three last independent governments of the Baltic States. The Estonian, Latvian, and Lithuanian Charge d'Affairs in this country enjoy full diplomatic privileges, perquisites, and immunities.

Our government's Baltic Non-Recognition Policy is further manifested in a variety of ways. The Secretary of State issues National Day greetings through the Charge d'Affairs to the Baltic peoples. Representatives of the State Department attend official National Day functions. The actions of various U.S. agencies are coordinated with respect to such matters as the captions and place names on official U.S. maps, so that our government speaks with an unambiguous voice. We also try to stay in touch with the Baltic peoples by means of Voice of America and Radio Liberty broadcasts in their languages.

The Baltic Non-Recognition Policy is inherent in our foreign policy, and enjoys full bipartisan support in the Congress. It is a demonstration that we have not forgotten the people of the Baltic States and their inalienable right to independence. It is also a symbol of hope for the future.

CONGRESS AND THE SUBCOMMITTEE ON HUMAN RIGHTS AND INTERNATIONAL ORGANIZATIONS

Within our government, nowhere is the urgent appeal on behalf of the Baltic State nationals as great as it is in the Congress. I can recall poring over the CONGRESSIONAL RECORD in 1964 as a young staff assistant to a U.S. Senator, and seeing countless expressions of support for the three Baltic States, particularly on days of national significance.

At that time, I had little understanding of the situation. It was not until 15 years later, as Chairman of a Foreign Affairs Subcommittee in the House of Representatives, that I came to truly appreciate the depth of feeling and conviction involved and had the chance to become a more active participant in the issue.

Our subcommittee has jurisdiction over human rights matters, as well as policy questions concerning international organizations. In fact, the subcommittee that I chair is the only Congressional panel with jurisdiction over human rights issues.

As such, we are concerned about human rights everywhere. But we have paid particular attention to the ongoing violations that have occurred in the wake of the annexation of Estonia, Lithuania, and Latvia by the Soviet Union following World War II. Our subcommittee has conducted hearings on "Human Rights and the Baltic States," "Human Rights in Eastern Europe and the Soviet Union," as well as oversight hearings with the Commission for Security and Cooperation in Europe.

The Subcommittee has also worked on a number of individual cases. I was deeply honored to be selected to receive the Joint Baltic American National Committee's "Baltic Freedom Award" for my efforts on behalf of Jari Kukk, a courageous human rights activist from Estonia.

The Subcommittee has also prepared and considered a number of resolutions calling for self-determination for the Baltic States. One of these resolutions was unanimously enacted by the full Congress in November 1979. This resolution instructed the U.S. delegation to forcefully raise the issue of the illegal annexation of the Baltic States at the next session of the Helsinki Accords.

THE HELSINKI ACCORDS—A POWERFUL WEAPON

When the U.S.S.R. signed the Helsinki Final Act on August 1, 1975, which among other things pledged that nation to respect the sovereignty and frontiers of the signatory states, little did she know what a diplomatic weapon she gave to the West! Since self-determination and protection of human rights are nonexistent in the Baltic States and other East-bloc countries, the Helsinki Commission's monitoring activities have become an international forum for the articulation and denunciation of the Soviet Union's violations. Individual cases of Soviet brutality are raised at each session, where the West presents painstakingly compiled lists of persecuted dissidents, religious groups, refuseniks, and academics.

This is not a mere exercise. The efforts of the Helsinki Commission keeps the pressure on the Soviet Union to modify her actions, and ensures that she will pay a heavy price in terms of public exposure and international disapprobation for her violations. The activity and charges raised at the Commission are widely reported in the international press, and Congress holds hearings both before and after these sessions. In short, the Helsinki Accords have been used as a brush to irreparably tar the Soviet Union's international reputation on the issue of human rights.

In addition, despite the Kremlin's constant disregard and flagrant violation of Principles 7 and 8 in the Final Act, there has been an emerging impact on human rights movements within the U.S.S.R., the Baltic States, and the satellite countries. These movements take the Helsinki Accords seriously.

OUR HUMAN RIGHTS POLICY—BASING OUR DEEPEST PRINCIPLES IN LAW

The Helsinki Commission and specific Congressional initiatives have bolstered human rights activists and publicized Soviet abuses. But there is more that the United States government could—and should—do on behalf of Estonians and other persecuted peoples. Today, more than ever, the world needs the United States to champion the cause of human rights and to incorporate human rights into every dimension of our relations with other governments.

In the current debate on human rights, it is often forgotten that it was Congress, not any particular Administration, that layed the foundation for our Human Rights Policy. Jimmy Carter made an enormous contribution by speaking out on the subject, and gave hope to oppressed people everywhere by articulating the United States' concerns in a variety of forums around the glove. But it was Congress—before Jimmy Carter ever took office—that wrote the laws which made human rights an integral part of our foreign policy.

Among other things, Congress established the Bureau of Human Rights in the State Department, to be headed by an Assistant Secretary of State. We required the State Department to issue a human rights report on every country in the world. We placed restrictions on foreign assistance to countries which were guilty of gross violations of human rights, and instructed our representatives at the international lending institutions to vote against loans to countries with poor human rights records.

Congress also added a provision to the Foreign Assistance Act that unmistakably stated that the protection and advancement of international human rights is "the principal goal of U.S. foreign policy." This focus of U.S. foreign policy upon human rights was echoed, not initiated, by then-Secretary of State Vance in his 1977 Atlanta address.

Unfortunately, it appears today that these principles are being undermined. Human rights is no longer seen as a principal goal of our nation's foreign policy. Instead, human rights is seen as merely one of many variables which go into our foreign policy, and a variable to be quickly disregarded when it comes into conflict with other foreign policy priorities.

Today we are witnessing the slow and subtle undoing of the human rights policy that we have struggled to construct.

To cite but a few examples, the Administration has not named an Assistance Secretary to head up the Human Righs Bureau in the States Department. The U.S. delegate to the U.N. Commission on Human Rights backed away from inportant initiatives such as the special working group on Disappearances. Our government has resumed military and economic assistance to countries which are guilty of the grossest violations of human rights. We have begun voting in favor of loans in the international development banks to countries with poor human rights records. The Administration has requested "Most Favored Nation" status for Rumania. We have re-established grain sales and other trade with Soviet Union, without linking it to improvements in human rights.

Most importantly, the Administration has repeatedly stressed that human rights considerations are no longer the hallmark of U.S. foreign policy, and has publicized its willingness to improve relations with countries that are guilty of terrorizing their own citizens.

In effect, the Reagan Administration has made clear its intention to put human rights on the "back burner."

What has the Reagan Administration's alternative to a forceful human rights policy been? "Quiet diplomacy" and "rewarding our friends" by disregarding their human rights records, are phrases that are common from the White House these days. The Reagan Administration has shown a willingness to publicly condemn human rights violations in the Soviet Union while "quietly" urging our allies to abandon torture, assassination, and repression.

But human rights must not be a mere political expedient. It is not a value to be quickly discarded. Human rights cannot afford to become politicized.

Our friends and foes alike realize that a policy of "selective indignation" undermines our historic role of championing the cause of freedom and democracy. When the United States government closes its eyes to torture and murder in Guatemala or South Korea, the KGB has just a little bit more freedom to harass, imprison, and torture in Estonia, the Ukraine, or Czechoslovakia.

Dissidents and human rights advocates around the world were given hope and strength when the United States publicly committed itself to the cause of human rights everywhere. Their struggle is much too important to be discounted and dismissed by the Soviet Union as just more "Cold War rhetoric." Yet this is exactly what will happen if our President and our government focus on the abuses of the Soviet Union but ignore or cover up abuses by our allies.

If it is to have any integrity—and any power on behalf of the Estonians suffering under Soviet domination—a human rights policy must be applied consistently and fairly, wherever abuses occur.

POLAND—A CRACK IN THE SOVIET BLOC?

I would like to take a minute to discuss one of the most important and hopeful developments for people everywhere struggling to free themselves from Soviet repression—the ongoing events in Poland.

The valiant struggle of the Polish workers under Solidarity underscores the question—"How long can the Soviet Union impose its might and will upon freedom loving people in Eastern Europe." Soviet domination defies history, and runs against the irresistible surge of humankind towards ever-greater freedom. Russia is encountering that harsh reality today, in Afghanistan and in Poland.

The scene this past week in Poland could be called a revolution, a watershed, a new era. Whatever you call it, it was truly extraordinary.

In Warsaw, nearly 2,000 "card-carrying Communists" behaved much like delegates to an American political convention. As one newsweekly described it: "They held contentious caucuses. They lobbied in the corridors. They even played a dirty trick or two and—most extraordinary of all—they insisted on forging Poland's communist future by secret ballot."

Through it all, the Soviet Union could only sit by and watch the strange spectacle—with benign acceptance.

This was just the latest in a series of historic steps Poland has taken toward freedom, including the right to independent trade unions, the right to strike, a less restrained press, new rights for religion, and less ideology in education. And they seem impatient for more!

The freedoms which Solidarity and the Polish people have won are more than Yugoslavia attained under Tito, and more radical than Czechoslovakia achieved in 1968.

Two questions spring to mind from the events in Poland. First, is this only the beginning of a reform movement in Eastern Europe as a whole, a crack in the Soviet bloc, an unraveling of their complete dominance in the Soviet sphere? Secondly, How much will the Kremlin tolerate? Where will the line be drawn before force is used, as it has been in the past?

For the people of Estonia, the events in Poland must be viewed with cautious optimism. The desire for freedom in the Baltic States is as great and unrelenting as anywhere in the world. It may be only a matter of time.

CONCLUSION—A CHALLENGE TO ALL OF US

When Mart invited me to be today's speaker, he noted that the occasion was the "Biennial Summer Festival of the Estonian League of the West Coast." He told me that the League is an organization of Americans and Canadians of Estonian cultural and ethnic origin, and that every two years you come together to celebrate a summer festival of ethnic songs, theater, art, folk dancing, and other cultural activities.

But this Summer Festival is more than just a joyful celebration of your rich cultural heritage; it is also a passionate reaffirmation of commitment to your beloved homeland.

This morning's newspaper quoted August Raja, who described the importance of the festival as the historic tradition embodying the Estonian national identity. This point takes on extreme importance in view of Russia's persistent attempts to impose its ominous will upon the Estonian people through the cultural vehicle of "Russification."

Through efforts like this colorful cultural celebration, your unique culture and national integrity will be preserved.

I would like to close with a quote from an Estonian dissident, who spent 8 years in forced labor camps for photographing squalid housing conditions, and who has since been harassed for signing a petition calling for freedom in the Baltic States.

His name is Mart Niklus, and his challenge is not only to his fellow Estonians, but a terse reminder to all of us.

"We don't want to remain a forgotten nation," he said, "and we have an important claim on the West's attention * * *. We are what the West would be under Soviet rule."

The United States, as a beacon of hope and inspiration, has a special obligation to speak for the silenced, the disappeared, the tortured, and the exiled wherever they are. In so doing, we draw nearer to that day when "human rights" is more than a slogan or a dream to the Estonian people, and their brothers and sisters around the world.

The struggle of the Estonian people is the struggle of people everywhere who want and cherish freedom.

HONORING THE 70TH ANNIVERSARY OF HADASSAH

● Mr. SARBANES. Mr. President, today, on the 70th anniversary of its founding, we pay tribute to the remarkable organization know as Hadassah whose 370,000 members are active and concerned citizens and leaders in communities across our Nation. Throughout its history, Hadassah has both reflected and carried forward the great work of its founder, Henrietta Szold.

The daughter of a distinguished Baltimore rabbi, born in Baltimore on the eve of the Civil War, raised and educated there, Henrietta Szold was a person of high principles, great intelligence, and inexhaustible energy, with the rare and precious ability to translate principle into reality—"to dream things that never were, and say 'Why not'." For the first 50 years of her life, she was an active and respected member of the Baltimore community. In the last decades of the 19th century, when homeless refugees from czarist Russian oppression began to arrive in Baltimore, young Henrietta Szold established night classes to assist their adjustments to the new life in their adopted land. The public night schools of the city of Baltimore grew out of Henrietta Szold's classes, and served as a model for cities across the Nation; Mayor Fiorello La Guardia of New York told Miss Szold many years later, "If it had not been for the work you did years ago, I might not be here now, and I am deeply grateful." There could hardly be a finer tribute paid to the woman whose life's work had been to create avenues to education to make our Nation truly a land of opportunity.

Her night classes turned out to be the work of half a lifetime. Henrietta Szold was already 49 years old when she made her first trip to Palestine in 1909. She understood at once the enormity of the task to be accomplished there. Hadassah, founded in 1912, became the great work of the second part of her life.

The modest 52-bed hospital and the school of nursing which Henrietta Szold established in 1918 became the basis for the great Hadassah medical complex which every year provides care for 41,000 inpatients and half a million outpatients.

Beginning in 1933, when she was 73 years old, Henrietta Szold assumed a new responsibility: The rescue and rehabilitation of thousands of innocent young children fleeing Nazi oppression. It was she who welcomed them upon their arrival in Haifa, found homes for them, helped them to build new lives in a new land. It is little wonder that the New York Times should have written eloquently of her at the time of her death in 1945:

> The funeral procession wound its way from Mount Scopus, upon whose crest the Hadassah-Hebrew University Medical Center was built as the result of her visionary inspiration, to the adjoining Mount of Olives, in whose cemetery she has found her last resting place on a slope overlooking the old and new cities of Jerusalem she loved so well.
>
> This frail little Baltimore-born lady loved her native Maryland well, but she chose to live away from her family and cherished relatives so that she might make her home in Palestine and give herself to one cause, which she took up to the exclusion of all else—the healing of the minds, the spirits and the bodies of her shattered people, especially the younger generation.

For 70 years Hadassah has moved steadily along the path so brilliantly charted by Henrietta Szold. Hadassah has been inspired by the courage, the commitment, the generosity of spirit and the tradition of service which so distinguished the life of Henrietta Szold and caused her to be revered by all who knew her and respected around the world. Hadassah, true to the spirit of its remarkable founder, has "radiated the light of human kindness around the world." Its work in health care and social services helped to make possible against all odds the establishment of the independent State of Israel in 1948, and since that time to enable Israel to keept its commitment to take in the tired, the poor, the tempest-tossed, to forge national unity from the diversity of its people while assuring to its citizens the blessings of free self-government.

True to its traditions and the spirit of its founder, Hadassah last year presented its prestigious Henrietta Szold Award to Ida Nudel, the courageous prisoner of conscience in the Soviet Union condemned on a ludicrous charge of "malicious hooliganism" to 4 years of internal exile in Siberia. Her alleged crime was to have displayed from her window a banner reading "KGB, give me my visa." Her real offense, however, lay in her courageous efforts for 7 years prior to her arrest to emigrate to Israel and, in the spirit of Henrietta Szold, to offer help and comfort to those who suffered with herself. Truly the Guardian Angel of persecuted and oppressed Soviet Jewry, Ida Nudel adopted prisoners herself, and gave hope and courage to their families. In an earlier tragic time and place, Henrietta Szold, too, had been the Guardian Angel of her people.

When she founded Hadassah in 1912 Henrietta Szold had only modest material resources at her disposal. She brought to the new and unprecedented organization, however, great stores of vision, courage, and hope. She also inspired Hadassah with the premise which guided her own long and heroic life: great principles can and must be brought to bear on the reality of everyday living. That premise lies at the heart of Hadassah's magnificent achievements over the past 70 years, as it lies at the heart of Hadassah's commitment to the challenge of the future. In these troubled times, Hadassah's dedicated service in the spirit of Henrietta Szold enriches the lives of all of us.

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

● Mr. STAFFORD. Mr. President, I note that Senate Rule XXVI requires that standing committees of the Senate publish in the CONGRESSIONAL RECORD each year prior to March 1 their committee rules.

The rules of the Committee on Environment and Public Works, of which I am chairman, have not been changed since their publication last year. They remain quite similar to those under which the committee has operated productively and in general harmoniously for several years.

Mr. President, for myself and Senator RANDOLPH I ask that the current rules of the Committee on Environment and Public Works be included in the RECORD at an appropriate point.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Rule 1. *Regular Meeting Days.*—The regular meeting day of the Committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the Committee, the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, Committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the Chairman, after consultation with the ranking Minority Member. Subcommittee meetings shall be called by the Chairman of the respective subcommittee, after consultation with the ranking Minority Member. Notice of a meeting and the agenda of business to be discussed by the Committee will be provided to all Members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking Minority Member. Such 24-hour notice may be waived in an emergency by the Chairman, with the concurrence of the ranking Minority Member.

Rule 3. *Open Committee Meetings and Legislative Mark-up Sessions.*—Meetings of the Committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the Committee determines by

record vote of a majority of the members of the Committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 7(b) of rule XXV of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. *Presiding Officer.*—(a) The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the ranking Majority Member who is present at the meeting shall preside;

(b) Subcommittee Chairmen shall preside at all meetings and hearings of their respective Subcommittees, except that in the absence of the Subcommittee Chairman, the ranking Majority Member of the Subcommittee who is present at the meeting shall preside;

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any Member of the Committee may preside over the conduct of a hearing.

Rule 5. *Quorums.*—(a) Except as provided in subsections (b) and (d), five Members, two of whom shall be Members of the Minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the Subcommittees shall be a simple majority of the Membership of the Subcommittees with at least one Minority Member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the Committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one Member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. *Proxy Voting.*—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the Committee or any Subcommittees. Any Member who is unable to attend the meeting may submit his vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent Committee Member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the Chairman, after consultation with the Ranking Minority Member, Members who are unable to be present and whose vote has not been cast by proxy may have their positons recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. *Public Announcement of Vote.*—Whenever the Committee by rollcall vote reports any measure or matter, or acts upon any measure or amendments thereto, the report of the Committee on such measure or mater shall include a tablulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each Member of the Committee.

Rule 8. *Announcement of Hearing.*—The Committee, or any Subcommittee thereof, shall make public announcement and provide notice to Members of the date, place, time and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the Committee Chairman, or Subcommittee Chairman, with the concurrence of the ranking Minority Member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. *Statements of Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing of the Committee, or any Subcommittee thereof, shall file a written statement of his proposed testimony not later than noon of the last business day preceeding the day on which he is scheduled to appear. At the time of his appearance, he shall supply for the use of the Committee or Subcommittee, 25 copies of his prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine his oral presentation to a summary of his statement.

Rule 10. *Regularly Established Subcommittees.*—The Committee shall have six regularly established Subcommittees as follows:

Subcommittee on Environmental Pollution
Subcommittee on Water Resources
Subcommittee on Transportation
Subcommittee on Regional and Community Development
Subcommittee on Toxic Substances and Environmental Oversight
Subcommittee on Nuclear Regulation

Rule 11. *Subcommittee Membership.*—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the Chairman shall announce selections for membership of the Subcommittee referred to in Rule 10.

Rule 12. *Environmental Impact Statements.*—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the Committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. Whenever the Committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the Chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

Rule 14. *Naming of Public Facilities.*—No building, structure or facility authorized by the Committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, or former Members of Congress over 70 years of age.

Rule 15. *Committee Resolutions.*—(a) The Chairman, after consultation with the ranking Minority Member, is authorized to certify and pass on Committee resolutions for review of flood control and river and harbor reports and resolutions for studies of public building project, and forward the resolutions to the appropriate Federal agency.

(b) Proponents of Committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 16. *Broadcasting of Hearings.*—Public hearings of the Committee, or any Subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the Chairman through the Chief Clerk. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or Staff on the dais, nor with the orderly process of the hearing.

Rule 17. *Amendment of Rules.*—The rules may be added to, modified, amended or suspended by a majority of the Committee Membership.●

RULES OF THE COMMITTEE ON THE JUDICIARY

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

Mr. THURMOND. Mr. President, in accordance with the requirement of Senate rule XXVI to publish the rules of each Senate committee in the RECORD not later than March 1 of each year, I submit the procedural rules of the Committee on the Judiciary and ask that they be printed.

The procedural rules are as follows:

RULES OF THE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings may be called by the Chairman as he may deem necessary on three days notice or in the alternative with the consent of the Ranking Minority Member or pursuant to the provisions of Sec. 133(a) of the Legislative Reorganization Act of 1946, as amended.

2. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 48 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. On the request of any member, a nomination or bill on the agenda of the Committee will be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. QUORUMS

1. Nine members shall constitute a quorum of the Committee when reporting a bill or nomination; provided that proxies shall not be counted in making a quorum.

2. For the purpose of taking sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend

the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll-call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the Minority.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless he is a member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

ANNIVERSARY OF ESTONIA'S INDEPENDENCE

● Mr. LEVIN. Mr. President, on February 24, 1918, the leaders of Estonia proclaimed their Nation's independence. On this, the 64th anniversary of that courageous act, we should remember the plight of the captive Estonian people, and of captive nations throughout the world.

The story of the Estonian struggle for independence is a fine example of man's incessant struggle for freedom.

In the years following the First World War, Estonia established itself as a democracy, was formally recognized by most of the sovereign nations of the world and was admitted to the League of Nations.

The Estonian constitution which became effective in 1920 was modeled after a number of European constitutions and took some of its basic principles from the constitutions of France, Switzerland, and the United States. A 100-member State assembly was established as the central governing body of the country.

Estonia's constitution emphasized the recognition and respect of human rights and the linguistic integrity of minorities was guaranteed.

The Estonian commitment to democratic ideals was very clearly expressed in their constitution, and the section of the document which preserved basic human freedoms survived a restructuring of the government 12 years after the original constitution.

The Soviets destroyed the independence of the nation and incorporated Estonia into the Soviet Union in 1940. Soviet martial rule repressed human rights and thousands of Estonians were arrested and sent to remote parts of the Soviet Union. Thousands more escaped to Sweden and Germany and some came to the United States where they could live without fear of repression. Any hope the Estonians held for freedom at the end of the Second World War was shattered when the Soviets returned in 1944. Again thousands of people were arrested and deported.

Estonia remains a captive nation—held captive in the merciless grip of Soviet repression. We must always remember the Baltic nations' courageous efforts when they proclaimed their independence and we should never forget the tragic destruction of their democratic, rights-preserving governments. The commemoration of Independence Day for Estonia is a poignant reminder that once it was an independent country and today it is a captive nation.●

SALE OF ARMS TO JORDAN

● Mr. HART. Mr. President, more than one-third of the Senate has gone on record expressing concern that the President did not consult with Members of Congress about proposals to sell sophisticated weapons to Jordan.

In a letter signed by 33 other Senators, we have called upon President Reagan to announce immediately and publicly that his administration will not proceed any further with such proposals without full congressional consultation.

The President's letter of February 16 to Prime Minister Begin leaves a number of questions unanswered. To state that Secretary Weinberger brought back no new Jordanian request for sophisticated arms is not to say that no such request or proposal is being developed. And to make no mention—either in his letter to Mr. Begin or in any public forum to date—about the need for prior congressional consultation on the matter risks a confrontation which could undermine our foreign policy before our citizens, our allies and friends, and our adversaries. Such unanswered questions only underscore the need for our expression of concern.

I welcome the President's statement that any decisions on future arms sales to Jordan or other Mideast nations will be made in the context of a firm commitment to Israel's security and the need to bring peace to the area. But this is not sufficient without a mention of the foreign policy context in which he proposes to do this; a mention of the need to build a public consensus to develop that foreign policy context; and a mention of Congress role in building that consensus.

Our decision on arms sale proposals should not be based on threats that other nations will turn elsewhere for arms. Our decisions should be based on the merits of the individual sale; on a need to alleviate, not exacerbate regional tensions; and on a foreign policy which is built on consensus, not undermined by confrontation with and within Congress. Discussions to build that consensus should begin in Washington—not in the Amman airport. To proceed otherwise serves neither U.S. interests nor Israeli interests nor Jordanian interests.

Mr. President, I ask that the letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., February 24, 1982.

DEAR MR. PRESIDENT: We are concerned that Secretary Weinberger's proposal to sell sophisticated arms to Jordan sets the stage for an unnecessary and devisive confrontation with Congress that could undermine American foreign policy around the world. We urge you to act quickly to avoid such a confrontation by rejecting this proposal, at least until Congress and our allies have been thoroughly consulted.

The sale of F-16 fighters and Hawk mobile anti-aircraft missiles to Jordan could dramatically change the balance of power in the Middle East, undermine the security of our ally, Israel, and increase the overall instability of the region. Before any such sale is proposed there should be the widest range of Congressional consultation, public discussion, and communication with our allies. Absent such discussion it will be difficult to achieve the kind of consensus our nation needs on sensitive foreign policy matters. And we cannot be an effective world leader without such consensus at home, and among our allies.

We urge you to announce immediately and publicly that the proposal to sell arms to Jordan will not be developed further until after the Congressional consultation which such a proposal deserves. World security cannot afford an escalation of the arms race in the Middle East. And the United States cannot afford another unnecessary and divisive confrontation with Congress on a foreign policy issue. We hope you will take all steps necessary to avoid it.

Sincerely,

Gary Hart, John Heinz, Daniel Patrick Moynihan, Donald W. Riegle, Jr., Bob Packwood, Edward M. Kennedy, Paul E. Tsongas, Max Baucus, Alan Cranston, Lowell P. Weicker, Carl Levin, Alfonse D'Amato, Alan J. Dixon, Thomas Eagleton, William Proxmire, George J. Mitchell, Joseph R. Biden, Jr., Paul S. Sarbanes, Dennis DeConcini, Bill Bradley, Howard Metzenbaum, Nancy Landon Kassebaum, Jim Sasser, Robert C. Byrd, Walter D. Huddleston, Claiborne Pell, Spark Matsunaga, Quentin N. Burdick, John Danforth, Rudy Boschwitz, Lawton Chiles, Arlen Specter, Frank H. Murkowski, William V. Roth, Jr.●

MISSING CHILDREN—A PROGRESS REPORT

● Mrs. HAWKINS. Mr. President, last session I introduced the Missing Children Act, S. 1701, establishing a national clearinghouse for information

on missing children and the unidentified dead. My bill codifies current practices now voluntarily undertaken by the National Crime Information Center, NCIC, within the Federal Bureau of Investigation which operates a national missing persons file. It also amends present law by allowing parents, legal guardians, and next of kin to list their missing children on the NCIC system. The Justice Department has stated that the principal problem in locating missing persons through the NCIC computer is underutilization of the system by State and local officials; only a shocking 10 percent of all missing children are now entered. By allowing parents to submit their missing child's name and vital statistics into the computer when local officials fail to act, we can increase the usage and effectiveness of the clearinghouse.

The Missing Children Act also establishes for the first time, a national center for information concerning the unidentified dead. Two thousand unidentified dead bodies are found each year. So, the family and friends of 2,000 people each year must be added to the list of those living forever with false hope. The NCIC Advisory Policy Board has endorsed the creation of an unidentified dead body file. Furthermore, this summer, the Colorado State Bureau of Investigation expanded their unidentified dead persons file to include information from the entire Nation. That means we now have the technology, the experience, and the statistical information provided from a pilot project which can be used as a model for establishing a truly national clearinghouse on the unidentified dead.

Hearings on this issue were held by the Senate Labor and Human Resources Subcommittee on General Oversight and Investigations on October 6, 1981, and the House Judiciary Subcommittee on Civil and Constitutional Rights on November 18 and 30, 1981. At the hearings, the Federal Bureau of Investigation testified that they estimated the cost of the Missing Children Act to be $47,000 to implement and $285,000 in annual operation costs. If only 1 child were found out of the 1.8 million missing each year due to the expanded use of the NCIC computer, I believe that the cost would be justified. Of course we anticipate that the expanded use of the NCIC system will result in the identification and recovery of many, many children.

Mr. President, I am gratified by the tremendous support this legislation enjoys in the Senate. Sixty-seven of my Senate colleagues are cosponsors of S. 1701. Twice the full Senate has demonstrated its support for the Missing Children's Act by unanimously accepting it in amendment form. On November 12, a Missing Children's amendment was added to H.R. 4169, the State, Justice, Commerce Appropriations bill and on November 19, 1981, a Missing Children's amendment was added to the continuing resolution. Although the continuing resolution was vetoed by the President, H.R. 4169 is still pending before the Senate.

I attribute the widespread support for this legislation to the work of organizations and individuals throughout this Nation. I am most grateful for their ongoing interest and support. Recently, the Florida cabinet issued a resolution in support of the Missing Children Act. Mr. President, I submit for the RECORD this resolution and a copy of an informative "Congressional Research Service Issue Brief" on this subject. I do so confident that national support continues to grow as steady progress toward final enactment continues.

The material follows:

FLORIDA DEPARTMENT OF STATE,
Tallahassee, Fla., December 14, 1981.

Hon. PAULA HAWKINS,
U.S. Senator,
Washington, D.C.

DEAR PAULA: Enclosed is a resolution passed and signed by the members of the Florida Cabinet in support of Senate bill 1701 and House Resolution 3781, known as the "Missing Children Act."

As you know, this is a matter of intense concern to the citizens of Florida, and I want to personally encourage the speedy adoption of this most important and worthy legislation.

Thank you for your consideration. May I wish you the best of holiday seasons.

Sincerely,

GEORGE FIRESTONE,
Secretary of State.

RESOLUTION

Whereas the rate of runaway and missing children has increased steadily in the last 10 years, and

Whereas the State of Florida is keenly interested in participating in a program of information exchange to help those who are searching for missing children, and

Whereas Senate Bill 1701 has been introduced in the United States Senate and House Resolution 3781 has been introduced in the United States House of Representatives, and

Whereas Senate Bill 1701 and House Resolution 3871, known as the "Missing Children Act," proposes amendment to the United States Code to authorize the Attorney General to acquire and exchange information to assist federal, state, and local officials in the identification of deceased individuals who have not been identified and in the location of missing children;

Now therefore be it resolved, that the Governor and Cabinet of the State of Florida do hereby request the Congress of the United States to adopt the "Missing Children Act" so that the Attorney General of the United States will be authorized to acquire and exchange information on missing children among the states.

Be it therefore resolved, that copies of this Resolution be sent to each member of the Florida delegation to the United States Congress, to the Chairman of the House of Representatives Judiciary Committee, to the Speaker of the United States House of Representatives, to the President of the United States Senate and to the President of the United States.

In testimony whereof, the Governor and Cabinet of the State of Florida have hereunto subscribed their names and have caused the official seal of the said State of Florida to be hereunto affixed, in the City of Tallahassee, Florida, on this 8th day of December, A.D. 1981.

[From The Library of Congress, Congressional Research Service, Major Issues System]

MISSING CHILDREN AND DECEASED PERSONS: PROPOSALS TO ESTABLISH A NATIONAL INFORMATION CLEARINGHOUSE

(By Louise Giovane Becker)

ISSUE DEFINITION

Concern over missing children and deceased persons has prompted consideration of a federally mandated national information bank. Debate has centered on the need for such a national repository, effective management of such files and the appropriateness of Federal involvement, enhancement of existing information systems and services, and the rights and protection of missing persons and runaway children in a mobile society. This issue brief reviews existing and proposed systems as well as some of the implications of the proposals to develop a national information repository on missing and unidentified deceased persons.

BACKGROUND AND POLICY ANALYSIS

The problems and sometimes tragic consequences surrounding the plight of missing and runaway children have gained greater national attention in recent years. The increased number of runaways and parental kidnappings (see Issue Brief 77117, Parental Kidnapping) has exacerbated the problem. The experience of local law enforcement agencies with missing children cases is marked by complexity of the individual situation and the frustrations inherent in tracking a subject in a mobile society.

An existing resource, the Federal Bureau of Investigation's National Crime Information Center (NCIC) missing persons file, has been underutilized. Local law enforcement agencies have claimed that low use of the NCIC missing persons file stems from a lack of knowledge regarding the existence of such a file, limited resources and manpower to supervise entries and deletions, and the perception that cases of missing children tend to be limited to one jurisdiction and, therefore, rarely require national information network support.

The problems experienced in dealing with missing persons have stimulated consideration of a viable information exchange system directed at assisting parents and responsible officials of the criminal justice community. Proposals which have received attention range from measures which should establish a national data repository of missing children, including basic identifying characteristics, to others that call for the fingerprinting of all children. Most recently interest has focused on developing a national index with general information on the missing child.

FBI National Crime Information Center's missing persons file

Since 1975, the FBI has operated and managed a missing persons file as part of the National Crime Information Center, a nationwide criminal justice information data base. With support of the law enforcement community and the NCIC Advisory Policy Board as well as studies conducted by

the FBI legal staff, the FBI decided that a separate missing persons file would be created within the NCIC. Reflecting concerns regarding personal privacy, the FBI instituted the following entry criteria for including persons in the NCIC Missing Persons File:

A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger;

A person of any age who is missing and in the company of another person under circumstances indicating that his or her physical safety is in danger;

A person of any age who is missing under circumstances indicating the disappearance was not voluntary; or

A person who is missing or declared unemancipated as defined by the laws of his State of residence and does not meet any of the criteria noted above.

In testimony before the House Committee on the Judiciary (see below), Keir Boyd, Inspector-Deputy Assistant Director of the FBI, NCIC missing persons file, commented that since the inception of the file in 1975, an estimated 780,000 records have been entered, of which 592,000 were of juveniles. At this time, the NCIC has over 24,000 missing person entries with about 19,000 being juveniles. The missing person files generally contain the name of the missing person, sex, race, place of birth, date of birth, date of emancipation (for juvenile records), identification information (weight, height, color of hair, scars, etc.), identification numbers (social security, passport number, driver's license, etc.) and other miscellaneous data.

Unidentified deceased persons file

The number of unidentified deceased persons nationwide has been estimated to be over 1,000 annually. While this is a relatively small number, arguments have been made that a data clearinghouse would provide some assistance to those who are seeking information about a lost or missing person. Since 1970, there have been discussions among representatives of the criminal justice community on the possibility of establishing a centralized file or clearinghouse on unidentified deceased persons. The FBI National Crime Information Center All Participants Meeting in late 1970 included discussion of a proposal to create such a file in the NCIC. In view of certain perceived difficulties (such as a lack of uniform identification standards for physical characteristics description and too little experience with development of such files), further action was delayed. Later, the FBI NCIC staff concluded that the lack of significant and uniform identification standards would make it difficult to format and establish a reliable file. Stimulated by Representative Tom Railsback's interest in establishing an unidentified deceased persons file, the NCIC staff continued research into the feasibility of establishing such a file. A year later in 1980 the NCIC Advisory Policy Board, after some discussion, formed a Subcommittee to "identify standards for development of State programs which could serve as a base for a national program."

By mid-1981, the NCIC Advisory Policy Board reviewd a report by the Unidentified Dead File Subcommittee on the need for a national information clearinghouse for unidentified deceased persons. At the Board's June 1981 meeting, it was agreed that the Colorado State Bureau of Investigation's Unidentified Dead File be used as a pilot project. Information on the development of this pilot project has been distributed to criminal justice agencies.

The NCIC Advisory Policy Board and others in the criminal justice community generally acknowledge that the prototype lacks comprehensive uniform data standards; rather it is based on a broad spectrum of data elements which provides a utilitarian index. The prototype file index record may contain the following data elements: sex, race, height, weight, approximate age, hair and eye coloring, scars, and other information when available. The file, maintained by the Colorado State Bureau of Investigation, at the present time contains information on over 400 unidentified deceased persons.

Congressional interest and action

Congress has considered proposals to develop a national information clearinghouse to aid the criminal justice community to locate missing children and to assist in the identification of certain deceased persons. In the past, Congress considered legislation on developing a repository for data on unidentified deceased bodies.

In the 95th Congress, Representative Tom Railsback introduced H.R. 9598 (Oct. 17, 1977). This bill concerned the development of a national data repository on unidentified deceased persons. The concept has been referred to on occasion as the National Bureau of Unidentified Dead. Later in the 95th Congress, Representative Railsback and others sponsored H.R. 13552, a similar bill. Although the measures received no further action, it is believed that they served in part to stimulate the development of unidentified deceased person files in some States.

In the 97th Congress, bills have been introduced that provide for the establishment of a national clearinghouse for data on missing children and unidentified deceased persons. For example, two principal bills, S. 1701 and H.R. 3781, cited as the Missing Children Act, would amend title 28 of the U.S. Code to authorize the Attorney General to acquire and exchange information to assist Federal, State and local officials in the location of missing children and assist in the identification of certain deceased individuals. While the intent of these bills is similar, there are some differences. Specifically S. 1701 directs that information on unidentified deceased persons be entered in the repository within 15 days after the discovery of the body. S. 1701 departs from H.R. 3781 by allowing authorized officials, as well as parents, guardians, and the next of kin of missing unemancipated persons (defined by the laws of the State) to have information placed in a central repository that would aid in locating the individual. The House bill, H.R. 3781, would authorize only appropriate officials to make entries into the system and require that a record on the unidentified deceased person be created after 30 days of discovery. More recently, other bills (H.R. 5003, H.R. 5049, H.R. 5104) identical to the bills described above have been introduced.

Hearings have been held in both the Senate and the House on the problems of missing children and the creation of a national information clearinghouse for missing children and unidentified deceased persons. Witnesses at these hearings indicated a broad range of social as well as administrative concerns.

In the Senate, hearings have not been held on S. 1701, but on Oct. 6, 1981, the Senate Committee on Labor and Human Resources Subcommittee on Investigations and Oversight held a hearing on the subject of missing children. Subsequently the Senate on Nov. 21, 1981 adopted the language of S. 1701, Missing Children Act, as amendment (No. 609) to the Departments of Commerce, Justice, and State Appropriations, 1982, H.R. 4169. This measure is still under consideration in the Senate. Language identical to S. 1701 also was introduced and passed by the Senate in H.J. Res. 357, a continuing budget resolution (unprinted amendment No. 661). But the final version of H.J. Res. 357 enacted by the Congress and subsequently vetoed by the President did not contain the language to establish a national data repository on missing children. In the House Report 97-352 accompanying H.J. Res. 357, the conferees discussed the deletion of the Senate approved provision regarding acquiring and exchanging of information on missing children and certain deceased individuals. While the conferees noted the support of the objectives of the provision, they urged that enactment of this provision should be accomplished through the regular authorization process and that the appropriate committees consider the matter. In addition, the conferees recommended that in the interim the "Attorney General should expand, to the extent possible, the existing computerized information system capability of the Federal Bureau of Investigation."

Hearings were held (Nov. 18 and 30, 1981) on H.R. 3781, the Missing Children Act, by the House Committee on the Judiciary, Subcommittee on Civil and Constitutional Rights. Testimony was heard from both advocates of the concept and from representatives of the Federal Bureau of Investigation. Since the FBI National Crime Information Center file on missing persons above may be considered as a basic resource in locating missing children, consideration was given to exploring the potential of its use. The FBI witness, in response to questions from Members of the Committee, expressed concern regarding a provision in S. 1701 which would allow parents and others to make entries into a missing person file. A major objection to that provision is that the public might perceive that the FBI has a jurisdictional responsibility in locating missing children. A closely aligned objection is that there would be an expectation by those who contacted the FBI directly to add information to the national repository and that the Bureau would lend its capability to aid in finding the missing person. A greater danger, in the opinion of the FBI witness, was that local law enforcement agencies would not be contacted by the parents and others directly. Since local jurisdictions are responsible for locating the child, circumventing of this law enforcement resource might be unfortunate.

National concerns and considerations

Proposals to develop a national information clearinghouse to aid in locating missing children and identification of certain deceased persons have stimulated a wide diversity of opinions. Questions have arisen over the appropriateness of Federal involvement in what has been primarily a State or local responsibility. On the one hand, advocates of the concept believe that a national mandate will provide a much needed focus. A Federal mandate, in their opinion, should stimulate public concern and may contribute to the development of uniform information collection and reporting practices which would enhance a national clearinghouse. They also believe that, from a practical view, a national mandate may serve to stimulate greater criminal justice participation. Therefore, enactment of this type of

legislation is viewed as providing a much needed focus with the potential to enhance existing activities and encourage better exchange of information.

On the other hand, those who oppose the concept of a Federal tracking system to locate runaways and lost children have expressed doubts about the success of present proposals. They point out that the lack of participation at the grass-root level has been a major hindrance in developing adequate data collection systems. Others seem opposed to further Federal involvement in what is a local law enforcement problem. Critics of the current bills express concern that the legislation may duplicate existing services and operations and, more importantly, would not necessarily contribute to solving the problem of locating missing children or others. Another objection has been to legislation which would allow parents and others to enter the missing child's identity into a national clearinghouse. In the opinion of some critics, the entry of information into a national system by the parents and others may mislead them to believe that Federal law enforcement assistance in locating the subjects would be forthcoming. Since the search and location of missing persons is generally the responsibility of local law enforcement (Federal jurisdictional responsibility being limited—e.g., if the missing person has been transported interstate), there may be misunderstanding of the possible assistance that can or will be rendered. The possible use of the FBI's National Crime Information Center's files and network as the proposed clearinghouse capability may serve to further complicate and mislead the public into thinking that the FBI has a responsibility in these matters in all cases.

Extensive expansion or enhancement of the NCIC missing persons file may not be technically feasible given the existing NCIC systems capability. Therefore proposals which call for extensive search capability on certain record elements may not be easily accomplished without further modification of the NCIC systems parameters.

The lack of uniform participation by the criminal justice community in the existing FBI NCIC missing persons file is viewed as another serious problem that may not be solved by the present proposals.

National experiences in dealing with the social problems associated with missing children have been limited. However, the experiences gained in conducting research and maintaining an information clearinghouse, such as mandated by the Child Abuse Prevention and Treatment Act (P.L. 93-247), may provide some parallels.

Several basic questions may require further examination—for example:

Is there a need for a federally mandated information clearinghouse or are existing system(s) adequate?

Are existing resources adequate to educate the public and the criminal justice community in dealing with the problem of missing persons? What type of support should all levels of Government render?

Should State and local law enforcement agencies, which currently are reluctant to make entries in a national missing person file, be encouraged to participate?

Are further safeguards needed to protect individual privacy?

What experiences gained by the National Center for Child Abuse (established by P.L. 93-247) can contribute to the debate over establishing a national information clearinghouse on missing children?

LEGISLATION

H.R. 3781 (Simon)/S. 1355 (Hawkins).

Directs the Attorney General to collect and preserve information which would assist in the identification of any deceased individual who has not been identified within 30 days of his or her death, and the location of any missing child who is under the age of 17, does not have a history of running away, and has been missing for at least 48 hours. H.R. 3781 introduced June 3, 1981; referred to Judiciary Committee. S. 1355 introduced June 11, 1981; referred to Senate Committee on Judiciary.

S. 1701 (Hawkins)/H.R. 5003 (Gaydos)/H.R. 5104 (Railsback).

Authorizes the Attorney General to collect and exchange information which would assist in the identification of unidentified deceased individuals, and the location of missing persons, including missing children. S. 1701 introduced Oct. 5, 1981; referred to Senate Committee on Judiciary. H.R. 5003 introduced Nov. 17, 1981; referred to House Committee on Judiciary. H.R. 5104 introduced Nov. 23, 1981; referred to House Committee on Judiciary.

REPORTS AND CONGRESSIONAL DOCUMENTS

U.S. Congress. House. Making further continuing appropriations for the Fiscal Year ending September 30, 1982, and for other purposes. Conferences report to accompany H.J. Res. 357.●

METRICS: LET'S GET ON WITH IT

● Mr. PELL. Mr. President, there are few subjects more cloaked in mythology and popular misconceptions than the centuries-old metric system. Despite its appeal to simplicity and logic, our heads remain buried in the sands of confusion and misinformation about metrics. We still lack a national commitment to full-scale conversion, despite our isolation as the only industrialized Nation in the world not officially committed to the metric standard of measurement.

While I was in Central America recently, I was pleased to find a simple and effective statement of the case for metric conversion in the Panama Star and Herald for February 13, 1982. I wish to share this fine editorial, entitled "Metric Uproar," with my colleagues, and I ask that the article be printed in the RECORD. The article follows:

METRIC UPROAR

It is hard to explain the violence inspired by some at the mere mention of the metric system. One might judge by their reactions that the metric system is the work of the Devil or the International Communist Conspiracy or both.

In fact, metric measurements are more logical and ultimately far easier to use than the good old English method to which we are accustomed. Maybe the most vocal opponents are afraid they just will not be able to learn a new way of measuring. They need not fear; despite wild accusations, there is no evidence of a plan to impose metric measurement on us all at once while English measurements are banned.

The change would be gradual.

Let us face facts. Not only would metric be convenient once we get the hang of it, it would make us on this side of the Atlantic more competitive. That is one of our goals, is it not making our goods attractive to potential importers? European manufacturers are geared to metric, and so are their customers. If we want some of those customers to be ours, we ought to make things to their specifications. Doing that would be much cheaper and easier if we do not have to make things by one measurement for domestic consumption and by a second measurement for export.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, the 16th of February marked the 64th anniversary of the Lithuanian Independence Day. It is on this day in 1918 that the people of Lithuania declared their independence and freedom. Their freedom was short lived, however; the Soviet Union invaded and forcibly annexed Lithuania only 22 years later.

As has been the case not only in the Baltic nations, but also in Eastern Europe and Afghanistan, the Soviets have refused to recognize the territorial integrity of a people and have absorbed an entire nation into their huge union.

In Lithuania the Soviets have tried to eradicate the people's national identity by suppressing their basic human freedoms. Their religion, art, culture, and even the language they once spoke, have been decimated. The dignity of the Lithuanian people has been assaulted.

In repressing the Baltic peoples, the Soviets have ignored internationally recognized human rights agreed to in the Universal Declaration of Human Rights and the Helsinki accords. Refusing to observe fundamental human freedoms has become a hallmark of Soviet influence throughout the world.

It is in the face of this repression, that the strong people of Lithuania must live with only the hope of freedom. Their freedom is not something that is preserved by the laws of the nation, their freedom is something that lives in their hearts and dreams. People of captive nations can only dream of someday breathing freely, perhaps on their own soil, perhaps in another land.

The oppressed peoples of the world have sought out the United States as a safe haven where they can be assured their basic human rights. Cultures, languages, and national identities thrive in this Nation of nations. The diverse cultures in the United States have combined to make a tapestry, with unique and individual threads woven into a fabric of a free nation.

Our Lithuanian citizens represent the heritage of the Lithuanian nation and our own nation as well. It was appropriate that on February 16 we recognized the efforts of the Lithuanian people to assert their independence

and their incessant desire to live in freedom. We should remember on this anniversary day, the plight of the oppressed Lithuanian people, the sisters and brothers, parents, grandparents of so many of our own citizens.●

DRUNK DRIVING: A DAILY DISASTER ON OUR NATION'S HIGHWAYS

● Mr. PELL. Mr. President, statistics alone can never convey the human suffering and senseless loss of life which happen every day on our Nation's highways as the result of the actions of drunk drivers. Statistics do convey, however, a sense of the magnitude of our Nation's No. 1 highway safety problem, particularly when the daily "body count" is vividly compared to the public shock and grief that always accompanies major air disasters.

The Providence Journal recently focused on this ongoing national tragedy in a guest column by Robert A. Hastings entitled "Thought: An Air Crash Every Day." This compelling article points up the need for national alcohol highway safety standards. I have introduced a bill, S. 671, which would encourage the States to impose minimum, mandatory sanctions against convicted drunk drivers. I believe these strong actions are absolutely necessary if we are serious about removing the drunk driver menace from our highways.

I would like to share Mr. Hastings column on the drunk driver problem, which appeared on February 13, 1982, with my colleagues and I ask that it be printed in the RECORD.

The column follows:

THOUGHT: AN AIR CRASH EVERY DAY

(By Robert Hastings)

What do you think would happen if the skies were so unsafe that there was a major air disaster every day?

The crash of the Air Florida Boeing 737 (in December) certainly riveted public attention and dominated the news. At least 78 persons were killed. What if another major airline crash occurred on the next day? And another the next day? And still another the day after?

The search for answers would be fanatical. Every flight would be grounded. The panic would be overwhelming.

At least 78 lives a day! There would be no stone unturned until a solution was found. And, if after a week or so, the average death rate was 104 a day, what would happen?

Nothing.

Because the rate is already 104 a day. Only the form of transportation is different.

Day in and day out, 160 persons are killed on our nation's roadways. Of them, alcohol plays a role in the deaths of 65 percent.

That's 104 deaths a day, laid at the feet of drivers who have been drinking.

Day in and day out.

One hundred and four.

What is the difference whether they have been killed together, or in a hundred separate tragedies? The body count doesn't change. The loss is no less. And in most cases, the victims were no more at fault.

Count: 104 a day.

Count: 728 a week.

Count: 3,224 a month.

Count: 37,960 a year.

Nearly 40,000 deaths a year, in which drinking while driving was a factor.

What do we in Massachusetts do to combat this slaughter? How often do we arrest a drunk driver, and what penalty do we exact?

When there is an accident, or a motorist happens to weave across the road in the view of a police officer, there may be a drunk-driving arrest. What is the major penalty? Suspension of the driver's license. And what is the penalty for driving after a suspension? Generally a fine.

What are the odds of getting caught? Consider:

1. In a two-hour roadblock recently, Revere (Mass.) police made six arrests for driving under the influence: drunk driving. That is one arrest each 20 minutes on a single road. Last year, in all of Revere, police made 347 drunk-driving arrests. That is one arrest each 1,515 minutes. The roadblock increased the drunk driver's chance of getting caught by something in the order of 7,500 percent. Obviously, the odds of not getting caught in normal circumstances are vast.

2. When a person is suspected of driving under the influence, he must flunk a breathalyzer test to be charged. That requires, on the average, having had five to seven drinks within one hour. The odds of arrest are thus further reduced.

3. A license suspension, particularly for the first time one is caught, is not a normal punishment. It is usually something less. Again—the odds for any real punishment go down.

4. Finally, after another arrest, the driver has his license suspended. But the same odds which apply to getting caught driving under the influence apply to being caught driving after license suspension. And if you are caught without a license, even a second time, what is the normal penalty? A fine.

In other words, we don't take drunk driving seriously. The major penalty for a "driving under" conviction is license suspension, and the major penalty for ignoring that, and continuing to drive, drunk or sober, is a fine. Even that is often beaten if the Registry can't prove that it properly notified the driver of license suspension.

Now that you have a feeling for the drunk driver's odds, have you any idea of your odds of successfully avoiding a crash with a car aimed straight at you, traveling 60 miles an hour?

Not much better than those of the victims in that 737.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The Senate continued with the consideration of the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I rise in opposition to the matter before the Senate, to speak as calmly as I can about an issue that could easily arouse the most turbulent passions and alarms.

I do not conceal my judgment that if this measure should pass the Senate and in some way pass the House of Representatives and become law, we shall have blotted the Constitution and a body which for two centuries has been zealous in protecting the basic constitutional division of powers between the executive, the legislative, and the judicial branches. We will have shamelessly invaded the province of the one in open, undisguised and altogether unseemly collaboration of the other.

It was Hamilton, who spoke of the judiciary as the least dangerous branch. It was his view in No. 78 of the Federalist Papers, which I cannot help but observe were published in a New York journal, in which he observed that it is by the very nature of the judiciary that it could only order as law those measures which the executive branch would enforce. And, in the main, would find itself, apart from the constitutional role which it has necessarily attained, enforcing the laws adopted in this body and in the other body and which fact deposes upon both the legislature and the executive a sacred duty to insure the viability and the integrity of that least dangerous branch. A duty which certainly extends to a self-denial of any efforts on our part to invade the provinces of the judiciary.

This is a temptation which has from time to time appeared in the executive branch. In a famous outburst which I cannot but think he may subsequently have regretted, although it was not always in his character to regret his impulses, Andrew Jackson remarked with respect to a ruling of the Supreme Court which John Marshall had written "John Marshall made the decision. Let him enforce it."

Nothing is more vividly recalled in our constitutional history than the impropriety, the illegality of that statement, because it is the duty of the Executive to carry out faithfully, to execute the laws of this Congress as enacted and the decisions of the Supreme Court declaring what the law is to be in issues where they are disputed and brought to the Court by litigants.

If there was one other such event in our history closer at hand but not less notable it was the attempt by Franklin Delano Roosevelt, whose revered memory we honor this year in this 100th anniversary of his birth, when he found a majority on the Supreme Court persistently opposing his legislation adopted at least in this body and in the other body and at his behest, the New Deal legislation as he called it. A majority finding that legislation

to be unconstitutional, he proceeded to propose that the Court be packed, that additional members be appointed, that it be such that he could appoint persons whose judgments he would have some presumably reliable advanced notice and knowledge of and thereby change the majority on the Court, through legislation in this body as proposed by him. This body rejected it. A Congress that was more than supportive of the President in his legislation, more deferential to him in many respects, given the state of economic crisis in the world at that time, nonetheless the U.S. Senate and the House of Representatives in their combined actions would not pass that bill because it invaded the judiciary, the equal third branch of the Government.

And indeed John Marshall's decision was enacted by the executive branch on the wise second thoughts of the leaders thereof.

It is for reasons of that restraint and that integrity that we are soon to observe the 200th anniversary of the American Constitution. The distinguished Presiding Officer will, it is my fond hope and expectation, be in this body when that anniversary occurs. It will begin, the sequence will occur indeed in just 5 years time when the Constitutional Convention shall have had its 200th anniversary and we mark our sequential move to the actual establishment of the Federal Government.

Mr. President, I think the ancient nature and the extraordinary durability of our constitutional institutions is something that Americans can become too little conscious of.

I spoke this morning to a resolution introduced by the distinguished minority leader and myself having to do with the recent actions in the United Nations, which seemed repellent to us and so opposed to the constitutional procedures as ordained under the Charter of the United Nations, that we were disposed to say that should they not go forward. The United States would withdraw from active participation in the General Assembly and withdraw its financial support for the institution.

Why? Because it was violating its own charter, something we have not done, and that is why ours has endured so.

I was once our Permanent Representative to the U.N., and in the course of a long afternoon's debate found my attention wandering from the subject at hand. Looking at the list of member countries that are listed on two large panels on either side of the podium from which persons speak at the U.N., there were then 147 members of the United Nations, and I asked myself, just to be candid, Mr. President, just to shake off the drowsiness that the afternoon and the oratory had induced, I started making up a little list, and I asked myself how many of those members of the U.N. both existed as nations in 1914 and had not had their form of government changed by force since 1914?

As our distinguished Presiding Officer (Mr. GOLDWATER), who has defended this Nation in peace and war for the better part of half a century, will not be surprised to learn, but which many Americans will be surprised to learn, the number, sir, was seven, seven nations in the world. If you were to include Switzerland, you would have eight that have not had their form of government changed since 1914.

The singular experience of the United States, to have lived under a constitutional government since the 18th century, is a remarkable testament both to the wisdom of the men who drew that Constitution and the character of the men and women who have defended it in these Chambers in the nearly two centuries since.

What we have defended as much as any other thing, because that would be what most needed defending, was the integrity and the independence of the judiciary, that which only we can insure and without which we cannot survive as a nation.

We will not prevail as a people. Our laws will fall into disrepute, our institutions into disrepair, and that which is unknown to the American people, but the common experience of mankind everywhere else, save in a half dozen blessed countries, could fall to be our condition as well.

It is no small thing that we deal with here. It is the most precious of things, the integrity of our processes. This legislation has been called court-stripping legislation. It takes a subject, which is of the moment schoolbusing, a judicial remedy adopted in situations of difficulty, duress, uncertainty in the face of one of the most profound constitutional problems our Nation has ever faced, that of equality of the races, and in the effort to carry out a judicial decision having to do with the constitutionality of certain arrangements in public schools, to wit that which was declared unconstitutional, when the Constitution said they could not be separate but equal, now distant in time but how recent in our experience anything like that could be, and the courts dealt with the reality that races were separated still, and in many instances the legacy of de jure, legal, deliberate practice, a practice found to be unconstitutional, a practice once found to be unconstitutional, given the wrong the courts sought to remedy, and it happens, Mr. President, that I have had some experience with the social science on which this particular remedy was based.

I know some of the social scientists who testified in some of the critical court cases in the district and circuit courts. I have had work of my own cited in a Supreme Court decision on the efficacy of such matters and, if I may say, that work of mine cited went to the point of the uncertainty of such measures, the uncertainty not of this particular measure but of what is known about the origin and nature of educational resources, A long study, if I may be precise, because the Senate would want to know, and that much of the legislation we deal with was based upon a report on educational opportunity, of which the principal assertion was that of Prof. James S. Coleman of the University of Chicago, perhaps the leading mathematical sociologist of our country, certainly one of them. The Civil Rights Act of 1964 required that there be a study conducted by the Department of Health, Education, and Welfare on the nature and distribution of unequal resources and the unequal opportunity in our school system.

It was the second largest social science project in history, and it came to rather strikingly unanticipated conclusions of a great variety of matters, specifically the assumed relationship between educational resources as such and educational achievement as such, such as it can be measured, which was nothing so strong as thought to be or rather the variations were very common in all these school systems that were encountered.

There was not as much difference between school systems and schools as was thought, and even where there was the relationship between input and output, to use the term that is common in such matters, was much weaker than anybody supposed. This was not the expected result of the work of Professor Coleman and his group, and all the more interesting as social science or any science when an unexpected result follows and a hypothesis is not confirmed, which suddenly raised to a high order of interest the question as to what does make for heightened educational achievement.

One of the elements that was found to be a corollate of higher achievement among minority groups was the degree to which they were in classrooms and in schools principally which were integrated, as we use that term.

One should not disguise that that effect, as the analysts will use that term, was a small one. It was not something massive, overwhelming, palpably of the largest consequence, but it was there.

It fell to a group of social scientists to study for a period of 1½ years at Harvard University, a seminar which I founded with Prof. Thomas F. Pettigrew, to reanalyze Coleman's data, and whilst methodological arguments emerged, as they will always do in new fields, even so the basic findings were

89-059 O-85-30 (Pt. 2)

confirmed and have since been confirmed, leaving the measure, such as in classroom and school system integration, one of the few seemingly viable options that public policy had with respect to achievement. But, in any event, there was the constitutional mandate which required the end to separation. And with its combination of a clear constitutional duty and a seeming educational opportunity, courts ordered schoolbusing. They did so in the best of faith and under the duty of constitutional obligation as they judged it to be and the experiment commenced.

There have been differing findings about the results of the experiment. Professor Coleman himself has had views which have disconcerted many when he found them not to have the results he would have hoped for in every case. But there can be no doubt whatever of their legality, nor was there any question raised in this body that the courts had a right to do this and if the courts did it, we obey.

I have been, Mr. President, one of the principal advocates in this Chamber during my brief experience here of the view that the Supreme Court is frequently wrong. I have written at some length about it in articles, such as one entitled "What Do You Do When the Supreme Court Is Wrong?"

As a measure of my own bona fides, Mr. President, I ask unanimous consent to have printed in the RECORD an article which I wrote for The Public Interest in the fall of 1979 entitled "What Do You Do When the Supreme Court Is Wrong?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT DO YOU DO WHEN THE SUPREME COURT IS WRONG?

(By DANIEL PATRICK MOYNIHAN)

An institution charged with the role which the Supreme Court has successfully filled for so many years is entitled to our respect and understanding. If one criticizes the Court (as people have always done in the past, and should continue to do in the future), it should be essentially for the purpose of trying to contribute to that respect and to that understanding. The debt which we all owe to the Court is far greater than any individual can repay. Criticism of decisions of the Court or opinions of its members should be offered as an effort to repay that debt, and with the thought that conscientious criticism may be an aid to the Court in carrying out its difficult and essential task.—ERWIN N. GRISWOLD, 1963.

In its Spring Term of 1979, the Supreme Court ruled in the case of *Gannett* v. *DePasquale* that the public does not have an independent constitutional right of access to a pretrial judicial proceeding. The case had been brought by the Gannett newspapers after one of their reporters was barred from a pretrial hearing in a murder case in upstate New York. Gannett argued that the guarantee of the Sixth Amendment to a "public trial" extended to the public at large, including, of course, the press. The Court held that this was not so. Mr. Justice Stewart's opinion for the majority of the Court declared: "The history upon which the petitioner and amici rely totally fails to demonstrate that the Framers of the Sixth Amendment intended to create a constitutional right in strangers to attend a pretrial proceeding. . . ."

Strangers? The press?

In a concurring opinion, Mr. Justice Rehnquist went further, and in such a manner as to highlight the fact that though, strictly speaking, *Gannett* v. *DePasquale* concerned pretrial proceedings, the decision is easily construed as applying to trials as well. The Court's recitation, he said, "of the need to preserve the defendant's right to a fair trial . . . should not be interpreted to mean that under the Sixth Amendment a trial court can close a pretrial hearing or trial only when there is a danger that prejudical publicity will harm the defendant. To the contrary, since the Court holds that the public does not have *any* Sixth Amendment right of access to such proceedings, it necessarily follows that if the parties agree on a closed proceeding, the trial court is not required by the Sixth Amendment to advance any reason whatsoever for declining to open a pretrial hearing or trial to the public."

The decision was the lead story of *The New York Times* the following day. It had, *The Times* reported, "aroused immediate strong criticism from both the press and the legal profession." The initiative of the Gannett newspapers in challenging the closing of a local court proceeding had been seen as a commendable effort to defend the rights both of the public and the press. The Edward Willis Scripps First Amendment Award for 1979 was presented to the Gannett Rochester Newspapers for pressing the suit and for their reporting and analysis of the issues involved. Allen Neuharth, Chairman of the Board of the Gannett newspapers and Chairman of the American Newspaper Publishers Association, called the ruling "another chilling demonstration that the majority of the Burger Court is determined to unmake the Constitution." The American Civil Liberties Union declared that the decision "erected an iron curtain between the criminal process and the inquiring press."

Editorial comment was no less severe. Much emphasis was placed on the asserted departure by the Court from historical, even ancient standards of justice. A forceful *Times* editorial began:

"For centuries the idea of open justice has been synonymous with justice itself. Before the Norman Conquest, before English judges spelled out the rudimentary rights of defendants, throughout the development of British and American jurisprudence, the tradition of open courts has been honored. Now a 5-4 Supreme Court majority has ordained an exception. . . ."

In a commentary, Tom Wicker, Associate Editor of *The Times*, deplored the ruling. It would surely lead to miscarriage of justice, he wrote. Not just the press, but the general public could be barred from courts, discarding a standard "rooted in American history." For the Court "now to say that that tradition has no constitutional validity * * * shakes public confidence in institutions and rights long thought to be a citizen's birthright."

The most telling comment came from the Court itself. In a dissenting opinion, Mr. Justice Blackmun stated that in their constitutional argument the Gannett newspapers were right, and the majority of the Court was wrong:

"The Sixth Amendment, in establishing the public's right of access to a criminal trial and a pretrial proceeding, also fixes the rights of the press in this regard. Petitioner, as a newspaper publisher, enjoys the same right of access * * * as does the general public. And what petitioner sees and hears in the courtroom it may, like any other citizen, publish or report consistent with the First Amendment."

In "rare circumstances," Justice Blackmun allowed, exclusion could be justified. But, he concluded, "Those circumstances did not exist in this case."

II

It is difficult to avoid the judgment that Justice Blackmun was right and the majority of the Supreme Court was wrong. If so, the question arises: What to do?

This is a question for which we have no clear answer and little theory. The Court is not supposed to be wrong. Even *The Federalist*, much given to emphasizing the frailty of human judgment, does not adequately treat this possibility. To be sure, the doctrine of judicial supremacy—of the Supreme Court's power to void acts of Congress by declaring them unconstitutional—is not explicit in the Constitution and was not generally assumed to be implicit until Chief Justice John Marshall established it in *Marbury v. Madison.* But Hamilton, who believed in it, and in *Federalist* paper Number 78 made a strong argument for it, had to deal with the charge that "the errors and usurpations of the Supreme Court of the United States will be uncontrollable and remediless." In Number 81, he suggests several reasons why this charge, upon examination, is "made up altogether of false reasoning upon misconceived fact," but all but one of his papers actually further arguments for the necessity and rationality of judicial supremacy. The sole check upon supremacy suggested by Hamilton, other than that of appeals to superior courts, is the power of Congress to impeach individual judges:

"This is alone a complete security. There never can be a danger that the judges, by a series of deliberate usurpations of the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption, by degrading them from their stations."

No other corrective is suggested. Rather, the argument is made with particular force that the judiciary is inherently and uniquely possessed of the necessary wisdom and disinterest to weigh the actions of the legislature and the executive on constitutional scales. But if the Court were wrong, what—short of impeaching its members—would be the remedy? *The Federalist* does not say.

It happens, however, that we have a considerable practical experience of just this situation. For long periods of American history the Supreme Court has been wrong about one or another of the principal constitutional issues of the day. It has been wrong in the specific sense that there later came a time when the Court reversed itself, and either directly or implicitly stated that it *had* been wrong.[1] Nor has this been without

[1] Strictly speaking, the Court could have been right the first time and wrong the second. Walter Berns contends, properly, that the standard against which we measure a decision in order to say whether the Court was wrong must be the Constitution itself, not what the Court says about it. Still, experience is the life of constitutional law also, and I would hold that where the Court has reversed itself it has almost always done so to correct an observable error.

consequence. Charles Evans Hughes, in his 1928 volume, *The Supreme Court of the United States*, could refer to the Court's having suffered form a succession of "self-inflicted wounds."

Thus from the last decade of the nineteenth century into the fourth decade of the twentieth century the Supreme Court repeatedly declared that the due process clauses forbade labor legislation. Under the Fourteenth Amendment, it was held, for example, that the state of New York could not require that bakers work no more than 10 hours a day (*Lochner v. New York*, 1905). Under the Fifth Amendment, a District of Columbia Minimum Wage Act was held invalid (*Adkins v. Children's Hospital*, 1923).[2]

This was solemn nonsense, as Holmes pointed out in his acid comment in *Lochner* that "the 14th Amendment does not enact Mr. Herbert Spencer's *Social Statics*." [3] But the solemn nonsense persisted, thwarting for almost half a century the major social movement of the time. Then, as suddenly as it had begun, it stopped. Writing somewhat later, Mr. Justice Douglas declared in *Williamson* v. *Lee Optical Co.* (1955):

"The day is done when this Court uses the Due Process Clause of the Fourteenth Amendment to strike down state laws, regulatory of business and industrial conditions, because they may be unwise, improvident, or out of harmony with a particular school of thought."

Or, as Mr. Justice Black put it in 1963 in *Ferguson* v. *Skrupa:*

"The doctrine that prevailed in *Lochner, Coppage, Adkins, Burns*, and like cases—that due process authorizes courts to hold laws unconstitutional when they believe that the legislature has acted unwisely—has long since been discarded."

Of these episodes in American history, the most notorious was the *Dred Scott* decision of 1857 which held the Missouri Compromise to be unconstitutional, a matter in which the Court was, again, plainly wrong. The most pernicious was *Plessy* v. *Ferguson* (1896), which held that the Fourteenth Amendment permitted separate but equal public facilities segregated by race, a doctrine that persisted until *Brown* v. *Board of Education* (1954).

Apart from the Dred Scott decision which was, in effect, overturned, by the Thirteenth Amendment, the essential fact in all these cases is, however, that the time came when the Court discovered its error and reversed itself.[4] This may appear much too optimistic, even pietistic a reading of American history, but there it is for those to refute who will. The question I would address is how these reversals have come about. It is process not now described in political or juridical science. As a beginning contribution I would offer a simple hierarchy of response which in one or another combination has commonly led the Court to change its position in those instances in which it has been wrong. In ascending order: Debate Litigate, Legislate.

(In theory the ultimate recourse of those who feel the Constitution has been misread is an amendment settling the issue. But this has never happened. It has never proved necessary. Apart from the evolving idea of Federalism that needed to correct Chisholm, the exceptional circumstances that followed Dred Scott, and the changed circumstances that caused a graduated income tax to appear more reasonable in 1913 than in 1787, sooner or later the Justices have rectified their mistakes. That is not the least ground for the loving fealty we owe the Court.)

As a "case history" I will first present in some detail the history of the issue of state aid to nonpublic schools. I will argue that the Supreme Court was wrong in its interpretation of the Establishment Clause in its decision *Everson* v. *Board of Education* (1947), but that after a generation the conditions are developing in which it may (will?) now reverse itself. That time is a considerable element in this process will be of small consolation to those now most distressed by the decision in *Gannett* v. *DePasquale*, but this also appears to be the general experience.

III

Some weeks before the lengthy *Gannett* decision was announced to the consternation of so many, the Supreme Court in 26 words announced its decision in *Byrne, Brendan T. et al. v. Public Funds for Public Schools:* "The judgment is affirmed. The Chief Justice, Mr. Justice White, and Mr. Justice Rehnquist would note probable jurisdiction and set the cases for oral argument." Thus yet another effort by a state government, in this case New Jersey, to provide a measure of assistance for nonpublic, mostly denominational schools was found to violate the Establishment Clause of the First Amendment, and hence to be unconstitutional.

This in itself was nothing noteworthy. Since 1947, when the Court in *Everson* ruled on a state school-aid statute (also of New Jersey) there have been altogether some 46 cases brought to the Court dealing with aspects of this subject. As the Circuit Court in the most recent New Jersey case stated in the opening sentence of the majority opinion, each of these presented "recurring and troublesome questions concerning the relationship between religion and government."

Withal, the 1979 action by the Supreme Court received some attention, for it involved tuition tax credits. New Jersey had enacted a state income tax to provide funds for public education. Included in the statute was a deduction for parents of children in nonpublic schools, it being reasoned that through tuition they contribute to the secular objective of education, and could receive some partial recompense. (For a parent earning $20,000, the total savings was to be $20.)

A more general, and national, measure, providing tuition tax credits at all levels of education—which is to say including college and university as well—had passed the House of Representatives in 1978. The post-secondary portion passed the Senate as well, while the elementary and secondary provisions failed by only 15 votes. This indicated considerable national support for such assistance, but in the New Jersey case the Circuit Court declared itself bound by a 1973 Supreme Court decision, *Committee for Public Education v. Nyquist*, which struck down a New York measure allowing a taxpayer with a dependent in a nonpublic elementary or secondary school to deduct an amount from his gross income, and thus pay less state income tax. The Supreme Court had held that this had the primary effect of advancing religion and that therefore—following the constitutional "tests" established in prior decisions from *Everson* through *Lemon v. Kurtzman* (1971)—the state law and the deduction it established necessarily failed.

But the notable aspect of the New Jersey event went altogether unremarked. In a separate opinion of the Circuit Court, Judge Joseph F. Weis declared that while clearly the Supreme Court decision in *Nyquist* governed the case, just as clearly the *Nyquist* decision was wrong. It had been a split decision (as almost all these decisions have been) and in Judge Weis's view "the dissenters have far the better of it in the *Nyquist* opinion. . . ."

Those dissenters—Chief Justice Burger and Justices White and Rehnquist—had written a trio of powerful opinions, observing *inter alia* that:

"While there is no straight line running through our decisions interpreting the Establishment and Free Exercise Clauses of the First Amendment, our cases do, it seems to me [the Chief Justice], lay down one solid, basic principle, that the Establishment Clause does not forbid governments, state or federal, to enact a program of general welfare under which benefits are distributed to private individuals, even though many of those individuals may elect to use those benefits in ways that 'aid' religious instruction or worship. . . . The essence of all these decisions . . . is that government aid to individuals generally stands on an entirely different footing from direct aid to religious institutions. . . . However sincere our collective protestations of the debt owed by the public generally to the parochial school system, the wholesome diversity they engender will not survive on expressions of good will."

Rather, as with the dog that Sherlock Holmes observed did not bark, the significant fact in the New Jersey tuition-deduction case is that the high court chose *not* to hear an appellate judge tell it that it was wrong.

Here close attention is required. There are two senses in which it may be argued that the Supreme Court has been wrong in this area. The first concerns the basic *Everson* decision itself, set forth by Justice Hugo Black, which announced a rule of law in the widest sense:

---

[2] In *Erie R.R. Co. V. Tompkins* (1937) the Court reversed *Swift v. Tyson*, acknowledging that they were abandoning a doctrine widely applied ". . . throughout nearly a century. But the unconstitutionality of the course pursued has now been made clear and compels us to do so."

[3] Holmes' suggestion appears to be misleading. The Court was not trying to enact anyone's social theories but its own. In James Q. Wilson's phrase, the Court had an idea as to what a "good economy" would be, and it was against this standard that statutes were measured. A considerable body of labor legislation and business regulation was in fact upheld by the "Laissez-Faire Court." My point is simply that there was precious little constitutional warrant for any of this.

[4] To be sure, the Sixteenth Amendment, permitting a progressive federal income tax, had the effect of reversing the Supreme Court's five-to-four decision in *Pollock* v. *Farmers' Loan and Trust Company* (1895), which had struck down such a tax. But many commentators feel that in this instance the Court was accurately interpreting Article I, Section 9 of the Constitution, and that changing circumstances in fact called for a constitutional amendment. The contrary view, expressed by some members of Congress during debate on the Sixteenth Amendment, is that the Court was wrong but had recognized this and was already diluting the effect of the Pollock decision and that the proposed amendment was therefore superfluous.

The Eleventh Amendment, ratified in 1795, which denied the Supreme Court original jurisdiction in law suits brought by citizens against individual states, responded to the Court's decision in *Chisholm* v. *Georgia* (1793) that it had such jurisdiction. But this could reasonably be described as part of the completing of the Federal structure embodied in the Constitution itself.

"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another."

The key elements of the rule, as Michael J. Malbin has written, are that Congress cannot give nondiscriminatory aid to religion and that neither can the states.

This is the basic ruling of the Court and it endures three decades later. It has not been challenged, albeit (in my view) wrong. Instead, the *Everson* doctrine has been the basis for numerous challenges to state efforts to channel modest amounts of aid into nonpublic education through one means or another, efforts which persist. (The actual holding in *Everson* itself was that New Jersey *could* provide bus transportation to parochial-school students.) The challenges have always been brought by persons opposed even to such small efforts and determined to maintain the *Everson* doctrine in as strict a form as possible.

This opposition has been organized (the list of plaintiffs in the recent New Jersey case begins: Public Funds for Public Schools of New Jersey, American Civil Liberties Union of New Jersey, Inc., Americans for Democratic Action . . .) and vigilant. As states have devised new forms of aid to accommodate each succeeding Court decision, the organizations have typically challenged the statute, leading in time to yet another decision by the Court. Thus there has followed from *Everson* a great number of interpretive, or exegetic rulings which not infrequently have been wrong, if you will, in their own right.

The result has been an intellectual shambles: one confused and convoluted decision requiring a yet more confused and convoluted explanation or modification. Professor Antonin Scalia of the University of Chicago Law School, former Assistant U.S. Attorney General, Office of Legal Counsel, and in that capacity the senior constitutional authority in the Executive Branch, testified before the Senate Finance Committee in 1978: "It is impossible, within the time allotted, to describe with any completeness the utter confusion of Supreme Court pronouncements in the church-state area." Professor Philip Kurland, also of the University of Chicago Law School, writes that "the Court is thoroughly unprincipled in the area," meaning, of course, that there is no coherent principle to be found in the ever-lengthening series of decisions.

Such incoherence has invited challenge from persons with no greater interest than intellectual rigor in the high court. Challenges to this secondary, exegetic body of decisions from Supreme Court Justices themselves have become increasingly frequent, even as challenges to the primary decisions have remained rare. The notable quality of the Weis opinion is that it challenges both.

Judge Weis' opinion treats first the exegetic decisions:

"An analysis of cases touching upon state assistance to nonpublic schools could proceed at length, but would merely illustrate the lack of a principled and logical thread. The reality is that the Supreme Court has marked out a series of boundaries and points of departure on an ad hoc basis. Thus, school books may be loaned to pupils, *Board of Education* v. *Allen* . . . (1968), but weather charts may not, *Wolman* v. *Walter* . . . (1977). Buses may be provided to allow for transportation of pupils to school, *Everson* v. *Board of Education . . . (1947), but not for field trips to courthouses or museums, Wolman v. Walter, supra.* Financial aid for the construction of building may be given to colleges, *Tilton* v. *Richardson* . . . (1971), but grants to provide needed maintenance to parochial schools in slum neighborhoods are forbidden, *Committee for Public Education* v. *Nyquist, supra.*"

The Weis opinion turns then to what is the fundamental constitutional issue:

"In many of the opinions in this area, I am struck by the frequent use of the metaphor that the first amendment was intended to erect 'a wall' between church and state." E.g. *Committee for Public Education* v. *Nyquist, Everson* v. *Board of Education.* Insofar as this concept expresses a guiding principle for constitutional adjudication, I find it unfortunate and historically inaccurate.

"My first reservation is semantical. So often a wall implies fear and hostility, as the infamous structure separating East and West Berlin so dramatically demonstrates. No such emotions should dominate the relationship between government and religion and the use of a metaphor that encourages such concepts is not desirable.

"A more fundamental objection, however, is grounded in the history of the Establishment Clause. Although an accurate description of the Framers' intent is beyond our grasp, it is dubious that the Madisonian-Jeffersonian concept of absolute separation was widely accepted by the draftsmen. . . .

"Commenting upon the checkered constitutional history of the Establishment Clause, one scholar has noted: '[I]t remains at best ironic and at worst perverse to appeal to the history of the Establishment Clause to strike at practices only remotely resembling establishment in any core sense of the concept.' (L. Tribe, *American Constitutional Law.)*

"Yet that is what has been done in using the 'wall' concept to justify a policy of judicial hostility towards state aid to nonpublic schools.

"Perhaps a more accurate appraisal of the purpose of the first amendment is that the state is to be neutral in its relationship with religion. And so if a particular legislative enactment, particularly in the field of taxation, provides clearly observable secular benefits, then religious institutions should not be barred solely because of their status. See *Walz v. Tax Commission.*

"Finally, constitutional adjudication requires that the courts read a particular clause with its historical context in mind, lest the fears and prejudices of an earlier age serve to distort the problems of today. As Justice Powell, who wrote the *Nyquist* opinion, noted some four years later:

"It is important to keep these issues in perspective. At this point in the 20th century we are quite far removed from the dangers that prompted the Framers to include the Establishment Clause in the Bill of Rights. See *Walz* v. *Tax Comm'n.* The risk of significant religious or denominational control over our democratic processes—or even of deep political division along religious lines—is remote, and when viewed against the positive contributions of sectarian schools, any such risk seems entirely tolerable in light of the continuing oversight of this Court. Our decisions have sought to establish principles that preserve the cherished safeguard of the Establishment Clause without resort to blind absolutism. *Wolman* v. *Walter.*

"These cases require a realistic approach, not an exaggerated response to nonexistent threats. Simple justice would require that the court honor the decision of the New Jersey legislature where the *quid pro quo* weighs heavily in favor of the state. But as the majority correctly concludes, the narrow legal issue in this case is whether *Nyquist* or *Walz* governs. Although it seems to me that the dissenters have far the better of it in the *Nyquist* opinions, I cannot in all intellectual honesty say that case differs from the one *sub judice.* I am bound to follow the holding of the majority of the Supreme Court and I therefore concur, albeit reluctantly. . . ."

". . . [J]udicial hostility towards state aid to nonpublic schools." It has now been stated from the federal bench.

Whence does this hostility derive? (Assuming, of course, that it exists, and this brief is clearly written from the partisan view that it does.) It does *not* derive from the Establishment Clause of the First Amendment. The Supreme Court is wrong. This is the heart of it. The matter must begin here.

The Establishment Clause is simplicity itself. It states that Congress may not set up a national church.

There are two ways to get at this meaning. The first is to acquire a moderate facility with the English language, and in particular with one word that has somewhat gone out of usage. The clause states: "Congress shall make no law respecting an establishment of religion. . . ." The term "establishment" referred to a state church, such as the Church of England, an altogether familiar concept at the time, and rather a familiar institution.

All 13 colonies had established churches or other official involvement with particular denominations at some point in their history. At the outbreak of the Revolution, the Church of England was officially established in five southern colonies (Virginia, Georgia, South Carolina, North Carolina, and Maryland); the Congregationalist Church enjoyed official status in Massachusetts, Connecticut, and New Hampshire; and the Anglican and Dutch Reformed Churches both had similar status in New York. This pattern remained in flux for some time. (Virginia, for example took steps toward disestablishment in 1776 and 1786 but did not eliminate the vestiges of the previous arrangement until 1802). When the First Amendment was ratified, three states gave preference to particular denominations, Anglican, Congregationalist, and Dutch Reformed; four states gave special status to the Protestant religion; three required adherence to Christianity among public officeholders; and three granted full religious freedom.

The term "establishment" has become somewhat unfamiliar in the intervening two centuries simply because there are no longer any established churches around. (In much the same fashion the provisions of Article III that "no Attainder of Treason shall work Corruption of Blood" would puzzle many persons simply because we don't do that much anymore.) But the meaning of the term "establishment" as used in the First Amendment is altogether accessible and quite unchanged. The first definition given in Webster's Second Edition is: "The establishing by law of a church or religion, etc." It is not too much to ask that persons who profess to care about the Constitution take the trouble to learn the language in which it is written.

Neither, if Mr. Justice Powell is to be believed, is it too much to ask that such per-

sons learn a little of American history. To be fair, this may be stated with perhaps more insistence today than three decades ago when the Everson doctrine came into being. For the longest while, the meaning of the First Amendment was clear to everyone concerned. Then a curious sequence took place. In the second half of the 19th century a movement arose to prohibit aid to Catholic schools. It was assumed that the Constitution would have to be amended to do this. But the "Blaine amendment," first proposed in 1876, was never adopted by Congress. (For what it may be worth, a clause in the amendment provided that "This article shall not be construed to prohibit the reading of the Bible in any school or institution. . . .") But somehow when the Court came to rule in 1947, it took the political attitudes of the late 19th century to be the constitutional purposes of the late 18th. In the Court's defense it may be said that in 1947, there wasn't much formal history to direct it otherwise.

This has now changed. In a predictable manner scholars have been drawn to the issue. In what may also have been predictable, it took them a good while to get the facts organized. In Beyond the Melting Pot (1963), Nathan Glazer and I may have helped reconstruct the early history of state aid to education. (In New York it went exclusively to church-related schools, as there were none other.) In The Garden and the Wilderness (1965), Mark DeWolfe Howe commenced a careful examination of the meaning of the First Amendment and the intentions of those who drafted and ratified it. Of the line of church-state decisions begun with Everson, he wrote:

"The Supreme Court, in my judgment, has gravely erred in its reading of two chapters of American history. An impulsive eagerness to find that the state and nation were subject to the same disabilities so far as religion was concerned, led the justices to make the historically quite misleading assumption that the same considerations which moved Jefferson and Madison to favor separation of church and state in Virginia led the nation to demand the religious clauses of the First Amendment. . . . Furthermore, it permitted the Court to fill the space from which it had removed the vivid complexities of the eighteenth century's political philosophy with a simple and false absolute—all aid to religion is unconstitutional."

Howe's analysis was followed, and powerfully reinforced, by Walter Berns in his splendid volume, *The First Amendment and the Future of American Democracy* (1976) and by Michael J. Malbin's extensive essay, *Religion and Politics: The Intentions of the Authors of the First Amendment* (1978). Although Berns and Malbin use different evidence, they reach similar conclusions, as summarized by Malbin:

"As the Court has espoused its doctrines, it has relied on an incredibly flawed reading of the intentions of the authors of the First Amendment. . . . Aid to religion was to be permitted as long as it furthered a purpose the federal government legitimately could pursue and as long as it did not discriminate in favor of some sects or against others."

The research continues, and we are gradually acquiring a solid understanding of the relationship between church and state that obtained in 1791, of the assumptions and intentions of the Founding Fathers, and of the practices that prevailed through much of the nineteenth century. Among the major works now in progress is a comprehensive history of the First Amendment by Professor Robert L. Cord of Northeastern University.

IV

In his dissent in the *Gannett* case, Justice Blackmun stated that the Sixth Amendment established "the public's right of access to a criminal trial and a pretrial proceeding" and that of the press also. Those who would persuade the majority of the Court of this view must begin by reconstructing the history of that Amendment and of the First Amendment. This is not as direct a matter as might be thought, but it is entirely doable. It has now been done with respect to the Establishment Clause.

The Bill of rights were adopted in something of a hurry: Debate on the Establishment Clause took up about one day in each chamber. The standard, if somewhat shaky record for the House of Representatives is the *Annals of Congress*, first published in 1834, taken from contemporary newspaper accounts and from the shorthand notes of a reporter, Thomas Lloyd. It is not complete, but is the only serviceable record of the proceedings of the First Congress. An essential fact is that the texts of successive versions of the clause, in each body, are available and these make the intention of the Congress conclusively clear. James Madison introduced two amendments in the House on June 7, 1789. The first of the amendments read:

"The Civil Rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, nor on any pretext infringed."

And the second:

"No state shall violate the equal rights of conscience or the freedom of the press, or the trial by jury in criminal cases."

Malbin notes that Madison's language prohibited both states and the federal government from infringing on the rights of conscience. "In contrast, the Establishment Clause was to apply only to the federal government."

How so? Because, as noted earlier, various of the states still had established churches. This is the lesson Perry Miller has taught: that if there was no very great love of religious tolerance in eighteenth-century America, given the profusion of religious denominations there was a very great need of it.

Alas, it was this very fragility of the Union which led ultimately to the substitution of the present language for Madison's explicit prohibition against "any national religion." Malbin reminds us that "federalism was the overriding issue throughout the Congress." It was still a lively issue as to whether the Constitution had created a new nation, or merely a federation of states. The Federalists, insisting that the latter was the case, carefully left the word "nation" out of the Constitution. But they were suspected (correctly!) of having a nation in mind and of being determined to forge one. Accordingly, in the debate in the First Congress the Anti-Federalists seized on the word "national" in Madison's draft, declaring that the gigantic conspiracy, the massive subterfuge was at last revealed. Feelings were intense. Elbridge Gerry recalled that at the Philadelphia convention of 1787 the two factions were designated Federalists and Anti-Federalists. They should, he said, have been called "rats" and "anti-rats," i.e., ratification and anti-ratification. The phrase "national religion" promptly disappeared. Otherwise the theme of the debate, which took place August 15, was set rather by the opening address of Peter Sylvester of New York who apprehended that the clause "might be thought to have a tendency to abolish religion altogether."

Senate debate was secret at this time. (The doors of the Senate chamber remained closed until 1795, and no record of the debates is available until 1802 when journalists were admitted to the Senate floor. The official transcript embodied in *The Congressional Record* did not begin until 1873.) But the Senate journal records the texts which were considered on September 3. The first substitute offered for the House language began: "Congress shall make no law establishing one religious sect or society in preference to others. . . ." The final language sent back to the House read: "Congress shall make no law establishing articles of faith or a mode of worship or prohibiting the free exercise of religion." A conference committee settled on the present language.[5]

A century and a half later, when the Supreme Court in *Everson* turned its attention to this subject the Justices did not accept the Establishment Clause at face value, as meaning what it said, nor yet did they inquire into this history. Rather, as much as we can judge, they inquired as to the views of Madison and Jefferson, and came up with the well known "wall of separation." This surely will not do. The question is not what Madison or Jefferson may have thought; the question is what the Congress did. It is perhaps not wholly irrelevant that Jefferson was not a member of the First Congress; he was Secretary of State at the time, and quite uninvolved. (He had spent most of the previous five years on diplomatic missions in Western Europe.) Madison was floor manager of a complex piece of legislation which required compromise. Compromise he did. What more evidence is needed than that his original draft in no way reflected his own, and for the time somewhat extreme views?

If it be the case, in Judge Weis' words, that "an accurate description of the Framers' intent is beyond our grasp," are we not then well advised simply to take the plain language for what it plainly says? No establishment of religion, period.

Does not the burden of proof rest with those who assert that it says more? The legislators of the early American Republic were entirely friendly to religion and religious purposes. The House passed the 10 amendments of the Bill of Rights on September 24, 1789. The next day the House passed a Joint Resolution calling upon President Washington to issue a Thanksgiving proclamation. The Senate passed the Bill of Rights on September 26, and on the 27th passed the Joint Resolution. It called for "a day of public Thanksgiving and prayer, to be observed, by acknowledging, with grateful hearts, the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government. . . ." The first Congress wanted to encourage religion, but in no circumstances to establish a church so as to prefer one to the other. Chaplains were appointed to the armed forces. Both House and Senate

[5] Not at issue here is the "incorporation" doctrine, whereby the prohibitions imposed on Congress by the Bill of Rights have been expanded by the Supreme Court to cover the actions of States. The Supreme Court interprets the 14th Amendment to bind the States as well as Congress when they legislate "respecting an establishment of religion."

began—and still begin—each day with a prayer by a clergyman. The Northwest Ordinance of 1787, re-enacted by Congress in 1789, set aside federal lands in the territory for schools: "Religion, morality, and knowledge," the law read, "being necessary to good government and the happiness of mankind schools and the means of learning shall forever be encouraged." If they were to aid education, how could they do otherwise? Who, in 1789 in the United States, could imagine a school that did not teach some religious belief or other?

Madison and Jefferson, say the Justices, and there the matter rests. The inferior courts follow, as they must. Early on, the majority opinion in the recent New Jersey case invokes the declaration of former Chief Justice Warren that the First Amendment "underwrote the admonition of Thomas Jefferson that there should be a wall of separation between church and state." This well-known phrase of Jefferson's first occurs in a letter to the Danbury Baptists in 1802.[6] How could it be said to underwrite an amendment to the Constitution which had been written 11 years earlier? But this has not infrequently been the level of argument used against aid to nonpublic schools.

The constitutional facts are obvious enough. The state, at any level, is allowed to cooperate with religious groups in a nondiscriminatory manner in the furtherance of acceptably secular purposes. Further, this is precisely what now happens, with the single exception of elementary and secondary schools. Thus city, state, and federal funds, in the usual baffling mix, provide most of the support for the Jewish Hospital in Brooklyn. Federal foreign-aid funds provide much of the resources for the relief work in developing nations of Church World Services, a Protestant agency. The federal government provides money to improve the curriculum and the teaching methods of Marist College, a Catholic institution in Poughkeepsie. And so it goes.

The exception, to repeat, is that of elementary and secondary schools with religious affiliations. (*Not* colleges and universities with such affiliations.) Slowly, however, this anomaly is emerging. Slowly, the hierarchy of responses that arise when the Court is wrong is beginning to appear.

V

1. *Debate.* This is the first and in every way crucial response. When the Court is wrong there must be those who will say so. Often as not this will be a dissenting member of the Court itself. But to be effective the question must become a political issue of the day. In his grand study, *The Least Dangerous Branch*, Alexander M. Bickel described Lincoln's response to *Dred Scott:*

"The principle that the Court proclaimed was that slavery was not only legal in states which had it but was constitutionally guaranteed in unorganized territories as well. In the debates with Stephen A. Douglas in 1858, Lincoln said that he was against this decision, that he thought it wrong, that he feared its consequences, that he deemed it altogether deplorable. Douglas, on the other hand, without admitting that he necessarily thought the decision right, dwelt heavily on the argument that 'whoever resists the final decision of the highest judicial tribunal aims a deadly blow at our whole republican system of government.' 'I yield obedience,' Douglas said, 'to the decisions of that Court—to the final determination of the highest judicial tribunal known to our Constitution.' To this Lincoln countered by deriding the notion that a decision of the Supreme Court is a 'Thus saith the Lord.' The Court, he said, can be wrong. There is nothing sacred about the Court's decisions. Men may properly differ with them."

As the initial decisions regarding state and church involved Catholic schools, the first arguments in opposition to *Everson* and its progeny came, generally, from Catholics. This made for difficulties (as the press, perhaps, will now find), it being easy for others to dismiss or ignore arguments that are necessarily self-interested. It may be Catholics were deficient in the skills and the access needed to mount a debate of this sort; it may also be that an element of prejudice worked against them. Surely there are episodes in this generation-long history that raise this latter question. Consider the instances in which Mr. Justice Douglas supported his opinions in *Tilton v. Richardson* (1971) and *Lemon v. Kurtzman* (1971) with references to a book, *Roman Catholicism* by Loraine Boettner, published in Philadelphia in 1962. This volume has been characterized by Douglas Laycock of the University of Chicago Law School as an "elaborate hate tract." Mr. Boettner's views on Catholicism generally may be summarized in the following brief quote:

"Our American Freedoms are being threatened today by two totalitarian systems, communism and Roman Catholicism. And of the two in our country Romanism is growing faster than is communism and is the more dangerous since it covers its real nature with a cloak of religion."

That particular passage is not cited by Mr. Justice Douglas, but here is one he quotes in footnote 20 of his concurring opinion in *Lemon* v. *Kurtzman*:

"In the parochial schools Roman Catholic indoctrination is included in every subject. History, literature, geography, civics, and science are given a Roman Catholic slant. The whole education of the child is filled with propaganda. That, of course, is the very purpose of such schools, the very reason for going to all of the work and expense of maintaining a dual school system. Their purpose is not so much to educate, but to indoctrinate and train, *not to teach scripture truths and Americanism*, but to make loyal Roman Catholics. The children are regimented, and are told what to wear, what to do, and what to think." (Emphasis added.)

Ponder Mr. Boettner's charge that Catholic schools do not teach "scripture truths."

As it happens, a number of Catholic laymen and clergy pondered just that and at the time tried to draw attention to the peculiarity of such a tract being cited as a reference work in an opinion of a Supreme Court Justice. Had Douglas in some similar connection cited the Protocols of the Elders of Zion, or a Kommunication from the Grand Kleagle of the Ku Klux Klan, there would have been some notice taken. But there was no response whatever to these citations. There is a climate of presumption, and it must be worked against. (Thus, on April 3, 1979, reporting that the Supreme Court would hear a challenge to yet another state statute providing bits of aid to parochial schools, a New York law providing expenses for state-required testing, *The New York Times* noted that "The Federal Constitution specifically forbids aid to parochial schools. . . .") The dynamic of scholarship, which is both truth-seeking and competitive, at length responds to this kind of imbalance. Already the time is at hand when law clerks will have learned as law students that the *Everson* decision is disputed. In time there will be judges who learned it as students also. Just as importantly, Presidents may come to office committed to change. Roosevelt made no secret of his desire to appoint to the Court Justices who would not block New Deal legislation on the basis of a flawed reading of the Fourteenth Amendment. It would be unthinkable today for a Justice to be appointed who held the *Plessy* doctrine.

The same may come to be true of *Everson.* This is a constitutional check on the Court: Justices are appointed by the President. Already both major parties have endorsed aid to nonpublic schools. It is becoming a familiar position for Presidental candidates since Senator George S. McGovern endorsed tuition tax credits in his 1972 campaign. It remains for a President to come to office either committed to the proposition as a matter of justice, or able, as a matter of politics, to balance the claims of the nonpublic schools with the fears of the public schools that they will lose whatever the other system gains.

Opinion polls indicate that the great majority of American people believe that education pluralism is a principle deserving of active governmental support. And it is well to bear in mind Robert G. McCloskey's observation, in his magisterial study, *The American Supreme Court* (1960), that "the Supreme Court has seldom, if ever, flatly and for very long resisted a really unmistakable wave of public sentiment. It has worked with the premise that constitutional law, like politics itself, is a science of the possible."

Debate on the *Gannett* decision began immediately, and soon became almost formal. The Associated Press, for example, distributed to its news staff a prepared statement to be read aloud to a judge who has announced the closing of a courtroom. The statement, described by Louis D. Boccardi, executive editor and vice president of the Associated Press, as "concise and legalistic," objects to any closed proceedings, sets forth the reasons why, and asks for time for further argument before a decision is made. This would appear to be a model reaction, if the validity of the Debate, Litigate, Legislate model is assumed.

2. *Litigate.* The exemplar of litigation as a tactic for bringing the Court back to the Constitution is the prolonged but in the end triumphant effort of the National Association for the Advancement of Colored People to reverse the *Plessy* decision. This is more difficult with *Everson*, for the effect of that ruling is that things don't happen rather than do, and it is not easy to challenge a nonexistent regime. Still, experience argues that those who feel aggrieved need to take initiatives. A former United States Attorney, now teaching law, asks his class in constitutional law to explain why the United States government is *obligated* to provide financial aid to church- or synagogue-related schools. The answer, evidently, lies in the Free Exercise Clause of the First Amendment: an interesting thought, and worth a lawsuit. Harry J. Hogan, retired counsel to the House Subcommittee on Elementary, Secondary, and Vocational Education, has pointed to the potential inherent in the

[6] Although others—starting with Roger Williams in the seventeenth century—had employed this and similar constructions, a fairly systematic search of the literature indicates—and biographers of Jefferson concur—no prior appearance of this phrase in Jefferson's own writings and utterances.

growing practice of teaching "values" in public schools. "The fascinating possibility is that as soon as public schools and universities are required to teach values, then church-related schools and universities will be able to demand equal access to state and federal tax funds."

The risk of litigation is that it divides. In the end *no* schools may receive support for ethics courses. But, as no other process, it educates the courts.

3. *Legislate.* Legislation is the most direct and open way for the Congress and President to advise the Court of their reading of the Constitution, views which have equal standing under the Constitution, albeit they do not have equal effect. This issue arose directly in the Lincoln-Douglas debates. Lincoln said: "If I were in Congress and a vote should come up on a question whether slavery should be prohibited in a new territory, in spite of that *Dred Scott* decision, I would vote that it should." Douglas was scornful, saying, "if you elect him to the Senate he will introduce a bill to re-enact the law which the Court pronounced unconstitutional. . . . I never heard before of an appeal being taken from the Supreme Court. . . ." Lincoln replied that Douglas "would have the citizen conform his vote to that decision; the member of Congress, his; the President, his use of the veto power. He would make it a rule of political action for the people and all the departments of the government. I would not." Commenting on this exchange, Bickel allows that while deference to the Court is surely in order from the other branches, this cannot be absolute:

"The functions cannot and need not be rigidly compartmentalized. The Court often provokes consideration of the most intricate issues of principle by the other branches, engaging them in dialogues and 'responsive readings'; and there are times also when the conversation starts at the other end and is perhaps less polite. Our government consists of discrete institutions, but the effectiveness of the whole depends on their involvement with one another, on their intimacy, even if it often is the sweaty intimacy of creatures locked in combat."

That Congress can abuse its power, should cause no surprise. Indeed it has. Reacting to the Supreme Court decision in *Engel v. Vitale* (1962) which forbade school prayer, the Senate on April 5, 1979 and again on April 9 by margins of 47 to 37 and 51 to 40, respectively, voted to deny the Supreme Court appellate jurisdiction in such cases. This can be done under Article III, Section 2, at least with respect to cases in federal court. (It is contended that the power was intended as Congress restraint on the Court, corresponding to the President's power of appointment.) But in this case the power was surely misused. Publicly prescribed prayer, voluntary or not, is precisely what "an establishment of religion" is all about and that is what the First Amendment forbids. (In the course of the debate, one Senator rose "to speak as a Christian" about what he called the "secular humanism that abounds in our children's schools today." He did not like this and thought "we Christians" should do something about it. One is reminded, from time to time, that this is a Protestant country.)

For all this, legislation is unequaled as a means to influence the Court. Labor legislation was finally accepted by the Court only because state legislatures kept passing bills. Even the venerable Charles Evans Hughes at last was converted. Writing for the Court in *West Coast Hotel Co.* v. *Parrish* (1937) he derided the "freedom of contract" argument: "What is this freedom? The Constitution does not speak of freedom of contract. It speaks of liberty and prohibits the deprivation of liberty without due process of law."

Similarly, the Congress through legislation has commenced the undoing of the *Everson* decision. First, in the Elementary and Secondary Education Act of 1965, provision was made for compensatory services in schools with high proportions of "deprived" children, of which denominational schools have a more than sufficient share. (In New York City, nuns initially had to teach the children to operate the television sets thus provided, as they themselves were forbidden to touch them. But even such silliness makes its impact.) Similarly, the Higher Education Act of 1965 provided federal funds for "strengthening developing institutions." These were understood to be, in the main, black colleges in the South. But federal administrators, in the manner of bureaucracies, found that denominational colleges in the North often met the criteria and they were given grants accordingly. Half the private colleges and universities in the nation have religious affiliations, and most seem to take part in the now considerably complex system of federal aid to higher education. Mild tensions persist. It was reported that at the First National Congress on Church-Related Colleges and Universities, held at Notre Dame in the summer of 1979, there were complaints of "federal officials who question whether theology should be taught in classrooms built with federally guaranteed loans." But this is the point. Federal officials are now merely nervous about support for activities which, if one were to read *Everson* and nothing more, it would be assumed are altogether forbidden. What is happening, of course, is that American practice is coming in line with that of the other English-speaking democracies where government support is provided to any bona fide educational activity, and the communal peace, on this score at least, is maintained.

Consider the Higher Education Facilities Act of 1963. In this law, Congress provided funds to build buildings on college campuses. In the course of events, Sacred Heart College (and several other church-affiliated campuses) in Connecticut received such funds. The familiar law suit followed. But the Court in *Tilton* v. *Richardson* (1971) held that this aid was constitutional on grounds that "There is substance to the contention that college students are less impressionable and less susceptible to religious indoctrination." Now there is, of course, no substance whatever to this. It can only be a matter of time, albeit this could be another generation, before five Justices agree that what is constitutional for 19-year-olds is constitutional for 18-year-olds, whereupon the legal issue will be behind us. The Weis dissent is surely a harbinger of this.

There will remain the issue of public policy. *Should* 18-year-olds receive assistance? That is a different question altogether. It has never been satisfactorily resolved, mostly because opponents have always succeeded in interposing the constitutional question. But it is not a constitutional question.

Legislation is not always to be advised. The press, for example, will want to be cautious indeed before deciding that it wishes Congress to make a law respecting its freedom. On the other hand, it may find it useful for Congress to make laws protecting the Sixth Amendment right of the public to be present at trials. To those who say the Court has decreed that no such right exists, there is Lincoln's retort that a Supreme Court decision is not a "Thus saith the Lord."

Has this analysis any predictive power? The *Gannett* case will provide a test. As with most cases in which the Supreme Court would seem to be wrong, debate began promptly and it may be forecast that a good deal of litigation will follow. In the manner of *Everson*, one decision will lead to another: clarifying, adjusting, half-apologizing. Legislation will be contemplated: most likely dealing with the public's right to access to the courts, rather than that of the press as such. In the end the Court either will reverse itself, or set forth rules for the closure of courts so narrow and restricted in their application that the controversy will go away. It may be hoped that it does not require a generation for this to come about.

Mr. MOYNIHAN. Mr. President, the Court, in fact, frequently has been wrong. Scholars have, as a matter of fact, compiled lists of the number of times the Court has been wrong, by which one should mean not that the Court has held something which you or I or the next fellow might think to be wrong, but, rather, in situations in which the Court has said it was wrong and changed its ruling.

I am very hesitant to put a number on it, but I do believe that Prof. James Q. Wilson has cited a study which found about 180 instances in which the Court has simply reversed itself and said, "Well, we said that. We were wrong. Now we say something else."

The most famous of them in recent times—the most dreadful was Dred Scott. In recent times and modern era, the Lochner decision, which held that the State of New York could not regulate the hours of bakers. Mr. Justice Holmes said, "the 14th amendment does not enact Mr. Herbert Spences' Social Statics," but the majority said otherwise. And 40 years later, without really being very formal about it, the Court began to say, "We no longer hold that." And, indeed, they no longer do. The wage-hour acts of 1935 passed this Congress without any difficulty and the Court never took seriously any challenge to it.

In "What Do You Do When the Supreme Court is Wrong?" I offered three propositions. I said the first response to a court's ruling which persons, for whatever reasons, feel to be wrong is to debate, to raise the question in public, raise it on the floor of the Chamber and say, "The Court is wrong. The Court should not have held that. That is not what the Constitution says. That is not what the law says."

I have said that it was possible to litigate and then, if that did not succeed, one could legislate, so that we would have to deal with the actual piece of legislation, but always giving the Court its final say.

I put it that one does not have to agree with the Supreme Court. Our only duty to the Supreme Court is to obey it. They are wrong on occasion and they reverse themselves on occasion.

No one could better state our responsibility and the treasure this Nation has in its integrity than was stated by Erwin N. Griswold, the distinguished former Solicitor General of the United States, who wrote in 1963:

An institution charged with the role which the Supreme Court has successfully filled for so many years is entitled to our respect and understanding. If one criticizes the Court (as people have always done in the past, and should continue to do in the future), it should be essentially for the purpose of trying to contribute to that respect and to that understanding. The debt which we all owe to the Court is far greater than any individual can repay. Criticism of decisions of the Court or opinions of its members should be offered as an effort to repay that debt, and with the thought that conscientious criticism may be an aid to the Court in carrying out its difficult and essential task.

Consider the nobility of that sentiment, the integrity, the truthfulness, the historical understanding that Erwin Griswold brought to that passage. And consider, Mr. President—and I speak with great hesitancy here, but with equal feeling—consider the squalor of the measure before us, which does not offer criticism of the Court, does not offer the Court further opportunity to decide, does not offer guidance of our judgment. We have a constitutional role. We are more than responsible. As Abraham Lincoln, no less a person than Abraham Lincoln, said, a Supreme Court decision is not a "Thus sayeth the Lord." He said that in his debate with Douglas with respect to the Dred Scott decision. And the Dred Scott decision, Mr. President, was wrong and it was subsequently clearly reversed. The U.S. Congress had something to do with that.

But consider the nobility with which Griswold speaks of a debt which we all owe the Court far greater than any individual can repay, but saying criticism of the Court can be an effort to repay. How fine a sentiment, how true a historical understanding, how noble a judgment and how it compares to the squalor of what we propose to do here.

I began these remarks saying we would block the Constitution if we proceed as we do, because we do not seek to change the view of the Court, we seek to diminish its constitutional power.

We seek to deny the power of the Court to hear measures of the utmost importance to us in this time, or more accurately, we seek to reopen a great constitutional debate which we had two decades ago.

Part of the genius, Mr. President, of the American system of government, has been that when one generation makes a decision about issues of social policy, the next generation does not seek to reverse that. There are some persons in this Chamber who obviously will seek to do so, but they will fail.

This bill will not pass the House of Representatives. To their honor, as to our dishonor, it may pass this Chamber, and if signed by the President of the United States, it will besmirch the integrity of the Presidency, and it will be struck down by the Court as unconstitutional.

Why bring this crisis to the American public? Why bring over such a small matter with the parochial concerns of re-election, popularity?

Why bring a crisis to the American public at a time when we need all the unity, all the defense of shared institutions we could ever attain, as we face a world in which the black knight of totalitarianism spreads with seeming inexorable intent?

We need to be together as Americans, Mr. President, loving, respecting, and defending our institutions as they are separate in the Constitution, or we must defend our Nation in a unity in a world which has little time for supreme courts or legislatures or the laws or precedents, no history, little compassion, and less understanding of the bases by which stable and institutional governments can be established among men.

Stability, continuity, and integrity are the greatest of the gifts. We have been given this by the men who formed this Constitution two centuries ago. We have been given this by the men who conceived the tripartite basis of American constitutional government.

I read you, with your indulgence, Mr. President, a passage from the 78th Federalist, written as we now know by Alexander Hamilton, who was an author of our Constitution.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.

Mr. President, here we are two centuries back with him speaking of this to us.

This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community.

This is such an occasion, dangerous innovations in the Government, and serious oppressions of the minor party in the community.

Mr. President, Hamilton's warning could not be more apt and more appropriate. Here we are, a nation and a political tradition, beleaguered in the world.

Lord Bryce, whose statue is not 20 feet outside this Chamber, we will remember in his book "The American Commonwealth," asked:

Why the world over do persons find such great interest in the institutions of American Government? Why do they want to know what we are like?

Other governments were interesting and complex, too. "Why?" he said:

It is simple. It is because sooner or later it is in the institutions of the American Government that the world expects to find itself. That is the path that the world is on. America sails a summer sea.

This he wrote at the end of the 19th century. In his honor we have a bust of him right here in the Senate corridor on the first floor.

How different the 20th century than from his expectations. It has been an age of totalitarianism and the rise of all that is antithetical to our principles, our beliefs, and our hopes. If ever there was a time to put settled matters behind us, to preserve our institutions, to guard our institutions, now is the time. Those who would divide the one from the other, those who would weaken the rule of law, those who would besmirch the tradition of this body do this Republic no service. That they have no intention of such disservice, I do not question.

It is not in the nature of us always to be given to understand, then, what we do. This Senator from New York, no less than any other, has failed in his perceptions many times but I hope this institution will not fail. I hope we shall see that the Republic will stand indivisible in the aftermath of what we do and our institutions will perhaps be stronger for the opportunity this debate gives us to judge whether we would weaken them.

I am confident, Mr. President, that that judgment will not be made in this body; but should it be, I am more confident still that it will not prevail.

Mr. President, I conclude as I began. Should this measure be adopted, we shall have blotted the Constitution of the United States.

I thank the Chair for his courteous and indulgent attention at this late

hour. I find that my colleague and friend, the Senator from Vermont—a learned man in the law, a man who has earned the respect of this body in countless matters concerning the judiciary, an attorney, a prosecutor, a Senator, perhaps most importantly, Mr. President, a Vermonter, a man not given to trifling with the rights of Americans or the equal powers of the three branches of Government—is on the floor. I know I wish to hear him and I would not wish to deny any of the other Senators that opportunity.

Again, with thanks to the Chair, Mr. President, I yield to my distinguished friend from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair and I thank the distinguished Senator from New York for his very, very kind and very generous remarks. I must admit to a continued admiration for not only my colleague but my neighbor, from the neighboring State of New York.

He is a man who has spoken not only for the rights of individuals but also for the integrity of the United States as a country in his service here as well as in his very distinguished service as Ambassador to the United Nations.

Mr. President, I think when we discuss the integrity of the United States, we truly discuss it in this debate perhaps as much as any debate that I have been involved in since I have been in the Senate. Certainly, the integrity of the United States and the security of the United States come not just from our armed might, come not just from our economic might, albeit both are enormous, but also come from our own internal adherence to our traditions, to our Constitution, to our form of government.

We are presently the oldest existing democracy in the world. I think one of the main reasons we are and that we have the viability we do today, is the respect and responsibility that we have given to our form of government. Every school child knows that we are a government made up of three independent branches—three independent, separate but equal branches of government. I have the great honor of serving as one of the members of one of those separate but equal branches of government, the legislative. It has often been the responsibility of the legislative as well as the executive to preserve the integrity and the independence and the freedom of the third branch of government, the judiciary.

The distinguished Presiding Officer, my good friend from Arizona, has very well stated on this floor the point that we do not face here a question of busing alone and we shall not face in future times similar legislative attempts on questions of abortion, school prayer, or anything else alone. We face the question of the freedom of the courts themselves.

Mr. President, if we can remove the jurisdiction of the courts in the busing issue, and if you read this amendment carefully, it goes to all Federal courts, all levels, then why can we not, by the same fiat, remove any constitutional rights or any rights at all that anybody might have under environmental laws, under civil rights laws, under our criminal laws? Might we not decide that the courts should have no place to handle espionage cases against the United States? Might we not decide that we shall thwart whatever our history might be in, as I mentioned, environmental laws, or civil rights laws?

Might we not remove constitutional rights of any segment of our populace by simply removing the jurisdiction of the courts to hear civil rights matters? Might we not overturn any constitutional matter that we want simply by doing this?

Mr. HELMS. Mr. President, will the Senator yield on my time for a question?

Mr. LEAHY. Certainly, I yield to my good friend on his time.

Mr. HELMS. I thank the Senator. My friend from Vermont knows I respect him highly.

Mr. President, is the Senator suggesting that it is a novel thing for the Congress of the United States to limit the jurisdiction of the Federal courts?

Mr. LEAHY. The Senator from Vermont makes no such suggestion. In fact, the Constitution gives the Congress that right.

Mr. HELMS. As a matter of fact, the Congress has done precisely that in 57 instances, I say to the Senator.

Furthermore, the Chief Justice of the United States now sitting disclosed within the past few weeks that he is planning to ask Congress to limit the jurisdiction of the Federal courts.

My question to the Senator is, as he has stated, there is no doubt about the authority, if not the duty, of the Congress to limit the jurisdiction of the courts when the Congress, in its wisdom, sees the necessity of doing so. It has been done 57 times, according to Senator Ervin, and I respect Senator Ervin's ability as a researcher. So I think it is a little bit far afield to suggest that because we, today—some of us—see the courts as having gone beyond their responsibility, we, the Congress, ought not to step in and say enough is enough.

Eighty percent of the American people, by every poll that I have seen on the subject, black and white, all races, object to the forced busing of their schoolchildren. So I wonder what the logic is for saying that this is such a perilous thing for Congress to undertake.

Mr. LEAHY. Mr. President, if I may respond, the question is not, as I see it, solely one of busing. I am no great fan of busing. We bus most of our schoolchildren in Vermont, but we do that simply because we are a rural State and it is the only way to get them to school.

Mr. HELMS. But they are not forced on the bus.

Mr. LEAHY. I am no great fan of some of the busing schemes we have seem. I do suggest, however, that attacking basic constitutional provisions by removing the jurisdiction of the courts is an entirely different thing. To suggest that the Chief Justice's asking, through various housekeeping measures, for limits on the jurisdiction of the courts might in any way compare to what is going on the floor of the Senate today or what is planned on the floor of the Senate in future days are two entirely different things.

Of course, we limit jurisdiction. We limit it in diversity suits. We limit it by the question of amounts in controversy. But this is different. If the Senator will allow me, I will read four paragraphs from a recent New York Times editorial which pretty well sets out the difference. It reads:

"In one bill after another, Congressmen want to tell Federal courts to stay out of important, controversial cases. It's an easy way to tame an over-active judiciary, say voices on the right. But if they were true conservatives, they would recognize these court-stripping bills for what they really are: cheap attacks on the Constitution.

On the Senate floor now, the attack is on busing, via an appropriations rider that forbids busing even when it is the only remedy for purposeful school segregation. Later there will be a bill directing Federal courts to reopen old school cases and abandon milder desegregation remedies unless minorities can prove their cases all over again.

Then there's a bill to define abortion as murder and deny Federal courts and the Supreme Court the power to say the contrary. Another bill would forbid Federal court interference with "voluntary" public school prayer as defined by those who want to skirt Supreme Court rulings.

All these are offered as perfectly proper court-regulating measures. All are of dubious constitutionality. All are dangerous.

All are dangerous.

Mr. President, I served nearly a quarter of my life as a prosecutor. A number of cases came down from the U.S. Supreme Court on criminal matters, some of which I did not agree with. I did not take any Olympian, Pollyannic view of crime. I did not feel that if we simply closed our eyes and thought nice thoughts, crime would go away.

On at least two different occasions I have been intended for murder by people I had prosecuted. I have been shot at. I must admit that I feel very much like Winston Churchill in saying, "It is exhilarating to be shot at and missed." In this case, the bullet passed merely inches above my head. I can still feel the wood that splattered across me when the bullet hit the tree

near my head. I did not feel quite the exhilaration at the time.

I mention this not to tell old war stories but to say that I do have some rather tough attitudes about crime and criminals.

Nonetheless, at that time, when there was a move among some of the prosecutors throughout the Nation to take steps such as this to restrict the court's jurisdiction, I opposed that. I opposed it not in my capacity as an individual prosecutor but subsequently in my capacity as the vice president of the National District Attorneys Association. I opposed it, really, from basically strong conservative attitudes. If we could do it in a particular criminal case that I did not like, if we could do it in a particular case of a Supreme Court decision that I did not like, why could not somebody else do it in a particular Supreme Court case that I might happen to like but that they did not?

I think that what we have here is a case where Congress is really wiping out constitutional rights. How could Congress wipe out those constitutional rights? Not by a constitutional amendment, which is the way it should be done, but simply by removing jurisdiction of the courts to hear claims of constitutional rights by a number of our citizens throughout this country.

Mr. President, I also have a concern about the silence on these issues by the Attorney General of the United States.

I was present at the hearings on his nominaton. I voted for the confirmation of his nomination both in the committee and on the floor of the Senate.

I read again from the editorial in the New York Times, and it speaks of those who have argued against the steps that many want to take here. The editorial says:

> One of the few notable lawyers missing from this company is Attorney General William French Smith. The danger of these court-stripping bills is appreciated at every level of the Justice Department but the top one. He seems to fear the wrath of the new right more than the destruction of old rights.

I think it is unfortunate for this country that the Attorney General has chosen to remain silent on something that he has to know is wrong.

What I mean is not necessarily any denigration of his legal abilities; but I say that we might be better served if he were to study this issue, go back to the constitutional history, reread the Federalist Papers if need be, and then speak up for all Americans and say that this is not the way to change the Constitution, this is not the way to strip the rights of Americans, this is not something that the chief law enforcement officer of this country will stand for.

If he were to do that then I think much of the criticism we have heard of the Attorney General would be muted. Then the voice of our chief law enforcement officer could be heard speaking for all Americans.

Mr. President, pursuant to the agreement entered into earlier, I suggest the absence of a quorum.

Mr. HELMS. Mr. President, will the Senator withhold?

Mr. LEAHY. Certainly.

Mr. HELMS. I thank the able Senator.

Mr. LEAHY. I also withhold the remainder of my time.

Mr. HELMS. Certainly.

The PRESIDING OFFICER (Mr. WARNER). The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, the January issue of the American Bar Association Journal contained an article which I found immensely interesting. It was written by the Honorable William French Smith, Attorney General of the United States. The point he makes in the article is entirely relevant to what this debate is all about.

The preponderance of the American people, in my view, share the view that many Federal judges have vastly exceeded their constitutional powers. The distinguished former Member of this body from my State, Senator Sam J. Ervin, Jr., often remarked that judicial tyranny is just as bad as if not worse than, any other kind of tyranny.

Attorney General Smith discusses this in the article to which I have just alluded. I suggest that judicial abuse, judicial legislating, has been most evident in the areas of forced busing, voluntary prayer, affirmative action, and, yes, abortion. Such abuses have created severe strains on our constitutional system and have resulted in grave injustices to many of our citizens.

I should be borne in mind that we would not be in session tonight had the Supreme Court not exceeded its constitutional function and moved into the area of what amounts to dictation to legislative bodies.

In the article in the American Bar Association Journal of this past January, Attorney General Smith put the case rather eloquently when he said:

> The greatest threat to judicial independence occurs when the courts flout the basis for their independence by exceeding their constitutionally limited role and the bounds of their expertise by engaging in policymaking committed to the elected branches or the States. When courts fail to exercise self-restraint and instead enter the political realms reserved to the elected branches, they subject themselves to the political pressure endemic to that arena and invite popular attack.

Clearly this is what has happened. Several times during this debate reference has been made to the school prayer decisions by the Supreme Court. Up until recent months various spokesmen for churches and for special interest groups contended that the Supreme Court never banned voluntary prayer from schools.

These people have stopped saying that because of recent court decisions which absolutely banned any kind of prayer any time, before class, after class, on school property. So all of these lectures that we heard that we were misrepresenting the facts when we said that the court had banned voluntary prayer have ceased because once again the Supreme Court overstepped the bounds of its authority.

Attorney General William French Smith, in the quotation from his article which I read just a moment ago, made precisely the point that I have been trying to make ever since the first day I walked on this Senate floor as a Senator. Many Federal judges seem to have lost sight of their role in the scheme of things. By so doing, they have put our great constitutional system in serious jeopardy.

It is not Congress that is doing it. It is the courts that have done it, because when judges go beyond their judicial role and become, in effect, unelected legislators they weaken, they weaken, not the Congress, they, the judges themselves, weaken the judicial branch and impede its proper function of interpreting the law in particular cases.

So that is what this debate tonight is all about, and I have grown weary of all of the constitutional declarations made on this floor that those who would interfere or protest what the courts have done are destroying the Constitution. I view all of these declarations with a degree of amusement because these declarations are not supported by the Constitution itself. They are not supported by the facts. They are not supported by history.

As I said a moment ago in my inquiry of the distinguished and able Senator from Vermont, at least 57 times, and there may have been more instances than that, but at least the 57 times Congress has limited the jurisdiction of the Federal courts.

And I would reiterate that the sitting Chief Justice himself, Mr. Burger, disclosed just a few weeks ago that it was going to be necessary for Congress to limit the jurisdiction of the courts in order for the courts to deal with the deluge of cases coming before them.

So today we have a judicial branch weakened by the excesses of some of its own judges, and one remedy for this problem, as Attorney General Smith has pointed out in his article, is constructive public criticism of judicial abuse.

Mr. President, so that Senators may have available to them the text of the article by Attorney General Smith, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URGING JUDICIAL RESTRAINT

(By William French Smith)

On September 27, 1787, the nation's first president, in one of his earliest official acts, offered the position of attorney general to Edmund Randolph. In his letter, George Washington wrote: "Impressed with a conviction that the due administration of justice is the firmest pillar of good government, I have considered the first arrangement of the judicial department as essential to the happiness of our country and to the stability of its political system."

Attorneys general of the United States since the first have shown a similar concern for the role and functioning of the federal courts. With that in mind, the time has come to recognize that, in many instances, the courts have been drawn by litigants before them into areas properly and constitutionally belonging to the other branches or to the states. Those intrusions have not fostered, in Washington's words, "the happiness of our country" or "the stability of its political system."

In the spirit of Washington's admonition to the first attorney general, the Department of Justice is undertaking a conscious effort to encourage judicial restraint. We have supported and will continue to support the selection and appointment of federal judges who recognize the limits of judicial power and the virtues of judicial restraint. We will review our litigation efforts across the board and bring our concern about judicial restraint to bear in deciding what cases to bring and what appeals to prosecute. The arguments lawyers from the Department of Justice make in court—whether as plaintiff, defendant, or amicus curiae—will consistently reflect an awareness of the vital importance of judicial restraint in our democratic system and an effort to secure its implementation.

At the outset I want to make clear that the announcement and implementation of this program should not be viewed as any sort of "attack" on the courts. As Chief Justice Taft recognized long ago: "Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subject to the intelligent scrutiny of their fellow men, and to their candid criticism. . . . In the case of judges having a life tenure, indeed, their very independence makes the right freely to comment on their decisions of greater importance, because it is the only practical and available instrument in the hands of a free people to keep judges alive to the reasonable demands of those they serve." Taft, "Criticisms of the Federal Judiciary," 29 American Law Review 642-643 (1895), quoted in Mason, William Howard Taft: Chief Justice 92 (1965).

Chief Justice Stone reiterated these themes: "I have no patience with the complaint that criticism of judicial action involves any lack of respect for the courts. When the courts deal, as ours do, with great public questions, the only protection against unwise decisions, and even judicial usurpation, is careful scrutiny of their action and fearless comment upon it." Preface, *Supreme Court Review* (1961).

Twenty years ago in the President's Page of this *Journal*, John C. Satterfield, viewing judicial action that threatened to alter fundamentally the nature of our government, issued a plea for responsible criticism of the courts: "It is the inherent right and the highest duty of the bar to analyze, criticize, make recommendations, and work toward improvement in both the rulings and operation of courts, from the lowest to the highest level." 48 A.B.A.J. 595, 662 (1962). Neither judges nor—as Justice Jackson has told us—justices are infallible, and the many instances of overruled precedents or shifts in analyses indicate that careful criticism of court action has a vital role to play in development of the law.

Congress and the executive can be checked by the judiciary when they exceed their powers, but the judiciary is unique among the three branches in that it is the judge of its own power. As Justice Stone put it, "the only check upon our own exercise of power is our own sense of self-restraint." *United States* v. *Butler*, 297 U.S. 1, 79 (1936) (dissenting opinion). In these circumstances it is incumbent on the other branches to aid the courts in their exercise of self-restraint. This is precisely what the Department of Justice will be doing in the arguments its lawyers present in litigation. Our effort is one to persuade the courts, who, of course, retain the ultimate power of decision.

A conscious effort in our litigation to curb judicial activism should not be viewed as an effort to politicize the courts. The federal judiciary is an independent branch of government, purposefully and carefully insulated by the Framers from direct popular pressure. The reason the courts were insulated from popular pressure, however, was precisely because their function was not conceived to embrace policy making. Responsibility for policy making in a democratic republic must reside in those who are directly accountable to the electorate.

Not only are unelected jurists with life tenure less attuned to the popular will than regularly elected officials, but judicial policy making also is inevitably inadequate or imperfect policy making. The fact-finding resources of courts are limited and inordinately dependent on the facts presented to the courts by the interested parties before them. Legislatures, on the other hand, have expansive fact-finding capabilities that can reach far beyond the narrow special interests being urged by parties in a lawsuit. Legislatures also can devise comprehensive solutions beyond the remedial powers of courts.

The greatest threat to judicial independence occurs when the courts flout the basis for their independence by exceeding their constitutionally limited role and the bounds of their expertise by engaging in policy making committed to the elected branches or the states. When courts fail to exercise self-restraint and instead enter the political realms reserved to the elected branches, they subject themselves to the political pressure endemic to that arena and invite popular attack. Recently Judge Malcolm Wilkey of the United States Court of Appeals for the District of Columbia Circuit expressed a "sense of relief" on learning that the federal government would raise arguments designed to limit courts to their proper role rather then thrust them further into the domains of the elected branches. As Judge Wilkey put it: "When we judges act within our constitutional competence, we are supported; when we act outside that competence, then distrust, disrespect, and active dislike of the courts set in, impairing our ability to perform with the confidence of the people even unquestioned judicial tasks."

By urging courts to observe appropriate self-restraint and avoid intrusions into the domain of the other branches, we shall be taking significant steps to secure their independence.

Our concern is not with results in a particular case; it is with the institutional role of the courts in our federal system and the scheme of separation of powers. Our effort, therefore, will focus on the procedures and approaches that help define the judicial role. We shall, specifically, urge courts to observe strictly the requirements of justiciability, to avoid testing the constitutionality of laws by those devices which permit ready intrusion into the domain of the legislature, and to exercise restraint in the formulation of equitable decrees.

A focus on these areas, directly related to the role of the courts rather than the merits of any particular dispute, evinces a concern that does not depend on political exigencies. Throughout history and to this day both liberal and conservative interests have sought to enlist an activist judiciary in the achievement of goals not obtainable through normal political processes. In the era that has come to be epitomized by the decision in *Lochner* v. *New York*, 198 U.S. 45 (1905), for example, it was conservatives who urged judicial activism under the banner of due process to strike down popular enactments. Judges read their personal predilections into the flexible terms of the Constitution, at the expense of the policy choices of the elected representatives of the people.

The Court retreated from this activist stance with the announcement of such decisions as *Nebbia* v. *New York*, 291 U.S. 502 (1934) and *West Coast Hotel Company* v. *Parrish*, 300 U.S. 379 (1937), but the process of judicial policy making—under such guises as substantive due process or heightened equal protection analysis—has resurfaced in other contexts in recent years. Now different groups urge judges to substitute their own policy choices for those of federal and state legislatures, but the evils of judicial activism remain the same regardless of the political ends the activism seeks to serve.

The key areas in any focus on judicial restraint are rules about what cases should be decided by courts, how courts should review the constitutionality of enactments, and how they should exercise their power in ordering relief.

The first area, justiciability, is critical in distinguishing between the proper role of the courts and the legislature. The Framers did not give federal courts a roving commission to review acts of Congress. Proposals in fact were advanced which would have given the judiciary a general advisory role, through participation in a "Council of Revision," but these proposals were repeatedly rejected. Courts are limited by Article III to deciding live disputes presented to them by parties with a concrete and particularized interest in the outcome. Rules of standing limit judicial recourse to those suffering a particularized injury; those suffering only generalized harm should present their grievance to the legislature and seek redress through the political process. As courts ease requirements of standing, they assume the burdens of functioning as a legislature, a role specifically denied them by the Framers of the Constitution. As Justice Powell has admonished, "we should be ever mindful of the contradictions that would arise if a democracy were to permit general oversight of the elected branches of government by a nonrepresentative, and in large meas-

ure insulated, judicial branch." *United States* v. *Richardson*, 418 U.S. 166, 188 (1974) (concurring opinion). Strict adherence to standing requirements and the other aspects of justiciability guards against these contradictions.

A second means by which courts arrogate to themselves functions reserved to the legislative branch or the states is through "fundamental rights" and "suspect class" analyses, both of which invite broad judicial scrutiny of the essentially legislative task of classification. Federal courts must, of course determine the constitutionality of enactments when the issue is properly presented in litigation. In discharging that responsibility, however, courts also must, in the words of Justice Frankfurter, have "due regard to the fact that [they are] not exercising a primary judgment but [are] sitting in judgment upon those who also have taken the oath to observe the Constitution and who have the responsibility for carrying on government.'" *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 341 U.S. 123, 164 (1951) (concurring opinion). Courts cannot, under the guise of constitutional review, restrike balances struck by the legislative or substitute their own policy choices for those of elected officials.

Two devices which invite courts to do just that are "fundamental rights" and "suspect class" review. It is, of course, difficult to criticize "fundamental rights" in the abstract. All of us, for example, may heartily endorse a "right to privacy." That does not, however, mean that courts should discern such an abstraction in the Constitution, arbitrarily elevate it over other constitutional rights and powers by attaching the label "fundamental," and then resort to it as, in the words of one of Justice Black's dissents, "a loose, flexible, uncontrolled standard for holding laws unconstitutional." *Griswold* v. *Connecticut*, 381 U.S. 479, 521 (1965). The broad range of rights now alleged to be "fundamental" by litigants, with only the most tenuous connection to the Constitution, bears ample witness to the dangers of this doctrine.

Analysis based on "suspect classes" presents many of the same problems. Classifications based on race are suspect and do merit careful scrutiny, in light of the historic purpose of the 14th Amendment. Extension of heightened scrutiny to other "insular and discrete" groups, however, represents an unjustified intrusion into legislative affairs. As with fundamental rights, there is no discernible limit to the intrusion. As Justice Rehnquist has put it: "Our society, consisting of over 200 million individuals of multitudinous origins, customs, tongues, beliefs, and cultures is, to say the least, diverse. It would hardly take extraordinary ingenuity for a lawyer to find 'insular and discrete' minorities at every turn in the road." *Sugarman* v. *Dougall*, 413 U.S. 634, 657 (1973) (dissenting opinion). Both "fundamental rights" and "suspect classes" stand as invitations for a degree of judicial intrusion not invited by the Constitution, a means through which courts impose values that do not have their source in that document.

Another key area in which we will focus our efforts is the use of extraordinary equitable decrees. This is the all-too-familiar problem of judges taking over the running of state institutions, most notably prisons and schools. When confronting constitutional problems in the context of the administration of state institutions, courts must be particularly cognizant of their lack of expertise, and the fact that the *ad hoc* approach inevitable in litigation is often ill-suited to solving the complex and intractable problems of institutional reform. The Supreme Court has adverted to these concerns on many occasions. In *Milliken* v. *Bradley*, 418 U.S. 717, 744-745 (1974), Chief Justice Burger, writing for the Court, expressed concern over the scope of a remedial decree because it would make the court a de facto legislative authority and school superintendent. "This is a task which few, if any, judges are qualified to perform and one which would deprive the people of control of schools through their elected representatives." Just last term the Supreme Court criticized a lower court for relying on factors that "properly are weighed by the legislature and prison administration rather than a court." *Rhodes* v. *Chapman*, 101 S.Ct. 2392, 2400 (1981). Our efforts in this area, both as defendant and as plaintiff or or *amicus curiae*, will be to ensure that the lower courts heed these wise admonitions.

The exercise of sound judicial restraint is, of course, ultimately the responsibility of the judges themselves, but it is incumbent on the other branches of government to aid in the endeavor. We in the executive branch will be doing our part through our program of litigation. We shall not only urge judicial restraint when we are defending the federal government, but we also shall exercise self-restraint. We shall not advance arguments that promote judicial activism even when those arguments might help us in a particular case. The end of success in any specific case does not justify the means of encouraging judicial activism.

Congress also has a role to play. Too often Congress invites judicial activism by open-ended statutory provisions and by leaving important questions unresolved in statutory enactments. Congress must face up to its responsibilities and not leave significant policy decisions to be resolved in litigation. As John Locke wrote, the power of the legislative branch is "to make laws, and not to make legislators." Congress also should carfully consider the constitutionality of its enactments, for, as the Court noted last term in *Rostker* v. *Goldberg*, 101 S.Ct. 2646 (1981), careful consideration by Congress encourages heightened deference from the courts.

In focusing on particular results, we must always remain conscious of the limitations implicit within a system of ordered liberty. The Constitution did not grant courts the power to reach results merely because they deem them desirable. It granted that role to legislative action, and it confined even that legislative power within constitutional bounds.

Edwin Corwin tells the story of a young man who called on Justice Holmes after his retirement from the Court. The young man wanted to know what irreducible principle guided the great jurist in deciding constitutional cases. "Young man," said Holmes, "I discovered about 75 years ago that I wasn't God Almighty." It is time that we all realized that the Constitution envisions judges who interpret the law, not robed prophets who fashion it.

Mr. HELMS. I thank the Chair.

Mr. President, I have sat patiently and quietly day after day, week after week, while all of the constitutional declarations have been made on this floor as if they were coming down in a steady trickle from Mount Sinai.

I have been tempted on various occasions to ask my respected colleagues if they ever took a look at the case of *Ex Parte McCardle* (7 Wallace 506 (1869)).

Here was a case involving a newspaper editor who was put in jail on charges of publishing "incendiary and libelous articles." His name was McCardle. He was a newspaper editor in Mississippi.

McCardle brought this habeas corpus proceeding under an act of Congress of February 5, 1867, which authorized Federal courts to grant habeas corpus to anyone restrained "in violation of the Constitution" and which also authorized appeals to the Supreme Court.

After the circuit court denied McCardle's habeas petition, he appealed to the Supreme Court, which held that it had jurisdiction to hear the appeal. Then Congress passed an act denying the Court jurisdiction of appeals such as McCardle's. The Court therefore dismissed the appeal for want of jurisdiction, rejecting arguments that Congress could not use its authority over Court jurisdiction to affect cases adjudicating constitutional rights. It said:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this court is given by express words.

I happen to agree that, to the best of my knowledge, Mr. McCardle under the first amendment, ought not to have been incarcerated, and I mention McCardle just to illustrate that it is certainly not novel for Congress to limit the jurisdiction of the Federal courts.

I mentioned a moment ago, Mr. President, the Supreme Court's unconscionable involvement in voluntary prayer in the schools. What purpose did the court serve by this unjustified involvement? None.

You will remember, Mr. President, that the ill-advised Supreme Court decisions were the result in large measure of a lawsuit brought by a woman known at that time as Madalyn Murray, and she is now married again and she is Madalyn Murray O'Hair, an atheist, self-proclaimed, and very loud about it.

Mr. President, I was in Dallas some time ago and just by chance I met a young man in a restaurant. He came over to me and identified himself as Bill Murray. I did not connect him with Madalyn Murray O'Hair until he himself explained that he is the son of Mrs. O'Hair.

Young Bill Murray and I had dinner together and I learned that he is traveling this country apologizing for what his mother did. Bill Murray is a dedicated Christian, but he was the pawn in that chess game, that lawsuit brought in the name of Madalyn Murray O'Hair on behalf of her son

Bill Murray, a lawsuit that Bill Murray says was orchestrated by known Communists. He recited to me instance after instance in which Communists came to his mother's home and helped guide her in the orchestration of that lawsuit.

He gave names. He is willing to give names now. In fact, he said:

I travel this country and I am sometimes interviewed by the news media. But when I try to tell them how this lawsuit that resulted in the banning of voluntary prayer in schools, when I try to tell the media how it was orchestrated by Communists, they shut off their cameras and close up their notebooks.

He said:

Senator, I cannot get that message through. I cannot get that message through.

And he asked "Why?" I could not answer him.

I myself have encouraged representatives of the various networks, some of our major newspapers, magazines, and other periodicals to contact Bill Murray and at least present that side of the story for whatever interest it may have to the American people. But insofar as I know, Mr. President, not one of them has been interested in conveying to the public Bill Murray's story.

Bill Murray is now married and he has a young daughter. He has a successful business. But he says:

I feel obliged to do what I can to make up for what my mother did back in the early 1960's. . . .

When he was 9 or 10 years old.

Mr. President, the Supreme Court need not have gotten involved in this matter of prohibiting voluntary school prayer. It need not have gotten involved in any of these matters that some of our brethren complained so vehemently about when some of us tried to develop a remedy for forced busing or for the banning of school prayer, and so on. But if I serve no other purpose tonight, I would hope that maybe I have contributed just a little bit to waving aside these continuous declarations that the Constitution of the United States is being destroyed because of proposals to limit the jurisdiction of the Federal courts.

It is not so, Mr. President. Congress not only has the authority to limit the jurisdiction of the courts which Congress created, but Congress has the duty to do so.

I have heard various constitutional scholars quoted on this floor. But I never hear Raoul Berger, Dr. Raoul Berger, of Harvard quoted. Dr. Berger is a distinguished authority on the Constitution. He certainly is no conservative, and he once strongly disagreed with any notion of limiting the jurisdiction of the Federal courts.

But 10 years after he wrote a book disavowing efforts to limit the jurisdiction of courts, he reversed himself 180 degrees and said, "I changed my mind." But we never hear Dr. Raoul Berger quoted. He was quoted almost constantly until he changed his mind. But you never hear his name mentioned now that he has taken a second look at this question and come to a conclusion opposite to his original conclusion.

Dr. Charles Rice of the Notre Dame Law School, an outstanding constitutional scholar, is another who comes to mind. You never hear his name mentioned in all of these constitutional declarations made on this floor.

You never here Sam Ervin's name mentioned except when I mention it. But I think we had better listen to both sides and make a reasonable judgment.

Mr. President, I yield the floor and I thank the Chair.

The PRESIDING OFFICER. The hour of 9 o'clock having arrived, the question is, Shall the decision of the Chair that amendment No. 1252 is germane stand as the judgment of the Senate? The yeas and nays have been ordered and the clerk will call the roll.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 11 Leg.]

Baker	Helms	Proxmire
Burdick	Johnston	Stafford
Garn	Leahy	Warner
Goldwater	Mathias	Weicker
Hatfield	Metzenbaum	

The PRESIDING OFFICER. The Chair is informed that a quorum is not present. The Chair directs the clerk to call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. RIEGLE), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 10, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—83

Abdnor	Eagleton	Mattingly
Andrews	Exon	Melcher
Armstrong	Ford	Metzenbaum
Baker	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gorton	Murkowski
Biden	Grassley	Nickles
Boren	Hart	Nunn
Bradley	Hatch	Packwood
Bumpers	Hatfield	Pell
Burdick	Hawkins	Percy
Byrd, Harry F., Jr.	Heflin	Pressler
	Heinz	Pryor
Byrd, Robert C.	Helms	Randolph
Cannon	Hollings	Roth
Chafee	Huddleston	Rudman
Chiles	Humphrey	Sasser
Cohen	Jackson	Schmitt
Cranston	Jepsen	Simpson
D'Amato	Johnston	Specter
Danforth	Kassebaum	Stafford
DeConcini	Kasten	Stennis
Denton	Kennedy	Stevens
Dixon	Leahy	Symms
Dodd	Levin	Tower
Dole	Lugar	Tsongas
Domenici	Mathias	Wallop
Durenberger	Matsunaga	Zorinsky

NAYS—10

Boschwitz	Long	Warner
East	McClure	Weicker
Goldwater	Proxmire	
Hayakawa	Quayle	

NOT VOTING—7

Cochran	Riegle	Williams
Inouye	Sarbanes	
Laxalt	Thurmond	

So the motion was agreed to.

Mr. JOHNSTON addressed the Chair.

Mr. WEICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question now occurs as follows: Shall the decision of the Chair that amendment No. 1252 be germane stand as the judgment of the Senate?

On this question the yeas and nays have been ordered, and the clerk will now call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. RIEGLE), and the Senator from

Maryland (Mr. SARBANES) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 27, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—66

Abdnor	Garn	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Nunn
Baker	Grassley	Percy
Bentsen	Hatch	Proxmire
Biden	Hawkins	Pryor
Boren	Hayakawa	Quayle
Burdick	Heflin	Randolph
Byrd, Harry F., Jr.	Helms	Roth
	Hollings	Rudman
Byrd, Robert C.	Huddleston	Sasser
Cannon	Humphrey	Schmitt
Chiles	Jackson	Simpson
D'Amato	Jepsen	Specter
Danforth	Johnston	Stennis
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Leahy	Tower
Dole	Long	Wallop
Domenici	Lugar	Warner
East	Mattingly	Zorinsky
Exon	McClure	
Ford	Melcher	

NAYS—27

Baucus	Eagleton	Metzenbaum
Boschwitz	Glenn	Mitchell
Bradley	Hart	Moynihan
Bumpers	Hatfield	Packwood
Chafee	Heinz	Pell
Cohen	Kennedy	Pressler
Cranston	Levin	Stafford
Dodd	Mathias	Tsongas
Durenberger	Matsunaga	Weicker

NOT VOTING—7

Cochran	Riegle	Williams
Inouye	Sarbanes	
Laxalt	Thurmond	

The PRESIDING OFFICER. The decision of the Chair stands as the judgment of the Senate.

AMENDMENT NO. 457

Mr. WEICKER. Mr. President, I ask that my amendment No. 457 be reported at this point.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 457.

The amendment is as follows:

At the end of the pending amendment add the following:

Notwithstanding any section of this bill, without regard to the provisions of sections 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to set aside 30 per centum of the net amount realized from the forfeiture of seized assets and credit such amounts to the current appropriation account for the purpose, only, of an award of compensation to informers in respect to such forfeitures and such awards shall not exceed the level of compensation prescribed by section 1619 of title 19, United States Code.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. Mr. President, I move to lay that motion on the table.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "yea."

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Michigan (Mr. RIEGLE), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 31, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—62

Abdnor	Ford	Nickles
Andrews	Garn	Nunn
Armstrong	Gorton	Percy
Baker	Grassley	Pressler
Bentsen	Hatch	Proxmire
Biden	Hayakawa	Pryor
Boren	Heflin	Quayle
Burdick	Helms	Randolph
Byrd, Harry F., Jr.	Hollings	Roth
	Huddleston	Rudman
Byrd, Robert C.	Humphrey	Sasser
Cannon	Jepsen	Schmitt
D'Amato	Johnston	Simpson
Danforth	Kassebaum	Specter
DeConcini	Kasten	Stennis
Denton	Long	Stevens
Dixon	Lugar	Symms
Dole	Mattingly	Tower
Domenici	McClure	Wallop
East	Melcher	Warner
Exon	Murkowski	Zorinsky

NAYS—31

Baucus	Cranston	Hatfield
Boschwitz	Dodd	Hawkins
Bradley	Durenberger	Heinz
Bumpers	Eagleton	Jackson
Chafee	Glenn	Kennedy
Chiles	Goldwater	Leahy
Cohen	Hart	Levin
Mathias	Moynihan	Tsongas
Matsunaga	Packwood	Weicker
Metzenbaum	Pell	
Mitchell	Stafford	

NOT VOTING—7

Cochran	Riegle	Williams
Inouye	Sarbanes	
Laxalt	Thurmond	

So the motion to lay on the table amendment No. 457 was agreed to.

Mr. METZENBAUM and Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I may withdraw amendments numbered 1251, 1259, and 1260.

Mr. President, I would like to withdraw that request for the time being.

Mr. METZENBAUM. Mr. President, I think it is time that we put into proper perspective exactly what is taking place on the floor of the Senate, and that we also address ourselves—Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator from Ohio has requested order in the Chamber. The Senate will be in order.

Mr. METZENBAUM. Mr. President, it is appropriate that we recognize that while this body is considering that which on its face, apparently, is unconstitutional, while we are attempting to take away from the courts the jurisdiction to which they are entitled under the law, the entire Nation is waiting—Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Chair requests those Senators in the aisles and engaged in conversation to kindly return to their seats so that the Senator from Ohio can be heard.

Mr. METZENBAUM. Mr. President, at this point the unemployment figure in our country is 10 percent. In my State it is 12 percent. In some States the figure is greater.

The interest rate in this country is 16½ percent.

The inflation rate continues to cause people to hesitate to make purchases at their grocery stores, and senior citizens are being called upon to sacrifice their noon lunches because maybe they are not hungry enough to be chosen and there is not enough food to make it available to them.

Our Nation is confronted with problems throughout the world, whether it is in Poland or El Salvador, Afghanistan or the Middle East. The great U.S. Senate is sitting on the floor debating whether or not, at 10:15 at night, we ought to deny the courts of the United States the jurisdiction that has been given to them under the Constitution. What a wonderful commentary it is indeed that we spend our time on such momentous issues as the one which is before us this evening.

The Senate's most prominent, most well-respected conservative had made his voice heard and his views known. He has talked out about the fact that the Senate spends its time debating the so-called social issues while the country fails to concern itself about the more weighty problems.

I think it is with a great deal of commendation that all of us in this body ought to recognize the fact that BARRY GOLDWATER has not hesitated to let his voice be heard to criticize the fact that we have addressed ourselves and spent our time debating issues such as this and those of a similar less than momentous purpose.

What reason is it that we stand here this evening trying to move forward to get this legislation through to deny the courts the right to hear actions that have to do with transporting children from one public school to another? Will we really have accomplished that much? Or will the issue not return to the Supreme Court after some years of litigation and all of our actions will have been to naught?

The American Bar Association, certainly, which carries no water for the right, the left, the liberal, or the conservative, has said:

> If it is likely, as we by no means concede it is, that the meaning ascribed to a constitutional provision can be changed by the simple device of divesting jurisdiction from one set of courts and giving it to another, then indeed we have a Constitution written on sand and the integrity of our amending process is eroded.

Said the American Bar Association:

> It is central to our fundamental charter that ordinary legislation can be changed through ordinary legislation and the Constitution only through amendment. We should resoundly reject the counsel of those who tell us there is another way. Down that route lie barely hidden hazards to constitutional government.

We have nothing to be proud about in meeting here at this late hour, attempting to break the so-called filibuster. What means it all? What will be the great achievement if the filibuster is broken? I hope it will not be.

But what will we have achieved when we get all done? Why do we not spend our time in doing that which the Nation expects of us?

Sure, the issue of busing is important. I do not deny its importance. But should we be taking our time here to take away from the courts the right to deal with that issue over the past months and years which has been recognized by our Constitution? I do not think it does credit to us.

Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, no intervening business has transpired, and the request for the quorum is dilatory.

The PRESIDING OFFICER. A quorum call, at this time, I am informed by the Parliamentarian, is not in order.

Mr. METZENBAUM. Mr. President, I appeal the decision of the Chair.

The PRESIDING OFFICER. May the Chair finish ruling?

There has been no intervening business——

Mr. METZENBAUM. I appeal the ruling of the Chair.

The PRESIDING OFFICER [continuing]. Since the establishment of a quorum by the last vote.

Mr. METZENBAUM. I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. METZENBAUM. Mr. President, I had the floor.

Mr. JOHNSTON. Mr. President, I would like to recall amendments——

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I recall amendments 1251, 1259, and 1260.

(The amendments were recalled.)

Mr. METZENBAUM. I still have not heard the Chair. What did the Chair say with respect to the appeal?

The PRESIDING OFFICER. The question is on the appeal of the ruling of the Chair. The question is, Shall the decision of the Chair stand as the decision of the Senate? As I understand, the Senator from Ohio wants to appeal the decision of the Chair.

Mr. METZENBAUM. That is correct.

Mr. JOHNSTON. Mr. President, a point of order.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. JOHNSTON. A point of order, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum. There has been business now transacted.

Mr. JOHNSTON. Mr. President——

The PRESIDING OFFICER. The Senator from Louisiana is attempting to make a point of order. The Chair will entertain it.

Mr. JOHNSTON. Mr. President, did the Chair recognize me to recall amendments 1251, 1259, and 1260?

The PRESIDING OFFICER. Those amendments have been recalled.

Mr. METZENBAUM. Mr. President, the appeal to the decision of the Chair——

Mr. JOHNSTON. Mr. President, a parliamentary inquiry: Has the Senator from Ohio been recognized to appeal the decision of the Chair?

The PRESIDING OFFICER. He has been recognized for that purpose. He has requested the yeas and nays. There does not seem to be a sufficient second.

Mr. METZENBAUM. Mr. President, the Senator from Ohio also has suggested the absence of a quorum and I have been recognized for that purpose.

Mr. JOHNSTON. Mr. President, I make a point of order that the call for the quorum is dilatory.

The PRESIDING OFFICER. In order for a point of order to establish a quorum call as being dilatory, the Chair must observe a quorum. A quorum is not observed.

QUORUM CALL

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12 Leg.]

Armstrong	Jackson	Nickles
Baker	Johnston	Proxmire
Boschwitz	Kennedy	Quayle
Burdick	Leahy	Randolph
Cannon	Long	Riegle
Domenici	Mathias	Roth
Ford	Melcher	Simpson
Garn	Metzenbaum	Tower
Grassley	Murkowski	Warner

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

Mr. BAKER. Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Colorado (Mr. HART), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), is absent because of illness.

The result was announced—yeas 85, nays 7, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—85

Abdnor	Baker	Biden
Andrews	Baucus	Boren
Armstrong	Bentsen	Boschwitz

Bradley	Gorton	Mitchell
Bumpers	Grassley	Moynihan
Burdick	Hatch	Murkowski
Byrd,	Hatfield	Nickles
Harry F., Jr.	Hawkins	Nunn
Byrd, Robert C.	Heflin	Packwood
Cannon	Heinz	Pell
Chafee	Helms	Percy
Chiles	Hollings	Pressler
Cohen	Huddleston	Pryor
Cranston	Humphrey	Randolph
D'Amato	Jackson	Riegle
Danforth	Jepsen	Roth
DeConcini	Johnston	Rudman
Denton	Kassebaum	Sasser
Dixon	Kasten	Schmitt
Dodd	Kennedy	Simpson
Dole	Leahy	Specter
Domenici	Levin	Stafford
Durenberger	Long	Stevens
Eagleton	Lugar	Symms
East	Mathias	Tower
Exon	Matsunaga	Tsongas
Ford	Mattingly	Wallop
Garn	Melcher	Zorinsky
Glenn	Metzenbaum	

NAYS—7

Goldwater	Proxmire	Weicker
Hayakawa	Quayle	
McClure	Warner	

NOT VOTING—8

Cochran	Laxalt	Thurmond
Hart	Sarbanes	Williams
Inouye	Stennis	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

SEVERAL SENATORS addressed the Chair.

Mr. DANFORTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The pending question is the appeal lodged by the Senator from Ohio to the ruling of the Chair that the previous quorum call was not in order since no business has intervened.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

SEVERAL SENATORS addressed the Chair.

Mr. DANFORTH. Mr. President, will the Senator withhold his request so I may make a parliamentary inquiry?

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield to the Senator from Missouri for the purpose of making a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. METZENBAUM. Mr. President, is it not the fact——

The PRESIDING OFFICER. The majority leader has the floor.

Mr. METZENBAUM. Mr. President, is it not a fact that when there is an appeal from the decision of the Chair that issue has priority over all other matters?

Mr. BAKER. Mr. President, I move to table the appeal and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the appeal of the ruling of the Chair. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 23, as follows:

[Rollcall vote No. 28 Leg.]

YEAS—69

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Baker	Gorton	Pell
Bentsen	Grassley	Percy
Biden	Hatch	Pressler
Boren	Hawkins	Proxmire
Burdick	Hayakawa	Pryor
Byrd,	Heflin	Quayle
Harry F., Jr.	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Rudman
Chiles	Humphrey	Sasser
D'Amato	Jackson	Schmitt
Danforth	Jepsen	Simpson
DeConcini	Johnston	Specter
Denton	Kassebaum	Stevens
Dixon	Kasten	Symms
Dodd	Long	Tower
Dole	Lugar	Wallop
Domenici	Mattingly	Warner
Eagleton	McClure	Zorinsky
East	Melcher	
Ford	Moynihan	

NAYS—23

Baucus	Exon	Metzenbaum
Boschwitz	Hatfield	Mitchell
Bradley	Heinz	Packwood
Bumpers	Kennedy	Riegle
Chafee	Leahy	Stafford
Cohen	Levin	Tsongas
Cranston	Mathias	Weicker
Durenberger	Matsunaga	

NOT VOTING—8

Cochran	Laxalt	Thurmond
Hart	Sarbanes	Williams
Inouye	Stennis	

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I call up amendment No. 428.

The PRESIDING OFFICER. The amendment is not in order as not being germane.

Mr. BAKER. Mr. President, I call up amendment No. 429.

The PRESIDING OFFICER. The amendment is not in order. It is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 430.

The PRESIDING OFFICER. The amendment is not in order. It is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 431.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 432.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. I call up amendment No. 433, Mr. President.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 434.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 435.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 436.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 437.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. I call up amendment No. 438, Mr. President.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 439.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 440.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. I call up amendment No. 441, Mr. President.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 442.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 443.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 444.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 447.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. I call up amendment No. 450, Mr. President.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 451.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 452.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. BAKER. Mr. President, I call up amendment No. 453.

Mr. WEICKER. Point of order, Mr. President.

The PRESIDING OFFICER. The amendment No. 453 is not in order because it is not germane.

Mr. BAKER addressed the Chair.

Mr. WEICKER. Point of order.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. WEICKER. Point of order.

Mr. METZENBAUM. Point of order.

SEVERAL SENATORS. Point of order.

Mr. METZENBAUM. Mr. President, a point of order has been made and Senators have asked for recognition.

The PRESIDING OFFICER. The Chair asks for order.

Mr. BAKER. Mr. President, I am perfectly pleased to permit a point of order to be made. Which is the last amendment that was called up?

The PRESIDING OFFICER. Amendment No. 453 and the Chair ruled it was not in order as it is not germane.

Mr. WEICKER. Point of order.

Mr. BAKER. Mr. President, I yield the floor.

Mr. WEICKER. Mr. President, I appeal the ruling of the Chair.

Mr. BAKER. On what ruling is the appeal being made?

Mr. WEICKER. On the last ruling of the Chair, amendment No. 453.

The PRESIDING OFFICER. I ask the Senator from Connecticut to restate his point of order.

Mr. WEICKER. Parliamentary inquiry. If I am not mistaken, the Chair ruled amendment No. 453 as being not in order because it was dilatory.

The PRESIDING OFFICER. As not germane.

Mr. WEICKER. Or not germane.

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. I appeal that ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I move to table the appeal and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—65

Abdnor	Exon	Melcher
Andrews	Ford	Murkowski
Armstrong	Garn	Nickles
Baker	Goldwater	Nunn
Bentsen	Gorton	Percy
Biden	Grassley	Pressler
Boren	Hatch	Proxmire
Burdick	Hawkins	Pryor
Byrd, Harry F., Jr.	Hayakawa	Quayle
	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Rudman
Chiles	Humphrey	Sasser
D'Amato	Jackson	Schmitt
Danforth	Jepsen	Simpson
DeConcini	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Tower
Dole	Long	Tsongas
Domenici	Lugar	Wallop
Eagleton	Mattingly	Warner
East	McClure	Zorinsky

NAYS—28

Baucus	Hart	Mitchell
Boschwitz	Hatfield	Moynihan
Bradley	Heflin	Packwood
Bumpers	Heinz	Pell
Chafee	Kennedy	Riegle
Cohen	Leahy	Specter
Cranston	Levin	Stafford
Dodd	Mathias	Weicker
Durenberger	Matsunaga	
Glenn	Metzenbaum	

NOT VOTING—7

Cochran	Sarbanes	Williams
Inouye	Stennis	
Laxalt	Thurmond	

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

Mr. BAKER. Mr. President, I call up amendment No. 460.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 462.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 463.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 464.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 465.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 466.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 467.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 468.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 469.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 470.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 474.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 477.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 480.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 481.

The PRESIDING OFFICER. The amendment is not in order because it is not germane.

Mr. BAKER. Mr. President, I call up amendment No. 454.

The PRESIDING OFFICER. The amendment is not in order because it is not dilatory.

Mr. WEICKER. Point of order, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I am not seeking recognition.

Mr. ROBERT C. BYRD. Mr. President, the Senator from Connecticut is seeking to make a point of order. He is entitled to recognition.

The PRESIDING OFFICER. The Senator from Connecticut is recognized. The Chair had the understanding that the Senator from Tennessee sought the floor. The Senator from Tennessee was not seeking the floor, so the Senator from Connecticut is recognized.

Mr. WEICKER. I make the point of order that I make an appeal from the ruling of the Chair on amendment No. 454. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. I move to lay the appeal on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. RUDMAN). Are there other Senators in the Chamber wishing to vote?

The result was announced—yeas 67, nays 25, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—67

Abdnor	Ford	Murkowski
Andrews	Garn	Nickles
Armstrong	Gorton	Nunn
Baker	Grassley	Percy
Bentsen	Hatch	Pressler
Biden	Hawkins	Proxmire
Boren	Hayakawa	Pryor
Burdick	Heflin	Quayle
Byrd, Harry F., Jr.	Helms	Randolph
	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sasser
Chiles	Jackson	Schmitt
D'Amato	Jepsen	Simpson
Danforth	Johnston	Specter
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Long	Tower
Dole	Lugar	Tsongas
Domenici	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Zorinsky
Exon	Moynihan	

NAYS—25

Baucus	Glenn	Metzenbaum
Boschwitz	Hart	Mitchell
Bradley	Hatfield	Packwood
Bumpers	Heinz	Pell
Chafee	Kennedy	Riegle
Cohen	Leahy	Stafford
Cranston	Levin	Weicker
Dodd	Mathias	
Durenberger	Matsunaga	

NOT VOTING—8

Cochran	Laxalt	Thurmond
Goldwater	Sarbanes	Williams
Inouye	Stennis	

So the motion to table the motion to appeal the ruling of the Chair was agreed to.

Mr. BAKER. Mr. President, I call up amendment No. 455.

The PRESIDING OFFICER. The amendment is out of order.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. What is the amendment? I did not get the number.

The PRESIDING OFFICER. Amendment No. 455.

Mr. WEICKER. Amendment No. 455?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. Mr. President, I make the point of order: I appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I move to table the appeal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, Senators should be on notice that the rollcall vote will be 15 minutes in length but no more than 15 minutes in length.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the appeal of the ruling of the Chair.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 68, nays 23, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—68

Abdnor	Exon	Moynihan
Andrews	Ford	Murkowski
Armstrong	Garn	Nickles
Baker	Gorton	Nunn
Bentsen	Grassley	Percy
Biden	Hatch	Pressler
Boren	Hawkins	Proxmire
Burdick	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Quayle
	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Rudman
Chiles	Humphrey	Sasser
D'Amato	Jackson	Schmitt
Danforth	Jepsen	Simpson
DeConcini	Johnston	Specter
Denton	Kassebaum	Stevens
Dixon	Kasten	Symms
Dodd	Long	Tower
Dole	Lugar	Tsongas
Domenici	Mattingly	Wallop
Eagleton	McClure	Warner
East	Melcher	Zorinsky

NAYS—23

Baucus	Glenn	Matsunaga
Boschwitz	Hart	Metzenbaum
Bradley	Hatfield	Mitchell
Bumpers	Heinz	Packwood
Chafee	Kennedy	Pell
Cohen	Leahy	Riegle
Cranston	Levin	Weicker
Durenberger	Mathias	

NOT VOTING—9

Cochran	Laxalt	Stennis
Goldwater	Sarbanes	Thurmond
Inouye	Stafford	Williams

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

(The following proceedings occurred after midnight:)

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I move to table S. 951 and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on the motion to table.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

Mr. BAKER. Mr. President, did the Senator ask for the yeas and nays? Would the Chair restate his request?

The PRESIDING OFFICER. There has been another request for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut (Mr. WEICKER). The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Nevada (Mr. LAXALT), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND), would vote "Nay".

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS), is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 30, nays 60, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—30

Baucus	Eagleton	Matsunaga
Boschwitz	Glenn	Metzenbaum
Bradley	Gorton	Mitchell
Bumpers	Hart	Moynihan
Chafee	Hatfield	Packwood
Cohen	Heinz	Pell
Cranston	Kennedy	Riegle
Dixon	Leahy	Specter
Dodd	Levin	Tsongas
Durenberger	Mathias	Weicker

NAYS—60

Abdnor	Burdick	Danforth
Andrews	Byrd,	DeConcini
Armstrong	Harry F., Jr.	Denton
Baker	Byrd, Robert C.	Dole
Bentsen	Cannon	Domenici
Biden	Chiles	East
Boren	D'Amato	Exon
Ford	Kasten	Randolph
Garn	Long	Roth
Grassley	Lugar	Rudman
Hatch	Mattingly	Sasser
Hawkins	McClure	Schmitt
Hayakawa	Melcher	Simpson
Heflin	Murkowski	Stevens
Helms	Nickles	Symms
Hollings	Nunn	Tower
Huddleston	Percy	Wallop
Humphrey	Pressler	Warner
Jackson	Proxmire	Zorinsky
Jepsen	Pryor	
Johnston	Quayle	

NOT VOTING—10

Cochran	Laxalt	Thurmond
Goldwater	Sarbanes	Williams
Inouye	Stafford	
Kassebaum	Stennis	

So the motion to lay on the table S. 951 was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I call up amendment No. 456.

The PRESIDING OFFICER. The Chair rules that the amendment is not in order because it is dilatory.

Mr. WEICKER. Point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were order.

Mr. BAKER. Mr. President, I move to lay the appeal on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the appeal on the table. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 65, nays 26, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—65

Abdnor	Exon	Melcher
Andrews	Ford	Murkowski
Armstrong	Garn	Nickles
Baker	Gorton	Nunn
Bentsen	Grassley	Percy
Biden	Hatch	Pressler
Boren	Hawkins	Proxmire
Burdick	Hayakawa	Pryor
Byrd,	Heflin	Quayle
Harry F., Jr.	Helms	Randolph
Byrd, Robert C.	Hollings	Roth
Cannon	Huddleston	Rudman
Chiles	Humphrey	Sasser
D'Amato	Jackson	Schmitt
Danforth	Jepsen	Simpson
DeConcini	Johnston	Specter
Denton	Kassebaum	Stevens
Dixon	Kasten	Symms
Dole	Long	Tower
Domenici	Lugar	Wallop
Eagleton	Mattingly	Warner
East	McClure	Zorinsky

NAYS—26

Baucus	Glenn	Metzenbaum
Boschwitz	Hart	Mitchell
Bradley	Hatfield	Moynihan
Bumpers	Heinz	Packwood
Chafee	Kennedy	Pell
Cohen	Leahy	Riegle
Cranston	Levin	Tsongas
Dodd	Mathias	Weicker
Durenberger	Matsunaga	

NOT VOTING—9

Cochran	Laxalt	Stennis
Goldwater	Sarbanes	Thurmond
Inouye	Stafford	Williams

So the motion to lay on the table the appeal from the ruling of the Chair was agreed to.

Mr. BAKER. Mr. President, I call up amendment No. 459.

The PRESIDING OFFICER. The amendment is not in order because it is a dilatory amendment.

Mr. WEICKER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I appeal the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I move to table the appeal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the appeal from the ruling of the Chair. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Vermont (Mr. STAFFORD), and the

Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Is there any other Senator in the Chamber wishing to vote?

The result was announced—yeas 65, nays 25, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—65

Abdnor	Exon	Melcher
Andrews	Ford	Moynihan
Armstrong	Garn	Murkowski
Baker	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hatch	Percy
Boren	Hawkins	Proxmire
Burdick	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Quayle
Byrd, Robert C.	Helms	Randolph
Cannon	Hollings	Roth
Chiles	Huddleston	Rudman
D'Amato	Humphrey	Sasser
Danforth	Jackson	Schmitt
DeConcini	Jepsen	Simpson
Denton	Johnston	Specter
Dixon	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Long	Tower
Eagleton	Lugar	Wallop
East	Mattingly	Warner
	McClure	Zorinsky

NAYS—25

Baucus	Glenn	Metzenbaum
Boschwitz	Hart	Mitchell
Bradley	Hatfield	Packwood
Bumpers	Heinz	Pell
Chafee	Kennedy	Riegle
Cohen	Leahy	Tsongas
Cranston	Levin	Weicker
Dodd	Mathias	
Durenberger	Matsunaga	

NOT VOTING—10

Cochran	Pressler	Thurmond
Goldwater	Sarbanes	Williams
Inouye	Stafford	
Laxalt	Stennis	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I call up amendment No. 461.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. WEICKER. Mr. President, point of order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I move to table the appeal from the ruling of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader to lay on the table the appeal.

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee to lay on the table the appeal from the ruling of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. STENNIS), and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. WILLIAMS) is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 65, nays 25, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—65

Abdnor	Exon	Melcher
Andrews	Ford	Moynihan
Armstrong	Garn	Murkowski
Baker	Gorton	Nickles
Bentsen	Grassley	Nunn
Biden	Hatch	Percy
Boren	Hawkins	Proxmire
Burdick	Hayakawa	Pryor
Byrd, Harry F., Jr.	Heflin	Quayle
Byrd, Robert C.	Helms	Randolph
Cannon	Hollings	Roth
Chiles	Huddleston	Rudman
D'Amato	Humphrey	Sasser
Danforth	Jackson	Schmitt
DeConcini	Jepsen	Simpson
Denton	Johnston	Specter
Dixon	Kassebaum	Stevens
Dole	Kasten	Symms
Domenici	Long	Tower
Eagleton	Lugar	Wallop
East	Mattingly	Warner
	McClure	Zorinsky

NAYS—25

Baucus	Glenn	Metzenbaum
Boschwitz	Hart	Mitchell
Bradley	Hatfield	Packwood
Bumpers	Heinz	Pell
Chafee	Kennedy	Riegle
Cohen	Leahy	Tsongas
Cranston	Levin	Weicker
Dodd	Mathias	
Durenberger	Matsunaga	

NOT VOTING—10

Cochran	Pressler	Thurmond
Goldwater	Sarbanes	Williams
Inouye	Stafford	
Laxalt	Stennis	

So the motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, in just a moment I intend to call up another amendment. It is now 1:15 in the morning and we have completed, I believe, 21 votes today. I hope there will not be a request for the yeas and nays on any of the motions that may be made. I hope the yeas and nays will not be given and that we can dispense with the remainder of the amendments which are, I believe the Chair may rule, dilatory, from which there may be an appeal.

I have made no effort to try to circumvent or short-circuit the appeal process. I think the Senate has been very patient and fair in this respect. But I think that now when three of those amendments remain, it is time to get to the business at hand.

Mr. President, I call up amendment No. 471.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. WEICKER. Point of order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. WEICKER. I suggested the absence of quorum, Mr. President, before the majority leader was recognized. Let us wire it in up there. A point of order, Mr. President.

Mr. BAKER. The call for a quorum call is dilatory. The Chair is mandated by the precedents to observe the presence of a quorum and rule that way.

The PRESIDING OFFICER. The majority leader's point is well taken. The Chair is able to count a quorum in the Chamber at this time. Therefore, the call for a quorum at this time is dilatory.

The majority leader is recognized.

Mr. BAKER. Mr. President, I move to table the appeal.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on agreeing to the motion to lay on the table the appeal of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I call up amendment No. 473.

The PRESIDING OFFICER. The amendment is not in order because it is dilatory.

Mr. WEICKER. Point of order.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The majority leader is recognized.

Mr. BAKER. Mr. President, I move to table the appeal.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the appeal of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I call up amendment No. 475.

The PRESIDING OFFICER. The amendment is not in order because it is improperly drafted.

The Senator from Connecticut.

Mr. WEICKER. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The majority leader is recognized.

Mr. BAKER. Mr. President, I move to lay on the table the appeal.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the appeal of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I call up amendment No. 479.

The PRESIDING OFFICER. Amendment No. 479 is not in order because it is improperly drafted.

Mr. WEICKER. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. BAKER. Mr. President, I move to table the appeal.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the appeal of the Senator from Connecticut.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, it is now 1:20 a.m.

Mr. President, I call up amendment No. 473.

Mr. METZENBAUM. Mr. President——

Mr. BAKER. Mr. President, may I inquire, has amendment No. 473 been dealt with?

The PRESIDING OFFICER. Amendment No. 473 has been dealt with.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I did not mean to rise until the Chair ruled, but the Chair made a ruling with respect to the fact that a quorum was present. I know there are some instances in which that has been accepted as a ruling in parliamentary procedure, and there are also rulings in which it has not been permitted, in which the Chair was not permitted to count the House. I just wish to take this means of making certain that we have not established a precedent that the Chair is going to determine whether or not a quorum is or is not present in the future by counting the number of Members seated in the Chamber.

I do not make it an issue at the time. I know that the Parliamentarian can cite decisions in which that has been permitted in some instances and in post cloture filibuster by amendment, but it is my understanding that there have also been instances in the rules where that has not been the appropriate procedure to follow.

I do not wish to appeal any decision, but I wish to raise the issue with the Parliamentarian so that we do not establish a precedent that we will all have to be living with.

The PRESIDING OFFICER. The Senator from Ohio is advised by the Chair that there is, in fact, precedent in postcloture proceedings. A precedent can be found at page 249 of the postcloture procedure. The Chair will not proceed to read that, but that is sufficient precedent under the rules of the Senate.

Mr. BAKER. Mr. President, the Senate has now had more than 20 votes on this measure today. It is now past 1:20 a.m.

ROUTINE MORNING BUSINESS

The following routine morning business was transacted today, in addition to that which is printed earlier in todays RECORD:

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 2138. A bill for the relief of Kathleen Holden; to the Committee on the Judicary.

By Mr. LEVIN (for himself, Mr. LUGAR and Mr. RIEGLE):

S. 2139. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; to the Committee on Finance.

By Mr. COHEN (by request):

S. 2140. A bill to provide for the use and distribution of Seminole judgement funds in Dockets 73 and 151, and 73-A, before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S.J. Res. 150. A joint resolution to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr LUGAR and Mr. RIEGLE):

S. 2139. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; to the Committee on Finance.

EXCISE TAX ON IMPORTED AUTOMOBILES

● Mr. LEVIN. Mr. President, on behalf of myself, Senator LUGAR and Senator RIEGLE, I am today reintroducing legislation I initially offered during the 96th Congress. The problems which motivated this bill then remains pressing today. And the solution this bill offers still appears to be valuable and valid.

Reduced to its essential ingredients, what this bill does is call upon the Secretary of the Treasury to compute an equalization tax rate on cars imported into this country which would be needed to equalize the hidden tax placed on our auto exports by existing nontariff barriers. Once such an equalization tax rate is computed, the President has the option to either impose the equalization tax or to certify to the Congress that its imposition would either violate existing international agreements or would interfere with meaningful and current changes in the behavior of a foreign country relative to adopting more open trade policies. That Presidential waiver would be open to congressional veto and, through that process, we would both protect Executive flexibility and congressional interests.

In this period of increasing concern about trade barriers and increased interest in the concept of trade reciprocity, I offer this legislation as a simple way of allowing us to define our terms precisely and protect our industry fairly. In essence, this bill begins by recognizing that despite GATT, despite procurement conferences, despite official Government communiques—despite all these things, international trade is not free and it is not fair. Other nations impose a series of nontariff barriers which have the effect of both preventing our products from reaching their markets and significantly increasing the cost of those products that do manage to filter through the barriers. At the same time that other nations close their

shores to our products, we continue to operate under the banner of free trade and invite any and all comers to sell their wares to our citizens. The net result is that while domestic auto firms sold a grand total of 3,929 units in Japan in 1981, Japanese firms sold 1,911,525 units here in America. And while our auto exports account for only a miniscule percentage of sales in any foreign country, foreign sales account for over 31 percent of all cars purchased in America in 1981.

Mr. President, that kind of inequity is simply unacceptable. Free trade has to be fair trade; free trade has to be a two-way street. And under current conditions, American firms are roaring down a deadend street toward a brick wall.

Over the past few years, everyone seems to have recognized the inequity of this situation. Consequently, we have had trade missions go to Japan, we have Japanese trade missions come here; we have had discussions at the highest level, we have had working groups at every level; and we have made some progress. But that progress has been primarily symbolic. It consists too often of ringing but vague declarations of intent and desire whose fervor is never really matched by specific policy changes. The changes that we have seen in terms of opening up the Japanese market have been too little and come too late.

This bill, though, would reward the Japanese for any changes that they might make. It does impose a tax based on conditions as they existed at any frozen moment in time. Rather the amount of the tax alters with alterations in Japanese practices. As the bill makes clear, the tax I seek to impose on Japanese imports is equal to the financial impact of their nontariff barriers over the past 8 quarters. To the extent that Japan has improved and continues to improve its performance, the size of the tax levied against their imports will reflect that improvement. At the same time, by going back in time we also achieve the legitimate goal of capturing some of the losses we have been forced to suffer as a result of past practices.

Mr. President, this is an extremely straightforward bill based on an extremely simple concept of equity and justice. I view it as being totally consistent with other more general pieces of legislation attempting to implement the concept of reciprocity. As a more narrowly focused attempt to implement that concept, this bill addresses a very real area of economic concern to all Americans and gives us a way of helping our industry and our economy. In and of itself, this bill would not cure the problems of the auto industry—but it would be a first step. And it would be a desirable one.●

By Mr. COHEN (by request):

S. 2140. A bill to provide for the use and distribution of Seminole judgment funds in dockets 73 and 151, and 73-A, before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

USE AND DISTRIBUTION OF CERTAIN INDIAN JUDGMENT FUNDS

● Mr. COHEN. Mr. President, I am today, at the request of the administration, introducing legislation to provide for the use and distribution of Seminole judgment funds in dockets 73 and 151 before the Indian Claims Commission. The bill which I introduce today is favored by the Seminole Tribe of Oklahoma but opposed by the Seminole Tribe and Miccosukee Tribe of Florida. This legislation does not provide for participation by Oklahoma Seminole Freedmen who also have expressed an interest in this legislation.

The Seminole Tribe of Oklahoma and the Seminole Freedmen are composed of descendants of persons who were removed in the early 1800's from the State of Florida to the then Indian territory in what is now the State of Oklahoma. The Florida Seminoles and the Miccosukee tribal members are descendants of persons who refused to move westward and were able to escape capture by U.S. Armed Forces.

The funds in question arise from a judgment of the Indian Claims Commission in the amount of $16 million for Florida lands taken in 1823. The principal issues in this matter involve a dispute between the Florida and Oklahoma entities as to the division of the award and the question of whether the Oklahoma Freedmen are entitled to share in the award at all.

In the last session of Congress, Senator HAWKINS introduced S. 1807 to provide for a distribution in the manner favored by the Florida Seminoles and the Miccosukee Tribe. It was her hope—a hope which I shared—that the introduction of that bill would stimulate discussions between the contending parties that might lead to an agreed settlement. Discussions did take place and at one point it appeared an agreement might be reached. However, it now appears the parties are at an impasse.

In introducing this bill I do not intend to express support for any one position. The issues involved are very complex and could possibly touch upon land claims of the Seminole and Miccosukee Tribes in Florida. The State of Florida and the two tribes have been engaged in extensive negotiations with respect to these land claims and it is my understanding that the parties are very close to an agreement. I certainly do not want this legislation to disrupt that process. In addition, I strongly encourage the Florida and the Oklahoma entities to continue their dialog. Without question, an agreement between the parties on the various issues would expedite passage of appropriate legislation.

Mr. President, I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466), or any other law, or any regulation or plan promulgated pursuant thereto, the funds appropriated by the Act of June 1, 1976 (90 Stat. 597), in satisfaction of a judgment awarded to the Seminole Indians in dockets 73 and 151, and the funds appropriated March 10, 1978, in satisfaction of a judgment awarded to the Seminole Indians of Florida in docket 73-A, before the Indian Claims Commission, shall be used and distributed as provided in this Act.

SEC. 2. The funds in dockets 73 and 151, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") in terms of 75.404 percent to the Seminole by blood members of the Seminole Nation of Oklahoma and 24.596 percent to the Seminole Indians of Florida.

SEC. 3. After the division of the funds as provided above, the share of the Seminole by blood members of the Seminole Nation of Oklahoma shall be used and distributed as follows:

(1) The roll of the Seminole by blood members of the Seminole Nation shall be brought current to the date of the enactment of this Act using criteria specified in the tribal constitution and procedures adopted by the tribal governing body and approved by the Secretary. Sixty-four percent of the principal of the share shall be distributed in the form of per capita payments, in sums as equal as possible, to all Seminole tribal members by blood who were born on or prior to and living on the date of the enactment of this Act.

(2) Twenty percent of the principal of the share shall be invested by the Secretary for the benefit of Seminole tribal members by blood and the tribal governing body is authorized to use the interest and investment income accrued on an annual budgetary basis, subject to the approval of the Secretary, for elementary, secondary, and higher education services; community development; health services; tribal executive operations; land acquisition and development; social services; and other tribal and community social and economic programs. Such 20 percent portion of the principal shall not be available for per capita or divided payments.

(3) Sixteen percent of the principal of the share, plus all interest and investment imcome accrued on the Oklahoma share of the judgment funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary for the benefit of Seminole tribal members by blood. The tribal governing body is authorized to use the interest and investment income accrued, subject to the approval of the Secretary, for periodic dividend payments to Seminole tribal members by blood.

(4) In administering all programming elements of this section, the tribal governing

body shall maintain a Standing Judgment Fund Committee comprised of Seminole tribal members by blood and representative of the twelve Oklahoma Seminole by blood bands. Such committee shall number twelve and be authorized on at least an annual budgetary basis to make recommendations regarding the implementation of any programming elements.

SEC. 4. (a) The share of the Seminole Indians of Florida of the funds in Dockets 73 and 151, and all of the funds in Docket 73-A, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be divided among the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the unaffiliated Seminoles of Florida on the basis of the respective numbers of such individuals enrolled under subsections (b) and (e) of this section.

(b) To effect the disposition of the Florida funds the Secretary shall assist the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida in developing rolls, based on tribal enrollment criteria, of all tribal members who were born on or prior to and living on the date of the enactment of this Act.

(c) Of the funds of the Seminole Tribe of Florida, no more than 80 percent shall be available for distribution in the form of per capita payments to those tribal members enrolled pursuant to subsection (b) of this section; and no less than 20 percent shall be available for tribal social and economic development programs authorized by the tribal governing body on an annual budgetary basis, subject to the approval of the Secretary: *Provided* That the tribal governing body may elect, subject to the approval of the Secretary, for the Secretary to hold and continue to invest the funds.

(d) Of the funds of the Miccosukee Tribe of Indians of Florida no more than 80 percent shall be available for distribution in the form of per capita payments to those tribal members enrolled pursuant to subsection (b) of this section; and no less than 20 percent shall be available for tribal social and economic development programs authorized by the tribal governing body on an annual budgetary basis, subject to the approval of the Secretary: *Provided*, That the tribal governing body may elect, subject to the approval of the Secretary, for the Secretary to hold and continue to invest the funds.

(e) In order to establish eligibility to participate in the distribution of the Florida funds, an individual unaffiliated Florida Seminole must have been born on or prior to and living on the date of the enactment of this Act and must be enrolled on, or must be descended from a lineal ancestor enrolled on, the Reconstructed Florida Seminole Census of 1914 certified by the Bureau of Indian Affairs on May 20, 1977, or any later Florida Seminole Agency censuses. The Secretary shall promulgate rules and regulations for the development of a roll of, and participation in the distribution by, unaffiliated Florida Seminales. The totality of their share shall be distributed on a per capita basis.

SEC. 5. The Oklahoma per capita shares, and any Florida per capita shares, of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed pursuant to regulations prescribed by the Secretary; and for Oklahoma Seminoles shall be determined pursuant to section 1 of the Act of August 12, 1953 (67 Stat. 558, 25 U.S.C. 375c), without regard to the monetary and land provisions contained therein. Per capita shares of legal incompetents and per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be necessary to protect the interests of such individuals.

SEC. 6. None of the funds distributed per capita or made available for programming under this Act shall be subject to Federal or State income taxes or be considered income or resources in determining either eligibility for or the amount of assistance under the Social Security Act.●

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S.J. Res. 150. Joint resolution to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day"; to the Committee on the Judiciary.

AMELIA EARHART DAY

● Mrs. KASSEBAUM. Mr. President, May 20, 1982, will mark the 50th anniversary of Amelia Earhart's solo flight across the Atlantic Ocean. The joint resolution I am offering today will designate May 20 as "Amelia Earhart Day" in commemoration of this historic trans-Atlantic flight.

My home State of Kansas is proud to claim Amelia Earhart as one of its own. A companion to the joint resolution Senator DOLE and I are offering will be introduced in the House of Representatives by Representative JIM JEFFRIES, whose district includes Amelia's birthplace—Atchison, Kans.

Amelia Mary Earhart was born on July 24, 1898. She graduated from Chicago's Hyde Park High School in 1916 after having attended six different high schools in 4 years. During World War I she served as a nurses' aide at the Spadina Military Hospital in Toronto and subsequently enrolled at Columbia University as a premedical student. She moved to California to continue her education. While there she took flying lessons and by 1922 was setting altitude records in her own plane.

She drifted from school to job, back and forth during the next few years. She taught English and was a social worker in Boston. In April 1928, she was asked if she would be interested in "flying a plane across the Atlantic." Her only recompense would be the privilege of making the flight. Shortly after the successful conclusion of the flight Amelia said, "I'm a false heroine." She meant to redeem her self-respect by flying the Atlantic alone.

For the next 4 years Amelia wrote articles, appeared on the lecture circuit, and trained for her solo flight across the Atlantic. She continued to set speed and altitude records.

On May 19, 1932, she took off from Hasbrouck Heights, N.J., landing 3¾ hours later at St. John, New Brunswick. After an overnight stay she flew on to Harbour Grace, Newfoundland. Starting from here on the evening of May 20, she landed near Londonderry in the north of Ireland 13½ hours after takeoff. She added four new records to her list of achievements in making her trans-Atlantic flight. She became the first woman to fly the Atlantic solo and the first person to fly the ocean twice. She established a new speed record and a new distance record for women. These records were set in spite of the fact that she encountered storms and wing icing and her plane had begun to malfunction.

Amelia Earhart in explaining her desire to fly solo across the Atlantic said:

> Everyone has his own Atlantic to fly. Whatever you want very much to do, against the opposition of tradition, neighborhood opinion, and so-called common sense—that is an Atlantic.

She continued to set speed and distance records. In July 1937, she and her navigator were lost after having completed three-quarters of their flight around the world.

Amelia Earhart was a pioneer in the field of aviation. Exhibits of her medals, pictures, and books are in a hundred libraries, and there are major displays at Purdue University and the Smithsonian. Her daring flights touched the lives of millions of Americans and others the world over. It is appropriate that this brave woman be given special recognition. I hope that my colleaques will join me in honoring Amelia Earhart on the occasion of the 50th anniversary of her solo trans-Atlantic Flight.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 150

Whereas Amelia Earhart was the first woman to fly across the Atlantic Ocean as a passenger;

Whereas Amelia Earhart set a number of altitude and speed records in various airplanes and autogiros, forerunners of the helicopter;

Whereas Amelia Earhart was widely hailed as an aviator and an inspiring example to all;

Whereas Amelia Earhart worked for the promotion of sound aeronautics and was a strong influence in breaking down resistance to aviation;

Whereas Amelia Earhart was the first woman in American history to be awarded the Distinguished Flying Cross;

Whereas Amelia Earhart was the first woman to fly solo across the Atlantic Ocean on May 20-21, 1932; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate May 20, 1982 as "Amelia Earhart Day", as a tribute to that most daring of the pioneer women aviators, and to call upon Federal, State, and local government agencies and the people of the United States to observe

such day with appropriate ceremonies and activities.●

ON THE CARIBBEAN BASIN INITIATIVE

Mrs. HAWKINS. Mr. President, today the President of the United States launched a bold, new foreign policy proposal, the Caribbean Basin Initiative. This initiative is crafted so that nations of the Western Hemisphere can join together to advance freedom and prosperity in the Caribbean Basin. I believe that this initiative will be regarded by historians as one of the landmark decisions of this administration, and I am proud to associate myself with its lofty goals.

Too often we have ignored or taken our neighbors to the south for granted, and today we reap the fruit of that neglect. We once allowed totalitarian Communists to gain control over Cuba. Now they strangle the economy of millions, and drain hope and freedom from their people. This island, once an ally of the United States, is a depot for Soviet arms, and its leaders are the agents of Soviet adventurism throughout the world. We dare not neglect our duty again now that new totalitarians threaten other Caribbean people in Grenada, Nicaragua, and elsewhere.

We ignore economic and social instability in the Caribbean at our peril and theirs. The rising cost of imported oil and declining prices of sugar, coffee, and bananas are causing economic decline throughout the region.

This decline creates an environment conducive to political violence and terrorism. This political instability threatens U.S. national security because it takes place in a stretegic region, and it threatens our own economic recovery with the specter of waves of illegal immigrants and political asylees draining our national resources. We cannot allow these dangers to persist. We need policies that address the problems in the Caribbean basin. I believe the initiative announced by the President provides such policies.

For 2 years, Florida has lived with the consequences of the economic deterioration in the Caribbean. A massive influx of Cubans and Haitian immigrants inundated our towns, villages, and cities. So far, the cost of this invasion—for that is what it was—amounts to over $1 billion. Shall we throw away more dollars by supporting refugees only after they reach our shores, when less will solve major problems before they get bigger?

This program, by promoting stability in neighboring countries, will also result in expanded markets for U.S. goods and jobs for U.S. workers. Just as the United States earned back its investment in the Marshall plan with increased security and beneficial trade, I believe we will capture similar rewards with President Reagan's Caribbean Basin Initiative.

Mr. President, Florida has much at risk, our own future is dependent on the future of this volatile area. We are linked to the Caribbean through common climate, tradition, culture, trade, and many other ties. Our fates are bound. Unless decisive, bold steps are taken now, the region will degenerate, dimming prospects for a properous Florida, too. So I am encouraged by the President's economic proposals for the Caribbean because they carry hope for the future. Hope that the tide of terrorism in the region can be stemmed. Hope that the economic conditions that cause massive immigation into this country can be greatly improved. And hope that new markets for U.S. goods and services can be created that will lead to more jobs for Americans and contribute to our prosperity.

A STRATEGY FOR BALANCING THE FEDERAL BUDGET

Mr. WARNER. Mr. President, the writer of the following letter, Mr. J. Harvie Wilkinson, Jr., has devoted his life to the support of the free enterprise system within the framework of fiscal responsibility. I urge my colleagues to consider the wisdom of his views.

RICHMOND, VA., *February 18, 1982.*

Hon. JOHN W. WARNER,
Washington, D.C.

DEAR JOHN: The attached appeals to me more than anything I have seen. It is likely to satisfy both the supply-sider and the orthodox. This makes great good sense to me after I have read it twice.

True, it is dependent upon three or four Congressional sessions staying hitched, but my own feeling is that the economic outlook is going to force the Congress to cut expenses. This is the most sensible way.

Best wishes. No reply required.

Ever sincerely,

J. HARVIE WILKINSON, Jr.

[From the Wall Street Journal, Feb. 18, 1982]

A STRATEGY FOR BALANCING THE FEDERAL BUDGET

(By Martin Feldstein)

The principle problem that clouds the economic future is the series of vast deficits projected in the administration's recent budget. Even if the targets are achieved, the deficits would average nearly $80 billion a year between 1983 and 1986.

But the deficit outlook is worse because the administration's revenue forecasts are likely to prove optimistic. These forecasts assume a rate of nominal GNP growth inconsistent with the Fed's plan for limiting the growth of the money stock. If tight money keeps nominal GNP growth below the administration's projection by one percent a year, personal tax revenue in 1984 will be $20 billion lower and the deficit will exceed $100 billion. Even this bleak figure assumes the administration can achieve all its requested spending cuts.

Sustained deficits of this magnitude are a serious burden for the economy and result in reduced investment, increased inflation or both. Since a deficit means increased government borrowing from the public, its effect is to raise the real rate of interest and thereby reduce private borrowing and investment. If the Fed tries to prevent this by purchasing some of the additional government debt, the resulting increase in the money supply would raise the rate of inflation.

While a consistent monetary policy can prevent such inflation, the result would be a substantial crowding out of private investment. Net private investment in the U.S. is now only about 6 percent of GNP. A $100 billion deficit in 1984 would imply that the government must borrow 2½ percent of GNP. Although the resulting higher real interest rates would induce an inflow of foreign capital, the impact of a $100 billion deficit on private capital formation is likely to be significant.

EXCESSIVE PESSIMISM

However, the large deficits are unlikely to cause the financial chaos and extremely high interest rates that some dour Wall Streeters predict. Much of that pessimism reflects a confusion between nominal market interest rates and inflation-adjusted real interest rates. The principal reason for high market interest rates is fear of inflation. If the Fed follows a policy of consistent monetary control, the inflation premium should fall even though there are large deficits. The direct effect of the deficit is to raise the real interest rate to a level that reduces private spending here and abroad by enough to finance the government borrowing. Since the inflation premium may fall at the same time that the real rate of interest is rising, there is no reason large deficits should produce higher market interest rates in the future.

How much higher would real interest rates have to be in 1984 if the government deficit then $100 billion instead of $50 billion? Economists don't know enough to give a precise estimate, but a reasonable answer is not much, probably not more than one or at most two percentage points. The rise in the interest rate is limited to the extent that funds are attracted from abroad by a higher U.S. real interest rate. The interest rate increase is also small if domestic borrowers believe the large deficits are only temporary. With some $450 billion of annual investment in the U.S. and more than that in the rest of the world, a temporary increase in government borrowing by $50 billion is likely to have only a negligible effect on the real rate of interest.

Another source of exaggerated pessimism is the concern that large deficits will abort the recovery. It is true that a larger deficit, by raising the real interest rate, will reduce spending for plant and equipment, new housing and consumer durables. But a larger deficit also means either more government spending or lower taxes and therefore more consumer spending, thus providing a direct addition to demand that can stimulate and sustain recovery.

The real problem is that substantial deficits could eliminate a significant portion of net capital formation. This effect, which could occur even if the rise in the real interest rate is small, is the important reason to reduce the projected deficits for the next few years and to bring the budget into balance within five or six years. I believe that such a policy can be designed without re-

scinding the business or personal tax reductions enacted in 1981.

The key to balancing the budget is to slow the growth of federal nondefense spending until these outlays equal the 13 percent share of GNP they did in 1970. Returning nondefense spending to 1970's 13 percent share of GNP over the next six years would only require a 12 percent decline in the real level of nondefense outlays, back to the real level that prevailed as recently as 1978. The combination of a 2 percent a year reduction in real nondefense outlays and a 3.5 percent real GNP growth would be sufficient to bring nondefense spending back to 13 percent of GNP in six years.

A 2 percent annual reduction in real nondefense outlays can be achieved most fairly and with the least disruption by making changes in the full range of government programs. Unfortunately the administration has refused to make any significant changes in the Social Security retirement, disability and Medicare programs that currently account for some 40 percent of nondefense spending. As a result, the administration has had to propose spending cuts unlikely to be enacted, further increasing the probable deficit in future years.

It is up to Congress to broaden the range of spending reductions, not to cut spending by more than the administration proposed but to distribute the spending cuts in a way that is fairer and more likely to achieve legislative approval. Changing the Social Security indexing rule to raise benefits only for price increases in excess of 2 percent would save nearly $20 billion in 1986.

Returning to an earlier standard of eligibility for disability benefits could save half or more of the current $18 billion outlay. And requiring Medicare patients to pay a modest share of their hospital charges in the same way that patients with private insurance do would not only reduce the $45 billion Medicare outlay but also help to control the inflation in hospital costs. All these changes could be done in a way that exempts the truly poor without significantly affecting the revenue savings.

What about defense spending? In dollars of constant purchasing power, the U.S. spent less on defense in 1980 than it did in 1960. As a fraction of GNP, defense spending halved from 10% of GNP in 1960 to less than 5% in 1980. I do not know what fraction of GNP should be spend on defense. That clearly depends on the efforts being made by our enemies and allies as well as on the technological possibilities for translating more spending into greater deterrence.

The administration originally proposed raising real defense spending at 7% a year, a rate that would raise the defense share of GNP by one percentage point in four years and would double real defense spending in a decade. The revised budget calls for nearly 9% real growth of defense outlays between 1981 and 1985. Without judging whether such an increase is warranted by military conditions, I will only note that returning to 7% real defense growth would reduce defense outlays by $20 billion in 1985.

Turning to the revenue side, the combination of natural gas decontrol and efficiency-improving tax changes could easily add $30 billion a year to revenue in 1984 and beyond, without revoking the personal and business tax cuts or tampering with the 1985 indexing rule.

Rapid decontrol of natural gas prices would conserve this important resource and add $15 billion to $20 billion a year to tax receipts. High on my list is limiting the exclusion of employer contribution for medical insurance premiums, a rule responsible for much of the inflation of health care costs and that now reduces income tax revenue by more than $15 billion and payroll tax revenue by additional billions. Other tax rules that not only reduce revenue but also distort economic incentives are the exclusion of unemployment benefits (with an estimated revenue loss of more than $5 billion) and of workmen's compensation benefits ($3 billion) and the deduction of consumer interest ($6 billion).

The personal tax cuts on 23% are essentially just enough to prevent bracket creep in 1981 through 1984 from raising the share of income paid in taxes. It would be good, however, to stretch out the 10% tax cut scheduled for July 1983 into 5% cuts in July 1984 and July 1985. That would achieve the same ultimate tax rates but would do so in a way that reduces the deficits in 1983 through 1985 while the spending reductions are being made. The extra revenues would be about $35 billion in fiscal 1984 and nearly $20 billion in fiscal 1985.

CONTRASTING RESULTS

How does it all add up? The 1982 deficit will be about 3 percent of GNP. The combination of the business and personal tax cuts and a 7 percent real annual increase in defense spending would raise this to about 6 percent of GNP in 1987. Reducing nondefense outlays from 18 percent of GNP in 1982 to 13 percent would lower the deficit to about 1 percent of GNP. The changes in tax rules can produce a budget that is predicted to be in balance and that has a good safety margin for keeping the deficit within 1 percent of GNP.

Two things about this strategy are obvious. First, it will take five or six years to achieve a balanced budget. Though stretching out the personal tax cut can reduce the extent of the budget deficits along the way, there is no way to reduce government outlays rapidly enough to balance the budget by 1984 or 1985. Second, the strategy for balancing the budget without raising taxes can only work if Congress is prepared to make a 10 percent to 12 percent reduction in real nondefense outlays over the next five or six years. If such spending cuts will not be made, there is no choice but to raise personal taxes. But if Congress is prepared to slow the growth of government spending in this way for the next half dozen years, the basic program of tax reductions, increased investment and lower inflation can succeed.

VIEWS OF AFL-CIO PRESIDENT LANE KIRKLAND ON FOREIGN POLICY

Mr. HATCH. Mr. President, in today's Washington Post the president of the AFL-CIO, Mr. Lane Kirkland, offers some poignant comments on this Nation's foreign policy. Mr. Kirkland decries the lack of action by the administration toward the military regime in Poland, as well as the originator of Polish oppression, the Soviet Union. He makes a valid point when he points the finger at business interests who are all too willing to look the other way in order to consummate the sale. All of us here in the Senate should note the advice given by a man of such stature.

The freedoms we enjoy as Americans are something to be cherished, to be held close to our bosom. The very foundation of our freedoms can be found in the free enterprise system, an economic system that celebrates the nobleness of the individual man while providing for the rights of collective man. It is our economic system that has propelled us to the forefront as a world power. It is this system which attracts people from all over the world, all seeking to make their fortune in America.

Communism is a scourge to the spirit of man. It disembowels him and lays him open to the ravages of an oppressive government. Mr. Kirkland has long been identified with the fight against communism. He is to be commended for his actions. At the same time I must chide Mr. Kirkland, for while he urges us all to take up the cause of economic warfare against the Eastern bloc as he accuses the business and banking community of being unwilling to endure sacrifice at inconvenience to restrain Soviet lawlessness, he, too, is guilty of viewing events from a somewhat parochial position. If business is to be accused of such improprieties as putting the dollar profits ahead of U.S. foreign policy interests, then labor must also answer for its actions. On many occasions I have watched Members of the Congress rise to speak out against U.S. policy which appears to fit Mr. Kirkland's objectives, and yet many of these men and women continue to receive the total support of the labor movement.

It seems inconsistent to me when Labor criticizes the business community for putting their domestic issues ahead of this Nation's foreign policy objectives when the labor movement is guilty of the same transgression. They give political support to those political leaders who support the domestic issues they are most concerned with, regardless of their views on foreign policy. Yes, Mr. Kirkland is right. We must place the interests of the Nation above our own domestic priorities. At the same time he should make sure that his own house is in order before he casts aspersions on the intentions of others. Mr. President, I ask unanimous consent that the article by Lane Kirkland in today's Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 24, 1982]

WHY NOT ECONOMIC WAR?

(By Lane Kirkland, president AFL-CIO)

The media are wrong to play up personality clashes in the Reagan team as the source of the administration's failure to project a coherent and credible foreign policy.

The problem does not lie in who reports to whom, or in the alleged idiosyncracies or turf-consciousness of the players, or in the president's preoccupation with other matters. It lies, rather, in the deep and enduring division within the Republican Party, a divi-

sion that long predates Ronald Reagan's arrival in Washington.

On the one side are the true believers—principled anti-communist ideologues, including some non-Republicans now labeled "neo-conservatives." On the other side are the commercial and banking interests, whose philosophy was asserted with stunning candor by Citibank's Thomas Theobold: "Who knows what political system works best? All we ask is: can they pay their bills?"

The true believers to their credit, know what political system works best, and they provide the administration with its tough anti-Soviet rhetoric. They had every reason to count the president in their camp.

But when push comes to shove, the priorities of business prevail, and the ideologues are shunted aside. They still write the speeches, though, which accounts for the widening gap between the president's words and his deeds.

Poland throws the problem into high relief.

Before an international audience of tens of millions, the president's speechwriters promised stronger sanctions against the Soviets if the repression in Poland were not alleviated. The repression intensified, but the bankers persuaded the president to cover Poland's debt without declaring default. Default, they warned, would disrupt the international banking system.

The Chamber of Commerce has now weighed in to protect the Siberian natural gas pipeline, which, according to Chamber President Richard Lesher, would give Western Europe "a degree of leverage over the Soviets rather than vice versa"—a fact the obtuse Russians have apparently overlooked in their eagerness to be ensnared in our web of détente. To cripple the pipeline and deny the Soviets hard currency earnings (with which to buy Western technology) would represent, in Lesher's shocked words, "a strategy of economic warfare."

Lesher would exempt European companies operating with U.S. licenses from the sanctions imposed by the president, lest we worsen "our already poor international reputation for commercial reliability." Pepsico Chairman Donald Kendall—who previously expressed admiration for Leonid Brezhnev's devotion to peace—agrees: "I certainly question whether the [U.S.] government should put its long arm into another sovereign country and force it to accept these sanctions."

The long arm of multinational corporations and banking institutions is another matter. The flow of Western credits to Poland, accompanied by demands for food price hikes and other austerity measures, was perfectly permissible. So was the flow of credits, grain and technology to the Soviet Union, alleviating its economic problems and permitting the diversion of its resources into military purposes. What is objectionable is government intervention to achieve such foreign policy goals as enforced adherence to human rights agreements.

Simply put, the business of America is business—not only at home but throughout the world—and what's good for the bankers is good for the Poles. Above all, we must safeguard our reputation for "commerical reliability"—even as Lech Walesa remains imprisoned, thousands of Solidarity members huddle in concentration camps, and the church itself is threatened. So speak the Theobolds, the Leshers and the Kendalls.

They practice a pseudo-pragmatism that perverts, even as it seems to draw upon, the American tradition. The business ethos, applied to foreign policy, favors cost-benefit analyses done on a case-by-case basis. This method obscures the large and interwoven issues that confront us.

It is plausible to argue that calling in the Polish debt would disrupt international banking (more likely, it would embarrass the bankers by forcing them to switch loans now listed as assets into the liabilities column). It is also plausible to argue that American farmers would be hurt more than the Soviets by a grain embargo (though this assumes, and thus ensures, that we are powerless to discourage other nations from rescuing the Soviets).

But there are questions that cannot be answered by bookkeepers. If our bankers and farmers have become hostages of the Soviet bloc—the reverse of what détente was supposed to accomplish—should we not move urgently to extricate ourselves from this situation, or should we continue down the road to increasing dependence? Can we extricate ourselves painlessly, or is there a price to be paid for a misbegotten policy? If we eschew "economic warfare," what kind of war do we want, and whom will we send to fight it? Or do we conclude that we have nothing worth fighting for, that between totalitarianism and democracy no fundamental values are at stake—that, as Theobold suggests, political systems, like capital, are fungible?

Without squarely facing these issues, which transcend business calculations, we will not persuade our allies of our capacity to lead. The message we are now sending to our allies, and to the Soviets, is that we are unwilling to endure sacrifice or inconvenience to restrain Soviet lawlessness. The Republican administration's foreign policy lacks cogency because the business interests it disproportionately represents constitute the soft underbelly of freedom.

UNANIMOUS-CONSENT REQUEST

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10:30 a.m. today.

Mr. WEICKER. I object.

The PRESIDING OFFICER. The objection is heard.

RECESS UNTIL 10:30 A.M. TODAY

Mr. BAKER. Mr. President, I now move that the Senate recess until the hour of 10:30 a.m. today.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The question is on agreeing to the motion to recess.

The motion was agreed to and at 1:21 a.m., the Senate recessed until 10:30 a.m. today, February 25, 1982.

EXTENSIONS OF REMARKS

THE BUDGET MESSAGE

HON. LEE H. HAMILTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for February 17, 1982, into the CONGRESSIONAL RECORD:

THE BUDGET MESSAGE

The 1983 budget gives President Reagan his first opportunity for a complete review of the federal government. This year's budget message is his broadest statement of priorities to date.

In the message, the President urges Congress to "stay on course" by continuing to cut social programs while expanding the nation's military strength. Mr. Reagan expects a 4.5% rise in spending to $757.6 billion, receipts of $666.1 billion, and a deficit of $91.5 billion. Stating that "our task is to persevere," the President counsels no retreat from his economic strategy of strict monetary restraint, reduced revenues, and large deficits. He calls on Congress not to combat the recession with more spending or credit. My guess is that a bruising "battle of the budget" lies ahead in Congress. I do not see how Congress can accept deficits in the range of $100 billion per year. Military spending and taxes will be the tough issues.

A number of important budget items—the long list of domestic spending cuts, the tax increases of $12.7 billion, and the reallocation of responsibilities to the states—remain in doubt, but the budget sets an agenda for Congress as it lays out Mr. Reagan's plan to run the government in the upcoming year.

The principal elements of his budget are major increases in defense spending; major cuts in nondefense spending; a continuing reduction in the federal role in programs such as education, transportation, nutrition, and job training; and modest increases in revenues from user fees and revisions in the tax code. The President's proposals to expand offshore oil leases, to increase foreign aid, to raise fees for medicare and medicaid, to sell federal property, to begin charging user fees, to withhold taxes on interest and dividends, and to end energy tax credits for business will be disputed.

Proposed cuts in social programs will cause controversy, too. The President wants to cut all spending (other than spending for defense, social security, medicare and medicaid, and interest on the national debt) about 16.5 percent. If inflation is considered, the cuts would be about 22 percent; over a five-year period, the programs in question would be halved. There would be no major cut in school lunches, but the special milk program would be eliminated. A voucher system for housing aid would replace programs which subsidize construction. However, medicare would continue to grow in cost, and no changes are in store for social security.

This year's budget message is more sober and less optimistic than the one delivered a year ago. In it, the President spends much time discussing his deficits. He blames them on the recession, the accumulated national debt, and the rapid drop in the rate of inflation. He is prepared to accept more than $270 billion in new debt in the next three years (more than $500 billion if his program of spending cuts and tax hikes is not passed).

Clearly, the President is taking big economic and political risks. Many economists argue that large deficits will rekindle inflationary expectations and push interest rates up, which in turn will choke off economic recovery. In addition, Mr. Reagan is proposing a cut in state and local aid, something which will surely arouse the concern of many states and cities. The President is betting that big deficits and the loss of aid will not bother the voters if the economy improves. To win his bet, he will have to persuade the nation both that he has a credible program to reduce deficits and that last year's tax cuts will soon begin to produce jobs and revenue.

The new budget assumes that the recession will end soon and will be followed by several years of strong economic growth with falling inflation, unemployment, and interest rates. Such a rebound from the recession would be faster and longer-lasting than the one predicted by most private forecasters. Most forecasters think Mr. Reagan's figures are too optimistic; others say they are too uncertain. If they were as far off as some of his assumptions last year, the budget could very quickly look much worse. Critics point out that there could be a clash between a monetary policy designed to shrink the supply of money and a fiscal policy designed to stimulate economic growth.

Insisting that our military strength should be restored, the President proposes a huge increase in defense expenditure. He would boost actual outlays to $221 billion and "spending authority" (the amount which can be committed or spent later) to $263 billion. Spending authority, which drives future military spending, would rise by 13.2 percent if inflation were taken into account, and outlays for this year alone would increase 10.5 percent. The emphasis in the military budget is the training and combat readiness of our conventional forces and the maintenance and modernization of our strategic arsenals.

My view is that if deficits are not reduced, the chance that the economy will remain sluggish increases because the deficits will crowd private borrowers out of capital markets. I am disturbed by the inconsistency of deficits which push us in one direction and tight money which pulls us in the other. My preference is to enact further spending cuts as we stretch out the tax cuts in order to reduce the deficits. I think monetary policy can be more accommodating without risking inflation.

I am troubled by a budget which concentrates heavily on cutting assistance to the poor and the disadvantaged while providing large tax breaks to affluent individuals and corporations.

Another concern I have is that the budget opts for the fastest possible expansion of our military forces even though the resulting deficits jeopardize the economy. I believe that we would be better off if we spent our defense dollars more slowly and carefully. The American economy is a powerful weapon against our enemies, so it should be kept healthy. We can remedy the defects in our military over a longer period of time. A defense buildup slower and more deliberate than the President's would meet our needs and not harm the economy.

I have come to treat all budget figures with great skepticism. The deficit figures are especially untrustworthy. My guess is that the President's $91.5 billion in red ink is not even in the ballpark. The true figure will be much higher.●

BUSINESS INDIFFERENCE GREETS OSHA CHANGES

HON. JOSEPH M. GAYDOS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GAYDOS. Mr. Speaker, while the current Occupational Safety and Health Administration engages in wholesale realinement of policy to make safety and health protection less demanding of business, there is an indication the beneficiaries are greeting the effort with a shoulder shrug of indifference.

Many feel the realinement is unnecessary because in 1980 OSHA helped bring about a simultaneous reduction in worker deaths, injuries, and illnesses as past efforts came to maturity. It could mean an agency that was working is being changed in ways nobody wants.

The indication of indifference is pointed out in the February 8, 1982, issue of Industry Week, which questioned business executives and union officials about OSHA's new "cooperative" approach to safety and health regulaton.

This effort at OSHA is part of a generally overlooked component of the administration's economic plan, and it is called deregulation.

In regard to deregulation, particularly in worker safety and health, I can only underscore a caution given in the February 16, 1982, Christian Science Monitor by Ford Motor Co. Vice President H. L. Misch on the consquence of failure.

Mr. Misch warned that industry must not risk "a backlash or setting in of gross indignation because the whole social regulatory process has been interrupted."

If worker deaths, rise, the backlash will come in reaction. We have OSHA in the first place because death,

injury, and illness in the workplace raised public demand.

As for the indications of indifference to the OSHA effort at making cooperation an official policy, the report from Industry Week was as follows:

SAFETY BY COMMITTEE: EYEWASH OR INITIATIVE?

(By Michael A. Verespej)

Giving labor-management groups OSHA-like status may not interest either side.

On paper, the idea makes sense. Use labor-management committees or programs that have the blessings of both sides and equal representation to solve safety and health problems.

Unfortunately, the newest proposals from the Occupational Safety & Health Administration (OSHA) aren't likely to be embraced any more readily than the unsuccessful programs of the previous administrations that had the same basic bent. The variety of the new proposals and their catchy names—STAR, Project Build, Operation Try, PRAISE, and PRIME—won't make any difference, either.

Unions don't like anything that curbs OSHA's enforcement activities or takes the "surprise" out of inspections. And companies don't like to surrender any management prerogatives over safety and health.

"Those have been the major barriers to stimulating this approach now and in the past," states Grover Wrenn, former OSHA enforcement chief, now senior vice president, scientific operations, Clement Associates, a Washington environmental consulting firm.

POWERFUL PROPOSAL

OSHA's newly proposed programs assault both barriers. Complaints would be referred first to the committees, which would have the authority to dispose of them, initiate independent accident investigations, oversee abatement of hazards, and review and have access to all relevant information.

"I have no problem saying, 'Let's try something different,'" says Pete Lunnie, assistant vice president, industrial relations, National Assn. of Manufacturers (NAM). "But I wouldn't think you'd have an onslaught of people running to start these. I would suspect most companies would be tentative—either because of a less than satisfactory experience in the past or fear of relinquishing authority" over safety and health matters.

Unions are equally disinterested "OSHA has spent more time thinking up fancy names than real safety and health initiatives," chides Margaret Seminario, industrial hygienist with the AFL-CIO's Dept. of Occupational Safety & Health. "I'd be very surprised if they go anywhere," she says. "We think that it infringes on the right of workers to file a complaint."

She contends—and business agrees—that there may be much benefit for business, either. It "would have to give up management authority over safety and health matters," and what it would get in exchange—freedom from general-duty or surprise inspection—isn't a big enough carrot. "Under OSHA's new targeting system, they are already out from under those inspections," she asserts.

NOT AN ISSUE

"Freedom from inspections is not a bugaboo as far as business is concerned," concurs John Proctor, OSHA specialist with Organization Resources Counselors Inc. (ORC), Washington, "Both the authority granted to the committee and the rigid criteria it must meet are objectionable to business."

Labor's experience in labor-management committees in the chemical industry won't help OSHA's proposal either. "On hazards that didn't take much money to fix, they were fine. But if it was expensive, management representatives balked," recalls Steve Wodka, former safety director for the Oil, Chemical & Atomic Workers Union, now director of health-effects research for a Washington law firm.

There are other problems, too: the potential liability that committee members would accrue; and developing criteria to determine how well the committee is functioning and if it should be terminated.

Still, most applaud OSHA's effort to try something that doesn't rely on the traditionally heavy hand of enforcement. "The idea of experimental programs carefully controlled is fine," states Marshall L. Miller, former OSHA deputy administrator, now a Washington attorney. But, he cautions, don't expect such programs to replace enforcement. "They should be limited in scope and number, so after . . . a year or two, you have an idea whether it's working."●

REFUSENIKS: BERTA AND YAKOV RUDIN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. FRANK. Mr. Speaker, some months after Sergey and Leonid Rudin applied to emigrate from the Soviet Union in 1977, their request was granted and in March 1978, they left for the United States where Sergey now studies computer science at the California Institute of Technology and Leonid is a Ph. D. candidate in physics at Brandeis University. While Sergey and Leonid's departure from the Soviet Union for the United States was a success, the tragedy of their story lies in the fact that their parents, Berta, 56, and Yakov, 54, were forced to remain behind.

When Sergey and Leonid submitted their applications for an exit visa, Berta and Yakov's applications were not accepted. Since that time, the Soviet authorities have always found some excuse to deny their exit request. For instance, in 1979, their application was rejected because their niece in Israel who had formally invited them did not meet newly imposed criteria limiting emigration to "close relatives." Hoping to qualify by having their sons Sergey and Leonid file the appropriate invitation from the United States, the U.S. Government forwarded an official invitation on their behalf in November 1979, but the immigration authorities in the Soviet Union refused to recognize the legitimacy of the invitation. In May 1981, Berta and Yakov Rudin applied to leave once again. The "reason" their application was denied this time was that Berta had a sister with a family who might also wish to leave should the Rudin's application be approved.

Whatever the logic behind the refusal of the Soviet authorities to grant Berta and Yakov Rudin exit permits, there can be no doubt that it constitutes a violation of the Helsinki Final Act, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. The Soviet Government seems bent on deliberately harassing the Rudin family without reason. In fact, Sergey and Leonid in the United States are convinced that it is the Soviet's wish that they never be reunited with their parents.

Sergey and Leonid have appealed for help. I believe we can best assist this family by making it clear to the Soviet Government that we, as concerned individuals as well as Members of Congress, deplore their treatment of the Rudin family and the thousands of other families that have been separated because of the Soviet Union's repressive emigration practices. I am therefore writing to Soviet Ambassador Anatoly Dobrynin and other Soviet officials, to bring this case to their attention. The letter to Ambassador Dobrynin follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1982.

Hon. ANATOLY DOBRYNIN,
Ambassador, Embassy of the U.S.S.R., Washington, D.C.

DEAR MR. AMBASSADOR: I bring to your attention the application of Berta and Yakov Rudin of 21 Yaroslavskogo Street, Apartment 9, Odessa 270011, Ukraine, to emigrate to the United States. Their sons, Sergey and Leonid, were granted visas to leave in 1978 and wish to be reunited with their parents.

The visa application of Berta and Yakov Rudin has been repeatedly denied despite the fact that their sons have sent an official invitation through the appropriate official channels.

Such denials are contrary to the spirit and the letter of the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and the Helsinki Final Act, and add to the already low emigration rate.

I ask that you take the necessary steps to rectify this unfortunate situation by seeing that Sergey and Leonid Rudin are reunited with their parents, Berta and Yakov, soon.

In the meantime, the Rudin's are faced with unemployment (they lost their jobs when they applied to leave) and medical difficulties. Immediate steps to provide for adequate medical treatment and employment opportunities would indicate a Soviet willingness to insure the protection of its citizens from undue harassment and discrimination.

Thank you for your cooperation.

BARNEY FRANK.●

GLOBAL 2000

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. MAVROULES. Mr. Speaker, the days are long gone when the United States could plan its future without taking into account the resources and needs of other nations. We no longer live in a vacuum, if indeed we ever did. The simple truth is that this Nation's fate, both political and economic, is bound up with that of other nations to a greater extent than ever before.

In recognition of this fact, President Carter, in May 1977, commissioned a study of the probable changes in the world's population, natural resources, and environment through the end of this century. The study, called Global 2000, took 3 years to complete, and required the efforts of experts drawn from 13 different departments and agencies.

I believe that Global 2000 is a landmark event, and that it deserves serious attention from the current administration. If we ignore it, we do so at our own peril.

Mr. Speaker, consider these findings:

Foreign trade makes up 8.4 percent of this Nation's gross national product—nearly twice the percentage of a decade ago.

An ever-increasing share of that trade is with developing nations, which account for 35 percent of all U.S. exports—66 percent of automobile exports (excluding Canada), 50 percent of machinery exports, 50 percent of wheat exports, 60 percent of cotton exports, and 80 percent of rice exports.

These same emerging nations account for 47 percent of our imports, including 30 percent of nonpetroleum raw materials, over 50 percent of food imports, and 66 percent of our imported bauxite, tin, rubber, and other strategic materials. These figures too are rising.

The world as a whole, and particularly these developing nations, will experience rapid changes in population, resources, and the environment during the next two decades. These changes will affect not only their own political and economic viability, but ours as well.

Mr. Speaker, it is possible to contest the specific projections of these trends as found in the Global 2000 study. What I believe to be incontestable is this Nation's need to accurately predict and analyze those trends.

To my way of thinking, the most important finding of Global 2000 is that the Federal Government currently lacks the capacity to prepare accurate and useful projections of this kind. Currently, individual Federal agencies and departments prepare their own global projections independently of one another. It is not surprising that these projections often conflict, or that they lead to wasteful, costly duplication, and misguided public policy. What is surprising is that no one seems concerned about this hazardous situation.

I have introduced a concurrent resolution calling upon the executive branch to systematically coordinate and improve its projections of world population, resource, and environmental trends, and its analysis of those trends. This is not a partisan issue. There should be no division here between Democrat and Republican, or liberal and conservative. What is at stake, very simply, is the capacity of this Government to adequately plan for an uncertain and difficult future.

The next two decades will not be easy, and none of us can know the challenges ahead. But we must make this effort. We must be as fully prepared as possible.

I do not doubt that this Nation will surmount the problems that will confront it in the years ahead. I strongly believe that, together, we can prevail.

But if we blindfold ourselves to these potential problems, if we allow the future to take us totally by surprise, then the outcome is not as certain.

Mr. Speaker, the basic question here is simple. Can we allow America to be handicapped by its inability to compete in the difficult years to come? The answer is obvious. I urge my colleagues to join me in this effort.

H. CON. RES. 276

Whereas the United States exists in an increasingly interdependent world, both politically and economically;

Whereas the world, particularly developing nations (which account for 35 percent of this Nation's exports), will experience rapid changes in population, resources, and the environment during the next two decades that will affect the economic and political viability of all nations;

Whereas it is essential to our own foreign and economic policy to anticipate and analyze projected world changes in population, resources, and the environment;

Whereas Global 2000 is the first official, coordinated undertaking by this government to prepare long-range projections of these changes;

Whereas a major finding of the Global 2000 study is that the federal government now lacks the coordinated capacity to prepare such projections and analyze their implications for United States policy;

Whereas individual federal departments and agencies currently prepare global projections that often conflict, resulting in wasteful duplication as well as potentially misguided policy decisions; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the executive branch should begin to systematically coordinate and improve its projections of world population, resource, and environmental trends, and their analysis, as outlined in the Global 2000 study.●

IN MEMORY OF MILTON M. FIDLER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SCHUMER. Mr. Speaker, it is an honor for me to have the opportunity to pay tribute to the memory of an outstanding man. The people of Brooklyn have suffered a great loss with the recent passing of Milton M. Fidler. A man much admired and respected by our community, his presence will be truly missed.

Active, concerned, and dedicated to serving our community, Milton's record of achievements reflect such a capacity. He served as president of the New Way Democratic Club of the 41st District; as former associate chairman of planning board 9, as a member of community board 17, and chairman of the Landmark Committee of that board. He was grand advocate of the Knights of Pythias of the Domain of the State of New York and former chancellor commander of Utopia Lodge of the Knights of Pythias. In recognition of his founding of welfare associations and credit unions within the Knights of Pythias, Milton received the Golden Spur, the highest award given by the lodge. His efforts were not limited to one area, Milton also served as a member of the Selective Service organization and was a member of the board of trustees of Congregation Sharre Israel. He is one the two individuals responsible for the rehabilitation and landmark designation of the Wyckoff House, the oldest building of its kind in Brooklyn.

A man of rare quality, Milton displayed a tireless perseverance throughout his lifetime. As editor of the Law Review of St. John's University, a World War II veteran, and through his continuing assertiveness within a variety of organizations, he touched many lives. A good friend affectionately refers to Milton as "Mr. Civic" and the "Epitome of East Flatbush."

In spite of all the time he spent working for the community, Milton was a devoted family man as well. Exemplary of his dual dedication was his relinquishing of his position on community board 17 to his son Louis. I would like to extend to his wife Sylvia, sons Louis and Eliot, and daughter Rona, the deepest sympathies of Brooklyn and of the Congress. To a community thankful for his dedication, his memory will not be forgotten.●

RECENT EVENTS AT THE UNITED NATIONS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ROSENTHAL. Mr. Speaker, during my 20 years as a Member of Congress, I have been a strong and outspoken supporter of U.S. participation in the United Nations. I have consistently backed authorization for financial support to the United Nations and was honored to participate directly as a delegate to the United Nations General Assembly in 1979. I have always considered my commitment to the United Nations and the values embodied in its charter as an integral facet of my political philosophy.

However, I am deeply disturbed by the course of recent events at the United Nations, culminating in the resolution censuring the nation of Israel that was passed by the General Assembly on February 5, 1982. This action was so deplorable that I felt it necessary to publicly express my outrage in a letter to Secretary General Javier Perez de Quellar.

We have been witness to a terrible turn of events which must not go unanswered. Although the letter I have written is my personal response, I believe it captures the concern felt by many of my colleagues who have been strong supporters of the United Nations in the past.

The full text of the letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 16, 1982.

His Excellency JAVIER PEREZ DE QUELLAR,
Secretary General of the United Nations, the United Nations, New York, N.Y.

DEAR MR. SECRETARY GENERAL: I would like first to congratulate you upon your election to the position of Secretary General and to wish you well in a post as difficult as it is critical to world peace.

I write as one who, for 20 years in Congress, has been a strong and outspoken supporter of the United Nations and American commitment to its mission. For seventeen of those years I have served as a member of the House Committee on Foreign Affairs, which regularly reviews and authorizes expenditures in support of United Nations activities. I am also a member of the Subcommittee on Human Rights and International Organizations, that body with specific responsibility over United Nations affairs.

My experience and dedication to this work has been such that I served as a delegate to the United Nations General Assembly in 1979.

For these reasons, I have frequently found myself called upon by Congressional colleagues and many others to discuss and defend the United Nations. Despite periodic differences with specific United Nations actions, which inevitably reflect my perspective as an elected American official, I have accepted and welcomed this responsibility.

I have repeatedly maintained that daily communication among all nations is essential to world peace, whatever the frustrations. I have urged patience with the process, respect for the diversity of views within it, understanding for the ways in which new and nonaligned nations seek to establish and affirm their independence. All this, of course, has entailed considerable controversy. But I can say that I have been as active and steady a supporter of the United Nations as you can find in the Congress, particularly among senior members with specific and official responsibility in this area.

I write, therefore, as a long-standing friend who must tell you that a line has been crossed in the passage of the General Assembly resolution of February 5, 1982 censuring Israel. That action, and the broader atmosphere which produced it and allowed it to pass, are critically jeopardizing continued American support of the United Nations—not just among those who have had doubts in the past, but among your very best friends.

The arguments against this measure are, by now, well known to you. It seeks the complete international isolation of one nation beyond all proportion to any specific action. It is entirely contrary—and intended to be—to the long-standing United Nations commitment to negotiation, mutual respect and peace in the Middle East, as expressed in resolution after resolution, year after year. It undermines the authority of the Security Council. Nowhere does it call for implementation of Resolutions 242 and 238. In fact, it calls into question Israel's very credentials as a member of the United Nations, suggesting that Israel does not live up to the broad principles of the Charter or to Resolution 273, under which it was admitted. No other nation's credentials have ever been attacked so viciously. Finally, as you must see, it clearly seeks to lay the groundwork for explusion of Israel from the United Nations altogether.

I am sure these arguments are familiar to you, as they were expressed by many nations in the General Assembly debate. I believe you must be aware of how much more difficult they make the very work you have yourself agreed to take on in your new position.

I am not sure, however, just how well you and your colleagues appreciate the extraordinary effect this action has had on American public opinion and how much trouble it has caused you and your closest allies in the Congress.

So let me be frank and open with you. I am furious with the substance and procedures of this resolution. My colleagues are furious. The American people are furious. Sentiment to cut off financial support is growing significantly, even among those who have in the past fought against such action. You would be grievously mistaken to dismiss this reaction as simply a short-term response to a single event.

For me, and for many other long-standing American friends of the U.N., this event has brought about a very considerable shift in our feeling and thought. We see it as the culmination of a process which has long distressed us. The United Nations is becoming a body of recrimination instead of an institution of reconciliation.

I hold responsible for his development not simply those nations which regularly use the United Nations as a forum for vicious and vindictive public statements. I am equally, ultimately more, distressed with those moderate and thoughtful forces in the United Nations who recognize the danger of these currents but refuse to do anything significant about them.

As one who has sat with the General Assembly and met formally and informally with its members, I am aware of many who find the virulence of this and other such past actions deeply repugnant. But these voices have been muted. There is, indeed, a lack of nerve among moderate and independent members and officials of the United Nations. They allow resolutions like this to pass and dismiss them as rhetoric or theater with no real bearing on issues of substance. They are very wrong. And, in the end, they are self-destructive, for their own influence is ultimately every bit as much under attack as is the existence of a single state.

If the United Nations, and those who are most directly responsible for its administration, continue to be passive and to allow proceedings to degenerate into vindictive and incendiary debates and resolutions, then calls for an end to American support and participation will continue to grow. Moreover, you will not be able to count on long-standing friends, with responsibility and influence in this area of policy, to speak out with any strength and conviction in defense of the United Nations. It is already my view, which I have expressed to my colleagues on the Foreign Affairs Committee that formal hearings should be convened to reconsider the basic purposes of the United Nations as understood by the United States, and the significance of recent events upon these principles.

You will understand, I hope, that I express these feelings to you, to my colleagues, and to the public with great reluctance. I have fought with much passion against those who would seek to undermine the mission of the United Nations. And indeed it is because I continue to believe in the ideals and importance of the United Nations that I have chosen to write you in this spirit. But this recent episode has brought me to the very edge of my patience. And you should know that many others of your American friends feel likewise.

I do not believe these developments are irreversible, but you would do well to recognize the gravity of this matter, and to consider what could be done to prevent these conditions from deteriorating still further.

Most respectfully,

BENJAMIN S. ROSENTHAL,
Member of Congress.●

VA PODIATRIC CARE NECESSARY

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. EMERY. Mr. Speaker, today I am introducing legislation that will amend title 38 of the United States Code, by authorizing the Veterans' Administration to provide outpatient, podiatric care to beneficiaries, without the referral of a medical or ostheopathic physician.

The Veterans' Administration fee-for-service program provides a valuable service that has allowed men and women who are eligible to obtain private sector medical care. This program has been invaluable to my constituents

in Maine, where a patient can travel up to 250 miles to our only VA facility.

Podiatry is one of the specialized fields that has helped millions of Americans "stay on their feet." Currently VA beneficiaries who are authorized to seek and receive private sector medical care may do so, provided that the care is obtained from a medical or osteopathic physician. Even if the primary or secondary problem is a podiatric one, the recipient's outpatient fee-for-service entitlement does not extend to the podiatrist, unless such care is prescribed by a medical doctor. Mr. Speaker, what this current provision really adds up to is an unnecessary visit to a M.D. for a note of referral, with the price tag of an office visit to the VA and the American taxpayer.

Podiatrists have worked hard over the past 50 years to reach the level of esteem that they now hold in the medical profession. They do not deserve to be treated as a school child that needs a note of permission from his parent. By striking archaic policies such as this one, we can take more inches off Government agencies' budget-busting waistlines, faster than Weight Watchers. I urge your support on this measure which will add to administrative as well as monetary efficiency in the VA, while improving the delivery of health care services to our deserving veterans.●

THE RETIREMENT OF DONALD C. TILLMAN—LOS ANGELES CITY ENGINEER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ANDERSON. Mr. Speaker, Donald C. Tillman, after having served 10 years as the city engineer for the city of Los Angeles, will soon be retiring from public service.

After graduating from Los Angeles' Freemont High School with scholastic and athletic honors, Don enrolled in the highly-acclaimed California Institute of Technology where he continued to demonstrate a superior ability to perform both in and out of the classroom. Upon being discharged with an unblemished service record from the U.S. Navy's Civil Engineer Corps at the end of World War II, Don went back to school and earned both his Bachelor of Science and Master of Science degrees.

Soon thereafter, Don commenced his service for the "City of Angels" as civil engineering assistant. In a short time, Don was elevated to the position of civil engineer (1952), and to senior civil engineer and assistant district engineer (1955).

In 1960, then Los Angeles Mayor Norris Poulson appointed Don to the Board of Public Works Commission. After being retained on the board by Mayor Sam Yorty, Don served as president before returning to the Bureau of Engineering as chief deputy city engineer.

In 1972, Don's career as a public servant reached its zenith when he was promoted to the key position of city engineer. It was here where Don was afforded the opportunity to demonstrate his unique ability to solve this major metropolitan area's numerous engineering problems. Whether it be the design and construction of a major highway, bridge, storm drain, water treatment plant, or sewer system, Don was always there to meet the challenge.

Mr. Speaker, I might add that Don made the time to become actively involved in many important and prestigious committees and organizations. Among these are: the American Society of Civil Engineers, Metropolitan Transportation Engineering Board, National Institute for Municipal Engineers, American Public Works Association, California State Federal Aid Urban Committee, National Environmental Protection Agency Management Advisory Group, and the American Public Works Association Task Forces. Further, Don was selected in 1977 as National Top Ten Public Works Leader and also as American City and County Magazine's "Man of the Year." For the past 35 years Don has been an active naval reservist and holds the rank of captain.

Mr. Speaker, as a member of this Chamber's Committee on Public Works and Transportation, I can certainly appreciate and value Don's conscientious work in the field of engineering. However, Don also is one who is respected by his colleagues in the field. As you are well aware, it is one thing to get a job done but it is another to get a job done and have the admiration of your colleagues. With the tremendous growth in the city of Los Angeles over the past 30 years, it has been men such as Don Tillman who have met and conquered the many challenges which come with large population increases.

My wife, Lee, joins me in congratulating Don Tillman for a job well done. We extend our heartfelt best wishes and appreciation for the many contributions he has made to his profession and to the people and city of Los Angeles. We also send to his wife, Doris, and their son, Donald, Jr., our sincere hopes for a bright and prosperous future.●

A BETTER WAY FOR EL SALVADOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. FRANK. Mr. Speaker, as this administration prepares to send still more military equipment to El Salvador it is critical that the American people understand the consequences of the President's actions. What has become clear since this administration adopted a policy of military assistance and excluded the possibility of a negotiated settlement is that the level of violence has increased dramatically. The administration would have us believe that by sending arms, we are promoting peace and stability in Salvador. But the opposite is unfortunately true. The arms we ship to the Duarte government are being used by the right-wing militia to promote a campaign of terror, largely at the expense of union members, the clergy, journalists, and campesinos. Instead of bolstering the Duarte regime, the arms have further undermined the Government's ability to control the army, and, in turn, to control the campesinos who perceive the army to be a deadly threat.

Former U.S. Ambassador Robert E. White knows firsthand what our policy of arms transfers to El Salvador has meant to the Government and the people of El Salvador. He knows and understands the complex political web that makes El Salvador the scene of some 12,000 murders last year alone. In an article which appeared in the Boston Globe on February 11, 1982, he outlines the fallacies of current U.S. policy in El Salvador and proposes alternatives that are refreshing: Consider use of an international peace force, take Bishop Rivera y Damas' offer to mediate a settlement seriously, use regional and international organizations more fully, and more.

The risks to El Salvador, Central America, and the United States are too high for the administration to embark on a course of blindly supplying the Duarte government with arms without carefully conditioning aid to progress in human rights, to progress toward a negotiated settlement, and to rebuilding of the strife-torn countryside with meaningful land reform.

I hope my colleagues will take a moment to review the article by Robert White. The article follows:

THERE'S A BETTER WAY FOR REAGAN TO HELP EL SALVADOR

The military and economic elites of El Salvador have developed their own rationale to justify their systematic extermination of political leaders, union members, clergy, journalists and campesinos. They insist that the Reagan leadership secretly agrees with their terrorist methods and will continue to

send assistance because the alternative is to hand over the country to the Communists.

President Reagan breathed new life into this chilling theory when he certified that the Salvadoran government was making a concerted effort to protect human rights. Unfortunately for the people of El Salvador and for the reputation of Reagan, the exact opposite is true.

The Administration's whitewash of the brutal and corrupt Salvadoran military machine transcends the importance of El Salvador. It awakens the specter of past administrations that chose to justify unpopular policies by concealing the facts from the American people.

President Jose Napoleon Duarte himself courageously and deliberately called attention to the unrestricted killing by the armed forces when he requested the large, democratic, anti-Communist peasant organization, the Union Communal Salvadoran (UCS), to provide him with a report on the progress of land reform.

The UCS report found that the land-reform program is failing in part because of "military-backed terror and murder." Members of the military dedicated to crushing land reform are also responsible for the murders in December 1980 of AFL-CIO labor advisers Michael Hammer and Mark Pearlman and agrarian reform leader Rodolfo Viera.

Duarte asked the labor federation to report on the status of the land reform in full knowledge that it was stalled because of official violence. He hoped that a report from the staunchly anti-Communist UCS would provide the Reagan Administration with all it needed to suspend lethal assistance and begin the task of putting an end to the military's reign of terror.

Does the Reagan Administration believe that Duarte, a decent, honorable man, would tolerate for a moment the continuing massacre if he had the power to curb it? Duarte sits on the presidential throne in a state of numbed despair, waiting for the Reagan Administration to come to its political senses, insist that the Salvadoran military respect human rights and support a negotiated solution to the conflict.

Asst. Secretary of State Thomas O. Enders told Congress last week that continued military assistance is required if El Salvador is not to be lost to the Communists. The opposite is the case.

Enders' error is to base our policy on a system that is rotten to the core. No amount of weapons can instill leadership into a military high command so morally bankrupt that they themselves are implicated in a program of torture and killing. No amount of economic assistance can save a country where the rich and powerful systematically export the wealth of their country into their Swiss bank accounts.

The army of El Salvador lacks the will, not the means, to defeat the insurgents. The military avoid combat whenever possible. Ninety-five percent of the killing by the armed forces consists of dragging unarmed people from their houses and slaughtering them in cold blood. The revolutionaries will fight to the death because the alternative is to see their families butchered. The many Salvadoran officers who have already sent their families to live in recently purchased Florida condos are not the stuff of which martyrs are made.

The Reagan Administration must set aside the fiction subscribed to by Secretary of State Alexander Haig that "our problem in El Salvador is external intervention in the internal affairs of a sovereign nation in the hemisphere—nothing more, nothing less." Of course, a certain amount of external arms find their way to El Salvador. But the heart of the problem is that the revolution grew out of intolerable poverty and terror; it is authentic and home-grown.

The Reagan Administration has tried to represent its actions in El Salvador as a continuation of the Carter policy. This, too, is inaccurate. The Carter Administration supported Duarte, human rights and the transfer of real power from the military to the civilian institutions of the country. Above all, the Carter policy urged negotiations and reconciliation through elections.

The Reagan Administration has given a blank check to the military, cast aside human rights, emasculated reforms, relegated Durate to figurehead status and rejected negotiations. It has placed its faith in spurious elections that exclude the democratic leaders of the left. The most likely result of this farce will be the demise of Duarte and the Christian Democrats as an effective political force.

The Reagan Administration contends that we must support the military or turn the country over to the guerrillas. The reality is more complex. There are, in fact, several choices that would ensure that El Salvador did not fall prey to Cuban-supplied insurgents.

The first has been suggested by Haig—to go to the source and eliminate Cuba as an avenue of clandestine arms shipments to El Salvador. It is even possible that Fidel Castro would consent to a self-imposed embargo to interdict arms to El Salvador provided that the Reagan Administration would agree to comply with the latest UN resolution and cease to supply the Salvadoran military with arms far greater in quantity and sophistication than anything from Cuba.

Another more practical course to prevent a leftist military victory is to request Bishop Rivera y Damas to renew his 1980 offer to mediate a settlement and to encourage Duarte to rep `t his public acceptance of such mediation.

Perhaps the most promising course is for the United States and its allies to work out the provisions for an international peace force in El Salvador. This would have the happy effect of putting the Reagan Administration for once in the position of making a constructive gesture instead of leaving that responsibility to other governments.

If the Reagan Administration would make the effort, it might recall that international and regional organizations exist for purposes other than to flay our real and imagined enemies. It would be a simple matter to work out with the democracies of this hemisphere a method to bring a peace-keeping presence in El Salvador. Elections could then be held under the strict international supervision necessary to protect the lives of all candidates.

The Carter Administration made a critical error in not having recourse to the Organization of American States until the Nicaraguan situation was too far gone to be saved by a multilateral diplomatic effort. Creative use of the OAS at this point might offer a civilized and inexpensive alternative to the futile and costly Reagan policy of supplying unlimited arms for uniformed death squads.●

EL SALVADOR

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. WOLPE. Mr. Speaker, I commend to the attention of my colleagues the following article by Mr. Joe H. Stroud of the Detroit Free Press. It is a perceptive analysis of the lessons of Vietnam as they apply to El Salvador today. It is important not only in suggesting some of the lessons we should have learned from Vietnam, but also in pointing to the dangers of drawing the wrong conclusions from that experience. I urge my colleagues to read it.

[From the Detroit Free Press]

VIETNAM TO EL SALVADOR: LESSONS IGNORED

Like a hog wallowing in a mud puddle, the U.S. threatens to create its own quagmire in Central America.

The effects of American intervention, with evermore arms and ever less attention to the human problems and policies that invite revolution there, may well be exactly the opposite of what we intend. We may well spread the contagion of rebellion, we may well arm the rebels, we may well compromise those whom we wish to support.

It is easy enough to say our government is ignoring the lessons of history, especially those of Vietnam. But each of us sees a national tragedy such as Vietnam—and therefore a new test of our national judgment such as El Salvador—through his or her own eyes.

The administration looks at the experience of Vietnam and concludes that it means never fight a war without building public support for winning it.

Sen. Harry Jackson, D-Wash., looks at Vietnam and remembers that the supply lines were 9,000 miles long and argues that Latin America is a different case.

Some of our military people seem to look at Vietnam and see that, if they had only a more supportive administration in power, their technology could have won it.

Neo-isolationists look at Vietnam and see it as an argument for utter withdrawal of the U.S. from the world.

But are any of these really the principal lessons of Vietnam? And are not the real lessons of Vietnam relevant to El Salvador?

It seems to me that each of the aforementioned lessons has elements of truth as well as fundamental untruths about it. It is important to pay attention to sentiment at home. The various FDR specials in recent weeks reminded us of how carefully he nurtured support for a war he believed had to be fought. It is easier to fight a war with short supply lines and a civilian administration committed to the same goals as the military leadership. And there is certainly a need for caution about any foreign involvement that may lead to conflict; the warning against that is old and deeply rooted in this Republic.

Aren't there, though, these other residual truths about Vietnam that suggest just how wrong the administration is in plunging ever deeper into a struggle it does not understand and relying on clients in the struggle who are of dubious virtue and promise?

For instance, there is the truth that when a great power tries to control events in a small power, it often overwhelms the country it is trying to "help" so much that the society is destroyed, whoever wins the military struggle.

There is also the truth that massive power is often irrelevant when the underlying problem is social and political, rather than military. By focusing on the military aspects of the problem and responding by trying to pour in arms and military know-how, we often merely arm those whose objectives we intend to frustrate.

When we overemphasize the role of the external supporters of the rebellion we oppose, and we are inattentive to the human rights violations of the regime we support, we often drive into the arms of the external suppliers of weaponry any natives who might otherwise be open to a more peaceful solution.

When we try to superimpose on a small country our view of the world as essentially a struggle between the communists and ourselves, we tend to lose sight of all the things that make each case different and we tend to blunder around until we are trapped by our own ignorance of local conditions.

I understand that the world is not a gentle place. I have read Machiavelli and Admiral Mahan, and I know that power and the way power can be used are not for the faint of heart, I know that the world, sad to say, is not governed by principle but by power, and that the aging men in the Kremlin have respect mostly for strength and guile, not truth and beauty.

What bothers me deeply, though, what frightens me about this administration's view of foreign affairs, is that it seems to believe the celluloid cliche view of the world: that somehow strength is to be found by standing tall, or by finding and winning a small struggle, or by trotting out redundant battleships, or by swaggering about how we are going to stamp out communist subversion in some very small place.

And when the swagger differs from the reality—when we pull the punches we make so much noise about by catering to the bankers on the Polish loans and the grain farmers on any possible embargo—it seems to me we risk making our country look foolish. Shall we stand by in impotence imposed by vested interests in Poland and throw our weight around in El Salvador because it is small? It is—it truly is—a wretched hypocrisy.

There are many points at which this administration ought to be challenged: its acute class bias, its extreme view of the role of the central government, its dangerously contradictory economic and budget policy.

Surely, though, one of the places where it most needs challenge is this: It is drawing the wrong lessons from Vietnam, and it is on a course in Latin America that is not only morally wrong but is likely to make us less secure rather than more.●

CASPER J. (CAPPY) KNIGHT

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SMITH of Pennsylvania. Mr. Speaker, on January 20, 1982, Philadelphia lost one of its most beloved citizens. Casper J. Knight, whose dedication to the preservation of those things of historical significance was best exemplified by the U.S.S. *Olympia* birthed at Penn's Landing in Philadelphia, passed away on that date. All who knew him will remember him as a friend, a dedicated citizen, and a leader in his community. The following is an article which appeared in the Philadelphia Inquirer on the occasion of "Cappy" Knight's memorial service aboard Admiral Dewey's flagship. It points to the breadth of his personality and his contribution to Philadelphia's history.

CAPPY WOULD HAVE LOVED IT

The late Casper J. (Cappy) Knight, who died last month at the age of 67, devoted his considerable energies to causes. He was a preservationist, a defender of tradition and heritage against the ravages of time and changing values. His memorial service aboard the USS Olympia at Penn's Landing was an unforgettable mix of emotion, love, tradition and old-fashioned sentimentality.

Mr. Knight was among a small group of men dedicated to the saving of the USS Olympia, the flagship of Adm. George Dewey in the Battle of Manila, when the old battlewagon was rotting away in a bone yard in South Philadelphia. Thanks to a nationwide fund-raising campaign, the Olympia was saved and restored. Today it is one of the city's leading tourist attractions.

Cappy Knight's devotion to the preservation of the Olympia grew out of his years as a line officer in the Navy in World War II; and that experience launched his long dedication to the causes of war veterans.

His one other consuming love was music, more specifically Dixieland jazz. As a student and varsity football player at the University of Alabama in the mid-1930s, a young Cappy Knight, who played the clarinet as a boy, fell in love with Dixieland jazz, New Orleans style. The affair lasted a lifetime. He later played clarinet and saxaphone during the romantic swing era, with the likes of Les Brown, Johnny Long and the Dorsey brothers. Among his most-cherished memories was that of a day long ago when it was his privilege to sit in at a jam session with the late, great Louis Armstrong.

All of these passions of Mr. Knight were showcased during the memorial service aboard the USS Olympia the other afternoon, all in accordance with Mr. Knight's will and testament.

"Don't remember me in mourning," his will declared. "Let it be a party."

So, despite a tantalizing rain, several hundred of Mr. Knight's friends, including Mayor William J. Green, had a party on the Olympia in his honor. Music was provided by the City All Stars, a jazz-swing-dance band made up of city employees. It was organized years ago by Mr. Knight, an accountant for the Board of Revision of Taxes.

As a fellow band member played the haunting Old South spiritual, "Just a Closer Walk with Thee," on a trumpet, Mr. Knight's ashes, as was his wish, were cast upon the chilly waters of the Delaware. Then the band played "My Buddy" and then the party started. There were refreshments and, of course, more music.

"It was a lovely party, a cross between an Irish wake and a traditional black jazz funeral in New Orleans," said Joe Gladen, a member of the band and one of Mr. Knight's closest friends.

"We played for about an hour and we played everything that Cappy liked best, closing out with his two all-time favorites—'I'm Confessin' that I Love You' and 'Stardust.' I think Cappy would have approved."

Indeed. Cappy Knight was a rare man among men.●

BUY A MERCEDES ON UNCLE SAM

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HARKIN. Mr. Speaker, we are now faced with the largest budget deficits in history. The President has asked us to try and cut down his deficit, but has also asked that we not cut defense or reduce the level of the tax cut.

Frankly, I believe that some provisions of our Nation's tax code border on insanity. Some of the provisions of the tax act were thrown in at the last minute with no review by the tax writing committees.

There is, for example, the infamous leasing provision which will increase deficits by more than $27 billion by 1986. It is well known that well-off companies can, with a little deft bookkeeping, reduce their taxes by millions with this leasing provision.

However, today, I would like to point out another problem of our tax code. If a salaried worker spends $30,000 on a Mercedes, he pays for it. If a businessman buys it through his corporation, it may be deductible. You and I pay for half of his foreign car.

This concept, or should I say con game, is discussed in a February 15 article in Forbes magazine by William Baldwin. I urge all of my colleagues to consider rewriting these incredibly loose provisions of the Tax Code.

The article follows:

[From Forbes, Feb. 15, 1982]

PRODUCTIVITY AMERICAN STYLE

(By William Baldwin)

It's perhaps a bit early to say whether or not last year's Economic Recovery Tax Act will do its job of reviving American business. But Lee Maas thinks the law is terrific. More than terrific, in fact—it's fantastic.

"The biggest thing that happened to us in 1981 was Mr. Reagan's tax plan," says Maas. "December has traditionally been just an average month in our business. Last December we broke all our sales records for any month in the history of the company."

Maas is president of Classic BMW-Ferrari in Dallas. In 1981 he sold $12 million worth of fancy foreign cars to rich Texans, including many who are going to use them in their businesses. As Maas didn't hestate to tell customers, you could buy a business vehicle in the last week of December and still write off 25 percent depreciation against 1981 taxes. Under the old law, prorating depreciation on 11th-hour purchases was often necessary. The new tax law also boosts the investment tax credit on short-life business

property like autos from 3½ to 6 percent. That counts dollar-for-dollar against tax bills.

Is this helping the U.S. economy? Much of the recent drop in productivity growth, says MIT economist Lester Thurow, is caused by slack capacity in our factories. So it would seem that every automobile import that hurts Detroit hurts the productivity numbers.

Moreover, place of use, not place of manufacture, determines whether a capital asset qualifies for the investment tax credit. If General Motors buys a machine tool in Cincinnati and ships it to Mexico City, there's no ITC. If a doctor in New Jersey buys a German-made car for his medical partnership, however, he gets the credit. Explains Hudson Milner, a Treasury Department economist: "The idea is that by having a greater capital stock in the U.S. you increase productivity and wage rates here."

It's hard to see, however, how all that leather and chrome helps productivity. Of course, the line between needful business investment and frills isn't easy to draw. "We don't view it as the government's role to tell the taxpayer he should be driving some sort of small car," says Ellen Murphy, an IRS spokesperson. She adds that taxpayers are supposed to keep a log showing how often the car is used purely for personal driving, and to trim the tax deductions accordingly. In contrast to business entertainment expenses, however, there's no requirement for receipts or other independent documentation of local business mileage.

"We have a box on the sales form where people check 'business' or 'pleasure.' About 80 percent check both," says Abdo Saab, general manager of Downtown L.A. Motors, which sold 1,015 Mercedes last year. The hotest item: a turbocharged diesel 300SD at about $38,000. "A lot of businessmen buy it—doctors, attorneys, salespeople," he says.

"It's tough to break down how much is business and how much isn't," says a principal in a commercial printing firm in Manhattan who got a $35,000 BMW last year. For him, of course, there may be some justification; after all, his work includes taking clients to expensive dinners. Even at that, though, he says defensively, "I know a lot of small businessmen who write off their cars. I know a little textile firm with two partners, for example, and they both have Ferraris."

Don't misunderstand. We aren't saying the investment tax credit is a bad idea. And we're certainly not opposed to deducting legitimate business expenses. But when you set up a revenue system that encourages people to do things to save taxes and not because they make any particular sense, you are bound to get some bizarre results. How many bolts of fabric, after all, can you fit in the back of a Ferrari?●

THE ECONOMIC REPORT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for February 24, 1982, into the CONGRESSIONAL RECORD:

THE ECONOMIC REPORT

Last week, President Reagan's economic report was sent to Congress. Preceded by the State of the Union address and the budget, it is the last of the three great messages of state to arrive on Capital Hill. Together, these messages set out the President's plan for the Nation.

In the economic report, which has an upbeat, familiar tone, Mr. Reagan defends his economic strategy. He places stress on the role of monetary policy and on the economic importance of high expectations. He thinks that our recent economic problems are the result of a widespread belief that those problems will continue, and he expresses confidence that his strategy will work because the people expect it to work. He predicts that interest rates will decline this spring, with houses, automobiles, and consumer goods selling briskly. He reckons that by fall, the economy will zoom upward at a strong annual growth rate of more than 5 percent.

Boiled down to its essentials, the President's economic strategy goes like this: The basic solution to the problems of economic stagnation, high unemployment, and high inflation which have dogged the United States for a decade comes in two parts. There should be strict control of the money supply to cut inflation and huge tax reductions to remedy stagnation. The tax cuts will boost output, and eventually tax revenues, and will enable the federal government to pay its bills without running a deficit. They will also stimulate savings, so that there will be ample funds for the federal government and the private sector to borrow without pushing interest rates up. Restrained growth of the money supply will finance economic expansion without rekindling inflation. Mr. Reagan is convinced that this strategy will deliver—if it is given time.

The President argues that half of the strategy has already demonstrated its worth. Inflation has declined from 10.4 percent per year in the first quarter of 1980 to 8.6 percent for all of 1981. Mr. Reagan is counting on the military buildup and the tax cut scheduled to take effect later this year to help push the recovery along. It is his view that a framework for growth and stability is now in place. Nothing in the economic report suggests that a change in this framework is even being considered.

The President's budgetary strategy complements his economic strategy. He wants to displace many of the domestic programs of the federal government by increasing military spending and trimming the tax base. He is pressing for "a long overdue reordering of priorites." Mr. Reagan's budget reflects his opinion that the federal government is too big and too intrusive, and that its size must be reduced. The economy, he believes, will perform better if the federal government is smaller. Thus, he proposes to cut non-defense and non-entitlement programs 25 percent in a single year.

For the first time in recent memory, the federal budget does not project a balance in the foreseeable future. The deficits stem from the President's determination to keep his defense build-up sacrosanct, to shelter the social security program from cuts, and to avoid tax increases or a rollback of tax decreases. Overall, military outlays will rise 20 percent above last year's total.

Needless to say, the President's economic and budgetary strategies have their skeptics. Some of the skeptics are his political adversaries, but others are not. Initially, they base their criticism on the observation that the economy has not done as well as Mr. Reagan predicted it would a year ago. The deficit is growing larger, joblessness is climbing higher, and interest rates are causing more harm to financial markets and interest-sensitive sectors of the economy (such as automobiles and housing) than the President anticipated. The skeptics see three basic inconsistencies in Mr. Reagan's economic strategy: He is trying to combine (1) falling inflation with rapid growth, (2) rapid growth with tight money, and (3) huge deficits with low rates of interest.

The basic argument of the skeptics is this: The huge tax cuts drain so much money out of the budget that the federal government cannot pay its bills. While tax revenues will shrink from 21 percent of the gross national product (GNP) this year to about 18 percent in 1987, outlays, even with the cuts, will remain constant at 23 percent of the GNP. There is no historical evidence to indicate that massive tax cuts will generate enough new savings and investment to offset the drain, so even under optimistic assumptions the deficit will rise quickly. If the deficit rises in an expanding economy, it must be financed by borrowing at a time when there is a growing private demand for capital. The competition for scarce credit will drive interest rates up, and high interest rates will choke off the recovery. A less-than-robust recovery will swell the deficit, adding to already heavy federal pressure on available credit. If interest rates do not fall, interest-sensitive sectors of the economy will not rebound. The consequence will be a sputtering economy, with high unemployment and interest rates and record deficits. If the economy does not grow at a good pace, the Federal Reserve will face a dilemma—either expand the money supply and risk renewed inflation or allow interest rates to soar. Finally, the skeptics contend that since the President shows no readiness to take corrective action, such as raising taxes or cutting spending for defense and entitlements, the outlook for the economy is unfavorable.

Those are the competing scenarios. Only time will tell which one is the more accurate. Personally, I number myself among the skeptics, but for the country's sake I hope that Mr. Reagan is right. My feeling is that the voters are now engaged in a hard assessment of the President's economic and budgetary strategies. They are clearly less enthusiastic than they were before, but they realize that Mr. Reagan's plan is firmly fixed in law. They, too, are hoping it will work.●

WASHINGTON POST AND WALL STREET JOURNAL OPPOSE TAX LEASING

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SEIBERLING. Mr. Speaker, since I have introduced legislation to repeal tax leasing I would like to bring to the attention of my colleagues recent editorials in the Washington Post and Wall Street Journal expressing support for this idea.

The Post editorial is particularly noteworthy. It urges caution on a simple repeal of tax leasing in the absence of a fundamental rethinking of

last year's business tax cuts. Approximately half of all corporations have paid no Federal income tax in recent years, and that percentage will rise as the generous business tax deductions Congress approved last year take effect. Companies with no taxable income obviously cannot use accelerated depreciation and investments credits, so what sense does it make for the majority of corporations to be excluded from the major investment incentives Congress approved in 1981?

While I strongly object to the tax-leasing mechanism, I too think it is imperative that Congress find a way under current law to provide tax-loss companies with the tax benefits arising from their productive investments. I have introduced legislation to repeal tax leasing and instead give companies with no taxable income the tax benefits associated with their productive investments through a refundable investment credit. A refundable credit would insure that only the tax-loss companies—the ones Congress intended to help—receive these tax benefits, which would eliminate a large element of waste in tax leasing and help restore public confidence in the fairness of our tax laws.

The editorials follow:

[From the Washington Post]

SECOND THOUGHTS ON THE TAX CUT

Congress seems to be having second thoughts about the rent-a-break provision in last summer's tax bill. That's the rule allowing unprofitable companies to auction off their tax deductions, through intricate leases, to the profitable ones. Sen. Robert Dole, chairman of the finance committee, threatens imminent revocation. Many voters, he perceives, find it scandalous to allow companies to avoid taxation through this market in negotiable tax benefits. But the greater scandal is the basic character of the new law, which has created such fat benefits that even among highly profitable companies there are some with excess deductions to sell off.

Within Congress, there is a speading realization that the 1981 tax cut was far too large and far too reckless. It's not this or that narrow section that's making trouble. It's the law's fundamental assault on the whole principle of personal and, especially, corporate income taxation. In going after the rent-a-break rule, Sen. Dole brings to mind the driver who, having run the truck smartly and squarely into a tree, is now poking around in the wreckage looking for the jack, with the thought that changing a tire might put a better appearance on the situation when the owners arrive. It demonstrates at least that he is concerned, as senators say, and is responding to the change in circumstances.

The rent-a-break rule was never a good idea, but now that it is law, Congress needs to consider carefully the consequences of revoking it. Selling off millions of dollars' worth of depreciation deductions has brought important help to some companies that desperately needed it—most notably Chrysler. It's true that there are other and far less wasteful ways to keep Chrysler going. But it's also true that those other ways would require congressional action, and in Congress a lot of members, especially among the Republicans, are exceedingly eager to avoid having to vote on another Chrysler bail-out.

Revocation would also threaten a wave of corporate mergers. Unable to use the present leases, rich companies might well buy marginally unprofitable ones to get their tax advantages. That danger has been created, not by the rent-a-break rule, but by the gross and disproportionate scale of the deductions provided in the new law.

When it was first passed, tax specialists in Congress shrugged and said that the country would have to live with it. Now, half a year later, they see that the country can't live with it. President Reagan's budget, with its enormous deficits projected endlessly ahead, demonstrates that this misconceived tax law leaves him, even by his own accounting, without nearly enough money to run the government. The rent-a-break rule is only a minor part of the trouble, and abolishing it won't help much. The flaws in the 1981 tax law lie deeper, and the remedy will have to go much further.

[From the Wall Street Journal]

NEW LEASE ON LOSERS

Recently, IBM bought a lot of machinery used to make autos. That's right, autos. Are they losing their corporate mind? No, they're losing their corporate tax liability.

It's all perfectly legal, if not strictly sensible, thanks to a little scheme dreamed up by corporate lobbyists, led by Charles Walker, and passed by Congress last year. You see, there are these big industries—autos and steel, for example—which are not exactly turning profits. The good news is that means they don't pay taxes; the bad news is that they can't use their investment tax credits. So, the argument ran, why not allow them to sell their credits to companies which are profitable, do pay taxes and so, it goes without saying, wish to decrease their tax liability?

And that is exactly what the new tax leasing law allows. The Unprofitable Glass-Blowing Company can buy some blowing machinery and sell it to Profitable Oil Company which then leases it back to Unprofitable. Everybody is pleased by this transaction: Unprofitable gets cash flow and the blowing machinery; Profitable gets the investment tax credit associated with the purchase and, depending on the deal, the depreciation write-off on "its" blowing machinery. Congress gets a buzz for pleasing everybody and the lobbyists all get a bonus.

This arrangement might, however, leave the more sensible among us wondering just what exactly is going on here. This mischief had its beginnings in 1962 when the investment tax credit was created. Its purpose was to encourage companies to invest in themselves by rewarding them with a tax break on such investment. Not all companies are created equal—that is, endowed with profits—so from its inception there were companies that couldn't take advantage of the tax break.

Well, the more sensible observer might ask, if Congress is committed to this idea, why not have the Treasury refund the unused credits in cash? Politics, that's why. Such an arrangement might, after all, look too much like a direct subsidy or even a misguided bailout.

So Congress created a market in tax breaks for business which, when combined with the new ACRs—accelerated cost recovery—could reduce even the most profitable company's tax liability to zero. But now some lawmakers are alarmed: What? Reduce tax liability to zero? they cry. And hence the current favorable murmurings about the Reagan budget proposal to enact a minimum corporate income tax.

There is an easier way around all this, of course. Repeal the tax leasing law. In fact, it's not only easier, it makes good sense. The leasing law is a dud. It subsidizes losers; it subsidizes winners with enough overseas business to enjoy foreign tax credits; and it arbitrarily subsidizes capital-intensive industries over labor-intensive ones. Better still would be to do away with corporate taxes for everyone. Then corporations could spend their time and money investing according to business considerations rather than according to tax consequences; and Congress would be released from the thankless task of using tax policy to direct investment flows. As for the lobbyists, they'll just have to shift for themselves. That goes double for tax lawyers and accountants.●

DOE PUBLICATION QUESTIONS OPERABILITY OF BARNWELL NUCLEAR FUEL PLANT

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. DERRICK. Mr. Speaker, I am disturbed by the apparent conflicting positions taken by the Department of Energy with respect to the Barnwell Nuclear Fuel Plant (BNFP), a privately-owned commercial reprocessing facility located in Barnwell, S.C.

DOE's January 1982 publication, entitled "Worldwide Nuclear Power," which is published by the Office of the Assistant Secretary for Nuclear Energy, raises the fear that the Barnwell plant, if allowed to operate, could suffer the same fate as the West Valley nuclear plant, which was closed in 1972 after 6 years of operation.

Mr. Speaker, this Department of Energy report seriously questions the advisability of completing and operating the Barnwell facility—the same facility for which the Department of Energy is requesting $10 million in fiscal 1983 funding in order to keep the plant open. It is this same facility which the Department is actively advocating should start up operations—yet they question the ability of the plant to successfully operate by stating that because of "details of the design, full-scale operation of the plant would be accompanied from the moment of startup by inordinately high operation and maintenance risks."

The introduction to this edition of "Worldwide Nuclear Power" (WNP) includes the following statement by the Assistant Secretary for Nuclear Energy of the Department of Energy: "Our objective in the publication of WNP is to provide factual information on nuclear power programs and policies in foreign countries to U.S. policy-

makers in the Federal Government who are instrumental in defining the direction of nuclear power in the United States." The introduction goes on to say, "As U.S. nuclear domestic and foreign policies evolve the balance shifts among the various forces which contribute to its definition. In this connection, a familiarity with existing reprocessing facilities around the world and plans for their use is important. I believe you will find this article interesting."

Mr. Speaker, I submit that portion of the "Worldwide Nuclear Power" publication which relates to the Barnwell Nuclear Fuel Plant so that my colleagues can be made aware of the potential operating problems with this facility which they are being asked by the Department of Energy to fund an additional $10 million.

BARNWELL NUCLEAR FUEL PLANT

The Barnwell Nuclear Fuel Plant (BNFP) was built and is owned by Allied-Gulf Nuclear Services (AGNS), which is a 50-50 combine of Allied Chemical Corporation and a second combine consisting of Gulf Oil and Royal Shell. It was designed as a commercial reprocessing plant to reprocess LWR spent fuel at the rate of 1500 te/yr for completion in 1974. When construction was halted in 1976, work was largely (>90 percent) complete on the U/Pu separations facility and on the facility to convert the uranyl nitrate product to UF_6. New regulations issued after construction was well advanced forbid the shipment of plutonium as the nitrate and require that high-level liquid waste (HLW) be solidified within 5 years of production.

Although the cost of the basic plant, exclusive of the product conversion and high level waste tanks, was originally estimated to be about $300 million, AGNS has spent nearly $400 million (costs in 1978 dollars in this paragraph) on the facility to date. Since 1977, AGNS annually has received $13 million from DOE for short term research activities at BNFP principally related to safeguards (e.g., monitoring instrumentation) and spent fuel storage (high density, wet). It is estimated that an additional $100 million would be required to complete the plant as originally designed. An additional $400 (± $100) million is needed to install facilities for conversion to PuO_2 and for HLW solidification; most of the cost and uncertainty are associated with the latter process. AGNS has indicated a desire to sell the facility to the Government for $300 million; and if its annual subsidy is eliminated, it may abandon the facility. If the Government were to buy the plant, AGNS would consider operating it under contract. Because of a highly competitive situation that existed between AGNS and ARCO, both of which sought reprocessing contracts at rates of $20-50/kg with electric utilities, the plant design was strongly influenced so as to minimize capital costs. If the plant is mothballed, GAO estimates that 4 years will be required to return it to operating condition.

However, because of fundamental philosophical, dimensional and fabrication details of the design, full scale operation of the plant would be accompanied from the moment of startup by inordinately high operation and maintenance (outage time and cost) risks. With respect to operation and maintenance, the BNFP design and construction is unfortunately no better than that of the NFS plant (West Valley) in the event of mishaps in the liquid handling parts. The cells and contained equipment were not designed for remote maintenance, nor, it seems, was adequate attention given to space and other details for direct maintenance. Solid piping and welding, with inadequate space within the cells, complicates reasonable modes of recovery from severe contamination or damage events. Experience elsewhere indicates that these are important considerations. However, AGNS is confident that measures were taken in the design to assure continuous integral functioning of the equipment and control and movement of the process streams, such that maintenance considerations over a period of years will be minimal. In its design philosophy, the AGNS objective was "the plant should be maintenance-free, rather than designed for maintenance."

These potential operating problems, combined with the previously described licensing problems, are of sufficient magnitude that independent groups which have reviewed the BNFP are fearful that it could suffer the same fate as NFS's West Valley plant and give the industry a further black eye. Specifically, they fear that the first serious contamination in the liquid section of the facility might require that the entire plant be written off from further fuel reprocessing and, perhaps, other uses as well. Thus, the question arises as to whether the BNFP should ever be completed and be permitted to start up.●

SHRINERS OF NORTH AMERICA

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. DAUB. Mr. Speaker, it is indeed a special pleasure to join the gentleman from Florida (Mr. FUQUA) in recognizing the fine work of the Shriners of North America. As a member of the Tangier Temple in Omaha, Nebr., I am proud to be a part of this great organization.

The exceptional success of the Shrine's philanthropic efforts results from the dedicated and determined work of tens of thousands of individuals across the Nation. The Shrine's most notable endeavor is our network of hospitals to care for crippled children; these hospitals are a message of hope and promise to thousands of children that need our help to lead full and productive lives. Surely, this gift of care and rehabilitation—at no cost to patients, their families, or any third party—is a shining example of what can be accomplished through voluntary effort and individual contribution.

I take this opportunity to recognize a few of these concerned individuals who have recently been elected as officials of the Tangier Temple in Omaha: Martin F. Thompson, potentate; Charles L. Gordon, chief rabban; Harlan M. Nelson, assistant rabban; Clarence C. Turner, high priest and prophet; Richard A. Petersen, oriental guide; Frederick H. Wackerhagen, oriental guide; Donald E. Meyer, treasurer; and Claude L. Jelen, recorder.●

WHY KID GLOVES?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Anthony Lewis, which recently appeared in the New York Times, questioning the press for not being sufficiently critical of the blunders which mark the Reagan administration.

Mr. Lewis cites several examples of the administration's record of vacillation and incompetence: a budget deficit in excess of $100 billion, the most severe recession in years, an incoherent foreign policy formulated on an ad hoc basis by aides pursuing opposite goals, a dangerously vacillating policy on disarmament, ill-informed or ill-conceived policies in the sensitive area of race discrimination, and a confused and weak approach toward martial law in Poland. Despite the absolute failure with which the Administration has handled these issues, the press, says Mr. Lewis, continues to "take it easy on Mr. Reagan."

Mr. Lewis argues that the press is gingerly treating the administration because many of the reporters who watch Mr. Reagan are frightened by what they see. As Mr. Lewis notes:

They see a man with an anecdotal view of the world, who may apply in El Salvador lessons of imagined history in Vietnam. They see a man who gives simplistic answers to complicated questions. They care about their country, and they find it too upsetting to acknowledge—to the public or to themselves—that the enormous power of its leadership is in such hands.

I commend Mr. Lewis' article to the attention of my colleagues:

WHY THE KID GLOVES?

(By Anthony Lewis)

BOSTON, February 21.—Blunder, incoherence and policy disaster increasingly mark the Reagan Presidency. The reporters and editors who watch official Washington know how bad it is, but they are not really saying it on television or in the papers. They are still giving Ronald Reagan a cushion.

Taking it easy on Mr. Reagan? The press will resent the charge, and deny it. But give it a simple test. Imagine how the press would be treating Jimmy Carter if he had been President for a year and the record looked something like this:

The Federal budget was headed for a $100 billion deficit, with more of the same for years ahead.

The country was in a severe recession, the housing and automobile industries facing calamity.

In a crucial area of American interest, the Middle East, the President had no policy and his subordinates were in open conflict.

The President had made one major decision on strategic weapons—and then changed it drastically, twice.

Despite months of warning, a Polish military crackdown had caught Washington unprepared and without an agreed alliance response.

In the sensitive area of race, the President had ordered a sharp change of policy on the basis of legal advice so bad that officials quickly had to look for a way out.

No one can doubt what the press would be doing to Jimmy Carter under such circumstances. It would be savaging him as incompetent and vacillating. It would be treating him with contempt, mocking him in stories about "killer rabbits." It would be writing darkly about the disarray in Washington.

But that record is not Jimmy Carter's. It is Ronald Reagan's, every item of it.

President Reagan presides over the biggest budget deficit and the worst recession in years.

President Reagan has gone a year without a Middle East policy, changing signals again and again; arm Jordan, don't arm Jordan; tilt to the Arabs, reassure Israel; strategic understanding, no understanding.

President Reagan decided last October to put MX missiles in super-hardened Titan silos. Then he moved them to Minuteman silos. Then he abandoned the idea of further hardening. The changes have transformed the character of the weapon, dangerously so, without any explanation or evidence of thought.

President Reagan had months to try to head off disaster in Poland, or to prepare a response. He did neither.

President Reagan ordered tax exemptions given to racist schools, on legal grounds that courts had consistently rejected and that soon collapsed on the Administration lawyers who had pushed the argument.

The vaciliation and incompetence in that record surely matched the worst any recent Administration has offered. And on top of it there is the disturbing evidence of Mr. Reagan's personal failure to come to grips with the reality of the country's problems.

His performance at last week's press conference was so feeble that his own supporters were worried. He called the conference at a time when El Salvador and the economy were bound to be the main concerns, and then he declined to say anything of substance about either. He answered a serious question with an awkward joke. He gave a potted history of Vietnam that was not just wrong but preposterous.

Yet the press still holds back from giving an unvarnished picture of this President. The substance of his policies is thoroughly explored, but his competence is not. Even in commenting on the disastrous press conference last week the press was muted. It sounded embarrassed, almost protective.

Why? That is the interesting question. Why are editors still treating Mr. Reagan so gingerly?

One reason may be respect for his political success. He won big in 1980. He won again last year in the Congressional tax and budget battle. He has a political legitimacy that may well make the press shy.

Second, some in the press may worry because their views on issues are more liberal than the President's. If they do tough stories on his handling of the job, they fear, they may be accused of treating him unfairly because they do not agree with his aims—accused, that is, of being insufficiently objective.

But I think a third reason, little recognized, may be the most important. Some of the reporters and editors who watch Mr. Reagan are frightened by what they see. They see a man who acts without real information. They see a man with an anecdotal view of the world, who may apply in El Salvador lessons of imagined history in Vietnam. They see a man who gives simplistic answers to complicated questions. They care about their country, and they find it too upsetting to acknowledge—to the public or to themselves—that the enormous power of its leadership is in such hands.●

POET LAUREATE OF OSAGE BEACH

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, today it is my pleasure to insert in the RECORD two poems composed by a very talented constituent of mine. Mr. Marcellus Bosworth, "Poet Laureate of Osage Beach," was gracious enough to pass them along to me. I know my colleagues in the House will agree that he captures the sentiments of a great many Americans in his work.

Where have all the statesmen gone-
Those men of Yesteryear
Who stood above temptation's call,
Immune to threat or fear?
Spurred by their love of Liberty
They dared to take a stand
That Freedom also makes a claim
We meet its stern demand.
Yet men today, both great and small,
Give way to graft and greed
As if the money and the name
Supplies our every need.
O! for a better breed of men
Who, filled with high esteem
Would meet the challenge of our day,
Perpetuate the Dream!
These times severely try men's souls-
And many fail the test;
But surely somewhere someone waits
To rise above the rest!
Who will answer-who will dare
To walk where statesmen lead;
To fight for Right and Righteousness
In this, our time of need?

A TIME TO BUILD

Weep now, O Egypt; let your hot tears rain
Upon the early grave of your great leader slain.
Mourn for the cruel sudden fate
That brought him to the Eternal Gate
Cry to Sahara's sad and shifting sand
The grief that grips your ancient Muslim land.
Weep by the Nile and in each city street
Wherever well-meaning men and women meet.
Bemoan the sad and senseless loss
Of him who bravely bore your cross.
Then when all your tears at last are shed
And the Requiem sung and the last rites said,
Look to your Future where Fate shall find
New visions, new boundaries of the mind—
A future fair as all your glorious Past
Where nations shall ponder amazed, aghast
At the glory of Egypt throughout the years
That has been nursed and nourished by her tears;
And risen to build and build and build again
Her cities and mosques across her vast terrain
Weep now no more, O land of Pharaonic kings;
Strive now for greater glorious things;
Gird up your spirit, lift your eyes
To find where your true kismet lies;
Replace the tears with grim, determined gleam
To seek on land, on sea, in space
Fruition of the heritage of your Race!

—MARCELLUS BOSWORTH.

BOSWORTH'S WORK IN FEDERAL RECORDS

(By Candace Kacena)

Words are magic to Marcellus Bosworth. His love for the rhythmic beat poetry has compelled him to write hundreds of verses during the past 60 years or more.

Bosworth, of Osage Beach, has two books of poetry under his belt and enough more recent poems—over a ream stuffed in a file folder—to fill a couple of more books.

The poet's intuitive slices of American life, his views of world happenings and the state of our nation over the years have sprinkled him with honors.

A recent requiem for the late Anwar Sadat was entered into the U.S. Congressional Record by Rep. Wendell Bailey. The poem expresses sadness for the premature death of Egypt's leader, but calls upon the country to wipe away the tears and look toward the future.

Bosworth said he sent a copy of the poem to Sadat's wife.

The entry into the Congressional Record was the fourth in recent years. Poems about the death of Sen. Jerry Litton, the death of Hubert H. Humphrey and one entitled "Where Have All the Statesmen Gone?" also are now on record in the national book.

The title he uses in his regular contributions to the Lake Sun, Poet Laureate of Osage Beach, is not one Bosworth chose for himself. It was an honor bestowed by the Osage Beach Chamber of Commerce in 1975.

At that time, Bosworth read his poetry for local civic groups and taught a poetry appreciation class at city hall.

The public's interest in poetry, however, has diminished a great deal since the days Marcellus crept away from high school study hall to read the classic poets in the library across the street.

"People today are not that interested in poetry. They'd rather spend their money on other things than a book of poetry," he added.

The poet would no doubt love to see a revival in the interest of poetry. Marcellus' fondness of "playing with words" and placing his works in new muscial verse is something he would like to share with the public again.

His comments on America have come from many sources. "I keep abreast of the times," he said, "Someone will say something, or give me an idea, and I sit down and work it out."

While it takes some persons hours to compose a letter, Bosworth can often write out a poem in longhand in five to 10 minutes.

He keeps his handwritten poems in spiral notebooks and then types them out, keeping a copy in a file folder.

The urge to write has been known to keep him up at night. "Sometimes I wake up at two or three o'clock and if I don't write down the idea, it's gone the next morning."

Along with poetry and his second love, fishing with his wife, Irene, Marcellus has started yet another project—a biographical novel about changes in the Midwest dairy industry since the early 1900s. Through his own experiences raised on an East St. Louis dairy farm, Bosworth hopes to give some insight as to changes in dairying, as well as the growth of East St. Louis.●

FTC USED CAR RULE STATEMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SCHEUER. Mr. Speaker, this morning the Subcommittee on Commerce, Transportation, and Tourism of the Committee on Energy and Commerce held hearings on the FTC used car rule. I would like to submit at this time a copy of the statement I made before the subcommittee concerning my strong opposition to any attempt to weaken this proposed rule:

REMARKS ON THE FTC USED CAR RULE

I am strongly opposed to H. Con. Res. 254 and H. Con. Res. 256, both of which seek to destroy a modest Federal Trade Commission Rule designed to provide consumers with a minimal amount of required information when purchasing a used automobile.

There is no question that the used car rule before this committee is a reasonable proposal that would place little, if any, burden on used car dealers, other than treating customers with honesty, not concealing any major 'known' defects and not misrepresenting the nature of warranty coverage.

Hardly an onerous standard.

Yet, for most of the past several years, what was once a strong consumer protection measure has been subjected to a relentless and merciless attack by special interests who have succeeded in gradually forcing the FTC to scale back on this rule.

These special interests seem intent on establishing a new slogan in the marketplace of American commerce: Let The Buyer Be Unaware!

The latest incarnation of this rule—even in its anemic and watery version—still represents the last line of defense for the consumer in dealing with an industry whose reputation for abusing the public is a well-earned one.

The evidence clearly indicates that consumers are frequently deceived by used car dealers. The FTC's own rulemaking record shows that 'more than 20% of the time used car dealers misrepresented the mechanical condition of the cars they sold.' And in more than one-third of the transactions, the written warranties differed from the dealer's representation.

Two years ago we were told that as long as the FTC did not indirectly require dealers to warrant their vehicles, the industry would not oppose the rule.

Now we are told that used car dealers cannot live with even a watered down rule that simply requires them to tell the truth. Industry representatives argue that this rule would somehow require them to conduct inspections of the cars they offer for sale.

The rule does not require dealers to inspect cars. Section 455.6 states: 'You are not required to inspect but you are required to disclose on the buyer's guide any defects . . . if known.'

We have indeed arrived at a sorry state of affairs when Congress acts to prevent the American consumer from being given basic information from used car dealers. How are we to explain to our constituents that we failed so miserably to protect their interests?

Is there any member of this panel, or this Congress, who doubts that if this issue were put to a vote of the American public, it would be supported overwhelmingly? Can there be any question in our minds?

One additional personal note.

As you know, I was Chairman of the Subcommittee which reported the FTC Improvements Act, which included the legislative veto mechanism we are employing today. Although I had significant personal reservations about the legislative veto, I was convinced that an overwhelming number of members supported the legislative veto and the Commission would not survive if we did not include such a provision in the final bill.

We were advised that the legislative veto would allow Congress to play a reasoned, responsible role in the regulatory process.

Looking at the perverse attempts being made to destroy this rule, I am forced to conclude, that the process surrounding this resolution has not met that standards.●

PATTERNS OF RECENT WORLD HISTORY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SOLOMON. Mr. Speaker, in the current debate over aid to El Salvador, it is important to remember that this so-called civil war is following a very disturbing pattern of recent world history.

Even some Members of Congress would have us believe that the El Salvador problem is unrelated to the Soviet Union's stated desire to export their revolution to the rest of the world.

But how much proof do you need. We saw what happened in Eastern Europe; we saw what happened in Southeast Asia; and we've seen what has been going on in Central America.

William Randolph Hearst, Jr., is an experienced world observer. His recent editorial concerning communism in Central America puts the entire question in the proper context. I am including the editorial in today's CONGRESSIONAL RECORD and I commend it to my fellow Members.

COMMUNISM IN CENTRAL AMERICA

(By William Randolph Hearst, Jr.)

NEW YORK.—The battle for Central America has begun and the Reagan administration is in a tough tussle with the Congress to increase aid to the embattled government in El Salvador fighting off well-supplied communist-led guerrillas. Unfortunately, most people here at home don't appreciate the great stakes involved in the region of seven small republics at our backdoor.

But these countries, which have been independent for 150 years or more, are of incalculable strategic value. One, Nicaragua, was detached from the mainstream by the Cuban-fomented revolution a couple of years ago. El Salvador is the most populous with nearly 5 million people. If it falls, all Central America is up for grabs. Even Mexico, with its enormous oil reserves, is under the aggressive revolutionary gun.

This is known in Soviet practice as "salami slicing." The idea was first revealed to a stunned Western world when a tiny Communist Party together with the armed might of the Red Army staged a coup against a democratically-elected government in Hungary in 1947. Nearly all the important elected deputies were arrested first and shipped off to the U.S.S.R. Few were ever heard of again. Into their absent places communists and their stooges were moved. Presto! A so-called "people's government" was installed.

Chief salami slicer was austere Mikhail Suslov who, for 50 years, intrigued and plotted assassinations to preserve and expand power where the Russians had even a toehold. Suslov died in Moscow the other day but his macabre handiwork survives today around the world, including defiant Poland and in El Salvador.

As the chief theoretician of the Soviet party and mastermind of destabilizing governments abroad, Suslov gave unstinted encouragement to Fidel Castro and his brother, Raul, trained by the KGB. Suslov apparently was the only top member of the Politburo who urged the late Nikita Khrushchev to defy the U.S. during the missile crisis of 1962. Suslov lost—but didn't forget. He later swung the opposition against Khrushchev and in favor of present bigwig Leonid Brezhnev.

A grateful Brezhnev gave Suslov open-ended license to cement Soviet policy, particularly where it harmed U.S. interests. That's how the Kremlin persuaded Castro to dispatch Cuban foreign legions abroad—to Africa and the Middle East. Then, he encouraged both Castros and their trusted emissaries to become involved in Central America. It was an original Suslov suggestion that they help the Sandinistas revolt in Nicaragua first. The Castro brothers first opted for El Salvador but Suslov stuck to his salami tactics. Today, Fidel Castro is the revolutionary disease carrier, a sort of "Typhoid Mary," in the region. As Professor Jeffrey Hart, of Dartmouth, proposed in a recent column for King Features, while Poland is in the Soviet sphere of influence, Cuba is in ours and very remote from the centers of Kremlin military muscle. Therefore, Hart reasons, and I heartily agree, why don't we put a real squeeze on Cuba? It has just received 63 tons of fresh Soviet armaments backed by several squadrons of new MiG-23s. Some of those MiGs, by the way, had the audacity to penetrate our own U.S. airspace on reconnaissance missions to spy out some of our maneuvers. They were escorted by Navy planes back toward their

Cuban bases. The Caribbean region, in fact the entire Western Hemisphere, is essentially part of our "Sphere of Influence" and we should make our position in that regard clear to the atheists in the Kremlin.

Yet all the indications are that conditions in El Salvador are fast deteriorating. Secretary of State Haig told the Senate Foreign Relations Committee, in a robust defense of President Reagan's urging of Congress for more assistance to El Salvador, that the U.S. intends to thwart the rebels. He hinted at "whatever means" may be necessary which promptly alarmed some critics to mean the use of our troops.

Secretary Haig asserted that he wasn't about to spell out options available to us and also refused to say whether we'd contemplate sending combat troops. The president, a few days earlier, certified that the civilian junta of President Jose Napoleon Duarte was making progress toward human rights.

For the El Salvadoran government, it's a time of terrible stress. Its preparations for democratic elections in March are under way even as guerrilla forces launch new offensives and have managed to destroy at least half the government's air force in a derring-do raid. President Reagan figures El Salvador needs an increase of $100 million now and an overall total of $300 million by 1983 in economic and military assistance to beat back forces supplied by Cuba, Nicaragua and behind them, the Soviet Union.

It's distressing that rightist governmental forces and some so-called private armies have resorted to wanton killings as they searched for guerrillas, who have preyed brutally on the fears of peasants and many townsfolk. Of course, a danger always lurks that our own government might become too deeply involved in El Salvador and lose out in the long run. Still, I believe it's a positive sign that the El Salvadoran government arrested six soldiers for slaying three U.S. nuns and a lay-worker. It tries, perhaps awkwardly, to avoid extremism while the guerrillas kill at will and blame the El Salvadoran government for extremism.

This kill and accuse the other guy ploy is part of the "salami slicing" method advocated and practiced so amorally by Suslov in furthering Soviet power positions. The application is a first cousin to the big lie invented by Hitler. It's very complicated to figure out in many of the ripped-up country's areas who is doing what to whom and why. I don't pretend to offer a solution. I'm only setting out some of the historical background and how this frightful mess came about to help you better understand when you read dispatches from the area.

What is clear to me, however, is that the encroachment by the Soviet union through its surrogates must be excised in Central America as a surgeon would remove a cancerous growth.

Left alone, it will not wither or go away, but will, sooner than later, infect us all.●

AMERICAN CONDEMNATION OF SOVIET INVOLVEMENT IN POLAND

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. DeNARDIS. Mr. Speaker, individual Americans, and their Government, continue to condemn the Soviet Union and its puppet regime in Poland for the repressive reaction to the emergence of a truly free trade union movement in that unhappy country. I wish to commend and indicate my support for the basic thrust of U.S. policy which is designed to keep the pressure on and to develop as unified a response as possible among the NATO allies.

Developing a unified and relatively strong response among the allies is a most important ingredient in our policy, and I applaud the administration's efforts in that direction. The Soviet Union will remain frustrated in its ambitions in the West as long as the Atlantic alliance remains strong.

Eventually, Poland along with Hungary, Czechoslovakia, and perhaps East Germany, will join Yugoslavia in a less restrictive relationship with the Soviet Union. That country ought to know that it does not need a feudal empire to guarantee its security as the 21st century approaches. Its interests should not be served by crushing the natural aspirations of people who are Western in history and orientation and who will not have their basic human and political rights denied.

Poles are a free people, caught up in a nightmare that may last for some years to come, but they will regain their freedom. It is important that America, and the Free World, let the Soviet Union understand that their contention that the Yalta Agreement set the fate of Eastern Europe for all time is not acceptable. We do not acquiesce in this Soviet view of Yalta as permanently dividing Europe into two blocs. There should be no long shadow of Yalta which prevents Poles and other East Europeans from their natural aspirations for free political institutions and the self determination of peoples.

No empire is eternal, as history teaches, and it would serve the Soviet Union and the rest of the world if Soviet doctrine could permit the development free political institutions in that part of its Empire where Western governmental tradition exists.

One of the best means of providing effective support for the Polish democratic impulse is through constant, vigorous, and consistent multilateral denunciations of Soviet behavior. We should also strive to use economic pressure where it is appropriate and effective and able to gain the support of the NATO allies.●

BUILDING UP OUR INDUSTRY

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. CORRADA. Mr. Speaker, on January 24, 1982, the chairman of the board of TII Industries, Inc., Mr. Alfred J. Roach, wrote an open letter to President Reagan published in the New York Times which I would like to bring to the attention of the House.

A big issue on the Hill these days and of main concern is the weakening of our industries and the decline of business which unfortunately has left many of our fellow Americans out of work and our economy in a downspin.

In this article, Mr. Roach discussed the development of our industry for the last decades, the reasons for its decline and proposes some ideas of how to rebuild our economic strength. These ideas deserve our attention. I ask that Mr. Roach's article be inserted in the RECORD.

[Advertisement From the New York Times, Sunday, Jan. 24, 1982]

AN URGENT MESSAGE TO THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA

(By Alfred J. Roach, Chairman of the Board, TII Industries, Inc.)

Dear Mr. President:

FEAR!

Not since Franklin D. Roosevelt told our nation, "The only thing we have to fear is fear itself", has fear gripped so many of our people. We Americans responded to President Roosevelt's remarks with deep faith and great determination. We built the mightiest industrial and military complex known to man. And we went on to victory.

WAR WITH JAPAN—THEN AND NOW

Four decades ago we went to war with Japan, following "the day of infamy" at Pearl Harbor. Today we are again at war with Japan—this time an undeclared economic war—and the outlook is grim. I am not against Japan's prosperity. But I am outraged that it is they who are prospering at our expense; especially when we consider Japan's broad economic programs; organizing government, industry, labor, education and banking with the objective of full employment for the Japanese people. At the same time, our Government appears bent on destroying our economy. We have nine million, four hundred thousand unemployed people. Japan has virtually none.

JAPAN'S STRATEGY

Japan does not hide its strategy for winning the economic war. It is reported to us in newspapers, magazines and on the air waves. Thank God for our free press. Without it, most of us would be unaware of the catastrophe upon us. The Japanese interviewed by *Business Week* (December 14, 1981) have revealed their plan for a takeover of Western markets in the 1980's. If you have not already done so, Mr. President, we urge you and the members of Congress to read the *Business Week* article, "Japan's Strategy For The '80s".

THE AMERICAN WAY

The American economy today does not have a chance in head-on competition with the Japanese. Why? Because the Japanese society—government, banking, labor, education—supports business, in every way. In the United States, business and labor have become the target of society—a target of our government through archaic and repressive legislation, of a monetary policy which imposes impossible rates of interest. Some of the very policies—designed to protect American industry and consumers from unfair practices—destroy us when we deal internationally. These laws enable other countries to take our technology with impunity. This situation, coupled with the Japanese Government's subsidies and business support, puts American industry on the road to bankruptcy.

JAPAN, AT & T, IBM AND THE AUTO INDUSTRY

Never would the Japanese government have permitted the dismemberment of AT&T, the best communication system in the world; a company, which took 100 years to build. A company, which, with its dedicated management and employees, and its technological contributions has contributed so much to the growth and greatness of America. Our government harassed IBM in court for thirteen years, causing incalculable damage, and has now found the case to be without merit. Japan would never try to cut the heart out of a successful business. If this anti-business trend continues, our auto industry will be gone to Japan within three to five years, with 20% of the American work force directly affected . . . their strategy also calls for the takeover of the computer and communications industries in the '80s.

JAPANESE EDUCATION VERSUS AMERICAN EDUCATION

I understand, Mr. President, that for every 1,000 engineers graduated from Japan's universities, there are 100 law school graduates. In the U.S.A., for every 1,000 engineers, there are 10,000 lawyers graduated. I also understand there are 40,000 lawyers in all of Japan. In the U.S.A., a recent tally indicates we have 480,000 lawyers. How do they exist? The answer—corporations, government regulations, audits, reports, taxes, legislation, litigation and bankruptcy. This adds great costs to our economy, eventually to products and services mounting to billions a year.

Public accounting firms (Congress legislated them into prominence by enactment of the Securities and Exchange Act in 1933-34) provide the mandated audits of corporate financial reports. In 1980, fees of only eight major accounting firms added $6 billion to the corporate cost of doing business.

The public accounting firm that audits General Motors reportedly assigns a team of 1,400 accountants, spread through offices around the world, for the field work. This team alone, according to Mark Stevens in his book, The Big Eight, is larger than 99 percent of all of the accounting firms in the world. This cost is reflected in the cost of GM cars. Japan has no such legislation.

Every government regulation adds to every product cost. Interstate Commerce Commission rulings for one year alone, required 57,027 pages of fine print in the Federal Register. Currently, U.S. business spends over $120 billion annually to complete paper work required by the government. It is not that I am against lawyers and accountants. I believe that their talents can be redirected toward constructive work to help us to rebuild this nation.

ON THE OTHER SIDE OF THE COIN

Mr. President, if anyone had told me a decade ago that my small company, TII, (with annual sales of $21 million) would have more pre-tax income than four of the largest automobile companies combined, I would have laughed them out of my office. Our good fortune is due in part to the government of Puerto Rico and to our high technology, "quality award" winning, highly productive and creative labor force. The government there has developed an enlightened tax policy—a tax moratorium to companies locating there—to strengthen the Puerto Rican economy. As you so eloquently told us in 1980, "These loyal Americans have proved themselves in every war since 1898", and, Mr. President, they know how to fight this one.

You may know, Mr. President, the little town of Toa Alta in Puerto Rico. In 1974, 30 percent of the population of that town was out of work. The Commonwealth Government gave us every encouragement to locate a factory there. We began with 20 people and now, seven years later, over 450 people are working in that factory. They pay taxes, have savings accounts, buy homes and cars, and send their well-fed, happy children to school. This economic success story can be repeated throughout the United States of America.

MEETING THE CHALLENGE

Many of our fellow Americans express a growing feeling that nothing can be done to reverse this tide and that we will become a colonial dependency of Japan. I do not agree. Something can be done, Mr. President. Let us put partisanship aside. We must move boldly and quickly to remove from business and agriculture the restrictions and regulations that are bankrupting them. Help us to get back to where we were with free enterprise—the enterprise that built this nation in 175 years from a backwoods frontier to the wealthiest and most charitable nation in the history of mankind. Trust the people. Bring us together. There are 226,504,825 Americans, rich in bright intellect from every race and culture in the world, who have one thing in common, the love of freedom. It is freedom which inspires creativity and productivity. Send out the call for the dollar-a-year men and women. We are still here—ready, willing and able. We have the know-how and the patriotism and I believe, we have some of the answers. We look forward to the day when government, labor, banking, industry, agriculture and education will again work together for the full employment of our people.

May I express admiration and gratitude, Mr. President, for your leadership and the cooperation you have received from our Congressmen. We need their understanding and their help in this fight for survival and the right to be free. Talk to us, Mr. President. Give us the needed inspiration and leadership. Then, God willing, the people of this once most powerful nation will waken Uncle Sam to flex his economic muscles and rise again to greatness.

With many good wishes for your health and success, I am

Respectullly yours,

ALFRED J. ROACH.

If you agree with this message, please send it to your Congressman and Senator.●

LITHUANIAN INDEPENDENCE DAY

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. CORCORAN. Mr. Speaker, At this time it is my pleasure to join my friend and colleague from Illinois, FRANK ANNUNZIO, in commemorating one of our country's favorite causes for celebration: independence. Today my colleagues and I on the Ad Hoc Committee on the Baltic States and Ukraine, along with Lithuanian people everywhere, commemorate what might be called the Fourth of July of Lithuania, Lithuanian Independence Day.

The 64th anniversary of the Lithuanian Declaration of Independence occurred last week on February 16. On this day in 1918, Lithuania became recognized as a autonomous country, another victory for those who have fought for and believed in self-determination as the inherent right of man.

However, the Lithuanian people are not able to enjoy their natural rights as we do in America. When in 1940 the Soviet Union decided to ignore the Lithuanians' declaration of freedom, the small Baltic State could not repel Soviet aggression. Lithuania was claimed as a satellite by the Soviets.

The United States and other Western countries have never recognized the Soviet claim in independent Lithuania. Nevertheless, the Soviets continue to treat Lithuania as their own and ignore the protests of the Lithuanians. Soviet treatment of the Lithuanians includes censorship of reading materials, unjustified searches of homes, trials and arrests without due process, not to mention violent acts of oppression and exile.

The Lithuanians are a proud and courageous people, whose relentless struggle to regain control of what is rightfully theirs illustrates their unwavering will to survive. As Americans we can strengthen the hope of these determined people by voicing our support for their cause, which is so akin to our own cause of 206 years ago. Many Lithuanian Americans live in my district today, and with them I am fully committed to continuing resistance to Soviet control. Furthermore, I urge all Americans to remember Lithuania and remember that the fight for freedom is still going on in many parts of the world today.●

THE COSTLY ARMS TRADE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent article by Mr. Lance Taylor, which recently appeared in the New York Times, concerning the insane and costly arms trade in the world today. Mr. Taylor is professor of nutrition and economics at the Massachusetts Institute of Technology, and has done extensive work on the economics of the arms trade.

According to the Arms Control and Disarmament Agency, between 1970 and 1978 arms exports from industrialized countries grew by 241 percent, from $6.5 billion to $15.7 billion. The main beneficiaries of these increases were the United States and Soviet Union, which each sold about 40 percent of the 1978 total.

Mr. Taylor's study shows that rich countries sell weapons to offset the increased cost of their imports. The bulk of these arms go to countries least able to afford militarization, with dire economic consequences: famine, the stunting of economic development, and the preoccupation of limited technical and managerial personnel with increased military efforts instead of productive capital formation.

As Mr. Taylor notes in his article:

There is scant rational justification for backward economies to import arms rather than food or capital goods—and rich countries could sell these other goods just as well. Development is the victim of the industrial countries' attempt to slough off their own economic malaise with weapons exports to the third world.

I commend Mr. Taylor's article to the attention of my colleagues:

[From the New York Times, Dec. 22, 1981]

THE COSTLY ARMS TRADE

(By Lance Taylor)

CAMBRIDGE, MASS.—The arms trade has flourished mightily since the oil-price increase in 1973. Rich countries sell weapons to offset the increased costs of their imports; the main purchasers are poor countries all around the world. My extrapolations from 1978 arms-sale data (the latest available) suggest that this boom may have produced as much as $100 billion in international trade. But many poor countries will pay heavily for their buying spree, forfeiting badly needed economic development.

Arms exports from industrialized countries grew by 241 percent, from $6.5 billion in 1970 to $15.7 billion in 1978, according to the United States Arms Control and Disarmament Agency. By 1978, these sales accounted for more than half of the trade surplus of the combined advanced capitalist and Socialist economies. The main beneficiaries were the United States and Soviet Union, which each sold about 40 percent of the 1978 export total.

Members of the Organization of Petroleum Exporting Countries with persistent trade surpluses (Saudi Arabia, Libya, Iraq, Iran in the 1970's, and the smaller Arabian Gulf states) were not the chief recipients of the arms merchant's largesse. They took only $4.6 billion in arms transfers in 1978. The rest went to economies that were least able to afford militarization. For example, between 1977 and 1980, eight countries without oil surpluses—including India and desperately poor Ethiopia—spent more than a billion dollars each on major weapons systems. In 1978, the third-world countries that export oil paid a total of $4.6 billion for arms imports, while third-world countries that have to import oil bought $6.5 billion worth. The oil exporters' foreign deficits totaled $17.6, while importers' deficits amounted to $25.5 billion—and arms imports accounted for roughly one-quarter of their trade deficits.

What are the economic consequences of the weapons trade and related military efforts in countries that buy arms?

The most important result is that military spending can lead to war. Arms exports often go to nations engaged in conflicts that make headlines in the Western press. During the 1970's, the list in the third world was long: countries in Indochina, the Indian Subcontinent, southwest Asia, the Horn of Africa, Southern Africa, West Africa and Central America all fought full-scale wars.

The results in many cases were disastrous. Famine, for example, is in many cases produced by the cumulative social and economic consequences of an external shock—like war—in a population living on the edge of subsistence. Cambodia, Bangladesh, Uganda, Nigeria, and several other countries suffered famines in the last decade, forgoing several years of economic growth. Taking into account population increase, per capita incomes in these countries probably fell by 10 percent or more. If this trend continues, arms exports to parts of the third world may bring economic progress to a devastating halt, particularly in countries of sub-Saharan Africa, where the percentage of total imports devoted to arms rose from 1.3 to 9.3 percent between 1969 and 1978.

Even when wars do not erupt, arms purchases hurt economic prospects in several ways. A trade deficit is in principle a helpful thing. If a country purchases more than it produces, resources are flowing in. If these resources are transformed into increases in investment or productivity, the economic payoff can be large. But arms imports soak up foreign-exchange loans that could otherwise finance purchases of capital goods. They also require skilled labor for operation and maintenance. Scarce technical and managerial personnel who would otherwise contribute to capital formation are preoccupied instead with increased military efforts, and as a result their countries get much less real productive growth for each dollar of existing investment.

Econometric studies suggest that each extra dollar spent on arms reduces domestic investment by about 25 cents and agricultural output by 20 cents. For a country like Ethiopia, which devotes 30 percent of its gross national product to weapons imports, the implications for development are grim. The required sacrifices in resources that would otherwise be devoted to building factories, training management, and, most important, producing food are all very large.

Poor countries are under strong pressure from advanced countries to accept larger imports of arms. Sales of weapons are a key element in the strategies that industrial countries, both capitalist and Socialist, have adopted to shift the burden of oil-price increases. For poor arms importers, these strategies translate into financial packages, pressure to participate in regional military alliances, and the expansion of the superpower conflict to new corners of the world. A whole collection of rewards and punishments supports the arms trade, which will not slow until both sides rethink their needs. There is scant rational justification for backward economies to import arms rather than food or capital goods—and rich countries could sell these other goods just as well. Development is the victim of the industrial countries' attempt to slough off their own economic malaise with weapons exports to the third world.●

AN OPEN LETTER TO CONGRESS

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SHUSTER. Mr. Speaker, the problem of steel imports is of increasing concern to many Members of Congress. Foreign "dumping" and subsidization have taken a great toll on American steel producers, have cost many Americans their jobs, and have added to our economic dilemma. I would like to bring the following article to the attention of my colleagues. This is an "open letter" written by Mr. John E. Fogarty, president of Standard Steel, located in Burnham, Pa. I feel that this letter clearly demonstrates the plight of many of our domestic producers, and underscores the need for congressional action.

The article follows:

[From the Sentinel, Lewistown, Pa., Feb. 18, 1982]

AN OPEN LETTER TO CONGRESS

On July 25, 1979, I appeared before the "Steel Caucus" Committee of the House of Representatives in Washington to voice the concern of America's railroad wheel-and-axle industry about "foreign dumping." The presentation was sufficiently credible to cause Congressman Joseph Gaydos to reply on the floor of the House by stating that "Congress should give serious attention to the concerns of the railroad wheel-and-axle producers. Over the years we have seen what inaction can do. We have watched the dominoes fall in steel, textile, electronics, leather, and mushrooms. Will Congress sit by again? I, for one, intend to pursue this issue. I do not intend to sit by quietly and watch as another domestic industry is derailed by foreign imports."

It was suggested during my appearance before the Caucus that a formal paper be prepared which could provide a basis for congressional support for including these products under the Trigger-Pricing-Mechanism; a "counter-dumping" strategy perceived to be more credible than either legis-

lative-action or anti-dumping litigation. That complex undertaking was completed and submitted to the International Trade Administration on December 22, 1980. It articulated all aspects of the problem as perceived by the industry and legal counsel.

Then, during a meeting with The Department of Commerce on February 6, 1981, it was suggested that the best tactical approach to "trigger-price" protection would be to establish models of Japanese costs upon which trigger-pricing could be based; as the Japanese had refused to provide their actual cost-data for wheels and axles (as they had on all other steel products) since the inception of the trigger-pricing-mechanism. After extensive research and consultation with Commerce, credible cost-models were prepared and submitted on May 26, 1981.

Finally, on December 3, 1981, Commerce advised that as the U.S. freight-car-building was experiencing such extreme depression, which in turn, had impacted so negatively on both domestic wheel-and-axle sales and foreign-imports, that it would be inappropriate to consider trigger-pricing for these products at this time. That decision, which accompanied other promises to help via persuasion, was made in spite of our re-emphasis to Commerce on August 13 that wheel and axle imports had increased 400% and 1,600% respectively since 1976 in spite of the fact that the entire market growth for those products during the ten year period beginning in 1976 was less than 23%; and, in spite of our full "cost-model" documentation to Commerce on November 25 of the most recent instance of wheel-and-axle dumping.

Though that decision was disappointing, we do appreciate the real interest displayed at Commerce. They tried to help. The fundamental reality, however, is that they couldn't.

Since 1979, therefore, little of concrete substance has changed in spite of the intensive industrial response to all congressional and bureaucratic recommendations. Surely, as freight-car-building recovers, foreign encapsulation of our business will continue unimpeded. Increases during recent years of several hundred percent in Brazilian imports (with much government subsidy), and, the probable redoubling of French import activity as a result of the recent nationalization of their industry, now promise to even further undermine both our industrial effort and the security of our employees.

Perplexingly, we cannot sell our wheels or axles into foreign countries. We are prevented from marketing our products in Canada, for example, by a 17% Canadian duty. Canadians and other foreign competitors, however, are free to export to the U.S. because virtually no U.S. duty-protection for railroad wheels and axles exists. Also, though we could sell our products profitably at domestic-prices in Japan, we have been advised by the Japanese National Railway that "in Japan, all railroad wheels are Japanese wheels". It is becoming increasingly apparent that neither congressional nor bureaucratic policies have really been helpful to Americans in this regard; especially since U.S. industry has more than ample cost-effective, productive-capacity to accommodate the railroad wheel and axle requirements of our railroad industry through all phases of its business cycle for years to come.

In summary, the American railroad wheel-and-axle industry presented its case in 1979 and has followed to the best of its ability all suggestions of self-help offered by congressional-committees and regulatory-agencies. Though the response to each related industry submission was received by these governmental groups with accommodation for their content and completeness, no benefit has been realized. Time and effort have been wasted.

One may conclude, therefore, that the only answer left requires congressional action. Accordingly, I ask that legislation be proposed which provides a 17% import-duty on railroad wheels, axles, and wheel/axle assemblies. As all alternative possibilities have been credibly exhausted, no member of Congress can, in good faith, brush-off this request.

May I close by emphasizing that I am a free-trader's free-trader. I am convinced that our industry and Standard Steel can compete competitively and profitably any place in the world; given an equitable opportunity to do so. The trend, unfortunately, actually seems to be in the opposite direction. I was astonished, for example, by the response to the recent proposal that all government procurement policies that involve international bidding be modified to consider the lowest net cost to the taxpayer; by recognizing the "rebates" that domestic producers and their employees provide in the form of corporate and individual income-taxes. In spite of the employment and cost-reduction benefits that such a plan would provide for all Americans, the bureaucratic response to it stated "that such action would be contrary to the spirit of the International Procurement Code". How naive! However, if Congress, as the last court-of-appeal, also fails to accept the reality of the inequities that exist in international-trade, and, is accordingly unprepared to effect equitable or balancing duty-legislation even for efficient industries such as ours, our nation, its industry, and the security of our people are in jeopardy.

To reiterate, all the forms have been filled-out and all credible avenues toward self-help have been exhausted. Now, only a special, simple law will help; one that imposes a 17% import-duty on railroad wheels, axles and wheel/axle assemblies. We need your help!

Respectfully,

JOHN E. FOGARTY,
President, Standard Steel.●

MR. WATT IN THE WILDERNESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. LANTOS. Mr. Speaker, Interior Secretary Watt has done it again.

Under the guise of protecting our wilderness areas, Mr. Watt has developed legislation to gut our Nation's wilderness system. His proposal would be the most sweeping and devastating antiwilderness bill this Nation has ever seen.

Our wilderness areas need to be protected, not plundered. I strongly urge my colleagues to oppose Watt's public relations ploy. I am inserting an editorial from today's Washington Post which sketches the dangers of Watt's proposal.

It is our duty as Members of Congress to protect our wilderness for generations yet unborn. Long after Mr. Watt will be gone, the splendor and beauty of our wilderness must endure.

MR. WATT IN THE WILDERNESS

A draft bill of Interior Secretary Watt's plan to "preserve" the wilderness—a plan annnounced last Sunday on "Meet the Press"—is circulating among Republican members of Congress. As drafted, it turns out to be anything but an attempt at preservation.

Last May, in a memo to his assistant secretaries, Mr. Watt listed "open the wilderness" as one of his "major goals." Numerous subsequent statements emphasized that he viewed his policy on oil and gas leasing in the wilderness as a major change from that of previous administrations. He argued, incorrectly, that the Wilderness Act of 1964 "compels" him to issue mineral leases in the wilderness. In fact, the law permits him to do so—an opportunity previous interior secretaries of both parties have, with some exceptions, forgone—until a statutory deadline set at the end of 1983.

In the last half of 1981, the Forest Service recommended approval of oil and gas lease applications in wilderness areas from California to Arkansas. In order to prevent final approval of leases, Congress declared a state of emergency in one wilderness area and considered extending it to the entire system. Near the end of the year, Congress and the secretary negotiated a temporary truce—a moratorium on further lease approvals in wilderness areas until June 1, 1982. The House Interior Committee began consideration of a bill that would prohibit mineral leasing during the 18 months from the end of the moratorium until the 1983 leasing deadline. This was the situation as of last Sunday.

The draft proposal would prohibit wilderness leasing until the year 2000, but then release the entire system to development, thereby exchanging the unending wilderness protection provided in the current law after 1983 for an 18-year wilderness system. It would also allow the president, until 2000, to release wilderness lands for development if he saw an undefined "urgent national need" to do so—unless both houses of Congress vetoed each proposed release.

The plan would have an equally severe impact on lands recommended for wilderness protection but not yet acted on by Congress, and on lands recommended for further wilderness study. Current law and administrative guidelines require that the wilderness character of these lands be preserved until Congress decides otherwise. The draft proposal creates deadlines after which these lands can no longer be added to the wilderness system and, even before the new deadlines, transfers to the president the authority unilaterally to declare some of these lands unsuitable for wilderness protection and open to development.

In short, this draft of Mr. Watt's proposal amounts to a substantial assault on a system intended to provide a small, unspoiled resource for future generations. It should be withdrawn.●

MSHA ACTIVITIES DECLINE AS MINER DEATHS SURGE

HON. JOSEPH M. GAYDOS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GAYDOS. Mr. Speaker, miner deaths rose by more than 70 percent in the first 2 months of 1982 compared to the same period last year, and now there are disturbing reports heard from the coalfields of an official eye-winking attitude toward safety violations.

Government safety and health regulation of mines is a body of proved procedure that grew painfully over the years in a tragic pattern—disaster, legislation, improvement.

This pattern—though painful—allowed the Mine Safety and Health Administration to reduce coal miner deaths to nearly a 10-year low in 1980.

But in 1981, the management of MSHA changed and the unreasoning fever of budget cuts sliced into an effective agency.

Penalties fell 27 percent, violation notices were down 16 percent and temporary mine closings for safety reasons declined 9 percent.

Fatalities, however, were up 15 percent for the year. And in January and February of this year they were up 73 percent over the first 2 months of 1981.

New management meant new attitudes at MSHA, and the Assistant Secretary of Labor for Mine Safety and Health, Ford B. Ford, is administratively installing a more "cooperative" approach that is meant to balance safety and health concerns with production.

Meanwhile, there are those in the Congress who would ignore the painfully established success of MSHA to write those considerations into the law.

The Congress would be well advised to remember that the public outcry—disaster by disaster—is the reason the law is the way it is; and that the law has reduced disasters and deaths.

The Subcommittee on Health and Safety, which I chair, Tuesday will inquire into MSHA and recent developments in the coalfields, and the results will be made known.

But, in the meantime, I offer those Members who are concerned the following report on conditions in the coalfields from the February 15, 1982, Washington Post to highlight a serious and unnecessary decline in miner safety and the accompanying rise in deaths:

MINE BLASTS—BUDGET CUTS HIT SAFETY ENFORCEMENT LIKE A TON OF KENTUCKY COAL

(By Ward Sinclair)

CRAYNOR, KY.—It makes a somber postcard, black from the rain of coal dust and white from the recent snow, and you know it had to be a terrible explosion.

It started where they were mining, about 800 feet under the mountain, igniting the volatile dust into an infernal force that rushed to the surface like a projectile from the barrel of a cannon.

All seven miners, including three Hamilton brothers who ran the operation, were killed in the Jan. 20 eruption at the RFH Coal Co. Bodies were burned and twisted beyond recognition. The conveyor belt was a tangle of metal. Trees and land outside the mine turned black from the dust spray.

This disaster and a rash of other mine accidents that killed at least 33 Appalachian miners in December and January have touched off a flurry of state and federal investigations of the kind that traditionally follow mining tragedies.

But there is a difference this time.

The federal inspection force, built up gradually after major disasters in 1968, 1970 and 1976, is reeling from Reagan administration budget cuts and policy changes. Critics draw a direct link between these changes and more deaths and accidents, fewer inspections and violation notices in the last year.

President Reagan's proposed 1983 budget was to have cut $7 million more from mine safety enforcement. But in an unusual move, the White House last week amended the figures upward before the ink on the budget was dry.

Even that, however, won't return mine safety spending to its pre-Regan levels and, in keeping with its promise to cut the tangle of government rules, the administration is pursuing a regulatory reorganization that skeptics view with alarm.

But to some inspectors in the heart of the nation's coalfield, the contemplated reorganization would simply formalize a policy that is already understood.

"We've lost direction. The morale of the inspector is destroyed." said Hugh Smith, a federal mine inspector based at nearby Pikesville. "It has never been put in writing that we shouldn't enforce the law, but our people know there's a change in attitude in Washington. You only have to watch the 6 o'clock news to know this."

A three-month strike by the United Mine Workers notwithstanding, there were 153 fatalities in 1981, compared with 133 the year before. Through Thursday, there have been 26 fatalities in 1982, compared with 15 during the same period last year.

The Department of Labor's Mine Safety and Health Administration (MSHA) last year assessed 27 percent fewer civil penalties; its inspectors issued 16 percent fewer vilation notices and 9 percent fewer mine-closure orders in fiscal 1981 than a year earlier.

The case of the RFH mine here in Floyd County puts still another light on the picture. Evidence gathered by federal investigators suggests that blatant safety violations were occurring at RFH when it blew up. But on paper, if official inspection reports are to be believed, the RFH mine was a paragon of safety.

During four inspections in 1981, MSHA inspectors gave RFH a clean bill. The mandatory inspections produced only one safety violation notice. Similar spotless records are turning up at other small mines. "The number of violation-free mines last year would shock you," said one official. MSHA is conducting an internal study to determine why historically dangerous mines are suddenly showing up clean.

Although Reagan altered his 1983 budget to lift the freeze on hiring coal mine inspectors, the administration is proceeding on other fronts with policies that appear to have had a severe effect on MSHA morale, both here and in Washington.

Some examples:

MSHA chief Ford B. Ford, aiming for a new era of "cooperation" with mine operators, has shifted more power and duties to MSHA's district managers. Among these will be a procedure, scheduled to take effect in April, that will allow operators to meet privately with the managers to discuss the validity of violation notices issued against them.

Since last fall, MSHA has applied rigid new civil service performance standards to its inspectors, who complain that the result is work schedules that force more cursory, speeded-up inspections and fewer surprise spot inspections in the mines.

The hiring freeze has sharply cut the size of the inspection force. For example, the Pikeville district of MSHA, covering a major coalfield, is 44 inspectors below its 1978 level. In MSHA's Prestonsburg office, with clerical help laid off by budget cuts, key supervisors have been relegated to handling paperwork. Nationally, the agency has about 850 inspectors on duty, less than half the 2,000 that an internal MSHA study says are needed to provide full coverage of the mines.

The administration has not taken a formal position, but congressional sources expect it will line up in support of a package of amendments drafted by the American Mining Congress and introduced by Sen. Orrin G. Hatch (R-Utah) to substantially water down the tough 1977 mine safety law.

Fearing layoffs or loss of jobs, many younger inspectors, almost all miners before joining federal service, are said to be nervous about penalizing mine operators. Their attitude is very poor. Their morale is plain gone. They may be looking for a job next week from the same guy they're inspecting. They're just not spending the time in the mines that they used to and we're getting more complaints about safety from our men at the local mine sites.

In an opinion issued last month, affirming a $200,000 penalty settlement against the owners of the Scotia Coal Co. mine in Kentucky where explosions killed 26 men in 1976, a federal administrative law judge lashed out at the mine-safety budget cuts from another angle.

Joseph B. Kennedy, a judge with the independent Mine Safety and Health Review Commission, wrote that budget cuts have seriously impaired the morale of inspectors and judges. "In the face of the rising rate of institutional manslaughter," Kennedy said, "the calls for further deregulation and relaxation of the enforcement effort seem unreal, if not morally irresponsible."

Some MSHA career officials in Wshington acknowledge the validity of these allegations. Said one: "When our people hear what the president says about overregulation, about bureaucrats and so on, it affects their morale. With the budget cuts, many got furlough notices around Christmas and this has been a big psychological factor."

Inspected or not, the mines continue to run at a merry pace in this part of the mountains. The pressure for production is intense. Loaded coal trucks constantly lumber along the roads. The signs of coal prosperity are everywhere: new homes sprouting on hillsides, new retail outlets, a

Prestonsburg store that advertises designer apparel.

One thing does not change.

Coal operators, historically resistant to government oversight, continue to assail MSHA inspections as an example of the overregulation the Reagan administration has promised to abate. In the wake of a grim December and January, some in the industry are calling on regulators to punish miners, rather than operators, for safety infractions.

That line emerged again last week in Hazard, where an investigative commission appointed by Gov. John Y. Brown met to hear miners and mine operators testify on a type of explosive technique common in use here, but banned as too dangerous in most states.

The Hamilton brothers were using this technique, called shooting from the solid, when their RFH mine exploded. At another mine not far from here, the Adkins Coal Co. at Topmost, eight miners died in a similar explosion in December.

After those disasters, the state tightened its rules for this type of blasting. The industry, however, argues that Kentucky, the country's leading coal producer, is inviting economic suicide if the rules are tightened more. Operators at the Hazard hearing claimed that the cost of mechanized equipment to cut out the coal, rather than blast it out, would bankrupt most small operators.

The UMW's Boyd, a member of the governor's commission, couldn't resist when one witness, cutting-machine manufacturer Thomas Pruitt of Grundy, Va., testified that mechanization would vastly reduce explosive costs and save the companies money in the long run.

"What's the difference between the price of a Mercedes and one of your machines?" Boyd asked with a touch of wryness.

"Not a heckuva lot," Pruitt answered.●

TO HONOR JAYCEES

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. DeNARDIS. Mr. Speaker, the month of February has been designated by Connecticut Gov. William O'Neill as "Connecticut Jaycee/Connecticut Jaycee Women CPR Month." I believe it is fitting to recognize in this manner both the indispensable contributions of a dedicated, civic-minded organization of young men and women—the Jaycees—and also their selfless efforts to communicate the importance of the practice of cardiopulmonary resuscitation and to encourage its use.

The case for educating the public in CPR techniques cannot be overstated. According to the American Red Cross, over 1½ million Americans are afflicted by heart disease of one form or another. Further, several thousand die each year from cardiac arrest and related complications. An estimated one-third to two-thirds of all victims of heart failure could be saved through prompt application of properly-administered CPR procedures.

On a more positive note, 1.7 million people were trained during the July 1980–June 1981 institutional fiscal year by either American Red Cross or American Heart Association instructors. In addition, efforts have intensified to achieve a greater awareness on the part of the public of the fundamentals involved in CPR. A recently-completed survey suggests that 83 percent of all Americans recognize the importance of CPR and the positive benefits for the community at large associated with this form of training.

Mr. Speaker, I salute the Connecticut Jaycees and Jaycee Women on their enlightened approach toward treating this subject. I am certain that my colleagues will join me in commending this fine organization on its worthwhile achievements.●

THE 40TH ANNIVERSARY OF VOICE OF AMERICA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BROOMFIELD. Mr. Speaker, it was a great pleasure to be present for the Voice of America's 40th anniversary celebration today. VOA's current Director, Mr. James B. Conkling, and the International Communication Agency's Director, Mr. Charles Z. Wick, hosted an excellent reception in honor of this occasion. President Reagan was the guest speaker, and gave a sterling speech on the value of VOA's programing over the years, and on the special importance of continuing our efforts to inform the people of the world.

Voice of America was conceived in wartime to provide a beacon of hope to all who were trapped in enemy occupied territory. It was decided no matter how many tanks, planes, and ships were aligned against the democracies, that we would never permit the voice of freedom and truth to be denied to the oppressed. As war ended, it was realized that the Voice of America could continue to provide a valuable informational service to millions of individuals who were without ready access to current events. And when the forces of totalitarianism again spread over parts of the world, it was still considered imperative to keep the truth alive behind the Iron Curtain, behind the Bamboo Curtain, and in other places where freedom was denied. That task is not less important today than it was when John Houseman and others organized VOA. While it is necessary to insure that our military defenses are strong, it is equally necessary that we are prepared to win the battle of ideas. Concepts of democracy, freedom, and individual liberty are powerful ideas if thoughtfully articulated. I am proud that we have an institution such as Voice of America to entrust with this vital responsibility.

I am proud, too, of the dedicated and skilled people who make up the Voice. They are responsible for its professionalism over the years and for its immeasurable contribution to freedom.

Some of the finest of these were presented awards today, I know everyone in this body will join me in congratulating them for their outstanding public service.

HONOR AWARDS

Superior Honor Award to the Polish Service:

Feliks Broniecki, Tadeusz Lipien, Boyden Marison, Marek Swiecicki, Richard Mossin, Zdigniew Wierzbicki, Marek Walicki, Rose Kobylinski, Roma Starczewska-Murray, Jan Herbert-Hewell, Waclaw Bninski, Henry Grynberg, Sylvia Daneel, Elizabeth Speidel, Irene Broni, and Ewa Debicka.

For exceptional service, professionalism, and devotion to duty in the preparation of Voice of America broadcasts to the people of Poland.

Distinguished Honor Award to William F. McCrory, Chief, Office of Special Projects: For many years of sustained, outstanding service in preparing and participating in public affairs programs of the highest caliber.

Superior Honor Award to Warren G. Richards, Deputy Chief, Frequency Division: For an outstanding contribution in planning, developing, and gaining international recognition for technical standards for international broadcasting which meet the objectives of the U.S. and the VOA.

Superior Honor Award to Supany Pavathong, Information Specialist VOA Bangkok: For superior service including the coverage of the hijacking of an Indonesian jetliner by Moslem terrorists and the almost simultaneous coverage of the coup and counter-coup in Thailand.

Superior Honor Award to David Lent, VOA Vienna Correspondent: For innovation and versatility in carrying out the difficult assignment of covering the events in Poland in 1981, culminating in the imposition of martial law in December.

Superior Honor Award to Laszlo Dosa, Science Editor: For exceptional skill, resourcefulness, and dedication in reporting, accurately and comprehensively, trends and events in American physical, medical and social sciences.

Meritorious Honor Award to Charles Mitchell, Botswana Relay Station Manager: For Superior Service in the advancement of Agency policy and program objectives in the establishment of the Botswana Relay Station.

Meritorious Honor Award to Phillip L. Goodwin, Chief, Frequency Utilization Branch: In recognition of a particularly outstanding contribution in maintaining satisfactory VOA reception around the world.

Meritorious Honor Award to Milburn G. Butler, VOA Cairo Correspondent: For the coverage of the assassination and funeral of Egyptian President Sadat and the coverage of the aftermath of the event.

Meritorious Honor Award to Lao Service:

Linthong Noinala, Ongath Phongsavan, Khamsavang Chounramany, Thongtanh Souvannaphandhu, Phouratsamy Naugh-

ton, Chamlong Sayasithsena, Chansouk Souryachak, Khamsin Suphasiri, Dara Baccam, and Viengsay Luangkhot.

For demonstrating conspicious imagination, initiative, perservance and broadcasting skill to increase and maintain the interest of the Lao audience.

Special Recognition to Willis Conover: On its 40th Anniversary, VOA salutes you for inspiring interest in jazz on the part of millions all over the world.

Special Founder's Award to John Houseman: As one of the founders, you gave the young Voice of America the unique stamp of your creative energies. On VOA's 40th Anniversary we salute your efforts.●

SHRINERS PROVIDE OUTSTANDING SERVICE TO THE NATION

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BEREUTER. Mr. Speaker, I am pleased to be able to join my dear colleague, Mr. FUQUA, in this much deserved tribute to the Shriners of North America.

I doubt that few people in my district and in my State are unaware of the work of the Shriners. Countless county fairs and other celebrations in Nebraska and throughout America are brightened immensely by the presence of the Shriners with their bright costumes and intricate motorcycle or mini-auto performances. Certainly their efforts highlight each parade and make wonderful memories for all of us fortunate enough to see them.

But the Shriners, of course, are far more than clowns and bike riders. As but one example of their service, the Shriners of Nebraska, through their sponsorship of the North-South High School All-Star Football Game, over the past 23 years, have raised $1.6 million for use at their crippled children's hospital in Minneapolis. "Strong Legs Run So That Weak Legs May Walk," is the game's motto. For the thousands of crippled children and their families that have been offered invaluable assistance and care through the generosity of the Shriners, words are insufficient to express their appreciation.

The Shriners provide a shining example of what private individuals can accomplish through cooperative effort, without Government assistance. Their long tradition of service merits our greatest appreciation and respect. I hope that many other groups strive to emulate their fine example.●

MILITARY PAY RAISE AGAINST SOVIET DEFENSE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ASPIN. Mr. Speaker, by giving American servicemen a $4.5 billion pay raise a few months ago, Congress raised the Soviet defense budget by almost $10 billion.

This simply underscores the crazy way the CIA estimates Russian spending in the military area. The common numbers used in magazines and newspapers to show the size of the Russian defense budget actually have nothing whatsoever to do with what the Russians spend. They are CIA estimates of how much it would cost us in dollars to replicate the Soviet military. The pricetag on a Soviet tank is not what it costs us in dollars to build it in Detroit.

The biggest distortion comes in pay. The Russians pay their troops 3.80 rubles a month, which is $6 at the official rate, but less than a dollar on the black market. We pay our rawest recruit $551 a month. When the CIA calculates its dollar version of the Soviet defense budget, it figures that each recruit gets paid—not $1 a month, not $6 a month, but $551 a month. This craziness shows up most clearly when we raise our military pay—and theirs.

Last October, American servicemen and women received pay raises averaging 14.3 percent. Those raises went to 2 million people and will cost $4.5 billion over a year.

When the CIA dollar version of the Soviet budget gets calculated, the 14.3 percent raises go to 4.3 million Russians—2.15 times as many people—and will show a cost of 2.15 times as much or $9.7 billion. In other words, by raising the pay of American troops, Congress has increased the Russian defense budget by more than twice as much. It is no wonder the Russians are so far ahead.

To account for inflation, the CIA goes back and recalculates all past Soviet defense budgets in constant 1981 dollars, using the higher rates of pay that took effect in the United States in October. That means that the gross amount by which the Soviets have allegedly outspent us over the last two decades will also rise because of our large October pay raise.●

ENTERPRISE ZONES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HAMILTON. Mr. Speaker, the Naitonal Federation of Independent Business represents more than half a million small businesssmen and businesswomen. I would like to call the attention of my colleagues to a recent editorial written by its president, Wilson S. Johnson, on the subject of enterprise zones. I believe that the article raises a number of interesting points deserving further consideration.

SMALL BUSINESS WON'T BUY ENTERPRRISE ZONES IN PRESENT FORM

(By Wilson S. Johnson)

One of the proposals of the Reagan administration for the next fiscal year is the concept of enterprise zones to revitalize the inner cities. Legislation to create enterprise zones was introduced in the 96th Congress.

Proponents say the plan would bring small business into the depressed areas of America's cities. But the small-business members of the National Federation of Independent Business (NFIB) want no part of it. On two occasions they have voted 2-to-1 against establishment of enterprise zones.

One of the reasons small-business people oppose enterprise zones is that the principal stimulus to business to move into the zones has been tax incentives. But an NFIB survey of small-business owners in 85 U.S. cities suggests that the problems of starting a business do not focus on taxes. Most small-business people getting started do not make enough money to pay much income tax on their earnings. They have more serious problems: access to affordable capital, markets for products or services, availability of skilled and unskilled workers, adequate police protection, and affordable insurance.

Furthermore, there is nothing most small-business people want less than another government program at a time of 100 billion dollar deficits. Those deficits have caused higher interest rates and made affordable capital a thing of the past.

The man who brought the concept of enterprise zones to America from Great Britain, Stuart Butler of the Heritage Foundation, envisions enterprise zones somewhat differently. Butler sees them as a means of allowing those in "cottage industries" in depressed areas to expand and as a means of legitimizing some of the "underground economy" which exists in those sectors.

His program would make use of existing buildings with minimal rehabilitation. It would call on state and local governments to provide security and perhaps even help form insurance pools or otherwise underwrite insurance—the cost of insurance being prohibitive for many urban small-business owners. Rather than emphasizing tax incentives, Butler would have the federal government relax regulations in the zones, because the cost of regulations is another deterrent to starting a business. And the Butler idea includes incentives to small, outside investors to put their money together with the resources of those within an enterprise zone to build a truly neighborhood network of small, independent businesses.

Enterprise zones, as proposed by the government, will not solve the problems of the inner cities. A simpler approach, relying on individuals, entrepreneurs, state and local governments, and a passive federal role could be a workable alternative.●

FINANCIAL REPORT OF CONGRESSIONAL STEEL CAUCUS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Ms. MIKULSKI. Mr. Speaker, in accordance with Executive Committee Order No. 1, I am respectfully submitting herewith the fourth quarter financial report of the Congressional Steel Caucus for insertion in the RECORD. The report is as follows:

Annual report, fund balance statement, U.S. House of Representatives, Congressional Steel Caucus

Balance forward (as of Sept. 30, 1981 plus adjustment)	$10,109.15
Total revenues (clerk hire, dues and donations)	11,542.34
	21,651.49
Less expenses:	
October 1981	4,222.73
November 1981	4,059.80
December 1981	4,107.66
Remainder	9,261.30
Plus interest deposits	345.41
Unexpended revenues as of Dec. 31, 1981	9,606.71

Annual report, cumulative statement of expenses, U.S. House of Representatives, Congressional Steel Caucus

Salaries	$43,332.83
Postage	212.67
Stationery (donations—Mr. Bevill)	459.65
Telephone	659.87
Publications	465.95
Equipment	1,947.00
Printing	471.10
Miscellaneous	7,039.16
Total expenses for the year 1981	54,588.23

CONGRESSIONAL STEEL CAUCUS DUES PAID AS OF DECEMBER 31, 1981

Joseph Addabbo, Douglas Applegate, Eugene Atkinson, Don Bailey, Adam Benjamin, Tom Bevill, William Brodhead, Clarence Brown, George Brown, Don Clausen, William Clinger, Cardiss Collins, John Conyers, Lawrence Coughlin, William J. Coyne, Dan Daniel, Robert Davis, Edward Derwinski, John Dingell, Dennis E. Eckart, Allen Ertel, David Evans, John G. Fary, Vic Fazio, William Ford, Joseph Gaydos, Sam Gejdenson, Benjamin Gilman, Sam B. Hall, Jr., James V. Hansen, John Hiler, Elwood Hillis, Ron Wyden.

Ken Holland, Thomas Kindness, Ray Kogovsek, Tom Lantos, John Leboutillier, James K. Coyne, Gary Lee, Jerry Lewis, Clarence Long, Thomas Luken, Stanley Lundine, Robert McClory, Joseph McDade, Bob McEwen, Marc Marks, Dan Marriott, James Martin, Robert Michel, Clarence Miller, George Miller, Barbara Mikulski, Donald Mitchell, Robert Mollohan, Ronald Mottl, Austin Murphy, John Murtha, John Napier, James Nelligan, Bill Nichols, Henry Nowak, Mary Rose Oakar, James Oberstar, Joe Smith.

George O'Brien, Thomas P. O'Neill, Donald Pease, Carl Perkins, Melvin Price, Carl Pursell, Nick Joe Rahall, Ralph Regula, Don Ritter, Robert Roe, Marty Russo, Gus Savage, James Scheuer, Richard Schulze, John Seiberling, Richard Shelby, Bud Shuster, Paul Simon, Albert Lee Smith, J. William Stanton, David M. Staton, Louis Stokes, Gene Taylor, Bruce Vento, Doug Walgren, Robert Walker, Richard White, Lyle Williams, Charles Wilson, Gus Yatron, Clement Zablocki, Leo Zeferetti, Baltasar Corrada.●

THE IMAGINARY DEFENSE GAP: WE ALREADY OUTSPEND THEM

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BINGHAM. Mr. Speaker, in 1979 I made a series of short floor speeches about the military balance between the United States and the U.S.S.R. I undertook to show that those Members of Congress who were sounding alarms over Soviet military strength had based their arguments on invalid comparisons. By comparing American and Soviet military expenditures without giving consideration to differing defense needs, pay scales, levels of morale, quality of weapons output, or commitment of allies, those who were pushing for increased defense spending created the illusion of a military balance dangerously lopsided in favor of the Soviets. When I considered the military balance on a point-by-point basis, however, assessing naval, tank and ground capabilities separately, the Soviets did not emerge clearly superior, and in fact, the United States had an edge in several tactical areas.

Today, as the administration and some Members of Congress urge huge increases in defense spending, we are hearing the same arguments about the military might of the Soviet Union. To support these claims, all sorts of estimated spending figures are used and abused, while rational, detailed, tactical analyses which demonstrate U.S. strengths and advantages are ignored.

The truth of the matter is more clearly portrayed in an article that appeared in the February 14, 1982, Washington Post entitled "The Imaginary Defense Gap: We Already Outspend Them." The author, Richard A. Stubbing, was deputy chief of the Office of Management and Budget's national security division from the end of the Nixon administration until October 1981.

The text of the article follows:

THE IMAGINARY DEFENSE GAP: WE ALREADY OUTSPEND THEM

(By Richard A. Stubbing)

If White House tenants have long painted rosy economic pictures that rarely square with reality, those numbers have nothing on the doomsday reports that we are treated to nowadays contending that the Soviet Union is overpowering us on defense.

We are told, for example, that we spend about 5 percent of our gross national product on defense, while the Soviets spend 12 to 14 percent on theirs. We are not reminded, of course, that our GNP is twice that of the Soviet Union's.

We are told that in 1980, the Soviets spent $175 billion, or 50 percent more than we did, on defense, or that over the past decade their military outlays outpaced ours by more than $300 billion. We are not reminded that defense spending comparisons in the real world include outlays of American and Soviet allies—those many other nations out there—and that the publicly available evidence in this area, as in others, tells a very different tale.

Studies by the prestigious International Institute for Strategic Studies (IISS), for example, show that the Soviets' Warsaw Pact allies spend roughly $20 billion to $30 billion annually on defense forces. Our NATO allies, by contrast, allocate three to four times that amount—more than $100 billion annually.

In other words, while this margin has no doubt been narrowing, the United States and its NATO allies outspent the Soviet Union and its Warsaw Pact allies on defense by more than $300 billion in the past decade.

In Asia, for example, the Soviets' principal allies are North Korea and Vietnam. North Korea spends about $3 billion annually for defense, and Vietnam probably spends something close to that. The principal U.S. allies—Japan, South Korea, Australia and New Zealand—spend nearly $20 billion.

This does not mean that Japan or others among our friends should not shoulder a larger share of allied defense spending, as some have argued, or that our own Pentagon outlays might not be increased to some extent as well. The issue is one of magnitude, of the immensity of defense spending increases proposed at the expense of all else, of the fears generated unnecessarily by incomplete information.

Consider what is behind a good deal of Kremlin spending. A significant portion of it in recent years has been aimed squarely at the People's Republic of China. Century-old border disputes between the two countries broke into open fighting in 1969, and in recent years China has improved long-dormant relations with the United States, Japan and other Western nations.

Americans can understand China's threat to Russia by considering the long-undefended border we share with Canada; a hostile nation with a 4 million-man military force on our northern border would change our defense emphasis quite rapidly. Published CIA estimates state that 10 to 15 percent of Soviet defense spending ($18 to $27 billion) is for units with a primary mission against China.

In short, recognizing the impact of NATO, Warsaw Pact, Asian allies and Soviet spending directed toward China and other factors transforms an alleged 50 percent Soviet spending advantage into a 15 to 37 percent edge for the United States. No cause for fright there.

Another critical element in dollar comparisons is the quality of our estimates of Soviet spending. Because Soviet defense data obviously are not available to us, the CIA develops its calculations by attempting to determine the cost to equip, man and operate the Russian military here in the United States—using U.S. market prices and wages. While this approach certainly provides a good indicator of trends in Soviet spending over time, its reliability on specific spending figures is questionable.

The CIA estimates, for instance, ignore the relative efficiency with which the U.S. and Soviet economies turn materials and labor into finished products. A Soviet factory producing artillery rounds may operate at 20 percent, 50 percent or 80 percent of the efficiency of a comparable U.S. plant, but this is not considered.

An even greater deficiency is the absence of an attempt to compare the net military value of Soviet products and services with those in the United States. For example, the relative value of Soviet vs. U.S. tanks or Soviet tanks vs. U.S. mines and anti-tank missiles to stop these tanks is not addressed.

In an unclassified report, the CIA asserts that its estimate of Soviet defense spending is accurate within 15 percent for each year of the 1970s. Perhaps—but a look at the problems in all four elements of the CIA estimate quickly calls that claim into question.

1. Soviet Manpower. Soviet troop strength is known with accuracy, and the CIA prices this force of low-wage conscripts at U.S. pay rates. One major error in applying this method is that every pay raise for U.S. military personnel widens the U.S.-U.S.S.R. spending gap simply because the Russians have more troops in uniform than we do. Eliminating this misleading way of assessing manpower costs would, by itself, eliminate a quarter of the 1980 spending "gap."

2. Soviet Weapons and Facilities. Significant uncertainties about the quantity and quality of Russian equipment undermine our ability to determine Soviet inventories and to assess the capabilities of Soviet weaponry. For instance, we at first overstated the capabilities of several generations of Russians fighter aircraft.

The Mig25 Foxbat is a classic case. When initially observed, our analysts credited this aircraft with major technology advances. But after a Russian pilot flew a Mig25 to Japan, U.S. experts found the aircraft's performance greatly overrated. Its range was far more restricted than we had estimated, its acceleration and turning capability were poor, and it was equipped with 20-year-old, tube-type electronics.

Estimating what each type of Soviet equipment would cost if produced in the United States is extremely difficult. Final price tags on our own weapons systems often vary wildly from contractor estimates; attaching costs to Soviet weapons we know little about is fiendishly difficult. Among other things, self-interest argues for U.S. contractors (who provide the initial estimates used by the CIA) to attribute high unit costs to Soviet systems, thereby widening the supposed spending gap and enhancing their prospects for more defense business. About 50 percent of the CIA-estimated U.S.-U.S.S.R. "gap" is in this area.

3. Soviet Operating Costs. Large unknowns dominate this area. We do not know with any reliability the operating techniques or the activity rates of Soviet combat and support units. Measurement yardsticks are essentially lacking, and confidence in these estimates cannot be high. After correcting for the military manpower pay raise distortion, total Soviet operating costs for their larger forces are estimated at about U.S. levels.

4. Soviet Research and Development Costs. The CIA states it has the least confidence in the accuracy of this spending category. Differences in Soviet and U.S. approaches to R&D are major. For example, the Soviets historically have had two or three weapons design bureaus competing on new systems development—a more costly R&D approach than the U.S. method. Reliable data is simply not available. Nonetheless, the CIA concludes that Soviet R&D efforts in recent years were twice as much as the U.S. About 25 percent of the identified U.S.-Soviet "spending gap" is identified here.

None of this is intended to suggest that Soviet forces haven't continued to improve in size and capability; they have. The Soviets also continue to outproduce the West in armored vehicles, submarines, fighter bombers and strategic missiles. But the picture is far from glum.

A close look, for example, at the Pentagon's allegations in "Soviet Military Power," the special brochure issued several months ago, should swiftly dispel that report's suggestion that Russian forces are practically ten feet tall:

"The Soviet Union now exceeds the United States in the number of strategic nuclear vehicles." True, but the United States now has more strategic warheads in its inventory. In the 1980s, defense posture statements state that we will possess some 10,000 strategic nuclear warheads to provide the strategic punch needed in any contingency. Only 5 percent of this total—500 delivered warheads—could destroy the Soviet Union as a viable society.

"Over the past 10 years the Soviets have expanded their ground forces to more than 180 divisions." True again, but almost all this Soviet expansion since the mid-1960s reflects the increased divisions deployed against China. As "Soviet Military Power" itself shows, the Russians today assign 45 divisions, or 25 percent of their ground forces against China.

The report also concludes that only 46 of the 180 divisions are highly combat ready. An additional 98 divisions are classed as cadre units with less than half strength; they would require months to reach full combat status. MIT defense analyst William Kaufmann, who helped prepare the Pentagon posture statements for more than 15 years, observes that the Red Army seems to take about three months to set up a major attack force, whether against Czechoslovakia in 1968, Afghanistan in 1979, or Poland in 1981.

"The Soviets today in Europe have a substantial advantage both in numbers of troops and quantities of armored assault vehicles." Not true, when NATO and Warsaw Pact forces are considered. The 1981 IISS report concludes that NATO actually has a slight edge in total military manpower over the Warsaw Pact.

The NATO allies, in fact, have a surprisingly large (27 percent) advantage in the number of ground forces actually in place in Central Europe (excluding forces in the western regions of the Soviet Union and in the United States). The Russians do have a large edge in tanks and armored vehicles, but NATO forces have a clear lead in anti-tank missiles, mines, and tactical aircraft with tank-killing capability. NATO also will have an initial advantage in fighting from defensive positions against a Soviet attack.

Another key concern here must be the reliability of the U.S. and Soviet allies. There has been a reduced cohesion among the NATO nations in recent years, but in a Soviet attack against Western Europe, the full support of the entire NATO bloc can reasonably be expected.

With the recent unrest in Poland and other nations, on the other hand, the Soviets surely pause in assessing the steadfast support of their Warsaw Pact members other than East Germany. Soviet allies comprise almost half the Warsaw Pact ground forces in Europe, fully 30 percent of the main battle tanks, and a surprising two-thirds of anti-tank missile launchers.

"High Soviet priority is being devoted to antisubmarine sensor technology applicable against ballistic missile submarines." American capability far outstrips the rudimentary U.S.S.R. antisubmarine technology. Our submarines will remain essentially invulnerable for the foreseeable future. Soviet submarines, by contrast, have a high noise level which makes them vulnerable to attack, and they face great resupply difficulties in wartime.

"The widely publicized KIEV-Class aircraft carriers are the largest warships ever completed by the Soviet Union." The Soviets have two KIEV-Class carriers, each displacing about 38,000 tons, but they can only accommodate helicopters and vertical take off and landing (VTOL) aircraft with limited capability. The U.S., by contrast, has 18 ships of greater or equal capability—including 13 carriers of between 60,000 and 90,000 tons, each equipped with the world's most capable aircraft, and five assault transports of 38,000 tons which support helicopters and VTOL aircraft.

Finally, one must remember that dollars alone are not a serious basis for judging the strength of our enemies or of ourselves. There is scarcely any reason to believe that a defense budget twice the current size, for example, would have prevented the Soviet invasion of Afghanistan or the Iranian seizure of American hostages, the two events which triggered a major shift in U.S. public opinion for greatly increased defense outlays.

Consider the case of the B1 bomber. The Defense Department projects costs of about $28 billion for 100 aircraft, but estimates by the Congressional Budget Office and the General Accounting Office suggest costs of up to $40 billion. If the higher estimate is more accurate, then—using the CIA pricing methodology—the United States would close the "spending gap" faster by laying out the higher amount—even though the same 100 aircraft are delivered. The ludicrous nature of this conclusion is obvious.

Conversely, greater efficiency in the use of U.S. resources (substantial opportunities exist within the massive defense budget) could increase real Pentagon output each year by large percentages without one additional dollar spent. Again, this would not be reflected in CIA spending comparisons, which is further reason to question those comparisons.

The case for massive escalation in U.S. defense spending has yet to be made convincingly. The real opportunities to improve U.S. military capability require a fundamental reexamination of basic policies and structures in sizing and equipping forces—a task which, unfortunately, is not currently under way.

Maybe, just maybe, both sides can recognize their mutual interest in beginning talks to slow the apparently never-ending upward spiral in defense spending, thereby freeing resources to attack other longstanding problems at home in both nations.●

INWOOD'S MAN OF THE YEAR

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. McGRATH. Mr. Speaker, I would like to share with my colleagues the accomplishments of a truly outstanding citizen of the town of Inwood, located in New York's Fifth Congressional District.

Jesse Mistero is a lifetime resident of Inwood who has been active in firematics at the Inwood Fire Department for 32 years. He was commissioner for 19 years and is a former chief of the fire department. Jesse has held ranks of captain and lieutenant and currently he is a member of the New York State Association of Fire Chiefs, the Fire Chiefs Council of Nassau, the Third Battalion Fire Chiefs Association and the Association of Fire Districts of New York State.

But Jesse has done more than work tirelessly to keep the residents of Inwood safe from the ravages of fire. He has also devoted his spare time to other members of the community of Inwood.

Jesse is chairman of the Save No. 4 School Committee and he participates in the Dad's Club at Lawrence High School. He is a past president and athletic director of the Inwood Buccaneers and a past chairman of the Inwood United Fund. This community leader has also volunteered his time for the Boys Town of Italy. He is a member of the Knights of Columbus, the Kiwanis Club of the Five Towns, the Inwood Veterans of Foreign Wars, and the Sons of Italy. He is president of the Inwood-North Lawrence Repulican Club and committeeman of the Inwood-North Lawrence Executive Committee.

Jesse Mistero also pursues a career as president of Mistero Landscaping, Inc. and of Misty's Restaurant and Lounge. He enjoys a rich family life with his wife, Mickey, and their three children, Debra, Adrienne Schianone, and Philip, and two grandchildren, Jesse and Michele.

This weekend, Jesse Mistero will be honord as Man of the Year by the Inwood Civic Association, an award he richly deserves. But I suggest that Jesse is more than that—he is a man for all seasons who has given our community much more than he has received.●

PLUTONIUM FOR MEXICO—A BAD IDEA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. OTTINGER. Mr. Speaker, I want to bring to my colleagues' attention a most thoughtful and timely article by Representative JONATHAN B. BINGHAM which appeared in the February 22, 1982, Los Angeles Times.

The article, entitled "Plutonium for Mexico—A Bad Idea," provides little known details of Mexico's interest in obtaining not only nuclear power reactors but also advanced plutonium-related technology. It also warns of the Reagan administration's apparent willingness to weaken a bipartisan policy, established over the past three administrations, which led to earlier successful U.S. efforts to persuade nuclear supplier countries to exercise restraint in offering dangerous fuel cycle facilities as "deal sweetners" in competition for sales of nuclear power reactors in the world market. There are few visible signs that the United States is doing anything but passively accepting a return to past practice which led to the Brazilian-West German deal which is still in effect, for a complete nuclear fuel cycle and to offers by France, which have now been canceled, to provide reprocessing facilities to South Korea and Pakistan.

In his article, Mr. BINGHAM also suggests that Mexico's nuclear energy needs would be far better and more economically met by the use of efficient, once-through reactors fueled with uranium rather than by acquisition of uranium enrichment and plutonium technologies. His suggestion is an excellent one that is soundly based on continued use of proven nuclear technology. The Reagan administration should persuade Mexico that it is not in its best interest to acquire this technology and it should prevail upon other nuclear supplier countries to respond similarly to Mexico's invitation. The administration should also revise its international nuclear policy to reflect a more realistic attitude concerning the dangers of plutonium use and the significant economic and security advantages of an efficient uranium fuel cycle to meet the needs of developing and developed countries alike for decades to come.

The article follows:

PLUTONIUM FOR MEXICO—A BAD IDEA

(By JONATHAN B. BINGHAM)

In a recent little-reported episode involving Mexico, the Reagan Administration has provided new evidence that its nuclear policies, which it labels "return to realism," give legitimacy to international commerce in plutonium, a weapons-grade nuclear fuel.

Last year, Mexico, which has no operating nuclear-power reactors, announced plans for an ambitious nuclear program that could involve as many as 20 commercial reactors and related advanced nuclear technology. As international nuclear suppliers have lined up to woo this potentially lucrative market, the United States has faced a choice: It can use its influence with supplier nations to work out bidding guidelines that would restrict sales of plutonium-related technology, or it can compete for Mexico's business by suggesting that the United States is able to satisfy the Mexicans' most sophisticated nuclear desires.

So far, the Administration has chosen the latter course. This is a serious mistake. For, while the United States cannot dictate world energy policies, it may still be able to delay proliferation of plutonium and perhaps even put off indefinitely widespread use of this dangerous substance.

The great dividing point in nuclear proliferation lies between the once-through cycle and the closed nuclear fuel cycle. The low-grade fuel used in the once-through is a long way from becoming a nuclear explosive. And because it is used only once, then stored, it is relatively easy to monitor.

The closed cycle, however, requires the reprocessing of spent nuclear fuel, which produces plutonium. Plutonium can be recycled in conventional reactors or burned in breeder reactors that create plutonium at the same time that they draw power from it. Or plutonium can be used to make an explosive device.

Experts agree that it is not possible to detect reliably whether plutonium is being diverted during reprocessing or recycling—a view shared by Nunzio J. Palladino, recently appointed chairman of the Nuclear Regulatory Commission by President Reagan.

To undertand how dangerous even a little "lost" plutonium can be, one need only know that a mere nine kilograms—about the weight of four six-packs of beer—are needed to make a bomb. Terrorists without the sophistication to make an explosive could simply release plutonium, the most toxic substance known to man, in a municipal water supply.

Fortunately, international nuclear commerce has yet to make the leap to a "plutonium economy." In the free world, only France and Great Britain have commercial reprocessing facilities. Recycling in commercial reactors and breeders is still in the research and demonstration stage, its development slowed by high costs and public reluctance to sanction the use of plutonium.

Nevertheless, ample incentives exist for countries to develop this expensive and dangerous nuclear technology. Not the least of these is the fear that uranium, though now abundant, will become scarce. To prepare for that day, recycling proponents say, nations must be able to stretch supplies by reusing their fuel as plutonium.

But there is another way to stretch out uranium supplies without risking the hazards of a plutonium economy. That way lies simply in increasing the efficiency of conventional nuclear reactors. A Department of Energy uranium utilization improvement program has shown that fuel efficiency can be increased as much as 23 percent by 1988 by retrofitting reactors and improving fuel fabrication techniques.

The Administration, however, has chosen to cut the budget for this program, even though new Energy Department projections show that improved efficiencies could keep the once-through fuel cycle more economical than plutonium-using breeders until the price of uranium is more than eight times

what it is today. Such a price increase is not expected to occur until the next century, by which time we may well have developed alternative energy sources that are more economical and less dangerous than nuclear power.

It is only fair to point out that the Administration has made some advances toward non-proliferation. A recently concluded understanding with Egypt, perhaps the best ever made, calls for strict control over reprocessing and ensures safeguards on all Egyptian nuclear facilities, not just those supplied by the United States.

But the Administration has also indicated that it does not always intend to exercise its rights over U.S.-supplied fuel. In the past, the United States allowed countries without nuclear weapons to reprocess only small amounts of spent fuel for research. In a landmark decision last year, the Administration agreed that Japan could reprocess enough fuel to create about 800 kilograms of plutonium. U.S. officials have since hinted that they would not block the recycling of this plutonium in Japanese commercial reactors.

The United States can discourage proliferation of plutonium by setting a good example for other nations. Presidents Gerald R. Ford and Jimmy Carter took this approach by maintaining a moratorium on commercial reprocessing of spent fuel in the United States.

The current Administration, however, has reversed this bipartisan policy. At the same time, it is using large amounts of precious federal resources to revive a breeder demonstration program near Oak Ridge, Tenn., and has suggested that the military be allowed to reprocess commercial spent fuel to acquire plutonium for bombs. The latter idea, which would break down a traditional barrier between peaceful and belligerent uses of nuclear technology, has drawn criticism from even the most ardent supporters of nuclear power, including Sigvard Eklund, former chairman of the International Atomic Energy Agency.

It is not too late for the Administration to take a truly realistic view of the dangers of plutonium. Mexico's nuclear program is only beginning, for example. There is time not only to work out sensible guidelines with supplier nations in that part of the world but also to pursue other non-proliferation strategies that will discourage plutonium use elsewhere.

One person who especially understands the importance of this is James Malone, assistant secretary of state for oceans and international environmental and scientific affairs, and a key Administration spokesman on nuclear non-proliferation policy. "For the United States," he said recently, "there is no alternative to a full commitment to preventing the further spread of nuclear weapons."●

FACTS TO SET STRAIGHT THE MSHA EXCLUSION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GAYDOS. Mr. Speaker, acting quickly and on very little information last fall, the Congress stripped responsibility for certain dangerous forms of mining from the Mine Safety and Health Administration (MSHA) and gave it to the Occupational Safety and Health Administration (OSHA).

Both Secretary of Labor Raymond Donovan and his Assistant Secretary for Mine Safety and Health, Ford B. Ford, have criticized the idea since then.

Secretary Donovan noted in testimony that OSHA is ill-equipped for such responsibility, and Ford has said that the types of mining involved—stone, sand, gravel, clay, and colloidal phosphate—have high fatality and accident rates, and that they are not less dangerous than other forms of mining.

The MSHA exclusion was embodied in the continuing resolution for fiscal year 1982, which must be reconsidered next month, and Congress then will have a chance to set straight a mistake that could cause absolutely avoidable bloodshed in the Nation's quarries and surface mines.

In anticipation of the reconsideration, the United Steelworkers of America have assembled a most comprehensive analysis of the move, and a strong case against continuing the MSHA exclusion.

As chairman of the Subcommittee on Health and Safety, I commend these factsheets to the consideration of any Member who wants a lot of information—rather than just a little—when we have to vote in March.

As United Steelworkers of America Legislative Director John J. Sheehan said in his cover letter:

We hope that after reviewing this information you will conclude that all types of mining * * * are best left to the authority most suited to adequately protect the health and safety of miners, which, of course, is MSHA.

Excerpts of the factsheets of the United Steelworkers of America read as follows:

EXEMPTION OF SURFACE STONE, SAND AND GRAVEL MINES FROM MSHA

The amendment is based upon misinformation and unsound assumptions.

(A) Surface stone, sand and gravel mines are the most dangerous of all types of surface mining.

(B) Contrary to the claim made by Senator Dale Bumpers that it is safer to work in sand and gravel mines than at Sears & Roebuck, the fatality rate in sand and gravel pits is 35 times that of general merchandising stores.

(C) The MSHA law was not specifically designed for deep underground coal mines. Each type of mining operation is treated according to the nature of the safety and health hazards that exist in each type of mine.

(D) It is ludicrous to suggest that surface stone, sand and gravel mining is more comparable to construction work than mining.

(E) Under the amendment, the legality of transferring jurisdiction for these mines from MSHA to OSHA is highly doubtful.

(F) OSHA has neither the standards, resources, nor mining expertise to assume effective responsibility for these mines.

(G) The amendment excludes over 77,000 surface miners and attendant mill workers from any effective safety and health protection.

(H) The Department of Labor opposes the amendment.

(I) The House and Senate Appropriations Committees oppose the amendment.

(J) The National Limestone Institute opposes the amendment.

(K) All of organized labor opposes the amendment.

(L) MSHA has worked to save lives.

A. Surface Stone, Sand and Gravel Mines Are Not Safe: In the last three years (1978–1980), 134 surface stone, sand and gravel miners were killed in these mines compared to 42 deaths in metal and nonmetal surface mines and 53 deaths in surface coal mines.

B. In terms of work-related fatalities, it is 35 times more dangerous to work in sand and gravel mines than at general merchandising stores like Sears & Roebuck:

According to the Bureau of Labor Statistics (BLS), the fatality incident rate per 100 workers (which is comparable to the 200,000 employee-hours worked measurement) for general merchandising stores (including Sears) was 0.004 in 1978, 0.0004 in 1979, and 0.002 in 1980 for a three-year average of 0.002.

The fatality rates from sand and gravel pits, on the other hand, were 0.08 in 1978, 0.08 in 1979, and 0.05 in 1980 for a three-year average of 0.07.

Thus, in terms of work-related death rates, it is some 35 times more hazardous to work in sand and gravel pits than at general merchandise stores like Sears.

The other claim ignores the importance of the comparative fatality rates by lumping together both serious and nonserious injury rates.

C. The 1977 MSHA law was not designed for deep underground coal mines:

The sponsors of the exclusion amendment have argued that the MSHA law was designed for deep underground coal mines and, therefore, should not be applied to surface mining. This argument is seriously flawed and lacks an understanding of the law.

The purpose of the 1977 MSHA law was not to add new standards for deep underground coal mines which were already covered by the Coal Mine Health and Safety Act of 1969. Indeed, it assumed and left unchanged the coverage of all mines which were included in the existing 1969 Coal Act and the 1966 Metal and Nonmetal Act, including coverage of stone, sand and gravel mines.

The primary purpose of MSHA was to provide noncoal miners with the same statutory safety and health protection that had been denied them under the old Metal and Nonmetallic Mine Safety Act of 1966, and to transfer enforcement to the Labor Department.

The MSHA law clearly prohibited standards governing coal mines from applying to noncoal mines.

Each type of mining operation—coal and noncoal, underground and surface—is subject to different requirements for the individual safety and health characteristics of each type of mining operation.

Surface stone, sand and gravel and open pit mines are governed by their own set of safety and health standards which are separate and apart from other types of mines.

The enforcement of MSHA standards is also separated, with one division specifically responsibile for coal mines and another for noncoal mines.

D. It is ludicrous to suggest that surface stone, sand and gravel mining is more comparable to construction work than mining:

The amendment's sponsors have repeatedly stated that surface stone, sand and gravel mining is more comparable to construction work and should be subject to OSHA's construction standards and enforcement.

Surface stone, sand and gravel mining has long been considered an integral part of the mining industry.

Until the passage of MSHA in 1977, the surface stone, sand and gravel mine operators considered themselves a part of the mining industry.

As long as they were covered by the much weaker Metal and Nonmetallic Mine Safety Act of 1966, the operators never suggested that they were not miners and never petitioned Congress for coverage under OSHA.

The claim is not a very subtle political argument designed to relieve the operators of their safety and health responsibilities.

E. Under the amendment, the legality of transferring jurisdiction for these mines from MSHA to OSHA is highly doubtful:

There is no statutory basis for such a transfer.

All the amendment does is to deny MSHA the use of funds to issue or enforce safety and health standards in the affected mines.

Since neither the OSHA nor MSHA statutes are amended to effectuate a transfer, the net effect of the amendment is to exclude these mines from any safety and health enforcement.

At the very best, the amendment will result in lengthy litigation which in the meantime will leave the affected miners with little or no protection.

The court cases cited by Congressman John Rousselot to support the contention that OSHA has the statutory authority to assume jurisdiction over these mines are limited to cases where a federal agency had statutory safety and health authority but failed to exercise it, which is not the situation with MSHA. The cases cited simply do not apply to the MSHA situation.

According to the Secretary of Labor: "Since the provisions of the Mine Act and MSHA's standards are neither repealed nor amended by the rider, but only the expenditure of funds to enforce them temporarily prohibited, it is likely that many operators will contest OSHA citations by contending that Section 4(b)(1) of the OSH Act precluded OSHA authority."

"Resolution of this litigation may take some time, since the legal precedents do not deal with the specific issues presented by this situation."

"While this or any other issue is being litigated, the contesting operator need not comply with an OSHA abatement order."

F. OSHA has neither the standards, resources, nor mining expertise to assume effective responsibility for the excluded mines.

The Secretary of Labor, in opposing the exclusion amendment, stated that in addition to raising serious legal questions concerning OSHA's authority over the excluded mines, OSHA is already under severe budget constraints, manpower limitations, and lacks adequate standards by which to inspect the affected mines.

According to the Secretary of Labor:

"OSHA is operating under resource constraints of its own and the rider will not transfer to it the resources which MSHA is precluded from using."

"OSHA has limited experience with sand, gravel, stone and related operations."

"There are limits on OSHA's ability to conduct general schedule inspections of the affected workplaces."

"OSHA is constrained by an appropriations limitation from targeting its inspection resources to the vast majority of operations affected by this rider."

"We do not expect OSHA to be able to schedule many 'wall to wall' safety inspections."

"While MSHA has developed specific standards which are tailored for the various aspects of surface mining, OSHA has no such standards."

"While some of OSHA's 'general industry' standards may be applicable, they would not cover most of the serious hazards involved."

(3) According to a report prepared by the Congressional Research Service: "[I]f these types of dangerous mining operations are exempted from MSHA where they are mandatorially inspected twice a year, and put under OSHA, they will be virtually totally exempt from all injury prevention inspections."

G. The amendment excludes over 77,000 surface miners and attendant mill workers from any effective safety and health protection:

The amendment excludes some 39,562 sand and gravel miners (which is about one-third of the surface mining workforce); 37,494 surface stone miners (which is another one-third of the surface mining workforce); and several thousand more clay, colloidal phosphate, shale, feldspar, shell miners and mill workers.

Over two-thirds of the surface mining workforce is thus excluded from any effective safety and health protection.

H. The Department of Labor opposes the exclusion amendment:

Secretary of Labor Raymond J. Donovan formally opposed the exclusion amendment in letters written to Members of Congress last December.

The Department's opposition was based upon:

The legal uncertainty with respect to OSHA's authority to assume jurisdiction;

The budget constraints already imposed on OSHA, as well as a lack of applicable standards and experienced inspectors;

The disruption of MSHA's inspection and enforcement activities, including the cost of closing 42 MSHA field offices at a cost of $4 million;

The loss of 280 highly trained MSHA mine inspectors and other enforcement personnel;

The resultant confusion as to jurisdictional authority between OSHA and MSHA.

I. The House and Senate Appropriations Committees oppose the exclusion amendment:

The House Appropriations Committee reported a Labor-HHS appropriations bill which was free from the exclusion amendment.

The Senate Appropriations Committee voted 16-11 to strip the amendment from the Labor-HHS Subcommittee bill.

J. The National Limestone Institute opposes the exclusion amendment.

K. All of organized labor is opposed to the exclusion amendment:

The unions whose members are directly affected by the exclusion amendment include the United Steelworkers of America; United Cement, Lime and Gypsum Workers Union; International Brotherhood of Teamsters; International Union of Operating Engineers; and the American Federation of Government Employees. All of these unions are formally opposed to the exclusion amendment.

In addition, the AFL-CIO, the Industrial Union Department of the AFL-CIO, and the Building and Construction Trades Department of the AFL-CIO are formally opposed to the exclusion amendment.

Finally, the United Mine Workers of America is formally opposed to the exclusion amendment.

L. MSHA has worked to save lives:

Between 1978 and 1980, the overall mine fatality rate declined 33 percent and disabling injury rates declined 9 percent.

In surface sand and gravel mines during this period, the fatality rate dropped 38 percent and the disabling injury rate decreased 15 percent.

For the first six months of 1981 the sand and gravel fatality and injury rates declined even more dramatically due in part to a substantial slowdown in the construction and home building industries.

The Library of Congress study reported, "to send surface miners from MSHA to OSHA would probably be condemning increasing numbers of miners to injury or death."●

LITHUANIAN INDEPENDENCE DAY

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SAWYER. Mr. Speaker, I have always held basic human rights very high and I am angered that such values are currently being crushed by Soviet oppression in the Baltic region of Eastern Europe. I am, of course, referring to Lithuania, which today celebrates the 64th anniversary of its declaration of independence.

Lithuania has treasured freedom and democracy. They authored a 1922 constitution which guaranteed the rights of free speech, assembly, religion, and communication. Although their dedication to freedom remained strong, it also was short lived.

German armies marched into Lithuania on March 22, 1939, and initiated a second occupation. Hitler's oppression and devastation crippled the Lithuanians. Jews were executed. Soon the Soviets pushed Hitler's forces out and on June 14, 1941, the Russians tragically deported 30,000 Lithuanians to Siberia. They also executed 5,000 political prisoners when forced out once again by advancing Germans. The Lithuanians seem caught in a nightmare of domination, as the Soviet Union moved in again on July 13, 1944, and have occupied the country since.

I deplore the Soviet action and commend all Lithuanians and their cultural brothers and sisters in America for their courage, perseverance, and strength.

I recognize today as an important day to all free people, and I also give my strong support to House Resolu-

tion 386, which proposes to name June 14 as "Baltic Freedom Day", to act as a symbol of America's commitment to the aspirations of all enslaved Baltic people.●

NESTOR CHYLAK, A GREAT NAME IN UMPIRING

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. McDADE. Mr. Speaker, Nestor Chylak achieved greatness in a tough profession—baseball umpiring.

When he died last week at his home in Dunmore, Pa., Ted Williams, one of the greatest players in baseball history, said that Nestor Chylak should be enshrined in the Hall of Fame at Cooperstown. "If there's one umpire who deserves it, it's Nestor," he said.

Nestor Chylak broke into umpiring in 1947 in the Pony League; moved through the Canadian-American, New England, Eastern, and International Leagues; then made it to the bigtime in the American League in 1954. During his 25-year career, he worked five World Series, seven All-Star games, and three American League playoffs. He had been assistant supervisor of American League umpires since 1979.

American League President Lee MacPhail said, "He was considered an outstanding teacher and certainly one of the finest umpires in major league baseball in modern times."

Baseball Commissioner Bowie Kuhn said, "Few have ever been more respected in his field than Mr. Chylak."

It seems to me that the measure of the man is in one of his own well-remembered statement: "They way I see it, an umpire must be perfect on the first day of the season and then get better every day."

Fuller accounts of Nestor Chylak's like were printed in the Scranton newspapers. Because he was "one of the great names in umpiring", as Washington Post writer Byron Rosen has said, I ask that the following articles from the Scranton Times and the (Scranton) Tribune be printed in the RECORD at this point.

[From the Scranton (Pa.) Times Feb. 17, 1982]

NESTOR CHYLAK DIES AT HOME; RATED AMONG BEST UMPIRES

Nestor Chylak, 59, the popular Dunmore resident who made his mark on the national sports scene as a highly respected American League umpire before his retirement in 1978, died this morning at his home.

Chylak's death came as shocking news to his many friends who followed the umpire's exploits on the field since 1954 when he joined the AL umpiring staff.

Chylak, a native of Olyphant who broke into umpiring in 1947 in the Pony League, worked five World Series, seven All-Star games and three American League playoffs during his 25-year career.

But even after he retired, he remained active in the game, serving in recent years as a supervisor of American League umpires.

When informed of Chylak's death, Bob Fishel, secretary and assistant to American League President Lee MacPhail Jr., said, "Nestor had the confidence of so many ballclubs. He was an awfully good instructor . . . a beloved umpire. We're all going to miss him terribly."

Fishel then added the highest tribute he could have paid Chylak.

"He certainly should be a candidate for the Hall of Fame," said Fishel. "He truly was one of the best umpires of our time."

That sentiment also is shared by one of the greatest players in baseball history, Hall of Famer Ted Williams.

Williams, who was in Harrisburg last Friday to attend a sports show, told a group of Scranton men who attended the show that he planned to help launch a drive to have Chylak enshrined at Cooperstown.

"If there's one umpire who deserves it, it's Nestor," Williams told the trio—Charles A. Rosse, retired sports editor of The Times; John Haran, a retired industrial developer, and Thomas "Irish" Langan, a retired state worker and Scranton tavern owner.

Ron Luciano, former president of the Major League Umpires Association and currently a broadcaster for the NBC Game of the Week, also voiced shock at the news of Chylak's death.

"It's going to hurt everybody," said Luciano, the Binghamton, N.Y., resident who once was part of the crew Chylak headed. "It will hurt all baseball people, but especially the young umpires.

"He was such a big help for the younger guys as supervisor of umpires. A lot of guys will be making a lot more mistakes because Nestor's not around.

"Umpiring has been getting better the last few years, and one of the reasons is Nestor. Old-timers, like myself, will be hurt. The young umpires will be hurt. And so will the players, who were hurt when he retired."

Dick Tracewski, the Peckville resident who is first base coach for the Detroit Tigers, said news of Chylak's death was "very upsetting."

"He was a guy who enjoyed life," Tracewski said. "He worked so hard and now that he's retired, he should be enjoying himself. It's tragic, tragic."

Just two weeks ago, Chylak was a guest at the Baseball Writers dinner in New York City.

In recent years, Chylak worked as assistant to Dick Butler, supervisor of American League umpires. His job, as assistant supervisor, was to observe umpiring crews at work during the baseball season.

In the fall of 1978, when Chylak retired, Butler explained how much he thought of the area resident when he said, "In my estimation, he's been the best around for a long time. You know darn well we'll miss him out there next season."

But he never roamed too far away from the game.

In fact, Chylak had been scheduled to put on a uniform again within the next few days to begin a three-week swing through baseball camps in Florida and Arizona with former National League umpire Al Barlick.

On Tuesday, he was scheduled to go the New York for a meeting of the umpire crew chiefs as an orientation for the trip through the spring training camps.

His new job, created by a special request from Commissioner Bowie Kuhn, was aimed at making young minor league umpires better at their business. That's how respected Chylak was.

In fact, during the years he patrolled the basebaths of major league baseball, Chylak was held in such high esteem that he was considered among the best umpires in the business.

In 1977 Dave Anderson of The New York Times penned a column on Chylak after he had called Steve Garvey of the Los Angeles Dodgers out at home plate during a 4–3 victory over the New York Yankees in the 1977 World Series.

Even though Nestor's face was all over the television screens during that series, he told Anderson: "In all my years as an umpire I've never had a person come up to me and say, 'Are you Nestor Chylak, the umpire'?"

Chylak, describing the controversial play in which he called Garvey out, said, "I learned long ago never to take the game home with me—to forget about it."

Chylak had a fine sense of humor. He told Anderson, "Umpires are a necessary evil. We go with the game."

The following year, after the World Series incident, Chylak was working in a night game in Toronto on July 23 when he became ill. There were all kinds of stories written claiming that Chylak had suffered a stroke. However, Nestor always shied away from the exact nature of his medical problem. He never worked a game after the July 23 incident, however.

The latest story on Chylak in The Times' files involved the job in Florida he apparently looked forward so much to filling.

"I'll be training on the field with these fellows," Chylak said last November. "And, I'm happy over the fact I've been selected to help out . . . I feel you start behind the plate in forming good consistency and, if you can find it, then I feel you're on the road to becoming a good umpire."

After breaking into umpiring in the Pony League, Chylak moved to the Canadian-American League and went over to the New England League in 1949. He worked the Eastern League in 1950–51 before moving on to the International League for the 1952–53 seasons and then the American League.

When he moved into the American League, Chylak joined fellow league umpire and Lackawanna County resident Joe Paparella.

For many years, Paparella resided in Peckville and Chylak in Olyphant, about a mile from each other.

For years Paparella held the distinction as dean of American League umpires and later, after Paparella retired in 1967, it was Chylak who was held in such high esteem.

Funeral arrangements were not available today.

[From the Tribune (Scranton, Pa.), Feb. 18, 1982]

NESTOR CHYLAK, UMPIRE GREAT, IS DEAD AT 59

(By Jack Seitzinger)

Nestor Chylak, 502 N. Apple St., Dunmore, assistant supervisor of American League umpires since 1979, died unexpectedly Wednesday at home.

Chylak, 59, considered a candidate for eventual Hall of Fame recognition, died in his sleep and was pronounced dead by his nephew, Dr. Paul Remick, at 7:15 a.m.

Born in Olyphant, son of the late Nestor and Nellie Shipskie Chylak, he was educated in Olyphant schools and was an Army veteran of World War II. A platoon sergeant

with Co. M., 424th Infantry Regiment, 99th Division, Chylak was struck by shrapnel from an exploding German shell on Jan. 3, 1945, and almost lost his eyesight.

Although Chylak was always reluctant to discuss his 37 months military service, he did possess two of Uncle Sam's most cherished awards for heroism—the Silver Star and Purple Heart. He spent eight weeks in a hospital after being wounded and doctors weren't certain he'd be able to see until they removed his bandages 10 days after the operation.

Not only did Chylak—a member of the Scranton Area Sports Hall of Fame—recover, he went on to gain recognition as the best umpire in baseball before retiring Nov. 8, 1978, after 25 years in the American League and accepting the position of assistant supervisor of AL umpires.

Chylak, who started his umpiring career in 1947 in the Pony League and eventually moved through the Canadian-American, New England, Eastern and International Leagues before making it to the big-time in 1954, welcomed the newest challenge.

"It's something I've always wanted to do," he said then. "I've always wanted to get into a supervisory capacity. And as long as the American League was nice enough to give me the chance, I'm going to take advantage of it. This new job is going to prolong my career."

The career of Chylak, who studied engineering at Rutgers University in 1941-42 and the University of Scranton in 1946-47, was nothing less than brilliant. He was considered a model umpire, a "take charge" guy who could handle almost any situation.

Chylak's status as an umpire was such, in fact, that he was selected for five of history's most exciting World Series, three American League championship series and four All-Star games.

His World Series appearances were in 1957 between the New York Yankees and Milwaukee Braves, in 1960 when Bill Mazeroski's home run enabled the Pittsburgh Pirates to defeat the Yankees, in 1966 when the Baltimore Orioles took four straight from the Los Angeles Dodgers, in 1971 when the Pirates defeated the Orioles in seven games, and in 1977 when Reggie Jackson slugged five homers to help the Yankees whip the Dodgers.

Chylak rated the Mazeroski homer and the second game of the 1966 World Series in which the Dodgers' Sandy Koufax faced the Orioles' Jim Palmer as his biggest thrills.

"That 1966 Series is one that sticks out in my mind," Chylak once said. "It was Sandy Koufax's last game and Jim Palmer beat him. In fact, the Orioles took 'em four in a row. But when I went to the ballpark all I could think about was Koufax. I didn't even think about another pitcher. I got psyched up to the point that I forgot about the other team. As an American League umpire I hadn't had much to do with Koufax, so all along I was wondering what he throws . . . what pitches had made him so successful."

But Chylak always knew that his days as an active umpire could not last forever. He failed to complete the 1978 season after "running out of gas" while working a doubleheader at Toronto.

Chylak, at that time, was annoyed by rumors that he had taken a heart attack or suffered a serious illness of another sort.

"The truth is that I just ran out of gas . . . got 'pooped.' I spent a week in Texas where the temperature was 116 degrees. Then I ran to San Diego for the All-Star game, back to Anaheim and then to Milwaukee for a doubleheader. I got off the field in Milwaukee at 1 a.m. and had to catch a plane to Toronto—and another doubleheader—at 5 a.m. That's when I ran out of gas."

Chylak, who only two weeks ago was a guest at the Baseball Writers dinner in New York City, had a keen sense of humor. Although he found some incidents to be funny, he was always serious once he donned his umpiring garb.

"I umpired for 25 years and can honestly say I never called one wrong in my heart," he once recalled. "The way I see it, an umpire must be perfect on the first day of the season and then get better every day."

Chylak was one umpire who lived up to his words. He continued to get better. Baseball Commissioner Bowie Kuhn and American League President Lee MacPhail held him in high esteem.

"Few have ever been more respected in his field than Mr. Chylak," Kuhn said Wednesday after learning of Chylak's death. "Everyone looked up to him and I developed more respect every time I saw him in a World Series or All-Star game. He continued to make invaluable contributions to baseball to the end through his supervisory position with the American League."

"We were all shocked at the passing of Nestor Chylak," MacPhail said in a prepared statement. "He was our guest just two weeks ago at the New York Baseball Writers dinner and appeared to be in fine health. He was looking forward to spring training and was scheduled for an umpire crew chief meeting here (New York) next week.

"He had the confidence of young umpires on the staff as well as the respect of the senior men. He was considered an outstanding teacher and certainly one of the finest umpires in major league baseball in modern times. We are sure he will be a candidate for eventual Hall of Fame recognition.

"Meanwhile, our deepest sympathy goes out to his wife, Sue, and his family. Baseball has lost a wonderful friend and a great umpire."

In addition to his wife, the former Sue Shemet, Chylak is survived by two sons, Robert, Conshohocken, and William, at home; two sisters, Mrs. Juel Dudrich, Blakely, and Mrs. Mae Burgass, Schenectady, N.Y., a brother, Eugene, Chapman Lake; and several nieces and nephews.

He was a member of SS. Cyril and Methodius Ukrainian Greek Catholic Church, Olyphant; American Legion Post 327, VFW Post and Centennial Club, Olyphant.●

NO ARMS TO JORDAN

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. McGRATH. Mr. Speaker, recently the Secretary of Defense visited the Middle East. During his trip, he reportedly expressed the willingness of the administration to sell F-16's and Hawk missiles to Jordan. Even though the President, in his recent press conference, dispelled the notion that such sales are imminent, my deep concern over U.S. policy in the Middle East has not diminished.

First and foremost, such a sale to Jordan makes no sense at all. Whether or not King Hussein needs to bolster his air defense, mobile missiles and F-16's are not defensive weapons. They are offensive. That is why President Ford agreed in 1975, at the insistence of the Congress, to sell Jordan only defensive and nonmobile antiaircraft weapons.

Against whom would Jordan use such weapons? There are few real prospects, save one—Israel. Why, after a divisive debate only 6 months ago over the AWACS sale, would the administration want to open up another rancorous debate within the Congress over arms sales?

Why, only 2 months before Israel plans to turn over the rest of the Sinai to Egypt, would any official of the administration do anything to further heighten Israel's sense of insecurity?

Why would any official of the administration even hint at rewarding Jordan for its nonparticipation in the Camp David peace process?

Either Secretary Weinberger was speaking on behalf of the administration, or he was conducting a form of "freelance" foreign policymaking. Under either scheme, the implications are disturbing. Under the first, we would be making it difficult for Prime Minister Begin to believe President Reagan when he says the United States is committed to Israel's security. Under the latter, we are making it extremely difficult for any nation in the Middle East to believe that we have any Middle East policy at all.

I insert in the RECORD at this point an excellent editorial which appeared in the February 19 issue of Near East Report.

AN ALARMING STRATEGIC SHIFT?

Dangerous confusion surrounds the purposes and results of Secretary of Defense Weinberger's recent swing through Saudi Arabia, Oman and Jordan. His trip evoked a sense of foreboding in the Congress, in American public opinion, and in Israel.

Is an ominous strategic reorientation taking place in the Administration's Middle East policy? Is it a "redirection" of priorities away from Israel and toward Arab states? Would not such a shift disserve America's national purposes in the region, inevitably be self-defeating for the United States, and surely threaten Israel's existence?

In a letter to Prime Minister Begin last Tuesday, President Reagan sought to still the widespread apprehension, but fundamental questions remain. It is up to Congress to air them:

Was the Secretary speaking for the Administration when he stressed that American policy cannot be "hostage" to Israel's interests? Did he not come close to the prevarication that America's commitment to Israel has skewed our national interest and must be modified accordingly?

Did Mr. Weinberger reflect government policy when he insisted that America could not have "only one friend" in the Middle East (as though Israel had not made it consistently clear that it fully accepts a close U.S. tie to the Arabs so long as it is not achieved at Israel's expense)?

Does not the President's own reiteration of that theme in his letter to Begin leave the door open to the very tilt away from Israel that is feared?

Did Weinberger flout the will of Congress and the President's commitments to the Senate—or was he formulating a new Administration policy—when he gained the creation of a joint military committee without demanding or gaining Saudi assurances on the non-offensive use of the Awacs radar planes Congress authorized last fall?

Did he act for the Administration when he promised Jordan's King Hussein to seek approval of the sale of mobile Hawk missiles and F-16 fighter planes? The President states that no such sale is now on the agenda, but he leaves open the possibility for the future. But, without asking or getting Jordan to join the Camp David peace process, does he not thereby leave a major security threat hanging over Israel?

Who are the friends the Administration seeks in the region? Saudi Arabia has endlessly repeated, during Weinberger's visit as well as throughout the months of the Awacs debate, that it rejects our friendship, and Jordan turns to the USSR when it deems it necessary. And is friendship with the U.S. simply to be bought with military hardware?

Against whom would Jordan use the missiles and planes that might one day be sold to it? To create an Eastern Front with Iraq in a joint assault upon Israel coordinated by the Saudi Awacs? In the face of such a threat, Israel could not fail to look to its own national interest: national survival.

Has the rationale for the U.S.-sponsored arms buildup in the Arab world changed from that of strategic consensus against the Soviet threat to defense against internal subversion, as Weinberger's people now say? If so, how do missiles and fighter-bombers serve the purpose?

Does the Administration not recognize that to arm intransigent Arab regimes simply rewards their recalcitrance and endangers a democratic ally?

These questions beg a larger one: Has the Administration any Mideast policy, or is Caspar Weinberger seeking to force his own upon it?●

FIVE MOST DISTINGUISHED GREEK AMERICANS OF 1982

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. PORTER. Mr. Speaker, on the night of Saturday, February 27, 1982, the Illinois Chapter of the United Hellenic Voters will honor five most distinguished Greek Americans.

This occasion is an opportune time to reflect on the constructive role played by the Greek American community in our Nation. Through it we are reminded of our shared cultural and democratic heritage and of the diversity that has characterized and enriched our Nation. Throughout the years Greek Americans have managed to preserve and celebrate their rich and unique tradition. At the same time, the Greek American community has contributed extensively to all facets of American life, both as a collective whole and through the outstanding accomplishments of people of Greek descent.

I am proud to join the United Hellenic Voters in honoring these five most distinguished Greek Americans of 1982: Senator Adeline Geo-Karis, Republican senator from the 31st District of Illinois, for her outstanding efforts in the legislative and political arena to benefit us all; Nick Nickolas, owner of the renown Nick's Fishmarkets in Chicago and Houston, for his high achievement and contributions to the food service industry; Nick Vern, for his remarkable success in blending his expertise in design and sales to become one of the top businessmen in the area; Charles J. Mouratides, editorial director of the Lerner Newspapers, for his nationally recognized excellence in the journalistic field; and Dr. Stephen Economou, well-known cancer specialist at Presbyterian Saint Lukes Medical Center in Chicago, for his expertise and extensive contributions to our knowledge of the field of medicine and oncology.

I take great pleasure in saluting these fine Americans. Their accomplishments do honor to their heritage and bode well for the future success and well-being of our Nation.●

THERE YOU GO AGAIN, MR. PRESIDENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. OTTINGER. Mr. Speaker, on two recent occasions President Reagan has defended his budget cuts by citing program abuses. One of his examples was the case of a New York school district in which some children are receiving free school lunches even though the average income in that district is between $75,000 and $100,000. I want to take this opportunity to set the record straight for my colleagues.

The President's facts were after a fashion, correct: It was the Pocantico School District to which he referred and, it in fact has an average income of $88,689; of its 370 students, 24 participate in the free or reduced lunch program. However, these facts and the President's statements are highly misleading as is pointed out in the excellent following letter to the President from the Honorable Richard Brodsky, a Westchester County legislator.

The Pocantico School District happens to be the small community which contains the homes of the Rockefeller family. It represents an unique economic situation which cannot be compared with other school districts in Westchester County or the country. It has little relevance when we consider the national value of the school lunch program—its use as an example constitutes either misunderstanding or deliberate deception.

I am inserting the full text of Mr. Brodsky's letter to the President in the RECORD because I think it will be of great interest to my colleagues:

WESTCHESTER COUNTY
BOARD OF LEGISLATORS,
White Plains, N.Y., February 18, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The New York Times of Tuesday, February 9, reported comments by you concerning a school district in Westchester County whose students receive free school lunches although the average income in the district is between $75,000 and $100,000 a year. This question was again raised in your news conference of today.

Your comments provoked much thought and research on my part. My first concern was to check the accuracy of the comment. The second was to understand its significance.

Appended to this letter is an income analysis of each school district in Westchester County, and a breakdown of those districts that participate in the free and reduced school lunch program.

You may find it reassuring that your source for this information was, in some sense, correct. As you can see, the Pocantico School District has an average income of $88,689, and of its 370 students 24 participate in the free or reduced lunch program.

I think it only fair to point out that the Pocantico School District is, by nature of the extraordinary income of one family that resides there, a unique and potentially misleading example of the impact of the program on the people it serves in Westchester.

This may be more clearly seen by comparing the Pocantico District to other districts in Westchester and to the County as a whole.

The average income for Westchester County as a whole is $26,004. The average income in those school districts that participate in the lunch program, including Pocantico, is $23,469. Both of these averages are less than one-third of the Pocantico average.

Furthermore, of the 13,047 students who use the lunch program in Westchester, Pocantico supplies 24. In other words, Pocantico represents less than two-tenths of one percent of the program use in Westchester. And absent any allegation of fraud, I'm sure those 24 students fall within the means test for eligibility for the program.

This comparison becomes even more significant when a comparison is made with two other school districts in Westchester, Mt. Vernon and Yonkers. The average income for these districts is $17,868. These districts provide 8,523 participants, over 65 percent of the Westchester County total.

What then may a reasonable person conclude about the school lunch program in Westchester? First, that the overwhelming majority of those served are in school district significantly below average in income, and the students who use the program are even more profoundly below the district average. (These districts are widely known to be in desperate financial condition, but that is a separate issue.) The program is recog-

nized to provide a significantly health and educational benefit to those who use it.

Second, that the Pocantico example is so small in comparison with the program in Westchester as to be statistically irrelevant, if one wishes to understand the costs and benefits of the school lunch program. It represents an economic situation unique in all America, and reveals little of value in the debate over the school lunch program.

In measuring the significance of your comments about Pocantico, I find myself deeply troubled. It seems to me to be simply unfair to ask public officials and the American public to draw conclusions about a program so broad in its impact based on this example. Many Americans, indeed most Americans, are neither ideologically opposed or ideologically committed to your proposals. If we are to support or oppose them, it should be on the basis of reasonable argument, supported by reasonable facts, not one small and misleading example.

I'm sure you have no intent to mislead anyone on this issue. The enormous power of the Presidency and your own exceptional skills as a communicator are surely best served by a straightforward use of information, let the chips fall where they may.

The enormous shift in public policy you have proposed will be debated and ultimately supported by the American people only if both the programs and their presentation are perceived to be fair and direct. I hope you will receive these comments in the spirit in which they are intended, as a means of affirming ways in which public people conduct public business. I have always believed that in seeking and achieving public office, we are not only bearers of our particular ideas and beliefs, but serve as custodians of a delicate democratic process; and as custodians of public speech.

I would welcome any comments you may have about the substance of the school lunch debate, or on the use of the Pocantico example in that debate.

Thank you and best wishes,

RICHARD BRODSKY,
County Legislator.

APPENDIXES ON THE SCHOOL LUNCH PROGRAM IN WESTCHESTER

	Students	Students in SL program		Average income
		Number	Percent	
School districts:				
Katonah	3,304	16	0.4	$33,340
Tuckahoe	755	51	6.8	21,490
Tarrytowns	2,134	293	13.7	22,498
Dobbs Ferry	1,209	37	3.1	26,388
Ardsley	1,724	52	3.0	31,661
Greenburgh	2,776	299	10.8	27,520
Mount Pleasant	2,007	48	2.4	23,260
Pocantico	370	24	6.5	88,689
Valhalla	1,462	42	2.9	21,714
Mount Vernon	9,819	2,338	23.8	16,294
Chappaqua	3,649	17	.5	50,173
New Rochelle	8,471	129	8.8	22,620
Armonk	1,979	13	.6	43,125
Ossining	4,080	550	13.5	22,542
Briarcliff	1,211	27	2.2	42,625
Peekskill	3,040	828	27.2	17,893
Rye	2,462	30	.1	48,219
Rye Neck	1,172	14	1.1	26,014
Somers	2,629	65	2.5	28,557
Yonkers	21,750	6,185	28.4	18,418
Lakeland	6,810	357	5.2	21,394
Yorktown	3,998	53	1.3	24,953
White Plains	6,126	957	15.6	22,498
Totals	92,937	13,047	14.0	23,469
School districts not in school lunch program:				
Bedford				37,850
Croton-Harmon				26,344
Hendrick Hudson				21,376
Eastchester				25,686
Bronxville				41,481
Irvington				32,264
Hastings-on-Hudson				27,152
Edgemont				45,639
Elmsford				20,509
Mamaroneck				37,118
Pleasantville				27,875
North Salem				27,799
Pelham				30,759
Port Chester				19,314
Blind Brook				35,759
Scarsdale				55,682
Average income for Westchester				26,004

Note.—Source of figures for SL program—NYS Department of Education.

Source of figures for income averages—NYS Department of Taxation and Finance. Average income figures were arrived at by dividing gross income by the number of returns filed. For example, gross income in Westchester was $8,838,549,097, with 339,895 returns filed, resulting in an average income of $26,004. Figures by each district are available. SL student numbers were average daily use for November 1981. Figures on several small districts using the program, such as Harrison and Boces were not available.●

LITHUANIAN INDEPENDENCE DAY

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. SMITH of Pennsylvania. Mr. Speaker, I rise today to join with my colleagues in commemorating Lithuanian Independence Day.

February 16, 1982, marked the 64th Anniversary of Lithuanian Independence Day. I take this opportunity to pay tribute to the Lithuanian people everywhere who strive for the ideals of liberty and continue to long for the day when they can again freely exercise their cultural and religious freedom as an independent nation.

We praise the Lithuanian people because they have the courage to stand firm in their conviction that people should never be deprived of their fundamental human rights. It is with this spirit of freedom that helped established the Republic of Lithuania, and in 1918 these courageous people proclaimed to the world their independence from Russian domination. However, this period of freedom was short lived, and the joys of liberty were turned into sorrows of despair due to the domination of the Soviet Union in 1940.

In June 1940, the Soviet Union invaded and forcibly annexed Lithuania despite Russia's "sacred word of honor" not to do so in a peace treaty and nonaggression pace with Lithuania. The Soviet Union invaded, occupied, and continue to occupy Lithuania today. The flame of independence that the Lithuanian people enjoyed in 1918 has been extinguished by the brutal oppression of the Soviet Union.

However, this strong and proud people have not given up the desire to rekindle the flame of freedom. In the face of severe adversity, the people have continued to commit themselves to individual rights and fundamental freedoms which reflect the remarkable spirit of the Lithuanian people.

The spirit of Lithuanian independence and a hope for the eventual liberation of their homeland is shared by thousands of Lithuanian Americans. Through organizations like the Lithuanian American Council, these citizens are not only preserving their heritage, but also contributing to the betterment of American society.

I urge all Americans to join with the Lithuanian people in celerating their independence day and in working toward that day when they can again be a sovereign and free nation.●

NATIONAL URBAN LEAGUE TO CONDUCT FIELD HEARINGS ON AFDC

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. FORD of Tennessee. Mr. Speaker, on March 8, 1982, the National Urban League will conduct field hearings around the country in order to assess the current status of the aid to families with dependent children program (AFDC).

When Congress cut this program by $1 billion last year, over 660,000 families previously receiving AFDC benefits were faced with reduced benefits or elimination from the program. Further cuts are now proposed by the administration which will result in thousands of more families being denied the basic assistance that this program provides.

It is imperative that we understand the consequences of these actions for our Nation's most vulnerable children and families before we proceed further. It is to gain this vital understanding that the Urban League is launching its nationwide forum. Hearings will be conducted in: Cleveland, Ohio; Lansing, Mich.; Cincinnati, Ohio; New Orleans, La.; Denver, Colo.; Rochester, N.Y.; Sacramento, Calif.; Springfield, Mass.; Memphis, Tenn.; Pittsburgh, Pa.; Jacksonville, Fla.; Englewood, N.J.; Peoria, Ill.; Minneapolis, Minn.; and Washington, D.C.

These hearings will complement the field hearings which were conducted by the Ways and Means Committee on the effect of the 1982 budget cuts. I encourage my colleagues to participate in these hearings and to study carefully the information they will provide before making any decisions on the ad-

ministration's latest round of proposals.●

THE CLARK EXPEDITION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. FIELDS. Mr. Speaker, for the benefit of my colleagues I am inserting for the record George Will's commentary on the Ramsey Clark factfinding expedition to Central America. After listening to the President's speech on the terrorist activities consuming the volatile Central American region, I believe Mr. Clark does a great disservice to the American public by professing his glowing support and admiration for the Marxist regime in Nicaragua.

Although Mr. Clark would like for us to believe otherwise, the leftist forces in this region are not democratic. These forces are not trying to implement peaceful change but rather they are determined to destroy and desecrate the indigenous Indian population at all cost. It is imperative that the American people become aware of the clear link between the Nicaraguan Marxist forces, the military support from Cuba, and the direct intervention of the Soviet Union. Evidence indicates that the guerrilla activities consuming this region are not internal affairs; moreover, these activities threaten the entire Western Hemisphere.

Mr. Speaker, I submit for my colleagues George Will's discussion of Mr. Clark's expedition and the perilous situation that we face. I commend my colleagues' attention to this enlightening article.

[From Newsweek, March 1, 1982]

AGAIN, THE FACTFINDERS

(By George F. Will)

Ramsey Clark, that groupie of anti-American dictators, recently visited Nicaragua, issuing exclamations of approval, punctuated by a swoon of admiration for Nicaragua's Marxist dictatorship. Shucks, says this Manhattan lawyer in his country-boy manner, it's about the neatest revolution he's laid eyes on. That is high praise from a connoisseur who has laid eyes on a few since leaving office as Lyndon Johnson's last Attorney General. Immediately after leaving LBJ's Cabinet, Clark decided that U.S. policy in Vietnam lacerated his conscience. He made a pilgrimage to Hanoi, supporting Hanoi's program of conquest. More recently Clark had a crush on Khomeini.

Clark and some friends went to Nicaragua on one of those "fact-finding" trips that invariably find three "facts." The first is usually that the left, which is shooting its way to power or is busy screwing down the lid of its dictatorship, is really, deep down, democratic. The second finding usually is that although the leftists are talking and acting like communists (harassing all "counter-revolutionary" parties and newspapers) and are being armed to the teeth by communists (Nicaragua suddenly has the largest army in Central American history, an army unrelated to any defensive needs), they are behaving this way only because the United States "is driving them into the arms of the communists." The third finding is usually that the United States is doing this because, being paranoid, it confuses simple peasant agrarian reformers with communists.

HIGH COMMITMENT

"You will not find," Clark says, "a revolutionary movement in our epoch in which there has been such a high commitment to human rights." Clark and Co. took a page from the fact finders who used to find that Russian kulaks rather enjoyed "resettlement" at Stalin's hands. Clark and his friends are stoical about the sufferings of the Indians who have been "resettled" at gunpoint. Heck, the Sandinistas say, they used only 2,000 troops, and, besides, the Indians had been exposed to clergymen "preaching a primitive brand of anti-communism." (Do the Sandinistas prefer more elevated brands?)

One of Clark's companions says the regime "is doing everything it can" for the Indians. Oh? A fact the fact finders missed is that the Sandinistas are conducting a Cambodia-style campaign of systematic violence to extirpate a culture, preventing children from learning their parents' religion and language, creating thousands of refugees, herding people into concentration camps, burning villages, burying some Indians alive, making bonfires—there are photographs—of Indian bodies.

Nicaragua and its Cuban patron (and Cuba's life-support system, the Soviet Union) are supporting the conquest of El Salvador by a violent minority. Critics of U.S. aid to El Salvador foresee "another Vietnam." Some critics recently became exercised about five U.S. military advisers carrying rifles in a region of El Salvador where, according to the kind of lunatic guidelines generated by fear of "another Vietnam," rifles are not supposed to be carried.

Many of those who are most eager to portray El Salvador as "another Vietnam" willfully misdescribed the conflict there, and then in 1975 conveniently caused Vietnam to disappear from their political radar screens. You remember: the war was called an "indigenous peasant revolt." That description got run over by an army indigenous to North Vietnam, armed with tanks and rockets indigenous to the Soviet Union. The most striking common denominator between Vietnam and Central America is the one thing denied by many people who warn that El Salvador is "another Vietnam." The common denominator is Soviet complicity. The participation of Nicaraguans, Cubans and Soviet arms does not inhibit those Americans who are determined to portray El Salvador's struggle as a purely "internal affairs." What will they say when El Salvador has become a staging base for the Soviet-Cuban assault on Guatemala, preparatory to the assault on Mexico? Supporters of U.S. policy in Indochina endorsed, and critics ridiculed, two theories. The "domino theory" held that Hanoi's conquest of South Vietnam would envelop Cambodia and Laos and bring communist troops to the Thai border. The other theory was that blood baths would follow communist victories. The boat people put to sea, Cambodia became a charnel house and those who had ridiculed the "domino" and "blood bath" theories changed the subject. Today their subject is El Salvador as "another Vietnam." But, as The Washington Post says:

". . . Somehow, sometime the people who fought and argued so passionately against the American effort and who so confidently misread the nature of the other side really need to accommodate the fact of the misjudgment into their thinking. Vietnamese history did not cease with our disengagement, and it also did not exactly improve."

FORCE OF NATURE

The sentimentalizing of "the other side"—in Indochina, in Central America—shows the lengths to which some people will go to avoid facing the fact that in many conflicts there is no nice side. It is said that the rebels in El Salvador, like Nicaragua's Sandinistas, are "gravitating" toward the Soviet camp. That suggests an impersonal force of nature, like gravity. Such language disguises the fact that our enemies are doing what they chose to do.

Already there are calls for the United States to press for a "coalition government" in El Salavador. In America, with its broad, mild consensus, when a Democrat or Republican president includes a member of the other party in his Cabinet it is considered bold. In El Salvador, where the two sides have been butchering each other, they are supposed suddenly to collalborate with the civility that democracy presupposes. It is amazing what people will believe to avoid facing that fact that in some conflicts one side or the other is going to win.

Clark, an archetype, is less a terrible simplifier than he is a terrible simplification, a distillation of all the follies of all the pilgrims who have worshiped at whatever shrines were considered "progressive" at the moment. Dabbling in Third World calamities is just a hobby for Clark. He lives and works comfortably far from the horrible effects of the causes he supports. But they are getting closer.●

A BUDGET CUT ON A PLATTER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ASPIN. Mr. Speaker, I offer the President a budget cut on a platter. It will save at least $2 billion a year and improve the effectiveness of our military command structure at the same time. What cut could be more appetizing?

The name of the game in Pentagon pruning is to find cuts that do not hurt our ability to defend the country. Here is a great example. Since World War II, the armed services have increased the number of generals and admirals relative to fighting units by a factor of 7.5 in the Navy, 6.6 in the Air Force, and 2.1 in the Army. At the end of World War II, the Navy operated 15 ships for every admiral. There are two ships per admiral today. In 1945, the Air Force flew 198 aircraft per general, versus 30 today. The number of soldiers per Army general has fallen from 3,876 in 1945 to 1,843 today.

We can make big savings by cutting back the number of generals and admirals, with no loss in military effec-

tiveness. In fact, we would probably increase effectiveness. Let me cite a bit of the obvious deadwood.

TOP-HEAVY RDF DEADWOOD

The history of the rapid deployment force [RDF] illustrates how too many generals and admirals spoil military effectiveness. The development of the RDF has been delayed by protests from the readiness command, which was set up earlier to plan for operations in the Persian Gulf, the same area over which RDF headquarters was to operate.

Gen. Volney Warner, who used to head the readiness command, said the proliferation of headquarters was to blame for unpreparedness to fight in the Persian Gulf.

By cutting the number of generals and admirals back to World War II levels, we could save $45 million per year just in compensation. But that is not all, by any means. Every general commands some kind of headquarters, with staff attached. And the RDF example illustrates how some of this staff is redundant.

It is hard to figure precisely how many of the many command staffs are excess. But let me show you how the deadwood branches of the Pentagon have grown.

In World War II the Army had three levels above divisions; corps commanded four to six divisions each; armies commanded two to three corps; army groups commended two to three armies. Today, the equivalent of an army group—U.S. Army Europe—commands only four divisions through the intermediaries of one army and two corps. A spindly, top-heavy command by comparision.

Not only that, the Army command structure in Europe is almost lean compared to command structures elsewhere. We have got the IX Corps in Japan with a three-star general in command of no divisions. We have got nine Army generals in Hawaii—and only one division. In the continental United States, we have got three "armies" that are territorial commands with four divisions under each. But then we also have eight paralled commands called readiness and mobilization commands.

I can see an argument for commanding fewer divisions through a corps headquarters today than in World War II. Divisions are bigger and have more and different kinds of equipment requiring more staff. They also have longer range weapons that can attack more important targets. But there is still lots of room for reductions in headquarters. For example, we are putting a lot fewer college students through ROTC today than we did in World War II, but nowadays we have four generals supervising ROTC where we had one in World War II. You cannot justify that on the basis that technology has made the job more demanding.

THE MODEST SOLUTION—PRUNE

If the Army cut back the percentage of officers in the force from 11 percent today to the 7 percent we had in World War II, even if we kept the same distribution of ranks, we would save $600 million. Multiply that by three services and it comes to nearly $2 billion. When you count in the potential reductions in retirement obligations for future years, the long-term savings is a lot more.

In World War II we did not have a problem with too few officers. In 1944, in fact, Army divisions in Europe were authorized to form 200-man rifle companies composed entirely of lieutenants who were assigned to the divisions but for whom there were no platoon slots open.

Meanwhile, only 3 percent of the German Army was in their highly skilled officer corps. Some scholars have concluded that the Germans' cap on officers was partly responsible for their higher fighting efficiency. Because they commissioned so few, they could restrict their officer ranks to better leaders.

NAVY GROUNDBOUND DEADWOOD

The number of billets for captains today is only nine fewer than the number of captains at the end of World War II. But the fleet has fallen from 5,718 ships then to 464 today. Of the 3,867 captains outhorized now, only 309 billets are classified as sea duty and of these 117 are staff slots, leaving a total of 192 captain's billets with command duties at sea. The other 3,558 captain's billets are ashore—92 percent of all captains are land-lubbing it.

There are surely reasons for a modern navy to have captains ashore. It has naval air stations and shipyards which need a senior man in charge—but 92 percent? And of these shore duty billets for captains, only 542 involve command duty. The other 3,016 captains are in staff jobs.

We pay captains $57,546 a year in what is know as regular military compensation (RMC), which includes pay, allowances and the tax break from the fact that the allowances are not subject to income tax. From the Treasury's point of view, not collecting the revenue on untaxed allowances is the same as paying a Government official extra.

The bill for all these captains comes to $217 million every year. That is a lot of money to shell out unless the captains are doing useful jobs. Some of them are justified. I can believe we need to pay the Navy's 400 doctors captain's salaries in order to compete with the civilian market. I can also believe that Navy missions added on since World War II, like strategic missile deployment from submarines, requires the Navy to hire a large number of engineers. The 329 captain's billets requiring engineering qualifications may all be justified, but what about the others?

WHAT DO THE OFFICERS DO?

Some of them look suspiciously like paperpushers; 19 captains in command of "legal services commands" and 65 more lawyers who hold the rank of captain, but who are not even in charge of other lawyers., Another 81 captain's slots are designated for chaplains. And the rest?

The Pentagon bureaucracy has also nurtured an Army rife with deadwood—many managers and few fighters. Let me give you a sense of the numbers involved.

The Army has more lieutenant colonels specializing in personnel management (903) than in leading infantry (838). There are more lieutenant colonels specializing in computers and operations research (461) than in commanding tanks. Twice as many specialize in various phases of materiel management (1,148) as in commanding artillery (547) and there are more lieutenant colonel dentists (294) then lieutenant colonel air defense specialists (223).

If you could shoot down Russian airplanes with dental drills, the Army would be in great shape; and if Harvard Business School methods won battles, we would have nothing to worry about.

LIEUTENANT COLONEL DEADWOOD

There are several reasons for the imbalance in lieutenant colonel specialties. Naturally, the officer corps wants as many promotion opportunities as possible. The Army has more lieutenant colonels than second lieutenants, the entry rank for officers. If they stay long enough, nearly all the second lieutenants can expect to make lieutenant colonel.

But, there are only 842 command slots for the 11,000 lieutenant colonels, so to make room for others, the Army had to create all kinds of positions, such as "community activities manager," which is as full of polish as calling a garbageman a sanitation engineer.

ARMY NOT PREPARED FOR WAR

The excess of lieutenant colonels has harmed Army preparedness for war. Commanding a battalion in combat is not that easy a job. You can spend a whole career learning how to do it well. But the Army has its battalion commanders doing make-work as personnel programs managers instead of studying war.

Even worse, because the Army has 13 colonels for each command position, in the past it has shuffled commanders through battalions in very rapid order—as often as every 7 months. But combat effectiveness is vitally dependent on trust between commanders of battalions and their subordinates. Someone who is only

there 7 months does not have time to build that trust.

Most lieutenant colonels actually have two specialties, one in, say, infantry, and another in something like munitions management. They mostly want a crack at that command slot, which they only get if the slots turn over very quickly. But that turnover damages effectiveness, and the officer does not have time to learn the job.

Because there are so many lieutenant colonel positions, the Army is also not nearly selective enough about how it promotes. With fewer positions, the Army could only afford to promote its best people.

WHY SUPPORT DEADWOOD?

The Army does have one hidden argument for so many lieutenant colonels that makes superficial sense. They would not say this publicly, but they stockpile a lot of lieutenant colonels in jobs like personnel management and accounting because they expect a vast expansion in the number of battalions if there is ever another war, and they want experienced officers to command them. But that argument would not wash.

Because they cannot give officers enough command time as a result of having to rotate so many, the Army ends up with none of the lieutenant colonels getting enough experience to be really effective, and a lot of lieutenant colonels who have been doing make-work.

If we need more officers for a wartime expansion of the Army, let us decide so publicly and officially.

Of course, the other reason for all these management specialties is that "infantry battalion commander" is hard to transform into a qualification for a second career when the officer retires at age 40. That is just another perverse effect of giving pensions after just 20 years' service. It is time for a change.●

UNITED STATES DOESN'T NEED FOREIGN AID

HON. RON MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. MOTTL. Mr. Speaker, I sometimes wonder who won the Second World War. The way some of our "allies" are behaving, you would think we had lost.

Recently a group of Japanese businessmen proposed $10 billion in low costs loans for American businesses. I find this insulting.

The United States is not a second-rate power and does not need "foreign aid."

What we do need is for our allies to treat us more fairly in matters of trade and for them to assume more responsibility for their own defense.

I would like to insert into the RECORD a copy of a letter I have sent to the President on this subject.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 22, 1982.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT. Every American should be insulted by the proposal which has surfaced for Japanese businessmen to fund a $10,000,000,000 "foreign aid" program for the United States.

This proposal is a slap in the face, a transparent ploy to divert attention from the genuine inequities in our relationship with Japan, inequities which caused us to have an $18,000,000,000 trade deficit with Japan last year.

It is no secret that Japan has refused to increase its defense spending to a level where it can maintain an adequate national defense. Japan, more dependent than we are on imported oil, for example, continues to rely on United States to protect its interest in the middle east and elsewhere. The net affect is that while we pay for Japanese national defense Japan uses its defense savings to subsidize businesses which compete with American industry. It is small wonder that our own auto industry is in a depression while Japanese imports grab a larger and larger share of our domestic auto market. Also, the Japanese are notorious for their barriers to imports of American products while they want free access to American markets.

The Japanese have exploited the United States far too long! They know it. But rather than balance the scales by raising their defense spending and putting their trade with the United States on a fair footing, it is suggested that the Japanese throw us a $10,000,000,000 bone. It is suggested that the United States is a declining second rate nation in need of a bailout. This notion should be rejected out of hand. If the Japanese will not deal with us on defense and trade matters as equals we should not deal with them at all.

With kindest personal regards,
Sincerely,

RONALD M. MOTTL,
Member of Congress.●

CUBAN MEDIA CENSORSHIP

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. RUDD. Mr. Speaker, given the current disruptive activities of the Cuban Government in Central America and throughout the Caribbean, I think it would prove beneficial to provide some insight on the manner in which this repressive regime controls the mass media of its own nation. The Cuban people can learn of their nation's foreign interventions only if they receive broadcasts from the United States or other free nations giving objective reportage.

I therefore would like to excerpt from a recent scholarly study on Latin America government-press and government-broadcasting relations, "Latin America Media: Guidance and Censorship," published by Iowa State University Press, Ames, and written by a veteran researcher on Latin American public life, Marvin Alisky, political science professor at Arizona State University, who has covered Cuba first as a network news correspondent and then as an investigative scholar. The pertinent passage deals with Cuba:

LATIN AMERICAN MEDIA: GUIDANCE AND CENSORSHIP

(By Marvin Alisky)

In a Communist state, the media serve the government and the party, their primary function not the factual reporting of news. Unlike some leaders in non-Communist developing nations, Cuban leaders offer no apologies for state and party control of press and broadcasting, and make no pretense of guaranteeing the right of dissidents to challenge in rival media their social order.

The final official declaration of the 1971 Cuban Education Congress stated: "Radio, television, cinema, and press are powerful instruments of ideological education for creation of a collective conscience. Mass media cannot be left to chance or used without direction."

FUNCTIONS OF THE MEDIA

In many developing nations, governments use censorship to prevent the political opposition from gaining power. In Cuba the direction of the media goes beyond authorities indicating what not to print or air. Party leaders dictate what should be published to mobilize support for the government and create within the public an identification with the administration and the party.

The first obigation of Cuban media is to make nationally known the official positions and programs of the government. The government news service, Prensa Latina, distributes all major national news stories to all newspapers, magazines, and broadcasting entities. Editors are able to determine the importance of a story often by the person or agency used as its source. An announcement by Fidel Castro carries more weight than one by a deputy cabinet minister or even another member of the PCC Central Committee. A statement by Vice-President and veteran PCC Vice-Chairman Carlos Rafael Rodriquez becomes more important news than statements by the foreign minister, the provincial or municipal authorities, or directors of decentralized agencies.

Official statements may be phrased in direct, clear language. Or the message may contain hidden meanings that only PCC or foreign Communist leaders will understand in a dual-level communication. During 1978 and 1979, Cuba publicly disputed with Yugoslavia over the so-called Non-Aligned Movement, with Belgrade periodically warning about hegemony, a term denoting distrust of Soviet Union domination of the foreign policies of other Communist nations, and Havana rejecting that warning.

The second function of Cuban media is to help the government make its foreign positions known internationally and understood by specific foreign governments. Often Cuban leaders will use harsher language than their counterparts in the Soviet Union or the People's Republic of China, both of which must consider worldwide implications

of their statements. In February 1979, during China's invasion of Vietnam, in a mass rally in Havana, Castro denounced Teng Chiao-ping as an impudent traitor to socialism, leading a clique of fascists. Rarely has a leader of the USSR, China, or other Communist nation used such language against another Communist country's leaders, nor have the media of other Communist nations used as many violently blunt phrases as the international broadcasting service of Radio Havana periodically airs.

Some news events are not published or broadcast inside Cuba for weeks after they occur, until the government or the party has finalized a position and Castro himself makes an announcement. Yet the Cuban government feels the pressure to provide some bare mention of top foreign news because of the accessibility of foreign radio broadcasts in the Caribbean from Mexico, Puerto Rico, Florida, and the Voice of America.●

DOLLARS AND DEFENSE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GREEN. Mr. Speaker, in his typically informative and concise way, Vermont Royster has in today's Wall Street Journal identified one of the major weaknesses in the administration's defense plans: Its decision to build two Nimitz-class aircraft carriers and to reactivate World War II battleships.

With respect to the latter, Mr. Royster points out that demothballing these dinosaurs of the sea is a classic case of military men preparing to fight past wars. World War II marked the passing of the age of large battleships, and modern warfare makes them ineffective and vulnerable.

Mr. Royster also says that, while defense must be a top priority in view of the Soviet buildup, the public and Congress must scrutinize the defense budget. Otherwise, we shall waste inordinate amounts of money and find the military in the same state as other programs we have thrown money at over the years. Our national defense is too important to go unquestioned. Scrutinizing the Pentagon's budget is crucial to having an effective military.

I commend Mr. Royster's remarks to my colleagues' attention, and ask that they be inserted in the RECORD.

[From the Wall Street Journal, Feb. 24, 1982]

THINKING THINGS OVER

(By Vermont Royster)

DOLLARS AND DEFENSE

When the Japanese planes arrived at Pearl Harbor on that infamous Sunday their primary assigned targets were the battleships at Ford Island. They were extremely successful.

Sunk were the Oklahoma, West Virginia, Nevada and Arizona, the last still there beneath the waters. Put out of action for months were the Maryland, Pennsylvania, Tennessee and California.

The Japanese were following what was at the time accepted doctrine in all navies, aim for the "capital ships" which had ruled the seas until that morning. Yet they would have been wiser to leave those battleships alone and concentrate more thoroughly on submarines, destroyers, parked aircraft and the repair yards and ships.

For afterward neither the repaired battleships nor the new ones to join the fleet at much cost of time and money made any difference in the outcome of that war. At Midway, Spruance had not a single "dreadnought." Admiral Yamamoto kept his far in the rear. The aircraft carriers won that battle to become the new backbone of the fleet.

As Samuel Eliot Morrison observed in his mammoth history, that war ended the "battle line" of great warships as thoroughly as the Monitor ended the era of Nelson's wooden ships-of-the-line. The Missouri's major role was to be a stage for the Japanese surrender.

Yet now, 40 years, the Pentagon proposes to reactivate four World War II battleships, the Iowa, New Jersey, Wisconsin and Missouri. Shades of Gen. Billy Mitchell. His warnings before that war are still unheeded. The battleships may have passed their time but not the battleship admirals.

The cost of sending those dreadnoughts back to sea is only a few hundred million out of a $215 billion defense program. But to any naval veteran of World War II it's bound to bring to mind the old saying that military men are always preparing to fight past wars.

Indeed, to one veteran of that war at sea the fleeting thought occurs that perhaps the aircraft carriers too may have to yield their place of preeminence in the next war.

They remain useful, to be sure, for getting forces quickly to localized troublespots, such as may erupt in the Middle East and elsewhere, and for that reason we should have some. But of all great warships they are the most vulnerable; one old-fashioned bomb can put them out of commission. They require a herd of screening vessels to protect them. Even that may not protect them in a war fought with atomic bombs and missiles aimed accurately by computers and fired from distant places.

You might suppose, then, the plan would be to have more moderate sized ones capable of being deployed in many places, extending their usefulness and making it harder for an enemy to seek them out.

The Navy thinks otherwise. It seeks instead to use its carrier budget of $6.9 billion to build two huge Nimitz-class carriers. They will be models of modern technology. They may also prove to be the dinosaurs of the sea if another world war comes.

I must confess that these passing thoughts can only be put in the form of questions. Modern warfare is already a highly technical affair and will be more so in the future. A civilian on the sidelines cannot presume to decide every weapon in the arsenal of defense.

What he can do, first of all, is to recognize that in the world as it is the primary function of government, as set down in the preamble to our Constitution, is to look to our national defense. If it fails in that it fails in all else.

He need not be an expert, either, to see that a possible foe, the Soviet Union, has been determinedly arming itself at a pace unmatched by ourselves in the past few years. In almost every instrument of war—missiles, atomic warheads, tanks, planes, chemical weapons, manpower submarines to sweep the seas—it now outstrips us.

So a civilian citizen can—and ought to—agree with President Reagan that defense should for the time being be our top budget priority. The ramparts have been too long neglected.

It does not follow, though, that questions should not be asked about how our money is to be spent, questions by those in Congress who must pass on it, questions by the public at large. Those who would spend it should be asked to explain and defend their proposals. The Pentagon should not, any more than any other department, be immune to that process.

Anyone who has ever spent a time in the military in any of the four wars of my lifetime (there are still World War I veterans around) knows that the military can be as wasteful as any other government department. It can also misspend money in war as well as peace. The enormous sums spent to repair those Pearl Harbor damaged battlewagons, and to build new ones after their day has passed, is a case in point. That money could have been put to far better use.

What we have to guard against is that very American illusion that we can solve any problem by simply throwing money at it, that if the appropriation is big enough then that is enough to take care of it. For more than a generation now we have seen that applied to all manner of problems, from education to welfare, with sorrowful results. By now we ought to be disillusioned.

Anyway, I for one am made uneasy by the argument that the Pentagon budget is both untouchable and beyond examining in public debate because military matters are beyond civilian competence. My feeling is that of Clemenceau, that war is much too serious a matter to be left entirely to generals and admirals.●

LITHUANIAN INDEPENDENCE DAY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. RINALDO. Mr. Speaker, it is a special pleasure and privilege to join my colleagues as well as the Lithuanians throughout the world in commemorating the 64th anniversary of Lithuanian independence. The largest of the Baltic States, the Lithuanians have withstood centuries of Russian exploitation and political persecution.

Lithuanian history reaches back nearly 1,000 years. For centuries, this nation has endured domination by foreign powers and has fought off efforts by Germany and Russia to replace Lithuanian culture with that of their own.

Lithuania was finally able to regain its status as an independent nation in 1918. It joined the League of Nations and established diplomatic relations with countries around the world. A permanent constitution was adopted

and a democratic government was formed, preserving the people's rights of speech, assembly, and religious expression.

In 1940, Lithuania was again invaded by the Soviet Union. By 1944, the ramifications of the Soviet takeover were clear; Lithuania was to be totally incorporated under the Soviet hammer and sickle, bereft of even the slightest cultural or political autonomy.

The United States has never recognized the illegal, forcible Soviet annexation of this great nation. We must continue to protest as strongly as possible the oppressive measures of the Soviet Union against the Lithuanian nation and people and the gross violations of human rights perpetrated upon them.

On this occasion commemorating the shortlived freedom of Lithuania, we should renew our commitment to those seeking their own freedom and human dignity.●

AID OFFERED BY JAPANESE-AMERICAN BUSINESSMEN

HON. JOSEPH F. SMITH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SMITH of Pennsylvania. Mr. Speaker, I rise today to express my concern over the seemingly generous offer of $10 billion in aid offered by a consortium of Japanese-American businessmen. On its face, it would appear to be a noble gesture on the part of these people. However, my great fear is that it will divert our attention from the real problem of Japanese imports.

The primary goal of these low-interest loans is to provide economic growth for the United States. As Mr. Sugahara has stated, the economic prosperity of the free world is dependent on the prosperity of the United States. I am afraid, however, that this form of aid will do more to stimulate more American purchases of Japanese imports than it will do to stabilize our domestic economy.

In 1981, American consumers spent $9,491,229,000 representing the purchase of 1,911,525 Japanese cars. Additionally, a total of 37,620,000,000 U.S. dollars was spent on Japanese products in that same year.

At a time when the American auto industry is suffering unprecedented losses and workers in that sector of our economy are experiencing the highest unemployment rates of any American industry, I find it hard to accept a proposal which would provide assistance to our economy so that we can in turn give that money back to the Japanese.

I am not saying that the Japanese Government has orchestrated this subterfuge. As a matter of fact, that Government is most skeptical about the proposal. It would be most foolish to assume, however, that any businessman from whatever country would undertake such an enterprise with purely altruistic motives. Any business is in operation to turn a profit and to increase on that profit. This is both a necessary and positive goal and one that I support wholeheartedly. My concern is that we do not allow this type of endeavor to divert our plans to prevent the glutting of the American market with Japanese autos.

Now is the time to take action, not to destroy the economic base of one of our most valued allies, but to work together to develop a plan to stabilize our own economic condition. I urge the President and his advisers to begin immediately to develop such a plan and to assure a competitive market for American products.●

NARROWING THE DEFICIT: THERE ARE ALTERNATIVES

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. EVANS of Delaware. Mr. Speaker, if President Reagan's comprehensive economic program is to be allowed the time necessary to achieve positive lasting effects, it must be perceived as fair and equitable by Americans from all walks of life.

A balanced approach to narrowing the budget deficit is absolutely necessary if we are to retain the essential element of fairness in the program.

On the fiscal side, we must continue to exercise restraint, but in a manner that does not cause human suffering. Further excessive cuts in some programs could not only hurt people truly in need, but may also be counterproductive to realizing the goals of the administration's economic recovery program.

On the tax side, the need to relieve an overwhelming majority of Americans from the burden of excessive taxation is as real today as it was last October. Similarly, our national security needs are no less pressing.

There are alternatives to gutting programs for those truly in need, to sacrificing our national security interests, to excessive taxation which stifles real economic growth. There can be modifications in any budget without changing policy, without changing direction, without abandoning goals. Congress can develop a budget that will meet the administration's objectives, and still embody the principles of fairness and equity which are so essential to its success.

Overlooked in this national debate is the role that individual Members of Congress must play in resolving this seemingly insoluble dilemma. So far Congress has centered its attention on across-the-board tax cuts or across-the-board budget cuts. What we must now strive to achieve in the comprehensive economic program is also across-the-board equity.

We in the Congress should seek immediately to identify legislation already introduced which serves this end. We can also solicit new ideas from Congressmen and Senators of both parties. We should then combine and meld the best of these initiatives into a comprehensive package that maintains the essential structure and thrust of the President's economic program, but makes it more equitable for all Americans.

We must identify opportunities to legislate changes in existing programs or current law that can save billions of tax dollars without hurting people. Following are two examples:

The Coastal Barrier Resources Act, which I introduced in the House and which Senator JOHN CHAFEE, Republican of Idaho, introduced in the Senate, would get the Federal Government out of the totally unnecessary business of subsidizing private development of fragile, storm-prone barrier islands. Passage of this legislation could save up to $500 million a year.

The Bankruptcy Improvements Act, which I have cosponsored with Congressman BILLY LEE EVANS, Democrat of Georgia, would close loopholes that have led to serious abuse of the bankruptcy statutes. The bill would reasonably separate those individuals who actually cannot pay their debts from those who can but would rather not. Passage of the bill could bring to the Treasury a billion dollars a year in what are presently foregone revenues.

There are many other initiatives, equally sound economically, that would also bring a new measure of equity and fairness to the comprehensive economic program. For example:

Tax loopholes which permit large successful corporations to escape paying their fair share of taxes must be closed. Closing unfair tax loopholes is not a tax increase; it is tax equity.

Waste and inefficiency must be dealt with forcefully in all Government departments—including the Pentagon. The President's recent announcement of a new attack on mismanagement "wherever it's to be found in the Federal establishment" is a step in the right direction. However, the President should specifically charge that task force with the responsibility of eliminating billions of dollars of waste and inefficiency in the Department of Defense. This effort should not jeopardize our national security, and it will

certainly increase the credibility of the comprehensive economic package.

Entitlement programs must ultimately share somehow in the deficit narrowing process, as must public works projects whose benefit-to-cost ratios do not justify their funding.

The psychology surrounding this program is critically important. In its coming budget deliberations, Congress must not jeopardize the success of a program that is fundamentally sound. Indeed, Congress must preserve the credibility of the economic recovery program through the type of balanced approach outlined here.

In summary, Congress, as a separate and coequal branch of government, should now work its will on the President's budget proposal with two goals in mind: Narrowing the deficit, and increasing to the greatest degree possible the equity of the administration's economic program. Members of Congress—Republicans and Democrats alike—must also act in recognition that the responsibility is now ours. This is not a pinched and narrow assessment of our responsibilities; it is a more realistic appraisal of the world in which we live.●

METRIC SLOWDOWN

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. RUDD. Mr. Speaker, a recent article in one of the prominent daily newspapers of the energy industries, the Oil Daily, called attention to a fact that our Federal agencies should have realized a long time ago: That metric conversion appears to be slowing considerably in our Nation.

The only real momentum provided to the metric conversion advocates was the misleading legislation passed in 1975, the Metric Conversion Act. The name of this law implied that our Nation was determined to convert to the metric system sometime in the near future; however, if you read Public Law 94-168 (Metric Conversation Act), you find no mention of a statement that U.S. conversion to the SI (internation system of units) metric is national policy, which it is not. Unfortunately the name of the act, bolstered by the promotional activities of the U.S. Metric Board, has spread erroneous impressions to the American people and private industry.

It should be emphasized to the private sector and all Americans that there is absolutely no compulsory or even suggested forced legislation that compels anyone in this country to convert to the metric system. Our present national policy allows anyone, any industry, or any private entity to use our present system of "inch-based" measures—the American customary system of weights and measures. It is also important to note that since 1866, Congress has authorized the dual use of either the metric system or the customary system.

But Congress has not authorized our Federal Government to impose the metric system in any manner upon our private sector; nor is it legal for the U.S. Metric Board to advocate metric usage over our present system of customary measurements; nor is it the policy of our Nation to impose or encourage timed programs of conversion. The choice of whether or not to use the metric system is voluntary and it is acknowledged that the lead role in metric conversion, if any at all, belongs to private industry.

It is evident that the slow, if not regressive, pace of metric conversion in the private sector has added little fuel to the metric proponents in our Federal bureaucracy—most notably, the U.S. Metric Board membership. President Reagan has eliminated funding for the Board in his new fiscal year 1983 budget, an action that should signal the end of the Government-sponsored metrication programs which are ardently opposed by the American public and private sector.

For the reading of my colleagues, I have inserted the Oil Daily's article, "Metric Conversion Appears To Be Slowing Considerably." And I urge my colleagues to enlist as cosponsors to my bill, H.R. 1660, to repeal the Metric Conversion Act and eliminate any Federal programs or metrication activities advanced as a result of this act and being funded by the American taxpayer.

[From the Oil Daily, Feb. 10, 1982]

METRIC CONVERSION APPEARS TO BE SLOWING CONSIDERABLY

(By Donna Smith)

WASHINGTON.—Conversion to metric measurement in the United States appears to be slowing considerably.

Some 10 years ago, there seemed a chance that by now the U.S. would have adopted more widely than it has the weights and measures terms used throughout most of the world—the metric system.

Two years ago, the National Congress on Weights and Measures, consisting of officials with the most say-so in such matters, passed a resolution that all retail gasoline dispensing pumps in the United States be switched to metric (liters instead of gallons) by Jan. 1, 1983.

Doubts are growing that this target can be met.

According to Don Ward, executive vice president, North Carolina Oil Jobbers Association, "With recent trends and developments, there is a good chance the NCWM will withdraw, revoke or amend such resolution at its '82 annual convention this summer."

Ward finds that while liter pricing is popular among many motor fuel marketers, "it still has a long way to go to be universally accepted and utilized.

Observes Ward, "It just isn't catching on like everyone thought it would when the resolution was passed."

SUN'S EXPERIENCE

Ten years ago, a number of petroleum refiners were highly enthusiastic about metric conversion. Many set up committees to shepherd metrics through their organizations. The American Petroleum Institute established an entity especially devoted to the effort.

Marv Dubbs, manager of employee and plant services at Sun's Toledo refinery, recalls that Sun was an early leader in the metric effort. It determined to at least keep pace with the rest of the industry in converting. Sun developed a 10-year conversion program for its Toledo refinery complex.

Although emphasis on conversion began to cool somewhat about five years ago, with many industry plans shoved to the back burner, Sun continued with a move to metric at four new petrochemical plants associated with the Toledo operation.

Workers received 10 to 15 hours of training on the metric system and were provided with conversion tables. Dubbs says they "adapted well to the metric system."

TWO SYSTEMS

But the conversion isn't total even at the Toledo plants. The metric system is being used to manufacture chemicals but products are still being shipped through the pipeline under traditional terms.

The Sun experience illustrates what's happening with metric conversion in the petroleum industry—early enthusiasm, some movement toward conversion, some training, and then years of gradual conversion in some segments.

The fact is that although metric is being used at some refinery plants and at many gasoline retail outlets, it could be many years before it becomes universal throughout the petroleum industry. Some wonder if it will ever happen.

Even though more service stations are dispensing gasoline by the liter, product is pulled at the refinery, taxes are paid and inventory records are maintained in gallons.

Widespread useage remains of terms like: barrels, gallons, pounds per square inch, cubic feet, miles per gallon, tons, etc.

It's simply less expensive to use a $7 pocket calculator to figure out the conversion than to invest thousands of dollars in computer software for metric use, points out Nicholas D. Babic, metric coordinator at Atlantic Richfield Company.

This is because, he explains, "it takes time and a lot of money is involved" to convert an entire system to metrics.

Metric use got a big push when retail gasoline prices topped a $1 a gallon and pumps couldn't handle the high numbers. Some companies coverted to avoid half gallon pricing. Partly as a result, about one in five gasoline pumps nationwide are estimated to be currently dispensing the fuel in liters.

Another big switching movement was forecast for when gasoline topped $2 a gallon. But that point didn't come.

Shell Oil Co., one of the leaders in liter pricing, reports that 90 percent of its 6,000 service stations (excluding jobber-operated stations) dispense by the liter. Amoco, another leader in the retail use of metrics,

says all of its 7,000 direct operated and lessee dealer stations are equipped to use metrics, and about 30 percent actually dispense by the liter.

Higher prices that spurred a new round of metric conversion just a few years ago now are being blamed for a slowdown in conversion activity. Reduced consumption, attributed in large part of higher prices, has cut gasoline demand. In a slow market, most retailers are reluctant to take any action, including metric conversion, that might confuse potential customers and cause them to go to stations still on the gallon system.

Those with half pricing and pump computers which already calculate beyond $1 a gallon feel that they're already invested money in that kind of conversion and are reluctant to incur any additional costs.

Admitting that customers might view posting of prices by the liter as a ploy to hide higher prices, Richard Southers, manager of operations and engineering at the American Petroleum Institute, notes that a number of states require street prices to be posted by the gallon at stations dispensing by the liter.

VINTNERS BLAMED

Consumer suspicion of metrics may be traceable to the wine industry's experience with conversion.

Southers suspects that wine bottlers might have set metric conversion back further than anyone else. They sold wine in new metric sized wine bottles, which look identifical to the quart-sized bottles but hold less wine, at the same price as the old quart bottles. That touched off a wave of suspicion among consumer groups concerning metric conversion.

Stephen Vastagh, project manager at the U.S. Metric Board, feels that the wine industry experience set a lesson for others—"Don't raise prices and convert to metrics at the same time." To do so, he warns, can be "a strategic mistake" from the standpoint of consumer perception about metrics.

Many retail outlets dispensing motor fuel by the liter continue to list prices both in terms of gallons and liters.

Most states allow the dispensing of gasoline by the liter as a way to avoid half-gallon pricing. Two states, Hawaii and Puerto Rico will allow dispensing only by the liter. Other states, such as Alaska, Connecticut and West Virginia will only allow dispensing by the gallon.

Though the movement has slowed, the retailing segment of the petroleum industry still appears to be leading the way into metric conversion. Other segments appear to be lagging behind the petroleum marketing sector.

Engineering and construction specifications are being written in dual metric and traditional measurements. And some industrial and commercial items, though made in traditional measurements, are being stated in dual terms that's called "soft" conversion. But with the nation's economy the way it is currently, manufacturers are hesitant to incur any added costs. This means that any big conversion drive will have to await a pickup in the nation's economy.●

CITY COUNCIL OF JERSEY VILLAGE, TEX., UNANIMOUSLY RECOMMENDS APPROVAL OF UPPER WHITE OAK BAYOU FLOOD CONTROL PROJECT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. FIELDS. Mr. Speaker, I am today submitting for the RECORD a resolution unanimously adopted by the City Council of Jersey Village, Tex., in strong support of H.R. 4354.

This is a bill I have introduced, along with a majority of my Texas colleagues, which would authorize the Army Corps of Engineers to construct a badly needed flood control project on the Upper White Oak Bayou in Houston, Tex.

While I recognize we are living in an age of budget reductions, it is my firm belief that the Federal Government has an inherent responsibility to protect its citizens who live in constant fear of floods. I believe there are very few things in this world more terrifying than the prospect of waking up in the middle of the night to find that your home is floating down a river—with you still in it.

In addition, it must be noted that the people who live along the Upper White Oak Bayou have made every effort at the local level to protect their homes and businesses from the ravages of flooding. I believe that we should now do our part by helping them to accomplish what they are unable to do themselves. My bill recognizes this and enables the Corps of Engineers to provide the assistance that is so desperately needed.

Mr. Speaker, as a member of the House Public Works and Transportation Committee, I am committed to the passage of an omnibus water resources development bill this year and I am equally committed to the inclusion of this vital project.

The decade of the 1980's can surely be one of our brightest if—together—we work to insure that this Nation and its citizens will not suffer from either the ravages of too much water or thirst from not enough.

The text of the city council's resolution follows:

RESOLUTION

Whereas, the development of the subdivisions along White Oak Bayou upstream from Jersey Village is progressing rapidly, and

Whereas, said development is causing a much more rapid run off following heavy rains with a resulting rise in the level of said Bayou, and

Whereas, the City Council of Jersey Village is desirous of protecting the property and lives of its citizens, and

Whereas, The Corps of Engineers has conducted a lengthy study and has incorporated their recommendation to improve these conditions in a report of the Chief of Engineers as contained in House Document 96-182 at an estimated cost of $63,500,000, and

Whereas, Senator Lloyd Bentsen has introduced to the Senate S1259, and Congressman Jack Fields has introduced H.R. 4354 to the House of Representatives, said bills authorizing the Secretary of the Army, acting through the Chief of Engineers, to construct these improvements to White Oak Bayou,

Therefore be it resolved, that the City Council of the City of Jersey Village, Texas, unanimously endorse said bills and hereby recommends their passage by the Senate and the House of Representatives of the United States.

Adopted this 17th day of August, 1981.

Reaffirmed by Council the 1st day of February, 1982.●

DISABILITY REVIEWS POORLY DONE

HON. DENNIS E. ECKHART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ECKART. Mr. Speaker, I am deeply distressed at the treatment being given by the Social Security Administration to thousands of citizens as they review their disability benefits.

I am receiving numerous letters detailing the lack of critical attention being given to the process of disability review. In these letters is information which convinces me we have a national disgrace going on, and it must not be allowed to continue.

My resentment of some of the acts of which I have been informed has reached the point I have requested a General Accounting Office investigation of the social security system's disqualification procedures.

My casework staff in my home district has been told by constituents of benefits being cut off without so much as a physical examination by a doctor; of decisions being made without medical histories of the person affected; and of the months and months of waiting without money while an appeal works its way to the top of the pile on the desk of an overworked hearing examiner.

More than 40 percent of the disability pension recipients are being cut from the rolls. Recently, one person was so thoroughly frightened by the situation he found himself in, out in my district, that he almost took another angiogram test, which his doctor's said might kill him, just to prove he had a heart condition and would not lose his pension benefits. It was not until my office intervened in the matter that his resolve to take the test was proven unnecessary.

An administrative law judge at the Cleveland social security offices says 50 percent of the cases are being re-

versed on appeal. With that high an error ratio, it is clear to any observer the situation is grievously out of hand.●

FAIR PRACTICES IN AUTOMOTIVE PRODUCTS ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SMITH of New Jersey. Mr. Speaker, as a sponsor of H.R. 5133, the Fair Practices in Automotive Products Act, I want to call to the attention of my colleagues the opportunity we have to arrest the serious decline of our largest manufacturing industry in America.

H.R. 5133 would simply require that manufacturers of motor vehicles with large-scale sales volumes in the United States have a certain percentage of North American content. This content volume is to be based on sales volume and be phased in over a period of time. These requirements will enable consumers to support and invest in the American economy, regardless of the car they choose to purchase, and will strengthen the automobile industry in international markets.

Mr. Speaker, we need to send a clear signal that the United States will no longer tolerate the trade barriers which impede American automakers in Japan. We have allowed open access to our markets while tolerating insuperable barriers to the sale of American goods in Japan. I believe that this legislation will provide the much needed leverage for U.S. trade negotiators to deal with these unfair trade barriers, and quite possibly, will allow millions of Americans to retain their jobs in the auto industry.

The decline in our auto industry has eliminated hundreds of thousands of American jobs since 1979, and has cost government at all levels more than $25 billion per year in extra outlays and foregone receipts. This bill, Mr. Speaker, will generate new investment and employment here by foreign companies with large sales in this Nation, will increase U.S. automotive exports, and will open up the replacement parts market for foreign-built cars to American suppliers. I believe H.R. 5133 will encourage all foreign automakers to follow the example of those companies who are already using American workers to compete in the American market.

I believe that the vast majority of Congress agrees that we must show the Japanese how serious we are about their unfair trading practices. My support for H.R. 5133 goes hand-in-hand with another bill which I have sponsored, H.R. 5050, the Two-Way Street Act. In a direct reaction to the tariff barriers used by the Japanese to discriminate against American cars, H.R. 5050 would impose a parity fee on Japanese cars imported into the United States. Both of these measures, I believe, will do a great deal to get the American auto industry back on its feet, an industry which is just too large a part of our economic foundation to leave to the mercy of any foreign country.

Mr. Speaker, the support of Congress for these measures comes at a critical time when high interest rates have virtually crippled the automobile industry's efforts to rebuild—a rebuilding effort which is critical to the American economy. I urge all of my colleagues to strongly consider this legislation and act now to revitalize an industry that needs our help today.●

LITHUANIAN HONORED

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. HERTEL. Mr. Speaker, today we honor the freedom loving spirit of the Lithuanian people. In the closing days of World War I the Lithuanian Nation along with the other Baltic peoples of Latvia and Estonia declared their independence and established three modern democratic states. Their societies blossomed; the quality of life improved markedly and the arts flourished within these newly free nation-states.

In, 1939, the Nazis and Soviets brought this experiment in democracy to an end, when they agreed in the infamous Molotov-Ribbentrop Pact to annex the territories and peoples of the Baltic States. Today, the people of Lithuania, Latvia, and Estonia live without their national, religious, and civic rights, but their resolve to live as free men and women in their own independent countries has not waned over these many years.

In recent years this resolve has been demonstrated on numerous occasions by the dissidents in the Baltic States through their numerous underground publications, particularly in Lithuania. Since 1972, 48 issues of the Chronicle of the Catholic Church in Lithuania have reached the West documenting religious persecution and describing the goals of the religious dissidents in Lithuania. Catholic Nationalists in their journal Ausra (The Dawn) have regularly attacked various social ills, blaming them upon the atheistic Soviet State. Liberals, too, have joined the chorus of dissent with their journals: Laisves Šauklys (Freedom's Crier), Varpas (The Bell), Vytis (The Emblem of the Democratic State of Lithuania), Tautos Kelias (The Nation's Path). During the past year we in the West have learned of an open letter written by Lithuanians to the Chairman of the U.S.S.R. Supreme Soviet and to the Secretary-General of the United Nations denouncing the Soviet Invasion of Afganistan. The ranks of the Lithuanian Helsinki Watch Group continue to be replenished as its members are arrested. The fact that any of these free underground journals exist is testimony to the resourcefulness and determination of the Lithuanian people even in the face of overwhelming odds of Russification and sovietization.

We should extend help to the dissidents wherever possible. I follow with great concern the plight of an American citizen, Ben Scott, who has been sentenced to 7 years at strict regimen and 5 years internal exile, just for writing a manuscript entitled "Spiritual Genocide in Lithuania" dealing with religious persecution in Lithuania. Dissidents such as Mr. Scott remind us that it is important as ever for the United States to continue our policy of nonrecognition of the forcible incorporation of the Baltic States because it serves as a reminder that we have not forgotten the Baltic peoples, and as a symbol of hope for the future.

THE PRESIDENT'S WAR ON DRUGS: LIPSERVICE BUT NO TEETH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ROSENTHAL. Mr. Speaker, Mr. Speaker, the problems of protecting the American people from the violence associated with the trafficking of narcotics and dangerous drugs have been the subject of numerous articles and commentary. The administration, consistent with its domestic policies, talks tough but does little to help. The administration's verbal assaults on drug trafficking merely mask the lack of a consistent policy for the interdiction and control of narcotics and dangerous drugs. We cannot initiate an effective drug interdiction and control program when two of the principal agencies involved in this program—Customs and Coast Guard—are being severely hindered by cutbacks in manpower and funding.

I submit a letter sent to the President signed by myself and my colleagues representing Queens, N.Y.: Hon. MARIO BIAGGI, Hon. JOSEPH ADDABBO, and Hon. GERALDINE FERRARO, denouncing the proposed budget reductions in the U.S. Customs Service and the U.S. Coast Guard. It is time for the administration to stop paying mere lipservice to the control of narcotics and dangerous drugs.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1982.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to voice our strong opposition to the FY 83 manpower and funding reductions for the U.S. Customs Service and the U.S. Coast Guard. As a result of these proposals, the Customs Service will lose upwards to 3,000 personnel and the Coast Guard up to 3500 uniformed personnel. In addition, the Customs Service will have to trim its Inspection and Control program by $5 million and Tactical Interdiction program by $6 million. The Coast Guard will lose about $500 million. We urge you to make immediate restoration of funding for these two agencies.

As Members of Congress representing Queens, New York, we are deeply concerned that the full impact of the reductions will be felt in New York and other urban areas, generating increased violent activities by narcotics and drug traffickers and placing an unmitigated strain on the resources of local law enforcement agencies. Already this year, the violent and brutal murders of individuals associated with the $30 billion-a-year cocaine industry have sent shock waves throughout the Queens community. Cutbacks in two of the nation's primary drug interdiction agencies will allow a continuation of drug trafficking and the violence that stems from it. We can not tolerate this.

The alarming growth of criminal activities associated with narcotics and drug trafficking in both hampering legitimate business concerns and placing the safety and well-being of countless numbers of Americans in jeopardy. At a time when the public is crying out for a stop to this illegal industry, the agencies responsible for control and interdiction are being cut back. Reductions in both the Customs Service and the Coast Guard will limit the scope and magnitude of enforcement activities across the nation, particularly in the Northeast, and will send a signal to the criminal underworld that their illegal activities will go unaddressed. We cannot allow this to happen.

The control and interdiction of narcotics and dangerous drugs in the United States is a vital service to the people of our communities. Both the Customs Service and the Coast Guard have performed well in that service. In 1981, Customs seized over $5.2 billion in narcotics and dangerous drugs. In many cases, the seizures were performed jointly with the Coast Guard. Yet, the Coast Guard is suffering from severe reductions in manpower and funding and has reduced its East Coast operations by 20 percent. How can we presume to be waging a war against these criminal elements when we are curtailing the only effective means of fighting the battle?

Federal assistance is essential to fighting this battle against the violence of narcotics and drug trafficking, not just in the isolated area of South Florida but also in the Northeast and the rest of the United States. We urge you to strengthen and restore funding for the agencies directly involved in control and interdiction. Cutbacks in the Coast Guard and Customs Service contradict that effort.

Sincerely,

BENJAMIN S. ROSENTHAL.
JOSEPH A. ADDABBO.
MARIO BIAGGI.
GERALDINE A. FERRARO.●

KEEP VIETNAM VETERANS DEATH BENEFITS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HUNTER. Mr. Speaker, today, I am introducing legislation designed to insure that our Government keeps its promise to those veterans who died in service of their country.

This legislation amends title 38, United States Code, to establish Veterans' Administration benefits to offset the loss of widows benefits and social security student benefits which have been repealed or phased out. Social security student benefits are being phased out, and the widows benefit which previously had been paid to a widow on behalf of a child until the was 18 years of age will now stop when the child is 16 years old. A small group of those affected by the change, the surviving families of men who died in the service of their country, stand to sufer a disproportionate and unintended hardship in view of their relatively unique situation.

Almost by definition, military life is a high-risk occupation. This risk is much more acceptable if the serviceman knows that his dependents will be suitably provided for in the event of his death. Unlike civilian employment, military dependents may not sue the descendent's employer or file for workman's compensation survivor benefits. Life insurance policies are often impossible to get or are very expensive. They typically exclude or severely limit benefits for those involved in military aviation, hazardous duty, or military combat.

This bill would provide for a new program to be funded by the Veterans' Administration, not by social security, and would have two basic parts. One part pays monthly benefits to a widow in an amount the same as she would receive under social security if the child was under 16 years of age. The other part would pay monthly benefits to a student survivor in an amount which he or she would have received from social security before social security benefits were repealed.

Benefits would be paid to the families of any veteran who died of a service-connected injury or disability suffered or incurred before September 1, 1981. The surviving spouse of such a veteran would receive benefits on behalf of a child of that veteran between the ages of 16 and 18 years. Benefits would be paid to a college student of such a deceased serviceman between age 18 and 22.

Our Government went out of its way to point out the many benefits available to the military member. Numerous pamphlets and brochures touting these benefits were distributed for the purpose of increasing recruitment and retention. Thus, the families of servicemen who died in the 1960's and 1970's at least had the assurance that their children, upon reaching high school and college age, would have widow's and student benefits available to assist them in receiving an education. Their benefits have been severely reduced just as the first group of children of men who died in Vietnam are coming of age.

There is no greater sacrifice that a citizen may make than to give his life in service of his country. For those whose service to the country resulted in the ultimate sacrifice, the country, in return, should make every effort to insure that their children receive an education. I realize that government benefits are not carved in stone and that there are many who have sacrificed due to the need to control government spending. However, it is unconscionable to change benefits after an individual has given his life. At a minimum, we should keep the promises we made. For those who have given the ultimate, can we not do at least the minimum?●

1983 DEFENSE BUDGET

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ASPIN. Mr. Speaker, Deputy Defense Secretary Frank Carlucci recently challenged critics of the Pentagon to find any cuts in the fiscal year 1983 defense budget. This is a gauntlet too tempting to resist picking up.

A few weeks ago I wrote a memo for Congressmen explaining some of the inherent difficulties in cutting defense spending this year because so much of what we are being asked to appropriate is not due to be spent until later years. In his budget briefing for the press February 6, Mr. Carlucci stood my argument on its head. He said 31 percent of outlays in fiscal year 1983 would come from prior year appropriations while 62 percent would be for immediate operations, such as personnel and O. & M., and thus, he implied, untouchable. That would leave only 7 percent or $15.1 billion of new money. Trying to have his cake and eat it too, Mr. Carlucci then argued that even if you cut all of that $15.1 billion, you would save less than a quarter of that because three-quarters of that money is not until later years. I will ignore the fact that the Deputy Secretary has managed to switch from outlays to budget authority in midparagraph and thus totally bollixed his line of logic. But I do want to address his declara-

tion that this is a "minimal budget" lacking in cuttable items.

The fiscal 1983 budget is larger, in real terms than even the budget for the peak year of the Vietnam war. The Reagan 5-year program provides for the fastest peacetime escalation in defense spending since 1940. If the administration saw war looming on the horizon, the prudent course would be a crash program to build up war reserve stocks of munitions and spare parts. Then the armed services would be able to sustain combat until industry could be placed on a war footing. In the posture statement, Defense Secretary Caspar Weinberger claimed the administration was placing high priority on sustainability, planning to spend $90 billion for this purpose over the next 5 years. There is good reason for such a rapid buildup if we see war clouds building. If the administration did fear a war in the near term, however, it would be doing such things as putting more bombers on alert and more submarines on patrol. But the administration is not doing this, so it is clearly not anticipating a near term war. If war is not imminent, it would be better to slow the pace of funding for sustainability.

We should remember that the administration program provides very few additions to our force structure; basically it is filling out the force structure and modernizing it.

So, the key question is when do you get there. The administration has decided no war imminent, and in that I concur, so there is less need to embark on a crash buildup.

Furthermore, we must remember that national security is not coterminous with the defense budget. Our human resources, measured by such things as educational attainment and technical skills, are also important. The strength of our economy is key. At this juncture, with three-digit deficits visible out to the horizon and the prospect of years of interest rates so high they will choke off needed investment, we need to realize that the scale of the defense budget is a major contributor to the deficits that are driving up interest rates—which in turn is crimping the investment so necessary for the industrial base to which the Defense Department pays lip service.

Looking at the gross numbers, President Reagan promised 7 percent annual real growth in the defense budget. This year he is asking, by his figures, for more than 10 percent real growth and an average of 8.4 percent annually in the outyears. A growth rate of 7 percent, 5 percent or even 3 percent would get us there only a few years later than Reagan's plan—but with lower deficits.

A real growth rate of 5 percent per year would require a cut of $10 billion in outlays from the Reagan budget this year. This cut is by no means impossible, and it can be done without resorting to the traditional tactic of slicing into readiness.

One place to look for cuts is the $8 billion for sustainability in 1983. It breaks down into $2.6 billion for conventional munitions, $1.1 billion for war reserve spare parts, and the remaining $4.3 billion almost entirely for highly complicated munitions that may or may not work but cost 10 to 20 times what an ordinary munition costs. These complex munitions are weapons like the Maverick infrared guided antitank missile or the cluster bomb. If we defer such purchases, we could save substantially on outlays and the engineers would have more time to work out the kinks in the weapons. Nor would we damage either readiness or sustainability. The $2.6 billion will buy full complements of training rounds, and the services generally have adequate stockpiles of ordinary munitions. (The services do not use the complicated rounds in training because each Phoenix missile or HARM antiradar missile cost too much to shoot when it does not count.)

Sustainability and readiness are rather fuzzy categories. The Pentagon itself is constantly in the throes of defining what is readiness and what is sustainability. A good example of something that could go either place is aircraft replenishment spares. We need spare parts to keep aircraft flying so that pilots can train. That is readiness. We also need spare parts so the airplanes can fly in battle. That is sustainability. But the spare parts are the same. Frequently, to improve apparent readiness, the services will raid war reserves (sustainability) for the purpose of maintaining high mission-capable rates (readiness). But actually the airplanes are "ready" whether the parts are taken out of war reserves or not. It is just a matter of putting the parts on the plane.

In past years we have bought too few aircraft spares. The Weinberger budget overbuys them. Purchases of aircraft replenishment spares-used for both war reserves and peacetime operations—rise from Brown's plan of $3.4 billion in fiscal year 1983 to Weinberger's request for $4.2 billion. Apparently the intent here is to open the tap of the spare parts pipeline, to improve industrial readiness in case of conflict. This measure would be prudent if war were around the corner. But as we have seen there is no balanced program for imminent war. The priority given to fully funding a wartime operations tempo for aircraft is hard to rationalize in peacetime.

Furthermore, this administration is (correctly) concerned about the defense industrial base. A rapid buildup designed to eliminate all problems in a short while, however, necessarily means that purchases will decline once those problems are eliminated and stocks are at the desired level. Private enterprise can see that quite easily. But private enterprise is more interested in the prospect of steady markets than the boom or bust approach of the administration. The budget, therefore, threatens to undermine the defense industrial base rather than boost it.

Look at the line item for Air Force "munitions and associated equipment." The Pentagon budgeted $344.4 million for this item in 1981. Then it tripled, to $1081.0 million in 1982. Now Mr. Weinberger proposes to cut the Air Force munition buy by 21 percent to $854 million in 1983. Then in 1984 it nearly doubles again to $1,535 million. This roller coaster will leave munitions firms—and especially the work force that will be laid off 1 year and rehired the next—dizzy.

Weinberger's program of building up war reserves has another drawback. Many of the munitions in the war reserves are in bad shape. The armed services lack adequate manpower or facilities to inspect and repair the war reserves. As new weapons and equipment enter the force structure, moreover, many of the spare parts and munitions become obsolete and useless. When the Pentagon insists on the need for rapid replacement of weapon types, augmentation of large war reserves to sustain months of combat becomes impractical if not impossible.

A further place to cut that will not hamper training and care of equipment is in depot maintenance. Weinberger's budget pushes depot maintenance above Brown's level by approximately $1.6 billion—the precise figures have not yet been supplied to Congress. For aircraft depot maintenance alone, the increase is $687 million, or 20 percent. The purpose of this large increase is to reduce the backlog of depot maintenance to zero at the end of each fiscal year.

This zero backlog sounds like a good idea, but it is not. It requires the services—which have not exactly earned a reputation as top flight managers—to run the depots so precisely that they fill each year's schedule entirely with nothing left over at the end. They will reach the last month in the fiscal year either with more than 1 month's work left to do, requiring expensive overtime and a sudden surge in parts deliveries, or with less than a month's work left, resulting in disruptions of normal work and delivery schedules. It is better to retain a backlog and put less pressure on the management of the depot system.

This covers in exhaustive detail just one area where the defense budget could be cut without either harming the national security or, for that matter, the administration's declared goals.

We could cut the $10 billion that would maintain a steady pace of the 5-percent real growth in defense. The attached table shows one set of sensible cuts that would result in a defense budget that continues the buildup without overstraining other priorities.

TABLE.—SAVINGS ASSOCIATED WITH A REASONED PROGRAM OF INCREASING MILITARY POWER

	Millions
Unneeded strategic programs:	
MX	$1,941
B-1	859
Civil Defense	189
Continental Air Defense	70
Binary munitions	18
Total	3,077
Moderate growth in pay and allowances:	
Five percent instead of 8 percent pay raise	1,140
Cancel subsidy to commissaries and PX	750
Total	1,890
Feasible research and development	1,329
Moderate improvement of war preparedness:	
Defer War Reserves	705
Aircraft Spares	72
Depot Operations	1,357
Real Property Maintenance	1,700
Total	3,834
Total outlay savings	10,130

The table has four main categories. The first is unnecessary strategic programs. The biggest item is the MX, an orphan after the demise of one more basing scheme. It makes no sense to push ahead with funding for a missile without a home.

The second category is pay and allowances. We just gave the military a 14.3 percent raise last October, triple the civil service raise. That was billed as a catch-up raise that would solve all the problems stemming from past pay caps. Last year's explanation obviates any rationale for a pay raise this year in excess of the civilian raise.

The research and development category simply cuts Weinberger's overblown program back to the funding earmarked by Secretary Brown. With the expansion of procurement budgets under Reagan, the systems authorized by Brown for development may someday be fundable. Weinberger's increment would overburden even his expanded procurement budget.

The final category shows the savings from building sustainability at a more reasonable pace.

Pentagon outlays are difficult but not impossible to cut. Secretary Carlucci has supplied the challenge. It is now up to the House and Senate to take him up on that.●

LITHUANIAN INDEPENDENCE DAY

SPEECH OF

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. CARNEY. Mr. Speaker, February 23 marks a belated recognition by Members of this body of Lithuanian Independence Day. On the 64th anniversary of their proclamation of independence, Lithuanians throughout the free world turn their thoughts to their homeland and their people.

The tragic state of occupation in Lithuania still exists. The country is dominated by a power that cares little for justice and morality, and understands only force.

The impression that the West receives about the people of Lithuania, however, indicates that they have not resigned themselves to Soviet rule. Dissidents are numerous, and resistance to the illegal occupation continues, no matter how vicious the official reprisal against these acts.

We here in America are very familiar with the plight of one particular dissident, Vytautus Skuodis, an American citizen by birth who returned to Lithuania at an early age. As happens so often in the Soviet dominated nations, this individual is on trial for questioning the denial of freedoms which we in this country treat as a natural right.

As so many other dissidents, Skuodis was arrested on a mere pretext and left to languish in a prison. Only vigilance by the West in these circumstances has served to mitigate the inhuman treatment the Soviets mete out to dissenters in their society. We must not allow our vigilance to wane.

Mr. Speaker, freedom is a right that should not be denied to any people. The Lithuanians in Lithuania, and their friends and relatives in the free world, live for the day that Lithuania, Latvia, and Estonia will again be free. It is our moral duty to remember the aspirations of the Baltic people, and to keep the dream of freedom alive.●

AIR SAFETY SURVEY

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. PARRIS. Mr. Speaker, I would like to share with the Congress a survey completed by a group of students from Mount Vernon High School which is located in the Eighth Congressional District of Virginia, a district I have the honor to represent. This survey was undertaken by the students to determine passenger attitudes involving the present shortage of air traffic controllers and the safety of the Nation's air system. Efforts such as this greatly contribute to the ongoing debate of air safety. I believe my colleagues will benefit from this survey and I am delighted to share it with you.

The survey follows:

MOUNT VERNON HIGH SCHOOL, FAIRFAX COUNTY, ALEXANDRIA, VA.

FOR IMMEDIATE RELEASE

With the cooperation of US-Air (Mr. Robert Nance), J. Walter Thompson Advertising Agency (Robert Harris), the marketing students at Mount Vernon High School planned, administered, and tabulated a passenger survey at National Airport.

PURPOSE

(A) To determine the true feelings of the effects of the PATCO strike on the public.

(B) To help major airlines in marketing strategies to maintain or increase business.

(C) To determine the safety of the airlines today.

(D) To be entered in state Marketing (D.E.C.A.) Contests.

METHODS

December 15-22: Survey underwent five revisions with input from advisors in the airline and marketing industries.

January 4-11: Demographics and size of sample were decided upon in conjunction with marketing research firm, Tele-Service Research.

January 11-29: Computer firm contracted for coding and tabulation of secondary results. Students tabulated and keypunched primary results.

January 25-29: Random surveying took place at Washington National Airport. All passengers surveyed were departing from Washington, DC.

RESULTS

These are the primary results computed by student tabulation for public use. Secondary results will be used as a resource for marketing information.

Of those surveyed, 26% were female and 74% male.

Twenty-four percent of the women surveyed reside out of the metropolitan area, as well as 65% of the men surveyed.

Sixty-eight percent of the males are 35 years of age or older; 42% of the females fall in this age bracket also.

When asked about their feelings concerning safety before and after the strike:

Seventy-eight percent of the males felt just as safe; 73% of the women felt just as safe.

Eight percent of the males felt safer, while none of the women did.

Fourteen percent of the males felt less safe; 27% of the women felt less safe.

For comparison purposes:

Eighty-five percent of the females had flown both before and after the strike, whereas

Ninety-nine percent of the males had.

Of the random sample asked, 10% of the people turned to alternate forms of transportation as a result of the strike. Those most frequently used were personal and rental autos, followed by railway transportation.

Eighty-five percent of the males and females are flying as frequently as before the strike.

Seventy-eight percent of the males agreed with the Federal Government's decision to dismiss the striking controllers.

Forty-one percent of the women disagreed when asked the same question.

Seventy-seven percent of the women felt employment should be re-opened to the striking controllers.

Thirty-five percent of the males felt they should not be re-hired.

SUMMARY

Most of those surveyed were males.

The majority of those surveyed were business people and nearly all had flown both before and after the strike.

The majority of the males felt the striking controllers should have been dismissed, feel as safe flying now, they are flying as frequently, and do not agree with the decision to re-open employment opportunities.

More females than males felt as if the striking controllers should not have been dismissed, as a group they feel less safe now, however, they are still flying the same amount, but feel the striking controllers should have their jobs back.

Most of the passengers feel as safe and are still flying as frequently as before the strike. It has been determined that the loss of business due to the strike is 10% at most.●

INTRODUCTION OF THE PENNSYLVANIA WILDERNESS ACT

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. CLINGER. Mr. Speaker, today I am introducing in the House of Representatives the Pennsylvania Wilderness Act of 1982. My colleague in the other body, Senator JOHN HEINZ, is introducing an identical bill. Working together, we have attempted to craft a balanced wilderness bill among the many competing demands on the picturesque Allegheny National Forest in northwest Pennsylvania.

WILDERNESS AREAS

The bill creates two wilderness areas and a national recreation area. The Allegheny Islands Wilderness would consist of seven islands on the Allegheny River which were recommended for wilderness as a result of the RARE II process.

The second wilderness proposal is a Hickory Creek Wilderness comprising of approximately 9,400 acres. This area is located on the plateau section of the forest which is noted for its northern hardwoods. Of all the areas surveyed, Hickory Creek was the most highly rated for inclusion in the national wilderness system by environmental groups.

RELEASE LANGUAGE

Whereas the valuable hardwoods are also highly prized by the local timber industry, permanent release language is attached to the bill in order to provide assurances that roughly 98 percent of the land area in the Allegheny National Forest would remain in multiple-use management. There are no further study areas authorized in the legislation. Only islands not designated as wilderness in the Allegheny River could be considered for potential wilderness additions within the current boundaries of the national forest.

NATIONAL RECREATION AREA

The Kinzua National Recreation Area is essentially the area surveyed as Tracy Ridge during RARE II. The area, although roadless, offers many potential multirecreational benefits due to its proximity to the eastern shore of the Kinzua Reservoir. The boundaries contain several existing campgrounds and essentially complies with current land management practices and plans.

SPECIAL MANAGEMENT DIRECTIVES

An important feature of the bill deals with private subsurface ownership of oil, gas, and mineral rights. Only 2 percent of the subsurface rights within the forest boundaries are owned by the Federal Government. Since private concerns own the subsurface rights in the proposed Hickory Creek Wilderness and Kinzua Recreation Area, language in the bill makes clear the intent of Congress that the owners are able to exercise their rights in the exploration, development, and transportation of oil and natural gas resources. Furthermore, the Secretary of Agriculture, in cooperation with the Secretary of the Interior, may enter into voluntary exchanges for subsurface rights in the Hickory Creek Wilderness for comparable valued U.S. subsurface rights in nonwilderness areas. There is no condemnation authority granted under this act.●

THE SKILLED ENLISTED RESERVE MILITARY TRAINING ACT

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, today, I am introducing with Representatives DOUGHERTY, HUNTER, and SMITH of Pennsylvania, legislation that will effectively address the serious problem faced by our Nation's Armed Forces in recruiting and training highly skilled technicians needed to operate and maintain the sophisticated weapons on which the defense of our Nation depends.

Our Armed Forces acknowledge the need for large numbers of skilled enlisted personnel to operate and maintain these sophisticated weapons. They also acknowledge the difficulty and expense of trying to retain the skilled personnel they currently recruit and train. The Skilled Enlisted Reserve Military Training Act, which I am introducing, is an efficient and cost-effective vehicle for solving these problems and rebuilding the preparedness and readiness of our Nation's Active and Reserve Armed Forces units.

My bill builds on the technical expertise and training programs of our Nation's community and technical colleges and vocational institutes. It involves these institutions directly in the training of critical military occupational specialties in which the services have severe personnel shortages. In many similar specialties, these institutions already provide training for private industry. Many of these same skills are ones over which the services compete with private industry for qualified individuals, with the services usually losing to industry. The quality of the training programs at these institutions usually match and exceed the high standard of quality of the service's own training programs. And, most importantly, the skill training can be provided by these educational institutions at a fraction of the cost. The vaulable resource that is available at our community and technical colleges and vocational schools is clearly underutilized. What my bill does is recognize the potential of this resource and the value of providing the skill training necessary to help the armed services meet their critical personnel needs of the future, as well as the present.

Increasingly, Mr. Speaker, the Congress has purchased for the armed services large numbers of sophisticated weapons that combine a wide variety of technical, and all too often difficult to maintain, advances in electronics, avionics, computers, lasers, communications, and other technologies. Should one component of these weapons not be adequately maintained, then the weapon in its entirety is placed out of service, unavailable to meet our Nation's defense readiness needs. The number of highly skilled men and women necessary to operate and maintain these weapons has grown as quickly as the complexity of the weapons themselves. As the sophistication of these weapons has increased, so too has the demand for skilled technical specialists, experts in their respective fields. But, the need for technical specialists has not only increased in the services, but also in private industry. Thus, shortages of skilled men and women occur and the number of unfilled positions far exceed the number of qualified individuals trained to fill them. Unfortunately, a disproportionate number of the unfilled positions are in the Armed Forces, since their ability to compete with private industry is undermined by the lower pay and benefits of enlisted men and women of all ranks.

Not only are the services unable to attract the number of recruits they need to fill skilled positions in the middle ranks, E-3 through E-7, but they are also unable to retain those enlisted men and women they train themselves. Despite the reenlistment bonus program for many of the high technology military occupational specialties, the services are unable to retain sufficient numbers of qualified individuals. Private industry attracts these individuals away from serving additional tours of duty.

This recurring and continuing problem of recruiting and retention, as I have stated, has obvious consequences for the operation and maintenance of the services' weapons. Maintenance and repair time for these individual weapons increases as the number of skilled technicians decreases. As a result, the readiness of our Armed Forces to respond to an international or national emergency is jeopardized. And, unless addressed, it is only likely to worsen as the number and sophistication of the weapons increases with each major purchase approved by the Congress. The best and most economical way, in my view, to address this need for skilled personnel is to utilize the resources and training programs of the community and technical colleges and vocational institutes to recruit and train qualified men and women to serve in our Nation's Armed Forces.

My bill has a number of benefits that I believe make it an attractive training alternative for the services. First, it holds the greatest potential for meeting the services immediate personnel needs in the middle skilled ranks. In contrast to the traditional "pyramidal" recruiting pattern of the services, the bill allows direct "lateral placement" of qualified, highly trained men and women into the military occupational specialties in which the services have critical shortages at present and for the foreseeable future. Second, in addition to providing a pool of skilled enlisted personnel for active duty, the program authorized by the bill more importantly increases the pool of skilled Reserve personnel, on whom our Nation's defense will ultimately depend during a prolonged crisis or emergency. Not only does this Reserve pool increase numerically under this program, but also with respect to quality since many of these men and women will be using their acquired technical skills in private industry and be at the very frontiers of industrial research and development. Many will be well acquainted with the technological advances that are incorporated in our Armed Forces modern arsenal and, thus, will need a minimum of retraining if called to active service.

Third, the training programs provided by the community and technical colleges and institutes offer a tremendous cost savings to the services. Preliminary estimates of the cost of training at community and technical colleges of a few selected military occupational specialties indicate that the cost savings are on the order of 5 to 1 and even as high as 8 to 1. The direct costs to the services of this program include the direct educational reimbursement to program candidates, which range on average from $3,000 to $8,000, and the costs of any stipends offered by the services to recruit into some skill areas and assist in paying living expenses of some candidates. There are also some indirect administrative costs associated with the development and implementation of this program by the services and the educational institutions involved.

For the potential program candidate, there are also a number of benefits under this bill. First, there is education cost reimbursement for both skill training and the other education offerings at the community and technical colleges and institutes. Second, there is the guarantee of a promotion to the rank of E-3 or higher upon completion of both skill and basic military training. The individual will know whether his enlistment will be 2 years of active duty or 6 years as a member of the Selected Reserve of the Ready Reserve when he or she joins the program and will be able to plan accordingly. Third, and most important, the individual will know that the technical skills taught at the educational institutions and further refined by service in the Armed Forces are ones that are in great demand by private industry. This fact is not only a valuable recruiting tool for the services, but also a claim which the prospective candidate will know to be genuine since the military specialties in short supply in the services are short because of the demand by private industry for trained individuals. With this knowledge, the individual will know that he or she is acquiring skilled technical training that will be highly marketable in private industry.

Mr. Speaker, this bill offers the prospect of strengthening our Armed Forces and our entire industrial base by providing an efficient, cost-effective vehicle for training men and women in high-technology fields that are much in demand. The United States is faced with having to import engineers and other technically qualified individuals already. This shortage of individuals skilled in technical fields is only likely to increase, thus placing even greater pressure on the services to compete with private industry to recruit these men and women. Unless an alternative approach such as the one proposed by this legislation is seriously considered, Mr. Speaker, the readiness of our defensive forces will continue to be severely jeopardized. And, it will not be too long before the continued growth and viability of our industrial base itself will be severely challenged by its inability to meet the skilled personnel needs it has. I sincerely believe, Mr. Speaker, that the legislation I have introduced today effectively addresses these challenges and I invite my colleagues to join me in working for its enactment.

I ask that the text of the Skilled Enlisted Reserve Military Training Act be printed at the conclusion of my introductory remarks:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Skilled Enlisted Reserve Military Training Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress makes the following findings:

(1) The national defense readiness of the United States is increasingly dependent upon the use of technically sophisticated weapons.

(2) The number of technically skilled enlisted members of each of the Armed Forces, both on active duty and in the reserve components, is inadequate to operate and maintain the technically sophisticated weapons systems being introduced to modernize the Armed Forces.

(3) The community and technical colleges and institutes of the United States have the resources and capabilities to provide training in the technical specialties required by the Armed Forces.

(4) A program of vocational training assistance provided by the Department of Defense would give young men and women the opportunity to pursue a program of technical education and training leading to an associate degree simultaneously with the opportunity to pursue a training program preparing them for military service.

(5) Such a program would contribute to the recruitment into the Armed Forces of young men and women with aptitudes and interests in high technology fields and would contribute to the national defense readiness of the United States.

(6) The economic vitality of the United States would be strengthened through the establishment of such a program by increasing the number of persons having technical skills required to broaden the industrial base of the United States in critical skilled technical fields in which shortages have developed.

(b) The purposes of this Act are—

(1) to establish a program under which young men and women participate in a program of voluntary national defense preparedness, technical training, military training, and education developed and administered by the Armed Forces in cooperation with community and technical colleges and institutes; and

(2) to provide the United States with men and women trained in technical specialties critical to meeting national defense and military personnel needs in times of national emergency.

ESTABLISHMENT OF PROGRAM

SEC. 3. (a) Part III of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 108 as chapter 109; and

(2) by inserting after chapter 107 the following new chapter 108:

"CHAPTER 108—SKILLED ENLISTED RESERVE TRAINING PROGRAM

"Sec.
"2151. Definitions.
"2152. Establishment of program; service agreements.
"2153. Eligibility for membership.
"2154. Status of person upon signing agreement.
"2155. Status of person upon completing training program.
"2156. Penalties; exception.
"2157. Annual report.

"§ 2151. Definitions

"In this chapter:

"(1) 'Program' means a Skilled Enlisted Reserve Training Program established by the Secretary concerned under this chapter for an armed force under his jurisdiction.

"(2) 'Member of the program' means a person entering into an agreement with Secretary concerned under this chapter for participation in the Skilled Enlisted Reserve Training Program of an armed force.

"§ 2152. Establishment of program; service agreements

"(a) For the purpose of obtaining adequate numbers of enlisted members with critical technical skills for service on active duty and in the reserve components, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may establish a Skilled Enlisted Reserve Training Program. Under such a program the Secretary concerned may enter into agreements described in subsection (b) under which the Secretary agrees to provide educational assistance in a technical field to a person in return for that person's agreement to perform a specified period of active and reserve enlisted service in the armed forces.

"(b) An agreement under subsection (a) shall provide (1) that the Secretary concerned shall provide educational assistance to the member of the program in accordance with subsection (c), and (2) that the member of the program, in consideration for that educational assistance, shall agree to serve on active duty and in a reserve component as provided in section 2153 of this title.

"(c)(1) An agreement under subsection (a) shall provide for payment by the Secretary concerned of 100 percent of the educational expenses incurred by a member of the program for instruction in a technical course of study approved by the Secretary at an accredited institution. Expenses for which payment may be made include tuition, fees, books, laboratory fees, and shop fees for consumable materials used as part of classroom or shop instruction. Payments for those expenses shall be limited to those educational expenses normally incurred by students at the institution involved. Such agreement may also provide for payment of a stipend in an amount to be determined by the Secretary concerned for each month the member is pursuing that course of study.

"(2) Educational assistance may be provided to a member of the program under the agreement until the member completes a course of instruction required for the award of an associate degree (or the equivalent evidence of completion of study of a technical course of study) by an accredited institution. However, a member of the program may not be provided assistance under this chapter for more than two academic years (or the equivalent) and may not be provided a stipend for more than 18 months.

"(3) For purposes of this subsection, the term 'accredited institution' means a civilian college or university or a trade, technical, or vocational school in the United States (including the District of Columbia, Puerto Rico, Guam, and the Virgin Islands) that provides education at the postsecondary level and that is accredited by a nationally recognized accrediting agency or association or by an accrediting agency or association recognized by the Secretary of Education.

"(d) The authority of the Secretary concerned to enter into agreements under this section is subject to the availability of appropriations for that purpose.

"§ 2153. Eligibility for membership

"To be eligible for membership in the program a person must—

"(1) be selected for membership under procedures prescribed by the Secretary concerned;

"(2) enroll in a course of instruction at an educational institution in at least one high technology specialty that is designated by the Secretary concerned as a critical military occupational specialty essential to strengthening the defense capabilities of the United States;

"(3) enlist in a reserve component of an armed force under the jurisdiction of the Secretary concerned for the period of time specified in clause (4); and

"(4) agree in writing that, upon completion of the course of instruction and at the discretion of the Secretary concerned, the person will either—

"(A) serve on active duty for a period of not less than two years to be specified in the agreement; or

"(B) serve in the Selected Reserve of the Ready Reserve of a reserve component under such terms and conditions as prescribed by the Secretary concerned for a period of not less than six years, to be specified in the agreement (including any period of service in active duty, in active duty for training, and in any other active or inactive status).

"§ 2154. Status of person upon signing agreement

"Upon signing an agreement under this chapter and becoming a member of the program, a person becomes a member of the armed forces and shall be placed in an element of the Ready Reserve of a reserve component of the armed forces.

"§ 2155. Status of person upon completing training program

"Upon completing the program of training provided for in the agreement and completing basic training, the member shall begin service in the armed forces as provided in the agreement in pay grade E-3, E-4, E-5, E-6, or E-7, as determined by the Secretary concerned based upon the technical qualifications of the member and the needs of the service.

"§ 2156. Penalties; exception

"(a) An agreement under this chapter is subject to section 2005 of this title.

"(b) The Secretary concerned, if the Secretary determines that the interest of the service so requires, may release any person from the program and discharge that person from the armed forces under the jurisdiction of the Secretary.

"§ 2157. Annual report

"The President shall submit to Congress not later than December 1 of each year a report on the program. Each report shall include—

"(1) an evaluation of the program;

"(2) a determination of the feasibility of expanding the program; and

"(3) any recommendation for administrative or legislative actions with respect to the program that the President considers appropriate.".

(b) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 108 and inserting in lieu thereof the following:

"108. Skilled Enlisted Reserve Training Program 2151
"109. Granting of Advanced Degrees at Department of Defense Schools. 2161".

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Effective for fiscal years beginning after September 30, 1982, there are authorized to be appropriated such amounts as may be necessary to carry out chapter 108 of title 10, United States Code, as added by section 3.●

CONGRESSIONAL SALUTE TO HON. DAVID H. MUNDY OF NEW JERSEY, 1982 "PAUL HARRIS FELLOW," ROTARY CLUB OF WAYNE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ROE. Mr. Speaker, on Wednesday, March 3, the residents of my hometown of Wayne, Eighth Congressional District, and State of New Jersey will join together with our fellow Rotarians in testimony to an outstanding community leader, distinguished citizen and good friend, the Honorable David H. Mundy of Oakland, N.J., whose standards of excellence throughout his lifetime have earned him the most highly coveted honor of being chosen the 1982 Paul Harris Fellow of the Rotary Club of Wayne—the highest award that Rotary can bestow upon any of its members. I know you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to David Mundy and share the great pride of his good wife, Lois, and sons, David, Jr., and Donald, in applauding this milestone of achievement in his most illustrious and rewarding lifetime of fulfillment and purpose.

The Rotary Club of Wayne is one of our Nation's most prestigious affiliates of Rotary International whose motto: "We make a living by what we get—we make a life by what we give"—"service above self"—and their good deeds in helping others, young and adults alike, have served to inspire all of us. Dave

Mundy has by his example and lifetime of dedication to these same true American ideals personified exemplary leadership in his outstanding responsible service to our people.

Mr. Speaker, Dave Mundy's personal commitment in helping our young men to achieve leadership qualities of self-reliance, character building, sportsmanship, fair play, and eagerness to serve others has been a way of life for him. We are particularly proud of his compassion, dedication, and untiring efforts on behalf of our young people. We are also grateful for his service to our country as a 20-year veteran of our U.S. Air Force. Today we seek national recognition of his exemplary good works as a Rotarian of distinction from a grateful community for his outstanding service to his fellowman.

With your permission, Mr. Speaker, I would like to insert at this point in our historic Journal of Congress a biographical outline of his education and career commitments, as follows:

DAVID H. MUNDY—PERSONAL AND CAREER HISTORY

EDUCATION

Somerville, New Jersey Elementary and High School—1946.

University of Maryland, Military Science (Major) Education (Minor)—1955.

Major Military Training Schools: U.S.A.F. Pilot Training—1948; Squadron Officers Course; Academic Instructor Course; Air University Command and Staff College, as well as numerous other advanced specialty courses.

YOUTH ACTIVITIES

High School Track and Wrestling. Boy Scouts—Eagle Scout Troop No. 83, Camp Counselor 1944-45. Civil Air Patrol—1943-46. First Solo Flight in J-3 Piper Cub—1945.

MILITARY SERVICE

1946-66—United States Air Force.

Basic Training, Lackland Field, San Antonio, Texas—September-November 1946.

Draftsman, Langley Air Force Base, Virginia—January-May 1947.

Pilot Training, Randolph Air Force Base and Barksdale Air Force Base—1947-48.

Commissioned Second Lt. and Rated Pilot—June 1948.

Assigned to 47th Bomb Wing, light, and qualified as B-26 Pilot. Was first pilot from New Jersey to be qualified as pilot in 4-engine jet B-45—1949.

Transferred back to B-26's for tour in Korea—July 1950 to March 1951, flew 55 combat missions.

Decorated with distinguished flying cross, 5 air medals, Air Force commendation medal.

Returned to Langley Air Force Base for further training with special weapons and B-45 aircraft—March 1951-June 1952.

B-45 Crew Commander and Instructor, Sculthorpe R.A.F. Station, England. Promoted to Captain, rated "senior pilot"—June 1952-May 1955.

Assistant Professor of Air Science, Stevens Institute of Technology, Hoboken, New Jersey—1955-59.

Transferred to Strategic Air Command as Aircraft Commander, KC-95 Air Refueling. Served as Crew Commander, Flight Commander, Operations Officer, Deputy Director of Operations, Promoted to Major, Rated "Command Pilot"—1960-65.

Served as Senior Air Force Advisor to the 305th Air Rescue Squadron, Reserve—1966. (Retired October 1, 1966.)

OTHER CAREER PURSUITS

Staff Member, Altaha Council, Boy Scouts of America, Wayne, New Jersey—1966-69.

Served as District Scout Executive. Organized and served Cub Packs, Scout Troops and Explorer Posts.

Director, Camp Altaha—1968-69.

General Director, Wayne Area Young Men's Christian Association (now k/a Skyline Y.M.C.A.). Provided value type programs for youth, parent-child programs and camp activities—1970 to present.

MEMBERSHIPS

The Retired Officer's Association.

Association of Professional Directors in the Y.M.C.A.

Executive Committee, New York Management Service Center (Y.M.C.A.).

Rotary Club of Wayne since 1969—Sgt. at Arms (1972), Treasurer (1977), Vice President (1974-76), President (1976-77), Board of Directors (1972 to present).

Rotary International District No. 749.

Governors Representative (1977-78).

District Secretary (1978-79).

Chief Governors Representative (1979-80).

Governor Nominee (1980-81).

District Governor (1981-82).

Mr. Speaker, all of us who have had the good fortune to know David are especially proud of his many accomplishments which have truly enriched our community, State, and Nation. It is a great pleasure to call your attention to this distinguished gentleman and seek this national recognition of all of his good deeds. I know you will want to join with the Rotary Club of Wayne, N.J., in honoring our good friend Dave as an outstanding citizen and great American. We do indeed salute the Wayne Rotary Club's "Paul Harris Fellow"—the Honorable David H. Mundy.●

CAPITAL GAINS ROLLOVER PROVISION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. CONABLE. Mr. Speaker, today I introduced a bill which would allow for the deferral of the capital gains tax in situations where a person reinvested the proceeds of a sale of a capital asset in the securities of a domestic corporation.

A capital gain deferral of this nature often is referred to as a rollover. The most familiar example of a capital gain rollover is where someone defers the capital gains tax on the sale of a principal residence by purchasing another principal costing at least as much as the adjusted sales price of the first property.

This bill is modeled on this basic rollover approach, but it is targeted to foster economic growth. The character of capital assets, whose sale results in the realization of a capital gain, is not restricted. It could be land, precious metal, art work, or stock. However, the character of the replacement property which qualifies for rollover treatment is limited to securities in a domestic corporation. The term "security" includes both debt and equity type instruments. Thus, the capital gain on any capital asset may be deferred, but only if the proceeds are reinvested in domestic securities.

The rollover in this measure is optional, not mandatory. For example, in situations where a person had capital losses which offset capital gains there would be no need to invoke a rollover.

The bill requires the basis of replacement property to be reduced by an amount equal to the unrecognized gain on the sale of the capital asset. This adjustment is necessary because the bill provides only deferral of capital gain, not a forgiveness. The bill also includes several conforming technical changes covering areas such as the statute of limitations and the calculation of holding periods.

This measure is similar to earlier capital gain rollover initiatives, but it contains one noteworthy change. The bill limits the qualifying replacement property to domestic securities. Earlier initiatives did not restrict the character of qualifying replacement property. There undoubtedly are tradeoffs involved in how one defines the character of replacement property. The targeting of replacement property in my bill could foster expanded opportunities for domestic securities. This could enhance capital formation.

I realize that the decision on whether or not to target replacement property is important and warrants further attention as capital gain rollover initiatives advance through the legislative process. For example, targeting replacement property to domestic securities excludes desirable economic activity that might be carried on in partnership form. I am openminded about the form of the final legislation but the targeting approach of this legislation is a serious option which should be evaluated.●

PORT USER FEES

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. EVANS of Delaware. Mr. Speaker, the President has proposed that in fiscal year 1983 the Federal Government collect more than $200 million in Army Corps of Engineers navigation user fees to recoup the costs of constructing and maintaining the harbors

and channels used by our ocean going and Great Lakes vessel traffic. It is essential that the Congress explore creative means of narrowing our massive budget deficit, but in doing so, it is equally important that we take a long, hard look before acting on measures, such as the port user fee proposal, that may result in short-term gain and long-term disaster.

Our ports and waterways have been developed, improved, and operated as a partnership between Federal, State, and local governments and the private sector. The Federal Government has traditionally shouldered the responsibility for improving and maintaining our waterways, while the equally important onshore infrastructure of our ports has been the responsibility of State and local governments and private enterprise. The capital investment by all parties has been tremendous—and so have been the benefits to the Nation.

As a matter of philosophy, I have no quarrel with the concept of user fees. It is appropriate that these costs be shifted from the general taxpayer, so long as we can allocate the costs of services performed by the Federal Government to the specific beneficiaries of those services and we can do so in a fair, reasonable, and efficient manner. The port user fee proposal set forth by the administration raises many questions. Since many of my colleagues share my concerns, I will briefly detail some of the specific issues that must be addressed and resolved before the Congress can make a reasoned and positive decision on this matter of port user fees.

WHO BENEFITS?

One of the major problems is determining who really benefits from the maintenance of our harbors and channels. Is it only the community supporting the port? Is it the State or region? Or, is it the entire Nation? Consider these examples:

First, in 1980, Federal customs receipts for the combined Philadelphia area ports totaled $237 million. This revenue far exceeds the annual maintenance dredging cost of about $23 million needed to keep the Delaware River and Bay open for traffic by ocean-going vessels

Second, some 75 percent of the crude oil refined on the eastern seaboard is brought to Delaware Valley refineries by vessels traveling the Delaware River and Bay.

Third, all of the fuel needed to operate the vital fleet of C-5-A transport planes stationed at the Dover Air Force Base, as well as the base itself, is brought in by vessels on the Delaware River and Bay.

These examples illustrate that highly significant benefits accrue to the country generally as the result of existing, federally maintained harbors and channels. Any user fee legislation must recognize the longstanding and continued national interest in, and responsibility for, maintaining a diverse and balanced multimodal transportation system.

PORT SPECIFIC USER FEES

A Senate subcommittee recently approved a port user fee bill that would collect user fees for the maintenance of existing harbors and channels on a port-specific basis, albeit with a cap on the amount that may be assessed at any one port. This is apparently the proposal supported by the administration, although it is stated in the fiscal year 1983 budget that the administration would seek to recover a greater proportion of the costs than would be recovered under the subcommittee proposal.

Mr. Speaker, it is this notion of port-specific user fees that has caused a great deal of consternation among the dozens of small- to medium-sized ports around the country. It is their view, and I agree with them, that such a schedule of fees would place their relatively low-volume ports at a competitive disadvantage with the large ports such as New York, Baltimore, and Seattle. Some specific concerns follow:

First, how does one allocate costs for a navigation system like the Delaware River and Bay or the Great Lakes that serves multiple ports and encompasses a number of political jurisdictions? The channel in the Delaware River and Bay serves many destinations, and some vessels may make more than one stop. How can the costs be allocated fairly on a port-specific basis?

Second, competition among ports is keen. Although some have argued that a cost differential of a few cents a ton will make an insignificant difference in the selection of a port, those who are in the business assure me this is not the case. Added costs of even a fraction of a cent per ton may make all the difference in the world when a businessman has thousands or hundreds of thousands of tons of cargo to move. This is especially true on the east coast where ports such as New York, Philadelphia, Wilmington, and Baltimore, are all within a short span of miles.

Third, what are the effects on foreign trade of imposing user fees on domestic and foreign vessels visiting our ports? Will foreign interests divert still more of their cargoes to nearby Canadian ports? Will foreign interests go elsewhere to purchase commodities or products that would have been purchased within the United States and move through our ports? These questions are extremely important from the standpoint of our trade imbalance, and I have seen virtually no solid thinking directed toward finding the answers.

Fourth, what are the economic ramifications if individual ports are driven out of business by the imposition of port-specific user fees? What will it cost the Federal Government and ultimately the American taxpayer to respond if economic dislocation occurs? Are we being pennywise and dollar foolish?

Mr. Speaker, this recitation of issues associated with the matter of port user fees is hardly exhaustive. While I am deeply concerned about the size of our Federal budget deficit and am working with my colleagues in narrowing that deficit, my analysis to date leads me to the conclusion that I must oppose port-specific user fees for the maintenance of existing harbors and channels. The construction and maintenance of new channel improvements is another matter, as I believe local cost-sharing is appropriate and can be implemented without the tremendous economic disruption that will result from applying the same approach to existing harbors and channels.

In conclusion, let me note that there is another option before the Congress, that is a schedule of uniform or systemwide user fees whereby the same fee is charged within each cargo type, regardless of the specific port or waterway at issue. While I do not necessarily endorse such a system, it deserves a close look by my colleagues, as it has the obvious advantage of conferring no competitive advantage on any individual port. To the extent that competitive differences exist today, implementation of a systemwide fee will not alter those relationships. It is pertinent to note that in testifying before a Senate subcommittee earlier this month on the matter of inland waterway user charges, this is precisely the approach endorsed by the administration. The administration reasoned that a systemwide fee to recover the costs of maintaining existing inland waterways would minimize "disruption of existing traffic patterns" and lessen the "shock to the system." Does not the same logic apply to harbors and channels for ocean-going and Great Lakes vessels, some of which will suffer greatly from enactment of port-specific user fee legislation?

Mr. Speaker, I commend to you and my colleagues the text of a thoughtful resolution regarding port user fees approved by the city council of the city of Wilmington, Del., on January 21, 1982, and ask that the resolution in its entirety be printed in the RECORD.

Whereas the development and maintenance of the Nation's harbors and waterways is an essential aspect of the federal government's longstanding responsibility for our national water-borne transportation system; and

Whereas the federal government has carried out this responsibility for nearly 200 years; and

Whereas states, local public ports and municipalities have developed landside port facilities and other navigational improvements to accommodate the water-borne commerce of harbors and channels; and

Whereas currently the United States Congress is considering legislation to reverse this federal policy by requiring local funding of the waterways and harbors; and

Whereas this change in policy would force each port to assess user fees to pay for operation, maintenance and construction of channels used by vessel traffic calling at each port; and

Whereas cost recovery through a port-by-port user fee system would seriously disrupt the Port of Wilmington and destroy its competitive position by causing the diversion of cargo to other ports with low channel maintenance costs, possibly resulting in an eventual complete port shut-down; and

Whereas the loss of federal funds for port operation and maintenance and the imposition of user fees on Delaware regional shippers would disrupt the region's general maritime foreign trade and adversely affect the region's economy and future industrial growth; and

Whereas such user charges would penalize the Delaware regional community and result in higher costs of goods to consumers; and

Whereas, this Council wishes to reiterate its opposition to the proposed change in port facility funding as set forth in the Council's Resolution No. 82-006.

Now, therefore, be it resolved by the Council of the City of Wilmington, That the Council urges the Reagan Administration and Congress to stand by the federal government's commitment to maintain and operate the Nation's ports and deep-draft channels and to reject legislative efforts to shift the responsibility for maintenance of our Nation's port system channels to the cities, states and regions that depend on the continued operation of the ports for survival.

Further resolved, That the City Council opposes the imposition of user fees for maintenance and operation of existing deep-draft channels.

Further resolved, That the City Clerk is directed to forward copies of this Resolution to President Ronald Reagan and to the members of Delaware's Congressional Delegation.●

NATIONAL PHYSICAL FITNESS AND SPORTS FOR ALL WEEK

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mrs. BYRON. Mr. Speaker, I am introducing today a joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week."

Mr. Speaker, as a physical fitness and sports enthusiast, I am pleased to witness the markedly increasing public awareness of and participation in exercise. Estimates that one of every two adults in our country regularly participate in exercise and sport reinforce the realization that today's effort to be physically fit is a necessary and accessible goal for all citizens.

Longer and healthier lifespans reflect the significant attention most Americans give to personal health. Periodic physical activity serves as one method of coping with the high cost of health care.

An unlimited variety of exercises and sports involves participants of a spectrum of ages and abilities. A "National Physical Fitness and Sports for All Week" would encompass everyone who chooses some form of exercise as a daily commitment to one's enjoyment and general sense of well-being.

Consciousness of the importance of physical fitness and sports programs exists as a national phenomenon. To encourage people to become physically fit is to involve them in their own health care. A week dedicated to physical fitness and sports pays tribute to all those athletes and nonathletes alike who have a common goal in organizing and performing a healthy measure of self-help.

A balanced program of exercise is one of the easiest, safest, and least expensive preventative health care measures available to all. Therefore, I am sponsoring this resolution which requests President Reagan to declare May 2 through 8 as "National Physical Fitness and Sports for All Week."

H.J. RES.—

Joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982 as "National Physical Fitness and Sports for All Week"

Whereas one of every two adults in our country is a regular participant in exercise and sports;

Whereas the number of physically active men and women has doubled in ten years and continues to grow rapidly;

Whereas today we recognize that physical activity is an important part of daily life for people of both sexes and of all ages;

Whereas physical activity is vital to good health and is a rich source of pleasure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits;

Whereas it is essential that we make fitness and sports programs increasingly available so that all of our citizens will be able to experience the joys and benefits they offer: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of May 2 through 8, 1982 as "National Physical Fitness and Sports for All Week", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the week with appropriate programs, ceremonies, and activities.●

GENERAL MOTORS VERSUS ITS WORKERS

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SCHUMER. Mr. Speaker, the decline in the automobile industry and fear of plant closings have resulted in auto industry leaders asking for wage concessions from auto workers. Although new, cooperative relationships between labor and management offer much promise for the future of American industry and the future of labor unions, the following editorial in the February 16 edition of the New York Times presents a necessary challenge to business leaders. Workers must be allowed to share not only the burden of the failing industry but also the profits that it enjoys during better economic times. Business leaders should listen to the eloquent voice of Martin Douglas, an auto worker, who says, "You should have come a little earlier when times were good and we could have gotten to know each other. If you had, I would now be more willing to help."

GM VERSUS ITS WORKERS

(By Martin Douglas)

LONG BEACH, CALIF.—General Motors wants to cut my pay. That doesn't surprise me. G.M. has always wanted to cut my pay.

At the present time, however, its chances of success look very good. The auto industry is in serious trouble. Sales in 1981 were poorer than in 1980, itself a bad year for car sales.

So when G.M. and Ford said they wanted to reopen their contracts with the United Auto Workers before they expired in September in order to seek wage concessions on the part of labor, it did not seem unreasonable.

Yet, in the 18 years I have worked for G.M., I have found the company to be consistently unreasonable. I don't think that it is unreasonable to expect to be told that my plant is going to shut down for a year to retool. But in March 1980 I had to find out by reading the newspaper.

I find it strange that G.M. has to hire a private firm to survey its own workers to find out how they feel and to assess "employee attitudes and perceptions about the serious competitive problems G.M. faces."

One might think this was necessitated by the size of the company, but I doubt it very much. It is necessary because of company attitudes and policy. Management doesn't talk to workers or care about how its workers feel—until now, that is, when it wants us to sacrifice.

How else can one account for the fact that nearly 60 percent of its hourly workers believe that General Motors made a profit last year when the company reported a loss of more than $760 million?

General Motors expects two things of a worker: come to work and do what you are told. There is no sense of teamwork or working together to solve common problems. Now, however, we are told that we must give up some of the things we have fought for over the years for the good of the company. Even now, we are not being asked to make sacrifices. We are being told that if we don't, our jobs will be shipped overseas.

Wages in the auto industry have always been a sore point, not only with the company, but with the general public, too. I am well paid to do what I do, but it is not because of G.M.'s generosity but because of hard-fought union negotiations.

Unfortunately, the public has little idea of what it is I actually do. People know what a

teacher does to earn his money, for we have all been to school, and we have all been to the doctor and have some idea of what he does. But what does an auto worker do to earn his pay?

There are thousands of different jobs involved in assembling a car, but I'll tell you about one I have done. I picked up the right headlight frame and put it on the car body, using four to six screws. I put on a stop so the hood wouldn't slam, disconnected a cap on an air-conditioning pipe, put on a washer and tightened the hose nut, using a torque wrench. Then I connected a wire with a very tight rubber clip somewhere in the bottom of the engine, a place that was impossible to see. I had 72 seconds in which to do all of this and I did it 362 times a day.

This was considered a good job, especially by the men on either side of me who were lying on the steel floor of the car with tools in their hands, bolts in their pockets, and screws in their mouths. This is the kind of work that a lot of people are unwilling to do, and with good reason. Nobody would choose to do this kind of montonous work for a living.

The auto industry has historically paid relatively high wages and it is directly because of the nature of the work. On Jan. 5, 1914, Henry Ford announced that he would pay $5 for an eight-hour day, nearly doubling the prevailing wage of the Michigan auto worker. Ford did this not because he wanted to share the profits with his workers but in order to save himself money and make profit. At that time, he was hiring 963 men annually to fill every 100 production jobs. There are understandably, a lot of people who don't want to do this work, no matter what the pay.

Today, the economy is sagging and layoffs are widespread. Yet when my plant was recently hiring, new workers were quitting because they could not stand the pace of the line. I'm paid well to do the job that another man won't do.

General Motors is constantly comparing my wages to those of the Japanese auto worker, but I am sure that G.M. doesn't want to enter into a relationship such as the Japanese firms enjoy with their workers.

G.M. has never offered to guarantee me a job for life as the Japanese do, or subsidize my housing, or provide me with opportunities for low-cost vacations. Instead, General Motors wants to cut my pay to that of my Japanese counterpart and close the plant whenever by so doing it will maximize its profits.

Once there was a time when G.M. had customers standing in line and couldn't produce enough cars to satisfy demand. The profits rolled in, but did the company offer to share them with their workers? Not on your life.

But now when it is announcing losses of hundreds of millions of dollars, the company reportedly is willing to share profits if I, along with Gomez, Frank, Smittie, and LeRoy, sacrifice our pay and benefits. Now that the gravy is reduced to a trickle, G.M. is more than willing to share—for a price.

I don't know what the president of G.M. made last year. I do know that in good years, he made close to a million dollars. I don't know exactly what he does each day, but I am sure I have a better idea of his job than he does of mine.

So now he comes to me when times are hard and asks for sacrifices, and I say to him: "You should have come a little earlier when times were good and we could have gotten to know each other. If you had, I would now be more willing to help."●

A TRIBUTE TO JOSEPH D. GLEASON

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HOWARD. Mr. Speaker, a dear friend and champion of Government employees died Sunday, February 7, of cancer. Joseph D. Gleason, executive vice president of the American Federation of Government Employees, AFL-CIO, will be remembered as a hero among Government workers whom he served with a loyalty, energy and dedication that was above and beyond the call of duty.

Representing as many Federal workers as I do, I often had occasion to work with Joe. Never once did his commitment to the working people of his union and his country waiver. He set high standards as a Government affairs representative that have served as a model for others to follow. During good times and bad, he maintained his sense of humor and perspective on life. Most of all, he engendered a deep and enduring respect among everyone with whom he had contact.

I am sure that I speak for many other Members of Congress when I express my own deep sadness and regret at Joe's passing.

Speaking for the officers and members of AFGE, national president Ken Blaylock said of Joe Gleason:

Joe's death is a great personal loss to all of us here at AFGE's national office, to the union, and to the labor movement to which he had devoted over 30 years of his life.

He was first and foremost, an organizer with strong belief in political action for unions. This made him often seem a controversial figure, but with all, he was a dedicated trade unionist. I am sure Joe would want that for his epitaph.

Joseph D. Gleason was elected executive vice president at AFGE's 25th biennial convention in 1976. He had been district 2 national vice president since 1968. During his 8 years in that post, Gleason was reelected four times by acclamation.

Involved with the labor movement all his adult life, Gleason was a labor editor, lobbyist, editorial writer, mediator, administrator, area director, political action representative and organizer.

In the late 1940's he joined local 536 of the Textile Workers, CIO, in Providence, R.I. He later became associated with several national labor organizations including the textile, auto, steel, rubber, paper, and State, county and municipal employees unions. In the late 1950's, Gleason served on the merger committee that brought the CIO's Government and civic employees together with the AFL's State, county and municipal employees. He also participated in the merger between the Rhode Island State Industrial Council, CIO, with the State Federation of Labor, AFL.

Gleason's first direct involvement with AFGE was in 1964, when he was invited through the Alameda Labor Council, AFL-CIO, to address AFGE local 1553, in Oakland, Calif. A few months later, he accepted an appointment as a national representative and was later transferred to AFGE's district 2.

Born in East Providence, R.I., on June 7, 1929, Gleason attended local schools. Over the years, he took courses in labor history, law, economics, political science, public relations, and organizing techniques from the Rhode Island School of Design, Providence College, the University of Minnesota, University of Connecticut, University of Illinois, and Rutgers the State University of New Jersey. At Rutgers, he served as a member of the advisory board for the Labor Education Center.

As one of AFGE's three national officers, Gleason operated from AFGE national headquarters in Washington, D.C., where he administered the union's staff of approximately 300 employees, and assisted the national president.

Joseph Gleason is survived by his wife, Jenny, who lives in Alexandria, Va., three sons and two grandchildren. My profound sympathies go out to his entire family.●

THE AMERICAN HERITAGE BAND

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. DORNAN of California. Mr. Speaker, in the past few decades, it has become fashionable to denigrate America and those values associated with patriotism and pride in America's heritage. Those who lend their voices to this shrill chorus of criticism aim their remarks not only at the faults and failures of America but seem to take a perverse delight in tearing down even those values which are good and wholesome. Fortunately, however, in addition to the voices that seek to tear down and destroy, there are other voices which seek to bind up and heal. Such are the voices of Mark Peters and David Searcy who are promoting the American Heritage Band. The band, based in Los Angeles, is composed of a large group of professional musicians who perform in the manner and style of the John Philip Sousa Band and who are dedicated to bringing back music that celebrates the best in our American heritage and culture. The brisk, vigorous cadence

symbolizes the strength and spirit of America, the deep-rooted feelings of love of country and American ideals. The band seeks to rekindle those stirring sentiments that Americans feel whenever they hear "The Stars and Stripes Forever." Moreover, in the spirit of free enterprise that made our country great, the American Heritage Band is a profitmaking venture that seeks to affirm the traditional notion that American art need not depend on Government support to succeed. Hats off to the American Heritage Band.●

THE BUDGET ACT OF 1974

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. QUILLEN. Mr. Speaker, the Republican leader of the House, Mr. MICHEL, recently wrote a letter to Senator BAKER urging his consideration of several changes in the Budget Act of 1974. Mr. MICHEL was kind enough to provide me with a copy of that letter and I want to insert it at this point in the RECORD so that more of our Members will have the benefit of what I think are some very productive ideas on reforming the budget process.

Mr. MICHEL suggests, first of all, that we end the longstanding charade of presenting our budgets with baseline numbers and economic assumptions that do not stand the test of time, and that henceforth, we use as a basis for our consideration broad ranges of baseline numbers and assumptions. These ranges would go a long way toward ending the political and economic disputes that invariably surface during budget debates. Furthermore, Mr. MICHEL suggests making the first budget resolution permanent and providing for the codification of reconciliation language. He would also allow for continuous reports from the Budget Committees that will enable us to track economic conditions more closely and monitor their effect on our budget numbers.

I think these reforms are worthy of our immediate consideration and I hope that Chairman BOLLING and Chairman JONES will give them the attention they deserve.

OFFICE OF THE REPUBLICAN LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 19, 1982.

Hon. HOWARD BAKER,
S-230, The Capitol,
Washington, D.C.

DEAR HOWARD: I understand that the Senate and House Budget Committees are currently discussing the possibility of agreement on baseline numbers and economic assumptions in their budget deliberations. I have some suggestions in that regard that I hope you will consider and discuss with the appropriate Members on your side of the Capitol.

The primary purpose of the Budget Act of 1974, as I understand it, is to ensure that the Congress has a more effective voice in the formulation of fiscal policy. That is as it should be.

It has become quite evident, however, in our seven years of experience with the Act that the budget process is much too rigid to allow for fluctuations in the economy.

The manner in which the Congress projects economic conditions has been a bi-partisan embarrassment. The First Budget Resolution for Fiscal Year 1980 was off the actual mark by some $48 billion in outlays and $36 billion in deficit spending. The Second Resolution for that year was still off by $32 billion in outlays and the Third Resolution we adopted missed the mark in outlays by $7 billion and $13 billion in deficit spending.

The Fiscal Year 1981 budget projections were far worse. In 1980, you'll recall, the Congress adopted a First Budget Resolution containing a $200 million surplus. As we discovered last October, the final deficit for Fiscal 1981 was about $57 billion.

Last year's deliberations again produced the same unreliable numbers. I suspect that, given the political considerations, it will be difficult again this year to reach agreement on any one set of numbers.

I think it is time that we give some thought to formulating budget policy on the basis of ranges of assumptions. I suspect that the budget process would be far more credible and far more honest if we limited our projections to budget totals in ranges which allowed for minor differences of opinion and gave the authorizing and appropriations committees a little more flexibility in determining the course of federal programs. I think it is particularly important to embrace a strategy of this kind for out-year projections. It is ludicrous to adopt as our baseline strategy for several years a set of projections that we know from past experience won't hold up. I think it is irresponsible to give those kind of projections the degree of credibility that we do through their inclusion in the budget debate.

There are other reforms in the budget process that I would hope the Congress would at least consider this year with an eye toward major reform of the law next year.

For example, I think we ought to make the First Budget Resolution binding and codify the Act with regard to reconciliation being applied to the First Budget Resolution. I think we could eliminate the mandatory Second Resolution and provide for it only in the event our projections are rendered obsolete by changing economic conditions. Finally, I think it would be helpful and appropriate if the Budget Committees in both Houses were required to file reports on economic fluctuations and their impact on our economic assumptions.

I hope you will give some consideration to these proposals and in particular encourage the discussion of ranges of assumptions with your colleagues.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.●

INTRODUCTION OF FCC TRACK 2 BILLS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. BROYHILL. Mr. Speaker, I am introducing legislation to remove the noose of Government regulation from the necks of radio and television broadcasters. The public will be the ultimate beneficiary.

For more than 40 years, the content of radio and television programs has been substantially regulated by Federal law. Broadcasters have been required to comply with Federal regulations such as the "fairness doctrine," the "equal time" rule, the "personal attack" rule, the "political editorializing" rule, and the "reasonable access" rule.

Federal rules that regulate program content on radio and television stations are wolves in sheep's clothing. They are all regulations which embody the Government's notion of what is good or decent or fair programing. They are rules of conduct which necessarily result in Government censorship and Government dictation of program content. To my way of thinking, there is no place for Government controls over programing content in a society such as ours which, through the first amendment, prides itself on its resolve to protect free speech.

Those who defend Government intrusion into the programing decisions of radio and television stations argue that Government-imposed program content regulations actually promote first amendment values because they help insure that American citizens have access to diverse viewpoints. In fact, however, Government control of program content is not necessary to insure the availability of program diversity. In 1982, we live in a society which is literally teeming with information diversity. There are more than 10,000 radio and television stations, 4,000 cable television systems, and thousands of newspapers, magazines, and other information services. There is far more information available than any of us can absorb.

The fairness doctrine is a case in point. That doctrine, in the language of section 315 of the Communications Act which embodies it, requires radio and television stations to "afford reasonable opportunities for the discussion of conflicting views on issues of public importance." To many, this may sound benign. However, to defend the fairness doctrine on this basis misses the point. The real issues are: (1) Does the Government have constitutional authority under the first

amendment to oversee journalistic activity, and (2) is Government oversight necessary in order to insure program diversity in the competitive information age? I submit that the answer to both questions is "Negative."

The equal time requirement, the political access rule, and all other Government-imposed controls on program content should be eliminated for the same reasons: They are of questionable constitutional validity and they no longer serve a valid policy purpose.

Some have opposed repeal of Government controls over programing content on grounds that outright repeal would constitute a gift to the broadcasting industry. For example, Mr. DINGELL, the distinguished chairman of the Energy and Commerce Committee, whose broad jurisdiction includes broadcasting legislation, announced his opposition to repeal of these provisions in a recent statement at a subcommittee hearing by questioning rhetorically: "Where is the quid pro quo for the rescission of program content controls?"

Mr. Speaker, if laws are of questionable constitutional validity and if they no longer serve a valid policy purpose, I do not believe it is necessary to insist on a quid pro quo before urging their elimination.

Nevertheless, for those who desire that broadcasters give up something beneficial as a condition to repeal of laws that are harmful to them, the bills I am introducing today contain a very substantial quid pro quo. Not only do my bills eliminate program content controls, they will also repeal section 307(b) of the Communications Act. That provision requires the FCC to distribute licenses among cities in an equitable manner. Section 307(b) is no longer needed. Most frequencies have already been assigned and are in use. Marketplace incentives will result in equitable allocation for the frequencies which remain unused.

Many broadcasters, however, would like to see section 307(b) retained, and they will oppose my plan to repeal it. These broadcasters assert that the equitable allocation principle of section 307(b) embodies a congressional preference for local broadcasting over technologies such as cable television or DBS which do not offer local programing. These broadcasters have opposed the development of new technologies such as cable television and DBS on grounds that section 307(b) prohibits the development of any new technology that may negatively affect the broadcasting industry.

My bills are neither probroadcasting nor antibroadcasting. They are propublic interest. They will eliminate Federal controls on broadcast programing content which are now necessary, and they will permit the development of new technologies without needless Government regulation.

SECTION-BY-SECTION ANALYSIS OF THE COMMUNICATIONS ACT AMENDMENTS OF 1982

Section 1: Short Title.

Section 2: Amend Section 1 of Communications Act to clarify the scope of FCC's general powers under the Communications Act and to make it clear that the agency has authority to rely on competition, rather then regulation, where regulation is found to be unnecessary.

Section 3: Amend Section 4(e) of Communications Act to make it clear that the "open meetings" law does not apply to conferences or other deliberations by FCC delegations with members of foreign telecommunications administrations or other international bodies.

Section 4: Repeal Section 307(b) of Communications Act which requires FCC to allocate radio frequencies and licenses in a "fair, efficient, and equitable" manner. (In practice, this provision has resulted in needless administrative delays in the assigning of new frequencies and licenses. Marketplace forces provide the most efficient way for allocating frequencies and licenses.)

Section 5: (A) Amend Section 309(e) of Communications Act in order to make it clear that the FCC may take evidence in adjudications by whatever means is appropriate. (Existing law has been interpreted by some to require FCC to conduct trial-type hearings. Such hearings are unnecessary, costly, and wasteful of FCC resources in many instances.)

(B) Amend Section 309 of Communications Act to establish new procedures for resolving petitions to deny applications for renewal of licenses granted by the FCC. (This amendment will minimize paperwork burden on licensees and will ensure that allegations raised in petitions to deny license renewal applications are resolved expeditiously.)

(C) Amend Section 309 of Communications Act to require FCC to renew radio and television station licenses unless the actions of the licensee "evidence serious disregard for the provisions of this Act and the rules and policies of the Commission to justify denial of the application." (Amendment will put an end to license challenges by parties who allege that their application should be preferred for reasons that have nothing to do with the performance of the incumbent licensee.)

Section 6: Repeal Sections 313 and 314 of the Communications Act which establish special antitrust laws for FCC licensees. (The Commission has recommended that these provisions be repealed. The agency has stated that it believes that antitrust laws of general applicability are adequate and antitrust enforcement should be left to the Department of Justice and the Federal Trade Commission, the expert agencies in the antitrust field.)

Section 7: Add a new Section 331 to Communications Act to prohibit the FCC from requiring broadcasters to broadcast specified amounts of news, public affairs, locally produced or any other programs. Moreover, the new Section will prohibit the FCC from requiring broadcasters to adhere to a particular programming format, to ascertain the problems and interests of their service areas, to restrict or limit the amount, length, scheduling, or frequency of commercial announcements, or to maintain or make publicly available program logs of the station. (Statistics demonstrate that broadcasters already substantially exceed voluntarily the minimum guidelines that the FCC has specified in the above areas. Elimination of these guidelines would merely remove substantial paperwork burdens from broadcasters. The FCC has recently, on its own, removed these burdens from radio licensees. The proposed amendment would extend the ruling to cover television stations as well.)

Section 8: Repeal Sections 353-357, and amend Section 351 of Communications Act. These Sections require certain United States vessels to be equiped with specific radio devices and operational personnel. Present provisions specify different types of equipment for different classes of ships. The amendments would require merely that vessels sailing in international waters have radio facilities conforming with international agreements and that vessels sailing in coastal U.S. waters have facilities that are prescribed by the Commission. (Existing law may stifle the development and rapid implementation of improved radio systems. The amendments would provide flexibility for vessel operators to equip their vessels with any radio facility complying with applicable international standards or prescribed by the FCC.)

Section 9: Amend Section 503(b)(2) of Communications Act to increase the maximum monetary forfeiture, from the present $2,000 to $100,000, which the FCC may levy against those who violate Commission regulations. (The existing $2,000 limitation on monetary forfeitures is insufficient to provide a legitimate deterrent to future violations.)

SECTION-BY-SECTION ANALYSIS OF THE BROADCAST REGULATION REFORM ACT OF 1982

Section 1: Short Title

Section 2: (A): Repeal provisions in section 312 (a) & (b) and Sections 503(b)(1) and 303(m)(1) of Communications Act which permit FCC to revoke licenses, issue cease and desist orders, levy monetary forfeitures, or suspend licenses for violation of existing criminal laws prohibiting the (a) broadcast of lottery information, (b) use of wire, radio or television to defraud any person, and (c) use of radio facilities to utter "obscene, indecent, or profane language". (FCC involvement in regulating the content of the programming of its licensees is inconsistent with the principles of free speech guaranteed by the First Amendment. Moreover, separate FCC proceedings that duplicate the criminal proceedings are wasteful.)

(B) Repeal Section 312(a)(7) of the Communications Act which requires radio and television broadcasters to grant all candidates from Federal office "reasonable" access to the station's facilities. (Laws which require broadcasters to use their facilities for certain types of programming are inconsistent with the principles embodied in the First Amendment. Moreover, the growing numbers of media outlets now guarantee that candidates will be able to express their views publicly without government intervention.)

Section 3: Repeal Section 315 of the Communitions Act which requires radio and television broadcasters to give "equal time" to all candidates for political office. (Laws which require broadcasters to use their facilities for certain types of programming are inconsistent with the principles embodied in the First Amendment. Moreover, the equal time law, which was intended to promote debate, has in fact backfired because broadcasters often refuse to grant broadcast time to any candidate in order to avoid application of the equal time law. Finally, the growing number of media outlet now guarantees that candidates will be able to ex-

press their views publicly without government intervention.)

Section 4: Repeal the "fairness doctrine" which requires radio and television broadcasters to represent all sides of controversial issues. (Laws which require broadcasters to use their facilities for certain types of programming are inconsistent with the principles embodied in the First Amendment. Moreover, the fairness doctrine, which was intended to promote the broadcast of diverse viewpoints, has backfired by stifling the broadcast of diverse viewpoints.) Finally, the growing number of media outlets now guarantees that all significant viewpoints on issues of public importance will be available to members of the public without government intervention.)●

WASHINGTON'S BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GILMAN. Mr. Speaker, on February 22, 1982, we celebrated the 250th anniversary of the birth of one of our Nation's outstanding individuals, George Washington.

Too often, in recent years, we have tended to downplay the roles played by the heroic figures of our past. Unfortunately, we are living in times when the "antihero" has become the hero, and when acts of selflessness and devotion to patriotism are often derided, bringing scorn instead of adulation.

George Washington, perhaps more than any other historic figure, has become victim of this unfortunate, critical trend. We have read "studies" of Washington's personal life, implying that Washington was not the virtuous individual we have been taught about since childhood.

It is those same critics who believe it is right and just to knock our former heroes "off of their pedestals."

In fact, no one in our history deserves being placed on a pedestal more than George Washington.

Of all the episodes in Washington's life that demonstrate the sterling quality of his character, none has more poignancy or meaning that the one that occurred in March 1783 in New Windsor, N.Y., in my 26th Congressional District.

At that time, General Washington was headquartered in Newburgh, N.Y., which commanded the Hudson River Valley, waiting for word on the peace negotiations which were taking place in Paris. The Continental Army was camped at Temple Hill in New Windsor, about 6 miles away.

Washington's troops were extremely demoralized and dispirited. Not having been paid in many months, they were underfed, underclad, and felt that the Continental Congress did not appreciate the sacrifices made in battle. Congress had not settled the food and clothing accounts of the Army, and had taken no action on a promise to provide a life pension of half pay to Revolutionary War veterans which had been promised over a year before.

In this highly charged atmosphere, one of Washington's officers, Maj. John Armstrong, wrote an anonymous address which was circulated throughout the Temple Hill camp. He called for a meeting of officers to discuss means of redressing their grievances, advising the officers to assume a bold tone and "suspect the man who would advise to more moderation and longer forbearance."

The implication of Armstrong's appeal was clear. The Army was armed; Congress was not. The Army had the emotional support of the populace; Congress did not. The Army had a popular and charismatic leader in the person of George Washington; Congress had none of comparable stature.

It was clear that the Army, at will, could overthrow Congress and establish a military dictatorship, with Washington as its head.

When word of the clandestine meeting reached Washington he asserted his authority by forbidding it to be held. Instead he called a meeting of all officers on Saturday, March 15, 1783.

That Temple Hill meeting was animated and emotion charged before Washington walked in. Upon his entrance, a silence fell over the crowd, and every eye was upon him. Would Washington, like every revolutionary leader before him, accept the role of dictator of his Nation?

Maj. Samuel Shaw recorded in his diary the following:

After reading the first paragraph (of his speech), Washington paused, took out his spectacles, and begged the indulgence of his audience while he put them on, observing at the same time that he had grown gray in their service, and now found himself growing blind.

There was something so natural, so unaffected, in this appeal as rendered it superior to the most studied oratory. It forces its way to the heart, and you might see sensibility moisten every eye.

In his speech, Washington urged his officers "to express your utmost horror and detestation of the Man who wishes, under any specious pretences, to overturn the liberties of our Country, and who wickedly attempts to open the flood Gates of Civil discord, and deluge our rising Empire in Blood. By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes. You will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice. You will give one more distinguished proof of unexampled patriotism and patient virture, rising superior to the pressure of the most complicated sufferings; And you will, by the dignity of your Conduct, afford occasion for Posterity to say, when speaking of the glorious example you have exhibited to Mankind, * * * the world had never seen the last stage of perfection to which human nature is capable of attaining."

Mr. Speaker, this was not only the first time that a military leader, who had successfully led a revolution, turned down the chance of becoming dictator, but it was also the last time that this occurred. Virtually every revolution which has taken place in the history of our civilization, no matter how high the ideals when it had begun, ended with a dictatorship supressing the liberties of the people and parodying the reasons the revolution was begun.

George Washington stands alone among the giants of history, for only he had the power, the ability, and the opportunity to set himself up as a authoritarian ruler—and willingly gave up that chance. Washington had it in his hands to make the United States a "banana republic"—and he chose instead to entrust us with a civilian democracy—the first large-scale democracy in history.

Mr. Speaker, for that alone, we are ever grateful for the legacy of George Washington.

Next year, the bicentennial of these events will be taking place. Several weeks thereafter will occur the bicentennial of the cessation of hostilities, followed by the bicentennial of the signing of the "Peace of Paris," by which the independence of the United States was recognized by Britain and the other European powers.

The eyes of the Nation will be on the Mid-Hudson Valley as the Town of New Windsor, and the surrounding Newburgh area are gearing up to commemorate those momentous events.

Mr. Speaker, let us take a few moments to reflect on this great human being, born 250 years ago this week, to whom we owe so much.●

ON THE APPOINTMENT OF MAJ. GEN. FRANCIS R. GERARD AS CHIEF OF STAFF OF THE NEW JERSEY DEPARTMENT OF DEFENSE

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. COURTER. Mr. Speaker, as a Member of the House Committee on Armed Services, I know that I can speak for the entire New Jersey congressional delegation in officially congratulating Maj. Gen. Francis R. Gerard on the occasion of his appointment, by Governor Kean and his confirmation by the New Jersey Senate as our State's new chief of staff for New Jersey's Department of Defense. The New Jersey Department of Defense is our State's National Guard Bureau for both the Army and Air National Guard.

General Gerard's service to our Nation and the State of New Jersey has been both exemplary and extraordinary. His career reflects the highest virtues of honor, duty, and country. In his various assignments he has, in my opinion, proven to be an outstanding leader, in war and peace. He is the epitome of the citizen-soldier.

During part of his nearly 40 years of military service, General Gerard has had the obligation to lead men into combat as a fighter pilot in World War II and Korea. He attained the rating of ace during World War II, against Nazi Germany. In the years following, he has been an outstanding analyst, instructor, and manager within the Air Force and New Jersey Air National Guard, formulating strategies for the Guard force of the future, and employing the new and needed skills of the military manager. He has earned many medals for bravery and service to our Nation, including the Silver Star and the Distinguished Flying Cross.

Though much of General Gerard's time and energy has been devoted to the military, other strong interests of his include veterans' affairs, as a member of the American Legion, and civil aviation. In the case of the latter, he has actively participated and directed activities affecting air safety, noise abatement and civil airport management. While holding the status of a command pilot in the Air National Guard, he also maintains a commercial pilot's rating for single and multiengine aircraft.

Above all, General Gerard is highly respected as a leader, soldier, public official, and gentleman. Our State and its nearly 15,000 National Guardsmen will be the ultimate beneficiaries of his leadership and experience. We are all proud and grateful to have him.

Thank you Mr. Speaker.●

H.R. 1776 HONOR ROLL—OVERWHELMING SUPPORT FOR THE LEGISLATIVE VETO IN THE HOUSE

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. LEVITAS. Mr. Speaker, I rise today to inform the Nation and the leadership of this House, once again, that well over a majority of the Members of the House of Representatives have now become cosponsors of H.R. 1776, the Administrative Rule-Making Control Act, and the list is growing. Specifically, 250 of our colleagues have thus far joined the H.R. 1776 honor roll. By doing so these Members have signaled their intention to help reaffirm the authority of the Congress to write our laws.

A veritable tidal wave of support is now overwhelming the opposition to the legislative veto.

I believe that the citizens of our country will be pleased to learn that they have now been joined by a majority of the Members of this body in the effort to restore to the Congress its lawmaking authority. Our constituents have been the ones who have suffered under the laws written and imposed by unelected bureaucrats, and they have made it clear that they want this situation to end. They want their laws made by people they can see, talk to and vote for or against; they want their laws made by the Congress. And now they have new hope because well over a majority of the House have joined in this effort.

This fact should also be noted by the leadership of the House. It should serve as a signal that the time has come to take action, not just talk, on H.R. 1776.

During his campaign for the Presidency, Mr. Reagan pledged his support for the legislative veto, which would give Congress the right to veto rules and regulations promulgated by the bureaucratic agencies. Mr. Reagan realized that the legislative veto would provide a mechanism whereby Congress could have some control over rulemaking by unelected bureaucrats.

And now, it is good to hear President Reagan repeat his opposition to Government "by administrative fiat." The President's statement on January 12, 1982, explaining the Treasury Department's ruling on the tax-exempt status of private schools, underscores his commitment to fight against Government by bureaucrats. President Reagan said:

> I am also opposed to administrative agencies exercising powers that the Constitution assigns to the Congress. Such agencies, no matter how well intentioned, cannot be allowed to govern by administrative fiat . . .

President Reagan called this one of the "fundamental" views of his administration.

The legislative veto is already contained in approximately 200 laws, but this piecemeal, albeit essential, approach leaves us with a hodgepodge of authority when uniformity is needed. The Congress should have the power to review and consider all of our laws, both the statutes themselves and the regulations written under them. H.R. 1776 will give Congress that authority.

The question is still a simple one but a fundamental one: Who makes the laws in this country, the elected Congress or the unelected bureaucracy?

The legislative veto, as embodied in H.R. 1776 would simply allow the elected Congress to review and, if necessary, veto any rule or regulation, having the force of law, issued by the unelected bureaucracy.

The administration and the House leadership must now recognize the wide base of support for H.R. 1776. Both in the House and with the public at large, this support crosses regional, ideological, and partisan lines. We cannot and should not ignore the will of a majority of our people or the will of a majority of our colleagues. It is time to put an end to legislating by administrative fiat.

It is time to act on H.R. 1776. We will be watching what happens. The American people will be looking to see the dispatch with which their desires and those of a majority of the House are given effect under our system of representative government.

H.R. 1776 HONOR ROLL

Mr. Albosta, Mr. Alexander, Mr. Anderson, Mr. Andrews, Mr. Anthony, Mr. Applegate, Mr. Archer, Mr. Atkinson, Mr. AuCoin, Mr. Badham, Mr. Bafalis, Mr. Bailey of Missouri, Mr. Bailey of Pennsylvania, Mr. Barnard, Mr. Beard, Mr. Benjamin, Mr. Bennett, Mr. Bereuter, Mr. Bethune, Mr. Bevill, Mr. Blanchard, Mr. Bliley, Mr. Boner of Tennessee, Mrs. Bouquard, Mr. Bowen, Mr. Breaux, Mr. Brinkley.

Mr. Broomfield, Mr. Brown of Ohio, Mr. Burgener, Mr. Butler, Mrs. Byron, Mr. Campbell, Mr. Carney, Mr. Chappell, Mr. Chappie, Mr. Cheney, Mr. Clausen, Mr. Clinger, Mr. Coats, Mr. Coelho, Mr. Coleman, Mrs. Collins of Illinois, Mr. Collins of Texas, Mr. Corcoran, Mr. Coughlin, Mr. Courter, Mr. Craig, Mr. Daniel B. Crane, Mr. Philip M. Crane, Mr. D'Amours, Mr. Dan Daniel, Mr. Robert W. Daniel, Jr., Mr. Dannemeyer.

Mr. Daschle, Mr. Daub, Mr. Deckard, Mr. Derwinski, Mr. Dickinson, Mr. Donnelly, Mr. Dornan of California, Mr. Dougherty, Mr. Dowdy, Mr. Dreier, Mr. Duncan, Mr. Dyson, Mr. Edwards of Alabama, Mr. Edwards of Oklahoma, Mr. English, Mr. Emery, Mr. Erlenborn, Mr. Evans of Georgia, Mr. Evans of Delaware, Mr. Evans of Indiana, Mr. Evans of Iowa, Mr. Fazio, Mrs. Fenwick, Ms. Ferraro, Mr. Findley, Mr. Fish, Mr. Fithian, Mr. Flippo.

Mr. Forsythe, Mr. Fountain, Mr. Fowler, Mr. Frenzel, Mr. Frost, Mr. Fuqua, Mr. Gilman, Mr. Gingrich, Mr. Ginn, Mr. Goldwater, Mr. Goodling, Mr. Gradison, Mr. Gramm, Mr. Gregg, Mr. Grisham, Mr. Gunderson, Mr. Hagedorn, Mr. Sam B. Hall, Jr., Mr. Hamilton, Mr. Hance, Mr. Hansen of Idaho, Mr. Hartnett, Mr. Hatcher, Mr. Hefner, Mr. Heftel, Mr. Hendon, Mr. Hertel, Mr. Hightower, Mr. Hiler.

Mr. Holland, Mrs. Holt, Mr. Hopkins, Mr. Horton, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hutto, Mr. Hyde, Mr. Ireland, Mr. Jacobs, Mr. Jeffries, Mr. Jenkins, Mr. Johnston, Mr. Jones of North Carolina, Mr. Jones of Oklahoma, Mr. Jones of Tennessee, Mr. Kazen, Mr. Kemp, Mr. Kildee, Mr. Kindness, Mr. Kogovsek, Mr. Kramer, Mr. Lagomarsino, Mr. Lantos, Mr. Leach of Iowa, Mr. Leath of Texas, Mr. LeBoutillier.

Mr. Lee, Mr. Lent, Mr. Lewis, Mr. Livingston, Mr. Loeffler, Mr. Long of Maryland, Mr. Lott, Mr. Lowery of California, Mr. Lujan, Mr. Luken, Mr. Lungren, Mr. McCurdy, Mr. McDonald, Mr. McGrath, Mr. McKinney, Mr. Madigan, Mr. Marlenee, Mr. Marriott, Mrs. Martin of Illinois, Mr. Martin of North Carolina, Mr. Martin of New York, Mr. Mattox, Mr. Mavroules, Mr. Mazzoli, Ms. Mikulski, Mr. Miller of Ohio, Mr. Mineta, Mr. Mitchell, Mr. Molinari.

Mr. Montgomery, Mr. Moore, Mr. Morrison, Mr. Mottl, Mr. Murphy, Mr. Myers, Mr. Napier, Mr. Neal, Mr. Nelligan, Mr. Nelson, Mr. Nichols, Mr. Nowak, Mr. O'Brien, Mr. Panetta, Mr. Parris, Mr. Pashayan, Mr. Patterson, Mr. Pepper, Mr. Petri, Mr. Price, Mr. Pritchard, Mr. Pursell, Mr. Quillen, Mr. Rahall, Mr. Ratchford, Mr. Regula, Mr. Ritter, Mr. Roberts of South Dakota.

Mr. Robinson, Mr. Roe, Mr. Roemer, Mr. Rose, Mr. Roth, Mr. Rousselot, Mr. Rudd, Mr. Russo, Mr. Santini, Mr. Sawyer, Mrs. Schroeder, Mr. Sensenbrenner, Mr. Sharp, Mr. Shaw, Mr. Shelby, Mr. Shumway, Mr. Skeen, Mrs. Smith of Nebrasks, Mr. Smith of New Jersey, Mr. Smith of Oregon, Mr. Smith of Alabama, Mrs. Snowe, Mr. Snyder, Mr. Solomon, Mr. Spence, Mr. Stangeland, Mr. Stanton of Ohio, Mr. Stump, Mr. Synar, Mr. Tauke, Mr. Thomas.

Mr. Traxler, Mr. Trible, Mr. Volkmer, Mr. Walker, Mr. Wampler, Mr. Watkins, Mr. Weber of Minnesota, Mr. Weber of Ohio, Mr. White, Mr. Whitehurst, Mr. Whitley, Mr. Whittaker, Mr. Williams of Ohio, Mr. Wilson, Mr. Winn, Mr. Wolf, Mr. Wolpe, Mr. Won Pat, Mr. Wortley, Mr. Wylie, Mr. Yatron, Mr. Young of Missouri, Mr. Zeferetti.●

DIFFICULTY IN OBTAINING INFORMATION FROM INTERIOR SECRETARY

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. GORE. Mr. Speaker, James G. Watt, Secretary of the Interior, has stated publicly on several occasions that he cooperates fully with Congress. That is simply not the case. The Subcommittee on Oversight and Investigations of the Energy and Commerce Committee is among those subcommittees which has had a very difficult time obtaining information from the Department of the Interior. In one disagreement, the subcommittee was ultimately forced to issue a subpena and to move for its enforcement. I encourage my colleagues to read the following editorial which appeared on February 22, 1982, in the New York Times.

[From the New York Times, Feb. 22, 1982]

PRIVILEGE AND SECRETARY WATT

Many an environmentalist would enjoy the spectacle: James Watt, the pugnacious Secretary of the Interior, led in chains to the well of the House of Representatives, there to answer for "contumacious" stonewalling of an Interior subcommittee. Yet Mr. Watt might also relish it; he says he's willing to go to jail to defend President Reagan's claim of executive privilege.

No public shackling is likely, yet a nasty confrontation is at hand. The subcommittee's request for a contempt citation goes this week before the full committee. It could lead to a misdemeanor conviction and a court order confining the Secretary until he tells Congress what it wants to know.

What's most offensive here is the idea of so epic a confrontation over so trivial an issue. It does not concern the nation's last herd of wild caribou or secret Presidential papers. The subcommittee wants to help Cities Service, Getty Oil and St. Joe Minerals; the sacred documents are mostly of mid-level memoranda. The impasse needs to be settled before things really get out of hand.

The dispute began with domestic alarm about Canadian economic nationalism. The companies complained that Canada is demanding more Canadian ownership of land and resources, forcing U.S. investors out even as Canadian firms freely exploit mineral and oil leases in the United States. After months of sparring over Mr. Watt's retaliatory measures, the subcommittee issued a supoena for Administration documents. President Reagan, invoking executive privilege for the first time, ordered Mr. Watt to resist.

Executive privilege, disputed since the days of Washington, won Supreme Court recognition only eight years ago. The Court called for balance between the needs of the President and those of Congress, grand juries or others for information.

Judging from some of the documents initially withheld but later released, the executive claims seem overblown. One legal memo turned out to be by a summer clerk. No documents ever reached the President's desk. Their compromise hardly impairs the ability of the White House to function, but Congress will be stymied if such sweeping executive privilege claims prevail.

The confrontation is unnecessary, and the Administration can end it quickly by finding some way to share its information with Congress. If it persists in its present course it will succeed only in damaging the credibility of executive privilege—and making itself look foolish.●

RECORD CHARITABLE GIVING

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. CONABLE. Mr. Speaker, the year 1981 was a remarkable one for charitable fundraising organizations in the United States. Not only has this Congress made a number of improvements in the laws under which charities operate but also the American people have responded as never before in the last 25 years to the needs of their fellow men and women. The chairman of the United Way organization has reported that its members received $1.68 billion in their recent drive, a 10.3-percent increase from the year before, the largest increase ever.

At a recent news conference in Washington, Chairman Donald V. Seibert reported on this record year. Mr. Seibert is chairman of the United Way of America's volunteer board of governors and also chairman and chief executive officer of the J. C. Penney Co., Inc., in New York City. I include this report in the RECORD and commend it to my colleagues that they may not lose faith in the inherent goodness of the American people:

I am Donald Seibert, Chairman of the Board of Governors of United Way of America, a national association serving 2,100 independent United Way organizations in local communities.

We thank The Salvation Army for lending us this convenient facility. This agency is supported by the local United Way. It provides emergency services, services to the aged, alcoholism rehabilitation, job counseling, prison and parole services and otherwise helps people in need.

We want you to hear—as our Executive Committee heard earlier today—of the generosity and concern of the American people—as demonstrated by pledges to fall and winter local United Way campaigns. And we want to give you a real sense of what local United Ways and local voluntary service agencies are doing to help meet human needs in this time of challenge and change.

We intend to conclude this news conference as quickly as possible. You will be hearing from four other speakers who have agreed to keep their remarks as brief as possible.

United Way organizations work locally to help alleviate community problems, link people to services and build partnerships and coalitions for problem-solving. The fact remains, however, that they depend on voluntary contributions to pursue their work.

The results of local United Way campaigns recently completed in communities throughout the country say something good about America's communities and people.

Over $1.68 billion was contributed to local United Way organizations this past fall and winter, despite high unemployment. The total amount raised is 10.3 percent higher than the $1.52 billion raised by United Way organizations in 1980.

$1.68 billion is the most money ever raised by the United Way movement. The increase of 10.3 percent over the previous year is also the highest increase from one year to the next in a quarter of a century.

We have examined the figures very closely. More than anything else, they tell us that Americans are still uniquely generous and caring people.

Apart from war years, United Way campaigns have not increased this dramatically since 1931. Fifty years ago, people gave to United Way in record amounts to help each other. We see the same individual generosity in 1981.

The chart to my right shows where overall United Way support came from. Based on the most recent figures, about 68 percent of contributions came from individuals and 28 percent from business.

The story of generosity and concern is woven through local United Way campaign results.

For example, in Detroit, unemployment stood at 15 percent in December. The United Foundation's fund raising effort was 2.5 percent above the year before—even though the companies having United Foundation fund drives lost 111,000 workers in two years. This is a truly incredible achievement.

In Anderson, Indiana, a smaller community which also has an automotive-related economy, giving to United Way went up 8.8 percent.

Even in Flint, Michigan, a city with one of the highest unemployment rates in the country, giving to United Way did not drop off. The campaign actually brought in $38,000 more than the year before.

The chart to my left indicates how United Way campaigns fared by region. The highest percentage increase came in the West, as you can see.

But there are remarkable success stories all across the country: New Britain, Con-

necticut—up 20.3 percent; West Palm Beach, Florida—up 19.9 percent; Waukegan, Illinois—up 19 percent; Midland, Michigan—up 25 percent; Tulsa, Oklahoma—up 19.7 percent; and Spokane, Washington—up 14.8 percent.

These successes are attributable to the generosity of rank and file union people, white-collar executives, private and public employees, . . . and individuals and businesses.

In Sacramento, California, federal employees gave 20 percent more to United Way through the Combined Federal Campaign. State employees in Sacramento whose ranks were down 10 percent from the year earlier, gave 15 percent more.

On a national basis, corporate giving is up about 10 percent. Some leading communities in terms of corporate contributions are: Denver, up 24.5 percent . . . Houston, up 23 percent . . . Washington, D.C., up 15 percent . . . Atlanta, up 14.6 percent . . . St. Louis, up 13.6 percent and San Francisco, up 13.1 percent.

Let's turn to what these contributions mean in terms of United Way's efforts on behalf of people and their communities.

There is no way, as almost everyone recognizes, that corporate, foundation and individual giving can match the level of federal tax dollars no longer available for human services. So, both in government and the voluntary sector, we must learn to work more effectively with less resources available. We, as Americans, can and will accomplish this. The approach of United Ways in 1982 is (1) through their local allocations systems and (2) through coalitions of voluntary sector agencies working in partnerships with state and local governments.

The chart to my right indicates the types of services supported across the country with United Way contributions. The largest category is family services. This includes assistance for single parents, adoption services, marital counseling and help with family violence or family-related drug and alcohol problems. About 1,000 local family service agencies receive local United Way support.

It is worth noting, I think, that local United Ways are able to raise funds, make allocations to agencies and manage their organizations at a cost of just 8 cents per dollar contributed. This is a source of strength for the human service system and a fact of which we are proud.

Private contributions and efficient, low-cost management make possible direct financial aid for services such as those of family service agencies. Contributions also enable United Way to provide management and technical assistance—including training and assistance to groups not yet receiving direct financial support. Local United Ways also are hard at work dealing locally with federal budget cuts—building coalitions among voluntary agencies and working in partnerships with state and local governments.●

NUTRITION: WHERE HAS IT GONE

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. RICHMOND. Mr. Speaker, reviewing Dr. Jean Mayer's excellent book, "U.S. Nutrition Policies in the Seventies," and studying the 1983 budget proposals for nutrition activities, one must come to the conclusion that the nutrition policies of the 1980's are near bankruptcy. The accomplishments made in the seventies to imporve the nutrition of those most vulnerable to hunger and malnutrition are slowly being nullified. The coordination of nutrition education and publication of scientifically based dietary guidelines for Americans has been brought to a halt. The scientific findings and laws that were enacted to monitor the wholesomeness and nutritional value of foods are being questioned. Will the consumer who desires high-quality food and needs nutrition information and labeling to select a healthful diet be forgotten?

The Omnibus Budget Reconciliation Act of 1981 catalyzed the erosion of nutrition programs in the United States. Under this law, the school lunch program was cut $1 billion or 30 percent. The requisite changes in eligibility criteria, reduced subsidies, and subsequent price increases have caused over 1,700 schools to drop the school lunch program and have forced nearly 3 million children to discontinue participation. Over 1 million of these children are poor or near-poor children and no longer receive free or reduced price lunches.

In 1981, the single largest nutrition program for needy Americans, the food stamp program, was slashed by almost $2.4 billion in fiscal year 1982 alone and by a total of nearly $7 billion for the 3-year period from fiscal year 1982 to fiscal year 1984. One million people are expected to be terminated from the program. Reduced benefits for households with gross incomes already below the poverty line are expected to provide even greater savings.

In addition, the reconciliation bill mandated several hundred million dollars in additional savings for fiscal year 1982 by imposing strict limitations on funding for the health related WIC program, through mandating a large reduction in the summer food program, and by forcing cuts in the child care food program serving children in day-care centers.

With these recently enacted cuts as a backdrop, the current administration is proposing additional crippling reductions in nutrition related programs. One must question the credibility of an economic program that acclaims short-term savings while ignoring the inevitable long-term costs of expensive medical care and remedial education required by poorly nourished Americans. Should we or can we permit the President to decimate historically successful nutrition programs to expand an already cushioned defense program?

In the administration's attempt to gut nutrition programs, no one is spared—not children, not the elderly or disabled, not the working poor, and not the female-headed household. For the food stamp program alone, the administration has recommended a $2.8 billion cut. The Congressional Budget Office estimates that the proposed cuts would result in 93 percent of the elderly and disabled households either being terminated from the program or losing, on an average, 25 percent of their benefits.

For example, an elderly couple living on $5,100 a year on social security benefits now is eligible for $312 annually in food stamps. Under the administration's proposal, their food stamps would be cut to $108 a year. If the older couple also was receiving $30 a month in fuel aid, their food stamp benefits would be entirely eliminated.

How can we justify these cuts when we know one in four seniors is anemic and many others are misdiagnosed as senile due to symptoms of subclinical B vitamin deficiency. Geriatric illnesses, virtually all nutrition linked, cost 54 cents of every U.S. health care dollar—$20 billion of $37 billion, including $10 billion for nursing homes. Nutrition programs, if adequately utilized by seniors, can decrease many nursing home commitments and save 90 percent of the cost.

Last year, I proposed two pilot projects to utilize the commodity supplemental food program for senior citizens who were underserved by other food programs. Although $480,000 was appropriated for fiscal year 1982 and the projects were authorized in the 1981 farm bill, the administration is still reluctant to implement these beneficial projects in Detroit and New Orleans. It appears that even the elderly and disabled have fallen through the "paper" safety net.

In the explanatory notes for the President's 1983 budget, the administration claims that welfare proposals provide disincentives to work. My analysis of the budget leads me to a far different conclusion. Under the administration's proposals to eliminate the 18-percent earned income disregard, working families would receive fewer food stamps than those who do not work. For example, if one family earns $5,000 in take-home pay while another family receives $5,000 in welfare or unemployment insurance, the administration's proposal would give the working family $300 to $400 less in food stamps each year than the family that did not work. Last year, I reluctantly agreed to lower the earned income disregard to 18 percent with the understanding that no further adjustment to this provision would be required.

This year we find the administration proposing total elimination of the earned income disregard. I am amazed that they can justify advocating a

strong work disincentive which would significantly expand our welfare roles. It makes no sense to encourage people to choose between working and going hungry or going on welfare and eating.

Children will lose benefits not only with the proposed food stamp cuts but also with proposed reductions in the child nutrition programs. For example, the administration plans to merge the school breakfast program and the child care program into a block grant funded at one-third current level. Presently the school breakfast program provides a nutritious breakfast to about 3.6 million children of which 88 percent are poor or near poor. A CBO study in 1980 showed this child nutrition program to be second only to WIC in its effectiveness and a recent study by Dr. Pollitt indicates that skipping breakfast adversely affects the accuracy of responses in problem solving. What rationale can be offered to support additional reductions in the school breakfast program?

In addition, the summer feeding program, the special milk program, and the nutrition education and training program are slated for termination. The most highly tauted and successful nutrition program which supplements the diets of women, infants, and children will not be spared. The current administration proposal would transfer WIC to the Department of Health and Human Services and combine it into a health services block grant funded at approximately 20 percent of the current level.

Under the administration's proposal, the commodity supplemental food program which provides foods purchased by USDA to women, infants, and children would also be rolled into this block grant. The question of how USDA will distribute commodities through a consolidated grant in the Department of Health and Human Services remains unanswered. In fact, this proposed transfer may signal the end of this program which monthly provides about 124,000 women, infants, and young children a nutritious package of surplus commodities.

The cost effectiveness of this program alone is reason for its continuation. Focus HOPE, in Detroit, estimates that the average cost of commodities distributed in 1981 was $245.40 per person, whereas the same food purchased in a Detroit chain supermarket cost $425.05, and in an independent market $557.80. CSFP under the U.S. Department of Agriculture brings together the abundant food supply of this Nation with the Nation's hungry poor, without profiteering.

As if it is not enough that food assistance programs are being drastically cut, USDA has also reduced funding and manpower for the Human Nutrition Information Service. In the past 3 years, the Human Nutrition Center produced three excellent consumer publications, for example, "Dietary Guidelines," "Food I," and "Eating for Better Health." Although consumers, health professionals, public schools, and Government agencies have requested over 7 million copies of the "Dietary Guidelines" alone, USDA will not reprint this publication.

Last year, as a result of the USDA reorganization plan, the human nutrition information functions were separated from the human nutrition research activities. At a recent hearing of my Subcommittee on Nutrition on this issue, I expressed the fear that the decentralization of the Human Nutrition Center would decrease the visibility of nutrition. It appears that this may be the case for I am doubtful that any nutritional publications for the general public will surface from USDA during this administration, terminating a valued tradition of several generations.

In closing, let me ask my colleagues to recall the severe reductions in nutrition programs this legislative body made last summer to meet the budgetary desires of the White House. Now, with the discovery that those budgetary figures were near "magic," we must not continue to debit the same accounts until the integrity of the food assistance and the nutrition education programs have been destroyed. The good health of tomorrow's citizens from adolescence to old age depends on adequate and sound nutrition policy today.●

OPPOSES CHANGES IN CLEAN AIR ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. AuCOIN. Mr. Speaker, I rise today to offer an endorsement of the motor vehicle emission standards of the Clean Air Act. The Salem City Council unanimously adopted a resolution urging the Oregon congressional delegation to oppose any changes in the Clean Air Act that would increase pollution in the Salem airshed.

I heartily endorse this resolution and commend the Salem City Council for their strong statement.

CITY OF SALEM, OREG.,
February 22, 1982.

Hon. LES AuCOIN,
U.S. House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR MR. AuCOIN: It is the City's understanding that amendments will be introduced to the Federal Clean Air Act which would ease the motor vehicle emission standards. We are concerned that any such amendment would have a negative impact upon the Salem airshed.

Relaxing the 1983 federal motor vehicle emissions standards would probably not immediately affect Salem's ability to achieve national ambient standards. However, once standards are met, Salem was predicted to maintain compliance because all new vehicles entering the area would have cleaner exhausts. If the regulations are delayed and if the number of vehicles in the area grows rapidly enough, standards could be exceeded again at some future time. If Salem cannot maintain standards once attained, then more affirmative attainment measures would necessarily be taken. Examples of stricter measures used in other areas to reduce pollutants are: control of commercial and industrial sources, control of wood stoves, vehicle inspection and maintenance programs, and other regulatory controls on transportation. Air quality permits for new road facilities may also be more difficult to obtain.

Maintenance of the present schedule for reduction of new vehicle emissions would make it more likely that air quality standards would be met this year and maintained thereafter. At our meeting of February 16, 1982, the City Council unanimously adopted the attached resolution urging our Congressional delegation not to support any changes in the Clean Air Act which would increase pollution in the Salem airshed. We look to your support in this vital public health issue.

Sincerely,

KENT L. ALDRICH, *Mayor.*

Attachment.

RESOLUTION

Whereas, the Clean Air Act was adopted to protect and enhance the quality of the nation's air resources so as to promote public health and welfare; and

Whereas, the City of Salem has been designated by the Environmental Protection Agency as a "non-attainment" area for carbon monoxide and ozone, two of the criteria air pollutants; and

Whereas, the State Implementation Plan predicts that the Salem area will just meet compliance with national ambient air quality standards by the end of 1982; and

Whereas, the Plan relies primarily on the replacement of the Salem area vehicle fleet with vehicles producing lower exhaust emissions; and

Whereas, a relaxation in future vehicle emission requirements could affect Salem's ability to maintain standards; and

Whereas, carbon monoxide and ozone have been proven to be health hazards; and

Whereas, various groups are proposing amendments that would relax vehicle emission requirements and therefore could result in increased air pollution in the Salem airshed;

Now, therefore, be it resolved, that the Salem City Council does not support and urges the Oregon Congressional delegation to not support any changes in the Clean Air Act that would increase pollution in the Salem airshed.

CITY OF SALEM,
February 16, 1982.●

COAL GASIFICATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. LEWIS. Mr. Speaker, it is my privilege to call the attention of my distinguished colleagues to a significant event in my district that may have implications for all Americans. The event of which I speak is the decision of the cool water coal gasification program to move forward and construct a major coal gasification plant. I have just attended ceremonies formalizing an agreement between the program and a Japanese consortium of companies to construct and operate a commercial-scale coal gasification powerplant in Daggett, Calif.

The cool water program is the first U.S. powerplant based on modern coal gasification technology. It is moving forward on private initiative. When operational in 1984, the program will provide the utility industry with an alternative means of producing electricity in an economically and environmentally acceptable manner. Operating in California, the program will be able to convert coal to a clean synthesis gas for the production of electricity. The process will be in accordance with the most stringent environmental requirements in the Nation.

The addition of the Japanese consortium to the program offers international dimensions for the application of American-based technology. The consortium, called the Japanese cool water program partnership, will formally commit $30 million to assist in financing the $300 million program. The Japanese partnership is composed of the Tokyo Electric Power Co., the Central Research Institute of Electric Power Industry, Toshiba CGP Corp., which is a wholly owned subsidiary of Toshiba Corp., and IHI Coal Gasification Project Corp., which is a wholly owned subsidiary of Ishikawajima-Harima Heavy Industries Co., Ltd.

The importance of the program to the Japanese is significant. Japanese dependence on imported foreign oil underpins their consistent efforts to expand their energy base through environmentally acceptable alternative fuels. The potential of the program to offer an alternative means of generating electricity by Japanese utilities is reflected in the fact that over 20 representatives of Japanese industry and government are expected to attend the ceremonies.

The implications of the program to the utility industry within our own country are similar. The U.S. participants are Southern California Edison Co., Electric Power Research Institute (EPRI), Texaco, Inc., Bechtel Power Corp., and General Electric Corp., composed of seven New York State utilities, is a nonparticipating sponsor.

In every way, the cool water program is a pioneer.

It is with a deep sense of pride in my district and faith in the skills of these entrepeneurs that I wish the cool water program the best success.●

STEEL IMPORTS DISRUPTIVE TO U.S. JOBS, ECONOMY

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. WALGREN. Mr. Speaker, as the Reagan administration considers a number of violations of U.S. trade laws and international agreements, I would like to share with my colleagues two articles discussing the specialty steel industry which appears in the January issue of 33 Metal Producing.

I would particularly like to point out several statistics cited by Richard P. Simmons, president of Allegheny Ludlum Steel in Pittsburgh. Mr. Simmons notes that 160,000 tons of specialty steel products were imported in 1981. If this tonnage had not been lost to imports, a plant employing 2,500 and 3,500 people would have had to have been built which translates into sales of $480 million and a payroll of between $80 to $100 million. This payroll would have generated between $25 and $30 million in Federal income taxes and contributed $12 million to the social security program. I believe that these figures dramatically indicate the need for the administration to move quickly on the antidumping cases before them and to strongly enforce our trade laws.

THE WHITES OF THEIR EYES

(By Joseph L. Mazel)

By every acceptable and unbiased standard of comparison, America's specialty steel industry takes a back seat to no one. It ranks with the best and is far superior to the majority of its international competitors.

Specialty steel, American-style, has established and sustained a definitive policy practicing the steady outlay of capital to keep its facilities modern. And it boasts an enviable record of technological "risk-taking" paying off, for the most part, in the introduction of advanced and "breakthrough" processes and equipment.

To its supreme credit, Specialty Steel USA has also pumped precious and hard-earned profits into research and development efforts at a steadier and higher percentage than most of its international counterparts. This, in turn, has allowed the industry's scientists and technicians to test—and in some cases, chart—the waters of innovation and create, through their talents and knowledge, unique and increasingly esoteric alloy materials.

Caught in the current recessionary downcycle and accompanying dropoff in product demand, the nation's stainless and tool steelmakers are drowning under the surging flood of imports lashing these shores. Charging that imports are illegal and unfair as defined by all US and international trade laws, the industry sees foreign-made specialty steel steadily usurping a growing share of the domestic marketplace.

And their fears are justifiable. Proof is no further away than the latest set of import penetration statistics (imports as a percentage of domestic consumption). Recent figures reveal that foreign-made steel accounts for almost 40% of America's alloy tool and high-speed steel market, slightly under 27% of the stainless steel bar market, 47% of the rod market and slightly less than 59% of the pipe and tubing market.

"We're at war," Richard P. Simmons, president, Allegheny Ludlum Steel, Pittsburgh, summarizes the situation in three words. "We are unwilling combatants in a trade war initiated by other nations to serve their own political, social and economic purposes."

Simmons has estimated that some 160,000 tons of specialty steel products were imported in 1981. Had this tonnage not been lost to imports, he explains, a plant employing between 2500 and 3500 people would have to be built. This would translate into additional sales of $480 million, create a payroll of between $80 million to $100 million, generate between $25 million and $30 million in federal income taxes, and contribute some $12 million to the Social Security program.

As hypothetical as Mr. Simmons' 160,000-tpy specialty mill may be, the message it's intended to convey couldn't be anymore real. The crux of the matter is that surging imports are adversely affecting specialty steel's role as a producer of stainless steel. The actual negative impact of these imports, of course, is in the lower end of the product spectrum, the commodity or "bread-and-butter" items.

While considerably less exotic than their high flying cousins, such products form the base or foundation from which the industry can grow. They are common garden variety items sold in tonnage quantities to a diverse marketplace.

Staples, these products generate the revenues and financial returns the industry must have if it is to continue to investigate and develop new processes and products. If the country's specialty steel industry is to continue to advance alloy technology and pioneer proprietary materials, a sound financial base must be established and maintained.

If, on the other hand, the stainless steel marketplace is allowed to erode, and to erode to the degree already indicated by recent import penetration statistics, the financial resource base so necessary to the future of the American specialty steel industry will wash away in the flood.

The consequences are chilling. Not only will much of the world's alloy development and process advancement initiatives grind to a halt, but the challenge and status of furthering the state of the art and science of specialty steelmaking will be left to someone else.

Four and a half years ago when the editors of 33 Metal Producing first took an in-depth look at the American specialty industry, I wrote in an editorial, "Success . . . is the only agent of further success, which must renew itself in continued modernization, expansion, development and even in some cases, rationalization." Since that time, the domestic stainless and tool steel sector has stepped up its capital investments

and research and development budgets. The promise has been kept: specialty steel is an efficient, competitive and technologically advanced industry. Now, Washington must keep its word. Specialty steel must be permitted to reap the rewards of being truly competitive and to sow the intitiatives for further harvest.

THE STAGE IS SET: WILL SPECIALTY STEEL PREVAIL?

Given the opportunity and incentive, the specialty steel industry of the United States will act. History evidences that fact. You need look no further than the past decade when the sector pumped massive amounts of capital into new facilities and advanced technology, expenditures all keyed to enhance productivity.

Industry leaders, in concert or one-on-one, boast that the American specialty steel sector stands as the world leader in technology, advanced equipment and alloy development. And few, if any, challenge that claim. In fact, a plethora of studies, among them a report issued by the Office of Technology Assessment of the United States Congress in 1980, have concluded that major investments in advanced technology—such as the argon oxygen decarburization process and continuous casting—have made this country's stainless and tool steel community a highly competitive industry.

To be sure, many of the investments made through the '70s were mandated as a survival tactic to help combat the tides of rising imports. A reoccurring threat, imports are just as clear and present a danger today as they were in 1971 and 1972 when the industry filed and won dumping cases against France and Sweden. A quick perusal of the record indicates, however, that duties were neither levied nor collected.

In 1975, the nation's specialty steel industry filed and won its landmark 201 Escape Clause trade case. A year later, President Gerald Ford established quotas covering the majority of specialty steel imports from members of the European Economic Community and Sweden and negotiated an orderly marketing agreement with the Japanese.

At that time, the industry "promised" that if sanctions were indeed imposed against imports, it would make the required investments to modernize and attempt to keep price increases within reason. And that pledge was kept. The record shows that specialty steel did indeed increase its capital expenditures, raise its research and development budgets and pace its price increases at a lower rate than those of steels which were not subject to the sanctions.

Since 1976, for example, Allegheny Ludlum Steel, Pittsburgh, has accomplished what it characterizes as the "most significant technological and economic changes that have ever occurred in the history of the company." Added to A-L's production corps during the half-decade since then were argon oxygen decarburization units, a continuous caster and induction furnaces, which had a dramatic impact on the cost of producing iron to supply the BOF and a myriad of other improvements. More than $100 million was invested to reduce costs, enhance quality and maintain technical leadership. And Allegheny Ludlum was not alone.

As part of an aggressive $400-million investment program geared to expand capacity by 50%, officials for Carpenter Technology, Reading, Pa, announced plans last summer relating to three major projects totaling some $165 million. Included are a $112-million hot strip mill to be installed at CarTech's Reading, Pa, plant, a $46.4-million GFM Model SX65 rotary forging machine and additional melting equipment (two VARs and two ESRs) also slated for installation at Reading, and a $6.6-million finishing facility at its Bridgeport, Conn, plant. "When this expansion effort is completed," Paul R. Roedel, president and CEO, comments, "our specialty metal manufacturing facilities for our product forms will be among the most sophisticated in the free world."

At Washington Steel, Washington, Pa, President Robert E. Heaton cites the installation of a continuous slab caster, hot strip mill and an AOD vessel. Just two months ago, the company started up a new anneal and pickle line which has already improved production efficiency, added much needed finishing capacity and boosted product quality.

Meanwhile, in Midland, Pa, the Crucible Stainless and Alloy Div of Colt Industries installed a pair of ultra-high-power electric furnaces to replace its blast furnace and coke ovens. "Each 85 kVA EF features a 170-t capacity and is computer controlled," Charles Kurcina, senior vice president, manufacturing services, explains. The division is currently installing a $2 million strain-draw furnace for quenching and tempering hot rolled bar products.

Further north—in Syracuse, NY, to be exact—Warren T. Bickerton, president, Crucible Specialty Metals Div, reports the productivity thrust there has focused on various bar finishing improvements—specifically centerless grinding—geared to improve quality and increase output. One of the sector's smaller members, Braeburn Alloy Steel, a division of Continental Copper & Steel Industries, Inc, Lower Burrell, Pa, has also been pounding the expenditures trail. The major installation added there is a high speed billet coating line. According to Hugo G. Becker, president, the line uses arc-sprayed aluminum to prevent decarburization in bar rolling and annealing and thereby significantly improves the billet-to-finish bar yields. Becker estimates the line has lifted yields 7 to 10%.

MANAGEMENT PHILOSOPHY: CONTINUITY AND CHANGE

Basic management philosophy governing the dynamics and direction of Specialty Steel USA did and didn't change during the decade of the '70s. Traditionally, the domestic specialty steel sector has been acknowledged as quicker to adopt new technology than its counterparts in the carbon steel arena. This has not changed.

Reasons cited to explain this character trait vary considerably. William E. Lusby, manager, strategic planning, Stainless Steel Div, Armco Inc, Baltimore, Md, for instance, attributes the sector's high speed technology adoption rate to the rapid growth in demand for specialty steels here in the US and the industry's response to the profit opportunity such a swell presents.

Claude F. Kronk, vice president, specialty steels, Jones & Laughlin Steel, Pittsburgh, sees it another way. "In many cases," Kronk contends, "corporations in the specialty steel industry are involved exclusively in this business; they are not subsidiaries or divisions of larger corporations. Within those organizations," he continues, "capital is usually used for expanding and upgrading existing specialty steel facilities rather than having to compete with capital projects from totally different businesses."

Relative size and a tight focus on goals also won their fair share of mentions. "Technical support for the mill has always been more closely aligned with pinpointed targets within the market," Edward J. Dulis, president, Crucible Research Center, Pittsburgh, comments. "Smaller volume from generally smaller facilities has meant faster implementation of change in both product and process. Change is easier to implement in the specialty steel industry," Dulis reasons. "Initial capital investment for developing specialty products and processes is generally smaller simply because the operation is likely to be smaller," he says, "at least at the outset."

Change comes in a number of guises, not all infering innovation. "The industry is beginning to shake-out, and a degree of specialization is becoming more dominant," John L. Stewart, senior vice president, Cyclops Corp., Pittsburgh, addresses the restructuring of the domestic specialty steel sector. "At one time," he reflects, "we were proud to make any alloy in any form for any market for any application. We took on any challenge that came down the road."

Seconding that notion is Alan M. Smith, president, Universal-Cyclops Specialty Steel. "What has been going on subconsciously has developed into a very conscious movement," Smith comes straight to the point. "Inherent weaknesses in organization, facilities and capabilities are all being examined. Instead of the supermarket approach," he contends, "each company is moving down a separate path towards specialization. The total overlap of products between companies is becoming minimal. You sort of have vertical product towers rather than a pyramid pattern," Smith analogizes.

Shake-out, of course, doesn't always mean specialization. It can also reflect a company's decision to withdraw from the marketplace entirely. Late last year, for example, Bethlehem Steel, Bethlehem, Pa., a major tool steel producer, announced its decision to completely withdraw from that particular market. Imports were cited as the overriding reason. Then there's restructuring via acquisition, à la the Stainless Steel Div of McLouth Steel, Detroit, Mich., which was recently purchased by Jones & Laughlin Steel. According to J&L's Kronk, the addition of the McLouth facility (which is known as the Detroit Plant) will allow the Pittsburgh-based steelmaker to become more deeply involved in strip production.

IMPORTS: ONCE MORE WITH FEELING

Reminiscent in tone and substance of the trade situation suffered through the early 1970s, today's struggle against imports is nonetheless threatening for being familiar. Charges of dumping and unfair and illegal imports fill the air as they did a decade ago. "When the quotas expired in February, 1980," Allegheny Ludlum's Simmons recalls, "the imports of specialty steel sheet, strip and plate continued to decline. In fact, in 1980," he continues, "imports of these products reached the lowest levels they've been in fifteen years and at a time when we had no protection whatsoever. As a clear measure of our ability to compete, coupled with the foreign producers' charge that they weren't going to ship their product to the US because the price was too low," Simmons explains, "imports were held in check."

Then, the familiar lament. "When the economies turned down around the world," Simmons says, "the Europeans and, to some degree, the developing nations, once again intended to use our markets to export their

unemployment." The charge by the specialty steel industry is simple: unfair imports through dumping or subsidies by foreign governments are systematicially destroying this competitive and efficient sector of American industry.

"If we are efficient, if we are technologically advanced, if we are competitive," Simmons asks rhetorically, "will we be successful? Should we invest? If we can be destroyed by the less efficient not the more efficient, would we invest?"

While the industry ponders the question of investment, it, too, is being pondered as an investment. It has happened before and it could happen again. Corporate takeovers of additional specialty steel concerns by a larger company and/or nonsteel producer loom as very real possibilities.

How will the specialty steel sector of the year 2000 compare to its 1982 predecessor? There are those who predict a deeper transition, a sea-change, of sorts, brought about by the interplay of positive factors ranging from quotas and market stability to healthy profits. "The larger will get larger," one knowledgeable specialty steel executive predicts, "several of us will be absorbed by other specialty steelmakers and there'll be takeovers."

Any way you cut it, the future of Specialty Steel USA is written in change not only in terms of the technology it adopts and the marketplace it serves, but also in the basic structure of the industry itself. Transition is definitely the watchword of the '80s.●

NUCLEAR WASTE LEGISLATION: WHERE IS THE BOTTLENECK?

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mrs. BOUQUARD. Mr. Speaker, on December 15, 1981, the Committee on Science and Technology reported to this body legislation, H.R. 5016, to establish the policy and resolve the political issues concerning the disposal of high-level radioactive waste. The need for Congress to pass this kind of legislation is vital if we truly want to see the issue resolved. However, this legislation, as well as similar nuclear waste legislation, has apparently run into a bottleneck.

Bills dealing with the high-level radioactive waste issue are usually referred to three committees: The Committee on Interior and Insular Affairs, the Committee on Energy and Commerce, and the Committee on Science and Technology. H.R. 5016 was jointly referred to these committees while another nuclear waste bill under serious scrutiny, H.R. 3809, was referred jointly to the Interior and Energy Committees with a sequential referral likely to be given to the Science Committee. Hopefully, our three committees can be expected to work out a single bill for floor consideration once all three committees have reported some kind of nuclear waste legislation.

The chairmen of the Interior and Energy Committees have publicly announced their willingness and commitment to moving nuclear waste legislation. However, to date, their staffs have not been able to turn out a draft substitute to H.R. 3809 that is uniformly acceptable to their chairmen and the ranking minority member on Interior. The nuclear industry has also been unsatisfied with the provisions in the proposed substitutes.

Although the Interior Committee has acted in subcommittee and held full committee sessions, final action has proved to be elusive despite Chairman Udall's deep commitment to a bill. Several full committee markup sessions have been scheduled and then, unfortunately, canceled at the last minute because of the lack of consensus around the latest draft substitute.

The Energy and Commerce Committee has apparently run into a real bottleneck in the Subcommittee on Energy and Power despite the full committee chairman's identification of nuclear waste as one of his top legislative priorities. Even if an agreement is finally worked out among the chairmen and ranking minority Member of the Interior Committee and the chairman of the Energy Committee, the Energy and Power Subcommittee of the Energy and Commerce Committee may still not be ready to act on the "agreed upon" draft. Negotiations on the legislative language have not yet begun with the ranking minority member of the full Energy Committee, who, ironically, has been one of the most active and constructive players in the nuclear waste issue during the 97th Congress. I must ask why is so much time being wasted on drafting new proposals that will probably not be adopted in both committees? This approach is beginning to sound like a prescription for delay.

I want to strongly urge my colleagues on the Interior and Energy Committees to begin to press for serious action on the nuclear waste issue. If total agreement on a bill cannot be reached prior to markup, then legislation representing the primary areas of agreement should be used as a basis for amendment in the committees. The committees can then work their will on the controversial provisions in a timely and orderly fashion. Since negotiations must take place after each committee reports such legislation in order that a compromise bill can be considered in an orderly manner, full agreement prior to committee action is not essential. If some limited agreement is not reached soon, there will be insufficient time to negotiate a compromise bill and procedure to bring this issue before the full House. It is a sad commentary to note that certain groups would actually prefer inaction on this issue as a way to stop the nuclear option.

Nuclear waste is a critical national issue and one that affects all Members of this body, many of whom have encouraged the leadership of the three committees to take timely action. Your continued encouragement and support is necessary if you are to be permitted to address this issue in this Congress. I will continue to keep my colleagues apprised of the situation; and if timely progress does not occur, I will seek your support for an appropriate resolution to bring this legislation to the floor.●

THE DUTCH ARE AMERICA'S OLDEST FRIENDS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ALEXANDER. Mr. Speaker, on April 19, 1782, the Netherlands officially recognized the diplomatic credentials of John Adams, thereby establishing formal diplomatic relations between the new Government of the United States and the Netherlands. On April 19, 1982, that relationship will be 200 years old—the longest such relationship between our Nation and any foreign country.

On that day Her Royal Highness Queen Beatrix of the Netherlands will be in Washington, D.C., together with the Honorable William Dyess, the U.S. Ambassador to the Netherlands and other prominent Dutch citizens.

In order to help celebrate that special day in our relationship with our Dutch friends I have introduced a resolution to proclaim April 19, 1982, as Dutch-American Friendship Day. I hope all of my colleagues will join me in this commemoration.●

THE LAW OF THE SEA, THE UNITED NATIONS, AND OTHER INTERNATIONAL BALDERDASH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. PAUL. Mr. Speaker, I would like to commend an excellent column by one of America's wisest pundits, Jack Kilpatrick, to anyone interested in preserving our liberties and our free enterprise system. In recent weeks, our U.N. Ambassador, Jeane Kirkpatrick, has referred to that body as "a very dismal show," at which conflicts are made worse, rather than resolved. She has questioned, as we all should, whether U.S. taxpayers should be supporting this anti-American rogues gallery to the tune of $5 million a day. And Mayor Koch has rightly de-

nounced the United Nations for its hypocrisy and immorality.

Our Government should not be allowed to participate in international organizations or treaties which serve only to constrain the freedom of American citizens for the benefit of foreign governments or international bureaucrats. For this reason, I utterly oppose U.S. participation in the United Nations. I have consponsored Mr. McDONALD's bill, H.R. 3861, to terminate U.S. support for the United Nations, and direct it to leave our country. The IMF and the World Bank are just as bad: international merchants of debt, living off the "fat" of Third World poverty.

The United States must stop paying lipservice to the idea of a "new international order." Our Nation was founded on the principles of individual liberty and constitutionally limited government. We should never submit to the dictates of a supranational government. I am, quite frankly, perplexed by the administration's willingness to continue negotiations which would have the effect of ceding the rights of Americans under our Constitution to international redistributive and planning agencies.

The Law of the Sea Treaty is a classic case of the conniving that goes on between governments to deprive individuals the world over of their freedom and prosperity. International planning and control is no less a threat to our liberties when it is done in the name of "international justice," or on the basis of some specious notion of fairness.

Mr. Kilpatrick's excellent observations on the Law of the Sea Treaty follows:

[From the Washington Post, Feb. 19, 1982]

THE HELL WITH THE LAW OF THE SEA

(By James J. Kilpatrick)

The papers on Jan. 30 were full of Gen. Dozier's release and Franklin Roosevelt's centennial, with the result that no one paid much attention to a lamentable announcement from the White House. The announcement was to this effect: the United States will resume its participation in negotiating a treaty on the Law of the Sea.

The president made it clear—as clear as the opaque amenities of diplomacy will permit—that we probably will not be participating much longer. Ambassador James L. Malone will go to the United Nations on March 8 for sessions that are scheduled to run through April 30, but unless the principal sponsors of this long-winded lunacy are prepared to accept drastic revisions, Malone might as well catch the next shuttle home.

Maybe Reagan should be commended for his patience and praised for his restraint. It is hard to say. He might better have cleared the air with a thunderclap appraisal of the pending draft convention: I say it's spinach, the president might have said, and I say the hell with it.

The draft convention is indeed spinach. It is the indigestible product of 19 years of cud-chewing by the bovine idealists and predatory beasts that roam the pastures of Geneva and New York. Their proposed treaty, as one commentator has observed, contemplates the greatest territorial grab since Genghis Khan set loose his Tatar hordes. The U.S. Senate would agree to universal abortion before it would ratify this treaty in its present form.

Have a look. The draft is composed of 17 parts, 320 articles and 8 annexes. The text runs to 175 pages of single-spaced typescript. A preamble echoes the platitudes of the old World Federalists. The sponsors want only to contribute to the realization of "a just and equitable international economic order."

Just? Equitable? Come now. The treaty would create an International Sea-Bed Authority, based in Jamaica, with title to all the sea-beds of the planet Earth. The Authority would have an Assembly, a Council and a Secretariat; there also would be a new International Tribunal on Law of the Sea.

Every member nation would belong to the Assembly. Every nation would have one vote. The United States would have the same voice accorded Qatar, Sri Lanka and the Solomon Islands. The Assembly would be the "supreme organ" of the Authority, but for everyday purposes the Council would be running the store.

Curious thing about the Council. It would have 36 members. The Soviet bloc would be guaranteed at least three of these seats. Can you guess how many would be guaranteed to the United States? Try to guess. Close your eyes. Think hard. Right! The answer is that no seat would be guaranteed to the United States. But who would pay the largest share of the costs? Right again! Uncle Chump! Contributions would be "based upon the scale used for the regular budget of the United Nations."

Under this treaty, an "Enterprise" would be created. Like everything else, the Enterprise would benefit all mankind, but it would especially benefit all mankind of the Third World nations. It would benefit them in this fashion: an American mining consortium would raise millions of dollars in capital, apply for permission to explore a couple of likely sites, and perhaps eventually get the word to go ahead. If the exploration proved fruitful, the Enterprise would appropriate the better of the two sites, along with all the technology the consortium had developed.

In the next step, the miner would have to get a production authorization, fixing limits on the kind and volume of minerals that could be brought to the surface—but never mind. The treaty goes on and on. If Lewis Carroll had written Alice in the Sea-Bed, he could not have contrived a more preposterous scenario. Only 60 signatories are required for ratification. Unless the Senate has lost its collective mind, the United States will not be among them.●

PANAMA CANAL ACT NEEDS IMPROVEMENT

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. LENT. Mr. Speaker, experience and testimony before the Panama Canal Subcommittee during the first phase of the 1977 Panama Canal Treaties indicate the need to amend Public Law 96-70 to facilitate U.S. management and operation of the canal until the year 2000.

The treaty-mandated 30-month period to provide for the orderly transition to the full application of Panamanian law in Panama ends on March 31, 1982. But the treaty also mandates that the United States has the responsibility to manage, operate, and maintain the canal until December 31, 1999, when the treaty terminates. Furthermore, from 1990 to 1999, the administrator of the U.S. Government agency charged with operating and maintaining the canal will be a Panamanian national. In the year 2000, the canal must be turned over to Panama in operating condition, free of liens and debts.

To help assure the U.S. responsibilities are exercised in accordance with the laws of the United States, I have joined with the distinguished chairman of the Committee on Merchant Marine and Fisheries, Mr. JONES, and the chairman of the Subcommittee on Panama Canal/OCS, Mr. HUBBARD, in introducing proposed amendments to the Panama Canal Act of 1979.

While our bill is not as comprehensive as that submitted by the administration late last year, it contains those provisions which are necessary and appropriate in light of our experience to date under the treaty. In addition it amends or repeals provisions of law which in their present form are applicable only during the transition period, eliminates provisions in Public Law 96-70 which have been accomplished and are now obsolete, and repeals the Canal Zone Code.

I believe the most significant provision in the bill specifies that the authority vested by Public Law 96-70 in the President or the Secretary of Defense may be delegated to an officer of the United States and not be redelegated by that officer.

The Merchant Marine and Fisheries Committee in 1979 felt strongly that the Secretary of Defense should retain oversight responsibility for the canal in view of his duties concerning the protection and defense of the canal under the treaties' provisions. It is not appropriate and not in accordance with the Constitution for foreign nationals—the Panamanian members of the Supervisory Board, the Deputy Administrator until 1990, and the Panama Canal Commission Administrator beginning in 1990—to exercise the authority granted to the President by Congress.

The bill also clarifies that all costs of maintaining and operating the canal be covered in the tolls formula, and improves the accounting and auditing provisions to facilitate the audit report to Congress by the Comptroller General.

In addition, it provides for jurisdiction by the U.S. District Court for the

Eastern District of Louisiana over cases transferred from the Canal Zone courts or over offenses in Panama committed by persons subjects to U.S. law. This section is included because the 1977 treaty provides no basis for continued exercise of jurisdiction by a U.S. court in Panama after the end of the transition period on March 31, 1982.

Now is not the time for drastic alterations in the structure of the Panama Canal Commission. Rather, we need to continue building a solid foundation to assure that the canal functions as it has over the past 75 years. The legislation we are introducing is designed to maintain canal service and provide for congressional oversight and control of the canal's management.

Congressional control is needed because of a number of developments which could threaten the financial viability of the canal. For example, the additional payments to Panama mandated by the treaties amounting to some $100 million per year—compared to a total annuity to Panama for the period 1952 through 1977 of $11.5 million—could raise tolls to the point where other transportation alternatives could become more attractive. Competing modes of transport such as the trans-Panama oil pipeline and a Mexican "land bridge" are becoming available. The increasing use of ships too large to transit the canal combine with these other factors to jeopardize the canal's ability to sustain itself financially. Competition for the international transportation dollar is siphoning off revenues from the Panama Canal; in fact, a projected fiscal year 1983 budget deficit and the need for a toll increase on October 1, 1982, are the direct result of the trans-Panama pipeline to carry Alaska North Slope (ANS) oil.

At the same time there is pressure to make improvements to the canal. In fact, the Commission's 1983 budget provides for completion of practically all of the pending small improvement projects to increase the canal's capacity. Those improvements since the treaties entered into force include high-mast lighting at Gatun and Pedro Miguel Locks, procurement of additional locomotives and towboats, construction of a new tie-up station, and continuation of a project to deepen the "cut" to 37 feet. What lies ahead are potential major improvements such as widening of the cut, dredging the Atlantic and Pacific approaches, and the so-called sea-level canal which includes alternatives such as the third set of locks. These are major water projects. Before any decision is made to proceed with any project of this magnitude, Congress must determine whether it is needed, and who is going to pay for it. In reaching this decision, it will be absolutely incumbent upon us to keep in mind that the treaty calls for a debt-free final transfer of the canal to the Republic of Panama in the year 2000.

During the Senate treaty ratification process, a promise was made that the net taxpayer cost to U.S. taxpayers over the life of the treaty would be kept to an absolute minimum. Considering the increasing numbers of transportation alternatives to the Panama Canal, the payments to Panama required by the Panama Canal Treaties, the requirement that the canal be turned over to Panama in the year 2000 debt free, whether Congress can stand by its commitment to the American people that the canal will be self-sufficient and will be operated and maintained at no additional expense to the U.S. taxpayer is open to question.

Thus, as ranking minority member of the Panama Canal/OCS Subcommittee, I would welcome the views of my colleagues as the Panama Canal legislation is considered.●

NO EASY ANSWERS

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. ROBINSON. Mr. Speaker, an editorial that appeared in the Daily Progress of Charlottesville, Va., on February 21, contains an instructive message that I wish to call to the attention of our colleagues in the Congress. I insert it in the RECORD at this point:

NO EASY ANSWERS

These are truly times that try men's souls. Unemployment is high, interest rates are stratospheric, manufacturing is sick, the auto industry seems close to terminal—and inflation, while staggered, isn't knocked out yet. Just a few days ago, we heard that things won't improve anytime soon.

As usual, the president is being blamed for it all. His nastier critics are comparing President Reagan to Herbert Hoover, who had the misfortune to be at the helm as this country left a boom and slid into a depression. It is a far-fetched comparison; Mr. Reagan, even if all his budget cuts were enacted, would still preside over a federal government that provides vastly greater social services than were envisioned even under the New Deal.

Is Ronald Reagan reacting to a boom-and-bust business cycle the same way that Herbert Hoover did? Hardly. Even if he wanted to, he couldn't. Mr. Hoover, a believer in capitalism, coped mostly by inaction; given time, the system would heal itself. Mr. Reagan, also a believer, is trying to dig the system out from under layers of bureaucracy and government interference built up over many years.

His digging isn't as deep as it might appear, except to those who have come to expect government to cure all ills. Mr. Reagan proposes to trim spending to a level where one in every 12 Americans will get food stamps, where federal housing aid will be nearly three times as great as it was five years ago, and where Social Service and Medicare spending will have nearly doubled in four years.

Another comparison may be instructive. Like Mr. Reagan, President Franklin D. Roosevelt came to office (somewhat later in the boom-and-bust cycle) determined to change the system. His "tinkering," as some called it, was often criticized in terms equally as cynical as "voodoo economics."

FDR had an engaging style, much as Mr. Reagan does—and he used it some time to continue urging people to keep the faith while he tried first one thing, then another. His early remedies were much like the current president's: broad budget cuts, some of them painful to individuals. They failed; he changed course.

In the end, New Deal policies had kept people from going hungry—just as food stamps and welfare programs do today—but World War II cured the economy.

Mr. Reagan inherits a more complex problem than did Mr. Roosevelt. Business today cannot borrow for expansion, and create jobs, without competing with a titanic debtor, the federal government, and putting added pressure on interest rates. Many government and corporate costs are now indexed to inflation; they rise inexorably as prices do. Many Americans are unemployed because the world has shrunk and foreign workers have taken their jobs—but the president has to remember that once before, when imports were excluded from U.S. markets, the action helped spread the Great Depression around the world.

It took Mr. Roosevelt eight years—and a war—to steer the economy back to health. President Reagan can hardly be expected to do the job in a few months. Part of the perceived problem today is that Americans think a president is some deus ex machina, a god who can, and should, descend onto center stage and make things right with a few deft maneuvers. Presidents can influence the economy, given time and a bit of luck, but the actions of more than 200 million Americans are the collective force that ultimately moves it.●

RECOMMITTING TO HOUSING

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. WYDEN. Mr. Speaker, for the past 50 years the United States has had a national housing policy. That policy said it was the goal of the Federal Government to encourage, aid and reward private homeownership. That policy said that it was a right of all Americans to enjoy safe, decent, and affordable housing.

For 50 years, that national housing policy has worked with unparalleled success. But now there are those that say housing has been coddled. Overnight, they have reduced housing from "sacred cow" to "sacrificial lamb."

President Reagan should be complimented for his move to make regulatory changes to free private pension funds for mortgages.

Now it looks as though that move is stalled. I have just written a letter to the Secretary of Labor which I wish to share with my colleagues.

SELECT COMMITTEE ON AGING,
Washington, D.C., February 22, 1982.

Hon. RAYMOND DONOVAN,
Secretary of Labor,
Washington, D.C.

DEAR SECRETARY DONOVAN: The housing industry in this nation is on its knees, and it got there because of high interest rates.

One cause of high interest rates is crowding in private capital markets which has dried up funds for affordable mortgages. This effectively has denied millions of American families the opportunity to realize their dream of homeownership.

We can relieve the credit crunch for housing by tapping the $600 billion pool of private pension funds which, because of regulatory and legal barriers, is not being used to any great extent for residential mortgages.

Quickly freeing up perhaps as much as $80 billion of this credit pool for potential investment in housing could mean the difference in rescuing a reeling housing industry—and the mortgage delivery system that supports that industry.

Putting private pension funds—one of the few ready-made sources of long-term capital available—into housing is a prudent investment because housing is not just another commodity like toasters. It is an investment in economic growth, jobs and social stability that has paid dividends in this nation for decades.

I commend President Reagan for taking the lead in fashioning administrative remedies, for which he has statutory authority, to expand the use of private pension funds for housing. However, I am disturbed that the class exemption for pension fund transactions awaiting action by the Department of Labor is far too restrictive to yield significant aid to the housing industry.

The exemption should be designed to recognize and utilize normal business practices regarding residential mortgage investments. Instead the proposed exemption goes to great lengths to establish protections for plan participants and beneficiaries that are excessive and result in unreasonable and self-defeating administrative costs.

Here are some examples:

CONDITION F

This condition prohibits lenders who may be participating in the construction or placement of loans from participating in the investment decision of the plan. As a practical matter, the provisions limits the number of lenders eligible to provide services to pension plans.

The fact that two financial institutions must be involved in the investment decision substantially increases the cost. It is common practice in the mortgage industry that one financial institution service the construction lender, permanent loan originator and loan servicer.

Conditions A through E in the exemption establish protections sufficient to guard plans against fiduciary misconduct, and consequently this provision is unnecessary and should be dropped.

DEFINITION OF FINANCIAL INSTITUTION

The definition is so narrow it excludes financial institutions deeply involved in mortgage markets. The exemption effectively eliminates mortgage bankers, federal and state-chartered mutual savings banks and state-chartered savings and loan associations.

In addition, the proposal requires that the financial institution commonly make mortgage loans from its own funds. Registered investment advisors, who don't invest their own funds, as well as insurance companies, which normally don't select specific recipients of mortgages when made with their own funds, are eliminated by this condition.

To overcome these limitations the definition of established financial institutions should be expanded to include all financial and business organizations normally engaged in residential mortgage financing, and eliminate the requirement that the institution make loans from its own funds.

CONDITION G

This condition prohibits certain parties-in-interest from receiving loans even though these potential borrowers meet the loan requirements of the independent financial institution.

Clearly the other conditions of the exemption guard against any wrongdoing of such parties and this provision seems to defeat the purpose of the exemption provision of an independent fiduciary.

Therefore, it would seem practical to modify Condition G to apply to all parties-in-interest and disqualified people.

DEFINITION OF DWELLING UNIT

The scope of the exemption is severely reduced in the definition of the type of residential dwelling units covered. Residential dwelling units are becoming diversified and include detached houses, townhouses, condominiums, planned unit developments, multi-family properties and other similar units—whether owner-occupied or investor owned. The types of dwelling units are changing rapidly to fit changing demands in the marketplace. Therefore, the exemption should be broadened to include all types of residential units.

POOLING OF PLAN ASSETS

A common business practice for financial institutions and other mortgage corporations is to pool funds for mortgage investment. This type of activity is done to create enormous economies of scale to reduce pension plan cost. This service also provides investment opportunities to small plans, the assets of which are not large enough to invest solely in mortgages or in the secondary market. Pooling also will allow small plans an expanded investment opportunity, while fulfilling the ERISA diversification requirements, and will be advantageous to large plans by diversifying risk. The exemption would become more beneficial and effective to pension plans if asset pooling was included in the final proposal.

I encourage you to consider these recommendations in reviewing your final exemption proposal. I also urge that you move to issue a modified proposal as quickly as possible, so additional capital is available to the housing industry no later than May 1.

A recent survey indicated as many as 30,000 homebuilders face bankruptcy in as short a time as 5 to 7 months unless meaningful actions are taken to aid the housing industry. And savings and loan officials in my home state of Oregon predict that even the healthiest thrift institutions can only survive another two years without significant assistance to housing.

Thank you for your consideration of my views. I would appreciate a prompt and detailed response. And I would like to be kept advised of action by you on the issuance of the exemption.

With warm regards,
Sincerely,

RON WYDEN,
Member of Congress.●

PORTNER'S REPRESENTS AMERICA AT ITS BEST

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Ms. FIEDLER. Mr. Speaker, when I came to Washington from California, little did I know that a pleasant surprise awaited me. For many years, I have visited the Hamburger Hamlets in the Los Angeles area. Marilyn and Harry Lewis, I thought, could reach no greater heights. But, upon arriving in Washington, I discovered not only Hamlets but a recreated part of our history as well in the Lewis' new venture—Portner's in Alexandria.

The restaurant is in the building that housed the Columbia Fire Company No. 4 starting in 1883. The name was that of a local brewery, located on St. Asaph Street in Alexandria. One of the dining rooms celebrates the memory of the pharmacy next door during those years. The restoration was so painstakingly done that the architect actually counted the number of bricks in old photographs of the building to insure the reconstruction was exact.

The interior, Mr. Speaker, reflects the era of the old firehouse and brewery. The Lewis' searched virtually every corner of our country to bring together the proper atmosphere: Chairs from Philadelphia, bricks to match the originals from a demolished building in Baltimore, a radiator grill from Washington's Munsey Building, chandeliers from the BMT subway in New York, floorboards hewn from 100-year-old beams from Richmond, a fireplace from a Philadelphia mansion, another fireplace from Atlanta, paneling from the Commodore Hotel in New York, and two remarkable ceilings—one from the Wanamaker mansion, the other newly stamped out from dies of that period that were discovered in Nevada.

Marilyn and Harry Lewis have done the Washington area proud to have cared enough to recreate an era at Portner's. It stands as an important part of Alexandria's Old Town. But, for me, Mr. Speaker, it is an important link. Portner's has the charm and the history of the east coast along with the food I have enjoyed for years on the west coast. It is truly a great establishment.●

SOCIAL SECURITY REFORM—1982

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. PEASE. Mr. Speaker, today my distinguished colleague from Hawaii, Mr. HEFTEL, and I are introducing the Social Security Reform Act of 1982.

The elderly people of this country have great concerns about the viability of the social security system. In addition, they have been dealt a harsh blow by what President Reagan terms "economic recovery" and they are fearful that social security will come under the budget-cutting knife as well. Our bill will improve the social security system and thereby help preserve benefits for deserving individuals.

If enacted, this bill will have several billion dollars each year. The exact amount of money lost annually due to fraud, mismanagement and poor administration is impossible to determine. But in one case alone, an estimated $60 million was sent in improper payments to people who had been dead for more than 2 years. The General Accounting Office estimates that the Government unwittingly pays out $15 billion a year in benefits to unqualified applicants using fake or stolen social security cards. Our bill addresses these kinds of problems.

More specifically, it requires the States to furnish information on deaths to the Secretary of Health and Human Services in an effort to assist the Social Security Administration in keeping its records and payments to individuals current. With the elimination of the lump sum death benefit, people will likely be slower than ever in reporting deaths of individuals receiving benefits. Currently, public health services receive death certificates and report them to the Bureau of Vital Statistics and various other agencies, but not the Social Security Administration. This section would change that and enhance the efficiency of the Social Security Administration.

This bill suspends retirement benefits for inmates of penal institutions. Previous legislation suspended benefits for inmates on disability, but did not address inmates of retirement age. This would not affect payments to their dependents.

The bill requires that all new and replacement social security cards be made of banknote paper and to the maximum extent possible will be a card which cannot be counterfeited. Social Security cards have been called "The Key to the Kingdom" by investigators who have found that counterfeited or stolen cards are used to get jobs and collect unemployment, welfare, food stamps, and even retirement benefits. The new social security cards would help to insure that social security benefits go to those who have earned them.

The legislation also states that no person may employ any individual unless that individual has been issued a social security card or other certification, and that any person who knowingly violates this by employing someone who is not eligible to be employed lawfully will be subject to fines and/or imprisonment.

Finally, it affects individuals who move to a foreign country and become eligible for death or retirement benefits while there. They would still receive their benefits under this bill, but their spouses and/or dependents would only be eligible if they have had the relationship with the wage earner since his or her 57th birthday. This is to protect the social security system from spending millions of dollars to support families all over the world who have never stepped foot into this country but have become eligible for benefits by marrying a qualified wage earner.

When the administration addresses the financial state of the social security program, it is generally in terms of benefits that may have to be cut to save it from financial disaster. This bill takes another, more positive approach. It deals with applying the knife to uncontrolled fraud and blatant waste, not benefits for deserving individuals. I urge my colleagues to support this bill.●

DR. MARTIN LUTHER KING'S BIRTHDAY MUST BE MADE A NATIONAL HOLIDAY

HON. JIM MATTOX

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. MATTOX. Mr. Speaker, I rise to speak on a topic which is at the heart of our Nation's continuing commitment to bring about a fuller social justice.

We are talking about a day of recognition for the American who laid the foundation for the civil rights movement in our country and who generated the drive for human rights around the world.

Almost 14 years have passed since Dr. Martin Luther King, Jr. was assassinated in Memphis. Yet, we still do not have a national holiday to honor this man who aroused the conscience of this Nation to live up to its great ideals of justice and dignity for all men. We still do not have a day devoted to reflection and recommitment to these ideals.

I am an original sponsor of legislation to designate Dr. King's birthday a national holiday. I have taken up this cause in the hope that Americans will use this national observance to rededicate ourselves to fight bigotry and hatred oppression and injustice everywhere. In effect, to work toward Dr. King's dream.

I do not propose this national holiday arbitrarily. I believe it takes a rare person or an extraordinary event to justify a national holiday. Martin Luther King, Jr. was much more than a rare person. He was unique in American history—as a man, as a leader, as an advocate for freedom. The events closely related to his leadership of the civil rights movement were more than extraordinary. They had, and will continue to have, an extraordinary impact on American society.

He was still a young man—only 39—when he was killed. The assassin deprived Dr. King of the great and good years of what we call "middle age." That loss is no less sad in light of his willingness—often expressed—to risk death in the struggle for justice and freedom. It is equally sad that the Nation and world have been deprived, all these years, of the presence, the voice and the wisdom of Dr. Martin Luther King, Jr.

No voice would be more welcome now, when the forces of reaction are trying to push back the clock of civil rights.

No voice would be more helpful today, when Federal budget managers are ignoring the issues of unemployment, poverty, hunger in our society and decay in our cities.

No voice would be more stirring now, when human rights are being violated in Central America, when millions of men, women and children are starving in Africa and Asia, and when the lamp of freedom has been dimmed for the Polish workers.

The firm, resolute, confident voice of freedom, of justice, of love, of nonviolent action and peace is sorely missed now.

The resonant, caring and eloquent voice of Martin Luther King is tragically lost not only to blacks, not only to Americans, not only to the oppressed of the world—but to all mankind, for his was the voice of the best of humanity.

I believe that the immense and beneficial contributions of Martin Luther King to the Nation and to humanity are immeasureable in their impact.

His message was vibrantly and eloquently articulated many times, perhaps most powerfully when he stood at the Lincoln Memorial on August 28, 1963, and ended his description of his dream this way:

> Let freedom ring, for when we allow freedom to ring from every city and every hamlet, from every State and every city we will be able to speed up that day when all of God's children, black and white, Jew and Gentile, Protestant and Catholic, will be able to join hands and sing in the words of

the old negro spiritual, "Free at last, free at last; great God Almighty, we are free at last."

Martin Luther King, Jr.'s dream lives on today, but we must nurture it with our attention, our respect and our faith. He sacrificed his life for his dream of a fully just America. Surely we can dedicate one day to sustain the life of that dream.●

TIMES DEMOCRAT EDITORIAL

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HOPKINS. Mr. Speaker, last week an editorial appeared in the Flemingsburg Times Democrat which I believe merits recognition. Although Flemingsburg is not in my congressional district, I subscribe and read the paper, and it is not uncommon that I find myself in near total agreement with editor Tom Hamby. The editorial, which appeared February 10, 1982, is especially thoughtful and well written, and I would like to include it in the RECORD, in its entirety, at this time:

VOTING OURSELVES OUT OF BUSINESS

(By Tom Hamby)

Seventy-five years after his death, Johann Sebastian Bach was barely remembered. His burial spot was unmarked, and most of his music had not been published.

It was for later generations to discover that the modern system of tonality was originated by Bach, and that the intricasies, subtleties and mathematical genius of his compositions, marked him as probably the greatest composer who ever lived.

A year after the Declaration of Independence, George Washington led his poorly equipped, freezing and starving troops through an indecisive war. In the winter of 1777, he wintered his barefoot troops at Valley Forge. It must have seemed to him and to the Congress that so inadequately supported him that all was for naught.

Today, Valley Forge is looked upon as a monumental victory and Washington is revered as the father of his country.

America now is in a crisis of a different sort.

Decades of neglect of our military have rendered us vulnerable to the most evil power ever to spread its shadow across the world.

The conduct of two no-win wars has left those Americans, too young to remember American victories, without the will to resist the encroachment of a ruthless enemy.

Our federal system has deteriorated to the point that the 50 states that joined together to create a national government have become what President Dwight D. Eisenhower foresaw in 1957: "powerless satellites of the national government in Washington."

The States, facing an opportunity to regain the status that they once had in our federal system, whimper that they aren't equal to the task, their backbone turned to milk by decades of hat-in-hand obsequiousness to Washington.

A people once admired for their "Yankee Ingenuity" stand by helplessly as jobs and industries are replaced in the world market by more-productive Japanese.

The morphine of womb-to-tomb welfare has sapped the vitality and courage of millions who can only wring their hands and look for someone to give them another fix.

Doctors, who once were adamantly opposed to socialized medicine, have undergone a fiscal lobotomy because of Medicare.

The Federal government is in the absurd position of paying lawyers to sue itself, along with local and state governments, under the Legal Services program.

Subsidies have sapped the vigor and undermined the integrity of farmers, corporations and college students and their parents.

Punitive legislation and court rulings have crippled our search for energy, as furbish louseworts and snail darters are protected at the expense of hydroelectric dams, oil companies are saddled with an oppressive tax, and nuclear energy, the safest of all energies, is obstructed and harassed.

In the face of despair, cowardice and confusion, a new hero has stepped onto the field of battle of America.

President Ronald Reagan in his State of the Union Address has sounded the battle cry for the fight to restore the greatness of America and Americans. He asks us as individuals and as states to throw off the welfare, no-win, handwringing state of mind.

If our present state and federal leaders don't have the stomach for the fight, let them say so, and step aside.

Then those who believe in the American federalist system, as created by our nation's founders, can get on with the task.

It would be a shame if, like Bach, President Reagan's greatness is recognized too late.●

LITHUANIAN INDEPENDENCE DAY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. HYDE. Mr. Speaker, February 16, was the 64th anniversary of the reestablishment of an independent Lithuanian state, and the 731st anniversary of the founding of the Lithuanian nation.

This important anniversary, coinciding so closely with our Nation's celebration of the birth of two of our greatest leaders, Presidents Washington and Lincoln, should serve to remind us of our own country's early struggle for freedom and democracy, and how fortunate we are as we reflect on the sad fate and ongoing struggle of the Lithuanian people.

The Soviet Union's forcible occupation of the Baltic States—following a pact made between two of history's most infamous tyrants, Hitler and Stalin—was a grievous annexation that we have never recognized, and never will.

On behalf of the Lithuanian American Council Cicero chapter, in my district, I include the following resolution adopted on February 7:

RESOLUTION

The Lithuanian Americans of Cicero, Illinois, assembled this 7th day of February, 1982, at St. Anthony parish hall to commemorate the restoration of Lithuania's independence, do hereby state as follows:

Whereas, February 16, 1982 marks the 64th anniversary of the restoration of independence to the more than seven hundred year old Lithuanian State; and

Whereas, Lithuania was recognized as a free and independent nation by the entire world community of states. She was a member of the League of Nations. However, she was by force and fraud occupied by Soviet Russia in 1944 and illegally annexed by the Soviets as a result of the infamous Molotov-Ribbentrop Pact of 1939, disregarding the Peace Treaty of 1920 and the Non-Aggression Pact of 1926.

This infamous pact was given a cloak of respectability at the Yalta Conference by the Allies, even though in the previously signed Atlantic Charter they obliged to restore the sovereign rights and free self-government of nations that were forcibly subjugated; therefore, be it

Resolved, That we are grateful to President Reagan and Congress, that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations is the policy of this administration;

That we congratulate President Reagan for his firm stand against Soviet Russia, and for his support of the Polish people, which gives new hope for the self-liberation of the Captive Nations; and further, be it

Resolved, To urge that stronger sanctions against Soviet Russia be enforced until in all of the Soviet occupied countries the human rights are respected and their independence restored;

That State Department representatives shall not be allowed to transact official business with the governments of the Soviet occupied Baltic countries, such action being inconsistent with the policy of non-recognition;

To urge this administration not to adhere to the Yalta agreement since in practice it is not conforming with the Atlantic Charter and justice;

That copies of this Resolution be forwarded to the President of the United States of America, to the Secretary of State, to the U.S. Congressmen and Senators from Illinois, to the State Representatives and Senator from our district, to the U.S. Commission on Security and Cooperation in Europe, to the Senate Foreign Relations Committee, to the House Foreign Affairs Committee, and to the news media.●

ALTERNATIVE DEFENSE BUDGET

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mrs. SCHROEDER. Mr. Speaker, as I pointed out in my speech on the floor today, I prepared and released yesterday an alternative defense budget called Building a Strong America: a Progressive Defense Policy. I ask that two summaries of this document be printed in the RECORD at this point. The first is an executive summary of

the highlights of the 34-page paper. The second contains what I think the appropriate budget totals are for the Pentagon.

BUILDING A STRONG AMERICA: A PROGRESSIVE DEFENSE POLICY EXECUTIVE SUMMARY

The Schroeder defense budget would:

Cut nearly $30 billion, or 12.3%, from the Reagan budget, in terms of budget authority. It would reduce 1983 outlays by $13.5 billion (6.6%).

Make big cuts in funds to procure (but not eliminate entirely) new weapon systems, like the MX mobile missile, the F/A-18 fighter plane, the Trident submarine, and the Nimitz class nuclear carrier. Eliminate funding for B1-B strategic bomber entirely.

Attack areas of waste and abuse, such as the Autovon telecommunications system, the depot maintenance program, and the Board for the Promotion of Rifle Practice.

Increase above Reagan budget the amount for spare parts purchases and the number of enlisted personnel in the services.

Reduce number of high level civilian bureaucrats and military officers to achieve a more reasonable ratio of bosses to subordinates.

Reverse the Army's demoralizing and expensive policy of rotating officers and enlisted personnel every few years.

Require greater contributions from allies, such as West Germany and Japan, for the value of defense services the United States provides to them.

Zero out funding for the building of new chemical and biological weapons, while preserving funding for chemical weapon detection and protection.

Follow the recommendations of the Congressional Budget Office and the General Accounting Office for reducing wasteful expenditures.

The Schroeder plan is based on the following principles:

Spending more money does not automatically lead to a better defense, especially if money is wasted through mismanagement and if large expenditures damage the economy.

A strong defense comes with a strong economy. Revitalizing the industrial capacity of America is the best way to increase her military prowess.

In times of war, the private sector should be called upon to contribute assets, such as planes and computers, to the defense effort.

Our allies have to be persuaded to contribute more to the defense of their territories and interests now provided by the United States.

Nuclear arms limitations talks must be actively pursued and not undermined by belligerent rhetoric.

Weapons should be simple enough so that they can be built cheaply and used and maintained by the average soldier.

Old weapon systems should be modified for future use rather than discarded in favor of new and unproven systems.

More attention must be paid to the needs of the men and women of the armed forces.

DEFENSE BUDGET SUMMARY

[Dollar amounts in thousands]

	Reagan 1982	Reagan 1983	Schroeder 1983	Savings	
				Amount	Percent
Military personnel:					
Budget authority	$38,122,417	$44,895,500	$43,030,968	$1,864,532	4.0
Outlays	37,927,000	44,524,200	42,765,274	1,758,926	4.0
Retired military:					
Budget authority	14,938,315	16,510,800	16,510,800	0	0
Outlays	14,902,300	16,470,815	16,470,815	0	0
Operations and maintenance:					
Budget authority	61,485,055	69,391,700	65,306,943	4,084,757	6.0
Outlays	59,956,820	67,126,480	63,973,806	3,152,674	5.0
Procurement:					
Budget authority	64,658,085	89,547,214	69,004,357	20,502,857	23.0
Outlays	41,258,900	54,861,200	48,724,132	6,137,068	11.0
R.D.T. & E.:					
Budget authority	20,078,238	24,256,600	20,757,920	3,498,920	14.0
Outlays	18,264,000	22,181,200	19,777,534	2,403,666	11.0
Total:					
Budget authority	199,482,110	244,601,814	214,610,988	29,990,826	12.3
Outlays	172,309,020	205,163,895	191,711,561	13,452,334	6.6

64TH ANNIVERSARY OF INDEPENDENCE OF LITHUANIA

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. MAVROULES. Mr. Speaker, it is appropriate that this Congress pause to acknowledge the 64th anniversary of the independence of the Republic of Lithuania. It is ironic that the very thing that this date signifies is still overshadowed by Soviet presence and aggression.

Lithuania is now in its fourth decade of Soviet occupation, and have had to suffer mass deportation, liquidation of leading civil personalities, and persecution of their church. Many continue to be jailed, shipped to concentration camps, and sent to psychiatric wards.

In our Western tradition, freedom of religion, speech, and press are considered basic human rights. We must realize that countless millions around the globe still strive for these basic rights. As speaker for human rights, the United States must denounce the Soviet Union for their violations of the Helsinki accords.

I salute the people of Lithuania who have struggled to perserve their cultural heritage, national language, and their religious faith against the attacks of Soviet totalitarism. Maintaining the Lithuanian culture presents the greatest concern to the more than 1 million Americans of Lithuanian decent. As culture is the unique wealth of a nation, it is a treasure to be shared with all mankind. Let the Lithuanian culture remind us of our undying commitment of the preservation of freedom and liberty.

The struggle for freedom is a struggle that must not be abandoned. It has endured many trials but still has not passed the final test. Let the struggle continue until it is finally won.●

NO BACK-DOOR GAS DEREGULATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. DINGELL. Mr. Speaker, today I am introducing a resolution expressing the sense of the House of Representatives that the administration should not accelerate decontrol of the price of natural gas by the back door, through the Federal Energy Regulatory Commission (FERC).

I am extremely pleased that a number of my good friends and colleagues have joined with me in this endeavor, notably the honorable chairman of the Ways and Means Committee, DAN ROSTENKOWSKI, as well as Congressmen SHARP, OTTINGER, MOFFETT, and FUQUA.

It may be that other issues appear to be more exciting than natural gas decontrol, but there are few issues more important. As my good friend Mr. ROSTENKOWSKI said, "The two most important issues facing all Americans are: 'Am I working?' and 'Am I making ends meet?'"

Accelerated decontrol of natural gas would have a devastating impact on the Nation's economy and force even more Americans to answer Chairman ROSTENKOWSKI's questions with a very sad "no." Decontrol would have a particularly severe effect on the elderly and those living on fixed or low incomes. Indeed, accelerated decontrol is likely to double gas prices. With the average homeowner now paying about $750 per year for gas, that would ultimately mean bills of $1,500 per year.

There is no question in my mind that the economy, in its presently disastrous condition, can ill withstand the shock of decontrol. And yet, this administration continues its pursuit of this foolhardy policy change. We are no more prepared to accept back-door deregulation through actions of the Federal Energy Regulatory Commission than we have been to accept the idea of accelerating deregulation through legislation.

The resolution we are introducing today is designed to send a signal to Chairman Butler, of the FERC, that there is tremendous concern in Congress about his stated intention to accelerate decontrol. He must get that signal loud and clear, not only from Members of Congress, but also from the American people. It is essential that the message get through, so that there is no back-door decontrol of natural gas prices.

I believe that this is an issue of major, national significance, and I believe it is one of concern to many Members of the House, regardless of their party affiliation. It is my sincere hope that many of my colleagues will join with those of us who have introduced House Resolution 371 in the coming days and weeks.

The text of the resolution follows:

TEXT OF NATURAL GAS DEREGULATION RESOLUTION

Whereas accelerated decontrol of natural gas prices at the wellhead would have a drastic effect on the Nation's economy, deepening the current recession and increasing inflation;

Whereas such decontrol would result in the loss of hundreds of thousands of jobs;

Whereas such decontrol would cost consumers tens of billions of dollars, with a disproportionate impact on the elderly and others on fixed incomes; and

Whereas such decontrol would adversely affect major sectors of the economy, including agriculture, public services, and small business: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.●

H.R. 5601

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. JONES of North Carolina. Mr. Speaker, I am today introducing H.R. 5601, a bill to amend the Panama Canal Act of 1979, and for other purposes. Hearings on the bill by the Panama Canal Subcommittee of the Committee on Merchant Marine and Fisheries have been scheduled for February 26.

The occasion for consideration of this legislation is the expiration on March 31 of the transition period provided by the Panama Canal Treaty of 1977, bringing to an end the limited exercise of jurisdiction by our Government in the areas over which the United States had jurisdictional rights prior to the 1977 treaty. After March 31, certain provisions of the Canal Zone Code and general laws of the United States that remained in effect during the transition period will no longer apply and the U.S. courts in the area will cease to function. H.R. 5601 would repeal the laws that no longer apply and provide for exercise of jurisdiction by the U.S. District Court for the Eastern District of Louisiana in appropriate cases arising out of U.S. operations in Panama. The bill also includes several changes in provisions of the Panama Canal Act of 1979, including the addition of a provision limiting delegations and redelegations of authority vested by the 1979 act in the President or the Secretary of Defense.

Amendments to the provisions of the Panama Canal Act relating to accounting for Panama Canal funds and for adjustment of charges for the use of the canal continue the present plan of the Panama Canal Act that requires payment of all canal revenues into a special fund in the Treasury and limits expenditures from the fund to those authorized and appropriated by the Congress within the limits of the amount of revenues. The bill contains no permanent authorizations or appropriations; these will continue on an annual basis. The minor changes in the fiscal provisions of the bill are intended to reinforce the requirement of the 1979 act that all costs associated with operation of the canal, including capital costs, are to be paid from canal revenues and not from the general fund of the Treasury.

The change in section 1313 of the 1979 act providing for audit of the Commission's accounts by the Comptroller General of the United States emphasizes that the Accounting and Auditing Act of 1950, applicable to agencies of the U.S. Government generally, is controlling. A provision requiring a Government-wide audit of all costs of implementing the 1977 treaties is deleted in accordance with a recommendation of the Comptroller General who has found that records necessary for such an audit are not maintained on a Government-wide basis and that the requirement in its present form interferes with the timely audit of the Commission's account. The underlying provision of the 1979 Act limiting the amount of additional costs incurred to implement the treaty is not changed by the bill, and the necessity and desirability of providing effective controls, including appropriate audits, will be considered in oversight hearings on the performance of the requirements of the Panama Canal Act.●

SAVING THE U.S. AUTO INDUSTRY—A RESOLUTION IN SUPPORT OF H.R. 5133

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. HALL of Ohio. Mr. Speaker, I had the pleasure of attending the IUE District Council Seven meeting on February 13. IUE District Council Seven President Ed Fire brought to my attention a resolution adopted by the delegates in support of H.R. 5133, the Fair Practices in Automotive Products Act.

I am pleased to be a cosponsor of this important legislation, and I am encouraged that more of my colleagues are becoming cosponsors. It is my hope that more Representatives will sign on the bill, and that we can secure early action on this legislation to require that cars sold in the United States meet a gradually increasing standard for the percentage of American-made parts in them.

District Council Seven's resolution in support of H.R. 5133 spells out clearly the reasons that we need this bill. I commend President Ed Fire and the members of IUE District Council Seven for their work on behalf of H.R. 5133.

For the benefit of my colleagues, the full text of IUE District Council Seven's resolution follows:

SAVING THE U.S. AUTO INDUSTRY—A RESOLUTION IN SUPPORT OF H.R. 5133

A key industry in the United States, the automobile industry which directly and indirectly accounts for one in six American jobs, including those of thousands of IUE District Seven members, is in serious danger of collapse. The primary cause of the devastation of the auto industry, which has resulted in a massive number of our members suffering long-term layoffs, is the uncontrolled flood of imported cars and trucks from Japan. The facts speak for themselves:

In 1981, Japan posted a $13.41 billion trade surplus with the United States, a

figure nearly double the astounding $7 billion surplus of 1980.

A major portion of this critical trade imbalance was caused by blatantly unfair trade policies of Japan, particularly as they relate to automobiles.

In 1981, foreign imports accounted for 26 percent of all cars sold in the United States, with the overwhelming share going to the Japanese.

Prior to 1979, imports accounted for 8 to 12 percent of sales.

The jobs of 64,000 of IUE's 250,000 members are either in the auto industry, or in plants which produce automobile component parts. Currently, 23,500, or 36.7 percent, of these members are on indefinite layoff!

Of IUE's 32,000 members employed by General Motors, 9,000 are on indefinite layoff.

Local unions in District Seven, with members whose jobs are dependent on the auto industry include:

Local 655, Caldwell Mfg., Jackson, Mississippi;

Local 685, National Metal Processsing, Richmond, Kentucky;

Local 627, Westinghouse, Fairmont, West Virginia;

Local 697, Angel Manufacturing, Lebanon, Kentucky;

Local 698, Packard Electric, Clinton, Mississippi;

Local 717, Packard Electric, Warren, Ohio;

Local 722, General Electric, Warren Ohio;

Local 707, General Electric, Cleveland, Ohio;

Local 731, General Electric, Memphis, Tennessee;

Local 734, General Electric, Youngstown, Ohio;

Local 738, Chromalloy American Corporation, Mansfield, Ohio;

Local 753, Globe Tool and Engineering, Dayton, Ohio;

Local 755, Delco Products, Dayton, Ohio;

Locals 758 and 775, Salary and Hourly employees of Chrysler, Dayton, Ohio;

Local 767, General Electric, Somerset, Kentucky;

Local 771, Vernay Laboratories, Yellow Springs, Ohio;

Units of Amalgamated Local 778, Cleveland, Ohio;

Local 791, Hurd Lock, Greeneville, Tennessee;

Local 793, All Lock Company, Selma, Alabama;

Local 794, American Bosch, Columbus, Mississippi;

Local 801, Chevrolet and Harrison Radiator divisions, General Motors Corporation, Dayton, Ohio.

In our sister union, the UAW, 211,000 members employed by General Motors, Ford and Chrysler are on indefinite layoff, thousands more have lost recall rights and at the end of 1981, 69,000 UAW members were on temporary layoff.

While IUE and UAW member have suffered the devastating effects of these layoffs, unemployment in Japan is approximately 2 percent of the workforce.

In 1980, of Japan's total auto production, one million cars were built by employees working overtime!

In the United States, a mid-sized American car sells for about $8,000. In Japan, that same United States built car, because of commodity taxes, preparation fees, tariffs, "red tape" and other obstacles erected by the Japanese government, sells for over $20,000.

In 1981, U.S. manufacturers sold only 7,700 cars in Japan, while nearly two million Japanese cars were sold in the United States.

Instead of joining with the IUE, UAW and the AFL-CIO in fighting to save jobs in the industry, the auto manufacturers are subcontracting component part work to foreign countries such as Mexico, Japan, France, Spain and Germany.

Components being imported into our country include: engines, transaxles, aluminum cylinder heads, alternators, starters, wiring harnesses and rear disk brakes.

Sales of American-made cars in 1981 fell to their lowest level in twenty years. The industry is in its 35th consecutive month—almost three full years of depressed sales.

For the well-being of all American workers and their families, for entire states and communities and for our country, this situation cannot and must not be permitted to continue.

We in the IUE have seen the effects of uncontrolled imports before. We have seen basic industries, such as radios and black and white T.V.s go completely down the drain because of corporation greed and government indifference and inaction.

We are convinced that without immediate and strong action, the American auto industry will meet the same fate. Therefore be it

Resolved, That the IUE District Council Seven give full support to any appropriate boycott of Japanese-made automobiles and trucks, and

Be it further resolved, That we mobilize all of the resources of our Union at every level—International, District and Local—in support of H.R. 5133—the Fair Practices in Automotive Products Act—legislation which requires that cars sold in the United States meet a gradually increasing standard for the percentage of American-made parts in them in accordance with this formula:

Number of motor vehicles sold by manufacturer in the United States during such year	Minimum domestic content ratio: Percent
Model year 1983:	
Not over 100,000	0
Over 100,000 but not over 150,000	8.3
Over 150,000 but not over 200,000	16.7
Over 200,000 but not over 500,000	25
Over 500,000	30
Model year 1984:	
Not over 100,000	0
Over 100,000 but not over 150,000	16.7
Over 150,000 but not over 200,000	33.3
Over 200,000 but not over 500,000	50
Over 500,000	60
Each model year after model year 1984:	
Not over 100,000	0
Over 100,000 but not over 150,000	25
Over 150,000 but not over 200,000	50
Over 200,000 but not over 500,000	75
Over 500,000	90

This bill is critical to rebuilding the American automobile industry, to our members' jobs and to the national security of the United States, and

Be it finally resolved, That District Council Seven assist our local unions in a massive letter-writing, petition-circulating and visit-to-Congressmen campaign to enact H.R. 5133.●

AID FOR POLAND IS AID FOR THE KREMLIN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. PAUL. Mr. Speaker, all of us are upset over the tragic events in Poland, and the consequent suffering of the Polish people. There is no such unanimity, however, as to the appropriate response. We must be careful not to respond in such a way as to actually prolong the suffering of captive people under oppressive Communist governments.

I am increasingly perplexed by the willingness of the administration to keep fostering a line of credit to bankrupt Communist nations. These despotic governments are doomed to fail—we should let them do so.

I would like to bring the attention of my colleagues to an excellent article by a most distinguished scholar on East European affairs, Ms. Ewa Thompson, of Rice University. Ms. Thompson makes clear just how parisitic is the relationship between the Soviet Union and her vassal states. She leaves no doubt as to the fact that aid to Poland is indirect assistance to our avowed enemies in Moscow. Let us cut off, once and for all, the line of easy credit being used to finance the military machine which has crushed the Polish workers and threatens our own security. This can easily be accomplished "in one bold stroke": if we simply insist that the Commodity Credit Corporation follows its own procedures on loan guarantees, a written notice of default would be required before the Treasury could pay off the bad loans. With one default notice issued, no new loans would be made.

I highly recommend Ms. Thompson's article, which follows:

[From the Houston Chronicle, Jan. 18, 1982]

POLAND'S $6 BILLION GIFT TO THE SOVIETS

(By Ewa Thompson)

In recent comments on Poland in the American press there has been hardly any information about the reasons for the economic crisis in that country. Some writers seem to believe that food and other shortages have existed all along, and that they have only been highlighted by press coverage. Others blame shortages on the Solidarity labor movement. Meanwhile, American economic experts on Eastern Europe keep mum. It remains unclear whether they do not know and therefore prefer not to speak; or whether they know and won't tell.

During the year or so of relative freedom in Poland, information that had formerly

been classified began to appear in the official Polish press. Speeches were given at Communist Party meetings, and they contained even more secret figures. Now these reports have reached the Polish emigre press.

According to these reports, on Dec. 31, 1975, the state of the Polish economy was sound. Poland's indebtedness to the West was $3.8 billion. She was owed more by the East bloc countries than she owed to them.

A dramatic worsening of Poland's economic situation occurred in 1976. In that year, Poland accepted the Russian ruble as the sole unit of payment for goods she sold to the Soviet Union and other countries of the Soviet bloc. Until that time, the ruble served as a means of payment for only a fraction of Poland's sales to the communist bloc. Since 1976, however, it has been the only currency in which commercial agreements could be concluded.

Why was that a disaster for Poland? Because the ruble's official value is vastly inflated. The ruble is a soft currency and cannot be exchanged for Western currency at its nominal rate. If you go to the Soviet Union as a tourist you will find that your dollar will buy .62 rubles in the bank, but the maid in the hotel will offer you 3-5 rubles per dollar. Even the Soviet bloc countries prefer to buy and sell to each other for hard (Western) currency rather than for rubles. The official dollar-ruble exchange in Polish-Soviet commercial deals has been .69 and more recently .62 rubles per dollar. This means that Poland has been selling manufactured goods to the Soviet Union at less than 20 percent of their fair market value.

This kind of exploitation is nothing new, of course. It has been going on for several decades now—since Yalta, to be exact. Two of Poland's chief exports: coal (reputedly the best in Central Europe), and ships, have been sold for soft currency during that time. Some presently existing trade deals concerning coal go as far as the 1990s. This means that Poland is obliged now, and will be obliged in the future, to sell to the Soviets for 20 cents the same amount of coal for which she could get one dollar in sales to Western countries.

As for the ships, they are sold to the Soviet Union on 10 to 15 years' credit. Thus, in addition to the low price, the payment is considerably delayed. Also, the production of these ships requires purchasing many parts in the West for hard currency. They are then resold to the Soviet Union for less than one-fifth of their value.

This had been going on for years, yet the Polish economy stumbled along. It was the 1976 agreements that broke the camel's back. Polish economists estimate that since that time, Poland has been losing $6 billion per year on her trade with the Soviet Union. This computation has been adjusted for the purchases of Soviet oil and iron ore. Every year, this medium-sized European country with one-seventh the population of the United States has made a gift to the Soviet Union that roughly equals all the foreign aid to all countries given by the United States in a year's time.

Here are some figures indicating the extent of present Polish trade with the Soviet Union:

The Soviet Union is sold 60 percent of Polish computer equipment, more than 50 percent of airplane engines, automatization equipment, chemical plant equipment and electric power station equipment. Upon concluding the recent deals, the Soviets stopped buying this last kind of equipment in the West. They now can get it from a satellite country at one-fifth of the price.

More than 50 percent of Polish-manufactured telephones go to the Soviet Union. In recent years, that meant 5 million phones. The Soviets have also stopped buying this item in the West.

In the past five years, out of 45 fully equipped hydrochloric acid plants which Poland has produced, 25 went to the Soviet Union.

In the years 1976-1980, the export of railway cars to the Soviet Union increased by 60 percent.

In the years 1975-1976, the Soviets tripled their purchases in Poland of mining and drilling equipment.

In addition to these "sales," there seem to exist even more secret deals concerning Polish wheat and foodstuffs. In 1975, Poland exported to the West 1 million tons of meat out of a total production of 3 million tons, while importing 3.9 million tons of wheat. Since that time, meat shortages in Poland have increased and so have the exports. In the meantime, it has been reported in the official Polish press that Poland has each year, sent from 4 million to 6 million tons of its own wheat to East Germany and Czechoslovakia "for processing." However, according to unofficial reports, the trains which carry this wheat return empty. Polish economists speculate that the wheat has been shipped to the Soviet Union. In any case, it has not returned to Poland. The net result of this operation is that Poland had to increase its grain imports from 3.9 million tons in 1975 to 10 million tons in 1981.

These figures dispel the Soviet-fostered view that Solidarity strikes or the refusal to work of Polish workers have been responsible for the worsening of the Polish economy. More importantly, they say something about the economy of the Soviet Union. The increased exploitation of satellite countries in the second part of the 1970s indicates that the back of the Russian bear has been uncommonly strained owing to increases in the military budget in recent years.

The exploitation of the satellites also indicates that Western trade sanctions, if applied uniformly and with courage, could bring a greater softening of the official Soviet line than all the detente agreements put together. A continuing line of Western credit to Poland will simply mean more transfer payments from the United States to the Soviet Union.

It was bad enough that the Allies delivered Poland to Soviet domination at Yalta. But Western bankers should not continue greasing the skids of their proxy deals with Russia with Polish sweat and blood. ●

HONORING THE LITHUANIAN PEOPLE ON THE 64TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Ms. FERRARO. Mr. Speaker, I would like to commend the gentleman from Illinois for his leadership in scheduling this special order commemorating Lithuanian Independence Day. I fully share his dedication to the cause of a free Lithuania, and I strongly urge all Members of Congress to join in condemning the Soviet Union for its brazen attempts to repress freedom in Lithuania.

On Sunday, February, 21, I had the honor of addressing the American-Lithuanian Council of New York on the occasion of the 64th anniversary of Lithuanian Independence Day. I would like to share with my colleagues my remarks to that patriotic group which has done so much to keep Lithuanian culture thriving in our country. The speech follows: As a member of Congress from the Ninth District of New York, I have the opportunity to meet with and speak to many different groups of people, with widely varying interests. But I must tell you, in all honesty, that I look forward with special anticipation to speaking with you today. Most of my time as a Congresswoman is spent on the major issues facing our country at any given time—budgets, taxes, defense, the problems facing our cities in transportation, housing, and economic development, social security. They are all extremely important issues, challenging and complex.

But what we take for granted in this country, the most basic issue of all, is that the reason we can focus our attention on the issues I have mentioned, and many, many others, is because we are a free people. The great benefit of Lithuanian Independence Day is that it reminds us how very precious our freedom is. It reminds us that freedom is not automatic and ever-present, but is something that must be earned through struggle and sacrifice.

The heroic and continuing struggle of the Lithuanian people to regain the freedom they so briefly enjoyed serves as an inspiration and a reminder to us all. An inspiration to those of us who are free to continue to speak out against Soviet occupation of Lithuania. And a reminder that as long as the brave people of that tiny country bear the yoke of Soviet domination and oppression, none of us is truly free.

There are those, here in our own country, who would have us be silent regarding the Soviet Union's attempted enslavement of Lithuania. They would have us, in the name of detente, ignore the Soviet brutality of Lithuania, Latvia, Estonia, Afghanistan, and Poland.

But we cannot ignore brutality. We cannot remain silent. The struggle of the Lithuanian people is our struggle. The U.S. Government has never, and will never, recognize the Soviets' shameful claim to Lithuania.

How dare the Soviets claim it was the free choice of the Lithuanian people to join the U.S.S.R.? The gallant guerrilla resistance of the Lithuanians for over a decade following the

invasion of June 1940 proves the brazen falsehood of the Soviet position. After the occupation, nationalist leaders were executed, and thousands of Lithuanians were forcibly exiled by cattle car to Siberia. That is not the story of a people exercising its own free will.

The history of Lithuania is a story of constant struggle against foreign domination and aggression. The glorious events of February 16, 1918, brought an end to 120 years of control by Czarist Russia and Germany. The declaration of nationhood on that day was followed by a period of great accomplishment and progress. Democratic reforms were instituted, and self-government was a tremendous success. Long overdue land reforms were enacted, and new industries were created and old ones expanded. The transportation system within the country was modernized, and new labor laws and educational policies were adopted. The rich Lithuanian cultural heritage flourished.

All this was accomplished in just 22 years. For in June of 1940, the Soviet Army launched a massive invasion of Lithuania. That invasion was one of the first examples of a pattern of conduct that has become a standard element of Soviet policy. We have seen it in Hungary, Czechoslovakia, in Afghanistan, and, now, in Poland. In each instance, the Soviets have claimed they were invited in, and then have attempted to crush local nationalism.

What the Lithuanian people, and all the others, have proven is that no amount of military force can snuff out the spark of freedom that lives in all people. For 40 years, the Soviets have attempted to "Russify" Lithuania. They resorted to mass deportation, they have tried to impose the Russian language, and they have tried to eliminate Lithuanian cultural traditions.

Even today, illegal searches, interrogations, and the harassment of Lithuanian patriots and nationalists by Soviet security forces are commonplace. These police-state tactics have been employed most frequently against those who are active in the Roman Catholic Church.

As they have in Poland, the Soviets have gone to great lengths to try to crush freedom of religious expression in Lithuania. And as in Poland, they have failed. Despite Soviet repression, including forced classes in atheism for Lithuania's young people, priests in Lithuania estimate that 60 percent of the country's people are still churchgoers, and over 500 parishes are still functioning. The only Roman Catholic seminary still open in the Soviet Union is in Lithuania.

One of the most gratifying aspects of the Lithuanian struggle is that as we sadly mark the passage of another year of Soviet occupation, we can point with great pride to the accomplishments of the Chronicle of the Catholic Church in Lithuania, which this year celebrates its 10th anniversary.

Last Tuesday, February 16, marked the 64th anniversary of Lithuanian Independence Day. As we commemorate that historic event, we must consider our own obligation to the Lithuanian people and all other freedom-loving peoples who are denied liberty.

Your own continuing efforts in this struggle are critical. The mere fact that this building, the Lithuanian Cultural Center, stands, shows your dedication to the preservation of the proud heritage of a proud people. The pressure and support of Americans of Lithuanian descent help keep the cause of Lithuanian independence alive.

You cannot stop, and I will not stop, until Lithuanian independence is not a memory of the past, nor a dream for the future, but a reality in the present. Thank you for inviting me, and God bless you.

Long live a free Lithuania.●

JAPANESE TRADING PRACTICES IN PERSPECTIVE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. SCHULZE. Mr. Speaker, I have spoken to my colleagues on several occassions to express my concern with the trading practices of the Japanese Government and Japanese businesses. Today, I have introduced the Complementary Trade Preservation Act of 1982, H.R. 5616. I would like to take this opportunity to express in some detail the historical background for my bill.

I believe that when the recent statements of conciliation and reconciliation made by representatives of Japan are taken in the context of longstanding predatory practices, it will be seen that the only way to appropriately deal with Japan is to "complement" their trading practices.

This means that the United States must respond in kind to Japanese trade initiatives. If the Japanese engage in exploitation of our markets while keeping theirs closed, we must do the same. If they open their markets to us, we must do the same, but only as a response.

But, rather than responding, we have been opening our markets to the Japanese while they have kept theirs closed to us. Whatever the justification for Japanese protectionism in the early post-World War II years, those justifications have long since passed.

I think that we must maintain our allegiance to the principles of free trade. And, at the same time, we must not be blind to the exploitation carried on by the Japanese for over a quarter of a century. We must protect free trade by insisting on fair trade. To do this, we must not become ensnared in lengthy justifications and explanations for continued barriers to trade. All we need do is look at the bottom line.

When the Japanese improve the bottom line in our trade relationships, then we should complement their restraint and responsiveness with like practice.

Whatever cultural and historical concerns Japan has about being a resource-poor island nation which must manufacture and export to survive, its national problems do not justify continued adherence to the formula that it has used since World War II.

The strategy, sometimes called Japan, Inc., involves close cooperation between industry, government, labor, and Japan's financial institutions.

The strategy, particularly in high technology has been as follows: Buy technology, produce first for the home market, which is shut off from foreign producers by whatever form of trade barrier is required. Domestic prices can be kept artificially high, providing a source of "internal financing" for the producers. Then, when volumes get high, reach out for international markets with low prices. This is a classic dumping move. After undercutting the price of foreign producers—which Japan can afford because of the artificially high prices at home—the Japanese can destroy their competition which may collapse altogether or simply be candidates for merger at bargain prices. This, in effect, reduces the former competition to a marketing arm of the Japanese company.

In the sixties, the target was steel. Eventually, Japanese steel producers became the yardstick by which the United States measured all foreign competition under the trigger price mechanism [TPM]. After developing a strong domestic base for their steel industry, Japan went after the third world markets, and subsequently it went after the American domestic market itself. After conquering steel, they went after markets in motorcycles, ships, cars, and machinery. We have been watching the attack on consumer electronics markets. If the Japanese proceed as they did with color television and stereo components, our consumer computer industry will not be long for this Earth.

In 1976, color television sales in Japan exceeded 5 million units, but fewer than 500 of them were imported. The least expensive model sold for the equivalent of about $700. A comparable unit manufactured here was selling in our markets for $350. The Japanese consumer was, in effect, subsidizing

the start-up costs for the Japanese color television industry. Subsequently, after establishing its base, the Japanese manufacturers flooded the U.S. market, and today none of the our companies can compete. Nor do we try to exclude Japanese televisions to protect our domestic producers.

In 1960, the Japanese Government struck a deal allowing IBM to build computers in Japan, something which foreign manufacturers were not permitted to do at the time. The guid pro quo was that IBM had to agree to cross-licensing arrangements thereby opening up important technological areas to the Japanese. In 1970, the Ministry of International Trade and Industry [MITI] set forth a plan whereby domestic manufacturers would direct their efforts toward specific market sectors. Fujitsu and Hitachi would produce large, or mainframe computers, Mitsubishi Electric and Oki Electric were to make smaller computers, and Nippon Electric and Toshiba were instructed to design new computer structures.

MITI provided R. & D. funds amounting to $300 million between 1972 and 1976. Along with this guidance and incentive, the Government instituted a policy encouraging agencies and universities to purchase domestically produced computers whenever possible, clearly the sort of barrier that inhibits penetration into the Japanese market.

The Government has pledged an additional $300 million in R. & D. funds for the industry over the coming decade. And the MITI has set a national goal of doubling Japan's global market share to 30 percent by 1990. Herein lies a classic example of a 40-year plan, supported by government financing, guidance and protection that may result in another area of high technology manufacturing dominated by the Japanese.

One of the hardest markets in high tech for Americans to crack has been the telecommunications industry in Japan. Because Nippon Telephone & Telegraph [NTT] is government owned, it takes its instructions from the government, not from a board of directors that might be inclined to examine all of the products available on the world markets. Recently, the United States was successful in negotiating a willingness on the part of the Japanese Government to require NTT to purchase foreign-made equipment if it was competitive with domestically produced goods. That is, NTT was required to open up its procurement process to open bidding.

The results have been only mildly rewarding. Of the three tiers of telecommunications equipment used in the business, the only inroads made by foreign suppliers have been in the lowest tier, which includes such items as magnetic tape, and minor supplies. It remains to be seen whether NTT will really open up its purchasing in the higher tiers.

The procurement agreement promises much, but will likely deliver little. Even should the Japanese publicly announce that foreign firms will be allowed to compete internally for the business of all 115 state-owned companies, who is to believe that much will come of it in light of the fact that as much as 50 percent of Japan's official national budget supports these companies.

Another example of the Japanese approach is in the military hardware area. The Ways and Means Trade Subcommittee, in its report on the trade mission to the Far East, stated as follows:

> Japan has a practice of buying one or two pieces of American military equipment and then reproducing more in her own factories. This serves to transfer the technology involved (as in the F-15 fighter jet) to Japanese industry and also denies the United States the potential for major sales of equipment which would reduce the size of our bilateral trade deficit. As Japanese commentators have pointed out, this *modus operandi* also results in a very high cost per unit for the relatively small amount of military equipment produced in Japan. Purchasing quantities of military equipment from the U.S. would result in much more equipment per Japanese dollar spent on defense.

As for commercial aircraft, the Japanese historically allow the importation of only 65 percent of an airplane. They complete the manufacture. How long will it be before the Japanese reduce the imported percentage to 50, then 25, then nothing at all? If there is anything that the United States does indisputably well, it is manufacture aircraft. The Japanese have their sights set on our aircraft industry, and we must not just let them walk off with it.

The subcommittee report also points out that 22 of Japan's 27 remaining formal quotas and trade barriers reported to GATT are in the agricultural sector. In grain, for example, Japan has created problems for American agriculture through the heavily subsidized export of rice—$1,000 per ton and more—which displaces unsubsidized American rice imports to third country markets.

As with aircraft, Japan applies the policy of importation of semiprocessed products rather than finished products in other goods, thereby denying foreign producers additional employment and income while providing Japanese workers with job opportunities for performing value-added tasks. Thus, Japan avoids finished products, either by unstated national policy, or nontariff barriers, or explicit barriers. It manages to import logs rather than lumber, hides rather than leather, tobacco leaf rather than cigarettes, phosphate rock rather than fertilizer, aluminum ores rather than aluminum ingots, et cetera. In an individual case, the distortion is not overwhelming; but, the cumulative effect amounts to a serious imbalance, and reduces our sales to Japan by literally billions of dollars per year. Thousands of American jobs are lost. In the case of leather and hides, Japan imposes severe quotas and high tariffs on U.S. higher value-added leather products while importing 3.9 million square feet of leather from us in 1980. In effect, through trade barriers, the Japanese are exporting their potential unemployment.

U.S. drug firms have also lost market opportunities because of Japan's complex drug testing procedures. Even when U.S. firms have tested to the Japanese standards and conducted their tests to that standard, Japanese firms have insisted that the tests be performed again in Japan. These requirements do not add to the available data, but do add delays which are costly and hinder imports in the long run by denying American manufacturers the opportunity to establish markets for their products before the Japanese producers can lock them up.

The Japanese also impose arbitrary restrictions against imported cigarettes, primarily American, because the Japanese prefer American-type cigarettes. Consider the following examples: A combination of a 35-percent ad valorem duty and a domestic cigarette tax calculated at 56 percent of the retail price results in a 50-percent higher cost for imported over domestic brands. The Japanese Tobacco and Salt Monopoly, which decides which retailers may sell domestic and imported cigarettes, restricts imported brands to less than 10 percent of Japan's retail outlets. The Japanese Tobacco and Salt Monopoly, requires a retailer to purchase a minimum number of imported cigarettes in Japan's key markets of Tokyo and Osaka while applying no such minimum for domestic brands. Further, the monopoly requires foreign manufacturers to share market research plans but refuses any reciprocity with respect to its plans. Similarly, the monopoly requires a 6-month minimum test in 60 stores for new import brands before they become eligible for national distribution but requires no such mandatory test process for domestic brands.

The result of these, and other barriers, is that American producers have been limited to a mere 1.3 percent of the Japanese market. The cost to the United States in terms of lost trade through the restricted access to Japanese markets, amounts to a minimum of a half-billion dollars per year.

One of the most infuriating experiences that American businessmen face are the Japanese tactics of whipsawing

foreigners with regulatory changes. Jack Anderson has reported as follows:

Even more frustrating is what might be called the Japanese customs officials' penchant for "cute tricks"—changing the import rules in an arbitrary and seemingly capricious way. There is no doubt in the minds of U.S. businessmen that these whims are the result of deliberate Japanese policy. Consider a couple of outrageous examples:

A U.S. manufacturer introduced a tabletop electric griddle to Japan. It was something new and obviously attractive to Japanese housewives: the American firm sold 6,000 units the first year. But Japanese electric products makers—caught without a comparable item in their inventories—complained to the government. Result: new standards for temperature controls on electric griddles were imposed. They were set two degrees below the capability of the American griddle.

It was a clever delaying tactic. By the time the American manufacturer had redesigned his product to meet the new standard, Japanese manufacturers had developed their own griddles and flooded the market with them.

A Japanese import firm ordered a sample shipment of American apple butter. Customs officials passed it under the regulations applying to jams and jellies. But when the importer ordered a second larger shipment, Customs classified the apple butter as a fruit paste puree. As such, it was subject to an import quota. Because the importer had no prior quota allocation to work from, the apple butter was barred.

. . . An American company's potato chips, made from reconstituted dehydrated potatoes, were initially put by Japanese customs officials in the category of "vegetable, prepared or preserved." This involved a 16 percent tariff.

But once the company began to ship significant quantities of its potato chips into Japan, customs had second thoughts. The chips were reclassified as "pastry, biscuits, cakes and other fine baker's wares." That made the import duty a staggering 35 percent.

It is any wonder that the United States has not had any success in selling American-made automobiles in Japan? They impose modifications on standard American products that, while not impossible to meet, are barriers that delay or discourage any attempt to establish a dealer network in Japan. Critics of American automobiles should remember that not all of our cars are expensive, and not all of them are gas guzzlers. As is well known, our cars do better in collisions than do the lightly engineered Japanese products.

Although the Japanese have agreed to restrain their exports of autos and light trucks, it is well to remember the onslaught with which we have been faced. From 1976 through 1979, the total Japanese car exports to the United States increased at an average compound annual rate of 13 percent. Automotive products trade—cars, trucks, parts, and tires—between the United States and Japan produced a U.S. deficit of $9.1 billion in 1979, almost double the 1976 deficit of $4.6 billion. In 1980, total motor vehicle exports from Japan were 5,966,961 units, 54 percent of a total output of 11,042,884 units. Japan became the No. 1 producer in the world that year, surpassing U.S. motor vehicle production of 8,008,342 units, an increase of 23 percent over 1979, and accounted for 50 percent of Japanese passenger car exports.

In assessing Japanese auto export imperialism, it is well to inquire why the United States should not insist on a 35-percent local content requirement on imported Japanese autos, so long as the Japanese insist on a 35-local content requirement of imported U.S. aircraft.

The list of Japanese infringements on free trade is not complete without reference to the financing preferences given to selected priority industries.

The Japan Development Bank makes most of the loans for high tech product development. It gets 70 percent of its funds from the government operated postal savings system which, while it pays interest at 6.5 percent to savers, does a lax job in enforcing the tax requirements of the tax code. The Ministry of Finance, which supervises the time deposits in commercial banks, enforces the tax code strictly. The result is that funds readily flow into the postal saving system and thence to the JDB. Generally, the JDB requires its borrowers to pay interest since it has to pay interest on the bonds it sells abroad to raise funds. However, loans made for technology projects by MITI bear no interest. In 1980, the JDB lent the computer industry $263 million. How is American industry to compete with Japanese R. & D. if MITI continues to finance corporate research projects designed for commercial, rather than governmental, purposes?

The Japanese are fierce competitors. They are respected for their talents in organizing their workforce, designing reliable products, and raising their economy from ruin in 1945, to boom conditions in the 1970's and 1980's.

What we cannot respect the Japanese for is the methodical, predatory fashion they have accomplished their national strategy. Time after time, they have protected their industries by tariffs or other means, only to destroy their competition while subsidized at home by governmental funds, or by defacto subsidization through artificially high consumer prices.

Time after time, when the tolerance of Japan's trading partners has worn thin, the Japanese have entered into negotiations, and backed off enough to allow the storm to pass. After calm is restored, the Japanese return to their traditional imperialism.

Make no mistake. We are confronted with an attack on our national well-being. We are being engaged by a powerful adversary. What is underway is economic warfare, designed to humble us as a productive nation. The Japanese want our markets, but they do not want our goods.

The Complementary Trade Preservation Act of 1982 will take strong action against Japan. It is time for the United States to take defensive action that is firm but fair. H.R. 5616 is intended to be just that: Firm, fair, and complementary.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y equals yes, N equals no, and NV equals not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

LIST

213. S. 304. National Tourism Policy. Motion to suspend the rules and adopt the conference report on the bill to establish the U.S. Travel and Tourism Administration within the Commerce Department and to authorize $8.6 million in fiscal 1982 to carry out national tourism policy. Oct. 1. Y (93-1-0). Motion agreed to (cleared measure for the President) 288-112.

214. H. Res. 208. District of Columbia Sexual Assault Law. Motion to table (kill) the vote on 215 motion below to discharge the House Committee on the District of Columbia from further consideration of the resolution disapproving the action of the District of Columbia Council. Oct. 1. Y (2-20-0). Motion rejected 117-292.

215. H. Res. 208. District of Columbia Sexual Assault Law. Motion to discharge the House Committee on the District of Columbia from further consideration of the resolution disapproving the action of the District of Columbia Council. Oct. 1. N (2-2-0). Motion agreed to 279-126.

216. H. Res. 208. District of Columbia Sexual Assault Law. Motion to proceed to the consideration of the resolution disapproving the action of the District of Columbia Council in revising criminal penalties in certain sex-related offenses. Oct. 1. N (2-2-0). Agreed to 287-110.

217. H. Res. 208. District of Columbia Sexual Assault Law. Motion to limit debate to two hours on the resolution disapproving the action of the District of Columbia Council in revising criminal penalties in certain sex-related offenses. Oct. 1. N (3-1-0). Motion agreed to 253-41.

218. H. Res. 208. District of Columbia Sexual Assault Law. Adoption of the resolution to disapprove the action of the District of Columbia Council in revising criminal penalties in certain sex-related offenses. Oct. 1. N (3-1-0). Adopted 281-119.

219. H.R. 4612. Dairy Price Supports. Passage of the bill to set dairy price supports at $13.10 per hundredweight until Nov. 15, 1981, and to delay until that date the wheat producer referendum. Oct. 1. Y (3-1-0). Passed 328-58.

221. H.R. 3603. Food and Agriculture Act of 1981. Adoption of the rule (H. Res. 235) providing for House floor consideration of the bill to authorize appropriations for fiscal years 1982-85 for agricultural price supports and other farm programs and for food stamps. Oct. 2. Y (3-0-1). Adopted 343-1.

222. H.R. 3112. Voting Rights Act Extension. Motion that the House resolve itself into the Committee of the Whole to consider the bill extending enforcement provisions of the 1965 Voting Rights Act. Oct. 5. NV (3-0-1). Motion agreed to 350-4.

223. H.R. 3112. Voting Rights Act Extension. Amendment to eliminate a provision that made the signing of a consent decree in a voting rights lawsuit a bar to bailing out from coverage of the act if the consent decree were signed within 10 years of a jurisdiction's petition to bail out. Oct. 5 NV (3-0-1). Rejected 92-285.

224. H.R. 3112. Voting Rights Act Extension. Amendment to allow three-judge federal district courts to hear petitions by jurisdictions seeking to bail out from coverage of the Voting Rights Act. Oct. 5. N (3-1-0). Rejected 132-277.

225. H.R. 3112. Voting Rights Act Extension. Amendment to allow a state covered by the Voting Rights Act to bail out from coverage if two-thirds of its counties are eligible to bail out. Oct. 5. N (3-1-0). Rejected 95-313.

226. H.R. 3112. Voting Rights Act Extension. Amendment to eliminate provisions in the 1965 act requiring certain areas of the country to provide bilingual election materials. Oct. 5. N (2-2-0). Rejected 128-284.

227. H.R. 3112. Voting Rights Act Extension. Amendment to require certain areas of the country to provide bilingual election materials but not bilingual ballots. Oct. 5. N (2-2-0). Rejected 124-285.

228. H.R. 3112. Voting Rights Act Extension. Passage of the bill to extend key enforcement provisions of the 1965 Voting Rights Act. Oct. 5. Y (2-2-0). Passed 389-24.

230. H.R. 4560. Labor-HHS-Education Appropriations, Fiscal 1982. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill making fiscal 1983 appropriations for the departments of Labor, Health and Human Services, and Education, and for related agencies. Oct. 6. Y (2-1-1). Motion agreed to 360-40.

231. H.R. 4560. Labor-HHS-Education Appropriations, Fiscal 1982. Amendment to reduce funding for the work incentive (WIN) program by $43.8 million and to require an across-the-board reduction of $30.2 million in appending for salaries and expenses by all the departments and agencies covered by the bill. Oct. 6. Y (4-0-0). Adopted 383-30.

232. H.R. 4560. Labor-HHS-Education Appropriations, Fiscal 1982. Amendment to bar enforcement of a provision in the budget reconciliation bill that prohibited Medicare and Medicaid reimbursement for drugs for which the Food and Drug Administration had not completed an evaluation of effectiveness. Oct. 6. Y (4-0-0). Adopted 271-148.

233. H.R. 4560. Labor-HHS-Education Appropriations, Fiscal 1982. Amendment to bar Mine Safety and Health Administration enforcement of regulations relating to the surface mining of stone, clay, colloidal phosphate, sand or gravel. Oct. 6. N (3-1-0). Adopted 254-165.

234. H.R. 4560. Labor-HHS-Education Appropriations, Fiscal 1982. Motion to recommit the bill to the Appropriations Committee. Oct. 6. N (3-1-0). Rejected 168-249.

235. H. Con. Res. 200. Anwar Sadat. Concurrent resolution expressing the deep regret of the U.S. Congress over the assassination of President Anwar el-Sadat of Egypt. Oct. 6. Y (3-0-1). Adopted 411-0.

237. S. 1181. Military Pay Raise. Motion to order the previous on the conference report on the bill authorizing $4.5 billion for pay raises for military personnel, effective Oct. 1, 1981. Oct. 7. Y (4-0-0). Motion agreed to 416-0.

238. S. 1181. Military Pay Raise. Adoption of the conference report on the bill authorizing $4.5 billion for pay raises for military personnel, effective Oct. 1, 1981. Oct. 7. Y (4-0-0). Adopted 417-1.

239. H.R. 3603. Food and Agriculture Act of 1981. Amendments en bloc to reduce by $1 billion the committee-approved fiscal 1982 outlays for farm programs, by lowering sugar and dairy price support levels and making certain farm programs discretionary instead of mandatory. Oct. 7. Y (4-0-0). Adopted 400-14.

240. H.R. 3603. Food and Agriculture Act of 1981. Amendment to the amendment in vote 241, to set the minimum dairy price support level at 70 percent of parity but no less than $13.10 per hundredweight in fiscal 1982. Oct. 7. N (0-4-0). Rejected 123-277.

241. H.R. 3603. Food and Agriculture Act of 1981. Amendment to set dairy price support levels at a minimum of 70 percent of parity for fiscal years 1982-85 with mandatory annual readjustments, except that the Secretary of Agriculture could forgo the annual adjustment in years when anticipated expenditures for surplus dairy purchases exceeded $750 million. In such years, actual payment rates could not go below the previous year's level of $13.10 per hundredweight, whichever was lower. Oct. 7. Y (3-1-0). Rejected 153-243.

242. H. Con. Res. 194. Disapproving AWACS Sale. Motion that the House resolve itself into the Committee of the Whole for consideration of the resolution disapproving the sale to Saudi Arabia Airborne Warning and Control System radar planes, conformal fuel tanks for F-15 aircraft, AIM-9L Sidewinder missiles and KC-707 aerial refueling aircraft. Oct. 14. Y (3-0-1). Motion agreed to 353-16.

243. H. Con. Res. 194. Disapproving AWACS Sale. Adoption of the resolution disapproving the sale to Saudi Arabia of Airborne Warning and Control System radar planes, conformal fuel tanks for F-15 aircraft, AIM-9L Sidewinder missiles and KC-707 aerial refueling aircraft. Oct. 14. Y (2-2-0). Motion agreed to 301-111.

244. H.R. 3603. Food and Agriculture Act of 1981. Amendment to provide that the dairy price support shall not exceed the support in effect for the previous year, unless the secretary estimates that net government purchases of dairy products in any fiscal year through 1985 will equal or exceed 4.5 billion pounds of milk equivalent. Y (3-1-0). Rejected 153-255.

245. H.R. 3603. Food and Agriculture Act of 1981. Motion that the House resolve itself into the Committee of the Whole for the consideration of the bill reauthorizing agricultural price supports and other farm programs and for food stamps for fiscal years 1982-1985. Oct. 15. Y (4-0-0). Motion agreed to 380-3.

246. H.R. 3603. Food and Agricultural Act of 1981. Amendment to repeal the poundage quota and acreage allotment system for peanuts and to eliminate a specified loan rate for peanuts, and instead to authorize the secretary to determine the loan rate. Oct. 15. Y (1-3-0). Adopted 250-159.

247. H.R. 3603. Food and Agriculture Act of 1981. Amendment to strike the price support program for sugar. Oct. 15. Y (1-3-0). Adopted 213-190.

249. H.J. Res. 331. National Mother-in-Law Day. Passage of the joint resolution to designate the fourth Sunday in October as National Mother-in-Law Day. Oct. 20. Y (2-1-0). Passed 305-66.

250. S.J. Res. 4. National Family Week. Passage of the joint resolution to authorize the president to issue a proclamation designating the week beginning Nov. 22, 1981, as National Family Week. Oct. 20. Y (3-0-1). Passed 405-1.

251. H.R. 3403. Hazardous Materials Transportation Act. Motion that the House resolve itself into the Committee of the Whole for the consideration of the bill. Oct. 20. Y (3-0-1). Motion agreed to 392-5.

252. H.R. 3403. Hazardous Materials Transportation Act. Passage of the bill to authorize $8,332,000 annually for fiscal 1982 and 1983 for federal hazardous materials transportation activities and the establish regional training centers for state, local and other personnel to improve enforcement of regulations governing the transportation of hazardous materials and emergency response capability. Oct. 20. Y (3-0-1). Passed 410-2.

253. H.R. 3377. Kennedy Center Authorization. Passage of the bill to authorize $4,544,000 for fiscal 1982 to the interior secretary for services necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts. Oct. 20. Y (2-1-1). Passed 288-123.

254. H.R. 3603. Food and Agriculture Act of 1981. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. Oct. 20. Y (2-0-1). Motion agreed to 384-3.

255. H.R. 3603. Food and Agriculture Act of 1981. Amendment to provide discretionary authority to establish a bank to finance US grain export and to permit the Secretary of Agriculture to set a minimum price for

U.S. grain sold abroad. Oct. 20. N (0-2-2). Rejected 138-270.

256. H.R. 3603. Food and Agriculture Act of 1981. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. Oct 21. Y (3-0-1). Motion agreed to 386-2.

257. H.R. 3603. Food and Agriculture Act of 1981. Amendment to repeal the tobacco allotment system and tobacco price support loans. Oct. 21. N (0-3-1). Rejected 184-231.

258. H.R. 3603. Food and Agriculture Act of 1981. Amendment to direct the Secretary of Agriculture, acting within existing legal authority, to make the tobacco price support and allotment program self-supporting, without cost to the Federal budget except for administrative expenses. Oct. 21. Y (3-0-1). Adopted 412-0.

259. H.R. 3603. Food and Agriculture Act of 1981. Motion that the House resolve itself into the Committee of the Whole for further consideration of the bill. Oct. 22. Y (4-0-0). Motion agreed to 378-1.

260. H.R. 3603. Food and Agriculture Act of 1981. Amendment to require most food stamp recipients to pay for a portion of their stamps. Oct. 22. N (2-1-1). Rejected 147-251.

261. H.R. 3603. Food and Agriculture Act of 1981. Amendment offered as a substitute to the amendment in vote 262 below to require that meat produced abroad and sold in the U.S. be produced without drugs or agricultural chemicals that are barred for health reasons in the U.S., unless the president determines that such action would harm U.S. farm exports. Oct. 22. NV (2-0-2). Adopted 223-162.

262. H.R. 3603. Food and Agricultural Act of 1981. Amendment to require that meat produced abroad and sold in the US be produced without drugs or agricultural chemicals that are barred for health reasons in the U.S., unless the president determines that such action would harm U.S. farm exports. Oct. 22. NV (2-0-2). Adopted 211-168.

263.H.R. 3603. Food and Agriculture Act of 1981. Amendment to extend farm and food program authorizations through fiscal 1982-83 only, thereby canceling program reauthorizations for 1984-85. Oct. 22. NV (2-0-2). Rejected 180-193

264. S. 884. Food and Agricultural Act of 1981. Passage of the Senate version of the bill, as amended by the provisions of the House-passed bill, reauthorizing for four years price support, and other farm programs and food stamps. Oct. 22. NV (0-2-2). Passed 192-160.

265. H.R. 4503. Federal Water Pollution Control Act. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill. Oct. 27. NV (2-0-2). Agreed to 382-4.

266. H.R. 4503. Federal Water Pollution Control Act. Passage of the bill to amend the Federal Water Pollution Control Act to authorize $2.4 billion for fiscal year 1982. Oct. 27. NV (3-0-1). Passed 382-18.

267. H. Res. 251. House Earned Income Limit. Adoption of the resolution to increase the limitation on House members' outside earned income from 15 to 40 percent of their official salary, and to increase the limit on each individual honorarium payment for a speech, article or personal appearance from $1,000 to $2,000, for calendar years 1981 through 1983. Oct. 28. Y (3-1-0). Rejected 147-271.

268. H.R. 4603. Depository Institutions Aid. Passage of the bill to authorize federal regulators to provide expanded financial aid to troubled savings institutions and to permit commercial banks or savings and loan associations to acquire failing savings and loans in other states. Oct. 28. Y (2-1-1). Passed 371-46.

269. H.R. 4437. Energy Conservation Daylight-Saving Act. Amendent to allow states to exempt themselves from the extra two months of daylight-saving time provided in the act. Oct. 28. Y (4-0-0). Rejected 170-242.

270. H.R. 4437. Energy Conservation Daylight-Saving Act. Passage of the bill to extend daylight-saving time by two months by starting it on the first Sunday of March. Oct. 28. Y (1-3-0). Passed 243-165.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 25, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Commerce, Science, and Transportation
To hold hearings on the nomination of J. J. Simmons III, of New Jersey, to be a member of the Interstate Commerce Commission.
235 Russell Building

Select on Indian Affairs
To hold hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on the Bureau of Indian Affairs and the Indian Health Service.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Assistant Secretary for Health, scientific activities overseas, and retirement pay for commissioned officers, Department of Health and Human Services.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982, for the U.S. Coast Guard, Department of Transportation.
1318 Dirksen Building

Armed Services
Manpower and Personnel Subcommittee
To hold hearings to review land, air, and naval force structure plans.
224 Russell Building

Armed Services
Preparedness Subcommittee
To hold hearing on Air Force operational readiness.
212 Russell Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officals of the Environmental Protection Agency.
4200 Dirksen Building

Foreign Relations
Western Hemisphere Affairs Subcommittee
To continue hearings on human rights matters in Nicaragua.
4221 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

11:00 a.m.
Judiciary
To hold hearings on pending nominations.
4232 Dirksen Building

Rules and Administration
Business meeting, to consider committee resolutions requesting funds for operating expenses for 1982, and to promulgate regulations to implement the postal patron provisions of Public Law 97-69, strengthening and clarifying the congressional franking law.
301 Russell Building

2:00 p.m.
Select on Indian Affairs
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
6226 Dirksen Building

MARCH 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Finance
International Trade Subcommittee
To hold hearings to review administration plans and the approach of the

United States to the meeting in November 1982 of trade ministers of countries that adhere to the General Agreement on Tariffs and Trade.
2221 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Howard E. Douglas, of Virginia, to be U.S. Coordinator for Refugee Affairs and Ambassador at Large, Department of State.
4221 Dirksen Building

Judiciary
Constitution Subcommittee
To resume hearings on S. 53, S. 1761, S. 1975, and S. 1992, bills extending the effects of certain provisions of the Voting Rights Act of 1965.
2228 Dirksen Building

*Select on Indian Affairs
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, focusing on Indian programs of the Departments of Education, Labor, Health and Human Services, and Housing and Urban Development.
4232 Dirksen Building

10:00 a.m.
Budget
To hold hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the U.S. Fish and Wildlife Service, Department of the Interior.
4200 Dirksen Building

2:00 p.m.
Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation modifying the method of awarding attorney's fees in civil rights cases.
2228 Dirksen Building

MARCH 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Secretary of Energy, Office of the Secretary of the Interior, and Office of the Solicitor.
1224 Dirksen Building

Small Business
To hold hearings to review small businesses' application of safe harbor leasing provisions of the Economic Recovery Act (Public Law 97-34)
424 Russell Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Centers for Disease Control, Department of Health and Human Services.
1114 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Howard K. Walker, of New Jersey, to be Ambassador to the Republic of Togo.
4221 Dirksen Building

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony from officials of the Economic Development Administration of the Department of Commerce, Appalachian Regional Commission, Federal Emergency Management Agency, and the Tennessee Valley Authority.
4200 Dirksen Building

Finance
To hear and consider the nomination of Veronica A. Haggart, of Virginia, to be a Member of the U.S. International Trade Commission; and to consider those matters and programs which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
2221 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Hugh W. Foster, of California, to be Alternate Executive Director of the Inter-American Development Bank.
4221 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings to examine the impact of stress on the family caused by the workplace.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive the Blinded Veterans Association, Paralyzed Veterans of America, and World War I veterans' legislation recommendations for fiscal year 1983.
318 Russell Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending nominations, and other committee business.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Services Administration, Department of Health and Human Services.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee, receiving testimony on water resources programs.
4200 Dirksen Building

Finance
Taxation and Debt Management Subcommittee
To resume hearings on S.1887, imposing a tax on the sale of certain automobiles sold without automatic safety airbags, and allowing a tax credit to manufacturers of automobiles equipped with such airbags.
2221 Dirksen Building

MARCH 3

9:00 a.m.
Appropriations
Interior Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for non-Indian programs.
1318 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 671, providing for comprehensive alcohol-traffic safety programs, and other related proposals.
235 Russell Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15, and the nomination of Cathie A. Shattuck, of Colorado, to be a member of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

89-059 O-85-33 (Pt. 2)

Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
2221 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on a U.S. assertion of extraterritoriality with respect to the Soviet-European gas pipline.
4221 Dirksen Building

11:00 a.m.
Veterans' Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1114 Dirksen Building

MARCH 4

9:30 a.m.
Appropriations
To resume hearings to review current economic conditions.
1202 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army cemeterial expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Small Business
To hold hearings on S. 1947, improving small businesses access to Federal procurement information.
424 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1114 Dirksen Building

MARCH 5

9:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

9:30 a.m.
Appropriations
To continue hearings to review current economic conditions.
1202 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution, and status of the strategic petroleum reserve.
3110 Dirksen Building

Select on Intelligence
To hold closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 9

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on product liability.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to consider S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time of disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Secretary of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawning funds represented by checks deposited to their accounts.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

10:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

10:30 a.m.
Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Public Law 95-124).
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Panama Canal Commission, Research and Special Programs Administration of the Department of Transportation, and the Washington Metropolitan Area Transit Authority.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within 1 year after appropriation; to be followed by a business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
424 Russell Building

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

MARCH 12

9:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, proposed Radiation Exposure Compensation Act of 1981.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearings with the Subcommittee on Agency Administration of the Committee on the Judiciary on S. 1483, proposed Radition Exposure Compensation Act of 1981.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on product liability.
235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Office of Inspector General and the St. Lawrence Seaway Development Corporation of the Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Financial Assistance Program, Department of Transportation.
235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the National Transportation Safety Board.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.
1114 Dirksen Building

Select on Intelligence
To resume closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

MARCH 16

9:00 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

Labor and Human Resources
To hold hearings on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.
4232 Dirksen Building

*Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.
3110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).
1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.
1114 Dirksen Building

Finance
To hold hearings to review the administration's tax proposal for fiscal year 1983.
2221 Dirksen Building

10:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.
357 Russell Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.
1114 Dirksen Building

MARCH 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed authorizations for fiscal years 1983-84 for the National Bureau of Standards, Department of Commerce.
357 Russell Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4332 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building

Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1858, declaring that the United States holds in trust certain lands in Nevada for the Washoe Tribe of Nevada and California, and providing for the transfer of certain other lands in Nevada to the U.S. Forest Service, H.R. 4364, declaring that the United States holds in trust certain land in Pima County, Ariz. for the Pascua Yaqui Tribe of Arizona, and the Department of the Interior's proposed plan for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.
6226 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Postsecondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade commission.
235 Russell Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
The resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

MARCH 19

9:30
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Finance
To continue hearings to review the administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

MARCH 23

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian affairs.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the implementation of the Internal Revenue Service's taxpayer assistance programs.
3302 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.
1318 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Safety program, Department of Transportation.
235 Russell Building

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 29

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Civil Aeronautics Board.
1318 Dirksen Building
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the Safe Drinking Water program.
4200 Dirksen Building

MARCH 30

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and Naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building
Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the Safe Drinking Water program.
4200 Dirksen Building

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the United States Railway Association, and Conrail.
S-128, Capitol
Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-Determination and Education Assistance Act (P.L. 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 14

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building
Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building
Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of Title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration of the Department of Transportation.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Aviation Administration of the Department of Transportation.
1318 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 on certain transportation programs.
1224 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1983.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue, oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public on proposed budget estimates for fiscal year 1983 for certain program under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Dirksen Building

CANCELLATIONS

FEBRUARY 25

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on legal matters involving abused children.
5110 Dirksen Building

MARCH 5

9:30 a.m.
Select on Indian Affairs
To hold hearings to review the report of the Commission on Fiscal Accountability of the Department of the Interior on national energy resources.
6226 Dirksen Building

MARCH 12

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
6226 Dirksen Building

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 24, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on Thursday, February 25, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O Lord, that Your blessings will flow down upon all people, that Your grace will meet every need, and Your providence will lead the way. May Your bountiful word strengthen the weak and give courage to those who speak Your truth. Protect, O Lord, the defenseless and lonely, that Your presence will encourage the faith and hope and love of those who turn to You for help. May Your peace that passes all understanding be with us this day and every day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

UNEMPLOYMENT: IT'S EVEN HITTING HEALTHY AREAS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I come to the floor today to alert my colleagues that the problem of unemployment is not confined to the Detroits and the Youngstowns of America. It is even affecting Kansas.

According to our job service centers, recently there has been a doubling of job applicants and a dramatic increase in unemployment benefit applications. It is no wonder when you look at what is happening.

The Cessna Fluid Power Divison in Hutchinson, Kans., employed about 2,700 in January 1980. That was down to 1,500 by last November, and further layoffs this week and next have just been announced. Also in Hutchinson, the lagging farm economy has forced cutbacks of over 40 percent at Krause Plow Co. since January 1980.

In Wichita, the "air capital of the world," the news is also bleak. By next week, Beech Aircraft will have laid off more than 1 out of every 10 of its workers. Cessna has laid off 2,200 workers since the middle of last year. The third major general aviation firm, Gates Learjet, has avoided layoffs thus far; I hope their good situation continues. I am afraid it will be a challenge.

Other transportation jobs are also in jeopardy. The Santa Fe Railroad is laying off over 100 workers this week in Kansas and Oklahoma. Collins Industries which produces buses, ambulances, and other vehicles typically used by local governments has been forced to make cuts of nearly 25 percent since last summer. They are hoping for export markets.

Unemployment has become a national problem. No region of America is immune from its cancerous impact.

THE COMMERCE DEPARTMENT'S NEW ANTIBOYCOTT PROPOSALS

(Mr. SOLARZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SOLARZ. Mr. Speaker, I was a strong proponent of the antiboycott legislation that was enacted as part of the Export Administration Amendments of 1977. This law, together with the Ribicoff amendment to the Internal Revenue Code and the Sherman Antitrust Act, prohibits Americans from cooperating with the Arab boycott of Israel.

The Department of Commerce, which administers the Export Administration Act, recently proposed a number of new interpretations of the act's antiboycott provisions. I am studying the proposals and may offer my comments on them to the Commerce Department in the near future.

Eric Hirschhorn served until last June as Deputy Assistant Secretary for Export Administration at the Commerce Department. In that capacity, his responsibilities included the Office of Antiboycott Compliance. Mr. Hirschhorn, who is now in private law practice here in Washington, has written an article for the Boycott Law Bulletin discussing the Commerce proposals. The analysis profits considerably from his knowledge of, and hands-on experience with the boycott field. I think that it is well worth reading, and I include its text at the conclusion of my remarks, as follows:

SOMETHING FOR (AND AGAINST) EVERYONE IN PROPOSED RULES

(By Eric L. Hirschhorn)

The Commerce Department has asked for public comments on a package of changes in the antiboycott regulations (15 C.F.R. part 369) that offers something for—and against—the perceived interests of each of the opposing camps in the area of antiboycott compliance. The proposals were published in the Federal Register on January 15, 1982. 47 Fed. Reg. 2320.

The package, which was drafted primarily by Howard Fenton of the Office of Antiboycott Compliance and Pam Breed of the Commerce General Counsel's office, was signed by Deputy Assistant Secretary for Export Administration Bo Denysyk on January 11. Comments on the proposals are due by March 16.

Three of the changes would exempt from the reporting requirements of the antiboycott regulations certain types of requests that often are made in the context of commercial transactions between United States persons and customers in Arab countries participating in the boycott of Israel:

Requests that a vessel or aircraft owner, master or charterer certify that it is eligible to enter the boycotting-country port in question;

Requests that an insurance company covering a transaction certify that it has an authorized agent in the boycotting country; and

Requests for acceptance of risk of loss clauses, in cases where the company making the request was using such a clause before January 18, 1978 (the date the original antiboycott regulations under the Export Administration Act Amendments of 1977 took effect).

The other two changes that have been proposed by Commerce would expressly bar American banks from engaging in certain practices regarding letters of credit containing boycott-related terms or conditions:

Where a letter of credit requires that the beneficiary (or another party) certify that it is not blacklisted, the bank may not refuse to pay on the letter if the party refuses to furnish the self-certification; and

A bank may not confirm or otherwise implement a letter of credit containing a term like "Do not negotiate through any blacklisted bank."

The proposals have been under consideration within the Commerce Department for about a year and reportedly were the subject last summer of separate meetings of Commerce officials with representatives of Jewish groups and the business community. At least one change in the package appar-

ently was made as the result of these meetings.

REPORTING CHANGES

In all likelihood, the reporting changes will please the business community and meet with disfavor among the Jewish groups. Commerce's Notice of Proposed Rulemaking estimates that they could reduce the overall antiboycott reporting burden by up to 50 percent and would relieve the paperwork burden imposed upon smaller exporters and freight forwarders in particular. These three types of requests accounted for approximately half of the 38,000 boycott reports filed in fiscal year 1980. Export Admin. Annual Rep., Fiscal Year 1980, at 82.

NONREPORTABILITY UNDER THE 1978 REGULATIONS

The Congress that enacted the 1977 Amendments envisaged the reporting requirements as a central aspect of the antiboycott compliance effort. See, e.g., S. Rep. No. 95-104, 95th Cong., 1st Sess. 25-26 (1977). It also realized, however, that there were some kinds of requests that, although they could be used in a normal commercial context for non-boycott purposes and therefore probably should be not reportable.[1] See, e.g., H.R. Rep. No. 95-190, 95th Cong., 1st Sess. 25 (1977). The Congress also expressed concern about keeping to a minimum the paperwork burdens imposed by the law. H.R. Rep. No. 95-354, 95th Cong., 1st Sess. 29 (1977).

The examples cited in the House report on the 1977 Amendments were "positive certification of country of origin, the name and nationality of the carrier and route of shipment of a cargo, and the furnishing of immigration and passport information." Id. Three of these four examples were made non-reportable by the regulations implementing the 1977 law. 15 C.F.R. Sec. 369.6(a)(5)(ii), (iii), (vi), (vii) (1981). In the case of identification of the carrier, even requests to refrain from shipment on carriers of a given nationality were exempted from the reporting requirements. 15 C.F.R. Sec. 369.6(a)(5)(i) (1981); see, 43 Fed. Reg. 16969 (1978) (codified at 15 C.F.R. part 369, Supp. 1 (1981)). Reporting exemptions were also afforded to requests for identification of the name of the supplier, 15 C.F.R. Sec. 369.6(a)(5)(iv) (1981), and for compliance with the laws of another country (so long as there was no express mention of the boycott laws). 15 C.F.R. Sec. 369.6(a)(5)(v) (1981).

The 1978 regulations left up in the air the reportability of requests for assumption by a U.S. person of the risk of loss with regard to goods destined for a boycotting country. Use of such a clause was presumed to constitute evasion, unless the requesting company had been using it prior to the effective date of the regulations (January 18, 1978). 15 C.F.R. Sec. 369.4(d) (1981). Reporting of the receipt of a risk-of-loss request was required without regard to when the requester had begun to use such a provision, but only where the recipient knew or had reason to know that the request was boycott-related. 15 C.F.R. Sec. 369.6, example xxix (1981).[2]

DEVELOPMENTS SINCE 1978

Vessel eligibility

The issue of whether the making of a positive statement that a ship or aircraft is eligible to enter the ports of a boycotting country is a prohibited action was addressed by the Commerce Department in April 1978. 43 Fed. Reg. 16969 (1978) (codified at 15 C.F.R. part 369, Supp. 1 (1981)). Noting that the certification that one is not oneself on the blacklist "offends no prohibition under Part 369," the Department determined that a vessel eligibility statement is nothing more than a type of self-certification. Id. Therefore, the making of such a statement would not be prohibited, so long as done by the owner, charterer or master of the vessel. Id. Since such statements were not customary international practice, however, they were presumed to be boycott-related. If made by a third party (e.g., the U.S. manufacturer or seller of the goods), they accordingly would constitute, as a general rule, the furnishing of information about the business relationships of another and a violation of section 369.2(d). Id.

Given the Department's conclusion about the boycott-related character of vessel eligibility provisions, they clearly were reportable even though compliance might be permitted. See, 15 C.F.R. Sec. 369.6(a)(1) (1981). Subsequently, Saudi Arabia informed the Commerce Department that Saudi requests for certificates of vessel eligibility were made not for boycott reasons, but for such maritime matters as the condition of the ship. 44 Fed. Reg. 67374 (1979) (codified at 15 C.F.R. part 369, Supp. 2 (1981)). Accordingly, the Department ruled that such Saudi requests, since not boycott-related, could be complied with by any U.S. person and were not reportable. Id.

Insurance certification

The history of the insurance certification aspects of the antiboycott compliance program is similar to that of the vessel eligibility aspects. Commerce declared in April 1978 that such certification was a form of self-certification and therefore could properly be made by the insurance company itself, so long as the company neither knew nor had reason to know that the information was sought in order to ascertain whether the company is incorporated or headquartered in a boycotted country. 43 Fed. Reg. 16969 (1978) (codified at 15 C.F.R. part 369, Supp. 1 (1981)). Here, too, third-party certification was barred under the furnishing of information prohibitions, id., and any request for such certification had to be reported to the Department. 15 C.F.R. Sec. 369.6, example xxviii (1981).

The Saudi government subsequently informed the United States government that Saudi requests for insurance certifications were not for boycott purposes, but merely to assure that Saudi importers could receive payment of their claims for damaged goods. 44 Fed. Reg. 67374 (1979) (codified at 15 C.F.R. part 369, Supp. 2 (1981)). The Commerce Department thereupon ruled that any U.S. person could lawfully comply with such a request and that, inasmuch as it was not boycott-related, the receipt of such a request was not reportable. Id.

Risk of loss

As noted above, the original regulations under the 1977 Amendments presumed that the use of a risk of loss provision constituted evasion unless such a clause had been in use by the requesting entity prior to January 18, 1978. 15 C.F.R. Sec. 369.4(d) (1981). Risk-of-loss requests were reportable if the recipient knew or had reason to know that they were boycott-related. 15 C.F.R. Sec. 369.6, example xxix (1981). What was, in practice, a reporting exemption for pre-1978 risk of loss clauses was created as the result of Aramco's claim that it employed the provision for financial rather than boycott-related reasons. Marcuss, "Marcuss on reportability of ARAMCO 'risk of loss' clause," Boycott L. Bull., June 1981, at 4.

In January 1981, ITT Grinnell entered into a consent agreement with the Commerce Department in which ITT Grinnell agreed to pay a fine of $50,500 for failure to report the receipt of 101 requests from Aramco to assume the risk of loss for goods destined for Saudi Arabia. Boycott L. Bull. Jan. 1981, at 28. Given the history of the Aramco risk of loss provision, the ITT Grinnell settlement caused something of a tizzy in U.S. boycott circles. At first blush, the settlement was seen by some as indicating a radical change in Commerce's view of the clause. Commerce's regulation required reporting only if the recipient knew or had reason to know that the request was boycott-related, 15 C.F.R. Sec. 369.6, example xxix (1981), but the Aramco clause was presumed not to constitute evasion.[3] 15 C.F.R. Sec. 369.4(d) (1981).

The answer was that the issue of what ITT Grinnell knew or had reason to know was not an issue in the Commerce-ITT Grinnell settlement negotiations. I was Deputy Assistant Secretary for Export Administration when ITT Grinnell informed the Commerce Department that they had failed to report the receipt of a number of Aramco risk of loss requests. The staff of the Office of Antiboycott Compliance and I assumed that the company and its house counsel had brought the information to us because they knew (or believed that they had reason to know) that the requests had been boycott-related. For its part, ITT Grinnell never made any suggestion to the contrary. In any event, neither the OAC staff nor I saw the ITT Grinnell settlement as representing any change in the Department's views on the Aramco risk of loss provision or, for that matter, on risk of loss provisions generally.

PROPOSED CHANGES IN REPORTABILITY

When the regulations under the 1977 Amendments were issued in January 1978,

[1] The reporting requirements in effect prior to the enactment of the 1977 Amendments applied to any request for an action that "*could* have the effect" of furthering the boycott (emphasis supplied). 41 Fed. Reg. 46444 (1976). For an excellent discussion of reporting requirements, see, Marcuss, "Marcuss on reportability of ARAMCO 'risk of loss' clause," Boycott L. Bull., June 1981, at 1.

[2] The original proposed regulations implementing the 1977 Amendments classified risk of loss provisions as not boycott-related. Proposed 15 C.F.R. Sec. 369.2(A), 42 Fed. Reg. 48558 (1977). Such a classification presumably would have rendered such provisions non-reportable as well. Fenton, "Proposed reporting requirements; a look at who, what & how to report," Anti-Boycott Bull., Feb. 1978, at 42.

[3] The Commerce regulations are silent on whether the Aramco risk of loss provision is considered to be boycott-related. See 47 Fed. Reg. at 2322 (1982), and note 2, supra.

requests such as those for positive certification of origin, route of shipment of cargo, and immigration information were expressly made non-reportable "because of their common use for non-boycott purposes and because of the mandate from Congress to provide clear and precise guidelines in an area of inherent uncertainty and to reduce paperwork. (15 C.F.R. Part 369.6(a)(5) (1981))." 47 Fed. Reg. at 2320 (1982).

Commerce tentatively has decided that requests for vessel eligibility certifications, insurance certifications and risk of loss provisions (where in use before 1978) fall into the same category and therefore also should be non-reportable. The principal criteria applied were whether the request was boycott-related on its face and whether it is commonly used for legitimate commercial purposes. Id. at 2321. In essence, the Department has concluded with regard to these three items that whatever positive results may flow from having their receipt reported are substantially outweighed by the negatives. Each item, runs the Commerce argument, is facially unexceptionable and is sometimes used in a normal commercial context. Proof of a violation, therefore, could not rely upon presumptions and would have to include proof of intent, not an easy task. On the negative side, these three items represent a substantial administrative burden not only to U.S. exporters, but also to Office of Antiboycott Compliance staff who more profitably could be spending their time on areas where the probability of uncovering and proving violations is far higher.

Regardless of whether the proposed reporting changes are reasonable as a matter of substance, they do reduce the amount of information available to Jewish groups interested in enforcement of the antiboycott laws and also could be seen, if considered alone, as a slap at both those groups and the antiboycott program.[4] The proposed changes regarding letters of credit, however, give the Commerce package a considerably different complexion.

LETTER OF CREDIT CHANGES

The proposals with regard to letters of credit may cause some consternation among United States banks. At least one knowledgeable observer, terming the sets of reporting and letter of credit changes "apples and oranges", predicts that the banking community will not accept the idea of a trade-off between the two sets of proposals.

Commerce's view is that the proposed interpretations regarding letters of credit represent not a change in policy, but a "clarification" of issues not previously addressed. 47 Fed. Reg. at 2320 (1982). "Certain practices have arisen that the Department believes do not meet the requirements for compliance with the law and regulations." Id. at 2320-21. These practices are the implementation of letters of credit that contain conditions restricting their negotiation or implementation by blacklisted banks, and banks' refusals to pay letters of credit when the beneficiary refuses to make a self-certification of its absence from the blacklist. Id. at 2321. Commerce proposes to make clear that the former action is prohibited as an agreement to refuse to do business and that the second "constitutes 'insisting' that such certification be furnished in violation of Sec. 369.2(a) of the regulations." Id.

REQUIREMENT THAT LETTER OF CREDIT NOT BE NEGOTIATED BY OR THROUGH A BLACKLISTED BANK

Letters of credit issued to pay for goods and services supplied to boycotting countries often contain a statement that the instrument should not be negotiated with or through a bank appearing on the Arab League blacklist. This statement imposes no condition directly upon the U.S. bank receiving the letter of credit from abroad, though it arguably constitutes a reportable request that the bank comply with the boycott by not paying the letter of credit if the beneficiary's draft comes to it through a blacklisted bank. See, 15 C.F.R. Sec. 369.6, examples xx, xxii (1981). The statement does, however, ask the U.S. beneficiary not to do business with certain banks for boycott reasons. The U.S. beneficiary may not "comply" with a request if to do so would constitute an agreement to refuse to do business. 15 C.F.R. Sec. 369.2(a) & Agreements to Refuse to do Business, example i (1981). In addition, the receipt of the request is reportable by the U.S. beneficiary. 15 C.F.R. Sec. 369.6 example xx (1981).

The question that until now has not been formally and precisely addressed by the Commerce Department is whether a bank is prohibited from implementing a letter of credit if it contains a statement ordering that it not be negotiated through a blacklisted bank. Section 369.2(f) of the regulations bars a bank from implementing a letter of credit if it "contains a condition or requirement compliance which is prohibited by this Part," so that the bank would be barred from implementation only if the U.S. beneficiary of the letter of credit is complying with a prohibited boycott request. See, e.g., 15 C.F.R. Sec. 369.2(f), Prohibition Against Implementing Letters of Credit, example i (1981).

Although there is no specific regulatory provision, example or interpretation that directly covers this point, several examples currently appearing in part 369 offer hints on how Commerce could have been expected to deal with the issue. Example i under section 369.2(a), Agreements to Refuse to do Business, addresses a contract clause stating that the U.S. person " 'may not use goods or services . . . that are produced or provided by any person restricted from having a business relationship' " with the boycotting country by reason of the boycott. Signing a contract containing such a provision, says the Department, constitutes a refusal to do business. 15 C.F.R. Sec. 369.2(a), Agreements to Refuse to do Business, example i (1981). The next example is even closer to the fact situation at hand:

(ii) A, a U.S. manufacturer of commercial refrigerators and freezers, receives an invitation to bid from boycotting country Y. The tender states that the bidder must agree not to deal with companies on Y's blacklist. A does not know which companies are on the blacklist, and A's bid makes no commitment regarding not dealing with certain companies. A's bid in response to the tender is accepted.

When A's bid is accepted, A has agreed to refuse to do business with persons on Y's blacklist, even though A has made no affirmative commitment to avoid such firms and may not even know who they are. 15 C.F.R. Sec. 369.2(a), Agreements to Refuse to do Business, example ii (1981).[5]

According to the Commerce Department, many banks have been reporting the receipt of letters of credit containing terms like "Do not negotiate through any blacklisted bank" and also have been having considerable success in negotiating the term out of the document. 47 Fed. Reg. at 2322-23 (1982). Some banks, however, have taken the position that since the beneficiary is not required to agree affirmatively to abide by the term, they accurately may report that they did not comply with the request and may pay on the letter of credit under section 369.2(f). Id. at 2323. The position proposed to be adopted by Commerce, however, is that even though there is no express, affirmative acceptance of such a term, "the term serves to limit or control the transaction for boycott-related purposes and a party *is agreeing to it* if that party pursues the transaction *without taking exception* to the term." *Id.* (emphasis in original).

Since the beneficiary is prohibited from seeking payment of such a letter of credit under section 369.2(a), the bank also is barred from implementing the letter of credit under section 369.2(f). The Commerce statement adds that, given the explicit boycott-related nature of such terms, anyone complying with them will be presumed to have the intent required to violate the Export Administration Act. *Id.*

REQUIREMENT THAT BANK PAY LETTER OF CREDIT DESPITE REFUSAL OF BENEFICIARY TO SELF-CERTIFY

The second Commerce proposal relating to letters of credit probably will be more controversial among the banking fraternity than the first. Commerce always has taken the position (albeit rather quietly) that no violation of the Export Administration Act or part 369 of the regulations occurs when a U.S. person certifies that he is not on the blacklist (as opposed to certifying to the blacklist status of another party, which constitutes a prohibited furnishing of information under section 369.2(d)). See, e.g., 15 C.F.R. part 369, Supps. 1, 2 (1981); 47 Fed. Reg. at 2323 (1982).

An unanswered question in the letter of credit area is whether, if a beneficiary refuses to make such permissible self-certification, a bank may refuse to pay on the letter of credit. Example xiv under section 369.2(f), Prohibition Against Implementing Letters of Credit, says that a bank receiving such a letter of credit may implement it, but "may not insist that the certification be fur-

[4] The proposal presented to representatives of Jewish groups last summer by Commerce officials would have made all risk of loss requests non-reportable, even if emanating from purchasers that had not used the provision prior to January 18, 1978.

[5] In several recent instances, Commerce has entered into settlements with companies charged with agreeing to refuse to do business because they responded, without taking exception, to requests for bids that prohibited bidders from quoting on goods produced by firms on the blacklist. Commerce's theory apparently was that when a bidder agrees not to deal with blacklisted companies in carrying out the contract, the agreement does not exist until the bid is accepted and a contract has come into being, but that when a prospective bidder is told not to include quotes on the products of blacklisted companies in compiling his bid, the agreement to refuse to do business is complete when the bid is submitted. There is a distinction here, albeit an extremely fine one. See, Marcuss & Tykocinski, "The CSC Scientific settlement: when is an example a rule?", Boycott L. Bull., Oct. 1981, at 1 (criticizing the theory of the settlements in question).

nished, because by so insisting it would be refusing to do business with a blacklisted person in compliance with a boycott."

According to Commerce, however, some banks have argued that their refusal to pay in such circumstances does not consititute an insistence, and that example xiv only forbids them from threatening to withhold services unrelated to the letter of credit in question. 47 Fed. Reg. at 2323 (1982). The banks seek support for this position in the fact that vessel eligibility certification requirements attached to letters of credit constitute a form of self-certification, and payment need not be made if a required vessel eligibility certificate is not produced. Id.

The proposed Commerce view is that the bank may not refuse to pay such a letter of credit because of a refusal by a beneficiary (or some other party) to self-certify as to its blacklist status. Id. "There is no firmer method of 'insisting' that such a certificate be furnished," says the proposal, "than refusing to pay the beneficiary." Id. Such a refusal constitutes a refusal to do business and is therefore prohibited. Id. Vessel eligibility certification is distinguished because a request therefore is not boycott-related on its face, and the proposed interpretation would apply only to explicitly boycott-related requests. Id.

The banks can be expected to challenge this interpretation on both legal and policy grounds. The policy argument is that once the Government has determined that self-certification as to blacklist status is permissible, preventing a bank from requiring the beneficiary to take that lawful action is taking back with one hand (and through the back door) what is given with the other.

One possible legal argument is that in enacting section 8(a)(1)(F) of the Export Administration Act,[6] Congress explicitly forbade payment only of letters of credit containing prohibited conditions or requirements (i.e., not all boycott-related terms, but only those with which U.S. persons may not lawfully comply). Had Congress wished to bar payment of letters of credit containing any boycott-related terms, it could have done so.[7] Since it did not, the clear import of subparagraph (F) is that a bank may not be prevented from requiring beneficiaries to comply with lawful conditions of a letter of credit as a precondition for making payment thereon.

A second, related, argument on the law is that because of its specificity with regard to letter of credit transactions, subparagraph (F) of section 8(a)(1) (50 U.S.C. app. Sec. 2407(a)(1)) is exclusive with regard to such transactions (i.e., a bank cannot, in implementing a letter of credit, violate subparagraphs (A) through (E). Nothing of which I am aware in the statute, legislative history, or the administrative practice of the Department of Commerce supports this view. Further, example xiv under section 369.2(f), Prohibition Against Implementing Letters of Credit, which has been in the boycott regulations since they became final in January 1978, clearly contemplates the possibility of violation of subparagraph (A) by a bank in the course of a letter of credit transaction.

PUBLIC COMMENTS ON COMMERCE PROPOSALS

The text of the Commerce proposals follows this article. Comments, which will be accepted until March 16, 1982, should be addressed to: William V. Skidmore, Director, Office of Antiboycott Compliance, Room 3886, U.S. Department of Commerce, Washington, D.C. 20230.

CONCLUSION

In presenting these two sets of proposals together, the Commerce Department has made a valiant effort to convince both the business community and Jewish groups that they are gaining more than they are losing. The balance that Commerce seeks is delicate and difficult to strike. Whether the Department has succeeded will not be known until the interested groups and individuals in the private sector are heard from.

If Commerce is able to keep the package substantially intact, I see a better than even chance of its becoming a final rule with little political damage to the antiboycott program or the Department. If only one of the two sets of proposed changes survives, though, the situation could be quite different. The "losing" group is likely to feel not only that it has been unfairly treated, but that its portion of the package was destined to be dropped all along and was included in the public proposal only to temper its comments on the overall proposal.

[6] Section 8(a)(1) requires the President to promulgate regulations barring any U.S. person from * * *

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit. 50 U.S.C. app. Sec. 2407(a)(1)(F) (Supp. IV 1980).

[7] For the benefit of readers who are lawyers and/or Latinists, the relevant maxim is expressio unius est exclusio alterius.

HIGH INTEREST RATES

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, everyone decries the high interest rates that have stiffled the economy. Many are perplexed that although prices are rising less rapidly than a year ago, interest rates have not had a corresponding drop. For decades now interest rates have generally followed the rate of price inflation. As prices rose during boom periods, interest rates also rose. As the recession set in, as a reaction to monetary policy, interest rates dropped. Many economic projections were in error because it was assumed that this relationship would persist.

However, the economists who understand the nature of money anticipated the dilemma we now face. Interest, the cost of using another's capital for a period of time, is not set by computers, or measurements of some mysterious M. It is determined by the subjective interpretations of all borrowers and lenders.

When money has no precise definition, as is the case with the dollar today, anticipated future value is predictably going to be less. Without convertibility to something of real value like gold, the inflation premium will dominate in setting interest rates. Increasing the supply of money and credit may lower the rates temporarily, but will only serve to fuel the fires of inflation and raise interest rates even further. Lowering interest rates by credit allocation will only lead to a controlled and a further collapse of the economy.

Only with money of real value, where there is no inflation premium, will we solve this problem. Until we have a gold standard, we can expect interest rates to go even higher.

LAKOTA HIGH SCHOOL

(Mr. WEBER of Ohio asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and to include extraneous matter.)

Mr. WEBER of Ohio. Mr. Speaker, the senior class of Lakota High School back home in Ohio agrees with me that Congress ought to require reports of congressional foreign travel to be published in the CONGRESSIONAL RECORD before the trip goes out.

They are not accusing anyone in particular of taking an unnecessary junket and they are not saying that all travel should be abolished.

The 42 members of the Lakota High School senior class are simply asking, "How can we, as young adults with little experience in the Government process, be expected to believe in our Government when we see unnecessary money being wasted on unnecessary junkets?"

I invite my colleagues to heed the advice of these students by cosponsoring H.R. 264. As the students say on their badge which I am wearing, "Let's turn the sunshine on our foreign travel." It is a first step toward restoring public confidence in Congress.

Mr. Speaker, I include with my remarks herewith the signed communication from the senior class of Lakota High School, as follows:

To the U.S. House of Representatives:

We the Senior class of Lakota High School urge you to support the passage of Congressman Weber's House Resolution 264.

As Junior members of our Democratic system we feel this is an important piece of legislation. How can we as young adults with little experience in the Government process, be expected to believe in our government when we see unnecessary money being wasted on unnecessary Junkets?

Chairman Hawkins tells us that present legislation is enough. The present legislation has not stopped unnecessary Junket spending. New legislation is needed and House Resolution 264 is a step in the right direction.

Again we urge your support, as we feel

this legislation would show the American people that government cut backs are not just for a few but are shared equally be all.

Tammy Pettit, Jim Bickel, Jackie Nieset, Diane Foster, Kent Long, Steve Holman, Chris McGowan, Dwayne Hoschar, Kevin Tiell, Ryan Jones, Lester Sterling, Bruce Omlor, Nadine Phillips, Beth Myers, Guy McClure, Donald Ritter, Ken Foos, Toby Hille, John C. Langlois II, Bob Ezzone, Dennis Hawk, Jodi McMinn, Dave Wilson, Victor C. Goduto, Terri Ninke, Lori Perkey, Donald A. Hammer, Paul Boice, Don Gump, Tee Jay Payne, Tina Busack, Mike Fairbanks, Larry Ray, Pat Ramirez, Matt Keller, Kristi Welty, Jodi Bateson, Joni Bateson, Beth Bowe, Mike Ickes, Norb Hoffman, and Jim Short.

INITIATIVE ON CENTRAL AMERICA SEEN AS STEP TOWARD BETTER LIFE FOR THE "COMMON MAN"

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, I think our President's speech yesterday went a long way to reassure reasonable people that the United States wants to help resolve in a peaceful manner the differences that exist in Central America.

Once again America has taken the lead in an attempt to help people throw off the shackles of hunger and aggression. If the Central American governments and the people of those countries are receptive to the President's hand of help then I am confident, and I think a majority of those of us in Congress are confident that peace can be reached and secured for the people of that area.

This will be a blessing for all freedom-loving people. For only when governments free their people from the tragedies of hunger, ignorance and aggression can we say that those governments are acting in the best interests of their people.

Countries who attempt to subvert and to export revolution have never brought anything but misery and tragedy. May it be to the everlasting credit of the American people that no matter what party was in power—or what President was in office—we Americans have always sought to create a better life for the "common man."

TITLE V OF THE OLDER AMERICANS ACT

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, I am dismayed that the President has eliminated in his proposed budget the title V program of the Older Americans Act.

Title V is a component of the Older Americans Act which authorizes the senior community services employment program, a program which provides 54,200 part-time public service jobs for the low-income elderly. The purpose of this program, as intended by Congress in the Older Americans Act, is, "To foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years or older."

In 1981 the Congress amended the Older Americans Act, reauthorizing the senior community service employment program (SCSEP), or title V, for 3 years at the level of funding necessary to maintain 54,200 positions. On December 29, 1981, the President signed this bill.

Hypocritically, the President's fiscal year 1983 budget does not request any money for the $277 million older workers jobs program. The administration's rationale for terminating the title V program is that it plans to include older workers in "proposed new legislation aimed at serving special targeted groups." It is revealed in a January draft of that proposed legislation, however, that older Americans will be pitted against at least eight other such groups including American Indians, migrant and seasonal workers, veterans, offenders, and dislocated workers, for a share of the $200 million training program. This means that older workers will be competing against many equally deserving groups for a portion of money that amounts to two-thirds of what the title V program was already authorized to receive. And, because none of the money can be spent on public service employment, the 54,200 people who now work in title V jobs—2,355 of them in Ohio—will lose their jobs regardless of the amount of money used in this program for older workers.

Yesterday the House Select Committee on Aging held hearings on age discrimination in employment. The dissolving of the title V older workers program and the terminating of 54,200 workers seems dangerously relevant to that issue. A 1978 Civil Rights Commission study of age discrimination in federally funded programs found that older workers were seriously underserved in employment and training programs.

The cutting of title V is another blow to our older Americans.

EXEMPTION FROM CERTAIN NATURALIZATION REQUIREMENTS SOUGHT FOR AMERICAN SAMOANS

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, today I am introducing legislation to amend the Immigration and Nationality Act to exempt U.S. nationals from certain naturalization requirements.

My bill seeks to ease the requirements for American Samoans residing in the United States in order for them to become U.S. citizens. The proposed bill would remove the requirements as to understanding the English language, history, and civics of the United States. This test has become the single greatest obstacle in preventing American Samoans from becoming U.S. citizens. The American Samoans are intimidated by this requirement, while others are insulted at being treated as if they are aliens—which they are not.

I strongly feel that as U.S. nationals, American Samoans should not be required to take this test. I believe this is fully justified inasmuch as American Samoans have been taught in U.S. schools and have studied English and American Government extensively.

I hope that my colleagues will join me in supporting this important legislation. Thank you.

ECONOMIC AND SOCIAL DEVELOPMENT STRESSED IN CARIBBEAN BASIN INITIATIVE

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, President Reagan's Caribbean basin initiative marks a dramatic and innovative approach to foreign assistance and presents a comprehensive, cooperative, economic plan for the Americas. It is a timely answer to the growing concern for security and development in the region.

Without economic development, there can be no lasting security, and without a secure political environment, there can be no significant economic and social development. The security of our own Nation depends on the security of the Caribbean and Central America. Even in the short run, the cost of not acting would be greater for our Nation just because of the immigration problems of refugees, legal and illegal, flooding into the United States, fleeing terrorism.

The President's proposal emphasizes private investment, trade incentives, and technical assistance in addition to traditional aid programs to meet the challenges for our neighbors to the South. The emphasis of the Caribbean program is overwhelmingly economic with a ratio of 5 to 1 over military assistance.

The Caribbean basin initiative is significant also for the joint efforts of Canada, Mexico, Venezuela, and the United States in attacking the problems of the region.

I urge my colleagues to support this initiative when it comes before the Congress for our consideration.

LEGISLATIVE PROGRAM

(Mr. NELLIGAN asked and was given permission to address the House for 1 minute.)

Mr. NELLIGAN. Mr. Speaker, I have taken this time for the purpose of yielding to the gentleman from Arkansas (Mr. ALEXANDER) to obtain the agenda for next week.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

ADJOURNMENT TO MONDAY, MARCH 1, 1982

Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. LEVITAS. Mr. Speaker, reserving the right to object, I take this time in order to inquire of the acting majority leader as to whether the leadership has any information about the possible filing of a report from the Committee on the Judiciary on the Regulatory Reform legislation, as to when that might occur and when it is anticipated that that legislation might be before the House for action.

Mr. ALEXANDER. Mr. Speaker, I have no information on that, and as far as I am advised generally, the leadership is waiting for the committee to file a report. However, we have on the floor the gentleman from California (Mr. DANIELSON), who is a member of the Committee on the Judiciary, and perhaps the gentleman would like to address the question.

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, I thank the gentleman for yielding.

I was about to make a unanimous-consent request to have until midnight tonight to file a report on that legislation. This is a very lengthy report. There are quite a number of footnotes, and we are trying to be sure the footnotes tie into the correct pages. That is all that we have left to do with the report.

If I am able to obtain unanimous consent to have up until midnight to file a report today, we will have that filed sometime during the day.

Mr. LEVITAS. Mr. Speaker, further reserving the right to object, I want to commend the gentleman from California (Mr. DANIELSON) for that welcome piece of information, and I would ask the gentleman, under the circumstances of filing the report, is it the intention of the gentleman from California, or does he have any information about the intentions of seeking a rule in the immediate future for the consideration of that legislation?

Mr. DANIELSON. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, I have heard many rumors to that effect. I have been in politics long enough to know that rumors are worth their weight in rumors, but I know that there are some interests which would like to have it heard next week if possible.

□ 1115

I am ready, willing and, hopefully, able to take it up when we get a green light. But I do not have any green light. I am not the activist in this. I am a very interested spectator.

Mr. LEVITAS. Further reserving the right to object, Mr. Speaker—and I will not object—it is my belief that this extremely important piece of legislation should not be withheld from consideration by this body and that it would be my hope that there will be swift action taken on it. But in the absence of that, I think there are certain procedures of the House that ought to be followed to make certain that this important piece of legislation comes before us.

Mr. DANIELSON. If the gentleman will yield one more time, I will state that since we met today at 11 o'clock, and since it appears to be a very short session, we simply cannot get it in before the estimated adjournment time. But we hope to be able, with unanimous consent, to file it before midnight tonight.

Mr. LEVITAS. I thank the gentleman and, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION TO CALL CONSENT CALENDAR ON TUESDAY NEXT

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the Consent Calendar be called on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. ALEXANDER. Mr. Speaker, the legislative schedule for next week is as follows:

On Monday, the House meets at noon. There is no legislative business scheduled.

On Tuesday, March 2, 1982, the House will call both the Private Calendar and the Consent Calendar.

There are four suspension bills to be called on Tuesday, which are as follows:

H. Con. Res. 266, sense of Congress that the President should press for safe and stable environment for free and open democratic elections in El Salvador;

H.J. Res. 373, sense of Congress that the Soviet Union should respect its citizens' religious freedom and right to emigrate, and that this should be an issue at the forthcoming Human Rights Commission meeting;

H.R. 5366, flexitime for civil service employees; and

H.J. Res. 348, gold medal for Queen Beatrix.

For Wednesday and the balance of the week, the House meets at 3 p.m. on Wednesday and at 11 a.m. the balance of the week to consider H.R. 5118, Papago Indian claims, an open rule with 1 hour of debate, and a conference report on S. 1503, Standby Petroleum Allocation Act of 1981.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. NELLIGAN. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, I would like to address a question to the distinguished deputy whip, a couple of questions, as a matter of fact.

The bill that is scheduled on the Suspension Calendar, H.R. 5366, the flexitime for civil service employees, I was under the impression that that would come up under the normal procedure and would be granted a rule.

Is there any chance that that bill might still go through the Rules Committee before it comes to the floor instead of being on the Suspension Calendar?

Mr. ALEXANDER. If the gentleman will yield in order that I might respond to the question of the gentleman from Mississippi, I am advised that the Post Office and Civil Service Committee has requested that H.R. 5366 be placed upon the Suspension Calendar.

Mr. LOTT. If the gentleman will yield further, I have one other comment.

I realize we do not have a lot of conference reports pending or noncontro-

versial bills out of committees or bills that have been reported out of the Rules Committee. But I am beginning to grow concerned that we are approaching the middle of March almost now, since we do not have much on the agenda next week, and we are just not having any substantive legislation come to the floor.

Can the gentleman give us any indication as to when we might expect to start moving around here?

Again, I do not intend that in a partisan way, but I think there are folks who are beginning to ask: What are you people doing up there?

I think it is time we start trying to move some legislation if we are going to do anything this year, because when you look at the full year, the days are dwindling very fast.

Mr. ALEXANDER. I certainly agree with the gentleman from Mississippi.

In reviewing the bills that are under consideration, the leadership is not holding back on any bills. The fact remains that there are few bills to be considered at this particular point in time, and I think that most of us are involved in the budget process, trying to recalculate the budget in order to determine the severity of the deficit.

Mr. LOTT. If the gentleman will yield further, I might say that certainly the budget process is very important around here and has dominated what has been happening for a year and a half; but I did think there were some other things that we did in the House of Representatives, in the Congress, in the way of authorizations and appropriations, and I just would like to urge that we work together and see if we cannot get this process underway as soon as possible.

Mr. ALEXANDER. I appreciate the gentleman's admonition and I am certain, that since he is a Member of the Rules Committee, he will be making every effort to see that the Rules Committee will act promptly on all matters that are pending before it.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. NELLIGAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I wonder if we could at least get some assurance that the schedule that is being announced today for next week will in fact be carried through.

One of the things that happened this week was that we had a bill scheduled, most Members came to town thinking that we were going to do the EPA bill, and then that was even pulled off of the calendar.

Can we get at least some assurance that what is scheduled for next week will actually be taking place here on the House floor so that we know that there is going to be some business done in the week? We did no business this week.

Mr. ALEXANDER. If the gentleman will yield, I am advised that with respect to H.R. 5118, which was scheduled but not considered, Mr. UDALL of Arizona, the chairman, agreed to wait for Mr. RHODES of Arizona to return to Washington before taking this bill up for consideration. If he should be back here Wednesday, the matter will be considered that day. However, if he does not return until Thursday, then it is the chairman's judgment that his interest in the matter is of such importance that we should wait upon his return in order to consider deliberation of this very important matter to the people of Arizona.

Mr. WALKER. If the gentleman will yield further, Mr. Speaker, I still do not think that that is an answer. Can we receive some assurance that the legislative schedule that is being announced here is in fact going to be followed through?

I think on Tuesday, for instance, the suspensions that are being announced, those appear to be four bills that are likely to have some votes. I would guess that each of those four bills on Tuesday will have votes if they are in fact brought up. I am trying to receive some assurance so that the Members can have some confidence in making their plans that the legislative schedule that is being announced today is something where there is going to be action taken and where there are likely to be votes.

Can we get that kind of assurance?

Mr. ALEXANDER. I can assure the gentleman from Pennsylvania that if he asks for votes on the suspensions that are to be considered on Tuesday, I will be here to vote for them.

Mr. WALKER. I thank the gentleman for yielding.

Mr. NELLIGAN. Mr. Speaker, I thank the gentleman from Arkansas.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 746

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on the bill, H.R. 746, Regulatory Reform.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WALKER. Reserving the right to object, Mr. Speaker—and I do not intend to object—I do want to clarify for the record the points made by the gentleman in the earlier discussion.

As I understand it, the gentleman is asking for the extension principally so that footnotes which have not been prepared can be put in proper order in the report and that that is the reason for asking this extension.

Is that correct?

Mr. DANIELSON. If the gentleman will yield, that is absolutely correct. The report is complete. Different, additional views, et cetera, are with the report. But it is a pretty technical report, and we do not have a word processor in that committee, so it is a hand job, and we are trying to bring all of the footnotes together with the proper pages.

Mr. WALKER. Further reserving the right to object, I also have the gentleman's assurance that all people who have some opinions on this particular legislation have had an opportunity to file their views and that the report is complete in that sense?

Mr. DANIELSON. The gentleman is completely assured on that.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Oklahoma, Mr. JAMES R. JONES.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO CONGRESSMAN JOHN JARMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 10 minutes.

● Mr. JONES of Oklahoma. Mr. Speaker, the recent death of former Congressman John Jarman saddened me greatly, as I know it did his many friends and former colleagues throughout the country.

I first became friends with John Jarman in 1961, when I came to Washington to attend law school and work on the staff of another Oklahoma Congressman. Even then, John was a senior and highly respected member of the Interstate and Foreign Commerce Committee, having first been elected to his seat from Oklahoma in 1950. During those early years, and later while serving on President Johnson's staff, I witnessed firsthand why John Jarman was known for his meticulous yet effective approach to solving the problems and meeting the needs of his constituents.

Even after changing his political registration from the majority to the minority party in 1975, John Jarman re-

mained a loyal and highly dedicated member of the Oklahoma congressional team, giving his colleagues and constituents alike the benefit of his seniority and expertise on matters that affected our entire State, and not merely his own district.

John Jarman's greatest strength, in my opinion, was that his political philosophy and sense of public service transcended the ever-shifting center of our Nation's political spectrum. John was a self-described Jeffersonian Democrat, and as such, he firmly believed our Government had a duty to maintain its fiscal integrity and to minimize government intrusions into the lives of its citizens.

John's views on the proper role of Congress and the Federal Government are ones which have withstood the test of time: I am certain he would consider it a fitting legacy to his 26 years of service in the House that so many of us here today are equally concerned with reducing an unacceptable Federal deficit and restoring our ailing economy to a more prosperous and fully productive level.

Mr. Speaker, with the consent of the House I would like at this point to include several newspaper articles that appeared following John's recent death. To his children Jay, Susie, and Steve, I extend my deepest sympathies on the loss of their father.

The articles follow:

[From the Washington Post, Jan. 17, 1982]

JOHN JARMAN, 66, DIES, 13-TERM CONGRESSMAN

OKLAHOMA CITY.—Former Congressman John Jarman, 66, who served 26 years in the House of Representatives, died Friday at Presbyterian Hospital here. He had micosis fungoides, a rare form of skin cancer.

Mr. Jarman had retired in early 1977, at the end of his 13th term. While always elected as a Democrat from Oklahoma, he switched to the Republican Party midway in his final term.

In switching party registration in 1975, Mr. Jarman said Democratic reformers in the House were in the process of "nullifying the seniority system and punishing those who do not adhere to the liberal party line."

Mr. Jarman captured the congressional seat in 1951. While a Democrat, he became chairman of the subcommittee on Interstate and Foreign Commerce and served on the Foreign Affairs, Post Office and Civil Service committees.

Republicans assigned Mr. Jarman to the Science and Technology Committee. Jarman's switch surprised few people. He often had voted along Republican Party lines.

Mr. Jarman was born in Sallisaw, Okla. After service in the Army in World War II, he was elected to the Oklahoma House of Representatives in 1948. He was elected to the state Senate in 1948 and to Congress from the 5th District in 1950.

He received a bachelor's degree from Yale University in 1937 and a law degree from Harvard in 1941. He practiced law with his father, J. H. Jarman, in Oklahoma City until entering the military.

His first wife, Ruth, died in September 1964. He married the former Marylin Grant in 1968. His second marriage ended in divorce. Survivors include three children by his first marriage, and five grandchildren.

[From the Oklahoma City Times, Jan. 18, 1982]

JOHN JARMAN

Private memorial services were scheduled today for former Congressman John Jarman, 66, who died Friday in Presbyterian Hospital after a long battle against a rare form of skin cancer.

Jarman served 26 years in the U.S. House of Representatives from 1950 to 1976. At the end of his 13th term, he decided not to seek re-election.

A Democrat for years, Jarman throughout his political career aligned himself with conservative causes and views. It was a position that would often separate him from party colleagues.

Finally, in January, 1975, he began his final term by publicly repudiating the liberal wing of his party and by changing his party registration to Republican.

He declared at the time that the Democratic party had grown so liberal and partisan that no place remained for a conservative.

After graduating from Oklahoma City Central High, Jarman attended Westminster College in Fulton, Mo., for two years, then entered Yale University, majoring in government. He graduated in 1937 with a bachelor of arts degree.

He entered law school at Harvard University the same year, earning a degree in 1941. He won the Fifth District congressional seat and was re-elected 12 times. His ability to avoid controversy was labeled "Jarman's secret weapon," and it gave opponents little to shoot at.

He entered Presbyterian Hospital for tests last Tuesday and his condition rapidly worsened.

Survivors include two sons, Jay, a United Church of Christ clergyman at Mililani, Hawaii; Steve, a veterinary medical student at Oklahoma State University, Stillwater, and a daughter, Mrs. James Martin of Denver.

[From Roll Call]

JOHN JARMAN, FORMER MEMBER, DIES IN OKLAHOMA

Former Rep. John Jarman (R-Okla.), who served as a Democrat in Congress for 25 years before converting to the Republican party in his final term as a protest to what he called the "liberal takeover" of the Democratic Caucus, died Friday at Presbyterian Hospital in Oklahoma city from a rare form of skin cancer. He was 66.

Jarman was first elected to the House in 1950 to replace veteran Rep. Mike Monroney (D), who had run successfully for Senate that year. For 24 of his 26 years in the House, Jarman was a Democrat who became chairman of the subcommittee on Interstate and Foreign Commerce and also served on the Foreign Affairs and Post Office and Civil Service Committees.

In January of 1975, after he had won election to his 13th term, Jarman switched parties after the new Democratic caucus had ousted three longstanding committee chairmen—Reps. W. R. Poage (D-Tex., Agriculture) F. Edward Hébert (D-La., Armed Services) and Wright Patman (D-Tex., Banking)—in favor of younger and more liberal chairmen.

Jarman said that the ousting of the former chairmen signified the first step in an attempt to purge the party and nullify the seniority system in the House. He retired at the end of his 13th term and was succeeded by Rep. Mickey Edwards (R).●

● Mr. ENGLISH. Mr. Speaker, there is a temptation to focus one's attention on John Jarman's 26 years in Congress and his years in public service when remembering his contribution to his State and Nation.

However, I believe we must also look at John Jarman the man.

I did not have the opportunity to serve with John for more than 2 years. In those 2 years I became well acquainted with John and found him to be an honest, decent and honorable public servant. I also found him to be a very kind, good friend and at all times a gentleman.

When summing up one's life, perhaps it is not nearly as important what one achieves in the way of recognized achievement as how he was viewed by family, friends, and colleagues as a man.

In the case of John Jarman, he was not only outstanding in his public achievements but even more so as a man. He will be missed.●

LEGISLATION TO EXTEND TAX CREDIT FOR ENERGY CONSERVATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, today, I am introducing a bill that will extend the tax credit for residential energy conservation expenditures to new residences effective on the date of enactment of this bill. Current law limits the energy tax credit for conservation efforts to dwelling units the construction of which was substantially completed before April 20, 1977.

Although I understand that the aim of this limitation was to provide an incentive for homeowners to undertake energy conservation measures in homes that had not been built with conservation in mind, we must realize that for any homeowner or buyer, energy conservation is an expensive undertaking. This is no less true simply because a home is newly built, and I think we should eliminate this discrimination in favor of owners of older homes. My bill would provide equal treatment on a prospective basis, and I encourage my colleagues to support such a change in the law at the appropriate time.●

LEGISLATION TO IMPROVE SAVINGS INCENTIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

● Mr. MOAKLEY. Mr. Speaker, yesterday I introduced legislation (H.R.

5607) to provide additional incentives to encourage savings in building and loan associations, in mutual, savings, and cooperative banks, in credit unions, and in similar thrift institutions.

The bill would amend provisions of the Economic Recovery Tax Act of 1981, related to partial exclusion of interet income, to significantly move up the effective date, from tax year 1984 back to tax year 1982. It would target the benefits at more small savers and would target deposits at institutions vitially in need of assistance if the full scale depression in the housing and building industries, and the grave threat to thrift institutions, is ever to end. That situation, Mr. Speaker, is a genuine crisis:

	January 1981	January 1982
Housing starts	1,700,000	894,000
Construction trades unemployment (percent)	13.7	18.7
Home mortgage rates (percent)	15.0	17.5

Indeed the 1-year 46-percent decline in housing starts has brought this important economic indicator to the lowest point in a quarter century.

The Reagan tax bill contained a provision on interest income. But, like so much of the President's program, it was simply a "Trojan Horse" to get through special tax breaks targetted at the wealthy.

Under the Reagan tax law, benefits will not be available until tax year 1984; my bill would make benefits available beginning in the next tax year, 1982.

The formula of the Reagan savings provision is designed to provide the maximum benefit to a couple earning a conservative yield on a half-million dollar investment. By providing the benefit through a 15-percent exclusion rather than a flat exclusion on a baseline amount, maximizes the benefit for the wealthy and denies adequate incentives to provide what thrift institutions really need, large numbers of savers. My bill would substitute a flat exclusion of interest up to $2,000, or $4,000 on a joint return.

The benefits of the Reagan tax bill are made available for a wide array of investments, including some not even involving banks. Thus the money represents a drain on the Treasury to encourage investments which may not require any such encouragement. My bill would limit the benefits to interest paid by savings and loans, credit unions, mutual, cooperative, and savings banks, and similar thrift institutions.

Mr. Speaker, the gimmick of the all-savers certificate has produced an enormous drain on the Treasury but has done nothing for thrift institutions. From its inception, these certificates were simply an incentive to shift money already on deposit from one kind of account to another. The Treasury announced today that it will not seek renewal of that law when it expires at the end of this month.

My bill would provide a more sensible, and far simpler, alternative to both of the savings provisions it would replace. It provides incentives for people with money in thrift institutions to leave it there and it provides incentives for people who are not saving at these institutions to begin doing so. The text of the bill follows:

H.R. 5607

A bill to amend the Internal Revenue Code of 1954 to exclude from gross income up to $4,000 of interest on savings in the case of individual taxpayers

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 128(b) of the Internal Revenue Code of 1954 is amended to read as follows:

"(b) MAXIMUM DOLLAR AMOUNT.—The aggregate amount excludable under subsection (a) for any taxable year shall not exceed the lesser of—

"(1) $2,000 ($4,000 in the case of a joint return under section 6013) or

"(2) the excess of the amount of interest received by the taxpayer during such taxable year [less the amount of any deduction under section 62(12)] over the amount of qualified interest expenses of such taxpayer for the taxable year."

"(b) Section 128(c)(1) of the Internal Revenue Code of 1954 is amended to read as follows:

"(1) INTEREST DEFINED.—The term 'interest' means amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by

"(A) an institution which is—

"(i) a mutual savings bank, cooperative bank, domestic building and loan association, or credit union, or

"(ii) any other savings or thrift institution which is chartered and supervised under Federal or State law, the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law, or

"(B) an industrial loan association or bank chartered and supervised under Federal or State law in a manner similar to a savings and loan institution."

"(c) Section 128 of the Internal Revenue Code, as amended by this Act, shall apply to taxable years beginning after December 31, 1982.●

ADMINISTRATION POLICIES ON GOVERNMENT CONTROL OF INFORMATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 20 minutes.

● Mr. BROWN of California. Mr. Speaker, I wish to call the attention of my colleagues to recent administration actions which, in a broad sense, sharpen the conflict between constitutional protections and the requirements of national security. Moreover, they can be expected to have deleterious economic effects as well.

These initiatives, which I discuss below, appear at first glance to be entirely separate regulatory, administrative, or legislative steps, but in the aggregate present a disturbing reversal of longstanding policies toward openness and participation in Government.

While each of the proposed initiatives can be individually debated, my immediate objective is to alert interested parties that we are dealing with different facets of a single policy: An unacceptable emphasis on restriction and control of information and individuals as an executive tool. The administration is evidently making use of whatever vehicles are available to implement that policy.

There are many vehicles that can be used to restrict the free flow of information, such as the Inventions and Secrecy Act, the Export Administration Act, Executive orders, and even the Freedom of Information Act. The affected constituencies tend to be different; for example, scientists, international traders, lawyers, or the press. The danger is that these different constituencies will tend to deal with their own issues in isolation from the larger picture, and thus miss the forest for the trees.

The issues at stake stem from the conflicting demands of the most fundamental matters in public policy: The security of the Nation and its economic well-being, versus the rights of citizens to privacy, assembly, free speech, travel, and freedom from unwarranted Government interventions. Consequently, it is imperative that the resolution of these conflicts take place openly and at the highest levels. To assure a broader conception of the national interest, one that recognizes the larger benefits of unfettered communication, scientific and otherwise, Congress must take the initiative and evince the courage and wisdom to strike the appropriate balance.

THE "NATIONAL SECURITY" RATIONALE

The justification offered for increased restrictions has been a perceived vulnerability in national security. No responsible individual has disputed the concept that sufficiently grave threats to national security can be grounds for abridging the strong protections afforded by the Constitution. But it does not follow that accepting the validity of a national security rationale for governmental intervention means accepting all claims under that rubric. The meaning of national security, once extended beyond physical security and war, becomes hard to confine.

Recognizing the difficulty of defining national security, the Congress has traditionally enacted pertinent legislation in broad, open-ended terms; regulations issued under such authority have been similarly worded. But historically, the Executive has not inter-

preted its authority in a sweeping manner, sensing the inherent collision with the nearly unsurmountable constitutional protections in the 1st, 4th, 6th, and 14th amendments. It recognized that national security may be all of those strengths which make us a great nation, including the very freedoms against which national security is said to be balanced.

This administration, through various public pronouncements, has effectively reinterpreted the meaning of national security so as to give it the broadest possible scope, reaching so far as to include the general economic well-being of the Nation. Some even include the competitive advantage we presently enjoy in certain aspects of international trade.

In order to avoid constitutional clashes, a consensual approach had evolved, one that exacted a not too great cost to our freedoms for the sake of demonstrable national security concerns. For this consensus to obtain, the participation of all parties, including the Congress, is needed to assure that a proper interpretation of national security is adopted. It is this process that is at risk today.

MEANS OF IMPOSING INFORMATION CONTROLS

The following is a brief survey of some of the principal vehicles that have been used to give the Government the—sometimes complete—power to restrict the flow of public and/or private information, technologies, and individuals. It is not meant to be comprehensive or thorough, but only to call attention to the variety of means available to achieve the same ends. Interested parties should be concerned about developments on any of these fronts.

ATOMIC ENERGY ACT OF 1954

The "born classified" concept was first introduced with an earlier version of this act. These statutes were invoked in the "Progressive" case, to argue that the material compiled by the Progressive, although from unclassified sources, was itself classified because of the novel juxtaposition: The new presentation was by its nature born classified. The appeals court ruled against the publication, but the case was mooted when another magazine published the same material. Thus, at present the court decision stands that unclassified material can be called classified if it is presented in a new way. This allows for prior restraint on publication. However, the Supreme Court ruled in the Pentagon Papers case that prior restraint was not tenable, so it is not clear what would have happened to the Progressive case had it been reviewed by the Supreme Court.

The administration won an amendment to this act, on December 4, 1981, through an amendment to the Department of Energy appropriations bill offered by Senator WARNER and accepted by the House in conference, although the House never considered the issue. The amendment is to be found in section 210 of Public Law 97-90, and it allows the Secretary of Energy to regulate the dissemination of unclassified or declassified information relating to nuclear weapons or facilities. This information is not defined in the law, so there is great potential for abuse, assuming the statute to be constitutionally sound in the first place. Civil penalties up to $100,000 are provided for disclosure of the restricted information, by any individual.

This is as close as we come to an "Official Secrets Act." The Congress has consistently rejected the proposal that the unauthorized disclosure of classified information should be a criminal offense, if the individual who had such information was not a Government employee or had otherwise contracted into secrecy. The man on the street, or scientist, or journalist, who happens to obtain classified information cannot be made criminally liable for its disclosure, as is the case with the British Official Secrets Act. The recently passed amendment to the Atomic Energy Act comes very close by rendering individuals liable to civil penalties for the same action.

INVENTION AND SECRECY ACT OF 1951

Allows executive agencies to review applications to the Patent Office, and impose secrecy restrictions on the content. No justification is needed, and the means of appeal are quite restricted in practice. There is a provision for just compensation to inventors if their product is classified, thus precluding them from deriving commercial advantages. The act has been extensively used, and few appeals have been successful. (Prime examples have been the Davida encryption device, and the controversy over the voice scrambler). The House Government Operations Committee has conducted extensive hearings on this matter, and its report (House Report 96-1540) is an excellent overview of this issue.

The administration has not announced any moves on this front, but the statutes allow so great a discretion to the security agencies that it is unlikely that they will seek any changes, continuing instead to make intensive use of this authority.

ARMS CONTROL AND EXPORT ACT OF 1976

Authorizes the Department of State to compile a munitions list, and place restrictions on the sale of such overseas. The regulations ensuing from this act are called International Traffic in Arms Regulations (ITAR), and because the munitions list is several pages long and of wide scope, the ITAR can be invoked against publication of scientific or technical material, even though it may be unclassified.

The administration has used the ITAR to attempt to restrict publication of scientific material principally in the field of cryptology. The ITAR have also been invoked to prevent communication to foreign scientists of allegedly sensitive technology, which was otherwise unclassified and openly available within the United States. All such moves have met with heated opposition. An uneasy truce exists between the cryptology community and the National Security Agency, whereby the NSA reviews papers voluntarily submitted by the authors. The arrangement was offered as a compromise, on a trial basis, as the review is not binding. Fears have been voiced that this is a prelude to making the review mandatory, and is intended to get the public accustomed to the idea. So far only 25 papers have been submitted to the panel, with none held back.

EXPORT ADMINISTRATION ACT OF 1979

Authorizes the Department of Commerce to compile Export Administration Regulations (EAR) and a Commodities Control List, and require license for their sale or transfer overseas under certain conditions, for example when the goods are in short supply in the United States. This statute was invoked by President Ford when he imposed a grain embargo to the Soviet Union in the early seventies.

The 1979 version of this act shifted the focus from the export of specific products to the control of broader technologies and management skills. In addition, it considers active mechanisms for the transfer of technologies, such as meetings, training agreements, technical exchanges, workshops, and so forth. This statute has formed the basis for entirely unreasonable impositions by the Department of Commerce on individual university researchers. For example, mandating that they account for every move of their foreign graduate students. The definition of export has been stretched under this act to include "oral exchanges of information with foreign nationals in the United States," in an action by Department of Commerce 2 years ago.

The administration has a working group drafting a new military critical technologies list to be used as the basis of a new commodities control list. The initial list issued in October 1980 by the Defense Department contained a virtual rollcall of the leading contemporary technologies. Some suggested that the entire Commerce Department would not be large enough to administer the export control program with such a list. Thus, if carried to excesses, this critical technologies approach might be very costly to administer, cumbersome, controversial, and more damaging to ourselves than to the putative enemy.

Also, a new set of Commerce regulations was drafted for publication in the Federal Register last December,

but have been withheld supposedly because of very negative reaction from the science agencies. The Department of Commerce traditionally sees its role as promoting trade, and is not interested in being a policeman. As evidenced by the recent statement by the U.S. Chamber of Commerce objecting to restrictions on the sale of gas pipeline laying equipment for foreign policy reasons, the entire commercial sector of this country can probably be said to stand generally against restrictions on trade of any kind. There is a certain wisdom here that goes beyond self-interest, and ought well to be considered.

FREEDOM OF INFORMATION ACT

By every reading of congressional intent, FOIA is eminently a vehicle to assure disclosure of Government-held information. However, it does contain provisions to exempt agencies from having to disclose certain materials, most notably classified material (first exemption).

The administration seeks to increase the exemptions, and make it more difficult to obtain information not exempted: by substantially increasing the fees, by allowing agencies more time to respond (effectively forever), by restricting the number of individuals qualified to request material, and so forth. It is generally agreed that FOIA needs fine tuning because of the burdens of its management, but the administration's legislative proposals amount to a reversal of the original intent of Congress, effectively rendering FOIA into a vehicle for withholding rather than disclosure. In the interest of brevity, I refer interested parties to an excellent and thorough report by Richard C. Ehlke and Harold C. Relyea of the Congressional Research Service, "The Freedom of Information Improvements Act of 1981—Proposed Amendments of the Reagan Administration: A Brief Analysis." Although the report is impartial, one cannot help but conclude that the proposed amendments are contrary to the original intent of the act.

EXECUTIVE ORDER ON NATIONAL SECURITY INFORMATION

Authorizes classification of material, into top secret, secret, classified, establishes guidelines for the procedure, and designates individuals authorized to classify. The first such EO was under President Truman, followed by an Eisenhower EO, then one under Nixon, and finally the Carter EO 12065 which is presently in force. Authority for this EO is claimed by the President under the constitutional powers on foreign policy (this is a gray area). The trend in the past 30 years has been to lean toward openness, when in doubt, and to place the burden of proof of the need to classify on the Government.

The administration has issued several drafts for a new EO, the most recent being on February 4, intended as their final version. Copies have gone to selected congressional committees, with a comment period of 2 weeks, ending on February 22. This is evidently not a useful interval, being short and falling on a congressional recess. This prompted a number of Members of Congress, including myself, to send a letter on February 10, to Mr. William Clark, National Security Adviser to the President, requesting an extension of the deadline. On February 22, Mr. Clark replied by telephone to Congressman ENGLISH, indicating that the comment period would be extended with no stated deadline. In consequence, my colleage Mr. BROOKS, chairman of the House Government Operations Committee, together with Mr. ENGLISH, the chairman of its Subcommittee on Government Information and Individual Rights, yesterday announced hearings on the proposed rewrite of this order, to be held on March 10 and 11. In a special order, Mr. ENGLISH has emphasized that the concerns are not restricted merely to procedural questions, but are ones of the substance of the policy involved. This is a most welcome development.

There is no evidence of any security gap or imminent security breach that requires action on such a short time scale, seeing as we are operating under an EO that has proved quite satisfactory. During the drafting of the Carter EO, the comment period extended over several months, hearings were held, and several hundred public comments were offered and weighed in the final order. That process should serve as the model for all such procedures.

The Reagan administration's draft EO proposes among other things to lower the standard for classifying information by eliminating the requirement that the claimed harm to national security must be identifiable; require that all doubts about whether to classify information be resolved in favor of classification; require classification of any information which meets the standard rather than simply permitting classification; delegate classification authority to more officials at lower levels of Government; eliminate the "balancing test" which requires officials to weigh the public interest in disclosures against the asserted harm to national security when public access to classified information is requested; authorize reclassification of information that was previously declassified, even in cases where the declassification was not a result of error or mistake; eliminate specific prohibitions against classifying basic scientific research information and other privately developed information that does not incorporate or reveal classified materials.

Through these and other proposed changes in present classification policies, the new draft would: Send a clear signal to the bureaucracy that more, rather than less secrecy is intended, resulting in broader and longer classification of Government information; significantly reduce the public right of access to Federal agency records under FOIA; substantially delay the release of important Government information to historians and other scholars; open the way to Government efforts to control the dissemination of scientific information that is in the hands of private individuals and institutions.

The removal of the all-important "balancing test" is in direct contradiction to the White House communications director David R. Gergen's stated intention that a "determined effort" will be made to "draw a proper balance between the public's right to know and the Government's need to protect classified information" (Washington Post, February 3, 1982).

A further extension of the classification scheme is being sought by the Secretary of Defense. A category below "classified," to be named "restricted", would be created to encompass a substantially wider range of information the disclosure of which could conceivably be "not in the interest of national security." The amorphous character of this definition greatly increases the potential for abuse of an already excessive classification procedure.

It is most unfortunate that the effects of the draft order, if implemented, would be to direct the bureaucracy to keep information secret no matter how great the value of the information to public debate and no matter how small the injury that could be expected to result in national security terms.

EXECUTIVE ORDER ON INTELLIGENCE (12333)

In the absence of a statutory "charter," this order lays the guidelines for the conduct of intelligence operations by the U.S. Government. It specifies, inter alia, how intelligence may be collected by covert means. In particular, provisions in the new order signed by President Reagan on December 8, 1981, allow for the covert collection of information by agents posing as journalists or academics.

Although at face value it does not offer means to restrict the free flow of information, the order can have a chilling effect on free communication between Americans, on U.S. soil. This is because it allows clandestine surveillance of U.S. citizens who are not even suspect of violating any laws, provided they are believed to have significant foreign intelligence. Since in the present climate "significant foreign intelligence" may mean commercial, industrial, or scientific information collected by a U.S. citizen on a perfectly

legal visit overseas, the order encompasses a great deal. Scientists may refuse to disclose their findings at a meeting if they feel that they may be the subject of surveillance by agents posing as scientists or journalists, for fear of having the "CIA. stigma" attached to them.

IDENTITIES OF UNDERCOVER AGENTS BILL

This legislation, in its final phases within the Congress (H.R. 4, passed House on September 23, 1981; S-391, reported out of Judiciary Committee October 6, 1981), will criminalize the unauthorized disclosure of the identities of U.S. intelligence agents, even though these may be already part of the public record. The liability extends to any individual, even though that individual may not have had access to such classified material. The House version contains the strictest language, requiring only that the individual have "reason to believe" that disclosure would impair or impede the conduct of U.S. intelligence activities. The Senate version requires that an "intent" to impair or impede be demonstrable. This is a crucial distinction, for it effectively shifts the burden of proof.

While no one is disputing the undesirability of disclosing the names of U.S. intelligence agents, the language of the bill sets extremely dangerous precedents, for the reasons emphasized in the above paragraph. For example, in the recent case of the CIA documents seized during the takeover of our Embassy in Iran, which were subsequently openly available in the bookstores in Tehran, the Washington Post would have committed a serious crime by their publication, even though the rest of the world had access to such material. While it is unlikely that a Justice Department with any sense would have pursued them in court, this is the sort of legal language that can be used for the purposes of political harassment.

The Iran documents provide another important observation: in all the celebrated "national security" cases, like the Pentagon Papers, the Progressive, and now the Iran material, the record in retrospect has given absolutely no evidence that disclosure of those materials caused any of the "grave and imminent harm to the national security" that the opponents contended would occur. This should be cause for some reflection.

NATIONAL SECURITY AGENCY DIRECTIVES ON CONTACTS WITH THE PRESS

These and other memorandums (for example the "Baker Memorandum") have circulated within the Executive in recent months, mostly with the intention of eliminating unauthorized disclosures of sensitive material to the press. A January 12 version of a NSC directive required previous clearance as well as postinterview reports on contacts with the press. Fortunately, the National Security Adviser to the President saw fit to diminish such overbearing requirements, but the present directive of February 2 still requires officials who handle national security material to submit to a "tracing" system that exceeds anything previous administrations have seen fit to establish, despite traditional concerns about disclosures.

Although the directive presently in force applies to NSC material, it is expected that other agencies and departments will draft new procedures for handling sensitive material. The justifications and drawbacks of such actions have been thoroughly discussed in the public media, and it would not be appropriate to repeat the arguments here. However, one consequence of these actions has been a palpable restraint in the willingness of executive officials to exchange information or meet freely with congressional staff. The negative effects of such restrictions are self-evident.

ESPIONAGE LAWS

These are included here for the sake of completeness, although they have not been modified in many years. Interested parties are directed to the definitive article on this subject, "Espionage Statutes and the Publication of Defense Information," by Harold Edgar and Benno Schmidt, Columbia Law Review, vol. 73, 1973. The principal aspects of the statutes are that they do not refer to classified information—which did not exist as such at the time the espionage laws were drafted—and that it is not a crime to disclose information related to national defense—either under these or any other statutes—unless there is an intent to harm. The burden is on the Government to prove both intent, and that the material was related to national defense.

EXECUTIVE PRIVILEGE AND THE PRESIDENTIAL RECORDS ACT OF 1978

This is one of the most celebrated and disputed justifications for the executive branch withholding bona fide governmental documents from the Congress. We are now witnessing the first major use of this principle by the Reagan administration, in the case of Interior Secretary James Watt's refusal to turn over material to a subcommittee of the House.

The legal literature is replete with analyses of this historical but nowhere explicitly stated claim to Executive secrecy. Several cases ensuing from the Nixon years are still in process in the courts. As a consequence of those controversies, the Congress passed the Presidential Records Act of 1978, which contains certain disclosure restrictions for Presidential papers after the end of an administration. It does not deal with existing administration's executive privileges.

SCIENTIFIC AND CULTURAL EXCHANGES

These are administered by an informal Committee on Exchanges (COMEX), on a country-by-country basis, via bilateral agreements. The Soviet Union exchanges are run by the National Academy of Sciences, because the Soviet Academy demanded that the exchanges should be between academies, without Government involvement. However, the Soviet Academy is a Government agency, whereas the NAS is a private organization, so that the arrangement is a somewhat peculiar one. The role of the Department of State is to process applications, and define any restrictions to be placed on the visitors. Up until now an informal arrangement has been worked out whereby the NAS merely informs the host university about the restrictions; most universities have accepted minor restrictions.

The administration has attempted to broaden the restrictions substantially. It has met with stiff opposition from individual faculty, universities, professional societies, and the NAS, which does not want to act as policeman for the Department of State. Recently, in the case of the Soviet scientist Nicolay V. Umnov, a specialist in robotics, the Department of State was coaxed into removing the restrictions it had placed on the scientist's access to otherwise unclassified material while on a visit to Stanford University.

FUNDING MECHANISMS

These are not regulatory or legal matters, but are nonetheless a powerful vehicle for imposing policy just as well. The National Security Agency has had a feud with the National Science Foundation over the funding of cryptology. Currently, there is a negotiated peace between them, whereby NSF is still the funding source, but the NSA can review the applications and comment. Funding for individual scientists has been known to be cut off under NSA pressure, but subsequently reinstated.

This is the worst sort of information control, for it affects individual scientific investigators without the benefit of a thorough policy evaluation, leaving the victim of the action with almost no recourse. Further, the decisions must be fought on a case-by-case basis, precluding the establishment of clear policy.

DELETERIOUS CONSEQUENCES OF SHORTSIGHTED POLICIES

The above survey, although incomplete, should suffice to indicate that our Government has at its disposal a truly vast array of means by which it can control, restrict, or impede the free flow of information, materials, technology, and individuals. And none of the above addresses an equally vast collection of means by which our Government can vitiate and distort information, if it so chooses, by disinforma-

tion, propaganda, or manipulation of the media.

The reality is that the potential exists to create an extremely controlled society with the laws presently in force, if such an ill-conceived goal took hold of this Nation's leaders.

It is in fact, somewhat mystifying that with this gigantic armamentarium, cries are heard that still more is needed. One is led to question whether, quite apart from ethical, philosophical, and constitutional issues, more of the same will be of any benefit.

The administration's proposals represent a reversal of a 30-year trend to open the governmental process to public scrutiny, and to encourage the free exchange of information, individuals, and technology, provided no demonstrable harm exists to the security of the Nation. Previous administrations and court decisions have increasingly placed the burden on the Government to show that alleged security considerations warranted stifling the very great protections afforded under the Constitution. This administration has clearly opted to take full advantage of the broad language in the laws, as well as to propose its own amendments in pursuit of restrictive policies.

As described by the Deputy Director of the Central Intelligence Agency, Adm. Bobby Inman, the Government may choose not to substantiate security claims: The very act of justifying a restrictive action would compromise national security, so that we must place our trust entirely in the Government's hands.

Such sweeping redefinitions of the powers of Government challenge the fundamental structure of the democratic process. Legal scholars believe that if challenged in court, even some of the existing authority for Government control of information might not stand the test of constitutionality. The most recent thinking of the Court on the issue of the public's right to know can be found in the decision on *Richmond Newspapers, Inc.* v. *Commonwealth of Virginia et al.* (79-243). A reading of the opinions therein should give some pause to those who would further restrict the free flow of information within our society. It would be ironic if in the effort to increase its powers to control, the Government found itself stripped by the courts of what powers it now has.

In addition to constitutional arguments, there are practical implications of restrictive policies: They are unwise, unwieldy, costly, and nearly impossible to implement effectively given the scope of what is wished to restrict, likely to be counterproductive, and downright damaging to the U.S. scientific and technological enterprise on which most of our economic and military strength depends. The widespread disapproval coming from the industrial and academic sectors should suffice as evidence to this effect.

Another negative impact that is often overlooked in these discussions is one on the human environment in which scientists work. Many tend to view the work of a scientist as glamorous, exciting, and generally comfortable. What is not generally recognized are the extreme tedium that is almost always involved, the great number of failures the experimenter must be ready to face, the long hours into the nights and weekends, the administrative and teaching burdens that already take their toll, and finally the meager pay scales under which most research scientists labor.

What are the rewards for these dedicated souls? The occasional discovery, the rare success, the joy of learning something new, and a most important element, the personal satisfaction of being able to share with friends, family, and colleagues the findings of their work. Thus, freedom of communication among scientists, and between scientists and laymen, is not only important for the health of the scientific enterprise as a whole, but it is one of the few decent rewards a scientist can count on, lacking so many of the others. I can state from personal knowledge that if scientists are denied this privilege of ordinary citizens, the ranks of science will diminish, to the detriment of us all. A scientist is fundamentally a creator, an artist with his or her medium; one cannot place a ballet dancer in an empty hall and expect a meaningful performance.

RESPONSIBILITY OF CONGRESS

In view of the dangers implied in overly broad interpretations of executive authority, the Congress should exercise judiciously its oversight role, and monitor closely the drafting of Executive orders and agency regulations in fulfillment of legislatively mandated authority.

In addition, the past three decades have given us sufficient practical experience with national security matters that we can be more explicit in the law, replacing broad language with specific congressional intent, thus removing the ambiguities that have led, or can lead, to excesses in interpretation. Avoiding policymaking by agency regulation is not altogether out of tune with the present administration's philosophy, if we are to accept at face value the President's statements on the recent controversy over tax exemptions for religious schools.

Finally, it would be appropriate to call on the President to dispel any doubts, and formally and explicitly recognize the fundamental role of the public's right to know in the workings of the democratic process; the role of the press as the agent of the citizenry in the exercise of this right; and that freedom of inquiry and communication, scientific or otherwise, is an inseparable part of that process.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. NELLIGAN) to revise and extend his remarks and include extraneous material:)

Mr. CORCORAN, for 5 minutes, today.

(The following Members (at the request of Mr. DANIELSON) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ for 15 minutes today.
Mr. ANNUNZIO for 5 minutes today.
Mr. COELHO for 5 minutes today.
Mr. SOLARZ for 5 minutes today.
Mr. MOAKLEY for 5 minutes today.
Mr. BROWN of California for 20 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. NELLIGAN) and to include extraneous matter:)

Mr. EVANS of Delaware.
Mr. MCKINNEY.
Mr. DERWINSKI in two instances.
Mr. ROUSSELOT.
Mr. NAPIER in two instances.
Mr. BROWN of Colorado.
Mr. PETRI.
Mr. WHITTAKER.
Mr. SKEEN.
Mr. LAGOMARSINO in six instances.
Mr. COLEMAN.
Mr. PORTER.
Mr. BEARD.
Mr. COURTER.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. FRANK in two instances.
Mr. CONYERS.
Mrs. KENNELLY.
Mr. OTTINGER in three instances.
Mr. FAZIO.
Mr. OBERSTAR in two instances.
Mr. FOLEY.
Mr. WAXMAN.
Mr. KASTENMEIER.
Mr. BAILEY of Pennsylvania.
Mr. ROSENTHAL.
Mr. RATCHFORD.
Mr. DOWNEY.
Mr. SCHUMER.
Mr. MCDONALD.
Mr. BIAGGI.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on February

24, 1982, present to the President, for his approval, a bill of the House of the following title:

H.R. 3782. An act to revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel *Oceanic Constitution* into the trade.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 26 minutes a.m.), under its previous order, the House adjourned until Monday, March 1, 1982, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1981 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 31 AND DEC. 31 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James M. Jeffords	11/24	12/1	Honduras [3]	902	451.00						451.00
Hon. Tom Foley	11/30	12/2	Brussels [3]								
	12/2	12/3	Paris	532.80	96.00						96.00
Gene Moos	11/30	12/2	Brussels [3]								
	12/2	12/2	Paris	532.80	96.00						96.00
Hon. Tom Hagedorn	11/13	11/26	Rome		975.00		4,053.00				5,028.00
	11/20	11/22	Paris [4]								
Committee total					1,618.00		4,053.00				5,671.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Privately sponsored trip—no cost to Government.
[4] Personal expense—no expense to Government.

E DE LA GARZA, Chairman, Jan. 31, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Chalres Wilson	2/3	12/6	United Arab Emirates		426.00		2,450.00				2,876.00
Hon. C. W. (Bill) Young	11/29	11/30	Greece		75.00						75.00
	11/30	12/2	Egypt		150.00						150.00
	12/2	12/5	Oman		414.00						414.00
	12/5	12/6	Saudi Arabia		162.00		4,619.00				4,781.00
George F. Allen	11/29	11/30	Greece		75.00						75.00
	11/30	12/2	Egypt		150.00						150.00
	12/2	12/5	Oman		414.00						414.00
	12/5	12/6	Saudi Arabia		162.00		4,619.00				4,781.00
Delacroix Davis	10/7	10/10	Canada		150.00		245.63				395.63
Mary Silveira	10/7	10/9	Canada		150.00		221.59				371.59
Total					2,328.00		12,155.22				14,483.22

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman. Feb. 8. 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Richard H. Ash	11/13	11/15	England		186.25		1,602.00		2.00		1,790.25
	11/15	11/23	Switzerland		672.00				30.00		702.00
	11/23	11/27	Austria		344.00				15.00		359.00
	11/27	12/3	Italy		531.25				12.50		543.75
G. Carter Baird	10/30	11/8	England		947.50		1,500.00		68.00		2,515.50
	11/8	11/19	Germany		836.00				6.68		842.68
	11/19	11/20	England		108.25						108.25
James H. Beard	10/30	11/8	England		947.50		1,500.00		28.41		2,475.91
	11/8	11/19	Germany		922.25				29.68		951.93
William T. Fleshman, Jr	10/11	10/16	Germany		587.00		1,670.00		45.00		2,302.00
	10/16	10/21	Austria		480.00				50.00		530.00
	10/21	10/24	Italy		255.00				10.00		265.00
	10/24	10/28	France		384.00						384.00
	10/28	10/31	Denmark		273.00						273.00
Frank T. Lyons	11/13	11/15	England		205.00		1,602.00		56.90		1,863.90
	11/15	11/23	Switzerland		672.00				40.00		712.00
	11/23	11/27	Austria		344.00				18.00		362.00
	11/27	12/3	Italy		531.25				19.00		550.25
Herbert T. Mills	11/13	11/15	England		186.25		1,602.00				1,788.25
	11/15	11/23	Switzerland		672.00				10.00		682.00
	11/23	11/27	Austria		344.00						344.00
	11/27	12/3	Italy		531.25				7.00		538.25
Joseph W. Montefiore	11/13	11/15	England		186.25		1,602.00				1,788.25
	11/15	11/23	Switzerland		672.00						672.00
	11/23	11/27	Austria		344.00						344.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	11/27	12/3	Italy		531.25				7.50		538.75
Jimmy R. Rose	10/30	11/8	England		947.50		1,500.00		30.51		2,478.01
	11/8	11/19	Germany		922.25						922.25
Harold W. Switzer	10/11	10/16	Germany		587.00		1,670.00		45.00		2,302.00
	10/16	10/21	Austria		480.00				50.00		530.00
	10/21	10/24	Italy		255.00				10.00		265.00
	10/24	10/28	France		384.00						384.00
	10/28	10/31	Denmark		273.00						273.00
Thomas L. Van Derslice		10/16	Germany		1,394.50						1,394.50
Joseph A. Vignali	11/13	11/15	England		186.25		1,602.00		2.00		1,790.25
	11/15	11/23	Switzerland		672.00				40.00		712.00
	11/23	11/27	Austria		344.00				9.75		353.75
	11/27	12/3	Italy		531.25				7.50		538.75
R. W. Vandergrift, Jr	10/31	11/8	England		947.50		1,500.00		103.16		2,550.66
	11/8	11/14	Germany		381.50				50.22		431.72
H. Branch Wood		10/16	Germany	1,394.50					60.00		1,454.50
Committee total					22,393.50		17,350.00		863.81		40,607.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

———— ————, Feb. 8, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981.
(DELEGATION TO MEET WITH BRITISH HOUSE OF COMMONS DEFENCE COMMITTEE)

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Badham, Congressman Robert E	10/17	10/20	England	168.83	312.00					168.83	312.00
Transportation, Department of the Air Force							2,129.95				2,129.95
Dickinson, Congressman William L	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Hartnett, Congressman Thomas F	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Nichols, Congressman Bill	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Stratton, Congressman Samuel S	10/13	10/16	Germany	733.14	334.36					733.14	334.36
	10/16	10/20	England	170.89	314.93					170.89	314.93
Incountry Transportation, Department of the Air Force.							1,678.50				1,678.50
Transportation, Department of State							420.00				420.00
Transportation, Department of the Air Force							2,467.60				2,467.60
Won Pat, Congressman Antonio B	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Bauser, Edward J	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Chase, Alan C	10/16	10/20	England	315.47	583.00					315.47	583.00
	10/20	10/23	Germany [3]								
Transportation, Department of State							1,732.00				1,732.00
Transportation, Department of the Air Force							2,193.99				2,193.99
Lally, John F	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Schafer, Robert E	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
White, Justus P., Jr	10/16	10/14	Germany		503.36						503.36
	10/15	10/16	Switzerland	147.20	80.00					147.20	80.00
	10/16	10/17	Germany		89.00					147.20	89.00
	10/17	10/20	England	168.83	312.00					168.83	312.00
Transportation, Department of the Army							994.00				994.00
Transportation, Department of the Air Force							2,129.95				2,129.95
Wincup, G. Kim	10/16	10/20	England	213.16	387.00					213.16	387.00
Transportation, Department of the Air Force							4,323.94				4,323.94
Local Delegation Expenses							347.83		2,034.42		2,382.25
Individual Committee travel:											
Aspin, Congressman Les	11/22	11/25	England	218.25	416.00					218.25	416.00
	11/25	11/28	Germany	595.41	267.00					595.41	267.00
	11/28	11/28	England								
Transportation, Department of State (awaiting verification).							3,560.00				3,560.00
Local transportation, Department of State (awaiting verification).											
Committee total					6,307.65		52,245.34		2,034.42		60,587.41

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Received currency in English pounds.

MELVIN PRICE, Chairman, Jan. 30, 1982.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Individual committee travel:											
Aspin, Congressman Les	11/22	11/28	England (local transportation)				916.55				916.55
Committee total							916.55				916.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MELVIN PRICE, Chairman, Feb. 2, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gustafson, David	12/14	12/18	France		480.00		1,258.00				1,738.00
Rinaldo, Matthew J	11/24	11/25	Brazil		232.00		3,396.80				3,628.80
Hunt, Peter (expenses to be filed on supplemental)											
Committee total					712.00		4,654.80				5,366.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Romano L. Mazzoli, MC	11/30	12/2	Switzerland		245.00		180.64				425.64
	12/2	12/4	Austria		238.00		48.29				286.29
	12/4	12/6	Italy		354.00		226.92				580.92
Commercial transportation							3,526.00				3,526.00
F. James Sensenbrenner, Jr., MC	11/30	12/2	Switzerland		245.00		180.64				425.64
	12/2	12/4	Austria		238.00		48.29				286.29
	12/4	12/6	Italy		236.00		226.92				462.92
Commercial transportation							3,628.00				3,628.00
Peter Regis, staff	11/30	12/2	Switzerland		245.00		180.64				425.64
	12/2	12/4	Austria		238.00		48.29				286.29
	12/4	12/6	Italy		236.10		226.92				463.02
Commercial transportation							3,526.00				3,526.00
Garner J. Cline, staff	11/29	12/3	Switzerland		490.00		143.03				633.03
	12/3	12/4	France		192.00		67.36				259.36
Commercial transportation							2,502.00				2,502.00
Committee total					2,957.10		14,759.94				17,717.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Forsythe, Edwin B., MC	11/11	11/18	Canary Islands		600.00		1,456.00				2,135.20
Airfare—Las Palmas/Tenerife/Las Palmas [3]							30.20				
Taxi fares [3]							49.00				
Mannina, George J., Jr	11/11	11/18	Canary Islands		600.00		1,456.00				2,056.00
Seifert, Gerald	10/27	10/31	France		384.00		1,238.00				1,622.00
Committee total					1,584.00		4,229.20				5,813.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Letter to State Department dated Dec. 7, 1981, requesting reimbursement in amount of $79.20.

WALTER B. JONES, Chairman, Jan. 31, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1981

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James O. Bush, staff			North Africa		412.00						412.00
			Europe		1,231.00		37.55		224.14		1,492.69
Committee total					1,643.00		37.55		224.14		1,904.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

EDWARD P. BOLAND, Chairman, Jan. 29, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3183. A letter from the Deputy Assistant Secretary of Defense (Facilities, Environment, and Economic Adjustment), transmitting notice of the location, nature, and estimated cost of various construction projects to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3184. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to extend by 5 years the expiration date of the Defense Production Act of 1950; to the Committee on Banking, Finance and Urban Affairs.

3185. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to reduce the cost of two Department of Transportation pipeline safety advisory committees without adversely affecting the usefulness of those committees; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

3186. A letter from the Comptroller, Department of State, transmitting the Department's quarterly report on programing and obligation of international narcotics control funds as of December 31, 1981, purusant to section 481 of the Foreign Assistance Act of 1981; to the Committee on Foreign Affairs.

3187. A letter from the Chairman, Federal Reserve System, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3188. A letter from the Comptroller General of the United States, transmitting a report on the processes used by the Federal bank regulators to review commercial banks' applications for intrastate branches (GGD-82-31, February 24, 1982); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

3189. A letter from the Deputy Administrator, General Services Administration, transmitting the annual report of General Services Administration, pursuant to 40 U.S.C. 493; to the Committee on Government Operations.

3190. A letter from the Assistant Secretary for Land and Water Resources, Department of Interior, transmitting a copy of an application by the Ak-Chin Farms, Pinal County, Ariz., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act, as amended; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 746. A bill to amend the Administrative Procedure Act to make regulations more cost effective, to insure periodic review of old rules, to improve regulatory planning and management, to eliminate needless formality and delay, to enhance public participation in the regulatory process, and for other purposes; with amendments (Rept. No. 97-435). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. APPLEGATE:

H.R. 5623. A bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits and to extend from August 1985 to August 1986 the month before which any such entitlement terminates; to the Committee on Ways and Means.

By Mr. CARMAN:

H.R. 5624. A bill to amend the Internal Revenue Code of 1954 to allow taxpayers a deduction for certain postsecondary tuition expenses; to the Committee on Ways and Means.

By Mr. CHENEY (for himself and Mr. LOEFFLER):

H.R. 5625. A bill to designate certain national forest system lands in the State of Wyoming for inclusion in the national wilderness preservation system, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Rules.

By CORCORAN:

H.R. 5626. A bill to amend the Internal Revenue Code of 1954 to repeal the provision in the credit for energy conservation expenditures which limits the credit to dwelling units completed before April 20, 1977; to the Committee on Ways and Means.

By Mr. HUTTO:

H.R. 5627. A bill to direct the Secretary of the Interior to release certain restrictions contained in a previous conveyance of land to the State of Florida and to allow the State of Florida to purchase the mineral interests of the United States in such land; to the Committee on Interior and Insular Affairs.

By Mr. NAPIER (for himself, Mr. SPENCE, Mr. CAMPBELL, Mr. HOLLAND, Mr. DERRICK, and Mr. HARTNETT):

H.R. 5628. A bill to make Federal crop insurance and Farmers Home Administration loans unavailable to producers of the 1982 crops of wheat, feed grains, rice, and cotton who do not participate in or comply with acreage limitations and set-asides imposed under the price-support programs applicable to such crops under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. OBERSTAR:

H.R. 5629. A bill to amend the Internal Revenue Code of 1954 to increase the excise tax on cigarettes to 28 cents a pack and to provide an inflation adjustment for such rate; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 5630. A bill to make section 457(e)(1) of the Internal Revenue Code of 1954 inapplicable to certain State judicial plans; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 5631. A bill for the relief of Broward County, Fla.; to the Committee on the Judiciary.

By Mr. SUNIA (for himself, Mr. DYMALLY, Mr. WON PAT, Mr. LANTOS, Mr. STARK, Mr. CROCKETT, Mr. YOUNG of Alaska, Mr. LOWRY of Washington, Mr. FAUNTROY, and Mr. BEILENSON):

H.R. 5632. A bill to amend the Immigration and Nationality Act to exempt U.S. nationals from certain naturalization requirements; to the Committee on the Judiciary.

By Mr. MAVROULES:

H. Con. Res. 277. Concurrent resolution expressing the sense of Congress that there should be an immediate mutual freeze of the nuclear arms race; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBERSTAR:

H.R. 5633. A bill for the relief of Dana Braford Baretto; to the Committee on the Judiciary.

H.R. 5634. A bill for the relief of Phillip Harper; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. RANGEL, Mr. FOGLIETTA, Mr. DOUGHERTY, Mr. MINISH, Mr. DYSON, Mr. MATSUI, Mr. FAUNTROY, Mr. DE LA GARZA, and Mr. MCKINNEY.

H.R. 27: Mr. BARNES, Mrs. BOGGS, and Mr. FRANK.

H.R. 459: Mr. FRENZEL, Mr. DYSON, Mr. FOGLIETTA, Mr. ENGLISH, Mr. CORCORAN, and Mr. EVANS of Georgia.

H.R. 746: Mr. FOLEY.

H.R. 1129: Mr. STUMP.

H.R. 1960: Mr. ROSENTHAL, Mr. FOGLIETTA, Mr. LEBOUTILLIER, Mr. WEBER of Minnesota, Mr. SCHUMER, Mr. FRANK, and Mr. GINGRICH.

H.R. 2311: Mrs. CHISHOLM, Mr. YATES, Mr. PRITCHARD, Mr. RANGEL, Mr. PEPPER, Mr. GINGRICH, Mr. SMITH of Pennsylvania, Mr. MITCHELL of Maryland, Mr. WASHINGTON, Mr. SCHUMER, Mrs. COLLINS of Illinois, Mr. WORTLEY, Mr. FROST, Mr. MINISH, Mr. MARKEY, Mr. FASCELL, Mr. MARTIN of New York, Mr. MILLER of California, Mr. HUGHES, and Mr. MINETA.

H.R. 4147: Mr. SKEEN, Ms. MIKULSKI, and Mr. DECKARD.

H.R. 4535: Mr. AUCOIN, Mr. BARNES, Mr. BONIOR of Michigan, Mr. BRODHEAD, Mr. PHILLIP BURTON, Mrs. CHISHOLM, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DENARDIS, Mr. DONNELLY, Mr. DOUGHERTY, Mr. DWYER, Mr. EDGAR, Mr. FOGLIETTA, Mr. HERTEL, Mr. JEFFORDS, Mr. MARKEY, Mr. MCDADE, Mr. MCHUGH, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL of Maryland, Mr. OBERSTAR, Mr. OTTINGER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. STUDDS, Mr. VENTO, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS of Montana, and Mr. FAZIO.

H.R. 4912: Mr. ST GERMAIN, Mr. NEAL, Ms. MIKULSKI, Mr. WOLPE, Mr. YATRON, Mr. FAZIO, and Mr. NELLIGAN.

H.R. 4953: Mr. TAYLOR and Mr. WEBER of Minnesota.

H.R. 5005: Mr. NEAL, Mr. SCHUMER, and Mr. FAZIO.

H.R. 5290: Mr. DONNELLY, Mr. DYSON, Mr. ERDAHL, Mr. JEFFORDS, Mr. MITCHELL of Maryland, Mr. RICHMOND, Mr. SAVAGE, Mr. SEIBERLING, Mr. WOLPE, Mrs. BYRON, Mr. NELLIGAN, Mr. DENARDIS, Mr. FISH, and Mr. BEDELL.

H.R. 5357: Mr. DYSON, Mr. SKEEN, Mr. MCGRATH, Mr. MARTIN of New York, Mr. FOGLIETTA, Mr. NELLIGAN, and Mr. COURTER.

H.R. 5404: Mr. CORCORAN and Mrs. COLLINS of Illinois.

H.R. 5480: Mr. FORSYTHE, Mr. PETRI, Mr. DWYER, Mr. HERTEL, and Mr. HUGHES.

H.R. 5521: Mr. HEFTEL.

H.R. 5522: Mr. HEFTEL.

H. Con. Res. 226: Mr. FORSYTHE.

SENATE—*Thursday, February 25, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable DON NICKLES, a Senator from the State of Oklahoma.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Father in heaven, when pressure becomes heavy between those who hold opposing views, we are less inclined to concentrate on issues and more inclined to think personally. Our reason tells us we are united in one purpose for the common welfare, but our emotions incline us to see those who oppose us as enemies. We thank Thee for Senate tradition which respects political adversaries and for Senate language which never fails to recognize each other as distinguished.

Grant, O God, that this tradition will always be taken seriously and this language will always be more than polite rhetoric. Keep us mindful that we debate a point not because we are stubborn and inflexible, but because we are strongly convinced that our position is the best for that objective to which we all are dedicated.

Help us to keep our cool in the realization that love is the "fulfilling of the law," that the two great commandments are comprehended in love for God and neighbor. Never allow us to feel that love is unbecoming the dignity and decorum of this powerful body. Gracious, loving Lord, help us to conduct all our business on this floor as well as in our offices and homes in love. In Jesus' name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 25, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DON NICKLES, a Senator from the State of Oklahoma, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. NICKLES thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is now recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate to date be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT REAGAN'S ADDRESS TO THE ORGANIZATION OF AMERICAN STATES

Mr. BAKER. Mr. President, yesterday, President Reagan proposed an expansive and bold initiative designed to foster economic stability and regional security throughout Central America and the Caribbean basin.

This is a comprehensive blueprint for survival in a region close to our Nation's borders and close to our Nation's interests. I commend the President for this essential component to U.S. foreign policy, and pledge my support for the program.

I ask unanimous consent, Mr. President, that the text of the President's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT TO THE ORGANIZATION OF AMERICAN STATES, HALL OF THE AMERICAS

The principles which the Organization of American States embodies—democracy, self-determination, economic development and collective security—are at the heart of U.S. foreign policy.

The United States of America is a proud member of this Organization. What happens anywhere in the Americas affects us in this country. In that very real sense, we share a common destiny.

We, the peoples of the Americas, have much more in common than geographical proximity. For over 400 years our peoples have shared the dangers and dreams of building a new world. From colonialism to nationhood our common quest has been for freedom.

Most of our forebears came to this hemisphere seeking a better life for themselves. They came in search of opportunity and, yes, in search of God. Virtually all—descendants of the land and immigrants alike—have had to fight for independence. Having gained it, they had to fight to retain it. There were times when we even fought each other.

Gradually, however, the nations of this hemisphere developed a set of common principles and institutions that provided the basis for mutual protection. Some 20 years ago, John F. Kennedy caught the essence of our unique mission when he said it was up to the New World, "to demonstrate that man's unsatisfied aspiration for economic progress and social justice can best be achieved by free men working within a framework of democratic institutions."

In the commitment to freedom and independence, the peoples of this hemisphere are one. In this profound sense, we are all Americans. Our principles are rooted in self-government and non-intervention. We believe in the rule of law. We know that a nation cannot be liberated by depriving its people of liberty. We know that a state cannot be free when its independence is subordinated to a foreign power. And we know that a government cannot be democratic if it refuses to submit to the test of a free election.

We have not always lived up to these ideals. All of us at one time or another in our history have been politically weak, economically backward, socially unjust or unable to solve our problems through peaceful means. My own country, too, has suffered internal strife including a tragic civil war. We have known economic misery, and once tolerated racial and social injustice. And, yes, at times we have behaved arrogantly and impatiently toward our neighbors. These experiences have left their scars but they also help us today to identify with the struggle for political and economic development in the other countries of this hemisphere.

Out of the crucible of our common past, the Americas have emerged as more equal and more understanding partners. Our hemisphere has an unlimited potential for economic development and human fulfillment. We have a combined population of more than 600 million people; our continents and our islands boast vast reservoirs of food and raw materials; and the markets of the Americas have already produced the highest standard of living among the advanced as well as the developing countries of the world. The example we could offer to the world would not only discourage foes; it would project like a beacon of hope to all of the oppressed and impoverished nations of the world. We are the New World, a world of sovereign and independent states that today stand shoulder to shoulder with a common respect for one another and a greater tolerance of one another's shortcomings.

Some 2 years ago when I announced as a candidate for the Presidency, I spoke of an ambition I had to bring about an accord with our two neighbors here on the North American continent.

I was not suggesting a common market or any kind of formal arrangement. "Accord" was the only word that seemed to fit what I had in mind. I was aware that the U.S. has

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

long enjoyed friendly relations with Mexico and Canada, that our borders have no fortifications. Yet it seemed to me there was the potential for a closer relationship than had yet been achieved. Three great nations share the North American continent with all its human and natural resources. Have we done all we can to create a relationship in which each country can realize its potential to the fullest?

I know in the past the United States has proposed policies we declared would be mutually beneficial not only for North America but also for the nations of the Caribbean and Central and South America. But there was often a problem. No matter how good our intentions were, our very size may have made it seem that we were exercising a kind of paternalism.

At the time I suggested a new North American accord, I said I wanted to approach our neighbors not as someone with yet another plan, but as a friend seeking their ideas, their suggestions as to how we could become better neighbors.

I met with President Lopez Portillo in Mexico before my inauguration and with Prime Minister Trudeau in Canada shortly after I had taken office. We have all met several times since, in the U.S., Mexico, and Canada. I believe we have established a relationship better than any our three countries have ever known before.

Today, I would like to talk about our other neighbors—neighbors by the sea—some two dozen countries of the Caribbean and Central America. These countries are not unfamiliar names from some isolated corner of the world, far from home. They are very close to home. The country of El Salvador, for example, is nearer to Texas than Texas is to Massachusetts. The Caribbean region is a vital strategic and commercial artery for the United States. Nearly half of U.S. trade, two-thirds of our imported oil, and over half of our imported strategic minerals pass through the Panama Canal or the Gulf of Mexico. Make no mistake: The well-being and security of our neighbors in this region are in our own vital interest.

Economic health is one of the keys to a secure future for our Caribbean Basin neighbors. I am happy to say that Mexico, Canada and Venezuela have joined us in the search for ways to help these countries realize their economic potential.

Each of our four nations has its own unique position and approach. Mexico and Venezuela are helping to offset energy costs to Caribbean Basin countries by means of an oil facility that is already in operation. Canada is doubling its already significantly economic assistance. We all seek to ensure that the peoples of this area have the right to preserve their own national identities; to improve their economic lot and to develop their political institutions to suit their own unique social and historical needs. The Central American and Caribbean countries differ widely in culture, personality and needs. Like America itself, the Caribbean Basin is an extraordinary mosaic of Hispanics, Africans, Asians, and Europeans, as well as native Americans.

At the moment, however, these countries are under economic siege. In 1977, one barrel of oil was worth 5 pounds of coffee or 155 pounds of sugar. To buy that same barrel of oil today, these small countries must provide five times as much coffee (nearly 26 pounds) or almost twice as much sugar (283 pounds). This economic disaster is consuming our neighbors' money reserves and credit, forcing thousands of people to leave for the United States, often illegally, and shaking even the most established democracies. And economic disaster has provided a fresh opening to the enemies of freedom, national independence and peaceful development.

We have taken the time to consult closely with other governments in the region, both sponsors and beneficiaries, to ask them what they need and what they think will work. And we have labored long to develop an economic program that integrates trade, aid and investment—a program that represents a long-term commitment to the countries of the Caribbean and Central America to make use of the magic of the market of the Americas to earn their own way toward self-sustaining growth.

At the Cancun Summit last October, I presented a fresh view of development which stressed more than aid and government intervention. As I pointed out then, nearly all of the countries that have succeeded in their development over the past 30 years have done so on the strength of market-oriented policies and vigorous participation in the international economy. Aid must be complemented by trade and investment.

The program I am proposing today puts these principles into practice. It is an integrated program that helps our neighbors help themselves, a program that will create conditions under which creativity, private entrepreneurship and self-help can flourish. Aid is an important part of this program because many of our neighbors need it to put themselves in a starting position from which they can begin to earn their own way. But this aid will encourage private sector activities, not displace them.

The centerpiece of the program I am sending to the Congress is free trade for Caribbean Basin products exported to the United States. Currently, some 87 percent of Caribbean exports already enter U.S. markets duty free under the Generalized System of Preferences. These exports, however, cover only the limited range of existing products—not the wide variety of potential products these talented and industrious peoples are capable of producing. Under the free trade arrangement I am proposing, exports from the area will receive duty free treatment for 12 years. Thus new investors will be able to enter the market knowing that their products will receive duty free treatment for at least the pay-off lifetime of their investments. Before granting duty-free treatment, we will discuss with each country its own self-help measures.

The only exception to the free trade concept will be textile and apparel products because these products are governed by other international agreements. However, we will make sure that our immediate neighbors have more liberal quota arrangements.

This economic proposal is as unprecedented as today's crisis in the Caribbean. Never before has the United States offered a preferential trading arrangement to any region. This commitment makes unmistakably clear our determination to help our neighbors grow strong.

The impact of this free trade approach will develop slowly. The economies we seek to help are small. Even as they grow, all the protections now available to U.S. industry, agriculture and labor against disruptive imports will remain. And growth in the Caribbean will benefit everyone, with American exports finding new markets.

Second, to further attract investment, I will ask the Congress to provide significant tax incentives for investment in the Caribbean Basin. We also stand ready to negotiate bilateral investment treaties with interested Basin countries.

Third, I am asking for a supplemental Fiscal Year 1982 appropriation of $350 million to assist those countries which are particularly hard hit economically. Much of this aid will be concentrated on the private sector. These steps will help foster the spirit of enterprise necessary to take advantage of the trade and investment portions of the program.

Fourth, we will offer technical assistance and training to assist the private sector in the Basin countries to benefit from the opportunities of this program. This will include investment promotion, export marketing and technology transfer efforts, as well as programs to facilitate adjustments to greater competition and production in agriculture and industry. I intend to seek the active participation of the business community in this joint undertaking. The Peace Corps already has 861 volunteers in Caribbean Basin countries, and will give special emphasis to recruiting volunteers with skills in developing local enterprise.

Fifth, we will work closely with Mexico, Canada, and Venezuela—all of whom have already begun substantial and innovative programs of their own—to encourage stronger international efforts to coordinate our own development measures with their vital contributions and with those of other potential donors like Colombia. We will also encourage our European, Japanese, and other Asian allies, as well as multilateral development institutions, to increase their assistance in the region.

Sixth, given our special, valued, relationship with Puerto Rico and the U.S. Virgin Islands, we will propose special measures to ensure that they also will benefit and prosper from this program. With their strong traditions of democracy and free enterprise, they can play leading roles in the development of the area.

This program has been carefully prepared. It represents a farsighted act by our own people at a time of considerable economic difficulty at home. I would not propose it if I were not convinced that it is vital to the security interests of this Nation and this hemisphere. The energy, the time, and the treasure we dedicate to assisting the development of our neighbors now can help to prevent the much larger expenditures of treasure, as well as human lives, which would flow from their collapse.

One early sign is positive. After a decade of falling income and exceptionally high unemployment, Jamaica's new leadership is reducing bureaucracy, dismantling unworkable controls, and attracting new investment. Continued outside assistance will be needed to tide Jamaica over until market forces generate large increases in output and employment—but Jamaica is making freedom work.

I have spoken up to now mainly of the

economic and social challenges to development. but there are also other dangers. A new kind of colonialism stalks the world today and threatens our independence. It is brutal and totalitarian. It is not of our hemisphere but it threatens our hemisphere and has established footholds on American soil for the expansion of its colonialist ambitions.

The events of the last several years dramatize two different futures which are possible for the Caribbean area: Either the establishment or restoration of moderate, constitutional governments with economic growth and improved living standards; or, further expansion of political violence from the extreme left and the extreme right resulting in the imposition of dicatorships and—inevitably—more economic decline and human suffering.

The positive opportunity is illustrated by the two-thirds of the nations in the area which have democratic governments. The dark future is foreshadowed by the poverty and repression of Castro's Cuba, the tightening grip of the totalitarian left in Grenada and Nicaragua, and the expansion of Soviet-backed, Cuban-managed support for violent revolution in Central America.

The record is clear. Nowhere in its whole sordid history have the promises of Communism been redeemed. Everywhere it has exploited and aggravated temporary economic suffering to seize power and then to institutonalize economic deprivation and suppress human rights. Right now, 6 million people worldwide are refugees from Communist systems. Already, more than a million Cubans alone have fled Communist tyranny.

Our economic and social program cannot work if our neighbors cannot pursue their own economic and political future in peace but must divert their resources, instead, to fight imported terrorism and armed attack.

Economic progress cannot be made while guerrillas systematically burn, bomb and destroy bridges, farms and power and transportation systems—all with the deliberate intention of worsening economic and social problems, in hopes of radicalizing already suffering people.

Our Caribbean neighbors' peaceful attempts to develop are feared by the foes of freedom because their success will make the radical message a hollow one. Cuba and its Soviet backers know this. Since 1978, Havana has trained, armed and directed extremists in guerrilla warfare and economic sabotage as part of a campaign to exploit troubles in Central America and the Caribbean. Their goal is to establish Cuban-style Marxist-Leninist dictatorships. Last year, Cuba received 66,000 tons of war supplies from the Soviet Union—more than in any year since the 1962 missile crisis. Last month, the arrival of additional high performance MiG-23 Floggers gave Cuba an arsenal of more than 200 Soviet war planes—far more than the military aircraft inventories of all other Caribbean Basin countries combined. For almost 2 years, Nicaragua has served as a platform for covert military action. Through Nicaragua, arms are being smuggled to guerrillas in El Salvador and Guatemala.

The Nicaraguan government even admits the forced relocation of about 8,500 Miskito Indians, and we have clear evidence that since late 1981 many Indian communities have been burned to the ground and men, women, and children killed.

The Nicaraguan Junta cabled written assurances to the OAS in 1979 that it intended to respect human rights and hold free elections. Two years later, these commitments can be measured—by the postponement of elections until 1985, by repression against free trade unions and parties, against the media and minorities, and—in defiance of all international civility—by the continued export of arms and subversion to neighboring countries.

Two years ago, in contrast, the government of El Salvador began an unprecedented land reform. It has repeatedly urged the guerrillas to renounce violence and to join in the democratic process—an election in which the people of El Salvador could determine the government they prefer. Our own country and other American nations through the OAS have urged such a course. The guerrillas have refused. More than that, they threaten violence and death to those who participate in such an election.

Can anything make more clear the nature of those who pretend to be supporters of so-called wars of liberation?

A determined propaganda campaign has sought to mislead many in Europe and certainly many in the United States as to the true nature of the conflict in El Salvador. Very simply, guerrillas armed and supported by and through Cuba are attempting to impose a Marxist-Leninist dictatorship on the people of El Salvador as part of a larger imperialistic plan.

If we do not act promptly and decisively in defense of freedom, new Cubas will arise from the ruins of today's conflicts. We will face more totalitarian regimes, more regimes tied militarily to the Soviet Union, more regimes exporting subversion, more regimes so incompetent yet so totalitarian that their citizens' only hope becomes that of one day migrating to other American nations as in recent years they have come to the United States.

I believe free and peaceful development of our hemisphere requires us to help governments confronted with aggression from outside their borders to defend themselves. For this reason I will ask the Congress to provide increased security assistance to help friendly countries hold off those who would destroy their chances for economic and social progress and political democracy. Since 1947, the Rio Treaty has established reciprocal defense responsibilities linked to our common democratic ideals. Meeting these responsibilities is all the more important when an outside power supports terrorism and insurgency to destroy any possibility of freedom and democracy. Let our friends and our adversaries understand that we will do whatever is prudent and necessary to ensure the peace and security of the Caribbean area.

In the face of outside threats, security for the countries of the Caribbean and Central American area is not an end in itself, but a means to an end. It is a means toward building representative and responsive institutions, toward strengthening pluralism and free private institutions—churches, free trade unions, and an independent press. It is a means to nurturing the basic human rights freedom's foes would stamp out. In the Caribbean we above all seek to protect those values and principles that shape the proud heritage of this hemisphere. I have already expressed our support for the coming election in El Salvador. We also strongly support the Central American Democratic Community formed this January by Costa Rica, Honduras and El Salvador. The U.S. will work closely with other concerned democracies inside and outside the area to preserve and enhance our common democratic values.

We will not, however, follow Cuba's lead in attempting to resolve human problems by brute force. Our economic assistance, including the additions that are part of the program I have just outlined, is more than 5 times the amount of our security assistance. The thrust of our aid is to help our neighbors realize freedom, justice, and economic progress.

We seek to exclude no one. Some, however, have turned from their American neighbors and their heritage. Let them return to the traditions and common values of this hemisphere and we all will welcome them. The choice is theirs.

As I have talked these problems over with friends and fellow citizens here in the U.S., I am often asked "why bother?" Why should the problems of Cental America or the Caribbean concern us? Why should we try to help? I tell them we must help because the people of the Caribbean and Central America are in a fundamental sense fellow Americans. Freedom is our common destiny. And freedom cannot survive if our neighbors live in misery and oppression. In short, we must do it because we are doing it for each other.

Our neighbors' call for help is addressed to us all: here in this country to the Administration, to the Congress, and to millions of Americans from Miami to Chicago, from New York to Los Angeles. This is not Washington's problem; it is the problem of all the people of this great land and of all the other Americas—the great and sovereign republics of North America, the Caribbean Basin, and South America.

The Western Hemisphere does not belong to any one of us—we belong to the Western Hemisphere. We are brothers historically as well as geographically.

I am aware that the United States has pursued Good Neighbor Policies in the past. These policies did some good. But they are inadequate for today. I believe that my country is now ready to go beyond being a good neighbor to being a true friend and brother in a community that belongs as much to others as to us. That, not guns, is the ultimate key to peace and security for us all.

We have to ask ourselves why has it taken so long for us to realize the God-given opportunity that is ours? These two great land masses are rich in virtually everything we need. Together, our more that 600 million people can develop what is undeveloped, can eliminate want and poverty, can show the world that our many nations can live in peace, each with its own customs, language and culture, but sharing a love for freedom and a determination to resist outside ideologies that would take us back to colonialism.

We return to a common vision. Nearly a century ago, a great citizen of the Caribbean and the Americas, Jose Marti, warned that "Mankind is composed of two sorts of men—those who love and create, and those who hate and destroy."

Today, more than ever, the compassionate, creative peoples of the Americas have an opportunity to stand together—to overcome injustice, hatred and oppression and build a better life for all the Americas.

I have always believed that this hemisphere was a special place with a special destiny. I believe we are destined to be the beacon of hope for all mankind.

With God's help we can make it so; we can create a peaceful, free and prospering hemisphere based on our shared ideals and reaching from pole to pole of what we proudly call the New World.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

Mr. BAKER. Mr. President, in a moment I intend to yield 5 minutes of my time to the distinguished Senator from Minnesota, in the absence of a provision for morning business today; but before I do so, I point out that as soon as the leader time is concluded and absent other arrangements that may be made, the Senate will resume consideration of S. 951, the Department of Justice authorizations bill.

We are proceeding under the provisions of rule XXII dealing with the procedures of the Senate after the invocation of cloture.

Mr. JOHNSTON. Mr. President, will the leader yield for a question?

Mr. BAKER. I yield.

Mr. JOHNSTON. The word I have received from the desk is that we can expect a late night, and I hope that is correct.

Mr. BAKER. I have not decided that yet. Let me finish. I will confer with the distinguished Senator from Louisiana and with the minority leader and with the distinguished Senator from Connecticut, and we will have something further to say in that respect.

I was about to say, Mr. President, that since the close of business on February 24, we have considered this matter now for 24 days, since it was first laid before the Senate and made the pending business.

The Senate has devoted 67 hours and 27 minutes to this measure. There have been 42 rollcall votes as of this moment on and pertaining to the Department of Justice authorizations bill. That, by the way, includes seven votes on cloture motions. Eighty-four amendments have been considered. Of that number, only 2 have been agreed to, 2 have been rejected, 5 have been tabled, 3 have been recalled, 24 withdrawn, 22 ruled out of order as being nongermane, 22 ruled out of order as being dilatory under the provisions of rule XXII, and 2 of the amendments were ruled improperly drafted, for a total of 84 amendments that we have dealt with.

Mr. President, it is my hope that we are coming down the homestretch in the consideration of this matter. I would like to finish this bill today, if it is possible to do so. It is my intention, when we resume consideration of this measure, to proceed to those amendments remaining on the list of amendments at the desk which are eligible at this point in the proceedings, which appear not to be subject to a point of order.

It is my hope that these amendments can be taken up and dealt with promptly, and that we can proceed to the consideration of the underlying first-degree amendment—that is to say, the Johnston amendment—as soon as possible.

That, in turn, would lead us to consideration of a number of sense-of-the-Senate resolutions which I believe are at the desk and are proposed to be offered at the end of the bill.

After that, Mr. President, there are no more amendments. I hope we can reach that point soon. But then we will still have a great number of hours remaining under the 100 hours provided under the cloture provisions of rule XXII.

Mr. President, all this is by way of preface for saying that in a few short moments we will resume consideration of this measure. I hope that we can proceed promptly. I think the issue has been debated not only at length but also well and thoroughly, and I hope we can arrange to set a time for the disposition of the pending first-degree amendment and the bill itself.

If that is not possible today—and I reiterate it should be possible, and I hope it will be possible—then I hope we can arrange an orderly schedule of the Senate for today and tomorrow and perhaps Saturday, in order to make sure that we dispose of this matter before we turn to the Williams case on Wednesday, the 3d day of March.

That is a long time, Mr. President, but there are many hours left. I hope every Senator knows—certainly the Senator from Connecticut must know, and the Senator from Louisiana must know—that I have no desire to press the Members beyond the limit of their endurance or their patience, but we simply have to finish this measure.

I inquire first of the Senator from Connecticut whether or not it might be possible to establish a time certain for the consideration of the Johnston amendment.

Mr. WEICKER. Mr. President, in response—and I will try to be brief—to the distinguished majority leader, I have stated all along that, in my opionion, the essence of this debate is the circumvention of the Constitution of the United States.

Last night, this body, in the tradition of the main issue, chose to circumvent the rules of the Senate.

To go ahead and not grant the right to a rollcall vote, to my way of thinking, might have been proper in terms of the ultimate objective and in terms of expediency but certainly did not conform to the traditions and procedures we have established for ourselves in this body.

I supported my Southern brethren several years back in their resistence to changes in rule XXII because I felt it was important to protect the rights of the minority. They were the minority. I am the minority right now. The rules call for 100 hours of debate, after cloture is invoked.

Now just as my friends on the issue would like to have a game played on the field without referees, that is, courts, obviously the leadership here on the floor of the Senate now takes rule XXII that we voted as a procedure and throws it out the window, and we are now playing under no rules.

I do not see where that encourages accommodation and compromise.

So, even though again I repeat I know I am in the minority on the issue and ultimately must lose, at least I will do so in an honorable way.

Mr. BAKER. Mr. President, it is not my purpose to join issue with the Senator from Connecticut. I cannot think of a single consideration that I could have extended the Senator from Connecticut last evening that I did not, even to the point of giving him a list of the amendments remaining with my notations on what position I would take and that I hoped the Chair would take in advance of the time we proceeded to that—I have never seen that done before—even to the point of telling the Senator from Connecticut exactly what I was going to do in each case before I did it, even to the point of advising him that I will ask the Senate to withhold the granting of the yeas and nays which under the rules was, of course, appropriate in the case of the last three amendments, all after 1 a.m. in the morning.

Mr. President, no rules have been circumvented, no honor has been besmirched, no failure of cooperation or consideration has been transgressed, and I intend to try to finish this bill.

The Senator from Connecticut is my friend. He will continue to be my friend, I trust, after this is over. Certainly I will be his friend as far as I am concerned.

But, Mr. President, my question was whether or not we could get a time certain on the Johnston amendment and I assume from his statement that the answer is no, and if the answer is no, then I have no alternative except to say we are going to finish this bill one way or the other. I am not going to violate any rule. I am not going to injure any precedent or traditon of the Senate.

I will continue to try to tell the Senator from Connecticut in each and every instance what I am going to do

in advance, but I have no apology for my urging of the Senate to act in the manner it has.

Mr. LONG addressed the Chair.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BAKER. Let me yield first to the senior Senator from Louisiana.

Mr. LONG. Mr. President, it was the intent of the Senate in passing the cloture rule to provide a way where debate could be brought to a close and where an issue could come to a vote. We provided 100 hours for consideration after cloture is invoked, and I believe the reason we have the 100 hours available to the Senate is basically to give each one of the 100 Senators 1 hour available to him to state his views. The distinguished majority leader, who was then the minority leader, insisted that we have the 100 hours.

It is all right with me for any Senator who opposes a bill to use his hour to further delay the Senate in voting on a bill which I favor. But I protest against him using my hour to further delay the Senate in doing its duty.

Now, here in the rules, and this is not something that was added at the time of the filibuster over the natural gas bill—this is something that has always been in the rule—it says, "No dilatory motion or dilatory amendment or amendment not germane shall be in order."

All the Senate has to do is to simply give life to that sentence and the filibuster is over. We will have voted on every amendment that any Senator cares to call up that has any potential of being added to the bill.

Now at that point, may I say to the leader, this matter could go on for another week by someone simply making points of order, making motions, appealing from the ruling of the Chair, and demanding the yeas and nays. If the Senate wanted to cooperate with that activity it could go on for a full 100 hours. I object to having my hour used that way, and I think most Senators would. If I were doing the filibustering, I might feel differently about the matter. In view of the fact I wish to vote for the bill, I object to having my hour used in that fashion. So it seems to me that at some point it is the burden of the leader to make the point that here is the rule, the amendments have been disposed of—in fact, if you still had 50,000 amendments sitting out there at some point the leader should make the point that any further amendments should be regarded as dilatory. When the Senate makes that decision, if that is what the rules intended, that is the end of the filibuster.

I am sympathetic to filibusters. I filibustered myself and reserve the right to do so again on a proper occasion. And I admire the Senator from Connecticut for the valiant fight he has made in a losing cause, but he has done nobly, may I say.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The majority leader should be aware of the fact that under the previous order the 10 minutes have expired.

Mr. BAKER. I wonder if the minority leader has any time available or if there be any disagreement to request to extend time so we can finish this colloquy?

Mr. ROBERT C. BYRD. Mr. President, later I shall yield to Senator Proxmire.

I yield such time as he may require to Senator Long.

Mr. BAKER. Mr. President, will the Senator yield to me for one other request in that respect?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I believe at the very outset I indicated to the Senator from Minnesota I would yield 5 minutes to him.

Mr. JOHNSTON. Mr. President, will the Senator also yield to me for a comment?

Mr. BAKER. I will be happy to. I wish to make sure we provide enough time to continue this. We can do it on the bill, but it will be more orderly to do it in this way.

If the Senator from Connecticut has no objection, and the minority leader has none, I ask unanimous consent that time allocated to me be extended by 7 minutes and that a similar amount of time be added to the time of the minority leader and that I may yield 5 minutes of that time at the conclusion of the time for the recognition of the minority leader to the distinguished Senator from Minnesota.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LONG. Just to conclude my portion of this discussion, it seems to me that it is the burden of the leadership on both sides of the aisle, whether the leader is for or against the bill, to provide leadership to the troops to get on with the business regardless of how the leader wishes to vote when the bill comes to a final disposition.

Therefore, I say to the Senator from Tennessee, and hopefully to the Senator from West Virginia as well, these two leaders have provided the leadership so that the Senate can at long last reach its decision. I hope that they will provide us the leadership to make it clear that once cloture is voted school is out. The bill is going to pass and those who are opposing it may as well adjust themselves to it. They may die rather slowly and painfully, but in any event they should recognize it is all over. The filibuster has failed when the cloture is voted. I hope that all of us in the Senate will understand that. Otherwise it is just a long, painful process to eventually find out that is how it is going to have to be anyway.

Mr. JOHNSTON. Mr. President, will the Senator yield to me?

Mr. BAKER. Mr. President, will the minority leader yield time since I have only 7 minutes, and I wish to yield 5 minutes to another Senator?

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Louisiana.

Mr. JOHNSTON. I thank the minority leader.

My friend from Connecticut has done a noble job in a losing cause. He and I are friends, were friends when we started, and will remain friends.

I do not say at all that he does not have a right to do everything that he has said he is going to do. What is it he said he was going to do? He started on September 16 and said he was going to filibuster. It is right there in the RECORD, Mr. President.

He put in 500 amendments, not one of which is substantive, not one of which he really tried to pass, not one of which has anything to do with the debate.

Now, the provision in rule XXII says that you may not allow any dilatory motion or appeal or anything else. We have sat here time after time after time and let the Senator from Connecticut do what he says he is going to do, and that is to tie this Senate up in knots.

Mr. President, there is precedent after precedent—and I refer the Chair and I refer the leadership to page 247—to the effect that appeals from the ruling of the Chair on a pusillanimous, substantively devoid question are dilatory appeals, and I have seen those appeals made, and seen the Senate tied up with a vote on that time after time, and I have not contravened the leader because the leader did not wish to raise that question.

I say that not in criticism of the leader; but to hear the leader castigated for bending the rules when, in fact he is not using the rules we have, when in fact we are not using those precedents which we already have, I think the leader has bent over backward in a double circle in order to accommodate the distinguished Senator from Connecticut.

Mr. President, I think it would be an abomination for us to have a banker's hours type of postcloture filibuster, go away for the weekend and have a good time—and I have got plans—and then come in with a banker's hours filibuster on Monday and Tuesday, and then set this aside and go to WILLIAMS, and maybe consider WILLIAMS for 2 or 3 weeks because, you know just what could happen? This matter could be lost legislatively by time.

Mr. LONG. War might break out. [Laughter.]

Mr. JOHNSTON. Anything can happen. We might have a stockmarket crash—and I do not say that with any laughter, I am beginning to worry about that.

The time to finish this bill is now and before the Williams matter. I applaud the majority leader and I will support him and I do not want to contravene him. I just want to stiffen up the backbone and resolve which he has so eloquently stated today to use the full force of these rules and precedents. Let us get this filibuster concluded, and we can all praise our distinguished friend from Connecticut for doing even more than the rules permitted him to do; and if anybody who is on his side of this question says that the Senator from Connecticut has not done more than could be expected of him, then they are wrong because he has gone above and beyond the call of duty and above and beyond the rules in tying this Senate up. The time to stop that is now.

Mr. WEICKER. Well, I would now, since I have had the opportunity to hear the comments——

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I ask unanimous consent that I be permitted 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. First of all, let me state that I appreciate the remarks of the distinguished Senator from Louisiana. Since he and the majority leader are on the same side of the issue, however, they lost a little bit of credibility.

Point No. 2, this only becomes a losing cause when this bill becomes law. At that point I have lost.

Unlike others of my colleagues who feel that all wisdom and all lawmaking capability resides in this Chamber, I understand the full constitutional process which requires this Chamber and the House and a Presidential signature and Supreme Court review, which eventually well might be lost if the attempt of the distinguished Senator from Louisiana and the Senator from Tennessee is successful.

I think it should be made clear that I did not set the times of the Senate last night. I was willing to stay here all evening, and for my good friend from Louisiana I have already indicated to the Senator from Tennessee that I think we should have a Friday session, I think we should have a Saturday session. If they are banker's hours they must be the hours of the distinguished Senator from Louisiana. They are not the hours I have suggested. We can stay here as long as he wishes to stay here.

The only point I make here is if I stay here I would like to be accorded treatment by virtue of the rules and customs of this body in order to accomplish the most successful presentation of my point of view.

If indeed we want to go ahead, the Senator from Louisiana wants to go ahead, and cut short the constitutional powers of other branches of Government that is bad enough. But to do it within this body sets a precedent that, believe me, I do not think you or your colleague from Louisiana will want to live with.

I repeat, I went outside the normal philosophy of my region to defend your right when you were a minority. Now at least the senior Senator from Louisiana is intellectually honest in terms of saying he would do the same thing. Well, all right. When that time comes I will stand up there, Senator, and raise my hand when you want the yeas and nays.

Beyond those comments I have little else to offer. I think the Senator from Tennessee should also say that last night I agreed automatically to the elimination of many amendments, 20, 30, 40, without any opposition whatsoever because I had been informed they were nongermane and there was no point in carrying forth that kind of debate.

I only debated those kinds of amendments where there was some reason for doubt. Under those circumstances, I would just suggest then that we get on to the debate. However, I want it truly understood that the manner in which we bring this debate to an end is a precedent for all of us that some day in the future others might not want to live with.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I am certain that everyone was tired and sleepy last night, and I understand that the emotions may be a little bit strained after yesterday.

But, Mr. President, I cannot help but respond when my friend from Connecticut implies that somehow the leadership had transgressed the rules of the Senate.

Quite the contrary. Every rule was followed and, as a matter of fact, while the majority leader might have made a point of order that the rollcall on the germaneness issue was itself dilatory, it was a marginal call and he did not do so in deference to the Senator from Connecticut.

I would have thought the Senator from Connecticut's response to that would have been, "I had the courtesy extended to me," rather than saying that somehow the majority leader had violated the rules of the Senate.

Mr. WEICKER. Mr. President, will the Senator yield for a question?

Mr. McCLURE. If I have the time.

Mr. WEICKER. Just one question. If that was the case, why did the majority leader issue instructions for Senators not to raise their hands when the request for a rollcall was made? Why not say it publicly?

Mr. McCLURE. He did.

Mr. BAKER. The Senator from Connecticut should know that I told him while he was sitting in my seat, I said on the floor in public statements, that I hope they will not give the Senator from Connecticut his yeas and nays.

Nobody has taken advantage of the Senator from Connecticut. I have bent over backward to try to accommodate him in the matter of scheduling.

Mr. President, I wish to say that we are going to finish this bill, and we are going to do it today and tomorrow and Saturday, if necessary.

Mr. McCLURE. Mr. President, will the Senator yield further for one comment?

Mr. BAKER. Yes.

Mr. McCLURE. Even if the majority leader makes that request, as he did, openly on the floor, there are 99 people on the floor of this Senate, aside from the Senator from Tennessee, who can exercise their own judgment, and I think what the Senator from Connecticut saw last night was that the overwhelming sentiment in this body was that those motions ought not to be made and there ought not to be the time consumed by the Senate.

That is not the fault of the Senator from Tennessee. The Senator from Connecticut should look at himself to find the reason for that act.

Mr. WEICKER. Then I would like to make inquiry as to whether or not when the yeas and nays are asked for today they are going to be granted or are we going to have a concerted effort to close off debate?

Mr. BAKER. If the inquiry is addressed to me, I will decide that later.

Mr. DURENBERGER. Mr. President, this postcloture filibuster presents a difficult choice for all of us who have opposed the attempt to place restrictions on the ability of the Federal courts to use busing as a remedy in school desegregation cases. I believe—and strongly believe—that the Senate erred when it adopted this amendment. I was 1 of the 35 Senators who opposed cloture. But the postcloture filibuster we are now engaged in is different in principle.

The conventional filibuster protects the minority by requiring 60 votes to halt debate. A postcloture filibuster allows a tyranny of the minority by permitting 1 Senator—even for the right cause—to thwart the will of 99 others.

This filibuster may seem to take on an almost heroic flair when it is used to block a provision that could weaken civil rights guarantees. But the process works both ways. If we permit it to continue today, any one Senator can

rise next week or next month to block an essential civil rights bill, a vital appropriation, or any other legislative matter. The postcloture filibuster is a bad means to a good end, and it is a device that we will never be able to control once we permit it to exist.

I am extremely disappointed by the Senate's action on the busing issue. But I am far more frightened by the consequences of this postcloture filibuster. It threatens the very concept of democracy on which this institution functions, and it is time for the filibuster to end.

There will be other opportunities to raise the substance of the busing issue. What we are now debating is the integrity of this body as a working institution.

REPEAL OF SPECIAL CONGRESSIONAL TAX BREAKS

Mr. DURENBERGER. Mr. President, I am pleased to join with my distinguished colleague from Wisconsin, Senator PROXMIRE, in sponsoring S. 2012, a bill which would repeal the special congressional tax breaks enacted in the closing days of last year's session.

In what was probably the most unfortunate action of the first session of Congress, the Senate, on September 24, voted to repeal the $3,000 expense deduction for Members of Congress and, in essence, said that Senators were to be treated as businessmen living away from home with the corresponding privilege of deducting all Washington living expenses. When it was later discovered that the wording of the new measure gave the deduction only to Members who were unmarried or who had families living in their home States, the Senate—again by a two vote margin—made sure that all Members of Congress got the new tax deductions by amending a bill concerning, of all things, benefits for victims of black lung disease.

I said at the time these actions were taken that I thought the new tax deductions were ridiculous, and I continue to strongly oppose them. I hope that the very vocal indignation of the American people will give those of us who oppose these deductions the two or three additional votes we need to repeal them. Unless we repeal the new deductions, many Members of Congress will not pay a single cent in Federal income taxes this year, and that would be simply outrageous.

The idea behind the original proposal was to put Congressmen and Senators on an equal footing with people in private business. But there is a critical difference: Members of Congress are in Washington by their own choice. All of us made a choice to be in public service to our country. We did so for a variety of reasons, but mostly because of our sense of duty to our country and our belief that we could contribute to the shaping of public policy.

I simply do not believe that, at a time when we are telling the American people to do some more belt-tightening, we should loosen our own belts a notch or two. In fact, it would have made a lot more sense to have tightened some of those tax deductions for business people, rather than to have extended them to Members of Congress.

Frankly, I am concerned about the increasing image of the U.S. Senate as an elite club for millionaires. I am even more concerned by the economic realities that are denying people of ordinary means the opportunity to seek public office. We need more people in elective office who have to budget to raise a family, send their kids to college, or buy a home. In other words, we need elected representatives who are feeling some of the same financial pinches of their constituents, foremost of which should be the obligation to carry one's fair share of the tax burden.

For that reason, I encourage my colleagues to join us in assuring that once again Members of Congress are required to pay taxes and experience some of the same finanical demands suffered by the people who elected us. We have an obligation to lead by example. And if the sacrifice of leadership is too great, we have an option those in business do not have—we can retire from politics and return to private life.

DISARRAY IN U.S. MIDDLE EAST POLICY

Mr. ROBERT C. BYRD. Mr. President, on October 21, 1981, in a speech before this body, I announced my opposition to the administration's proposed sale of AWAC's to Saudi Arabia. I based by decision largely on the fact that the Senate was being called upon to acquiesce in a major arms sale to a highly volatile region of the world in the absence of a clearly defined or workable policy for the Middle East on the part of the administration.

At that time, the administration argued that the sale was important to achieving its goal of a "strategic consensus" among moderate Arabs and Israel to meet the threat in the region posed by the Soviet Union. The administration continues to pursue this elusive policy of "strategic consensus" as evidenced by Secretary of Defense Caspar Weinberger's recent trip to Saudi Arabia, Oman, and Jordan.

It has been 4 months since the sale was approved by the Senate. It is time to assess events in the region during this 4-month period. I will offer my assessment within the framework of the warnings I issued in my October 21, 1981 speech.

I warned the following:

Our policy in the Middle East was nothing more than a series of ad hoc and ill-conceived responses to events rooted primarily in the Arab-Israeli dispute and not the Soviet threat.

The administration made a serious mistake in using the assassination of President Sadat as a pretext for pushing the AWACS sale. It symbolically transferred the mantle of a U.S. client state from Egypt to Saudi Arabia, forcing the Saudis to demonstrate they were not a U.S. client.

The Soviet threat was of secondary concern to the players in the region who viewed the Arab-Israeli dispute as the primary threat to peace and stability in the Middle East.

With the sale, we were escalating the arms race in the region and we would be faced with annual litmus tests of our relationships with Israel and Saudi Arabia in particular.

In light of the assassination of President Sadat, the burden of continuing the peace process fell more heavily on Prime Minister Begin's shoulders. Therefore, the Prime Minister had to be given some maneuvering room to make decisions he had not been compelled to make in the past. The sale would not give him this maneuvering room.

We had all but abandoned the Camp David process, leaving the future of Egypt-Israeli peace talks uncertain at best.

Unfortunately, my warnings at the time were prophetic. My worst fears have been confirmed. Yet, I do not take much solace in the fact that events in the region have proven me correct.

Our policy remains one of a series of ad hoc responses to developments in the region. We still do not have a viable policy in the Middle East. This set of circumstances is complicated further by the fact that the administration still speaks with many voices on foreign policy. Who is formulating policy toward the Middle East? Is it Secretary of State Alexander Haig or is it Secretary of Defense Caspar Weinberger?

The Secretary of Defense still perceives the primary threat in the region to be the Soviet Union. Therefore, his response to this perceived threat is the pursuit of his elusive "strategic consensus." So how does the Secretary propose to implement his "strategic consensus"? He engages in what I characterize as F-16 diplomacy. Prominent news coverage was given to the Secretary's discussions with King Hussein on the question of the transfer of F-16's and mobile Hawk missile batteries to Jordan. Once again, we have the specter of another arms transfer involving weapons of significant sophistication to potential adversaries in the Middle East.

89-059 O-85-34 (Pt. 2)

The Secretary of State, on the other hand, while concerned with the Soviet threat to the region, does appear to be somewhat sensitive to Israel's security concerns.

Thus, we are greeted with the continuing public spectable of the Secretary of State and the Secretary of Defense competing for primacy in the formulation of U.S. foreign policy. As a consequence, we have contradictory statements coming from the administration regarding our policy in the Middle East. This not only jeopardizes our interests in that region and elsewhere, it also seriously calls into question our credibility as a reliable and consistent major power.

As to the issue of Saudi Arabia distancing itself from the United States to demonstrate it is not one of our client states, the record speaks for itself as well.

The December 24, 1981, edition of the Washington Post reported:

Saudi Arabia's Crown Prince Fahd . . . cancelled his January 19 visit to President Reagan, and, despite efforts to minimize the implications, U.S. officials said privately that the Saudis (did) not want to call too much attention to their relations with the United States at the present time.

The officials said the cancellation was a disappointment because it marked the second time in almost three years that Fahd, the effective head of the Saudi government, has indefinitely postponed a U.S. visit . . . .

On November 11, 1981, the Washington Post reported that the Saudi Foreign Minister criticized Oman for participating in the U.S. military exercise "Bright Star." Prince Saud al Faisal, addressing the opening meeting of the Gulf Corp. Council, complained that Omani-United States cooperation was contrary to the council's principle of nonalignment.

On December 2, the Washington Post reported the following:

The official Saudi view that the Gulf states must keep a certain distance from the U.S. seems unchanged even by the U.S. Senate's approval of the sale of AWAC's. There are problems posed by such a close Saudi-American military strategy in the absence of a settlement of the Palestinian issue.

That report was reinforced during Defense Secretary Weinberger's recent trip to Saudi Arabia. According to the February 13, 1982, New York Times, an aide to the Secretary told correspondents that Saudi Arabia was "pivotal in the administration's plan for building a strategic consensus of Arab nations to block Soviet expansion into the region."

The Defense Secretary outlined, to newsmen, what he hoped to achieve while in Saudi Arabia. This included the following:

To complete the details of the $8.5 billion sale of AWACS radar surveillance planes to Saudi Arabia.

To persuade Prince Fahd to come to Washington to meet with President Reagan.

To see whether the United States and Saudi Arabia could coordinate security assistance for the other nations around the Persian Gulf.

To ease the Saudis away from their obsession with Israel.

But as the New York Times reported:

All that came out of the marathon session, however, was a grudging Saudi agreement to form a 'joint committee for military projects' that would oversee existing programs such as deliveries of F-15 fighters and the AWACS planes.

To my astonishment, the Times reported the following concerning the Saudi perception of the AWACS sale:

As a Saudi general put it, "You are just arms salesmen and we pay cash."

. . . the Saudis have made it abundantly clear, and did so again this week, that United States forces are unwanted here.

The issue of the Soviet threat once again apparently fell on deaf ears. The same edition of the New York Times reported:

As for turning Saudi Arabia's attention to a Soviet threat and away from its almost single-minded obsession with Israel, nothing seems able to dissuade them.

The Defense Secretary should not have been surprised by this reaction. The Saudis' chief lobbyist in Washington, Mr. Frederick Dutton, was quoted in the November 28, 1981, National Journal as saying:

"We need to quit being so preoccupied with the Soviets." He and others have argued that from the Arab view, the threat to the Middle East peace comes not from the Soviet Union, but from Israel. Until the United States can force Israel to allow the establishment of a Palestinian state, these critics say, there can be no real progress in meeting the Soviet threat.

My warning that the administration was launching an ever-escalating round of sophisticated weapons transfers to a highly volatile region of the world went unheeded last October. Let us take a look at the record since that time.

Secretary Weinberger looks favorably upon providing F-16's and mobile Hawk missiles to Jordan. The administration has promised Israel additional foreign military sales credits to compensate for the Saudi AWACS sale. Egypt has requested additional arms sales from the United States.

In addition, less than a month after the administration's AWACS victory, the Washington Post reported the following:

Saudi Arabia, concerned that Israel will carry out one of its "famous military strikes" here sometime in the next two years, is seeking a closer defense alliance with the U.S. Saudi Arabia wants the U.S. military cooperation to close what amounts to a "window of vulnerability", the official said, but the principal obstacle continues to be the unresolved Palestinian issue.

The unidentified Saudi official stated further:

Obviously at some stage we will try to reach (military) parity with Israel either through our own means or through alliances.

How has the sale of AWACS to Saudi Arabia impacted upon the ability of Prime Minister Begin to deal flexibly with the Egyptians on the autonomy talks? The November 18, 1981 edition of the Wall Street Journal, answered this question by observing:

Fear is growing here (meaning Washington) that President Reagan is in some danger of losing his major achievement in the Middle East—a cease-fire in Lebanon between Israel and the PLO.

Israel has reached a state of paranoia we haven't seen in years, a State Department official says. In this mood, anything could provoke an Israeli reaction and military explosion.

. . . Israeli apprehension has been heightened by American attentiveness to Saudi Arabia and the possibility that Egypt may rejoin the Arab fold.

And what has happened to the Camp David process? As the February 16, 1982, New York Times reported:

. . . For months hardly any efforts were made toward keeping life in the Camp David negotiating process between Israel and Egypt; that period was followed by two quick trips by Mr. Haig to the area.

And what of Saudi Arabia's role in fostering the peace process as claimed by the administration? On November 25, 1981, the Arab summit broke up in disarray after it opened in sharp disagreement over the Saudi peace proposals which implied Arab recognition of Israel.

Did the Saudi eight-point peace plan recognize the right of Israel to exist as a sovereign and secure state in the Middle East? Even the Saudis have flip-flopped on this issue. The Saudi delegate to the United Nations said yes in early November. On November 16, 1981, the Saudi Government said their United Nations delegate had not been authorized to interpret its peace plan for the Middle East.

However, the clincher came on January 5, of this year when the New York Times reported that the Saudi Foreign Minister stated there was absolutely no truth to published reports that the Saudi Government was prepared to recognize Israel.

These are but a few examples of why I believe the administration's Middle East policy is based upon misperceptions and miscalculations. If the stakes in the region for the United States, Israel, and her Arab neighbors were not so high, I would feel vindicated that my warnings of October 21, 1981, should have been heeded. But the stakes are indeed too high. And people's lives are jeopardized if the United States continues to make the kinds of miscalculations that I believe this administration has made in the Middle East.

Israel is scheduled to complete a total withdrawal from the Sinai by the end of April in fulfillment of its obli-

gations under the Camp David process. They do so at a time when their confidence in the reliability of the United States has been shaken badly.

Prime Minister Begin is under increasing pressure from his own populace to launch an invasion of southern Lebanon to knock out the twin threats posed by the Syrian missiles in the Bekaa Valley and the PLO military buildup.

Unfortunately, because of the infighting between the Secretary of State and the Secretary of Defense over Middle East policy, which has resulted in contradictory signals coming out of Washington, Israeli confidence in the United States as an arbiter has been shattered. War clouds loom very heavily on the Middle East horizon.

On January 9, 1981, Secretary of State Alexander Haig appeared before the Senate Foreign Relations Committee for his confirmation hearing. During his hearings he emphasized the following:

Consistency, reliability, balance—these three attributes are essential, not because they guarantee a successful foreign policy—nothing can do that—but because their absence guarantees an unsuccessful one.

Mr. President, I would submit that this administration's foreign policy has been inconsistent, unreliable, and unbalanced. As a consequence, their own words are coming back to haunt them. The foreign policy of this Nation is in complete disarray and as such, according to Secretary Haig's own criteria, is not only unsuccessful, but also disastrous for U.S. interests.

The news media has noted the disarray in this administration's foreign policy, in particular the vying for primacy in policy formulation between the Secretary of Defense and the Secretary of State. Editorials in the February 17 New York Times and the February 18 Washington Post, and columns in the February 23 Washington Post by Philip Geyelin and Edwin Yoder, Jr., make the points forcefully. We have serious problems and they will get worse, unless the President gets his foreign policy house in order.

I ask unanimous consent that the editorials and columns be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 18, 1982]

NO MIDEAST POLICY

The vacuum that is this administration's Mideast policy is hurting the president and the country alike. Into that vacuum, almost, it seems, in alternate weeks, pop the secretary of state and the secretary of defense, each cultivating a private departmental interest without even a pretense of sharing a common one. It is terrific political theater to see two Cabinet officers vying with each other for bureaucratic supremacy virtually in full public view. But it is a damaging comment on President Reagan's disinclination to accept the responsibility of his office and govern. And it is also, from the point of view of the national interest, absurd.

The latest episode of the Haig-Weinberger follies centers on the visit by the secretary of defense to Jordan, where he at least raised the question of selling King Hussein top-of-the-line aircraft and missiles to keep him from shopping in Moscow. By the time Secretary Weinberger's purpose and the various remarks and asides of his party had filtered back to Washington, the Israelis were invoking their own nightmare of American abandonment, and President Reagan was forced to step in and calm things down.

There seems to be a real personality clash between Mr. Weinberger, who distinguishes between the Israeli "people" and the Israeli "government," and Menachem Begin, who makes no secret of his intense distrust of the secretary. This is unfortunate, but it is not crucial. What is crucial in this episode is that Mr. Weinberger was flying his own kite, seeking to strengthen American links with friendly Arab states, evidently without regard to previous American assurances to Israel or to Secretary Haig's own recent diplomatic visitations. How can it possibly help the secretary of state to nudge along the Palestinian autonomy talks if at that very moment the secretary of defense is pleading with an Arab leader who spurns those talks to accept the favor of hot new American arms? Whatever his intent, Mr. Weinberger's effect was quite likely to bolster the Israeli hard line in ways that can lead to no good. Whether he will be appreciated in Arab quarters for having made the old college try or dismissed for not being able to deliver we don't know. But either way, how can it possibly help the secretary of state?

There is a sense, of course, in which not having a Mideast policy—a coordinated plan to pursue both diplomatic goals and security goals—is in itself a policy. The security side—the arms-selling, pact-making side—obviously has the strength under such conditions. To engage in this arms and pact business means closing ranks as much as possible with Arab states, demonstrating to them that the United States is loosening its special commitment to Israel, and accepting as natural and even desirable the inevitable consequent collisions with the Israelis. But this is an extraordinarily dangerous and reckless course, even a dishonorable one. Fortunately, there is an alternative, a very difficult one. It entails seeing the region as a whole, pursuing security interests firmly but with due respect to the sensitivities of all states of the region and accepting the political centrality of the need for Israeli-Palestinian coexistence. Right now, Mr. Reagan is over-engaged on the security side and inattentive on the political side. He is asking for trouble, and he is getting it.

[From the New York Times, Feb. 13, 1982]

POLICY ON ARABS: SLIM PICKINGS FOR U.S. IN RIYADH

(By Richard Halloran)

AMMAN, JORDAN, Feb. 12.—Secretary of Defense Caspar W. Weinberger achieved scant results in his three-day visit to Saudi Arabia this week and thus reopened the question of whether the Reagan Administration's Arab policy has been built on wishful thinking.

On the flight to the Middle East, an aid to Mr. Weinberger told correspondents that Saudi Arabia was "pivotal" in the Administration's plans for building a strategic consensus of Arab nations to block Soviet expansion into the region.

Then Mr. Weinberger and his aides outlined a series of props that he hoped to put into place to help support that consensus:

He intended to finish up the details of the $8.5 billion sale of Awacs radar surveillance planes to Saudi Arabia.

He wanted to persuade Prince Fahd, the Deputy Prime Minister and Riyadh's leading politician, to come to Washington to meet with President Reagan.

He wanted to see whether the United States and Saudi Arabia could coordinate security assistance for the other nations around the Persian Gulf and perhaps elsewhere in the Arab world and possibly provide the technical and managerial help needed to start a regional arms industry.

He wanted, most of all, to ease the Saudis away from their obsession with Israel and point to an increasing threat from the Soviet Union, which has recently added several divisions to its forces north of Iran, increased its forces in Afghanistan and meddled ever more in politically volatile Iran.

During his three days in Saudi Arabia, Mr. Weinberger had extended talks with several Saudi leaders, including a nine-hour session with Prince Sultan, the Defense Minister, that lasted until about 4:45 A.M.

All that came out of the marathon session, however, was a grudging Saudi agreement to form a "joint committee for military projects" that would oversee existing programs such as deliveries of F-15 fighters and the Awacs planes.

The other points, according to American officials, came up in conversations but went nowhere. Even the Awacs program, on which the Administration spent so much political capital last year squeezing it through the Senate, seemed in jeopardy.

Mr. Weinberger, who is usually accessible to correspondents on trips like this, has refused to talk about the Awacs issue beyond a general comment at a brief news conference. But Saudi officials, while not discussing details, indicated rather clearly where the stumbling block was.

SEEN AS COMMERCIAL DEAL

In their eyes the sale is basically a commercial deal in which the United States sold the planes and Saudi Arabia bought them and therefore has the right to do with them as the Saudi government pleases. As a Saudi general put it, "You are just arms salesmen and we pay cash."

The problem, however, is that President Reagan told Congress that he would certify that Saudi Arabia had agreed to restrictions on the operation of the Awacs, such as not using them against Israel. Whether the Saudis consented to those restrictions in a way that can be verified remains unclear.

Beyond that, the thin achievements of Mr. Weinberger have again brought up the issue of United States interest in Saudi Arabia and the ground on which the Administration's policy rests.

First, and most obvious, is oil. But as Mr. Weinberger himself has pointed out, the United States relies far less on oil from that region than do Japan and many European nations. None of them have done much to secure access to those oil supplies.

U.S. FORCES ARE UNWANTED

Second, there is Saudi Arabia's strategic position. Any Soviet advance into the oilfields must either threaten Saudi Arabia directly or lead to an invasion. But the Saudi armed forces, according to American military officers, are incapable of more than token resistance. Nor would major contribu-

tions of forces from other Arab nations make such difference.

Confronted with that, the Saudis have made it abundantly clear, and did so again this week, that United States forces are unwanted there. Some Saudis have said that they fear United States Marines more than Soviet tanks when it comes to taking over the oilfields.

As for turning Saudi Arabia's attention to a Soviet threat and away from its almost single-minded obsession with Israel, nothing seems able to dissuade them. This is not, it appears for lack of trying.

Saudi leaders seem repelled by the proposal of strategic cooperation with the United States for several reasons. One, clearly, is the deep commitment of Americans to the preservation of Israel. Less clear but still evident is Saudi suspicion of foreigners and especially those from the West.

There also seemed to be a hint that the traditionalist, conservative leaders of Saudi Arabia, much as they profess to despise Communism and refuse to have diplomatic relations with Moscow, might be seeking to escape a Russian threat by keeping the United States at a distance.

For the Reagan Administration that is a lot to overcome. It may even be too much. The lesson from Mr. Weinberger's visit may be that this is another case of wishful thinking.

[From the Washington Post, Feb. 23, 1982]

... VS. THE UNITED STATES

(By Edwin M. Yoder, Jr.)

At a recent breakfast with reporters, Zbigniew Brzezinski, Jimmy Carter's national security adviser, was asked about the Haig-Weinberger duet in foreign policy.

Brzezinski: We are seeing, perhaps, the birth pangs of a policy. The question is whether it will be stillborn.

Voice: It's twins!

Brzezinski: Not Siamese, unfortunately. (Laughter)

The apparent discord over U.S. arms sale policy in the Middle East, which resulted last week in a major flap with Israel, seems funny in a warm and secure Washington hotel room. But it clearly doesn't amuse Menachem Begin, for whose country it could have dire consequences.

In 1976 the Ford administration committed the United States not to sell mobile anti-aircraft missiles to Arab states. Jordan's anti-aircraft batteries stand now on fixed sites known to Israeli intelligence, making the military balance in that respect predictable and stable.

Begin, accordingly, was as unamused as Queen Victoria to read that Defense Secretary Caspar Weinberger was talking with Jordan's King Hussein about selling mobile anti-aircraft missiles.

Hussein's grandfather, King Abdullah, was assassinated in 1948, probably for being gracious about the founding of Israel. Abdullah's grandson is a sour little monarch, unhappy with everyone's policies, whose regime the Israelis saved from Syrian assault 12 years ago. But no good deed goes unpunished, as the saying runs, and Hussein, by threatening to buy his arms from Russia, is putting the squeeze on the United States to sell him mobile anti-aircraft missiles—a sale that could destabilize his relationship with Israel.

Hussein's shopping list, and Weinberger's willingness to discuss it, ignited Begin's wrath and resulted in a nearly unanimous resolution by the Israeli parliament. The resolution doesn't tell Ronald Reagan how to balance the U.S. commitment to Israel's security against the clamor of Arab states for high-tech weaponry which they are likely to use against one another—or Israel. Unlike the underlying problem, the resolution is borrowed trouble. It was attributable to obscure musings aboard Weinberger's plane about a "redirection" of U.S. Middle Eastern policy.

The Israelis are also aware Weinberger successfully advocated Reagan's decision to sell AWACS aircraft to Saudi Arabia. This is another decision that threatens Israel's air supremacy, its lifeline. It is Weinberger's policy to pacify the "moderate" Arab regimes with the sale of advanced weaponry, although all of them (with the exception of Egypt) remain immoderately hostile to Israel's existence. Hence Caspar Weinberger would be a questionable emissary, even if the arms-sale policy were well considered.

Menachem Begin has other problems as well. He is under harsh pressure at home to unleash the Israeli army against PLO concentrations in southern Lebanon, now heavily resupplied by the Soviet Union in violation of understandings negotiated last summer by U.S. Ambassador Philip Habib. Were it not for Begin's scruples about notifying the United States beforehand, the Israeli strike would probably have occurred a month ago, and it remains a lively possibility.

Imagine, then, the effect of Weinberger's unguarded talk on an Israeli prime minister who is holding his generals on a frayed leash and contemplating the painful April 25 deadline for restoring the last segment of the occupied Sinai to Egypt.

Reagan presumably tolerates Weinberger's frequent personal improvisations in policy (not only about arms sales to the Arabs but his recent dissent over the Polish loan issue) because he's an old friend and confidant. But Weinberger's roving commission is a costly indulgence.

When the latest episode demanded some hasty firefighting by the president, we were told that it was the result of a misunderstanding fostered by "press reports" and "exaggerated commentary." Haig, in a smirking television interview, called the problem a "not-too-unusual firestorm in Washington press circles," perhaps the failure of a reporter to hear correctly "a caveated statement."

If there was some misinterpretation, which is possible, it is hardly the root of the problem. What actually needs to be "caveated," in Haig-speak, is Weinberger's preoccupation with the military side of foreign policy and his unwillingness to subdue personal differences with the secretary of state, even when Haig's view is official U.S. policy.

If the confusion is prolonged, the Reagan administration will find itself with a foreign policy problem that can't be handled by soothing letters to foreign leaders or blamed on bad reporting.

[From the Washington Post, Feb. 23, 1982]

HAIG VS. WEINBERGER . . .

(By Philip Geyelin)

Whenever gossip in this town turns to speculation on the possible departure of Secretary of State Al Haig, the candidate most frequently mentioned as his successor is Secretary of Defense Caspar Weinberger. It figures, given Weinberger's background and old-shoe palship with the president. But why bother, I say.

Leave the job vacant; you could save a lot of money in travel expenses and lose nothing. At least half of the time, Cap Weinberger acts and talks as if he thinks he holds both jobs right now.

Not funny? You're right. It is a deadly serious business when the two principal figures in the area of national security are fundamentally at odds on important aspects of strategy and policy. But it is usually manageable—and also traditional. Haig had that last part just right the other day when he conceded there are "clearly differences" between him and Weinberger, but added:

"What's new about that? Each department comes at these problems from their differing perspectives. That's inevitable. It has always been so."

What has not "always been so," however, is the extent to which inherently differing departmental perspectives have been allowed to crystallize into unresolved policy conflicts. What is not "inevitable" is that these conflicts be given public expression in a way that baffles (or needlessly provokes) allies and/or adversaries and confounds the forceful conduct of national security affairs.

In short, what's new about the all-too-clear differences in approach between Haig and Weinberger on the Polish crisis, for one example, or Central America, for another, is the permissiveness of top management. The inescapable implication is that Ronald Reagan believes this public armwrestling for influence and preeminence is either (a) of no consequence or (b) unmanageable.

A third possibility, of course, is that Reagan believes that, in a town that dotes on disorder and abhors harmony, a lot of the policy conflict is the work of—you guessed it—the press. That's about half true; it appears in the press. But it gets there courtesy of public as well as private statements by the principals themselves, or the calculated contributions of anonymous subordinates.

And it gets there, in part, out of the natural competitive instincts of bureaucrats with conflicting interests. At the Pentagon, the emphasis is on securing base rights, deploying nuclear weapons, striking up military alliances—and never mind the sensitivities of the host nations, or governments, or the local or regional political repercussions, which are precisely the things the State Department does have to worry about.

The responsibilities and interests of the military and the diplomats, what's more, are inextricably interwined. The neutron bomb is a weapon; its deployment in Europe is a political issue. Trade sanctions are an economic and diplomatic tool; but as they may involve technology of military value, they concern defense planners.

The question is whether these overlaps ought to be sorted out in private or argued out in public. The impulse to the latter course is accentuated in a number of current cases by an exceptionally heavy concentration of hard-nosed anti-communist zealots in key civilian slots in Defense, reflecting Weinberger's own hard line.

The resulting competition with State's more cautious careerists has the effect of inciting brisker competition—and more open conflict.

Personalities add further incitement. Denials to the contrary, Haig and Weinberger are, well, not exactly collegial. Haig's preoccupation with "turf" is legendary. It is heightened by Weinberger's long, almost alter-ego connection with the president. He feels free to hold forth on foreign policy at a length and with a specificity that few old-timers can recall any predecessor having done because he is confident he knows his

boss's mind. For his part, Haig cannot be so sure.

But Haig is supposed to be The Man for foreign policy. And so we see them both racing around the world, sometimes simultaneously. That was the case a week or so ago when Weinberger was trying to strike up tighter ties with Saudi Arabia while Haig was working up a new defense arrangement with Morocco.

Meantime the catalogue of identifiable conflict grows: Weinberger's harder line on Poland; Haig's tougher stance on Central America; the distinctively different emphasis in the approach of the two men to the Middle East—issues on which you would want a settled policy.

Maybe it is, in this instance, unmanageable, even with the installation of a new National Security Council arrangement that at least bears some resemblance to arrangements that have worked before. But you cannot come away from talks with concerned foreigners with the belief that the damage done to orderly and effective American foreign policy is of no consequence.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, what is the pending business?

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The PRESIDING OFFICER. The clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 458

Mr. JOHNSTON. Mr. President, I call up amendment No. 458 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes amendment numbered 458.

The amendment is as follows:

At the end of the pending amendment add the following:

Notwithstanding any section of this bill, and notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than the end of the fiscal year ending September 30, 1983.

Mr. JOHNSTON. Mr. President, I move to lay that amendment on the table.

The PRESIDING OFFICER. The question is on the motion.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be——

Mr. JOHNSTON. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the motion to lay on the table amendment No. 458.

Mr. JOHNSTON. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. JOHNSTON. I withdraw the request.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum

The PRESIDING OFFICER. Will the Senator withhold that for a moment?

Mr. McCLURE. I will.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the following Senators to the Canada-United States Interparliamentary Group: The Senator from Idaho (Mr. McCLURE), the Senator from North Dakota (Mr. ANDREWS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Delaware (Mr. BIDEN).

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The Senate continued with the consideration of the bill (S. 951).

QUORUM CALL

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 13 Leg.]

Byrd, Robert C.	Johnston	Stevens
D'Amato	Long	Weicker
Dixon	McClure	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The legislative clerk resumed the call of the roll.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from North Carolina (Mr. EAST), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Nebraska (Mr. EXON), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—83

Abdnor	Ford	Melcher
Andrews	Glenn	Metzenbaum
Armstrong	Gorton	Mitchell
Baucus	Grassley	Moynihan
Bentsen	Hart	Murkowski
Biden	Hatch	Nickles
Boren	Hatfield	Nunn
Boschwitz	Hawkins	Packwood
Bradley	Heflin	Pell
Bumpers	Heinz	Percy
Burdick	Helms	Pressler
Byrd, Harry F., Jr.	Hollings	Pryor
	Huddleston	Randolph
Byrd, Robert C.	Humphrey	Riegle
Cannon	Jackson	Roth
Chafee	Jepsen	Rudman
Chiles	Johnston	Sarbanes
Cohen	Kasten	Sasser
Cranston	Kennedy	Schmitt
D'Amato	Laxalt	Simpson
Danforth	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Long	Stennis
Dodd	Lugar	Stevens
Dole	Mathias	Symms
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Zorinsky

NAYS—8

Denton	Hayakawa	Warner
Garn	Proxmire	Weicker
Goldwater	Quayle	

NOT VOTING—9

Baker	Exon	Thurmond
Cochran	Inouye	Tower
East	Kassebaum	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. STEVENS. Mr. President, there will soon be some votes again today, and I announce that the leadership position is that we will not recognize requests for the yeas and nays on votes that we consider to be dilatory in the postcloture process. I ask Members of the Senate to deny requests for the yeas and nays from now on.

Mr. WEICKER. Mr. President, will my distinguished colleague yield for a question?

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. WEICKER. I wonder if the Chair will please withhold.

Mr. STEVENS. Mr. President, I ask unanimous consent that we clarify this request for the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEICKER. I wish to make the point to my distinguished colleague that the motion that has been put before the Senate was made by the Senator from Louisiana, not the Senator from Connecticut. Therefore, I am asking for the yeas and nays not on my motion but on his motion.

Mr. STEVENS. It is still the position of the leadership that we do not want the yeas and nays. We want to finish this bill. We ask for the cooperation of the Senate.

Has the motion to table been made?

The PRESIDING OFFICER. The motion to table has been made.

Mr. WEICKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion (putting the question).

The Chair declares that the issue is in doubt and asks for a division. Senators in favor of the motion will rise and stand until counted. Those opposed will rise and stand until counted.

On a division, the motion was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair on the division of the vote has not announced the count.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, the Chair has not announced the count.

The PRESIDING OFFICER. The Chair will not announce the vote.

The motion to table is agreed to.

The clerk will call the roll.

The bill clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 14 Leg.]

Abdnor	Gorton	Murkowski
Andrews	Hart	Pressler
Armstrong	Hawkins	Pryor
Baucus	Jackson	Sarbanes
Burdick	Johnston	Stafford
Cranston	Long	Symms
D'Amato	Matsunaga	Warner
Dole	Mattingly	Weicker
East	McClure	
Garn	Metzenbaum	

The PRESIDING OFFICER. A quorum is not present.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to instruct the Sergeant at Arms to request the attendance of absent Senators.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to instruct the Sergeant at Arms to request the attendance of absent Senators. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. COCHRAN) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—85

Abdnor	Denton	Huddleston
Andrews	Dixon	Humphrey
Armstrong	Dodd	Jackson
Baucus	Dole	Jepsen
Bentsen	Domenici	Johnston
Boschwitz	Durenberger	Kassebaum
Bradley	Eagleton	Kasten
Bumpers	Exon	Kennedy
Burdick	Ford	Laxalt
Byrd, Harry F., Jr.	Garn	Leahy
	Glenn	Levin
Byrd, Robert C.	Gorton	Long
Cannon	Grassley	Lugar
Chafee	Hart	Mathias
Chiles	Hatch	Matsunaga
Cohen	Hatfield	Mattingly
Cranston	Hawkins	McClure
D'Amato	Heflin	Melcher
Danforth	Helms	Metzenbaum
DeConcini	Hollings	Mitchell
Moynihan	Randolph	Stafford
Murkowski	Riegle	Stennis
Nickles	Roth	Stevens
Nunn	Rudman	Symms
Packwood	Sarbanes	Tower
Pell	Sasser	Tsongas
Percy	Schmitt	Wallop
Pressler	Simpson	Zorinsky
Pryor	Specter	

NAYS—9

Biden	Goldwater	Quayle
Boren	Hayakawa	Warner
East	Proxmire	Weicker

NOT VOTING—6

Baker	Heinz	Thurmond
Cochran	Inouye	Williams

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The acting majority leader.

Mr. STEVENS. Mr. President, I call up amendment No. 452.

The PRESIDING OFFICER. The amendment is not in order. It is dilatory.

AMENDMENT NO. 445

Mr. STEVENS. Mr. President, I call up amendment No. 445.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 445.

The amendment is as follows:

At the end of the pending amendment add the following:

Notwithstanding any section of this bill, without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), the Drug Enforcement Administration is authorized to—

set aside 25 per centum of the net amount realized from the forfeiture of seized assets and credit such amounts to the current appropriation account for the purpose, only, of an award of compensation to informers in respect to such forfeitures and such awards shall not exceed the level of compensation prescribed by section 1619 of title 19, United States Code;

the amounts credited under this section shall be made available for obligation until September 30, 1984.

Mr. STEVENS. Mr. President, I move to table that amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The statement of the Senator from Connecticut is not recognized. The Senator from Alaska made a motion to lay the amendment on the table.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

QUORUM CALL

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 15 Leg.]

Boren	Heinz	Quayle
Byrd, Robert C.	Humphrey	Rudman
Chiles	Johnston	Schmitt
Danforth	Kasten	Specter
Dodd	Mattingly	Stevens
Garn	McClure	Weicker
Gorton	Melcher	
Hawkins	Pryor	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 15 Leg.]

Abdnor	Dole	Mathias
Baker	Domenici	Nickles
Baucus	Durenberger	Proxmire
Bentsen	East	Pryor
Biden	Glenn	Randolph
Boschwitz	Grassley	Roth
Bradley	Hatch	Simpson
Bumpers	Hayakawa	Stennis
Burdick	Heflin	Symms
Cohen	Hollings	Tsongas
D'Amato	Humphrey	Warner
DeConcini	Jackson	Zorinsky
Dixon	Long	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion of the Senator from Alaska to table the amendment of the Senator from Alaska (putting the question).

The PRESIDING OFFICER. The Chair is in doubt. The Chair calls for a division.

Senators in favor of the motion will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, the motion was agreed to.

Mr. STEVENS. Mr. President, for the information of the Members of the Senate, what we are trying to do is to establish the quorum that the Senator from Connecticut has the right to demand prior to action on our motions to table these amendments through the process of the normal quorum call. We do point out to the Members of the Senate that if we are forced to have the Sergeant at Arms instructed to compel the attendance of absent Senators, we require the attendance of 100 Senators; whereas, if Senators will respond to the quorum call on either two or three bells, it takes only 51 to do that, and there will be less disturbance of the Members of the Senate if they will respond to the quorum call.

We urge Senators to respond to the quorum call when it is made on two bells, but we will let it go to three if necessary. This process will be speeded up.

I also point out to the Members of the Senate that this is an alternative to keeping 51 Members of the Senate on the floor. If and when the Senate really makes up its mind to terminate this postcloture procedure, 51 Members of the Senate must be present on the floor for a substantial period of time. We could actually end this postcloture procedure in a matter of 3 to 4 hours, in my opinion, if 51 Members of the Senate would stay here on the floor so that the Chair could recognize the continued existence of a quorum, without the process of establishing a quorum prior to acting upon each motion to table.

We will continue to oppose the request for the yeas and nays on any motion other than a motion to instruct the Sergeant at Arms to compel the attendance of absent Senators, if that is necessary, in order to satisfy the constitutional requirement of the quorum call.

AMENDMENT NO. 446

Mr. STEVENS. Mr. President, I now call up amendment No. 446.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 446.

Mr. STEVENS. Mr. President, I move to table that amendment.

Mr. WEICKER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 16 Leg.]

Boren	Gorton	Symms
Boschwitz	Hawkins	Warner
Danforth	Johnston	Weicker
Dixon	Quayle	Zorinsky
East	Roth	
Glenn	Stevens	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 16 Leg.]

Abdnor	Exon	Mattingly
Baker	Ford	McClure
Baucus	Garn	Melcher
Bentsen	Goldwater	Metzenbaum
Biden	Grassley	Mitchell
Bradley	Hart	Moynihan
Bumpers	Hatch	Murkowski
Burdick	Hayakawa	Nickles
Byrd, Harry F., Jr.	Heflin	Nunn
	Heinz	Pell
Byrd, Robert C.	Helms	Percy
Cannon	Hollings	Proxmire
Chafee	Huddleston	Pryor
Chiles	Humphrey	Randolph
Cohen	Jackson	Riegle
Cranston	Kassebaum	Rudman
D'Amato	Kasten	Sarbanes
DeConcini	Kennedy	Sasser
Denton	Leahy	Schmitt
Dodd	Levin	Simpson
Dole	Long	Specter
Domenici	Lugar	Stennis
Durenberger	Mathias	Tsongas
Eagleton	Matsunaga	Wallop

The PRESIDING OFFICER. A quorum is present.

The issue is the motion of the Senator from Alaska to table amendment No. 446.

The motion of the Senator from Alaska to lay on the table amendment No. 446 was agreed to.

Mr. STEVENS and Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 449

Mr. STEVENS. Mr. President, I call up amendment No. 449.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered No. 449.

Mr. STEVENS. Mr. President, my understanding is that the distinguished Senator from Connecticut wishes to speak on a matter now for a period of 20 or 25 minutes, and he is entitled to his time. It is the leadership decision to withhold a motion to table this amendment until the Senator from Connecticut has had a chance to speak on it.

We have disposed of four or five amendments this morning, and in fairness to the Senator from Connecticut he should have some time to speak.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Alaska.

The PRESIDING OFFICER. May we have order in the Senate?

Mr. WEICKER. I want to thank my distinguished colleague from Alaska for allowing me to get into the substance of the matter before the U.S. Senate.

Before I do that, how much time does the Senator from Connecticut have left?

The PRESIDING OFFICER. The Senator from Connecticut has 1 hour and 43 minutes remaining.

Mr. WEICKER. I would ask the Parliamentarian to recalculate that. When I last checked at the well last evening it was considerably over 2 hours, and I have not gone ahead and had the opportunity to go ahead and make any remarks except in the nature of motions.

The PRESIDING OFFICER. The Parliamentarian will recalculate those figures.

Mr. WEICKER. Is the Parliamentarian aware of the fact, Mr. President, that I have 2 hours in addition to my 1 hour?

The PRESIDING OFFICER. The Parliamentarian is aware of that fact.

Mr. WEICKER. I would now like to review what it is that has occurred, what we have before us here on the Senate floor.

First of all, let me say this to my colleagues: This has not been one of the

easier tasks that it has been my fortune to be a part of during my 12 years in the Senate.

Since its inception on June 16, 1981, this matter has been clouded over by political, philosophical, and emotional argument. The fact is that nothing has changed. This legislation still poses the most dangerous constitutional threat ever posed during my lifetime. It threatens to demolish the concepts of checks and balances and three separate but equal branches of Government and politicize the judicial branch of Government, giving the legislative branch a veto power over the executive branch of Government.

First, let me say that with all the pressing matters before the Nation I consider it a travesty that we are engaging in this unconstitutional exercise for what seem to me to be solely political purposes.

We may pose the rhetorical question, is this of any particular assistance to me in the State of Connecticut, insofar as the State of Connecticut supporting the concept of busing? The answer is no. I do not think the consensus in the State of Connecticut is any different from the public opinion samplings that seem to show that many people are against this particular remedy. So there is no particular advantage to be had in taking this position.

But this cannot always be a game of politics on the Senate floor. And certainly the one matter that transcends politics has to be the Constitution and its preservation and, if need be, its defense in terms of the type of attack that is represented by S. 951.

I would be perfectly willing to accept a policy change by means of legislation. So it is not a matter that my philosophy, whatever that might be, is on the losing side in this country at this time.

The best way to illustrate the point that I am making is that President Reagan should be on the floor right here arguing with me in order to preserve the powers of his office. He can change the policies in the administration of the Justice Department insofar as busing is concerned. He can do that without the Congress of the United States. We might all disagree and we could take up some time during morning business to express our disagreement. But to stand idly by while the powers of the executive branch of Government are seriously eroded is, to me, unconscionable.

He has every right to tell his Attorney General not to seek busing orders. He has every right—although I would be highly critical of such a posture—not to get into the matter of discrimination within any particular school system in this country. These are all his prerogatives.

But the powers of his office do not belong to him. They belong to the people of the United States of America as enuniciated in the Constitution of the United States.

I said this matter commenced on June 16, 1981; actually, it commenced earlier than that. The first time this amendment was before this body was during the lameduck session of the last Congress. The body had passed an amendment very similar to the Helms amendment, not the Johnston amendment, but the Helms amendment. And before that legislation got off the floor, President Carter sent back a letter to then chairman of the Appropriations Subcommittee on State-Justice-Commerce, Senator FRITZ HOLLINGS. I would like to read from that letter now. In case anybody thinks this is some off-the-wall idea of mine in the sense of constitutional interpretation, let us see what the man who had been defeated by Ronald Reagan said in that letter.

DEAR MR. CHAIRMAN: I have decided that I will veto H.R. 7584, the State-Justice-Commerce Appropriations Act of 1980. A provision in this Act, the Helms-Collins amendment, would impose an unprecedented prohibition on the ability of the President of the United States and the Attorney General to use the Federal courts to ensure that our Constitution and laws are faithfully executed.

Throughout my Administration, I have been committed to the enhancement and strong enforcement of our civil rights laws. Such laws are the backbone of our commitment to equal justice. I cannot allow a law to be enacted which so impairs the government's ability to enforce our Constitution and civil rights acts.

I have often stated my belief that busing should only be used as a last resort in school desegregation cases. But busing is not the real issue here. The real issue is whether it is proper for the Congress to prevent the President from carrying out his constitutional responsibility to enforce the Constitution and laws of the United States.

The precedent that would be established if this legislation became law is dangerous. It would effectively allow the Congress to tell a President that there are certain constitutional remedies that he cannot ask the courts to apply. If a President can be barred from going to the courts on this issue, a future Congress could by the same reasoning prevent a President from asking the courts to rule on the constitutionality of other matters upon which the President and the Congress disagree.

For any President to accept this precedent would permit a serious encroachment on the powers of this office. I have a responsibility to my successors—

And I might parenthetically interject here, since he had already been chosen, Ronald Reagan—

and to the American people not to permit that encroachment to take place. I intend to discharge that responsibility to the best of my ability.

The purpose of this letter is to ensure that there is no doubt about my opposition to the objectionable provision in the State-Justice-Commerce Appropriations Act. My opposition also applies to the inclusion of such a provision in the Continuing Resolution.

I would of course prefer to avoid a veto of the Resolution. I recognize the difficulties such a veto could impose on critically important operations of the government and on the Congressional schedule. But I would be shirking my constitutional responsibilities if I allowed this unprecedented and unwarranted encroachment on Executive authority and responsibility to prevail.

Sincerely,

JIMMY CARTER.

I say to my colleagues, regardless of what the political implications are to me in the State of Connecticut, I would shirk my responsibilities unless I fought this measure tooth and nail for the very reasons stated in the Carter letter. Now we have the additional reason that what was attempted in regard to the executive branch of Government now also would be done to the judicial branch of Government. And that probably should strike the greatest fear in the hearts of those on this floor and among the American populace as a whole.

Today the issue is discrimination in our schools, busing and minorities. But, if you allow this precedent to be established, then tomorrow it might be businessmen who are politically unpopular, and therefore cannot have their rights protected by the courts. The next year it might be the retarded and the disabled who might be unpopular and cannot have their rights protected by the courts, and so on down the line. There is no end to the mischief that is being created on the floor of the U.S. Senate.

And, yes, even my friends in the media, many of whom have been critical, either in editorial cartoons or in editorial writings, of my position on this matter, should be concerned. For who is to say that they might not be unpopular and therefore have the U.S. Senate tell the courts how their rights under the first amendment can be enforced and what remedies are available to the press and what remedies are not.

It gets increasingly difficult, in a day and age which demands instant knowledge and instant satisfaction, instant results and instant recognition, to value the long-term results, the long-term consequences of our actions. But this has to be recognized.

The policies of the Nation and the laws of the Nation outside the Constitution can change and no great damage ever will be done to the United States of America. But whether the constitutional process is run by conservatives or liberals, whether it is run by Democrats or Republicans, one thing can never change, and that is the Constitution of the United States.

It is the bedrock; it is the touchstone. It remains immutable, unchanging, regardless of the tempers of any time.

You have seen right here on the Senate floor today in miniature what

happens when the rules of the game are tampered with.

I can assure my colleagues that in the course of the debates which will take place this year, they will not hear me filibustering any issues outside the Constitution of the United States. I can accept the results on nonconstitutional issues with grace, if not with enthusiasm. But what has been done in relation to this legislation will be repeated on the voluntary school prayer issue and possibly on the abortion issue. Wherever anybody tries to take that document and the statement of ideals and principles which have made this Nation great and twist them to a philosophical or a partisan purpose, they should be fought, with every power and every rule at our command.

That is why we are a U.S. Senate, incidentally. We are meant to survive the winds of change, the partisanship, the philosophy, the temper, and the emotion. Otherwise, why not have all of us elected every 2 years and swing with whatever tides happen to run in America at that time?

God knows I, like the rest of my colleagues, am tired of this exercise, but there are an awful lot of people throughout our history who died for this document, never mind got tired for it, never mind had to give up a speaking engagement for it or miss a fund raiser, or whatever. That is what drives me like nothing else can on this floor. If the game gets a little tough, and it has in the last 24 to 48 hours, that is what you have to deal with. Sometimes a smile and a thank you just does not work, especially when the other person has all the votes.

Certainly, for my part, I mean no offense to any individual on this floor personally.

So, first let me clearly reiterate my position in terms of the basic issue. It is both the basic issue and the only issue. Busing insofar as it relates to this piece of legislation is totally ancillary, it is secondary, it is tertiary. You could just as well substitute another class of our citizens and another cause and another violation of the law, and the issue would remain. You cannot have the legislative branch of Government state in this way what the rights of Americans are under the Constitution unless you want to change the Constitution, and that is a very precise and tedious procedure. That is why it is not being used.

Those who advocate this policy and this philosophy cannot get two-thirds of the Congress and cannot get three-quarters of the States because by the time they do they will be out of office. That is, pure and simple, the matter of reality before us. This maneuver has to be done and done quickly or it will never be done.

And that is precisely the reason why I am here. I will be on the short end of the vote in the Senate Chamber, but I will not lose this issue. It may be lost here but it will be taken up by men of courage, whether they be in the House of Representatives or in the courts of this land, including the Supreme Court.

Yes; I am sorry that the courts are legislating in the sense of providing a remedy for a known ill of this Nation. I would have preferred that we had done it right here. But we did not. So there was really only one alternative: Either to go ahead and let our rights under the Constitution disappear into nothingness, or to have someone stand up in some part of the constitutional process and insist that the Constitution be observed.

That the courts did. That they did in Brown against Board of Education.

Those outside this body may look on and say, "God, I wish they would express themselves with the same fervor when confronted with the opportunities to remedy the discrimination that was taking place." We did not. The courts did. And now, ashamed of our own lack of courage, maybe we want to create once again the original, inferior status of so many of our citizens of this Nation.

Has anybody heard during the course of the debate on the Senate floor a U.S. Senator stand up and say what it is the U.S. Senate is going to do in the absence of the court being able to remedy the wrong? Has anybody heard that? All that has been said here is that the courts cannot act. Not one person has stood up and said, "The courts cannot act on the constitutional level, but we will." And the reason why you have not heard it is that, again, anything we say along the lines of remedying the wrong is going to be politically unpopular. That is why you have not heard it.

If you do not like busing, if you do not want the courts to act, fine, but what are the alternatives? Let us take one, for example: To build school systems with steel and mortar, educational programs, and teachers and personnel? That costs money. Has anybody stood up and said, "This is what we will do to create superior education for all Americans, it will cost money, but we will tax for it because it is worth it"? No, because taxing is unpopular. Far better to levy the tax on the Constitution—it cannot speak for itself. But, oh, the price to be paid will be far greater than anything in paper or silver.

It takes courage to live up to this document. I am not talking about the Senate; I am talking about all of us as Americans. The words have not changed in the Constitution; they are the same as always. I will tell you what has changed—no question about it. We have become far more affluent—many, many more of us, every year.

Again, the question has to be asked, why? I think the answer is clear: Because of the words and principles enunciated in that document. If that were not the case, the United States would still consist of only 20 Virginia planters and nobody else would have education or a job or housing or food or anything.

Equality—that is key. As each one attains it, fewer are willing to sacrifice to see that person behind him also attains it.

Mr. President, I do not know what else it is that I can say that makes this point come home. When I started this debate in June, I realized it was almost like giving a lesson in constitutional law to my constituency, if not, in some small part, to the country. So, every time I would walk down the street, people would say, "Why do you like busing?"

I would say, "Busing is not the issue. The issue is the Constitution, separation of powers, separate but equal, the independence of the courts, the independence of the executive branch of Government."

But, boy, it sure does not come through that way. I can live with that. And I have lived with it. But I cannot complain anymore, for whatever critics I have had editorially, I know that nothing I have ever done in the Senate of the United States has been more fairly reported. Time and time again, it has been fairly reported.

So if there is any confusion there, maybe the fault is mine and the rhetoric that I have chosen, or maybe it is that people really do not want to listen. Maybe it is that they find this an excuse to permit the darker side of their emotions to show through once again, when I thought all of that had been laid to rest over 20 years ago.

The issue is clearcut, Mr. President. The issue is the Constitution and the protection and enhancement of the rights of every American citizen.

Does anybody honestly think that, in the final analysis, it was the Senate of the United States that gave to you your rights? If you are retarded or disabled, do you honestly think it was the Senate that was the first to act? If you are elderly, do you think it was the Senate or the House that was the first to act? If you are a laboring man or a union man, do you think it was the Senate or the House that was the first to act?

It never was. It was always the courts that had to stand up and say what needed to be done. And it will always be those courts. Except now, if this passes, they won't be there any longer. It will all be wrapped up into one branch of Government—right here.

That is what is at issue, Mr. President. The American public is going to get one swing at the pitch, rather than

three. Maybe that makes it a lot neater and makes it a lot more convenient for those of us who are in the Senate and running for office. But the strikeout victim is the American public.

Mr. President, I shall have further to say on this as the debate proceeds but every hour to my friends in the media, every hour is important. Every day is important, every week is important. Because on June 16, 1981, it was reported that this legislation was imminent of passage within 48 hours. So, for at least a few more months, the rights whereof I speak are still in place. And, just as importantly, I want to send a message that for everything that comes up in terms of religion and the nonestablishment thereof and the laws of this land as they relate to a woman's privacy in abortion—all that is trying to be altered in a legislative sense rather than through the constitutional process—is going to take just as long as this did.

I would prefer, Mr. President, the constitutional route for all these matters. Then we could attend to the business of the United States rather than the business of the Constitution. I shall support those measures. I think it is bad business, throwing every hot potato into the Constitution. But anybody who wants to go down that road should be permitted to do so. Let us attend to the real social issues—unemployment, housing, job opportunity, student loans, the opportunity for an education, transportation, the international scene. These are the social issues, as I understand "social," not a climb up some philosophical Mt. Everest by a few who hold the whole Nation hostage to their own philosophy and their long-sought-after ambitions.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, the current efforts to undercut the independence of the Federal judiciary test our commitment to the most fundamental American values and our oath to uphold the Constitution.

Just as the American people have responded to help save a strong Voting Rights Act, I believe they will respond to preserve a strong independent Federal judiciary. Yet that effort will come in spite of the Reagan administration. Attorney General Smith fuels passions and plays on fears with his attacks on our Federal judges. The Attorney General knows better; he knows that on the Federal bench there are hundreds of dedicated men and women, of all political persuasions who have no personal desire or great ambition to intrude upon Government agencies or local institutions. But they are loyal to their oath of office. When constitutional rights have been violated, those men and women do what needs to be done to provide a meaningful remedy.

We have a large platter of court restriction bills before us, dealing with a variety of highly charged and controversial matters. A disturbing common theme runs through all of these issues. In each area, assaults are underway to deny access to the courts, or to restrict the power of the courts to provide meaningful relief if they find that basic rights have been violated.

The lesson of American history is clear. Social equity and the preservation of personal liberty require courts that are free to dispense justice under law. The proud claim of equal justice will become an empty claim, and the great guarantees of the Bill of Rights will become a shameful charade on the day that citizens can no longer look to the courts fully to protect their rights. Yet that is what will happen under many of the proposals now before us.

The American people recognize that, ultimately, the courts must remain able to protect the constitutional rights of everyone, or they cannot be relied upon to protect the rights of anyone.

Supporters of such extreme proposals sometimes cite the power of Congress under section 5 of the 14th amendment to carry out its purposes by "appropriate legislation." They claim that Congress is simply codifying the preferred remedies to be used to enforce the Constitution. The flaw in that reasoning is obvious. The 14th amendment speaks of Congress power to enforce—and not to deny—constitutional rights.

Clearly, Congress has no power under the 14th amendment to deny a meaningful remedy in the name of "selecting the best one." As Archibald Cox, distinguished constitutional scholar and former Solicitor General, has emphasized, a constitutional right is only as good as the available remedy. Yet this bill expressly seeks to cripple the power of the Federal courts to remedy deliberate constitutional violations. That is the heart of the issue.

This attempt raises profound issues which reach beyond the specific subject matter of the Johnston-Helms amendment itself. It would seriously erode the historic and crucial independence of the Federal judiciary as the basic bulwark of the Constitution. It would be a first step toward drastically altering our constitutional form of government and the way that the three branches of the Federal Government relate to one another. The attempt to restrict the jurisdiction of the Federal courts to resolve certain types of cases is a fundamental assault on the integrity of the judicial process and the concept of judicial independence. It would subvert two centuries of constitutional history. It would open a backdoor method of amending the Constitution, despite the wise intent of the Founders that amendments to the Nation's basic charter must reflect the most careful consideration and result from a clear national consensus.

A separate serious problem with the bill is the so-called "reopener" provision. We should not be reopening issues of constitutional rights which the courts have adjudicated and to which many communities have made adjustments. Yet the "reopener" in this bill would reopen long healed wounds in hundreds of communities, particularly in the South. Many of those communities have been working and living peacefully under court-ordered plans that may slightly exceed these limits.

In many communities where court desegregation orders have included student transportation, the initial controversy has subsided, and the plan has been working, with widespread acceptance for a number of years. Dedicated educators, parents, and children have made it work. New pupil assignments, attendance zones, school building plans—all aspects of the school system and related aspects of the community life have developed under the plan.

The Johnston amendment would upset all this. It would place intense political pressures on some community elements to challenge the existing plans and reopen old and bitter controversy. Divisive passions and animosities would be stirred up again at a time when the need for interracial understanding and tolerance is greater than ever.

Instead of its avowed purpose of promoting reason and order in local education, the Johnston amendment will foment disorder and community conflict. The costs to this Nation in educational disruption and community upheaval would be immense.

The portion of the bill offered by Senator HELMS would restrict civil rights litigation by the Department of Justice.

Our sworn duty is to preserve and protect the Constitution. Yet the courts have indicated that a complete denial of all channels for the Government to end school segregation raises the most serious constitutional question. In recent years, the Congress passed an amendment which prohibits HEW from requiring school districts to utilize transportation in order to end school segregation. The courts upheld that law against constitutional challenge. However, the courts explicitly relied upon the fact that another avenue was open for the Government to end school segregation in districts receiving Federal aid. The Department of HEW could still refer cases under

title VI of the Civil Rights Act of 1964 to the Department of Justice.

If the Helms-Johnston amendment was adopted in its present form, the Federal Government would be completely prevented from seeking to end segregation in systems receiving Federal aid. That would raise the most fundamental constitutional questions about such aid and would probably result in its being terminated under private court suit.

Far more important is the second result of this amendment. The Federal Government would be stopped from its efforts to enforce the Constitution of the United States. I believe that effort is unwise and would be unconstitutional. In fact, it would present the President with a stark choice. If he is to remain faithful to his oath of office to "preserve, protect and defend the Constitution," and faithfully to "execute the laws of the United States," he would be obliged to veto the measure.

A third difficulty is that it is often unclear at the inception of a case what precise remedy, if any, will ultimately be imposed. Therefore, neither the Justice Department nor the Federal court would know in advance which cases would fall under the section 607 prohibition.

Given this process, the Department would be presented with an unresolvable dilemma of abstaining from, or withdrawing from, cases to end constitutional violations even before the remedy phase. The Department would have to have made that decision before it could possibly have known whether the case fell within the intended scope of the Helms amendments.

As I have indicated, there are many serious problems with this legislation and many fundamental issues which should not be tagged on as riders to this authorization bill. I hope that my colleagues will reject this measure.

Beyond this particular bill, we will undoubtedly face similar efforts to encroach upon the enforcement of civil rights.

As we enter the 1980's all Americans who believe in the full enjoyment of constitutional rights face a dual challenge. We must press on with our unfinished agenda, through litigation and legislation, to achieve the goals we have set. But in addition, we will now have to devote resources, time, and energy to preserve the gains we have made. Efforts are underway to turn back the clock, both in the courts and in the Congress. We must be realistic and resolute.

We will stay the course. We will not be content only with resistance against retreat. We will fight to keep the hard-won progress we have made—and we will also chart new advances.

I believe that the American people want us to keep the rudder true. I believe Congress will keep the faith with the Constitution and the millions of Americans who look to us for hope and for help.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am about to make an announcement and a request that I had not thought possible to make only a few hours ago.

I announce first that I believe we have reached an agreement between the principals involved that would provide for time for final passage of S. 951 on next Tuesday. I will make that request shortly.

Before I do that, Mr. President, I think that in view of the extraordinary length of time we have spent on this measure and the great devotion and dedication on both sides, I should say just a word about the diligence of the Senator from Louisiana and the Senator from North Carolina and especially the Senator from Connecticut, who has worked so tirelessly to extend his point of view.

I have been involved in this debate for some months now. I have supported generally the position asserted by the Senator from Louisiana and the Senator from North Carolina. I have supported their amendment, I have supported cloture, and I have moved in the direction of accomplishment of the purposes they seek, but I do not believe I ever have had an adversary who has been as tough and as effective as the Senator from Connecticut.

He has handled himself extraordinarily well. He has availed himself of every reasonable and available opportunity to exert his influence on the form of this legislation. He has literally gone the last mile to try to prevail.

The battle is not over. We do not know what the final result will be. However, I am not concerned with that at this point. All I want to do is to express my profound appreciation to all parties for their willingness to agree now that we will have conclusion and final passage of the Senate bill—that is S. 951—according to the agreement I am about to propound.

Mr. President, with that preliminary statement, I ask unanimous consent that at 2:45 p.m., S. 951, the Department of Justice authorizations bill, be set aside.

I further ask unanimous consent that at 9:30 a.m. on Tuesday, March 2, 1982, the Senate resume consideration of S. 951; that at that time there be 2 hours of debate, equally divided, on the Johnston amendment No. 1252; that upon the disposition thereof, the Senate proceed without debate, motion, point of order, or appeal to the disposition of the Heflin amendment No. 1235.

I further ask unanimous consent that these two amendments be the only amendments in order.

Finally, Mr. President, I ask unanimous consent that upon the disposition thereof, without intervening debate, motion, point of order, or appeal, the third reading occur, to be followed immediately by final passage of S. 951, as amended; that paragraph 4 of rule XII be waived.

Mr JOHNSTON. Mr. President, reserving the right to object—and I shall not object—is it necessary to withdraw the pending amendments—that is, amendments 1250 and 449?

The PRESIDING OFFICER. Those amendments should be withdrawn.

Mr. JOHNSTON. Immediately upon the adoption, then, of the unanimous-consent request, I will so move.

Mr. ROBERT C. BYRD. I reserve the right to object.

Mr. WEICKER. Mr. President, first of all, I should like once again to take my hat off to my opponents—Senators HELMS, JOHNSTON, and others—who have participated in this matter and who seem to be coming out on the wrong end. They have not always done so. I have not always done so. But it has been a good fight, and they are good opponents.

My good friend from Tennessee knows, being a sportsman, as I am, that every now and then the referee gets the puck in his teeth; there are times a loose punch catches the referee in the boxing ring; and every now and then the baseball hits the umpire behind home plate in the Adam's apple.

Nevertheless, the fact is that in the course of this fight, my eye was on the ball, on the issue that confronted the Senate; and if one of those occurrences happened and I was responsible for it, I want him to know that it was totally inadvertent and unintentional. He is a great friend, a fine majority leader. The next time, I hope he will doff his referee's robe and come over and join me on my side, because then I know I will win. Aside from whatever logic I have, whatever reason he has, he has one great advantage—he has the votes, and that is what is important.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Connecticut. There are few Senators who are more dedicated to their principles and philosophy than the Senator from Connecticut, and for that reason I am doubly grateful for his remarks and appreciative of his friendship and the opportunity to serve with him in the Senate.

Mr. President, I understand the minority leader has reserved his right to object; and unless some other Senator wishes to inquire on the substance of

the agreement, in order to protect that reservation, I am prepared to suggest the absence of a quorum.

Mr. JOHNSTON. Mr. President, before the distinguished majority leader suggests the absence of a quorum, I should like to congratulate, thank, and commend the majority leader for his handling of this whole measure. I was in serious doubt that we would get to where we are and certainly in such good grace and good humor so soon.

It could not have been done but for walking an extraordinarily difficult and tenuous and narrow line between firmness and conciliation. The majority leader walked that line, as it turns out, precisely correctly. Last night I wanted him to be more firm, to make more precedents, to use more rules; but in his wisdom, he said, "No, let's do it this way." He did not put it this way, but in effect it allows for the conciliation that makes today's agreement possible.

That is a mark of a great leader, and I commend and thank the leader for the role he has played in this matter.

I especially commend all of our allies that Senator HELMS and I have had in this matter, including the staff who have worked so hard particularly on the parliamentary side of the matter, that part that is sort of below the level of observation but where most of the work is done.

Mr. BAKER. Mr. President, I wish to take this opportunity to express my profound appreciation to the Senator from Louisiana for his remarks.

I am entitled to no credit. I rather am grateful for the opportunity to try to serve the Senate and to do the best we can to permit the Senate to act as it wishes to express its will. But I would be remiss if I did not point out that just as the Senator from Connecticut has been absolutely determined in his point of view, so has the Senator from Louisiana, and I have seldom known anyone who has been more diligent and more determined than the Senator from Louisiana in carrying his point.

I could not even begin to count from memory the number of times that he has consulted with me on matters of scheduling and urged particular points of view and procedures. He has been diligent in the extreme and I owe him a debt of gratitude for that. He has performed admirably, nobly indeed, and I wish to express my appreciation for it.

Mr. HELMS. Mr. President, I still have my membership in good standing in this mutual admiration society. But we should not conclude these remarks without my saying to my friend, LOWELL WEICKER, that I have been on the other side of this coin many times, and I know how frustrating it is particularly when you need help and it sometimes is not there. But I have admired the way Senator WEICKER has kept his good humor.

I will say to him that a week or so ago I walked off the floor, and one of the representatives of the media stopped me and said, "You and WEICKER act like you like each other." And I said, "We not only act that way, as far as I am concerned I like LOWELL WEICKER." I said, "We do not always agree but he is a good man and a good friend."

I thank the majority leader also for his patience. I know he feels like he has been buffeted around from time to time with inconsistences, but as always he has been highly cooperative. He has been entirely fair, and I do compliment him.

And as for BENNETT JOHNSTON, no one could have a better colleague with whom to work on an issue of this sort. I thank him.

Mr. JOHNSTON. Mr. President, if the Senator will yield, I thank him for those remarks. I endorse and associate myself with the remarks of both the majority leader and the Senator from North Carolina in praising the diligence and high spirited sportsmanship and determination of the Senator from Connecticut. He is a very, very tough fighter and I think he really, in my judgment, carried it above and beyond the call of anything expected and more than I thought he could get in terms of time and determination and he is entitled to a great deal of admiration and credit for fighting so valiantly in a lost cause. My admiration for him, indeed my affection for him, is greater since the fight than it was before.

Mr. BAKER. Mr. President, I promise to terminate this—as the Senator from North Carolina said—mutual admiration society colloquy in a moment but not before I have an opportunity to reiterate what I have said so many times from this place and that is there is no Senator in my memory who conducts himself more nearly in the traditions of the Senate and with greater effectiveness than the Senator from North Carolina. He is a pro.

Mr. HELMS. I thank the Senator.

Mr. BAKER. He and I agree most often but we sometimes disagree, but there is never a difference in the personal relationships that exist between us in those different situations. I cannot recall a single time when I have asked the Senator from North Carolina to accommodate a purpose of the Senate that I thought needed to be dealt with when he has not cooperated fully. He is my friend, he is my neighbor, and he is a remarkable Senator.

Mr. HELMS. I thank the Senator very much.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BAKER. Mr. President, prior to the Chair's action I wish to make certain minor revisions in the request. Let me restate it in full so the record will be complete.

Mr. President, I ask unanimous consent that within 5 minutes after the granting of this request, S. 951, the Department of Justice authorizations bill, be set aside.

I further ask unanimous consent that at 9:30 a.m. on Tuesday, March 2, 1982, the Senate resume consideration of S. 951 and at that time there be not to exceed 2 hours of debate equally divided on the Johnston amendment 1252, and upon the disposition thereof the Senate proceed without debate, motion, point of order, or appeal to the disposition of the Heflin amendment 1235.

I further ask unanimous consent that these two amendments be the only amendments in order.

And finally I ask unanimous consent that upon the disposition thereof, without intervening debate, motion, point of order, or appeal, third reading occur to be followed immediately without further debate, motion, point of order, or appeal by final passage of S. 951, as amended, and that no time be allowed for debate of any motion to reconsider and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair, and I thank all Senators.

I yield the floor, Mr. President.

Mr. JOHNSTON. Mr. President, I now move and ask unanimous consent that amendment 1250 and amendment 449, both now pending, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 9:30 a.m. on Tuesday, March 2, 1982, the Senate resume consideration of S. 951, a bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes, and at that time there be not to exceed 2 hours of debate, to be equally divided and controlled, on the Johnston amendment No. 1252, and that upon the disposition thereof, the Senate proceed without debate, motion, point of order, or appeal, to the disposition of the Heflin amendment No. 1235.

Ordered further, That these two amendments be the only amendments in order.

Ordered further, That upon the disposition thereof, without intervening debate, motion, point of order, or appeal, third reading occur, to be followed immediately without intervening debate, motion, or point of order by final passage of S. 951, as amended, and that no debate be permitted on a motion to reconsider.

Mr. BAKER. Mr. President, I am prepared to leave this bill and I hope that in a few moments we may have a unanimous-consent order cleared to provide for the beginning of consideration on the so-called agent identities bill later this afternoon. I may say, however, that it would be just the be-

ginning of consideration. I do not anticipate votes on that measure today.

It is not my intention to ask the Senate to be in session tomorrow.

The Senate will reconvene on Monday and if the agreement is agreed to, which I have referred to, any votes that are ordered on the agent identities bill prior to Tuesday at 2 p.m. will be postponed until after that time. I am not making that request at this moment but rather stating the nature of the request that is now in the clearance process and which I intend to make assuming it is cleared a little later.

Mr. President, I believe the time has come under the order granted now to lay aside S. 951. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I have a unanimous-consent request in respect to the business of the Senate this afternoon, on Monday, and on Tuesday. I believe this has been cleared on both sides, and I am prepared now to put the request.

Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to consideration of S. 391, the agent identities bill.

I further ask unanimous consent that no call for regular order serve to take that measure off the floor: provided that the unfinished business, Senate Resolution 20, not become the pending business until the final disposition of Senate Resolution 204, the Williams resolution; provided, further, that any rollcall votes ordered on this measure on Monday, March 1, will not occur until Tuesday, March 2, beginning at 2 p.m. and to occur back to back, with the first vote to be 15 minutes and any subsequent votes to be 10 minutes each.

Mr. President, before the Chair puts the request, I also announce that if this agreement is entered into, there will be no more record votes today.

Mr. LONG. Mr. President, reserving the right to object, I should like to look at the agreement a second.

When the Senator makes reference to back-to-back votes, what measure is he referring to?

Mr. BAKER. Mr. President, the request would be that any votes that are ordered on Monday to the agent identities bill would not occur until Tuesday, beginning at 2 o'clock, and that those votes on the agent identities bill would be back to back, with the first vote to be 15 minutes and subsequent votes to be 10 minutes each.

Mr. LONG. I have no objection.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, does the majority leader also state, by virtue of the request presented, that there shall be no other business up on Monday, no business other than the agent identities bill?

Mr. BAKER. Yes.

Mr. President, I think that will be the effect, absent another agreement, in view of the provision against the call for the regular order. But I will include that in the request, that no other business be in order in the course of the business on Monday except by unanimous consent.

Mr. LONG. Mr. President, reserving the right to object, I need to attend a meeting that is presently taking place. Can the Senator tell me why he uses the hour of 4 o'clock?

Mr. BAKER. Yes, Mr. President, because one of the majority participants in the debate will not be ready until 4 o'clock. It is my intention, frankly, to have a quorum call or put the Senate in recess for 20 minutes.

Mr. LONG. I thank the majority leader.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the majority leader also assure that there will be no votes on anything on Monday, including conference reports which could be brought up without unanimous consent?

Mr. BAKER. Mr. President, I have no objection to that. I will modify the request so that there will be no votes on Monday, and those votes which are ordered either on the agent identities bill or any other matter which is privileged to come before the Senate, notwithstanding the provision of this order, will be stacked to occur in sequence beginning at 2 o'clock on Tuesday as described.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader. I have no objection.

Mr. MATHIAS. Mr. President, reserving the right to object, I inquire of the majority leader whether or not the practical effect of this is that the television question will go over until the Williams question is disposed of.

Mr. BAKER. Yes, that is the intent.

Mr. MATHIAS. So all those who wish to participate and prepare themselves to participate will be governed by that knowledge.

Mr. BAKER. Yes, that is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is 20 minutes before 4 p.m. Under the order just entered the Senate will proceed to the consideration of the agent identities bill at 4 p.m. No other business will be transacted.

I think the better part of discretion will be to ask the Senate to go into recess.

RECESS UNTIL 4 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m. today.

There being no objection, the Senate, at 3:41 p.m., recessed until 4 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DENTON).

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1981

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 391, the Intelligence Identities Protection Act of 1981, which the clerk will report.

The assistant legislative clerk read as follows:

A bill [S. 391] to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

The Senate proceeded to consider the bill (S. 391), which had been reported from the Committee on the Judiciary with amendments, as follows:

On page 3, strike line 7, through and including "information," on line 13, and insert the following:

"(c) Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure, discloses to any individual not authorized to receive classified information, any information that identifies an individual as a covert agent,

On page 5, line 15, after "agency,", insert the following: "other than the Peace Corps,".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Identities Protection Act of 1981".

SEC. 2. (a) The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"PROTECTION OF IDENTITIES OF CERTAIN UNITED STATES UNDERCOVER INTELLIGENCE OFFICERS, AGENTS, INFORMANTS, AND SOURCES

"SEC. 601. (a) Whoever, having or having had authorized access to classified information that identifies a covert agent, intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information,

knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined not more than $50,000 or imprisoned not more than ten years, or both.

"(b) Whoever, as a result of having authorized access to classified information, learns the identity of a covert agent and intentionally discloses any information identifying such covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such covert agent and that the United States is taking affirmative measures to conceal such covert agent's intelligence relationship to the United States, shall be fined not more than $25,000 or imprisoned not more than five years, or both.

"(c) Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure, discloses to any individual not authorized to receive classified information, any information that identifies an individual as a covert agent, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both.

"DEFENSES AND EXCEPTIONS

"SEC. 602. (a) It is a defense to a prosecution under section 601 that before the commission of the offense with which defendant is charged, the United States had publicly acknowledged or revealed the intelligence relationship to the United States of the individual the disclosure of whose intelligence relationship to the United States is the basis for the prosecution.

"(b)(1) Subject to paragraph (2), no person other than a person committing an offense under section 601 shall be subject to prosecution under such section by virtue of section 2 or 4 of title 18, United States Code, or shall be subject to prosecution for conspiracy to commit an offense under such section.

"(2) Paragraph (1) shall not apply in the case of a person who acted in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States.

"(c) It shall not be an offense under section 601 to transmit information described in such section directly to the Select Committee on Intelligence of the Senate or to the Permanent Select Committee on Intelligence of the House of Representatives.

"(d) It shall not be an offense under section 601 for an individual to disclose information that solely identifies himself as a covert agent.

"PROCEDURES FOR ESTABLISHING COVER FOR INTELLIGENCE OFFICERS AND EMPLOYEES

"SEC. 603. (a) The President shall establish procedures to ensure that any individual who is an officer or employee of an intelligence agency, or a member of the Armed Forces assigned to duty with an intelligence agency, whose identity as such an officer, employee, or member is classified information and which the United States takes affirmative measures to conceal is afforded all appropriate assistance to ensure that the identity of such individual as such an officer, employee, or member is effectively concealed. Such procedures shall provide that any department or agency, other than the Peace Corps, designated by the President for the purposes of this section shall provide such assistance as may be determined by the President to be necessary in order to establish and effectively maintain the secrecy of the identity of such individual as such an officer, employee, or member.

"(b) Procedures established by the President pursuant to subsection (a) shall be exempt from any requirement for publication or disclosure.

"EXTRATERRITORIAL JURISDICTION

"SEC. 604. There is jurisdiction over an offense under section 601 committed outside the United States if the individual committing the offense is a citizen of the United States or an alien lawfully admitted to the United States for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).

"PROVIDING INFORMATION TO CONGRESS

"SEC. 605. Nothing in this title may be construed as authority to withhold information from the Congress or from a committee of either House of Congress.

"DEFINITIONS

"SEC. 606. For the purposes of this title:

"(1) The term 'classified information' means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive order (or a regulation or order issued pursuant to a statute or Executive order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

"(2) The term 'authorized', when used with respect to access to classified information, means having authority, right, or permission pursuant to the provisions of a statute, Executive order, directive of the head of any department or agency engaged in foreign intelligence or counterintelligence activities, order of any United States court, or provisions of any rule of the House of Representatives or resolution of the Senate which assigns responsibility within the respective House of Congress for the oversight of intelligence activities.

"(3) The Term 'disclose' means to communicate, provide, impart, transmit, transfer, convey, publish, or otherwise make available.

"(4) The term 'covert agent' means—

"(A) an officer or employee of an intelligence agency or a member of the Armed Forces assigned to duty with an intelligence agency—

"(i) whose identity as such an officer, employee, or member is classified information, and

"(ii) who is serving outside the United States or has within the last five years served outside the United States; or

"(B) a United States citizen whose intelligence relationship to the United States is classified information, and—

"(i) who resides and acts outside the United States as an agent of, or informant or source of operational assistance to, an intelligence agency, or

"(ii) who is at the time of the disclosure acting as an agent of, or informant to, the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation; or

"(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.

"(5) The term 'intelligence agency' means the Central Intelligence Agency, a foreign intelligence component of the Department of Defense, or the foreign counterintelligence or foreign counterterrorism components of the Federal Bureau of Investigation.

"(6) The term 'informant' means any individual who furnishes information to an intelligence agency in the course of a confidential relationship protecting the identity of such individual from public disclosure.

"(7) The terms 'officer' and 'employee' have the meanings given such terms by sections 2104 and 2105, respectively, of title 5, United States Code.

"(8) The term 'Armed Forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(9) The term 'United States', when used in a geographic sense, means all areas under the territorial sovereignty of the United States and the Trust Territory of the Pacific Islands.

"(10) The term 'pattern of activities' requires a series of acts with a common purpose or objective.".

(b) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

Sec. 601. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.
Sec. 602. Defenses and exceptions.
Sec. 603. Procedures for establishing cover for intelligence officers and employees.
Sec. 604. Extraterritorial jurisdiction.
Sec. 605. Providing information to Congress.
Sec. 606. Definitions.".

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. DENTON. Mr. President, I rise in support of S. 391. On February 3, 1981, our distinguished colleague Senator JOHN H. CHAFEE of Rhode Island introduced the Intelligence Identities Protection Act of 1981. This bill, which currently has 46 cosponsors, was reported from the Committee on the Judiciary on October 6, 1981.

S. 391 is a bill to amend the National Security Act of 1947, to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources, and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

Events transpiring in the world have been increasingly demonstrative of the need for maintaining a strong and effective intelligence apparatus. It fol-

lows, therefore, that unauthorized disclosures of information identifying individuals engaged in, or assisting in, our country's foreign intelligence activities, undermine the intelligence community's human source collection capabilities as well as endanger the lives of our intelligence officer in the field.

The disclosure of the identity of a covert agent is an immoral, nationally, and personally harmful act that cannot be tolerated. Prohibition of this activity as defined by the bill would in no way inhibit an individual from speaking out against Government programs that are wasteful. It would not impede the whistleblower who seeks to enhance his Government's ability to perform more efficiently by bringing to the attention of those in responsible positions deficiencies, such as fraud or waste, in the agency in which the whistleblower serves. The reprehensible activities which this bill is designed to criminalize have repeatedly exposed honorable public servants to personal peril and vastly reduced their effectiveness in pursuing their endeavors with significant detriment to national security. The insensitivity and moral degeneracy on the part of those who seek to undermine the effectiveness of our intelligence capability are so inimical to our American democratic system that it seems evident that what we are about to do today should not be necessary. This bill is indeed overdue for passage.

While in a free society we must welcome public debate concerning the role of the intelligence community as well as that of other components of our Government, the irresponsible and indiscriminate disclosure of names and cover identities of covert agents serves no salutory purpose whatsoever. As elected public officials, we have the duty, consistent with our oaths of office, to uphold the Constitution and to support the men and women of the U.S. intelligence service who perform important duties on behalf of their country, often at great personal risk and sacrifice.

Extensive hearings before the House and Senate Intelligence Committees and the Subcommittee on Security and Terrorism have documented the pernicious effects which have resulted from these disclosures or identities. An underlying, basic issue is our ability to continue to recruit and retain human sources of intelligence whose information is crucial to our Nation's survival in an increasingly dangerous world.

It seems mind-boggling to me that no existing law clearly and specifically makes the unauthorized disclosure of clandestine intelligence agents' identities a criminal offense. Therefore, as matters now stand, the impunity with which unauthorized disclosures of intelligence identities can be made implies a governmental position of neutrality in the matter. It suggests that the U.S. intelligence officers are "fair game" for those members of their own society who take issue with the existence of a CIA or find other perverse motives for making these unauthorized disclosures.

Through the lengthy hearings that have occurred over the past several sessions of the Congress, we have heard a substantial amount of testimony regarding the possible constitutional problems engendered by provisions of this bill. As we all appreciate, in this area of identities protection, we have steered a course carefully charted between two enormous interests: On the one side, we have the protection of a constitutional right of free speech and, on the other side, the vital need to protect the effectiveness of U.S. intelligence gathering around the world. During all of the hearings and debates, great care has been taken to construct a provision that would reach the activity to be proscribed, that is, "naming names," in such a way as to do no violence to the first amendment to the Constitution. I believe we, and those who labored previously on this measure, have been successful.

On June 29, 1981, the Supreme Court of the United States in a 7-to-2 decision sustained the authority of the President, acting through the Secretary of State, to revoke a passport of a U.S. citizen on the grounds that the holder of the passport is engaged in activities abroad that are causing serious damage to the national security of foreign policy of the United States.

This decision, Haig, Secretary of State against Agee, has a major relationship to this bill in that the Court's review of this matter established the serious nature of the activity of naming names to identify and expose covert agents. Furthermore, the Court's decision suggests that the issues involved here are, from a constitutional standpoint, relatively clear cut. This decision established that S. 391 will withstand a first amendment challenge in the courts. Even Justice Brennan stated in his dissent that:

> It may be that respondent's first amendment right to speak is outweighted by the Government's interest in national security.

Mr. President, I view this as a bipartisan issue. I believe immediate action must be taken to curtail these activities which have been so determental to our intelligence-gathering capabilities and, ultimately, to our national security. If any legitimate criticism is to be leveled at this bill it would, in my view, relate to insufficient criminal sanctions for what I consider to be a most egregious offense that borders on treason.

Frankly, I am grateful for the spirit of cooperation that has enabled this important bill to be brought to the floor but I am concerned that it has taken so long to do so. I look forward to the prompt consideration of this measure on the floor today and its early enactment in a form that most adequately addresses this serious gap in the Federal Criminal Code.

Finally, I want to commend my colleague from Rhode Island, Senator CHAFEE, for his initiative and unceasing efforts on this vital measure. I also want to thank staff members Rob Simmons, Will Lucius, and Sam Francis for their valuable contributions on S. 391. These gentlemen, along with many others, have put in many long hours on this legislation and I feel they deserve our strong commendation.

There has been a strong bipartisan tone in the discussions on this matter in committee. In the spirit of that bipartisanship I have worked with the minority floor manager of this bill and have come to respect him greatly.

I am now pleased to yield to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Senator.

I, too, would like to begin by complimenting the Senator from Rhode Island, Senator CHAFEE, who serves with me on the Intelligence Committee, has had for some time a preeminent interest in doing something about protecting, the safety of agents of the U.S. Government. These agents, acting on behalf of our Government, and in the interests of the people of the United States of America, are subject to the outrageous public exposure by individuals, some of whom are former members of those agencies, who have deliberately put them at risk.

It was beyond any question in my mind that those people who are deliberately engaging in this practice are fully aware of the fact that such exposure can and has resulted in the loss of life and the breach of security and, consequently, affected the interests of the United States of America.

I, too, believe as does the Senator from Rhode Island and the Senator from Alabama, indeed I think we are all in agreement that it is high time we finally got this thing to the floor. It is high time we get a vote.

We had a number of debates. I see the distinguished Senator from Arizona, chairman of the Committee on Intelligence, here. He is fully aware of the subject, fully cognizant of it. He, in his capacity on that committee, has heard all the arguments and debates on this. We have had it through his committee and the Judiciary Committee. In the 10 years I have been in the U.S. Senate, there have not been many issues that have been as thoroughly, fully debated as this one. So I think it is high time we got on with the issue of deciding what are the only really

one or two controversial aspects of the bill. We are 99 or 90 percent in agreement as to what form this protection of our agents should take.

I should like to suggest, and I think it is appropriate—it is common practice that we should move, probably, the committee amendments. This is the Judiciary Committee the Senator from Alabama and I are representing today. I ask unanimous consent that we consider and agree to en bloc the amendments as adopted in the committee on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. DENTON. Mr. President, I reserve the right to object.

Mr. BIDEN. Mr. President, I amend that to say and that the bill as thus amended be considered as original text.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Delaware as amended?

Is it the request of the Senator to have the amendments be agreed to en bloc?

Mr. BIDEN. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

Mr. BIDEN. I thank the Chair for the help.

Mr. President, let me, if I may, at least from my perspective, outline in just a few minutes the essential elements of the bill as I see it so our colleagues, as they go forward with their efforts and their homework tonight and tomorrow and on the weekend, reading the RECORD of what the debate is about, will have a starting point at least.

The whole purpose of this bill is to penalize the disclosure of names by three classes of persons, but it really is only the third class of person we have a debate about as to how we should do it. The first is in section 601 (a) and (b) and they deal with present and former Government employees who have had access to the names of agents or who, because they had access to classified information, are able to determine the names of the agents. In subsection (d), that deals with individuals outside the Government who disclose the names of agents even though they never had access to classified information.

There are two formulations of section (c) that really are the cause of some debate here, in the Senate, and that we shall be debating at the beginning of next week, the so-called reason-to-believe version, which reads as follows:

Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, etc.

We are talking about the third class of person now, not the person who has had access to classified information. These are persons outside the Government who disclose the names, the standard we want to judge them by. The first standard we are going to argue about is the one I just read.

Another version is the version adopted by the Judiciary Committee. It is the intent version. It is a response to some of the arguments raised by some of the constitutional scholars and press groups who contend that the reason to believe version is unconstitutional and/or unnecessarily broad. The intent version reads as follows:

Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the U.S. by the fact of such identification and exposure,

And so on.

That is what we are going to be arguing about. That is what it is all about. That is what it comes down to—whether or not we have the operative language that would make it a crime and subject those persons to a criminal penalty who reveal the names of agents, who have not had access to the names of these agents through classified information in the past, fall outside of Government but, nonetheless, by whatever means, gain access to it: a reporter who finds out that John Doe is a CIA agent and he publishes John Doe's name; or somebody who deliberately goes on a witch hunt to find out the names of those people, gathers them up and publishes them for purposes of exposure. They are the folks we are after.

So what we are going to be arguing about—not so much today because we are not going to spend a lot more time here today—is how do we get to those folks, how do we treat them, and by what standard of law do we apply to them?

On the fairness position argued by the Senator from Rhode Island, the Senator from Alabama and others, a case can be made that the civil liberties of Americans are better protected by the reason to believe standard. So our colleagues are going to hear a lot of confusing, well-intended jargon on both sides. We are going to have the Senator from Rhode Island arguing, if we really want to protect civil liberties, we should adopt reason to believe. We are going to have the Senator from Delaware say, no, it is better to have an intent standard.

I do not have any doubt in my mind at the beginning of this debate that the Senator from Rhode Island means what he says, that he truly believes the best way not only to protect our national interest but also not to violate the civil liberties of our American citizens under the first amendment is to adopt the reason to believe. I happen to disagree with that. So we are about to get into a debate that I believe is borne out by a genuine belief on both our sides that we can get the job done with our language and protect civil liberties.

Mr. President, I think it is useful for us to really understand just how narrow the difference is, because it gets kind of complicated. We are going to get into fairly esoteric arguments and it is a little bit hard to follow. I suspect that we shall both or all of us on the floor may very well—at various times in the debate, our decibel rates may rise and we may also be making appeals as to the same basic set of arguments and our colleagues are going to argue, how can they both be saying the same thing?

Mr. President, there is much more to talk about in this bill. There is a section on whether it is constitutional to penalize nonemployees. We are going to be talking about what happens without the intent language, what happens with the intent language. We are going to be arguing about what the Agency thinks will get the job done, we are going to be arguing about how badly all these things are needed. Rather than get into those things now and rather than make a more lengthy floor statement, I want to reiterate where the bone of contention is going to come.

The argument we are going to be focusing on in this bill is whether or not the language which says "with the intent to impair or impede" should be stricken and we should have language that says "with reason to believe." It is going to come down to that. That is the big issue. I am anxious to get it settled. I am anxious to have a resolution, because we need a bill. These folks need protection and I am confident that whatever version we come out with we can get passed in the U.S. Congress, we can get the President to sign, and we can get on with the business of putting it in shape. So without getting into the details of my argument as to why I think we should stick with the committee version, let me yield to my colleagues who also have opening statements and, maybe, a different perspective on this question.

Mr. DENTON. Mr. President, first I would pose a rhetorical question to the Senator from Delaware. I wonder why the Senator is so firm on the intent standard regarding the application of legislation to protect the lives of our intelligence agents and yet does not come down on that same standard on the issue of voting rights.

Mr. BIDEN. I said it was going to be an interesting debate. I will be happy, since it was a rhetorical question, to speak to that question in some detail as we get down the line here.

Mr. DENTON. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank my friend. The Intelligence Identities Protection Act (S. 391) before us today will help protect our intelligence personnel on difficult and dangerous assignments in foreign countries. It also will help stop our intelligence sources from turning away from us because they are afraid we cannot be trusted to protect them. It might help us get information that is vital to the security of our country.

Last November, the "Covert Action Information Bulletin" published the names of 69 alleged CIA officers serving in 45 countries abroad in a section titled "Naming Names." In addition, the "Bulletin" reprinted the names of 272 alleged covert agents which had been identified in the 12 previous editions of the magazine.

One week later, the pro-Sandinist paper, Nuevo Diario, identified the names of 13 alleged CIA officers assigned to the U.S. Embassy in Managua, Nicaragua. Several of those named have already received death threats, been roughed up in their homes at night, and the families of a number of these American officials have been evacuated for their personal safety. U.S. officials in Managua have linked the publication of these names with the visit of Philip Agee to Nicaragua last month.

There has already been one murder. Richard Welch was murdered in Greece after being named. In 1980, two attempts were made in Jamaica to assassinate American personnel. They were set up as targets for assassination by other Americans through the unauthorized disclosure of names. There are two ways this is being done. One is the naming of names at press conferences, and the other is listing names in books and publications. These unauthorized disclosures have been extensive and many have been made by former CIA employees. The tragedy is that we do not have any laws to stop it.

It is bad enough that our overseas employees are exposed to violence, but to allow someone here at home to do it by putting ID tags on them so that they may become targets makes no sense at all.

So far, some 1,200 names have been made public in magazines or newspapers. Another 700 appeared in a book. A bimonthly bulletin exposes CIA, FBI, and military intelligence personnel and assignments. A worldwide network called CIA watch is operated for the purpose of destroying the CIA.

Every time I read about something like this, it bothers me, I cannot help but wonder why we let it continue and why someone does not do something about it. That seems to me as morally wrong as anything I can think of and something I can accept no longer.

We are in a rut on this subject, and I am afraid it will become our grave if we do not stop talking and do something. We must tell the world that we will not tolerate such disclosures any longer and show that we care for the CIA and plan to do something about it.

Thus, the immediate goal for this Nation—and for this Congress—should be the rebuilding and revitalization of the intelligence community which will benefit all our citizens.

We should have had this bill before us sooner, but now that it is before us, we must act promptly. This bill was reported from the Senate Intelligence Committee by a vote of 13 to 1 in 1980, after 9 days of hearings and over 650 pages of testimony. It picked up 47 cosponsors in 1981. It passed the House by a vote of 354 to 56 last year, and has had the support of both the Reagan and Carter administrations.

The purpose of this bill is to protect the lives of American citizens working abroad in the intelligence operations of this country from other American citizens who deliberately wish to set them up for exposure to violence by the unauthorized disclosure of names.

The bill also places a price on the activities of those who use this means to impair and impede duly authorized American intelligence activities around the world.

The biggest obstacle to this bill in the past were claims that it would interfere with free speech and freedom of the press. That has been worked out, and those claims are phony. The Supreme Court would not hesitate to say so if Congress were to go too far.

If someone wants to criticize foreign policy, that is their business. If they want to write about the lousy conduct of some of our citizens, that is OK, too. But they do not have to name names, because that places the lives of human beings in danger. That is not OK. It is not acceptable in the American society.

There have been at least six bills on both sides of the Capitol to deal with this, but all of them have been bogged down in discussions over how best to arrange words. The problem has been how to protect first amendment rights while allowing for prosecution of those who abuse those rights. I hope we have not become so helpless that we cannot recognize a serious situation and solve it just because we cannot agree on words. I believe that first amendment rights were considered and that the bill will protect those rights while allowing for prosecution of those who name names solely for the purpose of harming the Government's foreign intelligence activities. There is another amendment in the Constitution that is important, too. That is the 14th amendment, which guarantees the right of equal protection to all citizens. I believe this bill will protect those rights and the first amendment at the same time.

This bill will outlaw unauthorized disclosure of names in three ways. First, it covers those who have access to classified information which identifies names. Second, it applies to those who have access to classified information but not names, and who learn of names because of that access. Third, it hits those who make a business of naming names in a deliberate and systematic way even though they claim not to have access to classified information.

Some have said that this bill will not do much more than help patch the image of the CIA. I believe that there is a lot more at stake than that. It has nothing to do with whether you like the CIA or do not like the CIA. Saving lives is what this bill will do. This is so serious that if we do not pass this bill the KGB people are the only ones who will get a laugh out of it. Everyone else will think we are crazy and start looking at us as accessories to negligent homicide. It would mean that we would prefer to protect those who would harm us instead of those who work for us.

A high-ranking CIA official testified before the Senate Intelligence Committee in these words:

> Our intelligence sources and methods are part of the national treasure. Once disclosed, our sources can be denied to us and our methods thwarted by relatively simple actions by foreign authorities. The law currently lacks teeth in seeing to it that these sources and methods are adequately protected from unauthorized disclosure.

Mr. President, those words certainly make sense. There is no good reason why our intelligence employees or agents who operate under protective cover on official Government business should be placed in needless danger by permitting their identities to be revealed deliberately.

Mr. President, I might comment that we are the only country in the world that allows this to go on. The penalty for doing this in any other country would undoubtedly be death or life imprisonment. But we allow it to go on out of an office on DuPont Circle, and I am fed up with it.

These disclosures of identities have no redeeming social value and were clearly not intended to be within the freedom of speech or of the press incorporated in the first amendment to our Constitution.

Nearly all major foreign intelligence services with which the United States has liaison relationships have undertaken reviews of their relations with the Agency. Some immediate results of continuing disclosure have included reduction of contact, reluctance to engage joint operations, and reduced exchange of information.

That in itself is a very serious thing to have happened to our country when we cannot exchange classified intelligence information with other countries and slowly lose them as sources because they are afraid for the lives of their own people and they do not like the possible disclosure of top secret information of their own.

There is an urgent need for effective legislation both to discourage these unauthorized disclosures and to criminalize them when they occur. The credibility of our country in its relationships with foreign liaison services and agent sources is at stake. The personal safety and well-being of patriotic Americans serving their country in the far reaches of the globe are at stake. The professional effectiveness and morale of this country's intelligence officers is at stake. In sum, the Nation's national security is at stake.

U.S. intelligence officers overseas must establish what are, in effect, contratual relationships with foreign nationals occupying key posts and who are willing to provide information to the U.S. Government. Since many of our most valuable intelligence sources live in societies were anything less than total allegiance to the state could subject an individual to loss of life or liberty, they rightfully demand an absolute assurance that the cooperative relationship they are about to enter into will remain private. You can imagine the effect it must have on a source who one day discovers that his contact has been openly identified as a CIA officer. The impact in this regard is twofold. First, there is a substantial adverse impact on the CIA's ability to collect intelligence; second, some of our foreign sources, who, notwithstanding the disclosures, must remain in place, may be subject to severe punishment or worse.

As matters now stand, the intentional exposure of covert intelligence personnel without punishment implies a governmental position of neutrality in the matter. It suggests that U.S. intelligence officers are fair game for those members of their own society who take issue with the existence of CIA or find other motives for making these unauthorized disclosures.

I have outlined several reasons why legislation is necessary to solve this problem of unauthorized disclosures of identity. I believe that timely action in this regard is very important to national security. It hinges not only on the protection of our intelligence officers and contacts but on the diminished quality of intelligence we can expect to receive unless we take action now.

It seems to me that we sometimes forget that the intelligence agencies are on our side and sometimes need our help. It makes no sense for us always to be looking for faults.

This is an emergency situation that needs legislation to deal with it now. We cannot avoid this issue just because we may get some bad press. We must pass the Chafee-Jackson amendment, and we must pass this bill. We must have the courage to do what is right. This bill is good for our fellow Americans who serve us on difficult and dangerous missions abroad. And it will do us a lot of good, too.

Mr. President, the most important function of the legislative branch is to legislate when it is needed. We need it now. Let us go ahead with Senator CHAFEE and Senator JACKSON's amendment.

I wish to take this opportunity to thank the Senator from Rhode Island for his constant courage in pushing forward on this matter. It is long, long overdue, and it will do more in my humble opinion to once again create a giant and effective force of intelligence in this country than anything I can think of, a force which was diminished by the so-called Church committee which almost deprived us of intelligence during the years it was in existence.

Mr. President, I yield the floor.

Mr. DENTON. Mr. President, I was delinquent in not yielding to my admired friend from Arizona more elaborately.

He ran for the Presidency in 1964, and the respect held for him in the hearts of the people of my State was such that he not only won that State in that election but he got the first five Republican Congressmen from Alabama since Reconstruction elected on his coattails.

I have had personal opportunity to admire him for decades, and then to serve with him on the Armed Services Committee and to be invited by him to participate in hearings on the Select Committee on Intelligence, and I cannot think of a man in the United States to whom we owe more for protecting this Nation's security interests.

I strongly recommend that we pay close attention to what he just had to offer us.

I will yield to the distinguished Senator from Rhode Island who has been a central figure in bringing this measure to the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Alabama for that kind introduction and I thank the senior Senator from Arizona for his very kind comments. It is a pleasure to work with Chairman GOLDWATER on the Intelligence Committee where we have been together now for some 6 years. Also, by happy coincidence, the floor leader for the minority on this issue, representing the Judiciary Committee, also serves on the Intelligence Committee. So he is very, very familiar with the issues that we are struggling with here today. He lends great insight to the problems that we face.

Mr. President, briefly let me review the matter.

We have members who serve on the Senate Intelligence Committee who travel around the world and spend a good deal of time with American intelligence agents both at home and abroad. They are fully aware that the most nagging problem facing our agents—one which elicits the greatest concern from those who lead the Intelligence Agency—is the fact that names of alleged agents are published freely by American citizens. As the distinguished floor leader for the minority on this issue pointed out, we have tried in this legislation, whether it is the committee's bill or whether it is in the amendment that Senator JACKSON and I have proposed, to prohibit the publication of these agent's names from three sources of publication, or potential sources of publication.

The first category of person naming names is the person who had authorized access to information that identifies a covert agent. This person may work for an intelligence agency. The second category deals with those who had access to some secret information but they themselves did not have specific access to the name of a covert agent.

Finally, you come to the most difficult group of persons naming names. This category includes those who did not serve or are not currently serving in an intelligence agency, and who do not have access to classified information. Nonetheless they proceed to identify names of alleged agents through determined efforts on their part to ferret out the names of what might be agents, and then they proceed to publish these names.

That is the cause of the problem, and that presents the difficulty we have here this afternoon as we debate this legislation. Can you punish someone who himself has never had access to classified information, who never, perhaps, served in an intelligence agency, but who, using unclassified documents, a whole series of them, carefully searches through them and ferrets out and produces names alleged to be intelligence agents, and publishes them?

The Senate Judiciary Committee came forward with language to take care of this problem with what I will refer to as the committee language.

This language states:

> Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States . . .

Somebody goes out, he spends an incredible amount of time, he goes through a whole series of unclassified documents, and then with the intent to expose the name of an agent in

order to impair the activities of the United States, goes ahead and publishes these names.

On the other hand, in the amendment that I will call up, the language is somewhat different. The language in my amendment says, "Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede." As the distinguished Senator from Delaware mentioned, it seems we might be arguing and nitpicking over words here. One talks about the "intent" to impair the intelligence activities of the United States, and the other talks about "reason to believe" that the disclosure of these names would impair the intelligence activities of the United States.

First, let me say this: We have been working on this entire subject now for over 2 years. I will say, how delighted I am that we have this legislation on the floor now. In one way or another it seems apparent that legislation is going to pass dealing with this problem. That in itself is a mammoth step forward. Indeed, in the Judiciary Committee, the committee language passed unanimously, and the amendment that I presented barely failed by a vote of 8 to 9. But if it had passed I suspect that that language would have also been approved by the committee.

In other words, one way or another there is unanimity, I believe, in this body that we will pass legislation to curb the disclosure of the names of alleged agents working for our intelligence agencies.

As I mentioned earlier, we have found this to be the principal sore spot with those who serve this country abroad. How is it possible, they say, that fellow Americans can disclose names of alleged agents who are serving at their personal peril around different trouble spots of the world? Why do we permit this to happen?

When this legislation is passed, and the House has passed language similar to that in my amendment, and if my amendment prevails, which I hope it will, then we will not have to go to conference on this subsection. If my amendment fails, then we will go to conference, but one way or another language is going to come out. An act is going to be passed by this body, that will wrestle in a determined manner with this problem.

Let me briefly give a bit of history, if I might, but before proceeding to that, let me call up my amendment.

(By request of Mr. DENTON the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, this bill represents the culmination of a great deal of work during at least two Congresses. Legislation of this nature has been examined in one form or another by both the Intelligence Committee and the Judiciary Committee since early 1980. Hearings have been held, there has been lengthy debate, and each and every section has been closely and carefully scrutinized. I do not believe that there is much disagreement in the Senate as to whether or not legislation of this type is needed, and I think that it is time for the Senate to say with a loud and clear voice that we do not condone the type of action prohibited by this bill.

This measure aims at protecting the identities of those individuals whose anonymity serves the interest of the country. Moreover, this legislation would insure an appropriate balance between individual rights and the absolute necessity for secrecy in intelligence collection vital to the security of the Nation.

The prohibitions contained in S. 391 are directed at punishing those individuals who intentionally and without authorization disclose information identifying intelligence officers and agents of the United States. This bill is not intended to apply to members of the press or others engaged in legitimate activities protected by the first amendment. It is intended, however, to stop those people who are in the business of "naming names" of our covert agents.

We must keep in mind the special needs of the brave and unsung employees of the intelligence agencies of this country. We must remember, too, that uninformed policymakers cannot properly serve the people, and without the information these employees provide, the American people will suffer.●

● Mr. GRASSLEY. Mr. President, earlier this year, as a member of the Senate Judiciary Committee, I voted in favor of S. 391, as originally introduced. I intend to reaffirm my strong support for the bill here today and I hope that we can restore the bill to its original form.

In this bill, as in other bills that the Judiciary Committee has studied in this and the prior session, we have been asked to balance first amendment rights against the Government's ability to "suppress" information necessary to protect the men and women of the intelligence community, whose secret work is vital to the Nation's security.

Some have opposed this legislation. The opposition states that the bill undermines first amendment rights. But, overwhelmingly, it has been viewed and it should be viewed as an attempt to bolster or protect our covert intelligence and counterintelligence agents.

I have been convinced beyond a reasonable doubt that this legislation is needed to prohibit the systematic exposure of agents' identities under circumstances that pose a clear threat to intelligence activities vital to the Nation's defense. I am also convinced that this bill goes to great lengths to distinguish between the ghoulish business of furnishing the enemies of the United States with information that invites and facilitates violence against its agents and mere reporting. I am satisfied with the terms of this bill and the protection that it affords. I encourage all of my colleagues to support this bill and its goals.●

AMENDMENT NO. 1256

(Purpose: To describe criminal liability for the disclosure of certain information identifying an individual as a covert agent)

Mr. CHAFEE. Mr. President, I call up my amendment numbered 1256.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) for himself, Mr. JACKSON, Mr. ABDNOR, Mr. COCHRAN, Mr. D'AMATO, Mr. DENTON, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GRASSLEY, Mr. GOLDWATER, Mr. HAYAKAWA, Mr. HATCH, Mrs. HAWKINS, Mr. HELMS, Mr. HUMPHREY, Mr. LAXALT, Mr. LUGAR, Mr. MATTINGLY, Mr. NICKLES, Mr. SCHMITT, Mr. SIMPSON, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, Mr. WALLOP, and Mr. WARNER) proposes an amendment numbered 1256:

On page 3, beginning with line 13, strike out all through "agent," on line 19 and insert in lieu thereof the following:

"(c) Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information,".

Mr. CHAFEE. Mr. President, the guts of this debate here this afternoon and Monday and Tuesday morning presumably will revolve around the amendment I have submitted.

As I previously indicated, the rest of the language of this legislation appears to be noncontroversial and that is a tremendous step forward because such certainly was not true some 2 years ago when we first presented this language.

On this amendment, in which I am joined as a principal cosponsor by Senator JACKSON of Washington, and by some 25 other Senators, I now review a bit of history, if I might, on the background of the amendment.

The language which I am presenting along with Senator JACKSON is the language which was originally proposed and referred to the Senate Committee on the Judiciary. It emerged from the Subcommittee on Security and Terrorism headed by the distinguished Senator from Alabama, and then was considered in the full committee. There this language was rejected by a very close vote of 9 to 8.

In my judgment, the committee language, which was adopted—and let me

call it the committee amendment—substantially weakens the language which was originally in the bill which was adopted by the House, and which is in my amendment.

Therefore, I am presenting this amendment, which passed in the House of Representatives last fall by a vote of 354 to 56. It is the language which the Senate Intelligence Committee originally adopted in 1980 by a vote of 13 to 1.

Now, President Reagan has stated that our language—and by our language I mean the Chafee-Jackson language—is "far more likely to result in an effective law that could lead to successful prosecution," than the committee language.

Mr. President, the key difference between the committee and the Chafee-Jackson language relates to the standard of proof that would be used in a prosecution. The committee language requires that there be an effort to identify and expose agents with the intent to impair or impede the intelligence activities of the United States.

Our language requires that there be a pattern of activities intended to identify and expose agents, with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States. In other words, the difference is the committee language depends on the subjective intent of the person engaged in naming names whereas our language uses an objective standard of proof.

(Mr. HAYAKAWA assumed the chair.)

Mr. CHAFEE. I will explain this further as we go along. But, at this point, let me say that it places the intent of the defendant under our language where it should be in a criminal act—on the intention to perform the harmful act. The committee language focuses on the subjective intent of the defendant to do harm.

The reasons for these differences rises out of the debate we had on this issue last year. I would like to summarize some of the background of the debate.

In January of 1980, over 2 years ago, Senator JACKSON and I joined Senator MOYNIHAN in introducing the Intelligence Reform Act of 1980 (S. 2216). That bill contained a section designed to protect agent identities which depended on a subjective standard of intent—in other words, when we originally introduced this bill, we also had this subjective standard of intent. What did the person intend to do inside their breast?

Now, when we had the hearings before the Senate Intelligence Committee in June of 1980, a number of witnesses expressed concern with this language. For example, Mr. Floyd Abrams testified that he did not support the intent standard for the following reasons:

> I don't think that their intent—
>
> Meaning the accused—
>
> ought to bear on your decision. They—
>
> The accused—
>
> do bad things maybe for bad reasons but the question I would urge on you at least is whatever the intent is, whether you ought to start down the road of deciding what can be said or written by people who don't happen to work for the Government, whether you like or approve of their intent or not. I don't think that factor ought to be that they don't like the CIA. They may not have a constitutional right to publish certain information but they have absolute right to like or dislike what they choose.

And Mr. Morton Halperin, of the ACLU, said about the same thing. He said:

> I think that a citizen has the right to impair or impede the functions of a government agency whether it is the Federal Trade Commission or the CIA. The fact that your intent is to impair or impede those agencies does not make your activity a crime if it is otherwise legal.

Now, because of these concerns about intent, the staffs of the Senate Intelligence Committee and the Justice Department began working on an alternative standard of proof which would remove the problems of the specific intent standard. Eventually, we came up with language which utilized what they call an objective standard of intent. The Carter administration's Justice Department endorsed this language.

In a letter to Chairman Bayh, who was then the chairman of the Senate Intelligence Committee, the Deputy Attorney General of the United States, Mr. Renfrew, wrote as follows about this objective standard:

> This formulation substantially alleviates the Constitutional and practical concerns expressed by the Justice Department with regard to earlier versions of this bill that included a requirement that prohibited disclosures be made with a specific "intent to impair or impede" U.S. intelligence activities.
>
> Because of the significance of this matter, however, it has been our view from the beginning that such legislation as is enacted must be fair, effective and enforceable. Our position has been and remains that the absence of an intent element in this legislation will accomplish this goal.

Let me just briefly summarize what we are talking about here. Under the committee language, it is said that you have to have an intent to impair the intelligence activities of the United States before you are guilty. We say that is not the right standard. Somebody might be impairing intelligence activities but not with the intent to do so. Somebody might be disclosing names of alleged CIA agents and saying:

> I'm not doing it to impair the intelligence activities of the United States, I am doing it to improve intelligence activities. These agents are misbehaving all over the world. They shouldn't be monkeying around in foreign countries. We ought to be collecting intelligence with satellites or whatever it might be. I'm not out to spoil or impair the intelligence activities of the United States, I'm out to improve them.

Now, that is what we call the subjective standard of intent. How do we get into that person's breast and determine whether he is out to improve or he is out to impair the intelligence activities of the country?

The problem is why we do not use that standard. Instead, we look at the pattern of activities of a person: If time after time after time he exposes the names of agents and he has a reason to believe that it impairs intelligence activities, he is culpable. Any reasonable person would know that by naming names you are going to impair the foreign intelligence activities of the United States.

Now, there is the crux of the problem between this different language. It is not that we are dancing on the head of a pin here. There are substantial differences.

Mr. President, the Department of Justice under President Carter and the Department of Justice under President Reagan both believe that the better standard is the one in our amendment. This language protects the individual and, furthermore, it enhances the chances of obtaining a prosecution at the same time.

Now, I note that the language of this amendment is the only language that has been endorsed by both the Carter and the Reagan administration Justice Departments. The issues which this legislation involves have been heard in detail. Our wording in this amendment has been carefully worked out and refined to its current state.

Let me address for a moment the committee language.

The reason we are here this afternoon, of course, is to strengthen the intelligence capabilities of the United States by prohibiting the unauthorized disclosure of information identifying certain intelligence offices of our country. This bill places criminal penalties on those enemies of our intelligence community engaged in this pernicious activity called naming names.

There is no dispute that those who are for the committee language and those who are for the amendment both object to the activity of the naming of names. The difficulty comes in whether the committee language will accomplish the purpose of placing criminal penalties on this activity because the committee language depends on specific intent language. That is the standard in the committee bill. It offers serious prosecutorial problems in the case of an individual that claims that his intent is to inform the public or even to improve U.S. intelligence.

Let me refer to the testimony of Mr. Richard Willard, who is the Attorney

General's counsel for intelligence policy, on October 6, 1981. Mr. Willard said:

The problem is that Senator Biden's approach would invite evasion of the bill because people like Mr. Wolf and others would say, "Well, my intent was to help intelligence activities by disclosing unsavory activities," and that would give them a defense that they would seek to use. That is why we felt the objective reason-to-believe standard which Senator Chafee introduced to be better.

In the Judiciary Committee markup of the original bill on October 6, 1981, Senator BIDEN stated that:

All the folks we all agree we want to get can be captured, figuratively and literally, under the language I am about to introduce.

However, it is my concern that this is not the case. Many individuals who indulge in "naming names" have suggested that their purpose, their "intent," is not to impair or impede U.S. intelligence activities. Their purpose, they say, is to improve these activities. For these individuals, the subjective intent standard provides a loophole big enough to drive a truck through.

For example, in testimony before the House Permanent Select Committee on Intelligence on January 31, 1981, William Schaap of the Covert Action Information Bulletin, had this to say:

Our publication . . . is devoted to exposing what we view as the abuses of the Western intelligence agency, primarily though not exclusively the CIA, and to expose the people responsible for those abuses. We believe that the best thing for the security and well-being of the United States would be to limit severely, if not abolish, the CIA.

Our intent both in exposing the abuses of the intelligence agencies and in exposing the people responsible for those abuses is to increase the moral force of this Nation not to lessen it. That the CIA would assume our intent is simply to impair or impede their foreign intelligence also seems likely. Patriotism is to some extent in the eyes of the holder.

The implication of this testimony is that Mr. Schaap does not believe his intention is to "impair or impede" U.S. intelligence activities. His activity is patriotic.

It would seem, then, that he could mount an effective defense under the committee language, based on his "intent," and that he would escape prosecution because there is no criminal liability for his "pattern of activities."

Mr. President, it has been suggested that the objective standard of criminal liability under subsection 601(c) departs from previous statutes, punishment for disclosure in the national security field. Some say, "We have never heard of such a thing. Every criminal statute has intent. You have to have intent on the part of the accused. What do you do coming up with language which talks about 'reason to believe?' "

But the facts are that the standard we have adopted is consistent with existing espionage statutes and, if anything, offers greater protection for first amendment rights.

All the existing espionage laws which can apply to those without authorized access to classified information require that an individual be engaged in an activity with one of two things: Either there be an "intent," which is true in some statutes, or that there be a "reason to believe," as we have here, and sometimes both.

For example, 18 U.S.C., section 793(e), punishes unauthorized disclosure of national defense information which the person has "reason to believe could be used to the injury of the United States or to the advantage of any foreign nation." There is an example of the "reason to believe."

Similarly, 42 U.S.C., section 2274(b) punishes disclosure of restricted atomic energy data "with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation."

There are other examples.

Therefore, the standard which we have adopted in this amendment is consistent with past legislation where Congress has punished disclosure without requiring proof of specific intent, but, rather, proof that the reasonably foreseeable result would cause injury to the United States or advantage to a foreign power.

Of course, the question may be asked whether the objective standard—the "reason to believe" standard—will be sustained by the courts. Clearly, we do not want to write something into this very important statute—which both sides are anxious to get passed—that will not be sustained by our courts.

In the opinion of the Carter administration and in the opinion of the Reagan administration Justice Department, this standard, the Chafee-Jackson standard, will survive first amendment and other challenges in the courts.

Past examples of where the "reason to believe" standard has been upheld would be:

Gorin against the United States, 1944, where the "reason to believe" was characterized as sufficient scienter in a criminal statute by the Supreme Court;

Schmeller against the United States, sixth circuit, 1944, where "reason to believe" was upheld with no requirement to prove specific intent;

U.S. against Achtenberg, eighth circuit, 1972, where the "reason to believe" standard was deemed sufficiently precise for the criminal statute to withstand an attack for vagueness and overbreadth;

U.S. against Bishop, ninth circuit, 1979, where the "reason to believe" standard was held to be sufficiently precise to withstand a vagueness attack;

U.S. against Progressive, Inc., Wisconsin District Court, 1979, where the "reason to believe" standard withstood an attack for vagueness and overbreadth.

In comparison to many existing statutes the language which we have placed in this amendment includes language which narrows the scope of criminal liability and therefore affords greater protection for first amendment rights. There must be proof that the disclosure was made with reason to believe that it "would impair and impede the foreign intelligence activities of the United States."

This standard is more carefully tailored to the specific harm the statute seeks to prevent than the more generalized standard of injury to the United States or advantage to a foreign power.

As Judge Learned Hand observed,

there may be many cases where information may be advantageous to another power and yet not injurious to the U.S.

Judge Hand said that in United States against Heine, 151 F.2d 813, 815(1945).

The language of our amendment focuses solely on injury to the United States. In other words, it does not talk about its being advantageous to a foreign power. It even restricts it further than that—it involves not just broad injury to the United States, but specific injury to the U.S. foreign intelligence activities.

So, unlike statutes that merely require reason to believe that information could be used to the injury of the United States, the Government must prove that the reasonably foreseeable result of this disclosure would be to impair or impede particular U.S. Government functions that are exceptionally important to the conduct of U.S. foreign and military defense and that depend upon secrecy for their success.

An even greater safeguard is the requirement that the disclosure must occur "in the course of a pattern of activities intended to identify and expose covert agents." The term "pattern of activities" is defined in section 606(10) of this statute, the bill that we are discussing today. The pattern of activities require a series of acts with a common purpose and objective. It is not one disclosure, it is a pattern of activities to impair or impede U.S. foreign intelligence activities.

Thus, there must be proof not only with regard to a particular disclosure, but also with respect to the pattern of activities in which the disclosure occurs. The evidence must show that such activities were undertaken both to identify and to expose covert agents. A person must, in other words, be engaged in the enterprise of ferreting out the identities of individuals in-

volved in covert intelligence activities and exposing their intelligence relationship to the United States. This standard is more rigorous than the current statutes punishing disclosure of other types of national defense information.

The "pattern of activities" requirement is designed to narrow the scope of criminal liability without imposing undue burdens on the prosecution of offenses under section 601(c). It was developed in consultation with the Department of Justice, which strongly endorses the language as preferable to the "subjective intent" requirement in the committee standard.

The alternative of requiring specific intent to impair or impede intelligence activities which the committee language requires would place unnecessary obstacles in the way of enforcement of section 601(c), in my judgment. That is, the specific intent requirement puts unnecessary obstacles in the way of enforcement of this act. It would compel the Government to gather and present evidence as to the particular motives of the defendant, above and beyond his or her conduct and the reasonably foreseeable results of that conduct. Second, where a defendant does not openly proclaim an intent to interfere with U.S. intelligence activities, the Government may have to rebut arguments that disclosures were intended to inform the American people about activities the defendent considered wrong or improper.

Mr. President, I should like to dicuss the implications of the so-called Agee case, Haig against Agee, which was decided by the Supreme Court last summer. That case's conclusions reinforce the point that my language in subsection 601(c) adopts standards that are directly relevant to the central constitutional concern of showing the reasonable likelihood of serious harm.

In its opinion upholding the authority of the Secretary of State to revoke the passport of Phillip Agee on the ground that his activities constituted a serious danger to national security, the Supreme Court rejected Agee's first amendment claim as follows:

Assuming arguendo that First Amendment protections reach beyond our national boundaries, Agee's First Amendment claim has no foundation. The revocation of Agee's passport rests in part on the content of his speech: Specifically, his repeated disclosures of intelligence operations and names of intelligence personnel. Long ago, however, this Court recognized that "No one would question but that a Government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931), citing Chafee, Freedom of Speech 10 (1920). Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution. The mere fact that Agee is also engaged in criticism of the Government does not render his conduct beyond the reach of the law. (Emphasis added).

The Supreme Court clearly decided in Agee that disclosures of intelligence operations and names of intelligence personnel which obstruct intelligence operations are not protected by the first amendment. You cannot do it and say you are protected by the first amendment. The Court emphasized that there is no first amendment protection for disclosures which have the effect of obstructing intelligence activities; it did not limit this holding to disclosures which additionally have such an openly declared purpose.

Thus, the Court's ruling does not support the contention that a subjective "bad purpose" intent standard is needed to make the identities bill constitutional. The provisions of the Chafee-Jackson language, which are narrowly crafted to apply to the types of disclosures the Supreme Court described in Agee, are consistent with the first amendment.

Mr. President, the question has been raised as to what the administration's position is with regard to identities legislation. The reason for this confusion arises because of the CIA's role in assisting the House Permanent Select Committee on Intelligence with its identities bill (H.R. 4) earlier this year.

On June 24, 1981, the House sent CIA Director Casey a draft formulation for subsection 601(c) and asked for his comments. In responding to the House, Director Casey indicated that his general counsel believed the House draft to be "deficient in certain respects," and he, therefore, provided alternative language. This alternative was characterized as being "acceptable under certain conditions," and the Casey letter went on to say:

We would be prepared to support this alternative, which I understand is already familiar to Members and staff of your Committee, if its adoption would ensure House Floor consideration of the Identities Bill directly following the reporting of H.R. 4 from your Committee.

In other words, we would support it if it comes out and goes to the floor, if this is the way to do it.

That is the clincher.

Mr. Casey went on as follows: "I must emphasize, however, that the administration's preference for S. 391"—which is the language that Senator JACKSON and I are submitting here—"the Senate version of the identities bill, remains unchanged."

In other words, the administration prefers the language of this amendment.

The memorandum which Director Casey included with his letter had this to say:

This memorandum does not address differences between H.R. 4 and S. 391, and nothing contained herein should be construed as altering the administration's position of preference for the Senate version of the identities bill.

That is the language that was originally introduced that was included in the language that came from the subcommittee.

Mr. President, there can be no question that the Chafee-Jackson language for subsection 601(c) is the language preferred by both the Carter and Reagan administrations. In support of this statement, I ask unanimous consent that the following be printed in the RECORD: Deputy Attorney General Renfrew's letter dated July 29, 1980; CIA Director Stansfield Turner's letter dated July 30, 1980; CIA Director Casey's letter of April 29, 1981; Attorney General Smith's letter of July 20, 1981; President Reagan's letter of September 14, 1981; CIA Director Casey's letter of September 30, 1981; President Reagan's statement of December 4, 1981; and President Reagan's letter of February 3, 1982.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, D.C., July 29, 1980.

Hon. BIRCH BAYH,
Chairman, Committee on Intelligence, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN BAYH: I am writing to reiterate the position of the Department of Justice concerning whether and in what form Section 501(c) of the Intelligence Identities Protection Act now before the Committee should include an element relating to the state of mind of persons, other than present or former government employees, who identify clandestine intelligence personnel or agents. It is my understanding the provision to be considered by the Committee now consists of essentially the following language:

(c) Whoever, in the course of a pattern of activities intended to identify and expose covert agents, discloses any information that identifies an individual engaged or assisting in the foreign intelligence activities of the United States, knowing that the information disclosed so identifies the individual and that the United States has taken affirmative measures to conceal the individual's classified intelligence relationship to the United States'. . . .

This formulation substantially alleviates the constitutional and practical concerns expressed by the Justice Department with regard to earlier versions of this bill that included a requirement that prohibited disclosures be made with a specific "intent to impair or impede" U.S. intelligence activities.

Because of the significance of this matter, however, it has been our view from the beginning that such legislation as is enacted must be fair, effective and enforceable. Our position has been and remains that the absence of an intent element in this legislation will accomplish this goal.

Sincerely,

CHARLES B. RENFREW,
Deputy Attorney General.

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, D.C., July 30, 1980.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR JOHN: My heartfelt thanks go out to you and your staff designee, Ken deGraffenreid, for your unflinching efforts at crafting an effective legislative remedy to the problem of the unauthorized disclosures of the identities of our intelligence officers and agents.

The Bill, which you so ably steered through the Senate Intelligence Committee, strikes the appropriate balance between the need for immediate legislative relief and legitimate First Amendment concerns. The Senate Bill, as reported, provides the Government with an effective tool to prosecute both present and former Intelligence Community employees as well as those misguided individuals outside the Intelligence Community who take it upon themselves to destroy the foreign intelligence apparatus of our nation.

I am certain I can count on your continuing help in the time remaining in the 96th Congress to insure that the Senate Bill is cleared for floor action in the near future. It is of critical importance that every effort be made to have this legislation enacted this year.

Yours sincerely,

STANSFIELD TURNER.

THE DIRECTOR,
CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., April 29, 1981.

Hon. EDWARD P. BOLAND,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: During the course of the recent hearings on the proposed "Intelligence Identities Protection Act" before the Subcommittee on Legislation, the following requests were made of me:

Representative Ashbrook asked, as a drafting service, that we provide him with language for a "false identification" provision that would meet constitutional muster;

Representative Fowler asked for the Agency's official views on the Senate version of subsection 501(c) and the so-called "Kennedy Compromise" suggested in the closing days of the 96th Congress.

As to Representative Ashbrook's request, one such version is presently found in subsection 800(d) of H.R. 133, the "Intelligence Officer Identity Protection Act of 1981," introduced by Representative Charles E. Bennett (D., Fla.). Mr. Bennett's formulation contains a harm standard, that is, prejudice to the safety or well-being of any officer, employee, or citizen of the U.S. or adverse impact on the foreign affairs functions of the United States. The Bennett formulation provides a readily available solution. The formulation that appears in H.R. 133 is as follows:

"Whoever falsely asserts, publishes, or otherwise claims that any individual is an officer or employee of a department or agency of the United States engaged in foreign intelligence or counterintelligence activities, where such assertion, publication, or claim prejudices the safety or well-being of any officer, employee, or citizen of the United States or adversely affects the foreign affairs functions of the United States, shall be imprisoned for not more than five years or fined not more than $50,000, or both."

In the course of the testimony by Richard K. Willard, the Attorney General's Counsel for Intelligence Policy stated that, in his opinion, a "false identification" provision containing a "life endangerment" element would be both enforceable and constitutional. I would stress, however, that such a physical harm standard would not be suitable for the sections of the Bill which cover correct identifications of intelligence personnel. The physical safety of our people is, of course, a matter of grave concern, but the Identities legislation is designed to deal primarily with the damage to our intelligence capabilities which is caused by unauthorized disclosures of identities, whether or not a particular officer or source is physically jeopardized in each individual case.

As to the first question posed by Mr. Fowler, i.e., the Agency's views on the Senate's version of subsection 501(c), we start from the basic premise that H.R. 4 and S. 391 are essentially similar. Both are carefully and narrowly crafted Bills which could effectively remedy the problems posed by the unauthorized disclosures of intelligence identities, and withstand challenge on constitutional grounds. Thus, the CIA would support enactment of either H.R. 4 or S. 391. As you know, the Bills do differ with respect to the standard of proof that would apply to individuals who have not had authorized access to classified information, and which would criminalize their disclosures of identities even if these disclosures cannot be shown to have come from classified sources. This has been the most controversial part of Identities legislation, and it is also the key provision from the standpoint of the legislation's potential effectiveness in deterring unauthorized disclosures. We have concluded that the objective standard of proof contained in S. 391 (i.e., "reason to believe that such activities would impair or impede. . .") is preferable to the subjective standard set forth in H.R. 4 (i.e., "with the intent to impair or impede. . ."). This preference is based upon a number of factors, including prospects for successful prosecutions under the differing formulations. We have discussed this matter at great length with the Department of Justice, and we believe that our preference for S. 391 is in accord with the Department's views.

Mr. Fowler's second question goes to the issue of the so-called "Kennedy Compromise," printed in the 30 September 1980 Congressional Record and set forth herein below:

"Whoever, in the course of a pattern of activities undertaken for the purpose of uncovering the identities of covert agents and exposing such identities (1) in order to impair or impede the effectiveness of covert agents or the activities in which they are engaged by the fact of such uncovering and exposure, or (2) with reckless disregard for the safety of covert agents discloses any information that identifies an individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both."

This formulation appears to raise the same kinds of problems of proof of intent which the Department of Justice believes are present in the current formulation of the subsection 501(c) offense in H.R. 4, since the Government would have to show that the disclosure was made "in order to" impair or impede the effectiveness of covert agents or their activities. A defendant could assert that his activities and his disclosures were done "in order to" to accomplish some other purpose. Inclusion of the alternative "reckless disregard" standard in any 501(c) type provision would be of doubtful value. It is difficult to understand what is meant by "reckless disregard" in the context of the Identities Bill, since Congress, by enacting Identities legislation is in effect making a finding that unauthorized disclosures of identities do in fact threaten the personal safety of intelligence personnel. A reckless disregard standard would apparently mean that the Government would have to make an additional showing of physical endangerment in each particular case. This, from a deterrent perspective, would appear to be inadvisable.

Additionally, the Committee may wish to consider one technical amendment to H.R. 4, not mentioned in the course of the recent Identities hearings, but nonetheless dictated by enactment in the 96th Congress of S. 1790, the "Privacy Protection Act of 1980," legislation signed into law by President Carter on 14 October 1980 and designed to modify the Supreme Court's decision in *Zurcher* v. *Stanford Daily.* The enactment of this legislation has a bearing on our efforts to secure passage of Identities legislation. The Identities legislation should include a provision amending subsections 101(a)(1) and 101(b)(1) of the Privacy Protection Act so as to include the proposed new title of the National Security Act of 1947 among the "receipt, possession, or communication" of national security information offenses with regard to which searches and seizures may be conducted under the exceptions provided in those subsections.

Should you have any questions concerning the views expressed in this letter, please do not hesitate to contact my Legislative Counsel directly. We look forward to working with the Committee to ensure prompt enactment of Identities legislation.

Sincerely,

WILLIAM J. CASEY.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 20, 1981.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that the Committee on the Judiciary is presently considering S. 391, the proposed Intelligence Identities Protection Act, which was introduced by Senator Chafee on behalf of himself and a number of distinguished Members of the Senate. My representative testified in favor of this bill earlier this year in hearings before the Subcommittee on Security and Terrorism. I would like to take this opportunity to assure you of my strong personal support for this legislation.

The recent decision of the Supreme Court in *Haig* v. *Agee* emphasized that "(m)easures to protect the secrecy of our Government's foreign intelligence operations plainly serve compelling national security interests." The Court rejected Agee's First Amendment claim with the following analysis:

"The revocation of Agee's passport rests in part on the content of his speech: specifically, his repeated disclosures of intelligence operations and names of intelligence personnel. Long ago, however, this Court recognized that "No one would question but that a government might prevent actual obstruc-

tion to its recruiting service or the publication of the sailing dates of transports or the number and location of troops." *Near* v. *Minnesota*, 283 U.S. 697, 716 (1931), citing Chafee, Freedom of Speech 10 (1920). Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution. The mere fact that Agee is also engaged in criticism of the Government does not render his conduct beyond the reach of the law."

I believe this Supreme Court decision should resolve any lingering doubt that may exist concerning the constitutionality of the proposed legislation.

Speedy enactment of legislation to protect covert agents' identities deserves the highest priority, and I strongly recommend that S. 391 be favorably reported out of the Committee.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

THE WHITE HOUSE,
Washington, September 14, 1981.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: It is my understanding that the Senate Judiciary Committee will consider S. 391, The Intelligence Identities Protection Act of 1981, on Tuesday, September 15.

Passage of legislation to provide criminal sanctions against those who make it their business to identify and expose our intelligence officers is a key element of my program to rebuild and strengthen US intelligence capabilities. Nothing has been more damaging to our intelligence effort than the pernicious, unauthorized disclosures of the names of those officers whom we send on dangerous and difficult assignments abroad.

Attorney General Smith advises that the Senate version of this legislation, S. 391, is legally sound, both from a prosecution perspective and in the protection it provides for constitutional rights of innocent Americans. Any change to the Senate version would have the effect of altering this carefully-crafted balance.

I cannot overemphasize the importance of this legislation. I hope I can have your support in reporting out S. 391 without amendment.

Sincerely,

RONALD REAGAN.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., September 30, 1981.

EDITOR,
The New York Times,
New York, N.Y.

DEAR SIR: Your editorial of September 28, 1981, "A Dumb Defense of Intelligence," incorrectly represents the position I have taken on legislation to protect the identities of covert agents. I have consistently supported and advocated the Senate language in S. 391 and H.R. 4, as amended and passed by the House on September 23, as more certain to be effective in ending the pernicious unauthorized disclosures which are jeopardizing our nation's intelligence efforts and threatening those engaged or assisting in difficult and dangerous assignments abroad.

Opponents of this crucial legislation, in an effort to delay and obstruct final enactment, are quick to allege its constitutional infirmity. However, the legislation in its current form has had the bipartisan support of the Carter and now the Reagan White House and Justice Departments. We are confident that the legislation will pass constitutional muster. There is no doubt that disclosures of agent identities constitute a clear danger to this nation's first line of defense, its intelligence apparatus. Recently, the U.S. Supreme Court in *Haig* v. *Agee* stated that such "conduct . . . presents a serious danger to American officials abroad and serious danger to the national security" and that these disclosures " . . . clearly are not protected by the Constitution."

We can no longer afford delay. Every day means more unauthorized disclosures, more operations compromised, more lives endangered, more loss of confidence in our ability to keep secrets on the part of foreign intelligence services willing to cooperate with us. The Senate should delay no longer.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

STATEMENT BY THE PRESIDENT

I am pleased today to sign into law H.R. 3454, the Intelligence Authorization Act for Fiscal Year 1982. This act represents a significant first step toward achieving revitalization of our Nation's intelligence community. The President of the United States must have timely, accurate, and insightful foreign intelligence in order to make sound national defense and foreign policy decisions. This act helps to assure that we will have the necessary intelligence information to make these difficult decisions.

The Congress has with this act authorized appropriations sufficient to assure that we continue to have the world's best and most professional intelligence service. The Congress has also provided new administrative authorities to the heads of the Nation's three major intelligence agencies to assure that they can perform their missions more effectively. I hope that the spirit of cooperation between the Legislative and Executive Branches which resulted in this act will continue as we move to rebuild our Nation's intelligence capabilities.

I would also note my hope that I will soon be able to sign the Intelligence Identities Protection Act, which has passed the House and is awaiting floor action in the Senate. I strongly support enactment of this measure, preferably in the form in which it was passed by the House of Representatives; we must act now to protect our intelligence personnel, who serve our Nation under what are often difficult and dangerous circumstances.

THE WHITE HOUSE,
Washington, February 3, 1982.

Hon. HOWARD H. BAKER,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR BAKER: Legislation to make criminal the unauthorized disclosure of the names of our intelligence officers remains the cornerstone for the improvement of our intelligence capabilities, a goal that I know we share. Nothing has been more damaging to this effort than the pernicious disclosures of the names of officers whom we send abroad on dangerous and difficult assignments. Unfortunately, these disclosures continue with impunity, endangering lives, seriously impairing the effectiveness of our clandestine operations, and adversely affecting morale within our intelligence agencies.

Last September the House of Representatives overwhelmingly passed the Administration-supported version of the Intelligence Identities Protection Act. The Senate is soon to take up consideration of this legislation, and you will have before you two versions. While I believe that both versions are fully protective of constitutional guarantees, Attorney General Smith and I firmly believe that the original version, first introduced by Senator Chafee and others, is far more likely to result in an effective law that could lead to successful prosecution.

I strongly urge you and each of your colleagues to support the carefully-crafted Chafee-Jackson amendment to S. 391. I cannot overemphasize the importance of this legislation.

Sincerely,

RONALD REAGAN.

Mr. CHAFEE. Mr. President, for those who argue that the administration does not care whether it gets the Chafee-Jackson language or the committee language, I should like to read the President's letter to Senator BAKER and Senator ROBERT C. BYRD this month.

DEAR SENATOR BAKER: Legislation to make criminal the unauthorized disclosure of the names of our intelligence officers remains the cornerstone for the improvement of our intelligence capabilities, a goal that I know we share. Nothing has been more damaging to this effort than the pernicious disclosures of the names of officers whom we send abroad on dangerous and difficult assignments. Unfortunately, these disclosures continue with impunity, endangering lives, seriously impairing the effectiveness of our clandestine operations, and adversely affecting morale within our intelligence agencies.

Last September the House of Representatives overwhemingly passed the Administration-supported version of the Intelligence Identities Protection Act. The Senate is soon to take up consideration of this legislation, and you will have before you two versions. While I believe that both versions are fully protective of constitutional guarantees, Attorney General Smith and I firmly believe that the original version, first introduced by Senator Chafee and others, is far more likely to result in an effective law that could lead to successful prosecution.

I strongly urge you and each of your colleagues to support the carefully-crafted Chafee-Jackson amendment to S. 391. I cannot overemphasize the importance of this legislation.

Sincerely,

RONALD REAGAN.

It seems to me that this letter makes the administration's support for our amendment perfectly clear.

Finally, it has been argued by proponents of a subjective intent standard that, in order to be constitutional under Supreme Court precedents, a law punishing disclosure must require proof of an intent to do harm. For example, on May 8, 1981, a witness before the Subcommittee on Security and Terrorism of the Senate Committee on the Judiciary stated that:

> Professor Scalia * * * expressed the clear view that the absence of a bad purpose would make the statute unconstitutional.

This assertion is not, however, supported by careful analysis of the applicable cases and constitutional principles.

In fact, Prof. Antonin Scalia of the University of Chicago Law School has testified with respect to the reason to believe standard in section 601(c):

If the character of the information were defined narrowly enough, if the individual against whom the law is directed were defined narrowly enough, I think such a provision might well be sustained. "1981 House Intelligence Committee Hearings."

Given the extremely limited type of information covered and the narrow class of individuals engaged in a pattern of activities intended to identify and expose covert agents, there is little risk of unconstitutionality in S. 391 as originally introduced.

The central constitutional question presented by any prohibition against disclosure is: What danger does the disclosure create? It may be that if a person intends to produce harm, his intention may itself increase the risk that the harm will occur. But the Supreme Court has held that all the circumstances of the case must be taken into account before the actual danger can be assessed for first amendment purposes. Disclosure may be innocuous in fact—it may have no reasonable likelihood of creating a danger the Government is entitled to prevent—even though the intentions of the person are of a different character. Our amendment adopts standards that are directly relevant to the central constitutional concern of showing the reasonable likelihood of serious harm.

In summary, the Chafee-Jackson amendment contains language which is consistent with existing statutes punishing disclosure of national security information; it narrows the scope of criminal liability without imposing undue obstacles to effective enforcement; it meets the constitutional requirements of the first amendment; and it will provide for the effective prosecution of those who spend their time naming names.

Mr. President, over the past 5 years, more than 2,000 names of alleged CIA officers have been identified and published by a small group of individuals whose stated intention is to expose U.S. intelligence operations. I think it is time we legislated an end to this vendetta against the American intelligence community.

We send fellow Americans abroad on dangerous missions; missions which are directed and ordered by our Government. We owe it to them to do our utmost to protect their lives as they go about our business. S. 391, with our amendment, will provide this protection, and I urge my colleagues to support the Chafee-Jackson amendment and final passage of this bill.

Mr. President, there is no debate or argument on this floor that somebody is more for the first amendment than anyone else. There is no argument on this floor as to whether one group is more for successful prosecution, more for stemming the publication of the names of these agents than another. There is none of that. The argument here solely is how we can best craft this language to accomplish the goals we all seek. It is my view, the view of two administrations, the view of the Attorney General of the United States, and the view of the President, that the language of this amendment best accomplishes that goal, best permits us to move forward with the successful prosecution of these despicable persons who publish the names of agents of the United States.

Mr. BIDEN. Mr. President, the hour is getting late. We are going to have a chance, as I said, on Monday to get into great detail on this, but I should like to take 5 minutes now to make some initial rebuttal to the points raised by the Senator from Rhode Island. I am going to pick only a few of the things he has said today.

The first comment the Senator made in the early part of his statement was as to how we get into the breast of the person making the statement. The phrase is, "How do we get into the breast of the person making the statements?"

I suggest that we get into the breast of the person making the statements, or disclosing the name, the same way we get into the breast of a defendant accused of robbery or murder or rape or larceny or anything else. We get into the breast by looking at all the circumstances surrounding what that person did.

I should also like to point out that the way the judges usually tell the juries to get into the breast of a person accused of crime is by instructing the juries on what intent means. They say the following, which is from section 14.03, "Specific intent," Devitt and Blackmar, vol. I, Federal Jury Practice and Instructions, third edition 1977.

Remember, we have a defendant, and the prosecution says, "This guy killed Cock Robin." Then the judge says, "You have to find that he specifically meant to kill Cock Robin." He had to have intent to kill Cock Robin. It could not have been an accident. What I mean by intent is this: "Specific intent," as the term implies, means more than the general intent to commit the act. To establish specific intent, the Government must prove that the defendant knowingly did an act which the law forbids (knowingly failed to do an act which the law requires), purposely intending to violate the law.

This is the important part: "Such intent may be determined from all the facts and circumstances surrounding the case.

"An act or failure to act is knowingly done if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason."

The Senator goes on and makes a very compelling argument. I should note for the record that he is a very worthy adversary on this matter. It sounded good to me. As a matter of fact, he had me believing it for a second.

The Senator says we have these guys who are publishing these bulletins saying, "Well, I intended to help America when I disclosed the name of Joe Doakes, who is an agent of the CIA, so don't find me guilty because, although I intended something, I did not intend to hurt. I intended to help."

I submit that under the reason to believe standard, he can say the same thing. He can stand before the jury and say: "Ladies and gentlemen, I had reason to believe this would help America when I disclosed the name of Joe Doakes."

I had reason to believe that because I know from great experience in the area that we are not trusted around the world because of the CIA. They do not like us because of the CIA, and the real reason, the way to help America is to uncover CIA agents. So I have reason to believe that this would help, not impede.

So if he would be able to stand before a jury and say with any degree of credibility, "Ladies and gentlemen of the jury, I did not intend to hurt," he could also stand before the jury and say, "Ladies and gentlemen of the jury, I did not have reason to believe this would hurt; I had reason to believe it would help."

So, if it applies to intent, it is kind of a specious argument to say it also applies to reason to believe, but the kicker is that in either case the jury is going to sit back and say, "Now, wait a minute, what did he do here? Did he intend to do this? Let us look at all the facts and circumstances. Did this guy mean—sure, he intended to publish because he published—but did intend to hurt?"

We make distinctions. For example, we have all read in the newspaper and if my colleagues will read the RECORD they will read all the exposures about Wilson and Terpil, former CIA agents. What are they doing? They are fooling around with Qadhafi in Libya and they are selling arms, and they are doing all these things.

Were it not for the innovative and anxious press intending to help America, not impede it, we would have not found out very much about that. It was not the CIA that came to us and told us these guys were out fooling around. It was the press, an inquiring press. I want the press going out there intending to expose those people. They publish the name of the CIA agent. They did it with the intent to help America. In this case they did.

According to the jury instruction, that is up to a jury to believe. Does it help America for a press person to expose the name of an agent who may be a mole in the CIA, who may be selling arms to an enemy?

That is a question for the jury to decide just like it is if Mr. Schaap stood before the jury and said, "Well, when I published all these names in this bulletin I intended to help."

The jury makes that decision just like they would in "reason to believe."

They say, "Biden, you are making a pretty convincing argument here. Why do you not just accept 'reason to believe' then?"

The problem with "reason to believe" is it has what we call in the law a chilling effect on that reporter who wants to go out there and expose something that is harming the United States, wants to find the mole in the CIA, if there is one, wants to find out whether that jerk Terpil is in fact selling weapons to Qadhafi and aiding terrorism, wants to expose the fact that there may be a CIA agent involved in international drug trafficking.

Now, he knows under the intent standard that he can stand before a jury and say: "Hey, I was not intending to hurt; I was intending to help the CIA, and let me tell you the facts; the facts are this guy was dealing in drugs. The facts are this guy is a KGB agent, not a CIA agent. The facts are that this guy is selling arms to terrorists. Jury, what do you think? Do you think I am meaning to help or hurt?"

We do not even get to that in the "reason to believe" standard because we establish a "pattern of activities" easily. We do not have to have them publish 50 names on 50 different days or 3 names, or 20 names, but only 1. All we have to do is establish this one reporter went around and spoke to 10 people and said, "What about Mark here? What about it? What do you know about him?"

And you go and go to you, "What do you know about him?"

And go to you and say, "What do you know about him?

And go to the Senator from California and say, "What do you know about him?"

I am establishing a pattern of activity. The activity is that I am running around and I am going to end up exposing Joe Doe. I am going to publish Joe Doe's name.

Under the law the prosecution will be able to walk into court and say: "Wait, the pattern of activity. Did you not go around and speak to 25 people to find this out and discover this guy's name?"

"Oh, yes, I did that."

All right. There we have the pattern of activity.

"When you went to the CIA and said what do you know about Joe Doakes, did not the pressman for the CIA fellow look at you and say, 'Wait a minute. I have to tell you right now you are on slippery turf. You may very well be jeopardizing the security of the United States of America. I want to warn you of that right this minute.'"

Now, OK. The reporter says,

"Now there is a 'reason to believe' standard in the law. The CIA just told me I better not go any further because I am going to hurt the United States of America if I go any further."

Now, does that mean that I have already crossed the threshold of the "reason to believe"? Does that mean if I get dragged into court even though I am out to help, not hurt, and even though I am exposing a jerk like Terpil or Wilson, even though I am uncovering a KGB agent in the CIA—have I met the second standard already?

Let us face it. Whether you are talking to a CIA man or whether you are talking to someone in the Defense Department or whether you are talking to a press secretary for a U.S. Senator, they are not going to encourage you to investigate anything. So what do we all instinctively do? We are going to say, "You better be careful." And now when this guy has the story or that woman has her story they go to their editor and they sit down with the editor and say:

"You know, I have a story that is going to blow this place wide open. I found out we have some CIA agents who are selling arms to Libyans and they are hurting us, they are lying to the Government."

And the editor is going to say, "Now, wait a minute, are you all ready to go to jail?"

No; I do not want to do that.

OK. Let me ask you: How do you know it is true?

"Well, I tell you here it is true," and you lay it out.

They say, "Now, are you sure you are not missing something?" What happens if you publish this and this is really a double cover for something else that is behind all of this and Wilson and Terpil are really triple agents, not double agents?

They say, "What did they tell you out at the agency?" "They told me I am on thin ice. They told me I better not go any further."

Wait a minute, gee, does that mean we have reason to believe that? Should not I have done this?

That is not a spot to put the press in. That is not what we are about. That is not where we are.

So the reason to believe ends up being an incredibly subjective standard rather than the objective standard that the Senator is genuinely trying to accomplish.

He really means, and I believe every word he says, he really and truly means that this is the best way to protect not only America, the CIA agent, but also our civil liberties and a free press.

I respectfully argue and suggest that is not the case. And when you get down to the point again that he made so eloquently, the Senator from Rhode Island said this guy, Schaap—and I want to note for the RECORD not former Gov. Milton Schaap—Schaap says in testimony, "I do not intend to hurt. I intend to help."

And the Senator from Rhode Island says, "Well, he is going to be able to say to a jury," and implies they will probably believe him and he probably will get away with it. Again let me emphasize that if he can stand before the jury and say, "I did not intend to hurt, I intended to help," he can also stand before the jury and say, "I had no reason to believe that I was hurting; I had every reason to believe I was helping, and it is a bit of a red herring to argue whether or not this is going to make it easier or harder before a jury because they are going to look behind, they are going to look at the totality of the acts.

But what in fact is at stake is whether or not some reporter will believe that they will have a chance to make the arguments as to what they intended to do.

In the espionage statute—and we will go into this in great detail Monday, because I am sure the Senator will be back to it—the court usually takes two portions of the statute to come up with the conclusion that there was intent. The point I really want to make here is I spent 2 years doing a study for the Intelligence Committee on the espionage laws of this country and in fact with the help of Mr. Gitenstein, who was then on the Intelligence Committee and now on the Judiciary Committee staff, we went back and looked at every damage assessment report for the previous 10 years on leaks in espionage activities to write a tough espionage statute. You know what we found out? We found out there is hardly any successful leak prosecutions under the Espionage Act, hardly any.

I would respectfully suggest to you that one of the reasons why it is difficult, from the testimony we had, is, they said, "Hey, the prosecution is constantly coming and saying 'We cannot make a case with the "reason-to-believe" portion of the statute. That gets in our way, does not help us.'"

I hope we are going to hear from, on Monday, my colleague from Pennsylvania, a former prosecutor, on the other side of the aisle, who, I think, will make the case fairly eloquently that it would be harder to get a conviction under the "reason-to-believe" standard than under the "intent" standard.

I will also argue in some detail on Monday the constitutionality of the standard of "reason-to-believe."

I would just like to note for the record and put in the RECORD a list of over 100 law professors, the most outspoken one of whom is Prof. Philip Kurland of the University of Chicago. They all say that the "reason-to-believe" language is unconstitutional as it is applied in the proposed statute.

One other point I would like to make—there are many more to make, but just one other point at this juncture—the Senator from Rhode Island, as he always is, is completely candid, and let me be completely candid. The argument is not whether or not this administration wants the Biden language or the Chafee language more. It wants the Chafee language more, there is not any question about it. This administration says, "We want the Chafee language," but they also said in testimony before our committee, they have always said repeatedly, that the Biden language can get the job done.

What we are about here is getting the job done of putting these folks in jail who are, in fact, attempting to impede or impair the foreign intelligence activities of the United States of America.

I suggest to you that in our public and private conversations the administration feels fairly strongly about it. But they also feel fairly strongly about the Senator from Rhode Island, and I would, too, if I were a Republican President. He is one of the most competent people they have, and if he came to me and said, "This is important to me, but I think this is right—not that it is important to me personally—but this is the way to go, and both of them will get the job done, but the Chafee language will do the job," I would sure say, "The Chafee one is the one I want."

I admit that this administration does not think—it has consistently not thought—that the Chafee language could be unconstitutional. So looking at it from the President's side of the ledger he says, "Both can get the job done. One is constitutional, one is introduced by BIDEN, not a very strong supporter of mine, and the other one is introduced by the Senator from Rhode Island. Which one am I going to go with? Of course, I am going to go with the Chafee one."

But that is not really the issue. The issue is, on my side of the argument, "Look, it simply comes down to this: Why take a chance on its being unconstitutional? Why take a chance on it being harder to get a prosecution because the statute is struck down and go with the Chafee language when we both admit they both get the job done?"

The Chafee side of the argument, I would suspect, comes down in the final analysis to, "Look, even though they can both get the job done, they are both constitutional, why fool around with the Biden language because I think ours can get the job done better and faster?"

I mean, we are really arguing on the margins here, and I am constrained to wind up now because there is a very strong supporter of this position of the committee's who wants to speak now. Again I will have much more to say, but I would like very much to submit for the RECORD, and I ask unanimous consent, a list of all those law professors who concurred with the position I just took, and a letter from Professor Kurland be printed in the RECORD, along with a letter from Laurence H. Tribe, professor of law at Harvard University to Senator KENNEDY in September of 1980.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROFESSOR KURLAND ON S. 2216

Perhaps the sharpest and most succinct scholarly criticism of S. 2216 came from Philip B. Kurland, Professor of Law at the University of Chicago and one of the nations leading constitutional scholars:

Hon. EDWARD KENNEDY,
Chairman,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR KENNEDY: In response to your request, I can frame my opinion on the constitutionality of Sec. 501(c) very precisely. I have little doubt that it is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published can be valid. Although I recognize the inconstancy and inconsistency in Supreme Court decisions. I should be very much surprised if that Court, not to speak of the lower federal courts, were to legitimize what is, for me, the clearest violation of the First Amendment attempted by Congress in this era.

With all good wishes,

Sincerely yours,

PHILIP B. KURLAND.

SEPTEMBER 25, 1980.

We believe that Sections 601(c) of S. 391 and 501(c) of H.R. 4, which would punish the disclosure of the identity of covert CIA and FBI agents derived solely from unclassified information, violate the First Amendment and urge that they be deleted.

Charles Abernathy, Professor of Law, Georgetown University Law School.

Bruce Ackerman, Professor of Law, Yale University Law School.

Barbara Aldave, Professor of Law, University of Texas Law School.

George Alexander, Professor of Law, University of Santa Clara Law School.

Judith Areen, Professor of Law, Georgetown University Law School.

Peter L. Arenella, Professor of Law, Rutgers University School of Law.

Richard Arens, Professor of Law, University of Bridgeport School of Law.

Charles E. Ares, Professor of Law, University of Arizona College of Law.

Robert Aronson, Professor of Law, University of Washington School of Law.

Frank Askin, Professor of Law, Rutgers University School of Law.

Barbara Babcock, Professor of Law, Stanford University.

Fletcher Baldwin, Professor of Law, University of Florida College of Law.

Elizabeth Bartholet, Professor of Law, Harvard University Law School.

Patrick Baude, Professor of Law, Indiana University School Law School.

Paul Bender, Professor of Law, University of Pennsylvania Law School.

Carolyn Bratt, Professor of Law, University of Kentucky College of Law.

Ralph S. Brown, Jr., Professor of Law, Yale University Law School.

Burton Caine, Professor of Law, Temple University School of Law.

Oscar Chase, Professor of Law, New York University School of Law.

Paul Chevigny, Professor of Law, New York University School of Law.

Michael Churgin, Professor of Law, University of Texas Law School.

Richard A. Chused, Professor of Law, Georgetown University Law School.

Robert Emmet Clark, Professor of Law Emeritus, University of Arizona College of Law.

Sherman Cohn, Professor of Law, Georgetown University Law School.

Tom A. Collins, Professor of Law, College of William and Mary, Marshall-Wythe Law School.

Vern Countryman, Professor of Law, Harvard University Law School.

Alan M. Dershowitz, Professor of Law, Harvard University Law School.

Norman Dorsen, Professor of Law, New York University School of Law.

Steven B. Duke, Professor of Law, Yale University Law School.

Thomas I. Emerson, Professor of Law Emeritus, Yale University Law School.

Nancy S. Erickson, Professor of Law, Ohio State University College of Law.

David B. Filvaroff, Professor of Law, University of Texas Law School.

Caleb Foote, Professor of Law, University of California Law School.

Jack Getman, Professor of Law, Yale University Law School.

Steve Gillers, Professor of Law, New York University School of Law.

David Goldberger, Professor of Law, Ohio State University College of Law.

Peter Goldberger, Professor of Law, Villanova University School of Law.

Louise Graham, Professor of Law, University of Kentucky Law School.

Arthur S. Greenbaum, Professor of Law, Ohio State University College of Law.

Linda S. Greene, Professor of Law, Temple University School of Law.

Trina Grillo, Professor of Law, Hastings College of Law.

Daniel Halperin, Professor of Law, Georgetown University Law School.

Charles Halpern, Professor of Law, Georgetown University Law School.

Joel Handler, Professor of Law, Georgetown University Law School.

Michael C. Harper, Professor of Law, Boston University Law School.

Lawrence Herman, Professor of Law, Ohio State University College of Law.

Morton J. Horwitz, Professor of Law, Harvard University Law School.

John M. Hyson, Professor of Law, Villanova University School of Law.

Stanley Ingber, Professor of Law, University of Florida College of Law.

Louis A. Jacobs, Professor of Law, Ohio State University College of Law.

Peter Jaszi, Professor of Law, American University, Washington College of Law.

Arthur Kinoy, Professor of Law, Rutgers University School of Law.
Lewis Kornhauser, Professor of Law, New York University School of Law.
John R. Kramer, Professor of Law, Georgetown University Law School.
Stanley K. Laughlin, Professor of Law, Ohio State University College of Law.
Howard Lesnick, Professor of Law, University of Pennsylvania Law School.
John Leubsdorf, Professor of Law, Boston University Law School.
Allan Levine, Adjunct Professor of Law, Cardozo School of Law.
Sanford Levinson, Professor of Law, University of Texas Law School.
John Levy, Professor of Law, College of William and Mary, Marshall-Wythe Law School.
Lance Liebman, Professor of Law, Harvard University Law School.
Jeffrey A. Meldman, Professor of Law, Massachusetts Institute of Technology.
Louis Menand, Professor of Law, Massachusetts Institute of Technology.
Roy Mersky, Professor of Law, University of Texas Law School.
Elliot Millstein, Professor of Law, American University, Washington College of Law.
Arvil Morris, Professor of Law, University of Washington School of Law.
Jack Murphy, Professor of Law, Georgetown University Law School.
Winston P. Nagan, Professor of Law, University of Florida College of Law.
Barry Nakell, Professor of Law, University of North Carolina Law School.
James C. Oldham, Professor of Law, Georgetown University Law School.
Joseph A. Page, Professor of Law, Georgetown University Law School.
Richard D. Parker, Professor of Law, Harvard University Law School.
Daniel Partan, Professor of Law, Boston University Law School.
Cornelius Peck, Professor of Law, University of Washington School of Law.
Willard H. Pedrick, Professor of Law, arizona State University College of Law.
Leroy Pernell, Professor of Law, Ohio State University College of Law.
Michael Perry, Professor of Law, Ohio State University College of Law.
Daniel H. Pollitt, Professor of Law, University of North Carolina Law School.
Andrew Popper, Professor of Law, American University, Washington College of Law.
Scot Powe, Professor of Law, University of Texas Law School.
John Quigley, Professor of Law.
Robert Sedler, Professor of Law, Wayne State University Law School.
Louis Michael Seidman, Professor of Law, Georgetown University Law School.
Ed Sherman, Professor of Law, University of Texas Law School.
Andrew Silverman, Professor of Law, University of Arizona College of Law.
James Simon, Professor of Law, New York Law School.
Aviam Soifer, Professor of Law, Boston University Law School.
Philip Sorensen, Professor of Law, Ohio State University College of Law.
Girardeau A. Spann, Professor of Law, Georgetown University Law School.
Roy Spence, Professor of Law, University of Arizona College of Law.
Geoffrey Stone, Professor of Law, University of Chicago Law School.
Telford Taylor, Professor of Law, Columbia University Law School.
Charles Thompson, Professor of Law, Ohio State University College of Law.
Gregory M. Travalio, Professor of Law, Ohio State University College of Law.
James Treece, Professor of Law, University of Texas Law School.
Lawrence Tribe, Professor of Law, Harvard University Law School.
Richard C. Turkington, Professor of Law, Villanova University School of Law.
Mark Tushnet, Professor of Law, University of Wisconsin School of Law.
Frank Upham, Professor of Law, Ohio State University College of Law.
Pete Wales, Professor of Law, Georgetown University Law School.
Burton Wechsler, Professor of Law, American University, Washington College of Law.
Wendy Williams, Professor of Law, Georgetown University Law School.
Bernard Wolfman, Professor of Law, Harvard University Law School.
Diane Zimmerman, Professor of Law, New York University School of Law.

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, Mass., September 8, 1980.

Hon. EDWARD M. KENNEDY,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for inviting me to offer my views on § 501(c) of the Intelligence Identities Protection Act of 1980, S.2216.[1] I believe that this provision, if made law, would violate the First Amendment.

There is no doubt, of course, that "the Executive [may] . . . promulgat[e] and enforc[e] . . . executive regulations[ ] to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense." *New York Times Co.* v. *United States*, 403 U.S. 713, 729-30 (1971) (Stewart, J., joined by White, J., concurring). Nor is there any doubt that "Congress [may] . . . enact . . . criminal laws to protect government property and preserve government secrets." Id. at 730. But the First Amendment severely circumscribes the Government's power to achieve such ends by punishing journalists and other private citizens for repeating or publishing truthful information either (1) lawfully derived or deduced from information that has already found its way into "the public domain," *Cox Broadcasting Co.* v. *Cohn*, 420 U.S. 469, 495 (1975), or (2) innocently received as a "leak" from someone with access to classified, or otherwise confidential, government materials. *Landmark Communications, Inc.* v. *Virginia*, 435 U.S. 829, 837-46 (1978).

The need for secrecy in the foreign intelligence sphere is among the most pressing of governmental interests. Cf. id. at 849 n. (Stewart, J., concurring in judgment). But this cannot obscure either the priority given by the First Amendment to "public scrutiny and discussion of governmental affairs" id. at 839 (majority opinion); *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 269-70 (1964), or the correlative principle that no governmental restriction on "uninhibited, robust, and wide-open" political debate, id. at 270, is constitutionally acceptable unless—

(a) the restriction is designed to achieve a compelling governmental objective, and is narrowly drawn to achieve neither more nor less; and

(b) the restriction's enforcement in a given case is shown to be truly essential to achieve that compelling governmental interest.

See First National Bank v. *Bellotti*, 435 U.S. 765, 787 (1978); *In re Primus*, 436 U.S. 412 (1978); *Buckley* v. *Valeo*, 424 U.S. 1, 25 (1976) (per Curiam).[2] Section 501(c) quite clearly fails to meet these tests.

The provision's proscriptions—which apply even when the information illegally "disclosed" was lawfully obtained, and even when the only result of its suppression would be to stifle criticism or exposure of alleged governmental ineptitude or wrongdoing—are not limited to cases in which a judge or jury finds that "disclosure" of the information in question has harmed, or is likely to harm, the safety or security of any individual or the success of any specific lawful governmental undertaking. Cf. *Bridges* v. *California*, 314 U.S. 252, 263 (1941); *Pennekamp* v. *Florida*, 328 U.S. 331, 347 (1946); *Craig* v. *Harney*, 331 U.S. 367, 376 (1947); *Wood* v. *Georgia*, 370 U.S. 375 (1962). The provision at issue would impermissibly penalize unauthorized disclosures without requiring any such showing of actual or probable harm.

It is no answer that the disclosures for which § 501(c) prescribes punishment without requiring such a showing of injury are limited to disclosures made "in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States." Indeed, the vague "pattern of activities" requirement demonstrates that the proposed law would be anything but closely fitted with the restriction's ostensible purposes. For disclosures of the identities of our covert agents and operatives abroad, however, harmful or threatening would not be forbidden under § 501(c) unless made "in the course of a [specified] pattern of activities," while revelations that do not imperil any individuals or operations would be punished under § 501(c) whenever made by persons tainted by their association with the forbidden "pattern of activities"—activities that, standing alone, might otherwise be wholly lawful and, in fact, themselves entitled to First Amendment protection. Thus it is also no answer that punishment is limited to disclosures made "in the course of [such] a pattern of activities" with knowledge "that the United States is taking affirmative measures to conceal [an] individual's classified intelligence relationship

[1] The provision reads as follows:

"(c) Whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information so disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years or both."

[2] Thus, for example, despite the undisputed importance of preserving the confidentiality of a state's judicial disciplinary proceedings, Landmark Communication, Inc., supra, 435 U.S. at 834-36, not even the state's "interest in protecting the reputation of its judges, nor its interest in maintaining the institutional integrity of its courts is sufficient to justify . . . punishment of [unauthorized disclosure]," id. at 841, when such disclosure is made by "third parties" and consists of "truthful information regarding [the] confidential [judicial] proceedings." Id. at 837. The Supreme Court so held "even on the assumption that criminal sanctions do in fact enhance the guarantee of confidentiality," id. at 841, and even when the information at issue had been "withheld by law from the public domain." Id. at 840.

to the United States." Even under such circumstances—and assuming that any matter so vaguely defined can be "known"—§ 501(c) would not require the Government to prove any causal link between the culpable disclosure and a harm that would justify punishing it.

This mismatch between the Government's chosen means and its professed ends not only dooms § 501(c) on its face but also underscores doubts, independently generated by the provision's history, about its true aims, and, indeed, about those of § 501 as a whole. Cf. *First National Bank* v. *Bellotti*, 435 U.S. 765, 793 (1978). Needless to say, protecting the image and reputation of governmental officials and agencies, or the smooth operation of governmental programs immunized from public examination and critique, is insufficient justification "for repressing speech that would otherwise be free." *New York Times Co.* v. *Sullivan*, 376 U.S. 254, 272-73 (1964). Thus, for example, the provision's restrictions on disclosure cannot be justified by the Government's wish to preserve the CIA's "plausible deniability," or to avoid "political outcry" over American covert operations in foreign countries, or otherwise to preserve, among other things, access "to appropriate targets" of recruitment abroad. New York Times, September 6, 1980, at 22, col. 1 (quoting testimony of Frank C. Carlucci, Deputy Director, CIA, before Senate Judiciary Committee on September 5, 1980). Such justifications bespeak purely political purposes beyond the Government's power to accomplish by stifling protected speech. Moreover, such congressional action, frankly targetting for special restrictions on First Amendment activities a readily identifiable group of private citizens—in this case, apparently a group of journalists associated with the Covert Action Information Bulletin—bears a distressing resemblance to past legislation whose purpose to punish dissenters or penalize partisans of defeated enemy causes was evident from the legislation's face or history—and which was hence invalidated by the Supreme Court as a forbidden ex post facto law or bill of attainder.[3]

For the reasons I have sought to articulate above, I believe that § 501(c) would violate the First Amendment if enacted. Accordingly, I recommend that at least this provision of § 501 be deleted from S. 2216.

Sincerely,

LAURENCE H. TRIBE.

Mr. BIDEN. Let me say that really when my colleagues read this RECORD, when their staffs look this over, I hope they will focus on which side of the issue we are going to err on. We are not erring on whether or not these folks are going to get away. That is not the issue. The issue is whether or not the language the committee has adopted, which is believed by the consitutional experts to be more clearly consitutional than the other, is the best way to go, and to err on the side of its being constitutional and not have that question in the way or is it better to err on the side of maybe not being constitutional but allegedly protect the civil liberties of more of the people involved, those publishing, by the "reason-to-believe" standard.

I should note to you that none of the people we are worrying about protecting agrees with the Senator from Rhode Island. None of the newspaper people, none of the people who are the ones who would be in the third category, the good folks, the good guys, the white-hat folks whom the Senator from Rhode Island says he believes he can protect better by the "reason-to-believe" standard happen to agree with him.

So in the final analysis I am saying why not err on the side of sticking with standard language which we know in 99$^{99}/_{100}$ percent gets the job done, and gets the job done with the fewest constitutional problems.

Let me finish by saying that there is more to be said, which I will say later.

I yield the floor.

Mr. QUAYLE. Mr. President, today we take up S. 391, the Intelligence Identities Protection Act, a bill which would make criminal the disclosure of the identities of covert intelligence officers and agents. Different penalties and elements of proof are required depending on whether the defendant is a present or former employee of the Government and depending on whether or not he had authorized access to classified information.

There is a crying need for this legislation which is long overdue. We should all be aware of the tragedies which have occurred in the recent past as the result of published allegations that a certain individual was a covert intelligence officer or agent. While I am certain that there are many examples, I will mention only two: the abominable assassination in 1975 of Richard Welch after being identified as a CIA officer by Philip Agee in Counterspy magazine, and the attempted assassination of a U.S. Embassy employee just 48 hours following a published allegation by Louis Wolf in the Covert Action Information Bulletin that the employee worked for the CIA.

Mr. President, the destructive effect of such disclosures must be stopped. I believe, and the public recognizes, that there is a compelling need for the legislation we are debating here today.

The controversy and disagreement about S. 391 really swells around one section of the bill—section 601(c) which addresses itself to that class of persons who identify a covert agent but who have not had access to classified information. It is this section in which the balance is most precarious between the undeniable need to protect our intelligence agents and the equally compelling need to protect first amendment rights.

Mr. President, I believe that section 601(c) as reported by the Senate Judiciary Committee maintains this crucial balance. That section reads:

(c) Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure, discloses to any individual not authorized to receive classified information, any information that identifies an individual as a covert agent, knowing that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both.

This language, the so-called intent language, is narrowly drawn to define and punish specific conduct. The intent language is intended to reach the activities of the Covert Action Information Bulletin and similar groups, and it does reach them. I am confident that section 601(c) as drafted by the Judiciary Committee will allow successful prosecution of those who are engaged in the destructive activity of naming names.

This legislation is not intended to chill legitimate debate on intelligence issues or to censor stories such as those we read daily in the New York Times or Washington Post. The Judiciary Committee language does not do that. In my view, it is constitutional and effectively carries out the objective of the legislation which is to deter individuals who name names with the intent to harm the United States and our intelligence agencies.

In order to successfully prosecute such individuals, S. 391 as passed by the Judiciary Committee would require the Government to prove each of the following elements beyond a reasonable doubt:

That the disclosure was intentional; That the covert relationship of the agent to the United States was properly classified information and that the defendant knew it was classified; That the defendant knew that the Government was taking affirmative measures to conceal the agent's relationship to the United States; and

That the disclosure was made as part of an overall effort to identify and expose covert agents for the purpose of impairing or impeding the foreign intelligence activities of the United States through the mere fact of such identification and exposure.

This is a narrowly drawn statute—as all statutes which touch upon rights protected by the first amendment should be—and I believe that its constitutionality will be sustained by the courts.

I am much less certain, however, that a bill which incorporates the original language of section 601(c) could pass constitutional muster. That language, which adopts a reason-to-believe standard rather than the intent

[3] *See United States* v. *Brown*, 381 U.S. 437, 453, 455-56 (1965) (invalidating law prohibiting members or supporters of Communist Party from holding union office); *United States* v. *Lovett*, 328 U.S. 303, 315 (1946) (invalidating law barring those named as subversives in HUAC investigations from federal employment); Ex parte Garland, 71 U.S. (4 Wall.) 333 (1867) (invalidating law forbidding supporters of Confederate cause to practice law in federal courts); *Cummings* v. *Missouri*, 71 U.S. (4 wall.) 277, 323 (1867) (invalidating law banning such persons from practice of any profession).

standard drafted by the Judiciary Committee, is overly broad and could indeed abridge the exercise of first amendment rights by legitimate journalists. Certainly the journalists believe that it would.

Every major national press group in the country opposes replacing the intent standard with the reason-to-believe standard. Their concerns have been continually expressed to me in letters and meetings over the past several months. I would like to quote from a letter signed by the representatives of the Society of Professional Journalists, the American Newspaper Publishers Association, the National Newpapers Association, the Association of American Publishers, the Reporters Committee for Freedom of the Press and the National Association of Broadcasters. One section of their letter reads:

> The "reason to believe" language would, on its face, apply to a reporter who seeks to inform Congress and the public about corrupt, illegal, improper or questionable intelligence activities under circumstances where the identities of present or former covert agents are necessary to the story. One major news article which might not have been published under this formulation could be the recent revelations about Frank J. Terpil. The "reason to believe" language places editors and reporters in the position of having to risk a criminal violation or prosecution in order to publish news reports which they honestly believe to be in the public interest. In this sense, we are persuaded that the Judiciary Committee version of the bill, with its "specific intent" standard, presents far less serious pre-publication problems for the press.

My opposition to a "reason-to-believe" standard, however, has evolved from additional concerns that go beyond the constitutional questions raised by the journalistic and legal community.

First of all, intent is the appropriate element for a criminal statute. "Reason-to-believe" implies a negligence standard and this is not a negligence statute.

Second, the objective "reason-to-believe" standard: "What would a reasonable man believe would be the results of his actions," raises serious prosecutorial questions. For example, it would force the Government to make public at the trial more classified information than it would want to and certainly more than is required in a prosecution under the "intent" standard.

Under a reason-to-believe standard it suddenly becomes relevant to the defendant's case what effect the disclosure had or would have on certain intelligence activities. In other words, the objective "reasonable man" standard necessarily forces the Government to reveal what the agent, whose cover was blown, was doing in the country to which he had been assigned. Such information would not have to be released under the "intent" standard because it would be irrelevant. A "reason-to-believe" standard could, thus, chill not only legitimate journalism, but also the very prosecutions which this legislation is designed to bring about.

The White House, the Justice Department and the CIA have all stated that either an "intent" standard or a "reason-to-believe" standard would be acceptable to them. They profess to believe that both are constitutional and enforceable. Though they have expressed their preference for the "reason-to-believe" standard, their top priority seems to be the immediate passage of a bill which would end the destructive and sinister enterprise of naming names.

I believe that S. 391 as reported by the Senate Judiciary Committee will accomplish that end, and will do so in an effective, efficient, and constitutional manner, and I urge my colleagues to support it.

Mr. President, I want to pay particular reference and compliments to my distinguished freshman colleague, Senator DENTON, who has been very active in this and other matters. He has made an immense contribution to the committee on which we serve together, and he will continue to make an immense contribution to this Senate.

I also want to pay my respects to the distinguished Senator from Rhode Island who continues to be one of the most respected Members of the Senate.

But I must say to these two distinguished gentlemen that I disagree with them on this issue. But I do hope that we pursue this debate Monday and Tuesday in the spirit that the Senator from Rhode Island discussed in concluding his remarks.

This issue is not an issue over who supports civil rights and who supports the first amendment. We all do. The issue is not over who supports prosecuting those who violate a very strict code of conduct, or over who wants to have agent identity legislation passed, because we all do.

The question comes down to what statutory language is the preferable language to achieve both of those goals.

There has been a lot of discussion these last few weeks on televising the proceedings of the U.S. Senate. I happen to be a supporter of that. But those who argue on the other side keep pointing out the difference between this body and the other body. They talk about the U.S. Senate as a deliberative body, and they applaud how the U.S. Senate takes its time on very important issues. I hope that Members of this distinguished body do take their time on this very important issue and that we think it through. I hope that we do not jump to an emotional conclusion, simply choosing whichever emotion happens to trigger us the most, whether it is the first amendment rights or the need to protect our Nation's security.

I hope that we think through this process very clearly and very deliberately. I hope that we resolve this issue in the way the legislation was reported from the Judiciary Committee. This is the proper resolution to the issue.

Basically, Mr. President, the reason-to-believe language is not preferable to the intent language for two simple reasons. First, I think there is a legitimate constitutional question on the reason-to-believe language. As the distinguished Senator from Delaware pointed out, 100 constitutional lawyers and professors in this country have voiced their concerns about the problems of constitutionality.

If we really want to have a constitutional bill, why not go with the intent language that we know is going to be constitutional and not take a chance that the courts are going to throw the whole bill out? That is why it is perplexing to me to hear the administration say that they prefer the Chafee and Denton language to the Biden language, because there is no doubt that the courts would find intent to be constitutional.

Second, Mr. President, when you are dealing with a criminal statute, intent is the proper standard of conduct. Reason to believe is a negligence standard in civil cases. A criminal statute such as this should have the minimal legal ingredients of what criminal acts do constitute, and that is intent.

Mr. President, again, I commend my colleagues. I hope that we proceed along the lines of this debate in the next few days, a line of facts, a line of reasoning, and not one of simple reaction to motions without a thorough study.

The debate may be intense at times. That is what our debate is all about. If we take our time, I am certain that the Senate will come down to the language, and I am hopeful it will come down to the language, as reported by the Senate Judiciary Committee. The members of that committee put in a lot of hours. They are the ones that put in a lot of work. A majority of that committee has concluded that the intent language is preferable. I am hopeful that a majority of this body will agree with them.

I yield the floor.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I thank my distinguished freshman colleague from Indiana and return his sentiments of respect. I admire the equanimity with which both he and the Senator from Delaware have addressed the issue. I totally concur that

we should do so with great deliberation.

It is my fear that the complexity of the wording and of some of the thought patterns applied to the rationale are going to defy the comprehensions of many of our colleagues who, when they come in here to vote, do not have much time to deliberate. I hope there is some attendance to the speakers to the debate which is taking place so that our collective judgments will be relatively enlightened.

I believe the Senator from Delaware, the minority manager, made reference to the President's preference for the Chafee language on the basis of his being of the same party, but I may have missed the implication.

Mr. BIDEN. If I may, I think he prefers the Chafee language because he prefers it, but it is also an added incentive that it is not the language of the Senator from Delaware.

Mr. DENTON. The point I would like to make is that the Carter administration Justice Department also preferred the Chafee language.

Mr. CHAFEE. Mr. President, the distinguished Senator from Delaware always has kernels for thought and cogitation. I have been pondering the comment he made that the President was for the Chafee-Jackson language because I was Republican. All weekend I am going to be pondering why the Carter administration was also for this language. Did they look at me as a potential convert? I cannot fathom in any way why they too would be supportive of my language. Admiral Turner was a Democratic appointee, as head of the CIA. Attorney General Renfrew was a Democratic appointee of the Justice Department. I am still waiting to discover the answer. So I am looking forward to the debate on Monday and hope I find out what particular appeal I might have had to the Carter administration 2 years ago.

Mr. DENTON. Mr. President, I would like to go on record in fully supporting the amendment to section 601(c) offered by my friend and distinguished colleague from Rhode Island. I truly regard it as the best and most appropriate standard by which to criminalize this statute for naming names resulting from a study of unclassified sources.

I must acknowledge before this body, and before anyone covering this session, that I am not a lawyer, but I am supposed to be good at logic. In fact, I did not have to take a course once because I answered a question posed at the beginning of a college course in logic that the man posed for over 50 years of teaching. I do think that I understand enough of the law to apply logic to this situation.

It seems to me that we have an interesting inversion here, in that we have Democrats and nominal liberals propounding an approach which will be intrusive, one which will involve a subjective standard, one which the distinguished Senator from Delaware proposes. I believe the use of the "intent" standard will open a Pandora's box in this particular case, which defeats the objective of avoiding witch hunts.

We have the reason-to-believe standard in which the defendant's political belief, past conduct, critical remarks about the Government, and so forth, are all irrelevant. We have a finding by the committee, the very committee to which the Senator from Indiana referred, that:

> The disclosure of such relationships to unauthorized persons is detrimental to the successful and efficient conduct of foreign intelligence, counterintelligence, and counterterrorism activities to the United States,

Which tends to support the reason-to-believe standard as a method of proof.

But if you go into intent, you get a chilling effect on expression, because you then have to start talking about the man's of woman's past speech or activities, which would be directly relevant to proving intent.

Clearly, the specific intent standard creates a far greater potential for intrusive investigations into individual political beliefs. I do not want to be a witch hunter, but I think that, in this particular area, you open that Pandora's box. The witch hunt would be undertaken frequently as the only means of establishing intent, and perhaps more tragically than that witch hunting is that the effort to establish intent would all too frequently be unsuccessful. In spite of the fact that the accused might be guilty, it would be unsuccessful.

So if we let this erroneous committee amendment stand, which stood on a vote of 9 to 8 with two administrations who are expert in this, one Democratic, one Republican, standing against it with, I have to believe, much more expertise and learned forethought about the constitutionality, I believe that we will not only be tempting prosecutors into witch hunts, but we will be letting down those courageous men and women who risk their lives on a daily basis to preserve the security of this country.

It is the KGB which is laughing at this debate, and yet it is being conducted on both sides with good will. I think the statute with the specific intent standard rather than a reason-to-believe standard would be counterproductive. It would purport to provide a solution to a serious problem of unauthorized disclosure of intelligence identities without actually doing so.

It would raise the specter of the intrusive techniques and the witch hunts.

Mr. EAST. Mr. President, today we are considering S. 391, the Intelligence Identities Protection Act of 1981. This bill, which has almost 50 cosponsors, of whom I am proud to be 1, is the most significant proposal for the reform and strengthening of the intelligence community that the Senate has considered this year. I believe that it is absolutely essential that we pass a bill that would protect the classified identities of American intelligence officers—not just any bill but an effective law that would deter the exposure of their identities, one that is both constitutionally sound and will prosecute those who have specialized in the contemptible and pernicious practice of systematic exposures. I believe that until we pass such a law, there is little purpose in talking about the need for a stronger CIA or FBI. In short, we must put our money where our mouth is.

I wish particularly to address the issue of the constitutionality of the proposed reason to believe, or objective, standard that was in the original bill as introduced by the Senator from Rhode Island. The objective standard was deleted in the Judiciary Committee by a single vote and an intent or subjective standard was adopted.

But, Mr. President, it was the objective standard that I and our 40-odd colleagues chose to cosponsor when we endorsed S. 391. It is this standard also that was overwhelmingly endorsed by the House of Representatives and is now in H.R. 4, the House version of S. 391. Finally, it is the objective standard that is endorsed by the intelligence community itself—the Central Intelligence Agency, the Federal Bureau of Investigation, and the Association of Former Intelligence Officers. I wish to confine my remarks to a defense of the reason-to-believe standard and to urge my colleagues to support and endorse it with me.

We are being told, Mr. President, that the objective standard of the reason-to-believe language is unconstitutional, that it fails to define a bad purpose, that its enactment would jeopardize the effectiveness of the bill and also that it would have a chilling effect on legitimate discussion of intelligence policy and activities in the public forum. I would like to address these charges seriatim, but I would like first to point out that some of them are mutually contradictory.

If reason to believe is unconstitutional, it would be overturned by the courts. This is the argument of its opponents, who say that they would like an effective bill. Yet they also argue that reason to believe would have a chilling effect. If it is to be overturned, then it obviously could not have a chilling effect. We cannot accept the mutually exclusive propositions that a law would be both effective and ineffective.

In regard to constitutionality, I would like to point out that nine Fed-

eral criminal statutes make use of the reason-to-believe standard, and these include both the Espionage Act and Atomic Energy Act. Moreover, five Federal court cases have upheld the reason-to-believe language as constitutional grounds for prosecution. The most significant of these cases is that of *Gorin* v. *United States*, (312 U.S. 19 (1941)), in which the U.S. Supreme Court upheld the reason-to-believe standard in the Espionage Act of 1917 against the defendant's claim that the language was vague and indefinite—precisely the same charge that is being made today and with as little foundation.

While it is true, Mr. President, that the intent standard is also constitutional and that the Department of Justice has stated that an intent standard would be acceptable, the administration, the Department of Justice, and the CIA have been emphatic that they all prefer the reason-to-believe standard, that reason to believe is constitutional and is a more effective prosecutorial tool.

Why is reason to believe preferable to intent? In order to convict a defendant under the intent standard, the burden of proof is far more difficult to establish and actually requires more instrusive investigation than reason to believe. Proof of intent requires inquiry into the state of mind of the defendant before or during the commission of the offense. In the context of the intelligence identities bill, it would also require inquiry into the political and personal associations of the defendant—whether, for example, he had been involved with Counterspy or Covert Action Information Bulletin, what his attitude toward intelligence gathering was, and other beliefs and associations. Since those who oppose reason to believe on constitutional and civil libertarian grounds are concerned about such intrusive inquiries, I would think they would prefer the far less intrusive standard of reason to believe.

Reason to believe simply means what any reasonable man would believe. Thus, use of this standard would not require any intrusive investigation into a defendant's background nor the presentation of evidence concerning his political and personal associations. For this reason, it is preferable to the civil libertarian as well as to the prosecutor.

The argument that reason to believe would have a chilling effect on the exercise of first amendment rights and on discussion of intelligence activities is also without merit and has been grossly exaggerated by the opponents of the bill in the Congress and the media.

I would point out first that the U.S. Supreme Court in a 7-to-2 decision this summer in the case of Haig against Agee found that:

> Agee's disclosures [of covert agents], among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution.

If the disclosure of agents' identities is not protected by the Constitution, then a law punishing disclosure of identities cannot have a chilling effect on the exercise of legitimate rights of expression. The chilling effect argument is therefore without foundation.

However, the language of the reason-to-believe section has been carefully drafted to avoid interference with legitimate discussion and investigation. It is absolutely essential, Mr. President, to bear in mind that reason to believe is only one of the six elements of proof required for conviction in this bill.

Section 601(c), as originally introduced, contains the reason-to-believe language, which would make it illegal for a person to reveal the identity of a covert agent if that person:

First. Knows that the persons to whom he reveals the information are not authorized to receive classified information;

Second. Knows that the information revealed in fact identifies a covert agent;

Third. Intends to disclose information that identifies a covert agent;

Fourth. Knows that the Government is taking affirmative measures to conceal the identity;

Fifth. Engages in "a pattern of activities intended to identify and expose covert agents"; and

Sixth. Has reason to believe that such activities would impair or impede the foreign intelligence activities of the United States.

In sum, before a person can be prosecuted under the reason-to-believe language, the prosecutor must prove all five elements of proof in addition to the reason to believe element.

Furthermore, one of these elements is already an intent standard, and it must be noted that in those parts of the bill that establish defenses and exceptions, there are three areas of disclosures that are excluded from any prosecution, including the revealing of a covert identity to the House or Senate Intelligence Committees. This latter exclusion is intended to allow for the disclosure to responsible authorities outside the intelligence community of abuses or unauthorized intelligence activities without danger of prosecution to the disclosing party.

To prosecute a journalist who investigates intelligence activities, therefore, the prosecutor must show that every one of the elements applies. There are few if any legitimate journalistic investigations in which the revealing of names or identities would be useful, and it should be noted that the entire investigation of the Church committee into CIA activities took place without a single revelation of a covert identity. In other words, preventing the disclosure of agents' identities would not cripple our ability to learn of or prevent intelligence abuses.

It is almost inconceivable, Mr. President, that legitimate discussion of intelligence activities could be prevented or in any way discouraged by the reason to believe language that is proposed.

I urge my colleagues to join with me in supporting the amendment of S. 391 to adopt the reason-to-believe standard that is so necessary for the protection of our intelligence agencies and their personnel, for the security of our country, and for the strengthening and reform of the intelligence community.

(By request of Mr. DENTON the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, this proposal to amend S. 391 would restore the original language of section 601(c).

In both versions of the bill, this section addresses the situation in which a person who does not have direct access to classified information knowingly identifies individuals as covert agents of the United States. Beyond this general statement, the technical subtleties of the separate versions make them quite distinct, and because I feel that the amendment offered by the distinguished Senator from Rhode Island embodies the preferable version, I support its adoption.

The language of the proposed amendment reflects the requirement that a putative defendant be involved in the course of a pattern of activities which is intended to identify and expose covert agents. As defined in section 606(10) of the bill, this requires a series of acts with a common purpose or objective. Clearly, then, a single event of republication, without a further showing, probably would amount to a violation of the act.

Moreover, this amendment mandates that it be proven that a putative defendant, while participating in such a pattern of activities, possessed a reason to believe that these activities would impair or impede the foreign intelligence activities of this country. This standard has been the object of much debate and discussion due to its so-called reasonable man aspect, which, it has been said, is a departure from customary criminal law standards. However, in the field of espionage laws, this standard is quite consistent.

For example, 18 U.S.C. 793(e) punishes unauthorized disclosure of national defense information which the person "has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation." Similarly, 42 U.S.C. 2274(b)

punishes disclosure of restricted atomic energy data "with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation."

This statute clearly distinguishes disclosure "with intent to injure the United States or with intent to secure an advantage to any foreign nation," which is punished under section 2274(a) with more severe penalties.

Therefore, the language of the amendment is consistent with past legislation where Congress has punished disclosure without requiring proof of specific intent, but rather proof that the reasonable foreseeable result would be injury to the United States or advantage to a foreign power.

I believe the amendment of my distinguished colleague from Rhode Island not only is consistent with prior law in this area, but also offers greater protection for the rights of individuals. It must not be forgotten that in any prosecution under this act each and every element must be proven beyond a reasonable doubt to the satisfaction of the triers of fact, not only as to the requisite belief of the wrongdoer, but also as to his involvement in a pattern of activity.

I finally want to remind my fellow Senators of the words of the Supreme Court when it decided Haig against Agee this past June:

> It is "obvious and unarguable" that no governmental interest is more compelling than the security of the Nation. Protection of the foreign policy of the United States is a governmental interest of great importance, since foreign policy and national security considerations cannot neatly be compartmentalized.
>
> Measures to protect the secrecy of our Government's foreign intelligence operations plainly serve these interests. Thus, in Snepp against United States, we held that "[t]he Government has a compelling interest in protecting both the secrecy of information so important to our national security and the appearance of confidentiality so essential to the effective operation of our foreign intelligence service." (Citations omitted.)

I firmly believe that the interest of our Government would be afforded greater protection with the addition of this amendment to this bill, and I urge its adoption.●

COMMEMORATING ROGER WILLIAMS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 64.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. Con. Res. 64) entitled "Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States", do pass with the following amendments:

Strike out all after the resolving clause, and insert: That appropriate ceremonies are authorized to be conducted in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contributions to religious toleration and freedom in the United States. These ceremonies shall be conducted in accordance with conditions prescribed by the Architect of the Capitol.

Amend the title so as to read: "Concurrent resolution to authorize ceremonies in the rotunda of the Capitol for March 31, 1982, to commemorate Roger Williams for his contributions to religious toleration and freedom in the United States.".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution, as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution, as amended, was agreed to.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDING DOUGLAS B. HESTER, LEGISLATIVE COUNSEL OF THE SENATE

Mr. STEVENS. Mr. President, I send a resolution to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The bill clerk read as follows:

A resolution (S. Res. 328) commending Douglas B. Hester, the legislative counsel of the Senate, for his service to the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

(By request of Mr. STEVENS the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, there are many individuals who, through their loyalty and dedication, enable the Senate to meet its obligations day in and day out. One of these dedicated individuals is Douglas B. Hester who, on February 19, 1982, completed 30 years of service in the Office of the Senate Legislative Counsel.

After receiving his law degree from the University of Alabama, Douglas Hester came to the Senate on February 19, 1952, as a law assistant. Since that time, he has been promoted to assistant counsel, senior counsel, and has for the past 2 years served as legislative counsel for the Senate. His long career in the Office of the Legislative Counsel is a tribute to his ability, as well as to the wisdom of our predecessors who, in establishing the Office, required that employees be appointed solely on the ground of fitness to perform the duties required of that Office, without reference to political affiliation.

Over the past 30 years, Douglas Hester has made available to the Senate his skill, expertise, and professionalism as a legislative draftsman. His service, as well as that of his staff, is extended in a confidential role without any political consideration. Those Senators and staff members who have worked personally with Douglas Hester know first hand that he has always provided service and assistance willingly and cheerfully.

A native of Alabama, Douglas received his bachelor of science and law degrees from the University of Alabama in 1949 and 1952, respectively. Douglas Hester has served in the U.S. Army and in the U.S. Naval Reserve. He is a member of the bar in the State of Alabama and in the District of Columbia.

Douglas Hester is married to Melissa Hester, a native of Anderson, S.C., and they have two lovely children, Carlotta and Benjamin.

In my tenure as President pro tempore, which places me in a supervisory capacity over the Office of the Legislative Counsel, I have found Douglas Hester to be capable, efficient, and personable. I commend Douglas Hester for his outstanding, tireless, and dedicated service to the Senate over the past 30 years.●

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 328

Whereas, Douglas B. Hester, the Legislative Counsel of the Senate, on February 19, 1982, completed thirty years of service to the Senate; and

Whereas, during this long period of service to the Senate, Douglas B. Hester has performed with dedication and skill;

Resolved, That the Senate of the United States extends its appreciation and gratitude to Douglas B. Hester for his long and faithful service in the Office of Legislative Counsel of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Douglas B. Hester.

89-059 O-85-35 (Pt. 2)

EXTENSION OF DATE FOR SUBMISSION OF REPORT OF THE COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

Mr. STEVENS. Mr. President, I move that the Committee on the Judiciary be discharged from further consideration of H.R. 5021, an act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians, and I ask for its immediate consideration.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 5021) to extend the act for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

● Mr. MATSUNAGA. Mr. President, I rise in support of H.R. 5021, a House-passed bill which would extend the reporting date of the Commission on Wartime Relocation and Internment of Civilians.

In May 1980, the Senate passed S. 1647, a bill providing for a study of the circumstances surrounding Executive Order 9066 and related documents pertaining to the relocation and internment of American citizens and resident aliens during World War II. The measure was subsequently passed by the House and was signed into law on July 31, 1980. Funds in the amount of $1 million were appropriated by Congress, but, because of delays in naming commissioners and appointing a staff, the Commission did not actually hold its first meeting until the latter part of January 1981. In the last year, the Commission has held a number of public hearings, has compiled a voluminous record of testimony, and has reviewed thousands of historical records.

Now the Commission must analyze all of the data that has been gathered and prepare its report to the Congress. The proposed extension of its reporting date to December 31, 1982, would enable the Commission to complete its work in the manner in which Congress intended. No additional funds are being requested by the Commission in connection with this request for an extension of the reporting date.

Mr. President, among the witnesses at the Commission's hearings were many Americans of Japanese ancestry and many residents of the Aleutian and Pribiloff Islands who personally experienced relocation and internment during World War II. Their moving stories, and the testimony of expert witnesses who served in the Roosevelt administration when Executive Order 9066 was issued, merit the Commission's most careful and thoughtful consideration. As one of the principal sponsors of S. 1647, the legislation which authorized the Commission's study, I strongly urge that the Commission be given an additional 10 months to complete its work.●

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 5021) was passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RETURN OF CERTAIN WORKS OF ART TO THE FEDERAL REPUBLIC OF GERMANY

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 406, H.R. 4625.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4625) to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the United States Army at the end of World War II.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with amendments as follows:

On page 1, line 3, after "That", insert "(a)";

On page 2, line 2, after "of,", insert "certain";

On page 2, line 6, after "art.", insert the following:

Such committee shall include one member designated by the United States Holocaust Memorial Council (established pursuant to the Act entitled "An Act to establish the United States Memorial Council (94 Stat. 1547; 36 U.S.C. 1402)).

On page 2, line 15, strike "SEC. 2.", and insert "(b)";

On page 2, line 17, strike "the first section of this Act", and insert "subsection (a)";

On page 2, after line 18, insert the following:

SEC. 2. (a)(1) The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 21. DIRECTOR OF THE NAVAL NUCLEAR PROPULSION PROGRAM; APPOINTMENT; RESPONSIBILITIES

"SEC. 311. DIRECTOR OF THE NAVAL NUCLEAR PROPULSION PROGRAM; APPOINTMENT; RESPONSIBILITIES.—

"a. (1) There shall be in the Department of Energy a Director of the Naval Nuclear Propulsion Program (hereinafter in this section referred to as the 'Director'). The Director shall serve in the Department of the Navy in the same capacity as he serves in the Department of Energy and shall be appointed by the Secretary of Defense with the concurrence of the Secretary of Energy. No person may be appointed to such position unless qualifed therefor by reason of a technical background and experience in naval nuclear propulsion.

"(2) The term of office of the Director shall be eight years. However, the Secretary of Defense with the concurrence of the Secretary of Energy may terminate or extend the appointment at any time.

"(3) A civilian or an officer of the United States Navy (active or retired) may be appointed to the position of Director.

"b. (1) Within the Department of Energy, the Director shall carry out the responsibilities of the organizational unit. transferred to the Department by section 309(a) of the Department of Energy Organization Act (42 U.S.C. 7158) and shall exercise direct control over all naval nuclear propulsion activities of the Department of Energy, including the Bettis and Knolls Atomic Power Laboratories and Naval Reactor Prototype plants.

"(2) Within the Department of Energy and the Department of the Navy, the Director shall be responsible for all aspects of the naval nuclear propulsion program, including the following:

"(A) Research, development, design, procurement, specification, construction, inspection, installation, certification, testing, overhaul, refueling, operating practices and procedures, maintenance, supply support, and ultimate disposition of naval nuclear propulsion plants, including components thereof, and any special maintenance and service facilities related thereto.

"(B) All aspects of the safety of the reactor plant and the associated propulsion plant, and of the control of radiation and radioactivity associated with naval nuclear propulsion program activities, including prescribing and enforcing standards or regulations affecting the environment and the safety and health of workers, operators, and the general public.

"(C) Training programs, including the Nuclear Power School of the Navy and the Naval Prototype Reactors of the Department of Energy; concurrence in the selection, training, qualification, and assignment of personnel reporting to the Director and of personnel responsible for the supervision, operation, and maintenance of naval nuclear propulsion plants; and providing such other technical assistance to the Chief of Naval Operations as may be required in the selection, training, and qualification of personnel for operating and maintaining naval nuclear propulsion plants.

"(D) Administrative aspects of the naval nuclear propulsion program work, including security, nuclear safeguards, public affairs, procurement, logistics, and fiscal management, as well as review and approval of contracts relating to naval nuclear propulsion.

"c. In carrying out the responsibilities prescribed in this section, the Director shall

have direct access to the Secretary of Energy, the Secretary of the Navy, other senior officials in the Department of Energy and the Department of the Navy and all personnel responsible for supervision, operation, and maintenance of naval nuclear propulsion plants and support facilities.

"d. When the position of Director is filled by a civilian, the pay for such position shall be the same as the pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(2) The table of contents at the beginning of such Act is amended by adding at the end thereof the following:

"CHAPTER 21. DIRECTOR OF THE NAVAL NUCLEAR PROPULSION PROGRAM; APPOINTMENT; RESPONSIBILITIES

"Sec. 311. Director of the Naval Nuclear Propulsion Program; Appointment; Responsibilities.".

(b)(1) Chapter 533 of title 10, United States Code, relating to the distribution in grade of officers of the Navy and Marine Corps, is amended by inserting after section 5458 the following new section:

"§5459. Director of the Naval Nuclear Propulsion Program

"An officer of the Navy appointed to the position of Director of the Naval Nuclear Propulsion Program shall, while serving in such position, hold the grade of admiral (if appointed to that grade by the President by and with the advice and consent of the Senate) and report directly to the Chief of Naval Operations. An officer appointed to such position shall have the responsibilities prescribed in section 311 of the Atomic Energy Act of 1954. The officer holding such position shall be in addition to the number of officers authorized under section 525 of this title.".

(2) The table of sections at the beginning of chapter 533 of such title is amended by inserting after the item relating to section 5458 the following new item:

"5459. Director of the Naval Nuclear Propulsion Program.".

Mr. STEVENS. Mr. President, H.R. 4625 would authorize the Secretary of the Army to return to West Germany certain art works seized by the United States at the end of World War II. On December 10, 1981, the Senate Armed Services Committee agreed to report the bill as amended. At a later meeting on January 27, 1982, the committee decided to remove section 2 from the bill, an amendment on Adm. Hyman Rickover's former position that had been added on December 10. The purpose of that amendment was due to be substantially accomplished in an Executive order that was later issued.

Mr. President, I ask unanimous consent that a colloquy among Senators TOWER, WARNER, and JACKSON on Admiral Rickover's former position be inserted in the RECORD.

There being no objection, the colloquy was ordered to be printed in the RECORD, as follows:

Mr. JACKSON. Mr. President, I can support the amendment being offered to H.R. 4625, but I feel that it is important to clarify that the intent is not simply to drop the issue of creating by statute offices in the Department of the Navy and in the Department of Energy. The authorities and responsibilities vested in the dual offices held until recently by Admiral Hyman G. Rickover ought to remain vested in large part in his successors. The outstanding record of achievement of the nuclear navy program can only be maintained by continuation of the central focus of authority embodied in Admiral Rickover's offices. The statutory establishment of these offices will first serve to attract some of our most capable naval officers or civil servants, to accept the appointment to this position. Second, the continued concentration of these authorities in one individual will ensure that all aspects of the nuclear navy programs are properly coordinated with no trade-offs being made to the detriment of the outstanding safety record achieved to date. Another important facet of having a central figure in charge of these programs is to maintain strong controls over the quality, cost, and schedule of the work performed by contractors in the manufacture of components for and construction of our nuclear-powered vessels.

During a Armed Services Committee meeting when the amendment was discussed Senators Tower and Warner proposed deletion of the provisions establishing the dual offices for the nuclear navy programs from this bill. It was my understanding that they suggested this action not only without prejudice, but with their expressed interest in and intent to seek to report legislation establishing by statute these dual offices early in this session. I understand that their primary reason for deleting these provisions from this bill is to provide for early enactment of this bill and for a more orderly Committee consideration of the details of the legislation establishing these dual roles. If I have assurances from my distinguished colleagues, Senators Tower and Warner, that my understanding is correct, I will not object to the amendment.

Mr. TOWER. The Senator is correct in his understanding.

Mr. WARNER. I want to assure my colleague that I share his concern for the need to establish these offices by statute to ensure that the remarkable record of our nuclear navy will continue to be the envy of every navy in the world. I plan to take up this matter in the Subcommittee on Strategic and Theater Nuclear Forces at an early point in this session.

Mr. STEVENS. Mr. President, I ask unanimous consent that the proposed committee amendment adding a new section 2 to the bill and the proposed committee amendment to the title of the bill be considered withdrawn, and that the remaining committee amendments to the bill be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1015 INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I move that Calendar No. 109, S. 1015, a bill to separate the Peace Corps from the ACTION Agency, be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

REFERRAL OF H.R. 3467

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar Order No. 163, H.R. 3467, be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUIET COMMUNITIES ACT

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1204.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1204) entitled "An Act to amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

That the Noise Control Act of 1972 is amended as follows:

(1) Section 1 is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Quiet Communities Act'.".

(2) Section 2(a)(3) is amended by striking out "deal with major noise sources" and all that follows.

(14) Section 13(a) is amended by striking out "or section 8".

(15) Section 14(b)(2) is amended by striking out "under sections 6, 7, and 8 of this Act" and substituting "under section 6 or 7 of this Act".

(16) Section 16(a) is amended by striking out "or any labeling regulation under section 8 of this Act".

SEC. 2. Section 19 of the Noise Control Act of 1972 is amended by striking out "$15,000,000 for the fiscal year ending September 30, 1979" and substituting "$7,300,000 for each of the fiscal years 1982 and 1983".

Amend the title so as to read: "An Act to amend the Noise Control Act of 1972, and for other purposes.".

● Mr. GORTON. Mr. President, S. 1204, the Quiet Communities Act, formerly known as the Noise Control Act, is now before the Senate. S. 1204 was acted upon previously by the Senate on July 10, 1981. As it was passed by the Senate, S. 1204 provided not only for reauthorization of the noise control program, but altered the basic structure by which noise emissions would be regulated. At the present,

the Federal Government, through the Environmental Protection Agency, is the sole acting regulatory force with respect to the noise emissions of products. EPA's regulations provide specifications with which manufacturers must comply in designing and producing their products. State governments have the ability, within their discretion, to regulate the use of products within their borders. Some States, including the State which I represent, do regulate the amount of noise that certain products emit. But the States' ability to regulate the manufacture of products or the privilege of sale of specific products based on the amount of noise they emit is totally preempted by the EPA's authority.

S. 1204, as passed by the Senate last year, removed the Environmental Protection Agency's authority to regulate noise emissions, except with respect to railroads and interstate motor carriers. This approach would open the way for States to regulate noise emissions generally, but reserve regulation of the instruments of interstate commerce to the Federal Government.

On December 16, 1981, the House of Representatives amended S. 1204 by substituting its own bill, H.R. 3071. The language of the original House bill is not acceptable.

H.R. 3071 retains general regulatory authority over noise emissions for the Federal Government and the Environmental Protection Agency. Because of the unique local character of some products' noise, the authority to regulate some products was suspended however. The preemptive effect of this regulatory structure is unclear at best, leaving the States without a clear, unpreempted authority to regulate at all.●

Mr. STEVENS. Mr. President, I move the Senate insist upon the version of S. 1204 which passed the Senate on July 10, 1981, disagree to the amendments of the House, request a conference with the House, and authorize the Chair to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STAFFORD, Mr. GORTON, Mr. SIMPSON, Mr. RANDOLPH, and Mr. BAUCUS conferees on the part of the Senate.

EDITORIAL WRITERS SHOULD READ OWN NEWSPAPER

Mr. JACKSON. Mr. President, yesterday I inserted in the RECORD a news item from the Wall Street Journal discussing recent developments in the Iran/Iraq war. It detailed Soviet involvement in the region and illustrated quite vividly why the area is fundamentally unstable. Yet, Americans seem to be lulled into feeling a false sense of security about our oil supply situation, principally because of a temporary world oil surplus.

Had I read even further in yesterday's Journal, I would have been able to cite a perfect example of that false sense of security. An editorial inexplicably states, "The energy 'crisis' was solved by decontrolling oil and any remaining future risks will be further reduced by natural gas decontrol." Nothing could be further from the truth.

We must come to our senses and realize that the fate of the Western economic system and the stability of our political systems are absolutely tied to events in the Middle East. We will be dependent upon oil from the Middle East for the foreseeable future. Our allies, particularly those in Western Europe and Japan, are in even worse shape because of their lack of domestic oil resources.

No one who has studied these matters believes that we will be able to survive the rest of this century without political instability in the Middle East that will have a drastic effect on our oil supply situation. Yet, we seem unwilling to accept that fact and to plan accordingly. We are limiting our emergency preparedness by limiting our acquisition of oil for the strategic petroleum reserve. Unless we develop alternate forms of energy, including synthetic fuels, we will be sealing our fate for decades to come.

I wish the editorial writers at the Wall Street Journal would read their own newspaper. I ask unanimous consent that the editorial I have mentioned be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JACKSON. Mr. President, I must take vigorous exception to the position taken in the editorial. I agree with the need to do what we can to lighten the load on the credit markets. But if the financiers think the credit markets are in bad shape now, I urge them to think what kind of shape we would be in in the face of an embargo. I also urge them to think what kind of shape we would still be in 20 or 30 years from now if we do not take the steps necessary to develop domestic energy sources, including synthetic fuels.

EXHIBIT 1

[From the Wall Street Journal, Feb. 24, 1982]

SYNFUELS SOLDIERS ON

At a time when the credit markets are overburdened world-wide and the Reagan administration alleges it is looking for places to cut borrowing, a big credit gulper called Synthetic Fuels Corp. is finally nearing its wheeling-dealing stage. It will decide soon how much of a huge federal loan authorization it will commit to private synthetic fuel projects.

Synfuels was a product of the predecontrol energy hysteria of the 1970s, when Congress was coming up with schemes to substitute expensive energy for cheap energy. It rolled out of Congress in 1980 as a new "off-budget" federal entity with authority to ultimately commit $20 billion in government-backed credit, either by guaranteeing loans for projects or guaranteeing that synthetic fuels developers would be able to charge competitive prices.

The "off-budget" description was, however, largely a fiction. The funds for carrying out the corporation's activities come from purchases by the U.S. Treasury of the corporation's notes, and these payments are part of the federal budget. If Synfuels found itself ponying up a lot of cash to cover a failed loan or subsidize an uneconomic plant, the taxpayer would get the bill.

Even if that were not the case, the corporation's guarantee authority, which will total $15 billion by July 1 this year, is simply another form of credit market distortion. The energy "crisis" was solved by decontrolling oil and any remaining future risks will be further reduced by natural gas decontrol. But when Synfuels goes ahead with its plans, new preferred borrowers will be entering the credit markets to raise money to add to the energy glut.

Currently there are 11 projects that have survived the corporation's initial screening. Six are in the South and five in the West. More are distinguished by high capital costs for plants that would produce relatively small amounts of fuel.

They will need government guarantees because their backers don't think they could be financed successfully otherwise. We would guess that they are right about that, now that relative energy prices are falling. Price guarantees, in particular, would be a good way for Synfuels to insure that the taxpayers will ultimately end up paying part of the cost of this fuel.

Synfuels almost certainly will face some other problems down the line. With such juicy plums to distribute, it will be open to charges of political favoritism and, possibly, conflicts of interest.

Congress never likes to admit it made a mistake, particularly a $20 billion mistake. So the political inclination has been to let Synfuels plod along quietly toward the day when it will start issuing reserved seats in the credit market. After all, it was officially described in the act as an "off-budget" federal agency so why should any budget cutter worry?

There are two good reasons: The only synthetic fuel plants we need are the ones that make economic sense; the Synfuels-backed borrowing will crowd out other projects that have a more legitimate claim to credit on the basis of genuine economic feasibility and need.

PETE HACKWORTH

Mr. SYMMS. Mr. President, Pete Hackworth will be missed. Oh yes, that is always said when any friend and associate dies, but such feelings run even deeper when those who knew Pete Hackworth, and were touched by his personality, pause to reflect on his passing.

Pete charged off to his next challenge and even higher calling on Thursday, January 28.

Yes, Pete Hackworth will be truly missed. But the legacy he left is something we can treasure. For Pete loved freedom—individual freedom—and he

was devoted to his family and worked effectively to support community youth activities.

I had the good fortune of having Pete Hackworth serve on my staff in the House of Representatives as my press secretary and administrative assistant. Pete had a delightful way of good naturedly cutting through the dense fog which often surrounds those of us who spend too much time on the banks of the Potomac River. Pete would hammer home to me and remind me that I went to Washington to represent Idahoans who believed that freedom was the issue.

Of course Pete was right. Freedom is the issue. And Pete Hackworth was a master at helping me articulate the principle of individual freedom and dignity to my colleagues and to my fellow citizens who might not yet understand the vital importance of liberty.

Pete Hackworth's commonsense skill at communicating the freedom principle will not be matched.

I want to share a moving story which the managing editor of the Idaho Press Tribune, Rick Coffman, published in his paper on January 31 as well as a tribute which was published on the day of Pete's funeral, February 1, and a column by Wayne Cornell which appeared in the Idaho Press Tribune on February 3 along with the obituary which was carried on January 31. I ask that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PETE HACKWORTH

His only point of reference was himself.

R. E. "Pete" Hackworth, 61, died Thursday evening after a brief illness. There will never be another one like him. There's not even anyone you could compare to Pete, for those who never met Hackworth.

A newsroom is often a tense and pressure-packed environment—deadlines to meet, upset readers, people demanding that their bit of news find its way into a prominent place in the paper and so forth.

But what ever the situation was at the time, when Peter showed up with his Sunday column or a piece of information from his employer, Caldwell Memorial Hospital, everything brightened.

You could't be around Pete and not have a good time. Whether only for a few moments in the newsroom or a night on town, Pete always left the scene a happier place.

He didn't walk into a room he bounced in. He didn't move from place to place, he darted. The issues of the day, local national and international—Pete had an opinion, a cute story and was gone.

Always, though, he returned to engage in some verbal jousting with someone in the newsroom. He enjoyed it. What he probably didn't know is that we enjoyed it more. He made us all feel better.

At the time of his death, Pete wasn't officially a newsman. He'd been one most of his life but left the profession in the early 1970s to join Congressman Steve Symms in Washington, D.C.

Eventually he returned to Idaho and worked for the Caldwell hospital as director of personnel and public relations. But his heart was always in the newsroom. To paraphrase, you can take the boy out of the newsroom but you can't take the newsroom out of the boy.

Several months ago Pete began writing a column for our Sunday editorial page. Francis Bacon once wrote: ". . . men must know that in this theatre of man's life it is reserved only for God and angels to be lookers on."

Pete was no looker on. He offered opinions on the subjects of the day, and solutions. He wrote about life, love, happiness, sorrow. He was as keen an observer about the human condition as has ever set foot in a newsroom.

Pete's gone But never forgotten. Those of us that knew him were proud to call him a friend.

You couldn't help but like Pete Hackworth.

RICK COFFMAN,
Managing Editor,
Idaho Press-Tribune.

RUSSEL E. "PETE" HACKWORTH

Funeral services for Russel E. "Pete" Hackworth, 61, of Caldwell Route 6, who died Thursday at a Caldwell Hospital will be conducted at 2 p.m. Monday at the L.D.S. Stake Center in Caldwell with the Bishop Jim Blacker officiating. Interment will be at the Canyon Hill Cemetery, Caldwell, under the direction of the Dakan Funeral Chapel of Caldwell.

He was born June 24, 1920, in St. Anthony, Idaho, to Nannie Dickerson and Egar Elster Hackworth. He attended school in in St. Anthony, where he lettered in several sports and academic activities.

He served 5½ years in the second World War where he was entertainment director for the armed forces in Hawaii and published the army paper in Latai, Okinawa, and other South Pacific Islands. He was discharged in the fall of 1945 and returned to St. Anthony to work for a local paper.

He met and married Roma LaFay Nuttall on June 6, 1946. They were later sealed for time and eternity in the Salt Lake City Temple.

He worked for the Idaho Falls Post Register, the Salt Lake Telegram, and the Idaho Statesman before coming to work for the Caldwell News-Tribune in 1953. During this time he wrote a daily column, "By The Way," until 1973. He then went to work for KCID. For the next 6 years Hackworth was in Washington, D.C. as public relations director and later as administrative assistant for former Congressman Steve Symms.

He became a director of personnel and public relations for Caldwell Memorial Hospital when he returned from working in Washington, D.C. He held this position for 6 years until the time of his death. He also wrote a Sunday column for the Idaho Press-Tribune, and was correspondent for the Northwest Trailer and Mobile Home News and the Idaho Labor News. He was a self-appointed gourmet, collecting and trying recipes and foods sent by readers of his newspaper column and his friends. During his career he received numerous awards, certificates and recognition from his community and colleagues. He was an active member of the Church of Jesus Christ of Latter-day Saints.

He is survived by his wife LaFay, four sons, Bryon, Rory U.S.A.F., Robb, Sean; three daughters, Shelagh Wright, Kelly Upson, and Molly Hackworth, who currently is serving a mission for the L.D.S. Church in Hong Kong; one brother, Hubert; four sisters, Iva Farney, Ora Conley, Grane Mack and Helen Stuart and eight grandchildren.

He was preceded in death by his parents, two brothers, one sister and one granddaughter.

The family requests memorials be made to the Center for the Study of Market Alternatives, 222 West Bannock St., Boise, Idaho, 83702.

[From the Idaho Press-Tribune, Feb. 3, 1982]

TRIBUTE TO PETE HACKWORTH

Lovers of liberty and the philosophy of individual freedom lost a great friend Thursday night January 28. Pete Hackworth, longtime editor, newsman, columnist and close friend of thousands passed away in the Caldwell Memorial Hospital where he had been personnel and public relation manager since 1975. Hospitalized only since Sunday he died from a "dissecting aneurysm of the aorta" only a few inches from his heart.

Next to his especially close knit family and a host of personal friends and relatives Pete's almost full-time hobby was a great concern with the freedom philosophy of Thomas Jefferson and Adam Smith, especially as it relates to OTHER people's freedom as well as his own. The latter quality distinguished this absolutely delightful human being not only from his many friends in the media, but also from most of the rest of us. He believed that freedom, like love, isn't much good unless you give it to somebody else.

The family requests that memorials in his memory be sent to the Center for the Study of Market Alternatives, 222 W. Bannock Street, Boise, 83702.

[From the Idaho Press-Tribune, Feb. 3, 1982]

PETE HACKWORTH: LIKE KNOWING A ONE-MAN CROWD

(By Wayne Cornell)

Pete Hackworth was the type of fellow you don't forget.

The news of Pete's death last week touched many who have worked in the media in Southwest Idaho during the past decade. Although Pete was no longer a full-time journalist, he was well known. Those of us who served with him in the trenches back when he was editor of Caldwell News-Tribune remember him well.

Pete was about the nearest thing to perpetual motion that ever hit a newsroom. He was here, there, everywhere, all at once. He seemed to have a reinforced mainspring that allowed him to function at a speed about one and one half times average.

You could spot Pete two blocks away when he was out on the street. In the first place, his walk was unmistakable. Actually, it wasn't a walk. Pete was shorter than average, so he had to take about two steps to cover the distance an average person would cover in one stride. He made up for it by taking three steps in that same time period. He could walk a 6-4 man right into the ground.

Back in those days, Pete wasn't what you would call a conservative dresser. On an average day he would turn up at the office wearing a pair of plaid pants, a turtleneck sweater and a striped sport coat. He didn't fool around with colors like grey, brown or

white. Basic colors for Pete were red, orange, violet and yellow.

If you missed the clothes, you couldn't miss the beret. Pete never went anywhere without his black beret, which added a touch of contrast to his flowing white hair and gotee.

Wherever Pete went, there was a crowd, even if he was the only person in the room.

In those days Pete wrote a daily column. He loved to illustrate what he was writing about, and would go to great lengths to get the right picture.

One time Pete decided to write about women's liberation, a touchy subject in the early '70s. He decided to burn a bra as an illustration. I was to take the photo.

At the appointed time Pete showed up with one of the largest bras I have ever seen. We went outside the office. He doused the item with a flammable liquid. Holding it out in front of him with one hand, he lit it with the other.

The flames immediately began roaring up the bra toward Pete's exposed hand.

"Now Pete?" I asked.

"Not yet, Not yet!" he yelled back, as the flames licked toward his fingers.

Finally the entire bra was engulfed by the blaze. As I looked through the viewfinder of the camera it was obvious Pete's goatee was also in danger.

"Now!" Pete yelled.

The photo was vintage Hackworth. It showed him holding on to the last unconsumed square inch of blazing material. On his face was a look of partial amazement, partial shock and partial pain.

Pete had a large family, and he was a fan of the early Volkswagen mini-bus. He drove one for years. There was a problem, however.

As I explained earlier, Pete had a 70 mph personality. The VW bus was only good for about 55 mph. It seemed he replaced the engine in the bus about three times a year. He grumbled about it, but refused to slow down or get a different vehicle.

Although he was a editor, Pete loved to get in on the action. If a report came in of a catastrophic event, he normally beat the reporter, the photographer, the police and the ambulance crew to the scene.

The story is told of the day Pete and a photographer went to the scene of a major accident on Highway 20. Police and wrecker crews were busy cleaning up the blocked lane. Suddenly, off in the distance, the sound of an engine strained to its limit could be heard. Pete looked down the road and saw a car approaching at a high rate of speed.

"Get your camera ready!" Pete yelled at the photographer. "That guy's going to run into the wreck!"

"Naw, he'll never do that," the lensman replied. "No one crashes into an accident scene in broad daylight."

The car came closer, showing no sign of slowing.

"I'm telling you, he's going to crash!" Pete repeated, visibly agitated.

"No way," said the photgrapher.

Now the speeding car was right on top of the scene and Pete was jumping up and down, yelling at the photographer that a one-in-a-million shot was coming. The cameraman remained relaxed.

Crash!

The car, containing a drunk driver, smashed into the existing wreck, causing complete pandamonium.

The photographer turned slowly to Pete, his camera still slung over his shoulder.

"By golly you were right, Pete," he observed.

For one of the few times in his life, Pete was speechless.

Press-Tribune editor Rick Coffman probably said it best last Sunday when he said "Pete's only point of reference was himself." Knowing him was a worthwhile experience.

EL SALVADOR

Mr. HAYAKAWA. Mr. President, in these days of intense and biased attacks on the administration's policy in El Salvador, it was refreshing to come across an article by Max Singer in the January 1982 Hudson Communique—a publication of the Hudson Institute—which offers a balanced and reassuring assessment of the commitment of the Salvadoran army to democratic ideas.

The article, entitled "Will Democracy Survive in El Salvador," traces the history of the Salvadoran military since seizing power in October 1979. According to Singer, the ranking officers believe that government and politics should be under civilian control, legitimacy comes from elections, and the army should be strictly professional. Also, the economic and political structures prior to the revolution were inequitable, and the oligarch had used the old army to protect their economic power. The colonels in the revolutionary governing junta have been pursuing a policy based on four principles: One, ending corruption and violence, particularly in the security services; two, improving the distribution of wealth by land reform and other measures; three, establishing civilian control and a government based on free elections; and four, making peace with Honduras.

Singer's article illustrates the economic and political reforms which have been achieved by the army and the Christian Democratic Party. While no one would claim that the reform program has been completed or that abuses have been eliminated, Singer lays the blame on the extreme right and the antidemocratic left who are fighting the program, rather than any lack of will on the part of the government. If Singer is right, the experiment with democracy in El Salvador would be doomed to defeat if the United States abandons the Duarte government.

I recommend this thought-provoking article to my colleagues, and ask unanimous consent that Mr. Singer's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILL DEMOCRACY SURVIVE IN EL SALVADOR?

(By Max Singer)

Believers in democracy are jeopardizing an important opportunity and failing their responsibilities by not paying attention to a victory for democratic ideas in El Salvador.

Democratic ideas prevailed among the officer corps of the Army of El Salvador; as a result they carried out a moderate democratic revolution which brought them to power in October 1979. Although two-thirds of the officers above the rank of major were thrown out, the ones remaining are now united in their commitment to economic and social reform and to basic democratic principles.

There is a strong consensus among Salvadoran officers that the old army-landlord coalition was wrong. Their strongest beliefs are that government and politics are for civilians, that legitimacy comes from elections, and that colonels should not choose governments. They are determined that the army should be professional, serving the whole nation, under policies determined by elected civilians. They also believe that the economic and political structures that existed before the revolution were inequitable, that two hundred families should not own 15 percent of the farmland, and that few people should not have huge fortunes, live in extreme luxury, and export large amounts of money made in El Salvador.

The officer corps also believes that the old army had been taken advantage of by the oligarchs who used the army to protect their economic power. While most officers did not participate, their countrymen perceived them as having been on the side of the wealthy. In fact, they were mostly poor or middle-class boys who went into and through the military academy against stiff competition. (Class of 1962: 1,000 applicants, 150 admissions, 25 graduates, now 14 lieutenant colonels.) What they wanted was a highly professional army, not an army which was used for corrupt purposes and in the interest of the small landlord class.

During the 1970s, these ideas grew and spread within the officer corps, and the men holding them advanced to senior levels. Early in 1979, Colonel Gutierrez, now the only officer in the Revolutionary Governing Junta and also Commander-in-Chief of the armed forces, began to talk with a few other colonels about changing the system. Colonel Garcia, now the Defense Minister, joined this group. They agreed on four principles: (1) end corruption and violence, particularly in the security services, (2) improve the distribution of wealth by land reform and other measures, (3) establish civilian control and a government based on free elections, and (4) make peace with Honduras. They brought into their revolutionary planning a few younger officers in each army post, and took power on October 15, 1979.

They created a civilian government consisting mostly of left and far-left politicians and intellectuals to implement the reforms they wanted. This government failed because they fought among themselves, did not work at their jobs, tried to get control of the army, and were generally impractical or worse. Meanwhile, violent attacks on the government continued, often by groups in which members of the government were actively involved.

Despite this disgraceful performance by the left-wing civilians, when this government collapsed, the army turned to another group of left-wing civilians—the Christian Democratic Party. The Christian Democrats formed a government that was capable of acting. Within a few months they enacted two major land reforms, nationalized the banks and the coffee and sugar export businesses, and started educational reforms. Over three hundred large farms have been turned over to, and are now operated by,

peasant cooperatives. The co-ops are made up of those who worked the farms for the former owners (who are receiving bonds in payment for their property). Elections for a constitutent assembly will be held March 28, 1982; the great bulk of the population will participate and be represented. The army has pledged not to interfere with the elections.

The revolutionary army has also replaced the leaders of the feared security services. Reform of these organizations is difficult because of the ongoing war and the long history of close relationships between the security forces and local landlords.

The sad and dangerous thing is that the officers who committed themselves to democracy have not been welcomed by supporters of democracy in other countries. The Socialist International, liberal U.S. Congressmen, much of the international press, etc., are instead supporting the anti-democratic extreme left group which is attacking the revolutionary government and rejecting free elections. This kind of reception, similar to that encountered by officers in Honduras (who have now supported two free elections giving power to the opposition) does not make their mission easier. The democratic experiment in El Salvador is in danger of military defeat at the hands of a coalition, composed mostly of enemies of the United States and of democracy.

DEVELOPMENTS IN SPACE TECHNOLOGY

Mr. HAYAKAWA. Mr. President, developments in space technology are improving the quality of life for many of America's disabled veterans. Efforts by the Veterans' Administration to advance prosthetic research have produced artificial limbs which function so efficiently they can be adapted to meet the specific and individual needs of each patient.

An informative article appeared in the September 1981 issue of the American Legion magazine, "Space Age Technology Aids Disabled Veterans." Its author, Bonner Day, of the Veterans' Administration, discusses specific advancements designed to help the paralyzed and blinded. Developments such as wheelchairs controlled by the patient's breath, laser equipped canes for the blind, and specially equipped automobiles have contributed to more complete and meaningful lives for disabled veterans. These brave men and women sacrificed their well-being in defense of America, and we, as a nation, have a responsibility to do everything we can to help make their lives as rewarding and fulfilling as modern technology has made possible.

I recommend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPACE AGE TECHNOLOGY AIDS DISABLED VETERANS

(By Bonner Day)

Space technology has brought relief to thousands of disabled persons, and, in the process, has saved millions of dollars in hospital care.

The Veterans Administration, through support of research to assist disabled veterans, has been the catalyst in the development of numerous artificial limbs, braces and other aids. These new products have transformed the lives of disabled veterans and nonveterans alike.

As a result, opportunities for the handicapped have reached a new plateau in America, at a time when increasing concern for the disabled has caused the United Nations to establish 1981 as the International Year of Disabled Persons.

And because thousands of veterans now can live at home, millions of dollars are saved every year at VA hospitals.

"Prosthetics will never replace the real thing, but the field has been improved dramatically as a result of space technology," says Shirley Nelson, chief of prosthetics service at the Washington, DC, VA Medical Center. "A person with a remaining hand may feel an artificial arm does little more than fill up a sleeve. But someone with no hands at all invariably chooses to wear a prosthetic device."

The development and improvement of plastics and microelectronics have been major factors in making advances for the disabled possible. But innovative design and imaginative use of materials also have played significant roles.

The Rehabilitation Engineering Center in New York City guides VA research and development of these aids. The devices the center develops and tests address every known disability. The Center's special clinic team, in addition, treats 1,200 veterans a year, while the Center coordinates the fitting of prosthetic devices at the VA's 172 hospitals across the country.

Veterans with service-connected injuries are treated free. Some veterans with nonservice-connected injuries also can qualify under special circumstances.

And though the last amputee from the Vietnam War was fitted years ago, prosthetics experts at VA hospitals still are engaged in fitting the disabled with artificial limbs as well as supplying other aids to help veterans live richer and more productive lives.

Some new amputees are veterans whose war injuries have caused complications. Veterans of earlier wars also provide a steady demand as they seek modern replacements for their older artificial limbs.

The improved devices amount to a technological revolution in the 36 years since World War II ended. The post-World War II artificial leg, for example, has a mechanical knee that is difficult to use. Modern artificial legs have hydraulic-knee mechanisms that help swing the leg forward in walking. This mechanism can be adjusted to move at the most comfortable speed.

A variety of modern artificial legs are fitted to the individual needs of the veteran. Some legs have a hydraulic joint for both the knee and boot. Other limbs have a knee lock for extended standing, while others are especially designed for swimming.

The method of attaching the artificial limb to the remaining leg also has been improved. The artificial leg of post-World War II was attached by a leather corset around the hips. This corset immobilized the thigh and allowed the muscles to atrophy. The older artificial limbs, made of wood, had metal joints and weighed from nine to ten pounds.

The new artificial leg is held in place by a vacuum to the thigh, allowing the thigh to continue to be exercised. New models made of plastic are lighter. One model especially designed for cardiac patients weighs less than two pounds. Most modern artificial legs weigh about five pounds.

Artificial hands and arms have been improved even more dramatically. Hooks for grasping objects have been developed with electric power to provide extra strength. The hooks can be controlled electronically through wires running from hook to muscle nerves in the remaining arm. For cosmetic purposes, plastic gloves painted to look like hands have been developed to cover a hook.

A veteran being fitted for an artificial limb usually will stay in a hospital about 12 weeks. A patient may be fitted with a temporary limb six weeks or sooner after amputation. After exercising with a temporary limb for about six weeks, the patient is fitted with a permanent limb and discharged from the hospital.

A variety of wheelchairs has been developed to compensate for different disabilities. Veterans with legs that must be elevated are given chairs that provide this service. Some wheelchairs are designed for patients who require a semireclining position. Ambulators (standing wheelchairs) have been designed for paraplegics who wish to work at counters or tables. There are wheelchairs for paralyzed patients that are controlled by the patient's breath. By sipping and puffing on tubes, the wheelchair can be maneuvered forward, in reverse or sideways. Wheelchairs are assigned to veterans by prescription after VA experts make individual evaluations.

Disabled veterans can also obtain specially equipped automobiles. Some devices provide hand controls for braking and acceleration. Others provide extra power for low-effort steering for patients with limited hand strength. Wheelchair lifts have been designed for vans and autos.

The loss of an arm or leg in military service qualifies a veteran for equipment to adapt an automobile to his handicap. Those missing a left leg qualify for a dimmer switch on the dashboard, automatic transmission and power brakes. Those without a right leg qualify for a left foot accelerator, plus the items already mentioned.

The equipment is normally installed by commercial firms that specialize in such work, with the VA reimbursing the veterans for the expense.

For the blind, the VA has developed a number of devices. A laser-equipped cane senses objects and communicates their presence by sounding a noise or vibrating in the hand of the user. Another device for the blind turns the pages of a book and reads aloud. A calculator for the blind announces the calculations and then announces the results.

As a result of these improved aids for the disabled, the VA has been able to send many veterans home and free thousands of hospital beds. Through these savings, the VA has held its increases in health care costs to just 60 percent of the national average.

Medical care is still provided by hospitals to those patients who cannot live at home and take care of themselves. Moreover, the psychological needs of the patient have been given a higher priority. Patients want independence. They want to live at home and to be involved in a society of relatives, friends and coworkers. These needs can be addressed through the help of modern aids.

The disabled still have difficulties. The simple chores of living (that those with whole bodies do unconsciously) the disabled

must labor to accomplish. But because of research in the field of artificial limbs and other aids, and with the help of space-age technology, veterans have opportunities today that a generation ago were not even considered possible.

SENATOR RANDOLPH ANSWERS ARTICLES CRITICAL TO POSITIVE SYNFUELS GROWTH

Mr. RANDOLPH. Mr. President, despite deemphasis and cuts in the budget for synthetic fuels, efforts to convert coal to gas and liquid fuels are alive. This will not be true for long, however, if we keep seeing materials which appeared in the Washington Post on February 7, and the Wall Street Journal on February 24, 1982, titled "The Synthetic Fuels Party Has Gone Flat" and "Synfuels Soldiers On." In my opinion the articles are misleading. The headline of the Post article infers negatively that the synfuels industry is dying, but the body of the story actually shows the Board Members of the Synthetic Fuels Corporation are prepared to use their Federal appropriation to benefit our latest attempt to encourage synthetic fuels.

Granted, the current administration is not helping by cutting out research and development support in the Department of Energy for everything except nuclear technologies. Granted, the administration seems only concerned in marketing our most plentiful domestic energy resource overseas, rather than in developing a policy which would increase coal's direct use in our own country. But, while the existing economic climate has forced a decline in industrial initiatives for synfuels, the Corporation will assist in several major projects this year, and in all likelihood several more next year. True, the development of the first commercial synthetic fuels plants will be capital intensive and risky. There is, as Mr. Noble has pointed out, on numerous occasions, no certainty about technology, the cost of construction, or the price and marketability of the product.

Those of us in Congress understood and addressed those possible constraints when we drafted and passed the Energy Security Act of 1980. Although we might not meet the theoretical production goals called for in the act by 1992, the financing mechanisms to help a growing synfuels industry contained in the act are today sound, available, and suitable tools to stimulate a private investment in alternative fuels. Was passage of this act a congressional mistake as stated on the editorial page of the Journal? I think not. The actual mistake is to assume, as does this article, that "the energy crisis was solved by decontrolling oil and any remaining future risks will be further reduced by natural gas decontrol."

The lack of a healthy domestic economy and the lack of total commitment of the White House and energy associated Cabinet officers will slow the program—not kill it. What will cause the program to lose momentum is to incorrectly marshal public opinion against this new effort. As my colleagues know, the headlines are often the only part of an article that is read. Hence, the need for accuracy.

We are developing a destructive methodology for formulating energy policy in this country. We isolate each energy resource, especially those which are nationally plentiful, and dissect it in debate and in the media. After all the negatives are exposed, the decision is made not to use it as a major energy source because there are too many challenges associated with its development. This is happening not only with synthetic fuels, but coal, wood, geothermal, deep and offshore drilling, liquified natural gas, gasohol, conservation activities, and nuclear. The end result—no domestic fuel supply on which this Nation can rely as an alternate to oil and gas.

Mr. President, in 1980, with the passage of title I of the Energy Security Act, we as a nation again took steps to assure a continued supply of internal energy sources. Articles continuing to accentuate the negative about new energy initiatives we attempt will serve to lend truth to the quote that "man will occasionally stumble over the truth, but most of the time he will pick himself up and continue on." I, as one Senator, do not want to vote several years from now on legislation being debated on the question of what to do about liquid synfuels being imported for use into this country, made from domestic U.S. coal exported to other countries around the world.

Mr. President, I ask unanimous consent that the Washington Post and the Wall Street Journal articles referred to in these remarks, be included as part of the RECORD, following this statement.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1982]

THE SYNTHETIC FUELS PARTY HAS GONE FLAT

(By Joanne Omang)

At the party that was synthetic fuels, the champagne has gone flat, the music has slowed and the headaches are beginning. And Uncle Sam, the genial host, has all but stopped handing out aspirin.

The Synthetic Fuels Corp., which held its third board meeting last week, no longer plans to commit $17.5 billion as fast as possible to encourage the industry dance. The Environmental Protection Agency has abandoned its effort to produce a whole new regulatory approach.

And some of the industry participants have gone home, saying the whole bash was getting too dangerous.

The future of the new synthetic fuels industry now appears to depend on the people it was launched to combat: the international oil cartel. If oil prices keep rising, the multibillion-dollar synfuels industry is on its way.

If they don't, it isn't. And right now, prices are stable.

Few analysts believe this stability is anything more than a lull. But no one is sure, and that uncertainly has cooled the rush to synfuels.

The idea in 1980 was to free America from dependence on imported oil by producing liquid fuels from U.S. coal and oil shale deposits. By 1987, President Carter said, we should be producing 500,000 barrels of synthetic fuel a day, and by 1992 2.1 million barrels a day, about half the current oil import level.

The Synthetic Fuels Corp. was set up to obligate $17.5 billion in federal money for price guarantees, purchase agreements, loan guarantees, loans and joint ventures in that order of priority to get the industry going.

Now the corporation's goal has shifted from massive production to making a political point.

Corporation board chairman Edward Noble has said he just wants to get enough plants started to demonstrate to the Organization of Petroleum Exporting Countries that the technologies work and that the product won't blow the U.S. bank book.

"We do need the technology, and if we don't do anything but show we can do it on a certifiably economic basis, it'll have some influence in the prices OPEC will put to us," he said. "It may be cost-effective in a backdoor type of way, kind of a club under the table."

This reversal for synfuels is the result of three factors, according to Mike Koleda, head of the National Council on Synthetic Fuels Production, a trade association of 55 companies.

First, high interest rates have delayed all capital-heavy projects, and each synfuels plant could cost $3 billion to $5 billion.

Second, synfuels plants started now are not likely to have a product that will be cheaper than regular fuel when the plant is finished in five to 10 years.

Oil prices drive construction prices, so for synfuels to be competitive, the price of regular oil must keep rising after the plant is built. And world oil prices "will be flat or at least soft for this decade," Koleda said. Companies are reluctant to invest with slim prospect of success.

Third, the Reagan administration would rather have private industry shoulder this kind of huge financial job. "It's a very basic, dramatic change in policy," Koleda said.

Noble, a major figure in the synfuels drama, is seen as a product of that policy shift. At 53, the soft-spoken Tulsa oil tycoon admits he had to be convinced the government had any role in the industry. "I saw people offering it as a panacea and it isn't," he said. "I told Congress I wouldn't have voted for it."

He still wants government out of synfuels as fast as possible. Although the corporation expects to have $8.6 billion to commit this year, Noble does not plan to use it all, even though one synfuels plant can cost $3 billion or more.

He wants to have money for future technological processes, he said. Projects that win his go-ahead will be the ones that put up the most money.

Some industry figures object. "Why is he in that job if he doesn't want to spend the money?" asked one western oil company official. To this unhappiness, Noble replies: "That's tough. You don't discourage serious

people. If they just want a free ride they don't need to come around."

The corporation received 63 applications for help in its first round of solicitations, and last week narrowed the list to 11, from which "a few" will be chosen in March, Noble said. Six projects are small in synfuel terms, aiming at eventual production of less than 12,000 barrels a day.

Even if all 11 are successful, with or without federal help, their production will barely exceed 205,000 barrels per day, a far cry from the original target.

To environmental groups, which think EPA's controls over synfuels are inadequate, the slowing is a great relief.

Noble said the Synfuels Corp. will not fund any project until it complies with environmental rules, but synthetic fuels are something new on the planet and not all are covered by existing rules.

In some tests the chemicals caused alarming mutations, cancers and other damage in laboratory animals. Water used in the processing absorbs dangerous chemicals and must be disposed of properly.

Waste dust as fine as talcum powder must be safely handled and disposed of. But an ambitious EPA plan to produce "regulatory guidance documents" for the industry as it was being born was abandoned last fall after $6 million had been spent.

"Designs were changing so fast on the processes it was impossible to come up with a document that would answer all questions," explained Andrew Jovanovich, acting chief of EPA's research and development office when the program was killed.

The agency, hampered by its stiff budget cuts, now plans only to provide teams of experts to advise state and local officials on permit applications from synfuels projects, Jovanovich said. No such teams exist.

Environmentalists charge this is not enough. "The corporation still has no environmental capacity whatsoever, and nobody at EPA is going to monitor it," said Jonathan Lash of the Natural Resources Defense Council.

Rep. Toby Moffett (D-Conn.) plans hearings on the synfuels regulatory situation next month in his Government Operations subcommittee on energy.

Legislation is pending in Congress to revamp federal oil shale leasing, allowing more acreage per company and providing space to dispose of the waste. But there is no agreement on the size of the expansion or who gets to lease additional land.

The Interior Department has allotted six months to write rules for evaluating the social and economic impact of proposed projects, but the effect of large and abrupt population increases at the project sites could be disastrous.

Meanwhile, some projects are going forward.

Three pilot plants got help last year in the last gasp of the Department of Energy's synfuels program: a $2.02 billion loan guarantee for the Great Plains coal gasification project in North Dakota; a $400 million purchase agreement for Union Oil's shale project at Parachute Creek, Colo., and a $1.1 billion loan guarantee for the TOSCO Corp. share of the Colony oil shale project near Parachute Creek. The Exxon Corp. is forging ahead there without asking for federal help.

The slowdown, all sides agree, may help the industry in the long run by providing time to do everything right the first time.

"I'm not sure it would have been a good idea to start 10 projects at once," Noble said. "I'd rather do two or three and have them be damn good."

[From the Wall Street Journal, Feb. 24, 1982]

SYNFUELS SOLDIERS ON

At a time when the credit markets are overburdened world-wide and the Reagan administration alleges it is looking for places to cut borrowing, a big credit gulper called Synthetic Fuels Corp. is finally nearing its wheeling-dealing stage. It will decide soon how much of a huge federal loan authorization it will commit to private synthetic fuel projects.

Synfuels was a product of the pre-decontrol energy hysteria of the 1970s, when Congress was coming up with schemes to substitute expensive energy for cheap energy. It rolled out of Congress in 1980 as a new "off-budget" federal entity with authority to ultimately commit $20 billion in government-backed credit, either by guaranteeing loans for projects or guaranteeing that synthetic fuels developers would be able to charge competitive prices.

The "off-budget" description was, however, largely a fiction. The funds for carrying out the corporation's activities come from purchases by the U.S. Treasury of the corporation's notes, and these payments are part of the federal budget. If Synfuels found itself ponying up a lot of cash to cover a failed loan or subsidize an uneconomic plant, the taxpayer would get the bill.

Even if that were not the case, the corporation's guarantee authority, which will total $15 billion by July 1 this year, is simply another form of credit market distortion. The energy "crisis" was solved by decontrolling oil and any remaining future risks will be further reduced by natural gas decontrol. But when Synfuels goes ahead with its plans, new preferred borrowers will be entering the credit markets to raise money to add to the energy glut.

Currently there are 11 projects that have survived the corporation's initial screening. Six are in the South and five in the West. More are distinguished by high capital costs for plants that would produce relatively small amounts of fuel.

They will need government guarantees because their backers don't think they could be financed successfully otherwise. We would guess that they are right about that, now that relative energy prices are falling. Price guarantees, in particular, would be a good way for Synfuels to insure that the taxpayers will ultimately end up paying part of the cost of this fuel.

Synfuels almost certainly will face some other problems down the line. With such juicy plums to distribute, it will be open to charges of political favoritism and, possibly, conflicts of interest.

Congress never likes to admit it made a mistake, particularly a $20 billion mistake. So the political inclination has been to let Synfuels plod along quietly toward the day when it will start issuing reserved seats in the credit market. After all, it was officially described in the act as an "off-budget" federal agency so why should any budget cutter worry?

There are two good reasons: The only synthetic fuel plants we need are the ones that make economic sense; the Synfuels-backed borrowing will crowd out other projects that have a more legitimate claim to credit on the basis of genuine economic feasibility and need.

VIC HRUSKA

Mr. RIEGLE. Mr. President, I felt a deep sense of personal loss when I learned recently of the death of Vic Hruska, a county commissioner in Menominee County, Mich.

Those of us who were fortunate enough to know and work with Vic realize that he was indeed a very special person; an individual who displayed a great deal of sensitivity and commitment toward the concerns of his neighbors; a political figure who possessed a strong sense of morality and humanity and who approached problems with a common sense that made his views appealing and sensible to a great many people.

As a tribute to Vic, I ask unanimous consent that the following article, which appeared recently in the Menominee Herald-Leader, be entered into the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Menominee Herald-Leader, Jan. 18, 1982]

ON THE PORCH: IN QUIET TALKS WITH VIC HRUSKA, A KEEN SENSE OF JUSTICE EMERGED

(By Pat Egan)

For nearly two years I rented the farmhouse in which Vic Hruska and his family grew. It was a warm old house facing twenty acres of open field and seemingly endless acres of pine swaile. The house had a high porch facing east across a small alder thicket and creek. It was on that porch that Vic Hruska and I used to ramble through politics, through countless books, through history, and through some of the most pleasant afternoons and evenings I ever had.

Vic Hruska was part of my "beat" as a county reporter in Menominee. Though I was living in his family's old home, we approached each other cautiously at first, after meetings he asking me about the deer I might see in the early evenings, if the fireflies were over the creek, if the woodcock was whistling and spiraling in his spring dance yet. Then one day he asked if he could come visit.

The first visit turned into many. I can't remember how many. I in turn visited him in his own home only once, when it was too cold for a visit on the porch. The porch, after all, belonged to both of us.

Vic's political career blossomed late in his life, but it was a bloom which began as a seed early. He had been an active union member and organizer in his years at Lloyds, and was more proud of that fact than all others. For me, a listener, it was obvious that his early union days and his later political days were both simply the manifestation of a deep sense of justice the man had. Whatever was wrong must be righted. I remember once we were warming a discussion of Michigan's problems, and automobile problems, and Vic became emphatic. "Workers here shoulun't be concerned about Japanese competition," he said. "They should be worried about the Japanese worker. If he's working for less than the American worker, then something should be done to get him better pay, not less work." His justice knew no bounds. The Solidarity movement, I often thought, must have pleased him very much.

He will be remembered best, I suppose, as the man who consistantly opposed the airport expansion. It was certainly important to him, but only as yet another matter which did not make common sense. He resented moving people out of their homes and off their land, knowing full well the measure of effort and love some local families have in their land. His own feelings had deep roots. Common sense in turn, was understanding natural laws, and how people obeyed or disobeyed them. He liked to read nature in the sense that we could discuss the drainage of our creek into the Menominee River and it could somehow become much like the forces governing the local economy or even the national economy. He could clearly see the connection, and make me see it.

On one visit Vic noticed from the porch that part of the roof on the barn had collapsed since his last visit. "Some barns seem to last forever when they're used," he said, "but it seems that as soon as a barn isn't used any more it gives up." His own need to keep busy, in use until he died is not surprising.

Maybe he got it from all the books he read, in a cumulative sort of way. He found his most valuable things to come from books. That, he said, was because of his father. He often told how his father encouraged them to read, would gather them in their big common bed on cold nights and read. When they took the sleigh into town to deliver their winter milk, it was also a trip to pick up a new book, and whoever didn't have to run beside the sleigh on the way home got to read the book.

At times, after a few beers he might begin quoting Shakespeare, or something from a favorite poem. Once in awhile he would stop, expecting me to finish up. After all, of the two of us, I was the one with the college degree, in literature of all things, and he was the welder. I, of course, likely as not had no idea what he might be quoting.

He often said his father was always whistling, as the old Czechoslovakian might be digging their precious potato crop. It wasn't until much later that Vic learned his father had been whistling Mozart.

In his own way Vic was always whistling Mozart. He might be talking about zoning or budgeting for the library fund or mental health, but behind it was a complicated weaving of senses which made Vic Hruska an uncommon common man. That, I think, would be his favorite tribute.

THE HEROISM OF MR. NEIL NYBERG

Mr. RIEGLE. Mr. President, I would like to call to the attention of my colleagues a recent act of heroism by one of my constituents, Mr. Neil Nyberg of Battle Creek.

Mr. Nyberg was visiting his sister, a Christian missionary in Zaire, when the event occurred. He was assisting his sister in bringing a class of children to the Ubangi River on an excursion. One female student was apparently caught in the strong currents of the river and was swept downstream. Clearly, this was a life-threatening situation for the young girl.

Without regard for his own safety, Mr. Nyberg dove into the water and managed to drag the girl to the bank. At that moment, he noticed another girl being pulled into the current. Again, he plunged into the river, grabbed the unconscious girl, and brought her to safety.

Mr. President, there are thousands of such acts of heroism every year, and most go unnoticed. These dramatic events usually occur in situations where there is no time for thoughts or personal safety, or decisions of whether one should get involved. President Reagan stated that we do not need to turn to our history books to find heroes, that they are all around us. Mr. Nyberg is one such hero, two young girls are alive today through his efforts, and we can all be thankful that there are people like Mr. Nyberg in our midst.

COOL WATER COAL GASIFICATION PROGRAM

Mr. HAYAKAWA. Mr, President, I wish to call the attention of my distinguished colleagues to a significant energy event occurring in California.

The cool water coal gasification program in Daggett, Calif., has been joined by a Japanese consortium of companies. This involves a large number of great Japanese and American firms in a joint venture which will be of benefit to both Japan and the United States. At a time when there is so much economic rivalry between these nations, I think it is a piece of good news. Together, the program will build and operate a pioneer coal gasification plant. The plant will be operational in 1984.

I have more than once in my life stood at a place in the tapestry of history, where some of the more colorful and important threads in that tapestry came together.

I have that feeling now. Tuesday evening, I attended ceremonies which signal the start of a great joint venture between the land of my fathers and the land of my children. The Japanese partnership is composed of Tokyo Electric Power Co., Inc., Central Research Institute of Electric Power Industry, Toshiba Corp., and Ishikawajima-Harima Heavy Industries Co., Ltd. The U.S. participants are Southern California Edison Co., Electric Power Research Institute (EPRI), Texaco, Inc., Bechtel Power Corp., and General Electric Co.

The outcome of that venture will be a pioneering energy factory in the great State of California which I have the honor to represent. To think that all of these companies are working together to accomplish this project fills me with pride and gratification.

Mr. President, I ask all of my colleagues to join mc in wishing the cool water program every success.

GUN CONTROL

Mr. SYMMS. Mr. President, in statements these past several days, I have discussed the issue of gun control. I have expressed my dismay over a recent Federal district court decision which allows an Illinois community to disarm its own residents. Such a decision strikes at the foundation of our second amendment. In my view, the decision of the Federal district court in this matter was unwise and improper in light of the fundamental liberties involved.

The court in this case refused to address the fundamental underlying issue, which is that men have inalienable rights given not by man but by God. These rights that form a cornerstone of our heritage and culture are most specifically enumerated in the Bill of Rights—the first 10 amendments to our Constitution. These rights set forth the individual guarantees of personal liberties that we, as free men in an open and free society, enjoy. Paramount among these is the natural right of one to provide for the protection of himself, his family, and his property from aggression and tyranny.

The court unfortunately in this instance cavalierly dismissed any consideration of the real issue at hand and ruled instead that based on past court decisions the second amendment applies only to actions involving the Federal Government and, second, that the local ordinance does not conflict with the constitution of the State of Illinois. Such a court ruling cannot stand unanswered. Such a ruling implies that the right to keep and bear arms is not an individual right but rather is something that may or may not exist depending upon the whim of a State or local ruling body. We as a people need to reaffirm that as a Nation of free men we insist upon our right to keep and bear arms that our liberty may be vouchsafed. As Pope John Paul II said in his most recent New Year's message:

> [I]n the name of an elementary requirement of justice, peoples have a right and even a duty to protect their existence and freedom by proportionate means against an unjust aggressor.

Whether an unjust aggressor be an individual criminal or an entire nation, the fact remains and events in our cities and on the world scene only emphasize, that we must be able to provide protection for ourselves, our families, and our property.

The founders of our Nation were very much aware that individual and national freedom rests upon men having the ability of individually and collectively opposing an aggressor. Such was a natural right not dependent upon the good graces of any government or ruling body nor dependent upon any manmade law, for as Frederick Bastiat stated:

Law is solely the organization of the individual right of self-defense which existed before law was formulated.

So conscious of this and jealous of the rights they had won in the War of Independence, the people of the former colonies refused to ratify a constitution unless it contained specific guarantees. These guarantees were designed to protect them from actions by a Federal Government to the same extent they felt themselves already protected from the actions of State government. These guarantees were not collective rights but individual rights.

In vain did Hamilton, writing as Publius in "The Federalist Papers," argue:

Here, in strictness, the people surrender nothing; and as they retain everything they have no need of particular reservations. "We, the people of the United States, to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Here is a better recognition of popular rights. . . . The truth, is, after all the declarations we have heard, that the Constitution is itself, in every rational sense, and to every useful purpose, A Bill of Rights.

The people and the States did not accept this. They were not willing to see freedoms, recently won, jeopardized by mere promises of good faith on the part of a government as yet untested. As Madison, also writing as Publius in "The Federalist Papers," stated:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny . . . mere declarations in the written Constitution are not sufficient to restrain the several departments within their legal rights.

Madison recognized that the people of the time viewed with suspicion a new and more powerful Federal Government that might not accord the same deference to individual rights as was done at the local level. In "Federal Bill of Rights: Legislative History," Madison wrote:

[T]he great mass of people who opposed it disliked it because it did not contain effecutal provisions against encroachment on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power: nor ought we to consider them safe. . . .

Madison then goes on and says that this objection of not having adequate protections for those individual rights universally recognized at the State and local levels may be corrected by merely adding a Bill of Rights so to, "satisfy the public mind that their liberties will be perpetual. . ." Madison was, however, not naive enough to suppose that a mere declaration of rights was enough to protect liberties from encroachment by oppression. Any bill of rights must contain a right that allows for the keeping and preservation of all other rights. Again, writing as Publius in "The Federalist Papers," Madison contrasts the governments of Europe who are afraid to trust the people with arms and aptly points out that this right of owning and possessing arms is an advantage, "which Americans possess over the people of almost every other nation." And why is this an advantage? Because as Madison again states in "The Federalist Papers," this would allow:

[C]itizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties. . . . Let us not insult the free and gallant citizens of America with the suspicion that they would be less able to defend the rights of which they would be in actual possession than the debased subjects of arbitrary power would be to rescue theirs from the hands of their oppressors.

It is an incorrect assumption that the founders of our Nation and those involved in its struggle for freedom would give so much consideration to the perpetuation of a natural right at one level of government and yet allow for the existence of that very same right to be secured only by the capricious nature of another level of government. The founders of our Nation perhaps incorrectly assumed that the spirit which actuates the State legislatures and local governments would be subject to the jealous guarding of individual rights. As Jefferson wrote in a personal letter:

[M]y confidence is that there will for a long time be virtue and good sense enough in our countrymen to correct abuses. . . .

Madison saw local, State, and Federal levels of government acting to correct the abuses of each other and of themselves:

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments and then the portion allotted to each subdivided among distinct and separate departments. Hence, a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

There were no prohibitions on the ownership of firearms in the States at that time. State and local governments were too fresh from the hands of oppression. Eight of the original 13 States enacted provisions in their State constitutions to emphasize the necessity of the right to keep and bear arms. Connecticut revamping its original colonial charter, succinctly summarized this individual right at the time by stating:

Every citizen has a right to bear arms in defense of himself and the state.

The need for a declaration of rights to the Federal Constitution and the existence of these rights as belonging to the individual is aptly pointed out by Jefferson in a letter to James Madison:

I hope therefore a bill of rights will be formed to guard the people against the federal government, as they are already guarded against their state governments. . . .

Writing in the spring 1981, George Mason University Law Review, Stephen P. Halbrook summed up the matter:

It is easy to understand why the Bill of Rights as adopted contained the well-known provision in Article II: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." That the term "militia" meant all the people was evident from the version of the amendment that passed the House of Representatives, *to wit*: "A well regulated militia, composed of the body of the People, being the best security of a free State, the right of the People to keep and bear arms, shall not be infringed. . ." The phrase concerning the body of the people was not contained in the Senate version, which was ratified, since this meaning of "militia" had been evident to all since the adoption of the Virginia Declaration of Rights in 1776. Further, the reference to "the people" in the second amendment left no doubt as to who possessed the right just as it is clear that each individual is part of "the people" referred to in the first, fourth, ninth and tenth amendments. However, the specific rejection by the Senate of a proposal to add "for the common defense" after "to keep and bear arms" was meant to preclude any construction that arms bearing was restricted to militia use and to common defense against foreign aggression or domestic tyranny, for some proposals for the amendment added other purposes, such as individual self defense or hunting. In sum, in the *weltanschauung* of 1789, the second amendment recognized an individual right to keep and bear arms for a variety of purposes.

As with all rights, no right is absolute. There are areas of legitimate State interest and need for control. As Jefferson pointed out:

A declaration that the federal government will never restrain the presses from printing anything they please, will not take away the liability of the printers for false facts printed. The declaration that religious faith shall be unpunished, does not give impunity to criminal acts dictated by religious error.

So it is with the right to keep and bear arms. The law cannot and should not be required to allow any use of a firearm deemed appropriate by an individual anymore than the law should allow freedom of speech to be used for libel or slander or the right of assembly to be used for inciting violence. Such abuses of the right to keep and bear arms have been addressed in the National Firearms Act of 1934, the Omnibus Crime Control and Safe Streets Act of 1968, and the Gun Control Act of 1968.

We are not dealing with liberties needed in a long ago era which have subsequently outgrown their usefulness in a modern, sophisticated world. The genius of the Constitution is that it deals with and makes provisions for dangers to human freedom that have always existed and will continue to

exist. It deals not with an era of time which changes with advances in science and technology but with the nature of man which is timeless and never changes. We are dealing with the relationship of man with man and man with government. How envious the people of Poland must be of our Bill of Rights. Yet many Soviet bloc countries, and even the Soviet Union itself, have state documents which declare individual freedoms of speech, assembly, religion, and so on. And yet the people have none of these freedoms in practice. The reason they do not is because the people do not have the means to enforce their rights against the state. Afghanistan has not been swallowed whole by the Soviet Union because it is peopled by fiercely independent and proud men and women with rifles, pistols, and glass containers filled with gasoline. The people of Afghanistan have never allowed themselves to be disarmed and now are thankful for it.

Today, there are few in our Nation who view the Bill of Rights as something which required blood and sacrifice to bring into being. To them it has always existed and they have always benefited from it as a matter of course. As beneficiaries of a heritage of freedom, we cannot view any right contained in our Bill of Rights with complacency. Experience has shown that encroachment of one right leads to the loss of all. The Federal judge, in writing his opinion approving the city ordinance which prohibits the possession of handguns, exercised more foresight than he probably intended when he said of the handgun ban ordinance:

Many social experiments have only small beginnings.

As free men we cannot allow this social experiment—no matter how small its beginning—to infringe upon our right to keep and bear arms.

Past lessons show us that rights once given are seldom recovered.

Many years have passed and many generations have come and gone since the right to keep and bear arms was an issue decided on our Nation's soil. We must equate the same status to the second amendment that has been given other freedoms contained in the Bill of Rights. It is the second amendment that gives life and force to our entire Constitution and establishes the relationship between a people and their governments at all levels. Freedom is still the issue.

MESSAGE FROM THE HOUSE

At 3:41 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 64. Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious freedom in the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Vice Adm. Kinnaird R. McKee, U.S. Navy, to be admiral; in the Army National Guard there are three appointments to the grade of major general and below (list begins with Calvin G. Franklin); Lt. Gen. James H. Ahmann, U.S. Air Force, to be reassigned in current grade to a position designated by the President; and in the Marine Corps there are five promotions to the grade of major general (list begins with Roy E. Moss). I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Army there are 18,822 permanent promotions to the grade of colonel and below (list begins with Rudolph E. Abbott); in the Air National Guard there are 19 promotions to the grade of lieutenant colonel (list begins with John L. Bradley III); in the Army Reserve there are 189 promotions/appointments to the grade of colonel and below (list begins with Bobby A. Boorigie); in the Army Reserve and National Guard there are 1,629 promotions/appointments to the grade of colonel (list begins with Gerard P. Conva); in the Navy there are 299 permanent promotions to the grade of captain (list begins with Raymond W. Addicott); in the Navy and Naval Reserve there are nine permanent promotions to the grade of commander and below (list begins with Carl V. Catlin); in the Navy and Naval Reserve there are 44 permanent promotions to the grade of lieutenant commander (list begins with Barry M. Amos); in the Marine Corps there are 50 permanent promotions to the grade of second lieutenant (list begins with Rodney M. Hale); and in the Marine Corps there are 50 permanent appointments to the grade of second lieutenant (list begins with Helen Budler). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 8 and 22, 1982, at the end of the Senate proceedings.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Cathie A. Shattuck, of Colorado, to be a member of the Equal Opportunity Commission for the term expiring July 1, 1985.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. LUGAR and Mr. RIEGLE):

S. 2139. A bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States; to the Committee on Finance.

By Mr. COHEN (by request):

S. 2140. A bill to provide for the use and distribution of Seminole judgment funds in Dockets 73 and 151, and 73-A, before the Indian Claims Commission, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. DURENBERGER:

S. 2141. A bill to amend the Internal Revenue Code of 1954 to treat as a reasonable need of a business for purposes of the accumulated earnings tax any accumulation of earnings by such business before the death of a shareholder in anticipation of section 303(a) distributions, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. HEINZ and Mr. MOYNIHAN):

S. 2142. A bill to amend the Social Security Act to provide for a new system of utilization and quality control peer review under the medicare program; to the Committee on Finance.

By Mr. BAUCUS:

S. 2143. A bill for the relief of Yuk Chuen Leung; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 2144. A bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. RIEGLE:

S. 2145. A bill to amend the Consolidated Farm and Rural Development Act to change the conditions of eligibility for, and the amount of, financial assistance made with respect to agricultural production losses caused by disaster; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KASSEBAUM (for herself and Mr. DOLE):

S.J. Res. 150. Joint resolution to authorize and request the President to designate May 20, 1982, as "Amelia Earhart Day"; to the Committee on the Judiciary.

By Mr. TSONGAS:

S.J. Res. 151. Joint resolution designating Sunday, August 1, 1982, as "National Day of Peace"; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S.J. Res. 152. Joint resolution providing for the designation of the week beginning April 25, 1982 and ending May 1, 1982 as "National Dance Week"; to the Committee on the Judiciary.

By Mr. RIEGLE:

S.J. Res. 153. Joint resolution designating Baltic Freedom Day; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DIXON (for himself, Mr. LEAHY, Mr. MATHIAS, Mr. METZENBAUM, and Mr. MOYNIHAN):

S. Res. 325. Resolution expressing the sense of the Senate that a supplemental appropriation should be enacted to restore full funding of the WIN program; to the Committee on Appropriations.

By Mr. TSONGAS:

S. Res. 326. Resolution relating to the imprisonment of Yuri Badzyo; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself, Mr. CANNON, Mr. RANDOLPH, Mr. BAUCUS, Mr. STENNIS, Mr. WILLIAMS, Mr. MATSUNAGA, Mr. MELCHER, Mr. GOLDWATER, Mr. D'AMATO, Mr. SYMMS, Mrs. KASSEBAUM, Mr. WEICKER, Mr. BOSCHWITZ, Mr. HOLLINGS, and Mr. ZORINSKY):

S. Res. 327. Resolution to designate March 1982 as "National Eye Donor Month"; to the Committee on the Judiciary.

By Mr. STEVENS (for Mr. THURMOND):

S. Res. 328. Resolution commending Douglas B. Hester, the Legislative Counsel of the Senate, for his service to the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 2141. A bill to amend the Internal Revenue Code of 1954 to treat as a reasonable need of a business for purposes of the accumulated earnings tax any accumulation of earnings by such business before the death of a shareholder in anticipation of section 303(a) distributions, and for other pruposes; to the Committee on Finance.

FAMILY BUSINESS PRESERVATION ACT

Mr. DURENBERGER. Mr. President, family-owned businesses have formed the backbone of the American economy for more than 200 years. Last year we took a number of critical steps in the estate tax area to remove the barriers to passing these family-owned businesses to surviving spouses and future generations. But further action remains to be taken. The Family Business Preservation Act that I introduce today will modify a provision of the Income Tax Code that inhibits families from taking actions during their lifetimes to mitigate the need to sell the business at death. It will also broaden the test for qualification for extended payment of estate taxes to permit shareholders of corporations with 25 or fewer shareholders to qualify.

Our income tax laws pose an imposing barrier to owners of businesses who want to accumulate earnings in the corporation for the payment of future estate taxes. The problem is especially severe for businesses that have a high market value compared with their annual earnings. Corporations are taxed, in addition to the regular corporate tax, at a rate of 27½ to 38½ percent on earnings accumulated each year in excess of $250,000. An exception is made for accumulations for "reasonable business needs," section 537 of the code defines "reasonable business needs" to include accumulations to redeem stock in the year the shareholder dies and years thereafter. But what about the business that has relatively low annual earnings compared to its market value? Heirs will have a large estate tax to pay and yet the corporation will have insufficient annual earnings to redeem the stock for the necessary liquidity.

Family-owned newspapers—the independent newspapers so vital to the free press in our country—are especially hard hit by this accumulation rule. The Wall Street Journal, on August 19, 1981, told the story of the Salisbury (N.C.) Post. The paper with a circulation of 24,700 had earnings of $400,000 the previous year on revenues of about $4 million. The asset value was $3 million, but the market value was about $20 million. Even with the $600,000 exclusion that will be phased in by 1987, the estate tax would be $9.8 million, or 24½ times annual earnings.

My bill would provide relief for businesses facing this situation by expanding the definition of "reasonable business needs," which already permits accumulations to redeem stock after death, to include such accumulations prior to death. These accumulations would be made with aftertax dollars as opposed to pretax dollars that would deprive the Federal Government of revenue from the corporate tax.

Enactment of this legislation would permit businesses to establish a program to set aside funds for redemption of stock at the death of a major shareholder, to undertake the planning so essential for avoiding undue disruption at the time of the death of a principal owner. By taking these steps a business could avoid the necessity of selling to a larger corporation—to a chain, in the case of newspapers—just to meet the liquidity demands of the estate tax.

The bill also deals with a related problem that sometimes hampers family owned businesses from utilizing the provisions of section 6166 of the code to extend the payment of estate taxes over a period of years. One of the three tests to qualify for extended payment is a requirement that the business have 15 or fewer shareholders. Businesses that have been in the family several generations often have more than 15 shareholders even though they are still held by the family. My bill would increase the maximum number of shareholders to 25 to conform section 6166 to the changes made in the Economic Recovery Tax Act last year on the maximum number of shareholders for eligibility for subchapter S treatment.

Mr. President, few actions we took in the Economic Recovery Tax Act were as long overdue and inherently fair as the added protection we afforded small estates from taxes. Small businesses are more important today than they have ever been, and our commitment to protect family-owned businesses from being devastated by estate taxes cannot end with ERTA.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Business Preservation Act".

SEC. 2. SECTION 303 REDEMPTION NEEDS OF A BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 537(b) of the Internal Revenue Code of 1954 (relating to section 303 redemption needs) is amended to read as follows:

"(1) SECTION 303 REDEMPTION NEEDS.—The term 'section 303 redemption needs' means, with respect to any taxable year of the corporation, the amount needed (or reasonably anticipated in such taxable year to be needed) in such taxable year or any subsequent taxable year to make redemptions of those shares of stock of such corporation to which section 303(a) applies (or to which such corporation reasonably anticipates section 303(a) may apply).".

(b) CONFORMING AMENDMENT.—Subsection (b) of section 537 of such Code (relating to special rules) is amended by striking out paragraph (5).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1982.

SEC. 3 COORDINATION OF SECTION 6166 WITH SUBCHAPTER S.

(a) IN GENERAL.—Paragraph (1) of section 6166(b) of the Internal Revenue Code of 1954 (relating to interest in a closely held business) is amended by striking out "15" in subparagraphs (B)(ii) and (C)(ii) and inserting in lieu thereof "25".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to estates of decedents dying after December 31, 1982.

By Mr. DURENBERGER (for himself, Mr. HEINZ, and Mr. MOYNIHAN):

S. 2142. A bill to amend the Social Security Act to provide for a new system of utilization and quality control peer review under the medicare program; to the Committee on Finance.

PEER REVIEW IMPROVEMENT ACT OF 1982

Mr. DURENBERGER. Mr. President, on behalf of myself and Senators HEINZ and MOYNIHAN, I am introducing legislation to redirect, simplify, and enhance the cost-effectiveness of the professional standards review organizations program under medicare.

As chairman of the Health Subcommittee of the Senate Committee on Finance, I held hearings on the PSRO program last year. Based on the information presented at those hearings, and on experiences with the PSRO program in Minnesota, I am convinced that we cannot afford to abandon the program, nor can we afford to retain it in its present form.

Once again the PSRO program has been targeted for elimination in the proposed Federal budget. In fact, the budget purports to assume a savings from this proposed action. I question that assumption. In hearings before the subcommittee last year even the most severe critical analysis of the program concluded that its costs are about equal to its savings. That analysis, which was performed by CBO, was based on an evaluation of all PSRO's, the effective ones as well as the ineffective ones.

Last year we approved legislation that would eliminate the poor performers. Some 54 PSRO's out of a total of 151 are being eliminated this year. To date, 36 PSRO's have been dropped from the program. What that leaves us with, then, is a proposal to eliminate the effective ones.

According to preliminary discussions with the Congressional Budget Office we can expect an increase in medicare costs, not a decrease, if the remaining PSRO's are eliminated.

The PSRO program was established in 1972 as a result of rapidly increasing costs of medicare and medicaid and the failure of the existing utilization and claims review mechanisms to deal with widespread inappropriate usage of costly health care services—problems that remain with us today.

Peer review affords practicing physicians an opportunity on a voluntary and publicly accountable basis to undertake review of the medical necessity and quality of care provided. From the successes of peer review we have learned that the concept is a valid one, that physicians are willing to work cooperatively with others to assure the effective, efficient, and economical delivery of health care services of proper quality. We have learned that we can reduce, and perhaps ultimately eliminate, unnecessary services which increase risks to patients and waste valuable resources that are needed elsewhere. Most importantly, we have learned that we can accomplish these things through an effective partnership between the Government and the private sector.

But we have also learned from the failures of the PSRO program. We have learned that overregulation and too detailed specifications in laws can restrict innovation in new approaches to review. We have learned that the private sector must be encouraged to institute approaches designed to assure quality while eliminating unnecessary services so that we do not end up with a mere shifting of the costs of health care. And we have learned that administrative functions of organizations engaged in review activities can be arranged in a more cost-effective manner.

Starting in the late 1970's, the effectiveness of PSRO's became a subject of debate both within the administration and the Congress. Although no one has come up with a fully reliable measure of the cost effectiveness of the program, one thing has become clear, there are effective PSRO's as well as ineffective ones.

The legislation I am proposing would capitalize on the positive results of the effective PSRO's through entering into performance-based contracts with them. Eliminated would be the use of Federal grants to support PSRO's. PSRO's as well as any other review entities utilized by medicare would have to prove their effectiveness and value in the marketplace in order to continue their existence.

Mr. President, with medicare costs increasing at record levels we are going to need all the help we can get to moderate the cost of this program and assure quality services for our elderly citizens. Where we have effective private review organizations, we should use them, where they are ineffective they should not be supported. It's as simple as that.

It is curious that while all of the debate is going on in Washington regarding PSRO's, private employers as well as insurers are seeking to contract with PSRO's having proven track records. I think that there is something to be learned here.

Surely medicare, as the largest purchaser of health care in the Nation, should avail itself of cost effective review arrangements where they are available. It would be irresponsible to do otherwise.

What we in Congress, what those in the administration, and what individuals and companies in the private sector have been attempting to do is assure that our limited health care dollars are spent in a fashion that provides for accountability.

We are seeking a common objective and I believe that the legislation I am introducing today will help us meet that objective.

Last year my distinguished colleague, Senator MAX BAUCUS, ranking minority member on the Subcommittee on Health, introduced legislation to make PSRO's more cost effective. Although there are differences in approach between his bill and mine, there are many similarities, and certainly they are identical in intent.

Accordingly, I look forward to working with Senator BAUCUS during forthcoming hearings and Finance Committee action on this important legislation.

Mr. President, I ask unanimous consent that a summary of the major differences between the proposal and existing law as well as the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Peer Review Improvement Act of 1982".

REQUIREMENT FOR SECRETARY TO ENTER INTO CONTRACTS

SEC. 2. Section 1862 of the Social Security Act is amended—

(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) The Secretary shall, in making the determinations under subsection (a) (1), and for the purposes of promoting the effective, efficient, and economical delivery of health care services, and of promoting the quality of services of the type for which payment may be made under this title, enter into contracts with utilization and quality control peer review organizations pursuant to part B of title XI of this Act.".

ESTABLISHMENT OF UTILIZATION AND QUALITY CONTROL PEER REVIEW PROGRAM

SEC. 3. Part B of title XI of the Social Security Act is amended to read as follows:

"Part B—PEER REVIEW OF THE UTILIZATION AND QUALITY OF HEALTH CARE SERVICES

"PURPOSE

"SEC. 1151. The purpose of this part is to establish the contracting process which the Secretary must follow pursuant to the requirements of section 1862(b) of this Act, including the definition of the utilization and quality control peer review organizations with which the Secretary may contract, the functions such peer review organizations are to perform, the method of reimbursement for performance of such functions, the confidentiality of medical records, and related administrative matters to facilitate the carrying out of the purposes of this part.

"DEFINITION OF UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION; OTHER DEFINITIONS

"SEC. 1152. (a) The term 'utilization and quality control peer review organization' means an entity which—

"(1)(A) is composed of a substantial number of the licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in the area, designated by the Secretary under section 1153, with

respect to which the entity shall perform services under this part, or (B) has available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in such area to assure that adequate peer review of the services provided by the various medical specialties and subspecialties can be assured; and

"(2) is able, in the judgment of the Secretary, to perform review functions required under section 1154 and to perform quality review studies as defined in subsection (b).

"(b) The term 'quality review study' means a review of the pattern of quality of care in an area of medical practice where actual performance is measured against objective criteria which define acceptable and adequate practice.

"CONTRACTS WITH UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS

"SEC. 1153. (a) (1) The Secretary shall establish throughout the United States geographic areas with respect to which contracts under this part will be made. In establishing such areas, the Secretary shall use the same areas as established under section 1152 of this Act as in effect immediately prior to the date of the enactment of the Utilization and Quality Control Peer Review Act of 1982, but subject to the provisions of paragraph (2).

"(2) As soon as practicable after the date of the enactment of the Utilization and Quality Control Peer Review Act of 1982, the Secretary shall consolidate such geographic areas, taking into account the following criteria:

"(A) each State shall generally be designated as a geographic area for purposes of paragraph (1).

"(B) the Secretary shall establish local or regional areas rather than State areas only where the volume of review activity or other relevant factors (as determined by the Secretary) warrant such an establishment, and the Secretary determines that review activity can be carried out with equal or greater efficiency by establishing such local or regional areas. In applying this subparagraph the Secretary shall take into account the number of hospital admissions within each State for which payment may be made under title XVIII, with any State having fewer than 150,000 such admissions annually being established as a single statewide area, and no local or regional area being established which has fewer than 75,000 such admissions annually, unless the Secretary determines that other relevant factors warrant otherwise.

"(C) no local or regional area shall be designated which is not a self-contained medical service area, having a full spectrum of services, including medical specialists' services.

"(b)(1) The Secretary shall enter into a contract with a utilization and quality control peer review organization for each area established under subsection (a) if a qualified organization is available in such area and is willing to enter into such a contract.

"(2) If the Secretary determines that there is no organization available for an area which meets the requirements of section 1152(a), the Secretary may enter into a contract for that area with any other organization which the Secretary determines is capable of carrying out the functions described in section 1154, and for purposes of this part (other than section 1152(a)) such an organization shall be considered to be a utilization and quality control peer review organization.

"(c) Each contract under this section shall provide that—

"(1) the organization shall perform the functions set forth in section 1154(a);

"(2) the contract shall be for an initial term of two years and shall be renewable on an annual basis thereafter;

"(3) the Secretary shall have the right to evaluate the quality and effectiveness of the organization in carrying out the functions specified in the contract;

"(4) the organization may terminate the contract upon 90 days notice to the Secretary;

"(5) the Secretary may terminate the contract upon 90 days notice to the organization if the Secretary determines that—

"(A) the organization does not substantially meet the requirements of section 1152(a), but this subparagraph shall not apply in the case of an organization which entered into such contract under the provisions of subsection (a)(2) of this section;

"(B) the organization has failed substantially to carry out the contract; or

"(C) the organization is carrying out the contract in a manner inconsistent with the efficient and effective administration of this part, but only after such organization has had an opportunity to submit data and have such data reviewed by the panel established under subsection (d);

"(6) the Secretary and the organization shall include in the contract negotiated objectives against which the organization's performance will be judged, and negotiated specifications for use of regional norms, or modifications thereof based on national norms, for performing review functions under the contract; and

"(7) payments shall be made to the organization in the same manner as payments are made to organizations under sections 1816 and 1842.

"(d)(1) Prior to making any termination under subsection (c)(5)(C), the Secretary must provide the organization with an opportunity to provide data, interpretations of data, and other information pertinent to its performance under the contract. Such data and other information shall be reviewed by a panel appointed by the Secretary, and the panel shall submit a report of its findings to the Secretary as soon as possible after such review. The Secretary shall make a copy of the report available to the organization.

"(2) The Secretary may accept or not accept the findings of the panel. After the panel has submitted a report with respect to an organization, the Secretary may, with the concurrence of the organization, amend the contract to modify the scope of the functions to be carried out by the organization, or in any other manner. The Secretary may terminate a contract under the authority of subsection (c)(5)(C) upon 90 days notice after the panel has submitted a report, or earlier if the organization so agrees.

"(3) A panel appointed by the Secretary under this subsection shall consist of not more than five individuals, each of whom shall be a member of a utilization and quality control peer review organization having a contract with the Secretary under this part. While serving on such panel individuals shall be paid at a per diem rate not to exceed the the current per diem equivalent at the time that service on the panel is rendered for grade GS-18 under section 5332 of title 5, United States Code. Appointments shall be made without regard to title 5, United States Code, and the provisions of section 14 of the Federal Advisory Committee Act shall not apply to the panel.

"(e) Contracting authority of the Secretary under this section may be carried out without regard to any provision of law relating to the making, performance, amendment, or modification of contracts of the United States as the Secretary may determine to be inconsistent with the purposes of this part. The Secretary may use different contracting methods with respect to different geographical areas.

"(f) Any determination by the Secretary to terminate a contract under this section shall not be subject to judicial review.

"FUNCTIONS OF PEER REVIEW ORGANIZATIONS

"SEC. 1154. (a) Any utilization and quality control peer review organization entering into a contract with the Secretary under this part must perform the following functions:

"(1) The organization shall review the professional activities in the area of physicians and other health care practitioners and institutional and noninstitutional providers of health care services in the provision of health care services and items for which payment may be made (in whole or in part) under title XVIII for the purpose of determining whether—

"(A) such services and items are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services and items are proposed to be provided in a hospital or other health care facility on an inpatient basis, such services and items could, consistent with the provision of appropriate medical care, be effectively provided more economically on an outpatient basis or in an inpatient health care facility of a different type.

"(2) The organization shall determine, on the basis of the review carried out under paragraph (1), whether payment shall be made for services under title XVIII. Such determination shall constitute the conclusive determination on those issues for purposes of payment under title XVIII, except that payment may be made if—

"(A) in the case of a claimant who is an individual entitled to benefits under title XVIII, the claimant did not know or could not be reasonably expected to know that a claim for payment of covered services or items had been denied;

"(B) in the case of inpatient hospital services or posthospital extended care services, the peer review organization determines that additional time is required in order to arrange for postdischarge care, but payment may be continued under this subparagraph for not more than two days;

"(c) such determination is changed as the result of any hearing or review of the determination under section 1155; or

"(D) such payment is authorized under section 1861(v)(1)(G).

"(3) Whenever the organization makes a determination that any health care services or items furnished or to be furnished by any practitioner or provider are disapproved, the organization shall promptly notify such practitioner or provider and the agency or organization responsible for the payment of claims under this Act. In the case of practitioners and providers of services, the organization shall provide an opportunity for discussion and review of the determination.

"(4) The organization shall, after consultation with the Secretary, determine the types and kinds of cases (whether by type of health care or diagnosis involved, or whether in terms of other relevant criteria relating to the provision of health care services) with respect to which such organization will, in order to most effectively carry out the purposes of this part, exercise review authority under the contract. The organization shall notify the Secretary periodically with respect to such determinations.

"(5) The organization shall consult (with such frequency and in such manner as may be prescribed by the Secretary) with representatives of health care practitioners (other than physicians described in section 1861(r)(1)) and of institutional and noninstitutional providers of health care services, with respect to the organization's responsibility for the review under paragraph (1) of the professional activities of such practitioners and providers.

"(6) The organization shall, consistent with the provisions of its contract under this part, apply professionally developed norms of care, diagnosis, and treatment based upon typical patterns of practice within the geographic area served by the organization as principal points of evaluation and review, taking into consideration national norms where appropriate. Such norms with respect to treatment for particular illnesses or health conditions shall include—

"(A) the types and extent of the health care services which, taking into account differing, but acceptable, modes of treatment and methods of organizing and delivering care, are considered within the range of appropriate diagnosis and treatment of such illness or health condition, consistent with professionally recognized and accepted patterns of care; and

"(B) the type of health care facility which is considered, consistent with such standards, to be the type in which health care services which are medically appropriate for such illness or condition can most economically be provided.

"(7) The organization, to the extent necessary and appropriate to the performance of the contract, shall—

"(A) make arrangements to utilize the services of persons who are practitioners of, or specialists in, the various areas of medicine (including dentistry), or other types of health care, which persons shall, to the maximum extent practicable, be individuals engaged in the practice of their profession within the area served by such organization;

"(B) undertake such professional inquiries either before or after, or both before and after, the provision of services with respect to which such organization has a responsibility for review which in the judgment of such organization will facilitate its activities;

"(C) examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such organization has a responsibility for review under paragraph (1); and

"(D) inspect the facilities in which care is rendered or services are provided (which are located in such area) of any practitioner or provider of health care services providing services with respect to which such organization has a responsibility for review under paragraph (1).

"(8) The organization shall perform such duties and functions and assume such responsibilities and comply with such other requirements as may be required by this part or under regulations of the Secretary promulgated to carry out the provisions of this part.

"(9) The organization shall collect such information relevant to its functions, and keep and maintain such records, in such form as the Secretary may require to carry out the purposes of this part, and shall permit access to and use of any such information and records as the Secretary may require for such purposes, subject to the provisions of section 1160.

"(10) The organization shall coordinate activities, including information exchanges, which are consistent with economical and efficient operation of programs among appropriate public and private agencies or organizations including—

"(A) agencies under contract pursuant to sections 1816 and 1842 of this Act;

"(B) other peer review organizations having contracts under this part; and

"(C) other public or private review organizations as may be appropriate.

"(11) The organization shall make available its facilities and resources for contracting with private and public agencies paying for health care in its area for review, as feasible and appropriate, of services reimbursed by such agencies for utilization and quality control activities provided under contract with the Secretary or the States under this part.

"(b)(1) No physician shall be permitted to review—

"(A) health care services provided to a patient if he was directly responsible for providing such services; or

"(B) health care services provided in or by an institution, organization, or agency, if he or any member of his family has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

"(2) For purposes of this subsection, a physician's family includes only his spouse (other than a spouse who is legally separated from him under a decree of divorce or separate maintenance), children (including legally adopted children), grandchildren, parents, and grandparents.

"(c) No utilization and quality control peer review organization shall utilize the services of any individual who is not a duly licensed doctor of medicine or osteopathy to make final determinations in accordance with its duties and functions under this part with respect to the professional conduct of any other duly licensed doctor of medicine or osteopathy, or any act performed by any duly licensed doctor of medicine or osteopathy in the exercise of his profession.

"RIGHT TO HEARING AND JUDICIAL REVIEW

"SEC. 1155. Any beneficiary or recipient who is entitled to benefits under title XVIII, and any practitioner or provider, who is dissatisfied with a determination made by a contracting peer review organization in conducting its review responsibilities under this part, shall be entitled to a reconsideration of such determination. Where the reconsideration is adverse to the beneficiary or recipient and where the matter in controversy is $100 or more, such beneficiary or recipient shall be entitled to a hearing by the Secretary (to the same extent as is provided in section 205(b)), and, where the amount in controversy is $1,000 or more, to judicial review of the Secretary's final decision.

"OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES; SANCTIONS AND PENALTIES; HEARINGS AND REVIEW

"SEC. 1156. (a) It shall be the obligation of any health care practitioner and any other person (including a hospital or other health care facility, organization, or agency) who provides health care services for which payment may be made (in whole or in part) under title XVIII, to assure, to the extent of his authority that services or items ordered or provided by such practitioner or person to beneficiaries and recipients under such title—

"(1) will be provided economically and only when, and to the extent, medically necessary; and

"(2) will be of a quality which meets professionally recognized standards of health care.

"(b)(1) If after reasonable notice and opportunity for discussion with the practitioner or person concerned, any organization having a contract with the Secretary under this part determines that such practitioner or person has violated an obligation described in subsection (a), such organization shall submit a report and recommendations to the Secretary. If the Secretary determined that such practitioner or person in providing health care services over which such organization has review responsibility and for which payment (in whole or in part) may be made under title XVIII has—

"(A) by failing in a substantial number of cases substantially to comply with any obligation imposed on him under subsection (a), or

"(B) by grossly and flagrantly violating any such obligation in one or more instances,

demonstrated an unwillingness or a lack of ability substantially to comply with such obligations, the Secretary (in addition to any other sanction provided under law) may exclude (permanently or for such period as the Secretary may prescribe) such practitioner or person from eligibility to provide such services on a reimbursable basis. If the Secretary fails to act upon the recommendations submitted to him by such organization within 120 days after such submission, such practitioner or person shall be excluded from eligibility to provide services on a reimbursable basis until such time as the Secretary determines otherwise.

"(2) A determination made by the Secretary under this subsection shall be effective at such time and upon such reasonable notice to the public and to the practitioner or person furnishing the services involved as may be specified in regulations. Such determination shall be effective with respect to services furnished to an individual on or after the effective date of such determination (except that in the case of institutional health care services such determination shall be effective in the manner provided in title XVIII with respect to terminations of provider agreements), and shall remain in effect until the Secretary finds and gives reasonable notice to the public that the basis for such determination has been removed and that there is reasonable assurance that it will not recur.

"(3) In lieu of the sanction authorized by paragraph (1), the Secretary may require that (as a condition to the continued eligibility of such practitioner or person to provide such health care services on a reimbursable basis) such practitioner or person pays to the United States, in case such acts or conduct involved the provision or ordering by such practitioner or person of health care services which were medically improper or unnecessary, an amount not in excess of the actual or estimated cost of the medically improper or unnecessary services so pro-

vided, or (if less) $5,000. Such amount may be deducted from any sums owing by the United States (or any instrumentality thereof) to the practitioner or person from whom such amount is claimed.

"(4) Any practitioner or person furnishing services described in paragraph (1) who is dissatisfied with a determination made by the Secretary under this subsection shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205 (b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205 (g).

"(c) It shall be the duty of each utilization and quality control peer review organization to use such authority or influence it may possess as a professional organization, and to enlist the support of any other professional or governmental organization having influence or authority over health care practitioners and any other person (including a hospital or other health care facility, organization, or agency) providing health care services in the area served by such review organization, in assuring that each practitioner or person (referred to in subsection (a)) providing health care services in such area shall comply with all obligations imposed on him under subsection (a).

"LIMITATION ON LIABILITY

"SEC. 1157. (a) Notwithstanding any other provision of law, no person providing information to any organization having a contract with the Secretary under this part shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless—

"(1) such information is unrelated to the performance of the contract of such organization; or

"(2) such information is false and the person providing it knew, or had reason to believe, that such information was false.

"(b) No person who is employed by, or who has a fiduciary relationship with, any such organization or who furnishes professional services to such organization, shall be held by reason of the performance by him of any duty, function, or activity required or authorized pursuant to this part or to a valid contract entered into under this part, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided he has exercised due care.

"(c) No doctor of medicine or osteopathy and no provider (including directors, trustees, employees, or officials thereof) of health care services shall be civilly liable to any person under any law of the United States or of any State (or political subdivision thereof) on account of any action taken by him in compliance with or reliance upon professionally developed norms of care and treatment applied by an organization under contract pursuant to section 1153 operating in the area where such doctor of medicine or osteopathy or provider took such action; but only if—

"(1) he takes such action in the exercise of his profession as a doctor of medicine or osteopathy or in the exercise of his functions as a provider of health care services; and

"(2) he exercised due care in all professional conduct taken or directed by him and reasonably related to, and resulting from, the actions taken in compliance with or reliance upon such professionally accepted norms of care and treatment.

"(d) The Secretary shall make payment to an organization under contract with him pursuant to this part, or to any member or employee thereof, or to any person who furnishes legal counsel or services to such organization, in an amount equal to the reasonable amount of the expenses incurred, as determined by the Secretary, in connection with the defense of any suit, action, or proceeding brought against such organization, member, or employee related to the performance of any duty or function under such contract by such organization, member, or employee.

"APPLICATION OF THIS PART TO CERTAIN STATE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

"SEC. 1158. (a) A State plan approved under any title of this Act, under which health care services are paid for in whole or in part with Federal funds, may provide that the functions specified in section 1154 may be performed in an area by contract with a utilization and quality control peer review organization that has entered into a contract with the Secretary in accordance with the provisions of section 1862 (b).

"(b) In the event a State enters into a contract in accordance with subsection (a), the Federal share of the expenditures made to the contracting organization for its costs in the performance of its functions under the State plan shall be 75 percent (as provided in section 1903 (a) (3)(C)).

"AUTHORIZATION FOR USE OF CERTAIN FUNDS TO ADMINISTER THE PROVISIONS OF THIS PART

"SEC. 1159. Expenses incurred in the administration of the contracts described in section 1862 (b) shall be payable from—

"(1) funds in the Federal Hospital Insurance Trust Fund; and

"(2) funds in the Federal Supplementary Medical Insurance Trust Fund,

in such amounts from each of such Trust Funds as the Secretary shall deem to be fair and equitable after taking into consideration the expenses attributable to the administration of this part with respect to each of such programs. The Secretary shall make such transfers of moneys between such Trust Funds as may be appropriate to settle accounts between them in cases where expenses properly payable from one such Trust Fund have been paid from the other such Trust Fund.

"PROHIBITION AGAINST DISCLOSURE OF INFORMATION

"SEC. 1160. (a) An organization, in carrying out its functions under a contract entered into under this part shall not be a Federal agency for purposes of the provisions of the Freedom of Information Act. Any data or information acquired by any such organization in the exercise of its duties and functions shall be held in confidence and shall not be disclosed to any person except—

"(1) to the extent that may be necessary to carry out the purposes of this part,

"(2) in such cases and under such circumstances as the Secretary shall by regulations provide to assure adequate protection of the rights and interests of patients, health care practitioners, or providers of health care, or

"(3) in accordance with subsection (b).

"(b) An organization having a contract with the Secretary under this part shall provide in accordance with procedures established by the Secretary, data and information—

"(1) to assist Federal and State agencies recognized by the Secretary as having responsibility for identifying and investigating cases or patterns of fraud or abuse, which data and information shall be provided by such organization to such agencies at the request of such agencies at the discretion of such organization on the basis of its findings with respect to evidence of fraud or abuse; and

"(2) to assist the Secretary, and such Federal and State agencies recognized by the Secretary as having health planning or related responsibilities under Federal or State law (including health systems agencies and State health planning and development agencies), in carrying out appropriate health care planning and related activities, which data and information shall be provided in such format and manner as may be prescribed by the Secretary or agreed upon by the responsible Federal and State agencies and such organization, and shall be in the form of aggregate statistical data (without identifying any individual) on a geographic, institutional, or other basis reflecting the volume and frequency of services furnished, as well as the demographic characteristics of the population subject to review by such organization.

The penalty provided in subsection (c) shall not apply to the disclosure of any information received under this subsection, except that such penalty shall apply to the disclosure (by the agency receiving such information) of any such information described in paragraph (1) unless such disclosure is made in a judicial, administrative, or other formal legal proceeding resulting from an investigation conducted by the agency receiving the information.

"(c) It shall be unlawful for any person to disclose any such information described in subsection (a) other than for the purposes provided in subsections (a) and (b), and any person violating the provisions of this section shall, upon conviction, be fined not more than $1,000, and imprisoned for not more than six months, or both, and shall be required to pay the costs of prosecution.

"(d) No patient record in the possession of an organization having a contract with the Secretary under this part shall be subject to subpena or discovery proceedings in a civil action.

"ANNUAL REPORTS

SEC. 1161. The Secretary shall submit to the Congress not later than April 1 of each year, a full and complete report on the administration, impact, and cost of the program under this part during the preceding fiscal year, including data and information on—

"(1) the number, status, and service areas of, and review methodologies employed by, all utilization and quality control peer review organizations participating in the program;

"(2) the number of health care institutions and practitioners whose services are subject to review by such organizations, and the number of beneficiaries and recipients who received services subject to such review during such year;

"(3) the imposition of penalties and sanctions under this title for violations of law and for failure to comply with the obligations imposed by this part; and

"(4) the total costs incurred under titles XVIII and XIX of this Act in the implementation and operation of all procedures required by such titles for the review of services to determine their medical necessity, appropriateness of use, and quality.

"EXEMPTIONS OF CHRISTIAN SCIENCE SANATORIUMS

"SEC. 1162. The provisions of this part shall not apply with respect to a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

"MEDICAL OFFICERS IN AMERICAN SAMOA, THE NORTHERN MARIANA ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS TO BE INCLUDED IN THE UTILIZATION AND QUALITY CONTROL PEER REVIEW PROGRAM

"SEC. 1163. For purposes of applying this part to American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, individuals licensed to practice medicine in those places shall be considered to be physicians and doctors of medicine.".

FACILITATION OF PRIVATE REVIEW

SEC. 4. Section 1866(a)(1) of the Social Security Act is amended—

(1) by striking out "and" at the end of subparagraphs (A), (B), and (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) to release data with respect to patients of such provider upon request to an organization having a contract with the Secretary under part B of title XI as may be necessary (i) to allow such organization to carry out its functions under such contract, or (ii) to allow such organization to carry out similar review functions under any contract the organization may have with a private or public agency paying for health care in the same area with respect to patients who authorize release of such data for such purposes.".

MEDICAID PROVISIONS

SEC. 5. (a) Section 1902(d) of the Social Security Act is amended—

(1) by striking out "a Professional Standards Review Organization designated, conditionally or otherwise," and inserting in lieu thereof "a utilization and quality control peer review organization having a contract with the Secretary"; and

(2) by striking out "such organization (or organizations)" each place it appears and inserting in lieu thereof in each instance "such organization (or organizations)".

(b) Section 1903(a)(3) of such Act is amended by striking out "Professional Standards Review Organization" and inserting in lieu thereof "utilization and quality control peer review organization".

DEMONSTRATION PROJECTS FOR COMPETITIVE BIDDING

SEC. 6. Section 402(a)(1) of the Social Security Amendments of 1967 (Public Law 90-248) is amended—

(1) by striking out "and" at the end of subparagraph (I);

(2) by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and"; and

(3) by inserting after subparagraph (J) the following new subparagraph:

"(K) to determine whether the use of competitive bidding in the awarding of contracts under part B of title XI would be an efficient and effective method of furthering the purposes of that part.".

TECHNICAL AMENDMENTS

SEC. 7. (a) Section 1862 (d)(1)(C) of such Act is amended by striking out ", on the basis of reports transmitted to him in accordance with section 1157 of this Act (or, in the absence of any such report, on the basis of such data as he acquires in the administration of the program under this title)," and inserting in lieu thereof "on the basis of information acquired by the Secretary in the administration of this title".

(b) Section 1861 (v)(1)(G) of such Act is amended by striking out "Professional Standards Review Organization" and inserting in lieu thereof "quality control and peer review organization".

EFFECTIVE DATA

SEC. 8. The amendments made by this Act shall be effective with respect to contracts entered into or renewed on or after October 1, 1982.

MAJOR DIFFERENCES BETWEEN S. 2142 AND CURRENT LAW

PERFORMANCE CONTRACTING

Under present law, there are detailed requirements relating to PSRO trial periods, review procedures, and agreements. While much of this detail was necessary in the early stages of the program it is no longer needed and, in fact, has served to limit flexibility and innovation. My bill would permit deregulation of the program by establishing a contracting procedure which would make the Government a purchaser of review services. The initial term of the contract would be for two years, renewable annually thereafter. The Secretary could terminate the contract at any time if the terms are not being met. A contractee would be provided an opportunity to present information on its behalf, subject to review by a five-member panel of review organization members appointed by the Secretary. The Secretary could accept or reject the panel findings. His decision would be final and not subject to judicial review.

Specific criteria to determine contractee performance would be negotiated and included in the contract between the Secretary and the organization. This would provide the Secretary and the contractee with a basis upon which to judge contractee performance fairly.

CONTRACTEE ELIGIBILITY

The bill provides the Secretary flexibility in the selection of contractees. It removes the current-law restriction that the organization performing review be non-profit, however it includes a requirement, similar to current law, that the organization be composed of, or have available to it, a substantial number of licensed doctors of medicine or osteopathy actually practicing in the area. If no such physician organization is available, the Secretary would be allowed to contract with any other organization he determines is capable of performing these functions. For example, he could contract with a Medicare fiscal intermediary or carrier.

CONSOLIDATION OF GEOGRAPHIC AREAS

Under present law, the Secretary is required to establish PSRO areas throughout the States. 194 such areas have been established. Many of these areas, however, are too small to be efficient. Additionally, some 43 of the 194 designated areas do not have active PSRO's.

In order to improve efficiency and make review more cost effective the bill would require the Secretary to consolidate the geographic areas served by review organizations. In general, each State would be designated as a geographic area. Local or regional areas could be designated only if the volume of review activity and other relevant factors justifies such designation.

DELEGATED REVIEW

Under present law, PSRO's are permitted to delegate review activities to hospital review committees if such committees can demonstrate that they are effective. serious questions have been raised about the effectiveness of individual provider review committees. In addition to the inherent conflict of interest of providers undertaking their own review, there has been widespread indiscriminate delegation of review to hospitals because of limited funds for independent PSRO review. Under the bill delegated review would be eliminated.

FACILITATION OF PRIVATE REVIEW

To facilitate review of private patients, a new requirement has been included which would require a review organization under contract with the Secretary to make its facilities and resources available, where feasible and appropriate, to private payors paying for health care in its area. In order to provide the necessary information for such review, a requirement for the release of patient data would be added to medicare provider agreements. Under the requirement, Medicare providers would be required to release data on medicare patients and the patients of private payors who contract with review organizations.

CONFIDENTIALITY OF PATIENT INFORMATION

The bill also adds a provision which would end the long, drawn-out debate over the status of PSRO's for purposes of Freedom of Information Act requests. It specifies that in carrying out its functions under contract with the Secretary, the review organization would not be considered a Federal agency for purposes of the provisions of the Freedom of Information Act.

ELIMINATION OF AUTHORITY FOR GRANTS AND TECHNICAL ASSISTANCE

Under present law, the Secretary is authorized to provide technical and other assistance to stimulate, develop and qualify organizations as PSRO's. In addition, the current program is providing about $24 million in grants to PSRO's. The bill would eliminate the authority for technical assistance and grants to PSRO's.

MISCELLANEOUS CHANGES

The present law requirement for Statewide and National Councils and advisory groups would be eliminated; the Secretary would be provided authority to determine the appropriateness of awarding review contracts under competitive bidding; and denial of payment for inappropriate inpatient care would be strengthened by placing a limit of 2 days on the length of time available to make arrangements for post discharge care.

● Mr. BAUCUS. Mr. President, I would like to congratulate my colleague from Minnesota, the distinguished chairman of the Health Subcommittee of the Finance Committee, on the bill he has introduced to streamline the Professional Standards Review Organization's (PSRO) program.

I share his conviction, based on hearings before the Health Subcommittee and on the superb performance of the Montana PSRO, that professional review of health services is essential if medicare patients are to receive quality health care at a fair cost.

My colleague's bill contains recommendations that I proposed last year

in S. 1250, as well as a number of other proposed changes that I can wholeheartedly endorse.

It would eliminate a number of detailed requirements from the PSRO law so as to give PSRO's and medicare program officials more latitude in tailoring review efforts to local circumstances. This greater flexibility will stimulate innovation and enable PSRO's to capitalize on new approaches as they are proved successful.

I am also pleased that the bill would call for a substantial reduction in the number of PSRO's. As I stated in introducing S. 1250, many of the existing PSRO's are too small to be efficient and should be consolidated with neighboring PSRO's. In many of the less populous States, it will be possible to consolidate existing PSRO's into a single statewide organization, as has proved so successful in my State of Montana and many other States.

Consolidation of PSRO's need not mean a loss of the local flavor that a PSRO must have if practitioners are to have confidence in its familiarity with local conditions and standards of practice. Like the PSRO from my State of Montana and other statewide PSRO's today, local physicians can retain responsibility for reviewing care in their communities even though the administrative activities are carried out at a central location.

I am, however, concerned about the direction in which other provisions of my colleague's bill might move the PSRO program. To qualify as a PSRO under present law, an organization must be a nonprofit professional organization composed of practicing physicians with a membership that includes a substantial proportion of all such doctors in the area. The statute also sets forth additional requirements, including a requirement that the Secretary of HHS find that the organization is willing and able to perform the functions of a PSRO. Only in the absence of such an organization may the Secretary designate another type of organization to serve as the area's PSRO.

The priority given to peer organizations was designed to afford practicing physicians at local levels an opportunity, on a voluntary and publicly accountable basis, to undertake review of the medical necessity and quality of care provided under medicare. It was intended to substitute responsible, professional review by the community of physicians in an area for the hit-or-miss review which had previously been provided in less than effective fashion by Government and its contractors.

My colleague's bill would eliminate the requirement that priority consideration must be given to nonprofit organizations that are composed of a substantial proportion of their area's physicians. The bill would put a proprietary organization which employs a substantial number of local physicians on an equal footing with a professional organization that represents most of the local physicians. Given the administration's desire to phase out even the most effective PSRO's and fill the vacuum by giving medicare contractors greater review responsibility, I am concerned that the bill could be interpreted in a way that would sound the death knell of peer review in the medicare program.

I am looking forward to working with the distinguished Senator from Minnesota in devising an approach that would enhance the Secretary's ability to select the most effective organizations to serve as PSRO's, but also contain safeguards to assure that the essential character of medicare's peer review program is preserved.●

By Mr. BAUCUS:

S. 2143. A bill for the relief of Yuk Chuen Leung; to the Committee on the Judiciary.

RELIEF OF YUK CHUEN LEUNG

● Mr. BAUCUS. Mr. President, today I am introducing a bill for the relief of Yuk Chuen Leung, a native of China who is currently residing in Billings, Mont. Mr. Leung has been in the United States since 1971 and has established himself as an independent businessman in this country. He has repeatedly tried to obtain status as a permanent resident of this country but due to technicalities, he has been unable to secure this status. As such, his administrative remedies have been exhausted.

Mr. Leung now owns a cafe in Montana which he has invested considerable time and effort in making a profitable enterprise. I am told he is quite a chef and has been a model citizen in the community. It has been attested by the citizens of Billings that he is a man of good moral character, intelligent, honest, gets along well with people, and has never had any trouble with the law enforcement authorities. In addition, he has never been on welfare, paid all necessary taxes since his arrival in 1971, and applied for and received a social security card the first month he arrived in this country.

Mr. Leung arrived in this country aboard a ship on which he was serving as a crewman. He did not depart with the ship which returned to Hong Kong. Although he left his wife and children behind, he felt that America was the land of opportunity in which he could make a decent living for himself. He has shown that spirit of industriousness which we Americans so pride ourselves in. He came here with literally nothing except the clothes on his back, ventured to Montana to begin a new life and has succeeded in becoming an independent businessman—offering a valuable service to others.

Mr. President, I believe Mr. Leung's situation warrants a humanitarian response. It would be a travesty to deport a man who has become a model citizen, one who has earned his keep and never asked anything of this country other than a chance to enjoy the same freedoms that all Americans enjoy. He has built a business from the ground up and without our intervention, all that Mr. Leung has worked for these past 10 years will evaporate. He will be returned to Hong Kong with no more than what he came with. Efforts to sell his business have produced no willing buyers. There appears to be no one in Billings, Mont., with Mr. Leung's particular culinary skills, hence no one able to offer a similar service. With these factors in mind, I urge my colleagues to give full consideration to Mr. Leung's case and the legislation that would provide him with the status of American citizen.●

By Mr. RANDOLPH:

S. 2144. A bill to extend the Appalachian Regional Development Act to provide transitional assistance to the Appalachian region; to the Committee on Environment and Public Works.

APPALACHIAN TRANSITION ASSISTANCE ACT OF 1982

● Mr. RANDOLPH. Mr. President, today I introduce the Appalachian Transition Assistance Act of 1982 to extend the programs of the Appalachian Regional Commission.

This measure would permit the Commission to implement the recommendations of the 13 Governors of the region which were developed during the past year in response to a congressional directive. It extends the highway program for 9 years and provides funds for completion of construction of 550 miles of highest priority roadways in the Appalachian corridor system.

The nonhighway, area development programs would be authorized for an additional 5 years and limited in scope so as to carry out the program of the Governors to concentrate on the most pressing of the region's unmet needs.

The overall transition program is designed to assure that our work and our investment of the last 17 years would produce lasting results.

Total funding authorized by this bill is $2,426,400,000. Of this amount, the largest amount, $2,010,000,000, would be committed to the highway program. The area development activities would be authorized at a level of $399,000,000 and $17,400,000 would be designated for operating expenses.

The Commission would endeavor to complete its health services program in 3 years by extending those services to counties where the need is greatest. It would assist 60 of the most underdeveloped counties in the region meet their most critical needs for public fa-

cilities, especially for safe drinking water and waste disposal. A new emphasis would be given during the period to expanding job opportunities and stimulating private investment in the region. During this period the States have agreed to accept a greater share of the financial responsibility for Appalachian programs.

These are highlights of the transition program developed by the Governors over the past 12 months. I am confident that the Congress and the administration will see the wisdom of approving this program.●

By Mr. RIEGLE:

S. 2145. A bill to amend the Consolidated Farm and Rural Development Act to change the conditions of eligibility for, and the amount of, financial assistance made with respect to agricultural production losses caused by disaster; to the Committee on Agriculture, Nutrition, and Forestry.

FARMERS HOME ADMINISTRATION DISASTER LOANS

Mr. RIEGLE. Mr. President, today I am introducing legislation to revise the operations of the Farmers Home Administration disaster loan program. A little-noticed change in Farmers Home Administration policies last year resulted in thousands of Michigan farmers being denied any disaster assistance after severe rainstorms and flooding in the fall of 1981. This legislation will return FmHA policies to conform with original statutory intent; namely, that all farmers who suffer substantial crop losses due to natural disasters will be eligible for the disaster loan program.

After the storms last fall, the State of Michigan submitted a disaster request that covered 45 counties. After a lengthy 4-month review period, only nine of these counties were certified to receive disaster assistance. Two important changes had taken place in the program that caused this major denial of assistance. One involved the increase in the minimum loss requirement from 20 to 30 percent. Until May 26, 1981, the level of damage required for disaster eligibility was 20 percent, as stipulated by section 1970 of the United States Code. Through administrative actions, USDA increased this threshold amount, and in one stroke eliminated thousands of farmers from participation in the program. It is hard to believe that a 20-percent loss to a farmer's crop is not a disaster by any measure.

The second change that occurred at this time was the use of an "area test" before farmers are eligible for disaster assistance. This was FmHA policy prior to the enactment of Public Law 96-438. That measure required the Secretary to make disaster loans on the basis of an applicant's losses, not a particular area's situation. This policy was reversed last year, and we saw in Michigan farmers in one county being declared eligible for disaster assistance, while their neighbors, who had suffered equal losses, were denied the assistance because of residence in a different county.

The other area that the bill is designed to address is the amount of losses that are covered in the disaster loan program. Legislative actions last year decreased the coverage of these loans to 80 percent of the losses, which only serves to increase the total effect of the disaster on a farmer's operations. This measure will return the coverage to the 90-percent level to provide a broader protection and to increase the assurances to farmers that they will be able to recover from a national disaster.

Mr. President, I am deeply concerned about these policies, as well as other proposed changes in the disaster loan program. These changes will substantially limit the amount of the loans, and will drastically increase the interest rates charged for these loans. I cannot believe that these policies are in the best interest of farmers. They live in an uncertain world, and are wholly dependent on the cooperation of the weather for their own financial security. Our Government should not add to their uncertainties, nor to their burdens, by denying them needed compensation for natural disasters, or charging them exhorbitant rates of interest to the lucky few that might qualify for such aid.

By Mr. MOYNIHAN:

S.J. Res. 152. Joint resolution providing for the designation of the week beginning April 25, 1982, and ending May 1, 1982, as "National Dance Week"; to the Committee on the Judiciary.

NATIONAL DANCE WEEK

● Mr. MOYNIHAN. Mr. President, I am pleased today to introduce a joint resolution celebrating our Nation's proud tradition of excellence in the field of dance and honoring those who have contributed to this excellence by proclaiming the week beginning April 25, 1982, and ending May 1, 1982, as "National Dance Week."

This resolution honors not only the more than 100,000 dancers involved in or preparing for this profession, which is as demanding as it is rewarding, but also the countless directors, technicians, support staff, and spectators who make dance one of the most exciting and challenging of the performing arts. For dance is a source of joy and emotional enrichment to both its performers and audiences alike.

The audience for dance has increased dramatically in recent years; from approximately 1 million in 1960 to nearly 20 million just two decades later. Dance companies are found not only in our major metropolitan centers but in hundreds of smaller cities and towns as well. Dance is, after all, a universal language.

I must say that I am especially proud of the daring, innovative work being done by the many fine dance companies in my own State of New York. They have enhanced immeasurably the quality of life for all New Yorkers, and for that I shall be ever grateful.

Enactment of this legislation will focus much-deserved attention on the art of dance and heighten public awareness of the many contributions, both spiritual and cultural, that dance has made to our society. As such I strongly urge its adoption.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 152

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week beginning April 25, 1982, and ending May 1, 1982 as "National Dance Week," and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. RIEGLE:

S.J. Res. 153. A joint resolution designating Baltic Freedom Day; to the Committee on the Judiciary.

BALTIC FREEDOM DAY

Mr. RIEGLE. Mr. President, today I am introducing a joint resolution calling for the declaration of June 14 as Baltic Freedom Day.

This year, June 14 will mark the 42d anniversary of the brutal occupation by the Soviet Union of the three Baltic nations: Estonia, Latvia, and Lithuania. Soviet subjugation of the brave peoples of these tiny nations continues to this day, in clear violation of the provisions of the Final Act of the Helsinki accords.

As a nation committed to the principle of self-determination, and the preservation of basic freedoms for all peoples, the United States must constantly remind all freedom-loving nations of the continuing oppression under which the Baltic peoples live.

I believe that June 14, the day which in 1940 ushered in decades of Soviet domination and efforts to absorb the unique cultures of the Baltic civilizations, should be a day of reflection for all Americans. We must never forget that the blessings of liberty which we enjoy are still not guaranteed to all peoples of the world.

Special tribute should also be paid to the members of the Baltic communities here in the United States. Their tireless efforts, which have kept the flame of hope alive in the hearts of those in their homeland, are an inspi-

ration to all of us. As Senator from the State of Michigan, I am proud to represent one of the largest Baltic communities in the United States, and have come to know, firsthand, of the many contributions made by these hardworking and talented people.

It is, therefore, in recognition of the continuing struggles of the Baltic peoples to attain their freedom, and in honor of the supportive role played by members of the Baltic communities in this country, that I introduce this resolution and urge all Members to lend their support.

ADDITIONAL COSPONSORS

S. 1840

At the request of Mr. DURENBERGER, the Senator from Michigan (Mr. RIEGLE), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1840, a bill to amend section 170 of the Internal Revenue Code of 1954 to increase the amounts that may be deducted for maintaining exchange students as members of the taxpayer's household.

S. 1852

At the request of Mr. JEPSEN, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1852, a bill to amend the Export-Import Bank Act of 1945 to provide for the extension of credit for agricultural commodities.

S. 1947

At the request of Mr. WEICKER, the Senator from Vermont (Mr. LEAHY), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 1947, a bill to improve small business access to Federal procurement information.

S. 2008

At the request of Mr. QUAYLE, the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 2008, a bill to amend the Congressional Budget Act of 1974 to provide for a 2-year budget process, to provide for timely oversight of authorizing legislation and appropriations, and for other purposes.

S. 2022

At the request of Mr. HOLLINGS, the Senator from Michigan (Mr. LEVIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Georgia (Mr. NUNN), the Senator from Ohio (Mr. METZENBAUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Kentucky (Mr. FORD), the Senator from Florida (Mrs. HAWKINS), the Senator from Alabama (Mr. HEFLIN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2022, a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

SENATE JOINT RESOLUTION 142

At the request of Mr. SPECTER, the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Maine (Mr. COHEN), the Senator from Illinois (Mr. DIXON), the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. EAST), the Senator from Nebraska (Mr. EXON), the Senator from Washington (Mr. GORTON), the Senator from Florida (Mrs. HAWKINS), the Senator from California (Mr. HAYAKAWA), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wisconsin (Mr. KASTEN), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from Georgia (Mr. MATTINGLY), the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from South Dakota (Mr. PRESSLER), the Senator from Idaho (Mr. SYMMS), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Joint Resolution 142, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as "Afghanistan Day," a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 143

At the request of Mr. BAKER, the Senator from Alabama (Mr. DENTON), the Senator from California (Mr. HAYAKAWA), the Senator from North Carolina (Mr. HELMS), the Senator from California (Mr. CRANSTON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to designate the week of May 2 through 8, 1982, as "National Physical Fitness and Sports for All Week."

SENATE JOINT RESOLUTION 144

At the request of Mr. DODD, the Senator from Michigan (Mr. RIEGLE), the Senator from Ohio (Mr. GLENN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Connecticut (Mr. WEICKER), the Senator from New Jersey (Mr. BRADLEY), the Senator from Michigan (Mr. LEVIN), and the Senator from Colorado (Mr. HART) were added as cosponsors of Senate Joint Resolution 144, a joint resolution declaring that it should be the policy of the U.S. Government to encourage unconditional negotiations for the purpose of achieving a cease-fire and a political settlement to the conflict in El Salvador.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. KENNEDY, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. CHILES), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. METZENBAUM), the Senator from Maine (Mr. MITCHELL), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Montana (Mr. MELCHER), the Senator from California (Mr. CRANSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nebraska (Mr. EXON), the Senator from New Jersey (Mr. BRADLEY), the Senator from Michigan (Mr. RIEGLE), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE RESOLUTION 325—RELATING TO THE FULL FUNDING OF THE WIN PROGRAM

Mr. DIXON (for himself, Mr. LEAHY, Mr. MATHIAS, Mr. METZENBAUM, and Mr. MOYNIHAN) submitted the following resolution, which was referred to the Committee on Appropriations:

S. RES. 325

Whereas, unemployment in the United States has risen to 8.5 percent, with over 9 million Americans out of work;

Whereas, the work incentive program (WIN) was designed to provide structured employment-training services and support services to employable recipients of aid to families with dependent children (AFDC) and move them into nonsubsidized, private sector jobs, thereby making them self-supporting;

Whereas, the WIN program has been shown to be cost-effective by aiding in the placement of 310,000 welfare recipients in jobs at a cost of $365,000,000 in fiscal year 1981, thereby reducing AFDC payments by approximately $760,000,000; and

Whereas, WIN offices throughout the United States have been closed or are scheduled to be closed in the near future because of a 33 percent reduction in the Department of Health and Human Services appropriation for the WIN program for fiscal year 1982: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation to the Department of Health and Human Services to assure the full continuation of the work incentive program for the fiscal year ending September 30, 1982.

FUNDING FOR WIN

Mr. DIXON. Mr. President, on behalf of Senator LEAHY and myself, today I am submitting a resolution expressing the sense of the Senate that the Congress should expeditiously appropriate urgently needed supplemental funds to restore adequate funding for the work incentive program, or WIN.

The WIN program was created in the 1967 amendments to the Social Security Act and became operational in July 1968. WIN is entirely consistent with the administration's often stated interest in the placement of welfare recipients into private sector jobs—rather than subsidized jobs—so that public support payments can be reduced. WIN is a State-run program with each State having considerable autonomy in structuring its program. It serves those who are most needy in the labor market—hard to employ welfare recipients with multiple barriers to employment. More importantly, the WIN program returns more to the taxpayers than it costs, showing considerably higher welfare grant reductions than program costs.

According to the U.S. Department of Labor's most recent figures for fiscal year 1981, more than 1 million recipients of aid to families with dependent children (AFDC), registered with WIN. More than 310,000 of these registrants were placed in nonsubsidized jobs, with an annualized reduction of $760 million in AFDC payments. WIN cost the Federal Government $365 million in 1981. Thus, this expenditure gave the Government nearly a 2 to 1 return for our money. I believe every American businessman would support a program that recoups almost double the capital invested within a year.

The WIN program placed people in jobs paying an average hourly wage of $4.17. The retention rate was 88 percent, and the annualized wage of those 310,000 people who found employment through the program in fiscal year 1981 was $2,293,356,612. That is taxable income, Mr. President; rather than receiving tax dollars, these people are now taxpayers.

In my own State of Illinois, 300 of the 420 employees of the WIN program will be forced to join those they once tried to assist in seeking employment. These 300 laid-off employees will cost nearly $1 million in unemployment benefits if we do not act to restore adequate funding for this extremely cost-effective program.

It is my intention to amend the first available appropriations bill to add the necessary supplemental funds—$76.8 million—for this program. The amendment will guarantee full continuation of the WIN program through fiscal year 1982. These funds are necessary to enable the States to plan for the effective delivery of services to those who are the neediest in our society—people who have children they must support, and who want to work rather then accept welfare payments.

I strongly support a balanced budget. I have supported in the past and will continue to support reasonable and necessary budget cuts to accomplish that goal. However, we should not be penny wise and pound foolish. The WIN program does not cost the Government money—it saves the Government money. Reducing the WIN program does not help us balance the budget; it makes it more difficult to achieve.

We ought not to cut the budget indiscriminately or shortsightedly. While reducing unnecessary expenses, we need to keep programs that work. WIN is clearly one of those programs.

The Congress acted in an extremely responsible and expeditious manner, in passing the supplemental appropriation for the job service program earlier this month. It is my hope, Mr. President, that we can address this related program in an equally effective way.

SENATE RESOLUTION 326—RELATING TO THE IMPRISONMENT OF YURI BADZYO

Mr. TSONGAS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 326

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all citizens the right to hold opinions without interference and the right to freedom of expression;

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory nations to respect individual rights and cultural differences;

Whereas the Soviet Union has signed the Final Act of the Conference on Security and Cooperation in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Yuri Badzyo was dismissed from his research in Philology at the Institute of Literature in Kiev in 1968 as a direct result of his defense of Ukrainian patriots who criticized the "russification" policy toward the Ukraine;

Whereas Yuri Badzyo strived for greater political, cultural, and artistic freedom for the Ukrainian people;

Whereas Soviet officials have also dismissed his wife, Svitlana Kyrychenko, from her position at the Institute of Philosophy, for her actions on behalf of Ukrainian dissidents and for her impassioned support of her husband's ideas and work;

Whereas Yuri Badzyo was arrested on April 23, 1979, and charged with anti-Soviet agitation and propaganda;

Whereas Yuri Badzyo was sentenced on December 21, 1979, to seven years in the notorious Mordovian labor camps, to be followed by five years in internal exile, for ideas contained in a missing, unpublished manuscript: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should

(1) express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the imprisonment of Yuri Badzyo,

(2) urge the Government of the Soviet Union to (A) release Yuri Badzyo from prison, (B) to halt all further harassment of Yuri Badzyo, his wife, Svitlana Kyrychenko, and their children, Bohdana and Serkiy Badzyo, and

(3) inform the Government of the Soviet Union that the Government of the United States, in evaluating its relations with other countries, will take into account the extent to which such countries honor their commitments under international law, especially commitments with respect to the protection of human rights.

SEC. 2. The Clerk of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such a copy to the Ambassador of the Union of the Soviet Socialist Republics to the United States.

Mr. TSONGAS. Mr. President, I rise to submit a resolution which calls on President Reagan and the Secretary of State to express at every suitable opportunity and in the strongest possible terms our opposition to the imprisonment of Yuri Badzyo. As my colleagues may know, Yuri Badzyo, a leader and patriot of the Ukrainian people, was sentenced on December 21, 1979, to 7 years in a Soviet labor camp to be followed by 5 years of internal exile. Badzyo was arrested and convicted on charges of anti-Soviet agitation and propaganda. It is clear, however, that his only real crime has been his relentless efforts to obtain greater political, cultural, and artistic freedom for the Ukrainian people.

Mr. President, I feel strongly that we must demonstrate to Soviet leaders that their flagrant violation of the internationally recognized human rights of their citizens is unacceptable to the Congress and to the American people.

Apparently, the focus of the Soviet's prosecution was an unpublished book of Badzyo's, "The Right To Live." This book contained a history of Russian policies toward the Ukraine. Evidently, Russian authorities felt that this manuscript threatened Russian domination of the Ukrainian people. The first draft was stolen in 1977, though Badzyo did own several other copies which the Soviets, at his trial, claimed he was planning to circulate. Soviet officials ruled Badzyo's intent constituted anti-Soviet agitation and propaganda.

Other evidence used against Badzyo included letters he had written: One to the Sixth Ukrainian Writer's Conference (1971), in which he defended a Ukrainian prisoner, and another to Soviet authorities shortly before his arrest, which criticized the "russification" policy carried out against Ukrainians.

Prior to his arrest, Yuri Badzyo had been dismissed in 1968 from the Communist Party and from his position as a researcher at the Institute of Literature in Kiev, because of his defense of others who had joined him in resisting the suppression of Ukrainian culture.

The labor camp in which he is currently held, the Mordovian corrective labor colony, is notorious for its conditions of chronic hunger, inadequate medical care, and hard labor. Yet even from the labor camp, Badzyo has continued to resist the oppressive policies of the Soviet Union.

Two years ago, Yuri Badzyo was one of three prisoners who smuggled a message out of their camp, announcing that they were refusing to work during the Olympics to protest the Soviet invasion of Afghanistan. They maintain, and correctly so, that there is an "unbreakable tie between the external political aggressive actions of the Soviet government and internal policy of repression against dissidents."

Badzyo was recently visited by his wife, Svitlana Kyrychenko, who reported that Badzyo is in ill health and is losing his eyesight. Svitlana has been included in the Senate Resolution because she faces possible prosecution as well; the Soviets feel she may have assisted her husband on research for his book. In addition, Svitlana has been dismissed from her post at the Institute of Philosophy for her actions on behalf of Ukrainian dissidents.

Mr. President, I offer this resolution as a testament to the free spirit and courage of this great man whose only crime was to fight for the right of freedom of expression. The Soviets must realize that their efforts to silence him will never succeed. I urge the adoption of this resolution, not only on behalf of Yuri Badzyo and his family, but on behalf of those of his colleagues who have resisted great pressure to maintain their Ukrainian heritage and identity.

SENATE RESOLUTION 327—RESOLUTION DESIGNATING NATIONAL EYE DONOR MONTH

Mr. MOYNIHAN (for himself, Mr. CANNON, Mr. RANDOLPH, Mr. BAUCUS, Mr. STENNIS, Mr. WILLIAMS, Mr. MATSUNAGA, Mr. MELCHER, Mr. GOLDWATER, Mr. D'AMATO, Mr. SYMMS, Mrs. KASSEBAUM, Mr. WEICKER, Mr. BOSCHWITZ, Mr. HOLLINGS, and Mr. ZORINSKY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 327

Whereas eye banks in the United States have grown from a single institution in 1944 to 80 in 1982; and

Whereas over 15 thousand children and adults in the United States have benefited as a direct result of efforts made by the Eye Bank Association of America; and

Whereas the Eye Bank Association of America has sought to encourage research into the prevention and treatment of eye care in the United States; and

Whereas increased national awareness of benefits rendered through eye donation may add impetus to efforts to expand research activities, and benefit those persons affected by blinding diseases: Now, therefore be it

Resolved by the Senate, That the Congress proclaims the month of March 1982 as "National Eye Donor Month" and urges all citizens to join in this celebration of life with appropriate activity.

Resolved, That March 1982 is declared "National Eye Donor Month".

NATIONAL EYE DONOR MONTH

● Mr. MOYNIHAN. Mr. President, today I am pleased to submit legislation designating the month of March 1982 as "National Eye Donor Month."

I am proud to say that the first eye bank in our Nation was established in New York in 1944. Since the founding of that single institution, the number of eye banks constituting the Eye Bank of America has grown to 80. Over 15 thousand children and adults in the United States have benefited as a direct result of efforts made by the Eye Bank of America.

Designation of March as "National Eye Donor Month" will bring an important humanitarian cause to the attention of the American public. An increased national awareness of the benefits rendered through eye donation will add impetus to efforts to expand research activities in this area and may engender important medical advances.

All those who are involved with eye donation programs deserve our commendation. For their goal, that is bringing sight to the sightless, is surely a noble one. Mr. President, I urge my colleagues to join me in support of this legislation and I ask unanimous consent that the resolution be printed in the RECORD.●

SENATE RESOLUTION 328—RESOLUTION COMMENDING DOUGLAS B. HESTER FOR HIS SERVICE TO THE SENATE

Mr. BAKER (for Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas, Douglas B. Hester, the Legislative Counsel of the Senate, on February 19, 1982, completed thirty years of service to the Senate; and

Whereas, during this long period of service to the Senate, Douglas B. Hester has performed with dedication and skill;

Resolved, That the Senate of the United States extends its appreciation and gratitude to Douglas B. Hester for his long and faithful service in the Office of Legislative Counsel of the Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Douglas B. Hester.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold a hearing of outside economists' outlooks on the economy on Monday, March 1, at 10 a.m. in 6202 Dirksen Senate Office Building. Dr. John Kenneth Galbraith, professor, Harvard University; Dr. Otto Eckstein, chairman, Data Resources, Inc.; and Dr. Alan Greenspan, president, Townsend-Greenspan, are scheduled to testify.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold hearings on the first concurrent budget resolution for fiscal year 1983 on Tuesday, March 2, in 6202 Dirksen Senate Office Building. At 10 a.m., the Honorable Paul Volcker, Chairman, Board of Governors of the Federal Reserve System will testify and at 2 p.m. Dr. Alice Rivlin, Director, Congressional Budget Office, will testify.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on the defense budget for fiscal year 1983, on Wednesday, March 3, at 10 a.m. in 6202 Dirksen Senate Office Building. Caspar W. Weinberger, Secretary of Defense is scheduled to testify.

For further information, contact Nancy Moore at the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1983 on Thursday, March 4, at 10 a.m. in 6202 Dirksen Senate Office Building. The Honorable Murray L. Weidenbaum, Chairman, the Honorable William Niskanen, member, and the Honorable Jerry Jordan, member, President's Council of Economic Advisers are scheduled to testify.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

Mr. President, the Senate Committee on the Budget will hold a hearing on the first concurrent budget resolution for fiscal year 1983, on Friday, March 5, at 9 a.m. and 10:30 a.m. in 6202 Dirksen Senate Office Building. Scheduled to appear in the first panel are Mr. Paul Craig Roberts, William E. Simon, professor of economics, Georgetown University, and Dr. John Rutledge, president, Claremont College. Scheduled to appear in the second panel are Dr. Rudolph G. Penner, director of Fiscal Policy Studies, American Enterprise Institute; Dr. Leonard J. Santow, senior vice president and economist, J. Henry Schroder, Bank & Trust Co.; and Dr.

Charles Schultze, senior fellow, Brookings Institution.

For further information, contact Nancy Moore of the Senate Budget Committee at 224-4129.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2133, a bill to designate certain lands in the State of Washington as a national volcanic area, and for other purposes. The hearing will be held on Friday, March 12, beginning at 8 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Public Lands and Reserved Water, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tom Williams (224-7145) or Mr. Tony Bevinetto (224-5161) of the committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate at 9 a.m. on Thursday, February 25, to hold a hearing on management of Federal assets.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 25, at 10 a.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANALYSIS AND PRODUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Analysis and Production of the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 25, at 2 p.m., to receive testimony regarding the quality of analysis.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, February 26, at 10 a.m., to hold a hearing on human rights in Nicaragua.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ESTONIAN INDEPENDENCE DAY

● Mr. ROTH. Mr. President, yesterday marked the 64th anniversary of the Declaration of Independence of the Republic of Estonia. But for over four decades the people of Estonia have suffered under the oppression of a Soviet military occupation. An entire generation has reached maturity without knowing freedom. Yet the lamp of freedom continues to burn brightly in the mind of every Estonian, young and old.

This year the struggle for freedom in Poland has caused those flames to burn more brightly than ever. Reports reaching the West indicate that sympathy strikes for the Polish Solidarity Movement have been organized in Estonia despite great risks to the strikers. At least 150 people have reportedly been detained. But more strikes are planned. The spread of strikes to Estonia is undoubtedly one of the major reasons for Soviet concern about the success and strength of Solidarity.

The reaction of Estonia and the other Baltic nations is clear evidence of why suppressing the Solidarity Movement is bound to fail. Marshal law is but a temporary setback in an irresistable process of unravelling the bonds of Soviet imperialism. Estonians join their Polish compatriots in freedom and we join both in our common struggle for freedom human rights and national expression.●

RULES OF THE COMMITTEE ON ARMED SERVICES

● Mr. TOWER. Mr. President, I submit the Armed Services Committee Rules of Procedure for the RECORD in accordance with the requirements of rule XXVI of the Standing Rules of the Senate.

ARMED SERVICES COMMITTEE RULES OF PROCEDURE

(Adopted March 26, 1981)

1. *Regular Meeting Day and Time.* The regular meeting day of the committee shall be each Thursday at 10 a.m. unless the committee or the chairman directs otherwise.

2. *Additional Meetings.* The chairman may call such additional meetings as he deems necessary.

3. *Special Meetings.* Special meetings of the committee may be called by a majority of the members of the committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.* Each meeting of the committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.* The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member present at the meeting or hearing shall preside unless by majority vote the committee provides otherwise.

6. *Quorum.* (a) A majority of the members of the committee are required to be actually present to report a matter or measure from the committee.

(b) Except as provided in subsection (a) and (c), and other than for the conduct of hearings, six members of the committee shall constitute a quorum for the transaction of such business as may be considered by the committee.

(c) Three members of the committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.* Proxy voting shall be allowed on all measures and matters before the committee. The vote by proxy of any member of the committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which he is being recorded and

has affirmatively requested that he be so recorded.

8. *Announcement of Votes.* The results of all rollcall votes taken in any meeting of the committee on any measure, or amendment thereto, shall be announced in the committee report, unless previously announced by the committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the committee who was present at such meeting. The chairman may hold open a rollcall vote on any measure or matter which is before the committee until no later than midnight of the day on which the committee votes on such measure or matter.

9. *Subpoenas.* Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued by the chairman or any other member designated by him, but only when authorized by a majority of the members of the committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.* (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the committee or subcommittee conducting such hearings.

(d) Witnesses appearing before the committee shall file with the clerk of the committee a written statement of his proposed testimony at least 24 hours not including weekends or holidays prior to a hearing at which he is to appear unless the chairman and the ranking minority member determines that there is good cause for the failure of the witness to file such a statement.

(e) Confidential testimony taken or confidential material presented in a closed hearing of the committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the committee or subcommittee.

(f) Any witness summoned to give testimony or evidence at a public or closed hearing of the committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(g) Witnesses providing unsworn testimony to the committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the chairman.

11. *Nominations.* Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least seven (7) days before being voted on by the committee. Each member of the committee shall be furnished a copy of all nominations referred to the committee.

12. *Real Property Transactions.* Each member of the committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the committee objecting to or requesting information on a proposed aquisition or disposal shall communicate his objection or request to the chairman of the committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.* (a) The clerk of the committee shall keep a printed calendar for the information of each committee member showing the bills introduced and referred to the committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the committee. A copy of each new revision shall be furnished to each member of the committee.

(b) Unless otherwise ordered, measure referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the committee. Each subcommittee of the committee is part of the committee, and is therefore subject to the committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

CONCERNS FOR CENTRAL AMERICA

● Mr. GOLDWATER. Mr. President, during the past several months, we have heard or have read a considerable amount on the situation in Central America. With so much at stake, not only for the United States and her allies but, also, our adversaries, it is no wonder that we have been subjected to a barrage of charges and countercharges. If we are ever going to understand this situation, it will have to be viewed in two contexts—local and regional policies as well as the larger, global implications of events in these areas. It is in the larger arena of international policy that Dr. Lewis Tambs of Arizona State University has devoted much of his expertise vis-a-vis Central America. A recognized expert on Latin America, Dr. Tambs has authored several studies on this critical region. For the benefit of my colleagues, I would like to have two of Lew Tambs monographs entered into the RECORD. I would hope that those of us who must debate and, in some cases vote, on the issues of Central America would realize that while local issues have their place in the debate, the global issues represented here are just as important.

Mr. President, I ask that these two papers be printed in the RECORD.

The papers follow:

SHATTERING THE VIET NAM SYNDROME: A SCENARIO OF SUCCESS IN EL SALVADOR

(By Lewis A. Tambs and Frank Aker)

Defeat in South East Asia seared America's psyche. The overrunning of Indo-China by a Soviet-sponsored satellite also almost completed the geographical encirclement of the People's Republic of China (PRC) and enabled the Russian Navy, basing in Cam Ranh Bay on the South China Sea, to endanger the ore and oil Sea Lines of Communication (SLOC) running from Latin America, Africa and Arabia to Japan. In addition, the fall of Saigon in April 1975 unleashed a tide of human misery in South Viet Nam, Cambodia and Laos. Flotsam in the form of some 900,000 boat people fled seaward while others escaped westward seeking an uncertain fate in foeign lands.[1]

The current crisis in Central America and the Caribbean is strikingly similar to the situation six years ago in South East Asia and the South China Sea. But, this time it is the United States of America which is being encircled, not the PRC, and it is America's ore and oil SLOC which is threatened, not Japan's. Moreover, as insurgency inches northward from Nicaragua, to El Salvador to Guatemala and into Mexico, thousands of refugees will not only flee by sea. They will also work their way overland toward the open, upguarded and probably unguardable southern frontier of the United States. For the hidden agenda in Central America is apparently an effort to induce a ripple effect which may inundate the U.S. with a human wave which could destabilize and capsize the Republic.[2]

Evidence of this Marxist-Leninist method of swamping ships-of-state by stimulating mass migration through the instigation of revolutionary warfare abounds—Thailand, Malaysia and Singapore in South East Asia, Somalia in the Horn of Africa, and the U.S. in North America. The physical presence in the continental United States of an increasing number of Cubans, Viet Namese, Nicaraguans, Salvadorans and Guatemalans all testify to a long series of U.S. foreign policy failures. As of 1981 the absorptive capacity of the American people and economy, though strained, has not been saturated. However, if the seeming Soviet Central American scenario succeeds in stampeding only ten percent of the Isthmus' twenty-four millions along with an equal percentage of Mexico's seventy million inhabitants, and only one half of these insurgency-driven innocents recoil across the international line, America may flounder, swamped under a tidal wave of terror stricken refugees. Consequently, it is time to shake off the somnolence of the Viet Nam syndrome and stop the tsunami at its source in Central America in El Salvador.

Victory in El Salvador depends on winning three battles—on the ground, in the media, and in Washington within the administration. All three are ultimately wars of the minds of men and the persistant propaganda campaign to equate South East Asia with Central America is an integral part of the conflict.

Logistically there is no comparison between Viet Nam and El Salvador. The mira-

cle of Viet Nam was not that the U.S. eventually lost, but that the U.S. was able to sustain a campaign for ten years a third of a world away. For the distance from Los Angeles to Saigon is over 8,000 air miles. San Salvador, lying less than 2,300 miles from L.A. International Airport, is closer to Los Angeles than is Washington, D.C. In addition, sea, road and rail routes from the U.S. to Central America are available. Thus, the argument that El Salvador is logistically unsupportable is fallacious.

The Soviet Union, conversely, now confronts in Central America a logistical dilemma similar to what the U.S. contended with in South Viet Nam. For most Soviet shipments embark at Indo-Chinese, Black or Baltic seaports, and traverse the oceans to Cuba where they are trans-shipped to distribution centers in Panama, Costa Rica or Nicaragua. The final destination, El Salvador, involves, then, not only a trans-oceanic passage, but also two transfers. The Communists, consequently, confront a complicated communications conundrum, whereas in South East Asia they were generally able to unload their cargos with impunity directly at Kompong Som (Sihanoukville) in Cambodia or Hai Phong in North Viet Nam. Clearly, the logistical leverage in Central America lies with the U.S. which can supply El Salvador by land, sea or air with facility.

The U.S. logistical liability in South East Asia was compounded by five major military mistakes.

1. The U.S. followed and forced on its allies a war plan of strategic defense and tactical offense.

2. The U.S., ignoring oriental traditions and local conditions, attempted to impose American military models, modes and mores on the indigenous armed forces.

3. The U.S., culturally incapable of conceiving a protracted war, tried to conduct a sharp, short term campaign.

4. The U.S., consequently, committed large numbers of field forces.

5. The U.S. Army employed expensive and vulnerable helicopters as counterinsurgency, close support gun ships rather than relying on them solely for personnel transport and supply.

These five fundamental errors combined with the logistical difficulties and the inability to win international opinion doomed the United States to defeat in South East Asia. None of these need to be repeated in Central America.

The salvation of El Salvador lies in conducting a campaign of strategic offense and tactical defense. The U.S. followed the opposite in Viet Nam and failed. Constrained by the then current concept of limited war and captivated by Karl von Clauswitz's conventional climatic battle, the U.S. adopted the strategic defensive and tactical offensive in South East Asia. Invasion of enemy sanctuaries in Cambodia, Laos and North Viet Nam was restricted. Even air strikes against some obvious military targets were forbidden. Conversely, while conceding the adversary the strategic initiative, U.S. and allied forces sought, in the classical Clauswitzian concept, a bruising battle which would bring military victory and political control of the ground. The U.S. played chess. The foe played *Go*. In a protracted, partisan war, however, the object is not the slaying of thousands of adolescent insurgents who have been impressed into service, but interdiction, encirclement and eventual destruction of the opponent's infrastructure and cadre. Hence, while U.S. and allied armies were chasing the guerrillas seeking a set-piece slaughter where U.S. technology would tell, and consequently, suffering heavy casualties by exposing themselves, the Cong was surrounding isolated towns and hamlets and gaining, not ground, but adherents. For the ultimate goal in revolutionary warfare is support and sympathy—hearts and minds. And these can be won either by extending adequate protection to the civilian population or by terrorizing them into submission. Consequently, the government forces must cut off the head of the snake of the querrila organization.

Only by destroying the revolutionaries who make the revolution can a successful conclusion to an extended, insurgency campaign be completed. These key individuals are concentrated in the revolutionary's infrastructure and cadre. Trained abroad and patiently infiltrated over a long period of time into the nation's social, political, intellectual, economic, religious and opinion making sectors, the revolutionary infrastructure acts as the intermediary between the insurgent mass and the command post and shock troops of the cadre. The guerrillas are the body, the infrastructure serves as the nervous system and the cadre is the brain. Hence, if the body is separated from the system, and the network of nerves, in turn, is isolated from the *cerebrum*, the corpse will collapse. This can be accomplished by severing the enemy's lines of communication and supply. Since the rebels tend to establish their base camps (*focos*) in frontier areas contiguous to sympathetic states and/or in inaccessible tropical terrain they are able to either flee across the border or melt away after inflicting heavy losses on the loyalist forces who have taken the tactical offensive. Conversely, if the allied armies can uncover and break or block the logistical links between guerrillas, infrastructure and cadre, then, the rebels, in order to survive must break cover and attack. Once in the open the irregular levees can be destroyed, eg. Hue in 1968, and the infrastructure and cadre encircled, isolated, and then allowed to self-destruct through starvation, attrition or self-immolation as they beat themselves to death trying to break out of the double iron ring embracing them. But how can the loyalists uncover the communications network and provoke the partisans into attacking? [3]

Strategic offense means more than hot pursuit into neighboring sanctuaries. The Cuban-Sandinista cancer in the Caribbean and Central America can be removed through surgery, killed by chemotherapy or isolated through interdiction. Should invasion or stabilization be ruled out by the U.S. and only the minimalist option be exercised, arms shipments from the Socialist Block can be monitored by satellite and deliveries intercepted by air and sea. Additional tracing on the ground can be insured by tagging weapons and supplies during transfers. Satellite readings will reveal supply routes and concentrations which then can be blocked and encircled. Shortages, exposure, counter infiltration, bounties and black propaganda implanting isolation psychology and mutual distrust will further rattle the rebels. Morale, moreover, will plunge as malfunctioning arms and contaminated food are pumped into the partisan's pipeline. The moral initiative and, with it the tide of battle, will pass to the loyalists. Sanitizing sanctuaries and severing supplies in a strategic offensive are, however, essentially off shore and foreign operations which can only be implemented by the United States or the Organization of American States. The war must also be won on the ground in El Salvador by Salvadorans.

Tactical defense involves more than clinging to static positions and holding on to fortified hamlets. The enemy must be induced into openly engaging by interdicting his internal supply and transport system. Since the object is to discover and destroy the cadre and infrastructure by separating them from the guerrilla mass as well as preventing provisions from reaching the rebel field forces the government troops must practice patience and perseverance in a protracted war.

Patience is paramount. For in spite of satellite guidance and informant's intelligence the insurgents will have many trails and alternate tracks leading from the focos and frontiers to their agents, activists and combat commands. Moreover, most of these routes will lie under jungle cover in rugged, tropical terrain. Consequently, government troops must be prepared to sit astride suspected networks and wait. Battalion size banderas will airlift into areas encompassing indicated enemy paths. Blocks facing both ways will be established. Two landing zones, one inside and one outside the perimeter will be readied. Dug in, the bandera will wait and watch; no search and destroy missions, no movement, no pursuit, few casualties. Two, four, seven, ten days will pass. If the enemy does not open an attack to clear the track, then the route is either redundant or unimportant. The bandera, after installing remotely monitored ground sensors will move out by air and repeat the maneuver until a sensitive network is uncovered. The guerrillas, shorn of communications and short of supplies will have to try and break through. The regulars, well emplaced, armed with automatic weapons with established fields of fire will have their killing ground. If the insurgents are overwhelming the bandera in blockade will either be airlifted out—wounded first—or slip away to reform at another pre-selected block position. An insurrectionist attack from both sides of the track would indicate that the trail leads to or is close to a rebel supply base or command post. Loyalist reinforcements, supported by counter-insurgency aircraft (COIN), can be helicoptered into either or both landing zones and the enemy columns engaged or perhaps even entrapped. In any event, the enemy will have to come out into the open, show himself and take the consequences and—casualties.

Identical blocking operations will be carried on by other banderas simultaneously on a national scale in El Salvador. Eventually, as field forces fade from mounting casualties, lack of logistics and increased desertions, the rebel command will have to commit the infrastructure and cadre to combat. As these guerrillas grind themselves down the focos will also, through trial and error, be found out. When such a base with its Viet Cong tunnels and complement of cadre is uncovered, no effort to engage should be made. Installation of double lines of encirclement, facing inward toward the foco and outward toward any rebel relief force, insuring isolation are enough. Hunger, hygiene and hysteria will do the rest. In time, starvation, filth and insanity will drive the beseiged to surrender, suicide or self-immolation on the surrounding ring of fire. "Wait and Watch," are the orders of the day for the regular army.

Patience and perseverance echo down the ages of Hispanic history. For the twin traditions of protracted partisan warfare and strategic offense coupled with tactical de-

fense are essentially Spanish. The U.S. must not repeat the second major error of Viet Nam by imposing its military model and modus operandi on the Army of El Salvador.

Victory lies in utilizing local traditions and conditions and the elements for success are ingrained in El Salvador. For Hispanics still think of themselves as warriors and are attuned to prolonged warfare, while the Anglo-Americans consider themselves as soldiers and are trained for definitive campaigns. Thus, in Ibero-America the military is a calling, while in the U.S. it is a profession. The pattern of protracted partisan war reaches back in the Hispanic past to Roman times. The conquest of Iberia cost Rome almost two centuries (206BC to 19BC) and the conflict was marked by extended guerrilla resistence led by such warriors as Viriathus (assassinated 139BC), who combined strategic offense with tactical defense, and sixteen month sieges such as at Numancia (134BC-133BC). In addition to these classical examples is the seven hundred year long Reconquista (719-1492) in which the Christians recovered the peninsula from the Muslims. Using the "salami process' the Christians inched southward in an extended series of little wars (guerrillas), bleeding the numerically superior Moors until the invaders were weakened and ready for the coup de grace in climactic battle. With the fall of Granada, Spanish arms reigned supreme in Europe for a hundred and fifty years. Always out numbered and fighting far from the motherland, Spanish infantry was guided by Gonzálo de Córdoba, El Gran Capitán (1453-1515), who initiated the depot system and introduced the modern military concept of strategic offense and tactical defense. While harrying his oppenents with guerrilleros, the Great Capitan would maneuver his main body into an easily defendable position along a route the foe had to keep free. Obliged to assault, the enemy would impale himself on the immobile pikes of serried ranks of regiments (tercios) lined in batalla (battle) while the wings (alas) poured shot into the attackers. Eventually, as the foe broke, the alas would encircle and annihilate. These tercio tactics proved invincible until the French overwhelmed the disciplined Spanish veterans at Rocroi in 1643.

Spanish revenge returned during the Napoleonic Wars. At Bailén in 1808 General Francisco Castaños, after harassing the French columns of General Pierre DuPont with irregulars, interposed his army between the Imperial Legions and their resupply and reinforcements. Castaños, deploying in a defensive position, forced DuPont to waste his regiments in futile assaults and then obliged his capitulation. Thus, the tercio technique—strategic offense and tactical defense plus partisan operations—brought the imperial eagle down for the first time as Bailén

Fresh, French forces arrived, commanded by the Emperor himself. The struggle evolved into an six year long gruelling guerrilla campaign (1808-1814). Similar methods marked the two Carlist Wars (1834-39; 1872-76), the Civil War (1936-39) and the campaign against the maquis along the Franco-Spanish frontier (1945-47). Identical examples abound in Spanish America where the fifteen year long Wars of Independence (1810-1825) and near continuous civil strife since have completed the transition of the tradition to the New World. And El Salvador is the ideal testing ground for re-introduction of tercio tactics.

The Armed Forces of El Salvador have inherited from their Hispanic past the ingredients for victory. They also have the will to win. The U.S. must supply the instruments. In addition, the U.S. must assist in re-Hispanizing the indigenous forces and aid in instructing the troops and police in civil-military relations. For no national counter-insurgency campaign can be won without the support of the populace. The Salvadoran Armed Forces must return to their Judeo-Christian roots and treat their fellow citizens with justice and respect. One of the first moves in the direction of seeking peace through justice will be to place the National, Treasury, Frontier, and Internal Security Police along with the Civil Guard under direct Army control and command. Concurrently, the National Guard should be integrated into the Army and, then, the newly combined Army and National Guard should take over all police functions while the police are retired and retrained. Discipline and professionalism must be instilled in the police forces before they are permitted to reassume their duties in the urban and rural areas. Meanwhile, the amalgamated Army and Guard, using veteran guardsmen as NCO's for new formations, would be expanded to a total of 20,000 and reorganized along Hispanic lines.

Tercio command and combat structure must be introduced. Brigadas/Brigades (military regions), tercios, (departmental regiments), and banderas (all arms battalions) are the new nomenclature. El Salvador should be divided into five military regions, each commanded by a Brigadier. Every Brigadier will supervise the military and police in two or more of the fourteen political departments of the republic. Every department will raise its own tercio which will reside in the provincial capital. Thus, the number of departmental tercios would amount to fourteen. An additional tercio would be stationed in the national capital, San Salvador, and retained as Presidential ready reserve, for a total of fifteen tercios. Each tercio, in turn, will consist of one to three banderas. The bandera, as the basic combat unit, will be composed of eight companies of all arms, including ground and air transport.

The new military regions, Brigadas (BG) are designed to enhance combat control and increase accountability. Each BG would encompass a critical operations zone, a metropolitan area or economic region and to seek, where possible, to cover both banks of major rivers and lakes, especially the San Miguel, Lempa, Illopango and Coatepeque, this insuring continuity of control over crossings and, hopefully, preventing insurgent penetration along previously shared unit boundaries. Utilizing the existing political departments as building blocks the Brigades (BG) would be grouped as follows:

BG-I—La Unión and Morazán.

BG-II—San Miguel, Usulután and San Vicente.

BG-III—Cabañas and Chalatenango.

BG-IV—La Paz, La Libertad, San Salvador and Cuscatlán.

BG-V—Sonsonate, Altuchapán and Santa Ana.

Brigades, Regions, Departments and Capital Cities of El Salvador.

The proposed reorganization initially involves the establishment of a depot in each of the political departments. Each depot, in the fashion of the Gran Capitán, will serve as the home headquarters, recruiting center and drill and parade ground for the tercio. To further local loyalties and increase identification, tercios would carry the departmental colors and wear their provincial insignia. Moreover, each tercio would be autonomous and the colonel commanding would have full responsibility and accountability for pacification of his province. Only a limited number of tercios would carry a full complement of three banderas. All, however, would have at least one. For departments which evidenced a minimum of insurgency, such as Sonsonate, would require only one battalion, while others, like Chalatenango, would need a full three. Thus, though the tercio would serve as the basic unit for administration and identification, the bandera would be the fundamental fighting formation.

Banderas are designed for continuous combat and maximum mobility. Consisting of eight two hundred man companies, equipped with all arms and assigned its own air lift—two transport and one medical evacuation helicopters per company—the bandera is intended to exert unrelenting pressure on the enemy. Companies will work in pairs with a two week rotation of assignments. The cycle will be rest, engage, reserve and furlough. Thus, while two companies are recovering from home leave and retraining for combat, two others will be committed to blockade operations, two more will be held in ready reserve, and the last two will be enjoying two week passes. This two week spacing will insure freshness and flexibility, guarantee rapid reenforcement, provide ample time to repair and maintain the helicopters and, above all, enable the men to physically and psychologically sustain an extended war of endurance where courage and fortitude will prevail.

Pride and professionalism are the essential ingredients of a successful soldier. And in Latin America where machismo reigns and where the military is more than a mere career, pride may be even more important than preparation. Nevertheless, the soldiers of El Salvador must have adequate training and confidence, not only in their leadership, but also in their weapons.

Rank restructure and weapons modernization are essential. Integration of the Army and Guardia Nacional will enable the military to staff new units with experienced guardsmen who can be promoted to non-commissioned-officers. However, the continuing shortage of junior officers can only be met by elevating gifted NCO's to commissioned rank. This can be done by allowing the cream to rise and introducing a system of battlefield promotions. This program will not only insure a supply of proven, platoon leaders, but also tend to break down class barriers and give enlisted personnel vertical mobility and hence, more to fight for. Courage and success on the battlefield must be rewarded. Training for officers and men should be conducted in a safe environment in areas which are free of insurgent activity. Adequate pay, pensions, life insurance and medical support for combatants and their families, are essential. In addition to these support systems, the physical protection of military dependents must be assured so that they are reasonably safe from rebel reprisals. The reward system can not only be material. A public relations campaign to enhance the image of the armed forces along with public recognition in the press and on the television of individuals and units which have performed outstanding acts of heroism will aid the propaganda campaign. Rewards and recognition through bonuses, medals, ribbons and extra furloughs will further raise morale and sustain the will to win. The

troops, no matter how brave and skillful they may be, need modern weapons and equipment.

The Salvadoran Armed Forces are currently carrying obsolete arms into combat. The standard infantry rifle, the H and K, G-3, should be replaced with M-16's. This upgrading would at least give the government forces the same firepower as the guerrilleros, who are equipped with Soviet small arms along with U.S. models captured in Indo China. In addition, if the banderas are to effectively perform their mobile blockade missions, squads must be allotted automatic weapons and backed by grenade launchers and mortars, both light 81mm and heavy 120mm. Should the U.S. Congress be reluctant to appropriate funds for refurbishing, then transfer from Turkey to El Salvador of the $100,000,000 worth of Soviet arms caches uncovered since the military took power should be considered. So deployed and distributed, the weapons would be used against the surrogates of the original supplier.

Modern weaponry should be balanced by new equipment. Tropical, rot-proof uniforms, jungle boots, fiber helmets—preferably the new U.S. Navy battle helmet with shell, light-weight body armor made of Kevlar with chest and groin protection, and even face masks would remarkably reduce casualties. Health would improve and mobility would be enhanced if the blockade banderas were provided with a two week supply of freeze dried campaign rations. Moreover, military medical supplies such as morphine syretes, antibiotics and I.V. solutions are desperately needed. Air evacuation of wounded should also be expanded. The current carry out of casualties costs an average of twelve hours, inflicting needless agony, incapacitation and death on the fighting forces. Poor medical facilities, a shortage of supplies, obsolete arms, inadequate support systems, lack of rewards and recognition, incorrect tactics and blind adaptation of U.S. military models are all contributing to the collapse of the morale of the military in El Salvador. The stalemate which started in July 1981 has been followed by defeatism and fatalism. Nevertheless, if the deficiencies are remedied, and the Salvadorans return to their Hispanic roots and the tercio tradition, El Salvador can still save itself. If not, the U.S. may intervene and, consequently, commit the other errors of Indo-China, for the Anglo-American, unlike the Spanish American, is culturally incapable of conducting a protracted war.

Anglo-Americans are essentially poker players. Yankees play each hand as it is dealt them. Reacting to the cards in hand and trusting to the luck of the draw, North Americans tend, therefore, not to plan or initiate action, but to counter. Moreover, as poker players, they have limited vision, since they play from deal to deal and are, thus, short term in their thinking. Americans also exhibit the naive assumption that opponents will deal the cards again, when in reality, if the Soviets win, they will not only refuse to play, they will take the pot and go home. This U.S. cultural liability is well reflected in the current craze for crisis management. Based on the business theory of the "exception principle," U.S. leaders confront situations as they arise. Hence, be they liberals or conservatives they are reactionaries. Only their reflex response differs. Consequently, U.S. military and foreign policy is a series of unintegrated, isolated acts without continuity or apparent purpose. Contrasting the U.S. view of short, sharp campaigns and crisis management, the Russians, as chess players, plan several moves ahead, as do the Orientals who are addicted to Go and the Hispanic Americans who are dedicated to dominoes. Added to American poker player psychology is an accountant's attitude of business as usual. Board members and bookkeepers consider a war zone as a lost market, rather than the site of contending systems engaged in a long term struggle for supremacy. Thus, as trade and tourism decline, policy is dictated by the profit and loss statement of private companies rather than the national interest. The U.S. propensity for short term profits paired with a poker player mentality have rendered America incapable of enduring either a prolonged ideological effort or a sustained military action. For if massive military intervention fails to win a quick victory, as occurred in Indo-China, the U.S. reaction is to cut its losses by abandoning its allies, opting for the Zimbabwe Solution and accommodating to the enemy who guarantees peace and profit. Consequently, since the conflict may continue for decades, the U.S. should never consider committing field forces to Central America.

Introduction of U.S. ground forces into Central America is neither necessary nor desirable. The elements of victory are already in place in the people and past of El Salvador. Foreign intrusion, be it Anglo-American or Cuban-Sandinista, will only provoke a negative, nationalistic reaction, for a country can only be truly conquered by its own citizens. The U.S., therefore, should limit itself to what it can do best, that is providing treasure, training and technology. Help, plus a "hands off" policy, can, over time, solve the situation. The opposite was practised in South East Asia. The enterprise floundered.

The U.S.'s "hands on" effort in Viet Nam eventually required the introduction of large numbers of ground personnel. This presence induced over-dependency on U.S. forces by the local military, disrupted the Viet Namese economy and exposed the American populace to domestic unrest, as well as an intense and eventually successful international propaganda campaign which weakened the U.S. will to win. As protests and casualties mounted, the U.S. military strove to replace men with machines. Gadgets would substitute for soldiers.

U.S. fascination with technology occasionally leads to dependency. In South East Asia the American military continued to employ helicopters as counter insurgency aircraft (COIN) even after battle experience had proven their extreme vulnerability to even light ground fire. During the Lam Sam operation in Laos 108 helicopters were lost and 600 were damaged between February 8 and April 9, 1971. In spite of the massive helicopter support and immense wastage, some 10,000 South Viet Namese troops were killed, wounded or captured.[4] An estimated equal number of the enemy—who were without air cover—fell. Such an expenditure of men and machines for an even trade with the adversary is unacceptable. A similar situation already exists in El Salvador where, as of early November 1981, thirteen of the government's fifteen helicopters were inoperable. Therefore, helicopters should be limited to transport and air evacuation roles in Central America and not assigned to combat missions as COIN. An admirable substitute with a much higher survival rate would be the Brazilian built Xavante. Jet propelled and designed for brush fire wars in less developed areas, the Xavante's purchase price includes ground crews and maintenance personnel for an extended period. Spanish speaking volunteer pilots could be contracted to operate the aircraft in close support of the banderas in blockade. Thus, once again, the instruments are at hand for victory in El Salvador. But they must be utilized to be effective and this requires will and purpose.

The crisis in U.S. foreign and military policy is metaphysical. The situation in El Salvador is symptomatic of the shrinking of America's spirit and the contraction of U.S. space perception and strategic vision. The mixed signals emanating from Washington which alternate between the limp wrist and mailed fist approach as exemplified by the Caribbean/Central American Action Group on one hand and Secretary of State Alexander Haig on the other indicate indecision and confusion. For the battle within the Reagan administration is but one of the three wars being waged. The other two in the international media and on the ground in El Salvador will only be won or lost when the conflict within the U.S. government is resolved. And the continuing campaign to equate Central America with South East Asia is an effort to influence the decision.

But Central America is not South East Asia. This time the logistics are on our side. Moreover, the five major military mistakes need not be repeated. The U.S., by supplying treasure, training and technology, can aid its allies in:

1. Adopting the strategic offense and tactical defense.

2. Inculcating Hispanic traditions and *tercio* tactics.

3. Conducting a protracted war of perhaps decades duration.

4. Reinforcing the self-reliance of indigenous armies by refusing to commit U.S. ground forces.

5. Utilizing helicopters for air transport and evacuation only and supplying COIN aircraft for combat.

The U.S., by applying these five points, providing the instruments and encouraging allies to fight for their own countries, will, in turn, insure its own survival. For the United States is the ultimate target of the enemy in Central America. By using surrogates and supplying satellites, the Soviet Union is conducting a low cost, low profile, low risk war which is not only eroding the U.S. power perch in the Caribbean and Central America and endangering oil and ore imports which are vital to the U.S., but which also may succeed in stampeding millions of innocent, insurgency-driven refugees from Nicaragua, El Salvador, Guatemala and Mexico into the United States.[5] This possible secret scenario in Central America would, if successful, destabilize the Republic and allow the Soviets to gain their ultimate objective of absolute security—global hegemony—without ever directly confronting the military might of the United States. Thus, the salvation of El Salvador is intimately linked to the future fate of the United States. Whither Washington?

REFERENCE NOTES

[1] See "Guatemala, Central America and the Caribbean: A Geopolitical Glance," *Vital Speeches of the Day* LXVII: 22 (September 1, 1981), pp. 677-684, for a discussion of the strategic dimension.

[2] See Sol W. Sanders, "Our Mexican Time Bomb," unpublished Ms. for an excellent discussion and analysis of the migration problem.

[3] For a brief outline of revolutionary warfare in Latin America by Frank Aker see *Vital Speeches*, pp. 679-681.

[4] Ronald H. Cole, "The Southern Defeat on the Ho Chi Min Trail," in Ray Bonds, ed., *The Viet Namese War* (NY: Crown, 1979), p. 193.

[a] For the exodus of boat people from Nicaragua refer to "Washington Whispers," *U.S. News & World Report* (November 23, 1981), p. 12.

GUATEMALA, CENTRAL AMERICA AND THE CARIBBEAN

(By Lewis A. Tambs)

Central America and the Caribbean act as America's global power perch. Ever since 1898 the ability of the United States to project power eastward across the Atlantic and westward past the Pacific has rested upon a cooperative Caribbean and a supportive South America. And as of Thursday, July 30, 1981 the Caribbean is a cauldron. South America is increasingly isolated. The continental sea of the Caribbean which bound North and South America together is being made a barrier by Soviet sponsored activity.

The erosion of the U.S. position in the closed sea of the Caribbean and the encircling isthmus of Central America portends the collapse of America's global power presence. For the U.S. does not have enough men, money, ships, aircraft or energy to divert massive resources southward and still retain a credible posture in its primary security areas—Southwest Asia, Western Europe and the Western Pacific. Thus, the Caribbean and Central America, although superficially a secondary theater, are part of an overall scenario of Soviet staging.

The Soviet Union seeks absolute security—global hegomony. The strategy is simple. Achieve nuclear superiority and then, under the cover of an atomic umbrella, satellitize and Findlandize the world with a policy of double encirclement: surround the People's Republic of China and strangle the oil and ore supplies vital to the industrialized democracies—Western Europe, the Americas and Japan. The immediate objectives are the two treasure houses of the world—the mineral storehouse of the Southern Africa and the petroleum-laden Middle East.

The danger for the West is defeat not destruction. Acting under the protective parasol of nuclear superiority, Soviet Russia in a massive Mongol Sweep is pinning the military might of NATO in Western Europe while outflanking America's allies by moving into the Middle East and Southern Africa. Simultaneously these modern Mongols seek to encircle the People's Republic of China and interdict the Sea Lanes of Communication (SLOC) and Aerial Skyways of Transport and Resupply (ASTAR) upon which the Western democracies depend. And for the United States, the centerpiece of the Western coalition, which relys on foreign sources for over half of the thirty-two minerals essential for industrial and military use and imports over one third of its oil, the Caribbean and Central America are crucial.

Arabia and Africa may be the petroleum pump. The Indian and Atlantic Oceans may be the oil sea lines of communication. But for the United States, the Caribbean and Central America are the nozzles.

The Caribbean is a closed continental sea. The number of entrances and exits is limited. The Bahamas, Puerto Rico, the Virgin, Leeward, Windward and Grenadine Islands encircle the eastern edge. North, Central and South America ring the rest. The only Pacific passage is the Panama Canal. The center of the circle is dominated by the Greater Antilles—Puerto Rico, Hispañola, Jamaica and Cuba—which also form a barrier between North and South America. Only three channels, Mona, Windward and Yucatan cut through the Antillian island chain which lies athwart the sea lanes connecting the two continents. Additionally, only the Straits of Florida and the Santarén Passage provide an Atlantic entrance to the Gulf of Mexico. The warm tropical waters also wash Mexico and Venezuela, two of the worlds major oil producing nations. Thus, the Caribbean rim and basin is a petroleum focal point.

Through Caribbean channels, Antillian passages and the Panama Canal pulses the petroleum of the Middle East, Ecuador and Alaska. Super tankers sailing from the Persian Gulf around Africa generally do not dock directly in U.S. Atlantic or Gulf ports. Most of these vast vessels transfer their cargoes at the Bahamas, the Virgin Islands, Trinidad, or Curaçao-Aruba into standard size tankers which then sail on to the eastern or southern seaboards of the United States. Even supertankers destined to discharge in the New Orleans terminal must traverse the Caribbean. Venezuelan oil also moves northward through the Mona, Windward and Yucatan Channels. Not all of this oil is crude. Since the U.S. has not completed a new refinery in years much of this imported petroleum is finished product having been processed at off shore locations. The Panama Canal also plays an important role on U.S. energy supply. Oil from Alaska and Ecuador should soon pass through the planned Pacific-Atlantic pipeline in the Republic of Panama augmenting the actual tanker route by way of the former Canal Zone. Another trans-isthmian conduit under consideration for Alaskan oil runs across Guatemala from the Pacific coast to the Gulf of Honduras. Thus, since some three-quarters of all U.S. oil imports are either produced or transit the shore and sea of the New World Mediterranean, whoever controls the Caribbean and Central America could strangle the United States by choking off the petroleum life lines.

The noose is tightening not only on oil but ore. Mexico, with some sixty-seven billion barrels of proven petroleum reserves is also a significant supplier, along with Brazil, of manganese to the U.S. which imports 97 percent of its needs. Guatemala, which started exporting oil in April 1981 from the El Petén and West Chancha fields with estimated reserves of between two and six billion barrels, began shipping nickel in 1978 from the 60,000,000 ton reserve near El Estor on Lake Izabal. U.S. dependency on foreign nickel is 76 percent. Regarding bauxite, the Caribbean basin nations of the Dominican Republic, Haiti, Surinam, Guayana, and Jamaica supply most of the U.S.' 93 percent import requirement. In addition to these strategic minerals which also come from Southern Africa, U.S. steel mills also import significant amounts of iron ore from Venezuela and Brazil, most of which transits the Caribbean. The United States as a mineral and energy dependent nation needs secure supplies from Meso-America and the New World Mediterranean.

Cuba is the key to the Caribbean. Ever since the advent of the maritime empires in the sixteenth century the Pearl of the Antilles has, by virtue of its central location, command of the Windward and Yucatan Channels along with the Santarén Passage and the Florida Straits, and its relatively large size, population, agricultural potential and numerous deep water harbours, served as the strategic center of gravity of the closed, continental sea of the Caribbean. The introduction of air and ultimately missile power in the twentieth century has further enhanced the island's importance. Thus, the coming to power of Fidel Castro in Cuba in 1959 and his subsequent alliance with the Soviet Union altered the geopolitical game in the New World Mediterranean. Moreover, U.S. efforts to contain Castro after the defeat at Playa Girón in 1961 and the promise of non-intervention concluding the Cuban Missile Crisis of 1962 chained U.S. planners to passive policy of reaction and restraint rather than an active program of initiative and offense. Containment of both the U.S.S.R. and Communist Cuba, therefore, committed the United States to a defensive posture and merely enabled Moscow and Habana, not only to establish, but also to insure their sway over their subjects. Curiously, both the Comintern and Castro learned their Latin American lessons from Guatemala.

The Marxist-Leninists used Latin America as a laboratory. During the 1930's the Third International experimented with both direct action and parliamentary penetration as means of winning power. Violence failed in El Salvador in 1932 and again three years later in Brazil. However, in 1938 the Peruvian Comintern agent Eudocio Ravines, utilizing the technique of the Yenan Way taught him by Mao Tse-Tung, succeeded, following the French and Spanish examples, in engineering the establishment of a Popular Front Government in Chile. These two tactics—armed struggle and the via pacifica—remain the standard Communist techniques for seizing control in Ibero-America. But, the Guatemalan interlude of 1944-1954 taught the Marxists something more—how to remain in power.

A small group of Latin American Marxists gathered in Mexico in the autumn of 1954. Fleeing from the forces of the "Liberation Movement" commanded by General Ydigoras Fuentes and Colonel Carlos Castillo Armas which had overthrown the Communist riddled regime of General Jacobo Arbenz Guzmán on June 27, 1954, these refugees pondered their precipitous eclipse. Their ascent under Presidents Juan José Arevalo (1945-50) and Jacobo Arbenz (1950-54) had been swift and certain, their use of infiltration and subversion, masterful, but they were unable to retain control. Why? Analyzing their downfall the Communists extracted these six basic principles: although the middle class can be used to attain power, only by revolutionizing the masses can Marxists maintain themselves in power; a Marxist-Leninist nation in the Americas must integrate economically with the Soviet block in order to reduce dependence on the United States; a Socialist state can hope for nothing from the Organization of American States and all appeals should be made to the United Nations where the Soviet Union sits on the Security Council; political rights should be exercised only by the Communists and the one party state should be empowered to take dictatorial action against its opponents; the Church must be broken, discredited, penetrated or won over in order to eliminate a rallying point for anti-Communists; and the old army must be liquidated and replaced with a Red militia. These six principles were later applied with telling effect in Cuba. Guatemala's Red decade of 1944-1954 provided the script for the Cuban story.

Fidel Castro followed the six principles of retaining power to the letter after occupying Habana in January 1959. The 26 of July Movement was one of many middle class groups in the loose coalition which overthrew authoritarian President Fulgencio

Batista. But liberals, social democrats, conservatives, and romantic utopians were no match for a disciplined, organized Communist cadre which rigorously applied the six principle program and eventually established a totalitarian state. With one exception the six principles were also evoked in Chile between 1970 and 1973 and in Nicaragua after July 1979. Castro counseled both the Socialist Salvador Allende and the Sandinistas to mute point two—"A Marxist-Leninist nation in the Americas must integrate economically with the Soviet block in order to reduce dependence on the United States." For the Communists had seemingly forgotten Lenin's dictum that "The capitalists will fight among themselves to sell us the rope to hang them with." Consequently, as Containment collapsed and Detente dawned it became much more convenient for the Communists to count on the industrialized democracies for trade and aid which would ensure the success and safety of the revolution. Concurrent with the socialization of the Cuban people, Castro exported insurgency. Between 1959 and 1965 Haiti, the Dominican Republic, Venezuela, Colombia, Panama, Nicaragua, Guatemala and Mexico were hit.

Insurrection erupted in Guatemala City on November 13, 1960. The military mutiny was suppressed but the cuartelazo set off some seven years of rural guerrilla warfare lead by former Lieutenants Mário Antonio Yon Sosa and Luis Augusto Turcios Lima. The campaign would cost thousands of lives including that of the U.S. Ambassador and two members of the Military Mission as well as millions of dollars of productive property. The Guatemala Government, acting under the Act of Chapultepec of 1945 which declared that any attack upon a member party would be considered an attack upon all and provided for the collective use of armed force to prevent or repel such aggression, and the subsequent Inter-American Treaty of Reciprocal Assistance of 1947 (Rio Defense Treaty) which constrained signatories to the peaceful solution of disputes among themselves and provided for collective self-defense should a member party be subject to external attack, responded by requesting assistance. In addition, the Guatemalans, under the umbrella of the Rio Treaty and the Inter-American Defense Board, joined with El Salvador, Honduras and Nicaragua in July 1965 to form the Central American Defense Council (CODECA). Since CODECA was conceived specifically to coordinate resistance against possible Communist aggression, Nicaragua's adherence, as of July 1981, is doubtful. Nevertheless, CODECA is still legally and operationally in place.

The founding of CODECA was followed by the election of President Julio César Méndez Montenegro (1966-70). Méndez, a member of the Revolutionary Party (PR)—his inauguaration marked the first time in the twentieth century that a Guatemalan Government had peacefully handed power to the opposition—immediately offered amnesty to the insurgents. The rebels refused. Méndez then ordered Col. Carlos Arana (later president, 1970-74), to flush the guerrillas out of their rural stronghold in Zacapa along the Honduran frontier and authorized farmowners together with their administrators and representatives to bear arms. This deputizing of the agrarian elite, while it did hamper insurgent operations, also resulted in the formation of the so-called 'death squads.' Meanwhile, Arana ran down the rural rebels driving them to desperation and acts of urban terrorism.

The collapse of rural guerrilla operations in Guatemala coincided with the defeat and death of Ernesto "Che" Guevara in Bolivia. By 1968 counter-insurgency had prevailed over rural revolution. Thus, the call of the Latin American Solidarity Organization (LASO) in January 1966 at the Tri-Continental Conference in Habana for many Viet Nams and a Continental Revolution aimed at isolating and destroying the United States through guerrilla warfare was called into question. For the four *focos* or fighting zones designated by LASO—Peru, Colombia, Venezuela and Guatemala—plus the covert center for Continental Revolution—Bolivia—had failed to ignite brush fire wars and spark social revolution. The insurgents, driven to seek shelter in the cities, now turned to urban terrorism.

A re-evaluation of revolutionary warfare was required. What emerged from the combat conditions of the 1960's and the revolutionary writings of such authors as Mao, Vo Nguyen Giap, "Che" Guevara, Régis Debrary, Abrám Guillén, Alberto Bayo, Carlos Wilson, Carlos Marighella and others was a synthesis which is currently being applied with singular success in Latin America. A summary in outline form prepared by Frank Aker follows:

I. BACKGROUND NOTES

A. Spanish inheritance

1. Spanish culture, temperament and history have proven to be compatable with the *concept and style* of guerrilla warfare (guarrilla means "little war").

2. The first large scale example of rural guerrilla warfare in modern times was conducted by Spaniards in 1808-1813 against the French invaders.

3. Latin America has a very high percentage of young people in its population. There is too little industry in this agricultural area to provide needed employment of excess population and to develop a solid middle class. A potential explosive situation exists without the stabilizing influence of the U.S. as a dependable trading partner and as a source of productive and profitable investments.

B. Lenin's legacy

1. Lenin provided political application to guerrilla warfare. He developed a Communistic doctrine of revolutionary war that pits the dissatisfied lower class against the social and government structure that is allegedly abusing it. This has provided many Latin Americans the spark and fuel (excuse) to seize political power by illegitimate and coercive means.

2. Partisan warfare is the only safe, practical means of Communist expansion in this area of the world. It provides the Soviets with a low risk, low cost, low profile approach to the isolation of the U.S. at an extended range from the Russian mother land.

C. Art and science of revolutionary war

1. The Soviets have developed for Latin America a historically and currently plan of action for starting, waging and winning a war of National Liberation. This will eventually lead to hegemony of all of Latin America and compromise the U.S.' ability to be a competing power in world affairs.

2. Moscow and Habana's blueprint (to be outlined) consists of four distinct parts or phases:

a. Organization and preparation.
b. Limited war of expansion.
c. Conventional war and exploitation.
d. Exporting and support of contiguous revolution.

II. PHASE 1: ORGANIZATION AND PREPARATION

(Note: already accomplished in all Meso-American and some South American countries.)

A. Target country selection

1. Underdeveloped countries are Soviet targets of opportunity since they may be in the economic phase of capital formation and, thus, have a few wealthy families, a small middle class and a large majority of marginal rural laborers. While it was once believed that the existence of a large middle class would preclude a revolutionary situation, the concrete cases of Uruguay and Argentina, especially the former where neither deprivation nor tyranny existed have dispelled this myth. Nevertheless, in Central America where the politics of envy of the petit bourgeoisie can be played against the well-to-do producers, the existence of large numbers of unemployed or underemployed agricultural laborers is important. Even in these cases, as Ernesto "Che" Guevara learned to his dismay in Bolivia, other factors such as race and nationalism may prove critical.

2. A choice terrorist target is a nation which is ruled by one man, party, or single family. Cauillismo and personalismo combined with continuismo facilitate focusing. The charge of corruption is an excellent emotional propaganda tool and the revolution will have an easily identifiable reference point.

3. Most Central American and Caribbean countries have societies which are unable to keep up with the dynamic changes of the world. The society is unable to absorb change allowing for breakdown of norms or traditions leaving a discontent-disoriented youthful population. Youth can easily be manipulated by taking advantage of their inherent impatience and idealism through the use of abstract themes that have broad appeal. These themes need not be realistic or attainable, just emotional. Youth are willing to risk all they have, because they do not have much.

B. Initial establishment: Stage 1

Leadership

1. Soviet agents have identified known discontent opinion leaders and have sent them for training in U.S.S.R. for 2-4 years. They have learned how to form and use the political element (infrastructure) to run a revolutionary war. As long as the infrastructure survives—the revolution survives. To this end, numerous candidates are trained.

2. The Soviets have thoroughly analyzed the social class structure identifying grievances as a "cause." The candidates are thoroughly trained to exploit the cause to secure support of factions and people.

3. Soviet emphasis is to develop an indigenous leadership capable of carrying the momentum of Revolution to full term. They must have independent skills to compile an intelligence base needed to formulate campaign plans and to support propaganda objectives and themes.

4. Leaders are sent back to their homeland and initially act independently to form their own competitive organizations. Then, as the cream rises to the top, various leaders will merge their organizations to form coalitions under the more successful leader.

5. First major effort is to win over the Catholic Church by whatever means. This is done by supporting the Church, it works with the poor, etc. To win the Church, they win many supporters.

6. Leaders are instilled with the concept that this only is the beginning and that their ultimate purpose is to overthrow the U.S. These leaders are committed to a protracted war. They are indoctrinated to fight as long as it takes to win.

Guerrilla Cadres

1. Soviets have identified initial cadre members to be trained by seasoned guerrillas in other Latin America revolutions or in special camps located in Cuba, Costa Rica and Nicaragua. They learn physical conditioning, survival, political ideology, and tactics. It is not necessary for the cadre members to be Communist, only that they be dedicated to the overthrow of the government of their country and eventually the overthrow of the U.S.

2. Cadres return to coordinate with the leadership, establish a rural base, to recruit, train, equip and indoctrinate other guerrillas.

3. Individuals of extraordinary ability may rise to positions of leadership within the infrastructure or form their own infrastructure.

4. First actions—to infiltrate members into the policy machinery of mass organizations; news media, unions, schools, cooperatives, church, armed forces, police and government. They start a systematic destabilization and misinformation campaign.

C. Developing support: Stage 2

1. Bases are established by each faction in inaccessible rural terrain to disperse assets—avoiding a single catastrophic blow. Terrain selected is contiguous with a country's border in or close to a revolution. Bases in contiguous countries are most valuable in Phase 1 to avoid government troop encirclement.

2. Strategic holdings in a revolutionary war are not land or space—that is a conventional concept—it is the "hearts and minds of the people." Maps should not show ground held by forces but areas held by people loyal to the revolutionary cause. Rural areas are sparsely populated receiving little direct government protection, assistance and communication. Rural areas will be more susceptible to supporting insurgents if they provide what the government does not.

The guerrilla units dispatch agitators to spread propaganda to immediate area to gain support—provide schools, medical centers, local security, agriculture assistance in return for food, medicine, recruits and information. Hence the close cooperation between insurgents and some international relief agencies.

The concept of dual government (legitimate and revolutionary) emerges.

3. Infiltrated members in urban areas initiate strikes, riots, sabotage, black markets, rumors and agitation of minorities to cause social and administrative disorder.

This initiative will keep government troops and police tied to urban areas. It is cheap to produce, but costly for government to prevent. Best way to purchase time to change attitude.

III. PHASE 2: LIMITED WAR OF EXPANSION

A. Guerrilla military activity

1. Basic assumption—a Latin American government cannot sustain a lengthy internal war financially, psychologically or politically.

The guerrillas must keep constant pressure by maintaining the initiative. Key to controlling initiative is knowledge of enemy's position, strength and intentions done by a solid intelligence system set up in Phase 1 and constantly being expanded to where every civilian can be considered an agent.

2. Guerrillas scatter forces throughout the country and initiate disturbances and demoralizing attacks on supply lines, communications such as railroads and bridges. Weak army columns are ambushed. Hit-and-run raids are sudden, vicious with precise execution and raid dispersal to not allow the government to reinforce, direct air and artillery fires, or isolate insurgents by using paratroops or helicopters. This places a strain upon the government conventional forces by a process of attrition both psychological and physical. Urban activity is stepped up by directly attacking the property and wealth of those in power. Banks are of particular importance both as symbols and as sources of funds.

3. The government, under pressure to maintain world image of stability (politically, militarily and economically), to receive foreign aid, and to have its trade and military alliances honored, will disperse troops to police the threatened areas. This causes government forces to be weak at all points. The guerrillas can concentrate their forces at the government's weak points, one by one; defeating the regular troops in detail, yet preserving their own strength.

4. Government forces will predictably intensify repression with road blocks, house searches, arrests of the innocent, closing streets. Police terror will become routine along with political repression.

Guerrillas will make excellent propaganda use of this both on a local and world wide level. To keep the time honored class privileges, the government power will change hands within the family, party, or even be taken over by the military. Government soldiers will begin to show signs of tiring, they will lose faith and decline in morale.

5. Insurgents will avoid direct confrontations while building a well-armed, mobile army, through capture of arms, recruitment and defection of government troops with this expertise.

B. Terrorism

1. Should for some reason the guerrilla activities fail and/or the government take steps to remove the cause, then the guerrillas will have no other choice but to seek power by terror and intimidation. This is done by committing atrocities not against the government, but against the people on whose behalf the insurrection is instigated.

It will make no difference to the local or world wide press—they will still sympathise and call it a guerrilla action in a civil war.

2. Terrorism can never succeed militarily, only psychologically. It is usually given into by appeasement. This is accomplished by propaganda leading to a negative governmental political approach in which it is believed no defense is possible against terrorism. This leads to a nation's moral exhaustion and a predisposition to surrender.

3. To respond to terrorism an arch-military conservatism develops. This is embodied in a blind adaptation of a European pattern of warfare of ponderous armor and static heavily fortified garrisons. The government leadership is oriented towards a war of mobility and clearly formulated objectives of attack, a strategic approach in which armor is the chosen instrument. This will fail against the guerrilla turned terrorist and will result in an increased feeling of defeatism on the part of the military and ultimately fatalism. All the government needed to have done was change tactics and to be prepared for a protracted war. This military blindness and military conservatism is expensive and will put more strain on the economy than it can stand.

4. Terrorist victory is near when the political element's defeatist attitude infiltrates the military arm. The first sign of this is when the government seeks to negotiate a settlement. This signals the army that the government no longer has confidence in it's ability to win.

C. Demoralization and dissatisfaction of the people with the government

1. Extensive propaganda campaigns. The people will judge what is promised by the rebels not what is provided, but the government must run on its record. As more territory is won over and absorbed, enough people will actively commit themselves to the revolution so that "home guards" can be formed. These local vigilante groups are not combat units, they serve as police and protect guerrilla areas. It is their job to discourage loyalists, obtain information, and oblige support and contributions.

In many cases, Church officials will back the rebel factions, having been won over by the propaganda that the rebels are dedicated to helping the poor.

2. A long internal war compromises foreign relations: no country or company wishes to invest in a risky area or deal with a toppling government. Many major families will begin leaving the country with their wealth.

3. A long war also causes dissention among the people because the government cannot keep order in guerrilla infested areas. Acts of terror and sabotage occur which make civilians lose confidence in the strength and authority of the government. War weariness and war frustration arises.

4. The government, by constantly increasing the troop strength to confront the guerrillas conventionally, will cause a labor drain and subsequent economic and political dislocation.

IV. PHASE 3: CONVENTIONAL WAR AND EXPLOITATION

A. Guerrilla military activity

1. Equalization of manpower and equipment between insurgents and government troops.

Government troops are overextended and revert to defensive posture around fortified bases in a mistaken belief that they must hold territory.

2. Guerrilla army uses positional warfare to pin and hold regular field forces, while mobile units encircle and then destroy government units. The conventional battles will break the back of the government's army and the will to win will be exhausted.

3. Insurgent's final drive will be to capture the capital. This effectively cuts the head of the government snake and without it the rest will die.

B. Guerrilla political activity

1. Negotiations will be well publicized. The press is particularly fond of this type of media event—real or not. The international media will be used to consolidate and repeat the revolution's goals, frustrate the government, and influence world public opinion. The only concessions accepted are those that aid the insurgents. (Never negotiate with a Communist.)

2. Coalition government—any sign of compromise will be a sign of weakness and appeasement leading to ultimate surrender.

V. PHASE 4: EXPORTING AND SUPPORTING OF CONTIGUOUS REVOLUTION

A. Revolutionary puppet government

1. Soviet and Cuban "advisors" will take control of the new government's operations and military. This will leave a rubber stamp government of revolutionary leaders.

2. Internal security will be tightened with any and all opposition brutally disposed of. This organized terror will be coupled with a comprehensive program to direct every aspect of an individual's life—his work and life will be dictated—application of the six principles of retaining power.

B. Next target

1. The recently revolutionized country is then obliged to render assistance to all other wars of National Liberation in the area.

2. Citizens of the newly conquered country will be told it is a source of comradeship, revolutionary ideals, and repayment, and that they must provide bases and training camps, troops, arms and ammunition.

3. The best next objective will be a contiguous nation—Nicaragua, El Salvador, then Guatemala.

The doctrine of Revolutionary War as outlined above in the Aker analysis is driving Central America into chaos. However, as recently as 1977 the five republics—Costa Rica, Nicaragua, Honduras, El Salvador and Guatemala—in spite of the Soccer War of 1969, the Oil Embargo of 1973 and the earthquakes in Nicaragua in 1974 and Guatemala in 1976, were still stable, prospering, progressive and allied to the United States. For though many of the causes are a long standing compound of the "imperfections of man and the cruelties of nature," the collapse of Central America came during the presidency of Jimmy Carter (1977-81).

President Carter came to power with a plan for Latin America. Predicating his policies on three studies—the two "Linowitz Reports" and the "Southern Connection"—which apparently accepted the Marxist-Lenist norms that social revolution is inevitable and that socialism (state capitalism) is desirable, U.S. policy makers, captivated by the concept of controlled revolution, chased the chimera of trying to prevent the political coloration of Latin America from being dyed Russian red by a pre-emptive painting of an American-prescribed pale pink.

The Carter administration opted for the Zimbabwe Solution. Believing that basic human rights could be bettered, that social reforms would elevate the economic standard of living, that ideological pluralism would be assured and that democratic procedure would be guaranteed, President Carter pursued a policy of contributing to change and pushing, what was assumed to be an inexorable process of modernization. Efforts to accelerate the process included cutting off military supplies to Guatemala and Nicaragua, aiding the Sandinistas, encouraging Costa Rica to provide sanctuary for the FSLN (Frente Sandinista de Liberación Nacional), and engineering the overthrow of a duly elected president of El Salvador.

The results of Mr. Carter's well intentioned efforts have been the opposite of the desired ends. Casualties in the Soviet-inspired and Sandinista-supported campaigns in El Salvador and Guatemala average 40 to 60 per day. Human rights violations in Nicaragua alone, not to mention atrocities by both sides in El Salvador and Guatemala, are massive. Some 8,000 political prisoners languish in the People's Prison compared with the fifty-nine persons which President Anastasio Somoza was obliged to release in 1978 when a Sandinista raid obliged him to clean out his jails. Thousands of refugees are homeless. An estimated ten percent of Nicaraguan populace of 2,500,000 has fled seeking sanctuary, not only from the Sandinistas, but also from elements of the Palestine Liberation Organization and other assorted international terrorists. Central American economies are in ruins. Nicaragua's 1980 deficit approached $300,000,000. An amount which even the Libyan loan of $100,000,000 will not match. El Salvador's once thriving agricultural and industrial sector is in disarray due to U.S. imposed experiments. The Guatemalan Government, still solvent, financed much of the area's export trade in 1980 due to the *de facto* bankruptcy of Costa Rica, Nicaragua and El Salvador. Unemployment has soared, rising to approximately sixty percent in Nicaragua and thirty in El Salvador. Ideological pluralism has been pushed aside in Nicaragua where the government, pursuing the six principles of retaining power, has persecuted political opponents, hampered the press and postponed pre-revolution promises of elections; Somoza's Liberal Party would have had some kind of an election in 1981; moreover, he and his family were forbidden to run. Costa Rica, the Switzerland of the South, is racked with leftist terrorist attacks while the right arms its death squads. The Zimbabwe option has failed.

Central American integration has been set back. Long torn between the forces of federalism and centralism, Central America received a tremendous impetus toward economic and political cooperation with the launching of the Alliance for Progress by President John F. Kennedy (1961-63). Understanding that what Latin America needed was more production, the Alliance fomented capital formation, free enterprise and a market economy. Formation of the Central American Common Market was encouraged and aided by the U.S. and enabled the individual republics to specialize and industrialize. Manufacturing averaged an annual ten percent increase from the early 1960's to the early 1970's, thus easing their dependence on agricultural exports and the vagaries of the world market. As economic inter-dependency increased, peaceful political collaboration seemed sure to follow. However, as of July 1981, with the exception of the existing, but unactivated Permanent Commission of the Council for Central American Defense headquartered in Guatemala City, the only cry for union comes out of Managua where the Sandinistas, well supplied with weapons and even armor, are raising a regular army of 50,000 and aspire to mobilize a militia of 200,000 to 300,000. The miserable economic situation and the militarization of society has given the youth of Nicaragua the classic choice: the hunger death or the hero death. But the danger of a Communist takeover in Central America and unification of the area through violence was supposed to dampen with the inauguration of a new president in the United States in January 1981.

Well aware that the Soviet Union is using Cuba as a command post and Nicaragua as a training base, Secretary of State Alexander Haig drew the line against subversion in the hemisphere. However, foreign policy pronouncements seem to be at odds with State Department policy. The Zimbabwe option, exercised by the Carter administration and advocated by the anonymous authors of the allegedly spurious "Dissent Paper on El Salvador and Central America," appears to still be operational.

Indications of this trend are the U.S. advocated and accomplished legal recognition by the Salvadoran junta "of two parties associated with the guerrilla-backed Revolutionary Democratic Front. These were the National Revolutionary Movement, led by Guillermo Manuel Ungo, and the Democratic National Union. * * *" This move (Refer to Aker analysis, III, Phase 2. B. 4., p. 16 and IV, Phase 3. N B. 1. and 2., p. 18) along with Secretary of State Haig's ardent efforts at collaboration with French Socialist Foreign Minister Claude Cheysson, and consequently President Francois Mitterrand's Latin American advisor, Régis Debray—comrade of "Che" Guevara and advisor to Salvador Allende—portend a trend to seek the Socialist International solution for Central America—the Zimbabwe option, again.

The Second International has consistently supported the insurgents in Central America. Prior to the occupation of Managua by the FSLN in July 1979 most of the money was funneled through the West German Social Democratic Party's (SPD) Friedrich Ebert Foundation. In March 1980 President Willy Brandt of the Second International met with other Social Democrats in the Dominican Republic. They voiced their full support for the insurrectionists in El Salvador, specifically the Faribundo Martí Liberation Front. This stand was again substantiated in June 1980 when the Second International stated that it "fully supports the struggle of the Revolutionary Democratic Front (FDR) * * *" in El Salvador. Efforts by the Carter administration to apprise the German Socialists of the full extent of Soviet and Cuban involvement in Central America failed. For the March and June resolutions were reinforced in Madrid in November 1980 when Willy Brandt, Francois Mitterrand—Vice President of the Second International, Olof Palme, Michael Harrington of the Democratic Socialist Organizing Committee of the U.S., Francisco Peña Gómez of the Dominican Republic PSD and Felipe González of the Spanish Socialist Workers Party gathered for the Fifteenth Socialist International Congress. A Committee for the Defense of the Sandinista People's Revolution was also established at the Madrid meeting. Felipe González, who was appointed committee chairman, then proceeded to Habana where he consulted Castro on December 4, 1980. The next day the Socialist International opened a conference in Washington, D.C. called "Euro-Socialism in America." Brandt, Palme, González, Harrington along with the Maryknoll priest Miguel d'Escoto who serves as Foreign Minister of Nicaragua, among others, reiterated their determination to reinforce the FDR. On Sunday, December 7, Brandt made this abundantly clear on the CBS-TV Program "Face the Nation" when he announced that the Second International was not only sending money, but also weapons to the Salvadoran insurgents. (Some sources even claim that the decision to launch *la Ofensiva Final* the following month was made at this meeting.)

González, meanwhile, had gone off to Panama to confer with leaders of COPAL (Confederation of Latin American Parties). Attending the conference at the Holiday Inn in Panama City of December 8, were Dr. Francisco Peña Gomez, Vice President of the International Socialists for Latin America from the Dominican Republic; Hernan Siles Zuazo, then President-elect of Bolivia; Commander Tomás Borge, Minister of the Interior of the Sandinista Government of Nicaragua; Ruben Berrio Martínez, leader

of the Independent Party of Puerto Rico and Vice President of COPAL; Guillermo Ungo, ex-member of the Junta Government of El Salvador; Gustavo Carvajal, President of COPAL and the Institutional Revolutionary Party of Mexico (PRI). Carlos Andrés Pérez of the Democratic Action Party and ex-president of Venezuela reportedly arrived later.

A separate mainly military meeting was also held. González called on General Omar Torrijos, Commander of the Panamanian National Guard, who was accompanied by his G-2, Col. Manuel Noriega—an intelligence officer with close ties to the Cuban Secret Service (DGI) and Commander Tomás Borge.

All of these efforts were to no avail. The guerrillas' Final Offensive of January 1981 failed. The workers and peasants of El Salvador simply declined to rally to their self appointed liberators. Stunned, the Second International awaited the crushing of the revolutionary cause in Central America by the incoming American administration. Gain time! Negotiate!

Negotiation seemed the only salvation. Defeated in the field, Faribundo Marti Liberation Front leaders Juan Ramón Medrano and Guillermo Ungo announced their willingness to parley in mid-February. On February 25 the Government of West Germany offered to mediate. The Latin American section of the International seconded these peace proposals in Panama on March 2, 1981. Powerful pronouncements poured out of Washington. But the actions were impotent. The worldwide socialist movement took heart, especially after the election of Mitterrand. By early June when French Foreign Minister Cheysson visited Washington the crisis was over. Cheysson could confirm this when Sandinista Foreign Minister d'Escoto called on him in Paris on Saturday morning June 20, 1981. Relieved and happy d'Escoto could advise Felipe González and the other delegates gathering in Managua for the opening on June 26 of the International Committee for the Defense of the Sandinista People's Revolution that the U.S. would do nothing. The Americans had opted for the Zimbabwe Solution. After a 'decent interval' El Salvador would be socialist. Next, Guatemala, then Mexico and finally the United States.

What is to be done? Months have been wasted, thrown away. Options which were open in January, March and even May are no longer available. The insurgents, reeling only six months ago, have reinforced, resupplied, reorganized and regained momentum. El Salvador, exhausted by continuous strife and demoralized by the Zimbabwe solution slips away, while Guatemala steels itself for the impending onslaught.

The United States must seize the psychological, military, political and economic initiative!

Psychological: The war is for the minds of mankind. The U.S. must demonstrate that it believes in freedom, that it is willing to sacrifice, that it is ready and willing to endure a protracted war, and that it will not abandon its allies.

Military: Nations can only be pacified by their own people. No U.S. ground forces, besides a minimum of advisors and technicians, should be committed to either El Salvador or Guatemala. The U.S. should aid in the invoking of CODECA and seek, through the Organization of the American States and the Inter-American Defense Board, the cooperation of other American nations. Venezuela, Argentina and Chile are already involved in Central America and other republics would help if they were convinced that they would not be wasted, e.g., like the Brazilians in Angola in 1975-76. Moreover, the U.S. must be prepared to sever arms shipments to the insurgents and should employ the Aker analysis against Nicaragua, where the situation is still fluid, and against Cuba which is a leftist mirror image of Somoza's Nicaragua.

Political: The U.S. should tie economic and military aid to El Salvador and Guatemala to the conducting of open presidential and congressional campaigns and the holding of free elections as scheduled. More importantly, the U.S. must attempt to assure that the government forces in their counter insurgency campaign conduct themselves in the Judeo-Christian tradition, that is with a combination of law and love. The government forces must obey the laws of the land. Only by acting justly with the population can the government win the hearts and minds of the people and insure their loyalty and cooperation.

Economic: Capitalism is concerned with production. Socialism deals with distribution. Even Marx understood that capitalism preceeded socialism. You must have something to give away. The choice, then, is between the two forms of capitalism in producing goods and services is so superior that it is the only viable alternative. Consequently, the U.S. must encourage the supply side, promote investment in industry, agriculture and infrastructure by both public and private lending agencies. Political freedom is tied to economic freedom as human dignity is linked to metaphysics and personal wellbeing.

Central America and the Caribbean are not only America's global power perch, but also a focal point for oil and ore supplies. The erosion of the U.S. position in the closed continental sea of the Caribbean accelerated during the administration of President Carter who's belief in the inevitability of social revolution induced him to adopt the Zimbabwe Option. Unaware or oblivious to contemporary Latin America theory and practice the U.S. abetted the introduction onto the mainland of the Americas a hostile regime in Nicaragua which, aided by the Soviet Union, Cuba and the Second International is exporting revolution to the remainder of Central America. The general assumption that the U.S. would take a strong stand with the inauguration of President Ronald Reagan has so far proven to be incorrect. For the Zimbabwe Solution still stands at State. Only by seizing the psychological, military, political and economic initiative can the U.S. hope to salvage the situation. Mexico and the United States will follow the fall of Central America. To be a contender in the global game of geopolitics a nation must first of all be a survivor. The hour is late. The time is now. *Quo vadis* America?

SIXTY-NINTH ANNIVERSARY OF THE FEDERAL INCOME TAX

● Mr. MATTINGLY. Mr. President, today marks the 69th anniversary of the Federal income tax. While most anniversaries are celebrated, this event is one that is mourned by the American taxpayer. Sixty-nine years ago, an individual's tax obligation only required the equivalent of 1 day's work. Today, however, over 25 percent of an individual's work effort goes to meeting this tax obligation. Among other things, the astronomical growth of the Federal income tax has retarded economic growth and prosperity and has confiscated dollars from the American taxpayer which, otherwise, would have been saved or invested.

One of the best written expositions of the adverse effect of the Federal income tax is illustrated in chapter 3 of Bruce Bartlett's book entitled "Reaganomics." I ask that the contents of chapter 3 entitled "The Cost of Progressive Tax Rates," be printed in the RECORD.

The material follows:

THE COST OF PROGRESSIVE TAX RATES

Income redistribution and progressive taxation are virtually synonymous. Although there are numerous economic arguments in favor of progressivity, based on ability to pay, equal sacrifice, the diminishing marginal utility of money, etc., in the end, equity is the only justification worth seriously considering. As H. C. Simons wrote, "The case for drastic progression in taxation must be rested on the case against inequality—on the ethical or aesthetic judgment that the prevailing distribution of wealth and income reveals a degree (and/or kind) of inequality which is distinctly evil or unlovely."

The problem is, as Friedrich Hayek has noted, "that all arguments in support of progression can be used to justify any degree of progression." As a result, many economists over the years have warned against the adoption of progressive tax rates. In 1863 Prof. J. R. McCulloch said:

"The moment you abandon, in the framing of such taxes, the cardinal principle of exacting from all individuals the same proportion of their income or property, you are at sea without a rudder or compass, and there is no amount of injustice or folly you may not commit."

More recently, Prof. Harley L. Lutz of Princeton wrote:

"Since there is no standard whereby a choice can be made among progressive rate scales, it follows that one scale is just as good as any other as an application of the principle. A progression that rises to a tax rate of 100 percent on all income in excess of $25,000, or even in excess of $5,000, is quite as defensible in terms of the vague and half-baked theory on which the entire system rests as one that imposes a top rate of 5 percent on all income in excess of $1,000,000."

In the United States, marginal income tax rates now go up to 70 percent on taxable incomes above $108,300 for a single individual, with a 50 percent maximum on "earned" income. Of course, average or effective tax rates vary quite widely, depending upon the source of one's income or one's ability to manipulate the tax code. Although much publicity is given to those few wealthy individuals who manage to escape paying any tax at all, such individuals represent a very tiny proportion of all wealthy individuals, most of whom pay substantial income taxes (see table 1).

TABLE 1.—FEDERAL INCOME TAXES OF HIGH INCOME RETURNS, EXPANDED INCOME IN EXCESS OF $200,000 (1976)

	Number	Average income	Average total tax	Average tax rate (percent)
All returns over $200,000	53,587	$414,000	$145,000	35
Nontaxable returns	89	350,000	0	0

Source: Department of the Treasury, Office of Tax Analysis.

So-called tax reformers frequently charge that the U.S. tax system is not progressive at all, because tax deductions, tax shelters, and highly regressive social security, state and local taxes offset the nominal progressivity of the federal income tax. Thus, a recent study declared that "the tax system is virtually proportional for the vast majority of families in the United States." However, more recent work by Prof. Edgar Browning and William Johnson shows that the U.S. tax system is highly progressive, that those with incomes above $100,000 pay an average tax rate of 48 percent, compared to 21 percent for those earning between $10,000 and $15,000. Moreover, the Browning-Johnson data indicate that all taxpayers face very high average marginal tax rates, ranging from 27.4 percent on the lowest 20 percent of income classes to 47.4 percent for the highest 10 percent of income classes (see tables 2 and 3).

TABLE 2.—AVERAGE TAX RATES BY TYPE OF TAX BY INCOME CLASS (1976)

[In percent]

Income class	Average tax rates				
	Sales and excise	Payroll	Income	Property and corporate	Combined
0 to $5,000	2.3	3.3	0.7	5.5	11.7
$5,000 to $10,000	3.0	4.7	2.4	4.4	14.5
$10,000 to $15,000	4.3	7.3	5.3	4.2	21.0
$15,000 to $20,000	5.0	8.4	8.0	4.0	25.3
$20,000 to $25,000	5.2	8.2	9.9	3.9	27.1
$25,000 to $25,000	5.3	7.7	11.2	4.5	28.8
$30,000 to $40,000	5.3	7.1	12.6	5.4	30.4
$40,000 to $50,000	5.4	5.9	13.8	7.8	32.9
$50,000 to $100,000	5.5	3.7	14.4	13.5	37.0
$100,000 plus	5.6	1.1	12.4	28.9	48.0

TABLE 3.—DISTRIBUTION OF TAXES PAID AND MARGINAL RATE BY DECILE (1976)

[In percent]

Decile	Share of total taxes paid					Marginal tax rate total
	Sales and excise	Payroll	Income	Property and corporate	Total	
1	0.7	0.8	0.1	1.0	0.6	
2	1.6	2.0	.6	1.7	1.4	27.4
3	3.0	3.8	1.3	2.5	2.5	25.4
4	4.7	6.3	2.7	3.2	3.9	29.2
5	6.6	9.1	4.5	3.7	5.6	31.3
6	8.6	11.6	6.9	4.3	7.5	31.9
7	10.6	13.5	9.6	5.0	9.4	34.4
8	13.1	15.7	13.3	6.5	11.9	36.4
9	16.9	18.2	19.1	10.6	16.2	47.4
10	34.2	19.0	42.0	61.5	40.9	

Notes: The Browning and Johnson data presented in tables 2 and 3 use estimates of income before taxes but include in-kind government transfers (i.e., food stamps), imputed rental income for owner-occupied housing and accrued capital gains. It is also assumed that the U.S. economy is sufficiently competitive that the tax burden, for the most part, is not shifted from where it is imposed initially. According to this study, using alternative "noncompetitive" assumptions does not result in significant changes in distribution.

Source: Edgar K. Browning and William R. Johnson, "The Distribution of the Tax Burden" (Washington: American Enterprise Institute, 1979).

Most people believe that progressive tax rates are desirable because they allow those with lower incomes to pay less tax. In fact, the main purpose of progressive tax rates is to make tolerable high tax rates on everyone. Historically, tax systems come into being during wartime. The enormous war-spawned revenue demands of government can only be met by unprecedented tax rates on all citizens. In order to elicit the necessary sacrifice without a steep drop-off in work effort, government must put higher tax rates on the well to do. As the tax burden continues to rise and relief is granted to those in the lower tax brackets through higher exemptions, still higher tax rates on the rich are required in order to bring in the same revenue.

When peace comes, governments are reluctant to give up the revenue, using it to buy votes from the lower classes. But the upper classes have more opportunities for escaping high tax rates than do the lower classes; if necessary, a wealthy person can simply stop earning income and live on his wealth, whereas a poorer individual must work to live. Thus Hayek argues that progressive tax rates ultimately cause the poor to pay far more taxes than they would otherwise:

"The illusion that by some means of progressive taxation the burden can be shifted substantially onto the shoulders of the wealthy has been the chief reason why taxation has increased as fast as it has done and that, under the influence of this illusion, the masses have come to accept a much heavier load than they would have done otherwise. The only major result of the policy has been the severe limitation of the incomes that could be earned by the most successful and thereby gratification of the envy of the less well off."

Society unfortunately loses a great deal more than tax revenue when high marginal tax rates prevent entrepreneurs from accumulating wealth. It loses inventiveness, innovation, risk-taking and originality in its business enterprises. Such qualities historically are more highly developed in individual proprietorships and small businesses hoping to become big businesses than in large corporations, which tend to be more concerned about protecting their positions than in taking risks on untested ideas. Thus, even today the largest proportion of important new inventions are still the result of individuals working virtually alone, rather than by big corporate laboratories. Yet tax policies which discourage the accumulation of wealth discourage individual inventiveness. Lord Robbins comments:

"The fact that it has become so difficult to accumulate even a comparatively small fortune must have the most profound effects on the organization of business; and it is by no means clear to me that these results are in the social interest. Must not the inevitable consequences of all this be that it will become more and more difficult for innovation to develop save within the ambit of established corporate enterprise, and that more and more of what accumulation takes place will take place within the large concerns which—largely as a result of individual enterprise in the past—managed to get started before the ice age descended?"

Indeed, the present tax climate severely retards competition and creates monopolies and quasi monopolies, by making it so difficult for new enterprises to challenge the established order. New firms can no longer grow large, as the Ford Motor Company did, by just plowing the profits back into the company year after year, because taxes will seize such a large share. Thus, as Ludwig von Mises notes, society not only loses the value that would have been created by the firms that were prevented from growing, but also the value that would have been created by large firms concerned about competition from newcomers:

"Every ingenious man is free to start new business projects. He may be poor, his funds may be modest and most of them may be borrowed. But if he fills the wants of consumers in the best and cheapest way, he will succeed by means of 'excessive' profits. He ploughs back the greater part of his profits into his business, thus making it grow rapidly. It is the activity of such enterprising parvenus that provides the market economy with its 'dynamism.' These nouveaux riches are the harbingers of economic improvement. Their threatening competition forces the old firms and big corporations either to adjust their conduct to the best possible service to the public or go out of business.

"But today taxes often absorb the greater part of the newcomer's 'excessive' profits. He cannot accumulate capital; he cannot expand his own business; he will never become big business and a match for the vested interests. The old firms do not need to fear his competition; they are sheltered by the tax collector. They may with impunity indulge in routine, they may defy the wishes of the public and become conservative. It is true, the income tax prevents them, too, from accumulating any capital. They are virtually privileged by the tax system. In this sense progressive taxation checks economic progress and makes for rigidity."

This suppression of competition and stifling of innovation caused by the progressive tax system is, perhaps, its single most detrimental effect on the economy in the long run. It probably explains the growing lack of investment opportunity which troubled Schumpeter. It also explains why politicians seeking to bolster the economy from the effects of the many shackles they themselves have imposed will fail if they only consider tax incentives for business and ignore the individual. The fact is that the individual entrepreneur is still the basic motivating force in the economy, not just in terms of new inventions, as noted earlier, but in terms of meeting all of the consumer's wants. Any measures which suppress entrepreneurship will ultimately cause the economy to stagnate.

Of course, circumstances make a great deal of difference in how harmful a given tax or tax burden is to the economy. In times of war, national crisis or patriotic fervor people will accept tax burdens which would cause all production to cease under normal circumstances. Related to this point is the idea that people will suffer different tax burdens depending on what the revenue is to be used for. If people though they would directly benefit in some way from the raising of additional revenue, because it went to build roads or other capital improvements from which everyone benefits, the majority probably would be willing to shoulder a heavier burden than if they though the money was going for some less desirable purpose, such as income redistribution.

In any case, the type of income which is being taxed makes a great deal of difference in determining the capacity of that income to be taxes. Even a small tax burden on entrepreneurial profit would be quite destructive, whereas a tax on monopoly profits or

ground rents might be much higher without adverse consequences. In the case of wage income, many believe that anything above what is necessary for subsistence can be taxed away with impunity. But as Schumpeter points out, "the possible tax yield is limited not only by the size of the taxable object less the subsistence minimum of the taxable subject, but also by the nature of the driving forces of the free economy. Similarly, Sir Josiah Stamp said, "'But taxation is not merely a stationary or static problem, the cutting up of an existing cake—it is a moving and dynamic problem. We have to ask not only how little we can leave him with, but also, how much reduction will he stand before he slackens in work and abstinence? How long will he come up smiling to be taxed this way?

To this proposition people like Frank H. Knight argued that taxes have an income effect; that is, insofar as they deny workers their income, those workers must work more in order to have the same disposable income. If this were always true it would mean that there is effectively no limit to the taxable capacity of labor short of a 100 percent tax rate. However, this argument was refuted by Lionel Robbins, who pointed out:

"Professor Knight's argument assumes that the prices of the commodities constituting real income are unaltered. This is presumably true so far as money prices are concerned. But the relevant conception in this connection is not *money price* but *effort price*, and a change in the rate at which money income can be earned, money prices remaining constant, *constitutes* a change in the effort price of commodities. *The money price is the same but the effort price is diminished.* And, that being the case, the question whether more or less effort is expended is obviously still an open one. It depends on the elasticity of demand for income in terms of effort." (Emphasis in original.)

There was almost no discussion of the problem of taxable capacity during the 1930s, but with the outbreak of World War II and the enormous increase in revenue demands by governments everywhere, economists again took up the issue. While it is recognized that people will probably be willing to carry a heavier burden of taxation in wartime than they would in peacetime, they are still going to look for ways to minimize the tax as best they can.

In 1941, income tax rates in the United States were increased substantially; the bottom rate went from 4 to 10 percent, and rates on all other income classes increased a similar amount. In 1942 the bottom rate was dramatically increased still further, to 19 percent, with the top rate raised from 81 to 88 percent, which began at $200,000 of taxable income. Again in 1944 tax rates were increased, to 23 percent at the bottom and 94 percent at the top. Thus, in 1939 the highest marginal tax rate for someone with an income of $10,000 per year was 10 percent; by 1944 it had quadrupled.

TABLE 4.—COMPARISON OF AVERAGE AND MARGINAL TAX RATES AT VARIOUS INCOME LEVELS (1944) [1]

[In percent]

	United States		Britain	
	Average	Marginal	Average	Marginal
Income:				
$1,000	1.2	2.7	0	0
$2,000	4.8	20.7	13	37.0
$3,000	10.1	20.7	23	45.0
$4,000	12.7	22.5	28	45.0
$5,000	14.7	22.5	35	45.0
$7,500	16.9	33.0	37	45.0
$10,000	19.0	37.0	39	62.5

[1] Family of three.

Source: Tibor Scitovsky, Edward Shaw and Lorie Tarshis, "Mobilizing Resources for War" (New York: McGraw-Hill, 1951), p. 68.

As early as 1942, Prof. Martin Bronfenbrenner argued that the United States was already close to the point of diminishing returns in federal taxation, and that Britain had probably already reached it. A study of war finance in 1943 by Prof. Carl Shoup tried to sort out the economic effects of existing tax rates. Shoup found that "the heavier the tax rate immediately above and below the margin of the worker's income, and the lighter the tax rate on the earnings up to somewhere near the margin, the greater is the work-restricting effect of the tax and the smaller its work-inducing effect." He also found that rationing had the effect of increasing marginal tax rates, because it benefits those with a low time preference while hurting those with a high time preference. In other words, the lower one's income the less it costs to have goods rationed; the higher one's income the more it costs. Thus, if one is restricted to a limited amount of goods to purchase, he has less incentive to earn more income, because there is nothing to buy with it.

By the end of the war, it was generally agreed that an increase in the average rate of taxation and a reduction in the marginal rate would tend to stimulate work efforts, while a reduction in the average rate and an increase in the marginal rate would probably discourage work effort. Hence, if one were only interested in stimulating work effort, without regard to fairness or equity, the ideal would probably be a head tax—with everyone obliged to pay a certain sum such as $1,000 per year. Then the average tax rate would be quite high, but the marginal rate would be zero.

With the end of war, the discussion about an economic limit on taxation took quite a different turn. Inspired by two articles by Prof. Colin Clark, the question was whether a high level of taxation was inflationary. Clark put forth the proposition that when taxation exceeded 25 percent of national income any further increases would be strongly inflationary.

Clark came in for a heavy attack. Joseph Pechman and Thomas Mayer said that Clark's analysis could not be correct because "it is generally accepted that an increase in government expenditures will tend to increase national income in money terms, even if it is balanced by an equal increase in taxes." On the other hand, Benjamin Higgins argued that any increase in taxes would almost certainly be deflationary, not inflationary. Richard Goode found Clark's data to be insufficient to prove his case. Only Dan Throop Smith found Clark's argument to be plausible, although he did not endorse it.

The discussion about Clark's thesis—and indeed, the whole question of economic limits to taxation—soon died out, although some economists still do argue that taxes can have a "cost-push" effect on inflation.

In recent years, economists have returned to the question of the disincentive effects of taxation. Throughout most of the 1950s and 1960s it was generally held that the disincentive effects of taxation on labor supply were negligible, because people had little freedom to vary their hours of work in response to taxes and because the income effect cancelled out the substitution effect. In other words, although taxes make leisure relatively less costly, people must still work harder to maintain the same net income level. The Congressional Budget Office still holds this view.

However, there is now important work which implies that the effects of high tax rates on labor supply and saving are much greater than previously believed. The effect of high tax rates on saving is most easily shown by an example:

Consider an economy in which there are no taxes and suppose that one has $1,000. One can either save it or spend it. If the rate of interest is 5 percent, then saving the $1,000 is equivalent to buying an income of $50 per year. Thus, the cost of consuming the $1,000 is $50 per year, and the cost of having $50 per year is $1,000 of foregone consumption. Now suppose a 50 percent tax is imposed. Afterwards it requires $2,000 of pretax income to buy the same consumer goods—the tax has doubled the cost of consumption. But to have $50 a year of aftertax income one now must get $100 of pretax income. If the market rate of interest is the same, this means that $2,000 must be saved. But to save $2,000 one must have a pretax income of $4,000—the tax has quadrupled the cost of saving. It is now twice as costly to save as consume.

Consequently, it is now estimated that present high tax rates are having a significant effect on the savings rate. Since ultimately capital can be created only by foregone consumption, the decline in personal saving which has developed in recent years must reduce the growth of GNP and the standard of living for all Americans. Recent data suggests that the price we have paid is already quite high (see tables 5, 6 and 7).

TABLE 5.—*Saving as a percentage of disposable personal income*

Year:	*Percent*
1971	7.7
1972	6.2
1973	7.8
1974	7.3
1975	7.7
1976	5.8
1977	5.0
1978	4.9
1979	4.5

Source: Department of Commerce, Bureau of Economic Analysis.

TABLE 6.—GROWTH RATE OF FIXED BUSINESS CAPITAL PER EMPLOYED WORKER IN PRIVATE BUSINESS (1947–78)

[In percent]

	1946–66	1966–73	1973–78	1973–74	1974–75	1975–76	1976–77	1977–78
Total gross	2.0	1.8	1.0	1.6	6.1	−0.6	−1.0	−1.3
Plant	1.1	1.0	.2	.7	5.3	−1.2	−1.9	−2.0
Equipment	4.0	3.0	2.0	2.9	7.1	.2	.2	−.3
Total net	2.5	2.1	.5	1.5	5.2	−1.2	−1.3	−1.5
Plant	1.9	1.5	−.2	.7	4.6	−1.8	−2.3	−2.3
Equipment	3.8	3.1	1.6	2.8	6.1	−.5	.2	−.5

Source: "Statistical Abstract of the United States, 1979," p. 559.

TABLE 7.—ANNUAL GROWTH IN GNP PER EMPLOYED WORKER IN MAJOR INDUSTRIALIZED COUNTRIES (1963–79)

[In percent]

	1963–73	1973–79
Japan	8.7	3.4
West Germany	4.6	3.2
France	4.6	2.7
Italy	5.4	1.6
Canada	2.4	.4
United Kingdom	3.0	.3
United States	1.9	.1

Source: "Economic Report of the President, 1980," p. 85.

Arnold Harberger estimated in 1963, that, in terms of labor supply, when tax rates went from 20 percent at the bottom to 91 percent at the top, such marginal tax rates were reducing work effort by 2.5 percent in the lower brackets to more than 11 percent in the upper brackets. This says, in effect, that if it were possible to extract out of each income class the same tax as was in fact obtained, but in such a way that tax incentives did not distort the choice between labor and leisure at the margin, there would be 11 percent more work out of the top income brackets and 2.5 percent more work out of people in the lower brackets. These figures do not imply that top-bracket people work less than low-bracket people, but only that they work 11 or so percent less than they would in the absence of the income tax incentive for leisure.

More recent evidence derived from the negative income tax experiments conducted by the federal government also indicate a significant negative labor response to high de facto tax rates. An analysis of data from the New Jersey-Pennsylvania experiment, for example, found that white males participating in the experiment reduced their work effort by five to seven hours per week on average. This data is particularly significant because male heads of households were previously thought to be the group least likely to reduce their work effort in response to high tax rates. Data from the Seattle and Denver income maintenance experiments found that husbands reduced their hours worked by 5 percent, wives 22 percent, and female heads of households 11 percent. Based on such evidence, Jerry Hausman of M.I.T. recently concluded:

"The progressivity of taxation may be leading to substantial deadweight loss due to the tax induced distortion. . . . For the mean individual who earns $5 per hour we find the deadweight loss to be $378 which is 4.6% of his net income and 21.9% of tax revenues collected from him. To see the effect of progressivity of the income tax, we repeat the calculations for the mean individual who earns $10 per hour. The deadweight loss now rises to $2,995 which is 19.2% of net income or 71% of tax revenues. . . . For the $5 per hour individual deadweight loss for a proportional tax is $246 or 42.9% less than for the progressive tax case. For the $10 per hour individual deadweight loss for a proportional tax is $1,270 which is 85.5% less than for the progressive tax. . . .

"The finding of a significant income effect and concomitant welfare cost for male heads of households is contrary to the received knowledge in the field, e.g., Pechman [Federal Tax Policy]. But the finding only appears when progressivity of the income tax is accounted for. Since most previous studies did not attempt to model the tax system, their estimates might be interpreted "as if" a proportional tax system existed so that they could not find the income effect found here. To the extent that our findings are substantiated in future research, the previous presumption that the efficiency effect of a progressive income tax system is quite small or zero needs to be revised."

Other studies have shown that taxes have important long-term considerations for individuals quite apart from hours worked. For example, the decision to retire sooner rather than later can be strongly affected by one's tax bracket. It has also been found that the quality of one's work effort is affected by tax rates. Lastly, many individuals make career choices and human capital decisions (such as how much education to get) based partly on tax considerations.

In the early 1950s Professors Walter Blum and Harry Kalven of the University of Chicago Law School undertook an impartial examination of progressive taxation and concluded, "The case for progression, after a long critical look, thus turns out to be stubborn but uneasy." It is, perhaps, an indication of changing times that a prominent economist, Dr. Norman Ture, recently said of progressive taxation, "For the economist qua economist, the case is not uneasy; it is virtually nonexistent."●

SALMON'S MURDEROUS TROUBLE IS ACID RAIN

● Mr. KENNEDY. Mr. President, the problem of acid rain, particularly in the Northeast, continues to worsen. In an eloquent letter which appeared in the New York Times on Tuesday, Anne Simon, author of "The Thin Edge: Coast and Man in Crisis" and other works on the environment, emphasized that we cannot ignore the warning signals that acid rain is poisoning our environment. Ms. Simon's letter discusses the devastating effect of acid rain on the salmon in our lakes and rivers. We also know that acid rain is plaguing the environment in many other ways. It is leaching lead from pipes into our cities' drinking water, destroying our crops, eroding our buildings and monuments, and causing extensive other damage.

Ms. Simon's letter provides an important reminder that we must act now to eliminate the causes of acid rain, and I ask that her letter be printed in the RECORD.

The letter follows:

[From the New York Times, Feb. 23, 1982]

SALMON'S MURDEROUS TROUBLE IS ACID RAIN

TO THE EDITOR: It is heartening that The Times wants to rescue salmon ("A Treaty to Save Salmon," editorial Feb. 12). The Atlantic salmon, Salmo salar, has had many troubles through the years, but in 1982 even an international treaty to regulate fishing cannot protect it. The species' survival requires a hard-hitting political decision of no mean proportions.

The salmon's new, murderous trouble is acid rain which pours into the rivers of the Northeast and Canada, where the fish go to spawn. Salmon is particularly sensitive to acid; reproduction falters, embryos fail to hatch or, if they do, produce infant fish with pathological alterations severe enough to kill or forever maim them.

The acid is sulfur dioxide and nitric acid. The sulfur comes predominantly from Midwest coal-burning power plants, the nitrogen about equally from power plants and automobile discharges. Both are blown east in the clouds to rain into the salmon's crucial reproductive environment, as well as other places.

The scenario has played elsewhere. It was discovered in the 1960's when salmon in the famous fishing rivers of Norway and Sweden significantly declined and river acidity increased. By the 70's there were no fish at all, a change attributed by scientists to acid rain coming via cloud from industrialized western Europe. Short of international action, there was nothing Scandinavia could do.

Canada experiences the same swift salmon decline. In Nova Scotia, 100-year records show the salmon catch holding steady until 1950; today the nine most acidic rivers have no salmon; in many of the rest the fish decrease. It takes 15 to 20 years from the first trouble signs to salmon extinction, Canadian authorities say. They identify half of Canada's acid rain as made in U.S.A.

U.S. salmon cannot keep out of the rain. As rivers east of Maine's Penobscot become more acid, salmon numbers decrease. Efforts to restock Northeast rivers from hatcheries have had some success, but it is predicted that acidification will catch up to them in short order. Palliative measures, such as liming lakes and streams, are temporary at best.

To be in time to save Salmo salar, we have to stop made-in-America acid rain fast. The Environmental Protection Agency has recognized this requirement; the National Academy of Sciences has issued a detailed report on the dangers of acid rain, including the destruction of fish. Last year, bills to amend the Clean Air Act to deal with acid rain were introduced in Congress. The Salmon and Steelhead Conservation and

Enhancement Act of 1980 authorized an advisory commission; President Reagan has not appointed it. The Administration has put aside dealing with acid rain until further study.

The salmon is an "indicator species." Its good health means all is well with our air and water, and, equally, the opposite. Thus, its speeding decline is of deadly concern. It is in our interest to ensure that salmon survive. Today this means immediate U.S. action to clean up the clouds.

ANNE W. SIMON
New York, Feb. 19, 1982

HUD THREATENS HOUSING FOR THE ELDERLY

● Mr. DODD. Mr. President, today's Washington Post carries an alarming story of how the Department of Housing and Urban Development intends to terminate thousands of planned units of badly needed housing for low-income elderly and handicapped citizens.

The program involved is the section 202 program of housing loans to nonprofit sponsors of multifamily rental housing for elderly and handicapped citizens. Under the Department's plans, with very few exceptions, those projects which have not begun construction within 18 months of their reservation of funds, would be canceled, and the money would revert to the Treasury. As many as 156 proposed projects containing about 5,500 units would fall under the HUD ax because they have already reached that 18-month deadline. In effect, the Department is trying to find reasons to terminate proposed projects, when it should be striving to move them to construction.

While it makes sense to cancel projects that clearly will not move to construction, and then allocate the recaptured funds to those projects that can be built, HUD's arbitrary plans allow little room for projects that have experienced difficulties in getting underway to take the very steps that HUD requires of them to produce feasible projects. In fact, many of the difficulties these sponsors are experiencing can be traced directly to the Department's inefficiencies and delays.

In my view, Mr. President, the Department is clearly headed in the wrong direction. Early next week, I intend to offer legislation that would halt HUD's plans for wholesale cancellation of these units, and establish a more reasonable approach to the determination of which projects should be allowed to proceed and which projects should not. The legislation would also insure that any money recaptured from canceled projects would be applied to others that can put the funds to good use.

Mr. President, I ask that the article entitled "HUD Moving To Kill 5,500 Housing Units" be printed in the RECORD.

The article follows:

[From the Washington Post]

HUD MOVING TO KILL 5,500 HOUSING UNITS

(By Sandra Sugawara)

The Housing and Urban Development Department is moving to kill an estimated 5,500 proposed housing units in 156 projects for the elderly and handicapped.

HUD, in effect, gave nonprofit groups that have had projects in the pipeline for two years or more just 10 days to notify HUD that they were ready to start construction in a month. If they didn't, the projects will be canceled.

Low-income housing associations claim that the HUD action is an illegal back-door attempt to rescind money and change housing policies without going through formal rulemaking procedures. They say that if HUD denies funds to the projects, as it has promised, they will sue.

But HUD officials say they are merely attempting to eliminate programs that have been languishing too long in the planning stages, and they contend that the actions are within their legal authority. HUD officials are considering taking similar action against the much larger public housing program for low-income families.

The current controversy surrounds so-called Section 202 housing, a program that lends federal money to nonprofit groups to build projects to provide an alternative to putting the elderly and handicapped in institutions.

It is the only subsidized housing program the Reagan adminstration says it supports, and the only new construction the administration endorses in the fiscal 1983 budget.

The new policy was first outlined in a Jan. 21 telegram that HUD sent its regional offices telling them to stop granting extensions on overdue projects. An organization normally gets 18 months to begin construction from the time HUD money is set aside for a project.

During that time the group must complete a feasibility study, secure land, negotiate with contractors and get approval from local zoning and community development boards and other local and state groups. HUD must approve each step of the process before it will release the funds.

Because the nonprofit groups that run the Section 202 programs generally have less expertise than commercial developers, HUD regional offices in the past routinely have given them the six-month extensions that the rules provide. Additional extensions must come from HUD headquarters.

The telegram was followed by another on Feb. 8, sent to clarify the first, saying projects authorized in fiscal 1979 or before must begin construction by Feb. 19 or be canceled, unless the delay was HUD's fault. Field offices may grant four-month extensions for projects authorized in fiscal 1980 if the delay has been due solely to HUD efforts to set a new interest rate on its loans.

Philip Abrams, HUD's general deputy assistant secretary for housing, said, "Let me emphasize, we are supportive of the 202 program. We don't believe the private sector would provide enough of the proper housing for the frail elderly or the handicapped. But 5,500 units not being built is an unfulfilled promise. They're not housing the elderly."

HUD's new policy is part of an "overall philosophy of clearing the pipeline" to meet the administration's 1985 goal of 3.8 million units of federally assisted housing, according to Abrams. There are 3.4 million existing units and another 700,000 units in the pipeline. Thus HUD must find a way of eliminating 300,000 of those units.

"We think there are 300,000 that are not viable. Of course, only a small amount of those are in 202s," Abrams said. Most would come out of the subsidized low-income housing program, which President Reagan wants to eliminate, and public housing.

According to an analysis by the HUD staff, 33,339 units of housing for the elderly and handicapped are in the pipeline, but most are not past the new deadline. Of the 7,266 overdue units, HUD estimates that 5,500 units or 75 percent "are not going to be able to move forward," Abrams said.

"There are 156 projects that appear to be doomed. We intend to notify the sponsors that we plan to take them off the books unless they can begin construction promptly," he said. "But we expect to be reasonable."

Florence Roisman, an attorney with the National Housing Law Project, who successfully sued HUD over impoundment of housing funds during the Nixon administration, said, "HUD's action with respect to 202s is totally illegal on two grounds."

If HUD wants to change the rules, she said, then it has to follow the Administrative Procedures Act and go through rulemaking procedures. The policy, she added, is directly contrary to the national housing goals established by Congress.

Jeanne P. Kinnard, housing specialist for the American Association of Homes for the Aging and organizer of the Ad Hoc Coalition for Housing for the Elderly, said several sponsors of endangered projects have talked of suing HUD, individually or collectively, after the notices go out that projects have been killed.

"It's very clearly part of what we believe may have to be done. Of course litigation is a measure of last resort," said Kinnard, noting the cost and time involved. "Every attempt is being made to try to get HUD to understand the ramifications of its action through other measures," particularly by appealing to Congress.

Gerald McMurray, staff director of the House subcommittee on housing and community development, said, "Section 202 is about the most popular project under our jurisdiction," and said subcommittee members would object to any wholesale cancellation of projects.

Other congressional aides involved with housing issues said many members resent it when HUD refuses to fund programs that Congress has approved, but they said Congress also sympathizes with the need to clean out the pipeline.

Low-income housing associations are aware of this. "I guess it could fall between the cracks," one association staffer sighed. "It's a relatively small program."●

RULES OF THE SPECIAL COMMITTEE ON AGING

● Mr. HEINZ. Mr. President, I submit for the RECORD the rules of the Special Committee on Aging of the U.S. Senate, in accordance with the requirements of rule XXVI of the Standing Rules of the Senate.

The rules are as follows:

RULES OF THE SPECIAL COMMITTEE ON AGING OF THE UNITED STATES SENATE

(As adopted February 26, 1981)

RULE 1. CONVENING OF MEETINGS AND HEARINGS

1.1 Meetings. The Committee shall meet to conduct Committee business at the call of

the Chairman, to the extent practicable, at least four times a year.

1.2 Special meetings. The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

1.3 Notice and agenda.

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened notice. A hearing or meeting may be called on not less than 24 hours notice if the chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

1.4 Presiding Officer. The chairman shall preside when present. If the chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

RULE 2. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

2.1 Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule 2.3. Immediately after such discussion, the meeting or hearing may be closed by a record vote in open session of a majority of the members of the committee present.

2.2 Witness request. Any witness called for a hearing may submit a written request to the chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The chairman shall inform the Committee of any such request.

2.3 Closed session subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) committee staff personnel or internal staff management or procedure; (3) matter tending to reflect adversely on the character or reputation or to invade the privacy of any individuals; (4) other matters enumerated in Senate Rule XXVI(5)(b).

2.4 Confidential matter. No record made of a closed session, or material declared confidential by a majority of the committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the chairman and ranking minority member or by a majority vote of the Committee.

2.5 Broadcasting.

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

RULE 3. QUORUMS AND VOTING

3.1 Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

3.2 Committee business. A third shall constitute a quorum for the conduct of committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3.3 Polling

(a) Subjects. The committee may poll only (1) internal committee matters including the committee's staff, records, and budget; (2) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies, once the committee has approved the investigation at a meeting; (3) other committee business which has been designated for polling at a meeting.

(b) Procedure. The chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the chairman, with the approval of a majority of the members, determines that the polled matter is in one of the areas enumerated in Rule 2.3, the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

RULE 4. SUBPOENAS

4.1 Authorization. Any major investigation, including any investigation in which subpoenas are issued, must be authorized by vote of the committee. Once a major investigation is authorized, the chairman has authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the committee or the chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member designated by the committee.

4.2 Return. A subpoena duces tecum or a request to an agency for documents may be issued whose return shall occur at a time and place other than that of a scheduled hearing. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, any member may convene a hearing by giving two hours' telephonic notice to all other members. One member shall constitute a quorum at such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return of and to rule on the objection.

RULE 5. HEARINGS

5.1 Notice. Witnesses called before the committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

5.2 Oath. All witnesses who testify to matters of fact shall be sworn unless the committee waives the oath. The chairman, or any member, may request and administer the oath.

5.3 Statement. Any witness desiring to make an introductory statement shall file 50 copies of such statement with the chairman or clerk of the committee 24 hours in advance of his appearance, unless the chairman and ranking minority member determine that there is good cause for a witness' failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

5.4 Counsel

(a) A witness' counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association.

(b) A witness who is unable for economic reasons to obtain counsel may inform the committee at least 48 hours prior to the witness' appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5.5 Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and upon his request and at his expense, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the chairman or a staff officer designated by him shall rule on such requests.

5.6 Impugned persons. Any person who believes that evidence presented, or comment made by a member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may;

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record;

(b) request the opportunity to appear personally before the committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the committee. The chairman shall inform the committee of such requests for appearance or cross-examination. If the committee so decides, the requested questions, or paraphrased versions or portions of them, shall be put to the other witnesses by a member or by staff.

5.7 Minority witnesses. Whenever any hearing is conducted by the committee, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

RULE 6. DEPOSITIONS AND COMMISSIONS

6.1 Notice. Notices for the taking of depositions in an investigation authorized by the committee shall be authorized and issued by the chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

6.2 Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule 5.4.

6.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by committee staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the committee staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the committee. If the member overrules the objection, he may refer the matter to the committee or he may order and direct the witness to answer the question, but the committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the committee.

6.4 Filing. The committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule 5.6. If the witness fails to return a signed copy the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

6.5 Commissions. The committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the committee. Commissions shall be accompanied by instructions from the committee regulating their use.

RULE 7. SUBCOMMITTEES

7.1 Establishment. The Committee will operate as a Committee of the whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking minority member shall be ex officio members of all subcommittees.

7.2 Jurisdiction. Within its jurisdiction, as described in the committee legislative calendar, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

7.3 Rules. A subcommittee shall be governed by the committee rules, except that its quorum for all business shall be one third of the subcommittee membership, and for hearings shall be one member.

8. Reports. Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee. The printing, as Committee documents, of materials prepared by staff for informational purposes or the printing of materials not originating with the Committee or staff shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document had been printed for informational purposes. It does not represent either findings or recommendations formally adopted by this Committee."

9. Amendment of Rules. The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

APPENDIX

GUIDELINES FOR INVESTIGATIVE PROCEDURE

1. Preliminary inquiries and requests for information may be initiated by the Committee staff. The Chairman and the ranking minority member may authorize any preliminary investigation by approving a written investigative plan detailing the general purpose and scope of the investigation. Full scale investigations shall be first authorized by the full Committee, as provided for in the Committee Rules.

2. All investigations shall be conducted on a bipartisan basis by Committee staff as appointed by the Chairman and ranking member. Staff shall keep the Committee informed of the progress and proposed changes in continuing investigations.

3. All individuals whose names will be mentioned adversely in public hearings shall be given no less than one week's notice of such hearings and afforded the opportunity to (a) appear before the Committee, (b) send a representative to observe the hearing, or (c) file a written statement for inclusion in the record. In any case, those parties whose names are mentioned adversely shall be sent a copy of the relevant portion of the official transcript and afforded an opportunity to commend. Any member of the Committee may request that any statements filed with the Committee be notarized.

4. All witnesses at public hearings or executive meetings on investigative matters shall be sworn.

5. An investigative summary and witness list shall be distributed to Committee members not less than five days prior to any investigative hearing.

6. Interrogation of witnesses at Committee hearings shall be conducted by members of the Committee and authorized Committee personnel only.

7. Any person who is the subject of an investigation in public hearings may submit to the Chairman questions in writing to be asked of other witnesses called by the Committee. With the consent of a majority of the members present, these questions shall be put to the witness by the Chairman or his designee.

8. All reports and recommendations stemming from Committee investigations shall be printed only with the prior approval of a majority of the members of the Committee, after an adequate period for review and comment.●

THE ERA WILL NOT BE STOPPED

● Mr. RIEGLE. Mr. President, it is almost beyond comprehension that we find ourselves in 1982 still debating whether the women of America—over one-half of our population—should be treated equally under the laws of our land.

But this debate continues and it will until equal rights for women are finally and explicitly guaranteed in the Constitution. While the debate goes on it is imperative that the constitutionally mandated process for consideration of this issue—the ratification process—not be thrown off track or confused by the diversionary tactics of those who fundamentally oppose the equal rights amendment (ERA).

As someone who has long been an advocate and fighter for ERA, I have been greatly troubled by recent developments on the Federal level.

JUDGE CALLISTER RULES AGAINST THE ERA RATIFICATION PROCESS

The recent ruling by Federal District Court Judge Callister on the ERA ratification process is representative of the attempts which are being made to divert and stall ratification efforts. In early January, Judge Callister held in Idaho against Freeman, that Congress lacked the power to extend the deadline for ratification; and further, that States have a right to rescind their ratification actions at any point before the required three-quarters of the States vote to ratify.

The Callister decision marks the first time in American history when a Federal court declared unconstitutional an act of Congress dealing with the process of amending the Constitution. It also represents the first recognition by any Federal body of a State's attempt to rescind its ratification of a constitutional amendment.

Mr. President, I question not only the substance of the Callister decision, but also the signing of this judgment which can only serve to undermine the process of ratification now underway in many States during the final months of the extension period.

As someone who worked hard to secure the extension of the ERA ratification deadline here in the Senate, I am familiar with the questions of rescission and proper congressional voting majorities for extension approval, which have been raised by this case. These questions and others were thoroughly investigated by the sponsors of the legislation in both Houses, in consultation with leading constitutional lawyers.

I am confident that the actions of the 95th Congress in extending for 3 years the ratification deadline for the

ERA will be upheld as legal and proper.

THE JUSTICE DEPARTMENT RESPONSE IS INADEQUATE

The Justice Department recently contributed to the efforts to divert and damage the ERA ratification process. The Department's decision about what position the Government would take on the Callister decision—announcing one day it would appeal the decision and the very next day, issuing a "clarification" indicating it would oppose efforts to secure a quick ruling by the Supreme Court—caused much confusion and contributed directly to the efforts of ERA opponents.

The Justice Department's conflicting positions on the Callister decision ignored its obligation to defend the actions of Congress and raises the suspicion of whether inappropriate influence and political pressures were successfully applied to the Justice Department by groups opposed to ERA. It is essential that the integrity of a constitutional process be maintained and never sacrificed to the transitory political interests of a particular administration.

On January 8, 1982, I wrote to President Reagan expressing my distress over the Justice Department's indecisive and inadequate response to the lower court ruling. I ask that my letter to the President be inserted at this point in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C. January 8, 1982.

Hon. RONALD REAGAN,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: I was deeply distressed to learn of the Justice Department's announced intention to oppose an expedited appeal of Judge Callister's recent decision challenging the constitutionality of the Equal Rights Amendment ratification process. I strongly urge you to direct the Justice Department to reverse their position, and seek an expedited decision from the Supreme Court reversing Judge Callister's opinion.

The ratification deadline of June 30, 1982 is less than six months away. Several states which may still act on the Equal Rights Amendment will not have even this much time in which to consider the amendment because their legislatures have sessions which must adjourn well before the June 30 deadline. Rapid review by the Supreme Court of Judge Callister's ruling is, therefore, of critical importance. It is also a matter of fundamental fairness.

The unfortunate manner in which the Justice Department made its decision—announcing one day that it would appeal the Callister decision and the very next day, issuing a "clarification" indicating that it would oppose efforts to secure a speedy ruling by the Supreme Court—suggests that the Justice Department's position may have been inappropriately influenced by political consideration and pressures applied by groups opposed to the Equal Rights Amendment. Certainly such political consideration should have no place in this decision.

The Justice Department has a constitutional obligation to defend the constitutionality of Acts of Congress. It has an obligation as well, to proceed in a manner of scrupulous fairness.

As a long time supporter of the Equal Rights Amendment and as one who was deeply involved in securing Senate passage of the ratification extension, I believe that Judge Callister's decision is wrong and will be overturned by the Supreme Court.

Regardless of the Administration's position on the merits of the Equal Rights Amendment or the ratification extension, the Justice Department has an affirmative obligation to seek rapid Supreme Court action on constitutional questions which are clearly so time sensitive. I sincerely hope that you will agree with me that rapid consideration by the Supreme Court is the only fair course in this matter.

Respectfully yours,

DONALD W. RIEGLE, Jr.

Three days later, I joined 30 of my Senate colleagues in a bipartisan letter to the Attorney General urging the Justice Department to join the National Organization for Women in seeking an expedited appeal before the Supreme Court before more valuable time is lost. The Justice Department responded by requesting that the Supreme Court nullify the Callister decision without a full hearing on the substance of the issues.

THE SUPREME COURT SUSPENDS THE CALLISTER DECISION UNTIL APPEAL IS HEARD

On January 25, 1982, in an important and positive development, the Supreme Court announced its intention to hear the appeal and to suspend the Callister decision until such time as the Court acts. Rapid consideration by the Supreme Court of this extraordinary decision is the only fair and proper course.

It is vital that the national effort to secure equal rights for the women of America not be stopped by a single ill-considered lower court decision.

The equal rights movement must not stop until women are fully guaranteed equal rights under the law.

INCREASED PROTECTION FOR LAW ENFORCEMENT COMMUNITY

● Mr. MOYNIHAN. Mr. President, we know all too well that law enforcement is a particularly dangerous and far too often unappreciated profession. I have recently introduced two bills intended to provide increased protection to the men and women of the law enforcement community, and I would like to share with you two timely newspaper articles giving evidence of the need for such legislation.

The first bill, S. 1815, which I introduced on November 5, would require those who sell bulletproof vests to obtain proper licenses. I introduced this bill after consulting with Phillip Caruso, president of the New York City Patrolmen's Benevolent Association, who told me that bulletproof vests frequently give criminals added protection in the commission of a crime.

This fact, sadly, was borne out by events of October 20, when one armoured car guard and two police officers were killed in a robbery in Rockland County, N.Y., in which at least one of the holdup gang was wearing a bulletproof vest. The vest allowed the assailant, who later was found to have a spent bullet from one of the policemen's guns in his pocket, additional time to inflict a fatal wound on one of the officers.

More recently, FBI agents in Rochester, N.Y., captured Joseph "Mad Dog" Sullivan, a fugitive from justice and a suspect in some 20 killings. Sullivan, when captured, was armed with a .38 caliber snub-nosed revolver and an AR-16 semiautomatic rifle. It came as no surprise that he was also wearing a bulletproof vest. His comment after being apprehended, "I wanted to go out in a blaze of gunfire," was made all the more chilling by the fact that his bulletproof vest could have allowed him to do just that.

Fortunately, Sullivan was captured without any gunfire. But that this man, a man who has been arrested 30 times and convicted 11 times for offenses ranging from disorderly conduct to premeditated murder, was able to purchase the same bulletproof vests that afford protection to our law enforcement officers is simply astounding. We must not allow those who would kill or maim police officers to hide behind the protection of bulletproof vests.

My bill would not deny law-abiding citizens the right to own bulletproof vests. It will, however, make it far more difficult for the likes of "Mad Dog" Sullivan to obtain them.

I have also introduced S. 2128, which would ban the sale, import, use, or manufacture of handgun bullets that are able to penetrate the equivalent of 18 layers of kevlar, which is the composition of the bulletproof vests most often worn by police officers. This measure is strongly supported by police organizations across the country, and I would like to share with you a New York Daily News editorial of January 22 urging a ban on these bullets.

Mr. President, I ask that the Daily News editorial and a February 24 article from the New York Post chronicling the capture of "Mad Dog" Sullivan be printed in the RECORD.

The material follows:

[From the New York Daily News, Jan. 22, 1982]

THE COP-KILLER'S SPECIAL

Just what deadly criminals need, a bullet that will pierce four—yes, four—bulletproof vests of the kind most policemen wear.

No, we're not talking about some futuristic missile. Some imaginative manufacturer already has developed the slug to end

slugs—and the lives of anyone who gets in their way.

Before the lamebrain has a chance to market his super bullet in a big way, we hope Congress will step in to bar its manufacture and sale—even if that means taking on the powerful gun lobby in the process.

There is no legitimate need for such a frighteningly lethal device—not for hunting, not for target shooting, not for self-defense. It's good for just one thing—killing cops—and we have enough policemen dying already without giving criminals even more effective ways of blowing them away.

[From the New York Post, Feb. 24, 1982]

COPS NAB "MAD DOG" HITMAN

Hitman Joseph "Mad Dog" Sullivan, one of the most dangerous fugitives alive and a suspect in at least 20 killings, was captured yesterday with his girlfriend in a lightning FBI raid.

Sullivan, who once boasted he would never be taken alive, moaned to cops moments after his arrest outside a motel in Rochester:

"I wanted to go out in a blaze of gunfire."

Sullivan was prepared to do battle with police. He wore a bulletproof vest and carried a .38 caliber snub-nosed revolver tucked into his belt.

The FBI also found a sophisticated AR-16 semi-automatic rifle and ammunition clip in the back seat of his car.

"We didn't give him the chance to shoot it out," FBI Special Agent Philip Smith told The Post.

Eight agents staking out the Denonville Motel since 2 a.m. yesterday swooped down on Sullivan and his gorgeous brunette girlfriend, Theresa Palmieri, 25, as they were loading their car with suitcases and checking out.

"We received a tip that he was there," said Smith.

"The agents observed him packing suitcases and then the lady came out and got in the passenger seat.

"When Sullivan came out the agents arrested him.

"There wasn't a struggle. We didn't give him the opportunity to go for his gun."

Paul Meyers, owner of the motel, who watched the arrest from his window, told The Post:

"When they turned him around his face looked completely casual, like he was saying, 'So you got me, so what?' "

One law enforcement source said Sullivan bragged about the autobiography he was writing and complained because the FBI nabbed him without any explosive shootout. "He said that would have made a good ending for his book," said one cop.

A movie based on Sullivan's life story is currently being negotiated, starring actor Jon Voight.

Sullivan is the only man in New York State history to escape from Attica, where he was serving time for manslaughter. He was wearing a gold crucifix around his neck and another on a ring when he was taken into custody yesterday.

He was brought before U.S. Magistrate Stephen Joy, who set bail at an astonishing $500,000 after Sullivan pleaded innocent to a bank robbery charge.

The FBI expects to transport Sullivan, 42, to Utica within 48 hours. He will be arraigned there on another bank hold-up charge.

Last night, Sullivan was jailed in the Monroe County Holding Center in downtown Rochester.

He was awaiting the arrival of his close friend and attorney, former U.S. Attorney General Ramsey Clark.

Sullivan's son is named Ramsey, after the nation's one-time top law enforcement official.

The 25-year-old Miss Palmieri, whose last known address was 371 Ave. X, Brooklyn, was charged with harboring a fugitive.

"This guy was one of the most wanted men in the United States," said a detective in Suffolk County, where Sullivan faces an indictment for a throat-slashing double homicide.

"Everybody should be relieved that he's been captured, because he was capable of killing anybody who crossed him."

Sullivan and Miss Palmieri checked into the Rochester motel at 2 p.m. Monday.

"She's been his girl friend for a long time," said one officer.

The FBI refused to say what brought Sullivan back to Rochester, where, last December, he is reported to have cut down a Teamsters union official who was cooperating with a federal grand jury.

Sullivan, allegedly a contract killer for both the Bonnano and Gambino crime families, grew a full beard during his months underground.

The arrest capped months of investigations by the FBI and New York City police. Law enforcement sources said it was intensive legwork by FBI agents Steven Braus, Anthony Nelson and Michael Francis that led them to Sullivan.

They also credited Brooklyn detectives Louis Randazzo, Carl Schroeder, Saul Rodriquez and Edward Woods with playing key roles in the manhunt.

Miss Palmieri is the sister-in-law of Sullivan's partner, identified as Steven Catalanotte, 32.

Catalanotte, who remains at large, is a fugitive ex-cop who met Sullivan while serving time in Attica for dealing in heroin.

Police are also seeking another Sullivan accomplice, Marco Tedesco, who uses the brazen alias Marc Anthony, after the historic Roman general.

The mustachioed Tedesco and Sullivan are suspects in the deaths of a couple in Seldon, L.I. whose throats were cut while an 18-month-old infant slept in a crib nearby.

LITHUANIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, earlier this month I had the opportunity to celebrate the 64th anniversary of Lithuanian Independence Day with a gathering of Lithuanian Americans in Detroit. That experience again reminded me of the strength of will which has characterized Lithuanians for centuries, and today I would like to pay them a special tribute.

This year's commemoration of the reestablishment of the independent State of Lithuania on February 16, 1918, assumes particular significance in light of continued Soviet aggression around the world. Just as the success of the Polish workers' movement inspired the souls of the Lithuanian people, the imposition of martial law in her sisterland may cast new doubts on the Lithuanian struggle for freedom.

While each passing day presents new opportunities and new obstacles in the effort to rid this captive nation of Soviet domination, the free nations of the world must never allow the flame of hope, which has burned so long in the hearts of the Lithuanian people, to die. Since the illegal Soviet annexation of the nation in 1940, Lithuanian history has been a tragic one. Ravaged first by the armies of Stalin, then by those of Hitler's Nazi Germany, the once independent State of Lithuania finally succumbed to the sheer weight of Soviet power.

Still the effort to win freedom continues. Although the territory that is their homeland remains firmly within the grip of the Soviet Union, attempts to absorb the unique Lithuanian culture have been thwarted by the Lithuanian people—a people who continue to cherish the ideals of a freedom once enjoyed. The continued repression of those whose only crime is the pursuit of basic rights and justice indicates a failing Soviet policy of subjugation which will never be accepted by the freedom-loving Lithuanians.

And so, today, Mr. President, I offer my unwaivering support to all Lithuanians—those still striving to escape Soviet oppression in their homeland, and those here in America whose constant vigilance and work has kept the flame of hope alive for all freedom-loving peoples.●

BROKEN PROMISES TO DETROIT'S ELDERLY CITIZENS: "HUNGER IS A SIMPLE, LOUD CRY"

● Mr. RIEGLE. Mr. President, the Special Committee on Aging held a hearing this morning on "Hunger, Nutrition, and Older Americans: Fiscal 1983 Budget Proposals." Father William Cunningham, who is the director of Focus: HOPE in Detroit, Mich., testified before the committee. Focus: HOPE is an organized movement of metropolitan Detroit volunteers dedicated to improving the quality of life for Detroit's senior citizens. Father Cunningham's words speak to the heart of the matter of hunger and the elderly in this country and the particular plight of thousands of senior citizens in the Detroit area.

I submit his address for the RECORD:

TESTIMONY OF FATHER WILLIAM T. CUNNINGHAM

Senator John Heinz and Members of the Senate Special Committee on Aging: This morning we are players in an utterly predictable scene. Our elderly poor will be described and counted. Good people will plead the cruelty of new program cuts.

Then, some more good people from the Department of Agriculture will say what they are supposed to say, or they will be fired. Everybody knows that. The agents of Agriculture carry an awful burden—not to reveal here what each knows, or should know, about hunger in America, not to say what each feels in his heart and conscience or should feel, but to defend an ideological

course. Their Department—established to assure adequate and equitable production and distribution of food—is again held hostage by the Office of Management and Budget, to be used in an ideological and political stand-off at the expense of its constitutional mandate. They will be loyal to this administration, an otherwise necessary quality in government service, at the expense of a higher moral requirement to relate facts to the well-being of the commonwealth, the service of the American people and the protection of their rights.

Other witness—professional, expert and dedicated—will use cool, scientific terms. They will tell us about the extent of malnutrition among the elderly, its economics, its clinical manifestations, its effects on health, on life. But their scientific rigor may sometimes mask the pain of hunger in abstractions, and their valuable sevice of information may sometimes ignore questions of value and morality.

Unlike malnutrition with all its complexities, hunger is a simple, loud cry.

Hunger in Detroit is desperation. It is old people in restaurants ordering a cup of tea at an uncleared table and furtively eating leftover scraps of french fries and sandwiches. It is opening and eating from packages of cookies or cold cuts on the supermarket shelf while pretending to shop. It's 75 year old Annie Harris, full of pride and dignity, confessing that after her last trip to the hospital for starvation, she would have killed herself if she did not believe in Jesus.

Hunger in Detroit is constant worry. It's worrying whether the part loaf of bread, the remnants of jam, and the last box of macaroni and cheese will take you through three days, until the social security check arrives. It's dropping the same teabag in hot water for the second day. It's Robert Lindsey, 81, teased with the question of what he would do with more food, saying, "that's beyond my comprehension." Hunger is a forced choice between a carton of milk and a roll of toilet paper.

Hunger in Detroit is loneliness. It's not having anything to offer company, if there were company.

Hunger in Detroit is illness, another trip to the hospital because an egg in the morning, tea and toast at noon and hot dogs at night were not enough.

Hunger in Detroit is guilt. It is old people in the Cass Corridor who won't tell you their children's names, because they don't want to be a burden. It is the guilt of sons and daughters who have to abandon their parents because, in today's economy, they can hardly feed their own children.

And hunger in Detroit is anger. It is old people saying, "They treat us like an old horse, only they don't shoot us, they just starve us inch by inch . . . They've got the food, but they just won't give it to us." The anger of old people is quiet despair, knowledge that the refusal of food is a final rejection, that one's fate is a lingering and lonely and fearful and disregarded wait for death.

There are more than 50,000 hungry persons over 65 in Detroit and Wayne County. They are not all of one type. Bill Parham, a gear-cutter, thought his savings would provide a modest retirement for himself and his wife, but those savings were eaten up by extreme jumps in heating bills, high inflation, and illness. James Light worked thirty-two years for a small company with no pension plan. Many, many elderly blacks and women in Detroit were denied equal opportunity during their productive years, so they worked at menial jobs and were paid in cash under the table, with no Social Security.

For most people, poverty arrived when they stopped working. Had they been so destitute all their lives, they could not have lived to be old.

Every lasting human society has held the aged in reverence. The conscious abandonment of old people is a nation's epitaph.

That is the purpose of the fourth commandment—"Honor your father and your mother." Its wisdom is simply that if we take care of those who brought us this far, then our traditions will be respected and our founding ideals will be cherished.

Perhaps this is the real discussion for today—even more than old people and hunger. As a society, we are coming to value only those who are economically productive. This nation proposes to spend much less on children, and to turn its back on the aged, to bankrupt the future and bury the past. It will not recognize and support other necessary kinds of productivity which only the elderly can contribute in the family and the community.

Insuring enough food for the health and well-being of the elderly poor is not a matter of compassion. It is a matter of justice, and wisdom. To deny adequate food is to break our contract with those who have labored and sacrificed to build this country.

The Department of Agriculture is capable of putting an abundant, ready supply of commodities on the shelves of poor, elderly citizens at less than half of the foods' cost in the marketplace. Last fall, Congress passed a law authorizing the Department to do so in Detroit and New Orleans, and Congress appropriated the necessary funds.

The Secretary of Agriculture and Mr. John Bode, defiant of Congress and abusing the Department's capability, today deny those hungry old people.

In the generations to come, if America survives this rupture of morality tolerated for whatever expedient, who will answer for what we have done to the nation's elderly, to our solemn trust, and to our national integrity? Who will explain our broken promise?●

STEVE JONCAS: OUTSTANDING SERVICE TO MASSACHUSETTS

● Mr. TSONGAS. Mr. President, I would like my colleagues to know about the outstanding service that Steve Joncas has given Massachusetts for over 7 years. As he moves to a challenging new position in public service, his accomplishments to date should be recognized.

Steve Joncas directs the work of my staff in Massachusetts, managing their efforts in two primary areas—constituent services and economic development. The job demands an abundance of energy, judgment, geniality, and toughness. Steve has provided these qualities. Indeed, it has been intriguing to watch his personal and professional strengths grow stronger over the years.

Steve Joncas has worked with me since 1975, when I became a Member of the House of Representatives. Initially, he concentrated on the revitalization of Lowell, Mass., the largest city in the Fifth Congressional District. Lowell has become a success story—a classic partnership between government and the private sector—and Steve's work has been an important part of it. On coming to the Senate in 1979, I put him in charge of coordinating the work of the economic development section of my Massachusetts staff, who specialize in developing economic strength in communities throughout the Commonwealth. His performance in that role led to his eventual promotion to overall responsibility for my Massachusetts staff.

On March 1, Steve is beginning a new challenge as executive director of the Lowell Development and Financial Corp. In his new role, he will be right in the middle of efforts to continue Lowell's successful partnership. It is a position for which he is uniquely qualified, and I have every confidence that he will serve Lowell well in his new capacity. Although I shall miss having him on my own staff, I am pleased that he was chosen for this important position.

Mr. President, I want to express my sincere thanks for what Steve Joncas has done for Massachusetts citizens. I look forward to working with him in his new role. I extend my best wishes to Steve, his wife Celeste, and their children, Aaron and Phillip, on this proud occasion.●

ORDER FOR RECESS UNTIL MONDAY, MARCH 1, 1982, AT 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Monday, March 1, 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR COCHRAN AND DESIGNATING PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, Senator COCHRAN be recognized for not to exceed 15 minutes for a special order, and I also ask unanimous consent that there then be a period for the transaction of routine morning business for not to exceed 20 minutes, with statements therein limited to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 1, 1982, AT 11 A.M.

Mr. STEVENS. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. on Monday next.

The motion was agree to; and at 6:18 p.m., the Senate recessed until Monday, March 1, 1982, at 11 a.m.

EXTENSIONS OF REMARKS

THE NICARAGUAN REVOLUTION

HON. ROBERT J. LAGOMARSINO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, the Council for Inter-American Security Education Institute has prepared a study describing the evolution of the revolution in Nicaragua. It concludes that the Sandinista regime is nearing completion of the consolidation of a military-oriented Marxist-Leninist dictatorship. The study also describes the reasons why Nicaragua's economy is not working. The text of that study follows. I urge my colleagues to give it their serious consideration.

WHY ISN'T NICARAGUA'S ECONOMY WORKING?

Two and a half years after launching its "era of reconstruction," the Sandinista government appears to have wrought instead an era of economic ruin.

"The national economy is collapsing," wrote the Superior Council of Private Enterprise (COSEP) in an October 19 letter to junta coordinator Daniel Ortega. "Production shows no signs of recuperation. The country is becoming indebted in a spiral that seems endless . . . We are at the doors of the destruction of Nicaragua.

The country already owes almost $3 billion to foreign creditors, and this debt increases at an average of $2.5 million a day, according to the Coordinator of Nicaragua's Human Rights Commission, Jose Esteben Gonzalez. He wrote a letter to Ortega on October 17 asking him to explain why the Sandinistas in only two years have incurred "a foreign debt practically equal to the giant indebtedness accumulated by the corrupt Somoza regime in 43 years of systematic pillage."

The nation's trade balance, which stood at a surplus of $160 million in 1979, plummeted to a $215 million deficit in 1980. Inflation rages at 35 percent, and the Wall Street Journal says it could hit 50 percent this year. Unemployment stands at 30 percent, and this is sure to worsen if the economy continues to deteriorate.

STATE OF EMERGENCY

So severe is this economic crisis that the government imposed a one-year "state of economic and social emergency" in September, banning strikes and unauthorized price increases, raising import taxes by as much as 100 percent, and threatening imprisonment of up to three years for anyone "arrested on suspicion" of "economic sabotage," which includes the publishing of economic data affecting "state security."

Bankrupt, Nicaragua has become entirely dependent on foreign aid. One Western economist in Managua, quoted in the September 28 issue of *Newsweek*, stated that "Nicaragua has proven to be one of the world's great beggar nations."

The reason: Nicaragua's foreign currency reserves are virtually gone. Even after receiving nearly $450 million in foreign aid and outright gifts this year, the country is unable to import vital machinery, basic goods, medicine, spare parts, and other necessities. Julio Cesar, the head of the central bank, admitted in the September 15 Wall Street Journal that Nicaragua will have to find $750 million abroad to finance its 1982 import bill.

The lack of hard currency is a more immediate crunch for Nicaragua's private business sector. Although the Sandinista government contends that over 60 percent of the gross national product comes from private industries, businessmen and producers report they can't get credit from the central bank with which to produce and conduct business.

"The problem is that the state controls the mechanisms that allow the private sector to operate: the banking, transportation, and foreign exchange systems," said William Baez, Nicaraguan economist and director of the Foundation for Cooperative Development in Nicaragua, in the October 17, Diario Las Americas. "If you engage in business transactions and cannot obtain credit, the deal is dead."

COSEP BLAMES GOVERNMENT

According to Nicaraguan business leaders, the Sandinistas' "doctrine of Marxism-Leninism" and their ideological assault upon Nicaragua's private sector are to blame for the country's deepening economic crisis. The Superior Council for Private Enterprise (COSEP) in its October 19 letter to Daniel Ortega accused the government of egregious economic mismanagement. COSEP ascribed the crumbling economy, the spiraling debt, and the social turbulence in Nicaragua to the Sandinistas' "Marxist-Leninist adventure."

The Sandinista government, denouncing the letter as "an outrageous provocation," moved quickly against COSEP. The text of the letter had been revealed in a press conference called by COSEP on October 19. Thirty hours later, around midnight, state security forces arrested four COSEP leaders in their homes for having "violated the economic and social emergency law." Three of them were sentenced to seven months imprisonment on October 30.

Those sent to jail were the President of the Higher Council for Private Enterprise, Enrique Dreyfus; the President of the Chamber of Construction, Benjamin Lanzas; and the President of the Federation of Nicaraguan Professionals, Gilbert Cuadra. Similar prison sentences were handed down to three businessmen who the secret police were unable to capture, and who are said to be in hiding. All six men were signatories of the October 19 COSEP letter.

The regime's anti-free enterprise orientation is also criticized by many of the Nicaraguan businessmen who have fled the country. One of these is Jose Francisco Cardenal, former President of Nicaragua's Chamber of Construction and a long-time opponent of the Somoza dictatorship.

Cardenal said at a July conference in Washington, D.C., that "the economic result of the Sandinista ideological philosophy and its attacks on private enterprise has been the virtual ruin of Nicaragua's economy . . . The Government has continued its policy destined to strangle and then eliminate private enterprise from the country, and to create in its stead a type of Marxist-Leninist state capitalism."

CONTEMPT FOR BUSINESSMEN

The Sandinistas make no secret of their contempt for Nicaragua's businessmen. Defense Minister Humberto Ortega said in a speech published on August 25 that "we are against the burgeois," and added that "it has to be clear that the bourgeoisie, which sells out its own country, is here because we want them to be. In any moment, we can take their factories without firing a shot." The Defense Minister later vowed to "hang by the roadside" those businessmen who, among other things, obstruct the government's plan to organize militias within the nation's factories, since this would impede the Sandinistas' efforts against "conspiracy and aggression."

But from the beginning, the Sandinista policy to eliminate private enterprise was made known in something called the "72-hour document," a clandestine Sandinista paper that was circulated among Nicaragua's leading businessmen shortly after the overthrow of Somoza. The paper set forth, according to the February 16 issue of *Time*, the Marxist regime's strategy of tolerating the "private sector only until the government was able to take over the economy and throw out the capitalists."

The Sandinistas' intention to eliminate private enterprise was also revealed by a high-ranking official in Nicaragua's Justice Department, Nevardo Arguello, who defected to the U.S. last February. Arguello had been responsible for enforcing a decree issued by the junta ordering the confiscation of the property of the Somoza family, of persons who had supported Somoza, and of people who had embezzled public funds.

Arguello told the Council for Inter-American Security in an interview on February 26 that he had complained to the Minister of Justice that some of the confiscations were illegal. The Minister admitted that this was true, Arguello said. However, the Minister told Arguello that "the property would not be returned regardless of whether or not the confiscation was legal. He said that the property would be owned by the state." Arguello added, "To justify his argument, the Minister said that private enterprise would soon disappear in any case, and since there would be little private property remaining, the shock would not be as great."

NATIONALIZATIONS

The Sandinistas' anti-capitalist rhetoric has been accompanied by wholesale nationalizations of industries and massive confiscations of private property. Charging the private sector with attempting to undermine Nicaragua's economy by "imposing the power of those who rob and oppress," Daniel Ortega marked the July 19 second anniversary of the Sandinista victory by announcing far-reaching reform laws that threaten most of Nicaragua's private sector with expropriation. A prominent Nicaraguan industrialist, featured in the August 23 *Los Angeles Times*, asserts that "the Sandinistas have already enough laws to confis-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

cate 80 percent of the private property of Nicaragua."

None of these confiscated lands, however, have been delivered to the people. Frank Bendana, exiled President of Nicaragua's Union of Coffee Associations and Cooperatives, told the Council for Inter-American Security last July that "ever since the Sandino-Communists have assumed power, they have done nothing more than seize the lands in the name of the people, but these lands still belong to the state . . . In two years, the Sandinistas have not titled a single apple or acre of land to anyone."

The result of the government's open war on Nicaragua's private sector, according to Jose Francisco Cardenal, has been to foment an "overriding fear" in the business community that has "eliminated any planning and investment for the future, and has reduced businessmen . . . to try to avoid worker's takeovers or be branded as 'counter-revolutionary.'"

THREATS AND ACCUSATIONS

Recently, junta member Sergio Ramirez accused the country's private-sector leaders of acting as "puppets of an international conspiracy." The November 3 Diario Las Americas reported that Ramirez threatened the leaders of COSEP with the revocation of their Nicaraguan citizenship if they persisted in opposing "the line of the revolution."

Security forces prevented an October 27 special meeting of the COSEP leadership, summoned to discuss the political situation of the country. One of the agenda items was to be the attack by a mob of pro-Sandinista youths on the house of businessman Alfonso Robelo, who is President of the Nicaraguan Democratic Movement.

The Sandinistas' campaign against the private sector has gone so far as to include assassination. Last November, the Vice-President of COSEP, Jorge Salazar, was shot to death by government security forces at a gas station near Managua minutes after Salazar had presided over a COSEP meeting. The government later claimed that Salazar was a "counter-revolutionary." COSEP issued a statement calling the murder "a political crime." The response of the government was to threaten the COSEP leadership with criminal prosecution.

No surprise, then, that some 200,000 businessmen, technicians, and professionals have fled from Nicaragua, draining productive business of capital and talent.

Consequently, business has suffered dramatic decreases in production. Cotton, one of Nicaragua's key export items, is down 20 percent from the previous year's production. Coffee and sugar production are down 30 percent, and chemical and textile output off by 50 percent.

CONCLUSION

Human rights leader Jose Esteban Gonzalez summed up the state of Nicaragua's economy in the remarkable letter he wrote to Daniel Ortega on October 17. Gonzalez, who is Coordinator of the Nicaraguan Human Rights Commission, referred to "the total unhinging of the economic structure of Nicaragua."

"The disastrous and chaotic economic situation which has been precipitated in the country is characterized by a marked decrease in productivity, the irrational rise in the costs of production, accompanied by the closing of important centers of production and work," Gonzalez wrote. "This is the natural and direct consequence of the disincentivation of the producers, of the arbitrary confiscations, and of the irresponsible improvisations, of the paralyzing bureaucracy, and, in general, of the programmed, progressive strangulation of the economic sector that is not part of the state."

Increasing number of Nicaraguans are becoming restless and frustrated with the economic mess. To bolster public morale, the government has launched a campaign of rhetoric and propaganda. The September 28 Newsweek reported that "one official response to the recent sugar shortage was to put up signs reading 'A Good Revolutionary Uses Less Sugar.'"

The Sandinistas are realizing, however, that slogans can't cure a sick economy.

NICARAGUA'S "GREAT PURGE"

The top Sandinista leadership is apparently carrying out a "purge" which includes persons close to revolutionary hero Eden Pastora. Observers contend that this is a move to eliminate ideologically nonconforming elements from the government and is an important part of "the consolidation of the revolution."

Eden Pastora, known as "Commander Cero," is reputed to be the most popular of all the Sandinistas. He was said during the war against Somoza to represent the Sandinistas' more "moderate" wing. After Somoza's defeat, Pastora was not given a top position in the government, but rather, was made Vice Minister of Defense and Chief of the People's Militia.

Pastora resigned under curious circumstances last July. There have been persistent reports that he departed because of policy conflicts with the new Nicaraguan leadership. Panama's La Republica newspaper said on July 9 that Pastora had become alienated from the ranking officials of the Sandinista government "in view of the presence of numerous military observers from Cuba in Nicaragua and the increasing presence of Fidelist and Soviet political units" and that Pastora had been forced to leave Nicaragua.

The Nicaraguan government said that Pastora left a letter of resignation in which he announced that he was "going after the smell of gunpowder in other latitudes." However, the Costa Rican newspaper Extra charged on July 17 that Pastora's purported letter of resignation was a fabrication. The newspaper said that Pastora really left after having serious differences with the top hierarchy of the Sandinista revolution. Extra charged that Pastora had been ordered executed and predicted that a large-scale purge would break out after the second anniversary of the revolution on July 19.

In an interview entitled "Eden Pastora Escaped from Nicaragua" in the July 26 Venezuelan magazine *Zeta*, Venezuelan reporter Rafael Poleo said: "What Commander Cero did was leave before what happened to Huber Matos and Camilo Cienfuegos happened to him." Matos is the Cuban revolutionary commander who differed with Fidel Castro after Batista's defeat and, as a result, was imprisoned for twenty years. Matos maintains that Cuban revolutionary hero Camilo Cienfuegos was murdered on Castro's orders, because Cienfuegos was not a communist.

The "purge" of Pastora's colleagues began in early September, when the government arrested a dozen men who had fought under Pastora, including Deputy Minister of Foreign Trade Leonel Poveda, on charges that they were plotting against the regime. Poveda had been Pastora's right-hand man on the Southern Front during the revolution . . . .

WHERE IS PASTORA NOW?

Pastora's whereabouts remain a mystery. Ariel Remos wrote in Miami's *Diario Las Americas* on October 2 that Pastora was still "under a kind of house arrest in Cuba, on account of disagreements about the almost absolute control of Fidel Castro over the Sandinista government" and that Castro has decided to send Pastora to Chile to lead guerrilla operations there. Pastora was later said to have directed an October guerrilla operation in Colombia, according to military sources. However, this report was later called a "rumor" by Colombia's Minister of Defense.

Iraq's Tigris magazine published an exclusive interview with Pastora on November 14 that did not indicate where the interview was given but which included a photograph of Pastora with newsmen against a desert background, suggesting that Pastora could have been in an Arab country. In the interview, Pastora praised the Nicaraguan revolution.

Will Pastora return to Nicaragua? The October 30 Los Angeles Times reported that "Pastora, according to Managua rumors, is planning to challenge the Sandinistas for control of the government."

"Pastora is more middle-of-the-road than the left-leaning Sandinistas who now run the country," the Times noted. "He has a popular following and other advantage: He left before things began to go wrong."

DO THE SANDINISTAS HAVE POPULAR SUPPORT

Only 28 percent of the Nicaraguan people support the Sandinista revolution, according to the first independent public opinion poll taken since the Sandinistas took power in 1979. The poll results were published in La Prensa on November 10.

The response of the Sandinistas was to outlaw public opinion polls. The next day, the Council of State approved a law that prohibits the taking of "unauthorized" polls and set the fine at up to $1,000. The Council is dominated by Sandinistas, who were unable to persuade La Prensa not publish the poll results.●

CRIMINALS MUST PAY FOR USING BULLETPROOF VESTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BIAGGI. Mr. Speaker, earlier this week I introduced a bill, H.R. 5559, to establish tough new penalties for any person caught wearing a bulletproof vest during the commission of a crime. This measure is in response to increasing reports of criminals using protective body armor to defend themselves against police.

Specifically, this legislation would impose mandatory, minimum penalties for any person wearing a bulletproof vest during the commission of a felony. These penalties of 1 to 10 years for the first offense and 2 to 25 years for the second or subsequent offense, would be in addition to any sentence imposed for the original crime.

By pure coincidence, my bill was introduced on the same day that one of

the FBI's most wanted killers, Joseph "Mad Dog" Sullivan, was arrested near Rochester, N.Y. wearing a bulletproof vest and armed with a stockpile of weapons. I am greatly alarmed that Sullivan, who police say may be responsible for as many as 20 murders, might have been aided in his reign of terror by the security a bulletproof vest provides.

The criminal use of protective body armor poses a very serious danger to society, and particularly to law enforcement personnel. Simply, the vests provided criminals with a second chance to escape, or even worse, a second chance to kill or injure a police officer.

Last year's ill-fated Brink's robbery in Nyack, N.Y., offered tragic proof of this claim. It has been determined that a bulletproof vest worn by one of the robbers during the crime stopped a police bullet, allowing the criminal to return the fire and kill two law enforcement officers before escaping.

Mr. Speaker, as a 23-year veteran of the New York City Police Department, I have seen firsthand that criminals act with virtual impunity. We must do everything possible to fight their efforts, not assist them. Our obligation is to protect society, not the criminal. My bill, H.R. 5559, is clearly consistent with these important beliefs, and I urge that it receive prompt and favorable consideration.

At this time, Mr. Speaker, I wish to insert a New York Daily News article written by Neal Hirschfeld, reporting the capture of Joseph "Mad Dog" Sullivan:

MAD DOG KILLER COLLARED AFTER ATTICA ESCAPE

(By Neal Hirschfeld)

Joseph (Mad Dog) Sullivan—the only man ever to escape from Attica and a suspect in at least seven murders, three assaults and numerous bank robberies—was surprised and captured yesterday by 10 FBI agents as he and his girlfriend strolled out of a motel near Rochester.

Sullivan, 42, was wearing a bulletproof vest and was armed with a .38-caliber revolver and an M-16 automatic rifle. But when the agents moved in, "he just smiled" and surrendered, according to Clinton Van Zant, acting agent in charge of the FBI's Rochester office.

Acting on a tip, the FBI had set up surveillance on the Denonville Inn in Penfield, a Rochester suburb, about 9 a.m. An hour later, they grabbed Sullivan and his girlfriend, Theresa Palmieri, 25, of Avenue X in Brooklyn, as they loaded their belongings in a truck parked outside their room.

Sullivan, of Richmond Hill, Queens, gained notoriety in 1971 by becoming the only man to escape from Attica, a maximum-security correctional facility, where he was serving time on a manslaughter conviction. The escapee, who threw a rope over a wall to make his getaway, had kept himself in shape by running 10 miles and doing 1,000 pushups every day. Sullivan's father, Jeremiah, was a decorated New York City police detective who died in 1951.

Sullivan is wanted for a double homicide in Suffolk County last Dec. 8, the shotgun assassination in December of a mob-connected Teamsters Union official outside Rochester and a homicide in Manhattan in January. He was indicted for an attempted double homicide in Greenwich Village last June, law enforcement authorities said.

Sullivan was held in lieu of $500,000 bail at his arraignment yesterday in connection with a $10,000 bank robbery in Utica. Palmieri was charged with harboring a federal fugitive.●

FERC PROPOSAL TO RAISE NATURAL GAS PRICES IS UNCONSCIONABLE

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. WHITTAKER. Mr. Speaker, the one issue I have most heard about from my constituents in recent weeks is that of high natural gas bills. To read that the Federal Energy Regulatory Commission is even thinking of proposing to "act administratively" to increase the price of natural gas is therefore unconscionable.

While we can point to the severity of this winter's weather as one of the chief reasons people's bills have doubled or even tripled over a year ago, we must also take a hard look at what effect Federal decontrol of natural gas prices is already having on consumers' bills.

With natural gas shortages what they were some years ago, there was no question but that producers needed increased revenues and incentives to explore for more plentiful reserves. The Congress acted with the Natural Gas Policy Act of 1978 to gradually decontrol natural gas prices and the resulting increase in gas supplies and reserves would indicate that decontrol is working. I have supported this concept and favor a free-market approach.

However, consumers can only pay so much to heat their homes. With a sagging economy, unemployment and high interest rates confronting them, many workers and small businessmen are barely making ends meet as it is, without being hit with natural gas bills double what they have been before. This is troublesome enough to address without the thought of even more rapidly escalating gas prices. And what do you say to the elderly or retired person who can not pay the bill at all or who has to choose between heat or food because their social security or meager pension is not enough to cover the cost of paying for both?

This is not the time for a bureaucratic agency to decide to raise consumers' natural gas bills even higher. As a Member of Congress, I resent this intrusion and outright flaunting of Congress legislative authority and I urge my colleagues to oppose these proposed administrative actions. Congress must, I believe, take a long and hard look at even our present schedule for decontrol. An abundant supply of natural gas will be little consolation to the ever-increasing number of people we represent who will not be able to afford to pay for it.●

NAFCU AND REGULATORS CONCERNED ABOUT BANKRUPTCY

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. SKEEN. Mr. Speaker, in recent months many Members of the House have received letters, phone calls and visits from their constituents pointing out inequities which exist under our present bankruptcy laws. I recently was visited in my office here in Washington by Marvin Daniel and Hal Adams who are members of the Sandia Laboratory Federal Credit Union. Sandia Laboratory Federal Credit Union serves more than 10,500 citizens of the State of New Mexico. Mr. Daniel and Mr. Adams had come to Washington to participate in the National Association of Federal Credit Unions' annual Congressional Caucus.

While I was aware of many of the problems confronting lenders under the present bankruptcy law, I found it particularly enlightening to learn how bankruptcy losses affect borrowers and savers as well—not just the lender. For example, when a credit union member receives a discharge in bankruptcy, every member of the credit union must absorb the cost of that loss because credit unions are member-owned cooperatives. That means that responsible credit union members must pay a higher rate on loans in order to cover the loss incurred as a result of bankruptcies. Or the prudent credit union saver receives a lower rate of return on his or her savings in order to cover the loss incurred as a result of bankruptcies. The magnitude of this problem is driven home very forcefully when you realize that 54 percent of our Nation's regulated depository institutions, according to NAFCU, are member-owned credit unions.

What do the Federal financial regulators have to say about this problem? On June 4, 1981 Governor Charles Partee of the Federal Reserve Board and Acting Comptroller of the Currency Charles Lord both testified before the House Banking Subcommittee on General Oversight. In response to questions from subcommittee members both expressed concern with the recent skyrocketing increase in consumer bankruptcies. Governor Partee spoke of "willy-nilly bankruptcies." He described the existing bankruptcy

code as "a very easy law which probably needs a relook by the Congress."

Mr. Lord echoed Governor Partee's comments and spoke of a "quantum jump" in the filing of bankruptcy petitions. He went on to state: "We have to make some assumption that some of that increase presumably and probably is due to the permissiveness of the new bankruptcy law."

I am pleased to be listed as one of the more than 210 cosponsors of H.R. 4786, the Bankruptcy Improvements Act. I urge my colleagues who have not yet done so to cosponsor this constructive piece of legislation designed to strike an equitable balance between the rights and responsibilities of borrowers and lenders. I believe that passage of H.R. 4786 will responsibly resolve the inequities that presently exist under the bankruptcy code, as so well stated by the National Association of Federal Credit Unions, Governor Partee of the Federal Reserve Board, and then Acting Comptroller of the Currency Charles Lord.●

ABUSE OF FOOD STAMP PROGRAM

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. COLEMAN. Mr. Speaker, I rise today to once again bring a matter concerning the food stamp program to the attention of the Members. You may recall that last year I introduced and the Congress passed a bill to give certain law enforcement authorities to the Department of Agriculture's Office of the Inspector General. I sponsored this legislation because of the growing number of incidents of illegal trafficking in food stamps and to stop the virtual theft of food from the mouths of the poor.

We are not dealing only with the abuse of the system but also with hardened criminals who steal from those truly in need and use food stamps to purchase illegal drugs, guns, and other similar items.

Certain incidents occurred last week that strengthen and reinforce my resolve that changes must take place in the food stamp program and that the criminal element must be removed from the program.

State investigators in Kentucky worked with agents from the Office of the Inspector General on the investigation of an individual who operated a boarding home for children. This individual had been involved in the criminal trafficking of food stamps. With the cooperation of the Office of the Inspector General, the Kentucky investigators arrested this person. His boarding house was a front for a prostitution ring, and he sold a child for $6,000 in food stamps and $1,000 in cash.

This action is reprehensible. It is compounded by the fact that food stamps were used.

The Congress must take action to insure that the money spent on food stamps goes to those people who are in need. We must take steps to get away from the use of paper food coupons and find some other method to deliver assistance to the poor perhaps by some electronic fund transfer system.

One such system is operating as a pilot project in New York City. This is referred to as the electronic payment file transfer system. In this pilot project, recipients of food stamps and public assistance are issued a magnetically encoded photo-identification card. They take this card to a bank where it is entered into a small telephone-like terminal that is connected to the central computer system. A second card is inserted by the bank teller. When both cards are inserted into the system, it prints out a voucher showing the amount of food stamps and public assistance to which the person is eligible. The voucher is signed by the participant, who then leaves with the cash and the food stamps.

Therefore, the authorization to participate (ATP) card is eliminated and food stamps are delivered directly to the eligible person.

Other States also are using computers to improve their administration of the food stamp program. I am hopeful that the number of States can be expanded and that both errors and illegal use of food stamps will be reduced.

Be assured that I will do all that I can to explore alternative means of delivering food assistance to the poor and to make sure that the criminals do not benefit from the food stamp program.●

ADHERE TO THE REAGAN ECONOMIC RECOVERY PROGRAM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. DERWINSKI. Mr. Speaker, the Aurora, Ill., Beacon-News recently editorialized on the goals of President Reagan's economic policies. Although there has been a great deal of debate over the administration's proposals, it must be stated the President's long-term economic policies have already put us on the road to less inflationary and more rapid economic growth. Regulatory reductions made so far under the Reagan administration have saved billions of dollars. Further efforts to eliminate waste, fraud, and unnecessary spending must be made this year.

I wish to give the Members the benefit of the editorial commentary which appeared in the February 18 edition of the Beacon-News which effectively makes the point that we must stick to the fundamentals of the Reagan economic recovery program and not waver in the face of criticism that overnight miracles have not taken place. The editorial follows:

[From the Aurora (Ill.) Beacon-News, Feb. 18, 1982]

FEDERAL DEFICIT MUST BE PARED

Even as they were packing their bags for the 10-day Washington-Lincoln birthday recess recently, top GOP leaders from Capitol Hill found time for a collective call on President Reagan at the White House. They freely told the media that they went to voice personal alarm over the $91.5 billion deficit projected for the fiscal '83 budget and to warn Mr. Reagan that Congress won't hold still for it.

But, like many of their Democratic colleagues, these Republicans were long on complaints and short on alternatives. There were no calls for piling on new taxes in an election year or for jeopardizing national security with drastic reductions in defense spending. And no one as much as mentioned entitlements or price supports. Certainly, Sen. Bob Dole didn't offer to help out by cutting off federal funds to Kansas wheat farmers nor did Sen. Jesse Helms suggest an end to subsidies for tobacco farmers in North Carolina.

Amiable as always, the President advised his worried cohorts that Congress would have "running room" and a chance to work down the deficit. Treasury Secretary Donald T. Regan subsequently spelled that out: "Running room," he said, "requires that we define the width of the track, and the Reagan track is not wide enough for tax increases or defense cuts."

Undeterred, and convinced he holds the high ground, Mr. Reagan sent congressmen off with the thought that, when they get home, "they'll find out the real people out there know that government has been costing too much." With recent polls indicating continued public support for his economic program, the President has good reason for not budging on new taxes and his defense buildup.

Still, Mr. Reagan has not adequately responded to his critics who blame the enormous new deficits on his increased defense spending and tax cuts. The answer to that, and a convincing one, comes from Martin Feldstein, professor of economics at Harvard University and president of the National Bureau of Economic Research. Dr. Feldstein recently wrote, ". . . It would be wrong to say that the . . . deficit figure is due to a massive cut in personal tax rates. The 25 percent reduction . . . will be just about enough to prevent bracket creep from raising the share of income that is taken in taxes. It would also be wrong to say that the prospective deficit is due to a major rise in defense spending since the 7 percent a year real increase . . . would raise defense spending only from 5.5 percent of GNP in 1980 to 6.5 percent in 1982."

The Reagan scenario for licking the deficit problem, the seriousness of which is not to be minimized, calls for an economic upturn this spring. Recently, Secretary Regan predicted a strong economic resurgence would soon ease the deficit. He pointed out that an improvement of only one per-

cent in unemployment would shave $25 billion from the deficit. Indeed, a reassuring hint of this came in late January as the Commerce Department's index of leading indicators rose 0.6 percent after a four-month slide.

If, however, the Reagan gamble does not pan out by summer and the deficit remains, undiminished or enlarged, the administration should fall back on an all-out bipartisan effort to squeeze billions of dollars out of the swollen entitlements programs. It would be premature to pursue this admittedly difficult alternative now, but we are reassured to know that it is there to be excised from the budget if necessary.

One way or another, this deficit must be pared; it must not be accepted as unalterable.●

SYNFUELS SOLDIERS ON

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BROWN of Colorado. Mr. Speaker, yesterday, the Wall Street Journal carried the following editorial on the Synthetic Fuels Corporation. As the Journal points out, the Synthetic Fuels Corporation is an ill-conceived venture we can ill-afford to keep.

As many of my colleagues know, I have introduced legislation to abolish the Synthetic Fuels Corporation. Some 20 Members of Congress from across the political spectrum have agreed to cosponsor this bill, H.R. 5404. I urge my colleagues to join us in this effort and to carefully review the arguments in behalf of H.R. 5404 in the Wall Street Journal.

SYNFUELS SOLDIERS ON

At a time when the credit markets are overburdened world-wide and the Reagan administration alleges it is looking for places to cut borrowing, a big credit gulper called Synthetic Fuels Corp. is finally nearing its wheeling-dealing stage. It will decide soon how much of a huge federal loan authorization it will commit to private synthetic fuel projects.

Synfuels was a product of the predecontrol energy hysteria of the 1970s, when Congress was coming up with schemes to substitute expensive energy for cheap energy. It rolled out of Congress in 1980 as a new "off-budget" federal entity with authority to ultimately commit $20 billion in government-backed credit, either by guaranteeing loans for projects or guaranteeing that synthetic fuels developers would be able to charge competitive prices.

The "off-budget" description was, however, largely a fiction. The funds for carrying out the corporation's activities come from purchases by the U.S. Treasury of the corporation's notes, and these payments are part of the federal budget. If Synfuels found itself ponying up a lot of cash to cover a failed loan or subsidize an uneconomic plant, the taxpayer would get the bill.

Even if that were not the case, the corporation's guarantee authority, which will total $15 billion by July 1 this year, is simply another form of credit market distortion. The energy "crisis" was solved by decontrolling oil and any remaining future risks will be further reduced by natural gas decontrol. But when Synfuels goes ahead with its plans, new preferred borrowers will be entering the credit markets to raise money to add to the energy glut.

Currently there are 11 projects that have survived the corporation's initial screening. Six are in the South and five in the West. More are distinguished by high capital costs for plants that would produce relatively small amounts of fuel.

They will need government guarantees because their backers don't think they could be financed successfully otherwise. We would guess that they are right about that, now that relative energy prices are falling. Price guarantees, in particular, would be a good way for Synfuels to insure that the taxpayers will ultimately end up paying part of the cost of this fuel. Synfuels almost certainly will face some other problems down the line. With such juicy plums to distribute, it will be open to charges of policial favoritism and, possible, conflicts of interest.

Congress never likes to admit it made a mistake, particularly a $20 billion mistake. So the political inclination has been to let Synfuels plod along quietly toward the day when it will start issuing reserved seats in the credit market. After all, it was officially described in the act as an "off-budget" federal agency so why should any budget cutter worry?

There are two good reasons: The only synthetic fuel plants we need are the ones that make economic sense; the Synfuels-backed borrowing will crowd out other projects that have a more legitimate claim to credit on the basis of genuine economic feasibility and need.●

THE RED CROSS

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. FAZIO. Mr. Speaker, we are aware, I am sure, of the wonderful work of the American Red Cross in this country and abroad in times of conflict or natural disaster. We have come to expect its response to the needs of others so much that we would be shocked if it failed to respond. For years we have witnessed in silence its countless acts of mercy to millions of Americans.

I feel, Mr. Speaker, that this is one time when we must commend this fine organization for its immediate response in the recent disastrous rains and floods which swept through eight counties in northern California. In my own district in Solano County the work of Red Cross volunteers and staff was magnificent as they responded to the needs of flood victims. Within a few short hours the Red Cross had opened five shelters in the county to accommodate an estimated 1,200 people driven from their homes by the flood waters. The names of Red Cross workers who deserve recognition are too numerous to mention lest we neglect a single one. Suffice it to say, the Red Cross was there when it was needed, and is still on the job assisting families with the difficult and sometimes emotional job of putting their lives back together.●

SUBVERSIVE ELEMENTS IN EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a recent editorial in a San Salvador daily newspaper describes the battle in El Salvador as not being "Salvadoran." The editorial urges critics to recognize that subversive elements are continuously smuggling arms, ammunition, and specialized guerrillas into El Salvador from Cuba through Nicaragua. The editorial suggests that if U.S. Democratic Senators want to stop economic and military aid to El Salvador then they should organize a safety belt to stop the flow of clandestine arms and men to that country.

I urge my colleagues to consider the appeal made by this Salvadoran source.

U.S. POLITICAL OPPOSITION TO AID DRAWS CRITICISM

Washington's political circles, especially Democratic circles, are putting up continuous strong resistance to anything that has to do with military or economic aid to El Salvador. They consider such aid a way of feeding and prolonging the civil war without taking into consideration the factors that have caused the problem, most of them foreign to the will of the Salvadorans.

By this we mean that there is no way to help or alleviate us, because those who supported and promoted subversion achieved their objective; they have destroyed everything. This should be known beyond our borders by those who think that our problems are going to be solved with donations. What could save us is to have peace—not a negotiated peace, as some want, but peace based on the conviction that it is already an enormous stupidity to continue this work of death. We need to have peace to resume the interrupted path, and this is what seems impossible.

This battle, U.S. Democrats, is the battle of all America; the battle of Canada, of the United States, of all Latin America. If we lose it, El Salvador will not lose it, because all of Central America will fall, including Panama, which sometimes flirts with Cuba. Colombia, Venezuela, the Caribbean and the rest of the America down to the Southern Cone will also fall.

The United States should know this very well. President Ronald Reagan, U.S. Secretary of State Alexander Haig and other government officials know this, and that is why they are trying to help this government. They are not trying to help us because we are their favorite children. They are doing it because we serve as a containing wall.

They know that if the battle of El Salvador is lost, all of Central America will be lost.

It is time we understood this well and said it aloud. Do the Democratic senators want to stop economic and military aid to El Salvador?

Then organize a safety belt in the Caribbean, as was done time ago, to stop the flow of arms, ammunition and specialized guerrillas from Cuba to Nicaragua and from Nicaragua to El Salvador. This would put an end to subversion in El Salvador, because the flow of arms and ammunition is continuous. It has been proven how these arms and ammunition are smuggled into the country through different routes; by clandestine planes; on barges crossing the Gulf of Fonseca; by helicopters. It would be necessary to have a highly efficient radar network to detect the invaders.

The guerrilla tactic of being on the offensive constantly in the eastern part of the country, especially near the Gulf of Fonseca, is to make sure the flow of arms, ammunition and men. This is the truth, and U.S. politicians should know it so that they do not obstruct aid to El Salvador.●

EMIGRATION FOR SOVIET JEWS SHOWS ALARMING DECLINE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BIAGGI. Mr. Speaker, over the past 2 years, emigration from the Soviet Union has decreased dramatically. I know that many of my colleagues share my concern over the decrease in numbers of Soviet Jews allowed to emigrate as well as the Soviet Government's total disregard for the basic human rights of those individuals who have applied to emigrate.

Currently, there are 500,000 applications from Soviet citizens wishing to emigrate awaiting positive action by the Soviet Government. Unfortunately, in today's political climate, the outlook for these people is not positive. To make matters worse, the Soviets continue to harass, jail and internally exile many individuals solely because they have filed applications for emigration. Valery Pilnikov and Dr. Viktor Brailovsky are two men among the many Soviet citizens who have chosen to exercise their right to emigrate and have met with the Soviet Government's fiercest resistance.

I have sent the enclosed letter to Soviet President Brezhnev voicing my disappointment with the Soviet Government's refusal to allow its citizens to emigrate and its treatment of Dr. Brailovsky and Valery Pilnikov. I urge my colleagues to take similar actions in order to let the Soviets know that we are aware of their inhumane actions and that we are vitally concerned over the plight of Soviet citizens wishing to emigrate.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 23, 1982.

Hon. LEONID BREZHNEV,
The Kremlin, Moscow, RSFSR, U.S.S.R.

DEAR PRESIDENT BREZHNEV: I am writing to you to voice my disappointment with the continuing decrease in the numbers of Soviet citizens who have been allowed to emigrate over the last several years. As you know in 1979, 51,320 Soviet Jews were allowed to leave the Soviet Union. This exodus showed the free world that your government was sensitive to the rights of individuals to emigrate.

In 1981, however, only 9,447 Soviet Jews were allowed to emigrate. The decrease in the numbers of individuals allowed to emigrate has been of great concern to me and to many of my colleagues in Congress. I urge you to take steps to allow those 500,000 Jews who have applied to emigrate to leave the Soviet Union. By taking such action, your government will again show the free world your concern for the rights of individuals.

The cases of Valery Pilnikov and Dr. Viktor Brailovsky have again come to my personal attention. Both men are serving five-year sentences because of their efforts to emigrate and their protests to the Soviet Government when their applications for visas were denied. Dr. Brailovsky is serving his sentence in internal exile; Valery Pilnikov is at the Lukyanovka Prison in Kiev. I appeal to you to have both men released and allow them to emigrate with their families.

With kind regards, I am,
Sincerely,

MARIO BIAGGI,
Member of Congress.●

LEV OVSISCHER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. PORTER. Mr. Speaker, I rise in protest of the Soviet mistreatment of Lev Ovsischer and other Soviet refuseniks, and to put the Soviet Union on notice once again that the Congress is deeply concerned with their continued violations of the Human Rights and Fundamental Freedoms section of the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

On March 5, 1982—the 39th anniversary of the mass murder of 5,000 Jews by Nazis in the Soviet city of Minsk—families from five countries will take special notice of the 11 years which have elapsed since Lev Ovsischer and his wife, Nadya, first applied for an exit visa to emigrate to Israel from Minsk.

Colonel Lev Ovsischer, a pilot during World War II, commanded a squadron of fighter bombers and received 16 medals, including the Soviet Union's highest military decoration. Colonel Ovsischer retired from army service in 1961.

Since his application for an exit visa 10 years later Ovsischer has been continually harassed by the KGB, stripped of his military rank and deprived of his pension. His telephone has been disconnected, and correspondence does not reach him.

The official reason given for refusing his visa application by the Soviets is that Ovsischer possesses military secrets. Since 20 years have elapsed since he was in the army, this excuse appears invalid.

In 1973, Ovsischer was put on trial for 6 months. His family has been threatened with physical violence and he and his wife continue to suffer persecution and the greatest of economic and personal difficulties. However, they do not despair. They live with the hope that one day they will be allowed to return to their spiritual homeland where they may live freely as Jews.

Mr. Speaker, the Soviets' denial of emigration privileges to the Ovsischer family to be united with their daughter who now lives in Israel is a blatant violation of the family reunification provision of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, to which they are a signatory.

Unfortunately, this is not an isolated case. It is time for the Soviets to end the continued persecution of Soviet refuseniks. The Congress has the responsibility to bring before the world the torture that Jews have experienced at the hands of the Soviet Government and bring to bear every possible effort to release them from its tyranny.●

A TRIBUTE TO THE CALIFORNIA HOME FOR AGED DEAF

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. ROUSSELOT. Mr. Speaker, let me bring to the attention of my colleagues a very special celebration occurring in my California district during the week of May 16-22, 1982: the 30th anniversary of the founding of the California Home for Aged Deaf, located in Arcadia, Calif.

As a lifelong resident of that district and its representative in this Chamber, I am especially proud to join with my constituents as we reflect on this organization's unique position in the State.

The California Home for Aged Deaf, established in 1952, is a nonprofit organization that is owned and operated by the California Association of the Deaf. It is one of five such homes for the hearing-impaired elderly in the Nation—the only home in California.

Built and operated with no Federal or State financial assistance, the Cali-

fornia Home for Aged Deaf is a testimony to what motivated individuals are able to accomplish and maintain through their own efforts. The home has attempts to cope with the special needs of the deaf by providing a homelike environment that is free of barriers to communication. And their striving has paid off. The home has more going for it than its self-sufficiency. It is a place of warmth and happiness for all who enter.

We in southern California are very proud of the fine achievements and contributions that the Home for Aged Deaf has made to the community. I hold them up as an example for similar organizations around the country as a noble experiment that worked.●

JUSTICE AND PEACE COMMISSION CALL FOR NEGOTIATED SETTLEMENT IN EL SALVADOR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. FRANK. Mr. Speaker, one of the very first communications I received as a Member of Congress was an eloquent statement from the Justice and Peace Commission of the Archdiocese of Boston pointing out the grave error the United States was making by allying itself militarily with the junta in control of El Salvador.

Drawing on the firsthand experience of the many religious and lay people working under the auspices of the Roman Catholic Church on behalf of the best interests of the people of El Salvador, the Justice and Peace Commission of the Boston Archdiocese has continued to be an accurate, cogent, and thoughtful source of counsel for many of us on the situation in El Salvador.

Last week, that commission issued a very well-reasoned critique of President Reagan's decision to continue military aid to El Salvador. Further, the commission added its voice once again to the list of those calling for the American Government to abandon our current mistaken policy and to work instead for a negotiated settlement to this civil war. I commend their analysis to my colleagues' attention.

The statement follows:

JUSTICE AND PEACE COMMISSION,
ARCHDIOCESE OF BOSTON,
Boston, Mass., Feburary 5, 1982.

Representative BARNEY FRANK,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE BARNEY: On December 29, 1981, the Congress of the United States, in approving the 1982 Foreign Assistance Act, attached conditions to be fulfilled before the aid could be transferred. On January 28, 1982 President Ronald Reagan signed a certification that these conditions had been met satisfactorily.

The Boston Archdiocesan Justice and Peace Commission wishes to inform you of its great concern over this certification, and to request that you undertake appropriate actions to fulfill the intent of the legislation.

We believe that Mr. Reagan's certification was based upon erroneous information. This certification, therefore, exposes the President and the Government of the United States to international derision for its acceptance of blatant injustice, and for its inability to insist that the recipient of its aid fulfill even minimal conditions mandated by the Congressional legislation.

We recognize that there exists strong disagreement within Congress over the policy being followed in support of the present government in El Salvador. Given the United States' commitment to support the military-civilian government, these conditions represent a compromise permitting the fulfillment of that commitment, but also requiring that the aid be used to further a just and stable political climate in El Salvador.

Mr. Reagan's pro forma certification, made in the face of extensive responsible evidence contradicting his decision, is unacceptable for the following reasons: it appears to us to ignore the intention of the Foreign Assistance Act; it undermines the potential offered by the conditions, to require the Salvadoran government to undertake a genuine reform; it intimately involves the United States in the responsibility for war crimes practiced upon the civilian population by El Salvador's own Armed Forces.

We express our anguish over Mr. Reagan's decision, and we communicate to you our growing fear that this decision suggests not merely mistaken information or legitimate partisan disagreement, but rather a deep cynicism about the abuses of power.

On February 2, 1982, Congressman Studds introduced legislation declaring the certification null and void. We request that you co-sponsor this legislation. We will appreciate your response to this request.

The Administration's representatives have expressed their belief that the opposition forces have increased their assault in order to prevent the elections for a Constituent assembly scheduled for March 28. We point out that the leaders of the opposition coalition, the Democratic Revolutionary Front including past members of the El Salvador government and of respected political parties, have indicated their eagerness to participate in a negotiated political settlement with the present El Salvador government and with the United States, and their desire to permit an election which does not take place in the climate of a terrorized electorate. President Duarte himself has admitted that several hundred officeholders of the Christian Democratic Party in municipal and provincial posts, have been assassinated by members of the Armed Forces. Archbishop Rivera y Damas has formally stated that while elections are desirable, past elections have always been fraudulent.

We request that you sponsor legislation calling for a negotiated settlement and for internationally-supervised elections with the participation of all representative political groups in El Salvador.

We request that the United States Congress recognize the existance of a civil war within El Salvador until such a negotiated settlement is reached. This requires that political asylum as refugees be granted to Salvadoran refugees in the United States, in fulfillment of the United States Refugee Assistance Act of 1980.

We note with great alarm Ambassador Hinton's statement last week that perhaps only a military solution is possible. We note with great alarm Deputy Secretary of State Ender's statement before congressional subcommittees that without additional military aid, the military-civilian government would fall.

We believe additional military aid can only mean that de facto, that government is only a proxy of the United States. The power of United States' foreign assistance at this very time can be used to insist upon a just negotiated settlement. We urge you to act upon this potential, rather than to prolong the process of escalating viciousness of this civil war.

Sincerely,

REV. MICHAEL F. GRODEN.●

ANOTHER VIEW OF REAGANOMICS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. DOWNEY. Mr. Speaker, I thought my colleagues would be interested in how one 17-year-old in my district views Reaganomics as expressed to Newsday:

SHORTCHANGING AMERICA'S FUTURE

[By Mary Vaccaro]

WEST BABYLON, N.Y.—The other evening, I sat in front of a television set and watched a man tell me about my country. I examined his furrowed face and heard his cogent voice. Defense spending, urban renewal projects, American heroes. My mind wandered.

I am 17 years old and I would like to know why President Reagan is making drastic cuts in federal student financial aid. Can't he see that there are many people, 17-year-old people, who need that money?

I am 17 years old and I want to go to college to learn, to do, to become. A college education requires, however, a great deal of money. My parents have saved. My father's hands have grown worn and calloused from work—hard, manual work that the President will never know. My mother's eyes have grown weak from pulling miles of thread though countless needles. Rough hands and half-blind eyes have saved, but how can I take all from them?

I am 17 years old and I need help. I am filing numerous financial aid questionaires and scholarship forms, but I am told not to expect much. The proposed student aid cuts will hurt, I am told.

I am 17 years old and I don't know much about politics. Nevertheless, I feel money is better invested in the leaders of tomorrow than in gold-rimmed china or superfluous nuclear bombs. I am not denying the need for increased defense spending, but I contend that there is still another need—for a concerned and informed populace of the future. Seventeen-year-olds grow up and decide the fate of the nation and the world. They decide whether to use those nuclear bombs.

What could I possibly know about economics and justice? I am only 17.●

THE 25TH ANNIVERSARY OF HARTFORD UNIVERSITY

HON. BARBARA B. KENNELLY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mrs. KENNELLY. Mr. Speaker, as a new Member of this distinguished body, I regard it as my duty to inform you of those developments within my district that have a nationwide significance. On occasion, these developments, especially in our troubled times, may not be happy ones. But on this occasion, it is very happy indeed.

The University of Hartford is celebrating its 25th charter anniversary year. Though some of the schools that make up the university go back to the 19th century, it was on February 21, 1957, that Gov. Abraham Ribicoff signed the charter that officially brought the university into existence.

As things turned out, the University of Hartford was born at a significant time in the history of American higher education. Though no one could have guessed it at the time, the late fifties were the last moment at which colleges and universities could feel comfortable, stable, and secure. Within a decade of the University of Hartford's birth, the Nation was to be plunged once again into war abroad and turmoil at home. A decade later, with the Vietnam War at an end, the Nation's institutions of higher education were forced to confront the challenges of inflation, monetary crisis, high interest rates, and reduced enrollment. Today, they must cope with shifts in Federal policy that strike directly—sometimes savagely—at their budgets.

Under these tumultuous circumstances, it would be honorable to be able to say that the University of Hartford has survived. It is, after all, an independent university that cannot look to taxpayer subsidies in the event of a fiscal crisis. What I have to report to you, though, is not only honorable, but pleasurable. The University of Hartford, in these lean and difficult years, has not only survived but flourished.

At the time of its birth, the university consisted of three schools. It has now grown to a total of eight. Only a few years ago, its annual budgetary expenditures came to $17 million. Today, they stand at $40 million. And better yet, those $40 million are being spent in well-directed ways that benefit the city of Hartford, the State of Connecticut, and the Nation as a whole.

Some of the credit for this remarkable state of affairs goes to the university's president, Mr. Stephen Joel Trachtenberg, whose growing reputation as an educator of vision and dynamic energy is certainly well deserved. Some of the credit goes to the new breed of academic administrator he has brought into the university since he took office in 1977—individuals who represent the finest American tradition of "can do" optimism and commitment. Much of the credit goes to a faculty that has always shown a high degree of devotion to its students and its research. And all of the credit goes to the university as a whole—a center of accomplishment that suggests just how valuable universities can be at a difficult time in American history.

The fact is that we are seeing one of the most momentous changes ever imposed on the political, social, and economic fabric of this country. Cities, States, and regions are being thrown back on their own resources to an extent that only 10 or 15 years ago would have seemed inconceivable. The daily papers tell us of conditions uncomfortably reminiscent of the Great Depression, as tens of thousands of Americans begin to migrate in search of employment—and sometimes find an uncertain reaction in the areas to which they have migrated.

Each of us seated in this Chamber feels the same anxiety. None of us is automatically exempt from the dangers and fluctuations of the international economy. Each of us fears that his or her district—indeed, his or her State or region—could go down the drain. Each of us knows that the helping hand from Washington is no longer extended with its former generosity.

Under these circumstances, our universities may have a new kind of duty to perform. They are centers of intelligence. And intelligence, on a local and regional level, is exactly what we need if we are to survive these difficult years that are now upon us.

The University of Hartford, I am proud to say, is a center of intelligence of this kind. It is reaching out to the community—to government, business, and private individuals—and is asking, in effect: "Can we be of help?"

An attitude like that, I hope, will prove infectious. Other colleges and universities will begin to understand that crisis and opportunity are two words for the same phenomenon.

Meanwhile, it is my pleasure to use this forum in order to wish the University of Hartford a very happy 25th charter anniversary year. I hope you will join me in extending to the university our appreciation and our admiration for a valuable and continuing contribution to American life.●

OVERDUE POLISH LOAN

HON. EDWARD J. DERWINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. DERWINSKI. Mr. Speaker, the lead editorial in the February 17 Joliet, Ill., Herald-News discussed the debate on the overdue Polish loan debt owed to U.S. banks. The administration's decision to cover these loans was, I believe, a grave misjudgment by U.S. policymakers. The administration is giving conflicting signals to the countries of the West, to the generals in Warsaw, and to the Communist tyrants in Moscow by removing the pressure on the martial law regime in Poland and altering the normal loan guarantee requirements.

As the Herald-News editorial very effectively makes these points, I wish to direct the attention of the Members to it at this time as I completely subscribe to the views expressed:

[From the Herald-News, Feb. 17, 1982]

WHY NOT DEFAULT POLISH LOANS?

The Reagan administration isn't making a good case for its action in the matter of the Polish loans.

Critics ask:

"Why should we bail out Poland's military dictators by paying $71 million in taxpayers' money to Wall Street bankers for Polish loans that are overdue?

"Why not simply declare the loans in default, let the bankers take their lumps and make the Soviet Union suffer for the way in which the Kremlin has masterminded the repression of the Solidarity labor movement in Poland?"

In answer, Assistant Treasury Secretary Marc Leland says:

"The president has decided that maximum pressure can be put on Poland by insisting on repayment rather than declaring a default now."

Perhaps, but it's a weak argument. A stronger case for the Reagan action can be made, as follows.

If we declare the loans in default, the government will have to pay the bankers anyway. The loans were guaranteed by the Agriculture Department's Commodity Credit Corp. in order to promote grain sales abroad and help our wheat farmers.

Declaring a creditor nation like Poland in default is like throwing a person or firm into bankruptcy. All of the creditors then line up for some kind of a settlement, which is usually less than 100 cents on the dollar. But if the creditors can work together with the debtor individual or firm, there may be some chance of full, if delayed, recovery. It is the same with Poland. And we are not the only creditors or the biggest creditors.

Loans to Poland were made by our European allies, notably West Germany, in amounts much greater in proportion to their economy than our $1.6 billion in Polish loans is to our economy. If they wish to join us in declaring Poland in default, well and good. But if we take precipitant action, it could jeopardize their chance for recovery and do damage not only to the European economy but to the Atlantic alliance.

Poland has been under the Russian thumb since World War II. The Red army assumed control of the areas in occupied Eastern Europe at that time and has never withdrawn, except from Austria in 1955. Trying to liberate Poland is a worthwhile cause, but not one that has much chance for immediate success. Meanwhile, maintaining the Atlantic alliance is essential to the defense of Western Europe.

These are points that have not even been mentioned, as far as we know, by the Reagan administration. It seems likely that they were major considerations when the decision was made to repay the $71 million in overdue loans.

The decision also seems to have been taken in an irregular manner, not following established procedures. And it was not announced in the regular way, which would have allowed time for public comment. This was unfortunate.

The decision is defensible on the basis that the future of the Atlantic alliance is more important to us in the long run than any instant satisfaction we may derive from lambasting, at one blow, both the Wall Street bankers and the old men in the Kremlin.

The Reagan administration made a prudent and realistic foreign policy decision when it decided not to default the Polish loans at this time. But it seems to be embarrassed by its own pragmatism.●

FEDERAL ROLE FOR LIBRARIES MUST BE MAINTAINED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BIAGGI. Mr. Speaker, the essential role of libraries in educating our population is undeniable. The importance of the Federal Government in funding libraries is a less well-known fact. Under the proposed budget for fiscal year 1983, Federal support for libraries will be entirely eliminated. As an original cosponsor of the Library Services and Construction Act, which provides this aid, I am adamantly opposed to these cuts. The devastating implications of such a sweeping action can be illustrated by examining the impact of a 4-percent cut in Federal spending imposed by the continuing resolution for the fiscal year 1982 budget.

In my State of New York, recent projections for fiscal year 1982 estimate that a 4-percent reduction in Federal aid to libraries is resulting in a 52-percent cut in services offered by the New York Public Library System. These cuts threaten to eliminate or seriously curtail library programs which provide self-help services to users. Unexpected reductions have resulted from the Federal Library Services and Construction Act title I (LSCA I) funds, authorized by Congress being held up by order of the U.S. Office of Management and Budget (OMB). I am pleased to report that, thanks to the collective efforts of the Education and Labor Committee, OMB has been put on notice to release these funds or be found in violation of the law.

The New York Public Library's Job Information Service, which serves 200 to 300 job hunters a day, is an example of a program endangered by the proposed elimination of the LSCA I. Other service to be terminated by this action include Outreach projects which provide services to disadvantaged ethnic groups as well as foreign language materials and literacy programs. The Queens Borough Public Library testifies to the devastating effect of a 55-percent funding reduction. They are haunted by a 300-person waiting list. The learning advisory service, providing educational and career guidance for adult and teenage independent learners, is also threatened by reductions. The Community Information Service/Directory, which offers an updated file of information on citywide services to every neighborhood branch, is, according to the fiscal year 1983 budget, doomed for destruction.

The proposed withdrawal of Federal support for libraries for fiscal year 1983 will mean the end of necessary funding for these and other valuable services. The Federal Government will be terminating many important low-cost programs, vital to college libraries. These services include research funds, which allow schools to pursue scholarly research projects, as well as training and development programs which encourage minority students to study library sciences. Another program to be crushed by impending cuts is one which allows small schools to purchase up to $2,000 worth of books and materials. In many cases these grants permit colleges to maintain their accreditation.

Under the proposed budget, the administration will also be denying funding to the National Library Information Service which provides for the instant linkage of thousands of libraries throughout the country. The potential of this resource for business, industry, and education is enormous. Its loss would be devastating.

As New York's senior member of the House Education and Labor Committee, I strongly oppose the Federal Government's abandoning of public libraries. As I have witnessed in New York, Federal funds to libraries provide many necessary and often low-cost services to numerous sectors of the population, especially those whose access to knowledge is most constricted. I urge my colleagues to join me in my efforts to restore Federal funding to public libraries.●

COMMENTS ON THE STATE OF THE UNION MESSAGE AND THE RELEASE OF GENERAL DOZIER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, a Hearst newspaper editor's report recently commented on the state of the Union message and on the release of Gen. James L. Dozier. I would like to bring it to the attention of my colleagues.

The report points out President Reagan's concern in helping the poor and underprivileged. By shifting some programs to the State level, Mr. Reagan hopes to establish a more efficient and humane system for the distribution of these services.

I would also like to extend my congratulations to General Dozier for his release from the Red Brigade terrorists, and to praise the Italian Government for their excellent efforts in freeing him.

The text of the report is as follows:

[From the Hearst Newspapers, Jan. 31, 1982]

PRAISE TO A GENERAL AND A PRESIDENT

(By William Randolph Hearst, Jr.)

NEW YORK.—Certainly the most important news of the week was the president's State of the Union message. But the most unanimously welcome news was the release of General James L. Dozier from the bloody hands of the Red Brigades in Italy. The president, the armed forces and the State Department, led by the Dozier family I am sure, are particularly grateful to the Italian National Police and their specialized group known as the Operational Central Security Nucleus (NOCS) for their diligence and determination in freeing General Dozier.

It was the first successful rescue of an international figure performed by the forces of law and order over the well-organized terrorists on the European continent. The former prime minister of Italy, Aldo Moro, was snatched in much the same manner a few years ago and was found dead in the back of a van in downtown Rome.

Perhaps our administration can see its way clear to give a special award to the NOCS for their successful search for and safe release of the general.

Received by less than the unanimous acclaim noted above was the president's State of the Union message. It was a recounting of his administration's successes in 1981 and a challenge to Congress to cooperate in new programs in 1982.

The president was careful to point out that the past year's accomplishments were not Reagan-made alone, but the result of "a new spirit of partnership between this Congress and this administration."

Dividends included the cutting of government spending increases nearly in half. He took rightful satisfaction in pointing to the largest tax reductions in half a century, "sweeping changes" in the tax structure, and halting the growth of federal regulations. Waste in government was reduced.

The president was not complacent about the state of the union he and the Congress had helped to change, but cited those achievements merely as foundations on which to build in the future. He urged progress toward a "New Federalism" or the transfer of many federal programs to state and local governments.

He hopes to shift the administration of $47 billion worth of social projects from Washington to the states. Two of those, and they are most controversial, are food stamps and payments to poor families with dependent children.

President Reagan has been accused of turning his back on the poor, but this simply is not true. He has said clearly, and many times, that a key mission of his administration is to help the poor and underprivileged, but he wants to do it better than it is being done now.

The financial health of our nation is at stake. While not everyone agrees with the Reagan methods of keeping us healthy, everyone will agree with his goal, which is maintaining the solvency of the United States. He has a plan to achieve that goal, which is more than can be said for his opposition.

Put starkly and simply, if the U.S. goes bankrupt, the rest of the civilized world goes down the drain with us. It would be an incalculable disaster, like the malevolent descent of the dark ages. Communist regimes, led by the Soviet Union, would pick over the resulting wreckage and establish new satellites even where others have already—like hapless Poland—been mired in economic catastrophe without hope for the future.

It's up to us in America, as the president told the nation in his program, to lead the way back from the brink of chaos. As a communicator, he was at his succinct best as he urged elimination of the excessive burden the federal government has placed on fellow citizens, asserting:

"Our citizens feel they have lost control of even the most basic decisions made about essential services of government, such as schools, welfare, roads and even garbage collection."

The president insisted that we must preserve a strong America since a solvent nation is the keystone to security. Waste, alas, has often been associated with military spending as we have witnessed both in war and peace. A government bureaucracy has built-in waste and we don't want a habit like that to go unchecked whether it's the Pentagon or any other big, remaining federal institution gobbling up taxpayers' megabucks. Ronald Reagan isn't wasting any time going to the people to reduce the size of the federal government swollen to gargantuan size by decades of adding to the payroll.

Sticking to his guns by keeping a lid on taxes, the president was distinctly upbeat in his persuasions. His critics and partisan political opposition found Mr. Reagan's State of the Union message a difficult act to follow. It may well be, to my way of thinking, that they didn't have their own act together.

The Democrats, for instance, had about two dozen luminaries talking against the Reagan proposals. But—and this is important to bear in mind—they didn't come up with one cohesive program to offer as an alternative. That has been their deficiency since the president took office and steamrollered major economic policies through the Congress when they appeared to have scant chance of success.

Democratic U.S. Senator Bill Bradley referred to the president's speech as "an interesting diversion"—most of his colleagues glumly described the effort as "powerful and attractive." On the whole, the criticism was strictly negative; nothing positive or a real chance for a choice. There will be months of debate in the Congress and the 50 states ahead. So, let's give President Reagan his due and see what happens after he goes to the people.●

DEFENSE SPENDING: AN EXERCISE IN MADNESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. FRANK. Mr. Speaker, Scott Burns is a very thoughtful and informative financial columnist for the Boston Herald American. His column is an important and reliable source of financial information for the many readers of that newspaper. In addition to the specific, useful information he provides to Herald American readers, Mr. Burns is also a thoughtful student of the American economy. He does not allow ideological labels to tell him what he should think. He writes his columns based on his analysis of the data that affect the American economy, without regard to whether or not it fits conservative or liberal stereotypes. On February 19, Mr. Burns presented a particularly cogent analysis of the impact of excessive military spending on the American economy. As Mr. Burns makes clear, he is fully cognizant of the need for an adequate American defense. But as an economist, he is also cognizant of the economic realities that face our Nation today and of the contribution that a strong economy makes to a secure America. Mr. Burns documents quite persuasively the economic damage that will result if the administration's proposed excessive military spending increases are to be adopted by Congress.

I believe it is important to share that analysis with my colleagues. The article follows:

[From the Boston Herald American, Feb. 19, 1982]

AN EXERCISE IN M.A.D.-NESS

(By Scott Burns)

No budget in recent memory has been greeted with more uproar or despair than the budget released last week by the Reagan administration.

Not that it was a surprise.

The size of the deficit had been anticipated for months. And it was well known that defense would be emphasized at the expense of social spending.

The shock was the bald reality of a major exercise in madness. I mean that literally, as in the military acronym MAD—for Mutually Assured Destruction.

While most accounts have focused on the size of the deficit, the emphasis on defense before all else is stunning.

The good news in the budget is that Ronald Reagan is slowing down the growth of government spending: Total expenditures are budgeted to rise from $726.8 billion to $757.6 billion between the current fiscal year and fiscal '83, an increase of only $32.3 billion or 4 percent. That's the smallest increase in absolute dollars in almost 10 years and an actual decrease when adjusted for inflation.

From there, unfortunately, it's straight downhill.

Defense spending during the same period is scheduled to increase $33.1 billion—more than the total increase for the entire federal budget. This means Social Security recipients will get their $23 billion inflation adjustment—in spite of millions of Americans unemployed, millions getting no increase in wages and hundreds of thousands negotiating lower wages—only if $23 billion is eliminated from other programs. While some of the reductions are long overdue, others are grotesque.

Thousands of children, for instance, will not be supported as the $2.2 billion cut in Aid for Dependent Children goes into effect. Yet we'll continue funding the Clinch River Breeder Reactor and shelling out tax dollars to American banks in lieu of declaring agricultural loans to Poland in default.

But those absurdities are subtle.

Right now, let's restrict ourselves to waste beyond Nero's wildest dreams:

According to Pentagon materials released with the budget, the $33.1 billion increase represents a real, after-inflation increase in military spending of 10.5 percent.

Only a handful of relatively small corporations can manage real growth of 10 percent without extraordinary waste. There is absolutely nothing in the Defense Dept. track record to suggest it can handle this kind of increase without massive overruns, even assuming what they buy is useful.

Unfortunately, much of what is being purchased won't be useful. Half of the increase in military spending ($16.2 billion) will be devoted to three major weapons: Two aircraft carriers for $6.9 billion; the B-1 bomber for $4.8 billion; and the MX missile for $4.5 billion.

According to a recent appraisal of U.S. military power by Sen. William L. Armstrong, a strong supporter of defense, we have less of virtually every kind of weapon than the Soviets. While the Soviets outpower us by up to 4 to 1 in most areas, there is one weapon with which we have demonstrable superiority.

What is it? Aircraft carriers! We have 13. They have two. So why another two?

The B-1 bomber, obsolete before it is built, won't be in service until 1986, only three years before the "Stealth" bomber is delivered. It was a dumb idea when it was canceled several years ago and it is a dumb idea now.

The MX missile, according to Cato Institute Defense analyst Fred Kaplan, will be either unnecessary for our defense or ineffective in its proposed role. While all missile testing, Kaplan explains, has been done East to West (or West to East by the Soviets), actual firings would be over the North Pole and would affect the accuracy of the missiles. They would not be as accurate as claimed, for either side, in a real nuclear exchange, so further additions to the existing stock of missiles would provide no advantage.

The "umbrella" argument for these and other weapons systems is that we once spent

about 10 percent of our gross national product on defense but now spend just over five percent. Having afforded it once, the argument goes, we can surely afford it again.

Balderdash!

The truth is that the economy of the Soviet Union and all its satellites is on the brink of collapse because of excessive spending on military hardware. Our economy isn't far behind, because of excessive social and defense spending.

While there can be no victor in any nuclear war, the victor in any continued military build-up won't be the Soviet Union or the United States. It will be the one nation that saves 20 percent of its income and spends little on defense: Japan.●

A MASTERPIECE IN FLESH AND BLOOD

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. NAPIER. Mr. Speaker, we all recently noted with keen interest a revival of attention in one of America's foremost leaders, President Franklin D. Roosevelt. His contributions to his Nation will long be remembered. In honor of that occasion, I would like to offer the following poem which was written by one of my constituents, Marion Manning Hiers, and printed in the Marlboro County Herald Advocate.

A MASTERPIECE IN FLESH AND BLOOD

(Eulogy Upon Franklin Delano Roosevelt, Jan. 30, 1882–Apr. 12, 1945)

(By Marion Manning Hiers)

We think with pride upon you, O masterpiece of Art,
You're like unto a carving which Time will set apart;
Your fame will never perish, tho you're not wrought in gold,
Not chiselled from rare marble, nor cast in waxen mold;
Not carved in Donatello's inimitable way,
For God Himself's the sculptor, who fashioned you of clay.
So skillfully in carving, He shaped with flesh and blood;
He formed you in His image, and then pronounced you good.

O celebrated Figure, O Hero of the Hour!
High-souled, renowned, steadfast and true, bespeaking justice, power,
Of sacrificing spirit, of prudent, keen foresight,
'Midst danger, you're intrepid, O Champion of the Right',
Your words of brilliant import, bestir both old and young;
Your ideals and your virtues peal forth with trumpet-tongue.
No flattering demagogue are you, whose tawdry trappings plead,
But statesman true, regardless of one's party, bloodstrain, creed.

When all mankind stood chafing in chains of dark despair,
When shackles of depression enslaved man everywhere,
God sent you, Franklin Roosevelt, the century's foremost sage,
And challenged you unto a task momentous for the age;
With noble heart, unflinching night and marked dexterity,
O great Emancipator, you set the captives free;
Forewith made wise adjustments, passed measures of relief;
Prepared constructive programs almost beyond belief.

O erudite Commander, you've won world eminence;
Your might's transformed a low morale; restored men's confidence.
God grant to you, great Pilot, clear vision day and night,
That you may steer our Ship of State in paths of Truth and Right!
We think with pride upon you, whose name will long inspire,
As peaceful monarch of our hearts, you rule a vast empire.
O Franklin Delano Roosevelt, to you be loyalty.
And may the God who formed you, keep you eternally!●

LEGISLATION TO RAISE CIGARETTE TAX 20 CENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. OBERSTAR. Mr. Speaker, in 1951, Congress imposed an excise tax on cigarettes of 8 cents per package. While over the last 30 years, the Consumer Price Index has risen by over 250 percent, the Federal excise tax on cigarettes has remained the same with a zero percent increase. Consumption of cigarettes, however, has doubled in this 30-year period. Each year in the United States there are over 600 billion cigarettes—that is, 30 billion packages of cigarettes—sold each year.

In 1951, the Federal cigarette excise tax yielded 2.7 percent of all Federal revenues. In 1981, it yielded only 0.6 percent.

Today I am introducing legislation which would increase the Federal cigarette excise tax by 20 cents, to a total of 28 cents. This figure represents what the tax would be if it had been adjusted for the rate of inflation since 1951. In addition to raising the tax by 20 cents, my bill would also provide for an annual adjustment in the tax based on the annual change in the CPI.

The increase in the tax to a total of 28 cents would increase revenues from the present level of approximately $2.6 billion to approximately $8.4 billion annually.

Mr. Speaker, while the argument could be made that the intent of this legislation is to help reduce the disastrously high Federal deficit, it is not the primary intent. The problem of the deficit is so severe that it demands a solution of far greater magnitude than the increase in revenue derived from my bill. The primary purpose of my legislation is to require that cigarette consumers bear a greater share of the economic burden that cigarette smoking places on our society.

For example, it is estimated that cigarette smoking results in expenditures of: $13 billion in medical care costs; $25 billion in lost economic productivity; and $3.8 billion in medicare and medicaid programs.

Last month the gentleman from California (Mr. STARK) and I introduced legislation providing for a 10-cent increase in the Federal cigarette excise tax to be earmarked specifically to the medicare program.

I am introducing this bill as another option, because I strongly feel that a 10-cent increase is insufficient when viewed against the astronomical costs associated with cigarette smoking and because the 10-cent figure does not adequately reflect the effect of inflation.

Recently the British Government raised the excise tax on cigarettes by approximately 30 cents, bringing the average price of a pack of cigarettes in Great Britain to about $1.75. Increasing the tax by 20 cents in this country would bring the average price of a pack of cigarettes to about 85 cents. A major argument against raising the tax by 20 cents is that it would be disruptive to the tobacco market. I should point out that even with a 30-cent increase and with the average price per package of $1.75, consumption in Great Britain was reported by tobacco executives to have dropped only about 10 percent. The American Heart Association estimates that a 20-cent increase would probably result in a less than 10-percent decrease in consumption, a decrease which would primarily occur among the Nation's young people.

This legislation is not designed to deny people the right to smoke. Rather, it is designed to have smokers assume a greater share of the burden of costs attributable to cigarette smoking.

This legislation has been enthusiastically endorsed by the American Heart Association and the American Lung Association.

I urge my colleagues to support both the Stark bill, H.R. 5333, and my bill as cosponsors. I hope that the Committee on Ways and Means will give these bills serious attention in the near future.●

TRIBUTE TO PETER D. MANAHAN

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. COURTER. Mr. Speaker, I would like to call to the attention of my colleagues a civic leader in my district of exceptional dedication and accomplishment.

Peter D. Manahan, Esq., who was, until last January, the prosecutor for Morris County, N.J., is being honored by friends and fellow community leaders on Tuesday, February 23, 1982, at a testimonial dinner. I would like to join in the praise of Mr. Manahan, who left his public office with a distinctive record of achievement and widespread respect for his fairness and hard work.

A graduate of Georgetown University Law Center, Mr. Manahan practiced law in the District of Columbia for 2 years before joining New Jersey law firm of Connell, Foley & Geiser. In 1977, he became the prosecutor for Morris County, where he developed the first countywide crime prevention program. In addition, under Mr. Manahan's direction, Morris County introduced the State's first prosecutor's management information system (PROMIS), a computer-based system which assists in the operation of criminal justice agencies around the county.

Mr. Manahan still found time to be an active member of the Supreme Court Committee on Municipal Courts, the New Jersey State Bar Association Committee on Training Law Enforcement Personnel, the Law Enforcement Advisory Committee for the County College of Morris, the Morris County Criminal Justice Planning Board, and the Morris County Police Chiefs Association. He is, in addition, president of the New Jersey Prosecutor's Association and a member of the Governor's task force on the victim/witness program.

I highly commend Peter D. Manahan for the great contribution he has made to both Morris County and the State of New Jersey. It is important to recognize Americans who are willing to devote so much of themselves to the betterment of their community, and Mr. Manahan exemplifies this virtue.●

CALLS FOR FEDERAL RESERVE BOARD REFORM

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. CONYERS. Mr. Speaker, two leading journalists, on different sides of the political spectrum, recently called for major reform of the Federal Reserve Board. Their recommendations mirror legislation I recently introduced, the Federal Reserve Reform Act (H.R. 5066), which empowers Congress to set targets for interest, discount, and monetary growth rates through the budget process, makes the terms of Fed Governors coterminous with that of the President, and provides Congress with a veto over unacceptable changes in Fed policy.

Lester Thurow's article, "Give Reagan the Fed," and George Will's column, "Cranston's Questions About the Fed," both raise questions about Fed policy and structure which will help spark a much-needed public debate on the function and operation of the Fed. Dissatisfied with the Fed, and politicians who hide behind their lack of accountability for its actions, citizens are increasingly demanding greater accountability over monetary policy and greater integration of fiscal and monetary policy by elected officials.

I urge my colleagues to read these articles, and consider whether present Fed policy and operations do not need to be changed, if we are to achieve the economic recovery all of us are talking about.

The articles follow:

GIVE REAGAN THE FED

(By Lester C. Thurow)

One year ago the Reagan Administration was predicting that the economy would now be enjoying a 5 percent real growth rate and a balanced budget by 1984. Instead, the economy is falling at a 5 percent rate, and the 1984 budget deficit approaches $100 billion. According to the Reaganauts, this failure cannot be blamed on Reaganomics but must be ascribed to the Federal Reserve Board and its erratic control of the money supply.

The charge is false, but it does point to an anachronism in America's economic institutions. In most other countries, the nation's central bank is part of the finance ministry and subject to direct control. If the bank fails in its appointed tasks, it is a failure of the Administration in power. It cannot blame someone else.

A similar arrangement should be established in the United States. Whatever its historical merit, the time has come to end the independence of the Fed.

If the President is competent enough to have his finger on the nuclear button, he is competent enough to control the money supply. Presidents are elected and defeated on their economic performance. They deserve both the controls and the responsibilities that this implies. No President should be able to hide his failures behind an "erratic" money supply beyond his control. And if the charge is true, no President should have to put up with an incompetent Fed.

The President now proposes changes in fiscal policies. Congress must concur, but once it has done so, the President is responsible for carrying out the jointly determined mandate. The same system should exist in the monetary area. The President should propose an annual money-supply target. Once Congress concurs, the President should be responsible for managing the money supply. If circumstances change, he could always go back to Congress for changes, as is now done with spending programs that exceed their initial budgets.

Since it will take time to change the statutes governing the Federal Reserve System, the chairman and members of the Federal Reserve Board should offer their resignations to the President. Chairman Paul Volcker should offer his resignation, not because he has failed to carry out the President's directive to gradually slow down the rate of growth of the money supply, but because it is completely inappropriate for a chairman of the Federal Reserve Board appointed by President Carter to be running monetary policies in the midst of President Reagan's term of office. If President Reagan wants to reappoint chairman Volcker and make him a Reagan appointee, fine, but he should not remain as a Carter appointee.

When Secretary of the Treasury Donald Regan blames the current economic failure on "erratic" money supplies, he is simply setting up the Fed as a whipping boy upon which the failures of Reaganomics can be blamed. But he also should be given the opportunity to conduct "nonerratic" monetary policies and straighten out the current economics mess.

A few months ago I heard chairman Murray Weidenbaum of the Council of Economic Advisers making the "erratic" charge. At that time I asked him whether the Fed had to be on target every week, month, quarter or year for monetary policies to work. He refused to answer, but the Administration should be forced to answer by having to run monetary policy itself.

If the correct answer is that money supplies have to be on target every week, month or quarter to be effective, then it is clear that monetary policies cannot work given current reporting and control variables. Accurate short-run results depend upon accurate information on and control over the demand for money. The Fed might, for example, have to use weekly lending limits for major banks if it is important to control short-run money fluctuations.

If money supplies have to be on target only annually to work, then the Fed is doing a good job vis-a-vis the Reagan monetary directives. From 1980 to 1981 the rate of growth of the money supply (M_1) declined from 7.3 to 5 percent per year. The Reagan Administration wanted a slowly falling rate of growth of the money supply, and that is precisely what the Fed delivered.

The results may not be what the Reaganauts expected, but the fault lies in Reaganomics itself and not at the Fed.

CRANSTON'S QUESTIONS ABOUT THE FED

(By George Will)

Alan Cranston, California's senior senator and the assistant Democratic leader, has the somewhat cadaverous look characteristic of today's hyper-healthy joggers. He is 67 and exercises like mad, even competing in sprints at track meets restricted to people old enought to know better.

And now he is making the preliminary noises and maneuvers that are expected from people in the early throes of running for president. A friendly committee has been organized to be a wetted finger in the Breeze of History and to be, simultaneously, a dry finger on the Pulse of the Republic. In due time it will report that in Alan Cranston, the man and the moment have met.

Well, why not? It's a free country. Any in 1980 in California, where one-tenth of American's electorate lives, his victory margin was about 1.5 million. He ran 200,000 votes ahead of Ronald Reagan's pace, carrying 52 out of California's 58 counties. He is the first California Democrat to win a third Senate term.

Cranston is a liberal's liberal, so the first question is: Aren't Ted Kennedy and Walter Mondale enough, already? But perhaps (or so someone in Cranston's position must hope) Kennedy won't run. Perhaps Mondale will be as tedious a candidate in 1984 as he was in his short-lived presidential campaign before 1976. And perhaps Cranston can find an issue.

Cranston insists (as liberals are inclined to do these days) that he is a liberal-with a difference. His difference, he says, is that he has supported business tax cuts. But such support is no longer novel, even among liberals.

What would be novel would be for liberals to square their support for business tax cuts with their professed abhorrence of "trickle-down" policies. Businesses do not pay taxes, they collect them. They must pass taxes on as operating expenses. And tax cuts "trickle down" (if you will pardon the expression) to employees, shareholders, consumers and persons who get new jobs created by business expansion.

If Cranston's candidacy ripens, it may be most interesting as an instrument by which a latent issue comes alive. The issue is the independence of the Federal Reserve Board. The fascinating fact is not that Cranston seems inclined to seize this issue, but rather that it has gone so long unseized in an era of high interest rates.

Cranston, like some conservative monetarists, paraphrases what Clemenceau said about war being too serious to be left to generals. Cranston thinks that the money supply is too important to be left to central bankers. He has not decided precisely what should be done, but would consider, making the term of the chairman of the Fed coterminous with that of the president; or making the terms of all board members coterminous; or making the entire board serve at the pleasure of the president, and putting the board in the executive branch, in the Treasury, under presidential control.

There are two related arguments for this. One is that an independent Fed is an anomaly in a democratic system, because all who exercise power should be held directly accountable to the electorate. But this argument reads too much rigor into democratic theory, and ignores the American practice of tempering democracy.

The second argument is that because the president is held accountable for the performance of the economy, he should have powers commensurate with the public's expectations. He is expected to formulate fiscal policy, and so should be able to synchronize monetary policy.

There is, indeed, a radical asymmetry between the large economic duties assigned to the president by public opinion, and the weak executive instruments for performing these duties. But the primary incongruity is the institutional feebleness of the president's control of the budget. That could be addressed by giving the president a line-item veto—the power to veto particular items in appropriations bills.

Still, if Cranston articulates discontents about the Fed, he will frame the argument and challenge others to argue this more sensible position.

Americans tend to believe that clever institutional arrangements can compensate for the absence of particular social values and virtues. But no institutional tinkering—not with the veto power, and even less with the Fed—can fix what is broken. What is broken is the budget process. And that is a symptom of the weakness of those political and cultural values, such as public-spiritedness, discipline and farsightedness, that a serious budget process presupposes.

Cranston is not apt to be the Democrats' nominee. But he may start an interesting argument. If so, he will contribute more to the public good than many candidates do.●

LITHUANIA

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. ROUSSELOT. Mr. Speaker, I commend our friend, the gentleman from Illinois (Mr. ANNUNZIO) for once again bringing to the attention of the House of Representatives the desires of the Lithuanian people to be free and independent. My colleague and I have long shared interest in and concern for the many people who are literally in chains under oppressive dictatorships behind the Iron Curtain.

Mr. Speaker, today I would like to join the rest of my colleagues and the Lithuanian-American community in commemorating the 63d anniversary of Lithuanian Independence Day. It is my wish that one day Lithuania will again join the ranks of the free nations of the world. Not many peoples of the world deserve it more. After four decades of occupation the spirit of the Lithuanian people has never withered, but has instead grown stronger with each passing year in captivity. The Lithuanian heritage of heroism, bravery, and dedication to the right of freedom has become a source of inspiration for all oppressed peoples around the world.

It was in 1918 that Lithuania first emerged as an independent nation after centuries of German and Russian domination. In the mere 20 years of independence that followed the Lithuanian people proved themselves truly capable of achieving tremendous social and economic strides. The forties found Lithuania occupied in turn by the Soviet Union, Nazi Germany, and again the Soviet Union, under whose dominance she has remained for the last 37 years without any opportunity for the self-government she once enjoyed.

Proof that continuous efforts by the Soviets to destroy the Lithuanian sense of unity and identity have failed can be found in the way the people steadfastly adhere to their cultural heritage which embraces the value of freedom. It is deplorable that the Soviet Union continues to deny Lithuanian citizens the right to exercise the principle of self-determination and continues to suppress their human rights. As Lithuanians struggle to practice the freedom their declaration of independence once gave them, they must live in constant fear of Soviet retaliation for these efforts.

Mr. Speaker, as the citizens of Lithuania look toward the United States for the concepts of liberty and freedom, let us show them our compassion and support. Let us demonstrate our belief that one day they will again be a free people living in a free nation.

Once again I thank my colleague for taking this time to bring to the attention of the House a recognition of this important day and what it means as a symbol of freedom.●

FLUNKING THE FAIRNESS TEST

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. SCHUMER. Mr. Speaker, the administration's ability to revitalize the sagging economy through its proposed budget plan remains a big "if." However, regardless of whether the economy will continue in its downward trend or begin to climb upward, one fact is certain: The Reagan budget and tax plans greatly assist the wealthy and penalize the poor for being poor. By demonstrating the administration's callous, if not cruel, indifference to the well-being of the Nation's needy, the Reagan budget merits the accusation of Norman C. Miller in the following Wall Street Journal article that it flunks the test of fairness. Can such a budget be deserving of congressional approval?

The article follows:

FLUNKING THE FAIRNESS TEST: PERSPECTIVE ON POLITICS

(By Norman C. Miller)

WASHINGTON.—Those of us who are reasonably affluent can afford to be fairly relaxed about President Reagan's dangerously unbalanced budget.

Yes, the mind-boggling deficits projected in the Reagan plan are theoretically worrisome. They'll probably be worse than the $345 billion the President projects over this four-year term. In Washington, deficits might almost always grow bigger than administrations predict.

And yes, the enormous deficits might cause such havoc in the financial markets that the markets will collapse, businesses will go bankrupt, interest rates will stay at strangling levels and the recession will deepen. But probably the prophets of doom are wrong, as usual, and the country will muddle through. If so, those of us with good to rich incomes will be all right.

But the needy among us will not be all right. They will suffer—and suffer badly—even if, as the President promises, supply-side economics eventually produces sound

economic growth. For until the supply-side miracle occurs, if it ever does, the President's harsh social-program cuts will impose more pain and sacrifice on the poorest members of society—while the rest of us enjoy a bonanza of immediate benefits.

To refresh your memories, take inventory of what we—the affluent—get under the Reagan tax-cut law, which the President is determined to keep in place despite its failure to rapidly revitalize economic growth as the administration promised a year ago.

We get our income taxes cut 10% this year and next, plus inflation-indexed cuts forever. The wealthiest among us get their tax rates cut to 50% from 70%. We get a sizable cut in our capital gains taxes. We can shelter substantial sums in IRAs and Keoghs and get big annual tax deductions to boot. We can invest in tax-free "All-Savers" certificates paying premium interest rates. If we have stock options, we'll get all our immediate gains free of tax when we exercise our new "incentive" options.

The corporations we work for and invest in will get stunning profit gains from liberalized depreciation rules and tax-rate cuts.

Even if corporations lose money, they can cut losses by leasing unused tax credits to profitable companies, which can then lower their tax payments even more. The leasing gimmick is akin to food stamps for corporations.

The very few among the affluent who are Members of Congress get the most dazzling tax bonanza of all under a law sneaked through the last day of the 1981 congressional session. They can claim annual tax deductions of $18,000 or more for their Washington living expenses! With other standard tax breaks, some of our lawmakers could wind up owing almost no taxes on their $60,662 salaries.

Contrast this bountiful array of tax benefits for the affluent with what the poor will suffer under the new Reagan budget, remembering that social programs were cut $35 billion last year. The new budget envisions $26 billion of additional cuts in direct aid for the needy, more indirect reductions and further cuts in the year ahead.

With unemployment at 8.5% and threatening to worsen, the Reagan budget slashes job subsidies and training by nearly $2.7 billion. What's left of the shrunken public-service jobs program is destroyed; the Job Corps for poor youngsters is slashed by one third. The federal-state employment service is cut sharply, making it less able to assist job seekers. And in perhaps the meanest line in the budget, the administration proposes to take pennies from jobless people by rounding weekly unemployment compensation checks "down to the next lower whole dollar."

Housing subsidies for 3.4 million families will be slashed by $3 billion; their rents will rise as a result. Many of these families exist on welfare; their checks will be cut as the budget slashes $2.2 billion from the biggest welfare program, Aid to Families With Dependent Children. Some will also lose food stamp assistance; the program will be cut by $900 million. And the 22 million poor persons receiving Medicaid assistance will have to pay more when they're sick if the administration gets its way; it wants Congress to enact a 10% program cut, totaling $1.9 billion.

Poor children will have a harder time. An array of social services aimed mainly at helping needy kids and their parents will be cut by $1.3 billion. Special reading and math programs in schools serving poor children also will be cut by $539 million.

College students and their parents will be hit hard, too if Congress passes administration proposals. Grants to the neediest students will be cut $800 million; some of the 2.2 million students depending on these grants may have to drop out as a result. Loans to college students also will be cut sharply. Some 700,000 graduate students will be especially hard hit by sharply higher interest rates on their loans.

Now, nobody pretends that federal programs aiding the poor aren't riddled with inefficiencies as the Reagan administration constantly reminds us. But it is fundamentally unfair for the administration to concentrate almost exclusively on cutting assistance to the poor while simultaneously providing an excessive array of tax breaks—several of dubious equity—to affluent persons and corporations.

The imbalance of the administration's policies becomes more drastic when one examines its incredibly overstuffed military budget. There is, to be sure, a clear need to build up the nation's military strength to counter increasing Soviet might. But the size and pace of the administration's military spending increases go beyond reasonable military need and will guarantee huge deficits gravely threatening hopes for controlling inflation and achieving sound growth.

Under the Reagan plan, Pentagon spending will zoom up 18% to $216 billion next year. Just about every weapon the Pentagon ever conceived—some of highly questionable military value—will be purchased at a sharply accelerated rate.

Some $5 billion will be spent to start producing B1 bombers. These planes—costing at least $533 million each for this year's run—are designed to penetrate Soviet air defenses starting in 1986. By the Pentagon's own testimony, these new bombers will be good for their main mission for only four or five years. Then, they'll have to be replaced by an advanced Stealth bomber, for which development spending also is being accelerated. Some military specialists believe the B1s aren't needed even for a four- or five-year period; they think the current fleet of B52s can be upgraded to serve as a credible threat to the Soviets until the Stealth is ready around 1990.

Another $5 billion is budgeted for developing and producing the new MX missile. This bigger missile is going into production despite the administration's failure to develop a militarily sound plan for basing it so it can't be destroyed by a Soviet attack. The administration's current basing plan is so flawed that the Joint Chiefs of Staff publicly opposed it. Yet somehow the deployment of a vulnerable MX is supposed to enhance our sense of security against a possible Soviet attack.

The pell-mell buildup of conventional forces is equally questionable. The Navy will spend $18.7 billion building ships. Three cruisers will cost $1 billion each. Two nuclear aircraft carriers will cost $3.5 billion each. It will cost $776 million to renovate two battleships, which many naval experts think are dinosaurs. And this budget is just the first installment of a five-year plan to build 133 more ships at a cost of at least $96 billion. How the Navy is going to man the planned 600-ship fleet is an unanswered question.

The Army also will add weapons at a breakneck pace. For example, it will spend $2 billion for 776 M1 tanks, the first models of which have been breaking down regularly in field tests.

We would be better off if a good deal of the billions President Reagan is throwing at the military went unspent or were spent more slowly and carefully. The budget deficit wouldn't be so dangerously big. The administration might even be able to find a little more money to help poor people cope with the twin evils of unemployment and inflation.

President Reagan's budget, however, makes it clear that the needs of our poorest people are his least concern, notwithstanding his pious statements to the contrary. On that count, his budget flunks the test of fairness.●

VIETNAM AND EL SALVADOR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, critics of the administration's policy in El Salvador have been quick to compare it with U.S. policy in Vietnam in the 1960's and 1970's. Recent editorials in the Washington Post make the point that the comparison is not really valid when you look closely at the events in Vietnam both before and after 1975.

I urge my colleagues to give careful consideration to the Post's analyses.

[From the Washington Post, Jan. 29, 1982]

CERTIFYING EL SALVADOR

Congress had demanded that the president, in order to continue aiding El Salvador, certify that the junta is committed to human rights, reforms and elections. Yesterday the president so certified. We think he did the right and necessary thing. It's evident, however, that the situation in El Salvador is confused and dismal enough that, had a president wanted to, he might have marshaled grounds to go the other way.

The trouble lies not in the decision Mr. Reagan made but in the nature of the hurdle Congress forced him to jump. Many people in and out of Congress fear that the junta is a loser, unable to tame the extreme right sufficiently to fight the extreme left effectively. They could turn out to be right. But probably most congressmen who voted to set up the certification procedure did not mean that the president should take it literally and use it to cut off the junta. Rather, they surely meant to be giving the president at once a way to push the junta harder and an incentive to do so. Now that Mr. Reagan has certified the aid, however, some of them are feeling aggrieved.

They might better inquire more rigorously into what it is they mean to do. It is well to press the administration to be more attentive to rights, reforms and elections. This administration has needed pressing. It is misleading, however, to proceed as though El Salvador were a fresh issue on which the United States had the luxury of making an up-or-down judgment every six months, as the law stipulates, on the basis of the junta's rights record.

A little history: burned by Anastasio Somoza's replacement by a Cuba-oriented regime in Nicaragua, Jimmy Carter undertook a bold, preemptive political interven-

tion in El Salvador. Ronald Reagan is following basically the same policy. Call it a grit-your-teeth policy: to support a reformist junta, with a lot of bad eggs in and around it, in order to avoid a Somoza-Sandinista choice. For critics to narrow their focus to the teeth-gritting without considering the policy's larger aims is shallow and unfair.

For people who can't take the junta, the honest response is not to say the junta is—surprise—beset and flawed, but rather to make the case that it's acceptable to the United States if El Salvador goes the Cuban way. Perhaps this will have to be said of Guatemala, burdened by a regime that seems beyond the pale even of the conservative Ronald Reagan, let alone of the liberal Jimmy Carter. El Salvador, however, is another story: the place where both presidents decided it was worth hanging on.

[From the Washington Post, Feb. 12, 1982]

NO MORE VIETNAMS

Just a word about this Vietnam analogy that is coming to dominate the argument over El Salvador—over what is going on there and what the American response, if any, should be. "It's just like Vietnam," people will say portentously, the implication being that (1) the United States is on the wrong side of a popular revolution, (2) the information we are getting from our military and our government is cooked and (3) the whole thing is self-evidently just another "quagmire" so far as any type of U.S. effort to influence the outcome of events is concerned.

Now, all of these things may be true—we don't know. But their truth has certainly not been established or even persuasively argued, and the Vietnam analogy will do nothing to help confirm or refute it. In fact, the Vietnam analogy will degrade and hinder, not improve analysis. There is, in the first place—don't you think?—something ever so slightly condescending and white-man's-burdenish about this attitude toward turmoil in Third World places: when you've seen one you've seen them all. The commitment of finding one-on-one correspondences with Vietnam is also likely to lead people to ignore large and fundamental differences that don't fit the analogy.

But there is something else, something breathtakingly complacent and self-absorbed, about the constant invocation of the Vietnam analogy that troubles us even more. "It's just like Vietnam"—but by "Vietnam," many of those who keep invoking the analogy seem to mean only their own argument against the American involvement there, and they seem very definitely to imply a cutoff date for the analogy. "Vietnam," in this sense, simply ceases to exist after the spring of 1975. The horror of the Indochinese political fate—the repression and the misery, the tragic and eloquent statement of all those "boat people"—none of this evidently is meant to be included in the meaning of the term "Vietnam."

It would no doubt be considered provocative and boorish to ask those who are working the analogy so hard whether they mean to suggest that the romantic, Robin Hood-model, popular left forces in El Salvador would be likely, in triumph, to turn out to be as oppressive as those who ultimately prevailed in Indochina, but who had once also been considered natural agents of the people's will. And it would also be a waste of time: unlike in Europe, where the subject has been bitterly and usefully debated, in this country too few people have actually acknowledged what finally happened in Indochina. The point is not to say that continued American presence and pressure would have or could have made a difference. You can even argue that in certain important respects the American presence and pressure contributed to the horrific political result. But somehow, some time the people who fought and argued so passionately against the American effort and who so confidently misread the nature of the other side really need to accommodate the fact of that misjudgment into their thinking. Vietnamese history did not cease with our disengagement, and it also did not exactly improve.

Vietnam, as these critics used rightly to say, was not Munich, and thinking it was most certainly confounded and distorted American policy there. We would add a corollary. El Salvador is not Vietnam.

[From the Washington Post, Feb. 15, 1982]

EL SALVADOR: WHAT TO DO?

That was a revealing juxtaposition of stories about Central America on the front page yesterday. One story reported that, of three American military advisers found by newsmen to have been carrying combat weapons, rather than the permitted personal arms, in a Salvadoran town, one had been ordered out of the country and the other two reprimanded. The second story summarized the "broad program of U.S. planning and action . . . including the encouragement of political and paramilitary operations by other governments against the Cuban presence in Nicaragua" that the administration has authorized in the Central American-Caribbean region as a whole.

Think about that pair of stories for a moment. On the one hand, a few of the 50 advisers in El Salvador were disciplined for stepping over their guidelines. A television camera had caught one of them with an M16—and, if you noticed, also a briefcase. If these men broke the guidelines, they should have been disciplined. The administration, which has promised to keep the advisers out of combat situations, had to discipline them in order to show an edgy American public that the government is as good as its word. Still, you have to be impressed by the lengths to which the administration seems to be going in order to avoid both the reality and appearance of direct military participation. The inference we draw is not that the administration is cheating at the military margin in El Salvador but that it is being scrupulously sensitive to the political consensus in the United States.

The key feature of the administration's overall approach, as revealed in these stories, is the lack of a military core. We think this is right: at this point the costs of a military enterprise in El Salvador, in political and diplomatic terms, would likely be altogether disproportionate to the foreseeable gains. This judgment, which the administration evidently shares, has forced it to explore a range of alternatives even as it plans somewhat grimly for military contingencies outside the immediate battle zone. From the published account, it is not entirely clear what is being just talked about and what is actually going to be done in the region, but it is clear that having forsaken a direct military role, the administration is looking determinedly for substitute policies, including CIA-sponsored political and paramilitary operations by other governments and by Nicaraguan exiles against the "Cuban presence in Nicaragua" and against Nicaragua.

There is a problem here. The American purpose is, as we understand it, simply to get Nicaragua and Cuba to stop their sponsorship of the insurgency in El Salvador. But for that support, there would be no American military aid. There was none until Jimmy Carter decided—correctly, we feel—that the Nicaraguan-Cuban hand compelled the United States to end the no-aid policy it had adopted on account of the human rights situation and to start bracing the Salvadoran armed forces against foreign intervention.

What needs to be asked now, however, is whether the way to keep Cuba and Nicaragua from "destablizing" El Salvador is for the United States, even through intermediaries, to try to "destabilize" Nicaragua or Cuba. The United States has been down that road before in various places in the region, with dismal results. Rather than trying, as the CIA reportedly has elaborated in a secret $19 million plan, to build a "broad political opposition to the Sandinista rule in Nicaragua," why not a greater effort to build broad political support for democratic rule in El Salvador? The administration's military self-denial there is commendable. That does not mean that anything else goes.

There remains a serious question about the importance of the foreign input to the local turmoil in El Salvador. The question will persist, since it is self-evident that the country's social and economic tensions are sharp enough in themselves to sustain high domestic violence. The proper response is to attempt to tackle those tensions at the same time. This seems to us essentially what the administration has set out to do, in El Salvador and in the region as a whole.●

TODAY'S SAVINGS ARE TOMORROW'S COSTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BIAGGI. Mr. Speaker, "If you think education is expensive, try ignorance." This favorite college fundraising adage is a timely warning for our Government, as proposed budget cuts for student assistance programs threaten to paralize our country's most vital resource. Education is the most essential tool in constructing and maintaining a democracy, and is our most powerful weapon in combating unemployment and low productivity rates. In order to adequately provide for this Nation's future, our Government must do all within its power to strengthen the role of education in the lives of its citizens.

As a proud cosponsor of the Middle Income Student Assistance Act of 1978, and its corresponding amendments in 1980, I am appalled by this administration's apparent attempt to reverse history by abandoning its committment to equal educational opportunities for all. By slashing spending on Federal grants and loans to postsecondary education by one-third, hun-

dreds of millions of students will be robbed of their freedom to choose a school which can best meet their needs. This limitation will greatly circumscribe their capacity to meet the demands of our complex and ever-changing society. Thus, today's savings will become tomorrow's costs, and today's injustice against students represents a crime against all Americans. I know from talking with students in New York that proposed changes in the Pell grant program, the guaranteed student loan program (GSL), and several campus-based programs will mean the termination of long-worked-for educational careers for thousands of students in New York alone.

The Pell grant program, the foundation of student aid, is scheduled to be cut by 40 percent, reducing the current $2.3 billion funding level to $1.4 billion in fiscal year 1983. The maximum grant would be $1,600 and student awards would be revised to meet the amount that is appropriated. The average grant in 1983 would be cut to $778 from the 1982 average of $853. The number of total recipients would be reduced from 2,550,000 to 1,800,000. Thus, three-quarters of a million students in the United States would loose their Pell grants.

In New York, where these grants have already been cut by $26 million, leaving 11,000 students out of the program, further restrictions would result in an added loss of $113 million, eliminating another 85,000 students. Most affected by the new provisions would be grants to students at low-cost colleges whose family income exceeds $11,000. The new Pell grants would no longer take into account the number of children in college when assessing a family's resources. Furthermore, the amount of money allocated for living expenses would be sharply curtailed.

Guaranteed student loans (GSL), the most widely used program, would shrink drastically under the new proposals. Most significantly, graduate and professional students would become ineligible for such loans. Consequently, these students would be forced to resort to less attractive loan programs such as the ALAS (auxiliary loans to assist students). The terms of the ALAS are much less favorable than those of the GSL, as repayments are due while in school and there is no in-school interest subsidy. Also lenders have been reluctant to lend to graduate students under this program. Interest rates on the ALAS and the PLUS (parents loans to undergraduate students) are 14 percent, a far less desirable option for student borrowers.

Other proposed changes in the GSL program include a doubling of the origination fee from 5 to 10 percent, and a requirement that students repay their loans at market rates rather than a 9-percent interest rate, 2 years after they leave college. Another new element of the program would be that all students must demonstrate financial need before they qualify for a loan. Under existing law, all students from families earning less than $30,000 a year are automatically eligible for loans while those who fall above this level may borrow only if they pass a financial needs test. The administration wants these changes to take effect by April 1—in time to affect loans made for next fall. However, it is unlikely that Congress will take action by this time.

In New York, guaranteed students loans have been cut by $250 million, thus excluding 75,000 students from the program. Proposed budget cuts would reduce loan volume for college students by 15 percent while the banning of graduate students from the program would cut volume by an additional 35 percent. Total loan dollar loss for New York is estimated to be $455 million.

President Reagan has also proposed substantial reductions for three campus-based aid programs, trimming spending from this year's $1 billion to $400 million in fiscal 1983. The supplemental education opportunity grants program would be eliminated entirely. Nationwide, $278 million would be lost for these grants. New York State schools would lose $22 million for 45,000 students.

Funding for the college work study program would be reduced from $528 million in fiscal year 1982 to $398 million in fiscal year 1983. The administration has stated that these figures would translate into a loss of 160,000 student jobs. The impact on New York would be a loss of between $10 and $11 million in funding and a loss of about 13,000 student jobs.

The 1983 budget also dictates the elimination of the national direct student loans program (NDSL). This would reduce the number of NDSL recipients from 800,000 in fiscal year 1982 to 590,000 in 1983. New York borrowers would be reduced by approximately 19,000 students, cutting funding by $17 million.

The State student incentive grant program (SSIG) would also be eliminated as the administration contends that the project has served its purpose of stimulating States to provide need-based grants to postsecondary students. Nationally, this action represents a loss of $74 million to States in fiscal year 1983, and the loss of $6.6 million in funding to New York, money which is now used to support the States' tuition assistance program (TAP).

Congress decision last year to gradually phase out social security benefits for college students has already resulted in a drop in the number of students receiving benefits from 760,000 this year to 683,000 in 1982-83. Although social security benefits have already been eliminated, under the Omnibus Reconciliation Act, legislation which I cosponsored is now being considered to extend the cutoff date for determining eligibility from May 1982, to October 1982, in order to allow this years high school seniors to carry through with the postsecondary education plans they have already made. The elimination of social security benefits to students now appears to have been the first step in an unpopular movement to return higher education back to the wealthy at the empty hands of poor and middle-class citizens.

As New York's ranking member of the House Education and Labor Committee, and an original cosponsor of the 1978 Middle Income Student Assistance Act, I will not sit idly by and watch the Federal Government turn its back on our committment to equal educational opportunities. I will devote every possible effort to retaining these necessary programs in order to secure the educational future of this Nation's students, and to provide a secure future for this Nation.●

SUPPORT FOR THE PRESIDENT'S CARIBBEAN POLICY

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. EVANS of Delaware. Mr. Speaker, yesterday, President Reagan spoke to the Organization of American States and detailed our Nation's policies in the critically important region of our own hemisphere—the Caribbean Basin.

The economic and national security interests of our country—which are important to every citizen of the United States—are closely bound to the stability and development of the nations in this region. The President's six point program of free trade; tax incentives for U.S. investment; economic and security assistance; technical help and training; cooperation with Canada, Mexico, and Venezuela and special measures targeted at Puerto Rico and the U.S. Virgin Islands presents a sound and effective policy for the United States to follow.

As the President correctly pointed out, the Caribbean Basin is absolutely vital to the economic well being of our own Nation. Nearly half of all our trade travels through the Panama Canal or the Gulf of Mexico. Two-thirds of our imported oil—the lifeblood of U.S. industrial production—follows this same route. And over half of the materials determined to be strategic and critical to our own national security and our economy must pass through this region.

Let me reduce this concept down to one issue very close to home—to one country in our own backyard—Jamaica. Bauxite from Jamaica is critically important to our Nation's economy because of our need for aluminum. You cannot make aluminum without bauxite, and we import over 40 percent of this material from Jamaica. This small nation's geographic position is significant as well, since it strategically located by the vital sea lanes of the Caribbean.

Jamaica is also important because Edward Seaga, the Prime Minister, is a friend of the United States. He defeated the Marxist-oriented Michael Manley in October of 1980 in a free and fair election. That country was on the brink of chaos economically and politically. He is beginning to bring Jamaica back, and we need to reinforce his efforts. We must consider the fate of a country like Jamaica in the Caribbean, the symbolic importance of a democratic form of government succeeding where Marxism has failed, and we should consider the effect of the loss of bauxite from Jamaica upon our economy and national security.

Another factor is the expansion of our export markets overseas. If we can stabilize the economies and political structures of the nations in the Caribbean, we can expand our export markets. Already, 40 percent of our exports are sold in the Third World. That is important to American jobs, since every billion dollars of exports means 40,000 American jobs, together with the dignity and the self-esteem that a job brings.

I can guarantee one thing. All of these factors are being considered by our adversaries. Maintaining strong bonds with the Caribbean basin is not only vital to our national security, it is an integral part of our comprehensive program for the revitalization of the American economy. Support for the policies articulated by the President is critical to American security, American jobs, and the preservation of those essential freedoms Americans have cherished for so many generations.●

A TRIBUTE TO ROSSLEE T. GREEN DOUGLAS

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. NAPIER. Mr. Speaker, in 1979 the Office of Minority Economic Impact was established in the U.S. Department of Energy primarily to advise the Secretary on the effects of energy policies, programs, regulations, and other Department actions on minorities and to recommend policies to assist minorities and minority businesses affected by the Department's actions. This office is also charged with the responsibility of providing advice to the Secretary on methods to increase minority participation in the Department's programs and activities.

During the past year, the mission of this office has been successfully carried out by its director, Rosslee T. Green Douglas. Mrs. Douglas has gone beyond the normal limits of service to her Nation in spearheading an effort which directly affects millions of Americans. I want to take this opportunity to recognize a person who willingly accepted a difficult task, saw it as an opportunity for service to mankind, and aggressively launched the Office of Minority Economic Impact on a course which will ultimately benefit our citizens.

Prior to joining the Department, Mrs. Douglas served as a Commissioner of the South Carolina Industrial Commission, which adjudicated workmen's compensation cases in the six congressional districts. She was appointed to the position with Senate confirmation on July 5, 1978, by the Governor of South Carolina, James B. Edwards. For 10 years, prior to service at the State level, Mrs. Douglas was affiliated with the Franklin C. Fetter Family Health Center In Charleston, S.C., serving in various administrative and managerial positions for the Outreach and Home Health Services divisions. From 1952 to 1968, Mrs. Douglas was active in the general field of health services. Her activities included nursing supervisory positions at the Brookdale and Bedford Hospitals in Brooklyn, N.Y. She also served as consultant to health care organizations.

Mrs. Douglas was an honor graduate from Avery Institute, Charleston, S.C., in 1947. She received an R.N. diploma from the Lincoln School for Nurses (honor graduate) in 1952 and was also an honor graduate in nursing from Medical University of South Carolina in 1972, receiving her BSN degree. In addition, Mrs. Douglas has undertaken course work at Dillard University, New Orleans, La., and New York University.

Her honors include the 1979–80 Personalities of the South Award from Historical Preservations of America; the 1981 Columbia, South Carolina Urban Leagues' Service to Higher Education Award; and the Omega Psi Phi Fraternity-Mu Alpha Chapters' 1981 Community Service Award. She is an active member of various organizations, including the American Nurses Association; South Carolina Nurses Association; Trident Nurses Association; Sigma Theta Tau Sorority; (the National Nursing Honor Society), Gamma Omicron Chapter, Chi Eta Phi Sorority.

Mrs. Douglas was born in Florence County, S.C., and grew up in Charleston, S.C. She is a widow and has two children.●

JOSEPH P. VAN DER MEULEN, M.D., MYASTHENIA GRAVIS FOUNDATION HONOREE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. WAXMAN. Mr. Speaker, on February 27, 1982, the California Chapter of the Myasthenia Gravis Foundation, Inc., will honor Dr. Joseph P. Van Der Meulen for his extraordinary work in research, patient care and policymaking on behalf of the foundation.

Myasthenia Gravis is a disease to which little attention has been given in the past even though its victims are found in every age group, every ethnic group, and at every level of our society. It is a crippling, sometimes fatal disease for which there is no known cure—yet. The Myasthenia Gravis Foundation, founded in 1934, has provided information and assistance to the medical profession as well as to patients and their families in recognizing and coping with the disease.

Dr. Joseph Van Der Meulen's background as a physician and researcher is impressive. He obtained his A.B. degree magna cum laude from Boston University School of Medicine. After completing 2 years in internal medicine on the Cornell service at Bellevue Hospital in New York City, he completed his neurology training on the Harvard service at Boston City Hospital. He then spent 2 years in research in neurophysiology at the Nobel Institute for Neurophysiology, Karolinska Institute, Stockholm, Sweden. After 4 years at Case-Western Reserve, Dr. Van Der Meulen became chairman of neurology at the University of Southern California in Los Angeles in 1971, and more recently, has served as vice president for health affairs at USC.

Dr. Van Der Meulen has been a member of the California Chapter, Myasthenia Gravis Foundation's Medical Advisory Board and Scientific Committee for more than 10 years and has been chairman of both committees. In this capacity, he was in charge of patient referrals, medical education, and the allocation of research funds and grants. Dr. Van Der Meulen has served as adviser and consultant to many organizations including the National Research Council's Division of Medical Sciences, the California Medical Association, and the National Institute of Health's Advisory Council.

Dr. Van Der Meulen is the author of more than 40 articles on various aspects of his field. In 1976, he was selected by the University of Southern California Medical School graduating class as the recipient of the Kaiser Award for Clinical Teaching Excel-

lence in recognition of his superb teaching abilities.

Whether in a classroom, at a scientific seminar, or in consultation with patients and their families, Dr. Van Der Meulen has the unique facility to impart his knowledge and counseling both in the most complex, scientific terms as well as in the vernacular of the layman; his flexibility in communication meets every demand.

I ask the Members to join with me in congratulating Dr. Van Der Meulen, his wife Ann, and daughters Lisa, Suzanne, and Janet, on this special occasion, Dr. Van Der Meulen has proven himself as a man of science and a man of compassion. May he enjoy many more years of his honorable and rewarding work.●

LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. RATCHFORD. Mr. Speaker, Lithuanian Americans throughout my district and the entire Nation recently celebrated the 64th anniversary of the declaration of Lithuanian independence. Lithuanian Independence Day is a day which shines brightly for freedom-loving people, as the brave men and women of Lithuania strove to make their land free and independent. It is also a day that reminds all of us that freedom is precious, and may be taken away against our own will.

It would be difficult for Americans to envision a Fourth of July celebration without parades, picnics, and fireworks demonstrations because of a strongly repressive grip maintained over us by a foreign government. Yet for over 40 years, Lithuanians have endured—and resisted—this exact type of heavy-handed repression put upon them by the Government of the Soviet Union. On the anniversary of Lithuanian independence this year, the Soviet Government will still cast its iron grip over the speech, religious practice, and other freedoms that country should enjoy, but it will not have won the hearts and minds of the Lithuanian people through this repression.

We in America must stand united with the Lithuanian people. If we cherish our own freedoms, we must appreciate that millions of people in Eastern Europe do not share this freedom, and that thousands have struggled and died in the hope of regaining these liberties.

The struggle for freedom has not yet been won, nor is it over. Lithuanian independence came to a tragic end in June 1940, when Soviet troops entered that nation as well as its Baltic neighbors, Estonia and Latvia. Since that time, and despite the agreements made in the Helsinki Accords of 1975, the Soviet Union has flagrantly violated the human rights of Lithuanians by denying them free elections, free speech, and free practice of religion. Two decades of independence were trampled by Soviet and Nazi occupation, but the fight to regain this liberty goes on.

The Lithuanian cause stands as a paragon of nationalist pride and heritage, and every man and woman of Lithuanian origin has reason to be proud that this Nation has not succumbed to attempts to russify the land and the people. I think this anniversary of Lithuanian independence should give all of us in America and around the free world the resolve to preserve and protect the precious liberties we have, and to seek to restore the same freedoms that have been taken from others by aggression. Through our words now and our actions in the future, we must continue to encourage the dream of freedom for Lithuania so that this nation can be free from domination and able to pursue its own destiny.●

ESTONIAN INDEPENDENCE DAY

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1982

● Mr. RUSSO. Mr. Speaker, today we note the 64th anniversary of Estonian Independence Day. On this date in 1918, the courageous people of this small republic on the Baltic Sea declared their independence from Russia, a spring of freedom that lasted for 22 years. During that period, Estonia prospered as a free nation. But in 1940, Stalin delivered his dictatorial ultimatum to this brave country, followed shortly by an invasion by the Russian Army, subjugating the Estonian people. Estonia, along with the other Baltic countries, Latvia and Lithuania, were ruthlessly incorporated into the Union of Soviet Socialist Republics. One year later, the Soviet authorities deported thousands of Estonians to Siberia.

The plight of this valiant nation has not gone unnoticed or unappreciated. Congress regularly recognizes the struggle of Estonians and other Baltic nations to be free again. The Helsinki Accords of 1975, signed by the Soviet Union, guarantees that all participatory states will respect human rights and the fundamental freedoms of all people. This agreement has been flagrantly violated by the Soviet Union in the case of Estonia as well as so many other countries.

Also in 1975, Congress passed House Resolution 864, a resolution which refused to recognize the forceful incorporation of Estonia into the U.S.S.R. I was a cosponsor of that resolution, one that gave the Soviets notice that the U.S. Congress was serious about enforcement of the Helsinki accords.

These Estonians are to be admired by the world for their courage in their continuing struggle for self-rule. Anti-Soviet demonstrations regularly occur in all the Baltic states, sponsored by nationalistic groups seeking freedom for their native lands. The drive for preservation of the unique culture of these people, their desire for basic human rights and their continued hope of independence are goals that we in America must support. They need this ray of hope in the face of relentless Soviet oppression; we must demonstrate our rejection of a dictatorship that condemns people to labor camps and persecutes people, denying their rights, including the freedom of expression, freedom of religion, and freedom from fear.

Today we solemnly commemorate their wish for liberation. Congress has a duty to the free world and to subjugated nations everywhere to insure that the flame of freedom is never extinguished, even in a world facing the specter of communism, and to do so we must publicly bring attention to and condemn the illegal domination of the Baltic states by the Soviet Union.

Such an occasion is a time also for giving thanks for our own precious political and religious freedoms as we join with others around the world in saluting and honoring the Estonians on this 64th anniversary.●

SALVADORANS REQUEST AID

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, late last year, the El Salvador Chapter of the American Chamber of Commerce made an urgent plea for support from the other members at the midyear meeting of the American Chambers of Commerce of Latin America.

Reviewing the Communist infiltration from Nicaragua and Cuba and the disruption of the economy, the Salvadorans requested continued economic, political, and military support for their country.

I urge my colleagues to give careful consideration to their statement.

AMCHAM—EL SALVADOR'S PRESENTATION AT THE VIII AACCLA MID-YEAR MEETING SANTIAGO, CHILE

After more than 3 years of being under heavy attack by a Communist movement supported by the Soviet bloc and its international counterparts; the people of El Salva-

dor, and the democratic, private enterprise system, have neither folded nor been destroyed by these efforts. But time is against them and if they are not supported, the country will fall like Nicaragua and in short time the rest of Central America will follow. The present state of affairs remains confusing and the solutions still complex. Those solutions being presented in the international forums throughout the world, are in themselves geo-political and with goals reaching beyond El Salvador. This in fact has given the country much greater attention and support, especially from the administration in Washington, than it would normally receive. This support and commitment must be broadened to include the public opinion of the people of the United States, in order to really save another friend from falling into the hands of the Communist offensive in our hemisphere. Therefore, it is understood why El Salvador's immediate concerns, are:

First, resisting the international Communist attack; second, preserving the economic climate; third, safeguarding private enterprise, and fourth, preparing the environment for the upcoming elections.

The El Salvador issue has now surfaced in our hemisphere as one which is changing the direction of Third World leadership. The Cuban trend which was militarily successful in Nicaragua in 1979, and politically reversed in the same year in Jamaica, now views El Salvador as a major necessity for its momentum.

The international incentive and support is obvious, as witnessed by the international socialistic strategy, supported by such pronouncements as the Franco-Mexican accord. Which continues to press for an unacceptable mediated solution. It is apparent to us, who live in El Salvador, that the continuous terrorist activities cannot obtain power by force but now are directed to harass and destabilize the economy and government. The tactic is to keep the issue in the limelight at the international level. Through the manipulation of the facts and misinformation, their political arms are having some success in characterizing the attack as a popular uprising. This is incorrect, but its international success to us who live and eyewitness the actual events, is upsetting. The very fact that even today these Marxist-Leninist groups can acquire support at the United States public level while spreading violence and bloodshed in El Salvador, is proof of their skill in altering the facts to their advantage. The political solution now being supported by the Washington administration, Venezuela and others, is to bring the nation to hurried free elections for a constitutional assembly this coming March. It is essential to return the country to legality and thereby continue the process toward political, social and economic stability. The urban sector, made up of the majority of the middle class, has responded extremely well. Political parties have either been reactivated and new ones formed to participate in the political future of the country. This, in a very short period of time, has brought an openness to the national political arena never before seen. Positive occurrences such as lifting of the curfew, challenging and modernizing the election laws and the abolishing of the martial law, in order to give political parties freedom of speech, movement and assembly, have been implemented. The freedom of determination by the people of El Salvador through elections will be continuously jeopardized by the terrorist activities; as they do not wish to permit an environment for a society to hold a forum for free elections.

At the same time, a higher degree of law and order should precede the elections, so that this coming March the voter is more at ease with his participation and the political solution can carry more weight, both on the national and international level. This improved security is most important, especially in the countryside. Even though the terrorists hold no firm ground, their random raids on small defenseless towns maintain some areas intimidated and unacceptable for political campaigning.

Going now beyond the short-term military and political solutions, priorities to establish economic solutions must be initiated in order to provide for social stability and improvement.

The lack of a sound, well understood economic policy from within the country and from those nations, such as the United States, which exerts great influence, is of considerable concern, since without an economic solution, any military victory and political democratic procedure will fail in time.

The economy of El Salvador has now been taxed by an internal strike after losing its venture capital, its international credit and implementing a very costly land reform. It is now experiencing for a third straight year, a declining gross domestic product, in real terms and an inflation rate which will be close to 20 percent this calendar year. This figure, modest for some economies, is very serious in a country where unemployment is growing daily, principally caused by over-population and as a result of the violence. This violence has been directed toward the destruction of the productive sector. These direct attacks on it, coupled with as reasonable uncertainty with respect to the communitarian philosophy of Napoleon Duarte and his Christian Democratic Party have discouraged private sector activity or capital from returning to El Salvador. Even though no strong policy has emerged to give the economy the direction it needs for the task of reconstruction. The private sector at all levels remains active. Therefore, it is critical for the survival of the private enterprise system that all friends in the western hemisphere recognize that the contribution is more than direct military and economic aid.

The U.S. commitment will be close to $174 million in 1981 alone, to insure the freedom of El Salvador; yet it has failed in providing the necessary confidence, so as to incorporate major participation of the other international agencies, particularly the IMF and the World Bank into its efforts to arrest and reverse the downward slide of the economy. It must be noted that traditionally, El Salvador has been extremely conservative with its external debt and even as recent as 1980, it required only 3 percent of its exports to service this debt. This figure surely has increased somewhat in 1981 with fewer exports and new debts. The point that El Salvador has a great capacity to borrow, only one to the conclusion that confidence must be restored at both international and national level. The distorted image presented internationally, by the wire services and free lance reporters, has been as harmful to the peace of this country, as the massive arms shipments from Nicaragua and Cuba.

In summarizing the massive problems of the economy, one can recognize some that continuously hamper agriculturally oriented developing nations. Even in normal times, El Salvador's traditional export crops: coffee, sugar and cotton, could not cover the increasing cost of oil, capital goods and services. Many recognize that the answer is massive capital investment to industrialize this country, this now will be slow coming, meanwhile a great social tension will be present, due to a destroyed economy. A great amount of assistance from international communities must be sought to combat even more poverty from developing and to keep the Communists from their goal—control over the people. This will be an ever-lasting possibility in El Salvador, or anywhere in Central America, since there is a delicate balance of power in the region and it can easily shift to Cuban-Nicaraguan movement. The Sandinista's government must be identified as today's singlemost destabilizing problem we have.

To close, we emphasize that as of today, the country has militarily withstood a Communist attack; it has agreed to go to the polls to vote with international supervision to bring legality and credibility to an elected government, following the principle of democracy. It must now be helped in its economic reconstruction. Support is needed now so as to insure the survival of the private enterprise system and democracy in El Salvador. If El Salvador is lost, the floodgates will be open to the momentum of communism throughout the hemisphere, making it virtually impossible to stop.●

ELEVENTH ANNUAL SOLIDARITY SUNDAY FOR SOVIET JEWRY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. ROSENTHAL. Mr. Speaker, May 2, 1982, has been set aside as the 11th annual Solidarity Sunday for Soviet Jewry. Because conditions have declined so drastically, this day can be marked as the most important such event of the past decade. It is our opportunity to voice concern over the decline in emigration and the increased harassment Soviet Jews have been subjected to this past year.

The State Department's "Country Report on Human Rights Practices" for 1981 serves as a disheartening reminder of the Soviet Union's blatant abuses of justice. For over a decade, many of my colleagues have participated in a variety of efforts to help Soviet Jews achieve the fundamental freedoms guaranteed to all. The progress was slow, but as each year yielded higher emigration figures, we continued to be optimistic.

When 51,320 Soviet Jews were allowed to leave in 1979, it seemed the goals we had been striving for were beginning to be realized. Although 1980 brought a 58-percent decline, this was considered but a temporary setback, in part due to congressional attention focusing on other pressing problems, such as Afghanistan, then Poland. However, in 1981, despite 30,000 requests, a mere 9,447 Jews were granted permission to leave the U.S.S.R. The

figures reached a low reminiscent of 10 years ago.

The progress in emigration up until 1979 was largely due to American efforts. Yet congressional support has become erratic in the past 2 years. This slack in effort tends to affirm the belief that the problem will with time disappear because people do not care. This has resulted in a decline of exit visas being granted.

The figures for January 1982 have recently been released. They continue to indicate a downward trend, and this can no longer be ignored. Only 280 Jews have been able to reach Vienna, the lowest monthly figure since 1970, when large scale emigration began.

The Soviet Jewry problem cannot be relegated to being a secondary concern. This issue demands a revitalization of interest and efforts.

We must petition the Secretary of State and President Reagan to stress the issue of basic human rights, especially in their discussions with Soviet officials. They must be made to realize we have not forgotten, nor have we become discouraged. An international endeavor to gather 1,000,000 signatures on a petition appealing to Soviet President Leonid Brezhnev is but one way to illustrate our concern and commitment. The deadline has been extended until May of this year. I urge you to support this effort.

We must also revitalize the letter writing to those imprisoned in the Soviet Union. It is only with our continual support that many Soviet Jews find the courage to request permission to leave. Rekindling the concern over this situation in Western Europe is of great importance as well. The assistance of our allies in this matter increases the chances of our efforts succeeding.

Recent visits to the Soviet Union by some of my colleagues have yielded reports no more optimistic than those presented by the administration. Only with increased determination can we hope for more optimistic achievements in the future for these harassed individuals, whose struggle for humanity has already been unduly extended. We cannot allow 1982 to be a repeat of the gloomy outcome characterized by the figures of 1981.●

A DEFENSE POLICY THAT IGNORES THE FUTURE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD a letter to the editor, which recently appeared in the New York Times, by Mr. Michael D. Spett, one of my constituents from White Plains, N.Y. Mr. Spett thoughtfully points to the terribly short-sighted and illogical Reagan administration policy of slashing student financial aid at the expense of our national security.

As Mr. Spett notes in his letter:

If we do not invest now in the next generation of brains at the college and graduate level, our technological leadership will be weakened. Massive outlays for military hardware that will soon be obsolete cannot provide a solid defense in years to come.

I share Mr. Spett's views completely, and I commend his letter to the attention of my colleagues:

A DEFENSE POLICY THAT IGNORES THE FUTURE

White Plains, February 10, 1982.

TO THE EDITOR: Two news articles in the Feb. 10 Times (by Majorie Hunter and by Susan Chira)—about the elimination of the Graduate Loan Program and the loss of grants to 2.3 million college students—graphically demonstrate the shortsightedness of President Reagan's defense policy.

If, as he so often emphasized, his long-range goal is a stronger U.S. vis-à-vis the Soviet threat, he doesn't seem to be going about achieving it in a logical way.

Since World War II, the strongest aspect of our defense has been our technological superiority, an advantage that has resulted from our ability to translate scientific know-how into sophisticated weaponry and ways to use it. If we do not invest now in the next generation of brains at the college and graduate level, our technological leadership will be weakened. Massive outlays for military hardware that will soon be obsolete cannot provide a solid defense in years to come.

It is the height of penny-wise, pound-foolish thinking to cut the future pool of scientists, researchers and engineers by half. Only by giving financial assistance (mostly in the form of loans) to encourage the further education of this generation of students can we insure that the next generation of weapons will be up to date.

MICHAEL D. SPETT.●

THE AGONIES OF IRELAND: THE INJUSTICES

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. FOLEY. Mr. Speaker, once again, I would like to draw my colleagues attention to the outstanding series of articles "The Agonies of Ireland" published by the Philadelphia Inquirer which follows below:

[From the Philadelphia Inquirer, Dec. 17, 1981]

THE AGONIES OF IRELAND: THE INJUSTICES

(By Michael Pakenham)

In any pub in Northern Ireland, one can precipitate an evening's dispute over the graffiti emblazoned on walls, roadways and virtually every other surface in any village or neighborhood where Catholics live or travel. The argument could be over which of two slogans is most numerous: "Brits Out!" or "Smash the H-Blocks!"

"Brits Out!" symbolizes a complex economic, political and demographic problem that must be examined separately. "Smash the H-Blocks!" stands for the narrower but bitterly controversial question of prisons, policing and criminal justice.

Specifically, the H-blocks are eight separate H-shaped prison compounds built since 1975 in the Maze Prison, near the village of Long Kesh, outside Belfast. Since they were designed and built because of particular circumstances of prisoners connected with political terrorism, they have become a symbol to those prisoners and their supporters.

Today, in all the prisons and jails of Northern Ireland, there are about 2,500 inmates. It is generally accepted that 1,800 of them—72 percent—claim they were imprisoned for "political" reasons. That is to say, they have been judged to be terrorists, paramilitaries or collaborators from either the Catholic or Protestant extremes.

No official statistics have been published, but the Sunday Times of London, after serious study, estimates that just under half of the terrorists are "Loyalists," from the Protestant community, and just more than half are "Provisionals", "Provos" or "Republicans"—IRA or its offshoots from the Catholic community.

That means that the remaining 28 percent are what are called, in the bitterly ironic common idiom of the security forces, "ODCs"—"ordinary, decent criminals," murderers, rapists, armed robbers and the like. Ireland, North and South, is a relatively law-abiding society. To almost everyone there, crime is predominantly attributable to "terrorism" or "political action"—depending on whether one opposes or supports it.

Lest the proportions of terrorism be exaggerated, it is sobering to note that in 1980, 75 men, women and children died in violence associated with terrorism or political action, while 229 died in highway accidents.

Nonetheless, the problems of policing politically motivated violence eclipse all other concerns of public order and criminal justice on the island.

The manner in which it was managed in Northern Ireland from the late 1960s until 1973-74, when significant reforms were established, was abysmal, from almost every vantage point. Since then, difficulties have continued unabated.

Americans and others around the world have seen abundant indications of that, dramatically—often sensationally—on their television screens and in print:

Troops of the British Army and the Ulster Defense Regiment (UDR) flailing crowds of protesters, firing on them with rubber or plastic bullets, often from armored trucks.

Men and women being arrested, interned without formal charges, brutally interrogated and convicted without juries.

Government security forces shooting, usually with heavy rubber or plastic bullets, children, often tiny ones—often apparently at random and some fatally—as they come home from family errands, or while on other innocent pursuits.

Reports—sketchy but all the more emotionally telling in that sketchiness—of murders and woundings of Catholic activists by clandestine and sinister men moving, acting and fleeing apparently without interference from the pervasive Northern Ireland police, the Royal Ulster Constabulary (RUC) or the British Army.

The first-hand accounts, told to thousands of Americans at meetings of Irish-American societies and elsewhere, by men and women from Northern Ireland who have endured, or whose families have been victimized by the repression and brutalizing—the deper-

sonalizing horror—of all those excesses, and more.

The pathos, valor and pertinacity of the families, women and comrades in arms at the funerals of IRA hunger strikers. To many Americans, that seems to be a testament of repression and of courageous resistance to it.

Finally, the agony of the hunger strikes themselves: Between May 5, when Bobby Sands died, and Aug. 20, when Michael Devine followed him and the hunger strike was abandoned, 10 young Catholic Irishmen gave up their lives through self-imposed starvation. All were veterans of long, patient protests in which, for their demand for "political status" as prisoners of war, they had lived virtually naked in the H-Blocks, refusing common privileges and often brutalized by their mainly Protestant jailers. What greater courage, certainty of principle or dedication to the justice of a political movement could there be than those acts of self-sacrifice?

In equally brutalizing counterpoint, the grim drama is played out to another vantage point: A Catholic member of Parliament in Belfast carries a loaded pistol day and night, in constant awareness that Provo sympathizers go on attacking him, with bombs and stones, so long as he condemns murder. Officials of all sorts, not just security forces, live in unrelenting consciousness that they may be the next to be killed.

Elements of the inventory of the failures of justice are twisted to serve both vantage points. Politically motivated interpretations are made as intentional propaganda.

Many long and several very studious books have been written on the subject. British government studies have found detailed fault. Amnesty International has examined some of the failings, and reported critically.

Elaborate litigation before the European Commission—and then Court—of Human Rights, between 1971 and 1978, ended with a finding that there had been "inhuman and degrading treatment" in the interrogation of prisoners in and before 1972. Other allegations of extreme physical abuse and intimidation by deprivation and the threat of abuse have been substantially persuasive.

Enticing as it is for many people, especially those an ocean or further away, to see all that as willful repression, it is not that simple. What the dramatic scenes on television do not show are the methodical killings of police, soldiers, politicians and many others, and the threatening, intimidation and killing of witnesses, in large numbers by the terrorists.

What would the U.S. criminal justice system do, political and community leaders in Belfast and Dublin ask, if a revolutionary underground had methodically murdered 600 American police, civil servants and private citizens in a dozen years?

To believe, as many Americans are told to by propagandists, that the problem of justice in Ireland is purely "British" is to ignore the fact that almost precisely the same systems and circumstances are used against the IRA by the police, courts and prisons in the Irish Republic. IRA supporters bring the same complaints against the Dublin government as they do against the British, particularly those of maltreatment of prisoners.

Nevertheless, one needs only to drive slowly about the streets of Belfast, or many other places in Northern Ireland, today and to watch the random vehicle checks by the army and UDR to know with certainty that there is a chilling atmosphere of repression of individual liberties abroad in that tormented land. And one needs only to talk with patience to residents of Catholic residential neighborhoods and with candid policemen to know that that atmosphere is far more chilling for a Catholic than for a Protestant or an outsider.

That atmosphere is offensive to the most fundamental values—and hope for the future—of democratic society. Passion and propaganda aside, the criminal justice system in Northern Ireland—the responsibility of the British government—until the reforms was appalling.

Since then, it has been ineffectual and dismayingly susceptible to manipulation for the sake of propaganda—by both extremes. What has prevailed is not due process of law as Americans know that to be—through a U.S. system of civil liberties under the rule of law devised from the British model.

Yet the question remains: How to deal with methodical, canny political terrorism which has a main intent of making the system of justice, the entire system of government, appear to be illegitimate and repressive?

The implications of that are ominous to serious hopes for reconciliation within Northern Ireland. Yet to many people there, that system of "justice" is dismaying not for its excesses, but for its inadequacies.

The Rev. Ian Paisley, "Free Presbyterian" minister, leader of the Democratic Unionist Party and a member of Parliament, puts it this way: "They've feather-bedded the prisons, and practically given them every concessions. If I were a recruiting sergeant for the IRA, I'd say, 'Join us. What do you get? Even if you're caught, you have a soft time of it. We get you into prison. You can do a university degree. You'll get out in half the time of your sentence. There's no capital punishment. You're free to associate. You get as many food parcels as you like. You wear your own clothes.'"

"How," Mr. Paisley demands, "can you beat terrorism on those terms?"

Mr. Paisley speaks, for his own constituency—one developed through the tactically brilliant political exploitation of fears, real and latent. Moderate Protestants and almost everyone in a position of authority in the British government reject his demagoguery.

Yet his power is great, for he draws it clearly and effectively from the anxieties of the majority in Northern Ireland. He is correct in recognizing that terrorism has created an atmosphere in which, to masses of people, due process and guarantees of civil liberties are luxuries which cannot be afforded.

In that atmosphere, "Smash the H-Blocks" and all it symbolizes has appeal to the "political" convicts of either side. It appeals to members of the relatively small, intensely organized, ultrasecret bands whose membership under prevailing law would put them in prison as well if they were caught with even tenuously prosecutable evidence—in the North or South. Except for them, relatively few people in Ireland are eager that the prisoners—H-block or otherwise—all be set free.

The failure of due process, however, is inflaming the conflict. It is having the inevitable effect of drawing otherwise peace-loving, law-respecting people to sympathize with the terrorists. Those sympathies are both polarized and polarizing.

If evidence were needed, which tragically it is not, there is the pronunciation of the phrase itself: Catholics, almost universally, will pronounce "H" as "Haitch"; Protestants will say "Aitch." Any informed outsider can recognize, immediately and almost infallibly, the potential sympathy of anyone in Northern Ireland on that basis alone.

From that point on, the question is quickly defined. Those who yearn literally to smash the H-blocks are committed supporters of the terrorists—Protestant and Catholic. Presumably, the "ordinary, decent criminals" wouldn't long stand waiting if the H-blocks were smashed. They and the Provos and Loyalists would go off to resume what they had been up to before they were locked up.

[From the Philadelphia Inquirer, Dec. 18, 1981]

THE AGONIES OF IRELAND: TESTING THE RULE OF LAW

The rule of law is cumbersome and fragile, but the only alternative is the rule of man: the arbitrary authority of subjective judgment. There is no democratically governed society in the world today in which that fragility is more temptingly threatened than it is in Ireland.

The survival and nourishment of the rule of law in Northern Ireland is important to all other democracies, including the United States, on objective moral grounds, but equally importantly because the test is one of universal principle.

In Northern Ireland, as in the Irish Republic, crime is a relatively minor matter. Though complaints grow, and Dublin has begun to experience some of the common street-crime anxieties of other modern cities, the incidence of criminal violence and even of burglary, fraud and the like is small.

The test of justice in Ireland has to do, almost entirely, with the Provisional Irish Repubican Army (IRA) and its splinters and with Protestant-based terrorists. The Irish Republic suffers also to a significant and troubling extent. Its laws and its government's dedication to extinguishing the IRA by legal means are closely parallel to those of government in Northern Ireland.

The main emphasis of the IRA terrorists today, however, is in Northern Ireland and Britain. For reasons of long-range strategy and of public-relations appeal to their supporters, especially in the United States, the IRA minimizes spectacular activities in the Republic. Consequently, the most agonizing test is the primary responsibility of the British government.

The beginnings of the current dozen years and more of violence in Northern Ireland took sustenance from the civil rights movement in the United States, and its impact in continental Europe and elsewhere. Television played a defining role. The moving images of confrontation, especially in the American South, inspired Catholics in Northern Ireland to insist on equity and fairness and dignity that had been methodically denied them by Protestant-dominated local government.

The British governmnent interceded with troops and ultimately by suspending the local government. For all the rightness of those intentions, the efforts went sour. Within months, Catholics began to feel more harassed than protected. The IRA deftly exploited that weakness, and countinues to.

There is a lesson to take from the American experience. The history of the U.S. civil rights movement in the 1950s, 1960s and 1970s contains one overriding truth: Equali-

ty and fairness can be achieved credibly only through the rule of law—strict accountability of citizens and officials alike.

For all the vital importance of marches and acts of great personal risk and courage, the enduring accomplishments in America came through the courts and then the Congress. The law of the land was challenged with fire and fury. It was submitted to crucibles heated by the hate of injustice. Out of that molten mass came voting and employment rights and other vital, institutionalized principles of individual liberty and security. In a responsive democracy, that process is unceasing. American democracy is far from perfected. Yet what sane American could question the real progress of that period and that process?

The leaders of the IRA and their supporters, in Ireland and outside it—far more than their Protestant counterparts—are extraordinarily politically sophisticated. They recognize that their appeal is increased by every incident that leads to a public perception that they are benevolent, romantic freedom fighters being repressed—and the more brutal that repression appears, the more effective it is for the purposes of their public image.

Laid bare, the Provos' appeal, and their base of power and pool of potential recruits and fund-raising in the United States and elsewhere, would be minuscule. Their purpose would be far more widely seen as it is today by the overwhelming preponderance of political and intellectual leaders in the Republic, and among Catholics of Northern Ireland.

Their perception is that the Provisional Sinn Fein's intent is to precipitate a bloody civil war among the almost half-million Catholics and more than one million Protestants of the North. In that view, the ultimate objective is to drive into the South and to wrest political control of the entire island, which the Provos then would hope to dominate as a radical socialist totalitarian state.

The terrorists are not ordinary criminals. Many of them stand by the IRA's refusal to acknowledge the legitimacy of the government and the courts, and thus refuse counsel and obstruct due process in every possible way, often to their disadvantage—as exemplified by the prison protests and hunger strikes.

The manners and methods of police, military and criminal justice activities against the terrorists, then, are vastly more difficult than those which would serve adequately in ordinary criminal circumstances. The responsible authorities of Britain and the Irish Republic are faced not with a crime problem, but the challenge of terrorist insurrection.

That alone poses serious problems. They are intensified by the fact that the Royal Ulster Constabulary (RUC), Northern Ireland's police force, traditionally has been a Protestant preserve. Its now discredited and disbanded reserve force, the "B-Specials" were a major focus of the civil rights protests of the late 1960s and a significant cause of the British government's decision to intervene to protect Catholics from appalling excesses.

Significant efforts have been made since then to try to make criminal justice more equitable. The RUC is still more than 90 percent Protestant (precise figures are not available). The IRA's methodical assassinations and woundings of Catholics who join the force have been an effective deterrent to recruitment—as has the inescapable fact that the force is still looked on by many as anti-Catholic.

Despite a long-range, significantly successful policy of reducing the army force and role in favor of an expanded and professionalized RUC, the most dangerous sections of Northern Ireland are patroled by British army units and a locally recruited military reserve, the Ulster Defense Regiment. The soldiers are mainly English and Scots—not Irish—and tend to be insensitive to the Irish, especially Catholics. The UDR is almost entirely Protestant Northern Irish, and unquestionably contains a substantial number of thoroughly anti-Catholic zealots.

All that, combined with the nature of terrorism, has made it impossible to establish and maintain a system of policing and criminal justice which is seen and accepted by the entire population of Northern Ireland as fair, firm and effective. Nevertheless, it is vital to the hopes for peace and stability, and in objective moral terms, that the entire criminal justice system in Northern Ireland—and in the Republic—be accurately perceived by the largest possible number of people as professional and fair.

Americans can make significant contributions to that goal. To do so is to serve the broad interests of the Irish people and all Ireland.

The most obvious contribution is to understand the problem and its importance, and to avoid with the most demanding skepticism the calls to Irish-Americans and others to see it in simplistic terms that only contribute to the intensification and duration of the violence.

Intelligent skepticism must be brought to the other side as well. As with abuse and neglect of due process in the United States, constant vigilance is the most powerful counterforce against erosion of the rule of law. Even the best-intentioned political leaders and administrators of criminal justice systems are nourished in their efforts by public exposure and criticism of failings under their jurisdictions. Negligent ones, or worse, are goaded to action only by exposure and pressure.

Public opinion in the United States is taken very seriously in Ireland and in Britain. Serious study by American academics, civil-liberties groups and concerned professionals can be of very significant value.

Finally, the rule of law will be sound and secure in Ireland, north and south, only when terrorism and the resentments from which it takes its murderous nourishment are restrained. In that long course, if it is to come, American understanding, support and good will—in forms which will be examined in detail—will be of vital importance.●

THE 200TH ANNIVERSARY OF THE FOUNDING OF SAN BUENAVENTURA MISSION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I bring to the attention of my colleagues in the House a historical event of my community which will occur in March of this year. March will mark the 200th anniversary month of the founding of Mission San Buenaventura by Fray Junipero Serra in 1782.

To commemorate this historic occasion, the city of Ventura, in cooperation with the San Buenaventura Mission Bicentennial Committee, the city of Ventura Recreation Department, the Ventura County Historical Museum, the Historic Preservation Commission, along with numerous other clubs, organizations and volunteers, has chosen March 27 and 28 as official days of celebration.

During the celebration, our community will offer special exhibits, displays, and demonstrations intended to authentically recreate the atmosphere of the original, frontier-mission days.

It is with great pride that I commend my community before the House and praise its citizens for their effort and dedication in making this celebration a success.●

TERRORISTS, COMMUNISTS, AND RADICAL INTELLECTUALS MANIPULATE THE ANTIKLAN ISSUE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. McDONALD. Mr. Speaker, totalitarian Marxist-Leninist groups traditionally seek to provoke confrontation and violence as a method for polarizing society, for destroying moderation, balance, harmony, and cooperation. The Communists attempt to break down society into conflicting, not cooperating groups based on age, race, national origin, sex, income, and virtually any other viable category. Their hope is that eventually, with sufficient agitation and pressure, our society will destroy itself in a revolutionary civil war.

To this end, Communist groups exacerbate grievances wherever they exist and seek to create them where they do not. Since 1975 when support for the Vietnamese Communists was dropped as the chief left priority, a number of Communist groups have commenced campaign of deliberate provocation of neo-Nazi sects and various Ku Klux Klan organizations.

Two years ago, I reported on the activities of the Communist Workers Party (CWP)—formerly called the Workers Vanguard Organization—in North Carolina. Eventually, on November 3, 1979, CWP provocation and "Death to the Klan" threats brought the predictable shootout in Greensboro, N.C., between the CWP and a group of neo-Nazis and klansmen. CWP members were armed with revolvers and pistols; their opponents had rifles and shotguns. Five CWP leaders were shot to death.

In death, the five have been far more valuable to the Communist

Workers Party than they were alive. The CWP has set up several front groups including the Greensboro Justice Fund and People United Against Government Repression, the Klan and Nazis (PUGRKN) for fundraising and to make contacts with other militant, revolutionary and terrorist organizations.

Within 3 months of the Greensboro shootout, most of the U.S. left had rallied to support the armed, violent CWP. Although the CWP's ideology is drawn from Mao Tse-tung, leaders of the Moscow-line Communist Party, U.S.A. (CPUSA) and its various fronts took leading roles in organizing propaganda support and legal aid for the CWP. Through the Southern Organizing Committee for Economic and Social Justice (SOCESJ) led by Anne Braden, and activists from the National Lawyers Guild (NLG), the CPUSA persuaded a number of civil rights movement groups to support the CWP defendants.

Late in 1980, two groups emerged from this shrill leftist propaganda smearing as "KKK" all conservatives. These are the National Anti-Klan Network (NAKN), led by CPUSA organizer Anne Braden, and CWP-controlled People United Group (PUGRKN).

The second annual conference of People United, held at the University of Maryland Baltimore Campus (UMBC), February 13-14, 1982, demonstrated working collaboration with the CWP from the Marxist think-tank, the Institute for Policy Studies (IPS), that provides support to many Soviet and Cuban-backed terrorist movements; members of the terrorist Weather Underground Organization (WUO) and its myriad fronts such as the John Brown Anti-Klan Committee (JBAKC); the terrorist Black Liberation Army (BLA); the Republic of New Africa (RNA); revolutionary prisoners; and documented CPUSA front groups and affiliates of Soviet-controlled international Communist fronts including the National Committee Against Repressive Legislation (NCARL), and the National Lawyers Guild (NLG).

Entitled "Government Repression and the Klan/Nazis in America Today: Origins and Strategies for Opposition," the conference attracted nearly 250 people who paid registration fees ranging from $5 (students/unemployed) to $15 (regular). The meeting was hosted by the UMBC Black Student Union and was cosponsored by the Baltimore City chapter of the NAACP.

Principal organizer of the event was Rene DuBose, a CWP activist serving as PUGRKN cochair and based in Washington, D.C. Assisting Miss DuBose with all matters of strategy and policy was Elliott Fradkin, an instructor at several local colleges.

Following welcoming statements by UMBC Black Student Union representatives, the conference was addressed by Dr. Emmett Burns, regional director of the NAACP. After describing his role in civil rights organizing in Mississippi in the 1960's, Burns called for the impeachment of President Reagan for his racist and antisocial programs.

The customary historical overview, entitled "The Relationship of Government between the Klan/Nazis," was provided in the afternoon keynote speech by Manning Marable, a leader of the Marxist National Black Independent Political Party (NBIPP) and member of the African Studies Department at Cornell.

With Rene DuBose acting as moderator, the keynote panel, the "Klan/Nazis Movement Today and How to Fight It," featured Anne Braden, a veteran of the Communist Party, U.S.A. (CPUSA), leader of the Southern Organizing Committee for Economic and Social Justice (SOCESJ), and coinitiator of the National Anti-Klan Network (NAKN), regional vice president (RVP) of the National Lawyers Guild (NLG); Brenda Joyner of the Feminist Women's Health Center; and Rev. Ken White of the Anti-Klan Task Force of the NAACP Caroline County chapter; and Ken Lawrence of the Covert Action Information Bulletin (CAIB) and member of the antirepression resource team.

Workshops and their slated leaders included:

What to do When the Klan Plans to Rally in Your Neighborhood—Rev. Ken White, NAACP Anti-Klan Task Force, Caroline County; Dale Sampson, Communist Workers Party (CWP) and "survivor of Greensboro Massacre;" and Jim Macnamara, founder of Those United Against Fascism (TUFF).

What to do When the Klan Plans to Rally in Your Neighborhood/How to Build Coalitions—Mr. Davis, Concerned Citizens of Greensboro, executive board, NAACP; Lewis Pitts, Christic Institute, attorney on Greensboro Civil Suit; Rene DuBose; TUFF representative.

Religious Community's Response to Klan/Nazis Violence—Rev. Nash, United Methodist Church Anti-Klan Task Force; Rev. Brooks, Concerned Citizens of Greensboro, Brenda Blum, editor, Voices of Resistance, a PUGRKN newsletter.

The Right Wing Attacks on Lesbian and Gay Rights—Frosty Grey, Feminist Women's Health Center.

Repressive Legislation: "Moral Agenda"—Human Life Amendment, Family Protection Act, Human Life Bill—Laura Murphy, American Civil Liberties Union (ACLU); Irene Revielle, Ad Hoc Family Protection Act Committee.

Curtailment of Civil Liberties: Freedom of Information Act; Intelligence Identities Protection Act; Blitz Amendment—Carolyn Kazdin, Political Rights Caucus chair for PUGRKN and its representative to the Campaign for Political Rights (CPR) [formerly the Campaign to Stop Government Spying.]; Dorothy "Dori" and Allen Blitz. The discussion focused on the "Blitz Amendment" attached by Rep. Dan Daniel to the Health and Human Services appropriation which became law on 12/15/81. The amendment denies CETA program funds to individuals who have "advocated the overthrow of the government in the last five years."

Dori Blitz, a public CWP cadre member, and her husband, a CWP sympathizer, participated in the November 3, 1979, Greensboro shootout. Dori Blitz, not as a CWP member but as the leader of a rank-and-file movement in a Teamsters local, was to have spoken at the rally. CWP Central Committee member Paul C. Bermanzohn, who was shot during the incident, wrote an account of shootout in which he said:

> I looked up and in the middle of all the gunfire stood Dori Blitz with a pistol, shooting * * * Later I learned her husband, Alan, also shot back. Both of them were charged with "felonious rioting," along with the rest of the Greensboro Six.

When they were fired, they were able to devote even more time to organizing for the CWP because they no longer had to work for a living—the U.S. taxpayers were footing the bill.

With the support of the National Committee Against Repressive Legislation (NCARL), CPR and the ACLU, workshop leaders outlined a pressure campaign that will be mounted on Congress against any future efforts to restrict Federal money to professional revolutionaries organizing to overthrow our government. They noted that the restriction is to expire on March 31.

Repressive Legislation: Attacks on Labor—Ross Eisenbrey, Law Project; Garris McFadden, president, Local 35, International Longshoremen's and Warehousemen's Union (ILWU); Rob Duncan, Committee to Defend the NASSCO Workers, a support group for three CWP members and supporters arrested in September 1980 and convicted last year of conspiring to sabotage a substation supplying electricity to a San Diego shipyard.

Fighting Racism on Campus—Manning Marable, African Studies Department, Cornell University; David Organ, Black Student Union, Johns Hopkins University; Ron Hantz, Black Student Organization, UMBC.

Meida's Responsibility in Reporting Right Wing Activities—Michael Parenti, Institute for Policy Studies (IPS).

Who Funds the Right?—Jim MacNamara, Citizens for Justice (founder of TUFF); Phyllis Jones, Common Capital Fund.

Political Prisoners: Freedom Fighters or Criminals—Alan Shulman, N.Y. Anti-Klan Network; Akil Al-Jundi, Attica Brother, New York 3 Freedom Campaign; Frank Khali Abney, "former political prisoner and one of the principal organizers against the Ku Klux Klan presence in the prisons of New York State;" Anne Shepard, one of the Wilmington 10.

International Connections of Neo-Fascist Groups in the U.S.—Lenny Zeskin, Sojourner Truth Organization (STO).

How Blacks and Jews Can Combat Rise of Anti-Semitic and Racist Violence—Lisa and Geronimo Buckman, New Jewish Agenda,

D.C.; Paul Bermazohn, CWP; and "special guest" Tema Bermazohn.

Current FBI and Grand Jury Harrassment of Political Activists—Linda Backiel, Grand Jury Project and NLG; Jim Cobens, CPR; Stewart Kwoh, attorney for Legal Alliance. A major focus of this workshop was the defense of the Weather Underground Organization (WUO) and Black Liberation Army (BLA) members charged with first degree murder and armed robbery in Nyack.

Discussion utilized materials from the International Committee to Free Richard "Dhoruba" Moore, c/o Fink and Eustis, 383 Pearl Street, Brooklyn, N.Y. 11201; the WUO's Coalition to Defend the October 20th Freedom Fighters, P.O. Box 254, Stuyvesant Station, New York, N.Y. 10009; the WUO's John Brown Anti-Klan Committee (JBAKC), Washington, D.C., and Chicago chapters; Committee to Honor New Afrikan Freedom Fighters (CHNAFF); and the PUGRKN newsletter, Voices of Resistance, that featured an article by CWP activist Dale Sampson attacking the Nyack grand jury investigations as a witchhunt.

Sampson wrote:

> The real terrorists here are clearly the U.S. government and their agents. For this member of People United, who's husband was killed in Greensboro by the Klan, Nazis and government agents, this appears like one more step to the government setting up their repressive apparatus.

I would note that during the inauguration of President Reagan, the terrorist Weather Underground Organization, marching as the JBAKC, demonstrated outside the Department of Justice. In the crowd were Judy Clark, one of the Nyack murder and robbery defendants; Eve Rosahn, whose own car was used as one of the getaway vehicles at Nyack; and Federal fugitive Marilyn Buck of the Black Liberation Army. Buck was carrying a placard reading, "FBI—the real terrorists."

Others names in the program as featured workshop leaders included Dr. Michio Kaku, antinuclear activist; Chris Williams, northeast RVP, NLG; Julian Bond, Georgia State senator; Mrs. Enolia MacMillan, president, Baltimore City NAACP; Charles Stewart, press officer, NAACP; and David Organ, Black Student Union, Johns Hopkins University.

Militant PUGRKN speakers continually suggested that the only really effective way to cope with the Klan and the right wing which they extended to include the agencies of the U.S. Government and the administration, was with armed violence. The intention of learning the lesson of Greensboro was plainly to mix better political organizing work with increased firepower.

It was apparent that the legal defense work in Greensboro and the armed violence in Nyack have developed a working relationship among the networks of supporters of the Black Liberation Army (BLA), Republic of New Africa (RNA) and Weather Underground Organization (WUO) with the CWP. Despite the CWP's ideological clinging to Mao Tse-tung, these support groups include several fronts controlled by the CPUSA and affiliates of international Soviet-controlled fronts. These U.S. groups include the National Committee Against Repressive Legislation (NCARL), the NLG and the National Conference of Black Lawyers (NCBL), both affiliates of the International Association of Democratic Lawyers (IADL).

While the strong influence of the CWP was evident in the workshops and in the showing of a film on the Greensboro gunbattle, "Red November, Black November," other violence-oriented revolutionary groups had representatives present in workshops and distributing literature. These included, in addition to the various terrorist groups mentioned earlier, the Revolutionary Communist Party (RCP); Workers World Party (WWP), the WWP's new front, the All-People's Congress (APC); and a support group for a California prison gang, the Coalition to Support Black August, of Oakland, Calif.

Among the groups endorsing the PUGRKN conference were:

Communist Workers Party (CWP).
New American Movement (NAM), Baltimore.
International Socialist Organization (ISO).
Revolutionary Socialist League (RSL).
Workers World Party (WWP).
Progressive Student Union, Johns Hopkins University (JHU).
Radical Union, UMBC.
Black Student Unions of UMBC and JHU.
National Lawyers Guild (NLG), Baltimore and Columbus chapters.
New Jewish Agenda (NJA), Baltimore and District of Columbia chapters.
Chutzpah, Chicago.
National Anti-Klan Network (NAKN), New York and D.C. chapters.
Those United to Fight Fascism (TUFF), Columbus, Ohio, Charlotte, N.C.; and Pittsburgh chapters.
D.C. Feminist Alliance.
Feminist Women's Health Center, Tallahassee.
Jonah House/Phillip Berrigan, Baltimore.
RAP, Inc.●

U.S. TAX COURT RULES ON ACCRUAL ACCOUNTING OF RECLAMATION EXPENSES

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, on October 22, I introduced with Representatives MURPHY, GAYDOS, and MURTHA the Mining Reclamation Reserve Act of 1981, H.R. 4815.

The intent of our bill is to clarify existing law and eliminate the confusion about whether an accrual-basis taxpayer is entitled to take current deductions for the estimated future expenses of complying with the surface mining reclamation requirements of both Federal and State law. Previous court holdings in Denise Coal Company against Commissioner and Harrold against Commissioner started to settle this question. However, in 1978, an Internal Revenue Service letter ruling (LTR 7831003) disallowing an expense deduction for future reclamation costs again raised the question and confused the direction of future rulings for surface mining operators.

In particular, the questions raised by these conflicting rulings evolve around whether a surface mining operator has incurred a reclamation expense liability when he conducts surface mining operations that are regulated by Federal and State reclamation laws which require restoration of the surface following specific plans. Second, if such a liability is incurred, the IRS may question whether the expenses of reclamation can be estimated with reasonable accuracy. If a liability has been incurred and can be estimated with reasonable accuracy, a deduction is allowed in a current tax year; otherwise, the deduction may not be allowed until after the reclamation activities have been completed.

Our bill answers these questions. We have addressed the first question by stating that a liability is incurred by an operator as mineral is mined if, in the course of applying for a surface mining permit, he filed a qualified reclamation plan pursuant to the Surface Mining Control and Reclamation Act of 1977 or a State law imposing substantially similar reclamation requirements. With respect to the question of the accuracy of estimated future expenses, we believe that the required plan itself includes factors that bear on the reasonableness and accuracy of the estimated reclamation expenses. In particular, plans submitted under section 508 of the Surface Mining Control and Reclamation Act include items such as geological and engineering reports that clearly delineate the extent of future reclamation and thus the extent of the liability incurred.

While our bill gives direction for mining operators who use accrual accounting, I am pleased to note that a recent U.S. Tax Court ruling lends support to our interpretation of the issues and how they should be resolved. In Ohio River Collieries against Commissioner, the court ruled that an accrual-method operator engaged in the strip mining of coal could deduct his reclamation costs when the surface was stripped. The court said that a liability did exist inasmuch as Ohio had enacted a comprehensive reclamation statute that required the State to approve a reclamation plan

before issuing a strip mining license and the operator to deposit a surety bond to the State in the event he failed to perform his reclamation duties. The parties to this case stipulated that the estimated expenses of fulfilling the reclamation plan were determined with reasonable accuracy. Thus, the question for the court was whether the operator could deduct the reasonable estimate of the cost of reclamation in the year in which the duty to reclaim first arose. The court ruled that the operator could.

The importance of this ruling is that the court recognized the claim that a liability was incurred when the operator disturbed the overburden. Once the liability was incurred, the court stated that it could be deducted as a business expense in that year. The court did not interpret the "all the events" test of the income tax regulations to mean that all reclamation activities had to be completed before the deduction could be taken.

Since the court found it unnecessary to rule on the accuracy of the future reclamation expense, I am encouraged to note that the Internal Revenue Service apparently accepted the reclamation plan required under Ohio law as sufficiently detailed to settle this question. In our bill, we adopt a similar approach as did the parties to this case. We believe the requirements imposed by section 508 of the Surface Mining Control and Reclamation Act or any State law imposing substantially similar requirements are sufficiently detailed to answer any question about the reasonable accuracy of the future reclamation expenses.

Since this Tax Court decision is important in addressing some of the same issues as H.R. 4815, I have included it with my remarks today:

[U.S. Tax Court, 77 T.C. No. 103]

OHIO RIVER COLLIERIES COMPANY, PETITIONER v. COMMISSIONER OF INTERNAL REVENUE, RESPONDENT

DOCKET NO. 13483-78, FILED DECEMBER 31, 1981

Petitioner, a taxpayer using the accrual method of accounting, is engaged in strip-mining coal in Ohio. Under the law of that State, strip-miners are required, inter alia, to file a reclamation plan accompanied by a surety bond equal to the total estimated reclamation cost. The parties agree that petitioner's estimate of the cost of reclamation work required by the reclamation law, but not accomplished as of the close of the taxable year in question, was computed with reasonable accuracy. *Held,* petitioner may deduct its accrued reclamation costs for the taxable year in question since as of the close of the year all the events had occurred which determined the fact of liability and the amount thereof could be and was determined with reasonable accuracy. Section 1.461-1(a)(2), Income Tax Regs., applied. To the extent inconsistent herewith, *Harrold v. Commissioner,* 16 T.C. 134 (1951), revd. 192 F.2d 1002 (4th Cir. 1951), will no longer be followed.

Robert E. Glaser, E. Morgan Maxwell III and *William W. Wehr,* for the petitioner.

Jack E. Prestrud, for the respondent.

OPINION

NIMS, *Judge*: Respondent determined deficiencies in petitioner's income tax for the tax year ending June 30, 1975, in the amount of $112,515.67. Petitioner claims an overpayment of income tax in the amount of $85,166.80 for such year.

Due to concessions by the petitioner the only issue remaining for decision is whether petitioner, an accural basis taxpayer, may deduct the reasonably estimated expenses necessary to satisfy its obligation under Ohio law to reclaim strip-mined land in the year it incurred the obligation.

The facts of this case are fully stipulated. The stipulation and its attached exhibits are incorporated herein by reference.

Petitioner, an Ohio corporation, maintained its principal office in Bannock, Ohio, at the time the petition in this case was filed.

Petitioner, at all relevant times, was an accrual basis taxpayer. It regularly kept its records using the accrual method of accounting.

Ohio River Collieries Company (hereinafter "petitioner") strip-mined coal exclusively in Ohio. Strip-mining involves the removal of topsoil and the overburden from above the coal seam, followed by removal and sale of the coal and reclamation of the affected area.

In April, 1972, Ohio enacted a comprehensive reclamation statute which regulated the strip-mining of coal during the tax year before us.[1] Operators needed a strip-mining license before they could strip-mine coal. The State issued a license only after it approved a plan for mining and reclamation and after the operator deposited a surety bond payable to the State if the operator failed to perform (inter alia) its reclamation duties.

The Ohio law details requirements for refilling, grading, resoiling and planting mined areas. These activities, except plantings, had to be completed within 12 months after mining ceased. Reclamation also was required as mining progressed whenever possible. Planting has to occur in the next appropriate season following completion of refilling, grading and resoiling. Status reports by the operator and periodic inspections by the State monitored compliance.

The operator's bond was for payment of an amount of money equal to the estimated cost to the State to perform the reclamation required by the statute. The bond would not be released until the State was satisfied that the operator had fulfilled its reclamation duties.

If an operator failed to perform any of its reclamation obligations the State reclaimed the land and satisfied its costs from the fund created by the bond. If the costs exceeded the funds available from the bond then the operator was personally liable for the amount of money required to complete the reclamation.

Operators violating the Ohio reclamation law also faced potential civil and criminal penalties.

Ohio has required full compliance with the law at all times since the statute's enactment.

Petitioner performed its reclamation duties within the time required by the law. Petitioner did substantially all of the reclamation work itself.

The petitioner's estimate of the cost of reclamation work required by the reclamation law, but not accomplished as of June 30, 1974, was $150,527.86. The petitioner's estimate of the cost of reclamation work required by the reclamation law, but not accomplished as of June 30, 1975, was $397,883.00. The parties stipulate that these estimates were determined with reasonable accuracy.

All of the reclamation work required by Ohio law, but not accomplished as of June 30, 1974, was completed by petitioner during the fiscal year ended June 30, 1975. Consequently, the estimate for work not accomplished as of June 30, 1975 is the unfinished reclamation obligation arising from the stripmining which occurred during the tax year ended June 30, 1975.

Petitioner accrued on its books and claimed as a deduction for federal income tax purposes the estimated cost of reclamation work required by Ohio law but not accomplished as of the end of the pertinent fiscal years ended June 30, 1973, June 30, 1974 and June 30, 1975. Respondent disallowed the deduction for the tax year ended June 30, 1975.

The question presented to us is whether petitioner, an accrual basis taxpayer, may accrue and deduct as a section 162[2] business expense the reasonable estimate of the cost of fulfilling the reclamation obligation in the year in which the duty to reclaim arose.[3] The parties agree that application of the "all of the events" test contained in section 1.461-1 (a)(2), Income Tax Regs., determines the result in this case.[3a] The dispute concerns the interpretation of that test.

Section 461(a) states the general rule that a taxpayer is allowed a deduction in "the taxable year which is the proper taxable year under the method of accounting used in computing taxable income," and the regulations elaborate on this general provision. For accrual basis taxpayers, such as petitioner, section 1.461-1(a)(2), *supra,* provides in part as follows:

"Under an accrual method of accounting, an expense is deductible for the taxable year in which all the events have occurred which determine the fact of the liability and the amount thereof can be determined with reasonable accuracy. * * * While no accrual shall be made in any case in which all of the events have not occurred which fix the liability, the fact that the exact amount of the liability which has been incurred cannot be determined will not prevent the accrual within the taxable year of such part thereof as can be computed with reasonable accuracy."

The "all of the events" test appearing in the quoted portion of the regulations was first enunciated in *United States v. Anderson,* 269 U.S. 422 (1926), wherein the Supreme Court stated (pp. 440-441):

"Only a word need be said with reference to the contention that the tax upon munitions manufactured and sold in 1916 did not accrue until 1917. In a technical legal sense it may be argued that a tax does not accrue unitl it has been assessed and becomes due; but it is also true that in advance of the assessment of a tax, all the events may occur

[1] Ohio Rev. Code Ann. ch. 1513 (Page 1978).

[2] Unless otherwise indicated, all section references are to the Internal Revenue Code of 1954 in effect for the year in question.

[3] The parties agree that the reclamation costs are properly deductible as a business expense. The controversy concerns only the year in which petitioner may take the deduction.

[3a] Respondent does not argue that petitioner's accounting method does not clearly reflect income. See section 446(b).

which fix the amount of the tax and determine the liability of the taxpayer to pay it. In this respect, for purposes of accounting and of ascertaining true income for a given accounting period, the munitions tax here in question did not stand on any different footing than other accrued expenses appearing on appellee's books. * * *"

It is apparent from the *Anderson* holding and from the principles set forth in the regulations that petitioner must satisfy two requirements before it properly may deduct the accrued reclamation expenses during the tax year ended June 30, 1975:

(1) All of the events which determine petitioner's reclamation liability must have occurred before the end of the tax year in issue. *World Airways, Inc.* v. *Commissioner,* 62 T.C. 786, 797 (1974); *Thriftimart, Inc.* v. *Commissioner,* 59 T.C. 598, 611-613 (1973); *Oberman Manufacturing Co.* v. *Commissioner,* 47 T.C. 471, 477 (1967). This requirement prevents the deduction of an expenditure that might never be made. *World Airways, Inc.* v. *Commissioner, supra* at 802; *Money Aircraft, Inc.* v. *United States,* 420 F.2d 400, 406 (5th Cir. 1969).

(2) Petitioner must have been able to estimate with reasonable accuracy during the tax year ended June 30, 1975, the amount of the reclamation expenditure to be made in subsequent years. *World Airways, Inc.* v. *Commissioner, supra* at 797, 805; see also *Crescent Wharf & Warehouse Co.* v. *Commissioner,* 59 T.C. 751, 759-760 (1973), revd. on another point 518 F.2d 772 (9th Cir. 1975). This requirement provides an element of certainty, although it is not essential that the precise amount of the expenditure be definitely ascertained. *Peoples Bank & Trust Co.* v. *Commissioner,* 50 T.C. 750, 755 (1968); see also *Brown* v. *Helvering,* 291 U.S. 193 (1934), *Harrold* v. *Commissioner,* 192 F.2d 1002, 1006 (4th Cir. 1951). The failure to satisfy either requirement of the foregoing two-step test would be fatal to petitioner's claim. *Southern Pacific Transportation Co.* v. *Commissioner,* 75 T.C. 497, 634 (1980) (Issue (bbb)).

Since the parties have stipulated that the petitioner's estimate of the cost of reclamation work required by the Ohio reclamation law as of June 30, 1975, was determined with reasonable accuracy, part two of the regulation's two-step test is satisfied. This fact therefore distinguishes this case from such prior decisions of this Court as *Denise Coal Company* v. *Commissioner,* 29 T.C. 528 (1957), revd. 271 F.2d 930 (3rd Cir. 1959); *Vincent* v. *Commissioner,* 19 T.C. 501 (1952), affd. sub nom. *Commissioner* v. *Gregory Run Coal Co.,* 212 F.2d 52 (4th Cir. 1954); *Patsch* v. *Commissioner,* 19 T.C. 189 (1952), affd. 208 F.2d 532 (3rd Cir. 1953); where, in each instance, we held that the amount of reclamation expenditures after strip-mining were not susceptible of computation with reasonable accuracy as of the close of the year. For example, in *Patsch* we found that the facts there "cast grave doubt on the reasonableness of the estimates on which the reserves were based, and on the partnershp's ability to estimate in the taxable years with reasonable accuracy the cost of backfilling the mined areas." 19 T.C. at 199.

In *Denise Coal Company,* the evidence showed that the "cost of restoring each acre or tract varied greatly," and we found that "there has been no showing to our satisfaction that the amounts estimated were reasonably accurate." 29 T.C. at 549. As stated, this is not our case.

We think it is essential to focus on the fact that the tax accounting problem confronting us results from two separate and distinct events: the *strip-mining* itself, which created this liability, and the *reclamation,* which created the cost. It is this factual distinctiveness which makes the problem unusual. In *Southern Pacific, supra,* for example, we were dealing with a unified "event"; i.e., the proper year for deducting accrued vacation pay; here, the factual setting is bifurcated.

It may readily be seen, however, that having stipulated that reclamation costs were reasonably estimated, respondent has substantially circumscribed his area of maneuverability. By making this stipulation, respondent is precluded from arguing that events occurring in the succeeding year or years might substantially alter the cost of the reclamation. Apparently, fully accepting this constriction, he focuses his argument instead on petitioner's "Liability to pay." Respondent's position is stated in the following manner in his brief: "It is respondent's position that this taxpayer's statutory duty to reclaim did not create any *liability to pay* and that the deduction claimed is therefore not allowable. Rather, the expense of reclamation will be deductible only when, as and if the reclamation is performed." (Emphasis in brief.)

Respondent's liability-to-pay approach is, in actuality, an argument that the reclamation expenses are deductible only when, as and if the reclamation is performed, as above-quoted from his brief. Such an argument, however, flies in the face of the reality of the Ohio law, which requires the strip-miner to estimate his reclamation cost and post a surety bond to cover it. Accordingly, once these two acts have been performed followed by a third, the intended strip-mining, the liability becomes certain. Either the strip-miner performs the reclamation or he forfeits the bond. There is nothing whatever in this record to support respondent's argument that petitioner might do neither.

We think that this case presents a question similar to the issue addressed in *Lukens Steel Company* v. *Commissioner,* 52 T.C. 764 (1969), affd. 442 F.2d 1131 (3rd Cir. 1971).[4] In that case the taxpayer agreed to make certain payments to a trust fund under a supplemental unemployment-benefit plan in accordance with a collective bargaining agreement. The taxpayer's total liability to the trust for a year was fixed as to existence and amount by reference to events which occurred during that year, with the ultimate payment of part of this amount to the trust being uncertain as to time but reasonably certain in fact. Although there was uncertainty during the tax years with regard to the ultimate recipients of the benefits and the time of the payments from the taxpayer to the trust and from the trust to the ultimate recipients, we held that the taxpayer was entitled to accrue and to deduct the amount representing its liability to pay in the future to the trust.

In the *Lukens Steel* case, as in this case, the taxpayer became obligated in the tax year to pay an amount of money in the future. In that case, as in this case, the ultimate recipient of the payment and the timing of the payment were unknown. Respondent, in both cases, would deny the accrual and deduction until the year in which the taxpayer is obligated to pay cash immediately to an identified person. Rev. Rul. 76-345, 1976-2 C.B. 134; Rev. Rul. 72-34, 1972-1 C.B. 132. In *Luken Steel* we held that the all-events test was satisfied by "a liability fixed as to existence and amount by reference to facts existing during the taxable years with its ultimate payment reasonably certain in fact but indeterminate during the years of accrual with regard to the ultimate recipients' exact shares of the accrued amounts and with regard to the times of actual payouts * * *" [52 T.C. at 785-786.]

The same rule properly applies in this case. During the tax year, petitioner's obligation to reclaim, and thus its liability to pay reclamation expenditures, was fixed by the fact of strip-mining and, by concession of the parties, fixed as to amount. The fact that the recipients of petitioner's reclamation payments and the relative portions that they would receive were not identified in the tax year is irrelevant. Petitioner need not wait until the reclamation work is done before it can accrue and deduct the anticipated reclamation expenses where, as here, the events fixing the fact of liability to pay these expenses occurred during the tax year.

A decision for petitioner in this case requires us to confront and deal with an earlier decision of this Court, which reached an opposite result: *Harrold* v. *Commissioner,* 16 T.C. 134 (1951), revd. 192 F. 2d 1002 (4th Cir. 1951). The *Harrold* case dealt with the deductibility of a partnership's reclamation costs under the West Virginia strip-mining law. At the end of 1945, the year in question, the partnership estimated and accrued on its books as a liability the sum of $31,090 as the cost of backfilling the strip-mined area, which we found to be "in accord with sound accounting practices." The taxpayers argued that they were under contractual and statutory liability, during the taxable year when mining, to backfill or replace the surface of the property mined, and had executed bond to the State to guarantee performance. Therefore, in order correctly to reflect true income they could and should deduct in the taxable year the aforementioned estimated cost. Finding for the Commissioner, we held that a general obligation, such as to renovate, or restore, property, is not such a liability as to be the basis for deducting a reserve based upon an estimate of the future cost of such work. 16 T.C. at 139. See also *Spencer, White & Prentis, Inc.* v. *Commissioner,* 144 F. 2d 45 (2nd Cir. 1944), affg. a Memorandum Opinion of this Court.

The Fourth Circuit Court of Appeals reversed our holding in *Harrold,* holding that "when all the facts have occurred which determine that the taxpayer has incurred a liability in the tax year, and neither the fact nor the amount of the liability is contested, and the amount, although not definitely ascertained, is susceptible of estimate with reasonable accuracy in the tax year, deduction thereof from income may be taken by a taxpayer on an accrual basis." *Harrold* v. *Commissioner,* 192 F.2d 1002, 1006 (4th Cir. 1951), revg. 16 T.C. 134 (1951).

In its opinion, the Circuit Court in *Harrold* also stated that "we think that the ability to make an approximate estimate should be the determining factor in each case, rather than the literal application of the formula that an asset or a liability may not be accrued in any taxable year *prior to its liquidation* * * *." (Emphasis added.) We agree with the Circuit Court's opinion that the liability may be accrued prior to its liquidation; *provided,* as here, the reasonable accuracy test of the regulation is fully met. Where the test is met, we reject respond-

[4] We reaffirmed the *Lukens Steel* decision in *Reynolds Metals Co.* v. *Commissioner,* 68 T.C. 943 (1977). See also *Washington Post Company* v. *United States,* 186 Ct. Cl. 528, 405 F.2d. 1279 (1969).

ent's "liability to pay" limitation on the regulation.

One of the issues in *Denise Coal Company v. Commissioner, supra,* involved the taxpayer's accrued reclamation expenses under the Pennsylvania Bituminous Coal Open Pit Mining Conservation Act of 1945. We there held for the Commissioner, partly following our *Harrold* decision, but also because the taxpayer failed to show that the estimated costs were reasonably accurate. This latter fact, in our opinion, distinguishes *Denise Coal* from the case before us. Our decision on the reclamation cost issue was reversed, however, by the Third Circuit Court of Appeals, partly on the basis of that Court's conclusion that the expenses were reasonably estimated, but also on the basis that "[t]he taxpayer on an accrual system of accounting will not have his books 'clearly reflect' the state of his income if he does not make such a reserve * * *."[5] The Court further stated that *Denise Coal* is like *Harrold, supra,* and unlike *Patsch, supra. Denise Coal Company* v. *Commissioner,* 271 F.2d 930 (3rd Cir. 1959), revg. 29 T.C. 528 (1957).

In a case involving the deductibility of the accrued costs of completing a manufacturing contract, the Sixth Circuit Court of Appeals (the Court to which an appeal in this case would lie), relied upon the Fourth Circuit's decision in *Harrold, supra,* in holding that "[t]he fact that the accrued liability was based upon an estimate of costs does not * * * defeat deductibility." *Hilinski* v. *Commissioner,* 237 F.2d 703 (6th Cir. 1956), revg. a Memorandum Opinion of this Court.

In summary, we hold that petitioner has satisfied both facets of the all-events test of section 1.461-1(a)(2) of the Income Tax Regulations. Accordingly, we hold for petitioner. To the extent that *Harrold* v. *Commissioner, supra,* is inconsistent with this opinion, it will no longer be followed. We will continue to adhere to our decision in *Denise Coal,* however, in those cases where we find that accrued costs are not susceptible of reasonable estimation. Furthermore, we deem it necessary to stress that the potential for abuse makes it essential that the all-events test of the regulations continues to be strictly construed in future cases of this nature before this Court, and that such cases are not viewed as occasions to judicially "reenact" the section 462 that the Congress repealed in 1955.

Decision will be entered under Rule 155.

Reviewed by the Court.●

[5] As indicated in footnote 3a, the question of whether petitioner's books clearly reflect income, as required by section 446(b), is not an issue in this case.

AFGHANISTAN DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 1982

● Mr. LAGOMARSINO. Mr. Speaker, I wish to commend the efforts of the gentleman from Washington, Mr. PRITCHARD, and the gentleman from Pennsylvania, Mr. RITTER, for their initiative in keeping the plight of the Afghan people before this body and before the eyes of the American people.

With so much attention focused on El Salvador in recent weeks, many do not remember or care to acknowledge the real threat to peace in the world: the Soviet Union. The overt invasion of Afghanistan 2 years ago in December and the severe crackdown in Poland this past December are clear examples of the Soviet willingness to use force and repression to achieve its objectives in the world.

The people of Afghanistan have demonstrated that their devotion to freedom cannot be wiped out by the occupation of their country. Their continued resistance to Soviet domination is an inspiration to the free peoples of the world, and designating March 21 as "Afghanistan Day" is a symbolic expression of our joining with the Afghan people to denounce Soviet aggression.

My past support for administration initiatives in reaction to the Soviet invasion of Afghanistan has not diminished with the passage of time. I joined Congressman DERWINSKI in cosponsoring his resolution last December, House Concurrent Resolution 157, which expresses the determination of Congress to support the right of all people to independence and autonomy, especially in the case of Afghanistan, that resolution and other forms of support for the Afghan people are worthy objectives demanding our continued energy and attention.

The continuing Soviet occupation of Afghanistan and the clear evidence of flagrant violations of human rights and international conventions cannot be accepted as an accomplished fact. The evidence of Soviet biological and chemical warfare cannot be overlooked in the evaluation of Soviet actions in Afghanistan. We deplore the Soviets use of such weapons and denounce their inhumane treatment of the Afghan people.

As we commemorate the continuing struggle of the Afghan freedom fighters and all people who are resisting Soviet oppression throughout the world, we restate our basic beliefs of liberty and justice for all men.

Again, I commend the sponsors of this resolution and urge the strong support of my colleagues for "Afghanistan Day" as a message to the Afghan people that they are not forgotten, but represent the spirit of all those who seek freedom.●

SENATE—*March 1, 1982*

(Legislative day of Monday, February 22, 1982)

The Senate met at 11 a.m., on the expiration of the recess and was called to order by the Honorable DAVID DURENBERGER, a Senator from the State of Minnesota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

"God of our fathers, whose almighty hand
Leads forth in beauty all the starry band
Of shining worlds in splendor through the skies,
And grateful songs before Thy throne arise.
Thy love divine hath led us in the past;
In this free land by Thee our lot is cast;
Be Thou our Ruler, Guardian, Guide and Stay,
Thy word our law; Thy paths our chosen way."

God of our Fathers, as we honor the Constitution, seeking to understand it and conform to it; so may we honor and emulate the faith of our fathers which generated our form of government. Help us to see that our national heritage is not an accident but intrinsically connected to that faith as fruit to root; and to abandon the Judeo-Christian root is inevitably to sacrifice the fruit.

Lord God, help us to see in these times as often in the past, that the way out of national difficulty is the way of repentence, faith, prayer, and obedience. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 1, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID DURENBERGER, a Senator from the State of Minnesota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. DURENBERGER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AND DAUGHTERS WITH CURLS

Mr. BAKER. Mr. President, I ask unanimous consent that "And Daughters With Curls," a poem by Wallace Stevens, be printed in the RECORD. The pleasure of reading heartens the agony of writing.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

AND DAUGHTERS WITH CURLS

Portentous enunciation, syllable
To blessed syllable affined, and sound
Bubbling felicity in cantilene,
Prolific and tormenting tenderness
Of music, as it comes to unison,
Forgather and bell boldly Crispin's last
Deduction. Thrum with a proud douceur
His grand pronunciamento and divise.
The chits came for his jigging, bluet-eyed,
Hands without touch yet touching poignantly,
Leaving no room upon his cloudy knee,
Prophetic joint, for its diviner young.
The return to social nature, once begun,
Anabasis or slump, ascent or chute,
Involved him in midwifery so dense
His cabin counted as phylactery,
Then place of vexing palankeens, then haunt
Of children nibbling at the sugared void,
Infants yet eminently old, then dome
And halidom for the unbraided femes,
Green crammers of the green fruits of the world,
Bidders and biders for its ecstasies,
True daughters both of Crispin and his clay.
All this with many mulctings of the man,
Effective colonizer sharply stopped
In the door-yard by his own capacious bloom.
But that this bloom grown riper, showing nibs
Of its eventual roundness, puerile tints
Of spiced and weathery rouges, should complex
The stopper to indulgent fatalist
Was unforeseen. First Crispin smiled upon
His goldenest démoiselle, inhabitant,
She seemed, of a country of the capuchins,
So delicately blushed, so humbly eyed,
Attentive to a coronal of things
Secret and singular. Second, upon
A second similar counterpart, a maid
Most sisterly to the first, not yet awake
Excepting to the motherly footstep, but
Marvelling sometimes at the shaken sleep.
Then third, a thing still flaxen in the light,
A creeper under jaunty leaves. And fourth,
Mere blusteriness that gewgaws jollified,
All din and gobble, blasphemously pink.
A few years more and the vermeil capuchin
Gave to the cabin, lordlier than it was,
The dulcet omen fit for such a house.
The second sister dallying was shy
To fetch the one full-pinioned one himself
Out of her botches, hot embosomer.
The third one gaping at the orioles
Lettered herself demurely as became
A pearly poetess, peaked for rhapsody.
The fourth, pent now, a digit curious.
Four daughters in a world too intricate
In the beginning, four blithe instruments
Of differing struts, four voices several
In couch, four more persons, intimate
As buffo, yet divers four mirrors blue
That should be silver, four accustomed seeds
Hinting incredible hues, four selfsame lights
That spread chromatics in hilarious dark,
Four questioners and four sure answerers.

Crispin concocted doctrine from the rout.
The world, a turnip once so readily plucked,
Sacked up and carried overseas, daubed out
Of its ancient purple, pruned to the fertile main,
And sown again by the stiffest realist,
Came reproduced in purple, family font,
The same insoluble lump. The fatalist
Stepped in and dropped the chuckling down his craw,
Without grace or grumble. Score this anecdote
Invented for its pith, not doctrinal
In form though in design, as Crispin willed,
Disguised pronunciamento, summary,
Autumn's compendium, strident in itself
But muted, mused, and perfectly revolved
In those portentous accents, syllables,
And sounds of music coming to accord
Upon his law, like their inherent sphere,
Seraphic proclamations of the pure
Delivered with a deluging onwardness.
Or if the music sticks, if the anecdote
Is false, if Crispin is a profitless
Philosopher, beginning with green brag,
Concluding fadedly, if as a man
Prone to distemper he abates in taste,
Fickle and fumbling, variable, obscure,
Glozing his life with after-shining flicks,
Illuminating, from a fancy gorged
By apparition, plain and common things,
Sequestering the fluster from the year,
Making gulped potions from obstreperous drops,
And so distorting, proving what he proves
Is nothing, what can all this matter since
The relation comes, benignly, to its end?
So may the relation of each man be clipped.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

SENATE SCHEDULE

TODAY

Mr. BAKER. Mr. President, is there an order for the transaction of routine morning business today?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BAKER. Am I correct also in saying that the period for routine morning business is to follow the recognition of the Senator from Mississippi (Mr. COCHRAN) under a special order and will be 20 minutes in length, in which Senators may speak for not more than 5 minutes?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BAKER. After the transaction of routine morning business as required, Mr. President, or the expiration of time provided for that purpose, the Senate will resume consideration of S. 391, the agent identities bill. I believe the Chafee amendment is the pending amendment. It is my hope that we could conclude the general debate on the measure and reach third reading. A vote on that bill or in relation to it or on any amendment or motion in respect to the bill will be put over until tomorrow under the order previously entered.

Is that correct?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

Mr. BAKER. I thank the Chair.

Mr. President, I do not expect that today will be a late day, that we will, indeed, continue the business of the Senate until approximately 6 o'clock as that may be required.

TUESDAY

Mr. BAKER. On tomorrow, Mr. President, certain votes are ordered to occur. Would the Chair please recite now the order for votes and their sequence on Tuesday?

The ACTING PRESIDENT pro tempore. The Senate will suspend.

Mr. BAKER. Mr. President, I observe that that order may not be immediately available. I believe there is an order that any votes that may be ordered on the agent identities bill today will be put over until tomorrow; that also there will be votes in respect to the Department of Justice authorizations bill on tomorrow; and that a sequence has been arranged for those things. After those numbers are generated by the Parliamentarian, I shall make a further announcement as to the business of the Senate on Tuesday.

WEDNESDAY AND THURSDAY

Mr. BAKER. Mr. President, on Wednesday, it has been previously announced, the Senate will convene at 10:30 a.m. and I believe there is an order for the Senate to convene at 10:30 a.m. on Wednesday and Thursday of next week.

The ACTING PRESIDENT pro tempore. The leader is correct with regard to Wednesday and Thursday.

Mr. BAKER. I thank the Chair.

Mr. President, on Wednesday, I had previously announced, we would begin consideration of the Williams resolution, so-called, at 12:30 p.m., commencing with a quorum call, and that committees would not be permitted to meet because of the intention of the leadership to interpose an objection to their meeting past the first 2 hours of the session. I had previously indicated that I have requested those committees which have an exemption—that is to say, the Appropriations Committee and the Budget Committee—to forgo their opportunity to meet beyond the first 2 hours of the session during the consideration of the Williams resolution.

Senators should take notice of what I am about to say and I shall ask the distinguished Republican whip to send a letter today to Members announcing this change in schedule. It is a minor change, but for a number of reasons which appear entirely valid, the quorum call to precede the debate on the Williams resolution will begin at 1:30 on Wednesday instead of 12:30, with the hope and expectation that a quorum can be assembled and the debate on the Williams resolution can commence at 2 o'clock on Wednesday. That is Wednesday only.

On Thursday, the Senate will convene at 10:30 a.m. It will be the intention of the leadership to ask the Senate to resume consideration of the Williams resolution at 12:30, at which time there will be a quorum call, expected to go live, with the hope that a quorum can be assembled by 1 o'clock and that debate can begin at 1 o'clock on Thursday.

As previously indicated, Mr. President, the leadership does not expect to ask the Senate to debate the Williams resolution on Friday. There are health considerations involved and other matters that suggest that 2 days of debate on this measure, in this sequence, and at this time, is as far as we should go. It is entirely possible that there will not be a session of the Senate on Friday of this week.

If the Williams resolution has not been completed, then on Thursday evening, it would be the intention of the Senate to resume consideration of that measure on Monday—once again to convene the Senate at 10:30 a.m.; to have a live quorum at 12:30 p.m.; to hope that a quorum is assembled in order to begin the debate on the Williams resolution on Monday next, a week from today, at 1 o'clock if necessary.

After the disposition of the Williams matter, Mr. President, the television in the Senate resolution is the unfinished business that will automatically be heard.

Mr. President, I think no further announcement is necessary beyond that point. I now ask the Chair if he has information in respect to the sequence of the votes on tomorrow.

SEQUENCE OF VOTES TOMORROW

The ACTING PRESIDENT pro tempore. At 9:30 a.m., the Senate will resume consideration of S. 951. There will be 2 hours of debate, equally divided, on the Johnston amendment No. 1252. There will be a vote on amendment No. 1252, followed by a vote on the Heflin amendment No. 1235. No debate will be permitted and no other amendments will be in order.

Upon disposition of amendment No. 1235, the Senate will proceed to third reading and vote on the passage of S. 951. At 2 p.m., any rollcall votes ordered on S. 391 or other measures will take place.

Mr. BAKER. Mr. President, I thank the Chair.

If the Chair will indulge me just for a moment, I think I am prepared to yield the remainder of my time under the standing order to any Senator seeking recognition or to yield the remainder of the time to the control of the distinguished acting minority leader.

Mr. President, is there any time remaining under the standing order assigned to the majority leader?

The ACTING PRESIDENT pro tempore. There are 10 seconds remaining.

Mr. BAKER. Mr. President, that hardly seems worth yielding, and I am consumed with the temptation to use it myself. I, therefore, consume 10 seconds and yield the floor, under the necessity of time, under the previous order.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the acting minority leader is recognized.

Mr. CRANSTON. Mr. President, I do not believe anyone wants time on this side, so I am prepared to yield back the time reserved to the minority.

RECOGNITION OF SENATOR COCHRAN

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senator from Mississippi is recognized for a time not to exceed 15 minutes.

COMMODITY CREDIT CORPORATION

Mr. COCHRAN. Mr. President, a great deal of attention has been given lately to the activities of the Commodity Credit Corporation. Specifically, controversey has arisen over obligations on guaranteed loans to Poland and Romania.

As chairman of the Agriculture Appropriations Subcommittee, I wish to advise the Senate that hearings are scheduled to review the many questions that have been raised and to insure that default on loans by Eastern European countries will not have the effect of jeopardizing the payment of obligations to American farmers. The hearings will be held on March 17.

American agricultural exports totaled nearly $44 billion in 1981. The CCC plays a critical role in export financing as well as in providing the financing for farm programs.

I have written a letter to the Secretary of Agriculture to obtain information about the state of affairs at the Commodity Credit Corporation.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to Secretary Block.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C., February 25, 1982.

Hon. JOHN R. BLOCK,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I am writing to request information concerning the relationship of the Commodity Credit Corporation's export lending activities and assets to the problems of overdue payments to the U.S. Government and private banks for certain countries, particularly Poland and Romania.

During the recent Senate floor debate on the $5 billion emergency supplemental for CCC, I was confronted as manager of that bill with several questions and allegations with regard to the Polish debt. Most recently, the Romanian debt issue has raised new questions concerning the use and direction of CCC funds.

I am concerned that the current perceptions of CCC's export lending activities with regard to a few select countries not do irreparable damage to the important mission of CCC in promoting the export of U.S. agricultural commodities and carrying out the Nation's income and price support programs.

With appropriations hearings scheduled over the next several weeks, and in light of the current economic plight of the American farmer, I am especially interested in getting to the bottom of the CCC foreign debt payment issue.

To assist the Appropriations Committee in understanding CCC's involvement and exposure in these various loan arrangements, I would appreciate responses to the following requests for information by March 12, 1982.

1. Detail the legal authority under which CCC executes its export credit responsibilities.

2. Explain all CCC export lending obligations under law, contract, or other arrangements that expose the U.S. Government to financial liability to other nations, or banks lending to other nations.

3. Provide a detailed listing, country by country, of all direct and guaranteed loans currently on CCC's books. Include amounts loaned, repayment schedules, arrearages, dates issued, and third parties (e.g., banks) where appropriate.

4. Explain the general collection and repayment practices under the direct and the guaranteed loan programs.

5. With respect to guaranteed loans, explain CCC's role when a foreign nation is in arrears to the lending bank. What triggers CCC's payment as guarantor? Include reference to appropriate regulations, expecially with regard to a declaration or determination of default.

6. Explain the process within the Administration by which decisions are made with regard to CCC payments for overdue loans. How are other departments and agencies involved in that decision making?

7. Provide a breakdown of all CCC outlays for export credit and domestic price support programs for fiscal year 1982 and fiscal year 1983 to date.

8. Provide a schedule of any anticipated CCC payments to be made to banks holding loans to foreign countries. Include any anticipated CCC losses on direct loans under the export credit program.

9. How do payments made by CCC to banks holding foreign loans relate to the $5 billion emergency supplemental recently enacted by the Congress to reimburse the CCC for net realized losses?

10. In your budget request for fiscal year 1983, what, if any, funds requested will be used to make guaranteed loan payments to private lending institutions or reimbursements for direct loans.

11. Explain any direct or guaranteed loan activity planned for fiscal years 1982 and 1983.

Thank you for your assistance in providing the Committee this information

Sincerely,

THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development, and Related Agencies.

ORDER OF BUSINESS

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. LEVIN. Mr. President, I am happy to yield.

Mr. BAKER. Mr. President, is there not to be automatically a period for the transaction of routine morning business at this point?

The ACTING PRESIDENT pro tempore. Under the previous order, there is a provision for routine morning business, not to exceed 20 minutes, with statements therein limited to 5 minutes. The majority leader is correct.

Mr. BAKER. Mr. President, I inquire of the Senator from Michigan if he needs time in excess of the time allocated for the transaction of routine morning business.

Mr. LEVIN. Mr. President, I do appreciate the inquiry of the majority leader. I should like 10 minutes approximately.

Mr. BAKER. Mr. President, I ask unanimous consent that the distinguished Senator from Michigan may have 10 minutes, as if on special order, preceding the time for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Michigan is recognized.

A BUDGET BASED ON EQUITY AND SOUND ECONOMICS

Mr. LEVIN. Mr. President, after over a year of Reaganomics, what do we have? We have high unemployment, high-interest rates, and high deficits. To get us out of this bog, I am proposing today a budget plan which will reduce the exorbitant rate of growth in defense spending, repeal the oil tax giveaways which were part of last year's tax bill, cap the tax cuts available to the wealthiest individuals in our society, and reduce and delay the tax program for the rest of us.

We must take these steps because, under the Reagan program, we have a tax bill which gives oil tax breaks to companies already reaping benefits from oil decontrol. We have budgets cuts and a tax program which will result in a loss of $10.8 billion for the 31 percent of the population earning between $11,500 and $22,900, and a gain of $9.2 billion for the 6.5 percent of the population making in excess of $47,800. We have a budget plan which assures a deficit of $121 billion in fiscal year 1983, $129 billion in fiscal year 1984, and $140 billion in fiscal year 1985 according to the nonpartisan Congressional Budget Office. Indeed, the deficit for fiscal year 1985 would almost be $100 billion more than the budget deficit promised by the administration for fiscal year 1982 when it started its campaign against budget deficits. We have a defense budget which is ballooning out of control. And we have a tight money policy encouraged by the administration which has perpetuated record high-interest rates and produced record unemployment.

The President may be satisfied to "stick to his guns" with these economic policies in the hope that all will go according to the script with everyone riding into the sunset living happily ever after, but I cannot sit calmly in the audience while people in my State

and throughout the Nation are being driven into the ground. I have seen the fear and despair in the eyes of the people of Michigan as I walk down its streets. Bleak, Mr. President, bleak is the only way to describe the situation there. Interest rates are killing the auto industry, killing the housing industry, killing small business, killing farmers, and even killing the hope of the industrial revitalization and modernization which the administration had pledged to achieve.

The administration's budget for fiscal year 1983 offers no hope of reducing unemployment or lowering interest rates, I cannot accept this. That is why I am offering for the consideration of my colleagues the outline of an alternative budget. The overall goal is to reduce the deficit, reduce interest rates, reduce unemployment and pave the way for sustained economic growth. We must reduce the deficit because the Federal Reserve has made clear its intentions to keep a tight hold on the money supply in an effort to fight inflation and that it will not take steps to significantly loosen up the money supply until deficits are brought under control. Deficits of the magnitude that the administration is proposing will collide with the Fed's current tight money policy and, unless we do something, the result will be higher interest rates, a credit crunch, and certainly higher unemployment. The plan I am offering will produce a deficit of $32.6 billion below the administration's proposal for fiscal year 1983. For fiscal year 1984, while the Congressional Budget Office projects the deficit at $128.9 billion under the administration's plan, my plan would result in a $56.6 billion deficit. In fact, the deficit for fiscal year 1984 would be almost $10 billion less under my proposal which is based on CBO assumptions than would be the administration's projected fiscal year 1986 deficit which is based on "Stockmanized" assumptions. This plan includes several of the administration's recommendations but takes into consideration CBO's reestimates of how much these recommendations will actually save.

My alternative budget plan would allow for a responsbile increase in defense spending at 3 percent real growth. But it would cut back on the exorbitant increase in spending called for by the administration such as building B-1 bombers that cannot penetrate Russian airspace, or building an MX missile before we even know how it will be based, or building huge nuclear aircraft carriers that are immobile sitting ducks. My alternative budget would also modify the tax bill passed last year by removing excessive breaks for oil companies and reducing the disproportionate benefits it gave to wealthier individuals. It would do this by capping the scheduled July 1982 tax rate cuts so that married couples earning more than $45,800 do not receive a larger tax cut as a result of rate reductions than married couples making $45,800. However, with respect to unearned income resulting from investments, the reduction from 70 percent to 50 percent in the tax rate would stay in effect in order to provide the incentive necessary for investment and in order to discourage individuals from seeking out unproductive tax loopholes to shelter their income. My alternative would also modify some of the changes made with respect to estate and gift taxes.

Furthermore, my proposal would accelerate the July 1982 tax cut up to April 1 so that money is injected into the economy at the time it needs it most. At the same time, half of this installment of the tax cut would be deferred (so that it averages 5 percent), with the effect that there will not be any net addition to the fiscal year 1982 deficit, and the fiscal year 1983 deficit will be reduced by billions of dollars. Moreover, the tax cut scheduled for July 1983 would be deferred until a time when it would not contribute to an unbearable additional deficit for fiscal year 1983 and fiscal year 1984.

The plan which I propose today would also achieve savings through cutbacks and delays in water projects, a reduction in Government travel and consultants, closing tax loopholes, increasing the minimum tax on corporations and individuals, increases in user fees, and better Federal management.

Mr. President, the budget alternative which I put forth today offers a far better chance of putting this Nation on the road to economic health than does the administration's recommendations. Although the President projects that interest rates and unemployment will be reduced from their current levels, these figures are no more real than the previews of coming attractions which Hollywood uses to get people into the theater. Those "come-ons" often bear little relationship to the main product. That is what we have here. Economists who were supporting the Reagan program wholeheartedly last year now express concern that the deficit for fiscal year 1983 will not be the $91.5 billion which the administration projects—as frightening as that is—but rather $110 to $120 billion.

If the artificial economic assumptions upon which the President's budget are not bad enough, the spending cuts he proposes are nothing less than cruel. The administration is proposing to cut more from the programs which were already slashed last year. For example, under the administration's budget, rehabilitation services and research for the handicapped which are designed to help these individuals live independently and become gainfully employed are cut by 25 percent. This is not merely a cut in the rate of growth, as the President prefers to imply. No, it is a cut of $211 million in actual dollar terms. Or should we look to the cut from $3,600 to $2,000 a year in the Federal assistance to low-income families for housing in order to find the administration's sense of equity? Perhaps the administration's proposed cut for low-income energy assistance by 24 percent or $400 million gives a better insight into what is fair? Or maybe the administration's proposal to provide only $10 million for trade adjustment assistance—a program which is of particular importance to workers in the auto industry—can give us a sense of the administration's sympathy for the plight of the unemployed? On what basis can the President justify virtually abolishing this program which was promised by the Federal Government as a protection against possible adverse effects from the Trade Act of 1974, at a time when less than 50 percent of the auto plants in this country are in use? Likewise, I would like to know from the administration what is left of the social safety net when it asks people to make a choice between eating and heating, when it cuts back on dialysis services for medicare recipients, and when it cuts the housing program for the elderly and the handicapped by 63 percent. And furthermore, how does the administration expect the United States to compete effectively on a worldwide basis in the area of high technology when it cuts student assistance by 39 percent from fiscal year 1982 to fiscal year 1983?

The alternative which I am offering will allow these and other domestic programs to be funded so that the level of services will be preserved and we will not have to cut services below what they were in fiscal year 1982.

So, Mr. President, in conclusion let me say that, on economic and equity grounds, the administration's budget is unacceptable. The alternative which I am offering today will allow for a noninflationary expansion of the money supply and easier credit, which will mean more auto sales, a revitalized housing market, and industrial modernization. Instead of having the most advantaged members of society ask middle- and low-income people to do with less, this plan asks for a measure of sacrifice from all sectors of the economy and Government so that, in turn, all may share in the benefits of a reinvigorated economy.

Mr. President, I ask unanimous consent to have printed in the RECORD my alternative budget proposal.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

LEVIN ALTERNATIVE BUDGET PROPOSAL

[Dollars in billions]

	Fiscal year—	
	1983	1984
1. Cap the July 1982 tax cut so that single individuals earning more than $23,500 do not receive a larger tax cut as a result of rate reductions than single individuals making $23,500; and so that married couples earning more than $45,800 do not receive a larger tax cut as a result of rate reductions than married couples making $45,800. However, with respect to unearned (investment) income, the reduction from 70 percent to 50 percent which took place on Jan. 1, 1982 would stay in effect. The distinction between single individuals and married couples is designed to avoid adding to the marriage penalty tax	0.350	0.385
2. Reduce the defense budget to 3 percent real growth in spending, using the Congressional Budget Office's projections for the inflation rate	12.200	23.300
3. Defer half of the July 1982 tax cut (so it averages 5 percent) and accelerate its effective date to Apr. 1, 1982. Since half of the tax cut is deferred, accelerating the effective date by 3 months will not increase the fiscal year 1982 deficit	16.000	18.000
4. Defer the July 1983 tax cut	9.000	37.000
5. Increase the minimum tax for individuals	2.000	2.200
6. Increase the minimum tax for corporations	6.000	6.600
7. Eliminate the oil tax breaks in the 1981 Tax Act (except those affecting child care agencies), and trim back the estate and gift tax reductions in the 1981 Tax Act. The oil royalty owners tax credit would be reduced back to the $1,000 amount it was in 1980. The maximum tax on estates was reduced from 70 percent to 65 percent on Jan. 1, 1982 under the 1981 Tax Act, and will be subsequently reduced to 50 percent by 1985 under the act. The alternative budget would maintain the reduction at 65 percent and repeal further reductions. The transfers exempt from estate and gift taxes would still be increased from the $175,625 effective in 1981 to $600,000, but this would be achieved by 1990 under the alternative instead of by 1987 as provided for by the 1981 Tax Act	2.000	4.100
8. Reduce funding for water projects either through elimination or stretch out	.400	.450
9. Increase user fees	2.500	3.500
10. Improved debt collection (half administration's estimate)	2.000	2.200
11. Reduction in government travel and consultants	.700	.800
12. Repealing expensing of intangible oil and gas drilling costs	3.500	7.700
13. Accelerate corporate income tax payments (administration's proposal)	1.400	1.700
14. Eliminate the "modified co-insurance" loophole (administration's proposal)	1.100	2.200
15. Eliminate the tax break for the excess of percentage depletion over cost depletion for oil and gas	.800	1.600
16. Reduce the tax credit for corporations receiving income as a result of their doing business in U.S. possessions	.200	.400
17. Limit business entertainment deductions such as country club dues to 80 percent of the amount spent. This provision would not affect the current tax treatment of business meals	.050	.100
18. Rents and royalties from the Outer Continental Shelf, based on CBO's reestimate of the administration's proposal	5.000	5.400
19. Federal surplus property disposition (one-third the administration's estimate)	.300	1.300
20. Modify the leasing provision of the 1981 Tax Act in order to prevent profitable firms from selling deductions and credits to other profitable firms	.100	.100
21. Interest savings from lower deficits and interest rates	3.400	12.400
Total savings	69.000	131.435

DEFICIT REDUCTION BASED ON FIGURES FROM THE CONGRESSIONAL BUDGET OFFICE AND THE REAGAN ADMINISTRATION

[Dollars in billions]

	Fiscal year—	
	1983	1984
Congressional Budget Office estimate of deficit if no additional savings are enacted	157.000	188.000
Total savings described above	69.000	131.435
Levin alternative deficit	88.000	56.565
Reagan estimate of deficit if no additional savings enacted	145.600	164.800
Total savings described above	69.000	131.435
Levin alternative deficit	76.600	33.365

Mr. LEVIN. Mr. President, I again thank the majority leader.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 20 minutes with statements therein limited to 5 minutes.

APPOINTMENT BY THE VICE PRESIDENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the Senator from Washington (Mr. GORTON) to the Canada-United States Interparliamentary Group.

STRATEGIC NEGOTIATIONS

Mr. DANFORTH. Mr. President, the most important moral issue in human history is whether we will destroy the Earth in a nuclear holocaust. On July 16, 1945, we exploded the first nuclear device at the "Trinity" test site in New Mexico. Less than a month later, we dropped a 12½ kiloton bomb on Hiroshima. Since then, we have been moving inexorably toward the threatened end of history like lemmings plunging pell-mell into the sea.

The Hiroshima bomb was so small by today's standards, it would be classified as a mere tactical weapon. Yet it destroyed a major city, killing tens of thousands and injuring tens of thousands more. Now there are approximately 50,000 nuclear warheads throughout the world each with a destructive capacity enormously greater than that first bomb. In fact, it would take 1,600,000 Hiroshima bombs to equal today's nuclear arsenal.

Not only have nuclear warheads grown in strength and numbers, but an array of strategic systems has been developed to deliver them. These include supersonic aircraft, land-based and sea-based ballistic missiles, cruise missiles and computerized guidance devices. Many of these expensive and highly complicated systems are in a second or third generation of development and there is no end in sight for their continued evolution.

Finally, we have witnessed an alarming spread of nuclear capability among nations. The American monopoly lasted only 5 years and the Soviet/American superpower monopoly lasted less than 4. Britain, France, China, and India have all exploded nuclear devices and all but India have developed the vastly more destructive hydrogen bomb. According to the Energy Research Development Administration, Argentina, Canada, Taiwan, West Germany, Israel, Italy, Japan, South Africa, Spain, and Sweden are capable of detonating a nuclear device within 1 to 3 years of a decision to do so. Indeed, Israel and South Africa are suspected of having proceeded.

Belgium, Brazil, Czechoslovakia, East Germany, South Korea, the Netherlands, Norway, Pakistan, Poland and Switzerland could join the so-called nuclear club within 4 to 6 years. Austria, Denmark, Egypt, Finland, Iran, Mexico, Portugal, Romania, Turkey and Yugoslavia could detonate a device within 7 to 10 years.

Iraq's nuclear weapon's potential was set back substantially by Israel's 1981 bombing of the large reactor under construction at Baghdad but according to the Congressional Research Service by the 1990's, Iraq might be able to produce enough plutonium for several bombs. Again, according to CRS, Libya might be able to acquire in secret a small plutonium producing reactor and a small reprocessing facility with which to refine enough fissionable plutonium to make "several explosives."

In other words, it is conceivable that by the end of the 1990's, 38 sovereign nations could have the capacity to wreak nuclear havoc upon the world community. Then there is the problem of terrorists in possession of the bomb. According to Prof. Kosta Tsipis of MIT, even a tiny 10 kiloton bomb in the hands of terrorists could impose unimaginable damage on any country if detonated near a 1,000 megawatt nuclear reactor. Because the nuclear materials contained in reactors are highly radioactive and extremely long-lived, their escape into the surrounding atmosphere would render a 1,700-square-mile area downwind from the reactor uninhabitable. One year after the attack radiation levels in the affected area would exceed safe dose levels by a factor of 250.

This horrible spread of nuclear weapons and the ever-increasing capacity to deliver them and the ever-increasing numbers of people who are in a position to launch them ought to say to every man, woman, and child on the face of this Earth that we are in desperate trouble. The odds of a mistake or a miscalculation grow with every passing day.

Since my election to the Senate, 10,000 megatons of American strategic nuclear weapons have been placed in the early stages of alert on three separate occasions. In each case, we were responding to a phantom crisis: twice caused by computer malfunctions and once caused by the "inadvertent" insertion on the North American Air Defense Command's computer of a test tape depicting a hostile missile attack.

Robert Kennedy had this to say about the Cuban Missile Crisis, "Was the world on the brink of a holocaust? Was it our error? A mistake? Was there something further that should

have been done? Or not done? * * * President Kennedy had initiated the course of events, but he no longer had control over them."

For more than 12 years, the United States and the Soviet Union have been engaged in formal negotiations in an attempt to limit the extremely dangerous buildup of nuclear weapons and the enormous potential for error and miscalculation. The SALT process has been worth the effort. For example, through SALT both sides have avoided the general deployment of antiballistic missile systems. But the fact of the matter is that during the last 12 years, the strategic forces of the two superpowers have continued to grow in both quality and quantity. If present trends continue—even if both sides continue to abide by the provisions of SALT II unilaterally—the number of warheads deployed will have almost quadrupled since the beginning of the SALT process 12 years ago. Greater throw weights and accuracy on both sides continue to destabilize and erode mutual confidence. The risk of preemptive action is feared.

Both sides have increased the development of scenarios based on such extremely dangerous concepts as "winnable" and "limited" nuclear wars. In my view, any thought of "winning" a nuclear war is, on its face, insane. One cannot read the literature which describes the effects of detonating thousands of megatons of nuclear explosives without concluding that winning or limiting a nuclear exchange is a concept without a basis in fact. Setting aside the unacceptable annihilation which would be imposed on combatants, the global effects of nuclear war would be stunning. Among other things, the world would experience alteration of the climate, destruction of the ozone layer, destruction of the remaining human gene pool, global epidemics and damage to fundamental parts of the food chain. In a full scale nuclear holocaust, extinction of mankind and the devastation of Earth as a place where living things can grow is a virtual certainty.

Insofar as the uses of "limited" weapons like the neutron bomb or counterforce missiles are concerned, war planners assume a kind of discipline of thought that loses credibility when one considers the circumstances which would have had to be present in the first place to result in the use of such awful weapons. Robert McNamara called the use of tactical weapons in the defense of Europe "a vast unknown." I agree.

The 20th century poet Dylan Thomas wrote, "Do not go gentle into that good night, rage, rage against the dying of the light." A nuclear holocaust would extinguish the light throughout the world. We are in danger of blowing ourselves into oblivion.

The Senate is a great deliberative body. We debate many moral issues here on this floor. But dealing with the economy or national defense or energy is a meaningless exercise if we are going to destroy the creation.

Some suggest that there is no solution to this problem, because the nuclear genie is out of the bottle. I refuse to accept that suggestion. We must not go gentle into that good night. We owe it to our children and our children's children to rage rage against the dying of the light.

I do not have any ready answers. Certainly, our strategic negotiations need to be invigorated. In addition, we need to begin talking about this problem. We need to confront it, to face up to it. The extinction of the world, whether it be merely a remote possibility or a near certainty, is the greatest moral challenge in the history of humanity. The fact that we avoid talking about it, the fact that we do not look upon our strategic negotiations with the Soviets as the single most important responsibility of our Government, the fact that we allow our allies to spread dangerous nuclear materials around the globe like so much ordinary chattel is the mark of a society that is shirking its most solemn and important responsibility. We must get our best minds and our ablest people mobilized to deal with this problem and we must accept the burden of this urgent moral commitment for as long as we have a world in which to live.

LEV AND NADYA OVSISCHER

Mr. PERCY. Mr. President, the plight of Soviet Jews denied the right to emigrate is always on our minds. We learn the names of these individuals from their relatives and friends and from others concerned about the denial of their rights. I wish to draw the attention of my colleagues today to the case of Lev and Nadya Ovsischer.

Eleven years have elapsed since Lev Ovsischer and his wife Nadya first applied to emigrate to Israel. Since then they have been continually harassed by the KGB, their telephone has been disconnected and correspondence has been stopped from reaching their home. Colonel Ovsischer, a highly decorated fighter squadron commander in World War II, has been stripped of his military rank and deprived of his pension.

Lev and Nadya Ovsischer simply seek permission to emigrate to Israel where they can join their daughter, live freely and practice their religious faith. The Soviet Government claims that Lev Ovsischer possesses military secrets. However, he is 20 years removed from service in the army and therefore this claim is ludicrous.

Thirty-nine years ago, on March 5, the Nazi occupiers murdered 5,000 Jewish residents of Minsk, the same city in which Lev and Nadya Ovsischer now live. Eleven years ago, also on March 5, the Ovsischers applied for exit visas. Families in six American cities and five other countries are planning to take special note of the anniversary this year. In remembering the genocide of the past, we must also note that basic human rights are tragically denied by the Soviets at present.

I urge my colleagues to join me in appealing to the Soviet authorities to observe the right of family reunification guaranteed in the Helsinki accords, a right denied to Lev and Nadya Ovsischer and to so many others like them.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1981

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 391, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 391) to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain United States intelligence officers, agents, informants, and sources and to direct the President to establish procedures to protect the secrecy of these intelligence relationships.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, I notice that the Senator from Delaware is here and we have, with his permission, one more statement at this time by the Senator from North Carolina (Mr. EAST), who is on the floor. I should like to turn the floor over to the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. EAST. Thank you, Mr. President.

I shall be brief this morning. I wish to take a few minutes to speak on behalf of the amendment that our distinguished colleague from Rhode Island (Mr. CHAFEE) is offering to S.

391. Before turning to that task, I should like publicly to congratulate and thank Senator CHAFEE for the great leadership he has shown in this whole bill. He has shown great energy and great patience over a long period of time and we are all indebted to him for that effort.

I should also like publicly to compliment Senator DENTON, who chaired the subcommittee hearings on this matter, for his excellent leadership. And, of course, we are all indebted to Senator THURMOND, chairman of the Committee on the Judiciary, for the leadership he has given us in getting this measure out of committee and now onto the Senate floor.

We have many colleagues who have supported us in this effort, Democrats and Republicans—it is not a partisan effort—so there are many people who deserve to be publicly commended for their effort on behalf of this legislation. I simply wanted at the moment to note the great contribution of those Senators.

Mr. President, there is general agreement that this legislation, S. 391, is needed to provide protection for CIA agents involved, of course, in covert activity, not to allow them to be identified and to impair and impede the foreign intelligence activities of the United States which certainly is pernicious and unconstitutional action. Needless to say, it has jeopardized the lives of the agents involved. I repeat, there is a general acknowledgment of the need to do something to protect these agents and thereby to protect the best interests of the United States in the very difficult kind of world in which we live. Again, it was the foresight of Senator CHAFEE which pressed this matter to final fruition here.

The nub of our problem, Mr. President, is not over whether to have legislation. There is general agreement that we ought to have it. The nub of the problem is what kind of language we ought to use on page 3 of the statute or, more particularly, title 6, section 601(c). That is the focus of this debate at the moment and that is the essence of the so-called Chafee-Jackson amendment.

Let me try to explain why I think it is critical that we follow the lead of Senator CHAFEE in this very important matter. It may seem to those who have covered this matter casually that there is not much of a distinction here, it is not important that we pick one over the other. I feel very strongly that Senator CHAFEE and those supporting him, cosponsoring this bill, are correct, that there is a fundamental difference here. We ought to address ourselves to it and we ought to support him in this effort to amend S. 391.

The language that is currently in the measure that Senator CHAFEE seeks to change says:

Whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States by the fact of such identification and exposure, discloses to any individual not authorized to receive classified information, any information that identifies an individual as a covert agent, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both.

The critical language here in question is "with the intent to impair or impede the foreign intelligence activities of the United States."

The change that would come about by the Chafee amendment is that, in lieu of "with intent to impair or impede the foreign intelligence activities of the United States," it would read, "Whoever, in the course of the pattern of activities intended to identify and expose covert agents and with reasons to believe that such activities would impair or impede the foreign activities of the United States," and so forth.

The critical language here is whether you have the "intent to impair or impede" language or the language that reads "with reason to believe."

Why make the distinction? Is it fundamental? Is it important? I submit it is. Why?

Mr. President, I feel we run the risk of aborting the effectiveness of this legislation if we do not make the standard the reason-to-believe standard. Why so? If you put in the intent standard, very likely this is the scenario you will get in a criminal prosecution under this legislation:

The defendant will contend, among other things, that his intent in revealing the name of an agent—in meeting all the other requirements under the act for criminal prosecution and conviction—he will very likely contend through innovative lawyers, of which there are many in this country in terms of defense attorneys, that his intent was not to impair or to impede the foreign intelligence activities of the United States but was in fact designed to assist, aid or abet it by revealing the incompetence of an agent, for example, or by revealing that he was engaged in certain kinds of practices that, according to the informant, he should not have been.

Then you force the court, the jury, and the judge to get into this very difficult area of determining what the subjective state of mind, what was the intent.

It would be a great tragedy to let this legislation be passed, meeting a need we all agree needs to be met, and then have it fail in the courts of this country of confusion of language. The intent standard will cause that kind of confusion.

If you have the reason-to-believe standard, it is a reasonable man's standard. It is a good standard. It is a standard that has been used previously in legislation. It is a standard that has been upheld by the U.S. Supreme Court. There is not any question as to its constitutionality; and if there is, we can always argue this up one side of the road and down the other, as regards whether I think it is constitutional or someone else does not.

Ultimately, of course, the courts will determine it. But based upon what the courts have done already in this area and based upon the previous legislative record, this is solid language. It is good language. It is constitutional language. What it will do is allow the court, the jury, and the judge to look at all the circumstances and to determine if a reasonable man would conclude that in doing what this informant did, the purpose was, again, to impair or impede the foreign intelligence activities of the United States.

There is a minimal risk, then, that this important legislation will be rendered ineffectual in the courts. That is the essence of this debate over the nature of the language that we ought to be including here.

So, I strongly urge my colleagues to support the amendment of Senator CHAFEE, Senator JACKSON, and others who have cosponsored it. It is soundly conceived. It deals with a genuine weakness in the current legislation.

Let me try to simplify it and make it as concise as I can, as I understand the problem.

First, as I have indicated, there is a genuine need, in terms of national security, to stop this insidious, pernicious practice of the Philip Agees and others of taking the names of covert agents, revealing them to the public, and then watching these people shot down or shot at or harmed, and not only killing these very dedicated Americans but also jeopardizing the national security interests of the United States.

I repeat: It is conceded across the political spectrum here, across party lines, that there is a genuine need. The problem is that if you adopt the language that is currently in the bill before the Senate and do not accept the Chafee amendment, there is a very strong risk that the bill will be rendered, as I have said, ineffectual. You will fall short. It will be a sense of false security. We will think we have provided protection for these gentlemen and for the national security interests of the United States, but in fact we will not have done that.

I submit, Mr. President, that we ought to err on the side of protecting these gentlemen and protecting the national security interests. A fundamental way we do that is by adopting

the language of the Chafee amendment.

So, I implore my colleagues—I promised to keep this brief—to support Senator CHAFEE on this matter. I often feel, in trying to evaluate the worth of a measure, that you consider the gentleman who has been actively supporting this entire measure all along—again, Senator CHAFEE.

Senator CHAFEE has a great personal and professional background in this area, formerly having served with great distinction as Secretary of the Navy. He understands the importance of gathering foreign intelligence. He understands in a firsthand way the role of the CIA in foreign intelligence activities.

Second, he has served with great distinction in the U.S. Senate. I do not think Senator CHAFEE needs to yield to anyone in his great concern about the status of civil rights in this country. No one is attempting to deny the civil rights of anyone in terms of freedom of speech or press. As I believe Justice Jackson said one time,

> The first amendment is not a suicide pact; it means we can take reasonable measures to serve important national interests.

There is no national interest of greater importance than national security. Whatever intrusion there may be upon first amendment rights here, they are modest and gentle and consistent with the overriding need to protect the great national security interests.

Because of my great confidence in Senator CHAFEE, I was eager, early on, to support this particular amendment. He, of course, has attracted to his cause, which he invariably does, distinguished bipartisan support, Senator JACKSON of course, being a key figure in this, as well as many others.

As I have said, it is not a partisan issue. It is not an ideological issue. It is a fundamental question of the legitimate need of national security.

So, I urge my colleagues to support it because, again, of the great integrity of Senator CHAFEE, who is behind it, and his great expertise in this area.

I also point out to my colleagues that the House of Representatives has already passed a measure that has the Chafee language in it. If we proceed and accept it now through his amendment, we will have a bill precisely like the House bill. We will not have to go to conference. The President has already indicated that he would sign this measure. He is very enthusiastic for it.

If we will accept the Chafee amendment, we can get this act through. The House has already passed it. We can then get on with the very important task of providing protection for our CIA agents, our foreign intelligence apparatus, and thereby contributing immeasurably to the national security interests of the United States.

In conclusion, Mr. President, in addition to the distinguished gentlemen I have already referred to who are supporting this measure, I offer this long list of those who are supporting the Chafee language: the current administration, the current Justice Department, the CIA, the FBI, the House of Representatives, former President Carter, and the Carter administration. Again, there is broad and deep bipartisan support for the Chafee amendment. I urge my colleagues to seriously consider it, and I do implore them to accept it.

I have no further remarks, Mr. President.

Mr. BIDEN. Mr. President, I should like to know if the Senator from North Carolina would yield for a couple of questions.

Mr. EAST. Mr. President, I will be happy to yield to the Senator.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Delaware.

Mr. BIDEN. The Senator makes a very reasoned argument for his position, and I compliment him for that. Throughout his brief discussion of the issue today, he used the assertion that there is a strong risk that the bill would fall short of its stated purpose; that is, to get those folks who are just out to uncover, expose, and damage our intelligence apparatus—if we had the intent language which is in the bill now, rather than the reason-to-believe standard.

I wonder if the Senator could tell me why the intent language would fall short. Can he give me an example of how he believes having the word "intent" in the language, the intent to impair or impede would cause the bill to fall short of its objective? That is a very important point. If he is right about that and can convince me, I would have to vote with the Senator from Rhode Island.

Mr. EAST. The distinguished Senator from Delaware raises an excellent point and always, as is the case with him, he goes to the essence of the problem.

Let me try to respond in this fashion: First, before turning directly to his excellent point, let me say that in section (c), with the inclusion of the Chafee language, I submit very strenuously we do have in effect an intent standard overall. For example, it would say, "Whoever in the course of a pattern of activities intended to identify," and then later on it says "knowing that the information disclosed so identifies." Certainly section (c), as it reads now, would require a mind set of a conscious desire to identify and expose.

Then we come to the very important point the Senator raises. Why not say "with the intent to impair or impede the foreign intelligence activities of the United States" rather than "reason-to-believe that such activities," because it would leave us with this very difficult position in the court and before the jury?

I can see now the kind of people who reveal these names with an innovative lawyer would come up with this kind of rationale:

> My purpose in doing all of this, my intent was not to impede or impair the foreign intelligence activities of the United States, but actually my intent was a noble one. It was by identifying these people I would be revealing their incompetence or the poor way in which they carried on their activities. So my intention would not be to impair or to impede, but my intention would be in the near and long term to further intelligence gathering.

That is clever, novel, and innovative, and they would do it. And the court would have no alternative but to so instruct the jury.

So I think with the reason-to-believe standard, what it would give is it gives us a more objective standard whereby the jury and the judge could look at the whole and not have to get into the impossible task of judging this elusive state of mind of the informant in this case. As to the Philip Agees and their lawyers, never underestimate the furtiveness of their legal ingenuity.

I want to put these people in a box where if they knowingly reveal these names and they intended to identify, and so on and so forth, and that a reasonable person looking at the whole would conclude clearly notwithstanding their very subjective intent that what they really intended to do was to impede or impair. I want effective legislation in short, and I think the Chafee language would give it.

Mr. BIDEN. I appreciate the answer. I assumed that was the Senator's position.

Let me respond, if I may, to the answer just given. First of all, I think it is important for our colleagues to be aware that although the reason-to-believe standard, as the Senator from North Carolina says, appears to be an intent standard, the intent mentioned in the reason-to-believe language—and let me take a moment to read it once again so we are talking about the same language. It says: "Whoever in the course of a pattern of activities intended to identify or expose." The intent goes to the question of identifying or exposing.

The intent does not go to the motivation for the exposure or identification.

Then it goes on to say—and I realize this is somewhat esoterical unless one really concentrates on it—all that needs to be done to establish the name. That was not accidental. When they published the name Joe Doaks, they meant to put Joe Doaks' name in it.

Then it goes on to say that that intended exposure was done with the

reason to believe that such activities would impair or impede.

So there are two different standards. Intend goes to the question of the exposure. It does not go to the question of motivation. That is an important distinction.

The second point I wish to make is that the Senator makes a very eloquent plea, as was made on Friday, that the reason-to-believe standard puts people—the jury in this case—in the position to be able to look at the totality of the circumstance and that a reasonable-man standard really would be applied.

So we ask the jury: "Do you have reason to believe from all that has been said here that it was the desire of this fellow Philip Agee, or whoever, to hurt U.S. intelligence operations; that is, to impair or impede?"

Now, that is true. They can look at the totality of the circumstance. But my point is that when we say that we are led to believe by the Senator from North Carolina—and he believes it—and others, that if you have an intent standard, the jury is not able to look at the totality of the circumstance. They imply. The opposition to the intent language says that if in fact you have an intent standard, saying that the prosecutor has to prove that John Doe intended to impair or impede rather than have reason to believe it would impair or impede, what they would do is to allow skillful lawyers to instruct their clients or allow defendants without instruction to say:

Why I didn't intend to hurt. I intended to help and when I named Joe Doaks as the CIA agent I was doing it to help purify the agency, to better our intelligence-gathering capabilities and thereby put America in a stronger position and not impair or impede.

That is true. They can make that argument, but I suggest that the same argument can be made with the reason-to-believe standard. I am going to be that sharp lawyer who is advising my client Joe Doaks under the reason-to-believe standard, and Joe Doaks gets up on the stand and I ask him on direct examination, I say: "Now, Joe, did you have reason to believe that you were impairing or impeding the intelligence apparatus of the United States of America?"

And Joe Doaks will look me straight in the eye and say: "Oh, no, counselor, no, ladies and gentlemen of the jury, I didn't mean to impair or impede. I had reason to believe that what I was doing would help America. I had reason to believe by pointing out that Charlie Smith was an agent that I was doing it to uncover a mole within the agency or any reasonable man could understand that I had reason to believe that I was helping."

The point I am trying to make to you is what is sauce for the goose is sauce for the gander. It is a red herring to suggest that if you have an intent standard it allows the defendant to argue he intended to help. If the defendant would argue that he intended to help America under the intent standard, he will also argue he intended to help America under the reason-to-believe standard. It is irrelevant, quite frankly, whether or not there is an intent or reason-to-believe standard as it relates to what argument the defense will make. The defense will be equally ingenious under both standards.

My problem is: With the reason-to-believe standard we put ourselves in a position that we jeopardize convictions, in my opinion, because we are clear, the courts are clear, that the reason-to-believe standard makes it easier for judges to set aside jury verdicts than with the intent standard. The reason to believe is an objective standard which is generally more reviewable by judges than something subjective like the defendant's intent.

Also an area that I will not yield to any man or woman in this Senate, since I know as much about it as anybody, is in the whole area of greymail. The greymail occurs when former agents, present agents who have access to information, and/or people who gain access to information from outside the intelligence community reveal information that hurts America's interests.

When they are about to be prosecuted, they say: "Let me tell you something, Mr. Prosecutor, Mr. U.S. attorney, if you prosecute me for telling the Russians the secret to that satellite you are going to have to prove that I had reason to believe that that would hurt America, and since that is an objective standard, I want to tell you right now what I am going to do. I am going to, during that trial, reveal every other secret I know because it will be admissible in open court, because we are trying to find an objective standard, and I will be able to, in order to justifiably bring forward my defense, reveal every other secret I know about the Government to prove that an objective person with a series of circumstances relating to the intelligence community would have concluded as I did, which was: Knowing all I know, they would have reason to believe that the final action I took of publishing Joe Doaks' name was done to better America rather than hurt America's intelligence capabilities."

When you have an objective standard, the court is obliged as a matter of law to go beyond what I intended, to go to the totality of the circumstances. However, if there were an intent standard, the evidence would be inadmissible because it would be irrelevant.

So my well-intended colleagues, who want to nail down these guys who are the bad guys we all want to get, are inadvertently putting a standard into the law that is unusual at best, makes it more difficult to maintain a prosecution, and subjects the Justice Department in certain circumstances to being blackmailed or as we call it greymailed, because if they know they are going to have to allow thorough discovery—a legal term all the lawyers in this body know about, thorough discovery—including evidence of other classified information. They are going to have to sit back and ponder, as they have in all the other greymail cases:

Wait a minute, is it worth it in order to convict Charlie Smith to reveal even more of our secrets which, under our legal system, we have to do?

They get blackmailed into dropping the case.

Why do you think they did not prosecute Mr. Helms and a number of other espionage and leak cases beyond what was done?

Why do you think they have not prosecuted all the folks? Not because they have liked them, or liked what they have done, but under our system of law under an objective standard they are allowed to go in court and introduce in evidence by discovery—that is, ask the prosecution to put in the record—material that is even more damaging to our national security than that which they exposed.

But when you are talking about intent, you do not have the problem of greymail. The court says:

When Charlie Smith revealed the name of that agent did he intend to hurt the interests of the United States of America? Did he intend to impair or impede?

In the same way when we say in a criminal trial:

When John pulled out the gun and shot Cock Robin did he intend to kill Cock Robin?

John can argue:

I didn't know the gun was loaded.

He can argue self-defense, he can argue that he had taken leave of his senses, he did not intend it, he can argue all those things, but the fact of the matter is that the jury looks at all the circumstances and says:

Did he intend to do it?

To prove intent you do not have to have the defendant say, "Yes, I intended it." The totality of the person's conduct is sufficient to establish intent. It can be inferred.

The press had better be concerned if this reason-to-believe language is adopted. I would like to know from my colleagues who support the reason-to-believe standard, the answers to the following questions:

A February 18, 1977, Washington Post article by Bob Woodward disclosed that the CIA had made secret payments to King Hussein of Jordan for the past 20 years. A subsequent story by New York Times reporter David Binder on February 19, 1977, named 14 additional foreign leaders or

officials who had received CIA payments.

Will they go to jail if we adopt a reason-to-believe standard? I would like to know whether they will or not. Is that the intent of the language, to put Binder and Woodward in jail?

A report of an extensive investigation by John Crewdson into CIA propaganda efforts and ties with the media appeared in the New York Times on December 25, 26, and 27, 1977. In it were identified over 25 CIA officials, agents, and sources of assistance.

Does that person go to jail for publishing that information? Is that the type of publication we are trying to punish? Carl Bernstein's article, "The CIA and the Media" (Rolling Stone, Oct. 20, 1977, pp. 55-67) claimed that over a 25-year period, 400 American journalists maintained secret relationships with the CIA, and included the names of 11 journalists who were informants or sources of assistance.

Is Bernstein going to jail under the reason-to-believe standard?

A January 23, 1976, New Times article by Frances FitzGerald on CIA campus recruitment disclosed the identity of a Chicago-based CIA recruiting agent. Are we trying to put FitzGerald in jail? Will FitzGerald go to jail under the reason-to-believe standard? I have a list of something on the order of 100 or so similar articles. These are not idle questions. It is not just something we should shirk off.

I will yield because one of my colleagues would like to speak to this issue and he has other business off the floor—but let me point out that there are three elements to the reason-to-believe standard: First, a pattern of activity; second, with an intent to identify or expose; and, third, with a reason to believe the activity would impair or impede the foreign intelligence activities of the United States.

I want to emphasize for the record once again that the testimony is thorough, encompassing over 2 years, first, that a pattern of activities is established by the publication of a single name if, in fact, you went out and talked to a bunch of people to get to that one name. Second, in the intent to identify or expose, the intent goes to the identification not the motivation; and, third, reason to believe is an objective standard which I firmly believe, as do over 100 constitutional scholars believe, to be unconstitutional. But even if it is not, it makes it more difficult to get a prosecution and not easier.

I will amplify that point as the afternoon goes on, but in deference to my colleague from Missouri I will yield the floor.

Mr. CHAFEE. Mr. President, last Thursday in the discussion we had between the distinguished Senator from Delaware and myself, the Senator from Delaware submitted for the record a letter dated September 25, 1980, from Philip B. Kurland, and a series of names of 100 law professors which were, I believe, part of that letter.

In any event, my question is directed to the Senator from Delaware regarding that list of law professors. The reason that the list of law professors was submitted was to show that they indicated disapproval of the so-called Chafee-Jackson amendment.

As I read the RECORD, I read as follows, and this is a preface to the signatures by the 100 professors:

> We believe that sections 601(c) of S. 391 and 501(c) of H.R. 4, which would punish the disclsoure of covert CIA and FBI agents derived solely from unclassified information, violate the first amendment and urge that they be deleted.

Mr. President, my question of the Senator from Delaware is as follows: These 100 professors are not against the Chafee language; they are against the Chafee language and they are against the Biden language, both.

Is that not so? If it is not so, how is it that they urge that the entire section 601(c), to which they refer as dealing with unclassified information, forbidding the disclosure, be deleted? Why do they so refer if they are not against both?

Mr. BIDEN. The reference that was made was to what was then the Chafee language. The bill to which they referred and at the point of time in which they were writing, section 601(c) was the language Senator CHAFEE is attempting to reinstate in the bill. In all candor, although they did not directly speak to the question of whether or not "intent" clarifies that constitutional question, I suspect that they are not supportive of that language either. I think the Senator is correct.

To be precise, the language at the time at which they were writing is the language Senator CHAFEE is attempting to put back into the bill. As the Senator will recall, we have a situation where the original language contained in the bill was the language the Senator wishes to put in now. That was amended out of the bill in the Judiciary Committee so that the bill before us now has the intent standard.

But I think the Senator is right, that there is a very serious question as to whether or not any disclosure of any name of any agent that could be found from public records is in fact able to be proscribed under the Constitution.

Mr. CHAFEE. I think that is very important, Mr. President, because we do not want to sail under any false colors around here. Concerning the list of these 100 professors—and by the mere fact that they are professors we will call them distinguished professors, giving them the benefit of the doubt—there is nothing that can be used successfully by the Senator from Delaware to further his case because these professors are against the entire section, and they urge that it be deleted.

There is nothing about amending. They are opposed to the whole concept, as they say, of disclosures based upon unclassified information.

Furthermore, the Senator from Delaware submitted a letter from a professor at the Harvard Law School—at least he has a Harvard Law School heading on his letter—Laurence H. Tribe, dated September 8, 1980, directed to Senator KENNEDY. Mr. Tribe goes through a long discussion and he ends up by saying:

> I believe that section 501(c) would violate the first amendment if enacted. Accordingly, I recommend that at least this provision of section 501 be deleted from S. 2216.

Again, this is a question of deletion. There is no question of amendment.

As we all know here, the Senator from Delaware voted for this legislation when it came out of committee, and it came out unanimously from the Judiciary Committee. Am I not correct?

Mr. BIDEN. Yes; but let me make it clear——

Mr. CHAFEE. Let me finish. The Senator voted for the legislation when it came out of committee after it had been amended pursuant to the Senator's amendment?

Mr. BIDEN. Correct.

Mr. CHAFEE. So you are supporting language which merits an indictment based upon disclosure of identities derived from unclassified information. That is what your 601(c) is all about. There in no question about that. No one will argue with that.

Mr. BIDEN. That is correct.

Mr. CHAFEE. Yet you are citing, presumably to support your case, 100 law professors who object to the whole concept.

Mr. BIDEN. That is not correct. If the Senator will permit me, let me read from the letter.

Mr. CHAFEE. I think that can be well gathered. As you admitted in our little colloquy, there is nothing to substantiate the view that these gentlemen and ladies, professors, distinguished professors, are for your version of the bill.

Mr. BIDEN. One thing leads me to that conclusion. Let me read from Philip Kurland's letter, the letter that preceded the submission of the 100 or so distinguished professors. He says:

> In response to your request, I can frame my opinion on the constitutionality of 501(c) precisely. I have little doubt that it is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published can be valid.

I think it is fair to infer from that statement that having an intent stand-

ard in that section would, in fact, remedy the constitutional dilemma. Let me read it again:

I have little doubt that it is unconstitutional. I cannot see how a law that inhibits the publication, without malicious intent—

So what he is specifically referring to is the reason to believe standard.

Let me make it clear, there are many in this country who believe we should not have any laws at all on this issue as a matter of policy. We are talking about the limited questions of whether or not it is constitutional. The 100 professors say that the only thing submitted to them, the only thing before them, was the language of 601(c) as it is now being proposed in Senator CHAFEE'S amendment. That is, a reason to believe standard.

Mr. CHAFEE. Mr. President, may I make another point here?

Mr. BIDEN. Surely.

Mr. CHAFEE. It is not clear whether those 100 names were included with the Kurland letter, or where they came from. That is certainly not clear.

Mr. BIDEN. The Senator is correct, it is unclear. Keep in mind that when these professors signed the letter to suggest 601(c) of S. 391 was not constitutional, there was no other alternative. I was unable to get anyone to agree to intent language or anything else.

The reason I came up with the intent language was to get around what was the opposition of many of these professors. Although the Senator is precisely and technically correct that the letter does not speak to the intent language, by implication, from the testimony which we are now gathering—it can be inferred from their testimony and also from the letter of Professor Kurland, that the main deficiency they saw in there was not an intent standard. That is how I came up with the intent standard. That is how I came up with an alternative for reason-to-believe.

But the Senator is correct that they did not speak to the intent language because it was not even on the horizon. It was not an issue at the time. It was not an alternative.

Mr. RUDMAN assumed the Chair.

Mr. CHAFEE. Mr. President, I think we want to put this whole thing in perspective here. What the Senator from Delaware is relying on is a series of letters written in 1980, 1½ years ago. As he pointed out, what we were discussing then, and indeed, we had presented under the original legislation a section 501(c) that did involve an intent somewhat like the Senator's language. But we worked that around because there seemed to be problems. The original legislation introduced by Senator MOYNIHAN, Senator JACKSON, and myself in January 1980, over 2 years ago, dealt with language quite similar to the language that the Senator from Delaware is now espousing. These professors are against the whole idea. There is no question about that.

I refer now to a telegram dated September 2, 1980, right in that same period when these lists were being assembled. This is a telegram that is signed by many of those who are also on the list of 100 names. This is the telegram they sent to Senator KENNEDY on September 2, 1980.

We believe that section 501(c) of H.R. 5651 and S. 2216, which would punish disclosure of the identity of covert CIA and FBI agents derived solely from unclassified information, violates the first amendment and urge that it be deleted as recommended by the House Judiciary Subcommittee on Civil and Constitutional Rights.

So I think these 100 names represent a weak reed for the Senator from Delaware to rely upon. These named, as I say, are opposed to the whole concept that the Senator himself voted for.

After all, what we are discussing here is section 601(c). There is no other argument against this legislation. These gentlemen and ladies, distinguished law professors, are opposed to it all, however. I think that this is pretty clear.

Mr. President, just to show that, as one can with economists, as one can with accountants, and as one can with Senators, one can with lawyers and law professors find divergence over what is constitutional and what is not. I therefore submit for the RECORD a lengthy letter from Robert Bork, professor of law at Yale University, in which he says that either language is constitutional—the amendment language, so-called Chafee-Jackson language, or the committee language. We go on quality around here, Mr. President, of course, not numbers. We do not go by quantity. I believe that I am correct in saying that Professor Bork is now a member of the judiciary of the United States. I believe he serves on the circuit court, but it might be the district court. In any event he is qualified to speak to these issues, and I believe his letter is valuable to us.

The PRESIDING OFFICER. Is the Senator requesting unanimous consent?

Mr. CHAFEE. I ask unanimous consent that that letter from Mr. Bork be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 2, 1980.

Hon. PETER W. RODINO,
House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I am writing to you in support of the passage of the Intelligence Identities Protection Act of 1980, and more particularly, to address some of the Constitutional issues which have arisen in the consideration of this bill.

I will not address the question of the need for such legislation. The Deputy Director of the Central Intelligence Agency and others from the Administration have testified on this point before various Congressional committees. I will merely reiterate my own view that such protection is needed and that the record appears to demonstrate that agents' lives have been placed in jeopardy and intelligence operations have been adversely affected by unauthorized and unwarranted disclosures of agent identities.

I would like to address instead three issues relating to the constitutionality of the various bills before Congress. These proposals include H.R. 5615, S. 2216, and various versions as amended in committee mark-up. I will concentrate on Section 501(c), the most discussed section. I am basing my analysis on the House and Senate reports on these two Acts, dated August 1, 1980 and August 18, 1980, respectively, I have also reviewed the statements of Director Carlucci before the Senate Committee on Intelligence on June 26, the statement of Assoicate Deputy Attorney General Robert Keuch before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, House of Representatives on August 19, and the statement of Frederick T. Hitz, Legislative Counsel of the CIA before the same committee on the same date.

The first important step for legislation to take, if it is to pass Constitutional scrutiny, is to narrow the definition of those persons who may be considered offenders under the Act. Both the House and Senate bills do so, but through different mechanisms. The House bill includes a so-called "dual intent standard" in 501(c), which says "whoever, in the course of an effort to identify and expose covert agents with the intent to impair or impede the foreign intelligence activities of the United States, discloses, with the intent to impede the foreign intelligence activities of the United States, to any individual not authorized to receive classified information, any information that identifies a covert agent. . . ." Such a dual intent standard would obviously place significant burdens of proof on any prosecution. In doing so, it would therefore narrow the possibilities of abuse and avoid problems of impermissible vaguenss of definition of those who are subject to its terms.

The Senate version of this provision, also Section 501(c), requires that "whoever, in the course of a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede foreign intelligence activities of the United States, discloses . . . " As an alternative formulation, the imposition of a judicial or jury finding of a "pattern of activities" imposes a separate but no less definable burden of proof upon the prosecutor. It should be clear that, either in the bill or the legislative history, the pattern of activities could not itself be used to show that the person had "reason to believe that such activities would impair or impede the foreign intelligence activities of the United States."

The Senate report, on page 15, recognizes that a statute affecting speech or publication "must not extend overbroadly." Furthermore, the report on page 18 indicates that the harm the bill seeks to prevent is most likely to result from disclosure of identities in the course of a pattern of activities rather than a single isolated incident. The report goes on to state "At the same time, it does not affect the First Amendment rights of those who disclose the identities of agents as an integral part of another enterprise such as news media reporting of intelligence failures or abuses, academic studies of U.S. government policies and programs,

or a private organization's enforcement of its internal rules." (Page 18.) Thus, the Senate report has addressed the issue of constitutionality in terms of the scope of the coverage of the Act, and concludes that such a provision would be constitutional. The House version has an even narrower scope. Both versions seem to me constitutional.

The second issue I would like to address is the type of information which is covered by the Bill. It is quite clear that these bills deal only with information identifying or serving to identify intelligence agents, as variously defined in the bills. These bills do not cover the disclosure of all classified information or, in fact, any of the other types of intelligence information which ought to be protected.

On the other hand, these bills would not allow the prosecution of those concerned with policy, political or other more general questions. This fear has been raised, in my view, without justification. Again, the principle of specificity applies. To the extent that we are dealing with a narrow, well-defined class of information, the constitutionality of protections given to that information should be more certain.

In support I would refer to an earlier statement of Harold Edgar and Benno Schmidt, Jr., professors of law of Columbia, on January 25, 1979 before the Subcommittee on Legislation of the Permanent Select Committee on Intelligence of the United States, House of Representatives. On page 16 of the statement, Edgar and Schmidt say "We believe this Congress should continue to accord high priority to public debate. Only very narrowly drawn categories of defense information of great security significance, and in most cases, little import for public debate, should be prohibited from public revelation. Information about cryptographic techniques, intelligence gathering operations, the design of secret and vital weapons systems, nuclear armaments, and perhaps other narrow and concrete categories of defense or intelligence information are appropriate subjects, in our opinion, for prohibitions on peacetime press disclosures." They go on to say that a justification defense, based on the importance of public debate, will be available under the First Amendment to those who are accused of unauthorized disclosure under any such provision.

I conclude, therefore, that the category of protected information is narrowly drawn, that it cannot be used for investigations into policy or political criticism, and that adequate, defenses exist under the First Amendment to the Constitution to allow the exploration of these issues in specific cases.

The third issue I would like to address is the question of the liability, if any, of those who republish or otherwise distribute information after the initial disclosure. Given the fact that both the House and Senate versions require some intent findings, it is not possible to argue that the isolated or single disclosure, on the part of a say, reputable publication, would result in criminal liability. Indeed, the bills are drafted in such a way to allow this kind of reporting in the ordinary course of review of intelligence operations, foreign policy, and national defense. If, on the other hand, a reporter or newspaper were to act in a way which supplied the required second intent (House bill) or pattern of activities (Senate bill) then perhaps the conduct should be punishable. It should be clear that the isolated, unknowing or unwitting release of an agent's identity without the requisite intent would under no circumstances be punishable.

In this letter I have addressed the Constitutionality of the most troublesome provision of the two agent identities bills, Section 501(c). I conclude that the class of individuals liable under either bill is sufficiently narrow to survive a Constitutional challenge. In addition, the type of information which is protected is the type which deserves, and in fact requires, statutory protection, based on a significant Congressional finding of need. Finally, I believe that the scope of the bills, limiting the application to republication or isolated incidents, is consistent with the Constitutional mandates of the First Amendment in this area. Thus, I urge the Congress to give serious consideration to the inclusion of Section 501(c) in a reported bill.

Sincerely,

ROBERT BORK,
Professor of Law,
Yale University.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have before us, as Senators know, extraordinary legislation that has been discussed at great lengths, both in the Senate and in the other body. It is also legislation that has probably had more misinformation—misinformation innocently—supplied than just about any that we have had here.

I say that with a certain amount of wonder, because we have the ability, either within the Halls of Congress or without, to completely obfuscate, with great regularity, legislation even of less significance than this, but this may be entitled to some kind of prize.

Part of it has resulted from a lack of understanding of some who have discussed it. Part of it has resulted from the fact that the administration, between the Justice Department and intelligence agencies, has taken different positions on it at different times, depending upon which committee they were talking to or even which of their many supporters they were talking to.

This has created a bit of a problem, of course, because everybody in the House and the Senate feels that the United States should have a strong intelligence service. It would be naive to think that any country as powerful as ours, both economically and militarily, would not have a strong intelligence service. We would like to feel that we have the best, and it is conceivable that we may. Certainly, many like myself, the distinguished Senator from Rhode Island, and others, have done our best to try to make sure that we do; because there is this broad-based support, ranging from conservatives to liberals to moderates like myself, regarding the intelligence agencies. There has been, inadvertently, I hope, a tendency on the part of some in the administration to perhaps shade their views one way or the other, depending upon to whom they speak.

I mention that only to assure everybody that there is strong bipartisan support for a good intelligence service, an effective intelligence service, one that can protect our Nation.

In regard to that, all of us—Republicans and Democrats, everybody concerned about the pernicious practice of naming names, the intentional blowing of cover of agents—are concerned, as we should be, with the names of our agents, especially agents abroad, being printed in the various publications.

Contrary to the views of a James Bond type of intelligence agent, karate-trained, armed to the teeth with special little devices put together by the armorer "Q," many of our intelligence people are rather innocuous, some as innocuous as Members of this august body and probably about as dangerous. I mean on a 1-on-1 physical basis, of course. They do not have the one-person-army attributes that we sometimes think of with intelligence people. They are more like the George Smileys of the world, the people who have not the "Circus" of John LeCarré novels.

If we have a person, for example, who may be an economist working for us in a country with perhaps all kinds of tensions and whose name is suddenly listed as a spy for the United States simply because he is employed by the CIA, that person's life may well be endangered. Yet, he is no more than a dedicated, hard-working, loyal, patriotic American performing a duty extremely necessary to our country. To suddenly see him and his family endangered for that reason, I feel, is totally unconscionable.

So, effective legislation to stop this naming names, the intentional blowing of cover, has to be enacted. I will support its enactment now, because naming names has resulted in the diminished effectiveness of our intelligence efforts and the loss of intelligence sources, the lowering of morale of our intelligence officers, and possibly the loss of life.

Since I have been a member of the Intelligence Committee, I have made it a point to visit our chiefs of station in a number of places around the world. I intend to do more this year. I know that this is a matter of great concern to them, as indeed it should be.

They are always concerned that they may pick up the newspaper that day and find their names listed. In some instances, our people are well

known as intelligence agents. In fact, they are more effective because they are. In many other instances, of course, they are not. The naming of names has created real problems for them. It has created problems when the name has been simply listed by somebody who has done it with, oftentimes, extremely mean motives. It has hurt just as much when the U.S. Government has done it through its own carelessness or ineptness by listing it in a very obious way.

So it is crucial that we enact legislation with speed. By enacting that legislation we should not overlook one very important factor, and that is the United States has these intelligence agencies and our military might so that we can protect our country and in protecting our country protect the safeguards that we all have come to expect in this country.

The United States is burdened with an enormous defense budget. We do it quite frankly because we want to keep our country as free as it is, because we do feel that we enjoy constitutional rights in this country, rights that are not available to any other country.

One of those, of course, is our first amendment right.

So while it is crucial that we enact this legislation it is just as crucial that we enact it in a way that will pass constitutional muster.

That is why I urge the support of the version of section 601(c) of the bill which was adopted by the Judiciary Committee, adopted after weeks and months of hearings and debate. This section limits the use of information available in the public domain. It creates criminal liability for a person who, "in the course of an effort to identify and expose covert agents with the intent to impair or impede foreign intelligence activities of the United States by the fact of such identification and exposure discloses . . . any information that identifies an individual a covert agent."

In proscribing this activity, S. 391 requires that the person charged be proven to have a bad purpose in identifying covert agents through the use of public sources.

The amendment offered by my distinguished friend from Rhode Island, Senator CHAFEE, eliminates this bad-purpose test. Rather, it uses the objective "reason to believe" standard which the Justice Department describes in a May 8 letter to Congressman MAZZOLI as a negligence standard.

I ask unanimous consent to have printed in the RECORD that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *May 8, 1981.*

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Legislation, Permanent Select Committee on Intelligence, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: When I testified before the Subcommittee on April 7, 1981 concerning H.R. 4, I was asked to provide further information in response to various questions raised by you and other members of the Subcommittee. This letter contains my responses on behalf of the Department. The references are to the relevant pages of the transcript, which I also have corrected and enclose for your use.

I. (PAGES 66, 70, 81-82)

You and Congressman McClory requested that I provide the Subcommittee with proposed amendments to H.R. 4 that would accomplish the changes I suggested in my testimony. These included: (a) replacing the specific intent standard in section 501(c) with an objective intent standard; (b) adding an attempt provision to sections 501 (a) and (b); and (c) including a definition of "foreign intelligence activities" in the legislative history pertaining to section 501(c).

(a) Intent standard

The first suggestion could be accomplished by adopting language similar to that in section 601(c) of S. 391 (97th Congress). Section 501(c) would then provide as follows:

"Whoever, in the course of an effort intended to identify and expose covert agents and with *reason to believe* that such activities would impair or impede the foreign intelligence activities of the United States, discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both. (Modified language in italic.)"

This revision would permit prosecution of an individual who discloses information with knowledge that it identifies a covert agent, while engaging in an effort intended to disclose such identities, when all the surrounding facts and circumstances would lead any reasonable person to believe that such activities would impair or impede the foreign intelligence activities of the United States. This section also requires that an individual specifically intend to engage in an effort to identify and expose the identities of covert agents with knowledge that the identities are classified and being protected by the U.S. Government.

The "reason to believe" standard would permit prosecution of an individual who can be shown either to have known of and disregarded the risk of harm or to have been negligent in overlooking the evident consequences of his actions for U.S. foreign intelligence activities. In view of the specific intent and knowledge elements contained elsewhere in section 501(c), we believe this objective intent standard would be sustained by the courts and would permit a more effective prosecution of the type of harmful disclosures that concern this Committee.

(b) Attempt provision

An attempt provision can be added to sections 501(a) and (b) by simply inserting the phrase "or attempts to disclose" after the term "discloses" in both sections. A lesser penalty for attempts can be included by inserting the phrase "and for an attempt, shall be fined not more than $15,000 or imprisoned not more than three years or both" at the end of each section.

At the April 7 hearing, the suggestion that an "attempt" provision be added to sections 501(a) and (b) was questioned by several members of the Subcommittee. Specifically, Congressmen McClory and Fowler requested that we study this matter further and provide examples of situations in which an attempt provision would apply. It should be remembered that we have suggested adding an "attempt" provision only to the two sections involving government employees or contractors who have occupied positions of special trust and who have been provided access to classified information in the course of their official duties. The mere fortuity that a disclosure by these persons is somehow aborted does not, to my mind, eliminate their culpability. Of course, the criminal law of attempts punishes only a person who has taken a substantial step toward commission of the crime and whose activities reflect an intent to carry out the proscribed action.

The type of conduct required to prove an attempted disclosure will vary with the circumstances of a particular case. Certainly, where an employee having access to classified information that identifies a covert agent mails or delivers a list of covert agents to a person believed to be an unauthorized person, and that person turns out to be an undercover agent of the U.S. Government, a jury could conclude that a substantial step toward fulfillment of the crime had been undertaken by the defendant. Also, such a substantial step could be evidenced by the convening of a press conference with the stated purpose of disclosing covert agents' identities. In this case, a jury would be required to consider all the circumstances surrounding the defendant's actions (*e.g.*, Did he have a written list at the podium? Had he told other "authorized" persons the substance of his planned remarks?) to determine if his actions sufficiently evidenced a design unlawfully to disclose the classified identities of covert agents.

Attempt provisions are by no means uncommon in the criminal code. Significantly, the two espionage statute provisions which the Department of Justice contends apply to the unauthorized disclosure of covert agents' identities, 18 U.S.C. § 793(d) and (e) contain attempt provisions. *See also* 18 U.S.C. § 794 (gathering or delivering defense information to aid a foreign government); Proposed Criminal Code, S. 1722, 96th Cong., 1st Sess., § 1001 (1980) (setting forth a general criminal attempt provision). Such provisions also are contained in numerous other criminal statutes. *E.g.*, 18 U.S.C. §§ 32 (destruction of aircraft or aircraft facilities), 33 (destruction of motor vehicles or motor vehicle facilities), 224 (bribery in sporting contests), 231(a)(3) (civil disorders), 245(b) (interference with federally protected activities). We believe an attempt provision is justified for inclusion in sections 501(a) and (b) and would be sustained by the courts in proper cases.

(c) Definition of foreign intelligence activities

The third suggestion was to include in the legislative history pertaining to section 501(e) a definition or description of the term "foreign intelligence activities". The following language would satisfy our con-

cern: "The term 'foreign intelligence activities' as used in § 601(c) of the bill is intended to include the collection of foreign intelligence, foreign counterintelligence, and foreign counterterrorism intelligence; special activities (covert action); and support for these activities. However, activities conducted solely for civil or criminal law enforcement purposes within the United States are not included."

If the Subcommittee deems it necessary or advisable, additional language concerning the meaning of the terms "foreign intelligence," "counterintelligence" and "special activity" could be added modeled upon the definitions now in Executive Order 12036. We see no compelling need to do this, however, and not doing so would provide additional flexibility as the meaning of these terms may shift slightly over time.

II. (PAGES 72–73, 74)

Congressmen McClory and Fowler inquired whether there was a real need to include protection for FBI agents, sources and informants and whether an FBI covert agent had been identified in the recent past in connection with a disclosure in Chicago. According to the FBI, the identity of an FBI double agent who had been involved in an investigation of the activities of the Polish Intelligence Service in the Chicago area was disclosed when a sealed court record in a Freedom of Information Act case on appeal to the Seventh Circuit was leaked. However, the FBI has been unable to discover who leaked the court records or for what reason.

As you requested during the hearing, I have asked Director Webster to communicate directly to this Subcommittee the views of the FBI concerning whether this legislation should continue to include the Bureau.

III. (PAGE 71)

Congressman Fowler requested the Department's opinion of the so-called "Kennedy compromise" to replace the current section 501(c). That proposal states:

"(c) Whoever, in the course of a pattern of activities undertaken for the purpose of uncovering the identities of covert agents and exposing such identities (1) in order to impair or impede the effectivenss of covert agents or the activities in which they are engaged by the fact of such uncovering and exposure, or (2) with reckless disregard for the safety of covert agents discloses any information that identifies an individual as a covert agent to any individual not authorized to receive classified information, knowing that the information disclosed so identifies such individual and that the United States is taking affirmative measures to conceal such individual's classified intelligence relationship to the United States, shall be fined not more than $15,000 or imprisoned not more than three years, or both."

Subsection (c)(1) of this proposal would criminalize the disclosure of a covert agent's identity only if done in the course of a pattern of activities undertaken for the specific and deliberate purpose of compromising particular covert agents or their operations in a foreign country. Especially in conjunction with the proposed legislative history for this subsection, this constitutes a specific intent standard that could be interpreted very narrowly. 126 Cong. Rec. S13,839 (daily ed. Sept. 30, 1980). For example, it would not penalized a person who willfully engages in a pattern of activities to disclose covert identities and knows that the exposed agents and their operations will be rendered ineffective by his disclosure, so long as his underlying purpose is to stimulate congressional or public review of their activities. The damage to the U.S. and the potential harm to those identified under such circumstances is still significant, however. Moreover, the Kennedy language would invite potential defendants to assert an "underlying purpose" of reforming U.S. policy in every case and thus frustrate enforcement of the statute.

As I testified at the Subcommittee hearing, we believe an objective intent standard, rather than a specific intent standard, is preferable to facilitate prosecutions of the harmful disclosures identified by this Subcommittee. The Kennedy compromise, especially with its descriptive legislative history, unacceptably narrows the scope of persons subject to prosecution and provides a potential safe haven for those who engage in these activities.

We have much less difficulty with subsection (c)(2) of the Kennedy compromise, although we believe it does not go far enough. It would permit prosecution of individuals who engage in a pattern of activities to expose covert agents and makes such disclosures with reckless disregard for their safety. This subsection is not, however, sufficiently broad in that it would not apply to disclosures by persons who should reasonably have foreseen that their disclosures would lead to harm for either the covert agents or the intelligence operations in which they are involved. As stated earlier, we believe that a "reason to believe" standard is more appropriate to be included in this legislation.

I trust this additional information will be useful to the Subcommittee as it deliberates further the provisions of H.R. 4.

Very truly yours,

RICHARD K. WILLARD,
Counsel for Intelligence Policy,
Office of Intelligence Policy and Review.

Mr. LEAHY. In eliminating a bad purpose requirement, this amendment may well go beyond the first amendment limits set out by the Supreme Court under the Espionage Act in Gorin against United States.

In Gorin, as I am sure all my colleagues will recall, the Court examined the constitutionality of the espionage statutes, and the Court stated:

If this were the language, . . .

Referring to no intent.

"It would need to be tested by the inquiry as to whether it had double meaning or forced anyone, at his peril, to speculate as to whether certain actions violated the statute. This Court has frequently held criminal laws deemed to violate these tests invalid.

Let us to back to Gorin, a 1941 case:

The Court held the espionage statutes constitutional precisely because they went beyond requiring a person to speculate, at this peril, of whether his action violated the law. The Court validated the statutes because they required the Government to prove an element of bad faith, of scienter.

In adopting what the Justice Department admits is a negligence standard, the Chafee language eliminates the bad faith test, so pivotal to the Gorin decision upholding the Espionage Act.

That is precisely the reason that a broad range of constitutional scholars have questioned the constitutionality of the Chafee language and opposed its inclusion in agents' identities legislation.

I might say in this regard that both Senator CHAFEE and I are of a mind. We want this naming of names to stop. We want to be able to hold sacrosanct the identify of our agents abroad. We want to have an intelligence service not made ineffective by the constant fear that their names will be disclosed.

But I must admit that I take a fairly objective look at this and I place myself in the position of one who might have to prosecute under this statute.

While I never prosecuted someone under a statute involving espionage, I have prosecuted thousands of cases prior to coming to the Senate. I look at any criminal statute as what makes sense from a prosecutor's point of view.

The language passed by the Judiciary Committee fulfills the two things that we would want in this: Constitutionality with its protection of our first amendment rights, in my mind the most cherished of our constitutional rights. Of all our constitutional rights none stands out as more important to me than the first amendment rights. But second, it fullfills the other criteria that we want, and that is a statute that one can prosecute under, one that not only makes sense to a prosecutor but also does not make the prosecutor sit there all the way through and wonder if he is going to have a constitutional issue raised.

Professor Kurland of the University of Chicago put it most succinctly when he said in a letter to the committee concerning identical language last year:

I cannot see how a law that inhibits the publication, without malicious intent, of information that is in the public domain and previously published, can be valid.

Even the recent Supreme Court case of Haig against Agee, which involved no criminal sanctions, relied heavily on Mr. Agee's bad purpose when it dismissed his first amendment claims. In upholding the revocation of Mr. Agee's passport, the Court stated:

Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution. The mere fact that Agee is also engaged in criticism of the government does not render his conduct beyond the reach of the law.

Yet this amendment is attempting to enact a criminal statute which would make it a criminal act for a newspaper reporter to negligently disclose the identity of a covert agent which he discovered only through the use of public sources.

Mr. President, I feel a chill, a chill on our first amendment rights when you hear the amendment described that way.

All of us in our attempts to keep America strong, to keep our defense strong, to keep our intelligence agencies strong, do it for one reason. We do it so that we can protect America and protect the rights of all Americans, so that we can maintain a country which abides by its constitutional principles, that abides by its constitutional history.

Do we accomplish anything if in protecting America for Americans, in protecting our constitutional rights for ourselves, we have to nibble away at those constitutional rights? What have we protected? What have we gained?

We will not be helping the foreign intelligence activities of the United States by voting out a bill which runs afoul of the first amendment. We will not be aiding our foreign intelligence operatives overseas by enacting legislation which then will be rejected by the courts.

Imagine aside from the first amendment rights, imagine aside from the question of whether we are nibbling away at our first amendment protections, imagine that we were to pass this law and then suppose, as would most likely happen, the law was struck down as unconstitutional by the courts. What kind of a signal does that send? Does not that create a far greater moral problem? Does that not create far more problems than we face now? Might it not be better to take a more conservatively drawn law, one that is carefully crafted to meet the constitutional requirements, one that we know will stand up in the courts and pass that, so that each member of our intelligence community know they stand protected by a law that will stand up?

Following the vote in the House to eliminate the intent language, I asked the Director of the CIA, Mr. Casey, whether or not enacting legislation designed to deal with this problem which ended up being held unconstitutional by the courts might cause greater harm than not having the legislation in the first place.

Mr. Casey replied:

> Yes, yes. I think if we had legislation that was struck down by the Court, that would set us back to where we were, maybe even set us back further.

This issue is too serious to afford this Senate the luxury of seeing just how close to a constitutional limit we can go without crossing over the line. Indeed, we have an obligation to enact legislation which does not abridge important first amendment rights and we can do so without losing any support for the bill.

The CIA and the Department of Justice, while preferring the Chafee language, are satisifed that the committee language will be effective in prosecuting the kinds of activities which this legislation is designed to stop. Indeed, the CIA suggested this language as an acceptable alternative to language originally proposed by Congressman MAZZOLI.

Even following the House vote, CIA Director Casey reiterated in a hearing before the Judiciary Committee that the language of the Judiciary bill "would perform the job of properly stigmatizing and criminalizing the activity of disclosing the identity of agents who are under cover."

Let us look at some of our own precedents here.

Let me say that I find it ironic that 3 weeks before the Senate began considering this language, it moved unanimously to amend the Foreign Corrupt Practices Act to eliminate the section which makes U.S. corporations liable for the bribes of their foreign agents where they have "reason to know" that their foreign agents are involved in offering bribes. The stated reason for the amendment is that this language has had a chilling effect on U.S. export activity because of the confusion which the standard has generated for U.S. businessmen.

Yet we talk about putting basically that same confusing language standard into the law.

Let me quote from a couple of business publications which argued for eliminating the reason to know standard from the Foreign Corrupt Practices Act. The American Enterprise Institute's analysis entitled, "Proposed Revisions of the Foreign Corrupt Practices Act" stated:

> The broad reason-to-know provision was identified in the 1980 executive branch study of trade disincentives as the matter of greatest concern to businesses. The GAO found in its survey of business that firms were uncertain about whether they could insulate themselves from liability for the activities of agents by instituting control procedures or whether they would be liable for payments made by agents even after such control procedures had been instituted . . . Large firms may use hundreds or thousands of such agents, and it is unrealistic to impose liability . . . under a reason-to-know standard.

In a publication entitled, "The Price of Ambiguity: More Than Three Years Under the Foreign Corrupt Practices Act," the U.S. Chamber of Commerce stated:

> The "knowing or having reason to know" language in the FCPA has probably created more uncertainty for U.S. concerns than any other part of the Act. Neither the Act nor the legislative history provide an indication as to what procedures a company must go through to be sure that it does not have reason to know that an agent over whom it has little control engages in corrupt political payments.

Are we saying that reporters in this country who cover foreign intelligence activities are endowed with greater reason than men and women doing business overseas or are we saying if you have a commercial interest at stake then that is far more important than if the only thing at stake is to try to fulfill the first amendment constitutional rights of a free press that this country has?

I am very much in favor of our business people being able to do business overseas and here. But, quite frankly, I must admit, Mr. President, if it comes down to an issue of what is more important to be protected, a number of companies' commercial interests or the first amendment rights of all Americans, there should be no question about the choice whatsoever. When we look at the standards there should be no question whatsoever about what we should do.

Let us be realistic about some of the things that have happened. I am extremely proud of our country, very proud to be an American. My grandparents came to this country from Italy, and they did it by choice. My paternal great, great grandparents came to this country from Ireland, and they did it by choice.

Those Italian and Irish immigrants stayed in the United States, predominantly in Vermont where they first settled, and they did so notwithstanding the history of moving from one country to another. They did it because of what we have all found, all of the Leahys, all of the Zambons have found, a country so protective of the rights of individuals that it is unmatched anywhere in the world.

I stated—and this has been my feeling as a schoolboy, as a lawyer, as a prosecutor, as a U.S. Senator—that of all our constitutional rights, the first amendment is by and away the most important. No other country in the world begins to match the United States in its protection of first amendment rights, in its freedom of speech, no other country in the world, Mr. President.

When we, as all of us do, and again on both sides of the aisle, give bipartisan support to our country, obviously there are 100 patriots in the U.S. Senate, there are 100 people who want to see America strong. There are 100 people in favor of a strong and effective national defense for our country. There are 100 people in this body who want to see a good, effective intelligence service.

But each of us realizes there are times when our Government has made mistakes, as other governments have, and we are aware that it is not always and has not always been the Members of Congress, elected representatives of the people, who have found those mistakes, but rather quite often it has been a free press in a free country which has found most mistakes. It has been a free press in a free country

that has alerted the people of this country when mistakes have been made. It has been a free people in a free country working through their freely elected representatives who have tried to correct those mistakes, tried to make this a better country, and that is why I think we are the oldest existing democracy in the world today, because we have those freedoms, we have the freedom to say not only when we are on the right track but also the freedom for people to stand up and say when we are on the wrong track.

Mr. President, a few weeks ago I spent some time in two very troubled countries in Central America. I have seen the country of Nicaragua where a newspaper which has spoken out has been closed down by a ruling junta five or six times in the past few months.

I see the country of El Salvador where one element of the government can determine what will and when it will be printed, and I see what happens when you do not have the freedoms.

I recall one person whom I was criticizing strongly during that visit because of repressive activities, and I said to that person:

> You ought to realize your activities and your unwillingness to speak out do not make you very popular in my country. You ought to take some time to talk to some American reporters and tell them how you feel.

He said, "Well, I have talked to them, but they will not print what I want them to print." I said, "Funny thing about that, that sometimes happens in our country." That is the difference. That is what we protect here.

Mr. President, I have been asked to yield to the distinguished Senator from New Jersey (Mr. BRADLEY). I yield to the distinguished Senator from New Jersey.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I will yield in a very short time to the Senator from New Jersey.

Mr. LEAHY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Seantor will state it.

Mr. LEAHY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Vermont is advised that under the precedents of the Senate, the Senator from Alabama is the floor manager of the bill at this time. Under that precedent, under a situation in which two Senators are seeking recognition at the same time, the Senator from Alabama is entitled to recognition.

Mr. LEAHY. Further parliamentary inquiry. Does that mean the Senator from Vermont, when he has the floor, that he could not yield it to a particular Senator?

The PRESIDING OFFICER. The Senator from Vermont, of course, could yield for a question if he still had the floor, but for no other purpose.

Mr. LEAHY. So my yielding to the Senator from New Jersey, does that mean that I was unable to yield to the Senator from New Jersey for whatever purpose he wanted? He asked me to yield to him. I could not yield to him at least long enough to find out if it was for a question or what it was?

The PRESIDING OFFICER. Under normal procedure, I believe it would have to be stated. If the Chair is incorrect, the Senator from Vermont would please so state.

Mr. DENTON. Mr. President, I assure the Senator if I am granted the floor I will not take more than 3 minutes.

Mr. LEAHY. I simply wanted to make the parliamentary inquiry, Mr. President. Thank you.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, I have listened to three or four speeches against the amendment. I have held my peace. But Senator CHAFEE, who offered the amendment, is at the White House at the moment and I want to take a brief opportunity to respond to some of the points which, I think, unless responded to in a timely manner, may be overlooked after he returns.

We have had the question of realism introduced by the last speaker. One piece of realism is that the KGB-DGI combination of intelligence agents probably outnumber our intelligence agents 100 to 1. That is a conservative estimate.

I chaired a hearing of the Subcommittee on Security and Terrorism on Friday which received testimony from a DGI defector which confirmed that there are approximately 300 illegals in the Miami area alone operating in an intelligence capacity for the Cuban DGI, which is run and controlled by the Soviet KGB. Many of these DGI illegals act as decoys thus distracting the few FBI agents who might be in that area from the activities of the real agents. This is the reality of the problem in terms of intelligence.

It must be kept in mind that both the Carter administration, with Benjamin Civiletti as the Attorney General, and the Reagan administration with William French Smith, as the Attorney General, desire and support the Chafee amendment language in order to better protect our intelligence agents.

We have many in this body who are qualified lawyers. I am not. But there are a great many more qualified lawyers in the executive branch of our Government, specifically the Justice Department, who have a background in this area of the law and who have studied and researched this issue thoroughly, who are firmly of the opionion that the Chafee amendment is needed for the protection of our agents. The Chafee amendment is more in line with, and, indeed, more liberal in terms of the first amendment as opposed to the intent provision that would require a witch-hunt type of approach. Under the Biden intent language, there would be a great temptation to establish the state of mind of the accused individual in order to prove what his intent is.

There is, I think, a curious intermingling between those termed "liberals" and those termed "conservatives" on this particular issue. I note an interesting mixture of both on each side of the issue.

The President of the United States today has asked that we bring this bill up and do something with it quickly. I heartily support that request.

The Senator from Vermont brought up the argument that "reason to believe" effectively constitutes negligence. I would have to disagree with that contention. Examination of all the elements of proof required under section 601(c), which is indeed the issue, makes clear that reason to believe does not mean that a negligent disclosure of an identity would be a criminal offense.

First of all, the individual making the disclosure must know that the information he discloses does, in fact, identify a covert agent.

The person making the disclosure must also know that the United States is taking affirmative measures to conceal the covert agent's classified intelligence affiliation. Moreover, the disclosure must be in the course of a pattern of activities intended to identify and expose covert agents.

And, finally, the person making the disclosure must have reason to believe that his activities would impair or impede foreign intelligence activities in the United States.

All these elements must be proved, Mr. President. An individual making an unauthorized disclosure under the circumstances can hardly claim negligence. Subsection 601(c) cannot be fairly evaluated incrementally. It must be evaluated as a whole. It is completely fallacious to argue that standing alone reason to believe is the same as negligence, because reason to believe does not stand alone in subsection 601(c); it is preceded by five other elements, all of which must be proven beyond a reasonable doubt.

In conclusion, there are nine other statutes in the intelligence-related area which employ the reason to believe standard.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I will be unavoidably absent this afternoon, but I would hope that those offering the amendment might address themselves to a couple of issues that concern me.

On the reason to believe line in section 601(c), it strikes me in my own review that it is more of a negligence standard than an objective standard. If that is so, I have not found a Supreme Court decision that has upheld a criminal statute in the first amendment area where a negligence standard was the only criminal intent required by the statute.

I would be interested to know whether indeed this is a negligence standard and, if so, how the proponents would get around the lack of any Supreme Court case upholding such a criminal statute.

The amendment requires that the Government prove that the defendant be engaged in a pattern of activities intended to identify and expose covert agents.

I would like to know what distinction is drawn between the intent to identify and the intent to expose a covert agent. Random House dictionary defines the word "expose" as to "lay open to danger, attack, and harm." That implies an element of bad purpose. Is there built into this amendment a bad purpose by requiring that the person have the intent to identify as well as an intent to expose?

I am also concerned with the reason-to-believe standard. In addition to being potentially unconstitutional, it may create some serious gray mail problems. Would a defendant charged with this section of the act be able to question the Government with regard to its methods of providing cover for covert agents?

I do not raise that as simply a hypothetical idea. We have had a recent case where, because of the gray mail aspects, we have not been able to go forward with what I thought was an appropriate prosecution.

These are considerations and I hope they are going to be raised and debated during this debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

BALANCE IN HUMAN RIGHTS

Mr. HELMS. Mr. President, this morning, the Subcommittee on the Western Hemisphere of the Committee on Foreign Relations heard testimony from the U.S. Ambassador to the United Nations, Jeane Kirkpatrick, about a situation so serious that freedom house has called it one of the most egregious violations of human rights in this hemisphere in recent memory.

Mr. President, Mrs. Kirkpatrick's opening statement to the committee is especialy enlightening in its articulation of the policy of the United States concerning basic human freedoms, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR JEANE J. KIRKPATRICK

Mr. Chairman, as always, it is an honor as well as a duty to respond to an invitation to testify before a committee of the Congress. The Congress' role in making and overseeing American foreign policy is, and I have always believed should be, exceedingly important.

I have been asked to discuss today the extent to which the practices of the government of Nicaragua do and do not respect the human rights of Nicaragua's citizens. Such a discussion requires a minimal understanding of what human rights a government may be reasonably expected to respect as well as reliable and accurate knowledge of a government's policies and practices.

Mr. Chairman, I have argued elsewhere that rights should not be confused with wishes, or goals, that the list of human rights cannot be indefinitely lengthened like a shopping list in a global super market. I believe such political and legal rights such as free speech, press, religion, freedom of assembly, freedom from arbitrary arrest, and the right to due process are the fundamental rights: they are the prerequisites to other social and economic goods. These basic political and legal rights share several important characteristics. Above all, they depend on restraint in the use of power. To observe the rule of law, to permit citizens to meet together and speak freely, it is not necessary that an economy be industrialized, a standard of living high; a people literate, or urban. It is only necessary that this government not use its coercive power to ban newspapers, break up meetings, arrest opponents. Governments, we should be clear, do not—and should not—control all kinds of power in a society. They cannot, therefore, be held responsible for all the ways power is exercised. But governments are responsible for their own decisions and policies. It is not reasonable therefore to hold a government responsible for the level of industrialization, the rate of economic growth or productivity in a society—(unless, of course, the government has claimed the exclusive right to manage the economy). It is entirely reasonable to hold a government responsible for its own decisions concerning arrest, trial, detention; for its own policies concerning elections and opposition; for its own practices vis-a-vis other sectors of the society.

Unfortunately, for the people of Nicaragua the policies and practices of that government demonstrate a pattern of systematic repression which began soon after the Sandinista triumph in July, 1979 and has intensified with the progressive consolidation of power by Nicaragua's one-party dictatorship.

This is neither the time nor place to review the events and policies that culminated in July, 1979 in the defeat and resignation of Anastasio Somoza, the collapse, soon thereafter of the transitional government headed by President Urcuyo, and the accession to power of the Sandinista Directorate—though I believe there remain important lessons to be learned from these events. We are concerned here with the consequences of Sandinista rule for the freedom, security and well being of Nicaraguans.

In the past two and one half years, Nicaraguans' hopes for greater freedom, democracy and security from government tyranny have very nearly died as the new rulers moved expertly first to establish and then, progressively, to exercise control over the various sectors and institutions of Nicaraguan society. The pattern is familiar to all students of total power. The revolution has been conducted according to plan. The extension and consolidation of power follows the pattern of "coup d'etat by installments" (Konrad Heiden's description of the Nazi seizure of near total power of German society).

One step at a time the Sandinista directorate moved against the faint hearted "bourgeois" democrats in their ranks, Robelo, Chomorro, Pastora, Cruz, waiting while they resigned in frustration and disappointment. One sector at a time they have moved against Nicaraguan society—now seizing radio, television stations, newspapers, now nationalizing new industries, now tightening control of the economy, now moving against the independent trade union, now banning a bishop from access to television, now organizing and reinforcing the Sandinista Defense Committees that bring the revolution, with rewards, demands, and surveillence into every neighborhood.

Alongside it all came dramatic, extraordinary expansion of Nicaragua's army, National Guard and international role. Today's National Guard is many times the size and strength of the one that reinforced Somoza's regime. It reinforces a political machine many times more sophisticated than Somoza's.

A political scientist describing the Nazis' consolidation of power in a single German town noted, concerning that process of destruction of society and politicization of human relations: Hardly anyone in Thalburg in those days grasped what was happening. There was no real comprehension of what the town would experience if Hitler came to power, no real understanding of what Nazism was. (p. 281, William Sheridan Allen, "The Nazi Seizure of Power: The Experience of a Single German Town)"

It is no easier to understand what is happening to Nicaragua.

Mr. Chairman, there are serious obstacles to a clear assessment of the practices relevant to human rights in Nicaragua. We are confronted in Nicaragua with the familiar patterns of doublespeak with which would-be totalitarian rulers of our times assault reality in the attempt to persuade us, and doubtless, themselves, that making war is seeking peace; that repression is liberation; that a free press is a carefully controlled one. Thus on February 19, 1982 Daniel

Ortega solemnly assured the opening session of an international conference (COPPAL) that the forced transfer and violence of Miskito Indians was naturally carried out only to protect their human rights.

"We have had to transfer them from the Rio Coco River banks, on the border of Honduras, to our country's interior, investing efforts and resources that cost blood to the Nicaraguan people. True, there have been some dead in the north, in Nicaragua's Atlantic zone."

"We have had to resort to drastic measures to protect the rights of those Nicaraguans."

The world misunderstood the systematic destruction of the homes, villages and economies of the Miskito Indians. The government was only protecting them against counterrevolutionaries. Furthermore, Radio Sandino explained (15 February, 1982):

"Those communities located on the banks of the Coco River lived in neglected conditions since it is practically impossible to build roads in the area due to the swampy land. Also the soil is not very fertile for agriculture and cattle raising. The situation is worsened by the constant floods which produce very low crop yields that are not even enough for the communities' subsistence. As a result of this situation, all the advantages that they can now be given in the new settlements could not be offered to them."

Freedom from floods, freedom from bad soil and low crop yields, freedom from counterrevolutionaries, freedom from responsibility for their own lives, these are the human rights cited by Nicaragua's government to justify their claims to decide by force where the Miskitos should live, when they move, in what language their children should be educated, which dangers they should confront.

Thus the dialectic of revolution unfolds: liberation has already produced its antithesis in Sandinista Nicaragua. Old familiar arguments are invoked to justify new, more effective repressions.

Interior Minister Tomas Borge made a very long speech recently (January 27) attacking the only newspaper in Nicaragua which is not yet wholly controlled by the government. Borge's speech provides a useful compendium of a contemporary version of classic arguments against a free press:

First, he postulates a struggle and invokes foreign enemies against whom it is necessary to struggle. Then Borge identifies the "most important instrument of all enemies of Nicaragua and the revolution: the newspaper: La Prensa." The offending newspaper is thus defined not as an expression of Nicaraguan opinion but of the enemies of Nicaragua.

Second, Borge explains that even though La Prensa undeniably is the most widely read newspaper in Nicaragua its "circulation is not a demonstration of the people's support." "The fact that people buy cigarettes doesn't mean that cigarettes are good for their health . . ." "That they buy drugs does not mean drugs are good." The appeal of La Prensa, he argues, is like that of pornography—"political pornography."

Still, La Prensa functions. Its voice, which daily condemned the arbitrary use of power by the Somozistas, remains the symbol of independence and continuing hope for a democratic Nicaragua. But the campaign of intimidation is unremitting: government edicts, divine mobs, repeatedly forced temporary suspensions—on July 10, July 29, August 20 and intermittently through the fall. On January 13, 1982 combined actions of the military and the divine mobs closed La Prensa for three days after editorial offices were attacked and the homes of its editors, Pedro Joaquin Chomorro and Jaime Chomorro Barrios, were defaced.

By 1981, the foundation of Sandinista control over the symbolic environment had been established. The government controlled radio, television and newspapers other than La Presna. Moreover, laws were in place making it a crime to criticize the government without its authorization, to organize or promote candidacies for the elections which had, by now, been "postponed" until 1985.

Nineteen eighty-one marked new levels of oppression in other spheres as well. Intimidation and control of the economy was extended, various private sector leaders were arrested, deported or imprisoned, culminating in October in the sentencing of three chief private sector leaders guilty of criticizing the government's management of the economy. Proving they were hostile to all institutions autonomous of the state, the Sandinistas moved against labor as well as business, fiercely attacking Nicaragua's independent trade union movement (CUS) which reponded by also withdrawing from the Council of State.

The most important development in repression against the various sectors of Nicaraguan society in 1981 was the progressive reliance on vigilante mobs to intimidate and punish persons and institutions who resisted conforming to the new orthodoxy. The MDN and the Social Democrats, two of Nicaragua's principal opposition parties repeatedly were the victims of semi-official mob violence. MDN leader Alfonso Robelo's home was also attacked by the citizen groups who could count on understanding and support from the government.

Concentrating on new human and institutional targets did not mean Nicaragua's revolutionary government had lost interest in its old adversaries. No one knows the precise number of Somoza's National Guardsmen who still languish in Nicaragua's prisons. Five thousand is a conservative estimate of former National Guardsmen who, convicted by special tribunals, remain in prison. Many observers believe closer to 14,000 Somocistas remain in Nicaragua's overcrowded, underfed prisons.

When in September, the government declared a one year state of social and economic emergency and declared a number of broadly defined acts to be crimes, the government's power for moving "legally" against its critics was greatly expanded.

By the end of 1981, Nicaragua's one party dictatorship had both expanded and consolidated power over diverse sectors of Nicaraguan life. Totalitarian control had not yet been established but the process of eliminating and intimidating opponents was far advanced. So was the parallel establishment of new institutions that could penetrate and saturate the society with the teachings of the revolution.

The most dramatic and violent manifestation of the Sandinista effort to eliminate diversity, eradicate autonomous social groups and bring the whole society under central control was the campaign against the people, the institutions and the communities of the Miskito, Sumo and Rama Indians of Nicaragua's Atlantic Coast. The first moves against these largely autonomous, self-governing Indian communities took place in July, 1979, when an effort was made to replace the 256 Council of Elders with Sandinista Defense Committees. Prohibition of lumbering, a major economic activity, arrest of a Miskito leader, expropriation of Indian lands, the imposition of Spanish in schools and various other initiatives against the cultural and economic survival of the Coastal Indians followed. All this proved to be a preface, however.

In the past months the Nicaraguan government has carried out a campaign of systematic violence against the Miskito Indians, burning their villages, destroying their institutions, forcing their evacuation and resettlement, killing those who resist, driving thousands into exile in Honduras. Of this campaign, Freedom House declared, "circumstantial evidence clearly suggests that the central government has embarked on a policy to eradicate the indigenous peoples of the coastal area."

The Indian communities against whom these brutal measures have been directed have a long history of peaceful, cordial relations with Nicaragua's previous governments, who granted them semi-autonomous status—that is, the right to preserve their way of life in thier own communities.

The Sandinistas' violent offensive not only spelled tragedy for Miskitos. It also symbolized the Sandinistas' hostility to any group which showed a capacity and a determination to resist the transformation and incorporation into the all new revolutionary society, culture, economy and state.

Sandinista efforts to justify their policy as good for the Indians constitutes a forceful contemporary reminder of the human costs of revolutionary elites ready to sacrifice untold thousands (millions) of men, women and children to a fantasy concerning what is good for mankind.

In a statement of February 18, 1982, Nicaragua's Bishops have graphically described the tragedy of the Atlantic Coast Indians. Their statement provides a succinct, moving commentary of this massive violation of human rights:

Our thoughts on these events:

We recognize the governing authorities right to undertake necessary measures to guarantee the defense and the integrity of the territory of the nation. We also recognize the autonomy of the state and its right to determine the implementation of emergency military measures in all or part of national territory in order to defend the country. Nevertheless, we wish to remind everyone that there are inalienable rights that under no circumstances can be violated and we must state, with painful surprise, that in certain concrete cases there have been grave violations of the human rights of individuals, families, and entire populations of peoples. These include:

Relocations of individuals by military operations without warning and without conscientious dialogue,

Forced marches, carried out without sufficient consideration for the weak, aged, women and children,

Charges or accusations of collaboration with the counterrevolution against all residents of certain towns,

The destruction of houses, belongings and domestic animals,

The deaths of individuals in circumstances that, to our great sorrow, remind us of the drama of other peoples of the region.

Such are the facts that compel us to denounce vigorously such attitudes of those who have the power and force because they must be the first to guarantee observance of these human rights. And, we urge the com-

petent authorities to take the necessary disciplinary measures to prevent a repetition of such events in the future.

On the other hand, we must remember that it is good to maintain the national integrity and that it is a right and historical duty of all Nicaragua to protect the nation's territorial integrity. We must also remember that it is a right and duty to preserve the legitimate possession and use of the riches of the natural, traditional and cultural patrimony of the indigenous people of the Atlantic Coast. In these we encounter and recognize with pride, not only the ancestry of our race, but also the identity of our ancient, prehispanic nationalities.

As we know, Mr. Chairman, the tragedy of Nicaragua's Indians is by no means unique in our deeply troubled times. Governments with totalitarian aspirations to control and transform the whole of society, and remake human nature, cannot bear peoples with strong convictions and settled communities. Jehovah's Witnesses, gypsies, Hmong, Bahai, Afgans, these and other groups have run afoul of one or more of our century's would-be totalitarians.

Unfortunately the whole pattern of repression that has developed in Nicaragua is all too familiar in our times—revolutionary plans, violent overthrow of a preceding government, "postponed" elections, controlled press, arrested opponents, accelerated military build up, surveillance, intimidation, economic failure, politico-military expansion. This sad scenario describes the spread of tyranny in our times. It should no longer surprise us that the tyranny calls itself liberation. We have all had plenty of opportunity to learn that in our times, tyranny is always clothed in lies. As Solzhenitsyn noted: "violence does not and cannot exist by itself * * *. It is invariably intertwined with the lie" since it must hide behind "the sugary words of falsehood."

Mr. HELMS. Mr. President, the testimony at our hearings has brought to light charges of a systematic elimination of a people, a campaign so perverse, so pervasive, that it should shock the conscience of even the most able defender of totalitarian terror. These charges were brought out before our committee in full view of representatives of our Nation's media. Recently, these same media have been the vehicles of a barrage of selective reporting on the human rights situation in El Salvador, an attack so strong and sustained that I wonder if any American who relies on such reports thinks that leftist terrorists even carry guns any more.

The reports of so-called "atrocities" in El Salvador, a country torn by civil strife which threatens the hemisphere, are legion; but the side of the ledger devoted to atrocities in neighboring Nicaragua is blotted out, a veiled reminder of the power, as well as the freedom, of the press.

Mr. President, this is true even though Nicaragua has been free from the heightened terrorism which plagues the rest of the region ever since the Sandinistas triumphed 2½ years ago. No "civil war" can be used as an excuse for such massive and brutal killing and destruction.

Mr. President, one might ask if the media blackout can be attributed to the silence of a troubled conscience, since so many of these same media openly sympathized with the Sandinista guerrilla force during its revolutionary terror the way they do with the leftists in El Salvador now.

Whatever the reason, Mr. President, the fact of the matter is clear and I think it demands that we all confront one fundamental question, whose answer is so important that upon it might hinge the future of our country's role in the Central American region.

Mr. President, when, when, are we going to see an end to the media's treatment of the reporting on human rights violations? Again and again the media, the only channels which are available to the public for the dissemination of information on the situation in Central America, tell us in blaring headlines of the atrocities committed by the "right."

Let me give you an example, one which many who sat 1 month ago today in our hearing room might remember. At that time, in hearings which the subcommittee called on the prospects for elections in Central America, we discussed the topic of El Salvador. Now, the American prestige press—the networks, the newsweeklies, but especially the New York and Washington print media—had conducted a relentless campaign of propaganda against El Salvador which was almost unprecedented in recent memory. Day after day these molders of opinion told us of the atrocities of what they called the "right," and of the virtues of the revolutionaries—who do not deprive anyone of human rights, you see, even though their sole goal is to kill, maim, destabilize, and terrorize until their opposition caves in.

I observed at that time that the American people would believe that this barrage of propaganda represented a balanced view of the situation in El Salvador, an unhappy consequence, in my view, because it was far short of the truth.

That morning, a young man was waiting for me when I arrived at the hearing room, and, after speaking to him for a short while, I asked him to address our panel during a recess in the proceedings. At that time, several members of this committee heard Mr. Richard Valdivieso, a veteran of the U.S. Army and one of the founders of an anti-Communist opposition party in El Salvador. He pleaded with us to tell the American people that the Communists were trying to disrupt the elections process in El Salvador, which should not come as a surprise, since they could hardly be expected to win any popular election. But his statement flew in the face of everything that we had heard from the conventional sources of opinion, reporters and correspondents who had glorified the guerrillas as a "peoples' army" and had blamed all the violence on the right, while telling us that the terrorists were erecting schools out in the bush, a sort of indigenous Peace Corps.

Naturally, we never heard a word on the 6 o'clock news about Mr. Valdivieso. And it was only in a short line in a short story yesterday that the papers reported that several members of his party had been attacked Friday night.

Mr. President, Richard Valdivieso was shot last Friday night by a group of terrorists who roared by his party headquarters with machineguns blazing; he is presently in serious but stable condition with several gunshot wounds. One month ago, he sat before our panel and said he was not afraid to return to El Salvador, that he felt elections would install a legitimate government in El Salvador and make it more likely that peace could be restored there.

He told us that day that at home, on his bedstand, he had "a Bible and a bullet": The Bible, with the word of God that inspired his life; and the bullet which had killed his best friend, fired by a leftist guerrilla death squad because his friend, a pharmacist, represented everything the guerrillas hate about El Salvador: A quiet, nonpolitical, traditional family man who ran a small business—exactly the way of life the Communists want to destroy.

Now Richard Valdivieso has several more bullets to add to his collection if, God willing, he survives this attack. He spoke to our committee, I recall, in the name of all the parties who want elections, not just his own, and he spoke eloquently; his written communication to the committee will appear with the testimony given last February 1 before the committee.

Mr. President, this man's shooting represents the guerrilla's blind opposition to reason, elections, anything which might remotely reflect the will of the people of El Salvador. It is obviously a glaring violation of human rights, but we hear nothing, absolutely nothing, about this leftist violence from our media.

Mr. President, I wish I could stop there, but there is more.

Last fall, a lovely young lady came by my office to say hello, and goodby. Her name was Carolina, a lovely name indeed. She was from El Salvador but studied in the United States, here in Washington, until things at home got to the point where she wanted to be with her family, to be with them while the going got rough. She is a very brave young woman, but she did not think so. People of her age group, she said, knew that, if they let Salvadoran

life crumble because of the guerrillas, if they all fled, or hid, until it was all over, then the guerrillas would have won the all-important psychological war. So she went home, and she is still there.

She told me that, when she was in the United States, she could be "North Carolina," and, when she returned to El Salvador, she could be "South Carolina."

Friday night, Carolina's father was shot. He has two bullet wounds, but is not in mortal danger. Like his daughter, he wanted to be in El Salvador, to help his country survive the Communist attempt to bring it down. Once one of the most productive farmers in Latin America, he lost his rice farm in the land reform 2 years ago this week. Since then he has been selling insurance and trying to keep his country from falling apart. He had no bodyguards, no armored cars. Just a lot of courage. His attitude now is more resolute then ever. "We will keep on working," he said yesterday. "We're all fine, things are going to get better. We will work hard and pray hard, you had better believe it."

In a way, this must sound discouraging: but we must try to see the good in the midst of so much unhappy news. I have one modest suggestion which might point the way toward something hopeful:

In the light of the attacks by the leftist guerrillas in El Salvador, in the light of the obvious bias of media reports depicting guerrillas as "freedom fighters" who love the people, cannot the American people hear just once the truth about the goals of the left, as seen on the record day after day in Central America? Do not the American people deserve a break, can they not be allowed one crack in the facade which might let the truth seep through?

The Western Hemisphere Subcommittee has done its best to bring to the attention of the American public the conditions in Central America, the forthright attempt by Cuba to Sovietize the hemisphere piece by piece, the violation of human rights by the left which are never mentioned on prime-time TV, and which rarely, if ever, make the editorial and news columns. "Unfit to print," I presume, and the best-kept secret on the 6 o'clock news.

Last week, committee members heard in a private session a leader of the Indian tribes of Eastern Nicaragua describe the killing, mass "relocations"—the leftist euphemism for forced marches, where the weak are left at the roadside to die—which the Sandinistas have perpetrated in the Atlantic region, after kicking out the foreigners and the news media. Thursday morning, I held hearings to put on the record the substantiated reports of Sandinista violence, murder, concentration camps, and the rest of the grim picture now emerging from the world's newest "people's paradise." That afternoon, Senator KASTEN, aware of reports that missionaries from Wisconsin had been ejected from Eastern Nicaragua by the Sandinistas so they would not see the atrocities about to be perpetrated, held emergency hearings in the Foreign Operations Subcommittee of the Appropriations Committee. His witnesses included Stedman Fagoth Mueller, the Miskito Indian leader who could not appear before our committee because he is a Nicaraguan citizen. There was ample media representation in the hearing rooms last Thursday, but not a word in the print media, not a mention on the 6 o'clock news, although one network had the dark humor to spend 1 minute and 46 seconds relating how "animal protection groups protest a Bureau of Land Management policy of killing unadopted wild horses." Is there any more graphic illustration of the poverty of mind afflicting the judgment of the media in moral issues today? Is there any match for such selective sensitivity?

Well, the media might tell us, the Sandinistas ejected all journalists from the Atlantic region, allowing only sympathetic groups like that of Ramsey Clark to visit the Miskiti territory. Is this sufficient reason?

Mr. President, if the news media were kicked out of El Salvador tomorrow, would the press be silent about it? If the news media printed solely what the Salvadoran Government told correspondents in some hotel room in the capital, would you not expect a hue and cry from the defenders of the free press?

I have only one question: Where are they now?

The record is there in Nicaragua for anyone to see.

Mr. Fagoth Mueller described for us how one woman, giving birth to twins, was burned in her house because she could not rise and move with the people of her town, which was set afire by the Sandinistas. She was burned in her own home, along with her babies, one born, one yet to be delivered.

Her husband buried her at the foot of the steps of the burned-down church, and then escaped to a refugee camp in Honduras.

Will someone from the news media tell me today that they will try to find him there, and ask him if this is true? Will you make that one small step for man's right to know the truth?

Mr. President, I await an answer to that question, and I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE IDENTITIES PROTECTION ACT OF 1981

The Senate continued with the consideration of the bill (S. 391).

Mr. JACKSON. Mr. President, there is wide agreement on the importance of the measure we are considering, the Intelligence Identities Protection Act.

At long last, we have before us the means to protect our national foreign intelligence capabilities from a serious threat. There are active today a few people who make a business of exposing the identities of American covert agents. These people are not pursuing historical or academic research, correcting abuses, investigating possible scandals or illegal activities, or pursuing any other salutary public activity. Instead, they are in the business of "naming names."

These malefactors, notably Louis Wolf and Philip Agee, have persisted in risking the lives of courageous public servants and threatening our vital foreign intelligence activities. Among their other activities, for example, those two visited Greece, Jamaica, and Mozambique, where they alleged a CIA relationship for several American Government personnel working in those countries. In so doing, Agee and Wolf placed the individuals they named in serious peril. In Mozambique, the peril was harassment and expulsion. In Jamaica, the peril was attempted assassination. In Athens, it was murder.

This threat continues today. Just last fall, in October 1981, Agee traveled to Nicaragua, where a strident anti-United States campaign was under way. On November 6, the pro-Sandinist newspaper, Nuevo Diario, published the names of 13 alleged CIA officers assigned to the U.S. Embassy in Managua, U.S. officials there believe the publication of those names was linked with Agee's visit. Several of the individuals named in the list soon received death threats, and the families of all these American officials were evacuated for their personal safety.

There also followed four incidents in which single female employees of the U.S. Embassy in Managua were accosted and/or had their homes entered.

In the first of these incidents, three men armed with pistols entered the home of an Embassy employee who was absent at the time. The men tied up the employee's gardener and searched the woman's home, taking a few items and disabling the telephone.

In the second incident, individuals believed to be the same three men

forced their way onto the grounds of the home of another employee, tied up the guard, and waited 7 hours for the employee to return home. The intruders then tied up the employee, threw her into a closet, took her car, money, and some belongings, and departed. The intruders told the guard that the employee was a CIA agent.

In the third incident, the home of an employee was entered by force. The guard was tied up and the employee was accosted and threatened. The men were overheard to discuss among themselves whether or not the employee's name was "on the list."

The fourth incident involved the same employee who was the target of the first. The men involved hid on the grounds of the employee's residence. When she returned home, the men stopped the car in which she was riding and, at gunpoint, took her, a Nicaraguan acquaintance, her maid, and a guard prisoner. After tying, gagging, and blindfolding them, the men proceeded to empty the apartment of all its contents and again disabled the telephone. During the course of these activities, the Nicaraguan acquaintance was beaten. The assailants are quoted by the maid as having said, "We are doing this so that CIA personnel will have to leave," and that they were doing this so that "all Americans will have to leave." Just before leaving the apartment, one of the men said, "You are CIA and our hands are itching to kill you."

AGREEMENT IN CONGRESS

Mr. President, because of incidents like these, and because of the way in which Wolf-Agee-style activities can injure our national foreign intelligence capabilities, the need for legislation dealing with this matter is not in doubt. There is widespread agreement, not just in the Senate but throughout Congress and the Government generally, on the need for legislation to protect those who serve our country in such hazardous circumstances.

The activities of people like Agee have been condemned in the press and in the courts. For example, the Supreme Court majority opinion on June 29, 1981, in the case of Haig against Agee, said in part:

> Agee's disclosures, among other things, have the declared purpose of obstructing intelligence operations and the recruiting of intelligence personnel. They are clearly not protected by the Constitution. The mere fact that Agee is also engaged in criticism of the government does not render his conduct beyond the reach of the law.

There is also widespread agreement that we must act now—indeed that we have delayed too long already. It was early in July 1980 that the assassination attempt on Mr. Kinsman occurred in Jamaica, followed 3 days later by an apparent attempt to assassinate another of the Embassy personnel named by Wolf. The following day, Mr. Frank Carlucci, then Deputy Director of Central Intelligence, wrote to one of my colleagues on the Intelligence Committee about these events. He said:

> I further believe we can ill afford to wait until another member of a U.S. overseas mission comes home in a casket before Congress addresses this pressing problem.

How right he was—and that line was written before the attacks in Mozambique and Nicaragua.

We also find general agreement on all provisions of the bill before us now, save for one section. That section concerns provisions dealing with people who have never had access to classified material, section 601(c) of S. 391.

And even on most parts of this section, we are agreed.

We are agreed that we must legislate to correct grave abuses. We are agreed that we must legislate carefully, to avoid infringing on or chilling the exercise of civil liberties. We are striving to craft a law that will delimit narrowly the specific abuses that would be prohibited. To that end, we agree that we must protect individual rights by imposing a burden on those who would be prosecuting others under this law—a burden of six elements that must each be proven beyond reasonable doubt.

We are agreed, moreover, on five of those six elements. Specifically, the law would require, whether in the version as it came to the floor or as amended in the way that Senator CHAFEE and I, with several others, have urged, that the prosecution prove that a person accused under this law must have:

Acted in the course of an effort or pattern of activities intended to identify and expose covert agents.

Intentionally disclosed information that did, in fact, identify a covert agent.

Made disclosure to an individual not authorized to receive classified information.

Known that the information disclosed did, in fact, identify a covert agent.

Known that the Government was "taking affirmative measures to conceal such individual's classified intelligence relationship to the United States."

SUPPORT FOR THE OBJECTIVE STANDARD

Where there is disagreement, Mr. President, is the sixth element required for the prosecution to prove. The bill, as it came to the floor, employs an "intent" standard for prosecution, which would require that a defendant's state of mind and purity of purpose be examined. That is, in the bill as it came to the floor, the sixth element required for a successful prosecution would be that the person making the disclosure of identity did so with the intent of impairing or impeding the foreign intelligence activities of the United States.

This language concerned me, chiefly for reasons of civil liberties. We must exercise great care to protect the exercise of our political freedoms. We should be very cautious about writing laws that would permit or even require examination and trial of a person's lawful exercise of political beliefs, actions, and associations. The free exercise of public scrutiny and debate is central to our democratic institutions, and we should avoid creating laws that might chill these activities by inducing a fear that a spirited criticism made today will tomorrow be adduced as evidence of impure intent.

Consequently, I joined Senator CHAFEE and several other cosponsors in proposing an amendment to the bill which would restore the original language of the bill. Our amendment would replace the subjective intent standard with an objective standard, according to which the prosecution would have to prove that the accused has reason to believe that he would impair or impede foreign intelligence activities of the United States.

The language proposed in our amendment has been strongly supported by both the Carter and Reagan administrations. It is the language that was endorsed by the Senate Intelligence Committee in 1980, that was in the bill when it was originally submitted to the Senate during this Congress, and that was overwhelmingly adopted by the House of Representatives early last fall.

The key advantage of this language, I believe, is effectiveness. The Chafee-Jackson language will be more effective in protecting both our foreign intelligence capabilities and our individual civil liberties. With this language, the legitimate scope for governmental investigation would be limited. Being an objective standard of evidence, the reason-to-believe element makes irrelevant an individual's political beliefs, associations, and other public activities. At the same time, malefactors will not be able to avoid punishment under this law by claiming that they had a benign intent for their actions, however much they endangered national security and imperiled individual lives.

The reason-to-believe standard is effective in a technical sense, as well. It is consistent with the body of statutory and case law that has been developed concerning espionage activities. And it has passed constitutional muster in a number of important cases.

Finally, it is important to remember that we have been addressing just one element—the objective versus the subjective standard of proof. Whichever version is supported by the Senate will be only one of six elements, each of which must be proven. Moreover, in

case a court might require further guidance in applying this law, its legislative history makes absolutely clear that the legislative purpose is to "get the bad guys," not to chill debate over issues of public policy.

Mr. President, the amendment we have proposed will help protect our civil freedoms and the lives of courageous public servants—who are also vital to preserving our freedoms.

Mr. President, I urge prompt adoption of the amendment.

Mr. BIDEN. Mr. President, I welcome the comments made by the distinguished Senator from the State of Washington. I shall attempt to rebut some of the assertions that he made.

He has been a leader in this area for some time. His knowledge of the area is without question. But I wish to clarify a couple things. The Senator says, as do many have who support his position, that having the reason to believe language in the legislation would avoid the argument that there was a benign intent; that is, that the person making the statement of disclosing the name would not be able to argue: "I really didn't mean to hurt the intelligence capability of the United States; I meant to help it."

I cannot for the life of me understand how the Senator and others can continue to make that argument when in fact the same argument applies to reason to believe. Why would a defendant in a case not just as easily be able to say before a jury, "Ladies and gentlemen, I did not have reason to believe that I was hurting the United States of America; I had reason to believe I was helping the United States of America by disclosing the name of John Doe who I believe to be a mole in the CIA."

If the argument applies to the intent language it applies with equal and I think in fact increasing validity to those who suggest the reason-to-believe language should be there.

I wonder if the Senator wishes to respond to that.

Mr. JACKSON. I am glad to respond.

Having been a prosecuting attorney myself once upon a time, handling cases from speeding to murder in the first degree and having sent them to the gallows, so to speak, I can say as a former prosecutor that the task here without the Chafee-Jackson amendment is going to be very difficult when you apply a subjective standard.

The key point is that the test should be objective and not subjective, that a person knew or should have known that the result of this course of conduct would lead to such-and-such. That is what we are really talking about.

Without this amendment, the elements of proof will be troublesome to a jury and a U.S. attorney.

Mr. BIDEN. With all due respect, having also tried a number of murder cases, having tried rape cases, having tried cases of equal consequence I respectfully suggest and maybe having tried them even at a more recent date than the Senator from Washington, I respectfully argue he is not correct. I respectfully argue that when one walks into a court to try to apply in a criminal case a reason-to-believe standard that is essentially a civil standard by and large it is more difficult to make that case than it is to make the case of intent.

For example, in the celebrated case we have been reading for several months of Wayne Williams in Atlanta, there was an intent requirement. The prosecuting attorney had to prove that Wayne Williams intended to kill those people. There are no eye witnesses who said, "I saw him kill those young men."

There were no eye witnesses to suggest that he ever at any time said he intended to do anything. There was never any proof in the literal sense. I know the Senator from Washington and others of my distinguished colleagues used the phrase "pure intent." There is no such thing as pure intent. No court in the world requires pure intent, whatever that means. Intent can and always is inferred unless one can establish it directly by either the defendant acknowledging that he had the intent to do that. All the rest of it is inferred. So, this idea that somehow we are out here searching like Diogenes for the truth and pure intent is a bit of a red herring. There is no such thing as pure intent required to be proven. It can be inferred.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. BIDEN. I will not yet at this point because it is a very important point. I want to hear the Senator's response. I will yield in 30 seconds because I do not think the response will take much longer than that.

Mr. JACKSON. As you know, reason-to-believe language appears in most of the basic espionage statutes. I ask my colleague, am I right or wrong?

Mr. BIDEN. You are right, but you are applying it incorrectly.

Let me respond directly to the Senator from Washington. My distinguished colleague, Senator CHAFEE, has cited in the debate on Firday several espionage statutes. As a matter of fact, he cites two espionage statutes that included the reason-to-believe language, and I would argue before the distinguished court here that they are not cases in point.

He starts off when he cites 18 U.S.C. 793, subsection (e), and this is a general espionage statute which makes it a crime to disclose material related to the national defense to a person not entitled to receive it, and it adds an additional requirement of "reason to believe that this information could be used to the injury of the United States" only for oral statements as opposed to documents.

Senator CHAFEE confirms that this statute contains far less protection than section 391, but the reason it does is that this statute is not intended to apply to publications of information but only to the secret transfer to foreign powers.

This analysis is spelled out in an article in Columbia Law Review in 1973 by Edgar and Schmidt. The Justice Department asserts that this is not the case and argues the reason-to-believe statute is as the Senator suggests. But there is not any case of which I am aware in the espionage statutes, not a single conviction for the publication of information, not a single, solitary one under the reason-to-believe standard and the reason why is with publication the reason-to-believe standard would be unconstitutional unless intent is implied.

Mr. JACKSON. I do not believe we have a provision in the code at the present time similar to this one involving publication. We have the statutes relating to classified material. But as to the situation we are dealing with here, we have not had that problem presented in this way.

My colleague also mentioned intent in murder. Of course, in first degree murder it is not just intent, it has to be premeditated intent which, as my colleague knows from his experience, having tried murder cases—I have as a prosecutor, and do not know whether he has in either defending or prosecuting——

Mr. BIDEN. I was defending.

Mr. JACKSON. It is a tough question, and the point I want to make here is that to be required to prove specific intent and to establish that as one of the six elements poses real problems in prosecuting. The accused can say:

> I had no intention of doing anything here other than to divulge a scandal or whatever is going on.

I think we have a duty and a responsiblity of saying that that individual, a reasonable person, a reasonable man, if you please, knew or should have known, Mr. President, that the consequences of his act or her act would lead to such and such. That is what I am saying here, to sum it all up.

(Mr. HATCH assumed the chair.)

Mr. BIDEN. Let me respond by pointing out the Senator makes a very eloquent rebuttal for his own point about why the espionage——

Mr. JACKSON. That is my purpose—for my own point.

Mr. BIDEN. Rebuttal of your own point by the Senator's pointing out that the espionage statutes are not applicable, they are not cases in point, because you pointed out, Senator, the

reason why there have not been prosecutions for publication is there are not any statutes that, in fact, make punishable publication under the reason-to-believe standard, and the point is the Senator from Rhode Island and the Senator from Washington and others have often used that it is evidence of the fact that the reason-to-believe standard would be constitutional is simply not applicable when the issue is publication.

The second point I would like to make to the Senator from Washington on premeditation, premeditated intent to establish first-degree murder can be inferred. It does not have to be proven in the sense that you have somebody having to leap into the person's mind. It can be inferred from their acts. That is how we convict people.

Mr. JACKSON. But the Senator would not want the record to stand here and say it does not have to be proven. The judge instructs the jury that the accused must have the charges against them proven beyond a reasonable doubt both as to intent and premeditated intent.

Mr. BIDEN. Right.

Mr. JACKSON. I agree with the Senator that the overall circumstances, the pause, the time, and what not, are matters that can be adjudged by the jury as evidence of premeditation.

Let me just say when I referred to the espionage statutes and pointed out that language is similar in those statutes and they have been upheld by the courts, that we are dealing now with a situation which we have not had to address in the past in a statutory manner, and I submit that the precedents here confirm the position that the Intelligence Committee took and that was adopted by the overwhelming vote by the House on this issue.

We can go on and on, but I must say that the standard that makes sense to me is the prudent standard, and that is whether the individual knew or as a reasonable person should have known that the consequences of his act would lead to this kind of harm to the security of the Nation.

Someone could travel around saying:

I was just down in such and such a country checking over the lists in the Embassy, and having served in the CIA I thought it ought to be known who is working for the CIA. It is a great organization, but I think it all ought to be made public.

What does one do? Yet we know that a reasonable person would come to the conclusion that that person, regardless of his defense and his protestations, was indeed harming the security of this country.

Mr. BIDEN. I think that is a very valid point the Senator makes. Let me ask him now a specific question. A reporter for the Washington Post, Bob Woodward, disclosed that the CIA made secret payments to King Hussein of Jordan for the past 20 years, and there was a subsequent story in the New York Times by David Binder on February 19, 1977, who named four additional foreign leaders who received that money.

Under the reason-to-believe standard I believe it is fair to say anybody who did that, in this case Woodward and Binder, should have reason to believe that would have hurt our efforts, is that not correct?

Mr. JACKSON. I think you would have reason to believe that the King of Jordan did not look so good. He did not harm any of our people.

Mr. BIDEN. I see.

Mr. JACKSON. We are here to protect the good name and the integrity of the intelligence system of our country. Other countries protect theirs in a pretty rough manner.

Mr. BIDEN. So neither of those people——

Mr. JACKSON. My colleague is being very modest. He has done a lot of outstanding work on the Intelligence Committee, and he knows that other countries are really tough on those who violate the code. The British, who have a reasonable system, through the centuries of freedom have been the toughest, and the Israelis are even tougher.

Mr. BIDEN Well, I understand that. I am concerned about what it means in this country. If the Senator is right, I could vote with him.

For example, an article by Jeff Gerth on December 6, 1981, in the New York Times reveals that many former CIA station chiefs have gone into private business in countless countries around the world. He goes on to identify seven former CIA officials who have used contacts they have made, while they were in Government, uncovering the agent's name. One of the standards is that the Government is taking affirmative action to prevent their disclosure. The Government took affirmative action to prevent the disclosure of these names. He published them. Under the reason-to-believe standard, is it likely he will go to jail if he were tried?

Mr. JACKSON. No.

Mr. BIDEN. Why not?

Mr. JACKSON. No, because we are talking about former agents who were no longer in the CIA. We are talking about a totally different situation.

Mr. BIDEN. So, as the Senator understands our overall statute here then, if anyone, including Agee, can go out and disclose, even though it is based on prior information that he had as an agent, he could go out and disclose the names of former agents who were no longer agents, is that right?

Mr. JACKSON. Well, you have to prove, as you know, all six elements.

Mr. BIDEN. I understand. But I want to make sure we are talking about the same thing. Because the Senator just said the reason why this fellow Gerth would not go to jail was because these people were former agents. Does that mean it is all right to disclose the names of former agents?

Mr. JACKSON. My specific amendment, the Chafee-Jackson amendment, relates to those who are on active duty in the CIA. There is another section in the bill that addresses former employees of the agency.

Mr. BIDEN. All right. We have a couple of articles by current employees, where the names of current agents have been published by the United States or by publications in the United States. Let me give you a few examples.

David Shipler, reported in 1978 in the New York Times that the Soviet paper Izvestia had identified four alleged CIA officers in the U.S. Embassy in Moscow who were then active agents in the area. He published those names. He published them because he said that Izvestia had identified them as agents.

Now, it would seem to me, in the reason-to-believe standard, that all the standards were met. First, he did publish the name of agents. He disclosed it and he knew they were agents. Second, he used the pattern of activities to disclose it, because he went around and interviewed a whole bunch of people to establish whether or not they were agents. Third, he had the intent to disclose those names by the fact of disclosure. Fourth, the Government was taking affirmative action to prevent, in fact, their names from being disclosed. And then we get down to the last standard, should he not have—since the Government said, "We do not want you publishing those names. We are taking efforts to keep these from being disclosed. You, in fact, are engaged in the business of finding out who they are," and so on—should he not have, under the Senator's standard, reason to believe that that would harm the United States of America? I do not know how you avoid that.

Mr. JACKSON. First, regarding the previous case, I want to make clear that the Senate bill does not cover the situation that my good friend referred to. That is, the disclosure of a covert agent who is no longer in the employ of the Government is not protected by the Senate bill. The House bill provides, as it was passed and sent over here, for a 5-year hiatus; that is, for 5 years after having left the intelligence community, anyone who discloses information as indicated in the general bill would be in violation. But my amendment, the Chafee-Jackson amendment, addresses only those on active duty.

Mr. BIDEN. I think that is important to make clear.

Mr. JACKSON. My colleague, I know from our work together on the committee on so many matters that we cannot even discuss on this floor, has played an outstanding role in enhancing and in strengthening our intelligence system. I know he wants to do what we all want to do, and that is to protect those who are taking great risks for our country. We all want to do the same thing. I do believe that unless we have language of this nature we are simply not going to get the convictions when the chips are down. That is my sole reason for offering the amendment with Senator CHAFEE and other colleagues.

Mr. BIDEN. I do not want to put the Senator on a spot or get us in a position where we are arguing——

Mr. JACKSON. Neither one of us is on the spot.

Mr. BIDEN. What I mean is arguing about the number of angels on a head of a pin or anything like that. I do not want to get into any of those kinds of esoteric arguments.

I have very practical concerns, as the Senator does.

For example, Robert Pear described in the December 20, 1979, New York Times a lawsuit involving current and former CIA employees assigned to South Korea. One of the officers told the Times that the CIA had been aware of South Korean influence buying in the U.S. Congress years before the Koreagate affair became public but had concealed the information from the Justice Department.

Now, Pear comes along and discloses the names of current employees, employees that the agency is trying to protect their names. They are saying that we do not want those names disclosed, employees that, in fact, are involved in the CIA today; employees, when he publishes their names, that meet, as a consequence of his publication, five of the six standards set out; that is, he intended to publish their names, he knew they were agents, he intended to disclose what their names were, he, in fact, knew that they were agents working for the agency, and so on, and he had reason to believe—no one could doubt, it seems to me, that if you publish the name of an agent operating in South Korea that you are not jeopardizing that agent. But he did it for a reason totally unrelated to disclosing or hurting the national security. He did it for the reason to uncover Koreagate in the U.S. Congress. Now, would he be subject to going to jail under your law?

Mr. JACKSON. My offhand judgment is no. You would have to first establish that he acted in the course of an effort or pattern of activity and intended to identify and expose covert agents.

Mr. BIDEN. If the Senator will stop there, he clearly did that. It is beyond question he did that. I will tell you how he did it, if you give me just a moment.

Mr. JACKSON. His purpose was not to expose covert agents.

Mr. BIDEN. Sure it was. His purpose was to disclose those agents by the mere act—all of our testimony is replete in the Judiciary Committee and in the Intelligence Committee that the intent provision is met by the mere fact of disclosure. Otherwise, why would he have disclosed unless he intended to disclose? There is no question about that.

The pattern of activity by the Justice Department testifying before our committee is established not by a series of publications but by a series of activities that involve the investigative process of determining whether or not the person is an agent. So he went around and asked a whole bunch of people, "Is this guy an agent? What is he involved in?" And so on. That establishes the pattern of activity. There is not any question about that.

Mr. JACKSON. Clearly, you cannot in one breath turn around and say that it was his sole purpose to uproot corruption and then that his real purpose was to disclose agent identities. That is what a jury would have to decide on the basis of all six elements that would have to be proved—whether it was his purpose to uproot corruption to disclose the identity of individuals as covert agents.

Mr. BIDEN. You see, that is the point. You are saying in effect we should apply an intent standard. You say the reason-to-believe standard allows a prosecutor to introduce in evidence the following evidence: I say, "Did you not ask the Agency whether or not this would impair or impede?," and he said "Yes, I went out and asked the Agency: 'What happens if I publish the name of Joe Doaks, an agent in Korea?' "

Surely, what the Agency says is, "You will be impairing or impeding." And the defendant comes back and says, "But that is not my intent. My intent is, do you not realize these guys are involved in bribery, in bluffing the Congress? These guys are involved in" so on and so forth.

Mr. JACKSON. I think the jury could determine, certainly, his objective, which is certainly different from the Agency. He is not an investigative journalist. His objective was to uproot corruption, and certainly you would not have difficulty proving that.

If, incidentally, it turns out that the individual involved is a covert employee of the intelligence community, you have not proven a case against him.

Mr. BIDEN. With all due respect, that is not what they have to prove. All they have to prove is that he intended to disrupt, impair, or impede.

The intent provision in your language only goes to disclosure. All they have to prove once you get beyond that, the prosecution, and that is why the press are so worried about this—all they have to prove once you get beyond that is that such disclosure would impede, whether or not intended, and there is no question it would impede, even if you have a good purpose.

It is clear that it will impede, disclosing the name of our agents in Korea. It is going to impede the efforts of the CIA in Korea. There is no question about that.

Mr. JACKSON. I just do not agree with that conclusion because the whole thrust of it in the suppositious or hypothetical case you presented——

Mr. BIDEN. Senator, that happened.

Mr. JACKSON. Was he prosecuted?

Mr. BIDEN. No, because there was not a law like you are suggesting.

Mr. JACKSON. You mean, the amendment I have suggested. You are not disagreeing with the law as a whole?

Mr. BIDEN. No, just on the reason-to-believe standard.

Mr. JACKSON. Bear in mind that you have to prove that he acted first of all in the course of an effort or pattern of activities intended to identify and expose covert agents simply for the purpose——

Mr. BIDEN. You are adding "simply for the purpose." That is not what it says. That is your language. That is not what the statute says. You have to stop where you said to "expose covert agents," "a pattern of activities intended to identify and expose covert agents."

Mr. JACKSON. That is what I said.

Mr. BIDEN. You said "sole purpose." Then you go on and read the qualifying language and it says "and."

You have established the first part, he intended to disclose their names, because he did it. He had a pattern of activity. He went around and asked 50 people, "Do you know Joe Doaks is an agent of the CIA?" And so on. That is clearly establishing the pattern. The prosecutor established that. Now he has disclosed the names.

I say to you he disclosed that.

"You knew they were agents. Didn't you intend to disclose the name of an agent?"

Of course he has to say, "Yes." There is no rebuttal.

Then the language comes into play that you and I argue about. That is that it then says, "And, in addition, with reason to believe that such activity would impair."

Mr. JACKSON. May I say that my answer is that a jury would have to prove that he did it intending to identify and expose covert agents. What he is intending to do is to expose corruption, and I do not agree with the

press' interpretation of this amendment or that example. I understand what this hassle is all about, but I also understand, too, that leaving a loophole here can indeed make it almost impossible to handle any of these cases.

Mr. BIDEN. I am not sure how fruitful it is to continue in terms of asking questions, but let me emphasize again for the record, for my colleagues in the Senate. The intent provision clearly, unequivocally, without question, applies to the issue of identification. That is the first thing that has to be met—the second, actually, with the pattern. That is easy to prove by the mere fact that you have, in fact, named the names. You are estopped from saying you did not intend to name the names. So the intent provision is in fact met.

Then you move to the second stage. Did you, when you published that name, have reason to believe that it would hurt, impede, foreign intelligence activities?

It is almost impossible to argue because a jury cannot decide what your real intent was. We are saying they cannot look at your intent. We are looking at what they had reason to believe. They have to acknowledge that reason to believe.

When I expose the name of an agent in another country, operating covertly in an area that is important to us, when I do that, obviously it does not help the effort in that country, even if the reason I did it was to expose a mole, to expose a triple agent, to expose the Koreagate, a greater purpose.

It is impossible to argue under the reason-to-believe standard that the defense lawyer for that newspaperman would say, "Look, ladies and gentlemen of the jury, we acknowledge this hurt, we acknowledge this impeded, but you have to look beyond that. You have to look to the greater good."

The presecutor can stand up and say, "Your Honor, I object. That is irrelevant."

The judge will have to say, "You are right, Mr. Prosecutor, it is not relevant that this man uncovered a triple agent, that this man was going after Koreagate, that this man was doing something which, in fact, in the long run benefits the U.S. intelligence process. That is not admissible."

So what happens? As the defense attorney for that newspaperman, what do I do? I say, "I will visit you in jail. I will bring you lunch. I will go by and say hello to your children."

It is clear that he has to have reason to believe that it would hurt. There is no question it hurts, but is that what we are after here?

What happens in the case of our distinguished colleagues, former agents and present agents, who are involved with these guys, Wilson and Terpil? What are those guys all about?

Were it not for the vigilant press, where would we be? I did not hear anybody in the Agency come and tell us, "Hey, by the way, Wilson and Terpil are bad guys. They are talking to Libya."

I did not hear anybody in this Congress uncover those guys. It was the press that did it. It greatly benefited the United States of American intelligence-gathering apparatus. It put us on the alert as to what we had to be worrying about.

So what happens? What happens if those folks are still in the business, still on that payroll, and a newspaperman discloses that?

Look, I am going to yield to Senator BRADLEY in a second, but I want to make it clear for those of you back in the offices listening on the squawk box and those of you who will be voting on this thing.

First of all, a pattern of activity, I will read into the record before the day is over from the record before the Judiciary Committee a series of agents' names being disclosed. It is a series of agents and activities on the part of a single investigative reporter looking for a single name. That establishes a pattern of activity.

Now you have the first element of proof.

The second element of proof is that the person, the investigative reporter, intended to publish the name.

Obviously, if they published it and they knew it was a CIA agent, the second element of proof is met. They intended to publish the name.

Now we move from intent—that no longer is an element in the crime—to reason to believe.

You have established the pattern, you have established the intent to publish the name, and now all the prosecution has to do is to say, "Ladies and gentlemen of the jury, did not David Binder, did not Robert Woodward, would not any reasonable man," to use the phrase of my colleagues, "know that by publishing this information they are going to hurt the intelligence-gathering capability of the United States of America?"

Of course they know that.

Now I stand up as the defense counsel for either of those two gentlemen, and I say, "Ladies and gentlemen of the jury, of course we knew it would hurt, but that is not the issue here. The issue is they did not intend to hurt the overall gathering capability. What they were going after here is the fact that there is a mole in the CIA that works for the Kremlin, that is on the payroll of the KGB, and that is what they were going after. They could not expose that and make their case absent the exposure of the other person."

And then the prosecution stands up and says, "Ladies and gentlemen of the jury, that is irrelevant. You do not have a right to look beyond what to a reasonable man would appear to be the case on its face."

The fact that Bob Woodward was trying to expose a mole is irrelevant. And the court will have to sustain that.

First of all, the court will not sustain this at all. It will be declared unconstitutional. But assume it were not. The court has to sustain it. So that is not a defense. That is why intent is so important.

Granted, Mr. President, anyone you prosecute under this law is going to come back and say, "I did not really intend to hurt. My effort to pull down the CIA was done in the best interest of America."

Well, they can make the same argument on reason to believe. They can stand before the jury and say, "Oh, it is true, I published that name. It is true that I know that that person is operating in Korea or Afghanistan or any other place in the world. It is true—but I had reason to believe it would help America, not hurt America."

That is a question for the jury to decide, just as it is in intent. There is nothing special or unique about the intent provision as being somehow immune from that counterargument. That is where "reasonable men" on the jury and "reasonable women" on the jury make that judgement as to whether they are lying or telling the truth.

But, folks, this is not a matter of semantics. This is not a minor point.

The last point I shall make is—and then I shall yield to the Senator from New Jersey, or whoever is seeking recognition—let us assume for the sake of argument that the Senator from the great State of Washington was correct a moment ago when he said the cases I read to him would be matters for the jury to decide. That, in and of itself, should be reason enough to make us not go along with the reason-to-believe standard, because talk about a chilling effect. Do you want to be the editor of a newspaper in America when your reporter comes to you and says, "Hey, look, I have the biggest case of the decade. I can blow the KGB operation in America wide open. I found out who the mole is in the CIA."

Instead of the editor's asking the question, "Can you corroborate that, what are your sources, how did you get it?" the editor is going to have to ask the following question: "By the way, when you expose that mole, are you going to have to expose anybody else in the Agency?"

"Well, of course, I am going to have to mention four other agents who are now operating in another country."

The editor is going to have to say, "Wait a minute, will that hurt the operation in the other country?"

"Well, yes, it is going to hurt overall, but think what it is going to mean to the country to expose this mole."

Then the editor is going to be saying, "Wait a minute, now, I want to make sure. Is this first happening on your watch, not on mine?

"Second, what would a reasonable person think? Would a reasonable person think this is good or bad? Would a reasonable person think this will impede or impair?

"Regardless of what your intent is, you and I are both certain, John Doe, reporter, that we have no intent to harm America. But what will a reasonable person think?"

I do not want to be the editor having to make that judgment. I do not want to be the reporter having to make that judgment. In spite of the fact that our press is noble and wonderful, I find in times of crisis, they are not ready to throw themselves upon a sword. They tend to be as cowardly as the rest of us. They are like everyone else in America: When the heat is on, they do not like to jump in, like the rest of us. So, instead of taking a chance, I suspect that in some cases, there will be a chilling effect. And that is not good for America.

Forget the press; forget the first amendment. That is not good for basic, flat-out, old-fashioned Americans, whose security is at stake. Absent the ability of a third party to look in an objective way as to whether or not the Agency is functioning, we are at peril and at risk. And I might respectfully suggest; so is the Agency.

It is helpful to them, not harmful. But I sure do not want to be the Senator who votes on a piece of legislation, assuming it can sustain constitutional muster, which I do not believe it can, that results in long debates in the editorial boardrooms of the newspapers of America as to whether or not they go forward with exposing a Wilson or a Terpil or anybody else. Especially when they mean sincerely and deeply to enhance the capabilities of the intelligence community, to enhance U.S. security, to enhance our national interest, and have to debate whether a reasonable man would or would not think they should go to jail for this effort.

Why not do in this statute what we do in other criminal statutes and say you are required to have knowledge in what you are doing that you intend to hurt—not intend to publish the name, intend to hurt.

That is a matter for the jury to decide. That is a matter that prosecutors can make an argument for. That is a matter that is constantly argued before juries in every criminal case, in every court, in every State, at every trial. And it can be inferred just as it is in the Wayne Williams case. It was inferred that he had a premeditated intent to kill. The jury did not have to have it set out for them, Wayne Williams saying, "Yes, I intended," or someone else saying, "I heard him say he intended."

It is the same in this case. Why not err on the side of the Constitution? Why not err on the side of the first amendment? Why not err on the side of security? Why not err on the side that everybody, including the Agency, says will get the job done?

If you notice, folks, you will hear throughout this entire debate that there is nobody in the Agency who has said before any of the committees, "If you adopt the Biden language, we cannot get the job done." They are saying, "We can get the job done with it." They are saying, "We like the other language better, but we can put away all the Agees in the world under Biden's language." It is a piece of cake—that is my characterization, "piece of cake," not theirs.

So why not err on the side of maintaining what is a standard that has been in our Anglo-Saxon jurisprudential thought for the past 800 years? It is called intent. Nothing magic about it. It need not be pure, it can be impure. It need not be perfect, it can be imperfect. It need not be shown beyond anything beyond having to infer it. Why not stick with that standard?

Mr. President, I can tell by the looks on my colleagues' faces they are thinking why do I not sit down now? So I will sit down. I yield the floor.

The PRESIDING OFFICER (Mr. SIMPSON). The Senator from California is recognized.

Mr. HAYAKAWA. Mr. President, I implore the distinguished Senator from Delaware, who has defined the problem before us as a matter of semantics, to leave that determination to me, since I have written five books on the subject of semantics.

Mr. BIDEN. If the Senator will yield on that point, I often wonder about that comment with regard to generals, "Is war not too important to be left to generals," if it would not apply here: Is semantics not too important to be left to those who wrote books about it? But I yield to the Senator.

Mr. HAYAKAWA. Mr. President, I am fascinated by the argument of the distinguished Senator from Delaware. I have not heard such academic hairsplitting since I was a graduate student caught in the middle of conflicting theories of literary interpretation as applied to a poem by William Butler Yeats. I am grateful to the distinguished Senator from Delaware for reminding me of those dear dead days when I was working on my Ph. D.

Mr. President, it seems as though we in the United States sometimes have a naive view of how our Nation is perceived abroad.

After all, our country seeks peace. As President Reagan noted last year in his worldwide address on nuclear disarmament, the United States is not an aggressor. Immediately following World War II, we alone possessed the atom bomb, and yet we sought world stability, not world domination.

And our people are charitable. In countless disasters around the world, the American people and their Government have come to the aid of the afflicted.

So, Mr. President, it is not surprising that, so often, we cannot comprehend the hostility our Nation encounters abroad. Our Embassies are bombed, our officials kidnaped, and our policies attacked.

In this increasingly tense international atmosphere, thousands of our citizens are courageously serving their country in the intelligence-gathering operations so important to our national security. These Government employees were aware of the personal dangers confronting them when they elected to engage in intelligence activities. But they now find themselves threatened not only from the front, but from behind as well; threatened by their fellow citizens.

In 1975, American Philip Agee's Counterspy magazine identified Richard S. Welch as CIA station chief in Athens, Greece. Richard Welch was murdered 1 month after the information was disclosed in the Athens Daily News.

In 1980 another American citizen, Louis Wolf, revealed the names of 15 alleged CIA agents in Jamaica. Within a week assassination attempts were made on 2 of the 15.

Mr. President, we are now approaching the seventh anniversary of the death of Richard Welch, and still there are no laws to prohibit the type of despicable act that led to his murder. Those citizens who would destroy our intelligence-gathering capabilities are still trotting around the globe naming names and endangering the lives of conscientious Americans.

I have cosponsored S. 391, the Intelligence Identities Protection Act, so that we can at last bring an end to this type of activity. The bill prohibits the unauthorized disclosure of intelligence agents and directs the President to take steps to insure the secrecy of intelligence relationships.

Section 601 (a) and (b) of the act set stiff penalties for those who misuse their authorized access to classified information by disclosing the identities of covert agents.

Section 601(c) targets those who engage in patterns of activity to identify and expose covert agents. The language originally proposed by Senator CHAFEE and approved overwhelmingly

by the House would penalize such persons who have reason to believe that their activities would harm U.S. intelligence activities.

The Senate Judiciary Committee, however, decided narrowly to change the reason-to-believe requirement to one of intent. The Government would have to prove, not that an individual engaged in naming names had reason to believe that his activities were harmful, but that he intended them to damage American intelligence operations.

I favor the language originally proposed by Senator CHAFEE and supported by both the Carter and Reagan adminstrations. The intent standard would be difficult to prove and would allow an individual to claim that his anti-intelligence actions were intended, not to impair U.S. intelligence efforts, but to expose certain activities that were improper and worthy of public discussion. In other words, whatever the results, the individual could claim that his intention was good—indeed, he could say he was acting from highest motive of patriotism.

Senator CHAFEE's reason-to-believe standard would deal more effectively with those who threaten our national security, while preserving constitutional rights. To convict, the Government would have to prove not only that an individual had reason to believe that his activities imperiled foreign intelligence operations, but that beyond a reasonable doubt: First, there was an intentional disclosure of information which identified a covert agent; second, the disclosure was made to someone not authorized to receive classified information; third, the person who made the disclosure knew that the information disclosed identified a covert agent; fourth, the person who made the disclosure was aware that the United States was taking affirmative measures to conceal the convert agent's classified intelligence affiliation; and fifth, the disclosure was made in the course of a pattern of activities intended to identify and expose covert agents.

This language will enable the Government to convict the guilty, while continuing to allow legal scrutiny of Government activity. A reporter who, in the course of an investigation, revealed an agent's identity could not be guilty under the act, because he would not meet its pattern of activities requirement.

Mr. President, I commend the Senator from Rhode Island for introducing this legislation and for continuing to press for the best possible language. Like him, I recognize that if we are to deter effectively those who would destroy legitimate American activities, we must have an effective law.

Mr. BRADLEY. Mr. President, the bill we are presently debating is one of the most important pieces of legislation to come before Congress. It deals with the national security and the constitutional rights of all Americans. The issues the bill raises merit reasoned debate. And they deserve the careful scrutiny of every Senator.

This bill is responsive to a grave problem the U.S. intelligence community faces in fulfilling its foreign intelligence responsibilities. In recent years a small number of Americans, including some former CIA employees, have been engaged in a systematic effort to undermine our clandestine intelligence operations by disclosing the names of agents. Yet so far, none of the people responsible for these disclosures has been indicted under the expionage laws or any other law.

The failure to prevent these wanton acts underscores the need for a new law that specifically addresses this problem. Until we pass such a law, our intelligence agents will become less and less effective while at the same time they will be exposed to increasing danger. In addition, our relations with foreign sources of intelligence will continue to deteriorate because of the fear these sources feel for their own safety. Unless we can protect U.S. agents and their foreign sources from malicious disclosure, our foreign intelligence activities will be severely impaired. And because we will have diminishing access to intelligence information that is timely and accurate, our national security will suffer.

Accordingly, I support the bill that the Judiciary Committee has reported. This bill makes criminal the disclosure of intelligence identities in certain specified circumstances. It applies to three well-defined and limited classes of individuals. The first consists of those who have had authorized access to classified information identifying undercover agents. These are primarily U.S. Government officials who have a need to know the identity of CIA operatives. Because their access of the identities of covert agents derives from a position of trust, the bill penalizes their disclosure of this information most heavily.

The second class also consists of individuals who have had authorized access to classified information, but not necessarily information directly identifying covert agents. In order for members of this class to be penalized under the bill, it must be shown that they learned an agent's identity as a result of their access to classified information.

The third class of individuals affected by the bill are those who may have never had authorized access to classified information but who, in the course of an effort to expose covert agents and with an intent to impair or impede the foreign intelligence activities of the United States, disclose information to unauthorized persons that identifies an individual as a clandestine agent.

I believe the bill as reported has been carefully considered and skillfully drafted. It affords appropriate protection to intelligence agents by making criminal those disclosures which clearly represent a conscious and pernicious effort to identify and expose covert agents with the intent to damage the national security.

At the same time, the bill avoids infringing the constitutional rights of innocent Americans and unduly impeding the public's right to know. In particular, it is drafted so that casual discussion, political debate, the legitimate activities of journalists, or the disclosure of illegality or impropriety in Government will not be inhibited by enactment of this legislation.

Mr. President, it is essential that this last feature of the bill be preserved. There is no doubt that we need effective prohibitions on malicious disclosures of the identity of intelligence agents. But there is similarly no doubt that we must preserve the fundamental right of free speech guaranteed all Americans by the first amendment. And we must jealously guard the important role played by the press in exposing the truth.

S. 391 as reported strikes a proper balance between protecting the men and women who risk their lives as covert agents and guarding the interest all of us have in freedom of speech and a free press.

Substituting language from the House-passed bill as proposed in the Chafee amendment would upset this balance and I must oppose it.

In the case of individuals who may never have had access to classified information, the Chafee language requires only proof of reason to believe that disclosures would impair or impede intelligence activities.

The bill before us requires "intent." I am concerned that substituting the "reason to believe" for the "intent" test would chill significant public debate on Government activities even where the purpose of the debate was to expose serious impropriety.

The reason-to-believe standard also risks imposing criminal sanctions on those who disclose information of a purely factual nature which they believe the public has a right and a need to know. The penalty would apply to situations in which the identification derives entirely from published U.S. Government documents and where the disclosure would not place any lives in jeopardy. Finally, the House bill would impose criminal sanctions not only on those in the business of naming names, but also on publishing activities fully protected by the first amendment.

Mr. President, there is no need for us to substitute "reason to believe" for

"intent." The administration is on record as stating either version of the bill is acceptable and will be enforceable. In a letter to Chairman BOLAND of the House Intelligence Committee, CIA Director Casey stated he could support the Senate Judiciary Committee version. The Justice Department has indicated their agreement with Mr. Casey's position and the hearing record on this bill fully confirms that either version will do the job.

If both versions are acceptable to the agencies they are intended to protect, why then should we risk needlessly infringing on freedom of speech and freedom of the press?

Proponents of the reason-to-believe test tell us that their version affords ample protection for the press because of the other protections of the bill. In fact, these other conditions simply describe the activities of an investigative journalist.

Senator BIDEN has gone over this point in some detail but let us go through it once more and perhaps the proponents of the amendment could concretize this for us by responding to a few questions that are directed at specific newspaper articles.

First, let us consider "pattern of activities." This requirement is supposed to provide protection for those who argue for the reason to believe standard as opposed to the intent standard. Instead, "pattern of activities" is simply a definition of exactly what an investigative reporter does when on a story such as the current New York Times effort to find out whether any CIA officials worked with former intelligence agents Wilson and Terpil in recruiting and training Americans and foreign nationals for terrorist activities.

A second requirement is that the individual disclosing the agent's identity have reason to believe that the disclosure will harm U.S. intelligence activities. But the CIA asserts that whenever a covert agent is identified it becomes harder to recruit new agents. Based on the CIA position, a reasonable person would have to conclude that any disclosure of a possible CIA operative would harm U.S. intelligence activities. Moreover, most journalists would check with the CIA before publishing a story and would invariably be told that disclosure would cause injury to the agency. Hence, it is difficult to imagine a situation in which this condition would not be met.

The third criterion for liability under the Chafee language is that the individual discloses information that identifies an individual as a covert agent. This simply requires that a story be factual—a condition that the media itself imposes on investigative reporting.

The fourth criterion is that the disclosure be unauthorized. Repeating the name of an agent to an editor or printer would constitute such disclosure.

The fifth requirement is that the individual knew that a covert agent was being identified. This condition would be met by the story that the individual was an undercover CIA agent.

Finally there is the requirement that the individual knew that the United States is taking affirmative measures to conceal the agent's identity. Any reporter would know that the CIA wants to conceal the identity of all covert agents. Again, it is hard to conceive of circumstances where a piece of investigative journalism about an intelligence operative would not satisfy this condition.

In sum, the reason-to-believe standard would cover virtually all disclosures by an investigative reporter involving intelligence agents.

Proponents of the reason-to-believe version assert that it is not necessary to name names, that responsible journalists do not name names. That is simply not the case. I have here articles and books by responsible journalists and authors which include names of covert agents as defined in the bill. I would like the proponents of the Chafee amendment to explain to me whether the authors of these articles, which seem to respond to legitimate concerns of the public and their right to know, would be criminally liable under the terms of this amendment. Specifically I would like to know:

Do they believe that the article or book should have been published with the names included?

Do they believe that the publication would be covered by S. 391 with the reason-to-believe standard? If not, why not?

Mr. President, if I could have the attention of the floor manager of the Chafee amendment, I wish to pose these questions to him and have him respond only to clarify the record as to what his intent is in proposing the reason-to-believe amendment.

I have with me today fewer articles than I did the last time we discussed this situation on the floor. I now have only 10 articles with me and I wish to ask the Senator to answer a couple of questions about each of these articles so that we might clarify the intent of his amendment. The questions are:

Does the Senator believe that the article or book should have been published with the names included and does he believe that the publication would be covered by S. 391 with the reason-to-believe standard? If not, why not?

I can provide the Senator with a copy of each of the articles or I would be pleased to read the article to him or read a summary of the article, but I would like to get this clarified for the record. Which would the Senator prefer to do?

Mr. CHAFEE. Why do we not have a look at the article? I am not at all familiar with what the Senator is discussing. And why does he not send it over or let me take a look at it if I could, please?

Mr. BRADLEY. I have 10 articles from the New York Times, the Washington Star, and the Washington Post, each written by a journalist and the question is: Does the Senator believe that the article or book should have been published with the names included? Does he believe that its publication would be covered by S. 391 with the reason to believe standard? While I am waiting for them to be Xeroxed, let me summarize the first article:

It is a New York Times article dated December 6, 1981.

The PRESIDING OFFICER. If the Senator from Rhode Island——

Mr. CHAFEE. Mr. President, if I could interject one question, if I might, I would be interested in the Senator's viewpoint as to whether it would be covered by the intent statute since the Senator has indicated he is for the intent statute, and he is obviously familiar with that. I would appreciate it if he would give his views as to whether it was covered, and answer the same question as to intent that he is asking of me with regard to reason to believe.

Mr. BRADLEY. I would be pleased to respond. We will go article by article. The first article, as I say, is an article in the New York Times of December 6, 1981. This article details how many former U.S. intelligence operatives have entered into profitable business arrangements in other countries.

According to the author, Jeff Gerth, their success is derived from their special secret access to foreign officials and to the sensitive information they gained in their Government service. It names several people the author characterizes as former agents and describes their present business activities.

Now, to the Senator the questions are: Do you believe the article or books should have been published with the names included?

Second, do you believe the publication would be covered under the reason-to-believe standard?

Mr. CHAFEE. That one is easy. As the Senator knows, the statute only covers covert agents. It does not cover former covert agents.

Let us have the next one.

Mr. BRADLEY. So that the author in this case would not be subject to the law, is that right?

Mr. CHAFEE. That is true under either statute.

Mr. BRADLEY. The reason to believe——

Mr. CHAFEE. Or the version that came out of committee.

Mr. BRADLEY. Very well.

The second article is a New York Times article dated September 14, 1981. This is an article by Phil Taubman which discuss weaknesses in U.S. laws and policies governing the transfer of American arms and technology abroad, the lack of prohibitions on the training of terrorists or the sale of arms or explosives by U.S. citizens.

The article names several former CIA officials whom the author identifies as possibly involved in such activities, including Edwin Wilson.

The question to the Senator is: Do you or do you not believe the article or book, this article, should have been published with the names included? Do you believe the publication would be covered by the reason to believe statute? If the Senator would prefer to wait until the articles are Xeroxed——

Mr. CHAFEE. I would prefer to answer them as the articles came off.

I would prefer if the Senator from New Jersey would refer to the definitions in the committee bill, by the way, so that his questions are not really directed against the so-called Chafee amendment. Then he would see that they are directed against the bill itself.

If you will note on a copy of the legislation in section 606 it goes into definitions. It states:

> The term "covert agent" means an officer or employee of an intelligence agency or a member of the Armed Forces assigned to duty with an intelligence agency.

So by definition the article he was reading does not deal with an officer or employee of an intelligence agency. He himself said "a former agent of the CIA." So clearly that example does not apply.

The news stories of the Wilson and Terpil cases have been constantly cited as being imperiled by passage of this legislation. That is absolute nonsense. The people who say this have not read the legislation. Wilson and Terpil were former agents, and disclosure of their names would not be penalized under this bill.

Mr. BRADLEY. The third article, New York Times, November 1, 1981, is an article again by Phil Taubman in which he details how again former U.S. intelligence agents assisted Libya's intervention in Chad.

The PRESIDING OFFICER. May I interject to the participants and remind the participants, even though it may not be necessary, that the Senators in debate under the rule should address the Presiding Officer and not individual Members of the Senate. The Senators should address their questions to another Senator through the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in answer to the question posed by the Senator from New Jersey, again the answer is in the question itself where the Senator from New Jersey referred to a former employee of the CIA. That case, of course, is covered by the definition which we previously discussed in section 606, with the definition of the term "covert agent."

Mr. BRADLEY. A fourth article, Mr. President, I would pose the question, this is from the New York Times of October 24, 1981, an article by Stuart Taylor which identifies an additional actor in the Wilson-Terpil investigations.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am not clear on whether that is the completion of the question. Obviously the question is covered, as we say, as I have stated several times here, by the definitions in the act. This act only applies to active officers or employees of an agency in the case the Senator from New Jersey cited.

Mr. BRADLEY. Mr. President, the fifth article is from the New York Times of December 4, 1981. This is a story by William Schmidt. It identifies Eugene Tafoya, accused of murdering a Libyan national, as a self-styled covert agent. Does the Senator believe that this article should have been published with the name included, and does he believe the publication will be covered under the Chafee amendment?

Mr. CHAFEE. Apparently this individual claims to be a covert agent of some type. Anyway there is no suggestion that this individual is now an agent of the CIA. But as the distinguished Senator from New Jersey knows, if perchance this individual should be on active duty or an employee of an intelligence agency, this does not by itself mean the disclosure of that name subjects the discloser to the punishment in the act. There are other elements to be proved.

Mr. BRADLEY. In this particular article let me read the paragraph that I am especially interested in knowing the Senator's opinion about. The author of the article says:

> Mr. Tafoya testified that not only did he shoot Mr. Zagallai in self-defense in a struggle, but that he also believed at the time he was on secret assignment from the CIA.

Does the Senator believe, Mr. President, that the publication of this article by William Schmidt is covered by S. 391 with the reason-to-believe standard?

Mr. CHAFEE. This individual is not an employee of the CIA, so his case is not relevant.

Mr. BRADLEY. So the Senator is saying that this article would not violate the reason to believe test because the named CIA official is, in fact, not a member of the CIA, is that correct?

Mr. CHAFEE. Not so. But that is the easiest and quickest exception to the various standards of proof that have to be met. In other words, if the person is not an employee of the CIA, then he is out. That does not mean if he is an employee of the CIA that whoever wrote the article can be prosecuted. There are the other issues that we mentioned before.

Mr. BRADLEY. Such as pattern of activities.

Mr. CHAFEE. Mr. President, I am confused as to the question, which does not seem to be coming through the chair.

Mr. BRADLEY. Mr. President, let us go to the sixth article from the Washington Star, August 17, 1978. This article is by Leonard Curry. He states that the former chief of station in Saudi Arabia, Raymond Close, went into business with Kamal Adham a former CIA connection in Riyadh. According to the author, the joint business venture between a former station chief and a top foreign government spy is the first known case of its type. The story also quotes a former U.S. Ambassdor as saying he questions whether CIA agents ever really break their ties with the agency.

Now, the question is: Does the Senator believe that this publication would be covered under the reason-to-believe standard?

Mr. CHAFEE. Mr. President, the distinguished Senator from New Jersey is making a mistake in suggesting that there is a different standard of proof, as far as these particular matters go, under either the reason to believe or the intent standards. Under either statute, that is the statute which includes the committee language or the statute which would include the amendment language, there can be no prosecution of a disclosure of a name of someone who is not an employee of the CIA or of an intelligence agency. So this Mr. Raymond H. Close, in the article I believe the Senator is referring to, which was published in August of 1978 had retired or stepped down 8 months previous to his name appearing in print. So, again, according to the definitions, this disclosure would not be covered under the statute, whether it is the intent statute or the reason to believe statute.

Mr. BRADLEY. Mr. President, I ask the Senator to further clarify what he means by an active agent.

Mr. CHAFEE. Mr. President, it is not what I mean by an active agent, it is what the statute says. The statute has a definition which we have referred to several times. A covert agent means "an officer or employee of an intelligence agency." An officer or employee. Those are words of art. They are not vague. You are employed. You are in the employ of an intelligence agency.

Then it further goes on to say:

(i) whose identity as such an officer, employee, or member is classified information, and

(ii) who is serving outside the United States or has within the last five years served outside the United States.

So those are not the definitions of the Senator from Rhode Island. Those are the definitions in the statute.

Mr. BRADLEY. Mr. President, I would just ask one further clarification. The article I have quoted by Mr. Leonard Curry quotes an Ambassador as saying he questions whether agents ever really break their ties with the agency. If an agent is no longer an employee, per se, but has an arrangement with the agency whereby he receives any type of compensation, would he come under the definition of officer or employee?

Mr. CHAFEE. The description that somebody never breaks their ties, I suppose, can be applied to anybody. I suppose distinguished graduates from Princeton never break their ties with Nassau Hall. They are there. But hardly would the person be referred to as a student of Princeton or an employee of that great university. They have ties of sentiment and ties of nostalgia, but not necessarily ties of employment. The statute is clear. Covert agent means an employee. And an employee is a legal term, which I do not think we have to go into all the facets of here, but it can be determined by statute and by regulation.

Mr. BRADLEY. Mr. President, one further clarification: Is an employee or officer someone receiving a pension?

Mr. CHAFEE. Well, Mr. President, I think again that is very clear. That is very clear in all law that someone receiving a pension is not an employee. He is entitled to that pension whether he shows up for work or not. He is not even expected to show up for work. So there is no question. I do not think there is any serious question whether a pensioner is an employee of a firm, company, the U.S. Government, or whatever it might be.

Mr. BRADLEY. Mr. President, I thank the Senator. One last clarification on the definition of covert agent. The bill lays out three major headings under the section defining "covert agent." The third heading, and I would like to read it and ask the Senator to explain his understanding of it, says:

The term covert agent means—

"(C) an individual, other than a United States citizen, whose past or present intelligence relationship to the United States is classified information and who is a present or former agent of, or a present or former informant or source of operational assistance to, an intelligence agency.

Now the Senator has said that former agents are not included. I do not understand the third definition of covert agent if that is so. I hope the Senator can explain that for me.

Mr. CHAFEE. Mr. President, we are now dealing with a whole new class of individual that was not in the previous groups that were discussed by the Senator from New Jersey. Those were U.S. citizens and these, as it makes clear, are not U.S. citizens. These are recruited agents, not necessarily employees, of an intelligence agency. So this is a distant group that falls under a separate classification.

Mr. BRADLEY. I would again cite the article by Mr. Leonard Curry, in which he refers to a Sheik Kamal Adham. Adham is reportedly a CIA connection in Saudi Arabia. Under the third definition of covert agent, if it was revealed Adham is no longer but he was formerly an agent, would the author of this article be subject to prosecution under the reason-to-believe standard? Mr. President, I hope my colleague would comment on my question.

Mr. CHAFEE. I wonder if the Senator would repeat his question?

Mr. BRADLEY. Of course.

Mr. President, under section (c), the third definition of covert agent, as the Senator correctly points out, applies to other than U.S. citizens and says that a covert agent means someone who presently or formerly had an intelligence relationship with the United States.

This article in the Washington Star of August 17 identifies the former Chief of Station in Saudi Arabia, Raymond Close, and states that he went into business with Sheik Kamal Adham. The article says that Adham reportedly was a CIA connection in Saudi Arabia.

The question is, assuming Adham was formerly or is presently connected with the CIA, "Is the author liable under the Chafee amendment?"

Mr. CHAFEE. The thrust of the article that the Senator from New Jersey is referring to, as I have read it, deals with Mr. Close, who is a U.S. citizen but no longer an employee of the Agency. So we are clear on him. He is not covered under the bill.

Now, in the course of the article, which was written some 3 years ago, it refers to another gentleman who, it alleges, is a Mr. Adham. The article says he is reportedly a former CIA agent in Saudi Arabia.

The Senator from New Jersey asks, Does the disclosure of his name subject the author to a penalty? The answer to that, of course, depends on a whole series of factors.

First, was this gentleman engaged in a past or present intelligence relationship with the United States and was his name classified information? I do not know. That would have to be ascertained.

Second, you have to go through the other elements of the proof required, which the Senator from New Jersey listed earlier, the so-called six elements of proof. One of those elements of proof evolves around a pattern of activity to identify and expose covert agents.

If Mr. Leonard Curry had written a whole series of articles dealing with probing and the disclosure of the names of agents and they were indeed agents, active agents, or had been agents, foreign agents, as this gentleman here, whom we do not know, then it is possible he could come under the provisions of our bill. That presents a possibility. That well could be. But we do not know.

As I say, we have to ascertain whether the elements, the six elements of proof, have been met, including this particular one I referred to as regards whether he ever was an agent of the Intelligence Agency of the United States.

Mr. BRADLEY. Mr. President, I would ask one more question of the distinguished Senator from Rhode Island. Assume that Adham was an agent. Assume the reporter asked 20 people and ascertained that he was an agent. Would Mr. Leonard Curry be in violation of the law under the reason-to-believe standard?

Mr CHAFEE. Mr. President, if you take hypothetical cases, they all get difficult. I think an easier case would be a series of articles disclosing the names of a series of agents. That would be a clearer cut case, assuming that the six elements of proof had been met.

Indeed, they might well be met not just under the reason to believe, but under the intent standard, which is the committee language.

So I cannot definitely say yes or no in answering the question regarding the investigative work that Mr. Curry might have undertaken to ascertain Mr. Adham's intelligence connection. First of all you would have to find out whether he was ever an agent—maybe he was not.

Mr. BRADLEY. Mr. President, I think I have heard something that is new to me. Maybe the Senator did not mean to inject it. Did I hear the Senator imply or say that there can never be an isolated article, one isolated article, that would violate the reason-to-believe standard, that there has to be a series of articles identifying a series of agents? Those were the Senator's words, if I recall.

Mr. CHAFEE. No, Mr. President, I think if the Senator from New Jersey studies the record, I did not say that there could never be a single article. I said an easier case would be one which involved a series of articles disclosing the names of a series of agents. In other words, I will refer the Senator from New Jersey again to the definitions in which it states:

The term pattern of activities requires a series of acts with a common purpose or objective.

Let us take a single situation, where a reporter engaged in a series of acts such as following a suspected agent to work, seeking his telephone number, making a whole series of background checks on him, checking his prior activities in the United States, where he took his training, and so forth. If one went through an elaborate process like that, and, indeed, knew that the person involved was an agent, then disclosing it as a part of this series of acts would violate the provisions of this bill.

Mr. BRADLEY. Mr. President, this does not refer to a U.S. agent. This refers to a non-U.S. citizen who once had a relationship with the CIA. Does the Senator think personally that if Mr. Adham was an agent that this article violates the reason to believe standard?

Mr. CHAFEE. Mr. President, the answer to the Senator from New Jersey cannot be given by me on the basis of what I see here.

We previously discarded all the other cases presented by the Senator from New Jersey because in none of them was the individual identified as an employee of the CIA.

Here we are dealing with a category where the individual is not a U.S. citizen and might possibly had a past connection with the CIA. That is unknown.

So, first of all, we have to ascertain that fact. Even if that were so, and let us assume it for the sake of argument, that he was a former employee of the CIA, then you would have to find out what kind of a pattern of activities Mr. Curry followed in writing this article. If he stumbled on a name and wrote it up without a whole series of checks to find out what he was, then that would be one act. But here he does not even allege flatly that he had a CIA connection. He says reportedly, so presumably he does not know and has not done that extensive background checking. On this basis, I do not believe Mr. Curry is covered under our bill.

Mr. BRADLEY. Mr. President, this is precisely the kind of question which has troubled me. This is the kind of information that I believe the public does have a right to know. However, I will not discuss this article at greater length.

Mr. President, I would like to go on to a Washington Post article of July 11, 1979.

Mr. CHAFEE. Mr. President, might I interject? If the Senator is troubled by this situation, his troubles are not confined, Mr. President, to the language of the Chafee amendment.

He is troubled by the whole bill because, under the intent provision, what he claims is true as well. The definitions I am reading from are not from the Chafee amendment, they are from the legislation that was reported out by the Judiciary Committee. It may well be that the Senator has trouble, as I say, with the whole bill. If so, let him say so and let the world know it. But let him not direct his objections to the reason to believe section alone. If he is troubled by the whole bill, then he is troubled with trying to get at the very problem we are trying to solve, which is the disclosure of agents' identities.

Mr. BIDEN. Will the Senator yield for a question?

Mr. BRADLEY. Mr. President, I do not think the Senator from Rhode Island had heard my entire speech. I said unequivocally that legislation of this type is necessary. I said it is my intent to protect our agents abroad, but that we have to balance on protecting our agents with preserving free speech and a free press, and it is, indeed, the bill that came out of the Judiciary Committee that I support without the Senator's amendment. It is that bill that has the support of the Justice Department and the Agency. So, I think it is incorrect for the Senator to imply that I do not strongly support the protection of our agents.

I have posed a series of very specific questions trying to clarify what the Senator means, in real terms, by the reason to believe standard. I frankly do not know any effective way to do that other than to give specific examples and have the proponent of the reason to believe standard say whether he thinks it applies or not. That is the whole purpose of this exercise.

Mr. CHAFEE. Mr. President, no one was challenging the Senator's concern about protecting the agents. All I am saying is that he has indicated he has trouble with the response that I gave to the article he produced by Mr. Leonard Curry in the Washington Star of August 19, 1978. My answer was that if he has trouble, his trouble does not revolve around the reason to believe language. That is not what presents the trouble for the Senator, as I see it. It is the language of the statute itself. Whether you take the intent or whether you take the reason to believe, the same difficulties arise.

Mr. BIDEN. Will the Senator from New Jersey yield for a question?

Mr. BRADLEY. I am pleased to yield for a question.

Mr. BIDEN. Mr. President, the Senator from New Jersey has just been rebutted on the grounds that the problem does not relate to reason to believe versus intent. Is it not true, in the cases he has put forward, that the reporter reporting those incidents could have intended in fact to help, not hurt, move forward, not impede, the national intelligence capability of this country?

Mr. BRADLEY. Yes, Mr. President.

Mr. BIDEN. They could have and should have had reason to believe that it would, in some aspect of it, have been detrimental. They could have reason to believe that by identifying the name of an agent, present or former, it would in fact hurt that person or hurt that particular effort but may very well, in the total scheme of things, be incredibly helpful.

Mr. BRADLEY. Mr. President, the Senator is correct. That is exactly the situation with the former Saudi agent this article refers to.

Mr. BIDEN. So there is a distinct, real difference. The Senator could very well have trouble with reason to believe in these cases and not at all have trouble with the intent provision. That is what this is all about.

I thank the Senator for yielding.

Mr. BRADLEY. Mr. President, while I am sympathetic to the desires of my colleagues to afford maximum protection to our covert intelligence personnel, I remain unpersuaded of the need for the reason-to-believe standard. It does not provide additional protection to agents, but it will have a chilling effect on public debate.

If this legislation passes with this amendment, many Americans committed to preserving freedom of speech and a free press will resist its enforcement and challenge its constitutionality in the courts.

In the final analysis, therefore, the Chafee substitute language will provide less-effective protection to our agents than the version reported out of the Judiciary Committee with the Biden amendment. Thus, Mr. President, I urge my colleagues to support S. 391 as reported with the intent standard.

Mr. CHAFEE. Mr. President, I should like briefly to reply before we engage in a colloquy.

The distinguished Senator from New Jersey and the Senator from Delaware and, I understand, the Senator from Vermont, although it was not my privilege to be here during his remarks because of a prior commitment, insist that the language that came out of the Judiciary Committee, affords better protection for our agents than the language of the so-called Chafee-Jackson amendment. They may have many, many reasons for opposing the Chafee language but for them to choose the particular reason that it affords greater protection to our agents just does not bear up. Distinguished though these gentlemen are, and I understand the Senator from Vermont has prosecuted thousands of cases, we have on the opposite side of the ledger those whose business it is to prosecute such cases: The assistant attorneys general and the Attorney General of the United States. They are the chief prosecutorial officers of this Government. They are not just from this ad-

ministration but from the prior administration. They have said that the language that is embodied in the Chafee-Jackson amendment is the better language from their point of view.

So I say to them, please, gentlemen, let us not come forward with the suggestion that you are supporting language that better protects covert agents. Perhaps your language will give some protection to agents. I am not disputing that.

Later these gentlemen quote a letter from Mr. Casey to the House Intelligence Committee that says that their language would be adequate. But they do not go on to say that, in a further part of the letter from Mr. Casey, the administration would far prefer the Chafee language and has so testified. It is all in the RECORD. This is nothing new we are producing here. The former head of the CIA for President Carter, Adm. Stansfield Turner, and the members of the Justice Department have all said the Chafee-Jackson language is easier to prosecute. It is clear. So these gentlemen ought to discard immediately the argument that their language permits the easier prosecution of those who reveal names and that it provides better protection for our agents. It simply is not so.

Mr. BRADLEY. Mr. President, let me read into the record at this point one or two sentences from the letter from the Director of the CIA, Mr. Casey, in which he says:

> I must emphasize, however, that the administration's preference for S. 391, the Senate version of the identities bill, remains unchanged.

I do not see any language here that says it is far more preferable.

Mr. HEFLIN. Mr. President, I wonder if the distinguished Senator from Rhode Island would enter into a colloquy with me pertaining to some questions that I have in regard to language in this bill.

I notice that the term "covert agent" is used in each of the three substantive criminal provisions in the bill—subsection 601 (a), (b), and (c)—and that it is specifically defined in subsection 606(4). I ask the distinguished Senator from Rhode Island whether use of this term to refer to those whose identities are being protected implies that these individuals must be involved in a particular covert action before the protective scope of the bill would apply.

Mr. CHAFEE. I thank the distinguished jurist from Alabama for his very astute question, indicating the seriousness which has characterized his review of the bill we are considering today.

The answer to the Senator's question is no; choice of the term "covert agent" in no way is to be construed as limiting protection afforded under the terms of the legislation to those actually engaged in a particular covert action. The legislation is designed to cover all individuals engaged or assisting in foreign intelligence activities whose identity is classified and with regard to whom, at the time of the disclosure, the United States is taking affirmative measures to conceal such individual's classified intelligence relationship. No distinction is drawn as to whether the individual at the time of the disclosure was engaged in collecting intelligence, as opposed to being engaged in covert action, or "special activities," as it is called and defined in section 3.4(h) of Executive Order 12333.

Mr. HEFLIN. I thank the Senator. He made mention in his response of "affirmative measures"—that is, those actions which the United States takes to conceal a covert agent's classified intelligence relationship. Unlike the term "covert agent," the term "affirmative measures" is undefined, even though it is used in each of the three substantive criminal provisions. I should like the Senator to explain just what is meant by the use of the term "affirmative measures."

Mr. CHAFEE. The Senator from Alabama is correct. The term "affirmative measures" is not defined in the bill. However, the legislative history of the bill speaks to this question. Both the Senate Intelligence Committee report from the last Congress and more recently the Senate Judiciary Committee report of this Congress indicate that the reference to "affirmative measures" is intended to confine the effect of the bill to relationships that are deliberately concealed by the United States. "Affirmative measures" could include the use of such techniques as, for example, the creation of a "cover" identity, such as a set of fictitious characteristics and relationships, to conceal the individual's true identity and relationship to an intelligence agency, or the use of clandestine means of communication to conceal the individual's relationship with U.S. Government personnel, or the restricting of any mention of the individual's true identity or intelligence relationship to classified documents and channels.

Mr. HEFLIN. Does that, then, mean that the Government will have to prove knowledge on the part of the defendant of each "affirmative measure" undertaken by the United States with regard to a covert agent whose identity the defendant has disclosed?

Mr. CHAFEE. No. In no way do we intend to impose such a burden on the prosecution. Under the terms of this legislation as drafted, the prosecution has a heavy burden in meeting six elements of proof without imposing what might be impossible to prove—that is, a defendant's knowledge of specific affirmative measures being taken with regard to a specific covert agent or even the fact that all affirmative measures possible with regard to a particular covert agent were being taken at the time of the disclosure. The Government need only show a defendant's knowledge that the U.S. Government at the time of the disclosure was taking some steps to conceal an intelligence relationship. Just as the "affirmative measures" used for one covert agent may vary from those used for another, depending on circumstances, so, too, proof of knowledge that the United States is taking affirmative measures to conceal an intelligence relationship will depend upon the facts and circumstances of each case. Such proof could be demonstrated by showing that a current or former employment or other relationship of the defendant with the United States required or gave him such knowledge. It could also be demonstrated by statements made in connection with the disclosure or by previous statements evidencing such knowledge.

Mr. HEFLIN. I thank the Senator. His response evokes one final question: Under the terms of the definition of "covert agent," the identity or the intelligence relationship of those who the bill aims to protect must be classified. Why, then, is there a need for the prosecution to prove defendant's knowledge of "affirmative measures" undertaken? Does this not render the prosecution's job virtually impossible?

Mr. CHAFEE. I assure the Senator that the language of the legislation we are considering today has been carefully crafted. It has been subjected to the scrutiny of some of the finest legal minds within the intelligence community, and the Justice Departments of both the Carter and Reagan administrations have studied this language and are of the opinion that the language strikes a proper balance between the need to protect civil and constitutional rights, while at the same time providing the Government with a statute that is effective and enforceable. Since we are dealing with our most fundamental freedom, that of speech, I do not feel that the burden placed on the United States is too difficult. We have deliberately made it difficult in terms of elements of proof so as to insure protection of that fundamental freedom.

Classification alone would not provide the kind of insulation required. The mere fact that an intelligence relationship appears in a classified document does not necessarily constitute evidence that the United States is taking affirmative measures to conceal the relationship. It could mean that or it could not. For instance, the document could be classified because of other information it contains. Proof of the existence of a classified relationship would not be enough. The Government must show in addition, that

the person who made the disclosure knew that the United States was taking affirmative measures to conceal the covert agent's classified intelligence relationship.

Mr. HEFLIN. Mr. President, I appreciate the indulgence and assistance of the distinguished Senator from Rhode Island in clarifying some of my concerns in regard to this most vital legislation.

I am supportive of the goals of this legislation and wholeheartedly commend Chairman THURMOND; the ranking minority member of the Senate Judiciary Committee, Senator BIDEN; Senator DENTON, and Senator CHAFEE, for their efforts in this vital area of legislation and its appropriate and necessary goals.

Although, I am very concerned as to whether the objectives of this legislation will be met by its present language. I do not profess to be an expert in the area of intelligence, nor the interworkings of the Central Intelligence Agency. I must defer to my colleagues on the Select Committee on Intelligence for guidance in this area of legislation. But, as a lawyer, I look at an almost insurmountable burden that a prosecutor would have to meet in order to achieve a conviction under this legislation.

The language, in my opinion, in both the House and the Senate versions of section 601(c), is potentially cumbersome, repetitive, and counterproductive, and I seriously question if its intended purpose, as a deterrent to the exposure of our intelligence agents throughout the world, will be accomplished. I have spent a great deal of time in reviewing this legislation and discussing it with colleagues, representatives of the Central Intelligence Agency, individuals concerned with its first amendment ramifications, and many other interested individuals. Unfortunately, like most legislation, this bill is a result of compromise, which rarely produces law in its best language. As I have indicated previously, I support the objectives of this legislation and will vote in favor of final passage of this legislation, but I have serious reservations as to the value and effectiveness of this bill.

I hope that my initial analysis of this concept, in its present form, is inaccurate, and that this will be a true deterrent to the vicious and heinous disclosures of the identity of our agents and will achieve the goals that the administration, the U.S. Senate, and the proponents of this legislation seek to accomplish.

In describing committee efforts to achieve a proposed goal, it is often cited "that the camel was the product of a committee whose purpose was to design a horse." I hope that we are creating a horse and not a camel.

Mr. BIDEN. Mr. President, I rise to read into the RECORD the floor statement by Senator INOUYE who strongly supports the language that is in the bill now and does not support the amendment of the Senator from Rhode Island. He is unable to be here. As we all know, he is deeply involved in preparations for a most distasteful matter we are about to take up in the Senate.

Let me read Senator INOUYE's floor statement so my colleagues may hear it:

S. 391 is a significant departure from previous statutes passed by the Congress to punish disclosure of information in the national security field. It would not only punish publication of information obtained from access to classified information, but would also punish the publication of information derived entirely from open, publicly available sources. This is something the Congress has never done before, except during wartime.

When the problem of deliberately exposing the names of agents arose several years ago, it seemed to result mainly from renegade former agents like Philip Agee who used information they had obtained while employed by the CIA. The first bills introduced to deal with this problem focused on the breach of trust by government employees and former employees who used their access to classified information to identify and expose U.S. intelligence agents. The main issue at that time was whether to include in those bills criminal penalties for outsiders who conspired with, or aided and abetted, employees and former employees like Agee.

Unfortunately, experience has shown that the problem was not confined to the Agees and their collaborators, but that it also resulted from determined efforts to sift through public source information to identify agents. The techniques for identifying agents from open sources are not perfect, and mistakes are often made. But the efforts of those who seek, by these means, to destroy the CIA's effectiveness abroad have gained enough credibility overseas to pose a significant danger to the security of the United States and the physical safety of individuals in the service of this country.

The task, therefore, has been to develop statutory language that would deter these activities without sweeping so broadly as to inhibit news media reporting, and the rights of citizens to discuss questions of foreign affairs and intelligence policy. S. 391 as reported by the Judiciary Committee attempts to meet these criteria through adoption of an "intent" standard. Thus, under the Judiciary bill, disclosure of the names of agents is criminalized only if done so with an "intent to impair or impede intelligence activities."

The language proposed by Senator Chafee would adopt a lesser reason to believe standard. Undoubtedly Senator Chafee's language would make it easier to prosecute journalists who disclose the names of agents. I am concerned, however, that without a requirement to prove intent to impair or impede U.S. intelligence activities, this legislation will place journalists under too great a jeopardy of criminal prosecution for legitimate news reporting.

It is important to understand that there can be situations where investigative reporting that results in the publication of agent's identities may serve legitimate public interests. For example, during consideration of this legislation last year, the Justice Department was asked whether Senator Chafee's language would cover an investigative journalist's reporting the identities of CIA employees engaged in a scheme to defraud the government by misusing funds intended for covert operations. The response was, in effect, that prosecutorial discretion would protect the newsmen in such cases, and that the Justice Department would not bring charges even if the facts technically fit the law. This is precisely why the intent standard in S. 391, as reported by the Judiciary Committee, is so essential. We must insure a "government of laws, not of men" as the guarantee for freedom of the press; reliance on the exercise of prosecutorial discretion is simply unacceptable.

It has been suggested that the legislative history of this legislation can make clear the meaning of the language, so that legitimate news reporting will not be deterred. Neither, in my view, is this an acceptable solution. A requirement to prove intent to impair or impede U.S. intelligence activities is necessary to insure protection for a vigorous free press. If it is necessary to have a criminal statute to deter the "naming of names" by a handful of malefactors bent upon destroying the CIA, it must be framed in a way most likely to achieve that very specific objective, without unnecessarily risking interference with the freedom of the press.

I strongly urge my colleagues to support S. 391 as reported by the Judiciary Committee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, today, thanks to Senator CHAFEE, the Senate will take another step toward giving the men and women who work as clandestine collectors of intelligence for the United States the legal protection they have thus far lacked. Today the United States is the only country in the world where someone can wantonly disclose the identity of a clandestine agent and get away with it. It is a tribute to our country that, until recent years, we did not need laws to proscribe such behavior. Americans just did not set up private intelligence services with the purpose of "blowing the cover" of the intelligence agencies of the U.S. Government. In recent years, however, precisely that has happened. A few dozen individuals, in consultation with our country's foreign enemies, have published lists of people purported to be undercover agents of American intelligence.

In some instances they hit their mark; in some instances they implicated people with absolutely no connection to American intelligence. But in all cases they did harm. They endangered individual lives and careers. Above all, they harmed the security of

every man, woman, and child in the United States by weakening our intelligence agencies' ability to gather vital information abroad. In effect these disclosures of agents' identities have done much to plug up the eyes and ears on which we depend to warn of coming danger. It matters little how they got those names. They got them and have used them to do harm. This we must stop. We must not just give the appearance of stopping it, we must actually have an enforceable law to stop it.

That is why I am opposed to section 601(c) of the bill as amended by the Judiciary Committee. As one of the original authors of the bill, I once considered writing the provision like this. But, for goodness' sake, with 601(c) like this, the prosecution would have to prove six elements of the crime simultaneously, beyond a reasonable doubt:

First, that there was an intentional disclosure of information which did in fact identify a covert agent;

Second, that the disclosure was made to an individual not authorized to receive classified information;

Third, that the person who made the disclosure knew that the information disclosed did in fact identify and disclose a covert agent;

Fourth, that the person who made the disclosure knew that the United States was taking affirmative measures to conceal the covert agent's classified intelligence affiliation;

Fifth, that the disclosure was made in the course of an effort to identify and expose covert agents; and

Sixth, that the person making the disclosure did so with the intent of impairing or impeding the foreign intelligence activities of the United States.

To pass the bill in this form would be to pay lip service to protecting agent identities while knowing well that no one would probably ever be convicted.

The bill's original intention is that someone ought to go to jail if he has disclosed the identities of agents "in the course of a pattern of activities intended to identify and expose covert agents, and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States." In other words, to be convicted the suspect has to have disclosed the identity or identities not accidentally, but as part of an objective pattern of activities of his, and has to have done it with reason to believe that it would hurt his country. Who will argue that such a person should not be in jail? Even the Carter administration, not very sanguine about this sort of thing, argued that if anyone ran afoul of that standard he should go to jail.

The legalistic objections to Senator CHAFEE's efforts to restore the bill are a mask for a much more fundamental position, which we in the Intelligence Committee have been arguing against for years. According to this position, although it may be permissible to punish people with official access to agents' identities who disclose those identities, it is not permissible to punish people who do not have official access but who do the same thing. That, in turn, is based on the pseudo-constitutional contention that once any information leaves the Government, there is an absolute constitutional right to publish it. But this contention has no basis in the text of the Constitution or in commonsense. I do not see such right anywhere in the Constitution. If anyone sees it, let him point to the text. Such a so-called right has even less basis in commonsense.

It makes no sense to punish those who disclose names of agents and to give immunity to those who publish them. The distinction between disclosure and publication is a wholly artificial one. Even when the person who learns the identity of an agent is different from the person who discloses it to foreign enemies, we are compelled to note that both contribute to the process by which harm is done. Both do harm—both should go to jail. Besides, the leakee is usually in concert with the leaker. Whether or not the two parties are in league with one another is a question for a court to decide.

There is no reason, it seems to me, to punish the employee of an intelligence agency for a disclosure and not to punish the person who takes that information and brings it to the knowledge of those who are in a position to do harm to the United States. The employee who steals the information is most often not the most important person in that chain. He is most often not the most malevolent party. To punish only the employee would be akin to saying that we would go after only the clandestine agents of foreign nations and not the case officers who run them.

Moreover, what if Mr. Agee or any other leaker teaches the art of finding agents or finding other information to other people and they, the outsiders, use the skills to further grind out information harmful to the United States? Apparently this is precisely what happened. We now have people who have never been employees of the U.S. Government who have set up what amounts to be their own intelligence service. They use open sources and they try to find sources within the U.S. Government. Their purpose is to find out about the activities of U.S. intelligence agencies and to put a stop to those activities by exposing them.

Why should the American people put up with that?

Some of the witnesses against this provision have argued that there is an absolute constitutional right for private citizens to learn what they can about our intelligence agencies and to do what they will with that knowledge. The first amendment's guarantee of freedom of the press, so goes the argument, allows the press to find out what it can and publish what it knows. Thank goodness this is just wild talk and not part of the Constitution. Otherwise the Constitution really would be a suicide pact. Just suppose for a moment that the press and the judicial system took that statement seriously. Each reporter would believe it proper to act no differently than a Soviet clandestine case officer. He would recruit agents by whatever means, and try to penetrate American intelligence as deeply as he could to find out the most sensitive information we had. Then he would probably publish it to the world—names of agents, frequencies, functions of technical means, everything. In war time such dutiful reporters would send untold numbers of their fellow citizens to their graves. The Justice Department and the courts, for their part, would just let it go on, because, after all, the press' job in a free society is to inform the public, is it not? Well, I think all of that is very clearly nonsense.

Those who oppose this provision on the ground that it would muzzle legitimate journalists, do a disservice to legitimate journalism. They maintain perforce that there is no objective criterion for distinguishing between the enterpirse of journalism and the work of private intelligence services working to impair or impede U.S. intelligence. Journalists should feel insulted by the comparison. I think that the difference between legitimate journalists and the likes of Louis Wolf is obvious, and that the language which Senator CHAFEE is trying to restore to the bill is a good, sound legal test of that difference and a test which I suggest, Mr. President, more than just passing, is critical to the future of this great Constitution.

Mr. President, I yield the floor.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Wyoming for that outstanding statement. I personally want to express my appreciation to him for that fine statement and for his support. We are very grateful. He is an influential Member of this body and held in the highest respect. The fact that he has chosen to endorse the amendment that I am supporting gives us a big boost.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment which we are presently considering, and take up my amendment to delete section 603 of this bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SECTION 603 OF S. 391

Mr. CRANSTON. I am concerned about the implications for the conference situation of the motion of the Senator from Rhode Island (Mr. CHAFEE) to strike section 603 from the bill as reported. As the Senator knows, the Judiciary Committee, on a strong bipartisan vote of 11 to 7, specifically amended the intelligence-agent-cover requirement in section 603 to exclude the Peace Corps. In agreeing to that amendment offered by the Senator from Montana (Mr. BAUCUS), the committee was clearly ratifying and proposing to codify into law the 20-year-old executive branch policy of complete separation of the Peace Corps from intelligence activities. I worked very closely with the Senator from Montana, with the ranking minority member of the committee (Mr. BIDEN), and other Senators on the committee with regard to the need for this exception. In fact, earlier this year, I personally wrote each committee member as well as the author of the bill (Mr. CHAFEE) and spoke to many of them in support of such an amendment.

Mr. President, I ask unanimous consent that several of these letters be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF GEORGIA,
SCHOOL OF LAW,
Athens, Ga., May 4, 1981.

Hon. JEREMIAH DENTON,
Chairman, Subcommittee on Security and Terrorism, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Hon. JOSEPH R. BIDEN,
Ranking Minority Member, Subcommittee on Security and Terrorism, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATORS DENTON AND BIDEN: I am writing in connection with S. 391, the proposed Intelligence Identities Protection Act of 1981. I understand that last year, in connection with a similar bill which ultimately was not enacted, the Committee on the Judiciary voted, in accordance with the twenty year old policy of absolute separation between the Peace Corps and United States intelligence, to except the Peace Corps from a statutory requirement that United States Government agencies provide assistance to maintain secrecy of the identity of officers or employees of intelligence agencies. As Secretary of State when that policy was adopted, I would like to explain its genesis and, in my opinion, continuing vitality.

The Peace Corps, as conceived and maintained, expresses the idealism and humanity of the United States in its relations to other countries, particularly those of the Third World. More than 80,000 Americans, mainly young, have now served overseas, often under conditions of hardship, to help meet the need of Third World countries for skilled manpower.

To permit the Peace Corps to be used as cover for United States intelligence would be inconsistent with this conception of the Peace Corps. If people in foreign countries thought it was being so used, whether their belief was true or false, foreign countries would not accept Peace Corps volunteers, and, equally important, many highly motivated Americans would not volunteer for Peace Corps service.

Those who reject the separation policy proceed, I suppose, from the premise that if the United States is to carry out intelligence activities as it must, those activities require cover. If the United States excepts the Peace Corps from any obligation to provide cover, then where does one draw the line.

First, the United States has repeatedly stated and assured foreign governments that the Peace Corps was not and would not be so used. So far as I know, this distinguished it from any other United States government agency.

Secondly, any effort to use the Peace Corps as cover would likely be vigorously opposed by Peace Corps volunteers and staff and would, therefore, not be feasible.

The argument has also been made that formal legislation should not legally circumscribe the President's discretion. The problem is that on its face proposed Section 603 of the National Security Act of 1947 could be interpreted as changing the historic policy of absolute separation between the Peace Corps and United States intelligence, because proposed Section 603 does not except the Peace Corps. Moreover, in my opinion any action that suggests that the United States has modified the policy of absolute separation between the Peace Corps and intelligence would also increase the danger to Peace Corps volunteers and staff. During the last twenty years there have been countless examples of volunteers continuing to perform their duties despite civil strife. Indeed, they have many times been protected by the ordinary citizens with whom they live and work from any harm. Instability and terrorism have already substantially increased the dangers to Americans abroad. These dangers Peace Corps volunteers necessarily assume. The United States should do nothing to increase these risks.

Thus, I hope your subcommittee will, as the Judiciary Committee did last year, adopt an amendment to the proposed Section 603 of the National Security Act of 1947 to confirm the separation between the Peace Corps and Intelligence.

In closing, I would point out that when the Peace Corps was born it was very clear that it would not only refrain from any activities of an intelligence nature but that it would be separate from any role as an instrument of American foreign policy and would not become an instrument for use by our embassies abroad or by the Department of State. It was felt that it was vital that it be recognized as an organization solely concerned with the purposes for which the Congress established it and would have no other role whatever. The substance of the recommendation for an amendment to Section 603 has been discussed with former Secretaries Cyrus Vance and Edmund Muskie who endorse it fully.

Respectfully submitted,

DEAN RUSK.

JUNE 3, 1981.

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR MAX: Attached is a letter to the Judiciary Committee Subcommittee on Security and Terrorism from Dean Rusk regarding S. 391, the proposed "Intelligence Identities Protection Act of 1981". I think it's an excellent letter, and I hope you'll read it fully. It makes the case most persuasively, I think, for exempting the Peace Corps from the requirement to be added in proposed section 603 by the bill that each Federal agency designated by the President provide all possible cover to U.S. intelligence activities.

Last year the Judiciary Committee approved on a 7-6 vote such an exception to the predecessor of S. 391 (S. 2216)—also including AID in the exception.

I urge that you support a Peace Corps exception to section 603. According to the Additional Views of Senators Thurmond, Laxalt, Hatch, Dole, and Simpson in last year's report, they fully supported the traditional view that "the Peace Corps has never provided—and should never provide—such cover *and it has been effectively precluded from doing so by statute.* . . . We do not wish to revoke the *Peace Corps statutory exemption.* . . . But we do not wish to establish any further exemptions. . . ." S. Rept. No. 96-990, page 39. (Emphasis mine.)

Thus, the opposition in the Judiciary Committee to an exception for the Peace Corps last year was based on the predicate that it already had a statutory exemption. But that is a mistake. There is not and never has been any such exemption in law. There is a long-standing Executive Branch policy to this effect, but it is a policy that could be altered at any time unilaterally by the Executive and one that would seem to be drawn into serious question by the subsequent enactment of this new cover-giving obligation.

Although a President could choose to continue the exemption after enactment of the bill, the critical point to note here relates to the perception overseas—which lies at the very heart of the policy to begin with. As the Committee report stated at page 20 last year:

"The rationale for barring such use of the Peace Corps has been acknowledged by every President since its formation. Because of the vital importance of Peace Corps Volunteers and staff being able to fulfill their essential purpose of building links between the United States and the peoples of developing countries at the grassroots level, of providing practical and humanitarian assistance on a voluntary basis and of demonstrating through the personal commitment of the volunteers the interest of American citizens in the welfare of individuals in developing countries, the Peace Corps also has been substantially separate from the formal day-to-day official relations of governments. It is, has been, and must continue to be completely and absolutely separated from all intelligence activities. For that reason, the Peace Corps specifically bars individuals with any intelligence background from volunteer or employee positions with the Peace Corps. In addition to being barred from using Peace Corps volunteers as cover, under current Presidential policy directives, the intelligence community also has been

barred from contacting, questioning or in any other way of seeking to use volunteers as intelligence sources. *To insure that section 603 is not perceived as altering the independence of the Peace Corps, the Committee adopted this amendment excluding that agency from the provisions of this section.*" (Emphasis added.)

I'd very much appreciate an opportunity to discuss this matter with you after you've reviewed this material and before you cast your vote in Committee. I consider such a statutory exception indispensable to the integrity of the Peace Corps, the safety of its workers overseas, and the future effectiveness of this very worthwhile program.

Cordially,

ALAN CRANSTON.

JUNE 3, 1981.

Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, D.C.

DEAR JOHN: Attached is a letter to the Judiciary Committee Subcommittee on Security and Terrorism from Dean Rusk regarding S. 391, the proposed "Intelligence Identities Protection Act of 1981". I think it's an excellent letter, and I hope you'll read it fully. It makes the case most persuasively, I think, for exempting the Peace Corps from the requirement to be added in proposed section 603 by the bill that each Federal agency designated by the President provide all possible cover to U.S. intelligence activities.

Last year the Judiciary Committee approved on a 7-6 vote such an exception to your predecessor bill to S. 391 (S. 2216)—also including AID in the exception.

When you reintroduced your bill this year, you did not include such an exception. I urge you to reconsider and support a Peace Corps exception. According to the Additional Views of Senators Thurmond, Laxalt, Hatch, Dole, and Simpson in last year's report, they fully supported the traditional view that "the Peace Corps has never provided—and should never provide—such cover *and it has been effectively precluded from doing so by statute* . . . . We do not wish to revoke the *Peace Corps statutory exemption* . . . . But we do not wish to establish any further exemptions . . . ." S. Rept. No. 96-990, page 39. (Emphasis mine.)

Thus, the opposition in the Judiciary Committee to an exception for the Peace Corps last year was based on the predicate that it already had a statutory exemption. But that is a mistake. There is not and never has been any such exemption in law. There is a long-standing Executive Branch policy to this effect, but it is a policy that could be altered at any time unilaterally by the Executive and one that would seem to be drawn into serious question by the subsequent enactment of this new cover-giving obligation.

Although a President could choose to continue the exemption after enactment of the bill, the critical point to note here relates to the perception overseas—which lies at the very heart of the policy to begin with. As the Committee report stated at page 20 last year:

"The rationale for barring such use of the Peace Corps has been acknowledged by every President since its formation. Because of the vital importance of Peace Corps Volunteers and staff being able to fulfill their essential purpose of building links between the United States and the peoples of developing countries at the grassroots level, of providing practical and humanitarian assistance on a voluntary basis and of demonstrating through the personal commitment of the volunteers the interest of American citizens in the welfare of individuals in developing countries, the Peace Corps also has been substantially separate from the formal day-to-day official relations of governments. It is, has been, and must continue to be completely and absolutely separated from all intelligence activities. For that reason, the Peace Corps specifically bars individuals with any intelligence background from volunteer or employee positions with the Peace Corps. In addition to being barred from using Peace Corps volunteers as cover, under current Presidential policy directives, the intelligence community also has been barred from contacting, questioning or in any other way of seeking to use volunteers as intelligence sources. *To insure that section 503 is not perceived as altering the independence of the Peace Corps, the Committee adopted this amendment excluding that agency from the provisions of this section.*" (Emphasis added.)

I'd very much appreciate an opportunity to discuss this matter with you after you've reviewed this material. I consider such a statutory exception indispensable to the integrity of the Peace Corps, the safety of its workers overseas, and the future effectiveness of this very worthwhile program, and I hope you will agree and, if so, will urge the Judiciary Committee to except the Peace Corps.

Cordially,

ALAN CRANSTON.

Mr. CRANSTON. Mr. President, thus, I was extremely gratified by the fine leadership of the Senator from Montana (Mr. BAUCUS) on this issue and the committee's action in adopting the amendment.

However, Mr. President, as I said, the pending amendment by the bill's author, the Senator from Rhode Island (Mr. CHAFEE), is a matter of concern because of the situation that would obtain in conference with the House which has passed H.R. 4 with section 603 and no Peace Corps exception. I would, therefore, like to ask the Senator from Rhode Island several questions about this conference situation.

Mr. BAUCUS. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield.

Mr. BAUCUS. I have discussed this matter with the Senator from California and very much share his concerns. I believe it needs to be very clearly understood in consideration of this matter that the Senate's position is to be strongly in support of an explicit statutory exception for the Peace Corps if any legislation is to be enacted with an intelligence-agent-cover requirement along the lines of section 603 in H.R. 4 as passed by the House.

Mr. TSONGAS. Mr. President, as a former Peace Corps volunteer, I would say that I very much share these concerns, as I know does my colleague from Connecticut (Mr. DODD), who also served as a Peace Corps volunteer.

Mr. CRANSTON. I thank the Senators for their good words and ask the Senator from Rhode Island whether he agrees with the statement of the Senator from Montana with respect to the very clear will of the Senate on the question of the need for an "explicit statutory exception" if an intelligence-agent-cover provision like section 603 is in the bill?

Mr. CHAFEE. I do agree. In fact, I wish to make very clear that in offering this amendment, I am not in any way disagreeing with the critical importance of maintaining the historic total separation of the Peace Corps from intelligence activities. Indeed, I fully support that policy. As I explained to the Senator from California (Mr. CRANSTON) in my letter to him earlier this year, section 603 of S. 391 would require departments and agencies of the Government designated by the President to provide assistance for intelligence cover arrangements. The section does not require the Peace Corps or any other agency to provide cover. Nor does it designate any specific agency for this purpose. All that the section does is to provide that cover be effective.

In my judgment, it is unnecessary and unwise to put into any bill a listing of agencies which are not to provide cover for intelligence personnel. This sort of listing would not be believed by people overseas—in fact, it might tend to highlight the suspected relationship between the Peace Corps and the intelligence community. At the same time, it could focus the attention of terrorists and other parties on the representatives of other, unlisted Federal agencies who have people serving abroad.

Recently the Director of Central Intelligence wrote to the Director of the Peace Corps on just this issue and said:

> Let me personally emphasize that I do not advocate and would indeed firmly oppose any designation of the Peace Corps for cover support. I can assure you that I have no intention of seeking to use the Peace Corps to provide cover for clandestine intelligence collection, and I certainly do not intend to change the longstanding CIA policy barring such use of the Peace Corps. It is not the intent of subsection 603(a) to foster secret directives at odds with this publicly stated policy, which has been in effect since 1961, the same year the Peace Corps was established.

It is my understanding that Director Casey's statement represents the position of this administration, and that this administration has no intention of departing from this policy in the future.

In spite of all these assurances, however, the perception still seems to exist in some minds that this section of S. 391 adversely affects the Peace Corps. On this basis, I am prepared to drop section 603 from the bill altogether as this appears to be the best solution to the problem. I will support this position in conference as well.

Mr. President, I ask unanimous consent that my letter to Senator CRANSTON, and Director Casey's letters on this matter, be inserted into the RECORD.

There being no objection, the letters are ordered to be printed in the RECORD, as follows:

ATTACHMENT 2 (CHAFEE)

U.S. SENATE,
Washington, D.C. June 22, 1981.

Hon. ALAN CRANSTON,
Russell Senate Office Building, U.S. Senate, Washington, D.C.

DEAR ALAN: Thank you for contacting me regarding the Intelligence Identities Protection Act of 1981 (S. 391), and your interest in a "Peace Corps" amendment to this bill.

As you recall, the Senate Committee on the Judiciary last year added such an amendment to S. 2216, my predecessor to S. 391, when it reported the bill. In reintroducing the legislation this year, I did not include a Peace Corps provision for several reasons.

First, S. 391 requires the President to establish procedures to ensure that undercover intelligence officers and employees receive effective cover. This provision of the bill does not, however, stipulate which element of government shall provide assistance, or what that assistance will be. In other words, as currently drafted, S. 391 does not require the Peace Corps, or any other agency, to provide cover at all. It simply requires that cover be effective.

Second, in my judgment, it is unnecessary and unwise to put into any bill a listing of agencies which are not to provide cover for intelligence personnel. this sort of listing would probably not be believed by people overseas—in fact, it might tend to highlight the suspected Peace Corps/intelligence relationship. Moreover, it would automatically focus the attention of foreign governments, terrorists and others on the representatives of other unlisted federal agencies who have people serving abroad.

Third, to my knowledge, the intelligence community never has, and never will, use the Peace Corps for intelligence purposes. This is due in part to the special nature of the Peace Corps, which every administration has understood and respected. But it is also due to the fact that representatives of the Peace Corps do not have the sort of access overseas which would provide the intelligence community with the sort of information they need. Thus, I see no need to legislate against something which is not now a problem, and which shows no likelihood of becoming a problem.

I realize that the Pauken nomination has tended to focus Congressional attention on the special role of the Peace Corps, and I appreciate your concern that this special status be maintained. I believe strongly, however, that this is not a real issue with regard to S. 391. I also believe that an effort to legislate an exemption for the Peace Corps in this case will do more harm than good.

Once again, thank you for raising this issue with me. I appreciate your interest in S. 391.

Warm regards.
Sincerely,

JOHN H. CHAFEE.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., July 15, 1981.

Hon. LORET MILLER RUPPE,
Director, Peace Corps,
Washington, D.C.

DEAR MRS. RUPPE: Your letter of June 25, 1981, requested my views regarding policies governing cover relationships between CIA and the Peace Corps in connection with S. 391, the Intelligence Identities Protection Act, which will be considered by the Senate Judiciary Committee soon. Companion legislation, H.R. 4, is also pending in the House.

I understand that you are concerned with a provision in that proposed legislation that would require departments and agencies of the government designated by the President to provide assistance for cover arrangements to provide whatever assistance the President deems necessary to effectively maintain the secrecy of intelligence officers and employees. This language does not mandate that the Peace Corps or any other particular agency provide cover for intelligence personnel. Moreover, I do not advocate and would oppose any designation of the Peace Corps as an agency required to provide cover support. For these reasons. I am sure that you will agree that there is no need for a specific statutory exclusion of the Peace Corps from the cover provision of the proposed bill. Moreover, such a proposed amendment would be misleading for it would suggest that CIA desires to change its policy in this regard.

I can assure you that I have no intention of seeking to use the Peace Corps to provide cover for clandestine intelligence collection conducted by Central Intelligence Agency personnel. I certainly do not intend to change the long-standing CIA policy barring such use of the Peace Corps, which is reflected in existing regulations.

Thank you for the opportunity to express my views. I hope that I have reassured you regarding CIA intentions. If you have any specific questions whatsoever regarding our policies, my General Counsel, Mr. Stanley Sporkin, will be happy to answer them. I look forward to an amicable relationship with you in the future.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

PEACE CORPS,
Washington, D.C., June 25, 1981.

Hon. WILLIAM J. CASEY,
Director, Central Intelligence Agency, Washington, D.C.

DEAR MR. CASEY: As we both begin our work with the new Administration, I write to you about a matter of mutual concern to our agencies. Specifically, I would like to bring to your attention the bill S. 391, the Intelligence Identities Protection Act which will be considered by the Senate Judiciary Committee soon. As you know, throughout the 20 year history of the Peace Corps, there has been a deliberate effort to keep separate our volunteers from any intelligence-gathering role. In connection with that policy, we have evolved our intelligence policy which bars former CIA employees, and others who have been in the intelligence-gathering business since less than 10-years prior to their application, from serving in the Peace Corps.

As you know, this policy has been in effect for the past twenty years and was last reaffirmed by our predecessors in 1978. I understand that your agency has very recently expressed the position that you have no intention of deviating from your current regulations prohibiting cover arrangements involving the Peace Corps and that it is not your intention to foster secret regulations at odds with those regulations which have been in effect for the past twenty years.

I look forward to hearing from you directly as to the CIA position on this matter. I think that it would be to our mutual benefit to share this correspondence with appropriate members of Congress, so that there will be no mistake as to the Peace Corps' total separation from the function of intelligence-gathering.

Sincerely,

LORET MILLER RUPPE,
Director.

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., September 14, 1981.

Hon. STROM H. THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you because of concerns about Central Intelligence Agency and the Peace Corps which several Senators have expressed to me in connection with S. 391, the Intelligence Indentities Protection Act, which the Senate Judiciary Committee will consider on Tuesday, 15 September.

Subsection 603(a) of the Bill would require departments and agencies of the government designated by the President to provide assistance for intelligence cover arrangements. The language of this provision does not require the Peace Corps or any other agency to provide cover for intelligence personnel. The authority to designate which agencies shall provide such cover is left where it currently resides and should remain, that is, with the President.

Let me personally emphasize that I do not advocate and would indeed firmly oppose any designation of the Peace Corps for cover support. I can assure you that I have no intention of seeking to use the Peace Corps to provide cover for clandestine intelligence collection, and I certainly do not intend to change the long-standing CIA policy barring such use of the Peace Corps. It is not the intent of subsection 603(a) to foster secret directives at odds with this publicly stated policy, which has been in effect since 1961, the same year the Peace Corps was established.

It would be unwise, however, to put into the Identities legislation a listing of agencies which are not to provide cover for intelligence personnel. Such a listing would not be believed overseas. It would serve only to focus foreign intelligence services, violence-prone individuals, and terrorist groups in the overseas personnel of Federal agencies not included in the listing.

For these reasons, I am sure that you will agree that there is no need for a specific exclusion of the Peace Corps from the cover-related provision of the Identities Bill. I trust I have reassured you regarding CIA intentions. I am enclosing for your information recent correspondence to the same effect between the CIA and the Peace Corps.

Sincerely,

WILLIAM J. CASEY,
Director of Central Intelligence.

Enclosures.

Mr. CRANSTON. Do the distinguished floor managers, the Senator from Alabama (Mr. DENTON) and the Senator from Delaware (Mr. BIDEN), also agree with the Senators from Rhode Island and Montana that in

dropping section 603 it will be the very clear will of the Senate that if there is to be a section 603 in the bill, it must contain an exception for the Peace Corps?

Mr. DENTON. Yes.

Mr. BIDEN. Very much so. That is the Senate's clear will.

Mr. CRANSTON. I thank the Senators. Thus, would they also agree that should the Chafee amendment be adopted—and I will support it—and the Senate turns out to be unable to convince the other body in conference to delete section 603 from the conference agreement, then the Senate conferees must insist that section 603 can stay in the conference report only if the Peace Corps exception as reported from our Judiciary Committee is added, and that the Senate conferees will be unyielding on this point?

Mr. CHAFEE. Mr. President, I agree with the analysis of the Senator from California and assure him that that will be my position if I am named a conferee.

Mr. DENTON. Mr. President, I agree also and will in conference certainly forcefully advocate the Senate position on this, as the Senator from California and the Senator from Rhode Island have described it.

Mr. BIDEN. Mr. President, I also will be adamant on this point in the conference: Either strike section 603 entirely or amend it to insert the specific Peace Corps exception.

Mr. CRANSTON. Mr. President, I thank the Senators very much, and greatly appreciate their cooperation in clarifying this matter so very important to the future integrity and effectiveness of the Peace Corps.

Mr. BAUCUS. Mr. President, I concur with my colleague from California and thank my fellow committee members and the bill's author, Senator CHAFEE.

Mr. CRANSTON. Finally, Mr. President, whether or not there is section 603 in the conference report, does the author of the bill agree that the conferees should be urged to state that the provisions of section 1.6(a) of the recently issued Executive Order No. 12333, relating to cooperation of Federal agencies with the Director of Central Intelligence, should not be construed as altering in any way the historic policy of complete separation of the Peace Corps from intelligence activities?

Mr. CHAFEE. I agree.

Mr. BIDEN. I share that view as well.

Mr. LEAHY. Mr. President, I have listened to this discussion with great interest and note that, as a member of the judiciary subcommittee that handled this bill and a strong supporter of the Peace Corps, I share fully the concerns of the Senators from California, Montana, Massachusetts, and Connecticut, and endorse completely the agreement with the bill's author and floor managers as to both the Senate's clear will on this matter and the position of the Senate conferees in conference.

UP AMENDMENT NO. 823

(Purpose: To strike out section 603 relating to procedures for establishing cover for intelligence officers and employees.)

Mr. CHAFEE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an unprinted amendment numbered 823.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike out lines 4 through 23.

On page 6, line 2, strike out "SEC. 604." and insert in lieu thereof "SEC. 603.".

On page 6, line 9, strike out "SEC. 605." and insert in lieu thereof "SEC. 604.".

On page 6, line 13, strike out "SEC. 606." and insert in lieu thereof "SEC. 605.".

On page 9, immediately after line 10, amend the table of contents to read as follows:

"TITLE VI—PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION

"Sec. 601. Protection of identities of certain United States undercover intelligence officers, agents, informants, and sources.
"Sec. 602. Defenses and exceptions.
"Sec. 603. Extraterritorial jurisdiction.
"Sec. 604. Providing information to Congress.
"Sec. 605. Definitions.".

Mr. CHAFEE. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island (Mr. CHAFEE).

The amendment (UP No. 823) was agreed to.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1256

Mr. CHAFEE. Mr. President, I ask that we now return to the consideration of the amendment which was the business before the Senate prior to the disposition of the last amendment.

The PRESIDING OFFICER. The Senate will now return to its consideration.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

Mr. BIDEN. Mr. President, will the Senator withhold that for a moment?

Mr. CHAFEE. Yes.

Mr. BIDEN. Mr. President, we are winding down. My understanding is that we are going to be closing up fairly soon on this issue for today. Senator DURENBERGER, Senator GORTON, Senator SPECTER, and several other Senators have an interest in speaking on this bill. I have discussed this with the Senator from Rhode Island. He is also anxious for them to have their opportunity to discuss this.

Although we have not agreed on a time certain to vote on this measure tomorrow, we have all been operating under the assumption that we would vote tomorrow.

I want to ask the Senator from Rhode Island if his understanding is the same as mine, that if we do vote tomorrow, or before we vote, whether it is tomorrow or whenever, that we will have an opportunity to hear from those Senators I have mentioned, and possibly several others who would wish to add to this debate, and that also each of us will have an opportunity to spend 15 minutes or so summarizing our position.

Is that what he understands the leadership position to be generally?

Mr. CHAFEE. Yes, Mr. President, definitely.

As I understand the proceedings tomorrow, as soon as we come in, we move immediately to the Department of Justice authorizations bill. There will be some votes on that at around 2 o'clock.

The PRESIDING OFFICER. If the Senator from Rhode Island will indulge the Chair, he will refer to the order which is pending. The present order reads as follows:

Ordered, That at 9:30 a.m. on Tuesday, Mar. 2, 1982, the Senate resume consideration of S. 951, a bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes and at that time there be not to exceed 2 hours of debate, to be equally divided and controlled, on the Johnston amendment No. 1252, and that upon the disposition thereof, the Senate proceed without debate, motion, point of order, or appeal, to the disposition of the Heflin amendment No. 1235.

Ordered further, That these two amendments be the only amendments in order.

Ordered further, That upon the disposition thereof, without intervening debate, motion, point of order, or appeal, third reading occur, to be followed immediately without intervening debate, motion, or point of order by final passage of S. 951, as amended, and that no debate be permitted on a motion to reconsider. (Feb. 25, 1982.)

Let me inquire of the Parliamentarian.

The Chair will note that there is no time limit on the amendment of the Senator from Alabama, amendment No. 1235. The Chair is now informed that there is no time limit at all.

Mr. CHAFEE. Mr. President, I want to assure the Senator from Delaware

that the Senators he referred to will have an opportunity to be heard. There is no question about that. There is no time limit, actually, on this bill which is before us. So they will be heard.

It would be my understanding that probably their discussions would take place tomorrow afternoon, following the votes which have been ordered, but that we would not proceed to any votes on this matter tomorrow.

Mr. BIDEN. If the Senator will yield, I obviously do not object. There has been a good deal of comity between the Senator and myself on this issue. I just want to make sure that our colleagues, when they read the RECORD, will know what is likely to happen tomorrow.

We have been operating under the assumption, though there has been no time agreement, that we would be voting on this tomorrow. At least now it looks like there is a possibility we will not be voting on it tomorrow. The Senator from Delaware is prepared, once those few Senators speak, to go forward, but I understand there may be other exigencies which would make it difficult for us to vote.

I did not intend to pin the Senator down. I wanted a sense of where we are going. That answers my question and I do not have a further question on that issue.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, S. 391, the Intelligence Identities Protection Act, is now before the Senate, and I want to take this opportunity to commend the distinguished Senator from Rhode Island, Senator CHAFEE, and the distinguished manager of the bill, Senator DENTON. Their patience and dedication has been most appreciated, and their efforts on behalf of U.S. security interests have been crucial to the development of this important legislation.

As President Reagan wrote in a letter to me last month,

> Legislation to make criminal the unauthorized disclosure of the names of our intelligence officers remains the cornerstone for the improvement of our intelligence capabilities. Nothing has been more damaging to this effort than the pernicious disclosures of the names of officers whom we send abroad on dangerous and difficult assignments.

Mr. President, I support this legislation, and I urge my colleagues to do the same. This is a matter whose importance cannot be overemphasized.

● Mr. METZENBAUM. Mr. President, I rise in opposition to the amendment that would permit criminal prosecution for disclosing intelligence agents' identities without a showing of an intent to impair U.S. foreign intelligence activities. I want to commend the distinguished Senator from Delaware, Senator BIDEN, for the admirable job he has performed in handling this most difficult issue.

Mr. President, we are legislating in an extremely difficult area here. Unquestionably we have an obligation to safeguard the lives of agents engaged in activities which protect our national security. We must condemn any actions that intentionally endanger the lives of intelligence agents in order to disrupt our foreign intelligence activities. At the same time, however, we have no more urgent mission than the protection of the press' freedom to investigate and report on matters that are in the public interest. For 200 years the maintenance of a free press has been the core of our constitutional way of government. To the maximum extent possible, we must continue to permit the press to function without encumbrance.

The legislation before us today, Mr. President, attempts to balance these two very delicate matters. As my good friend from Delaware well knows, that is not an easy task.

The Judiciary Committee, after extensive consideration of the issue, arrived at a reasonable method for protecting our national security and the safety of individual intelligence agents without compromising the freedom of the press to report on matters in the public interest. By requiring proof of an intent to impair or impede our foreign intelligence activities, the bill as reported by the Judiciary Committee adequately protects against the kinds of identity disclosure which all of us condemn. At the same time it protects members of the press who have a legitimate interest in investigating and reporting on corrupt, illegal, improper, or questionable intelligence activities under circumstances where the identities of covert agents are necessary to the story. The bill as reported by the Judiciary Committee represents a proper balancing of these two competing concerns.

The proposed amendment to substitute a reason-to-believe standard would, however, tip the balance against legitimate reporting in the intelligence area. It would have a chilling effect on the kind of journalistic endeavors which the first amendment is meant to protect.

Moreover, there is no need to tip the balance in this fashion. It is my understanding that both the CIA and the Department of Justice have indicated their satisfaction with the bill as reported by the Judiciary Committee. If these clearly self-interested parties are satisfied that the bill with the intent language adequately safeguards agents' identities, then why should we enact legislation that has an even greater chilling effect on legitimate press activities?

More than 140 constitution scholars, including some of our leading first amendment experts, have stated unequivocally that the reason-to-believe standard will not pass constitution muster. Why then should we enact such a standard, especially if the intelligence agencies themselves do not believe it is essential?

A free press in this country is too precious a right to impair in this manner. I urge my colleagues to join me in opposing this amendment.●

● Mr. HAYAKAWA. Mr. President, it seems as though we in the United States sometimes have a naive view of how our Nation is perceived abroad.

After all, our country seeks peace. As President Reagan noted last year in his worldwide address on nuclear disarmament, the United States is not an aggressor. Immediately following World War II, we alone possessed the atom bomb, and yet we sought world stability, not world domination.

Our people are charitable. In countless disasters around the world, the American people and their Government have come to the aid of the afflicted.

So, Mr. President, it is not surprising that, so often, we cannot comprehend the hostility our Nation encounters abroad. Our embassies are bombed, our officials kidnapped, and our policies attacked.

In this increasingly tense international atmosphere, thousands of our citizens are courageously serving their country in the intelligence gathering operations so important to our national security. These Government employees were aware of the personal dangers confronting them when they elected to engage in intelligence activities. But they now find themselves threatened not only from the front, but from behind as well; threatened by their fellow citizens.

In 1975 American Philip Agee's Counterspy magazine identified Richard S. Welch as CIA station chief in Athens, Greece. Richard Welch was murdered 1 month after the information was disclosed in the Athens Daily News.

In 1980 another American citizen, Louis Wolf, revealed the names of 15 alleged CIA agents in Jamaica. Within a week assassination attempts were made on 2 of the 15.

Mr. President, we are now approaching the seventh anniversary of the death of Richard Welch, and still there are no laws to prohibit the type of despicable act that led to his murder. Those citizens who would destroy our intelligence-gathering capa-

bilities are still trotting around the globe "naming names" and endangering the lives of conscientious Americans.

I have cosponsored S. 391, the Intelligence Identities Protection Act, so that we can at last bring an end to this type of activity. The bill prohibits the unauthorized disclosure of intelligence agents and directs the President to take steps to insure the secrecy of intelligence relationships.

Section 601(a) and (b) of the act set stiff penalties for those who misuse their authorized access to classified information by disclosing the identities of covert agents.

Section 601(c) targets those who engage in patterns of activity to identify and expose covert agents. The language originally proposed by Senator CHAFEE and approved overwhelmingly by the House would penalize such persons who have "reason to believe" that their activities would harm U.S. intelligence activities.

The Senate Judiciary Committee, however, decided narrowly to change the "reason to believe" requirement to one of "intent." The Government would have to prove, not that an individual engaged in "naming names" had reason to believe that his activities were harmful, but that he intended them to damage American intelligence operations.

I favor the language originally proposed by Senator CHAFEE and supported by both the Carter and Reagan administrations. The intent standard would be difficult to prove and would allow an individual to claim that his anti-intelligence actions were intended not to impair U.S. intelligence efforts, but to expose certain activities that were improper and worthy of public discussion. In other words, whatever the results, the intention was good.

Senator CHAFEE's "reason to believe" standard would deal more effectively with those who threaten our national security, while preserving constitutional rights. To convict, the Government would have to prove not only that an individual had reason to believe that his activities imperiled foreign intelligence operations, but that beyond a reasonable doubt: First, there was an intentional disclosure of information which identified a covert agent; Second, the disclosure was made to someone not authorized to receive classified information; Third, the person who made the disclosure knew that the information disclosed identified a covert agent; Fourth, the person who made the disclosure was aware that the United States was taking affirmative measures to conceal the covert agent's classified intelligence affiliation; and Fifth, the disclosure was made in the course of a pattern of activities intended to identify and expose covert agents.

This language will enable the Government to convict the guilty, while continuing to allow legal scrutiny of government activity. A reporter who, in the course of an investigation, revealed an agent's identity would not be guilty under the act, because he would not meet its "pattern of activities" requirement.

Mr. President, I commend the Senator from Rhode Island for introducing this legislation and for continuing to press for the best possible language. Like him, I recognize that if we are to deter effectively those who would destroy legitimate American activities, we must have an effective law.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, extending not more than 10 minutes in length, in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 84-944, appoints the Senator from Washington (Mr. GORTON) to the Senate Office Building Commission.

S. 2148—TO PROTECT UNBORN HUMAN BEINGS

Mr. HELMS. Mr. President, I introduce today a bill whose purpose is to protect unborn human beings from the violence of abortion. Many of us in this body, including a number elected in 1980, have made a public commitment to seek legal protection for the unborn. The end of the 97th Congress is but months away, and we have not yet been able to act on this crucial commitment.

With tens of thousands of unborn babies being killed by abortions every week, I suggest to my distinguished colleagues in the Senate that the time is now.

The bill I introduce today, Mr. President, can be divided into four basic parts. Part I—section 1—contains findings from treaties, international bodies, American history, and Senate hearings concerning the unborn and the right to life.

Part II—sections 2 through 6—gets the Federal Government totally out of the abortion business. Instead of tying up Congress every year during the appropriations process over the Hyde amendment, part II would make Hyde permanent law. Among other things, it also contains a freedom-of-conscience clause to protect medical personnel from discrimination because of their prolife convictions.

Part III—sections 7 through 9—applies the bill's findings to constitutional protections over which Congress has enforcement powers. This part also provides for certain expedited Supreme Court review. Part IV—section 10—is a severability clause which should assure maximum support within Congress from those approaching the abortion subject with different legal concerns.

Mr. President, in concluding my comments on this bill I call my colleagues' attention to the January 11, 1982, edition of Newsweek magazine. On the cover of that issue was a picture of an 8-week old unborn baby. I challenge any honest observer to study that picture and the nature of prenatal development, and then try to refute the fact that the unborn, just like those of us who have been born, are living individual human beings. Newsweek knows when human life begins and, I submit, this Congress knows. It is time for us to act and to protect that precious gift which we all share, that precious divine gift—individual human life.

Mr. President, today marks the beginning of March and both Houses of the Congress are preparing for a prolonged debate over the Federal budget and the levels of appropriation for the various Federal departments and agencies. Before we embark on that, it is necessary that we begin with the consideration of this issue in a timely fashion that will permit consideration of it also in the House of Representatives. Therefore, I am introducing this legislation today and objecting to its being referred to committee. It is my intent that the Senate proceed to the consideration of this bill at the earliest possible date. Two subcommittees of the Judiciary Committee have held extensive hearings on this subject. It is a subject which has been extensively debated by the Senate and the time for action is now.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 42 of the United States Code shall be amended at the end thereof by adding the following new chapter:

"CHAPTER 101

"SECTION 1. The Congress finds that—

(a) The American Convention on Human Rights of the Organization of American States in 1969 affirmed that every person has the right to have his life protected by law from the moment of conception and that no one shall be arbitrarily deprived of life;

(b) The Declaration of Human Rights of the United Nations in 1959 affirmed that every child needs appropriate legal protection before as well as after birth;

(c) The Nuremburg International Military Tribunal for the trial of war criminals declared the promotion of abortion among minority populations, especially the denial of the protection of the law to the unborn children of Russian and Polish women, as a crime against humanity;

(d) The Federal Constitutional Court of the Federal Republic of Germany in 1975 ruled that the life which is developing itself in the womb of the mother is an independent legal value which enjoys the protection of the constitution and the state's duty to protect human life before birth forbids not only direct state attacks, but also requires the state to protect this life from other persons;

(e) The Declaration of Independence affirmed that all human beings are endowed by their Creator with certain unalienable rights among which is the right to life.

(f) As early as 1857 the American medical profession affirmed the independent and actual existence of the child before birth as a living being and condemned the practice of abortion at every period of gestation as the destruction of human life;

(g) Before 1973, each of the several states had enacted laws to restrict the performance of abortion;

(h) Agencies of the United States continue to protect human life before birth from workingplace hazards, the effects of dangerous pharmaceuticals, and other hazardous substances;

(i) It is a fundamental principle of American law to recognize and affirm the intrinsic value of all human life; and

(j) Scientific evidence demonstates the life of each human being begins at conception.

SEC. 2. No agency of the United States shall perform abortions, except when the life of the mother would be endangered if the child were carried to term.

SEC. 3. No funds appropriated by Congress shall be used directly or indirectly to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

SEC. 4. No funds appropriated by Congress shall be used to give training in the techniques for performing abortions, to finance research related to abortion, or to finance experimentation on aborted children.

SEC. 5. The United States shall not enter into any contract for insurance that provides, directly or indirectly, for payment or reimbursement for abortions other than when the life of the mother would be endangered if the child were carried to term.

SEC. 6. No institution that receives federal financial assistance shall discriminate against any employee, applicant for employment, student, or applicant for admission as a student, on the basis of that person's opposition to abortion or refusal to counsel or assist in the performance of abortions.

SEC. 7. Upon the basis of the findings herein, and in the exercise of the powers of Congress, including its power under section 5 of the Fourteenth Amendment to the Constitution of the United States, the Congress hereby recognizes that for the purpose of enforcing the obligation of the States under the Fourteenth Amendment not to deprive persons of life without due process of law, each human life exists from conception, without regard to race, sex, age, health, defect, or condition of dependency, and for this purpose "person" includes all human beings.

SEC. 8. Congress further recognizes that each State has a compelling interest, independent of the status of unborn children under the Fourteenth Amendment, in protecting the lives of those within the State's jurisdiction whom the State rationally regards as human beings.

SEC. 9. Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, decree, or order of any court of the United States regarding the enforcement of this Act, or of any State law or municipal ordinance based on this Act, or which adjudicates the constitutionality of this Act, or of any such law or ordinance. Any party to such case shall have a right to direct appeal to the Supreme Court of the United States on the same terms as govern appeals pursuant to 28 U.S.C. 1252, notwithstanding the absence of the United States as a party to such case.

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is judicially determined to be invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected by such determination."

Mr. HELMS. Mr President, I send the bill to the desk and I ask for its immediate consideration.

Mr. STENNIS. Mr. President, reserving the right to object, and I shall object. This request has not received proper clearance on this side of the aisle. I object to further consideration of the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Will the bill be considered as having been read once?

The PRESIDING OFFICER. As of this moment, the bill has not been read once, but the Senator can ask unanimous consent that it be read.

Mr. HELMS. Mr. President, I request that it be read.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2148) to protect unborn human beings.

Mr. BAKER. Mr. President, I thank the Senator from North Carolina and the Senator from Mississippi.

Mr. STENNIS. If the leader will yield, Mr. President, the bill now stands as objected to, is that correct?

The PRESIDING OFFICER. The status is that the bill has been read one time by title and further consideration has been objected to. That is correct.

Mr. STENNIS. I thank the Chair.

U.S. COAL CAN CONTRIBUTE TO FOREIGN SYNFUEL DEVELOPMENT

Mr. RANDOLPH. Mr. President, some persons contend the Arab nations are using their oil reserves to keep supply large enough so prices remain below a level at which synfuels could become competitive. The U.S. corporate and Federal Government policy reaction to an oil oversupply has been too slow to the development of synthetic fuels.

Faced with this situation, companies planning to market coal to our new gasification and liquefaction plants, have turned to foreign markets which are continuing to do research and development on synfuels to avoid "crash efforts," bringing alternative fuels programs together when crude oil prices rise again.

Recently, samples of West Virginia, high-sulfur coal were rated outstanding by West German and Scottish facilities being built by government-private industry partnerships. Those samples are typical of billions of tons of reserves in Appalachia, and signal a potential new market opening for coal from the northern portion of our State.

The unfortunate part of this news, of course, is that we are moving our most valuable domestic product into a foreign-based synthetic fuels industry, instead of using it for the same purpose at home.

Mr. President, I submit for the RECORD a well reasoned article from the Charleston Gazette of February 18. Is it really true that synfuels in this country do not pay yet? Or is there an immediate need to assure that a synthetic fuels industry can replace a natural petroleum based industry here before the domestic coal reserves necessary for these efforts are displaced through long-term contracts by foreign buyers?

The article follows:

[From the Charleston Gazette, Feb. 18, 1982]

FOREIGN SYNFUELS PLANTS PRAISE STATE COAL'S QUALITY

(By Edward Peeks)

Efforts to convert coal to liquid fuels continue with promising results, despite de-emphasis and budget cuts for synfuels by the Reagan administration.

Coal research and other energy programs will get the ax in the 1983 budget, according to coal industry sources. An Energy Department internal document lists $94 million proposed for coal research in fiscal 1983, down 87 percent from the same figure for fiscal 1981 under the final budget of the Carter administration.

Some gasification and liquefaction projects, already off and running ahead of the budget ax, are keeping hope alive for synfuels. They are projects built on government-private industry partnerships. One new development is important to the market of West Virginia high-sulfur coal.

The performance of Pittsburgh Seam No. 8 coal, mined in the Northern Panhandle, was rated outstanding in a monthlong gasification test in West Germany, reports Conoco Coal Development Co., a subsidiary of Conoco Inc.

The coal came from Shoemaker Mine near Moundsville, which is operated by Consoli-

dation Coal Co. Officials say the coal is typical of billions of tons of reserves in Appalachia.

The West German test used 4,000 tons of coal in a 165-ton-a-day prototype plant licensed by Texaco Development Corp. and operated jointed by Ruhrchemie AG and Ruhrkohle AG in Oberhausen, West Germany. The plant employed the Texaco gasification process and used contributions made by Ruhrchemie and Ruhrkohle.

"The test significantly demonstrated that Pittsburgh 8 is an ideal feedstock for the Texaco gasifer," said Jerry McClesky, president of CCDC. "New markets may now be developed for this high-sulfur coal."

The West German firms say the performance of the Pittsburgh 8 is among the best of many coals successively gasified at the plant in the past four years. The coal, they say, gave "very high conversion efficiency at relatively low temperature and high feed rates." The coal gas produced during the last half of the run was used as the sole feedstock for a commercial alcohol plant.

The coal-water slurry used by the entrained bed gasifier in the process contained a high concentration of the test coal, officials said. The low rate of oxygen consumption by the Pittsburgh 8 coal was among the best achieved at the facility.

This gives Pittsburgh 8 an economic advantage over coals which require more oxygen and water for gasification, said Conoco scientists. Pittsburgh 8 has excellent properties for gasification in systems that remove the coal ash as a liquid slag and for liquefaction under relatively low pressure and temperature conditions.

Scientists said Consol's Pittsburgh 8 coal also performed well in tests in the 350-ton-a-day British Gas/Lurgi slagging gasifier in Westfield, Scotland, in 1978 and 1979. The large-scale Texaco and slagging gasifier tests confirm the technical feasibility of gasifying the Pittsburgh 8 reserves, of which Consol owns more than 3 billions tons, they said.

In another coal project, the H-Coal pilot plant in Catlettsburg, Ky., has met or exceeded its test objectives with high-sulfur Illinois coal, reports the Department of Energy. During a 131-day test run, coal was processed nearly 73 percent of the time at design conditions of 220 tons a day.

The plant converted 19,200 tons of dried coal to low-sulfur synthetic distillate, DOE said. The synthetic oil contained a large percentage of naphtha, a basic feedstock for high octane gasoline and other distillates that could be refined into home heating oils and other fuels. Each ton of coal yielded nearly three barrels of liquid products.

"Particularly important during the test run was the durability of valves in the reactor system which must withstand high pressures and temperatures, and highly erosive conditions," DOE said.

One particular valve worked continuously for 1,245 hours, engineers noted. The valve channeled the liquid product and undissolved solids out of the high-pressure liquefaction reactor.

EL SALVADOR

Mr. LEAHY. Mr. President, almost 7 years ago helicopters lifted the last Americans charged with executing our Vietnam policy from the roof of our embassy in Saigon. A wave of bitterness, recrimination, self-doubt, and even self-deprivation followed. Most Americans concluded that we had erred in testing our political principles and moral values in an arena remote from our historical experience and divorced from our vital national interests. "Never again" became the epitaph of the Vietnam war.

The crisis in El Salvador inevitably raises again questions hotly debated during the Vietnam era. The Reagan administration is pledged to "draw the line" in El Salvador against the spread of international communism. A government ostensibly dedicated to reform and harassed by growing insurgency pleads for our money and military hardware. Infiltration routes have been carved into the mountainous frontier. Civilians flee disputed zones and refugee camps house women and children abused by extremists on both sides of the conflict. Public opinion at home, asked to address a "country in danger" theme, fears that the introduction of American soldiers may be the logical next step.

We stand exposed to the anguish of a Vietnam experience unless we take stock of some painful Latin American realities on the one hand and some untapped advantages on the other. The similarities to Vietnam seen too obvious and they serve to raise our resistance to involvement. El Salvador is not Vietnam, however, and it is an oversimplification to draw the analogy too far. The differences hold the key to any argument for intervention, and they demand a dispassionate and informed assessment.

Mr. President, El Salvador is a small and impoverished country in a region where for more than a century the Monroe Doctrine was invoked to justify a special U.S. interest. Central America has long been a familiar terrain to American diplomacy. With its neighbors, El Salvador has been the object of U.S. economic expansion, philanthropic and missionary activities, and cultural penetration. For a generation Salvadoran business and military leaders and landowners have sent their children to the United States for education, and wealthy families invariably included substantial American investments in their portfolios. Their heritage was Latin, but in many respects congenial to our own.

El Salvador's problems also lend themselves to solutions along lines congenial to our own experience. A landed oligarchy exploited an impoverished peasantry to produce plantation crops for export. A middle class began to emerge after World War II, however, and there have been several periods of notable economic expansion. A high birth rate insured that labor remained plentiful and wages low. Class tensions promoted a system of private violence which no government, no matter how well established, was inclined to curb. In the peaceful year of 1974 there were 2,700 homicides, and thereafter a spirit of suspicion and brute force began to substitute itself for the rule of law.

El Salvador's pattern of uneven economic development, social tensions, and unstable government makes difficult, but no less important, the construction of stable democratic institutions, the growth of an entreprenurial class, and a comprehensive land reform program. Efforts to break the iron grip of a reactionary landed caste have been repeatedly frustrated. The most recent and most promising bid for democratic government was stillborn in 1972 Jose Napoleon Duarte, now head of the junta, was denied office by a military coup. The development of a middle class has been slowed by the landed classes' manipulation of El Salvador's financial institutions and by a mean spirited attitude toward industry. Land reform was launched by the incumbent junta under Duarte, but even this laudable initiative has been compromised by rightwing resistance, the dislocation of the insurgency, and other factors.

Suddenly the traditional system has been successfully challenged by an insurgency movement, inspired by the Marxist logic of history and Catholicism's call for social justice. The junta, searching for legitimacy and uncomfortably dependent on a military caste which still distrusts democratic institutions and shows insensitivity to human rights, has challenged the United States to halt the spread of communism in the Western Hemisphere. The Catholic Church, which has drawn its leaders from the traditional upper class and some of its younger priests from more radical elements, cannot decide whether it fears more the materialistic secularism of Marx or the brutality and social insensitivity of the far right. Business confidence has collapsed, and a billion dollars have been salted away outside the country. Institutions of social control—legal and moral restraint both have deteriorated to the point where criminal elements do in fact get away with murder at the heinous rate of at least 1,000 per month.

And now, Mr. President, El Salvador's tragedy threatens to become our tragedy as well. U.S. military aid grows geometrically, and our already considerable economic assistance is compromised by a spreading war. We are on record as having decided to take measures against Cuba and Nicaragua if this is necessary, to reassert our traditional responsibility for peace and stability in Central America. We support elections in hopes that a legitimate government will command broad popular support in its own right or induce the disaffected insurgents to join a national coalition. We condemn the violence of the extreme right and extreme left, and we assure ourselves

that our military and economic assistance will provide the margin of strength needed to produce a stable, united El Salvador dedicated to democracy and human rights.

The intentions of the administration are laudable, but it is unlikely that they can be achieved by a plan which only "draws the line" and emphasizes military assistance. The right-wing extremists continue to command great influence within the military, and they are candid in pledging themselves to subvert any government which undertakes the drastic social reforms El Salvador still requires.

The election process, which must vindicate the centrists if it is to have any hope of success, is endangered by a resurgence of popular support for the right, support which reflects El Salvadorans' despair at constructing a pluralist system, fear of the old landed classes, and trust in the promises made during the rightists' well-financed campaign. The economy continues to deteriorate. The insurgents demonstrate an increasing ability to strike at the country's military and economic infrastructure. President Duarte, who is represented as being the country's best hope for a moderate regime, faces radicals left and right who endanger his life and impugn his motives. And the Catholic Church, the only institutional depository of the country's yearning for peace, has already seen its leader martyred and its clergy polarized.

In all this, the right of the United States to be concerned about the tragedy unfolding in El Salvador cannot be denied. Our military and economic interests in the Caribbean are long standing and vital. Our conscience is inflamed by the indiscriminate violence. Many Americans continue to labor as missionaries and social workers in El Salvador. Some have been killed and others driven from their work. Hundreds of Salvadoran citizens have fled to the United States, and thousands more wish to do so. In his speech of February 24, President Reagan echoed the anguish and concern of most Americans about recent developments in El Salvador, and reaffirmed its importance to American security interests.

Thus far our commitment has failed to meet the needs of El Salvador or our own interests. We support a regime still married to reactionary forces, and challenged dangerously by the far left. Our best intentions have been translated into large-scale military assistance, which has helped to escalate the civil war. We have tarnished our commitment to human rights by proclaiming that the junta's performance is satisfactory. We have forced ourselves into a straitjacket by adopting a policy of confrontation with Nicaragua and of criticism of Mexico. We have reached the point where the only guarantee we have that the junta headed by President Duarte will survive may rest in the introduction of American soldiers.

There must be another way to help El Salvador. An alternative strategy based on different priorities should be given serious consideration. Such a strategy would be open to risk, but it might reflect more clearly than our present policy what should be our primary interests in Central America. I recommend that we:

First. Not increase military expenditures and prohibit the introduction of American troops into El Salvador;

Second. Support efforts to create an international force to monitor and stop the infiltration of arms to the El Salvadoran insurgents and make public the extent of these arms;

Third. Urge unconditional talks between the Duarte regime (or, after March 28, its successor) and insurgents to establish a ceasefire and to negotiate the terms of a coalition government;

Fourth. Recognize the special relationship of Mexico to the Central American nations and support Mexico's strategy of maintaining constructive ties to the various states;

Fifth. Be mindful of the problems El Salvador and other Central American countries will face as they attempt to rectify, perhaps too hastily, the political and economic inequities of their post-colonial experience;

Sixth. Be prepared to adopt and expand the proposal advanced by President Reagan to invest large amounts of economic assistance in those countries which make a genuine commitment to pluralism, democracy, and broad based economic development.

The six points are manifestly interdependent. We must be willing to reduce our own military involvement in El Salvador, and we must insist that an effective system will be established to stop the influx of arms from other sources. The extent of our willingness to reduce military assistance to El Salvador will be tied to evidence that other sources of arms infiltration are also drying up. We should, as well, be willing to supply assistance to the international monitoring force, and we should be willing to participate actively in this force's effort to interdict supplies to the insurgents from Cuba and elsewhere. Such a policy will not be popular in some Caribbean quarters. It will be made more palatable, however, by our own resolve to diminish or cease military assistance to the government of El Salvador.

Mr. President, there is no guarantee that attempts to bring Salvadoran warring factions to the negotiating table will succeed, or that such negotiations will produce a viable coalition settlement. In the absence of a compromise, we must face the possibility of continued violence in El Salvador, with both the extreme right and the extreme left marshalling all the resources still at their disposal after a reduction in the flow of arms from abroad.

We must be prepared to see emerge a government we do not like, and to work with it to the extent that the new government responds to reasonable counsel, demonstrates sensitivity toward human rights, and respects the sovereignty of its neighbors. We can be confident that Mexico will play an important role in encouraging whatever regime evolves to meet the genuine needs of the Salvadoran people and respect the principles of international law.

The United States should also recognize some new realities in the Western Hemisphere, and see in them solid benefits for U.S. national interests and for the values we espouse. When in 1823 President Monroe warned European states against efforts to reestablish their colonial empires in the Americas, he was promising more than the young republic could deliver. But the combination of British naval power, American resolve, and the self-interest of the fledging American States elevated the Monroe Doctrine to an enduring principle.

Conditions have changed. But we have at hand the ingredients of a new system which may serve us well in our own time. The United States is flanked by powerful nations, Mexico and Canada, with important stakes in the well-being, stability, and progress of the Central American states. Mexico is peculiarly well qualified to play a dynamic and constructive role in meeting the needs of El Salvador as it passes through a time of revolution. Mexico itself emerged from a similar experience with a constitutional system capable of expanding democratic government gradually and constructively. It has developed a formidable economic base. Along the way it has also developed a foreign policy for Central America which emphasizes conciliation and compromise. For the United States to find itself working at loggerheads with Mexico is unwise and shortsighted.

Mr. President, the tragedy of El Salvador is not likely to come to an end soon, whatever policy is adopted. More bloodshed is likely. Further economic deterioration can be expected. I am convinced, however, that we can do more good for the people of El Salvador if we construct a regionwide policy based on the principle that each country in the region must forge its own political, social, and economic institutions independently. Our efforts should be directed to discouraging the flow of arms across national boundaries, encouraging Mexico's work of reconciling the various revolutionary

movements to their nations, and offering economic assistance in those instances where the priorities of the regimes in power—whether inspired by the right or the left—meet certain standards of human rights, economic development, and progress toward democracy.

JACK ANDERSON CORRESPONDENCE REGARDING SENATOR WILLIAMS

Mr. WALLOP. Mr. President, it is my understanding that each Member of the Senate has received from syndicated columnist Jack Anderson portions of the correspondence between Mr. Anderson and both the majority and minority leaders, and the Select Committee on Ethics. In the interest of a full and complete record on matters such as these, in connection with the consideration by the Senate of Senate Resolution 204, I ask unanimous consent that the entire series of correspondence between Mr. Anderson and the leadership and the Ethics Committee, be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 26, 1982.

Re: S. Res. 204.
Mr. JACK ANDERSON,
Washington, D.C.

DEAR MR. ANDERSON: We are in receipt of your letter of February 25, 1982. As we advised you in our letter of February 24, 1982, if you have in your possession any written or documentary materials which you believe should be brought to the attention of the Senate regarding this matter, the appropriate course would be for you to make such materials available to Senator Williams, his counsel or Senator Inouye. We have also advised you that the Committee will review any such materials which you might decide to submit to us by 10:00 a.m., Monday, March 1, 1982. As you know, the Senate's deliberations on this matter commence on March 3, 1982.

Sincerely,

MALCOLM WALLOP,
HOWELL HEFLIN,
U.S. Senators.

SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 25, 1982.

Hon. HOWARD H. BAKER, Jr.,
Majority Leader,
Hon. ROBERT C. BYRD,
Minority Leader,
U.S. Senate.
Washington, D.C.

DEAR MESSRS. LEADERS: Enclosed is a copy of our letter of February 24, 1982 in response to Mr. Jack Anderson's letter of February 18, 1982 which was addressed to you. Our response details the Committee's willingness to review any information which Mr. Anderson might care to submit. We also enclose Mr. Anderson's reply which we received this afternoon.

Sincerely yours,

MALCOLM WALLOP,
HOWELL HEFLIN,
U.S. Senators.

SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 26, 1982.

Re: S. Res. 204.
Hon. HOWARD H. BAKER, Jr.,
Office of the Majority Leader,
Hon. ROBERT C. BYRD,
Office of the Minority Leader,
U.S. Senate,
Washington, D.C.

DEAR SENATORS BAKER AND BYRD: Pursuant to your request, we have responded to a letter to you from Jack Anderson dated February 18, 1982, in which Mr. Anderson claimed to have evidence which in his view would be relevant to Senate Resolution 204. In our letter to Mr. Anderson, dated February 24, 1982 (copy enclosed), we advised him that if he had in his possession any information which he believed should be brought to the attention of the Senate in this matter, the appropriate course would be for him to make it available to Senator Williams, his counsel, or Senator Inouye. We further advised Mr. Anderson that the Ethics Committee would review any written or documentary materials which he might decide to submit to us by 10:00 A.M., Monday, March 1, 1982. We noted that the Senate's deliberations on this matter had several times been continued in deference to Senator Williams and were now scheduled to commence on March 3, 1982 without further delay.

In a letter dated February 25, 1982 (copy enclosed), Mr. Anderson responded by suggesting that our letter of February 24th had the "smell of Thomas Puccio," the Abscam prosecutor, who "has been guiding both the legislative and executive investigations of Williams." Mr. Anderson also indicated that he desired to take the sworn testimony of certain unidentified individuals, stating "it will take several days for me to round up my witnesses, put them under oath and take their statements." He asked to be allowed to use the Committee hearing room for this purpose. Mr. Anderson then indicated that he would like to take the testimony, under penalty of perjury, of "hostile witnesses" such as the ABSCAM investigators." Mr. Anderson informed us that his inquiries and gathering of evidence would have to await his return from a trip to Africa, which would occupy him "for the next ten days."

The Committee has made every effort, since the time of its hearing in this matter last July, to permit Senator Williams and his representatives to submit to the Committee any evidence which is new and exculpatory. We have in response to your request similarly stated our willingness to receive any such evidence which Mr. Anderson may have in his possession. We believe that our advice to Mr. Anderson to submit his evidence to Senator Williams and his representatives, or to the Committee by the morning of March 1st, provided a fair and reasonable procedure by which any such evidence could become known to the Senate in advance of its deliberations in this matter. Accordingly, we do not believe there is any justification to delay the Senate's deliberations in this matter any further.

Sincerely,

MALCOLM WALLOP,
HOWELL HEFLIN,
U.S. Senators.

WASHINGTON, D.C.,
February 25, 1982.

Hon. MALCOM WALLOP,
U.S. Senator,
Hon. HOWELL HEFLIN,
U.S. Senator,
Washington, D.C.

GENTLEMEN: Once again, you have made suppositions about my ABSCAM investigation without any basis in fact. Senator Harrison Williams, his investigators and his supporters did not participate in my three-month investigation of the late Marie Weinberg's revelations.

On only one occasion, which you cite, did his investigator and my reporter appear together at Marie Weinberg's home, This was at a time when she feared violence from her husband and his friends. She had heard her husband speak fearfully of the investigator, Dick Bast, who had stood up to the FBI in the past. Bast was present at her specific request.

It is not my practice to share the results of my investigations privately with Members of the Senate. Senator Williams has been given the same information that was submitted to the Justice Department and all defense attorneys. I distributed this information through one of the defense attorneys, Richard Ben-Veniste, who does not represent Williams.

I am struck once more by the coincidence that your letter follows the same line that has been disseminated to the courts and the press by the chief ABSCAM prosecutor, Thomas Puccio. The pattern is disturbing; apparently Puccio has been guiding both the legislative and executive investigations of Williams.

I shall be happy to present my evidence, as you have suggested, to Senator Williams and his attorneys. It will take several days for me to round up my witnesses, put them under oath and take their statements. I hope the committee will allow us to use its hearing room for this purpose. If not, I presume the hearings could be held in Senator Williams' office.

There is the question of hostile witnesses. How would you propose that I take testimony, under penalty of perjury, from the ABSCAM investigators? Only yesterday, according to Newsday, the FBI agents confessed that they have traded in gifts, favors and commerce with their hired convict, Mel Weinberg. There admissions obviously were forced by the evidence that the Justice Department knows I have in my possession. There is much more that should be drawn from the FBI agents beyond yesterday's bare admissions. Before we are through, we will be dealing in perjury and obstruction of justice. I hope you will not argue that perjury and obstruction by the ABSCAM team had no bearing upon ABSCAM?

You write of delays and postponements as if time were more important than justice. This again has the smell of Thomas Puccio who is also eager to get his victims expelled and in prison before the facts catch up with him.

Since it is your suggestion that I present my evidence to Senator Williams and his attorneys, this is my notice that I am willing to do so. I will begin as soon as I return from a trip to Africa, which will occupy me for the next ten days. I trust that your suggestion is sincere and not a ploy and that you will grant me reasonable time to carry it out. I welcome your cooperation; I hope you will not respond with obstruction.

Sincerely,

JACK ANDERSON.

U.S. SENATE,
SELECT COMMITTEE ON ETHICS,
Washington, D.C., February 24, 1982.

Mr. JACK ANDERSON,
Washington, D.C.

DEAR MR. ANDERSON: Senators Baker and Byrd have referred to us your letter of February 18, 1982. The Ethics Committee has, as you know, conducted a full adjudicatory hearing in this matter. At that hearing, Senator Williams was permitted to call any witnesses and introduce any evidence he desired, and he took full advantage of that opportunity. After the Committee made its report to the Senate, the Committee, at the request of the leadership, has also twice considered additional proffers of testimony from Senator Williams and his counsel, and from Senator Inouye, who is assisting Senator Williams in this matter, and have made recommendations to the leadership concerning such proffers.

We would hope that you have shared with Senator Williams, his counsel, and Senator Inouye any information in your possession which in your view might be relevant in this regard. The presence of Senator Williams' investigator at the interviews your associate Mr. Badhwar had with Mrs. Marie Weinberg shortly before her tragic death suggests to us that you have done so. It is important for Senator Williams and his representatives to have access to such information so that they might form their own opinion as to its bearing on Senator Williams' case, both before the courts and the Senate. We also note that Senator Williams has directed us to deal exclusively with his counsel with respect to this matter.

You may, of course, decide to submit any such information in written or documentary form directly to the Ethics Committee. While the Committee will review any material you might submit to it, it is our judgment that the appropriate course would be to direct such material to Senator Williams and his representatives in the first instance. If Senator Williams or his representatives desire you to send any information you have directly to each Senator, please feel free to do so for we have no objection to your doing so.

It should be noted that the Senate's deliberations on this matter have several times been postponed in deference to Senator Williams since first being scheduled some six months ago. The leadership has recently indicated the debate on this matter will go forward on March 3, 1982 without any further delay. Accordingly, any written or documentary materials you may wish to provide the Committee to review should be made available by 10:00 a.m. on Monday, March 1, 1982 in order to permit the Committee's consideration.

Sincerely,

HOWELL HEFLIN,
U.S. Senator.
MALCOLM WALLOP,
U.S. Senator.

JACK ANDERSON,
Washington, D.C., February 18, 1982.

Hon. MALCOLM WALLOP,
Russell Office Building,
Washington, D.C.

DEAR SENATOR WALLOP: The Select Committee on Ethics has directed that evidence, affecting the resolution to expel Senator Harrison Williams, should be submitted directly to individual Senators.

I have spent the past few months digging into the Williams case. I have uncovered considerable evidence, which has never been presented to the courts or the committee.

I am sure you would not want to judge Senator Williams until you have considered all the evidence. I hope you will take the time, therefore, to read the enclosed letter, which I have sent to the Senate leadership.

Cordially,

JACK ANDERSON.

JACK ANDERSON,
Washington, D.C., February 18, 1982.

Re S. Res. 204.

Hon. HOWARD H. BAKER, JR.,
Office of the Majority Leader,
U.S. Senate, Washington, D.C.
Hon. ROBERT C. BYRD,
Office of the Minority Leader,
U.S. Senate, Washington, D.C.

DEAR SENATORS BAKER AND BYRD: I have seen the February 2 letter that was submitted to you by the Select Committee on Ethics. The letter mentions me by name and refers to evidence in my possession. I feel it my duty to advise you that the committee has misinformed you.

It is clear from the letter that the committee has adopted the same argument that ABSCAM prosecutor Thomas P. Puccio has raised in the courts. In a January 22 letter to Judge George C. Pratt, Puccio makes the remarkable argument that his star witness, Melvin Weinberg, suddenly has become a minor ABSCAM figure of no consequence. "Weinberg's credibility was not a real issue in the case," Puccio contends.

He also claims that the evidence I obtained from Weinberg's late wife is somehow irrelevant. This is all the more incredible, since he doesn't know what the evidence is. Except for one transcript, I have never shared the evidence with the government. Yet the Select Committee on Ethics has taken the same line, no questions asked.

Weinberg's authorized biography, The Sting Man, correctly reports: "One man has dominated the hearings and trials spawned by the FBI's ABSCAM investigations—Mel Weinberg, international con man par excellence, who conceived ABSCAM, wrote the investigative scenario and personally handled almost every contract and payoff."

I have evidence that should totally discredit this man who masterminded ABSCAM. The chief prosecutor indirectly acknowledges that the evidence is devastating. That's why he is now so anxious to disassociate himself from the Frankenstein's monster he created.

But the evidence also discredits the FBI's ABSCAM agents as well. Marie Weinberg accused them of shocking misconduct and provided the names, places and details. She told, for example, how the agents helped her husband to crate and ship to Florida the gifts he had extorted from ABSCAM defendants. Yet the same agents investigated the extortion charge when it was raised in court and reported back that Weinberg had purchased the items in Florida.

I have cancelled checks which prove Weinberg gave money to FBI agents—cancelled checks, by the way, that he denied existed. Apparently, he was holding these checks as blackmail to keep the agents in line. In fact, Weinberg was controlling the agents rather than the other way around. Will Puccio now argue—with an approving echo from the Ethics committee—that the whole ABSCAM team was irrelevant?

Puccio contends in his letter to Judge Pratt that Marie Weinberg's charges present nothing new. The committee's letter to the Senate leadership makes the same statements.

Nothing new? She provided vital new information that suggests perjury was committed during Senator Williams' due process hearings. Her charges are backed by solid evidence, which I spent three months investigating. I assure you my findings are new.

Nothing new? Marie Weinberg stood in the eye of the ABSCAM twister. Yet she never testified before the courts. She never testified before the Senate. Now she has told her story in hours of taped interviews. Most of these tapes have not been heard outside my office. Her credibility has been affirmed by her pastor and her neighbors who have described her as a woman without guile. She has been disputed by her husband who has jovially described himself as "the world's biggest liar."

Nothing new? When accusations of FBI misconduct were raised before a Newark grand jury, Puccio maneuvered the investigation away from Newark and kept it under his tight control in Brooklyn where, he boasted, he "could indict a ham sandwich." He not only withheld the accusations of misconduct from the Brooklyn grand jury but acted in concert with Judge Pratt to block defense attorneys from asking crucial questions on this subject at the trials.

Nothing new? Marie Weinberg provided evidence to back up accusations made by assistant U.S. attorneys Edward Plaza and Robert Weir in December, 1980. They charged that (a) Mel Weinberg had lied to the FBI; (b) that crucial tapes and records were missing; (c) that Weinberg rather than the FBI was running the ABSCAM operation; (d) that Puccio and the FBI were covering up Weinberg's misconduct; and (e) that Weinberg was using ABSCAM to extort expensive gifts for himself. The Justice Department resolved these allegations by removing Plaza and Weir from the ABSCAM case.

Nothing new? Marie Weinberg described in exacting detail how her husband eluded the FBI and intercepted ABSCAM bribe money intended for victims of the sting. I have been able to confirm the details from other witnesses.

The Marie Weinberg tapes lay bare the ABSCAM operation for what it was: a scam by the executive branch upon the legislature, a scam conceived and conducted by a hired criminal, a scam that highlighted the misconduct of the legislative branch and covered up the misconduct of the executive.

The ABSCAM prosecutors presented their hired con man to the courts and the public as a lovable rogue, with an appealing, Brooklynesque, Archie Bunker personality. There is abundant evidence that he is really a venal, lying, double-dealing criminal. The prosecutors then showed selected taped episodes of congressmen taking bribes and filled the front pages with buzz words like "Arabs," "sheik" and "bribes." This created a pigpile effect, with Williams the last to be tossed upon the pigpile.

Yet Williams rejected the bribe. He turned down several other criminal proposals. In the end, he engaged in some sordid conversations after he was coached by the FBI's hired criminal and was told what to say. He was assured that he would not have to carry out any improprieties but merely talk about them. This was the way the Arabs do business, he was told. They prefer devious to open business methods, he was told. In return for a little b.s.—that's the term Weinberg used—Williams and his associates would get $190 million for a legitimate business venture. How many Americans do you suppose would not engage in a little b.s. for $190 million?

It took the ABSCAM team 13 months to induce Williams to put on this performance before the hidden cameras. No other Senator was subjected to the same ordeal. Sen. Larry Pressler was let off the hook after one performance. If you will compare the transcripts, you will find that Williams' rejection was more emphatic than Pressler's when the subject of favors was raised.

In the end, the ABSCAM prosecutors reduced 13 months of conversations with Williams to a few minutes—the worst minutes they could find. Now the Ethics Committee, taking its line from Puccio, contends that these few minutes are all that count and that issue should be confined to Williams' conduct in these selected tapes.

I suggest that the issue is much larger. Should federal prosecutors be allowed to use unsavory criminals to lure Members of Congress into committing crimes? Should the government enforce the law in the first place by creating crimes?

The committee has refused to reopen its hearings but has suggested that new evidence be submitted "directly to each Member of the Senate in written or affidavit form." I have relevant evidence that has never been presented to the Senate and, therefore, cannot be cavalierly dismissed by the committee as "nothing new." The evidence includes hours of taped conversations with Marie Weinberg who declared in her suicide note that the information she gave my office was true. Lawyers tell me her suicide statement constitutes a "dying declaration" and makes her recorded and written statements legally admissible.

I assume the Senate does not want to condemn Senator Williams before examining all the evidence. I shall be happy to submit this evidence in any form the Senate desires. It will take some time, of course, to collect affidavits from all the witnesses who are willing to give sworn statements. I have no authority to compel testimony from any other witness. The accused FBI agents, for example, have repeatedly refused to talk to me.

The Senate would be better served, therefore, by conducting hearings; subpoenaing witnesses and taking testimony. I will be pleased to submit the names of key witnesses who have not been heard by the Senate. I can also produce a list of crucial questions which were never asked witnesses who did testify.

I further suggest that the FBI's ABSCAM agents be given lie detector tests to determine whether they have made false statements. This shouldn't trouble them if they have nothing to hide. The administration has used lie detectors for lesser purposes, such as locating unauthorized news leaks. So the use of the polygraph machine shouldn't be repugnant. Certainly I am willing to submit to lie detector tests, along with any members of my staff whose veracity the Senate wishes to test.

One more thing: Puccio has accused me of collaborating with William's attorneys. I am a newsman, not a defense lawyer. This letter, I am sure, will come as a total surprise to Senator Williams, his attorneys and his Senate supporters.

Sincerely yours,

JACK ANDERSON.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

The success of the American economy is critically dependent upon preservation of real opportunity for small business. Historically, small business has provided much of the growth in jobs and innovation as well as being the supplier of services and deliverer of goods to virtually every farm, village, town and city in our nation. Although there are many definitions of small business, the one agreed upon by the 1980 White House Conference on Small Business was that of businesses employing 500 employees or less. Currently, approximately 15 million businesses, or 99 percent, of the total number of businesses fall into this category.

Small businesses are a complex mixture of a wide variety of ownership types, sizes and locations. Published statistics from the Internal Revenue Service show that most small businesses are sole proprietorships. Still, significant numbers of partnerships and corporations are also small. Bureau of the Census statistics show that small businesses appear in all industry categories: manufacturing, transportation, insurance, wholesale and retail trade, and every other kind of industry. Small businesses vary in size: many have no employees (reflecting either family-owned and operated or individually-owned and operated businesses); over two million have between one and 20 paid employees. They are located all across our nation; many are in our large cities but a significant portion are in small towns. In truth, our small businesses are as diverse and disparate as our population.

This Administration is committed to assuring unrestricted access for small business to all segments of our economy. By unleashing small business from the burdens of unnecessary taxation and regulation, we enable men and women small business owners to increase their contributions to our society's economic and employment growth. In addition, we will continue to help expand the opportunities of today's struggling business aspirants, disadvantaged ethnic and racial groups, and to blend their skills and abilities in creating a better life for themselves and a stronger America.

It is the objective of this statement to describe how this Administration is establishing an economic environment conducive to small business formation and growth. It first describes the economic contributions of small business. Second, it explores the foundations of this Administration's small business policies. And last, examines problems and policies of special interest to small business.

This statement draws from the accompanying *Report on Small Business and Competition* which contains data and information provided by the Small Business Administration.

I. THE ROLE OF SMALL BUSINESS IN THE ECONOMY

The roots of the American economy are to be found in the history of small business. In America's early years virtually all businessses were small. It was not until the advent of the industrial revolution in this country that large businesses emerged to take advantage of economies of scale in production, distribution, and marketing. Since the 19th century, the share of our national output of goods and services accounted for by small business has declined. The decline leveled off during the 1950's, with small business responsible for producing just over half of all private production. In the early 1960's small business' share began another decline, and today it is responsible for slightly less than half of the production of goods and services in our economy. Clearly, the recent turmoil experienced by our economy also has taken a toll on the fortunes of small business.

Despite these trends, small business plays a key role in the U.S. economy. The contributions of small business to innovation and employment have been particularly noteworthy. In 1976, research for the National Science Foundation showed small business had been a more prolific source of innovations per research and development dollar than medium or large business. Inventors have often chosen to market their innovations through small business. Small business is, after all, ideally suited for such ventures by virtue of its greater flexibility and greater willingness to assume substantial risks in the pursuit of potentially large rewards.

Most small firms are labor intensive, and over half of our labor force is currently employed by small businesses. Small businesses remain among the

leaders in employment creation. According to research at the Massachusetts Institute of Technology, between 1969 and 1976, more than 86 percent of new jobs were provided by small businesses employing fewer than 500 employees. Some 80 percent of new jobs were provided by firms having 100 employees or less. Almost 66 percent of the new jobs were provided by businesses with fewer than 20 employees, and of the jobs provided by small businesses, 75 percent were attributable to firms that were less than 5 years old.

Small business has also played an important role in providing economic opportunities for minorities and women, both as employees and as entrepreneurs. Minority-owned business enterprises are predominantly small businesses. Minorities control about 4 percent of all businesses and are concentrated in industries affording easy entry such as retail trade, services, and construction. Women control about 5 percent of all businesses and are also in those industries affording easy entry.

Given our Nation's economic difficulties we cannot afford to ignore the resources and potential contributions of small business enterprises. Their innovative spirit, their flexibility to meet new challenges, are crucial to our economic progress. At the same time, the employment and entrepreneurial opportunities presented by this sector are too important to be less than fully realized. The bottom line is quite straightforward: America needs small business formation and growth.

II. THE FOUNDATIONS OF SMALL BUSINESS POLICY

The basic problem of the U.S. economy is that it is not growing fast enough. Since 1973, the U.S. economy has grown at a real rate of less than 2.4 percent, barely two-thirds of the 3.8 percent real growth rate experienced from 1950 to 1973, and far below the 4.5-percent rate achieved between 1962 and 1969. Why are we not growing? An important reason is that sources of growth have been obstructed by past Federal policy errors. Those errors involve the tax code and its interaction with inflation, the excessive appropriation of resources by the Government, and distortions in the use of resources by unwise Government intervention in the workings of the free market.

The fundamental tenets of small business policy are thus quite clear. Government should promote a strong, vibrant, private economy with policies that primarily rely upon free market forces to organize and allocate our economic resources. Economic growth and full employment must be restored while reducing inflation and interest rates, and, at the same time, Federal impediments to the free and efficient use of resources must be reduced or eliminated. The end result should be an economy characterized by free and open markets giving all of its participants the opportunity to contribute to, and share in, the high and rising standard of living such a system will produce.

THE ECONOMIC RECOVERY PROGRAM

The cornerstone of our initiative for the small business sector is our four-part Economic Recovery Program. No other set of actions by this government is as likely to correct the errors of the past and have such a pervasive and lasting positive effect on small business. It consists of the following:

1. A cooperative effort with the independent Federal Reserve Board to achieve a moderate and steady monetary policy to end inflation. Our goal is to reduce high interest rates and remove disincentives produced by the interaction of inflation with the tax code.

2. A regulatory reform program to reduce the inefficiencies and enormous costs that are holding back production and raising prices.

3. An incentive-oriented tax policy designed to increase work effort, saving, and investment.

4. A stringent budget policy designed to return resources to the private sector for investment and growth.

Monetary policy has been aimed primarily at reducing inflation. Our goal is a moderate and steady growth of the money supply at rates consistent with stable prices. The excessive money growth of the 1970's has left us with double digit inflation. That inflation has increased interest rates to record levels. Lenders have had to add an inflation premium to the real interest rate in order to protect their principal from erosion. They have also had to add a risk premium to compensate for the increased uncertainty of sharp and sudden policy changes and wild market swings such as have occurred in the past three years.

Generally high interest levels, coupled with wide swings in interest rates, have been a source of special concern for small business. More stable monetary policy is needed to make financial markets more predictable and to prevent discontinuities in the availability of capital. This will result in lower, less volatile interest rates.

Regulatory relief is needed to reduce unnecessary costs imposed by government. Government regulations, including paperwork, have become a major source of market interference, reducing competition and efficiency within most industries. Moreover, regulations often have disproportionately adverse effects on small businesses, and the result is all too frequently an impaired ability of small businesses to compete effectively.

Fiscal policy has been aimed at promoting real growth. Lower production costs and more goods on the shelves help combat inflation, but the main purpose of the tax and spending reductions is to improve the incentives to work, save, and invest. Over the years, inflation has destroyed incentives by raising marginal tax rates on individuals and businesses, thereby reducing the rewards to labor and capital. Both the business and personal tax reductions in the Economic Recovery Tax Act of 1981 (ERTA) are essential elements in restoring these rewards to promote growth.

Small business will benefit from the general individual *tax rate reductions* and the indexing of tax brackets after 1984. Millions of small businesses are partnerships, proprietorships and Subchapter S corporations, the income from which is taxed at personal rates. In addition, the personal rate reductions will help restrain increases in labor costs, a prime concern of labor intensive small businesses. Small businesses will benefit from other features of ERTA as well. Among the more important provisions will be the Accelerated Cost Recovery System, the ability to expense limited amounts of depreciable assets, increases in the Investment Tax Credit for used property, lower corporate tax rates for small businesses, increases in the allowance for accumulated earnings, and simplified last-in-first-out (LIFO) inventory accounting. The estate tax reductions in ERTA significantly enhance the ability of small, family-owned enterprises to be perpetuated beyond the present generation, instead of being liquidated to meet excessive estate tax obligations. Other important provisions include the expansion of the funding limitations of the Keogh Plan and individual retirement accounts (IRAs). These provisions are helpful to small business in that they allow for increased tax deductions for the more profitable businesses, and at the same time generate more capital for institutions to lend to small business.

Spending restraint is needed to return the real and financial resources now being absorbed by the government to the private sector for use in investment and growth. The capital needs of the private sector, and of small business in particular, have been squeezed by the growth of the government sector. The problem manifests itself most directly in the competition for funds in the credit market, where the growing deficits must be financed.

Deficits are the evidence of the deeper problem of growth of the public sector. When purchases and financial claims of government increase relative to Gross National Product (GNP), it means fewer real and financial resources are available for use by the private sector to expand capacity and production. Improving access of small business to needed resources requires curtailing this government preemption of the country's work force,

capital goods, raw materials, and productive capacity, as well as credit. Government spending "crowds out" the private sector's access to these resources whether that spending is financed by taxes or borrowing.

III. PROBLEMS AND POLICIES OF PARTICULAR INTEREST TO SMALL BUSINESS

CYCLICIAL SENSITIVITY

By the very nature of their structure, resources, and to some extent the types of activities in which they participate, small firms tend to be highly susceptible to the ups and downs of overall economic activity. Small businesses have fewer resources than large businesses to survive cyclical downturns and are more likely to fail.

Return of economic growth, coupled with substantial moderation of inflation expected from implementation of our economic program, is therefore of particular interest to small business. In addition, reduction of the uncertainties associated with wide swings in Federal economic policy should result in a business climate more conducive to formation, growth, and success of small business ventures. Stabilization will pay dividends for us all but most particularly for small businesses because of their greater susceptibility to business cycles.

INFLATION

For the men and women who own small businesses, inflation is a particularly serious problem. It earns this distinction essentially by exacerbating the other problems of small business, such as need for capital, the cost and availablity of investment funds, and increased uncertainty concerning the behavior of the economy and the posture of economic policies. Small businesses often are in competitive markets where they tend to have little control over the costs they must pay and the prices they are able to charge, leaving them especially vulnerable to adverse price movements.

The economic program of this Administration should provide small business with relief from inflation in several ways. First, adherence to a policy of stable and limited monetary growth should eliminate the primary engine of inflation in our economy. Second, the improved incentives and reduced labor costs flowing from the reduction in Federal personal income tax rates should result in improved labor productivity, a matter of great importance to small businesses given their tendency to be labor intensive. Finally, help in controlling other costs of doing business will be derived from the elimination of unnecessary and inefficient regulatory burdens. Taken together, therefore, our policies should reduce the extent of the inflation problem at the same time the ability of small businesses to cope with the inflation problem is being enhanced.

INTEREST RATES

Interest rates are also a very serious problem for small business. High interest rates cause severe cash flow problems which are particularly threatening to small businesses. The heightened sensitivity to high and volatile interest rates stems from the tendency of many small businesses to be undercapitalized and/or to be facing substantial capital needs to finance growth. The volatility of interest rates associated with the higher levels also works a hardship by raising the risk associated with investment and growth. The cost of capital is a significant cost of production, and wide swings in interest rates are easily capable of producing ruinous cost structures for small businesses. Moreover, the deductibility of interest expenses is of less help to small businesses since they frequently generate insufficient income (particularly new ones just starting up operations) to take full advantage of the tax deduction.

As stated earlier, the key to lower, steadier, interest rates is a consistently lower rate of inflation. When the inflation rate is high, interest rates are pushed up directly by the need for an inflation premium to protect the real value of the loaned funds. In addition, the economic instability suggested by the presence of high rates leads to a larger risk premium as well. Because interest rates are clearly influenced by inflation, and because the rate of inflation depends heavily on the growth rate of money, major improvement is expected through our policy of moderate growth of money and credit. Short-term movements in interest rates may evidence little progress at first, as was illustrated early in the summer of 1981, but continued easing of inflation is evidence that conditions will improve as this policy is more firmly established.

ACCESS TO CAPITAL

There are many impediments reducing access to adequate capital, and unfortunately some of these work to the particular detriment of small business. Saving in recent years has been depressed by the interaction of inflation and the marginal tax rates. Inflation pushes taxpayers into higher income brackets which are subject to progressively higher rates of taxation. The result has been reduced incentives to save and to work. Small business has suffered not only from the general lack of saving, but also because entrepreneurs have historically looked to family and friends to supply the equity investment funds used as seed capital to form new businesses. When saving becomes difficult, these sources are materially diminished.

Small businesses also operate under something of a handicap in the competition for business funds. As mentioned earlier, small size translates into somewhat greater vulnerability thus raising the risk associated with any given investment in a small business. In addition, economies of scale tend to preclude small business participation from the more impersonal mechanisms of our financial system. Registration requirements associated with the public issuance of stock, for example, can only be afforded if the cost is spread over a large number of shares. In the same vein, loans from insurance companies, large banks, and other major sources of investment capital are rendered less economic by the costly information requirements required by the prospective lenders. Access of small businesses to investment capital is thus frequently limited to individuals and small banks which have a personal relationship with the entrepreneur.

Unfortunately, depressed saving rates and limited access are not the only problems. The past tendency of the Federal government to rapidly expand its claims on resources caused either the reduced saving rates when those claims were financed by taxation, or became a direct, competing claim on available saving if financed through deficits. That is, deficits themselves absorbed funds that would otherwise have been available for investment, making all access points to the flows of financial capital less able to meet the demands placed upon them by the private sector. Since small businesses have had relatively few access points, their hardship has been particularly acute.

The most fundamental policy to improve small business access to capital is the reduction of the governmental claims on resources expressed in the drive to curtail government spending. Spending restraint is the key element since either high taxes or borrowing would reduce the resources available to the private sector for investment and growth.

Understanding the implications of the deficits projected for the next few years, however, is somewhat more complex. The deficit alone does not determine the amount of crowding out taking place in the financial market. What matters is the relationship between the deficit and the supply of savings needed to finance it. The first thing to note, therefore, is that the recently enacted tax reductions and the new higher Keogh Plan and IRA allowances will provide a powerful stimulus to saving. Business tax reductions for 1982, for example, will increase business saving; this is money that business will not need to borrow from financial markets. Personal tax reductions should promote substantial reallocation of income from consumption to saving, in addition to the normal saving increase from income growth alone. Year-over-year, there should be an increase in total private saving

from 1981 levels in excess of 60 billion dollars.

The Economic Recovery Tax Act will improve small business access to capital in other ways as well. For example, the amount of earnings which may be retained in closely held corporations without being penalized by the accumulated earnings tax has been increased from $150,000 to $250,000. The change makes it possible for the men and women who own small firms to accumulate a larger amount of investment capital without incurring an accumulated earnings tax. Another feature of ERTA is an increase in the maximum number of shareholders in Subchapter S corporations from 15 to 25 plus allowance of certain kinds of trusts to be treated as shareholders in such corporations. The provisions strengthen the attractiveness and utility of the Subchapter S provisions.

Still, the pressing need among many businesses is for equity capital, not debt. Repayment burdens of large loans, regardless of whether government or private in origin, inhibit the growth and formation of new businesses, especially those owned by women and minorities.

We recognize the need that small business has for new mechanisms of constructive finance. We also recognize that some of the mechanisms available, such as participating debentures, may require accommodative tax changes if they are to be effective.

Federal economic and financial policy plays a crucial role in small business viability. Thus, it is important that Federal departments involved in these areas be consistently sensitive to small business needs. I am directing the Commissioner of the Internal Revenue Service to include representatives of small business in advisory groups which review administration of the tax system.

Changes in Federal policy affecting financial institutions will also take into account the impact on small business needs. The trend of Federal financial reform movements has been toward providing a broader array of sophisticated financial services from strengthened and modernized institutions of all types in a competitive and cost minimizing market. These reforms should continue to insure further gains in services for depositors and borrowers of all sizes, at lowest possible cost, throughout the country as well as in financial centers. The result may well be the creation of important new access points for small business to the flows of investment capital.

TAX INCENTIVES

The Economic Recovery Tax Act seeks to provide incentives to increase asset purchases as well as to encourage employment growth. Small business has less than one-fourth of total business assets, but employs over one-half of the work force. Asset-based tax incentives will provide some direct economic stimulation to small business.

As noted earlier, general reductions in the marginal personal income tax rates and tax indexing will be beneficial for small businesses. Since most small firms are labor intensive, their cost structures should benefit as the impact of the tax reduction helps restrain increases in labor costs. By reducing, if not eliminating, bracket creep, indexing will also moderate employee wage demands. Improvements in wage cost pressures will be realized by big businesses as well, but the labor intensive character of small businesses means this provision will be even more important in their case.

Small business will also benefit from the Accelerated Cost Recovery System included in ERTA. The direct share of this benefit going into small business, while important, may be relatively small since these firms use less depreciable property per dollar of sales. On the other hand, to the extent small businesses are suppliers to large capital intensive firms (and in many cases are producers of depreciable assets themselves), the capital investment favoring provisions of ERTA should improve the market and profit positions of major parts of the small business sector, e.g. firms in the construction industry.

Within ERTA there is also an extensive list of special provisions targeted specifically to small business. Small businesses will benefit from the lower tax rates on the two lowest income brackets, the simplification of LIFO inventory accounting, the increased allowance for accumulated earnings, more liberal treatment of stock option plans, the liberalization of Subchapter S provisions, expanded expensing of depreciable assets, the larger allowance for the investment tax credit on used property, and the expanded funding allowances on Keogh plans and IRAs. And family-owned and closely held small business owners are assured of continuity of ownership through the liberalized estate and gift tax laws. The aggregate amounts of the tax relief afforded by these tax provisions can involve significant reductions in marginal tax rates and thus provide powerful incentives for growth and development.

REGULATION

Major increases in business regulation began during the last decade. The Occupational Safety and Health Act, the National Environmental Protection Act, the Employee Retirement Income Security Act, and others, have served important national objectives but have also introduced distortions in the operations of the free market, impeded competition, and increased costs of the regulated businesses. Most of these regulations have stipulated the same compliance requirements for small business as for large corporations. The relative burden is much greater, however, because compliance costs cannot be spread out over larger quantities of output. In short, small business has found itself at a competitive disadvantage because of the existence of efficiencies of scale in regulatory compliance.

The problem is a particularly difficult one. On the one hand, regulations frequently address important social objectives which cannot be dismissed lightly. On the other hand, their application to small business is frequently of only marginal importance to the social objectives involved, or they are applied in ways which are inappropriate in a small business context.

Nevertheless, difficult as the job may be, this Administration is committed to a major effort in regulatory reform. The problem has been approached with a two-pronged effort: regulatory relief and use of regulatory flexibility. So far regulatory relief has been the major policy tool. During this first year, regulatory relief has been actively pursued in every regulatory agency and the number of new regulations issued has been significantly reduced.

The Presidential Task Force on Regulatory Relief has announced a number of existing regulations for in-depth Federal agency review which are considered by small businesses to be most onerous. Agencies will be expected, following their review, to propose changes in these regulations in order to lessen the regulatory burden on America's small businesses. It also is timely to accelerate the review of all existing regulations imposed on the business sector to determine whether maximum flexibility is being provided to accommodate the uniqueness of small businesses. Legislation enacted by the last Congress, the Regulatory Flexibility Act, provides the mechanism for undertaking this effort. The objective will be to assure that existing regulations do not unnecessarily impede growth and development of small businesses. At the same time, we will keep in place those regulations that are beneficial to society—such as health and safety in the work place, and a healthy environment.

Full utilization of the provisions of the Regulatory Flexibility Act will be a principal theme of our regulatory reform efforts over the next three years. I will direct each Federal department and agency to accelerate the time for completion of the review of existing regulations as specified in the Regulatory Flexibility Act from ten to five years.

Regulatory flexibility may not be adequate to deal with the regulatory relief efforts that we have already launched in the areas of banking and finance. It is important that the inter-

ests of small business be given special attention. I am directing the Controller of the Currency and asking the Chairs of the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, and the Federal Reserve Board to follow the Regulatory Flexibility Act guidelines for assessing the small business impact of their proposals for changing our financial institutions.

The Securities and Exchange Commission has already established an admirable record of proposing regulatory reform that will allow small business men and women to meet their equity capital needs more cheaply and easily through the issuance of equity securities. I encourage them to continue their activities.

In summary, four economic problems plague small business, cyclical sensitivity, inflation, interest rates and access to capital. We addressed these problems with our four-part Economic Recovery Program: Federal spending cuts, tax reforms, regulatory relief and stable monetary policy. The results are beginning to show—substantial decline in inflation, a start toward long-term decline in interest rates and increases in savings to expand the supply of capital. This is not the time to deviate from our program. We are breaking the back of stagflation. We have a solid economic program and we reject pleas for "quick fixes" like those used in the past. Our program will pull us out of this slump and put us on the road to prosperity and stable growth by the latter half of this year.

ANTITRUST

Small businesses rely upon the free functioning of markets to compete and prosper. Our antitrust laws—the Sherman and Clayton Acts—protect the competitive markets upon which our free enterprise system is based. The ability of our economy to remain free of illegal and anticompetitive practices is properly a major concern of small business.

Frequently, levels of concentration are considered an inverse barometer of the health of competition and the small business community. The concentration problem, however, may be somewhat less than meets the eye. One type of concentration, aggregate concentration (the extent to which productive assets, across all industries, are held by a limited number of firms of large size), has not been adequately documented because the statistics are less than perfect reflections of the exercise of control over establishments across industrial groupings.

Another type of concentration, market, or industrial, concentration (the extent to which total sales of a particular industry are concentrated in several or a few producers), may occur naturally where producers find economies of scale in production, distribution or marketing. History also reveals that market concentration has waxed and waned in many industries depending upon developments in technology.

There are numerous weaknesses in the statistics bearing on the concentration question. For one thing, they vary tremendously from industry to industry; the service sector is highly unconcentrated but growing, while the manufacturing sector is more concentrated and shrinking (as a share of GNP). Generalizations about market power are therefore quite difficult. Existing statistics on concentration ratios also tend to focus on manufacturing, ignoring the service, construction, and other sectors where small businesses predominate.

At the theoretical level it is also legitimate to question whether concentration ratios are, in fact, reasonable indicators of the degree of market power being wielded by the participants. Market power is, after all, determined by the availability of acceptable substitutes, barriers to entry, and the practical geographic limits of the market area. The sole drycleaner in a small remote town, for example, could conceivably exercise more market power than a major auto manufacturer facing international competition. In the final analysis then, it must be recognized that concentration ratios tell us very little about the competitiveness of the markets within which small businesses operate.

Antitrust policy in general, and particularly merger policy, is the specific context in which the Federal government protects the economy from illegal combinations of market power. The interests of small business are best served by an economically sensible and clearly stated merger policy that carefuly examines each specific transaction, and inhibits those transactions that clearly threaten to restrain competition. The Attorney General will vigorously prosecute anticompetitive behavior—including, where appropriate, the use of criminal sanctions—to protect competition and eliminate artificial barriers to entry. To the extent that Federal antitrust enforcement can influence competition, this Administration will use its enforcement powers consistently and without hesitation.

This Administration also recognizes that there is a variety of economic and governmental factors which contribute to the competitive capability of small business and perhaps influence the levels of concentration observed in the economy. Tax, regulatory, and fiscal policies appear particularly critical, and are areas over which the Federal government has major influence. Our primary mission in restoring a healthy economy and the premium for hard work and entrepreneurship, is to insure that the unconcentrated small business sectors can continue to grow.

RESEARCH AND DEVELOPMENT, AND INNOVATION

Innovation by independent, small firms is central to a natural reduction of industrial concentration. The Federal government is the largest single purchaser of industrial research and development in our economy. Until recently, government purchased more research and development than all other buyers combined.

In its pursuit of efficiency in research and development procurement, the government has gradually concentrated its purchases in larger firms and universities. As government budgets have become tighter, procurement officers have found it more immediately efficient to spend research and development funds in fewer large contracts rather than many small contracts. At a minimum, we need to assure that the internal efficiency achieved by such procurement practices are justified since the continuation of these practices will inevitably lead to increasing market concentration, at least among suppliers of contract research and development. Last fall, I indicated my support for Senate Bill 881, the Small Business Innovation Research Act, as it was passed by the Senate. I call upon Congress to pass this Bill for my signature this year.

For small business firms, cash availability is a serious limitation on the amount of research and development they can undertake. The Economic Recovery Tax Act provides an incentive for research and experimentation by allowing a 25 percent tax credit for certain research and experimentation expenditures in excess of a three-year moving average base period. The credit will be in addition to the immediate expensing or 60 month amortization of research and experimentation expenditures permitted under present law. Thus, small businesses' ability to finance their own programs should be materially improved.

I have also requested the Attorney General to examine antitrust laws to ensure that they do not interfere with the ability of patent and copyright holders, including those in the small business sector, to reap the proper rewards for their innovative contributions.

FEDERAL PROCUREMENT

The phrase "industrial policy" has come to mean some form of elaborate industrial planning. But our industrial policy is one of establishing and maintaining competitive markets. We remain convinced that this policy will encourage and support the viable small business sector of our economy. Consistent with this philosophy, the Administration is taking steps to encourage competition in the Federal sector.

GOVERNMENT POLICY OF NOT COMPETING WITH PRIVATE INDUSTRY

The Administration has made a major priority the policy of withdrawing wherever possible from competition with private industry in providing goods and services to be used by the Federal government. Activities of all departments and agencies are being examined to see which can be converted to the private sector. For instance, in a review of 440 activities conducted by military departments, it was found that 264 of these, or 60 percent, could be turned over to private enterprise. As these and other requirements are filled by the private sector rather than government itself, a principal beneficiary will be small business.

PROMPT PAYMENT ON GOVERNMENT CONTRACTS

The Administration is taking action to ensure that payments are made promptly to Federal contractors. Small business contractors are least able to wait for payment and will gain the most from prompt payments by the government. Accordingly, we have directed that all government contracts contain clear and specific instructions as to the procedure to be followed to obtain prompt payment. Further, contracts must now state precisely when the contractor can expect to be paid. Additionally, one of the criteria we will be using to evaluate Federal employees who are involved in the payment process will be their performance in paying government vendors promptly. Again, the Administration strongly believes that Federal contract payments should be made on time. Also, we agree with the basic concept of authorizing through law the payment of penalty interest when the government unreasonably delays payment of a bill.

EXPORT

Export trade plays a vital role in our economy. In part, it brings social benefits of our society's technology to other nations of the world and it also benefits our people with increased employment and returns to investment and helps pay for our imports. Unfortunately, small business has not participated in this activity to the fullest possible extent. Thus, our existing foreign trade promotion efforts must be more conscientiously targeted to small business, to assist them in access to foreign markets. I am directing the Department of Commerce in cooperation with the Small Business Administration to emphasize programs that encourage export promotion among small businesses.

EQUAL BUSINESS OPPORTUNITY

This Administration is committed to pursuing unrestricted access for all business persons to all segments of the economy. Clearly, women and minority community members represent the largest underutilized resource of economic activity in our nation today. We are committed to unleashing this potential by removing barriers to their participation in business ownership.

Capital availability for women and minority entrepreneurs continues to be a signficant problem. This problem is being addressed at least partially by the Federal Trade Commission's recent actions to strengthen enforcement of the Equal Credit Opportunity Act.

Success of minority and women-owned business is dependent upon access to resources and knowledge of business management methods. The government has traditionally assisted minority and women business owners with management and technical assistance to help overcome social and prejudicial barriers.

In recognition of the importance of the minority business assistance programs, we have increased the program levels for SBA's Minority Small Business program and the Commerce Department's Minority Business Development Agency for fiscal year 1982 as compared to fiscal year 1981. In addition, we are proposing to Congress that these program levels be maintained in fiscal years 1983 and 1984. This includes activities such as financing for Minority Enterprise Small Business Investment Companies (MESBICs). In addition, the SBA will direct a larger portion of its guaranteed loans toward minority business owners.

We intend to expand the level of services delivered to the minority business community by improving the quality and effectiveness of service. To accomplish this, the Cabinet Council on Commerce and Trade is reviewing all government assistance programs for minority business to determine how they can be made efficient and effective.

This Administration is dedicated to the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities, including those activities affecting the opportunities of women in business. The Attorney General is systematically reviewing Federal laws and regulations in order to identify gender-based discrimination. He shall, on a quarterly basis, report his findings to me through the Cabinet Council on Human Resources. The Task Force on Legal Equity for Women, which I created recently by Executive Order, will then be responsible for implementing changes ordered by me.

In addition, we will ensure that the Women's Business Enterprise program in the Small Business Administration remains an effective and vital force advocating on behalf of present and potential women business owners. Also, the SBA's Office of Women's Business Enterprise will emphasize equal credit opportunity for women business owners.

SMALL BUSINESS DATA BASE

Finally, it is apparent that the small business sector remains poorly documented in statistical data. Existing Federal data derived from administrative records and data collection agencies are simply not adequate for policy analysis and decision making. Yet, we are committed to reducing the paperwork burden of small businesses and therefore reject any proposal to add data collection mechanisms to those currently in existence. At the same time, existing Federal data may be better organized and coordinated among agencies to help build a data base more suitable for small business policy making. To this end, the proposal for Federal agencies to compile statistics on business size on a comparable basis will enhance analyses of the small business sector. We are planning for agencies to provide business size data on this uniform basis. Analysis of the small business sector would also be furthered by sharing of selected data among statistical agencies, and we are examining ways of accomplishing this within the constraints of privacy and confidentiality requirements.

SBA's data base, which is drawn from commercially available data, places no additional paperwork burden upon small business, allows maintenance of confidentiality commitments to small business, and provides policy relevant data. Thus, this data base must be continued and we have given it priority in our 1983 budget proposals. I am asking the Congress to enact my budget proposal for SBA's small business data base. Also, I am requesting the SBA to increase the resources allocated to this work and to include minority and women-owned business data within its data base.

IV. SUMMARY AND CONCLUSIONS

In conclusion, the importance of the small business sector cannot and should not be ignored. For me, small business is the heart and soul of our free enterprise system. The small business sector has played, and continues to play, an important part in providing innovative drive and employment growth in the American economy. To help small business realize its full economic potential, this Administration is pursuing an economic policy aimed at getting the American economy growing again, together with programs designed to assure unrestricted access by everyone to economic resources and markets.

The essential parts of such an economic program are already in place. An effective mechanism for achieving regulatory reform has already been established. A policy of stable, moderate, monetary restraint must be followed. A fiscal policy calling for budgetary restraint coupled with important new tax incentives for work, saving, and investment is being put into practice.

Moreover, within the context of this four-part program, the major problems of particular interest to small business are being effectively addressed. These problems range from inflation, high interest rates, access to capital, and regulation to research and development, export and equal business opportunities.

This statement and the following report are the first presented to Congress as required in Title III of Public Law 96-302. It has been prepared to meet both the letter and intent of the law and provide a comprehensive description of the state of small business. It is hoped the report will establish a spirit of cooperation with Congress to assist us in jointly pursuing economic growth and prosperity through our mutual recognition of the importance of small business in America.

RONALD REAGAN.

THE WHITE HOUSE, *March 1, 1982.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2765. A communication from the Executive Associate Director for Budget, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report that a certain appropriation for fiscal year 1982 has been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-2766. A communication from the Secretary of the Treasure, transmitting, pursuant to law, a technical violation of law by contracting for the payment of certain monies in advance of appropriations for such purpose; to the Committee on Appropriations.

EC-2767. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "A $4 Billion Census in 1990? Timely Decisions On Alternatives To 1980 Procedures Can Save Millions"; to the Committee on Commerce, Science, and Transportation.

EC-2768. A communication from the Administrator of the National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the Ocean Thermal Energy Conversion Report; to the Committee on Commerce, Science, and Transportation.

EC-2769. A communication from the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Army, transmitting jointly a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, to provide for the administration and utilization of recreation fees, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2770. A communication from the Secretary of Energy, transmitting, pursuant to law, a publication entitled "Emergency Building Temperature Restrictions: Final Report to the President and the Congress"; to the Committee on Energy and Natural Resources.

EC-2771. A communication from the Secretary of Energy, transmitting, pursuant to law, the third annual report on the Automotive Technology Development Program for fiscal year 1981; to the Committee on Energy and Natural Resources.

EC-2772. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, a notice of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2773. A communication from the Attorney-Advisor of the Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty days prior to February 18, 1982; to the Committee on Foreign Relations.

EC-2774. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, material to be appended to the annual report on the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC-2775. A communication from the Vice President of the Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a statement of receipts and expenditures of the Company for fiscal year 1981; to the Committee on Governmental Affairs.

EC-2776. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 9, 1982; to the Committee on Governmental Affairs.

EC-2777. A communication from the Chairman of the Council of the District of Columbia, transmitting, prusuant to law, copies of legislation adopted by the Council of February 9, 1982; to the Committee on Governmental Affairs.

EC-2778. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on February 9, 1982; to the Committee on Governmental Affairs.

EC-2779. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of legislation adopted by the Council on January 26, 1982; to the Committee on Governmental Affairs.

EC-2780. A communication from the Assistant Secretary of Defense (Public Affairs), transmitting, pursuant to law, the annual report of the Department of Defense on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2781. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2782. A communication from the Acting Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on waivers of excludability for refugees for fiscal year 1981; to the Committee on the Judiciary.

EC-2783. A communication from the Freedom of Information/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-2784. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the third biennial report on Nurse Supply, Distribution, and Requirements; to the Committee on Labor and Human Resources.

EC-2785. A communication from the Acting Executive Secretary of the Department of Defense, transmitting, pursuant to law, the report on small business participation in Defense procurement for October and November 1981; to the Committee on Small Business.

EC-2786. A communication from the Administrator of the Veterans Administration transmitting a draft of proposed legislation to authorize a funding fee on loans guaranteed, insured, or made by the Administrator of Veterans Affairs; to the Committee on Veterans Affairs.

EC-2787. A communication from the Deputy Administrator of the Veterans Administration transmitting a draft of proposed legislation entitled "Veterans' Rehabilitation and Education Adjustment Act of 1982"; to the Committee on Veterans Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HEINZ, from the Special Committee on Aging:

Report entitled "Developments in Aging: 1981," volumes 1 and 2 (Rept. No. 97-314).

DEVELOPMENTS IN AGING

Mr. HEINZ. Mr. President, as chairman of the Special Committee on Aging, under authority of Senate Resolution 45, 97th Congress, I submit the report of the committee entitled "Developments in Aging: 1981," volumes 1 and 2.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 67. A concurrent resolution authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses (Rept. No. 97-315).

By Mr. MATHIAS, from the Committee on Rules and Administration, with an amendment:

S. Res. 321. A resolution authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1981" (Rept. No. 97-316).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN (for himself and Mr. HATCH):

S. 2146. A bill to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W62250; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 2147. A bill to require amendment of the Internal Revenue Code of 1954 to provide a simple income tax with low marginal rates and to require the Secretary of the Treasury to propose legislation to establish

such an income tax; to the Committee on Finance.

By Mr. HELMS:

S. 2148. A bill to protect unborn human beings; read the first time.

By Mr. BOREN:

S. 2149. A bill to provide for deferrals on repayment, and a moratorium on foreclosures, of Farmers Home Administration farm loans for borrowers temporarily unable to make payments due to circumstances beyond their control; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN (for himself and Mr. HOLLINGS):

S. 2150. A bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS, from the Committee on Rules and Administration.

S. Con. Res. 67. An original concurrent resolution authorizing the printing of the prayers delivered by the Reverend Edward L. R. Elson, S.T.D., as Chaplain of the Senate during the 96th and 97th Congresses; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GARN (for himself and Mr. HATCH):

S. 2146. A bill to extend the lease terms of Federal oil and gas leases, W66245, W66246, W66247, and W62250; to the Committee on Energy and Natural Resources.

EXTENSION OF CERTAIN OIL AND GAS LEASES

● Mr. GARN. Mr. President, today, Senator HATCH and I are introducing a private bill in behalf of Toledo Mining Co. of Utah.

Due to a series of unintentional misrepresentations by some of its working partners, Toledo Mining Co. has come within 48 days of losing four segregated Federal oil and gas leases in the State of Wyoming. At the present time, in order to facilitate environmental studies, the U.S. Department of the Interior has granted a routine administrative suspension covering the four leases and has thereby prevented their expiration from occurring. Since recognizing its own neglect, Toledo Mining Co. has shown good faith and diligence in attempting to bring the aforementioned leases into production.

Unfortunately, Mr. President, drilling 20,000 feet requires more time than is remaining under the administative suspension now in force. Toledo Mining Co. has every intention of diligently moving to bring the leases into production. I am convinced that to simply allow these leases to expire would be counter to the national interest of domestic energy production.

I hope that prompt action will be taken on this bill.●

By Mr. DECONCINI:

S. 2147. A bill to require amendment of the Internal Revenue Code of 1954 to provide a simple income tax with low marginal rates and to require the Secretary of the Treasury to propose legislation to establish such an income tax; to the Committee on Finance.

FLAT-RATE INCOME TAX

Mr. DECONCINI. Mr. President, I am today introducing a bill that will have the effect of restructuring our entire method of Federal income taxation, both personal and corporate. I am proposing that in the taxable year commencing on January 1, 1986, and thereafter, that a flat percentage rate of tax be applied to all forms of personal and corporate income. Our present taxing system has become a labyrinth for the wary and unwary alike, filling endless volumes with its exceptions to exceptions, and indecipherable differentiations in the way we tax various sources of income. The American taxpayer has been at the mercy of tax lawyers and accountants for decades and will spend billions of dollars this year to comply with the tax law. I believe that a fair and just tax system can also be a simple tax system. The bill I am introducing today is the essence of simplicity, yet I believe it will fulfill the basic function we require from a tax system; adequate revenue to run the Government, equitably obtained.

Many writers have commented on a flat-rate tax system, but, especially in the past 5 years major scholarly efforts have been undertaken to achieve a more workable tax system through use of a flat-rate tax structure.

I became intrigued with the possibilities of this approach after having seen a movie produced by Dr. Alvin Rabushka, an economist with the Hoover Institute, on the economy and tax structure of Hong Kong. It presented a clear picture of the benefits of a relatively low rate of taxation applied roughly equally on all sources of income. The experience of Hong Kong was that, because of their low flat rate structure, the incentive to produce was not reduced as the taxpayer reached increasingly higher marginal rates as is the result in this country. Indeed, the city experienced tax surpluses. I have since discussed the theories of a flat-rate tax with Dr. Rabushka and others and have concluded that the time is right to attempt to generate intense study and discussion of the flat-rate tax system and other alternative systems of taxation. Serious work on the subject has been done in the recent past by an assortment of economists and political writers ranging from William F. Buckley's book, "Four Reforms," published a decade ago, to very recent studies completed by Dr. Rabushka and his Hoover Institute colleague Dr. Robert Hall.

During the midseventies under the direction of then Secretary of the Treasury William Simon, the Treasury Department did ground breaking work on tax reforms that can be found in the publication "Blueprints for Basic Tax Reform." Simon followed this effort by chairing an American Enterprise Institute advisory council on tax policy which led to publication of "Reforming the Income Tax System" authored by Simon and the AEI staff which makes a compelling case for the need to restructure the tax system. Other major thinkers in the area of tax and economists such as Aaron Wildavsky, professor of political science at the University of California at Berkeley, and Edward Moscovitch, vice president of Data Resources Inc. have recently written about various tax concepts and the benefits that might be derived from simplifying our tax system by using a flat-rate approach.

We are all aware of the incredible individual efforts of one citizen, Jim Jones, of Blanco, Texas and his attempt to educate us to the benefits of GIT, the gross income tax. I am privileged to add my name to those who advocate fundamental tax reform that will return us to a sane method of raising Federal revenue.

A complete overhaul of our tax system is long overdue. Our efforts last year to revise the Tax Code were well intended and Herculean in many aspects, but as the saying goes, you cannot make a silk purse from a sow's ear. Rather than endlessly tinker and apply band-aids as wounds develop, I suggest we start over on a new patient. We must return to the basic principles upon which a sound tax system must stand: equity, efficiency, and simplicity. We must get rid of all the personal tax preferences, special deductions and credits, exclusions from income and such. These only lead to contempt for our tax system, endless pressures to create loopholes for some privileged group, and use of the Tax Code to further some ill-conceived project in social engineering. Constituents in my home State are fed up with our present system and have repeatedly urged me to do something to restore sanity to the way we obtain our Federal revenues. I am pleased to join in the efforts of those mentioned earlier by introducing legislation that hopefully will result in bringing about a restructuring of the tax law.

The form of my bill is somewhat unique in that it does not go through title 26 of the United States Code line by line and amend it as necessary. Rather, it outlines basic principles that I believe any sound tax code must follow to assure fair taxing and encourage economic development. It then calls upon the Secretary of the

Treasury to propose legislation implementing these concepts to the Congress no later than January 1, 1984. The Secretary is placed in this position because the enormity of the task of scrubbing our present Tax Code and developing a new one can probably only be accomplished if the full resources of the Department of the Treasury are brought to bear on this issue over a multiyear period.

I and my staff have made attempts to do a wholesale rewrite of title 26 over the past 6 months but I have concluded that our efforts are better pursued at this point by pressing for passage of a bill entailing the sound principles of taxation and leaving the difficult task of drafting and implementing these principles to the experts at the Department of the Treasury. It is possible that the end product of the Treasury Department's efforts will suggest additional or modified principles. Much as former Treasury Secretary Simon indicated he could support either of the two specific model tax systems developed in "Blueprints for Tax Reform," I, too, feel that be it a gross income tax model, a comprehensive tax model, or a consumption or cash-flow tax model, I could prefer it and support it over our present system. Any fundamental change in our tax law will involve serious transitional problems, but short-term difficulties should not prevent us from adopting a tax structure that will serve us well for years to come.

Our country is at a turning point. The economy is a mess and we all are struggling with the question of where to turn. Where do we go from here? The fact that we are muddling along somewhat aimlessly right now should not stop us from pressing new ideas and seeking new paths to a renewed economic level of activity and better economic health. I believe that my bill by restoring incentives and closing present inequalities in the tax law is a prescription that should lead to recovery of the patient and give prospects for a long, happy economic life.

The essence of what a good tax system must contain was outlined by former Secretary of the Treasury Mellon in his book "Taxation: The People's Business":

The problem of the Government is to fix rates which will bring in a maximum amount of revenue to the Treasury and at the same time bear not too heavily on the taxpayer or on business enterprises. A sound tax policy must take into consideration three factors. It must produce sufficient revenue for the Government; it must lessen, so far as possible, the burden of taxation on those least able to bear it; and it must also remove those influences which might retard the continued steady development of business and industry on which, in the last analysis, so much of our prosperity depends.

Furthermore, a permanent tax system should be designed not merely for one or two years nor for the effect it may have on any given class of taxpayers, but should be worked out with regard to conditions over a long period and with a view to its ultimate effect on the prosperity of the country as a whole. . . .

I have never viewed taxation as a means of rewarding one class of taxpayers or punishing another. If such a point of view ever controls our public policy, the traditions of freedom, justice and equality of opportunity, which are the distinguishing characteristics of our American civilization, will have disappeared and in their place we shall have class legislation with all its attendant evils. The man who seeks to perpetuate prejudice and class hatred is doing America an ill service. In attempting to promote or defeat legislation by arraying one class of taxpayers against another, he shows a complete misconception of those principles of equality on which the country was founded.

"Any man of energy and initiative in this country can get what he wants out of life. But when that initiative is crippled by legislation or by a tax system which denies him the right to receive a reasonable share of his earnings, then he will no longer exert himself and the country will be deprived of the energy on which its continued greatness depends.

I endorse these policies and hope that the product we receive from the Department of the Treasury in 1984 embodies them also.

I would like to call my colleagues' attention to an upcoming conference in Washington, D.C., which I hope will serve as a jumping-off point for development of tax reform ideas. The conference is entitled the "National Forum on Tax Alternatives" and it will be held at the Hyatt Regency Hotel here in Washington, D.C., on April 1 and 2. It is being sponsored by the public interest group Citizens Choice, the Hudson Institute, and myself. I would like to commend the chairman of the Board of citizens Choice, J. Williard Marriott, for lending the prestige and talents of that group to this endeavor. I also want to thank the Hudson Institute and particularly Dr. Herman Kahn, for the enormous efforts they are expending in developing economic models of the impact of various tax proposals, including a flat-rate tax. Invitations will be extended to leading economists, tax specialists, and Government policymakers, past and present. The conference may serve as a milestone in the effort to bring about a course change in our country's economic well-being and tax policy. I hope that many of my Senate colleagues will be able to attend. I ask unanimous consent that a copy of the bill be printed in the RECORD and that several recent articles on alternative tax procedures also be reproduced in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subtitle A of chapter 1 of the Internal Revenue Code of 1954 shall be amended to impose, in lieu of the income tax imposed by such subtitle which is in effect for taxable years beginning prior to January 1, 1986, an income tax applicable to taxable years beginning after December 31, 1985, which is based on the following principles:

(1) All income should only be taxed once, as close as possible to the source of the income.

(2) All forms of income should be taxed at the same rate. Such rate should not exceed 20 percent of taxable income.

(3) The poorest households should not pay any income tax.

(4) Tax returns should be as simple as possible.

(5) There should only be two taxpaying entities: businesses and individuals.

(6) With regard to business taxpayers—

(A) No distinction should be made between corporations, proprietorships, partnerships, farms, and professions.

(B) Rental income and royalties should be considered income from a business.

(C) The tax should be imposed on gross revenues of the business.

(D) No deduction other than the deductions described in subparagraph (E) or (F) should be allowed.

(E) A deduction should be allowed for the capital expenses of the business for the taxable year.

(F) A deduction should be allowed for amounts paid by the business during the taxable year for goods and services.

(G) The gross revenues of any subsidiary should not be included in the income of the parent corporation. The subsidiary should pay the tax on such income.

(7) With regard to individual taxpayers—

(A) No deductions other than the deductions described in subparagraph (B) or (C) should be allowed.

(B) A deduction should be allowed, in a fixed amount, as a personal exemption.

(C) A deduction should be allowed, in a fixed amount, for each dependent of the individual.

(8) No tax should be imposed on capital gains.

(b) The Internal Revenue Code of 1954 shall be amended to repeal all provisions of such Code relating to the income tax which are inconsistent with the principles described in subsection (a).

SEC. 2. The Secretary of the Treasury shall propose legislation to implement the provisions of the first section of this Act. Such proposal shall be submitted to the Congress no later than by January 1, 1984.

[From the Wall Street Journal, Mar. 25, 1981]

THE ATTRACTIONS OF A FLAT-RATE TAX SYSTEM

(By Alvin Rabushka)

President Reagan has promised us a tax cut worth $30 billion to $40 billion in 1981. The centerpiece of his program, Kemp-Roth, would reduce personal income tax rates across-the-board by 10 percent a year for three years. Also, business depreciation would be accelerated to speed capital recovery. Is this tax package really the "tax cut" supply-siders have been working for?

The Reagan proposals represent the eighth in a series of congressional tax bills dating from 1954. Each bill was intended to offset the cumulative tax increases arising from the progressive structure of our tax system, intensified by inflation.

Federal tax receipts as a share of GNP have ranged from a low of 15 percent in 1949, following substantial postwar tax cuts, to a high of 21 percent in 1969, reflecting the Vietnam war. Beginning with the recodification of the tax laws in 1954, Congress passed further tax "reform" measures in 1964, 1969, 1971, 1976, 1977 and 1978. The accelerating frequency of congressional action reflects an exponential increase in the inflation rate.

The years of major tax cuts—1954, 1964, 1971 and 1976—show sharp reductions in tax receipts as a share of GNP. But the sequence of tax measures has not benefited all taxpayers equally, since the bulk of relief in dollar terms has gone to the lower- and lower-middle-income households in the form of greatly increased personal exemptions and standard deductions. In postwar tax reform, rate reductions, either across-the-board or for upper-income households, have been more the exception than the rule and increasing numbers of taxpayers face higher and higher marginal rates.

Of course, Congress long ago could have corrected for the inflation-generated tax increases by indexing, but this would have removed from elected politicians the discretion to claim credit for tax cuts. A once-and-for-all indexing bill would give politicians a once-and-for-all credit.

Congress' Joint Committee on Taxation has estimated, assuming an effective date of Jan. 1, 1981, that bracket-creep-induced tax increases in 1981 would offset 86 percent of the total dollar value of tax relief contained in Kemp-Roth, 72 percent in 1982 and 68 percent in 1983. Of course, if the inflation rate is higher than that contained in the joint committee's projections, the tax reduction in Kemp-Roth will be even smaller. Because Kemp-Roth is now proposed to take effect in July 1981, the tax cut is smaller still.

If the Reagan administration had been serious about tax cuts, it would have stuck with its original plan to first index the brackets and then cut the rates for a "real" tax reduction. This would put an end to a sloppy, inefficient substitute for indexing. The real issue is whether the adjustment of income taxes for inflation is to be automatic and continuous—with indexation—or discretionary and discontinuous.

Indexing would solve the bracket-creep problem. But it still would leave us with an inefficient tax system. For example, a flat rate of 11 percent on all personal income would bring in about as much revenue as the current 14 percent to 70 percent scale with its thousands of loopholes. If we want to retain some of the deductions from personal income currently in force, the flat rate need be only 15 percent of adjusted gross income (which would put an end to standard or itemized deductions). And even if we want to retain all of our present exemptions and deductions, a flat rate of 18 percent on taxable income would suffice. This latter rate would still exclude the very poor from the income tax net.

The benefits of a low-flat-rate tax system would be to stimulate individual initiative and economic growth. It would simultaneously reduce the incentives for barter, tax avoidance shelters and underground economic activity.

The tax base would widen and revenues would in all likelihood increase, thus permitting a further cut in tax rates. The government would raise all the revenue it needs to pay for current programs without penalizing or discouraging anyone from additional work. And, of course, there is "automatic indexation" with a flat-rate system, since inflation increases tax revenues and the tax base in proportion.

In this session Congress is likely to adopt some or all of Kemp-Roth and the administration's other tax cut proposals. Adoption of a low-flat-rate tax system is still very much in the future. But there is growing consensus that progressive taxation adversely affects the incentives to work, save and invest, thereby slowing economic growth. Perhaps the whole system of progressive taxation has outlived its usefulness.

Several Senators and Representatives are considering introducing bills in the next few months proposing a flat rate in place of the current progressive system. While only a first step, it nonetheless is a significant one in the movement to obtain a real supply-side tax system.

[From the Wall Street Journal, Dec. 10, 1981]

A PROPOSAL TO SIMPLIFY OUR TAX SYSTEM

(By Robert E. Hall and Alvin Rabushka)

Despite recent progress in lowering rates, the tax system remains a disgrace. It is in dire need of simplification and reform. The tax system is inordinately big, filling volumes of codes, complicated by hundreds of credits, exemptions and special provisions. Many taxpayers need expensive professional help to fill out their returns. Each act of the Congress complicates the system further. Widespread evasion is apparent on interest, dividend and other forms of household or professional income. Tax shelters are commonplace. Estimates of the size of the underground economy range from tens of billions of dollars to several hundred billion. In short, we have a system that fosters contempt for the law, and simultaneously discourages productive economic activity.

We have recently worked out the details of a simple income tax, imposed at a low uniform rate on a comprehensive measure of income. The tax would be founded on the following principles:

1. All income should be taxed only once, as close as possible to its source.

2. All types of income should be taxed at the same rate.

3. The poorest households should pay no income tax.

4. Tax returns for both households and businesses should be simple enough to fit on a postcard or on a single page.

A major problem with the current system is its helter-skelter taxation of business income. Corporate income is taxed first under the corporate tax and again under the personal tax on dividends. Income from proprietorships and partnerships often evades tax, or is taxed lightly. We propose a single business tax on all types of income other than wages.

THE CURRENT RANGE OF RATES

A uniform rate of 19 percent would replace the current range of rates. The current rates now stretch from actual subsidy of highly leveraged tax shelters with large interest deductions to rates as high as 80 percent that are imposed on income earned by stockholders.

The proposed new 19 percent business tax applies equally to all forms of business—corporate, partnership, professional, farm and rentals and royalties. The base for the tax is gross revenue less purchases of goods and services and compensation paid to employes. In addition, a capital recovery allowance is deducted for investment in plant and equipment. No deductions are permitted for depreciation, interest or payments to owners in any form.

Even for a multibillion-dollar corporation, the business tax return would fit easily on a single page. It would look like this:

1. Gross revenue from sales.

Costs

2. Purchases of goods and materials.
3. Compensation paid to employes.
4. Other direct costs.
5. Total costs (lines 2, 3 and 4).
6. Net Revenue (line 1 less line 5).
7. Purchases of capital equipment and structures.
8. Taxable income (line 6 less line 7).
9. Tax (19 percent of line 8).
10. Tax carry-forward from losses in previous years.
11. Net tax (line 9 less line 10).
12. Tax payment (amount on line 11 if positive).
13. Carry-forward to next year (amount on line 11 if negative).

In place of the hodge-podge of investment incentives in the tax system now, we propose the use of straightforward first-year write-off of all business investment. First-year capital recovery is a great simplification over the complicated depreciation deductions and investment credits in present law.

The net revenue of U.S. business in 1980 was $803 billion. Under the new business tax we are proposing, capital recovery allowances would have been $317 billion, leaving net taxable business income at $486 billion. A tax rate of 19 percent would have yielded $92 billion; that would be about half again the revenue from the actual corporate income tax in 1980 of $64 billion. Despite a much lower tax rate, the extra revenue comes from the much wider tax base, including unincorporated business, and from taxing business income at the source.

Under the simple tax system, all business income would be taxed only once, at its source. Household receipts of interest, dividends and capital gains would be after-tax income. Though wealthy households might receive large amounts of these types of income, it is important to understand that the taxes on such income have already been paid. Taxing business income at its source has the important practical benefit of taxing the large amounts of interest and dividend income that escape taxation under the current system.

With comprehensive taxation of business income, taxation of capital gains should be eliminated at the level of the individual. The value of a security or other interest in a business is the capitalized value of its after-tax income, and so already embodies the appropriate tax when business income is taxed at its source.

Our simplified tax system also includes a comprehensive tax on the earnings of individuals.

Most income in the U.S. is compensation for work. In the proposed tax, compensation is broadly defined as anything of value received by workers from employers, including cash wages and salaries, the market value of fringe benefits and contributions to public and private pension plans.

A SET OF PERSONAL ALLOWANCES

To limit the tax burden of poor families, we propose a set of personal allowances. Taxes would be 19% of compensation in excess of the following allowances:

Married Couple $5,000.
Single $3,000.

Single head of household $4,500.

Each dependent $600.

Except for the personal allowances, no deductions of any kind would be permitted, including interest deductions.

The individual tax return for the compensation tax would look very much like the illustration accompanying this article. It would fit on a postcard.

In 1980, total compensation in the U.S.—including fringes and pension contributions—was $1,596 billion. We estimate that personal allowances in 1980 would have been $420 billion, leaving taxable compensation of $1,176 billion. At a rate of 19 percent tax revenues would have been $223 billion. By comparison, the personal income tax in 1980 yielded about $255 billion.

At the outset, the simple income tax, with common flat rates of 19 percent on business income and compensation, would raise revenue equal to about 12 percent of GNP, the same as the current combination of corporate and personal income taxes. Though our system would stabilize revenue as a fraction of GNP, it would probably produce more revenue than the government needs to maintain existing programs.

Low marginal tax rates would draw economic activities from the underground economy into the formal market, where they are recorded as part of GNP. Businesses and individuals would spend less time worrying about the tax consequences of their actions and concentrate instead on earning higher incomes. On these grounds, we believe that the revenue needs of the federal government could be met with tax rates as low as 16 percent or 17 percent rather than the 19 percent needed to reproduce current revenue at current levels of GNP.

The benefits of tax reform are not merely economic. The complexities of the federal tax system now foster contempt for government and make petty criminals out of a large fraction of the population. A simplified tax with low marginal rates would help restore confidence in government and would support the basic honesty of the American people.

A Simple Income Tax With Low Marginal Rates

(By Robert E. Hall and Alvin Rabushka, Hoover Institution, Stanford University, January 1982)

Despite recent progress in lowering rates, the American tax system remains a disgrace, in dire need of simplification and reform. It is inordinately lengthy, filling volumes of tax codes, complicated by hundreds of credits, exemptions, and special provisions. Many taxpayers require expensive professional help to fill out their tax returns correctly. Each act of the Congress further complicates the system. Political promises of real simplification and reform of the tax system remain unfulfilled.

The tax system consists chiefly of the personal income tax, the corporate income tax, and the payroll tax for social security. The personal income tax has steeply progressive rates, rising to a maximum marginal rate of 50 percent under the new tax law. The income base to which these progressive rates are applied has steadily eroded over the years through a wide variety of exclusions, deductions, and exemptions to the point where it now constitutes no more than half of total national income. The personal income tax discourages savings. Income is first taxed when earned and again when savings earn interest. Even worse, the returns to savings put into the corporate sector are taxed twice, once as corporate profits, and again at the household level when dividends are paid. A growing chorus of criticism contends that the current system attenuates individual incentives to work, save and invest. For many taxpayers, saving a dollar in taxes is worth twice as much as earning another dollar in income.

Prior to the twentieth century, federal revenues, comprising about 3 percent of GNP, where largely collected from customs duties. With the adoption of the Sixteenth Amendment in 1913 and the payroll tax in the 1930s, federal revenues have grown to consume 22 percent of GNP. Escalating inflation in the 1970s pushed growing numbers of taxpayers into high tax brackets that twenty years ago were meant only for the very rich. Costly side effects have begun to surface.

Scholarly research, along with Internal Revenue Service reports, reveals widespread evidence of tax evasion on interest, dividend, and other forms of household or professional income. Tax shelters are now a commonplace feature of the financial landscape. Estimates of the underground economy range from several tens of billions to several hundred billion dollars. In the eighteenth century, customs duties exceeding 100 percent made England into a nation of smugglers. Today, marginal tax rates of 50 percent from the personal income tax, 46 percent from the corporate tax, and 14 percent from the payroll tax are converting Americans into tax avoiders and channeling their investments into tax shelters. The current system fosters contempt for the law, simultaneously discouraging productive economic activity.

Why is it so difficult to reform the tax system? Most scholars, lawmakers and practitioners routinely claim that it is politically infeasible to simplify and reform radically the tax system. Talk of simplification is a sign of unrealism. Congress would, it is alleged, never abolish the exemptions and deductions for mortgage interest payments, charitable contributions, excess medical care costs or remove the many benefits and credits enjoyed by low-income households and a bevy of special interest groups. The American demand for justice means that the rich should pay higher taxes. As a result of these beliefs, changes in the tax code are invariably incremental and represent slight modifications to the corporate or personal income tax.

We sense growing interest in the public and in Congress for drastic reform in the tax system. As a contribution to the debate and discussion on this important subject, we propose a simple income tax based on low marginal rates to replace the entire current system of separate tax rate schedules on corporate and individual income. The new tax would be a low, flat rate applied to all taxpayes, excluding the very poor, and to all types of income. It would be applied to a much larger tax base than the present system, thus generating similar amounts of revenue as the current high-rate system with its exemptions and deductions. The simple flat rate would end "bracket creep," which is cause by inflation pushing people into higher and higher tax brackets. It would largely minimize the penalty current law imposes on two-earner households ("the marriage penalty"). It would be stable, predictable, and cease further proliferation of a variety of tax credits used to attain social goals. Most important, it would restore the incentives to work, save and invest, thereby promoting growth and higher standards of living.

Our proposal does not include reform of the social security payroll tax and the retirement benefits it finances, though reform is long overdue. The social security tax cannot be discussed separately from benefits, and we would be taken too far from our basic subject of tax reform to go into the massive changes in social security needed to put the system on a sound footing.

Basic Principles of the Simple Income Tax

The simple income tax rests on four basic principles:

1. All income should be taxed only once, as close as possible to its source.

2. All types of income should be taxed at the same rate.

3. The poorest households should pay no income tax.

4. Tax returns for both households and businesses should be simple enough to fit on a postcard or one page.

We propose the replacement of the existing corporate and personal income taxes with a business tax and a compensation tax. The business tax includes the earnings of corporations, unincorported businesses, farms, professionals, and rental income. The business tax does not permit a deduction for interest payments, dividends, or other payments to the owners of the business. As a result, all income that individuals receive from business activity has already been taxed, and should not be taxed again. The same holds for capital gains. The business tax is like a withholding tax; it means that the tax authorities do not have to track down all the interest, dividends, capital gains, and other business income received by the public. Compensation is the only element of household income not taxed under the business tax. We therefore propose a new compensation tax to replace the present personal income tax. The new compensation tax would have a set of personal allowances to insure that the poorest families pay no compensation tax.

Under our existing laws, tax rates can be as high as 50 percent for compensation and 80 percent for business income, because income is taxed first under the corporate tax and again under the personal tax. To collect the same amount of revenue that the present system generates, assuming the same flows of income as occur today, the simple tax system would require a standard rate of only 19 percent.

The Business Tax

The new business tax would rationalize the present hodge-podge of federal tax provisions for business income. It would reduce the high marginal rates currently paid on some types of income from capital. By eliminating interest deductions, it would also end the subsidies embodied in current tax shelters. A uniform rate of 19 percent would replace the current range of tax rates that stretch from actual subsidy of highly leveraged tax shelters with large interest deductions to rates as high as 80 percent imposed on income earned by corporate stockholders.

The new business tax applies equally to all forms of business—corporate, partnership, professional, farm, and rentals and royalties. The base for the tax is gross revenue less purchases of goods and services and compensation paid to employees. In addition, a capital recovery allowance is deducted for investment in plant and equipment. No deductions for depreciation, interest, or payments to owners are permitted. However, the self-employed may pay themselves salary in any amount they choose, provided

they report it on the compensation tax form.

The business tax return would fit easily on a single page, even for a multibillion dollar corporation. Here is what it would look like:

1. Gross revenue from sales.
Costs:
2. Purchases of goods and materials.
3. Compensation paid to employees.
4. Other costs.
5. Total costs (lines 2, 3, and 4).
6. Net revenue (line 1 less line 5).
7. Purchases of capital equipment and structures.
8. Taxable income (line 6 less line 7).
9. Tax (19 percent of line 8).
10. Tax carry-forward from losses in previous years.
11. Net tax (line 9 less line 10).
12. Tax payment (amount on line 11 if positive).
13. Carry-forward to next year (amount on line 11 if negative).

Gross revenue from sales does not include earnings the business may receive from its ownership of other businesses (provided these businesses file their own tax returns) or from its ownership of securities. These earnings have already been taxed in other businesses. Businesses are not required to maintain inventory or depreciation accounts for tax purposes.

In place of the hodge-podge of investment incentives in the current tax system, we propose the use of straightforward first-year writeoff of all business investment. First-year capital recovery is a great simplification over the complicated depreciated deductions and investment credits in present tax law. It also eliminates the present problem that depreciation based on historical cost is not rapid enough to offset the effects of inflation. The first-year system avoids all distortions of inflation.

In 1980, the net revenue of U.S. business was $803 billion. Under the new business tax, capital recovery allowances would have been $317 billion, leaving net taxable business income at $486 billion. A tax rate of 19 percent would have yielded $92 billion * * *. When the market learns that future earnings are likely to be higher than previously thought, the stock rises in value and its owners receive capital gains. When the high earnings materialize in the future, they will be correspondingly taxed. To tax the immediate capital gains of the stock would be double taxation. Thus with comprehensive taxation of business income at the source, capital gains should be excluded from taxation at the household level.

THE COMPENSATION TAX

Most income in the United States is compensation for work. We propose that compensation be taxed at the level of the individual or married couple. Compensation is broadly defined as anything of value received by workers from employers. It includes cash wages and salaries, the market value of fringe benefits, and contributions to public and private pension plans.

To limit the tax burden of poor families, we propose a set of personal allowances. Taxes would be 19 percent of compensation in excess of personal allowances. The proposed allowances are—

Married couple	$5,000
Single	3,000
Single head of household	4,500
Each dependent	600

Except for the personal allowances, no deductions of any kind would be permitted, including interest deductions.

The tax return for the compensation tax would fit on a postcard. It would look like this:

1. Compensation (including fringe benefits) as reported by employer.
2. Other wage income, including pensions paid directly by employer.
3. Total compensation (line 1 plus line 2).
4. Personal allowance: $5,000 for married filing jointly, $3,000 for single, $4,500 for single head of household.
5. Number of dependents, not including spouse.
6. Personal allowances for dependents (line 5 multiplied by $600).
7. Total personal allowances (line 4 plus line 6).
8. Taxable compensation (line 3 less line 7).
9. Tax (19 percent of line 8).
10. Tax withheld by employer.
11. Tax due (line 9 less line 10, if positive).
12. Refund due (line 10 less line 9, if positive).

Pensions and Social Security are treated as follows: If an employer sets up an independent pension plan, or contributes to a union-sponsored or other plan administered by outsiders (including social security), the contribution is treated as part of compensation. When received by the retiree, pension benefits are untaxed. However, if the employer pays pension benefits directly, they are simply taxed when paid. In that case, the employer does not receive a deduction under the business tax until the benefits are actually paid, and the employee does not pay the compensation tax until receiving the benefits.

In 1980, total compensation in the U.S., including fringes and pension contributions, was $1,596 billion. We estimate that personal allowances in 1980 would have been $420 billion, leaving taxable compensation of $1,176 billion. At a rate of 19 percent, tax revenues would have been $223 billion. By comparison, the personal income tax in 1980 yielded about $255 billion. The required revenue from the compensation tax is less than from the personal income tax it replaces because the business tax covers part of the tax base of the current personal tax. The reasons that a low rate of 19 percent yields revenue reasonably close to that obtained from the current income tax are: (1) the compensation tax includes currently untaxed fringes in its base, (2) the current income tax fails to tax fully dividends, interest, and other forms of business income because of widespread evasion and avoidance, and (3) the current tax allows a number of deductions not included in our proposal, the most important of which is the deduction of state and local taxes.

INTERNATIONAL ASPECTS OF THE SIMPLE TAX

The simple tax meshes neatly with the tax systems of the major U.S. trading partners under the following simple principle: Purchases from outside the U.S. are not deductible as costs under the business tax, and export sales are not counted as revenue. If every nation used the simple tax and followed this principle, all income throughout the world would be taxed once and only once. Because the principle is already in use in the many nations with value added taxes, it makes sense for the U.S. to adopt it as well.

The principle amounts to saying that each nation taxes the income generated from activities within its borders. For example, if a U.S. business purchases inputs and hires labor in a foreign country and sells the resulting product in that country, it receives neither deductions nor revenue for U.S. tax purposes. A foreign business operating within the U.S., using U.S. labor and selling its output here, is taxed exactly as if it were a U.S. business.

By the same principle, the compensation tax applies to the earnings of everyone working within the U.S., whether or not they are Americans, but does not apply to the foreign earnings of Americans.

Under this principle, choices about where to locate businesses and where to work would be influenced by differences in tax rates. The U.S., with the low marginal rate of 19 percent, would be much the most attractive location among major industrial nations from the point of view of taxation. Although the simple tax does not tax the overseas earnings of Americans, there is no reason to fear a mass exodus of businesses and workers. Taxation of those earnings in the countries where they originated is more burdensome than in the U.S. under the simple tax.

THE FUTURE OF THE ECONOMY UNDER THE SIMPLE INCOME TAX

At the outset, the simple income tax, with common flat rates of 19 percent on business income and compensation, would raise revenue equal to about 12 percent of GNP, the same as the current combination of corporate and personal income taxes. We believe that the personal allowances under our proposed tax system should be raised from year to year in line with inflation, which would tend to hold its revenue constant as a fraction of GNP (the new law provides for this kind of indexation starting in 1985).

The switch from the current corporate and personal income taxes to the simple income tax would have some mild transitional effects on the U.S. economy. Briefly, the elimination of depreciation deductions for business would impose a capital loss on the owners of existing plant and equipment, but this would be largely offset by the reduction in the taxation of the earnings of capital assets. We do not think any special compensation is necessary for the capital loss, if it occurs at all. Market interest rates would be unaffected at first, and then gradually fall as investment responded to the more favorable tax system. Prices of bonds would rise as soon as the tax was announced, because of the switch to taxing business income at the source. Prices of houses, collectibles, and other assets favored under the current tax system would fall, because the correction of distortions would draw wealth into plant and equipment investment. None of these effects would be large, and none seems to call for any corrective action by the government. Compared to the gigantic capital losses inflicted on bondholders by inflation and rising taxes over the past decade, and the corresponding capital gains accruing to homeowners over the same period, neither of which has been offset by any government policy, the effects of the simple tax in the opposite direction are mild.

Though our system will stabilize revenue as a fraction of GNP, it will probably produce more revenue than the government needs to maintain existing programs. Low marginal tax rates will draw economic activities from the underground economy into the formal market, where they are recorded as part of GNP. Businesses and individuals will spend less time worrying about the tax consequences of their actions and will concentrate instead on earning higher incomes. On these grounds, we believe that the reve-

nue needs of the federal government could be met with tax rates as low as 16 or 17 percent, rather than the 19 percent needed to reproduce current revenue at current levels of GNP.

Over the postwar period, cuts in marginal tax rates have coincided with episodes of vigorous economic growth and reduced inflation in the United States. Moreover, those nations with lower marginal tax rates have achieved the highest economic growth over the past decade. The growth stimulated by tax reform is not only favorable for the increased income it would bring to the American public, but it would also moderate and eventually eliminate the federal budget deficit.

The benefits of tax reform are not purely economic. The complexities of the federal tax system foster contempt for government and make petty criminals out of a large fraction of the population. A simplified tax with low marginal rates would help restore confidence in government and would support the basic honesty of the American people.

APPENDIX: INCOME FLOWS AND TAX YIELDS

Following are the relevant numbers from the U.S. National Income and Product Accounts for 1980. All data are in billions of current dollars.

Gross national product[1]	2,627
Indirect business tax[2]	212
Imputed rent[3]	16
Compensation[4]	1,596
Investment[5]	317
Taxable business income[6]	486
Revenue from the business tax at 19 percent	92
Taxable compensation[7]	1,176
Revenue from compensation tax at 19 percent	223
Total tax revenue	315
Actual personal income tax[8]	255
Actual corporate income tax[9]	64
Total actual tax revenue	319

[1]Economic Report of the President, January 1981, table B-1.
[2]ERP, table B-17.
[3]Our estimate.
[4]ERP, table B-19.
[5]Business investment is estimated as total investment in equipment, nonresidential structures, and farm investment, plus 20 percent of investment in residential structures, ERP, table B-14. The remaining 80 percent of residential structures are owner-occupied and not deductible under the business tax.
[6]Gross national product less indirect business taxes, compensation, imputed rent, and investment.
[7]ERP, table B-19.
[8]Estimated as 75 percent of the revenue for fiscal year 1980 and 25 percent of the revenue for fiscal year 1981, Economic Indicators, July 1981, p. 33.
[9]Same as personal income tax.

QUESTIONS AND ANSWERS ABOUT THE SIMPLE TAX

Deductions

Q. What about charitable deductions?

A. No charitable deductions would be allowed under the simple income tax. We do not believe that current tax incentives are a major part of the motivation to make contributions to community, religious, and other organizations who qualify for deductions at present. A large volume of contributions are made by people who cannot deduct the contributions because they do not itemize deductions. Deductibility of contributions is widely abused by wealthy taxpayers to avoid taxes. On net, the public is better off by paying a little more in personal contributions and saving taxes by blocking these abuses. There is little merit in public subsidy for organizations whose success in raising funds depends on tax deductibility rather than the intrinsic merit of their activities.

Q. What would happen to the restaurant industry?

A. Though business meals are an important element of the restaurant industry, there is no reason to expect that the simple tax would reduce restaurant patronage. Neither the existing tax system nor the simple tax gives business an incentive to spend money at restaurants rather than anywhere else. All reasonable business expenses, including restaurant meals, are deductible under either tax system. A limited amount of restaurant spending may arise from abuse of the current system by providing untaxed income to employees. This problem would be alleviated under a tax system with lower marginal rates. On the other hand, as the new tax system brings businesses out of the underground economy and into the market, taxed economy, spending at restaurants will be slightly increased. Neither effect should be large. The restaurant industry also stands to gain from the incentive effects of lower taxation of many of its employees.

Q. Shouldn't the tax system provide some relief to families with high medical costs?

a. Virtually the entire U.S. population is now covered by medical insurance, Medicare, or medical benefits through welfare. The medical deduction under the current personal income tax is a source of many abuses, including the deduction of swimming pools and other home improvements as medical expenses. Few families would suffer, and the overwhelming majority would gain, by closing off this source of abuse.

Q. Why is there no deduction for moving costs in the simple tax?

A. Moving costs are only one of hundreds of costs incurred by taxpayers in order to earn an income. It is inconsistent to permit deduction of moving costs when costs of commuting, purchase of special clothing, and other employment costs cannot be deducted. Many moves are undertaken for reasons unrelated to earning a higher income and so should not escape taxation. The deduction for moving expenses is one of a number of tax provisions abused by a small minority of taxpayers at the expense of the great majority. It should be eliminated.

Housing

Q. What would happen to the housing market as a result of ending the deduction for mortgage interest?

A. The simple tax would end the deduction for interest of all kinds, not just mortgage interest. It would not discriminate against housing. However, improvements in the taxation of business investment would tend to draw wealth out of housing and into plant and equipment, which might reduce housing values temporarily. The effect would not be more than a few percent, and would last only for the duration of the investment boom set off by the new tax system. In the longer run, the outlook for housing values would be improved as overall economic activity increased in response to the tax.

Q. Why shouldn't we tax the capital gain from the sale of a house?

A. These capital gains are rarely taxed under the current system, because of the rollover provision, forgiveness of capital gains for the elderly, and the stepping up of the basis for capital gains at the time of inheritance. We believe that the taxation of housing is properly ceded to local governments under the federal system. Local property taxes capture part of the value of the services of a house. A capital gain occurs when the market valuation of the services rises. These gains arise from after-tax income, just as capital gains from the ownership of business arise from after-tax income. Hence taxation of capital gains would amount to double taxation.

Q. The only way I can afford my house today is the large tax deduction I get for the interest on my mortgage. Won't I have to sell my house if I can no longer take the deduction?

A. Don't overlook the benefits you will receive from much lower tax rate. Suppose you and your husband earn $60,000 per year and pay $18,000 in mortgage interest. Your tax in 1981 would be $11,553, after taking account of the large deduction for interest. Under the simple tax, you would not be able to take the deduction—your tax would be 19 percent of $55,000, or $10,450. You come out more than a thousand dollars ahead, even though you can no longer take the deduction. If you could afford your house before, you can certainly afford it now. However, if you have been extremely aggressive in taking advantage of interest deductions, so you are paying little tax in spite of a large income, you will come out behind with the simple tax.

Intergovernmental relations

Q. How would local governments be affected by the change in the taxation of bonds?

A. Local governments derive a small advantage from the tax-free status of their bonds and the taxation of all competing bonds in the current system. Under the simple tax, local government bonds would remain untaxed, but all other bonds would also provide tax-free interest, because the earnings of business would be taxed at the source. The immediate impact of the simple tax would raise borrowing costs of local governments to the levels paid by private borrowers. As interest rates eased, local borrowing costs would gradually return to their current levels. The slightly adverse effect on local governments would be confined to the first few years, and would not be large. In the longer run, local governments would face no higher interest rates and would benefit in many other ways from the improved performance of the U.S. economy.

Q. What about such other taxes as state, county, excise, and sales taxes? What would happen to them under the simple income tax?

A. Although we would prefer that other government units besides the federal government switch to taxes based on the same principle as the simple income tax, we have limited our proposal to federal action. The only important implication of our proposal for other taxes is the elimination of the deduction for other taxes under the federal personal income tax. Because this deduction is important only for higher-income families, who benefit enormously from lower marginal tax rates, we do not believe that the elimination of deduction will have any harmful effects.

Q. How would the simple income tax affect state taxes where the tax returns are linked to the federal tax system?

A. Because the new federal taxes would raise approximately the same revenue as the old taxes, a state that retained the linkage would continue to receive about the same revenue as well.

Retirement

Q. How are existing IRA and Keogh retirement accounts treated under the simple tax?

A. IRA and Keogh accounts have provided benefits to a limited fraction of taxpayers of the same type that the simple tax would provide to all taxpayers. Under the simple tax, they would be treated exactly as under the current system, except that the tax rate would usually be much lower. When the accounts begin to pay retirement benefits, those benefits would be taxed as compensation. It would no longer be necessary to impose a minimum age for the payment of benefits. Holders of IRA and Keogh accounts could elect to liquidate their accounts at any time, and pay the compensation tax at that time. For the future, IRA and Keogh accounts would not be necessary, because the taxation of interest income at the business rather than the personal level would make any form of savings have the same advantage as IRAs and Keoghs have today.

Business and the rich

Q. Isn't the simple tax a windfall to the rich?

A. Taxation of families with high incomes and few deductions would be dramatically reduced under the simple tax. On the other hand, taxes paid by those who take advantage of the almost unlimited scope for reducing or postponing taxes through tax shelters and other gimmicks will rise a great deal. The simple tax would be a windfall to the hard workers and a loss to those who have concentrated on avoiding tax.

Q. Is the simple tax progressive?

A. The simple tax is progressive in the sense that families with higher incomes pay a larger fraction of their incomes in taxes. Families with incomes below the personal allowance level pay no tax at all. The proportion of income paid in tax rises to close to 19 percent for the highest income. Compared to the current tax schedule, the simple tax is less progressive. Compared to the actual operation of the current tax system, the simple tax is more progressive.

Q. Does business pay its fair share of taxes under the simple tax?

A. Only people pay taxes. The simple tax is designed so that income from business sources is taxed at the same rate as income from employment. Under the current system, some business income is taxed at excessive rates because of the double taxation of corporate dividends. Other business income is lightly taxed or even subsidized through tax shelters.

Q. Isn't the tax unfair because rich people can live off interest and capital gains income and thereby pay no taxes?

A. Not at all. In effect, the simple tax puts the equivalent of a withholding tax on interest and capital gains. The business tax applies to business income before it is paid out as interest, or if it is retained in the business and generates capital gains for stockholders. The interest, dividends, and capital gains received by the rich have already been taxed under the business tax. The rich cannot escape the tax.

The business tax

Q. What would happen to the unused depreciation deductions from capital investments made under the old tax system?

A. These deductions would simply be lost. In the first place, much lower tax rates make the deductions much less important—reduced taxation of the earnings of capital completely offsets the decline in the value of the deductions because of lower tax rates. In the second place, the existing combination of an investment credit taken at the time of purchase and accelerated depreciation for tax purposes means that most plant and equipment has already received most of the tax benefits; eliminating the remaining depreciation would not impose an important burden on business.

Q. I'm a travelling salesman. I earn commissions and pay my own travel expenses. I do not receive a salary. How would I fill out the simple tax?

A. All self-employed individuals will file the business tax form, where they can deduct business expenses. In order to take advantage of the personal allowance, you will want to pay yourself a salary of at least, say, $5000 if you are married. Report this amount along with your wife's earnings on your compensation tax form. In this way, you will be able to deduct your legitimate business expenses and receive the personal allowance.

Q. Please explain how the current system taxes income twice. Isn't income income no matter what its source?

A. Income is an individual's command over resources. Only people have income. The income of a corporation is just the income of its owners, the stockholders. The current tax system sometimes taxes the same income twice, once when the corporation receives it and again when it is paid as dividends to the stockholders. The combined tax rate on the stockholder's income is almost confiscatory, even though the two separate taxes are at rates of around 50 percent.

Q. How are tax losses for individuals and businesses treated?

A. Remember that the self-employed fill out the business tax form just as a large corporation does. Business losses can be carried forward without limit to offset future profits. There is no such thing as a tax loss under the compensation tax.

Inheritance tax

Q. What about the inheritance tax?

A. We do not believe that an inheritance tax is necessary under a system with watertight comprehensive taxation of income.

[From the Washington Post, July 1, 1981]

TAXES, PURE AND SIMPLE

(By Jodie T. Allen)

Whatever the defects of the Reagan administration's original tax proposals, they had the virtue of simplicity. This is a virtue rapidly being compromised by congress in its zeal to provide more favorable incentives for certain kinds of behavior and more favorable treatment to certain kinds of taxpayers. Many of the refinements being offered seek to make good on the rather weak claims of the administration for the stimulative effects of its proposals on work and saving. Others are being drawn from the standard stock of perferential gimmicks rolled out every time tax "reform" is on the agenda. If the tax debate drags on very long, we should also see exemptions, deductions and credits being tacked on at the behest of various groups that, having lost out on the spending side of the budget, will be scrambling to recoup on the tax side.

This is bad business, and not just because it undermines the budget-cutting effort to reduce deficits. It's also a very inefficient way to encourage almost any thing you can think of except tax evasion. One reason is that, unless you are trying to encourage some type of behavior that almost no one would otherwise engage in, most of the tax breaks go to pay for something that would have happened anyway. For example, most investment tax credits go to companies that would have made the investment without them. The same is true of tax breaks to encourage hiring workers, saving, charitable giving or buying American cars. Most workers do find jobs, most people at all taxable income levels save some money and give to charity, and Detroit still manages to sell several million cars each year.

If the tax subsidy pays for a particular kind of service—educational, social or artistic—there is a good chance that, without the discipline of the profit motive, the service will be poorly managed. If you're dubious about the efficiency of social programs subject to direct government monitoring, imagine what they would generally be like with no review. And, of course, the very real possibility exists that the tax break won't buy anything at all. The Internal Revenue Service doesn't like to talk about cheating, but estimates of tax cheating dwarf the known losses from the much-talked-about fraud, waste and abuse in federal social programs. When it's a question of adding special deductions or credits for the more than two-thirds of individual taxpayers who now take the standard deduction and have very low probabilities of audit, it is realistic to assume a great deal of the benefit will go to cheaters. This not only greatly reduces the effectiveness of whatever incentive is being promoted, but also gives a nasty cast to the whole enterprise.

In a rapidly changing economy, tax incentives also become quickly outmoded. Since they are virtually impossible to repeal—there is nothing so zealous as the guardian of a tax gimmick—they soon impede, rather than aid, sound choices by businesses and individuals. The simple truth, long expounded by most tax economists, is that the fairest and most efficient tax system is one that doesn't try to encourage anything at all. A totally unobtrusive tax system can't be designed, but there is clearly enormous opportunity for streamlining the Victorian gingerbread horror that our tax system has become.

Special tax breaks for everything from day care to interest on debts—now add up to about one-quarter trillion dollars a year—more than is spent on defense, or Social Security. Each of these loopholes is, of course, treasured by some among us who see it as our own little bonus. We would all, of course, like to have lower taxes, but we doubt that we'd make out as well if all the preferences were cashed in and the proceeds used for general tax reduction.

Of course this isn't true for most people. If all the exemptions, deductions and credits were eliminated, it would be possible to institute such a massive reduction in tax rates that most taxpayers would be substantially better off, and even those who weren't would find themselves with a new freedom to buy or invest in what they really wanted rather than what their tax accountant advised. For example, Harold Beebout, an economist at Mathematica Policy Research, Inc., recently estimated that if everyone were allowed a personal exemption large enough to ensure that no one in poverty paid taxes at all (this would be an exemption of about $8,500 for a family of four), and if all other exclusions were abolished, the same revenue now raised could be gotten from a flat income tax rate of about 22 percent on income above the exemption. If a modest amount of progressivity were in-

troduced, initial tax rates could be still lower.

The result would be a marvelously simplified, ultimately fairer and far more efficient tax code. Gone would be the penalties for second earners or single individuals, the incentives for credit buying or speculation, the subsidies for high-flying consumption disguised as investment. People could buy, save and work as their unfettered preferences and the incentives of the marketplace suggested. This sort of reform, with similar simplification and reduction of corporate tax rates, would provide a surer stimulus to stable economic growth than any newly minted set of tax preferences, however cleverly devised.

Simplicity is so foreign a concept to the American political tradition on either the tax or spending side that moves in that direction are rarely considered. This is a good time to remind ourselves, however, that the ideal lies in that direction, not in moves toward greater complexity. Unfortunately it appears that a once-in-a-lifetime opportunity is being missed to buy out some of the worst perversities and inequities of the tax code with the very substantial tax cuts now being offered, especially in the upper tax bracket, where most tax preferences roost. Worse yet, new burdens may be added for the tax reformers of a future era.

[From Tax Note, Mar. 23, 1981]

A UNIFORM INCOME TAX

(By Aaron Wildavsky)

How does an income tax system, full of special provisions to make it fair to everyone, end up pleasing no one? Why, if all these special tax breaks, like the ill-famed "three-martini lunch," are widely regarded as unfair, do they continue? If the answer is that the general public is powerless against the "special interests," why are tax rates so high that the special interests have to work hard to escape from actually paying them? Why not, to come directly to our subject, abolish all income tax deductions so that the federal government could realize the same revenue at much lower rates and no one would be treated any differently from anyone else?

In trying to answer these questions, I sought to discover why it is so difficult to make radical changes in our tax system, and why what seems fair to some appears fallacious to others. I concluded that the advantages of a flat-rate income tax in increasing respect for government outweigh its awkwardness in responding to individual diversity.

THE POLITICS OF THE BUSINESS LUNCH

Hard cases may make bad law but they do show that in taxation there is no moral so simple it doesn't have its exact opposite. Take the real (or, if you prefer,"so-called") business lunch. Presumably it is supposed to facilitate business and no doubt on some occasions it does. What makes it rub raw is the widespread belief that there are privileged people who not only enjoy high salaries, but who can afford luxuries denied to others by this not-so-subtle subterfuge. Expensive meals, in effect, are being paid for by government, whose tax money is being used for a private purpose.

Aside from equity for those who do have to transact business this way, the consequences of eliminating business meals for the restaurant industry, especially in cities like New York, would be catastrophic. The business lunch is a subsidy to these industries upon which depend not only the profits of restaurant owners but the jobs of many people of modest means. A structure of privilege has been built up that cannot be ended by cries of outrage without hurting many innocent bystanders.

Consider the case of universities and museums. Charitable contributions are deducted from income in computing taxes. Therefore, contributions are subsidized by government which receives a lesser payment. Since there is a progressive tax, which increases with income, rich people get back up to 70 percent of their contributions to universities and museums, while poor people, who may not be in the tax system at all, get no subsidy for their contributions to churches. The higher the income, the less the proportion of a contribution taxpayers have to pay and the more they can give to the charity of their choice. Take away tax breaks and many private museums and universities would suffer financial collapse. Should student and faculty suffer because the rich are advantaged? How do we move toward fairness without leaving wrecked lives in our wake?

Similar considerations hold in regard to the deduction of interest on state and local bonds and on housing mortgages from amounts payable to the federal government. These deductions are, in effect, subsidies that lower the cost of housing to buyers and increase the return to cities on municipal bonds. Who wants to bankrupt cities or to depress the housing industry in an era of high unemployment by eliminating deductions that help them? Yet who also wants to perpetuate privilege? Evidently, the trick is to get from where we are to where we would like to be without making most people worse off on the way.

DIRECT VERSUS INDIRECT SUBSIDIES

How? The federal government could subsidize state and local governments directly so as to pay lower interest without giving tax breaks to individuals. Homebuilders could be subsidized to keep down housing costs.

[From the American Enterprise Institute, July-August 1981]

SIMON STUDY SAYS INCOME TAX SYSTEM SHOULD BE REPLACED

The U.S. income tax system should be scrapped and a simpler, more efficient and more equitable system put in its place, writes former Treasury Secretary William E. Simon in "Reforming the Income Tax System," published by AEI.

Simon, who is chairman of AEI's tax policy program advisory council, looks beyond the current debate over tax reduction and asks what fundamental reforms are necessary for the long run. "After years of attempting piecemeal reform, I am convinced that a fundamental reform is necessary," he says. "We can no longer afford to tinker. We must design an entirely new system and adopt it as an integrated whole." The key element in basic tax reform is to redefine the income base that must be taxed, according to Simon, now a financial consultants. Marginal tax rates are high not only because government spending is high, but also because laws have greatly reduced tax rates on some types of income while high rates must be imposed on other types of income, he says.

Simon discusses the advantages and disadvantages of two major alternatives for restructuring the tax system: adopting a comprehensive income base, under which all income would be taxed at a much lower rate with few itemized deductions; or adopting a consumption, or cash-flow, base, under which money used for consumption would be taxed while money saved or invested would not. Noting that either approach would be a vast improvement over our current system, Simon does, however, have a strong preference for the consumption or cash-flow approach. Either system could be as progressive as desired, Simon writes, but he does not believe that the tax system should be used to redistribute income.

Simon proposes a new set of objectives to guide tax reform efforts: "These new objectives are economic efficiency; simplicity; equity among those at the same income level; and a lesser degree of progressivity that will lessen the work and investment disincentives inherent in the existing system," he writes.

By contrast, the present system "is supposed to fund government provision of goods, services and transfer payments; it is supposed to stabilize the economy; and it must redistribute income," writes Simon. "As if this were not enough, it has been complicated beyond reason by efforts to encourage 'socially productive' activities, which is often a euphemism for saying that politicans use it to curry favor with narrow interest groups."

Simon cites the tax system as one factor responsible for the nation's economic decline because the system encourages consumption over saving and discourages investment and enterprise with high tax rates. He praises recent tax efforts that focus on economic efficiency and concern for the taxpayer instead of shifting more and more of the tax burden to business and wealthy taxpayers. But if the nation is to meet its rapidly rising standard of living, a comprehensive tax reform is necessary, he says.

"Anything short of this, as is the case with most of the proposed reforms to date, would leave the existing problems largely intact," Simon writes. "The system would still be complex, inequitable, and hostile to income from capital investment."

A PROPOSAL TO CAP MARGINAL TAX RATES AT 24 PERCENT

(By Edward Moscovitch)

A key purpose of President Reagan's supply side economic program is to stimulate output and productivity. This is to be accomplished in great part by a 30 percent reduction in personal tax rates over three years—the Kemp-Roth approach. But this plan and most compromise proposals now being discussed leave in place our present tax structure (at a lower level, to be sure), with all its complexities, loopholes and perverse incentives.

A program that simplifies the tax code and reduces high marginal rates will bring about far greater increases in productivity than Kemp-Roth, and do so at a substantially lower cost. Specifically, I propose:

That the tax structure be changed so that no income is taxed at greater than a 30 percent marginal rate.

That the standard deduction be set at 20 percent of income, with no upper limit.

That preferential treatment for capital gains be ended.

That the personal exemption be doubled to $2,000.

With these changes, most taxpayers would take the standard deduction and would, in effect, pay a top rate of 24 percent (every extra dollar of income would generate 20 cents of additional deduction, and the remaining 80 cents of income would be

taxed at 30 percent, or 24 cents of tax on a dollar of income). These changes would cost the same $129 billion of forgone revenue in 1983 as would a fully implemented Kemp-Roth cut.

To find out how much the plan would cost and how it would affect taxpayers in different groups. I started with IRS data for 1977 and 1978 on the number of taxpayers by income bracket, the percentage who took itemized deductions and the average itemized deduction. A forecast of the economy was then used to drive this data ahead to 1983. The accompanying table shows the impact on taxes paid as a percent of income.

1983 FEDERAL INCOME TAXES PAID AS PERCENTAGE OF INCOME

Average income in class	Current law filing status		Kemp-Roth filing status		Alternative filing status	
	Single	Joint	Single	Joint	Single	Joint
$4,649	3.4	0.0	2.4	0.0	0.0	0.0
8,770	8.5	1.8	5.9	1.2	5.2	0.0
11,121	11.3	5.3	7.9	3.7	8.6	0.7
14,322	13.7	7.5	9.6	5.2	10.5	3.4
17,034	15.7	9.5	11.0	6.5	12.0	5.8
20,885	17.3	11.1	12.1	7.8	13.2	7.4
23,567	19.3	12.4	13.5	8.7	14.9	8.7
26,339	20.4	13.5	14.3	9.5	15.9	9.8
30,080	21.4	14.7	15.0	10.3	16.8	10.9
35,724	23.1	16.4	16.2	11.4	17.6	12.2
43,281	25.9	18.9	18.1	13.2	18.8	14.5
57,858	29.6	23.1	20.7	16.1	20.1	17.0
103,663	37.7	31.5	26.2	22.0	21.7	20.3
207,118	45.6	41.6	31.6	28.9	22.7	22.4
439,855	47.4	48.7	32.7	33.7	23.7	24.0
1,050,916	48.3	49.6	33.3	34.1	25.1	24.7
3,057,492	49.4	49.5	33.8	33.7	26.0	25.5

Who pays more? For those with income between $20,000 and $100,000 taxes would be higher, but the extra amounts small. Take a family filing a joint return, with an income of $58,000. Kemp-Roth cuts their taxes to 16% of income from the current 23%; this plan cuts them to 17%. Currently, such families face a marginal rate of 49% on additional income, so that after state taxes and work expenses they bring home less than half of every dollar. Mr. Reagan would cut their marginal rate to 34%; I woud cut it to 24%.

Most such families would accept a slightly smaller tax cut for the assurance that they could keep 76% of additional income. As upwardly mobile families, they will be more interested in the lower marginal rates on the income gains they hope to achieve in the future. Those who would pay a bit more now have the most to gain in the long run from lower marginal rates. Every taxpayer, no matter what his income, would keep three-fourths of every extra dollar earned.

Increasing the standard deduction and ending the upper limit on its use would make almost all taxpayers indifferent to itemized deductions, while avoiding the kind of bloody battle a direct attack on specific deductions might mean. Reducing high marginal rates would in any case substantially reduce the importance of deductions. And there would be no need to plan fancy gimmicks to shelter income.

Thousands of the most talented and highly trained people in America spend their time worrying not about how to be more productive, but how to shield income from taxation. Writing in a recent issue of the Washington Monthly, Robert Reich divided Americans into what he called pie slicers and pie enlargers and argued that an ever larger share of America's productive imagination and intelligence is going into pie-slicing.

Whatever the case for favorable capital gains treatment when tax rates run to 70%, there is no need for such treatment with taxes at 24%. How much of our entrepreneurial energy goes into real estate speculation because capital gains are taxed at less than half the rate on ordinary income?

An examination of the impact of the plan on taxpayers in different income groups suggests that the plan should command wide support. Like the Reagan plan, this proposal would mean lower taxes for all taxpayers. But with its higher personal exemption, the new plan would give larger cuts to those who need them most—single taxpayers with income less than $10,000 and married taxpayers with income under $20,000. For a married taxpayer at $11,000, the Reagan plan would cut taxes from 5% of income to 4%: I would cut them to 1%. With the Reagan budget cuts likely to fall hardest on the near poor, the relief afforded by doubling the exemption is particularly welcome.

The President and the supply-siders should support a tax change along these lines because it brings about even bigger cuts in marginal rates. The Democrats should welcome this change because it makes possible greater cuts for those hurt most by the proposed spending cuts.

GROSS INCOME TAX SYSTEM CITED AS FAIR, SIMPLE WAY TO REFORM

(By Jim Jones)

When President Woodrow Wilson signed the Underwood-Simmons Tariff Act into law on October 13, 1913, he set in motion a federal income tax system that today has become a crazy quilt of short forms, long forms, schedules, deductions, preferences, exceptions and exclusions that virtually no one can understand.

Indeed, in 1975, in an address to the tax Foundation, then Secretary of the Treasury William E. Simon said, "I'm not even sure the IRS experts fully understand the system any more. How can they when they are dealing with a tax code and regulations that exceed 6,000 pages of fine print?" In his last official report, Blueprints for Basic Tax Reform, Secretary Simon suggested comprehensive—even radical—changes in the tax code that could bring some degree of sanity to our tax laws.

It should be for the government—and not the taxpayers—to come forward with a better way to design and manage the federal revenue-collecting function. The Congress and the Internal Revenue Service are the experts, citizens are not.

In the absence of reform from on high, however, it falls to the citizens to propose their own. One of these is the Gross Income Tax (GIT) system, a simplified and equitable approach to tax collecting and administration.

Under the GIT system, a taxpayer (usually a business or other employer) would pay federal taxes on gross receipts. The individual worker would not be bothered with having to keep voluminous tax records, fill out myriad tax returns, and so on. The GIT system would provide ample revenues to operate the federal government, and would offer the Congress an effective and simple tool for controlling national revenues and inflation.

The crucial underlying flaw in our present tax system is that it is based on net income. Net income is a figure arrive at by a taxpayer and his or her accountant, and it depends primarily on the ingenuity of the taxpayer's accounting and investment system. By its very nature, a net income tax system—with its countless ways to reduce tax liability—is inequitable, hard to administer, wasteful in compliance and overhead costs and frustrating in its complexity.

There seem to be, however, some key mental blocks and myths in our official thinking on the income tax system. Some of them are:

1. Hypothesis: For businesses, our income tax system must be based on net income because that is the measure of ability to pay.

Reality: Net income is more a measure of managerial ability and astute selection of the business field or environment than ability to pay. Under our NIT (Net Income Tax) system, profitable companies subsidize the less profitable ones, for whatever reason the profit level occurs. Ability to pay really resides in the gross receipts (income) of a business. How much the business retains depends on (1) its business environment, (2) its economic managerial ability and (3) its tax managerial ability. Under the GIT system, item 3 would no longer be necessary and our businesses could get down to their real responsibilities: The economic functions of providing profits, jobs and economic growth to the country.

2. Hypothesis: Complexity and equity go together like ham and eggs. Every amendment made to the current NIT system is designed to provide equitable assessment of taxes to everyone.

Reality: Seventy-three percent of the total paperwork imposed on our citizens by the federal government is caused by our NIT system. This, in itself, makes the system inequitable. However, the true measure of inequity is that this paperwork allows many taxpayers to use the system to mitigate their tax burden at the expense of others. This is inequity in its rawest form. The GIT system would provide equity without the complexity.

3. Hypothesis: Our NIT system is progressive, the definition of "progressive" being that as net income increases, the ability to pay increases and thus the tax rate increases.

Reality: The law may be written to sound as though it is progressive. In practice, however, it rarely works out that way. Those with lower incomes cannot afford to hire the experts necessary to discover and implement the preferences available to them. The higher-income taxpayer is able to do this. Consequently, the tax system becomes de facto regressive.

Tax reform bills are dropping into the hoppers of the Congress these days in unprecedented numbers. this is a clear reflection of the mood of the taxpayers back home: They have had enough and they want a simpler, less onerous method of paying their taxes. The time for change in federal tax laws has come.

A sample tax return and detailed information about the GIT system may be obtained from the Government Research and Development Corp., P.O. Box 787, Blanco, Texas 78606.

[From Newsweek, Aug. 18, 1980]

A SIMPLE TAX REFORM

(By Milton Friedman)

While I favor an across-the-board cut in tax rates, like most economists, I doubt that such a cut would spur incentives to work, save and invest enough to offset any possible loss in government revenue. However, there are cuts in tax rates that would add promptly to government revenue—less by affecting incentives than by taking advantage of the mammoth wedge between the

cost of taxes to the taxpayer and the revenue that the government obtains from those taxes.

The simplest such change, one that I discussed in this space a dozen years ago (Newsweek, April 22, 1968), is a sharp cut in the top rate of the personal-income tax, with no other change in the law.

A Major Cut: The top rate currently is 70 percent. Suppose it were cut to 25 percent—that is, suppose the personal-income tax were left completely unchanged except that every rate higher than 25 percent were replaced by 25 percent. This would be a major cut. Rates above 25 percent apply to taxable income of more than $12,900 for unmarried individuals, $20,200 for joint returns.

If every taxpayer had reported the same income, deductions and so on that he actually reported, such a cut in the top rate would have reduced the total "tax generated" for 1977 (the most recent year for which the requisite data are available) by only 13 percent.

In fact, of course, taxpayers would have reported very different numbers—even if we omit entirely any incentive effects on working, saving and investing. At current rates, it pays taxpayers to devote great effort to minimize taxable income, and they do so in innumerable ways, legal and illegal. And it pays a host of specialists—tax lawyers, accountants, creators of tax shelters—to respond to demands for tax avoidance.

Most of this activity would become unprofitable if the top rate were 25 percent. No one would pay 30 or 40 or 50 cents on the dollar for a tax shelter, as many of us now do, in order to avoid a tax of 25 cents. It would not be worth keeping many of the detailed records we now keep or holding assets in less satisfactory form or underreporting income.

The personal-income tax costs taxpayers far more than it yields to the government. This wedge cannot be estimated precisely. However, it is sufficiently large to assure that, with a top rate of 25 percent, net taxable income reported would go up by more than enough to offset the arithmetical loss of 13 percent.

In order to offset the arithmetical loss, total taxable income reported in 1977 would have had to go up by less than 10 percent; taxable income reported on returns that paid some tax at rates higher than 25 percent would have had to go up by less than 20 percent. Examination of income, deductions and other items reported by taxpayers indicated that such increases are highly plausible: itemized deductions alone totaled a good deal more than the necessary addition to taxable income.

A comparison of incomes reported currently with those reported in 1929 is even more persuasive. In 1929, the top rate was 24 percent, levied, on net taxable income in excess of $100,000. Nearly 15,000 returns reported such an income. From 1929 to 1977, our population increased nearly 80 percent, and per capita personal income in dollars increased tenfold (mostly, of course, because of inflation). Hence 1977's counterpart to 1929's 15,000 returns reporting more than $100,000 would have been 27,000 returns reporting taxable incomes of more than $1 million. In fact, only 1,785 returns reported adjusted gross income of more than $1 million. (And hence, even fewer reported net taxable incomes of more than $1 million. The exact number is not available in the published IRS statistics.)

The fifteenfold difference between 1929 and 1977 reflects the success of taxpayers in riddling the tax laws with loopholes and taking advantage of them. The changes since 1929 in not limited to millionaries—as is clear from a detailed comparison of returns in 1929 and 1977, income bracket by income bracket.

Cutting the top rate to 25 per cent would not raise taxable incomes reported to comparable 1929 levels. Loopholes would remain, and it would still pay to take advantage of them. But there is ample leeway for a more than 10 per cent increase in the taxable income reported. Just ask any tax attorney, tax accountant or tax-shelter specialist.

A Productive Windfall: Over and above the extra revenue that the government would gain from a reduction in the top rate to 25 per cent, the country would reap a major windfall from the availability for productive use of the tens of thousands of highly skilled lawyers, accountants and entrepreneurs now engaged in tax-avoidance activity, and of the billions of dollars of capital now being poured into ventures that would be unprofitable except for their use as tax shelters.

This simple reform requires no extensive hearings, no detailed reworking of a mammoth tax code. Nonetheless, until recently I regarded such a reform as purely visionary and impractical because of the anticipated opposition of lawyers, accountants and creators of tax shelters as well as of legislators who regard their role in inserting tax loopholes or preventing their elimination as a major source of campaign funds.

However, the situation is different today. Inflation has raised effective tax rates so sharply that I estimate that well over 30 million potential voters are now paying some tax at rates higher than 25 per cent. Add persons who would pay such rates except for their success at tax avoidance and evasion and those who hope to have high enough incomes to be subject to such rates, and the number of persons who have a direct personal stake in this reform is surely large enough to make any professional politician's mouth water at being able to offer them an attractive plum while at the same time *increasing* the government's revenue. That prospect may now be sufficiently enticing to overcome the politicians' reluctance to endanger future opportunities for wheeling and dealing.

I therefore now offer this reform as both highly practical and politically feasible.

ONE TAX BRACKET? THE FLAT-RATE LEVY HAS GAINED WIDESPREAD SUPPORT

(By Peter Brimelow)

WASHINGTON.—Is there life after Kemp-Roth?

Admittedly, as President Reagan's economic package moves through Congress, some of its supply-side tax-cut advocates are beginning to question whether it is really what they had in mind. The interaction of continuing inflation and progressive marginal tax rates means that the Administration has just stepped in to hold apart the crocodile's closing jaws. Federal tax receipts will still run approximately 19.6 percent of GNP in 1984, roughly where they were in 1977. For most middle-income earners, the marginal relief will be slight.

Inflation can disrupt the best-laid plans of politicians and publicists. Perhaps that's why University of Southern California economist Arthur B. Laffer, the astute intellectual entrepreneur, supply-side mogul and father of the famous cut-justifying Curve, is now concentrating on the need to restore financial integrity via the gold standard. ("And Reagan's going to do it.")

How high would such a flat-rate tax have to be? One rough guide is that tax revenues raised from income tax in 1978 totaled $188.6 billion—17.7 percent of the $1,063.3 billion taxable income Americans fessed up to the IRS. This suggests a flat-rate tax of maybe 18%. The rate could be lower if fewer loopholes were permitted. Thus, 1978 tax revenues were only 14.5 percent of that year's total of what the IRS calls Adjusted Gross Income—before itemized deductions. And even that figure contains some exempted income. If taxes had been levied on what the National Income Accounts consider personal income, 1978's revenues could have been raked in with a flat rate of a mere 11 percent.

But Laffer's laboratory is also readying another economic cure: a proposal to reform the tax system radically, so that federal expenditures are financed out of a tax based on consumption. And this is just one of several ideas now being widely if fleetingly discussed in Washington in seconds snatched from day-to-day combat. No consensus has yet emerged. New York's Jack Kemp, for example, is talking in terms of further rate reductions. But there is one surprising development: a feeling that a flat rate "proportional" income tax may be an idea whose time, if it hasn't come, is at any rate near. "It's clearly preferable to what we have now," says Laffer.

Under current tax law, of course, the federal government claims a proportion of the individual's earnings that rises steadily in line was his income. A flat-rate tax would simply set the share at the same proportion for everyone. Everyone would pay, say, 20 cents out of his first taxable dollar, and on every succeeding dollar. The rich would still pay more than the poor—20 percent of a high income is more than 20 percent of a low income.

POLITICALLY PRACTICAL?

"Everything's changed since November," says a civil servant when asked why a research peoject is contemplated on such an outlandish idea. Flat rate taxes are "the single most common tax proposal suggested by the American public at large," writes Thomas F. Field of Tax Notes publication in the July 6 issue. Sen. Charles E. Grassley, Iowa Republican, quizzed Internal Revenue Commissioner Roscoe Egger about it during his nomination hearings. Former Treasury Secretary William E. Simon endorses flat rates in his current American Enterprise Institute pamphlet, "reforming the Tax System," but, with the same conventional judgment as made his career in office so much less interesting than his books, assumes that it is politically impractical. The Wall Street Journal flirted with the concept in two recent editorial-page articles. Republican Rep. Philip Crane of Illinois will introduce a bill shortly calling for 19 percent flat rates and a $1,500 personal exemption. And Jack Anderson wrote a recent agonized column urging flat rates as he wrestled with his tax returns in the shadow of the April 15 filing deadline. What more could anyone ask?

A single fundamental truth underlies all the recent eruptions of tax-cut agitation, from Proposition 13 and the Steiger Amendment to Proposition 2½ and the 1980 election. It is that the political economy of the welfare state is ultimately unstable.

In 1929, when total government expenditures were a mere 10 percent of GNP (of

which only a quarter was spent by Washington), it was perfectly possible to organize an electoral coalition around the strategy attributed to FDR advisor Harry Hopkins: "tax and tax—spend and spend—elect and elect." The income tax simply did not affect many people. But by the late 1970's government spending was over three times as high. It could not be primarily supported by the top income earners for the melancholy reason that there weren't enough of them.

Accordingly, the IRS' preliminary Statistics of Income Report for 1978 show that 60 percent of total income tax was paid by Americans whose adjusted gross income was $15,000–$50,000; they also comprised 45 percent of all the taxable returns. In even as low as the $7,000–$8,000 bracket, an average of $519 income tax was paid—a remarkable figure given that some people at this level probably were taking deductions for dependents.

Income distribution in America is not a pyramid, from which the government can conveniently bite off the point. It is shaped like a candle-flame. The long, tapering tip is particularly evanescent: as Milton Friedman has pointed out, less than a fifteenth of the number of $1 million-plus annual incomes were reported in 1977 as would have been suggested by extrapolating figures from 1929, when the top marginal rate was 25 percent. In order to get tax revenues of any real magnitude, the government must reach into the wide heart of the flame. Eventually, the flame may snuff out, or the government may be burned. Until then, the fact remains: most of the people pay most of the taxes. And, not surprisingly, they don't like it.

The corollary to this is that the average tax rate paid by the pivotal $15,000–$50,000 category is already quite high. In 1978, this group parted with from 14.4 percent to 21.7 percent of its taxable income and 11.9 percent to 18 percent of its adjusted gross income. Most flat-rate proposals generally come down in this area.

END OF FINE-TUNING

A flat-rate income tax, in other words, might not increase the average burden on the American tax system's swing voters as much as is popularly supposed. And it would dramatically reduce their marginal rates, the tax paid on each dollar of additional income. In fact, even at the $7,000 taxable income level, the marginal rate is (pre-Regan) already at 18 percent for singles and 16 percent for a joint-filing married. At these levels, of course, the flat-rate tax could raise the average tax burden by relatively significant amounts. But the scheme's advocates have ways to finesse that problem.

The political dynamic behind tax reform is paralleled by the internal logic of the supplysiders' case, which is compelling them to think about flat rates. The essence of the supply side case is to focus attention on (a) incentives—the marginal impact of taxation; (b—more covertly) taxation solely as a means of raising revenue. Previously, economists and politicians tended to view taxation as a way to fine-tune the economy and to subsidize various deserving or threatening groups, as well as to raise the money to pay the government's bills, more or less.

The levy that would claim the least from an individual's increased production would be the poll tax. The marginal rate would be zero. But this is unconstitutional in the U.S. for a variety of historical reasons. A flat-rate tax is the best alternative, offering the maximum encouragement to taxpayers to earn their way into the wild blue yonder unimpeded by any gathering fiscal drag.

The value of the supply-siders' stress on incentives is easily overlooked. Only in 1972, for example, Joseph A. Pechman and Benjamin A. Okner of the Brookings Institution, in a paper called "Individual Income Tax Erosion by Income Classes," printed a table purporting to show the impact of various hypothetical tax schedules calculated to produce the 1971 revenue total. Their analysis was entirely static. They failed to even discuss the possibility that their 16 percent flat rate option might galvanize those in the top bracket who found their marginal rate suddenly reduced by some three-quarters.

At the same time, the apparently imposing intellectual rationale for progressive taxes proves upon a kick to be as brittle as a worm-eaten door. As long ago as 1953, Walter Blum and Harry Kalven titled their study of the question, "The Uneasy Case For Progressive Taxation." "Although there are numerous economic arguments in favor of progressivity, based on ability to pay, equal sacrifice, the diminishing marginal utility of money, etc., in the end, equity is the only justification worth considering," writes Bruce R. Bartlett, deputy Director of the Joint Economic Committee, in his new book, "Reaganomics: Supply Side Economics in Action."

This justification is somewhat undermined by disputed academic claims that the American system, after deductions, is not as progressive as it appears. It is severely shaken by the realization that such progressivity as it has achieved may be at the expense of economic activity on the part of upper-income earners—investment—which would ultimately benefit everyone, particularly lower-income earners. The tax system is not a zero-sum game. Progressive taxation is an inefficient way of raising and redistributing revenue.

Key points of the flat-rate case as it is sketched out on the proverbial Washington restaurants table napkins are:

(1) Reduction of the tax collection regulatory burden. Few estimates of this have been made, and insiders note darkly that Vice President Bush's Regulatory Task Force seems to have retreated from the topic after a visit from John Chapoton, the Treasury's Assistant Secretary for Tax Policy and himself a tax lawyer. But, in terms of direct outlay by taxpayers on compliance (and avoidance), and of the indirect impact of opportunity cost and misallocation, it is obviously huge. An astonishing 43 percent of taxpayers paid for professional help with their tax returns in 1977.

One common rule of thumb for guessing regulatory economic impact is that the private sector's expenditure in meeting regulations is 20 times the state's outlay in promulgating and enforcing them. In 1980, the Internal Revenue Service's budget was some $4.3 billion. Nearly 70 percent of the resulting receipts is from taxes on individual income. Assuming that this means 70 percent ($3 billion) of the IRS' costs pertain to individual income taxes, this would suggest $3 billion x 20, or $60 billion in direct costs alone.

(2) Incentive effect of uniformly low marginal rates. There is some evidence that academic opinion is now beginning to confirm the validity of the supply-side stress on the discouraging effects of taxation. Jerry Hausman of the Massachusetts Institute of Technology recently attempted to assess tax-induced overall loss in terms of "deadweight loss." This is the hypothetical cost to the economy of the behavior induced by taxation. His calculations show loss equal to 22 percent of income at the average wage level in 1975 and 54 percent higher levels. Professor Hausman also estimated that this loss would be reduced by up to 53 percent under a flat-rate system.

(3) Finesse loopholes. All plans to simplify the tax system by broadening the income base face the problem that the loopholes—actually tax oases left unseared by the government for various policy reasons—are fiercely defended by militant interest groups. There is widespread agreement, for example, that the tax deductibility of mortgage interest has caused massive national overinvestment in housing, particularly at the upper-income levels where taxpayers might otherwise be buying productive assets. But for the middle-income American, houses have been the same sort of comforting safeguard against inflation as owning handguns has been against crime. Consequently, the most that seems possible is a stealthy move towards narrowing the loophole, perhaps by disqualifying vacation property.

Under flat rates, this problem largely solves itself. Tax shelters will not be as attractive when only 15–20 cents of the taxpayer's dollar would be exposed to the IRS' beady eye.

(4) Reduced distortion. All taxes distort optimal functioning of the economic system by introducing considerations other than those of efficiency and profitability. But these are reduced to a minimum under the flat-rate system.

(5) Increased equity. Flat rates do not exclude income redistribution. That can be done more efficiently through the expenditure side of the budget. Revenue once raised can be redirected enough to warm the heart of any liberal Democrat via a variety of targeted social programs. There could even be a negative income tax if desired. Additionally, the impact of flat rates upon lower income earners could be substantially lessened by the simple expedient of raising the basic exemption, say, $3,000. This could reduce their tax burden by the relatively large but absolutely small amount that flat rates might raise it—usually a few hundred dollars.

(6) Improved treatment of interest income. In periods of high inflation, nominal interest rates contain a high inflation premium. In effect, they represent not merely a return on capital but also a return of capital. The value of the principal in real terms is steadily eroding. Any tax on interest income under these circumstances represents a partial confiscation of capital. (Investors implicitly recognize this and try to compensate for it. That's why tax-exempt municipal bonds generally offer yields 30 percent or so below taxable instruments. This feature is differentially valuable to high-income investors, creating further distortions in allocation.) A flat rate tax would not solve this problem. But it would help. The confiscation of capital is obviously more acute where inflated incomes are subject to higher rates.

(7) End bracket creep. The ability of inflation to carry taxpayers into higher brackets ultimately nullifies efforts to slash rates. From the government's point of view, bracket creep makes inflation not only tempting but relatively safe, since its deficit financing becomes self-correcting at the taxpayer's expense. Inflation under a flat-tax regime would simply mean that its victims pay the same proportion of their higher incomes.

By Mr. BOREN:

S. 2149. A bill to provide for deferrals on repayment, and a moratorium on foreclosures, of Farmers Home Administration farm loans for borrowers temporarily unable to make payments due to circumstances beyond their control; to the Committee on Agriculture, Nutrition, and Forestry.

DEFERRAL ON REPAYMENT OF CERTAIN FARM LOANS

Mr. BOREN. Mr. President, on behalf of Senators HUDDLESTON, JEPSEN, ZORINSKY, DECONCINI, NUNN, EXON, and myself, I am introducing a bill which will place a 1-year moratorium on foreclosures of Farmers Home Administration farm loans for borrowers temporarily unable to make payments due to circumstances beyond their control.

This legislation provides for the deferral of payments of principal and interest and calls for a moratorium on foreclosures of outstanding farm loans administered by the Farmers Home Administration. These provisions will apply when a borrower is unable to make his payments due to circumstances beyond his control such as a condition of prolonged depressed commodity prices and unusually high interest rates and where he can show he has sufficient repayment ability. In addition, after the deferral period expires, the loan can be reamortized or rescheduled with an interest rate equal to the original interest rate charged on the loan.

This measure is both compassionate and prudent. It is compassionate in that it will aid those farmers who are having financial difficulties through no fault of their own. It is prudent in that it will protect not only the agricultural economy but will also protect the health of our Nation's total economy from a potential domino effect if agriculture experienced a total collapse.

It would be hard to overestimate the grave nature of the economic situation in agriculture. Agriculture is virtually in a depression now.

Farm debt has more than tripled since 1972, reaching nearly $200 billion. The farm debt-to-asset ratio has reached a 10-year high. Farmers owe $16.50 for every $100 they have in land and other assets, closely paralleling the ratio in the late 1930's.

While prices received by the farmer have remained desperately low, costs of production have increased dramatically. For example, between 1978–80, the per acre variable cost for wheat increased by almost 50 percent. During the same period, interest cost on operating money increased by 130 percent. Just last August, the most common interest rate on farm loans was 19 to 20 percent.

It is because of these factors that we must enact this legislation. Emergency action must be taken to prevent a further break in the agricultural economy.

I remind colleagues that the last depression began on the farm. History has demonstrated that a collapse in the general economy has sometimes resulted from the forced liquidation of land and equipment. There will be serious damage to the entire economy if farmers who are basically sound were forced into premature bankruptcy because of the abnormal combination of high interest rates and low prices.

I urge my colleagues to join me in this effort to prevent a collapse of the American economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, effective for the period beginning fifteen days after the date of enactment of this Act and ending September 30, 1983, the Secretary of Agriculture shall permit the deferral of payments of principal and interest and forego foreclosure on (1) any outstanding farm ownership loan, farm operating loan, or emergency loan made, insured, or held by the Secretary under the Consolidated Farm and Rural Development Act, or (2) any outstanding loan insured or held by the Secretary under the Emergency Agricultural Credit Adjustment Act of 1978, if the borrower of the loan so requests and shows that, due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the ability of the borrower to meet essential farm, ranch, or aquaculture needs, including family subsistence, and that the borrower has sufficient repayment ability so that it can reasonably be expected that the loan will be repaid after the deferral period expires. Any such deferral of payments by a borrower shall be for such period as the Secretary deems necessary, based on the borrower's situation. Interest that accrues during the deferral period on the loan shall bear no interest during or after such period. To ensure that a borrower who obtains a deferral of loan payments under this Act is given a reasonable opportunity, in light of the borrower's farm and financial situation, to meet obligations under the loan agreement after the deferral period expires, the Secretary shall also establish procedures under which, at the request of the borrower, the loan can be reamortized or rescheduled to provide equitable repayment terms consistent with the borrower's farm and financial situation. Any such reamortized or rescheduled loan shall bear interest at a rate not in excess of the rate of interest originally charged on the loan.

By Mr. LEVIN (for himself and Mr. HOLLINGS):

S. 2150. A bill to amend the Social Security Act to provide that the amount of any unnegotiated social security check shall be returned to the trust fund from which the check was issued; to the Committee on Finance.

TRANSFER OF UNCASHED BENEFIT CHECKS TO SOCIAL SECURITY TRUST FUND

● Mr. LEVIN. Mr. President, I am today introducing with Senator HOLLINGS legislation which would credit millions of dollars of uncashed social security checks to the social security trust funds.

Each year over $20 million of unnegotiated social security checks remain in the general fund rather than recredited to the social security trust funds. According to the Social Security Administration the accumulated total of uncashed benefits is now up to an estimated $255 million.

When payment is made to a social security beneficiary, a voucher is submitted by the Social Security Administration to the Treasury Department for the amount of the benefit. This amount is then withdrawn from the social trust fund and the payment is sent to the beneficiary. For any number of reasons some benefit checks may not be cashed. In many instances the checks are lost, stolen, burned, or saved for later use. Under present procedure, regardless of why the check is not cashed, the money has technically been spent by Social Security. The Treasury Department holds these funds until the checks are cashed. If the check is never negotiated, this money is added to the Treasury's general fund. The social security trust funds not only lose the initial amount, but also the interest obtainable by proper investment of the trust funds.

Mr. President, this $255 million and $20 million annually could make a contribution toward preserving the solvency of the social security system.

For the past several years, the Social Security Administration has been negotiating with the Treasury Department to arrange for a change in the administrative procedure used in handling these outstanding checks, but to no avail. In response to this need for a legislative remedy, Senator HOLLINGS and I are introducing a bill which provides procedures for crediting the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund with the amounts of social security checks which have not been negotiated within 12 months. The bill also applies retroactively, transferring the $255 million accumulation to date of unnegotiated checks.

I urge the speedy enactment of this much-needed legislation.●

ADDITIONAL COSPONSORS

S. 1634

At the request of Mr. COCHRAN, the Senator from Ohio (Mr. GLENN), the Senator from Louisiana (Mr. LONG), the Senator from Tennessee (Mr. SASSER), and the Senator from Rhode

Island (Mr. CHAFEE) were added as cosponsors of S. 1634, a bill to incorporate the National Federation of Music Clubs.

S. 1758

At the request of Mr. DECONCINI, the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1758, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 1918

At the request of Mr. SPECTER, the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1918, a bill to establish the Northeast-Midwest States Federal Hydropower Financing Authority.

S. 1947

At the request of Mr. WEICKER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1947, a bill to improve small business access to Federal procurement information.

S. 2043

At the request of Mr. HUMPHREY, the Senator from Idaho (Mr. SYMMS), the Senator from North Dakota (Mr. BURDICK), the Senator from Utah (Mr. HATCH), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), and the Senator from New Hampshire (Mr. RUDMAN) were added as cosponsors of S. 2043, a bill to amend title 18, United States Code, to provide criminal penalties for the mailing of identification documents bearing a false birthdate.

S. 2054

At the request of Mr. JEPSEN, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Florida (Mrs. HAWKINS), the Senator from Idaho (Mr. SYMMS), the Senator from Oklahoma (Mr. NICKLES), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2054, a bill to amend the Internal Revenue Code of 1954 to provide that the 1982 individual income tax rate reductions made by the Economic Recovery Tax Act of 1981 be given a full year effect for purposes of withholding, and for other purposes.

S. 2080

At the request of Mr. KASTEN, the Senator from Alaska (Mr. MURKOWSKI), the Senator from New York (Mr. D'AMATO), the Senator from South Dakota (Mr. PRESSLER), the Senator from Alaska (Mr. STEVENS), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 2080, a bill to amend the Federal Election Campaign Act to provide that all persons must comply with the act.

S. 2094

At the request of Mr. DANFORTH, the Senator from Florida (Mr. CHILES), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

S. 2107

At the request of Mr. LEVIN, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2107, a bill to extend from May 1982 to October 1982 the month before which children not otherwise entitled to child's insurance benefits under title II of the Social Security Act by reason of the amendments made by section 2210 of the Omnibus Budget Reconciliation Act of 1981 must attend postsecondary schools in order to qualify under subsection (c) of such section for entitlement to such benefits, to extend from August 1985 to August 1986 the month before which any such entitlement terminates, and to require the Secretary of Health and Human Services to notify all individuals who are entitled to childs benefits under title II of the Social Security Act for the month in which this act is enacted of the changes made in the eligibility for, and the amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this act.

S. 2139

At the request of Mr. LEVIN, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2139, a bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States.

SENATE JOINT RESOLUTION 142

At the request of Mr. SPECTER, the Senator from Arkansas (Mr. BUMPERS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Joint Resolution 142, a joint resolution to authorize and request the President to issue a proclamation designating March 21, 1982, as Afghanistan Day, a day to commemorate the struggle of the people of Afghanistan against the occupation of their country by Soviet forces.

SENATE JOINT RESOLUTION 148

At the request of Mr. HELMS, the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to proclaim March 18, 1982 as "National Agriculture Day."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. HATCH, the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Concurrent Resolution 62, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America on the celebration of its 70th anniversary.

SENATE RESOLUTION 313

At the request of Mr. HEFLIN, the Senator from New York (Mr. MOYNIHAN), the Senator from Tennessee (Mr. SASSER), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. INOUYE), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Vermont (Mr. LEAHY), the Senator from Illinois (Mr. DIXON), the Senator from Michigan (Mr. RIEGLE), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Resolution 313, a resolution expressing the sense of the Senate that the Congress should expeditiously consider making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

SENATE CONCURRENT RESOLUTION 67—ORIGINAL CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE PRAYERS OF REV. EDWARD L. R. ELSON

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there be printed with an appropriate illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-sixth and Ninety-seventh Congresses, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed and bound one thousand additional copies of such document, of which four hundred and twelve copies shall be for the use of the Senate and five hundred and eighty-eight copies shall be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

AMENDMENTS SUBMITTED FOR PRINTING

HOME RECORDING AND VIDEO RECORDER LEGISLATION

AMENDMENT NO. 1331

(Ordered to be printed and referred to the Committee on the Judiciary).

Mr. MATHIAS (for himself, Mr. BAKER, and Mr. ROBERT C. BYRD) submitted an amendment intended to be proposed by them to the bill (S. 1758) to amend title 17 of the United States

Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

Mr. MATHIAS. Mr. President, on December 16, 1981, Senator BAKER, Senator ROBERT C. BYRD, and Senator CRANSTON joined me in submitting an amendment to S. 1758, a bill previously introduced by Senators DECONCINI and D'AMATO. S. 1758 was intended to exempt individuals from copyright infringement liability if they taped television programs at home for private noncommercial use. As I said in my floor statement at that time (CONGRESSIONAL RECORD, Dec. 16, 1981, page 32206), I am in basic sympathy with their bill.

The purpose of my amendment to S. 1758, was to make sure that it struck a proper balance between the interests of the viewers who tape at home and of the creative artists whose works are taped. Thus, my amendment retained the principle of a home video taping exemption as contained in the bill, but balanced it with the creation of a compulsory licensing mechanism to establish the principle of compensation for copyright owners whose audiovisual works are being taped.

Today, Senators BAKER, ROBERT C. BYRD, and I, want to propose a substitute amendment to S. 1758 that will address the home taping problem as it affects the creators of copyrighted music and sound recordings. My new amendment would retain the principle of exempting home taping from liability as contained in S. 1758, but would extend it to include audio as well as video taping activities in private homes. It would also modify the compulsory license to cover audio recording devices and blank tapes as well as video recorders and blank tapes.

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1331

Strike all after the enacting clause and insert in lieu thereof:

That Congress hereby finds and declares that—

(a) "to promote the Progress of Science and useful Arts," the Constitution of the United States empowers the Congress to give authors and inventors for a limited time "the exclusive Right to their respective Writings and Discoveries";

(b) the copyright system has helped make the United States a dynamic force in art and culture;

(c) this system benefits both the creators of intellectual property and the consuming public—the creators by providing fair compensation and thereby the incentive to create new works, and the consumer by assuring a rich and ever-increasing variety of works from which to choose;

(d) copyright owners should receive fair compensation for their creative endeavors and the use of their property;

(e) home recording devices and media are designed, used and promoted to the public for the purpose of reproducing copyrighted material;

(f) the reproduction of copyrighted musical works, sound recordings and motion pictures and other audiovisual works by means of home recording devices and media infringes on the exclusive rights granted to copyright owners under section 106(1) of title 17, United States Code;

(g) nonetheless, individuals who make audio and video recordings in the home for private use should be relieved of any and all liability for such infringement;

(h) to ensure that the public continues to enjoy uninterrupted access to this copyrighted material, a compulsory license will be established for importers and manufacturer of recording devices and media who commercially benefit from such infringement; and

(i) the Copyright Royalty Tribunal shall determine fair compensation to the copyright owners: *Provided, however,* That no system of compensation will impose a direct liability on the individual who uses video recording devices and media in the home for private purposes.

SEC. 1. Chapter 1 of title 17 of the United States Code is amended by inserting at the end thereof the following new section:

"§ 119. Limitation on liability: Video recording

"(a) HOME VIDEO RECORDING.—Nothwithstanding the provisions of section 106(1), an individual who makes a single video recording of a motion picture or other audiovisual work in his or her private home is exempt from any liability for infringement of copyright if the video recording is for the private use of that individual or members of his or her immediate household.

"(b) COMPULSORY LICENSE FOR VIDEO RECORDING DEVICES AND MEDIA.—

"(1) Notwithstanding the provisions of section 106(1), the importation into and distribution in the United States, and the manufacture and distribution in the United States, of any video recording device or video recording medium shall be subject of compulsory licensing if the importer or manufacturer of the device or medium records the notice, and deposits the statement of account and royalties, specified by this clause.

"(A) The importer or manufacturer shall, at least one month before the distribution in the United States of any video recording device or any video recording medium or within sixty days after the effective date of this Act, whichever is later, record with Register of Copyrights (hereinafter 'the Register') a notice including a statement of its identity and address and a description of any trade or business names, trademarks, or like indicia that it uses in connection with the importation, manufacture or distribution of video recording devices and video recording media in the United States, and thereafter, from time to time, such further information as the Register, after consultation with the Copyright Royalty Tribunal (hereinafter 'the Tribunal'), shall prescribe by regulation to carry out the purpose of this clause.

"(B) The importer or manufacturer shall deposit with the Register, at such times, for such periods and in accordance with such requirements that the Register shall, after consultation with the Tribunal, prescribe by regulation, a statement of account, covering the pertinent period next preceding, specifying the number of video recording devices and amount of video recording media imported into or manufactured in the United States during such period, and the number and amount distributed in the United States during such period, together with such other information, and in such form, content and manner, as the Register shall, after consultation with the Tribunal, from time to time prescribe by regulation. In the case of all statements of account deposited after the Tribunal has rendered a final decision in its first proceeding described in subsection (c) of this section, the statement shall be accompanied by a total royalty fee for the period covered by the statement, computed in accordance with determinations made by the Tribunal in proceedings conducted under subsection (c) of this section and chapter 8 of this title.

"(2) Notwithstanding the provisions of clause (1) of this subsection, the importation into and distribution in the United States, or the manufacture and distribution in the United States, of any video recording device or video recording medium is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, 509, and 511, if the notice, statement of account, or royalty specified by clause (1) of this subsection has not been recorded or deposited and such failure was willful or repeated, or if the statement of account or royalty does not materially comply with the requirements of clause (1) or any regulations prescribed thereunder.

"(3) The Register shall receive all fees deposited under this section and, after deducting reasonable administrative costs, shall deposit the balance in the Treasury of the United States, in such manner as the Secretary of the Treasury directs. All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution with interest by the Tribunal as provided by this title. The Register shall promptly submit to the Tribunal a compilation of all statements of account covering the pertinent periods provided by clause (1) of this subsection.

"(4) The royalty fees thus deposited shall, in accordance with the procedures provided by clause (5), be distributed to the owners of copyright in motion pictures and other audiovisual works that were included in television transmissions made by a broadcast station, cable system, multipoint distribution service, subscription television service, or like means of transmission that were intended for reception by the public at large or particular members of the public during the period to which such fees pertain.

"(5) The royalty fees thus deposited shall be distributed in accordance with the following procedures:

"(A) During such month that the Tribunal shall establish in each year following the year in which this Act takes effect, every person claiming to be entitled to compulsory license fees under clause (4) shall file a claim with the Tribunal for fees covered by all statements of account for periods during the preceding year in accordance with requirements that the Tribunal shall prescribe by regulation. Notwithstanding any provisions of the antitrust laws, for purposes of this clause any claimants may agree among themselves as to the proportionate division of compulsory licensing fees among them, may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.

"(B) After the first day of the month following that established for the filing of

claims under clause (5)(A) of this subsection, in each year following the year in which this Act takes effect, the Tribunal shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Tribunal determines that no such controversy exists, it shall after deducting its reasonable administrative costs under this section, distribute such fees to the copyright owners entitled, or to their designated agents. If the Tribunal finds the existence of a controversy, it shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.

"(C) During the pendency of any proceeding under this subsection, the Tribunal shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy.

"(c) DETERMINATION OF ROYALTY FEES.—

"(1) Not later than thirty days after the effective date of this Act, the Chairman of the Tribunal shall cause notice to be published in the Federal Register of the initiation of proceedings for the purpose of determining appropriate and reasonable royalty fees to be paid by manufacturers and importers for the distribution of video recording devices and video recording media in the United States. Such proceedings shall be initiated and concluded in accordance with section 804(e) of this title.

"(2) Such fees shall be calculated to afford to copyright owners of motion pictures and other audiovisual works a fair compensation for the use of their creative works.

"(3) The Tribunal may provide that the importer or manufacturer may deduct an amount that reflects a reasonable estimate of the amount of video recording media distributed by it in the United States during the period covered by a statement of account that is used principally for purposes other than making video recordings by individuals in private homes: *Provided*, That in such event the Tribunal shall prescribe by regulation standards and conditions under which such estimates may be made and limitations on such estimates.

"(4) The initial procedure specified in clause (1) of this subsection may, subject to clauses (2) and (3), be repeated in 1985 and at five-year intervals thereafter, in accordance with the petition procedure described in section 804(a)(2) of this title and regulations that the Tribunal shall prescribe. Notwithstanding the provisions of section 809 of this title, any final determination by the Tribunal in the first and any subsequent proceeding under this subsection shall become effective thirty days following its publication in the Federal Register.

"(d) DEFINITIONS.—As used in this section, the following terms and their variant forms mean the following:

"A 'video recording' is a copy of a motion picture or other audiovisual work that has been reproduced directly from a television transmission by a broadcast station, cable system, multipoint distribution service, subscription television service, or like means of transmission that is intended for reception by the public at large or particular members of the public.

"A 'video recording device' is any machine or device of a kind used or promoted for the primary purpose of making video recordings by individuals in private homes.

"A 'video recording medium' is any material object, now known or later developed, in which a motion picture or other audiovisual work can be fixed by use of a video recording device.".

SEC. 2. Chapter 1 of title 17 of the United States Code is amended by inserting at the end thereof the following new section:

§ 120. Limitation on liability: Audio recording

"(a) HOME AUDIO RECORDING.—Notwithstanding the provisions of section 106(1), an individual who makes a single audio recording of a musical work or sound recording in his or her private home is exempt from any liability for infringement of copyright if the recording is for the private use of that individual or members of his or her immediate household.

"(b) COMPULSORY LICENSE FOR AUDIO RECORDING DEVICES AND MEDIA.—

"(1) Notwithstanding the provisions of section 106(1), the importation into and distribution in the United States, and the manufacture and distribution in the United States, of any audio recording device or audio recording medium shall be subject of compulsory licensing if the importer or manufacturer of the device or medium records the notice, and deposits the statement of account and royalties, specified by this clause.

"(A) The importer or manufacturer shall, at least one month before the distribution in the United States of any audio recording device or any audio recording medium or within sixty days after the effective date of this Act, whichever is later, record with the Register of Copyrights (hereinafter 'the Register') a notice including a statement of its identity and address and a description of any trade or business names, trademarks, or like indicia that it uses in connection with the importation, manufacture or distribution of audio recording devices and audio recording media in the United States, and thereafter, from time to time, such further information as the Register, after consultation with the Copyright Royalty Tribunal (hereinafter 'the Tribunal'), shall prescribe by regulation to carry out the purpose of this clause.

"(B) The importer or manufacturer shall deposit with the Register, at such times, for such periods, and in accordance with such requirements that the Register shall, after consultation with the Tribunal, prescribe by regulation, a statement of account, covering the pertinent period next preceding, specifying the number of audio recording devices and amount of audio recording media imported into or manufactured in the United States during such period, and the number and amount distributed in the United States during such period, together with such other information, and in such form, content and manner, as the Register shall, after consultation with the Tribunal, from time to time prescribe by regulation. In the case of all statements of account deposited after the Tribunal has rendered a final decision in its first proceeding described in subsection (c) of this section, the statement shall be accompanied by a total royalty fee for the period covered by the statement, computed in accordance with determinations made by the Tribunal in proceedings conducted under subsection (c) of this section and chapter 8 of this title.

"(2) Notwithstanding the provisions of clause (1) of this subsection, the importation into and distribution in the United States, or the manufacture and distribution in the United States, of any audio recording device or audio recording medium is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, 509, and 511, if the notice, statement of account, or royalty specified by clause (1) of this subsection has not been recorded or deposited and such failure was willful or repeated, or if the statement of account or royalty does not materially comply with the requirements of clause (1) or any regulations prescribed thereunder.

"(3) The Register shall receive all fees deposited under this section and, after deducting reasonable administrative costs, shall deposit the balance in the Treasury of the United States, in such manner as the Secretary of the Treasury directs. All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution with interest by the Tribunal as provided by this title. The Register shall promptly submit to the Tribunal a compilation of all statements of account covering the pertinent periods provided by clause (1) of this subsection. The Register and the Secretary of the Treasury shall maintain separate and distinct accounts and records for fees deposited in connection with audio recording devices and media and the securities and interest pertaining respectively thereto.

"(4) The royalty fees thus deposited in connection with audio recording devices and media shall, in accordance with the procedures provided by clause (5), be distributed to the owners of copyright in musical works and sound recordings that were included in radio or television transmissions, or sold to the public in the form of phonorecords, during the period to which such fees pertain.

"(5) The royalty fees thus deposited shall be distributed in accordance with the following procedures:

"(A) During such month that the Tribunal shall establish in each year following the year in which this Act takes effect, every person claiming to be entitled to compulsory license fees under clause (4) shall file a claim with the Tribunal for fees covered by all statements of account for periods during the preceding year in accordance with requirements that the Tribunal shall prescribe by regulation. Notwithstanding any provisions of the antitrust laws, for purposes of this clause any claimants may agree among themselves as to the proportionate division of compulsory licensing fees among them, may lump their claims together and file them jointly or as a single claim, or may designate a common agent to receive payment on their behalf.

"(B) After the first day of the month following that established for the filing of claims under clause (5)(A) of this subsection, in each year following the year in which this Act takes effect, the Tribunal shall determine whether there exists a controversy concerning the distribution of royalty fees. If the Tribunal determines that no such controversy exists, it shall, after deducting its reasonable administrative costs under this section, distribute such fees to the copyright owners entitled, or to their designated agents. If the Tribunal finds the existence of a controversy, it shall, pursuant to chapter 8 of this title, conduct a proceeding to determine the distribution of royalty fees.

"(C) During the pendency of any proceeding under this subsection, the Tribunal shall withhold from distribution an amount sufficient to satisfy all claims with respect to which a controversy exists, but shall have discretion to proceed to distribute any amounts that are not in controversy.

"(c) DETERMINATION OF ROYALTY FEES.—

"(1) Not later than thirty days after the effective date of this Act, the Chairman of the Tribunal shall cause notice to be published in the Federal Register of the initiation of proceedings for the purpose of determining appropriate and reasonable royalty fees to be paid by manufacturers and importers for the distribution of audio recording devices and audio recording media in the United States. Such proceedings shall be initiated and concluded in accordance with section 804(e) of this title.

"(2) Such fees shall be calculated to afford to copyright owners of musical works, and sound recordings, a fair compensation for audio recordings of their works in private homes.

"(3) In determining such fees the Tribunal may take into account reasonable estimates of the amount of audio and video recording devices and media used in the United States during a relevant period for purposes other than making audio or video recordings by individuals in private homes, *Provided*, That such purposes are lawful under this title.

"(4) The initial procedure specified in clause (1) of this subsection may, subject to clauses (2) and (3), be repeated in 1985 and at five-year intervals thereafter, in accordance with the petition procedure described in section 804(a)(2) of this title and regulations that the Tribunal shall prescribe. Notwithstanding the provisions of section 809 of this title, any final determination by the Tribunal in the first and any subsequent proceeding under this subsection shall become effective thirty days following its publication in the Federal Register.

"(d) DEFINITIONS.—As used in this section, the following terms and their variant forms mean the following:

"An 'audio recording' is a phonorecord or aurally perceptible copy (without accompanying visual images) of a musical work or sound recording that has been reproduced directly from a radio or television transmission or from a phonorecord that has been lawfully made and distributed to the public.

"An 'audio recording device' is any machine or device of a kind designed, used, or promoted for making audio recordings by individuals in private homes.

"An 'audio recording medium' is any material object, now known or later developed, in any form commonly distributed for use in private homes (such as tape cassettes, cartridges or reels), in which a musical work or sound recording can be fixed by use of an audio recording device. An audio recording medium does not include a material object that embodies a sound recording at the time it is first distributed by the importer or manufacturer, unless the sound recording has been so embodied in order to avoid the obligations of subsection (b) of this section.

"A 'radio transmission' and a 'television transmission' are transmissions by a broadcast station, cable system multipoint distribution service, subscription service, direct broadcast satellite, or other means of transmission that are intended for reception in private homes.

SEC. 3. That chapter 54 of title 17 of the United States Code is amended by inserting at the end thereof the following new section:

§ 511. Additional remedy for infringing importation or manufacture, and distribution, of audio and video recording devices and media

"In any action filed pursuant to section 119(b)(2) or 120(a)(2), the court may decree that, in addition to any other remedies provided by this title, for a period not to exceed ninety days the importer or manufacturer shall be deprived of the benefit of a compulsory license under section 119(b)(1) or 120(b)(1). In the absence of such license by reason of such decree, any importation into and distribution in the United States, or any manufacture and distribution in the United States, of audio or video recording devices or media by such party is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, 509, and this section.".

SEC. 4. That chapter 3 of title 17 of the United States Code is amended as follows:

(a) Section 801(b)(1) is amended by replacing the period after "118" with a comma, and adding the phrase "and to make determinations as to reasonable royalty fees as provided in sections 119 and 120." following the reference to "section 118".

(b) Section 801(b)(3) is amended by deleting the phrase "and 116," and substituting in lieu thereof the phrase "116, 119 and 125."

(c) Section 804(c) is amended by adding the phrase "and reasonable royalty fees as provided in sections 119 and 120," following the reference to "section 118" and by changing "that section" to "those sections.".

(d) Section 804(d) is amended by deleting the phrase "or 116," and substituting in lieu thereof "116, 119 or 120.".

(e) The second sentence of section 809 is amended by deleting the phrase "or 116" and substituting in lieu thereof the phrase "116, 119 or 120.".

SEC. 5. That section 109(a) of chapter 1 of title 17 of the United States Code is amended by replacing the period at the end thereof with a colon and inserting thereafter the following: *"Provided, however,* That the owner of a particular phonorecord of a sound recording, of a particular copy of a motion picture or other audiovisual work lawfully made under this title may not, unless authorized by the copyright owner, dispose of the possession of that phonorecord or copy by rental, lease, or lending, for purposes of direct or indirect commercial advantage.".

SEC. 5. SUPPLEMENTARY AND TRANSITIONAL PROVISIONS.—

(a) This Act becomes effective on its enactment.

(b) Section 501(a) of title 17 is amended by deleting "118" and substituting in lieu thereof "120.".

(c) The table of sections for chapter 1 of title 17 of the United States Code is amended by inserting after the item relating to section 118 the following:

"119. Limitation on liability: Video recording.".

"120. Limitation on liability: Audio recording.".

(d) The table of sections for chapter 5 of title 17 of the United States Code is amended by inserting after the item relating to section 510, the following:

"511. Additional remedy for infringing importation or manufacture, and distribution, of audio and video recording devices and media.".

Amend the title so as to read: "A bill to amend title 17 of the United States Code with respect to home recording and audio and video recording devices and media and for other purposes.".

Mr. BAKER. Mr. President, I join with the distinguished chairman of the Rules Committee in submitting an amendment to S. 1758 which confronts the difficult issue of copyright ownership and private liabilities.

In cosponsoring this measure, it is both my hope and expectation that the Senate will be able to act fairly and decisively on statutes which not only effect creative industries but also individuals and households throughout the country.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I wish to announce that the Senate Small Business Committee hearing on S. 1947, a bill to improve small business access to Federal procurement information, scheduled for March 4, 1982, will begin at 9:30 a.m. instead of 10 a.m. as previously scheduled.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Conservation and Supply for Tuesday, March 30, beginning at 9 a.m. in room 3110 of the Dirksen Senate Office Building. This oversight hearing is regarding the budget for energy conservation and related programs within the jurisdiction of the subcommittee.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, Subcommittee on Energy Conservation and Supply, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Gary Barbour of the subcommittee staff at 224-0613.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Agriculture Committee be authorized to meet during the session of the Senate at 9:30 a.m. on Monday, March 1, to discuss the reauthorization of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RULES OF THE SELECT COMMITTEE ON INTELLIGENCE

● Mr. GOLDWATER. Mr. President, section 133B of the Legislative Reorganization Act requires each standing, select, or special committee of the Senate to publish its rules in the CON-

GRESSIONAL RECORD not later than March 1 of each year. I ask that the rules of the Select Committee on Intelligence be printed in the RECORD. The rules follow:

RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of committee business shall be every other Wednesday unless otherwise directed by the chairman.

1.2 The chairman shall have authority, upon proper notice, to call such additional meetings of the committee as he may deem necessary and may delegate such authority to any other member of the committee.

1.3 A special meeting of the committee may be called at any time upon the written request of five or more members of the committee filed with the clerk of the committee.

1.4 In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C., and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the committee have made a request in writing to the chairman to call a meeting of the committee, and the chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the committee shall be open to the public except as provided in Senate Resolution 9, 94th Congress, 1st session.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all committee proceedings.

2.3 The chairman of the committee, or if the chairman is not present the vice chairman, shall preside over all meetings of the committee. In the absence of the chairman and the vice chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4 Except as otherwise provided in these rules, decisions of the committee shall be by majority vote of the members present and voting. A quorum for the transaction of committee business, including the conduct of executive sessions, shall consist of six committee members until that date of the sine die adjournment of the 1st session of the 95th Congress, and thereafter, shall consist of five committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the committee with respect to any measure or matter being considered by the committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the committee by roll call vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the committee may direct. The subcommittees shall be governed by the rules of the committee and by such other rules they may adopt which are consistent with the rules of the committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the committee unless a majority of the committee is actually present and a majority concur.

4.2 In any case in which the committee is unable to reach a unanimous decision, separate views or reports may be presented by any member of members of the committee.

4.3 A member of the committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the committee, nominations referred to the committee shall be held for at least 14 days before being voted on by the committee.

5.2 Each member of the committee shall be promptly furnished a copy of all nominations referred to the committee.

5.3 Nominees who are invited to appear before the committee shall be heard in public session, except as provided in rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the committee.

5.5 The committee vote on the confirmation shall not be sooner than 48 hours after the committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the committee unless at least five members of the committee have specifically requested the chairman or the vice chairman to authorize such an investigation. Authorized investigations may be conducted by members of the committee and/or by designated staff members.

RULE 7. SUBPENAS

Subpenas authorized by the committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the chairman, the vice chairman, or any member of the committee designated by the chairman, and may be served by any person designated by the chairman, vice chairman or member issuing the subpenas. Each subpenas shall have attached thereto a copy of Senate Resolution 400, 94th Congress, 2d session, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 Notice.—Witnesses required to appear before the committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 Oath or affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the committee.

8.3 Interrogation.—Committee interrogation shall be conducted by members of the committee and such committee staff as are authorized by the chairman, vice chairman, or the presiding member.

8.4 Counsel for the witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the committee of such fact. If the witness informs the committee of this fact at least 24 hours prior to his appearance before the committee the committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the clerk of the committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his appearance before the committee.

8.6 Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the chairman or other presiding member, and such ruling shall be the ruling of the committee unless a majority of the committee present overrules the ruling of the chair.

8.7 Inspection and Correction.—All witnesses testifying before the committee shall be given a reasonable opportunity to inspect, in the office of the committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the committee within 5 days from the date when the transcript was made available to the witness. Corrections shall

be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his expense.

8.8 Requests to Testify.—The committee will consider requests to testify on any matter or measure pending before the committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a committee member or a member of the committee staff may tend to affect adversely his reputation, may request to appear personally before the committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the chairman proposed questions in writing for the cross-examination of other witnesses. The committee shall take such action as it deems appropriate.

8.9 Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the committee to forward such recommendation to the Senate.

8.10 Release of Name of Witness.—Unless authorized by the chairman, the name of any witness scheduled to be heard by the committee shall not be released prior to, or after, his appearance before the committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof.

9.3 Each member of the committee shall at all times have access to all papers and other material received from any source. The staff director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other materials in the possession of the committee, and such registry shall be available to any number of the committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the committee, the clerk of the committee shall be notified. The clerk of the committee shall maintain a written record identifying the particular information transmitted and the committee or members of the Senater receiving such information.

9.5 Access to classified information supplied to the committee shall be limited to those committee members with appropriate security clearances and a need-to-know, as determined by the committee, and under the committee's direction, the staff director and minority staff director.

9.6 No member of the committee or of the committee staff shall disclose, in whole or in part or by a way of summary, to any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the committee in executive session, or the contents of any papers or other materials or other information received by the committee except as authorized by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

9.7 Before the committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the committee or the committee staff.

RULE 10. STAFF

10.1 For the purpose of these rules, committee staff means employees of the committee, employees of the members of the committee assigned to the committee, consultants to the committee, employees of other government agencies detailed to the committee, or any other person engaged by contract or otherwise to perform services for or at the request of the committee.

10.2 The appointment of committee staff shall be confirmed by a majority vote of the committee. After confirmation, the chairman shall certify committee staff appointments to the financial clerk of the Senate in writing.

10.3 The committee staff works for the committee as a whole, under the general supervision of the chairman and vice chairman of the committee. Except as otherwise provided by the committee, the duties of committee staff shall be performed, and committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the staff director. The minority staff director and the minority counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the committee.

10.4 The committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the committee and the Senate.

10.5 The members of the committee staff shall not discuss either the substance or procedure of the work of the committee with any person not a member of the committee or the committee staff for any purpose or in connection with any proceeding, judicial, or otherwise, either during his tenure as a member of the committee staff or at any time thereafter except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such a manner as may be determined by the Senate.

10.6 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence pursuant to section 6 of Senate Resolution 400 of the 94th Congress, 2d Session.

10.7 No member of the committee staff shall be employed by the committee unless and until such a member of the committee staff agrees in writing, as a condition of employment, to notify the committee or in the event of the committee's termination the Senate of any request for his testimony, either during his tenure as a member of the committee staff or at any time thereafter with respect to information which came into his possession by virtue of his position as a member of the committee staff. Such information shall not be disclosed in response to such requests except as directed by the committee in accordance with section 8 of Senate Resolution 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the committee, in such manner as may be determined by the Senate.

10.8 The committee shall immediately consider action to be taken in the case of any member of the committee staff who fails to conform to any of these rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the committee staff.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the chairman and the vice chairman, designated committee staff members shall brief members of the committee at a time sufficiently prior to any committee meeting to assist the committee members in preparation for such meeting and to determine any matter which the committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the committee that bear on matters to be considered at the meeting.

11.2 The staff director shall recommend to the chairman and the vice chairman the testimony, papers, and other materials to be presented to the committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the rules of the Senate and rules of the committee.

RULE 12. LEGISLATIVE CALENDAR

12.1 The clerk of the committee shall maintain a printed calendar for the information of each committee member showing the measures introduced and referred to the committee and the status of such measures; nominations referred to the committee and their status; and such other matters as the committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the committee.

12.2 Unless otherwise ordered, measures referred to the committee shall be referred by the clerk of the committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the committee or committee staff shall travel abroad on committee business unless specifically authorized by the chairman and vice chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the committee when travel is completed.

13.2 When the chairman and the vice chairman approve the foreign travel of a member of the committee staff not accompanying a member of the committee, all members of the committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in rule 13.1 shall be furnished to all members of the committee and shall not be otherwise disseminated without the express authorization of the committee pursuant to the rules of the committee.

13.3 No member of the committee staff shall travel within this country on committee business unless specifically authorized by the staff director as directed by the committee.

RULE 14. CHANGES IN RULES

These rules may be modified, amended, or repealed by the committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.●

NEW FEDERALISM

● Mr. BAUCUS. Mr. President, last month, the Bozeman Daily Chronicle in Montana published an interesting article by Dr. Krishna K. Tummala, director of the graduate program in public administration at Montana State University.

Dr. Tummala's opinion piece on New Federalism makes some important points about the solutions that are being proposed for our economic and governmental problems, and I commend it to my colleagues. I ask that this article be printed in the RECORD.

The article follows:

[From the Bozeman Daily Chronicle, Feb. 7, 1982]

"NEW FEDERALISM:" POLITICS TAKES PRECEDENCE

(By Krishna K. Tummala)

President Reagan gave his second State of the Union message the other day. The discerning audience must have been struck with the ideological consistency of the chief executive, just as they did not miss the several ironies. The very week of the centennial celebrations of FDR, the president proposed to turn him upside down. He proposed what he called the "new federalism," when in fact there is nothing new; it is a return to the old. The last budget is not yet in its place completely (it should have been by Oct. 1); yet the second one is being given, as required by law. And in all the proposals, politics took precedence.

The same Reagan who came to office promising a balanced budget came up with the largest ever deficit—nearly $100 billion. This makes good political sense. To cut the deficit, one has to either raise taxes or cut expenditures. Social expenditures had already been cut deeply, but no mention was made about the $1.5 trillion projected raise in defense expenditure over a five-year period; this rise is one and a half times the current national debt. A president who crusades against bureaucratic waste, fraud and mismanagement somehow has not much against the biggest bureaucracy, the Defense Department.

Not too long ago, a three-year tax break was voted upon by an acquiescing Congress at the behest of the president. And to seek a raise in those taxes (as argued by some of his own cabinet) would not only constitute reversal within a year, but also would go against the president's grain of thinking. More importantly, it would anger the electorate, particularly in an election year this is a risk one would not like to take. A normally somnambulist electorate pays little attention to the extent of deficit but will not forgive raises in taxes. Thus the president settled for the lesser of the political evils, forgetting his own credo that deficits are bad. Deficits, whether Democratic or Republican, should all be the same.

The president observed correctly that interest rates have come down to 15¾ percent but remain too high to be comfortable with. But the very same morning, Paul Volcker, chairman of the Federal Reserve Board, cautioned that unless the deficits are reduced, the run on available money would push interest rates up again. Also, in a competition between the public and private sectors for the limited supply of money, the public sector would win to the detriment of the private sector. And that would negate the president's own philosophical tenet of supporting business.

The president's tax policy (to put money back in the market) and the Federal Reserve's monetary policy (to restrict the supply of money with high interest rates) fly in each other's face. Yet the president does not wish to confront this and his aides claim that there are no plans to deal with the so-called recalcitrant but independent Federal Reserve chairman. This too is good politics. Currently keeping the distance, blame could be shifted later to the Federal Reserve if things do not go the way predicted.

It also was claimed correctly that inflation was brought down to 8.9 percent. All the credit is taken by the administration without explaining what role if any the bountiful farm production and the prevailing world oil glut played in this process. In fact, the president and Budget Director David Stockman even parenthetically lamented that this unexpected faster rate of reduction in inflation led to loss of good public revenues which only led to the higher projected deficits.

The current unemployment caused by recession, which they say has bottomed out, stands at a total of 9 million—equal to all the refugees in the world. In his last press conference, the president pointed to 24 pages of jobs in the Washington Post. And later when pressed hard, claimed that he was only referring to the need to retool and retrain people to fit into these job categories—all this within the context of the same administration that cut nearly two-thirds of all training programs, and 20,000 of the 30,000 jobs with the U.S. Employment Service.

Supply-side economics is not clearly defined, much less tested anywhere. In theory, as advocated by Jean Baptiste Say in France in the 19th century, supply would create its own demand. And now it is being said that tax cuts would lead to savings which would lead to investment and that should lead the economy to pick up. With new jobs thus created, the state would get more tax revenues, and then simultaneously would be relieved of spending on social assistance programs. This should bring down deficits and eventually lead to a balanced budget.

All this takes time, we are told. How long? No one knows. The same president who refuses to raise taxes, claiming that there are too many imponderables to believe that any such raises would reduce the extent of deficits, also claims with certainty the miraculous cure from supply-side economics. But the evidence so far seems to be actually to the contrary. There does not seem to be any raise in savings rate. Neither the savings and loan banks nor Wall Street are jumping with joy.

All these economic problems in fact took the back seat with the emphasis on "new federalism." While it may be too much to say that this is a diversionary tactic that the administration took to cover up the failure of their economics, it certainly grabbed the headlines, and also created some serious doubts.

This new federalism is based upon two corollary principles that are time-worn: reduce federal role and transfer of power back to the states. The president proposed to transfer nearly $47 billion worth of federal programs to the states with means to finance them. Federal government will take over completely the Medicaid program and the states would get the Food Stamp and Aid to Families with Dependent Children programs. This swap will also be accompanied by a "financially equal swap" of excise duties.

A $28 billion-a-year Grass Roots Trust Fund will be created from which the states get their revenues, and will also have the freedom to operate the current social assistance programs or go for altogether new ones. Theoretically, this put power and money where it belongs—the states, according to the Republican president. A transition period of 10 years is advocated and the programs would start, if passed by the Congress, only in 1983. All this might be good for the federal government. Certainly the president would have shown that he sheared the federal government of its powers and reduced its size as well as role.

But is it necessarily good for the states? Most certainly, it is not milk and honey for the poor, needy and the disabled who could get the short end of the stick with this commonly known "shift and shaft" policy.

One need only be reminded historically that several of these social assistance programs were put in place by the federal government because the states had not or could not provide them. Also there was the paramount need of providing some uniform services to the needy. Only 18 of the states do not have any limitations as to how long their legislatures shall meet. Others limit the sessions, just as Montana does, to 90 days in a biennium. This places a rather heavy decisionmaking burden on the states. Surely, the current proposed swap would enhance their power, and there is no guarantee that once again "boss-rule" and "machine-politics" do not become the rule. Indeed, it may not lead to any further bureaucratic growth in the states which had already seen a near 215 percent growth since 1949. Most of these federal programs after all are currently being administered by the states and local bureaucracies.

Surely it would necessitate their consolidation and demand professional performance. But once the state legislators start deciding upon what social assistance programs

they would like to provide, based upon their parochial considerations, some states would offer more and the others less. Thus a possible uneven treatment might result in social tensions. This could result in migratory population which might result in states creating artificial boundaries. National goals would suffer. One needs only to remember the examples of voting and civil rights without federal intervention.

On top of all this, there is the continuing problem the cities have with the states, and the rural-urban chasm might widen. Thus there appear to be several imponderables here, and not many a governor or mayor is thrilled at this as of now. Some of them may even consider this as passing the buck. Could it also be that the bigger government is taken off the backs of people, only to be replaced by smaller ones?

The constant barrage that government regulations are bad, government expenditures should be cut, and government should be taken of the backs of the people, is not going to improve the low trust that people have in government. It might even encourage less participation and minimum respect for law. A more positive reinforcement would be useful in a participatory democracy.

The true believer argues that once the private sector is supported, all will be well in that riches would eventually flow downward. While incentives to and contribution by the entrepreneur towards the society's well-being are accepted, one might question the argument that the poor and the needy shall be left at the mercy of the former and that the society has no obligation towards the "huddled masses" or if at all it shall be the minimum. Compassion is the casualty here. This type of thinking would lead to social tensions and clevage which would be terribly dysfunctional in the ultimate analysis.

The Office of Economic Cooperation and Development came up with three different scenarios regarding the future of the world. And the first is the one which gives priority for growth by limiting public spending, reducing government regulations and minimizing the distributional transfers within the society (i.e., programs for re-distribution of wealth). They also conclude that this would aggravate inequality within the society and would lead to social tensions. In other words, stability would be threatened. Current administration economic policies seem to be headed that way, and their social policies do not support any contrary view.

And what have the Democrats got as an alternative? Practically nothing as is evident from their response to the president's message, which was prepared prior to the president's speech and replete with all the platitudes, political slogans and cliches. It is about time that they came up with something more original and constructive.●

RULES OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS

● Mr. ROTH. Mr. President, I submit for the RECORD the rules of the Committee on Governmental Affairs, in accordance with the requirements of rule XXVI of the Standing Rules of the Senate.

The rules are as follows:

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENTAL AFFAIRS PURSUANT TO RULE XXVI, SEC. 2, STANDING RULES OF THE SENATE

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. Meeting dates. The committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

B. Calling special committee meetings. If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Rule XXVI, Sec. 3, Standing Rules of the Senate.)

C. Meeting notices and agenda. Written notices of committee meetings, accompanied by an agenda, enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements or committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. Open business meetings. Meetings for the transaction of committee or subcommittee business shall be conducted in open session, except that a meeting or portions of a meeting may be held in executive session when the committee members present, by majority vote, so determine. The motion to close a meeting, either in whole or in part, may be considered and determined at a meeting next preceding such meeting. Whenever a meeting for the transaction of committee or subcommittee business is closed to the public, the chairman of the committee or the subcommittee shall offer a public explanation of the reasons the meeting is closed to the public. This paragraph shall not apply to the Permanent Subcommittee on Investigations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

E. Prior notice of first degree amendments. It shall not be in order for the Committee, or a subcommittee thereof, to consider any amendment in the first degree proposed to any measure under consideration by the Committee or subcommittee unless a written copy of such amendment has been delivered to each member of the Committee or subcommittee, as the case may be, and to the office of the Committee or subcommittee, at least 24 hours before the meeting of the Committee or subcommittee at which the amendment is to be proposed. This subsection may be waived by a majority of the members present. This subsection shall apply only when at least 72 hours written notice of a session to mark up a measure is provided to the committee.[1]

F. Agency comments. When the Committee has scheduled and publicly announced a markup meeting on pending legislation, if executive branch agencies, whose comments thereon have been requested, have not responded by the time of the announcement of such meeting, the announcement shall include the final date upon which the comments of such agencies, or any other agencies, will be accepted by the Committee.[1]

RULE 2. QUORUMS

A. Reporting legislation. Nine[2] members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.)

B. Transaction of routine business. Six members of the committee shall constitute a quorum for the transaction of routine business, provided that one member of the minority is present.[3]

For the purpose of this paragraph, the term "routine business" includes the convening of a committee meeting and the consideration of legislation pending before the committee and any amendments thereto, and voting on such amendments.[4] (Rule XXVI, Sec. 7(a)(1), Standing Rules of the Senate.

C. Taking sworn testimony. Two members of the committee shall constitute a quorum for taking sworn testimony: Provided, however, That one member of the committee shall constitute a quorum for such purpose, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXVI, Sec. 7(a)(2), Standing Rules of the Senate.)

D. Taking unsworn testimony. One member of the committee shall constitute a quorum for taking unsworn testimony. (Rule XXVI, Sec. 7(c)(2), Standing Rules of the Senate.)

E. Subcommittee quorums. Subject to the provisions of sections 7(a) 1 and 2 of Rule XXVI of the Standing Rules of the Senate, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. Quorum required. No vote may be taken by the committee, or any subcommittee thereof, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. Reporting legislation. No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Rule XXVI, Sec. 7(a) (1) and (3), Standing Rules of the Senate.)

[1] Amended October 1, 1975.
[2] Amended February 4, 1977.
[3] Amended February 4, 1977.
[4] Amended November 7, 1973.

C. Proxy voting. Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member establishes his vote to be recorded thereon. (Rule XXVI, Sec. 7(a)(3) and 7(c)(1), Standing Rules of the Senate.)

D. Announcement of vote. (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such a measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Rule XXVI, Sec. 7(c), Standing Rules of the Senate.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at the meeting. (Rule XXVI, Sec. 7(b), Standing Rules of the Senate.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy vote recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Rule XXVI, Sec. 7(b) and (c), Standing Rules of the Senate.)

RULE 4. CHAIRMANSHIP OF MEETINGS AND HEARINGS

The chairman shall preside at all committee meetings and hearings except that he shall designate a temporary chairman to act in his place if he is unable to be present at a scheduled meeting or hearing. If the chairman (or his designee) is absent ten minutes after the scheduled time set for a meeting or hearing, the senior Senator present of the chairman's party shall act in his stead until the chairman's arrival. If there is no member of the chairman's party present, the senior Senator of the committee minority present shall open and conduct the meeting or hearing until such time as a member of the majority enters.[5]

RULE 5. HEARINGS AND HEARING PROCEDURES

A. Announcement of hearings. The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Rule XXVI, Sec. 4(a), Standing Rules of the Senate.)

B. Open hearings. Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness or any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Rule XXVI, Sec. 5(b), Standing Rules of the Senate.)

C. Radio, television, and photography. The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Rule XXVI, Sec. 5(c), Standing Rules of the Senate.)

D. Advance statements of witnesses. A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Rule XXVI, Sec. 4(b), Standing Rules of the Senate.)

E. Minority witnesses. In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the minority to call witnesses of their selection during at least one day of such hearings. (Rule XXVI, Sec. 4(d), Standing Rules of the Senate.)

RULE 6. COMMITTEE REPORTS

A. Timely filing. When the committee has ordered a measure or recommendation reported, following final action the report thereon shall be filed in the Senate at the earliest practicable time. (Rule XXVI, Sec. 10(b), Standing Rules of the Senate.)

B. Supplemental, minority, and additional views. A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Rule XXVI, Sec. 10(c), Standing Rules of the Senate.)

C. Draft reports of subcommittees. All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. Cost estimates in reports. All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Rule XXVI, Sec. 11(a), Standing Rules of the Senate.)

RULE 7. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. Regularly established subcommittees. The committee shall have eight regularly established subcommittees. The subcommittees are as follows: Permanent Subcommittee on Investigations; Intergovernmental Relations; Governmental Efficiency and the District of Columbia; Civil Service, Post Office, and General Services; Federal Expenditures, Research, and Rules; Oversight of Government Management; Energy, Nuclear Proliferation, and Government Processes; Congressional Operations and Oversight.

B. Ad hoc subcommittees. Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. Subcommittee membership. Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. Subcommittee meetings and hearings. Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. Subcommittee budgets. Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day of February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification; addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities, (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (a) the funds authorized for expenditure during the preceding year, (b) the funds actually expended during that year, (c) the amount requested for the current year, and (d) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Rule XXVI, Sec. 9, Standing Rules of the Senate.)

RULE 8. CONFIRMATION STANDARDS AND PROCEDURES

A. Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The Committee shall recommend confirmation, upon finding that the nominee has the nec-

[5] Adopted December 9, 1974.

essary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

B. Information Concerning the Nominee. As a requirement of confirmation, each nominee shall submit on forms prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment and achievements;

(2) A financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee, such as a proposed blind trust agreement.

At the request of the Chairman or the Ranking Minority Member, a nominee shall be required to submit a certified financial statement compiled by an independent auditor.

Information received pursuant to this subsection shall be made available for public inspection; provided, however, that tax returns shall, after review by persons designated in subsection (C) of this rule, be placed under seal to ensure confidentiality.

C. Procedures for Committee Inquiry. The Committee shall conduct an inquiry into the experience, qualifications, suitability and integrity of nominees, and shall give particular attention to the following matters:

(1) A review of the biographical information provided by the nominee, including any professional activities related directly to the duties of the office to which he or she is nominated;

(2) A review of the financial information provided by the nominee, including tax returns for the three years preceding the time of his or her nomination;

(3) A review of any actions, taken or proposed by the nominee, to remedy conflicts of interest; and

(4) A review of any personal or legal matter which may bear upon the nominee's qualifications for the office to which he or she is nominated.

For the purpose of assisting the Committee in the conduct of this inquiry, a Chief Investigator shall be designated by the Chairman and a Minority Investigator shall be designated by the Ranking Minority Member. The Chairman, Ranking Minority Member, and the designated Investigators shall have access to all investigative reports on nominees prepared by any Federal agency, including the Federal Bureau of Investigation. The Committee may request the assistance of the General Accounting Office in conducting an audit of financial information provided by nominees.

D. Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee shall be submitted to the Chairman and the Ranking Minority Member. The report shall detail any unresolved or questionable matters that have been raised during the course of the inquiry. Copies of all relevant documents and forms, except any tax returns, submitted pursuant to subsection (B) shall be attached to the report. The report shall be kept in the Committee office for the inspection by Members of the Committee.

E. Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she will pursue while in that position. No hearing shall be scheduled until at least 72 hours after the following events have occurred: the nominee has responded to pre-hearing questions submitted by the Committee; and the report required by subsection (D) has been submitted to the Chairman and Ranking Minority Member, and is made available for inspection by Members of the Committee.

F. Action on Confirmation. A mark-up on a nomination shall not occur on the same day that the hearing on the nominee is held. In order to assist the Committee in reaching a recommendation on confirmation, the staff shall make an oral presentation to the Committee at the mark-up, factually summarizing the nominee's background and the steps taken during the pre-hearing inquiry.

G. Application. The procedures contained in subsections (C), (D), (E), and (F) of this rule shall apply to persons nominated by the President to positions requiring their fulltime service. At the discretion of the Chairman and Ranking Minority Member, those procedures may apply to persons nominated by the President to serve on a part-time advisory basis.●

TOBACCO: A POLICY OF CONTRADICTION

● Mr. MITCHELL. Mr. President, the Surgeon General recently made public his annual report on smoking and health. Once again its release brings to mind a contradiction in the direction and use of Federal funds which is caused by one hand of Government subsidizing the production of tobacco, while another hand warns against the dangers associated with its use.

Since the early 1930's, the Government has conducted a Federal price support program for the production of tobacco. The program grew out of depression-era farm policies and is not unlike that provided for the production of other farm commodities. Since its inception, the program has directly cost approximately $57 million. It is estimated that interest absorbed by the Department of Agriculture in tobacco price support loans has cost $600 million.

Since 1964, on the other hand, the Government has taken pains to publish an annual report on the relationship between smoking and health. Each year, the report has made findings increasingly irrefutable and alarming. It has documented in stark terms a relationship between smoking and ill health.

Take, for example, this year's report, which highlighted the relationship between smoking and a single category of disease—cancer. The report stated that smoking will be responsible for nearly one-third of the Nation's 430,000 cancer deaths.

Of the more than 90,000 annual deaths from lung cancer, approximately 85 percent are due to cigarettes. The report says that lung cancer may soon surpass breast cancer as the No. 1 cancer killer among women.

The report cited cigarette smoking as a major cause of death from cancer of the lung, esophagus, larynx, and oral cavity.

It called smoking a contributory factor to bladder, kidney, and pancreatic cancers, and said that smokers have higher than normal death rates from cancer of the stomach and of the uterine cervix.

As a result of the contents of reports like this one, and of the public's growing awareness, the National Clearinghouse on Smoking and Health was established in 1966. That office was later incorporated in 1978 into the Department of Health, Education, and Welfare under a new name, the Office of Smoking and Health. These offices have conducted the Federal Government's extensive antismoking campaign for the past 16 years. Under the auspices of these two offices the Federal Government has spent more than $33 million to attempt to dissuade Americans from using tobacco.

It is difficult to find the logic in our Government's schizophrenic policy on tobacco. It is difficult to find the reason behind the same Government spending more than $57 million helping farmers produce tobacco, while at the same time spending more than $33 million attempting to dissuade Americans from using it. It might be different if the Surgeon General's annual reports showed decreases in the danger of smoking. But unfortunately, each successive report has shown a link between smoking and disease that is increasingly grim and convincing.

To make matters worse, the present administration has chosen to carry the contradiction a step further. Not only does the President's 1983 budget continue the tobacco price support program; in addition, although the Surgeon General's report makes an indisputable argument that the effects of smoking are more deadly than ever, the Reagan administration has cut the budget of the Office of Smoking and Health by an estimated 27 percent. The staff has been cut by 40 percent. Suddenly, it appears, the Reagan administration decided that the American public needs less information on the growing dangers of tobacco use, while at the same time it has decided that tobacco price supports were still essential.

Each time the Surgeon General's report is published, the offensive paradox of our Government policies toward tobacco production and tobacco use becomes more evident. The argument, which has often been made by tobacco interests and was made recently by the Surgeon General, that one policy does not contradict the other, belies the wider social implications of such a paradox in Government policy. Our Government has supported a product whose use has been inexorably tied to cancer.

It is time we put an end to this policy of contradiction. The Federal

price support program for the production of tobacco should be ended.●

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

● Mr. SIMPSON. Mr. President, paragraph 2 of rule XXVI of the Standing Rules of the Senate requires each standing, select, or special committee of the Senate, at the beginning of each session, to publish in the CONGRESSIONAL RECORD the rules the committee has adopted to govern procedures within the committee.

On January 28, 1982, the Senate Committee on Veterans' Affairs met in open session and unanimously adopted the committee's rules of procedure. I insert the rules of the Committee on Veterans' Affairs at this point in the RECORD.

The rules are as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

I. Meetings—(a) Unless otherwise ordered, the committee shall meet on the first Wednesday of each month. The chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the committee or a subcommittee shall be open to the public.

(c) The chairman of the committee or of a subcommittee, or the vice chairman in the absence of the chairman, or the ranking majority member present in the absence of the vice chairman, shall preside at all meetings.

(d) No meeting of the committee or any subcommittee shall be scheduled except by majority vote of the committee or by authorization of the chairman of the committee.

(e) The committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the committee shall immediately notify such designated office.

II. Quorums—(a) Subject to the provisions of paragraph (b), seven members of the committee and four members of a subcommittee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the committee or a subcommittee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a committee or subcommittee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. Voting—(a) Votes may be cast by proxy. A proxy may be written or oral, and may be conditioned by personal instructions. A proxy shall be valid only for the day given except that a written proxy may be valid for the period specified therein.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question on which a "yea" and "nay" vote is requested.

IV. Subcommittees—(a) No member of the committee may serve on more than two subcommittees. No member of the committee shall receive assignment to a second subcommittee until all members of the committee, in order of seniority, have chosen assignments to one subcommittee.

(b) The committee chairman and the ranking minority member shall be ex officio nonvoting members of each subcommittee of the committee.

(c) Subcommittees shall be considered de novo whenever there is a change in committee chairmanship and, in such event, subcommittee seniority shall not necessarily apply.

(d) Should a subcommittee fail to report back to the committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and so notify the committee for its disposition.

V. Hearings and Hearing Procedures—(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the committee or a subcommittee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcement of the date, place, time, and subject matter of such hearing.

(c) The committee or a subcommittee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the committee not later than 48 hours prior to the witness' scheduled appearance unless the chairman and ranking minority member determine there is good cause for failure to do so.

(d) The presiding officer at any hearing is authorized to limit the time allotted to each witness appearing before the committee or subcommittee.

VI. General—All applicable requirements of the Standing Rules of the Senate shall govern the committee and its subcommittees.

VII. Presidential Nominations—Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

VIII. Naming of Veterans' Administration facilities—It is the policy of the committee that no Veterans' Administration facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who was instrumental in the construction or the operation of the facility to be named,

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility, or

(3) an Administrator of Veterans' Affairs, or a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. Amendments to the Rules—The rules of the committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.●

TECHNOLOGY TRANSFER: A NATIONAL SECURITY CHALLENGE

● Mr. GARN. Mr. President, the Polish crisis gives us an opportunity to focus on several key national security related matters. Chief among these issues are the questions of western trade and credit policies with respect to the Soviet Union and the countries of Eastern Europe.

In this regard, two articles were brought to my attention during the month of January which address some of the fundamental trade and credit policy decisions facing us today and in the years ahead. In the event that my colleagues have not had the opportunity to review these articles, I wanted to offer them up for their consideration. The first, by Dr. Juliana Geran Pilon of the Heritage Foundation, addresses the weaknesses in U.S. strategic trade policy and suggests policy measures for preserving our technological advantage over the Soviets. The second is a brief statement by Secretary of Defense Weinberger stressing the need for a fundamental reevaluation of our technology control system.

Mr. President, I would strongly encourage my colleagues to take the time to read these fine analyses, and I ask that they be printed in the RECORD.

The articles follow:

[From the Heritage Foundation, Jan. 2, 1982]

STRATEGIC TRADE WITH MOSCOW: U.S. LEVERAGE IN THE POLISH CRISIS

(By Juliana Geram Pilon, Ph.D.)

INTRODUCTION

Twice within a week, President Ronald Reagan announced measures designed to encourage the lifting of repression in Poland. In his pre-Christmas address to the nation, the President imposed sanctions on the military junta now ruling Poland. Then in a December 29 statement, Reagan pointed the finger of accusation directly at Moscow, saying that "the Soviet Union bears a heavy and direct responsibility for the repression in Poland."

Because of the continuing and, it seems, mounting Soviet role in suppressing Polish freedom, the President imposed seven immediate ecomonic and technology sanctions on the U.S.S.R. and concluded with the warning that he "will be watching events in Poland closely in coming days and weeks. Further steps may be necessary, and I will be prepared to take them."

The White House is correct in concentrating on America's economic and technological leverage—it is surely the most powerful means available to influence Soviet behavior.[1] Economic and technological ties with the Communist bloc, moreover, are matters requiring intensive review—even without the Polish crisis. The events of the past month, however, give the Administration a compelling reason to examine carefully the policy of U.S. trade with Moscow. It is clear that the West, and the U.S. in particular, needs to maintain "technological lead-time," or qualitative superiority, to compensate at least in part for Soviet quantitative advantages in key defense areas. Dr. Ellen C. Frost, Deputy Assistant Secretary for International Economic Affairs at the Department of Defense, explained:

"To the extent that we can delay the acquisition by adversary nations of . . . vitally important technologies and their associated end products by placing controls on exports, we are serving a very important national defense interest. The key concept is the preservation of precious lead time." [2]

The Soviet invasion of Afghanistan two years ago—an event condemned even by the U.N. General Assembly, a body whose sympathies do not usually lie with the U.S.—prompted former President Carter to tighten U.S. trade with the Soviet Union. President Reagan has been working to define U.S. trade policy with the Soviet bloc since he took office in January of 1981. On September 16, 1981, Assistant Secretary of Commerce for Trade Administration Lawrence J. Brady told the Subcommittee on International Economic Policy of the Senate Committee on Foreign Relations that the Administration was conducting a careful review of this policy. Even before the events in Poland, Brady stated his own conclusion: "Our feeling is, based on the policy review, that we may have to tighten strategic trade controls on goods and technology which can upgrade Soviet production in areas relevant to [Soviet] military strength," in order "to protect our national security interests."

TIGHTENING THE LAX SYSTEM

The present system of trade with the members of the Warsaw Pact is, indeed, seriously lax. In view of the situation in Poland, and in terms of U.S. long-range security interests, measures could be taken to preserve the U.S. technology advantage and deny Moscow the benefits of Western innovations. Among the measures available to the President are:

(1) Determining what items are especially significant strategically to the Soviet Union.[3] The current licensing system is hopelessly flawed. Licensing criteria, for example, are open to judgment and analysis on the part of licensing officers.[4] Delayed budgeting, understaffing, inefficiency, and lack of coordination, moreover, make the Export Administration office at the Commerce Department "one of the most controversial, ill-mannered, and frustrating programs in Washington." [5] The current lists of "critical" technologies are highly deficient: many items that have clear strategic implications, such as trucks and pipeline equipment,[6] must be included. A more sophisticated approach to the development of an adequate list of items not to be sold to the Communist bloc is needed. Hence, the President's intention to expand the list of oil and gas equipment in need of licensing is a step in the right direction.

(2) Preventing the flood of "information leaks" to Soviet students and other Soviet representatives. In 1979 alone, over a thousand Soviet business people and over eight thousand East European business visitors, scientists, industrialists, all essentially unsupervised by American intelligence, obtained information from U.S. industries. Besides documented cases of espionage and theft, the Soviet Union has also used student exchange Programs to obtain valuable technical information from the U.S.[7] These leaks are dangerous. When the President reviews U.S.-Soviet science and technology exchange agreements, he must look very carefully at the entire spectrum of information exchanges.

(3) Rejuvenating the International Coordinating Committee (COCOM), composed of the NATO nations (excluding Iceland, but including Japan). COCOM was formed in 1950 to set a control policy for trading with the Soviet Union.[8] Western leaders agreed at the Ottawa Summit in July 1980 to "consult to improve the present system of controls on trade and strategic goods and related techology with the U.S.S.R." This commitment should involve closer coordination of national licensing procedure and greatly expanded enforcement efforts. At the COCOM meetings scheduled for the end of this month, especially in light of the Polish situation, President Reagan is expected to press for more determined European moves to tighten strategic trade with the Soviet Union. He should do the same when he meets with the members of the Tripartite Commission, a mechanism formed at the Ottawa summit, which serves as a new forum for U.S., Japan, and the European Economic Community to deal with steel, autos, high technology products, services, investments, subsidies, dumping, and other areas of conflict in East-West trade relations.

(4) Limiting sharply U.S. requests for exceptions to the COCOM list. In the past decade particularly, American requests for exceptions have skyrocketed, soaring from 1.6 percent in 1962 to 25.6 percent in 1970, and to a staggering 62.5 percent in 1978.[9] Given that the COCOM list is already rather lax because of relatively more "liberal" European attitudes toward East-West trade, this not only suggests an overly eager U.S. desire for trade at the expense of national (and, in general, Western) security, it also belies the argument that "foreign availability" would deny the U.S. lucrative trade opportunities with the U.S.S.R.

(5) Developing an adequate system of determining—accurately and convincingly—"foreign availability." No such system is currently available.[10] For example, "A Foreign Availablility Assessment for the Semiconductor, Electronic Components and Instrumentation Industries," a study by a private research group submitted to the Department of Commerce on August 29, 1980, concludes that "a system for making foreign availability assessments during the decade of the 1970's did not exist and such assessments were made on an ad-hoc basis." Moreover, the report said that interviews with government administrators and industry representatives indicated that determination of foreign availability was not a significant factor in reaching decisions on export licensing cases. The U.S. still has the competitive edge over other Western producers in several areas, such as computers, machine tools, radar components, jet engines, sattellite reconnaissance systems, and a myraid of seismic tools for oil exploration, of which underwater listening devices are the most sensitive.[11] But even in many areas where the U.S. appears not to have a competitive edge, a thorough study of actual foreign availability, which must take into consideration comparability in quality as well as production rates, will reveal that the U.S. is in a superior bargaining position.[12]

(6) Developing a workable plan of reciprocation. Short of a total economic embargo, it would seem expeditious to develop a system of exchange whereby strategic materials—some of which are available in the U.S.S.R.—could be obtained by way of payment for American goods.[13]

(7) Developing a cautions credit policy that would jeopardize as little as possible the strategic interests of the U.S. At present, there is a serious repayment problem. The $27 billion Polish debt to the West is especially alarming and default could cause enormous problems for the Western banking system. The total Warsaw Pact debt to the West, according to CIA estimates, is nearly $80 billion. These debts give the U.S.S.R. tremendous political leverage, which would be aggravated even further by increased Western dependence on Soviet oil.

(8) Continuing a firm policy on U.S. involvement in the Siberian pipeline project currently under negotiation with the Western nations. Both the House and Senate (the former on July 21, 1981, the latter on October 7, 1981), have voted[13a] on resolutions disapproving U.S. participation in the Soviet Yamal natural gas pipeline. These resolutions urge U.S. congressmen to support the President in his efforts to establish allied cooperation in developing alternative Free World energy sources. The President's decision on December 29 to stop the sale of pipeline equipment indicates that he recognizes the seriousness of the issue.

(9) Establishing a uniform U.S. trade policy for the Communist bloc. Present technology leakage through Eastern Europe—a result of applying the January 1980 trade embargo only to the Soviet Union—is dangerous and self-defeating.[14]

(10) Coordinating an information and public relations campaign explaining the details of the U.S. position so that the American public, as well as the European community, understands the principles behind the policy and sees its relevance to recent Soviet actions. The support of Senators Jesse

Footnotes at end of article.

Helms of North Carolina and Strom Thurmond of South Carolina, together with the strong backing of AFL-CIO President Lane Kirkland, should prove useful in this effort.

(11) Reconsidering the bill introduced by Senator Jake Garn of Utah on September 24, 1980, calling for a separate Office of Strategic Trade to administer the export administration system mandated by the Export Administration Act of 1979. Passage of this bill would assure that export control responsibilities within the government would be consolidated, and procedures would be established for assuring the U.S. foreign trade would be carried out with the security of the U.S. firmly in mind. For example, the Office would be staffed with well-trained technical personnel able to make the complex analyses required by the Act of 1979. It is likely that the bill will be reintroduced in February 1982.

A HISTORY OF HELPING THE RUSSIANS

Adopting these recommendations would impose a stiff penalty on Moscow for its behavior in Poland. It would also go a long way to remedy the deplorable practice of the U.S.—and the West—of providing the Soviets with valuable military technology which certainly has helped build today's threatening Soviet arsenal. Legally and illegally,[15] U.S. businessmen have been supplying the Soviet military with sophisticated technology and equipment for years. Usually on credit—at times from the Ex-Im Bank, the U.S. government agency originally set up to finance trade with the U.S.S.R.—the products of American high technology research have been flowing to the Communist bloc. This bolsters Soviet military capabilities, which then must be countered by the U.S.—at great cost to the American taxpayer. For example, the Zil truck plant, which manufactures military vehicles such as missile launchers and armored personnel carriers, was built with the help of the U.S., which provided almost $13 million worth of computers and spare parts. And the American contribution to the Kama River plant—which produced trucks found in Afghanistan—was, by conservative estimates, $500 million. (Actually, Kama River is manufacturing not only 10-ton multiple-axle heavy duty trucks but also armored personnel carriers, heavy assault artillery, rocket launchers, and dual-use transport vehicles.)

Such sales have a negligible impact on the U.S. balance of trade: in 1979, for example, before the Carter embargo, total American sales to the U.S.S.R. amounted to no more than 2 percent of all U.S. exports, of which no more than .05 percent involved high technology goods. Yet the strategic significance may be great enough to justify Washington's violation of the principle of free trade.

The case of government control of East-West trade deserves careful assessment. A good many economists, even those who concede that our defense budget might be lower if the Soviets were denied access to Western technology, are nevertheless opposed to any U.S. embargoes on the ground that free trade, as a rule, is the only sound policy. If Washington does not sell, so the argument goes, European competitors will, and the U.S. will lose a lucrative market. In fact, however, in many areas, the U.S. still enjoys a monopoly.

Potentially strategic Western and U.S. trade with the Soviet Union is almost as old as the Bolshevik revolution itself. Indeed, it took Lenin no more than two years to conclude that "one cannot be satisfied with the collapse of capitalism. It is necessary to take all its science, technology. Without that," he wrote, "we will not be able to build Communism."

As soon as he realized that his economic policies were not working, Lenin started luring capitalist businessmen—a policy continued by Stalin. And the U.S. was eager to cooperate. The famous five-year plan of 1928-33, still thought by many to have been a remarkable Soviet Achievement, was very much the product of American management and engineering. Stalin himself acknowledged this in 1944 when he told the president of the U.S. Chamber of Commerce that two-thirds of the large industrial projects in the Soviet Union had been built with American assistance. Antony Sutton's exhaustive three-volume study, Western Technology and Soviet Economic Development (published by the Hoover Institution in 1968, 1971, and 1973), conclusively demonstrates the staggering extent of the U.S. contribution to its main adversary's present might.

By 1949, when the U.S. passed the Export Control Act restricting trade with the U.S.S.R., the Soviets had benefited immensely from the extravagant U.S. war-time venture called Lend-Lease. Under this arrangement, the Soviets received $2.6 billion worth of American non-military goods, plus $8.5 billion in military hardware, including $1.25 billion of the latest American industrial equipment. (This was in addition to more than $10 billion worth of industrial and military equipment dismantled in Germany and shipped to the U.S.S.R. in what has been called "the greatest and most systematic looting of any defeated country in the history of the war."[16]) The U.S. is still waiting for the Soviet Union to pay its Lend-Lease debt.

Broken contracts, disrupted operating and export plants, and rejected invoices followed during the Stalinist regime; still Western businessmen were not discouraged. Thus Khrushchev's predictable realization that he too needed Western technology was greeted by many capitalist businessmen with undisguised enthusiasm. When the Soviet leader announced in 1959 that the U.S.S.R. would buy whole factories, U.S. businessmen started supplying designs and specifications, process technology, engineering capability, equipment, as well as startup and training programs. Some fifty complete chemical plants were ordered from the West between 1959 and 1961.

Many of the chemical plants built then and in the later sixties had direct military applications. Fertilizer plants, for example, are easily adapted to produce explosives—a fact well known at the time, though the U.S. nevertheless continued to supply the Soviets with the needed equipment. In one instance, less than a year after the Cuban missile crisis, there were congressional warnings against the military implications of selling to the Soviets $10 million worth of potash mining equipment by the Joy Manufacturing Company of Pittsburgh. Ignoring the warnings, Congress approved not only that deal but also a series of ten fertilizer plants arranged by Armand Hammer's Occidental Petroleum Corporation.

One important restraint, at least, was imposed in 1961. President John F. Kennedy barred the export of ball-bearing machines produced by the Bryant Chucking Corporation of Vermont, on the ground of strict national security. The Soviets waited patiently, convinced that the U.S. would eventually succumb to pecuniary temptation. This persistence was rewarded in 1972: President Nixon, at the advice of Henry Kissinger, approved the deal. As warned, the ball-bearing equipment soon was being used by the Soviet military. Four years later, Defense Intelligence officials informed Congress that the bearings could "now be used in the guidance equipment of Soviet missiles." This sale has turned out to be one of the most important decisions of the Nixon Administration.[17]

Shortly after the Republican victory in 1968, Congress liberalized the Export Control Act, making it much easier to trade with the Soviets; by the time of the 1979 Afghan invasion, the list of strategic items which the U.S. was selling the Russians had become truly staggering. According to Lawrence Brady, during the past ten years the U.S. sold the Communists semiconductors, array transform processors, computers, machine tools, chemical processes, and turnkey projects combining non-strategic and strategic technology. Some specific examples: an RB-211 turbofan engine, suitable for bombers (developed with $300 million in U.S. government research and development grants), bought by the Soviet Union from Lockheed; technology sold by Litton Industries now being used to help Soviet planes and ships track American submarines; a 110/10C Sperry-Univac computer, personally approved for sale by Carter in 1978, now being used by the Soviets to improve their Backfire bomber; and space suits that cost the U.S. taxpayer about $20 million apiece to develop have been sold the Russians for a mere $150,000 each.

In the face of such evidence, how could Washington even consider continuing to sell strategic goods to the Kremlin? One rationale is accepted even by some conservatives; they believe the old argument that if the U.S. does not sell the item to Moscow, then someone else will, and that embargoes are therefore useless.

THE FOREIGN AVAILABILITY ARGUMENT

In the first place, the data base for deciding whether goods are available from a non-U.S. source are, according to Lawrence Brady and other experts, often "weak to nonexistent." Indeed, the chief offender in seeking waivers of the general Western embargo (known as COCOM) against strategic traffic with the Communists has been the U.S. rather than its allies. Specifically, in 1962, the U.S. made only 1.6 percent of the 124 requests for exceptions, but by 1978, U.S. exception requests had escalated to 62.5 percent out of a total 1050.

The Soviets, moreover, often prefer to do business with U.S. giants like IBM and Control Data, sometimes even when a European competitor offers them a lower price. Marshall Goldman points out in his 1975 study, Defense & Dollars: Doing Business with the Soviets, that in such cases as the Kama River truck plant the Russians were set on having America help them build it; they felt that American equipment and engineering were the best available and they wanted top quality, regardless of the cost. In addition, discussions with Soviet officials always leave the impression that Russians are mesmerized by size, and only the U.S. comes close to matching the size of the Soviet market. Still more important is the fact that in many cases—such as the Bryant precision bearings, the space suits, and, at present, many types of computers—the U.S. produces the best equipment in the world. The national computer industries of West Germany, Great Britain, France, and Italy trail the U.S. firms. (Moreover, the Soviet Union may well have trouble adapting to changes in

technology if it shifted exclusively to European suppliers.)

The foreign availability argument is so thin at times that it raises serious suspicions about its validity when applied in other, less easily verifiable instances. Carter used it, for example, in the summer of 1978 to justify his approval of a controversial sale by Dresser Industries of a $144 million turnkey plant for the manufacture of deep-well oil drilling equipment, even though a Defense Science Board task force headed by Texas Instruments President J. Fred Bucy had declared categorically that the technologies involved were "solely concentrated in the United States." Senator Henry Jackson charged that Carter had simply succumbed to Commerce Department and Dresser Industries pressures and ignored opposition by a National Security Council task force. Indeed, the Dresser sale included a computerized electronic beam welding machine that can be used to manufacture jet aircraft and has nuclear as well as laser applications.

The evidence indicates that no accurate and convincing system of determining "foreign availability" exisits as yet. In his testimony before the Permanent Subcommittee on Investigations of the Committee on Government Affairs, Lawrence Brady said on February 20, 1980:

"[A]n arbitrary selection of fifty consecutive national security cases from 1978 reviewed by my Special Assistant, Page Bryan, in response to a Freedom of Information request, revealed a recommendation of approval in every instance by the Commerce Department. Nearly three-fourths of the approvals were recommended primarily on the evidence of foreign availability. *No sources for the data used to assess foreign availability are given in any of these cases.* When asked, however, licensing officers cite: industrial sources, company brochures, the Bureau of Standards, and other governmental agency studies. In none of these cases was it suggested that the State Department had been asked to negotiate with the governments of foreign producers in order to secure the elimination of possible foreign sales to the Communist countries." [emphasis added.]

Actually, a number of businessmen appear quite ready to concede the shakiness of the foreign availability argument in many cases—computers, for example—but nonetheless claim that the U.S. should sell the Russians such sophisticated items because it will be profitable in the long run. After all, the Soviets—so the thinking goes—will need to buy maintenance equipment from U.S. suppliers who then will have a corner on the market for years. The evidence, however, seems to build an altogether different scenarios. According to a 1981 Pentagon study, the Soviets have already copied many different types of U.S. integrated circuits, including computer logic and memory chips from practically all the major U.S. microcircuit manufacturing facilities.[18] With a relatively insignificant investment, therefore the Soviets reap the benefits of billions of dollars of our research and development. And the computers, of course, have military uses. IBM 360 and 370 computers, for example, are believed to be the mainstay of the Warsaw Pact's air defense system. The complex of Westen-manufactured radar devices and computers in Moscow's Vnikovo Airport traffic-control system gives to Soviets air-defense control capabilities they were unable to design themselves.

Perhaps the most important aspect of commercial relations with the Eastern bloc, however, is their questionable ability to pay for the goods they buy. Soviet bloc debt was alarming as early as 1977 when "only" $40-$45 billion was owed the West. Today that debt totals nearly $80 billion. The Wall Street Journal reported on February 22, 1977, that many observers were becoming concerned about the possibility of Soviet blackmail. That concern was echoed in March 1981 by Senator Thurmond, who told Congress:

"U.S. policymakers should never lose sight of the fact that these huge outstanding Soviet debts to our banks serve to compromise needed policy decisions for fear of endangering payment."

Though U.S. and international banks probably now realize that the Soviets and the Warsaw Pact countries are bad credit risks, the banks continue to increase the loans to avert massive defaults. In effect, the lending banks have thus become "hostage" to their debtors.

The only hope the Western banks seem to have of being repaid is to continue to foster East-West trade. The great danger is that a Communist payment failure could start a banking panic in the West. In this sense, the Communists have the West both ways: as long as the joyride lasts they get massive infusions of technology, essentially free. When it concludes, they could sink the banking system.

To make matters worse, American firms have trained hundreds of Soviet technicians in the U.S. Teams of Soviet specialists—ostensibly looking into possible purchases—have toured defense-related American plants. A member of one group, which closely inspected the Boeing, Lockheed, and McDonnell-Douglas factories in 1973 and 1974, admitted privately to a Boeing official that purchases had never been contemplated—meaning of course that the real purpose of the trip had been industrial espionage. As for so-called student exchanges—those who come from the U.S.S.R. are usually experienced engineers, scientists, and managers of research and development establishments who concentrate on study programs in the U.S. in semiconductor technology, computers, and other fields of applied research.

WHY DOES THE U.S. DO IT?

If Soviet behavior is readily explicable, the same does not appear to be true of the West. The U.S., in particular, seems anxious to overlook the costs—both financial and psychological—of trade, especially strategic trade, with the Communist bloc. One reason might be the fact that not everyone is affected equally. To be sure, the higher Pentagon budget needed to respond to the more sophisticated Soviet technology is borne by everyone. Companies like Control Data and Bryant Chucking, however, still appear to come out ahead, at least in the short run. One might thing that businessmen too would be among the most concerned about contributing to the growing power of a nation whose leaders are dedicated to the eradication of capitalism. But some U.S. weapons manufacturers seem eager, even impatient, to do business with the Soviets. According to John Markoff, writing in the July 7 and 21, 1980 issues of Inquiry magazine, "some of the corporations at the very heart of the defense establishment" were angry at Jimmy Carter's embargo on strategic goods to the U.S.S.R. because they found themselves "having to forgo lucrative trade opportunities in the name of national defense." Lucrative indeed, when we need to improve our defense capabilities to catch up with the Soviets who—with our help—keep updating their war machine.

There are signs, however, that the public, once its consciousness has been raised, is willing to stand up for their nation's security interests. The Washington-based Investor Responsibility Research Center reports that shareholders in over two dozen companies were asked in 1981 to vote on resolutions to terminate business and trade relations with Communist countries. One California group, Stockholders for World Freedom, has proposed that Occidental Petroleum report the extent of its trade with the Communist bloc. Another member of the group has asked Rockwell International (the Defense Department's fifteenth largest military contractor) to cease all trade with the Communists. The resolution reads in part as follows:

"Rockwell, as a prime defense contractor, ought not to be helping [Communist] threats to world peace and free societies. We should instead direct our resources toward our own economy and our Free World Allies. If you are considering voting against this proposal merely out of an abstract sense of political tolerance, consider further that you would be voting against the best long-run interest of yourself, your family, your corporation, and your free country."

Yet the resolution contains a fatal flaw. Rockwell's Board of Directors responded:

"To the extent that foreign trade with a particular country or countries is considered to be inconsistent with United States Government policy objectives, controls or embargoes are imposed. Descisions on these matters are properly in the domain of the Government and not, in our view, in the domain of corporations."

It is thus up to the government to make the policy on strategic trade with the East.

TOWARD A WISER POLICY

A great number of Americans would probably support an embargo on the sale of high technology goods to the Communist countries were it possible to demonstrate beyond refutation that such a move would be absolutely effective in protecting U.S. national security at a reasonable cost. While absolute proofs may be—in a rigid logical sense—impossible, the evidence should convince all but the most obdurate skeptic that the West must take tougher steps to slow or even halt the transfer of critical technology to the East.

Opting for an embargo, however, is still a long way from imposing it effectively. The first problem is to determine with some degree of accuracy what items qualify as strategically significant enough to warrant controls. It has been argued, for example, that everything we sell, including wheat, contributes to the growth of the Soviet military insofar as assistance from us frees funds for the Soviet war machine. That argument is not without merit, the President's decision to lift the grain embargo notwithstanding. Another important matter involves trade with the Soviet satellites. The Carter embargo, for example, was not directed against the satellites but only against the Soviet Union. Understandably, the predictable leakage weakened considerably the credibility and effectiveness of the embargo.[19] A cardinal rule of economic warfare is that it must be pursued seriously; how else are we to enlist the help of our Western allies in this endeavor? This help, indeed, is crucial, not only because the allies already have access to many American strategic items but also because future U.S. develop-

ments will be difficult to keep secret—to say nothing of advances the allies will make on their own.

Finally, a problem of growing difficulty is deciding how to keep strategic military technology from reaching our own commercial markets. One case involves the very complex function microcircuit devices developed under the very high speed integrated circuit program of the Defense Department.[20] Although the Pentagon will seek export controls on these devices to prevent their reaching Communist countries, program director Larry Sumney has admitted that similar processing will probably find its way into U.S.-produced devices intended for the consumer-industrial market. Some of the contractors involved in producing these devices also have overseas affiliates or subsidiaries; should they be denied this technology? And what about further research in other areas—specifically, in materials and physical processes needed to achieve submicron geometrics, which is the next phase of the program? Normally, basic research is not subject to export controls; should this be an exception?

Despite these problems, the issue must be confronted. Especially at this time when the U.S. is seeking ways to penalize the Soviet Union for interfering in the affairs of Poland, and preventing further—possibly even military—involvement there, the control of strategic trade is an excellent lever. The opportunity is here, and millions—both in Poland and in America—are waiting.

FOOTNOTES

[1] Some have argued that the most effective—and strategically significant—embargo would involve wheat rather than technology. See Marie Lavigne, *Les Relations Economiques East-Ouest* (Paris, 1979), esp. pp. 73-7. Regarding the effectiveness of a well-implemented grain embargo, see Paige Bryan, "The Soviet Grain Embargo," The Heritage Foundation *Backgrounder* No. 130 (January 12, 1981). For various economic options available to the West for retaliation against Soviet intervention in Poland, see William L. Scully, "The Polish Dilemma: Soviet Vulnerabilities and Western Opportunities," The Heritage Foundation *Backgrounder* No. 154 (October 19, 1981).

[2] Testimony before the Committee on Foreign Affairs, House, 96th Congress, First session, May 1, 1979, *Extension and Revision of the Export Administration Act of 1969*, Part 2, p. 15.

[3] The high technology embargo of January 1980 involved a suspension, and not a revocation, of validated licenses for exports to the Soviet Union. See Wayne A. Schroeder, "Soviet-American Technology Transfer and United States National Security," Ph.D. Dissertation, University of Southern California, January 1981, p. 351.

[4] Talbot S. Lindstrom and Paige Bryan, "Geopolitical Survival in the 80's," *National Defense*, April 1981, p. 19.

[5] See Jack D. Verona's Testimony before the Senate Governmental Affairs Committee on September 24, 1980.

[6] Jonathan Stein, "Soviet Energy: Current problems and future options," *Energy Policy*, December 1981, pp. 301-315. Also, Steven C. Goldman and Wayne A. Schroeder, "The Geopolitics of Energy," *Policy Review*, Summer 1981, vol. 17, and David Fairlamb, "'Finlandization' of Europe?", *Dun's Business Month, November 1981.*

[7] David E. Hoppler, "The National Security Implications of Strategic Technology Transfer," University of Southern California Defense and Strategic Studies Program, Working Paper 3-81, May 1981, pp. 62-64.

[8] For a cogent study of COCOM and multilateral controls, see Wayne A. Schroeder, Ph.D. Dissertation, *op. cit.*, pp. 129-132.

[9] Lawrence J. Brady, testifying before the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, U.S. Senate, 96th Congress, Second session, *Transfer of Technology to the Soviet Bloc*, February 20, 1980, p. 21.

[10] Brady, *ibid.*, p. 64.

[11] See Connie Freisen, *The Political Economy of East-West Trade* (New York: Praeger Special Studies, 1978). Another useful study by Miles M. Costick, *The Strategic Dimension of East-West Trade* (Washington, D.C.: American Council for World Freedom, 1978).

[12] Eagel Research Group Final Report to Department of Commerce Office of Export Administration, "A Foreign Availability Assessment Program for the Semiconductor, Electronic Components and Instrumentation Industries," August 29, 1980, pp. 2-3.

[13] Chromite, cobalt, and titanium are cases in point. See Dr. Daniel I. Fine, "Mineral Resources Dependency Crisis: Soviet Union and United States," World Affairs Council of Pittsburgh, 18th World Affairs Forum, *The Resource War in 3-D*, June 17, 1980, p. 46. Also James T. Bennett and Walter E. Williams, *Strategic Minerals: The Economic Impact of Supply Disruptions* (Washington, D.C.: The Heritage Foundation, 1981).

[13a] Introduced, not voted upon.

[14] See Wayne A. Schroeder, "Technology Transfer and U.S. National Security," *Military Science and Technolgy*, forthcoming.

[15] See the excellent exposé of illegal trade with the U.S.S.R. in the September 1981 issue of *New West* entitled "The Spies Among Us." According to Senator Henry Jackson of Washington, the intelligence community has estimated "that between 1973 and 1977, $150 million of Western embargoed goods were illegally shipped to the East," *Congressional Record—Senate*, May 2, 1980, p. S4505.

[16] Carl Gershman, "Selling Them the Rope," *Commentary*, April 1979.

[17] The military application is fairly straightforward: these grinders reduce the friction of moving parts in the guidance mechanism of a MIRV warhead, thereby enabling the missiles to change direction in flight rapidly, and thus get sharper on-target capability. See Miles M. Costick, "The Soviet Military Power as a Function of Transfer from the West," in *An Analysis of U.S. Foreign Trade Policy* (Sterling, Virginia: Young America's Foundation, 1979).

[18] Caspar Weinberger, *Soviet Military Power*, Government Printing Office, September 1981, p. 74.

[19] See Richard N. Holwill, ed., *A Mandate for Leadership Report: The First Year* (Washington, D.C.: The Heritage Foundation, 1982), Chapter 6.

[20] Reported in the February 16, 1981, issue of *Aviation Week & Space Technology.*

[From the Wall Street Journal Jan. 12, 1982]

TECHNOLOGY TRANSFERS TO THE SOVIET UNION

(By Caspar W. Weinberger)

A few months ago a fisherman working off the coast of North Carolina picked up what turned out to be an intelligence gathering device neatly enclosed in a Soviet oceanographic current meter. This device and others like it are used to gather vital information about the U.S. Navy's activities and could be extremely harmful to us if employed in war.

At the heart of this device is a modern printed circuit board. It and several others have been brought to my office the past six months. Most were packaged for military purposes and all were designed for use in a wide variety of weapons systems, including ballistic missiles, "fire and forget" weapons, and guidance and control for aircraft, to name a few.

What surprised me most was that these sophisticated devices were not made in the United States. Nor were they produced in Europe or Japan. They were products of the Soviet Union.

Specialists in the Department of Defense tested these circuit boards carefully. They found many of the components, particularly the microcircuits, to be exact copies of "chips" made in the United States. In fact, a U.S. chip was put on the Soviet circuit board and worked properly. Such microelectronic circuits are used extensively in our strategic and conventional weapons systems. Clearly the Soviets have made remarkable progress in being able to copy and manufacture advanced electronic equipment of this kind.

ALARMING IMPLICATIONS

How the Soviet Union got the manufacturing know-how and circuit design information to build these components is a story as complicated as its implications are alarming. The simple answer is that the Soviets have organized a massive, systematic effort to get advanced technology from the West. The purpose of this is to support the Soviet military buildup.

This unusual acquisition program follows two paths—openly whenever possible and clandestinely when not. The Soviets make a maximum effort to get technology from the West by claiming a need for equipment to be used in strictly civilian enterprises. An example is their effort to obtain modern medical equipment such as CAT scanners which require sophisticated computer technology to operate.

Using civilian cover, during the 1960s and 1970s the Soviets moved quickly to purchase electronics technology. Our bureaucracy was asleep to the danger of this, so nothing was done to prevent it. As a result, the Soviets were able to set up a number of specialized electronics factories—all of which are operated today as classified facilities.

Where they were unable to get either the U.S. or those who participate in the International Control System (COCOM) to yield advanced technology, the Soviets employed a number of clandestine means. Businessmen, engineers, scientists and workers have been bribed. Innocent-looking corporations have been created to buy equipment later sent to the U.S.S.R. Diplomats and official visitors have been used to ferret out items of interest. Neutral and nonaligned states are targeted for exploitation. And, where all else fails, intelligence missions have been run by Soviet agents.

The Soviets obtain considerable benefit from these complicated maneuvers. Each year they save billions of dollars in research and development costs by "borrowing" Western technology. They get hardware and know-how that is proven and trouble-free. These acquisitions can be, and often are, supported by additional developments in the West. Indeed, merely reading the full range of technical literature openly published gives the Soviets the ability to repair and maintain products they have acquired illegally.

But the most significant and troubling aspect of all this is how the Soviets use the equipment they have gathered to add to their military power. And this is our greatest concern.

An important part of our own national defense as well as the security of our allies and friends around the globe is the "quality edge" we have enjoyed for many years. This advantage is largely the result of the talent and skill produced by our free enterprise system. We have made use of this asset effectively in supporting our national defense programs. It is one of the pillars of our security.

Unlike some, who from time to time criticize our defense programs, the Soviets understand how important the quality edge is to us. Their actions prove that they mean to benefit from our technology. Thus, it is clearly in our best interest to prevent them from doing so and that is what this administration is trying to do.

President Reagan took the lead last July at the Ottawa summit conference when he appealed to our allies to tighten our inter-

national control system. We have worked hard to plan an effective high-level COCOM conference. The meeting, to be held in Paris next month, will be the first broad reconsideration of our technology control system in nearly 30 years. We will present new evidence to our allies on how the Soviet Union and Warsaw Pact are using Western technology to strengthen their offensive military capabilities. We want to conclude at that meeting a redefinition of the COCOM international control program.

I am also working to involve NATO. One of the peculiar aspects of the control system is that defense interests are poorly represented. For example, only the United States sends Department of Defense experts to COCOM, even though COCOM's main purpose is to safeguard technology that can be used for military purposes by the Soviet Union and Warsaw Pact. At the national level, only the U.S. and France allow defense specialists to review regularly proposed technology exports to the Soviet Union. The result is that many judgments are made without expert participation, and a good deal of damage results, as in the case of highly advanced communication switching equipment obtained by the U.S.S.R. from Western Europe. Unfortunately this equipment can also be used to add greatly to the Soviets' command and control abilities. My hope is that the NATO countries can work together to help change the reviewing procedures for technology transfer issues.

NEED PUBLIC UNDERSTANDING

We cannot, however, achieve all we would like to without public understanding. In particular we need industry to take the lead and inform both management and employes of the dangers. In sensitive factories we need voluntary security committees to safeguard essential designs and manufacturing know how. Industry associations can play an important part in protecting our national security by advising member companies on appropriate measures and internal safeguards.

Businessmen, in general, can be more supportive by recognizing the fact that the long-term interests in peace and security they share with their stockholders far outweigh the short-term gains which the sales of certain equipment offer. If we ignore this and proceed with business as usual, current sales may please some but they will yield the most unpleasant dividends in the future.●

REGULATORY REFORM

● Mr. LEVIN. Mr. President, I want to draw my colleagues' attention to an article that appeared on the editorial page of the Washington Post on February 25, 1982. The author was Senator GLENN, and the article described the very important issue that will soon be facing the Senate when we consider S. 1080, the regulatory reform bill. We have to decide the extent to which we want to preserve the independence of the independent regulatory agencies.

The bill contains language which gives the President authority to oversee the development of major rules and the regulatory analyses that accompany them. Senator GLENN will be offering an amendment that would clarify that the President's role as to the independent agencies is only to monitor the development of major rules and to report to Congress on that process. It is an important article, highlighting the possible consequences of our adoption of S. 1080 as presently drafted. I urge my colleagues to read it and ask that it be printed in the RECORD.

The article follows:

WE CAN DO WITHOUT THIS REGULATORY REFORM

By a stroke of the legislative pen and with virtually no hearing record, the Senate may soon reverse nearly a century of precedent and give President Reagan day-to-day oversight and management authority over key actions of the Federal Reserve Board, the Federal Election Commission, the Nuclear Regulatory Commission, the Securities and Exchange Commission and some 14 other independent regulatory agencies. This decimation of the independents is apparently the primary, if unstated, objective of key proponents of the Regulatory Reform Act due to come before the Senate soon.

Starting in 1889, with the Interstate Commerce Commission, Congress created the independent agencies to insulate the administration of some of the federal government's most politically sensitive and technically complex regulatory tasks from ongoing presidential intervention and partisan politics. By statute, Congress has specified that the members of these boards and commissions are appointed for fixed terms; that the president cannot remove them for policy differences, but only for demonstrated inefficiency; and that no more than a simple majority of the members of an independent agency may come from any political party. One crucial aspect of the autonomy conferred by these statutory protections is that not one of these agencies currently submits pre-issuance drafts of its regulations for prior presidential review; indeed, such action would contradict the very notion of agency independence.

Under the pending Regulatory Reform Act, however, the president would be able to order independent agencies to submit drafts of all their major regulations to the Office of Management and Budget, where they could be held indefinitely, until OMB had "ensured" that they met presidentially dictated cost-benefit standards. Through these standards, in turn, the president could, for example, define which costs and benefits could be weighed by independent agency decision-makers and how they should count the present value of future impacts, such as the costs of future nuclear power plant accidents.

Congress has never countenanced such hands-on presidential interference in independent agency regulatory decisions, and for good reason, as a few examples will demonstrate. Under the Regulatory Reform Act:

Nuclear safety standards, promulgated today by the increasingly tough NRC, would be subject to White House screening by avowed advocates of nuclear power.

Baby-product safety standards, issued by the Consumer Product Safety Commission, would be vetted by officials who think the private sector can handle its own safety affairs.

Federal Reserve Board money supply regulations would be checked by OMB staff desperate to bring down interest rates.

The Federal Election Commission's campaign financing rules and the Federal Communications Commission's rules on candidates' access to TV would undergo "cost-benefit" review by officials with the most obvious partisan interests.

SEC rules for investor protection would have to be submitted for White House clearance at the same time that major SEC investigations of administration officials or allies might be under way (remember Bert Lance and Robert Vesco?), seriously undermining that agency's credibility.

In future administrations, opposite but comparably strong biases might prevail, with equally undesirable results for fair and reasoned regulation in these sensitive areas.

Over the past five years, Congress, with extensive hearings and debate, has reviewed the charters of nearly half of the independents and has consistently reaffirmed their freedom from executive control. Yet, not a single day of hearings has been held on how the Regulatory Reform Act's sweeping changes in presidential authority would affect individual agencies and their spheres of regulation. Ironically, the only committee to receive "testimony" on this—letters from many independent agencies, obtained at my request—accepted my amendment to limit presidential supervision in this area, an amendment that, for parliamentary reasons, I will have to reintroduce on the Senate floor.

Congress has had good cause indeed for insulating nuclear and consumer safety, the soundness of our financial institutions and the regulation of the political process itself from presidential intervention. These vital protections—and those accorded the other objects of independent regulation—must not be lightly cast aside, certainly not without a full hearing in every case. We must not be seduced by presidential expansionism masquerading in the sheep's clothing of "regulatory reform."●

FORT INDIANTOWN GAP MILITARY RESERVATION

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Pennsylvania State Legislature and which has been received by the Office of the President pro tempore.

The resolution follows:

HOUSE RESOLUTION No. 72

Whereas, the Department of Defense is considering either the complete termination OR THE REDUCTION OF THE COMPLEMENT of United States Army occupancy of Fort Indiantown Gap Military Reservation; and

Whereas, the Department of Defense is considering a transfer of the Helicopter Maintenance Complement from the New Cumberland Army Depot to the Air Naval Station at Corpus Christi, Texas; and

Whereas, the Commonwealth of Pennsylvania has suffered undetermined economic losses from the nuclear reactor accident at Three Mile Island, adjacent to the Fort Indiantown Gap Military Reservation and the New Cumberland Army Depot; therefore be it

Resolved (the Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to take appropriate legislative action to pre-

vent the above moves planned by the Department of Defense; and be it further

Resolved, That copies of the resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States.●

NATIONAL TUITION TAX CREDIT LEGISLATION

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the 16th Guam Legislature and which has been received by the Office of the President pro tempore.

The resolution follows:

RESOLUTION No. 192

Whereas, the 1981 Packwood-Moynihan Tuition Tax Credit Bill would establish a federal tax credit for tuition paid by parents who send their children to a non-government school; and

Whereas, an additional feature of the 1981 Packwood-Moynihan Tuition Tax Credit Bill is a refund provision for those parents who do not earn a taxable income but do pay tuition for their children to attend a non-government school; and

Whereas, the 1981 Packwood-Moynihan Tuition Tax Credit Bill would apply to college, vocational, secondary and elementary tuition; and

Whereas, under present law, parents who exercise their basic right to send their children to a non-government school are being doubly taxed and are not afforded relief as proposed by the 1981 Packwood-Moynihan Tuition Tax Credit Bill; and

Whereas, November 1981 has been declared "National Tuition Tax Credit Month" to draw attention to the proposal that tuition tax credit legislation is urgently needed to remove the unfair burden of double taxation placed upon parents who exercise their basic right to educate their own children according to their own moral, religious and cultural values; now, therefore, be it

Resolved, that the Sixteenth Guam Legislature of the territory of Guam does support passage of federal tuition tax credit legislation with refund provisions as proposed in the 1981 Packwood-Moynihan Tuition Tax Credit Bill and urges the Congress and the President to accept this legislation that would eliminate tax penalties which now exist for those parents who pay tuition to send their children to non-discriminating, non-government schools whose curriculum corresponds with religious, moral and cultural values embraced by the families; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States of America, the Honorable Ronald Reagan; to the U.S. Secretary of Education; to the Speaker of the United States House of Representatives; to the President of the U.S. Senate; to all members of the U.S. Congress; to the Honorable Antonio B. Won Pat; to His Excellency Bishop Felixberto C. Flores; to the Administrators of each nongovernment schools within the territory; and to the Governor of Guam.●

RESOLUTION RELATING TO FEDERAL ORGANIZATION FOR MANAGING FEDERAL TERRITORIAL RELATIONS

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the 16th Guam Legislature and which has been received by the Office of the President pro tempore.

The resolution follows:

RESOLUTION No. 200

Whereas the Congress of the United States of America is mandated plenary power for the territories by the Constitution; and

Whereas within the Executive Branch Department of the Interior, an Office for Territorial and International Affairs, charged with territorial liaison and assistance responsibility, has been established headed by an Assistant Secretary of the Interior; and

Whereas both the Congress and the Executive Branch of the United States government encourage as a fundamental policy the orderly development of the federal-territorial relationship; and

Whereas in practice, the administrative arrangements assigned for territorial liaison and assistance have failed to meet expectations for orderly, continuing service held by the people of Guam who urgently believe federal attention given the territories must be improved; and

Whereas, several non-partisan studies of the federal-territorial relationships have been conducted recommending reorganization of the arrangements for handling federal-territorial responsibilities; and

Whereas, among those recommendations, are proposals to elevate coordination of the federal effort in territorial matters to the responsibility of a Senior Assistant on the President's Domestic Policy staff and to establish presidential commissions to examine the application of federal statutes of the territories and the existing federal-territorial financial arrangement with the aim of providing opportunity for and a stimulus to economic growth and improved territorial treatment under federal fiscal programs; and

Whereas, the Federal Government has an obligation to protect and nurture the unique cultures and fragile economics of its island territories which are so distinct from the rest of the nation in terms of history, geography, economic potential, tradition and ethnic composition and to afford the territory the American rights and human rights; now, therefore, be it

Resolved, That the Sixteenth Guam Legislature, on behalf of the people of Guam, respectfully requests the President of the United States to elevate the federal organization for dealing with territorial matters by appointment of a Senior Assistant to the President for Territorial Affairs who shall serve on the President's White House Domestic Policy Staff; and be it further

Resolved, That the Sixteenth Guam Legislature, on behalf of the people of Guam, respectfully requests the Congress of the United States to refashion the Department of Interior's Office of Territorial and International Affairs by reappropriating all or a significant portion of funds now budgeted for its operations to establish a permanent independent office for territorial assistance and liaison which shall be based in Washington, D.C., federally funded but staffed by personnel who shall be appointed by territorial governments; and be it further.

Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President Pro Tempore of the United States Senate; to the Speaker of the House of Representatives of the United States Congress; to all members of the Senate and House Committees on Energy and Natural Resources; to the Secretary of the Interior; to Congressman A. B. Won Pat; and to the Governor of Guam.●

RESOLUTION RELATING TO ANNUAL PAYMENT TO THE GOVERNMENT OF GUAM IN LIEU OF PROPERTY TAX ASSESSMENT

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Sixteenth Guam Legislature and which has been received by the Office of the President pro tempore.

The resolution follows:

RESOLUTION No. 162

Whereas the United States Federal Government has title to almost one-third of Guam's land mass; and

Whereas all the property held by the Federal Government is exempt from any real property tax assessment; and

Whereas this exemption costs the government of Guam millions of dollars annually; and

Whereas Congressman A. B. Won Pat has introduced legislation in the U.S. Congress relative to authorizing an annual payment to the government of Guam in lieu of taxes; and

Whereas this legislation has precedence in that U.S. Congress provides an annual payment to the District of Columbia in lieu of taxes; and

Whereas the justification for the District of Columbia payment is that the large Federal Government presence in the District of Columbia limits the tax base on which the district government of Guam can impose and collect real estate taxes; and

Whereas the Federal Government ownership and possession of land on Guam also precludes the local government's ability to improve and collect real estate taxes: Now, therefore, be it

Resolved, that the Sixteenth Guam Legislature does hereby endorse and express its unequivocal support of Congressman Won Pat's proposed legislation to authorize an annual payment from the Federal Government to the government of Guam in lieu of real property tax assessment; and be it further

Resolved, that the Speaker certify to and the legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President Pro Tempore, U.S. Senate; to the Speaker, House of Representatives, U.S. Congress; to the Secretary, Department of Interior; to the Secretary, Department of the Treasury; to Con-

gressman A. B. Won Pat; and to the Governor of Guam.●

WOMEN'S HISTORY MONTH

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I submit for the RECORD a resolution which was adopted by the Alaska State Legislature and which has been received by the Office of the President pro tempore.

The resolution follows:

RESOLUTION

Be it resolved by the Legislature of the State of Alaska:

Whereas Alaskan women have always contributed greatly to the welfare and economy of the Territory and State of Alaska; and

Whereas the roles women have played in the development of the state have not been widely recognized and appreciated; and

Whereas it is appropriate to set aside a time to recall and reclaim the historical heritage that belongs to all Alaskans, including Alaska's women, so that all citizens will be encouraged to exercise the freedom to develop individual abilities and potentials to the fullest;

Be it resolved that the Alaska State Legislature designates the month of March during the year 1982 through the year 1992 as Women's History Month and encourages communities and educational institutions to promote the study and appreciation of women's contributions to the history of our state and of our nation; and be it

Further resolved that the Governor is respectfully requested to issue a proclamation calling upon the people of Alaska to observe Women's History Month with appropriate activities; and be it

Further resolved that the United States Congress is respectfully requested to designate March of the year 1982 through the year 1992 as Women's History Month for the nation.●

ROGER MILLIKEN, PRESIDENT OF MILLIKEN & CO., INC. OF SPARTANBURG, S.C.

(By request of Mr. BAKER the following statement was ordered to be printed in the RECORD.)

● Mr. THURMOND. Mr. President, I wish to take this opportunity to praise the efforts and accomplishments of a man whose success epitomizes our great American system of free enterprise, Mr. Roger Milliken, president of Milliken & Co., Inc., one of the largest textile manufacturing companies in the United States.

Roger Milliken is the third generation president of a family owned company that began as a general store in Portland, Maine, in 1865. His grandfather, Seth Milliken, founded the company, and later, his father, Gerrish took over. After the unexpected death of his father in 1947, Roger Milliken became president while in his early thirties.

Since that time he has guided the company along a path of progress and success unmatched by any other privately owned company in the country. Now, after 117 years in existence, Milliken & Co. is the largest privately owned and operated company in the United States, with an impressive average gross revenue of $2 billion. It employs 22,000 people worldwide, 12,000 of whom work in South Carolina.

Roger Milliken has found success in the textile industry because he is a master craftsman in textiles, and an honor student of the school of free enterprise. He understands that America works most effectively as a free capitalist system.

Because of his expertise and success, he knows how the textile business works best. In fact, Business Week magazine said that Roger Milliken "wields an influence in textiles that is probably unparalleled by any individual in any other industry."

He is a man of action, a man whose concern for good government transcends his immediate concern for the effects of government on his business. He is a man who refuses to merely sit back and criticize the Government, but rather, gets involved in the political process to do his part as a responsible citizen to insure that America continues to be a government of and for the people, and not a government that controls the people.

One of the key events in the development of industry in South Carolina was when Roger Milliken moved the company headquarters to our State in 1954. Since that time, he and his company have contributed significantly to the economic well-being of South Carolina. The late James F. Byrnes, a former South Carolina Governor, U.S. Senator, and Supreme Court Justice, once called this decision to move to our State a "major turning point in the State's economic development." Today, his company continues to make great contributions to the economic posture of South Carolina.

While his business is a great part of his life, it is not his greatest priority. He is a devoted husband and father. His wife, Justine, and his five children all play a vital role in his life. After all, his company is a family business, so members of the Milliken family share a close bond of love and commitment to each other's interests.

Mr. President, in these days when the Reagan administration seeks to reduce big government so that business can grow and flourish, I believe that Roger Milliken's company is a prime example of how anyone in America can succeed with initiative and hard work. He has proven that private industry can have a direct and beneficial impact on the public good. American business functions best when government and private industry function with a mutual respect for each other.

Mr. President, in order to share in greater detail more information about Roger Milliken and the success that this family company has experienced, I ask that an article from the January 3, 1982, edition of the Charlotte Observer appear in the RECORD.

The article follows:

[From the Charlotte Observer, Jan. 3, 1982]

ROGER MILLIKEN: A VERY PRIVATE GIANT IN TEXTILES

SPARTANBURG.—Roger Milliken's 65th birthday party two Octobers ago at the swank Yeamans Hall Club north of Charleston was a strictly private affair.

Only 60 lifelong friends were invited to the weekend celebration: postcard-beautiful autumn days of golf along the marshes, dining, dancing and an original life-with-Father skit by his five children.

Justine, Milliken's wife, planned the event for weeks. Friends who were there say it reached a dramatic climax at the black-tie performance of the skit.

Milliken's three sons and two daughters worked for days on the script. It ended by comparing the evolution of their relationship with their father to the evolution of a full moon.

"When you are young, you only see a piece of the man," says a family friend. "But they told him that now, as adults, they could see the wholeness, the full moon."

"In a very nice way, they said how much they loved him," says another friend. "There wasn't a dry eye in that room when the kids got through."

Even Milliken, the hard-driven multi-millionaire president of Milliken & Co., had tears in his eyes as he kissed his children one by one and applause engulfed the room.

Very few South Carolinians—including more than 12,000 who worked for him and thousands more influenced by his behind-the-scenes political activism—will ever see or know the full Roger Milliken.

A tall man whose red hair is streaked with gray, Milliken is probably South Carolina's richest man. He is certainly one of its most powerful and influential.

His family-owned, $2 billion-a-year textile empire is the largest privately owned and operated company in the United States. He runs it by getting personally involved, frequently making major decisions from a small office attached to his modest home in downtown Spartanburg.

As a stalwart of the Republican Party, a member of the boards of directors at Westinghouse and Citicorp, a friend of the powerful who once turned down Richard Nixon's offer of a cabinet post, a businessman so opposed to unions he provoked the longest labor dispute in U.S. history, Milliken is very much a public person.

But he prefers anonymity. Neighbors say they have never met him. His employees are reluctant to talk about him. He grants no interviews. So his name turns up in print infrequently.

When Business Week singled him out as a cover subject last January—a rare event for any U.S. executive—Milliken declined to be interviewed. He also refused to talk to the Observer.

"What good would it do him? asks James Chapman, president of Spartanburg County's Inman Mills and a close Milliken friend. "If he gives an interview, the first thing a reporter would want to know is about his profits. If you don't want to have to say 'no comment,' then just don't do the interview. That's his philosophy.".

But Milliken's policy of silence has not prevented him from becoming controversial in his adopted home state.

His industrial clout, conservative political activism and reputation for getting what he wants inspire strong emotions among both friends and enemies.

To state Democrats he is "Daddy Warbucks," founder and financial angel of the modern S.C. Republican party.

To Southern textile union leaders, Milliken is notorious, a man who with one act—closing Darlington Manufacturing Co. after employees voted for a union in 1956—did more to slow unionization of Southern textile plants than any other person or event.

To Milliken's opponents on legislative issues, such as last summer's fight over a constitutional amendment to limit state spending, he is a no-compromise ideologue out of touch with the state's real problems.

But while his opponents rage about his influence and his tactics, Milliken's friends in the business community and the state GOP are doggedly loyal.

"Frankly, I think Roger Milliken hung the moon," says John Wellman, the millionaire owner of Johnsonville textile firm, president of the state Chamber of Commerce, and like Milliken, a transplanted Yankee.

"He must be as near to one of the 1776 patriots as a man can be," says Drake Edens of Columbia, a longtime state party official and GOP fundraiser.

Both friends and foes acknowledge that Milliken is leaving his philosophical imprint on South Carolina. Says Don Fowler, the former state Democratic Party chairman, now a University of South Carolina political scientist who runs a consulting firm:

"I don't have any doubt that over the last 20 years, the selective participation of a well-to-do group of textile people has had a distinctive effect on the political ideology of South Carolina. Roger Milliken is the prime example."

Who is Roger Milliken, and why is he having nothing to say about all of this?

First and always foremost, Milliken is a businessman—a very successful one.

In the troubled U.S. textile industry, where losses have frequently outstripped profits during the past 25 years. Milliken is considered a genius.

"He wields an influence in textiles that is probably unparalleled by any individual in any other industry," wrote Business Week.

"He lives and breathes his business," says Wellman. "It's his life."

The history of the family owned-and-operated company is vintage Americans.

Founded in 1865, at a Portland, Maine, general store by Seth Milliken, Roger's grandfather, the manufacturing empire now stretches from France and Belgium to Western North Carolina, and from Maine to Georgia. Its national sales headquarters is on the Avenue of the Americas in New York, with branches in Dallas, Los Angeles and other cities. It employs 22,000 people worldwide.

Today, Milliken & Co.'s $2 billion gross makes it the largest privately owned company in America, according to Wall Street analysts and national business writers.

Many of its operations are concentrated in South Carolina, where 34 plants churn out polyester fabrics, carpets, tire cords and industrial chemicals.

The corporate heart is the huge Milliken Research Corp., five contemporary buildings on 600 landscaped acres bordering I-85 in Spartanburg. There, where only peach trees stood 30 years ago, Milliken has built the textile industry's largest research facility, where several hundred scientists and engineers peer into the industry's future.

Milliken scientists have patented more than 980 processes since the research department was organized in 1945 with six scientists. Most patents have come since the research effort moved into the Spartanburg facility in 1958.

Industry analysts and the company say Milliken & Co. spends more money on research and development than the rest of the textile industry combined, though no one except Milliken knows exactly how much that is.

In 1978, while Burlington Industries filed for ownership of 13 patents and J.P. Stevens only six, Milliken Research Corp. received 44. Thus the company's slogan, emblazoned on a fleet of trucks: "Textile Leadership Through Research."

One result of the intense effort—and similar innovations in production and marketing—is a reputation for quality and being first.

"Other people in the industry watch Milliken to see what he's doing. Then they try to copy it as best then can," says a New York-based textile analyst. "Most buyers interested in quality want to go straight to the source."

Another result is money.

The company's estimated $2 billion in gross sales last year makes it nearly as big as publicly owned J.P. Stevens and gaining on Greensboro-based Burlington Industries, the country's largest textile company with $3 billion in sales.

Stevens and Burlington executives must answer to boards of directors and push for quarterly profits to impress stockholders.

Milliken feels no such pressure.

Since assuming control of the company in 1947, Milliken has served as president, chief executive officer and undisputed master of the company's destiny.

His brother, Gerrish 64, directs the automotive fabrics division. His first cousin, Minot, is chief financial officer. Two sisters and a longtime family friend, Francis Kingsley, share the rest of Milliken & Co.'s stock and sit on the board of directors.

Thus Milliken can make quick decisions and sprint where other companies must crawl.

As a manager, Milliken believes in youth. Each spring, he hires 500 business and textile graduates from Clemson University, N.C. State University and Georgia Tech, starting them at the bottom, where they might manage as few as five employees.

Inside Milliken's management chart room at the Spartanburg headquarters, nearly 3,000 wallet-sized, color identification badges line the walls. Every executive in the Milliken empire is connected in a spiderweb of black lines. At the top on the center wall is Roger Milliken's picture.

"Mr. Milliken spends 16 days a year in this room, personally evaluating every executive," says company spokesman Dan Henderson. Each employee has an identification number, and information is stored in a computer for Milliken to cull at promotion—or demotion—time.

Other textile executives marvel at Milliken's hands-on management style, which company sources say extends even to the most minute details.

At textile shows, other chief executive officers have seen Milliken on his hands and knees, examining the underside of new textile machinery.

"Why does he know the business?" asks a former Milliken executive who asked not to be named. "He's just put the time in . . . He has a fantastic ability to have the information he wants come to him."

Milliken's devotion to the family business blossomed early.

"He is planning to go into the textile business," understated the 1937 Yale yearbook on "Rog" Milliken's graduation plans.

He was born and reared on Park Avenue in New York City. After prepping at Groton School in Massachusetts, Milliken majored in French history at Yale and played golf for his Davenport College squad.

Ironically, Milliken—who now avoids all encounters with the press—worked for the Yale Daily News while at the New Haven Conn., campus. The paper was probably Milliken's last brush with liberalism. He was the senior editor in charge of the Jan. 20, 1936, edition, which endorsed Franklin Roosevelt's smashing reelection victory over Alf Landon.

"We shall depart from the conservatism of last year," the editors wrote. "Because we believe wholeheartedly in the philosophy of the New Deal, we shall in general support the president. Our support may waver, but it will not die."

The Daily News president that year was an honors student from Cincinnati, Potter Stewart, who went on to serve 23 years on the U.S. Supreme Court.

Milliken spent his years at Yale surrounded by future celebrities. The Class of '36 included author John Hersey, New Yorker critic Brendan Gill, former presidential aides Lloyd Cutler and Walt Rostow, and "Chicago Seven" defendant Dave Dellinger. The Yale Daily News president in 1938 was Sargent Shriver, 1972 Democratic vice-presidential candidate.

Milliken graduated in 1937 into a turbulent, terrifying world, Europe was on the brink of war. The United States was stumbling through the Depression, and Milliken immediately sought the normality of the family business.

His father, Gerrish, named him a vice president at then Deering-Milliken almost upon graduation.

"He worked in the mills in the summer while he was at Yale," says Chapman of Inman Mills. "When he was a young bachelor, he would practically live in the mills. He was born with drive. Some have it, some don't. And he had it."

On June 11, 1947, Milliken was playing golf with his father when Gerrish Milliken suffered a fatal heart attack. Roger Milliken quietly assumed the presidency.

Business associates say Milliken almost immediately brought a stronger executive style to the company.

"He was really more like his mother and his grandfather than his father," says a friend. "Roger's father didn't have the business acumen or energy. He was a lovable man. He liked golf. But (grandfather) Seth gave Roger his business sense."

Nevertheless, the company was already growing. During World War II, it became firmly established as the nation's top independent producer of tire cord, pioneering new processes out of a makeshift research facility near Clemson.

In the late 1940s and early '50s, the company's research into manmade fabrics began to pay off. Nylon pucker was turned into America's first wash-and-wear material. Other polyester and wool blends followed.

In the early 1950s, after briefly moving the research facility to Connecticut, Milli-

ken decided to relocate much of the company's operation in South Carolina.

Former S.C. governor, U.S. senator and U.S. Supreme Court Justice James F. Brynes called Milliken's decision the major turning point in the state's economic development.

Milliken was one of the first industrial giants to see the advantages of manufacturing, and living, in the largely agricultural South. While unions won industrial wage increases in Northeastern mills after World War II, Southern workers were plentiful, eager and unorganized.

In 1954, Milliken moved his family to Spartanburg. Four years later, Milliken opened the research facility there.

Today, it covers more than 130,000 square feet, with another 90,000 square feet of management offices—about the size of four football fields. Another building is under construction.

Inside, dozens of clerks fill a huge room, their video display terminals processing orders from around the world. Scientists and engineers in white smocks sit at huge scanning microscopes. Photos of cotton fibers, enlarged 15,000 times, line the walls.

And a roomful of managers direct the operation from the nerve center of the Milliken empire.

No one expresses more devotion to the concept of unfettered capitalism than Milliken.

Full-page Milliken & Co. advertisements in William Buckley's National Review vilify government regulations.

One ad entitled "The MODERN Little Red Hen" refashions the children's morality tale into an anti-government tract—replete with a goose charging discrimination, a duck lamenting lost welfare benefits and a cow claiming overtime for assisting the hen in baking a loaf of bread.

But critics say Milliken opposes only government action that hurts his company, while pushing for government regulations that restrict competition. And, they say, his business philosophy and practices sometimes run afoul of antitrust and labor laws.

For instance, Milliken has:

Championed the cause of protectionist tariffs on foreign textiles with a succession of GOP administrations. U.S. industry says such tariffs protect jobs. Opponents say they drive up prices and insulate U.S. firms from competition.

Resisted Federal Trade Commission (FTC) efforts to obtain corporate and financial performance data under FTC programs that aid federal antitrust enforcement. Milliken maintains that such disclosures would destroy a private company's competitive advantage. Courts have supported the FTC.

Started paying $5 million to 553 former Darlington Manufacturing Co. employees after losing a 25-year court fight. The National Labor Relations Board ruled Milliken closed the company illegally a day after employees voted for union representation in 1956. More than 100 employees died before Milliken began paying the back wages penalty in 1981.

Become entangled in a complicated, decade-long antitrust suit brought by several firms, including Burlington. In 1979, a federal appeals court upheld rulings that Milliken and a French firm illegally monopolized machines used in "false twist" processes for doubleknit apparel. In June, Burlington was awarded a $21 million settlement. Milliken is again appealing the case, which has already gone to the U.S. Supreme Court.

Milliken & Co. is now trying to change the law that enabled Burlington to win its case.

Milliken & Co. representatives are lobbying hard as Congress contemplates changing antitrust laws to reduce settlements awarded to companies victimized by monopoly practices. Opponents of the proposal have called it the "price-fixers' relief act," a bailout for companies that have broken the law.

The bill is being considered by the Senate Judiciary Committee, chaired by Sen. Strom Thurmond, R-S.C., an old Milliken friend who has received thousands in campaign contributions from the Milliken family.

Business and politics have frequently interacted for Milliken over the years.

"I believe in a two-party system. I believe that businessmen ought to get involved in politics, and I believe one should support his beliefs," Milliken told Columbia author and former Observer reporter Jack Bass in a brief, rare interview in 1976.

In the early 1950s, construction millionaire Charlie Daniel of Greenville, S.C., introduced Milliken to state politicians. Milliken sometimes gave parties for them, particularly Thurmond, whose growing disillusionment with the Democratic Party establishment paralleled his own.

Milliken also supported the John Birch Society, the organization which among other things once said President Dwight Eisenhower was a communist. Milliken has been known to provide Birch-sponsored material to employees and legislators.

South Carolina had few identifiable Republicans in the early '50s. One was Robert Chapman, the Spartanburg lawyer who became Milliken's friend, golfing buddy, personal attorney and chairman of the state Republican Party. Champan, whose family owns Inman Mills, is now a judge on the 4th U.S. Circuit Court of Appeals in Richmond.

"The big impetus came in 1960 when Nixon came so close to winning (the state)," says Edens, a key fundraiser during the state GOP's early days. "We realized that, by God, we could put together a party that could work. Roger was a big part of it.

Milliken's influence in party politics soon spread across state borders.

In early 1961, Milliken and six other U.S. industrialists met in Washington to plan strategy for winning the 1964 GOP nomination for Sen. Barry Goldwater of Arizona.

It was the kind of quiet role Milliken enjoys. Three years later, Goldwater was nominated and Milliken plunged into the campaign.

After Thurmond left the Democratic Party to join Goldwater and the GOP in September 1964—only six weeks before the election—Thurmond aide Harry Dent went to work directing Goldwater's southern campaign.

"Roger helped us raise money. It was really something," says Dent. "He put in his own man, (former Milliken executive) Hal Byrd, took him off the company payroll and let him raise money. He kept accurate records down to the nickels and dimes."

Byrd and Milliken raised more than $500,000 in the closing weeks of a futile campaign. South Carolina—if not the nation—responded and supported Goldwater.

By 1968, Dent says, Milliken was committed to the rising star of California Gov. Ronald Reagan. But Thurmond and Dent convinced Milliken to support a winnable ticket: Nixon-Agnew.

"He has strong ideological views, but he doesn't drive his Cadillac off the cliff," says Dent, who became a Nixon White House aide and recently quit his Columbia law firm to join the ministry.

Once elected, Dent says, Nixon offered Milliken a cabinet post as secretary of commerce. "I was in the room when he turned it down," Dent says.

In 1972, with Nixon seeking reelection against George McGovern, Milliken cranked up his fundraising operation again. He delivered $363,122.50 to Nixon aide Maurice Stans on April 6, 1972—one day before a deadline for legal but secret contributions to campaigns.

Eventually, Milliken's gifts were scrutinized by the Senate Watergate Committee and the Watergate special prosecutor to determine if any were spent for illegal purposes. No one was indicted.

Milliken's portion of the money was $84,000—28 cashier's checks drawn on his personal account at New York's First National City Bank. Most of the rest, in cash and checks, came from Southern textile manufacturers.

Few of the textile men denied their generosity was tied to the Nixon administration's ability to negotiate textile import quotas with Taiwan, Japan, Hong Kong and South Korea.

Shortly after the election, Nixon named Mayfair Mills President Fred Dent (no relation to Harry Dent) of Spartanburg as secretary of commerce.

Since 1972 Milliken's personal role in national campaigns has diminished.

Friends say he was never enthusiastic about President Gerald Ford, and observers at the 1980 Republican National Convention in Detroit say Milliken was disturbed by Reagan's choice of George Bush as a running mate.

But Milliken continues to give money to Republican candidates all over the country.

At the Federal Election Commission in Washington, his name and checkbook are linked with almost every nationally prominent conservative politician. Records show Milliken and his wife, Justine, give contributions totaling nearly $50,000 (the post-Watergate legal cap for two individuals) each year.

Milliken frequently covers all the bases on a GOP campaign. During 1978, '79 and '80, he contributed the maximum $1,000-a-year to all the conservative entries in the GOP presidential race—and Reagan, Phil Crane, Bob Dole and John Connally. He also contributed to Goldwater, Georgia Rep. Larry McDonald and Senate candidate James Buckley of Connecticut. He also supports conservative political action committees.

S.C. Republicans say Milliken has never been as interested in state and local politics as he has been in presidential races and attending national conventions. (He has attended the past seven.)

Democrats disagree. By the middle 1960s, Democrats hardly ever missed an opportunity to label Milliken "Daddy Warbucks."

Some now admit the label was probably overstated.

"I suspect the truth is somewhere between what we alleged and what they admit," says Fowler, the former Democratic Party chairman. "When (in the GOP's early days) they got in a real bind, I think they could go to him for a few thousand dollars. I don't think he gave them anything like $50,000 or $100,000 to operate on."

Republicans say Milliken doesn't underwrite the state party.

"Roger Milliken doesn't use anywhere near the power he has available in politics . . .," Dent said. "He's sensitive to the

Democrats making an issue of it. He's so sharp he's not going to be a target."

But Milliken is a target, though he can be very effective.

Democrats swear Milliken underwrote the successful 1974 gubernatorial candidacy of Jim Edwards, who is now U.S. energy secretary. Incomplete records show Milliken contributed at least several thousand dollars to Edwards.

Milliken money can make a difference, especially in smaller races.

When outspoken conservative state Rep. Norma Russell ran for the state Senate last year, Milliken chipped in $5,000—more than any other single contributor in a 1980 S.C. race and five times the legal amount for a congressional race. (State races have no contribution limits.)

Russell, expected to run for lieutenant governor this year, won the election over Lexington meat packer Billy Caughman by 600 votes out of 92,000.

Caughman says he would have beaten Russell without the Milliken money.

"Hell, I didn't even have anybody give as much as $1,000," says Caughman. "I only raised $15,000 total. Any time you've got a person or company giving that much, it can decide the race. I guess that's why they call him Daddy Warbucks."

Along the shady streets of his downtown neighborhood, where American flags adorn almost every house, there are few doubts about Roger Milliken's status.

"He is the No. 1 citizen in Spartanburg," says Walter Montgomery, 81, board chairman of Spartan Mills and a longtime friend.

Between business trips all over the world, Milliken and his wife have raised five children (the youngest, Weston, attends Yale) in their smart but relatively modest three-story frame house, valued at $72,000 in 1974.

They own other homes, of course—the place at Yeamans Hall in Charleston and the farmhouse at the oceanfront retreat of Mount Desert Island, Maine. Milliken's home is beside a home owned by his college classmate J. Peter Grace of the multinational W. R. Grace & Co.

Friends say Milliken likes to shoot quail and play golf, bringing the same competition to leisure that he does to business.

"Roger has an incredible amount of energy," says James Chapman. "He's not as good at golf as when he moved down here, but he's a fierce competitor. He likes to win on the golf course, but he's a good loser."

Most Christmases, the Millikens ski in Colorado.

"He skis from the crack of dawn until sundown," says a friend. "Then he'll sleep 10 hours. He makes even his playing count. If he knows he has a hectic day the next day, I've seen him skip dinner and sleep straight through."

He also makes his time in Spartanburg count. His full schedule is planned months in advance. When he joins a local board, he attends the meetings religiously.

"He schedules it so that he can be here," says Wofford College Development Director Russ Pictor. "He's the kind of trustee that everyone would like to have."

Other colleges should be so fortunate.

Since joining the Wofford Board of Trustees 25 years ago, Milliken has pledged millions in donations to the small Methodist school, although school officials won't say exactly how much.

Usually Milliken pledges an amount, then requires the college to match it with other contributions in order to cash his check.

"The Milliken Science Building is named after him," says Pictor. "He paid a substantial part, but not the entire cost. He doesn't do that. He doesn't believe in doing the whole thing himself."

At nearby, Converse College, an 800-student school for women, Justine Milliken has served on the board since 1968. Two years ago, Milliken donated $1 million to the college to set up 10 annual scholarships in honor of his wife.

On campus, there is also the Milliken Arts Center, built in part with Milliken contributions. And there have been other gifts.

"They do a lot for us but they do it very quietly," says Robert Liggitt, Converse's director of development.

Milliken's Romill Foundation chooses 30 Milliken Scholars each year, a scholarship worth $2,000 to the student and $750 to the private college the student chooses to attend. Since the program began in 1960, 658 students have collected nearly $3 million, with another $1 million to the schools.

There is little doubt that Milliken can afford the contributions.

Few people claim to estimate Milliken's net worth because he has never given any indication how much his company produces in revenue or profits.

"He has never published any figures and never will," says a former executive. "Even his division presidents don't know."

And Milliken's textile income is only part of his personal financial picture.

The family and close friend Francis Kingsley own almost 40% of Mercantile Stores Co., which operates 84 department stores with 18,000 employees in 17 states and Canada, including the J.B. White's stores in the Carolinas.

Records show Mercantile netted more than $42 million in 1980. The Millikens' part-ownership earned the family as much as $16 million before taxes. Since Mercantile stock is worth an estimated $200 million, the family's stock would be worth as much as $80 million on the open market.

Milliken is also fond of real estate, buying large tracts in Spartanburg County ever since his arrival in 1954.

"He can afford it," says a friend. "And he's the only guy who could even pay all the taxes on it."

Spartanburg County real estate tax records show Milliken controls thousands of acres through his company, his wife or in his own name.

Milliken & Co. and Milliken Industrial Corp. control mostly prime industrial land, much bordering I-16 or I-85 near Spartanburg. The company also controls a few subdivisions and thousands of acres inside bordering Union County, where Milliken operates six plants.

In Spartanburg, more than 29 plots covering 2,500 acres, with a 1974 assessed value of more than $1.1 million, are listed in Milliken's name. That represents only a fraction of the land's actual worth; inflation and a recent revaluation will produce higher figures this year.

Last summer, a group headed by Milliken purchased Sandy Island, an Isolated 8,000-acre sanctuary between the Pee Dee and Waccamaw rivers in Georgetown County, for $1.95 million.

Rumors abounded in Georgetown that Milliken was ready to finance an amusement park there modeled after Walt Disney World at Orlando, Fla. But Milliken attorneys say the corporation intends to harvest timber, although they say plans could change. The island, inaccessible by automobile, is inhabited by a few black families.

Despite his enormous wealth and his extensive holdings, Milliken lives unobtrusively in Spartanburg, frequently working out of his garage office or driving a 1968 Cadillac the few blocks to his office. He dresses modestly in familiar—some would say worn—shirts. "He gets ketchup on his tie like everybody else." says an associate privately.

"I've been to his home a number of times," marvels Harry Dent. "And I've got nicer carpets in my house than he does, And his company makes carpet by the warehouse full."

Deep inside the Milliken Research Center, the company's 45-minute publicity film grinds to an end.

It has reviewed Milliken & Co.'s 116-year history: retold the story of how Seth Milliken sailed a boatload of potatoes from Maine to New York in 1868, sold them for a $1,000 profit and saved his young company; proudly outlined its evolution into one of the nation's industrial giants; saluted vice presidents and plant managers; shown pictures of the 29-room guest house on the research center's grounds.

"With our resource of scientifically trained personnel, modern facilities and modern machinery at all manufacturing operations . . . our future together should be and will be a bright one," the film concludes.

It has whirred on with barely a mention of the 67-year-old man who sits at the controls, guiding Milliken & Co. into the future.

No doubt it is the way Roger Milliken wanted it.●

RULES OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. MATHIAS. Mr. President, in compliance with paragraph 2 of rule XXVI of the Standing Rules of the Senate, I submit the rules of procedure of the Senate Committee on Rules and Administration to be published in the CONGRESSIONAL RECORD.

The rules follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Readopted with an amendment January 21, 1981)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room 301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national de-

fense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 7 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Senate Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session, including the senatorial long-distance telephone regulations and the senatorial telegram regulations.●

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, if the Chair will indulge me for a brief moment, I have two routine items. I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition tomorrow of the two leaders under the standing order, the distinguished Senator from West Virginia, the minority leader (Mr. ROBERT C. BYRD) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT ENTITLED "DEVELOPMENT IN AGING: 1981"

Mr. BAKER. Mr. President, the action I propose to take next has been cleared on the minority side, I believe. I ask the Chair to lay before the Senate, Senate Resolution 321, which was reported favorably by the Committee on Rules and Administration on this day.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 321) authorizing the printing of additional copies of volume 1 of the Senate report entitled "Developments in Aging: 1981"

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. STENNIS. Mr. President, there is no objection to the passage of this resolution from the minority side.

There being no objection, the Senate proceeded to consider the resolution, which was reported from the Committee on Rules and Administration with an amendment on page 1, line 4, striking "1980" and inserting "1981."

The amendment was agreed to.

The resolution, as amended, was agreed to.

The resolution, as amended, is as follows:

S. RES. 321

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volume 1 of its annual report to the Senate, entitled "Developments in Aging: 1981", which may be printed at a cost not to exceed $1,200.

PROGRAM

Mr. BAKER. Mr. President, tomorrow the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, the distinguished minority leader (Mr. ROBERT C. BYRD) will be recognized on special order for not to exceed 15 minutes in length. After that, Mr. President, in whatever time may remain before the hour of 9:30 a.m. it is possible the Senate will have a very brief period for the transaction of routine morning business. No order to that effect will be entered at this time.

At 9:30 a.m., under the provisions of the unanimous-consent agreement previously entered, the Senate will resume consideration of S. 951, the Department of Justice authorizations bill. After not to exceed 2 hours of debate on that measure to be equally divided and controlled on the Johnston amendment, a vote will occur thereon.

Upon the disposition of that measure, the Senate will proceed without debate, motion, point of order or appeal to the disposition of the Heflin amendment No. 1235. The order also provides that no other amendments will be in order to S. 951 except the two amendments just referred to and that upon the disposition of those amendments without intervening debate, motion, point of order or appeal, third reading shall occur. That

shall be followed immediately without intervening debate, motion, point of order or appeal by passage of S. 951 as amended and no debate shall be permitted on the motion to reconsider.

It will be the intent of the leadership on tomorrow to ask the Senate to stand in recess from the hour of 12 noon to 2 p.m., which has been the case in recent weeks, in order to permit Senators on both sides of the aisle to conduct official business off the floor in the nature of party caucuses.

At 2 p.m., Mr. President, it is my hope that we can ask the Senate to go into executive session for the purpose of considering the nomination of James Daniel Theberge to be our Ambassador to Chile. I shall not make a unanimous-consent request to that effect at this time but I would like Senators to be on notice that, during the morning, I shall seek an order by unanimous consent for that purpose.

Thereafter, I hope at approximately 3 p.m. to take up a sense of the Senate resolution on Poland to be offered by the distinguished senior Senator from Pennsylvania (Mr. HEINZ), on which there will be a very short period for debate but on which I understand there will be a record vote. Once again, I shall not make that unanimous-consent request at this time but I advise Senators that that will be the desire of the leadership if an order to that effect can be entered on tomorrow.

At approximately 3:30 in the afternoon tomorrow, it is the hope of the leadership that the Senate will turn to consideration of the conference report on S. 1503, which is the emergency petroleum allocation conference report. It is expected that debate on that measure will take some time, perhaps as long as an hour or so, and that a rollcall vote should be anticipated. While that is a privileged matter, I shall not now announce that the Senate will proceed to that measure at that time, but Senators should be on notice of that possibility.

Mr. President, after these matters are disposed of, if indeed they are disposed of, the Senate will resume consideration of the agent identities bill. It is not anticipated that the Senate will be in session beyond the usual hour to conclude the business and activities of the Senate; that is to say, approximately 6 p.m.

PROGRAM FOR WEDNESDAY

Mr. BAKER. On Wednesday, Mr. President, according to the order previously entered, it will be necessary to lay aside the unfinished business or any other business before the Senate and proceed to consideration of the resolution dealing with Senator HARRISON A. WILLIAMS, JR., of New Jersey, as reported by the Senate Committee on Ethics. I once again call the attention of all Senators to a memorandum which has been circulated on this side, a copy of which was delivered to the minority leader urging that Members be present at all times during that debate and outlining the hours and the method of proceeding during the continuation of that debate.

RECESS UNTIL 9 A.M. TOMORROW,

Mr. BAKER. Mr. President, I know of no other business to come before the Senate. I see no Senator seeking recognition. In the absence of that, I move now, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 a.m. tomorrow.

The motion was agreed to and, at 5:08 p.m., the Senate recessed until tomorrow, Tuesday, March 2, 1982, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 1, 1982:

LEGAL SERVICES CORPORATION

William L. Earl, of Florida, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1984, vice David E. Satterfield, III.

The following-named persons to be Members of the Board of Directors of the Legal Services Corporation for the terms indicated, to which positions they were appointed during the last recess of the Senate:

For a term expiring July 13, 1983

Harold R. DeMoss, Jr., of Texas, vice Steven L. Engelberg, term expired.

Clerence V. McKee, of the District of Columbia, vice Hilary Diane Rodham, term expired.

Marc Sandstrom, of California, vice Richard Allan Trudell, term expired.

For a term expiring July 13, 1984

Howard H. Dana, Jr., of Maine, vice Robert J. Kutak, term expired.

William F. Harvey, of Indiana, vice Howard R. Sacks, term expired.

William J. Olson, of Viginia, vice F. William McCalpin, term expired.

George E. Paras, of California, vice Michael Kantor, term expired.

Robert Sherwood Stubbs, II, of Georgia, vice Ramona Toledo Shump, term expired.

IN THE COAST GUARD

Rear Adm. Wayne E. Caldewell, U.S. Coast Guard, to be the Commander, U.S. Coast Guard Altantic Area with the grade of vice admiral while so serving.

Rear Adm. Charles E. Larkin, U.S. Coast Guard to be the Commander U.S. Coast Guard Pacific Area with the grade of vice admiral while so serving.

The following named captain of the Coast Guard Reserve to be a permanent commissioned officer in the Coast Guard Reserve in the grade of rear admiral:

IN THE U.S. NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Farwell, Timothy S.
Gierhart, Michael L.
Hayes, Timothy R.
Lotz, William G.
Mullen, Jeffrey A.
Petrie, William S.
Portnoy, Richard R.
Wereszczynski, James M.

Chief Warrant Officer, W-4 Lorenza Carter, U.S. Navy, to be appointed a permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law.

The following-named chief warrant officers, W-3 to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:

Acosta, Alfredo Z.
Botts, Roy L.
Carsten, Thomas E.
Casey, Patrick J.
Curley, Jeremiah M.
Day, James L.
Drewry, Douglas L.
Dulin, Robert H.
Dunbar, Frederick C.
Fortner, Elton C.
Francis, James E.
Gengler, Kenneth A.
Gideon, William R.
Hosterman, Larry D.
Keasler, David H.
Lytle, John D.
Maultsby, Rustic A. J.
Maxey, Jack E.
Miller, Victor E.
Palmer, Bruce E.
Peters, Clyde V.
Range, James N., Jr.
Shaffer, Ivan L.
Sherman, James H.
Sowers, William R.
Vahey, William F.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-3, in the U.S. Navy, subject to qualification therefor as provided by law:

Aldridge, Bobby R.
Barratt, Leland S., III
Bell, Kenneth G.
Bendy, Kenneth W.
Bible, Simon D.
Boyd, John, Jr.
Clark, George C.
Crosby, Samuel L.
Crosby, William A.
Donnelly, John M.
Ergino, Marcelino S.
Golden, Russell C.
Halsell, Johnnie L.
Hamilton, Bobby
Hendricks, David N.
Henshaw, Kenneth W.
Hilbish, Thomas R.
Hill, John E.
Horne, Carl F.
Huntemann, Harley J.
Impson, Eldridge F.
Knott, Joe G.
Kozoroz, Paul
Love, John M.
Malinao, Alexander N.
Ogrodnik, Robert E.
Pratt, Robert M.
Pray, Gary L.
Spears, James R.
Stillwell, Gordon T.
Swanger, Stanley D.
Thomas, Thurman J.
Thompson, Allen D.
Wyatt, Jack D.
Yasenchak, Paul A.

The following named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:

Abbott, Fredrick J.
Alford, Michael L.
Alley, Tony R.
Anchors, Charles H.
Anderson, Frederick
Andrews, Frank E.
Arbogast, William F.
Atherton, James D.
Atkinson, Rodney C. J.
Bailey, David C.
Baker, Daryl R.
Banks, Joseph T.
Banks, McLeod, Jr.
Barann, Detley A.
Barber, Paul A.
Bartlett, Joe L.
Bartow, Frank V.
Beach, Jarold L.
Beightol, Larry W.
Bell, Dill E.
Bellman, Edward L.
Berger, Larry A.
Bessette, Philip W.
Bixler, Robert A.
Black, Ralph F.
Black, Roger R.
Blackwell, Kenneth C.
Blankenship, William
Blackman, Melvis M.
Bohac, James J., Jr.
Botine, John L.
Bowman, Robert E.
Branch, Lewis N.
Brian, Dennis J.
Briesacher, William
Brieske, William C.
Brown, Emmett J.
Brown, Gale B.
Brown, John T.
Bruce, Jefferson W.
Bucher, Gregory A.
Buie, Charles
Bunch, William E.
Burck, William T.
Burk, Michael A.
Byford, Dewey L.

Caffrey, William E. J.
Calamug, Guerrero B.
Calloway, Layton M. J.
Campbell, Lavone
Campisi, Thomas A.
Carey, Ralph W.
Carr, Alfred E.
Carr, Allen R.
Carr, Jerry E.
Castle, Paul A.
Cerka, Bennie L.
Clark, Henry D., III
Clark, John T.
Clay, David A.
Cleofe, Juancho N.
Clinard, David L.
Cochrane, Douglas E.
Cofield, Willie R.
Coker, Joe C., Jr.
Cole, Jeffrey W.
Coleman, Moses
Coleman, Ronald G.
Colley, Larry M.
Comeau, George L.
Comer, John W.
Constantino, Rizalin
Cook, Robert N.
Cooper, Frederick J.
Cornelius, Robert E.
Costanzo, Daniel M.
Cotton, John E.
Cowles, William R., Jr.
Croteau, Paul W.
Crutchfield, Albert
Cummings, Patrick C.
Dahlgren, Robert E.
Dauphinee, Richard A.
Davis, Jerry P.
Davis, Johnny R.
Davis, Robert J.
Dawson, Kenneth W.
DelMundo, Pete A.
Devine, Bart A.
DeVinney, Dallas M.
DeWinter, Paul F.
Dickerson, Edward R.
Dill, John M.
Dillard, Jackie A.
Dillingham, John S.
DiMaggio, Donald J.
Donaghue, Michael A.
Donion, James P.
Doud, Gary C.
Doughty, Thomas G.
Doyle, Russell H.
Dufford, William D.
Duke, Roger C.
Dunlap, William D., Jr.
Dunn, Clyde M.
Dunn, Hayward D.
Duran, Lawrence A.
Eaton, James F.
Eaton, James R.
Eckelberger, Shirley
Eisenhardt, Waldemar
Eli, Walter K.
Embrey, Francis M.
Engledow, Peter
Ervin, Michael W.
Eskridge, Elmer B.
Etheridge, Gary L.
Fabian, Kenneth W.
Fary, Robert E.
Faught, Thomas E.
Featherer, Robert E.
Feichtinger, John L.
Ferrell, James E.
Fiehtner, David E.
Fitchie, David G.
Flowers, Dale C.
Ford, Johnny O.
Foster, Clarence E.
France, Charles D.
Galbraith, Fergus J.
Ganser, Charles R.
Garrison, Gary W.
Gay, Bobby D.
Geer, Eli, Jr.
Gerber, James L.
Gervasi, Michael J.
Gibson, Bobby P.
Gibson, David S.
Gibson, Dennis W.
Gibson, Virgil L.
Gill, Jay H.
Gillen, Michael J.
Glade, Ronald G.
Glover, John C.
Gonzalez, Francisco
Groombridge, Hermann
Groves, John T.
Haley, Roy C.
Hall, William J.
Hamilton, Talmage O.
Handy, Garrick L.
Hanson, Paul G.
Harlan, Richard D.
Harrington, Chester
Harris, James D., Jr.
Harris, Randall E.
Harrison, Danny
Haskell, Robert W.
Hass, Randy L.
Hecht, Frank W.
Heersema, Robert L.
Henry, Randy L.
Higgins, David M.
Hilligas, Donald F.
Hinds, Terry W.
Hines, Leonard A., Jr.
Hobbs, Kenneth R.
Hoffman, Steven J.
Holfeltz, Larry D.
Hollar, Bruce B.
Holsather, Thomas E.
Hooper, Howard G., Jr.
Hord, Cheryl A.
Hume, Duane D.
Jenkins, Spencer D.
Jewell, Robert W.
Johnson, Alan C.
Johnson, Charles M.
Johnson, Edward
Johnson, Robert S.
Jones, Larry L.
Judd, Robert E.
Jurjevic, Anthony J.
Kaczynski, Edwin J., Jr.
Keller, Wayne M.
Kelly, Jeffrey B.
Knight, Kenneth R.
Knighten, Roger W.
Kosse, Peter J., III
Krell, Robert D.
Krutsinger, Phillip
Laquindanum, Romulo
LaVallee, John M.
Lawrence, Darnell R.
Leafe, William A.
Leffel, George W.
LeMire, Richard J.
Leo, Joseph C.
Letscher, Joseph J.
Linenberger, Thomas
Link, Michael R.
Lish, William J., Jr.
Lonczewski, Alvin W.
Lopez, Fernando P.
Lowke, John C.
Lubag, Emiliano G., Jr.
Lyall, Ronnie L.
Mach, Charles R.
Macheski, John R.
Mack, John T.
Majusiak, Bernard P.
Manansala, Renato S.
Mangus, Gary S.
Manning, Edward S.
Marshall, John S.
Maskelony, Daniel T.
Massuch, Harry A.
Matthes, Michael J.
McCormick, Richard L.
McCoy, Paul L.
McCrary, Gene M.
McCuistion, David A.
McDaniel, Kenneth L.
McDuffie, Lee O.
McEntee, Joseph C.
McEwen, Patrick A.
McGuire, Robert H.
McIntyre, Earle J.
McKinney, Malcolm L.
McLaughlin, Francis
McMain, Darryl H.
McNulty, Edward B.
McTiernan, John J.
Meierdierck, John E.
Mejia, Eduardo J.
Melloh, William M.
Mensching, Gene E.
Mensing, John C.
Meyer, Allan E.
Michanowicz, Anthony
Michnewicz, Lee S.
Miller, Benjamin C.
Miller, Charles A.
Miller, Kenneth R.
Miller, Richard G.
Miller, Steven A.
Miller, Thomas
Miller, Willie L.
Mills, John P.
Mock, Gary E.
Moore, Herbert R.
Morris, Francis E.
Morris, Jackie T.
Mott, Edward J.
Mullins, Elmoe M.
Murray, John P.
Murray, Willard A., Jr.
Neal, Lawrence C.
Nelson, William H., Jr.
Newhouse, Dion A.
Newton, Walter L.
Nicholls, Duane A.
Nichols, John K.
Nordin, Dennis O.
Norris, Edwin J.
Novak, Steven R.
O'Carroll, Patrick J.
Odegaard, Dennis O.
Ogle, Bobby E.
O'Leary, Thomas B.
Olkowski, Walter P.
Olsen, William L.
O'Meara, Joseph M.
O'Meara, Thomas G., Jr.
Ortner, John T.
Otis, Thomas J.
Owens, John E.
Oxley, George R.
Page, John W.
Palin, Gary L.
Pardo, John P.
Pastin, John R.
Patton, Kenneth C.
Pecue, John W.
Perrine, Lawrence A.
Pichon, John J.
Pierce, James H.
Plaskett, James W., Jr.
Porter, Burce E.
Potter, Robert G.
Preston, Marshall D.
Pringle, Alex F.
Pugh, Carl E.
Radcliffe, Ronald H.
Randolph, Franklin J.
Ranieri, Joseph W.
Rasnick, Charles, A.
Ray, Gilbert A.
Ray, Oran C., Jr.
Raymond, Richard R.
Reed, Thomas C.
Reichart, Kenneth J.
Remington, Robert P.
Richardson, David H.
Rickman, Thedore L.
Riddle, Ronald D.
Rigsbee, Charles W. J.
Risley, Joseph R., III
Roark, Reid L.
Robertson, Tyrone T.
Robles, Emil G., Jr.
Rodgers, Charles Z.
Romanetz, Stephen J.
Rosario, Paul E.
Rougeau, Birthnes J.
Rudicill, Dennis M.
Ryan, Dennis J.
Sage, Robert S.
Sallee, Gregory W.
Salmons, Raymond T.
Samuelson, Michael J.
Sandle, Johnny L.
Sandlin, Daniel R.
Sandor, George, Jr.
Sawtelle, Ricky L.
Schache, Joseph E.
Schaefer, Randall A.
Schilke, Clifford H.
Schurman, Samuel D.
Settle, Dennis W.
Sexton, Maurice L.
Shadburn, Michael T.
Sharrow, Robert J.
Siddell, Everett A.
Sike, Bradley R.
Sikes, John T.
Sims, John W., Jr.
Siudyn, Robert
Skidmore, Stephen P.
Skinner, Gary A.
Slaughter, James R.
Smith, Arnold L.
Smith, Donald C., Jr.
Smith, Donald R.
Smith, Edward W.
Smith, Harry L., Jr.
Smith, Robert W.
Snyder, John E., Jr.
Soriano, Valeriano C.
Sprague, Jack L.
Spriggs, Gary M.
Stanks, John P.
Stanton, Allen P., Jr.
Stark, Philip T.
Steacy, Donald P.
Stebbing, Franklin A.
Steet, Thomas M.
Stenton, Brian
Stevenson, John D.
Stone, Kenneth R.
Strafford, Jack V.
Stringfield, Melvin
Struckmeyer, Robert
Sutton, Olin S., Jr.
Swadley, Robert T.
Swiggs, Daryl D. J.
Symes, Rodney T., Jr.
Tanner, Terry M.
Tate, Kenneth E.
Taylor, Everette
Thomas, Harry H., III
Thomas, Winston C., Jr.
Thompson, Claude W.
Thompson, Dale L.
Thornburg, Michael T.
Tilley, Franklin H.
Torrence, Thomas F.
Totterer, Stephen L.
Tucker, Billy J.
Tucker, Ronald J.
Tyus, Edward, Jr.
Uy, Eddie D.
Valentine, Kenneth J.
Valera, Alexander B.
Vanderburg, Jimmy D.
VanLuvanee, Frank W.
Venzke, Charles K.
Vevik, Ola
Vierra, Ross A.
Vinas, Ricardo V.
Wade, Robert L.
Wagoner, Larry D.
Wahl, John R.
Waisanen, Robert L.
Waksmunski, Dennis A.
Walters, Clarence R.
Walters, James L., Jr.
Washington, Jesse
Waterstraat, Harold
Webb, George M.
Webb, Spencer O.
Weis, David O.
Whaley, William B., Jr.
Whitney, Douglas M.
Wiggins, James R.
Wilburn, Archie J.
Wildermuth, Robert H.
Williams, Roy H., Jr.
Williams, Thomas J.
Williams, Woodrow W.
Williamson, Connie L.
Willis, Richard S.
Willyard, Jimmy C.
Wilroy, Leigh M.
Windham, Woodrow T.
Woods, Gene A.
Wright, Carmen E.
Wright, William D.
Wulff, Louis P., IV
Yannacci, John A.
Yeager, Gerald J.
Yoder, Edward M.
Young, Lee R.
Young, Neal D., Jr.

The following-named Naval Reserve officers to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, subject to qualification therefor as provided by law:

Abasolo, Jennifer N.
Assan, Patricia A.
Bailey, Dean A.
Bailey, Wendy A.
Bakalar, Richard S.
Blackburn, Warren A.
Burns, John Kevin
Butler, Clinton J.
Chapman, Karen A.
Davis, Cynthia G.
Ganey, John T.
Gangloff, Janette
Hale, Phillip D.
Haluszka, Mary M.
Haluszka, Oleh
Harper, Donald A.
Lavin, Bruce S.
Lemons, Freddye M.
Lineberry, Paul J.
Martin, Peter J.
McClellan, David S.
McQuillan, Patrick M.
Munter, David W.
Ringler, Robert L., Jr.
Roure, Angel R.
Soika, Christopher W.
Ternes, John P.
Wales, Robert A.

Chief Warrant Officer, W-4 Lorenza Carter, U.S. Navy, to be appointed a temporary lieutenant (junior grade), limited duty, in the U.S. Navy, subject to qualification therefor as provided by law.

Chief Warrant Officer, W-2 Harold J. Thompson, U.S. Navy, to be appointed a temporary lieutenant (junior grade), limited duty, in the U.S. Navy, subject to qualification therefor as provided by law.

The following-named chief warrant officers, W-3 to be appointed temporary lieutenant (junior grade), limited duty, in the U.S. Navy, subject to qualification therefor as provided by law:

Acosta, Alfredo Z.
Andies, Robert B.
Aydelott, Charles R.
Baldwin, Patrick L.
Barbra, William R.
Barnhart, John A.
Boliek, Richard L.
Botts, Roy L.
Briggs, James A.
Britt, Dale R.
Byers, Harold D.
Callahan, Frederick N.
Camacho, Donald L.
Carsten, Thomas E.
Casey, Patrick J.
Chinery, Percy H., III
Ciborowski, Virginia
Clifton, James R.
Cole, Donald E.
Creed, David L.
Curley, Jeremiah M.
Day, Dickie J.
Day, James L.
Dickson, Mack, Jr.
Dickson, William G.
Dobbins, John W.
Drewry, Douglas L.
Dulin, Robert H.
Dunbar, Fredrick C.
Edwards, William N.
Eltringham, Norman P.
Fenwich, James J.
Finch, Gaylord R.
Fortner, Elton D.
Fowler, Ronald L.
Fraher, Dennis E.
Francis, James E.
Gavin, Daniel J.
Gee, Grant W.
Gengler, Kenneth A.
Gideon, William R.
Gumbayan, Gregorio E.
Hall, John H.
Hardee, Terry H.
Heassler, Ernest J.
Hosterman, Larry D.
Hyman, Bobby E.
Jiles, Elvin, Jr.
Jones, Ronny G.
Keasler, David H.
Kemp, Thermon R., Jr.
Kincaid, Eilhu E.
King, Thomas M., Jr.
Laduke, Robert C.
Larson, Raymond D.
Lord, Frederick R., Jr.
Lytle, John D.
Mathisen, Tim I.
Maultsby, Rustic A. J.
Maxaner, Bruce
Maxey, Jack E.
McCarthy, John P., Jr.
McGlade, Joseph J., Jr.
Miller, Victor E.
Montgomery, James J.
Moser, Leroy R.
Nelson, Donald F.
Niemann, Gerald W.
O'Halloran, Francis E.
Osterfeld, Leroy A.
Palmer, Bruch E.
Pate, James E.
Paul, George D.
Pemberton, Lawrence
Peters, Clyde V.
Prince, Burton L.
Quaschnick, David L.
Range, James N., Jr.
Riddle, Jerry A.
Ritter, Kenneth J.
Schneider, Franz C.
Schneider, Jacob P.
Schwab, Frederick A.
Segovia, Gustavo
Shafer, Gerald T.
Shaffer, Ivan L.
Shepherd, Danny K.
Shepherd, Robert D.
Sherman, James H.
Shinkle, Leroy K.
Sipes, Jerry K.
Sommer, Robert J., Jr.
Sowers, William R.
Strong, Richard L.
Taylor, James G.
Tom, Daniel, Jr.
Vahey, William F.
VanAusdal, William R.
Waite, Robert A.
Whitaker, Larry H.
Worthen, Thomas L.
Young, Dennis C., Jr.

The following-named Navy enlisted candidates to be appointed temporary ensign, limited duty, in the U.S. Navy, subject to qualification therefor as provided by law:

Acfalle, George C.
Adair, Thomas A.
Adams, Thomas E.
Alfonso, Jimmy A.
Allen, Daniel C.
Allen, David J.
Allen, Jon C.
Anastacio, George G.
Arnold, Edgar L., Jr.
Asher, Terry E.
Baber, John W.
Baldwin, Gregory J.
Ballinger, Michael K.
Banks, Herman F.
Barbato, David M.
Barcomb, Wayne D.
Barnes, Donald A.
Bartholomew, Robert
Baulisch, Harry L.
Bauman, David F.
Beach, Coulson C.
Beadle, Francis R., Jr.
Bean, James L.
Beardslee, Kay L.
Beddingfield, Roger
Berthiaume, Ralph J.
Bishop, Stephen S.
Blackmore, Dennis N.
Blake, Jesse A.
Blow, James W.
Bobbitt, Bobby L.
Bohannon, William D.
Bohr, Steve J.
Boone, Kenneth R.
Bowker, Douglas A.
Boyd, Stephen M.
Britt, Earl J.
Brittian, David L.
Brock, Steve W.
Brooks, Henry K.
Brown, Thomas W.
Buenaflor, Eduardo O.
Burdick, Edwin J.
Byrne, Patrick J.
Cain, Robert P.
Cameron, Wayman E.
Campbell, Gary L.
Carroll, Patrick
Cartaya, Sergio A.
Cates, Michael H.
Cauble, Lawrence M. J.
Cauthon, Melvan L., II
Chapman, Peter C.
Charboneau, Charles
Chewning, Donald W.
Chidester, Lonnie T.
Christensen, Kathryn
Cipperly, Stephen L.
Clark, Douglas W.
Clark, H. L., Jr.
Coleman, Michael A.
Collins, Ernest L.
Conery, Joseph E.
Conner, Robert C.
Conrad, Donnie J.
Costello, Joseph P.
Crandall, James R.
Crep, Mark E.
Crisostomo, Michael
Crites, Ted T.
Cronk, Kenneth H.
Culbert, Mitchell D.
Cunningham, Anthony
Daniels, Philip E.
Day, Glenn A.
DeGuzman, Renato S.
DeHart, Richard S.
Dickerson, Frederick
Dietz, Earl F.
Diunizio, Dennis L.
Dotlich, Paul R.
Dotterer, Danny J.
Douglas, William C.
Drew, Tony L.
Drexler, Peter U.
Dubay, Mary D.
Duke, William C.
Duncan, James E.
Dunn, John S.
Eckel, Paul C.
Ellison, Roger D.
English, James D., Jr.
Erwin, Ronald L.
Falardeau, Leo O.
Feldhauser, Bruce K.
Finnegan, Dennis M.
Finnessey, Michael A.
Fiore, George P.
Fiscus, William H.
Fisher, James L.
Fisher, Ronald W.
Fitzpatrick, William
Franklin, Kent R.
Frolander, Carl L., Jr.
Funke, John B.
Galluzzi, Donald R.
Garcia, Paul A.
Garcia, Ramona K.
Gardner, Stephen G.
Gitchell, David D.
Godwin, Vernon L.
Graham, James C.
Grimes, Robert A.
Grisham, Calvin M.
Gustafson, Jack A.
Guy, Donald W.
Hamilton, Alexander
Hand, David E.
Harris, David M.
Harris, William D.
Hausauer, David C.
Hayes, Michael F.
Heim, Gilbert W., Jr.
Helm, Robert L.
Hendren, Scott R.
Henry, Arlie N.
Herrington, Charles
Herron, William M.
Hicks, James G.
Hill, Thomas R.
Hilyer, Joseph E.
Hogue, Gary G.
Holloway, Dennis W.
Holman, Barry W.
Hooley, Kevin R.
Hoover, Thomas E., Jr.
Howard, Dennis B.
Howard, Gene T.
Howell, Jack E.
Hundley, Donald R.
Hurd, Daniel E.
Hurst, Darrell W.
Hutchison, Michael L.
Jackson, Kenneth S.
Jackson, Michael D.
Jenkins, John D.
Johns, Gerald R.
Johnson, Donald G.
Johnson, Lee R., Jr.
Johnson, Richard W.
Jones, Frederick A. I.
Kadlec, Dale R.
Kankelborg, Lyle J.
Kantor, Michael A., Jr.
Kearns, Daniel W.
Keenan, Joseph L.
Kemp, James P.
Kennedy, Billy D.
Ketcham, Timothy E.
Kink, Owen M.
Kirsner, Howard E.
Korbal, Martin A.
Lacey, Michael A.
Laird, Dean R.
Laird, Jon T.
Landis, Marvin C.
Lane, Alan D.
Langston, Arthur L.
Larribeau, John D.
Larson, Steven M.
Larson, Todd M.
Lavelle, James P.
Lay, David M.
Leist, Larry W.
Lezon, Gary D.
Lillge, Robert E., Jr.
Loeber, Michael C.
Loebs, Michael E.
Lunak, Raymond E.
MacArthur, Donald T.
MacDonald, Scott A.
Majerus, Arthur P., II
Malloy, Marc
Maloney, Willard A. J.
Mansfield, Jim D.
Marsh, Robin E.
Marshall, William R.
Martin, Charles F.
McCrow, Samuel R.
McKnight, Michael L.
McMorris, Alonzo
McNulty, Micheal F.
Melges, David K.
Michaelis, James M.
Milburn, Robert H., Jr.
Miller, Pat W.
Milner, Marlin W.
Mollica, Richard L.
Mollitt, Tommy J.
Moore, Alden G.
Mortenson, David L.
Moyer, Dennis W., Sr.
Muehlbach, Donald S.
Mueller, Thomas E.
Mullen, Steven W.
Muscarello, Vincent
Nelson, Myron E., Jr.
Niemela, Ernest M.
Oldaker, Charles G. I.
Patrick, Timothy J.
Pavlat, Jack M.
Pawelczak, Joseph M.
Peterson, Gregory J.
Petry, Robert J.
Piirainen, Dale W.
Pitts, Henry A.
Price, Walter J.
Pugh, Royden E.
Rapp, John W., III
Rathman, Randell L.
Reese, Bruce R.
Reyes, Norlan M.
Reynolds, Timothy L.
Richard, Craig S.
Rivenbark, Michael D.
Robie, Robert L.
Rodgers, Freddie L. J.
Rhone, Christopher M.
Romano, Jim O.
Rosete, Recuerdo A.
Ruddeforth, Mark C.
Sandeman, Steven S.
Sanders, David L.
Sarmiento, Jose T.
Schamberger, Thomas
Schmidt, Michael P.
Schneider, William J.
Shannon, Robert J., Jr.
Shay, William F.
Sheldon, Robert R.
Shughart, Paul T.
Shultz, William H., Jr.
Snook, Rickie E.
Socha, John M.
Spicker, Wilhelm H.
Spires, Gordy A.
Spratt, Edwin L.
Spry, Joseph J.
Stafford, Terry L.
Stahurski, Richard J.
Stebbins, Wilbur L.
Sterett, Robert B.
Stevens, Steven L.
Stites, Tommy W.
Stone, James F.
Stringfellow, Willia
Sullivan, William A.
Swartz, John S.
Tabinga, Nelson C.
Taylor, Delmain R.
Terry, John W.
Thomas, Gregory A.
Thome, Robert L.
Thompson, William L.
Thorne, Robert C.
Tibbitts, Stephen K.
Uhrich, Andrew R.
VanBuren, Randall L.
Vann, Benny L.
Vest, Eugene T., II
Vetter, Alan T.
Vital, Manuel F.
Vollman, John J.
Waltrip, Lonnie R.
Warren, Richard L.
Weathers, Marshall N.
Weeks, Tony M.
Werbelow, Roger L.
Werkman, Brent R.
West, Michael L.
Whalen, William J.
White, Paul D.
Whitehead, Michael E.
Whitehill, John M.
Williams, Ronald K.
Wilson, Donald W.
Wilson, Richard A.
Wojtuniak, Joseph S.
Wright, William F.
Young, James K., III
Young, Richard M.
Zajac, Joseph J.
Zanski, Michael T.
Zavacki, Kenneth G.

The following named ex-U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Davidson, Dennis M.
Hopper, Richard E.

The following named medical college graduates to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law:

Dyment, Paul G.
Reeves, Billy D.
Sherman, Don

HOUSE OF REPRESENTATIVES—*Monday, March 1, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O Lord, for the gifts of life and the promises and opportunities that are ours. With all the plans and pressures of the days before us, grant an inner serenity of spirit which Your word alone can give. Refresh our hearts with the forgiving power of Your grace, that we may use our days in obedience to Your divine call for peace on earth and good will toward all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 5021. An act to extend the date for the submission to the Congress of the report of the Commission on Wartime Relocation and Internment of Civilians.

The message also announced that the Senate agrees to the amendments of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 64. Concurrent resolution to authorize the Zeta Beta Tau fraternity to conduct a reception in the rotunda of the Capitol on March 31, 1982, to commemorate Roger Williams for his contribution to religious toleration and freedom in the United States.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 1204) entitled "An act to amend the Noise Control Act of 1972 as amended by the Quiet Communities Act of 1978," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. GORTON, Mr. SIMPSON, Mr. RANDOLPH, and Mr. BAUCUS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4625. An act to authorize the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the U.S. Army at the end of World War II.

The message also announced that the Vice President, pursuant to Public Law 86-42, appointed Mr. MCCLURE, Mr. ANDREWS, Mr. MURKOWSKI, Mr. MATTINGLY, and Mr. BIDEN to be members, on the part of the Senate, of the Canada-United States Inteparliamentary Group.

HAPPY BIRTHDAY, DAVID LEVINE

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, this is a very busy city and this is a very busy institution in this city. It is a city full of monuments and of people who confuse themselves with those monuments from time to time. Very often we are so busy, either doing something or talking about doing something, or talking about planning, or thinking about doing something, that we forget that it is also a city and an institution of people, and people who make it sometimes a very human place in the midst of all the commotion.

I would just like to take this moment, if I may, to speak, I know, on behalf of a great many of my colleagues in wishing a very, very happy 18th birthday to a young man that many of us on both sides of the aisle have come to know, David Levine, who is a page on the Democratic side, who went home to Chicago last summer battling a serious illness and who is not back with us yet. This is his 18th birthday.

David is one of those people who has made this institution, I think, for all of us, in spite of the bustle and commotion of this city and of this institution, a very warm and a very human place. For that we are very grateful. I know I speak for all of my colleagues when I wish him the very happiest of all birthdays.

And David, for heaven's sake, the country has begun to fall apart in your absence. Get back.

BIRTHDAY GREETINGS TO DAVID LEVINE

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, as you know better than most of us, the smooth and effective operation of this House is greatly enhanced by those dedicated young men and women, the pages, who perform a thousand and one ordinary and extraordinary services for the Members.

I am pleased now to join the previous speaker, our distinguished friend, the gentleman from Massachusetts (Mr. STUDDS), in calling the attention of the House to one of those young people, David Levine, on the occasion of his 18th birthday.

David has been waging a courageous fight against cancer during recent months and is celebrating his birthday at his home in Chicago.

Mr. Speaker, I know that you join with me and his many other friends in the House and on the staff and among the pages in saying to him: Happy birthday, David. Keep up the good fight, and get well soon.

COMMUNICATION FROM DIANE S. MERIWETHER

The SPEAKER laid before the House the following communication from Diane S. Meriwether:

FEBRUARY 25, 1982.

Hon. THOMAS P. O'NEILL, JR.
Speaker of the House,
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50), paragraph 2, of the Rules of the House, that on February 22, 1982, I was served with a subpoena to testify in a case pending in the United States District Court for the District of Columbia.

I am to appear on Friday, the 5th day of March, 1982, at 9:30 a.m., at the United States District Court House, Washington, D.C.

Sincerely yours,

DIANE S. MERIWETHER.

COMMUNICATION FROM DAVID R. RAMAGE

The SPEAKER laid before the House the following communication from David R. Ramage:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 25, 1982.

Hon. THOMAS P. O'NEILL, Jr.
Speaker of the House,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to notify you, pursuant to the provisions of Rule L (50)

paragraph 2, of The Rules of The House, that on February 25, 1982, I was served with a subpoena to appear before the Grand Jury, United States District Court.

I am to appear on Tuesday, March 9, 1982, at 10 A.M. at the United States District Court House, Washington, D.C.

Sincerely,

DAVID R. RAMAGE,
Majority Print Clerk.

TAX CUT HAS NOT PRODUCED ECONOMIC RECOVERY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, on Friday the President is reported to have said in an address to the Conservative Political Action Conference meeting here in Washington that "If Democrats want to run as the party that refused to cut ⅛spending and the party that tried to take away your tax cuts, we will give them all of the running room that they want."

Now, the President has been observed by reporters and politicians here in Washington as a man who acts without real information. And I would suggest that in this instance he acted without real information again because yesterday Senator DOLE, a Republican and the chairman of the Senate Finance Committee, suggested that the tax cuts should be revised in order to reduce the deficit—a deficit that is a Reagan deficit, caused at least 50 or 60 percent by the Reagan tax cut.

Mr. Speaker, Republican party leaders are also questioning the wisdom of the Reagan tax bill.

YOUNG MEN ADVISED TO REGISTER FOR DRAFT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, yesterday was the last day of the grace period extended by President Reagan to those young men who are eligible to register for the draft.

I would like to point out that very little attention has been paid to this in the press. There are still some 600,000 or 700,000 young men who have failed to register.

I would like to point out, also, that this does constitute a felony and, if convicted, it carries a sentence of up to $10,000 in fines and 5 years in jail.

Mr. Speaker, I noticed, also, in the press yesterday, that some Member from the Democratic side of the aisle is going to introduce legislation to reduce the conviction for a felony and a severe fine down to a misdemeanor.

Mr. Speaker, I want to point out to all of these young men who have failed to register ain't going nowhere. I have introduced legislation that not only would keep it as it is, but would also prohibit any young man who is in violation of that act from receiving any kind of Federal assistance, including college loans, college grants, food stamps, welfare, and any kind of Federal assistance.

Mr. Speaker, that is the overwhelming attitude of the American people. I would advise these young men to go ahead and register, to do themselves a favor and a favor for their country at the same time.

THIS COUNTRY'S GREATEST RESOURCE: OUR PEOPLE

(Mr. ROBERTS of Kansas asked and was give permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS of Kansas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest for high school students. This year more than 250,000 students participated in the contest competing for 5 national scholarships which are awarded as top prizes.

I am inserting in the RECORD the winning speech from the State of Kansas by Connie Mermis of Gorham, Kans., as an excellent reminder of this country's greatest resource: our people.

Archibald MacLeish once wrote, referring to America that "this New World is forever new to hands that keep it new" and what he said is a valid observation. To build this great nation, and to keep it great, Americans have, from generation to generation, assumed the responsibility of reaching out for the tools, the brick, and the mortar that were necessary to keep this New World new. The generations of today are no different from those of the past, and they, too, must reach out to continue to build America. Our nation has reached a time in history when we must all hold out our hands and bring together all of the parts and pieces of this country and reinforce and reforge them into one strong unit . . . a beacon to shine for the world.

Now, more than ever, we need the small family farm, we need those teachers who are leaving education for more profitable employment, we need bright young men in our military, we need people in medical fields who are willing to serve in the less populated areas, we need politicians who will serve their constituency rather than themselves. In other words, in order to provide our citizens with these and the many other qualities of life which build a great nation and for which Americans have been long admired, we need to get back to our roots and see that they are still growing in the same soil that first received them.

The soil that held our first roots as a great nation in the world was the family unit. Our forefathers, whatever their reason for migrating to America, came as families. The foundation upon which we built this country is the home. Today, more than ever, that foundation must remain strong. The American home needs parents who instill a set of values, high morals, and worthwhile standards . . . not only by the lessons they teach, but by the examples they set. The parents of today's young people are building the future of America. The ideals and beliefs acquired while a person is young mold the adult he or she will become. Young parents and future parents must recognize and remember the fact that they are forming the future of the child as well as the future of the United States of America.

The United States has been called "the melting pot" of the world, made up of a cross section of the world's people. We are made up of people of many different cultural backgrounds and religious beliefs. We have future Americans being formed with so many different ideals and ideas because they come from so many different and diverse homes that we must learn and help others to learn to accept the good in everyone and to live together in our diversity. If we do not, then we will crack and crumble our very foundations. Americans must bring together the thoughts and ideas of this "melting pot" of ours and live in harmony with common aims to build a stronger nation.

In addition to building stronger, more tolerant homes as a foundation of our nation, we must add the tools with which to continue building. One of the best tools anyone can have is a good education. People find enrichment in knowledge and when the child from a caring home is educated to the fullest of his talents, he can channel that talent into directions which will help solve the problems of this country. He can use the tools of his education to add to technology and research. He can reach out his hands and keep this New World new.

When looked at, this solution to the building of a stronger and better America seems an impossible one. We cannot deny that some children come from underprivileged homes and disadvantaged environments. However, that does not lessen the responsibility of the rest of the nation.

It is our obligation to be "the bearer of the torch" to those less fortunate than ourselves . . . to reach out our hands and keep this New World new . . . each of us must reach out . . . help our brother . . . If those of us who can, will seek out the underprivileged and disadvantaged and help them to raise themselves up, if we will strive to provide a meaningful education to all who desire it, if we will stress at every opportunity by example and by assistance the value of rich home life and if we will elect to office good and true men to speak for us—then we are building a better nation.

I am willing to meet his challenge . . . to stand up for those things in which I believe . . . to be counted when my help is needed . . . I make this pledge to my fellow Americans and my prayer is that it will be returned so that we can build America together.

THE NATIONAL DEBT

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I rise to endorse the proposition spelled out by

a Mr. Steadman of Newsweek not too long ago, wherein he proposed the establishment of what amounts to a trust fund patterned on the old highway trust fund that we established in 1956, and to earmark an excise tax on manufactured products and imports at a desired percent to go into it and be dedicated for the sole purpose of retiring the national debt.

I think it is becoming perfectly obvious that if we ever succeed in balancing the budget, we will be doing well, let alone paying off the debt. Now that is costing us the third biggest item on our budget, $110 billion a year, just to pay the interest on it.

Depending on the percentage we fix, the old trillion dollar debt could be eliminated in anywhere from 5 to 10 years, and at least we will be making some progress. I think the mere enactment of that will convince the money markets that, for the first time, we are not engaging in political rhetoric but are actually doing something about this, and you will see a dramatic reduction almost instantly in interest rates, which I think is the main fate on our economy right today.

COMMITTEE STAFF

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COLLINS of Texas. Mr. Speaker, we have seen an overexpanded growth in our Government in the past few years. It appears that the business as usual attitude on Capitol Hill is that everything will automatically increase or get bigger every year. Too many expect Congress to spend more and actually budget for it. This is the basic attitude that has gotten this country into the economic chaos we are in today.

Let us get specific. Congressional committee staffs have grown so large in recent years, that 10-percent-plus increases in budgets and staff are considered moderate and often expected. We have seen the congressional investigative committee staff which numbered 570 in 1973 explode to 1,063 in 1981. Interest rates are too high. Inflation is too high. we must reduce Government spending. The attitude that bigger government is better is a proved loser.

The Senate is moving to control this unnecessary and wasteful committee growth Congress has experienced for too long. The Republican-controlled Senate has taken immediate action to reduce the Federal Government by starting where big Government begins—the committee staff.

Let us look at some specifics. In 1980, the total for Senate committee staff was 1,108. To clarify, in 1980 under Public Law 96-304, the previous distinction between statutory and investigative staffs was ended in the Senate and all committees now are required to gain approval of budgets for the employment of all staff. In 1981, this total figure of 1,108 was reduced to 974 which is equivalent to a 12-percent decrease. This is a giant step toward eliminating waste and reducing oversized staffs.

Some committees had more flagrant waste than others. For example, the Judiciary Committee reduced its staff from 191 in 1980 to 137 in 1981. That is 54 people for a 28-percent reduction; 54 extra people in any office create confusion and inefficiency. Another committee that really trimmed its ranks was Government Affairs by reducing its staff from 155 to 116, 39 people for a 25-percent reduction. Labor dropped from 122 to 103—19 people for a 16-percent reduction. And even the Budget Committee, with all the budgetary considerations last year, was able to eliminate 14 people from its rolls.

I commend these Senate committees for cutting effectively. What they did could not have been achieved by an across-the-board cut, for all committees do not need to be reduced by the same amount. Last year, the House achieved a 10 percent across-the-board cut in authorizations. This was a start, but as was shown by the Senate, all committees should be evaluated individually and cut the appropriate amount, not an automatic prescribed percentage.

The Senate committee staff total of 1,108 is just slightly higher than the investigative staff total in the House which is 1,063. In addition to these investigative staff, the House has an additional 761 statutory staff. We handle the same legislation as the Senate. Why does the House need 1,824 people whereas the Senate only requires 1,108 staff personnel?

If you break these numbers down, you can see where some of the obvious overstaffing occurs and where it should be eliminated. Agriculture is a prime example. The Senate can do just fine with 32 staff while the House needs nearly double, 62 people; 28 people on the Rules Committee are sufficient in the Senate, but the House has 44.

The American taxpayers are demanding that Congress cut Government spending and waste. The best place to start is in our own backyard here in Congress.

□ 1215

A TRIBUTE TO DAVID LEVINE ON HIS 18TH BIRTHDAY

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, the efficiency of this House is enhanced by those dedicated young men and women whom we know as the pages. They perform thousands of tasks for the Members of Congress.

Today, I am pleased to have the opportunity to call the attention of the House to one young man, David Levine, on the occasion of his 18th birthday. David has been waging a very courageous battle against a very serious illness, but today we are here to celebrate his birthday, and I as one Member would like to wish David a very happy birthday with our prayers for a complete and early recovery.

HAPPY BIRTHDAY TO DAVID LEVINE

(Mr. SHANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHANNON. Mr. Speaker, I want to join with my colleagues this morning to wish David Levine a very happy birthday. I have been here now for almost 4 years, and I can say that we would not be able to get our work done if it were not for the pages and their willingness to be helpful, and in my 4 years here, David has been one of the best. He has been tremendously helpful to all of us.

We are sorry to hear of his illness, but look forward to having him back here in the House of Representatives soon to say a hello to all of his friends on both sides of the aisle.

It is a particularly important birthday for us on the Democratic side. This means David is now going to be able to register to vote and we are going to need him in the next election.

So we want to wish him a happy birthday and say we are looking forward to seeing him back here soon.

FAMILY RESEARCH GROUP

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COATS. Mr. Speaker, I would like to bring to the attention of my colleagues the formation of a very special organization, the Family Research Group. This is a nonpartisan coalition of respected academicians and professionals who seek to bring a different perspective on the family to the attention of public policymakers in Government. Their approach is based on the historic values and traditions of the Judeao-Christian ethic, and is supported by research data.

89-059 O-85-41 (pt2)

Considering the significance of current political influence on marriage, parenthood, youth, the elderly, and the family as a unit, it is increasingly important that legislators receive objective input concerning these areas. The Family Research Group is able to provide policymakers with valuable, constructive, and positive information about the family from a reputable academic and professional perspective.

The strength and stability of the family unit determines the vitality and moral life of our society. Yet, this family unit is presently threatened as our society accepts new definitions for ultimate responsibility and care.

The Family Research Group is a valuable resource network which understands the various and conflicting factors which are currently influencing the family.

MICHELLE M. KUNKLE—IOWA WINNER 1981-82 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The SPEAKER pro tempore (Mr. STUDDS). Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conduct a Voice of Democracy contest. This year more than 250,000 secondary school students participated in the contest with the theme of "Building America Together."

The winning contestant from each State is brought to Washington, D.C., for the final judging as a guest of the Veterans of Foreign Wars. I am proud to announce that this year's winner from the State of Iowa is Miss Michelle M. Kunkle of Oelwein. At this time I would like to share with you her inspiring and insightful essay.

ESSAY BY MICHELLE M. KUNKLE

America has borne many hardships in her history. Recently we made it through 10 bitter years of Vietnam and a hostage crisis that tested our nation's unity. But, through these crises America endured. She has maintained a dignified face and an optimistic mind. In this optimistic mind lies the greatness of the American people. This optimism is justified in viewing our collective performance to date. However, we must not be foolishly optimistic. Today our economy faces some very serious problems, and the answers are not in the back of the book. Economists are baffled by high energy consumption, low industrial production, rising unemployment rates. But, all handwringing aside, we Americans have faith in this nation. Granted with versatile minds; we like the idea of change. Political and economic change are among our favorites.

Unlike the authoritarian countries, we have a built-in process of political renewal. Periodically we elect new representatives to the higher offices. If our aspirations for a new administration are successful then we'll be singing "Hallelujah". If not, there's a distinct probability that we'll sing it anyway.

Americans have shown their versatility of mind in readily adapting to economic change. During the lean years of the Great Depression almost every American clung to the indispensable idea of frugality. This was due to obvious economic necessity. Then came the post-war era, bearing with it a complete reversal in the idea of frugality. Both commercial and political leaders urged consumers not to save, but to get more of what was available. President Eisenhower, when asked what citizens could do to help improve the economic situation, replied, "Buy anything". And we did, a combined effort that led to the success of the consumer economy, in fact its excess, bringing the country right back to the need for individual frugality.

With present-day recession trends, frugality might quickly lose its popularity. The versatile American mind is willing to adapt for the benefit of our economy. It's consoling to know that we have the spirit, needing only rewakening by necessity.

"Many great civilizations have collapsed at the very height of their achievement because they were unable to analyze their basic problems, to change direction and to adjust to new situations that faced them by concerting their wisdom and strength." In these lines, written by Secretary General of the United Nations, Kurt Waldheim, many find reason to fear for the endurance of this nation. Rather, I see only the great prospects for the future of America. Together we have been able to analyze our problems, change direction, and adjust to new situations. Yes; we have in the past and we will in the future.

Together, we have erected a strong structure of freedom, democracy, and solidarity and no one can hope to shatter this foundation.

Other nations define themselves as how they have become what they are today. The Romans have Romulus and Remus. The English have Brutus and his survivors from the fall of Troy.

These nations emphasize the greatness of individuals. This nation recognizes the greatness of Americans working together, building a country that generation after generation can take pride in.

American minds have chosen not to limit the American identity, there is no specific content of the "American Dream". Setting limits to this "American Dream" would mean reducing the range of possibilities. The open door of our future is, in essence, the governing idea of America. There is no reaching the limitations of the American mind for this would mean closing the door to our future.●

IMMIGRATION COURT ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, of all the problems which face our Nation there are few which surpass the flow of illegal immigrants into our country. Although there has been much discussion about new methods to impede the flow of illegals into the country, there has been a relatively small amount of discussion on the equally important issue of how to reform and expedite the processes of exclusion and deportation of those aliens who have already set foot on our soil.

Today I am introducing the Immigration Court and Procedure Reform Act of 1982 which is a bill designed to expedite exclusion, deportation and political asylum cases while enhancing due process for aliens and providing a judicial forum for these matters. I am pleased to report that all of my colleagues from my home State of Florida from both political parties have joined with me as original cosponsors of this bill.

The act establishes under article I of the Constitution a court of record known as the U.S. Immigration Court with a trial division composed of 50 judges and an appellate division composed 7 judges, all of whom are to be appointed by the President with the advice and consent of the Senate for terms of office of 15 years. The trial division of the court is given exclusive jurisdiction of deportation, exclusion, and rescission of adjustment of status cases under the Immigration and Nationality Act. The appellate division has exclusive jurisdiction to hear and determine appeals from final decisions of the trial division and certain final adjudicatory decisions of the Immigration and Naturalization Service as well as final decisions of asylum officers who are established in a separate provision of the act to determine claims for political asylum. An asylum officer will be an immigration officer designated by the Attorney General to carry out this specialized task.

In order to get the other Federal courts out of their involvement and streamline the process of deportation, exclusion and political asylum, provision is made in this bill giving the Immigration Court exclusive jurisdiction for habeas corpus and other extraordinary writs and for all injunctive and declaratory relief with respect to deportation, exclusion, asylum, or any other matter concerning the status of an alien or his detention. Under this bill, with the exception of the Supreme Court, no Federal court outside of the Immigration Court will any longer be able to be brought into these matters. The most common tactic for delay will be eliminated.

The current procedures for dealing

with matters of exclusion and deportation and political asylum area, a hodgepodge of statutory and regulatory devices which have failed miserably under pressure of the ever-increasing volume of such cases in recent years and the intervention of U.S. district courts. It is common knowledge that in the last few years we have had thousands upon thousands of aliens entering our country without obtaining passports or visas or other documentation permitting them entry under color of law. Most of these people come from economically oppressed countries, and many have come from countries which are politically oppressive as well. The orderly process of immigration set up under the Immigration and Nationality Act has long since broken down and nowhere has the breakdown been more evident than in the handling of deportation, exclusion, and political asylum matters.

Once an undocumented alien has crossed into this country, he is subject to deportation. If, on the other hand, such an undocumented alien is apprehended at a border or port of entry or coming off a plane, he is subject to an exclusion process. In either case, the alien may seek political asylum in this country under the Refugee Relief Act of 1980 and the United Nations Convention Relating to the Status of Refugees by claiming that he is in danger of political or religious persecution if he is returned to the country from which he came.

Determinations in such matters are made by the Attorney General or his designees or statutorily created immigration and special inquiry officers who are employees of the Immigration and Naturalization Service under the Department of Justice. Under varying circumstances there is the involvement of the State Department and Federal district courts. The process is so intertwined and complex that an alien or his attorney, with a little imagination, can easily make a mockery of the system and delay the process for years.

If these matters were only an occasional occurrence, the problem would not be nearly so grave. However, the magnitude of the problem can be easily seen by examining State Department statistics which show that in 1971 State was requested by the Immigration Service to give its views on political asylum claims on 441 occasions compared to 1,616 requests in 1977, over 15,000 requests in 1980, and well in excess of 20,000 in 1981. These figures are even more startling in light of the fact that the State Department is not required to give its view in all political asylum cases and the Immigration Service says that it has not begun to scratch the surface of the number of claims lying in wait when it has the manpower and mechanisms in place to begin rounding up the thousands of aliens who are known to be here illegally, but who are not detained or in the active pipeline for being removed from the country.

Another example of the gravity of this matter can be found by looking at the exclusion process involving the Haitians in my home State of Florida last summer. At one point in Miami, from June 1, 1981, to June 4, 1981, a total of 140 exclusion cases were heard by two special inquiry officers of the Immigration and Naturalization Service. Of this number, 96 received final orders to be removed from the country, but only 11 were actually returned to Haiti. Lawyers had successfully gotten a court injunction from a Federal district court on the basis of alleged irregularities in the process. A massive effort at exclusion proceedings is now underway again in Miami to clear the famed Krome Detention Center, and we can only hope that the extraordinary steps taken to get all the parties working together including the Federal district court will make this effort successful where the other earlier one failed.

Not only must we be concerned about the processing of those undocumented aliens already in this country, but unfortunately, as was so ably pointed out during the unveiling of the Caribbean basin plan last week, we must be prepared for the possibility of waves of refugees from numerous countries in Central America and the Caribbean in the next few years. Everyone is hopeful that the economic initiatives of the Caribbean basin plan combined with deterrents now being discussed to be placed into immigration laws will stop the worst case migration situation from happening from this region, but it is essential to the survival of our free society that we be prepared to cope with the problems that will arise if those initiatives do not fully succeed. The establishment of an Immigration Court and the procedures set forth under this bill are critical to that preparedness.

The immediate crisis associated with the influx of the Cuban and Haitian refugees and the prominence of the problems lying ahead for the countries of the Caribbean have heightened awareness of the difficulties of the present system for handling undocumented aliens, but the deficiency in the system has been known for some time. There have been numerous comments made recognizing the inconsistent functions of enforcement and adjudication performed by the employees of the Immigration and Naturalization Service. An inherent conflict exists between the functions of enforcing the immigration laws by apprehending and removing illegal aliens and adjudicating the claims made by these aliens in efforts to remain in our country. At the very least this has resulted in the appearance of unfairness—underscoring the need for independence of function which can only be achieved when the adjudication of alien claims is placed in the hands of a tribunal separate and apart not only from the Immigration and Naturalization Service but also the Department of Justice and the executive branch. There are those who argue that simply moving the adjudicatory functions out of the Immigration and Naturalization Service and into some other branch of the Justice Department would suffice, but there is no way that the appearance of unfairness and lack of due process can be purged short of placing these matters in the hands of a court independent of the executive department of Government.

Furthermore, under American law the only place outside the criminal system where detention is employed is in dealing with aliens, and no adjudicatory process handled by an executive department of Government can ever function expeditiously since it will always be subject to habeas corpus review by some Federal court. Only the placing of the adjudicatory and detention review functions in the hands of an arm of the judicial department will prevent the opportunity for dilatory tactics and virtually endless court reviews.

There will be those who will argue that we already have too many separate and independent courts in the Federal judiciary system and that further proliferation is not in the best interest of the system. In general, I have no bones to pick with those who wish to keep our judicial system as streamlined and orderly as possible. However, the complexities and uniqueness of the problems involved make the establishment of an Immigration Court a clear exception. The magnitude and gravity of the illegal alien problems requires the establishment of an orderly and tightly structured judicial mechanism for handling these matters in an expeditious way. Aside from creating the separate court as set forth in this bill, no other involvement of the Federal courts could succeed in this task; to involve them in another manner could only bog the process down even more than it is today. Besides, as the Chief Justice has so recently reminded us, our Federal district courts and circuit courts of appeals are already mired in an overwhelming increase in their workload.

Finally, it should be noted that the Select Commission on Immigration recommended such an article I Immigration Court as is presented in this bill. Recognizing the need for a more

equitable and efficient method of processing exclusion and deportation cases, the Commission stated in its report:

The Article I Court offers an advantage over a quasi-judicial system because it provides one hearing and one appellate review in place of the layering of review that characterizes the present system * * * the new Court also offers the potential for introducing judicial uniformity into review of denials of applications and petitions—matters that now occupy the attention of District Courts around the country. The elimination of potential disparate rulings by Courts of Appeals should discourage further litigation.

The Commission majority went on to conclude that—

An Article I Immigration Court is more likely to attract outstanding adjudicators. Improvements in the caliber of personnel will enhance the quality of decisions and generally eliminate any need for further review.

The need for streamlining and elevating the immigration adjudication process is clear. A court structure will assure that fair and appropriate proceedings are conducted, that cases are handled in a timely fashion, and that obvious dilatory procedural challenges are prevented. In addition, decisions of judges would not be tainted by any attachment to the executive department of Government and adequate support services would be available.

The formation of an Immigration Court and the reform of procedures surrounding the processing of undocumented aliens in exclusion, deportation, and asylum matters are long overdue.

□ 1230

EL SALVADOR AND THE IMPLICATIONS OF THE WAR POWERS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 30 minutes.

Mr. LEACH of Iowa. Mr. Speaker, the escalation in armed hostilities in El Salvador over the last several weeks and the administration's stepped up security commitments to the Duarte government indicate that the circumstances of the conflict in El Salvador are changing rapidly from those a year ago when the administration assured Members of this House it had no legal obligation under the war powers resolution to report to Congress on the involvement of U.S. military personnel in El Salvador.

In a memorandum early last year, the administration argued that U.S. advisers in El Salvador were not engaged in hostilities, nor equipped for combat, nor located in areas where such involvement would likely occur. It is no longer clear that such a legal judgment holds true today.

The war powers resolution, by which our current military involvement in El Salvador must be judged, calls on the President to "consult with Congress before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances * * *" Further, "in any case in which such forces are introduced into hostilities or are in danger of imminent involvement in hostilities, or when forces are introduced into the territory * * * of a foreign nation while equipped for combat" (with certain exceptions such as training) or "in numbers which substantially enlarge U.S. Armed Forces equipped for combat already located in a foreign nation," the President is required to submit a report within 48 hours to the Congress stating the circumstances requiring the involvement of U.S. military personnel, the statutory basis for his decision, and the estimated scope and duration of hostilities or involvement.

The resolution provides further that such forces will be withdrawn within 60 days after the President reports to Congress that he has introduced such forces unless Congress acts to authorize the continued presence of U.S. military personnel in the area concerned.

In response to questions raised concerning the administration's obligation under the war powers resolution a year ago, the State Department submitted a memorandum to the Congress stating that provisions of the war powers resolution did not apply to the sending of U.S. military advisers to El Salvador because they had not been introduced into hostilities nor were they in danger of imminent involvement in such hostilities. Instead, U.S. personnel would be stationed in carefully selected areas and special precautions would be taken to provide for their constant security. U.S. personnel would neither accompany Salvadoran forces in combat situations nor act as combat advisers and would carry only personal sidearms.

Recent events in El Salvador have proved sufficiently alarming to the administration to prompt a tripling of our security assistance to the Duarte government and to publicly leave the door ajar to the possibility of sending additional advisers and even U.S. combat troops. These events require that the administration thoroughly reevaluate its legal obligations to the U.S. Congress under the war powers resolution.

The bold guerrilla attack on Ilopango air base on January 27, 1982, the destruction of the Golden Bridge over the Lempa River in October, and other examples of major guerrilla operations in the countryside and cities suggest a new level of confidence, combat capability, effectiveness, and determination on the part of the armed guerrillas in stark contrast to the lack of such qualities a year ago during the so-called Final Offensive.

Not only are the guerrillas apparently stronger today than they were a year ago but their effective military reach has expanded. No longer is violence limited primarily to rural areas but it has instead spread into the capital and major Salvadoran governmental military installations. Even the Secretary of State has acknowledged that an unpredictable environment exists in El Salvador today. No longer can the administration have the confidence that U.S. personnel can be safely stationed in areas of security. Rather, there is the increasing prospect that U.S. personnel may be inadvertently drawn into the crossfire between Government and guerrilla forces.

The guerrillas have also made it abundantly clear in recent weeks that they intend to continue to escalate their violence in an effort to disrupt the elections scheduled for the end of March.

Although the administration assured us a year ago that U.S. advisers would be limited exclusively to training roles and would in no fashion be involved in combat or operational patrols nor in combat advisory roles, it is increasingly unclear where the line between training and implicit U.S. involvement in the actual planning and conduct of Salvadoran Government military operations is drawn.

The recently publicized film of U.S. personnel, armed with M-16 rifles, suggests first that the administration's commitments to Congress that U.S. personnel would carry only personal sidearms has been violated and, second, that the level of danger of U.S. personnel has increased to the point where our advisers themselves feel a compelling need, in the interest of self-defense, to carry more than just personal sidearms. Under such circumstances, it is clear that the prospect of American soldiers becoming casualties in the Salvadoran war has increased dramatically.

Finally, the reports last week regarding the stationing of a U.S. Navy destroyer off the Gulf of Fonseca add to the apprehension of many who view the presence of U.S. warships with U.S. military personnel on board in an area of tension and hostilities as a risk of potentially great consequences.

Mr. Speaker, it would appear that the administration is treading dangerously close to the legal borderline and is, at a minimum, testing the authority of the war powers resolution. If the administration believes that it is in the vital interests of the United States to

keep, or increase, U.S. military personnel in El Salvador, it should reconsider seriously its obligations to comply with the war powers resolution.

Many observers, inside and outside the U.S. Government have already concluded that the sending of U.S. military advisers has been counterproductive to U.S. policy interests and find now the difficult question to be one of how the United States can reverse this ill-advised policy decision before the consequences of one wrong decision are compounded by the consequences of others.

Accordingly, this past week in a series of letters to the President I have proposed that the administration accept the offer of President Lopez Portillo of Mexico to use his good offices as an intermediary in seeking political reconciliation in Central America. As a first step, I have urged the President to announce that the U.S. advisers will be withdrawn from El Salvador upon the successful completion of the March elections, regardless of who wins.

These advisers have become a symbol of American reliance upon military means of support for a government unable to control the excesses of its own military establishment in a situation where the fundamental problems are rooted in poverty, illiteracy, and social injustice.

The very presence of American military forces—regardless of whether they are carrying arms—has had the unfortunate effect of closely identifying the United States with the human rights violations of the Salvadoran military and converting what began as an essentially internal conflict into an anticolonialist struggle.

One of the problems of a great power is how to extricate itself from an ill-considered policy. In Vietnam the commitment of a small number of troops and the failed policies that followed led to the commitment of greater numbers and to policies that failed to an even greater degree. By removing the advisers from El Salvador at an early stage, President Reagan has a unique opportunity to rectify rather than multiply a mistake.

Few American policymakers consider our sending of advisers to have been anything but a mistake. Not only have the advisers opened the U.S. to international criticism from friend and foe alike, but it is difficult to believe that a contingent of this minimal size could have a significant impact on the ability of Salvadoran authorities to cope with insurgency.

The problem from a policy point of view is how to establish an appropriate quid pro quo for disengagement. In the midst of the Vietnam conflict Henry Kissinger proposed a series of very reasonable deescalation measures to the North Vietnamese. The problem was they were rejected and the Nixon administration got locked into escalating a conflict at a time when prudence indicated the reverse course of action.

While Vietnam analogies are not all appropriate, the Reagan administration would be well advised not to tie, as Secretary Haig has proposed, reduction in the number of our advisers to the actions of other states in the region. Policy options should be controlled in Washington and not become subject to the whims of militaristic potentates bent on irrational behavior.

The objective of U.S. cooperation with El Salvador should be to encourage and facilitate the holding of free elections, not to determine the outcome. There would seem little reason to maintain military advisers after elections are successfully completed. If the moderate forces of President Duarte should prevail, a good case could be made that, having won a mandate in free elections, the presence of American military advisers would no longer be needed. Less direct forms of support and assistance would be sufficient. If the extreme right should emerge in power, as many now conjecture, withdrawal of our advisers would be a desirable means of disassociating the United States from the human rights violations that would likely ensue. At the same time, announcement that a free election is our objective and that the advisers would be withdrawn following its successful completion would remove one of the main justifications for the extreme left's effort to prevent Salvadorans from going to the polls.

At the heart of the problem in Central America and the Caribbean basin is an assessment of whether problems are essentially rooted in longstanding patterns of injustice, as the U.S. Catholic Conference asserts, or whether fundamentally the dilemma is one of Castroite intervention, as Secretary Haig contends.

If the former view is given greater weight, a policy of economic assistance seems most in order. If the latter, military options come more to the fore.

Conservative advocates of interventionism have a tendency to exaggerate the Castroite dimension of the problem and underestimate the potential counterproductive effects of an overt U.S. response. Liberal critics of American foreign policy, on the other hand, have a tendency to be overly generous in their assessments of the ideals and intentions of insurgency movements.

Perhaps the most appropriate perspective is to recognize the social and economic inequities that exist, but not to sympathize with the radical alternatives presented. The United States has a profound influence over events in the Caribbean, but that influence is exercised most effectively when active American involvement is limited to economic assistance and Peace Corps kinds of activities. Military options don't solve social problems.

On the other hand, economic assistance in some circumstances may not be enough. But the United States acting alone on behalf of and within the confines of a smaller Latin State is likely to exacerbate rather than diminish hostilities.

Strategic options are far better exercised in concert with other Latin States, and at this time the most hopeful strategic initiative would appear to be the one proposed by Mexican President Lopez Portillo. His specific suggestions may be imperfect, but the offer of his offices as a neutral intermediary may be the best chance to achieve a reduction in Central American tension available. President Reagan risks a great deal if he too lightly spurns the assistance of our increasingly important neighbor to the south.

The President also risks support of Congress and the American people if he does not comply with the strict provisions of statute contained in the War Powers Act.

THE HOUSE SHOULD REJECT THE CONFERENCE REPORT ON S. 1503, THE STANDBY PETROLEUM ALLOCATION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, it appears that the House will soon be voting on another bill that could accurately be called the Lawyers Aid and Crowd the Courts Act.

The conference report (97-432) on S. 1503, the Standby Petroleum Allocation Act of 1982, will soon be before us. The House originally passed its version (H.R. 4700) of this legislation on December 14 by a vote of 244-136. I opposed this legislation in committee, on the House floor, and in conference committee, and I continue to urge a "no" vote on this ill-advised legislation.

Passage of S. 1503 will bring a whole new era of energy litigation. Attorneys in the lucrative Energy Bar Association now engaged in court battles over the EPAA "tilt" and "V" factor regulations, and tertiary enhanced recovery credit under the entitlements program can now turn their attention to a host of issues presented by EPAA's proposed successor, SPAA. I want to inform my colleagues that this will cost all of us as consumers.

Many of the supporters of SPAA did so because they believed that, without it, States would be free to impose conflicting and potentially unworkable petroleum price and allocation regula-

tions of their own. For these Members, the most important section of the bill is entitled "Preemption." But a reading of the section together with its legislative history in the statement of managers makes one wonder if the section should not be properly titled "Preemption, Sort of, Maybe."

Perhaps the best example of the uncertain operation and confused legislative intent behind the "preemption" section concerns a certain New York State tax law. New York passed a tax which applies to oil companies operating within the State but included a provision prohibiting the taxpaying company from passing through the tax to its customers. The Mobil Oil Corp. sued claiming, among other things, that the law was preempted by the Emergency Petroleum Allocation Act. The Temporary Emergency Court of Appeals agreed.

But recently, the U.S. Supreme Court remanded the case, asking the lower court to reconsider its decision in light of the expiration of the EPAA.

Naturally, the key question for New York and the affected oil companies is, will this bill preempt the New York State tax law and others like it? Will, in other words, S. 1503 be able to perform one of its primary functions in the minds of many of its early supporters?

The answer is, "Who knows?" Floor colloquies are undoubtedly in preparation to answer either "yes" or "no." The official statement of managers accompanying the conference report answers:

The conferees do not intend to interfere with the ongoing litigation with respect to State laws *nor in any way to prejudge the validity of laws* such as State taxation laws containing anti-pass-through provisions, as in the case of *Mobil* v. *Tully*, which is currently under review regarding a New York State law. (Emphasis added.)

How can a "preemption" provision not "prejudge the validity of laws" and still preempt them? Or, perhaps, this phrasing is designed to be just ambiguous enough to soothe each side in a polarized contest. Neither side wins.

A. So, to all those of my fellow colleagues for whom the most important provision of this bill is—or, rather, was—the preemption section, I ask:

1. What State laws are preempted?

Having read the Statement of Managers language, I cannot tell whether or not State odd-even laws are preempted. The same could be said of every State law that could be deemed to affect (directly or indirectly?) the pricing or allocation of petroleum products.

2. When are State laws preempted? Are some laws preempted upon enactment? And others only upon conflict?

3. What laws may the President exempt from preemption?

B. To those of you interested in a State's abililty to conduct set-aside programs, I ask:

4. What is a "prime supplier" of petroleum products? Section 280(c)(2) (C), (D) should answer this, but it does not.

5. What is a "first sale" of a petroleum product?

6. What if one State diverts petroleum products from another State?

C. What about the standby regulations which the President is required to promulgate?

7. How detailed must the standby regulations promulgated by the President be?

8. Must they reflect the comments and evidence introduced at the mandatory regional hearings?

9. Must all petroleum products be covered in the standby regulation?

D. As for the procedures for implementation of regulations by the President, how will they work?

10. Is the one-House veto procedure Constitutional?

11. What is a "technical or clerical" amendment which does not require Congressional action?

12. What type of State Set-Aside program must be provided when a Federal program is implemented?

13. Must Congress approve an amendment to a standby regulation made during an implementation period before that amendment is effective?

E. How will the President, through "Administration of the Regulation", provide for all the groups listed in Section 276?

14. There was a long and dismal jurisprudence that developed during the days of Section 4(b)(1)—the priority section of the EPAA—as to which group got what priority over which group. To what extent does all this "baggage" carry over to Section 276 of SPAA?

15. Must the standby regulations promulgated by the President provide for these priority objectives or are they applicable only to the implemented regulations or both?

F. The Crude Sharing Program raises more questions than it answers. For example:

16. May refiners be required by the President to share crude oil through the use of authorities other than section 277 or may the President require crude sharing only in accord with the provisions of section 277?

17. When may the President implement a crude sharing program?

18. What is "reasonable access" to crude oil?

19. Are all refiners entitled to "reasonable access" to crude oil?

20. What is "equitable distribution" of crude oil?

21. What are "equitable prices" and do these prices refer to consumer prices or refiner prices?

22. What constitutes "Minimum interference with market mechanisms"?

23. How specific must the President be in designating which refiners will sell and which will buy? What factors are involved in making this designation?

24. What justification is necessary for the pricing mechanism adopted by the President in the plan?

25. What constitutes an "unreasonable burden" that will excuse or reduce the obligation of a refiner to sell crude oil under the program?

26. What are the "benefits or burdens" that must be passed through to consumers of a refiner on a nondiscriminatory basis?

27. What is the "maximum extent practicable" to which those benefits or burdens must be passed through?

G. H.R. 4700, the House-passed bill, contained a provision designed to encourage the development of private inventories by exempting those inventories from the scope of the President's allocation authority. Unfortunately, the language of Section 279 of S. 1503 is so ambiguous that only a select type of private inventory (and thus only a special kind of end-user) qualifies for the certain protection of this section. With such limited protection, the incentive to build private inventories is equally limited. The unanswered, but important, questions on the inventory provision will also lead to litigation. For example:

28. What are consumer petroleum inventories?

29. What consumers are "refiners"?

30. Can an end-user be a "consumer" and a "refiner"?

H. In conference, a Senate provision was adopted which says, in effect, although SPAA may look like EPAA, operate like EPAA, and provide authority for the same kinds of regulations as the EPAA, it isn't really the EPAA, so don't worry. Now I ask my colleagues:

31. How can this provision possible mean anything when entire sections of EPAA are repeated verbatim in SPAA?

32. To what extent does the precedent regarding EPAA preemption of State law apply?

33. To what extent do decisions interpreting the remedies and review procedures available under EPAA apply?

34. Must the President establish mechanisms to provide for interpretations, redress of grievances, and exception relief as existed under EPAA (i.e., must the Department of Energy's Office of Hearings and Appeals and the Economic Regulatory Administration be kept alive)?

I. One final question with respect to Enforcement and Administration. S. 1503 states "whoever violates the requirements of a standby regulation . . .".

35. What are the requirements of a standby regulation and how does one violate a standby regulation?

This exhausting list is by no means exhaustive. It should, however, provide some preview of the legal wrangles we will cause if S. 1503 becomes law.

Please join me in opposing this return to the contentious and wasteful days of the EPAA. Let us come to our senses on these matters and vote down the conference report on S. 1503.●

ECONOMIC REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 60 minutes.

● Mr. O'NEILL. Mr. Speaker, on September 20, 1981, the National Advisory Council on Economic Opportunity submitted its report to the President. Under the law, the President should have transmitted that report to the Congress together with his comments and recommendations. The President has yet to do so.

As a result the Council's detailed analysis of the nature of poverty in America and conclusions about the adverse consequences of the Reagan economic program have not been available to Congress or the public. This

situation has now been remedied with the publication of the report by Transaction Books. I regret that this was necessary and hope that the President will now see fit to consider and comment on the Council's report.

I ask unanimous consent to include the introduction to the Transaction Books edition of the report written by Arthur Blaustein, Chairman of the National Advisory Council on Economic Opportunity. His insights are moving and important. They call us back to conscience and compassion.

INTRODUCTION TO THE TRANSACTION EDITION

(By Arthur I. Blaustein)*

In late March when the Council convened in Washington, D.C. for what were to become its final meetings, an air of depression and anxiety pervaded the deliberations. The discussion focused on the disturbing drift toward authoritarianism in our politics, our economics, and our social policy.

The Council's concern was punctuated by the realization that the incoming Administration seemed absolutely determined to punish its perceived enemies and to reward its acknowledged friends. The losers would be women, minorities, the young, the elderly, ordinary wage earners, and the poor—those segments of our society who had made modest gains in the past fifteen years as a direct result of Federal intervention and protection. The big winners would be wealthy individuals and corporations who had contributed heavily to Reagan campaign. This apprehension was further aggravated by the growing awareness that those with power and wealth were actually claiming to be victimized by the poor, the real victims in our society.

Although we could not foretell the future, it was our common hope that the Reagan Administration would not push to its extreme a punitive and regressive public policy of using the poor as a scapegoat, for that would indeed signal a more rapid drift toward authoritarianism, a decline of moral values, and the disintegration of our national democratic processes.

The findings and recommendations of this Report are presented as a reasonable and constructive alternative to Administration premises, policies, and programs. It is offered not only with conviction but as a challenge, one which suggests that no American can say, "I didn't know what was happening, how it happened, or whether we had any choice." We always have a choice.

THE COUNCIL'S TASK

Two unrelated incidents shaped the direction of this Report; each occurred about three years ago. The first involved a Council colleague who was assisting local groups interested in organizing fuel cooperatives in his home state of Maine. That winter was unusually cold and the price of home heating oil had tripled since the 1974 OPEC jolt, placing an enormous financial burden on the average family in this state with its extremely low per capita income.

He was invited to make a presentation to about 200 residents in a town church, where one of the "Happy Guys" television reporters from Portland baited a farmer after the talk asking, "What do you think of this outside agitation?" The farmer, who was about 70, paused for a moment and, with an edge of flint in his voice, said, "You know, I'm a fourth-generation Republican Yankee—just like my father, my grandfather and my great-grandfather—but if I've learned anything, it's that there are two kinds of politics and economics in America. The first kind is what I see on television and what politicians tell me when they want my vote. The other kind is what me and my friends talk about over doughnuts and coffee. And that's what this young fellow was talking about tonight—and he made a lot of sense to me."

The second incident occurred while I was watching "Bill Moyers' Journal." Moyers was interviewing Robert Penn Warren, whom Newsweek recently called "the dean of American letters." Moyers said, "Sir, you are one of America's leading writers, a poet, an historian, and a philosopher. Can you tell me how we can resolve the terrible crisis that surround us: our cities are decaying, our health care is atrocious, we have terrible crisis in education, transportation, housing, and energy. There is still much poverty . . ."

Mr. Warren paused, leaned forward, and said, "Well, Bill, for a beginning, I think it would be good if we would stop lying to one another."

Thus in outlining an agenda during the course of the Council's deliberations I had a modest vision, but it was a very clear one: we would prepare a report that would deal with the most compelling issues of our time, and they would be presented in a direct, cogent, and readable manner. The report would not be theoretical or abstract, nor would it hide behind bureaucratic jargon; it would strike a reasonable balance between facts, statistics, theories, and real-life circumstances. And it would expose false myths, rhetoric, deceit, and official lying. We assumed that most Americans share a common goal: how do we as a nation achieve a stable, equitable, and democratic society that does not suffer from inflations, depressions, unemployment, gross waste of human and national resources, and the grinding misery of poverty. In short, we wanted a report that could be read by ordinary Americans; it would be the kind that could be discussed over coffee and doughnuts.

That the mass media are inadequate to inform the public on the most crucial issues of our time is a matter of record. Human services—well-built, low-cost housing; decent health care; affordable energy; better mass transportation; nutrition; neighborhood development; economic revitalization; care for the elderly; and meaningful jobs—are no match for mass media that cannot sate themselves enough with a daily, and morbid, bombardment of murders, accidents, fires, floods, bombings, scandals, assaults, for the standard fare of gossip about those afforded celebrity status. As People's headline for its story on Chevy Chase put it "He's Hot and You're Not." To say that there is a vacuum of substance in the mass communications industry in America today—whose bottom line is "either you are a star or a nobody"—is all too obvious. An important task of the Council, we felt, was to serve as a conscience and remind all of us that everyone, even the poorest American, is a somebody.

THE REAGAN REVOLUTION

On October 1 the Reagan Economic Recovery Program took effect. The program itself is revolutionary in that it: signifies a radical departure from the public policies of the past fifty years; embraces an economic theory that is untried; changes the nature of the relationship between the Federal government and individual citizens; and will, in some way, affect the lives of all Americans.

Many elements of this program, taken separately, are highly questionable. For example, "supply-side" economics and monetarism are contradictory, much like getting on an elevator and pressing the up and down buttons simultaneously, hoping to go both ways at once. But the President has done a remarkable job of selling a "supply-side" theory that, like any theory, cannot be proved or disproved in the abstract. The real test will come soon enough in the practical application.

Of far more critical importance, though, is a fundamental assumption that underlies the larger policy formulation. This assumption is so flawed and ill-conceived that it seriously jeopardizes any prospects for the success of the whole venture. It is the illusion that economic policy can be separated from social policy. This is impossible, and the consequences of believing it are grave. By separating economic theory from social policy and pursuing the former at the expense of the latter, the Administration has adopted a strategy of brinksmanship that could lead to social chaos. Drastic cuts in basic social and human service programs will exact social and human costs, and they will also appear as direct financial costs at future times in different ledgers.

There is a very real price to be paid for the reduction of human and social services. The price is that these cutbacks will not reduce crime; they will increase it. They will not reduce drug abuse; they will increase it. They will not reduce physical and mental illness; they will increase it. They will not promote better family life; they will destabilize it. They will not reduce alcoholism; they will increase it. They will not increase respect for the law; they will weaken it. These painful realities have not been factored into the Administration's game plan.

At present, there exists an air of suspended disbelief over the radical changes of the past six months. That is because the layoffs, shutdowns, cutbacks, and reduced paychecks have just begun. The day of reckoning, October 1, 1981, will be remembered as a day of infamy, for it will mark the beginning of the worst massacre of social and human service programs in American history. As a direct result of these policies more than four million ordinary working Americans will probably be reduced to poverty in the first full year of the Reagan economic plan (October 1, 1981—September 30, 1982); that is, if David Stockman and the Office of Management and Budget do not deliberately attempt to change the standards and criteria for measuring poverty in order to cover up this human catastrophe and further deceive the American people. This will mark the largest single-year jump in poverty for over forty years, since the Great Depression.

The four particular elements of the Administration's program that threaten to undermine our social equilibrium are: (1) the massive across-the-board cuts in social and human service programs; (2) the transfer of Federal authority and program responsibilty to the states through block grant programs; (3) the tax cuts, which are regressive in that they are unfair to the middle class and the poor; and (4) the abolition of delivery systems provided for in the Economic

*Mr. Blaustein was appointed Chairman of the National Advisory Council on Economic Opportunity by President Jimmy Carter in August of 1977. He was reappointed for a three-year term in August, 1980. The Council, which has served five Presidents since 1965, was abolished on September 30, 1981, by the Reagan Administration.

Opportunity Act and the Legal Services Corporation Act.

For the more than 29 million poor Americans, and another 30 million nearly-poor, each of these decisions taken alone would be painful, but taken together they will be devastating. In addition to widespread human suffering, the budget cuts will undermine two basic tenets of the Reagan philosophy: the work ethic and family life. From an Administration that places high priority on the importance of family life and the work ethic, this budget will be self-defeating; these policies will actually encourage welfare dependency instead of work, family breakdown instead of family stability.

The Administration's contention that renewed economic growth will eventually "trickle down" to the poor to offset the loss of social programs flies in the face of everything we know about poverty today. The best research indicates the opposite, that growth in the private economy has had a declining role in reducing poverty, and that virtually all of the reduction in poverty since the mid-1960's has been brought about through expansion of social insurance and income-transfer programs of the kind now under attack by the Administration.

The stubborn persistence of poverty in the face of economic growth results in part from the changing nature of the poverty population. What has occurred is the creation of a "new" poor, a population whom the private economy has passed by. Even in good times the new poor—the elderly, the disabled, disadvantaged youth, women heading families with small children—are rarely hired by the private sector, despite all the want ads the President keeps telling us about. In 1978, a year of economic recovery, the unemployment rate among disadvantaged minority youth was 41 percent.

Because few of the new poor can be absorbed into the private economy without special assistance and support, the massive suffering these program cuts will bring cannot be balanced by any credible long-range benefits from the Administration's program—even under the most optimistic economic assumptions. Instead, any economic renewal resulting from the Administration's policies would take place at the expense of stable, rewarding family lives and genuine work opportunities for the poor.

In addition to the massive cuts, the decision to turn over to the states as block grants specific social, educational, and health (categorical) programs, which have been the responsibility of the Federal government, raises serious institutional problems as to whether or not basic human and social services can be adequately provided.

The economic difficulties facing our nation are complex and often seem overwhelming, but these difficulties cannot be used as an excuse for reneging on our social and moral commitments as a nation. The notion that national issues—ones that require national policy and programs and that are a part of our national purpose—should suddenly devolve to the states because someone, almost as an afterthought or rationalization, discovers state sovereignty, is shallow and irresponsible. The issue is not Federal versus State; rather, it is the diminution or avoidance of any national standards of responsibility and accountability. To deflect, suspend, or fragment responsibility and accountability suggests that we are either renouncing or failing to assert our moral purpose as a nation. Worse than that, the Administration seems to be denying that this moral purpose exists.

In essence, the effect of the Administration's block grant program is to destroy existing support systems that are effective, that have a proven capacity to deliver services, and that utilize local planning and implementation capabilities. What they are being replaced with is an inequitable system that has a poor track record; that is restrictively financed, more bureaucratic, and less accountable; and that is subject to intense political pressures. The last point is extremely important in that effective and efficient use of limited federal funds is being sacrificed to conflicting political interests in each state. Instead of the more efficient government that Mr. Reagan promises, we will have fifty bureaucratic and anachronistic messes: government by provisional catastrophe.

What is also disturbing is the ideological implication behind present economic policies, in that it departs from the genuine conservative leadership that has played such an important role in American history. Historically, promises of lower taxes and economic privatism have never been central issues. Traditionally, conservative leaders have focused primarily on underlying problems of the human community—issues of leadership, of equality of opportunity, of continuity and order, of the obligations of the strong to the weak, and of the safeguards needed to keep the privileged from abusing their power.

THE REAL PROBLEMS

The Report focuses on five aspects of American social, economic, and political life that directly affect the poor, and indirectly affect us all:

The problems of unemployment and inflation;

The problems of women in poverty;

The implementation of national antipoverty policies through appropriate delivery systems;

The myths of poverty; and

The role of voluntary associations, the meaning of civic responsibility, and the shared values of our society at large.

The Report goes on to explore the issue of the moral values so fundamental to the well-being of our country. For one of the greatest difficulties we face as a nation seeking to eliminate poverty is our view of the problem itself—which gets at the basic attitudes and moral values underlying social, political, and economic realities.

In his encyclical, "Redeemer of Man," Pope John Paul II expressed a special concern for social and economic justice and the human suffering caused by poverty. In calling for a new commitment to social and moral values, John Paul II said:

"We have before us a great drama that can leave nobody indifferent. The person who, on the one hand, is trying to draw the maximum profit and, on the other hand, is paying the price in damage and injury is always man. The drama is made still worse by the presence close at hand of the privileged social classes and of the rich countries, which accumulate goods to an excessive degree. Add to this the fever of inflation and the plague of unemployment—these are further symptoms of the moral disorder."

Fearing the drift toward social disintegration, we raised some fundamental issues of human concern in this Report, issues directed at the crucial economic and social paradoxes cited by the Pope.

The Council unanimously agreed on the importance of providing a historical context for American values and beliefs, to better understand the relationship and the conflicts between material and spiritual values. First we asked ourselves: What are the ambiguties inherent in these conflicts? Why do Americans, who are so rich in material advantages, still feel alienation, a lack of connectedness to the self and their community, and despair over the future?

One reason, we decided, is that as a nation we seem to have lost the ability to identify with either a sense of history or a belief in the continuity of shared positive values. To some extent we have even lost our ability to recognize and agree on those values. Our alienation and despair come, then, from a haunting, all-but-forgotten knowledge that material gifts and surface satisfactions cannot substitute for stability, dignity, integrity, and the ability to value.

Robert Penn Warren, on his recent 75th birthday, dealt with the same problems. He said: "History is dying. . . . [If] this country loses its sense of history, it has lost its sense to complicate men's feelings and emotions. If I could, I would re-evaluate the education system in this country, to emphasize history and literature." Warren gets to the heart of the issue: that the values of a society are determined by connectedness to a history and the cultural values passed on through its literature. He perceives that substituting recently acquired quantitative measures of success—acquisition, aggressiveness, consuming—has disrupted our historical tradition of qualitative values—citizen participation, public interest, cooperation, and a self-worth defined by character and integrity.

Although I fully agree with Mr. Warren's perceptions, I do not believe that our educational system can do the job alone. It simply cannot compete with the overload of a mass media that assaults us day and night with a totally different set of messages undercutting both our values and our traditions. The discipline of education is no match for the passivity of entertainment. In this conflict, there are two kinds of light: the glow that illumines and the glare that obscures, and the latter seems to be winning a losing battle—the loss being that learning is stultified, that growth is stunted, and that we seek simplistic answers to complex problems.

The Council's historical review and insights into the "myths of poverty" followed by an analysis of available options reduce the larger problem to two basic conflicts: public versus private interest, and qualitative versus quantitiative values. For example, there is general agreement that we urgently need to stabilize our economy. To do so requires common acceptance and understanding of the structural economic problems of concurrent inflation and recession. It is crucial, then, that all segments of society, including the private sector, cooperate in a national effort based on trust and compromise. If we assume that government's effort is reasonably equitable, it then follows that the private sector will temper its demands in order to help alleviate our national crisis. Yet this is just not happening.

Why not? One has only to open a magazine or newspaper or turn on radio or television to be assaulted by antigovernment advertisements financed by big business political action committees (PACs). Prior to Reagan's election, they depicted all public employees as bungling fools. They spent untold millions to say that the undeserving poor, with the help of government, had brought on our economic ills, so we need only tighten their belts (i.e., eliminate human and social services) and all would be well again.

They, the deserving affluent, and the big oil companies, defense contractors, banks, and real estate developers, would not have to even think of tightening their belts. The message is slickly packaged in hypnotically stunning layouts and cinematography, lucrative messages that the mass media eagerly repeat editorially. So the spirit of California's Proposition 13 has spread, eroding public rust in government and destroying the atmosphere vital to healthy cooperation among all segments of society.

Two years ago, in speaking to a group of business executives, George Gallup said: "The 1980's probably will be marked by turmoil, unpleasantness and civil strife . . . a moral crisis of the first dimension . . . severe dislocation in society. . . . [B]ecause of unemployment and the serious crowded ghetto situation, it can only go one way." These social and economic pressures persist in America today despite all the earlier findings and warnings of "blue ribbon" Presidential Commissions, including the McCone, Kerner, Scranton, Breathitt, and Eisenhower Commissions. Gallup only echoes their conclusions that the problems are national in scope and that the Federal government must focus on the causes of poverty: inadequate health care, impaired education, lack of job opportunities, deteriorating housing, and decaying neighborhoods. Nothing has occurred in the past two years to dispute the findings and recommendations of these earlier commissions. And the predictions of Gallup become more probable as the Federal government abdicates its responsibility. There is a role for the private sector, for private charities, and for the states, but only the Federal government can provide the political, economic, social, and moral leadership.

A SHORT HISTORY—THE WAR ON POVERTY

In 1965 we began to seriously fight these root causes of poverty. For over fifteen years Americans have demonstrated their commitment, openness, and generosity. President Lyndon Johnson and Congress in 1965 initiated legislation that gave us such programs as Head Start, Legal Services, Foster Grandparents, VISTA, Community Action Agencies (CAAs), and Community Economic Development Corporations (CDCs). These programs were direct and specific, aimed at pressing local problems. Young and old, professionals and disadvantaged, together developed their potential through truly needed participation in community life. It was a time of idealism and enthusiasm, when doctors, lawyers, teachers, accountants, nurses, engineers, and grandparents gave of themselves. I believe that the rediscovery of this spirit would be the most salutary response possible to cope with our present social and economic problems. We need not suffer from a crisis of will; the problems are not insolvable when people are determined to resolve them.

In reviewing the policies of the past two decades, we have seen various strategies and theories come and go—a welfare-reform strategy, a private-sector jobs strategy, a minority-entrepreneurship strategy, a special-revenue strategy. Yet I believe that if we had never passed the original legislation, the Economic Opportunity Act of 1964, which created an independent Federal agency supporting CAAs (and CDCs in 1967), we would have to invent it today. It created the only delivery mechanisms—imperfect as they may be—that relate policies and programs to people. That is the genuine achievement of the Economic Opportunity Act. Lost in the clichés, slogans, and double-talk of antigovernment rhetoric are the solid accomplishments. The value of these programs, services, and innovations has been obscured; the extraordinary contributions have been slighted.

The Nixon Administration in 1969 reversed this direction and we had to contend with a hostile political climate that pervaded our public life. It replaced action with benign neglect, sapped our good intentions, and clouded our judgment and memory of traditional values, to the detriment of real progress on any of these vitally necessary programs.

The Carter Administration attempted to refocus attention on human and social priorities but was overwhelmed by a combination of high inflation and political negativism, the latter a highly sophisticated propaganda campaign waged by the New Right and financed by corporate political action committees.

The "politics of negativism" is perpetuated by a vicious cycle fueled by a "get tough" campaign (a prominent part of Proposition 13 fever) in which reactionary politicans feed the media their own self-serving attacks on social programs. Next in the cycle are the mass media, eager to pass these attacks on to the public along with the commercial ads of the private sector (described above) that further confuse and condition with antigovernment sloganeering. The circle closes when well-heeled lobbyists for privileged interests return the politicians' messages to them, so reinforcing the body of mythology, half-truths, and distortions.

Who are the subjects of these attacks? Unemployed young people in CETA programs, mental patients, elderly people on fixed incomes, single-parent mothers dependent on day care and Food Stamps, owners of small family farms, handicapped persons needing special education, and blue-collar workers unable to afford soaring hospital and housing costs. We still seem to suffer a hangover from the "Nixonization" era: a period of spitefulness, nastiness, fear, and deceit—an era that officially condoned and even encouraged negative attitudes, code words, and symbols directed against the poor in particular, and toward basic human and social service programs in general.

Whatever their intentions or self-delusions, those who build reputations by attacking the most powerless elements of our society are cowards. Not surprisingly, they moralize endlessly over the illness: the "problems" of mental breakdown, alcoholism, drug abuse, suicide, child and spouse abuse, and disrupted families, but they have no heart for the rigorous thought and work of finding cures, or even just relieving some of the symptoms. And, bullies and hypocrites that they are, they identify sympathetically with the Hunt family and its cashflow difficulty in cornering the silver market, but not with the Jones family and its difficulty in coping with the problems of living on a budget that calls for spending 110 percent of its income to keep up with the costs of basic neccessities—food, shelter, health care, and energy.

Politics today, in a period of limited economic growth, seems to have reached a level of abstractedness that removes it from the commonplace circumstances of ordinary Americans. When a sane and civilized family runs into tough financial times, two things happen. The one thing that they do do is to assure that those members of the family who are least able to fend for themselves are given the protection and minimum amenities necessary for survival. The one thing that they do not do is to allow those who have more than enough and are enjoying luxuries to continue to hoard. There are certain natural principles of behavior, of caring and decency, that have prior claim over untested game plans of economic theorists or politicians on the make. It is the adherence to these principles that defines us as human.

A WAR AGAINST THE POOR

The Reagan Administration, despite its early pledges to provide a "safety net" for the "truly needy," has in fact adopted policies that amount to a war against the poor. The tax and budget cuts—the Reagan economic plan—are in reality a carnival for wealthy speculators and hell on earth for the poor, with the middle class still being squeezed. The cuts were not made in order to balance the budget; they were simply massive transfers from social programs to pay for new weapon systems. Moreover, this was accomplished in a policy vacuum. the Administration has not provided the American people with a strategic definition as to how this excessive arms build-up fits into our larger defense or foreign policy. Is it in the national interest to relegate our most precious assets—our human and natural resources—to the junkpile, while we increase the stockpiling of weapons of mass destruction in an arms race where overkill has long been achieved?

The steady drumbeat of rhetoric emanating from Administration officials and shrewdly orchestrated by the White House is intended to create, and has heretofore succeeded in creating, a counter-reality and new myths with respect to social policy. For example, by continuously referring to economic opportunity and equal justice programs as welfare programs. The Administration has misled the American public. (The corollary to this myth, which also contributes to public misunderstanding, is that "these programs are only for minorities." This is untrue, as two-thirds of the poor in America are white.) These programs are in fact designed to achieve the opposite: to create jobs and economic opportunities and to encourage people dependent upon welfare to become productive citizens and taxpayers. By seeking to eliminate these programs and substituting its own policies, the Administration will deny upward mobility to millions on welfare and will force many of the working poor into welfare dependency. By transferring huge amounts of funds from human and social programs to the Pentagon, the Administration is not dampening inflation, it is fueling it.

In order to gain support for its economic package, the Administration, through David Stockman, has conjured up the specter of an "economic Dunkirk." Instead, what is actually being prepetrated is a "social Pearl Harbor," which will have a devastating impact on the defenseless poor. It will also wipe out the modest gains made in the past fifteen years by women, the elderly, minorities, and the young—the most vulnerable segments of our society.

Similarly, it is hard to imagine what goes through the heads of politicians opposed to the CETA Public Service Employment Program. Their criticism, whether from a social, political, economic, or cost-accountabilty viewpoint, is patently absurd. The only real choice is whether our society believes it of greater value to keep a youngster in a state prison at an annual cost of $14,000, in a drug rehabilitation center for $17,000, in a

mental institution for over $20,000, or to develop job-training and job-creating programs at $7,000 to $9,000. We do not need a crash course in zero-based budgeting or human relations to know that all but the last course are wasteful and destructive to society and its individual members.

The vast majority of Federal programs being abolished, curtailed, or turned over to the states have helped promote racial and ethnic cooperation. They have helped overcome the physical despair and isolation of the rural poor. They have been instrumental in targeting resources and delivering comprehensive services.

That they have helped to allay the anxiety of the urban poor is a matter of public record. Conditions, bad as they are, could have worsened. These programs have been the catalysts to force state and local governments to stop sweeping malicious and discriminatory practices under the rug, and so have relieved tensions and reduced disillusionments. They have opened new potentials in health care, education, nutrition, housing, job development, the law, weatherization, migrant labor, day care, and consumer protection. There have been some mistakes, but they are minuscule compared to the concrete achievements. With limited resources and often in a hostile political environment, these programs have carried the burden of keeping the promise and conscience of this nation alive. Such programs must be expanded, not abolished.

NATIONAL LEADERSHIP AND MORAL VALUES

If we abolish crucial programs, we will destroy all their valuable achievements as well. And then what happens? Rather than engage in a national effort based on trust and compromise, rather than pursue the difficult choice of maintaining moral standards and national purpose—must we revert to our basest instincts, which in turn would allow us to exploit our conflicts and encourage us always to take the easy choice? Look out for number one; those who can't are shiftless, a drag on the economy. Our moral decline deepens as we are tempted to choose quantity over quality, greed over sharing, and privilege over human needs; as we condone the sheer political force of special and self-serving private interests over the legitimate public authority that represents our nation's best interests.

Rather than activism, idealism, equality, and vitality, the Reagan prescription for economic recovery amounts to apathy, fatalism, inequality, passivity, and acquiescence; and human needs become subordinated to technical arrogance. People programs are out and tax avoidance schemes are in.

Jacob Bronowski, the distinguished scientist, shed light on this conflict when he said: "We have to cure ourselves of the itch for absolute knowledge and power. We have to close the distance between the push button order and the human act. We have to touch people." This thought goes back to the earlier point regarding the crucial importance of continuing education. In addition to our traditional educational institutions, voluntary associations have an absolutely critical role to perform in that they too must become involved in the process of adult civic education at the community level.

That is in essence what Abraham Lincoln meant when he continuously reminded us that our primary task as a nation should be to teach and reteach American political history. He was deeply concerned lest we forget the pain and struggle that were so much a part of our unique historical experience. For Lincoln, there was no higher calling than that of striving to preserve a "public liberty" that would promote the common good. Which is, of course, the opposite of the contemporary notion of private interest for personal gain.

It all comes down to what Robert Penn Warren expressed so well, the great loss we suffer when we break with our historical and literary traditions. A society is shaped and defined by the myths and symbols it adheres to and which it conveys to its young. These myths and symbols also play a significant role in determining the priorities of our political economy and the way we respond to social problems—in that they determine our habits, attitudes, manners, tastes, and prejudices. These cultural patterns, in turn, either serve to enhance or undermine our moral sensibility, social consciousness, political awareness, economic behavior, and ethical perceptions, all of which are parts of that whole that forms our national character. And our national character both determines and reflects those policies, programs, and priorities that define who we are as a nation and a people.

Yet when we look around today we find our lives dominated by false symbols and myths related to superstars and superbowls: Jaws and Star Wars, TV commercials and "gossipy" journalism, Valium and junk food, drugs and discos, gimmicks and gadgets, and a technology of speed and efficiency that neither questions its means nor knows its ends. In the past thirty years, with the advent of new mass marketing and advertising techniques, we have experienced an entirely new phenomenon in America. It is the acceptance of the notion that there is no human impulse—no matter how neurotic, anxiety-producing, or destructive—that cannot be turned into a commodity just to make a buck. We may chew our nails and look for hidden meanings or answers, but the wastelands, the hollowness, and the alienation are still the end result of our own passive acceptance of this antihuman notion, the demoralizing pursuit of mindless consumerism.

We have allowed ourselves to be cut off from our own history—a rich tradition, a hope, a vitality, a true celebration of America; that of the real-life myths and symbols conveyed by our great American literary tradition. From the struggle for social freedom, the wonderment of our potential, and the democratic visions of Herman Melville, James Fenimore Cooper, Ralph Waldo Emerson, Henry David Thoreau, Mark Twain, Walt Whitman, Edwin Arlington Robinson, Emily Dickinson, and Willa Cather, to the modern social and economic realism of Hart Crane, Edith Wharton, F. Scott Fitzgerald, Theodore Dreiser, William Faulkner, Ernest Hemingway, Carl Sandburg, Langston Hughes, Robert Frost, John Steinbeck, Carson McCullers, Joyce Carol Oates, Joseph Heller, E. L. Doctorow, John Nichols, and Ralph Ellison—our literary historians have deliberately and painfully tried to make us aware of the ironic complications and tragic consequences of depersonalization and dehumanization.

There is in the American sensibility a sense of belief and a commitment to action; a logical connection—both symbolic and real—between the megalomania of Captain Ahab and the search for dignity, freedom, and identity of Ellison's The Invisible Man. The consequences of denying this awareness and sensibility are dismay, chaos, and fragmentation. Without an awareness of the depersonalization and dehumanization processes, we can only succumb to the tragic undertones.

In one sense all of today's problems are richly preserved by these literary historians, our nation's "unelected legislators," for they are the eternal problems of the human condition. If we choose to ignore the past, we are condemned to repeat our mistakes. If we fail to heed the warnings of the civil disorders of the sixties, we will be inviting more outbursts like the more recent one in Miami, for the pent-up frustration and seething anger that exist in most other poor communities throughout America are very real. In Miami, we heard the painful cry of smothered human aspirations. If we choose to accept and learn from our past we will confront the underlying conflicts that touch the very soul of our society, and by acting on this knowledge we can provide positive solutions and unifying themes that will enliven our spirit as a nation.

In this sense, our political and literary history has provided us with a common-sense vision of the American promise that calls for justice, freedom, equality, and opportunity. We may forget or we may deny, but we cannot change our historical legacy. The uniqueness of our nation is that the "noble experiment" was a quest to enhance the human condition, to enrich democratic values, to ensure the general welfare, and to endure against adversity.

I am well aware that it is quite unfashionable in these days of "getting the government off our back" slogans to speak of more qualitative initiatives from government. To put it bluntly, this Administration is pandering to, and exploiting, the most regressive and antisocial tendencies in our national character. They are undermining trust in the ability of the one force, government, that has the potential to balance, secure, and protect the freedoms and liberties of all our people, and to balance public and private interests. A vital and healthy Federal government is indispensable to the well-being and sovereignty of a self-governing people. That is, after all, what democracy is all about. Without this protection, whole segments of our society—especially those who can least afford it—will give up hope, will become more frustrated and alienated; and this can only serve to further undermine the very social fabric of all our communities.

During our bicentennial year, I took the opportunity to reread Jefferson, Madison, Hamilton, and the Federalist Papers, and recalled that our founding fathers were well aware that politics and economics were interrelated faces of power, each necessitating its own checks and balances. What impressed me most, though, was their mature leadership, one that had a clear and qualitative vision of the "public interest." And one that was based on a genuine commitment to social and political equality as well as to economic opportunity. It is my belief that a commitment to this sense of public interest is just as important today.

Finally, it must be said in response to the downgrading of national commitment that only those people have a future, and only those people can be called humane and historic, who have an intuitive sense of what is important and significant in both their national and public institutions, and who value them. It is this conviction and the continuing belief in the common-sense vision of the American promise that demand that we begin a serious dialogue over economic and social policies. This is absolutely essential to the democratic process. The Reagan Administration's radical and dangerous changes have, in violation of this necessity, occurred

without any serious national debate. Mr. Reagan seems to think that his electoral "mandate" has changed our government from a representative democracy to a royal monarchy.

For the past six months there has been an unconscious cynicism in the way the mass media have reported the previous day's happenings: Reagan Wins Again or House Dems Beaten. The political life of the country has been reduced to little more than a struggle for political power, the results not unlike the score of a football game. There seems to be no higher good, no national purpose, no critical judgment.

Reaganomics, as well as the Administration's overt antisocial political policies, are not based on a commitment to any higher principles such as freedom, liberty, equality, justice, or opportunity, although pieties are mouthed at the drop of a camera. The Administration's policies instead are based on the very narrow personal prejudices and biases of a group of men who have been motivated by the acquisition of money and power and who have a contempt for human sensibilities. The intellectual firmament from whence the policies spring—the writings and doodlings of George Gilder and Arthur Laffer—are self-serving and pretentious. Both Gilder and Laffer seem to have constructed a hypothesis to fit a simple notion: "The status quo is good to me, so I'll be good to the status quo." It is a sorry combination of the theory of the leisure class and the leisure of the theory class.

Everyone says, "Give them a chance." For the past eight months I have listened carefully to the President, I have heard the explanations of his chief advisers, and I have read about the frenetic changes wrought by the New Right. All of it has reminded me of a passage in "The Heart of Darkness." Joseph Conrad put it this way:

"Their talk was the talk of sordid buccaneers: it was reckless without hardihood, greedy without audacity, and cruel without courage; there was not an atom of foresight . . . in the whole batch of them, and they did not seem aware these things are wanted for the work of the world."

These words fit the conservative frenzy in Washington; they contain the mood and the moral nullity of the reactionary enterprise that seeks to tear apart the public good. It is almost as though the thought never occurred to the Administration that it is impossible for a country to sustain itself, much less to mature, on a fare of smiling one-liners, rerun ideas, hot-house theories, paranoia, and a social policy based on a hostile notion that seems to say, "Let them eat jellybeans."

BERKELEY, CALIF., October 30, 1981.●

GOOD NEWS FOR LEGAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WYDEN) is recognized for 5 minutes.

● Mr. WYDEN. Mr. Speaker, Friday's paper carried some good news. President Reagan has announced his intention to send the names of his 10 nominees to the Legal Services Corporation Board of Directors to the Senate for confirmation.

That is good news for America's needy, for the Legal Services program—and for 132 of my colleagues who joined me February 4 in sending a letter to the President asking him to submit those names to the Senate. We sent that letter because the President had appointed 10 individuals to the Board while Congress was in recess, and was contending that those individuals could legally serve until the end of the current session of Congress without being confirmed by the Senate.

We disagreed. In our letter to the President, we said we believed there were serious questions as to the legal permissibility of these appointments. We also said we did not see how justice could be served unless the Corporation's board members were subjected to the scrutiny afforded by the Senate confirmation process.

We are delighted to see that our letter did not fall on deaf ears.

But before we start patting ourselves on the back, we must remember that the battle is not yet won. The President may have agreed to submit to the Senate the names of the board nominees, but he does not appear to have altered his basic position with regards to Legal Services—he wants the program axed.

I would like to share briefly with my colleagues some of the hurdles still ahead of us as we fight to save Legal Services.

Although the President has agreed to submit a list of board nominees to the Senate for confirmation, the administration is still taking the position that the recess appointments were legally permissible. That means that the individuals appointed during the recess could continue to act as board members pending Senate confirmation, and there is every indication they plan to do just that. Board meetings have already been scheduled for March 4 and 5.

To prevent the recess appointees from acting as board members until (and unless) they are confirmed by the Senate, some former members of the board have filed a suit in U.S. district court charging that these appointments were illegal and asking that the appointees be restrained from taking any official actions pending confirmation. The judge is expected to rule on the matter tomorrow (March 2).

The budget battle is also far from over. The President has recommended that the Legal Services Corporation be abolished outright after March 31 when the continuing resolution expires.

It is critical that those of us who are committed to equal justice stand our ground. The program has already been crippled by the 25-percent cut and numerous restrictions tacked on last year; anymore would be too much.

Congress went on record last year in support of the Legal Services Corporation. The need for the program is no less today than it was a year ago; America's needy still deserve their day in court. I urge my colleagues to join me as we continue the fight.●

NEW COIN: AMERICAN EAGLE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 5 minutes.

● Mr. REUSS. Mr. Speaker, the recent action of the Gold Commission in which it recommended that the U.S. Treasury issue a gold coin exempt from capital gains taxes and sales taxes has rightly aroused opposition throughout the country.

There follows three editorials from leading newspapers which I recommend to Members from both sides of the aisle.

[From the Washington Post, Feb. 17, 1982]

COMMON SENSE AND GOLD

The Gold Commission has now performed the modest public service of stating the obvious. The United States, it concludes, ought not return to the gold standard. For some months, the commission has provided one of Washington's more ludicrous sights. Seventeen people solemnly gathered around a large table at the Treasury to discuss a proposal that most people correctly believe to be impossible even if it were desirable, and undesirable even if it were possible. The whole performance has been little more than another tedious concession to a small sect of monetary ideologues.

It is their view, impervious to all evidence, that a gold standard brings rising prosperity and an end to inflation. Some of the defects in their case are noted in a brief but useful passage in the report published last week by the president's Council of Economic Advisers. If a gold standard brings stable prices, how come wholesale prices fell by half in the 30 years after the Civil War? And how come they then doubled in the years before World War I—all of this creating a succession of deeply damaging panics and crashes?

There's no particular harm to the Gold Commission's suggestion of a gold medallion being sold by the government as long as it is not regarded as currency. But the further suggestion of exempting this medallion from capital gains taxes is another touch of wrongheadedness that seems to infect the whole subject of gold like a kind of intellectual chicken pox. Both the president and Congress talk endlessly, and rightly, about the need for productive investment that generates jobs, goods and technology. Why in the name of common sense create a tax incentive for investment that is always totally unproductive?

[From the New York Times, Feb. 17, 1982]

COINING CONFUSION ON GOLD

Selling the household jewels is rarely a sign of prosperity, so there is little to cheer in the Gold Commission's recommendation that the Treasury turn more gold ingots into little disks decorated with basrelief eagles for sale to the public.

Washington got into the jewelry business in 1980 when Congress approved marketing gold medallions. But they sold poorly. The commission suggests that a new "American Eagle," exempt from sales and capital gains taxes, might sell better. But there may be another reason for the eagle: to imply that

American currency is drifting toward official gold backing. The commission refers to the eagle as a "coin," encouraging the idea.

If each gold eagle were salable and redeemable by the Treasury at a fixed price, set in advance, the country would indeed be on a gold standard. But while proposing the new gold "coin," the commission explicitly rejected any return to a gold standard. The dollar value of the proposed eagle would change with that of gold.

That, at least, was a sensible decision. Supporters of a gold standard believe it would cure the nation of deficits and inflation. But remedies for those troubles lie with the economy's productivity, not its currency. Those who argue for a gold standard are like people who think they can give up smoking by not buying cigarettes. Without more resolve, they will just go on smoking their friends' cigarettes.

Gold eagles are no more than jewelry. Trinkets can't begin to make up for the tax revenue that's lost when a nation no longer produces effectively.

[From the Columbus Citizens-Journal, Feb. 18, 1982]

A GOLD EAGLE?

Should the U.S. Treasury mint the American Eagle, a new gold coin that would be valued at the market price of gold and compete with the popular South African Krugerrand, the Canadian Maple Leaf and the Mexican Gold Peso?

The Gold Commission, an advisory board appointed by President Reagan, says yes, and it urges Congress to authorize coins that would contain one-half ounce and one ounce of gold.

The commission is right in one respect. Americans have the right to save gold if they wish, and it would be better for the money they spend to stay in this country instead of going abroad.

However, in its enthusiasm for the American Eagle, the commission has recommended that the coins be exempt from sales and capital gains taxes. That is wrong-headed.

Money put in gold coins is hoarding or commodity speculation. It does no good for the economy. Money invested in stocks, bonds or opening new business tends to create jobs, which helps the nation.

It would be senseless to encourage people, through a tax exemption, to favor non-productivity investments over those that stimulate business activity and the general welfare.

In another recommendation, the 17-member commission headed by Treasury Secretary Donald Regan came out against a return to the gold standard. A gold-backed dollar is the dream of some conservative politicans and economists who believe it would slow the growth of the money supply and hold down inflation.

Economists opposed to going back to the gold standard argue convincingly that the step is impractical and would result in greater rather than less financial instability.

In addition, any move to enhance gold's role in the world monetary system would strengthen racist South Africa and the imperialist Soviet Union, the two largest producers, who mine gold with slave or sweated labor.

If America went on the gold standard, those two countries would gain the power to manipulate or influence our economy through gold sales and purchases. Who needs that?●

THE WINDOW OF OPPORTUNITY: NUCLEAR ARMS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, after nearly a year in office, President Reagan, in his address before the National Press Club on November 18, 1981, took the first of many steps still required to convince the American people and the world of his administration's genuine commitment to nuclear arms reductions. Significantly, that position was overwhelmingly endorsed by the Congress the very next day in House Concurrent Resolution 224. In view of mounting skepticism, both here and abroad, about his administration's interest in pursuing meaningful nuclear arms reductions, the President's speech was unquestionably important.

In the first press conference of his administration on January 29, 1981, Mr. Reagan said:

> We should start negotiating on the basis of trying to effect an actual reduction in the numbers of nuclear weapons. That would then be real strategic arms limitation.

While that statement may have indicated a commitment to nuclear arms reductions, subsequent administration actions revealed confusion regarding the direction of U.S. foreign policy and uncertainty about the administration's views on the role of arms control as a part of U.S. national security policy. For example:

Unclear and inconsistent statements by senior foreign policy officials within the administration on nuclear warfighting strategies led members of NATO to question a longstanding U.S. policy that nuclear weapons were intended first for deterrence and only as a last resort for actual limited nuclear conflict. Divisions within NATO grew as a result of apparent U.S. insensitivity to the contradiction between nuclear warfighting strategies in Europe and the Western security we are committed to uphold.

The Reagan administration's proposed 5-year plan to spend over $1.5 trillion for defense, resulting in a cost to the American public of nearly $1 billion a day on military expenditures over the next 5 years.

A far-reaching modernization program for the U.S. strategic triad of nuclear weapons and delivery systems.

A dogmatic insistence on strict linkage between the pursuit of arms control and Soviet international behavior, as if verifiable nuclear arms control agreements were in the interest of the Soviet Union only, and not of equal benefit to the United States and to the free world.

In view of the zig-zag uncertainty generated by these and other developments, President Reagan's November 18 speech was a beacon in an otherwise dark night of confusion. It gave needed affirmation to the reality that nuclear holocaust can best be avoided through a united Western position that seeks to strengthen deterrence while negotiating with our adversary in the common pursuit of nuclear arms control.

As I stated on November 30:

> Taking the negotiating high ground after nearly a year of uncertainty about U.S. seriousness regarding arms control is an essential step . . . (however) we have no indication that an overarching policy framework is being developed to integrate strategic and theater arms control efforts. Amid the optimism of the day, it must be said that far more questions than answers remain about U.S. arms control policy.

Accordingly, as chairman of the Committee on Foreign Affairs, I reiterate my pledge to assist the Reagan administration in identifying and answering those vital questions as the necessary next steps along the difficult road to the preservation of world peace through nuclear arms control. Just as we are embarking on a variety of paths to improve our defense posture, we need an equally determined commitment to the realization of strategic arms reductions.

Toward this end of encouraging progress in the pursuit of arms control, the Subcommittee on International Security and Scientific Affairs, which I also chair, will be holding two sets of hearings over the next 2 months on the role of arms control as an integral and legitimate part of U.S. national security.

The first set of hearings, to be conducted jointly with the Subcommittee on Europe and the Middle East, will cover NATO nuclear strategy and arms control efforts in Europe.

The second set of hearings, under the sponsorship of the Subcommittee on International Security and Scientific Affairs, will receive testimony from both administration and private witnesses on the steps taken to date by the administration and those still needed to maximize the contributions that nuclear arms control can make to enhance U.S. national security. Some of the key issues that will be addressed in these hearings are:

Administration policies with respect to the pursuit of arms reductions and the contribution of arms control to global peace and security;

The arms control impact of the administration's announced strategic force modernization program and the interrelation with arms control and deterrence;

The responsiveness of the administration's interagency decisionmaking process to initiatives and opportunities holding promise for arms control; and

The relationship between limitations on theater nuclear forces and on strategic nuclear forces, both in negotia-

tions and in the implementation of future agreements.

Hopefully, these hearings will help to bring about coherent and comprehensive action in pursuing arms control that enhances U.S. national security interests and world peace.

Mr. Speaker, in this time of uncertainty and heightened tension between the two superpowers, it is even more imperative to avoid a costly and destablizing nuclear arms race with the Soviet Union. The contention that we must delay arms control until we have closed the so-called window of vulnerability should be replaced by recognition of the window of opportunity that exists for nuclear arms control. Otherwise, the first step taken by President Reagan last November will have been for naught, and our Government will have failed to provide the American people the increased security that no level of defense expenditures alone can provide.●

INTEREST ON TAX UNDERPAYMENTS AND PENALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, I am introducing legislation to provide for a measure of fairness to both our Nation's taxpayers and the Internal Revenue Service. My bill would amend the procedure by which the IRS charges interest for tax underpayments and penalties and pays interest for tax overpayments.

Last year the Economic Recovery Tax Act provided that this rate would be based on the average prime rate of September of the taxable year. I believe this change was welcome and warranted since the previous rate was only 6 percent. This 6-percent rate actually encouraged taxpayers not to pay their taxes on time, and, in effect, provided a very inexpensive loan from the U.S. Treaury. Meanwhile, the Government was forced to borrow funds at much higher rates in lieu of this expected revenue.

However, the average prime rate for September 1981 was 20 percent. While this high rate will not encourage delinquent tax payments, I do not feel it is fair to the taxpayer for the IRS to earn a windfall at his/her expense. Conversely, it is not fair to the IRS to pay 20 percent on overpayments. In this time of economic uncertainty and instability, I find it unreasonable to set this rate by taking a narrow snapshot of time approach.

Mr. Speaker, the bill I am introducing today would set the rate based on a much broader snapshot of time, providing a picture more reflective of reality. The interest rate would be equal to the average prime rate of the first 9 months of the tax year, rather than simply September's average.

I include a copy of my legislation in the RECORD at the close of these remarks. Thank you.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to require that the interest rate applied with respect to overpayments and underpayments of tax, which is currently based on the average prime rate for September, be based on the average prime rate for the first 9 months of the calendar year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTEREST RATE TO BE BASED ON AVERAGE PRIME RATE FOR FIRST 9 MONTHS OF CALENDAR YEAR.

Subsection (b) of section 6621 of the Internal Revenue Code of 1954 (relating to adjustment of interest rate) is amended by striking out "adjusted prime rate charged by banks during September of that year" and inserting in lieu thereof "adjusted prime rate charged by banks during the first 9 months of that year".

SEC. 2 EFFECTIVE DATE.

The amendment made by the first section of this Act shall apply to adjustments made after the date of the enactment of this Act.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. TAUKE, for 5 minutes, today.

Mr. MCCOLLUM, for 60 minutes, today.

Mr. LEACH of Iowa, for 30 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. O'NEILL, for 60 minutes, today.

Mr. WYDEN, for 5 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. REUSS, for 5 minutes, today.

Mr. EDWARDS of California, for 60 minutes, March 3, 1982.

(The following Members (at the request of Mr. DYSON) to revise and extend their remarks and include extraneous material:)

Mr. ZABLOCKI, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. REGULA.

Mr. VANDER JAGT.

Mr. SAWYER.

Mr. MCKINNEY.

Mr. DOUGHERTY.

Mr. PETRI.

Mr. BAFALIS.

Mr. BROOMFIELD.

Mr. GRADISON.

Mr. CORCORAN.

Mr. MARLENEE in two instances.

Mr. DORNAN of California.

(The following Members (at the request of Mr. DYSON) and to include extraneous matter:)

Mr. MINETA.

Mr. RANGEL.

Mr. MOAKLEY.

Mr. FLORIO.

Mr. HERTEL in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. BOUQUARD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MATSUI.

Mr. REUSS.

Mr. BAILEY of Pennsylvania.

Mr. LELAND in two instances.

Mr. FOLEY.

Mr. HUBBARD.

Mr. ASPIN.

Mr. WAXMAN.

Mr. EDWARDS of California.

Mr. OTTINGER.

Mr. MITCHELL of Maryland.

Mr. KILDEE.

ADJOURNMENT

Mr. DYSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 2, 1982, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1981, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

DEPARTMENT OF ENERGY,
Washington, D.C., February 22, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The following information is submitted pursuant to the provisions of Public Law 85-804, and implementing instructions contained in Federal Procurement Regulation Part 1-17.

For the calendar year ending December 31, 1981, the following actions, under the

subject Act, are reported for the Department of Energy.

1. ACTION APPROVED

Contractual fairness—Correction of mistake

Amount requested	$11,765.62
Amount approved	11,765.62

2. ACTIONS DENIED

None.

Sincerely,

HILARY J. RAUCH,
Director, Procurement and Assistance Management, Management and Administration.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3191. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for recovery of costs associated with the postage, printing and handling of market information and statistics pursuant to the Cotton Statistics and Estimates Act and the Tobacco Inspection Act; to the Committee on Agriculture.

3192. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, and for other purposes; to the Committee on Armed Services.

3193. A letter from the Secretary of the Army, transmitting a report on Army military construction awarded on other than a competitive basis to the lowest responsible bidder, pursuant to section 604 of Public Law 96-418; to the Committee on Armed Services.

3194. A letter from the Assitant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the keypunch function at the Fleet Material Support Office, Mechanicsburg, Pa., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3195. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the custodial services function at the Marine Corps Air Station, El Toro, Calif., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

3196. A letter from the Deputy for Installations and Housing, Office of the Assistant Secretary of the Army, transmitting a report on the 10 firms receiving the largest dollar total of Army architectual-engineering contracts during fiscal year 1981, pursuant to section 604 of Public Law 96-418; to the Committee on Armed Services.

3197. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for studies under the National Flood Insurance Act of 1968 for the fiscal years 1983 and 1984; to the Committee on Banking, Finance and Urban Affairs.

3198. A letter from the Secretary of Tranportation, transmitting the annual report on the Secretary's activities under the Emergency Rail Services Act of 1970, and an evaluation of the financial condition of railroads which have outstanding certificates guaranteed under the act, pursuant to section 10 of the act; to the Committee on Energy and Commerce.

3199. A letter from the Secretary of Transportation, transmitting a report on the financial condition and operations of the railroad rehabilitation and improvement fund and of the obligation guarantee fund during fiscal year 1981, pursuant to section 515 of the Railroad Revitalization and Regulatory Reform Act of 1976 as amended; to the Committee on Energy and Commerce.

3200. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the progress of regulations to protect stratospheric ozone, pursuant to section 155 of Public Law 95-95; to the Committee on Energy and Commerce.

3201. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of October 1981, on the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

3202. A letter from the Secretary, Department of Education, transmitting the final report of the study, "Assessment of the In-service Training Needs of Teachers of English, and of Spanish to Returned Migrants, in Puerto Rico," pursuant to section 731(c) of the Education Amendments Act of 1978; to the Committee on Education and Labor.

3203. A letter from the Secretary of State, transmitting notice that it is in the national interest to grant assistance to private sector organizations operating within the country of Costa Rica, pursuant to 620(q) of the Foreign Assistant Act of 1961; to the Committee on Foreign Affairs.

3204. A letter from the Secretary of Commerce, transmitting notice of extended and expanded export controls, pursuant to section 6(e) of Public Law 96-72; to the Committee on Foreign Affairs.

3205. A letter from the Attorney-Adviser, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3206. A letter from the Attorney-Adviser, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3207. A letter from the Acting Director, Defense Security Assistance Agency, transmitting Presidential determination 82-6 concerning lease of T-37B aircraft to Pakistan, pursuant Public Law 97-113; to the Committee on Foreign Affairs.

3208. A letter from the Director, Office of Administration, Executive Office of the President, transmitting a report on the Office's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3209. A letter from the Deputy Director, Office of Management, Executive Office of the President, transmitting a proposal for a uniform federal procurement system, pursuant to section 8(a)(2); to the Committee on Government Operations.

3210. A letter from the Director, Procurement and Assistance Management, Management and Administration, Department of Energy, transmitting the annual report for calendar year 1981 on extraordinary contractual actions to facilitate the national defense, pursuant to section 4(a) of Public Law 85-804; to the Committee on Government Operations.

3211. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on the Board's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3212. A letter from the Deputy Director, for Administration, Central Intelligence Agency, transmitting a report on the Agency's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3213. A letter from the Director, Federal Emergency Management Agency, transmitting a report on the Agency's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3214. A letter from the Executive Secretary, National Mediation Board, transmitting a report on the Board's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3215. A letter from the Chairman, Federal Election Commission, transmitting a report on the Commission's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3216. A letter from the Governor, Farm Credit Administration, transmitting a report on the Administration's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3217. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report on the Commission's activities under the Freedom of Information Act, during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3218. A letter from the United States of America, Railroad Retirement Board, transmitting a report on the Board's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3219. A letter from the Under Secretary of the Interior, transmitting the report on annual achievements of the innovation grant program of the the urban park and recreation recovery program, pursuant to section 1015 (b), of Public Law 95-625; to the Committee on Interior and Insular Affairs.

3220. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and further borrowings for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Interior and Insular Affairs.

3221. A letter from the National Quartermaster and Adjutant, Veterans of World

War I of the U.S.A., Inc., transmitting the proceedings of the organization's national convention and its financial statements for the 9 months ended June 30, 1981, pursuant to section 16 of Public Law 85-530, and section 3 of Public Law 88-504; to the Committee on the Judiciary, and ordered printed.

3222. A letter from the National Oceanic and Atmospheric Administration U.S. Department of Commerce, transmitting the ocean energy conversion report, for fiscal year 1981, pursuant to section 405 of Public Law 96-320; to the Committee on Merchant Marine and Fisheries.

3223. A letter from the Administrator, General Services Administration, transmitting a report on a building project survey in Chicago, Ill., requested by the House Committee on Public Works and Transportation adopted August 26, 1980; to the Committee on Public Works and Transportation.

3224. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs, and Installations), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide an extension of certain provisions relating to members of the Armed Forces missing in action; to the Committee on Ways and Means.

3225. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the seventh annual report on the Boards functions, pursuant to section 18(f) of the Federal Trade Commission Act; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

3226. A letter from the Chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Act of 1933, the Securities and Exchange Act of 1934, the Investment Advisers Act of 1940, and the Investment Company Act of 1949; jointly, to the Committees on Energy and Commerce and Agriculture.

3227. A letter from the Comptroller General of the United States, transmitting a report on supervision of banks (GGD-82-21, February 26, 1982); jointly, to the Committees on Government Operations and Banking, Finance, and Urban Affairs.

3228. A letter from the Comptroller General of the United States, transmitting a report on the Alaska Railroad (CED-82-9, February 25, 1982); jointly, to the Committees on Government Operations and Energy and Commerce.

3229. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities, covering the third quarter of calendar year 1981, pursuant to section 208 of Public Law 93-438; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

3230. A letter from the Secretary of the Interior, transmitting notice of withdrawal of proposed legislation to amend the Land and Water Conservation Fund Act, as amended, to provide for the administration and utilization of recreation fees, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: The Joint Economic Committee. The 1982 Joint Economic Report (Report No. 97-436). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT: Committee on Armed Services. H.R.4977. A bill to direct the President to name the next Nimitz class nuclear-powered aircraft carrier as the United States Ship Hyman G. Rickover; (Report No. 97-437). Referred to the House Calendar.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED UNDER TIME LIMITATION

Under clause 5, rule X, the following action was taken by the Speaker:

Referral of H. R. 4326 to the Committees on Armed Services, Energy and Commerce, Science and Technology, and Veterans' Affairs extended for an additional period ending not later than March 2, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY of Pennsylvania:

H.R. 5635. A bill to amend title 5, United States Code, to restore eligibility for unemployment compensation for certain ex-service members, and for other purposes; to the Committee on Ways and Means.

By Mr. BEDELL:

H.R. 5636. A bill to amend the Internal Revenue Code of 1954 to require that the interest rate applied with respect to overpayments and underpayments of tax, which is currently based on the average prime rate for September, be based on the average prime rate for the first 9 months of the calendar year; to the Committee on Ways and Means.

Mr. BIAGGI:

H.R. 5637. A bill to amend the Internal Revenue Code of 1954 to exclude $2,000 from the gross income of auxiliary policemen and volunteer firemen; to the Committee on Ways and Means.

By Mr. BRINKLEY (for himself and Mr. TRIBLE) (by request):

H.R. 5638. A bill to authorize appropriations for construction at certain military installations for fiscal year 1982, and for other purposes; to the Committee on Armed Services.

H.R. 5639. A bill to authorize appropriations for civil defense programs for fiscal years 1983 and 1984, and for other purposes; to the Committee on Armed Services.

By Mr. DYSON (for himself, Mr. SMITH of Pennsylvania, Mr. BOWEN, Mr. TAUZIN, Mr. YOUNG of Missouri, Mr. FORD of Michigan, Mr. AUCOIN, Mr. LUKEN, Mrs. HOLT, and Mr. HUTTO):

H.R. 5640. A bill prohibiting the collection of certain user fees by the U.S. Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL:

H.R. 5641. A bill to amend the Currency and Foreign Transactions Reporting Act to provide for more efficient enforcement of the provisions of such act by making it illegal to attempt to export or import large amounts of currency without filing certain reports; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5642. A bill to amend the Currency and Foreign Transactions Reporting Act to authorize the payment of compensation to informers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5643. A bill to amend the Currency and Foreign Transactions Reporting Act to allow U.S. Customs officials to search for currency in the course of their presently authorized search for contraband articles; jointly, to the Committees on Banking, Finance and Urban Affairs and Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 5644. A bill to authorize and direct the Secretary of the Treasury to mint and issue gold coins to be known as Jeffersons, Hamiltons, Madisons, and Franklins; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HERTEL:

H.R. 5645. A bill to amend the Natural Gas Policy Act of 1978 to prohibit take-or-pay clauses or similar minimum purchase requirements under natural gas supply contracts; to the Committee on Energy and Commerce.

H.R. 5646. A bill to amend the Natural Gas Policy Act of 1978 to prohibit indefinite price escalator clauses in natural gas supply contracts; to the Committee on Energy and Commerce.

H.R. 5647. a bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local utility taxes; to the Committee on Ways and Means.

H.R. 5648. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for residential energy conservation expenditures; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. BAFALIS, Mr. HUTTO, Mr. FUQUA, Mr. BENNETT, Mr. CHAPPELL, Mr. YOUNG of Florida, Mr. GIBBONS, Mr. IRELAND, Mr. NELSON, Mr. MICA, Mr. SHAW, Mr. LEHMAN, Mr. PEPPER, and Mr. FASCELL):

H.R. 5649. A bill to amend the Immigration and Nationality Act to provide for a U.S. Immigration Court, to expedite and improve exclusion and deportation proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 5650. A bill to amend the Federal Columbia River Transmission System Act; to the Committee on Interior and Insular Affairs.

By Mr. MINISH (for Himself, Mr. SCHUMER, Mr. MURPHY, Mr. MITCHELL of Maryland, Mr. GONZALEZ, Mr. DWYER, Mrs. BOUQUARD, Mr. OTTINGER, Mr. BEDELL, and Ms. FERRARO):

H.R. 5651. A bill to revise and reinstate the Renegotiation Act of 1951; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANTINI:

H.R. 5652. A bill to authorize and direct the Secretary of the Interior to convey certain real property to the Pershing County Water Conservation District; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN:

H.R. 5653. A bill to amend the Public Health Service Act and the Federal Cigarette Labeling and Advertising Act to establish a national program under an Office of Smoking and Health to inform the public of

the dangers from smoking, to change the label requirements for cigarettes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 5654. A bill to amend title II of the Social Security Act to eliminate the restrictions on the lump-sum death payment which were enacted by the Omnibus Budget Reconciliation Act of 1981 and to restore the order of priority (for potential recipients of a lump-sum death payment) which existed before the enactment of the latter act; to the Committee on Ways and Means.

By Mr. HILER (for himself, Mr. D'AMOURS, Mr. GINN, Mr. LAFALCE, Mr. AUCOIN, Mr. SMITH of Pennsylvania, Mr. FORSYTHE, Mr. WOLF, Mr. HAMMERSCHMIDT, Mr. SIMON, Mr. LEBOUTILLIER, Mr. BAFALIS, Mr. FRENZEL, Mr. OXLEY, Mr. COELHO, Mr. WEAVER, Mr. BONIOR of Michigan, Mr. MURPHY, Mr. MCHUGH, Mr. GRISHAM, Mr. BARNARD, Mr. FISH, Mr. FAZIO, Mr. BEREUTER, Mr. SHAMANSKY, Mr. SMITH of New Jersey, Mr. DENARDIS, Mr. WYDEN, Mr. ADDABBO, Mr. GREGG, Mrs. FENWICK, Ms. MIKULSKI, Mr. CORCORAN, Mr. DWYER, Mr. RICHMOND, Mr. RHODES, Mr. PRICE, Ms. OAKAR, Mr. HUGHES, Mr. BINGHAM, Mr. COATS, Mr. ROEMER, Mr. PRITCHARD, Mr. NELLIGAN, Mr. BENJAMIN, Mr. BRINKLEY, Mr. GRADISON, Mr. SHARP, Mr. WAXMAN, Mr. DAUB, Mr. MILLER of California, Mr. SCHUMER, Mr. MCCLOSKEY, Mr. MADIGAN, Mr. HYDE, Mr. FRANK, Mr. MOAKLEY, Mrs. SNOWE, Mr. DONNELLY, Mr. MARKEY, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. JEFFORDS, Mr. BENEDICT, Mr. EVANS of Georgia, Mr. BIAGGI, Mr. NICHOLS, Mr. MAVROULES, Mr. REGULA, Mr. ROE, Mr. UDALL, Mr. HORTON, Mr. GEJDENSON, Mr. FINDLEY, and Mr. EMERY):

H.J. Res. 416. Joint resolution to provide for the designation of the week commencing on June 6, 1982, as "National Child Abuse Prevention Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

270. By the SPEAKER: Memorial of the House of Representatives of the State of Kansas, relative to the enactment of legislation to declare the first Friday in March of each to be be known as "Teacher Day USA"; to the Committee on Education and Labor.

271. Also, memorial of the Senate of the State of Michigan, relative to the recent budget cuts seriously affecting the Michigan Employment Security Commission; to the Committee on Post Office and Civil Service.

272. Also, memorial of the House of Representatives of the State of Illinois, relative to calling upon the governments of Viet Nam, Cambodia, and Laos to make a full and complete accounting to the United States for those American servicemen missing in action in Southeast Asia; to the Committee on Foreign Affairs.

273. Also, memorial of the Legislature of the State of South Dakota, relative to the support of S. 1437 and the concept of the Gregory County pumped storage project; to the Committee on Public Works and Transportation.

274. Also, memorial of the Legislature of the State of California,, relative to the construction of the Auburn Dam, Calif.; to the Committee on Interior and Insular Affairs.

275. Also, memorial of the Legislature of the State of California, relative to the construction of a San Luis and Delta-Mendota joint drainage facility; to the Committee on Interior and Insular Affairs.

276. Also, memorial of the Senate of the State of Wisconsin, relative to the introduction of legislation authorizing the collection of tolls on the national interstate system of highways; to the Committee on Public Works and Transportation.

277. Also, memorial of the Legislature of the State of California, relative to the deduction of state sales tax from adjusted gross income; to the Committee on Ways and Means.

278. Also, memorial of the Legislature of the State of Indiana, relative to the simplification of income tax laws and the necessary forms; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. HOLT (by request):

H.R. 5655. A bill for the relief of Ms. Chang Ai Bae; to the Committee on the Judiciary.

By Mr. SANTINI:

H.R. 5656. A bill to transfer certain lands in Clark County, Nev., from the Department of Agriculture to the Frontier Girl Scout Council; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 468: Mr. MCKINNEY.

H.R. 644: Mr. HOWARD.

H.R. 1776: Mr. BROOMFIELD, Mr. CHENEY, Mr. DOWDY, Mr. HARTNETT, Mr. MCCURDY, Mrs. MARTIN of Illinois, Mr. WEBER of Ohio, Mr. BLILEY, Mr. EDWARDS of Alabama, Mr. CHAPPIE, Mrs. SMITH of Nebraska, Mr. WYLIE, Mr. CRAIG, Mr. MOLINARI, Mr. QUILLEN, Mr. TRAXLER, Mr. SNYDER, and Mr. STANTON of Ohio.

H.R. 1885: Mr. SCHUMER.

H.R. 2974: Mr. FOGLIETTA.

H.R. 3274: Mr. SAM B. HALL, Jr. and Mr. NELLIGAN.

H.R. 3494: Mr. CHENEY, Mr. MILLER of Ohio, Mr. FORSYTHE, and Mr. ERTEL.

H.R. 4014: Mr. HILLIS.

H.R. 4498: Mr. MOLINARI, Mr. MINETA, Mr. DERWINSKI, Mr. GRADISON, Mr. FORD of Tennessee, Mr. HUGHES, Mr. JAMES K. COYNE, Mrs. SNOWE, Mr. SIMON, Mr. MCCOLLUM, Mr. CONYERS, Mr. BROWN of California, Mrs. MARTIN of Illinois, Mr. MARKS, Mr. GREEN, and Mr. PICKLE.

H.R. 4686: Mr. HAGEDORN and Mrs. SCHNEIDER.

H.R. 4753: Mr. SAM B. HALL, Jr.

H.R. 4835: Mr. FRANK, Mr. DELLUMS, Mr. DAUB, Mr. SYNAR, Mr. ATKINSON, and Mr. FITHIAN.

H.R. 4898: Mr. DERWINSKI, Mr. RITTER, Mr. JOHNSTON, and Mr. SMITH of Oregon.

H.R. 4929: Mr. KILDEE.

H.R. 4957: Mr. BARNES, Mr. EDGAR, Mr. ROE, Mr. LEHMAN, Mr. MARKEY, Mr. REUSS, Mr. FAZIO, Mr. BINGHAM, Mr. STARK, Mr. PORTER, Mr. LONG of Maryland, Mr. RATCHFORD, Mrs. SCHROEDER, Mr. RICHMOND, Mr. DOWNEY, Mr. FAUNTROY, Mr. LOWRY of Washington, Mr. MARRIOTT, and Mr. PATTERSON.

H.R. 4990: Mr. JACOBS, Mr. FIELDS, Mr. ROBERTS of South Dakota, Mr. THOMAS, and Mr. DE LUGO.

H.R. 5004: Mr. KINDNESS.

H.R. 5147: Mr. BAFALIS.

H.R. 5242: Mr. O'BRIEN, Mr. BROWN of Ohio, Mr. WHITTAKER, Mr. SHELBY, Mr. RHODES, Mr. SKEEN, Mr. ANTHONY, Mr. TAYLOR, Mr. DAVIS, Mr. WILSON, Mr. SNYDER, Mr. ROGERS, Mr. COATS, Mr. PERKINS, Mr. NATCHER, Mr. MOORHEAD, Mr. EMERY, Mr. JOHNSTON, Mr. TAUKE, and Mr. FINDLEY.

H.R. 5317: Mr. WEISS, Mr. WASHINGTON, Mrs. CHISHOLM, Mr. FOGLIETTA, and Mr. STOKES.

H.R. 5340: Mr. WRIGHT, Mr. WASHINGTON, Mr. AUCOIN, Mr. HUGHES, Mr. TAUKE, and Mr. JEFFORDS.

H.R. 5485: Mr. MURPHY, Mr. ZEFERETTI, Mr. BONKER, Mr. BEDELL, Mr. PATTERSON, Mr. EARLY, Mr. MCHUGH, Mr. DONNELLY, Mr. MOAKLEY, Mr. EDWARDS of California, Mr. DORGAN of North Dakota, Mr. ATKINSON, Mr. WEAVER, Mr. JACOBS, and Mr. MCKINNEY.

H.J. Res. 176: Mr. BLILEY, Mr. BENJAMIN, Mr. DASCHLE, Mr. BARNES, Mr. ROE, Mr. GILMAN, Ms. MIKULSKI, Mr. WASHINGTON, Mr. FRENZEL, Mr. WEISS, Mr. DAUB, Mr. HOYER, Mr. SMITH of Pennsylvania, Mr. MOLINARI, Mr. DONNELLY, Mr. MATSUI, Mr. HUGHES, Mr. FORSYTHE, Ms. COLLINS of Illinois, Mr. FISH, and Mr. VANDER JAGT.

H.J. Res. 272: Mr. GOLDWATER, Mr. LONG of Louisiana, Mr. HANCE, Mr. ROEMER, Mr. EVANS of Georgia, Mr. HUCKABY, Mr. CHENEY, Mr. TAUZIN, Mr. GARCIA, Mrs. SCHROEDER, Mr. LONG of Maryland, Mr. EDWARDS of California, Mr. GRISHAM, Mr. JENKINS, Mr. YOUNG of Missouri, Mr. GILMAN, Mr. CHAPPIE, Mr. BINGHAM, Mr. ECKART, Mr. BOLAND, Mr. HOYER, Mr. FITHIAN, Mr. ROSENTHAL, Mr. STARK, Mr. SMITH of Iowa, Mr. OTTINGER, Mr. SHAMANSKY, Mr. KAZEN, Mr. EVANS of Indiana, Mr. MILLER of California, Mr. PORTER, Mr. BRINKLEY, Mr. DENARDIS, Mr. PHILLIP BURTON, Mr. LEWIS, Mr. LEACH of Iowa, Mr. WRIGHT, Mr. LOEFFLER, Mr. GIBBONS, Mrs. SNOWE, Mr. FLORIO, Mr. FUQUA, Mr. WALGREN, Mr. SKELTON, Mr. D'AMOURS, Mr. MOLLOHAN, Mr. MOTTL, Mr. BAFALIS, Mr. HERTEL, Mr. GOODLING, and Mr. KRAMER.

H.J. Res. 313: Mr. LEBOUTILLIER, Mr. BAILEY of Pennsylvania, Mr. PEPPER, Mr. LAGOMARSINO, Mr. CORRADA, Mr. REGULA, Mr. EDGAR, Mr. WON PAT, Mr. WILSON, Mr. SMITH of Oregon, Mr. FRENZEL, Mr. FORSYTHE, Mr. BUTLER, Mr. BENNETT, Mr. BARNARD, Mr. HORTON, Mr. QUILLEN, Mr. BONIOR of Michigan, Mr. HYDE, Mr. DOUGHERTY, Mr. SUNIA, Mr. FAUNTROY, Mr. ROE, Mr. WOLPE, Mr. KINDNESS, Mr. DERWINSKI, Mr. CARNEY, Mr. PARRIS, Mrs. HOLT, Mr. MAZZOLI, Mr. MOLINARI, and Mr. BREAUX.

H.J. Res. 393: Mr. BRODHEAD, Mr. OTTINGER, Mr. WON PAT, Mr. DYMALLY, Mr. OBERSTAR, Mr. BONIOR of Michigan, Mr. SUNIA, Mr. GEJDENSON, Mr. FORSYTHE, Mr. ROBERTS of South Dakota, Mr. SMITH of Iowa, Mr. GIBBONS, Mr. SMITH of New Jersey, Mr. WEBER of Ohio, Mr. FROST, Mr. AUCOIN, Mr. HORTON, Mr. ANDREWS, Mr. MINETA, Mr. RINALDO, Mr. ADDABBO, Mr. DAN DANIEL, Mr. HANSEN of Utah, Mr. PETRI, Mr. PORTER, Mr. DUNCAN, Mr. EVANS of Georgia, Mr. COURTER, Mr. ROE, Mr. O'BRIEN, Mrs. SCHNEIDER,

Mr. DWYER, Mr. BROWN of California, Mr. HAGEDORN, Mr. SILJANDER, Mr. FARY, Mr. JACOBS, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. STENHOLM, Mr. GUARINI, Mr. LOWRY of Washington, Mr. DOUGHERTY, Mr. FAUNTROY, Mrs. BOUQUARD, Mr. BINGHAM, Mr. WORTLEY, Mr. YATRON, Mr. TAUKE, Mr. EDGAR, Mr. DAVIS, Mr. HOWARD, Mr. MURPHY, Mr. MARKEY, Mr. LIVINGSTON, Mr. HUTTO, Mr. HEFTEL, Mr. CORRADA, Mr. BETHUNE, Mr. HUGHES, Mr. FOGLIETTA, Mr. AKAKA, Mr. ALEXANDER, Mr. ASHBROOK, Mr. BAILEY of Pennsylvania, Mr. CORCORAN, Mr. BONER of Tennessee, Mr. BOLAND, Mr. DREIER, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. SCHEUER, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. PRITCHARD, Mr. FINDLEY, Mr. ALBOSTA, Mr. SIMON, Mr. YOUNG of Missouri, and Mr. GUNDERSON.

H. J. Res. 398: Mr. GOODLING and Mr. WEBER of Ohio.

H.J. Res. 399: Mr. DIXON, Mr. EVANS of Indiana, Mr. WYDEN, Mr. HEFTEL, Mr. BRODHEAD, Mr. STARK, Mr. LUKEN, Mr. WEAVER, Mr. WILLIAMS of Ohio, Mr. ASPIN, Mr. MINETA, and Mr. MCKINNEY.

H. Con. Res. 100: Mr. MINISH, Mrs. KENNELLY, and Mr. BENEDICT.

H. Con. Res. 226: Mr. LAFALCE and Mr. ECKART.

H. Con. Res. 236: Mr. BOLAND, Mr. FRANK, Mr. RATCHFORD, Mr. GREGG, Mr. ST GERMAIN, Mr. GEJDENSON, Mr. MCCLORY, Mr. BINGHAM, Mr. LANTOS, Mr. PORTER, Mr. SABO, Mr. HANCE, Mr. HEFTEL, Mr. HOLLENBECK, Mrs. FENWICK, Mr. LONG of Maryland, Mr. WOLPE, Mr. SYNAR, Mr. HALL of Ohio, Mr. CHAPPIE, Mr. EARLY, Mr. GRADISON, Mr. ANTHONY, Mr. BEILENSON, Mr. KOGOVSEK, Mr. GOLDWATER, Mr. JACOBS, Mr. CHAPPELL, Mr. DANNEMEYER, Mr. BIAGGI, Mr. FUQUA, Mr. WALGREN, Mr. EVANS of Iowa, and Mr. MARTIN of North Carolina.

H. Con. Res. 270: Mr. TAUKE, Mr. HOWARD, Mr. FRANK, Mr. WEISS, Mr. WEAVER, Mr. ROSENTHAL, Mr. KILDEE, Mr. MITCHELL of Maryland, Mr. SIMON, Mr. STOKES, Mr. FORSYTHE, Mr. RICHMOND, Mr. WILLIAM J. COYNE, Mr. MOAKLEY, Mr. SAVAGE, Mr. CLAY, Mr. JOHN L. BURTON, Mr. BEDELL, Mr. LEHMAN, Mr. MILLER of California, Mr. ALBOSTA, Mr. HAMILTON, Mr. OBERSTAR, Mr. BROWN of California, Mr. FORD of Tennessee, Mr. PHILLIP BURTON, Mr. DENARDIS, Mr. GARCIA, and Mr. STUDDS.

H. Res. 265: Mr. MICHEL.

H. Res. 297: Mr. STOKES and Mr. DICKS.

H. Res. 349: Mr. SEIBERLING, Mr. NEAL, Mr. SCHUMER, and Mrs. FERRARO.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

353. By the SPEAKER: Petition of the Board of Directors, National Association of Home Builders, Washington, D.C., relative to the housing crisis; restructuring of financial institutions; FNMA, FHLMC mortgage loan limits; HUD multifamily maximum mortgage limits; utilization of authorized, appropriated and uncommitted FHA section 235 funds; housing for the elderly and handicapped; establishment of regional energy lending incentive formula program (RELIF); to the Committee on Banking, Finance and Urban Affairs.

354. Also, petition of the American Lithuanian Club of Florida, Inc., St. Petersburg, Fla., relative to the U.S. policy with regard to the Baltic Republics of Lithuania, Latvia, and Estonia; to the Committee on Foreign Affairs.

355. Also, petition of the Board of Directors, National Association of Home Builders, Washington, D.C., relative to the sale of Federal surplus lands; to the Committee on Interior and Insular Affairs.

356. Also, petition of the Board of Directors, National Association of Home Builders, Washington, D.C., relative to the legislative veto; to the Committee on the Judiciary.

357. Also, petition of the City Council of Philadelphia, Pa., relative to proposed legislation that will preserve racial equality in private education; to the Committee on Ways and Means.

358. Also, petition of the Board of Directors, National Association of Home Builders, Washington, D.C., relative to mortgage revenue bonds; increased housing production; tax-exempt savings program; capitalization of small business; repeal of safe harbor leasing; repeal of accumulated earnings tax; industrial revenue bonds; retention of the completed contract method of accounting; to the Committee on Ways and Means.

359. Also, petition of United Steelworkers of America, AFL–CIO, Local Union No. 2644, Johnstown, Pa., relative to the sale of foreign produced coal to U.S. military installations overseas as provided in provisions of the Trade Agreements Act; to the Committee on Ways and Means.

360. Also, petition of the Board of Directors, National Association of Home Builders, Washington, D.C., relative to the reapportionment of energy subsidies and tax credits; jointly, to the Committees on Ways and Means and Energy and Commerce.

EXTENSIONS OF REMARKS

THE AGONIES OF IRELAND

HON. THOMAS S. FOLEY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. FOLEY. Mr. Speaker, there follows yet several more articles in the continuing series, "The Agonies of Ireland" which were published in December of last year by the Philadelphia Inquirer. Again, I commend them to my colleagues.

THE AGONIES OF IRELAND: THE ECONOMY

(By Michael Pakenham)

The economies of Ireland—North and South—are obstinately depressed. Modern industrial progress has passed them by. Their traditional sources of wealth have been left behind. They are suffering more acutely than any other major part of Europe from the present sustained recession.

The central agony of Ireland, historic and today murderously acute, is not economic. But any realistic hope for easing it in the short term, and ultimately for relieving it entirely, must involve achieving a substantial level of prosperity. That can be built only on a healthy, integrated economic foundation.

The prospect for that is disheartening.

Northern Ireland has the lowest average personal income, the highest proportion of families living on welfare payments, the highest unemployment and the worst housing conditions of any comparable region in all of Britain.

In the current fiscal year, the British government's expenditures for all services in Northern Ireland, excluding the cost of the military establishment there, is $2.6 billion more than the total tax revenues generated in the province. Of the total $425 million is attributed to nonmilitary security costs, principally to deal with terrorism. Additionally, British army costs in Northern Ireland are estimated at about $190 million on an annual basis.

There are other large British expenditures, not included above, for special subsidies to troubled industries in Northern Ireland, including shipbuilding, which is severely depressed, and power generation.

Thus, British taxpayers outside Northern Ireland are paying something between 40 and 55 percent of the total government costs there. To raise local tax revenues to meet that would be impossible—to go half way would almost certainly ensure economic collapse.

If the British left Northern Ireland tomorrow, taking their subsidies with them, could the Irish Republic absorb the cost of the six counties?

The republic also suffers greatly from the expense of terrorism. Generally accepted estimates are that it is spending $140 million a year on anti-terrorist security services alone. The impact of violence in the north on overall Irish tourism has been dramatic and economically painful.

Perhaps some of that would be diminished by significant movement toward unification—short of precipitate British withdrawal—though that is highly debatable. The Provisional IRA has fought every move toward economic integration and is pledged to overthrowing the government in Dublin, so the seacurity problem is not likely to disappear. And there is the additional problem of the restive paramilitaries of the Protestant community in the north, which would fight significant integration today.

Still, consider it.

The Irish Republic's total government budget deficit in 1980 was $1.12 billion, or 8.5 percent of its gross national product. For 1981, the deficit is expected to be $2.27 billion, more than 14 percent of the GNP. Yet the GNP itself is rising at a rate of less than 1 percent annually.

Those figures, like similar ones in the United States, are in constant revision and flux. The basic truth of them is clear enough, however: The Irish Republic—like Britain—is in deep and deepening economic trouble. The Dublin government, with a massive balance-of-payments drain, mounting deficits and a stagnant economy, is borrowing huge amounts on international markets. The republic's total borrowing is near 20 percent of its GNP, while Britain's is about 4 percent. To pay for the local government deficit in Northern Ireland, even bringing levels of services down to those of the republic, the government in Dublin estimates, would require raising taxes in the south, across the board, by 25 percent.

In Northern Ireland approximately 115,000 persons are unemployed, 20 percent of the total work force. That is 25,000 more than a year ago. In 1974, total unemployment was below 30,000. It has been rising ever since, but especially sharply in the last two years.

In the Irish Republic the unemployment rate is at about 13.5 percent, far better than Northern Ireland's 20, but worse than Britain as a whole, which with three million workers jobless has an unemployment rate of somewhat more than 12 percent.

In all of Northern Ireland, unemployment among men is at about 24 percent and among women almost 14 percent. It is generally at its worst where sectarian violence is most intense: Men in Derry are 35 percent unemployed; in Newry, 37 percent; and in Strabane, 47 percent.

Official statistics are not kept as to religious affiliation. But independent studies of specific areas in the North have indicated unemployment among Catholics can be as much as 2½ times the regional average.

It is impossible to isolate causes of unemployment with precision, but economists attribute at least 27,000 of the 115,000 unemployment roll in the North to the direct effects of sectarian violence.

The dwindling of industrial production and employment in Northern Ireland, and in the Irish Republic, has gone on in spite of massive government efforts. Both offer phenomenal inducements for investment that would create jobs.

In Northern Ireland, a new company can receive up to 90 percent of its start-up costs in government grants for building, equipment, training and research and in loans and tax advantages. On the average, the cost to the government of creating one new job under such programs in Northern Ireland is $23,000. In the republic, similar incentives are running at more than $8,000 per new job.

In the face of the grim figures, both the Irish Republic and Britain (including Northern Ireland) have elaborate and expensive social welfare programs. Comparisons are elusive because of variances in such things as scales for housing, rent and heat subsidies. But for a husband and wife, neither employed, with two children, the weekly government support payment is $121 in Northern Ireland (and the rest of Britain) and $88 in the Irish Republic. For an unemployed family with four children, it is $170 in the North and $105 in the South; with eight children, $256 in the North and $141 in the South.

As those figures indicate, the unemployed in the North are very substantially better off financially than those in the South.

The essence of the economics of the island is that both the North and South have enormously deficit-ridden government budgets, resting on desperate economic foundations.

Northern Ireland could not possibly pay its way as an independent nation, a course favored by some elements of its Protestant community. Under the hypothesis of unification, the economy of the South could not possibly replace the present British subsidies to the North. Even with elaborate and expensive transitional contributions by Britain and the republic, with additional aid from the European Economic Community and even the United States, the economic prospects are grim.

The most promising relief lies in Irish economic growth, largely through industrialization and other expanded income sources. It is unrealistic to believe that could happen in either the North or South in isolation from the other. Yet today, there is precious little of such integration.

One of the most perverse—but far from exceptional—examples of the economic barrier between North and South is in the field of energy. The island is a heavy importer of energy sources, with no coal or petroleum of its own. But in Northern Ireland a large excess of electric-generation capacity is going to waste. In the South, there is a natural-gas surplus, also going to waste. Both could benefit significantly by sharing those surpluses and needs. Yet the electricity link that was built to the South has been destroyed repeatedly by IRA terrorists, despite intense security efforts by both governments.

An editorial in the Nov. 5 Irish Times of Dublin put it well: "When a man in Ballyfermot can light his house with Kilroot electricity, and his counterpart in the Shankill Road can boil an egg using Kinsale gas, they are unlikely to find in these amenities any taint, respectively, of Orangeism or Popery. It may be a less glamorous way of uniting Ireland than councils and institutions, but it is one way of uniting Ireland all the same."

What's more, any other way that ignores or evades the economic challenges faced on the island of Ireland today is doomed to produce more misery, and with that more

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

strife. All constructive hope for the future of Ireland must take into account the necessity of economic progress—cooperatively.

THE AGONIES OF IRELAND: THE ALTERNATIVES

In conversations with serious, studious, responsible people whose lives and energies and devoted to—or simply involved in—trying to deal with the problem of the island of Ireland today, a single theme is always stated. "Anyone who isn't confused here doesn't really understand what's going on," is the way one Ulsterman puts it.

"Any fair-minded person will find it impossible to find a right and a wrong," are the words of a senior Irish diplomat.

"Anybody who thinks he has found a solution in which anyone wins has put together another disaster," is the way Garret FitzGerald, prime minister of Ireland, makes the point.

What does that mean?

It means there is no sure formula for a "solution" to the agonies of Ireland. Any enduring relief of today's woes will take time and uncommon courage, inteligence and good will to fashion. That will not be done tomorrow, or even in short years.

There can be no progress toward a long-range solution, however, without a thorough, dispassionate understanding of the difficulties. Vital to that is recognition of the realities of all major proposed "solutions" today. They are:

Direct rule from London. The present situation, prevailing since 1972, except for an interruption in 1973–74, with the principal executive powers of government exercised as a cabinet department of the British government, with voters in Northern Ireland represented by 12 members of the Parliament in London, and with limited local functions managed through local politicals.

Problems. It leaves British politicians, civil servants and military in charge, which is abrasive to most Catholics. It tends to leave Northern Ireland's problems at a low level of priority among those who are directly responsible. Northern Ireland contains less than 3 percent (1.6 million) of Britain's total population (57 million). Its concerns never have received high priority by a British Parliament, government or national political party. Without dramatic additional initiatives, direct rule does little to ease the polarization between Protestant and Catholic communities, while keeping a heavy, and utterly thankless, burden of administration and security on the British government. Direct rule could have been adapted to be more locally responsive. That could have led to:

Full unification with Britain. Favored by some powerful Protestant elements.

Problems. All of the present difficulties, amplified by the removal of hope for progress on behalf of the Catholic minority.

Immediate withdrawal of British troops and other security forces. The "Brits out—now" solution that could be ordered, technically anyway, by the British government.

Problems. A wide array of Protestant-based organizations, both legitimately political and secret paramilitary, state convincingly that they stand ready to rise up and take over the policing function as vigilantes, with particular targeting of Catholic paramilitaries and their "supporters." Almost all serious observers, on all sides, foresee that turning quickly into arbitrary, uncontrolled repression of Catholics with yet-unprecedented intensity and brutality—and then response in kind by Catholics. Many fear rapid escalation of that into civil war. The Irish Republic does not have sufficient military forces to intervene, even if it chose to, which no significant political figure in Dublin favors.

Local majority rule. Re-establishment by the British government of a semi-autonomous (though heavily subsidized) Northern Ireland Parliament, with local sovereignty much like that of each state within the United States.

Problems. This was what existed until London suspended it in 1972. The primary reason for that suspension was sectarian discrimination. With more than one million Protestants and fewer than 500,000 Catholics in Northern Ireland, the democratically elected, Protestant-dominated local government controlled all executive functions, critically including policing, public employment, the electoral machinery and housing. With no voice in the executive branch of the government, many Catholics' fundamental civil rights were abused intolerably. To return to that is unacceptable to all involved except the most repressive elements of the Protestant community, who caused the problem.

Power sharing. A major variation on local autonomy is for London to impose a form of local government, elected by proportional representation (in contrast to direct, winner-take-all balloting). That was instituted in 1973–74 under the Conservative government of Edward Heath, after what became known as the Sunningdale Agreement between the governments of the Irish Republic and Britain. Catholics were guaranteed a strong voice in the executive and control of substantial departments of governments. In tandem, a Council of Ireland, with participation by the governments of Northern Ireland, the Irish Republic and Britain, was promised but foundered.

Problems. Power sharing and the Sunningdale process broke down in the face of a massive Protestant workers' strike and the threat of widespread violence by Protestant militants who brought Northern Ireland to the brink of economic paralysis and social anarchy. If the Labor Party government that succeeded Heath's had been tougher, possibly it could have held together the powersharing executive and the Sunningdale process although there is genuine debate about whether anything would have held the Protestants in line. There is general agreement, however, that the Protestant reaction was precipitated more by the implication of motion toward unification with the republic in the Council of Ireland notion than by power sharing. Still, direct rule was reimposed. To impose power sharing today would be inflammatory to many of the most forceful political leaders of the Protestant community and to paramilitary forces, although working toward it by broad consent is a promising possibility—perhaps the most promising one in sight.

Independence for Northern Ireland. For the British Parliament to exclude the province from the United Kingdom.

Problems. To many, unilaterally expelling Northern Ireland from Britain would be as unthinkable as for the U.S. Congress to divorce California, although there is some political support for the idea among both Protestants and Catholic. Northern Ireland, however, is nowhere near economically self-sufficient. It is dependent on Britain for at least 40 percent—by some analyses, more than half—of all funding for its public services. If all that were overcome, independence still would leave unsettled all the present problems except the formal British presence.

Repartition. For the British government, with acceptance by the Irish Republic, to redraw the boundaries of Northern Ireland, putting predominantly Catholic areas into more homogeneously Protestant Northern Ireland.

Problems. Even theoretically, to be demographically effective, that would mean uprooting thousands of people or creating as many as a dozen enclaves of Catholics totally surrounded by Protestants, particularly a massive one in Belfast. Many mixed areas, especially the border county of Fermanagh, are almost evenly populated by Catholics and Protestants and would be indivisible. The likely effects of repartition would be to increase resentment and polarization with the offer of a false solution and to put off any hope for the ultimate federation or unification of the island by intensifying the sources of Protestant paranoia. A full-scale civil war, which only the paramilitaries want, could have the result of forcing repartition, but only after a bloodbath and vast violent uprooting of both Catholics and Protestants.

United Nations or other outside direct involvement. Entry of a foreign peace-keeping force as a substitute for the British military presence and local police so far as they are involved in dealing with terrorism.

Problems. There's considerable doubt of necessary support within the United Nations, even if all major elements in Northern Ireland agreed, which they wouldn't. If that were possible, there is no encouraging precedent for effective, sustained peacemaking by outside forces in mixed communities—only as temporary buffers between clearly delineated combatants. Any outside policing force would face the danger of being targeted by the paramilitaries—the IRA, the Loyalist factions or both. Less direct help, in the forms of economic and conciliation efforts, by U.N. agencies, the European Economic Community or even the United States could be valuable, but would not directly confront the problems of violence or its economic and political impact.

Unification with the Irish Republic—now. This could be achieved by the British and Irish Parliaments.

Problems. The firm position of the governments of the Irish Republic and the United Kingdom was articulated most recently in the official communique issued at the conclusion of the Nov. 6 meeting between Irish Prime Minister Garret FitzGerald and British Prime Minister Margaret Thatcher. It said the two governments "agreed that any change in the constitutional status of Northern Ireland would require the consent of a majority of the people of Northern Ireland."

Unification with the Irish Republic—long range. The majority of politicians and opinion leaders in the Irish Republic favor this—as do many, in increasing numbers, in Britain, at least privately.

Problems. Everyone in authority in both countries is aware of the potentially explosive opposition of most of Northern Ireland's Protestants. FitzGerald has begun a process of working toward reconciling Northern Ireland's Protestants to begin to consider the ultimate prospect of unity. There is tentatively encouraging support for that from some British politicians. FitzGerald's strategy includes plans to seek amendment of the Irish Constitution to make the laws of the republic less reflective of Catholic Church dogmas and strictures (e.g., divorce is illegal in the Irish Republic) in an effort to woo Protestants of the north

toward gradual acceptance of the idea of unification—toward the "consent" to which both governments are committed. This is, at best, a long and painful process, perilously susceptible to being derailed by demagogues.

There can be no serious doubt today that the island of Ireland, and all who live on it or love it from afar, would be far better off if it were unified and at peace. Between present agonies and that idea, however, stand dreadful problems that for time beyond counting have defeated earnest men and women and have nourished demagoguery, exploitation, hatred and terrorism.

If peaceful unification is to come, it must come through consent of the majority of citizens of Northern Ireland—and thus at best it would require a painstaking, step-by-step program of reconciliation and accommodation. There are a dozen or more devices that, if properly and responsibly applied, could lead toward that. All involve increasing the interrelationships between the disparate peoples of Northern Ireland and those of the Irish Republic in economic, social, legal and political ways.

Gradually, then, a foundation could be laid for broad acceptance of some form of political federation, confederation or condominium of power. There, and there alone, lies the road to a fully unified, independent and peaceful Ireland. If that is to come about, it will require peace, resolute good will—and a generation or more of patience.●

NATURAL GAS DECONTROL

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. SAWYER. Mr. Speaker, I recently became aware of the possibility that the Federal Energy Regulatory Commission may attempt to immediately deregulate the price of natural gas via an administrative ruling. To say the least, I was shocked that such an important and controversial move would be made without congressional approval. We have all heard what such an action might mean in terms of a consumer's monthly gas bill, and that concern is particularly important in my district in Michigan. Michigan is currently dealing with more economic problems than it can handle. Unemployment is and has been so high that our State now owes in excess of $1 billion to the Unemployment Trust Fund. How can the people of Michigan survive even greater gas bills?

When the Congress partially decontrolled natural gas in 1978, there was a bitter and devisive debate. I am sure none of us want to repeat that performance, but I for one do not want to see that FERC rule without any consultation with the Congress. It is just too important an issue, with wide ranging interest across the Nation. If we are to deal with the issue of accelerated decontrol of gas prices, let us do it in a manner where the voice of all Americans can be heard. Let us not leave the consumer and the businessman out of the debate.

I understand that a resolution has been introduced in the Congress which will send a warning to the FERC. I plan to become involved in that process, so that the FERC is aware that its actions are being closely monitored. I would urge my colleagues to do likewise.●

LEGISLATION INTRODUCED TO RESTORE UNEMPLOYMENT COMPENSATION ELIGIBILITY TO EX-SERVICEMEN

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, today I am introducing legislation that will restore unemployment compensation eligibility to ex-servicemen and women. Senator BILL BRADLEY has introduced this measure in the Senate and I am proud to be the sponsor of his bill in the House.

Mr. Speaker, as you know, the House passed a bill last December 15 that included my amendment to restore unemployment compensation eligibility to ex-service personnel. That amendment was slightly different from the language of this measure today. That House-passed bill, however, now languishes in the Senate Finance Committee. I invite my Senate colleagues to begin, in earnest, consideration of that UCX language. The current law, enacted in the President's Omnibus Reconciliation Act last year, is, as I have said before, unfair to the thousands of men and women who have served this country with honor and distinction. When they have completed their tour of duty, these men and women are not extended any help in finding employment in the private sector. Instead, the administration has chosen to pressure them into reenlistment. Their refusal to accept an offer to reenlist leaves them with nowhere to turn.

Mr. Speaker, last Wednesday, in testimony before the Ways and Means Committee, Secretary of Labor Raymond Donovan honestly and forthrightly admitted that the motive behind the administration's change last year was to deny free choice to servicemen approaching the completion of their enlistment; to force servicemen to choose reenlistment because of difficulties in finding employment in the private sector. I congratulate Secretary Donovan for being the first in the administration to admit the true motives behind the President's change in UCX. Clearly the more basic fear underlying their policy is that the volunteer service must not be working. Of course, we know that retention is a problem. But, I respectfully and strenuously disagree that the way to increase the Armed Forces' reenlistment efforts is by refusing to extend assistance to servicemen who have honorably served and wish to return to civilian life.

Mr. Speaker, as you know, under current law a serviceman or woman who is discharged honorably and declines an offer to reenlist is denied eligibility for unemployment compensation. In contrast, a serviceman or woman who is not offered reenlistment because of reduction in force in his or her occupational specialty, and the individual who incompetently serves his country and is discharged less than honorably, are entitled to unemployment benefits. Thus, we are penalizing those individuals who serve their country well while we continue to provide benefits to those who are ineligible to reenlist. I believe we have our sense of fair play reversed.

The bill I have introduced today, as well as the amendment I authored in December to the House-passed bill, correct both the anomaly that exists in current law and, I believe, restores a sense of fairness and equity to our servicemen and women. Under the bill I have introduced, individuals who have served honorably for 2 years and are unable to find employment in their transition to civilian life will be eligible for unemployment benefits. In addition, individuals who leave the service before serving 2 years due to hardship, service-incurred injuries, or who leave at the convenience of the service, will also be eligible for benefits.

Mr. Speaker, while the President is willing to trade equity for dollar savings, I believe our Nation's servicemen and women should be treated with the respect they have duly earned and given a helping hand when needed to assist them in the transition to civilian life. The administration's argument to the contrary, service personnel are not in comparable situations to those employed in the private sector and thus their discharge should not be viewed or treated as a voluntary quit. This bill recognizes those differences, as does the language that was passed by the House last December. I urge my colleagues in the Senate to join me in supporting that amendment to H.R. 4961 by working to report the bill from the Finance Committee. And, I urge my colleagues in the House to join me in supporting the measure I am introducing today.●

STRANGERS IN THEIR OWN LANDS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. McKINNEY. Mr. Speaker, as the wheels of the legislative process grind along, public interest and concern continues to grow over the plight of the Amerasian individuals. Because my colleagues may not have seen the edition, I have included for your review an article which appeared in the international issue of Time Magazine on December 14, 1981. Entitled "Strangers in Their Own Lands," this article is an accurate account of the discrimination and appalling circumstances Amerasians experience throughout their lives:

STRANGERS IN THEIR OWN LANDS

(By William Drozdiak)

"In the dead of night, I sometimes find myself wondering what I am," said Cha Mi Sun. For Cha, a 27-year-old Korean acupuncturist, the acute identity crisis began the day he was born. In school, his classmates derided him as a *twigi*, a half-breed. Later, he found that his patients loathed being touched by him because of his "outlandish" looks. Like thousands of other youths spawned by liaisons between American servicemen and Asian women, Cha has blue eyes and brown hair that brand him a pariah condemned to a life of shame and ridicule in his native land, proud of its long history of ethnic purity.

From Thailand and the Philippines to Japan and Korea, there are perhaps 170,000 such Amerasians. Viet Nam alone has an estimated 25,000 to 50,000, who represent one of the most poignant legacies of the U.S. involvement there. The victorious Vietnamese consider mixed-descent youths an unwelcome reminder of a hated foe. As a result, the Amerasians are denied education and rights of citizenship. In Thailand, a recreational playground during the war years, street urchins with names like Charlie and Woody often must survive by hustling coins from tourists and running errands for massage parlors.

"For those forgotten American children in Asia, life is just misery," says Father Alfred V. Keane, an American priest who runs a home for Amerasians in Inchon, Korea. "The harassment never seems to end. Sometimes they are beaten, stoned, kicked and reduced to a subhuman status in ways I could never begin to describe."

In some countries where an American presence has been tolerated for generations, Amerasians have attained a measure of acceptance. In the Philippines and Japan, where they were once scorned as "Madama Butterfly tots" or "souvenir babies," mixed-descent children have capitalized on their exotic looks and gained success in the entertainment and fashion worlds. Two of the most popular Filipino movie stars, Hilda Koronel and Elizabeth Oropesa, are daughters of American fathers. But in Korea, most Amerasian children and their mothers are still treated as outcasts. In the bars and discos near the military bases, where more than 37,000 U.S. troops are stationed, the underclass perpetuates itself in a sad cycle: children of prostitutes who once plied their trade at the same bases now cater to another generation of American G.I.s.

Trapped between two cultures, Amerasians receive little sympathy from local governments. "Sometimes officials refuse to believe the children are Thai citizens because of the way the child looks," says Janjira Wongsopa, a medical counselor with the Pearl S. Buck Foundation, which aids more than 12,000 Amerasians in five countries. "They will put American or Negro as the nationality on the birth certificate, which means the child cannot attend a government school." Roughly 98% of Thailand's Amerasians (variously estimated to number between 4,000 and 11,000) are illegitimate progeny, many of them ostracized by their mothers' families. Says a Bangkok social worker: "That alone will deprive them of many job opportunities, which are often obtained through relatives or friends of relatives."

As elsewhere, the degree of Asian prejudice is often dictated by skin color. "In many ways the white Amerasian is better off," says Michael Nebeker, Bangkok director of the Pearl S. Buck Foundation. "Although he is teased, the Thais sometimes find his light hair and features exotic. But with blacks there is definitely maliciousness. Teachers call them 'nigger' in front of other kids and openly discuss how their mothers were just prostitutes and their fathers soldiers." Pearl S. Buck Foundation officials believe that every effort should be made to integrate the mixed-descent child into local society before adoption is contemplated. But the vicious treatment of Amerasian blacks has convinced Nebeker that for them, going to the U.S. might be the best thing.

Even if there is an American couple willing to adopt them, the peculiar status of Amerasian children often makes it impossible for them to emigrate. To qualify for adoption, a child is required by Thai law to have written consent from his mother, something many Amerasians find impossible to obtain since they were abandoned shortly after birth. In the Philippines, 99 percent of Amerasians are born out of wedlock and are thus considered Filipinos, which forces them to compete with some 300,000 other Filipinos who have applied for the 20,000 U.S. immigrant visas allotted to the Manila embassy.

The wrenching ordeal of the Amerasians has induced Representative Stewart B. McKinney, a Connecticut Republican, to propose a bill that would provide preferential admission into the U.S. for some of the children of American soldiers born abroad. Under McKinney's bill, an alien born in Korea, Viet Nam, Laos or Thailand after 1950 who was fathered by a U.S. serviceman on active duty would be granted high preference under U.S. immigration laws, provided that the child could prove American paternity and find a sponsor to guarantee financial support for five years. The bill languished in one previous Congress but is now picking up enough backers to stand a chance of passage. Says McKinney: "This act does not carelessly throw open the gates to allow mass immigration. It allows Amerasians the opportunity they deserve as sons and daughters of U.S. citizens."

Not all Amerasians would rush to apply for visas to the U.S. "A lot of the children are curious about their fathers," says a Pearl S. Buck Foundation worker, "but they are Thai and their lives will be here." Pearl S. Buck Foundation officials believe that an offer of U.S. citizenship to Amerasians is a necessary first step in recognizing moral responsibility. Says Executive Director John Shade: "They are Americans. The Amerasians have more right to be citizens of this country than Cubans and Haitians."●

SHRINERS LAUDED FOR PIONEERING CARE FOR CRIPPLED CHILDREN

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1982

● Mr. BAFALIS. Mr. Speaker, it is indeed with pleasure that I offer this tribute to the Shriners of North America for their efforts on behalf of crippled children, and I salute those who have worked so diligently to build a Crippled Childrens' Hospital in Tampa, Fla.

These fine men have given generously of their time and their resources to provide medical care for those who can be helped and had little or no other opportunity for care.

The long-held dream of a Shriners' hospital in Florida, slated to open in 1984, is the culmination of the efforts of, among others, the Imperial Potentate of the Shrine of North America Mr. Randolph R. Thomas of Jacksonville, Fla.—the first Floridian to hold such a high office in this international organization, and a recent visitor to the Nation's Capital.

The philanthropic work of the Shriners spans more than six decades, beginning in 1921, when the membership made a commitment to develop and support an official philanthropy and subsequently formulated a concept that would become known as the "World's Greatest Philanthrophy"—a network of hospitals to care for crippled children.

Since the first Shriners' Hospital for Crippled Children opened in Shreveport, La., in 1922, these medical centers have provided cures or substantial help to almost a quarter of a million children.

There are currently 18 orthopedic hospitals and 3 burn centers located throughout the country—with the 1984 completion of the Tampa center bringing the number to 19.

The Shriners' hospitals were among the first specialized orthopedic hospitals in North America and their pioneer efforts earned them the fine reputation they enjoy today. The real contribution—aside from the very important work with crippled children—is in the area of research and specialization. Today these centers have become major referral hospitals where among the most complicated orthopedic and burn cases are treated.

This Nation is truly blessed because of the contribution these men have

89-059 O-85-42 (pt2)

made to the betterment of mankind in the area of medical science, and I would like to take this opportunity—of the occasion of the visit of Imperial Potentate Randolph R. Thomas to the Nation's Capital—to laud the members of the Shrine of North America for providing the means to treat and cure the crippled children of America.

The humanitarian deeds will be reflected in the smiles and hearts of all children whose lives and well-being have been enhanced because the Shriners cared enough to give a helping hand.●

A CHANCE TO CHANGE DIRECTION—THE NEED FOR A NUCLEAR FREEZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MARKEY. Mr. Speaker, there is a growing movement in this country which Congress must begin to understand. That movement is the campaign for a nuclear freeze. Citizens across the country are beginning to realize that nuclear war is not an arcane subject to be left to experts to debate, but rather an issue that directly affects each and every one of us, and demands our attention.

I urge my colleagues to endorse the nuclear freeze, and to support efforts here in Congress to bring a halt to the senseless, unwinnable arms race. Recently, the Boston Globe ran an incisive editorial on the nuclear freeze, and I would like to submit that editorial in full for printing in the CONGRESSIONAL RECORD.

THE NUCLEAR FREEZE CAMPAIGN

A proposal for a bilateral agreement between the United States and the Soviet Union to suspend the testing, production and deployment of nuclear weapons will be taken up at over 160 town meetings in Vermont.

A "mutual nuclear arms freeze" is the aim of a grassroots campaign catching on across the country. In California over 300,000 signatures have been gathered to place the freeze proposal on the ballot in November as a referendum item.

The immediate aim is not disarmament—not even nuclear disarmament, and certainly not "unilateral disarmament," which is the buzzword that "rearm America" advocates typically use to discredit arms control.

The notion will be found simple, direct and understandable by people normally intimidated by the arcane world of strategic weaponry. It is a logical first step to stop piling on more hardware that is only making a bad situation worse.

It is not "deep cuts" in existing arsenals, nor complicated negotiations of the sort now under way in Geneva. It is not to beat swords into plowshares, nor to renounce war as an instrument of foreign policy, nor even to pledge not to use nuclear weapons.

The resolution simply requests "the President of the United States to propose to the Soviet Union a mutual freeze on the testing, production and deployment of nuclear weapons and of missiles and new aircraft designed primarily to deliver nuclear weapons, with verifications satisfactory to both countries."

That radically simple notion—agreeing that enough is enough—is something that could be done, which is why the freeze campaign is an important phenomenon.

Unlike past efforts of the "peace movement," the freeze proposal is so modest in its aims and framed in such low-key language that it can appeal to conservatives and liberals. So far the proposal has drawn criticism mainly from the left, on the grounds that it does not go far enough to redirect military spending toward social goals.

The freeze organizers have chosen a slow-but-steady strategy to build up a political head of steam over three to five years. Given a careful approach of this sort, there is no reason to think that arms control cannot move from the fringe to the center of the American political agenda, in the same way that environmental concerns have.

Even if the US government adopted the freeze proposal as policy, and if the Soviet Union agreed in principle, the issue of "verification" (finding a way to assure each side that the other isn't cheating) would pose substantial difficulties.

These would not be overwhelming, however. If there is sufficient political will to solve them, they will be solved.

The freeze campaign is aimed at the simple, formidable and yet realistic goal of forging that will in the American public.●

CANADIAN PROPOSAL COULD RESULT IN INCREASED ACID RAIN

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. CORCORAN. Mr. Speaker, I have recently become aware of an effort by a Canadian utility to sell more electricity to the United States, one effect of which would be greatly increased occurrence of acid rain. Ontario Hydro's plan to sell more electricity to the United States has been critically received, reported the February 5, 1982, Toronto Star. Critics include the Canadian Federal Environment Department and the Canadian Coalition on Acid Rain. They claim that the resulting increase in sulphur dioxide and nitric oxide emissions from Hydro's Nanticoke coal fired generating plant would create enough acid rain to kill 560 Ontario lakes. The Canadian Coalition of Acid Rain has noted the "hypocrisy of increasing acid rain emissions in Ontario, some of which fall in New England, while demanding of American citizens that they pay higher utility bills to cut powerplant emissions in the Midwest * * *"

Mr. Speaker, as I have indicated before, I believe it is essential that the Congress fully consider the ramifications of any acid rain legislation before acting. For the benefit of my colleagues, I would like to insert the February 5 Toronto Star article in the RECORD at this point.

[From the Toronto Star, Feb. 5, 1982]

HYDRO'S ENERGY PLAN WOULD KILL 560 LAKES, CRITICS CHARGE

(By Peter Rickwood)

Ontario Hydro's plan to sell more electricity to the United States has come up against a wall of criticism.

Critics include the Federal Environment Department, which opposed the plan at National Energy Board hearings, and the Canadian Coalition on Acid Rain, which represents 28 organizations with a membership of 1.25 million people.

They say the resulting increase in sulphur dioxide and nitric oxide emissions from Hydro's Nanticoke coal-fired generating plant would create enough acid rain to kill 560 Ontario lakes and damage Canada's credibility in its protests against U.S. pollution.

The plan is "reprehensible and regrettable," Environment Minister John Roberts said yesterday.

The giant publicly owned utility is applying to sell electricity over a 10-year period to General Public Utilities of Parispanny, N.J., beginning in 1985.

Hydro's plan rests on approval from the NEB for a transmission line under Lake Erie.

The Ontario cabinet has cleared the way, after overturning an earlier requirement that Hydro had to install scrubbers on its generating plants to reduce emissions before exporting energy to the U.S.

That decision has put Canadian credibility at stake, the Canadian coalition's Washington-based lobbyist says.

"I can assure you that the credibility of the canadian acid rain case (against the U.S.) could not withstand any decision that would permit this country to increase emissions that create acid rain," Adele Hurley told a press conference yesterday.

Canada has been trying to get the U.S. to control acid rain, and the coalition is about to launch a campaign to raise public awareness in the U.S., she said.

The U.S. produces about six times more acid rain than Canada, Hurley said. But U.S. legislators are considering tough new laws to control the emissions that cause it.

She said that last year Ontario Environment Minister Keith Norton had declared in Buffalo that he was declaring an all-out war on acid rain.

The province has testified in U.S. courts and at U.S. hearings to protest against plans by Midwestern utility companies that would increase acid rain emissions.

But Hydro's application has demonstrated that the matter of acid rain "appears to have lost some appeal with the Ontario cabinet," Hurley said.

Although Hydro's estimates of the increase in its emissions under the export proposals were challenged by Ottawa at the NEB hearings, there was no consideration of their political impact in the U.S. she said.

"The hyprocrisy of increasing acid rain emissions in Ontario, some of which fall in New England, while demanding of American citizens that they pay higher utility bills to cut power plant emissions in the Midwest, is nowhere in the transcripts."

Hydro stressed the profits, she said, but, there is no guarantee that Ontario residents won't have to spend a dollar to save a dime.

The utility says it would reap $1 billion profit from the scheme.

"We use the cleanest, cheapest and most efficient plants for ourselves," Hydro spokesman Richard Furness said yesterday. "Anything left is available to whoever wants to buy it."●

AMERICA NEEDS THE NORTHERN TIER PIPELINE MORE THAN EVER BEFORE

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MARLENEE. Mr. Speaker, I am inserting in the RECORD an article which recently appeared in the Chicago Tribune. I believe this article clearly emphasizes that with increasing turbulence in Central America our access to vital energy resources is in increasing jeopardy. America has to have more control over its energy supply. That is why we need the Northern Tier pipeline more than ever before.

The article follows:

[From the Chicago Tribune, Feb. 22, 1982]

OPEC's ALLY IN NORTHWEST

(By Bob Wiedrich)

The State of Washington is the best ally the OPEC countries have in the United States.

For two years, that state has been stonewalling construction of the Northern Tier Pipeline Co., a transportation system vital to making the nation secure from the use of foreign oil as a political weapon.

If the environmentalists living there have their way, the growing resources of Alaskan oil will be denied large areas of the country. And Americans will remain vulnerable to the vagaries and manipulations of international oil barons.

That is the bottom line of the battle in which Northern Tier is locked with Washington state officials as the $2 billion project teeters on the brink of collapse.

The State Energy Facility Site Evaluation Council has delivered its decision to Gov. John D. Spellman that the project's oil port and right-of-way be denied as environmentally hazardous.

And now, Spellman has to make up his mind whether to go along with the findings or take the more politically perilous course of overriding the recommendation.

"This project is too important to the national interest not to be built," asserts Thomas Kryzer, Nothern Tier president. "It is too important to the economy and the energy security of the country.

"This project, probably more than any other, has enjoyed broader support from labor, agriculture, the National Governors Conference, two national administrations and bipartisan members of Congress."

Kryzer obviously has a vested interest. The consortium of companies proposing to build the pipeline from Port Angeles, Wash., to Clearbrook, Minn., already has invested $50 million without turning a spade of earth.

Regardless, his words echo those of a growing number of state and national leaders who have recognized the necessity for making the U.S. independent of foreign intervention in its energy supplies.

Energy Secretary James B. Edwards is on record as endorsing the need for the pipeline.

Also, a bipartisan group of 18 House members has been joined by influential senators in asking that President Reagan mediate the dispute with the State of Washington in the national interest.

"We are not attempting to subvert states' rights," the congressmen wrote Reagan. "But a project that involves more than one state and interstate commerce needs an impartial observer like the President to mediate the conflict."

That plea has been reinforced in letters to the White House from Republican Sens. Ted Stevens of Alaska, assistant majority leader; Paul Laxalt of Nevada, one of Reagan's closest advisers, James A. McClure of Idaho, Energy Committee chairman, and William L. Armstrong of Colorado.

In addition, the governors of North Dakota and Minnesota, two of the five states through which the project would operate, have similarly addressed the President. Those states and Montana and Idaho already have authorized the pipeline construction.

Only Washington is thwarting the national interest, even in the face of its own state House Labor and Economic Development Committee, which recently endorsed the project.

If built, Northern Tier would deliver 933,000 barrels of domestic oil a day to 66 refineries in 21 Northern states representing 25 percent of all American refining capacity as far east as Buffalo, N.Y.

It would eliminate the costly journey taken by 500,000 barrels a day from the West Coast to the Gulf Coast, via the Panama Canal or around Cape Horn at the bottom of South America. And it would put an end to ridiculous suggestions that Alaskan oil be exported.

"The majority recommendation of the site evaluation council was an incorrect conclusion based on an incomplete record," Kryzer charged.

"The council refused to reopen hearings to receive testimony by the Army Corps of Engineers, Coast Guard, Environmental Protection Agency, and the Departments of Energy and the Interior that would have refuted allegations the project would present environmental hazards.

"The council ignored its own environmental impact statement that found the project to be environmentally compatible.

"With Central America already an explosive area and with control of the Panama Canal soon to pass from U.S. hands, Northern Tier becomes a vital transportation system for Alaskan oil free of foreign embargo or interruption.

"Certainly, such a project deserves a review before opponents attempt to write its obituary."●

ARLAND WILLIAMS: PROFILE IN COURAGE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. DORNAN of California. Mr. Speaker, the darkest tragedies that befall us often afford the greatest opportunity to exhibit what Abraham Lincoln so aptly referred to as "the better angels of our nature." The tragedy which befell the city of Washington last January 13, 1982, with the crash of the Air Florida jetliner also provided the world with a shining example of heroism. When the jet smashed into the dark, icy waters of the Potomac and sunk, only a handful of survivors, three women and three men, managed to struggle to the surface. Arriving 19 minutes later, a small Park Service helicopter whirled frantically overhead, it's landing skids sometimes touching the water, dangling a life preserver to the freezing victims below, all of whom suffered serious injuries. Time after time, one of the victims, Mr. Arland Williams, refused the life preserver for himself and selflessly offered it to those with broken bones, who were clinging desperately to the river ice and pieces of wreckage from the jet's tail section.

Mr. Speaker, the Holy Scriptures (John 15:13) tell us that "Greater love hath no man than this, that a man lay down his life for his friends." There is an ever growing emphasis on self these days: self-fulfillment, self-awareness, self-indulgence, even a magazine called Self. But for Arland Williams "self" was not the highest value in life. He took to his heart the prayer of St. Francis of Assisi which reminds us that "it is in giving that we receive and it is in dying that we are born to eternal life."

Arland Williams denied "self" for the sake of strangers and gave them the most precious gift a person can offer—his very life so that others might live. Arland has reminded us magnificently that we, truly, are made in the image of God and are capable of acting accordingly.

In spite of their deep sense of loss, how proud his loved ones must feel about their hero. And what a beautiful welcome Arland surely received in heaven that January day when he was born once more, this time into eternal life.●

NATIONAL STUDENT LOBBY DAY

HON. RICHARD OTTINGER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. OTTINGER. Mr. Speaker, thousands of students from across the country are in Washington today to protest the President's proposed financial aid cuts. I think this is great. I wish more Americans who will be harmed by the proposed budget cuts would take the time to let the administration and their elected representatives know their opposition to the devastating effects these cuts will have on American education.

The administration has proposed enormous cuts in the higher education area affecting both student assistance and other programs of importance to higher education. Not only will these cuts disrupt the education plans of millions of students, they will force the closing of many colleges, will impede the United States in its ability to compete effectively with Japan and Europe and provide a strong national defense. They are reversal of our country's longstanding commitment to making higher education accessible to all regardless of race, sex, or financial status of the parents.

According to Department of Education, the administration's proposed 1983 budget will reduce the number of students eligible for student financial aid programs by 2.9 million. Specifically, one million undergraduate students will be eliminated from the guaranteed student loan program; 700,000 students from the pell grant program; and 1.2 million from campus-based programs. Federal student financial assistance which had been growing in the recent past is now declining at the same time that the cost of attaining a college education is rising.

The New York State Higher Education Services Corp. has put together a summary of the administration's fiscal year 1983 budget for student financial assistance and a preliminary analysis of the effects of these proposed changes on New York. I'd like to share this information with my colleagues:

FISCAL YEAR 1983 BUDGET SUMMARY

I. GUARANTEED STUDENT LOAN PROGRAM (GSL)

The Guaranteed Student Loan Program is coming under the heaviest fire because it is an entitlement program in which the federal government cannot control costs simply through the appropriations process. The administration will try to implement the changes to the GSL Program for the 1982-83 academic year. The Administration's six proposals affecting the GSL Program are:

1. *Proposal*—Eliminate graduate students' eligibility for regular GSL loans. They would still be eligible for the new Auxiliary Loans to Assist Students (ALAS). The annual loan limit under the ALAS Program would be raised to $8,000. Students who receive ALAS loans must begin repayment of the 14 percent interest immediately.

Impact of Proposal—This is the most drastic proposal in the package and would cause a reduction of 85,000 Guaranteed Student Loans amounting to approximately $325 million in loans guaranteed by the Corporation. It is difficult to estimate how many students will use the ALAS Program. This proposal would have an enormous impact on graduate students in terms of both cost and availability of loan capital. Overall, at independent colleges a significantly higher proportion of GSL funds are used for graduate study then at public colleges. The student who needs only $5,000 (the current GSL maximum) will virtually eliminate the use of loan financing for doctoral work. In many parts of the country, lending institutions would be reluctant to make this type of unsubsidized loan because of the severe problems inherent in collecting such large amounts of interest.

2. *Proposal*—Make eligibility for loans totally need-based. This would involve simply eliminating the $30,000 income cap below which the determination of expected family contribution currently need not be made.

Impact of Proposal—This option would affect almost entirely students enrolled in public colleges. Because of the higher budgets, there would be little effect of the consideration of an expected family contribution from families with incomes of less than $30,000 for students enrolled in private colleges. The impact on public institutions would also be greater because they tend to enroll a larger percentage of independent undergraduate students who have been relatively unaffected by the changes made so far. This change could reduce loan volume by an additional 15 percent.

3. *Proposal*—Increase the 5 percent origination fee to 10 percent.

Impact of Proposal—The major effect of this proposal would be to raise the cost of the loans to the student borrowers by doubling the amount that is charged and paid to the federal government when the loans are disbursed. These amounts generally are deducted from the loan proceeds at disbursal time. Thus, the undergraduate student who needs $2,500 to cover educational costs will receive less than $2,250. Not only will $250 be deducted for the federal government, but an additional amount for each agency's insurance premium will also be deducted. There is also likely to be some reduction in demand for loans because of this increase in price.

4. *Proposal*—Increase the interest rate on GSL loans to market rates two years after the student leaves school. The lending institutions would receive no special allowance. Thus, their only return on the GSL loans will be from the interest charged to students. The federal government operates a loan program for health professions students under which market rates are charged. Under this program the interest rate varies each quarter, and is 16 percent for the current quarter and was 19½ percent for the previous quarter.

Impact of Proposal—Assuming interest rates were increased from 9 percent to 14 percent two years after leaving school there would be approximately a 17 percent increase in total payments, and the monthly payments during the last eight years of repayment would increase by over 20 percent.

5. *Proposal*—Require that one-half of the insurance premium that is charged by guarantee agencies be paid to the federal government to help defray default costs. State guarantee agencies charge an insurance premium which is used to pay their own administrative expenses and the portion of default expenses not covered by the federal government. The actual fee varies by the length of time that the student will be in school, but averages approximately 2.5 percent of the face value of the loan. The Corporation charges significantly less than the average, with an average fee of 1.1 percent.

Impact of Proposal—Costs to the agencies will not decline significantly because of the other changes that are being proposed. In fact, they may well, on a per loan basis, rise because the average loan will be significantly smaller and defaults can be expected to rise because of the more restrictive loan policies. Agencies will have little choice but to pass along the higher charges to the student borrowers. A 1 percent guarantee fee for a freshman student amounts to approximately 4.5 percent of the total loan. When this is added to the 10 percent proposed origination fee, a student needing a $2,500 loan will receive only $2,138. ($2,500 less total fees of $362).

6. *Proposal*—Raise the insurance premium on Federally Insured Student Loans (FISL) to 1 percent from the current rate of ¼ percent. The federal government continues to operate the FISL Program directly with lending institutions to make loans available to groups of students who are not eligible to receive loans under the programs operated by state guarantee agencies.

Impact of Proposal—Although this proposal amounts to a quadrupling of the premium charged on loans directly guaranteed by the federal government, it will bring the rate up to the rate charged by most guarantee agencies, and double the amount charged by NYSHESC.

II. PELL GRANT PROGRAM

The fiscal year 1983 changes to the Pell Grant Program would not be felt until the 1983-84 academic year. This program is "forward funded", and the effects of program changes are somewhat delayed.

1. *Proposal*—Reduce the appropriation for the Pell Grant Program from the $2.3 billion funding level in the current resolution for fiscal year 82 to $1.4 billion in fiscal year 83. The maximum grant would be $1,600 and the schedule of awards would be revised to meet the amount that is appropriated.

Impact of Proposal—This proposal would cut total funding for the program by 39 percent below the already reduced FY 1982 amounts. The Administration estimates that the average grant in 1983 would be cut to $778 from the 1982 average of $858. This means that the total number of recipients will be reduced from 2,550,000 in FY 1982 to 1,800,000 in FY 1983. Thus, three-quarters of a million students in the United States will lose their Pell Grants. The effect on New York will be a loss of over 85,000 grants amounting to slightly over $110 million.

III. CAMPUS-BASED PROGRAMS

The campus-based programs, the Supplemental Educational Opportunity Grant (SEOG), College Work Study Program (CWSP) and the National Direct Student Loan Program (NDSL) are also forward funded. Thus, these changes will not be felt until the 1983-84 academic year.

A. Supplemental educational opportunity grants (SEOG)

Proposal—The 1983 Budget does not request any funding for SEOG's.

Impact of Proposal—Nationwide, $278 million will be lost for these grants. For New

York State schools this means a loss of funding of approximately $22 million for 45,000 students.

B. College work study program (CWSP)

Proposal—Reduce funding for the CWSP Program from $528 million in FY 82 to $398 million in FY 1983.

Impact of Proposal—Nationwide there would be a loss of CWSP funds of $130 million. The Administration estimates that the number of recipients will be reduced from 880,000 in FY 1982 to 720,000 in FY 1983, a loss of 160,000 student jobs. The effect on New York would be a loss of between $10 and 11 million in funding and a loss of about 13,000 student jobs.

C. National direct student loans (NDSL)

Proposal—The 1983 Budget requests no new federal capital for the NDSL Program. Schools could continue to make loans from their revolving funds using the repayments on loans made in previous years.

Impact of Proposal—The elimination of new capital contributions to NDSL funds will eliminate the $179 million that will be made available in FY 1982. The Administration estimates that this loss of funding will reduce the number of NDSL recipients from 800, 000 in FY 1982 to 590,000 in FY 1983, a reduction of just over 200,000 borrowers. The effect on New York will be to reduce funding by approximately $17 million and to reduce the number of borrowers by approximately 19,000 students.

IV. STATE STUDENT INCENTIVE GRANT PROGRAM (SSIG)

The SSIG Program was begun in 1972 to encourage state support for need-based grant programs.

Proposal—The program is being eliminated in 1983 because the Administration feels that it has met its goal of stimulating all states to provide need-based grants to post-secondary students.

Impact of Proposal—The SSIG Program will provide $74 million to states in FY 1982 and none in FY 1983. The effect on New York will be the elimination of approximately $6.6 million in funding which is used to help support the Tuition Assistance Program.

Cuts of this kind do not make sense for our country. We need skilled Americans if we are to compete successfully with other industrial nations. Ultimately, both the economic growth and security of our country depend on a trained and knowledgable store of human talent. Why is this not obvious to this administration?

Federal support for education programs has been long-term and bipartisan until this administration. Now it is in great jeopardy. I strongly believe that education is one of the greatest investments this Nation can make in itself. I believe it is an investment that American taxpayers want to make. We in Congress must join together with the students here today and others around the country to fight the president's all-out assault on higher education which threatens the very future of this country.●

TARIFF AMBIGUITY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. VANDER JAGT. Mr. Speaker, on Monday, February 22, 1982, I introduced H.R. 5554 to correct a tariff ambiguity which has brought trade difficulties to importers of entertainment broadcast band clock radios. The summary of the proposed legislation, which appeared as an extension of remarks on the 22d of February 1982, contained a typographical error. My legislation suspends duties on entertainment broadcast band clock radios, except for those dedicated to use as automotive equipment, for a 3-year period, and thereby helps resolve an ambiguity relating to the proper classification of clock radios. This is done by segregating clock radios from other types of radio receivers. The bill provides for suspension of duty on that portion of the article not classifiable as a clock movement. The separate duty assessment on clock movements is not addressed and will not be affected by passage of the bill.

The duty suspension applies only to imports from column 1 countries entered, but not finally liquidated, on or after 1 year prior to the date of enactment, not 90 days as earlier written. There is no U.S. manufacturer of clock radios as classified under this legislation. The bill would benefit the consumer by offsetting inflationary pressures on clock radios prices, and at the same time would not harm U.S. industry.●

ALL IS NOT WELL IN URUGUAY

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. LELAND. Mr. Speaker, contrary to the assertions of our Department of State, all is not well in Uruguay. The government of President Alvarez, which took power in September of last year, has in no way shown an improvement in its record on basic freedoms and human rights. At hearings before the Inter-American Affairs Subcommittee of the Foreign Affairs Committee of the House last September 15th, Deputy Assistant Secretary of State William Bosworth expressed his satisfaction with President Alvarez' commitment to "a restoration of the democratic system, and human rights and liberties—the rights of people to 'inform themselves freely and to decide who should represent them in the political parties and in the future government.' "

Mr. Speaker, this flies in the face of reality. Within days of that hearing, the three editors of the Uruguayan periodical, "La Democracia," published by the traditional National Party (Partido Blanco), were arrested for having published an article on those same hearings held in the House of Representatives. The Uruguayan Government then repeated its attack on the free press last month, ordering "La Democracia" closed for 2 months because it published an article by "outlawed" political leader Carlos Julio Pereyra, Presidential candidate of the Blanco party in 1971. The article which brought about this blatant censorship of free press was about Uruguay's agrarian problems: it spoke only about the high prices of rural land and the danger of speculation by foreigners.

Mr. Speaker, let the record demonstrate that such are the results of our present administration's defense of human rights through "silent diplomacy."

Mr. Speaker, I ask consent to include in the CONGRESSIONAL RECORD the remarks of Juan Raul Ferreira, president of the Uruguayan Convergencia Democratica/CDU, on these attacks on freedom of the press in Uruguay. I would also like to include an English translation of Mr. Pereyra's article.

[Press release]

CONVERGENCIA DEMOCRATICA PROTESTS ATTACKS ON FREEDOM OF THE PRESS

Convergencia Democratica protested today the close down of moderate weekly newspaper, La Democracia, in Uruguay. The newspaper was issued by the National Blanco Party, one of Uruguay's two traditional parties.

The information was received only two days after the U.S. Congress had held hearings on the situation in Uruguay. At the hearings, the State Department pointed out that there was more freedom of the press in Uruguay. Even a Convergencia witness at the hearings said that it was encouraging that "in spite of great difficulties and pressures, the two traditional parties are printing their weekly newspapers".

Convergencia President, Juan R. Ferreira, said today:

"This is a good example of the kind of political opening the Government is talking about. This is the kind of freedom and respect for human rights that the new Government in Uruguay is trying to introduce. There have been two cases of death under torture in the past week, "La Democracia" was closed down and the edition of Argentine newspaper "El Clarin" was confiscated because it reported about the Tuesday hearings on Uruguay".

Mr. Ferreira ended up by saying:

"The dictatorship of General Alvarez tried to silence an opposition voice but this attack on our freedoms will be a new challenge for the democratic forces in Uruguay that will finally overcome and will restore the country to a democratic regime".

(September 18, 1981, Washington, D.C.)

[Article of "La Democracia" by Carlos Julio Pereyra]

URUGUAY: THE LAND AND THE SOVEREIGNTY

There is a consensus today among the Uruguayan poeple as to the magnitude and severity of the land and livestock crisis. This problem does not lend itself to an extensive investigation here, but it does leave itself open for a full discussion, which is the intent of this article with reference being of our lands under present circumstances and the sovereignty of the country.

LAND AVAILABILITY AND PRICES

It is known that, as a consequence of the land crises, there is today a large quantity of land for sale. The abundance of land and the lack interest on the part of the Uruguayan people to continue or initiate activity which brings little or no profit has caused land prices to fall at an increasing rate over the last couple of years. Land which sold for 700 to 800 dollars per hectare today cannot be sold for even half that price. We know of definite and numerous cases in which these lands were even being offered at anywhere from 180 top 250 dollars an hectare-depending upon the quality of the soil making it very difficult for any transactions to take place. Nevertheless, what may be impossible for an Uruguayan farmer can appear quite attractive to a foreign speculator. It would be very difficult, if not altogether impossible, to find land of similar quality any cheaper. It is also a known fact that land is always desirable as it is an element integral to the survival of mankind and which therefore becomes in both the long and the short run, the safest investment. No matter what is said, land will always be a factor of fundamental wealth. It is obvious that the Uruguayan farmers cannot remain in a position waiting, hoping for things to change. The capitalist speculators, however, can.

CONSEQUENCES OF FOREIGN PURCHASES OF LAND

For countries of great territorial expansion, the problem cannot get any worse. In fact it may be unnoticeable, or it may even become a positive factor. However, in underdeveloped countries of small population, the problem can become extremely serious if it implies an introduction of modern technology to production techniques and the settling of people inspired by the necessity to establish themselves on land, having decided to stay as a consequence of their needs, to put the land to productive use, or as a consequence of underdevelopment. This may have been what took place in the case of the Uruguayan immigration, which occured in the last century, accelerating rural progress. However, it is absolutely not the case with the corporations which would buy land as a result of the speculative fever. The Uruguay of today is comparatively smaller than the Uruguay of the last century; back then its land was semi-desert and poorly developed. Once it was settled, techniques of production improved. Today, the population is much more dense and our needs much more demanding of the land. The land is still our only wealth, not as a source of oil, but as a grand producer of food. If this is the case, can we remain passive in view of the possibility that the majority of our lands may fall into the hands of greedy and uprooting foreign captialists?

It could reasonably be said that the drive to acquire more land by foreigners was stronger in the early years of the 1970's, but if it didn't continue, it is because the evolving economic-financial situation showed other, more prosperous avenues. However, nothing has led us to believe that the danger has in any way dissipated. The circumstances may vary, but during the crisis by which our land is dominated, someone will wind up owning all the large quantities of land being offered for sale. One must not forget that the banks—the principle creditors of our farmers—are, for the most part, integrated with the foreign capitalists, or at least strongly tied to them. The smallness of our territory which is of great importance to us and to our future generations—makes it easier for us to lose it. At the prices at which the land is offered, and keeping in mind the few million hectares which are usable, the aquisition of this land is an enterprise which is more than feasable for multinational corporations. What then would happen to our country? What if circumstances determined that the Argentinian and Brazilian interest, which only a few years ago was so evident, continues despite today's adverse factors?

OUR GREAT NEIGHBORS DEFEND THEMSELVES

Both Brazil and Argentina have legislation which confronts this problem despite the vastness of their territories. In Brazil, the demands which need to be met by foreigners to buy land are very strict. In Argentina, the prohibitions refer to border fringes. If our colossal neighbors have deemed it necessary to take these measures, why have we not done so, when it is evident that it can affect—in a much more serious way—nothing less than our own sovereignty?

SOME ANTECEDENTS

This preoccupation has existed in our country, yet it has never been incorporated into legislation. In the past century, President Don Bernardo Prudencio Berro instructed his Minister of Interior as to the necessity of retaining the border territories for citizens of Uruguay. Among the most recent antecedents is the project presented in the last Constitutional Legislature under the title "Nationalization of Land," as well as an initiative of the actual process born in the conclave of San Miguel. The former was favorably received by the Commission of Senatorial Works before Parliament was closed down in 1973. The latter became a project passed by law which would have established a 50 kilometer fringe area for the border which would only be owned by legal Uruguayan citizens. Even though this project was initiated and approved at the highest level of government, it was rejected and shelved by the State Council.

In conclusion, we find ourselves unarmed and confronted by a very serious problem. In this light, we must continue discussion of the subjects.●

1982 INDUCTEES TO GLOUCESTER COUNTY SPORTS HALL OF FAME HONORED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to recognize 11 new inductees to the Gloucester County, N.J., Sports Hall of Fame.

The elected 11 have achieved athletic excellence through professional careers, coaching, or particpation in high school, college, or semiprofessional sports. By meeting high standards, on and off the playing field, the 1982 inductees have brought honor to themselves and their communities, and have helped make sports an instrument for bringing people together.

Since recorded history, sports and athletics have provided a focus for peoples and nations to share common experiences and emotions. School sports have helped whole communities to come together and support athletic excellence. Indeed, 2 years ago, our entire Nation was captivated when the U.S. Olympic Hockey Team prevailed against overwhelming odds to become the very best in the world.

Motivation, self-discipline, and perseverance are some descriptions which apply to all athletes who work to perform their best. The 1982 inductees to the Gloucester County Sports Hall of Fame share these traits. I commend the inductees in making substantial contributions to sports, and for setting outstanding examples for our youth to follow. I am pleased that the inductees will receive well-deserved recognition and honor at the Second Annual Gloucester County Sports Hall of Fame Banquet, March 16, in Aulettos' Sunset Ballroom in Deptford Township, N.J.

Mr. Speaker, I urge my colleagues to join me in applauding the newest members of the Gloucester County Sports Hall of Fame. At this point I wish to insert the names of the 1982 inductees with a brief description of their accomplishments.

DAVE BUDD—Played 1960 to 1965 for the National Basketball Association New York Knicks. Graduated from Woodbury High School and attended Wake Forest University.

AL CUNARD—Played semi-professional baseball and managed in baseball independent leagues. Refereed high school basketball. 1928 Woodbury High School graduate, attended Drexel University. Resides in Deptford Township, N.J.

FRANK DIEDRICH—Running Back for the Penn State football team. Captain of the 1930 squad. 1928 graduate of Woodbury High School.

ROLAND ESBJORNSON—Coached baseball, mens and womens basketball 1927 to 1954 at Glassboro State College, N.J. 1967 Glassboro State College dedicated its gymnasium in his honor. 1918 graduate of Springfield College. Deceased.

RAY FULLER—Played semi-professional football. 1934 graduate of Pitman High School. Excelled in high school football, baseball, basketball, and track. Died while in service in Burma, July 20, 1945.

JIM HAWKINS—Coached Deptford Township High School track throughout 1970's. 1965 to 1976 established South Jersey record for wins with 112. Attended Woodbury High School and Glassboro State College where he excelled in cross-country track. Currently Vice-Principal for Deptford High School.

LORRAINE LEDDEN—Glassboro High School graduate of 1954, starred in field hockey, softball and basketball. Scored 1067 points

in high school basketball, with 29 point game average. Played shortstop on three-time champion high school softball team. Attended East Stroudsburg State College. Since 1960 has taught physical education at Clearview High School, N.J.

JIM LEONARD—Offensive Fullback for National Football League Philadelphia Eagles 1934 to 1937. Coached with the N.F.L. Pittsburgh Steelers in 1945. Graduate of St. Joseph's High School, Philadelphia, and Notre Dame University. Resident of Gloucester County since 1937.

CLIFF MAIDEN—Played catcher and first base in semi-professional baseball. Coached and managed at every level of baseball in Woodbury. 1928 graduate of Woodbury High School, excelled in high school football.

MIKE MCBATH—Played defensive line 1968 to 1972 for National Football League Buffalo Bills. Played one season in World Football League. Prior to selection in fifth round draft by the Bills, attended Penn State and Woodbury High School.

RICHARD WACKAR—Head football coach for Glassboro State College 1963 to 1980. Also coached college cross-country and is currently coaching G.S.C. golf. Began teaching at G.S.C. in 1956.●

HAPPY BIRTHDAY TO DAVID LEVINE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MAVROULES. Mr. Speaker, on behalf of my colleagues, I would like to wish David Levine a very happy birthday and a speedy recovery on the occasion of his 18th birthday.

We commend David for the excellent job he did last year as a congressional page. His intelligence, good sense, and good humor made him a pleasure to work with. We especially appreciate the professional demeanor he conveyed while he worked long and hard hours in our behalf.

We look forward to seeing him soon.●

SALUTE TO VINCENT REAGOR

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MATSUI. Mr. Speaker, it is with great pleasure that I salute a fine public servant, Mr. Vincent M. Reagor, on the occasion of his retirement as assistant chief deputy district attorney of Sacramento County, Calif.

For 21 years, Vincent Reagor has served with distinction in the district's attorney's office, where he was first appointed as deputy district attorney for my home county on April 24, 1961. He was promoted to supervising deputy district attorney on December 1, 1964, and has been in his current position since July 9, 1972.

Vincent Reagor was a major force behind the formulation of many important policies and procedures within the district attorney's office. He was instrumental in the formation of special prosecution units and he contributed to the introduction of word processors and computer technology to the district attorney's office. He has made countless other contributions to law enforcement in Sacramento County.

I am sure that other Members of this body will join me in expressing best wishes to Mr. Reagor as he retires. His record of service is a fine example for all of us who serve in public office.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of southern Arizona have the right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main, Tucson.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y-yes, N-no, and NV-not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

272. S. 815. Defense Department Authorization, Fiscal 1982. Motion to table (kill) the Schroeder, D-CO, motion to instruct the House conferees on the bill to concur in a Senate provision requiring the Pentagon to report to Congress certain weapons cost increases. Oct. 29. N(3-1-0). Motion rejected 171-224.

273. S. 1193. State Department Authorizations. Motion to recommit to the Foreign Affairs Committee the bill to authorize fiscal 1982 and 1983 spending by the State Department and related agencies, with instructions to amend it by transferring to the International Communication Agency $36 million in fiscal 1982 and $43 million in fiscal 1983 from the accounts for the administration of foreign affairs and for US participation in international organizations and conferences. Oct. 29. N(0-4-0). Motion rejected 63-318.

274. S. 1193. State Department Authorizations. Passage of the bill to authorize $2.9 billion in fiscal 1982 and $2.8 billion in fiscal 1983 for operations of the State Department and related agencies. Oct. 29. Y(2-2-0). Passed 317-58.

275. Foreign Construction of US Naval Vessels. Motion to suspend the rules and pass the bill to prohibit construction of US government naval vessels or their major components in foreign shipyards, except when the president determines, and so notifies Congress, that it is in the national security interest of the US to do so. Nov. 4. Y(3-0-1). Motion agreed to 366-21.

276. Veterans Administration and Defense Department Medical Sharing Act. Motion to suspend the rules and pass the bill to mandate the establishment of guidelines providing for increased coordination and sharing of medical facilities by the Veterans Administration and the Defense Department. Nov. 4. Y(3-0-1). Motion agreed to 386-0.

277. H.R. 2330. Nuclear Regulatory Commission Authorization. Amendment to delete the language allowing the Nuclear Regulatory Commission to issue operating licenses to nuclear power plants before the completion of public hearings. Nov. 5. N(0-4-0). Rejected 90-304.

278. H.R. 2330. Nuclear Regulatory Commission Authorization. Amendment to prohibit the export of enriched uranium except under certain findings by the Nuclear Regulatory Commission. Nov. 5. N(0-4-0). Rejected 100-293.

280. H.R. 3413. Department of Energy National Security Programs Authorization. Motion to exclude the public from meetings of the conference committee on H.R. 3413, the bill making authorizations for national security programs of the Department of Energy, during consideration of classified national security information. Nov. 12. Y(4-0-0). Motion agreed to 385-0.

281. H.R. 4035. Interior Department Appropriations, Fiscal 1982. Motion to recommit the conference report of the $7.54 billion bill to the House-Senate conference committee. Nov. 12. N(3-1-0). Rejected 199-199.

283. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Motion to order the previous question, thus ending debate and the possibility of amendment, on resolution providing for floor consideration of the joint resolution to provide funding authority during the period Nov. 20, 1981, through Sept. 30, 1982, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Nov. 16. N(1-0-3). Motion agreed to 185-174.

284. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Adoption of the rule providing for floor consideration, with no floor amendments allowed, of the joint resolution. Nov. 16. N(0-1-3). Adopted 197-169.

285. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Motion to recommit the joint resolution to the Appropriations Committee with instructions to cut 5 percent from discretionary spending in the joint resolution, except for programs under the defense, military construction and District of

Columbia appropriations bills, and Social Security administrative expenses, veterans' medical care and food stamps. Nov. 16. N(2-1-1). Rejected 189-201.

286. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Passage of the joint resolution to provide funding authority during the period Nov. 20, 1981, through Sept. 30, 1982, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Nov. 16. Y(2-1-1). Passed 195-187.

288. H.R. 1797. Authorization of Coastwise Trading Privileges. Adoption of committee amendments which direct the transportation secretary to document the vessel Captain Tom for coastwise trade and fishing. Nov. 17. NV(3-0-1). Adopted 353-0.

292. S. 815. Defense Authorization, Fiscal 1982. Adoption of the conference report on the bill authorizing $130,696,451,000 for Defense Department programs in fiscal 1982, including weapons procurement, research and development, operations and maintenance, and civil defense. Nov. 17. Y(4-0-0). Adopted 335-61.

293. H.R. 4482. Court of Appeals for the Federal Circuit. Motion to suspend the rules and pass the bill, which creates a new federal court of appeals primarily to handle patent cases. Nov. 18. Y(2-1-1). Motion agreed to 321-76.

294. H.R. 3454. Intelligence Authorization, Fiscal 1982. Adoption of the conference report on the bill authorization appropriations in secret amounts for U.S. intelligence operations in fiscal 1982. Nov. 18. Y(3-0-1). Adopted 379-22.

295. H.R. 4522. District of Columbia Appropriations, Fiscal 1982. Adoption of the conference report on the bill to appropriate $557,170,000 in federal funds and $1,905,258,200 in local funds to the District of Columbia for fiscal 1982. Nov. 18. Y(1-2-1). Adopted 228-174.

296. H.R. 4522. District of Columbia Appropriations, Fiscal 1982. Motion to (1) recede from disagreement with the Senate, and (2) to concur with the Senate position on provisions relating to the salary of the city administrator of the District of Columbia. Nov. 18. N(0-3-1). Motion to recede rejected 186-210.

297. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Adoption of H. Res. 275, waiving certain points of order against the bill to appropriate $196,681,709,000 for Defense Department programs in fiscal 1982. Nov. 18. Y(3-0-1). Adopted 298-4.

298. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Substitute for the amendment in vote 299 below to delete $1.799 billion for Air Force procurement intended for the B-1 bomber. Nov. 18. Y(1-2-1). Rejected 99-307. (Although not stated in amendment, Murtha intended to shift funding to the FB-111 bomber.)

299. H.R. 4995. Defense Department appropriations, Fiscal 1982. Amendment to delete $1,801 billion from Air Force procurement intended for B-1 bomber. Nov. 18. Y(1-2-1). Rejected 142-263.

300. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Amendment to delete $1,913,200,000 in Air Force research, development, test and evaluation funds for the MX missile and basing system. Nov. 18. N(0-3-1). Rejected 139-264.

301. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Amendment to the Schroeder, D-CO, amendment to cut 2 percent from the funds appropriated in the bill for weapons procurement and for research, development, test and evaluation. Exempted from the cut were funds for procurement of spare parts. Nov. 18. N(0-3-1). Rejected 140-256.

302. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Substitute for the Schroeder, D-CO, amendment to cut 2 percent from the funds appropriated in the bill for weapons procurement and for research, development, test and evaluation. Exempted from the cut were funds for procurement of spare parts, repair parts, and ammunition. Nov. 18. N(0-3-1). Rejected 197-202.

303. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Passage of the bill to appropriate $197,443,289,000 for Department of Defense programs in fiscal 1982. Nov. 18. Y(3-0-1). Passed 335-61.

304. H. Con. Res. 224. Strategic Arms Talks. Adoption of the concurrent resolution expressing congressional support for President Reagan's Nov. 18, 1981, proposals for limiting strategic and intermediate range weapons. Nov. 19. Y(3-0-1). Adopted 382-3.

305. H.R. 3413. Department of Energy National Security Programs Authorization fiscal 1982. Adoption of the conference report on the bill to authorize $5,120,200,000 for national security programs of the Department of Energy in fiscal year 1982. Nov. 19. Y(3-0-1). Adopted 335-55.

306. H.R. 3663. Bus Regulatory Reform. Adoption of the rule providing for House floor consideration of the bill to reduce regulation of the intercity bus industry. Nov. 19. Y(2-1-1). Adopted 306-80.

307. H.R. 3663. Bus Regulatory Reform. Motion that the House resolve itself into the Committee of the Whole for consideration of the bill to reduce regulation of the intercity bus industry. Nov. 19. Y(3-0-1). Motion agreed to 335-33.

308. H.R. 3663. Bus Regulatory Reform. Passage of the bill to reduce government regulation of the intercity bus industry. Nov. 19. Y(3-0-1). Passed 305-83.

309. H.J. Res. 349. Sinai Peace-keeping Force. Passage of the joint resolution authorizing US participation in the multinational peace-keeping force in the Sinai Peninsula following Israeli withdrawal in April, 1982, and authorizing $125 million in fiscal 1982 as the US contribution to the budget of the peace-keeping force. Nov. 19. Y(2-0-2). Passed 368-13.

311. H.R. 4144. Energy and Water Appropriations, Fiscal 1982. Motion that the House recede from its position and agree to a Senate amendment to allow construction to continue on the Garrison Diversion water project in North Dakota. Nov. 20. NV(2-0-2). Motion rejected 67-314.

312. H.R. 3046. Older Americans Act. Passage of the bill to extend Older Americans programs through fiscal 1984 and to grant increased administrative flexibility to state and local providers of services to the elderly. Nov. 20 Y(3-0-1). Passed 379-4.

313. H. Con. Res. 220. Franklin Delano Roosevelt Commemoration. Adoption of the concurrent resolution to establish a commission to arrange for the convening of a joint session of Congress on Jan. 27, 1982, to commemorate the 100th birthday of President Franklin D. Roosevelt. Nov. 20. Y(3-0-1). Adopted 344-18.

315. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Motion to recommit the conference report on the joint resolution to the conference committee. Nov. 22. N(3-1-0). Rejected 184-215.

316. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Adoption of the conference report on the joint resolution to provide funding authority during the period Nov. 20, 1981, through July 15, 1982, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Nov. 22. Y(1-3-0). Adopted 205-194.

317. H.J. Res. 357. Continuing Appropriations, Fiscal 1982. Motion that the House recede from its disagreement to a Senate amendment providing additional pay and benefits for air traffic controllers. Nov. 22. N(3-1-0). Motion agreed to 213-183.

318. H.J. Res. 368. Continuing Appropriations, Fiscal 1982. Motion to commit the joint resolution to the Appropriations Committee with instructions to advance the expiration date to Dec. 13, 1981, from Feb. 3, 1982, and to add funding for Public Health Service hospitals and clinics. Nov. 23. N(3-1-0). Motion agreed to 221-176.

319. H.J. Res. 368. Continuing Appropriations, Fiscal 1982. Passage of the joint resolution to provide funding authority during the period Nov. 20, 1981, through Dec. 15, 1981, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Y(4-0-0). Passed 367-26.

320. H.J. Res. 341. Alaska Natural Gas Transportation System Waivers. Motion to postpone until December 10th, consideration of the joint resolution approving President Reagan's waivers to the 1977 decision to build the pipeline. The waivers were aimed at securing private financing by putting more financial risk on gas consumers. Dec. 9. N(0-4-0). Motion rejected 50-270.

322. H.J. Res. 341. Alaska Natural Gas Transportation System Waivers. Passage of the joint resolution approving the president's waivers of various stipulations in the 1977 decision to build a pipeline to carry natural gas from Alaska to the continental United States. The waivers were aimed at securing private financing for the pipeline. Dec. 9. Y(4-0-0). Passed 233-173.

323. H.R. 3566. Foreign Aid Authorization, Fiscal 1982. Adoption of the resolution (H Res. 291) providing for consideration of the bill to authorize appropriations for military, economic and development aid abroad, and to establish the Peace Corps as an independent agency. Dec. 9, Y(3-1-0) Adopted 250-151.

324. H.R. 3566. Foreign Aid Authorization, Fiscal 1982. Amendment to prohibit aid to Indonesia. Dec. 9, N(0-4-0), Rejected 55-355.

325. H.R. 3566. Foreign Aid Authorization, Fiscal 1982. Amendment to delete provisions in the bill removing the Peace Corps from the ACTION agency. Dec. 9, N(1-3-0), Rejected 155-258.

326. H.R. 3566. Foreign Aid Authorization, Fiscal 1982. Amendment stating that Congress condemns the government of Libya for its support of international terrorism, its obstruction of peace in the Middle East and its efforts to destabilize the governments of its neighbors in Africa; and that Congress believes the president should review and report within 180 days of the enactment of H.R. 3566 on what concrete steps the United States could take, including a ban on importation of Libyan oil, to put economic and political pressure on Libya to force it to abandon its policies. Dec. 9, Y(4-0-0), Adopted 356-46.

327. H.R. 3566. Foreign Aid Authorization, Fiscal 1982. Passage of the bill to authorize $5,727,854,000 for fiscal 1982 and $6,415,930,000 for fiscal 1983 (but no more in fiscal 1983 than requested by the president) for military, economic and development aid abroad, and to establish the Peace

Corps as an independent agency. Dec. 9, Y(2-2-0), Passed 222-184.

329. S.J. Res. 115. Alaska Natural Gas Transportation System Waivers. Passage of the joint resolution approving the president's waivers of various stipulations in the 1977 decision to build a pipeline to carry natural gas from Alaska to the continental United States. The waivers were aimed at securing private financing for the pipeline. Dec. 10. Y(4-0-0), Passed 230-188.

330. H.J. Res. 370. Continuing Appropriations, Fiscal 1982. Motion to recommit the joint resolution to the Appropriations Committee with instructions to report it back immediately with a substitute amendment making a 4 percent cut in spending contained in seven domestic spending programs, with exemptions for entitlements, law enforcement and certain other programs. Dec. 10. Y(3-1-0), Adopted 222-194.

331. H.J. Res. 370. Continuing Appropriations, Fiscal 1982. Passage of the joint resolution providing funding authority during the period Dec. 15, 1981, through March 31, 1982, for government agencies whose regular fiscal 1982 appropriations bills had not been enacted. Dec. 10. Y(3-1-0), Passed 218-197.

332. H. Con. Res. 230. Second Budget Resolution, Fiscal 1982. Adoption of the rule (H Res 295) providing for House floor consideration of the second concurrent budget resolution for fiscal 1982. Dec. 10. Y(4-0-0), Adopted 248-154.

333. S. Con. Res. 50. Second Budget Resolution, Fiscal 1982. Adoption of the concurrent resolution to affirm the first fiscal 1982 budget resolution and to express the sense of the Senate that: (1) the Budget Committee by March 31, 1982, report a budget resolution containing a balanced budget for fiscal 1984; (2) a balanced budget should be achieved through spending reductions in all parts of the budget, including entitlement programs, and revenue increases, excluding changes in the Accelerated Cost Recovery System and individual rate reductions provided by the Economic Recovery Tax Act of 1981 (P.L. 97-34); and (3) under the committee plan, federal outlays should not exceed 20.5 percent of the gross national product in fiscal 1984. Dec. 10. Y(3-1-0). Adopted 206-200.

335. H.R. 4559. Foreign Aid Appropriations, Fiscal 1982. Motion that the House resolve itself into the Committee of the Whole for the purpose of considering the bill making appropriations for foreign aid and related programs in fiscal 1982. Dec. 11. Y(4-0-0). Motion agreed to 363-16.

336. H.R. 4559. Foreign Aid Appropriations, Fiscal 1982. Amendment to reduce the contribution to the sixth replenishment of the International Development Association from $850 million to $725 million. The Edwards amendment would have reduced the contribution to $520 million. Dec. 11. Y(2-2-0). Adopted 281-114.

337. H.R. 4559. Foreign Aid Appropriations, Fiscal 1982. Amendment to reduce the contribution to the sixth replenishment of the International Development Association from $850 million to $725 million. Dec. 11. Y(4-0-0). Adopted 372-1.

338. H.R. 4559. Foreign Aid Appropriations, Fiscal 1982. Passage of the bill to appropriate $7,440,280,064 for foreign aid and related programs in fiscal 1982. Dec. 11. Y(2-2-0). Passed 199-166.

339. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Motion to close to the public conference committee meeting on H.R. 4995 when information relating to the national security was under discussion. Dec. 14. Y(4-0-0). Motion agreed to 359-1.

340. H.R. 4910. District of Columbia Bond Authority. Passage of the bill to allow the District of Columbia to issue general obligation bonds and notes and revenue bonds and other obligations. Dec. 14. Y(4-0-0). Passed 375-6.

341. H.R. 2559. Coast Guard Authorization, Fiscal 1982. Amendment to bar the use of funds for specified Coast Guard facilities. Dec. 14. N(0-4-0). Rejected 0-389.

342. H.R. 2559. Coast Guard Authorization, Fiscal 1982. Passage of the bill to authorize $1.9 billion in fiscal 1982 for Coast Guard activities. Y(4-0-0). Passed 391-2. Dec. 14.

343. H.R. 4700. Standby Petroleum Emergency Authority Act. Adoption of the rule (H. Res. 288) providing for House floor consideration of the bill to provide the president with standby authority to allocate supplies and control prices of oil during a severe petroleum supply interruption. Dec. 14. Y(1-3-0). Adopted 272-113.

344. H.R. 4700. Standby Petroleum Emergency Authority Act. Passage of the bill to give the president standby authority to control oil supplies and prices in the event of a severe petroleum supply interruption. Dec. 19 NV (0-3-1). Passed 255-136. Dec. 14.

345. H.R. 4995. Defense Department Appropriations, Fiscal 1982. Adoption of the conference report on the bill to appropriate $199,899,264,000 for the Department of Defense in fiscal year 1982. Y(4-0-0). Passed 334-84. Dec. 15.

347. H.R. 4331. Minimum Social Security Benefits. Motion to suspend the rules and adopt the conference report on the bill to restore the minimum Social Security benefit; to extend the payroll tax to the first six months of sick pay; and to permit the borrowing of assets among the three Social Security trust funds through Dec. 31, 1982. Dec. 16. Y(4-0-0). Motion agreed to 412-10.

348. H.R. 4559. Foreign Aid Appropriations, Fiscal 1982. Adoption of the conference report on the bill to appropriate $7,495,221,970 for foreign assistance and related programs in fiscal 1982. Dec. 16. Y(2-2-0). Adopted 217-201.●

THE HOBBS ACT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. HUBBARD. Mr. Speaker, Mr. Jimmy F. Tutor of Ledbetter, Ky., has written me a well-worded letter in regard to proposed amendments to the Hobbs Act. Mr. Tutor's letter is one which I want to share with my colleagues and I wish to do so at this time:

DEAR REPRESENTATIVE HUBBARD: Please vote against bill S. 613, sponsored by Senator Strom Thurmond of South Carolina. This bill would amend the Hobbs Act.

Under present laws, a fist fight on the picket line is treated like a fist fight anywhere else, punishable by state and local penalties. A fist fight on the picket line is no more wrong—and no more right—than a fist fight at a football game.

It is no more wrong—and no more right—if it is started by an employer, a scab, or a union member.

The Hobbs Act amendment would change all that, making the union member—and the union member alone—liable to Federal punishment as an "extortionist."

Picketing is a form of free speech, protected by the First Amendment to the Constitution of the United States of America. This fundamental freedom must not be endangered by legislation that would threaten anyone, and certainly not union members alone, with unbearably long prison terms and irrationally large fines in the event of a flare-up.

Please stand by us. We need you.

Yours truly,

JIMMY F. TUTOR.●

COOL WATER COAL GASIFICATION PROGRAM

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MINETA. Mr. Speaker, at a time when we are concerned about our ability to adequately meet our energy needs and about improving our international trade position, it is a significant step to have a major Japanese and American partnership to develop alternative methods of electric generation. Such an undertaking has indeed just begun, and it will lead to construction of a 100-megawatt cool water gasification plant in southern California. Much of the $300 million in costs for the project will be shared by a consortium of Japanese firms—the Japan Cool Water Program Partnership, and various American energy corporations. The agreement to form this joint venture was signed on February 24, 1982, and I want to share with my colleagues a Washington Post article about the event, which discusses in more detail this unique project.

[From the Washington Post, Feb. 25, 1982]

EXPERIMENTAL POWERPLANT SET FOR MOJAVE DESERT

(By Martha M. Hamilton)

A group of Japanese firms, including Tokyo Electric Power Co., yesterday joined a group of American companies and the Electric Power Research Institute in financing a $300 million experimental power plant fueled by coal that will be transformed into gas.

The Cool Water Coal Gasification program will build a 100-megawatt power plant in the Mojave desert in Southern California that will be part of the Southern California Edison Company system.

The process involves changing 1,000 tons of coal a day into fuel gas, using water and oxygen to do so; the gas is then cleaned and fed into steam and gas turbines that generate electricity.

The plant is scheduled to begin operations in mid-1984. At the end of the 6½ year pilot program, the California utility has the option to buy the plant and operate in commercially.

Funding for the alternate fuel program has come so far from the research institutes and private firms, but a proposal is pending

before the federal Synfuel Corporation to provide some financial relief to the firms involved in the experiment if it is less successful than anticipated.

The government has been asked to provide up to $63 million to make up losses but would pay nothing if the experiment operates as projected, said Lawrence Papay, vice president of advanced engineering for the utility company and chairman of Cool Water Board of Control.

The plan is not a commerical project but a large experiment that the participants say will bring the industry closer to the point where commercial operations are feasible. Participants in the financing will get their money back without interest. "It's not a for-profit venture," said Papay.

The Japan Cool Water Program Partnership (named after another generating station) has pledged $30 million to finance the project. The Japanese group includes Tokyo Electric Power Co., which is the world's largest privately-owned utility; the Central Research Institute of the Electric Power Industry; Toshiba CGP Corp. and IHI Coal Gasification Project Corp.

The Electric Power Research Institute, the nonprofit research and development agency of the electric utility industry, is providing $105 million of the funding. Texaco Inc. is providing $45 million, and Bechtel Power Corp., which is building the plant, and general Electric Co. are each providing $30 million. The remainder comes from Southern California Edison and the Empire State Electric Energy Research Corp., which is made up of seven New York state utilities.

Even with conservation and the development of alternate energy sources, Japan still depends on oil for 66 percent of its energy needs, said Kazuo Fujimori, chairman of the Japanese group.

Although the coal gasification process has been licensed for use in 96 plants in 21 countries, the Cool Water project is the first time that the gas will be used to generate electricity for consumer use, said James L. Dunlap, vice president for alternate energy for Texaco.●

DWI ON THE HIGHWAYS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. COLLINS of Texas. Mr. Speaker, America must do something about driving while intoxicated. Half of the people that are killed from automobile accidents are a result of driving while intoxicated. I just passed through San Angelo and read a story in the San Angelo newspaper.

Here are some of the key lines:

A car going the wrong direction on the Winters Freeway late Friday broadsided another car, killing a 26-year-old Abilene man.

* * * about a mile south of South 14th Street, apparently swerved toward the median to avoid a head-on collision when he saw a car coming at him in his lane, Price said.

But Price said the car broadsided Clark's vehicle on the passenger's side. Price arrived at the accident scene moments after the collision and said Bouldin was dead at the scene.

Price arrested a 25-year-old unemployed Abilene man for driving while intoxicated immediately after the accident, said Sgt. Jerry Franklin. He was driving in the wrong direction and charges of involuntary manslaughter are expected to be filed against him, Franklin said.

Clark and Bouldin were returning from a basketball game in Sweetwater where they were referees when the accident happened about 10 p.m., Price said.

DWI is a crime. It is a serious crime. For this man to drive headon into another automobile when he is going down the wrong side of a freeway is just like someone walking down the street shooting a rifle in every direction.●

FORD, UAW AGREEMENT—A RAY OF HOPE FOR U.S. AUTO INDUSTRY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. BROOMFIELD. Mr. Speaker, every American concerned about renewing the vigor of the U.S. economy and restoring the health of the domestic auto industry should applaud the historic agreement between the Ford Motor Co., and the United Auto Workers Union.

UAW President Douglas Frazer and Philip Caldwell, chairman of the board of Ford, demonstrated uncommon wisdom and a statesmanlike willingness to make sacrifices for the future benefit and, yes, even the survival of the U.S. auto industry.

That same unselfish wisdom was shown by thousands of Ford workers who ratified the agreement.

I would hope the example they set will open the way for renewed talks between the UAW and General Motors Corp.

Few congressional districts are as dependent upon the success of these renegotiations as mine which includes the city of Pontiac where auto industry-related unemployment is now well above 25 percent.

Ratification of similar agreements throughout the domestic industry would create a new basis for American competition in the world market and guarantee more jobs for American auto workers.

American cars can compete with the Japanese and Germans and others in terms of quality, craftsmanship, and durability. But they must also be able to compete in terms of price. This agreement will go a long way toward closing that price gap.

While those of us in Michigan are first to feel the effects of the depression in the U.S. auto industry, its health and survival are critical to the entire Nation.

It is our basic industry, vital to employment and to our national security.

More than 14 million Americans depend upon it for their livelihood—roughly one out of every six jobs in this country.

Steel, rubber, glass, plastics all derive a significant portion of their business from supplying the needs of a healthy American auto industry.

The recent accomplishments of Ford and the UAW are vital self-help measures necessary to recovery of American leadership in the industry. But there are other things needed that only Congress and the administration can do.

We still have not squarely addressed the problem of unfair competition from Japan. While I commend the efforts of Bill Brock, our Special Trade Representative, in winning some concessions from the Japanese, it is clear by looking at trade figures that we are still operating at a significant disadvantage.

The simple truth is that Japan sells about 2 million cars in the U.S. market, but virtually no U.S. cars are sold in Japan.

Europe has not been as slow as the United States to close the trade doors to Japan's one-sided marketing policies. We should be prepared to do the same unless the Japanese show willingness to practice some self-restraint.

To be successful, trade has to be a two-way street, and for too many years, it has been all one-way with Japan.

Just as the Japanese Government aggressively promotes and supports the Japanese car manufacturers, we should begin taking steps to shore up the American position in the marketplace.

The initiatives the administration is taking to ease the regulatory burden that has shackled progress in the industry and added countless dollars to the consumer pricetag are positive and helpful.

But Congress can help, too, by passing legislation such as I have proposed, to provide a $1,500 tax credit for the purchase of a new, American-made car.

American automakers are currently spending billions to improve designs and plant efficiency. Auto workers are showing a willingness to make personal sacrifices to allow the industry to compete at home and in the world market. It is time for Congress to demonstrate that it, too, has a stake in the survival of the U.S. auto industry by doing what it can to make that competition as fair and as free as possible.●

A TRIBUTE TO MR. GORDON F. LEVY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. EDWARDS of California. Mr. Speaker, we want to bring to the attention of our colleagues the outstanding contributions made to our community by Gordon F. Levy. Gordon will be honored by the San Jose Hospital Foundation at their annual Legacy Medical Ball on Saturday evening, March 27. This award is presented each year to an individual who has made significant contributions throughout his professional and public life to benefit our community.

A native of Fresno, Gordon came to Santa Clara County in 1951 after graduation from Stanford University. He spent 23 years with the Dean Witter Co., and upon leaving the brokerage firm he became executive director of administration at the San Jose Chamber of Commerce, and later accepted the responsibility of managing the new convention and visitors bureau.

Gordon has been honored in the past for his many contributions to the life of our valley. He received the Jaycees Young Man of the Year Award and San Jose's Distinguished Citizens Award. He is past president of the Metro YMCA, Junior Achievement of Santa Clara County, and San Jose Rotary. He has been an active, participating member of the San Jose Hospital board, the Institute for Medical Research, and the American Red Cross. He has given of his time and varied talents to the San Jose Hospital Foundation, United Way of Santa Clara County, and the Estate Planners Council. His religious, fraternal, and social life resolve around his membership in Temple-Emanuel, the Scottish Rite, the Islam Temple of the Shrine, and the University Club of San Jose and the San Jose Athletic Club.

Gordon truly deserves the honor that will be accorded him on March 27. He has been an outstanding member of our community. He has affected many lives. The term "Good Citizen" certainly fits Gordon F. Levy.●

LINCOLN AND WASHINGTON, OVERLOOKED AGAIN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. PETRI. Mr. Speaker, last Saturday a very thoughtful article by Bruce Chapman, Director of the Census Bureau, appeared in the Washington Post. Mr. Chapman observed that in recent years our national holidays have come and gone with almost no attention paid to the people, events, and ideas they are supposed to commemorate. We are ignoring important parts of our heritage and thereby sapping our Nation's spirit. I believe my colleagues will find these reflections well worth reading, and I submit the article to be reprinted in the RECORD.

[From the Washington Post, Feb. 20, 1982]

LINCOLN AND WASHINGTON, OVERLOOKED AGAIN

(By Bruce Chapman)

Once again, Lincoln and Washington missed their official birthday parties.

The national holidays were established to help remind each generation of the faith, pain and glory of our past, and of our future as a united people. What, then, does it tell us about the health of our political culture when national holidays pass with scarcely any official or private observance?

Some schools still commemorate the national patriotic occasions. A few still hang a picture of Washington in their classrooms; but most do not.

Newspapers still fuss a bit over national holidays, at least on the editorial pages. But society's most popular medium of communication and its strongest cultural influence is television, and television—including the "public" network—generally ignores national days.

Do you doubt it? If you go to your television guide, you will find no tale of Lincoln's battle to save the Union and free the slaves, no personal tribute to his honestly, humor and compassion; nor any program on a relevant present-day issue—say, the state of race relations, regionalism, political integrity.

The same avoidance is true for Washington. Television makes no inquiries into the present-day fight for liberties as seen against the backdrop of the generation of the Founders, no thoughtful exposition on the changing Presidency and certainly no retelling of the Revolution or the early years of the Republic. "The Father of Our Country" now apparently is retired to history's nursing home and forgotten by his "family."

A review of the TV schedules for Lincoln's and Washington's birthdays in 1978, 1979, 1980 and 1981 shows neglect similar to this year's. On Feb. 15, 1981, three days after Lincoln's birthday, PBS did air a Hall of Fame program on Lincoln. But out of 112 movies and special programs presented by the TV networks on or around the February holidays for the past four years, only that one could be construed as relevant to either President.

The same score, more or less, can be added up for Thanksgiving (does anyone remember the Pilgrims?) and Independence Day (noteworthy on television for a couple of programs of American music in 1981, for example, and that was it.) Veterans' Day tends to be ignored, although ABC's "Real People" paid the Vets a genuine tribute in 1981. We have no "memory" for Memorial Day anymore, either. It and Labor Day are notable on television almost solely as the first and last long weekends in summer. More attention is paid to Halloween.

Why have our national days atrophied in the popular culture? Perhaps it can be laid in part to anti-establishment biases of the people who run television networks, including the public network. Ben Stein, in "The View From Sunset Boulevard," provides a good insight into that Hollywood mentality that both scorns and fears the square values of the American heartland. For Hollywood and the television elite, Honest Abe is déclassé.

Part of the indifference to national days also may be laid to the pluralist ethos of the past two decades, vaunting the pride of every distinctive race and nationality and every "life style" allegiance, prizing especially those qualities that separate us. This trend began in an admirable spirit of mutual acceptance and discovery. But by overemphasizing our differences, we stand in danger of forgetting our common roots and our common goals. The motto "E Pluribus Unum"—"Out of Many, One"—seems lately to have been reversed to read, "Out of One, Many." If so, who are the "we" in "We, the People"?

The revisionist historians can be given some of the responsibility, too. If our forebears were unable to see the wart on Lincoln's cheek, some of our contemporary historians can see nothing else.

Professor C. Vann Woodward reviewed the results of the revisionists' works recently in The New Republic, finding that their cynical trick is simply to turn all the old myths of American goodness upside down. "Thus," he writes, "'discovery' of the New World becomes 'invasion' thereof, settlement becomes 'conquest,' and Europeans the 'savages'. . . . The advancement of the western frontier is sometimes pictured as a species of genocide, a wave of holocausts."

Those who see the American past as wicked do not compare our record with those of other lands, nor do they credit the reforming spirit that repeatedly overcame the failings of past ages.

Nor to those who rail against American heroes—or, worse, ignore them—have any good effect on the spirit of our time. What we tell ourselves about ourselves is crucial to the morale of the population as we face up to the adversities and challenges presented to our generation, as they were to all previous generations.

This country has a true and inspiring story to tell of itself; not a jingoist or hateful story, but just the opposite. Why isn't it being told on our national holidays?●

AMERICANS ARE PAYING FOR JAPAN'S DEFENSE.

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. ASPIN. Mr. Speaker, the Reagan administration has promised to spend more—much more—on defense. This was followed by the announcement from Tokyo that the Japanese Government will only increase its defense spending by an infinitesimal amount.

Put succinctly, Americans are paying for Japan's defense.

The Japanese decision is quite rational. Why should it spend more on defense when it can count on Washington to shoulder the burden alone? Right now Japan, with the second

largest economy in the world, spends 0.9 percent of its gross national product on defense. The United States already spends 5.9 percent and President Reagan wants to increase that by 25 percent over just 5 years.

The money Japan and other allies do not spend on defense is being used to outdo us in the free market that we are spending huge sums to defend. We are paying to preserve the freedom of others, which is fine, while others are investing their money to improve Toyotas and Sonys and undercut our products, which is not so fine.

American defense policies have had to be intertwined with those of our allies. But we ought not to bear the burden alone.●

SMOKING: A PUBLIC HEALTH TRAGEDY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. WAXMAN. Mr. Speaker, the Surgeon General recently issued a report, "The Health Consequences of Smoking," which confirms the fact that smoking is properly public health enemy No. 1. It establishes in excruciating detail the relationship between smoking and cancer and sets forth a sound rationale for the Congress to begin action on establishing a serious program of smoking prevention.

The Surgeon General concludes:

Eighty-five percent of lung cancer deaths are due to smoking;

The lung cancer death rate for women is rising faster than that for men and will shortly surpass the rate from breast cancer; and

Cigarette smoking is the major cause of laryngeal, oral and esophageal cancer. It is a contributory factor in the development of bladder, kidney and pancreatic cancer.

In addition, the report points out that while available evidence is not adequate at this time to conclude that passive smoking causes lung cancer in nonsmokers, Assistant Secretary for Health, Edward N. Brandt, writes:

For the purpose of preventive medicine, prudence dictates that nonsmokers avoid exposure to second-hand tobacco smoke to the extent possible.

The report also contains good news for those smokers who want to quit. It notes that

Quitting smoking reduces one's cancer risk substantially . . . even after many years of smoking.

I want to commend this report to the attention of each Member and ask that the editorial "Help For Smokers," from the Washington Post Friday, February 26, 1982, be printed in the RECORD at this point:

[From the Washington Post, Friday, Feb. 26, 1982]

HELP FOR SMOKERS

The just-released Surgeon General's report on smoking should be required reading for smokers. Previously known associations between smoking and cancer are now clearer; a few new ones turn up, and there is stronger evidence that nonsmokers sharing the same air with smokers may share the ill effects.

Smoking was officially recognized to be the country's chief preventable cause of death three years ago. That it is a causal factor in cancer of the lung, larynx, mouth and esophagus was also a finding of the 1979 Report of the Surgeon General. Based on additional evidence, the new report concludes that smoking is not just a cause but a major cause—in the case of lung and larynx cancer, the major cause—of these diseases. Similarly, the known connection between smoking and bladder, kidney and pancreatic cancers is upgraded from a "significant association" to a "contributory factor." For the first time in this series, the report cites evidence of an association between smoking and cancers of the stomach and cervix.

All in all, smoking accounts for 30 percent of cancer deaths. But though the Surgeon General's report deals only with this one risk, cancer is not the chief cause of death from smoking. That distinction belongs to coronary heart disease, which is also the chief cause of all deaths in this country (cancer is No. 2). Smokers also suffer higher rates of dozens of chronic and acute diseases ranging from emphysema and peptic ulcer to influenza. Smoking is the chief avoidable risk during pregnancy, and it vastly increases the risk of most occupational exposures. In short, it is such a pervasive health risk that no epidemiological study would be conducted today without detailed questions on smoking history.

Still, more than 50 million Americans smoke. Most of them know there are risks, though few understand how great they are. Maybe a few, though we hope not very many, believe the Tobacco Institute when it asserts, as it did this week, that "the question is still open" on whether smoking causes cancer.

The real reason there at still so many smokers is that it is so hard to stop for good. Scientists disagree on whether smoking is an addiction comparable to heroin or alcohol addiction, but it is clear that it is more than just a habit. Studies now under way may turn up better methods of helping people to quit permanently. Until then, the best therapy is a healthy dose of good, old-fashioned fear.

Mr. Speaker, at the end of last session, I introduced H.R. 4957, the "Comprehensive Smoking Prevention Education Act of 1981." The bill proposes to expand public knowledge about the health effects of smoking by establishing a statutory presence for the activities of the Department of Health and Human Services' Office on Smoking and Health and changing the health warning label currently displayed on cigarette advertising and packages.

Since the legislation's introduction, 43 of our colleagues have joined me as cosponsors. In addition, the bill has been endorsed by a wide range of health and scientific organizations including:

American Cancer Society;

American Academy of Pediatrics;

American Medical Student Association;

American Association for Respiratory Therapy;

American Heart Association;

Citizens for the Treatment of High Blood Pressure, Inc.;

Coalition for Health and the Environment;

American Lung Association;

Action on Smoking and Health;

American Dental Association;

American Council on Science and Health;

Maryland State Dental Association;

American Public Health Association;

American College of Cardiology;

American Nurses' Association, Inc.; and

Association of State and Territorial Health Officials.

I am pleased to announce today the introduction of a revised version of this legislation, the "Comprehensive Smoking Prevention Education Act of 1982," reflecting two suggested improvements I have received since the bill was submitted for public comment. The new bill, H.R. 5653, is similar to H.R. 4957 with the exception of technical amendments and two additions to the labeling sections concerning the inclusion of a health warning label on addiction and the requirement that manufacturers disclose chemical ingredients added to cigarettes.

In view of the growing reliance of cigarette manufacturers on flavor additives of unknown nature and toxicity, it is appropriate that smokers and health professionals be aware of the chemical ingredients that are added to cigarettes. H.R. 5653 would require that these ingredients be disclosed on the cigarette package. In addition to making smokers better informed, ingredient labels will make it possible for scientists to begin to assess the human health effects of these substances.

The second provision calls for the placement of a warning label in the legislation's proposed rotational system calling attention to the fact that cigarettes are addictive. Any smoker who has ever tried to quit knows the powerful, habituating quality of cigarettes. Smoking is an easy habit to start but one that can be nearly impossible to stop. In terms of social, health and human costs, cigarettes can be characterized as among the most dangerous legal drugs in use today.

Mr. Speaker, as the breadth of support for H.R. 4957 indicates, there is now a strong commitment on the part of the voluntary health sector to make smoking prevention a major priority of the 1980's. By making changes in the current health warning label, by giving visibility to smoking prevention

activities at the Federal level and by working closer than ever before with the voluntary sector, the number of Americans who smoke can be reduced.

Public hearings on H.R. 4957 and H.R. 5653 will begin on Friday, March 5, 1982, before the Subcommittee on Health and the Environment. The hearings will begin at 9:45 a.m. in room 2123 of the Rayburn House Office Building. A second day of public testimony will be heard on Friday, March 12, 1982.

I urge each Member's support for this important legislation.●

THE PLO AND EL SALVADOR

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. DOUGHERTY. Mr. Speaker, like many of my colleagues, I have been contacted by many of my constituents about President Reagan's support of the current government in El Salvador. This controversial issue has been among the most complicated matters to face the 97th Congress, and any course of action by the President is sure to meet the opposition of some portion of the American public. Nevertheless, many of us can agree that the election scheduled this month in El Salvador is an important step toward solving their nation's conflict.

To better evaluate the El Salvador issue, I feel that any relevant facts should be brought to the attention of the general public. The following article appeared in the Wall Street Journal last month, and it explains how the Palestine Liberation Organization (PLO) has provided assistance to the guerrillas fighting in El Salvador. I found the article very interesting, and I hope that my colleagues examine it carefully as the House of Representatives considers legislation on aid to this Central American country.

[The Wall Street Journal, Jan. 14, 1982]

ARAFAT SAYS PLO AIDS FOREIGN GUERRILLA UNITS—PILOTS SAID TO BE SERVING IN NICARAGUA, AND TROOPS IN EL SALVADOR, ANGOLA

Palestinian leader Yasser Arafat, in a speech in Beirut last weekend, said that guerrillas from the Palestine Liberation Organization are serving in Nicaragua, El Salvador and Angola.

In New York, the Nicaraguan delegation to the United Nations categorically denied the statement. In Washington, a spokesman for a joint commission of El Salvador rebel organizations said he didn't have enough information to comment. Angolan spokesmen couldn't be reached.

Mr. Arafat's comments appear to confirm some elements of a U.S. State Department paper that claimed that the guerrilla movement in El Salvador was supported by Soviet allies, such as the PLO. The paper was criticized after its release for allegedly sloppy documentation.

Mr. Arafat mentioned the PLO presence in the three countries during an address to the General Federation of Palestinian Writers and Journalists, which was meeting in Beirut to celebrate the 17th anniversary of Mr. Arafat's guerrilla movement, Al Fatah.

Mr. Arafat, in a passage of his speech emphasizing the links between the Palestinian revolution and other "national liberation" groups around the world said that PLO pilots were serving in Nicaragua, and that other PLO guerillas were in El Salvador and the African nation of Angola.

"The Palestinian identity is one of revolutionary struggle and universal in its character not a racist movement," Mr. Arafat said in citing the involvement in the three countries.

The PLO leader didn't explain what the pilots and guerrillas were doing, and other PLO officials in Beirut refused to elaborate on his comments. But Palestinian sources in Beirut said that relations between the PLO and the revolutionary movements in Latin America are more than a decade old, and include various forms of military support.

PALESTINIAN LINK

Palestinian sources said that PLO relations with the rebels in El Salvador are "relatively deep rooted" because the leader of the Communist Party there, Shafik Handal, is of Palestinian origin. His father is said to have emigrated to El Salvador in 1921 from Bethlehem in the West Bank area currently occupied by Israel. Mr. Handal's Salvadoran Communist Party is one of five organizations forming the Farabundo Marti rebel coalition that has been battling government forces there.

Sources in Beirut said that Mr. Handal visited Lebanon last March at the invitation of the Democratic Front for the Liberation of Palestine, an avowedly pro-Soviet group under the PLO umbrella. Mr. Handal was also welcomed by other PLO groups, including Mr. Arafat's Fatah.

While in Beirut last March, Mr. Handal said that about 2,000 residents of El Salvador were of Palestinian origin. "I wouldn't be revealing a secret if I say that there are some in our revolutionary cadres who are Arabs," Mr Handal is said to have told one PLO gathering. He may have been referring to second and third-generation immigrants living in El Salvador, such as himself. The Salvadoran rebel also charged during his visit to Beirut that Israel had been sending military technicians to assist the army of El Salvador.

These Beirut disclosures paralleled some of the information in the State Department paper. That document alleged that Mr. Arafat met the Salvadoran guerrilla leaders in Managua, Nicaragua, on July 22, 1980, and promised them "military equipment, including arms and aircraft."

The U.S. paper also asserted that a Salvadoran guerrilla leader had met with PLO officials in Beirut in August and November 1980, and that "the PLO has trained selected Salvadorans in the Near East and in Nicaragua."

In Washington, the State Department hadn't any comment on PLO activity in Nicaragua, El Salvador and Angola, saying it had only seen news reports and was awaiting more information.

Mr. Arafat's reference to the presence of PLO pilots in Nicaragua was denied by a Nicaraguan diplomat in New York.

Alejandro Bendana, deputy ambassador for Nicaragua to the United Nations, said, "There aren't any Palestinian pilots in Nicaragua. We don't have any guerrillas in Nicaragua any more except for the Samozistas (opponents of the current government). The only people in the regular army and the regular air force are Nicaraguans, and we don't have much of an air force to speak of." He said that Nicaragua is one of nearly 100 countries that recognize the PLO and that the PLO has an office in Managua with which his country has "the best of relations."

A PLO delegation visited Nicaragua and arranged a $12 million loan to the regime, according to the sources. "Since then, we have exchanged several visits," said one Palestinian source.

The sources didn't provide any elaboration of Mr. Arafat's comment about PLO assistance to Angola, which has also received help from Cuban forces in its civil war against pro-Western guerrillas.●

SOCIAL SECURITY DEATH FRAUD

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. GRADISON. Mr. Speaker, in September of last year it was revealed that as much as $100 million in social security benefits were paid to some 8,000 dead people. Relatives or friends of the deceased beneficiaries had not reported the deaths and had collected the checks themselves.

The Social Security Administration discovered this fraud when it cross-checked the records of deceased medicare recipients with social security records. Cross-checking will now be done on a periodic basis in an attempt to halt this abuse of the social security system.

However, the fraud uncovered by cross-checking may be just the tip of the iceberg. While there is some voluntary reporting of deaths by the families of beneficiaries, the SSA finds out about most beneficiary deaths from reports of funeral home directors. In the past, funeral home directors had an incentive to report deaths because many families would let the directors collect the lump-sum death benefit directly from SSA in partial payment for funeral expenses.

The Budget Reconciliation Act of 1981 eliminated the lump-sum death benefit. As a result, it is likely that the number of deaths reported by directors will decrease steadily since their incentive to report is gone. This could create a large void in the ability of SSA to stop payments to people once they have died.

Another reason that the potential for fraud is so high is that in 1981, 31 percent of all social security benefits were directly deposited into bank accounts. Last year, 11 million benefit checks were automatically transferred from the Treasury to the beneficaries' bank accounts, with no signature

needed. If a death is not reported, checks will continue to be deposited and those with access to the bank accounts can go on collecting the benefits.

How many of the direct deposit beneficiaries' deaths are unreported? How many deaths in total go unreported to SSA? No one really knows. But as the recent disclosure of the $100 million scam illustrates, only 8,000 people out of 3 million recipients can be quite significant. As a result, effort spent in improving SSA's ability to eliminate such illegal activity could have a large impact.

Unfortunately, SSA has no systematic plan to deal with death fraud. There is, however, an easy and inexpensive way to eliminate this illegal activity, by using information that has already been collected. In particular, local governments keep records of all death certificates. The official State registrars in turn collect the records from local officials and record that information on standard computer tapes.

However, there is a problem in obtaining access to these death records. Many States have confidentiality laws that prohibit the public release of death information. If SSA gets the State records, anyone can sue for access to them under the Freedom of Information Act (FOIA). As a result, States would run the risk of violating their own confidentiality laws if they gave the tapes to SSA.

In response to this problem I have introduced H.R. 5188, which would provide a FOIA exclusion to SSA with regard to the death certificate data. This exclusion would fully protect the data from public disclosure. With this exclusion the States would be willing to give the data to SSA.

H.R. 5188 would also establish a data bank for use in getting dead people off the benefit roles. SSA would make voluntary contracts with the States to purchase the records on a periodic basis. The cost of producing the tapes would be partially shared by SSA. With the data bank in place, SSA could cross-check their beneficiary records with those listed as dead by the State registrars. If the computer showed someone was dead and collecting benefits, SSA could then double-check actual State records on a selected individual basis (this SSA can presently do) and see if in fact the person is dead. If so, he would be cut from the roles, and overpayment to him would be investigated.

My bill also provides SSA with the option of making arrangements to allow other Federal agencies to use the data bank to eliminate deceased people from their roles. Among potentially interested agencies would be the Office of Personnel Management, the Veterans' Administration, and the Railroad Retirement Board. SSA would be reimbursed for the cost of such services.

There is precedent for a Federal agency contracting with the States to receive the death certificate tapes. The National Center for Health Statistics (NCHS) currently contracts to receive these tapes for the National Death Index (NDI) it maintains. (The NDI is a statistical index only, with no names or social security numbers.) The center has a FOIA exclusion regarding the tapes, so that States would not violate their confidentiality laws. NCHS currently pays to the States 28 percent of the cost of compiling the tapes. Overall, the NCHS system is the successful model upon which my bill is based.

ALTERNATIVES

There are various alternatives to approaching the death fraud problem besides the one in my bill. One would be to reinstate the lump-sum death benefit. By even then there might be much undisclosed fraud. Another route would be to pay some set amount to funeral home directors for death report supplied; this is feasible but may prove too costly.

The other possibilities come down to some use of the State registrar tapes. Here there are three principal alternatives. One would be simply to require States to give SSA the tapes with a Freedom of Information Act exclusion similar to my bill. This is the approach taken in the only other bill to date addressing the death fraud issue, H.R. 5076, introduced by Representative LIVINGSTON.

There are several problems with a mandatory approach. The foremost is cost. Eight State registrars do not have the needed data on computer tape. If all States were required to participate in the death fraud data bank, these eight States would have to compile tapes, possibly at considerable expense to the States or the Federal Government. Under a voluntary system, States could gradually be brought into the system as their registrars found it worthwhile to produce the tapes. This gradual approach would be significantly more cost efficient.

Another problem with the mandatory approach is that some State constitutions expressly forbid the release of the death registrar data. These States would be forced to change their constitutions in order to comply with a law mandating their participation in the data bank.

States might also raise the issue that mandating their participation violates the Federal Constitution, which allows Federal law to be imposed on the States only under certain conditions. However, one instance where Federal law can supersede State law is when the Federal law is in the national interest. It can be argued that improving the social security system is in the national interest, because it improves the operation of the nationwide social security system.

A third problem with a mandatory approach is enforcement. Any mandatory bill would have to have a provision that would eliminate a State from social security programs if they did not supply the data tapes. While such an enforcement mechanism would probably prevent States from ignoring the requirement altogether, it is too blunt a mechanism to be used to insure speedy delivery and updating of the tapes. In a voluntary system incentives for prompt delivery and a minimum quality standard for the tapes could be built into the contracts between SSA and the States.

The NCHS contracts currently requires the tapes to be delivered within 90 days of death. The Director of Vital Statistics at NCHS believes this time lag can be reduced further by SSA through voluntary contracting. All considerations together, the Director feels the voluntary system would be most effective.

The voluntary system avoids all the above problems of a mandatory system. A voluntary system eliminates the constitutional issues. It is less costly because data tapes would only be compiled when it was worth the cost. And it would induce higher quality tapes and more expedient data delivery.

A second alternative using the data tapes is for SSA to obtain the tapes directly from NCHS. But this suggestion is opposed both by NCHS and the State registrars. The contracts for the data expressly stipulate that NCHS use the data only for scientific purposes. SSA could only get the data from NCHS if NCHS completely rewrote its contracts with the States. It is unlikely that the States would agree to recontract because SSA is not protected with a freedom-of-information exclusion. As a result, NCHS would have no data for its index.

A third alternative to my bill is to establish a separate "National Death Registrary Center" specifically for administrative use. This idea has been discussed internally in several executive agencies. Under this proposal, a separate center, similar to NCHS, would be created and given an FOIA exclusion. This center would contract for the data tapes, maintain the data bank and contract with Federal agencies for the use of the data bank. Unfortunately, such a center would be costly to operate. Allowing SSA to do the same functions as the center, which is the case in my bill, should be much less expensive.

NEXT STEPS

While the costs of my proposal can be calculated, it is impossible to know how many people are fraudulently collecting benefits for those who have

died. Therefore it is impossible to know the benefits of obtaining the data tapes and setting up a data bank. However, if SSA can negotiate with a few of the States to obtain tapes and determine the amount of fraud in such a sample, they would have a good basis for determining whether to proceed along the lines I suggest. I believe it is probable that such an internal study will show net benefits in setting up a data bank, and I urge SSA to proceed with such a study.

Fraud in the social security system is intolerable, especially at this time of financial crisis. The efficient elimination of death fraud is an essential step.●

REMARKS ON PROPOSED TITLE V CUTBACKS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MOAKLEY. Mr. Speaker, I would like to express my utter dismay at the administration's plans to eliminate funding in fiscal 1983 for a very worthy program. I am speaking of the senior community service employment program which falls under title V of the Older Americans Act.

By all accounts, the senior community service employment program or title V is a worthy and successful idea. It currently allows some 100 senior citizens in the Boston area and a total of over 54,000 nationwide to work in public service areas while receiving minimum wage for their labor. The jobs funded by this program include positions in hospitals, nursing homes, and even the national forest system.

Title V is a program free from either waste or fraud. Nationally, only $1 out of every $8 spent by the program goes for administrative costs, while the other $7 has been channeled directly to wages and benefits for the elderly participants. I am told that the Boston program is even more efficient than the national average, with nearly 90 percent of its funds targeted into wages and benefits. President Reagan is fond of referring to the efficiency of the private sector in contrast to that of the Federal Government. Moreover, he proposes that a new spirit of volunteerism—some might call it an old habit of passing the buck—will spur business and individuals to take up many of the social responsibilities previously administered by the Federal Government. I would guess that volunteerism has a certain quaint appeal. However, record of the private sector is not always so admirable in supporting public service and other charitable endeavors. In calculating the efficiency of charitable organizations, the better business bureau endorses those groups which spend anything less than 50 percent of their funds on administrative costs. Contrast that 50 percent figure with a government program which absorbs no more than 13 percent of its funding in administrative costs and you see why I am skeptical of this new volunteerism.

I do not want to suggest that title V is a charity; I want merely to compare its effectiveness with a comparable set of private organizations. In fact, the senior community service employment program is a dignified way to make senior citizens feel useful at the same time that they provide needed skills. Dignity is a word which seems to have slipped out of the vocabulary of this administration. Somehow the notion is too subtle to receive just treatment under the cold precision of cost-benefit analysis. But it may well be the most compelling reason for retaining the senior community service employment program. Tens of thousands of elderly people look upon title V as a way of accepting help without a corresponding loss of self-respect. In many cases, the alternative is a humiliating reliance on welfare. If the President harbors such great antipathy toward Government handouts, why must he eliminate alternatives such as title V?

Even if the administration chooses to ignore the humanitarian appeal of this program, it cannot afford to overlook the economic benefits. For such benefits do exist. There is strong reason to believe that the money saved by elimination of title V would be more than offset by increased demands on the social security system and lost tax revenues. The economic figures alone justify the continuation of title V.

At this point, I should note that while the fiscal 1983 budget eliminates specific funding for title V, a semblance of the program is scheduled to be retained under block grants. I refer to the administration's so-called special target program. With budgetary slight of hand, the administration intends to lump together allocations for workers, displaced workers, veterans, displaced homemakers, and older workers. All of these functions are to be carried out with an appropriation of $200 million—less than the $277 million outlayed for space in the current program year. It will be impossible to tell how much of this money shall actually go toward the employment of needy senior citizens. The only certainty is that the figure will be a fraction of what is currently spent. This special targeted program is clearly and simply a way of avoiding responsibility for the well-being of those in need.

For rather obvious reasons, it would seem natural for President Reagan to be sympathetic with the Nation's elderly. After all, Mr. Reagan is a touch past middle age himself. But in practice, this country's oldest elected President appears to be ignorant of the plight of senior citizens. While the defense budget is swollen by new injections of tens of billions of dollars, social security and other programs beneficial to the elderly are being slashed indiscriminately. I—like most Americans—support the notion of a strong defense. But the Pentagon must not be given the luxury of making cost overruns and poor procurement decisions when this country's social programs are being scrutinized to the most minute expenditure. There is something blatantly inconsistent about eliminating a $277 million appropriation for title V when the Army is purchasing a $2.4 million tank that does not work, an overpriced attack helicopter which crashed while in the prototype stage, and the Navy is buying a $32 million fighter which has failed to meet its original design requirements. I have no doubt that we can follow a more rational set of spending priorities.

America's senior citizens have been neglected for too long. They lead a precarious existence as they cope with inflation on the one hand, and declining earning potential on the other. It seems unfair that our elderly should work long and hard only to find themselves impoverished in their golden years. The senior community services employment program has been a source of hope for these people. The plight of the elderly should not become submerged under the rhetoric of a doctrinaire economic program.

Mr. Speaker, our Nation's senior citizens must not be forgotten.●

HIGH TECHNOLOGY AND EDUCATION: MORE COOPERATION NEEDED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. MILLER of California. Mr. Speaker, the recently published study, "How Education is Responding to High-Technology Industry" should be of concern to anyone interested in high-technology industries, one of the fastest growing sectors of our economy. After a year's research in California's "Silicon Valley," Dr. Elizabeth Useem, associate professor of sociology at Boston State College, found virtually no communication between the area's high-technology industry and the public school systems. Where one might have expected innovative vocational training with strong industry support, she found programs plagued by budget cuts and a general unwillingness to start new courses for fear of additional reductions. In general, she

found that the schools had taken no action to respond to the electronic revolution going on about them.

Dr. Useem's findings do not bode well for an industry dependent upon a highly skilled work force or the national economy which will depend on this industry for growth in the next decade. I will soon introduce legisation to amend the Vocational Education Act to stimulate industry and public school collaboration for electronics and computer training.

I commend this study to my colleagues.

[From the Education Daily, Jan. 11, 1982]

INDUSTRY AND EDUCATION COOPERATE—OR FAIL TO COOPERATE

(By Elizabeth Useem)

Like most other businesses in the state, high technology industry has not been an active participant in shaping educational policy in the [California] state legislature.

In fact, Silicon Valley firms, with a few exceptions, have been even less concerned with public education than have other business sectors.

Some observers explain that these companies, many of them new and rapidly growing concerns, have been so busy developing and marketing their own products they have not had the personnel or energy to think about broader social issues. Compared with more established traditional companies, they lag in contributions to and involvement in the arts and charitable organizations.

Others feel that there is so much competition among companies for personnel (and sometimes for product markets as well) that it is difficult for them to unite on questions of schooling policy—or on almost any social issue, for that matter.

Only recently have they been organized by the Santa Clara County Manufacturing Group to work on local needs in housing, transportation and energy.

HIGH TECHNOLOGY'S LOW PROFILE ON EDUCATION

A recent statewide business/education conference sponsored by the powerful California Roundtable had few high technology participants. Similarly, these firms' absence from state IEC initiatives indicates their low profile on educational matters.

The high technology companies were largely silent on Proposition 13 and Proposition 9, the two major tax-cutting proposals on the ballot since 1978.

An effort in the early months of 1981 by educators at San Jose State University and the San Mateo County Office of Education to mobilize Silicon Valley industry support for improved science education resulted in three meetings characterized by low turnout (only 15 of 100 companies responded) and little consensus on remedies.

There is some variation among the high technology companies in the intensity and scope of their interest in public education.

Some firms are concerned only with developing a specific labor supply for their companies' short-term needs, whereas other businesses take a broader view of school functions that stress the need for an intelligent citizenry.

Some companies make token efforts to help schools, but do so only to embellish their own community image. Many in the industry want to improve ties with schools but do not know how to go beyond traditional participation in career days and plant tours.

THERE IS SOME HELP

To be sure, there are some successful programs in Santa Clara Valley linking schools and industry, in addition to those supported by the local industry-Education Council.

For example, IBM has inservice training days for local vocational education teachers, it sends employees to teach economics courses in junior high schools as part of "Project Business," and it takes a leadership role in "Junior Achievement" programs in high schools.

Intel has donated equipment to local high schools, sponsors science fairs, and plans a more intensive effort to communicate the industry's needs to high school counselors.

Seven companies in the area (and possibly as many as 12 eventually) have contributed the equivalent of $400,000 in loaned personnel and equipment to set up schools-within-a-school in two nearby San Mateo County high schools.

The project, sponsored by the Mid-Peninsula Urban Coalition, will focus on teaching computer technology and electronics technology to potential high school dropouts.

Signetics is planning to support an inservice summer training program in semiconductor technology for high schools electronics teachers in cooperation with San Jose State University.

Of all the companies headquartered in the Valley, Hewlett-Packard is the undisputed leader in fostering industry-education ties.

William Hewlett and David Packard have a longstanding personal interest in education; their interest has left its mark on company policy. David Packard, for instance, spent 10 years on the Palo Alto Board of Education.

Unlike most companies, Hewlett-Packard has a number of full-time employees who devote substantial portions of their time to improving their contact with public schools.

A committee of top executives is currently examining ways in which the firm and the industry can provide more support for public education. It has lobbied for increased expenditures of state funds for education and was the only high technology company in the Valley to donate money in opposition to Proposition 13.

Among other projects, it has loaned personnel and given equipment in support of a new drafting curriculum being developed at East Side Union High School District in San Jose and the programs in computer and electronics technology sponsored by the Urban Coalition. Gifted students from High schools in the Fremont Union High School District use Hewlett-Packard labs at night for computer training classes.

Intensive career awareness programs at several area high schools have been organized by the company, and it has fostered an "adopt-a-school" relationship at two Santa Clara high schools. Company officials have been instrumental in building the local Industry-Education council.

BUT NOT A LOT

With the exception of Hewlett-Packard (IBM is often mentioned), high technology firms have devoted little effort to supporting the Valley's public schools and cultivating its long-term labor supply. While company executives are increasingly concerned about personnel shortages and the deteriorating quality of public education, they do not view education as a high-priority issue.

Moreover, most firms do not seem sympathetic to increased state funding for schools, particularly if it leads to higher taxes.

Many feel that California schools are so poorly managed that administrators would waste any additional monies that were provided.

They believe that school officials are not sufficiently aware of the demand for high technology personnel and the consequent need to change school curricula and student career awareness. Some executives also claimed that school officials are also difficult to work with because they are too slow to change. Many deplored the impact of teachers' collective bargaining efforts on the school environment.

Rather than lobbying for an increased and stable source of funding for schools, executives would rather focus company efforts on providing support for high technology programs in specific schools.

It is possible, however, that greater support for California public education may eventually be forthcoming from a newly formed task force of the California Roundtable, a group which represent the largest firms from all business sectors in the state.

A few company officials were sympathetic to the financial condition of public schools. One exasperated manager, who has long been interested in building ties to public schools, accused his company (and others) of being greedy and self-protective.

"The companies are always looking for an immediate return on their investment" when they contribute to educational programs, he claimed. Indeed, one company official admitted that the firm built close ties to schools only when personnel shortages were greater, and then loosened those ties during recessionary periods.

The situation is perceived much the same way by educators, who argue that industry has an overly narrow conception of education, is short-sighted and only concerned with immediate profits, and ultimately could not be trusted.

"I wouldn't count on industry for anything," said one administrator. They felt that industry had profited from Proposition 13 and had done little with those tax savings to help the schools.

Educators are acutely aware that industry leaders hold them in low regard. ("Industry thinks we are monumentally screwing up," admitted one assistant superintendent.)

Almost all of those in industry and education who have worked together on collaborative efforts point to the difficulty in overcoming these barriers that exist between them.

The mutual suspicions and organizational obstacles which have characterized business-education relations over the years are nothing new.

What is new is the shift in the nation's economy toward high technology and the growing demand for well-educated personnel.

Yet if Silicon Valley is any example, neither the schools themselves nor industry is taking major steps to strengthen existing programs or develop new ones that reflect this economic tranformation.●

LOOKING FOR REVENUES

HON. RALPH REGULA
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. REGULA. Mr. Speaker, there seems to be widespread agreement that the President's proposed deficits are too large, even though the President is proposing and assuming an unprecedented deficit-reduction program. Now that the President has "proposed," it is time for Congress to "dispose," in the true spirit of the principle of the separation of powers.

I believe that for any deficit-reduction program to be enacted, the savings must be gained from both the revenue and spending sides of the budget.

This first table shows how the administration's deficit-reduction program divides between savings resulting from reducing spending and savings resulting from increasing revenues. What strikes me is that the proportion is lopsided—four-fifths (79 percent) of the proposed deficit reduction over the next 3 years would come from the outlay side of the budget.

TABLE 1.—COMPOSITION OF PRESIDENT'S DEFICIT-REDUCTION PLAN BETWEEN REVENUES AND SPENDING

[Dollar amounts in billions][1]

	Fiscal year—						3-yr total	
	1983		1984		1985			
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Deficit without any changes from current services	$147		$167		$171		$485	
President's deficit	92		83		72		247	
Required savings	56		84		99		239	
Resulting from:								
Revenue enhancements	13	23	19	23	19	19	51	21
Spending cuts from current service	43	77	65	77	81	81	188	79

[1] Numbers may not add to totals due to rounding.

Source: The budget of the U.S. Government, fiscal year 1983.

As one who feels that reducing deficits is important and crucial to economic recovery, I believe that a fair share of any deficit-reducing program must come from increased revenues.

Where can additional revenue savings be found? At this stage of the congressional budget process, it is appropriate to explore general categories. Accordingly, I have prepared a second table, based on estimates made by the Joint Committee on Taxation, which shows by broad tax categories not only how the tax-cut bidding contest resulted in the largest tax cut in history, but also the composition of the various tax bills by broad category.

TABLE 2.—REVENUE IMPACTS OF TAX LEGISLATION, FISCAL YEARS 1981–86[1]

[In billions of dollars]

Proposal	1981	1982	1983	1984	1985	1986	Total
1. H.R. 2400:[2]							
Individual:							
(a) Rate Reduction (10–10–10)	−6.4	−44.2	−81.4	−118.1	−141.5	−162.4	−554.0
Business:							
(b) Accelerated cost recovery	−2.5	−9.7	−18.6	−30.0	−44.2	−59.3	−164.3
Total, (H.R. 2400)	−8.9	−53.9	−100.0	−148.1	−185.7	−221.7	−718.3
2. H.R. 3849 (Conable-Hance):							
Individual:							
(a) Rate reduction (5–10–10)		−25.7	−64.4	−104.3	−121.1	−139.0	−454.5
(b) All other individual	(3)	−2.6	−10.4	−15.5	−17.6	−21.0	−67.1
Total, (a) + (b)	(3)	−28.3	−74.8	−119.8	−138.7	−160.0	−521.6
Business:							
(c) Accelerated cost recovery (10–5–3)	−2.1	−8.9	−17.3	−28.3	−41.9	−63.9	−162.4
(d) All other business	(3)	−.8	−1.3	−1.5	−1.6	−1.7	−6.9
Total, (c) + (d)	−2.1	−9.7	−18.6	−29.8	−43.5	−65.6	−169.3
Total, H.R. 3849	−2.1	−38.0	−93.4	−149.6	−182.2	−225.6	−690.9
3. H.R. 4242 (Economic Recovery Tax Act of 1981):							
Individual:							
(a) Rate reduction (5–10–10)		−25.8	−65.7	−104.5	−122.6	−143.8	−462.4
(b) All other individual	(3)	−1.1	−5.4	−10.2	−25.6	−52.3	−94.6
Total, (a) + (b)	(3)	−26.9	−71.1	−114.7	−148.2	−196.1	−557.0
Business:							
(c) Accelerated cost recovery (15–10–5–3)	−1.5	−9.6	−16.8	−26.2	−37.3	−52.8	−144.2
(d) All other business [4]	−.1	−1.1	−1.9	−2.2	−2.1	−1.9	−9.3
Total, (c) + (d)	−1.6	−10.7	−18.7	−28.4	−39.4	−54.7	−153.5
Other provisions:							
(e) Energy		−1.3	−1.7	−2.2	−2.8	−3.6	−11.6
(f) All others [5]	(3)	−1.3	−1.1	−4.6	−8.7	−13.3	−29.2
Total, (e) + (f)	(3)	0	−2.8	−6.8	−11.5	−16.9	−38.2
Total, H.R. 4242	−1.6	−37.6	−92.7	−150.0	−199.2	−267.7	−748.7

[1] Data source: Joint Committee on Taxation (some numbers may not add to totals due to rounding).
[2] Less than $50,000,000.
[3] Excludes proposed user fees.
[4] Excluding energy provisions.
[5] Savings, estate and gift tax, tax straddles, administrative, and miscellaneous provisions.

Table 2 compares the revenue effects of H.R. 2400 (original administration proposal), H.R. 3849 (revised administration proposal, Conable-Hance), and H.R. 4242 (enacted Economic Recovery Tax Act of 1981.) Note that H.R. 4242's provisions unrelated to individual or business taxes ("e" and "f" in the table) result in estimated revenue losses of $38 billion through 1986, with an $11.6 billion loss attributable to energy provisions alone.

Note that differences between the three tax bills do not show up until 1986. For 1986, estimated revenue losses soar from $221.7 billion (H.R.

2400) to $267.7 billion (H.R. 4242), a jump of $46 billion.

Table 2 also reveals how revenue losses increased in categories outside the two originally proposed by the administration (individual rate reductions and capital cost recovery). For example, while the original "10-10-10" was reduced to a less costly "5-10-10" for a savings of approximately $100 billion, new individual tax provisions would have resulted in an additional $67 billion of revenue losses (H.R. 3849) and results in a projected loss of $94.6 billion (H.R. 4242). Additional business tax reductions, on top of the basic cost recovery provisions, would have added nearly $7 billion in revenue losses (H.R. 3849) and are now projected to exceed $9 billion (H.R. 4242)

We hear a lot of discussion about not tampering with "future" tax cuts. Yet, we have already seen that the expectational impact of the recently enacted tax cuts is certainly no more than the anticipative impact of previous tax cuts. Tax changes on the books but not yet effective should not be treated as inviolate.

Table 2 excludes a large and significant area of revenue loss—"tax expenditures." Estimates vary, but most will agree that the revenue losses resulting from tax expenditures will exceed $200 billion next year. This is about one third of total expected receipts, and more than twice the administration's proposed deficit.

Reducing revenue losses from tax expenditures should appeal to the most ardent supply sider. Why? Because, by definition, removing tax breaks which benefit only small segments of society broadens the tax base (a basic supply-side goal), thereby paving the way for future (perhaps simultaneous) across-the-board tax reductions (another basic supply-side objective).

Mr. Speaker, my purpose here is not to offer specific revenue-raising proposals. It is too early in the congressional process for specifics. I am merely presenting revenue-related information which this body should be examining at this time. Hopefully, these data will inform my colleagues and generate and stimulate debate and ideas toward arriving at the best fiscal policy.●

CONSUMER ENERGY RELIEF ACT

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. HERTEL. Mr. Speaker, the skyrocketing price of natural gas is aggravating the already enormous problem of unemployment in the economically depressed portions of our country. In my home State of Michigan, the natural gas distributing utility in the city of Detroit has approximately a 50 percent uncollectable rate for its residential users. The long-term unemployment, the endless increases in gas prices, and the brutal savagery of this winter have left countless people in the situation of "heat or eat."

How can any Congressman explain to their constituents that the price of natural gas has but one destiny, to drastically increase. The reason natural gas prices endlessly rise is because Congress has made no provision for prices to decrease.

In response to this serious and dangerous problem, I am introducing four consumer energy relief acts. Two of these measures deal with natural gas supply contracting provisions. The third measure seeks to encourage greater energy conservation measures, and the fourth addresses a small residential energy task problem. The natural gas contracts problem is an extremely complex topic which requires a brief understanding of the history of Federal natural gas regulation.

The Natural Gas Policy Act is a law which has been mislabeled regulatory legislation. It is actually incentive or promotional legislation to encourage production of new reserves of natural gas. In contrast, the Natural Gas Act of 1936, which created the Federal Power Commission, would be considered classical regulatory legislation. The rates set for natural gas prices were based on the cost of production plus a just and reasonable profit. This rate model is a theoretical approximation of pricing theory in a truly competitive market. There were numerous problems with the administration of the act of 1936. These problems were illustrated in the congressional hearings on the Natural Gas Policy Act. In addition, the gas shortages of the mid-1970's highlighted the regulatory shortcomings of that act.

What, then, was the pricing mechanism upon which the Natural Gas Policy Act was based? Pricing is designed to encourage exploration and production of new reserves as well as tying the market price to a comparable fuel of similar heating capability. For the purpose of the act, the index fuel is sometimes No. 2 and sometimes No. 6 heating oil. To minimize the impact of a change to a producer-incentive price from a regulated price based on ideal free market conditions, complex formulas of wellhead pricing provisions were established for eight types of natural gas production. These formulas included escalator and inflation factors designed to smoothly bring the price of natural gas up to that of index fuel oil over an 8-year period.

As originally contemplated by the Natural Gas Policy Act, the projected price of heating oil was estimated at $15 a barrel in 1985. This is where the producer incentive pricing system broke down. The price of oil has been in the effective control of foreign-dominated cartels since the early 1970's. The pricing policies of this cartel are not based upon either the cost of production plus a fair and reasonable return or a producer-incentive price. Cartel pricing is based upon controlling production and supply to extract maximum premiums. When revolution devastated Iran and terminated oil and gas production, the price of oil doubled and now currently hovers around $35 a barrel. The pricing formulas of the Natural Gas Policy Act followed the inflationary curve of oil, skyrocketing upward.

Fundamentally, there is absolutely nothing to force any downward pressure on natural gas prices. There are also contracting provisions between gas producers and pipelines, and pipelines and utilities which strongly reinforce the upward pricing spiral. This effect is the so-called price spike. The general concerns of advocates and adversaries of natural gas decontrol is that there will be further spike effects ranging between 60 percent to 100 percent should decontrol occur.

As stated above, these price spikes take place because Congress in passing the Natural Gas Policy Act, did not take into account possible disruptions in world energy prices, nor did Congress provide any mechanism to give downward pricing pressure. In the arcane world of natural gas regulation, there are certain identifiable factors which support the price spiral. Among these factors are escalator clauses, favored nations or field price clauses, and take or pay provisions. These devices appear uniformly in contracts between producers and pipelines and also between pipelines and utilities. Utilities then secure price adjustment allowances from State utility regulatory commissions. The effect this complex web of contracting provisions is to pass the price of the highest cost gas from producer to consumer in the fastest possible manner. That is why gas prices go up constantly.

Without entering the fray of decontrol versus contained control of natural gas, there are concrete proposals which the Congress can act upon to greatly slow the rapid increases in natural gas prices. I am proposing to suspend all escalator, favored nation, or field price clauses in natural gas sale or purchase contracts. Furthermore, it would address take-or-pay provisions by prohibiting minimum energy purchase requirements unless such requirements are absolutely essential to make a specific supply of energy economically feasible. In addition, such requirements are to continue only so

long as it is necessary to amortize that specific supply of energy.

The first two measures of the Consumer Energy Relief Acts are essential because these contracting provisions make natural gas supply contracts enforceable only for volume. Purchasers have no control, more certainty of price under currently existing market contract conditions. Pipelines, utilities, and ultimate users must ransom any certainty of price for certainty of volume. There is no incentive to reduce gas prices. The first two consumer energy relief acts seek to provide that incentive.

The third and fourth portions of the consumer energy relief acts involve increased incentives for conservation activities and clarifying a problem with municipal utility taxes. Part 3 of the consumer energy relief acts increases the amount of tax credit from 15 percent to 40 percent of the first $3,000 for residential energy conservation expenditures. The fourth and final portion of the energy relief acts corrects a gap in the Internal Revenue Code which does not allow deductions for payment of municipal utility taxes.

It is my hope that the Consumer Energy Relief Act will be a constructive way to make an essential resource like natural gas accessible to our citizens at a reasonable and fair price.●

BREAKFAST FOR THE NEW YORK CITY CONGRESSIONAL DELEGATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 1, 1982

● Mr. RANGEL. Mr. Speaker, on February 2, Joseph V. Terenzio, president of the United Hospital Fund of New York delivered remarks to the New York City Congressional Delegation concerning the state of hospitals and health care in New York City. I think his thoughtful summation of the problems of health care in an urban area would be of use to us all, so I take this opportunity to share his remarks with you.

REMARKS OF JOSEPH V. TERENZIO

In 1980, total health care expenditures in the United States reached a quarter of a trillion dollars. Of this amount, expenditures for hospital care accounted for 40% or $100 billion, and have been rising particularly rapidly. In the one year period from 1979 to 1980, the increase in hospital costs was 16.2%. This escalation in health care costs in recent years has greatly exceeded our general economic growth. In 1929, health care costs constituted only 3.5% of our Gross National Product; currently it is approaching 10%. Thus, the health care market can be best described by some as a "bull market," and by others as a stampede, depending upon the observers' relative perspectives.

Unlike public relation to growth in most industries, the escalation in health care expenditures has been viewed with concern by policymakers and the general public. Although no one questions the value of health, the rising costs of health services, combined with increased budgetary pressures, are forcing public officials to question the appropriateness and the desirability of these large expenditures. In recent years a variety of methods to contain these rising costs have been tried. This year, regionalization, increased competition, federalization and capping of Medicaid, and changes in tax law are being debated as means of achieving these ends.

Formulating appropriate health care policy for New York City hospitals requires a clear understanding of their complex and multifaceted roles. The city's hospitals serve the entire nation as leaders in the quality and sophistication of patient care, medical education, and research, while at the same time they are faced with the challenge of serving the millions of local residents who need hospital care. Even on a local level, though, the geographic concentration of hospital facilities, superimposed on a mosaic of diverse patient needs, makes it difficult to identify the population groups served by our individual hospitals. The United Hospital Fund, as you will hear this morning, has begun to identify these groups. I strongly feel that health policy must be sensitive to the tension between a hospital's goal of serving its immediate community with a full range of basic services and the often competing goal of serving a wider audience with an added measure of excellence in selected specialty areas. The conflict between these goals is intensified by special health care needs of New York City residents, their ethnic diversity, and the city's large population of poor and aged, all of which create a uniquely demanding responsibility for New York City hospitals. At the same time hospitals are confronted by an austere financial situation.

The document presented to you today, Communities, Hospitals, and Health Care: The Role of New York City Hospitals in Serving Their Neighborhoods and the Nation attempts to address these concerns by helping you and other policymakers better understand the complex role played by hospitals in New York City and the role played by New York City to providing health care resources for the nation. I think you will find it to be an important new tool, useful to you in making policy through legislation and in better understanding your district and the city.

However, I believe that you will find that this document also provides you with more than a new reference resource. Our study provides important new insights which, I believe, shatter a number of popular beliefs about New York. For example, the study questions the common assertions that New Yorkers use hospitals excessingly and that the city has an overabundance of hospitals and hospital beds. In point of fact, when compared to national averages and other major cities, New Yorkers really are not unique when it comes to their use of hospitals and the number of hospital beds available to them.

Contrary to popular belief, our hospitals are running near full capacity yet our people are not overusing health care resources when you look at how many hospital beds are available, how many are filled, and how often they are used. New York City hospitals' occupancy rate is 13% higher than the national average and our people's use rate is 10% lower.

Communities, Hospitals, and Health Care points out that in absolute terms, New York City does have far more hospitals, beds, and special care units than any other city in the United States. Its municipal hospital system, which has 12 general care hospitals with 6,000 beds, is unparalleled in size or scope anywhere in the country. However, in relative measure, the study also reveals that New York City's supply of hospital beds, at 4.6 beds per thousand population, does not appear excessive relative to its large population and when compared to other cities, such as Detroit with 7.4, Chicago and Philadelphia with 6.3, and to the national average of 4.4. The inferences I draw from these facts are made even more powerful when coupled with the fact that New York City is a national center for health care and educates twice as many medical students and provides three times as much specialty training for physicians as would be expected based on its population. Using national norms, the analysis also points out that New York City hospital beds appear to be efficiently used, with an average occupancy rate of 85.9% compared to a national rate of 75.6%, and an inpatient utilization rate of 137.9 discharges per thousand population, which is substantially lower than the national rate of 154.2 per thousand.

Another popular misconception about New York City is that it has far too many physicians. Our study indicates that although the city does have a relatively abundant supply of practicing physicians representing virtually every specialty and subspecialty area, the city's share of the nation's supply of physicians has declined from 8.1% to 5.3% over the past decade. Increasingly our hospitals have become the family physician for many of our residents. No doubt this is due, in large part, to the fact that the city's supply of general practitioners in office-based practice has decreased over the last ten years by 50%, compared to a national decline of only 6%. Also, despite the fact that New York City has slightly more office-based physicians per thousand population (1.6) contrasted to the national average (of 1.2), the availability of physicians varies greatly among the boroughs. For example, in Manhattan there are 4.2 office-based physcians per thousand populaton, while the Bronx has .9. In fact, several neighborhoods within the city have so few physicians that they have been designated Medically Underserved Areas by the Federal Government. The residents of these areas are often dependent on our local hospitals for physican care.

The city's disproportionately large share of the Nation's poor and near poor, restrictive eligibility standards for Medicaid coverage, and stringent hospital reimbursement policies under the Medicaid program, place heavy demands on the hospitals in our city. I firmly believe that to preserve the leadership and excellence of our hospitals, health policy must be sensitive to these special burdens.

A statement that we frequently hear, and which I would also place in the myth category, is that the principal role of hospitals is to serve their own neighborhoods. Our study indicates that many patients travel for care. More than one half of all patients discharged from Manhattan hospitals came from outside the borough, and looking at the city as a whole, nearly one out of every five city residents discharged from hospitals

in 1978 did not live in the borough in which their hospital stay occurred.

Yet another misconception dispelled by our study is that New York City is a welfare haven. On the contrary, our study indicates that the eligibility level for medicaid coverage in New York, when adjusted for inflation, has declined by two-thirds since the program began in 1966.

You, as makers of health policy through legislation, must not base health policy descisions on traditional beliefs about New York City and New Yorkers. Our report suggests that a number of these beliefs simply are not founded on fact.

I have cited facts which contravene these popular misconceptions, not only for their content, but also as examples of the types of information provided in our special study and how it can be used in better understanding your district and New York City. Communities, Hospitals, and Health Care examines New York City as a center of excellence in health care by describing and comparing with other cities its unique role in providing medical education, research, and health care, both locally and for the nation. It unites for the first time an unparalleled patient origin data base, the 1980 census and congressional districts into a new tool for policy decision responsive to people and communities in New York City, and reveals a diversity on health care needs and practices. A unique geographic portrayal provides neighborhood utilization rates never before available and indentifies which hospitals people in your district depend upon for inpatient services, and which hospitals in your district are serving people from other congressional districts. A special chapter and a detailed appendix provide you with specific information about your district and where your constituents go for hospital care.

I think you will find it intriguing to know that use of hospitals varies greatly among the boroughs and among the neighborhoods within the boroughs. Many factors may be involved in this variation, particularly the socio-economic status of the population and the availability of other health care resources. For example, the study indicates that:

Among the boroughs, the Bronx had the highest rate of discharges per thousand population (155.1); this was followed by Manhattan (150.6); Brooklyn (144.2); Staten Island (118.5); and Queens (114.1). The Bronx also had the fewest office-based physicians relative to population.

Two neighborhoods, the South Bronx and East Harlem, had over 180 discharges per thousand population. In contrast, two neighborhoods in Queens and one in Staten Island had between 80 and 100 discharges per thousand population.

Particularly relevant to any discussion of such concepts as regionalization of health facilities or changes in "freedom of choice" for Medicaid recipients is the role New York City hospitals play in serving patients who reside outside the city and serving city residents who seek hospital care outside their own neighborhoods. In formulating policy regarding hospital capacity and location, it is important to consider that 11% of patients discharged from New York City hospitals live outside the city and more than 50% of the patients discharged from Manhattan hospitals live outside the borough. Almost one-fifth of city residents hospitalized in 1978 went outside their borough for this care, mostly to Manhattan hospitals. These findings would indicate that patients' patterns of seeking care are, to a great extent, independent of traditional borough and neighborhood boundaries; therefore, I would suggest that the various roles of health institutions should be considered from a broad geographic perspective as well as the neighborhood viewpoint. Stated in another way, the assumption that hospitals serve first and foremost their own neighborhood and community is unfounded. Many patients travel for care and hospitals serve significant numbers of people from outside their borough as well as patients from within the community.

The complexities of our health care system in New York City also require that attention be paid to hospital auspice as well as location. Our study reveals a marked variation in the way city residents and non-residents use voluntary, municipal, and proprietary hospitals. Additionally, city residents' use of these hospitals differs according to whether they seek care in their own borough or outside their borough. Our analysis shows that municipal hospitals serve primarily New Yorkers and that voluntary hospitals serve not only New Yorkers but also the majority of patients coming into the city from other locations. In addition, the study indicates that proprietary hospitals have an intimate relationship with the borough in which they are located, drawing almost their entire inpatient population from that borough. Highlights from this section of the analysis include the following observations:

Sixty-seven percent of the city residents hospitalized in 1978 were discharged from voluntary hospitals; in contrast, nearly 92 percent of non-residents were discharged from such facilities.

Twenty-three percent of all resident discharges were from municipal hospitals; only three percent of non-resident discharges were from municipal hospitals.

Among residents of all the boroughs who remained in their borough for care, residents of Staten Island, which has no municipal hospitals, and residents of Manhattan were most likely to use voluntary hospitals. Bronx residents were the most likely to use municipal hospitals and Queens residents were the most likely to use proprietary hospitals.

I am confident that as Congressmen you will find Chapter IV of the study most enlightening and useful. It describes the hospitals that serve the residents of each of the city's 18 congressional districts and also depicts the pattern of patients traveling outside their neighborhoods for hospital care. Tables identifying the ten hospitals most frequently used by the residents of each district are presented and show that patients often use hospitals outside their district and even outside their borough. As you should know, public policy and political advocacy must respond to the role hospitals play in serving patients who leave their districts for care.

The role of hospitals in serving your constituents can be viewed in two ways: on the one hand, what percent of all patients discharged from each district are served by a particular hospital, and on the other hand, what percent of the hospital's patients are district residents. For example, in eight of the congressional districts, a single hospital has accounted for one-fifth or more of discharges for constituents of the district. Smaller hospitals, however, would rarely be among the two or three most frequently used hospitals, even though they may be predominantly serving residents of the district. Therefore, separate figures are presented which show that district residents often account for 50% or more of the particular hospital's patient discharges.

A complete understanding of an individual hospital's role in the community requires understanding both of these perspectives.

The information and analysis presented in Communities, Hospitals, and Health Care clearly illustrate the diversity and complexity of the various roles our hospitals play. The methods and tools utilized in it are important steps for serving current health policy development, and also for setting the stage for a full range of systematic analysis of health care policy and management issues in the years to come. It is for these reasons that I am most pleased to present you with Communities, Hospitals, and Health Care: The Role of New York City Hospitals in Serving Their Neighborhoods and the Nation. This document will add to your resources of information on New York City hospitals and health care system. It represents another example of the United Hospital Fund's traditional and expanding role in the area of health policy information and publications. If you have any questions or suggestions, we are available to answer your inquiries and provide information concerning the health care issues of New York City.

Thank you.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 2, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

8:30 a.m.

*Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1983 for non-Indian programs.

1224 Dirksen Building

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Army tactical programs.
212 Russell Building

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
1114 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Justice.
S-146, Capitol

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 671, providing for comprehensive alcohol-traffic safety programs, and other related proposals.
235 Russell Building

Labor and Human Resources
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15, and the nomination of Cathie A. Shattuck, of Colorado, to be a Member of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
324 Russell Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Energy and Natural Resources
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
3110 Dirksen Building

Environment and Public Works
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
2221 Dirksen Building

Foreign Relations
International Economic Policy Subcommittee
To hold hearings on a United States assertion of extraterritoriality with respect to the Soviet-European gas pipeline.
4221 Dirksen Building

11:00 a.m.
Veterans' Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
412 Russell Building

MARCH 4

9:00 a.m.
Armed Services
Tactical Warfare Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for the Department of Defense, focusing on Army tactical programs and other procurement.
212 Russell Building

9:30 a.m.
*Appropriations
To resume hearings to review current economic conditions.
1114 Russell Building

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on barriers to U.S. trade.
5302 Dirksen Building

*Judiciary
Criminal Law Subcommittee
To hold hearings to examine efforts by Federal agencies to impose tighter restrictions on the sale of hand guns.
5110 Dirksen Building

*Small Business
To hold hearings on S. 1947, improving small businesses access to Federal procurement information.
424 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the American Battle Monuments Commission, Army Cemeterial Expenses, the Office of Consumer Affairs, and Consumer Information Center.
1224 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Peter H. Dailey, of California, to be Ambassador to Ireland.
4221 Dirksen Building

Governmental Affairs
Business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings on terrorist and intelligence activities of the Cuban Government in Miami, Fla.
2228 Dirksen Building

10:30 a.m.
Energy and Natural Resources
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
3110 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Inspector General, Agency for International Development.
S-146, Capitol

MARCH 5

9:00 a.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

9:30 a.m.
*Appropriations
To continue hearings to review current economic conditions.
1114 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Closed briefing by officials of the Department of State on the status of POW's and MIA's.
S-116, Capitol

Joint Economic
To hold hearings on the employment/unemployment situation for the month of February.
Room to be announced

10:30 a.m.
Labor and Human Resources
Investigations and General Oversight Subcommittee
To hold oversight hearings on activities of the National Cancer Institute and the Food and Drug Administration, Department of Health and Human Services.
4232 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for human development services of the Department of Health and Human Services.
1318 Dirksen Building

MARCH 8

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on H.R. 3663, proposed Bus Regulatory Reform Act of 1981, and on the deregulation of the intercity bus industry.
235 Russell Building

Select on Indian Affairs
To hold oversight hearings on the Department of Education's impact aid program for Indians.
6226 Dirksen Building

10:00 a.m.
Budget
To resume hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Finance
To resume hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Foreign Relations
To hold hearings on the current situation in Afghanistan.
4221 Dirksen Building

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the capacity, distribution and status of the Strategic Petroleum Reserve.
3110 Dirksen Building

Select on Intelligence
To hold closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 9

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Regulatory Administration and the Energy Information Administration, Department of Energy
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and the National Agricultural Library, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation unifying and clarifying the product liability tort law.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National aeronautics and Space Administration.
6226 Dirksen Building

Labor and Human Resources
Labor Subcommittee
Business meeting, to consider S. 1785, increasing the penalties for violations of the Taft-Hartley Act, requiring immediate removal of certain individuals convicted of crimes relating to his official position, broadening the definition of the types of positions an individual is barred from upon conviction, increasing the time if disbarment from 5 to 10 years, escrowing a convicted official's salary for the duration of his appeal, and clarifying the jurisdiction of the Department of Labor relating to detection and investigating criminal violations relating to ERISA.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Secretary of Transportation.
1124 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Care Financing Administration, Department of Health and Human Services.
1114 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To resume hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Immigration and Naturalization Service, Drug Enforcement Administration, and the Bureau of Prisons.
S-146, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings to examine certain financial institution practices restricting individuals from withdrawing funds represented by checks deposited to their accounts.
5302 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the Commitee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4232 Dirksen Building

Special on Aging
To hold hearings on problems associated with the Medicare reimbursement system for hospitals.
Room to be announced

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Social Security Administration and refugee programs, Department of Health and Human Services.
1224 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Environment and Public Works
Business meeting, to continue consideration of those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

10:30 a.m.
Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

1:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Health Resources Administration, Department of Health and Human Services.
1224 Dirksen Building

2:00 p.m.
Appropriations
Agricuture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Food and Drug Administration, Department of Health and Human Services, and the Farm Credit Administration.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

Select on Intelligence
To continue closed hearings on the proposed budget estimates for the intelligence community.
S-407, Capitol

Select on Intelligence
Budget Subcommittee
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.
S-407, Capitol

MARCH 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Park Service, Department of the Interior.
1114 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To continue hearings on S. 2109, authorizing funds for the Commodity Futures Trading Commission.
324 Russell Building

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Economic Research Service, Statistical Reporting Service, World Agricultural Outlook Board, Office of the Secretary, departmental administration, Office of Governmental and Public Affairs, and the Office of the General Counsel, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for the Earthquake Hazard Reduction Act (Public Law 95-124).
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To hold hearings on S.1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

Small Business
To hold hearings on the Small Business Administration's surety bond guarantee loan program.
424 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Panama Canal Commission, Research and Special Program Administration of the Department of Transportation, and the Washington Metropolitan Area Transit Authority.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on H.R. 3731, extending the period of time, in which the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of Indian judgment funds, within one year after appropriation; to be followed by a business meeting, to consider those matters and programs in the President's budget for fiscal year 1983 which fall within the committee's jurisdiction with a view toward submitting its views and budgetary recommendations to the Committee on the Budget by March 15.
424 Russell Building

2:00 p.m.
Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
6202 Dirksen Building

3:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Department of Labor.
1114 Dirksen Building

MARCH 12

8:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2133, providing for the redevelopment of the Mount St. Helens National Volcanic Area in Washington.
3110 Dirksen Building

9:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Deon S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Agency Administration on S. 1483,

making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Deon S. 1483, making the U.S. Government liable for damages to residents and participants arising from the fallout from certain atmospheric tests, establishing an advisory panel to study the adverse health effects, and transferring from the Department of Energy.

4232 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Special Trade Representative, Legal Services Corporation, and the Civil Rights Commission.

S-146, Capitol

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on proposed legislation unifying and clarifying the product liability tort law.

235 Russell Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the office of Inspector General and the St. Lawrence Seaway Development Corporation of the Department of Transportation, and the Architectural and Transportation Barriers Compliance Board.

1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution for fiscal year 1983 setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority

6202 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1983 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed authorizations for the Railroad Financial Assistance Program, Department of Transportation.

235 Russell Building

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Transportation Safety Board.

1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for elementary and secondary education and education block grant programs, Department of Education.

1114 Dirksen Building

Select on Intelligence
To resume closed hearings on the proposed budget estimates for the intelligence community.

S-407, Capitol

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1983 for intelligence activities of the United States.

S-407, Capitol

MARCH 16

9:00 a.m.
Foreign Relations
Arms Control, Oceans and International Operations, and Environment Subcommittee
Open and closed hearings on U.S. and Soviet civil defense programs.

4221 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.

2175 Rayburn Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Commerce, focusing on the Office of the Secretary, general administration, and the Economic Development Administration.

S-146, Capitol

Commerce, Science, and Transportation
To hold joint hearings with the Committee on Labor and Human Resources on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.

4232 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.

6226 Dirksen Building

Labor and Human Resources
To hold joint hearings with the Committee on Commerce, Science, and Transportation on S. 1929, proposed Comprehensive Smoking Prevention Education Act of 1981.

4232 Dirksen Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on the extended family.

3110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Consumer Product Safety Commission and the Office of Revenue Sharing (New York City loan program).

1318 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for impact aid, vocational and adult education, libraries and learning resources programs, Department of Education.

1114 Dirksen Building

Environment and Public Works
Business and meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).

4200 Dirksen Building

Finance
To hold hearings to review the Administration's tax proposals for fiscal year 1983.

2221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.

3302 Dirksen Building

10:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1894, permitting Indian tribes to enter certain agreements for the disposition of tribal mineral resources.

357 Russell Building

11:30 a.m.
Foreign Relations
To hold hearings on the nominations of James L. George, of Maryland, to be Assistant Director, Bureau of Multilateral Affairs, Robert T. Grey, Jr., of Virginia, to be Deputy Director, and Norman Terrell, of California, to be Assistant Director, Bureau of Nuclear Weapons Control, all of the U.S. Arms Control and Disarmament Agency.

4221 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for education for the handicapped, rehabilitation services and handicapped research programs, Department of Education.

1114 Dirksen Building

MARCH 17

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.

1224 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
2175 Rayburn Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Soil Conservation Service, Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Oceanic and Atmospheric Administration, International Trade Administration, and the U.S. Travel and Tourism Administration.
S-146, Capitol

*Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1983 and 1984 for the National Bureau of Standards, Department of Commerce.
235 Russell Building

Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1748, exempting certain employers from withdrawal and plan termination insurance provisions of title IV of the Employee Retirement Income Security Act (ERISA).
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, educational research and training activities overseas, Department of Education.
1114 Dirksen Building

Finance
To continue hearings to review the Administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1858, declaring that the United States holds in trust certain lands in Nevada for the Washoe Tribe of Nevada and California, and providing for the transfer of certain other lands in Nevada to the U.S. Forest Service, H.R. 4364, declaring that the United States holds in trust certain land in Pima County, Ariz., for the Pascua Yaqui Tribe of Arizona, and the Department of Interior's proposed plan for the use and distribution of Wichita and Caddo Indian judgment funds awarded by the U.S. Court of Claims.
6226 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Bureau of Indian Affairs, Department of the Interior.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Education, Fund for the Improvement of Postsecondary Education (FIPSE), and education statistics, Department of Education.
1114 Dirksen Building

MARCH 18

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for conservation programs of the Department of Energy.
1224 Dirksen Building

Labor and Human Resources
Employment and Productivity Subcommittee
To continue joint hearings with the House Subcommittee on Employment Opportunities of the Committee on Education and Labor on S. 2036, H.R. 5320, and H.R. 5461, bills providing for State and local employment and training assistance programs, and on other related measures.
4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Office of Transportation, Agricultural Cooperative Service, and the Packers and Stockyards Administration, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Patent and Trademark Office, Scientific and Technical Research Service, and the Minority Business Development Administration.
S-146, Capitol

*Commerce, Science, and Transportation
To hold oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings, in closed session, on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
6226 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for special institutions, Howard University, departmental management (salaries and expenses), and the Office for Civil Rights, Department of Education.
1114 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clear Air Act (P.L. 95-95).
4200 Dirksen Building

Finance
To continue hearings to review the Administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

Governmental Affairs
To resume hearings to review the President's proposals on New Federalism.
3302 Dirksen Building

MARCH 19

9:30 a.m.
*Commerce, Science and Transportation
To continue oversight hearings on activities of the Federal Trade Commission, and on proposed legislation authorizing funds for the Federal Trade Commission.
235 Russell Building

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on productivity in the American economy.
4232 Dirksen Building

10:00 a.m.
Finance
To continue hearings to review the Administration's tax proposals for fiscal year 1983.
2221 Dirksen Building

MARCH 22

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Telecommunications and Information Administration, Department of Commerce.
235 Russell Building

MARCH 23

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed estimates for fiscal year 1983 for the Holocaust Memorial Council, and the Bureau of Land Management of the Department of the Interior.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed estimates for fiscal year 1983 for the Food and Nutrition Service, and the Human Nutrition Information Service, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Bureau of the Census, National Telecommunications and Information Administration, and the Economic and Statistical Analysis.
S-146, Capitol

Select on Indian Affairs
To hold oversight hearings on the statute of limitations relating to Indian affairs.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Veterans' Administration.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (P.L. 95-95).
4200 Dirksen Building

MARCH 24

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Helsinki Commission, Board for International Broadcasting, Japan-U.S. Friendship Commission, Arms Control and Disarmament Agency, and the International Communication Agency.
S-146, Capitol

Government Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Internal Revenue Service's taxpayer assistance programs.
3302 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the National Highway Traffic Safety Administration of the Department of Transportation, and the Interstate Commerce Commission.
1318 Dirksen Building

MARCH 25

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Indian Education, Navajo and Hopi Indian Relocation Commission, and the Pennsylvania Avenue Development Corporation.
1114 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Farmers Home Administration, Rural Electrification Administration, and the Office of Rural Development Policy, Department of Agriculture.
1318 Dirksen Building

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain international organizations, Equal Employment Opportunity Commission, and the Chrysler Loan Board.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Federal Highway Administration of the Department of Transportation, and the Office of the Secretary of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

2:00 p.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings to review overall budget proposals for fiscal year 1983 for the Department of Agriculture.
1114 Dirksen Building

MARCH 26

9:30 a.m.
Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To hold hearings on the role of the Federal Government in the operation of U.S. payment systems.
5302 Dirksen Building

Labor an Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

MARCH 29

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the Civil Aeronautics Board.
1318 Dirksen Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

9:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings to review budget proposals for energy conservation programs of the Department of Energy.
3110 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Foreign Agricultural Service, food-for-peace program (Public Law 480), Office of International Cooperation and Development, Agricultural Marketing Service, and the Federal Grain Inspection Service, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of sex education programs.
4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the U.S. Coast Guard of the Department of Transportation.
1224 Dirksen Building

Environment and Public Works
Business meeting, to resume markup of proposed amendments to the Clean Air Act (Public Law 95-95).
4200 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive Veterans of Foreign Wars legislative recommendations for fiscal year 1983.
318 Russell Building

MARCH 31

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for strategic petroleum reserve and naval petroleum reserves of the Department of Energy.
1114 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on activities of the National Highway Traffic Safety Administration, Department of Transportation.
235 Russell Building

Labor and Human Resources
To hold hearings on proposed authorizations for certain health programs of the Department of Health and Human Services.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue hearings to review proposed authorizations for the safe drinking water program.
4200 Dirksen Building

APRIL 1

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Commodity Futures Trading Commission, and to review budget proposals for fiscal year 1983 for the Office of Inspector General, Department of Agriculture.
1318 Dirksen Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Aeronautics and Space Administration.
235 Russell Building

Labor and Human Resources
Aging, Family, and Human Services Subcommittee
To hold hearings on promoting volunteerism in America.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Federal Emergency Management Agency and the Selective Service System.
1224 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for the U.S. Railway Association, and Conrail.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on the implementation of indirect costs and contract provisions of the Indian Self-Determination and Education Assistance Act (Public Law 93-638).
6226 Dirksen Building

APRIL 2

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 13

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for the railroad safety progam, Department of Transportation.
235 Russell Building

APRIL 14

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Supreme Court, Securities and Exchange Commission, Federal Maritime Commission, and the Federal Trade Commission.
S-146, Capitol

Labor and Human Resources
To hold oversight hearings on the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Health and Human Services.
1114 Dirksen Building

APRIL 15

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Land and Water Conservation Fund, and to receive testimony from congressional witnesses.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Judiciary, International Trade Commission, and the Marine Mammal Commission.
S-146, Capitol

Labor and Human Resources
To hold hearings on proposed authorizations for the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of Science and Technology Policy and the Council on Environmental Quality.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the tribally controlled community college program.
6226 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Education.
1114 Dirksen Building

APRIL 16

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To resume hearings on productivity in the American economy.
4232 Dirksen Building

APRIL 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Indian Health Service, Department of Health and Human Services, and the Geological Survey, Department of the Interior.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of State, focusing on the Office of the Secretary and administration of foreign affairs.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider proposed legislation authorizing funds for health programs and the National Science Foundation.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Environmental Protection Agency.
1224 Dirksen Building

Environment and Public Works
Business meeting, to consider pending calendar business.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for activities of the Secretary of Labor.
1114 Dirksen Building

APRIL 21

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Small Business Administration, Federal Communications Commission, and the Maritime Administration.
S-146, Capitol

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Employment and Training Administration, Department of Labor.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for

fiscal year ending September 30, 1982 for the Federal Railroad Administration of the Department of Transportation, and Amtrak.
1318 Dirksen Building

APRIL 22

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for certain functions of the Forest Service, Department of Agriculture.
1318 Dirksen Building

9:30 a.m.
Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain related programs.
S-146, Capitol
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold oversight hearings on the implementation of Title X of the Public Health Service Act relating to the health aspects of teenage sexual activity.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Labor-Management Services Administration, Pension Benefit Guaranty Corporation, and the Employment Standards Administration, Department of Labor.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplement appropriations for fiscal year ending September 30, 1982 for the Urban Mass Transportation Administration of the Department of Transportation.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Occupational Safety and Health Administration (OSHA), and the Mine Safety and Health Administration, Department of Labor.
1114 Dirksen Building

APRIL 23

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for Bureau of Labor Statistics, departmental management services, and the President's Committee on Employment of the Handicapped, Department of Labor.
1114 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for the Federal Aviation Administration of the Department of Transportation.
1318 Dirksen Building

APRIL 27

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Office of the Federal Inspector, Alaska Natural Gas Transportation System, Bureau of Mines of the Department of the Interior, and the National Endowment for the Arts.
1318 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Science Foundation.
1224 Dirksen Building
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 for certain transportation programs.
1318 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 29

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for fossil research and development and fossil construction programs of the Department of Energy.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on community social support systems.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from Congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982 on certain transportation programs.
1224 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive AMVETS legislative recommendations for fiscal year 1982.
Room to be announced

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To continue oversight hearings on programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
1114 Dirksen Building

APRIL 30

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to receive testimony from congressional and public witnesses on proposed budget estimates for fiscal year 1983 and proposed supplemental appropriations for fiscal year ending September 30, 1982, for certain transportation programs.
1318 Dirksen Building

MAY 3

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 4

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the

Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Advisory Council on Historic Preservation.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 5

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Aeronautics and Space Administration.
1224 Dirksen Building

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 6

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the U.S. Fish and Wildlife Service, Department of the Interior, and the National Capital Planning Commission.
1318 Dirksen Building

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
4232 Dirksen Building

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

2:00 p.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 7

10:00 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings to receive testimony from congressional witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1114 Dirksen Building

MAY 11

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Endowment for the Humanities, Institute of Museum Services, and the Office of Surface Mining, Department of the Interior.
1114 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the National Institute of Building Sciences, Federal Home Loan Bank Board, and National Credit Union Administration.
1224 Dirksen Building

MAY 13

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

1:30 p.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for territorial affairs of the Department of the Interior.
1114 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development.
1224 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 19

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1983 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1224 Dirksen Building

Select on Indian Affairs
To continue oversight hearings on the implementation of Indian education programs.
6226 Dirksen Building

MAY 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witnesses on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

MAY 25

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To receive testimony from public witness on proposed budget estimates for fiscal year 1983 for certain programs under the subcommittee's jurisdiction.
1224 Dirksen Building

JUNE 9

9:30 a.m.
Select on Indian Affairs
To hold hearings on proposed legislation providing for the appointment of special magistrates to serve each Indian reservation over which the United States exercises criminal jurisdiction under existing law.
6226 Dirksen Building

SEPTEMBER 21

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

CANCELLATIONS

MARCH 5

9:30 a.m.
Select on Indian Affairs
To hold hearings to review the report of the Commission on Fiscal Accountability of the Department of the Interior on national energy resources.
6226 Dirksen Building

11:00 a.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

MARCH 12

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on expanding employment opportunities for older workers.
6226 Dirksen Building